

REGULAR MEETING, TOWN OF MOUNT HOPE, APRIL 12, 2010
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The **regular meeting** of the Town Board of the Town of Mount Hope was held at Town Hall on **April 12, 2010** 7:30pm with the following present: Supervisor William Novak, Councilman Greg Stiles, Councilwoman Kathy Russo, Councilman Ed Fairweather and Town Clerk Kathleen Myers.

NOT PRESENT: Councilman Michael Bell

OTHERS PRESENT: Highway Supt. Hassenmayer, T. Gilmore, L. Fairweather, I. Stiles, M. Stiles, A. Brinkerhoff, T. Damiani, S. Stiles, D. Loeven, B. Rebman, E. Devine, R. Bakker, S. Karp, O. Pierson, M/M Exter, P. Sullivan, J. Fricchione, Magar, Z. Kelson, Attorney.

Following the Pledge of Allegiance, the Supervisor called the meeting to order at 7:30pm. AT THIS TIME, Supervisor Novak called for a moment of silence to Honor the passing of Roger Phillips.

ACCEPTANCE OF PRIOR MEETING MINUTES:

MOTION by Mr. Stiles seconded by Mrs. Russo that the minutes of the March 22, 2010 meeting as submitted are approved. All in favor – Stiles, Novak, Russo, Fairweather. Carried.

CORRESPONDENCE:

1. Block party request from Mike Taylor re: Hidden Valley
2. Building Inspector report 3-10
3. Tax Collector report / final report for 2010
4. Zoning Board minutes 3-18-2010
5. Planning Board minutes 3-15-10
6. Highway budget modification
7. Fire Safety Inspection report
8. Resolution from Jacobowitz & Gubitza re: certiorari/Citizens Communications
9. Bid results for spring trash pick up

COMITTEE REPORTS:

HIGHWAY DEPARTMENT:

-Mr. Hassenmayer spoke re: Spring Bulk Trash Days bid results. He recommends Middletown Carting/Marangi.

ACCEPTANCE OF TRASH BID FROM MIDDLETOWN CARTING & MARANGI:

MOTION by Mr. Stiles seconded by Mrs. Russo to accept the bid from Middletown Carting and Marangi follows:

Pays \$160/ton for metal, car tires \$145/ton, large tires \$50 loader/Construction tires \$100, Freon units \$10 each delivered to Middletown and Marangi for C7D \$125/pull and \$76/ton. All in favor – Stiles, Novak, Russo, Fairweather. Carried.

- He spoke re: hiring NJ Mann for the summer mowing man position.

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APPROVAL TO HIRE NJ MANN AS SUMMER MOWER MAN:

MOTION by Mr. Stiles seconded by Mr. Fairweather to approve the hiring of NJ Mann as the part time summer mower man at \$10.00/hour. All in favor – Stiles, Novak, Russo, Fairweather. Carried.

-Orange County Soil & Water is having an MS4 class this Wednesday, April 14th, He will be sending Julie.

-Swing set frames are up but not the seats. They are trying to squeeze it in between roadwork.

HIGHWAY BUDGET MODIFICATION:

MOTION by Mr. Fairweather seconded by Mrs. Russo to approve the following budget modification:

Increase Unclassified Revenue D2770 by \$627.15 AND

Increase Machinery Repairs C/E D5130.4 by \$627.15.

All in favor – Stiles, Novak, Russo, Fairweather. Carried.

VILLAGE OF OTISVILLE:

Per Ms. Loeven, Howard and Zack are coordinating the disposition of court records. Water is turned on at the Veteran's park/restrooms are not opened yet.

SUMMER RECREATION:

Per Ms. Loeven, there is a summer rec. meeting on 5-1 at 9:00am at the Village Hall. Mayor Wona will be invited. The ad will go in the paper for counselors. Returning counselors need not reapply.

HIDDEN VALLEY:

Mr. Stiles reported the plant is operating at 100%. EnviroQuip was there but there are no results yet. The high amounts of rain water under control both surface and sub-surface water is a problem. He would like to solicit bids to have this problem checked on. Mr. Stiles also reported he will be going there tomorrow with Dean to move stone around for operator-ease.

EMERGENCY GENERATOR:

Mr. Hassenmayer reported to Mr. Novak that the pad is in for the emergency generator at the police/senior center.

PLANNING BOARD:

Mr. Gilmore advised that the meeting is next week/ 3 on the agenda. Mr. Kelson stated that the zoning board also has a meeting next week.

SETTLING OF TAX CERTIORARI CLAIM RE: CITIZENS COMMUNICATIONS:

MOTION by Mr. Stiles seconded by Mr. Fairweather to approve the resolution as written and attached at the end of these minutes. All in favor – Stiles, Novak, Russo, Fairweather. Carried.

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SUMMER MEETINGS:

Supervisor Novak asked the board's pleasure on the summer meeting schedule. In the past the board has gone from 2 meetings per month for June, July, August. Councilman Fairweather would like to keep two, Councilman Stiles would like the two, Councilwoman Russo, would like to go to one, Supervisor Novak would like to go with one as we always did in the past. His vote would dead lock the vote so he suggests it is tabled until next meeting.

BLOCK PARTY REQUEST FROM MIKE TAYLOR:

The Town Clerk read into the record the request from Mike Taylor on Briarwood Road in Hidden Valley. He is requesting to block off part of the road on graduation weekend. Discussion ensued. Mr. Taylor needs to be contacted for more information.

3 BRIARWOOD ROAD REQUEST FOR C/O:

Mr. Novak explained the house was built pre-code. The owner of record is Bank of America. The buyer wants a c/o. The lender has paid for the inspection and the report. When it was built it appears to have met the code. Mr. DeWinter recommends that the board authorizes the building department to issue the c/o. The town would be protected by the engineer's certification.

REQUEST FOR C/O APPROVAL:

MOTION by Mr. Stiles seconded by Mrs. Russo to authorize the building department to issue the certificate of occupancy for 3 Briarwood Road. (Applicants engineer will pay the fees.) All in favor – Stiles, Novak, Russo, Fairweather. Carried.

COMMUNITY DEVELOPMENT:

Mr. Novak advised the board that the application were given out at the Community Development meeting now we need to find an eligible project.

ATV LAW:

Mr. Kelson reported that he has read the law; he is working on scanning it in and making the changes to reflect Town of Mount Hope. Mr. Fairweather stated he is not in agreement with certain areas of the law ie: time, section 73-3 is too open-ended (time, acreage requirement). We are here to help not hinder the residents. Mr. Kelson asked if the town had anything for decibel readings. Maybe the law is too inclusive; it needs modifications. Thought the trespassing is discussed they would have to actually be caught. With regard to fines – the pocketbook issue may be a deterrent. Mr. Kelson suggests not having the public hearing on 4-26. He needs to look at more rural versions of the law from other towns. The property owner needs to be more educated and have their property posted.

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AUDIT OF CLAIMS:

MOTION by Mr. Fairweather seconded by Mr. Stiles to approve the following bills:

GENERAL A : #147-176 \$101,728.20

GENERAL B: #35-41 \$ 4,012.76

HIGHWAY: #61-75 \$107,528.76

SEWER: #25-32 \$ 8,007.69

WWT: #28 \$ 1,700.00

OTIS/MOUNT HOPE YOUTH REC #1 \$ 2,645.00.

All in favor – Stiles, Novak, Russo, Fairweather. Carried.

PUBLIC PARTICIPATION:

-Mr. Rebman inquired re: old school. Supervisor Novak informed him that he is working on the RFP with Mrs. Russo and they hope to have an answer by June.

-Mr. Damiani inquired re: old school still on tax roll. Supervisor Novak is looking into it. Councilwoman Russo added that she is looking to get the RFP's sent out and see what we get. Supervisor added that a list is being compiled. Ms.

Loeven added to keep in mind that the Village zoning for the RFP's and might need to get the village input.

-Mr. Exter spoke re: Falanga property; thanked the board and building department for approving their building permit.

-Mr. Fricchione spoke re: Falanga property and the lighting at the property. Supervisor Novak stated that we have them in court; felt it was a conditional use and their attorney felt otherwise.

-Mr. Sullivan spoke re: Falanga property and the danger to the kids in the neighborhood with the big trucks.

-Mrs. Exter spoke re: Falanga and how they can continue doing their business if they are in court. Mr. Kelson added that anyone can go to the next court appearance and that he can't get into all the court strategy.

-Mr. Devine spoke re: Falanga property and qualified immunity; how the case is proceeded along is very important; he spoke of article 78.

-Mr. Brinkerhoff (Brola Road) spoke re: zoning in the area with regard to Falanga.

-S. Stiles spoke re: Falanga property. Falanga was welcomed to the neighborhood but he is disappointed that the town is not enforcing this.

-Councilman Stiles added that this will be discussed in executive session.

BOARD COMMENTS:

-Councilman Fairweather spoke re: Falanga concerns; the issue has not been swept under the rug; not everyone agrees and % of autonomy.

-Councilwoman Russo spoke re: Falanga concerns; she needs to refer to legal counsel on this and agreed it hasn't been swept under the rug.

-Councilman Stiles spoke re: cell tower law being revisited and modified by the planning board. He would like wind turbine and solar panels to be included.

RESOLUTION TO HAVE PLANNING BOARD REVIEW CELL TOWER SECTION LAW AND INCLUDE WIND TURBINES AND SOLAR PANELS:

MOTION by Mr. Stiles seconded by Mrs. Russo to direct the planning board to revisit and modify the cell tower section of the zoning law and to include wind turbines and solar panels. **All in favor – Stiles, Novak, Russo, Fairweather. Carried.**

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EXECUTIVE SESSION:

MOTION by Mr. Stiles seconded by Mr. Fairweather to enter into executive session at 8:47pm with regard to pending litigation. All in favor – Stiles, Novak, Russo, Fairweather. Carried.

RECONVENE REGULAR MEETING:

MOTION by Mr. Bell seconded by Mr. Fairweather to close executive session at 10:50 pm and reconvene the regular meeting. **NO ACTION WAS TAKEN AT THIS EXECUTIVE SESSION.** All in favor – Stiles, Novak, Russo, Fairweather. Carried.

RESOLUTION TO CALL A SPECIAL MEETING RE: PENDING LITIGATION:

MOTION by Mrs. Russo seconded by Mr. Stiles to call a special meeting to conduct an executive session to discuss pending litigation matter. No other business or action will be taken. Meeting will be April 19, 2010 at 6:30 pm at the Town Hall. All in favor – Stiles, Novak, Russo, Fairweather. Carried.

ADJOURNMENT:

MOTION by Mr. Stiles seconded by Mrs. Russo to adjourn the meeting at 10:51pm. All in favor – Stiles, Novak, Russo, Fairweather. Carried.

The next meeting is scheduled for April 26, 2010 at 7:30pm.

Respectfully submitted,

Kathleen A. Myers, Town Clerk