

REGULAR MEETING, TOWN OF MOUNT HOPE, JUNE 14, 2010
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The **regular meeting** of the Town Board of the Town of Mount Hope was held at Town Hall on **June 14, 2010** 7:30pm with the following present: Supervisor William Novak, Councilman Michael Bell, Councilman Greg Stiles, Councilwoman Kathy Russo, Councilman Ed Fairweather and Town Clerk Kathleen Myers.

OTHERS PRESENT: Highway Supt. Hassenmayer, Chief Rickard, D. Loeven, M. Falanga, I. Stiles, A. Vellake Sr., A. Zogby, W. Rebman, J. Wilbur, J. Litow, P. Ramos, K. Gabrielsen, J. Musial, B. Graziano, L. Lilley, B. Decker, D. Trippen, L. Fairweather.

7:00pm PUBLIC HEARING FOR PROPOSED ATV LAW:

Proof of notice having been available - Mr. Novak stated that there have been several complaints from different areas of the town. The intent is not to ban the ATV's but for people not to abuse it. Mrs. Gabrielsen stated that she is in complete support of this law. Mr. Stiles asked Chief Rickard if the ATV's are ever legal on the roads. Chief Rickard answered to cross the road they are but in certain places. Mrs. Russo asked how the law compares to the noise ordinance. Mr. Novak stated that the decibel readings are the big issue and that Chief Rickard is getting prices on decibel readers. Mr. Stiles stated that we have an unmarked police car that we could park in the train lot for a decibel reading. Mr. Fairweather asked how it would be handled if someone is blowing dust and debris with the leaf blower vs. ATV dust. Chief Rickard stated he has never heard of a call for leaf blower debris and dust. Mr. Graziano spoke re: difference between utility use and recreational use of the ATV's. Mr. Fairweather doesn't want this law to be too intrusive. Chief Rickard reported that either way the law is written it will be enforced. Mr. Novak asked for any further comments. There were none. This hearing will be adjourned.

7:15PM PUBLIC HEARING FOR MS4 / STORMWATER MANAGEMENT LAW:

Proof of notice having been available - Mr. Novak explained that the Town of Mount Hope has been designated as an MS4 region and we are required by NYS to adopt a law. Mrs. Musial (Highway Dept. Clerk) stated as of May 1 we have to enforce this and the DEC will be checking with random visits. The enforcement of this law would be between the planning department and the building department. There are classes that need to be taken for the enforcement of this law. Mrs. Musial stated that this has an educational aspect as well. It can be used with the Highway Safety Program which is done in conjunction with the Otisville School. Mr. Stiles asked if we approve the law then do we have to appoint someone right away. Mrs. Musial stated yes. Mrs. Russo asked if Dean or Julie would do it at least until Mr. Ackerson gets the proper training. Mr. Hassenmayer stated yes. Mrs. Musial stated that there is a lot of paperwork just on the highway side. She gave an example of sweeping the streets and ditching and how it will generate more paperwork. Mr. Fairweather asked if they are looking at solid pollutants. Mrs. Musial answered that they are looking at all of it. Mr. Novak asked for any further comments. There were none.

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CLOSE PUBLIC HEARING:

MOTION by Mr. Stiles seconded by Mrs. Russo to close the public hearing at 7:30pm for the MS4 / STORMWATER MANAGEMENT law. All in favor – Bell, Stiles, Novak, Russo, Fairweather. Carried.

ACCEPTANCE OF PRIOR MEETING MINUTES:

MOTION by Mr. Stiles seconded by Mr. Fairweather that the board minutes of the May 24, 2010 and May 11, 2010 meetings as submitted by the Town Clerk are approved. All in favor – Bell, Stiles, Novak, Russo, Fairweather. Carried.

CORRESPONDENCE:

1. Justice Court Monthly Report May 2010
2. Building Inspector report 5-10
3. Annual Drinking Water report for 2009 from Village of Otisville
4. Police monthly report for May 2010
5. Cert. of Liability Insurance re: Otisville Fire Co. fire works
6. Cert. of Liability Ins. From Boy Scouts re: Otis-Stock (6-12-10)

COMITTEE REPORTS:

POLICE DEPARTMENT:

Chief Rickard requested executive session for a personnel issue and a grievance. He reviewed the monthly report. Chief Rickard met the Fire Department re: July 4th. Chief Rickard & Lt. Freeman also met with Warden Killian from the Federal prison for a tour of the prison and to discuss community relations.

HIGHWAY DEPARTMENT

Mr. Hassenmayer reported that the majority of the road work has been completed (Rose Lane, Whitlock Estates and Guymard Tpk.). There are 2 more re-surfacing projects (Kohler Road and Hill Road) to be done as weather permits. Mr. Hassenmayer also noted that we will be getting the CHIPS money which is good news coming from the Senate. Mr. Fairweather asked about the senior center parking lot paving. Mr. Hassenmayer stated that he has worked well with Brian Ford and he will try to get an estimate.

MOUNT HOPE PARK:

Mr. Hassenmayer reported that the playground should be accessible to the kids by the end of the day tomorrow. Also, as soon as the County gives the “ok” they will start on the sidewalks at the park.

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MS4 / STORMWATER MANAGEMENT EDUCATIONAL:

At this time, Mrs. Musial stated that the educational aspect of this law could be done in conjunction with the Highway Safety Program. She also spoke re: t-shirts and lunch as done in previous years. This year it would only be done with the 3rd, 4th, and 5th grades. The cost would be between \$2,500-\$3,000 for the shirts and the lunch. Mr. Stiles added that this will need a line item in the budget eventually.

APPROVAL FOR LUNCH AND SHIRT PURCHASE FOR HIGHWAY SAFETY PROGRAM / MS4 EDUCATIONAL PROGRAM:

MOTION by Mr. Stiles seconded by Mr. Bell to authorize the Highway Dept. to spend not more than \$3,000.00 for the t-shirts and lunch for the MS4 and Highway Safety Program at the Otisville School. All in favor – Bell, Stiles, Novak, Russo, Fairweather. Carried.

SUMMER RECREATION:

Ms. Loeven reported that the budget vote for the school is tomorrow. If the budget passes, all should be ok. We will know more after the budget vote but if we have to pay, then the camp is still workable but some special activities would have to be cut. Mr. Hassenmayer asked that since the school uses our tennis courts, soccer field and parking lots couldn't a deal be worked out with them for this. Ms. Loeven spoke about a possible written agreement that the school could use what they need and we could use what we need. Mr. Novak will send a letter to Dr. Murray. Ms. Loeven stated that 15 counselors have been hired and they have 6/7 CIT's, too.

HIDDEN VALLEY:

Mr. Stiles had nothing new to report. Mr. Rebman asked how much the contractor is paying towards the \$40,000.00 bill. Mr. Stiles stated that it has not been determined yet. They offered to work with us when the new contractors come for the expansion come in. Discussion ensued. Mr. Stiles added that they would be willing to compensate for measurable failure but we have to prove failure. There is nothing in writing; everything is verbal. Mr. Tripken spoke re: bad smell a couple times last week. Mr. Stiles stated it is from the holding tank; it is a different technology now. Mr. Stiles explained the effluent, influent, and aeration. He added that if the smell becomes a real objectionable smell, then we would need to call someone in. Mr. Tripken added that he was told when there is a smell then there is a problem.

ATV LAW:

At this time, Mr. Novak asked if there were any further comments regarding the ATV law. Mr. Ramos stated that he still has problems with the ATV riders although things have quieted down lately. He wants to be able to enjoy his property. Mr. Novak added that we can make a motion to pass this law subject to county approval. Mr. Bell stated he has questions about the decibel levels. Mr. Stiles would like to get a decibel reader and address the problems with that first before we pass an unworkable law.

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ATV LAW – continued:

Mrs. Russo spoke re: trespassing and noise ordinance being enforced with a decibel reader before passing a law. Mr. Fairweather does not agree with the 200' distance and would like to get a decibel reader; it would give the police something to work with. Mr. Novak asked about the nuisance aspect. Mr. Stiles stated he would rather have Chief Rickard purchase the decibel reader and then enforce with a decibel reader. Mr. Novak stated that the hearing would remain open for now. Chief Rickard added that some have USB ports and can go right in the computer. Mr. Ramos asked how that measures the ATV speed. Mr. Stiles stated it's the noise that's generated by the ATV. Mrs. Gabrielsen spoke re: paragraph 3 of the law and the muffler systems. Mr. Stiles would like to leave the public hearing open and try to cure the problem with what we have on the books. Mr. Ramos spoke re: 200' issue since his neighbor rides 40' from his bedroom window. Mr. Novak added that we have to see what the county says.

MS4 / STORMWATER MANAGEMENT LAW:

Mr. Novak stated that the law came from the DEC and that we need an administrator. Mr. Stiles asked if the Highway Supt. could do this for a 2 month time period until Mr. Ackerson gets trained. Mr. Hassenmayer stated yes.

PROPOSED MS4 / STORMWATER MANAGEMENT LAW APPROVAL:

MOTION by Mr. Stiles seconded by Mr. Fairweather to approve the MS4 / STORMWATER MANAGEMENT law as written and on file in the Town Clerk's office subject to approval/comment from the County. All in favor – Bell, Stiles, Novak, Russo, Fairweather. Carried.

APPROVAL COMPUTER USAGE POLICY AND ADVANCED TASER x26 POLICIES:

MOTION by Mr. Fairweather seconded by Mrs. Russo to approve the computer usage policy and the advanced taser X26 policy as written and recommended by Chief Rickard. All in favor – Bell, Stiles, Novak, Russo, Fairweather. Carried.

SPECIAL PROSECUTOR:

At this time, Mr. Novak explained the need for a Special Prosecutor when there is a conflict of interest with the Town Attorney. The Town Attorney prosecutes cases now in place of the ADA's. Mr. Stiles would like to talk to Zack about this to find out more. Mr. Fairweather was not aware of this either.

AUDIT OF CLAIMS:

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

GENERAL A:	#265-307	\$ 96,020.24
GENERAL B:	#61-68	\$ 11,804.86
HIGHWAY:	#111-125	\$160,236.57
SEWER:	#55-61	\$ 4,443.15
OTISVILLE FIRE:	#1	\$337,971.22.

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

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****At this time, Mrs. Russo stated that since there is no longer a conflict of interest, she will be signing the sewer bills' abstract.**

PUBLIC PARTICIPATION:

****Mr. Litow** wanted to update the board that he hired a surveyor do survey the Baker Street property. Mr. Stiles stated that Supt. Cook would like a written proposal from the Town not from Mr. Litow. Mr. Novak stated he would like to speak with the Town Attorney first.

****Mr. Tripken** spoke re: liability factor with the \$40,000.00 bill for the treatment plant and wanted to know what the attorney's legal opinion is. Mr. Novak stated that they (Enviroquip) more or less admitted fault. Mr. Stiles stated he would like this matter handled without lawyers and suggested that a meeting be scheduled with Enviroquip and see what their offer is.

****Mr. Zogby** spoke re: Falanga property and wanted to know what the board's opinion was. His property is adjacent to Falanga's and he has no problems. Why are tax dollars being spent to fight this and what are we fighting?

****Mr. Vellake** spoke re: Falanga property. He lives on corner of Spruce and New Vernon. He has no problem with the trucks and hears nothing.

****Mr. Wilbur** spoke re: he lives on Witte Road and he heard more noise when the kids in the neighborhood had their rodeo than what he hears now. He has no problems with Falanga. Mr. Stiles stated that it's in the courts now and the board can't really discuss it. If anyone wants to go to the next court date, they can go. Mr. Zogby stated that as neighbors we have no problems. Where does the town stop with this? Mr. Novak added that there were complaints that Falanga wasn't operating according to the zoning law and that it is in the court now. We cannot discuss it. Mr. Fairweather added that the court date is July 22 and anyone can go.

BOARD COMMENTS:

****Mr. Fairweather** stated to Ms. Loeven that we approved the Fire voucher tonight and he has asked repeatedly for a breakdown of the fire calls and have not received it. Ms. Loeven stated that she is working on it – as it stands right now he wouldn't want to see the report. It is just a list of all the calls. A form has been created and it is being worked on. Mr. Fairweather stated that he would like to see the type of calls broken down.

****Mr. Fairweather** spoke re: trash issue by the Otisville Convenient store – is it a county or village issue. Ms. Loeven will address this with Frank and get back to Mr. Fairweather.

EXECUTIVE SESSION:

MOTION by Mr. Stiles seconded by Mrs. Russo to enter into executive session at 8:37pm to discuss a PBA grievance and a particular personnel issue. All in favor – Bell, Stiles, Novak, Russo, Fairweather. Carried.

RECONVENE REGULAR MEETING:

MOTION by Mrs. Russo seconded by Mr. Fairweather to close executive session at 10:35pm and reconvene the regular meeting. NO ACTION WAS TAKEN AT THIS EXECUTIVE SESSION. All in favor – Bell, Stiles, Novak, Russo, Fairweather. Carried.

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GRIEVANCE RESPONSE:

MOTION by Mr. Stiles seconded by Mr. Fairweather that due to NYS Civil Service Law Section 58.1-b and other laws and factors beyond our control the Town Board will be unable to remedy the grievance at this time. All in favor – Bell, Stiles, Fairweather. NAYS – Novak, Russo. Motion carried.

ADJOURNMENT:

MOTION by Mr. Stiles seconded by Mr. Fairweather to adjourn the meeting at 10:37pm. All in favor – Bell, Stiles, Novak, Russo, Fairweather. Carried.

Next Town Board meeting will be July 12, 2010 at 7:30PM at the Mount Hope Town Hall.

Respectfully submitted,

Kathleen A. Myers, Town Clerk