

REGULAR MEETING, TOWN OF MOUNT HOPE, OCTOBER 4, 2010
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The **regular meeting** of the Town Board of the Town of Mount Hope was held at Town Hall on **October 4, 2010** at 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: L. Fairweather, D. Tripkin, D. Loeven, T. Gilmore, Highway Supt. D. Hassenmayer, I. Stiles, J. Litow, Lt. Freeman, Attorney - Z. Kelson.

Following the Pledge of Allegiance, Supervisor Novak called the meeting to order at 7:30pm.

ACCEPTANCE OF PRIOR MEETING MINUTES:

MOTION by Mrs. Russo seconded by Mr. Bell that the minutes of the 9-27-2010 meeting as submitted are approved. All in favor – Bell, Stiles, Novak, Russo, Fairweather. Carried.

CORRESPONDENCE:

1. Budget Modification – Highway Dept.
2. Copy of Letter re: Tri-State parade
3. O&R resolution
4. Corres. from Assoc. of Towns re: 1 day class - labor relations and personnel management

COMMITTEE REPORTS:

POLICE:

Lt. Freeman requested approval for one of the police cars to attend the Tri-State parade on Dec. 5th.

RESOLUTION TO APPROVE ATTENDANCE TO TRI-STATE PARADE:

MOTION by Mr. Stiles seconded by Mr. Bell to authorize Chief Rickard to provide a police detail under the shared municipal services agreement for the Tri-State Holiday Parade being held on December 5, 2010 in City of Port Jervis, NY and the borough of Matamoras, PA. All in favor – Bell, Stiles, Novak, Russo, Fairweather. Carried.

HIGHWAY DEPARTMENT:

Mr. Hassenmayer reported that a new door for the Chief's office is being installed at the police building by the guys. The guys are doing vehicle maintenance on the highway vehicles to get ready for the winter.

VILLAGE OF OTISVILLE:

No report.

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HIDDEN VALLEY:

Mr. Stiles reported that last weeks meeting was rescheduled to this Wednesday. Supervisor Novak asked how the plant is doing. Mr. Stiles stated the levels are up due to the rain.

PLANNING BOARD:

No report.

O&R RESOLUTION:

MOTION by Mr. Stiles seconded by Mrs. Russo to approve the resolution requesting Orange & Rockland Inc., to cease implementation of the NYS Public Service Commission's "Enhanced Transmission Right of Way Management Practice" rules and further requesting that the New York State Public Service Commission rescind or undertake a review of same. (see complete resolution at end of minutes) All in favor – Bell, Stiles, Novak, Russo, Fairweather. Carried.

NOISE ORDINANCE:

Supervisor Novak stated that all board members received in their mailboxes copies of the current noise ordinance. It needs modification in order to accommodate not passing the ATV law. He asked board members to review for next meeting.

BUDGET MEETING DATES:

Supervisor Novak stated that the board needs to set up a meeting or meetings for the tentative budget. We will re-visit this discussion a little later.

HIGHWAY DEPARTMENT BUDGET MODIFICATION:

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

Increase revenue D2655.3 by \$8,400.00 and increase Machinery D5130.4 \$8,400.00. All in favor – Bell, Stiles, Novak, Russo, Fairweather. Carried.

PUBLIC PARTICIPATION:

Mr. Litow gave out survey of Baker Street property. It was showing the concept of a way to subdivide the property. He pointed out the easement not to effect parking at the other buildings. He stated that the wavy line is the grass line. Mr. Gilmore stated this is town property and needs to go before the ZBA. Mr. Kelson added that we couldn't do this due to lack of road frontage. He suggested that this concept be shown to the town engineer. Mr. Gilmore stated it is a non-conforming lot. Supervisor Novak stated we should show this to the town engineer. Mr. Stiles wanted to discuss the concept now since we could put the pool building to good use. Mr. Kelson stated that we must fully comply with the zoning. Mrs. Russo asked what other projects he has done. Mr. Litow stated Kennett in Goshen and a Fitness center in Florida. Mrs. Russo asked what the feasibility is of this location. Mr. Litow stated there is nothing like this in this area. It would create jobs. There would be no problems bringing in people in to town for this facility. This building has a lot of potential.

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PUBLIC PARTICIPATION continued:

Mr. Fairweather asked if this would be for rental or purchase situation. Mr. Stiles stated it would make sense to subdivide and sell it off. Mrs. Russo asked what the disadvantages would be. Supervisor Novak stated parking and the septic. Mr. Kelson stated the board should have the town engineer look at it. He suggested Mr. Litow make a couple more copies of the map for the rest of the board members and the town clerk. Mr. Stiles stated that he would like to see this put back on the tax roll and have the building put to good use. Mr. Fairweather is in favor of this concept although he has some issues with it like the parking and the development of an adequate septic system.

AUDIT OF CLAIMS:

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

GENERAL A:	#493-509	\$ 34,953.37
GENERAL B:	#110-112	\$ 3,817.81
HIGHWAY:	#193-196	\$ 13,324.71
SEWER:	#103-106	\$ 2,517.91

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

BUDGET MEETING DATES:

At this time, the town board discussed meeting dates for the 2011 tentative budget. The board agreed on October 12th and October 19, 2010 at 6:00pm.

BOARD COMMENTS:

Councilman Bell spoke about the family burned out of their home in Slate Hill right by the school. He would like to set up a box to accept donations from community members for the family. He has clothing sizes and will get any donations to the family.

ADJOURNMENT:

MOTION by Mr. Stiles seconded by Mr. Bell to adjourn the meeting at 8:15pm. **All in favor – Bell, Stiles, Novak, Russo, Fairweather. Carried.**

The next meeting is scheduled for October 25, 2010 at 7:30pm.

Respectfully submitted,

Kathleen A. Myers
Town Clerk

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The following resolution was offered by Councilman Stiles and seconded by Councilwoman Russo and passed 5-0:

RESOLUTION REQUESTING ORANGE AND ROCKLAND UTILITIES INC., TO CEASE IMPLEMENTATION OF THE NEW YORK STATE PUBLIC SERVICE COMMISSION'S "ENHANCED TRANSMISSION RIGHT OF WAY MANAGEMENT PRACTICE" RULES AND FURTHER REQUESTING THAT THE NEW YORK STATE PUBLIC SERVICE COMMISSION RESCIND OR UNDERTAKE A REVIEW OF SAME

WHEREAS, members of the Mount Hope Town Board have received numerous complaints from property owners throughout the Town on whose property, or adjacent to whose property, Orange & Rockland Utilities Inc., has an easement or right of way for the erection and maintenance of high voltage towers and wires, concerning the cutting and/or removal of trees and other vegetation thereon by Orange and Rockland Utilities Inc., and/or by contractors hired by Orange and Rockland Utilities Inc., for that purpose; and

WHEREAS, members of the Town Board have viewed some of the properties within the Town thus far affected by Orange and Rockland Utilities Inc.'s recent tree cutting activities, removing all vegetation to "the floor" in the entire easement area; and

WHEREAS, the Town Board is aware that O&R Utilities Inc., claims that its tree clearing activities are mandated by rules adopted by the NYS Public Service Commission (PSC) "Requiring Enhanced Transmission Right of Way Management Practices by Electric Utilities" issued and effective June 20, 2005, but not implemented until 2008; and

WHEREAS, this regulation is applicable to only six electric utility companies with some of the affected utility companies having significant under-developed territories; and

WHEREAS, the Town Board believes that given the size and location of many of the trees being removed, they clearly do not now, nor in the future, are likely to reach or otherwise interfere with Orange and Rockland Utilities, Inc.'s transmission lines and towers; and

WHEREAS, the Town Board believes that the PSC's rules to the extent they actually mandate the "scorched earth" practice being employed by Orange and Rockland Utilities, Inc. and/or Orange and Rockland Utilities, Inc.'s interpretation of the regulations far exceed those steps reasonably required to protect Orange and Rockland Utilities, Inc.'s wires and other structures, and the legitimate public interest in maintaining an uninterrupted flow of power to and throughout the region; and

WHEREAS, the Town Board believes that the manner in which the PSC's rules, have been and are being implemented in the Town's and surrounding populated suburban communities violates the real property rights of the immediately affected property owners and otherwise adversely affects the legitimate land use interest of the residents of Mount Hope, resulting in unsightly visual impacts, unnecessary and uncontrolled erosion due to denuded land and the virtual decimation of carefully planned and maintained buffers; and

WHEREAS, there are equally important, town, county and state laws regulating land usage, zoning permits, land preservation, easement agreements, trespassing outside of legal easements and right-of-ways that are being violated and ignored by Orange and Rockland Utilities, Inc. and the Public Service Commission in the adoption and implementation of this new clear cut to the floor of all vegetation that must be enforced and honored forthwith; and

WHEREAS, the observers of the cutting of trees have not seen any surveying of the properties to confirm that Orange and Rockland Utilities, Inc. is staying within the claimed easements; and

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WHEREAS, the workers performing the services are not employees of Orange and Rockland Utilities, Inc. and there has been a lack of supervisors available to the affected parties frustrating discussion between property owners and the workers; and

WHEREAS, the Town Board requests that Orange and Rockland Utilities, Inc. and the New York State Public Service Commission stop the above clear cutting to the floor of vegetation in the affected areas immediately to allow for review and an opportunity to petition for modification of the Public Service Commission to give more detailed instruction as to the proper procedures, notices, surveying and adjustments to the regulations in populated areas so that non-offensive vegetation and bushes may be preserved, so that erosion and run off may be controlled and that proper berms be implemented to preserve the environment, sight lines and integrity of the residential appearance of most of the County and compliance with local and state laws; now therefore it be it

RESOLVED, that the Town Board of the Town of Mount Hope requests the New York State Public Service Commission to direct Orange and Rockland Utilities, Inc. to either apply its prior right-of-way procedures for vegetation removal or to immediately cease its 2005 enhanced right-of-way management practices as currently being implemented, and to refrain from the further removal of any trees within its high voltage power transmission rights-of-way, other than those instances where trees are determined to be diseased and dying, unstable or which otherwise may actually come into physical contact with any towers, transmission wires or other structures were they to fall, until such time as there has been a full open public examination by the PSC, within the communities affected, as to the conditions that exist and the management steps required to be taken in the Town of Mount Hope and the Orange County as a whole to ensure compliance with town, county and state law, revisit the claimed mandate to remove all vegetation in the right-of-way or easement even if it will never reach or effect the power lines; and be it further

RESOLVED, that Orange and Rockland Utilities, Inc., should further be directed to implement a full restitution plan, establish a proper plan of notification of future work sites, a management plan that requires it to properly remove and dispose of all debris generated by its clearing and /or cutting activities, within three weeks including but not limited to the remnants of any tree cut or cleared from its easements or other right-of-ways, as well as to develop a replanting plan, replacing any tree removed as undesirable with a more desirable and right-of-way compatible species not by seedlings but rather more mature trees. Such replanting plan should apply both going forward and to those areas already affected by Orange and Rockland Utilities, Inc.'s clearing activities; and be if further

RESOLVED, that the Town of Mount Hope Clerk is hereby authorized and directed to send a certified copy of this resolution to the Hon. David Paterson, Governor of the State of New York; Members of the New York state Senate, the President Pro Tem of the New York State Senate; the Speaker of the New York State Assembly; the Majority and Minority Leaders of the New York State Senate and Assembly; the Supervisors of all of the Towns in Orange County; the Chairman of the Board of Orange and Rockland Utilities, Inc., the Chairman of Consolidated Edison Company of New York, Inc, the New York State Public Service Commission, the New York State Department of Environmental Conservation and to such other persons as the Clerk, in her discretion, may deem proper in order to effectuate the purpose of the resolution.

STATE OF NEW YORK
COUNTY OF ORANGE
TOWN OF MOUNT HOPE

I, Kathleen A. Myers, Town Clerk of the Town of Mount Hope, Orange County, New York, DO HEREBY CERTIFY, that I have compared the foregoing with the original resolution adopted by the Town of Mount Hope Town Board at a meeting of said Board held on the 4th day of October, 2010, and that the foregoing is a true and correct transcript of said original resolution and of the whole thereof, and that said original resolution is on file in my office.

IN WITNESS THEREOF, I have hereunto set my hand and seal of the Town of Mount Hope seal on this October 4, 2010.

Kathleen A. Myers, Town Clerk