

REGULAR MEETING, TOWN OF MOUNT HOPE, AUGUST 12, 2013

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The **regular meeting** of the Town Board of the Town of Mount Hope was held at Town Hall on **August 12, 2013 @ 7:30pm** with the following present: Deputy Supervisor Ed Fairweather, Councilman Michael Bell, Councilman Gary Ketcham, Councilwoman Janet Sutherland and Town Clerk Kathleen Myers.

NOT PRESENT: Supervisor William Novak

PUBLIC PRESENT: Highway Supt. D. Hassenmayer, Planning Board Chairman T. Gilmore, L. Fairweather, M. Horzepa, Chief Rickard, Attorney Z. Kelson, Village Trustee K. Coppola, D. Loeven, M. Coppola, D. Cambareri, M. Howell, C. Volpe, E. Myslinski, T. Willis, H. Willis, R. Zawasky, J. Musial, J. Kowalczyk, L. Dodd, M. Maurizzio, T. Damiani, P. Barth, E. Loeven.

The meeting was called to order at 7:30pm by Deputy Supervisor Fairweather following the Pledge of Allegiance.

RESOLUTION TO ACCEPT PRIOR MEETING MINUTES:

MOTION offered by Councilman Bell seconded by Councilwoman Sutherland that the minutes of the July 8, 2013 meetings as submitted are approved. All in favor – Bell, Ketcham, Sutherland, Fairweather. Carried.

CORRESPONDENCE:

1. Police Dept. monthly report 07-13
2. Complaint re: 16 Robbins Road
3. Planning Board meeting minutes 7-15-13
4. Building Dept. monthly report 07-13
5. (2) Rabies clinic notices (to be hung on bulletin board)
6. Supervisors report for June 2013 & July 2013
7. Highway budget modification
8. Resolution Supporting Cornell Local Roads Programs
9. Resignation from highway employee M. Southway (effective 7-29-13)
10. (3) quotes for storage pod
11. Sample 'Hold Harmless Agreement for Debris'
12. PESH violation and response (Highway Dept.)
13. Ag & Mkts DCO Inspection Report from 7-17-13 (Satisfactory)

RESOLUTION TO APPROVE THE SUPERVISORS REPORT:

MOTION offered by Councilman Bell seconded by Councilwoman Sutherland to approve the June 2013 & July 2013 Supervisor's reports as presented. All in favor - Bell, Ketcham, Sutherland, Fairweather. Carried.

RESOLUTION TO ACCEPT M. SOUTHWAY (HIGHWAY EMPLOYEE) RESIGNATION:

MOTION offered by Councilman Ketcham seconded by Councilman Bell to accept the resignation from Matthew Southway with regret, effective July 29, 2013, and that he possibly return for winter months for help with snow plowing. All in favor – Bell, Ketcham, Sutherland, Fairweather. Carried.

RESOLUTION SUPPORTING CORNELL UNIVERSITY LTAP & LOCAL ROADS PROGRAM:

MOTION offered by Councilman Bell seconded by Councilman Ketcham that:

BE IT RESOLVED, the Town Board of the Town of Mount Hope, Orange County, NY expresses its support of the Cornell University LTAP & the local roads program that are utilized by our Highway Superintendent to improve knowledge and services for the benefit of our residents, and;

BE IT FURTHER RESOLVED, the Town Board of the Town of Mount Hope, Orange County, NY encourages the Cornell University College of Agriculture & Life Sciences to continue these valuable educational and training programs in the years to come, and;

BE IT RESOLVED, that a copy of this resolution be sent to Kathryn Boor, PHD & Professor Lynne H. Irwin of Cornell University College of Agriculture & Life Sciences.

All in favor – Bell, Ketcham, Sutherland, Fairweather. Carried.

REGULAR MEETING, TOWN OF MOUNT HOPE, AUGUST 12, 2013

www.townofmounthope.org

COMMITTEE REPORTS:

POLICE DEPARTMENT by Chief Rickard:

Chief Rickard thanked Diane Loeven for all her work with the community yard sale. He informed the board that due to the recent storm the basement at the PD has flooded. There is a lot of stuff in the basement that needs to get removed. Little league, town, & Otisville fire company have stuff down there and before the mold sets in it needs to be cleaned out. He said there is a hole there for a sump pump. He stated that there is a fair committee meeting tomorrow. He spoke of the report from the Ag & Mkts department. Since there is no DCO for the town Chief Rickard is the designated person for this. Per Ag & Mkts we need to find someone to be the DCO before we are fined. He reported that the phones for the emergency management program came in. Verizon charges by the minute. The new web-site is up and running. The new car 152 is in service. The old car 152 is on the auction site and the current bid is at \$4,250. The phones have no bidders. Chief Rickard spoke of the State Police proposal that was sent to us from the Town of Greenville. He explained that now there are 7 officers and once the transition occurs there would be 14. The T/O Greenville is requesting surrounding municipalities to pay a designated amount for police coverage. He doesn't understand why we would do this. Deputy Supervisor Fairweather added that there would be no additional coverage. Mr. Damiani stated if we call for state police now, they will come. Why would we pay Town of Greenville? Councilwoman Sutherland stated that she spoke with Mr. Hossann about 45 minutes one night. Chief Rickard requested executive session for a police personnel issue.

HIGHWAY DEPARTMENT by Supt. Hassenmayer:

He requested a resolution for the guys to help with the fair. The salt shed has been stained mostly by the summer help. The roof was also patched with the help of a lift loaned to us from the federal prison. The summer help also painted the trucks. Truck 6 was picked up today and the old truck 5 was delivered for the new dump body to be installed. Supt. Hassenmayer asked permission to attend Highway school in Lake Placid, NY from 9-17-13 through 9-20-13. He researched the cost of the other hotels in the area and found one cheaper by approx. \$400.00. Approx. cost of the conference is \$1,000 (the conference with 2 banquets and the hotel). He received a visit from a resident on Rose Lane complaining of dumping in the cul-de-sac. Deputy Supervisor Fairweather will have Code Enforcement Officer Al Dodd check on it. Supt. Hassenmayer added that the storm on Friday did not cause any structural damage anywhere in the town to the roads. There was minor damage in the park. Finchville Turnpike will be fiber-matted after the fair.

RESOLUTION FOR HIGHWAY SUPERINTENDENT TO ATTEND HIGHWAY CONFERENCE IN LAKE PLACID:

MOTION offered by Councilman Ketcham seconded by Councilwoman Sutherland to authorize the Highway Supt. Dean Hassenmayer to attend the Highway Conference in Lake Placid, NY from Sept. 17 through 20th; cost is approx. \$1000. All in favor – Bell, Ketcham, Sutherland, Fairweather. Carried.

RESOLUTION TO ALLOW HIGHWAY EMPLOYEES TO ASSIST WITH COUNTRY FAIR:

MOTION offered by Councilman Bell seconded by Councilwoman Sutherland to authorize the Town Highway employees to assist with the Otisville Country Fair as it is advantageous to the community and a joint venture with the Otisville Country fair and the Lions Club. All in favor – Bell, Ketcham, Sutherland, Fairweather. Carried.

SUMMER RECREATION by Trustee Coppola:

Trustee Coppola reported that the program ended last week. He would like to have a meeting sometime in the next week to critique this years' program. Councilman Fairweather added that executive session is needed for the summer recreation contract.

HIDDEN VALLEY by Councilman Bell:

No report per Councilman Bell.

PLANNING BOARD by Chairman Gilmore:

Chairman Gilmore reported that for next week's meeting is there are 2 on the agenda.

REGULAR MEETING, TOWN OF MOUNT HOPE, AUGUST 12, 2013

www.townofmounthope.org

MOUNT HOPE FIRE COMPANY REPORT by Mr. Myslinski:

Mr. Myslinski reported that there were 29 calls for July most of them were EMS calls and mostly at Devan's Gate.

EZ PASS:

Deputy Supervisor Fairweather stated that we have an opportunity to possibly sell EZ Passes through the Town Clerk's office. We would have to buy a minimum amount at a reduced price. He didn't see the need to have a bunch of EZ passes for about \$500 hanging around waiting to be sold. He requested this matter be tabled until the Supervisor is back.

BILINSKI PROPERTY:

Per Attorney Kelson, there is a 6.41 acre parcel of property that was donated to the town and designated to be used for parkland just below Devan's Gate on Mount Hope Road. The Town Supervisor has been in touch with Senator Bonacic to have the designation changed from parkland to open space. In order to do this there would be a swap of acreage from the recently purchased Bilinski property from open space to parkland. An application has to be made to the State for this alienation of property to happen.

RESOLUTION TO ALIENATE PARKLAND:

MOTION offered by Councilwoman Sutherland seconded by Councilman Ketcham that Resolved that Town of Mount Hope dedicate the fair market value of the land being alienated to either the purchase of new parkland and/or improvements to existing parkland and for the Supervisor to contact the representatives of the people of the Town of Mount Hope in the Senate and Assembly of the State of NY to request the introduction and enactment of said home rule legislation. (Complete copy of resolution at end of these minutes) All in favor – Bell, Ketcham, Sutherland Fairweather. Carried.

DISCUSSION:

Mr. Cambareri asked what the Bilinski property was initially purchased for. Deputy Supervisor Fairweather stated for open space. Mr. Cambareri asked how much property the 4H is leasing. Dep. Supervisor Fairweather stated only 14 acres. Mr. Howell asked if the Bilinski property was purchased as parkland. Dep. Supervisor Fairweather stated no, open space. Attorney Kelson added that when you use parkland as something other than parkland, you have to get approval from the Senate, Governor and Assembly to do this AND it must be replaced by other property. Mr. Kowalczyk asked if this switch of the property was being done for the fire department. And if so, can this apply to everyone in the town who wants to build. Dep. Supervisor Fairweather stated it is not being done for the fire department. Mr. Damiani asked if the fire company is a private company and if the town is giving any property to the fire department. Attorney Kelson stated no, it will be leased to them. Mr. Damiani asked for how much. Dep. Supervisor Fairweather stated the amount hasn't been negotiated yet. Ms. Loeven asked for clarification – that until this process takes place of the alienation, no further development can happen – correct? Can a well be dug? Attorney stated that this will take place one step at a time. There will be planning involved. Mr. Coppola asked if the land passed the perk the first or second time. Dep. Supervisor Fairweather stated the second time.

RESOLUTION TO APPROVE HIGHWAY BUDGET MODIFICATION:

MOTION offered by Councilwoman Sutherland seconded by Councilman Bell to approve the following budget modification:

Increase Unclassified Revenue D2770 in the amount of \$1,356.05 and increase Machinery Equip. D5130.2 in the amount of \$1,356.05.

All in favor – Bell, Ketcham, Fairweather, Sutherland. Carried.

RESOLUTION FOR HOLD HARMLESS & INDEMNIFICATION AGREEMENT:

MOTION offered by Councilwoman Sutherland seconded by Councilman Ketcham to approve the HOLD HARMLESS & INDEMNIFICATION AGREEMENT as follows:

REGULAR MEETING, TOWN OF MOUNT HOPE, AUGUST 12, 2013

www.townofmounthope.org

HOLD HARMLESS & INDEMNIFICATION AGREEMENT:

This is an indemnification agreement between the Town of Mount Hope and _____, hereinafter referred to as "Town" and landowner residing at _____, hereinafter referred to as "Resident".

It is hereby agreed that in consideration for the Town of Mount Hope supplying wood chips and placing them on the property of Resident and his or her heirs and assigns shall hold Town harmless from any damage which occurs as a result of the placement or existence of such wood chips. Such wood chips shall be placed on the Resident's property at a location determined by the Resident after oral consultation with Resident.

This indemnification is complete and covers any and all acts of Town on the property with respect to the wood chips and the placement thereof on the property. This indemnification shall, for example, include, but not be limited to Resident's holding Town harmless for the placement of the wood chips on the property and any damage to the property as a result of the placement of the wood chips.

Resident, by signing this agreement, agrees that he or she has the legal authority to bind any and all owners of the property and agrees to indemnify Town and hold Town harmless from any action brought by any other person claiming ownership or right of any kind to the property as a result of Town's providing wood chips on the property of Resident. Resident also agrees not to commence such an action him or herself and agrees to hold the Town harmless in the event such an action is commenced in his or her name.

Resident Signature: _____ Dated: _____

Town Official Signature: _____ Dated: _____

All in favor – Bell, Ketcham, Fairweather, Sutherland. Carried.

RESOLUTION TO SURPLUS PRINTER AND DUMP BODY OF TRUCK 6:

MOTION offered by Councilman Bell seconded by Councilman Ketcham to surplus the printer previously used by the Town Clerk – HP Deskjet 5740 and the dump body of Truck 6. Printer is no longer usable. All in favor – Bell, Ketcham, Sutherland, Fairweather. Carried.

RESOLUTION TO AUDIT THE CLAIMS:

MOTION offered by Councilman Bell seconded by Councilman Ketcham to approve the following bills:

ABSTRACT 15:

GENERAL A:	#432-464	\$ 46,691.62	
GENERAL B:	#78-80	\$ 2,089.63	
HIGHWAY:	#131-141	\$ 23,925.05	
SEWER:	#80-86	\$ 3,761.26	
CAP RES GEN A:	#1	\$ 583.39	AND

ABSTRACT 14:

GENERAL A:	#399-431	\$ 62,593.58
GENERAL B:	#72-77	\$ 4,239.70
HIGHWAY:	#119-130	\$ 141,283.26
SEWER:	#76-79	\$ 1,319.97

All in favor – Bell, Ketcham, Fairweather, Sutherland. Carried.

PUBLIC PARTICIPATION:

**Ms. Loeven spoke re: new brochure for Hometown Helpers. She gave some to Town Clerk to pass out. She added that the yard sale went very smoothly and many thanks to the Police Department. Emergency services were needed that day for a medical emergency in the Village. Everyone did a terrific job. Councilwoman Sutherland asked how the senior bus trip was last week. Ms. Loeven stated excellent and there will be another one next week. So you will see all the cars.

REGULAR MEETING, TOWN OF MOUNT HOPE, AUGUST 12, 2013
www.townofmounthope.org

PUBLIC PARTICIPATION (CONTINUED):

**Mr. Damiani inquired about the status of the old school as he does not see any realtor sign anymore. Councilwoman stated that the contract is up with the realtor but we are still showing it. She has someone from Warwick looking at it for an assisted living facility. Councilman Fairweather added that Lucky Ketcham and a small group of investors are also interested.

BOARD COMMENTS:

None.

RESOLUTION TO ENTER INTO EXECUTIVE SESSION:

MOTION offered by Councilman Bell seconded by Councilman Ketcham to enter into executive session at 8:20pm to discuss a police personnel matter and summer recreation contract. All in favor – Bell, Ketcham, Sutherland, Fairweather. Carried.

RESOLUTION TO RECONVENE REGULAR MEETING:

MOTION offered by Councilman Bell seconded by Councilwoman Sutherland to reconvene the regular meeting at 9:02pm from executive session. **NO ACTION WAS TAKEN IN THIS EXECUTIVE SESSION.** All in favor – Bell, Ketcham, Sutherland, Fairweather. Carried.

RESOLUTION TO AUTHORIZE THE TOWN SUPERVISOR TO SIGN THE POLICE CHIEF CONTRACT:

MOTION offered by Councilman Bell seconded by Councilman Ketcham to authorize the Town Supervisor to sign the Police Chief contract subject to review by the Town Attorney. (Copy of contract on file in Town Clerk's office)
All in favor – Bell, Ketcham, Fairweather, Sutherland. Carried.

RESOLUTION TO ADJOURN:

MOTION offered by Councilman Bell seconded by Councilman Ketcham to adjourn the meeting at 9:03pm. All in favor – Bell, Ketcham, Fairweather, Sutherland. Carried.

The next meeting is scheduled for September 9, 2013 at 7:30pm in the Town Hall meeting room.

Respectfully submitted,

Kathleen A. Myers
Town Clerk