

REGULAR MEETING, TOWN OF MOUNT HOPE, DECEMBER 16, 2013
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The regular meeting of the Town Board of the Town of Mount Hope was held at Town Hall on December 16, 2013 at 7:30pm with the following present: Supervisor William Novak, Councilman Michael Bell, Councilman Gary Ketcham, Councilwoman Sutherland, Councilman Ed Fairweather and Town Clerk Kathleen Myers.

OFFICIALS PRESENT: D. Hassenmayer – H'way Supt., Chief Rickard, W. Melton – Village Trustee, K. Coppola – Village Trustee, Mayor Wona, L. Zgrodek – Tax Collector, J. Musial – Highway Clerk, Officer J. Skoufis, D. Cambareri, C. Volpe, D. Cash – Village Trustee, A. Hassenmayer Dep. Town Clerk, Attorney - Z. Kelson.

Following the Pledge of Allegiance, Supervisor Novak called the public hearing for the Dissolution of the Mount Hope Fire Protection District to order at 7:00pm.

PUBLIC HEARING TO DISSOLVE THE MOUNT HOPE FIRE PROTECTION DISTRICT IN THE TOWN OF MOUNT HOPE:

Supervisor Novak stated that there are 2 public hearings tonight. One of them is to dissolve the Mount Hope Fire Protection District the other to form the Mount Hope Fire District. Supervisor Novak asked the Town Clerk to read the notice into the record. Town Clerk read notice into record. (notice on file in Town Clerk's office) Supervisor Novak opened meeting for comments on the dissolution of the Mount Hope Fire Protection District. We will try to limit it to 2 minutes per person. Is there anybody who would like to comment?

Robert Jashembowki (11 Franklin Lane): I feel that I am being double taxed because I pay tax to the Howells Fire District and I pay town tax to the Town of Mount Hope; which in lieu of – you took that money and you paid for the new fire departments workmen's comp. How is that fair to me? Supervisor Novak stated: not true Robert. That money came out of the fire protection district money not out of the town budget. That article in the paper again was misleading. It said a townwide fire district. That's not a townwide. Mr. Jashembowski stated: no, I pay for the Howells and during the election that flier came around stating that the Town paid for the workmen's comp for the new fire district. Supervisor stated there was a lot of fallacies in that letter. But we'll go on.

Chip Brennan: The idea of an open meeting is to let everybody hear what's going on and right now half of this group is behind the doors. Does that sound right to you? Is there a way to get a larger place where everybody can participate the way the open governments are supposed to exist? It kind of appears as if it's the same way the Bilinski property was. Everybody was in that meeting too. And you didn't hear anything. And now you can't hear anything because of the wall. You were also called earlier and notified of the group. That would be large and you decided you wouldn't do anything until – until people started to show up. People are here. Half of them can't hear anything. So I don't know how they can participate in what you are dealing with if they can't see you, observe you, listen to you, listen to everybody else. As a group meeting – it should be a group meeting. Should be, the citizens should be heard and listened to. We are all here to accomplish the same thing. We are trying to do the best that we can for the community. It doesn't make any sense to continue this with all those people that can't participate. (yelling) Supervisor asked for anybody else that wants to comment. Welcome to come to the front. (inaudible)

Resident: Hey Bill. The certificate of occupancy says 48 people in this room. There's a lot more than 48 people in this room right now. You are above your own certificate of occupancy.

Resident: There's no moving this. Notice is for a particular time and a particular place and a particular room/location. Mr. Kelson: Sir have you been recognized by the Chair? Resident: May I speak Chair? Supervisor Asked for the person to identify himself. My name is Dave Garwood I've been retained by the Otisville Fire Company to speak here. You're obligated to provide a meeting place where everybody in the public is able to comment to you. This is a public hearing for the public to comment to you not for you to comment to them but for the public to comment to you. This room is illegally occupied right now. You cannot hold this public hearing in this room with this crowd. You must have a public notice with enough time of the location. Clearly you cannot hold the public hearing in this room tonight. You have to reschedule this. On at least 20 days' notice which I guess would mean after the beginning of the year.

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Dave Garwood Continued: If you proceed any further, and I would like to further comment with respect to your process which is fatally flawed, if you proceed any further, well, we'll end up in court over it. The process is flawed because you provided 20 days notice on a public hearing that requires by statute 35 days notice and it requires publication once a week for 4 consecutive weeks in the newspaper. Which has not been done. So your process in any event is fatally flawed. I'm not sure who came up with this process. But it does not meet with the statute. General Municipal Law article 17a 750 continuing on for the attorney if she wants to look it up defines in 774 what the process is. And this is not a sufficient process. So I suggest that this public hearing well has to be moved but that means it has to be rescheduled and you have to commence this process using the proper process. Supervisor Novak added: well sir I think we'll allow (applause) anybody that wants to comment, we will wait for them to come to the front of the room sir. (yelling from the back of the room)

Gary Wilson: I live at 15 School Street. That occupancy sign posted by the Town of Mount Hope which you're supposed to represent says there can only be 48 people in this room. You can count 48 people standing up not counting any of the people sitting down so we are over that occupancy. Let's have the Town Attorney take a position on that. Supervisor Novak asked for the next comment. It's a public hearing we don't respond.

Julie Musial: I am requesting that the people who are sitting up on that Town Board, right now, take a position with the town's people who you are supposed to represent. All of you at this time also who are community members take a look at all the people who are standing here okay and take notice that you request of your town supervisor that he take this meeting and move it to another location at a different date and time to meet the requirements aforementioned by the previous attorney. Thank you. Supervisor Novak: ok, next comment.

Chip Brennan: I want to know who the lawyer works for – the town board or the town people? I thought the board was supposed to be the town people. Supervisor Novak: next comment. (yelling)

Attorney Kelson: Excuse me sir, don't call anybody stupid. (yelling) Supervisor Novak: is there any more comments? (yelling) Attorney Kelson: Folks, folks, folks. Hold on one second please. There's lots of people here who have lots of things to say and whether you agree with anybody up here or you disagree with them I'd ask that we give the following decorum. And if anybody disagrees, could you raise your hand and let the Supervisor acknowledge you so that we can do this. Number 1, we don't interrupt people when they are talking. Number 2, You have to be recognized by the Supervisor in order to talk. You can't yell out and shout out for 2 reasons. Number 1 if you have something to say we won't be able to hear you while you're talking. SO if you could just sit tight, we've got all night. We're happy to hear everything everybody has to say. And once you're done saying what you have to say if you can yield some space to the person who has something to say that would be appreciated. SO we're just asking for some basic common courtesy. Which means, so what you're doing is...again you're interrupting. Just wait for you to be recognized and we'll listen to all of your comments.

Suzanne Balfour, Rose Lane: I would like to know why the people in the outside cannot hear a public meeting. This venue is not appropriate at this moment. And we would like to know why everybody cannot be a part of the public hearing. Supervisor Novak: It's a public hearing – we don't comment. (yelling) Next comment.

Diane Loeven, 17 Lewis Street: I found it totally inexcusable that this board is sitting there having been put on notice that what they are doing is conducting an illegal meeting and are opening all of us in this room up to paying a lawsuit because you won't reschedule. Supervisor: next comment.

Michael Phillips, 58 State Street: I have a copy of NYS law saying, stating public body shall make or cause to be made all reasonable efforts to ensure that meetings are held in an appropriate facility which then adequately accommodate members of the public who wish to attend such meetings. These meetings can also be...any meeting of this public body that is open to the public shall be open to be photographed, broadcast, webcast or otherwise recorded or otherwise transmitted by audio means. This says you have to make accommodations for everybody. This room is not legal. Supervisor Novak: Thank you. Next.

Tamara Cobb, 100 Charlotte Lane: Where's our fire department going to be? (shouting)

Robert Coppola, 4 Lewis:... Zachary Kelson: Wait a minute folks. You don't raise your hand then talk like you are automatically recognized. Let the Supervisor recognize you. (inaudible)

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Robert Coppola, 4 Lewis: What's the benefit for dissolving the fire protection district? And what is your plan sir? Where's the plan of action to dissolve a fire protection district you must have a plan. Where's your plan and can we all as a public see a copy of your plan sir? Supervisor Novak: Thank you. Mr. Coppola: Where's the plan? Do we have one? Cause without a plan, you can't dissolve it. So where's the plan? I would like to see it as a tax payer to the town. What's the plan? Can I ask the lawyer? (inaudible) Mr. Coppola: Aren't we supposed to have a copy of that? Supposed to be public? Posted..the 25th when you did this. Supervisor Novak: I don't think so. Mr. Coppola: Yeah, actually you all read the NYS law. Ok. We just went through it. This is illegal. Supervisor Novak: Thank you. You want to identify yourself sir?

Josh Salvagin, 9 Highland Avenue: You are a joke. Supervisor Novak: thank you sir. Robert Coppola: The whole board except for Mr. Bell is a joke except for Mr. Bell is a joke. He's the only one who stood up for the people in the good of the people. You guys are ridiculous.

Resident: Can someone from the front there go into the back and make the announcement that they can be heard. Because they certainly cannot hear what you are saying. Supervisor Novak to Chief Rickard: Paul, would you go out and do that? Supervisor Novak: Anymore comments? (yelling)

Dominick Cambareri, Grange Road: As I am sure, back to the facts here, I'm sure the town has done the research so just to let some of the people know what some of the facts are. In our area, we are comprised of 2 different types of fire departments. One is a fire district where the fire district and its commissioners set the budget and get the bill to the town – the people have no say in that contract except for electing the commissioners for the fire district. The rest of the fire departments around here like what we have now, Westbrookville, Deepark, Johnson, Greenville.(inaudible) Mr. Cambareri cont: disapproves it, goes into negotiations. You're going to lose that opportunity. I'm sure the Town Board knows the facts (inaudible) Mr. Cambareri: For example, in our town in our town, a very small portion of our town is in the Howells Fire District. (inaudible) Those people pay \$200,000.00 per year fire protection taxes. The entire rest of the town including the Village only pays \$136,000.00 er...\$316,000.00 in taxes. So that very small portion pays almost as much as the rest of the town does. The fire district (inaudible) Mr. Kelson: Dominick, Dominick can you hang on a second. Mr. Kelson to Mrs. Maurizzio, Mrs. Maurizzio would you be kind enough not to interrupt the person who's talking. You're sitting there talking on the phone. Mrs. Maurizzio: I'm calling the Times Herald Record. Mr. Kelson: Well then why don't you take that out outside? So that Dominick can make his comments. (inaudible) Mrs. Maurizzio: I can't get out. Mr. Kelson: There's a door right there and I invite you to use it. (inaudible) Mr. Cambareri: Some of you may not know, the fire districts in our area, every one of their budgets is higher than every other privately owned fire company. Examples are: Rock Hill, their budget is \$500,000.00 a year; Greenville recently tried to buy a 1.2 million dollar ladder truck without approval from the people in the fire district. So, some of these fire districts are totally out of control. The only way to control their budget is to keep them owned by either the municipality who sets the budget or have them be a private contractor where you can negotiate a budget. As I am sure the board knows from doing the research there is absolutely zero benefit of approving a fire district for the Town of Mount Hope. Zero benefit. There's nothing that would be better having it be a fire district than what it is right now. One other comment, maybe we could ask the Police of Chief to enforce the law and vacate this room because there's only 48. (inaudible) Supervisor: anybody else to comment?

Diane Loeven: Just piggy-backing on what Dominick just said, this year when the Town Board opted to contract with the (yelling) newly formed Mount Hope Fire Company rather than the Otisville Fire Department.....(yelling from the back of the room) (applause) Supervisor Novak: Diane do you want to continue? Mr. Kelson: I'm sorry Mrs. Maurizzio, were called on? Or do you just talk whenever you want? (inaudible) Ms. Loeven: (inaudible) When the decision was made to contract with the Mount Hope Fire Company as opposed to the Otisville Fire Department this board stated that they were making that decision based on the best protection for the best dollar. And that the board felt that was their responsibility to be fiscally responsible in that way. By, so right now you have the opportunity to contract for the best dollar for fire protection. If you dissolve the protection district and establish a (yelling/inaudible from audience). Supervisor Novak asked - any more comments?

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Jerry Cooke: My comment concerns the beginning of this process at the town meeting when it was voted upon. What I heard you say to the board members was you were going to use the home rule. Now I was in the audience. I didn't know what that meant. I thought that meant something to do with Otisville or Mount Hope. And then I find out Home Rule is NYS, we gotta get permission from the Senate and the Assembly to get approval to do it on the parkland. The home rule aspect was not discussed by anybody but went ahead head first. The procedural thing, we weren't educated enough and the town attorney wasn't here to educate us. You didn't educate us but you just mentioned home rule. Nobody knew what it was. Nobody made a comment about it. I don't think the town would want home rule because (inaudible) I would rather have the town make its own decision on the fire district. Supervisor Novak: Next.

Michael Cobb, 100 Charlotte Lane: Bill, what are your intentions with this meeting tonight? What do you intend to get from this meeting? What do you intend to accomplish from this meeting? What do you intend to do about the people who you are representing – this town? Supervisor Novak: next.

Mr. Stewart, 6 Grange Road: Is this just gonna be about the fire house...Supervisor Novak stated the public hearing will be. We'll address that. Mr. Stewart: about the Otisville school? Supervisor stated: we'll address that at the board meeting sir. (inaudible) Anymore comments?

RESOLUTION TO CLOSE PUBLIC HEARING:

MOTION offered by Councilman Ketcham seconded by Councilwoman Sutherland to close the public hearing at 7:30pm. All in favor, Bell, Ketcham, Novak, Sutherland, Fairweather; carried.

Debbie Antonio, 12 Highland Avenue: Why can't you reschedule the meeting? You cannot accommodate everybody. They're telling you it's illegal. I'm not just making a comment here. It's illegal. And it violates people's rights. So, cancel and reschedule the thing. It is ridiculous. You are violating people's rights. Supervisor Novak: to Town Clerk, you wanna read the notice. Ms. Antonio: I'm not an attorney. Even I know that.

PUBLIC HEARING FOR ESTABLISHMENT OF MOUNT HOPE FIRE DISTRICT:

Town Clerk started to read notice into record. (notice on file in Town Clerk's office) (chanting) Mr. Kelson: folks, the town clerk needs to read something if you could please bear with us for a minute. Go ahead read it. Kathleen Myers: Read notice into record. Mr. Kelson asked: Have you received any written comments on any of this from anybody from the public? K. Myers: I have signatures here. Mr. Kelson stated: for the record can you just tell us what this is just so we're gonna submit it to the board to review. K. Myers: for the record,...Mr. Kelson: folks, don't talk when she's talking please. Right so you'll just interrupt her. (inaudible) K. Myers: For the record, I received signatures that states: dated December 2013, by my signature below I'm showing that I fully support the Mount Hope Fire Company. It was received today, Dec. 16, 2013. And there's 3 pages. Mr. Kelson stated that he would hand that up to the board. (yelling)

D. Antonio: We're not Bloomingburg. We're not stupid here.

Christopher Furman, 1012 Rte 211 West: I don't understand really what's going on here. It's a sham. But I really urge everybody is 1st thing tomorrow morning no matter how this turns out Bill. We already contacted NY state-state government and let them know especially the state attorney's office which is investigating the Bloomingburg town board right now. And I think they'd be great if they came over to investigate you guys. And not only do they go through the town, they go through each and every one of ya's. Personally. So, I urge everybody tonight no matter what the attorney general. Go to nys.gov. And comment and out it on there. Because you guys are doing whatever you want to do and this is not a due process which is what our town is based on. You're going on what you guys wanna ride on your coat tails. Supervisor Novak: next comment. (inaudible)

Supervisor Novak: Are there anymore comments?

Kevin Somarelli, 39 Grange Road: Each and every one of you should be ashamed of yourselves. Bill? 20 years? 20 years here, this is the legacy you're leaving. What kind of legacy are you leaving Bill? Because it doesn't matter. Your comments gonna be...next. I'm going to tell you. Each and everyone of you should be ashamed of yourselves. You should hang your head down. This is how you are gonna be remembered Bill. Supervisor: Next.

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Mike Phillips, 68 State Street: I want to know why you guys are dismissing Ed's request to reschedule. He's a council member representing us. Councilman Fairweather: I asked a question. I didn't make a recommendation. Mr. Phillips: I heard you ask about rescheduling. Councilman Fairweather: Actually my question, my comment actually was that we really needed to go into the parking lot so everybody can hear. I will gladly do that and stand in the cold. (yelling) Supervisor: next.

Ken Coppola: Are you gonna vote on this tonight as a board? Supervisor Novak: Next. Mr. Coppola: You're gonna do what you did the last time.

David Garwood: I'm an attorney. I've been asked to represent the Otisville Fire Company. This Town Board is prohibited by law from creating a fire district which will be on top of the boundaries of an existing fire protection district. I'm not threatening the board because I don't do that. I am promising the Board that if you were to vote tonight to dissolve the fire protection district that will be overturned in Supreme Court in Orange County because your process is fatally flawed. Each one of you will be named. You can continue this – your attorney may be named. Because I don't know what kind of legal advice he's giving. You may continue this if you want. Certainly it is your power as a board to hold any vote you want to hold. These people have already...just removed 3 of you (inaudible) January 1st. Probably a wise decision from the looks of this public hearing. Which is really not (inaudible) Please hang on, hang on. There's only so much time before they cut me off. If you do vote to dissolve, that vote will be overturned. You're violating NYS General municipal law Article 17A - blatantly violating it. A man earlier asked about a plan. You are obligated to come up with a plan. That's supposed to have 12 or 13 items in the plan. You have no plan. The plan was supposed to be published. You haven't published the plan. Right. You were supposed to give notice of this public hearing 4 times. You haven't done so. It was supposed to be no sooner than 35 days after you came up with the plan that you never came up with. You cannot hold a vote to dissolve. If you hold the vote to establish the fire district, that will also be overturned. Additionally, you must find, you must find, that it's in the public interest to create the fire district. That means by definition, that all property owners who are benefited are in the fire district. Well, that might not be the case. That means that only if the properties and the property owners that are benefited are in the fire district. Show of hands...Is there anybody in this room who feels they will not be benefitted by being in the fire district? You cannot possibly, you cannot possibly find that it is in the interests of the public to create a fire district because there are at least a hundred people just now that raised their hands saying they are property owners and they are not benefitted by the creation of the fire district. I would urge you, right, you may have been voted out, you may be thick-headed but I would urge you – have the integrity to not do that to your neighbors and not cost this town the amount of money the litigation will cost this town. It's not in the towns' interest. You should cut your losses not be poor losers tuck your tails between your legs and end this charade. (applause) Supervisor Novak: (inaudible) ok hearing none, I'll entertain a motion to adjourn the public hearing.

Jerry Cooke: The question is if the home rule is voted down by the state what happens after that? Attorney Kelson: Excuse me Mrs. Maurizio, I'm sorry. (inaudible) Mrs. Maurizio you seem to have a problem following (inaudible) the process so what you do is interrupt everybody. That's a real polite way tothat's right so you just keep interrupting. (inaudible)

Julie Musial: I just am talking about the fire district part of this now. I am really speaking to all of the town board members that have an interest in voting on this. I would hope that you would listen to reason and the attorney just spoke and really think about it and please do uh, keep in mind that you have numerous people community members here not only village people that that I've heard mentioned but a lot of town members here also who are very, very upset and would really like for you guys to either not take a vote table it this time and let the new administration deal with what is in place at this time which is actually the fire protection district. And that's my last comment. (inaudible)

Justine Dooley, Hawk Hills Circle: (inaudible) I just wanna let you all know that I don't feel it's fair and appropriate told a public meeting tonight when you got public standing outside the windows in the cold. Supervisor Novak: Next comment. (yelling/inaudible) My name is Justine Dooley - I live in Hawk Hills Circle in Otisville in Town of Mount Hope. I am over 18. I pay taxes. I'm registered to vote. I don't feel it was fair this evening to the residents to have a meeting where members are outside in the cold listening through a window. (Applause)

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RESOLUTION TO CLOSE PUBLIC HEARING:

MOTION offered by Councilwoman Sutherland seconded by Councilman Fairweather to close the public hearing at 7:46pm. All in favor: Bell, Ketcham, Novak, Sutherland, Fairweather; carried. Supervisor Novak to board members: anybody opposed to closing this? Board members said no. Supervisor Novak stated the public hearing is closed. (inaudible)

Supervisor Novak called the regular meeting to order at 7:47pm. (yelling) Supervisor Novak stated there are still a couple copies of the minutes up there. Hearing no additions, corrections or deletions I will entertain a motion to accept the minutes as printed.

RESOLUTION TO ACCEPT THE PRIOR MINUTES:

MOTION offered by Councilwoman Sutherland seconded by Councilman Ketcham to accept the prior meeting minutes from November 25, 2013 as printed. All in favor, Bell, Ketcham, Novak, Sutherland, Fairweather; carried.

CORRESPONDENCE:

1. Supervisor's report for 11-2013
2. Corres. From NYS Real Property re: Laura Macellari to be re-appointed to BAR
3. Resignation from Jack Cassel – HV Wastewater operator – effective 12-31-13
4. Complaint re: 14 Guymard Turnpike

(yelling) My name is Yolanda (inaudible). I live on New Vernon Road. I don't think this is, like they said, it's not legal. Why - there's 5 of you, why can't you make a decision to postpone the meeting so everyone can participate? You have a huge hall in the Otisville Fire Department (inaudible).

CORRESPONDENCE (cont.):

5. Request from Tommy's Towing to be put on the towing list
6. Building Inspector's report 11-2013
7. December Company meeting minutes from the Mount hope fire company
8. Cornell Cooperative Extension of Orange County Agreement
9. December 4, 2013 Mount Hope Fire Company minutes/monthly report

COMMITTEE REPORTS:

POLICE REPORT by Chief Rickard:

Chief Rickard asked the board to vote on adding Tommy's Towing to the list for 2014 to the tow list. He has no other information negative or positive. He gave the board a packet. They have the proper insurance. With Zack's approval, he would like to add them. There are no restrictions to whether or not the businesses must live within the town.

RESOLUTION TO ADD TOMMY'S TOWING TO THE POLICE TOWING LIST:

MOTION offered by Councilwoman Sutherland seconded by Councilman Fairweather to add Tommy's Towing to the tow list. All in favor: Bell, Ketcham, Novak, Sutherland, Fairweather; carried.

Attorney Kelson asked Chief Rickard to clarify that the tow list is a rotating list. Chief Rickard stated correct. The list goes by the week. There are 8, 9 or 10 on the list.

HIGHWAY DEPARTMENT by Supt. Hassenmayer:

Supt. Hassenmayer thanked the Mount Hope Fire Department for filling the ice rink last Friday. They put it up in a hurry to get it up before the snow storm and they provided us with 6 truck loads of water.

VILLAGE OF OTISVILLE:

Supervisor Novak stated he has the contract on the repairs to the sewer lines which will be under the cost so we will vote on that later on.

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PLANNING BOARD:

Mr. Kelson stated that he doesn't believe there is a meeting in January as there is nothing for the agenda.

MOUNT HOPE FIRE DEPARTMENT:

Chief Doty went on a call. Supervisor Novak asked Town Clerk to read report. Report read into record. Report on file in Town Clerk's office.

RESOLUTION TO APPROVE SUPERVISOR'S REPORT:

MOTION offered by Councilwoman Sutherland seconded by Councilman Ketcham to approve the Supervisor's report for November 2013. All in favor: Bell, Ketcham, Novak, Sutherland, Fairweather; carried.

RESOLUTION TO RE-APPOINT LAURA MACELLARI TO BOARD OF ASSESSMENT REVIEW:

MOTION offered by Councilman Fairweather seconded by Councilwoman Sutherland to re-appoint Laura Macellari to the Board of Assessment Review from 10-1-2013 through 9-30-18. All in favor: Bell, Ketcham, Novak, Sutherland, Fairweather; carried.

RESOLUTION TO ACCEPT THE RESIGNATION FROM JACK CASSEL:

MOTION offered by Councilman Fairweather seconded by Councilwoman Sutherland to accept the resignation from Jack Cassel effective 12-31-2013 for the Sewer Treatment Plant and to appoint David Brock as temporary emergency hire under probationary status. All in favor: Bell, Ketcham, Novak, Sutherland, Fairweather. Carried.

RESOLUTION TO AUTHORIZE TOWN SUPERVISOR TO SIGN CONTRACT FOR REPAIRS OF THE LEAKS IN THE SEWER LINE:

MOTION offered by Councilman Bell seconded by Councilman Ketcham to authorize the Town Supervisor to sign the contract for the repairs to the leaks in the sewer lines in Hidden Valley, not to exceed \$25,000.00. All in favor: Bell, Ketcham, Novak, Sutherland, Fairweather; carried.

DISSOLUTION OF MOUNT HOPE FIRE PROTECTION DISTRICT:

Supervisor Novak stated that the notice of public hearing was published and posted on Nov. 26, 2013. An affidavit of service was filed with the Town Clerk. The Town Clerk read the notice at the meeting. He called for a motion to declare the Town of Mount Hope as lead agency.

RESOLUTION DECLARING LEAD AGENCY:

MOTION offered by Supervisor Novak seconded by Councilwoman Sutherland to declare the Town of Mount Hope as Lead Agency in connection with the Dissolution of the Mount Hope Fire Protection District and that the Town Board conduct an uncoordinated review of the project. Fairweather – aye, Sutherland – aye, Ketcham – aye, Bell – aye, Novak aye; carried.

Supervisor Novak stated: with the dissolution of the district, will the proposed action create a material conflict with the adopted land use of planning? Attorney Kelson stated: I would suggest that if any of the board – basically so we understand the process that we're taking right now this is State Environmental Quality Review Act. This is a short form EAF. Even though this is a creation or dissolution of district first then a creation reviewing each one of those under SEQRA. They don't affect necessarily land. That will happen of course later on once the district does whatever it is going to do. But the establishment that the dissolution of the existing fire protection district and the creation of the new one – you still have to ask these questions so what I will do with the boards permission is go through each one of them and if anybody feels that they have any questions about what that means please let me know. Mr. Kelson asked the following:

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1. Will the proposed action create a material conflict with the adopted land use planning or zoning regulations? Board answered no.
2. Will the proposed action change result in a change in the use/ intensity of the use of land? Recognizing that this is not a land action. It's setting up or dissolving a district and then setting one up later. Board answered no.
3. Will the proposed action impair the character or quality of the existing community? Board: no.
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of the critical environmental area? Board – no.
5. Will the proposed action result in an adverse change in existing local traffic or affect existing infrastructure from mass transit, biking or walking? Board – no.
6. Will the proposed action impact a public/private water supply? Board – no.
7. Will the proposed action impact existing public/private wastewater treatment facilities? Recognizing that if at some point a building is built, then that's a consideration the board will – whatever board is handling that – will handle that SEQRA aspect of it...right now we are just dissolving a district and creating a district. Board – no.
8. Will the proposed action impair the character/quality of the important historic archaeological, architectural or aesthetic resources? Board – no.
9. Will the proposed action result in adverse change to natural resources? Examples: wetland, water body, ground water, air quality flora or fauna. Board – no.
10. Will the proposed action result in the increase in the potential for erosion, flooding or drainage problems? Board – no.
11. Will the proposed action create a hazard to environmental resources or human health? Board – no.

RESOLUTION FOR NEGATIVE DECLARATION:

MOTION offered by Supervisor Novak seconded by Councilwoman Sutherland that the Town Board declare that it makes a “negative declaration” as defined by SEQRA Part 617, and further declaring that the proposed dissolution will not have a significant environmental impact. Fairweather – aye, Sutherland – aye, Ketcham – aye, Bell – aye, Novak aye; carried.

RESOLUTION DISSOLVING THE MOUNT HOPE FIRE PROTECTION DISTRICT IN THE TOWN OF MOUNT HOPE: (read by Town Clerk Kathleen Myers)

MOTION offered by Supervisor Novak seconded by Councilman Fairweather to dissolve the Mount Hope Fire Protection District in the Town of Mount Hope (complete resolution at end of these minutes). Roll call: William Novak Jr., Supervisor – aye, Edward A. Fairweather, Councilman – aye, Michael Bell, Councilman – aye, Janet Sutherland, Councilwoman – aye, Gary Ketcham, Councilman – aye. Carried.

ESTABLISHING THE MOUNT HOPE FIRE DISTRICT:

Supervisor Novak stated that the notice of public hearing was published and posted on Nov. 26, 2013. An affidavit of service was filed with the Town Clerk. The Town Clerk read the notice at the meeting. He called for a motion to declare the Town of Mount Hope as lead agency.

RESOLUTION DECLARING LEAD AGENCY:

MOTION offered by Supervisor Novak seconded by Councilman Fairweather to declare the Town of Mount Hope as Lead Agency in connection with the Establishment of the Mount Hope Fire District and that the Town Board conduct an uncoordinated review of the project. Fairweather – aye, Sutherland – aye, Ketcham – aye, Bell – aye, Novak aye; carried.

Attorney Kelson added that once again we're gonna – I've provided you with a copy of the Environmental Assessment Form. Normally the project sponsor would provide that to you...such as the Planning Board or someone who's making an application to the board.

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Attorney Kelson (cont.):

Technically because the board is going to vote or take an act tonight, the Town is the actually the sponsor of and the one who prepares and signs the application. So once again I want to go through the questions and I would presume the answers will be the same as the answers to the last questions. Mr. Kelson asked the following:

1. Will the proposed action create a material conflict with the adopted land use plan or zoning regulations? Board answered no.
2. Will the proposed action result in a change in the use/ intensity of the use of land? Board answered no.
3. Will the proposed action impair the character or quality of the existing community? Board: no.
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a critical environmental area? Also known as a CEA. Board – no.
5. Will the proposed action result in an adverse change in existing level traffic or affect existing infrastructure from mass transit, biking or walkway? Board – no.
6. Will the proposed action cause an increase in the use of energy and it fail to incorporate reasonable available energy conservation or renewable energy opportunities? Board – no.
7. Will the proposed action impact existing public or private water supply? Board – no.
8. Will the proposed action impact existing public/private wastewater treatment facilities? Board – no.
9. Will the proposed action impair the character/quality of the important historic archaeological, architectural or aesthetic resources? Board – no.
10. Will the proposed action result in adverse change to natural resources? Examples: wetland, water body, ground water, air quality, flora and/or fauna. Board – no.
11. Will the proposed action result in the increase in the potential for erosion, flooding or drainage problems? Board – no.
12. Will the proposed action create a hazard to environmental resources or human health? Board – no.

Attorney Kelson stated: the board having answered all those questions amongst themselves – negative, Mr. Novak you can then....

RESOLUTION FOR NEGATIVE DECLARATION:

MOTION offered by Supervisor Novak seconded by Councilman Fairweather that the Town Board declare that it makes a “negative declaration” as defined by SEQRA Part 617, and further declaring that the proposed establishment of the Mount Hope Fire District will not have a significant environmental impact. Fairweather – aye, Sutherland – aye, Ketcham – aye, Bell – aye, Novak aye; carried.

RESOLUTION FOR ESTABLISHING THE MOUNT HOPE FIRE DISTRICT IN THE TOWN OF MOUNT HOPE: (READ BY TOWN CLERK KATHLEEN MYERS):

MOTION offered by Supervisor Novak seconded by Councilman Ketcham to create the Mount Hope Fire District (see complete resolution at end of these minutes). Schedule of tax map parcels were available on the website and were posted with all the public notices: – the same tax map parcels as the dissolution and the creation. These parcels exclude the Howells Fire District and are taxed accordingly as well as the Village of Otisville. Roll Call: Fairweather – aye, Sutherland – aye, Novak – aye, Ketcham – aye, Bell – aye. Carried. Supervisor Novak declared this resolution adopted.

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RESOLUTION APPOINTING FIRE DISTRICT COMMISSIONERS AND TREASURER FOR THE MOUNT HOPE FIRE DISTRICT IN THE TOWN OF MOUNT HOPE:

MOTION offered by Supervisor Novak seconded by Councilwoman Sutherland to appoint the following 5 as the commissioners for the Mount Hope Fire District: Harry Gomez II, Philip G. Higby, Robert Zawasky, Nicola Amendola, Louis Dodd; Helena Grunwald as Treasurer. (see complete resolution at end of these minutes) Roll call vote: Fairweather – aye, Sutherland – aye, Novak – aye, Ketcham – aye, Bell – aye. This resolution is hereby adopted by Supervisor Novak.

Supervisor Novak re-read the names: Harry Gomez II, Philip G. Higby, Robert Zawasky, Nicola Amendola, Louis Dodd and Helena Grunwald as the Treasurer.

RESOLUTION TO CHANGE THE FIRST MEETING OF THE YEAR 2014:

MOTION offered by Councilwoman Sutherland seconded by Councilman Ketcham to change the first meeting of the year from January 13 to January 6 for the Reorganization meeting. All in favor: Bell, Ketcham, Novak, Sutherland, Fairweather; carried.

RESOLUTION TO AUDIT THE CLAIMS:

MOTION offered by Councilwoman Sutherland seconded by Councilman Fairweather to approve the following bills:

GENERAL A:	#698-766	\$ 84,378.63
GENERAL B:	#129-135	\$ 5,649.53
HIGHWAY:	#215-229	\$ 32,539.14
SEWER:	#129-133	\$ 2,613.66.

All in favor: Bell, Ketcham, Novak, Sutherland, Fairweather. Carried.

PUBLIC PARTICIPATION:

Diane Loeven: re 21 School Street property. At the last meeting, prior to adopting the resolution, you declared (inaudible) for SEQRA purposes on the sale and unless I missed it there was nothing stated as to what the property was going to be used for. Not sure how you can answer negative for 1st 2 questions on SEQRA review as far as if it is consistent with the zoning and will any changes have to take place if you didn't...I am a little confused about that. She thought she missed a part of it. Supervisor answered: His understanding is that the realtor had spoken to the Mayor about that ahead of time. (inaudible) The Mayor told me he spoke to the guy. (inaudible) Ms. Loeven added: as you know because you were quoted in the paper that sale is subject to permissive referendum and as you also know any action that's subject to permissive referendum can be put on referendum by vote of the board themselves, without waiting for a petition. And I am going on record as asking this board to do that to put it up to vote to the voters to make the decision.

Mayor Wona: Yeah, I never spoke to any realtor. Supervisor Novak asked: you never spoke to Michael Turk? Mayor stated: nope. Supervisor: why did you tell me you did? I asked you if you returned his calls and you told me...Mayor: Bill, me and you haven't talked in a long time. (inaudible) The last time we talked was about the Falun Gong. I talked to a Mr. Lee and Mr. Cheng. We got them a letter from our planning and zoning board attorney telling them they had to follow all the rules and regulations for zoning and planning and we never heard another word about anything.

(inaudible/yelling)

Person: Isn't a government for the people by the people? We don't get no information. And you guys just sit up there with blank faces. We're getting pissed off and it is wrong Bill. We supported you for 20 years. And you are gonna shove it up our gazoo now? Because you got voted out? This ain't in the best interest of the town. (yelling) Why'd you shoot down the \$500,000.00 a couple years ago? Supervisor: excuse me, we didn't shoot it down. You people came here and you said oh, they're gonna take over the town – we'll have rickshaws running around and the man walked out with that \$500,000.00. (yelling)

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PUBLIC PARTICIPATION CONT.:

Councilman Fairweather stated: I don't (inaudible/yelling) like being called a low life (inaudible) I will speak louder so that everyone can hear me. You have the absolute right to start a petition which I understand Mr. Robert Ketcham has already done to bring the sale of that school to a public vote. I encourage you to do so. (yelling) Here's a democratic flyer with everybody's name on the bottom saying that we haven't done anything about trying to sell that old school. We have done a tremendous amount of things trying to sell that school. And 2 previous organizations that wanted to have residential on that property we kind of let just expire. This offer – a gentleman got that flyer – and asked if we had a problem. SO there we're into a lawsuit just like Bloomingburg. So all you have to do (yelling) taking care of it. (yelling) My job is to sell a piece of property (inaudible) that I've been told is (yelling/inaudible). Does anybody have a problem with that new school sitting there? (yelling/inaudible) That school is an absolute asset to our community. That school would be sitting on Route 6 if it wasn't for the previous boards doing that transfer. (inaudible/yelling) I have had my say. You folks had your say. (inaudible/yelling)

Ron Walker: Rather than sell that building \$325,000.00, I would rather see it become a controlled fire burn for our new fire district.

Mr. Cobb: This is the 1st time I've heard about anything, any offer being put on that building. Supervisor Novak stated: maybe if you came to board meetings you would have heard. Mr. Cobb: Maybe if you would have sent something out in the mail...why don't you send some stuff out in the mail to us. On the fire department thing you came around and asked me to sign a petition and I told you no then. Apparently...what was the final count on that petition anyways. I never heard what the final count was. Councilwoman Sutherland (inaudible) the signatures that I needed. (inaudible) All I know is I never heard nothing. This is the 1st time I've heard anything about a sale of that building. And it should be turned into a community building. I mean we have a lot of latch key kids around here too. If you go in there at the end of the day also.

Shannon Botens: Live on 1 Schobel Street. I don't know about you but my taxes are high enough. If you're gonna go through with this fire department that's all fine, well and good. I'm not happy. But it is what it is. The last thing I want is a school there that doesn't pay any taxes. It's not for the good of the community. There's another notch that we're gonna have to (inaudible). It's not just us. It's gonna be all of Minisink. All the school districts, any town in Minisink. Your kids are all gonna suffer because they're gonna take all of our social services, everything and they're gonna use it for their own good. Councilwoman Sutherland stated: 7 peaks is gonna do that. Ms. Botens added: 7 peaks is gonna do it too. (inaudible) We need to stand strong and vote it out too. Councilwoman Sutherland added: and you will. Get the signatures. Supposedly you have the signatures. Let it go to a vote and that's it. It's done. (inaudible)

Supervisor Novak: I will tell you that this board has tried for 6 years to get that thing on the tax rolls. We also paid \$20,000.00 and had a study and they said it would be cheaper to tear it down. (yelling/audible)

Person: I'm not a resident of Mount Hope so hopefully I can have a little bit of the floor. I live in Greenville. However my kids do go to Minisink school district. It's a big concern. Nothing to do with the religion and I don't think that we should live in fear of a constant law suit. We have legitimate reasons for disputing the sale of this school. And again I am not in Mount Hope but it does affect me. It will affect my school district. It'll affect our taxes. I pay enough taxes already. I don't need anymore. I hope it doesn't go through.

Lisa Walsh, Ridge Drive: My question is – is given the public opinion on the sale of this school, why are we so scared of a lawsuit? If we're not saying – if we're saying that it's because we don't want the high density housing, we don't want the impact on our taxes – why, and I direct this to the town attorney...why are we convinced that this threat of a lawsuit is indefensible? Mr. Kelson: I'll make this fairly simple. I understand what the objections are and that's why you're gonna have the vote but just to address the high density housing. The Town of Mount Hope and the Village of Otisville – neither of those municipalities permit high density housing. Ok. SO that's one thing you have to consider. Ms. Walsh: But if we deny the sale it kinda it's gonna make 7 Peaks a lot less (inaudible) Mr. Kelson: That is a good point to make and that's why if the petitions are filed the public will reside and the Town of Mount Hope will be able to make that decision. Ms. Walsh: Why are you convinced that this lawsuit is indefensible? We've given you our reasons. Mr. Kelson: I haven't indicated whether any lawsuit is in defensible. There isn't any lawsuit pending. If, as and when there is a lawsuit...first of all I think we're jumping the gun.

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Mr. Kelson continued: Number 1: if the petitions are filed and they're in due form the Town will conduct a referendum as provided for by law. And if the referendum of the people who vote indicates, assuming the petitions in due form, vote to turn it down then that's the end of it. And the new board will have to make the decision about what they want to do. Ms. Walsh: But was there or was there not the threat of a lawsuit? Mr. Kelson: I didn't say anything about a threat of a lawsuit. Ms. Walsh: I'm not saying that you did. I'm asking if there was. I've spoken to one of the council members and I was informed that there was in fact a threat of a lawsuit. Mr. Kelson: I couldn't comment on something I am not aware of - I'm sorry. Ms. Walsh: My understanding was that there was a threat of a lawsuit and you in fact advised the board that it has some merit and encouraged themMr. Kelson: I don't know where you got that from, but that's completely false. Completely, 100% false. (Inaudible) Councilwoman Sutherland: that's part of the problem. Is that a lot of the comments that are out there are racist. (inaudible) Councilwoman Sutherland: no, actually I voted against the sale of the school. (inaudible) No one in this room is saying that. Ms. Walsh: No one is saying it period. (inaudible)

Person: The paper today or on facebook..the people in Bloomingburg are really concerned because they want to put up a tree with all the religions on it. To show that they're all unified. And some of them are having a very hard time of putting up the Star of David. Because it's a Jewish symbol but it's very threatening to the Hassidic village. That's how concerned they are. They don't wanna offend anybody. It's got nothing to do with religion. But they're so concerned about it. They're so afraid. They're going out of their way to accommodate them and they don't even live there yet.

Mrs. Maurizzio: May I speak Mr. Novak? Supervisor Novak: Sure Mrs. Maurizzio. Mrs. Maurizzio: Do you have your reasons why you didn't put it up for public referendum as a board because you wanted this sale to do now before you leave office? Supervisor Novak: You say that. You're putting words in my mouth when you sound like the Times Herald Record now. (inaudible) Mrs. Maurizzio: Why didn't you? Supervisor Novak: Why didn't I what? Mrs. Maurizzio: Why didn't you put it up for public referendum as a board? Supervisor Novak: It has a possibility. We did it under permissive referendum you can go..if the people are opposed to it, they have the right...(inaudible/yelling) sign the petition. (inaudible) Mr. Kelson: That's not true. Folks. The law says (yelling)I am employed by the town board thank you very much. (yelling) Mr. Kelson: The answer is folks (inaudible)...then let's not talk. Just move on to the next question. (inaudible)

Person: May I ask a question? Supervisor Novak: you can make a comment. I'm not gonna...(inaudible) Person: I have the same question as her. What's your answer. Supervisor Novak. Thank you for your comment. Another person: Mrs. Sutherland just said she would have no problem putting it up to a board referendum. Why don't you take a roll call to find out who would do it and who wouldn't? (yelling/inaudible) Mr. Kelson: The bottom line is the law permits – the law permits sufficient amount of residents (inaudible) ok so – why don't you just keep interrupting and we'll just move on. (yelling/inaudible) Mr. Kelson: Then file your petition and they'll be an election (yelling/inaudible). Mr. Kelson: The board has made the determination to approve the sale of the school subject to the filing of the permissive referendum. (yelling) Councilwoman Sutherland: You know what? Because this is so disgusting. (yelling)

RESOLUTION FOR ADJOURNMENT:

MOTION offered by Councilman Fairweather seconded by Councilwoman Sutherland to adjourn the meeting at 8:35pm. All in favor: Bell, Ketcham, Novak, Sutherland, Fairweather; carried.

The next meeting is scheduled for December 30, 2013 at 7:30pm.

Respectfully submitted –

Kathleen A. Myers, Town Clerk