

WORKSHOP MEETING, TOWN OF MOUNT HOPE, MARCH 17, 2014
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The workshop meeting of the Mount Hope Town Board was held at the Mount Hope Senior Center, Baker Street, Otisville, on **March 17, 2014** at 7:30pm with the following present: Supervisor Chad Volpe, Councilman Matthew Howell, Councilman Gary Ketcham, Councilwoman Janet Sutherland, Councilman Dominick Cambareri and Town Clerk Kathleen Myers.

OFFICIALS PRESENT: D. Hassenmayer/H'way Supt., Police Chief Rickard & Attorney W. Bavoso.

Following the Pledge of Allegiance, Supervisor Volpe called the first public hearing to order at 6:45PM. (Supervisor asked for everyone to silence their cell phones.)

PUBLIC HEARING FOR LOCAL LAW #4-2014 AMENDING 9.1.4 OF THE ZONING LAW AND ADDING 9.1.5 AND 11.1.3 TO THE ZONING LAW: (6:45PM)

(Public notice was available at front desk.) Supervisor Volpe asked for Town Clerk to read the local law into the minutes. Local law read into record by Town Clerk. Supervisor Volpe asked for public comments. Mr. Gomez asked why not keep it diversified? Why wouldn't we have different attorney representing different parts of the board. One set of attorneys could deal with town matters. Another set that deal with planning and zoning. He asked what's the benefit? Supervisor Volpe stated they are just taking comments right now. Mr. Gomez doesn't think there is a benefit to having just one - keep it diversified.

Mr. Cook stated he agrees with the town board but also agrees with having a separate attorney for the planning board that also handles the zoning board. K. Coppola asked who planning board attorney was? Supervisor Volpe stated Zachary Kelson. Mr. Coppola stated that he did both before - why does it matter that someone else is doing both? All of a sudden diversity matters. R. Vreeland agrees; always had one attorney for years why need 2 now? G. Wilson agrees with both sides; prefers that elected people appoint the attorney. E. Fairweather asked if the chairpeople for planning and ZBA notified and included in discussion and was it done in writing? P. Barth asked why Mr. Bavoso was picked? Supervisor Volpe stated we are not taking questions, we are taking comments. P. Barth asked if it is someone you can work with and trust in? The planning board worked and trusted Mr. Kelson. They are there to protect people of the town. Planning board works best with the lawyer they picked to protect them from making mistakes. C. Brennan is against Mr. Kelson for the way he treated people. He does not want him representing him. L. Dodd stated past practice for planning board & zoning board was to elect their own counsel? Regardless of personalities - he can't believe there are no laws in the State of New York that don't govern this. He hopes this was checked. C. Furman stated he thinks it's the right thing. It should be a town board decision. J. Musial spoke on behalf of Mr. Bavoso. She stated she knows they went through a lengthy process of interviews and trying to go with a firm that would represent everyone across the board. Like Mr. Kelson, it leaves continuity among various boards and committees. H. Gomez spoke re: continuity. He is concerned that we're opening ourselves up to something. You don't have to like someone if they do a good job. If he did a bad job and cost the town money..I don't know him. I met him once. I hate to think we make a decision that's gonna cost us money in the long run. (Discussion among audience members.) V. Coppola stated he's been to a lot of meetings and Mr. Kelson would sit there and never address us. He would face the front. He disrespected the people; he wouldn't turn around. L. Garcia stated having 2 attorneys is costing the taxpayers money. P. Freidle stated we don't pay for extra attorneys. They get paid by the hour. Like Mamakating, if we don't like them then we should start a petition to get them gone. Not change our town law because of one person. Giving one person, an attorney by one group gives anybody a power to over see everything and it happened with Mamakating. Someone was able to change a lot of rules and break a lot of zoning practices and move a bunch of people in they didn't want. Before we agree to change a law, let's get rid of the person you don't want. D. Loeven stated that many municipal attorneys are on retainer. They are not paid by the hour. Mr. Kelson was paid by the hour. If he should remain in the position, he will continue to be paid by the hour. Mr. Bavoso's firm was contracted under retainer to cover all 3 boards. They are already getting paid for it. P. Freidle asked then why are we changing the law without us changing it first? D. Loeven stated she's been to every meeting and heard there is a contract with the Bavoso firm. There is no contract with anyone else.

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PUBLIC HEARING FOR LOCAL LAW #4-2014 AMENDING 9.1.4 OF THE ZONING LAW AND ADDING 9.1.5 AND 11.1.3 TO THE ZONING LAW continued:

G. Wilson added that it's a legitimate concern; the town board should appoint the attorneys. He assumes the present attorney researched this and that it's legal. Mr. Bavoso explained that Section 271 of town law of NYS provides that the planning board (that's the planning board statute) had a right to hire its own consultants providing provisions are made within its budget to do so. That statute can be changed by local law. That's what's proposed here.

Supervisor Volpe asked for further comments. There were none.

RESOLUTION TO CLOSE PUBLIC HEARING:

MOTION offered by Councilman Cambareri seconded by Councilman Howell to close the public hearing for Local Law #4-2014 at 7:02PM. All in favor: Howell, Ketcham, Volpe, Sutherland, Cambareri; carried.

PUBLIC HEARING FOR LOCAL LAW #1-2014 AMENDING LOCAL LAW #1 OF 1982 REGARDING THE REGULATION OF TRASH COLLECTION FEES: (7:03PM)

(Public notice was available at front desk.) Supervisor Volpe asked for Town Clerk to read the local law into the minutes. Local law read into record by Town Clerk. Supervisor Volpe asked for public comment. E. Fairweather asked that the way it is worded, is the town anticipating collecting its own trash? Supervisor Volpe stated absolutely not. D. Loeven stated that the way the current local law is written that any trash collection within the town – if they want to raise the rates they have to come to the town to get board approval. She is in favor of making the process easier as long as they are not taking that requirement away. Mr. Bavoso explained that the existing statute which is years old, sets forth the rates. In order to change that now, we'd have to amend that with a new local law. That's a cumbersome process. What this local law does is allows the board to adjust the rates merely by resolution instead of having to go through process of enacting a new local law to change the rates. Supervisor Volpe asked for further comments. There were none.

RESOLUTION TO CLOSE PUBLIC HEARING:

MOTION offered by Councilman Cambareri seconded by Councilman Howell to close the public hearing for Local Law #1-2014 at 7:07PM. All in favor: Howell, Ketcham, Volpe, Sutherland, Cambareri; carried.

PUBLIC HEARING FOR LOCAL LAW #2-2014 ESTABLISHING DISCIPLINARY PROCEDURES FOR THE POLICE DEPARTMENT OF THE TOWN OF MOUNT HOPE: (7:10PM)

(Public notice was available at front desk.) Supervisor Volpe asked for Town Clerk to read the local law into the minutes. Local law read into record by Town Clerk. Supervisor Volpe asked for public comment. J. Ebert represents the T/O Mount Hope Police Benevolent Assoc. They don't have a problem with most of what's being proposed. They only just received the proposal last week. They would like to have more time to review/until next town board meeting. There were a couple of differences in the law they want to discuss. The difference between what they have now (section 75) with regard to the law that would go out the window. There are things that section 75 has that are not in there. They want the opportunity to share those with the board. At this time, R. Vreeland approached the board. He has a petition at the barn to rescind the fire district of Mount Hope. People have been coming in to sign. And someone left this (handed a letter to Supervisor Volpe) and stated that the board should look over. He stated they should review it before working on that law to find out if it is true or propaganda. J. Cook stated that at least 98% should be handled by the Chief; only an extreme case that the town should get involved. J. Ebert stated in the 3 or 4 years that they've been representing them, they haven't had any cases. If there is a problem, we talk about it. There was one officer that was terminated last year but it was for just cause. The Chief has been good in talking with us. We haven't had any court cases. There are some things inside this law we're concerned about. G. Wilson stated that the civil service law covers almost every single situation. He would like to know what about the civil service law did they feel was not enough to cover the Town of Mount Hope.

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PUBLIC HEARING FOR LOCAL LAW #2-2014 ESTABLISHING DISCIPLINARY PROCEDURES FOR THE POLICE DEPARTMENT OF THE TOWN OF MOUNT HOPE: (cont.):

Chief Rickard stated that the town law pre-dates the civil service law. In fact, us discussing this with the union is actually prohibited by a court decision. We can have formal discussions but we can't technically negotiate because that's prohibited by the court of appeals decision. What this law will do is give greater flexibility/cost savings to the Town Board. The civil service law doesn't have some of the same protections for the town. Basically along the same lines as we were talking about earlier in selecting an attorney. What this means is the Town Board would decide discipline for me all the way down. The elected representatives would be the final decider of the case. This is recommended by the Association of Towns. Most municipal governments are in favor of this because it will reduce costs and gives greater flexibility to the town. The town board under town law would have the final say as opposed to an independent person. There's no arbitration rights in New York for police officers under town law. J. Ebert stated right now we're covered by section 75, there is no arbitration; it's a hearing officer that's chosen by the municipality in this case - the town. That hearing officer does not make the final decision, he makes a recommendation to the town and the town can either accept....it's always been the town's final decision. Chief Rickard added that the Town Supervisor appoints the hearing officer. J. Ebert added that the state civil service law gives the employers the right to choose the hearing officer. I would argue that you have that right under both laws to choose hearing officers. G. Wilson asked then what's the need for this law? G. Stiles stated that when Paul Rickard came on board he sat down and went over all the rules of the Mount Hope police department. He was very thorough, very professional for the sole purpose of protecting the town. This law further protects the town and taxpayers. Supervisor Volpe asked for further comments. G. Wilson asked what the procedure is after you get the comments for all these laws? Supervisor Volpe stated it will be under new business and the board will either vote or not vote, at this meeting. Chief Rickard added that he has no objection if you wanted to accept written comments from anyone, including the PBA. Mr. Bavoso recommends with this law that the public hearing be left open and there not be a vote tonight to give the PBA the opportunity to issue their comments.

RESOLUTION TO CLOSE PUBLIC HEARING:

MOTION offered by Councilman Cambareri seconded by Councilman Ketcham to close the public hearing for Local Law #2-2014 at 7:20PM. All in favor: Howell, Ketcham, Volpe, Sutherland, Cambareri; carried.

PUBLIC HEARING FOR LOCAL LAW #3-2014 OPTING OUT OF SECTION 487 OF THE REAL PROPERTY TAX LAW OF THE STATE OF NEW YORK: (7:20PM)

(Public notice was available at front desk.) Supervisor Volpe asked for Town Clerk to read the local law into the minutes. Local law read into record by Town Clerk. Supervisor Volpe asked for public comment. W. Melton stated that you campaigned that there's a surplus so you're not hurting for money. There's a very small % of people that this would affect in the town and when the rest of the world is going green and pushing for people to do the right thing, you don't want to give people a tax break on it. He is against it; town should be ashamed. J. Pierson stated she doesn't understand. This is a tax that would be imposed? She has a solar install on her property. It cost a lot of money. She received an incentive when she put it in and it will still be 15-20 years before it's paid off. The insurance cost for the solar panels would be upwards of \$900/year. This law is to prevent that incentive or will this create a tax on my solar? I am concerned that I would pay a solar tax. Is this money coming from the town? Supervisor Volpe stated he received many calls on this. You should be receiving a statement – a federal tax credit or a rebate for putting the panels in. This is a law that would start April 1st that would be an additional credit from...J. Pierson asked every year? Or just when you put in a new solar? Supervisor Volpe stated it would be a credit that towns can opt in as of April 1st or opt out of. J. Pierson asked for a 1 time credit? Supervisor Volpe stated for new people putting in solar panels or... J. Pierson stated because there's so much incentive out there that put in – install will be getting so much money from everybody else to put it in. It was not a cheap install. She doesn't think – if there's still money in the accounts, it's a nice bonus. That's what people look for when they try to do these things. A little tax credit....

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PUBLIC HEARING FOR LOCAL LAW #3-2014 OPTING OUT OF SECTION 487 OF THE REAL PROPERTY TAX LAW OF THE STATE OF NEW YORK: (cont:)

P. Friedle asked we're opting out of giving the incentive? Is that what the law is? Supervisor Volpe stated at a local level – yes. P. Friedle stated so few people do it; it's so environmentally healthy. It does help the power grid. He hopes it is voted down. G. Wilson did not know the town gave an incentive. Does the town do it now? Supervisor Volpe stated no it is a new law that will start April 1st. G. Wilson asked so the state is allowing the town to opt out of giving that? Attorney Bavoso added that this is an exemption such as: combat vet, ag exemption & various other exemptions. This will provide for 100% exemption for qualified systems for a period of 15 years after which the system will become taxable at the depreciated value. The system as an improvement can be taxable under the real property tax law. The system would not be taxed for a period of 15 years. After the 15 years - could be taxed at depreciated value of the system. G. Wilson stated basically you want to opt out so we will not give tax exempt status – if I put solar panels on my house in the town of Mount Hope and it cost me \$20,000 – I will get no tax exemption from the town? Attorney Bavoso stated yes. G. Wilson added that the town is discouraging him to go green. Attorney Bavoso stated this law allows the town to tax that. J. Pierson asked if she will be taxed on hers if it passes or is her farm exempt? Attorney Bavoso stated it is an exemption on qualified systems. He has not seen the statute as to what constitutes a qualified system. That's something the Assessor would have to look at. She would need to get clarification from Assessor to see if she would qualify. If the local municipality doesn't opt out – the exemption would exist. R. Vreeland stated to pass this you would shoot yourself in the foot. There's 3 or 4 farms in this town - there was 75 thirty years ago. Your current Assessor makes farms jump through hoops and your building department – I had to get the laws for them when I started on Dan's farm to show them where you can be exempt and where you're not. She says she'll have this paid off in 15 years – farmers don't pay for anything in a lifetime. It's a way of life – and keeps the fields green. G. Stiles asked if there are real numbers of what the tax exemption would amount to? He supports everything that would help a 300 year old farm. Is it just the installation value that adds to the property value. R. Vreeland stated if you build a barn or a shed in the state of New York, it is tax exempt for 10 years. After 10 years it gets put on the tax rolls after a 10 year depreciation. Attorney Bavoso stated the cost of installation of the system....J. Pierson paid \$89,000 for installation. J. Musial stated since you're not taxing them already it's not like you're losing a tax. Seems like a lot are against this. J. Cook spoke about the methane and CO2 levels rising and setting records. What's been done in the last 50 years it should take 20,000 years to do. He spoke of benzynes and formaldehydes – terrible stuff is coming out of this gas. He stated to help them. E. Fairweather added that Ag law gives certain protection. What Mr. Vreeland didn't touch on is each time the structure is reconstructed to an approx. value of 1/3 it again gets a 10 yr. property tax exemption. Green energy is the future. It would be foolish for the town not to set an example and lead by example to tax something that is absolutely good for the environment. This is a 20 year payback on that system. He has a copy of the statute. Systems installed Jan 1, 1991 and before Jan. 1, 2015 - each municipality may choose whether or not to disallow the exemption. Her system would qualify. He is not sure Dennis would go retroactive or not. We need to lead by example and taxing people for trying to do the right thing is the wrong thing. B. Prisco asked why are you going to tax solar and are you going to tax wind & hydro. Is solar by itself or is all other renewables in with it? Attorney Bavoso stated it is solar, wind and farm waste energy. That statute is created by the state legislature not by this board. D. Loeven stated she would want to know if this is a one shot deal. Right now if the board does nothing, then the state exemption goes into effect. Can the board, in the future, enact a local law to opt out? Atty. Bavoso stated he does not know the answer because he has not seen the statute. He saw a letter from the Assessor that notified the board of the exemption (existing by state law) unless the local legislative body decides to opt out. The Assessor took no position with regard to this either way. Taxable status date is 3/1 each year. The rolls are set subject to the grievance procedure. If the board does nothing, the exemption goes into effect. Next year before 3/1 if the board decides to pass this - to opt out – not sure whether they can do that. J. Pierson asked if this can be found out. D. Loeven stated that assessing authorities have the ability to assess the solar panels and all of that – so if people already have that then they may be paying that already.

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PUBLIC HEARING FOR LOCAL LAW #3-2014 OPTING OUT OF SECTION 487 OF THE REAL PROPERTY TAX LAW OF THE STATE OF NEW YORK: (cont:)

D. Loeven added that she hopes the law would allow the board the opportunity to look again. J. Cook added that with the grant system that NYS has to help people – 2 months ago they added another \$108,000,000 to the grant procedures. Help these people.

RESOLUTION TO CLOSE PUBLIC HEARING:

MOTION offered by Councilman Howell seconded by Councilman Cambareri to close the public hearing for Local Law #3-2014 at 7:41PM. All in favor: Howell, Ketcham, Volpe, Sutherland, Cambareri; carried.

RESOLUTION TO ACCEPT PRIOR MEETING MINUTES:

MOTION by Councilman Ketcham seconded by Councilman Cambareri that the minutes of the March 3, 2014 and February 26, 2014 meetings as presented are approved. All in favor: Howell, Ketcham, Volpe, Sutherland, Cambareri; carried.

CORRESPONDENCE:

1. Supervisor's report for 2/2014
2. Assessment disclosure from Assessor Ketcham
3. Public hearing notice from V/O Otisville re: zoning variance on 18 State St.
4. Complaint re: 67 Whitlock Road
5. Highway Dept. bid opening minutes from 3/13/14 re: dumpster service
6. Four letters of interest for the school committee
7. Shared services agreement with the V/O Otisville re: dog control officer
8. Copy of the standard work day reporting resolution

COMMITTEE REPORTS:

POLICE DEPARTMENT by Chief Rickard:

Chief Rickard requested executive session. He stated that Mr. Vreeland's letter that he presented is just a continuing effort by him to smear me and harass me. He will speak to his attorney as this is an ongoing pattern for the past 4 years. This has nothing to do with the public hearing – he wants to be sure the letter is not put into the minutes of the public hearing. Mr. Vreeland stated he had no knowledge of that until 3 days ago. He has no reason to smear him.

RESOLUTION TO ENTER INTO EXECUTIVE SESSION:

MOTION offered by Councilwoman Sutherland seconded by Councilman Cambareri to enter into executive session for a particular employee personnel issue at 7:44pm. All in favor: Howell, Ketcham, Volpe, Sutherland, Cambareri; carried.

RESOLUTION TO RECONVENE REGULAR MEETING:

MOTION offered by Councilman Howell seconded by Councilman Cambareri to reconvene regular meeting at 7:51pm. All in favor: Howell, Ketcham, Volpe, Sutherland, Cambareri; carried.

HIGHWAY DEPARTMENT by Highway Supt. Hassenmayer:

Supt. Hassenmayer stated he went to Albany on March 5. There was over 500 other people there for the same reason to lobby for more money. They met with 11 members of the assembly and 14 members of the senate. They thought it went very well. Trash days are coming. Middletown carting is the highest payer for metal charging the least for tires and freon units. Councilwoman Sutherland asked if copies of the bids were put in our boxes. Town Clerk stated yes. Councilwoman Sutherland stated she did not receive her copy. Supt. Hassenmayer stated there was some visiting at the old school. He spoke about shoveling the sidewalks. He stated that the town highway has never shoveled there unless requested to do so. They have only plowed it so police and fire can circle the school on their watch.

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HIGHWAY DEPARTMENT by Highway Supt. Hassenmayer: (CONT)

Councilwoman Sutherland stated it was probably her as she showed the building and Dominick came over to meet her there. There was some that was plowed around & she shared with Dominick that she thought the whole thing should have been plowed. She knows in the past the highway was not asked to do it. Mr. Fairweather used to take care of it - actually the plowing of the school, the historical society and the cemetery maybe. It was embarrassing that to go in there with these guys and go through snow that was up to our knees. She was surprised that the whole thing was not done. There's a great path around the whole building. The reality is if there's ever a fire, only one truck can go around that path. She had shared her concerns with Chad in hopes that it would be plowed. Supt. Hassenmayer asked if this was the board's wishes to have it plowed. If so, he needs to be let known. Councilman Cambareri added that there's only been a path around it - correct? Councilwoman Sutherland stated that Mr. Fairweather was the one who plowed it. G. Stiles asked who else on the board knew the building was being shown. Councilwoman Sutherland stated they all knew and were invited. Supervisor Volpe stated he had planning board interviews.

VILLAGE OF OTISVILLE by Trustee Melton:

Trustee Melton stated that a town rep at a couple meetings ago was asked by the Otisville fire chief for it to be plowed in case of emergency, so it's not the first time.

HIDDEN VALLEY by Councilman Ketcham: No report.

PLANNING BOARD Councilman Ketcham: There is a meeting on Wednesday night.

MOUNT HOPE FIRE:

Mr. Melton stated they went out on an alarm. There were 11 calls and they are in the process of acquiring another apparatus. Things are going well.

SCHOOL COMMITTEE:

Supervisor Volpe stated he has received 9 letters so far. He would like to wait until there are 12. Councilman Cambareri stated that there is a meeting in 2 weeks and we should leave it open until the next meeting - board agreed.

PLANNING BOARD VACANCY:

Supervisor Volpe stated that he would like to appoint Michael Taylor to the planning board. Councilwoman Sutherland asked if there was information on him to review before we vote. Councilman Cambareri added that they each submitted a letter of interest. They interviewed everyone last Saturday. There were 3 people. All had interest in helping the town. One lady also wanted to be on the school committee. Mike was the only one who knew about planning and zoning. He had a little more knowledge.

RESOLUTION TO APPOINT NEW PLANNING BOARD MEMBER:

MOTION offered by Councilman Howell seconded by Councilman Cambareri to appoint Michael Taylor to the planning board vacancy created by Tom Gilmore. Term to expire January 2017. All in favor; Howell, Ketcham, Volpe, Cambareri. Abstain - Sutherland. Carried.

PEACE POLE:

Supervisor Volpe stated the board received information 2 weeks ago about the peace pole. He is looking for board comments. Councilman Cambareri stated the board received all the information. The Rotary puts it up and maintains it. Supervisor Volpe stated since he is on the Rotary board he will not vote on this.

RESOLUTION TO APPROVE THE PEACE POLE:

MOTION offered by Councilman Cambareri seconded by Councilman Howell to allow the Rotary to install the Peace Pole and Dean will pick the location. All in favor; Howell, Ketcham, Sutherland, Cambareri. Abstain - Volpe. Carried.

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SHARED SERVICES AGREEMENT – DOG CONTROL OFFICER:

Per Supervisor Volpe, board members received copies of the shared services agreement for the dog control officer in their boxes. He would like permission to sign the contract.

RESOLUTION TO AUTHORIZE TOWN SUPERVISOR TO SIGN SHARED SERVICES AGREEMENT:

MOTION offered by Councilman Howell seconded by Councilman Cambareri to authorize the supervisor to sign the shared municipal agreement with the Village of Otisville for the dog control officer. All in favor; Howell, Ketcham, Volpe, Sutherland, Cambareri: carried. (Copy on file in Town Clerk's office)

RESOLUTION TO APPROVE SUPERVISOR'S REPORT:

MOTION offered by Councilman Cambareri seconded by Councilman Howell to approve the February 2014 supervisor's report as presented. All in favor; Howell, Ketcham, Volpe, Sutherland, Cambareri: carried.

RESOLUTION FOR THE STANDARD WORK DAY AND REPORTING:

Be it resolved, That the Town of Mount Hope/Location code 30364 hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the timekeeping system records or the record of activities maintained and submitted by these officials to the clerk of this body: Highway Superintendent, Town Clerk, 2 Justices for 6 hours per day (copy at end of these minutes). All in favor; Howell, Ketcham, Volpe, Sutherland, Cambareri: carried.

RESOLUTION TO SURPLUS COURT COMPUTER:

MOTION offered by Councilman Cambareri seconded by Councilman Howell to surplus and retain for future use the extra court computer. All in favor; Howell, Ketcham, Volpe, Sutherland, Cambareri: carried.

RESOLUTION TO ADOPT LOCAL LAW #1-2014 AMENDING LOCAL LAW #1 OF 1982 REGARDING THE REGULATION OF TRASH COLLECTION FEES:

MOTION offered by Councilman Cambareri seconded by Councilman Ketcham to adopt Local Law #1-2014 AMENDING LOCAL LAW #1 OF 1982 REGARDING THE REGULATION OF TRASH COLLECTION FEES as presented – copy at end of these minutes. All in favor; Howell, Ketcham, Volpe, Sutherland, Cambareri: carried.

LOCAL LAW #2-2014 ESTABLISHING DISCIPLINARY PROCEDURES FOR THE POLICE DEPARTMENT OF THE TOWN OF MOUNT HOPE:

Supervisor Volpe stated his opinion is to follow the advice of the attorney and table this and welcome comment until the next meeting.

RESOLUTION TO TABLE THE ADOPTION OF LOCAL LAW #2-2014 ESTABLISHING DISCIPLINARY PROCEDURES FOR THE POLICE DEPARTMENT OF THE TOWN OF MOUNT HOPE:

MOTION offered by Councilman Cambareri seconded by Councilman Howell to table the adoption of Local Law #2-2014 and accept written comment until the next meeting. All in favor; Howell, Ketcham, Volpe, Sutherland, Cambareri: carried.

LOCAL LAW #3-2014 OPTING OUT OF SECTION 487 OF THE REAL PROPERTY TAX LAW OF THE STATE OF NEW YORK:

Supervisor Volpe stated that this local law shouldn't happen. There is enough opposition and the purpose of the public hearing is to listen to the public. His opinion is Local Law #3-2014 needs more research. Councilman Cambareri asked rather than delete totally would you rather table for a couple weeks to find out more facts? We need more information from Dennis and from the state assessor association. Supervisor Volpe stated that the local law can be proposed at any time.

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LOCAL LAW #3-2014 OPTING OUT OF SECTION 487 OF THE REAL PROPERTY TAX LAW OF THE STATE OF NEW YORK: (CONT.):

Attorney Bavoso stated that if you decide not to adopt, you can always introduce the law again. Councilwoman Sutherland stated why not promote....Councilman Cambareri stated he wanted to be sure that right now we are not taxing these people that have these things in their yards. And if we opt out, know that we don't have to tax them on it. He asked Mrs. Pierson if she received a rebate/tax credit? J. Pierson stated when they bought it, they did – couple years ago. Councilman Cambareri stated we want to make sure we don't have to start taxing you for it.

RESOLUTION TO NOT ADOPT LOCAL LAW #3-2014 OPTING OUT OF SECTION 487 OF THE REAL PROPERTY TAX LAW OF THE STATE OF NEW YORK:

MOTION offered by Councilwoman Sutherland seconded by Councilman Howell to NOT adopt Local Law #3-2014. All in favor; Howell, Ketcham, Volpe, Sutherland, Cambareri; carried.

LOCAL LAW #4-2014 AMENDING 9.1.4 OF THE ZONING LAW AND ADDING 9.1.5 AND 11.1.3 TO THE ZONING LAW:

Councilman Cambareri stated before they vote they should explain what the rules are and why this law was written. He stated the reason this law is proposed is to give the town board the authority to appoint all the lawyers is because there is actually a gray area. State law says that the planning & zoning boards have the right to appoint their own attorney being provided there is a line for attorneys' fees. The last four years that we've looked back, the town board has appointed all those attorneys by the recommendation of the planning board. They have never actually appointed them – themselves. They have made the recommendation and the town board did it through their appointment list. There is no line item in their budget for attorneys' fees so technically they can't appoint a lawyer. This law will clear it up so the town has the authority to appoint all the attorneys. It doesn't mean they necessarily have to appoint one attorney. They could appoint 3 different attorneys. It gives the board that right to make that decision. When the attorneys were chosen this time, we interviewed 5 different attorneys firms. We felt by buying firm to all 3 things because they had attorneys that did all three phases of the town, that we negotiated a better price. Presently we have no contract with Mr. Kelson. He works strictly on hourly basis. When we made the decision through the town board appointments at the 1st meeting, at the point we appointed Mr. Bavoso, we actually appointed an attorney to all 3 boards. So we have 2 attorneys doing the same thing. Mr. Bavoso's firm is on retainer. They cover everything for the town board, zoning and planning boards under the retainer. They only time they actually bill us is we go to litigation outside of county court. This doesn't give the board the right to appoint one attorney. They could appoint as many as they want but it leaves the decision process up to the town board. If the other boards want to make recommendations, they can do so. Councilman Ketcham asked then why are we voting? Councilman Cambareri stated because it wasn't specifically stated, the planning board picked their own attorney. We had already appointed an attorney, all of us, but the planning board thought they had the right to hire their own, so they appointed their own. Now we have 2 attorneys representing one board. One is under contract and one isn't. Councilman Ketcham stated we can keep both. Councilman Cambareri asked why would we pay 2 attorneys to be at 1 meeting? Councilman Ketcham stated the planning board wants their attorney.

RESOLUTION TO ADOPT LOCAL LAW #4-2014 AMENDING 9.1.4 OF THE ZONING LAW AND ADDING 9.1.5 AND 11.1.3 TO THE ZONING LAW:

MOTION offered by Councilman Cambareri seconded by Councilman Howell to adopt LOCAL LAW #4-2014 AMENDING 9.1.4 OF THE ZONING LAW AND ADDING 9.1.5 AND 11.1.3 TO THE ZONING LAW, (copy at end of these minutes.) All in favor: Howell, Volpe, Cambareri. Opposed: Ketcham, Sutherland. Carried. (Councilwoman Sutherland stated that she is opposed because it is her understanding that this clearly opens the town up to a lawsuit. She is not sure how many lawsuits the town can deal with right now.)

TRASH BIDS:

Supt. Hassenmayer read the bid results into the minutes. (Copy attached at end of these minutes.)

WORKSHOP MEETING, TOWN OF MOUNT HOPE, MARCH 17, 2014
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RESOLUTION TO ACCEPT TRASH BIDS:

MOTION offered by Councilman Cambareri seconded by Councilman Howell to accept the bids for the Spring & Fall town clean up as follows:

Middletown Carting for mixed metals at no charge/pull, will pay Town \$170/ton, 2-40yd cont. on site at all times - car tires at \$150/ton, lg. truck tires \$10 ea./extra, loader and construction tires \$100 each/extra – Freon units delivered to Middletown Auto Wreckers for \$7.50/unit; **AND Marangi Disposal** for C&D - 30 yd. haul rate \$124.50 and \$79.50/ton, 6 boxes on site. All in favor: Howell, Ketcham, Volpe, Sutherland, Cambareri; carried.

RESOLUTION TO AUDIT THE CLAIMS:

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

GENERAL A:	#148-179	\$102,105.75
GENERAL B:	#19-24	\$ 8,930.78
HIGHWAY:	#33-43	\$ 68,861.11
SEWER:	#24-29	\$ 2,809.81.

All in favor: Howell, Ketcham, Volpe, Sutherland, Cambareri; carried.

PUBLIC PARTICIPATION:

M. Maurizzio asked Councilwoman Sutherland why she feels that the changing of attorney, eliminating Mr. Kelson, would present a possible lawsuit to the town? She would also like to hear Mr. Bavoso's comment to what she says. Councilwoman Sutherland stated that when interviews were being held for town attorneys, she was not included in that process. She had to call the attorneys who were interviewed, read up on them and their resumes. She called Mr. Bavoso. She spoke with David. It's not that she doesn't have confidence in Mr. Bavoso, her understanding is that this opens us up to a lawsuit; potential for quite a lawsuit. M. Maurizzio asked where she heard this. Councilwoman Sutherland stated from an attorney friend in Warwick. She is hesitant in moving forward with something like this because the potential is there. M. Maurizzio asked why they felt that way. Councilwoman Sutherland stated yes they had notes, it was a phone conversation. Their reason is there are laws out there that state there are rules and over-rules stating that this is not legal. She voted no to this because her concern is that it's going to open us up to a lawsuit. Attorney Bavoso stated that they prepared the local law; 271 of the town law is the state law that provides that the planning boards can select their own consultants. That can be changed by local law. Since this is a particular situation which affects us because we are contracted with the town, we generally look to get a 2nd opinion other than our own. They consulted with the attorney with the Assoc. of Towns of NYS and they agreed with their opinion that this local law would be effective except in the case if the town had previously contracted with the attorney selected by the planning board. His understanding is there is no contract with that attorney. If there was a previous contract with that attorney, he would say to the town board that they should continue the services with that attorney because there was an existing contract until the end of this year then consider this again for year next year. Since there is no contract – the town board never hired that attorney through a contract to pay that attorney. We believe that this local law would go in effect as soon as it is filed with the state of NY, the secretary of state. M. Maurizzio asked is this your legal opinion that the town board does not open itself up to a lawsuit. Attorney Bavoso stated his experience is his advice to the board that this is a proper action for them to take. He can never say whether or not they can be sued. We believe that if sued, the town board would be successful in supporting this. E. Fairweather: if an issue goes beyond the county court, you would bill the town? Attorney Bavoso stated under their contract, they would. J. Musial asked who voted for Mr. Bavoso's firm when the contract came up for vote? Councilwoman Sutherland stated we all did. But, her understanding when we did that that it was not for the planning board. It was her understanding of the law that only the planning board can appoint their own attorney. Attorney Bavoso stated that the contract says all boards and agencies. Supervisor Volpe added that it actually got tabled the 1st time because Janet requested a contract. P. Barth asked if Mr. Kelson has been paid so far this year. Supervisor Volpe stated he hasn't done anything yet.

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PUBLIC PARTICIPATION: CONT.

M. Maurizio asked why Mrs. Sutherland was not included in the interviews? Supervisor Volpe stated that a lot of the interview process was done before we were in office. There were some calls made and some meetings that some people weren't called. They had 1 meeting that Gary was there and not Janet. Councilwoman Sutherland added that was the interview for the engineer in the blizzard and she thought the meeting was cancelled. She was not included in the interview with the attorney & neither was Gary. K. Coppola asked if the planning board chairman was aware that they had no line item in the budget to pay the lawyer? Supervisor Volpe stated there's no attorney line in their budget. K. Coppola stated everybody on planning board should be aware of that. Supervisor Volpe stated I hope so. J. Musial stated thank you. In the past when the board met and met with people talking against things that they were voting for, the people weren't heard. Tonight, on the one law you did hear the people and I appreciate it. J. Kowalczyk asked for clarification of numbers. \$16,864.00, \$22,003.00, \$11,076.00 totaling \$49,925.00. Is this what the Mount Hope Fire Co. owes the town? Supervisor Volpe stated he was advised to look at that when I got into office. Vouchers were pulled from 2013 & compared them to the contract and realized that they were over paid \$49,000.00. The middle of January a bill was sent return receipt and it was signed for and until this point has not received anything back. J. Kowalczyk asked if this isn't paid before the next contract, will this be taken off the top of the contract for next year? Supervisor Volpe stated he would like to meet with Mount Hope & obviously it wasn't Mount Hope's billing it was the town board paying money they didn't need to pay. All paid before January 1st. L. Dodd stated as of this time, he has not had a chance to sit down with any of the town board. He just got a registered letter. C. Brennan asked what happened with the article 78, is there a district? Supervisor Volpe stated the Mount Hope Fire District won the case and the article 78 was dismissed. MHFD won the case – the MH town board lost. Councilman Cambareri stated it wasn't the town board that lost, it was the 2 people from the public that lost the case. There is both a company and a district. J. Kowalczyk stated there is a petition going around. Just there was for the school. He spoke about a referendum. Let the community say what they want. T. Kraese stated that it's been 2 months since the meeting when the MHFC said they wanted to talk to you. Why hasn't this happened? Supervisor Volpe stated he waited and called a couple of times. He has spoken to Mr. Doty. He has also called Mr. Dodd. He has his secretary there to document that he made the calls. He spoke to Mr. Doty both times & Mr. Dodd he got his voice mail. R. Vreeland asked about the workmen's comp. being paid through the town and due to be reimbursed to the town. Supervisor Volpe stated that was his understanding. T. Kraese asked when they will meet. L. Dodd stated they were involved with litigation. He would like to sit down with the town board. There is a board of fire commissioners that have to agree and sit down also and be represented there. The Town of Mount Hope fire company is a corporation owned by its members. No money has been switched over to the MH fire district. Not knowing how the lawsuit was going to go, we opted not to make that move. Now that lawsuit is behind us; now there is a petition so I don't know. I would like to sit with the town board. Other members would like to sit also. Attorney Bavoso stated he doesn't know the facts of the case and there is a difference between a company and a district. The company fights fires. The district can own property and apparatus. He has not seen documentation otherwise. K. Coppola stated that 1 of the members before stated they were in process of obtaining another piece of apparatus and they owe the town money. How do they get away. Supervisor Volpe stated he hasn't met with them; he doesn't know. K. Coppola asked why Mr. Ketcham and Mrs. Sutherland would sign to pay that money when that is illegal? Councilwoman Sutherland stated now that it's out – the lawsuit that they were told was not winnable - we won or lost depending on how you say it. She was unaware of this. M. Coppola asked what the town of Mount Hope paid to the fire company? \$313,000.00? And this was \$49,000.00 above that? Supervisor Volpe stated he wasn't prepared to talk about this tonight. T. Kraese stated regardless of lawsuit, you should have still talked.

WORKSHOP MEETING, TOWN OF MOUNT HOPE, MARCH 17, 2014
www.townofmounthope.org

BOARD COMMENTS:

Councilman Howell stated that at the last meeting he asked about the water service extension from the town park to the 4H project. He was in contact with Mr. DeWinter. Last year Mr. DeWinter did testing as requested by the previous board/supervisor. There were water tests done to measure the flow and pressure of the water at the last metrical point of the water line currently. That's the only progress made.

Councilman Howell spoke re: town selling fuel to other agencies. There is a contract agreement. The village of Otisville has an agreement to buy from us. We also sell fuel to the Mount Hope fire company. He thinks there should be a contract with them as well. L. Dodd stated they do have a contract. They get a bill and they pay the bill. Per Supt. Hassenmayer they get billed monthly and they are paid up. To Mr. Dodd - the contract with the village is simple/one page. They pay .20 cents over what we buy for to help offset our operating costs. There's some other legal terms about - he will get him a copy.

Councilman Cambareri asked Dean about the stuff cleaned out of the pool area - did that go to the landfill? Supt. Hassenmayer stated the dumpster left today. Councilman Cambareri stated a lot of cleaning was done in the basement here and in the pool area. He asked if there was scrap iron? Supt. Hassenmayer stated no that he thought after the bids were awarded he would contact the vendors. He would have Middletown Carting set their 1st dumpster here. The contract states that the dumpster has to be here 3 days before the clean up begins. Councilman Cambareri stated that the highway guys have done a ton of work for the town between the painting, ceiling tiles and the work here. Thank the guys. They did a great job.

RESOLUTION FOR ADJOURNMENT:

MOTION offered by Councilman Ketcham seconded by Councilman Howell to adjourn the meeting at 8:43pm. All in favor: Howell, Ketcham, Volpe, Sutherland, Cambareri; carried.

The next meeting is scheduled for April 7, 2014 at 7:30pm at the town hall meeting room.

Respectfully submitted,

Kathleen A. Myers
Town Clerk



Office of the New York State Comptroller
New York State and Local Retirement System
Employees' Retirement System
Police and Fire Retirement System
110 State Street, Albany, New York 12244-0001

Standard Work Day and Reporting Resolution

RS 2417-A

(12/10)

BE IT RESOLVED, that the Town of Mount Hope / Location code 30364 hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the time keeping system records or the record of activities maintained and submitted by these officials to the clerk of this body:

Title	Name	Social Security Number (Last 4 digits)	Registration Number	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)	Tier 1 (Check only if member is in Tier 1)	Not Submitted (Check box if no record of activities completed or timekeeping system)
Elected Officials									
Highway Supt.	Dean Hassenmayer	7872	38768065	6	1-1-14 thru 12-31-15	Y	37.17		
Town Clerk	Kathleen Myers	1179	38679361	6	1-1-14 thru 12-31-15	Y	40.89		
Justice	Joe Hosking	8654	34817882	6	1-1-14 thru 12-31-15	Y	5.47		
Justice	John Goldsmith	9445	39834569	6	1-1-14 thru 12-31-14	Y	2.48		
Appointed Officials									
Assessor	Dennis Bachman	8302	37723012	6	10-1-13 - 9-30-19	Y	10.50		

If additional rows are needed, please use form RS2417-B and attach.

On this 17th day of March, 20 14 Kathleen A. Myers Date enacted: March 17, 2014

(Signature of clerk)

(Name of Employer)

I, Kathleen A. Myers, clerk of the governing board of the Town of Mount Hope, of the State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such board, at a legally convened meeting held on the 17th day of March, 2014 on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

I further certify that the full board, consists of 5 members, and that 5 of such members were present at such meeting and that 5 of such members voted in favor of the above resolution.

IN WITNESS WHEREOF, I have hereunto Set my hand and the seal of the Town of Mount Hope

(Name of Employer)

This document consists of _____ page(s) (see additional RS2417-B forms attached).

(seal)

LOCAL LAW #1 OF 2014

A LOCAL LAW AMENDING LOCAL LAW #1 OF 1982 REGARDING THE
REGULATION OF TRASH COLLECTION FEES IN

THE TOWN OF MOUNT HOPE

1. Purpose. The purpose of this local law is to allow the Town of Mount Hope to change refuse and trash collection fees by resolution instead of requiring a local law.
2. Legislation.

Section 9 of Local Law #1 of 1982 shall be amended to state the following:

“Section 9. The Town Board of the Town of Mount Hope is hereby empowered to fix and regulate the maximum fees charged to Town residents for garbage collection by commercial garbage collectors within the Town. Set fees shall be established by resolution of the Town Board and may be modified on 30 days written notice to the licensed collectors within the Town.”

PLEASE TAKE NOTICE TO THE EXTENT THAT THIS LOCAL LAW MAY CONFLICT WITH APPLICABLE PORTIONS OF THE TOWN LAW OF THE STATE OF NEW YORK, IT IS THE STATED INTENTION OF THE TOWN TO EXERCISE ITS AUTHORITY TO SUPERSEDE AND AMEND, AS GRANTED UNDER THE MUNICIPAL HOME RULE LAW OF THE STATE OF NEW YORK, SECTION 10. THE TOWN HEREBY PROVIDES NOTICE THAT IT IS EXERCISING ITS AUTHORITY TO SUPERSEDE AND AMEND PURSUANT TO MUNICIPAL HOME RULE LAW OF THE STATE OF NEW YORK SECTION 22.

LOCAL LAW #4 OF 2014
A LOCAL LAW AMENDING §9.1.4 OF THE ZONING LAW
AND ADDING §9.1.5 AND §11.1.3 TO THE ZONING LAW
OF THE TOWN OF MOUNT HOPE

1. Purpose. The purpose of this local law is to allow the Town Board of the Town of Mount Hope to appoint an attorney or attorneys for the purpose of representing the Town of Mount Hope Planning Board and the Town of Mount Hope Zoning Board of Appeals.

2. Legislation.

(A) §9.1.4 of the Zoning Law of the Town of Mount Hope shall be amended in order to remove the word “attorney”.

(B) The following language shall be added to Article 9, Section 1 of the Zoning Law of the Town of Mount Hope as §9.1.5:

“§9.1.5. The Town Board of the Town of Mount Hope shall be responsible for appointing an attorney or attorneys to represent the Planning Board and to make all appropriations necessary for the attorney.”

(C) The following language shall be added to Article 11, Section 1 of the Zoning Law of the Town of Mount Hope as §11.1.3:

“§9.1.5. The Town Board of the Town of Mount Hope shall be responsible for appointing an attorney or attorneys to represent the Zoning Board of Appeals and to make all appropriations necessary for the attorney or attorneys.”

PLEASE TAKE NOTICE TO THE EXTENT THAT THIS LOCAL LAW MAY CONFLICT WITH APPLICABLE PORTIONS OF THE TOWN LAW OF THE STATE OF NEW YORK, IT IS THE STATED INTENTION OF THE TOWN TO EXERCISE ITS AUTHORITY TO SUPERSEDE AND AMEND, AS GRANTED UNDER THE MUNICIPAL HOME RULE LAW OF THE STATE OF NEW YORK, SECTION 10. THE TOWN HEREBY PROVIDES NOTICE THAT IT IS EXERCISING ITS AUTHORITY TO SUPERSEDE AND AMEND PURSUANT TO MUNICIPAL HOME RULE LAW OF THE STATE OF NEW YORK SECTION 22.

HIGHWAY DEPARTMENT BID OPENING

MARCH 13, 2014

ROLL OFF DUMPSTER SERVICE 10:00AM

PRESENT: Highway Supt. Dean Hassenmayer, Town Clerk Kathleen Myers, Michael DiMase - Marangi

Bids opened at 10:00am. Only three were received. 5 bid specs were requested (Marangi, Interstate, Middletown Carting, Taylor Recycling, M&D).

Bids received were:

MARANGI: PO Box 495 Valley Cottage NY 10989

30 yd. C&D dumpster \$124.50/haul & \$79.50/ton; 6 boxes on site.

40 yd. Mixed Metals \$124.50/haul & \$90/ton by check or off invoice

INTERSTATE WASTE SERVICES: 89 Black Meadow Road, Chester, NY 10918

No bids on tires, Freon or mixed metals

30 yd. containers \$185/haul & \$85/ton

MIDDLETOWN CARTING: 83-85 Industrial Place Ext. Middletown NY 10940

30 yd. containers for C&D debris, \$165/pull, \$80/ton, 6-30 yd. cont. on site at all times

40 yd. containers for mixed metals, no trucking charges, will pay town \$170/ton, 2-40yd. cont. on site at all times

30 yd. cont. for tires, no charge for trucking, car tires = \$150/ton, lg. truck tires \$10 ea. extra, loader/large farm equipment tires @ \$100 ea. extra, weights adjusted accordingly; Freon units delivered to Middletown Auto Wreckers @ \$7.50 each.

Bids closed at 10:10 am.

Respectfully submitted,

Kathleen A. Myers, Town Clerk