

REGULAR MEETING, TOWN OF MOUNT HOPE, MARCH 3, 2014
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The **regular meeting** of the Town Board of the Town of Mount Hope was held at Town Hall on **March 3, 2014** at 7:30pm with the following present:

Supervisor Chad Volpe, Councilman Matthew Howell, Councilman Gary Ketcham, Councilwoman Janet Sutherland, Councilman Dominick Cambareri & Town Clerk Kathleen Myers

OFFICIALS PRESENT: D. Hassenmayer - Highway Supt., Police Chief P. Rickard, D. Bavoso & B. Bavoso – Town Attorneys.

Following the Pledge of Allegiance, Supervisor Volpe called the meeting to order at 7:30pm. He asked everyone to silence or turn off their cell phones.

CORRESPONDENCE:

1. Building Inspectors Report Feb. 2014
2. Information re: Frontier Phone rates
3. Highway bid opening minutes from March 3, 2014
4. Info packet re: Peace Pole
5. Proposed Local Law #4-2014
6. Assessor office request to surplus equipment

COMMITTEE REPORTS:

POLICE DEPARTMENT by Chief Rickard:

No report.

HIGHWAY DEPARTMENT by Supt. Hassenmayer:

Supt. Hassenmayer spoke on the bid opening for the wood chipper. Three bids were received: Newtown Power Equipment (4 areas where they did not meet the specs), ALTEC, and Westchester Tractor. He suggests Westchester Tractor for \$30,401.10. Altec was \$32,250.00 and Newtown Power Equip. was \$30,092.13. (Bid minutes at end of these minutes)

VILLAGE OF OTISVILLE:

No report.

HIDDEN VALLEY:

No report.

PLANNING BOARD:

Councilman Ketcham stated there has been no meeting since our last meeting.

MOUNT HOPE FIRE by Chief Doty:

Chief Doty reported there is nothing new with the calls. They were awarded a two-part grant. They will get \$14,000 this year and \$14,000 next year to be used towards bail-out system. It's for interior firefighters to bail out of a building if they need to. It should be up and running by the beginning of May. That includes all the training, harnesses and bail out system. Supervisor Volpe congratulated Chief Doty.

SCHOOL COMMITTEE:

Supervisor Volpe stated that it is his recommendation that the board get a letter of intent or stop by the Town if you are interested in being on the school committee. He would like to keep it limited to 12 people at the most. He would hope to have enough interest by the next meeting to be able to say who is on the committee.

PLANNING BOARD MEMBER VACANCY:

Supervisor Volpe stated that he received 3 letters from people interested in the planning board vacancy. He hopes to have a name ready for the next meeting. Councilwoman Sutherland asked if they will be interviewed. Supervisor Volpe stated yes he would like to.

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PEACE POLE:

Supervisor Volpe noted that everyone got their Peace Pole information in their mailboxes. Kathy Hosking of the Minisink Valley Rotary spoke about the Peace Pole. The interact kids would be doing the Peace Pole. They have all the materials and they would like to put it someplace at the Town park. Mr. Bloomfield explained the specifics of the pole: PVC pole 6' out of the ground., it's a cap post like the kind for the vinyl fence. Each of the four sides would say "May peace prevail on earth" in each language English, German, Spanish & French. The Rotary would maintain it. Mrs. Hosking stated that there would be no cost to the Town; they just need a place to put it at the Town park. Supervisor Volpe stated he would like to have the attorney look at the information. He noted also that he is a member of the Rotary so he will not vote on this. Councilman Cambareri stated that there are pictures and diagrams of what it would look like available for viewing.

RESOLUTION TO SURPLUS ASSESSOR OFFICE EQUIPMENT:

MOTION offered by Councilman Cambareri seconded by Councilman Howell to surplus and dispose of old office equipment from the Assessor's office as follows: Hewlett Packard Deskjet 600C (sn#u55ab1covh, model # c4547a), Olympia Compact 3 Model AE-355, IBM correcting Selectric III and Brother Intellifax1270e (sn#u60302e4k836847). All in favor: Howell, Ketcham, Volpe, Sutherland, Cambareri; carried.

RESOLUTION TO SURPLUS OLD LAW BOOKS:

MOTION offered by Councilman Cambareri seconded by Councilman Howell to surplus and dispose of 1998 law books from the Supervisors office. (In good condition but the laws don't apply at this point.) All in favor: Howell, Ketcham, Volpe, Sutherland, Cambareri; carried.

STANDARD WORK DAY:

Supervisor Volpe stated he will table this until next time. He received a letter from Orange County Civil Service that all elected and appointed officials need to have either a 6 or 8 hour work day for full time consideration. He will check with other towns. Mr. Bavoso stated that it relates to the state retirement system. Supt. Hassenmayer stated that a few years ago a lot of employees had to keep track of their hours for a 3 month time period. Supervisor Volpe added we still do.

FRONTIER PHONE COMPANY:

Supervisor Volpe stated that Kathleen, Angie and himself met with someone from Frontier. He is looking to consolidate the phone bills so that it could be more cost effective. Everyone has in front of them a 6 month average of approx. \$1300. The proposed new amount would be approx. \$749. We can lock in for a minimum of one year or up to 3 years. This would eliminate MCI long distance and Time Warner Cable, too. We should save over \$600 a month. Councilman Cambareri agreed for 3 years, Councilman Ketcham & Councilman Howell agreed for 1 year.

RESOLUTION TO AUTHORIZE SUPERVISOR TO SIGN CONTRACT WITH FRONTIER PHONE:

MOTION offered by Councilman Cambareri seconded by Councilman Howell to authorize Supervisor Volpe to sign a one year contract with Frontier Phone. All in favor: Howell, Ketcham, Volpe, Sutherland, Cambareri; carried.

PROPOSED LOCAL LAW #4-2014 – AMENDING THE ZONING LAW TO ADD SECTION 9.1.5 AND 11.1.3:

Supervisor Volpe called for a motion to schedule a public hearing for the proposed local law #4-2014. Councilwoman Sutherland asked for a discussion on this. Supervisor Volpe explained that this would be a local law where the town board has the ability to appoint the attorneys for all departments. Councilwoman Sutherland asked for Town Clerk to read the law. Town Clerk read proposed law into record. Supervisor asked if the board wanted to move the next meeting to the senior center since there would be 4 public hearings at the next meeting. After discussion, the board agreed to move the next meeting to the senior center.

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RESOLUTION TO SET PUBLIC HEARING FOR PROPOSED LOCAL LAW #4-2014 – AMENDING THE ZONING LAW TO ADD SECTION 9.1.5 AND 11.1.3:

MOTION offered by Councilman Howell seconded by Councilman Cambareri to set public hearing for proposed Local Law #4-2014 Amending the Zoning Law to add Section 9.1.5 and 11.1.3 for March 17, 2014 at 6:45pm to be held at the Mount Hope Senior Center on Baker Street, Otisville. All in favor: Howell, Ketcham, Volpe, Sutherland, Cambareri; carried.

COURT GRANT:

Supervisor Volpe stated that the court has received a 2 part grant from the State of New York. First part is \$2,600 and the 2nd part is \$1,235, total is \$3,835. He will get more information on this for the next meeting. It can be used for resources and necessary equipment for the justice department. It is one of 474 courts receiving this funding.

TOWN HALL TIME CLOCK:

Supervisor Volpe would like to dispose of the broken time clock in the hallway so the hallway can be painted. Councilman Ketcham asked if it would be replaced. Supervisor Volpe stated we don't have any hourly employees that punch in.

RESOLUTION TO DISPOSE OF BROKEN TIME CLOCK:

MOTION offered by Councilman Howell seconded by Councilman Cambareri to dispose of broken time clock. All in favor: Howell, Ketcham, Volpe, Sutherland, Cambareri; carried.

GENERAL CODE PUBLISHERS:

Supervisor Volpe asked for a resolution to allow code publishers to meet with the town at no cost to present to us an estimate of what it would cost to have a law book done for our town. They will be in town on March 11 & 12. Mr. Bavoso stated that they send a representative to the town who scans every local law of the town as well as the zoning code. They take it to Albany and then they provide the town with a list of options as to what they can do as far as a code book goes. The initial coming and scanning is a free service and then depending on what option the town chooses would determine the payment.

RESOLUTION TO HAVE GENERAL CODE PUBLISHERS GIVE THE TOWN AN ESTIMATE FOR NEW LAW BOOKS:

MOTION offered by Councilman Cambareri seconded by Councilman Howell to allow General Code Publishing to scan our zoning book and local law books at no cost to the town so they can give an estimate for the cost of the new law book(s). All in favor: Howell, Ketcham, Volpe, Sutherland, Cambareri; carried.

RESOLUTION TO ACCEPT BID FROM WESTCHESTER TRACTOR:

MOTION offered by Councilman Cambareri seconded by Councilman Howell to accept the bid from Westchester Tractor for \$30,401.10 for a 2014 Disc Style Wood Chipper; non-collusion was included. All in favor: Howell, Ketcham, Volpe, Sutherland, Cambareri; carried.

RESOLUTION TO AUDIT THE CLAIMS:

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

GENERAL A:	#132-147	\$38,884.40
GENERAL B:	#18	\$ 3,281.99
HIGHWAY:	#28-32	\$21,541.18
SEWER:	#22-23	\$ 3,074.80.

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

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PUBLIC PARTICIPATION:

G. Wilson asked about the status of the rescind/return time table from the last board meeting with regard to the sale of the school. Mr. Bavoso explained that he needs a copy with the town seal of the resolution from the meeting last week. He then will provide that to Mr. Kelson because pursuant to that contract the down payment is being held in his escrow account. He and I will coordinate the return of the down payment and the terminated – the contract is terminated because there was a contingency clause for the referendum. I will be coordinating the return of the down payment which should happen pretty quickly.

J. Doty spoke of the school committee. He would prefer to see 8 people from the town and 4 from the village so everyone has a fair say.

M. Maurizzio asked about the public hearing for the town having a right to appoint the attorney for the zoning and planning board. She asked how the fees are assessed to the applicants going before each board. Do the town tax payers pay the attorney for the planning board and zoning board? Supervisor Volpe stated that a lot of the planning board is billed back depending on – hypothetically if you were coming to build, you would be charged from our engineer and attorney. But normally out of escrow, we would pay that and bill you. If your plan doesn't go through or you don't pay then it's the obligation of the town.

D. Loeven stated that the planning board and zoning board attorney are utilized by the board members as well and then it would be the towns' responsibility for that portion of the bill.

P. Higby asked if there was further clarification for what the uses of the court grant could be for. Councilwoman Sutherland asked if the justices would know what it can be used for. Supervisor Volpe answered that they should – they applied for it.

M. Maurizzio stated to the Supervisor that her prior comment about the attorney was on the part of the person she was talking to and that the town would have oversight on those boards.

BOARD COMMENTS:

Councilwoman Sutherland (to Supervisor Volpe) asked if this goes through then what are you looking to see happen. Supervisor stated he would like to fulfill the contract we signed at the beginning of the year. Councilwoman Sutherland added that means removing Mr. Kelson even though it was pretty clear that the planning and zoning board – planning board anyway - appoint their own attorney. Councilman Cambareri stated at a meeting on 1-24-14 we passed a resolution that was proposed by him and 2nd by Councilwoman Sutherland to approve an agreement between Bavoso, Plotsky & Onofry Esq. as the T/O Mount Hope attorney to represent the T/O Mount Hope. That description applies for in the agreement signed – now therefore pursuant to Article 20 of the town law of the State of NY and the resolution of the town board which we passed the attorney is hereby retained by the town to render such legal services as required by the town, its boards, its officers and its agencies. Said attorney shall be hired as an independent contractor. It's redundant – we already hired them to be the attorney for all the boards and for the town. This clarifies this by passing this 2nd resolution. Councilwoman Sutherland stated that during that time we had discussed how the planning board and Gary brought it to our attention, that the planning board appoints their own attorney. If that's the case then... Councilman Cambareri added that we already appointed them the attorney to the planning board and then we ran into the problem and this will resolve any conflict. Councilwoman Sutherland it wasn't a problem because it was already done. She is concerned that this opens the town up to a lawsuit. Councilman Cambareri stated we don't have a contract with Mr. Kelson so we are not violating any contractual agreement. Councilwoman Sutherland asked for either of the attorneys to explain. She stated for the record that she is against moving forward with this because of the potential of a lawsuit. Attorney B. Bavoso explained that the provision that permits the planning board to appoint its own attorney is a part of state law - part of the town law of the State of New York. That can be superseded by a more local law and that is what is being proposed here that instead of allowing the planning board to make that appointment this would make the appointment with the town board. And the same for the zoning board although the state law is not as specific as it is with the planning board appointment. But a local law can supersede that state law on this particular subject matter. Councilwoman Sutherland asked if it could still open us up for a lawsuit. Attorney Bavoso stated it could – but anybody could bring a lawsuit.

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CONTINUED FROM BOARD COMMENTS:

D. Tripken asked for clarification. Attorney Bavoso stated that they work for T/O Wawayanda, Greenville, Deerpark, C/O Port Jervis and T/O Mount Hope. In Wawayanda we are attorney for Pl. Bd, ZBA and Code Enforcement Officer. In Greenville we represent all boards and agencies. Same for Deerpark. In Mount Hope right now we thought we were representing all boards and agencies – we'll see how it goes. In Port Jervis, he represents everyone but the ZBA and Pl. Bd. It's up to the governing board of the town in each municipality as to what they want to do with representation of the various board and agencies. D. Tripken was there a reason why they decided...Attorney stated that it's due to workload, scheduling. Councilman Cambareri added that it gives a better opportunity to negotiate price of contracts rather than 3 different lawyers and 3 different prices.

RESOLUTION TO ADJOURN:

MOTION offered by Councilman Ketcham seconded by Councilman Howell to adjourn the meeting at 8:04pm. All in favor: Howell, Ketcham, Volpe, Sutherland, Cambareri; carried.

The next meeting is scheduled for March 17, 2014 at 7:30pm.

Respectfully submitted,

Kathleen Myers
Town Clerk

HIGHWAY DEPARTMENT BID OPENING

MARCH 3, 2014

2014 DISC STYLE WOOD CHIPPER

10:00AM

PRESENT: Highway Supt. Dean Hassenmayer, Town Clerk Kathleen Myers, Deputy Town Clerk Amy Hassenmayer, Jeff Underhill (Westchester Tractor)

Bids opened at 10:00am. Only three were received. Two bid specs were requested to be faxed.

Bids received were:

Westchester Tractor Bid amount: \$30,401.10 / Non-collusion included

60 International Blvd.

Brewster, NY 10509

ALTEC Bid amount: \$32,250.00 / Non-collusion included

1550 Aerial Avenue

Creedmoor, NC 27522

Newtown Power Equipment Bid amount: \$30,092.13 / non-collusion NOT included

151 Mount Pleasant Road

Newtown, CT 06470

Bids closed at 10:15am.

Respectfully submitted,

Kathleen A. Myers, Town Clerk