

July 10th, 2008

The regular meeting of the Town Board was held at the Town Hall on Thursday, July 10th, 2008 with the following members present: Daniel Pemrick, Peter Coseo, Thomas Kinsella and Daniel Cochran, Councilman. Richard Rowland, Supervisor was absent. Also present was Town Counsel Mark Schachner, Highway Supt. Walter Barss, one reporter and 5 residents.

The Board met as a Board of Health at 7:20 PM the discuss the following unsafe buildings.

Unsafe Building – 4000 Route 9N – Chwaz – Mr. Chwaz was not present. Pemrick, C. reviewed the report from the Code Enforcement Officer who felt that although the property was considerably cleaner, it was his opinion that the building was still unsafe and continues to constitute a serious health and safety risk. He indicated that the building had been partially secured and that there were still 7 vehicles on site. Pemrick, C. noted that he had a chance to stop by the site and it was considerably better than last month. He did not see the vehicles unless they were behind the building. The side of the building toward the caboose was all cleaned up. The building itself was still full of stuff. Kinsella, C. agreed that a lot of work had been done over the past month, however he would still like to see the engineers report that the Board has requested. He was concerned about the soundness of the building, in particular the unsupported block wall. Cochran, C. suggested that the Board send a letter requesting that Mr. Chwaz be present at the next meeting and that he must have the engineer's report completed at that time. In addition, the Board would like to see him continue to work on the clean up of the building.

Unsafe Building – 40 Mill Street - Thibodeau/Hoffman – Mr. Hoffman was not present. Pemrick, C. reviewed the report from the Code Enforcement Officer. The mobile home is being dismantled and approximately 45% of the home has been removed. There is still a large amount of junk and debris in various piles on the property. In his opinion, it still remained unsafe. Coseo, C. suggested that Mr. Hoffman also be sent a letter indicating that he must be in compliance by the next meeting and that he should be at that meeting to give the Board a report as to the status of the property.

Unsafe Building – 12 Lake Desolation Road – Mercier – The homeowner was not present however they sent a letter indicating that it was their intent to have the work completed by August. The Code Enforcement Officer reported that some work has been done and that portions of the structure have been pushed over. He believed that it only made the condition of the structure even more unstable and extremely unsafe. Coseo, C. recommended that they be sent a letter requesting that they attend the next meeting. Kinsella, C. noted that he drives by the building everyday and has not seen a lot of progress. Cochran, C. agreed and was concerned about the lack of progress. Pemrick, C. stated that the letter should indicate that the Board is concerned about the progress.

The Board will meet as a Board of Health prior to the agenda meeting at 7:15 PM on August 7th, 2008 regarding these unsafe buildings.

At 7:30 PM the regular meeting was called to order by Pemrick, C. and opened with the pledge to the flag. On motion of Cochran, C. and seconded by Coseo, C., the minutes of 6/12/2008, 6/26/2008 and 7/3/2008 were approved as submitted by all members present.

July 10th, 2008 continued

Philip Gargan, Locust Grove Road – Mr. Gargan asked what the procedure would be when the new garage plans were put forth and questioned if there would have to be a public vote. Town Counsel advised that it would depend on how the Board decides to pay for it. If the Board decides not to bond it, they would not be required to hold a public hearing. Mr. Gargan asked if there would be public input on what was going to be done. Pemrick, C. stated that the Board needed to decide if they wanted to go out to bid and then depending on what the bids come back in at decide on how to pay for it. Town Counsel Schachner added that there was no scenario where there was a mandatory referendum. If the Town were to incur new debt to pay for the garage, then it would likely be subject to a permissive referendum. Mr. Gargan asked if the public would get to look at and know what was going to be bid on. Kinsella, C. stated that the Board had already held a public hearing on June 26th, 2008 for the purpose of obtaining input from the public. Mr. Gargan asked if that would be the only time. Coseo, C. added that everyone had an opportunity at that time and only 3 people attended. At this time, there were no other plans to hold another hearing.

New Town Garage – Kinsella, C. asked if any decision had been made regarding the size of the generator. He believed that the Electrical Engineer was going to put together loads charts to size the generator and also look into pull chains for the garage doors rather than just having them electric doors. Pemrick, C. felt that the engineer strongly recommended that a new generator be installed. Kinsella, C. stated that he was not questioning the need for the generator, just the size of it. He felt that all you would need to power would be lights, well and heating. He did not believe that they would be doing maintenance, such as running welders, etc. Highway Supt. Barss noted that during one of the big wind storms that recently came through the garage was out of power for at least 8 hours. They were able to continue working as normal with their existing generator. They were able to weld, etc. and continue to do all their maintenance on the trucks and equipment. He felt that the emergency generator should be big enough that it can do more than open the doors and operate a few emergency lights. Coseo, C. noted that the Board did not have all the specifications this evening and he did not feel that the Board could pass a resolution to go out to bid. He felt that it would have to be tabled at this time. Highway Supt. Barss added that the engineer did not feel that a 3 phase generator would be necessary. The only thing that would run on 3 phase would be the truck lift which they would not have to use during an outage. He also stated that the Fire Department was still interested in sharing a new generator with the Town. Pemrick, C. stated that this matter would be tabled until the next meeting until the rest of the information was received from the Town Engineer.

Report on Road Construction and Blacktop Prices – Highway Supt. Barss submitted a summary of the Highway Budget to date. He stated as far as the winter budget was concerned, he would like some indication from the Board as to whether or not they would be able to cover the estimated overages or if he had to stay within his budget. If that was the case, he would have to stop road construction once he completes Daniels Road. Depending on the type of Fall, it is estimated that they could be around \$100,000. short. Highway Supt. Barss also provided the Board with a list of roads to be constructed this summer. They are working on Daniels Road at the present time. Braim Road,

July 10th, 2008 continued

Ballou Road, Ormsbee Road and Frasier Road have been completed. They have already had to eliminate two roads, a little over two miles, using July asphalt prices. Asphalt prices went up just over \$5.00 per ton this past month. If the prices remain as they are right now, they will be able to complete the remainder of the roads listed with the exception of the two they eliminated. Coseo, C. asked if they expected to be done with the work by the end of July. Highway Supt. Barss stated that it would take a couple more weeks to finish up Daniels Road and then they would probably move over to Porter Corners Road, which was the next biggest road. He was not sure that they would be able to complete that road by the end of July. Asphalt prices are good for a month and they have been going up about 15% per month. Kinsella, C. asked if out of the \$680,000 in the budget if they have set aside any money to cover the winter overages. Duane Wright, Highway Dept. Clerk, stated that they have not set any money aside for the winter budget. Kinsella, C. stated that the Board would either have to give the Highway Dept. approximately \$100,000. from an additional source or another road would have to be eliminated to make up for the overage. Pemrick, C. asked what the deadline date was when they needed to know whether to drop a road or if the Board was going to find the money. Duane felt that the deadline would be when they get to Porter Corners Road. Daketown Road was in question as to whether or not they will be able to complete it. Highway Supt. Barss stated that at least a few areas of Daketown Road will have to be done this year. They are a safety concern and have to be completed this year. Kinsella, C. noted that if the Board decides that they are not going to be able to come up with the money from another source, the Highway Supt. will have to pick which road will be done, either Daketown Road or Porter Corners Road. Coseo, C. asked if there was any savings that they could make on Porter Corners Road. Highway Supt. Barss stated that the estimate was prepared using recycled asphalt. Kinsella, C. stated that he was nervous about the budget and how they were going to put together a budget for next year. Kinsella, C. felt that at the August meeting the Board should begin to discuss what parameters they want to give to the Supervisor as he begins to develop the next budget. He added that if the Board was serious about going ahead with a new garage, they already know that there is not enough money in reserve and they may want to take money from the unappropriated fund balance for that. Coseo, C. added that you may have to take out another \$100,000. to cover the winter overages for this year. In order to keep the tax levy flat, additional funds will have to be taken out of the fund balance as well. Highway Supt. Barss felt that he would finish Daniels Road and do the end of Daketown Road in order to make it safe by the end of July. Coseo, C. noted that there is going to be this same problem again next year because the roads you drop this year will have to be done and you will have to drop other roads from next years program to do them. Pemrick, C. stated that the Board still has to fit this in to the overall picture. Even if they cut back on road construction, they are still are going to be at the mercy of the weather for November and December. He suggested that the Highway Supt. just do Daketown Road and give up Porter Corners Road and get us through the rest of the year. He added that it was not an ideal situation. However, the Town has had an aggressive road program and this was a unique fiscal circumstance. Coseo, C. felt that they had to

July 10th, 2008 continued

determine which was more important, the new garage or roads. Highway Supt. Barss stated that perhaps the Board could consider bonding the garage. He did not know of any other Town that has built a new garage of this magnitude without bonding. Duane Wright wondered why the Board would want to use the reserve fund. If you look at the inflation rate which is 10% or 15% and you look at the bond rate which is 3.8%, he wondered why you would want to use the money that was earning interest when bond rates were so cheap. He added that if you pay it back over 10 years it would cost about \$70,000. per year and you would still have the money in the bank. Pemrick, C. stated that the Board has to look out for everybody's best interest and has to take everything into consideration. He added that the fund balance has been used in the past several years to keep taxes level and it continues to go down. The Board needs to look out 2 or 3 years in the future.

Al Hillmeyer, Lake Desolation – It was his understanding that the Highway Supt. had enough money in the budget to do the roads that were mentioned and asked if that was correct. Pemrick, C. stated that he did not have sufficient funds. Coseo, C. added that if the Board is not able to give him any more money, then he is looking at roads to cut. Mr. Hillmeyer stated that as far as the new garage goes, there are a lot of people out there who want to dump a lot of the buildings that they have on hand. The Board would be able to wheel and deal more on the new building than they could on the road system. Pemrick, C. stated that would be something to look at when it comes time to consider bids. The Board has postponed advertising for bids until a later meeting.

Zoning Advisory Committee – Cochran, C. stated that he was looking to schedule the first meeting to be held in the next week or two. He will have further information for the next meeting. He will speak with the other interested applicant regarding a possible appointment for the next meeting.

Eagle Scout Project – Coseo, C. believed that the Board was going to have to table any action at this time. There is a question as to who owns the Dake Cemetery and if it is not owned by the Town, an eagle scout project can not be done on private property. The scout is going to do more research and will get back to the Board if he wishes to proceed.

Review of Court Records – Coseo, C. noted that the Town has been advised that the Board needed to take a more active role in the examination of court records. Former Town Supervisor Al Janik sent a letter to the Unified Court System indicating that the Board would be more diligent in the future to adhering to Section 2019-a of the Uniform Justice Court Act. Town Clerk provided Board members with a copy of both letters. Coseo, C. will do some research regarding Section 2019 and perhaps call the Director of Internal Audit to see if he has anything specific that the Town Board should follow. Coseo, C. will provide more information to the Board at the next meeting.

RESOLUTION # 108 – Transfer of Funds

Motion: Cochran, C.

Seconded: Coseo, C.

RESOLVED, That the Supervisor be authorized to make the following transfer of funds:

July 10th, 2008 continued

\$16.00 From A4540.4 to A1910.4
\$4,860.46 From DA5130.4 to DA5120.4

VOTE: Ayes: Pemrick, Coseo, Kinsella, Cochran

Noes: None Absent: Rowland

On motion of Coseo, C. and seconded by Kinsella, C., the Board adjourned to Executive Session at 8:05 PM to discuss pending litigation. Town Clerk was not present for session. No minutes were filed. On motion of Kinsella, C. and seconded by Coseo, C., the Board returned to regular session at 8:12 PM.

RESOLUTION # 109 – Authorize Expenditure for Appraisal

Motion: Coseo, C.

Seconded: Cochran, C.

RESOLVED, That the Town Board hereby authorizes the expenditure of \$1,100., the Towns' share of an appraisal to be completed for the VanPelt Article 7 Proceeding.

VOTE: Ayes: Pemrick, Coseo, Kinsella, Cochran

Noes: None Absent: Rowland

Monthly reports were submitted by Town Justice Varley (May), Town Justice Hopkins (June), Dog Control Officer, UDAG Revolving Loan Fund, Building Department, Highway Supt., Town Clerk and Supervisor.

RESOLUTION # 110 – General Bills

Motion: Kinsella, C.

Seconded: Coseo, C.

RESOLVED, That General Bills #402 to #474 in the amount of \$33,104.54 be paid, subject to audit.

VOTE: Ayes: Pemrick, Coseo, Kinsella, Cochran

Noes: None Absent: Rowland

RESOLUTION # 111 – Highway Bills

Motion: Kinsella, C.

Seconded: Cochran, C.

RESOLVED, That Highway Bills #98 to #117 in the amount of \$172,435.80 be paid, subject to audit.

VOTE: Ayes: Pemrick, Coseo, Kinsella, Cochran

Noes: None Absent: Rowland

RESOLUTION # 112 – UDAG Bills

Motion: Cochran, C.

Seconded: Coseo, C.

RESOLVED, That UDAG Bills #3 and #4 in the amount of \$6,010.00 be paid, subject to audit.

VOTE: Ayes: Pemrick, Coseo, Kinsella, Cochran

Noes: None Absent: Rowland

On motion of Coseo, C. and seconded by Kinsella, C., the meeting was adjourned at 8:20 PM.

Town Clerk