

June Regular Meeting

Minutes of the Regular Meeting of the Parish Town Board held June 18, 2009 at the Village Gym. Supervisor Stelmashuck called the meeting to order at 7:00 p.m.

Present:

Stephen Stelmashuck, Supervisor
Mary Anne Phillips, Councilor
Robert Frederick, Councilor
Doug Jordan, Councilor
Dale Chapman, Councilor
Zach Schreyver, Youth Rep.
Kelly Reader, Town Clerk

Also Present: Carl Dayger, Hwy Sup't; L.J. Harvey, Fire Chief; John Dunham, Assist Fire Chief; Harold Babcock, CEO; Kevin Dwyer, Paul Gage, Planning Board Members; Karen Gage, BAR Member; Mary Lou Guindon, Planning Brd Member; Mary LaFlair, Deputy DCO; Nick LaFlair, Bob Genant, Town Attorney; Denise Sigourney, Assessor; Mary Anne Pelkey, David Fadden, Bonnie Fadden, Ray Seaman, and Dick Palmer, American Legion Commander.

APPROVAL OF MINUTES:

May Regular Meeting: A motion was made by Councilor Chapman, seconded by Councilor Frederick to approve the May Meeting Minutes as received. Roll taken... motion carried.

SUPERVISOR'S REPORT:

The Supervisor's Report was reviewed by the Board and filed with the clerk.

July Calendar: The July Calendar was presented for review. Town offices will be closed on July 3rd to observe the 4th of July.

Revenue and Justice Report: The Revenue and Justice Report was reviewed by the Board and filed the clerk.

Joint Board Meeting: July 9th at 7:00 p.m.

Prior to the Joint Board Meeting, a recognition ceremony will be held to recognize Clara Sterio's years of service as Assessor. The recognition ceremony will be held from 6:00 p.m. to 7:00 p.m. Refreshments will be served and Councilor Phillips stated that the public is invited to attend.

Supervisor Stelmashuck stated that he was disappointed that the Board did not conduct business on the agenda for the May Meeting. Supervisor Stelmashuck explained that he and Deputy Swartz had to attend a mandatory County Wide Emergency Plan Meeting to qualify to receive FEMA money from the state.

Supervisor Stelmashuck stated that he hopes that the Board will choose to conduct business whether he is present or not.

Councilor Jordan stated that he felt that there were items on the agenda that needed clarification from the Supervisor.

Supervisor Stelmashuck responded that many items could have been addressed as only reports needed to be given on the issues. The other items could have been tabled.

COMMITTEE REPORTS:

Fiscal Report: No Report.

Assessor Selection: An Assessor has been selected.

Joint Municipal Water: Discussion will be held under New Business.

Grant: A housing rehabilitation grant has been applied for. If the grant is received homeowners selected could receive up to \$25,000 to aid in rehabilitating their homes. The total amount of the grant is \$400,000.

REPORTS:

Legislator's Report: No Report.

Hwy Sup't Report: Hwy Sup't Dayger stated that they are beginning Summer Road Projects. Councilor Phillips asked Hwy Sup't Dayger if signs could be posted on St. Rt. 69 regarding the Amish. Hwy Sup't Dayger responded that St. Rt. 69 was a State Road, but he would contact the State's DOT to pursue the request.

Clerk's Report: Clerk Reader submitted a written Town Clerk Report and a Dog License Report for May 2009.

Assessor's Report: Assessor Sigourney submitted a written Assessor's Report and distributed copies of property record cards to the Board for review. The Assessor stated that she sent out post cards informing the public that she was conducting a town-wide reval. At this time, the town's computer is not properly functioning and will be sent to the county for updating. Assessor Sigourney asked the Board to consider purchasing a lap top computer for work in the field.

Assessor Sigourney stated that her office hours during the reval will be Wednesday-10:00 am – 3:00 p.m. and Tuesdays and Thursday she will be working in the field collecting and checking data. Additional hours may be added as the reval progresses.

CEO Report: CEO Babcock submitted a written CEO Report, CEO Babcock stated that he had completed a Fire Inspection at East Coast Resort. Building Permits are beginning to pick up.

CEO Babcock stated he was changing his office hours beginning July 1st as follows:

Tuesday-3:30 p.m.-7:00 p.m.

Wednesday-8:30 a.m.-4:00 p.m.

Thursday-8:30 a.m.-12 noon

Third Thursday-3:30 pm to accommodate
the Town Board Meeting.

The Village does not require the CEO at every meeting.

Councilor Phillips asked CEO Babcock if he has addressed the Zoning Violation on County Rt. 38. Councilor Babcock stated he will work on the issue with Attorney Genant.

Councilor Phillips stated that she is going to ask about the issue at every meeting until it is resolved.

DCO Report: DCO La Flair submitted a written DCO Report for May 2009. Deputy DCO Laflair stated that they have received 15 dog calls in May.

Business Cards: A motion was made by Councilor Frederick, seconded by Councilor Phillips to allow the Assessor and DCO to order business cards at a reasonable cost. Roll taken...motion carried.

Planning Board Chair Report: Minutes were received by the Board. Kevin Dwyer, Planning Board Member stated that they were dealing with subdivisions, ongoing Site Plans, and they are in the final stages of updating the Comprehensive Plan. The Comprehensive Plan should be reviewed and updated every five years.

Fire Chief's Report: Fire Chief Harvey gave the Fire Report for May 2009. Fire Chief Harvey was asked what the term LZ and Syuncopal Episode meant. Fire Chief Harvey responded that LZ means Landing Zone for the helipad and Syuncopal Episode is when a person passes out and then regains consciousness.

Rec. Coordinator's Report: If anyone has any questions, please contact Sue Lamb, Rec. Coordinator. Rec. sign-ups have been held and Rec. sign-ups will be held this Saturday at The Farmer's Market. 9 a.m. to 2 p.m.

Correspondence, Communications & Petitions:
None.

MEETING OPEN TO THE PUBLIC:

Ray Seaman asked if a meeting is going to be set up with the Special Counsel and the Auditor to answer the public's questions.

Supervisor Stelmashuck responded that the Board needs to discuss the request with the Auditor and Special Counsel.

The audit should be completed sometime in July.

Also, Mr. Seaman asked if there was a movement for the Town and Village to merge.

Supervisor Stelmashuck responded that he is not aware of any effort at this time to merge the Town and Village.

Councilor Jordan stated that he did not feel Supervisor Stelmashuck was truthful with the Board regarding a cancellation of a Special Meeting with Special Counsel.

Supervisor Stelmashuck stated he disagreed with this statement as the Board has had three meetings with Special Counsel.

Councilor Jordan stated that this was the first meeting that was scheduled and then rescheduled.

Council Jordan also stated that he did not feel that Supervisor Stelmashuck follows through on returning phone calls in a timely manner and he would like to contact Special Counsel and the Auditor to discuss the possibility of setting up a Special Meeting for the public.

A motion was made by Councilor Jordan, seconded by Councilor Chapman to allow Councilor Jordan to contact the Auditor and Special Counsel to discuss setting up a Special Meeting with the public. Roll taken...motion carried.

A question was asked regarding what the new salary was for the assessor..

Supervisor Stelmashuck responded that it was \$18,360 with an additional stipend of \$22,000 for conducting the reval.

Also, a question was asked if there was an additional cost for the Assessor's Office being relocated to the Municipal Building.

Supervisor Stelmashuck responded that the Village did request an increase in this year's rent but there is not additional costs for individual offices.

Dan Dalin, Chamber President stated that there is a Farmers Market held on Saturdays from 9 am – 2 pm on the corner of S. Railroad Street and Main Street.

Paul Gage spoke regarding Local Law #1 for 2008 establishing the office of Sole Appointed Assessor and abolishing the offices of three elected Assessors as he felt there was no definitive ruling that proper procedure was followed when filing the local law.

Supervisor Stelmashuck responded that Special Counsel was researching the issue.

Supervisor Stelmashuck stated that Assessor Sigourney has requested a Lap Top Computer to aid in field work when conducting the reval.

Also, the Village is reconfiguring the Village Office and the desk the clerk is using isn't going to work with the new office design.

Supervisor Stelmashuck suggested to give the Clerk's desk to the Assessor and to purchase a new desk for the Clerk to fit the new office design.

Karen Gage asked how much the Lap Top Computer and desk will be.

Supervisor Stelmashuck responded that the computer would cost around \$400.00 to \$600.00 and has to be compatible to ORPS State Specs and county requirements.

The desk would be around \$600.00 to \$800.00. These expenses will be taken out of each official's contractual.

Dick Palmer, American Legion Commander spoke in regards to the Cold War Veterans Real Property Tax Exemption and he was in support of it.

Commander Palmer stated that he had been in contact with Barry Leemann, Legislator and he was informed that the County should be passing the Local Law soon.

Commander Palmer stated that he would send a letter from the American Legion Post in support of the Cold War Exemption and submit it to the Town.

Fire Chief Harvey stated that there would be a Pancake Breakfast on Sunday-6/21/2009. Mary Lou Guindon encouraged everyone to shop locally to help keep local businesses.

Councilor Phillips asked Supervisor Stelmashuck if he could try and get paperwork for the Board Meeting ahead of time.

Supervisor Stelmashuck stated that he would make every effort.

MEETING CLOSED TO THE PUBLIC.

OLD BUSINESS:

Establishing a Parish Constabulary: Reminder-Joint Board Meeting, July 9th at 7:00 p.m.

Moving Assessor's Office to the Municipal Offices:

Lap Top Computer: A motion was made Councilor Phillips, seconded by Councilor Frederick to purchase a Lap Top Computer for the Assessor according to State ORPS Specs. Roll taken...motion carried.

Clerk's Desk: A motion was made by Councilor Frederick, seconded by Councilor Phillips to purchase a desk for the Clerk's office and to give the Clerk's current desk to the Assessor's Office. Roll taken...motion carried.

Councilor Jordan asked why the Assessor's Office was moved on a Saturday.

Supervisor Stelmashuck stated that he would check.

Councilor Jordan asked if an Assessor's Clerk has been advertised for.

The Assessor responded not at this time.

Update on Grant: Supervisor Stelmashuck stated that the grant for housing rehabilitation has been applied for. The status of the grant award should be reported in August or September.

Report on Spring Cleanup: Councilor Chapman stated that Mayor Heagle reported that it went well and everything was discarded. \$233.98 was the cost to the Town.

Report on Lollipop Farm: Councilor Chapman reported that the facility is located near Rochester and is looking into expanding. It is a 4.7 million dollar operation and is funded by private funding and donations. There are 800 volunteers and 80 staff members. The facility is set up like a mall. They take all kinds of animals. The purpose of the facility is to be able to bring animals in for adoption and to be able to adopt an animal for anyone interested.

New Flags on Main Street: Supervisor Stelmashuck reported that the American Legion allowed the Town to purchase new flags from the Veterans Contractual to replace those that were damaged.

American Legion Commander Palmer stated that 288 flags were given out on Memorial Day.

Supervisor Stelmashuck asked when old flags can be disposed of.
Commander Palmer responded on Flag Day which was June 14, 2009.

NEW BUSINESS:

Proposed Local Law to grant partial tax exemption to Cold War Veterans:

Discussion will be held at the July Meeting. The County is also looking into passing the Local Law.

Proposal to Restore Vital Statistic Records: The Clerk reported to the Board that Minutes from 1960 to 1967 were not in secure volumes for storage.
A Conservation Proposal from Brown's River for August 2008 was \$1,450.00 to combine all four volumes and they will honor the same quote for 2009.

A motion was made by Councilor Phillips, seconded by Councilor Frederick to approve the preservation of Minutes from 1960-1967 by Brown's River for the amount of \$1,450.00. Roll taken...motion carried.

Approve 100 More Hours for Records Retention Clerk: Supervisor Stelmashuck stated that there are a lot of records left over from the Assessor's Office that need to be gone through to determine if they need to be disposed of.
Councilor Chapman stated that he wanted to see a job description for the RMO.

Application for Annual Fireworks Display by East Coast Resort: A motion was made by Supervisor Stelmashuck, seconded by Councilor Phillips to approve the application for East Coast Resort to hold a Fireworks Display on July 3rd, 2009 from 9 pm to 9:30 pm with Parish Fire Company on standby. Roll taken...motion carried.

Preliminary Engineering Study for Water: Dan Dalin, Trustee explained that the Preliminary Study would determine the area where the water district would be located based on the results from the water survey. Also, information would be determined by the engineering study on the cost to bring the water to the district and where it should come from. The cost of the Preliminary Water Study would be \$6,000 to be split between the Town and Village. Possibly, obtaining a grant for \$3,000 would reduce the cost to the municipalities to \$1,500.00 each. It would take about 3 months to complete the study.
Councilor Chapman asked if there would be a public vote.
Attorney Genant stated that he thought it was mandatory.

A motion was made by Supervisor Stelmashuck, seconded by Councilor Frederick to move forward with Burley-Guminiak to conduct a Preliminary Engineering Study of the previous Joint Town/Village Water Survey.

The Town would share the cost 50/50 with the Village subject to a written proposal from both Boards. The maximum cost to the Town would be \$3,000.00. The minimum cost would be \$1,500 pending a grant approval. Roll taken...

Councilor Phillips-Aye Councilor Jordan-Nay Supervisor Stelmashuck-Aye
motion carried. Councilor Chapman-Nay

A motion was made by Supervisor Stelmashuck, seconded by Councilor Frederick to authorize approval for pre-application grant for the amount of \$1,500.00 to help off set the cost for the Preliminary Engineering Study for the water. Roll taken...

Councilor Phillips-Aye Councilor Jordan-Aye Supervisor Stelmashuck-Aye
Councilor Frederick-Aye Councilor Chapman-Aye
motion carried.

Extended External Audit Proposal (3 yrs additional \$22.5K to \$25K). A motion was made by Councilor Jordan, seconded by Councilor Chapman to go back 3 additional years for an extended external audit proposal for the amount of \$22.5K to 25K. Roll taken...

Councilor Phillips-Aye Councilor Jordan-Aye Supervisor Stelmashuck-Abstained
Councilor Frederick-Nay Councilor Chapman-Aye
motion carried.

APPROVAL OF BILLS:

General Fund: A motion was made by Supervisor Stelmashuck, seconded by Councilor Frederick to approve the claims to the General Fund, those being claims #202-#247 for a total warrant of \$7,134.75. Roll taken...motion carried.

Highway Fund: A motion was made by Supervisor Stelmashuck, seconded by Supervisor Chapman to approve the claims to the Highway Fund, those being claims #134-#156 for a total warrant of \$5,943.16. Roll taken...motion carried.

A motion was made by Supervisor Stelmashuck, seconded by Councilor Phillips to amend the motion to approve the claims to the Highway Fund excluding claim #140 for a total of \$550.95. Roll taken...motion carried.

EXECUTIVE SESSION: A motion was made by Councilor Jordan, seconded by Councilor Phillips to enter into Executive Session at 9:15 p.m. after a 5 minute recess to discuss the employment history of a particular employee and to discuss Special Counsel. Roll taken...motion carried.

A motion was made by Supervisor Stelmashuck, seconded by Councilor Phillips to adjourn from Executive Session to the Regular Meeting at 9:40 p.m. Roll taken... motion carried

A motion was made by Councilor Jordan, seconded by Councilor Chapman to allow Special Counsel to take a specific legal action to the State Supreme Court. Roll taken...
Councilor Phillips-Aye Councilor Jordan-Aye Supervisor Stelmashuck-Nay
Councilor Frederick-Nay Councilor Chapman-Aye
motion carried.

A motion was made by Councilor Jordan, seconded by Councilor Chapman to request Town Attorney Genant to step down as of August 1st and to appoint Special Counsel for our Town Attorney temporarily. Roll taken...
Councilor Phillips-Aye Councilor Jordan-Aye Supervisor Stelmashuck-Nay
Councilor Frederick-Aye Councilor Chapman-Aye
motion carried.

RMO Job Description: The RMO job description was discussed. Paul Baxter, Tug Hill Rep. explained that the Local Records Management Officer coordinates availability and requests for records. Each officer is responsible for the maintenance, storage and disposition of their own records.

A motion was made by Councilor Jordan, seconded by Councilor Phillips to adjourn at 9:52 p.m. Roll taken...motion carried.

Respectfully,

Kelly Reader
Parish Town Clerk