

**TOWN OF NORTHAMPTON**  
**Special meeting and Public Hearings**  
**November 08, 2012**

The Town of Northampton Town Board held a Special meeting and 2-Public Hearings on Thursday, November 8, 2012. Supervisor Kemper called the meeting to order at 6:30 p.m., in the Municipal Building at 412 South Main St., Northville, NY.

**PRESENT:** Supervisor: Linda Kemper  
Councilmen: Bob Ellsworth, Darryl Roosa, Ivar Anderson and William Gritsavage

**RECORDING SECRETARY:** Elaine Mihalik-Town Clerk

**ALSO PRESENT:**  
Matt Ginter, Code Enforcer Officer  
Cristen Shepard, Bookkeeper  
Warren (Skip) Taylor  
John Borogolini – Leader Herald Representative

Supervisor Kemper announced that the purpose of the Special meeting tonight is to discuss the Special Event Permitting Law proposed changes received from Code Enforcement Officer Matthew Ginter. There will be a Public Hearing on the Preliminary Budget of the Town of Northampton for the fiscal year 2013 and a Public Hearing on an Amendment to the Town of Northampton “Property Maintenance Law” on section fourteen of the law.

Mr. Ginter has provided a copy of his concerns that he has with the Special Event Permitting Law and proposed changes. Have any of you reached out to the Attorney and gotten her input on any of this law?

I spoke with Cathi Radner on this law and she had some answers and suggestions. Is the fee going to be paid when the applicant applied or pay upon approval? I need clarification. The Clerk and I need direction for a procedure you would like us to follow for collecting a fee. Does she collect the fee and deposit it right away or hold it until I see the application first? What if it’s a Friday, the fee gets deposited and I don’t see the application until Monday. I see that the application is disqualified because they are within a residential area. Does the Clerk refund the money because it has already been deposited or do you have her hold the check for the time being? We need a procedure so she and I know what we have to do.

Supervisor Kemper: Is it an application fee if they apply whether they get the permit or not? Or is it only if they get the permit?

Councilman Gritsavage: It is, pay the fee before the permit is issued. I would say that the fee goes with the application.

Mr. Ginter: So, regardless whether it is denied or not, we keep that fee?

Councilman Ellsworth: I would think it would be like the building permit fee, the applicant would pay it when you decided to move forward. You take the permit for the event but they can make application without the fee.

If the clerk deposits the check and the board wants the money reimbursed back to the applicant. The board will have to have a resolution in order to reimburse the money back to the applicant.

Mr. Ginter: Or you can say. You don’t get your money back. It’s \$75.00 just to apply.

Mr. Ginter provided a proposed permit for the Special Event Permitting Law. There may be some things on that permit that may not have to be on it. I wasn’t sure about the

reference to the Department of Health. Is that some thing that we want the applicant to comply with and then show us proof? If so, then that would be the area that we would fill it out.

Councilman Gritsavage: We can leave it and if we don't need it we can say "N/A".

Mr. Ginter: Please review and make recommendations on the application. I placed things on the application that I thought was important, such as making visits before an event is held during and afterwards and that I have the right to enter the property and give the time. I thought that is wording that was important to be included in this.

How about the applicant gives you a check with the application and you cash it when the application is either approved or denied.

Response: You can't because the check has to be deposited within 48 hours.

Councilman Ellsworth: I would suggest doing it the same way as the building permit process.

Just advise the applicant that they would have to pay the \$75.00 upon on approval.

Mr. Ginter: On page #2; being we have the permit, do we still want a letter from the applicant describing it all? Or is this permit going to be good enough? The application is asking for quite a bit of information pertaining to the event.

Councilman Anderson: I would think that is up to the Code Enforcer. If you need more detail, then ask for it in a letter and attach it to the application.

**Change #7a** – ~~A letter~~ should read: **A completed application** from the applicant describing the proposed event(s), dates, the hours of operation, the duration of the event(s), anticipated attendance and any structure, signs or attention-attracting devices (including visual devices) used in conjunction with the event.

Mr. Ginter: When an individual comes to me for a building permit they have to provide for me with proof of liability insurance and if they have workman's comp. The insurance would have to be specifically for that event they are applying for. I don't think this Law has any mention of insurance.

Councilman Gritsavage: Request proof of adequate liability insurance for this particular event.

Councilman Anderson: It should also name the Town of Northampton as co-insured.

Supervisor Kemper: Our insurance company couldn't understand why we would even get ourselves involved with an event that is on someone's private property and naming the Town as the additional insured.

People could come back and fight us because we issued them the permit even though it's on private property. Everyone who has to provide the insurance has to name the Town as co-insured.

Mr. Ginter will look at the insurance forms that are provided to the Town with the building permit application. A discussion ensued on an issue that has come up recently with a building permit.

Councilman Anderson: I'm concerned if the applicant supplies alcohol at their event and there is a problem off the property.

Mr. Ginter: This is releasing us of liability.

Supervisor Kemper: I had a long discussion with our insurance company (MANG) over this and they felt that you are actually reaching out and putting yourself in a liable position by naming us as the additional insured. The insurance on their own doings and what happens at that event is on them.

Councilman Anderson wants an opinion from other than the Supervisor and our insurance company. He would like a legal opinion for insurance for a specific special event from Attorney, Cathi Radner.

Councilman Anderson: In other insurances that we have to give to the cities, to the counties, to the towns, to the State. We have to name them as the co-insured with us. We have to give them a million to five million dollars liability.  
Response: But you are working for them.

Mr. Ginter: 2e. Shall be paid upon approval?  
Councilman Gritsavage: I think we should leave it like it was because the person has to be serious about holding the event. They are not going to just come in and pay the \$75 and say just see if we get the permit. But if they have to put the money up front, I feel they would be a little more serious about the application.  
Response: Why don't we just make it a non-refundable application fee of \$75?

**Change (7e.) to read: Each Application for a Special Event Permit shall be accompanied by ~~an~~ a non-refundable Application fee.**

**Change (7f.) to read: 2f. Request proof of adequate liability insurance for this specific event.**

**Change (7.) Application and fee to read: No Special Event Permit shall be issued unless an Application has been submitted to the Town Board and the appropriate fee paid **with the application.****

Mr. Ginter: What about site inspections by the Code Enforcement Officer? The Code Enforcement Officer has the right to enter the property anytime before and during the event.  
Response: That is covered on the application.

Mr. Ginter: Section 10 G. No Special Event may be conducted in a residential zone. My question is what about HRBRRD property? I was married in a residential zone on HRBRRD property. A permit was obtained from the HRBRRD to have a tent and a port a potty and they have very strict guidelines  
Response: I don't think we have to.

Mr. Ginter: I think that if you comply with the state. Theoretically, you could have it in a residential zone, correct, even if it is on State land?  
Response: No, because it is not your land.

Mr. Ginter: We have a lot of areas that are on State property that where you theoretically have a wedding or an event that you could reach the 300 perhaps.  
Councilman Gritsavage: Just because it's state land it doesn't make a difference. They just have to have the permits for the event on the state land and to do whatever the state requires. That's their problem and not ours.

Mr. Ginter: If I get all my permits from the state to hold an event on HRBRRD land and then the Town says "no" you can't do it. Do we have the authority?  
Councilman Ellsworth: I think we do, but I don't know that for sure. It's my understanding that we can't make it easier than the state.

Supervisor Kemper: I don't think we can say what or what can not go on state land.  
Councilman Anderson: I think it would depend on where the state land was.

Councilman Gritsavage: How could they have state land, it's their property?  
Mr. Ginter: On one of the beaches, the HRBRRD property line is way up on the property and they play baseball among other things on it. There is an area there where you can have a very large event on state property. I can see where that might happen. But to do an event on their permitted area and they get the proper permit and then the town says "no". That's my concern.

Councilman Anderson: If you have to cross residential property to get to the state land then it still becomes a part of that event.

Councilman Gritsavage: Then you become the lessee of that state land. You are the one that is controlling that event. That is how you can become the applicant. You don't comply with the state.

Supervisor Kemper: I suggest we check into that.

Mr. Ginter: 10m. Adequate security is provided. Who is determining this?

Councilman Ellsworth: This was discussed at one of our meetings.

Councilman Gritsavage: That is one of the things that the Town Board would look at to see what would be adequate security. It could be armed guards in one situation or it could be just people with shirts that states that. It depends on the situation. I think that you would have to look at that on a case by case situation.

Mr. Ginter: I'm concerned because, god forbid, if something happens and someone got hurt and they got a lawyer saying that there should have been police there at that event. Are we liable because I told him he didn't need it? If the board wants me to take on that responsibility, I have a problem with that.

Councilman Gritsavage: How else do we deal with that? None of us are security experts.

Mr. Ginter: How are we going to determine what it adequate?

Mr. Ginter: #11 **Appeal** Any applicant denied a Special Event Permit shall be notified in writing of the reasons for the denial. I was wondering, can the Code Enforcer notify them by phone?

Councilman Ellsworth: That's not happening.

Mr. Ginter: As far as denial, I have the authority to a denial or does that come before the board?

Councilman Gritsavage: The application comes to the board and the board denies it.

Mr. Ginter: If I can't make the denial then I wouldn't even need to make a phone call. What if someone has an event coming up within the 30 days saying that they didn't know they needed a permit, is it too late? Can the Town Board rush something through?

Councilman Gritsavage: I thing the Board can try. Hopefully, they get it to us in time and we won't have to do that.

Board Members discussed Definitions 4d. **Special Event**

Councilman Ellsworth: It's saying you can't have it in a residential zone. If you're in a commercial zone there's a site plan review, so you don't need a permit. Who uses this Special Event Permit?

Councilman Gritsavage: If you're in a non-residential zone and you want to do it.

Councilman Ellsworth: Right, but if you're on a commercial piece of property we have an exclusion here. We've got residential property in commercial zoning. I'm not trying to be difficult.

Mr. Ginter: In our zoning these are the categories and if it involves the word residential then it would be disqualified, correct? We've got hamlet residential, medium density residential, rural residential 1, rural residential 2, waterfront commercial, unless you're doing it on the Golf Course.

Supervisor Kemper: Then it means you can't do it anywhere, pretty much.

Councilman Anderson: Northampton has the ring of fire event in the summer time. Theoretically, they should be getting a permit then for that.

Councilman Ellsworth: Not if they do a site plan review. That would be the way we wrote this, we're not bothering the existing commercial places.

Councilman Anderson: They have whatever they call it over there two times during the summer. Where they have the music and everything else on the site, not that we're going to complain about it but theoretically they should come and apply for a permit.

Supervisor Kemper: They're commercial.

Councilman Anderson: Waterfront commercial.

Mr. Ginter: What about the ice fishing contest? I've already have had someone inquire already. The main headquarters is in Fish House in the Town of Northampton on State land. Do they need a permit?

Councilman Anderson: They need a permit from HRBRRD.

Mr. Ginter: They still have to abide by our law, correct?

Councilman Anderson: Right

Mr. Ginter: If they have 1,500 applicants for the ice fishing tournament so they are definitely over the threshold. What if they say we've done this for years and they don't apply? What do we do?

Supervisor Kemper: Do you really want to scare away the fishing tournaments who bring a ton of money in this area?

Mr. Ginter: I don't have a problem with enforcing this; I'll do what you want me to do. But, what if they just put their nose in the air and I'm not suggesting that they are. What if they decide to do that?

With a building permit, if you start a project without a building permit, it's three times the fee if I catch you. So, what are we going to do? Write a ticket?

Councilman Gritsavage: No, we would have to bring a suit to keep them from doing it.

Supervisor Kemper: Do you want to do that?

Mr. Ginter: There is more than one fishing tournament that happens around the lake.

Councilman Ellsworth: That's Louie who has one in the Town of Mayfield. In the Fish House one there is no cut off.

Mr. Ginter: You can easily say that there is going to be at least 300 people.

Councilman Anderson: Whose land is it on?

Councilman Ellsworth: You just said that it's part of a residential area.

Mr. Ginter: They do it on the parking lot in Fish House.

Councilman Gritsavage: Are they selling beer? Are they just weighing the fish?

Supervisor Kemper: It's a gathering.

Mr. Ginter: There's food there and coffee. Someone has come to me and asked if they really have to get a permit from me. I told them that it was still pending and that I would get back with them.

Councilman Anderson; I would say no because there is no residential land connected with the HRBRRD land.

Councilman Ellsworth: I think that they set up on the lake.

Councilman Gritsavage: They use the parking lot.

Councilman Anderson: I don't think that they are in the Town of Northampton.

Supervisor Kemper: Mr. Ginter is bringing up a good issue. This is an issue because we do have tons of fishing contests. Bass Master is coming in next year. These people spend a ton of money in this area.

Mr. Ginter: It's being done on Co Hwy 110 and 109 they are doing it within our district.

Councilman Anderson: What I see when I'm over there, they are in on Providence beach. I think we'll cross that bridge when we get to it. There is no residential property next to either one of those beaches. So, therefore it can't be in a residential area. They are using HRBRRD property.

Councilman Ellsworth: So if somebody wants to have a party in town it's the same thing.

Councilman Anderson, No it is not because you are crossing residential property to get to HRBRRD.

Supervisor Kemper: Not necessarily.

Mr. Ginter: You're suggesting that in Fish House, the HRBRRD property is right up to the road? So you are not crossing residential to get to it? I'm not sure if it does or not.  
Councilman Anderson: Exactly.

Councilman Ellsworth: I said this a few meetings ago. Why don't we just enforce our Zoning Law?

Supervisor Kemper: A point well made.

Councilman Ellsworth: We know it says that you can't do this in residential

Councilman Anderson: HRBRRD is government regardless of whether it's residential or not.

Councilman Ellsworth: What I'm saying is, listen to me Ivar; you can't do this on residential property, why do we do all this? Our Zoning says that you can't do this. So why don't we have him enforce the Zoning instead of getting into all this complicated stuff?

Councilman Anderson: There is no residential in a governmental piece of property.

Councilman Ellsworth: Forget that, our Zoning says you can't have an event on residential property.

Councilman Gritsavage: I think that the answer is then, that if they have over three hundred people you're going to have to apply for a permit.

Councilman Ellsworth: I'm not in favor of making a Fishing Contest apply.

Councilman Gritsavage: I don't know much about a Fishing Contest.

Councilman Anderson: We also have the fee.

Councilman Ellsworth: I don't understand why this is involving us. But I do see what Mr. Ginter is saying.

Councilman Anderson: This could be a problem that could come up, yes.

I don't see where it's a problem because that piece of land that they are talking about is not private, it is owned by the government and if the government gives their own permit.

Councilman Ellsworth: Mr. Ginter had a wedding on the HRBRRD land.

Councilman Gritsavage: That is leased, that is different. That was my argument. The Groff's beach is leased by the Groff's. So they become in essence the property owners. His argument is, if it's the HRBRRD land it's not leased by anybody. Who can you enforce the permit against because you have no land owner? Ivar makes a good point. So, if a fishing contest has 1,500 people and it's on a commercial property not like Lanzi's or non-residential property. Yes, they have to come and get a permit. But if it's on the HRBRRD land, it's on nobody's property and if the HRBRRD allows them to do it. We have nobody to enforce the law against.

Councilman Ellsworth: It's the thought of, who's going to have to apply for this permit.

Councilman Gritsavage: I don't know. You would have to look at every piece of property.

Councilman Ellsworth: I don't picture us ever needing this Special Event Permitting Law. The issues that brought this need for a law to a head, they can't file for this permit anyway.

Supervisor Kemper: And it was prior to our new zoning.

Mr. Ginter: In the new Zoning, under entertainment and recreation, promotion it is not allowed in residential one, residential two, residential. You have to get a special permit.

Supervisor Kemper: What is "it" it is not allowed? What is not allowed?

Mr. Ginter: Entertainment and recreation, commercial. So, Entertainment, concerts perhaps would fall under that.

Supervisor Kemper: It's a matter of interpretation. What do you call entertainment?  
Mr. Ginter: That's what is in our existing zoning right now. With this new Law you're looking at, say you have a concert.

Supervisor Kemper: It doesn't involve state land. Instead of residential, it's against the zoning. It has nothing to do with this. They can't have it anyway.  
Councilman Ellsworth: So, who is ever going to fight the zoning?

Councilman Gritsavage: You know what. You'd have to go over every single piece of property.

Mr. Ginter: I have been approached on this and I have to clarify this with them.  
Councilman Ellsworth: If someone is leasing that property, then they have to apply for the Special Event Permit.

Supervisor Kemper: How are they leasing it?  
Councilman Gritsavage: By their permit, they are a lessee. They have exclusive use of that property.

Supervisor Kemper: You have the exclusive use but yet you have to name them if you have anything at all. You have to have them named as the insured or if you are having a commercial activity.  
Mr. Ginter lists the names of businesses. The only place where something may happen may be at the Pub. So they wouldn't have to get a permit.  
Response: No, they don't.

Mr. Ginter: They don't because of what in our law, just so that I know.  
Councilman Gritsavage: under "Section 4d. SPECIAL EVENT Any gathering of people at a public or private venue which has not received site plan approval for the intended use." It doesn't qualify for a Special Event.

Mr. Ginter: I don't think there will be a huge amount of people that will be applying for this.  
Councilman Gritsavage: If somebody comes in that is 1,500 people in a fishing contest and he has a piece of property that he can have it on. Then yes he has to apply for a permit.

Mr. Ginter: For my clarification, if the applicant was denied and they wanted to appeal the decision. They come back to the same board that has denied him and they will look at additional information perhaps at that time?  
Councilman Gritsavage: Yes.

Mr. Ginter: It's not like the Zoning Board, where they'd come before somebody different?  
Councilman Gritsavage: Right

Mr. Ginter: With Zoning you go before a different board to plead your case.  
Councilman Gritsavage: We don't have any other board. There's an article 78 proceeding. An article 78 is a legal proceeding to examine whether it the Administrative Board is making an appropriate decision.

Mr. Ginter: under #13. Revocation of Permit Once again, I'm not sure if the wording should be put in there, the Code Enforcer has the right to inspect at any time.  
#14 Enforcement: penalties for offenses it's a word that we've been hung up on shall be considered an 'offense'.  
Councilman Gritsavage: Rather then to deal with the judge,

**Change (#14)** to read: Enforcement: penalties for offenses Each violation of this Local Law, or violation of the conditions of any Permit issued hereunder, shall be considered ~~an~~

~~offense~~ **a violation** and shall be punishable by a fine not exceeding \$250 for a first offense or \$950 for a second or subsequent offense.

I suggest with what we are going to talk about next that we use that same wording in the Zoning, Community Enhancement Law and the Special Event Permitting Law. So, it is not to be confused as to the legal wording in the first, second violations. I worked hard and long with the DA on this. As far as the wording and the dollar amounts, it makes all of our laws uniform with the same wording.

Additional Remedies under #15b. the DA stated that particular phrase should be avoided in any of our laws. "Restrain" we do not have the authority or the jurisdiction to restrain anybody. It was suggested that be removed.

According to Attorney Radner this is more for court procedures and what rights we have. Councilman Gritsavage: That's because you are ordered to do it.

Mr. Ginter: If someone states that they are not going to get a permit and I never had to get one before.

Councilman Gritsavage: I don't think this should be taken out. That is why the lawyer put those in. If you go to court and you get a restraining order. If you go to court and they say that is improper they will not give you a restraining order. It's the court that is going to make that decision.

Question: Are you asking Mr. Ginter to do this or the court?

Councilman Gritsavage: We ask that they take the appropriate action or proceedings. Proceedings are legal actions. You may not take appropriate action to restrain but we can have a legal proceeding to restrain.

Process for the Special Event Permitting Law:

Clerk provides and receives back the completed Special Event Permitting Law application from the applicant with the non-refundable fee. The application then goes to the Code Enforcer for review. The Town Board then reviews the application at the next Town Board meeting and then renders a decision.

There was discussion on the enforcement; penalties for offenses money amounts.

\*The right to inspection at anytime should be placed on the application.

Question: What about churches? Is that commercial?

Councilman Gritsavage: Do we have any churches outside of residential area do we?

Response: We have the Pilgrim Holiness and the Fish House church in the Town of Northampton.

Councilman Ellsworth: You have to get a permit to hold a church service? Would it be considered a gathering?

Mr. Ginter: They have gatherings at Christmas and other social events. The Baptist Church has quite large events on Whittaker's beach. Which you are driving on someone's beach permit and it is residential over there. They wouldn't be able to apply if it's residential, correct? Just so I know where I stand as Code Enforcement. If someone complains they got a permit and the church didn't. I guess I'll have to write them a ticket. Councilman Gritsavage: The church is no different then the rotary club.

Councilman Ellsworth: I don't think we should be charging the churches \$75.00

Supervisor Kemper: We've held a Public Hearing. We have not substantially changed this Law. We just clarified it.

Process for the Special Event Permitting Law

1. The Town Clerk provides the Special Event Permitting Law application to the applicant.

2. The completed application is turned back in to the Town Clerk from the applicant with the non-refundable fee.
3. The application then goes to the Code Enforcer for review
4. The Code Enforcer after reviewing the application then returns it back to the Clerk to give to the Town Board for the next Town Board meeting to review and render a decision.

Supervisor Kemper I think you want to do a resolution to rescind the original one that was approved. And then you would adopt this with the corrections. You don't want to file this and then turn around and amend this one.

Response: No

The process would be to do a resolution to rescind this Local Law that has not been filed with the State. Then we are going to adopt this again as the final version. That is the process both Attorney Radner and the State suggested as well. The Board members unanimously were in favor of following this process.

Councilman Ellsworth: I just can't see us telling the churches or the fishing contests to come to us to get a permit.

Councilman Gritsavage: If it doesn't work out, then we'll change the law.

Councilman Ellsworth: What if we just rescinded this Law, see if the new Zoning and the Enforcement Officers are doing a good job. See if they can prevent the problems that caused all of this excitement. I've been on the board for a lot of years.

Councilman Gritsavage: I know but these are things that you could have brought up months and months and months ago. It's already been voted on and it has been passed.

Councilman Ellsworth: Except we are going to rescind it now, right?

Councilman Gritsavage: We will be rescinding it and readopting it with minor administrative clarification changes.

**The Public Hearing on the Preliminary Budget for the Town of Northampton for the fiscal year 2013** opened at 7:27 p.m.

LEGAL NOTICE NOTICE is hereby given that the Preliminary Budget of the Town of Northampton for the fiscal year beginning January 1st, 2013 and the 2013 Fire Contract with the Village of Northville and Kenneyto. All have been completed and filed in the office of the Town Clerk, Town Hall at 412 South Main St, Northville, NY, where it is available for inspection by any interested person during regular business hours.

FURTHER NOTICE is hereby given that the Town Board of the Town of Northampton will meet and review said preliminary budget and hold a Public Hearing thereon, at the Town hall, 412 South Main Street, Northville, NY at 7:00 p.m. on the 8th day of November, 2012, and at that hearing any person may be heard in favor of or against the preliminary budget as compiled, or for or against any item or items as therein contained.

Pursuant to Section 113 of Town Law, the proposed salaries of the following elected Town officers are hereby specified as follows:

Supervisor \$24,357.00  
 Town Justice (2) \$11,400.00  
 Town Councilman (4) \$2,815.00  
 Town Clerk \$19,133.00  
 Tax Collector \$6,753.00  
 Highway Superintendent \$42,313.00

Dated: October 25, 2012  
 By Order of the Town Board  
 Elaine Mihalik, RMC  
 Town Clerk  
 Town of Northampton

Clarifications on some of the questions that the board has asked

1. The A1320.1 and A1340.1 is for budgeting and bookkeeping salary
2. A1420.4 we did find an error. You asked what the \$35,000 was for. It didn't print out the Attorney salary.
3. A1620.4 is all buildings maintenance and supplies.

4. You asked how much we got from the County and Stated Aid for the Youth Program. It is decreasing every year. We have budgeted \$300.00 total from both this year.
5. The DB3501 CHIPS question was, is this the anticipated estimate revenue for CHIPS. This is what we are anticipating and the actual is a little bit more. Remember, you never over estimate revenues.

In response to Councilman Andersons question on the Lake Placid Conference it's under A1010.4.

Councilman Anderson: Did we put any extra in there? Sometimes there are other conferences that come up during year that we hadn't planned for.

1. Our tax cap limit, which we had to make adjustments with last years figures with our allowable amount carry over.
2. Right now, the amount to be raised by taxes is \$230,481.
3. Our Tax Cap limit is \$383,307.
4. It was very highly advised to not deplete the fund balance because our revenues are decreasing with the Walmart situation next year.
5. Retirement is anticipated at 22% for next year.
6. One of the tax breaks that was given for this year the Social Security contributions, the Roads to Recovery Acts was one of the tax cuts that was put into this year. That was passed on to all of us. Next year, the Social Security contributions will be the full amount of 7 ½ % that we will be paying. You will be seeing that being taken out of your pay as well.
7. We just got the taxable value amount of \$245,029,258 within the Town from the County.
8. The total tax assessed value is \$293,355,882. This shows you how many tax exempt properties there are.
9. The Village has a \$20,000,000 difference.

I just wanted the board to know that future budgets could be jeopardized if we deplete the fund balance.

With the tax cap in effect now, we could be running into a financial problem down the road. Many other municipalities when you see their rates per \$1,000, also have a separate Highway Tax and a Fire Tax. We have no additional Highway Tax and we have no additional Fire Tax, most of the other municipalities do.

With all the questions that were asked we budgeted for the building.

Supervisor Kemper: The question on the \$50,000 for the piece of equipment, that was on the original memo for the water/sewer district. The \$50,000 is in the budget but it doesn't mean we have to spend it. I would like to have a balance at the end of the year so we can put it into the Reserves because the Reserves really need to be built up. We can not use the Grant money for this piece of equipment that was requested for. I think someone was supposed to talk with Ken on this. I spoke with Ken and he stated that the equipment was for preventative maintenance.

Response: He was supposed to come to a meeting to talk to the board about the equipment.

Councilman Ellsworth: What would it cost to just hire somebody?

Supervisor Kemper: If you have a preventive routine maintenance, where we have people come from the company and clean the lines out two or three times a year on all of the lines. Absolutely, do the main lines on McKinley twice a year. Then do the side lines at least once a year, it's my understanding that they haven't been done at all because they haven't been the problem.

What would be the cost if they do a preventive routine maintenance? Have Ken call the company and get a cost for us.

Supervisor Kemper: The tax rate, in my opinion should be raised a little more than .02 cents. We are at .94 cents a thousand right now. That's up .02 cents per thousand from last year. We are losing taxable property values from all the small claims litigation.

Councilman Anderson: We have a good four years coming and everything is going to come back up again.

Response: Really!

Councilman Ellsworth: page 58 - My salary needs to go down because I don't want the increase.

Supervisor Kemper: We can't. That is not a pay increase. As per the Auditor, the Town Board members all have to be at the same pay. If you want to donate it back to the Town, you most certainly can.

Councilman Ellsworth: I will donate it back to the Town.

Supervisor Kemper: You can donate it back as a contribution.

Supervisor Kemper: The calculations with the proposed increase with the water ended up with approximately \$30,000 or less left that we have to take out of fund balance instead of \$41,231.

The retirement was almost a \$10,000 increase from last year and you are looking at a 22% increase.

Councilman Gritsavage: I just received from the Sacandaga Senior Task Force requesting a \$250.00 donation. Is this something we discuss at these meetings or is this something that comes out of a fund that we have?

Response: If they were going to request a donation it should have been done a while ago. We've budgeted for the seniors already. If you want to give the Sacandaga Senior Task Force an amount, it would have to be taken away from one of the other programs.

Cristen Shepard: We budgeted \$3,000 for the Office of Aging Meals on Wheels; and the senior trips.

Councilman Gritsavage: Have you ever given any donation to the Sacandaga Senior Task Force?

Supervisor Kemper: No, because we have never gotten a request. Everybody else has already put in a request for a donation. The Office of the Aging has given us the amount our contributions will be for the meals.

Councilman Gritsavage: I think it's a great that we got Social Services done by volunteers.

Supervisor Kemper: In the future they need to send the request earlier and direct it to the Town Clerk. I'm sure we can find \$250 some place and we can discuss this for next year.

Supervisor Kemper: This is a good budget but again, if we continue to draw down out of our fund balance then we're going to be in trouble.

Councilman Gritsavage: How much in this point in time, hypothetically, rather than drawing down the fund balance, if we raise it another 2%, from .94 cents to .96 cents? How much would that raise for it, that would be saving some of the fund balance, if we're going to have to draw it down in the future anyway?

Councilman Ellsworth: I would like to see the difference it would make with the breakdown of the tax rate for the last five years and at .94 cents per thousand and the .96 cents per thousand.

Councilman Gritsavage: Is it money effective to raise taxes by another .02 cents and take less out of the fund balance which we are going to need later when we are going to get hit? I think this is the time we should do it.

Councilman Ellsworth: I would like to see the breakdown.

Councilman Gritsavage: What is the fund balance and for the past.

Councilman Ellsworth: We need to see what the major purchases were also. We may have just purchased a plow truck.

Supervisor Kemper: Much of this has been appropriated.

Councilman Gritsavage: Let's say that we raise the tax .02 cents and not take \$50,000 out of fund balance. How much is it if we raise the tax .02 cents?

Response: approximately \$6,000.

Councilman Gritsavage: Doesn't that increase the numbers we would have so that if we ever have to approach the tax cap, we're not tying our hands behind our back?

Supervisor Kemper: If we have to go over the tax cap, we have to over ride it.

Councilman Gritsavage: That's not what I'm saying.

Councilman Ellsworth: The bigger the number the bigger the 2% is.

Councilman Gritsavage: So if we ever have to do it, we don't have to go above the tax cap.

Councilman Ellsworth: It looks like we could increase the tax rate by 70% and still be under the tax cap.

Supervisor Kemper: Last year's carry over 2012 amount was incorrect and I had to redo the figures because of the Auditors calculations. And they had to do this on line with me. You have your 2012 limit which we had to correct from last year because we did not include the water/sewer and lighting Special Districts.

Councilman Gritsavage: What is the 2012 tax cap limit?

Response: With adding in the water/sewer and lighting district it was \$383,307; that is not just general. You can take 1 ½ % of the 2012 tax levy limit to carry over.

This is the first year that you can have a carry over. If you didn't use it all up in one year, you have up to 1 ½ %.

Cristen Shepard: We were under the tax cap last year and since you can only go up 2% but because we were under approximately 1 ½% last year the State Comptroller's office suggested we go up 3 ½%. To raise it to the level it should be at.

The board ensued discussion on hypothetical figures as examples to better understand the tax cap.

Councilman Gritsavage: I'm worried if we say we're not going to raise the taxes but we still have to pay for the services.

Supervisor Kemper: We've never had to deal with the tax cap before and now we have to along with decreasing reimbursements and revenues.

Cristen Shepard: It was suggested we increase the tax because we were under last year and to not use the fund balance.

In two years you would almost have to over ride the tax cap, if we do not go this route. In years past, we were at \$1.35 per thousand.

Councilman Ellsworth: I would like to know the fund balance before I make a decision on the tax rate.

Supervisor Kemper: We need to do the calculations.

Councilman Gritsavage: Without the sales tax from Walmart in the future, we're going to get hammered; and people are going to be screaming; and we're going to have to raise the tax rate. We're going to get stuck with the tax cap. With people asking, why do we have a tax cap? If you're going to over ride the tax cap, I'm saying the taxes are going to be going up because of the economy. People are going to want their roads plowed, their roads sanded, their garbage picked up. We're super fortunate to have what we have in the Highway Department to do these things and the other services that we provide. If we don't watch it somewhere down the road we're going to get hammered. We're going to get hammered, unless there's some relief from State mandates.

Supervisor Kemper: Cuomo has stated that you have to do more with less.

The Town has no control over the State mandates.

It was asked of the Supervisor to do up calculations so that we don't exceed the Tax Cap. Whatever it goes up, we are not going to be taking out of the fund balance.

Supervisor Kemper: Would anybody from the public like to make a comment on this, it is a Public Hearing.

Skip Taylor: Do you have a fund balance that is going to be set for next year? What would the fund balance be for 2013? So is \$50,000 the maximum you can take out of fund balance?

Supervisor Kemper: Right now, we have \$652,915 from the fund balance, to balance this budget.

Part of this is in an account that is Trust and Agency, which is the highest paying interest. When things have to be paid, we transfer out of that into the General Account. The Trust and Agency is the account that is holding all the money that we have set aside every year for reserves. Appropriated funds are for our major purchases and the un-appropriated is the amount that you have left.

Skip Taylor: If you raise taxes by 4% would you say that would bring in approximately \$12,000?

Response: Roughly, yes.

Skip Taylor: If you were to raise the tax in anticipation for a bad year, would you impound that money in a special fund that you are not going to use? You are going to reserve it specifically for 2014 or 2015?

Response: You don't isolate it. You don't use it. If the money is there, it doesn't mean it has to be used. You use what your budget says. If you have a category that is, say, \$7,000 and just because you've got more money set aside doesn't mean you spend \$12,000. You don't do that, we don't.

Councilman Gritsavage again explained his idea as stated above on his theory of raising the taxes because we are going to get hit with a real serious income issue with the anticipation of the new Walmart, so we have been told, lack of revenue. So, when that happens, that means that we're going to have to raise taxes. We don't know how much we're going to have to raise the taxes but we are stuck with the tax cap. We may find ourselves in a desperate situation where we may have to exceed the tax cap. Why would we have to do that if we see that coming in the future?

Skip Taylor: You want to start building for the future now.

Where is that building fund kept? I pay a little more attention to what the Board does then most of the public does. At some point you are going to say to the public we're adding .02 cents or we're adding .04 cents to your tax bill. When the public hears that they're going to be saying, what are you doing. I'm wondering if there isn't a way that you can put this money into a rainy day fund.

Councilman Gritsavage: This is exactly what we are doing because when it comes to a point that we have to raise the taxes. That's when we will get hit with the heavy one and that's when we will use those.

Skip Taylor: That rainy day fund that came from the extra taxes that I paid this year. I have tried to do this with the Sacandaga Park and I can't see where the extra money that we're paying as being conserved and being put aside in a fund. I just don't see it. Maybe it is seeable but I have never seen how that money is developing based on the additional money we're charged.

Councilman Gritsavage: This is hard to conceptualize.

Skip Taylor: If it's hard for me to conceptualize then you're going to have most people around town with the similar problem. I am suggesting to you an idea.

Skip Taylor went on to say, I was very pleased to receive in the mail, a copy of the new travel rules. Discussion ensued on where travel cost was in the budget.

**The Public Hearing on the proposed amendment to the Town of Northampton “Property Maintenance Law” Local Law No. 3 of the Year 2012** opened at 8:15 p.m. The clerk read the legal notice that was placed in the local legal newspaper for the Town of Northampton. LEGAL NOTICE THE TOWN BOARD of the Town of Northampton will hold a Public Hearing on November 8, 2012 in the Municipal Building, 412 South Main St., Northville, NY at 7:15 p.m. on proposed Local Law #3 of the Year 2012, Amending Local Law #2 of the year 2006 Entitled: “Town of Northampton Property Maintenance Law”. The proposed amendment is to amend Section Fourteen “PENALTIES”. Persons wishing to appear at such hearing may do so in person or by attorney or other representative. Communication in writing in relation thereto may be filed with the Town Clerk, P.O. Box 479, Northville, NY 12134. The proposed amendment is available for review in the Town Clerks office. Elaine Mihalik, RMC Town Clerk

Mr. Ginter: I did not include in my notes based on the recommendation of the DA to remove the verbiage “restrain” under Section #14 the last sentence. “In addition thereto, the Town shall have such other remedies as are provided by law to restrain, correct, or abate any violation of the *Law*.”

Councilman Gritsavage: I think it should be kept in the Law because it can be handled civilly.

Mr. Ginter: Don’t confuse what we did with the Special Permitting Event Law. This is right out of the penal law and if things are dismissed based on this she will appear in court and argue our case.

Supervisor Kemper: Did the DA say why we couldn’t put on the one, a minimum fine?  
Mr. Ginter: She did not.

Councilman Gritsavage: Generally speaking, statues like that don’t start out with a minimum on a first offense.

Mr. Ginter: It would be up to the court I suppose. The way it was broken up on the second line where it is declared to be an offense, we got rid of that wording. There was so much that was crossed off that it basically simplifies on this other page that you have before you.

~~A violation of any section of this *Law*, or a failure to comply with any notice of violation of any section of this *Law*, is declared to be an offense, punishable by a fine of not less than one hundred fifty dollars (\$150) nor more than three hundred fifty dollars (\$350) or imprisonment for a period not to exceed six (6) months, or both for conviction of the first offense; a conviction for a second violation of the same section or any other section of this *Law* committed within a period of five (5) years shall be considered a second offense, punishable by a fine of not less than three hundred fifty dollars (\$350) nor more than seven hundred dollars (\$700) or imprisonment for a period not to exceed six (6) months, or both; and, upon a conviction for a third or subsequent violation of the same section or any other section of this *Law* offense committed within a period of five (5) years shall be considered a third offense, punishable by a fine not less than seven hundred dollars (\$700) nor more than one thousand dollars (\$1000) or imprisonment for a period not to exceed six (6) months, or both. For the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this *Law* shall be deemed misdemeanors and for such purpose only all provisions of the law relating to misdemeanors shall apply to such violations.~~

Any person that violates any section of this law may be punished as follows:

1. A first or second offense under this law shall be treated as a Violation of the Local Law.
  - a. For a first conviction, such Violation shall be punishable by a fine not to exceed \$250.00.
  - b. For a second conviction within 5 years, such Violation shall be punishable by a fine not less than \$250.00 and not to exceed \$500.00 and/or imprisonment not to exceed 15 days.

2. A third conviction within a five year period shall be treated as a Unclassified Misdemeanor and shall be punishable by a fine not less that \$500.00 and not to exceed \$1,000.00 and/or imprisonment not to exceed six months.

Keep in “For the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this *Law* shall be deemed misdemeanors and for such purpose only all provisions of the law relating to misdemeanors shall apply to such violation. In addition thereto, the Town shall have such other remedies as are provided by law to restrain, correct, or abate any violation of the *Law*.”

Mr. Ginter: The DA recommended not having the word “restrain” in the law. If the board feels they want to leave that in I’m fine with that. It’s whatever the board wants.

Councilman Gritsavage: I don’t have a problem with that but we have to rewrite that though. What you are doing is removing all of Section 14 and redrafting it with what the DA has recommended.

Mr. Ginter: Correct. She would like the word restrain removed. We may want to have it in there. It won’t effect what we are trying to pursue in court. It should not be dismissed based on this wording.

Councilman Gritsavage: If you look at the very last sentence on Section 14 “In addition thereto, the Town shall have such other remedies as are provided by law to restrain, correct, or abate any violation of the *Law*.” The DA didn’t like that?

Mr. Ginter: She didn’t like the word “restrain”. Like Cathi Radner suggested, that would mean, if we were to take it to civil court.

Councilman Gritsavage: I would suggest that the board take out everything but the last sentence and replace it with what you are proposing. Take the last sentence and have it read “**Section 3. In addition thereto, the Town shall have such other remedies as are provided by law to restrain, correct, or abate any violation of the *Law*.”**

She may not like that but it doesn’t apply to her. Discussion ensued.

Mr. Ginter: I would like to see that exact wording in our Zoning Law so that everything matches. We’ll do one thing at a time.

Supervisor Kemper: The one we just did states “in addition to seeking other remedies institute any appropriate action of proceedings to”. Do you want that wording to what we just did with the Special Events Law?

Councilman Gritsavage: That basically says the same thing, doesn’t it? I have no problem leaving it the way it is.

Mr. Ginter: We don’t think that is as big of an issue with Zoning because we don’t write a lot of tickets under Zoning. But we do write a lot of tickets under the Property Maintenance Law.

Supervisor Kemper: Does anyone have any more comment on the amendment to the penalty section of the Property Maintenance Law?

Councilman Gritsavage: We are basically changing the amount of the fines. This is the problem. We have a judge who looks at the word “offense”. I’m talking as a lawyer; the word “offense” could mean a violation, a misdemeanor, or a felony. An offender commits a felony and an offender commits a violation. It appears when he says an offense; it is not a misdemeanor because sometimes violations are referred to offenses. He is going through a difficult time and this is why we’re going through this whole thing.

Skip Taylor reviewed and commented on the DA’s recommendation.

The Supervisor asked the public if anyone had any further comments and so noted, upon not hearing anymore public input she was closing the Public Hearing on the proposed amendment of Section 14 to the Town of Northampton “Property Maintenance Law” Local Law No. 3 of the Year 2012 at 8:33 p.m.

Skip Taylor stated that he was not sure of the budget.  
The Supervisor then gave him highlights of the Preliminary Budget for the Town of Northampton for the fiscal year 2013.

Councilman Gritsavage: Do you feel that we are not representing you?

Skip Taylor: I believe that you are representing me. Are you representing me the way I would like to be represented, not all of the time. You have to represent lots of people. I respect what the Town Board does. I think you deserve our honor and respect.

Supervisor Kemper: Money it budgeted, to put money into reserves like we do every year, into the water/sewer district.

I will put together a copy of the summary of the budget work sessions for Mr. Taylor.

The Supervisor asked the public if anyone had any further comments on the Preliminary Budget for the Town of Northampton for the fiscal year 2013. Hearing no other public comment she announced that the Public Hearing on the Preliminary Budget for the Town of Northampton for the fiscal year 2013 is closing at 8:409 p.m.

**ADJOURN:** Not having any more business come before the Board, Councilman Ellsworth motioned **to adjourn the meeting at 8:41 p.m.**, seconded by Councilman Anderson, and passed by,

5-Ayes: Kemper, Anderson, Roosa, Ellsworth and Gritsavage      0-Nays

Respectfully submitted,

Elaine Mihalik, RMC  
Town Clerk