



## COMMUNICATIONS:

- Time Warner Rate Notification for 2013 and Programming Notice
- Northampton Town Board Quarterly Report of Revenues and Expenditures as of March 31, 2013

**CODE ENFORCEMENT:** Matthew Ginter collected \$860.00 and has issued (6) permits in March 1-31 2013; #005-13 Trailer Park License renewal permit (Logan) ; #006-13 Water well permit; #007-13 Junk Yard License Renewal; #008-13 (House) Renewal permit; #009-13 Trailer Park License renewal permit (Sac. Beach Development); #010-13 Septic Repair Renewal; and plus a Home Occupation. The total Estimated Project Costs was \$7,500.00.

Richard and Crystal Bruno were approved for two lot line adjustments.

Kathryn Lougheed was denied an adjustment on Skiff Road due to a Zoning issue.

I am continuing to take the NYS Code classes in Montour Falls each month.

The Code Enforcement Officer has provided a copy of proposed changes to Article 14<sup>th</sup> the Town of Northampton Zoning and Subdivision Law for the Town Board to review and comment on. 2.

### Penalties

#### (a) Civil Penalties

Any person who violates any provision of this Law or who fails to do any act required thereby shall for each and every such violation, be liable to a civil penalty of not less than \$150.00. When a violation of any of the provisions is continuous, each day thereof shall constitute a separate and distinct violation subjecting the offender to an additional penalty.

#### (b) Criminal penalties

In addition to the civil penalties described in Subsection 2(a), the following criminal penalties shall apply:

- ~~(1) First Offense. A violation of this Law is an offense, punishable by a fine not exceeding \$350.00 or imprisonment for a period not to exceed 6 months, or both for conviction of a first offense;~~
  - ~~(2) Second Offense. A second violation of the same section of Law or any other provision of this Law, both of which were committed within a period of 5 years, is punishable by a fine not less than \$350.00 nor more than \$700.00 or imprisonment for a period not to exceed 6 months, or both;~~
  - ~~(3) Third and subsequent offense. A third violation of the same section of Law or any other provision of this Law, all of which were committed within a period of 5 years, is punishable by a fine not less than \$700.00 nor more than \$1,000.00 or imprisonment for a period not to exceed six months, or both.~~
  - ~~(4) Each week's continued violation shall constitute a separate additional violation.~~
  - ~~(5) Where the person committing such violation is a partnership, association or corporation, the principal executive officer, partner, agent or manager may be considered to be the "person" for the purposes of this article.~~
  - ~~(6) Such fines or penalties may be compromised or released by the Town Board as a part of any disposition.~~
- (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 years period shall be treated as a Unclassified Misdemeanor and shall be punishable by a fine not less than \$500.00 and not to exceed \$1,000.00 and/or imprisonment for a period not to exceed six months.**

He would like the first, second and third offense, mimic what the board passed in the Community Enhancement Law.

The board agreed to a public hearing for the next Town Board meeting.

## Basement Offices

Matthew Ginter: Code Enforcement Office is done and I have moved into my new office downstairs. Work is still continuing on the Assessors office and should be completed this month. The closet has been removed and the room occupancy in the basement is now 46, which is down from previous 49.

**Supervisor Kemper opened for public comment at 6:50 p.m.**

Discussion ensued on the fees for violating the Town Law.

Supervisor Kemper noted that the verbiage in the Laws needs to be consistent with each other.

Jane Ferguson: The Solid Rock Ranch brings in much more money then that and they are violating the Law. Raise the amount. Do we want this event in our town? Don't we want to bring quality events here instead of bringing a lot more drugs and that kind of atmosphere?

Supervisor Kemper: You're talking about one specific event. What we want to do is about the Zoning Law as a whole. This was discussed at great length with this board the fines and penalties.

Jane Ferguson: Can't you have something that is specifically for an event instead of a blanket?

Attorney Cathi Radner: What you are facing is an inter-play between the Town's authority and enforcement. What we have run into in the past is that the Town is allowed to pass local laws addressing certain things such as building, for public health and safety, things of that nature. It doesn't have the power, as the State says, for addressing things.

What we have run into in the past is that the local courts, if you start the fines too high, they are treating it as though it's a misdemeanor, even though they shouldn't have to do that. Treating it as a misdemeanor means it takes a lot more work to get the individual into court. It is a lot more expensive for the Town. It means that the individual being charged has significantly more protection. If someone blatantly disregards the local government law and the Code Enforcement Officer wants to take him to court. If the court sees this as a misdemeanor, they will allow this person to have assigned counsel paid for by your tax dollars. They will require that they have all the protection of a criminal action and they will require multiple appearances.

Making the law clear, that this is merely a violation, we can get them into court quickly and get them fined, so that they can get the defendant in compliance. For Town, Zoning Ordinances and such as that, the Town Justice court has no injunctive power. It can't say that you are not allowed to hold this special permit event. It can only issue fines. What Mr. Ginter is proposing is that we get the fines to a level to where we can quickly get somebody into court and address those first offenses in particular. Where we have people, who repeatedly violates the law, or who is doing something that may warrant stepping it up and treating it as a misdemeanor and allowing the court to do that. Discussion ensued.

With the Mass Gathering Law, Special Event Permitting. The Town has put a little extra into that Law, if they seek injunctive relief and seek additional penalties from the Supreme Court. The Supreme Court has more powers than your local court. The Supreme Court can in fact issue an injunction or temporary restraining order and stop an event from taking place. The Town has given themselves the option of the enforcement issue. If it appears that the person blatantly disregards the law then there are ways to potentially, with discretion, stop the event from happening.

Discussion ensued on the discussion that took place at the last meeting on the e-mail received from the Solid Rock Ranch. Mr. Ginter was to contact Ms. Radner to see what options the Town had, stated the Supervisor.

Councilman Ellsworth: This is why the Attorney is here tonight to help answer some of those questions.

Jane Ferguson: I will be very disappointed if nothing happens.

Guy Poulin: stated that the Attorney could not legally go into executive session with the board.

**Executive Session:**

Councilman Gritsavage motioned to enter into Executive Session at 7:12 p.m. to discuss litigation with Attorney Cathi Radner and Code Enforcement Officer Matthew Ginter seconded by Councilman Anderson,

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

Councilman Gritsavage motioned to come out of Executive Session at 7:40 p.m. with no action taken, seconded by Councilman Anderson

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

**Res. #2013-04:** Resolution Authorizing Attorneys Miller, Mannix, Schachner and Hafner to Commence a Supreme Court Action.

The foregoing resolution was made by Councilman Gritsavage and seconded by Councilman Anderson.

VOTE:	Linda Kemper	Aye	Darryl Roosa	Aye
	Bob Ellsworth	Aye	William Gritsavage	Aye
	Ivar Anderson	Aye		

**COMMUNITY ENHANCEMENT:** Greg Ellsworth reported that he has written violation letters to two property owners for unregistered motor vehicles on property within public view. He has spoken with Mr. Slaybaugh regarding his property on Route 30. He has conducted property inspections on the following roads: Skiff, Seven Hills, White Birch, Frost, Co Hwy 113, Tennantville, Ridge, Simpson, Maple Grove, Gifford Valley, Co Hwy 152, Houseman and Hampton Point.

**ASSESSOR:** I'm upset because no one came to me and informed me of their intentions of moving me into an office in the town hall. I would have liked to have been included in this process.

**Committee Reports:**

The board tabled the justice report until next month

**ANIMAL CONTROL:** Vernon Duesler provided a January through March report.

**JOINT INTERMUNICIPAL:** Have you (Ellsworth) written the Joint Northville/Northampton agreement for the Water meter?

Response: Not yet

**ASSESSOR:** The change notices are going to be going out soon. There has been an overhaul in the STAR program. The STAR Enhancement will be status quo and the State is now going to check all exemptions for STAR Basic. They are not quite sure how they are going to implement the new Law. Have anyone who calls about the STAR program, call the Assessor directly, so she can explain the Law to them.

**AMBULANCE:** During March members responded to 5 calls in the Town of Northampton, 6 calls in the Village of Northville, 1 in the Town of Hope, and 4 mutual aid calls to Edinburg. They volunteered 117 man hours and traveled 453 miles thru the month. The ambulance annual coin drop will be held on May 4<sup>th</sup> from 8am to 1pm.

**CEMETERIES:** Opened this past Monday. The new hire is now working with Stu VanNostrand. The cemetery opened two weeks later because they had trouble getting into the cemeteries.

**TRANSFER STATION:** People are very happy with the recycling bin at the Transfer Station because they don't like it setting around waiting for the new recycling pickup day. We've heard nothing but compliments about the Electrics Shed at the Transfer Station.

**HAULING FEES** for the month of March 2013 are as follows:

County Transfer	61.770 Ton @ \$53.00	\$3,273.81
Curbside Recycling	9.590 Ton @ \$25.00	\$ 239.75
Transfer Station Recycling	1.210 Ton @ \$12.50	\$ 15.13
Metal Hauling fee	4.280 Ton @ \$20.00	\$ 85360
Total		<u>\$3,614.29</u>

**March 2013:**

**Water:** March-2012-usage, 1,169,000 gallons pumped.

March-2013-usage, 1,497,000 gallons pumped

**Repairs/Maintenance:**

- No problems to report

**Wastewater:** March 2012 daily average flow 36,300 gallons.

March 2013- daily average flow 46,300 gallons.

**Repairs/Maintenance:**

- Flow meter ordered. Delivery for April 18<sup>th</sup>.

**TOWN CLERK:**

**MOTION:** Councilman Anderson motioned to approve the Town Clerk's March 2013 monthly report as presented and seconded by Councilman Roosa, and passed by,  
5-Ayes: Kemper, Roosa, Ellsworth, Anderson, and Gritsavage 0-Nays

Account#	Account Description	Fee Description	Qty	Local Share
A1255	Conservation	Conservation	6	11.15
	Marriage Certificate	Marriage Certificate	2	20.00
	Registrar Fee	Registrar Fee	1	22.00
			<b>Sub-Total:</b>	<b>\$53.15</b>
A2130	Transfer Station	Transfer Station	44	440.00
			<b>Sub-Total:</b>	<b>\$440.00</b>
A2544	Dog Licensing	Female, Spayed	1	7.00
		Male, Neutered	1	7.00
		Replacement Tags	1	3.00
			<b>Sub-Total:</b>	<b>\$17.00</b>
A2770	Bid Spec	Bid Spec	7	140.00
	Minor Sales	Fax	7	7.00
	Photo Copy	Photo Copy	28	7.00
			<b>Sub-Total:</b>	<b>\$154.00</b>
B2110	Building Permits	Building Permits	6	835.00
	Zoning Application	Zoning Application	1	25.00
			<b>Sub-Total:</b>	<b>\$860.00</b>
			<b>Total Local Shares Remitted:</b>	<b>\$1,524.15</b>
Amount paid to: NYS Ag. & Markets for spay/neuter program				2.00
Amount paid to: NYS Environmental Conservation				190.85
<b>Total State, County &amp; Local Revenues:</b>		<b>\$1,717.00</b>	<b>Total Non-Local Revenues: \$192.85</b>	

To the Supervisor:

Pursuant to Section 27, Sub 1, of the Town Law, I hereby certify that the foregoing is a full and true statement of all fees and monies received by me, Elaine Mihalik, Town Clerk, Town of Northampton during the period stated above, in connection with my office, excepting only such fees and monies, the application of which are otherwise provided for by law.

_____	_____	_____	_____
Supervisor	Date	Town Clerk	Date

**NORTHVILLE FIRE DEPT:** We haven't gotten a report in quite some time. Can anyone answer why the Town doesn't get reports from the Fire Department anymore?

**SUPERVISOR:**

Councilman Anderson motioned approval of the Supervisor attending the Association of Towns and NYS Office of the State Comptroller 13<sup>th</sup> Annual Town Finance Schools will be held May 2-3, 2013 at the Gideon Putnam, Saratoga Springs, seconded by Councilman Roosa and passed by, 5-Ayes: Kemper, Anderson, Roosa, Gritsavage, and Ellsworth 0-Nays

- The new Bookkeeper Patti Guy is a quick study. She has done this for several years. Has anyone looked into direct deposit?  
Response: Not yet.
- Frontier is looking at coming on Friday morning to install the phone in the Assessor's office.
- Frontier has submitted proposals on a new phone system.

Councilman Ellsworth asked the Supervisor if she ever signed anything so that the board members can talk with Frontier about the town phone bill.

Supervisor Kemper: I told the gentleman verbally from Frontier, that he could because I was having problems with my new email.

**WEBSITE:** The people from One-on-One called to try and solicit a new website because there has been no action on ours for some time. The new webmaster happened to be in my office and she spoke with them and explained that we are having problems. One-on-One is going to place it on a different server site which is a more up to date system than what we are using. This is going to be placed into the towns name instead of the individual who is working on the website and that was the problem before. All of the paperwork is going to be signed and it is going to cost the Town \$19.95 a month. One-on-One is going to transfer all of the data over from the current website to the new website, and they will work with Mrs. Young on updating it at no charge. Mrs. Young will then work on the website on maintaining and updating it. She will be working with One-on-One for quite a while. Through the new website, there will be twenty emails available. There was discussion on possibly having certain members from the different boards having emails.

**OLD BUSINESS:**

Councilman Anderson: Will a response be done by the 19<sup>th</sup> of April on the Audit response?

Supervisor Kemper: I will most likely have one done. On the Ambulance, what is the status in what direction has the Ambulance taken? Are they working on a non-for-profit?

Councilmen Anderson and Gritsavage: Yes, they are.

Councilman Gritsavage: the Ambulance has been very active and they have done a great job and either Councilman Ellsworth or I, or both of us has attended every Ambulance meeting.

Supervisor Kemper: A lot of the things have already been corrected. The part on the reserves is incorrect and I need to correct that. They listed the wrong funds. That was a minor correction.

Councilman Anderson: Is John Whitman back to work?

Response: Yes, he is.

Councilman Anderson: Are you going to discuss with him what the board discussed two months ago?

Supervisor Kemper: I did get an email from the Teamsters and I would like to discuss this in executive session.

### **Roof replacement**

Councilman Anderson: We discussed that Councilman Ellsworth, I and Matthew Ginter are going have a meeting and we are going to discuss this. I have checked with people who did not bid and a lot of the issue is that this is a new system and they were wary about it. There was discussion on possibly going with a different system and discuss this with the low bidders.

Supervisor Kemper: We're looking at replacing the town hall roof with steel shingles which is apparently an unfamiliar concept to a lot of the local bidders. We put it out to bid. We had 8 different Firms pickup the CD, a ton of phone calls with questions. On the day of the bid opening we received two bids.

Bid received are as follows:

S & L Roofing and Sheetmetal Inc. 2706 New Scotland Rd., Voorheesville, NY 12186

Bid Total \$80,000.

Titan Roofing-70 Orange Street, Chicopee, MA 01013-3849

Bid Total \$199,000

### **Proposed revision of Billing Rates for Engineering Service Wastewater Systems in the Sacandaga Park Water and Sewer District.**

Bids received are as follows:

1. Chazen Engineering 547 River St., Troy, NY 12180 - Eric Johnson P.E., LEED AP And Brady Sherlock, PE. Cost for Water and Wastewater Rate Analysis **\$5,400.**
2. C.T. Male Associates 5 West Main Street, Johnstown, NY 12095-2310 Lump sum fee to perform the work is **\$7,760.00** and includes one workshop meeting with the Village, as well as one meeting to discuss our preliminary recommendations. If the data required is readily available, we can complete a draft of the study within 6 to 8 weeks.
3. LaMont Engineers PO Box 610, Cobleskill, NY 12043 cost **\$4,250.00** for Basic Services, plus Direct Expenses at cost (estimated at \$60), Subcontracted Services at cost plus 10 % (estimated at \$1,000), plus additional services at the hourly rates shown in Attachment A (none anticipated).

**MOTION:** Councilman Anderson motioned to approve the bid for revision of billing rates for Engineering Service Wastewater Systems in the Sacandaga Park Water and Sewer District, from LaMont Engineers PO Box 610, Cobleskill, NY 12043 cost **\$4,250.00** for Basic Services, plus Direct Expenses at cost (estimated at \$60), Subcontracted Services at cost plus 10 % (estimated at \$1,000), plus additional services at the hourly rates shown in Attachment A (none anticipated), seconded by Councilman Gritsavage, and passed by,  
5-Ayes: Kemper, Anderson, Roosa, Gritsavage, and Ellsworth 0-Nays

### **EXECUTIVE SESSION**

Councilman Ellsworth motioned to enter into Executive Session at 8:00 p.m. to discuss negotiations, seconded by Councilman Anderson, and passed by,  
5-Ayes: Kemper, Anderson, Roosa, Gritsavage, and Ellsworth 0-Nays

Councilman Anderson motioned to come out of Executive Session at 8:24 p.m., with no action taken, seconded by Councilman Ellsworth, and passed by,  
5-Ayes: Kemper, Anderson, Roosa, Gritsavage, and Ellsworth 0-Nays

The next **regular board meeting** will be **Wednesday, May 15, 2013 at 6:30 p.m.**

**ADJOURN:** Not having any more business before the board, Anderson motioned to **adjourn the meeting at 8:25 p.m.**, seconded by Councilman Ellsworth and passed by,  
5-Ayes: Kemper, Anderson, Roosa, Gritsavage, and Ellsworth 0-Nays

Respectfully submitted,

Elaine Mihalik, RMC  
Town Clerk