

**TOWN OF NORTHAMPTON
REGULAR MEETING
September 18, 2013**

The regular meeting of the Town of Northampton was held on Wednesday, September 18, 2013. Supervisor Kemper called the meeting to order at 6:32 p.m. in the Municipal Building at 412 South Main St., Northville, NY. Supervisor Kemper led the salute to the flag.

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

RECORDING SECRETARY: Elaine Mihalik-Town Clerk

ALSO PRESENT:

Matthew Ginter-Code Enforcement Officer
Kip Richardson-Highway Superintendent
Ken Cramer- Water & Sewer Maintenance Operator
Frank Bendl, David Cook, Art Simmons, and Steve Norris

MOTION: Councilman Anderson motioned to approve the August 21, 2013 Regular meeting minutes as presented by the Town Clerk, seconded by Councilman Gritsavage and passed by, 5-Ayes: Kemper, Ellsworth, Gritsavage, Anderson and Roosa 0-Nays

Discussion on Motion: Councilman Anderson was not in favor of including the voucher and bill in the amount of \$870.00 just received from Attorneys Miller, Mannix and Schagner with the warrants, stating that all bills should be submitted in a timely manner to allow the board time to review any and all bills.

After review it was noted that the bill in question was for services rendered for both Betler and the Solid Rock Ranch.

Discussion ensued on a request made by Councilman Gritsavage to review all past bills received regarding the Solid Rock Ranch.

MOTION: Councilman Ellsworth approved paying the warrants, with the adjustment of adding the cost of the legal fees from Miller, Mannix and Schnager in the amount of \$873.00, seconded by Councilman Roosa, and passed by,

4-Ayes: Kemper, Roosa, Ellsworth and Gritsavage

1-Nay: Anderson He feels the board should be allowed time to review any and all bills prior to the meeting.

September 2013 Warrants

General Fund "A"	\$12,760.12 + 873.00
General Fund "B"	239.34
Highway	134,261.89
Sacandaga Fire District	0.00
Sacandaga Lighting	1,239.64
Sacandaga Water District	2,023.16
Sacandaga Sewer District	<u>3,601.67</u>
Total Warrants	\$154,998.82

Supervisor Kemper opened for **Public Comment at 6:37 p.m.**

David Cook: Read a prepared statement on the Houseman Street issues and asked that this statement be made a permanent part of the minutes.

He would like:

1. Town commitment to help get data from the HRBRRD, DOT and ENCON that may either support or negate his ideas.
 - a. Getting clear legal definitions of parking rights
 - b. Access to Regulating District permit land
 - c. The abutment of permit property to DOT right-of-ways and if they overlap, whose regulations take precedence or are enforceable
 - d. What current DOT laws or regulations say about use of off pavement right-of-ways and the municipality's rights or requirements to enforce them
2. He would put together a formal report, with at least one or more possible resolutions and recommendations to the problems and provide a copy to the Town Board for review and comment.
3. After speaking with John Hodgson from the HRBRRD, Mr. Hodgson agreed to seek a legal opinion from their attorney as to what defines "access" to a permit.
 - a. A request has been made to have a letter drawn up from the Board or the Supervisor, asking whomever, to assist Mr. Cook in seeking information regarding this issue, in a capacity as member of a Citizen's Action Committee, or some such designation assisting the Board to study the matter(s), to show that the Town Board is in support of pursuing that information.
4. To have the Town Board have discussions and commit the Town to a soft schedule for producing some recommendations to try and resolve this issue, and implement a schedule by next Memorial Day at the latest.

I saw where the Town was talking with the Sheriff on getting the Sheriff to enforce the law. But I didn't hear or see it in writing, specifically, where there was a commitment from this board. Saying, let's try and get some specific resolutions by xx time, or have an answer by xx time. So the Board could let everybody know what needs to be done for next summer. Let's try and clear this problem up. I think that is reasonable to ask the Town Board to do that.

Supervisor Kemper: That raises a question that no one has raised before about the legal to the "access permit".

David Cook: After reading the meeting minutes on this issue. There are four or five different things that contribute to that problem on Houseman Street. I didn't hear the multiple sides of the different issues. In order to make up as a community, to come up with something that we are firm legal grounds to enforce and that would be the best enforcement method. There are open questions that need to be answered and be clearly defined as to the legal space for parking. What does DOT say about the right-of-way on that kind of road? We need specifics because in order to solve that problem the Board needs to come up with specific Ordinances that you can enforce.

Supervisor Kemper: I believe many of those issues are covered in the Vehicles and Traffic Law.

Councilman Gritsavage: You would like the Supervisor or Board to write a letter supporting your application to pursue answers to the issue?

The Town Board unanimously approved that the Supervisor Kemper write that letter.

David Cook: Basically, everyone from one side of the street recognizes the problem that they have; and they don't care about the problem at the other end of the street; and vice versa. The

fact is that the issues all stem from parking. But, in order to resolve the parking we need to tell the people that are affected by the parking, what are you going to do when we take that parking away from you to make that road safe? You need to have the legal grounds to stand on when that decision is made.

Councilman Roosa: The place to start is the Vehicle and Traffic Control Laws.

David Cook: It does not address the issue of the right-of-way. Theoretically, the car has the right to get off the roadway. What happens to the person who owns the property next to the roadway and they are blocking the ability of the car to get off the roadway on to what is theoretically the public right-of-way to that road?

Councilman Roosa: The right-of-way is the width of the road usually measured by the center.

David Cook: And “x” amount of space off the pavement.

Councilman Roosa: Most cars on that street cannot get four tires off the road. There is very limited space where they can do that.

David Cook: I understand that. There certainly isn't when people put rocks, or railroad ties, push their movable boat carriers out into the right-of-way. That if they didn't, there **would be** parking space. Do they have the legal rights to do that? I think that we need to have the definitive answers to that.

If it does exist, we need to make sure whatever the Board creates, to make sure to explain our position as a community to those folks that are going to be affected, that is this the reason, “Here is the Law” etc...

Art Simmons: The Public Safety Committee met on August 20th to review the 2014 County Budget, as Coroner, I brought a letter into the Board of Supervisors that morning for you and the other members of that committee. Did you receive that letter? I never did receive a schedule of that meeting.

Supervisor Kemper: I received the letter after that meeting and it was given to all Board members of that committee immediately.

Steve Norris

1. Asked about backing up the town board meeting recording tapes
2. Has anyone heard about the Solid Rock Ranch event? I was told by several people that there is something going on the end of this month. They are actually trying to hide it on Facebook. I heard it was “Shake the Mountain”.

Supervisor Kemper: I haven't heard anything about it. No one notified us of anything or applied for anything. I didn't know anything about the last one.

The board commented they had not heard anything.

Councilman Anderson: I just hear the noise about the town.

Councilman Ellsworth: I haven't even heard anything.

Steve Norris: Not either her or her family has talked to you about it?

Supervisor Kemper: No, I have not heard anything at all.

Steve Norris: So, they feel can do whatever they please and they don't have to notify the Town?

Supervisor Kemper: Remember, it is litigation and it is on going.

3. I entered late and he questioned a bill that was just presented to the Board in the warrants regarding the Solid Rock Ranch issue that the board did approve to pay.

Councilman Ellsworth: I was just one bill in the amount of \$873 and it summarized the legal expenses.

4. What is the total paid to-date on the Solid Rock Ranch?

Supervisor Kemper: Over \$16,000 just for the proceedings to do the Special Permitting and anything to do with that Ranch.

Steve Norris: The Special Permitting is a total different issue, if you are talking about going to the Attorney and asking for the Attorney's opinion on the Law. I'm asking for when the Town had to specifically go to court.

Supervisor Kemper: This has been on going for two years. There are approximately twenty to thirty bills on that. It's been on going right along through communications and the court.

Councilman Anderson: We are going to get a summary of that?

Supervisor Kemper: I've got all the bills. You are welcome to review them.

5. When did the Supervisor become the Budget Officer?

Supervisor Kemper: By "Law" I am the Budget Officer.

Steve Norris: So, Carol Roberts wasn't the Budget Officer prior to her leaving?

Supervisor Kemper: Carol Roberts was the Budget Officer when she was full time. She stayed on to train someone else.

Steve Norris: Shame on the board for not knowing this. I believe that includes a stipend if I am not mistaken.

Councilman Gritsavage: It was never brought up to the Town Board. We did not authorize a Budget Officer or a stipend. We should have been advised of that.

Supervisor Kemper: The Board doesn't appoint a Budget Officer. It is in the Budget and it is in the Organizational meeting. It's the Boards' responsibility to be aware of all the aspects of the Budget.

Councilman Gritsavage: Did Cristen Shepard ever get any of that money for Budget Officer?

Supervisor Kemper: Mrs. Shepard was the Bookkeeper, that's all she did.

Supervisor Kemper **closed the Public Comment at 7:06 p.m.**

COMMUNICATIONS:

- Monthly Report of Revenues and Expenditures
- Monthly Transfers for abstract of Audited vouchers
- September 2013 NewsLine
- Board of Supervisor of Fulton County-Resolution No 293-Resolution Establishing a Policy for County Participation in the Legal Defense of Real Property Tax Assessment.
Discussion: All of the towns have people who file small claims. It seems that the Hearing Officers in my opinion are not well qualified and they always split the difference. In the Town of Johnstown, Walmart ended up with a substantial tax break as well as National Grid gets a tax break, which takes a huge amount off the tax rolls. The County is going to take on the cost and the legal council to aggressively defend the assessments that are the true market value over \$500,000 for someone who is trying to get relief on their assessment and tried to get it lowered to \$300,000. The County decided to try the \$500,000 first for the big time firms and attorneys.

Council Gritsavage: Does that mean that we are going to be assessed if there is an objection in Johnstown? It would come out of the County fund?

Supervisor Kemper: The County is using the Real Property Service who will do a lot of the research and utilize their resources that are limited on our end. It will be part of their job. The outside attorney may be an entire county cost. But the money that they will recover by fighting it versus just handing it out to everybody, will more than benefit. It is coming out of the attorney from Real Property Service Fund.

CODE ENFORCEMENT: Matthew Ginter collected \$942.50 in fees and has issued (9) permits in August 2013; #47-13 Garage permit; #57-13 Renewal permit; #58-13 Garage permit; #59-13 House permit; #60-13 Deck permit; #61-13 Double mobile home Renewal; #62-13 Alterations permit; #63-13 Addition permit; #64-13 Renewal permit; #Z05-13-Area Variance and 2-Municipal search. The total Estimated Project Costs was \$316,900.00.

Discussion on proposed Town of Northampton "Application for Temporary Use Permit" form for the Town Board to review and approve.

MOTION: Councilman Anderson motioned to accept the Town of Northampton "Application for Temporary Use Permit" form as presented by Code Enforcement Officer, seconded by Councilman Roosa, and passed by,

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

HIGHWAY: They will be doing sealing next week.
The fence is up in the Town Park.

MOTION: Councilman Gritsavage motioned to approve the Agreement to Spend Town Highway Funds. Pursuant to the provisions of Section 284 of the Highway Law, the Town of Northampton Town Board agree that moneys levied and collected for the repair and improvement of highways, and received from the State for the repair and improvement of highways, shall be expended as follows:

1. General repairs: The sum of \$4,250.00 may be expended for general repairs upon 30' x 33' of town highways, including sluices, culverts and bridges having a span of less than five feet and boardwalks or the renewals thereof.

2, Improvements: The following sums shall be set aside to be expended for the improvement of town Highways.

(a) On the road commencing at the end of Juergen Point Road turn around with a 6" Rubble Base 3" Binder Top. Seconded by Councilman Roosa, and passed by,

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

JUSTICE REPORT: Councilman Anderson motioned to accept the Justice report, of a total of 42 cases were handled and \$4,18400 collected in fines for the month, seconded by Councilman Gritsavage and passed by,

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

Committee Reports

ELECTION: The General Election will be held on November 5, 2013 and polling sites will be open from 6 a.m. to 9 p.m.

MOTION BAR Member: Councilman Anderson motioned to approve the re-appointment of Gayle Q. Walrath as member on the Town of Northampton Assessment Board Of Review. Term of October 1, 2013 to September 30, 2018. Seconded by Councilman Gritsavage, and passed by, 5-Ayes: Kemper, Gritsavage, Anderson, Ellsworth and Roosa 0-Nays

PLANNING: There will be a New York State Department of State Training for Local Officials sponsored by The Fulton and Montgomery County Planning Boards at the Fulton-Montgomery Community College in Johnstown on Thursday, September 26, 2013 at 5:00 p.m. to 8:15 p.m. Councilman Anderson is asking that the Planning Board notify the board of their meetings.

CEMETERIES: Stu VanNostrand has had hip surgery and is doing well. His workers have been in close contact with him and are keeping him informed of what they have been doing daily.

AMBULANCE: Mr. Farquhar has had surgery and is doing well. During August 2013 members responded to 7 calls in the Town of Northampton; 12 calls in the Village of Northville, 2 calls in the Town of Hope and 1 mutual aid call to Edinburg. They volunteered 187 man hours and traveled 560 miles through the month.

YOUTH & REC: We are going to have an end of the year meeting stated Councilman Gritsavage. A letter addressed to Director Molly Whittaker, Town and Village Boards. Jenn Brockert thanked Molly Whittaker and her camp staff for a wonderful summer vacation for her two children.

HAULING FEES for the month of August 2013 are as follows:

County Transfer	109.620 Ton @ \$53.00	\$5,809.86
Curbside Recycling	15.880 Ton @ \$25.00	\$ 397.00
Metal Hauling Fee	3.550 Ton @ \$20.00	\$ 71.00
Transfer Station Recycling	3.070 Ton @ \$12.50	\$ 38.38
County Transfer Haul-Compost	22.230 Ton @ 30.00	\$ 666.90
Total		\$6,983.14

HARDFILL: For the month of August 2013 there were a total of 47 vehicles that had come to the Hardfill and a total of \$51.00 was collected.

Northville Fire Department: During July 2013 there were a total of 20 responses and a total of 334 man hours made by the Northville Fire Department. The Village of Northville there were 1-Service calls and 1-Hazardous Conditions. The Town of Northampton there were 1-Brush/Grass Fire; 6-Hazardous Conditions; 1-MVA/Rescue; 1-Alarm Activations and 3-MVA/EMS Assist. Mutual Aid given was 3-Edinburg and 3-Hope; and Mutual Aid Received 1-Mayfield and 1-Edinburg.

During August 2013 there were a total of 3 responses and a total of 29 man hours made by the Northville Fire Department. The Village of Northville there were none. The Town of Northampton there were 1-Alarm Activation and 2-MVA/EMS Assist.

1. The department accepted four new applications for membership this month. Alicia Ellsworth, Thomas Halloran, Jeremy Jensen and Joshua Russell were accepted as Probationary Firefighters and will attend Firefighter 1 training at the Fulton County Fire Training Center starting September 3rd.

2. Three junior members were also accepted into their Junior Firefighter program under the direction of Firefighter Gerald Wildermuth. Jordan Fordyce, Kalob Russell and William Wilson Jr. will be participating in the program.

It was noted that the Kenneytto Fire Department has presented the Supervisor with their 2014 Budget.

The Town to-date has not received a 2014 Budget plan from the Northville Fire Department. The last budget plan, which was thru 2010, was received from them back in 2007. No other Budgets have been submitted to the Town of Northampton since 2007.

SACANDAGA PARK WATER & SEWER:

Report for August 2013

Water: August-2013-usage, 1,703,000 gallons pumped.

August-2012-usage, 2,809,000 gallons pumped

- Meters are being read each month.

Repairs/Maintenance:

- No new issues to report

I have pulled one of the well pumps to rebuild the RBC unit.

Wastewater: August 2013 daily average flow 24,400 gallons.

August 2012- daily average flow 23,600 gallons.

Repairs/Maintenance:

- Pumped 16,000 gallons sludge from imhoff tank.

TOWN CLERK:

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

Account#	Account Description	Fee Description	Qty	Local Share
A1255	Conservation	Conservation	116	127.12
	Marriage Certificate	Marriage Certificate	1	10.00
			Sub-Total:	\$137.12
A2130	Hardfill Site	Hardfill Site	2	36.00
	Transfer Station	Transfer Station	34	340.00
			Sub-Total:	\$376.00
A2544	Dog Licensing	Female, Spayed	4	28.00
		Male, Neutered	2	14.00
			Sub-Total:	\$42.00
A2770	Minor Sales	Fax	2	2.00
	Photo Copy	Photo Copy	40	10.00
	Zoning Ordinance	Zoning Ordinance	1	50.00
			Sub-Total:	\$62.00
B2110	Building Permits	Building Permits	9	827.50
	Municipal Searches	Municipal Searches	2	50.00
	Zoning Application	Zoning Application	1	65.00
			Sub-Total:	\$942.50
			Total Local Shares Remitted:	\$1,559.62
Amount paid to: NYS Ag. & Markets for spay/neuter program				6.00
Amount paid to: NYS Environmental Conservation				2,443.88
Total State, County & Local Revenues:		\$4,009.50	Total Non-Local Revenues: \$2,449.88	

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

SUPERVISOR:

- I have been working on the budget but I don't have all my budget requests in.
- The Planning Board is asking for more assistance from the County Planning Department. I have already signed a contract with the County Planning Department for them.
- The web master is requesting an increase. We are over budget and will have to do a transfer for that.

Councilman Ellsworth

- Suggested putting money in the budget for a possible Constable. So the board has the option to hire a Constable.
- Has a figure for the cost of the lumber for the planters in the Town Park. I have a few phone calls in for a cost for top soil.

OLD BUSINESS:

MOTION: A motion was made by Councilman Ellsworth to allow Code Enforcer, Matthew Ginter to move the heat/a.c. thermostat from the main hallway leading into the front conference room and install it into the Supervisor's Office for better energy saving, seconded by Councilman Gritsavage, and passed by,

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

Roof update:

Councilman Anderson: The Contractor has the original contract, which he is going to sign, add the bonds and add the insurances. He will send them to the Supervisor for her signature after which we can give them the notice to proceed. The Contractor believes he will be starting the second or third week in October 2013.

The Town Board will review the contract before the Supervisor signs it.

We can send it for review to our attorney Miller and Mannix but Glenman and Peterson has their own Lawyer which it is a typical AIA contract, which is what everybody uses. If anyone wants to see it prior, to review, go to the original specifications we have. There is a copy in there that you can read. The only thing that we changed was they would be complete by the 31st of December, 2013. After which we have 30 days to receive their bill and pay them. Hopefully it will be done in this year's budget.

Supervisor Kemper: Regarding the bond issue. Miller and Mannix is having someone else review it because it has already been budgeted for and the balance is coming out of reserves. The issue is, if we need the bond.

Councilman Anderson: I have a response for that. Only the State of New York can waive a Performance Bond. So, the Performance Bond does have to be included, which is approximately \$1,200 or \$1,300. It is a State Law.

2013 Justice Grant Bids update:

Councilman Anderson: Quotes will be back to me no later than Tuesday, September 24, 2013 for the Justice Grant. We're looking at removing the wall between the two main rooms. Redo the bathroom with new fixtures, have the front as handicap access, and a new rug for the front room. Hopefully, by October 21 we'll be done.

Mr. Farquhar and I have our ducks in a row for the next Justice Grant deadline which is due in October 2013. We will be looking to ask to have the Justice building insulated and put the ceiling in.

The next regular board meeting will be Wednesday, October 16, 2013 at 6:30 p.m.

Councilman Anderson motioned to **enter into Executive Session at 7:39 p.m.** to discuss litigation, seconded by Councilman Ellsworth and passed by,

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

Councilman Ellsworth motioned to **exit the Executive Session at 7:58 p.m. with no action taken**, seconded by Councilman Anderson, and passed by,

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

Discussion on Budget:

The 2014 Budget will have adjustments that monies will be placed properly in its appropriation, instead of where it was divided into several places in the past.

We need to fix the pay check issue.

ADJOURN: Not having any more business come before the board the meeting was **adjourned at 8:05 p.m.**

Respectfully submitted,

Elaine Mihalik, RMC
Town Clerk