

July 10, 2012

The monthly meeting was held at 7PM at the Town Hall

Present were: Supervisor	Steve Breneman
Councilmen:	Sharon Eltz
	Jeff Smith
	Riley Closson
	Nancy Elwood
Highway Superintendent:	Jim Smith
Town Clerk:	April Law
Planning Board Chair:	Kathryn Elwood
Code Officer:	Mike Andersen

Also present: Historian Beth Hummel, Marie Peri, Justice Rollan Elwood, Accountant Debbie Fisher, Hal & Denise Hopkins, Norm Durand, Gary & Patti Michaels, Nancy Bauer, and Chip Elwood.

Steve began the meeting at 7PM with the Pledge of Allegiance to the Flag.

**PUBLIC COMMENT:**

Denise Hopkins began by stating that she had prepared a little statement that should only take about 4 minutes. Denise began by stating she and her husband are against Natural GasHydro Fracking and asked that the Town not adoptproposed Resolution presented by Ken Diaz. She had 2 main concerns: one being that her and her husband are against it and would like to state it publicly. Denise referred to the May minutes that reflected that the Town seems to be pro drilling, saying that they don't want it and there are others in the Town that don't want it. She then brought up that the Resolution does not merit support, is unwarranted and feels the risks outweigh the benefits. She then listed 3 sub-reasons to not adopt the Resolution. 1- Process, she agrees there are people in Town that are pro drilling, but are only considering the highest possible safeguards. Adopting the Resolution does not achieve this; it stops the DEC process dead in its tracks. She points out that the Resolution tells the State to ignore, by not responding or addressing, thousands of comments being made (including her own & that of our County government). Denise then ripped up the Resolution and told the Board that it takes up 9 hours of Task Force meetings. Denise then referred to a statement made by Jim Seward on June 11, 2012 in the Cortland Democrat "Whether it is public health or any aspect of gas drilling, I think it is important we allow the process to proceed and ultimately have judgment made on fact and science on all aspects of the issue".2-Some of the bulleted items, all of the items cannot be addressed because she is not an engineer and is too ill to deal with this. 1 issue she did want to cover was disclosure. After some research she found that DEC does not have to disclose additives used in Fracking to the public, only DEC and emergency personnel. So she is saying the Resolution contradicts anything she has heard, via the County. She again stated it does not merit support and warned the devil is in the details with this issue. She also brought up the treatment of waste water from drilling which is to be treated at Waste water treatment plants. She points out that radiation cannot be treated at these facilities and this issue has yet to be addressed. She was also unclear about a section referring to requiring gas drillers to assess and repair any load wear permits. She did not know if that referred to roads or making these people get proper permits. 3-Issue with the Cortland County Natural Gas Task Force, this is an impartial group of County Departments who help facilitate guidance for County/Town leaders about the impacts, good or bad, that the natural gas drillers may bring. She then went on to ask the Board if anyone had attended monthly meetings of The Natural Gas Task Force, to which they replied no. She asked them if they

remember that 6 months ago she came and asked that the Board send one person, in rotation, to these meetings. Denise said that she also asked 1 year ago, these meetings are there to inform our Town leaders. She added that if we had gone, we would be in a better light to vote on this Resolution and stated that if we adopt this Resolution it is purely a political action. Denise then wanted to add 2 more things in closing, recently thru the Task Force she has learned that it will cost \$800.00 to have a well checked and she wants to know who pays for it. Second there is an issue with leases being in violation dealing with these gas companies. The Tompkins County Trust recently went to the Task Force with this issue. Many lease lands may become uninsurable due to pollution causes and Insurers don't want to get stuck. In closing she asks that before take a vote on this or any other Resolution we allow Cortland County Deputy Director of the Public of Health to come to a Board meeting and speak about Hydro Fracking, if we won't go to them, then they will have to have them come to us. Gary Michaels then stood and spoke briefly about being opposed to Hydro Fracking, and said that Denise covered a lot of the issues he had. He said that his one problem with the Resolution states that it is too early to ask for a ban, it is too early to ask for approval. He is concerned about some of the wording and feels it will ruin the Town and its serene surroundings. He stated that he believes the Resolution is foolishness and ended on that.

Prior to the meeting the Board members read copies of the minutes

**MOTION:** "Accept minutes of the meeting as written"

Made by Sharon Eltz, 2<sup>nd</sup> by Riley Closson

Votes Cast:	Sharon Eltz	Aye	
	Jeff Smith	Aye	
	Riley Closson	Aye	
	Nancy Elwood	Aye	<b>carried</b>

**MOTION:** "Accept Accountant's Report as written"

Made by Sharon Eltz, 2<sup>nd</sup> by Riley Closson

Votes Cast:	Sharon Eltz	Aye	
	Jeff Smith	Aye	
	Riley Closson	Aye	
	Nancy Elwood	Aye	<b>carried</b>

Prior to the meeting the Board reviewed, discussed and signed vouchers

**MOTION:** Pay Highway vouchers for a total of: \$5,833.76

Made by Sharon Eltz, 2<sup>nd</sup> by Riley Closson

Votes Cast:	Sharon Eltz	Aye	
	Jeff Smith	Aye	
	Riley Closson	Aye	
	Nancy Elwood	Aye	<b>carried</b>

**MOTION:** Pay General Fund vouchers for a total of: \$2,372.98

Made by Sharon Eltz, 2<sup>nd</sup> by Riley Closson

Votes Cast:	Sharon Eltz	Aye	
	Jeff Smith	Aye	
	Riley Closson	Aye	
	Nancy Elwood	Aye	<b>carried</b>

Total funds disbursed was: \$8,206.74

**INFORMATIONAL CORRESPONDENCE:**

Steve presented the Board with a Resolution from Cortland County on the Sales Tax and it shows what is proposed to be paid to the Towns. Then we moved onto the issue of a Dog Warden for Taylor, Steve joked that one person suggested we put Jeff Smith in the position. Steve stated that we have looked and thought we had one prospect, but due to health issues cannot accept the job. Chip Elwood has volunteered or was drafted to be the Dog warden until the end of the year. He has asked that they raise the salary a little to \$100.00 a month plus enumeration fee and mileage. Sharon pointed out that we do have enough money left in one fund to do this for this year. There was some discussion as to the cost of Country Acres doing this job and the figure of \$4000.00 a year was brought up. Chip would be much cheaper and the Board agrees he should get a little more being he is on call 24 hours 7 days a week to deal with dogs. Jeff mentioned that he didn't call Jason Blanchard again, but in his last conversation Jason did not seem interested, Steve replied that was a shame because he did a good job. Jeff did wonder if we called Jason and offered him \$100.00 a month if he would be interested. Steve and Sharon said that was up to him, but we need to get this taken care of. Everyone agreed we would try Chip in the position.

**MOTION:** Appoint Chip Elwood Dog Warden @ \$100.00 a month + enumeration & mileage until the end of the year.

Made by Sharon Eltz, 2<sup>nd</sup> by Riley Closson

Votes Cast:	Sharon Eltz	Aye	
	Jeff Smith	Aye	
	Riley Closson	Aye	
	Nancy Elwood	Aye	<b>carried</b>

Steve then addressed Denise's concerns about the gas issues while he was thinking about it and had a minute. He let her know that the Board is not jumping to pass this Resolution. Steve would like to see if we could hold a special public meeting for discussion on this specific subject. He would like to see the people turn out to see how they feel regarding hydro Fracking. Steve mentioned that he had 4 calls about this and Sharon mentioned she had 2. Steve reassured Denise that we were not planning on passing anything at tonight's meeting. Steve did say that the biggest problem would be getting the people to turn out. He then joked if we cooked a pig out back it might help. Someone then added free refreshments will also get them out, everyone laughed adding we didn't want to go that route. Steve let Denise that he was not ignoring her and her concerns. Jeff said that he would like to see some more research done into it. Riley then added he would like to see the State do something with it first. The Board was then asked by Patti Michaels if they had ever seen one of these drills in working order. To which most replied yes, she stated that it ruins the Community. Steve added that the ones he has seen are nice, but he agrees there is a lot of traffic. Patti said she has talked to people that live in those areas and they are told that everyone feels bad for them for having to endure the noise and such. Steve said that he understands what she is saying, but he knows people on the other side of the coin as well. Denise added that Steve was referring to the ones making all the money and added that she is very concerned about all the issues involved in Fracking. She talked briefly about the concern from the chemicals if a truck were to spill. Steve replied that trucks tip over every day. There was a short discussion as to a truck flipping over on Potter Hill.

**CODE ENFORCEMENT REPORT:**

Mike began by presenting pictures of the dump site on Hubbard Hill. He was pleased to report that he sent a letter to the property owner in Homer telling them there was a Covenant stating no dumping and within one week it was all cleaned up. He then addressed some outstanding Building Permits. He said

that he has gone to 5 or 6 of them trying to close them out and has given up. Mike is not blaming the previous Code Officer specifically, but feels the ball got dropped and everyone he has gone to has major violations. Mike reported that he is just going to close them out and he hopes no one gets upset. He gave the example of the first one on his list which is this building, there remain some issues regarding codes and we should never have been allowed to move in here. His next example was the Orange County Chopper property who built a railing around the porch, upon inspection it is illegal. He referred to the spacing of the spindles not being right and what is he to do, make them take it down? He stated that they also have some illegal railing in place, but once again it is after the fact. He brought up that stopping at Polly Colasurdo's house he found no handrails or railing on the porch. Mike reported that he went to the Park's residence and there building is all done, but where is the paperwork for the electrical inspection? He was told that previous Code Officer did the inspection to which Mike pointed out he is not able to perform those. So Mike stated that unless he sees major problems he is just going to write them off as closed and from here on we will try to stay on top of these things. Marie then asked the question "Can the Town be liable if something should happen?" Mike answered there is always liability on the Town, then spoke briefly on the rights of property owners. They do not have the right to put up buildings without permits or have 4 unlicensed vehicles on their property. We are not taking away anyone's rights, just asking they do things in compliance the New York State Code Enforcement. Beth added they have the right to make a race track, Mike chuckled and moved on. Mike reported that his biggest headache right now is the swimming pools. You can't go to Wal Mart and buy a \$200.00 pop up pool and put water in it. You have to have a fence around it and an electrical inspection, it is the Law. Jeff brought up that this should be put on the box and I added that it actually is on there. Mike said that he is not dealing with it anymore, he is sending them to court and that is how it has to be. Mike then gave an example where he recently sent a guy to court because he did not have a fan in his bathroom. The guy was written up for it and given 30 days to fix it, then given a 2 week order of remedy and he still did not fix it. Upon court last night the Judge asked Mike when he sent the notice and Mike answered the dates the notices were sent. The Judge then issued a \$6000.00 fine, issued from first day of notice at \$100.00 a day. The man was upset and the Judge told him he had 24 hours to get the fan installed or the \$6000.00 fine would stand. Mike went back today and the fan was installed, agreed it is a stupid little thing but Mike can't close out the Inspection Report until this was done. Mike said this is just like the pools. He can't close out any permits until all codes are met. Mike stated again he is just going to send them to Court and tell it to the Judge, Rollan told Mike to give them an appearance ticket. Steve added that this brought up a new issue and asked Rollan if he had appearance tickets to give to Mike. Mike stated that he and April looked for them in the Office, but couldn't come up with any. Steve asked Rollan again if he had any and Rollan showed Mike what Larry had been using. Mike said he could easily make something up he was just wondering what to use. Rollan then presented copies of 3 summons that Larry sent out and stated that he stayed here at the Court on the appointed date until after 8:00 PM and none of the three showed up. The next day Rollan wrote out arrest warrants and took them out to the Sherriff's Department. He then showed the Board a letter from Captain Helms stating that Building Permit failure is not a jail able offense. Steve read the letter and then asked Marie if it is in our Town Law that this is punishable by jail time, he was sure Marie and Larry had looked this up before. Marie was confused by what Steve was asking and Steve moved on. Rollan then said that he was told by Captain Helms that he was unable to issue arrest warrants due to it being an unjailable offense. Rollan then stated that there was nothing in our Town Law that says if you don't comply you will go to jail. Steve answered that he was pretty sure the Town Law does state that to which Rollan said "Where?" Marie then said that she knew there was a fine per day, but she was sure that there was nothing about jail time. Steve said that this is something to look into further and we would review the Town Laws. Steve then made a copy of the letter from Captain Helms that Rollan presented to the Board. Mike added that he was trying to be the bad guy he is only trying to get things moving along. Rollan said he

did not have a copy of the Town Laws handy, but then asked Mike if he would like to discuss the Eddie Wilkins property. Mike told Rollan that he had been in contact with him and gave him the names of several contractors, but Mr. Wilkins said he could only get a hold of one of them. Rollan then gave Mike a piece of paper and said that was what Larry had given him on Mr. Wilkins. Rollan said that was the only thing he received and on the paper it says contact the Judge to make an appointment. Rollan then stated that he had called Mr. Wilkins and they had agreed on the 22<sup>nd</sup> of October. He then asked the Board if they remembered this because it was right around the time he was going to lose the property and he had to come down to pay the Taxes so he was going to meet with the Judge then. Rollan reported he never heard from him again nor saw him. Rollan asked Marie about the Taxes and was told that Mr. Wilkins had mailed in the Tax payment. Rollan said he remembers this incident and the property was going up for sale and discussed it with David Fuller and was told they missed it by a tad. Rollan meant that the Town knew this sale was coming up and the Town was going to pay the Taxes and take it over. Rollan asked the Board if they all had a chance to review the letter and they responded yes and he said that was all he had on Mr. Wilkins. Rollan said he went out and talked with Mr. Helms and he was willing to send each person a letter stating that they must pay the fine or get in trouble with the Law. That was the only thing he could do seeing as it was an unjailable offense and it did work for 2 of them. Those 2 did come in and pay the fine, but the 3<sup>rd</sup> one up on Doran Hill no one ever saw him. Sharon then asked why didn't he get a hold of him, call him back in and fine him. Rollan answered he couldn't get a hold of him and asked Sharon if she knew where he was. Rollan then referred to a time where someone tried to serve him papers and they had to nail it to the wall because they could find no one. Mike then responded that everytime he sends someone something that he sends one copy regular mail and one copy certified mail, if one comes back they still got the other. Mike said he is going to have to send him a court appearance ticket and if he doesn't appear we will have to issue a warrant for him. There was some discussion on how to get a hold of him and April stated that she had an address for Leeds New York we would go on. Mike then addressed the Kotowicz trailer and said that there is no work done up there and the front door is wide open, Steve then asked him where we could go from there. Rollan then showed Mike a copy of a Summons that Larry used and Mike asked if that was something we keep on file. Mike said he would make up something that was a little more precise than what Larry used and he would make sure the Town Clerk, Judge and himself would have a copy. Rollan told him to slide his copy under the door or throw it in his mailbox on the outside of the building. Steve again asked where we should go with the trailer issue. Mike responded saying the way our Laws say it they can be issued a fine and levied against their Taxes. Rollan then said they have to make an appearance to know that they are going to get a fine and it can't just come out of the blue, Mike answered saying he has told them that repeatedly. Sharon then asked what had been done with the trailer and how much more needed to be done. Mike replied that nothing had been done and someone stated that the trailer is always wide open. Sharon asked Mike how far he was going to let his go and Mike said he would send it out tomorrow. They have called Mike 2 different times and said they were coming up to work on it, but he has seen no one. Rollan asked Mike if he had gone up to see if the trailer had been stripped because the door is never closed. Mike stated that he was up there to inspect for footers and such and it had not been stripped. Chip Elwood added that we need to be dealing with the land owners and you can get an official process server to serve official documents then if they don't show up it is much bigger problems. Nancy Bauer suggested sending in the letter then if they don't appear the fine will be levied on your Taxes. Rollan wasn't sure we could do that because they have to be heard, you can't just fine someone without their knowledge. Nancy argued saying that if you send a certified letter stating the court date and time and saying "If you fail to appear this fine will be levied on your Taxes" that should be proper notice. Chip Elwood again said that is why we need to check into the Official Process Server. Rollan still said you can say that a warrant will be issued but you can't say a fine, they have to have their day in court. Rollan then suggested to the Board that we might want to check

with the Town's Attorney regarding this matter. Sharon asked if Rollan could find out that information and he stated that he had talked with Captain Helms already to find out the information so far. Sharon again asked Rollan if there was someone higher than him who would have an answer. Chip Elwood answered the District Attorney would know, he is the one who prosecutes these offenses in Cortland County. Sharon asked Rollan why he couldn't check with him and Rollan replied that was not his job. Sharon asked him why it wasn't his job and he replied saying he is the Judge. The District Attorney does the prosecution, everyone has their own jobs and he can't go out here and start writing tickets. Sharon understood that he may not be able to do it, but could possibly route Rollan to someone that answer the question. Rollan answered not necessarily and Jeff said we need to contact the Town Attorney. Sharon asked Mike in closing how long he is giving people to comply with the pools. Normally the Permit gives them 90 days unless the pool was already erected then the 90 days start from the day the pool went up. Mike explained that if people put their pools up last year they have already passed their 90 day mark. Mike stated that the couple pools he was working with he was just going to issue summons for the first available court date. Rollan told him he holds court on the first and third Wednesday of every month. He is going to send them a summons telling them to appear the first Wednesday in August and if it is fixed they will take care of it then. Rollan told Mike to be sure to send him a notice and Mike said of course. Sharon asked if she was to go and buy one of these pools and put the water in it, does she have 90 days. Mike answered no, it says right on the box that you can't operate these pools without the proper barrier and electrical.

#### **PLANNING REPORT:**

Kathryn reported that she has had no meetings due to any new business whatsoever. She said maybe someday she will have something come up, but for right now it seems good not to have to argue with people.

#### **HIGHWAY REPORT:**

Jim started by saying they had a set back on the gravel. They came in a week ago yesterday, but are not having the same results as last year. He said that it was the same company but they are using different machine and can't crush the stone properly. They ran from 9-6 yesterday and did get out 300 too, but a lot of the cobblestone wouldn't crush. He stated there wasn't much sense in going further with it. They got the pipe in on Whitney Road and they will start oil and stoning Whitney Road the week after next. Steve joked that it shouldn't have taken them all day for that little hole and everyone chuckled. Jim laughed but stated it was no small hole. Jim said that they were all set for insulation to go in the 1<sup>st</sup> week in August. Peter Miceli is putting a home on Potter Hill and has asked Jim to remove the guard rails from the bridge to accommodate the pieces of the house. Jim & Norm have measured it and said they have plenty of room, 16 feet. Jim said the posts are cemented in and he is not cutting them and risking someone going over the bridge. Jim did mention that they were going to have to widen the road so they can plow this winter. There was some discussion on the size of cranes and house parts being transported across the bridge. Jim states that the bridge is rated for 5 tons and hopes the bridge holds out. Jim believes that they should be able to maneuver it going slowly and using boards to raise it up over the rails.

#### **CLERK'S REPORT:**

I started out by saying it was a slow month selling only a few hunting licenses giving the Town \$4.80 in commission. The DEC will automatically deduct 82.80 on or about July 14, 2012. We did not have any dog licenses and issued a couple of building permits 1 for \$50.00 and 1 for \$25.00. I explained that I had to withhold the \$50.00 permit to cover a refund. There was some confusion earlier this month and a resident was given their money back because they hadn't used the permit. So the copies of the check on

back of my report to Steve Breneman will reflect \$29.80 which is the 1 \$25.00 permit plus the commission from DEC sales. Steve made the joke that he was going starve this month and I agreed yes, no steak. I asked the Board if they would like copies of the refund check to which they said no.

**MOTION:** To adjourn meeting was made by Sharon Eltz, 2nd by Riley Closson, 3<sup>rd</sup> by Jeff Smith....carried

After the Motion to adjourn the meeting Highway Employee Norm Durand asked the Board to consider State retirement for the Town employees. He stated that the initial startup would be expensive, but cheaper for the Town in the long run. Norm has already called Albany and the Town is registered and feels in the end it would save the Town money instead of giving him money at the end of the year to put in his retirement fund. He said that if we decide on this he would contribute 3% as well as well as the Town putting in 3%. Steve told Norm this is something we could look into and Jeff agreed that this was something that they had discussed before. Jeff said it was something that would have to be done through Albany and Sharon said she thought the reason they didn't do it before was because it would cost the other half much more money. Norm again said the Town is in the system and is registered and Jeff said it had been discussed by 2 previous Supervisors. Jeff said that 1 had got some information on it but that was about it. Norm told the Board that he has the phone number at home for Albany if they wanted it to follow through. Sharon had the question if we do it for one do we do it for Rollan? Norm explained that was up to each employee as to whether they want to buy their time back and agreed it will cost them a lot. He stated that he will also lose a lot because he left the County is losing his retirement next year and that is why he is concerned. The Board agreed that they understood his concern and it an issue that will be looked into. Norm said this may have not been the right time, but he was just throwing it out there. The Board said it was fine that he brought it up and said that it will be looked into. The Accountant Debbie Fisher then added that she was pretty sure that the Town would have to contribute 15% and Norm said 3%. Debbie then explained that the employee puts in 3%, but the Town has to contribute 15% and it can be quite expensive. Norm said that last information he received was the 3% contribution on each side. Debbie said she would look into it further, but was sure she understood it to be 15% from the Town.

Respectfully Submitted,

April Law  
Town Clerk