

October 9, 2012

The regular monthly meeting of the Town Board was held at 7PM at The Town Hall

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

Absent was: Supervisor: Steve Breneman

Also present were: Accountant Debbie Fisher, Historian Beth Hummel, Dog Warden Chip Elwood, Cortland County District Attorney Mark Suben and Marie Peri.

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

Sharon let everyone know the reason for Steve's absence was due to being in Niagara Falls for work.

Mark Suben introduced himself to the Board and audience asking for support in his reelection as District Attorney for Cortland County. He began by saying he would like to be reelected because he likes the job, and thinks he has done a good job handling major crimes that have come through in the last 4 years. He personally prosecuted Randy Thibeault, and an unfamiliar name Derrick Jones. He came up from the New York City area and committed an armed robbery outside of St. Mary's Church in Cortland. Both of these men received sentences of 25 years to life. Patrick West was also convicted and sentenced to 21 years after killing a young man on Rickert Street in Cortland on New Year's Day, 4 ½ hours after Mark Suben was sworn in. He said that doing this broke his heart because he does not like to send young men or women to State prison but he will do it to protect the Community. They have taken over the Child Advocacy Center which was started by the YMCA, which did a wonderful thing by getting it started, the State came to them and said they were going to lose their State funding if they didn't change how things were. Mark Suben was then asked to take it over which he did. It is 100% State funded with a \$76,000.00 grant and he has put an Executive Director in place that has done a great job. Mark was proud to report that they rated #1 in New York State for Child Advocacy and their grant was doubled to \$140,000.00 in 1 year. He does not take all the credit for this but was smart enough to put someone in place that was smart enough to change things for the better. The Child Advocacy Center is a place where we can take children that are victims, mainly of sexual abuse, to a kid friendly environment to have access to all of the Programs available to help these children. They conduct Interviews with closed circuit television with well-trained Sherriff's, Investigator or Counselor, whoever they feel is most comfortable with the child, and the other people involved can observe in real time. This helps ask any questions that they may have thought of while questioning. He then moved on and said he makes it his job to know the difference between "Criminals" and "Idiot Kids". He then said that everyone in the room has kids and as we all know their job description is to "be an Idiot". He stated that there is no reason to criminalize those kids if we can avoid it, but if we can he wants to give "our kids" a second chance and thinks we can curb foolish behavior with making simple decisions. He then gave 3 examples of major crimes that were not given a light sentence. One example being Dusty Wayne who just walked into a State Prison

sentence for what he did to an infant last year and said this case made the hair stand up on the back of his neck. Mark Suben said he was recently told that we have never handed out a life sentence in this County he reports that there was one since he has been DA and they are looking for more and have a murder in Cuyler they are dealing with. He once again said he loves doing this job and has put into place open and fair policies so that Defendant's, within limits, know the evidence early. He wants to make sure everyone understands their cases clearly. He said that the Meth Labs, Murders and such there will not be any reduction on those, but they may be able to fight for time. He said that when Defendant's know what is in their file they are more likely to ask for a plea deal, but wants to make sure they that they do not give up confidential information or witnesses names. This has resulted in direct savings of taxpayer's money in Cortland County and helps Lee Price keep the Jail under control as possible. He ended saying that his whole life has been dedicated to Criminal Law, likes the job and it means something to him. He mentioned his 7 years as a Prosecutor in the Bronx and Syracuse before he became DA and has 11 years in now and knows exactly what to do in prosecuting serious crime. He Thanked the Board and audience for letting him speak and asked if anyone had any questions. The Town Clerk brought up a couple concerns that she has had over the last few years, starting with the repeat offenders in Cortland County. One example was the Woman who was just recently killed by a Drunk Driver in Polkville at 12:30 pm on a Wednesday afternoon. April and her children were driving behind this accident and had to be rerouted back through McGraw to get around it. Mark Suben said he was sorry to hear this. April said this incident haunted her for 3 days only to read in the Cortland Standard that he had been arrested for this several times before. Mark Suben interrupted and asked her if she thought he was going to "give him a second chance?" To which she replied "I hope not, I really do because someone has". This being obvious due to the fact that he was on the road driving and this woman was killed. He answered that no one gave this guy second chances, the 1st time he drove drunk he didn't go to prison for it. He was given the opportunity to take Drunk Driving Courses which is a typical punishment for people with a first time offense of Drunk Driving or DWAI. The 2nd time He got a DWI, which is still not in Felony territory. Mark said no one gave him a break he received a misdemeanor and now he has gone and killed someone being thoughtless and now he is not getting anywhere. He is being charged with Vehicular Manslaughter which is a Class D Felony and he is demanding a State Prison term. He then said the Defendant in this case has hired a Lawyer known as the "DWI Guy" who likes to get these cases dropped to a lesser charge by submitting a plea bargain. Mark Suben said he will not accept a plea in this case as well as another case and has told the Lawyer this in conversation. He said he hoped this answered April's question and wanted her to know that when he referred to foolish kids he wasn't talking about DWI cases. April said then she would like to bring up another example of a family here in Taylor that has a Grandson staying with them that has had newspaper articles written about him. He is a Felon and she witnessed him yelling death threats at his child's mother in front of the Cortland County Sherriff and nothing was done only to go work the next day to read in the Cortland Standard that he had been arrested 2 days prior to this for possession of Crack Cocaine. Mark Suben said he didn't know the young man's name in question and she could give it to him if she wanted. He explained that when a case comes into his office he deals with it and when it comes in he looks into priors, what kind of priors and if we have a bad customer there he takes care of it. He did say that whatever happens in front of the Sherriff's Office he will never know about unless they arrest him. April added that she was told there is a Felony warrant out for his arrest and he is not supposed to be driving and she sees him driving all the time and was told they won't go find him, he would have to be pulled over for a traffic infraction to be caught and Mark said they will get him. He then added that the warrant is in place and they will find him in the system, should he get pulled over. Mark Suben then asked April what the man's name was that we were referring to and she answered Moses Tetreault. He asked Tetreault? April said Yes, and then he asked Napoleon's brother and again April said yes. Mark then asked April if she knew that Napoleon just got out of jail and April asked him if that was supposed to

help her sleep at night? Mark then stated that he has never gotten arrested for a felony in his life and he just finished doing a back to back year for them and he continues to stay below the radar. When he steals he steals under \$100.00 and Mark Suben said he is a professional thief. April then mentioned an article in the Cortland Standard on Napoleon that states he has been arrested for stealing over 40 times and Mark Suben said yes, one at a time and he always stays under \$1000.00 and Cortland County, believe it or not, does not have a Law that takes that into effect. He then said he was glad that April mentioned these problems and wants everyone to know that when he speaks of giving second chances he is not referring to people like this and he does not want anyone walking around thinking that those are the types of guys he is giving the breaks to. April then added that these are legitimate concern seeing as these are her neighbors and she has 9 and 10 year old children that she don't feel comfortable allowing outside to play. Mark said that he heard her concern and then gave her one of his business cards with a number and said to call him directly to speak further about this and April said okay, will do. He said he was not trying to get out of it and was worried about her concern. He said he was now a little worried as to how the people around here are feeling when they here he gives breaks and are they thinking he is going to give a break to these guys. He ended saying they do the most they can do, by Law, when they are dealing with a bad guy. Sometimes when dealing with Domestic Violence it's more difficult when the woman won't press charges or comes in weeks after the fact, they have no witnesses to help prosecute. He did remind everyone that he has limits, but does more to these criminals than anyone running against him and he does like to talk to people with stories like April's. April Thanked Mark Suben and said that she looked forward to speaking with him. Sharon then said that she would like to ask about the DWI because Steve had the same concern. When someone is arrested for DWI what are the penalties and Mark Suben explained that the 1st arrest they get something, then 2nd arrest is harsher and 3rd arrest is a Felony, they have a "Ladder system" they that go by. He then said that he was going to make Chip shudder by saying this, but there are DA's in this state that will never give a reduction in any case. He mentioned Scott McNamara in Oneida County and Glenn Wilkinson in Tompkins County work this way, no reductions whatsoever. When you do that and do not allow flexibility in your policy, you are taking a guy who may have an absolutely clean record and hitting him with the maximum penalty. That may be a father who is supporting a family or salesman who has a good chance of having that behavior corrected. He will take these things into consideration the first time, but the second time he is going to hit them hard. He said he tries to be fair to every citizen and if you don't like his policies don't vote for him because on any given day any good person could get caught up doing something stupid, but he does try to see who the bad guys are. Sharon asked if anyone had any more questions for Mark and Jeff commented that the guy that does something stupid that you give a break has a better chance of learning from the mistake and not going out and doing it again. Mark Thanked Jeff for saying that and added he is not sure if he is right or DA's like Scott McNamara, but he is just using his gut the same way everyone else does and trying to do the right thing. Mark Thanked the Board for the time and the Board thanked him for coming.

PUBLIC COMMENT: None

Sharon briefly spoke about the bulletin board that Beth had asked for to display posters and such on the outside of the Town Hall. Jim and Roy said the one on the Highway Garage is in poor shape and can't be brought down here without falling apart so Sharon has checked on the prices for some other ones. The one up there is 3ft X 4ft and she has 2 different prices, 36in X36in is \$262.00 (weatherproof) and 36in X 30in and that one is 199.00. They are going to check with Chris Beckwith as well to see what his price would be to make one and we will be checking into that. Beth said it wasn't her that asked but Carol Walsh but they had talked about it and Beth said Than You.

Prior to the meeting the Board read copies of minutes and Steve wanted to make a change to September's minutes regarding the Joint Youth Commission. In the minutes it states that we will be giving \$440.00 on top of what we already sent in for the year, but the \$440.00 is all we will pay. We have not sent in more money as previously stated.

MOTION: "Accept minutes of meeting with change"

Made by Jeff Smith, 2nd by Riley Closson

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| Votes Cast: | Riley Closson | Aye | |
| | Nancy Elwood | Aye | |
| | Jeff Smith | Aye | carried |

MOTION: "Accept Accountant's Report as written"

Made by Jeff Smith, 2nd by Riley Closson

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| Votes Cast: | Riley Closson | Aye | |
| | Nancy Elwood | Aye | |
| | Jeff Smith | Aye | carried |

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

MOTION: Pay Highway vouchers for a total of: \$5,937.47

Made by Jeff Smith, 2nd by Nancy Elwood

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| Votes Cast: | Riley Closson | Aye | |
| | Nancy Elwood | Aye | |
| | Jeff Smith | Aye | carried |

MOTION: Pay General Fund vouchers for a total of: \$5,511.06

Made by Jeff Smith, 2nd by Riley Closson

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| Votes Cast: | Riley Closson | Aye | |
| | Nancy Elwood | Aye | |
| | Jeff Smith | Aye | carried |

Total Funds disbursed was: \$11,448.53

INFORMATIONAL CORRESPONDENCE:

Sharon began with discussion of the Sales Tax and how we leave a certain amount with Cortland County. This year's estimate is \$112,723.25 leaving \$65,000.00 back as we have done in the past would bring the Town \$47,723.25 that we would receive over the next year. Sharon asked if anyone had any comments on this and Jeff said that every time he has asked about this he has not gotten a good explanation and doesn't understand it completely. He said before we have gave back everything to the County to reduce our Property Tax and when he first got on the Board he didn't really understand this process but was told that is the way we do it and has always been done. Jeff said he was told the County likes it and the more he thinks about it, if the County likes it more than likely it is not to our benefit. If we keep all of our Sales Tax our Property Tax goes up but he thinks it will come from everyone in the County and not just the residents of Taylor. Jeff said he would like to do a little more studying on the subject before we finalize our budget because we might be better taking all of our money and spending it as we feel necessary. Jim added that most Town's do keep all their Sales Tax money and Jeff agreed saying Lapeer and Taylor use to be the only Town's that gave it all back. The reason we quit doing it that way is because our budget got cut short one year and we took from that so it didn't look like we had a huge tax increase. Sharon said when she talked to Steve he did a great job of explaining it to her and she

understands it then but has a hard time explaining it to other people five minutes later. Sharon thinks Steve can explain it much better next time when we go over it and it was tabled until the next meeting. Marie added that she believes it decreases the tax bill by that much so that taxpayers aren't paying as much. Jeff said he believes that if the County needs to make it up they will take it from every resident in the County not just the residents of Taylor and Marie disagreed thinking that they would take it from the Town. Debbie said she understood it while listening to Steve as well but has a hard time explaining it, same as Sharon. Sharon said the way that Steve explained it was the best and easiest way she had ever had it explained to her before and Debbie agreed that Steve does understand it thoroughly. Marie again said she thought it only affected Taylor and Jeff agreed saying giving back our Sales Tax is reducing our Property Tax but the County will end up having to come up with that money somewhere. He said he may be wrong but he thinks doing this will be, a small percentage, better for us. Sharon said where we got burnt one year was when we took it all back and then the County didn't bring in enough Sales Tax and that's when we had to pay. Jeff said yes that's when we had to give them \$5,000.00 and they had reduced our Property Levy by that much so we had to make it up. Sharon said okay we will table it for now and talked about Interest Rates. Debbie said she would like to look into Interest rates at different banks and after hearing Alliance Bank was bought by NBT we might as well look around now. NBT has about the same as Alliance does and with our Reserve accounts and such we are not getting anything from Alliance right now. Sharon said one of the reasons we have stayed with Alliance because David Fuller was concerned with how far they would have to drive for banking. Jeff agreed saying that was a major factor in staying with Alliance. Debbie added that we can still keep our Reserve Fund and any other major banking with Alliance, but would like to look at CD's and savings accounts at First Niagara and other local banks. Cd's through Alliance bank for 12 months is currently getting a .25% and savings account is .18%. Debbie would like the Board's blessing to continue on with her investigation and everyone agreed it would be a good idea to look into this.

CODE ENFORCEMENT REPORT:

Mike gave everyone a copy of his monthly report and began saying that he has been monitoring the trailer on Cheningo Solon Pond Road and it looks as if people are staying the night in there. He has contacted the Department of Health received a letter from Cortland County Health Department saying they have inspected the trailer up on Cheningo Solon Pond Road and sent the Property owner's a letter stating they cannot live in it without a way to discharge waste. The letter says that they have until October 31, 2012 to remedy this or they will begin enforcing penalties. Mike said that the home on Potter Hill (Miceli) is a mess and now the Contractor is saying they are not going to come and jackhammer all the concrete up to put down the vapor barrier which they forgot to do the first time. They offered Miceli \$10,000.00 to drop the whole thing and the homeowner does not want to do that so Mike has advised him to hire an attorney. He has been in contact with the State throughout all of this and was told to give a stop work order on this and the guys that are there now are doing a very nice job, but he was never able to inspect the plumbing because it was buried in concrete. They did not install a vapor barrier and the Radon test has been done, but he has not received the results back. If they do find Radon Mike isn't sure what the guy is going to do. He suggested suing the guy who put in the Radon removal kit and said everything from day one has been completely wrong. It wasn't set on the ground like it was supposed to, the basement isn't up high enough, and the overhead door is not right. Once again Mike said the best bet for the homeowner is to hire an attorney. Mike said the whole situation is a nightmare and he cannot give a CO to the homeowner for them to live in it which could help in a lawsuit. Mike said he is willing to work with him and if the Radon test is negative he should retest in 3 years. He was happy to say he sent a letter to the owner's of the Cheese Factory and it has been all cleaned up and the windows have been boarded shut. The weeds have been cut down and it looks much better over there and April agreed saying it looks very nice. Sharon asked him he had put signs up and

Mike said no he hadn't but could put them up this week. He usually puts them up to notify Firefighters when responding to a fire that there is no one living in the house, the Cheese Factory looks abandoned. He compared it to an old broken down barn, looking at it Firefighter's are not going to run into it to rescue someone. Mike said he would get the signs on it and Jim said they have about 20 of them made at the Highway garage and Mike said he has some in his car as well. Mike contacted the cleaner for the Wilkin's residence and he has said that he has called Mr. Wilkin's several times and the mailbox is full so he cannot leave a message so Mike gave him his personal cell number. Mr. Wilkin's has called Mike and stated that he's aware that he needs to send more money. The man cleaning out the house needs to have more money sent to him to rent another dumpster to remove the trash and will not take it out of his own pocket. Mike says that this is in the works and should be resolved soon. Mr. Wilkin's is concerned about this and doesn't want to go to court and Mike expects the cleaning should resume shortly. We issued 3 Building Permits this month he thought things would slow down but apparently not. Mike reported that he did go and check on Mr. Lamb, Elwood Road, who is building a small 6ftX 8ft chapel on his property for him and his wife. Mike told them that anything less than 140 square feet (State Code) a Building Permit is not required. Some Towns have lowered that to 100 or 80 square feet, but if it doesn't specify it remains at the State Codes of 140 square ft. Mike said that he did recommend hand rails for the steps as per New York State Law and Mr. Lamb agreed and said if he needs to get a Permit he will come right down and get one. Jeff said that he believes Taylor's policy is, anything less than 120 square feet does not require a Permit and Sharon added that is what Larry always went by. Mike said he would check that out. He brought up a small building that is on Frog Hollow that is not legal but was before he was Code Officer. There are no hand rails or spindles on the porch and again it was before him but to make it legal there will need to be some changes done on it. He said that was pretty much it and asked if anyone had questions. Sharon stated that she has been questioned, more than once, about Tetreault's having a Building Permit for the back portion of the house where he has torn so much off and Mike said that he does have one. Sharon asked if it was for all the work he had done and Mike said his Permit was originally issued covered the porch, replace siding on the building (did not specify how much) and new door on side entrance. The homeowner claims the wall collapsed when opening the door and the issued Permit says new entrance along with siding on the building. Sharon asked if that covered the new windows he had put in and everything and Mike answered no. Sharon said according to her source he has put in all new windows, different sizes than were originally there and Mike said he will go and check on it. Mike pointed out that there is no fee for a window Permit he just has to inspect them to make sure they are energy efficient. You cannot just take a window from somewhere and stick it in your house. Sharon added that he has done a lot of work to the back side of that house and Mike said yes he had been there last week and did a walk around and stated that what has been done is an improvement but he will check to make sure the windows are up to the energy code. Marie asked Mike if the Permit issued for the side entrance was different than the one for the front porch and Mike answered yes they were separate Permits and if they are going to do anything more to the front porch they will need a new permit because that one has expired. Marie clarified that he did get a different one then and Mike again said yes, but will need a new one to do anything on the porch facing the street. Sharon asked if there were any other questions, meeting continued.

DOG WARDEN REPORT:

Sharon reported that overdue dog letters have been sent out giving dog owners until the 15th of October to license dogs before Court Summons will be issued. April reported that people have received the letters she knows because of the phone calls, but has not seen a big push for people to get in and license them. April said that many people complained that they weren't informed of the renewal and they weren't nicely reminded. She told them that it was in the paper and people said they don't read the paper to which she said it was on the outside sign and they said they didn't see the sign. She was also

told that people had asked Chip where to license the dog and was told by Chip he had no idea where to do it, so how are they supposed to license the dog, it's been one story after another.

PLANNING BOARD REPORT:

Kathryn reported that they have had no new meetings due to any new business, but Dan Daneen's office sent a flyer to her regarding a meeting on the "Impacts of the Natural Gas Extraction Process on Agriculture" and said that all of the Planning Board is going to attend along with Sharon. The Planning Board consists of Chip Elwood, Kathryn Elwood, Linda & Bob Crowley, Grant Preston, Judi Wesser and Jim Smith who will be in attendance and someone should have a report to give at next month's meeting. Kathryn said she was sure someone would remember it, but she joked that it probably wouldn't be her. She received the letter and had to have the reservations in by Wednesday which did not leave much time, but did call on Thursday for one of them and everything is all set. Kathryn said that was all she had to report other than a meeting on the 25th of October at TC3, cost of \$30.00, regarding zoning issues that no one is attending because they don't really have any interest in zoning.

HIGHWAY REPORT:

Jim began by saying that they finished Potter Hill Road that leads to Miceli's house and was told that they won't be living in it this winter due to all the problems with the contractor, but he said they will continue to maintain it. Mike said that he saw they were working on it when he was up there the other day and Jim asked if it was right that they weren't going to live in it this winter. Mike said he wasn't sure but it didn't look like it the way things are going. Jim said he talked to Ernie, the guy on the bend, and he didn't figure they were going to be there this winter at all. Mike said the heating system is all in and running and it is nice in there right now and Jim said the road is done and they will plow it anyways. Jeff and Sharon joked that they may change their minds when they see how difficult it is going to be getting up there in the winter. Jim asked if everyone had a copy of the Highway Law regarding abandoned roads to which they said yes, and he asked the Board if that was sufficient. Sharon asked if he meant what he had typed up and Jim said the reading of the Highway Law. Sharon added that Jim said we don't have to hold a Public Hearing because of the Law that he has found. Jim said the road is less than 1000 feet and according to the Law he can deem it discontinued and no one uses it. Jim wondered why we can't just abandon it because he has spoken with John Smith and he has no problem with it. Jeff said as long as we have talked with Smith and Buchanan, they are the 2 landowner's, he has no problem with it. Sharon asked if we vote on this and how do we let people in the Town know that we have abandoned this road. April suggested a Legal Notice ran in the Cortland Standard and Sharon said yes that would work and April replied she would take care of it. Jim said he isn't quite sure what to call it because there isn't a name on it that's why he put between Whitney Road and County Road 600. Nancy thought that it might be a part of Jordan Road and Jim said he didn't know there is no sign on it. Marie asked if it would be called a spur, Whitney Road Spur and Sharon said we can call it what we want.

MOTION: Discontinue the use of road between Whitney Road and County Road 600

Made by Jeff Smith, 2nd by Riley Closson

Votes cast: Jeff Smith

Riley Closson

Nancy Elwood

carried

Jim added that they are trying to get things around and ready for winter. Sharon mentioned that Roy brought up the sandbox for the little truck is not ready and Jim said he has to call and setup an appointment to have it taken care of and Sharon said okay. He spoke about a quote that was given last

month and said he got another quote for 1 ¾ yard, which is what they want, he will get a hold of the guy and get with him. Jeff asked where he went and Jim replied in Oxford, guy named Shawn.

CLERK'S REPORT:

April started by saying that she had received a letter from Department of Agriculture and Markets and they have inspected Chip Elwood's house for Dog Warden purposes and he passed. April reported that this month we sold \$2,251.00 in Hunting Licenses with \$2,127.01 being automatically deducted on or about October 14, 2012 leaving \$123.99 in Commission. This month we licensed 19 spayed/neutered dogs and 5 unspayed/unneutered dogs for a total of \$203.00, of that \$169.00 was paid to Steve Breneman and \$34.00 was sent to Department of Agriculture and Markets. We issued no Building Permits this month. Total amount disbursed to Steve in revenue for this month was \$292.99. Copies of all checks are on the back of the Clerk's report.

MOTION:To adjourn the meeting made by Jeff Smith, 2nd by Riley Closson.....carried

Respectfully Submitted,
April Law