

July 13, 2010
Town Board Minutes

The regular scheduled town board meeting was held on July 13, 2010 at 6:00 P.M. at the town hall 12 Lewis Street, Town of Maine, Broome County, New York.

PRESENT:

Supervisor: George Ludington
Councilman: Ernest Palmer
Councilman: Roger Congdon
Councilman: Todd Rose

Town Attorney: Cheryl Insinga
Hwy. Supt: Charles Kaczynski
Deputy Town Clerk I: Peggy Bowles
Deputy Town Clerk II: Joyce Grover
Code Enforcer: Daniel Napierala
D.C. O.: John Williams

Absent: Councilman: Robert Bullock.

Also present: Ellen Vachon, Larry Maier, Gerard Lenzo and Mario Nirchi.

Supervisor Ludington called the meeting to order at 6:05 all joined in the pledge to the flag.

The open floor was still open from the last meeting on June 8th. Larry Maier had some changes he wanted made. He did not like the word community and wanted it changed to town. He then wanted to know if there was a plan to do something. Attorney Insinga stated that FEMA is doing something. If you buy flood insurance now before the maps are published, you will be grandfathered in and the insurance will be cheaper. If you wait until the maps have been accepted and printed, then you will be paying more for your flood insurance. People are now in the flood plain that was not considered to be there before. Ellen wanted to know how the public is to know about this. Attorney Insinga stated that the prints are on Dan's desk. Bob Bullock will be asked to put it on the web site. Mario stated that this information is on the Broome County web site also.

Attorney Insinga will make the changes requested then bring it back next month. This will be a stand alone local law. It will not be part of the code book. Kirkwood and Conklin have already adopted this local law and Windsor may adopt it. The open floor will be left open again until next months meeting.

MES report. The report was given to the town clerk earlier in the day for her to read. The report said they had 24 calls had made 21 of them, they missed one call due to being on a call. This made a 91.3% of calls made. The report came from Nicole Hoppes, Chief of Operations.

Karen, secretary for the recreation committee gave the report. She said they have over 200 children registered for summer rec. she stated that because of the number of children they need more money for the bus drivers. George stated that he gave her permission to use \$500.00. She said they will be doing a time capsule. She asked Ernie about the National Night Parade. He stated it will be the same as last year. It will start at Maine Memorial, go down to the Masonic Temple, turn around and back to the park, then the festivities begin. It will be August 3rd at 6:00 P.M. Karen stated that the eagle scout would like to do games for his eagle scout project.

Mario Nirchi spoke about the gas drilling issue. He stated that they would address the gas drilling. It would be a great boost for our economy for this region. He stated that the sales tax is \$3,000,000 less than last year. The economy is not turning around. The mortgage tax is down \$300,000 and things are not looking good. BE PREPARED! You may have to use your contingency account. The state may put the sales taxes on clothing back on. The county has asked each department to cut their expenses by 10%

Chuck stated that the county wants to cut the money they give to the town for plowing roads by 10%. Chuck stated that he will not do the county roads and loose money on them. He stated that we are paying a lot of county taxes and should not be paying twice for the plowing. Last year he had his plows out for 22 days straight. We only broke even and he will not do this to the residents of Maine. He does not know the price of salt for 2011, and locked into the price of sand until December of 2010. The price of everything is up and he doesn't think they can make him plow the roads. Ernie asked about selling the arena and the forum. Mr. Nirchi stated that no one wants to buy them. Ellen stated that she is a drug and alcohol therapist and she has clients that are misusing the money they spend on her rehabilitation. She wants to know why New York State allows this. This is the tax payers money that they are using. Mr. Nirchi stated that New York is a very liberal state. Ellen stated that she would like to start something to look into this problem.

George thanked Mr. Nirchi for attending and his for his input.

The meeting was turned over to Todd Rose as he has been working with Lantz's on the problems with getting their license renewed. He stated that he talked to Brian Rogers from the DEC. Lantz's Junkyard passed inspection and they would not be back for three or four years. He was to Lantz's on June 23rd and found no violations. Todd stated he sent an email to the Susquehanna River Basin about the stream running through the junkyard. He has not heard anything back, so he is thinking no news is they have no concerns. Otherwise, he would have heard back from them by now. He also stated that Don has been cleaning up the flat and there is a nice clean spot about an acre or larger. They are cooperating and cleaning up. Shelly Stoddard stated that they are only allowed 50 cars on an acre, therefore they are only allowed to have a total of 1,500 cars on the whole junkyard. Todd again stated that he thinks this law was passed after the junkyard was started. Then she stated that they have three or four properties that have junk cars on them and these properties are not clearly marked. Carl Lantz, one of the brothers, stated then he would cut the trees off the bank and move the cars off these properties and line them up on the bank for everyone to see them. Shelly stated that is not what she intended. Carl stated this will be done. There will be a meeting with Lantz's and put off until next months meeting.

Attorney Insinga stated there are problems with the fire tower. It's on the towns property but they own the building.

If Broome County accepts the offer for gas drilling, they will get \$3,000.00 an acre for the first year, then five years later they will get another \$3,000.00 per acre and when they drill they will get 20% royalties. We are with the county but we can be on our own. They have not made Maine an offer yet. If we do get an offer, it will be very similar to what they have offered the county. She had an email from Broome County Planning and they

would like to have just one contact and not be sending to several different contacts for the same town for the 239 Form. It was decided it would be Diana Lenzo, secretary for the Planning and Zoning Boards for the contact person.

Councilman Congdon made the motion to adopt the resolution reporting the standard workday for Ernie Palmer. Councilman Rose seconded. Roll call vote: Palmer: aye, Congdon: aye, Ludington: aye, Rose: aye Bullock: absent. Motion carried.

Councilman Palmer made the motion to award the bid for the overhead door to Gates Doors for \$6,444.00. Councilman Congdon seconded. Roll call vote: Palmer: aye, Congdon: aye, Ludington: aye, Rose: aye, Bullock: absent. Motion carried.

Councilman Rose made the motion to award the bid for the removal and replacement diesel fuel pump to Douglas J. Ward Pump Service Inc. for \$7,981.99. Councilman Congdon seconded. Roll call vote: Palmer: aye, Congdon: aye, Ludington: aye, Rose: aye, Bullock: absent. Motion carried.

Councilman Congdon made the motion to approve the June 8, 2010 town board minutes. Councilman Palmer seconded. Vote: all ayes. Motion carried.

Councilman Congdon made the motion to approve the June 22, 2010 joint boards minutes. Councilman Palmer seconded. Vote: all ayes. Motion carried.

Councilman Congdon made the motion to approve the consent calendar. Councilman Palmer seconded. Vote: all ayes. Motion carried.

- a. Town Clerk's Report
- b. Supervisor's Report
- c. Approval of Planning Board minutes from April 5, 2010

Councilman Congdon made the motion to approve the audited bills. Councilman Palmer seconded. Roll call vote: Palmer: aye, Congdon: aye, Ludington: aye, Rose: aye, Bullock: absent. Motion carried.

HIGHWAY:

Transfer: \$2,260.00 from DA9040.8 from Workers compensation to DA5120.4 Bridge culverts

GENERAL:

Transfer: \$300.00 from A1910.4 Contingency to A1110.12 Justice pers. Serv.

Transfer: \$500.00 from A1990.4 Contingency to A110.41 Justices office supplies

Transfer: \$2,000.00 from A1990.4 Contingency to A1420.47 law cell towers

Transfer: \$1990.4 Contingency to A1920.4 Municipal Associations Dues

OPEN FLOOR

Karen Juser from Hardy Road stated she just wants the place cleaned up. She told Don to put on his big boy pants and clean up the mess!

Shelly Stoddard said under FOIL she has obtained the building permit for the 511 property. Something needs to be done.

George said this will be done by the next town board meeting.

John Stoddard said he has been there for 30 years. Shelly asked the Zoning Board to interpret the law. There are cars down over the bank. They have 150 acres to put them on down there. Some are on Renees McGinnis's land. He doesn't want to take anyone's livelihood away. The junk business is a good business. This is an election year and we should make it an issue about the junk law.

Renee McGinnis stated that she feels like she is caught in the middle. The property line differs. She is going by the old fence line. Don said he would have it surveyed if Renee would pay half for it. She felt she could not afford to pay for half.

Patricia Lantz stated that on July 14, 2009 Shelly stated that if the trailers are licensed she had no complaints, she is still complaining. On June 2009 Shelly stated there was a pile of tires, how can she measure them, there on Don Lantz's land? They are also on the rims. As for the mercury switches, the DEC told them that the glass light bulbs are more dangerous than the mercury switches. Butch and Don have lived there all of their lives. Don used to play with the Lenny Adams who lived in the trailer on the hill behind Shelly's house. Every week they poured used oil on the driveway to keep the dust down. Is that still there? Has O'Donovan's had their land tested? For years they scrapped and painted old farm tractors there. The DEC said the paint in the old tractors was lead. On the Juser property, the old building is rotten, what did they have in there to make it rot? For many years Charlie Ackley did dismantling on Chuck Hoskins land. For years they would go by and see oil puddles on the ground. Why was their property taxes lowered? No one went to see the property, so how can they lower it?

She is hoping to meet with the town board. If this harassing continues a lawyer will be here.

Ellen Vachon from the ZBA had some complaints about Dan Napierala. She stated that on Hardy Road Steve Szczepanski is running a business on a residential property. Also the greenhouses on Rt. 26, they are running a business and only have a permit for two greenhouses. She wants these taken care of. Next was the old barn on LaClairs, it is dilapidated. They have had two dumpsters sitting there and nothing is being done. On Don Lantz's, what is on the left and what is on the right side of the road ???

OPEN FLOOR CLOSED

REPORTS

John stated he has picked up 11 dogs so far this year. Nancy gave him the voucher from the Humane Society to look over for the number of dogs, and it was correct. The money he is getting from the court is paying for the money it costs for the Humane Society.

Dan said he has had 11 building permits and one for a new home so far this year. He has answered several complaints. He told Ellen that he would look into the Green property

with the greenhouses. The old barn on Fredericks Road, they have been sited and he will follow up on it. The Szczepanski business has been there since the mid 60's. Dan's family has lived on Hardy Road since 1965 and Steve Szczepanski's father was in business before the zoning started. It's been handed down from generation to generation.

Chuck said he has had an employee out for several weeks and he just came back. After the 4th of July there were a lot of shingles missing from the doug out, and thrown all over the lawn at the town park. He called the state police and they will continue to patrol. They asked for a key to the gate so they could patrol inside of the park. It cost the tax payers \$300.00 to repair it. All of the town roads have been mowed one time. The new truck is in Utica with the wing being installed. He stated he will not plow the roads for Broome County and loose money. We are already paying taxes for this and why should we pay again. They already want to take Nanticoke Road away from us. He is still waiting for the permit to clean out Pollard Hill Creek and Crocker Creek. He had a letter stating if he bought his propane now it would be \$1.85 a gallon. He saved about .40 a gallon by paying for it now.

Roger gave the town clerk the monthly report from the East Maine Fire Co. they had 14 calls total. There were 2 not entered.

Todd said he went to the meeting with Lantz and the planning and zoning boards. He has talked to Tim at NYSERTA again. We have received one of the checks we had been waiting for. He has been working at the J. Ralph Ingalls School when he has time. He would like to get Lantz's Junkyard License taken care of.

Nancy said she moved to Maine in 1954 and Lantz's Junkyard was there then. A book company regarding writing a book about the Town of Maine contacted her. She is getting ready to order kerosene for the town hall. There are ads posted around town for a code secretary. She has gotten three applications so far. There is information on the DEC web site about the hunting classes. August 23rd the paperwork will be in the office to sign up for classes. Some of the issues that are in question now go back to Mike Dopko. He was the code enforcer at that time.

George told the town board how much he appreciated everyone's support. The town board has been putting a lot of time in. There was garbage along the side of the road down on Rt. 26. He had called the garbage man and it cost \$25.49 to have it taken care of. Dan has been getting the building permit/site plan in place with Todd working on it with him. Verizon has turned bills in. They will not start building until they take care of a problem on Crocker Creek. The kids from summer rec. were supposed to go to the J. Ralph Ingalls School for classes. They are now in Maine Memorial because of a lead in the paint problem.

Joe Lopardo from Main Street talked about Mr. Swartz with the wood working business. He stated that some of the members on the planning board are getting wood from him. They should have reclused themselves. He's requesting that the town get a meter to test the sound. He stated that Mr. Swartz is in B1, not B2. There was a septic problem because of

the back up from the high water we had. This cost him money that he doesn't have. He has to do paperwork to see if they will waive it because of his disability. His issue isn't with Mr. Swartz, it's with the land owner. He doesn't care if Myron is working past 6:00. He's seen kids crawling on the piles and it's not safe.

George said the law is still the law, and he can't do anything about it, and won't as long as it is the law. George stated that the town has looked around and can not find a decibel meter. It was stated that the noise is well over 70 decibels.

Ellen Vachon stated that it's the law and if it's the law it has to be enforced. It has to be proven by the Town of Maine.

One of the planning board members told Joe "I got him in, and he stays as long as I'm here, he stays". This came from one of a bias member. He has breakfast with him. Where Myron was before, he was asked to leave in 4-6 weeks. Thirteen months later he left. He should be in B2. The business on the corner of 38B will be enclosed.

Councilman Congdon made the motion to adjourn at 9:30 P.M. Councilman Palmer seconded. Vote: all ayes. Motion carried.

Respectfully submitted:

Date approved: _____

Nancy Rutkowski, RMC, CMC