

August 10, 2010
Town Board Minutes

The regular town board meeting was held on Tuesday, August 10, 2010 at 6:00 P.M. in the town hall at 12 Lewis Street, Town of Maine, State of New York, Broome County.

PRESENT:

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

Attorney: Cheryl Insinga
Deputy Town Clerk I: Peggy Bowles
Deputy Town Clerk II: Joyce Grover
Hwy. Supt.: Chuck Kaczynski
D.C.O.: John Williams
Bookkeeper: Nancy Treat
Code Enforcer: Dan Napierala
Town Engineer: Ron Lake

Also present were Lee Gayne, Jim Tokos, Karen Meschter and Ellen Vachon.

Supervisor Ludington called the meeting to order at 6:00 P.M.. All joined in the pledge to the flag.

Attorney Insinga talked about the continuation of the flood plain public hearing. The public hearing was open. No one spoke. The public hearing was closed. No action was taken on the local law.

The MES report was read by the town clerk. She read that they had 29 calls, missed 4 so they made 86% of the calls. Nancy told that she has been taking care of her two aunts for almost two years. Two weeks ago one of them fell. She called 911 and Glen Aubrey was called as well as Maine. They are about a mile from Glen Aubrey and about five miles from Maine. Glen Aubrey crew had just arrived there when the Maine ambulance came with 6 attendants on board. It could not have been more than 8 minutes from the time that 911 was called.

There is a 2010 retirement incentive program that one of the highway employees would like to take advantage of. It was discussed that, if the town is interested, this retirement incentive must be adopted via a local law; not a resolution. Also, the local law must be filed by August 31, 2010. In short, if the town is interested in proceeding with this retirement incentive, it is recommended by the Legal Council that we set a public hearing; as our time is very short. After reading through the information it was decided that the town would not meet the requirements. The town must either abolish the position or create a savings plan. The savings plan must show a 50% savings of any targeted positions base salary over two years. This job is necessary, so the position cannot be abolished and based upon the salary and union contract, it does not appear that the town can achieve the required savings plan. The employee was given a print out of the requirements of the retirement incentive taken off the comptroller's web site. The employee was also asked if he had any questions. He understood, he will have to wait for retirement as the town cannot meet the requirements of this retirement incentive.

The recreation report was given by Jim Tokos, director. He said this year they had a record number of kids for summer rec. They started on July 5th, which was really a holiday, and for that day they had over 100 kids there. He said that they had so many kids that they had to make another run to Greenwood Park for swimming. They had 125-130 kids going to Greenwood and another 200 in the park. There is a problem with the kids from Maine going to a swimming hole just below Maine called the "hole". There was a problem with the older kids leaving summer rec. and sneaking down to the swimming hole. He said he has been getting calls from parents as late as 6:00 at night wanting to know where their kids were. He said it's deep and there is no supervision there. He is concerned for the kids sake. He asked the town if there is anything that they could do. Dan said he would contact the owner and see if they would put up a NO TRESPASSING sign.

There has been a problem with the sluice on King Hill Road Bridge. The bottom of the sluice has deteriorated. If they pour concrete it should last another 10 years. The difference between pouring concrete and putting in a whole new one is the cost to pour the concrete is \$49,920. To put in a new sluice would be \$300,000. The town has the money to pay for the \$49,920. project, due to the fact that we have been saving money over the years. The town board has been doing a great job. They have already removed all of the brush from both sides of the culvert. Ron Lake stated that time is of the essence, this is an emergency situation and it cannot wait for competitive bid. We must get it going before the rains come. Attorney Insinga stated that we must be sure they are paying prevailing wages.

Councilman Palmer made the motion to award the emergency project for the culvert for \$49,920 plus a possible 10% if needed to do the concrete pour in the culvert. Councilman Congdon seconded. Roll call vote: Palmer: aye, Congdon: aye, Ludington: aye, Rose: aye, Bullock: aye. Motion carried.

George asked Ron if he is willing to handle the engineering portion of this project. Ron said yes, he would be able to do it for us.

Councilman Congdon made the motion to approve Ron Lake to provide the engineering needs on the culvert and sheet piling or the rip rap on Lewis Street. Councilman Palmer seconded. Roll call vote: Palmer: aye, Congdon: aye, Ludington: aye, Rose: aye, Bullock: aye. Motion carried.

Todd talked about the DEC going back to Lantz's to inspect. They did go back and there were no concerns. He emailed two times to the Susquehanna River Valley Basin and has heard nothing back. He is considering that to be a no concern on their part. Dan stated that he had heard nothing from DEC about the junkyard.

Councilman Rose made the motion to approve the license for 2010 for Lantz's Junkyard. Councilman Palmer seconded. Roll call vote: Palmer: aye, Congdon: aye, Ludington: aye, Rose: aye, Bullock: aye. Motion carried.

Chuck talked about the reduction the county is making in the snow plowing of the county roads. He stated that the county is taking back Nanticoke Road and has given us an option to do Old Newark Valley Road. If we don't like their option, then we can leave it. They want the town to take a 10% cut in dollars if we decide to do Old Newark Valley Road. Chuck stated that we barely broke even last year. If we have a really hard winter, it will cost the town money and he is not going to do that to the towns taxpayers. We are still locked into the contract with the county until December 31st. Chuck thinks that we should tell the county if they can do a better job, then have at it.

Chuck said that Broome County plans on having two 8 hour shifts for the snow plowing. This will mean that there will be 8 hours that Nanticoke Road will not be plowed or sanded. Chuck said he is very sorry for the people on that road and he knows he will be getting many phone calls from them, but there is nothing he can do, that road is not an option.

Councilman Bullock made the motion to make the county a counter offer to take care of Old Newark Valley Road for next year at the same amount as the current years price. Councilman Rose seconded. Roll call vote: Palmer: aye, Congdon: aye, Ludington: aye, Rose: aye, Bullock: aye. Motion carried.

Attorney Insinga discussed the CSEA contract. When it was drawn up, there was wording in the body of the CBA regarding contribution for health insurance, and examples in the appendix about the amount of money that the employees should be paying for insurance. The town has consistently calculated the contribution based upon the wording in the body of the CBA and not pursuant to the appendix. The town has consistently done this since the start of the new CBA in 2008. Last year, one of the highway workers asked about it, but no grievance was filed. Again this year, a highway worker asked about it. A discussion was had by the board that the method of calculation was proper and that no action was necessary. The calculation of contribution will continue in the same manner.

Councilman Bullock made the motion to approve the July 13, 2010 town board minutes. Councilman Congdon seconded. Vote: all ayes. Motion carried.

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

- A. Town Clerk's Report
- B. Supervisor's Report
- C. Approval of ZBA Minutes
- D. Approval of Planning Board Minutes

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

General: Voucher number 373-454 for a total of \$18,198.33

Highway: Voucher number 227-261 for a total of \$81,915.47

Lighting District #1: Voucher numbers 385, 443, 444 for a total of \$507.97

Lighting District #2: Voucher numbers 386, 445 for a total of \$348.05

Lighting District #3: Voucher number 456 for a total of \$76.00

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

GENERAL:

Transfer: \$ 400.00 from A1990.4 Contingency to A1010.4 Town Board Contr.

Transfer: \$ 100.00 from A1990.4 Contingency to A3120.2 Public Safety-Signs

Transfer: \$ 250.00 from Contingency to A7110.41 Parks maintenance and Supplies

Transfer: \$ 300.00 from A1990.4 Contingency to A8020.44 Planning Code Book

HIGHWAY:

Transfer: \$ 7,840.00 from DA 5110.48 to DA5142.47 Snow Removal Parts

Attorney Insinga reported that Ron has been working with Dan on the Verizon Cell Tower. The check for the escrow was requested from Verizon. Broome County turned down the offer to sell their gas lease. Maine was part of the joint RFP with the county. A contingent offer was made to Maine, but it was contingent upon the county accepting the lease. The county did not accept the lease, so Maine was not offered a lease.

Councilman Palmer made the motion to accept Diana Lenzo's resignation from Planning and Zoning Boards Secretary. Councilman Bullock seconded. Vote: all ayes. Motion carried.

OPEN FLOOR

Ruth Ann Parrott talked to Dan about concerns at the mobile home park on Rt. 26. She stated that she had been looking at the code book and according to that each mobile home is supposed to be clearly marked. They are not. There are 200 mobile homes in the park and the person in front of her has their stairs coming out of the trailer right in front of her car. If there were ever to be an emergency there would be a problem. Her car and home would be destroyed. Dan will contact the trailer owner and send a copy of the law to him. Then he will give him a time frame to remedy the problem. She also wanted to know about a law about the water meters on the trailers. Dan didn't know of any such law. Dan suggested that she contact HUD and see what they had to say. She wanted the town to check and make sure the meters were correct. He told her that the town has no way to check them. She then stated that there is a dead end street, and the code book also says that there can be no dead end streets. She was told that they are grandfathered in and they were there before Zoning was here. Then she complained that there are large pot holes in the park and the park owner is supposed to be fixing them. Several people have damaged their cars because of the holes. The town will not get involved with this.

Karen Juser stated that her son had passed away on March 11th with brain cancer. She thanked the East Maine Fire Station for sponsoring a spaghetti supper at the fire station for a scholarship fund.

The next speaker was Shelly Stoddard. She wanted to know if anything had been done about Don Lantz's building next to her. Dan stated that the building was put there five years ago and that was before he was here. She wanted to know if Dan had cited Don Lantz yet? That building is not on the right property. Dan answered, "no" he had not and didn't know if he would or not. He said there are a lot of things to be determined. Shelly stated that the person who filled out the building permit is the one who has the blame on him. George then asked Dan to look into it. Shelly then wanted to know when would he pursue it? She then wanted to know if she would be notified when it had been done. At this point Supervisor Ludington stated that she would not be badgering Dan anymore.

Joe Loparco talked about Myron Swarts and the noise again. He stated that the noise is above the 70 decibels. He wants the town to get a reader, read it and if it is above the 70 decibels, the town should shut him down.

Ellen Vachon said that Diana Lenzo is willing to stay and train a new secretary until September 1st.

5 minute break

REPORTS

Dan said the permits are down a little. There are two new homes being built. He has had fewer complaints than last year. The Verizon paper work is nearly complete with the amendments. The money should be here within the next week. He is going to court for the 4th time about a problem on Upper Stella Ireland Road. Bob asked Dan about the paper work he should be giving the ZBA Secretary each month. He had a problem with Dan's report. He has some questions about some junk cars. Dan stated that he is waiting for the time to expire he had given them to remove them, then he will cite them.

John stated that he has only had a few calls for lost dogs and they all have been found. We only have 12 dogs at the dog shelter. We're doing good.

Nancy Treat said George, Ernie and she all had a meeting with John Deierlein, from NBT. NBT has implemented a new system at the bank. Nancy is to have a separate computer just for the banking. She now has to have the money transfer in two days before the workers can be paid. He insisted on a separate computer that she does not do email on so hackers cannot get in.

Councilman Rose made the motion for Bob Bullock to purchase a computer and printer for Nancy Treat's banking and not spend over \$1,000.00. Councilman Palmer seconded. Roll call vote: Palmer: aye, Congdon: aye, Ludington: aye, Rose: aye, Bullock: aye. Motion carried.

Councilman Rose made the motion to hold a special meeting at 6:00 P.M. on August 24, 2010. Councilman Bullock seconded. Vote: all ayes. Motion carried.

Chuck said he is on schedule with the budget and his work. He sent the second paperwork to CHIPS. We should get the check by the 15th of September. He received the permit from the DEC to go into Pollard Hill Creek, and Haskins Road creek. They have not issued one for Weber Creek so far. The new truck is getting painted, the snowplow and the dump box are being put on. It should be here next week. He met with Ernie Palmer and Luke Zuber on planning the project at the park. Chuck stated that he ran for this job because did not like the way it was run. He does not intend to have a tax increase in his budget. He feels he would like to put money away for the future.

Ernie talked about the National Night Out on August 3rd. There were between 300-400 people there. He had two surprises. First, Sheriff Harder showed up, then George presented him with a plaque he and Nancy Rutkowski had made up for him thanking him for a good job. A good time was had by all.

Roger turned the East Maine Fire Report into Nancy. They had 13 calls total. There was a fire at the airport.

Bob asked about the applications we have gotten in for the Planning/Zoning Board Secretary and the Code Enforcer Secretary. There may be a job description on the Broome County web site. He just went on his computer and the price for a computer and printer is \$663.00 from HP for Nancy Treat.

Todd said he had heard from NYSERTA and they have more questions. They wanted to know how many people it took to do the project of replacing the lights in the town hall and the highway garage.

Nancy said she has had complaints about people parking on the grass in the park when they go to the pavilions. They said it's not fair that some abide by the rules and park in the parking lot and others don't have to, they just drive into the park and park their cars. George said he cannot patrol the park to make sure they park where they're supposed to. She and the girls in the office have bought themselves new shirts and had them printed on out of their own pockets. It cost the taxpayers nothing. They have talked about it for some time, now they finally did it. The budget is done except to type in the last four pages. There is a BAS meeting for dog licensing information in Vestal on August 24th from 10-12. BAS is looking into writing the new software. They will start selling hunting licenses on the 16th. They can also be purchased them on line at home. They are signing up people for the bow hunting courses now and on the 23rd they will start signing them up for the gun course.

George stated that everything has been discussed that he was going to bring up.

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Councilman Congdon made the motion to go into executive session at 8:38 P.M. for reason of medical, financial, credit or employment history of a particular person or corporation, or matters leading to said dismissal, removal, promotion, appointment, employment, discipline, demotion or suspension; Councilman Bullock seconded. Vote: all ayes. Motion carried.

Councilman Rose made the motion to come out of executive session at 9:39 P.M. Councilman Palmer seconded. Vote: all ayes. Motion carried.

No action was taken while in executive session.

Councilman Congdon made the motion to adjourn at 9:40 P.M. Councilman Palmer seconded. Vote: all ayes. Motion carried.

Respectfully submitted:

Date approved: _____

Nancy Rutkowski, Town Clerk