

September 13th, 2012

The regular meeting of the Town Board was held on Thursday, September 13th, 2012 with the following members present: Richard Rowland, Supervisor; Daniel Pemrick, Thomas Kinsella and Walter E. Chandler, Councilman. Daniel Cochran was absent. Also present was Highway Supt. Walter Barss, Town Counsel Mark Schachner and 3 residents.

The Board met as the Board of Health at 7:25 PM.

4424 & 4422 Route 9N - Supervisor Rowland reviewed the report from the Code Enforcement Officer dated 9/13/2012. There has been no change to the property since the original notice was sent on April 13th, 2012. Supervisor Rowland stated that we have received an email from Wells Fargo on 8/28/2012 which indicated that they were looking into the matter and they would provide an update in the near future. To date, we have not received any further communication. Supervisor Rowland stated that Board also received an unsolicited proposal from Pedone Enterprises to demolish the structure and remove the debris from the property. Pedone has done work for Inspection Processing Services, one of the companies that we have been corresponding with regarding this property. Supervisor Rowland asked Highway Supt. Barss what their schedule was and questioned whether or not this would be a job that they could take care of. Highway Supt. Barss stated that they would not be able to get to it until the last week in September. Kinsella, C. noted that this was the property where some of the notification that was sent out has been returned and some has been delivered. He wanted to make sure that proper notification has been made so that the Town is covered before we knock it down. It appears that Wells Fargo is the property owner and not Corelogic as was originally believed. He would like the opinion of Town Counsel before we go any further.

99 Wilsey Road - Supervisor Rowland reviewed report from the Code Enforcement Officer dated 9/13/2012. Other than the winter cover being put on the pool, there has been nothing done to the fencing. Chandler, C. felt that the Board may have to repair the fence. Pemrick, C. questioned if the fence was the issue and there was not a concern regarding anyone falling in the pool at this point. Supervisor Rowland stated that the winter cover was a deterrent, however it did not meet Code. Pemrick, C. stated that this was an unusual situation and wondered whether they could fill in the pool. Chandler, C. was concerned about filling the pool. He questioned if the Town would be liable for damages. Kinsella, C. asked if a 4 foot snow fence would be compliant. Supervisor Rowland stated that it could be used as a temporary fence only but would not comply with the Code. Town Counsel Schachner stated that Councilman Chandler's concern was appropriate. Typically the Town's roll is to take steps to demolish an unsafe building, not usually to take steps that could lessen the value of the non building portion of the property. Kinsella, C. suggested that a notice be sent putting the owner on notice that the Town was going to fill in the pool if it was not brought into compliance by the next meeting.

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RESOLUTION # 119 – Certified Notice of Compliance to Bank of America

Motion: Kinsella, C.

Seconded: Pemrick, C.

RESOLVED, That the Town Clerk be directed to send a certified notice to Bank of America notifying them if the property is not brought into compliance by October 11th, 2012 that the Town would fill in the pool.

VOTE: Ayes: Rowland, Pemrick, Kinsella, Chandler

Noes: None

Absent: Cochran

281 Miner Road - Supervisor Rowland stated that the unsafe building hearing scheduled for this evening was not necessary. Code Enforcement Officer inspected the property on 9/13/2012. The building has been demolished and the debris removed from the property. No further action is necessary.

4424 & 4422 Route 9N - Kinsella, C. explained to Town Counsel that nothing is happening with this property and the Board would like to have the Highway Department go in and take down the building and remove the debris, however ownership is unclear. We have been corresponding with Corelogic and Inspection Processing Services. Recently we have been informed that Wells Fargo was the property owner and we have had communications via email regarding the property. Town Counsel advised that he would like to see a certified letter with a return receipt sent to Wells Fargo.

RESOLUTION # 120 – Certified Notice of Compliance to Wells Fargo

Motion: Pemrick, C.

Seconded: Chandler, C.

RESOLVED, That the Town Clerk be directed to send a certified notice to Wells Fargo notifying them if the property is not brought into compliance by October 11th, 2012 that the Town will demolish the modular home located at the rear of the property and remove all debris and inform them that all costs incurred by the Town will be assessed against the property.

VOTE: Ayes: Rowland, Pemrick, Kinsella, Chandler

Noes: None

Absent: Cochran

The regular meeting was called to order by the Supervisor at 7:40 PM and opened with the pledge to the flag. On motion of Chandler, C. and seconded by Pemrick, C., the minutes of 8/9/2012 and 9/6/2012 were approved as submitted by all Board members present.

Letter of Resignation from Janice Hill as Co-Chairman of the Environmental Committee effective 10/1/2012.

Letter of Resignation from Kenneth Hill as Town Health Officer effective 10/1/2012.

Letter from Dave Erb, longtime season pass holder at Brookhaven, stating that the new Golf Professional, Kevin Canale, was an excellent choice and that Brookhaven has needed someone like him for a long time.

Letter from James Callahan, longtime season pass holder, stating that bringing in the new head pro was one of the best things that has happened in his time. He

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added that the improvements the Town made to the course property are appreciated and have enhanced the playing experience. He thanked the Town for a job well done.

Gary Heller, Rebecca Drive, was present and also complimented Kevin Canale. Mr. Heller stated that he just played the other day with a gentlemen from Queensbury who commented that the course, in terms of upkeep and maintenance, was equal to, if not even better than, some of the private courses in the area. He had not been to Brookhaven in about 5 years and was amazed with all the work that had been done. Mr. Heller also wanted to share some information with the Board regarding the fees at Brookhaven. He did a sampling of fees at other municipal courses which he provided a copy of to the Board. Mr. Heller stated that he was sharing the information regarding fees with the Board for future consideration in giving Town residents a discount. Mr. Heller offered his assistance in gathering more information, etc. if this was something that the Board was interested in.

Letter from Mike Coleman stating that it had been more than 25 years since he had last played Brookhaven. He had the opportunity to play along with his wife and Madelyn Pulver Jennings, whose father designed the course many years ago. He added that Brookhaven has matured as a wonderful course. He added that it was a tremendous asset for the Town and the entire region. He thanked the Town for the attention that the staff and Town had given it.

Letter from the NYS Dept. of State with a copy of a statement of population, from the United States Census Bureau, showing the 2010 population of the Town at 7,775.

Ambulance Committee – Kinsella, C. stated that the committee had their first meeting. They will be meeting twice a month. They have begun to put a plan together on how they were going to gather information. Kinsella, C. added that they were hoping to have Mike McAvoy from the County come to a meeting and explain to them some of the County EMS process. Supervisor Rowland stated that one of the questions asked by the Fire Chief had to do with the priority list for dispatching ambulances to the Town of Greenfield in the event that Empire is not available because they are on another call or they require an additional ambulance. His question was whether they were looking at which would be the most expedient ambulance to dispatch in different zones of the Town. Supervisor Rowland to provide the committee with the information that he has.

Barber Variance – Board members received a draft of the Planning Board minutes and a copy of Mr. Barber's deed. Supervisor Rowland explained that Mr. Barber did not have road frontage on a Town road. The Town Board has the authority to allow the use of a private right-of-way or deeded easement as frontage. Mr. Barber stated that his property has approximately 250' of frontage on Ure Way. At one time this was one parcel that has been divided into 3 parcels. Supervisor Rowland stated that one item of concern was to be sure that there was adequate access for an emergency vehicles to be able to get into the property and turn around. Mr. Barber stated that tri axle dump trucks and concrete trucks have traversed the road getting into Mr. Ure's property in the back. Kinsella, C. stated that he did not have an issue with the application, however he did not see clear right-of-way access in the deed. The deed only refers to a skid road off the

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main road and does not delineate size, location, etc. He was not sure that Mr. Barber would be protected by this description. Town Counsel Schachner agreed that the right-of-way was not very well defined. Mr. Barber suggested that the deed be revised for the 3 parties and that the right-of-way be designated as “Ure Way” rather than just a skid road. Kinsella, C. felt that Mr. Barber might have to have something drawn up by a surveyor indicating the dimensions and location. He also suggested that Mr. Barber contact the Fire Department and have one of the Fire Chiefs take a look at the roadway to make sure that it was adequate. Mr. Barber stated that he was having the property surveyed and it should be completed soon. He would make sure that it included a layout of the road and the width. Mr. Barber will have information available for the next Board meeting.

Planning Board Training - Supervisor Rowland stated that Planning Board Chairman had come to the Board and asked about some In-Service Training to be held here in-house. One of the Zoning Board of Appeals members has offered some possibilities for training through Cornell Cooperative Extension. Kinsella, C. asked if the hours would count toward their required training. Town Counsel Schachner stated that it was the discretion of the Board. Board members in agreement to allow the Planning and/or Zoning Board to set up the training session.

RESOLUTION # 121 – Approve Youth Committee Petty Cash

Motion: Pemrick, C.

Seconded: Chandler, C.

RESOLVED, That the Town Clerk be given an additional sum of \$200. for use by the Youth Committee for the Fall Soccer Program.

VOTE: Ayes: Rowland, Pemrick, Kinsella, Chandler

Noes: None

Absent: Cochran

RESOLUTION # 122 – Community Center Use Requests

Motion: Chandler, C.

Seconded: Kinsella, C.

RESOLVED, That the following organizations be authorized to use the Community Center for their regular meetings:

Mulleyville Snowmobile Club – 2nd Tuesday of each month (Sept. to April) from 7:30 PM to 9:00 PM

Girl Scout Troop 3105, Jenn Ginley, Leader – 2 Thursdays a month – Sept. to June

VOTE: Ayes: Rowland, Pemrick, Kinsella, Chandler

Noes: None

Absent: Cochran

Proposed Local Law – Tax Cap Override - Supervisor Rowland stated that in order for the Board to consider going over the 2% cap increase this Local Law needed to be adopted. If the proposed tax increase is 2% or less then the Local Law will not be used.

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RESOLUTION # 123 – Schedule Public Hearing Proposed Local Law
#1-2012 – Tax Cap Override

Motion: Pemrick, C.

Seconded: Chandler, C.

RESOLVED, That the Town Board hereby schedules a public hearing on Proposed Local Law #1-2012 to be held on October 11th, 2012 at 7:25 PM.

VOTE: Ayes: Rowland, Pemrick, Kinsella, Chandler

Noes: None

Absent: Cochran

RESOLUTION # 124 – Transfer of Funds

Motion: Chandler, C.

Seconded: Pemrick, C.

RESOLVED, That the Supervisor be authorized to make the following transfer of funds:

\$1,459.54	From	DA5120.4	to	DA5140.4
2,779.02	From	CR7110.200	to	CR7110.41
580.13	From	CR7110.46	to	CR7110.48
1,235.75	From	CR7110.200	to	CR7110.4
2,835.18	From	CR7110.200	to	CR7110.47

VOTE: Ayes: Rowland, Pemrick, Kinsella, Chandler

Noes: None

Absent: Cochran

Monthly reports were submitted by the Building Dept., UDAG Revolving Loan Fund, Supervisor, Highway Supt., Town Justices and Town Clerk.

RESOLUTION # 125 – General Bills

Motion: Kinsella, C.

Seconded: Pemrick, C.

RESOLVED, That General Bills # 454 to # 510 in the amount of \$21,450.14 be paid, subject to audit.

VOTE: Ayes: Rowland, Pemrick, Kinsella, Chandler

Noes: None

Absent: Cochran

RESOLUTION # 126 – Park Bills

Motion: Kinsella, C.

Seconded: Chandler, C.

RESOLVED, That Park Bills # 231 to # 266 in the amount of \$24,529.88 be paid, subject to audit.

VOTE: Ayes: Rowland, Pemrick, Kinsella, Chandler

Noes: None

Absent: Cochran

RESOLUTION # 127 – Highway Bills

Motion: Pemrick, C.

Seconded: Chandler, C.

RESOLVED, That Highway Bills # 206 to # 226 in the amount of \$239,451.43 be paid, subject to audit.

VOTE: Ayes: Rowland, Pemrick, Kinsella, Chandler

Noes: None

Absent: Cochran

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On motion of Chandler, C. and seconded by Kinsella, C., the Board adjourned to Executive Session at 8:15 PM to discuss litigation. Clerk was not present for session and no minutes were filed. On motion of Kinsella, C. and seconded by Pemrick, C., the Board returned to regular session at 8:40 PM.

On motion of Pemrick, C. and seconded by Chandler, C., the meeting was adjourned at 8:41 PM.

Town Clerk