

TOWN OF PRINCETOWN
165 PRINCETOWN PLAZA
SCHENECTADY, NEW YORK 12306

Town Board Meeting July 12, 2011

Members Present: Councilmember Edwards
Councilmember Esposito
Councilmember Gray
Councilmember Myers
Supervisor Whiteley
Also present: Attorney Trimarchi, see sign-in sheet

Communications:

06/13/2011 NYS DOT re: Birchwood Dr. Bridge and traffic light @ Rt. #7 Intersection
06/22/2011 Intermunicipal Shared Highway Services Group
06/24/2011 NYS OEM re: Local Hazard Mitigation
07/09/2011 The Gorman Group; est. for crack repair on Willow Run

Reports:

06/2011 Water Commissioner
06/2011 CEO/Building Inspector
06/2011 Justice
06/2011 DCO
06/26/2011 P.B. Meeting Minutes

Public Comment:

TOWN BOARD MEETING PUBLIC COMMENT GUIDELINES

The T.B. revises resolution #11-03 to read: The Town Board will hold an opportunity at the regular monthly meeting (2nd Tuesday of every month) for the public to share comments or concerns with the T.B. regarding items scheduled for discussion on the agenda. Each individual will be given one opportunity and three minutes during Public Comment. The person shall state his/her first and last name and address for the record. The public comment opportunity is to be used to make comments to the entire T.B. for their consideration. The purpose of public comment is not to afford an opportunity for back and forth dialogue. In addition the T.B. will hold an opportunity at the end of each monthly meeting for the Public to share comments or concerns with the Town Board on any topic. Each person will be given three minutes. The purpose of this public comment time is not to afford back and forth dialog. There will be time at the end of every meeting for Board members to address comments, questions or concerns residents may have raised if they so choose.

COUNCILMEMBER ESPOSITO - read a statement concerning the attorney fees for the year 2010 stating the budget line was increased illegally and that a resident had sent a letter to the Ethics Board members, w/copies to T.B., requesting the Ethics Board meet in review of this issue. Councilmember Esposito stated he understood an Ethics Board member was told by the Supervisor that unless you are an employee or an officer of the Town you cannot request an action of the Ethics Committee. Councilmember Esposito said, as an Officer of the Town, he requests this issue be reviewed by the Ethics Committee.

- Supervisor Whiteley said that the document Councilmember Esposito read contained misinformation. Supervisor Whiteley explained that figures in the December Operating Statement are not the end of year figures. Also, Supervisor Whiteley stated, for the record, Attorney Trimarchi talked to the Ethics member.

□• Councilmember Edwards said this issue has been discussed numerous times before and clarified. Councilmember Edwards stated that instead of questioning people's ethics Councilmember Esposito should sit down w/the bookkeeper for an explanation of these figures and then be able to correctly explain to the resident who requested this action.

□• Attorney Trimarchi said there are several issues here:

- Any officer or employee can request an opinion of the Ethics Board in an area the Ethics Board has jurisdiction.
- There is a question in this situation whether or not the Ethics Board has jurisdiction. The Ethics Board intent is to comply w/article 18 of the General Municipal Law which deals mainly w/conflicts of interest.
- Councilmember Esposito should make a written request to the Ethics Board w/copies to the T.B. members.
- The T.B. should fill the empty Ethics Board seat.

MINUTES:

RESOLUTION #11-89

UPON THE MOTION OF COUNCILMEMBER MYERS AND SECONDED BY COUNCILMEMBER ESPOSITO IT IS HEREBY RESOLVED

That meeting minutes from June 14, 2011 be accepted as presented/amended

ROLL CALL: 5 AYES SAID RESOLUTION DULY ADOPTED

RESOLUTION #11-90

UPON THE MOTION OF COUNCILMEMBER MYERS AND SECONDED BY COUNCILMEMBER EDWARDS IT IS HEREBY RESOLVED

That meeting minutes from July 5, 2011 be accepted as presented/amended.

ROLL CALL: 5 AYES SAID RESOLUTION DULY ADOPTED

RESOLUTION #11-91

UPON THE MOTION OF COUNCILMEMBER MYERS AND SECONDED BY COUNCILMEMBER GRAY IT IS HEREBY RESOLVED

That meeting minutes from July 9, 2011 be accepted as presented/amended.

ROLL CALL: 4 AYES

1 ABSTAIN (EDWARDS) SAID RESOLUTION DULY ADOPTED

OLD BUSINESS:

Town Hall:

- Some issues w/HVAC system possibly due to power surges

Trooper Barracks:

- 2 quotes so far on required 2011 repairs (per contract); quotes running around \$12,000 for upgrade of 4 bathrooms

Highway:

- Microsurfacing of Reutter Drive and crack seal of Willow Run have been completed.
- Per Superintendent Maura - all work for 2011 has been completed

Dog Control:

Water Department:

- the communications systems have been manually controlled for the past several days since the heat and humidity has caused malfunctioning of the systems
- Usage bills have been prepared and will be mailed in the next several days.

Code Enforcement:

- June was a busy month
- CEO Marciniak restated the importance of the new NYS Laws regarding swimming pool regulations.

NEW BUSINESS:

GENERAL FUND TRANSFER RESOLUTION #11-92

UPON THE MOTION OF COUNCILMEMBER MYERS AND SECONDED BY COUNCILMEMBER ESPOSITO IT IS HEREBY RESOLVED

That the Town Board approves the transfer of \$447.00 from 19904 Contingency to 35104 Dog

Control Supplies.

ROLL CALL: 5 AYES SAID RESOLUTION DULY ADOPTED

GENERAL FUND CLAIMS RESOLUTION #11-93

UPON THE MOTION OF COUNCILMEMBER MYERS AND SECONDED BY COUNCILMEMBER EDWARDS IT IS HEREBY RESOLVED

that the Town Board approves claim # 147 to claim # 167 in the amount of \$ 27,342.92.

ROLL CALL: 4 AYES

1 OPPOSED (ESPOSITO) SAID RESOLUTION DULY ADOPTED

WATER FUND TRANSFER RESOLUTION #11-94

UPON THE MOTION OF COUNCILMEMBER GRAY AND SECONDED BY COUNCILMEMBER MYERS IT IS HEREBY RESOLVED

That the Town Board approves the transfer of \$626.00 from 19904.12 Water Contingency to 83114 Service Contracts.

ROLL CALL: 5 AYES SAID RESOLUTION DULY ADOPTED

WATER FUND CLAIMS RESOLUTION #11-95

UPON THE MOTION OF COUNCILMEMBER MYERS AND SECONDED BY COUNCILMEMBER EDWARDS IT IS HEREBY RESOLVED

that the Town Board approves claim # 63 to claim # 71 in the amount of \$ 3,365.08.

ROLL CALL: 5 AYES SAID RESOLUTION DULY ADOPTED

REVISE RESOLUTION #11-84 (APPROVAL OF FUNDS FOR REPAIR OF REUTTER DR.)

RESOLUTION #11-96

UPON THE MOTION OF COUNCILMEMBER EDWARDS AND SECONDED BY COUNCILMEMBER GRAY IT IS HEREBY RESOLVED

That the Board approves an additional \$1,306.30 (total \$36,568.00) for the repair of Reutter Drive: additional charge due to NYS OGS escalation charge.

ROLL CALL: 5 AYES SAID RESOLUTION DULY ADOPTED

TRANSFER OF HIGHWAY FUNDS RESOLUTION #11-97

UPON THE MOTION OF COUNCILMEMBER GRAY AND SECONDED BY COUNCILMEMBER EDWARDS IT IS HEREBY RESOLVED

That the Board approves the transfer of \$36, 568.00 from 99019.1 (Interfund transfer Highway

fund) to 5031.3 (Interfund Transfer Highway).

ROLL CALL: 5 AYES SAID RESOLUTION DULY ADOPTED

HIGHWAY FUND CLAIMS RESOLUTION #11-98

UPON THE MOTION OF COUNCILMEMBER GRAY AND SECONDED BY COUNCILMEMBER MYERS IT IS HEREBY RESOLVED

That the Town Board approves voucher #3 in the amount of \$36,568.80 for payment to The Gorman Group for repair of Reutter Drive.

ROLL CALL: 5 AYES SAID RESOLUTION DULY ADOPTED

TOWN BOARD MEETING VIDEO APPROVAL (6/14/2011) RESOLUTION #11-99

UPON THE MOTION OF COUNCILMEMBER ESPOSITO AND SECONDED BY COUNCILMEMBER MYERS IT IS HEREBY RESOLVED

That the Town Board approve the video/audio tape recording of the June 14, 2011 Town Board

meeting.

ROLL CALL: 5 AYES SAID RESOLUTION DULY ADOPTED

STANDARD WORK DAY AND REPORTING RESOLUTION (RS 2417-A) RESOLUTION #11-100

UPON THE MOTION OF COUNCILMEMBER EDWARDS AND SECONDED BY COUNCILMEMBER GRAY IT IS HEREBY RESOLVED

That the Town of Princetown (location code 30712) hereby establishes the following as standard

work days for elected and appointed officials and will report the following days worked to the

New York State and Local Employees Retirement System based on the keeping system records or the record of activities maintained and submitted by these officials to the clerk of this body:

(SEE ATTACHED)

ROLL CALL: 3 AYES 2 OPPOSED (ESPOSITO, MYERS)

SAID RESOLUTION DULY ADOPTED

CONSENT TO CHANGE ATTORNEY'S (KENNISON vs. TOWN OF PRINCETOWN)

RESOLUTION #11-101

UPON THE MOTION OF COUNCILMEMBER GRAY AND SECONDED BY COUNCILMEMBER MYERS IT IS HEREBY RESOLVED

That Supervisor Whiteley sign the Consent to Change Attorney's Form (NYMIR reversed their original denial of coverage for this litigation; representation will convert from Whiteman, Osterman et al to The Baynes Law Firm, PLLC, Brendan Baynes, Esq.).

ROLL CALL: 5 AYES SAID RESOLUTION DULY ADOPTED

MILEAGE REIMBURSEMENT RESOLUTION #11-102

UPON THE MOTION OF COUNCILMEMBER EDWARDS AND SECONDED BY COUNCILMEMBER GRAY IT IS HEREBY RESOLVED

That \$.55 (7/1/2011 NYS Standard mileage rate established by NYS) per mile be the remuneration to Town Officials for mileage.

ROLL CALL: 3 AYES

2 OPPOSED (ESPOSITO, MYERS)

SAID RESOLUTION DULY ADOPTED

PUBLIC HEARING FOR REVISION OF LOCAL LAW #2 OF 2010, "DOG CONTROL ORDINANCE OF THE TOWN OF PRINCETOWN" RESOLUTION #11-103

UPON THE MOTION OF COUNCILMEMBER MYERS AND SECONDED BY COUNCILMEMBER EDWARDS IT IS HEREBY RESOLVED

That the Town Board schedules a Public Hearing on August 9, 2011 at 7:00 PM, prior to the

regularly scheduled Town Board meeting, to hear all those who would like to comment on the

proposed changes of §7C. 1 & 2 (impound fees) in the Dog Control Ordinance of the Town of

Princeton; Local Law #2 of 2010.

ROLL CALL: 5 AYES SAID RESOLUTION DULY ADOPTED

CONTRACT W/MONTGOMERY COUNTY SPCA RESOLUTION #11-104

UPON THE MOTION OF COUNCILMEMBER MYERS AND SECONDED BY COUNCILMEMBER EDWARDS IT IS HEREBY RESOLVED

That Supervisor Whiteley signs a Sheltering Agreement w/Montgomery County SPCA.

ROLL CALL: 5 AYES SAID RESOLUTION DULY ADOPTED

CONTRACT W/NYS TROOPERS RESOLUTION #11-105

UPON THE MOTION OF COUNCILMEMBER GRAY AND SECONDED BY COUNCILMEMBER MYERS IT IS HEREBY RESOLVED

That Supervisor Whiteley signs the State Police Contract for a term to cover 04/01/2010 - 03/31/2015 @ \$37,428.00 annually (to be broken into 12 equal payments of \$3,119.00 monthly)

ROLL CALL: 5 AYES SAID RESOLUTION DULY ADOPTED

Public Comment (as above):

- ☐ • Norm Miller (Skyline Dr.) commented on the much needed repair of Kelly Rd.
- ☐ • Norm Miller - re: Change of Attorney resolution: asked what monies had been paid to Town Attorney in 2010 for the Kennison Law suit (?).
- ☐ • Mary Sue Reed (Darrow Rd.) asked if the July 9th meeting had been Public Noticed
- ☐ • Mary Sue Reed - asked about the recording of hours for the Retirement System

Councilmember Concerns:

- ☐ • Councilmember Esposito - passed out some suggestions for the personnel policy.
- ☐ • Supervisor Whiteley -
 - ○ Attorney charges for 2010 in the Kennison case were for NOI
 - ○ Public noticing of 7/9 TB special meeting - notice was posted on front door
 - ○ Reporting of hours for retirement calculations can be done any three quarters

Discussion:

- Water Purveyor Law (proposed)
 - The Board discussed and was in agreement that a Public Hearing should be scheduled

PUBLIC HEARING FOR PROPOSED WATER PURVEYOR LAW

RESOLUTION #11-106

UPON THE MOTION OF COUNCILMEMBER MYERS AND SECONDED BY COUNCILMEMBER EDWARDS IT IS HEREBY RESOLVED

That the Town Board schedules a Public Hearing on August 9, 2011, immediately following Public Hearing #1, to hear all those who would like to comment of the proposed Water Purveyor Law.

ROLL CALL: 5 AYES SAID RESOLUTION DULY ADOPTED

EXECUTIVE SESSION RESOLUTION #11-107

UPON THE MOTION OF COUNCILMEMBER MYERS AND SECONDED BY COUNCILMEMBER EDWARDS IT IS HEREBY RESOLVED

That the Town Board enters into Executive Session to discuss the appointment to the Ethics Board

and an additional DCO @ 7:55 PM.

ROLL CALL: 5 AYES SAID RESOLUTION DULY ADOPTED

EXIT EXECUTIVE SESSION RESOLUTION #11-108

UPON THE MOTION OF COUNCILMEMBER MYERS AND SECONDED BY COUNCILMEMBER EDWARDS IT IS HEREBY RESOLVED

that the Town Board exits executive session @ 8:26 PM.

ROLL CALL: 5 AYES SAID RESOLUTION DULY ADOPTED

APPOINTMENT OF ETHICS BOARD MEMBER RESOLUTION #11-109

UPON THE MOTION OF COUNCILMEMBER MYERS AND SECONDED BY COUNCILMEMBER GRAY IT IS HEREBY RESOLVED

That Eric Plura is appointed to the vacant Ethics Board seat for a term to expire 12/31/2013.

ROLL CALL: 5 AYES SAID RESOLUTION DULY ADOPTED

The meeting was adjourned @ 8:29 PM

Respectfully Submitted,
Carol McClaine
Town Clerk