

Town of Niles
Organizational and Regular Meeting
January 7th, 2010
Niles Town Hall

Present: Rick Slagle, Supervisor
Bernard Juli, Councilman
Alberta Winters, Councilwoman
Clarence Edmonds, Councilman
Barbara Eberhardt, Councilwoman

Others: Brody Smith, Town Attorney; Fred Eberhardt; John Nolte, Planning Board; Lorna and Dick DeWitt; Donna Taylor; Roger Slater, Highway Department; Fred Covert; Bob Martin, Chairman, Planning Board; Doug Winters, Highway Department; Kaleb Winters; Kathleen Barran, The Citizen; Jason Cuddeback, Planning Board; Larry Roser; Pat Steger, Highway Superintendent; and Karen Porter, Youth Committee.

Supervisor Slagle opened the meeting with the Pledge to the Flag at 7:00pm.

Minutes

A motion was made by Councilman Juli and seconded by Councilwoman Winters to approve the minutes of the End of Year meeting (December 29, 2009) as written.

Motion carried by a unanimous yes vote.

Open Floor to the Public

No public input.

Resolutions

. Officers and Employees:

a) Resolution #2010-1 Be it resolved that in lieu of individual undertakings as required by Section 25 of the Town Law, the Niles Town Board authorizes a blanket undertaking permitted by Section 11(2) of the Public Officers Law covering officers, clerks and employees of the town. This blanket undertaking indemnifies the Town against losses caused by the failure of officers and all other employees to faithfully perform their duties or by their fraudulent or dishonest acts for the year 2010.

On motion of Councilwoman Winters and seconded by Councilwoman Eberhardt, the above resolution was

ADOPTED Ayes 5 Edmonds, Eberhardt, Juli, Winters, Slagle
Nays 0

- b) **Resolution #2010-2** Be it resolved that the Niles Town Board approves the Appointments found at Attachment A.

On motion of Councilman Juli seconded by Councilwoman Eberhardt, the above resolution was

ADOPTED Ayes 5 Edmonds, Eberhardt, Juli, Winters, Slagle
Nays 0

- c) **Resolution #2010-3** Be it resolved that the Niles Town Board approves the Schedule of Salaries for elected and appointed officials and employees for 2010 found in Attachment B.

On motion of Councilman Juli seconded by Councilman Eberhardt, the above resolution was

ADOPTED Ayes 5 Edmonds, Eberhardt, Juli, Winters, Slagle
Nays 0

- d) **Resolution #2010-4** Be it resolved that any elected or appointed town official and town employee who uses a private vehicle in performing official duties for the Town of Niles may be reimbursed at the rate of 55 cents per mile, pending approval by the Town of Niles Board. A trip log may be required.

On motion of Councilman Juli seconded by Councilman Edmonds, the above resolution was

ADOPTED Ayes 5 Edmonds, Eberhardt, Juli, Winters, Slagle
Nays 0

Town Board

a) **Resolution #2010-5** Be it resolved that the following committees are set forth by the Supervisor:

- (1) Highway Committee, Councilmen Juli and Edmonds
- (2) Comprehensive Planning Committee, Councilwoman Eberhardt and Councilman Juli
- (3) Garbage Committee, Councilwoman Winters and Councilman Edmonds
- (4) Publicity Committee, Councilwomen Winters and Eberhardt

On motion of Councilman Juli seconded by Councilwoman Eberhardt, the above resolution was

ADOPTED Ayes 5 Edmonds, Eberhardt, Juli, Winters, Slagle
Nays 0

b) Resolution #2010-6 Be it resolved that the Niles Town Board will continue with the practice of using the rules as outlined in the 2006 Town Law Manual until such time as the majority of the board feels that more specific rules are needed.

On motion of Supervisor Slagle and seconded by Councilman Juli, the above resolution was

ADOPTED Ayes 5 Edmonds, Eberhardt, Juli, Winters, Slagle
Nays 0

c) Resolution #2010-7 Be it resolved that the Niles Town Board shall convene for purposes of a regular Town Board Meeting on the second Thursday of each month at 7:00 p.m at the Niles Town Hall, 5923 New Hope Road, Moravia New York.

On motion of Councilwoman Winters and seconded by Councilman Edmonds, the above resolution was

ADOPTED Ayes 5 Edmonds, Eberhardt, Juli, Winters, Slagle
Nays 0

d) Resolution #2010-8 Be it resolved that the Auburn Citizen shall be designated as the official newspaper of the Town of Niles for all legal notices. The Moravia Shopper may be used for non-legal announcements.

On motion of Councilwoman Eberhardt and seconded by Councilman Juli, the above resolution was

ADOPTED Ayes 5 Edmonds, Eberhardt, Juli, Winters, Slagle
Nays 0

. New York State & Local Government Retirement System

Resolution #2010-9 Be it resolved that a Standard Work Day and Reporting Procedure is established for Town of Niles employees participating in the New York State and Local Government Retirement System as described at Attachment E.

On motion of Councilman Juli and seconded by Councilman Edmonds, the above resolution was

ADOPTED Ayes 5 Edmonds, Eberhardt, Juli, Winters, Slagle
Nays 0

. Fiscal Matters

a) Resolution #2010-10 Be it resolved that the official repository for the Town of Niles Supervisor, Town Clerk/Collector shall be the First National Bank of Groton.

On motion of Councilwoman Winters and seconded by Councilman Juli, the above resolution was

ADOPTED Ayes 5 Edmonds, Eberhardt, Juli, Winters, Slagle
Nays 0

- b) **Resolution #2010-11** Be it resolved that the Niles Town Board authorizes the Supervisor to pay for public utility services such as gas, electric, water, sewer, fuel oil and telephone service as well as for postage, freight and express charges in advance of audit of claims. Claims for these payments shall be presented at the next regular meeting for audit.

On motion of Councilwoman Eberhardt and seconded by Supervisor Slagle, the above resolution was

ADOPTED Ayes 5 Edmonds, Eberhardt, Juli, Winters, Slagle
Nays 0

- c) **Resolution #2010-12** Be it resolved that the Niles Town Board establishes a Town Clerk Petty Cash fund of \$100.00.

On motion of Councilman Juli and seconded by Councilwoman Eberhardt, the above resolution was

ADOPTED Ayes 5 Edmonds, Eberhardt, Juli, Winters, Slagle
Nays 0

- d) **Resolution #2010-13** Be it resolved that the Supervisor is authorized to invest any available funds, consistent with Town obligations, on a timely basis in such manner that funds accrue the largest return for the Town and still comply with the requirements of New York State.

On motion of Councilwoman Eberhardt and seconded by Councilman Juli, the above resolution was

ADOPTED Ayes 5 Edmonds, Eberhardt, Juli, Winters, Slagle
Nays 0

- e) **Resolution #2010-14** Be it resolved that the Superintendent of Highways is authorized to spend up to \$500.00 in aggregate from the Highway Department budget without prior approval of the Board.

On motion of Councilman Juli and seconded by Councilman Edmonds, the above resolution was

ADOPTED Ayes 5 Edmonds, Eberhardt, Juli, Winters, Slagle
Nays 0

- f) **Resolution #2010-15** Be it resolved that any purchase by Town Officials or other Town employees other than the Superintendent of Highways in excess of \$1,200 must receive Town Board approval. Emergency purchases in excess of \$1,200 may be authorized by the Supervisor or the Deputy Supervisor.

On motion of Councilwoman Eberhardt and seconded by Councilman Juli, the above resolution was

ADOPTED Ayes 5 Edmonds, Eberhardt, Juli, Winters, Slagle
Nays 0

- g) **Resolution #2010-16** Be it resolved that any check rendered to the Town of Niles and returned for any reason may be charged a \$25.00 redemption fee.

On motion of Supervisor Slagle and seconded by Councilman Juli, the above resolution was

ADOPTED Ayes 5 Edmonds, Eberhardt, Juli, Winters, Slagle
Nays 0

- h) **Resolution #2010-17** Be it resolved that the Deputy Supervisor be empowered to sign checks in the absence of and/or at the request of the Supervisor.

On motion of Councilman Juli and seconded by Councilman Edmonds, the above resolution was

ADOPTED Ayes 5 Edmonds, Eberhardt, Juli, Winters, Slagle
Nays 0

- h) **Resolution #2010-18** Be it resolved that the Supervisor shall file with the Town Clerk within 60 days after closing of the fiscal year, a copy of the Annual Update Document to the state comptroller. Be it further resolved that the Town Clerk shall publish in the official newspaper, within 10 days, notice that said report is on file for public inspection in the Clerk's office.

On motion of Councilman Juli and seconded by Councilwoman Eberhardt the above resolution was

ADOPTED Ayes 5 Edmonds, Eberhardt, Juli, Winters, Slagle
Nays 0

. General Matters

- a) **Resolution #2010-19** Be it resolved that the Niles Town Board appoints Supervisor Slagle to serve as delegate to the 2010 New York State Association of Towns Annual Meeting scheduled for February 14-17, 2010 in New York City.

On motion of Councilman Juli and seconded by Councilman Edmonds the above resolution was

ADOPTED Ayes 5 Edmonds, Eberhardt, Juli, Winters, Slagle
Nays 0

- b) **Resolution #2010-20** Be it resolved that the Niles Town Board adopts the Code of Ethics as in Attachment D.

On motion of Councilman Juli and seconded by Councilman Edmonds the above resolution was

ADOPTED Ayes 5 Edmonds, Eberhardt, Juli, Winters, Slagle
Nays 0

Regular Meeting

- a) **Resolution #2010-21** Be it resolved that the Niles Town Board adopts the Comprehensive Plan as approved by the Cayuga County Department of Planning and Economic Development and as presented by the Town of Niles Comprehensive Plan Committee.

On motion of Supervisor Slagle and seconded by Councilwoman Eberhardt the above resolution was

ADOPTED Ayes 5 Edmonds, Eberhardt, Juli, Winters, Slagle
Nays 0

- b) **Resolution #2010-22** Be it resolved that the Town of Niles adopts the Cayuga County Fire Mutual Aid Annex of the Comprehensive Emergency management Plan. Appendix B-1 will be filled out and filed with the Cayuga County Fire Coordinator

On motion of Councilman Juli and seconded by Councilwoman Eberhardt the above resolution was

ADOPTED Ayes 5 Edmonds, Eberhardt, Juli, Winters, Slagle
Nays 0

APPOINTMENTS

- a. Attorney to Town: Bond, Schoeneck and King PLLC (Brody Smith)
- b. Board of Assessment Review: Five-year terms
 - (1) James Matijas – term 10/1/2009- 9/30/2014
 - (2) William Sheppard – term 10/1/2010- 9/30/2015
 - (3) Alan Badman – term 10/1/2008-9/30/2013
- c. Board of Appeals: Three-year terms
 - (1) Don Klein – term 6/14/2009 – 6/13/2012
 - (2) Donna Porter, Secretary term 6/14/2008 – 6/13/2011
- d. Bookkeeper and Confidential Secretary, Glenn Porter – one-year term expiring 12/31/2010
- e. Bookkeeper Clerk, Charles Mellor – one-year term expiring 12/31/2010

- f. Code Enforcement Officer: Jerry VeVone – one-year term expiring 12/31/2010
- g. Deputy Town Clerk & Registrar of Vital Statistics: Johann DeWitt
- h. Data Collection Clerk: Charles Mellor - one-year term expiring 12/31/2010
- h. Deputy Highway Superintendent: Douglas Winters
- i. Deputy Supervisor: Barbara Eberhardt
- j. Dog Control Officer: Stacy Morris – yearly contract expiring 12/31/2010
- k. Highway Safety Officer: Douglas Winters - one-year term expiring 12/31/2010
- l. Municipal Custodian: Johann DeWitt – yearly contract expiring 12/31/2010
- m. Planning Board: Four-year terms
 - (1) Jason Cuddeback - term 1/1/2010 – 12/31/2012
 - (2) Tony Hart – term 1/1/2010 – 12/31/2014
 - (3) William Stinson – term 1/1/2010 – 12/31/2014
 - (4) Robert Martin, Chairman – term 1/1/2008 – 12/31/2011
- n. Registrar of Vital Statistics: Christine Nolte – two-year term expiring 12/31/2011
- o. Town Constable: Richard Pflueger - one-year term expiring 12/31/2010
- p. Town Historian: Alberta Winters – one year term expiring 12/31/2010
- q. Youth Committee:
 - (1) Belinda Stayton – one year term expiring 12/31/2010
 - (2) Karen Porter – one year term expiring 12/31/2010

SCHEDULE OF SALARIES

- a. Assessor: \$14,100 annual salary prorated monthly
- b. Attorney to the Town: Per current contract \$12,000 annual retainer.
- c. Board of Assessment Review Member: \$50.00 per meeting
- d. Board of Appeals each: \$50 per meeting
- e. Board of Appeals and Assessment Review Clerical: \$10 per hour
- e. Bookkeeper: \$4,800 – annual salary prorated monthly.
- g. Bookkeeper Clerk \$10 per hour
- h. Code Enforcement Officer: \$12,000– annual salary prorated monthly.
- i. Data Collection Clerk: \$10 per hour
- j. Deputy Highway Superintendent - \$1,000 per year paid quarterly
- k. Deputy Town Clerk & Registrar of Vital Statistics \$10 per hour
- l. Dog Control Officer: \$3,600/year per current contract paid monthly.
- m. Highway Employees: hourly rate for a 40 hour week with time and a half for over 40/hours paid bi-weekly plus health insurance.
 - (1) Albert Matney - \$18.20
 - (2) Douglas Winters - \$17.85
 - (3) Roger Slater - \$16.20
 - (4) Temporary with CDL - \$12.00 with no benefits
 - (5) Temporary with no CDL - \$11.00 with no benefits
- n. Highway Superintendent: \$43,250 annual salary prorated bi-weekly w/ health insurance.
- o. Highway Safety Officer: \$100. annually
- p. Municipal Custodian: \$10 per hour.
- q. Planning Board Members each: \$1,000 annually prorated quarterly

- (1) Planning Board Chairman: \$1,500 annually prorated quarterly.
- (2) Planning Board Secretary: \$1,000 annually prorated quarterly
- r. Registrar of Vital Statistics: \$35 annually.
- s. Town Clerk/Tax Collector: \$8,000 annual salary prorated monthly.
- t. Town Council Member each: \$1,700 annual salary prorated quarterly.
- u. Town Constable: \$100 per year.
- v. Town Historian: \$500 – annual salary prorated semiannually.
- w. Town Justice: \$4,500 – annual salary prorated quarterly.
- x. Town Supervisor: \$8,300 annual salary prorated monthly.
- y. Youth Committee: \$500 each annually

Department Reports

Assessor: Not present, no report

Code Enforcement: Mr. VeVone reports that there has been one (1) Building Permit issued for a house. He further stated that he has been doing some updating on high-speed and has spent seven (7) hours on it. He will be doing more State training this year.

Highway: Mr. Steger reports that the department has been busy with the recent snow and ice storms. They have been out plowing three times a day at least.

Clerk: Ms. Nolte reports that she is getting the Town of Niles Code books up to date and will have copies for all who require them. We should have them by the next Town Board meeting.

Attorney: Brody Smith of Bond, Schoeneck & King was introduced as the new Attorney for the Town of Niles. At next meeting we will be amending Seniors' Property Tax Exemptions with a new Local Law during a Public Hearing.

A motion was made by Supervisor Slagle and seconded by Councilman Edmonds to advertise for a Public Hearing on February 11, 2010.

Motion carried by a unanimous yes vote.

Newsletter

Ms. Winters advised that the Town Newsletter should be out by the end of the Month.

V.M.F.

The new Vehicle Maintenance Facility has developed a moisture problem and will be looked at by the Companies contracted to build it and V.I.P.

Creamery

This issue will be revisited at the February 11, 2010 meeting.

Abstracts

A motion was made by Councilwoman Winters and seconded by Councilman Juli to pay the abstracts as approved:

General Fund #1 - #11 \$2,417.38

Highway Fund #1 - #12 \$3,669.49

No Garbage bill was available at the time of the meeting.

Motion carried by a unanimous yes vote.

Adjourn

A motion was made by Councilman Juli and seconded by Councilwoman Winters to adjourn the meeting at 7:45pm.

Motion carried by a unanimous yes vote.

Respectfully Submitted,

Christine L. Nolte