

Town of Niles
Regular Meeting
Town Board
January 12, 2012
Niles Town Hall

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

Others: Fred Eberhardt, Karen Porter, Robin Sheehan, Susan Newell, John Morris, Brody Smith, Tom Nevius, Pam Nevius, George Case, Michael Gorr, Fred Covert, Nancy Ennulat, Joachim Ennulat

Meeting called to order at 7:00 p.m. by Supervisor Slagle with the Pledge of Allegiance.

Review and Approval of December 28, 2011 minutes: A Motion was made by Councilwoman Winters to approve the minutes as written; seconded by Councilwoman Eberhardt; unanimously approved.

Open Floor to Public: Supervisor Slagle opened the floor to the public. Michael Gorr announced that there will be a meeting on Monday January 16th at 7:00 p.m. at the Episcopal Church in Skaneateles. Economist Debra Rogers will present her talk “Shale Promises or Shale Spin.”

Officers and Employees:

- a) Resolution #2012-1 Be it resolved that in lieu of individual undertakings as permitted 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 other employees to faithfully perform their duties or by their fraudulent or dishonest acts for the year 2012.

Motion was made by Councilman Juli that we adopt Resolution #2012-1; seconded by Councilwoman Eberhardt; unanimously approved.

- b) Resolution #2012-2 Be it resolved that the Niles Town Board approves the Appointments found in Attachment A.

Motion was made by Councilman Juli that we adopt Resolution #2012-2; seconded by Councilman Edmonds; unanimously approved.

- a. Attorney to Town: Bond, Schoeneck and King PLLC (Brody Smith)
- b. Board of Appeals: Three-year terms
 - (1) Don Klein (Chairman) – term 6/14/2012 – 6/13/2015
 - (2) Chad Matijas- term 6/14/2012 – 6/13/2015
 - (3) Donna Porter (Secretary) – term 6/14/2011 – 6/13/2014
- c. Bookkeeper and Confidential Secretary, John Morris one-year term expiring 12/31/2012
- d. Code Enforcement Officer / Junkyard Inspector: Jerry VeVone – one-year term expiring 12/31/2012
- e. Deputy Town Clerk : Johann Drake-DeWitt & Robin Sheehan one-year terms expiring 12/31/2012
- f. Deputy Highway Superintendent: Douglas Winters one-year term expiring 12/31/2012
- g. Deputy Supervisor: Barbara Eberhardt one-year term expiring 12/31/2012
- h. Dog Control Officer: Stacy Morris – yearly contract expiring 12/31/2012
- i. Highway Safety Officer: Douglas Winters - one-year term expiring 12/31/2012
- j. Municipal Custodian: Johann Drake-DeWitt – one year term expiring 12/31/2012
- k. Planning Board: Four-year terms
 - (1) Charles Greene - term 1/1/2012 – 12/31/2016
- l. Registrar of Vital Statistics: Susan Newell – one-year term expiring 12/31/2012
- m. Town Historian: Alberta Winters – one year term expiring 12/31/2012

Youth Committee:

- (1) Belinda Stayton – one year term expiring 12/31/2012
- (2) Karen Porter – one year term expiring 12/31/2012

- c) Resolution #2012-3 Be it resolved that the Niles Town Board approves the Schedule of Salaries for elected and appointed officials and employees for 2012 found in Attachment B.

Motion was made by Councilwoman Eberhardt to adopt Resolution #2012-3; seconded by Councilman Juli; unanimously approved.

Salaries – Attachment B

- a. Assessor: \$15,600 annual salary prorated monthly
- b. Attorney to the Town: Per current contract \$14,400 annual retainer.

- c. Board of Assessment Review Member: \$50.00 per meeting
- d. Board of Appeals each: \$11/ hour
- e. Boards of Appeals, Planning and Assessment Review Clerical: \$11 per hour
- e. Bookkeeper: \$3,000 – annual salary prorated monthly.
- h. Code Enforcement Officer: \$13,200– annual salary prorated monthly.
- i. Deputy Highway Superintendent - \$1,000 per year paid quarterly
- j. Deputy Town Clerks \$11 per hour
- k. Dog Control Officer: \$3,960/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 per Teamsters Local 118 Contract.
 - (1) Full Time Employees - \$19.00
 - (2) Seasonal with CDL - \$13.00 with no benefits
 - (3) Seasonal with no CDL - \$12.00 with no benefits
- n. Highway Superintendent: \$45,500 annual salary prorated bi-weekly w/ health insurance.
- o. Highway Safety Officer: \$100. Annually
- p. Municipal Custodian: \$11 per hour.
- q. Planning Board Members each: \$1,000 annually prorated quarterly
 - (1) Planning Board Chairman: \$1,500 annually prorated quarterly.
- r. Registrar of Vital Statistics: \$100 annually.
- s. Town Clerk/Tax Collector: \$13,200 annually prorated monthly
- t. Town Council Member each: \$1,800 annual salary prorated quarterly.
- u. Town Historian: \$500 – annual salary prorated quarterly.
- w. Town Justice: \$4,700 – annual salary prorated quarterly.
- x. Town Supervisor: \$9,000 annual salary prorated monthly.
- y. Youth Committee: \$600 each annually

- d) Resolution #2012-4 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 of the Town of Niles Board. A trip log may be required.

Motion was made by Councilwoman Eberhardt to adopt Resolution #2012-4; seconded by Councilman Edmonds; unanimously approved.

Town Board

- a) Resolution #2012-5 Be it resolved that the following committees are set forth by the Supervisor:
- (1) Highway Committee, Councilman Juli and Councilwoman Eberhardt
 - (2) Comprehensive Planning Committee, Councilman Edmonds and Councilman Juli
 - (3) Garage Committee, Councilwoman Winters and Councilman Edmonds
 - (4) Publicity Committee, Councilwoman Winters and Councilwoman Eberhardt
 - (5) Basement Committee, Councilman Edmonds and Councilwoman Winters
 - (6) Hydrofracking Committee, Councilwoman Eberhardt and Councilman Juli
- b) Resolution #2012-6 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.

Motion was made by Supervisor Slagle to adopt Resolution #2012-5 and Resolution #2012-6; seconded by Councilwoman Eberhardt; unanimously passed.

- c) Resolution #2012-7 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 pm at Niles Town Hall, 5923 New Hope Road, Moravia New York.
- c) Resolution #2012-8 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 notices.

Motion was made by Councilman Juli to adopt Resolution #2012-7 and Resolution #2012-8; seconded by Councilwoman Eberhardt; unanimously approved.

NYS & Local Government Retirement System

- a) Resolution #2012-9 Be it resolved that a Standard Work Day and Reporting Procedure is established for the Town of Niles employees participating in the New York State and Local Government Retirement System.

Motion was made by Supervisor Slagle to adopt Resolution #2012-9; seconded by Councilwoman Eberhardt; unanimously approved.

Fiscal Matters

- a) Resolution #2012-10 Be it resolved that the official repository for the Town of Niles Supervisor, Town Clerk/Collector shall be the First National Bank of Groton.
- b) Resolution #2012-11 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.

Motion was made by Councilwoman Eberhardt to adopt Resolution #2012-10 and #2012-11; seconded by Councilman Juli; unanimously passed.

- c) Resolution #2012-12 Be it resolved that the Niles Town Board establishes a Town Clerk Petty Cash Fund of \$200.00.
- d) Resolution #2012-13 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.
- e) Resolution #2012-14 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.

Motion was made by Councilwoman Eberhardt to adopt Resolution #2012-12, #2012-13, and #2012-14; seconded by Councilman Edmonds; unanimously passed.

- f) Resolution #2012-15 Be it resolved that any purchase by Town Officials or other Town employees other than the Superintendent of Highways in excess of \$1,000 must receive Town Board approval. Emergency purchases in excess of \$1,000 must be authorized by the Supervisor or the Deputy Supervisor. Budgeted Public Works Contracts in excess of \$3,000 also require Board Approval.
- g) Resolution #2012-16 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

Motion was made by Supervisor Slagle to adopt Resolution #2012-15 and #2012-16; seconded by Councilwoman Eberhardt; unanimously approved.

- h) Resolution #2012-17 Be it resolved that the Deputy Supervisor be empowered to sign checks in the absence of and/or at the request of the Supervisor.
- i) Resolution #2012-18 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.

Motion was made by Councilman Juli to adopt Resolution #2012-17 and #2012-18; seconded by Councilwoman Winters; unanimously approved.

**Town of Niles Procurement Policy
January 1, 2012**

WHEREAS, Section 104-b of the General Municipal Law (GML) requires every Town to adopt internal policies and procedures governing all procurement of goods and services not subject to the bidding requirements of GML §103 or any other law, and

WHEREAS, comments have been solicited from those officers of the Town involved with procurement, NOW, THEREFORE, be it

RESOLVED: That the Town of Niles does hereby adopt the following procurement policies and procedures:

Guideline 1. Every prospective purchase of goods or services shall be evaluated to determine the applicability of GML §103. Every Town officer, board, department head or other personnel with the requisite purchasing authority (herein Purchaser) shall estimate the cumulative amount of the items of supply or equipment needed in a given fiscal year. That estimate shall include the canvass of other town departments and past history to determine the likely yearly value of the commodity to be acquired. The information gathered and conclusions reached shall be documented and kept with the file or other documentation supporting the purchase activity.

Guideline 2. All purchases of a) supplies or equipment which will exceed \$20,000 in the fiscal year or b) public works contracts over \$35,000 shall be formally bid pursuant to GML §103.

Guideline 3. All estimated purchases of:

- *Less than \$20,000 but greater than \$3,000* require a written request for proposal (RFP) and written/fax/Email quotes from three vendors.
- *Less than \$3,000 but greater than \$1,000* require an oral request for the goods and oral/fax/Email quotes from two vendors.
- *Less than \$1,000 but greater than \$250* are left to the discretion of the purchaser.

All estimated Public Works contracts of:

- *Less than \$35,000 but greater than \$10,000* require a written RFP and written/fax/Email proposals from three contractors.
- *Less than \$10,000 but greater than \$3,000* require a written RFP and written/fax/Email proposals from two contractors.
- *Less than \$3,000 but greater than \$500* are left to the discretion of the purchaser.

Any written PFP shall describe the desired goods, quantity, and the particulars of delivery. The Purchaser shall compile a list of all vendors from whom written/fax/Email/oral quotes have been requested and the written/fax/Email/oral quotes offered.

All information gathered in complying with the procedures of this Guideline shall be preserved and filed with the documentation supporting the subsequent purchase or public works contract.

Guideline 4. The lowest responsible proposal or quote shall be awarded the purchase or public works contract unless the Purchaser prepares a written justification providing reasons why it is in the best interest of the Town of Niles and its taxpayers to make an award to other than the low bidder. If the bidder is not deemed responsible, facts supporting that judgment shall also be documented and filed with the record supporting the procurement.

Guideline 5. A good faith effort shall be made to obtain the required number of proposals or quotations. If the Purchaser is unable to obtain the the required number of proposals or quotations, the Purchaser shall document the attempt made at obtaining the proposals. In no event shall the inability to obtain the proposals be a bar to procurement.

j) Resolution #2012-19 Be it resolved that the Town of Niles adopts the Purchasing Policy dated January 1, 2012

k) Resolution #2012-20 Be it resolved that the Niles Town Board appoints Supervisor Slagle to serve as delegate to the 2012 New York State Association of Towns Annual Meeting scheduled for February 19-22, 2012 in New York City.

l) Resolution #2012-21 Be it resolved that the Niles Town Board adopts the Code of Ethics and will use the Cayuga County Ethics Board for issues.

Code of Ethics – Town of Niles

1. Definition. The term “Town Agency shall mean any department or office of the Town of Niles, New York. The term “Board” shall mean Town Board of the Town of Niles, New York.
2. Rule with respect to conflicts of interest. No officer or employee of a Town Agency or member of the Board should have any interest, financial or otherwise, direct or indirect, or engage in business or transaction or professional activity or incur any obligation of any nature, which is in substantial conflict with the proper discharge of duties in the public interest.
3. Standards
 - a. No such officer or employee or member of the Board should accept other employment which will impair independence of judgment in the exercise of official duties.
 - b. No such officer or employee or member of the Board should accept employment or engage in any business of professional activity which will require disclosure of confidential information gained by reason of official position or authority.

- c. No such officer or employee or member of the Board should disclose confidential information acquired in the course of official duties nor use such information to further personal interests.
- d. No such officer or employee or member of the Board should use or attempt to use an official position to secure unwarranted privileges or exemption(s) for anyone.
- e. No such officer or employee or member of the Board shall engage in any transaction as representative or agent of the Town of Niles, New York, with any business entity in which the individual has a direct or indirect financial interest that might reasonably tend to conflict with the proper discharge of official duties.
- f. An officer or employee or member of the Board should not by his conduct give reasonable basis for the impression that any person can improperly influence his or unduly enjoy his favor in the performance of official duties, or that he is affected by kinship, rank, position or influence of any party or person.
- g. An officer or employee or member of the Board should abstain from making personal investments in enterprises which he has reason to believe they may be directly involved in decisions to be made him or which will otherwise create substantial conflict between duty in the public interest and private interest.
- h. An officer or employee or member of the Board should endeavor to pursue a course of conduct which will not raise suspicion among the public that the individual is likely to be engage in acts that are in violation of the public interest.

Motion was made by Councilwoman Eberhardt to adopt Resolution #2012-19, #2012-20, #2012-21; seconded by Councilman Juli; unanimously approved.

Assessor: The Assessor was not present but did provide a written report. He included a report of the sales that have occurred since the reassessments. The exemptions are being entered as well as any building permits are being added and the values will be reflected in the new assessments for 2012. Mr. Stanford would like to see agriculture buildings have a permit so that he may capture the cost.

Code Enforcement: Mr. VeVone reported that there is no new activity to report since the meeting two weeks ago. Mr. VeVone indicated that for there to be a permit for agricultural buildings that the Town Code would need to be changed to reflect this. Agricultural Buildings are exempt under New York State Code. The permits would be useful for tracking purposes regarding activity in the Town.

Mr. Martin spoke regarding the Planning Board's recommendation for the Town to include a no-fee agricultural building permit. He has spoken with Mr. VeVone regarding this matter and Mr. VeVone is to be attending the next planning board meeting to discuss the matter further.

Highway: Mr. Steger reported that all the boom mowing has been completed. The highway department has been busy cleaning out the Highway Garage. Mr. Steger also reported that the new plow truck was delivered to Viking on December 18, 2011; the truck should be completed shortly.

Supervisor Slagle would like to review the capital equipment wish list. The list needs to be kept updated and look out five years.

Supervisor Slagle received a letter from New York State regarding a request from the County Legislature in which they would like to reduce the speed on Rockefeller Road. Supervisor Slagle will be providing a copy of the letter he received to Mr. Steger.

Attorney: Attorney Smith provided a sample local law for the ATV request to operate ATV'S on Town Roads. This is permissible under the Vehicle and Traffic Law but only if the Town Board were to pass a law giving permission to do this and also the law must specify which roads and or which portions of the roads operation of the vehicles would be permissible. There must also be signs posted in these areas.

Councilwoman Eberhardt inquired to Mr. Steger regarding the cost of posting such signs. Mr. Steger reported a cost of approximately \$60.00 - \$70.00 per sign.

Supervisor Slagle inquired to Mr. Steger regarding the signage budget. Mr. Steger indicated there is approximately \$1,200.00 in this budget.

Supervisor Slagle reported that the Farmers Market would like for there to be signs put up once the market is up and running.

Attorney Smith would like for SEQR to be done if this ATV law were to take place.

Councilwoman Winters expressed her concerns regarding safety issues if this ATV law were to be passed.

There is still no response regarding the Tax Cert case and the offer made by Attorney Kathleen Weber.

Clerk: Ms. Newell reported that the Clerk's office has been busy collecting the Town taxes. The recent Newly Elected Training School which Ms. Newell recently attended was very informative and beneficial.

Supervisor Slagle inquired as to The Town Clerk's office hours. Ms. Newell indicated the hours for tax collection for the months of January and February are currently posted on the Town website as well as the front door of the Town Hall. Office hours will change beginning in March and will then be posted on the front door of the Town Hall so as to not confuse residents.

Supervisor Slagle read the clerk's report as presented.

2011 Budget Transfers:

- **From:**
A1220.11 Secretary to Supervisor & Bookkeeper
- \$13.72
- SR599 Unallocated Fund Balance
- \$5,170.78
- **To:**
A1220.4 Supervisor Contractual
- \$13.72
- SR8160.4 Garbage Contract
- \$5,061.61
- SR8160.41 Fuel Surcharge
- \$109.17

Motion was made by Councilwoman Winters to accept the Budget transfers as listed; seconded by Councilwoman Eberhardt; unanimously approved.

Supervisors Report: The Supervisors Report was read by Supervisor Slagle. Motion was made by Councilman Juli to accept the Supervisors report as written; seconded by Councilman Edmonds; unanimously approved.

The Sales Tax Distribution amount for the total year was \$870,000.00 as reported by Supervisor Slagle.

Newsletter: Councilwoman Winters reported that the newsletter is nearly complete. She is still waiting on one response from Dependable Disposal. Once this is received the newsletter should be out shortly.

Supervisor Slagle also likes to prepare a graph once the tax bills are out; indicating the increases from the various entities including town, fire, county, schools, property tax; all of which show how little the Town receives from the property taxes. This has now been prepared by Supervisor Slagle and will be provided so as to be included in the newsletter.

Vehicle Maintenance Facility Moisture: The fans have recently been installed in the building and the air exchange system is in the process of being installed. The job is expected to be completed by the end of January. Supervisor Slagle reported that the job is progressing nicely.

Abstracts: Motion was made by Councilman Juli that the abstracts be paid as submitted; seconded by Councilman Juli; unanimously approved.

General: \$18,475.44 #1-34

Highway: \$9,950.42 #1-35

Moratorium Progress: Supervisor Slagle reported that Councilwoman Eberhardt, Councilman Edmonds, and he recently attended the meeting held in Moravia regarding Hydrofracking. He reported that the meeting was very informative.

The deadline has now expired for input for the DEC. Attorney Smith reported that he could not predict when the DEC would be finished reviewing the comments.

Other Business: Supervisor Slagle recently received a letter from the Board of Elections. The letter discussed the Board of Elections Tentative Plans in forming district lines. Their recommendation is to join the current two district lines for Niles into one.

Councilwoman Winters reported that the next Farmers Market Meeting is scheduled for January 30, 2012 at 7:00 p.m. at the Town Hall.

Supervisor Slagle reported that there is a NYS Labor Law requirement that a notice be sent out to each employee in the Town informing them of their rate of pay and their pay schedule. The documents must be signed by the Town employees and returned by February 1, 2012.

Supervisor Slagle has received notice that D.R. Angelo wishes to do an audit for 2003-2010 for the Teamsters.

Attorney Smith stated that this is an unusual request. He is to review the Teamsters contract and determine if this is a permissible request.

Supervisor Slagle received from the Tompkins County Council of Governments a Community Impact Assessment on Hydrofracking; this assessment is available for viewing if any individual wishes to do so.

Adjournment: Motion was made by Councilwoman Winters to adjourn; seconded by Councilwoman Eberhardt; unanimously approved.

Meeting Adjourned at 8:02 p.m.

Respectfully Submitted,

Susan Newell

