

Town of Niles
Regular Meeting
Town Board
November 10, 2011
Niles Town Hall

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

Others: Don DeWitt, Anna DeWitt, Pat Farkas, Ron Kemp, John Morris, Fred Eberhardt III, Roger Slater, Fred Covert, Karen Porter, Jim Porter, Sue Newell, Brody Smith, Pat Steger, Jerry VeVone, Bob Martin, Bill Sheppard, Tom Nevius, David Bates, Vanessa Groom, Val Groom, James Groom, Mike Gorr, Tracy Herman, Steve Cuddeback, Terri Cuddeback

Meeting called to order at 7:00 p.m. by Supervisor Slagle with the Pledge of Allegiance to the Flag; followed by a moment of silence to honor Veterans.

Review and Approval of September 8, 2011 minutes

A Motion was made by Councilwoman Eberhardt to approve the October 13, 2011 minutes as written; seconded by Councilwoman Winters; unanimously passed.

Open Floor to Public:

Supervisor Slagle opened the floor to the public; there were no Town residents present that wished to speak.

2012 Tentative Budget:

Supervisor Slagle discussed highlights of the 2012 Tentative Budget which was previously presented and discussed in depth at the October 13, 2011 board meeting. A motion was made by Councilwoman Winters to pass the 2012 Tentative Budget to the 2012 Final Budget; seconded by Councilwoman Eberhardt; unanimously passed by all members of the Board. Supervisor Slagle is to now present the Final Budget to the Town Clerk at which time it will be filed with the County, included with it, the 2012 Fire District Budget.

Steve Cuddeback inquired about the total funds included in the Budget. Supervisor Slagle presented funds for accounts as follows:

General:	\$436,000.00 (due to a \$303,000.00 transfer to the Highway Fund)
Highway:	\$499,000.00
Special Garbage:	\$116,000.00
Property Tax Levy	\$100,481.00

Hydrofracking Moratorium:

There has been a reply back from the County Planning Board concerning the proposed moratorium for the Town of Niles; the response as stated, was no inter-municipal impacts associated.

Attorney Smith explained this statement to those in attendance. The County Planning Board does not feel the Moratorium being considered by Niles will affect other Towns and /or municipalities therefore, it does not wish to be involved in the decision making process.

Attorney Smith gave an update regarding the DEC and Hydrofracking. The DEC is taking comments for a 90 day period on a proposed supplement to the Environmental Impact Statement as well as any set backs. The comment period is due to end in December. There is a Governor's Panel in place which is conducting a study as to the number of people that would need to be added to the DEC to help enforce regulations. The panel is also being used to suggest a proposed fee structure.

Supervisor Slagle has provided copies of the Moratorium on Hydrofracking to some of the surrounding Towns. He has been in communication with these Towns and the opinion seems to be that having the same language in the proposals could possibly help in defending a Moratorium if passed.

Supervisor Slagle made a motion to pass local law #5 on a Moratorium on Hydrofracking in the Town of Niles. Motion was seconded by Councilman Juli; followed by a role call vote; all other Board Members unanimously approved.

Highway Report:

Pat Steger reported that the Highway Department has been busy getting equipment ready for winter. The fall ditching on roads has been started and there are still a few roads left to complete. A final chip seal has been completed on Glen Cove Road to get it ready for winter. The highway department has also been busy finishing final mowing in the Town.

Mr. Steger submitted the needed form to CHIPS and expects to receive funds in December. The 2005 Sterling Truck which was in need of repair is now completed and is scheduled for pick up on Monday. The new truck purchased from Stadium International has not yet arrived but should be here in time for winter snow plowing.

Assessor Report:

The Assessor was not present nor was there a report available. Supervisor Slagle reported that the Assessor has been busy getting STAR exemptions out to residents.

Code Enforcement:

Mr. VeVone reported that there are currently five new houses going up in the town; reporting that this is the largest year of construction that he has observed. Year to date there has been \$1,748,997.00 in sales tax revenues and \$5,575.00 in fees collected.

Finance Report:

Mr. Morris reported that everything is going fine in the finance department. He also commended Supervisor Slagle for all the assistance he has given him in the finance department and the many additional hours of work that he does for the Town.

Clerk:

The usual clerk fees have been collected. The clerk’s report was read aloud by Supervisor Slagle. Jim Orman from the County Treasurer’s Office called regarding the new tax software. There is training scheduled for the tax software to occur sometime in the first week of December. The exact date of the training is to still be announced.

Ms. Newell expressed her appreciation to those residents in attendance which voted for her in the recent election and for their support.

Attorney:

Attorney Smith reported that things are currently relatively slow. There are 2 outstanding lawsuits against the Town. The attorney assigned these lawsuits is attempting to reach a settlement in these matters in hopes of avoiding expensive litigation for the Town. Mr. Smith has reviewed the VIP contacts and is preparing a written report which he will soon be submitting to the Town.

Supervisor’s Report:

The supervisors report was read. The members of the Board received sales tax distribution packets to compare Niles with surrounding towns. A motion was made by Councilman Edmonds to approve the Supervisor’s report as written; seconded by Councilwoman Eberhardt; unanimously approved.

Vehicle Maintenance Facility Moisture:

The next step to resolve the moisture problem in the Highway building was discussed. There are currently four quotes from two different companies the town has received, proposing possible remedies to the moisture problems. The pricing for these remedies ranges from \$30,000.00 to \$50,000.00. Supervisor Slagle emphasized to the Board that the Town can not afford to wait much longer to resolve the problem as heating season is now upon us.

Attorney Smith advised the Board to advertise a RFP (Request for Proposals) to the moisture problem. Councilwoman Eberhardt inquired as to the possibility of being refunded any money from VIP however, as Attorney Smith responded this is very unlikely.

Bill Sheppard inquired as to what the amount of money is that has been spent already. Supervisor Slagle informed him that the only cost up to this point has been a \$4000.00 dehumidifier.

Motion was then made by Councilwoman Eberhardt to put a RFP out for correction of the moisture issues in the Vehicle Moisture Facility. Motion was seconded by Councilman Edmonds; unanimously approved.

Abstracts:

Motion was made by Councilman Juli to pay the abstracts as presented; seconded by Councilman Edmonds; unanimously approved.

General	#390-422	\$197,179.62
Garbage	#406	\$11,026.52
Highway	#395-430	\$197,179.62

Union Contract:

A motion was made by Supervisor Slagle to enter into executive session to review the union contract; motion was seconded by Councilwoman Eberhardt, unanimously approved.

A motion was made to enter back into regular session by Supervisor Slagle; seconded by Councilman Edmonds, unanimously approved.

A motion was made by Councilwoman Eberhardt to approve the Union Contract as written; seconded by Councilman Edmonds; proceeding with a role call vote. Councilman Edmonds aye, Councilwoman Eberhardt aye, Supervisor Slagle aye, Councilman Juli aye with reservations and Councilwoman Winters abstain. Motion approved.

Election Day:

Supervisor Slagle discussed dissatisfaction with the Election Officials. There was poor communication regarding the setting up and taking down for the election. Also there were complaints from Town residents regarding the behavior of the Election Officials that they were rude and unprofessional.

Supervisor Slagle requested approval from the Board to write a letter to the Board of Elections addressing these concerns. Councilwoman Eberhardt also would like to have included in the letter that Town of Niles residents be allowed the opportunity to be Election Officials; as several residents expressed interest in doing so and were not asked.

Other Business:

Discussion between Board Members transpired regarding the purchase of a defibulator for the building.

Motion was made by Councilman Juli to purchase two ADD units for the Town not to exceed \$3500.00; seconded by Councilwoman Eberhardt; unanimously approved.

Supervisor Slagle extended an invitation to all Town Official who are interested to attend the 3 day Newly Elected Officials training to take place January 4th -6th in Rochester. Supervisor Slagle emphasized that this training if very beneficial and worthwhile for all new and re-elected officials. Any official who is interested in attending is to please let Supervisor Slagle know.

There is also a second training session scheduled February 19th – 22nd in New York City for any interested in attending.

Councilwoman Winters read a letter received from the Hemlock Hollow Association thanking Supervisor Slagle and Dependable Disposal for doing a terrific job in maintaining the Town's waste. They respectfully requested that the Town continue to use Dependable Disposal as they do a superior job.

Adjournment:

Motion to adjourn the meeting made by Councilman Juli; seconded by Councilman Edmonds; unanimously approved.

Meeting adjourned at 8:19 p.m.

Respectfully Submitted,

Susan Newell