

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

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

Others: Bill Sheppard, Don DeWitt, Dan Murphy, Tom Rlysey, Wallace Jayne, Mike Gorr, Susan Blakney, Bob Martin, Patty Oim, Janet Stinson, Bill Stinson, Sue Newell, Robin Sheehan, Pat Steger, Bob Duckett, Forrest Rittger, Don Klein, Joe Clayton, Sandy McMahan, Jo Eberhardt, Ron Ryler, Sue Ryler, Taylor Weyeneth, Matt Greacen, Shannon Caldwell, Mike Cody, Melissa Smith, Samantha Smith, Tom McKeown, Steven Morgan (Dependable Disposal), Tom Nevius, Christy Frame (Attorney), George Case, Pat Farkas, Ron Kemp

Meeting called to order at 6:05 p.m. by Supervisor Slagle with the Pledge of Allegiance to the Flag.

Executive Session:

Motion made by Supervisor Slagle to enter Executive Session regarding Union contract and potential litigation; seconded by Councilwoman Eberhardt; all aye by members present.

Motion made by Councilman Edmonds to end Executive Session and enter regular session; seconded by Councilwoman Winters; unanimously passed.

Dependable Disposal:

Steven Morgan from Dependable Disposal presented figures depicting the Town of Niles residents' current garbage and recyclable waste. Mr. Morgan projected a 3% cost increase for garbage service for the Town in 2012. Supervisor Slagle briefly spoke regarding a possible conflict with this proposed increase due to new legislation passed by the state. State legislation places a 2% cap on property taxes; includes special districts; which includes garbage.

Mr. Morgan indicated that an increase in the Town's recycling would be beneficial to help cut garbage waste. A proposal was presented for the Town to purchase 1,000 recycling bins; imprinted with a Town of Niles logo. Total cost to purchase the bins including freight; projected to be \$6,500.00 of which Dependable Disposal would pay ½.

Mr. Morgan also indicated that to better service Fire Lane 16 that a dumpster at that location would be beneficial.

A meeting was then scheduled on 09/22/11 in the a.m. to further discuss the possible purchase of the bins and other available options to the Town.

Public Hearing for Moratorium on Hydrofracking:

Motion was made by Councilwoman Winters to go into Public Hearing; seconded by Councilman Juli; unanimously passed. Supervisor Slagle then opened the floor to the public.

Mr. Gorr emphasized his concern about the length of the proposed moratorium. He expressed a need for a Ban on the practice of Hydrofracking to take place soon; stating that the DEC may act quickly and if a Moratorium is in place and not a Ban that Hydrofracking could then possibly occur within the Town despite its efforts.

Attorney Frame indicated that this occurrence is unlikely. In the event that the DEC did obtain a permit it would still then have to comply with the Town's permit requirements concerning the practice. Attorney Frame's office is to obtain any rulings which the State DEC currently has in place and present this information to the Town in the very near future.

Shannon Caldwell; a current resident of Summerhill presented on the process Summerhill has taken to enact a ban on Hydrofracking. She urged the Town of Niles to act quickly on the matter as it is a time consuming and expensive endeavor. Also to make certain that the Ban is well drafted so as to prevent any possible lawsuits to the Town.

Mr. Bill Stinson questioned when the projected effective date of the Moratorium could take place.

Attorney Frame spoke regarding the process. The information needs to be presented to the County Planning Board for review; once approved by them; the information will then be presented at the soonest available Town of Niles Board Meeting for a vote. When this is completed the information will then be filed with the State; this is when the Moratorium will then take effect. Attorney Frame emphasized that the process is overall fairly quick, an estimated guess for the Moratorium at this point in time to be around 10/15/11.

Motion was made for information to be sent to County Planning Board for approval regarding the Moratorium on Hydrofracking made by Councilwoman Eberhardt; seconded by Councilman Juli; unanimously passed.

Motion to Enter Regular Session:

Motion was made by Councilwoman Eberhardt to enter into regular session, seconded by Councilman Edmonds; unanimously passed.

Review and Approval of August 11, 2011 minutes:

A Motion was made by Councilwoman Winters to approve the corrected August 11, 2011 minutes as written; seconded by Councilwoman Eberhardt; unanimously passed.

Open Floor to the Public:

Mr. Bill Sheppard expressed his concerns about nonresidents of the Town using the recent cleanup day at the West Niles Fire Department. Mr. Sheppard was informed by Councilwoman Winters that if an individual owns property in the Town of Niles and pays garbage tax they are allowed to use the Town junk days.

Karen Porter spoke about the Summer Youth Program. Overall the program she felt was a success. There were 39 youths that signed up for the swimming program of which most only missed 1 or two days.

There were 7 Town of Niles youth which were signed up for the Summer Recreation Program; some of which did not attend. Discussion commenced between the Board and Mrs. Porter about the importance of emphasizing to parents that the program costs the Town money for town youth to attend; if the youth sign up and do not attend the Town still has to pay for attendance.

Members of the Board commended Mrs. Porter for a job well done with the Youth Program and also for coming in under budget.

Discussion about the collection of one dollar fees paid by youth to the bus driver as done in the past took place. The consensus of the Board was that the fees are not necessary but if they continue to be collected that the money should be used for snacks and drinks.

The Final Clean-up days for 2011 is scheduled for 09/17/11 at the New Hope Garage. Tires will be accepted at this location but they must be less than 30 inches.

The kitchen is now complete. Supervisor Slagle encouraged Town residents to come and see it. Councilwoman Winters extended an invitation to Town residents as well to come and see the completed kitchen during Tuesdays and Thursdays while the history room is open and serving coffee and cookies.

Supervisor Slagle informed of the upcoming Workplace Violence and Sexual Harassment Training Seminar scheduled for 09/29 at the Owasco Town Hall. Supervisor Slagle stated that the Town needs to have a representative present to become certified who will then train other Town of Niles employees; further discussion regarding representation to occur at a later date.

Supervisor Slagle reported a propane smell coming from the boiler room which has become an occasional reoccurring problem. Upstate Heating recently came out and determined that the piping from the outside wall leading to the boiler needed to be replaced; apparently there was a porous pipe which was the problem. The problem has now been fixed and the smell is gone. There was also a problem found with the Heating/Cooling system while Upstate was fixing the boiler piping. That issue is now to be fixed as well.

Highway Report:

Pat Steger reported that most of the paving in the Town is now complete. He hopes to have new pavement on Cream Hollow next week and to start Glen Cove Road within a couple weeks.

Mr. Steger reported that he recently has toured the Town surveying for water damage. Overall the Town faired in good shape; only finding some standing water on Oak Hill and Rowe Road.

Pat also spoke of a letter he recently wrote to the County Chairman urging the County to better assist local towns in maintaining the roadways. Pat offered to present Members of the Board copies of the letter which he wrote. Supervisor Slagle agreed with the content of the letter.

Public Notice for the Truck purchase has run in the paper and Mr. Steger is to now to submit the needed paperwork to Supervisor Slagle and the Board.

Mr. Steger is to contact the County as the County agreed to assist the Town in the clearing away of Sumac on Glen Cove Road as per the conversation that occurred between Councilman Edmonds and the County.

Assessor:

The State has received the Town of Niles request for aid for doing the Re-Evaluations. Town residents are now receiving their School Tax Bills thus showing the impact of the re-evaluations.

Dan Stanford reported that the six small claims cases filed by Town of Niles residents have now been completed. A determination within 30 days will be made as required by law.

Councilwoman Winters inquired as to if there was monetary limit which could be claimed with these cases. Mr. Stanford indicated that there is no limit monetarily but that the maximum amount of relief could not exceed 25% on properties over \$500,000.

Mr. Stanford also reported that he has been shut out from using his software for 3 ½ weeks now. He has been informed that the latest software could possibly be available for use by later next week and will come with a fee. However Mr. Stanford is seeking to obtain software that is not relying on the state for possible Budget purposes.

Code Enforcement:

Code Enforcement Report was presented. There has been 1.5 million in projects year to date in the Town. Also \$3,600.00 in fees has been collected. There has been a lot of activity in the Town.

Finance:

The Board has received the Finance Reports and Preliminary Budgets. Supervisor Slagle and Mr. Morris met several evenings regarding the Town's finances. Supervisor Slagle hopes to soon have Mr. Morris available to participate more.

Supervisor Slagle informed that the Bank needs a Board Resolution to change the name of the General Checking Account to Consolidated Checking in their computer system. Motion to change the name of the General Checking Account to Consolidated Checking was made by Supervisor Slagle, seconded by Councilwoman Eberhardt, unanimously passed.

Clerk:

The clerk's report was read and reviewed. No unusual changes in which to report. Hunting licenses are now being issued and keeping the office busy.

Attorney:

Attorney Frame had nothing new to report other than what was previously discussed regarding the Moratorium on Hydrofracking.

Supervisor Slagle thanked Attorney Frame's office for helping to provide the proof needed to aid town resident Blaine Flemming in obtaining the requirements which he needed to satisfy his FEMA claim.

Supervisor Report:

Supervisor Slagle reported big changes in the report. There was a decrease in the General Fund of \$475,000.00 of which \$395,000.00 was transferred to the Highway Fund for the purposes of the budget. There was a \$97,044.00 decrease in the Equipment Reserve for the purchase of the loader. \$220,000.00 in sales tax revenue was received. There was also a decrease in the building reserve for labor and materials needed to complete the kitchen.

Motion was made by Councilman Juli to approve the Supervisors Report; seconded by Councilwoman Eberhardt; motion was unanimously passed.

Vehicle Maintenance Facility Moisture:

Supervisor Slagle spoke regarding a conference call which occurred in which possible solutions were discussed. A letter was recently received from VIP's in-house Engineering team. The Board was given copies of the letter which proposes possible solutions to the problem. In a week or so more information should be available to the Board concerning the best solution and the cost to remedy the problem.

Abstracts:	#287 - #330	General: \$19,821.59
	#290 - #332	Highway: \$41,529.36
	#330	Garbage: \$11,026.52

Summary for the abstracts were presented. A Motion was made by Councilman Juli to pay the Abstracts; Motion was seconded by Councilman Edmonds; motion was unanimously passed.

Members of the Board were given copies of the Preliminary Budgets and were asked to please take them home for review and to make any modifications which they deemed appropriate; this is a starting point for the budget process and a Budget Workshop needs to be scheduled.

Discussion between Board Members took place concerning The Meals on Wheels program. The program is offered through the Office of the Aging and provides home delivered meals to elderly in need. Although the Program operates on a donation system; Supervisor Slagle urged the agency to please send the Town an invoice for services rendered for up to as much as \$650.00; as this is the amount that the Town has budgeted. Also because the Town is a Municipality, it cannot make donations. The Board agreed that the service is very beneficial to seniors in the Town and wish to proceed with contacting the Agency for an invoice so as to make a payment as budgeted.

Budget Workshop:

A Budget Workshop has been scheduled for Members of the Board to take place on 9/28/11 at 7:00 p.m. The public is welcome to attend.

Other Business:

There was no other business presented to discuss.

A motion to adjourn was made by Councilwoman Winters; seconded by Councilman Juli; unanimously passed.

Meeting adjourned at 8:17 p.m.

Respectfully Submitted,

Susan Newell