

Town of Colesville
Town Board Meeting
May 3, 2012

Minutes of the regular Town Board Meeting of the Town of Colesville held at the Town Hall Building, 780 Welton Street, Harpursville, New York, with the following members and guests present:

Supervisor	Edward Mosher
Councilperson	Margaret Wicks
Councilperson	Glenn Winsor
Councilperson	Michael Olin
Councilperson	Stephen Flagg

Town Clerk - Tomi Stewart
Highway Superintendent – Robert Young
Code Enforcement- Brad McAvoy
Town Attorney – Alan Pope

Guests: Pat & Tom Grant, Carol FeDora, Mary Ann Oliver, Chris Maby, Jason Lyon, Lee Bronson, Margaret Goodfellow, Karen Ellis and Glenn Herbert.

Supervisor Mosher called the meeting to order at 7:00 pm, which was followed by the Pledge of Allegiance.

Mr. Mosher introduced Chris Maby of Delta Engineers; Mr. Maby updated the Town Board on the 2011 flood related projects: FEMA has allocated funds for the Hartz Road up-stream, Lower Penny Hollow Road and the Thorn Hill Road projects. Mr. Maby gave Mr. Mosher and Mr. Pope a copy of the bid documents; Mr. Mosher also received a draft copy of the project plans. Mr. Maby said that Highway Superintendent R. Young is working on having the temporary easements signed and as soon as they are signed, the projects will be going out for bid. Mr. Maby also said that the Upper Penny Hollow Road and the Lower Hartz Road projects are still being reviewed by FEMA. Mr. Mosher thanked Mr. Maby for all of his efforts to the Town's projects.

Mr. Mosher asked for public comments or concerns:

Pat Grant questioned the status of the walking and bike path that was to be built around the Harpursville Youth Civic Field that was proposed by Gail Hennessey.

G. Winsor said that the proposed site is not town owned property and therefore the liability coverage would be too risky. Jason Lyon, a member of the Harpursville Youth Civic Association (HYCA) said that the Association has a multi-year plan to develop this area; the plan includes a football and softball field and a trail for walking or cycling around the fields. The (HYCA) is now in the process of writing a grant to the Titus Fund to construct a building with bathrooms and to drill well for running water.

Carol FeDora asked if the Engineers Report has been completed for the proposed unsafe structure located at 3273 State Rte 79, Center Village. B. McAvoy said that he has not received the report. Mr. Pope said that with the property now belonging to Broome County; with or without the engineers report, the county does not have the funds to demolish a building. Mr. Mosher said that economically it is not feasible for the town to purchase to property from the county for \$1.00. Mrs. FeDora thanked the Town Board for their efforts.

Mary Ann Oliver asked about the chickens and goats in Center Village. Enforcement Officer B. McAvoy said that the chickens have gone to auction and two customary farm animals allowed in a residential zone.

Mr. Mosher polled the Board Members to see if they wanted to amend the local law to allow more or less customary farm animals in a residential area. It was the consensus of the Board not to change the local law.

Jason Lyon representing the Harpursville Youth Baseball said that the opening day parade went off great, and he thanked the Board for allowing the parade.

Lee Bronson of Sanitaria Springs said that last fall he went before the Town Board with concerns that his neighbor's yard is so full of junk that his property values may be affected and still, as of this date the yard is full of junk. Also, the house next door to him was demolished but the debris was never cleaned-up or removed. Mr. Bronson said that he now has rats coming into his house and they are digging into his cellar.

Enforcement Officer B. McAvoy said that a lawsuit has been filed against the property owners of 36 Circle Drive ordering the necessary cleanup and to bring the property into compliance. B. McAvoy also said that he will write a letter to the owner of the property whose house was demolished.

Mary Ann Oliver commented that there were 8 to 10 families in Center Village that were infested with rats and they were not able to get to get rid of them until they called the Broome County Health Dept.

Mr. Bronson also asked if Time Warner Cable Company could come into the town to provide cable service. M. Wicks said that she has been in contact with Time Warner, and they told her that there are not enough houses per mile to offset their costs. G. Winsor said that even though we are under contract with Adams Cable Company, the contract is not exclusive; Time Warner could provide cable service to Colesville if they wanted to.

Glenn Herbert asked the Board if they had any questions in regards to his recent application for a permit to host the annual NY Faerie Festival on his property. Mr. Mosher asked B. McAvoy if the application is in order; B. McAvoy said that it is and he recommended to the Board to approve the application.

Resolution # 53.12

Resolved that the Town Board of the Town of Colesville hereby authorizes the Town Supervisor to approve the application for a **permit** to be issued to Glenn J. Herbert for a "N Y **Faerie Festival**" to be held at 233 Doolittle Road, in the Town of Colesville from June 29th through July 1, 2012. Motion made by M. Wicks and seconded by S. Flagg.

Adopted	Ayes	5 Winsor, Olin, Mosher, Flagg, Wicks
	Noyes	0

Margaret Goodfellow said that there is a familiar theme of the recent Board meetings whereby properties are being neglected or abandoned. Ms. Goodfellow feels that if this continues and properties are not kept nice, people may leave the area. She also commented that the infrastructure services such as cable, internet, and telephone services are inconsistent at its best. Mr. Mosher said that adjacent communities are suffering the same as we are, and that there are no fast or easy answers.

Mary Ann Oliver commented that during her recent travels on State Rte 7 she noticed that an old structure that was about to collapse is down and gone; G. Winsor commented that per the recommendations of Enforcement Officer B. McAvoy, the structure was ordered to be removed and was on the agenda to be demolished and billed to the property owner. Ms. Oliver agreed that there are other properties in the Town that are unsightly or appear to be suffering.

M. Wicks mentioned the possibility of restricting the amount of clutter that would be allowed on a property in a residential zone; she referenced the recent Local Law that regulates the, storing or parking of unlicensed vehicles in a residential zone.

Both M. Wicks and S. Flagg said that they have compared the Town of Colesville's Ordinance with neighboring Towns Property Maintenance Ordinances; some are tougher, others are the same, while some municipalities do not have one.

Jason Lyon asked how the community block grant program is going; Mr. Mosher said that applications are now being accepted.

Mr. Mosher opened the **Public Hearing** on the proposed local law to eliminate parking on Main Street, Harpursville, and asked for the legal notice review: Town Clerk T. Stewart said that the legal notice was posted on the town sign board April 13, 2012 and was published in the Windsor Standard April 18th, 2012. Mr. Mosher asked for public comments or concerns; hearing none he closed the public portion of the public hearing at 7:55pm.

Resolution # 54.12

Resolved, that Section 5 of the Town of Colesville **Traffic Local Law** (Local Law No. 5 of the year 1981 as amended) be amended to add Section 5.07 to read "At all times on both sides of **Main Street** from its intersection with New York State Route 79 to its intersection with New York State Route 7, a distance of approximately .8 miles." is herein approved. Motion made by M. Olin and seconded by S. Flagg.

Adopted	Ayes	5 Winsor, Olin, Mosher, Flagg, Wicks
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Noyes 0

Highway Superintendent R. Young gave a brief update of the highway improvement projects that will be done this year as apart of the state funded "CHIPS Program"; upon the recommendations of the Highway Committee.

Resolution # 55.12

Resolved, that the attached entitled "Agreement for the Expenditure of Highway Moneys" is herein approved. Motion made by G. Winsor and seconded by M. Wicks.

Adopted Ayes 5 Winsor, Olin, Mosher, Flagg, Wicks
Noyes 0

Resolution # 56.12

Resolved, that upon the recommendations of the Town Clerk; Ruth Rusiloski is hereby appointed Deputy Town Clerk and Deputy Registrar of Vital Statistics for the Town of Colesville for the term beginning April 20, 2012, and expiring December 31, 2012. Motion made by M. Wicks and seconded by M. Olin.

Adopted Ayes 5 Winsor, Olin, Mosher, Flagg, Wicks
Noyes 0

Included in the Board's monthly folder were monthly reports from the Supervisor and the Enforcement Officer along with correspondence.

Committee Reports:

Highway – R. Young reported that he is in the process of obtaining signatures for easements in order to have access on private property for the completion of the flood related projects. He further reported that the road grader is down, and in for repair; therefore plans for Bettsburgh Road and other Town Road projects are on hold. R. Young said that the cost to rent a grader is approximately \$9,000.00 per month. R. Young also reported that soon, the roof on the salt storage building will have to be replaced. Mr. Mosher commented on the nice work done by the Highway Crew in building the handicap ramp for easy access into the Historical Advisory Committees building.

Enforcement - B. McAvoy reported on the number of building permits and orders of remedy issued in April. Nothing scheduled for Planning Board. Two Use Variance applications have been scheduled to go before the Zoning Board of Appeals in May. Also a Site Plan approval for the parcel located near the "Blue Building" on NY State 79 should be received in about 30 to 40 days.

Youth - M. Olin reported that the Youth Committee met twice in April; the Soft ball program will begin approximately July 2, and run thorough August 4, with the Field Hockey program following immediately after softball ends.

Resolution # 57.12

Resolved, that Jason Lyon is engaged as an independent contractor to serve as Softball Coach, reimbursement shall be \$425.00 and Emily Mcelwin as Assistant Softball Coach, reimbursement shall be \$375.00. Brian Fleming and Jessica Kelly both are engaged as independent contractors to serve as Co-Coaches of the Field Hockey program, reimbursement shall be \$800.00 each. The programs are a part of the Colesville Youth Program. Motion made by M. Olin and seconded by G. Winsor.

Adopted Ayes 5 Winsor, Olin, Mosher, Flagg, Wicks
Noyes 0

Mr. Olin further mentioned that sign-ups of the youth programs will be held at the Town Hall on May 16th and 18th and also during the Supercelebration.

ZBA – No meeting

Planning – No meeting

Historical – M. Wicks reported that the guest speaker talked about the soldiers from the Town of Colesville who served during the Civil War. Next month’s speaker will show photos of the inside of all churches within Broome County.

Parks – M. Wicks said that Harmony and Clyde S. Woodard Parks are ready for the season. A new grill has been purchased for Harmony Park; M. Wicks also recommended that approximately 12 evergreen trees be planted at Harmony Park for landscaping and to allow privacy to the next door neighbor. It was the consensus of the Board to purchase the trees.

Resolution # 58.12

Resolved, that the Town Board has **audited and approved payment** of General Fund bills # 121 through # 143 totaling \$45,784.09, Highway Fund bills # 87 through #112 totaling \$33,669.000. Motion made by S. Flagg and seconded by G. Winsor.

Adopted	Ayes	5 Winsor, Olin, Mosher, Flagg, Wicks
	Noyes	0

General Discussion:

G. Winsor offered a copy of the following resolution to the Board Members and to the remaining guest. Mr. Mosher called for a five minute recess.

Meeting reconvened; M Mosher asked if there were comments to the handout; hearing none the following resolution was offered by G. Winsor and seconded by M. Olin.

Resolution # 59.12

WHEREAS, the state has dedicated more than three years and more than 10,250 man hours creating a 900-page comprehensive plan for the safe development of natural gas as through its draft Supplemental Generic Environmental Impact State (SGEIS) under the leadership of the Department of Environmental Conservation (DEC) and Commissioner Joe Martens as well as Governor Andrew Cuomo; and

WHEREAS, promoting economic activity and creating jobs to support families is a top priority; and

WHEREAS, state officials are developing standards to ensure safe development of our natural gas resources based on the expertise of DEC employees and advisors, such as:

- Requiring DEC staff to visit every well-pad before permits are issued; and
- Requiring pre-approval of wastewater treatment plans for every proposed well-pad; and
- Requiring natural gas operators to provide a plan for assessing and repairing any road wear before permits are issued;

WHEREAS, the role of municipal governments in New York State’s natural gas development still remains under review by the DEC as a part of the ongoing SGEIS process; and

WHEREAS, local municipalities will have a designated role under the state guidelines once released; and

WHEREAS, development of our natural gas resources is currently prohibited pending the DEC’S plan and final approval by Governor Cuomo.

WHEREAS, premature local action in our municipality could negatively impact the competitive environment of all of New York State for natural gas development, and jeopardize the potential \$11.4 billion in statewide economic impact of development; and

WHEREAS, preserving a competitive environment for development in New York as compared to neighboring states will be critical to the economic future of our region; and

NOW, THEREFORE BE IT RESOLVED, that we, the undersigned find pursuit of a ban or moratorium to be an irresponsible and premature misallocation of town resources pending the release of the state’s final SGEIS; and

BE IT FURTHER RESOLVED, that we commend the state’s leadership in developing a comprehensive statewide program to address the potential resource development holds for New York; and

BE IT FURTHER RESOLVED, that we have confidence the state will develop a program that allows development of our natural gas resources to proceed in a safe, responsible, and competitive manner.

Adopted	Ayes	5 Winsor, Olin, Mosher, Flagg, Wicks
	Noyes	0

G. Winsor said that Municipalities in Broome and Chenango Counties are reviewing the same resolution and that it needs to be in the Governor’s Office by the end of the month.

Mr. Mosher said that he was contacted by Thomas Smith, a Certified Electronic Waste Recycler and for no charge; they have offered to be at the Town's White Goods Drop off days to collect old electronics and computer equipment. After discussion the following resolution was offered.

Resolution # 60.12

Resolved, that during the White Goods Drop Off Days, Thomas Smith, a Certified Electronic Waste Recycler is allowed to set up a tent to collect electronic waste at no cost to the town or to our residents. Motion made by G. Winsor and seconded by S. Flagg.

Adopted	Ayes	5 Winsor, Olin, Mosher, Flagg, Wicks
	Noyes	0

Motion made by M. Olin and seconded by G. Winsor to approve the minutes of Town Board meetings held on April 5, 2012, with the correction that the Clyde S. Woodard park sign was painted by Eagle Scout Nick Hower.

No further business before the Board.

Motion made by G. Winsor and seconded by M. Olin to adjourn at 8.50 pm.

Respectfully submitted,
Tomi Stewart Town Clerk
Town of Colesville