

**TOWN OF FORESTPORT
REGULAR TOWN BOARD MEETING MINUTES
WOODGATE FIRE HALL
JUNE 20, 2012 @ 6:30 PM**

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MEMBERS PRESENT

Councilman Robert Seager
Councilwoman Nancy Kardash
Councilwoman Joanne Kwasniewski
Councilman William Karn
Supervisor William Hasenauer
Deputy Supervisor John Isley
Highway Superintendant William Gardner
Town Attorney William Riley
Town Clerk Shelley Entwistle

MEMBERS ABSENT

CALL TO ORDER:

The meeting was called to order at 7:18 pm by Supervisor William Hasenauer.

TOWN CLERK MINUTES:

A motion was made by Councilwoman Joanne Kwasniewski and seconded by Councilman Robert Seager to accept the minutes from the May 16, 2012 River Road Closure Public Hearing. Roll call vote:

Councilman Robert Seager- yes
Councilwoman Nancy Kardash - yes
Councilwoman Joanne Kwasniewski - yes
Councilman William Karn - yes
Supervisor William Hasenauer – yes

A motion was made by Councilman Robert Seager and seconded by Councilwoman Nancy Kardash to accept the minutes from the May 16, 2012 Maple Road Closure Public Hearing. Roll call vote:

Councilman Robert Seager- yes
Councilwoman Nancy Kardash - yes
Councilwoman Joanne Kwasniewski - yes
Councilman William Karn - yes
Supervisor William Hasenauer – yes

A motion was made by Councilman Robert Seager and seconded by Councilwoman Joanne Kwasniewski to accept the minutes from the May 16, 2012 Regular Town Board meeting. Roll call vote:

Councilman Robert Seager- yes
Councilwoman Nancy Kardash - yes
Councilwoman Joanne Kwasniewski - yes
Councilman William Karn - yes
Supervisor William Hasenauer – yes

Supervisor Hasenauer asked town attorney Riley if he would draft a letter to Oneida County so that the town can put the clean-up charges of the Dustin Road property on the tax roll. Riley replied that he would do so.

A motion was made by Councilwoman Joanne Kwasniewski and seconded by Councilwoman Nancy Kardash to accept the minutes from the May 23, 2012 Special Town Board meeting regarding the twin bridges . Roll call vote:

Councilman Robert Seager- yes
Councilwoman Nancy Kardash - yes
Councilwoman Joanne Kwasniewski - yes
Councilman William Karn - yes
Supervisor William Hasenauer – yes

ABSTRACTS:

GENERAL:

A motion was made by Councilman William Karn and seconded by Councilwoman Joanne Kwasniewski to pay Abstract #6-Vouchers #339-417 in the amount of \$42,317.63. Roll call vote:

Councilman Robert Seager- yes
Councilwoman Nancy Kardash - yes
Councilwoman Joanne Kwasniewski - yes
Councilman William Karn - yes
Supervisor William Hasenauer – yes

HIGHWAY:

A motion was made by Councilman Robert Seager and seconded by Councilwoman Nancy Kardash to pay Abstract #6 – Vouchers #143- 170 in the amount of \$57,833.07. Roll call vote:

Councilman Robert Seager- yes
Councilwoman Nancy Kardash - yes
Councilwoman Joanne Kwasniewski - yes
Councilman William Karn - yes
Supervisor William Hasenauer – yes

TOWN CLERK'S REPORT:

A motion was made by Councilwoman Nancy Kardash and seconded by Councilwoman Joanne Kwasniewski to accept the Town Clerk's report. Roll call vote:

Councilman Robert Seager- yes
Councilwoman Nancy Kardash - yes
Councilwoman Joanne Kwasniewski - yes
Councilman William Karn - yes
Supervisor William Hasenauer – yes

The town's share for the month of May 2012 is \$211.50.

SUPERVISOR'S REPORT:

Supervisor Hasenauer reported a transfer between the sewer and the general fund and a general fund budget amendment as follows:

TO: Town of Forestport Town Board Members
FROM: Dawn Campbell

FUND: **General**

SUBJECT: Loan to Sewer

Loan to Sewer for part 5/12 Monthly Payroll

Entries:			
Transfer	from	201.01 General Savings	\$430.67
	to	201.09 Sewer Savings	\$430.67

Done 5/29/12

TO: Town of Forestport Town Board Members
FROM: Dawn Campbell

FUND: **General**

SUBJECT: Budget Amendment

Transfer to cover overdraft in 10104.01 Town Board CE

Entries:			
Transfer	from	19904.01 Contingency	\$169.30
	to	10104.01 Town Broad CE	\$169.30

Transfer to cover overdraft in 16804.01 Data Processing CE

Entries:			
Transfer	from	19904.01 Contingency	\$775.00
	to	16804.01 Data Processing CE	\$775.00

Transfer to cover overdraft in 19304.01 Judgements & Claims CE

Entries:			
Transfer	from	19904.01 Contingency	\$1,500.00
	to	19304.01 Judgement & Claims CE	\$1,500.00

Transfer to cover overdraft in 71104.01 Parks CE

Entries:			
Transfer	from	19904.01 Contingency	\$51.08
	from	71102.01 Parks EQ	\$500.00
	to	71104.01 Parks CE	\$551.08

Done 6/20/12

A motion was made by Councilwoman Nancy Kardash and seconded by Councilman Robert Seager to approve the transfer and budget amendment. Roll call vote:

Councilman Robert Seager- yes
Councilwoman Nancy Kardash - yes
Councilwoman Joanne Kwasniewski – yes
Councilman William Karn – yes
Supervisor William Hasenauer – yes

JUSTICE REPORT:

A motion was made by Councilman Robert Seager and seconded by Councilman William Karn to accept the Justice Report. Roll call vote:

Councilman Robert Seager- yes
Councilwoman Nancy Kardash - yes
Councilwoman Joanne Kwasniewski – yes
Councilman William Karn – yes
Supervisor William Hasenauer – yes

Supervisor Hasenauer asked Town Justice Ritter what percentage of the monies collected by the court is the town's share. Judge Ritter responded that he did not know but the New York State Controller office would have the information.

NOCCOG:

Gerry Ritter reviewed the June announcements. Gerry stated that she attended the Watershed Conference with Councilman Robert Seager. Councilman Seager reported that there are Asian Big Horn Beetles in our area that are problematic because they are not selective in the trees that they eat. Councilman Seager also talked about invasive species and how important it is to clean our boats when coming from another body of water. Councilman Seager and Gerry Ritter also attended the Black River Scenic Byway meeting held at the Black River Canal Museum. Gerry reported that the state has taken Forestport off the byway. Councilman Seager stated that he would leave a scenic byway map in the Town Clerks office.

Gerry Ritter reported to the board that Councilwoman Kwasniewski, herself and DEC officer Mike Marsh visited possible locations for the Urban Tree Grant, if awarded.

Gerry Ritter informed the board about Highway Law 284. She stated that this is an agreement that requires the highway superintendent and the town board to enter into a signed agreement as to the manner in which the monies levied and

collected for the repair and improvements of highways and moneys received from the state for that purpose shall be expended. Supervisor Hasenauer told Gerry that the board and highway superintendent make this agreement yearly.

Gerry announced that there will be a meeting held at SUNY IT the fourth week in July regarding property maintenance.

PLANNING AND CODES REPORT:

A motion was made by Councilman Robert Seager and seconded by Councilwoman Joanne Kwasniewski to approve the Planning and Codes Monthly Report. Roll call vote:

Councilman Robert Seager- yes
Councilwoman Nancy Kardash - yes
Councilwoman Joanne Kwasniewski - yes
Councilman William Karn - yes
Supervisor William Hasenauer – yes

Supervisor Hasenauer read a letter from James and Ruth Kernan that stated what an outstanding job Brad Smith and Kim Kratzenberg displayed at the last Planning Board meeting. Supervisor Hasenauer also thanked them for their hard work.

ASSESSOR'S REPORT:

A motion was made by Councilwoman Nancy Kardash and seconded by Councilman William Karn to accept the Assessor's Monthly Report. Roll call vote:

Councilman Robert Seager- yes
Councilwoman Nancy Kardash - yes
Councilwoman Joanne Kwasniewski - yes
Councilman William Karn - yes
Supervisor William Hasenauer – yes

DOG CONTROL OFFICER'S REPORT:

A motion was made by Councilwoman Nancy Kardash and seconded by Councilman William Karn to accept the Dog Control Report. Roll call vote:

Councilman Robert Seager- yes
Councilwoman Nancy Kardash - yes
Councilwoman Joanne Kwasniewski – abstained
Councilman William Karn - yes
Supervisor William Hasenauer – yes

Supervisor Hasenauer reported that the town had to put down a dog on June 5, 2012. Councilwoman Kwasniewski abstained from voting because she feels there are a couple of things to work out with the dog control officer regarding the monthly report.

SENIOR RECREATION REPORT:

A motion was made by Councilwoman Nancy Kardash and seconded by Councilman Robert Seager to accept the Senior Recreation Report. Roll call vote:

Councilman Robert Seager- yes
Councilwoman Nancy Kardash - yes
Councilwoman Joanne Kwasniewski - yes
Councilman William Karn - yes
Supervisor William Hasenauer – yes

OLD BUSINESS:

Councilman Robert Seager informed the board that the town currently has no local law in place regarding exterior property maintenance and the height of the grass.

A motion was made by Councilman William Karn and seconded by Councilwoman Joanne Kwasniewski to go ahead and allow the town attorney to draft a local law regarding exterior property maintenance. Roll call vote:

Councilman Robert Seager- yes
Councilwoman Nancy Kardash - yes
Councilwoman Joanne Kwasniewski - yes
Councilman William Karn - yes
Supervisor William Hasenauer – yes

Supervisor Hasenauer reminded the gallery that after the local law is drafted by the town attorney, there will be a public hearing.

The town attorney started the twin bridges discussion off by reviewing the two resolutions discussed by the board. The first resolution being the town hires professional engineers, with the intention if this resolution passes, the town would go to bid before putting the project up for a permissive or mandatory referendum. The second resolution is to expend up to \$650,000 on the entire project and this resolution is drafted to be subject to a permissive referendum. The town attorney stated that if residents of the town would like to have a permissive referendum then they need to, within thirty days after the adoption of the second said resolution; file a petition with the town clerk that includes signatures of five percent of those people who voted in the last governor's race.

Supervisor Hasenauer stated that the \$650,000 does not include any interest. Councilman Karn did not agree. He felt the \$650,000 did include the interest on the loans. Town attorney Riley said that it did not include interest on the life of the loan.

Supervisor Hasenauer read a letter from Congressman Hanna in regards to a new federal transportation bill. Congressman Hanna stated in the letter that this is important legislation as it will impact upstate New York. Supervisor Hasenauer believes there is state or federal money still coming to help with the cost of the bridges. He also stated that he does not want to raise resident's taxes.

Kim Kratzenberg inquired as to what the taxes would be per thousand. Councilman William Karn stated that the taxes would be fifteen dollars on a hundred thousand dollar property based on the \$650,000 figure. Supervisor Hasenauer did not agree. Discussion took place.

Councilwoman Joanne Kwasniewski explained to the gallery that in order to have the bridges voted on by the public, five percent of the people that voted in the 2010 Governors election would have to sign a petition. Joanne said about 699 people voted in that election in the Town of Forestport. The petition will need thirty-five signatures to bring the bridge project to a vote. Town Attorney Riley informed the board and the gallery that any petition filed with the town clerk has to comply with section 91 of town law.

A motion was made by Councilman William Karn and seconded by Councilwoman Joanne Kwasniewski to go forward with resolution #2 and expend \$650,000, which is subject to permissive referendum, to build twin bridges. Roll call vote:

Councilman Robert Seager- yes
Councilwoman Nancy Kardash - no
Councilwoman Joanne Kwasniewski - yes
Councilman William Karn - yes
Supervisor William Hasenauer – no

The resolution is adopted. A copy of the said resolution is attached to these minutes.

OLD BUSINESS – PUBLIC:

Nothing this month.

NEW BUSINESS:

Gerry Ritter informed the board of the current tree grant the town is applying for. Discussion took place regarding the location of the trees and what location was specified in the grant.

A motion was made by Councilwoman Nancy Kardash and seconded by

Councilman Robert Seager to accept the Tree Planting Grant Resolution and to go forward with the grant application process. Roll call vote:

Councilman Robert Seager- yes
Councilwoman Nancy Kardash - yes
Councilwoman Joanne Kwasniewski - yes
Councilman William Karn - yes
Supervisor William Hasenauer – yes

A copy of said resolution is attached to these minutes.

NEW BUSINESS – PUBLIC:

Brian Judge of Otter Lake stated that he received a threatening letter from Codes Enforcer Brad Smith stating that he could be fined \$250 for selling sheds within the town of Forestport that do not have a permit. By doing this, Brian believes the town is causing hardship on businesses. Judge stated that he sells sheds all over and doesn't know every town law. He told the board that he follows New York State law that states any building up to 144 square feet should not need a permit. Planning and Codes secretary Kim Kratzenberg reminded the town board that the town adopted a fee structure stating that any storage building up to 10x12 needs a \$20 permit. She also stated that this is town law and the town can go above and beyond state law if they wish according to state representatives. Judge told the town board that he is going to continue to sell and deliver his sheds because state law says he can do so. Kim Kratzenberg stated the intent of the letter was not to be threatening but informative. Judge asked the town board why he is responsible for getting a permit for his customers shed. Town attorney Riley explained that a previous town board amended the towns site review law by adding that either the contractor or homeowner are required to get a permit prior to the start of the project. Judge stated his disagreement of this law and asked to be given a copy of such law. Judge also stated the board will have to fine Lowe's and Home Depot for delivering sheds as well. Ron Walker from the gallery agreed that the law has to be defined and action must be taken if Lowe's and Home Depot deliver a shed to a homeowner who does not have a permit from the town. Supervisor Hasenauer told Mr. Judge that the board will do some research into this matter and get back to him. The board members agree that they do not want to cause hardship on any businesses.

ADJOURNMENT:

A motion was made by Councilman Robert Seager and seconded by

Councilman William Karn to adjourn the meeting. Roll call vote:

Councilman Robert Seager- yes
Councilwoman Nancy Kardash - yes
Councilwoman Joanne Kwasniewski - yes
Councilman William Karn - yes
Supervisor William Hasenauer – yes

There being no further business, the meeting was adjourned at 9:08 pm by Supervisor Hasenauer.

Respectfully submitted,

Shelley T. Entwistle
Forestport Town Clerk