

TOWN OF FLOYD BOARD MINUTES NOVEMBER 6, 2013

Supervisor John F. Buczek called a regular meeting of the Town of Floyd Board to order at 7PM and announced that all Town Board Meetings are voice recorded. The Pledge of Allegiance to the Flag was led by Supervisor Buczek.

A moment of Silence and Prayer was observed with the passing and sudden death of Raymond E. Streiff.

Town Officials present were: Town Supervisor John F. Buczek, Councilwoman Marjorie Myers, Councilmen Willard H. Streiff Jr., Daniel Schwertfeger, Charles E. Planow, Town Clerk Georgianna Larry, Highway Superintendent Jerome E. Alexander Jr., Planning Board Member James Nuessle, Zoning Codes Enforcement Officer Charles Streiff, Building and Codes Officer's Mikel Buczkowski and Eugene Kotary, Deputy Town Clerk Arlene Lewis, Historian Edwin Evans, NOCCOG Circuit Rider Gerry Ritter, Town Attorney David Rapke, Water Superintendent Michelle Kotary, Assessment Review Board Member Robert Evans, Web Page Clerk William E. Smith, Water Operator's Chester Lewis and Benjamin West, Assessor Patricia Roser, Town Justice Christopher Clarkin and Bookkeeper to the Supervisor Dorene Clarkin.

Councilman Willard H. Streiff Jr. made a motion to approve the October 1, 2013 Board Minutes as presented by the Town Clerk, seconded by Councilman Daniel Schwertfeger, carried.

Councilman Charles E. Planow made a motion to approve the October 9, 2013 Board Minutes as presented by the Town Clerk, seconded by Councilwoman Marjorie Myers, carried.

A motion was made by Councilman Charles E. Planow for the Budget Amendments listed below, seconded by Councilwoman Marjorie Myers, carried.

Budget Amendments:

i) Highway Fund:

(1)Decrease DA5120.4 Bridge CE by \$24,000.

(2)Decrease DA5140.4 Misc. CE by 7,000.00.

(3)And Increase DA5112.2 Perm Improve by \$31,000.00.

ii) General Fund:

- (1) Decrease A1680.4 Data Processing CE by \$5,192.00.**
- (2) And Increase A1620.4 Buildings CE by \$1,200.00.**
- (3) And Increase A7110.1 Parks PS by \$1,440.00.**
- (4) And Increase A7110.4 Parks CE by \$1,552.00.**
- (5) Increase A7510.4 Historian CE by \$1,000.00.0**

The Town Clerk announced that all Warrants are posted on the Bulletin Board.

Councilman Willard H. Streiff Jr. made a motion to pay the General Warrant Bills from Claim # 13A465 to Claim # 13A519, Total of \$56,962.16, seconded by Councilman Charles E. Planow, carried.

Councilman Charles E. Planow made a motion to pay the Refuse & Garbage Warrant Bills from Claim # 13SR129 to Claim # 13SR137, Total of \$12,951.79, seconded by Councilman Daniel Schwertfeger, carried.

Councilman Daniel Schwertfeger made a motion to pay the Highway Warrant Bills from Claim # 13DA203 to Claim # 13DA219, Total of \$61,416.41, seconded by Councilman Charles E. Planow, carried.

Councilman Charles E. Planow made a motion to pay the Water Improvement Warrant Bills from Claim # 13SW130 to Claim # 13SW141, Total of \$2,803.05, seconded by Councilwoman Marjorie Meyers, carried.

Councilwoman Marjorie Myers made a motion to pay the Trust and Agency Account Bills from Claim # 13TA145 to Claim # 13TA160, Total of \$2,099.45, seconded by Councilman Daniel Schwertfeger, carried.

Comments from Northern Oneida County Council of Governments Circuit Rider Gerry Ritter filling in for Municipal Advisor Susan Martin. Gerry commended Supervisor Buczek on his hard work as Town Supervisor and thanked him for all of his support and help to NOCCOG.

Gerry stated that there will be training in Boonville December 2, 2013 at the Municipal Building from 7PM-8:30PM covering rules and responsibilities for newly elected or re-elected officials.

There will be a Hazard Mitigation meeting November 19, 2013 10AM-12PM at Co-Operative Extension.

November 19, 2013 8AM-4PM Cornell Local Roads will be having a Highway Department Legal Liabilities Workshop.

See attached NOCCOG Announcements for additional postings.

Councilman Willard H. Streiff Jr. asked Gerry if NOCCOG could direct and or help the Town upgrade the town's Master Plan.

A report was given by Code Enforcement Officer Charles Streiff. (See attached report.)

Reports were given by Building and Fire Codes Enforcement Officers Eugene Kotary and Mikel Buczkowski. (see attached reports)

A town resident asked if he could be reimbursed the Building Permit fee of \$275.00. The decision is up to the codes department. Codes stated that that particular Building permit was for the approval of both demolition and repair of that structure which burned before the job was complete. The parcel is big enough to build on. Dave Rapke added that the fee for the permit is to cover expenses that the town would incur for processing a permit. Also, there is no provision in the towns Codes that allows for the return of a deposit.

There was discussion as to the fact that previously a precedent was set when another resident was refunded their deposit. Supervisor John F. Buczek made a motion to refund the \$275.00. There was no second on the motion so the motion was not approved.

6) **ACTION ITEMS:**

- a) 7:35 P.M.: Public Hearing on the 2014 Preliminary Budget for the General and Highway Funds, as the Adopted Budgets for Fiscal Year 2014.

The Town Clerk read the Legal Notice concerning the 2014 Preliminary Budget for the General and Highway Funds, as the Adopted Budgets for Fiscal Year 2014 that was posted in the Rome Sentinel.

- i) The Hearing was opened to the Public.

There were no comments from the public or Town Board Members with respect to any Line Item modifications of any Fund. The Public Hearing was closed at 7:40 P.M.

Councilman Willard H. Streiff Jr. made a motion to approve the 2014 Preliminary Budget for the General and Highway Funds, as the Adopted Budgets for Fiscal Year 2014, Seconded by Councilman Charles E. Planow, carried.

- b) 7:45P.M.: Public Hearing on the 2014 Preliminary Budgets for the Refuse and Garbage District; Water Improvement District, Water Districts Area, C and E; Lighting Districts and Fire District, as the Adopted Budgets for Fiscal Year 2014.

The Town Clerk read the Legal Notice concerning the 2014 Preliminary Budget 2014 Preliminary Budgets for the Refuse and Garbage District; Water Improvement District, Water Districts Area, C and E; Lighting Districts and Fire District, as the Adopted Budgets for Fiscal Year 2014 that was posted in the Rome Sentinel.

- i) The Hearing was opened to the public.

There were no comments from the Public.

There was discussion from the Board Members concerning the Water Improvement District Budget regarding a new Water Operators Salary in the amount of \$8,320.00.

Public Hearing was Hearing was closed at 7:50 P.M.

Councilman Charles E. Planow made a Motion to approve the 2014 Preliminary Budgets for the Refuse and Garbage District; Water Improvement District, Water Districts Area, C and E; Lighting Districts and Fire District, as the Adopted Budgets for Fiscal Year 2014, Seconded by Councilman Willard H. Streiff Jr., carried.

Next, there was a motion made by Councilman Daniel Schwertfeger to modify and extract the Water Improvement District Budget, account number 8310.0 in the amount of \$8,320.00, seconded by Councilman Willard H. Streiff Jr., carried.

- c) Rome Garbage Collection Billing. In order to allow the Rome Residents ample time to make a decision as to whether they want to continue with our services and to make payment by December 31st, Supervisor Buczek asked the Town Board for authorization to send out Garbage Collection Bills.
 - i) **A motion was made by Councilwoman Marjorie Myers to authorize the Supervisor to mail the Bills to all participating Residents of the Rome Sector by December 1, 2013 and the Rates per unit will be the same as last year at \$285.00, seconded by Councilman Charles E. Planow, carried.**
- d) Received a Communication from Member of Assembly Anthony J. Brindisi regarding a Resolution of support for Legislation (A.8189) which would create a Career and Technical Education Diploma for New York State High School Students and which he is supporting a Senate Bill (S.5966) which State Senator David Valesky of Oneida sponsored.
 - i) **Councilman Charles E. Planow made the motion to approve the attached Resolution of Support for the New York State Proposed Law Establishing a Career and Technical Education (CET) Diploma (A8189/S.5966), seconded by Councilman Daniel Schwertfeger, carried.**

- e) Each Year our Town Park Concession Stand is operated and supervised by Tadeusz Buczek and his Family. During the 2013 Season Tadeusz and his Family generated \$7,466.00 and has turned this amount over to the Town of Floyd Supervisor. Supervisor Buczek expressed the Towns appreciation for the hard work and effort that was exercised into the operation of the Concession Stand. Along with Tadeusz's immediate Family, joining the effort was Stanley and Beverly with their immediate Families helping each night when activities were scheduled. Thank you Beverly and Stanley for all your involvement.
- i) **Councilman Willard H. Streiff Jr. made a motion to present Tadeusz Buczek with a \$300.00 gift so he may be able to treat the two families to dinner of their choice at their convenience, seconded by Supervisor John F. Buczek, carried.**
- f) A recommendation by the Chairman David Jones and Members of the Planning Board that we begin the process and establish a Citizens Committee for the purpose in reviewing the Town of Floyd Master Plan as recommended by the State of New York to and determine if we might need adjustments and amendments to our last adopted Master Plan of 1992.
- i) **Councilman Charles E. Planow made a motion to appoint James Nuessle as Chairman of this Committee and work with Councilman Willard H. Streiff Jr. and to report back with recommendations for committee appointments to the Town Board, seconded by Councilman Daniel Schwertfeger, carried.**
- ii) **Motion to enter into an Agreement for Expenditures of Highway Fund. Under Section of 284 of the NYS Highway Law, both are to be entered into by and between the Town Superintendent and the Town Board has been tabled.**
- g) **Time Warner Franchise Agreement.**
 - i) **Comments were given from Town Attorney David Rapke with a presentation of the Franchise Fees as submitted by Time Warner.**

ii) **There was a lengthy discussion regarding the fees. If imposed, there would be 897 property owners affected by increasing the fees on their Time Warner bills. This agreement would not affect all property owners so it would not be a fair way to increase revenue for the Town. If an increase is necessary it should be shared by all Town property owners.**

(1) Motion made by Councilman Willard H. Streiff Jr. made a motion to approve the 10 year Franchise Agreement to provide Cable Television Services between the Town of Floyd and Time Warner Cable Northeast L.L.C. with no Town of Floyd Franchise Fees, seconded by Supervisor John F. Buczek. Supervisor Buczek asked Town Clerk Georgianna Larry to take a roll call vote with the following results.

Ayes: Councilman Willard H. Streiff Jr., Councilwoman Marjorie Myers, Supervisor John F. Buczek, Councilmen Charles E. Planow, Daniel Schwertfeger.

Nays: None

The above motion was adopted.

h.) Judge Christopher Clarkin suggested a change in the local law regarding the existing penalty clause. At present there is no means for enforcement of levied fines. Discussion followed and the Town Attorney will review and give a recommendation to the town board at a later date.

i.) Town Attorney David Rapke is reviewing the defense of the Town of Floyd's officers, employees and certain volunteers and proposing a new local law which will be brought up at the December board meeting.

7) REPORTS FROM TOWN OFFICIALS:

a) Comments from the Supervisor:

Supervisor John F. Buczek expressed concern for potential buyers of the Floyd Test due to the contamination on the property and that there are zoning restrictions and restrictive covenants in the deed on the property, as the property is going up for auction by the government.

- 8) At 8:30 PM Councilman Daniel Schwertfeger mad a motion to adjourn, seconded by Councilman Willard H. Streiff Jr., carried.**

Town Clerk