

REGULAR TOWN BOARD MEETING, TOWN OF LITTLE FALLS, FEBRUARY 11, 2014

A regular meeting of the Little Falls Town Board was held on February 11, 2014 at the town hall commencing at 7:00 p.m. with the following members present:

Present: Supervisor Brian Marhaver  
Councilman Allan Beadle  
Councilman Kirk Schwasnick  
Councilman William Klock  
Councilman Eric Gehring

Others Present: Sandra Regan; Town Clerk; Donald Cotton, Highway Superintendent; Phil Green, Codes Enforcer; Town Attorney, Nicholas Macri; Town residents Thomas Sherman.

-Supervisor Marhaver called the meeting to order directing the clerk to call the roll.

-Privilege was of the floor was granted to those present. There were no comments.

RESOLUTION #16

Minute Approval

On motion of Councilman Klock, seconded by Councilman Beadle, the following resolution was ADOPTED-vote:

Ayes-Supervisor Marhaver; Councilmen Beadle, Schwasnick, Klock, Gehring  
Noes-0

RESOLVED that the minutes of the previous month's meetings, as submitted by the clerk, hereby be approved.

RESOLUTION #17

Supervisor Monthly Report

On motion of Councilman Beadle, seconded by Councilman Schwasnick, the following resolution was ADOPTED-vote:

Ayes-Supervisor Marhaver; Councilmen Beadle, Schwasnick, Klock, Gehring  
Noes-0

RESOLVED that the Supervisor's Monthly Report, as submitted, hereby be approved and placed on file.

-Supervisor Marhaver reported:

-That the annual financial report will be finished and mailed to the State Comptroller by the end of this month;

-That a letter had been received from Templeton Planning regarding grant application services. Supervisor Marhaver will contact them to see what is available for the town.

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-Supervisor Marhaver questioned Highway Superintendent Cotton what the town's policy on residential use of town salt and sand was.

Highway Superintendent Cotton stated that there was no policy. That some residents come and take a bucket or two.

Discussion was held on this matter with the board agreeing that a policy wasn't needed, but that the Highway Department should police who is taking what and allow residents to take a couple of buckets, but not to allow truck loads to be taken, nor allow commercial plowers to take Truck loads.

-Discussion was held on installing an outside security camera system at the garage/hall. Supervisor Marhaver will look into costs for this.

-Assessor Report: None

-Codes Enforcer Report:

Codes Enforcer Green reported that his yearly reports have been filed with the state, but certification has not been received back yet. Supervisor Marhaver asked Codes Enforcer Green to provide him with a copy of his report for board review. Codes Enforcer Green stated he would do so.

-Discussion was held on the on-going matter of a boat being parked on the town right-of-way. Attorney Macri stated that he had mailed two letters to the resident asking that the boat be removed, one by regular mail, one by certified mail. Attorney Macri stated that the certified receipt had not been received back yet.

Discussion was held on having the boat towed away, as Codes Enforcer Green had stated could be done at last month's meeting. Attorney Macri stated that before this action was taken, he would like to see the law that allows the town to do so. Clerk Regan will contact Codes Enforcer Green and ask him to get a copy of the law to Attorney Macri for his review. This matter was tabled and will be addressed at next month's meeting if needed.

-Town Justice Report: None

-Attorney Report:

Attorney Macri reported that he had met with Judge Siegel and that he has information on the School Road that needs to be addressed, but that it should be done in executive session. The board agreed and an executive session was called.

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RESOLUTION #18

Executive Session

On motion of Supervisor Marhaver, seconded by Councilman Beadle, the following resolution was ADOPTED-vote:

Ayes-Supervisor Marhaver; Councilmen Beadle, Schwasnick, Klock, Gehring  
Noes-0

RESOLVED that the Town Board, as recommended by Attorney Macri, hereby move into an executive session to discuss pending litigation regarding the High School Road.

- Regular meeting recessed at 7:22 p.m.
- Executive session commences at 7:22 p.m.
- Executive session ends at 7:57 p.m.
- Regular meeting resumes at 7:57 p.m.

-Supervisor Marhaver reported that discussion was held on litigation regarding the takeover of High School Road and that no action was taken.

-Discussion was held on authorizing Attorney Macri to respond to a letter received from Attorney Mark Rose regarding the takeover of High School Road. The board authorized Attorney Macri to do so.

RESOLUTION #19

Attorney Authorization to Make Counter Offer in Response to a Letter Received From Attorney Mark Rose Regarding the Takeover of High School Road

On motion of Supervisor Marhaver, seconded by Councilman Gehring, the following resolution was ADOPTED by roll call vote:

Supervisor Marhaver	Aye
Councilman Beadle	Aye
Councilman Schwasnick	Aye
Councilman Klock	Aye
Councilman Gehring	Aye

RESOLVED, that in regards to a pretrial conference conducted before the Judge Seigel, concerning the Little Falls Central School District vs. the Town of Little Falls, and in light of a most recent correspondence received from Attorney Mark Rose, by Town Attorney Macri, dated February 11, 2014, that Attorney Macri, is hereby authorized to make a counter offer in regards to a letter dated February 9, 2012, pertaining to the takeover of High School Road.

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-Planning Board Report:

Clerk Regan reported that the Planning had met and that Tom Canastar has been appointed as Chairman and Elaine Cobb appointed as Vice Chairwomen. Clerk Regan reported that the board had finished going through the site plan review and will be making final revisions to the plan for the town board's review and that a letter had been mailed to Ibordola requesting vegetation screening at the windmill substation.

-Dog Control Officer Report:

Clerk Regan reported that a new student will be undertaking the current dog enumeration; that apparently the Humane Society has made an addendum to the contract's wording regarding the mandatory holding of dog enumerations, and that she is waiting for a copy of the addendum from the Humane Society for Supervisor Marhaver to sign. Supervisor Marhaver was authorized to sign addendum.

RESOLUTION #20

Authorization for Supervisor to Sign Herkimer County Human Society Addendum

On motion of Councilman Beadle, seconded by Councilman Gehring, the following resolution was ADOPTED by roll call vote:

Supervisor Marhaver	Aye
Councilman Beadle	Aye
Councilman Schwasnick	Aye
Councilman Klock	Aye
Councilman Gehring	Aye

RESOLVED that the Town Supervisor, of the town of Little Falls, is hereby authorized to sign the Herkimer County Humane Society Addendum when received.

-Highway Superintendent Report:

Highway Superintendent Cotton reported that the junk grates went to the junk yard and the town has received a check for \$346.20.

-Supervisor Marhaver questioned Superintendent Cotton as to what the call in procedure was for the Highway Employees.

Highway Superintendent Cotton stated that he calls them in as needed.

Supervisor Marhaver stated that he had been asked what the procedure was and wanted to clarify that the employees are called in rather than to come in on their own. Superintendent Cotton stated that he calls them in, they do not come in on their own.

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Town Clerk Report:

Clerk Regan reported:

- That the Counties deer depredation resolution is in effect.
- That she is working with Attorney Macri on the property maintenance law.
- That the bid packets for the new tanks are almost complete but that board needed to review them and clarify some of the wording.
- That Scott Olson needed to be re-appointed to the Board of Appeals.
- That the resolution on approval of final audit and examination of the records needs to be done.
- That she had forwarded information, a resolution, and work sheet on spending highway funds in regards to Highway Law #284 for the board's review and consideration.

RESOLUTION #21

Re-Appointment, Scott Olson, Board of Appeals

On motion of Supervisor Marhaver, seconded by Councilman Gehring, the following resolution was ADOPTED by roll call vote:

Supervisor Marhaver	Aye
Councilman Beadle	Aye
Councilman Schwasnick	Aye
Councilman Klock	Aye
Councilman Gehring	Aye

RESOLVED that the Town Board, of the Town of Little Falls, hereby re-appoints Scott Olson as member of the Town's Board of Appeals, for a five year term, retroactive from 1/1/2014 through 12/31/2018.

-The Board reviewed and approved the specifications and bid packet for the purchase of a new fuel tank and monitoring system and removal of existing tanks.

RESOLUTION #22

Approval of Specifications and Bid Packet for the Purchase of a New Above-Ground Diesel Fuel Tank with Pump and Monitoring System and Removal of Disposal of Town's Existing Diesel and Gas Tanks and Scheduling Public Hearing on Such.

On motion of Councilman Beadle, seconded by Councilman Schwasnick, the following resolution was ADOPTED by roll call vote:

Supervisor Marhaver	Aye
Councilman Beadle	Aye
Councilman Schwasnick	Aye
Councilman Klock	Aye
Councilman Gehring	Aye

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(Resolution #22-cont.)

RESOLVED that the specifications and bid packet for the purchase of a new fuel tank and monitoring system and removal of existing tanks, as submitted by the Town Clerk, hereby be approved and,

BE IT FURTHER RESOLVED that said bids be opened at 7:00 at the next regular town board meeting scheduled for March 11, 2014 and that the Town Clerk hereby be authorized to advertise for sealed bids for such in the Evening Times Newspaper at her discretion.

RESOLUTION #23

Approval of Final Audit and Examination of Town Official's Records for 2013

On motion of Councilman Klock, seconded by Councilman Beadle, the following resolution was ADOPTED by roll call vote:

Supervisor Marhaver	Aye
Councilman Beadle	Aye
Councilman Schwasnick	Aye
Councilman Klock	Aye
Councilman Gehring	Aye

WHEREAS, the Town board has examined the records of the Supervisor, town justice and town Clerk, and have to the best of our ability, found them to be correct,

NOW THEREFORE BE IT RESOLVED that the Town Board does hereby accept as correct the Reports and Records of said Town Officials.

-Meeting recessed at 8:45 p.m. to audit the bills  
-Meeting resumed at 8:50

RESOLUTION #24

Payment of General Bills

On motion of Councilman Beadle, seconded by Councilman Schwasnick, the following resolution was ADOPTED-vote:

Ayes- Supervisor Marhaver; Councilmen, Beadle, Schwasnick, Klock, Gehring  
Noes-0

RESOLVED that the General Bills #16-29 in the amount of \$3,920.74 hereby be paid.

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RESOLUTION #25

Payment of Highway Bills

On motion of Supervisor Marhaver, seconded by Councilman Klock, the following resolution  
was ADOPTED-vote:

Ayes-Supervisor Marhaver; Councilmen Beadle, Schwasnick, Klock, Gehring

Noes-0

RESOLVED that the Highway Bills, #20-47, in the amount of \$29,840.60 hereby be paid.

-The next regular meeting will be held on March 11, 2014 at 7:00 p.m. at the town hall.

-Meeting adjourned at 8:50 p.m.-Councilmen Beadle, Gehring

Respectfully submitted,

Sandra Regan, Town Clerk