

REGULAR TOWN BOARD MEETING, TOWN OF LITTLE FALLS, OCTOBER 14, 2014

A regular meeting of the Little Falls Town Board was held on October 14, 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 Eric Gehring

Absent: Councilman William Klock

Others Present: Sandra Regan, Town Clerk; Donald Cotton, Highway Superintendent; Nicholas Macri, Town Attorney; Phil Green, Codes Enforcer; Charles Oldick, Town Justice; Town resident, Rick Smith and Brittany Cotton.

-Supervisor Marhaver stated that in light of last month's meeting, swearing will not be allowed at a meeting and anyone doing so will be asked to leave the building.

-Supervisor Marhaver called the meeting to order.

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

RESOLUTION #73

Minute Approval

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

Ayes-Supervisor Marhaver; Councilmen Beadle, Schwasnick, Gehring

Noes-0

RESOLVED that the minutes of previous month's public hearing and regular meeting, as submitted by the clerk, hereby be approved.

-Supervisor Marhaver reported:

- that he has submitted his monthly report and budget report for review,
- that he has submitted a gas transaction report for the board's review and that a report will be submitted on a monthly basis for review,
- that the new phones and equipment are on order and that the data lines need be updated, which Cornerstone will take care of,
- that the Assc. of Towns has a municipal energy program available for utilities that the town does not have.

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RESOLUTION #74

Supervisor Monthly Report

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

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

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

-Supervisor Marhaver opened discussion on the 2015 budget stating that he realizes that the board just received the budget, that a special meeting could be held if the board needed time to review it. Supervisor Marhaver stated that had put \$120,000 in for equipment purchases such as a snowplow and mower and that he wasn't sure if he could keep the tax increase under the 2% tax cap.

Supervisor Marhaver asked Superintendent Cotton if he had obtained any quotes for the purchase of any equipment.

Superintendent Cotton stated he did have 4 written quotes for a 8.5 plow for the new pickup truck and submitted the quotes for the board's review as follows:

- Charles Stahl Sales & Svc. 8.2 plow: \$4,385.00 plus \$150 for shoes and \$275 for snow foil
- Herkimer Tool & Equip 8.5 plow: 4,750.00 plus \$125 for shoes and \$200 for deflector
- Skinner & Damulis 8.5 plow: 4,825.00 plus \$189 for shoes
- Whitesboro Spring Svc. 8.6 plow 5,199.00

This matter was tabled until later in the meeting.

-Discussion was held on purchasing other equipment with Superintendent Cotton stating that a new snow plow would be around \$100,000 or so and if he had to choose between a new snow plow or a new mower, then he'd chose the mower, adding that he could get away another year without a new snow plow.

Councilman Beadle stated if he can get away without a new snow plow this year, we shouldn't buy one.

Discussion was held on purchasing a new mower, a used one, or renting one. There were no decisions made and no action taken. This matter was tabled to allow the board more time to research their options.

-Justice Oldick stated that he had noticed that the court clerk got a \$500 raise but thinks it should be more. Justice Oldick stated that as he had stated at the last meeting, he is very busy and that he wasn't seeking a raise for himself, but intended to ask for a big raise for the clerk. Justice Oldick stated that he would like a \$2,000 raise for the court clerk.

Supervisor Marhaver stated that perhaps he read his request wrong and will re-look at it.

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-Councilman Beadle stated that he would like the budget to stay under the 2% tax cap even if that meant borrowing money for new equipment.

Supervisor Marhaver stated that he had no problem borrowing money if that is what the board wants, that the proposed amount to be raised by taxes this year is \$300,944.00 which calls for 3.19% tax increase, adding that he will rework the budget to try to make the 2% tax cap.

-Supervisor Marhaver requested that the preliminary budget be adopted.

RESOLUTION #75

Adoption of 2015 Preliminary Budget

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

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

RESOLVED that the Budget Officer's Tentative Budget for the calendar year 2015 as presented and amended by the town board hereby be adopted as the Town of Little Falls Preliminary Budget for the calendar year 2015, and be it further

RESOLVED that the Town Clerk is hereby directed to publish notice of a Public Hearing to be held on said budget on November 11, 2014 at 7:00 p.m. at the Town Hall.

-It was decided to hold a special meeting to review the budget on Tuesday, October 28, at 7:00 p.m.

-Assessor Report: None

-Codes Enforcer Report:

Codes Enforcer Green reported that he had went to the property down the road and issued a ticket for not cutting the grass. Codes Enforcer Green stated that the guy pled guilty and paid the fine but that he still hasn't cut the grass. Discussion was held on having the grass cut with the board directing the Codes Enforcer to continue to issue tickets until the job is done.

Discussion was held on dogs running at large on Decker Road. Codes Enforcer Green stated that he would go and check out the property.

-Justice Report:

Justice Oldick stated that other than addressing the raise for the court clerk, he had nothing to report other than he believes that the town can use the court grant money towards the new phones and signs to help offset the cost.

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-Attorney Report:

Attorney Macri stated that he had nothing other than the formal resolution for the acceptance of the School Road needed to be adopted.

RESOLUTION # 76

High School Road Takeover Agreement

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

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

WHEREAS , the Board of Education of Little Falls School District initiated a suite with the Supreme Court of New York State on November 9,2010 against the Town of Little Falls, et al. seeking a declaration judgment that the road known as High School Road is a town road within the meaning of new York State Highway Law; and

WHEREAS, the parties entered into an extensive negotiations resulting in a settlement; and

WHEREAS, the parties deem it preferable to resolve this matter and the Town of Little Falls has agreed to accept the dedication of what is commonly known as High School Road; and

WHEREAS, the parties agree that due to the volume of extra-curricular activities at the Little Falls High School, the Town cannot provide snow removal at the High School Road in accordance with the needs and desires of the school; and

WHEREAS, the Town shall accept the dedication of the subject High School Road from the School. The specific description of the road to be dedicated being that portion of the road commencing at a point where the subject road meets New York State Route 169 to the point where the subject road meets lower School House Road and is more particularly describes as "Schedule A", said description shall be accomplished; and

WHEREAS, the Little Falls School District shall be responsible for drafting all of the transfer documentation associated with said dedication. The Little Falls School District shall also be responsible for all costs associated with recording the necessary documents; and

WHEREAS, the Little Falls School District warrants that the subject road was designed to comply with American Association of State Highway and Transportation Officials, a policy on geometric design of highways and streets. Further the road was designed to accommodate large (40 foot long) school buses in accordance with the American Association of State Highway

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(Resolution #76-cont.)

Officials policy. With this the school shall hold the Town harmless from any and all claims arising out of the design and construction of the road; and

WHEREAS, the hold harmless provision of this agreement as it pertains to claims arising out of design and construction unless otherwise expressly written shall be for a period of ten years from the signing of this agreement. Upon the conclusion of the ten year period, the School shall agree to extend this hold harmless time period for an additional ten years so long as the Town had not created a change in the condition of the road which alters its design or construction; and

WHEREAS, the parties acknowledge that the owners of certain property, (David and Joan Krutz) have property on the subject road known as 136 High School Road currently have and in the past have filed a Notice of Claim against the school. Said Krutz property having a tax parcel #114.51-2-3 both claims by Krutz alleged that flood or water damage on the Krutz property is the result of negligence on the part of the school due to the construction design or drainage deficiencies. It is agreed that the school shall hold harmless the Town from and claim and/or claims by the current or future owners of said Krutz property with tax map no 114.51-2-3 arising from flood or water damage allegedly due to the construction or design of the road and its drainage system; and

WHEREAS, the Town shall establish and maintain the current 15 mile per hour speed zone on the road; and

WHEREAS, the parties acknowledge that the road is regularly plowed and salted during the snow season to accommodate the needs of the school. The Little Falls School District shall be permitted to enter the subject road for purposes of salting and plowing the road during the snow season. The Little Falls School District shall continue to salt and plow the road during the snow season as it has been customary practice. Said practice shall continue so long as public school facilities continue to exist on the adjoining Little Falls Central School District property; and

WHEREAS, the parties acknowledge the financial burden associated with the long term maintenance of the subject road and as such the Little Falls School District agrees that should the opportunity arise for the School to assist the Town in obtaining any local, state or Federal grant funding, the schools assistance shall not be unreasonably withheld. Further the school shall put forth its best effort to provide the Town with man power and machinery should the same assist the Town in providing in kind services as part of securing grant funding for the maintenance or improvement of the road.

NOW THEREFORE BE IT RESOLVED, that the Town of Little Falls shall accept the dedication of the subject High School Road from the Little Falls City School District; and

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(Resolution #76-cont.)

BE IT FURTHER RESOLVED, that the specific description of the road to be dedicated being that portion of the Road commencing at a point where the subject road meets State Route 169 to the point where the subject Road meets Lower School House Road being that portion of High School Road from point A to Point B as described at Schedule A attached hereto and made a part hereof; and

BE IT FURTHER RESOLVED, that acceptance of said dedication shall be contingent upon the Little Falls School District being responsible for the drafting of all transfer documentation associated with said dedication together with the Little Falls School Board being responsible for 100% of all recording fees; and

BE IT FURTHER RESOLVED, that said dedication is pursuant to and subject to all terms of said stipulation of settlement attached hereto and made part hereof.

-Planning Board Report:

Clerk Regan reported that the Site Plan has been given to Consulting Engineer George Bunk, for his review and that the Board will be working on setting up a fee schedule for site plan review applications.

-Dog Control Officer Report: None

-Highway Superintendent Report:

Highway Superintendent Cotton reported that they received a check for \$100 for scrap metal.

-Town Clerk Report:

Clerk Regan reported that bids were needed for fuel for 2015.

RESOLUTION #77

Authorization to Advertise For 2015 Fuel Bids

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

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

RESOLVED that the Town Clerk and Highway Superintendent hereby be authorized to advertise for sealed bids for the purchase of Diesel Fuel for 2015 in the Evening Times Newspaper at their discretion with said bids to be opened at the next regular town board meeting at the town hall on November 11, 2015.

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- Meeting recessed at 7:40 to audit the bills.
- Meeting resumed at 7:55

RESOLUTION #78

Approval of Five Year Agreement For Snow Removal With The County

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

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

RESOLVED that the Town Board, on behalf of the Town of Little Falls, hereby accepts and approves the Five Year Agreement, effective 1/1/2015 through 12/31/2019, for the Removal of Snow and Ice From County Roads and For Sanding and Salting said Roads Under Provisions of Section 135a of the Highway Law; and

BE IT FURTHER RESOLVED that the Town Supervisor hereby be authorized to execute said agreement.

RESOLUTION #79

Payment of General Bills

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

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

RESOLVED that the General Bills #152-166 in the amount of \$3,445.65 hereby be paid.

RESOLUTION #80

Payment of Highway Bills

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

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

RESOLVED that the Highway Bills, #134-144 in the amount of \$40,232.90 hereby be paid.

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RESOLUTION #81

Plow Purchase For New Pick Up Truck

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

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

RESOLVED that the Town Supervisor and Highway Superintendent hereby be authorized to purchase a new 8.2 plow from Charles Stahl Sales & Svc. for \$4,385.00 plus \$150 for shoes.

-The next regular meeting will be held on November 11, 2014 immediately following the public hearing on the 2015 Preliminary Budget scheduled for 7:00 p.m. at the town hall.

-Meeting adjourned at 8:08 p.m.-Councilmen Beadle, Schwasnick

Respectfully submitted,

Sandra Regan, Town Clerk



SPECIAL MEETING, TOWN OF LITTLE FALLS, OCTOBER 28, 2014-2015 BUDGET  
REVIEW

A special meeting of the Little Falls Town Board was held on October 28, 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 Eric Gehring  
                      Councilman William Klock

Others Present: Sandra Regan, Town Clerk; Donald Cotton, Highway Superintendent

-Supervisor Marhaver called the meeting to order and distributed copies of his revised preliminary budget for the board's review.

-Supervisor Marhaver reviewed the budget with the board outlining the changes he had made, stating that the amount to be raised by tax is \$297,44.00 which amounts to a 1.99% tax increase and calls for an approximate \$.06 per thousand tax increase.

-There were no further comments.

-Meeting adjourned at 7:28 p.m.-Councilmen Gehring, Klock