

PUBLIC HEARING, TOWN OF LITTLE FALLS, SEPTEMBER 10, 2014-LOCAL LAW #1-14, ABATEMENT FOR VIOLATIONS OF PROPERTY MAINTENANCE CODE

A Public Hearing of the Little Falls Town Board was held on September 10, 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; Charles Oldick, Town Justice; Tom Canastar, Planning Board Chairman; Town residents, Tom and Janice Sherman; Rick Smith, Pete Campione.

-Legal Notice was published in the Evening Times Newspaper on August 23, 2014.

-Supervisor Marhaver called the hearing to order stating that the purpose of the hearing was to consider a Local Law to provide Abatement for violations of the town's property maintenance code and asked if there were any comments for or against the law.

-Town residents Tom and Janice Sherman questioned what grass height was allowed, and what were the regulations for planting vegetation near the road in front of their house. Supervisor Marhaver stated that he wasn't sure what the regulations were, but that this would fall under the state code, which is what the town follows, and recommended that they contact Codes Enforcer Green regarding this.

Supervisor Marhaver stated that this law isn't on regulations, it's to legally allow the town to put any charges on resident's taxes if the town has to do any work on a property. Supervisor Marhaver stated that if the town has to go and mow someone's lawn, the town can now put the bill on the property owner's taxes.

-There were no more comments.

-All persons desiring to be heard, having been heard, the hearing was closed at 7:06 p.m.

Respectfully submitted,
Sandra Regan, Town Clerk

REGULAR TOWN BOARD MEETING, TOWN OF LITTLE FALLS, SEPTEMBER 10, 2014

A regular meeting of the Little Falls Town Board was held on September 10, 2014 at the town hall commencing at 7:07 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; Charles Oldick, Town Justice; Tom Canastar, Planning Board Chairman; Town residents, Tom and Janice Sherman; Rick Smith, Pete Campione.

-Note: Due to Primary day, the date of this meeting was moved from September 9th to the 10th. Legal Notice of such was published in the Evening Times Newspaper on August 23, 2014.

-Supervisor Marhaver called the meeting to order.

RESOLUTION #65

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 previous month's meetings, as submitted by the clerk, hereby be approved.

-Privilege of the floor was granted to those present.

-Town resident and primary candidate, Pete Campione, addressed the board, stating that he wanted the board to be aware of an incident that occurred last night during the primary. Mr. Campione stated that when he was going into the hall to vote, Superintendent Cotton was standing outside the hall talking with another person when he said, "what are you looking at you f!?!*# dumb guinea b#!^#!*." Mr. Campione stated that he had responded to Superintendent Cotton by saying, "you're supposed to be 100' away".

Superintendent Cotton responded that he didn't say this, that he never uses that word and can't believe he (Mr. Campione) would use such language. Mr. Campione responded that he's only repeating what was said to him.

Mr. Campione, asked Superintendent Cotton to look him in the eye, and deny having said this. Superintendent Cotton responded that he did not say this. Mr. Campione responded that he couldn't believe he (Superintendent Cotton) was denying what he had said. Mr. Campione stated that he wouldn't come here tonight to the board, if this didn't happen, and that what was said, was said in front of the person Superintendent Cotton was talking with.

REGULAR TOWN BOARD MEETING, TOWN OF LITTLE FALLS, SEPTEMBER 10, 2014-
CONT.

Superintendent Cotton acknowledged that he was talking with someone, but denied having said what Mr. Campione alleged.

Supervisor Marhaver stated that he didn't think the board could do anything about this, that this might be a civil matter.

Mr. Campione stated that he didn't expect anything, but that he fears for himself and his family and wants the board to be aware of what is going on and wants it stopped.

There were no further comments on this matter.

-Supervisor Marhaver stated that he had compared expenditures to the budget figures and that we should be in line with the budget. Supervisor Marhaver stated that the 2% budget cap, allows for about a \$2,500 increase which may not be enough for next year but that he will know more by the end of this month.

-Discussion was held on changing the town's phone system. Supervisor Marhaver reported that he had looked into some providers and that Cornerstone had the lowest rate. Supervisor Marhaver stated that he recommends going with Cornerstone's proposal, explaining that new phones would need to be purchased, that the monthly bills would still be the same, and that we would be billed by Cornerstone for internet service instead of by Time Warner Cable. After discussion the board agreed to have Cornerstone handle all town's phone service.

RESOLUTION #66

Authorization to Setup New Phone System

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 Klock	Aye
Councilman Gehring	Aye

RESOLVED that Supervisor Marhaver, hereby be authorized to setup a new phone system for the town, at his discretion, not to exceed the cost of \$800.00.

RESOLUTION #67

Supervisor Monthly Report

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

REGULAR TOWN BOARD MEETING, TOWN OF LITTLE FALLS, SEPTEMBER 10, 2014-
CONT.

-Assessor Report:

Supervisor Marhaver reported that Assessor Meeker has decided to retire from regular service and enter into retirement service so she needs to be removed from payroll on September 30, 2014 and re-appointed effective October 1, 2014. There were no objections to this proposal.

RESOLUTION #68

Resignation-Assessor Meeker

On motion of Councilman Klock, seconded by Councilman Schwasnick, the following resolution was ADOPTED-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 accepts the resignation of Susan Meeker as Town Assessor effective September 30, 2014.

RESOLUTION #69

Re-instatement-Assessor Meeker

On motion of Councilman Gehring, seconded by Supervisor Marhaver, the following resolution was ADOPTED-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-instates Susan Meeker as Town Assessor, effective October 1, 2014.

-Codes Enforcer Report:

Supervisor Marhaver reported that Codes Enforcer Green had the property located on Shellsbush Road mowed again at a cost of \$110.00 and that he sent a letter to the owner of a property located on Flint Avenue to get his lawn mowed.

-Town resident Thomas Sherman questioned who does the lawn mowing and how is the cost determined. Supervisor Marhaver stated that he didn't know how the cost was determined, but when needed, Codes Enforcer Green hires a guy he uses for the City of Little Falls.

Discussion was held on who should be hired to take care of situations if needed, with everyone in attendance agreeing that any jobs should be offered to landscape businesses in the town first before other outside people. After discussion, Supervisor Marhaver stated that he will inform Codes Enforcer Green to offer any future jobs to town businesses.

REGULAR TOWN BOARD MEETING, TOWN OF LITTLE FALLS, SEPTEMBER 10, 2014-
CONT.

-Justice Report: Nothing at this time.

Supervisor Marhaver stated that the monthly deposit was \$13,319, of which the state gets about \$10,000.

-Town Attorney Report: None

-Planning Board Report:

Planning Board Chairman Canastar reported:

-that Ibrodrola will be planting five to six foot trees randomly to screen the windmill station.

-that the planning board has passed the site plan review for the Gushue expansion project and that they do not have to do any curbing.

-that Engineer, George Bunk, has been sent a copy of the planning board's revised site plan law to review.

-Dog Control Officer Report: None

-Highway Superintendent Report:

-Superintendent Cotton questioned what should be done with the old election machines in the storage room. Discussion was held on this with the board directing Superintendent to scrap them out.

-Supervisor Marhaver reported that they are struggling with the installation of the gas monitoring computer program, but that they are working on it will get it up and running soon.

-Justice Oldick stated that he has been busy with court. That the town court is one of the busiest courts in the county and because of this, he will be seeking a raise for the clerk.

Justice Oldick reported that he had purchased a new printer. Supervisor Marhaver recommended that the justice consider using his left over grant money for this purchase.

-Town Clerk Report:

Clerk Regan reported that the Local Law needs to be adopted.

RESOLUTION #70

Adoption of Local Law #1-14, Abatement for Violations of NYS Property Maintenance Code

On motion of Supervisor Marhaver, 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

REGULAR TOWN BOARD MEETING, TOWN OF LITTLE FALLS, SEPTEMBER 10, 2014-
CONT.

(Resolution #70-cont.)

WHEREAS, the Town Board, of the Town of Little Falls, finds it to be in the best interest of the Town to adopt a Local Law to provide town abatement for violations of the New York state Property Maintenance Code, and

WHEREAS, the Town Board, of the Town of Little Falls held a Public hearing on September 10, 2014, on said law,

NOW THEREFORE BE IT RESOLVED that the Town Board, of the Town of Little Falls, hereby Adopts Local Law #1-14 as follows:

Local Law No. 1 of the year 2014.

A local law Property Maintenance Law

Be it enacted by the Town Board of the Town of Little Falls as follows:

Property Maintenance

This local law defines property conditions as “any property condition that is deemed to be in violation of the NYS Property Maintenance Code and by its nature represents a direct threat to life, public safety, health, and general welfare or represents a public nuisance, as defined by State or Local Law or Ordinance.

The Town may abate a violation hereof through the use of Town resources, or contract with private contractors to accomplish the abatement, and all cost incurred by the Town of Little Falls shall be levied and assessed against the property owner. If not paid by the property owner within 60 days of notice, it will be added to tax rolls plus 10% penalty.

Section 1. Prohibited Property Conditions

Any property condition that is deemed to be in violation of the New York State Property Maintenance Code and by its nature represents a direct or indirect threat to life, public, safety, health, and general welfare or represents a public nuisance as defined by State or Local Law or Ordinance.

(Resolution #70-cont.)

Section 2. Notice to abate nuisance; service or notice

In the event that the Town Codes Officer, Town Board of the Town of Little Falls, or an agent thereof determines that a property condition constitutes a threat to the health, safety and general welfare of the residents of the Town of Little Falls or represents a public nuisance as defined herein, the Town Board shall direct the Code Enforcement Officer to give written notice to the owner of such real property to abate the prohibited property condition as may be necessary to remove such hazard or nuisance. Such notice shall be given in writing, by personal service, or registered mail to the owner of such property, at the owner's last known address, as it appears on the latest real property tax assessment roll of the Town of Little Falls. Such notice shall direct that such hazard or nuisance be removed within 10 days of the mailing of such notice.

Section 3. Abatement by Town; Lien

If, within said 10 days, the owner or occupant shall fail, refuse or neglect to abate the hazard or nuisance, the Town Board of the Town of Little Falls may, after presentment by the Code Enforcement Officer, direct the Code Enforcement Officer to abate the same through the use of town resources or equipment, or the Town Board of the Town of Little Falls may, contract with an independent contractor or contractors to do the work and cause the hazard or nuisance to be abated. In either event, the costs incurred by the Town of Little Falls to accomplish the abatement of the hazard or nuisance shall be levied and assessed against and a lien be placed upon the lot or lots, tract or parcel of land where the hazard or nuisance was found to exist.

Section 4. Penalties for Offense

Civil Penalties. A violation of the NYS Property Maintenance Code or this law shall constitute a civil offense punishable by a fine and/or imprisonment as prescribed in Local Law Number 1 of 2002. The continuation of an offense against the provisions of this Law shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

Section 5. Effective Date

This law shall take effect upon filing of this law with the State of New York.

-Meeting recessed at 7:50 to audit the bills.

-Meeting resumed at 8:06

REGULAR TOWN BOARD MEETING, TOWN OF LITTLE FALLS, SEPTEMBER 10, 2014-
CONT.

RESOLUTION #71

Payment of General Bills

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

Ayes- Supervisor Marhaver; Councilmen Beadle, Schwasnick, Klock

Noes-0

RESOLVED that the General Bills #136-151 in the amount of \$21,480.55 hereby be paid.

RESOLUTION #72

Payment of Highway Bills

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

Ayes-Supervisor Marhaver; Councilmen Beadle, Schwasnick, Klock

Noes-0

RESOLVED that the Highway Bills, #121-133 in the amount of \$34,516.58 hereby be paid.

-Highway Superintendent Cotton addressed the board stating that he would like to do something with the town's International 1999 Plow truck. The board directed Superintendent Cotton to get prices on what equipment he felt might be needed so the board has an idea on how much money they would be looking at to purchase any of the needed equipment.

-Councilman Gehring stated that he had seen the town highway employees working on the highway with other highway workers and that our men were the only guys not wearing their safety jackets.

Superintendent Cotton stated that he believed they had on their orange t-shirts.

Councilman Gehring stated that the t-shirts can't be seen under regular jackets, it is an OSHA regulation, and for their own safety they should wearing the safety jackets.

Superintendent Cotton stated that they have the jackets hanging in the garage and that he will tell them to wear them when working on the roads.

-The next regular meeting will be held on October 14, 2014 at 7:00 p.m. at the town hall.

-Meeting adjourned at 8:26 p.m.-Councilmen Klock, Schwasnick

Respectfully submitted,

Sandra Regan, Town Clerk