

The Theresa Town Board held a Public Hearing and Regular meeting December 14, 2011 at 7:00 p.m. in the Town Office at 215 Riverside Ave. and the following were present:

Clinton Coolidge	Supervisor
Nellie Kelsey	Councilmember
Timothy Busler	Councilmember
Charles Folsom	Councilmember
Gary Haller	Councilmember
Kim Delles	Town Clerk
Gerald Reynolds	Highway Superintendent

Others present: Pamela Brown, Kevin McCarthy, Jessica Shultz, Sarah McGeoch & Allen Drake

Proof of Publication having been furnished the Public Hearing was opened at 7:00 p.m.

No one wished to be heard for the Public Hearing. The Public Hearing was closed at 7:05 p.m.

The Regular meeting was called to order by Supervisor Coolidge at 7:05 p.m.

Res. #103

Motion by: Nellie Kelsey
Seconded by: Timothy Busler

RESOLVED, that the Town Board appoint Sarah McGeoch as Recreation Director, commencing immediately thru December 31, 2012.

VOTE: Mrs. Kelsey – aye, Mr. Busler – aye, Mr. Folsom – aye, Mr. Haller – aye,
Mr. Coolidge – aye. Motion carried.

Res. #104

Motion by: Timothy Busler
Seconded by: Gary Haller

RESOLVED, that the Town Board appoint Jessica Shultz as Recreation Assistant, commencing immediately thru December 31, 2012.

VOTE: Mrs. Kelsey – aye, Mr. Busler – aye, Mr. Folsom – aye, Mr. Haller – aye,
Mr. Coolidge – aye. Motion carried.

Res. #105

Motion by: Gary Haller
Seconded by: Timothy Busler

WHEREAS, an application has been duly made to the Board of the Town of Theresa, County of Jefferson, New York, by Time Warner Entertainment-Advance/Newhouse Partnership (“Time Warner Cable”), a general partnership organized and existing in good standing under the laws of the State of New York doing business at 120 Plaza Drive, Suite D, Vestal, New York 13850 for the approval of an initial agreement for Time Warner’s cable television franchise for fifteen (15) years commencing with the date of approval by the Public Service Commission. The Initial Franchise Agreement conforms with certain provisions of the Federal Cable Communications Policy Act of 1984, as amended, and certain court rulings.

NOW, THEREFORE, the Board of the Town of Theresa finds that:

1. Time Warner has substantially complied with the material terms and conditions of its existing franchise and with applicable laws: and
2. Time Warner has the financial, legal and technical ability to provide these services, facilities and equipment as set forth in its proposal attached: and

Public Hearing and Regular Town Board meeting held December 14, 2011 cont’d.

3. Time Warner can reasonably meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interest.

BE IT FURTHER RESOLVED, that the Board of the Town of Theresa hereby grants the cable television franchise of Time Warner in the Town of Theresa for fifteen (15) years commencing with the date of approval by the Public Service Commission and expiring (15) years hence.

BE IT FURTHER RESOLVED, that the Board of Town of Theresa hereby confirms acceptance of this Franchise Renewal Agreement.

VOTE: Mrs. Kelsey – aye, Mr. Busler – aye, Mr. Folsom – aye, Mr. Haller – aye,
Mr. Coolidge – aye. Motion carried.

Reports received and placed on file:

Town Clerk’s & Building & Zoning November 2011 report
Transfer Site November 2011 report

Res. #106

Motion by: Timothy Busler
Seconded by: Gary Haller

RESOLVED, that the minutes of November 9, 2011 be accepted as read.

VOTE: Mrs. Kelsey – aye, Mr. Busler – aye, Mr. Folsom – aye, Mr. Haller – aye,
Mr. Coolidge – aye. Motion carried.

Res. #107

Motion by: Gary Haller
Seconded by: Timothy Busler

RESOLVED, that the Town Board go into Executive Session to discuss a bill submitted.

VOTE: Mrs. Kelsey – aye, Mr. Busler – aye, Mr. Folsom – aye, Mr. Haller – aye,
Mr. Coolidge – aye. Motion carried.

Res. #108

Motion by: Nellie Kelsey
Seconded by: Gary Haller

RESOLVED, that the following bills be paid:

General	Voucher #510-565	\$37,199.83	* Voucher #546 changed
General O/S	89-100	\$2,072.72	
Highway	305-339	\$17,814.40	

VOTE: Mrs. Kelsey – aye, Mr. Busler – aye, Mr. Folsom – aye, Mr. Haller – aye,
Mr. Coolidge – aye. Motion carried.

Res. #109

Motion by: Timothy Busler
Seconded by: Charles Folsom

RESOLVED, that the Supervisor be authorized to transfer \$3,117.05 from General Fund Appropriation, Unallocated Insurance, A-1910.4 to General Fund Appropriation, Refuse & Garbage, Personal Service, A-8160.1.

VOTE: Mrs. Kelsey – aye, Mr. Busler – aye, Mr. Folsom – aye, Mr. Haller – aye,
Mr. Coolidge – aye. Motion carried.
Public Hearing and Regular Town Board meeting held December 14, 2011 cont'd.

Res. #110

Motion by: Timothy Busler
Seconded by: Nellie Kelsey

RESOLVED, that the Supervisor be authorized to transfer \$5,915.19 from General Fund

Appropriation, Buildings, Contractual Expense, A-1620.4 to the following General Fund Appropriations Accounts:

\$341.58	Buildings, Equipment, A-1620.2
\$4,946.74	Refuse & Garbage, Personal Service, A-8160.1
\$626.87	Social Security, A-9030.8

VOTE: Mrs. Kelsey – aye, Mr. Busler – aye, Mr. Folsom – aye, Mr. Haller – aye,
Mr. Coolidge – aye. Motion carried.

Res. #111

Motion by: Nellie Kelsey
Seconded by: Charles Folsom

RESOLVED, that the Supervisor be authorized to transfer \$510.90 from General Outside Fund Appropriation, Zoning, Contractual Expense, B-8010.4 to General Outside Fund Appropriation, Planning, Contractual Expense, B-8020.4.

VOTE: Mrs. Kelsey – aye, Mr. Busler – aye, Mr. Folsom – aye, Mr. Haller – aye,
Mr. Coolidge – aye. Motion carried.

Discussion:

Al Drake told the Board that money was tight at the County for next year. Some roads might have to wait to be done. Mr. Drake told the Board that County Route 194 is the worse road in the County. He is going to try and get Theresa more County highway work.

Res. #112

Motion by: Charles Folsom
Seconded by: Timothy Busler

WHEREAS, an error was made calculating the exemption for the Town tax cap in regards to the pension contribution, resulting in the 2012 Town Budget to be adjusted to meet the tax cap requirement set by New York State, now be it

RESOLVED, that the Highway Less Fund Balance be increased \$11,269.00 from \$37,887.00 to \$49,156.00.

VOTE: Mrs. Kelsey – aye, Mr. Busler – aye, Mr. Folsom – aye, Mr. Haller – aye,
Mr. Coolidge – aye. Motion carried.

Res. #113

Motion by: Nellie Kelsey
Seconded by: Timothy Busler

RESOLVED, that the Town Board accept Donald Beach's resignation from the Transfer Site, for purposes of retiring, effective December 9, 2011.

VOTE: Mrs. Kelsey – aye, Mr. Busler – aye, Mr. Folsom – aye, Mr. Haller – aye,
Mr. Coolidge – aye. Motion carried.

Public Hearing and Regular Town Board meeting held December 14, 2011 cont'd.

Res. #114

Motion by: Gary Haller
Seconded by: Timothy Busler

RESOLVED, that the Town Board accept Jean Decker's resignation as Planning Board Secretary effective December 2, 2011.

VOTE: Mrs. Kelsey – aye, Mr. Busler – aye, Mr. Folsom – aye, Mr. Haller – aye,
Mr. Coolidge – aye. Motion carried.

Res. #115

Motion by: Nellie Kelsey
Seconded by: Gary Haller

RESOLVED, that the Town Board accept Alan Whitcomb's resignation from the Planning Board effective December 6, 2011.

VOTE: Mrs. Kelsey – aye, Mr. Busler – aye, Mr. Folsom – aye, Mr. Haller – aye,
Mr. Coolidge – aye. Motion carried.

Res. #116

Motion by: Timothy Busler
Seconded by: Charles Folsom

RESOLVED, that the Town Board appoint Thomas Hood to the Planning Board for a two year term effective immediately.

VOTE: Mrs. Kelsey – aye, Mr. Busler – aye, Mr. Folsom – aye, Mr. Haller – aye,
Mr. Coolidge – aye. Motion carried.

Res. #117

Motion by: Nellie Kelsey
Seconded by: Timothy Busler

RESOLVED, that the Town Board re-appoint Steven Marcinkowski to the Planning Board for a five year term effective January 1, 2012.

VOTE: Mrs. Kelsey – aye, Mr. Busler – aye, Mr. Folsom – aye, Mr. Haller – aye,
Mr. Coolidge – aye. Motion carried.

Res. #118

Motion by: Timothy Busler
Seconded by: Nellie Kelsey

RESOLVED, that the Town Board accept Kevin McCarthy's resignation from the Board of Assessment Review effective immediately.

VOTE: Mrs. Kelsey – aye, Mr. Busler – aye, Mr. Folsom – aye, Mr. Haller – aye,
Mr. Coolidge – aye. Motion carried.

Res. #119

Motion by: Timothy Busler
Seconded by: Gary Haller

Public Hearing and Regular Town Board meeting held December 14, 2011 cont'd.

RESOLVED, that the Town Board appoint Thomas Hood to the Board of Assessment Review effective immediately and ending on September 30th, 2014.

VOTE: Mrs. Kelsey – aye, Mr. Busler – aye, Mr. Folsom – aye, Mr. Haller – aye,
Mr. Coolidge – aye. Motion carried.

Res. #120

Motion by: Timothy Busler
Seconded by: Nellie Kelsey

RESOLVED, that the Town Board hold a Special Meeting on December 28th, 2011 at 9:00 a.m. to audit for payment any unpaid 2011 bills and for whatever other business there may be to

transact.

VOTE: Mrs. Kelsey – aye, Mr. Busler – aye, Mr. Folsom – aye, Mr. Haller – aye,
Mr. Coolidge – aye. Motion carried.

Discussion:

The Board agreed that the Welcome Sign for Theresa, from the Theresa Rotary, should be placed on Route 411 coming off Interstate 81. The State will have to be notified about the placement.

The Board reviewed the Town's Code of Ethics. They will review more in 2012.

Kimco increasing mixed scrap to \$130.00 per Gton.

Res. #121

Motion by: Charles Folsom
Seconded by: Nellie Kelsey

RESOLVED, that the Town Board go into Executive Session at 8:10 p.m. to discuss Verizon negotiations, Teamsters negotiations and Building & Zoning violations.

VOTE: Mrs. Kelsey – aye, Mr. Busler – aye, Mr. Folsom – aye, Mr. Haller – aye,
Mr. Coolidge – aye. Motion carried.

Executive session ended at 8:31p.m.

Res. #122

Motion by: Gary Haller
Seconded by: Nellie Kelsey

RESOLVED, that the Town Board accept the proposal Consent Order and Stipulations Forms from Verizon.

VOTE: Mrs. Kelsey – aye, Mr. Busler – aye, Mr. Folsom – aye, Mr. Haller – aye,
Mr. Coolidge – aye. Motion carried.

Res. #123

Motion by: Timothy Busler
Seconded by: Gary Haller

RESOLVED, that the Town Board accept the Memorandum of Agreement between the Teamster's Local 687 and the Town of Theresa in regard to the salary of a new full time employee.

VOTE: Mrs. Kelsey – aye, Mr. Busler – aye, Mr. Folsom – aye, Mr. Haller – aye,
Mr. Coolidge – aye. Motion carried.
Public Hearing and Regular Town Board meeting held December 14, 2011 cont'd.

Res. #124

Motion by: Gary Haller
Seconded by: Nellie Kelsey

RESOLVED, that the Town reimburse Sarah McGeoch \$60.00 for First Aide and CPR courses taken.

VOTE: Mrs. Kelsey – aye, Mr. Busler – aye, Mr. Folsom – aye, Mr. Haller – aye,
Mr. Coolidge – aye. Motion carried.

Res. #125

Motion by: Timothy Busler
Seconded by: Gary Haller

RESOLVED, that the meeting be closed at 8:33 p.m.

VOTE: Mrs. Kelsey – aye, Mr. Busler – aye, Mr. Folsom – aye, Mr. Haller – aye,
Mr. Coolidge – aye. Motion carried.

Respectfully submitted,

Kim A. Delles
Town Clerk