

The Theresa Town Board held a Public Hearing and Regular meeting October 3, 2012 at 4:00 p.m. in the Town Office at 215 Riverside Ave. and the following were present:

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| Clinton Coolidge | Supervisor |
| Timothy Busler | Councilmember |
| Charles Folsom | Councilmember |
| Pamela Brown | Councilmember |
| Kevin McCarthy - 4:18 | Councilmember |
| Kim Delles | Town Clerk |
| Gerald Reynolds | Highway Superintendent |

Others present: Corinne Klepacz, Ken McCormick, Nicholas Taylor, Dina Taylor, Theresa Leeson, Jim Mattingly, David Chester, Sara McGeogh & Terry McKeever.

The meeting was called to order by Supervisor Coolidge at 4:00 p.m.

Proof of Public Hearing having been furnished, Supervisor Coolidge opened the Public Hearing at 4:00 p.m. on Local Law No. 2-2012 entitled "Local Law to override the tax levy limit established in General Municipal Law Section 3-c for the 2013 Budget".

Public Hearing closed at 4:06 p.m.

Res. #65

Motion by: Timothy Busler
Seconded by: Pamela Brown

RESOLVED, that Local Law No. 1-2012 entitled "Local Law to override the tax levy limit established in General Municipal Law Section 3-c for the 2013 Budget" be adopted.

VOTE: Mr. Busler – aye, Mr. Folsom – aye, Mrs. Brown – aye, Mr. McCarthy – absent.
Mr. Coolidge – aye. Motion carried.

Reports received and placed on file:

Town Clerk's & Building & Zoning September 2012 report
Transfer Site September 2012 report

Res. #66

Motion by: Pamela Brown
Seconded by: Charles Folsom

RESOLVED, that the minutes of September 12, 2012 be accepted as read.

VOTE: Mr. Busler – aye, Mr. Folsom – aye, Mrs. Brown – aye, Mr. McCarthy – absent.
Mr. Coolidge – aye. Motion carried.

Res. #67

Motion by: Timothy Busler
Seconded by: Pamela Brown

RESOLVED, that the following bills be paid:

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| General | Voucher # | 401-425 | \$24,405.35 |
| General O/S | | 76-78 | \$1,614.75 |
| Highway | | 283-308 | \$119,928.72 |
| Cemetery | | 83-93 | \$2,116.68 |

VOTE: Mr. Busler – aye, Mr. Folsom – aye, Mrs. Brown – aye, Mr. McCarthy – absent.
Mr. Coolidge – aye. Motion carried.

Town Board meeting held October 3, 2012 cont'd.

Judge Whitcomb could not attend the Budget Hearing but sent a letter with the following comments for the Town Board's consideration.

1. Most of you have visited the Theresa Town Court on DA night. I have spoken with some of you about your observations. It is my understanding that you all agreed that it is busy, a bit over crowded, and at times confusing. Additionally parking on the street has caused traffic congestion. When snow arrives and if we experience high snow banks this problem will be exacerbated. A partial remedy would be a Clerk/Security officer. A Clerk/Security officer could maintain order in the court on the most busy sessions, establish orderly review of defendants meetings with DA and respective counsel, thus providing a more rapid through put of defendants simultaneously alleviating traffic/parking congestion more rapidly. Additional duties for a Clerk/Security officer; replace Justices during the weekdays, and on a more frequent basis during the week, which would provide the public with more access to the Courts and thus better served.

The Town Board thought it was adequate the way it is now. On DA nights Deputies come in with any prisoners.

2. There is one area in need of infrastructure improvement needed in the Town Court. Currently there is only one telephone line for the Court. This one line is intended to provide voice messages, FAX messages, Credit Card access, and Voice access for two justices. In most office settings this would be adequate. But a Court needs a level of confidentiality for the defendant or their counsel, the judges, or District Attorney. A shared system negates confidentiality. Frequently calls are made from the court room which should be confidential, but are not do to the nature and layout of the current system. It is not uncommon for two Justices to be in the office simultaneously and need to access either the voice, fax, or messages simultaneously, but are unable, thus requiring one wait for access. Additionally, if someone calls in with a message for a Justice, there is no way for confidentiality as there is only one recording device. I am confident that someone is smiling in the meeting right now, but the system is truly inadequate. I urge the Town to consider upgrading this system to a standard to maintain security, confidentiality, and dual usage.

If you consider 1 and 2 together the delay and difficulty of maintaining an efficient and expedient Justice Court is compromised even more.

Councilman Busler reminded the Board that the Town just got rid of phone lines to save the Town money. The Board agreed that there should still be a level of trust with confidential matters between the (2) Judges. The Board thought with everyone having a cell phone now that District Attorneys & Lawyers would use them the majority of the time. Also, in the front office one line is shared between (5) departments, with some of those departments here (4) days a week.

3. I have heard a rumor and feel compelled to address this rumor. I have heard that some town residents think that the Court needs to increase the level of fines which would assist the town meet its budgetary requirements. The sheer notion of such a system is corrupt at its core. A Town Court should never consider a towns financial status as part of its decision making process. Town Court Justices consider each case on the merits of the case at that time and based on evidence, testimony, police reports etc. decide and levee penalty accordingly. There is not, nor should there be consideration of the town during a Justice Court process other then fair and just consideration to all.

The Town Board expressed that they were surprised that the Judges pay any attention to rumors. The Town Board all agreed that they feel strongly that it is none of their (Town Board's) business what fines are being charged. As far as the Budget, in the past the Judges would project their revenues for the coming year based on the previous year's revenues from fines.

4. I am requesting that the Town provide the Justice Court with a monthly report itemizing expenses incurred by the Theresa Town Justice Court.

The Town Board suggested that the Justices should make copies of all vouchers submitted monthly and then they will be able to keep a running total of what they have spent.

Town Board meeting held October 3, 2012 cont'd.

Res. #68

Motion by: Timothy Busler
Seconded by: Kevin McCarthy

RESOLVED, that the attached Resolution pertaining to the Town Board approving the preliminary budget for the fiscal year commencing January 1, 2013 be adopted and the Town Board meeting be held November 7th, 2012 at 5:00 pm in the Town Office, 215 Riverside Avenue, for the purpose of a Public Hearing on the Preliminary budget and for a regular Town Board meeting and be it

FURTHER RESOLVED, that the notice of Public Hearing be published as a legal notice in the Watertown Daily Times.

VOTE: Mr. Busler – aye, Mr. Folsom – aye, Mrs. Brown – aye, Mr. McCarthy – aye,
Mr. Coolidge – aye. Motion carried.

Res. #69

Motion by: Timothy Busler
Seconded by: Kevin McCarthy

RESOLVED, that the Town Board of Theresa does hereby prepare and approve the preliminary budget of this Town of the fiscal year beginning on the 1st day of January 2013, the itemized statement of estimated revenues and expenditures hereto attached and made part of this resolution, and be it

FURTHER RESOLVED, that such preliminary budget shall be filed in the office of the Town Clerk where it shall be available for inspection by any interested person at all reasonable hours, and be it

FURTHER RESOLVED, that this Board shall meet at 5:00 pm on the 7th day of November 2012, for the purpose of holding a Public Hearing upon such preliminary budget, and be it

FURTHER RESOLVED, that the Town Clerk gives notice of such Preliminary Hearing on the manner provided in Section 113 of the Town Law, and such notice be published and posted substantially in the following form:

NOTICE OF HEARING UPON PRELIMINARY BUDGET

Notice is hereby given that the preliminary budget of the Town of Theresa for the fiscal year beginning January 1, 2013, has been completed and filed in the office of the Town Clerk, 215 Riverside Avenue, Theresa, New York, where it is available for inspection by interested parties at all reasonable hours, and be it

FURTHER NOTICE, is hereby given that the Town Board of the Town of Theresa will meet and review said preliminary budget and hold a Public Hearing thereon, at the Town Office, 215 Riverside Avenue, at 5:00 pm on the 7th day of November 2012 and that such meeting hearing any person may be heard in favor or against the preliminary budget as compiled, or for any item or items therein contained.

PURSUANT TO SECTION 113 of the Town Law, the proposed salaries of the Town Officers are hereby specified as follows:

Supervisor - \$8,875.00
Town Justice - \$4,872.00
Town Justice - \$4,872.00
Councilman (4) - \$5,580.00
Town Clerk/TaxCollector - \$32,223.00
Supt. of Highways - \$49,116.00

BY ORDER OF THE TOWN BOARD

VOTE: Mr. Busler – aye, Mr. Folsom – aye, Mrs. Brown – aye, Mr. McCarthy – aye,
Mr. Coolidge – aye. Motion carried.

Res. #70

Motion by: Pamela Brown
Seconded by: Timothy Busler

RESOLVED, that the Town Board adopt the attached Workplace Violence Policy and be it

FURTHER RESOLVED, that the Town Board adopt the attached Workplace Violence Incident Report and the Workplace Security Checklists.

VOTE: Mr. Busler – aye, Mr. Folsom – aye, Mrs. Brown – aye, Mr. McCarthy – aye,
Mr. Coolidge – aye. Motion carried.

Proof of publication having been furnished, the Supervisor opened and read the following sealed bids for purchase of fuel oil, diesel fuel and kerosene for vehicles and heating purposes. the following conditions of the bid will be effective for a period of one year from initiation unless terminated with a thirty day written notice by either party. The contract may be renewed for a second and/or third year at the discretion of the Town Board. Deliveries will be required to a minimum of (7) locations including the Town Highway facilities, Town Office, Town Hall, Theresa Free Library, Skating Rink and Transfer Site. Deliveries are required to be provided on a seven day per week and twenty four hour a day basis, with a one hour delivery time. Bids will be that a single quoted price will be provided for both vehicle and heating fuels. Bid must be inclusive of all taxes, based on Rack Price plus a Firm Differential (in cents). Net bid will increase or decrease with cost. Dealer's previous rack price required with monthly vouchers. Non-Collusive form required.

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| Ken Brown & Sons | |
| NYS Route 37 | Rack Price plus Firm Differential - \$.15 cents a gallon |
| Theresa, NY 13691 | Freight - \$.05 ½ cent a gallon (will increase/decrease with cost) |

Res. #70

Motion by: Charles Folsom
Seconded by: Pamela Brown

RESOLVED, that the Board accept the fuel bid from Ken Brown & Sons, Inc. for the price of \$.20 ½ cents over rack price for one year.

VOTE: Mr. Busler – aye, Mr. Folsom – aye, Mrs. Brown – aye, Mr. McCarthy – aye,
Mr. Coolidge – aye. Motion carried.

Discussion:

Harold Ludlow spoke to the Board about the James Joseph property on Burns Road that he was suppose to clean up for the Town. Mr. Ludlow told the Board that he would take the garbage to our Transfer Site and that he was not going to pay for the trash. He said that he was told by Judge Duval that he was to take metal only from the site. Mr. Ludlow said that people are still dumping garbage at the site. Mr. McKeever said that he did not think it was fair to make the taxpayers pay for the cost of the garbage. Supervisor Coolidge suggested that Judge Duvall, Attorney Gebo, Terry McKeever, himself and (2) Board members meet to get it straightened out.

Res. #71

Motion by: Charles Folsom
Seconded by: Timothy Busler

RESOLVED, that the meeting be closed at 7:37 p.m.

VOTE: Mr. Busler – aye, Mr. Folsom – aye, Mrs. Brown – aye, Mr. McCarthy – aye,
Mr. Coolidge – aye. Motion carried.

Respectfully submitted,