

The Theresa Town Board held a regular meeting September 13, 2017 at 6:00 p.m. in the Town Office at 215 Riverside Ave. and the following were present:

Steven Marcinkowski	Supervisor
Timothy Busler	Councilmember
Charles Folsom	Councilmember
Kevin McCarthy	Councilmember
Danielle Rajner - absent	Councilmember
Kim Delles	Town Clerk
Darren Edgar	Highway Superintendent

Others present: Jan Martusewicz, Greg Parmes, Terry McKeever & Ed Klepacz

The meeting was called to order by Supervisor Marcinkowski at 6:00 p.m.

Reports received and placed on file:

Town Clerk's & Building & Zoning August 2017 report  
Transfer Site August 2017 report  
Supervisor's August 2017 report  
Town Justice's July & August 2017 reports

Res. #57

Motion by: Steven Marcinkowski  
Seconded by: Kevin McCarthy

**Resolved**, that the minutes of August 9, 2017 be accepted as read.

VOTE: Mr. Busler - aye, Mr. Folsom - aye, Mr. McCarthy - aye, Mrs. Rajner - absent,  
Mr. Marcinkowski - aye. Motion carried.

Res. #58

Motion by: Timothy Busler  
Seconded by: Charles Folsom

**Resolved**, that the following bills be paid:

Voucher #397-405;407-436 **Total - \$131,524.10**

General	\$15,513.79
General O/S	\$127.83
Highway	\$6,537.67
Highway O/S	\$109,110.20
Cemetery	\$234.61

VOTE: Mr. Busler - aye, Mr. Folsom - aye, Mr. McCarthy - aye, Mrs. Rajner - absent,  
Mr. Marcinkowski - aye. Motion carried.

Res. #59

Motion by: Steven Marcinkowski  
Seconded by: Charles Folsom

**Resolved**, that the Town Board accept Ed Robertson's resignation from the Planning Board, effective immediately.

VOTE: Mr. Busler - aye, Mr. Folsom - aye, Mr. McCarthy - aye, Mrs. Rajner - absent,  
Mr. Marcinkowski - aye. Motion carried.

Town Board meeting held September 13, 2017 cont'd.

Res. #60

Motion by: Kevin McCarthy  
Seconded by: Timothy Busler

**Resolved**, that Joseph Wheeler be appointed to the Planning Board, effective September 14, 2017 and ending December 31, 2021.

VOTE: Mr. Busler - aye, Mr. Folsom - aye, Mr. McCarthy - aye, Mrs. Rajner - absent,  
Mr. Marcinkowski - aye. Motion carried.

Res. #61

Motion by: Timothy Busler  
Seconded by: Charles Folsom

**Resolved**, that the Town Board will budget \$70,000.00 in the 2018 budget for a new Loader.

VOTE: Mr. Busler - aye, Mr. Folsom - aye, Mr. McCarthy - aye, Mrs. Rajner - absent,  
Mr. Marcinkowski - aye. Motion carried.

Discussion:

Supervisor Marcinkowski reviewed a letter from Kinetic Energy about an inspection of the Village Power House Dam. The letter stated the overall condition of the dam and will be placed on file with the minutes.

The Oakwood Cemetery was willed \$5,000.00 by Grace McLearn.

A letter from Indian River Ambulance Service was read to the Board. The budget for 2018 will be \$27,600.00 based on a (3) year average of 240 calls at \$115.00 per call.

A letter from Mark Savage, Theresa Fire Dept., to Senator Patty Ritchie was read. The letter was asking for a reduced speed limit on Route 37 where all the new businesses are. Signed petitions from the public were sent with the letter requesting the change.

Mark Savage, Theresa Fire Dept., requested to use the ice rink on September 24th for a training class for firemen.

NYS Dept. of Labor Notice of violation & order to comply was reviewed. Superintendent Edgar stated that all items that needed to be fixed are done. Some of the postings and paperwork still need to be worked on. The Town has not even been mailed the violations at this point. When received the Town has (30) days to comply.

A mining permit issued by the DEC to Lisa & Ferguson Meeks west of County Route 46 was filed with the Town.

A letter from the NYS Dept. of Taxation & Finance Office of Real Property Tax Services stating 2017 Final State Equalization Rate is 100% was shown to the Board.

A letter from the Institute of Assessing Officers showing Assessor Millett completed a course for Valuation of Amish Construction on 8/18/2017 was read.

An email from the State about a cemetery grant of \$5,000.00 was discussed by the Board. Supervisor Marcinkowski said that maybe some blacktopping or cement work for a new building could be done at the cemetery. The Town will have to spend the money first and then be reimbursed by the State.

Supervisor Marcinkowski told the Board that he has met with Community Bank about switching the Town Accounts. He stated that Key Bank has been nickel and diming the Town with fees. He has been able to get as much as \$400.00 to \$500.00 worth of fees waived, but about \$25.00 a month in fees are still applied. Community Bank offers no fees, interest bearing account (currently do not get any interest), no cost for checks, online capability, detail alerts plus other benefits. The Board was given a banking service proposal to look at (see attached).

Town Board meeting held September 13, 2017 cont'd.

Res. #62

Motion by: Kevin McCarthy

Seconded by: Steven Marcinkowski

**Resolved**, that the Town of Theresa switch from Key Bank to Community Bank for the Town Accounts and the Town Clerk/Tax Collector Accounts.

VOTE: Mr. Busler - aye, Mr. Folsom - aye, Mr. McCarthy - aye, Mrs. Rajner - absent,  
Mr. Marcinkowski - aye. Motion carried.

Discussion:

Supervisor Marcinkowski told the Board that BCA Engineers would be willing to help the Town with applying for grant for a feasibility study of a water district on Route 37, for \$250.00. Councilmember Busler said that the Town of Theresa is the only Town around not pursuing a water district grant. Councilmember McCarthy said it would be worth it to take a first step on a water district for the business corridor. Mr. Parmes said he was worried that it would be Town wide and he did not want to be in a water district because he had a good well. The Board assured him it would just be for the business corridor.

Res. #63

Motion by: Steven Marcinkowski

Seconded by: Timothy Busler

**Resolved**, that the Town Board pay BCA Engineers \$250.00 for a feasibility study of a water district on Route 37.

VOTE: Mr. Busler - aye, Mr. Folsom - aye, Mr. McCarthy - aye, Mrs. Rajner - absent,  
Mr. Marcinkowski - aye. Motion carried.

Discussion:

Mr. Parmes thanked Superintendent Edgar for the offer to do some digging at the new Veterans Memorial on Commercial Street.

Jan Martusewicz (Honey Hill Road) stated he would like to retort the Highway Superintendent's update in the July 12, 2017 Board meeting. He stated the following:

- \* It is not true that the road has only washed out twice in (30) years. Mr. Martusewicz said that it has washed every year except 2016.
- \* Mr. Edgar made a special trip to see him at his business to tell him that work had been done on the road. He stated that Mr. Edgar complained about all the paperwork he has to do, the fact that Theresa is the only Town around without a salt barn and that he doesn't get paid enough. Mr. Martusewicz said that Mr. Edgar stated it was never going to happen when plowing the road was discussed.
- \* He told the Board that his car burst into flames on the thruway and he had Mr. LaFave do an autopsy on it. His car was totaled.
- \* He said it is true that he asked for just salt and sand at the bottom of the hill when he first built.
- \* He stated that he has maintained the road for 17 years, every since he has lived there.
- \* He stated that he has expanded the tax base \$1,000,000.00.
- \* He said that the Town has made a precedent by plowing other seasonal roads.
- \* He told the Board that he did not appreciate Mr. Edgar slandering his name.

Councilmember Folsom stated that Superintendent Edgar does a hell of a job.

Supervisor Marcinkowski stated that more has been done in this Town since Mr. Edgar has been Superintendent.

Highway update:

- \* Schell road has been paved. Silver Street Road and Eddy Road will be getting a seal coat this month.
- \* The men have been helping other Towns pave
- \* They have been working on the PESH violations

Town Board meeting held September 13, 2017 cont'd.

Discussion:

Ed Klepacz told the Board that Taylore Kelsey is not running the adult softball league next year and that he would like to do it. The Supervisor told him he would need to fill out a Use of Facility form. Mr. Klepacz said that he would be coaching grasshopper again next year. Mr. Klepacz talked about switching the ballfield lines to spray paint and he would like to get keys to the sheds.

Mr. Klepacz told the Board that work needs to be done for drainage at McNickle field. Diesel Jones has \$1,000.00 from a past fundraiser to purchase pipes. Scott Sears could possibly do some digging for the project. The Town will provide the gravel. Mr. Edgar stated that he has some plans already drawn up to make sure the water doesn't drain toward the neighbor's property. Mr. Parmes asked if there would be other cost, please let the Progress Group know.

Res. #64

Motion by: Steven Marcinkowski  
Seconded by: Timothy Busler

**Resolved**, that the Town Board go into Executive Session at 7:10 p.m. to discuss a personnel issue and a litigation issue.

VOTE: Mr. Busler - aye, Mr. Folsom - aye, Mr. McCarthy - aye, Mrs. Rajner - absent,  
Mr. Marcinkowski - aye. Motion carried.

Res. #65

Motion by: Steven Marcinkowski  
Seconded by: Timothy Busler

**Resolved**, that the Town Board end Executive Session at 7:50 p.m.

VOTE: Mr. Busler - aye, Mr. Folsom - aye, Mr. McCarthy - aye, Mrs. Rajner - absent,  
Mr. Marcinkowski - aye. Motion carried.

Discussion:

The Town Board agreed to have Attorney Gebo respond to Mr. Martusewicz's Attorney in reference to Honey Hill Road.

Res. #66

Motion by: Steven Marcinkowski  
Seconded by: Kevin McCarthy

**Resolved**, that the meeting be closed at 7:50 p.m.

VOTE: Mr. Busler - aye, Mr. Folsom - aye, Mr. McCarthy - aye, Mrs. Rajner - absent,  
Mr. Marcinkowski - aye. Motion carried.

Respectfully submitted,

Kim A. Delles  
Town Clerk