

The Theresa Town Board held a Regular meeting June 11, 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
Pamela Brown	Councilmember
Kevin McCarthy	Councilmember
Kim Delles	Town Clerk
Darren Edgar	Acting Highway Superintendent

Others present: Ken Boyd, Sarah McGeoch, Greg Parmes, Rick Nuijens, Mark Scarlet & Terry McKeever.

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 May 2014 report
Transfer Site May 2014 report
Supervisor's May 2014 reports
Town Justice's May 2014 reports

Res. #38

Motion by: Timothy Busler
Seconded by: Pamela Brown

RESOLVED, that the minutes of May 14, 2014 be accepted as read.

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

Res. #39

Motion by: Steven Marcinkowski
Seconded by: Kevin McCarthy

RESOLVED, that the following bills be paid:

General	Voucher #	139-170	\$32,141.35
General O/S		16-30	\$1,838.91
Highway		118-134	\$20,129.26
Cemetery		5	\$18.00

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

Res. #40

Motion by: Kevin McCarthy
Seconded by: Charles Folsom

RESOLVED, that the Supervisor be authorized to transfer \$79.73 from General Outside Appropriation Zoning Fund, Contractual Expense, B-8010.4 to General Outside Appropriations Police Fund, B-3120.4.

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

Town Board meeting held June 11, 2014 cont'd.

Res. #41

Motion by: Steven Marcinkowski

Seconded by: Pamela Brown

WHEREAS, the 2014 Budget did not include General Revenue Account for Registrar Fees, Account A-4020.4 so be it

RESOLVED, that the 2014 Budget be amended to include Registrar Fees, Account A-4020.4 and be it

FURTHER RESOLVED, that the Supervisor be authorized to transfer \$50.00 from General Appropriation Contingency Fund, A-1990.4 to General Appropriation Registrar Fees Fund, A-4020.4.

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

Discussion:

The Planning Board requested the Town Board review and complete part 3 of a Short Environmental Assessment Form for the Indian River Lakes Conservancy Special Use Permit. Mark Scarlet of Indian River Lakes Conservancy showed the Board a poster of the proposed trails, observation decks, boat launch for canoes and kayaks. He stated that the total cost of project will cost \$240,000.00 and they are asking for potential funding of \$180,000.00. Mr. Folsom asked if it was going to receive a tax exemption under the conservancy. Mr. Scarlett told the Board that Mr. Boyd has retained fishing rights to the pond, therefore it will remain on the tax roll. Rick Nuijens, Planning Board Member, relayed to the Board that no one spoke for or against it at a recent public hearing for a Site Plan Review for the project. Mr. Boyd asked Mr. Scarlet who would be policing the trail and would there be set hours for use. Mr. Scarlet stated that IR Lakes Conservancy would be responsible to police it and set hours could be discussed.

Res. #42

Motion by: Kevin McCarthy

Seconded by: Pamela Brown

RESOLVED, that upon the recommendation of the Planning Board the Town Board authorized Supervisor Marcinkowski to complete Section 3 of the Short Environmental Assessment Form with the stipulation that the trail be closed from dusk to dawn.

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

Res. #43

Motion by: Pamela Brown

Seconded by: Timothy Busler

WHEREAS, the Indian River Lakes Conservancy, Inc. is applying to the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) for a grant under the Environmental Protection Fund for a trail project to be located on County Route 21 (Cottage Hill Road) and County Route 2 (Tax Parcel # 8.00-1-22.5) adjacent to Boyd Pond, a site located within the territorial jurisdiction of this Board; and

WHEREAS, as a requirement under the rules of these programs, said not-for-profit corporation must obtain the "approval/endorsement of the governing body of the municipality in which the project will be located"; now, therefore be it

RESOLVED by this august body that the Town Board of the Town of Theresa hereby does approve and endorse the application of the Indian River Lakes Conservancy, Inc. for a grant under the Environmental Protection Fund for a park project known as Boyd Pond located within this community.

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

Town Board meeting held June 11, 2014 cont'd.

Discussion:

Terry McKeever spoke to the Board about an ongoing dumping problem on Sweet Point Road, Butterfield Lake. He told the Board that he had issued a violation notice to a property owner. He has since discovered that Indian River Lakes Conservancy also owns some of the property where the dumping is happening. He has discussed with the Conservancy but as of yet nothing has been done. Mr. McKeever said that the first step is to stop it from continuing. Mr. Marcinkowski told Mr. Scarlet that the Conservancy needs to work with Mr. McKeever and get started with a clean up. Mr. Marcinkowski told Mr. Scarlet that the Town just endorsed an application for the Boyd Pond project and in return the Conservancy needs to step up and get the clean up started.

Mr. McKeever updated the Board on the Duvall/Lippincott property that was discussed last meeting. He suggested that the Town request that the permit fee be doubled because it was built without a permit. The following reasons were given by Mr. McKeever:

- *They did not respond to a violation notice sent in July 2013. Certified mail showed it was received by them.
- *Mr. McKeever was told no one from the Town was allowed on the property to look at the addition. Pictures were taken by Real Property when the reval was done on the property.
- *It went in front of Judge Whitcomb but was sent to Alex Bay because of a conflict. (Mr. Duvall was Town Justice) Alex Bay did not notify the Town about the court date so it was thrown out by Judge Pennington.
- *The Town has spent numerous dollars on Lawyer fees.
- *They were given several chances to come in and fill out and pay for permit, but never have.

Res. #44

Motion by: Steven Marcinkowski

Seconded by: Timothy Busler

RESOLVED, that the Town Board direct Code Enforcement/Zoning Officer to charge Roger Duvall and Kevin Lippincott double the cost of permit for an addition to a recreation building on parcel #34.00-1-4, to be paid within (15) days from notice of letter stating such.

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

Discussion:

Mr. McKeever told the Board that the chapel on Roger Duvall and Kevin Lipincott's property has had a stop work put on the building. Their original Site Plan application granted to them by the Planning Board, (in July 2005), was only for Hobby Farm, Petting Zoo and trail rides. The building permit issued by Rick Soluri (January 2010) was for a small chapel to house animals for ranch. Before it is can be used again for public gatherings it needs a Site Plan Review for a chapel, from the Planning Board. Also, structure changes need to be done to meet the code for public use.

The Board authorized Sarah McGeoch's request to use the Ice Rink on September 1st for a family gathering.

The Board tabled discussion to change Local Law for issuing parcel numbers for newly subdivided lots.

Mr. Edgar told the Board that the culvert on Countryman Road has to wait until drier weather.

Mr. McCarthy discussed the clearing cutting that has been taking place around Town. The Board agreed it is done on private property so the Town has no say.

Town Board meeting held June 11, 2014 cont'd.

Res. #45

Motion by: Timothy Busler
Seconded by: Pamela Brown

RESOLVED, that the Board go into Executive Session at 7:09 p.m. to discuss upcoming union negotiations.

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

Executive Session ended 7:33 p.m.

Res. #46

Motion by: Steven Marcinkowski
Seconded by: Pamela Brown

RESOLVED, that the meeting be closed at 7:33 p.m.

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

Respectfully submitted,

Kim A. Delles
Town Clerk