

The Theresa Town Board held a Regular meeting May 14, 2014 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
Gerald Reynolds	Highway Superintendent

Others present: Terry McKeever, Darren Edgar, Ken Boyd, Blake Ault, Richard Ault, Greg Parmes, Sara McGeogh & Kevin Lipponcott.

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

Discussion:

Terry McKeever talked to the Board about the house owned by Rosado Yolanda Sanchez, located at 29609 NYS Route 26. The Board passed a resolution December 11, 2013 authorizing the Highway Department to push house back and then have the Fire Department burn. The DEC has since stopped all controlled burns. Mr. McKeever has spoken with DEC and they okayed that it can be buried on the property. He would like the Board's permission to have the Highway Crew push back the house and bury. Mr. Busler does not think the Town should be in the business of demolishing taxpayer's houses. Mr. Folsom stated he thinks that it is an eye sore and would like it down. Mr. McKeever told the Board that a lot of money in Lawyer fees have been spent, so he would like to see it finalized.

Res. #29

Motion by: Steven Marcinkowski
Seconded by: Charles Folsom

RESOLVED, that the Town Board direct the Town Highway Crew to push back and bury the condemned house, located at 29609 NYS Route 26, belonging to Rosado Yolanda Sanchez.

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

Reports received and placed on file:

Town Clerk's & Building & Zoning May 2014 report
Transfer Site May 2014 report
Supervisor's May 2014 report

Res. #30

Motion by: Timothy Busler
Seconded by: Kevin McCarthy

RESOLVED, that the minutes of April 9, 2014 be accepted as read.

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

Res. #31

Motion by: Pamela Brown
Seconded by: Kevin McCarthy

RESOLVED, that the following bills be paid:

General	Voucher #	113-138	\$18,103.26
General O/S		14&15	\$61.88
Highway		87-117	\$14,189.84
Cemetery		2-4	\$166.52

VOTE: Mr. Busler – aye, Mr. Folsom – aye, Mrs. Brown – aye, Mr. McCarthy – aye,
Mr. Marcinkowski – aye. Motion carried.
Town Board meeting held May 14, 2014 cont'd.

Res. #32

Motion by: Steven Marcinkowski
Seconded by: Kevin McCarthy

RESOLVED, that the Supervisor be authorized to transfer \$400.00 from General Fund Appropriation Contingency Account, A-1990.4 to General Fund Appropriation Unallocated Insurance Account, A-1910.4.

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

Res. #33

Motion by: Charles Folsom
Seconded by: Timothy Busler

RESOLVED, that the Town of Theresa/Location code 30656 hereby establishes the following (see attached) as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the time keeping system records or the record of activities maintained and submitted by these officials to the clerk of this body.

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

Res. #34

Motion by: Charles Folsom
Seconded by: Pamela Brown

RESOLVED, that the Town Board accept Gerald Reynold's resignation as Highway Superintendent, effective May 31, 2014 and be it

FURTHER RESOLVED, that the Town Board appoint Darren Edgar as acting Highway Superintendent, effective June 1st, 2014 and ending December 31st, 2014.

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

Discussion:

Supervisor Marcinkowski told the Board that a culvert on the Countryman Road is collapsing. Mr Edgar posted the road for a 15 ton weight limit and stated that it will need to be fixed this year, because the snowplow will not be able to go over it. The Board reviewed pictures taken of it by Mr. Edgar. Jefferson County Engineers have taken a look at it and an estimate for labor, material and equipment to perform shotcrete repairs to the culvert pipe was given by TCBR (Town & County Bridge and Rail) for \$50,875.00 has been submitted. TCBR has the County bid. The price could go down if the Town men help out. It should be a 3 to 4 week project and it should last for 20 plus years. Mr. Reynolds suggested that the Town could use CHIP's money and back off the road work on another road if need be. Supervisor Marcinkowski has already spoken with Senator Patti Richie's office and Addie Russell's office to try and get some help financing the repair.

Res. #35

Motion by: Steven Marcinkowski
Seconded by: Timothy Busler

RESOLVED, that the Town Board proposal from Town & County Bridge & Rail for \$50,875.00 for labor, material and equipment to perform shotcrete repairs to the culvert pipe located on Countryman Road.

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

Town Board meeting held May 14, 2014 cont'd.

Discussion:

Sara McGeogh, Recreation Director, told the Board that it was embarrassing the first ball game because of the shape of the fields. She said that the infields needed to be dragged and drainage done in the outfield and by the dugouts. Mr. Reynolds said that there was too much rain this spring and there is no way to put heavy equipment on the field with all the water. The Highway has been behind because of the ice storm. When it dries

Supervisor Marcinkowski suggested to the Board that the Town stay with First Niagara Bank for the time being. There have been no changes. The Town Board agreed.

The Board discussed a resolution passed February 13, 2013 that newly subdivided lots will be assigned their own parcel number once approved by the Planning Board. Ken Boyd suggested that a parcel number be assigned after property owner receives a 911 number. Mr. Marcinkowski stated that most developers are building and selling within a year of a subdivision. Steve will talk to the County first on the issue and table until next meeting.

Kevin Lipponcott, Broken Spur Ranch, spoke to the Board about zoning issues that were issued on his property. He told the Board that he was given an open ended permit to build by Rick Soluri. Supervisor Marcinkowski stated that there is no such thing as an open ended permit according to Mark Gebo, Town Lawyer. Mr. Marcinkowski wants to see everything resolved. Mr. Lipponcott does not think he should pay double for the lean-to on the main building, which was built without applying for a permit. He said he had no intent to screw people over by not getting a permit. The Supervisor said that the Chapel, which has a stop work order on it, is not to be used as a Chapel or for public assembly. The Chapel was not covered under the original Site Plan Review for the property. Mr. Folsom did not want to vote on without Terry McKeever's input. Supervisor Marcinkowski will invite Mr. McKeever to next meeting.

Res. #36

Motion by: Charles Folsom
Seconded by: Pamela Brown

RESOLVED, that the Town Board go into Executive Session at 7:55 p.m. to discuss a litigation issue.

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

Res. #37

Motion by: Timothy Busler
Seconded by: Pamela Brown

RESOLVED, that the meeting be closed at 8:17 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