

# EDMESTON TOWN BOARD

OCTOBER 13, 2015 MEETING

EDMESTON, NY 13335

The Town of Edmeston Town Board held a Regular Meeting on October 13, 2015, 7PM at the Edmeston Municipal Building. The following Town Office members were present:

<b>Supervisor:</b>	Russell Dutcher	<b>Councilman:</b>	Scott Convis
<b>Councilman:</b>	Fred Tilbe	<b>Councilman:</b>	Richard Wayman-Absent
<b>Councilman:</b>	David Green	<b>Town Clerk:</b>	Linda Eriksen
		<b>Highway Superintendent:</b>	Danny Hawes

**GUESTS:** Sylvia and John Chesebrough, Jack and Christine Stanton, Jodi Hawes, Martha Winsor, Melaina and Keith Woodbeck, Sharon Mumbulo, Albert Pylinski, Jr, Attorney William Green, Gail Smith, Todd and Jess Homer, Sue Holbert, Art Carney, Jack Emmett, Attorney Dennis Loughlin.

Supervisor Russell Dutcher opened the meeting at 7:00 PM.

**APPROVAL OF MINUTES** – The minutes of the August 11, 2015 Regular Meeting was reviewed by the board, Supervisor noted resolution #11 was worded incorrect and need to be correct. **On A MOTION BY:** Councilman – David Green, **SECONDED BY:** Fred Tilbe to accept with corrected resolution #11 wording.

**MOTION CARRIED:** Supervisor: Russell Dutcher - Aye  
Councilman: Fred Tilbe - Aye                      Councilman – David Green - Aye  
Councilman: Scott Convis - Aye                      Councilman – Absent

## **PUBLIC** –

- **Martha Winsor** – Reported that pool fund raising was going great. Getting a lot of good feedback from the public. The committee continues to look for more grants.
- **Jack Emmett**
  - Comprehensive Plan** – Feels this needs to be done before moving forward on any zoning changes are made.
  - Property Revaluation** – Need to seriously looking in to this before spending a lot of money. Not sure is the right thing. Keith Woodbeck advised that he has had two revals in New Lisbon on his property and he benefited from them. He also stated that is not always the case though. Agreed that it is a costly thing. Supervisor Dutcher said that it is still not decided if we will be doing one at this time.
  - Vacant Property Letters** - Jack ask if we had heard from any of the people that letters were sent to other than Mr. Norman Schworm. Supervisor Dutcher said

## EDMESTON TOWN BOARD

we haven't but the attorney will be here later and could ask him. Attorney running late for meeting.

- **Sylvia Chesebrough** - She had a sheet of concerns and will supply the clerk a copy for her notes. Some of her concerns had already been addressed.

.....  
.....

- **Sharon Mumbulo** – She advised that the proposed Zoning Law changes were in the hands of the board for review. She stated that The Master Plan needs to be visited when making changes to the Zoning Laws. The town clerk stated that the Zoning Law had been scanned in to a file and that she had incorporated the proposed changes in bold print so would be easier for the review process. The clerk did have question on second page and would get interpretation so those changes could be done also before giving to board members for their review before the workshop.

**SUPERVISOR** – Dutcher read a notice of resignation of board member Richard Wayman effective October 1, 2015. A MOTION BY: Councilman – David Green, SECONDED BY: Fred Tilbe to accept the resignation of Richard Wayman from the town board.

**MOTION CARRIED:** Supervisor: Russell Dutcher - Aye

Councilman: Fred Tilbe - Aye

Councilman – David Green - Aye

Councilman: Scott Convis - Aye

Councilman – Vacant

- **Jack Stanton**

Ask how Mr. Wayman's position would be filled and Supervisor Dutcher said would be an appointment by the board.

Jack stated that being an outside he feels the town has serious problems, He feels doors were closed to Dollar General when they called. He thinks a feasibility study should be done. Most of the boards don't communicate between each other and feels that they should attend each other's meeting so there is communication between all.

Jack asks how many of the board members had read the report from Otsego county Planning Department, the only person that has seen the report is Supervisor Dutcher. The Otsego County Planning Board Report stated that to them Stanton's had met all the criteria. Attorney Will Green stated that county report had no impact; all went back to the town. At present the town Master Plan doesn't allow the sale of 3 acres because Master Plan is to keep all this land beautiful. The economic impact is huge to this town.

## **EDMESTON TOWN BOARD**

The town already has businesses already here that are illegal according to the Zoning Laws in place. Jack feels someone is feeding people info against the proposal for a Dollar General. Supervisor Dutcher acknowledged that we do have businesses in town that were wrongfully approved and did not meet the zoning requirements. The town board however, had no say over the approval or disapproval of the Dollar General proposal.

Jack stated that a zoning board member had stated that if this was further down Route 80, this would have been approved. Mr. Stanton stated that appears all have their favorites. A planning board member has made comment why would we want a Dollar General when can go to New Berlin for one. The Building Enforcement Officer is in big trouble. Supervisor Dutcher said we are trying to get business in this town and a lot of surrounding towns don't have zoning laws to contend with. He agreed that we do have to review these changes and act on them.

### **Attorney Will Green**

He suggested that the town put action where their mouth is. Businesses outside of town have been done illegal and a resolution needs to be done. Get a Public Hearing set and get going on this now. Attorney Green ask the board to do a resolution right now, what is stopping you from moving forward right now. Christine Stanton said the board has the changes. Attorney Loughlin said the town board has not had the changes a month. Attorney Green ask what would be the time frame of the board at this time. Attorney Loughlin advised that board should have one month to review and action on these changes.

Attorney Green asks if this is going to be resolved or are we going to let the Building Code Officer continue. Some variances have not been approved; Jack Stanton stated that they have evidence that permits were approval illegal.

Jack Emmett again stated that Comprehensive Plan does need to be changed. He stated that town board has final say after the public hearing of changes.

Jack Stanton said that Otsego County has seen only 1 referral from the town and that was theirs for Dollar General.

Christy Stanton spoke and asks that we look around at the community. Our school enrollment is 414 students. This is not a wealthy area, we are a poor town. Yet, we have a chance to welcome a new business and it is rejected, this revenue would be great for the area. Agriculture is not #1 anymore in this area. What good is a pool or a park if no commercial businesses? She stated "If we lose the school, we lose our town."

## EDMESTON TOWN BOARD

Christy stated that zoning ordinances obviously need reviewing and redoing in order for change around us. We already have many illegal businesses. Christy assured everyone that she is not putting down anyone's business in town, and these businesses will not change with a Dollar General.

Christy also stated that something happened between meetings and all things changes. All the people for the Dollar General proposal were now against it. Zoning Letters were left out of our foils that were sent to the zoning board in favor of the Dollar General. Clerk Linda had to contact the Zoning Board and request these letters, which she did and delivered to me.

Christy advised that they have been patient and we are done. We will not be discriminated against and put down anymore. Do the resolution now, only need the R80 district changed at this time and this would bring everyone into compliance with the Zoning Laws. The zoning board was out of line. The letter of rejection from zoning board was just a form letter with cross outs and check marks, no reasons given. Felt this was very wrong by them.

**Attorney Laughlin** advised that Zoning Board letter and what had to be enforced are different. This town does need to do a Comprehensive Plan, but that the board needs to take a month now to review and act on proposed changes.

**Attorney Green** again stated that changes need to be done to bring all things back in line. A lot of illegal business now exists and these changes need to be done. We need action now, because the next step is the courts and we don't want to do that, board needs to act now. Ask if the board would commit to public hearing next month.

**Attorney Laughlin** advised that the board may need to go back and forth with the planning board regarding these changes. A public hearing than needs to be done on the changes and move forward from there.

Town Clerk asked for next steps to be taken by the board. The board scheduled a workshop on Tuesday, October 27<sup>th</sup> at 7 PM to start the reviewing process of purposed Zoning Law changes they received from the Planning Board.

**Albert Pylinski** stood and spoke. Al said he had heard many good points from Mr. Emmett, Mrs. Chesebrough and the Stanton's. He agreed that the town is going to ruins. He said he takes great pride in this town and that is why he has stayed. He does feel it is up to the Town Board to be positive to these changes.

## **EDMESTON TOWN BOARD**

These changes need to be done as quickly as possible to move forward. We need to be proud of this town we live in and work together for the better of it.

**Todd Homer** - Todd commented that he had never attended a board meeting before but this make him feel he wants to be a part of this town moving forward.

**Jack Emmett** – The animals in South Edmeston. Supervisor Dutcher and Jack continue to work on this matter.

**PROPERTY REVALUATION** - Supervisor Dutcher spoke to Burlington and they will see if can set-up a meeting for the two boards to get together and discuss this reval. He will also ask Assessor Carole Westerman to attend the meeting along with Hank Slecter from the county.

**ZONING BOARD OF APPEALS** – We have a vacancy to be filled. We will post a public notice for this position. Supervisor Dutcher will call a meeting of the ZBA board on Tuesday, Oct. 20 2015, so that they can appoint a chairperson to replace Dorothy Tilbe.

**MEDICAL INSURANCE** – Proposal for 2015 had been given to board members prior to meeting to review. The co-pays were down but bottom line increased due to the Mandatory Care Act. The cost will increase from \$574.47 to \$656.41/ per person per month. **A MOTION BY:** Councilman – David Green, **SECONDED BY:** Councilman – Scott Convis to go with Option #1 which is same as last years.

**MOTION CARRIED:** Supervisor: Russell Dutcher - Aye

Councilman: Fred Tilbe - Aye

Councilman – David Green - Aye

Councilman: Scott Convis - Aye

Councilman – vacant

There was a discussion as to when a new employee is to be enrolled in our health plan.

**A MOTION BY:** Councilman – David Green, **SECONDED BY:** Councilman – Fred Tilbe that an employee can enroll in insurance plan after 60 days of employment.

**MOTION CARRIED:** Supervisor: Russell Dutcher - Aye

Councilman: Fred Tilbe - Aye

Councilman – David Green - Aye

Councilman: Scott Convis - Aye

Councilman – vacant

**WATER** – Supervisor Dutcher reported that Chris Rose has gone full time for the Village of New Berlin Public Works, therefore is unable to continue with us. Supervisor Dutcher received a call from Thomas Genovese, Mr. Genovese has water works knowledge. Supervisor Dutcher will set up time for Mr. Genovese to come in so he can talk to him to.

**BUDGET WORKSHOP** – **There** will be a workshop on Thursday, October 29 at 6:30.

# EDMESTON TOWN BOARD

## HIGHWAY – Danny Hawes

**Sweeper** – Question was do we buy or rent. After discussion we will write up a bid for sweeper with trade in.

**NEW HIRE** – Need to fill the vacancy on highway before winter. **A MOTION**

**BY:** Councilman – David Green, **SECONDED BY:** Supervisor – Russell

Dutcher to advertise in paper for a highway position.

**MOTION CARRIED:** Supervisor: Russell Dutcher - Aye

Councilman: Fred Tilbe - Aye

Councilman – David Green - Aye

Councilman: Scott Convis - Aye

Councilman – vacant

**WATER DEPARTMENT** – Supervisor Dutcher reported that third quarter bills have gone out.

**WATER OPERATIONS** – Fred reported that our springs are low and we will be using the well along with the springs. We will put notice in Pennysaver so if people smell sulfur in the water they will know why.

**CLERK** – Linda Eriksen

Monthly report - Revenue collected \$3,898.75. Paid the town \$318.42, Ag & Market \$6.00 and State \$22.50. Paid D.E.C. \$3551.83.

**JUSTICE REPORT** – Supervisor Dutcher passed copy of Justice Report to board for information only. Supervisor Dutcher advised the board that we will have only one judge as of Jan 1, 2016. Amanda is not running for election.

**REPORTS:** **COUNCILMAN TILBE – NONE**  
**COUNCILMAN CONVIS – NONE**  
**COUNCILMAN GREEN – NONE**

**AUDIT OF CLAIMS:** A warrant of \$23,390.71 for claims of vouchers against the General/Highway and Water District funds were presented as **Abstract #10-2015**

<b>General/Highway Funds</b>	#275-308	\$ 20,336.39
<b>Water District Funds</b>	#53-61	\$ 3,054.32
<b>TOTAL</b>		\$ 23,390.71

On A **MOTION BY:** Councilman: David Green, **SECONDED BY** Councilman: Fred Tilbe that the Audit of Claims is approved as presented of **Abstract #10-2015**.

**MOTION CARRIED:** Supervisor: Russell Dutcher - Aye

Councilman: Fred Tilbe - Aye

Councilman – David Green - Aye

Councilman: Scott Convis - Aye

Councilman – vacant

**ADJOURNMENT:** With no further business to be conducted and everyone present having been heard **A MOTION BY:** Councilman – Scott Convis, **SECONDED BY:** Supervisor – Russell Dutcher to adjourned the meeting at 9:45PM

# EDMESTON TOWN BOARD

**MOTION CARRIED:** Supervisor: Russell Dutcher - Aye  
Councilman: Fred Tilbe - Aye                      Councilman – David Green - Aye  
Councilman: Scott Convis - Aye                      Councilman – vacant

Respectfully submitted:  
Linda Eriksen, Town Clerk

DRAFT