

TOWN OF COVERT, SENECA COUNTY
PUBLIC HEARINGS and REGULAR TOWN BOARD MEETING
February 13th, 2023

The Public Hearings and regular meeting of the Town Board of the Town of Covert was held Monday, February 13, 2023 at 7:00 P.M. at the Town of Covert Municipal Building, 8469 South Main Street, Interlaken, New York.

Roll Call:	Supervisor Michael Reynolds	Present
	Councilwoman Deborah Nottke	Present
	Councilman Bill Bishop	Present
	Councilman Brayton Foster	Present
	Councilman Todd Wyckoff	Present

Others Present: Town Clerk Leslie Adams-Compton, Highway Superintendent Jeffrey MacCheyne, Town Attorney Patrick Morrell, Trumansburg Ambulance Administrator Joel Fey, Town Code Enforcement Officer Roger Ward, Deputy Clerk Brian Quan, other interested citizens and joining remotely on GoogleMeet: Christina Kolberg, Thomas Minor, Jim Kolberg, architect Paul Minor and contractor Matt Lincoln.

Call to order: Supervisor Reynolds called the meeting to order at 7:05 P.M. All rose for the pledge of allegiance.

Approval of Minutes: Nottke moved, seconded by Wyckoff, to approve the minutes from January 9th, 2023. Aye - Wyckoff, Aye - Nottke, Aye - Bishop and Aye - Foster.

Public Hearing: Nottke moved, seconded by Bishop, to open the Public Hearing to hear comments on the proposed Local Law Authorizing Section 466-a of the New York State Real Property Tax Law - A Property Tax Exemption for Volunteer Firefighters and Volunteer Ambulance Workers to receive 10% off their assessment.

Foster asked if the exemption were granted this year, will they lose the \$200- income tax deduction or will they have the choice between the allowances. He asked if the volunteers will have a choice of benefits. Foster also asked how many volunteer firefighters and EMS workers own 1/4 million dollar homes around here, to make the exemption worthwhile.

Morrell referred to the NYS Dept of Taxation + Finance blurb stating that "if your taxing jurisdiction has been offering a similar exemption...under one of the pre-existing statutes, it must adopt a local law, ordinance or resolution to conform to the new Statewide exemption statute no later than December 9, 2025" when ""old" exemption statutes will be repealed."

Foster said that he did not think the new exemption is achieving the desired goal. He questioned how many volunteers own homes, and renters would not receive any benefits in a couple of years.

It was suggested that the Town draft a letter to the governor and the Association of Towns critical of the legislation.

Nottke moved, seconded by Foster, to close the Public Hearing at 7:12.

Public Hearing: Nottke moved, seconded by Foster, to open the Public Hearing to hear comments on the Variance Request for Christina Kolberg, 8172 Interlaken Beach Rd, Interlaken, Tax Map #06-1-29, to construct a 14' x 36' residential cabin, where there is a limit of one dwelling structure per parcel allowed and placement is short the shoreline setback as required by the Town of Covert Land Management Ordinance (LMO).

Morrell explained that Kolberg's request is for two variances: a second dwelling on the parcel and a shoreline setback short 10' as required by the LMO.

Three letters are on file with the Town Clerk: Amy McDonnell, 8301 + 9295 Interlaken Beach Rd, wrote in support of the project, Paul and Maxine Flagg, 8139 + 8143 Interlaken Beach Rd, have no objection to granting the variance, and Bruce Clark, 8264 Interlaken Beach Rd, wrote he is not in favor of the project due to existing structures close to the road making snow removal difficult.

Ward said that the family *has* been there and will probably be there a long time.

Kolberg said that it's up to the County what will be allowable as far as septic and the number of bedrooms in the structure.

Wyckoff questioned whether a Variance has ever been granted for two variances from the LMO.

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Foster said that the setback is not out of character for the neighborhood.

Reynolds said it would not block anyone's view.

Tom Minor explained that the need for the extra space is for the co-owners' growing families and that the only place for an addition that would be feasible and 40' from neighbors' property lines would be the spot they have chosen, as outlined on the application.

Nottke moved, seconded by Bishop to close the Public Hearing at 7:25 p.m.

Nottke moved, seconded by Foster, to designate the Town of Covert Town Board as the lead agency for making SEQR determinations for the Variance Request for Christina Kolberg. Pursuant to 6 NYCRR §617.5(c)(11) + (16), it is hereby determined that the action proposed in this application constitutes a Type II action as defined under said regulation and does not require an environmental impact statement or any other determination or procedure. Aye - Bishop, Aye - Foster, Aye - Wyckoff, and Aye - Nottke.

Morrell reviewed the Section 6(1) of the Town of Covert Land Management Ordinance that would allow the Town Board to grant a variance "where there are unusual or unforeseen circumstances or hardship" and said the Town Board may approve, deny or approve with reasonable conditions. He provided considerations for relevant issues: 1. The size of the property is large enough to accommodate both structures. 2. The elevation of the bank at the back of the existing house are not buildable. 3. The side setbacks are not intrusive on the neighbors, nor the neighbors' view.

Morrell also mentioned that County law would require inspections for the septic.

Presenter: Joel Fey, Trumansburg EMS Administrator, introduced himself and shared his background as a critical care ambulance transport paramedic and certified flight paramedic based in Albany before he moved back to his native home of Trumansburg.

Fey explained that they are trying to levy costs with a 5 year plan that would not just push the tax base. He said that the ambulance service does not have the volume of activity necessary to offset costs, so they are trying to find new ways to make money for the service. A few ideas are: To increase rates for those who have insurance, as opposed to Medicare. Collect on automobile accident emergency calls. Offer anesthesia service rather than transporting to both the preliminary service hospital and then the specialty hospital. They are the first in the area to offer this service. Offer prevention services such as assessing for falls, and medication reconciliation services. Offer community classes such as babysitting, CPR and first aid.

He is looking for partnership with the communities, lessening the tax burden and he welcomes new ideas.

Reynolds mentioned that Seneca County has money available. Fey said that they also have money available through Tompkins County.

Nottke asked what happened with the legislation for the NYS Rural Ambulance Task Force. Fey said it was not on the State's agenda yet. EMS and Fire service is not mandatory, therefore it is not funded.

Bishop asked about how they can get more money from insurance companies. Fey said that only with DWI's, and sometimes when the insurance money is sent to the insured and does not forward it to the Ambulance, do they send the bill to collections. He said they do not bill the balance due when Medicare or insurance pays only a portion of the \$800 bill.

Fey asked if the Town of Covert offers the "sunshine fund", a charity care policy through MedEx. Reynolds said we did. He said he would like to re-visit that, for those who are not insured so it doesn't cause a hardship.

It was also mentioned that the increase in minimum wage has caused their budget to increase and that EMT's do not make much more than minimum wage.

Nottke asked if the Ambulance could provide a class to update the Town on the use of the Automated External Defibrillator.

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Highway: MacCheyne reported that they took the 2022 F-50 back to Tenco for repairs: valve problem and hydraulics. They worked on the payloader def fluid issue, a heat issue on the Gradall and replaced clutch fan on 2010 International. They hauled R.O.C. for summer road work, plowed and sanded all roads, washed all equipment, cold patched some roads, and did regular maintenance on all equipment.

He said they would get the 2019 Western Star back from Tracey's the next day. They did many repairs to the truck including re-doing main bearings in the engine, replaced passenger side door, etc. He said that they plan on using the Sterling, instead of the Western Star, as much as possible.

MacCheyne said that the warranty on the payloader runs out this year. He has been pricing for a new one that is in the budget this year. He said that John Deere is cheaper than Cat.

Adams-Compton said that four towns are contributing for the Dog Control Officer to go to an animal control training in Watkins Glen.

Committees: Nottke said that she attended a meeting with the Town of Ulysses and the Village of Trumansburg for the formation of a Local Development Corp (LDC) for the maintenance operations of formerly "Camp Barton". The LDC has to be formed in order for New York Parks to proceed with the purchase the Camp Barton property. The municipalities drafted a Certificate of Incorporation of Three Falls Local Development Corporation and the Bylaws to be approved by the three municipalities by resolution.

Morrell said the documents were similar to that of an Industrial Development Agency using similar language for the creation of jobs, improve facilities, acquire property, apply for loans, grants, etc., to encourage economic development.

The formation also required a membership fee of \$10,000 from each municipality to cover the cost of filing, insurance and start-up, as well as "seed" money.

Foster said he did not want the taxpayer to pick up the tab. He thought it sounded like a "blank check" and was concerned that if/when the corporation runs out of money, the municipalities will have to kick in more. He also had concerns about establishing an office with "hours" and about "proxy" voting and mentioned there would be need for maintenance/lawn mowing of the camp soon.

Members expressed concern of how much it will cost the Town of Covert and where the money will come from and asked how it will benefit the taxpayers.

Nottke said that the NY Parks have not purchased the property yet, and the timeline shows the acquisition would happen in the Fall. She said that the money would come from grants and other sources yet to be determined. She said the Boy Scout Alumni also have money for the project. She said that the municipalities have to form this LDC for the NY Parks to proceed with the purchase; the other municipalities have committed. She said the alternative is that the Town of Covert will not have a say in the development of this park situated in the Town of Covert.

Reynolds said that Seneca County has hotel/motel bed tax money that can be used.

Morrell reviewed the Bylaws Section 3.02 regarding Voting and Non-Voting Members. Non-paying Voting Members who do not pay member fees, from time to time, as determined by vote, lose their voting rights. He said that the Town of Covert can be assessed a fee without their vote counting because of the 2/3 vote of the Board of Directors as it is currently written. He also said that a super majority (adding one vote to the current 2/3, ie. 5/6) would be more equitable than using a majority vote of the Board of Directors (with 4 members in Tompkins County/Town of Ulysses and 2 in Seneca County/Town of Covert). Morrell said that any amount of money could be imposed on the Town of Covert by the 2/3 vote.

Morrell said the budget could be moved entirely to the members. In Section 3.07, the Voting Members agree to certain actions unanimously. Morrell said there is some logic to assigning monetary decisions to the Voting Members, thus the taxpayers. Morrell pointed out that every discussion they've had is 90% a money issue.

He said the members would be appointed annually at the pleasure of the Board. If the member did not vote the way the Town Board wanted, they could be removed. He said that ideally the members from Covert would consist of at least one Town Board member.

Morrell said that the "seed" money should go toward securing the future through grants, etc.

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The resolution as proposed authorizes the formation of the LDC and its Bi-laws, appoints two directors, and commits \$10,000. The Board will have to appoint the directors with the approval of the resolution.

Nottke asked for Morrell to discuss the document and his concerns with the other municipalities' attorneys.

Resolution:

Foster moved, seconded by Nottke, to table the Resolution Authorizing Formation of Three Falls LDC for a future meeting. Aye-Wyckoff, Aye-Nottke, Aye-Bishop, Aye-Foster.

Code Enforcement: Roger Ward reported that he received three Applications for Development in January: A barn on County Rd 143, a deck on Bergen Beach Rd, and an Amish out building on Dickerson Drive.

Petitioners: Dick Westbrook called Tompkins Assessors. His assessment hasn't been raised since 2016, but his taxes have increased due to equalization rate going down. The Assessors will not lower the assessment on his property. Reynolds said that the Town has to do a revaluation for the equalization rate to change. Foster explained that properties within school districts are compared. A house in Covert is valued at 15% less than Ulysses, for example. Taxes go up to make up the difference. The longer from a full revaluation, the lower the equalization rate, as determined by the State.

Resolutions:

Foster moved, seconded by Bishop, to approve the Variance Request for Christina Kolberg, 8172 Interlaken Beach Rd, Interlaken, to construct a 14' x 36' residential cabin, where there is a limit of one dwelling structure per parcel allowed and placement is short the shoreline setback as required by the Town of Covert LMO and has determined that Town of Covert LMO §3-A (5 + 9) creates an unusual hardship. Aye - Bishop, Aye - Foster, Aye - Wyckoff, Aye - Nottke, and Aye - Reynolds.

Nottke moved, seconded by Wyckoff, that the Covert Town Clerk and Tax Collector's records were examined on January 16th, 2023, and found to be in good order. Aye-Nottke, Aye-Foster, Aye-Wyckoff and Aye-Bishop.

Nottke moved, seconded by Wyckoff, that the Covert Town Justice's Court records and dockets were examined on January 16th, 2023, and found to be in good order. Aye-Nottke, Aye-Foster, Aye-Wyckoff and Aye-Bishop.

Nottke moved, seconded by Foster, that the Covert Town Supervisor's Bookkeeper's records were examined on February 17th, 2023, and found to be in good order. Aye-Nottke, Aye-Foster, Aye-Wyckoff and Aye-Bishop.

Nottke moved, seconded by Wyckoff, to approve the Supervisor's Income and Expenditure report for the month of January 2023. Aye-Wyckoff, Aye-Nottke, Aye-Bishop, Aye-Foster.

Foster moved, seconded by Nottke, to approve the Highway Superintendent's report for the month of January 2023. Aye-Wyckoff, Aye-Nottke, Aye-Bishop, Aye-Foster.

Nottke moved, seconded by Foster, to approve Town Clerk/Tax Collector report for the month of January 2023. Town Clerk received a total of \$1314.00; \$511.10 was remitted to the Supervisor. Tax Collector received a grand total of \$1,971,840.83 through January '23 with about 160 remaining bills to be paid. Aye-Wyckoff, Aye-Nottke, Aye-Bishop, Aye-Foster.

Nottke moved, seconded by Foster, to approve the Code Enforcement Officer's report for the month of January 2023. Aye-Wyckoff, Aye-Nottke, Aye-Bishop, Aye-Foster.

Nottke moved, seconded by Foster, to approve the Dog Control Officer's report for the month of January 2023. Aye-Wyckoff, Aye-Nottke, Aye-Bishop, Aye-Foster.

Nottke moved, seconded by Bishop, that Highway Fund Vouchers #10-32 in the amount of \$25,505.59 and General Fund Vouchers #24-47 in the amount of \$341,344.67 be approved for payment. Aye-Wyckoff, Aye-Nottke, Aye-Bishop, Aye-Foster.

Nottke moved, seconded by Bishop, to adjourn the meeting at 9:27 P.M.

Respectfully submitted,

Leslie Adams-Compton, Town Clerk