

TOWN OF COVERT
REGULAR TOWN BOARD MEETING
October 12, 2009

Call to Order: Public Hearing and regular Town Board Meeting was called to order by Supervisor Michael Reynolds at 7:30PM.

Roll Call: Supervisor Michael Reynolds	Present
Councilman Gary Hunt	Present
Councilman Stephen Selover	Present
Councilwoman Valerie Bassett	Present
Councilman Duane Waid	Present

Others Present: Town Clerk, Colleen Freese	Present
Highway Superintendent, Jeffery Mac Cheyne	Present
Code Enforcement Officer, John Poludniak	Present
Town Attorney, John Sipos	Present
Reporter, Aneta Glover	

Residents Present: Diane Bassette Nelson, Charles Bosman, William Shaw, Charles Mc Cann, Lisa Goodberry, Douglas VanBenschoten, Steve Mount, Donald Kenyon, Brayton Foster, Daniel & Georgeanne Bakker, and Justice Louis Van Cleef, Angela Champion,

Pledge of Allegiance:

Supervisor Reynolds opened the public hearings.

The purpose of the first public hearing was for a variance under land management Ordinance for Robert and Elizabeth Thomas 8627 Green Lane Shores to construct a 12'x 20 storage building 13 feet from the north sidelines instead of the 20 feet requirement, application No. 09-24

No one appeared in favor or against said variance.

The Planning Board recommends that the variance request for Robert & Elizabeth Thomas be approved.

Supervisor Reynolds closed the public hearing at 7:35.

Supervisor Reynolds opened the Public hearing at 7:36

The purpose of the second public hearing was regarding the adoption of Local Law No. 2 providing a written notification of defects and obstruction on town, highways, bridges, streets, sidewalks, crosswalks, and culverts in the Town of Covert.

Donald Kenyon commented at Public Hearing for proposed Local Law No.2

The essence of Proposed Local Law No.2 is that it will replace subsection 1 of Section 65-a. of the Town Law of the State of NY.

The part of the Law it will replace has to do with under what condition you can sue for “damages or injuries to person or property” when the Town road system is defective, out of repair, unsafe dangerous or obstructed.” It says you can sue when written notice of said condition is provided to the Town Clerk or Highway Superintendent and appropriate action was not taken in reasonable period of time. It also says you can sue without any written notice so given if “Such defective,

unsafe, dangerous or obstructed condition existed for so long a period that the same should have been discovered or remedied in the exercise of reasonable care diligence.” In other words it says you can sue if there has been basic neglect or non-performance of basic duties. It seems to me that is sensible law. You pay taxes for a basic service and if those basic services are not performed you have the right to sue for damages caused by neglect or non-performance.

Proposed Local Law #2 overrides the law I just explained and waters it down to where it’s almost useless. It leaves in the requirement to provide written notice before bringing suit but takes away your right to sue without written notice even if basic neglect or non-performance of duty has occurred and you suffer damages or injuries to person or property as a result of that basic neglect or no- performance.

I think most persons would see that as basically unfair and unjust; even unethical. I hope the Town Board will see it that way also and vote down implementation of Local Law #2

Thank You for your Consideration
Donald Kenyon

There was much discussion from Town Attorney John Sipos as to whether we need to pass this Local Law or if one has been passed previously.

Supervisor Reynolds closed the public hearing at 8:15 PM.

Supervisor Reynolds opened the regular meeting at 8:16 PM with the same people in attendance.

Approval of Minutes

- a. September 12, 2009 Regular Town Board Meeting accepted with correction.
Motioned: Councilman Duane Waid
Seconded: Councilman Gary Hunt
Carried Unanimously

Petitioners to the Board:

Charles McCann from Seneca County Office of Emergency Services reported information about the Seneca County Hazard Mitigation Plan. The County passed their plan last year. Mc Cann suggests that each Town need to adopt the Plan to be eligible to apply for hazard grant funding.

Lisa Goodberry, from Conifer discussed the Interlaken Senior Housing, Pilot agreement with the Town Board. A resolution of support the Pilot agreement is needed to finalize their financial funding.

Charles Bosman stated that this project has been in the works for five years. It is a good thing for the community and it will make homes for twenty-eight families. Steve Mount thanked the Board for bringing this project to the community and asked the Board to consider the Conifer Pilot agreement.

Douglas VanBenschoten, Chairman of a new committee to revitalize Main Street in Interlaken, reported the Committee is seeing what grants are available. The group has contacted businesses regarding upgrading signage. Chris Wolff has agreed to make the signs. VanBenschoten reported that the Interlaken Community Action Group will subsidize each business with \$200.00 toward the signs.

William Shaw, who won the Primary election and at this time is running unopposed in the general election for the Justice position, discussed with the Board the budget amount for the Town Justice, Court Clerk and Equipment. Shaw asked if the Court Clerk tentative budget was \$100.00 a week. That left the question of the Justice salary and why it has been cut \$3,000.00. Mr. Shaw stated he is qualified and does not need to go to training and that he is approved in the district of New York and would like the Board to take this into consideration.

Code Enforcement Officer: John Poludniak:

- a. No Permits were issued this month; the variance is pending for the Thomas.

Highway Superintend Jeffery Mac Cheyne:

- a. cleaning ditches on West Covert Road
- b. cleaning Lower Covert Road after accident, Oil and stone on Six corner road
- c. Installed new culvert pipes on Seneca Road and Arden Road
- d. Started fall mowing on roadsides and back slopes
- e. Hauled crusher run for summer road work and regular rounds of cold patching

Committees:

Councilman Hunt said the ceiling in the Justice office needs to be done and request we receive bids to be submitted to the Board for approval.

Old Business:

Selover moved, seconded by Waid, to approve the variance request for Robert and Elizabeth Thomas application No.09/24 on the recommendation of the Planning Board. Motion carried unanimously.

**SENECA COUNTY SHARED MAINTENANCE FACILITY FEASIBILITY STUDY
RESOLUTION No. 04-09**

Bassett moved, seconded by Waid, WHEREAS, the parties are engaged in the Seneca County Shared Maintenance Facility Feasibility Study (the “Study”) awarded to Seneca County by the New York State Department of State (DOS) under Local Government Efficiency (LGEC) Grant Program: and

WHEREAS, THE County of Seneca, acting as lead agency for the parties, will enter an Agreement with the DOS to complete the Study; and

WHEREAS, the County of Seneca Agreement with the DOS will be responsible for coordinating the collection and submittal by the parties of the ten percent (10%) matching funds requirement of the LGEC grant; and

WHEREAS, the Seneca County Board of Supervisor will publish a Request for Proposals in order to solicit and retain an engineering consultant firm (the “Consultant”, to conduct the study and to prepare a study report, which will be submitted to the Parties; and

WHEREAS, the parties will form a Study Steering Committee (the “Committee), comprised of representatives selected by each Party: and

WHEREAS, as part of its Study, the Committee must gather and analyze data from each of the Parties, including but not limited to information about each participant’s vehicle fleet inventories and operations, staffing and benefits costs, budget, equipment, labor agreements, repair and maintenance cost histories (contact and in house), types of services needed, administrative details, projected five-year growth needs, and other matters; and

WHEREAS, THE Parties are interested in the Study and wish to be informed of the progress of the Study and provide input to its preparation; and

WHEREAS, the parties have been working in cooperation to further the progress of the Study and wish to confirm their cooperation in writing,

NOW, THEREFORE, the Parties mutually agree as follows:

1. The parties agree to provide the Consultant with such data and information as Consultant request (where available), including data regarding vehicle fleet inventories and operations, staffing and benefits costs, budgets, equipment, labor agreements, repair and maintenance cost histories (contact and in house), types of services needed, administrative details, projected five-year growth needs, and other matters
2. The Parties agree to make records and data available to the Consultant, upon reasonable advance notice and during regular business hours.
3. The Parties agree to select and appoint a member to represent them on the Committee.
4. The Parties agree to make their staff, department heads, and elected officials available to the Consultant for interviews or for attendance at Committee meeting, provided the Committee and/or Consultant requests such interviews and/or attendance with reasonable advance notice and causes minimal disruption to the Parties' operations.
5. The Committee will keep the Parties informed of the Study's progress and provide updates periodically and any reports issued by the Consultant
6. The County will make payments to the Consultant and will request reimbursement of the LGE grant of the Study costs from the DOS.
7. The Committee will notify the Parties of its regular and special meeting and to provide notice of any public hearings that the Committee convenes.

Councilwoman Bassette made a motion, seconded by Hunt, to table the matter on Local Law # 2 for New York Municipal Insurance Reciprocal for more information on what impact it will have on the Town insurance if this Local Law is not passed. Motion carried unanimously.

**ADOPTING SENECA COUNTY HAZARD MITIGATION PLAN
RESOLUTION NO.05-09**

Hunt made a motion, seconded by Waid, WHEREAS, the Town of Covert, with assistance from the County of Seneca, has gathered information and prepared the Seneca County Hazard Mitigation Plan(the plan) and

WHEREAS, the plan has been prepared in accordance with the Disaster Mitigation Act of 2000: and

WHEREAS, the County of Seneca held a public hearing affording all citizens an opportunity to comment and to provide input in the plan and the actions in the plan; and

WHEREAS, the Town of Covert Town Board has reviewed the Plan and affirms that the Plan will be updated no less than every five years; now, therefore, be it

RESOLVED, that the Town of Covert Town Board adopts the Plan as this jurisdiction's all Hazard Mitigation Plan and resolves to execute the action in the Plan.

Adopted this 12 day of October, 2009

NEW BUSINESS:

Hunt made motion, seconded by Bassett, to accept the bid from Charles Freese to repair the hole in the Town Clerks Office, light switch in kitchen and to remove the molded sheet rock 4ft up on the vault and cut two holes in the vault floor to check for water damage for a total of \$401.00. Motion carried unanimously.

Waid moved, seconded by Hunt, for Town Clerk to write a letter of support to Doug Van Benschoten chairman to the committee for revitalization of Main Street, Interlaken. Motion carried unanimously.

Supervisor Michael Reynolds filed his revenue and expenditure report with the Board.

Highway Superintendent Jeffery MacCheyne filed his September report with the Board.

Town Clerk Colleen Freese filed her September report with the supervisor. A total of \$ 261.35 was remitted.

Waid moved, seconded by Bassett, that the Highway Fund Vouchers #128-139 in the amount of \$27,644.16 and General Fund Vouchers # 166-185 in the amount of \$36,271.63 be approved for payment. Motion Carried

On the motion of Selover, the meeting was adjourned at 10:00 P.M.

Supervisor, Michael Reynolds

Town Clerk, Colleen Freese