

**TOWN OF COVERT  
REGULAR TOWN BOARD MEETING  
NOVEMBER 14, 2011**

Regular meeting of the Town Board of the Town of Covert was held Monday, November 14, 2011 at 7:00 pm at the Town of Covert Municipal Building, 8469 South Main Street, Interlaken, New York.

<b>Roll Call:</b>	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  
Highway Superintendent, Jeffrey Mac Cheyne, Reporter Aneta Glover,  
Attorney John Sipos, Charles Bosman, Wilfred & Diana Millard, Jeffrey Vann, Donald Kenyon, Diane Bassette Nelson, Richard & Betty Westbrook, Robert & Linda Schoffel and Kate & Patrick Seaman.

**Call to Order:**

Supervisor Reynolds called the meeting to order at 7:00 p.m. All rose for the pledge of allegiance.

**Approval of Minutes:**

Waid moved, seconded by Selover, that the October 10, 2011, minutes and November 9, 2011 Public Hearing for proposed 2012 Budget minutes be approved. Motion carried unanimously.

**Petitioners to the Board:**

Chuck Bosman reported to the board that Conifer Village of Interlaken has been named, by New York State Affordable Housing Association, as "Upstate Rural Housing Project of the Year."

Bosman also discussed the lights in the parking lot and for security reasons there should be a light on all the time at night.

Hunt stated that they were working on fixing the light situation.

Highway Superintendent MacCheyne requested an executive session to discuss a personnel matter.

**Town Attorney:**

Attorney Sipos stated that he had received the documentation for the dedication of Oak Harbor Lane to the Town of Covert. There are a few corrections but everything is set to go as long as the Highway Superintendent is in agreement.

Superintendent Mac Cheyne reported that all the requirements on Oak Harbor Lane have been completed as requested.

Robert Schoffel asked if the Town of Covert is taking over Oak Harbor Lane, would this absolve the Association of Home Owners.

Attorney Sipos stated that we don't have anything to do with the Home Owners Association of Oak Harbor. The conveyance is from the Home Owners Association. How this will affect the taxes, I don't really know, except, the road itself will be exempt from taxes, because it's owned by the Town of

Covert.” In further discussion it was noted it will be up to the tax assessor to take a look at the properties and see if the home values will change now that the road will be maintained by the Town.

Schoffel stated, “I will assume the Town Board will make sure the assessors know about the change of Oak Harbor Lane, and that it will be maintained by the Town.” Supervisor Reynolds responded that all parties will be notified.

**Town Clerk:**

Town Clerk Freese requested that the Town of Covert Regular Board Meeting on December 12, 2011 be rescheduled to December 19, 2011 and year end meeting be scheduled for December 29, 2011.

**Committees:**

Councilman Hunt is concerned about the letter received from a taxpayer who is concerned about dogs barking. Chris Austin was contacted by petitioner to find out about the previous complaint.

Councilman Waid is also concerned about the dog situation and what can be done about it. “It’s not the Dog Control Officer; he is doing his job.” Citizens are concerned that things are not being handled in Court properly.”

**Supervisor Reynolds:**

Reynolds stated that he is concerned about the court and the way things are being handled. He has talked to the presiding Judge William Kocher before and, “I will talk with him again. I will send the letter of concern to him and see what he suggests.”

Bassett stated it would be good to get a list of the cases each month and see how they are handled. “Can we request, as Town Board, a monthly court report?”

Attorney Sipos replied, “You can foil the court for a court report, or Supervisor Reynolds can foil The Office of Court Administration requesting a court report.”

Bassett was concerned that if the Town forms an ambulance district then they would be responsible to provide ambulance service. “Why do we have to form a district for ambulance service?”

Attorney Sipos stated, “You have to form a district because you are charging the tax payers and according to town law it is up to the county to levy taxes.

Supervisor Reynolds asked if the Town Board would agree to hire Bradley Pinsky to form the ambulance district and the cost would be \$2,000.

Attorney Sipos stated that he feels Mr. Pinsky knows what he is doing and that \$2,000 dollars is a fair price for forming the Ambulance district.

Bassett stated we have funding in the 2012 budget for South Seneca Ambulance and we don’t have a contract yet that we agree on. This is what happened in 2011: we put the money in the budget before a contract was in place and the terms changed. We still don’t have a contract for South Seneca Ambulance for 2011. If we put the money in the budget for 2012, the same thing is going to happen. “This contract has or doesn’t have things in it that I think should be in it and we still can’t come to an agreement.”

Selover is concerned if towns pull out from South Seneca Ambulance and they don’t generate enough revenue they will close the doors. There is no one close to respond; and, to leave that hole is a disservice

to the Town residents. "I feel we need to provide the residents of the Town of Covert an ambulance service. For the amount that is put into ambulance services and what the residents get out of it, I feel its well worth it. I believe if we put this to a vote, the people will be behind South Seneca Ambulance."

Bassett stated that in order to move forward, South Seneca Ambulance needs to have an audit done. The audit needs to be formed by a CPA and the audit needs to be approved by the Town Boards and the boards need to be satisfied with how the money is being spent. "My concern is this is public funds and I want them to be careful with the funds and how they are spending it."

Sipos stated that if you are going to put the South Seneca Ambulance amount in the 2012 budget that is illegal; the Town doesn't have a contract with them!

Don Kenyon responded "why can't the ambulance situation be put on hold until we can come to an agreement. Just stop it and put it on hold for now. Don't put them out of business. Just tell them it's unacceptable."

Bassett suggested that we encumber the 2011 South Seneca Ambulance fund. The Board should take out the 2012 amount from the budget and use the 2011 money to pay the contract when the Town Board is satisfied with the audit and have come to an agreement.

Selover suggested having the audit to see how their money has been handled. "Why don't we hang on and have them get the audit done."

There was much discussion on forming an ambulance district. If an ambulance district is formed will the town be locked into an ambulance district? Does the Town really need to form an Ambulance district?

There was discussion regarding the correspondence from the Hunt survey proposal for water. The Board would like more information regarding the scope of services and basis of compensation before further discussion.

**Action Items:**

**RESOLUTION 08-11**

Hunt moved, seconded by Waid, THAT WHEREAS the Town of Covert Personnel Policy Manual has a clause for longevity pay, and WHEREAS Edward Turk has worked for the Town of Covert since November 1988, and WHEREAS he received a 10 cent per hour longevity pay increase in 1993 in accordance with that policy, and WHEREAS he has not received any other longevity pay increases, 15 cents per hour in November 1998, 20 cents in November 2003, 25 cents per hour in 2008, NOW THEREFORE BE IT RESOLVED THAT, Edward Turk receive a one-time payroll check for the gross amount of \$10,345.14 based on the attached schedule of hours worked for the years since his last longevity increase, with all normal withholding deductions resulting in a net check of \$6,587.25; and it is further resolved that effective with hours worked on or after November 27, 2011 a 60 cent per hour increase be applied to his current hourly wage. The resolution was adopted by: Bassett-Aye, Hunt-Aye, Waid-Aye and Selover-Aye.

**RESOLUTION 09-11**

Waid moved, seconded by Hunt, THAT WHEREAS the Town of Covert Personnel Policy Manual has a clause for longevity pay, and WHEREAS Roger Ike has worked for the Town of Covert since July 2005, and WHEREAS he has not received his longevity pay increase of 10 cents per hour effective July 2010, NOW THEREFORE BE IT RESOLVED THAT, Roger Ike receive a one-time payroll check for the gross amount of \$306.00 based on the attached schedule of hours worked since July 2010, with all normal withholding deductions resulting in a net check of \$214.57; it is further resolved that effective with hours worked on or after November 27, 2011 a 10 cent per hour increase be applied to his current hourly wage. The resolution was adopted by: Bassett-Aye, Hunt-Aye, Selover-Aye and Waid-Aye. Motion carried.

#### RESOLUTION 10-11

Selover moved, seconded by Hunt, THAT WHEREAS the Highway Superintendent of the Town of Covert has approved and recommended acceptance of the dedication of Oak Harbor Lane to the Town of Covert that all road construction of said roadway is in accordance with the Town of Covert's specification, that the Town Attorney has reviewed all legal documents and approves them. The Town Board authorizes Supervisor Reynolds to sign the documents with changes made for the dedication of the Oak Harbor Lane to the Town of Covert. Bassett-Aye, Hunt-Aye, Selover-Aye and Waid-Aye. Motion carried.

#### RESOLUTION 11-11

Selover moved, seconded by Waid, THAT WHEREAS the Preliminary Budget be adopted as the final budget for 2012, less the amount of \$26,490.32 for South Seneca Ambulance. WHEREAS, THIS Town Board met November 9, 2011 for public hearing on the Preliminary Budget and heard all persons desiring to be heard thereon; NOW THEREFORE BE IT RESOLVED, that this Town Board hereby adopts such Preliminary Budget as originally compiled with modification and amendments, as the Annual Budget of the Town of Covert for the fiscal year beginning January 1, 2012 and that such budget be entered in detail into the minutes of the proceeding of the Town Board, and be it FURTHER RESOLVED THAT, the Town Clerk of the Town of Covert shall prepare and certify duplicate copies of said Annual Budget, as adopted by the Town Board and given to the Supervisor of this Town to be presented by him to the Board of Supervisors of this county. Motion carried by Councilwoman Bassett, Councilman Hunt, Councilman Waid, and Councilman Selover all Voting Aye. Supervisor Reynolds-Nay (See Attached Budget)

Hunt moved, seconded by Waid, to hold an executive session at end of the meeting to discuss personnel matters as requested by Highway Superintendent. Motion carried unanimously

Town Board went into executive session at 8:30 which ended at 8:45, and returned to regular meeting.

Bassett moved, seconded by Waid that before the Town Board takes any further action with South Seneca Ambulance Corp the Town Board of Town of Covert is requiring South Seneca Ambulance to get a CPA financial audit for 2011 and the Town Board will review the audit and determine how to move forward. Motion carried unanimously.

Bassett moved, seconded by Waid, to reschedule the December 12, 2011 Board Meeting to December 19, 2011 and to schedule the year end meeting for December 29, 2011. Motion carried unanimously.

Hunt moved, seconded by Waid, to accept the resignation of Charles Bosman from the Planning Board,

with regrets and thanked him for serving. Motion carried unanimously.

Hunt moved, seconded by Selover, to hold a public hearing on December 19, 2011 at 7:00 p.m. to hear comments on the proposed amendment to the Land Management Ordinance, that all new structures will be required that a proper property address sign be erected according to new amendment. Motion carried unanimously.

Hunt moved, seconded by Bassett, that Highway Fund Vouchers #134-150, in the amount of \$97,594.91 and General Fund Vouchers #178-197, in the amount of \$15,615.37 be approved for payment. Motion carried unanimously.

Highway Superintendent, Jeffrey MacCheyne, filed his October, 2011 written report with the Board.

Code Enforcement Office, John Poludniak, filed his October, 2011 written report with the Board.

Supervisor Reynolds filed his revenue and expenditure report for October, 2011.

Town Clerk Freese filed her October, 2011 report with the Supervisor. A total of \$393.90 was remitted.

On the motion of Waid, the meeting was adjourned at 9:00 PM.

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Supervisor, Michael Reynolds

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Town Clerk, Colleen R. Freese