

**THE TOWN OF MAMAKATING TOWN BOARD MEETING HELD ON TUESDAY, APRIL 5, 2016 AT 6:00 P.M.  
IN THE TOWN HALL, WURTSBORO, NEW YORK.**

**Present:** William E. Herrmann- Supervisor  
Matt Taylor - Councilman  
Brenda Giraldi- Councilwoman  
Janet Lybolt - Councilwoman  
Christine Saward – Councilwoman  
J. Benjamin Gailey- Attorney for the Town  
Jean M. Dougherty- Town Clerk

**Also present:** Robert Fiore – Deputy Supervisor  
Catherine Owens-Herrmann – Confidential Secretary to the Supervisor  
Riley Platt III – Highway Superintendent  
JoAnn Salamone – Deputy Highway Superintendent  
Kerron Barnes – Interagency Coordinator

**Worksession Items for Discussion**

1. Minister Flats Road
2. Ethics Committee recommendations
3. Cell Tower Lease
4. Comprehensive Plan Update
5. Board of Assessment Review Applicant
6. Child Safety

**CALL TO ORDER/PLEDGE OF ALLEGIANCE**

➤ The April 5, 2016 meeting was called to order with the pledge to the flag.

**PUBLIC HEARING: LOCAL LAW (MORATORIUM ON SOLAR FARMS)**

A motion was made by J. Lybolt, seconded by C. Saward to open the Public Hearing. All in favor.

Supervisor Herrmann informed the public that the Town was pro solar and that this Local Law was not about rooftop systems. The law is taken from a model law from Pace University along with Cornell. He added that he met with two Solar Companies and that the moratorium would be for 6 months.

*Public Comment*

Dave Lybolt – Asked about ground mounted panels and would this moratorium preclude that?  
Attorney Gailey responded that the panels could not be put on the ground during the moratorium.

Councilwoman Saward stated she had contacted people upstate and that the Town of Tusten is looking into solar.

Legislator Owens responded that the Town of Tusten did get funding for the project and are proceeding. Kent Findley – Asked about Solar Pumps are for Ag use and that the solar panel is in the ground and runs the pump.

Ben Gailey asked the board if they wanted to amend the law to add that Solar panels under 100 watts are exempt.

Mary Grass, Building Inspector, said only big projects have come before her.

Chris Leser – Is size of property going to matter?

Supervisor Herrmann reiterated that this was simply a 6 month hold.

A motion was made by C. Saward, seconded by J. Lybolt to close the public Hearing. All in favor. It was noted that we have not received the 239-M review comments from Sullivan County Planning as of yet so no action will be taken tonight on the Local Law. Your minutes of the Public Hearing should state that the original Notice, Affidavit of Posting, Affidavit of Publication and all other proofs of notices required to be given were presented and ordered filed

## **DUE PROCESS HEARINGS**

### **TOWN OF MAMAKATING TOWN BOARD RESOLUTION AND ORDER 208 SOUTH ROAD**

WHEREAS, the Code Enforcement Officer has previously determined that the property located at 208 South Road (Tax Map No. 49.-1-21.2) is in violation of the Town Property Maintenance Code and the property owner was directed to comply with the law and remedy the violations on or before August 21, 2015;

WHEREAS, upon due notice and after additional time to comply, a due process hearing was held before the Town Board on April 5, 2016, to determine whether to issue an Order requiring remedy and abatement of the violations and authorize the Code Enforcement Officer to take the necessary steps to carry out the Board's Order; and

WHEREAS, the property owner failed to appear and failed to comply with the Notice of Violation and Order to Remedy issued by the Code Enforcement Officer.

NOW, THEREFORE, BE IT RESOLVED that the Town Board hereby determines that the property owner must make the premises safe and secure by removing all garbage, refuse, junk and waste on the property and otherwise comply with Order to remedy (copy attached) by **May 6, 2016.**

In the event this Order is not complied with, the Town Board will arrange for the removal of all garbage, refuse, junk and waste from the property, said work to be performed by the Town or its contractor. All costs and expenses incurred by the Town in the connection with the proceedings and all the above work to make the premises safe and secure shall be assessed against the premises above described and shall be levied on the real property tax bill and collected in the same manner as other real property taxes.

Further, violations of Chapter 147 of the Town Code, including failure to commence the required work within the time specified, constitutes a violation of law punishable, upon conviction, by a fine not less than \$100 nor more than \$250 or by imprisonment not exceeding 15 days, or both. Each calendar day a violation occurs or continues shall constitute and be deemed a separate and distinct violation.

On a motion by Supervisor Herrmann, seconded by Councilperson Lybolt, the foregoing resolution was adopted on a 5-0 vote.

**TOWN OF MAMAKATING TOWN BOARD  
RESOLUTION AND ORDER  
149 BURLINGHAM ROAD**

WHEREAS, the Code Enforcement Officer has previously determined that the property located at 149 Burlingham Road (Tax Map No. 27.-2-12) is in violation of the Town Property Maintenance Code and the property owner was directed to comply with the law and remedy the violations on or before February 20, 2016;

WHEREAS, upon due notice and after additional time to comply, a due process hearing was held before the Town Board on April 5, 2016, to determine whether to issue an Order requiring remedy and abatement of the violations and authorize the Code Enforcement Officer to take the necessary steps to carry out the Board's Order; and

WHEREAS, the property owner appeared at the due process hearing. He stated that he had submitted an application and fee for a permit to demolish and remove the ruined building and the shed, which was confirmed by the Code Enforcement Officer, and stated that he had removed the tractor trailers. After discussion, the owner agreed to remove all vehicles by April 20, 2016, and to demolish and remove the ruined house and the shed by May 6, 2016 (and may request a two-week extension of this May 6 date).

NOW, THEREFORE, BE IT RESOLVED that the Town Board hereby determines that the property owner must make the premises safe and secure by removing all garbage, refuse, tractor trailers, junk, unlicensed or unregistered vehicles, and junk vehicles on the property by **April 20, 2016**; and must remove the house, shed and all other unsafe structures on the property and otherwise comply with the Order to Remedy (copy attached) by **May 6, 2016**. The Code Enforcement Officer may grant a 15-day extension to remove the unsafe structures upon timely reasonable request made by the property owner.

In the event this Order is not complied with, the Town Board will make a final order for removal of all garbage, refuse, junk vehicles and unsafe structures from the property, said work to be performed by the Town or its contractor. All costs and expenses incurred by the Town in the connection with the proceedings and all the above work to make the premises safe and secure shall be assessed against the premises above described and shall be levied on the real property tax bill and collected in the same manner as other real property taxes.

Further, violations of Chapter 147 of the Town Code, including failure to commence the required work within the time specified, constitutes a violation of law punishable, upon conviction, by a fine not

less than \$100 nor more than \$250 or by imprisonment not exceeding 15 days, or both. Each calendar day a violation occurs or continues shall constitute and be deemed a separate and distinct violation.

On a motion by Supervisor Herrmann, seconded by Councilperson Taylor, the foregoing resolution was adopted on a 5-0 vote.

**TOWN OF MAMAKATING TOWN BOARD  
RESOLUTION AND ORDER  
STATE ROUTE 209**

WHEREAS, the Code Enforcement Officer has previously determined that the property located at State Route 209 (Tax Map No. 63.-1-29) is in violation of the Town Property Maintenance Code and the property owner was directed to comply with the law and remedy the violations on or before August 21, 2015;

WHEREAS, upon due notice and after additional time to comply, a due process hearing was held before the Town Board on April 5, 2016, to determine whether to issue an Order requiring remedy and abatement of the violations and authorize the Code Enforcement Officer to take the necessary steps to carry out the Board's Order; and

WHEREAS, the property owner failed to appear at the due process hearing and failed to comply with the Notice of Violation and Order to Remedy issued by the Code Enforcement Officer, although the Code Enforcement Officer stated that the owner had submitted an application and fee for a demolition permit.

NOW, THEREFORE, BE IT RESOLVED that the Town Board hereby determines that the property owner must make the premises safe and secure by removing all garbage, refuse, junk and unsafe structures on the property and otherwise comply with the Order to Remedy (copy attached) by **May 6, 2016**.

In the event this Order is not complied with, the Town Board will arrange for the removal of all garbage, refuse, junk, junk vehicles and unsafe structures from the property, said work to be performed

by the Town or its contractor. All costs and expenses incurred by the Town in the connection with the proceedings and all the above work to make the premises safe and secure shall be assessed against the premises above described and shall be levied on the real property tax bill and collected in the same manner as other real property taxes.

Further, violations of Chapter 147 of the Town Code, including failure to commence the required work within the time specified, constitutes a violation of law punishable, upon conviction, by a fine not less than \$100 nor more than \$250 or by imprisonment not exceeding 15 days, or both. Each calendar day a violation occurs or continues shall constitute and be deemed a separate and distinct violation.

On a motion by Councilperson Taylor, seconded by Councilperson Giraldi, the foregoing resolution was adopted on a 5-0 vote.

#### **HIGHWAY SUPERINTENDENT'S REPORT**

- Cleaning up tree limbs
- Working on culvert pipes
- Rented an Excavator – Hoping to purchase one. Discussion ensued and it was decided that he should meet with liaisons for further discussion

#### **COUNTY LEGISLATIVE REPORT – Catherine Owens-Herrmann**

Legislature hasn't been in session. The only thing to report is the ongoing discussion on how to pay for a new jail.

#### **SUPERVISOR'S REPORT**

- The Highway Department will be doing maintenance at the landfill site
- Steve Duffy met with W. Herrmann and M. Taylor to discuss ways to promote Mamakating
- A Tax Certiorari with Kohl's resulted in the Wurtsboro Fire District losing approximately \$8,000 due to the reduction in assessment
- A \$50,000.00 grant was received from Senator Bonacic for Playground equipment at the park
- An Insurance audit was done today of all town properties

## **ABSTRACTS**

A motion was made by M. Taylor, seconded by C. Seward to approve the following abstracts as presented: All in favor.

Abstract #8-2016 \$141,365.82 (Voucher #20160424-20160513)

- a. AO FUND \$73,791.39
- b. BO FUND \$12,938.17
- c. DA FUND \$19,930.86
- d. DB FUND \$28,804.74
- e. SR FUND \$5,900.66

## **MINUTES**

- A motion was made by J. Lybolt, seconded by M. Taylor to accept the Minutes of March 7, 2016 and March 15, 2016. All in favor.

## **EXECUTIVE SESSION**

- A motion was made by C. Seward, seconded by B. Giraldi to go into Executive Session at 8:01 p.m. to discuss pending litigation, discuss a board of assessment review candidate and a particular employee. All in favor.
- A motion was made at 8:31 p.m. by J. Lybolt, seconded by C. Seward to come out of Executive Session. All in favor.
- The following minutes were taken in Executive Session by Catherine Herrmann. "Discussion about operation of Planning, Zoning and Building Departments and employees in those departments"

## **RESOLUTIONS**

- A motion was made by J. Lybolt, seconded by B. Giraldi to appoint Chris Leser to the Board of Assessment Review Committee. All in favor. Term 10/1/16-9/30/21.
- A motion hiring Hill and Dale to do a title search for the canal project at a cost of \$2,976.00 was made by J. Lybolt, seconded by C. Seward. All in favor.
- A motion was made by J. Lybolt, seconded by B. Giraldi authorizing the Supervisor to sign the agreement with Turner and Associates in the amount of \$73,000.00. All in favor.
- A motion accepting the tax certiorari settlement with Sorenson was made by C. Seward, seconded by B. Giraldi. All in favor.
- A motion authorizing the transfer of \$100,000.00 from the Unallocated Fund to the Master Plan Fund was made by B. Giraldi, seconded by J. Lybolt. All in favor.
- A motion was made by B. Giraldi, seconded by J. Lybolt to adopt the Child Safety Policy, option 3, following review by the attorney. All in favor.
- A motion authorizing the purchase of two additional surveillance cameras for the Town Hall was made by M. Taylor, seconded by B. Giraldi. All in favor.

## **ADJOURNMENT**

- A motion to adjourn the meeting was made by C. Seward, seconded by B. Giraldi. All in favor.

Respectfully Submitted;

Jean M. Dougherty, Town Clerk

**The Town Board reconvened on a motion of J. Lybolt, seconded by B. Giraldi. A motion was then made by J. Lybolt, seconded by C. Seward to schedule a town board meeting for April 26, 2016 at 6:00 p.m.**

**All voting in favor.**





