

**THE TOWN OF MAMAKATING TOWN BOARD MEETING HELD ON TUESDAY, NOVEMBER 15, 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/Legislator  
Riley Platt III – Highway Superintendent  
Kerron Barnes – Interagency Coordinator

**Absent:** JoAnn Salamone – Deputy Highway Superintendent

**Worksession Items for Discussion**

1. Budget Modification
2. Local Development Corporation
3. Be-ECO
4. Solar Fee and Length of Permit
5. LLC Entity Law

**CALL TO ORDER/PLEDGE OF ALLEGIANCE**

- The November 15, 2016 meeting was called to order with the pledge to the flag.

**DUE PROCESS HEARINGS**

Trail One & Longview Trail (42-6-1)

A motion was made by J. Lybolt, seconded by M. Taylor to open the due process hearing. All in favor. Supervisor Herrmann asked if there was anyone present representing the owner. No one was present. Neighbors of the property, Robert Seigel & Alphonse Langone, expressed their concerns with the condition of the property.

A motion was made by C. Saward, seconded by M. Taylor to close the hearing. All in favor.

58-60 Cedar Road (38-6-5)

A motion was made by M. Taylor, seconded by B. Giraldi to open the due process hearing. M. Grass described the situation that included a burned mobile home that was basically a heap of metal due to the collapse of the structure.

Roosa Gap Road (21-1-53)

A motion was made by M. Taylor, seconded by C. Saward to open the Due Process Hearing. All in favor. Supervisor Herrmann explained that there was a fire at the house in 2003 and Building Inspector Mary Grass gave a timeline of events surrounding the property. A petition was received from 41 residents regarding the condition of the property. Mr. Walter Rettig was present to discuss the situation.

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

- Hoppers and Plows being put on trucks
- Working on new equipment bond money
- CHIPS money used up
- Finishing Ferguson Road
- Working on the dirt roads
- Used 6,000 tons of blacktop this season
- Wants his work boots replaced

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

- A safety issue arose concerning medical oxygen for the Adult Care Center
- The Legislature has no intention of closing the Western Sullivan Transfer Station
- Two public hearings on the county budget have been scheduled: December 1 at 10:30 am and December 6 at 5:30 pm.
- Sales tax revenues have risen.
- Safety of commercial solar systems was addressed.
- The Sustain Energy Loan Program (Cspace) was presented as a way for commercial and non-profit buildings to refit their energy use
- The Right to Farm Laws seminar takes place Wednesday November 30 from 5:30 to 7:30 pm at Cornell Cooperative Education Center. Free, but registration is required at 292-6180 or Sullivan@cornell.edu

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

- A safety committee has been established and will meet approximately every 2 months
- Meetings ongoing with highway representatives regarding the contract negotiations
- Thank you note from Chase school for help in delivering the pumpkins donated by Karen Purta

#### **ABSTRACTS**

A motion was made by M. Taylor, seconded by C. Saward to approve the following abstract as presented:

Abstract #21- 2016 in the amount of \$283,726.22 (Voucher#1707-1780)

#### EXECUTIVE SESSION

- A motion was made by B. Giraldi, seconded by M. Taylor to go into Executive Session at 8:51 p.m. for legal counsel regarding the Roosa Gap Road issue. All in favor.
- A motion was made at 9:21 p.m. by B. Giraldi, seconded by C. Saward to come out of Executive Session. All in favor.

#### RESOLUTIONS

- A motion was made by B. Giraldi, seconded by J. Lybolt to approve the Budget Modifications as presented. All in favor.
- A motion to declare the original truck #40 (2002 S10) as surplus and put the current #40 (2005 pickup) back in service was made by C. Saward, seconded by J. Lybolt. All in favor.
- A motion setting the permit fees for solar systems at the following amounts was made by B. Giraldi, seconded by C. Saward. All in favor.
  - Roof mounted \$150.00
  - Ground mounted \$300.00
  - One time Permit renewal fee \$100.00 for 6 months
- A motion setting a Public Hearing for Tuesday, December 6, 2016 at 6:00 p.m. for a proposed local law entitled "Entity Disclosure of Land Use Applicants" was made by J. Lybolt, seconded by M. Taylor. All in favor.
- A motion authorizing the Highway Department to bid for a Hydraulic Deck-Over Tilt Equipment Trailer and setting the bid opening for November 30, 2016 at 2:00 p.m. was made by J. Lybolt, seconded by B. Giraldi. All in favor.

**TOWN OF MAMAKATING TOWN BOARD  
RESOLUTION AND ORDER  
58-60 CEDAR ROAD  
TAX MAP NO. 38.-6-5**

WHEREAS, the Code Enforcement Officer has previously determined that the property located at 58-60 Cedar Road (Tax Map No. 38.-6-5) 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 October 24, 2016 WHEREAS, upon due

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notice and after additional time to comply, a due process hearing was held before the Town Board on November 15, 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;

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.

NOW, THEREFORE, BE IT RESOLVED that the Town Board determines that the property owner, despite repeated notice and opportunity to comply, has failed to make the premises safe and secure by removing the fire-damaged mobile home, and otherwise failed to comply with the Order to Remedy (copy attached) and the Town Board orders the remedy and abatement of the violations.

IT IS FURTHER RESOLVED that the Building Inspector is directed to obtain price quotes and arrange for the removal of the mobile home 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 C. Saward, seconded by Councilperson B. Giraldi, the foregoing resolution was adopted on a 5-0 vote.

BY ORDER OF THE TOWN BOARD  
TOWN OF MAMAKATING

Dated: November 15, 2016

**TOWN OF MAMAKATING TOWN BOARD  
RESOLUTION AND ORDER  
83-89 LONGVIEW TRAIL  
TAX MAP NO. 42.-6-1**

WHEREAS, the Code Enforcement Officer has previously determined that the property located at 83-89 Longview Trail (Tax Map No. 42.-6-1) 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 October 24, 2016;

WHEREAS, upon due notice and after additional time to comply, a due process hearing was held before the Town Board on November 15, 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;

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. And

WHEREAS, neighboring property owners appeared at the hearing and expressed their opposition to the condition and appearance of the property.

NOW, THEREFORE, BE IT RESOLVED that the Town Board determines that the property owner, despite repeated notice and opportunity to comply, has failed to make the premises safe and secure by removing all garbage, refuse, junk on and at the exterior of the property, including but not limited to garbage, debris, household furnishings and furniture, fuel tank and overfilled garbage containers, and otherwise failed to comply with the Order to Remedy (copy attached), and the Town Board orders the remedy and abatement of the violations.

IT IS FURTHER RESOLVED that the Building Inspector is directed to obtain price quotes and arrange for the removal of all garbage, refuse and junk 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.

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

BY ORDER OF THE TOWN BOARD  
TOWN OF MAMAKATING

Dated: November 15, 2016

**TOWN OF MAMAKATING TOWN BOARD  
RESOLUTION AND ORDER  
619 ROOSA GAP ROAD  
TAX MAP NO. 2.1-1-53**

WHEREAS, the Code Enforcement Officer has previously determined that the property located at 619 Roosa Gap Road (Tax Map No. 2.1-1-53) 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 October 24, 2016;

WHEREAS, upon due notice and after additional time to comply, a due process hearing was held before the Town Board on November 15, 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;

WHEREAS, the property owner representative Mr. Rettig appeared at the due process hearing, and he did not contest the property maintenance violations.

WHEREAS, neighboring property owners appeared at the hearing and expressed their opposition to the condition and appearance of the property, including but not limited to the hole in the yard (possible waste discharge), tires, television and debris.

NOW, THEREFORE, BE IT RESOLVED that the Town Board determines that the property owner, despite

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repeated notice and opportunity to comply, has failed to make the premises safe and secure by removing all garbage, refuse, junk on and at the exterior of the property, including but not limited to the hole in the yard, tires, television and other debris, and otherwise failed to comply with the Order to Remedy (copy attached), and the Town Board orders the remedy and abatement of the violations.

IT IS FURTHER RESOLVED that the Building Inspector is directed to obtain price quotes and arrange for the removal of all such garbage, refuse, and junk, and remedy the hole in the yard, 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 C. Seward, seconded by Councilperson M. Taylor, the foregoing resolution was adopted on a 5-0 vote.

BY ORDER OF THE TOWN BOARD  
TOWN OF MAMAKATING

Dated: November 15, 2016

**ADJOURNMENT**

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

Respectfully Submitted;

Jean M. Dougherty, Town Clerk