

The Theresa Town Board held a Regular meeting May 10, 2017 at 6:00 p.m. in the Town Office at 215 Riverside Ave. and the following were present:

Steven Marcinkowski	Supervisor
Timothy Busler - absent	Councilmember
Charles Folsom	Councilmember
Kevin McCarthy	Councilmember
Danielle Rajner	Councilmember
Kim Delles	Town Clerk
Darren Edgar	Highway Superintendent

Others present: Tina Morrison, Tom Hood, Greg Parmes & Terry McKeever

The meeting was called to order by Supervisor Marcinkowski at 6:00 p.m.

Reports received and placed on file:

Town Clerk's & Building & Zoning April 2017 report  
Transfer Site April 2017 report  
Supervisor's April 2017 reports  
Town Justice March & April 2017 reports

Res. #28

Motion by: Kevin McCarthy  
Seconded by: Danielle Rajner

**Resolved**, that the minutes of April 12, 2017 be accepted as read.

VOTE: Mr. Busler - absent, Mr. Folsom - aye, Mr. McCarthy - aye, Mrs. Rajner - aye,  
Mr. Marcinkowski - aye. Motion carried.

Res. #29

Motion by: Danielle Rajner  
Seconded by: Kevin McCarthy

**Resolved**, that the following bills be paid:

Voucher #166-170;173-177;179-213 **Total: \$262,708.18**

General	\$12,707.03
General O/S	\$269.65
Highway	\$80,330.04
Highway O/S	\$583.20
Cemetery	\$19,818.26
Capital	\$149,000.00

VOTE: Mr. Busler - absent, Mr. Folsom - aye, Mr. McCarthy - aye, Mrs. Rajner - aye,  
Mr. Marcinkowski - aye. Motion carried.

Res. #30

Motion by: Danielle Rayner  
Seconded by: Kevin McCarthy

**Resolved**, that the Supervisor's 2016 books be audited.

VOTE: Mr. Busler - absent, Mr. Folsom - aye, Mr. McCarthy - aye, Mrs. Rajner - aye,  
Mr. Marcinkowski - aye. Motion carried.

Discussion:

Tom Hood told the Board that a few years ago he had petitioned the Board about getting rid of some old trailers on the Greene Road. He said that trailers have been moved back in. He

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Discussion cont'd.

approached Mr. McKeever, Zoning Officer, and was told by him that his hands were tied. The Town Judge throws the cases out and will not recuse himself from the cases. Mr. Hood asked if the Supervisor could override the Judge? Supervisor Marcinkowski said he could not. The Supervisor read a letter (see attached) from John Shaylor, who is on the Planning Board, expressing his concerns about the violations on properties and the problem with the cases getting thrown out by the Judge. Mr. Marcinkowski is going to go to the Magistrate of Judges if it continues. Councilmember Rajner would like Terry to continue sending to the Judge, so the paperwork would be available to show the Magistrate. Mr. Hood worried that the Town is going downhill in the meantime.

A letter from DEC stating that an application from Meeks Trucking and Plowing for an expansion of Bartlett sand mine located on County Route 46 was read. DEC will be the lead agency for the SEQR review of the mining permit. The Town Board authorized Supervisor Marcinkowski to sign a letter from the DEC saying the Town has no objections that the DEC be the lead agency for the Bartlett mine.

A Town noise ordinance was discussed by the Board. Supervisor Marcinkowski stated that he had received an email from Sheriff O'Neil and the Sheriff would respond to a complaint if an ordinance was on the books. The ordinance would have to be written a certain way. Mr. Parmes would like to know if it would specify noise, as in dogs barking. Supervisor Marcinkowski would like to start the process and invited Mr. Parmes to participate.

Supervisor Marcinkowski told the Board that the Village did not renew their dog control contract with Daniel Moyer. The Village Mayor Walker told him that former Mayor Tanner told the Village Board that Supervisor Marcinkowski said that the Town would pay for it. Supervisor Marcinkowski stated that he never said that to Mr. Tanner. The Town's contract with Mr. Moyer was calculated without the Village dogs in it, since the Village had their own contract. Councilmember Rajner told the Board that Mr. Moyer's services were supplemental and it was not working for the Village. She stated that the Town should let the Village deal with it. She also stated that the police department will handle for now. Councilmember McCarthy thought the next budget cycle it could be put in budget to cover the Village.

Supervisor Marcinkowski told the Board that in his conversation with Mayor Walker he was told by him that the Village residents that pay Town taxes do not get anything for their taxes. The Supervisor showed the Board a list of budget appropriations (see attached) that the Village residents get for their tax dollars.

Supervisor Marcinkowski asked the Board if they have a problem with the land that was procured for the Progress Group to place a Veteran's memorial. He asked if the Board was on board with the Progress Group having the property. Mr. Marcinkowski stated he was done with having it thrown in his face that it did not go through the Board at first. Councilmember Rajner said that the Supervisor was not forthright with coming to the Board to purchase the property. The Supervisor said that it was at no cost to the Town because the Progress Group paid for all the closing cost. Mr. Parmes stated that the Progress Group just partnered with Northern Community for a sponsorship to get tax exempt status for the group. All Board Members were in agreement with the Progress Group placing a Veteran's memorial on the property and maintaining it.

Councilmember Rajner stated that Supervisor Marcinkowski spent money on dog control without the Board's approval. The Supervisor responded that the contract with the County was expiring and the Town saved \$4,000.00 plus by contracting with Mr. Moyer.

Superintendent Edgar told the Board that the Highway men have been busy picking up garbage by the side of the road. Also, they have been working on the gravel roads.

Supervisor Marcinkowski told the Board that this week he came very close to canceling baseball. He stated that he received \$20.00 cash thinking it came from the Town/Village of Philadelphia for half of the league fees. It did not come from them. It came from a gentlemen that has taken all the best players from Theresa & Philly to win with some Theresa kids left to play on the B-team. Some parents from Philly were told that their kids were not good enough to play. Mr. Parmes stated he saw an advertisement for Antwerp, Philly & Theresa kids to play. He also said some of the games are scheduled to be played in Philly. The Board agreed to let them play out this season. They will change the baseball program next year.

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Mr. Parmes wanted to know the progress on the ball fields drainage. Mr. Edgar stated that the Town field behind the barn is done. Just a pipe across the road needs to be changed. Mr. Parmes said that the Progress Group has talked about hiring a private contractor to do the work.

Councilmember Rajner said that Recreation Director McMahon spends some of her own money on snacks. She thought that placing drop boxes around Town for donations of gift cards, snacks, craft items etc. would be a great idea. The Board agreed.

Superintendent Edgar told the Board that he got (3) quotes for tractor at the cemetery. Walldroffs was the cheapest by \$4,000 to \$5,000.

Supervisor Marcinkowski said that he had received per text message from the Judge that he will hear the zoning cases. Judge Klepacz said that the violations should be sent in front of the Town Attorney. Mr. McKeever said that it was very frustrating. Mr. McKeever stated that a case was dismissed by Judge Klepacz and Attorney Gebo had written the violation order for the Town. Another case, that was Judge Simpson's case, Mr. McKeever had to have Attorney Gebo write letter to bring back to court. Councilmember Rajner said she would like to look over the cases first instead of sending to the Lawyer. Supervisor Marcinkowski is going to call the Magistrate to seek advise.

Building & Zoning Officer Terry McKeever told the Board that a lot of banks have been calling and requesting that he research the history of certain properties. Such as building and zoning violations, certificate of occupancy certificates, etc. It takes a lot of time and he would like to charge a \$25.00 research fee to the banks. The Board tabled the resolution to charge a fee and will check with the Association of Town's to see if it has to go through a public hearing.

Res. #31

Motion by: Steven Marcinkowski

Seconded by: Kevin McCarthy

**Resolved**, that the meeting be closed at 8:00 p.m.

VOTE: Mr. Busler - absent, Mr. Folsom - aye, Mr. McCarthy - aye, Mrs. Rajner - aye,  
Mr. Marcinkowski - aye. Motion carried.

Respectfully submitted,

Kim A. Delles  
Town Clerk