

The Theresa Town Board held a Public Hearing & Regular meeting November 3, 2021 at 6:00 p.m. in the Town Office at 215 Riverside Ave. and the following were present:

Steven Marcinkowski	Supervisor
Timothy Busler	Councilman
Charles Folsom – zoom until 7:20	Councilman
Kevin McCarthy	Councilman
Jamie Papin	Councilman
Kim Delles	Town Clerk
Mark Savage	Highway Superintendent

Others present: Rachel Roberts, Dave Ebbrecht, Greg Parmes, Dale Call, Jean Merithew, Sarah Trick, Charles Xavier & Wylie Huffman.

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 October 2021 report
Transfer Site October 2021 report
Supervisor's October 2021 report

Res. #81

Motion by: Timothy Busler
Seconded by: Kevin McCarthy

Resolved, that the minutes of October 6, 2021 be accepted as read.

VOTE: Mr. Busler – aye, Mr. Folsom – aye, Mr. McCarthy – aye, Mr. Papin – aye,
Mr. Marcinkowski – aye. Motion carried.

Proof of Public Hearing having been furnished, Supervisor Marcinkowski opened the Public Hearing at 6:03 p.m. on Local Law No. 6-2021 entitled “Repeal and Replace Local Law in Regard to Zoning Violation Penalties”.

Discussion:

Wylie Huffman, Indian River Lakes Conservancy, told the Board that the Preservation Alliance of Hyde Lake has recently hired the Upstate Freshwater Institute to start water sampling and testing of Hyde Lake. Mr. Huffman was at the meeting for support of the Preservation Alliance of Hyde Lake previously known as Save Hyde Lake Association. There have been a lot of algae blooms on the lake. They would like to have the support of the Town Board when they apply for grants in the future. They are asking for the community to fill out a survey in reference to Hyde Lake. Supervisor Marcinkowski said the Town will put a link on the Town's website to the survey and suggested they ask the village to put it in the village monthly light bill. Councilman Folsom stated he thought it was a back door plot by IR Lakes Conservancy to take more land off the tax roll. Supervisor Marcinkowski assure Mr. Folsom that it was only about preservation of the lake. Dale Call, Preservation Alliance of Hyde Lake, assured the Board that the survey and the reason they were at the meeting was strictly for Hyde Lake. Jean Merithew, Preservation Alliance of Hyde Lake, told the Board that they were not asking the Town for money just for their support going forward. Mr. Call stated that Hyde Lake had an algae bloom in November this year. Councilman Busler said that there was an algae bloom on Butterfield Lake in late October, which is unheard of.

Nobody spoke for or against Local Law #6-2021

Res. #82

Motion by: Steven Marcinkowski
Seconded by: Kevin McCarthy

Resolved, that Local Law No. 5-2021 entitled “Repeal and Replace Local Law in Regard to Zoning Violation Penalties” be adopted.

VOTE: Mr. Busler – aye, Mr. Folsom – nay, Mr. McCarthy – aye, Mr. Papin – aye,
Mr. Marcinkowski – aye. Motion carried.

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Res. #83

Motion by: Timothy Busler
Seconded by: Jamie Papin

Resolved, that the following bills be paid:

Voucher #450-480 **Total \$17,282.73**

General	\$8,007.30
General O/S	\$418.00
Highway	\$7,942.38
Highway O/S	\$915.05

VOTE: Mr. Busler – aye, Mr. Folsom – aye, Mr. McCarthy – aye, Mr. Papin – aye,
Mr. Marcinkowski – aye. Motion carried.

Res. #84

Motion by: Timothy Busler
Seconded by: Kevin McCarthy

Resolved, that Supervisor Marcinkowski be appointed as the Town of Theresa's Delegate/Representative at all official Town functions.

VOTE: Mr. Busler – aye, Mr. Folsom – aye, Mr. McCarthy – aye, Mr. Papin – aye,
Mr. Marcinkowski – aye. Motion carried.

Res. #85

Motion by: Steven Marcinkowski
Seconded by: Jamie Papin

Resolved, that the Town Board re-appoint Charles VanTassel to The Board of Assessment Review for a five-year term, retroactive to October 1, 2021 and ending September 30, 2026.

VOTE: Mr. Busler – aye, Mr. Folsom – aye, Mr. McCarthy – aye, Mr. Papin – aye,
Mr. Marcinkowski – aye. Motion carried.

Res. #86

Motion by: Steven Marcinkowski
Seconded by: Timothy Busler

Resolved, that the Town Board re-appoint Joe Wheeler to the Planning Board for a (5) year term, effective January 1, 2021.

VOTE: Mr. Busler – aye, Mr. Folsom – aye, Mr. McCarthy – aye, Mr. Papin – aye,
Mr. Marcinkowski – aye. Motion carried.

Discussion:

Mail & Email:

Verne Sweet Memorial Scholarship was awarded to Alle LaLonde.

Kimco Steel - \$125.00 per GT

Superintendent Savage showed the Board (5) quotes for mowing the ballfields and cemeteries next year. The mowing would be for (27) weeks, with the ballfields done weekly and the cemeteries done every ten days or so. \$31,000 was the highest and \$13,000 was the lowest. Supervisor Marcinkowski said that he discussed with some highway employees, and they do not understand why they would no longer be doing it. He questioned what additional work has been placed on the employees that now they can't do what they have always done. Mr. Savage

Public Hearing and Town Board meeting held November 3, 2021 cont'd.

said that it takes (1) man all day to do and sometimes he must pull a man off from a job site to do it. The transfer site must try and mow the cemeteries on Wednesdays and Fridays and if it rains it puts them behind. Mr. Parmes asked if the Town could hire a part-time mower. Mr. Savage said the lowest quote is less than the men can do it for. Councilman McCarthy wondered if the Town was setting a precedent of contracting the work out. Mr. Ebbrecht stated they would be farming the work out not taking away from union employees. Mr. Savage said that the Town employees will still do the spring cleanup of ballfields and cemeteries.

Superintendent Savage discussed with the Board about going to Waste Management at the Tr. Site. It will cost the Town \$403.75 per haul from Tr. Site to Rodman. The (10) ton containers might only have to hauled bi-weekly certain parts of the year. DANC charges \$47 per ton versus the County charging \$73 per ton. The Village would still haul to the County. The Board discussed asking the Village to direct haul to Rodman to save money. A concrete base will need to be poured and electric rum for the new compactor (Waste Management provides) and the Town rents the compactor for \$360.00 per month. The Board agreed it would go with Waste Management. They thought it made more sense than to budget for a new packer which would cost approximately \$200,000.00.

Res. #87

Motion by: Timothy Busler
Seconded by: Jamie Papin

Resolved, that the Town Board accept the quote \$13,000 from B&B Lawn Care to mow the ballfields and (4) cemeteries for 2022.

VOTE: Mr. Busler – aye, Mr. Folsom – aye, Mr. McCarthy – aye, Mr. Papin – aye,
Mr. Marcinkowski – aye. Motion carried.

Budget discussion:

- Superintendent Savage had a state bid price of \$49,921 for a 2021 Chevy Silverado with a reading box, utility box and a tommy gate. It would replace the old white one-ton truck. Mark would sell it at Auction International. Board agreed to buy the 2021 Chevy Silverado.
- Board discussed a rent to own lease for new excavator. The payment would be \$51,000 a year. Mark thought that the Town would get \$20,000 on Town's excavator. The Board agreed to budget for it.
- The Board decided to not replace the 2008 F150
- The Board talked about leasing a skid steer at \$14,000 for (5) year lease. The Board agreed to see where the Town was financially mid-year 2022.
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Discussion:

The Supervisor asked the public to leave for executive session. Judge Roberts stated she was not an employee and should be able to stay. She told the Board that as of now there was a difference in votes for Town Justice of (55). There were (33) absentee ballots out, (4) affidavits and (16) early votes to be counted. If Rebeca Oblender got all the ones to be counted, Judge Roberts stated she would still be ahead be (4) votes. She stated that it is premature to make any decision until the election is certified. She told the Board that training for a new Judge starts December 7th. Judge Roberts told the Board that she is not opposed to having (2) positions for Judge.

Res. #88

Motion by: Steven Marcinkowski
Seconded by: Jamie Papin

Resolved, that the Town Board go into executive session at 8:10 p.m. to discuss an employee personnel issue.

VOTE: Mr. Busler – aye, Mr. Folsom – absent, Mr. McCarthy – aye, Mr. Papin – aye,
Mr. Marcinkowski – aye. Motion carried.

Res. #89

Motion by: Steven Marcinkowski
Seconded by: Kevin McCarthy

Resolved, that the Town Board end executive session at 8:42 p.m.

VOTE: Mr. Busler – aye, Mr. Folsom – absent, Mr. McCarthy – aye, Mr. Papin – aye,
Mr. Marcinkowski – aye. Motion carried.

Res. #90

Motion by: Steven Marcinkowski
Seconded by: Kevin McCarthy

Continue and/or Restore Number of Justices to Two (2)

Whereas, the Town Board of the Town of Theresa, New York had previously passed Resolutions on March 10, 2021 and October 6, 2021 to reduce the number of Town Court Justices from two (2) to one (1) effective December 31, 2021; and

Whereas, the Town Board discussed this matter with a variety of persons and has determined that in the best interests of the Town, that the number of Justices should remain and/or be restored to two (2); and

Whereas, New York Town Law Sections 20 and 60-a1 empower the Town Board to restore the number of Justices to two (2) be Resolution subject to Permissive Referendum; and

Whereas, the Town Board has determined to proceed and ensure the public is fully aware of the same.

Now, Therefore Be It Resolved, that subject to Permissive Referendum, the Town Board resolves to continue and/or restore the number of Town Justices to two (2) effective immediately.

VOTE: Mr. Busler – aye, Mr. Folsom – absent, Mr. McCarthy – aye, Mr. Papin – aye,
Mr. Marcinkowski – aye. Motion carried.

Res. #91

Motion by: Steven Marcinkowski
Seconded by: Timothy Busler

Resolved, that the Preliminary Budget be amended by making the following changes therein:

❖ **General Fund Appropriations:**

- Town Justice I, Personal Services, A1110.10 be increased from \$9,170 to \$9,300
- Town Justice II, Personal Services, A1110.11 be increased from \$0 to \$9,300
- Assessor, Personal Services, A1355.1 be increased from \$28,139 to \$28,548
- Town Clerk/Tax Collector, PS, A-1410.1 be increased from \$42,038 to \$42,650
- Attorney, Contractual Expense, A1420.4 be decreased from \$20,000 to \$15,000
- Buildings, Equipment, A1620.2 be decreased from \$17,500 to \$8,500
- Highway Superintendent, PS, A5010.1 be increased from \$65,658 to \$66,614
- Recreation, PS, A7140.1 be increased from \$10,000 to \$10,500
- Recreation, EQ, A7140.2 be increased from \$0 to \$9,000
- Recreation, CE, A7140.4 be increased from 2,800 to 9,800
- Refuse & Garbage, PS, A8160.1 be increased from \$88,842 to \$90,184
- Cemetery, PS, A8810.1 be increased from \$16,360 to \$16,000
- Cemetery, EQ, A8810.2 be increased from \$4,000 to \$10,000
- Social Security, A9030.8 be increased from \$24,461 to \$25,000

❖ **General Outside Village Appropriations:**

- Safety Inspection, PS, B3620.1 be increased from \$22,052 to \$22,274

- Zoning, PS, B8010.1 be increased from \$7,024 to \$7,127
- Social Security, A9030.8 be increased from \$2,230 to \$2,260
- ❖ **General Outside Village Revenues:**
 - Sales Tax, B1120 be increased from \$20,000 to \$20,455
- ❖ **Highway Appropriations:**
 - Machinery, PS, DA5130.1 be increased from \$170,000 to \$172,000
 - Machinery, EQ, DA5130.2 be increased from \$6,000 to \$113,000
 - Social Security, DA9030.8 be increased from \$13,000 to \$13, 200
- ❖ **Highway Revenues:**
 - Sales Tax, DA1120 be decreased from \$130,000 to \$128,000
 - Sale of Equipment, DA2665 be increased from \$0 to \$20,000
- ❖ **Highway Outside Village Appropriations:**
 - General Repairs, PS, DB5110.1 be increased from \$170,000 to \$172,000
- ❖ **Highway Outside Village Revenues:**
 - Sales Tax, DB1120 be increased from \$230,000 to \$232,000
- ❖ **Library Appropriations:**
 - Clerk, PS, L7410.1 be increased from \$24,576 to \$25,000
 - Social Security, L9030.8 be increased from \$2,000 to \$2,050

Further Resolved, that the Preliminary Budget be adopted as the Annual Budget of this Town for the fiscal year beginning on the 1st day of January 2022; and that such budget as so adopted be entered in detail in the minutes of the proceedings of this Board, and be it

Further Resolved, that the Town Clerk of this Town shall certify in duplicate copies of said Annual Budget as adopted by this Town Board; adopted pursuant to Section 202A, Subd. 2, of the Town Law and deliver one copy thereof to the Supervisor of the Town, to be presented by him to the Board of Legislators of the County.

VOTE: Mr. Busler – aye, Mr. Folsom – absent, Mr. McCarthy – aye, Mr. Papin – aye,
Mr. Marcinkowski – aye. Motion carried.

Res. #92

Motion by: Steven Marcinkowski
Seconded by: Kevin McCarthy

Resolved, that the Town Board accept the (3) year Union Contract as negotiated, starting January 1, 2022.

VOTE: Mr. Busler – aye, Mr. Folsom – absent, Mr. McCarthy – aye, Mr. Papin – aye,
Mr. Marcinkowski – aye. Motion carried.

Res. #93

Motion by: Steven Marcinkowski
Seconded by: Kevin McCarthy

Resolved, that the meeting be closed at 8:48 p.m.

VOTE: Mr. Busler – aye, Mr. Folsom – absent, Mr. McCarthy – aye, Mr. Papin – aye,
Mr. Marcinkowski – aye. Motion carried.

Respectfully submitted,

Kim A. Delles
Town Clerk