

The Theresa Town Board held a regular meeting October 6, 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 - absent	Councilman
Kevin McCarthy	Councilman
Jamie Papin	Councilman
Kim Delles	Town Clerk
Mark Savage	Highway Superintendent

Others present: Kristy Perry, Rachel Roberts & Dave Ebbrecht

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 September 2021 report
Transfer Site September 2021 report
Supervisor's September 2021 report

Res. #69

Motion by: Timothy Busler
Seconded by: Kevin McCarthy

Resolved, that the minutes of September 8, 2021 be accepted as read.

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

Res. #70

Motion by: Kevin McCarthy
Seconded by: Steven Marcinkowski

Resolved, that the following bills be paid:

Voucher #410-439;441-444 **Total \$53,187.87**

General	\$13,368.63
General O/S	\$253.00
Highway	\$14,184.71
Highway O/S	\$25,381.53

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

Res. #71

Motion by: Timothy Busler
Seconded by: Jamie Papin

Resolved, that the Theresa Town Board authorize the Theresa Town Court to apply for a JCAP grant in the 2021-2022 grant cycle for up to \$30,000.00

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

Discussion:

The Town Board discussed changes to Courtroom/Boardroom:

- New exit door on the end of the building
- New Lighting
- Safety alarms installed
- More technology added
- Remove Justice bench and replace with new Board table and new chairs

Town Board meeting held October 6, 2021 cont'd.

Res. #72

Motion by: Kevin McCarthy
Seconded by: Jamie Papin

Resolved, that the Supervisor be authorized to transfer \$7,989.00 from General Fund Appropriation Contingent Account, A-1990.4 to the following General Fund Appropriation Accounts:

A-1410.1	Town Clerk, PS	\$1,189.00
A-1420.4	Attorney, CE	\$6,000.00
A-8810.4	Cemetery, CE	\$800.00

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

Res. #73

Motion by: Steven Marcinkowski
Seconded by: Timothy Busler

Resolved, that the Supervisor be authorized to transfer \$5,795.70 from Highway Fund O/S Appropriation Account, General Repairs, CE, DB-5110.4 to the Highway Fund O/S Appropriation Account, DB-5112.2, Capital Outlay, Equipment.

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

Discussion:

The Board discussed the benefits to change the zoning regulation regarding penalties. The new law would make it that no Public Defender or the Town Attorney would be needed to be present in court for zoning violations. If the case goes to a hearing, then the Town Attorney would need to represent the Town.

Res. #74

Motion by: Steven Marcinkowski
Seconded by: Timothy Busler

Whereas, the Town Board of the Town of Theresa has determined that Zoning Regulation Section 1670 as currently written is unnecessarily burdensome on the Town; and

Whereas, the Town Board has reviewed the matter and finds it reasonably necessary to repeal Zoning Regulation Section 1670 in its entirety; and

Whereas, the Town Board is prepared to replace Zoning Regulation 1670.

Now, Therefore, be it Resolved, by the Town Board of the Town of Theresa, New York as follows:

1. The Forgoing recitation is incorporated herein and made part hereof as if set forth herein.
2. The Town Board hereby repeals “Section 1670. Penalties” of the Town of Theresa Zoning Regulations in its entirety.
3. The Town Board hereby enacts the Local Law titled “Amended Section 1670. Penalties” as being in the best interest of the Town of Theresa.
4. The Supervisor of the Town of Theresa, and the Town Clerk, their respective agents and employees are hereby authorized to sign all documents and take all steps necessary to enact this legislation.
5. This Legislation shall be filed with the New York State Department of State and shall become effective thereafter.
6. This resolution shall take effect immediately.

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

Town Board meeting held October 6, 2021 cont'd.

Res. #75

Motion by: Steven Marcinkowski

Seconded by: Timothy Busler

Resolved, be it enacted by the Town Board of the Town of Theresa that the proposed Local Law “Repeal and Replacement of Zoning Regulation Section 1670 in regard to Penalties” be introduced, and be it

Further Resolved, that the Board hold a Public Hearing on November 3rd, 2021 at 6:00 p.m. for adoption of the Local Law.

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

Discussion:

Kristy Perry, Librarian, told the Board that the Library Board has not advertised for bids to do the repair work fixing the walls from the flood damage. The Town will help with the bidding process. Superintendent Savage said that an overflow drain needs to be placed on the roof to prevent flooding from happening again. Mr. McKeever needs to another inspection of the library. The Library Board ask Kristy to reach out for a liaison between Boards. She offered to come to each Town Board meeting. Councilman Busler stated that if they ever have any questions to just reach out to any Board member.

The Board approved the Theresa Progress request to use the ice rink October 28th thru November 1st for a Halloween party.

A letter from Department of Public Service about the Comprehensive Broadband Connectivity Act was discussed. Supervisor Marcinkowski told the Board that there is an online survey on the Town’s website. Also, the Indian River Lakes Conservancy was going to do their own survey on the matter.

Judge Roberts will be using the Board/Justice room and the front lobby area for a jury trial on December 2nd & 3rd.

Update of Highway Dept.:

- Rink needs to have some work done. Wood chucks have burrowed under the blacktop. The septic needs some re-wiring done and the pump needs to be changed. The back of the rink is not in good shape. Mark would like to put an overhead door there.
- Cemetery: Highway has started tree removal on new section. Dave Ebbrecht used his own skid steer to help with the removal. 800 feet of geotextile fabric has been placed under the parking lot grindings from the firehall for a new road. Front entrance will be closed for the winter. A gate at the side will let people walk through. The cameras are not working anymore.

Supervisor Marcinkowski told the Board that the November ballot for Justice will still have vote for (2) Justices. Board of Elections could not change because technically the Town is not disposing of (1) Judge until January 1st, 2022. Justice Roberts wishes the Town could stay with (2) Judges. The Town Board will have to choose the winner of the Election. The Town Board agreed to go with the highest vote getter. Justice Roberts is running under the Democratic, Republican and Conservative lines on the ballot. The Board discussed placing a notice at the polling place to only vote for (1), but it must be approved by BOE. Justice Robert would like the Board to say how they will choose the winner of the elections.

Res. #76

Motion by: Steven Marcinkowski

Seconded by: Timothy Busler

Resolved, that the Town Board agrees to seat the candidate, for Town Justice, with the highest vote tally in the election to be held November 3rd, 2021 for a (4) year term.

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

Town Board meeting held October 6, 2021 cont'd.

Supervisor Marcinkowski took a phone call about a couple of zoning issues. The anonymous caller, using a private number, told him that he has issues with how Terry McKeever does his job. The caller said that someone that owns a body shop on NYS Route 37 put a shed on the land and it is built over the property line. Mr. McKeever said that he was not a surveyor. The shed was placed behind the body shop, and he does not know where the line is, that would be up to the landowner. Mr. McKeever thought this was a family issue. The caller stated that a double wide was put in the business corridor on NYS Route 37 and manufactured homes are not allowed in the BC zone. The caller said that he is going to put several in now and that the Town should have to pay to have it taken out. Mr. McKeever told the Board that he screwed up and had made a mistake. He also said he should have known better. Terry thought it was at least 100' back from the road. The Board discussed having the Town issue a variance for the double wide. The Board also discussed changing the Town law to permit double wide homes in the business corridor. The Board will ask the Planning Boards opinion about changing the zoning law.

The Permissive Referendum resolution, to go to (1) Judge, passed in March 2021 was never published in the Watertown Daily Times. It was emailed to the Times but there was a change in March where everyone had to type in the legal themselves. Attorney Burrows said that several Town's had the same problems with change, and he suggested passing the following resolution to be cautious. Justice Roberts thought it opened the Town for lawsuits. At this point there is not enough time to have a permissive referendum before election.

Res. #77

Motion by: Kevin McCarthy

Seconded by: Timothy Busler

Whereas, the Town of Theresa, New York has two (2) Justices of the Peace who preside over the Town Justice Court; and

Whereas, the cost of operation of the Town Justice Court, which Justices and Court are expenses for the residents of the Town, are not sustained by revenues generated by that office; and

Whereas, the Town Board has determined that the Court duties may be adequately met by reducing the number of Justices to one (1); and

Whereas, New York Town Law Sections 20 and 60-a1 empower the Town Board to reduce the number of Justices to one (1) by Resolution subject to Permissive Referendum; and

Whereas, the Town Board considered the matter and adopted a resolution on March 10, 2021 to reduce the number of Town Justices upon expiration of the term of a current Justice which is due to expire on December 31, 2021; and

Whereas, Public Notice was thereafter provided, the Board desires to be cautious; 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 reduce the number of Town Justices to one (1) effective December 31, 11:59 p.m., 2021 by eliminating one office.

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

Tentative budget discussion:

- ❖ Supervisor Marcinkowski said that he has not asked for a raise in several years because of bookkeeper issues. He now feels that he has a good comfort level with the new bookkeeper. Councilman McCarthy said he was at the bottom of Supervisor's pay in the County.
- ❖ Making the bookkeeper a salary position. Councilman Papin suggested doing salary but have a contract drawn up.
- ❖ Mr. Papin said that it is a waste of manpower for a MEO's to be mowing ballfields. Mr. Savage said he would love an extra person to mow, and he would check out what it would cost for a laborer versus a contract mower.
- ❖ Cost of new cab & chassis would be \$130,000 and plow \$100,000. Mr. Savage said it would take (8) month to get the truck and they are a year out for a plow. The 1996 is not safe and it will be sold for junk.
- ❖ Mark would like to pass his (2-year-old – 26,000 miles) truck to the guys to use and get a new one. Can get one on State bid for great price.
- ❖ Mr. Papin asked if the Town could do a lease to own excavator.
- ❖ Mr. Marcinkowski said we should start saving for a new compactor for the Transfer Site.

Res. #78

Motion by: Timothy Busler
Seconded by: Steven Marcinkowski

Resolved, that the attached Resolution pertaining to the Town Board approving the preliminary budget for the fiscal year commencing January 1, 2022 be adopted and the Town Board meeting be held the 3rd day of November 2021 at 6:00 pm in the Town Office, 215 Riverside Avenue, for the purpose of a Public Hearing on the Preliminary budget and for a regular Town Board meeting and be it
Further Resolved, that the notice of Public Hearing be published as a legal notice in the Watertown Daily Times.

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

Res. #79

Motion by: Kevin McCarthy
Seconded by: Timothy Busler

Resolved, that the Town Board of Theresa does hereby prepare and approve the preliminary budget of this Town of the fiscal year beginning on the 1st day of January 2022, the itemized statement of estimated revenues and expenditures hereto attached and made part of this resolution, and be it
Further Resolved, that such preliminary budget shall be filed in the office of the Town Clerk where it shall be available for inspection by any interested person at all reasonable hours, and be it
Further Resolved, that this Board shall meet at 6:00 pm on the 3rd day of November 2021, for the purpose of holding a Public Hearing upon such preliminary budget, and be it
Further Resolved, that the Town Clerk gives notice of such Preliminary Hearing on the manner provided in Section 113 of the Town Law, and such notice be published and posted substantially in the following form:

NOTICE OF HEARING UPON PRELIMINARY BUDGET

Notice is hereby given that the preliminary budget of the Town of Theresa for the fiscal year beginning January 1, 2022, has been completed and filed in the office of the Town Clerk, 215 Riverside Avenue, Theresa, New York, where it is available for inspection by interested parties at all reasonable hours, and be it

FURTHER NOTICE is hereby given that the Town Board of the Town of Theresa will meet and review said preliminary budget and hold a Public Hearing thereon, at the Town Office, 215 Riverside Avenue, at 6:00 pm on the 3rd day of November 2021 and at such hearing any person may be heard in favor or against the preliminary budget as compiled, or for any item or items therein contained.

PURSUANT TO SECTION 113 of the Town Law, the proposed salaries of the Town Officers are hereby specified as follows:

Supervisor - \$18,000.00
Town Justice - \$9,170.00
Councilman (4) – \$1,395.00 each
Town Clerk/Tax Collector - \$42,038
Supt. of Highways - \$65,658.00

BY ORDER OF THE TOWN BOARD

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

Res. #80

Motion by: Steven Marcinkowski
Seconded by: Kevin McCarthy

Resolved, that the meeting be closed at 8:51 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