

The Theresa Town Board held a regular meeting December 8, 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: Gerard Kipp & Kelly Busler

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 November 2021 report
Transfer Site November 2021 report
Judge Robert's October 2021 report
Supervisor's November 2021 report

Res. #94

Motion by: Timothy Busler
Seconded by: Kevin McCarthy

Resolved, that the minutes of November 3, 2021 be accepted as read.

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

Res. #95

Motion by: Kevin McCarthy
Seconded by: Jamie Papin

Resolved, that the following bills be paid:

Voucher #490-505;507-541 **Total \$63,780.93**

General	\$30,125.67
General O/S	\$240.00
Highway	\$9,711.02
Highway O/S	\$23,704.24

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

Res. #96

Motion by: Steven Marcinkowski
Seconded by: Timothy Busler

Local Law #7-2021 to Amend the Unsafe Buildings and Structures Law at Section 11

Whereas, the Town Board for the Town of Theresa, New York has determined that Unsafe Buildings and Structures Law Section 11 as currently written should be clarified to specify when a lien arises; and

Whereas, the Town Board is prepared to add a sentence to remove any ambiguity.

Town Board meeting held December 8, 2021 cont'd.

Now, Therefore, Be It Resolved, by the Town Board of the Town of Theresa, New York as follows:

1. The Foregoing recitation is incorporated herein and made a part hereof as if set forth herein.
2. The Town Board hereby adds a final sentence providing “The lien shall arise and attach to the property at the time the expense and costs are necessarily incurred, and paid, by the municipality.” to “Section 11. Assessment and Recovery of Costs” of the Unsafe Buildings and Structure Law.
3. The Supervisor for 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.
4. The Legislation shall be filed with the New York State Department of State and shall become effective thereafter.

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

Res. #97

Motion by: Timothy Busler
Seconded by: Jamie Papin

Resolved, that the Supervisor be authorized to transfer \$7,600.00 from General Fund Appropriation Contingent Account, A-1990.4 to the following General Fund Appropriation Accounts:

A-1220.13	Supervisor Clerk, Personal Service	\$6,600.00
A-1220.4	Supervisor, Contractual	\$1,000.00

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

Res. #98

Motion by: Kevin McCarthy
Seconded by: Timothy Busler

Resolved, that the Supervisor be authorized to transfer \$6,000.00 from General Fund Appropriation Town Building, A-1620.4 to the General Fund Appropriation Attorney, Contractual Account, A-1420.4.

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

Res. #99

Motion by: Timothy Busler
Seconded by: Steven Marcinkowski

Resolved, that the Supervisor be authorized to transfer \$212.32 from Highway Fund Appropriation Contingent Account, DA-1990.4 to the Highway Fund Appropriation Unemployment Insurance Account, DA-9050.8.

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

Res. #100

Motion by: Steven Marcinkowski
Seconded by: Jamie Papin

Resolved, that the Supervisor be authorized to transfer \$3,295.80 from Highway O/S Fund Appropriation Machinery, Contractual Account, DB-5130.4 to the Highway O/S Fund Appropriation Machinery, Equipment Account, DB-5130.2.

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

Town Board meeting held December 8, 2021 cont'd.

Discussion:

Gerard Kipp and Kelly Busler, Theresa Fire Commissioners, came to the meeting to thank Mark Savage and the Highway crew for their help this past summer with the fire hall parking lot. Mrs. Busler stated that the highway went above and beyond helping the fire department.

Supervisor Marcinkowski told the Board that he had received a phone call, from a resident on Bartlett Drive, about the Town Board having a noise ordinance local law to help with (4) wheeler noise. Mr. Marcinkowski said that the Town has visited the idea several times and would like to go ahead and do a local law for noise. It would not just be for the sand pits with the (4) wheelers but also the lakes. The Town has also received several complaints on various roads in the Town. The Board agreed to do a local law.

Letters & correspondence:

- Jefferson Foundation year-end statement for the Verne Sweet Memorial Scholarship was read.

Highway Department:

- Library roof parts have been ordered to fix the drainage problem. They will just have to wait on the weather.
- Mr. McCarthy asked if the Town Highway crew had access to covid tests? Mark said that they didn't. If any employee is exposed to covid, the Town Office should be made aware.
- The Town Office will require all that enter to wear a mask starting tomorrow.

Res. #101

Motion by: Steven Marcinkowski

Seconded by: Timothy Busler

Resolved, that the Town Board hold a meeting on December 29th, 2021 at 9:30 a.m. to audit for payment any unpaid bills and for whatever other business there may be to transact.

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

Res. #102

Motion by: Steven Marcinkowski

Seconded by: Jamie Papin

Resolved, be it enacted by the Town Board of the Town of Theresa that the proposed Local Law#7-2021 to “Amend the Unsafe Buildings and Structures Law at Section 11” be introduced, and be it

Further Resolved, that the Board hold a Public Hearing on December 29th, 2021 at 9:30 a.m. for adoption of the Local Law.

VOTE:

Res. #103

Motion by: Steven Marcinkowski

Seconded by: Timothy Busler

Resolved, that the Town Board go into executive session at 6:32 p.m. to discuss a legal issue.

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

Town Board meeting held December 8, 2021 cont'd.

Res. #104

Motion by: Steven Marcinkowski
Seconded by: Kevin McCarthy

Resolved, that the Town Board end executive session at 6:48 p.m.

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

Discussion:

Councilman Papin asked to be updated on the playground that Tara Amato was trying to raise money for with her yearly kickball tournament. The Town Clerk stated that the Board was not in favor of having a playground, because of the maintenance that came along with it. She explained that in the past the Town's history with maintaining rec areas was not good. An example is the tennis courts and basketball court. The Supervisor stated that our insurance company advised against because of the cost of insuring.

Res. #105

Motion by: Steven Marcinkowski
Seconded by: Kevin McCarthy

Resolved, that the meeting be closed at 6:53 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