

The Theresa Town Board held a Public Hearing & regular meeting November 8, 2023 at 6:00 p.m. in the Town Office at 215 Riverside Ave. and the following were present:

Steven Marcinkowski	Supervisor
Timothy Busler	Councilman
Kevin McCarthy	Councilman
Jamie Papin	Councilman
Kristopher Ryder	Councilman
Kim Delles	Town Clerk
Mark Savage	Highway Superintendent

Others present: Rich Ault, Dave Ebbrecht, Lynn Brown, Christian Oblender, John O'Driscoll, Jiggs Jones, Greg Parmes, Kenneth Poe & Mike Cambell.

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 2023 report
Transfer Site October 2023 report
Supervisor's October 2023 report
Judge Robert's October 2023 report
Judge Oblender's October 2023 report
Ag. & Market inspection report

Res. #73

Motion by: Kevin McCarthy
Seconded by: Kristopher Ryder

Resolved, that the minutes of October 11th be accepted as read.

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

Res. #74

Motion by: Steven Marcinkowski
Seconded by: Timothy Busler

Resolved, that the following bills be paid:

Voucher # 473-478;480-512 **Total \$61,004.38**

General	\$18,330.43
General O/S	\$466.62
Highway	\$41,332.33
Highway O/S	\$875.00

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

Res. #75

Motion by: Timothy Busler
Seconded by: Kevin McCarthy

Resolved, that the Town Board authorize the Supervisor to transfer \$3,828.01 from the General Fund appropriation Contingency account, A1990.4, to the following General Fund appropriation accounts:

- \$1,530.72 Supervisor, equipment, A1220.2
- \$219.98 Veterans, contractual, A6510.4
- \$2,077.31 Cemetery, personnel services, A8810.1

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

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Res. #76

Motion by: Jamie Papin
Seconded by: Kristopher Ryder

Resolved, that the Town Board authorize the Supervisor to transfer \$174.79 from the General Outside Fund appropriation contractual personnel account, B3620.1 to the General Outside Fund appropriation equipment account B3620.4.

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

Res. #77

Motion by: Steven Marcinkowski
Seconded by: Jamie Papin

Resolved, that the Town Board authorize the Supervisor to transfer \$7,032.36 from the Highway Fund appropriation contractual expense account, DA5130.4 to the Highway Fund appropriation equipment account DA5130.2

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

Discussion:

Richard Ault & Dave Ebbrecht would like to speak to the Board about next year's union contract. Mr. Ault said they were concerned about next years contract and stated that it is getting hard to hire new employees. The Board decided to discuss the issue at the end of the meeting in executive session.

Christian Oblender gave the Board a letter about the Town of Theresa's compliance with NYS open meetings law (see attached). He stated that minutes are supposed to be posted online within (2) weeks of a meeting. He said that on a side note it all started with covid. He has seen an unsettling trend and has taken screenshots of the Town's website showing non-compliance. The minutes have not been posted since May 2023. On October 11th he brought the matter up and received a defensive and unexpected response. He was laughed at; mocked and embarrassed and thought it was unprofessional of an elected official. He left a message with the Supervisor the following day to discuss the meeting but has yet to hear anything back. Supervisor Marcinkowski thought that Mr. Oblender had brought up the minutes not being posted at last month's meeting to deflect attention away from the negative issues that were being discussed about the Judges. Mr. Marcinkowski wanted him to get a taste of what the Town deals with daily with the Judge's not responding to calls concerning court. The Supervisor stated that the Town Clerk does a phenomenal job for the Town. In January the Town will be losing (30) years of knowledge. He stated that Kim is primary responsible for the budget along with several other roles beside Town Clerk/Tax Collector.

RV Law discussion:

- Councilman Ryder told the Board that a committee was formed, and they have met twice. The committee members (two from Town Board, two from Planning Board and three RV owners) are John O'Driscoll, Jiggs Jones, Kristopher Ryder, Kevin McCarthy, Christian Oblender, Mike Trickey & Mike Campbell. Wylie Hoffman from Indian River Lakes Conservancy attended the meetings. The committee agrees the current law is too strict. Mr. Ryder gave the Board a summary of what they have come up with so far:
 - ❖ Time limit of (5) consecutive days per permit.
 - ❖ (3) RVs per lot maximum.
 - ❖ (6) permits can be applied for each year (total of 30 days per year).
 - ❖ The RV owners agree that after (5) days the holding tank on RV's would need to be emptied. Once an RV comes off the property to empty the holding tank they could go back on the next day with a new (5) day permit.
 - ❖ The new law would allow RV's to be used for graduation parties etc.
 - ❖ Residents can store up to (3) RVs at their primary residence.

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- ❖ When applying for a permit, RV owners would need to show registration for the RV and draw a sketch of where it is to be placed on their property. The Town can modify the zoning permit application just for RVs.
- ❖ The fee for the permits would be up to the Town Board.
- ❖ The setbacks for RVs would be the same as for all other zoning accessory uses.
- Richard Ault told the Board that this past Labor Day weekend he attended a party on four to five hundred acres with (26) campers. He asked if that should be illegal in the Town of Theresa. Councilman McCarthy said that something of the scale could be applied for and if denied could then go through a variance process. Mr. Ault stated that he has a portable sewage tank for his RV that he can dispose of himself. He said that people can tent and have outhouses on their properties and thinks the laws are set up for certain people. Mr. McCarthy stated that there is a balance of people enjoying their property and preserving the lakes.
- Dave Ebbrecht said that private properties pay taxes on their land, and he does not agree with the law.
- Councilman Ryder stated that this is the first proposal and there would be a few levels to it. Supervisor Marcinkowski said that it would go to the Planning Board next and then he would like the County Planning Board to look at it and give the Town some guidance. Then the Town would hold a public meeting at the fire hall, possibly in March. Mr. Jones thinks it should be held, the sooner the better. After the public meeting the law can be fine-tuned.
- Mr. Oblender told the Board that there is a unique full solar eclipse in April of 2024 and questioned whether the Town could take executive action for it. Mr. Marcinkowski stated that personally he would not mind turning a blind eye.
- Greg Parmes told the Board that he has an A-frame camper and friends come every summer and use it. He asked if he had to take the camper down every time and if he would need a permit. Jiggs Jones said there is a fine line having at a primary residence. The Supervisor said that they should be able to have all the time at a primary residence.
- Mr. Parmes thought it should be on the Town's website by next week.
- Lynn Brown thinks that there will be people calling and commenting on it and it could be mass chaos. She said if people say the same thing, then there will be a pattern. She stated that the main objective is to not have people put RVs on their land and then live in it.
- Supervisor Marcinkowski said that for over (20) years there has been an RV law on the books. The Code Officer has not been out looking for them. It is always a complaint from a neighbor or family that sends the Zoning Officer out to investigate. John O'Driscoll said that the people attending the meeting this past summer were people who had turned one another in.
- The Supervisor said that he would post on the Facebook page for (30) days for people to comment on in writing. Mr. Parmes thought it should be for (60) because of the time of year.

Update of Highway Dept.:

- All plows are on.
- Stakes are up alongside the Town/County roads.
- A new guy was hired to fill Mr. Colvard's spot. He is from the Town of Theresa.

Park & recreation update:

- Councilman Ryder told the Board that there is a Facebook post advertising for Director and staff for the ice rink. He is also hoping to get adult volunteers to help at the rink.
- Mr. Ryder showed the Board a thank you card from the Syracuse Mets.
- Supervisor Marcinkowski suggested asking the High School office for help finding help for the rink.
- Superintendent Savage ordered lights for the rink at a cost of \$3,000.00. He thinks they will be in-set enough to protect from hockey pucks.
- Mr. Ryder told the Board that he has spoken to Tara Amato about the playground, and she is interested in getting it started. Mr. Marcinkowski checked with the insurance, and it would be a minimal cost to the Town to have the playground.

Supervisor Marcinkowski told the Board that the Town had tried to go to (1) Judge, a short time ago, but it did not go through. He would like to start the process again in early 2024. The subject was tabled until the next meeting.

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The Supervisor advised the Board that he has consulted with Jefferson County to do Townwide revaluation. They told him a resolution is needed to get on the list and it could not be done until at least 2026. The last reval was done in 2013. Mr. Marcinkowski said that there are some discrepancies and that he thinks there needs to be a revaluation for fairness.

Christian Oblender asked the Board if they have a comprehensive plan for the Town. Mr. Marcinkowski said that it is a big expense to bring someone in to do a plan. Mr. Marcinkowski said in the past the Supervisor and Village Mayor tried to bring in low income and senior housing, but it failed. There were no grants available at the time. Lynn Brown thought that a mailing to sample the Town's population could be done by the Town. She thought that it could be done in phases and could be affordable for the Town if it is worked in over (3) years. The Supervisor thought maybe a committee could be started to work on a plan for the Town.

Councilman Ryder stated that the speed limit in the business corridor needs to be addressed.

Res. #78

Motion by: Steven Marcinkowski
Seconded by: Kristopher Ryder

Resolved, that the Town Board re-appoint Victoria McCullouch to The Board of Assessment Review for a five-year term, retroactive to October 1, 2023 and ending September 30, 2028.

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

Res. #79

Motion by: Timothy Busler
Seconded by: Jamie Papin

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

❖ **General Fund Appropriations:**

- Town Buildings, Equipment, A1620.2 be increased from \$10,000 to \$13,000

❖ **General Fund Revenues:**

- Sales Tax, A1120 be increased from \$224,000 to \$234,000
- Mortgage Tax, A3005 be decreased from \$40,000 to \$30,000

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 2024; 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, the Town Clerk of this Town shall certify in duplicate copies of the 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. McCarthy – aye, Mr. Papin – aye, Mr. Ryder – aye,
Mr. Marcinkowski – aye. Motion carried.

Discussion:

Mr. Parmes asked the Board if they had any objections to posting about the proposed RV law on Life in the Lakes Facebook page. Supervisor Marcinkowski suggested just sharing the post that will be on the Town's Facebook page about the proposed law, to eliminate open comment on their page. He said he would prefer comments just on the Town's page so they can be read and considered.

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Res. #80

Motion by: Steven Marcinkowski

Seconded by: Timothy Busler

Resolved, that the Town Board to go into Executive Session at 7:20 p.m to discuss a personnel issue.

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

Res. #81

Motion by: Steven Marcinkowski

Seconded by: Kevin McCarthy

Resolved, that the Town Board close Executive Session at 8:32 p.m.

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

Res. #82

Motion by: Steven Marcinkowski

Seconded by: Jamie Papin

Resolved, that the meeting be closed at 8:33 p.m.

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

Respectfully submitted,

Kim A. Delles
Town Clerk