

The Theresa Town Board held a regular meeting October 11, 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: Rachel Roberts, Rebeca Oblender, Christian Oblender, Kristy Perry, Lynn Yon-Brown, Pam Brown, Kristy Perry, Theresa Leeson & Eileen Kaleel.

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 2023 report
Transfer Site September 2023 report
Supervisor's September 2023 report
Judge Robert's September 2023 report
Judge Oblender's September 2023 reports

Res. #66

Motion by: Kevin McCarthy
Seconded by: Kristopher Ryder

Resolved, that the minutes of September 13, 2023 be accepted as read.

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

Res. #67

Motion by: Steven Marcinkowski
Seconded by: Timothy Busler

Resolved, that the following bills be paid:

Voucher #423-457 **Total \$87,129.59**

General	\$33,639.35
General O/S	\$959.85
Highway	\$3,963.06
Highway O/S	\$48,567.33

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

**WATER IMA
MEMORANDUM OF UNDERSTANDING
WITH VILLAGE OF ALEXANDRIA**

Res. #68

Motion by: Steven Marcinkowski
Seconded by: Kevin McCarthy

1. This resolution is to provide clarity to the water IMA billing addendum agreement between the Village of Alexandria and the Town of Alexandria, the Town of Orleans, the Town of Theresa, and the Town of Clayton.

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2. The term **billed water** means readings taken from Master Meters used by outside water districts.
3. The **Total Usage** figure will come from the water withdrawal permit for the Village.
4. The **Village water use** figure will be the difference between Total usage and the water sold to outside users. This prevents the Village of Alexandria Bay's properties that do not get charged or do not have a water meter hooked to them and the Village's lost water from being passed on to the outside users.
5. The Town of Alexandria agrees to deviate from the way the Total Usage figure was derived in the past for the year 2024.
6. This resolution shall take effect immediately upon its adoption.

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

Discussion:

Supervisor Marcinkowski explained to the Board that the Town of Theresa collects money for the (4) water users in the water district and then sends that money to Alexandria Bay. In the future Alexandria Bay will bill the users directly. Over the years the Town was not billed correctly, but now all the numbers of what is owed for capital and operation/maintenance have been worked out correctly. The Theresa water users will have to pay \$330.00/year for the capital cost, and it will be a line item on their tax bill. There is money in a savings account that has been collected over the years and the Supervisor would like to use that money to pay for the 2024 capital for the (4) users. The Board agreed to use that money.

Res. #69

Motion by: Timothy Busler

Seconded by: Kristopher Ryder

Whereas, the Town of Alexandria Bay's Redwood water users are taxed for Capital charges (\$330.00/year per resident) on their January tax bills and

Whereas, it is too late in the year for the Town of Theresa to relevy Capital water charges on the tax bill for the (4) water users in the Town of Theresa, so be it

Resolved, that the Town of Theresa will pay \$1,320.00, from the water account to the Town of Alexandria Bay for the (4) water users in the Town of Theresa for the 2024 calendar year.

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

Discussion:

Update of Highway Dept.:

- The summer work is done, and Coon Bridge Road is paved.
- The CHIPS paperwork will be finalized in the next couple of weeks.
- The County will pay for the cost of a CDL license, for a new employee, through the Workplace.
- The Supervisor asked how Mr. Savage was doing being down an employee for the last (6) weeks? Mr. Savage said that it has been very hard.
- Mr. Savage went through the Workplace to find a new employee. He said that the pay is not enough money to come to work at the Highway. The Town only paying for single person insurance is a drawback. He stated that if he can't find someone in Theresa, he will open it up to other Towns nearby.
- Mr. Marcinkowski asked why not bring Tom over from the Transfer Site since he is working out of class as a MEO at the Transfer Site. Mr. Savage said that Tom is the right guy for the Tr. Site.
- Mr. Marcinkowski suggested hiring another wingman to fill in until someone is hired.
- Mr. Marcinkowski asked when the men are going back to (5) days a week. The union contract states that September 30th through March 31st is (5) days per week. Mr. Savage said that it is up to the Highway Superintendent. Mr. Marcinkowski said it does not say that in the contract and it is dark out at 6 am and questioned what the men would be doing. Mr. Savage stated that the men have been hauling sand.

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- Supervisor Marcinkowski said that after talking about letting the men leave early on Thursdays (because they did not take breaks) last meeting, he has drove by on (2) separate Thursday and it is still happening. Superintendent Savage stated that he would take responsibility and that one hand washes the other. Mr. Marcinkowski told him that he represents the taxpayers. Also, that he does not want the Town getting caught not following the contract as there could be a union issue or a Department of Labor issue. Councilman McCarthy said that memorandums are done all the time with contracts.
- Supervisor Marcinkowski said that everyone needs to punch out their own timecard going forward.
- Superintendent Savage said that the guys are here to save money and that one employee recently used his own truck and equipment for a tree in the road. Mr. Marcinkowski stated that if someone gets hurt using their own truck or equipment then that would not be good, and the Town needs to be on the side of caution. Mr. Savage stated that in the future they can take care of it with ample overtime.

Correspondence:

- Janet Gee, Small Business Coalition, would like permission to take a group on a walk in Oakwood Cemetery after hours on October 21st. On the walk they will talk about the history of some of the people buried there. The Board agreed to her request.

Theresa Free Library:

- Pam Brown, Library Trustee, told the Board that the vintage doors for the entrance to the library are coming soon. The doors are mahogany and are going to be painted white. Insurance money will be used for the cost of the doors. NCC will be installing a security system before the end of the year.

Park & Rec.:

- Supervisor Marcinkowski will advertise on Indeed for ice rink employees.
- An ice skate sharpener will be purchased.

Tentative budget discussion:

Supervisor Marcinkowski stated that if raises are based on performance, then the Judges should not receive raises. The Supervisor started listing the past year's issues with the court. Councilman McCarthy thought the Board should go into executive session to discuss. Judge Roberts reminded the Board that they are both elected officials and not employees. She stated that they prefer anything said to be in an open session. Supervisor Marcinkowski said that they need to take responsibility for the issues with court and stated the following:

- They are not answering phone calls.
- The Town website gets constant email from people saying that the Judge's will not get back to them.
- Voicemails are full, so then people call the Town office number. The Town upgraded the phone system to make it easier to transfer to the court, only to have voicemail full.
- Judge Oblender refused to come to a Board meeting when asked to attend.
- Judges refuse to take zoning cases.
- Questioned why the Court uses self-addressed envelopes for people to send in fines.
- The Court is costing public money to be spent on lawyer fees.
- A 5th request from the Court analyst, Office of Court Administration, was sent to the Supervisor.
- Not properly notifying people when court is closed.
- In 2015 the Judge's combined pay was \$10,400; 2022 it is \$18,800. An increase of 78%. Revenues in 2015 were \$21,821; 2022 it was 7,584. A decrease of \$14,000 plus.

The Judges responses and discussion for issues stated:

- Judge Roberts - sometimes she tries to return calls and sometimes they are not home.
- Judge Roberts - the 5th request letter she had been in contact with them, and she did take care of.
- Judge Roberts said she pretty much only uses self-addressed envelopes for the bank, so they send back her deposit slip.
- Judge Roberts said she does not refuse zoning cases.
- Judge Oblender said the Theresa court cannot hear some zoning cases. The Supervisor said that other Town's are not making the Zoning Officer jump through hoops. Judge Oblender stated that the burden of proof is on the Zoning Officer. She said that the old

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- Code Officer had not filed the right paperwork. Also, it was irrelevant how other Town's run their courts.
- Judge Roberts said she went to Tom Johnston, the new Zoning Officer, and gave him a whole booklet (32 pages) to read with only the last page to be filled out. She said that she wanted to research it instead of throwing the case out. Mr. Johnston said that he did not agree with it, but he would do. Judge Roberts said she has not been nitpicky and would like him to be successful. Only one case the Judges cannot hear, and it will be sent to another Town. The one case she doesn't want to come back from the County court.
- The Supervisor stated that in general they are not hearing zoning cases. The Duck's Unlimited letter that Judge Oblender said she had; the Town Board did not get the truth from the Judge. Judge Oblender stated that the case cannot be heard in the Town's court.
- Councilman Papin said that he works in the office next to the Court Clerk in Alexandria Bay and these issues do not come up there. He said that it makes no sense to him, and he thinks the Judge's are throwing up so may hoops to jump through, so they do not have to do the cases. Judge Oblender said that they are following the guidelines. Mr. Papin said he would follow up on his own.
- Judge Roberts kept trying to discuss a case and the Town Clerk warned the Board not to discuss issues with the Judges or they wouldn't be able to hear the case.
- Councilman Ryder stated that Judge Roberts insisted on being part of the discussion about the animals out of control on Silver Street Road and now the case cannot be seen in the Theresa court. Judge Roberts said that she thought that the Board wanted her to speak.
- Judge Oblender told the Board that according to Governor Hochul's website the Town Board minutes are supposed to be posted in a timely matter. Christian Oblender said that he has screen shot our website and they have not been posted in months. The Town Clerk suggested that she not take a raise next year since they were not posted in a timely matter, but then said it didn't matter since she was retiring. Also, Mrs. Delles said that she has been rather busy dealing with people calling and coming into the office, trying, and failing to get a Judge to call them back, sometimes for months.
- Judge Roberts said that she does the best that she can do and barring anymore ethics meetings she will do better. She plans on doing the job for a couple more years.
- Judge Roberts asked how much revenue the recreation department makes. Mr. Ryder said she had an interesting way of thinking. He said that over one hundred kids used the recreation this past year. He said maybe next year he could put the kids to work.
- Councilman Busler said to give them the raise otherwise they will do even less work.
- Councilman McCarthy was concerned about the cases.
- Councilman Papin said to give them the raise and hope that they do better next year. Next election the Town needs to get rid of Judges.
- Judge Roberts stated that she worked for nothing at one point, by her choice.
- Judge Roberts said that their pay is not equable to other Towns.
- Supervisor Marcinkowski said that moving forward he hopes not to get as many phone calls. Judge Roberts said they cannot help it.
- Judge Roberts said other Towns run better because they all have court clerks.
- The Town Clerk said the case load must be about the same as it has been for the past 30 years, because the incoming mail is the same or more. On a lot of days more comes for the Judges than for herself. She doesn't understand how the revenue are down so much.

- \$25,000 added to Town Buildings for paving the tennis courts and the ice rink.
- Recreation & Cemetery, Contractual Expense, increased \$500.00 each because of the quote for mowing.
- Library unemployment will be \$500.00.
- The library will be using \$9,334 for insurance money this year so it will not carry over to next.

Res. #70

Motion by: Steven Marcinkowski

Seconded by: Timothy Busler

Resolved, that the attached Resolution pertaining to the Town Board approving the preliminary budget for the fiscal year commencing January 1, 2024 be adopted and the Town Board meeting be held the 8th day of November 2023 at 6:00 pm in the Town Office, 215 Riverside Avenue, for

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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. McCarthy – aye, Mr. Papin – aye, Mr. Ryder – aye,
Mr. Marcinkowski – aye. Motion carried.

Res. #71

Motion by: Kevin McCarthy

Seconded by: Jamie Papin

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 2024, 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 8th day of November 2023, 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, 2024, 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 8th day of November 2023 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 - \$9,914.00 each
Councilman (4) – \$1,395.00 each
Town Clerk/Tax Collector - \$34,142.00
Supt. of Highways - \$71,015.00

BY ORDER OF THE TOWN BOARD

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

Discussion:

Councilman Papin told the Board that Tara Amato talked to him about donating a playground to be placed at one of the ballfields. Supervisor Marcinkowski said his biggest concern is the insurance liability. NYMIR was very glad the town did not have one because of the increased liability. Mr. Marcinkowski said that the inspection process should be considered and that the schools inspect theirs weekly and do monthly reports. Councilman Ryder said that every town has a playground and feels it will be an asset to our Town. The Supervisor said that the tennis courts were donated to the Town, and they were never maintained. He said it has always bothered him. He will call Kevin at NYMIR to discuss. Lynn Brown talked about a venue concept at Santway park, but the Village nixed it. She said that there is a lot of money out there from grants available. She thought some annual fundraising could be done for maintenance of a playground. She thought that maybe a committee could be formed to figure the location, size and costs.

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The RV law committee is being formed and will start meeting soon. Lynn Brown said that it is important to protect the lakes. The Supervisor said that not everyone will be pleased with the outcome, but the Town will have a public hearing before the law is passed. He stated that the biggest concern is where the septic is going from the RVs. Mrs. Brown thought the Town should invite Wiley Hoffman, Indian River Lakes Conservancy, to be on the committee. Lynn Brown said there are algae blooms on some of the lakes. Mr. McCarthy said that once the lakes are gone, they are gone.

Res. #72

Motion by: Steven Marcinkowski

Seconded by: Kevin McCarthy

Resolved, that the meeting be closed at 7:53 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