

On Monday, August 8, 2011, the Preble Town Board held its regular monthly meeting. The meeting was called to order by the Supervisor, Jim Doring, with the salute to the flag at 8:04.

Board members present: Debra Brock, Tom Fox, Peter Knapp, and Dave Morse, Councilmen

Others present: Don Armstrong, Calvin Griswold, Ken Brock, Jeff Griswold, Anthony George, Nate Shirley, Jan Kublick, Babe Carroll, John Steger, Jim Harris, Bill Fitch; Amanda Barber and Pat Reidy from the Cortland County Soil & Water Conservation District

CORRECTIONS/APPROVAL OF PREVIOUS MINUTES

Motion made by Peter Knapp, seconded by Debra Brock
RESOLUTION #53: To accept the July 11, 2011 meeting minutes as submitted
Debra Brock(aye) Tom Fox(aye) Peter Knapp(aye) Dave Morse(aye)

COMMITTEE REPORTS:

DOG CONTROL: -3 dogs picked up; 2 returned to owners
-4 adoptions

JUSTICE REPORT: -\$9,335.00 submitted to the Town for July

HIGHWAY REPORT: **-Roads:**
-The “deep” pipe on Williams Road has been replaced. Cortland County Highway is going to create a swale between their culvert and the Town’s.
-The Town now has a permit from the DEC to allow the highway to have Salt Brine spread on the gravel roads instead of Magnesium or Calcium Chloride
- The Section 284 agreement needs to be signed
-Jeff received a call from the DOT in Syracuse requesting that the “Undertaking” that was sent last be updated. Necessary so Jeff can start the Mount Toppin job.
-The County Soil & Water Conservation District did 3 loads of hydro-seed on Friday/
-There are people parking under the “NO PARKING” signs on the Little York Lake Park entrance on a regular basis. It either needs to be enforced or the signs taken down and the law changed.
-Equipment:
-The roadside mower tractor has a new water pump.
-Shop:
-Highway employees are working at the site as time and available machinery allow
-Personnel:
-Jeff would like permission to attend the fall conference
Other:
-Jeff has given the Supervisor a quote on replacing the back door of the Town Hall. It would have a galvanized frame. Expecting two more quotes.
-Brian from TAG Engineering will be doing a “blower test” at the Town Hall Thursday at noon. This will test the air leaking from the building..
-The big swing-set is finished at the park; and hydro-seeded on the back side of it.

RECREATION: -Babe Carroll reported that everything is going well; lots of parties.

COUNTY LEGISLATURE : John reported that the bill was passed for the use of rifles.
-The Landfill still being debated.
-In the County Treasurer’s office, most of the clerks have been transferred to the County Administrator’s Office to update reports, etc.
-Tully Lake is being harvested; Little York Lake is completed.

ZONING AND CODE ENFORCEMENT -

-5 Building Permit issued
-57 miles traveled for the Town
-14 Building inspections
-31 hours worked
-1 Fire Inspection
-2 complaint follow-ups
-18 telephone inquiries

PLANNING BOARD -Meeting -August 24th @7:00 (Wednesday)
ZBA -Meeting - September 1st @7:30

HISTORIAN - -Anne is absent.

TOWN CLERK: -Fees collected \$497.00; \$453.88 disbursed to the Town of Preble; \$32.12 to NYS DEC ., and \$11.00 to be held until the County Clerk and Town Clerk's decide on the Animal Population Control money.

DON ARMSTRONG :

UNFINISHED BUSINESS

Aquifer Protection Permit - Supervisor Doring announced that a meeting was held prior to the Board Meeting to meet with Nate Shirley and his new attorney, Jan Kublick, to discuss the Nate Shirley project. Asked if there were any questions, no one responded. Debbie Brock asked for approval of the minutes for the Special Meeting held on July 26th regarding the aquifer, stating that there was a correction to the minutes.

Motion made by Peter Knapp, seconded by Dave Morse
RESOLUTION #54: To accept the minutes of the July 26th Special Meeting on the Aquifer meeting with the necessary corrections.
Debra Brock(aye) Tom Fox(aye) Peter Knapp(aye) Dave Morse(aye)

Cortland County Soil & Water - Amanda Barber & Pat Reidy - Amanda Barber, Manager of the CC Soil & Water Conservation District, gave an overview of their agency and programs within Cortland County boundaries. She stated that the Agency is covered by Cortland County and the Board of Directors consists of a Grange member, a Farm Bureau member, a member at large and 2 Legislatures. They provide technical help, general resource management, do aquifer reports for specific monitoring, and worked with FEMA regarding the current flood maps. She stated that they have a staff of eight who can provide assistance or can refer the Town to someone that can help.

Supervisor Doring stated that the Board is not qualified to issue an Aquifer Permit and is asking for professional help. Amanda responded to him to provide her with the information and then sit down with what information is necessary; also, any technical information that is needed.

A special workshop will be set up for August 22nd or August 23rd at 8 o'clock.

Motion made by Peter Knapp, seconded by Dave Morse
RESOLUTION #55: To schedule a workshop meeting on August 22nd or August 23rd at 8 o'clock to review the Protection District special permit application submitted by Song Lake View, Inc..
Debra Brock(aye) Tom Fox(aye) Peter Knapp(aye) Dave Morse(aye)

Pilot Project Grant - Debbie Brock reported that TAG has made an appraisal of the building and given recommendations of how to fix. There will be a committee meeting August 30th at the Town Hall. She stated that there are matching funds available by qualifying for a grant.

Thoma Development - An approval is needed for the Russell and Beverly Morse Application to participate in the CDBG Program.

Motion made Tom Fox, seconded by Peter Knapp
RESOLUTION #56: To approve the Russell and Beverly Morse "New Applicant Approval Request" for the CDBG Program as submitted by Thoma Development
Debra Brock(aye) Tom Fox(aye) Peter Knapp(aye) Dave Morse(abstain)

Vouchers regarding CDBG Program submitted by Thoma Development need approval to be paid.

Motion made by Peter Knapp, seconded by Debra Brock
RESOLUTION #57: To honor and pay outstanding vouchers supplied by Thoma Development for work currently being done under the CDBG Program
Debra Brock(aye) Tom Fox(aye) Peter Knapp(aye) Dave Morse(aye)

Webster Grant - Funds have been acquired for the software for "Genealogy Functionality".

Church Sign - Regarding the case of Melissa Sarat v. Zoning Board of Appeals of the Town of Preble, regarding the Church Sign, the Petition was dismissed on July 20th, but the respondent is appealing.

"Undertaking" - a resolution is necessary for the NYSDOT so that the Highway Department can start their work on Mount Toppin Road..

Motion made by Peter Knapp, seconded by Dave Morse
RESOLUTION #58: To authorize Supervisor, James Doring, to execute and submit UNDERTAKING For the benefit of The New York State Department of Transportation, In connection with work affecting state highways
Debra Brock(aye) Tom Fox(aye) Peter Knapp(aye) Dave Morse(aye)

WHEREAS, THE UNDERSIGNED Town of Preble from time to time receives permits from the New

York State Department of Transportation (hereinafter referred to as the “NYSDOT”) and otherwise conducts activities and operations upon highways and/or within right-of-way controlled by the State of New York for such purposes as the obstruction, installation, construction, maintenance and/or operation of facilities; and;

WHEREAS, Permittee’s access and operation upon state right-of-way is conditioned compliance with Highway Law Sections 52, 103, 203 and/or 204, including the conditions that Permittee assume all responsibility for (a) the temporary control of all modes of traffic (including motorized and non-motorized travel) affected by Permittee’s operations; (b) complete restoration of state facilities to their condition prior to permitted use or activity, and (c) all claims, damages, losses and expenses.

NOW, THEREFORE, In relation to all operations and/or actions undertaken within state right-of-way, Permittee hereby agrees to the following terms and conditions:

1. Permit Application. Excepting only activities undertaken to protect public safety because of emergency conditions or incidents, Permittee shall provide timely written notice to NYSDOT of operations or activities affecting state right-of-way. Under normal circumstances, a minimum of five business days notice shall be provided. Notification of emergency activities shall be provided by NYSDOT as soon as practicable after the activity. The Permittee shall apply for project-specific permits for activities not allowed under any existing annual permit. Such application shall identify proposed project locations, desired date/hours, proposed work/activities, traffic control, and site restoration.

2. Application Rules, Regulations & Conditions. Permittee shall comply with all of the laws, rules and regulations applicable to construction, maintenance activities and operations and shall further comply with such terms and conditions that may be imposed by NYSDOT in connection with permitted activity or operations. Temporary Traffic Control, highway safety appurtenances, and restoration of state facilities shall be completed in accordance with NYSDOT regulations and standards.

3. Site Restoration. Permittee shall, at its own expense, promptly complete the work allowed under each permit, and, within a reasonable time, restore State property damaged by its work/activities by substantially the same or equivalent condition as existed before such work was begun as determined by the Commissioner of his/her designee. In the event that the Permittee fails to so restore damaged State property within what the Commissioner deems to be a reasonable time, the Commissioner, after giving written notice to the Permittee, may restore the property to substantially the same or equivalent.

NEW BUSINESS

Mortgage Tax received - \$10,483.36

Post Office check received - \$512.50

Sales Tax check received - \$108,475.32

Cortland County Department of Fire & Emergency Management - Letter received stating that the Cortland County All Hazards Mitigation Plan is now “Approvable Pending Adoption”. A resolution is needed.

Motion made by Dave Morse, seconded by Tom Fox

**RESOLUTION #60: To approve the following resolution of the Preble Town Board
Authorizing the adoption of the Cortland County Multi-Jurisdictional All-Hazard Mitigation Plan:**

WHEREAS, ALL OF Cortland County has exposure to natural hazards that increase the risk to life, property, environment and the County’s economy; and

WHEREAS, The Disaster Mitigation Act of 2000 (Public Law 106-390) established new requirements for pre and post disaster hazard mitigation programs; and

WHEREAS; a coalition of Cortland County municipalities with like planning objectives has been formed to pool resources and create consistent mitigation strategies within Cortland County; and

WHEREAS, the coalition has completed a planning process that engages the public, assesses the risk and vulnerability to the impacts of natural hazards, develops a mitigation strategy consistent with a set of uniform goals and objectives, and creates a plan for implementing, evaluating and revising this strategy;

NOW, THEREFORE, BE IT RESOLVED that the Town of Preble:

- 1. Adopts in its entirety, the Cortland County Multi-Jurisdictional All-Hazard Mitigation Plan (the “Plan”) as the jurisdiction’s Natural Hazard Mitigation Plan, and resolves to execute the actions identified in the Plan that pertain to this jurisdiction.**
- 2. Will use the adopted and approved portions of the Plan to guide pre- and post- disaster mitigation of the hazards identified.**

3. Will coordinate the strategies identified in the Plan with other planning programs and mechanisms under its jurisdictional authority.
4. Will continue its support of the Mitigation Planning Committee as described within the Plan.
5. Will help to promote and support the mitigation successes of all participants in this Plan.
6. Will incorporate mitigation planning as an integral component of government and partner operations.
7. Will provide an update of the Plan in conjunction with the County no less than every five years.

James Doring(aye) Debra Brock(aye) Tom Fox(aye) Peter Knapp(aye) Dave Morse(aye)

Audit Preble Justice's records - The Justice books have been audited by the Board and found to be in order.

Motion made by Debra Brock, seconded by Tom Fox

RESOLUTION #59: The Preble Town Board has audited the Preble Justice Court's records on August 8th, 2011 and were found to be in order.

<u>Fine Account</u>	<u>Month</u>	<u>Fines Collected</u>	<u>Total Cases</u>
	August 2010	\$ 9,037.50	78
	September 2010	\$ 8,450.	85
	October 2010	\$11,975.	70
	November 2010	\$ 9,908.	89
	December 2010	\$ 7,435.	74
	January 2011	\$ 5,710.	63
	February 2011	\$ 7,690.	96
	March 2011	\$12,530.	126
	April 2011	\$ 9,655.	81
	May 2011	\$ 8,592.	80
	June 2011	\$10,235.	62
	July 2011	<u>\$ 9,335.</u>	<u>87</u>
		\$110,552.50	991

<u>Bail Account</u>	Account Balance	\$1,000.00	July 31, 2011
	Bank Statement	\$1,000.00	

Debra Brock(aye) Tom Fox(aye) Peter Knapp(aye) Dave Morse(aye)

Correspondence from Charles Schumer - Letter received regarding The National Historical Publications and Records Commission accepting applications for the preservation of American's history and culture.

Peter Knapp stated that Jeff has asked for permission to attend the fall conference; resolution needed.

Motion made by Tom Fox, seconded by Peter Knapp

RESOLUTION #60: To grant Superintendent Griswold permission to attend the fall conference
Debra Brock(aye) Tom Fox(aye) Peter Knapp(aye) Dave Morse(aye)

PUBLIC COMMENTS

Tony George remarked that he came to the Town Hall July 28th to see Assessor, Nedra Griswold, and she wasn't there for her scheduled hours.

APPROVE GENERAL & HIGHWAY BILLS

Motion made by Dave Morse, seconded by Peter Knapp

RESOLUTION #60: To pay the General Fund Vouchers, Abstract No. 8, Nos. 180 to 204, totaling \$10,556.50

Debra Brock(aye) Tom Fox(aye) Peter Knapp(aye) Dave Morse(aye)

Motion made by Debra Brock, seconded by Tom Fox

RESOLUTION #61: To pay the Highway Fund Vouchers, Abstract No. 8, Nos. 80 to 95, totaling \$29,116.68

Debra Brock(aye) Tom Fox(aye) Peter Knapp(aye) Dave Morse(aye)

Supervisor Doring stated that the Board would be moving into Executive Session for possible litigation.

Motion made by Dave Morse, seconded by Peter Knapp
RESOLUTION #62: To move into Executive Session for possible litigation at 8:57
Debra Brock(aye) Tom Fox(aye) Peter Knapp(aye) Dave Morse(aye)

Motion made by Tom Fox, seconded by Dave Morse
RESOLUTION #63: To exit Executive Session at 9:47
Debra Brock(aye) Tom Fox(aye) Peter Knapp(aye) Dave Morse(aye)

There being no further business, Jim asked for a motion to adjourn. Motion made by Tom, seconded by Dave; meeting adjourned at 9:50.

Respectfully submitted.

Unofficial 8/08/2011
Official

Jane W. Davenport
Town Clerk