

REGULAR MEETING, TOWN OF COCHECTON, JULY 13, 2011
PUBLIC HEARING - SMOKING LAW

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A Public Hearing, regular meeting of the Town of Cochection was held on July 13, 2011 at 7:00PM at the Cochection Town Hall with the following members present:

(Between 7:00 PM and 7:30 PM for the purpose of auditing bills)

Meeting was called to order by Supervisor Maas with the pledge to the flag at 7:30 PM.

PRESENT: Supervisor Gary Maas
Councilperson Larry Richardson absent
Councilperson Edwin Grund
Councilperson Richard Schulman
Councilperson Anna Story

OTHERS PRESENT:

Hollye Schulman – Town Clerk	John J. Keating –Attorney
Brian DuBois – Highway Superintendent	Gregg Semenetz –CEO
Eileen Hennessy – Tax Collector	Sharron Cardone- Planning Board Chair
George Walter - SPO	

MOTION: On motion of Councilperson Grund, seconded by Councilperson Schulman, the following motion was to open the Public Hearing regarding Smoking Law. All board members present voted in favor. Time 7:31 p.m.

Town Clerk read the legal notice which was published in both newspapers.

Supervisor read the proposed law.

No one wished to comment: Public Hearing was held open and other town business was conducted.

RESOLUTION # 35

MMFT ROAD PRESERVATION PROGRAM

On motion of Councilperson Grund, seconded by Councilperson Schulman, the following resolution was

WHEREAS, the Town of **Cochecton** is a participating member of The Multi-Municipal Gas Drilling Task Force, which Task Force consists of the Towns of Tusten, Cochection, Bethel, Callicoon, Delaware, Highland, Lumberland and Rockland (collectively, “the MMTF”), all being located in Sullivan County, New York; and

WHEREAS, the MMTF has engaged Delta Engineers & Architects, P.C. (“Delta”) and Whiteman, Osterman & Hanna, LLP (“WOH”) to develop a proposed local law and permitting program (“Road Preservation Program”) to be considered for enactment and administration in each of the MMTF member Towns for the purpose of preserving local roads; and

WHEREAS, enactment and administration of any such local law would be considered an Unlisted Action for purposes of the State Environmental Quality Review Act (“SEQRA”), Article 8 of the Environmental Conservation Law and 6 N.Y.C.R.R. § 617 et seq.; and

WHEREAS, the member Towns determined to act as Co-Lead Agencies for the SEQRA review of the proposed Road Preservation Program and determined that the adoption of laws for the preservation and restoration of roads may have a significant effect on the environment requiring the preparation of a DGEIS and, thereafter, published notice of its positive declaration in the Environmental News Bulletin; and

WHEREAS, the member Towns intend to assess the potentially adverse environmental impacts which may be attributable to any such law through the preparation of a Draft Generic Environmental Impact Statement (“DGEIS”); and

WHEREAS, the MMTF, with the assistance of Delta and WOH prepared and submitted to the MMTF and each member Towns a draft Scope to guide the preparation of the DGEIS; and

WHEREAS, notice of scoping was published in The River Reporter, the Sullivan County Democrat and the Environmental Notice Bulletin, and public comment on the draft Scope was accepted in person at a public scoping session held on July 22, 2010, and in written form through August 2, 2010; and

WHEREAS, no involved or interested agency comments, or public comments were received by the MMTF or member Towns on the draft Scope; and

WHEREAS, each of the member Towns of the MMTF received a copy of the Final Scope for the DGEIS and adopted the same; and

WHEREAS, the MMTF and the member Towns have been advised by Delta and WOH that the DGEIS has been prepared and is adequate with respect to its scope and content for the purpose of commencing public review, pursuant to 6 NYCRR §617.9;

WHEREAS, the member Towns as Co-Lead Agencies accepted the DGEIS as complete with respect to its scope and content for purposes of public review and scheduled a SEQRA public hearing on the DGEIS for June 30, 2011 and called for public comments on the DGEIS until July 18, 2011;

WHEREAS, notice of the acceptance of the DGEIS and the public hearing was published in The River Reporter, the Sullivan County Democrat and the Environmental Notice Bulletin, and public comment on the DGEIS was accepted in person at a public hearing held on June 30, 2011; and

WHEREAS, the member Towns wish to extend the deadline for public comments for 30 days until August 19, 2011 to allow additional time for written comments from the public to be made.

NOW, THEREFORE, be it resolved that the Town of **Cochecton** hereby determines that:

1. Pursuant to 6 NYCRR §617.9(a)(3), the deadline for the filing of written comments on the DGEIS will be extended until August 19, 2011 at 5:00 p.m. All comments should be filed at the offices of Whiteman Osterman and Hanna LLP, One Commerce Plaza, Suite 1900, Albany, NY 12260 Attn: Mark Sweeney, Esq. or by fax at (518) 487-7777 or email at msweeney@woh.com or at any Town Clerk’s office of the member Towns; and

RESOLUTION # 35 Continues:

- 2. A Notice of the Extension of the Public Comment period for the DGEIS shall be published in the Environmental Notice Bulletin and filed with involved and interested agencies and published in accordance with the requirements of 6 NYCRR §617.12 and the member Towns’ local laws; and
- 3. The Town Clerk of each Town is directed to file, publish and distribute the DGEIS as required by 6 NYCRR §617.12.
- 4. This resolution shall take effect immediately.

ADOPTED: AYES- 4 NAYS: 0 Councilperson Richardson absent

Supervisor Maas

Councilpersons: Grund, Schulman and Story

RESOLUTION # 36
SEQRA REGARDING PROPOSED LOCAL LAWS # 1, # 2 AND # 3 OF 2011

On motion of Councilperson Story, seconded by Councilperson Grund, the following resolution was WHEREAS, the Town Board of the Town of Cochecton, Sullivan County, NY, is considering the enactment of Local Laws to (1) update and revise the Town of Cochecton Comprehensive Plan; to (2) updated and revise the Town of Cochecton Zoning Law and to (3) update and revise the Town of Cochecton Subdivision Law, and WHEREAS, the three actions have been determined by the Town Board to be SEQRA Type 1 actions, all requiring a review under SEQRA, and WHEREAS, there is only one agency involved, that agency, The Cochecton Town Board is automatically the lead agency, and WHEREAS, the Attorney for the Town has prepared and submitted on this date a full Environmental Assessment Form (full EAF),and NOW, BE IT HEREBY RESOLVED, that The Town Board/Lead Agency will review the whole action, the full EAF and all other criteria and information, as well as public input. The Town Board will then make its determination of significance within 20 days have herefrom

ADOPTED: AYES -4 NAYS -0 Councilperson Richardson absent

Supervisor Maas

MOTION: On motion of Councilperson Story, seconded by Councilperson Grund, the following motion was to approve the minutes of June 8, 2011 and be accepted as presented. Supervisor Maas, Councilperson Grund, and Story voted in favor. Councilperson Schulman was not present at that meeting. Councilperson Richardson absent tonight

MOTION: On motion of Councilperson Story, seconded by Councilperson Grund, the following motion was to approve the minutes of June 16, 2011 and be accepted as presented. All board members present voted in favor.

MOTION: On motion of Councilperson Story, seconded by Councilperson Schulman, the following motion was to approve the bills on abstract # 7 for payment as follows:

General Account	Voucher #'s 301-337 included Debit card	\$13,729.64
Debit Card	Voucher # 338 included in the total General Account	
Escrow Account	Voucher #'s 339-342	\$10,358.73
Sewer Account	Voucher #'s 343-349	\$3,225.33
Lighting District Account	Voucher # 350	\$499.59
Highway Account	Voucher #'s 351-356	\$7,695.68

Voucher # 303 is noted as splits between funds, same voucher.
Voucher #'s 301-310 are noted as PREPAID on June 13, June 19, 2011
All present town board members voted in favor

CORRESPONDENCE:

NYSCSEA – wage freeze
Managers Office- displeasure with Property tax cap
Time Warner - update
NYS Civil Service – health insurance increase 15.3% for next year
Companion Memorial Crematorium – advising of their service
SWCS District – announcing Community Leadership
Sullivan County Gov.: re: CEO title change
TWC broadband service for 2011 Westervelt Road and for 2012 County Road 114 and several roads off of CR 114
Closure of State Route 52 near quarry perhaps for a week or two – replacing culvert pipe

MOTION: On motion of Councilperson Grund, seconded by Councilperson Schulman the following motion was to close the Public Hearing, as no one wanted to comment. Time 7:52 p.m. All board members present voted in favor.

PUBLIC COMMENT:

Joan Glase – read a letter from Community Environmental Defense Council, Inc. (CEDC, Inc.), and she also had information she gave to the clerk, (the Town Board members already had a copy of her handout).

Mary Ellen Hubbard asked for an explanation re: SEQRA. The Attorney explained that it is the State Environmental Quality Review Act. Town must adopt in order to move forward with the new Zoning, Comprehensive Plan and Sub Division proposed local laws.

Allan Rubin had information from Town of Ithaca banning gas drilling. Peter Grosser asked that serious thought be given to the pro bono offer by David and Helen Slottje. Others offered up their views and concerns regarding their wanting the town to protect them from gas drilling and all that it entails.

William Gartner – mentioned that most folks here tonight are anti gas drilling, and why is that different here, he knows someone upstate that has wells on their property and there are no problems.

George Walter said Mr. Shepstone has worked for the town for over 10 years, and he doesn’t push his beliefs on the board, he also mentioned when Mr. Boucher wanted to put a housing development near the school, when someone proposed a housing development on New Turnpike Road, and when Mr. Nober wanted to build a new building for his business (which has been in the town on Route 52 form many years) at the corner of Shortcut Road and State Route 52, everyone was against these projects. It just seems people are NIMBY.

More people voiced their concerns re: gas drilling and safe water and clean air issues.

Councilperson Schulman said the Town Board would be remiss in not listening to the Slottjes

No one else wished to comment.

The Tax Collector was allowed to give her report at this time, as she needed to leave.

TAX COLLECTOR: (Eileen Hennessy)

- Balance in checkbook as of May 27, 2011 - \$5,935.36
- Check # 254 June 16, 2011 \$5,935.35
- Balance \$.01
- Interest \$.08
- Balance in checkbook July 13, 2011 \$.09
- Worked 4 hours in the month of June
- Contractual Balance: \$3,053.39

She is now writing the Lake Huntington news column for both The River Reporter and the Sullivan County Democrat

COMMITTEE REPORTS:

Youth Commission: Councilperson Grund gave a report re: the Youth Board rafting trip, Wayne County Fair in August and other activities they have had and the ones coming up.

Office of the Aging: Councilperson Schulman, July 20, 2011 at Cornell cooperative extension there will be a meeting. Call for information 292-5250. Councilperson Schulman had handouts re: Senior Health Check-up (Medicare Preventative Services Checklist which had the Services offered – how often and the cost to the beneficiary).

Planning Board: Councilperson Richardson, not present

Town Website: Councilperson Story has spent time updating information for the calendar, minutes etc. Trying to get Planning Board minutes in a format she can use to add to the web site.

DEPARTMENT HEADS:

SUPERVISOR: (Gary Maas)

Submitted a written report

1. Monthly Financial Report
 - Bank Information:
 - Deposited \$100.00 UDC check
 - Deposited \$670.54 Judicial fees
 - Deposited \$1,500.00 Judicial fees
 - Deposited \$1,175.12 Town Clerk fees
 - Deposited \$8,000.00 in escrow for cell tower Deposited \$2590.41 to reimburse debit card
 - Deposited \$5,935.35 tax fees and interest
 - Transferred \$2,000.00 to accrued liability fund
2. Activity
 - Meetings & calls with Contractor, Highway Supt., Engineer, Tom Shepstone and Attorney
 - Made deposits and transfers as needed
 - Attended Supervisor Meeting
 - Worked on final payment for building
 - Looked into pricing of shed and mower
 - Worked on FOIL request
 - Received numerous e-mails on Public Hearing
 - Submitted letter to Personnel Director in regards to Code Enforcement
 - Meeting in Tusten on Waterfront development
3. CONTRACTUAL \$5,500.00
 - Abstract # 1
 - Abstract # 2 \$701.54 \$4,798.46
 - Abstract # 3 \$457.34 \$4,341.12
 - Abstract # 4 \$111.71 \$4,229.41
 - Abstract # 5 \$850.35 \$3,379.06

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SUPERVISOR'S report continues:

Abstract # 6	\$268.74	\$3,110.32
Abstract #7	\$130.74	\$2,979.78

HIGHWAY SUPERINTENDENT: (Brian DuBois)

- Submitted written report: repair and maintenance as needed
- Skipperene –crossing pipe 18” X 30’ poly installed
- Mowing – Town roads
- Ditching – Fred White Road
- New Town Hall – rented dozer from Tracey, seeding & mulching - put in pipe from building to catch basin
- Contractual Balance: \$903.94

If weather holds should be finished at the New Town Hall next week. New truck being manufactured mid July

TOWN CLERK: (Hollye Schulman)

- Submitted a written report; collected \$2,456.03 in fees for June
- I attended the OSTCA meeting held in Middletown, NY on June 20, 2011. Our guest speaker Kathy Barton a representative from the Office of Court Administration gave the Clerk's information regarding Town & Village Court Records. The topics were Identifying Court Records, Retention & Purging, Organization – Suggestions & techniques. Alternative Options, Grant Options (there may still be grants available, but they are getting harder to get) also Office of Records Management and Policies, as well as retention schedule, retention periods. You always need permission to purge records, and a copy of the request for purging must be kept on record. Identifying different court records such as Criminal, Civil, parking tickets, calendars, monthly reports, receipt books, digital recordings, RAP sheets, warrants, correspondence, record of Court activity just to name a few of the things discussed. I brought back a copy of the hand outs for the new Court Clerk as she was unable to attend due to her other job. The next OSTCA meeting is on July 20th in Monroe, NY.
- The UDC check in the amount of \$100.00 received and turned over to the Supervisor.
- I issued four handicapped parking permits and one temporary parking permit.
- I'm still receiving telephone calls which are for the Assessor, Justice Court, CEO, Planning Board.
- As of May 15th you are now allowed to burn - information for the burning regs. can be found on the DEC web site.
- Shelves have been put up in the vault.
- Contractual balance: \$3,978.04

CODE ENFORCEMENT OFFICER: (Gregg Semenetz)

- Submitted a written report: worked 80 hours, traveled 530 miles
- issued 10 permits, 2 C of O's issued, 1 municipal search letter, appearance tickets: 1
- Revenues: \$1,791.88; Expenses: \$317.65
- Contractual Balance: \$2,714.50

Things are moving along, Cochection Center General Store is being worked on for the renovation, of the three demo projects- two complete, one almost complete, there is only one left Berman property on CR 116. Violation – unsafe condition on corner of Buff Road and Shortcut. Violation letter sent June 23, 2011

RESOLUTION # 37

ORDER – UNSAFE CONDITION

On motion of Councilperson Grund, seconded by Councilperson Story the following resolution was,

Tax Parcel no. 15 – 1 – 26: Rory Gerstler, 345 Short Cut Rd. Cochection, New York

WHEREAS, at a meeting of the Town Board of the Town of Cochection, Sullivan County, New York held at the New Town Hall in the Town of Cochection, County of Sullivan, State of New York on the 13th day of July 2011, a **Notice of Violation – Order to Remedy**, having been duly posted on June 23, 2011 upon the premises, is now presented to the Town Board, by the Code Enforcement Officer, in accordance with the Town of Cochection Zoning Law under Local Law No.1 of 2010 and the NYS Property Maintenance Code and the necessity to protect the life, safety and health of the general public, and

WHEREAS, Said notice states that, upon visual inspection by the Code Enforcement Officer, he observed numerous bags of garbage and debris surrounding the property, constituting an unsafe and unhealthy condition, with potential rodent infestation, and

WHEREAS, the said **Notice of Violation – Order to Remedy** having directed the owner “to remedy this situation immediately and completely within 7 days of this letter. If this is not complied within this time frame, Local Law #1 allows the town the authority to remove the garbage and debris and the cost will be attached to your property tax bill”, and

WHEREAS, the Order having not been complied with and the situation having not been remedied.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Cochection hereby directs the Code Enforcement Officer to immediately cause the removal and securing of such unsafe condition.

AND BE IT FURTHER RESOLVED, that all expenses of the Town in connection with such removal and securing shall be charged against the land on which it is located and shall be assessed, levied and collected in the same manner as provided in Article 15 of the Town Law for levy and collection of special ad valorem levy.

ADOPTED: AYES-4 NAYS-0 Councilperson Richardson absent

Supervisor Maas,
Councilpersons Grund, Schulman and Story

Sullivan County Paving & Construction Corporation offered a bid from Office of Government Services for asphalt in the amount of \$47,600.00 to finish the upper parking lot and entrance at 74 Smales Road. Town doesn't need to advertise as Sullivan County Paving & Construction already has the bid for the town.

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Supervisor Maas said there is \$20,000 available in the re-val line and it can be transferred to help cover this expenditure

RESOLUTION # 38

ACCEPT QUOTE FROM SULLIVAN COUNTY PAVING & CONSTRUCTION CORPORATION

On motion of Councilperson Grund, seconded by Councilperson Story, the following resolution was
WHEREAS, Sullivan county Paving & construction has offered up a bid for asphalt for the upper driveway and entrance for the Town Hall on Smales Road in the amount of \$47,600.00, and
WHEREAS, the upper parking lot and entrance needs to be completed, the bid is accepted in the amount of \$47,600.00

ADOPTED: AYES-4 NAYS-0 Councilperson Richardson absent

Supervisor Maas,
Councilpersons Grund, Schulman and Story

HISTORIAN: (K. C. Garn) not present

Submitted a written report, The Supervisor read the report. He received as a gift a large historical atlas of New York State. He also dropped off to the Supervisor a framed 1875 historical map of Cochection for display in the Town Hall. The report is on file at the Town Clerk's office if anyone wishes to view it.

TOWN ATTORNEY: (John J. Keating)

- Submitted written report:
- Attended monthly meeting
- Prosecute Justice Court matters (two evenings)
- Worked on four new Local laws
- Worked on New Town Hall matters with Supervisor

He had nothing more to add

ASSESSOR: (Lorry King) not present

Submitted a written report:

Old Business:

1. Field review of sales and new construction continues

New Business:

1. Received permits and CO's from Building dept.
2. New Legislation makes it mandatory for the assessment rolls to be posted online if the Town maintains a website. We are in compliance, as our final roll appears on the home page
3. Linda is out of the hospital and now home, she is doing much better and should be back to the office in a week. It was a tough struggle for her, but her spirits are high and her pain has subsided. Linda has work to do at home while she was recouping, she is working on our 911 Galley sheets
4. I would like permission to purchase a new printer and computer system for my office. I have been patiently waiting to update!
5. I will be out of the office on Friday July 15th.
6. Contractual Balance: \$2,812.21

PLANNING BOARD CHAIR: (Sharron Cardone)

- Submitted a written report: She read the minutes from the Planning Board meeting which is on file in the Town Clerk's office
- Permits for the cell tower will need to be gotten from the CEO. The special use permit was granted for the cell tower; discussion re: landscaping, trees, pole height 195', color etc. were all taken into consideration.
- They will need a bond or letter of credit in the event the tower has to come down
- Her report is on file at the Town Clerk's office if anyone wishes to review it, as it was not read into the minutes.

SEWER OFFICER: (George Walter)

- Submitted a written report:
- Average flow of 73,725 gallons per day for month of June
- Obtained 98% C.B.O.D. and 95% T.S.S. removal for June
- Spent a total of 93 hours attending to sewer district affairs in June
- Expenditures \$1,709.23
- Contractual Balance: \$15,685.68

DOG CONTROL OFFICER: (Rosemary Barile) not present

Submitted a written report: Supervisor went over the report.

Three dogs at large calls, one dog hit by car, one dog bite call and issued 4 dog licenses

Contractual balance: \$1,331.83

UDC: (Larry Richardson) not present

No report submitted.

TOWN BOARD

(Supervisor Gary Maas)

Nothing more to add

(Councilperson Richardson) not present

(Councilperson Grund)

Nothing more to add

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(Councilperson Schulman)

Nothing more to add

(Councilperson Story)

Nothing more to add

OLD BUSINESS:

1. New Town Hall- landscaping - pending
2. Comprehensive Plan and Zoning update - earlier
3. Town Web Site - completed
4. New Town Hall Furnishings - Blinds – received and installed
5. Transfer Station lease – Supervisor spoke with Commissioner Robert Meyer and will most likely be a three year lease at the same rate we now have
6. MMTF update – meeting tomorrow night in Tusten
7. Pulloff on RT 97 for Byway – sign has been approved and we should receive it shortly

NEW BUSINESS:

1. **Levy garbage pick up** property owner now has an additional violation against him
2. Waterfront Revitalization alternate –nothing new
3. Lawn mower and shed - ordered
4. Network protection – Supervisor contacted another person, Kristt Co was less -Supervisor will get in contact and advise that the town has accepted their quote
5. Unsafe and health concerns - Buff and Shortcut –worked on earlier tonight

PUBLIC COMMENT:

Peter Glick, thanked the board for all the work they do. He has a copy of the movie “Gasland” which he invited all to come to his place to watch.

Judy Aronson, if fracking is safe why is NY banning it near the NYS water supply

No one else wished to comment.

MOTION: On motion of Councilperson Grund, seconded by Councilperson Story, the following motion was that this Town Board meeting will be recessed until July 25, 2011 at 7:00 p.m. All board members present voted in favor. Time 9:20 P.M.

Respectfully Submitted,

Hollye Schulman, Town Clerk