

A regular meeting of the Town of Cochection was held on September 14, 2011 at 7:00 PM 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  
Councilperson Edwin Grund  
Councilperson Richard Schulman  
Councilperson Anna Story

**OTHERS PRESENT:**

Hollye Schulman – Town Clerk

Brian DuBois – Highway Superintendent

John J. Keating --Attorney

Gregg Semenetz –CEO entered at 7:38 p.m.

Eileen Hennessy ---Tax Collector

Town Clerk read the differential from the proposed Ultra Power bid opened at the August 10, 2011 meeting. Journal of Commerce dated August 5, 2011 would cost the town for Diesel \$3.2460 with no differential per gallon, # 2 Fuel would cost the town \$3.1535 with a -.0145 differential, and Gasoline would be \$3.0040 with a plus .1800 differential.

**MOTION:** On motion of Councilperson Grund, seconded by Councilperson Richardson, the following motion was to accept the Fuel Bid submitted by Ultra Power to deliver # 2 Fuel Oil, Diesel and Regular Gasoline to the town on 48 hours notice. All voted in favor

**RESOLUTION # 47**

**TOWN OF COCHECTON REQUIRED BY NEW YORK STATE JUSTICE AUDIT**

On motion of Councilperson Grund, seconded by Councilperson Richardson, the following resolution was WHEREAS, the Town of Cochection is required by the State of New York to have the local Justice Court records audited annually, AND

WHEREAS, the accounting firm of *Cooper, Niemann & Co. LLP* under contract with the Town of Cochection conducted an annual audit FY 2010, and

WHEREAS, included in the annual audit was a review of the Town Justices' Court records as required by the State of New York Unified Court System, and

THEREFORE BE IT RESOLVED that the duly elected Town Board does hereby accept the annual audit FY2010 performed by *Cooper, Niemann & Co. LLP* as fulfilling the requirement of the local justice records audit

**ADOPTED: AYES: 5 NAYS: 0**

Supervisor Maas

Councilpersons: Richardson, Grund, Schulman and Story

**RESOLUTION # 48**

**GARBAGE RE-LEVY GERSTLER**

On motion of Councilperson Grund, seconded by Councilperson Schulman, the following resolution was WHEREAS, Rory Gerstler, owner of the property described on tax map as parcel # 15.-1-26 and situated on Shortcut Road in the Town of Cochection has failed to pay his garbage removal from December 13, 2010 and August 5, 2011 as required, and

WHEREAS, the total of \$1,319.00 plus interest at the rate of 1 ½ per cent per month, for the December 13, 2010 garbage removal making the total due to the Town of Cochection the sum of \$1,577.02 as of December 31, 2011, and

WHEREAS, the total of \$1,900.00 plus interest at the rate of 1 ½ per cent per month, for the August 5, 2011 garbage removal making the total due to the Town of Cochection the sum of \$2,016.59 as of December 31, 2011, now therefore

BE IT RESOLVED, the garbage removal plus interest on the aforementioned property owned by Rory Gerstler, located on at 324 Shortcut Road, tax map # 15.-1-26, Town of Cochection be re-levied by the County of Sullivan in the amount of \$3,593.61 to the General Fund; for both dates of garbage removed by J. Hughson Exc. Inc. for the town, and

BE IT FURTHER RESOLVED, Town Clerk will present delinquent tax bill in the amount of \$3,593.61 for garbage re-levy to the County when submitting the 2012 Budget

**ADOPTED: AYES 5 NAYS 0**

Supervisor Maas

Councilpersons: Richardson, Grund, Schulman and Story

**RESOLUTION # 49**

**WHEN ADOPTING THE FY 2011 BUDGET CONTRACTUAL –NEW TOWN HALL**

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

WHEREAS, the Cochection Town Board when adopting the 2011 budget was unaware of additional expenses, (blacktopping, landscaping) that could not be accounted for in line A 1620.401 (Contractual - New Town Hall) and needs to fund the line with additional funds for current and future bills, therefore,

BE IT RESOLVED that budget line A 9950.901 (Revaluation Reserve Fund) in the amount of \$20,000.00 be transferred to line A1620.401 (Contractual-New Town Hall) so that line A 1620.401 shows \$75,000.00 and line A 9950.901 (Revaluation Reserve Fund) shows \$0.00

**ADOPTED: AYES 5 NAYS 0**

Supervisor Maas

Councilpersons: Richardson, Grund, Schulman and Story

**RESOLUTION # 50****AUTHORIZE SUPERVISOR TO SIGN CONTRACT WITH SULLIVAN COUNTY RE: WESTERN SULLIVAN TRANSFER STATION**

On motion of Councilperson Richardson, seconded by Councilperson Grund, the following motion was to authorize the Supervisor to sign the contract with Sullivan County for the Western Sullivan Transfer Station located in the Town of Cochection at a cost to the County of \$15,000.00 per year starting as of January 1, 2012 and terminating on December 31, 2016, this agreement allows the Sullivan County to utilize certain real property owned by the Town in order to operate the Western Sullivan Transfer Station

**ADOPTED: AYES 5 NAYS 0**

Supervisor Maas

Councilpersons: Richardson, Grund, Schulman and Story

**MOTION:** On motion of Councilperson Richardson, seconded by Councilperson Grund, the following motion was, to accept the minutes of August 10, 2010 and be accepted as submitted. All voted in favor

**MOTION:** On motion of Councilperson Richardson, seconded by Councilperson Story, the following motion was to approve payment of bills on abstract # 9 in the following amounts.

General Account	Voucher # 395-432	\$83,447.57
Debit Card Account	Voucher # 433	\$179.00
Sewer Account	Voucher # 434-437	\$1,998.50
Lighting District Account	Voucher # 438	\$525.17
Highway Account	Voucher # 439-449	\$246,798.88

Voucher #'s 399, #407, #417, #418, #441 and #443 are noted as splits between funds, same voucher

Voucher #'s 395-406 are noted as PREPAID on 8/16/11 and 8/23/11

All voted in favor.

**CORRESPONDENCE:**

Danette Mall re: from Mike Preis Insurance, stopped by today and brought a check in the amount of \$1,136.00 for the third installment of the Insurance contract with NYMIR. She will also get a quote to the Supervisor re: Health Insurance by the next regular meeting.

Letter MMTF, meeting 9/22/2011 at 10:30 p.m. in Bethel

Letter re: Fort Delaware Feasibility Study

Notice re: Domain names need to be renewed by Dec. 6, 2011 -- Supervisor will take care of this

Sullivan Legislative Action Committee – co-sponsoring meeting on health

Upper Delaware Scenic Byway – Resolution

Sullivan West Central School thanking Supervisor for his attendance at the leadership forum

Letter re: New York State Unified Court System requesting a Justice Court Audit, this is done by the Town's Independent Auditors – Information will be sent

Letter from Engineering Properties stating that the site is stable, and they will do monthly inspections

Information re: a toll free # for damage from Hurricane Irene is 1-800-621-3362

Time Warner Cable – update channel changes

Notification re: - Tusten Zoning Laws – they are lead agency

Workers Comp. Town will have to contribute \$25,277.00 for FY 2011

Lake Huntington Presbyterian Church Ladies asking permission to hold their bake sale and raffle on Election Day at the New Town Hall

**MOTION:** On motion of Councilperson Richardson, seconded by Councilperson Grund, the following motion was to allow the Presbyterian Church Ladies Auxiliary to hold their Election Day raffle and bake sale in the new town hall. All voted in favor

Letter from Sullivan County Sustainable Energy through Green Jobs – Green NY willing to provide FREE and reduced cost home energy assessments

Community Defense Council re: e-mail

UDC – reply re: Zoning Law, Comprehensive Law and Sub-division Laws, stating we are in compliance

Letter re: Stopping Marcellus Gas Drilling meeting to be held from 9:30 a.m. -4:00 p.m.

**PUBLIC COMMENT:**

Allan Rubin, New Turnpike Road, mentioned the division in the community re: gas drilling and other issues, would like the Town Board to set up a committee to talk and educate and perhaps come up with some agreement regarding industrialization and recommend what direction the town can take to amend the Zoning Law in the future. Need to hear both sides of the issues. He also wanted to know if the Town Board was willing to maintain a higher level of communication with the Slottjes.

Councilperson Grund- wanted to know if the Slottjes were still representatives of the Gas Companies. They have done work for the gas companies in the past and do they still work for them, where do they stand?

Matthew Van Houten, New Turnpike Road, said they need to tell you if they are conflicted

Both Councilperson Richardson and Councilperson Schulman would agree to see if there is common ground regarding our zoning. Supervisor will look into seeing if he can facilitate a committee to work toward common ground

Dennis Nearing, Nearing Road, feels that each side of the issue has made up their mind - one for and one against and the committee would be a waste of time

Mr. Rubin, wondered if Mr. Nearing would feel different if someone proposed a Nuclear Power Plant next to his home

Jane Roth, acknowledge Councilperson Richardson's letter in the River Reporter to strengthen home rule – town does have power 1. People to speak to the committee will gain more information. 2. People of both extremes, but there is common ground in the middle, clean water, clean air etc. Can suggest how best to protect the town and the natural resources

William Gardner, Aren't the EPA and DEC suppose to protect the environment, there are hundreds of wells now and there aren't a lot of problems.

Peter Grosser, Mill Road, agrees with Dennis Nearing, no middle ground, Bethel land owners have put the Bethel Town Board on notice that they may get sued. He also mentioned that the Cochecton Men's Club will hold their annual Chicken BBQ on 9/24 proceeds go to the Cochecton Youth. He also asked the Highway Superintendent if he was thinking about paving Mill road any time soon. HWY Superintendent said if money was available he would like to pave all the roads –his goal is to maintain the roads already paved

Grace Van Hulsteyn, New Turnpike Road, divisive is not the issue; Allan's suggestion can bring sides together Allan Rubin, New Turnpike Road, there is a lot of new information re: gas drilling, and clearly both sides have not seen that information

Dennis Nearing, Nearing Road, if you have trains you will have wrecks; it is not a perfect world

Mrs. Joan Ritz, State Route 52 asked if anyone test the water in the lake. Not that the Supervisor knows of. She has made many calls, but gets no call backs.

Councilperson Richardson suggested she call Region # 3 of the DEC, and unless you see fish kill – then they would come to test the water. Lakes and ponds turn every year, so algae is common

Councilperson Schulman We have a farm pond; people have commented that it is the best in the County. Very rarely do we have an algae bloom. His concern with gas drilling is that the water table is not poisoned

Councilperson Richardson agrees with Allan lots of people have not made up their minds re: gas drilling. On the State level they may regulate the # of wells – still looking for answers

Supervisor will see if he can get a committee together to seek common ground

#### COMMITTEE REPORTS:

Youth Commission: Councilperson Grund reported on what the Youth Board has done; and what they will be doing in the future. There will be a visit to a family farm on 10/11/11, 10/29/11 a tricky trunk, a Christmas party at the New Fire House (there is still a question if they can use the building)

Office of the Aging: Councilperson Schulman reported there was no meeting

Web Site: Councilperson Story made updates as necessary, removed and added information to the News alerts, added minutes to the website, still needs Planning Board minutes for May thru July (Aug. minutes have not been approved yet). If there are corrections please contact her.

#### DEPARTMENT HEADS:

##### SUPERVISOR: (Gary Maas)

Submitted a written report:

##### 1. Monthly Financial Report

Bank Information:

Deposited \$100.00 UDC check  
Deposited \$810.00 Judicial fees  
Deposited \$890.00 Judicial fees  
Deposited \$918.44 Town Clerk fees  
Deposited \$198.87 in unclaimed funds  
Deposited \$1,135.00 for Youth services  
Deposited \$4,648.56 in Mortgage Tax  
Deposited \$3,880.00 in UDC Grant for website  
Made transfers as needed

##### 2. Activity

Meetings with Doug Diehl on new shrubs and trees for new town hall site  
Meeting & calls with John Weber, Dave Bodenstein, Highway supt., Tom Shepstone, John Keating, Linda McKean and other realtors  
Made deposits and transfers as needed  
Meeting with LHSC and other residents  
Arranged blacktopping and landscaping around the new town hall  
Worked on new server at the town hall

##### 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
Abstract # 6	\$268.74	\$3,110.32
Abstract # 8	\$320.91	\$2,658.87
Abstract # 9	\$ 99.54	\$2,559.33

**HIGHWAY SUPERINTENDENT:** (Brian DuBois)

Submitted written report:

- Repairs and maintenance as needed
- Westervelt Road ditching, Ehrley Road ditching
- Town Capital – Cushetunk, Nelson, and Mitchell Pond West –black topping
- Town Roads –New Turn Pike B, Fred White, Tyler Road, Mohn and Skipperene --paving
- New Turnpike A (CHIPS/black topping done)
- Contractual Balance: \$740.44

Highway Superintendent mentioned he has heard nothing from the FORD truck dealer re: the new truck he has purchased. Also the lower door on the loader bay is rotten, letting heat escape, and the ceiling is falling down. Highway Superintendent said he will get two quotes -- One from Sullivan Overhead Doors and one from M & I

**TOWN CLERK:** (Hollye Schulman)

- Submitted a written report; \$1,342.58 in fees for August, 2011
- I took care of the regular duties of the Town Clerk
- There was no OSTCA meeting in August
- The UDC check # 1951 in the amount of \$100.00 received 8/25/2011 and turned over to the Supervisor on 8/26/2011
- I issued 3 permanent handicapped parking permits and 2 temporary permits issued in the month of August
- I'm still receiving telephone calls for the Assessor, Justice Court, CEO, Planning Board etc
- I completed one FOIL request received at the end of July. There was also one FOIL request received in August which has been completed.
- I issued two marriage licenses in August.
- I also helped several dept. heads complete their budget request for FY 2012
- My office will be closed on September 16, 2011, I will be out of town
- Contractual balance: \$3,669.59

**CODE ENFORCEMENT OFFICER:** (Gregg Semenetz)

- Submitted a written report : Worked 80 hours, traveled 625 miles
- Issued 7 permits
- 2 C of O's issued
- 0 Notices of disapproval
- Municipal search letters 3
- Appearance tickets issues: 0
- Revenues \$1,100.00
- Expenses \$365.62
- Contractual Balance: \$1,923.66

Regarding the unsafe buildings in town we are down to two, CEO feels the town should start the demo process for property located at 630 CR 11 –Bailey.

**MOTION:** On motion of Councilperson Richardson, seconded by Councilperson Grund, the following motion was to authorize the Attorney to start the demolition process for next month. All voted in favor

CEO said he issued permits for two fairly large homes, one 7,000 square' and one 5,000 square' on Burr Road (Cochecton side) and one on 17B

Councilperson Richardson asked if the old ambulance building could be renovated. He was told it possibly that it could. The CEO mentioned that the Davidson property has approval from the DEC for a well– no set back.

**TAX COLLECTOR:** (Eileen Hennessy)

Submitted a written report:

- Balance in check book \$0.09
- Worked 5 hours in August
- Contractual balance: \$ 3,023.40

Tax Collector requested permission to purchase envelopes and paper for the Property Tax Bills for FY 2012

**RESOLUTION # 51****TAX COLLECTOR AUTHORIZED TO PURCHASE**

On motion of Councilperson Richardson, seconded by Councilperson Story, the following resolution was WHEREAS, the Tax Collector is in need of envelopes and paper to send out the property tax bill for FY 2012, and WHEREAS she has sufficient money in her contractual for the purchase of the envelopes and paper, and NOW BE IT RESOLVED, that the Tax Collector is authorized to purchase the envelopes and paper as needed to perform her duties as Tax Collector

**ADOPTED: AYES 5 NAYS 0**

Supervisor Maas

Councilpersons: Richardson, Grund, Schulman and Story

Tax Collector also mentioned that the New Town Park will be dedicated on September 24, 2011 at 11:00 p.m., and attendees should dress up as Pirates.

**HISTORIAN:** (K.C. Garn) not present

No report submitted. Supervisor spoke with him earlier today and he was leaving on vacation. K. C. told him that Carol Brucher daughter offered her services to provide the Historian with pictures for the Old Town Hall and help with the project when he moves into the building.

Contractual balance not provided.

Councilperson Richardson mentioned that the UDC approved \$14,000.00 for projects. There were more request than money allows as always.

**TOWN ATTORNEY:** (John J. Keating)

- Submitted a written report
- Attended monthly meeting
- Prosecute Justice Court matters
- Completed new laws # 1, # 2, # 3 and # 4 of 2011
- Worked/completed Verizon v. Assessor, --Art. 7

Laws have been given to the Town clerk for filing

**ASSESSOR:** (Lorry J. King) not present

Submitted written report: Old business: Field review of sales and new construction continues

New Business: Reviewing the new “tax cap” for municipalities. I have a cheat sheet for the school bills, and even though it should be self explanatory, it was not. I have had my share of telephone calls regarding the new school tax bill and the property tax cap. Linda will be back to work on September 8<sup>th</sup> 2011,. I will be attending the Court Clerk conference at Niagara Falls the week of September 25, 2011, so I will not be in the office on Wednesday September 28<sup>th</sup>. We are still having issues with some programs sharing the server. Mr. Weber from Kristt will be here on September 14<sup>th</sup> to fix them...we hope!

Contractual balance: \$2,619.74

**PLANNING BOARD:** (Sharron Cardone Chairperson) not present

No report was submitted. She called the Town Clerk today and there was no meeting as she was ill and Mr. Bertsch was on vacation. Councilperson Richardson and the rest of the Town Board feel they should meet even if nothing is on the agenda—they could go over zoning to see what changes might be made to make the zoning law better. Also if someone shows up and there is no one available it could be a problem

**SEWER OFFICER:** (George Walter) not present

Submitted a written report:

Average flow 63,659 for the month of August, Percentage of C.B.O.D. removal 97.6% for the month of August and Percentage of T.S.S. removal was 97.2% for the month of August. Worked 74 hours expenditures \$482.40

Contractual Balance: \$14,843.38

**DOG CONTROL OFFICER:** (Rosemary Barile) not present

Submitted a written report: Worked 23 hours, had 1 dog seizure —( this dog was in need of medical care). Also, had 2 follow up calls. Contractual Balance: \$1,245.42 contractual and Enumeration Balance: \$1,000.00

**UDC:** (Larry Richardson)

- The Upper Delaware Council held its regular meeting on September 1. The Water Use/Resource Management Committee (WURM) reported that the DEC had instructed the persons running an illegal Talapia fish farm in the Delaware to dismantle it and restore the area to its condition prior to the disturbance
- It was reported that discussion took place in committee regarding the proposed Visitors Center and that Congressional action will be needed to free up the long-held Federal Funds. The design phase is proceeding with a grant through the UDSB. A new Scenic Byway is being proposed for a section of Rte 30 going north from Hancock.
- UDC attorneys have file a petition in a Federal Court in Pa, to have the decision of the Lackawaxen Supervisors in the matter of the Holbert Quarry application be set aside or that the hearings be re-opened so that the UDC can be heard.
- Technical assistance grants were due by Friday 9/2. As usual we have more dollars requested than we are able to fund.
- The UDC received a request to support a resolution of the Scenic Byway calling for State DOT to review future “new” heavy industrial related truck traffic on the Byway. The organization feels that substantially increased heavy truck traffic would not be compatible with a shared roadway: bicyclists, hikers and sight seers. The request will be further discussed in committee.
- Three years ago the Council had its old boiler replaced and a separate point-of-use water heater installed. A review of the fuel usage shows that we are averaging close to 300 gallons per year in fuel savings.
- Actions taken:
  - Approved a letter to the Federal Highway Administration asking for some clarification on a Memorandum of Agreement that the parties have been asked to sign in regards to the Pond Eddy Bridge Project
  - Approved a letter to Eagle Creek Renewable supporting the Town of Lumberland’s Mongaup Welcome Park proposal

UDC will submit 2 projects regarding emergency alert

**TOWN BOARD:****(Councilperson Grund)**

Nothing at this time

**(Councilperson Richardson)**

Last month Steven Stuart rep: Sullivan County Homeowners Office of Sustainable Energy attended the town board meeting; there will be more meetings in Liberty they are looking at a program for green initiative energy audit. For Sullivan County residents with a household income up to \$115,000.00 the audit would be free. There is a sliding scale beyond that income level. Low interest loans would be available to implement the auditor recommendations. In most cases the energy saved would amount to more than the monthly repayment. They would recommend what to do to increase the energy efficiency of your home. Councilperson Richardson was also concerned about the rear door in the kitchen area, needs a deck or stoop

**(Councilperson Schulman)**

Mentioned that he felt there should be a gate or something at the stairwell by the Town Clerk's office. This is an accident waiting to happen. When there are a lot of peoples milling about someone could be bumped or pushed or children running around could fall down the stairs and the town will get sued. Councilperson Richardson suggested the Supervisor speak to Ross Winglovitz the engineer regarding this issue

**(Councilperson Story)**

Nothing to add at this time.

**(Supervisor Maas)**

Nothing more to add at this time

**OLD BUSINESS:**

1. New Town Hall – latest update – Flag and Flagpole- being looked into. Councilperson Richardson feels that the deck should be started at the door off the conference/kitchen
2. MMFT update – 9/22/2011 meeting in Bethel,
3. Pull off State Route 97 for Byway – Supervisor spoke to Dean Smith, may be another month for input from the State
4. Transfer Station Lease – this is completed

**NEW BUSINESS:**

1. Levy for cleanup of garbage on Shortcut and Buff Road – Resolution done earlier tonight
2. Budget workshops –Town Clerk presented the Tentative FY 2012 Budget to the Town Board
3. MMFT – final phase
4. Computer for bookkeeper –pending will be addressed at regular Town board meeting. Her computer is really old and in need of updating
5. Mike Preis – Health Ins. They will provide a quote
6. Parking lot lines – there are two quotes 1. from Duffy Paving Markings, Inc. for \$1,094.50 they included sales tax of \$88.93 (which the municipality does not pay) for a total of \$1,183.43 and 2. From Top Quality Sealcoat, Inc. in the amount of \$975.00

**RESOLUTION # 52****ACCEPT QUOTE FROM TOP QUALITY SEALCOAT INC.**

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

WHEREAS, the parking lots needs to have lines for handicapped parking and other parking spaces, and

WHEREAS, the Supervisor has gotten 2 quotes, and

WHEREAS, Top Quality Sealcoat Inc. submitted the lowest bid for the lines on the parking lot in the amount of \$975.00, and

NOW THEREFORE BE IT RESOLVED, that the Town Board does accept the quote from Top Quality Sealcoat Inc. to put lines on the parking lot

**ADOPTED: - AYES: 5**

**NAYS: 0**

Supervisor Maas

Councilpersons: Richardson, Grund, Schulman and Story

**MOTION:** On motion of Councilperson Richardson, seconded by Councilperson Grund, the following motion was that this Town Board is adjourned. Time 9:14 p.m.

**ADOPTED: - AYES: 5**

**NAYS: 0**

Supervisor Maas

Councilpersons: Richardson, Grund, Schulman and Story

Respectfully Submitted,

Hollye Schulman, Town Clerk