

## Regular Meeting

A regular meeting of the Waddington Town Board was held on Monday, June 14, 2010 at 7:00PM in the Library Community Room.

**Present were:** Supervisor Mark Scott and Councilors: Stephen McKnight, Shirley Robinson, David Putney, and James Thew.

**Also present:** Carol A. Burns, Town Clerk, Terry Mayette, Highway Superintendent, Patty VanPatten, John Tenbusch and Jason Photenhauer, St. Lawrence County Planning Office, Jon Putney, Jane Layo, Mike Martin, Larry & Carol Sears, Lionel LaCourse, Barbara Doe, Bruce MacDonaldk, Winnie Vietch, Peggy Eick, Robert Smith, Jeff Pier, Anthony & Nicole Zeledon, Darlene Reagan, Tom Roidl, Marilyn Bliss, Shirley Burns, Terry Alsup, Rick Magnusson, Donald Hassig, Ed & Lori Sharlow, Roy Lawrence, Charles Nash, Town Attorney, and Jimmy Lawton, Ogdensburg Journal.

**Call to order:** Supv. Scott called the meeting to order at 7:00PM.

**Pledge of Allegiance:** Supv. Scott noted that today was Flag Day. He gave a brief history of the day. The pledge of allegiance was recited.

**Approval of Minutes:** A motion was made by Thew, seconded by McKnight to approve the minutes as submitted. Ayes: All

**Bid Opening:** Supv. Scott reported that the River Road has been advertised in the Journal, Free Trader, Watertown Times, Saratoga, and Arizona Republic newspapers. We have received no bids on the lot to open. He noted that the Board would need to make a decision on where to go from here. It has been in a realtor's hands for a year and no results there either. C. Robinson thought that they should consider an open listing which would allow any realtor to sell the property. With an open listing the Town would be able to sell it as well. The Board discussed going back to the party who was recently interested in the property and see if they might still be. Supv. Scott will contact them.

**Planning Grant:** Supv. Scott reported that the Town has been waiting for the opportunity to apply for a planning grant. It has been announced that funds are available through the New York State Office of Community Renewal for the development of a Community Plan. Jason Photenhauer from the St. Lawrence County Planning Office was present to discuss the grant with the Town. He reported that the NYS Office of Community Renewal (OCR) has made approximately \$1 million in funding available for the NYS CDBG Community Planning Program. The deadline for the application is July 19, 2010. Eligible communities are invited to apply for up to \$40,000 as a grant from OCR to develop any of a wide range of community development planning. A one-third (1/3) match of total cost of the Plan is required by the applicant. Subject matter for proposed plans may include but is not limited to: Economic Development, Main Street, Downtown or Neighborhood Revitalization, Infrastructure, Share Municipal Services, and Comprehensive Planning.

For the 2010 round, up to \$500,000 will be set aside to fund those plans that will focus on Main Street, Downtown, or Neighborhood Revitalization strategies. Plans eligible for this set-aside may include: strategies to expand upper floor housing; market and feasibility studies or business plans for potential NY Main Street Anchor Building redevelopment; and Main Street design guidelines. The planning process must be completed and all grant funds expended within 12 months of the effective date of the grant award.

Jason explained that the Village was awarded this grant two years ago and was able to produce the Village of Waddington St. Lawrence Community Development Plan. Due to the leverage of this document the Village has been able to secure a \$400,000 community housing grant project.

C. Robinson asked when we would have to have the Town's share of the grant available? Jason noted that it would not be immediately. The Town will just have to submit a letter of commitment before the application is submitted. The State money is used first and the Town's match last. It can be budgeted in the 2011 budget.

C. Thew noted that it sounds as if the OCR is recommending Main Street and Downtown areas as the main focus. It might be an idea to integrate the Village into the plan. It was also suggested that the Board consider bringing Clarke House on board in the planning process. Larry Sears questioned who owns the Clarke House and how much would the Town incur to move the Clarke House along. He felt that this would be a Village concern.

C. Putney noted that we are the Town Board not the Village and we should be focusing on projects outside the Village with the exception of the Old Town Hall located on Main Street that belongs to the Town.

Supv. Scott asked Jason what the Planning Board would charge the Town to write the grant for the Town. Jason stated that it would cost \$500. He asked how many hours would be required to do the grant. John Tenbusch noted that it was approximately 25 hours to do the Village grant. If we were going with a private firm they would charge approximately \$100 per hour.

Jason reported that the Town would need to hold two public hearings to get input from the community on what ideas they have for the Town. He has suggested the first one be held on June 28<sup>th</sup> and the second could be held at the next Town Board meeting on July 12<sup>th</sup>.

Jason explained that all these questions and suggestions could be worked on as the process moves along. What the Town needs to decide at this point is whether to have the St. Lawrence County Planning Office begin the process of the grant. He has requested that the Town pass a resolution stating their intent and sign a memorandum of understanding with the Planning Office.

#### Resolution #47

Motioned by: Scott

Seconded by: Putney

**WHEREAS**, the Town of Waddington has expressed an interest in preparing a community development plan to identify community needs, goals, and objectives, and develop implementation steps to address those needs; and

**WHEREAS**, the St. Lawrence County Planning Office has the capacity and experience necessary to prepare a technical assistance grant application to the New York Office of Community Renewal;

**NOW, THEREFORE BE IT RESOLVED**, by the Town of Waddington:

- The Town of Waddington hereby requests the St. Lawrence County Planning office to prepare and submit a Technical Assistance application to the New York Office of Community Renewal on its behalf;
- The Town of Waddington will provide \$500 to the County Planning Office to cover the costs for preparing the application;
- The Town of Waddington will provide the one-third (1/3) local match in the form of a cash contribution and/or in-kind services for the grant;
- The Town of Waddington will place required legal notice, provide a suitable space for the conduct of two required public hearings, and
- The Town of Waddington will authorize the Town Supervisor to take any and all actions necessary to assist the County Planning Office in the preparation of this application. Ayes: All

Jason also reported that to make the grant application as competitive as possible he is requesting that residents, businesspeople, and community leaders write letters of support for the grant. He passed out information on what should be included in the letters of support.

**Citizen's Comments:** Jane Layo noted that there have been a few posting of notices for meetings that come out in the morning paper for a meeting the same evening. She noted that the Open Meeting Law requires so many days notice. Supv. Scott noted that we submit them to the newspaper. When they actually get published is out of our hands. Jane stated that it looks as if the Board does not want the public to attend the meetings. If the paper is truly the problem then the Supervisor needs to get after them. Supv. Scott

noted that the Board does want the public at the meetings and would make a better effort to get the notice out earlier.

**Code Enforcement & Updating Codes:** Supv. Scott reported that we have a number of issues concerning Codes. There has been a petition submitted about our Code Enforcement Officer. They have been discussing the problem and the process. They are giving it its due diligence and will be having an executive session with the Attorney later in the meeting. During the process they have discovered that the Town has a set of codes that it follows and that there are some issues that need to be addressed. A member of the local planning board came to last months Board meeting and stated that he is new to the Board and would like to have a meeting with the Planning Office to help him understand the codes and the roles of the various boards. Supv. Scott suggested that the Planning Office meet with the local Zoning Board of Appeals and the Planning Board to look at the functions of both boards and review the local codes. Upon their review if they have some suggestions for revisions they can bring it to the Town Board. There have been a number of questions on fences, smoke from boilers etc. that can be addressed in the local code. The codes were created in 1988. Jason noted that they recommend updating codes every 10 years and tweek them every 5 years. They will set up some meetings for this purpose in September/October.

C. Thew noted that there are two different issues going on here. The first being the local law for the Administering of the NYS Uniform Fire & Building Code and the local development code. They are two different things and should not be lumped into one pot. The issues that the Town is currently facing has to do more with the Administering of the Code and not so much the development code side.

Supv. Scott spoke in regards to the Code Enforcement Officer they did receive the petition last month and have also received some letters in support of Tony as well. Lori Sharlow spoke to the Board concerning a special meeting that she attended on June 9<sup>th</sup> with the Mayor, Trustee Shoen, and Tony McManaman. They were informed of the meeting @ 7:38AM. The Code Enforcement Officer and Trustee Shoen will be inspecting their mobile home on June 22<sup>nd</sup> at 11:00AM. They are still due to go into court for the violation on July 7<sup>th</sup>. She left the Board with a copy of phone records showing when the Village called them concerning the meeting, another sheet of petitions, and a copy of the CD from the Village meeting. Supv. Scott thanked them for their information but will be reviewing all the information. The Board's decision will not be based on their case only. They will have to address all issues that have been brought to them. Even if the Town does something it will not affect the Village. Ed Sharlow noted that whatever decision the Town makes will be fine with him. He just hopes that if Tony remains in the position that he notifies the owner first before going into someone's place. He would like to see Tony out but understands the position of the Board and hopes that they will doe what is right.

**Reval:** Supv. Scott reported that the Board had a special meeting a couple of months ago to discuss assesments. He noted that they had some good discussions at this meeting; unfortunately there were not many people in attendance. This meeting is also where the Board decided to increase the residential assessments by 6%. By looking at the data properties are clearly selling for more than the assessments. The problem that has come to light is that people are upset due to inequities in the assessment roll. Supv. Scott noted that we have heard this loud and clear. There have been specific instances that have been brought up where certain people are under assessed. He noted that they can look at this but ultimately it is the assessor's decision. The roll for this year has already been completed. This is why the board has decided to do a complete re-evaluation. This is the only way to find out where the inequities are and have them corrected. As we do the reval Kenny will need some assistance to keep it on schedule. Supv. Scott has spoken with Darlene Reagan who works with the Real Property Office. The Town will have to pay her for the work but it will greatly improve the scope of the reval. Supv. Scott asked the Board to hire Darlene Reagan on evenings and weekends. He felt that it would cost us \$3,000. Darlene spoke to the Board and stated that she will not be doing the assessments. She will be doing data collection and helping with property cards, photos etc.

C. McKnight asked when the reval dates? The tentative roll will have to be completed by May 1' 2010. She also noted that there is a lot of data that needs to be looked at: house removed, barn fell etc. This will all have to be collected and each parcel reassessed based on the updated data.

A group of concerned citizens spoke to the Board airing their disapproval of having the current assessor conduct the re-evaluation. They stated that he is not doing his job fair and producing equitable assessments. They also stated that there are a number of major disparities in the roll that need to be addressed. They also stated that the Assessor has a poor work ethic and encouraged the Board to have him removed from the position. They noted that the only way that a re-evaluation can be fair and equitable is to have someone from outside the area conduct it. Supv. Scott told the people that the current assessor has three years left to his term and to have him removed from office the Board would have to prove that he has done his job incorrectly. C. Thew stated that if the citizens have a list of inequities they can submit them to the Board and they will begin by looking further into the problem.

The citizens again reiterated that the only way to get a fair re-evaluation is to not have the current Assessor do the job. The Town Attorney told the people that they could have an outside agency do the re-evaluation but in the end the current assessor has the authority to reject the whole thing so you would have spent \$25-50,000 for nothing.

Further conversation ensued. Supv. Scott told the citizens that they would continue to look into the problem. They will also set up another meeting with the head of the Real Property Office to have these questions addressed. She will also explain the process for a re-evaluation and the steps that need to be taken. This will take place within the next couple of weeks.

**Cancer Action Now:** Don Hassig asked the Board for their support for public education concerning cancer in the North Country. He provided a resolution that presents the facts of pollutant carcinogen exposure. He told the Board that the towns of Canton, Colton, Lisbon, Pierrepont, and Saranac Lake have passed the resolution. The Board thanked him for his information. They would further discuss the resolution and get back to him.

**Outdoor Wood Boilers:** Supv. Scott reported that he had received a letter from Decker Heating requesting that the Town of Waddington oppose the proposed DEC regulations on outdoor wood boilers. This regulation would mandate that existing Outdoor wood boilers must be removed by 2015 or 2020 depending on when the furnace was purchased but before the end of their useful life. Supv. Scott noted that there must be some regulations concerning outdoor wood burners but does not feel that one size fits all. It should be left to the individual towns to come up with their own regulations. Supv. Scott asked the Boards opinion. C. McKnight felt that this should be a local issue. C. Putney also noted that this should be local. We should have regulations for setbacks and stovepipe height. C. Thew also agreed that outdoor wood boilers need to be evaluated. The Towns of Colton, Pierrepont, and Louisville have codes in effect. We will contact them to get copies of their regulations.

Resolution #48

Motioned by: Putney

Seconded by: McKnight

WHEREAS, the price of home heating fuels has skyrocketed for citizens within ST. Lawrence County; and

WHEREAS, St. Lawrence County has the third lowest per capita income in New York State; and

WHEREAS, outdoor wood boilers (OWBs) can offer a safer alternative to indoor wood stoves and furnaces that can start home fires because of stray sparks or chimney fires; and WHEREAS, the New York State Department of Environmental Conservation in April 2010 published and is currently soliciting comments on proposed regulation 6NYCRR Part 247, Outdoor Wood Boilers; and

WHEREAS, regulation 6NYCRR, Part 247 Outdoor Wood Boilers would require the removal of existing OWBs by 2015 or 2020 (depending on when the furnace was purchased but before the end of their useful life) which unreasonably subjects these owners to economic hardship;

NOW, THEREFORE BE IT RESOLVED, that the Waddington Town Board does hereby oppose the proposed regulation 6NYCRR Part 247, Outdoor Wood Boilers as submitted by the New York State Department of Conservation;

BE IT FURTHER RESOLVED, that the Waddington Town Board does not feel that one size fits all for OWBs and supports the local municipalities rights to regulate them. Ayes: All

**RVRDA Update:** Supv. Scott reported that the agreement for the RVRDA has been signed with the Power Authority. They will have another signing in Canton and a meeting tomorrow evening @ 7:00.

**Audit Update:** Supv. Scott received a letter back from Pinto & Associates. They will begin the agreed upon procedures within the next couple of weeks. They will examine the last six months of 2009 and the first six months of 2010.

**Library Project:** The USDA has sent a letter of 95% review of plans. They had questions that were sent back to Burley Guminiak for answers. The tests on the caulking/paint came back positive for lead/asbestos. Not sure how much this will add to the cost until the bids come in. The shed on the back of the Library has been removed by the highway department. Tom Owney from Burley has requested that the Town pass a resolution to send the project out to bid pending formal approval from the USDA.

Resolution #49

Motioned by: Thew

Seconded by: Robinson

RESOLVED, that the Waddington Town Board does hereby approve sending the Library project out to bid pending formal approval from the USDA. Ayes: All

**Gazebo:** Supv. Scott reported that the Clerk sent Tiernan's Home center the specs for the vinyl gazebo discussed at the May Board meeting. Tiernan's has come back with a bid of \$6,600. Supv. Scott went to talk to Tiernan about the price to see if he can come down. Tiernan's price is 37% higher than Adirondack Storage Barns for the same gazebo. Discussion about the price differences ensued and the following resolution passed.

Resolution #50

Motioned by: Thew

Seconded by: Robinson

WHEREAS, The Town of Waddington's current procurement policy states all goods and services will be secured by use of written requests for proposals, written quotations, or any other method that assures that goods will be purchased at the lowest price and that favoritism will be avoided, except in the following circumstances: purchase contracts over \$10,000 and public works contracts over \$20,000

NOW, THEREFORE BE IT RESOLVED, that the Waddington Town Board does hereby approve the purchase of the vinyl gazebo from Adirondack Storage Barns.

Ayes: Supv. Scott, Councilor Robinson, Councilor McKnight, and Councilor Thew

Naye: Councilor Putney

### **Committee Reports:**

**Recreation:** C. Robinson reported that Ashlee Dumas attended the meeting. She said all the lifeguards are returning but they may need some part time lifeguards. The beach will open on June 14<sup>th</sup> and end on August 29<sup>th</sup>. Patty VanPatten will run the evening program. It will run from July 5<sup>th</sup> to August 27<sup>th</sup>. Nancy Grief will take care of the concession stand at the arena July 8<sup>th</sup> to August 27<sup>th</sup>. The beach was open for 9 weeks last year. They will be open for 10 weeks this year.

**Highway:** C. Putney reported that the pipes have been installed on the Irish Settlement Road. They have settled some and need some more stone added. The project is on hold until we hear from the State concerning the CHIPS funding. The Highway department has mowed roadsides and the beach; pressure washed the buildings at the beach, and installed the new basketball court. The beach has been dragged for seaweed and the raft installed.

The curtains have been installed on the pavilion. The Recreation Commissioner wants the Beach Caretaker or the Head Lifeguard to be in charge of the crank for the curtains. Supt. Mayette noted that we need to do something about how they operate. Right now there is a crank that is operated with a cordless drill. He does not feel that this should be left to the Caretaker or Lifeguard to handle. The Board discussed looking into a motor to be installed that would operate with a switch and be locked so as not to have anyone playing with them. Supt. Mayette will look into the price of a motor to do this and the clerk will check with the Power Authority.

**Rescue Squad:** C. McKnight reported that the Rescue Squad met on June 7<sup>th</sup>. They have completed an EMT Course. They have three new members and two resignations. They recently purchased a power stretcher for \$6,300. They received a \$6,000 donation from the auxiliary for this. They will be holding a boat safety course. They will be holding their annual banquet Saturday night at the Lobster House.

**Library:** The library held a special meeting. It began with an executive session. There was not Town Board attendance during the regular portion of the meeting because it was held on the same evening as the regular Town Board meeting..

**WRA:** Supv. Scott reported that the first concert will be June 27<sup>th</sup> @ 3:00PM.

**Chamber of Commerce:** Jane reported that the Chamber's new sign is completed. They are calling a list of Chamber members to put together a schedule of upcoming events. The Chamber office is open on Saturday & Sunday.

**Citizen's Comments:**

Jane Layo reported that she came up to the Municipal Building to see Kenny on May 13<sup>th</sup> concerning assessments. She stated that her car had been keyed through the clear coat and caused \$785 in damage. Her insurance company will not pay for it unless she called the troopers to report it. She contacted the State Police and they spoke to other people at the Municipal Building. He told her that they were having problems in this area and that the lighting was not very good. She gave the Board a copy of the bill. She is trying to get it covered under her comprehensive. If she cannot she feels that the Town should pay for the damage since it happened in their parking lot. C. Thew asked her how she knew that is where it happened. She told him that her car is parked in the garage at home. The Board told her that they would look into this.

Jonathon Putney thanked the Town Board for passing the resolution concerning Outdoor boiler regulations.

**Executive Session:**

A motion was made by Putney, seconded by McKnight to enter into executive session at 9:50PM. The purpose of the executive session is to discuss the employment of the Code Enforcement Officer and Assessor. A motion was made by McKnight, seconded by Putney to return to regular session at 10:55PM. Ayes: All  
No action was taken during executive session.

**Bills:** A motion was made by Putney, seconded by McKnight to pay bills #348 to 421 in the amount of \$75,447.80. Ayes: All

**Adjournment:** A motion was made by McKnight, seconded by Thew to adjourn the meeting at 11:10PM. Ayes: All

Respectfully submitted,

Carol A. Burns,  
Town Clerk