

TOWN OF CANAJOHARIE
MONTGOMERY COUNTY

April 18, 2019

The Town Council met for a public hearing on proposed Local Law #1 of 2019 and regular monthly meeting at the Town Hall building, 12 Mitchell Street, Canajoharie, New York.

Present: Supervisor Peter Vroman, Councilpersons: William Armitstead, John Toomey, Jr., John Peruzzi, Sr.; Bookkeeper Amy Kretser; Highway Superintendent Timothy Jones; Councilman Rodney Young not present;

The public hearing was opened by the Supervisor at 7:30pm

Kenneth Ayres, Esq. and his client, Jenna Humphrey, present for public hearing on proposed Local Law #1 of 2019 to designate Budd St. from Null Rd. south to the Town of Sharon town line as a minimum maintenance road

- Attorney Ayres argues against the proposed local law on behalf of his client, Ms. Humphrey, who has built a year-round residence at 357 Budd Street on 62-acres of land with over 1100 feet of road frontage on the portion of Budd St. proposed to be designated as a minimum maintenance road

-Attorney Ayres describes legal action commenced by Ms. Humphrey against the Town in 2018 re: claiming Local Law #1 of 1997 regarding minimum maintenance roads in the Town as invalid, and to compel the Town Highway Superintendent to keep Budd St. free from snow obstructions and in repair

-The legal action was decided in NYS Supreme Court with an order demanding the Highway Superintendent to plow and maintain Budd St., but the order also denied that Local Law #1 of 1997 is invalid; Both parties have appealed the decision to NYS Appellate Division, therefore, Attorney Ayres argues enacting Local Law #1 of 2019 which would designate Budd St as a minimum maintenance road is premature while appeals are pending

-Attorney Ayres presents the following arguments against designating Budd St. from Null Rd. south to the Town of Sharon town line as a minimum maintenance road:

-Contends that Local Law #1 of 1997 would not apply to his client as she has constructed a year-round residence

-There is no maintenance standard(s) listed for the Highway Superintendent to follow in Local Law #1 of 1997

-Further contends that Local Law #1 of 1997 does not state that snow removal cannot be done by the Highway Superintendent

-States objections to the Highway Superintendent's recommendations and classification to designate Budd St. as a minimum maintenance road; argues the Highway Superintendent did not include any data to support his recommendations (ie: no vehicle traffic data or dates of data collection, no data to support why it would be in the best interest of the Town, how did he determine Budd St. does not provide access to a year-round residence)

-States the Town Assessor has classified Ms. Humphrey's building as a year-round rural residence, so the Town cannot by 1997 Local Law #1 designate the portion of Budd St. as minimum maintenance per the law's definition

-Maintains the common driveway that was supposed to be constructed by the developer before selling the building lots which had been approved by the Town Planning Board could only be enforced by the Planning Board and it was not enforced; argues the Town had notice of transfer of the properties when it received the RP-5217 from when the properties were sold

-Points out that the prior Highway Superintendent provided a culvert for a driveway
-Argues that four other Town roads are also existing as non-legally minimum maintenance roads, however, Local Law #1 of 2019 only refers to Budd St. therefore he alleges the Town is taking retaliatory action against Ms. Humphrey

-Further maintains that Budd St. is the only access to a year-round residence, contends that Local Law #1 of 1997 is invalid, proposed Local Law #1 of 2019 is fatally defective

-Requests that the Town Board not adopt proposed Local Law #1 of 2019

-Forewarns future litigation to challenge proposed Local Law #1 of 2019, if adopted

-Attorney Ayres gives the Town Clerk a printed copy of his argument and exhibits; requests the Town Clerk's notes be preserved

-Supervisor Vroman responds to Attorney Ayres that the Town is proceeding under the guidance and advice of legal counsel to enact proposed Local Law #1 of 2019, and the Town is acting in no way or with no intention(s) of punishing Ms. Humphrey, or anyone else

7:59pm- Motion to close public hearing by Supervisor Vroman, seconded by Councilman Toomey, all in favor ayes, carried

8:00pm-regular monthly meeting opened by Supervisor Vroman

On a **motion** by Supervisor Vroman, **seconded** by Councilman Peruzzi, the meeting **agenda** was **unanimously approved**

On **motion** by Supervisor Vroman, **seconded** by Councilman Peruzzi, **March meeting minutes** were **unanimously approved**

Public Comment- none

TOWN SUPERVISOR- Reads Short Environmental Assessment Form (SEQRA) as to adoption of Local Law #1 of 2019 designating a portion of Budd St, from Null Rd. south to the Town of Sharon town line as a minimum maintenance road

Motion to declare the proposed designation of Budd St. as a minimum maintenance road as no/small impacts in relation to the questions on Part 2 of the SEQRA EAF by Supervisor Vroman, **NO SECOND**

-Councilman Armitstead would like more advice from legal counsel and more discussion regarding this matter

Motion to Table SEQRA and Resolution #7 enacting Local Law #1 of 2019 by Councilman Armitstead, **seconded** by Councilman Toomey, **all in favor, unanimous ayes, carried**

***TABLED* RESOLUTION # 7** of 2019 Enacting Local Law #1 of 2019 designating a portion of Budd Street, from Null Road south to the Town of Sharon town line as a minimum maintenance road

Resolution #8 of 2019
To accept agreement for control of grass and brush on county highways

Sponsor: Supervisor Peter Vroman
Second: Councilman John Toomey, Jr.

WHEREAS, the Town of Canajoharie includes 41.60 miles of County Highway (40.97 +0.63 in Village of Ames,

WHEREAS, the County of Montgomery Department of Public Works has proposed an agreement for control of grass and brush on County Highways with the Town of Canajoharie beginning June 1, 2019 and ending May 31, 2020; the amount/mile \$400.00, and total 2019/2020 Brush and Grass Control in the amount of \$16,640.00,

RESOLVED, that the Town of Canajoharie accepts the proposed 2019/2020 Grass and Brush Control Contract in the total amount of \$16,640.00,

RESOLVED, that the Town of Canajoharie agrees to the terms as set forth in said proposed Agreement for Control of Grass and Brush on County Highways, beginning June 1, 2019 and ending May 31, 2020.

<u>VOTING:</u>	<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Supervisor Peter Vroman	X		
Councilman William Armitstead	X		
Councilman John Toomey, Jr.	X		
Councilman Rodney Young			X
Councilman John Peruzzi	X		

Dated: April 18, 2019
Laurie M. Vroman
Town Clerk

Resolution #9 OF 2019
Authorizing purchase of 2019 Freightliner 10-Wheel Truck with Statutory Bond Anticipation Note

Whereas, the Town of Canajoharie has purchased a 2019 Freightliner 10-wheel truck for the price of \$220,000.00; and

Whereas, financing must be secured for payment of the tuck; and

Whereas, Supervisor Peter Vroman has discussed financing with officials at NBT bank and has been given information regarding the most favorable rates,

RESOLVED: the Town Council of Canajoharie hereby authorizes Supervisor Peter Vroman to sign a Statutory Bond Anticipation Note in the amount of \$220,000.00 at the interest rate of 3.55% for one (1) year to purchase the new truck.

SPONSOR: Supervisor Peter Vroman
SECOND: Councilman William Armitstead

<u>VOTING:</u>	<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Supervisor Peter A. Vroman	X		
Councilman William Armitstead	X		
Councilman John Toomey, Jr.	X		
Councilman Rodney Young			X
Councilman John Peruzzi, Sr.	X		

Dated: April 18, 2019
Laurie M. Vroman
Town Clerk

Resolution #10 of 2019
Authorizing Final Payment for 2016 Western Star 10-Wheel Truck and Plow
Bond Anticipation Note

Whereas, the Town of Canajoharie had purchased a 2016 Western Star 10-wheel truck and plow for the price of \$212,334.00 in April of 2016; and

Whereas, the Town Board authorized \$45,284.00 from the Town account to be used towards payment of the truck; and

Whereas, the remaining amount of \$167,050.00 was secured for payment of the truck in the form of a Bond Anticipation Note; and

Whereas, the Town Supervisor(s) have made yearly payments with interest towards the Bond Anticipation Note with permission from the Town of Canajoharie Board,

BE IT NOW RESOLVED: the Town Council of Canajoharie hereby authorizes Supervisor Peter Vroman to pay the final principal balance of \$55,683.00, and interest in the amount of \$1,458.89 totaling \$57,141.89 to NBT Bank.

SPONSOR: Supervisor Peter Vroman
SECOND: Councilman John Toomey, Jr.

<u>VOTING:</u>	<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Supervisor Peter A. Vroman	X		
Councilman William Armitstead	X		
Councilman John Toomey, Jr.	X		
Councilman Rodney Young			X
Councilman John Peruzzi, Sr.	X		

Dated: April 18, 2019
Laurie M. Vroman
Town Clerk

Resolution #11 of 2019
Appointment of Gary Barringer to Zoning Board of Appeals

WHEREAS, the Town of Canajoharie Zoning Board of Appeals has a vacancy,

WHEREAS, Gary Barringer has expressed interest in becoming a member of the ZBA,

RESOLVED: Gary Barringer is appointed to the Zoning Board of Appeals, term to expire December 31, 2020.

SPONSOR: Supervisor Peter Vroman
SECOND: Councilman William Armitstead

<u>VOTING:</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSENT</u>
Supervisor Peter Vroman	X		
Councilman William Armitstead	X		
Councilman John Toomey	X		
Councilman Rodney Young			X
Councilman John Peruzzi, Sr.	X		

Laurie M. Vroman
Town Clerk
April 18, 2019

Resolution #12 of 2019
Appoint Patricia Beyer to the Board of Assessment Review

WHEREAS, the Town of Canajoharie Board of Assessment Review has a vacancy upon the resignation of BAR member, Robert Wilson,

WHEREAS, Patricia Beyer has expressed interest in becoming a member of the BAR,

RESOLVED: Patricia Beyer is appointed to the Board of Assessment Review, term to expire September 30, 2021.

SPONSOR: Supervisor Peter Vroman
SECOND: Councilman William Armitstead

<u>VOTING:</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSENT</u>
Supervisor Peter Vroman	X		
Councilman William Armitstead	X		
Councilman John Toomey	X		
Councilman Rodney Young			X
Councilman John Peruzzi, Sr.	X		

Laurie M. Vroman
Town Clerk
April 18, 2019

Resolution #13 of 2019
Approval of Town Court 2018 Financial Books and Records

WHEREAS, the Town Council of the Town of Canajoharie was presented with the 2018 financial books and other records of the Town Court of Canajoharie during the Town meeting on April 18, 2019 and,

WHEREAS, the Town Council found these books satisfactory and complete,

RESOLVED: the Town Council hereby approves the financial books and records of the Town Court for the year 2018.

SPONSOR: Supervisor Peter Vroman
SECOND: Councilman William Armitstead

<u>VOTING:</u>	<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Supervisor Peter A. Vroman	X		
Councilman William Armitstead	X		
Councilman John Toomey	X		
Councilman Rodney Young			X
Councilman John Peruzzi	X		

Dated: April 18, 2019
Laurie M. Vroman
Town Clerk

Supervisor Vroman informs the Board that AIM funding appears to have been restored

Supervisor Vroman has spoken with Senator Amedore's office re: Town garage funding availability

Ms. Kretser speaks as Secretary to Planning Board re: Mohawk Solar is getting their application ready for the State approval; also, the Planning Board approved a 2-lot subdivision on Clinton Road for Mr. Mikalak

Supervisor Vroman discusses contacting the County community service crew to help spruce up the Town Hall main entrance; Discusses the land bank proposed resolutions/issues—need more information and advice from legal counsel; Supervisor Vroman is going to approach the Sheriff regarding fire alarm systems/grants for the Town Hall

HIGHWAY SUPERINTENDENT- the garage needs to be modified to accommodate the new truck, lacking about 11" clearance, hoping to lower the garage floor—will get some contractors out to the garage and bring bids to the Board
-Discussion with Board regarding the old 1997 truck being placed on Auctions International; Board recommends no lower than a \$10,000.00 acceptance bid

-Discusses paving schedule; will have CHIPS money; discusses salt left over with the Board

TOWN CLERK- gives summary of 2019 Town/County tax collection: \$2,712,565.84 collected; \$6,750.11 penalties to Town collected; \$77.00 notice fee to Town collected

-44 online payments received in the amount of \$52,569.32; Online payments seem to be catching on

BOOKKEEPER-

TOWN OF CANAJOHARIE-4/18/19
CASH REPORT MARCH 31, 2019

CHECKING ACCOUNTS	
General	\$ 50,254.80
Fire District	\$ 39.86
Consolidated Health	\$ 25.28
Highway Town Wide	\$255,052.46
Highway Part Town	\$199,715.13
Trust & Agency	<u>\$ 118.85</u>
Total	\$505,206.38

MONEY MARKET ACCOUNTS	
General	\$ 4,212.17
Highway Town Wide	\$ 14,419.40
Highway Part Town	<u>\$265,727.60</u>
Total	\$284,359.17

SAVINGS ACCOUNTS	
Consolidated Health	\$ 1,494.63
Highway Cap Reserve	\$ 16,792.42
Gen-Cap Reserve-Garage	\$234,780.28
Gen-Cap Reserve-land	<u>\$ 53,858.51</u>
Total	\$306,925.84

Respectfully submitted,
Amy S. Kretser
Town Bookkeeper

BILLS

The clerk presented the following bill vouchers for approval:

General fund vouchers #84 through #110, totaling \$69,819.31;

Highway fund vouchers #51 through #65, totaling \$234,071.22

On a **motion** by Supervisor Vroman, **seconded** by Councilman Peruzzi, the bills and budget transfers were **unanimously approved** for payment.

Adjournment

On a **motion** by Supervisor Vroman, **seconded** by Councilman Toomey, all in favor, ayes, the meeting was adjourned at 8:40PM.

Respectfully submitted,

Laurie M. Vroman, Town Clerk