

Town of Kiantone Monthly Meeting February 14, 2019

Presiding: Kevin Myers, Supervisor

Present: Ron Johnson, Councilman  
Valerie McDonald, Councilwoman  
Kurt Sturzenbecker, Councilman  
Josh Ostrander, Councilman

Also Present: Robert Carlson, Highway Superintendent, Gail Davis, Town Clerk, , Legal Counsel Paul Webb

Absent: Bookkeeper Kate Valvo

Supervisor Myers opened the organizational meeting at 7:00pm with the recital of the Pledge to the Flag.

Legal Notice was read by Clerk Davis

MINUTES & REPORTS:

- January Board Minutes- Motion made by Councilman Sturzenbecker, Seconded by Councilman Johnson; Poll the Board: 5 yes 0 no, APPROVED
- Bills & Bills Paid After Audit- Motion made by Councilwoman McDonald , Seconded by Councilman Sturzenbecker, 5 yes 0 no, APPROVED

Review of Monthly Department Reports:

Court Reports: Reviewed and accepted.

Assessor Report: Reviewed and accepted

CEO Report: Reviewed and accepted

Clerk's Accounting: Reviewed and accepted.

Clerk's Timesheet: Reviewed and accepted.

Old Business:

- DOCCS Contract Review: Supervisor Myers stated that the discussion of the agreement was tabled at the last meeting due to Councilman Ostrander being absent as Councilman Ostrander was the individual that presented the possible agreement to the Board. Supervisor Myers stated

that after many manhours, and review of the proposed agreement received, that he did not feel that the agreement was in the best interest of the town at this time and had submitted objections and proposed changes to the proposed agreement, then turned the subject over to Legal Counsel Paul Webb for further explanation of the provisions of the agreement. Paul Webb stated that as presented, it was a “ridiculous” agreement/lease agreement outlining reasons:

1. Use of property, agreement stated that the DOCCS could change their hours;  
Objection: Board must approve hour changes so as to not interfere with other town business.
2. DOCCS expectations of the Town to Insure safe & secure location, thereby the Town must provide security.  
Objection:
3. DOCCS wanted the term of the agreement to be 5 years with the annual amount of rent to remain the same.  
Objection: a. the agreement should not go outside the current elected Board and bind future Boards.  
b. rent amount should not be locked in for an extended 5 year period.
4. DOCCS requested a Cancellation Provision which would permit them to cancel the agreement with 45 days notice, however required the Town to provide 6 months notice.

Objection.

4. DOCCS proposed agreement stated that the Town cannot improve or make alterations to the Building without consent of DOCCS.  
Objection: The Building is a Town Building and the Town should have the right to make improvements or alterations as the Town deems fit/necessary without consent or approval of the DOCCS.
5. Provision for Janitorial Requirements, DOCCS requested that the Janitorial Requirements comply with what they request.  
Objection.
6. DOCCS requiring proof of insurance, certificate of insurance naming them as beneficiary, segregated from the town so that they get proceeds.  
Objection.

Paul Webb replied to DOCCS stating that the Town cannot enter into the agreement and sent objections.

Supervisor Myers stated that he feels that there must be a County or State facility available that would accommodate the DOCCS and does not feel that this is something that the Town wants to venture into, opinion that this is not best venture for the town, not in the best interest for the town. The town is not in a difficult financial situation wherein the monies from such an agreement are needed at this time, if, however that town were desperate for money, then possibly this agreement may possibly generate income but that it is not the case.

Councilman Sturzenbecker stated that it would generate “very little income”.

Paul Webb stated “even with the changes, it could be a lengthy negation, but for nothing”.

Councilman Ostrander stated he did not feel it was in the best interest of the Town to pursue.

Supervisor Myers made a motion to go forward with the agreement with DOCCS, Seconded by Councilman Ostrander, Poll the Board: 5 yes, 0 no. Motion Approved.

New Business:

- Acceptance of Verbal Resignation of Jim Johnson as Zoning Board Chair
- Acceptance of Verbal Resignation of Irene Turck as Zoning Board Member  
Verbal Resignations were accepted, however a written resignation is to be requested for town records. Clerk Davis proposed a cake reception for Jim and Irene to take place at next months scheduled Town Board Meeting.
- Assessor Services Agreement with Busti- upon review, Supervisor Myers noticed an error in the amounts. Approval of the Agreement was tabled until clarification provided by Busti.
- Court Security Agreement with County Sheriff Dept., after review, Motion Made to Accept Agreement, not to exceed \$6500.00, made by Supervisor Myers, Seconded by Councilman Ostrander, Poll the Board: 5 yes O no Motion Approved.

Supervisor Myers opened the floor to those present:

Present were Officers and Members of the Kiantone Ind. Fire Dept., Fire Chief Reale voiced concern over the proposed state law banning “gun raffles”, stating that this function is a major fundraiser for the Dept., stating that between the gun raffle/turkey party and the beer raffle, generates approximately \$6000.00. Fire Chief Reale also requested a listing of residential homes and building within the town which have solar panels installed for safety to their firefighters.

Town Resident Paul Miceli appeared to address the Board regarding his experience with not being able to pay his property taxes because the tax collector had closed the office due to illness thus costing him a penalty. He asked the Board to look into an alternative plan to avoid such a situation in the future. The Board acknowledged his concern, apologized for the inconvenience and will look into an alternative plan for the future.

With no further business from the floor, Supervisor Myers addressed “Departments”. Highway: Superintendent Carlson stated that the new truck should be in sometime in May. Councilwomen McDonald voiced recommendation that the Board and Fire Dept. closely review the Emergency Action Plan at next months meeting, Supervisor Myers to scan and email plan to Board Members for closer review at March meeting. Fire Chief Reale is the Emergency Service Coordinator, stated that if necessary in a severe situation, the Fire Dept. building is open to the public, Fire Dept. has natural gas generators. Currently the Town Hall is the emergency location, Highway Superintendent stated that the town has a portable generator in the event there is power outages. Councilman Ostrander stated that he had recently been in Arkwright near the windmills and suggested that the Town take serious consideration in the subject of windmills, that he would like to invite the individual that approached the Board in the past year regarding windmills back to speak not only to the Town Board, but also include Code Enforcement

Officer Melanie Eddy in the discussion. Councilwoman McDonald proposed that the information which had been previously provided by the speaker should also go to the Planning Board and they be included in the discussion. Paul Webb provided an update on the Upstate Cell Tower matter in which Upstate dropping initial location request, as they have a different location, however they want to stay on the initial application and not have to reapply, etc., Paul Webb feels that that a cite plan should be requested regardless if town permits to move forward on current application or requests a new application and procedures. Awaiting Federal Court Decision, if in Town's favor matter will be dismissed.

With No Further Business to Come Before the Board, Motion to Adjourn was Made by Supervisor Myers, Seconded by Councilman Sturzenbecker: Poll the Board: 5 yes 0 no Meeting Adjourned at 8:12 pm

Next Meeting: March 14, 2019

Respectfully Submitted,

Gail Davis, Town Clerk

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