

Regular Meeting

The regular meeting of the Ephratah Town Board was held 6 p.m. November 10, 2010 at the Ephratah Town Hall.

Roll call found the following people present:

Supervisor	Todd Bradt
Councilman	Ivan Duesler
Councilman	George Cosselman
Councilman	Thomas Miles
Councilman	Andrew Chorlton
Clerk	Eleanor Smith
Superintendent of Highways	James Berry
Code Enforcement Officer	David Rackmyre -- Absent
Attorney	Michael Albanese

The meeting was opened with salute to the flag led by Johnstown High School Student, Sarah Claire, and Supervisor Todd Bradt.

Ivan Duesler made a motion to accept the minutes of October 13, 2010. 2nd by Andy Chorlton. 5 Ayes. Carried.

Tom Miles made a motion to pay General bills, Abstract # 11, Claim # 146 thru #155 for the amount of \$3,828.68. 2nd by Ivan Duesler. 5 Ayes. Carried.

Ivan Duesler made a motion to pay Highway bills, Abstract # 11, Claim # 191 thru # 209 for the amount of \$35,623.81. 2nd by Tom Miles. 5 Ayes. Carried.

Communications: The Transfer Station will be closed Thursday, 11/11/2010 for Veteran's Day and Thanksgiving Day, 11/25/2010.

Public Input: No Comment.

At 6:15 p.m. the Public Hearing was opened for the Preliminary Budget. John Tennis thanked the Board for keeping the budget as low as is. Supervisor Bradt stated the "thanks" also goes to the Assessors.

Reports:

Code Enforcer: No Report.

Planning Board: Report submitted for review.

Hwy Superintendent: Crew getting ready for winter, putting sanders and plows on the trucks. Jim went to the County meeting for the CHIPS discussion. The Road Inventory has been completed.

Youth: November 13, 2010, 6 p.m., is the Sponsor's Dinner at the Youth Recreation Building. Approximately 65 children attended the Halloween Party. The Christmas Party will be held December 18, 2010, at 4 p.m.

Assessors: Report submitted for review.

Supervisor's report: Report submitted for review.

Historian: Evelyn Frasier is working on Garoga project.

At 6:30 p.m. Supervisor Bradt opened the Public Hearing on the proposed “Town of Ephratah Site Plan Review Law #3 of 2010”. John Tennis asked to read the “Exempt Uses” and the “Existing Uses and Structures”.

New Business

Resolution 74

Tom Miles offered Resolution 74 authorizing Supervisor Bradt to reimburse Brenda Christman for the expenses incurred while taking her last class and final exam for Assessor. The expenses amounted to \$101.54 for travel, tolls and parking. 2nd by George Cosselman. 5 Ayes. Carried.

George Cosselman made a motion to hold a Public Hearing, December 8, 2010, at 6:15 p.m. for the Ephratah Volunteer Fire Department 5 year contract with the Town of Ephratah. The terms are as follows:

- \$51,500 for 2011 year – no increase
- \$52,000 for 2012 year -- \$500 increase
- \$52,500 for 2013 year -- \$500 increase
- \$53,000 for 2014 year -- \$500 increase
- \$53,500 for 2015 year -- \$500 increase

The Public Hearing notice is to be posted in the Legal Department of The Leader Herald.

2nd by Tom Miles. 5 Ayes. Carried.

Unfinished Business

Resolution 75

George Cosselman made a motion to up-date the Town of Ephratah’s Local Law, Chapter 42, entitled “Smoking” to “Smoking in Town Owned Buildings” and to follow suit with Fulton County’s law regarding “Smoking in County Owned Buildings”. 2nd by Ivan Duesler. 5 Ayes. Carried.

The Planning Board reviewed and presented to Mike Albanese, a “Mass Gathering Law” for his review with the expectation of setting a Public Hearing date and time next month.

Supervisor Bradt Closed the Public Hearing on the Budget at 6:34 p.m.

Resolution 76

Tom Miles offered Resolution 76 to accept the Preliminary Budget of \$1,287,079.53 the amount to be raised by taxes of \$734,958.00 as the annual budget for the Town of Ephratah for the fiscal year 2011. 2nd by Ivan Duesler. 5 Ayes. Carried.

Resolved: Whereas, the town board has met at a time and place specified in the Notice of Public Hearing on the preliminary budget, and heard all persons desiring to be heard thereon, Now therefore be it resolved that the town board does hereby adopt such preliminary budget as amended as the Annual Budget as so adopted, be entered in detail in the minutes of the proceedings of the town board and be it further resolved, that the town Clerk or Budget Officer of the town, shall prepare and Certify in duplicate copies of said annual budget as adopted by this board together with estimates if any, adopted pursuant to section 202-A. sub-division 2 of the town law, and deliver a copy thereof to the

supervisor of this town, to be presented by him to the board of supervisors of the County. This resolution was 2nd by Ivan Duesler.

A roll call vote was taken as follows:

Supervisor	Todd Bradt	Aye
Councilman	Ivan Duesler	Aye
Councilman	George Cosselman	Aye
Councilman	Thomas Miles	Aye
Councilman	Andrew Chorlton	Aye

The budget for 2011 of this town is hereby adopted.

Supervisor Bradt opened the Public Hearing at 6:45 p.m. on the Local Law #2 entitled “Dog Control Law for the Town of Ephratah”.

John Tennis inquired about the fee for licensing in regards to the cost to the town on tags, renewal reminders, delinquent reminders, etc.

Supervisor Bradt closed the Public Hearing on The “Town of Ephratah Site Plan Review Law #3” at 6:50 p.m.

Supervisor Bradt closed the Public Hearing at 6:51 p.m. on the Local Law #2 entitled “Dog Control Law for the Town of Ephratah”.

Resolution 77

Ivan Duesler offered Resolution 77

2nd by Andy Chorlton. 5 Ayes. Carried.

RESOLUTION AUTHORIZING ADOPTION BY
EPHRATAH TOWN BOARD
OF LOCAL LAW NO. 3 OF 2010 entitled

“Town Of Ephratah Site Plan Review Law”

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Ephratah for a public hearing to be held by said Town Board on November 10, 2010 at 6:30 p.m. at Ephratah Town Hall to hear all interested parties on a proposed Local Law entitled, “Town of Ephratah Site Plan Review Law;” and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town of Ephratah; and

WHEREAS, said public hearing was duly held on November 10, 2010 at 6:30 p.m. at Town Hall and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition of said Proposed Local Law, or any part thereof; and

WHEREAS, the Town Board of the Town of Ephratah, after due deliberation, finds it in the best interest of the Town to adopt said Local Law; and

WHEREAS, the Town Board of the Town of Ephratah desires to maintain the rural, natural and scenic qualities of the Town and to promote the health, safety and general welfare of the Town by way of maintaining a clean, wholesome, attractive environment; and

WHEREAS, the Town Board of the Town of Ephratah, in furtherance of the aforementioned, intends to regulate development within the Town of Ephratah through review and approval of site plans,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Ephratah hereby adopts said Local Law No. 3 of 2010 entitled “Town of Ephratah Site Plan Review Law,” a copy of which is attached hereto and made a part of this resolution, be it further

RESOLVED, that the Town Clerk be and she hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Ephratah, and to give due notice of the adoption of said local law to the Secretary of the State of New York.

AYE:

Nay:

Introduced: October 13, 2010

Approved:

NAY	ABSENT	AYE
<input type="checkbox"/> Supervisor Todd Bradt	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Councilman Thomas Miles	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Councilman Andrew Chorlton	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Councilman George Cosselman	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Councilman Ivan Duesler	<input type="checkbox"/>	<input type="checkbox"/>

Resolution 78

George Cosselman offered Resolution 78
2nd by Tom Miles. 5 Ayes. Carried.

RESOLUTION AUTHORIZING ADOPTION BY
EPHRATAH TOWN BOARD
OF LOCAL LAW NO. 2 OF 2010 entitled
“Dog Control Law For The Town Of Ephratah”

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Ephratah for a public hearing to be held by said Town Board on November 10, 2010 at 6:45 p.m. at Ephratah Town Hall to hear all interested parties on a proposed Local Law entitled, “Dog Control Law for the Town of Ephratah;” and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town of Ephratah; and

WHEREAS, said public hearing was duly held on November 10, 2010 at 6:45 p.m. at Town Hall and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition of said Proposed Local Law, or any part thereof; and

WHEREAS, the Town Board of the Town of Ephratah, after due deliberation, finds it in the best interest of the Town to adopt said Local Law; and

WHEREAS, the Town Board of the Town of Ephratah desires to protect the health, safety and well being of persons and property from the running at large and other uncontrolled behavior of licensed and unlicensed dogs within the Town; and

WHEREAS, the Town Board of the Town of Ephratah, in furtherance of the aforementioned, intends to impose restrictions on the keeping and running at large of dogs within the Town of Ephratah,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Ephratah hereby adopts said Local Law No. 2 of 2010 entitled “Dog Control Law for the Town of Ephratah,” a copy of which is attached hereto and made a part of this resolution, be it further

RESOLVED, that the Town Clerk be and she hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Ephratah, and to give due notice of the adoption of said local law to the Secretary of the State of New York.

AYE:

Nay:

Introduced: October 13, 2010

Approved:

	ABSENT	AYE
NAY Supervisor Todd Bradt	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>		
Councilman Thomas Miles	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>		
Councilman Andrew Chorlton	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>		
Councilman George Cosselman	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>		
Councilman Ivan Duesler	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>		

Ivan Duesler made a motion to go into Executive Session for litigation. 2nd by Tom Miles. 5 Ayes. Carried. Time: 6:52 p.m.

Ivan Duesler made a motion to return to Regular Session. 2nd by Andy Chorlton. 5 Ayes. Carried. Time: 7:16 p.m.

Dan Richardson inquired about the projected amount for Streetlights in the 2011 budget.

Tom Miles made a motion to adjourn. 2nd by George Cosselman. 5 Ayes. Carried.

Time: 7:20 P.M.

Eleanor Smith
Clerk