

Regular Meeting

The Regular Meeting of the Ephratah Town Board was held 6 PM
April 13, 2011 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
Hwy Superintendent	James Berry
Code Enforcement Officer	David Rackmyre, Jr.-- Absent
Attorney	Michael Albanese

The meeting was opened with Salute to the Flag led by Supervisor Todd Bradt.

Ivan Duesler made a motion to accept the minutes from March 9, 2011. 2nd by Andy Chorlton. 5 Ayes. Carried.

George Cosselman made a motion to pay General bills, Abstract 4, Claim # 83 thru # 100 for the amount of \$ 5,633.73. 2nd by Thomas Miles. 5 Ayes. Carried.

Ivan Duesler made a motion to pay Highway bills, Abstract 4, Claim # 89 thru # 117 for the amount of \$ 11,964.59. 2nd by Andy Chorlton. 5 Ayes. Carried.

Communication: None

Public Input: Mr. Bob Linsey, Pastor of the Lassellsville Methodist Church, introduced himself to the Board and offered his services if ever needed.

At 6:05 p.m. Supervisor Bradt opened the Public Hearing on Local Law #1 of 2011 entitled "Smoking". Anyone wishing to speak on the subject, was asked to do so.

At 6:15 p.m. the Highway Bids for Asphalt Paving were opened. The Bids were as follows:

1. DelSignore Blacktop Paving, Inc., 42 Brick Church Rd, Troy, NY 12180
 - East Rd: 1097 total tons at 66.71 per ton = \$ 73,180.87
 - Clyde Rd: 260 total tons at 66.71 per ton = \$ 17,344.60
 - Ostrum Rd: 617 total tons at 66.71 per ton = \$ 41,160.07
 - **BID TOTAL: \$ 131,685.54**
2. Cobleskill Stone Products, PO Box 220, 112 Rock Rd, Cobleskill, NY 12043
 - East Rd: 1097 total tons at 59.75 per ton = \$ 65,545.75
 - Clyde Rd: 260 total tons at 59.75 per ton = \$ 15,535.00
 - Ostrum Rd: 617 total tons at 59.75 per ton = \$ 36,865.75
 - **BID TOTAL: \$ 117,946.50**
3. Empire Paving, 1982 Duanesburg Rd, Duanesburg, NY 12056
 - East Rd: 1097 total tons at 63.48 per ton = \$69,637.56
 - Clyde Rd: 260 total tons at 63.48 per ton = \$ 16,504.80
 - Ostrum Rd: 617 total tons at 63.48 per ton = \$ 39,167.16
 - **BID TOTAL: \$ 125,309.52**
4. Callanan Industries, Inc., PO Box 15097, Albany, NY 12212-5097

- East Rd: 1097 total tons at 61.14 per ton = \$ 67,070.58
- Clyde Rd: 260 total tons at 61.14 per ton = \$ 15,896.40
- Ostrum Rd: 617 total tons at 61.14 per ton = \$ 37,723.38
- **BID TOTAL: \$ 120,690.36**

5. Hanson Aggregates, PO Box 513, Jamesville, NY 13078

- East Rd: 1097 total tons at 57.80 per ton = \$ 63,406.60
- Clyde Rd: 260 total tons at 59.50 per ton = \$ 15,470.00
- Ostrum Rd: 617 total tons at 59.50 per ton = \$ 36,711.50
- **BID TOTAL: \$ 115,588.10**

Resolution 49

George Cosselman offered Resolution 49 to table the Asphalt Bids up to 45 days, giving Jim Berry and the Board time to review the bids. 2nd by Thomas Miles. 5 Ayes. Carried.

At 6:30 p.m. the submitted sealed Proposals for the Youth Walk Path were opened. The following were the proposals:

1. Manchester Paving and Sealing
105 Clemons Road
St Johnsville, NY 13452 Proposal: \$ 9,400.00
2. Brian's Excavating
191 State Hwy 331
St Johnsville, NY 13452 Proposal: \$ 11,000.00
3. Spraker's Paving
260 Persch Rd
Gloversville, NY 12078 Proposal: \$ 9,600.00

Resolution 50

Ivan Duesler offered Resolution 50 to table the Youth Walking Path Proposals until the next Board meeting to have time to review all proposals submitted. 2nd by Andy Chorlton. 5 Ayes. Carried.

The Ephratah Planning Board submitted an Alternate Training For Planning Board. An alternative program was suggested for members who are unable to attend the scheduled NYS training sessions due to time or schedule conflicts. This program would be designed to fulfill the required four hours of training per year. All materials would be approved by the Fulton County Planning Department. Records of attendance and completion would be kept on file by the Ephratah Planning Board.

The Planning Board's proposed approach contains:

- Classroom presentation of NY State materials
- DVD presentation of NY State materials
- Online study
- Presentation on local issues by authorized officials

Resolution 51

Thomas Miles offered Resolution 51 requesting the Town Board to accept

the Planning Board's proposed approach for training consisting of:

- Classroom presentation of NY State materials
- DVD presentation of NY State materials
- Online study
- Presentation on local issues by authorized officials

2nd by Ivan Duesler. 5 Ayes. Carried.

Reports:

Code Enforcer: Report submitted for review.

- New permit issued – House
- Several Code calls
- Code related inspections
- Received & examined preliminary plans for CG Roxane LLC spring Water bottling Plant
- Will begin sending violation notices for property maintenance issues
- Will be in Court on April 21, 2011 regarding house on Hwy 118 & Hwy 119

It was suggested to check on Mud Rd house near Hart Rd.

Planning Board: Judith Townsend gave the report. Starting in May, the Planning Board will hold their meetings the Monday before the Town Board meeting. A questionnaire has been placed at Brittany's Diner and at the Town Clerk's Office for the residents of the Town and responses have been submitted back to the Planning Board.

- George Cosselman Jr. has secluded himself from any discussion regarding the CG Roxane LLC Spring Water Bottling Plant due to possible personal conflict of interest. Eric Sweeney has taken his place on the Planning Board.

Highway Superintendent: Jim posted the Old State Rd because of trucks, skidders, and bulldozer with chains on, running up & down the road tearing the road to pieces.

Snow fences are down from the winter. The pit was inspected by MShaw and the town is able to reclaim some of the land back. Maintenance is working on the broom so they are able to start sweeping the roads.

Youth: Softball signup and bottle drive from 9 a.m. to 1 p.m. on Saturday 4/16/2011 along with the Easter Egg Hunt will take place. On May 7, 2011 the signing of Coaches, and T-shirts will take place and it will be the last day to sign-up. August 6, 2011 will be a Car Show at the Youth field.

Assessors: Report submitted for review.

- Tentative Tax Roll completed and filed
- Legal notice will be placed in Leader Herald listing dates & times for Open Book & Grievance Day
- Letters of change in assessed value and/or change in exemption status will be mailed prior to Open Book

Supervisor: Report submitted for review.

Historian: July 9, 2011 will be a dedication at Saltsman's Hotel. A Historical sign will be placed at that sight.

Johanna Sweet from Oppenheim-Ephratah School did a school project regarding Web sites. Supervisor Bradt was notified that, in her report, she gave the Town of Ephratah's Web sight great reviews. The Web sight is done by Peter Galarneau.

Supervisor Bradt closed the Public Hearing, Local Law #1 of 2011, entitled “Smoking” at 6:35 p.m.

Resolution 52

**RESOLUTION AUTHORIZING ADOPTION BY
EPHRATAH TOWN BOARD
OF LOCAL LAW NO. 2 OF 2011 entitled
“SMOKING”**

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 April 13, 2011 at 6:05 p.m. at Ephratah Town Hall to hear all interested parties on a proposed Local Law entitled, “Smoking;” 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 April 13, 2011 at 6:05 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 comply with all provisions of New York State Law regulating smoking, including § 1399-n through § 1399-x of New York State Public Health Law, effective July 1, 2003; and

WHEREAS, the Town Board of the Town of Ephratah, in furtherance of the aforementioned, intends to comply with all provisions of § 1399-n through § 1399-x of New York State Public Health Law which regulates smoking,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Ephratah hereby adopts said Local Law No. 2 of 2011 entitled “Smoking,” 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: 5

Nay: 0

Introduced: March 9, 2011 by: Thomas Miles and 2nd by Andrew Chorlton

Approved: Carried

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

Smoking

Local Law Number 1 of 2011

- Section 1-1. Compliance with State Law.**
- Section 1-2. Enforcement.**
- Section 1-3. Noncompliance.**
- Section 1-4. Complaints.**
- Section 1-5. Penalties for Offenses.**
- Section 1-6. Distribution of Rules to Employees.**
- Section 1-7. Assistant Designated.**
- Section 1-8. Amendments.**

SMOKING

Local Law Number 1 of 2011

Section 1-1 Compliance with State Law.

The Town Board of the Town of Ephratah desires to comply with provisions of New York State Law regulating smoking, including § 1399-n through § 1399-x of New York State Public Health Law, effective July 1, 2003.

Section 1-2 Enforcement.

It is the official policy of the Town of Ephratah that all Town departments shall comply with § 1399-n through § 1399-x of New York State Public Health Law which regulates smoking. The Town of Ephratah Code Enforcement Officer shall be the enforcement officer, and each department head shall be responsible for ensuring compliance within his/her own department.

Section 1-3 Noncompliance.

Employees and/or other persons violating this policy will be subject to discipline and/or prosecution as specified by § 1399-n through § 1399-x of New York State Public Health Law.

Section 1-4 Complaints.

Complaints should be brought to the attention of the appropriate supervisory office. Employees may also file a formal written complaint with the New York State Health Department, the Amsterdam District Health Office.

Section 1-5 Penalties for Offenses.

Employees found smoking outside of designated smoking areas will be considered in violation of this chapter and may be subject to discipline and to penalties levied by the New York State Health Department.

Section 1-6 Distribution of Rules to Employees.

Copies of these rules will be posted and distributed to all employees and to all prospective employees.

Section 1-7 Assistant Designated.

The Civil Defense Director/Fire Coordinator/Code Enforcement Officer shall be designated to assist department heads in the enforcement of this chapter.

Section 1-8 Amendments.

This chapter may be amended from time to time by resolution of the Town of Ephratah. All amendments shall be in conformance with New York State Law, and employees will be notified accordingly.

Resolution 53

Ivan Duesler offered Resolution 53 authorizing the Town Board to designate 15 feet from the outside of the building for a smoking area. 2nd by George Cosselman. 5 Ayes. Carried.

Resolution 54

Thomas Miles offered Resolution 54 authorizing a second person to sign an official document or any checks if the original person is unable to sign. The original person along with the second signee are as follows:

- Supervisor Todd Bradt: Deborah Hofmann
- Clerk Eleanor M Smith: Cynthia Wesselmann
- Deborah Hofmann: Todd Bradt

2nd by Andy Chorlton. 5Ayes. Carried.

Resolution 55

Ivan Duesler offered Resolution 55 authorizing the Town Board to raise the present \$15.00 - 31 day delinquent dog license fine to the following:

- 1st offense: Up to \$50.00
- 2nd offense: Up to \$100.00
- 3rd offense: Up to \$250.00

This Resolution is to commence as of April 14, 2011.

2nd by Thomas Miles. 5 Ayes.

Resolution 56

Ivan Duesler offered Resolution 56 authorizing Jim Berry to enter into an Agreement for Expenditure of Town Highway Funds, in the sum of \$158,832.00 for general repairs upon 43 miles of town highways. 2nd by Andy Chorlton. 5 Ayes. Carried.

Resolution 57

Andy Chorlton offered Resolution 57 authorizing the Town Board to audit January, 2011 to April, 2011 Tax Collector's Books on May 11, 2011. 2nd by Ivan Duesler. 5 Ayes. Carried.

The Planning Board is looking to put a message board outside of the Town Hall with hours, time, and any activity the boards may be having. This will be tabled until next month, giving time to gather information on type and cost of the boards.

Ivan Duesler made a motion to adjourn. 2nd by George Cosselman. 5 Ayes. Carried.

Time: 7:05 p.m.

Eleanor Smith
Clerk