

## Regular Meeting

The Regular Meeting of the Ephratah Town Board was held 6 PM  
February 13, 2013 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 -- Absent
Clerk	Eleanor Smith
Hwy Superintendent	James Berry
Code Enforcement Officer	David Rackmyre, Jr.
Attorney	Michael Albanese

The meeting was opened with Salute to the Flag led by Supervisor Todd Bradt. Ethan Cretser, Johnstown High School, P.I.G.S. class, was welcomed by Supervisor Bradt.

Ivan Duesler made a motion to accept the minutes from Organizational Meeting, January 1, 2013 and Regular Meeting January 9, 2013. 2<sup>nd</sup> by George Cosselman. 4 Ayes. Carried.

Ivan Duesler made a motion to pay General bills, Abstract 2, Claim # 23 thru 41 for the amount of \$ 5,324.36. 2<sup>nd</sup> by Thomas Miles. 4 Ayes. Carried.

Thomas Miles made a motion to pay Highway bills, Abstract 2, Claim # 17 thru 35 for the amount of \$ 14,781.67. 2<sup>nd</sup> by Ivan Duesler. 4 Ayes. Carried.

**Communication:** Fulton County Landfill will be closed Feb 18, 2013 and opened on Feb 19, 2013, 10 a.m. to 6 p.m.

**Public Input:** None

### **Reports:**

#### Code Enforcement Officer:

- 2 new permits issued
- Several code calls
- Court date of Feb 28, 2013 set for 339 State Hwy 67 / Attorney Mike Albanese will attend
- Supervisor Bradt & others have requested no fee permits
- Dave Rackmyre, Jr. requested his cell # and email on the web site

#### Planning Board:

- Jake Tennis requested variance, allowing a sub-division of land on State Hwy 10. The parcel to be conveyed is owned by his parents in the amount of 5.679 acres. All required set backs have been met. The variance pertains to Road frontage of 183' and not the 200' required. The Planning Board approved the variance and recommended the Town Board approve it also.

### **Resolution 41**

George Cosselman offered Resolution 41 requesting the Town Board to pass the variance for Jake Tennis for road frontage on State Hwy 10, which lacks 17' for meeting the 200' requirement. 2<sup>nd</sup> by Thomas Miles. 4 Ayes. Carried.

Highway Superintendent: CHIPS had passed a resolution stating that any road under 16' wide would be considered a single lane, therefore, not susceptible for funding.

Because of too many towns would lose money, they decided to table it until next year when it would become a law, allowing it to be put in town's budgets.

#### **Resolution 42**

Ivan Duesler offered Resolution 42 to advertise for bids on blacktopping roads. Bids must be labeled on outside of sealed envelope "Blacktop Bids" and received by the Town Clerk no later than 8 P.M. on Tuesday, March 12, 2013 at 3782 State Hwy 10, St Johnsville, NY 13452.

All bids will be opened on Wednesday, March 13, 2013 at 6:15 P.M. The board reserves the right to reject all or any bids. 2<sup>nd</sup> by Thomas Miles. 4 Ayes. Carried.

Jim Berry received prices on a wood stove for the building. Prices as follows:

- Energy King EK480 160K BTU's \$3,590
- Johnstown Agway 592 170K BTU's \$4,396.36  
Harman 3500
- Johnstown Agway Harman SF2500 120,000 BTU's \$3,387.89

#### **Resolution 43**

George Cosselman offered Resolution 43 authorizing Jim Berry to purchase the Energy King Wood Stove, 160K BTU's for the amount of \$3,590 and to be installed by the Highway Dept. 2<sup>nd</sup> by Ivan Duesler. 4 Ayes. Carried.

Youth: The Easter Party will be held March 31, 2013 at 2 P.M. Alan is working on schedules, sponsors, coaches & umpires for the softball.

#### Assessors:

- Compiling a list of building permits & properties that have been improved without a permit for revaluing for 2013 Tentative Roll.
- The board should consider adjusting the upper income limits.
- They have received a letter from FCRP in regards to absorbing some of the cost of an RSP Central Database Upgrade

#### **Resolution 44**

Thomas Miles offered Resolution 44 to raise the Upper Income Level for Seniors to \$22,000 at 10% of income. 2<sup>nd</sup> by George Cosselman. 4 Ayes. Carried.

As far as the absorbing some of the cost for Database, Lyn said the Assessors feel it should be charged by the amount of properties a town has. Why should one town pay the same as another town with much more properties.

Supervisor: A report submitted for review.

Historian: None

The Comprehensive Planning Board will hold their meeting on Monday, February 25, 2013, 6 PM at the Town Hall.

#### **Resolution 45**

Ivan Duesler offered Resolution 45 to agree to spend Town Highway Funds for the total of \$201,375.00 on 42.36 miles of town highways.

- Saltsman Rd from Ostrum Rd to Woods Rd for sum of \$120,000. Replace culverts, dig ditches, cut brush, and replace shoulder with crushed stone.

- Wohlgemuth Rd from Woods Rd to State Hwy 10, for sum of \$81,375. Replace culverts, cut shoulder, dig ditch, cut brush, trim trees, replace shoulder

2<sup>nd</sup> by George Cosselman. 4 Ayes. Carried.

#### **Resolution 46**

Ivan Duesler offered Resolution 46 authorizing the delegate for the AOTSNY to vote **YES** on all Proposed 2013 Legislative Resolutions. The Resolutions are as follows:

1. Preserve & Strengthen Home Rule
2. Preserve Land Use Authority for Natural Gas Drilling
3. Mandate Relief
4. Publication of Legal Notices
5. Road Preservation Securities & Road Use Agreements
6. Reinstatement of Funding for School Tax Relief Exemption Administration
7. Reform Real Property Tax System
8. Waiver of Asbestos Notification Fees Associated with Municipally Owned Properties
9. Highway, Bridge & Transportation Funding
10. Surcharges to Fund Justice Courts & Town Prosecutors
11. Authority To Charge Gross Receipts Taxes on Utility Bills
12. Funding Local Costs Associated with Gas Extraction
13. Preserve Dedicated Funds for Local Purposes

2<sup>nd</sup> by Thomas Miles. 4 Ayes. Carried.

#### **Resolution 47**

Ivan Duesler offered Resolution 47

RESOLUTION ENDORSING THE POSITION STATEMENT OF THE NEW YORK STATE SHERIFFS' ASSOCIATION EXPRESSING CONCERN ABOUT THE RECENTLY ENACTED STATE GUN CONTROL LAWS  
(NY SAFE ACT)

WHEREAS, recent gun control legislation known as the "NY Safe Act", that was enacted into law by the State Legislature and signed by the Governor, created serious implications that restrict the Second Amendment rights of citizens in New York; and

WHEREAS, the law is very complex and creates unfair restrictions on firearm ownership and the rights of law-biding citizens to self-defense; and

WHEREAS, the legislation was rushed through passage in both houses of the State Legislature without proper review and deliberation that laws of this magnitude deserve; and

WHEREAS, the manner in which Governor Cuomo and Legislators enacted the laws demonstrated their disdain for transparency and open government in New York State; and

WHEREAS, residents of New York State deserve better from their elected representatives; and

WHEREAS, the New York State Sheriffs' Association convened its members and formulated a formal Position Statement which identifies specific problems with the new overly-restrictive law; now, therefore be it

RESOLVED, That the Board of Supervisors hereby demands that State Legislators re-convene to repeal and/or amend the provisions of said "NY Safe Act" that

violate the rights of citizens as guaranteed by the U.S. Constitution and the Second Amendment; and, be it further

RESOLVED, That the Ephratah Town Board endorses and supports the Position Statement of the New York State Sheriff's Association as a starting point for deliberations on how to rectify problems with the new overly restrictive law

Seconded by Councilman George Cosselman and adopted by the following vote:

George Cosselman	Aye
Ivan Duesler	Aye
Thomas Miles	Aye
Todd Bradt	Aye

#### **Resolution 48**

Ivan Duesler offered Resolution 48 authorizing Supervisor Bradt to pay the January & February, 2013 bill from the Fulton County Department of Solid Waste totaling \$4,448.17, Invoice # 1300146. The check from December, 2012 did not get cashed and check # 9744 will have a stop payment on it. 2<sup>nd</sup> by Thomas Miles. 4 Ayes. Carried.

Dr Glenn has agreed to be the Health Officer for the Town of Ephratah, but still has to sign papers before it is official.

Supervisor Bradt called for a 5 minute recess. 6:45 PM.  
Returned back to regular meeting time: 6:52 PM.

The Board proceeded to audit the 2 Judges books of 2012 and Town Clerk's books of 2012.

#### **Resolution 49**

George Cosselman offered Resolution 49 recognizing Judge Joseph Dickenson's 2012 books audited and found to have done a good job and very well kept. 2<sup>nd</sup> by Ivan Duesler. 4 Ayes. Carried.

#### **Resolution 50**

George Cosselman offered Resolution 50 recognizing Judge John Keppler, Jr 2012 books audited and found to have done a good job and very well kept. 2<sup>nd</sup> by Ivan Duesler. 4 Ayes. Carried.

#### **Resolution 51**

Ivan Duesler offered Resolution 51 the Town Board audited Clerk's 2012 books with all being in order and a very good job done. 2<sup>nd</sup> by George Cosselman. 4 Ayes. Carried.

George Cosselman made a motion to adjourn. 2<sup>nd</sup> by Thomas Miles. 4 Ayes. Carried.

Time: 7:30 P.M.

Respectfully Submitted

Eleanor Smith, Clerk