

Regular Meeting

The Regular Meeting of the Ephratah Town Board was held at 6 PM on Wednesday, September 13, 2017 at the Ephratah Town Hall.

Roll Call found the following people present:

Supervisor	Todd Bradt
Deputy Supervisor	Ivan Duesler
Councilman	George Cosselman
Councilman	Thomas Miles
Councilman	Andrew Chorlton
Clerk	Cynthia Wesselmann
Hwy Superintendent	Alan Cretser
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 August 9, 2017 regular meeting minutes. 2nd by George Cosselman. 5 Ayes. Carried.

Ivan Duesler made a motion to pay General bills, Abstract # 9, Claim 133 thru 148 in the amount of \$25,667.45. 2nd by George Cosselman. 5 Ayes, Carried.

Thomas Miles made a motion to pay Highway bills, Abstract #9, Claim 136 thru 157 in the amount of \$149,319.53. 2nd by Ivan Duesler. 5 Ayes, Carried.

Communications:

- The Fulton Co DSW sent notice in that the Ephratah Transfer Station will be closed on Monday, October 9, 2017 for the Columbus Holiday. The station will be open on Tuesday, October 10th from 10am till 6pm.
- DEC has announced free fishing days in NY State. The dates are as follows: September 23, 2017, National Hunting and Fishing Day. Also November 11, 2017 – Veterans Day, February 17-18, 2018 weekend preceding Presidents Day and June 23-24, 2018 – the last full weekend in June 2018.

Public Input:

- None.

Public Hearing:

- Opened the public hearing at 6:15pm for the Local Law 1 of 2017 amending Sub-Division Regulations Local Law 1 of 2016 to add Simple Spits, (0-2).

Reports:

Code Enforcement Officer:

- Five new permits were issued.
- Four Certificates of compliance were issued.
- Mr. Rackmyre reported that he had spoke with the owner of the second hand store in Rockwood. There is too much stuff piled in the building. The councilman pointed out it could be a fire hazard. Mr. Rackmyre also spoke with this owner about his property on Church Street that has been an ongoing issue.

Public Hearing:

- Opened at 6:30pm for Local Law 2 of 2017, “Notice of Highway Defects, Notice of Claims To Be Put In Writing”

Planning Board:

- They met on Monday September 11th, 2017 at 6pm at the Ephratah Town Hall.
- The Planning Board has 2 Alternate vacancies.
- They discussed the officer slate for December elections.
- Mrs. Weaver inquired if our area has any emergency plans. Supervisor Bradt said they would likely meet at the firehouses and or Town Hall.

Highway:

- Highway Superintendent, Mr. Cretser stated that the blacktop has been done and that they are finishing up the shoulders.
- Mr. Cretser also stated that they are almost done mowing on the side of the roads. They would like to be screening gravel for a couple more weeks, and then start sand.
- They are also working on the trucks for winter and working on the insurance company suggestions.

Youth:

- The Car Show was held August 12th from 11am till 2pm, special thanks goes out to Judy Townsend and June Frasier for all their help.
- Soccer started September 9th at 10am and it wasn't as good of turnout as they had hoped.
- They will hold the Soup and Sandwich on the last day of Soccer, October 14th, 2017.
- They are also working on some insurance requests.

Assessor:

- Ms. Yuenger is entering all sales including splits and mergers and then will begin entering new values after the data collection later on in the year.
- She has registered for the final 6 hour class. (They need 12/year.)
- She is finding improvements being made without permits and an increased volume of "junk". She has suggested a local law to discourage this.
- The assessor's office will be sending out exemption renewal notices in November and would like to remind people that will turn 65 anytime next year to apply for the Enhanced Star and Senior exemptions before March 1st, 2018.

Supervisor:

- Nothing to report.

Historian:

- Ms. Frasier is working with a couple of people on genealogy requests.

New Business:

Resolution 58

Thomas Miles offered Resolution 58 to re-appoint Kathleen Oughton to the Board of Assessment Review October 1, 2017, term to end September 30th, 2022.

2nd by Andrew Chorlton. 5 Ayes, Carried.

Resolution 59

Ivan Duesler offered Resolution 59 to accept the Fulton County Highway Snow and Ice removal contract of 7.52 miles for the Town of Ephratah at \$5,000/mile.

2nd by Thomas Miles. 5 Ayes, Carried.

- The Town Board set the Budget Workshop date for Thursday, Sept 21, 2017 at 6pm, at the Ephratah Town Hall.

Resolution 60

Ivan Duesler offered Resolution 60 to override the 2% Tax Cap for the Town of Ephratah 2018 Budget if needed. 2nd by George Cosselman. 5 Ayes, Carried.

Unfinished Business:

- The Supervisor will get in touch with a surveyor for the Fical Cemetery land.
- There were no comments made for either of the Public Hearings.

Ivan Duesler made a motion to close the Public Hearing for the Sub Division Regulation and Simple Splits. (0-2) 2nd by Andrew Chorlton, 5Ayes. Carried.

Resolution 61

Andrew Chorlton offered Resolution 61 to accept Local Law 1 of 2017 Sub Division Regulations and Simple Splits. The Local Law 1of 2017 replaces Local Law 1 of 2016 Sub Division Regulations dated October 12, 2016. Wording was added under II Definitions: 13. Minor Subdivision: “Simple Splits (0-2) are exempt from some of the sub division regulations under the definitions pending approval from the Planning Board and or the Town Board final approval”, and added “See the Simple Split Form required on page 21” to the original Sub Division local law. 2nd by Ivan Duesler, 5 Ayes, Carried.

Local Law 1 of 2017 “Sub Division Regulations and Simple Splits”

II Definitions:

13. Minor Subdivision:

Simple Splits (0-2) are exempt from some of the requirements of Sub Division Regulations under the definitions pending approval from the Planning Board and or Town Board final approval. See the Simple Split Form required on page 21.

Town of Ephratah Planning Board
Property Split for Sale or Transfer
Simple Split (0-2)

Date: _____

Name: _____

Address: _____

Phone: _____ E-Mail _____

Property I.D. _____ - _____ - _____

Deed Holder: _____

Acres: _____

Plan:

_____ Sale? _____ Transfer?

- Required:
1. Property Split Form
 2. Plat prepared and stamped by NYS licensed Surveyor
 3. EAF

Ten copies of forms and plat to Planning Board at least ten (10) days before regularly scheduled meeting.

Questions: Contact Planning Board Chair Judith Townsend
At (518) 762-6453

Board Determination: _____ Approved _____ Denied

Official signature:

Official seal:

Ivan Duesler made a motion to close the Public Hearing for the Local Law 2 of 2017 “Notice of Highway Defects, Notice of Claims To Be Put In Writing”. 2nd by George Cosselman, 5Ayes. Carried.

Resolution 62

Thomas Miles offered Resolution 62 to accept Local Law 2 of 2017 “Notice of Highway Defects, Notice of Claims to be put in Writing” 2nd by Andrew Chorlton. 5 Ayes, Carried.

Local Law Number 2 of 2017 “Notice of Highway Defects, Notice of Claims to be put in Writing”

A local law providing for written notification of defects and obstructions on town highways, bridges, streets, sidewalks, crosswalks and culverts in the Town of Ephratah.

Be it enacted by the Town Board of the Town of Ephratah.

Section 1. No civil actions shall be maintained against the town or town superintendent of highways for damages or injuries to person or property sustained by reason of any highway, bridge, street, sidewalk, crosswalk or culvert being defective, out of repair, unsafe, dangerous or obstructed unless written notice of such defective, unsafe, dangerous, or obstructed condition of such highway, bridge, street, sidewalk, crosswalk or culvert was actually given to the town clerk or town superintendent of highways, and there was a failure or neglect within a reasonable time after the giving of such notice to repair or remove the defect, danger or obstruction complained of. No such action shall be maintained for damages or injuries to person or property sustained solely in consequence of the existence of snow or ice upon any highway, bridge, street, sidewalk, crosswalk or culvert, unless written notice thereof, specifying the particular place, was actually given to the town clerk or town superintendent of highways and there was failure or neglect to cause such snow or ice to be removed, or to make the place otherwise reasonably safe within a reasonable time after the receipt of such notice.

Section 2. The town superintendent of highways shall transmit in writing to the town clerk within ten days after the receipt thereof all written notices received pursuant to this local law and subdivision 2 of section 65-a of the Town Law. The town clerk shall cause all written notices received pursuant to this local law and subdivision 2 of section 65-a of the Town Law, to be presented to the town board within ten days of the receipt thereof or at the next succeeding town board meeting whichever shall be sooner.

Section 3. This local law shall supersede in its application to the Town of Ephratah subdivisions 1 and 3 of section 65-a of the Town Law.

Section 4. This local law shall take effect immediately upon its filing in the office of the Secretary of State.

Please note that Town Law 65-a, Subdivision 4, requires the Town Clerk to keep a separate indexed record of all such notices received. In the event of litigation, the Town will be expected to demonstrate compliance with this provision.

**RESOLUTION AUTHORIZING ADOPTION BY
EPHRATAH TOWN BOARD
OF LOCAL LAW NO. 2 OF 2017 entitled
“NOTICE OF HIGHWAY DEFECTS, NOTICE OF CLAIMS TO BE PUT IN WRITING”**

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 September 13, 2017 at 6:30 p.m. at Ephratah Town Hall to hear all interested parties on a proposed Local Law entitled, “Notice of Highway Defects, Notice of Claims to be put in Writing” 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 September 13, 2017 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 Ephratah Town Board intends to enact a local law regarding prior written notice of highway defects and notice of claims to be put in writing in the Town; 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 entitled, “Notice of Highway Defects, Notice of Claims to be put in Writing”.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Ephratah hereby adopts said Local Law No. 2 of 2017 entitled, “Notice of Highway Defects, Notice of Claims to be put in Writing,” 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: By Thomas Miles, and Seconded by Andrew Chorlton on September 13, 2017.

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

Public Input

- Judge Keppler pointed out that the September 21st was DA Day in the court and suggested another night for the Budget Workshop.
- The Town Board agreed and moved the Budget Workshop to September 28th at 6pm, at the Ephratah Town Hall.

Thomas Miles made a motion to adjourn the meeting. 2nd by George Cosselman. 5 Ayes, Carried. Time: 6:38 P.M.

Respectfully submitted,

Cynthia A. Wesselmann
Town Clerk, Town of Ephratah