

Organization Town of Champion

Board Town Board

Date and Time Monday, July 2 2012 at 7:00 PM

Place Town of Champion Offices Board Room (rear of building) 10 N Broad St, West Carthage NY

Contact [Chris Vargulick](#) Town Clerk Phone (315) 493-3240 Fax(315) 493-2900

Minutes

The Town of Champion Town Board met in regular monthly session on Monday, July 2, 2012 at the Town Municipal Building, 10 North Broad Street, West Carthage. Present were Supervisor Buckley, Councilmen Stewart, Watkins, Buzzell, and Ferguson, Highway Superintendent Sech, and Attorney Farley.

Supervisor Buckley called the meeting to order at 7:02pm and opened the meeting for public comment. Louis Waite, CVFD Chief, submitted a training report format, a summary of calls, and incident reports for the period January 1, 2012 through May 31, 2012. Supervisor Buckley questioned the status of the department's grant application. K. Amyot reported that an application in the amount of approximately \$80,000 has been prepared. The grant is requesting funds to purchase turnout gear, air packs, and equipment for laundering the gear. Mr. Waite requested a letter of support from the Town for the application. The Board agreed, by consensus, to issue the letter of support.

Eric Sharlow, representing Stephen Foy Insurance, discussed health plan options for non-unionized employees and responded to questions from the Board. In response to a question from Supervisor Buckley regarding the purchase of pharmaceuticals, Mr. Sharlow recommended that an account be opened with a local pharmacy where the affected employees could purchase prescriptions without an upfront cost. Mr. Sharlow emphasized the impacts of cost control and health care management in regards to budgeting. Mr. Sech questioned the lack of information that has been provided to the affected employees in regards to the health coverage. Mr. Sharlow agreed to provide a copy of the plan for employee review.

Monthly Reports

- Councilmen - Mr. Buzzell discussed the lack of access that a house under construction would have to the Farney Pit Road. The driveway is on the well site access road which will only be maintained when the operator needs to inspect the site. Supervisor Buckley responded that the developer has been personally notified in regards to the access issue. Mr. Watkins commented on the construction of the well site building. Supervisor Buckley reported that the contractor will begin laying pipe this week.
- Highway Superintendent - Mr. Sech reported that parts to repair the roadside mower are on backorder thus delaying the work. Pipes have been replaced on the Bach Road and a portion of the Whitaker Road in preparation for grinding and paving next week. The department will utilize recycled blacktop from Barrett Paving on the Sayre Road, saving approximately \$15,000 in total cost. The paver and roller will be borrowed from the County and will be paid for in part with accumulated shared services funds. Gravel roads have been sprayed for dust control.
- Assessor - Mr. Vargulick requested an executive session to discuss two pending lawsuits.
- Justice - Judge Quinn provided a summary of activities during the past month.
- Planning Board - Mr. LaBarge reported that the Planning Board completed work on the proposed zoning amendments related to electrical transmission lines and is proceeding with work on amendments related to hydraulic fracturing. The Board has scheduled a public hearing on a minor subdivision.
- ZEO - Mr. LaBarge summarized activities for June.

Motion by Mr. Buzzell, seconded by Mr. Stewart to approve the minutes for June 4, 2012 as presented. Mr. Stewart-aye, Mr. Watkins-nay, Mr. Buzzell-aye, Mr. Ferguson-aye, and Supervisor Buckley-aye. Motion carried.

Motion by Mr. Stewart, seconded by Mr. Ferguson to approve the payment of the following bills as presented:

General #154-184.....	\$59,034.13
Highway #104-126.....	\$34,119.28
RACOG #16.....	\$76.04
Con WD#1 O&M #38-47.....	\$7,250.32
WD#4 O&M #12.....	\$52.08
WD#5 O&M #14-15.....	\$326.14
SD#2 O&M #16-18.....	\$663.74
WD#5 Capital #6-11.....	\$188,821.08

Ayes-5, Nays-0. Motion carried.

The Supervisor's monthly report was read and discussed. Motion by Mr. Stewart, seconded by Mr. Ferguson to accept the report as presented. Ayes-5, Nays-0. Motion carried.

New Business

- Board members reviewed bids from Bach & Company and Paragon Environmental Construction to install new double wall flex piping from the fuel oil tank to the highway garage. The bids for the work were \$17,500 and \$15,700 respectively. Motion by Mr. Stewart, seconded by Mr. Ferguson to accept the bid from Paragon Environmental Construction Inc. to install new double wall flex piping from the fuel oil tank to the highway garage at a cost not to exceed \$15,700. Ayes-5, Nays-0. Motion carried.
- Board members reviewed a proposed contract with Atlantic Testing Laboratories for a special inspection and construction materials engineering and testing as required by Rural Development for the Consolidated Water Supply project. The total contract cost is \$4,327. Motion by Mr. Stewart, seconded by Mr. Buzzell to approve the contract as presented. Ayes-5, Nays-0. Motion carried.
- The Board reviewed correspondence from the T/Denmark Planning Board requesting the Town's assent that they act as Lead Agency in regards to the Copenhagen Wind Farm project. All wind towers will be located in the T/Denmark but a number of transmission poles and lines will be located in the T/Champion primarily off County Route 163, Switzer Road and NYS Route 12. Motion by Mr. Stewart, seconded by Mr. Ferguson to agree to the T/Denmark Planning Board acting as Lead Agency. Ayes-5, Nays-0. Motion carried.
- The Board considered a local law amending the Town of Champion Zoning Law in regards to electric and gas transmission lines as developed by the T/Champion Planning Board. The proposed local law enhances the definition of "essential facilities"; requires a special permit application for all proposed essential facilities; and adds Section 7-H: Essential Facilities to the site plan review criteria for specific uses. Motion by Mr. Stewart, seconded by Mr. Ferguson to schedule a public hearing on the Local Law #6 for 2012 - A local law amending the T/Champion Zoning Law for August 6, 2012 at 7:15pm. Ayes-5, Nays-0. Motion carried.
- Highway Superintendent Sech questioned the Town's responsibility, obligations and liability relative to the cleanup of liquid manure spills. Attorney Farley stated that it is the Town's responsibility to keep Town roads passable and safe. He further stated that a local law would be necessary to enable the Town to charge back the cost of equipment and labor to conduct any cleanups.
- Supervisor Buckley informed the Board that the auditors have concluded their onsite review of the Town's financial records and have made a preliminary recommendation regarding the Town's procurement policy. The procurement policy has not been updated since 1994 and the auditors determined that the maximum amounts that may be spent without a quote and/or bid are too low making compliance very difficult. The auditors recommended raising the maximums in all categories. The Board, by consensus, directed the Town Attorney to update the policy for their consideration.
- Motion by Mr. Stewart, seconded by Mr. Buzzell to go into executive session with Assessor Vargulick to discuss pending litigation. Ayes-5, Nays-0. Motion carried. Executive session began at 9:15pm.
- Motion by Mr. Stewart, seconded by Mr. Buzzell to return to open session. Ayes-5, Nays-0. Motion carried. Open session resumed at 10:05pm.
- Assessor Vargulick informed the Board that a number of properties that have agricultural exemptions have been subdivided and sold, or offered for sale, as residential building lots. It is the assessor's responsibility to track and discover conversions when they occur. A conversion is defined under Agriculture and Markets Law 301(8) as "an outward or affirmative act changing the use of agricultural lands". Landowners are required to notify the assessor within ninety days whenever conversion of a parcel that benefitted from agricultural assessment occurs. Pursuant to Article 25AA of the Agriculture and Markets Law, when the assessor determines that a parcel has been converted an agricultural assessment worksheet shall be prepared to calculate the payments owed for taxes for the prior five (5) years period. This amount is added to the next tax bill as an omitted tax and a notice shall be sent to the new property owner. Attorney Farley advised the Board that a statement regarding the recapture of omitted taxes should be required on the survey maps sealed by the Planning Board Chairman following the approval of a subdivision. Motion by Mr. Ferguson, seconded by Mr. Stewart to recommend that the Assessor remove agricultural exemptions from parcels that have been subdivided as building lots and to file the notice of omitted tax to recapture the benefit of the agricultural exemption. Furthermore, the following statement shall be added to maps prepared for subdivision: *This property may be subject to the recapture of omitted property taxes due to its conversion under Agriculture and Markets Law 301(8) as a parcel that benefitted from an agricultural exemption. Property owners are required to notify, in writing, potential buyers concerning the tax recapture prior to the sale of any portion of the property.*
- Motion by Mr. Stewart, seconded by Mr. Ferguson to adjourn. The meeting adjourned at 10:16pm.

Christina Vargulick
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 Town Clerk