

March 18, 2020

REGULAR MEETING

The regular meeting of the Martinsburg Town Board was held on Wednesday, March 18, 2020 and called to order at 7:00 PM. Present were: Supervisor Terrence Thisse; Councilmen Janusz Karelus, Darren Jantzi, Brad Allen and Michael McGrath; Highway Superintendent Tyler Jones; Attorney Joseph Russell; Town Clerk Mary Kelley; Gordon Yancey; Scott Margeson and Bob Williams, Members of Barnes Corners Sno Pals; Members of Martinsburg Volunteer Fire Dept. Robert Jones, Mellissa Hirsch, Nick Hirsch, Brian Villeneuve, Billy Cavanaugh, Pete Peebles, Kim Peebles, Kyle Smithling, and John Schwartzentruber.

MINUTES

The minutes were emailed to the board members prior to the meeting. Councilman Karelus made a motion, seconded by Councilman Jantzi to approve the minutes of the last meeting as presented. All were in favor. Motion carried.

BILLS - Abstract #3-2020

General	Voucher #58-79	\$ 8,570.17
Highway	Voucher #42-59	\$13,052.63
Glenfield Water	Voucher #25-39	\$ 216.66
Glenfield Sewer	Voucher #8-13	\$ 681.95
Martinsburg Water #1	Voucher #12-18	\$ 895.54
Street Lighting	Voucher #3-4	\$ 835.04
Whitaker Park	Voucher #4	\$ 138.00

After some discussion and questions on the bills, Councilman McGrath made a motion, seconded by Councilman Karelus to approve payment of the bills as presented. All were in favor. Motion carried.

PRIVILEGE OF THE FLOOR

Mr. Margeson and Mr. Williams were present to discuss the Barnes Corners Sno Pals payment agreement and SNIRT Run agreement for 2020. In the payment agreement Sno-Pals agrees to donate to the Town of Martinsburg \$5,000 for the use of town roads and agrees to work with the town to address issues and concerns which may arise. Tentatively the roads open for the SNIRT Run:

Plan A if roads are dry or frozen solid or 12 inches of snow - Gardner Road, Rector Road, Swernicki Road, Rowsam Road, Flat Rock Road, Centerville Road, Graves Road, Houseville Gulf Road, and Tabolt Road.

Plan B if roads are wet or frost coming out or deep snow (12+ inches) – Gardner Road from Montague town line to Sharp Road; Swiernicki Road from Rector to Flat Rock Road; Flat Rock Road; Centerville Road from Flat Rock Road to Graves Road; Graves Road from Centerville/Keener Hill Road to Houseville Gulf Road; Houseville Gulf Road from Graves Road to Tabolt Road; Tabolt Road from Houseville Gulf Road to Turin Town line.

Councilman Jantzi made a motion, seconded by Councilman Allen to approve the payment agreement and SNIRT Run road agreement. Roll call vote: Supervisor Thisse – abstained

Councilman Allen – aye

Councilman McGrath – aye

Councilman Jantzi – aye

Councilman Karelus – aye Motion carried.

7:15 PM Supervisor Thisse opened a Public Hearing to hear comments on amending the development law to define seasonal and minimum maintenance roads. There being no comments at the time, the hearing was held open and the board continued on with regular business.

The Martinsburg Volunteer Fire Department members were present to let the board know that they are proposing to build a new fire hall at an approximate cost of 1.8 million dollars. They have been doing many fund raisers. They asked about wind tower payments to the town and the PILOT (Payment in Lieu of Taxes) was discussed. Lewis County handles the fire district tax and the Supervisor advised them to talk to the Real Property Tax Director.

The fire department also would like to be authorized to provide public EMS service. Lewis County Search and Rescue requires a letter from the town to this effect. Mr. Russell stated that the town would need approval from our insurance carrier.

There being no comments on the public hearing, Councilman McGrath made a motion, seconded by Councilman Karelus to close the hearing and return to regular meeting at 7:40 PM. All were in favor. Motion carried.

Mr. Russell went over Part 2 and Part 3 of the Full Environmental Assessment Form, in reference to amending our Development Law, with the board.

Councilman McGrath made a motion, seconded by Councilman Jantzi that the project will result in no significant adverse impacts on the environment and, therefore, a negative declaration is issued. All were in favor. Motion carried.

This matter was referred to County Planning on February 20, 2020. The town was informed on March 17, 2020 that County Planning would not be holding their regular meeting and would not be reviewing the project as a result of recent directives from Gov. Cuomo concerning COVID-19. Lewis County Planning informed us that the town board has the right to proceed with our review without County review or comment.

LOCAL LAW 1-2020:

Article 1. Statement of Authority. The Town Board of the Town of Martinsburg, pursuant to the authority granted it under Article 16 of the Town Law and Section 10 and 20 of the Municipal Home Rule Law hereby enacts as follows:

Article 2. Statement of Purpose and Findings. The Town Board of the Town of Martinsburg hereby finds that it is in the best interest of the Town to amend Chapter 240 of the Code of the Town of Martinsburg to add seasonal use classifications thereto.

Article 3. Enactment.

Section 240 of the Code of the Town of Martinsburg is hereby amended by adding the following definitions thereto:

§240-7 Definitions.

Minimum Maintenance Road – A road designated as minimum maintenance as designated and defined in Chapter 190 of the Code of the Town of Martinsburg.

Seasonal Use – A use which will not have access to a snow-plowed or winter maintained public road or be provided with vehicular public services such as, but not limited to, emergency services, school busing or postal delivery during the winter snow season.

Section 240 of the Code of the Town of Martinsburg shall be amended by adding Section 240-

§ 240-40.2

- A. *Purpose: The purpose of this section is to provide for the reasonable use of recreational, agricultural and forestry properties which are accessed solely by minimum maintenance roads. This section allows for the reasonable use of such lands for seasonal uses without the prohibitively expenses public cost of providing for wheeled vehicular access through the snow-plowing and winter maintenance of minimum maintenance roads.*
- B. *Seasonal use classification is a use classification in addition to the use classifications otherwise discussed or defined in this Chapter. Application for seasonal use classification may be made for any use which intends to have its principal access to a minimum maintenance road.*
- C. *For and use to be established with its principal access to a minimum maintenance road, it must also be classified as a seasonal use.*
- D. *Where a use has access to both a minimum maintenance road and to a non-minimum maintenance road, such use shall have its principal access to the non-minimum maintenance road unless classified as a seasonal use.*

Article 4. Severability. *If any part of this local law shall be found to be void, voidable or unenforceable for any reason whatsoever, it shall not affect the validity or enforceability of any remaining section or provision of this local law.*

Article 5. Effective Date. *This local law shall become effective immediately upon filing with the Secretary of State.*

WHEREAS, Local Law No. 1 of the year 2020, a Local Law to amend Section 240 of the Code of the Town of Martinsburg with respect to seasonal use classifications was introduced by a member of the Town Board at a meeting thereof held on February 19, 2020 and by a majority vote of the Town Board members present at such meeting, a Public Hearing was duly scheduled to consider Local Law No. 1 of 2020 for March 18, 2020 at 7:15 PM, and

WHEREAS, on March 18, 2020 at 7:15 PM, a public hearing was held to hear all persons interested in the subject matter of Local Law No.1 of 2020.

NOW, THEREFORE, be it resolved by the Town Board of the Town of Martinsburg as follows:

- 1. The foregoing recitations are incorporated herein and made a part hereof as if fully set forth hereafter.
- 2. Local Law No. 1 of the year 2020 adequately addresses seasonal use classifications.
- 3. Based upon the foregoing Local Law No. 1 of the year 2020 is in the best interests of the Town of Martinsburg, is hereby adopted and the Clerk is instructed to file the same with the New York State Department of State.
- 4. The Clerk is instructed to notify the County Planning Board of the Town Board's action pursuant to General Municipal Law, Section 239m within thirty days of such action.
- 5. This Board has heretofore issued its Negative Declaration under the State Environmental Quality Review Act and the regulations promulgated thereunder.

A motion to adopt the foregoing resolution was made by Councilman Allen and seconded by Councilman Karelus and upon a roll call vote of the Board was duly adopted as follows:

Roll call vote: Supervisor Thisse – aye
 Councilman Allen – aye
 Councilman Karelus – aye
 Councilman Jantzi – aye
 Councilman McGrath

Motion carried.

COVID-19

Discussion was held on the COVID-19 virus. Gov. Cuomo has said there is to be a 50% decrease in workforce. There has been no clear direction from the State. Mr. Russell suggested each town use its own judgement. Mr. Jones said if he

keeps everyone on, they could just work out of the building. It was the determination of the Town Board not to cut work force by 50%.

Councilman Karelus made a motion, seconded by Councilman McGrath to adopt the following resolution:

WHEREAS there is an emerging and evolving public health threat throughout the United States caused by the COVID-19 virus; and

WHEREAS both travel- related and community contact cases of the COVID-10 virus have been documented in New York State; and

WHEREAS these conditions threaten the public health and safety of the citizens of the Town of Martinsburg; and

WHEREAS the Town of Martinsburg desires to address the threat that the COVID-19 virus poses to the health and welfare of its citizens;

THEREFORE pursuant to the authority vested in me as the Chief Executive of the Town of Martinsburg under NY State Executive Law Article 2B, Section 24, to preserve the public safety and hereby render all required and available assistance vital to the security, well-being urgent and imminent or impending threat to the Town of Martinsburg and qualifies as a “disaster” as that term is defined by New York State Executive Law Section 20(2)(b) and that public safety is imperiled thereby; and

THEREFORE do hereby declare that a local **State of Emergency** is hereby proclaimed within the territorial limits of the Town of Martinsburg effective starting March 19, 2020. This State of Emergency shall extend for 30 days unless rescinded or extended by subsequent declaration.

Roll call vote: Supervisor Thisse – aye
Councilman Allen – aye
Councilman Karelus – aye
Councilman Jantzi – aye
Councilman McGrath

Motion carried.

GLENFIELD WATER/SEWER PROJECTS

Anthony Young, Engineer for Barton and Loguidice, emailed an update on the Glenfield Water and Sewer Projects.

For Glenfield Sewer:

- a) Further I/I investigations are continuing
- b) Investigations are continuing at Glenfield School
- c) Arold to install flow meter
- d) Preliminary Engineering Report will be developed for 2020 CFA applications – possibly request a year extension from DEC based on reduced flows

For Glenfield Water:

- a) Easements have been signed with the exception of 3 foreclosures
- b) Paving and restoration to be completed in the Spring
- c) Water meter replacements are ongoing with around 90 installed (Work has stopped now due to COVID-19)
- d) Preliminary well investigations ongoing
- e) NYSEFC short term financing closed on February 6, 2020
- f) EFC approved reimbursement for the well pump replacement (May, 2019)
- g) Substantial completion April 30, 2020

Because it is not being used, Councilman Allen made a motion, seconded by Councilman Jantzi to declare a fire proof file cabinet in the Justice's office as surplus. All were in favor. Motion carried.

Councilman Jantzi made a motion, seconded by Councilman Karelus, to declare surplus the 2017 F350 ,with plow, in the highway department and authorizes Mr. Jones to put it out to bid, with a minimum to be decided. All were in favor. Motion carried.

There being no further business, Councilman Jantzi made a motion, seconded by Councilman Karelus to adjourn at 8:10 PM. All were in favor. Motion carried.

Respectfully submitted,

Mary Kelley, Town Clerk