

January 17, 2018

REGULAR MEETING

The regular meeting of the Martinsburg Town Board was held Wednesday, January 17, 2018 at the Municipal Offices and called to order at 7:00 PM. Present: Supervisor Terrence Thisse; Councilmen Douglas Dietrich, Janusz Karelus and Michael McGrath; Highway Superintendent Tyler Jones, Attorney Mark Gebo; Town Clerk Mary Kelley; Gordon Yancey; County Legislator Greg Kulzer.

MINUTES

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

BILLS – Abstract #1-2018

General:	Voucher #1-31	\$ 49,422.15
Highway:	Voucher #1-15	\$ 13,829.12
Glenfield Water:	Voucher#1-4	\$ 580.89
Glenfield Sewer:	Voucher #1-2	\$ 297.32
Martinsburg Water #1:	Voucher#1-2	\$ 94.95
Street Lighting:	Voucher #1-2	\$ 764.26
Whitaker Park:	Voucher #1-2	\$ 1,547.25

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

PRIVILEGE OF THE FLOOR – no public comments.

TOWN CLERK REPORT

Councilman McGrath made a motion, seconded by Councilman Karelus, accepting the Town Clerk report for December as presented. All were in favor. Motion carried.

COOPERATIVE TUG HILL COUNCIL

Ms. Steria was not present. The board reviewed announcements emailed to the clerk by Angie Kimball.

7:10 PM – Supervisor Thisse opened a Public Hearing to hear comments on a local law to opt out of the exemption provision of Section 487 of the RPTL regarding exemption from taxation for certain solar/wind energy and alternate energy systems. There being no comment from the public, Supervisor Thisse left the public hearing open and went on to regular business.

LEGISLATOR REPORT

Mr. Kulzer reported that new committees have been set up among the county legislators. He also reported that Lewis County has been declared a disaster area due to the recent flooding/ice problems.

Councilman Dietrich made a motion, seconded by Councilman Karelus to close the Public Hearing at 7:20 PM. All were in favor. Motion carried.

Councilman Karelus made a motion, seconded by Councilman Dietrich for approval of Local Law#1-2018:

*Article 1. State of Authority. The Town Board of the Town of Martinsburg, pursuant to the authority granted it under Section 487 of the Real Property Tax Law and the Municipal Home Rule Law of the State of New York, hereby enacts as follows:*

*Article 2. – Statement of Purpose and Findings. The Town Board of the Town of Martinsburg finds that it is in the best interest of the Town of Martinsburg and the citizens and its tax base, to opt-out of the solar and wind energy or farm waste energy tax exemption in accordance with the provision contained at Real Property Tax Law Section 487(8) and enact legislation that no exemption under Real Property Tax Law Section 487 shall be applicable within the Town of Martinsburg with respect to any solar or wind energy system or farm waste energy constructed subsequent to the effective date herein. It is the purpose of this local law to opt-out of the exemption provision of Section 487 of the Real Property Tax Law regarding exemption from taxation for certain solar or wind energy or farm waste energy systems.*

*Article 3. – Enactment. The Town Board of the Town of Martinsburg hereby enacts a new Article V to Chapter 200 of the Town of Martinsburg Code titled Solar/Wind Energy and Alternate Energy Systems Opt-Out (RPT 487 stated as follows:*

*§200-10 Solar/Wind and Alternate Energy Exemption*

*Henceforth no exemption under Section 487 of the Real Property Tax Law shall be applicable in the Town of Martinsburg for solar and wind energy systems or farm waste energy systems, including, but not limited to micro-hydroelectric energy systems, full cell electric generating systems, micro-combined heat and power generating systems and electric energy storage systems.*

*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 and filing with the State Board of Equalization and Assessment and the President of the New York State Energy Research and Development Authority.*

All were in favor. Motion carried.

#### HIGHWAY

Discussed a dent in a homeowners garage door as the result of the highway department moving snow. The Highway Superintendent is to get an estimate to have the door repaired.

Discussion was held on the flooded roads, culverts, washouts, etc. during the last storm.

#### GLENFIELD WATER DISTRICT

Discussion was held on the upcoming income survey to be done in Glenfield. The survey is a necessary step towards applying for grants/loans for needed repairs in the water district.

Councilman McGrath and Councilman Karelus audited the accountants bank statements for November, 2017.

The board is in receipt of a letter of resignation from Councilman E. Frank Kogut effective January 16, 2018. The board will need to appoint someone to fill the vacancy until the next general election in November. The Clerk is to advertise the vacancy.

Discussion was held on high usage of water at Whitaker Park. It should be watched and monitored when the Park opens in the Spring.

Discussion was held on updating the Flood Plain Management Plan.

Discussion was held on finding a replacement for Attorney Mark Gebo. Meetings should be set up to meet with interested attorneys.

Discussion was held on the employee handbook. Wording on page 13 should be amended to read that "the Town provides a medical, surgical, hospital program which is fully funded by the Town, after a \$1000 deductible, which is the responsibility of the employee".

Residents have expressed interest in buying plots in inactive cemeteries in the Town. The board needs to set up a cemetery revenue account and develop a policy.

Discussion was held on town ownerships of the Gardner Road. Town of Lowville maintains a portion of the road and the Town of Martinsburg maintains the rest of it. More roads have been requested to be open to ATV travel. There needs to be rationale on opening them.

Councilman Karelus made a motion, seconded by Councilman McGrath to enter into executive session at 8:20 PM to discuss ongoing litigation. All were in favor. Motion carried.

Councilman Dietrich made a motion, seconded by Councilman McGrath to leave executive session at 8:30 PM and to adjourn regular meeting. All were in favor. Motion carried.

Respectfully submitted,

Mary Kelley, Town Clerk