

REGULAR MEETING NOVEMBER 18, 2010

A special meeting of the Mayfield Town Board was held on Thursday, November 18, 2010 at the Mayfield Municipal Complex.

The meeting was called to order at 6:00 PM and opened with the Pledge of Allegiance led by Supervisor Richard Argotsinger.

PRESENT Supervisor Richard Argotsinger
Councilman Vincent Coletti
Councilman Shawn Humphrey
Councilman Thomas Ruliffson
Councilman Steve Van Allen

Others Present: Attorney Carm Greco

The purpose of the meeting is to move into executive session for the purpose of employee History.

RES# 167 MOVE INTO EXECUTIVE SESSION

On motion by Councilman Humphrey seconded by Councilman Coletti the following resolution was ADOPTED 5AYES (Argotsinger, Coletti, Humphrey, Ruliffson, Van Allen)

RESOLVED that the Mayfield Town Board approves to move into executive session at 6PM.

RES# 168 MOVE OUT OF EXECUTIVE SESSION

On motion by Councilman Humphrey seconded by Councilman Coletti the following resolution was ADOPTED 5 AYES (Argotsinger, Coletti, Humphrey, Ruliffson, Van Allen)

RESOLVED that the Mayfield Town Board approves to move out of executive session and back into regular session at 6:15PM.

RES# 169 RESCIND RES# 157 OF 2010

On motion by Councilman Humphrey seconded by Councilman Coletti the following resolution was ADOPTED 5 AYES (Argotsinger, Coletti, Humphrey, Ruliffson, Van Allen)

RESOLVED that the Mayfield Town Board approves to rescind res# 157 of 2010 approving to grant vacation pay to Cheryl Gifford to receive her 2011 vacation before December 31, 2010.

RES# 170 ABOLISH KEYBOARD POSITION

On motion by Councilman Ruliffson seconded by Councilman Van Allen the following resolution was ADOPTED 5 AYES (Argotsinger, Coletti, Humphrey, Ruliffson, Van Allen)

RESOLVED that the Mayfield Town Board approves to abolish the keyboarding position effective at midnight December 31, 2010.

The board took a recess until the regular meeting scheduled for 7PM

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Supervisor Argotsinger welcomed everyone to the regular meeting.

Others Present: Janet Betler, Richard Morrison WIZR, Michael Stewart CEO, Betty Tabor Historian, Jack Putman, Mel Dopp Highway Superintendent, Laurie DeMaria, Victoria DeGroot, Kathy Baker, Steve Hathaway, Jim Cownie, Donna Hunter, Sherry Riemann, Linda Kessler Recorder, Bill Gifford, Charles Morrison, Bob Phillips, Lita Hillier Bookkeeper, Lorraine Diamond, Carl Smith, Barb Handy

PUBLIC- Kathy Baker questioned the board on using the Brennan Humane Society as the town shelter in the future.

CEO REPORT- Mike Stewart CEO submitted his monthly report, which included permits issued for the month.

HIGHWAY SUPERINTENDENT REPORT- Mel Dopp Highway Superintendent submitted his monthly report which included trees have been taken down, chainsaw/chipper course 12/1, bridge is complete, opp refresher course, Bluebird Lane & Hummingbird Lane. Mr. Dopp also stated that at last month's meeting the assessor brought up the issue of road signs for private roads and has checked into prices which would be in the neighborhood of \$10,000.00. The Highway Committee will meet on this and report back.

RES# 171 OPEN PUBLIC HEARING ON PROPOSED LOCAL LAW #4 OF 2010
On motion by Councilman Van Allen seconded by Councilman Humphrey the following resolution was ADOPTED 5 AYES (Argotsinger, Coletti, Humphrey, Ruliffson, Van Allen)

RESOLVED that the Mayfield Town Board approves to open the scheduled public hearing on proposed local law #4 of 2010 entitled Dog Licensing law of the Town of Mayfield at 7:15PM.

Mike Stewart CEO read the certification of publication.

The public hearing was left open and the town continued with town business.

SUPERVISOR'S REPORT- Supervisor Argotsinger reported that he had attended all required county meetings, had received the dog control report, highlighted some of the items in the budget, reported on the county budget and thanked the board for all their work and difficult decisions on the budget.

BEACH- Councilman Humphrey reported he had received an email from Laurie DeMaria on concerns about the beach. Each question that was received was read aloud and answered.

RES# 172 OPEN PUBLIC HEARING ON PRELIMINARY BUDGET

On motion by Councilman Humphrey seconded by Councilman Ruliffson the following resolution was ADOPTED 5AYES (Argotsinger, Coletti, Humphrey, Ruliffson, Van Allen)

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RESOLVED that the Mayfield Town Board approves to open the scheduled public hearing on the preliminary budget at 7:30PM.

Mike Stewart read the certificate of publication.

Jack Putman 700 St Hwy 29A expressed his displeasure over elected & appointed officials receiving a 3 percent increase especially with the seniors getting no raise on their social security, also sat on the board for 12 years and never took the raises that were handed out, noticed the beach was getting a 5,000. Increase and a 20,000. Decrease in the refuse account.

Barbara Handy questioned if always uses fund balance, stated last time she attended a town meeting was on the post office, asked the council to think outside the box to bring revenue in to the town.

OLD BUSINESS

EXOTIC ANIMALS- Councilman Coletti reported that the Town of Mayfield has 3 known addresses in the town that has exotic animals. All three have been licensed and inspected each year and therefore feels we do not need to do anything future on this.

FINANCIAL

The Town Clerk's report was submitted with fees collected in the A account 394.25 B account 640.00 Decals 13.17

RES# 172 APPROVAL OF VOUCHERS

On motion by Councilman Ruliffson seconded by Councilman Coletti the following resolution was ADOTPED 5 AYES (Argotsinger, Coletti, Humphrey, Ruliffson, Van Allen)

RESOLVED that the Mayfield Town Board approves the payment of vouchers in the following accounts

General Townwide	vouchers 288- 316	21,165.19
General Outside	vouchers 79-85	1,876.85
Highway Outside	vouchers 149-161	7,385.23

RES# 173 APPROVAL TO ADVERTISE FOR PLANNING BOARD & BOARD OF APPEALS

On motion by Councilman Coletti seconded by Councilman Humphrey the following resolution was ADOPTED 5 AYES (Argotsinger, Coletti, Humphrey, Ruliffson, Van Allen)

RESOLVED that the Mayfield Town Board approves to advertise for positions on the Planning Board & Board of Appeals to be due by December 8th with interviews on December 16th.

RES# 174 SET DATE/ TIME FOR HOLIDAY GATHERING

On motion by Councilman Humphrey seconded by Councilman Ruliffson the following resolution was ADOPTED 5 AYES (Argotsinger, Coletti, Humphrey, Ruliffson, Van Allen)

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RESOLVED that the Mayfield Town Board approves to set December 16th from 4:30-6:30 for the annual Holiday gathering.

RES# 175 OPEN PUBLIC HEARING ON SCHEDULED FIRE PROTECTION CONTRACT

On motion by Councilman Humphrey seconded by Councilman Ruliffson the following resolution was ADOTPED 5 AYES (Argotsinger, Coletti, Humphrey, Ruliffson, VanAllen)

RESOLVED that the Mayfield Town Board approves to open the scheduled public hearing on fire protection contract at 7:45PM

Mike Stewart CEO read the certificate of publication.

The public hearing was left open and the town continued with town business.

RES# 176 ACCEPTING PETITION FOR ANNEXATION OF TERRITORY FORM THE TOWNS OF MAYFIELD AND BROADALBIN INTO THE VILLAGE OF BROADALBIN, TO AUTHORIZE SCHEDULING A,PUBLIC HEARING AND TO PROPOSE THAT THE TOWN OF MAYFIELD SERVE AS THE LEAD AGENCY FOR THE REQUIRED STATE ENVIRONMENTAL QUALITY REVIEW.

On motion by Councilman Humphrey seconded by Councilman Coletti the following resolution was approved by roll call vote

Supervisor Argotsinger, aye

Councilman Coletti, aye

Councilman Humphrey, aye

Councilman Ruliffson, aye

Councilman Van Allen, aye

WHEREAS, in accordance with Section 703 of NYS General Municipal Law, The Town of Mayfield has received a Petition for Annexation from property owners in the Towns of Mayfield and Broadalbin to have said parcels annexed in to the Village of Broadalbin, and

WHEREAS, the parcels proposed to be annexed from the Towns of Broadalbin and Mayfield into the Village of Broadalbin are listed below:

Owner's Name and, SBL Address	Property Address	Municipality	school District	Fire district	Assessed Value
Craig Hartz 152.-6-8.2 190 Bellen Road	190 Bellen Rd	Mayfield	Broadalbin-Perth	Broadalbin	66,900
Heritage Development, LLC PO Box 1123 Clifton Park, NY 12065	152.-6-8.1, 194 Belle Rd	Mayfield, Broadalbin	Perth	Broadalbin	108,300
Adele & William Guzek, 152.-3-12.2, 205 Bellen Rd Broadalbin, NY 12025	205 Bellen Rd	Mayfield, Broadalbin	Perth	Broadalbin	71,500
Retha Seward 152.-3-9, St Hwy 29	St Hwy 29	Mayfield	Broadalbin	Perth, Broadalbin	2,800
Total Town of Mayfield Assessed Value					249,500

Heritage Development, 152.-1-36, 194 Bellen Rd, Broadalbin, Broadalbin, Holdings, LLC PO Box 1123 Clifton Park, NY 12025	Perth	Broadalbin	61,500
		Kennyetto	

Adele & William Guzek, 152.-1-38, 205 Bellen Rd, Broadalbin, Broadalbin, 205 Bellen Rd	Perth	Broadalbin	1,000
		Kennyetto	

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Broadalbin, NY 12025

Roy R. Sweet	152.-1-2,	Bellen Rd,	Broadalbin	Broadalbin	1,000
62 North Street			Perth	Kennyetto	

Broadalbin, Née 12025

Karen L. Fuellman, 152.-1-3, Bellen Rd, Broadalbin,	Broadalbin,	Broadalbin, 1,000
PO Box 251	Perth	Kennyetto

Broadalbin, NY 12025

Karen L. Fuellman, 152.-1-4, St Hwy 29, Broadalbin,	Broadalbin,	Broadalbin 1,000
PO Box 251	Perth	Kennyetto

Broadalbin, NY 12025

Retha Seward 152.-1-1 St Hwy 29, Broadalbin,	Broadalbin,	Broadalbin 1,900
42 S Second Ave	Perth	Kennyetto

Broadalbin, NY 12025

Total Town of Broadalbin Assessed Value	67,400
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Grand Total Assessed Value	316,900
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WHEREAS, in accordance with Section 705 of General Municipal Law, the Towns of Broadalbin and Mayfield and the Village of Broadalbin desire to hold and conduct a joint public hearing on said Petition for Annexation to hear any testimony and receive evidence and information regarding said Petition including whether the annexation would be in the overall public interest with said hearing consisting of testimony, evidence and information concerning but not limited to whether or not:

- a) The persons signing the Petition for Annexation are not qualified therefore, or
- b) With respect to the Petition for Annexation, other than one purporting to be signed by owners of a majority of the assessed valuation of real property, that the person signing such petition do not constitute 20 per centum of the persons residing within such territory qualified to vote for officers of the Town or Village as the case may be in which the property is situated or
- c) With respect to the Petition for Annexation, other than one purporting to be signed by at least 20 per centum of persons qualified to vote for local officers, the persons signing the Petition do not represent the owner of a majority in assessed valuation of the real property in such territory assessed upon the last preceding assessment roll or utilized by the local government or governments in which the property is situated, or
- d) The Petition for Annexation does not otherwise substantially comply in form or content with the provisions of General Municipal Law, or
- e) The proposed annexation is or is not in the overall public interest (1) of the parcels proposed to be annexed or (2) of the Village of Broadalbin to which the parcels are proposed to be annexed into (3) of the remaining areas of the Towns of Broadalbin and Mayfield in which such territory is situated, (4) of the Broadalbin-Perth School District, Broadalbin Fire District, Broadalbin-Kennyetto Fire District or other district corporations

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WHEREAS, NYS SEQR Regulations stipulated that a State Environmental Quality Review is required before a municipality adopts a resolution approving the annexation of real property from an adjacent municipality, and

WHEREAS, Section 617.4(b)(4) of NYS SEQR Regulations states that the acquisition, sale, lease, annexation or other transfer of 100 or more contiguous acres of land by State or local agency shall be considered a Type 1 Action under SEQR, and

WHEREAS, the Petition for Annexation included a completed Part 1 Environmental Assessment Form (EAF), and

WHEREAS, the Town of Mayfield Town Board desires to propose itself as the Lead Agency for the purposes of conducting the required SEQR review of the proposed Petition on Annexation,

NOW, THEREFORE BE IT

RESOLVED, that the Town of Mayfield Town Board hereby accepts the Petition for Annexation from the applicants requesting to have the above – referenced parcels totaling 107.54 acres, more or less, currently located in the Towns of Broadalbin and Mayfield, annexed in to the Village of Broadalbin, and be it further

RESOLVED, that the Town Boards of the Towns of Mayfield and Broadalbin and the Village of Broadalbin Board agree to jointly hold and conduct a public hearing on said petition for Annexation with said public hearing to be held on December 13th at 6:30p.m. In Town of Broadalbin or at a different or other date and time to be determined, and be it further

RESOLVED, that the Town of Mayfield Town Clerk be and is hereby authorized and directed to publish in the Town's official newspaper a legal notice for said public hearing as described above, and be it further

RESOLVED, that the Town of Mayfield Supervisor be and is hereby authorized and directed to send copies of the Petition for Annexation, EAF and Subdivision Plans to all Involved Agencies informing them of the Town of Mayfield Town Board's desire to serve as the Lead Agency, to ask all Involved Agencies to submit comments back to the Town of Mayfield Town Board by 5:00p.m. On December 15, 2010 on whether the Involved Agency consents to the Town of Mayfield Town Board serving as Lead Agency and whether the Involved Agencies have any comments on whether the proposed action may create any significant impacts on the environment, and be it further

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RESOLVED, that certified copies of this Resolution be distributed to the Town of Mayfield Clerk, Town of Mayfield Attorney, Town of Broadalbin Supervisor, Town of Broadalbin Clerk, Town of Broadalbin Attorney, Village of Broadalbin Mayor, Village of Broadalbin Attorney, Village of Broadalbin Clerk, Involved Agencies, and the Applicant.

RES# 177 AUTHORIZE SUPERVISOR TO SIGN CONTRACT

On motion by Councilman Coletti seconded by Councilman Humphrey the following resolution was ADOPTED 5 AYES
(Argotsinger, Coletti, Humphrey, Ruliffson, Van Allen)

RESOLVED that the Mayfield Town Board approves to authorize the Town Supervisor to sign the contract with Adirondack Security Company for a security system at the town court.

RES# 178 CLOSE PUBLIC HEARING ON PROPOSED LOCAL LAW # 4 OF 2010

On motion by Councilman Humphrey seconded by Councilman Coletti the following resolution was ADOPTED 5 AYES
(Argotsinger, Coletti, Humphrey, Ruliffson, Van Allen)
RESOLVED that the Mayfield Town Board approves to close the public hearing on proposed local law #4 of 2010 at 7:50PM.

RES# 179 ADOPT LOCAL LAW #4 OF 2010

On motion by Councilman Humphrey seconded by Councilman Coletti the following resolution was ADOPTED by roll call vote
Supervisor Argotsinger,
Councilman Coletti
Councilman Humphrey
Councilman Ruliffson
Councilman Van Allen
RESOLVED that the Mayfield Town Board approves to adopt local law #4 of 2010 entitled Dog Licensing Law of the Town of Mayfield

James Cownie reported to the board that he was glad to see the beach is being left open for 2011 unlike Broadalbin.

Jack Putman stated the budget is on the website for anyone to view. Also feels the town is going to be short on the refuse account, stated that maybe the village will have to pay for it but he doubts it.

RES# 180 CLOSE SCHEDULED PUBLIC HEARING ON BUDGET

On motion by Councilman Humphrey seconded by Councilman Coletti the following resolution was ADOPTED 5 AYES
(Argotsinger, Coletti, Humphrey, Ruliffson, Van Allen)

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RESOLVED that the Mayfield Town Board approves to close the scheduled public hearing on the 2011 preliminary budget at 7:55PM

RES # 181 OPEN BUDGET WORKSHOP

On motion by Councilman Ruliffson seconded by Councilman Van Allen the following resolution was ADOTPED 5 AYES (Argotsinger, Coletti, Humphrey, Ruliffson, Van Allen)

RESOLVED that the Mayfield Town Board approves to open a budget workshop to make any changes to the budget at 7:56PM.

RES# 182 CLOSE BUDGET WORKSHOP

On motion by Councilman Humphrey seconded by Councilman Coletti the following resolution was ADOPTED 5AYES (Argotsinger, Coletti, Humphrey, Ruliffson, Van Allen)

RESOLVED that the Mayfield Town Board approves to close the budget workshop at 7:59PM

RES# 183 OPEN PUBLIC HEARING ON SCHEDULED PROPOSED LOCAL LAW #5 OF 2010 AMENDING THE ZONING LAW OF THE TOWN OF MAYFIELD

On motion by Councilman Humphrey seconded by Councilman Van Allen the following resolution was ADOPTED 5 AYES (Argotsinger, Coletti, Humphrey, Ruliffson, Van Allen)

RESOLVED that the Mayfield Town Board approve to open the scheduled public hearing on local law #5 at 8:00 PM

Mike Stewart read the certificate of publication.

Charles Morrison questioned if this is where it is classified as residential on St Hwy 29 and should be commercial.

RES# 184 CLOSE PUBLIC HEARING ON FIRE CONTRACT

On motion by Councilman Humphrey seconded by Councilman Coletti the following resolution was ADOPTED 5 AYES (Argotsinger, Coletti, Humphrey, Ruliffson, Van Allen)

RESOLVED that the Mayfield Town Board approves to close the public hearing on the fire contract at 8:02PM

RES# 185 ADOPTION OF FIRE CONTRACT

On motion by Councilman Ruliffson seconded by Councilman Humphrey the following resolution was ADOTPED by roll call vote
Supervisor Argotsinger aye

Councilman Coletti aye

Councilman Humphrey aye

Councilman Ruliffson aye

Councilman Van Allen aye

RESOLVED that the Mayfield Town Board approves a contract with the Broadalbin Kenneyto Fire Department for fire protection to be

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furnished to the fire protection district established in the Town and known as Fire Protection District No.1. The terms of the proposed contract are:

- (a) The Fire Company shall answer and attend upon all calls in the district;
- (b) For this service the Fire Company shall receive a sum equal to \$38,600.00 per year.
- (c) The Fire Company shall be responsible for any loss or damage to its fire apparatus sustained in answering any such calls, and for payment of all claims for injuries to or death of firemen in connection with such calls
- (d) All money paid to the Fire Company shall be a charge against the taxable property in the fire protection district; and
- (e) The contract shall be for a period of one year commencing January 1, 2011

The SEQR part 2 for the zoning law changes was completed.

RES# 186 NEGATIVE DECLARATION FOR SEQR

On motion by Councilman Humphrey seconded by Councilman Coletti the following resolution was ADOTPED 5AYES (Argotsinger, Coletti, Humphrey, Ruliffson, Van Allen)

RESOLVED that the Mayfield Town Board approves to a negative declaration for the SEQR part 2 of the zoning law changes.

RES# 187 ADOPTION OF TOWN BUDGET FOR 2011

On motion by Councilman Coletti seconded by Councilman Humphrey the following resolution was ADOPTED by roll call vote
Supervisor Argotsinger aye
Councilman Coletti ate
Councilman Humphrey aye
Councilman Ruliffson aye
Councilman Van Allen aye

RESOLVED that the Mayfield Town Board approves to accept the 2011 preliminary budget as the adopted budget for 2011.

RES# 188 CLOSE PUBLIC HEARING ON PROPOSED LOCAL LAW #5 OF 2010

On motion by Councilman Coletti seconded by Councilman Van Allen the following resolution was ADOPTED 5 AYES (Argotsinger, Coletti, Humphrey, Ruliffson, Van Allen)

RES# 189 ADOPTION OF LOCAL LAW #5 OF 2010

On motion by Councilman Humphrey seconded by Councilman Ruliffson the following resolution was ADOPTED by roll call vote
Supervisor Argotsinger aye

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Councilman Coletti aye

Councilman Humphrey aye

Councilman Ruliffson aye

Councilman Van Allen aye

RESOLVED that the Mayfield Town Board approves to adopt local law #5 of 2010 amending the zoning law of the Town of Mayfield (Local Law No. 2 of the year 2005) with regard to zoning reclassification.

Supervisor Argotsinger read the list of reminders for the month.

RES# 190 PREPAY THE UPCOMING RETIREMENT BILL

On motion by Councilman Ruliffson seconded by Councilman Coletti the following resolution was ADOPTED 5 AYES (Argotsinger, Coletti, Humphrey, Ruliffson, Van Allen)

RESOLVED that the Mayfield Town Board approves to pay the retirement bill in the amount of 41,217.00 which will come out of the following accounts

17,723. General Townwide

6,595 General Outside

7,419. Highway Townwide

9,480. Highway Outside

On motion by Councilman Coletti seconded by Councilman Van Allen the meeting was adjourned at 8:15PM 5 AYES (Argotsinger, Coletti, Humphrey, Ruliffson, Van Allen)

Respectfully Submitted:

Dorothy Hart, Town Clerk RMC