

REGULAR MEETING, JUNE 15, 2005

A regular meeting of the Mayfield Town Board was held on Wednesday, June 15, 2005 at the Village Hall 13 North Main Street. The meeting was called to order at 6:30 PM by Supervisor Carol Hart.

The Pledge of Allegiance was led by Supervisor Hart.

PRESENT

Carol Hart, Supervisor
Lois Montanye, Councilwoman
Walter Ryan, Councilman
Doug Hill, Councilman
Kathy Sieg, Councilwoman

OTHERS PRESENT: Myrna Hallenbeck, Nancy Hampton, Barrie Hampton, Russ VanValkenburgh, Carolyn Van Valkenburgh, Dick Haight, Carol Haight, Vince Coletti, Marty Piseczny, Trent Mitchell, Judy Mitchell, Don Bonfey, Leane Bonfey, Madge Montanye, Elden Montanye, Dona Haydon, Vince Colonna, James Tessier, George Seeley, Carol Mason, Maggie McGuire (The Recorder), Kurt Edwards, Terry Collins, Marion Franz, Kay Hennessy, Judy Giroux, Cliff Monfils, Mike Pisarczyk, Theresa Pisarczyk, Mary Wilson, Joel Wilson, Christine Tiscione, RE Simonds, Todd Montanye, Derek Montanye, Richard Bokus, Joe Adamkoski, Sarah Retersdorf, Susan Retersdorf, Barry Schuyler Sr, Garry Putman, Susan Sparks, L Chetwynd, R. Nasadoski, Emily Montanye, Aaron Howland, Don Sherman, Jacki Hill, Joe Sullivan, Amelia Feerick, Frank Atkins, Mariella Atkins, Melinda Van Patten, Andrew Luey, Bernetta Knoop, Henry Knoop, Louis Stutzke, Phil Szumowski, Wayne Cole, Thomas Toohey, Tush Nikollaj, Stephen Hathaway, Dominick Darkangelo, Eva Pianello, Francis Kwiattorsh, Deborah Brandon, Charlotte Perrone, Edward Perrone, Kathy Rockwell, Linda Ferenz, Ricky O'Dell, Tina O'Dell, Tonie Close, Nancy Muskins, Richard Hammond, Gloria Robinson, Don Robinson, Bud Kollor, Daniel Warner, Robert Fagant Jr, Brian Geier, William Guido, Robert Resilo, Alice Resilo, Joe Vavruick, Donald Bellen, Anja Bellen, Stephen Kardos, Douglas Blacklock, Asborj Brown, Joseph Schoner, M Downing, Dave Agee, Mark Farrington, John Meola, Gladys Meola, Mark Meola

DEPARTMENT REPORTS

HIGHWAY SUPERINTENDENT REPORT- Tom Ruliffson Highway Superintendent reported that the highway employees have been working at the town beach and on Perrigo Road.

RESOLUTION # 93 APPROVE STATE BID FOR GARBAGE TRUCK

On motion by Councilman Ryan and seconded by Councilwoman Montanye the following resolution was ADOPTED 5 AYES (Hart, Montanye, Ryan, Hill, Sieg) 0 NAYS

RESOLVED that the Mayfield Town Board approves the purchase of a International chassis with a PAK MOR compactor on state bid for \$130,133.00

BUILDING INSPECTOR REPORT was submitted.

REGULAR MEETING, JUNE 15, 2005

ASSESSOR REPORT was submitted.

COMMITTEE REPORTS

WEBSITE UPDATES/ NEWSLETTERS- Supervisor Hart reported that the website has been updated and the town newsletter has been mailed to residences.

MUNICIPAL BUILDING- Supervisor Hart reported that the town had received a letter from the fire district and would like to set up a meeting. A tentative date of June 21st at 6:30 PM was discussed.

FINANCIAL

The town clerk's report was submitted with fees collected in the account \$1103.49 B account \$1168.76 Decals \$ 6.68

CORRESPONDENCE

Supervisor Hart reported that the town board had received numerous assessment letters

The rabies report was received

Accept surplus equipment for the justice department

Supervisor Hart read a letter to the residents of Mayfield from the town board regarding their decision to ask for special legislation and to suspend the six year plan.

Councilwoman Sieg read the resolution for the six year plan suspension.

RESOLUTION # 94 SUSPENSION OF THE SIX YEAR PLAN

On motion by Councilwoman Sieg and seconded by Councilman Hill the following resolution was ADOPTED by roll call vote

Councilman Ryan-AYES

Councilwoman Montanye-AYES

Supervisor Hart- AYES

Councilwoman Sieg- AYES

Councilman Hill- AYES

WHEREAS, the Town of Mayfield previously entered into the annual reassessment program administered by the New York State Office of Real Property Services for the purposes sustaining taxpayer equity in the Town; and

WHEREAS, the Town of Mayfield submitted a six- year annual reassessment plan that was approved by the state, and the Town commenced the program in 2004 with a town-wide revaluation; and

WHEREAS, a review of the 2005 preliminary assessment roll by the Town Board and counsel have indicated potential inequities arising from the Town's participation in the annual reassessment program possibly related to computer software irregularities, the current extraordinary real estate market and the effect of valuation trends applied to the different property types and neighborhoods that comprise the Town Assessment Roll; and WHEREAS, such potential assessment inequities are contrary to the Town's intent to promote taxpayer equity, and the Town Board is desirous of preventing any further potential assessment inequities resulting from these factors, and said Board has obtained

REGULAR MEETING, JUNE 15, 2005

and reviewed the advice of property tax counsel and state and county assessment administration officials; and

WHEREAS, the Town Board has determined that it is in the best interests of the Town of Mayfield and all real property owners to suspend participation in the state's annual reassessment program as of the 2006 town assessment roll: now

THEREFORE BE IT RESOLVED, that the Town Board does hereby authorize the suspension of the Town's participation in the state's annual assessment program as of the 2006 Town Assessment Roll.

Councilman Hill read the following resolution

RESOLUTION # 95 APPROVE LEGISLATIVE RESOLUTION

On motion by Councilman Hill and seconded by Councilwoman Sieg the following resolution was ADOPTED by roll call vote

Councilman Ryan-AYES

Councilwoman Montanye- AYES

Councilman Hill- AYES

Councilwoman Sieg- AYES

Supervisor Hart- AYES

WHEREAS, the Town of Mayfield commenced participation in the annual reassessment program administered by the New York State Office of real Property Services with the 2004 town assessment roll with the intent to promote taxpayer equity in the Town; and WHEREAS, a review of the 2005 preliminary assessment roll by the Town Board and counsel have indicated potential inequities and irregularities arising from the Town's participation in the annual reassessment program possibly related to and caused by the recent conversion from the TSL computer software program to RPS Version 4 by all municipalities in Fulton County, and the delayed retention of municipal valuation computer files by the New York State Office of real Property Services; and

WHEREAS, the perceived irregularities in the 2005 preliminary Town Assessment Roll have been exacerbated by the current extraordinary real estate market and the effect of valuation trends applied as to the different property types and neighborhoods that comprise the Town Assessment Roll; and

WHEREAS, such potential assessment irregularities have arisen from factors beyond the control of the Town Assessor, and are contrary to the Town's intent to promote taxpayer fairness, and the Town Board is desirous of preventing any further potential assessment inequities resulting from these factors; and

WHEREAS, the preliminary 2005 town assessment roll has been filed by the assessor with the county pursuant to statute, and the Town Board of Assessment Review currently has jurisdiction over said roll, which is to be finalized and filed with the County of Fulton on or before July 1, 2005; and

WHEREAS, the Town board and the Town Attorney have reviewed the apparent irregularities in the Town's 2005 preliminary assessment roll and have obtained counsel and information from attorneys, county and state officials conversant with the Real Property Tax Law; and have deliberately and extensively considered the Town's options

REGULAR MEETING, JUNE 15, 2005

in remediating the perceived inequities in the Town's current 2005 preliminary assessment roll; and

WHEREAS, the Town Board has determined that it is in the best interests of the Town of Mayfield, all real property owners therein, and all municipalities in Fulton County to support the immediate introduction and passage of special legislation in the State Assembly and Senate to allow for municipalities in the County the option of passing a local law to revise the date for filing for the 2005 preliminary assessment roll and the concomitant grievance and filing dates; and to permit the filing said modified roll with the County of Fulton for taxation, assessment and budgeting purposes; now THEREFORE BE IT RESOLVED, that the Town Board does hereby support the immediate introduction and passage of such special legislation in the State Assembly and Senate permitting municipalities the option of revising the date to file the 2005 preliminary assessment rolls and to revise the applicable grievance and filing dates as set by Real Property Tax Law; and to support any other relief within said legislation that the Board may deem just and proper to further taxpayer equity within the Town of Mayfield.

PROPOSED ZONING LAW- Attorney Doug Zamelis gave a background on the zoning and gave a preliminary statement which included.

- a. Purpose of the Public hearing
 1. To receive public comment on the proposed zoning law of the Town of Mayfield.
- a. Not a debate, no cross examination
- b. Hearing is for comments on the proposed zoning law
- b. This hearing required by Town Law and Municipal Home Rule Law Provisions which authorize the Town Board to enact zoning legislation.
 1. The Zoning Law is in draft form and has not yet been enacted.
- c. Background of the Draft Zoning Law
 - i. The Town Board appointed an independent Zoning Commission in June of 2002 to formulate a set of proposed zoning maps and regulations.
 - ii. The Zoning Commission met several times and held public hearings on January 22, 2004 and March 24, 2005.
 - iii. On May 4, 2005, the Zoning Commission formally reported the proposed zoning maps and regulations to the Town Board.
 - iv. The Zoning Commission then ceased to exist.
- d. The Town Board has not amended the proposed zoning law since it was reported by the Zoning Commission.
 - i. The Town Board has referred the proposed Zoning Law and related materials to the Fulton County Planning Board as required by General Municipal Law. Fulton County Planning Board will be reviewing the Proposed zoning law at its next meeting.
 - ii. The Town Board also issued a Negative Declaration pursuant to the Environmental Conservation Law on June 1st.
 - iii. This is a finding by the Town Board that enactment of the proposed Zoning Law would not have a significant effect on the environment and an Environmental Impact Statement will not be required.
 - iv. The negative Declaration is on file in the Town Clerk's Office.
 - v. Notice of Issuance of the Negative Declaration was published today in the Statewide Environmental Notice Bulletin.

REGULAR MEETING, JUNE 15, 2005

3. Notice
 - a. The following Notice of Public Hearing as published in the Leader Herald on June 3, 2005 and served on all neighboring towns, County of Fulton, County of Hamilton, and the Adirondack Park Agency.
 - b. Attorney Zamelis read the complete Notice into record.
4. Ground Rules for the Hearing
 - a. The Town Board encourages all members of the public to provide their comments tonight.
 - i. You may also submit written comments to the Town Board at any time.
 - ii. You may provide both verbal and written comments.
 - b. If you wish to speak tonight, please address your comments to the Town Board.
 - i. As mentioned, this is not a debate and the Town Board is not required to answer any questions at this time.
 - ii. When called upon, please speak clearly and slowly. State your name and address, and speak clearly so your comments can be heard, understood and noted.
 - iii. All comments must be relevant to the Proposed Zoning Law.
 - iv. So that all interested members of the public get an opportunity to speak, if your comments exceed 10 minutes in length, I will ask you to conclude your remarks and you will be given an additional 5 minutes after everyone else has had a chance.
 - v. If your comments exceed 15 minutes in length, you will be asked to submit the remainder of your comments in writing.

RESOLUTIONS # 96 OPEN PUBLIC HEARING FOR PROPOSED ZONING LAW
On motion by Councilman Hill and seconded by Councilman Ryan the following resolution was ADOPTED 5 AYES (Hart, Montanye, Ryan, Hill, Sieg) 0 NAYS
RESOLVED that the Mayfield Town Board approves to open the public hearing on the proposed zoning law at 7:00 PM.

Barry Schuyler- 784 St Hwy 349 spoke about some neighboring issues that he has been having.

Jack Putman- 700 St Hwy 29A- questioned whether the Zoning Commission intends to infringe on the rights of those selling vegetables or commercial ventures in farming in the town.

Aaron Howland- 459 Warren Road- questioned in a non conforming use area only 25% of the building could be added onto. Also if someone had a 50% loss to a building in the same area you could only rebuild if you get prior approval.

Bill Guido- 136 Bushnell Road- stated there was a problem hearing tonight and recommended that the town move the meeting.

Spike Sauve- 323 Progress Road- suggested setting up a petition for mistakes on the Zoning map.

Dominick Darkangelo- 299 St Hwy 30- questioned when the zoning maps would be current?

Aaron Howland- 459 Warren Road- questioned in a non conforming area can someone get a building permit to add on to their building.

REGULAR MEETING, JUNE 15, 2005

Cynthia Fratianni- 212 Kunkel Point Road- questioned why the town is doing zoning? Is this what the people in the town want? Also if the town people need more government in their lives?

Aaron Howland- 459 Warren Road- stated he felt that properties on the map that are in a commercial are should be prepared for their taxes to double.

Kurt Edwards- 411 Beech Street- questioned if zoning map would go along with the agriculture map.

Attorney Zamelis made several requests for any members of the public to come forward and provide comments or address the Town Board regarding the proposed Zoning law.

RESOLUTION # 97 CLOSE PUBLIC HEARING ON PROPOSED ZONING LAW

On motion by Councilman Ryan and seconded by Councilwoman Sieg the following resolution was ADOPTED 5 AYES (Hart, Montanye, Ryan, Hill, Sieg) 0 NAYS

RESOLVED that the Mayfield Town Board approves to close the public hearing on the proposed zoning law at 7:30 PM.

Councilman Ryan suggested that the board have discussion on the special legislation Attorney Greco explained that he had spoken with the chief counsel of Real Property and the town cannot just throw out the tentative roll once it was filed.

Mike Buyce- 170 Lakeside Drive- questioned if the town drops the six year plan does the 2005 assessment still stand. Also read a letter to Katherine Hillock Assessor from the Board of Assessment Review Board requesting that all properties fall back to the 2004 figures. Also questioned who would do the new assessing of properties. Stated he feels that the assessor is very disrespectful to residents and doesn't work well with people.

Russ VanValkenburgh- 552 Peninsular Heights Road- stated he has attended many meetings and read a letter to the board suggesting 3 main things

1. Provide taxpayer relief
2. Encourage county wide assessing
3. Have 2005 grievance board give a reduction to all people who filed a grievance.

Mike O'Brien- 118 Boblin Marina Drive- stated he had spoken with Farley & Butler who stated that the town board could roll back the assessment roll to 2004.

Asboraj brown- Lakeside Drive- stated she was away and missed the previous meetings on the assessment issues and felt that it should be public knowledge on the formula the assessor used to come up with the assessments.

Marion Franz- 532 Peninsular Heights Road- stated that over the past two years she has seen a 172% increase in her assessment.

Dave Huckans- 158 Eden Lane- thanked the board for getting out of the six year plan. Also stated that we need people to run for town board. Also stated that the assessment review board and the assessor can turn the roll back. Encouraged everyone to send a \$75.00 check to the Fulton County Chamber of Commerce to start a legal fund.

Marilyn Salvione- Priddle Point Road- extended her congratulation to the Town Board for suspending the six year plan. Also read a letter with a resolution from the Board of Assessment review Board that would be addressed to the assessor to sign that anyone who submitted a grievance application in 2005 would automatically roll back to 2004. The resolution was passed by the Board of Assessment Board by Barrie Hampton,

REGULAR MEETING, JUNE 15, 2005

Kimberly Mosher and Marilyn Salvione. Voting against the resolution were members Jack Putman and James Cownie.

Dave Agee- Woodland Ave- stated that was told the sales around the lake were around 60% when actually there were only 17%.

Terry Collins- Vandenburg Point Road- questioned what the dates and times were of important meetings. Stated that last year he didn't get a letter on if he had a change in his assessment from grievance day. Also questioned what the time frame is for attending small claims court.

Councilman Hill stated he didn't feel the town board solved all of the problems this evening but put little band aids on them. Urged everyone to call their senator and assemblyman and encourage tax relief.

RESOLUTION # 98 APPOINT SPECIAL COUNSEL FOR TAX PURPOSES

On motion by Councilman Ryan and seconded by Councilman Hill the following resolution was ADOPTED 5 AYES (Hart, Montanye, Ryan, Hill, Sieg) 0 NAYS
RESOLVED that the Mayfield Town Board approve the appointment of Attorney Daniel Vincelette from law firm of Tuczinski, Cavalier, Burslein & Collura P.C. as special counsel.

RESOLUTION # 99 APPROVALS OF VOUCHERS

On motion by Councilman Hill and seconded by Councilwoman Sieg the following resolution was ADOPTED 5 AYES (Hart, Montanye, Ryan, Hill, Sieg) 0 NAYS
RESOLVED that the Mayfield Town Board approves the payment of vouchers in the following accounts

Prepaid- vouchers 12-13 \$1,105.00
General Town wide – vouchers 151-181 \$19,063.84
General Outside- vouchers 53-59 \$1,862.19
Highway Outside- vouchers 85-105 \$8,809.54

RESOLUTION # 100 APPROVAL OF MINUTES

On motion by Councilwoman Sieg and seconded by Councilman Hill the following resolution was ADOPTED 5 AYES (Hart, Montanye, Ryan, Hill, Sieg) 0 NAYS
RESOLVED that the Mayfield Town Board approves the minutes of 05/18/05 & 06/01/2005 as submitted.

RESOLUTION # 101 APPROVE PETTY CASH FOR BEACH

On motion by Councilman Ryan and seconded by Councilwoman Montanye the following resolution was ADOPTED 5 AYES (Hart, Montanye, Ryan, Hill, Sieg) 0 NAYS

RESOLVED that the Mayfield Town Board approves to establish a petty cash fund in the amount of \$100.00 for use at the town beach, with the amount to be returned at the close of the beach for the season.

RESOLUTION # 102 APPROVE LEASE AGREEMENT WITH VISITORS CENTER

On motion by Councilwoman Montanye and seconded by Councilman Hill the following resolution was ADOPTED 5 AYES (Hart, Montanye, Ryan, Hill, Sieg) 0 NAYS

REGULAR MEETING, JUNE 15, 2005

RESOLVED that the Mayfield Town Board approves a lease agreement between the Town of Mayfield and the County of Fulton for use of the Gateway to Adirondacks Visitors Center for the purpose of a polling place for primary and general elections only. The lease will be from June 15, 2005 to November 8, 2005 for a sum of \$200.00.

Resolution # 103 AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION REQUESTING 2005 ENVIRONMENTAL PROTECTION FUND GRANT FUNDING FOR THE DEVELOPMENT OF TOWN BEACH PARK IN THE TOWN OF MAYFIELD

On motion by Councilman Ryan and seconded by Councilman Hill the following resolution was ADOPTED 5 AYES (Hart, Montanye, Ryan, Hill, Sieg) 0 NAYS WHEREAS, The New York State Office of Parks, Recreation, and Historic Preservation (NYSOPRHP) is granting 2005 Environmental Protection Fund (EPF) grant funding to eligible New York State communities; and

WHEREAS, 2005 EPF grants made by the NYSOPRHP will provide communities with up to \$350,000 to fund parks development, historic preservation, and heritage area programs, and

WHEREAS, the Town of Mayfield is eligible to apply for 2005 EPF grant funds and will provide the required 50% match to requested funds from the NYSOPRHP in cash and or in-kind services; and

WHEREAS, the Town of Mayfield has engaged the services of Fraser and Associates PE, LS, LA, P.C. to prepare a 2005 EPF grant application and submit the application to the NYSOPRHP on or before June 30, 2005; and

WHEREAS, the Supervisor of the Town of Mayfield is requesting authorization from the Mayfield Town Board to file a 2005 EPF grant application with the NYSOPRHP.

RESOLVED, that Supervisor Carol Hart is hereby authorized and directed by the Mayfield Town Board to file an application for 2005 EPF funds from the NYSOPRHP in an amount not to exceed \$350, 00, and upon approval of said request to enter into and execute a project agreement with the NYSOPRHP.

RESOLUTION # 104 SET SPECIAL MEETING FOR JUNE 21, 2005

On motion by Councilman Ryan and seconded by Councilwoman Sieg the following resolution was ADOPTED 5AYES (Hart, Montanye, Ryan, Hill, Sieg) 0 NAYS

RESOLVED that the Mayfield Town Board approves to schedule a special meeting for Tuesday, June 21, 2005 at 6:00 PM at the Fire District Building for the purpose of meeting with the fire district on the proposed municipal building and any other business that may come forth.

REMINDERS

JULY 16TH TOWN MEETING – 9AM Mayfield High School

JULY 20TH REGULAR TOWN BOARD MEETING

Councilwoman Sieg gave an update on the Youth Commission and interviews are being scheduled.

REGULAR MEETING, JUNE 15, 2005

Councilman Ryan gave an update on the beach employees hired for the season.

RESOLUTION # 105 ADOPT 2005 BEACH SAFETY PLAN

On motion by Councilman Ryan and seconded by Councilwoman Sieg the following resolution was ADOPTED 5 AYES (Hart, Montanye, Ryan, Hill, Sieg) 0 NAYS

RESOLVED that the Mayfield Town Board approves to adopt the 2005 beach safety plan as submitted.

PUBLIC

Chris Fonda- Jackson Summit Rd- questioned if special meetings are open to the public, also if e-mail counts as a foil request.

On motion by Councilman Ryan and seconded by Councilwoman Montanye the meeting was adjourned at 9:00 PM 5 AYES (Hart, Montanye, Ryan, Hill, Sieg) 0 NAYS

Respectfully Submitted,

Dorothy Hart, Town Clerk