

The regular meeting of the DeRuyter Town Board was held at 7:30PM on the above date in the DeRuyter Town Hall.

Present were Supervisor Degear, Clerk Wightman, Deputy Clerk Cirbus, Councilmen Jones, Barnes, Hathaway and Coon and Highway Superintendent Cook. Also in attendance were Arby and Marguerite Dunham.

Motion by Councilmen Barnes and Jones to accept the minutes of the October 2<sup>nd</sup> meeting as presented. All in favor and carried.

**PUBLIC HEARING FOR CHANGE TO FIRE CONTRACT:**

- The public hearing required prior to changes in the Fire Contract was opened at 7:35PM. Since there was no one present to speak either in favor or against, the public hearing was closed at 7:36PM.

**PUBLIC HEARING CONCERNING THE 2009 PRELIMINARY BUDGET:**

- The public hearing was opened at 7:36PM. Since there was no one present to address the preliminary budget, the public hearing was closed at 7:37PM.

**TOWN CLERK'S REPORT:**

- The monthly written reports for September and October were submitted.

**HIGHWAY SUPERINTENDENT'S REPORT:**

- The new box has been installed on the truck and is working well. Total cost was under \$17,000.
- The Town's Multi Modal money should be here within the next 2 or 3 days.
- Cleaning up trees and branches from the latest storm.
- Highway Superintendent Cook and Supervisor Degear attended a shared services program but found that we are already doing things as recommended and therefore are not eligible for funding.
- The new loader has been ordered and should arrive in February or March. Superintendent Cook will check on selling options for the old loader.

**UNFINISHED BUSINESS:**

- Attorney Matthew Neuman of the firm of Riehlman, Shafer and Shafer attended the meeting to introduce himself.

NEW BUSINESS:

- Motion by Councilmen Coon and Hathaway to adopt the following:

**# 62 RESOLVED:** WHEREAS, this Town Board is seeking to change Town Attorneys; and  
WHEREAS, this Town Board has directed Attorney Richard C. VanDonsel to cease performing any legal services for the Town of DeRuyter at this time; and

WHEREAS, this Town Board has worked previously with the firm of Riehlman, Shafer & Shafer;

NOW, THEREFORE, BE IT RESOLVED, that this Town Board does hereby appoint Matthew Neuman, a member of the firm of Riehlman, Shafer & Shafer as Attorney for the Town.

The roll call vote was taken with the following results:

Supervisor Degear	Aye
Councilman Coon	Aye
Councilman Barnes	Aye
Councilman Hathaway	Aye
Councilman Jones	Aye

The Clerk declared the foregoing duly carried.

- Arby and Marguerite Dunham explained the septic system they are hoping to install on their property located on West Cottage Lane. It is an engineer-designed system but the new system does not meet all the requirements of appendix 75-A. The Dunham's are requesting a waiver for a 14 foot relief from a neighboring well. The Madison County Health Department will not issue waivers for new construction, only for replacement systems. In a letter to the Town Board, Code Enforcement Officer Cook explains that "if the Town of DeRuyter will accept this plan as a replacement system", Madison County "will accept this plan as a replacement system that they will approve the necessary waivers". Motion by Councilmen Hathaway and Jones to adopt the following:

**#63 RESOLVED:** WHEREAS, in February, 2006, Arby and Marguerite Dunham applied for and were granted a variance to remove a 1950's vintage trailer from their property on West Cottage Lane and replace it with a much larger modular unit; and

WHEREAS, in 2006, an evaluation of their existing septic determined the system did not meet New York State Health Department standards for new construction; and

WHEREAS, the Dunham's took more than the one (1) year allowed to execute their variance approval; and

WHEREAS, the Dunham's have decided to reapply for a variance for a much smaller residence and have engaged the services of an engineer to design a new septic system; and

WHEREAS, the new system does not meet all the requirements of Appendix 75-A;  
and

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WHEREAS, the Dunham’s need a waiver for a 14 foot relief from a neighboring well and Madison County will not issue waivers for new construction;

NOW, THEREFORE, BE IT RESOLVED that this Town Board does hereby accept Arby and Marguerite Dunham’s septic plan as a replacement system.

The roll call vote was taken with the following results:

Supervisor Degear	Aye
Councilman Coon	Aye
Councilman Barnes	Aye
Councilman Hathaway	Aye
Councilman Jones	Aye

The Clerk declared the foregoing duly carried.

- There will be a public meeting concerning the replacement of the bridge on Wood Road. The meeting will be conducted by the Madison County Highway Department in the Town Hall Meeting Room on 11/13.
- The DeRuyter Central School is interested in purchasing the Town’s old voting machines since they are not required to adhere to the same standards for voting machines that the counties do.
- Motion by Councilmen Jones and Barnes to adopt:

**#64 RESOLVED:** WHEREAS, the Village of DeRuyter proposed an increase in the Fire Protection contract from \$59,500 to \$88,000; and

WHEREAS, pursuant to Subdivision 8 of Section 184 of the Town Law of the State of New York, a public hearing must be held in order for either party to amend said contract; and

WHEREAS, the Town Board of the Town of DeRuyter did, on this day, hold said public hearing;

NOW, THEREFORE BE IT RESOLVED that this Town Board does hereby approve said increase.

The roll call vote was taken with the following results:

Supervisor Degear	Aye
Councilman Coon	Aye
Councilman Barnes	Aye
Councilman Hathaway	Aye
Councilman Jones	Aye

The Clerk declared the foregoing duly carried.

- Motion by Councilmen Coon and Jones to adopt:

**#65 RESOLVED:** WHEREAS, this Town Board has met at the time and place specified in the Notice of Public Hearing on the Preliminary Budget, and heard all persons desiring to be heard therein,

THEREFORE, BE IT RESOLVED, That this Town Board does hereby adopt such preliminary budget, as the Annual Budget of the Town for the fiscal year beginning the first day of January, 2009 and that a copy of said budget, as so adopted, shall be on file in the office of the Town Clerk, and considered to be part of the minutes of the proceedings of the Town Board, and be it

FURTHER RESOLVED, that the Budget Officer shall prepare and certify in triplicate, copies of said budget as adopted by this Town Board, together with estimates, if any, adopted pursuant to Sec. 202A, § 2 of the Town Law and deliver 2 copies thereof to the Board of Supervisors of this County.

The roll call vote was taken with the following results:

Supervisor Degear	Aye
Councilman Coon	Aye
Councilman Barnes	Aye
Councilman Hathaway	Aye
Councilman Jones	Aye

The Clerk declared the foregoing duly carried.

- Motion by Councilmen Barnes and Jones to adopt the following:

**#66 RESOLVED:** That this Town Board does hereby appropriate \$899.00 of Cemetery Trust Monies (CM599) to reimburse the General Fund (CM9901.9) for mowing expenses at the Union Cemetery.

The roll call vote was taken with the following results:

Supervisor Degear	Aye
Councilman Coon	Aye
Councilman Barnes	Aye
Councilman Hathaway	Aye
Councilman Jones	Aye

The Clerk declared the foregoing duly carried.

TOWN HALL UPDATE:

- Roof replacement has begun.
- Footers have been poured for the elevator addition.
- Parking has begun to be a real problem due to the wet, snowy weather.
- Discussion of interior renovations.

MADISON COUNTY UPDATE:

- Preliminary County budget at small decrease in tax levy.
- Paul Miller, who is the interim County Administrator, will be named County Administrator pending Board of Supervisor's approval.

LAWN MAINTENANCE/SNOW REMOVAL:

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- There continues to be a real concern over the amount of money being charged for lawn care and snow removal. Submitted voucher indicate that Mr. Pelcher is subcontracting the work and charging the Town his hourly rate for not just himself but for multiple people. Following a lengthy discussion Councilmen Hathaway and Coon moved to request bids for cemetery mowing, Town Hall lawn maintenance and snow removal. All in favor and carried.
- Motion by Councilors Coon and Jones to accept the Supervisor's statement. All in favor and carried.
- Motion by Councilors Coon and Jones to pay the bills as audited:

Abstract # 1019	\$22,312.98
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All in favor and carried.

- Motion by Councilors Coon and Jones to adjourn. All in favor and carried.

Respectfully submitted,

Rebecca Wightman  
Town Clerk