

The regular meeting of the DeRuyter Town Board was held at 7:30PM on the above date in the Genevieve D. Staley Civic Center.

Present were Supervisor Degear; Clerk Wightman; Highway Superintendent Cook; Councilmen Coon, Barnes, Jones and Hathaway. Also present were Jamie and Levi Tousant, Ruthanne Stone, Carol and Warren Babcock and Joe Yankowski.

Supervisor Degear began the meeting with the Pledge of Allegiance.

Motion by Councilmen Barnes and Coon to accept the minutes of the September 11<sup>th</sup> meeting as presented. All in favor and carried.

**TOWN CLERK'S REPORT:**

- The written monthly report was submitted.
- Gross sales for DEC sporting licenses were \$3,593.00. The commissions to the Town of DeRuyter were only \$198.07.

**HIGHWAY SUPERINTENDENT'S REPORT:**

- Most Town Highway work is complete for the season.
- Working on Village sidewalks and catch basins
- CHIPS paperwork is complete
- Carey Road project is complete
- The new truck should be here in the next 3 weeks.
- Madison County is installing advance "No Trucks" signs on Lincklaen Road for South Hill Road.

**SUPERVISOR'S REPORT:**

- Written monthly report submitted.
- Budget line totals reviewed.

**PUBLIC HEARING:** Motion by Councilmen Coon and Barnes to open the public hearing at 7:45PM regarding Proposed Local Law # 3 of 2013 entitled "A local law to override the tax levy limit established in General Municipal Law 3-c. All in favor and carried.

Supervisor Degear asked if anyone present wanted to speak, either in favor of or against proposed local law #3. Since there was no one that wanted to speak, motion by Councilmen Barnes and Jones to close the public hearing at 7:46PM. All in favor and carried.

**CORRESPONDENCE:**

- NYS Department of Agriculture Dog Control Inspection Report completed on 9/12/2014. A "satisfactory" rating was received.
- Madison County Department of Highways regarding speed studies.
- New York State Laborers' Organizing Fund concerning New Market Project support.

**OLD BUSINESS:**

- Carey Road Project final billing from Fullers Excavation LLC.
- Supervisor Degear reported on the FERC meeting held in Georgetown about the proposed Sheds Compressor Station Project. He was disappointed by the way the meeting was handled and by the behavior and comments made by some attendees. He commended the local attendees but said that people from outside the community were disruptive. Supervisor Degear felt the meeting was not productive. There was also a meeting of FERC officials; DeRuyter and Georgetown Supervisors; the Code Enforcement Officer and the Georgetown Town Attorney to build rapport as FERC makes the ultimate decision on the compressor station.
- Madison County Department of Health comments to FERC concerning Docket No. CP14-497-000 Dominion Transmission, Inc.
- Agreement between Madison County and the Town of DeRuyter for snow removal was reviewed. Motion by Councilmen Coon and Jones to adopt:

**#59 RESOLVED: WHEREAS**, the Board of Supervisors of Madison County adopted Resolution No. 253-14 on September 9, 2014 designating the improved roads of the County Road System of the County upon which snow and ice removal should be performed; and

**WHEREAS**, the County Superintendent of Highways was authorized to enter into agreements with the Town for the aforementioned purpose starting October 1, 2014 through April 30, 2015 at rates specified in the Agreement;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Superintendent of Highways of the Town of DeRuyter, Madison County be and hereby is authorized and directed to enter into an agreement with the County of Madison to perform snow and ice removal upon the improved County Road system as per attached Agreement.

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 and Village contract was reviewed. It is agreed that it should be a 2 year contract. Motion by Councilmen Barnes and Jones to authorize Supervisor Degear to sign said contract. All in favor and carried.
- JCAP – Motion by Councilmen Hathaway and Barnes to adopt:

**#60 RESOLVED:** WHEREAS, Town of DeRuyter Justice VanNordstrand has identified the need for additional computer equipment for Town Court purposes; and,

**WHEREAS,** the New York State Office of Court Administration administers a Justice Court Assistance Program (JCAP) to provide grants for such purchases,

**NOW, THEREFORE, BE IT RESOLVED,** that the Town of DeRuyter authorizes the submission of an application to JCAP for the purpose of acquiring additional computer equipment for the DeRuyter Town Court.

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.

- Review of CCAP budget
- New “Waters of the United States” definition reviewed.

**NEW BUSINESS:**

- Emergency Radio Purchase – motion by Councilmen Barnes and Hathaway to adopt:

**#61 RESOLVED: WHEREAS,** the Town of DeRuyter and DeRuyter Central School District are working cooperatively to meet the communications goals of the town and school which include public safety communications; and

**WHEREAS,** Madison County operates the public safety communication system in Madison County; and

**WHEREAS,** together with Mid-State Communications and Motorola Solutions are the sole-provider for radios necessary to access the Madison County public safety communication system resulting from a competitively bid contract with Madison County; and,

**WHEREAS,** the Town of DeRuyter has identified the need to purchase two handheld radios with charging systems and DeRuyter Central School has identified the need for three handheld radios with charging systems,

**NOW, THEREFORE, BE IT RESOLVED,** that the Town of DeRuyter authorizes the purchase of and programming of five handheld radios with charging stations from sole-source provider Mid-State Communications and Motorola Solutions at a cost not to exceed \$8,500.00; and,

**BE IT FURTHER RESOLVED**, it is understood that DeRuyter Central School will reimburse the Town of DeRuyter the costs associated with the purchase of and programming of three radios for school district use.

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.

- 2015 Budget Process
  - Tax cap calculation report was reviewed.
  - The State Environmental Quality Review (SEQR) Short Environmental Assessment Form was reviewed. Motion by Councilmen Coon and Hathaway stating that upon review of proposed local law # 3 of 2014, review of page 1 of the SEQR form, and other hearings and deliberations among the Board, a finding is hereby made that the enactment of the Local Law #3 of 2014 will not result in any significant adverse environmental impacts and therefore a negative declaration is hereby made under SEQR. All in favor and carried.

There being no further deliberations or discussions, motion by Councilmen Coon and Hathaway to adopt:

**#62 RESOLVED: WHEREAS**, historically the Town of DeRuyter has carefully controlled costs and kept property taxes to a minimum by employing means, including the use of un-expended fund balance for tax rate stabilization, and shared services with other local governments; and

**WHEREAS**, estimates of the 2015 Town of DeRuyter budget suggest the possible need of an increase to the tax levy above and beyond the levy limit allowable under law; and

**WHEREAS**, this resolution is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes the town board to override the tax levy limit by the adoption of a resolution approved by vote of sixty percent (60%) of the town board;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of DeRuyter, County of Madison is hereby authorized to adopt a budget for the fiscal year 2015 that requires a real property tax levy in excess of the amount otherwise proscribed in General Municipal Law §3-c; and,

**BE IT FURTHER RESOLVED** that this Town Board does hereby enact Local Law #3 of the year 2014 as follows:

**A Local Law to Override the Tax Levy Limit Established  
in General Municipal Law 3-c**

**Section 1. Legislative Intent**

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of DeRuyter pursuant to General Municipal Law §3-c, and to allow the Town of DeRuyter to adopt a budget for the fiscal year 2015 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c.

**Section 2. Authority**

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes the town board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the town board.

**Section 3. Tax Levy Override**

The Town Board of the Town of DeRuyter, County of Madison is hereby authorized to adopt a budget for the fiscal year 2015 that requires a real property tax levy in excess of the amount otherwise proscribed in General Municipal Law, §3-c.

**Section 4. Severability**

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

**Section 5. Effective Date**

This local law shall take effect immediately upon filing with the Secretary of State.

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 Coon to adopt:

**#63 RESOLVED:** That this Town Board does hereby prepare and approve as the preliminary budget of this Town for the fiscal year beginning on the first day of January 2015, the itemized statement of estimated revenues and expenditures on file in the office of the Town Clerk, and be it

**FURTHER RESOLVED,** that this Town Board shall meet at 7:45PM on the 13th day of November, 2014 for the purpose of holding a public hearing on such preliminary budget and be it

**FURTHER RESOLVED,** that the Town Clerk shall give notice of such public hearing in the manner provided in Section 113 of the Town law, and that such notice be published in substantially the following form:

Notice is hereby given that the preliminary budget of the Town of DeRuyter for the fiscal year beginning January 1<sup>st</sup>, 2015 has been filed in the office of the Town Clerk at DeRuyter where it is available for inspection by any interested persons during regular hours.

Further notice is given that the Town Board of the Town of DeRuyter will meet and review said budget and hold a public hearing thereon at the Genevieve D. Staley Civic Center, 735 Utica Street on the 13<sup>th</sup> day of November, 2014 at 7:45PM and that at such hearing any person may be heard in favor or against any item or items therein contained.

Pursuant to Section 113 of the Town Law, the proposed salaries of the Town Officers are as follows:

Supervisor		\$10,300
Councilmen	4@	\$1,545
Justice	1@	\$6,000
Justice	1@	\$5,250
Clerk/Collector		\$22,000
Highway Supt.		\$48,000

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.

**PUBLIC COMMENT:**

- Ruthanne Stone thanked Supervisor Degear for his attendance at the Dominion New Market Project hearing in Georgetown.
- Joe Yankowski also thanked Supervisor Degear.

✓ Motion by Councilmen Coon and Barnes to pay bills as audited:

Abstract #1017	\$46,912.70
Abstract #1018	\$121,850.10

All in favor and carried.

- ✓ Motion by Councilmen Coon and Barnes to approve payment of a Dunn & Sgromo Engineers bill in the amount of \$1,950.25. All in favor and carried.
- ✓ Motion by Councilmen Barnes and Coon to accept the Supervisor's statement. All in favor and carried.
- ✓ Motion by Councilmen Barnes and Coon to adjourn. All in favor and carried.

Respectfully submitted,

Rebecca Wightman  
Town Clerk