

REGULAR MEETING

September 10, 2009

Present: Supervisor Gozelski
Coun. Tarbell, Monteleone, Klein, Little
PWMS Kibler, Hwy Supt Foley
Recorder TC Ballinger

Also present: David Swede, Linda Holz, Sally Genco, Gerald C. Sahrle II, Bill Bark, Mary Kay Barton, Roger Uptegrove, Mary Hotchkiss, Chris Mueller, Michael Heftka

Supervisor Gozelski called the meeting to order at 7:00 PM.

Chris Mueller, Time Warner Cable, discussed the special franchise agreement. The Board would like the West side of Silver Lake to have cable. Mueller stated regulations tie their hands to expand; 35 homes are required per mile. Our original agreement was negotiated for 25 homes per mile. There are 11 new properties on the Lake. He requested the addresses and he will have the engineers look at the density. Majority of agreements are for 10 years; none less than 10. The Public Service Commission has gone to 15 years which is what Time Warner is asking.

Michael Heftka, Executive Director of the Industrial Development Agency, presented a potential agreement with the Silver Lake Country Club expansion application for tax incentives. The agreement would allow the town houses three possible tax incentives: (1) payment in lieu of taxes (PILOT) which would allow zero property taxes for the first five years followed by 20% the 6th year, 40% the 7th, 60% the 8th, 80% the 9th, and 100% the 10th year; (2) abatement of the recording mortgage taxes; and (3) abatement of the 8¼ % sales tax on the construction materials. The town houses would have to come under the classification of tourism destination to qualify for these incentives. That is a borderline definition. If the golf course is separated from the town houses, then the deal would be off. The town houses will be offered for rental in the beginning due to the poor economy and be sold later. Once sold, they would be out of the PILOT agreement. A public hearing would have to be held in Castile to move on the property tax abatement.

Coun. Monteleone stated there are a lot of new faces at the Country Club this year. Sally Genco questioned whether the tax abatement included furnishings of the town houses and the answer was yes. Coun. Tarbell saw recently on the internet that the Silver Lake Country Club was for sale. Heftka will check with Crawford to confirm that report. Mary Kay Barton stated when Crawford purchased the Country Club, it had to stay a golf course. The issue was tabled until more information is obtained.

Motion was made by Coun. Klein, seconded by Coun. Little, resolved that the minutes of the August 13th regular meeting be approved as submitted.
Polled: Ayes 5, Noes 0 – Carried

The following bills were audited by Coun. Tarbell and Monteleone:

REGULAR MEETING, CASTILE TOWN BOARD, September 10, 2009, continued

General Fund – Townwide	\$ 5,755.81	
General Fund – Outside Village	3,296.03	Vouchers
Highway Fund – Townwide	3,964.84	G233 – 256
Highway Fund – Outside Village	117,503.84	H106 – 120
Silver Lake Sewer District	5,819.20	S117 – 132
Gardeau Water District	103.15	
Silver Lake Institute Water District	917.34	
Silver Lake Lighting District	<u>451.06</u>	
Total	\$137,811.27	Abstract #009

Motion was made by Coun. Tarbell, seconded by Coun. Monteleone, resolved that these bills be accepted and paid.

Polled: Ayes 5, Noes 0 - Carried

Motion was made by Coun. Monteleone, seconded by Coun. Tarbell, resolved to accept the Supervisor's Report for July and August as submitted.

Polled: Ayes 5, Noes 0- Carried

Coun. Tarbell reported that he had met with ZEO Swede and things were progressing well.

Coun. Klein reported that the Highway Committee and the Sewer & Water Committee had met with Hwy Supt Foley and PWMS Kibler regarding their 2010 budgets. There is no news on the Silver Lake outlet project.

Coun. Little discussed the four hours mandatory training for planning and ZBA board members. She mentioned that the Town & Topic magazine from the Association of Towns keeps zoning officials aware of any new changes in NYS laws. Supervisor Gozelski has talked to the County Planner about his input regarding the required training and he will come to a future meeting.

The Silver Lake Association has written a letter to the Castile Town Board regarding the training and asked that it be included in the minutes. The body of the letter is as follows:

At the July Town Board meeting, Councilwoman Linda Little brought up the training of members of the Castile Planning Board and Zoning Board of Appeals. She expressed her opinion that such training can be "repetitious and a waste of money and time." Accordingly, Ms. Little said she would like to amend a motion passed by the Town Board in 2006 so members who have been on these boards for several years could opt out of the training. She said she would "work on the wording" in order to present a motion at the September meeting.

The Silver Lake Association respectfully requests that the Town Board not entertain a motion allowing members of the Planning Board and Zoning Board to opt out of training for several reasons.

1. New York State Law Chapter 662 effective January 1, 2007 “requires members of planning boards, zoning boards of appeals, and county planning boards to receive a minimum of four hours of training each year.” Four hours a year would seem more than appropriate for such important decision making positions.
2. The Town of Castile passed a motion to require a minimum of four hours of training for these board members in 2006, even before the state mandate. We ask what has changed in the last three years that the Board believe it is now unnecessary?
3. New York State Codes are not static, but rather developing and changing. Without that small commitment of four hours, the board members may not recognize such changes and thus mistakenly violate the code.
4. The law allows a municipality to waive or modify the training requirement by adopting a resolution stating so. This “opt out” clause was included in order to allow a member with professional qualifications to not have to attend, or for a medical emergency that would interfere with planned training. It is recommended “before choosing to opt out, governing boards should consider allowing the requirement to be met by self-study, such as on-line training provided by the NYMIR or allowing members to ‘catch up’ with deficiencies in a prior year by attending additional classes in the future. Governing board members should also remember that even experienced members can benefit from attending case law sessions or sessions dealing with new zoning techniques.”
5. Many professions require on-going training. Teachers, lawyers, doctors, accountants and many others are required by law to continue their education during their entire professional life. Should these board members be expected to do less? Would it not be in the best interest of the town and its taxpayers to ensure that these boards are comprised of the most knowledgeable and best informed members possible?

The Silver Lake Association suggest that the Town Board continue its current position that all members of these boards, including alternates, attend at least four hours annually and send annual certificates of compliance to the Town Board. In addition, as indicated in state law, a board member who does not meet the minimum training requirement would not be eligible for reappointment to his/her board.

This letter was submitted by Sally Genco, Planning and Zoning Committee Chairman, and Dick Swanson, President, Silver Lake Association.

The discussion of training was tabled.

ZEO Swede reported that since he started on July 13th he has issued 22 permits, 5 variances and 5 violations. He has resolved one issue. His office has been very busy and he has a list of potential violations.

PWMS Kibler gave his sewer and water report. On August 10th the heavy rain took down a tree and power line on Eberstein Tract. They were six hours without power and the electric company put up temporary lines. They will have to come back and put up the permanent lines. That will require running the big generator while they work again. The Village of Perry had a boil water order August 14 – 20.

Hwy Supt Foley discussed road work on Slocum Road, and Transit Rd.

The Castile Fire Department is holding their annual Fire Prevention Week Open House in the Castile Village Park on Saturday, October 3rd from 11 AM to 4 PM with a pig roast, Mercy Flight Demonstrations, 2 Jaws of Life Demos, and much more.

The Castile Bicentennial Committee has purchased playground equipment for the Village Park with the remaining money from profits of Bicentennial items such as DVD's, t-shirts and cookbook. Donations are being sought to pay for its installation in the spring.

The codification portfolio of our Town laws has been received from General Code and needs to be reviewed and approved by December 4th.

The September 10th issue of the NYS Property Tax Monitor gave special recognition to those municipalities and assessors that have conducted reassessments for 11 straight years, thereby complying with the highest assessment standards in New York State. These communities have been in the Annual Aid Program since 1999 and have been eligible for \$5.00 per parcel each year. Castile and our assessor Sue Kibler were one of the 19 towns and assessors listed.

The Board discussed the 2010 tentative budget. The Hwy Sup has met with Baldwin who recommends paying off the truck for \$190,000 and the mini-excavator for \$46,334. Two roads are being considered for 2010 roadwork: Upper Reservation Road between Swyers Road and Center Road (1.1 mile) at a cost of \$55,000 - \$60,000 and Sanford Road between Middle Reservation Road and Slocum at a cost of \$45,000 - \$50,000. No new equipment will be needed until in four years a truck will have to be upgraded. The Sewer and Water Department is basically looking good. The entry in the budget for zoning secretary is a mistake and is being corrected to \$4800. The tax collector was asked to get a separate post office box.

Middle Reservation Road (as a County Road) goes down Borden Avenue in the Village of Perry. DeGoyler Road to Main Street (Route 39) is 1.9 miles with Letchworth State Park installing a 6" pipe for water line.

Motion was made by Coun. Little, seconded by Coun. Klein, resolved that the meeting be adjourned at 8:57 PM.

Polled: Ayes 5, Noes 0 – Carried

Respectfully submitted,

_____, Town Clerk