

**TOWN OF COVERT
TOWN BOARD MEETING
FEBRUARY 8, 2016**

The regular monthly meeting of the Town Board of the Town of Covert was held Monday, February 8, 2016 at 7:00 p.m. at the Town of Covert Municipal Building, 8469 South Main Street, Interlaken, New York.

Roll Call:	Supervisor Michael Reynolds	Present
	Councilman Jeffrey Vann	Present
	Councilman Gary Hunt	Present
	Councilman William Bishop	Present

Others Present: Deputy Town Clerk Leslie Adams-Compton, Highway Superintendent Jeffrey MacCheyne, Town Attorney Patrick Morrell, Reporter Aneta Glover and other interested citizens.

Call to order: Supervisor Reynolds called the meeting to order at 7:00 p.m. All rose for the pledge of allegiance.

Councilman Vann began by asking for a break in the agenda and, “with the public interest at large”, made a motion for a resolution to accept the resignation of Councilman Leon Anderson. The motion was seconded by Councilman Bishop and opened for discussion.

Councilman Hunt asked if they should break for executive session. Town Attorney Morrell said that they could, but pointed out that Board members resign to the Town Clerk and that any decision the board makes has no legal effect.

Councilman Hunt asked about the situation where the Town Clerk is out on medical leave. Morrell said that Town Clerk is an office, not a person.

Councilman Anderson requested to speak on his behalf. He explained that, after doing some research, he believed he would have to resign in order to not be in violation of the Hatch Act that would have prevented him from receiving grants from the Governor Traffic Safety Board and this decision had to be made in a timely manner. After sending in his resignation, he received word from the Office for Special Council for the Hatch Act that only if he was receiving 100% Federal Government funding would it preclude him from receiving federal grants. He then turned in his letter of rescission of his resignation to the Deputy Town Clerk. He pointed out, per Sarah of the Associate Council of Towns, that the “Town Clerk shall immediately notify the State Board of Elections” at the receipt of a resignation and that Town Clerk’s acceptance or denial of withdrawal should “not constitute abuse of discretion.”

Morrell agreed that a withdrawal of resignation will be left to the sole discretion of the Town Clerk to accept or deny.

Vann added the final line “or by which it was filed”, and that “no action’s been taken” but Morrell said that it was filed with the Town Clerk and therefore the rescission would be the elected Town Clerk’s decision, not the Town Board’s.

Town Clerk Freese read her letter:

Town Board Town of Covert,

On January 26, 2016 Leon Anderson wrote a letter of resignation to the Town Clerk and the Town Board. The Deputy Town Clerk read the letter January 26, 2016 file which was a pdf file which is acceptable as the material substance as required by law.

The Deputy Town Clerk printed the letter of resignation which was accepted as a resignation letter on January 26, 2016.

Leon Anderson filed a letter of reinstatement with the Town Clerk Office to withdrawal his letter of resignation.

Due to the fact that there is still the possibility of the conflict of interest with the Town of Covert Court and with the Operation of the Town Board I feel it is in the best interest for the Town Board to not accept the letter of reinstatement from Leon Anderson.

Colleen Freese, Town Clerk

Officer Anderson stated “I disagree” and the “opinions of the Attorney General’s office are that, just opinions,” and they said that there are other statutes and laws that come forward later since 1990 and that he would have to consult with the Town Attorney for him to submit a letter to the attorney general’s office for that opinion. Without that, he doesn’t think that it’s an informed decision. He said he would be pursuing Article 78 and left the board.

Hunt stated that the judge said a Court ruling would be coming down, #15-224, that spells out that she cannot hear any court cases.

Vann made the motion to accept Leon Anderson’s resignation as submitted, seconded by Bishop. Vote: Reynolds - Nay, stating not the board’s decision, Vann - Aye, Bishop - Aye, Hunt - Aye, until/if conflict of interest resolved between Anderson as Police Chief and Anderson as Town Council, then he would make the motion to appoint Anderson back on the board.

Highway Report: Highway Superintendent MacCheyne gave his monthly report. He took dump body on 1998 10 wheeler for scrap metal for \$220.60. Truck has been cleaned up, getting ready to install box for a backup truck. He has been looking for replacement roadside mower for Covert and Varick; there are 2 tractors on the State bid, but not finding any with sickle bar mounts as they are not manufactured anymore. Company is researching what it would take to build a mount. Bishop visited the Highway Barns and commended them for doing a fine job on the truck project.

Hunt reported that there will be a meeting with a new solar company in a few weeks.

Vann will have a report on the meeting with Code Enforcement Officer John Poludniak on February 17th regarding the new job description at the next Town Board meeting.

Reynolds shared about the Revaluation. Assessor Jay Franklin said that letters go out the week of the 22nd of February after NYS approves them. The letters should show comparison of old vs. new assessment & taxes some nice lake properties have gone up, but lake shanties, down. Country homes stay about the same, but farm properties will go up. Farmland owners need to apply for the Ag assessments due April 1 or they will be hit pretty hard. The assessors will schedule grievance times, at least two all-day sessions.

Morrell stated that the Procurement Policy is required to be adopted every year. Morrell modified the Procurement Policy to reflect the current thresholds. Purchasing of supplies & equipment before going out to bid changed to \$20,000. Public works projects changed to \$35,000.

Town Clerk Fee Schedule was created so that local laws would not have to be adopted individually but accepted as a whole annually.

Town Attorney Morrell suggested that the board approve the reduced fee that Iron Mountain has offered for their storage services after long-time negotiations. The account would be closed and documents returned with this final payment.

Hunt expressed his concern for the preservation of the white deer herd in NYS. Reynold's said the conservation area in Varick would be perfect for them and it would be best if it were not funded by the County. It is also a wetland and not good for much else.

Petitioners:

Meg Jastran asked how the vacancy of the Board will be filled. There was some discussion.

A citizen asked what the conflict is. Morrell gave a clarification of the conflict of interest. Leon or someone working for Leon writes the tickets that are brought to this court. Leon as prosecutor will present his case, at the same time, as board member, he controls the judge's department's budget. The Court/judge has recused her case from every ticket. Morrell stated that this issue would not go away. Leon Anderson has said he will pursue Article 78 under Civil Practice laws & rules where anyone can challenge the action of any governmental board.... Citizen asked who would pay for defending the clerk in a lawsuit. Morrell stated probably the Town Board.

Carl Pell suggested leaving the position open as has been done on the School Board. He also suggested letting the Seneca County Board do its job, getting the deer's land back on the tax rolls.

One citizen felt that the election of Anderson was voided on a technicality and it didn't look right. Another stated that the decision was based on NYS law so take it to Albany. Another citizen thought the acceptance of resignation and denial of rescission was based on different criteria.

The Board decided to accept letters of interest for the vacant Town Council position through 5 p.m. on March 11, 2016.

Resolution 2-16 to Close Account with Iron Mountain

WHEREAS Town Clerk and Town Attorney have been diligently working to resolve the issues surrounding the storage of Town of Covert data by Iron Mountain, and

WHEREAS Iron Mountain has offered a significantly reduced fee, Now therefore be it

RESOLVED that the Town of Covert is authorized to pay invoices to Iron Mountain up to \$400.00 for storage services, and be it further

RESOLVED that at this final payment, Iron Mountain shall return all stored files and the account with Iron Mountain shall be closed.

Motion: Vann, Seconded by: Hunt, Vote: Aye-Hunt, Aye-Bishop, and Aye-Vann.

Vann moved, seconded by Hunt, to adopt the Town of Covert 2016 Procurement Policy with changes to the thresholds for Purchasing of supplies & equipment before going out to bid to \$20,000 and Public works projects to \$35,000 as amended by Attorney Morrell. Aye-Bishop, Aye-Vann, Aye-Hunt.

Hunt moved, seconded by Vann, to approve the Town Clerk's Fee Schedule for 2016. Aye-Vann, Aye-Bishop, and Aye-Hunt.

Hunt moved, seconded by Vann, to approve the January 11, 2016 Organizational and Regular Board Meeting minutes. Aye Hunt, Aye-Vann, Aye-Bishop.

Vann moved, seconded by Bishop, to approve the Supervisor's income and expenditure report for January, 2016. Aye-Vann, Aye-Bishop, and Aye-Hunt.

Hunt moved, seconded by Bishop, to approve the Highway Superintendent's report for the month of January, 2016. Aye-Vann, Aye-Hunt, and Aye-Bishop.

Vann moved, seconded by Hunt, to approve the Town Clerk's monthly report and Tax Collector report for January, 2016. A total of \$502.00 was received and \$410.00 was remitted to the Town Supervisor. About \$1,330,000.00 was received in taxes and a total of \$826,560.95 was remitted to the Town Supervisor and \$300,000.00 to Seneca County. Aye-Vann, Aye-Bishop, and Aye-Hunt.

Vann moved, seconded by Bishop, to approve the Code Enforcement Officer's report for the month of January, 2016. Aye-Bishop, Aye-Vann, and Aye-Hunt.

Hunt moved, seconded by Bishop, to approve the Dog Control Officer's report for the month of January, 2016. Aye-Hunt, Aye-Bishop and Aye-Vann.

Hunt moved, seconded by Vann, that Highway Fund Vouchers #7-#23 in the amount of \$3,768.34 and General Fund Vouchers #19-#40 in the amount of \$231,475.60 be approved for payment. Aye-Vann, Aye-Hunt, and Aye-Bishop.

Respectfully Submitted,

Leslie Adams-Compton, Deputy Town Clerk