

AGENDA

November 17, 2016

- I. **Call to Order**
- II. **Salute to the Flag**
- III. **Moment of Silence**
- IV. **Roll Call**
- V. **Adoption of Agenda**
- VI. **Presentations**
 1. **Gary Elliott**
- VII. **Public Comment**
- VIII. **Communications**
- IX. **Approval of Minutes of Previous Sessions**
- X. **Auditing Committee – Motion from Committee to Pay Bills (transfer funds if any)**
- XI. **Reports**
 1. Financial - Supervisor Reese
 2. Highway Department Committee – Council member Grimm
 3. Highway Report – Superintendent Scott Crewell
 4. Dog Warden – Jim Brownell
 5. Building and Fire Code Enforcement – Barry Vickers
 6. Town Clerk – Janet Trumbull
 7. Planning Board – Chairman James Welch
 8. ZBA -Neal Erkson
 9. Justice Reports – Judge Alford & Judge Bradley
 10. Assessor – Robert Harris
 11. Historian – Robert Carter

XII. New Business

1. Resolution 58 of 2016 – Resolution of the Town of Minden Adopting the Montgomery County Multi-Jurisdictional All-Hazard Mitigation Plan (HMP)
2. Resolution 59 of 2016 – Resolution of the Town of Minden Authorizing Credit Card Use and Establishing a Credit Card Use Policy
3. Resolution 60 of 2016 – Resolution Re-Appointing Board of Assessment (BAR) Member for a five year term expiring September 30, 2021
4. Resolution 61 of 2016 – Resolution Declaring Negative Declaration – Type 1 Action of Adoption of Updated Zoning to Regulate Sawmills
5. Resolution 62 of 2016 – Resolution Adopting Local Law #3 – Updating Zoning and Establishing Sawmill Regulations

XIII. Next Meeting December 15, 2016

XIV. Adjournment

RESOLUTION BY:

SECOND BY:

RESOLUTION OF THE TOWN OF MINDEN ADOPTING THE MONTGOMERY COUNTY
MULTI-JURISDICTIONAL ALL-HAZARD MITIGATION PLAN (HMP)

WHEREAS, in response to the requirements of the Disaster Mitigation Act of 2000 (DMA 2000), Montgomery County, and the towns and villages located therein, have developed a Multi-Jurisdictional All-Hazard Mitigation Plan (HMP), which is an update of the 2008 Montgomery County Hazard Mitigation Plan; and,

WHEREAS, DMA 2000 amends the Stafford Act and is designed to improve planning for, response to, and recovery from, disasters by requiring State and local entities to implement pre-disaster mitigation planning and develop HMPs; and,

WHEREAS, the Federal Emergency Management Agency (FEMA) has issued guidelines for HMPs and the New York State Division of Homeland Security & Emergency Services (NYS DHSES) also supports plan development for jurisdictions in New York State; and,

WHEREAS, the Town of Minden Board recognizes the threat that natural hazards pose to people and property within Town of Minden; and,

WHEREAS, the Town of Minden working in conjunction with Montgomery County and the constituent municipalities within Montgomery County, has prepared an annex that is incorporated into and made part of the Montgomery County Multi-Jurisdictional All-Hazard Mitigation Plan of 2016 in accordance with the Disaster Mitigation Act of 2000; and,

WHEREAS, the Montgomery County Multi-Jurisdictional All-Hazard Mitigation Plan of 2016 identifies mitigation goals and actions to reduce or eliminate long term risk to people and property in Town of Minden from the impacts of future hazards and disasters; and,

WHEREAS adoption by the Town of Minden Board demonstrates their commitment to the hazard mitigation and achieving the goals outlined in the Montgomery County Multi-Jurisdictional All-Hazard Mitigation Plan of 2016.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF MINDEN, FORT PLAIN, NEW YORK THAT: Town of Minden Board adopts the Montgomery County Multi-Jurisdictional All-Hazard Mitigation Plan of 2016.

Vote on resolution:

Supervisor	Cheryl A. Reese
Council member	S.Joan Eckler
Council member	Karolann Grimm
Council member	Stephen Heiser
Council member	Thomas Yager

SUPERVISOR

TOWN CLERK

RESOLUTION BY:

SECOND BY:

RESOLUTION OF THE TOWN OF MINDEN AUTHORIZING CREDIT CARD USE AND
ESTABLISHING A CREDIT CARD USE POLICY

WHEREAS, the Town of Minden desires to authorize the use of town credit cards by officers and employees for necessary and immediate purchase of supplies and equipment and for travel expenses incurred by town employees while doing Town business or attending conventions or meetings on behalf of the town and with Tow authorization; and

WHEREAS, the Town further desires to establish a Credit Card Use Policy.

NOW THEREFORE, be it hereby resolved by the Town Board of the Town of Minden authorizes the use of credit cards by Town employees and officers to be issued as authorized in the discretion of the Town Board and establishes a Town Credit Card Use Policy as attached hereto this resolution.

Vote on resolution:

Supervisor	Cheryl A. Reese
Council member	S.Joan Eckler
Council member	Karolann Grimm
Council member	Stephen Heiser
Council member	Thomas Yager

SUPERVISOR

TOWN CLERK

**TOWN OF MINDEN
CREDIT CARD USE POLICY**

I. PURPOSE

To establish internal controls and criteria for the use of credit cards issued to officers and employees of the Town of Minden for the purpose of conducting town business.

II. OVERVIEW

The use of credit cards has been determined to be a convenient and cost effective method of obtaining certain products and services for the Town. The primary purpose will be to pay vendor invoices following the existing Town's purchasing policy where purchasing with the card will facilitate a specific advantage to the Town and/or where payment in advance is required with only a credit card and could also include pricing or availability.

III. PROCEDURE

A. Issuance of Credit Cards

1. Cards will be issued at the discretion of the Town Board and will be restricted to Department Heads to be used only on an as needed basis. These individuals then become the responsible party to all supporting documentation related to all transactions placed with that card. All cards issued will carry low limits and will be adjusted as necessary by the Town Board to accommodate specific purchases upon gaining the appropriate approvals. The Town Clerk shall maintain an up-to-date, written list of the names, positions (titles) and credit card account numbers for all cards issued.
2. As needed will be defined as to only those individuals who are regularly authorized to make purchases and where the traditional procurement process will not work. Examples of these instances would be limited to when a vendor offers items and/or services at an advantage to the Town where payment in advance is required with only a credit card and could also include pricing or availability.
3. The employee must sign documentation verifying agreement to the conditions of use.

B. USE OF THE CREDIT CARD

1. Use of the card will be restricted to purchases authorized under the Town's existing procurement process.
2. Original receipts of transactions conducted using the Town credit card shall be submitted to the Town Clerk in a timely manner. Receipts for expenditures, items purchased shall include a description or itemization of the goods and/or services purchased, date and amount of the purchase, and the Town business to which each purchase relates.
3. The credit card is to be used in conduct of the Town's business only. The use of a Town credit card to acquire or purchase goods and services for other than

official use of the Town is strictly forbidden and considered fraudulent use and may subject the employee to disciplinary action up to and including dismissal and/or criminal prosecution.

4. The use of a town-issued credit card shall in all respects be consistent with applicable laws and regulations, as well as guidance used by the NYS Comptroller.
5. The Town credit card may not be used for internet transactions, unless specifically authorized by Town Board resolution.

C. UNAUTHORIZED CREDIT CARD USE

1. The credit card SHALL NOT BE USED for including but not limited to the following:
 - a. Personal purchases or identification.
 - b. A purchase that exceeds the Purchaser/Cardholder's single, daily, and/or monthly purchase limit.
 - c. Cash advances.
 - d. Purchase of alcohol or entertainment.
 - e. A Purchaser/Cardholder who makes unauthorized purchases will be liable for the total dollar amount of such unauthorized purchases, plus any administrative fees charged by the bank or card company in connection with the misuse. The Purchaser/Cardholder will also be subject to disciplinary action, which may include termination.

D. SECURITY

The user must take proper care of the credit card, exercising reasonable precaution against damage, loss or theft. In the event damage, loss or theft occurs, the user will immediately notify the Town Clerk and the financial institution issuing the card: Failure to do so may subject the individual to financial liability, as the Town reserves the right to recoup losses resulting from negligence on the part of the individual using the card.

E. SEPARATION

Prior to separation from employment or office from the Town of Minden, the Cardholder shall surrender the credit card held in his or her name if not already in the custody of the Town.

F. REVOCATION OF CREDIT CARD PRIVILEGES

1. The issuance of a credit card to an employee is done at the discretion of the Town Board.
2. Failure to comply with proper record keeping procedures as outlined in this policy will be cause to revoke the employee's credit card privilege.
3. Repeated loss or theft of any issued credit card will be cause to revoke the employee's credit and privilege. Failure to immediately report the

theft/loss of a card upon discovery may also lead to revocation of the credit card privilege.

G. AUDIT

1. The Town Clerk shall be responsible for the regular audit of the credit card account and report any irregularity as soon as possible to the Supervisor.
2. The Town Board shall review credit card bills at its regular monthly meetings.

EMPLOYEE ACKNOWLEDGMENT FORM

I have received a copy of the Town's Credit Card Use Policy adopted by the Town Board on _____, 2016. I agree to review the policy and abide by it at all times. I understand that questions about the policy should be directed to the Town Clerk.

Name of employee (Please print)

Signature of employee

Date

RESOLUTION 60 OF 2016
DATED: NOVEMBER 17, 2016
MINDEN, NEW YORK

RESOLUTION BY:

SECOND BY:

RESOLUTION RE-APPOINTING BOARD OF ASSESSMENT REVIEW (BAR) MEMBER FOR A FIVE YEAR TERM EXPIRING SEPTEMBER 30, 2021

RESOLVED, that Walter Mabbett of 106 Pickle Hill Road, Fort Plain, NY is hereby re-appointed to serve on the Board of Assessment of Review for the term effective October 1, 2016 until September 30, 2021.

FURTHER RESOLVED, that the clerk shall notify the Sole Assessor, Montgomery County Office Real Property and the New York State Tax & Finance and Office of Real Property Services.

Vote on resolution:

Supervisor	Cheryl A. Reese
Council member	S.Joan Eckler
Council member	Karolann Grimm
Council member	Stephen Heiser
Council member	Thomas Yager

SUPERVISOR

TOWN CLERK

RESOLUTION BY:

SECOND BY:

RESOLUTION DECLARING NEGATIVE DECLARATION – TYPE 1 ACTION OF ADOPTION OF
UPDATED ZONING TO REGULATE SAWMILLS

WHEREAS, the Town of Minden adopted a Comprehensive Plan pursuant to Town Law 272-a that establishes the desire and need to protect the environment, rural character, and peace and tranquility of the Town; and **WHEREAS**, the Town Board authorized the Town of Minden Planning Board to draft amendments to the Town of Minden Zoning Law and to address sawmill development in the town to be consistent with the adopted Comprehensive Plan, and

WHEREAS, the Planning Board developed such with the aid of consultants, and subsequently submitted such language to the Town Board for review, public comment, and adoption; and

WHEREAS, the Town Board has reviewed the New York State Environmental Quality Review Act (SEQR) 6 NYCRR Part 617 and has determined that the action is subject to SEQRA and declared itself Lead Agency; and

WHEREAS, the Town Board conducted an environmental review on the above described actions as part of the required adoption procedures and a negative declaration was declared; and

WHEREAS, the Town Board has submitted the proposed Zoning amendment to the Montgomery County Planning Board as required by NYS General Municipal Law 239-m and the proposed action does not require any other permits or approvals from other State and Federal agencies prior to adoption; and

WHEREAS, the Town Board declared itself Lead Agency and conducted an environmental assessment according to SEQRA, 6 NYCRR Part 617; and

WHEREAS, the Town Board, after consideration of the Full Environmental Assessment Form Part I and Part II finds that the proposed local law:

The adoption of the zoning amendment is a legislative action that does not in and of itself have any impacts on the land or environment. Without the zoning amendment, the Town has no way to review sawmill land uses. As such, they can be placed anywhere in town, without any review, and with no way for the Town to ensure that such sawmill does not become a nuisance to neighbors, or detract from the rural character desired by the Town. This amendment establishes sawmills as a use requiring a special use permit. As such they will require Planning Board review as per Chapter 90 of the Zoning Law and a public hearing prior to operation. Adoption of this amendment will enhance the environment, not cause adverse impacts because of the following specific standards included:

1. The amendment requires adequate vehicular access to ensure safety on town roads.
2. It establishes setbacks to reduce noise and visual impacts from roads and from adjacent neighbors.

3. It requires routine removal of by products such as shavings and sawdust so that no fire, vermin, dust, or visual impacts build up and occur, thus improving health and safety aspects of this land use. It prohibits any on-site burning of shavings or sawdust - also improves the health and safety aspect.
4. Setbacks from streams and wetlands are required to ensure no adverse impacts on riparian areas, stream banks, water quality of wetlands/wetland habitats will occur.
5. Minimum lot sizes are established to ensure there is adequate room to conduct this land use safely, and with minimal impact on the environment.
6. It establishes a noise level not to be exceeded to eliminate adverse noise impacts. It further requires the Planning Board to mitigate adverse noise impacts if the noise at property lines should exceed 55 decibels.
7. The amendment protects the ability of farm operations to continue timber operations and is thus consistent with AML 25-aa.

The Town Board recognizes that all these sawmill development standards will offer more protection of the environment, not adverse impacts, and thus see implementation of this amendment as very positive to the Town of Minden in its work to carry out the long-term vision and goals as established in its Comprehensive Plan.

NOW THEREFORE BE IT RESOLVED, that the Town of Minden Town Board hereby declares that adoption of the proposed sawmill regulations as an amendment to Chapter 90 of the Town of Minden Zoning Law described herein, will not have any significant negative environmental impacts; and

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes filing of a negative declaration (Part 3 of the FEAF), and file a notice in the Environmental Notice Bulletin according to SEQRA, 6 NYCRR Part 617; and

BE IT FURTHER RESOLVED, that the Town Supervisor is authorized to execute the Full Environmental Assessment Form.

Vote on resolution:

Supervisor	Cheryl A. Reese
Council member	S.Joan Eckler
Council member	Karolann Grimm
Council member	Stephen Heiser
Council member	Thomas Yager

SUPERVISOR

TOWN CLERK

RESOLUTION BY:

SECOND BY:

RESOLUTION ADOPTING LOCAL LAW #3 – UPDATING ZONING AND ESTABLISHING
SAWMILL REGULATIONS

WHEREAS, the town Planning Board has made recommendation to adopt a law to amend the Zoning regulations with regard sawmill regulations, and

WHEREAS, a public hearing was held, and

WHEREAS, the law was also referred to the county Planning Board which recommended its approval, be it

RESOLVED, that Local Law #3 – A Local Law adding a provision to Article VIII, of Chapter 90, Zoning of the Minden Town Code establishing sawmill regulations for the Town and requiring a special use permit and site plan review by the Planning Board for all operations involving the processing of timber not constituting a “timber operation” as defined in Sec 301, Subd. 14 Agriculture and Markets Law is hereby adopted by the town board on this date.

Vote on resolution:

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| Supervisor | Cheryl A. Reese |
| Council member | S. Joan Eckler |
| Council member | Karolann Grimm |
| Council member | Stephen Heiser |
| Council member | Thomas Yager |

SUPERVISOR

TOWN CLERK