

Town of Hume March 12, 2014

A regular meeting of the Town of Hume Board, Allegany County, New York was held on March 12, 2014 at Brooks' Hose Company, 20 S Genesee Street, Fillmore, New York. Supervisor Ricketts called the meeting to order at 7:00 PM, leading the Pledge of Allegiance to the Flag. Officials in attendance: Supervisor Dennis Ricketts; Council members Christopher Austin, Daniel Miller, Darlene Mason and Bruce Hinz. Highway Superintendent Kevin Peet; Attorney David Pullen; and Town Clerk Susan Bodnar.

Public Hearing

At 7:05, Supervisor Ricketts opened the Public Hearing for any comment on the considered acquisition by eminent domain of the property located on the Northwest corner of West Main Street and North Genesee Street in the Town of Hume. The floor was given to Attorney Pullen who stated that the meeting was informational, for the community to speak and for the Town Board to listen and not respond at this point.

Dale Preston was the first to speak. He stated that he felt that eminent domain is used as bullying power. He believes that the underlying issue is the perception of the Town Board that the property is an eyesore and that we need to protect the property rights of individuals. He feels that The Town of Hume would not benefit from the seizure of the property for economic development, that we have enough parking on Main Street.

Max Armison stated that he was against taking any property by eminent domain. He suggested that the Town clean the property and bill the owner.

Wendy Reinbold stated that she was very thankful to be heard. She felt that the property in question was a mess, and that she felt sorry for the neighbors; however the idea of a parking lot and taking it by eminent domain didn't make sense. She suggested that if Mr. Bower won't clean it up then the Town should clean the property and bill him. If the owner wouldn't pay then put a lien on it.

Richard French was next to speaking. He stated that taking any property by eminent domain is a violation of the 4th amendment, that it is criminal and suggests that all of the community is at risk. He suggests to "Love thy neighbor".

James Mason was the next to take the floor. He stated that Mr. Bower was a good man and offered to help him start a business at one point. Mr. Mason suggested that the Town negotiate and purchase the lot at reasonable price, and revitalize that corner.

Alan Weierheiser stated that what the Town was trying to do was shameful. To leave Mr. Bower and his property alone.

Deb Wagoner felt that she didn't want a parking lot on the property in question.

Marvin Achilles was unable to attend the meeting, but sent a letter to be read. It stated that there is no compelling need for parking in Fillmore; and the fact that there are other eyesores in the Town of Hume would bankrupt the Town if they continued on this path. Also, he recommended that the Town Board tend to its obligations in other more productive ways and let this matter resolve itself in time.

Alan Yanda made the statement that "two wrongs do not make a right". Mr. Bower may have a mess in the middle of Town, but it doesn't make sense for the Town to take the property by eminent domain.

Dale Preston spoke once again. He felt that whether the property is an eyesore or not the property should not be taken from Mr. Bower.

Edwin Bower spoke next. He wondered why the Town would want to use that property in question as a parking lot and what would happen to the building. He wondered how much money was invested in the pursuit of this property already. He wondered why the Town didn't purchase the property years ago when it was up for auction. He wondered about what other economic growth was going on around the area.

Attorney Pullen spoke next. He stated that this is only the first step to acquire the property. The process can be stopped at any time.

He stated that there have been studies done on revitalization of Towns and that parking is a big factor in many decisions toward economic growth. A copy of the studies will be available at the Town Clerk's office for viewing.

Attorney Pullen also stated that there has a lien found against the property. The lien was acquired on the property when the DEC cleaned the property after a petroleum spill when owned by former owners.

Councilman Hinz made a motion to take a vote to see how this particular group felt about the Town taking the property by eminent domain. The voters were to vote yes to proceed and no, not to proceed. Councilwoman Mason seconded the motion. 5 ayes. 0 noes.

The vote was recorded as: 29 no
9 yes

The floor was then opened for further commentary.

Max Armison reiterated that the property should be cleaned up, but not taken eminent domain.

Kathy Breuer stated that she was a good friend of Dan and Deb Miller, everyone was voicing that Mr. Bower had rights, but what about the Miller's right of pursuit of happiness because they lived next door to the property in question.

James Krywolski stated that Mr. Bower was attempting to clean the property up.

The Public Meeting was adjourned at 8:14 PM.

Community Forum

James Krywolski suggested that during events when Route 19 needs to be closed down, such as Fillmore Fest and the Memorial Day Parade, along with Sheriff Patrol directing traffic, that detour signs also be posted. The Town Board will take it into consideration.

Minutes

Councilman Miller moved that the minutes of the February 12, 2014 meeting be accepted as written. Councilman Austin seconded. 5 ayes. 0 noes.

Museum

Historian Miller was unable make the meeting due to inclement weather. She sent a report with Town Clerk Bodnar stating that the Museum is on the schedule for Liberty Gutters for new gutter. Also, Moran Glass has the Museum on their schedule to repair 7 broken windows at a cost of around \$300.

The accessibility grant for the Museum was submitted March 3, 2014; it will probably be a few weeks before we will be notified of a decision.

The deadline for the Town newsletter should probably be extended until after the next Town Board meeting. It would be nice to have a picture of the Town Board for that publication.

Dog Control

A concern was voiced by the Town Clerk that there are a good number of dog licenses in the Town of Hume that are delinquent, a listing has been given to the Dog Control Officer. He has been working on contacting these owners. After much discussion, the Town Board stated that there are Local Laws that are on the books, if the owner isn't in compliance, bring them into court. If they do not choose to pay their fines, law states that they will have to go to jail.

There will be a free rabies clinic on April 26, 2014, behind the Courthouse in Belmont. Town Clerk Bodnar will place flyers at the usual posting places.

Water/Sewer

A new PH Tester is needed; Scott Willgens stated that it will cost approximately \$100. The Board agreed that Mr. Willgens has the authority to make expenditures up to \$500 for the W/S Department without consulting the Board first.

Electric bills are very high for Chlorination Station #1. The building has electric heating and is not very well insulated. The Board decided that fire retardant foam insulation would be the best solution and Mr. Willgens should get some estimates for the process.

Meter reading for the second quarter will be under way the last week of March.

The installation of back flow check valves should be under way. To help with the expense of the installation, it was suggested to looking into securing a grant.

Sidewalk Bids

One bid was opened by Blick Enterprises, Inc. at the price of \$5.25 per square foot. The Town Board respectfully rejected the bid it was decided that the wording of the bid was to be changed to insure a much stronger mix of concrete. An advertisement will be listed to open bidding again.

Medical Insurance

The Town Board voted to accept the new medical insurance, effective April 1, 2014. Councilman Austin motioned to accept and Councilman Miller seconded. 5 ayes, 0 noes.

FCS School Tax Collection

The Town of Hume has been contacted by Fillmore Central School to update the shared contract for Tax Collector. The Town of Hume, due to security and for insurance purposes voted that collection be done by a Town of Hume employee. Councilman Austin moved to accept and Councilman Hinz seconded the vote. 4 ayes. 0 noes. Supervisor Ricketts abstained from voting.

The Town Board named Susan Bodnar, Fillmore Central School Tax Collector. Councilman Austin made the motion, Councilwoman Mason seconded. 4 ayes. 0 noes. Supervisor Ricketts abstained.

Town Insurance

The Town Board accepted the new insurance plan with a 5% increase, proposed by Robert Walker of Walker Insurance Agency, Inc. Councilman Austin moved to accept the policy. Councilman Dan Miller seconded the motion. 5 ayes. 0 noes.

Executive Session

At 9:37 PM the motion was made by Councilman Austin for the Hume Town Board entered into Executive Session to discuss Legal Matters. The motion was seconded by Councilman Hinz. 5 ayes. 0 noes.

At 9:55PM the motion was made by Councilman Austin to come out of Executive Session. The motion was seconded by Councilman Hinz. 5 ayes. 0 noes.

A resolution was made to go forward with the seizure of the property on the Northwest corner of West Main Street and North Genesee Street. Councilman Miller made that motion and Supervisor Ricketts seconded. 5 ayes. 0 noes.

A resolution declaring that there would be no negative impact of environment significance for the acquisition by eminent domain of that said property was made. Supervisor Ricketts made the motion. Councilman Miller seconded. 5 ayes. 0 noes.

Councilman Austin moved that the reports of the Supervisor and the Town Clerk be accepted as presented, and the bills be authorized for payment. Seconded by Councilman Hinz. 5 ayes. 0 noes.

A regular meeting of the Town Board will be April 9, 2014 at 7PM @ the Town of Hume Museum.

Respectfully submitted,

Susan Bodnar
Town Clerk

