

**Town of Winfield  
July 10, 2013**

The regular meeting of the Winfield Town Board was called to order at 7 p.m. by Supervisor Charles Osborn. Members present were Councilman Howard Marsh, Michael Peo, and Councilwoman Sandra Smith. Councilman Royce and Highway Superintendent Gigliotti were absent. Guests present were: Jeff Barrett – Planning Board Chairman, Raymond Donley – Codes/Zoning Officer, Fred Jones, Rebecca Jones, Roxanne Sweet, Rob Sweet, Bernard Peplinski – Herkimer Co. Legislator, Tracey Casler, Michael and Linda Cieneiva, Jean Wellington, Bianca Riccardo, Gordie Miller, David Drouse, Joe Judson, Laura Covert, Doug Capraro, Andrew Peo, Rev. F.S. Collette, Bill Kwasniewski – West Winfield Star, and James Judson.

General Fund claims #117 - #136 and Highway Fund claims #44 - #48 were listed on Abstract of Voucher sheets. A motion was made by Councilman Marsh and seconded by Councilwoman Smith to accept these Abstracts as presented. The motion was carried unanimously. The Supervisor's and Town Clerk's reports for June 2013 were audited by members present. A motion was made by Councilwoman Smith and seconded by Councilman Marsh to accept these reports as audited. The motion was carried unanimously.

The minutes from the regular Board meeting held June 12, 2013 were read by each member. A motion was made by Councilman Marsh and seconded by Councilman Peo to accept these minutes as read. The motion was carried unanimously.

**Supervisor's Report:**

1. The Comprehensive Plan that the Town of Litchfield has submitted was authored by one of their Board members and there may be a possibility that he would write one for our Town. The Supervisor will contact him as well as Ben from the LaBarge group.
2. Ken Roberts has submitted new plans for the Town office. These will be reviewed by the Board members. He has also suggested that all overhead doors have concrete barriers for protection from damage by the trucks backing in the building. Supervisor Osborn suggested that the Town Highway Department may be able to do this. Mr. Roberts also suggested replacing the old fixtures in the present bathroom as these are probably original.
3. The Highway Superintendent reported to Supervisor Osborn that the small tractor has been fixed.

**Clerk's Report:**

1. The contract with Real Property – Denise Reska – expires September 30, 2013 and if the Board should want to renew this contract a motion needs to be submitted for such an action.
2. The computer will be revamped on July 17, 2013 by Midnight Magix.
3. A reminder to the Board the “Uniform Notice of Claim Act” must be acted upon at this meeting.

**RESOLUTION 2013-06**

On a motion presented by Councilwoman Smith and seconded by Councilman Marsh the following was

ADOPTED:           Ayes    3           Marsh, Peo, Smith  
                          Nays    0

The Town of Winfield shall enter into a contract with the Real Property Tax Service Agency for a period of six years for Denise Reska to be the sole assessor of the Town of Winfield.

**RESOLUTION 2013-07**

On a motion presented by Councilman Marsh and seconded by Councilwoman Smith the following was

ADOPTED:           Ayes    3           Marsh, Peo, Smith  
                          Nays    0

The Town of Winfield accepts the “Uniform Notice of Claim Act”. Attorney Quinn will be the receiver of all claims for the Town.

Codes/Zoning Report:

1. Codes Officer Donley informed the Board that the signs that he needs are \$9.71 each from Valley Signs and he will be ordering 20 signs.
2. Hatmaker property – Babcock Hill Road – James Judson asked to speak privately with Mr. Donley before Mr. Donley spoke publicly about this property. He reviewed that this property has ongoing problems. On 2/15/2012 he met with the property owner to go over several codes violations and inspected the property. After this he received a letter from Mrs. Hatmaker stating what she intended to do. He then wrote her back asking for more specific details on her intentions concerning the property and received no response from her. After this he received a call that the property was up for auction and going to be taken over by the County. Several letters from neighbors of this property have been received this evening by the Town covering several different types of complaints as well as questioning the codes violations that are at the property. After the fire at this property Mr. Donley visited the property on July 10, 2013 and spoke with the owner or one of the children. He informed that the situation was unsafe and needed to be cleaned up. (Motor home and camping trailers were on the property.) He spoke to them about the dogs as well as what they were doing with the sewage from the motor home. He was informed that the RV has running water. He informed them that RV's are not acceptable homes in the Town of Winfield. Mr. Donley also asked about the children that live there and was informed that the children do not live there at this time and that Social Services were at the property and informed that family that the children could live there and that the Humane Society had also been there to examine the dogs.

Comments from guests:

Mike Cienieva – contacted Mr. Fabozzi about the motor home and the garbage on the property that blows onto his property and he felt that nothing had been done. Years ago when the exterior wall fell down an interior wall became an exterior wall and wiring was on the outside of the house which he knows is not legal under the state fire codes. The RV was removed for a couple of months but came back on the property with no plates, an extension cord running to it for electricity. He asked why this was acceptable. Mr. Cienieva also wanted to know why this fire was never investigated. Feels that this property is an on going problem for at least 23 years.

Mr. Donley told him that he knew that a dumpster had been on the property for garbage removal, there is a cause to the fire

Jean Wellington: informed all present that her Father sold the property because it was unsafe.

Reverend Collette: gave history of what he does (homeless ministry), denied having 13 dogs 2 of which are licensed, accused the Clerk of never receiving a permit after having paid for it, said the community has no heart, wrote a letter to the Town stating how he was trying to help the Hatmakers,

Tracey Casler – she understands that her neighbor has had hard times but she also knows that there were several codes violations prior to the fire – electrical wiring exposed, etc. Help needs to be found for these people. Reviewed what happened the day of the fire: called 911 to report a fire, called Mike Cienava (neighbor and retired fireman), he checked for people and animals in the house. She then questioned what is being done with the sewage from the people living in the motor home and camper. Is it being dumped on neighbors property – farm, Cienava's, their property- if so this can create diseases that are really bad and can infect the drinking water. Questioned why the codes and zoning laws were overlooked for so long when everyone else has to abide by them.

Reverend Collette: stated that the wiring had been completely redone

James Judson – will drive the RV to the dumping site in Bridgewater for sewage. Fire did not start because of bare wires, NYSE&G turned on the power. 47 year old woman flipped the circuit breaker. Working on the property so they can rebuild, they have no where else to go. 6 months to

have everything cleared out and a foundation put in. Lumber mill has offered lumber. Works for a Kennel on Ball Road. Will contact Habitat for Humanity. They have legal representation.

Supervisor Osborn asked James Judson about a cell phone contact number for Mr. Donley to contact him so that everyone will be informed.

Collette – garbage disposer in Rome being contacted,

Tracey Casler – winter will come – where are the people going to stay during the winter?

Collette – they have lived in tents, etc. during the winter

James Judson – could one of the fire departments have a controlled burn? Asked if their neighbors could help clean up debris. Was told by Cienavas that no they would not because of the liability and was told by the Supervisor that the Town could not help because of the same reason.

Donley and Cienava – informed them about asbestos abatement

Clerk – questioned the statement about the power company coming to the home

Judson – there was a change in the name of the payee to the power company

Collette – talked to fire marshall- deemed this an accident, fire coming from wires outside the house- something about the rain and wiring

Rebecca Jones – what is the law concerning the buildings, etc. being a certain distance from the road?

Mr. Donley – will speak to the Town Attorney to follow correct procedure

Bernard Peplinski, Legislator spoke about the recent severe flooding, FEMA and there not being a declaration of funding for the local area. Councilman Marsh asked about the Solid Waste Authority asking for a new Board member. Mr. Peplinski stated that one is needed and that they meet approximately every 2 months. Anyone interested should contact him.

Suggestions for the Good of the Town:

Councilwoman has spoke to Howard Wakefield that maintains the Park about the ruts in the Park caused by the WW Field Days. He may need topsoil to fix the ruts. Supervisor Osborn has communicated with Jim Murphy from the Fire Department about this and was informed that the Fire Department is willing to help with this.

Councilman Marsh questioned if the potholes on Truax Road are going to be repaired. Supervisor Osborn said that the Highway Department will look into this.

Supervisor Osborn thanked all for coming to the meeting. The next meeting will be August 14, 2013 at 7 p.m. at the Town of Winfield Highway Garage.

There being no further business to come before the Board, Councilman Marsh moved to adjourn, seconded by Councilwoman Smith. Meeting adjourned at 8:55 p.m.

Respectfully submitted,

Debrah B. Jones, Clerk

