

**Town of Morristown
Regular Monthly Meeting Minutes
July 12, 2016**

Present: Gary Turner, Harvey Bender, Shawn Macaulay, David Stout III, Chris Coffin

Also Present: Chris Sherwin, Cheryl Shatraw, Kevin Crosby

Approval of Minutes: A motion was made by Councilman David Stout III to approve the minutes of June 14 and July 5, 2016 as presented. The motion was seconded by Councilman Harvey Bender.

Vote: Gary Turner-Aye, Harvey Bender-Aye, Shawn Macaulay-Aye, David Stout III-Aye, Christopher Coffin-Aye

Correspondence: Letter from NYS Department of Taxation confirming the Town is at 100% valuation. A letter was received from Wm. Duskas agreeing to provide the Town a permanent easement for the connection of a sewer lateral. A letter received from the Northern NY Community Fund with a check for \$500 for the Morristown Volunteer Fire Department.

Public Comment: No comment was received

Old Business

1. **Solar Project:** No update to report.
2. **Sewer Districts:** Supervisor Coffin reported that while progress is being made the discussions are confidential at this point.
3. **Legal Issues:** Supervisor Coffin explained that burden on the Town Board is to follow the law in the matter of pay received by three ex-Board members who had not taken oaths and whether or not that salary should be recovered by the Town. To that end the Board had contacted the New York State Attorney General for his opinion on this situation. Two terms were presented as applicable to the situation. The first was "color of title" and the second was "de facto officer". The attorney general supplied 4 previous opinions of counsel that were deemed applicable to the situation. The following points were made:
 - a. Defacto officer is applicable.
 - b. Can't file oath late but is considered a defacto officer.
 - c. Serving under color of title makes receiving compensation validly legal.
 - d. Payments made to a person serving in good faith and under color of title are binding. The supervisor stated that the Board believes the ex-officers were serving in good faith under color of title and recovery of previously paid service would be an unjust enrichment to the municipality.To that end a resolution was moved by Councilman Shawn Macaulay, and seconded by Councilman Gary Turner to not request the return of salary previously paid to Frank Putman, Howard Warren and David VanArnam.

Vote: Gary Turner-Aye, Harvey Bender-Aye, Shawn Macaulay-Aye, David Stout III-Aye, Christopher Coffin-Aye

4. **Other Old Business:** No other old business.

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New Business

- 1. Appointment of New ZBA Chairperson:** A motion was made by Councilman Harvey Bender to appoint Robert Dolan to the Chairmanship position of the Zoning Board of Appeals. The motion was seconded by Councilman David Stout III.
Vote: Gary Turner-Aye, Harvey Bender-Aye, Shawn Macaulay-Aye, David Stout III-Aye, Christopher Coffin-Aye
- 2. Open Cleaners Position:** The appointment was made at a previous meeting.
- 3. 2016 Joint Recreation Agreement Authorization:** A motion was made by Councilman Shawn Macaulay, and seconded by Councilman Harvey Bender, to authorize the Supervisor to enter into the Youth Recreation agreement with the Village of Morristown and the Morristown CSD.
- 4. Vote:** Gary Turner-Aye, Harvey Bender-Aye, Shawn Macaulay-Aye, David Stout III-Aye, Christopher Coffin-Aye
- 5. Other New Business:** No other new business was brought to the Board.

Department & Committee Reports

- 1. Highway Department:** A written report was given to the Board.
- 2. Code Enforcement:** A written report was given to the Board. The Code Officer informed the Board that a lien has been filed on behalf of the Town against the current owners of the Edwardsville Grocery property.
- 3. DPW:** District #1 has a pump in the vacuum station that continues to lose prime. The supervisor request that quotes be obtained for repair of the pump. He asked Kevin to keep the pump running. It was stated that it was not that old of a replacement and shouldn't be having this problem.
District #2 had a severed line on Browns Lane with a bad electrical panel. Large boulders were found placed on top of the line. The problem was repaired.

Public Comment: No comment received.

Adjournment: The meeting was adjourned upon motion at 7:40 PM.

Meeting minutes prepared and respectfully submitted by David Murray, Town Clerk.