

**TOWN OF HANNIBAL  
REGULAR BOARD MEETING  
OCTOBER 19, 2016  
7:00 PM**

**Present:** Supervisor Ronald Greenleaf  
Councilman Randy Hendricks  
Councilman Richard Shoults  
Councilman Gary Thompson  
Councilwoman Virginia Wilbur  
Town Clerk Denise Hafner

**Others Present:** Code Enforcement Officer Wayne Newton; Planning Board Chairman Bob Dilts; Gregg Stupp, Sr., Planning Board Member; Josh Bomgren, Planning Board Member; Dog Control Officer Theresa Penfield; Kelly LaRock, Planning Board Member; Highway Superintendent George Ritchie; Bob LaRock; Gregg Stupp, Jr.; Larry & Cindy Flint; Ellen Killicutt; Tim Harmon; Mr. & Mrs. Doug Bower; Lee McMillen; Chris Emmons, Jr.; Cynthia Fowler; Tracy Pedder; Harold & Bonnie Hopkins; Reporter for The Valley News; and several other members of the community.

Supervisor Ronald Greenleaf called the meeting to order at 7:00pm with the Pledge of Allegiance to the Flag followed by an opening prayer led by Gregg Stupp, Sr.

**Public Session:**

- Gregg Stupp, Sr. raised concerns that a junkyard license was renewed without an application provided and that when the license is not renewed every year, the property is returned to residential status; Supervisor Ron Greenleaf explained that the Board approved the renewal of a license for an existing junkyard which has been in operation since 1960, and therefore an application is not required for renewal.
- Mr. Stupp also expressed concern that the Board was including a 1% raise for the officials of the town. He stated that the officials should perform the job they were either elected to or appointed to in a professional manner to earn a raise and that a raise should only be given when a job is well done. Councilman Gary Thompson responded by stating that no one had requested a raise and that the budget had not been voted on as of yet. Supervisor Ron Greenleaf stated that at the last workshop he had presented the *tentative budget* for discussion and consideration, but that nothing had yet been voted on.
- A discussion continued about the procedure for the renewal of a junkyard. Supervisor Ron Greenleaf read from the Hannibal Zoning Law Book which stated that prior to the renewal of a junkyard license the property shall be inspected by the Code Enforcement Officer. Code Enforcement Officer Wayne Newton did inspect the property and found no violations. Supervisor Greenleaf again stated that this junkyard has been licensed since 1960 and the gentleman operating it has renewed the license as required.
- Supervisor Ron Greenleaf made a motion to adjourn the Regular Board Meeting to go to Executive Session to obtain legal advice from the Town Attorney regarding the procedure for renewing a junkyard license and the matter involving Kelly Road; Councilman Randy Hendricks seconded.

Ayes: 5 [Wilbur, Hendricks, Shoults, Thompson, Greenleaf]

Nays: 0

The Regular Board Meeting was adjourned at 7:15pm to enter into Executive Session.

The Executive Session was adjourned at 7:50pm and the Regular Board Meeting reconvened.

Supervisor Ron Greenleaf explained that after consulting with Town Attorney Dennis Hawthorne, Jr., the Town Board was advised that the Board should not interfere with the Planning Board or with Code Enforcement. Therefore, the situation on Kelly Road with Infinity Enterprises needs to be addressed and handled by the Planning Board and Code Enforcement.

- Councilman Gary Thompson expressed concern that there may be a conflict of interest for Attorney Dennis Hawthorne, Jr. to be both the Town of Hannibal Attorney and the City of Fulton Attorney. It appears to be a direct conflict for him to represent the Town of Hannibal when he has an interest in what happens with the Nestle demolition in the city of Fulton.
- Councilman Gary Thompson made a motion that the Town should consult with a different attorney; Councilman Rick Shoults seconded.

Supervisor Greenleaf asked the Town Clerk to take the vote by roll call.

Councilman Gary Thompson:	Yes
Councilman Rick Shoults:	Yes
Supervisor Ron Greenleaf:	No
Councilman Virginia Wilbur:	No
Councilman Randy Hendricks:	No

Motion defeated at this time.

- Tracy Pedder asked for clarification on what was decided about taking the case against Infinity Enterprises to County Court. Supervisor Ron Greenleaf explained that the Board does not have the authority to have the case taken to County Court and that the Planning Board would need to handle it.
- Bob Dilts informed the Board that he had been told all summer that the case was tied up in County Court and that he had spoken with Attorney Dennis Hawthorne, Jr. on two separate occasions in which the Attorney told him that he was waiting for a court date to be set. Supervisor Ron Greenleaf also had stated on several occasions that the case was being taken to County Court and the residents of Kelly Road had been told over and over that the case was being taken to County Court. Mr. Dilts questioned what had happened to change the status of the case and wondered if it was a result of a letter received from Attorney Lanza (Mr. Lindsley's Attorney). He also questioned why the situation was now being placed on the Planning Board to handle?
- Gregg Stupp, Sr. questioned why the Town Attorney did not stay at the meeting to answer questions, especially since this situation was brought to the attention of the Board and the Attorney well over a year ago. He also wanted answers explaining why it was stated over and over that the matter was being taken to County Court. Supervisor Ron Greenleaf apologized for the misinformation and for stating to the public that the matter was going to County Court. Mr. Stupp replied that it was not just Supervisor Greenleaf who is to blame but the entire Board for not following up.
- Councilman Gary Thompson replied that he had called for the Special Board Meeting to address the misinformation that he, too, had been given and to try to find some answers and solutions.
- Due to interruptions and side remarks, Ellen Killicutt stressed that the Board members need to behave and respond professionally. The Public has questions and the Board members need to listen and respond respectfully without lashing out or interrupting.
- Tracy Pedder stated that the taxpayers deserve some answers and the Town Attorney should have stayed for the meeting to answer some of these questions. She asked if the Board members had any idea of what it is like to live on Kelly Road with eight tractor trailers driving up and down the road all times of the day and night. It has been eighteen months since the issue was brought to the Board's attention and yet nothing has been done and she feels

that the Board should be ashamed of themselves. She extended an invitation to the Board to come and stay at her house for a while and discover what it is like living there. She does not believe she could even sell her house now and that the value of her home has decreased.

- Josh Bomgren shared that he had asked the Town Attorney before he left why he was not staying for the meeting. Attorney Dennis Hawthorne, Jr. told him that the Board did not vote to have him stay at the meeting after the Executive Session.
- Bob Dilts asked whether Code Enforcement Officer Wayne Newton had sent a letter requesting that the matter be taken to County Court as had been decided by resolution at the Special Meeting on October 12<sup>th</sup>, 2016. Supervisor Greenleaf responded that Mr. Newton had sent the letter but after speaking with the Town Attorney during the Executive Session, it was advised that Mr. Dilts should call Attorney Dennis Hawthorne, Jr. in the morning. Mr. Dilts then asked why he had not been invited into the Executive Session. Supervisor Ron Greenleaf responded that the Town Attorney advised the Board not to include Mr. Dilts in the Executive Session because it would cause a conflict and would appear that the Board was dictating to the Planning Board on how to handle the matter.
- Gregg Stupp, Sr. asked the Board whether the Town Attorney addressed the procedure on the renewal of the junkyard. Councilman Gary Thompson explained that Attorney Dennis Hawthorne, Jr. had stated that the junkyard had been in operation since 1960 which was before the Zoning Laws had been enacted in the Town of Hannibal. The junkyard would therefore be considered *grandfathered in* and the owner would only need to pay the license renewal fee as required with no new application. Mr. Stupp was concerned that there had been a lapse with the renewal and the inspection by Code Enforcement, therefore, the junkyard would be out of compliance. The Town Clerk produced the Renewal Book from the office which held the receipt of the Renewal License from 2014 to 2015. Unfortunately, the Renewal Book from 2014 and earlier is missing. However, Mr. Seymour had produced his copies of past Renewal Licenses to the Clerk when he had come to the office to renew the license. Mr. Seymour will be asked to bring the licenses into the office to have copies made.

The Public Session was closed at 8:20pm.

#### **Approval of the September Minutes and the October Special Meeting Minutes:**

Supervisor Ron Greenleaf requested a motion be made to approve the September Regular Board Minutes and October Special Meeting Minutes.

- Councilwoman Virginia Wilbur made a motion to accept the September Regular Minutes and October Special Meeting Minutes; Councilman Rick Shoults seconded the motion.

Ayes: 5 [Wilbur, Hendricks, Shoults, Thompson, Greenleaf]

Nays: 0

#### **Approval of the September Financial Report: No Report**

#### **Correspondence and Notifications:**

- The Town received a check from Allstate Insurance in the amount of \$5,559.20 for the damage to the fire hydrant that occurred on 6/12/16. A check from Progressive Insurance was received in the amount of \$499.94 also for damage to a fire hydrant. Also, a partial payment was received for damage to a Stop Sign on Blythe Road. There should be another payment of \$203 for the labor and materials to repair the sign.
- Supervisor Ron Greenleaf read a letter drafted by Code Enforcement Officer Wayne Newton directing the Town Attorney to begin the process to take Infinity Enterprises to County Court.

- Supervisor Ron Greenleaf shared an email he received stating that a letter was sent to the Highway Superintendent and the Town Clerk that a study was being done to evaluate the reduction of the speed limit on Engles Road.

### **Department Reports:**

Written reports for the following departments were provided to and reviewed by all board members.

- **Town Clerk Report**
- **Highway Department Report**
- **Code Enforcement Report**
- **Assessment Report - No Report**
- **Dog Control Report**
- **Planning Board Report**
- **Zoning Board of Appeals Report - No Report**
- **Water Department Report**

Councilman Randy Hendricks made a motion to accept the above reports; Councilwoman Virginia Wilbur seconded the motion.

Ayes: 5 [Wilbur, Hendricks, Shoults, Thompson, Greenleaf]  
Nays: 0

### **Old Business:**

- Supervisor Ron Greenleaf requested reports from the committees previously formed. The following reports were presented:
  - Councilman Rick Shoults informed the Board that the committee reviewing the town zoning laws is still continuing to review the materials. The next meeting is scheduled for October 24<sup>th</sup> at 6:30pm.
  - Councilman Gary Thompson did not have time this month to hold a meeting to discuss possible alternate energy options due to answering so many phone calls from the public about the Kelly Road situation. He will contact Bob Dilts to set a future date for a meeting.
- Supervisor Ron Greenleaf stated that it had cost \$6500 to rebuild the engine and repair the catalytic converter for the Water Truck.
- George Ritchie asked if anything more had been done to design a Town Seal for the back wall. Councilman Randy Hendricks stated that at this time there were too many other important issues that needed to be handled before time could be spent to decide on a design for a seal, but the matter could be discussed further at a future meeting. It was suggested again that the school should be contacted to see if the Art Department could make suggestions for a design.

### **New Business:**

- A. Supervisor Ron Greenleaf provided information he received about developing another Water District. The Town could borrow money through Rural Development at 1.38%.

Councilwoman Virginia Wilbur made a motion to hold a Special Workshop on November 2<sup>nd</sup>, 2016 at 3:30pm to discuss developing another Water District with the Regular Board Workshop following; Councilman Rick Shoults seconded.

Ayes: 5 [Wilbur, Hendricks, Shoults, Thompson, Greenleaf]

Nays: 0

- B. Supervisor Ron Greenleaf reminded the Board that there will be a Public Hearing on November 16<sup>th</sup>, at 7:15pm to discuss the expansion of commercial zoning.
- C. Supervisor Ron Greenleaf asked that a Public Hearing be set to discuss the 2017 Budget. Councilman Gary Thompson read the procedure for setting the Preliminary Budget Public Hearing from the Town Law Book.

Councilman Randy Hendricks made a motion to hold a Public Hearing on November 9<sup>th</sup>, 2016 at 7:30pm to discuss the Preliminary Budget for 2017; Councilwoman Virginia Wilbur seconded.

Ayes: 5 [Wilbur, Hendricks, Shoults, Thompson, Greenleaf]

Nays: 0

**Approval to Pay Town Bills:**

Supervisor Ron Greenleaf asked that a motion be made to approve the payment of the Town Bills.

Councilwoman Virginia Wilbur made a motion to approve the payment of the Town Bills; Councilman Rick Shoults seconded.

Ayes: 5 [Wilbur, Hendricks, Shoults, Thompson, Greenleaf]

Nays: 0

**Other Business:**

County Legislator Terry Wilbur gave an update on the County Budget stating that at this point there would be a one percent increase, but that it was likely the final proposal would be zero percent. He shared some of the details considered to create the budget, such as the increase in the cost of Foster Care. He also reported that the Transfer Station would remain open.

A further discussion continued clarifying the decision of the Board to handle the situation with Infinity Enterprises on Kelly Road. Several residents continued to share their disappointment in the manner in which matters have been handled by the Board and the miscommunication with the community. Supervisor Ron Greenleaf stated that he had no explanations and that he would just like to try to find an answer. Councilman Randy Hendricks suggested that once Chairman Bob Dilts speaks with Attorney Dennis Hawthorne, Jr., he can report to the Board on what he feels would be the best way to move forward.

A motion was made by Supervisor Ron Greenleaf to adjourn the meeting; Councilman Randy Hendricks seconded.

Ayes: 5 [Wilbur, Hendricks, Shoults, Thompson, Greenleaf]

Nays: 0

The meeting was adjourned at 8:50pm.

Respectfully submitted,

*Denise J. Hafner*

Denise J. Hafner  
Hannibal Town Clerk