

Town of Carroll
Town Board Minutes
February Meeting
Wednesday, February 12, 2020

The January Monthly Meeting of the Town of Carroll was held on the 12th day of February 2020 at 6:30 p.m., at the Town of Carroll Administration Building, 5 W Main Street, Frewsburg, New York, with the following board members present:

Supervisor Russell Payne
Councilwoman Patty Ekstrom
Councilman Thomas Allison
Councilman Thomas Fenton

Supervisor Payne called the meeting to order at 6:30pm and led everyone in the Pledge of Allegiance to the Flag.

Supervisor Payne announced that on January 21, 2020, the town received a Unified Court System Grant in the amount of \$9,241 was received. The town board and the town Justice Court commended former court clerk, Crystal Gibson for her dedication for her service to the town and thanked her for submitting the grant. This grant will include the installation of ADA compliant equipment for the hearing impaired to be utilized by the court and for town meetings. Assembly Bill A3385 was recently passed in the New York State Assembly that will require public bodies to provide assisted listening devices to the public during court and public meetings.

Supervisor Payne also announced that the Town of Carroll and Chautauqua County has been given permission by New York State DEC to proceed on the development of the former Keywell/VacAir Alloys property located at 300 Falconer Street, which the Town was just informed that the property has been selected as a Superfund Site. A developer has been selected by Chautauqua County, who is in control of the property and the project. The NYS DEC stated that the site cleanups and remediations of the property are ongoing and scheduled. The town has been assured that the interior of premises has been cleaned and properly cleared for the development of the building. On January 24, Supervisor Payne met with Congressman Tom Reed, Senator George Borrello, Assembly Andy Goodell and County Executive, PJ Wendall to discuss the status of this property and to discuss the availability of Grant monies and tax credit opportunities concerning this property, and they all pledged their support. He also discussed with them funding opportunities through the County Executive's office for fire department equipment and infrastructure. Fire Commissioner John Griffith is the contact person for this grant opportunity. The Fire Department has been informed of the opportunity and they plan to submit an application to assist them in purchasing a new fire truck for the town.

Supervisor Payne reminded the board that the 2019 Court Clerk's books, the Clerks and Supervisor's books are needing to be audited by the board as soon as possible.

Supervisor Payne Town of Carroll has submitted an entry to the 2020 HDTV Hometown Takeover Contest, we are currently awaiting the results of our entry. The entry included video

and pictures of the town properties and businesses that would benefit from the program's ability to do renovations.

The Town Historian Barbara Cessna submitted an annual report which was read by Supervisor Payne. **Attachment 1**

Supervisor Payne offered comments from the floor, however there were none.

Supervisor Payne requested a motion to accept the minutes of the January 15 Town Board Meeting. A motion was made by Councilwoman Patty Ekstrom and seconded by Councilman Thomas Fenton. All in favor, carried.

A motion was then entertained by Supervisor Payne to accept the minutes of the Special Town Board Meeting on January 22, 2020. A motion was made by Councilman Thomas Fenton and seconded by Councilwoman Patty Ekstrom. All in favor, carried.

Supervisor Payne requested authorization to pay all town monthly bills. A motion was made by Councilwoman Patty Ekstrom and seconded by Councilman Thomas Allison. All in favor, carried.

New Business

Supervisor Payne requested a motion to authorize a budget transfer in the general ledger through an engagement letter from Bahgat, Laurito-Bahgat. A motion was made by Councilwoman Patty Ekstrom, seconded by Councilman Thomas Fenton. All in favor, carried.

A motion was made by Councilwoman Patty Ekstrom for the Water and Highway departments to purchase a new John Deere Zero Turn Z930M Lawn Mower at a cost of \$9,158.38, with the cost and the use to be shared between both departments. The motion was seconded by Councilman Thomas Allison. All in favor, carried.

Old Business

Supervisor Payne requested a motion to be made for authorization to amend the Organizational Meeting Minutes dated January 3, 2020 which as inappropriately listed the minimum wage at a rate of \$12.50 per hour when it should have been properly listed at \$11.80 per hour. A motion was made by Councilwoman Patty Ekstrom and seconded by Councilman Thomas Fenton. All in favor, carried.

Personnel

Supervisor Payne requested a motion to appoint Tamera Kinne-Gustafson for the position of Town Justice of the Town of Carroll, to fill a vacancy. A motion was made by Councilman Thomas Allison and seconded by Councilwoman Patty Ekstrom. All in favor, carried.

A motion was made by Councilwoman Patty Ekstrom to authorize the hire of Deborah Walker and Candace Anderson-Payne for the positions of Custodial Staff. The motion was seconded by Councilman Thomas Fenton. All in favor, carried.

A motion was made by Councilwoman Patty Ekstrom to authorize the hire of Abby Ward and Noah Collins as Lifeguards for the Swimming Program. The motion was seconded by Councilman Thomas Allison. All in favor, carried.

Departmental and Officers Reports

Supervisor and Town Clerk reports have been received by Baghat, Laurito-Baghat and has been reviewed by the Board.

Police Chief William Nelson stated he had submitted his report and he had nothing more to add.

Attachment 2

Highway Superintendent James Mitchener stated that it has been somewhat quiet this month. They have been out plowing, sanding a total of 13 times and they have taken delivery of another 150 ton of salt bringing the total for the year to 700 tons of salt. Supervisor Mitchener stated that the Highway department has had some major mechanical issues this month, including the bucket truck that is shared with other municipalities is in the process of getting a new radiator. The Pro Mac brush cutter is getting a hydraulic pump rebuilt, it is 21 years old, and they may be looking at replacing it later this year. The repairs to the Highway garage repairs are coming along very well and nearing completion.

Water Supervisor Daniel Sisson stated that there was a major water leak at 584 Warren Road, the pipe was broken inside of a trailer and the water bill was \$6,447.00. Supervisor Sisson asked for a reduction in his bill, which is half of the bill, making the bill \$3,223.50. Authorization to reduce the bill with a motion made by Councilwoman Patty Ekstrom and seconded by Councilman Thomas Allison. All in favor, carried. Supervisor Sisson discussed the possible water project and a possible grant/loan application through the USDA. A special meeting will be set during the March 11th monthly meeting.

Animal Control Officer Nick Cusimano was not in attendance and no report was given.

Code Enforcement Officer Alan Gustafson gave his annual report stating that it was a very busy year with 5 new house permits being issued, along with 17 barns and garages, 10 sheds and 16 porches. He will have a Planning Board meeting soon for 2 special permit requests. He has met with Supervisor Payne working with a few different issues in town, including zombie houses. He was informed that Quik Fill will be renovating their business and that will be starting soon. He will be working closely with the Assessor's office to wrap up projects. He will be attending a training in Mayville concerning contractors and insurance requirements. He is working on the State Report that has to be completed by April 1.

Laurie Sorg Assessor's Office reported that this is their busy time of the year. They will be mailing 2nd notices for anyone who has not gotten back to them on the aged exemption.

Cathy Andrews in the Busti Town Office who is in charge of exemptions. Laurie will be at the Town Hall on February 27 to meet with residents who may have questions about exemptions. She stated a reminder for Veterans to apply for the Veterans exemptions and anyone who will be turning 65 this year to apply for the Enhanced Star Exemption by March 1. She stated that they follow up on permits through the code enforcement office, even though they don't attach value to things like roof replacements, fences or above ground pools. They also do assessment reviews; paperwork need to be filled out and she has been working on those reviews. She submitted her report. **Attachment 3**

Legislator John Davis reported that he has heard some concerns from residents concerning the water project and other issues that he has shared with Supervisor Payne and Water Supervisor Sisson. He stated that residents have contacted him concerning the Gala Days and look at our heritage and sawmill history of the town to do something to celebrate the Town of Carroll in some way. He suggested that the town should apply for the Celebrate CHQ grant opportunities to help with the Old Hometown week.

Town Council Reports

Ken Dahlgren- Absent

Patty Ekstrom- Councilwoman Ekstrom stated that a lot has been happening in the past month and a half, and she is very proud how the town board has worked together with elected officials. We have worked together to get through Tax season. The Town Tax Collector has reported a collection so far of \$1,453,648.91. Councilwoman Ekstrom also stated that the Ethics Committee needs to meet soon to get a plan in place. She stated that there needs to be an updated Handbook and a procedure in place so that the Town offices can run smoothly in the event of the Town Clerk or Supervisor not being able to perform their duties, and for someone to be able to cover their duties in the event in their absence.

Councilwoman Ekstrom also raised a question concerning Newcomer Energies, which use to be Chautauqua Energy, and past due bills from last year. Councilman Thomas Allison stated that the company has issues with timely billing. Councilman Allison also stated it is a huge savings to the town in comparison to National Fuel Gas. We have been in contact with a representative of the company and will pay attention to their billing cycle and billing practices moving forward.

Supervisor Payne shared that he has a few items that he amended to the agenda and that is **Attachment 4**. He stated that he was informed on February 12 that Sealand Waste LLC complaint can now be completely dismissed on the grounds that the Sealand LLC whom the NYS Appellate Division has determined that they did not have invested interest in the property and has failed to establish to challenge the 2007 law which is a municipal home rule law. He stated this is very good news for the town.

Supervisor Payne also stated that the Highway and Water Department Labor Management Contract that was adopted on November 13, 2019, as it stands currently, is null and void as it was not properly signed by the Town Supervisor. As it also had numerous spelling and grammatical errors, and the fact that a clause that was inserted into the contract which singled

out a current employee status and would have wrongfully jeopardized that employee's retirement package. The contract in question is now in the hands of the town's Attorney, Paul Webb, for the proper implementation and required legal language. The contract will then be ratified by the Highway and Water Department employees, and properly authorized by the town board for the Town's Supervisor's signature.

Supervisor Payne also stated that NYSDEC is now seeking environmental easement for the Town of Carroll Superfund site on Ivory Street, the Town's old brush dump. Paul Webb has prepared the necessary documentation to grant the easement, which is a renewal of what has been done in the past.

Supervisor Payne requested a motion for adjournment. A motion was made by Councilman Thomas Fenton and seconded by Councilman Thomas Allison. All in favor, carried.

Resident Polly Hanson wanted to thank the Town of Carroll on behalf of Carroll Concerned Citizens for all the hard work as this is the second major victory for the town. Supervisor Payne thanked Paul Webb for his tireless work on this project, and he hopes that this is the end.