

**Town of Carroll**  
**Town Board Minutes**  
**March Meeting 6:30pm**  
**Wednesday, March 11, 2020**

The March Monthly Meeting of the Town of Carroll was held on the 11th day of March 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:

Councilman/Deputy Supervisor Kenneth Dahlgren  
Councilwoman Patty Ekstrom  
Councilman Thomas Fenton

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

Councilman Dahlgren offered comments from the floor, however, there were none.

Councilman Dahlgren requested a motion to accept the minutes of the February Regular Town Board Meeting on February 12. A motion was made by Councilwoman Patty Ekstrom, seconded by Councilman Thomas Fenton. All in Favor, carried.

Councilman Dahlgren requested authorization to approve the monthly bills as audited. A motion was made by Councilman Thomas Fenton, seconded by Councilwoman Patty Ekstrom. All in favor, carried.

Councilman Dahlgren reported two Town of Carroll budget modifications needing approval. The first modification is the spending of a Unified Court System Grant in the amount of \$9,241, in which the majority of this grant will be used for 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. Approval is needed to transfer \$9,241 to increase our general fund expenditure, and to take the grant into account, increasing the

State Aid Courts Facility Line. The second budget modification is a transfer of \$334.00 from Employee Benefits Hospital and Medical line, to the Justice's Personal Services Assistant Clerk line. A motion to approve both of these budget transfers was made by Councilman Thomas Fenton, and seconded by Councilwoman Patty Ekstrom. All in favor, carried.

### **New Business**

Councilman Dahlgren opened a discussion of ordering a Porta-potty to be placed at the Town Park, in case the bathrooms can't be opened due to cold weather. All agreed that the unit should not be ordered or placed until April 1st. Highway Superintendent, James Mitchener stated that he has many workers at the town park rebuilding bleachers and working on improvements, and is in favor of having a unit placed by the first of April, if weather prohibits the bathrooms from being open. He asked for an approval to approve and they order it if needed. motion was made by Councilman Thomas Fenton, and seconded by Councilman Patty Ekstrom. All in favor, carried.

Councilman Dahlgren opened a discussion about selling three different town owned properties that are not being used by the town. These properties are being maintained by the Highway department, and it would be a benefit of the town to put these properties back on the tax roll. Many residents have inquired about purchasing certain properties and after further discussion the board decided that they would need to obtain a legal description of said properties before placing properties out for bid. Councilman Fenton requested that a Resolution be put in place to allow the town to place these properties up for bid when legal descriptions of these properties are prepared. A motion was made by Councilwoman Ekstrom for a resolution to authorize to placing two town owned properties, near Venman and Centennial Streets to be put out for bid, seconded by Councilman Thomas Fenton. All in favor, carried.

A town owned property near the old brush dump has also had an interest, however, the board felt we need more information to proceed with this property, and to check to see the legal status of selling that property.

## **Old Business**

Highway Superintendent James Mitchener opened a discussion concerning the old Highway Garage building that houses the Town of Carroll Historical Society, and presented a drawing of the building with the improvements he is proposing. Superintendent Mitchener stated that when there is a storm, rain water is still leaking through the blocks and could cause additional damage to the artifacts. The town has already approved the spending of \$4,000 to place metal siding on the building. Superintendent Mitchener is requesting another \$3,000, to place siding additional siding along the front of the old Highway Garage, around the Police Department door to the back of the building, and to bury the building's electrical wires as they are hanging low and could cause a potential problem. These repairs will also include some LED lighting that will improve the lighting near the Historical Society entrance. A discussion to complete the building this year was brought up, however, it was decided to wait until next year to finish the rest of the building, as additional funding will need to be budgeted. A motion was made by Councilman Thomas Fenton to authorize spending an additional \$3,000 on this project to be able to complete the work as planned, seconded by Councilwoman Patty Ekstrom. All in favor, carried.

Ongoing speeding issues concerning Bunce Road were brought up by Councilman Dahlgren concerning the speeding issues on Bunce Road. Police Chief William Nelson stated that the current speed limit is 55 mph on Bunce Road, and he states that the police will be monitoring the area with radar and will not tolerate any speeding, as he feels 55 mph is too fast for that road. Councilman Dahlgren reported that the paperwork was just received by the town clerk, which she has signed, and sent to Albany for final approval for a reduction of the speed limit. The state has performed a traffic study and has approved a reduction of the speed limit to 40 mph. As soon as state approval has been finalized in Albany, a request will be sent to the town for the town to place new speed signs.

Residents brought up the issue of cars being parked along Water and Lincoln Streets that are blocking vision for motorist pulling out of Lincoln Street onto Water Street. Police Chief Nelson stated he is aware of the issue and will be talking to the landlord to request that residents park in the back of the property, instead of in front. He stated he will be monitoring that situation.

At 7:00 a motion was made by Councilman Thomas Fenton to close the regular meeting, and to begin a Public Hearing to discuss the Town of Carroll proposed water project. Motion was seconded by Councilwoman Patty Ekstrom. All in favor, carried.

### **Public Hearing**

Water Supervisor Daniel Sisson addressed the meeting with information concerning the proposed Water Department project that was originally discussed at a Special Town Meeting on January 22, 2020. The proposed project is to upgrade two water tanks that are greatly needing to be upgraded and repainted, or replaced. The water tanks are located on Water Street and Wigren Road. One tank is a 200,000-gallon tank, the other is a 750,000-gallon tank. Supervisor Sisson states that one of the options would be to replace both tanks with two 500,000-gallon tanks which will be able to keep up with the needs of the town. He stated that the tank on the Warren Road was built in 1948, and it is needing painting and upgrades, with the cost of painting being \$470,000, which does not include the cost of upgrades needed at the vaults. The Wigren Road tank was placed in 1972 and is in need of repair and is peeling. If the tanks are replaced, they will be replaced with a glass lined tank that will never need to be repainted. Questions were brought up by the residents to see if other options have been considered that may be more cost efficient to the town. Supervisor Sisson stated that to tie into the Jamestown water system, it would cost about \$1M for each of the 4 miles to replace the water pipes, and a water tank will still be needed. If a water line broke, the town would have no water without a storage tank. The water pressure would also be an issue, and would cost the town a higher cost to give the town enough pressure in case of a fire in the town. The project has been projected at a cost of \$2.4 Million. Supervisor Sisson stated if the tanks are replaced, they will first replace the 200,000 tank, and will then replace the Wigren Road tank the following year. The town is planning on applying for grants to assist with the cost of this project, and loans for the remainder of the cost. There is some reserve funds to help offset the cost for this project, along with water payments made by residents who use the water.

Town residents requested that before this water project is finalized, there will be more open discussion, along with figures on this project along with information on these options discussed, including any other proposed options.

Councilman Dahlgren requested a motion to close the public hearing and reopen the town meeting. A motion was made by Councilman Thomas Fenton and seconded by Councilwoman Patty Ekstrom. All in favor, carried.

## **Personnel**

The board accepted the resignation of Mark Nelson from the Town of Carroll Zoning Board of Appeals.

A motion to appoint Timothy Eckman for a Highway Department Clerical Part-time position was made by Councilwoman Patty Ekstrom, seconded by Councilman Thomas Fenton. All in favor, carried.

A motion was made by Councilman Fenton to approve a correction to appoint Phil Roushey, in place of Rachel Roushey, to the Town of Carroll Ethics committee. The motion was seconded by Councilwoman Patty Ekstrom. All in favor, carried.

A motion was made by Councilwoman Patty Ekstrom to appoint Tracy Magnuson to the Town of Carroll Zoning Board of Appeals for a term of 5 years. The motion was seconded by Councilman Thomas Fenton. All in favor, carried.

A motion was made by Councilman Thomas Fenton to reappoint Heather Lynn for a 5-year term on the Town of Carroll Planning Board, and to remove Tracy Magnuson from this board where he was placed in error. The motion was seconded by Councilwoman Patty Ekstrom. All in favor, carried.

Councilman Dahlgren requested a motion to approve the Water Department to apply through the USDA for a grant/loans package for Water Department projects, this is just a motion to apply for the grant/loan package, if granted and after further discussion, the board will vote on whether or not to approve the acceptance of such grant/loan package. A motion was made by Councilwoman Patty Ekstrom, seconded by Councilman Thomas Fenton. All in favor, carried.

Councilman Dahlgren requested a motion for the board to adopt a resolution to request a withdrawal of the State Budget's Energy Siting Amendment. In a rollcall vote:

Councilwoman Ekstrom: Aye

Councilman Dahlgren: Aye

Councilman Fenton: Aye

3 Ayes

0 Nays

Carried

### **Attachment 1**

#### **Departmental and Officers Reports**

Supervisor and Town Clerk reports have been received and reviewed by the Board.

Police Chief William Nelson stated he has submitted his report and he stated that he will look further into the parking situation along Water Street.

### **Attachment 2**

Highway Superintendent James Mitchener stated that they have put some new lighting at the large pavilion. Saturday, May 2 has been designated as the town's Annual Town Clean Up Day, more information will be announced at the April meeting.

Water Supervisor Daniel Sisson stated that during the morning of March 10, there was a water hydrant that was damaged when it was hit by a vehicle along Institute Street, they have fixed it and put it back in service. He has been working with Police Chief Nelson to try to find the person who did the damage. The new vacuum valve operator that was ordered last year has arrived and they are getting some training on how to use it.

Animal Control Officer Nick Cusimano would like to do a Rabies Clinic with Dr. Fales in May or June. He will be in contact with Dr. Fales and will have more information at the April meeting.

Code Enforcement Officer Alan Gustafson was not in attendance and no report was given.

Laurie Sorg from the Assessor's Office was not in attendance; however, Ms. Sorg submitted a report which was read by Councilman Kenneth Dahlgren.

### **Attachment 3**

Legislator John Davis reported that with the event of warmer weather, tree limbs and branches have been trimmed, he wanted to remind residents that if your trees are hanging over the road, the Highway Department will be trimming them to keep roadways safe. He was also asked to remind residents taking garbage to the transfer station in Falconer, to please be sure your loads are being tarped as garbage has been found along the roadways from loads that are not tarped. Legislator Davis also stated that he will be attending an IDA luncheon meeting and learning more about development to perhaps assist his district.

### **Town Council Reports**

Kenneth Dahlgren- Stated that the Annual Easter Egg hunt will be planned on Saturday April 11<sup>th</sup> at 11am. He is looking for volunteers to assist him, and he will be contacting the Frewsburg Central High School if permission is given, he will make that request soon. If weather permits, the hunt will be done outside, in case of bad weather, the hunt will be in the Highschool Gym.

**UPDATE: Due to COVID-19 regulations, the Town's Easter Egg Hunt has been cancelled.**

Tom Fenton-Councilman Fenton would like to see the town send a letter of appreciation to the Blitz's for all the work they have done to beautify our town with the homes they have renovated. He suggests we also send a thank you to the owners of Ivory Acres for renovating their barn and making it a beautiful place in our town.

Patty Ekstrom- Councilwoman Ekstrom stated that the Parks Committee has met this month. Don Dove would like to see trees that were planted by the Lion's Club in past years that did not survive, be replaced. In prior years, the Lion's Club assisted the town with planting trees at the town park. Originally there were 35 trees planted, and 11 have survived. Highway Superintendent, James Mitchener recommends that the town join with the Cemetery

Association to purchase 5 healthy trees that are a little larger, and by ordering them along with the Cemetery Association, the cost will be less. He suggests boxing them out so they will not be damaged, and the trees will have a better chance of surviving, and the town will have some good maple shade trees and will be a great addition to the town park. Councilwoman Patty Ekstrom made a motion to spend up to \$1,000 on 5 Maple trees to be planted at the town park, with the funds be taken out of the Park Fund. Councilman Fenton seconded the motion. All in favor, carried.

Councilwoman Ekstrom also stated that the security camera system at the town park needs to be replaced, as it is not working correctly. She feels that since the camera system was first installed, it has helped keep vandalism at a minimum at the park. She stated she will look into possible grant opportunities to assist with the cost of replacing the security cameras. She stated that in the near future we also need to look into repairs of the roof on both pavilions, and Superintendent Mitchener stated the Highway Department has been busy repairing the bleachers at the Little League Park. A resident also requested that the town considers making a dog park area at the town park.

Councilwoman Ekstrom also stated that Town will hold the Annual Veteran's Memorial at the Town of Carroll Veterans Park on May 20 at 6:30pm.

Councilman Dahlgren stated that on behalf of Supervisor Payne, who has had complaints from residents who have brought recycling to the Frewsburg Transfer station, and have been charged a fee. Supervisor Payne contacted Casella's and was informed that if residents are bringing garbage to the transfer station, they will not be charged for recyclables. However, if they are only bringing recyclables, they will be charged a \$5.00 handling fee.

Councilman Dahlgren requested a motion for adjournment. A motion was made by Councilman Thomas Fenton and seconded by Councilwoman Patty Ekstrom. All in favor, carried.

Meeting Adjourned

Respectfully submitted,

Susan Rowley

Town Clerk



# Resolution

Town of Carroll

2020 Resolution Number 1-A

Date: March 11, 2020

**TITLE:** Requesting the Withdrawal of the State Budget's Energy Siting Amendment

**WHEREAS,** NYS is a Home Rule State;

**WHEREAS,** per the NYS Constitution, Article IX, it is our statutory obligation to protect the health, safety and welfare of citizens of our community;

**WHEREAS,** on Feb 21, 2020, Governor Cuomo proposed a Budget Amendment, titled the "Accelerated Renewable Energy Growth and Community Benefit Act";

**WHEREAS,** this amendment could be passed with the Budget by April 1<sup>st</sup>, replacing the current Article 10 process with a method for siting renewable energy projects that provides for much less public participation and much less transparency;

**WHEREAS,** there is considerable evidence that onshore industrial wind energy projects will be a net economic liability to NYS host communities;

**WHEREAS,** there is considerable evidence that onshore industrial wind energy projects will result in adverse health effects to some citizens of NYS host communities;

**WHEREAS,** there is considerable evidence that industrial wind energy projects will cause extensive eco-system damage to onshore NYS host communities;

**WHEREAS,** under the Budget Amendment, once an application is submitted, a new Office of Renewable Energy Siting (ORES) has 60 days to review and determine if it is complete and, if ORES fails to decide within 60 days, the application is deemed complete;

**WHEREAS,** once an application is deemed complete, ORES has 12 months to decide whether to approve the project and, if ORES fails to decide within 12 months, the application is approved;

**WHEREAS,** the Budget Amendment authorizes the State to make state lands "shovel-ready" and available for construction of renewable energy projects;

**WHEREAS,** each of these proposed changes preempt municipalities' home rule authority;

**RESOLVED,** that the Town of Carroll requests that the "Accelerated Renewable Energy Growth and Community Benefit Act" amendment be withdrawn before the State Budget is voted on.

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