

**Town of Carroll**  
**Town Board Minutes**  
**February Regular Monthly Meeting 6:30pm**  
**Wednesday February 9, 2022**

The February Monthly Meeting of the Town of Carroll was held on the 9th day of February 2022 at 6:30 p.m., at the Town of Carroll Municipal Building, 5 West Main Street, Frewsburg, New York, with the following board members present:

Town Supervisor Russell Payne  
Councilman Dalton Anthony  
Councilman Thomas Fenton  
Councilman John Barber

Absent: Councilman Kenneth Dahlgren

Others in attendance were Water Supervisor Daniel Sisson, Highway Superintendent Michael Walker, Police Chief William Nelson, Code Enforcement Officer Dan Oakes, County Legislature Representative John Davis and Town Clerk Susan Rowley. Resident in attendance was Timothy Burkett.

At 6:32pm Supervisor Russell Payne called the February 2022 Regular Monthly meeting to order and led everyone in the Pledge of Allegiance to the Flag.

**Public statements, announcements and questions:**

Supervisor Russell Payne welcomed Public Comments stating that if you wish to have an interactive conversation with the Town Board and or the Supervisor, please contact the Supervisor or the Town Clerk at least one week prior to the town meeting, and provide an outline of the matter you wish to discuss in order to be placed on the agenda, also please sign the public comment sheet provided when signing into the meeting, if you wish to address the board.

**Public Comments:** Supervisor Payne opened comments from the floor, requesting that anyone wishing to speak please stand, state their name and keep comments brief, 3 minutes or less, as a courtesy to the business nature of the meeting and other time constraints.

There were no comments.

Supervisor Payne requested a motion to accept the January 2022 Regular and Organizational meeting minutes. A motion was made by Councilman John Barber and seconded by Councilman Dalton Anthony. All in Favor, Carried.

Supervisor Payne requested a motion to pay the February 2022 Town of Carroll Monthly Bills. A motion was made by Councilman Thomas Fenton and seconded by Councilman John Barber. All in Favor, Carried.

Supervisor Payne also requested a motion to accept the Town of Carroll Budget Transfers that were received from Baghat-Laurito and Baghat for the month of January 2022. A motion was made by Councilman Thomas Fenton and seconded by Councilman John Barber. All in Favor, Carried.

**Bills approved for February 2022:**

General Fund	\$ 35,350.20	Vouchers 18-60
Water Fund	\$ 22,835.84	Vouchers 12-35
Highway	\$ 40,006.33	Vouchers 20-41
Trust & Agency	\$ 99,888.59	Vouchers 4-8

**Town Issues:**

Supervisor Russell Payne read a letter aloud regarding shared Animal Control Services between the Town of Carroll and the Town of Kiantone specified in a document prepared by the Town of Carroll Attorney, Michael Panebianco. Supervisor Payne requested a motion from the board to accept the document and the shared services agreement. The board discussed this agreement and considered the option of an annual Animal Control Report to see how much time is spent with the Town of Kiantone to see how well the agreement would work. Councilman John Barber stated that he would like it on record to read that the board will require an Annual Animal Control Report submitted by

September 1<sup>st</sup> of each year, along with a breakdown each month showing any calls that were made by our Animal Control Officer, in Kiantone Township.

A motion was made by Councilman John Barber to accept the shared Animal Control Services agreement between the Town of Kiantone and the Town of Carroll under the provisions of his statement above. The motion was seconded by Councilman Dalton Anthony. All in Favor, Carried.

Supervisor Payne also requested a motion to approve the annual contractual agreement between the Town of Carroll and the Town of Busti, for the Town's Assessing services. This is an annual agreement between the Town of Busti and the Town of Carroll for the services of Assessor Tera Darts for assessment and appraisal services. A motion to accept the agreement was made by Councilman Thomas Fenton and Seconded by Councilman John Barber. All in Favor, Carried.

**New Business:** None to Report

**Old Business:** None to Report

**Personnel Issues:** New Police Department Hire of Andrew Caruso as of January 20, 2022. Officer Caruso is a full time Fireman in the City of Jamestown and lives in the Town of Poland.

**Contracts and Agreements:** None to Report

**Departments and Officer's Reports:**

Supervisor Russell Payne stated that the Monthly Supervisor's Financial report from BLB, and the Monthly Town Clerk's report have both been submitted to the Board.

**Police Chief, William Nelson:** Police Chief Nelson stated that he had little to report other than his Monthly Report, which is attached. **Attachment 1** January was a busy month, he has hired a new patrol officer, he will bring much to the table for our town. Officer Caruso is a Jamestown Fire Fighter, has worked for the Chautauqua County Sheriff's office, he also worked at Chautauqua Institution Police Department. He is also a fire investigator and a paramedic which will be a great asset to his position with the town, he will also have good availability. Supervisor Payne congratulated Police Chief Nelson on the good work of finding a well-trained and experienced officer to add to our Police Department.

**Highway Superintendent Michael Walker:** Superintendent Walker requested that the town board consider a motion to purchase a new Dump Truck for the town, replacing the Town's 2007 Dump truck. The Truck chassis won't be delivered until next spring, due to manufacturing issues, but the plow equipment and truck box may be purchased soon. There was a discussion with the Board on how it will be funded. Superintendent Walker also made a list of the Highway Trucks owned by the town and their ages, and he is working on a plan to rotate them and replacing a truck on a planned schedule, which was a practice the town used in the past and he would like to see reinstated, as the town has four vehicles that are nearing the 20-year mark and will need replacing soon. He would like to see the six town trucks replaced in a cycle for one being replaced every four years, which will put them on a 24-year cycle to replacement all the town trucks, which will keep them in very good working condition and trade in values. At this time, the town has too many older trucks that may need expensive repairs. He stated if we don't adopt this rotating plan for the town trucks, the town Highway Department will have a financial issue within five years, with needing to replace highway vehicles.

Supervisor Payne requested a motion to allow the Town of Carroll Highway Department to purchase a new Dump Truck to replace the current 2007 Town Dump Truck. Councilman John Barber made a motion to allow the

purchase of a new Dump Truck for the Highway Department. Councilman Thomas Fenton seconded the motion. All in Favor, Carried.

Highway Superintendent Walker added that with all the snow the area has experienced this past month, he wanted to commend the town highway department workers on working so hard and so well together to keep the snow under control and the town roads cleared safely. He also stated that there have been a few issues with mail boxes being hit, and he appreciates all the residents who have been patient and understanding as they have been working to replace them. He stated that many of them were taken out because of the weight of the heavy snow when the plows moved the snow. He is also requesting that any town resident who are installing a mailbox, please refer to the United States Post Office website and follow the requirements they put out for the correct placing of a mailbox, as some of the mailboxes they are replacing were not originally placed according to the post office's guidelines, and he also stated that some other town departments refuse to replace them if they were not originally installed to the Post Office guidelines. Superintendent Walker also requests and would appreciate residents to assist with snow removal, while the department is clearing the shoulders and sidewalks of snow, by moving your vehicles temporarily, so all of the snow can be properly removed. Supervisor Payne and Councilman John Barber both thanked Highway Superintendent Walker and his crew for their quick response and all of their hard work with snow removal.

**Water Department Supervisor Dan Sisson:** Water Supervisor Sisson said that the Water Department, with assistance from the Highway Department and many residents, have been working to keep the town water hydrants clear from snow. He states that it is very important to keep them clear of snow in case of a fire in the area. His department has also been working on maintenance of the pump houses and keeping them in good working condition. He also is requesting permission to go out to bid for a new Water Department Truck to replace the department's 2016 F250. He stated that he put off replacing the vehicle due to COVID, and he has the funding in his budget for replacement. His department usually replaces the Supervisor's Town vehicle on a 5-year rotation, it has now been 6 years and he wanted to

be able to trade it in while it still has value. He will be bringing this to the next meeting for approval.

Supervisor Sisson also requested that the board approve a water bill adjustment for two residents. The first one was regarding 56 Falconer Street, as the resident had a broken water valve and received a water bill for \$267.60, his average bill is a minimum bill, half of the bill would be \$133.80. The second water bill that he is bringing to the board is concerning 1155 Wigren Road, due to a broken water line between the house and barn. The current water bill is \$6,368.40, his average bill is 385.86. Half of the bill would be \$3,184.20, including a past due bill of \$2,004.05, bringing the payment to \$5188.25. A motion was made by Councilman for the resident to pay the past due amount and half of the \$6,368.40 amount, for a total amount due of \$5188.25, if paid within 30 days, according to the town water bill adjustment agreement. A motion to reduce water bills was made by Councilman John Barber, and the motion was seconded by Councilman Dalton Anthony. All in Favor, Carried

**Animal Control Officer Nicholas Cusimano:**

Animal Control Officer Cusimano was absent but submitted February's Animal Control Monthly Report which was read by Supervisor Payne.

**Attachment 2**

**Code Enforcement Officer Alan Gustafson:**

Code Enforcement Officer Gustafson was absent, Code Enforcement Officer Dan Oakes was present to give the office's report. Officer Oakes has issued 7 violations of no building permits, after residents have built on their property. He also has issued applications for 3 Special Use permits that will be brought in front of the Planning Board at the end of the month. He stated that his office is open all day on Tuesday and Thursdays and the town is becoming aware that he is in the office and many have called or stopped down to do business with him or ask him questions. Councilman John Barber requested that there be a Facebook posting to announce the Code Enforcement hours, along with building permits being needed. along with making sure the hours are posted on the town website. The board also discussed the former Ethan Alan building and will be looking into ways to bring that building up to code, working with the Code Enforcement Officers along with the owners.

### **Assessor's Office:**

Town of Carroll Assessor Tera Darts was absent but submitted her Monthly Report, which was read by Supervisor Payne.

All property address changes, and exemption applications need to be submitted to her office by March 1, 2022.

Grievance Day for the Town of Carroll will be held on June 1, 2022. Please contact her office at 716-763-8561 Ext 6 if you would like to make an appointment.

### **Attachment 3**

#### **County Legislator District 16 John Davis:**

He spoke to a local Cub Scout Pack who were working on a badge regarding Elected Officials that he was very pleased to visit with. He stated that County Legislative meetings have been very busy and interesting concerning mask mandates, which are effectively out of the control of the County, however residents are exercising their rights, and he likes to see that. He stated that he has had several roll call votes that he votes to approve, one of to increase the wages County Sheriff's department, and an agreement was made to bring those wages more competitive to other counties. He also wanted to thank Highway Superintendent Walker for all the hard work he and his department has been doing and the great job they have done.

**Town Attorney Michael Penabianco:** He wanted to thank the town for the opportunity to serve as the Town of Carroll Attorney. He stated that filling Paul Webb's shoes won't be an easy job, but he will do his best. He also stated that he has been working with Supervisor Payne concerning a Confidentiality agreement that he is asking the Town Board to sign regarding when going into executive session, along with an agreement concerning confidential information that will not be shared but to be kept confidential.

Timothy Burkett, our town's Code of Ethics chairperson stated that he is currently working on the town's updated Code of Ethics and will be meeting soon with the committee. Town Attorney Michael Penabianco stated that he would be happy to help in anyway he can. A discussion with the town board concerning the document was discussed and the town board looks forward to viewing and approving the final draft of the Town's Code of Ethics.

## **Town Council Reports:**

**Councilman Ken Dahlgren:** Absent

### **Councilman Dalton Anthony:**

He wanted to thank the town Highway and Water Departments for all their hard work in keeping the roads clear and safe, along with the water hydrants. He stated that he truly appreciates the long hours that have been put in especially with the Highway Department to keep our residents safe and our roads and sidewalks clear of snow, ice and excess snow build up.

### **Councilman John Barber:**

Councilman Barber stated that he has an update on the DEC report of the Keywell site, at this time they are scheduled to make some investigation in the end of February, with any determination or update coming in April. Councilman Barber sent the email to share as an attachment.

## **Attachment 4**

**Councilman Thomas Fenton:** No comment

### **Supervisor Payne:**

Supervisor Payne stated that the 2021 Clerk and Justice Clerk books are available in his office for the board's annual audit. He wanted to remind the board that this audit needs to be completed by March 1, 2022.

He also stated that as per the offices of Mr. Jeffrey Stravino of Hodgson & Russ, our council representing the Town of Carroll in the matter of Sealand v. Town of Carroll, the trial will commence on March 28, 2022, and the first phase of said trial will entail the presentation of Sealand's case against the Town of Carroll. The second phase of the trial will begin on or about April 20<sup>th</sup> and will run for approximately three days until April 22, 2022, according to Mr. Stravino.



Supervisor Payne requested a motion to adjourn the February Regular Town of Carroll meeting at 8:20pm. A motion to adjourn the meeting was made by Councilman Thomas Fenton and seconded by Councilman Dalton Anthony. All in favor, Carried.

The next Town of Carroll monthly meeting will be held on March 9, 2022, at 6:30pm at the Town of Carroll Municipal Building, 5 West Main Street, Frewsburg, NY.

Respectfully Submitted,

A handwritten signature in black ink that reads "Susan J. Rowley". The signature is written in a cursive style with a large initial "S".

Susan Rowley  
Town of Carroll Clerk



WILLIAM NELSON  
CHIEF

**TOWN OF CARROLL PD  
CHAUTAUQUA COUNTY**

**MONTHLY REPORT JANUARY 2022**

**TOTAL INCIDENTS: 150**

YEAR TO DATE: 150

**TRAFFIC TICKETS ISSUED: 29**

(5) AGGRAVATED UNLICENSED OPERATION

(2) SUSPENDED REGISTRATION

(1) DRIVING WHILE INTOXICATED

(1) DWAI (DRUGS)

YEAR TO DATE: 29

**WARNING TICKETS ISSUED: 1**

YEAR TO DATE: 1

**PARKING TICKETS ISSUED: 0**

**ARRESTS (CRIMINAL): (3)**

BURGLARY 3RD (BUILDING)

CRIMINAL MISCHIEF 4<sup>TH</sup>

PETIT LARCENY

RECKLESS ENDANGERMENT

FALSE PERSONATION

AGGRAVATED HARASSMENT

**ALL DRUG RELATED OFFENSES: 0**

**MOTOR VEHICLE ACCIDENT: 2**

WILLIAM R. NELSON, CHIEF

# Town of Carroll Animal Control Monthly Report

Month January.

Dog Complaints - Missing, barking and other complaints

- 1. leaving dog out side for long periods of time (ticket issued)
- 1. not having license for dog. (ticket issued)
- 1. dogs running lose in town - called owener dogs picked up  
(3 Total calls for the month.)

Dogs Transported to CCHS -(none)

Dates \_\_\_\_\_

Mileage \_\_\_\_\_

Time \_\_\_\_\_

TICKETS ISSUED

2 - 1 for leaving dog OUTSIDE for long periods of time  
1 for no license of dog.

Total Mileage for the Month: \_\_\_\_\_

Other Complaints: (Non Dog Complaints)

Date: 2/8/2022

Signature: [Handwritten Signature]

Town of Carroll  
Assessor's Report

February 2022

The Assessment office is still receiving and processing exemption forms for 2022. All applications must be filed by Mar. 1<sup>st</sup>.

We started reaching out to the towns regarding Grievance Day. It is only February, but this is our first year as a team and we want to have all our information ready. The date for Carroll will be May 25<sup>th</sup>. We will also reach out the BAR members with the date and confirming.

Laurie Continues to do the data collection and demos. they will be completed for the mailing of the Charge of Assessment notices during the first part of May.

Tera Darts, Assessor

Good Afternoon John,

I wanted to provide you with a brief update on our schedule for the Keywell site.

At this time, we are scheduled to perform the initial evaluation in the last week of February, followed by subsurface investigation two weeks after. The subsurface drilling team is backed up, but we are on their first available schedule. Once sampling is complete, it will be around 3-4 weeks to obtain the laboratory data and evaluate the results. At that time, we will determine next steps and set goals.

I hope this helps.

Sincerely,  
Damianos

**Damianos T. Skaros, P.E.**

Professional Engineer 1, Division of Environmental Remediation