

At a regular meeting of the Town Board of the Town of Carroll, Chautauqua County, held on the 11th day of October, 2017, at 6:30 PM in the Town hall, Frewsburg, N.Y. there were:

PRESENT

Councilman Ekstrom

Councilman Dahlgren

Councilwoman Ekstrom

Councilwoman Lingenfelter

Supervisor Jones

Recording Secretary, Tenneil L. Stelmack, Town Clerk

Also Present:

Dan Sisson, Tim Wright, Trudy and Dave Bloomquist, Susan Rowley, D. Sparling, Crystal Gibson, Ashley and Tracy Curtis, Kyle Nelson, Justin Lingenfelter, Mark Nelson, Many Nelson, Kris and Paul Yeskey, Debbie and Bill Nelson, John Davis, Elmer Johnson, Sherry Jacobson, Linnea Carlson, Randy Lingenfelter, Sue Rowley, Tracy Magnuson, Laura Greenwood, Lori Sorg

Supervisor Jack Jones opened the meeting with a pledge to the flag.

Motion made by Councilwoman M. Lingenfelter and 2nd by Councilman T. Ekstrom accept the minutes of the last meeting, this motion was carried.

Motion made by Councilman P. Ekstrom to pay the audited monthly bills, a second from Councilwoman M. Lingenfelter, carried. The audited bills are as follows:

GENERAL 2017-10 # 251 thru # 293 in the amount of \$ 7,385.08

HIGHWAY 2017-10 #177 thru # 194 in the amount of \$23,304.36

WATER 2017-10 #220 thru #255 in the amount of \$ 16,202.77

Motion was granted to the floor:

John Davis- Thanks town board and town residents. Running for District 16 Legislator Seat, currently held by Ron Lemon. Introduces himself- Married to Karen Davis for 31 years and have three children. Lives in the Town of Carroll in a family home. Tradition is very important to John and his Family. His vision as a District Legislator is to look into the future but remain to honor the past. He is a member of Trinity of Methodist Church, teaches Sunday school and holds a seat on the board. Mr. Davis believes we are all Children of God and promises to serve with integrity and honesty, citizens of the Town of Carroll he promises to represent our area with dignity, promises to represent his district to Chautauqua County as a voice of the people.

William Nelson- 102 N. Pearl St. Please see attached letter read by Mr. Nelson.

J. Jones- "To answer some of your questions, this process has been going forward, I have talked individually to all board members", Tim came to Mr. Jones on September. 23rd with his resignation which was effective immediately. The resignation will be accepted tonight. Jim Curtis has done the job in the past and the board believes to promote within. Jim Curtis is a full time police officer in the Town of Ellicott, an upstanding citizen, good reputation and lives in the Town of Carroll and is the type of the person the board is interested having as the Town of Carroll Chief of Police.

Jim Curtis- Asks Bill Nelson if he has any further questions before Jim speaks.

Bill Nelson- In the Sheriff's agency and all agency in the county you must first become a patrolman for five years, and then test for position of Sargent, if you are top three you go to oral board with a supervisor and if you pass this level you may promoted. If you want to become a lieutenant you must hold the position of Sargent for some many years then test out for position of lieutenant. There is official training that goes along with being a Supervisor. Bill states "I am not sure if Jim has had this training or not." Bill feels it is not an inherited position it should go through a process.

Tim Wright- Former Chief of Police, reassures everyone while he was the Chief for the past five years every police officers have met all requirements as police officers to serve the town and its safety. Tim had to resign due to personal life situations. In the interim Tim recommended Officer Jim Curtis as he has covered this position in the past and done a superb job. Tim states not all police departments have to take the steps to the degree of the Sherriff Department. Thanks everyone for his time of service and continues to support Jim and offers his help moving forward if needed.

Jim Curtis- Resident in the Town of Carroll since Nov 2014. Works for Town of Ellicott Police Department for 22 years and does not have the supervisor experience, though is a member of the Chautauqua County Fit Team for 14 years, vast experience in all avenues of law enforcement. Honored to take interim position until the town makes a decision on how to move forward. His goal is continue business as usual and keep the town safe.

Mark Nelson- 69 Frew Run. Mark asks the board – was the same process to hire Tim five years ago the same process being used today?

J. Jones- states it is not the same process because at that time there was not any individuals from within for the Chief position.

M. Nelson- asks that for today and the future of all other appointed position that the proper processes take place to be sure the best person is chosen for the job.

Tracy Magnuson- Frew Run, asks the town position on the dumb as he has recently read an article posted in the newspaper by Sealand Waste.

J. Jones- Going to court 10/24 with Sealand waste, went through all courts with Jones Carroll and the Judge Seadita granted Sealand waste an in and going again front of the same judges as we won before. Jones states “cannot believe they will overturn their already judgement for the Town of Carroll so I have high hopes this will be over after 24th. We will know after they write their briefs but I believe it is highly doubtful they will overturn their own judgement on the Town of Carroll.”

Ken Dahlgren- explains previous law suits were with the Jones family and not with Sealand. Sealand now has asked for permission to come in and re-litigate on the same case. We are hopeful that the appeal will say no and have a denial on their attempt to re-litigate. If they are granted the option to re-litigate then we start from the beginning with lawsuits all over again.

J. Jones- believes Sealand is waiting for the board to change- “Maybe have some individual on the board that are for the dump and that is their games plan and to outlive us”.

Ken Dahlgren- a 23 million dollar law suit to scare us- “anyone can throw numbers out there”

Sherry Jacobson- questions why the last month’s minutes were not posted online yet. Money missing from swim program.

Ken Dahlgren- explains the minutes need to be approved and will be posted in the next few days following the next month’s board meeting.

Linnea Carlson- asking for clarification on the swim program issue.

J. Jones – Audit of Clerk books have been done by Kevin Honey, Supervisor bookkeeper, and has a report. “money that is not accounted for I guess I will say”. Goal- to have State Comptroller office to an official audit and make a decision on what is missing and where it is at.

Trudy Bloomquist- Is this an “interim” filling of the Chief of position.

- Jack- says yes it is interim called provisional because the resignation from Tim has not been accepted.

T. Bloomquist- Questions if the town board held a special meeting for the swim program why wasn’t the same process taken for the Chief of Police position.

-J. Jones- happened fast- there was not enough time.

T. Bloomquist-. What plan does the town have in place to assure the same issues pertaining aquatics instructor does not happen again. Why is there not an expectation of the summer rec program department head and the aquatics instructor to report each month there monthly reports to be sure past issues pertaining to financial records are not still happening or will happen again?

-J. Jones- new process of swim program sign-ups take place in the town hall with instructor and town clerk to avoid money going through so many different hands.

K. Dahlgren- States- unfortunately there were reports destroyed and the board was not able to get the reports to prove what amount of money and children were accounted from.

L. Greenwood- Reports of summer rec have never been turned in or reported. A large pile of money is always brought in, in August because there are never brought in to the town hall or reported. L. Greenwood asks who destroyed these swim records

-K. Dahlgren- Anna Gifford admits to destroying some swim records.

Paul Yeskey- asks the process on how if the people of the town can make a motion requesting the board to put policies in place.

Linnea Carlson- is there any intention of the board to make a motion for administrative accountability based on the towns concerns.

-J. Jones- thinks it should maybe discussed with a committee and doesn't want to make a motion today on this matter.

P. Ekstrom- Posts have been made on social media with information that was not factual.

L. Greenwood- states the lack of a trail of open meetings with the firing of the Aquatic Instructor and there was a special meeting held to fire her and her replacement was here to replace her.

-J. Jones- special meeting held to attempt to resolve the issues with the instructor at the end of the meeting the standpoint changed- leaving the board upset at closing of the meeting. There is a money situation – “unsure where the money is at. There are two scenarios either the money didn't get here or you never deposited the money in the bank” “She is saying she brought the money here and we don't know where it is at and here records are nil to none and she said she shredded her records”.

L. Greenwood- “so if she has no records how do you know?”

-K. Dahlgren- agrees stating “absolutely”

- J. Jones- “we basically know how many kids were in the swim program so that's about how were but like I said this whole thing is we kind of had it audited and I have statement I am going to read in a little bit and basically I think it is time to have the State Comptroller's office come in and help us decide what is going on. None of us are accounts or bookkeepers and we need the advice of the state.

P. Ekstrom- Taking about Ms. Gifford the attitude went south J. Jones went to the advice of the town attorney.

Bill Nelson- asks if during the entire time Anna was Swim Director and why the board did not ever demand any financial accountability.

-J. Jones- Should have been done but this is a learning process

- P. Ekstrom- Lona Carlberg and Anna collected money and turned it into the town clerk

-L. Greenwood- States in turn the Clerk in turn turned the money into the bookkeeper

-P. Ekstrom- Anna demanded more from her program, FOIL her own destroyed records – raising questions.

L. Greenwood- urges the board, before comments are made, to have something in writing proving one of the two scenarios stated about the money possibly missing.

K. Dahlgren- agrees with L. Greenwood

M. Lingenfelter- Makes a motion to set up a work shop to set up monthly accountable with the swim program and the summer rec program when the summer rec program is in session. Motion made by Jack Jones and 2nd by Councilman T. Ekstrom.

Linnea Carlson- asks how much money is missing.

-J. Jones- unsure

-K. Dahlgren- we have opinions but not fair to say publically at this point but in his opinion under \$5,000 a year but with records missing and destroyed we can only estimate.

J. Jones- reads Tim Wrights letter of resignation. Attached Motion made to accept Tim's letter of resignation 1st P. Ekstrom, 2nd by M. Lingenfelter. A decision has been made to appoint Jim Curtis as provisional Police Chief for the Town of Carroll. Motion made by J. Jones and 2nd by Michelle Lingenfelter. Roll call- 5-I, No-Nay Tracy Curtis- married to Jim for 22 years. He puts his entire heart and soul into his job as a police officer. Family has gone without over many years because of his job. She fully supports her husband and his passion for his job.

Police Chief Jim Curtis- asks the board if they got the monthly bills from the police department. Had the town cell phone turned on and states the number is available upon request and is available 24-7. Reads the resignation letter of Justin Lingenfelter.. See attached. Thanks Justin for his service and a job well done.

J. Lingenfelter- thank everyone for the option to serve.

J. Cutis- job ad been placed into the paper looking for new patrolmen. Requesting permission to hire officer Troy Kennelly as a patrolman after an interviewing process-

Motion to hire Troy Kennelly with a one year probation 1st M. Lingenfelter and 2nd by P. Ekstrom, carried.

Trick- or- treat hours will be held on Tuesday, 31st from 6-8 pm. Permission given to Zion Church to block off Lloyd Moore rd. to keep children safe. Board permission with the remainder of this year's budget 7A306 patrol vehicle for under 3,000 to be fully equipped.

-J. Jones- will look into the budget

J. Curtis- would like to get a police line for the police line.

Tom Allison- Absent

J. Jones- Frew Run creek is completed and will be blocking up the historical society doors

D. Sisson- hydrant on Ivory replaced, George Momberger from DEC- cash settlement was discussed and is still in negotiation, gutters on well 5 complete.

D. Sparling- yearly inspection – passed, busy month- cruelty case, man bit dog euthanized, 120 dogs vaccination at the clinic.

L. Sorg – see attachment

K. Dahlgren- comprehensive plan- sending copy to everyone and a public hearing will be held for the community. Copies will be available at the Town Hall.

T. Ekstrom- Thanks everyone for voicing concerns.

M. Lingenfelter- nothing

P. Ekstrom- nothing

J. Jones- budget copy to all the board members, Took from department heads some cutting not a lot but a lot of work to do. Work session set from Monday 16th at 4:00 pm and second if needed to be held on Nov. 1st at 4:00 pm.

J. Jones- monthly reports from the town clerk and court clerk are needed-

-T. Stelmack- states – clerk books, including bank statements, need to be returned to the clerk's office in order for the clerk reports can be completed.

P. Yeskey- questions thought the books were not to leave the town hall.

J. Jones- says for an audit and a CPA can take the books.

J. Jones- reads report from Honey and Associates see attached report.....

J. Lingenfelter- questions when the State Comptroller will be done with this audit.

M. Nelson- clarifies what years of the books were audit and why this is just now being done.

K. Dahlgren- we, as a board, meet the requirement to do a yearly audit on the books

Motion made to allow Paul Webb to contact the State Comptroller to audit the 2015-2016 Clerk books. Motion made by Michelle Lingenfelter and 2nd by Patty Ekstrom, roll call vote 5-I, No-Nay.

L. Greenwood- requests a copy of the report. Tax payer should be concerned why the town supervisor has not filled an end of the year report since 2013. When budgets are done each year and there is not a clear yearend report how can the board know if they are taxing the town appropriately?

J. Jones- states year end reports are behind but being caught up.

K. Dahlgren- explains the process and there were reports submitted and rejected and covered up. Jack found out about it and attempted to fix the issues.

Motion to adjourn at 7:50 pm, M. Lingenfelter, 2nd by P. Esktrom.

Tenneil L. Stelmack