

Town of Carroll
Town Board Minutes
October Regular Meeting 6:30pm
Wednesday October 13, 2021

The October Monthly Meeting of the Town of Carroll was held on the 13th day of October 2021 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:

Supervisor Russell Payne
Councilman/Deputy Supervisor Kenneth Dahlgren
Councilman Timothy Burkett
Councilman John Barber
Councilman Thomas Fenton

Others in attendance were: Water Supervisor Daniel Sisson, Highway Deputy Superintendent Michael Walker, Code Enforcement Officer Alan Gustafson, Assistant Code Enforcement Officer Dan Oakes, Police Chief William Nelson, Animal Control Officer Nick Cusimano, District 16 Legislator John Davis and Town Clerk Susan Rowley. Residents in attendance were Harold Bennett, Tracy Magnuson, Dalton Anthony, James and Kelly Manno, Laura Smith, Michael Steele, Gerrit Cain, Alex DiMaio, Brandon and Erika DiMaio, Rachel Roushey, Matt Thompson, Brandi Bartlow, Tim Luke, Mindy Sanfilippo, Hannah Eckert, Betsy Dahlgren and Polly Hanson.

This meeting was placed on Facebook Live for any residents wanting to view the meeting.

At 6:30pm Supervisor Russell Payne called the October 2021 meeting to order and led everyone in the Pledge of Allegiance to the Flag.

Public statements, announcements and questions:
Supervisor Payne read and announced the following:

A letter from New York State DEC regarding the Town of Carroll Brownfield site on State Road 62 indicating site classification changes. **Attachment 1**

A letter from Hartson Holdings, LLC regarding a zoning variance to accommodate their request for their property located at 172 Ivory Street in the Town of Carroll. **Attachment 2**

A letter was received from Skip Axelson regarding Town of Carroll Highway Department's work on Woodchuck Hill in the Town of Carroll. **Attachment 3**

Supervisor Payne announced that the Carroll Historical Society has purchased two new historical markers and with the help of the Highway Department, they have been erected. The first historical marker which was an upgraded marker, was placed at the Frew Home on Main Street. The second marker was placed on the Mark Gage property which commemorates the historical significance of the barn and the graphics thereon on Main Street in the Town of Carroll. There will be a dedication ceremony on October 23, 2021 at 1:00pm at the locations of the markers.

Supervisor Payne stated that the town has been in touch with National Grid who has stated that due to an overage in the Street Lighting invoicing over the past several years, the town has had a credit, and has not been charged for several months of 2021. The balance still owed to the Town on the two different accounts for Street Lighting is still at \$10,796.61.

Supervisor 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, and 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.

Rachel Roushey stood and presented a petition to the board requesting that the Town of Carroll consider rezoning N. Meadow, E. Meadow, Marvin and Ruth Place to a School Zone. The speed zone is currently 35 miles per hour and there are children walking to and from school and to and from Sporting events that take place in the fields behind the school. She, along with 31 of her

neighbors feel it is unsafe for our children to be walking to and from school and events with the current posted speed and she would like the Town to consider rezoning the area as a School Zone, to include signs posted as such, increased patrols that would include higher fines, and any help from the Town which would result in a substantial decreased speed limit in that area.

Alex DiMaio stood and spoke regarding the Town look into promoting additional building in the area, perhaps including a tax table, time limited reduction for new builders which will promote new construction in the area and would reduce the tax burden for current residents. He stated that taxes are high in the town and would like to build in the future and would like to see an incentive to build in the Town of Carroll.

Supervisor Payne requested a motion to accept the Regular and Public Hearing September 2021 meeting minutes. A motion was made by Councilman Kenneth Dahlgren, seconded by Councilman John Barber. All in Favor, Carried.

Supervisor Payne requested a motion to pay the October 2021 Town of Carroll Monthly Bills, and accept the Transfers and Budget Modifications received from Town Accountants Baghat-Laurito and Baghat for the Town of Carroll for the month of September 2021. A motion was made by Councilman Timothy Burkett and seconded by Councilman John Barber. All in Favor, Carried.

Bills approved for October 2021:

| | | |
|----------------|-------------|------------------|
| General Fund | \$14,357.55 | Vouchers 338-376 |
| Water Fund | \$22,196.98 | Vouchers 167-190 |
| Highway | \$88,314.60 | Vouchers 159-183 |
| Trust & Agency | \$12,502.68 | Vouchers 28-30 |

Town Issues:

Supervisor Payne requested a motion to pass a resolution regarding the Town of Carroll becoming compliant with the New York State Comptroller Office's Division of New York State Retirement which would recognize the Standard Work Day for Appointed and Elected Town Officials. The Resolution was presented by the Town of Carroll Clerk, and will be posted for 30 days on the

Town's Notice Board, and will then be presented to NYSLRS, of time worked for Appointed and Elected Officials who have recorded their time worked to be reported to NYSLRS. A motion to accept this resolution was made by Councilman Kenneth Dahlgren, and seconded by Councilman John Barber. All in Favor, Carried.

New Business: None to report

Old Business: None to report

Personnel Issues: None to report

Contracts and Agreements: None to report

Departments and Officer's Reports:

Supervisor Payne stated that the Monthly Supervisor's Financial report from BLB, and the Monthly Town Clerk's report have 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 4**

Police Chief Nelson added that he agrees with Mrs. Roushey concerning the back side of the RHJ Elementary School, which he feels needs to be zoned as much if not more than the front side of the elementary school. Councilman Dahlgren added that the roads mentioned are town roads, so it should be much of an issue to get them rezoned. Polly Hanson asked Chief Nelson if the roads behind the school will be rezoned, will that just be during the school year or all year around as the school is used all year round? He stated that typically the school zones are from 6am to 6pm, and is typically designed for school time. He stated he would look into her inquiry, but the Town board may want to look into this and perhaps change the speed limits for those side roads near the school. He also stated that he would like to purchase a speed trailer for the town so that he could place it in different places to make people aware of their speed. Mrs. Roushey stated that she would be in agreement for the speed limits to be changed on the roads she mentioned. Tracy Magnuson inquired on the speed limit change on Frew Run Road, and Chief Nelson stated that it has been changed to 50mph, and the county is still waiting on signs to be delivered before they can be installed.

Deputy Highway Superintendent Michael Walker:

Deputy Highway Superintendent Michael Walker stated that the Highway Department has gotten much done during this past month. They finished shoulder work on Guernsey Hollow Road, along with oil and stoning the road. They have repaired shoulders along McCoy Road, there was a huge washout which was packed with millings which will hold until Spring with more work can be done. There was a temporary repair done on Church Road which will help until more can be done in the Spring. The Department received an extended DEC permit this month to assist them with work being done on the Wheeler Hill Bridge, as the original permit had run out of permitted time. They poured a new wall 26 feet long to support the bridge. He thanked Lex Brumagin and Mike Smith with DEC who assisted him with getting this accomplished. The Department has started to attach plows so they are ready for the upcoming winter weather.

Councilman Fenton questioned Mr. Walker concerning what needs to be spent to use CHIPS funding, and he will look into that. Tracy Magnuson asked about finishing the siding on the Old Highway Garage, and Mr. Walker stated that it will depend on the weather and if there is time to finish it, he will, or if it will have to wait until next year to complete. He stated he has some electrical and lighting work to complete for the Historical Society also.

Water Department Supervisor Dan Sisson:

Supervisor Sisson stated that his department has been keeping busy, the Water Department fixed a water leak on Wigren Road, and found another leak on Meadow Lane, which will be repaired next week. He is hoping these leaks will slow down the town's excessive water use. The home on 115 Water Street has been demolished and in a few weeks 117 Water Street will be demolished hopefully before winter. The new water line plans that will be going out Warren Road is completed, 12-inch pipe will be run along side the east side of the road, which will help with the flow with the water hydrants. Supervisor Sisson has met with the company that was hired to work on the new control pumps for the pumphouses will meet with him next week to get the control pumps ordered. Councilman Tom Fenton complimented Supervisor Sisson on the removal of 115 Water Street, and stated he is in favor of the parallel lines and asked if there is any improvement with the water volume with all the leaks that have been found and repaired. Supervisor Sisson stated that the volume is much better, and knows that there are a few more leaks that need to be repaired. He stated that the system was built in 1948 and is an older system and he has seen more leaks this year than most others. They are

repairing them as they find them. He stated that the line repair by the bridge needs to be done, but they need the water table to go down a bit before repairs can be done. Councilman Fenton questioned if the Water Department employees have yet to take the tests that they need to complete their certifications, and Supervisor Sisson replied that he told them last month that they have to contact Mayville to schedule a time to take the test. Councilman Fenton stated that it is very important and needs to be done as soon as possible.

Animal Control Officer Nicholas Cusimano: Officer Cusimano submitted his September monthly report. **Attachment 5**

He also stated that he has answered three complaints in the month of September and transmitted one dog to the Humane Society, he has traveled approximately 15 miles. He reported that Kiantone Animal Control Officer Matt Abbey contacted him about perhaps doing a shared service with the Town of Carroll so when he is not available Officer Cusimano can cover for him, and when Officer Cusimano is not available Mr. Abbey can cover for him in the Town of Carroll. The Town of Kiantone agreed in their board meeting that this is a good idea, and he is asking our town to consider this option also. Councilman Ken Dahlgren stated it was a good idea, it has to be looked at considering the contractual and financial obligations for the Town. Councilman Fenton stated that if there is a contract with the Town of Kiantone, as we have for the Assessor with the Town of Busti, that would be a good way to move forward with this. Supervisor Payne stated that a contract could be drawn up and submitted to our Town Attorney for approval, and then send a copy to the Town of Kiantone for approval of both town boards. Councilman Barber inquired if Officer Cusimano's report had anything on it concerning the issue on Frew Run Street last month? Officer Cusimano stated that he has submitted his report to the Town of Carroll Justice Court Judge Robert Gray, including a dangerous dog report. He has not heard anything from the judge, but will contact him very soon to see what is happening with this, he believes that this dog is no longer in the Town of Carroll.

Code Enforcement Officer Alan Gustafson:

Code Enforcement Officer Gustafson stated that it was a busy month with his department issuing 14 permits, which is above average. The Dietrick apartment is moving along and is all framed up. There was a Zoning meeting at the town last night. There have been two demolition permits issued for burned buildings, one on Frew Run Road and one of Johnson Street. He has

sent a violation notice to the Ethan Allen property owners and he also reported that he has completed his required training for this year. Councilman Barber inquired on what will the next phase be on the letter sent to the property owners of Ethan Allen and Officer Gustafson stated that they have been given 30 days to reply, and he also added that with the multitude of violations with that building as long as they are working towards a solution, and continue to work in that direction, the town will work with them. Councilman Barber then inquired about the status of the rendering works along Route 60, with Officer Gustafson stating that the majority of that building is located in the Town of Kiantone. Councilman Barber asked about the portion that is located within the Town of Carroll, and Officer Gustafson stated he will look into that further. Councilman Barber also inquired about the noise complaint that was brought before the board last month, and inquired if the Zoning board has had a chance to address that issue? Officer Oakes stated he has been in contact with the owners of Ivory Acres who have been working to monitor all of the sound and put noise barriers in place to best keep the noise within the specified levels. Officer Oakes feels they have gone above and beyond by installing decibel rating monitoring equipment, and anyone entertaining in the building must apply by those rules. They have plans to insulate the entire building which will bring the noise levels within an even better rating. Officer Oakes feel like the owners of Ivory Acres are working diligently to bring the noise levels to the recommended level. Resident James Manno stood and stated that he respectfully disagrees with those findings and states it does not mean they are following the rules. Councilman Barber inquired as to if there was code enforcement ruling that has been violated? James Manno stated that the rulings of the special use permit has been violated. Brandon DiMaio stood and stated that he lives right next door to Ivory Acres and he does not believe that the noise coming from this establishment is disruptive to his home of lifestyle in any way. Councilman Dahlgren stated that the Planning board has been currently looking at noise pollution within the town, and any input they have regarding that issue is appreciated, as of now there is not any measurables in place. Brandon DiMaio stated that he has worked hard to put a decibel indicator in place and to shut down music at 10pm. It was stated that the town noise curfew is 11pm and that is enforced by the police department.

Tim Luke stood and wanted to inquire about issues concerning sewage and rat problems at Brookside Estate on Carlberg Road within the Town of Carroll. The complaint is a complaint with the county, and falls within the county

sanitary code. Code Enforcement Officer stated that he will call the county and discuss this issue with them. Councilman Burkett asked Mr. Luke to be sure that his correct address and phone number was listed on the sign in sheet so that Code Enforcement Officers can call the county concerning the issue. Mr. Luke then read a letter from the owners of the park concerning his rat issue and how they do not feel they are responsible. Pittsburg Management is the owner of the property, and Mr. Gustafson promised that he will be giving the county a call. Mr. Luke stated that the county will no longer take his calls. Mr. Gustafson stated that he and Officer Oakes do have the ability to site the owners for the issue of rat infestation, and he will be looking into the issue.

Assessor's Office:

Attachment 6

Assessor Tera Darts was absent; however, she sent her monthly report.

County Legislator District 16 John Davis:

Legislator Davis stated that he appreciates the opportunity to speak to the board and concerned citizens regarding issues at the county level. Last week he was involved in two full day meetings with the county, one with administrative services, the other with public facilities, all in preparation for the budget, which will be voted on at the next Legislative meeting. He is hoping to be able to share good news with what is happening with the county budget at the next board meeting. He also has been in touch with Brad Bentley and the County DOT concerning Frew Run Road along what is known as Moore Hill to repair shoulders due to wash outs that happened during summer rains. He wants to thank the county for the work on these roadways. He stated that the signs for Frew Run that came in were wrong and are on order to be replaced. He also would like the town to know that this month you will see a motion sponsored by himself and another legislative representative that will support Chautauqua County to become a Constitutional County. Tracy Magnuson inquired as to if the county will continue to repair shoulders along Frew Run beyond the area they are currently working. Legislator Davis stated that he had only spoken with Director Bentley concerning the area of Moore Hill. Supervisor Payne inquired about the work the county is doing along Frew Run Creek, and Legislator Davis stated he has not heard anything back on that issue. He is understanding that the bridges along Frew Run Creek have become somewhat compromised and the work being done is to levitate some of those issues. Water Supervisor Dan Sisson questioned the

speed signs on Ivory Road, and Legislator Davis stated he will look into that matter and will pass it along to the county.

Town Council Reports:

Councilman Ken Dahlgren: Nothing to report

Councilman Timothy Burkett: Nothing to report

Councilman John Barber:

Councilman Barber wanted to update the town on the launching of the swimming lesson program within the town that takes place at the Frewsburg High School pool. He stated that the committee is watching the situation at the school concerning COVID regulations. He stated that the town will begin searching for a swimming director to run the program, and move on from there. We have to have a director in place before we can even consider restarting the program.

Councilman Thomas Fenton: Nothing to report

Supervisor Payne:

Supervisor Payne stated that our town bookkeeper, Baghat-Laurito & Baghat have returned the 2022 Preliminary Budget figures, and those figures have been handed to the board and department heads for recommendation and evaluation. The Preliminary budget workshop will be held on Wednesday, October 27 at 6:30pm, and a Public Hearing to follow at 7:30pm.

Baghat-Laurito & Baghat also reported that they have submitted the 2019 AUD to New York State. He also stated that the town is now in compliance with the New York State Comptroller's Office and caught up from previous years when the town was behind several years on filing these yearly reports.

Supervisor Payne made a motion to adjourn the October Town of Carroll meeting at 7:36pm, and the motion was seconded by Councilman Timothy Burkett. All in favor, Carried.

The next Town of Carroll monthly meeting will be held on November 10, 2021 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 Rowley". The signature is written in a cursive style with a large, looped initial "S" and a long horizontal stroke at the end of the word "Rowley".

Susan Rowley
Town of Carroll Clerk

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Bureau of Technical Support
625 Broadway, 11th Floor, Albany, NY 12233-7020
P: (518) 402-9543 | F: (518) 402-9547
www.dec.ny.gov

September 23, 2021

Town of Carroll
Attn: Town Supervisor
5 West Main Street
Frewsburg, NY 14738

Dear Town Supervisor:

As mandated by Section 27-1305 of the Environmental Conservation Law (ECL), the New York State Department of Environmental Conservation (DEC) must maintain a Registry of all inactive disposal sites suspected or known to contain hazardous waste. The ECL also mandates that DEC notify the owner of all or any part of each site or area included in the Registry of Inactive Hazardous Waste Disposal Sites as to changes in site classification.

Our records indicate that you are the owner or part owner of the site listed below. Therefore, this letter constitutes notification of change in the classification of such site in the Registry of Inactive Hazardous Waste Disposal Sites in New York State.

DEC Site No.: 907017
Site Name: Carroll Town Landfill
Site Address: Ivory Road – State Route 62, Carroll, NY 14738
Classification change: 2 to 4

The reasons for the change are as follows:

- Cleanup actions are complete, including excavation of waste from the East Landfill Cell and consolidation into the West Landfill Cell and placement of a two-foot soil cover.
- An environmental easement has been recorded limiting future property use. Property use will be limited to commercial or industrial use only.
- A long-term Site Management Plan has been developed which establishes an inspection & maintenance program, groundwater monitoring program, and soil management plan.
- The site is required to comply with the approved Site Management Plan and the property owner will annually certify to DEC that the institutional and engineering controls in place at the site to protect human health and the environment remain effective.

Enclosed is a copy of DEC's Inactive Hazardous Waste Disposal Site Report form as it appears in the Registry. An explanation of the site classifications is available at <http://www.dec.ny.gov/chemical/8663.html>. The Law allows the owner and/or operator of a site listed in the Registry to petition the Commissioner of DEC for deletion of such site, modification



of site classification, or modification of any information regarding such site, by submitting a written statement setting forth the grounds of the petition.

Such petition may be addressed to:

Honorable Basil Seggos
Commissioner, NYS Department of Environmental Conservation
625 Broadway
Albany, New York 12233-1010

For additional information, please contact Sarah Saucier, the project manager at sarah.saucier@dec.ny.gov or 518-402-9675.

Sincerely,

Leonard Zimonon for

Kelly A. Lewandowski, P.E.
Chief, Site Control Section

Enclosure

ec w/Enc:

M. Ryan
W. Ottaway
K. Lewandowski
S. Saucier, Project Manager



September 16, 2021

Attn: Town of Carroll

We would like to formally request a zoning change for our property at 172 Ivory Street previously known as the Larson Tire business. The property consists of a single family residence, four garage bays, a reception/office area and an additional large barn/storage building on 3.6 acres.

In the meantime and towards that end, we would like to request a special use permit for the purpose of future business development, rentals and/or any other lawful purpose.

Thank you in advance for your timely action on our request. We look forward to fostering additional business development in the Town of Carroll. As always please contact us with any questions.

Sincerely,

Ken and Carrie Blitz
Hartson Holdings LLC
(716)379-3238



Ross Payne
Mike Walker 30 Sept. 21
Town of Carroll Supervisors

I want to thank you for
the road work and drainage
work that Mike Walker and
the employee's done on Woodchuck
Hill to correct some problems
that have gone on for several
years.

Thank's

Skip Axelson
60 Church Rd.





**WILLIAM NELSON
CHIEF**

**TOWN OF CARROLL PD
CHAUTAUQUA COUNTY**

MONTHLY REPORT SEPTEMBER 2021

**TOTAL INCIDENTS: 149
YEAR TO DATE: 1694**

**TRAFFIC TICKETS ISSUED: 10
(0) AGGRAVATED UNLICENSED OPERATION
(0) SUSPENDED REGISTRATION
(0) DRIVING WHILE INTOXICATED
YEAR TO DATE: 164**

**WARNING TICKETS ISSUED: 1
YEAR TO DATE: 45**

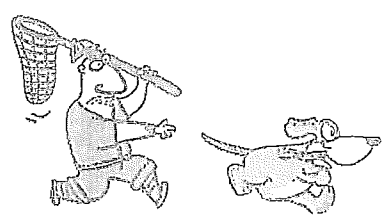
PARKING TICKETS ISSUED: 0

ARRESTS (CRIMINAL): (0)

ALL DRUG RELATED OFFENSES: 0

MOTOR VEHICLE ACCIDENT: 3 (1 PERSONAL INJURY & 2 PROPERTY DAMAGE)

WILLIAM R. NELSON, CHIEF



Dog Control Officers Report

For the month of September we had a total of

3 Reported Dog Complaint Calls,

0 Dog Bite Reports

1 Dogs Transported To Chautauqua County Humane Society

0 Citations Issued

Tickets Issued by, _____

0 Court Appearances Issued

15 Miles Traveled.

Any additional comments will be in the reports that are attached to this paper

D.C.O Name Nick Cusimano Date 10/13/2019
2021

D.C.O Signature Nick Cusimano Date 10/13/2019
2021

Town of Carroll
Assessment Report
October 2021

As of September 14th, The Assessment Office located in the Town of Busti Administration Building is available for any questions regarding tax bills, exemptions and any other assessment matters. Kellie, the new assessor clerk is in the office every day 9am-2:30pm. We are here to help in any way we can.

Laurie is continuing collection and new building permits, along with requests for reviews from property owners.

This month we are sending out the agricultural renewal applications.

I look forward to working with the town going forward. Feel free to contact me at any time.

Thank you,

Tera Darts, Assessor