

Town of Carroll
Town Board Minutes
October Regular Meeting 6:30pm
Wednesday, October 14, 2020

The October Monthly Meeting of the Town of Carroll was held on the 14th day of October 2020 at 6:30 p.m., at the Fireman's Blue Building, Station 2, 25 Hazzard Street, Frewsburg, New York, with the following board members present:

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

Absent: Councilman/Deputy Supervisor Kenneth Dahlgren

Others in attendance were: Water Supervisor Daniel Sisson, Highway Superintendent, James Mitchener, Police Chief William Nelson, Assessor Lisa Volpe, Code Enforcement Officer Alan Gustafson, District 16th Legislator John Davis, Carroll Policeman Michael Anderson, and Town Clerk Susan Rowley. Residents in attendance were Debbie Nelson, David and Trudy Bloomquist, Daniel Sisson II, Harold Bennett, Cory Lauffenburger, Brian Gustafson, and Tammy Kinne-Gustafson.

As COVID-19 restrictions were being followed, and this meeting was open to public attendance. Everyone signed in, temperatures were taken and documented, and every person in attendance had to fill out a COVID questionnaire before being allowed past the sign in table. Town of Carroll Police Department handled all COVID restrictions. This meeting was put on Face Book Live for any other residents wanting to view the meeting.

At 6:32pm Supervisor Russell Payne called the October 2020 meeting to order and led everyone in the Pledge of Allegiance to the Flag.

Public statements, announcements and questions:

Supervisor Payne announced that he attended the Police Reform Initiative held in Mayville, along with Chief Nelson and Sheriff Quattrone. He stated that the organizational meeting was informative and that the Initiative is progressing, with getting committee's together and further notices regarding this will be posted in the newspaper. Police Chief Nelson has been seeking stake holders from the community to serve on the committee.

The Landbank initiative, in regards to the Wiltsie Road property, has been discussed with our Town Attorney, Paul Webb. Attorney Webb recommends that the town should not be involved with property transfers such as this, as the Chautauqua County Landbank had suggested.

A Budget workshop date will soon be scheduled with the Town's Accountants, Bahgat and Laurito-Bahgat. He is requesting the board to come up with a date within the next few weeks, he is asking that it be scheduled as soon as possible.

Supervisor Payne invited Tamera Kinne-Gustafson to the front of the room. He announced that Ms. Kinne-Gustafson is our appointed Town Justice, and she is on the ballot in the upcoming election, for the second seat that is currently vacant. Supervisor Payne presented Ms. Kinne-Gustafson with a framed certificate from the New York State United Court System, featuring the completion of the Bench Basic Certification Course for the Town of Carroll Justice Court, and certifying her to take the office of Town Justice.

Supervisor Payne requested the board's consideration to allow the Town of Carroll to sell the old desks, chairs and other unused furniture that has accumulated in the old court room in the upstairs of the Town Hall, to make way for a future use of that space.

Additionally, Supervisor Payne stated that he has been in contact the New York State Department of Transportation officials who run the Transportation Acquisition Program (TAP), regarding the installation of sidewalks from the Robert H. Jackson Elementary School to the intersection of Wigren Road. Supervisor Payne stated that this is a safety concern for the residents of the town, and the NYS DOT agrees that the project is something that should be considered, and stated that they believe, as this time, there may be funding

available to assist the town with this project to be completed hopefully next year. He stated that discussions on this project will continue, and he is going to do his best to get this new sidewalk project implemented as soon as possible for the safety of the school children from that area of town who are walking to and from school. He stated that the two land owners along the area where the sidewalks are being planned to be installed, are willing to deed over any land necessary to assist in this project.

Supervisor Payne read a letter sent by a Randolph resident, regarding four of the town's student's dangerously riding their bicycles on Route 62.

Supervisor Payne offered comments from the floor. Trudy Bloomquist stood and read a letter regarding the issue with drainage water that contains sewage, and is draining directly on to her property. **Attachment 1**

Harold Bennet, President of the Town of Carroll Historical Society thanked Highway Superintendent James Mitchener, along with the Highway Department for the work they recently completed siding the outside of the Historical Society Building. He also stated on behalf of the Historical Society, they wanted to extend to Highway Superintendent Mitchener, Bradley Long and Timothy Eklund, a lifetime membership to the Carroll Historical Society.

Supervisor Payne requested a motion to accept the September meeting minutes. A motion was made by Councilwoman Patty Ekstrom, with a second by Councilman Thomas Allison. All in favor, Carried.

Supervisor Payne requested a motion be made for authorization to pay the October Monthly Bills. A motion was made by Councilwoman Patty Ekstrom, with a second by Councilman Thomas Fenton. All in favor, Carried.

Bills approved for October 2020:

General Fund	\$15,727.80	Vouchers 343-383
Water Fund	\$ 8,625.55	Vouchers 152-172
Highway	\$21,873.77	Vouchers 163-180
Trust & Agency	\$13,314.36	Vouchers 21-23

Town Issues:

Supervisor Payne requested authorization to accept Budget Transfers for September of 2020 for BLB. Supervisor Payne requested a motion be made to accept the budget transfer. A motion was made by Councilwoman Patty Ekstrom and Second by Councilman Thomas Fenton. All in favor, Carried.

Supervisor Payne stated that the Town of Carroll hereby requests that the following motion be introduced to which specifies the Standard Work Day for each Town Position to be utilized by the New York State Retirement reporting system. The standard workday has not been recorded in the Town Minutes since August 11, 1993. Fulltime employee Standard Work Day is 8 hours, Part Time Employee Standard Work Day is 6 hours. He requested a motion by the board, Councilman Thomas Fenton made the motion to accept the Standard Work Day proposal, seconded by Councilwoman Patty Ekstrom. All in favor, Carried.

New Business:

No New Business to report.

Old Business:

No Old Business to report

Personnel Issues:

No personnel Issues to report, no contracts or agreements 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:

Chief Nelson submitted a copy of his report to the board, and it has been added as an attachment. **Attachment 2**

Additionally, Police Chief Nelson stated that he has an initial list of stakeholders for the Police Reform have been compiled, and that list has been reported to the county. Stakeholders will be asked to complete a survey, and any residents who would like to complete the survey will have an opportunity to do so.

Police Chief Nelson also stated that he and his officers have completed an extensive "Use of Force" training offered by the Town's insurance company. This training was offered in 5 different blocks of sessions of over an hour each, and all of the Town's Police Officers have completed the training. The certifications are kept on file in the Police Chief's office.

Also, he stated that residents may have noticed the no parking stripes that have been painted by the New York State Department of Transportation along the intersection of West Main and Water Street, which was completed at his request. This will hopefully alleviate the problem with parking in that area.

Police Chief Nelson suggests that resident call 911, instead of posting to social media, when they see dangerous things happening in the town. He states that he only is hearing about issues after they have happened. He stated that if the individual who wrote the letter about witnessing the students riding their bicycles on the road, had instead called 911, he would have been immediately notified. He stated an officer would have been sent to the scene to speak to the individuals who were riding recklessly, and it would have alleviated the problem, and the dangerous situation. He finds this happens too frequently, that he will receive a message on his answering machine, or someone will call the next day to report something. He states that by calling 911, if the Town Police Department is unavailable, the Sheriff's Department or State Police will be notified and the issue will be addressed when it needs to be.

Police Chief Nelson also stated that he continues to receive complaints of speeding along Bunce Road. His department has been using radar in that area to try to stop the speeding. He has requested to borrow a speed trailer belonging to The Children's Safety Village at the Ashville BOCES, and he is hoping to have it put in place shortly, on Bunce Road. This particular speed trailer records data, so the Police Department will have the actual data on the numbers of vehicles, and the time and speed of the vehicles. He is hoping this will remind motorists, and help to slow traffic down to the newly posted speed limit area.

Highway Superintendent James Mitchener:

Superintendent Mitchener stated that the Highway Department has been taking advantage of the beautiful Fall weather to patch potholes, and they will continue to patch potholes as long as the weather permits them to do so. He also reported that the Department has been able to oil and stone another mile of road along Dodge Road, from Wiltsie Road to the top of the hill. The Department has been progressing on next year's projects of cutting shoulders and digging ditches along Sandberg, Dodge and Wiltsie Roads. The Department has also completed work along Robbin Hill, Anderson and Sandberg, and Austin Hill Roads in the Town. Additionally, the department has been cutting brush along Page and Emory Hill Roads.

Superintendent Mitchener stated he truly appreciates the assistance of the Town of Ellicott, who has been assisting with the brush pile at the Highway garage.

The Historical Society building has been sided and the metal for the rest of the project should be arriving in the near future, and they will be able to finish the planned work at the Old Highway Garage before winter.

Water Department Supervisor Dan Sisson:

Water Supervisor Sisson stated that the Water Department has been busy doing a lot of general maintenance this month.

The Department received the new Williamson Water Program today, and stated that the Water District resident's will be receiving bills in early November using this new program. The billing will look very similar as it did in the past, but this program will be more efficient and up to date. They hope to offer email billings in the early part of next year, and a letter will be sent out soon to explain how to sign up for email billing for those residents wanting to receive their bills electronically. He stated that this new water billing system will be a great improvement for the residents and the town.

Supervisor Sisson stated that water samples are taken frequently and required by New York State. The State is now requiring even more water samples be taken quarterly, on each well at the cost of \$600 each. He states

that is at an extra cost of \$7,200 that is a requirement of the state, he added that in the past, the state paid for the cost for these tests every third year, however, because of issues with the current state budget, they will no longer be offering this assistance to the towns.

Supervisor Sisson stated that there is a listing of delinquent water bills, that have been on the books for quite a long time, from residents who have passed away, or accounts that were left by residents who have moved, and the water bill was never taken care of at the closing of the real estate transaction. He states that this is usually something the lawyers do at closing; however, this has not been the case with the bills that are still owed to the town. Supervisor Sisson requested the board's approval to adjust these bills, or find a way to assist him to locate those who still owe. After a discussion, the board decided that these delinquent bills should be sent to the Town's Attorney, Paul Webb, asking him to locate those on the list, and to send them a letter regarding these past due water bills. The total amount of past due water bills is \$1,298.60.

Attachment 3

Animal Control Officer Nicholas Cusimano was absent, and a report was not available.

Code Enforcement Officer Alan Gustafson: Attachment 4

Code Enforcement Office Gustafson stated the report that he has submitted to the board includes his report for August and September. He added that he has been very busy and has issued two permits for two new homes in the town. He also reported that he has issued 25 permits in the last few months. He stated that he has been working on many violations, and has issued a court appearance for those who have not complied. He wanted to thank Supervisor Payne for all of his assistance with helping him receive information on the properties in violation, as his town work hours are limited. He added that the rodent issue in town seems to be subsiding, however, there are still a few issues that are being addressed.

Code Enforcement Gustafson also stated that he has completed his certification hours that are required annually, and his certifications are current.

Code Enforcement Officer Gustafson reported that there is a Planning Board meeting next week, and that board has been very active. The Planning Board has two special use permit requests to decide on at the upcoming meeting. There was also a Zoning Board meeting last month, and the ADHOC group that had been meeting bimonthly all summer will also be meeting soon. The Zoning Board hopes to make some proposals to the town board on proposed changes to the town's zoning laws in the near future.

Councilman Thomas Allison inquired on the property along Ivory Street that has been condemned, and asked how soon it would be demolished.

Supervisor Payne stated that there is someone who wants to purchase the property, but the bank that owns the property won't accept the offer. Code Enforcement Officer Gustafson stated that the biggest problem is that the bank that owns the property is from another state, and he is working with them to become compliant with the town's coding laws. He stated that this property also falls under the New York State Zombie Property laws, and he believes that he may be able to get something moving along, and he will follow up with that and report back to the board. He stated that the bank needs to be taking care of the safety issues with this property, as they are currently in violation.

Councilman Allison also inquired about the property on the corner of Ivory and Harrington Road. Code Enforcement Officer Gustafson stated he has been unable to contact the owner of that property. Supervisor Payne stated that someone contacted him wanting to purchase that property and he referred him to the owner. Code Enforcement Officer Gustafson stated he will be sending a certified letter to the owner concerning current violations.

Lisa Volpe -Assessor's Office:

Ms. Volpe, Town Assessor submitted the Assessor's October Report to the board, and it has been added as an attachment.

She reported that she attended the Assessor's Association Conference where she completed many of the classes that she needed for certification. The Assessor's office is currently taking applications for aged exemptions. Cathy Andrews has been taking care of tax property splits and merges for the upcoming tax year.

Attachment 5

County Legislator of the 16th District, John Davis:

Legislator Davis stated that the County Legislature has been busy with budget meetings, which he has been attending this month. He stated that there is good news concerning sales tax revenues for the county. As there was worry that the sales revenue was going to be reduced considerably due to COVID, the last reports that have been submitted show that the numbers are actually quite favorable, and in line with what was expected pre-COVID. He stated that perhaps this occurred to online transactions now being credited to the areas where the sales occur.

He added that at the most recent Legislature meeting the County Legislators could voted to over-ride the tax levy limit for the county's 2021 budget. He stated that this is the first time in three years that the levy growth factor was capped at under 2%, as it was capped at 1.56%, and even to have a tax rate decrease it would require over-riding that levy limit. The County Legislature voted unanimously to over-ride the tax limit, and at the next Legislature meeting this month, they will be voting on the county's 2021 budget. Legislator Davis stated that they all worked very hard within their committees, as well as considering County Executive PJ Wendel's recommendations, and are working on producing as favorable a budget as possible. He will update the town on that vote next month. He also stated he is always available to answer any questions the residents may have.

Councilman Ken Dahlgren: Absent

Councilwoman Patty Ekstrom: Councilwoman Ekstrom had no report.

Councilman Thomas Allison:

Councilman Allison requested an update on the town's new speed limit request along Frew Run and Ivory Roads. Superintendent Mitchener responded that the documentation has been forwarded to the New York State Department of Transportation for their review. He has not received any updates at this time.

Tom Fenton: Councilman Fenton stated that the town should send a letter of appreciation to the residents who have purchased and renovated homes in the town. He referred to the Osborne home on Ivory and Ivory Acres. He stated it is so very nice to see some improvements made to properties that help to beautify the town, and he would like to see them recognized for their hard work and the improvements that they have made. Supervisor Payne stated that the Community Engagement Committee will be meeting soon, and he will assist them with this request.

Supervisor Payne:

Supervisor Payne stated that the rodent infestation issue that Code Enforcement Officer Gustafson mentioned, is almost completely taken care of. He stated that a 5-gallon pail of poison was left in the basement of the building that was infested, and within two days it was gone. He stated that was a huge amount of poison and has been very essential in alleviating the problem in the town.

Supervisor Russell Payne requested a motion to adjourn the meeting at 7:39pm. Councilwoman Patty Ekstrom made the motion; Councilman Thomas Fenton seconded the motion. All in favor. Carried.

Respectfully Submitted,



Susan Rowley
Town of Carroll Clerk

October 14, 2020

Hello,

I have a question for Highway supervisor Mitchner. Last month you stated that you couldn't alleviate the problem of the Town of Carroll ditch deadheading onto our property because our land was mapped as Federal Wetlands. As you know this is not true, it is not NYS nor Federal Wetlands and in fact is still draining raw sewage directly onto our property.

Since you're obviously in tune with the DEC regulations and are committed to upholding the environmental law and permitting regulations, I wonder if you could provide me with the permit number you obtained for removing 40 truck loads of gravel from the Frew Run Creek this past spring. I have called the DEC for the number, but they were unable to locate the permit and I was hoping that if you could provide that information it would make it easier to access. (even the date of the permit would be of help)

Please accept this as a written FOIL request for a copy of this permit */plan*

Thank you

Trudy Bloomquist
Trudy Bloomquist

33 Water St

Frewsburg, NY



**WILLIAM NELSON
CHIEF**

**TOWN OF CARROLL PD
CHAUTAUQUA COUNTY**

MONTHLY REPORT SEPTEMBER 2020

**TOTAL INCIDENTS: 175
YEAR TO DATE: 1678**

**TRAFFIC TICKETS ISSUED: 9
(0) AGGRAVATED UNLICENSED OPERATION
(0) SUSPENDED REGISTRATION
(1) DRIVING WHILE INTOXICATED (AGGRAVATED .18 OR MORE BAC)
YEAR TO DATE: 119**

**WARNING TICKETS ISSUED: 1
YEAR TO DATE: 38**

PARKING TICKETS ISSUED: 0

**ARRESTS (CRIMINAL): 1 BURGLARY 2ND (ARREST PENDING)
ALL DRUG RELATED OFFENSES: 0
MOTOR VEHICLE ACCIDENT: 0**

**TRAINING:
USE OF FORCE: AN OVERVIEW
USE OF FORCE: COMMUNITY POLICING
USE OF FORCE: DECISION MAKING & JUDGEMENT
USE OF FORCE: ETHICAL CONSIDERATIONS
USE OF FORCE: LIABILITY & REASONABLENESS**

WILLIAM R. NELSON, CHIEF

FREWSBURG WATER DEPARTMENT

PO BOX 497 / 1725 WAHLGREN RD

FREWSBURG NY 14738

PH. 716-569-6406/ FAX 716-569-3728

PAST DUE WATER BILLS FROM HOUSE BEING SOLD

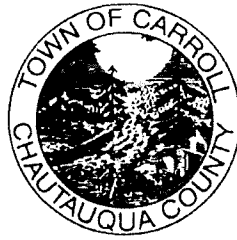
Here is a list of past due bills from houses being sold. Over the past few years we have had a hard time getting final bills paid after a house is sold. Years ago the lawyers would call for a final bill this doesn't happen like it should . I send out final bills to previous owner for final payment. Sometime I get it back for no forwarding address, and others we never here from. I keep sending a bill but no payments.

It is just costing us time and money by keep sending out these bills and no payments coming in

I will keep a file on these accounts and if anyone one these accounts sign up for a water service in the future we can try to get the final payments

I am asking the Town Board permission to adjust this list to help clean up are files

TOWN OF CARROLL
5 West Main Street, P.O. Box 497
Frewsburg, New York 14738
Phone (716) 569-5365
Fax (716) 569-6331



**CODE & ZONING
ENFORCEMENT**

Alan Gustafson
Code Enforcement Officer

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**CODE ENFORCEMENT OFFICER
MONTHLY REPORT
JULY - OCTOBER 2020**

To Members of the Town Board, below is a summary of activity for May - July 2020:

Building Permits Issued: 25

- 20-032, 104 Falconer Street, DeWayne Tanner, Front Porch Repair 20
- 20-033, 7 Mattison Street, Karen Zickgraf, Roofing 20
- 20-034, 1242 Bunce Road, David Skeates, Demolition 10
- 20-035, 54 Falconer Street, Ronald Gabalski, Roof Replacement 20
- 20-036, 1242 Bunce Road, David Skeates, Addition 50
- 20-037, 822 Sandberg Road, Sandra Pryll, Demolition 10
- 20-038, 15 Traver Place, Jordan Treadway, Garage Conversion 50
- 20-039, 64 Old Fentonville Road, Millers's Coconut Grove, Fence 20
- 20-040, 6 Valley View Drive, Jim Mano, Fence 20
- 20-041, 39 Water Street, John Munson, Deck 35
- 20-042, 156 W. Main Street, Ronald Gabalski, Roof Replacement 20
- 20-043, 32 Valley View Drive, Daniel Hallberg, Garage Addition 42
- 20-044, 408 Oak Hill Road, Phillip Wilson, Shed 20
- 20-045, 408 Oak Hill Road, Phillip Wilson, House 193
- 20-046, 13 Whitney Avenue, Jim Curtis, Deck Roof 29
- 20-047, 1691 Carlberg Road, Lot 32, Demolition, 10
- 20-048, 1691 Carlberg Road, Lot 32, Manufactured Home 100
- 20-049, 1691 Carlberg Road, Lot 37, Demolition, 10
- 20-050, 1691 Carlberg Road, Lot 37, Manufactured Home 100
- 20-051, 1191 Wigren Road, Gary Yahn, Swimming Pool Deck 20
- 20-052, 1035 Wigren Road, Levi Whippo, Addition 50
- 20-053, 27 Venman Street, Ralph Wiltsie, Fence, 20
- 20-054, 39 Venman Street, Kevin Delong, Electrical Service 0
- 20-055, 1039 Frew Run Road, Bruce Waite, Pole Barn Repair, 20
- 20-056, Ivory Road, Michael Smith, House, 100

Total Building Permit Fees: \$969.00

Building Inspections Performed: 21

Certificate of Occupancies Issued: 5

Miles Traveled: 121

TOWN OF CARROLL
ASSESSORS REPORT
October 2020

I virtually attended the NYS Assessors conference October 5th & 6th and participated in several online classes.

STAR credit checks are being mailed out to those who have registered for the program. The STAR credit check is the program the State has implemented for all new Basic and Enhanced STAR applications. If a property owner has experienced any problems they need to contact the State of NY directly at 518-457-2036.

Cathy is continuing work with the sales updates while Laurie is working on building permits and property owner requests for review.

Thank you.

Lisa Volpe
Assessor