

# TOWN OF AMITY

## Regular Board Meeting

August 12, 2013

*APPROVED BY BOARD as corrected on 9/10/2013*

Present: Supervisor Chuck Criss, Councilmen: Brian Clendenin, Jeff Zenoski, Don Skinner, & Mark Presutti

Clerk: Richard Winterhalter

Deputy Clerk:

Highway Superintendent: Jim Reniff

Absent:

Also Present: Amity Town Lawyer Andrew Cornell and about 30 citizens from the Town of Amity.

The meeting was called to order by Supervisor Criss at 7:00 pm

Supervisor Criss led the pledge of Allegiance.

Clerk Winterhalter read the minutes of the prior meeting. Supervisor Criss indicated that he did not make some of the statements recorded in the minutes. The board called for a copy of the prepared presentation made by Supervisor Criss. Approval was postponed until the September 9<sup>th</sup>, 2013 meeting.

Clerk Winterhalter read the minutes of the July 22<sup>nd</sup> Public Hearing. A discussion followed regarding the validity of the meeting. It was stated that since no law had been officially presented to the board the public meeting should not have been called since there was nothing to discuss.

Supervisor Criss indicated he did not say some of the things that were written in the minutes. Councilman Presutti asked if the prepared speech had been given to the Clerk. Supervisor Criss indicated he gave the Clerk Excerpts of the Speech.

The Clerk indicated he did not get the actual speech which was required. The board also called for the original Speech as written.

Councilman Presutti and Supervisor Criss entered a discussion regarding when the law was to be reviewed. Supervisor Criss and Councilman Presutti discussed when the law was given to the board. Supervisor Criss gave the law to the board at the June Meeting. Councilman Presutti indicated the law was given to them at the end of the meeting and was to be tabled so they could review it and discussed at the next meeting. Supervisor Criss indicated that Councilman Skinner indicated that the board needed to act on the law.

Councilman Skinner asked Supervisor Criss about how long the posting needed to be published prior to the meeting. Some discussion regarding this requirement took place. Supervisor Criss indicated he did not know. Supervisor Criss indicated that Dick should know his job and assumed he did know it. The discussion indicated that the law was not published according to law. Supervisor Criss indicated the noticed was published for 10 days in a public place.

Councilman Skinner made a motion to Strike the Public meeting minutes declares the meeting null and void as not being legal. Councilman Presutti made the second.

Roll call:	Aye	Nay	Abstain	Absent
Chuck Criss		X		
Brian Clendenin	X			
Mark Presutti	X			
Don Skinner	X			
Jeff Zenoski	X			

Motion Carried 4-1-0.

Councilman Skinner made the statement that if Supervisor Criss was to be Supervisor the least he could do was follow municipal law. At this point a townsperson interrupted the meeting. Supervisor Criss then indicated that this person was at the last meeting and gave her the floor. This person talked about not having to correct number of people on the planning board. Councilman Skinner indicated that this person was correct. Other people then interrupted

without being recognized to argue about the planning board. Council Presutti indicated that a resolution was presented but tabled. Councilman Presutti indicated that the board did not have the opportunity to discuss the proposed law before it was brought to the public. Additional interaction was taking place at this time. A resident read the law pertaining to how a law was to be passed.

Supervisor Criss indicated that they (board) wanted to pass this before anyone knew what was in it. The public continued to interact with the board. It was indicated by a person that the horse was put before the cart.

Board members explained what the proper sequence of events is in order to pass a law. Many of the people in attendance did not understand. The phrase “the cart before the horse” was used to describe why the meeting was declared invalid. The board explained that the law was going to be discussed at the July meeting. Even before the meeting was taken outside the law had not been formerly introduced. The correct sequence was to pass the resolution appointing the planning board. Then introduce the law for discussion. After the proposed law was taken out of the proposal and compressed into something the board would approach the town with the condensed law would go to the Town Lawyer for review and put into legal language. This would all occur before a public hearing was called. This would be the 3<sup>rd</sup> stage of a 6 stage process to pass a new law.

Town Lawyer explained that no law had passed his desk. He further explained that Supervisor Criss put the law improperly before the resolution.

Harold Mitchell indicated that Councilman Skinner said that Mr. Mitchell was in favor of zoning. Councilman Skinner explained that what he said was that Mr. Mitchell had been a contributor to the comprehensive plan. The comprehensive plan does not mention zoning. Much discussion between Harold Mitchell and the board took place regarding how Mr. Mitchell’s name got on the name.

Supervisor Criss indicated that the Comprehensive Plan was not accurate according to the how the names were concerned. Other members of the public joined in to indicate Councilman Skinner made these names up. Councilman Presutti indicated that Councilman Skinner did not write the comprehensive plan.

Supervisor Criss indicated the next part of the meeting was about the bookkeeper.

Supervisor Criss started to read a statement regarding the yearend report. He indicated the prior bookkeeper was unable to complete the report. At this point Councilman Presutti asked to go to executive session. Councilman Skinner made a second. Supervisor Criss indicated that there was no legal reason to go into executive session. A citizen said the board couldn't go into Executive Session. Attorney Cornell said they had every right to go into Executive Session. Councilman Presutti made the point that personnel issues were being discussed. Someone called for a roll call vote.

Roll call:	Aye	Nay	Abstain	Absent
Chuck Criss			X	
Brian Clendenin	X			
Mark Presutti	X			
Don Skinner	X			
Jeff Zenoski	X			

Motion carried 4-0-1.

Supervisor Criss wanted to finish his speech before going into Executive Session. A discussion regarding going into Executive Session took place. Supervisor Criss continued to read his statement. Supervisor Criss continued to read the report. Several people interrupted at this point. Councilman Presutti continued to state that a motion had been made and carried. Supervisor Criss continued to read from his statement.

Supervisor Criss continued to read his statement. He further indicated that the report was completed thanks to Lisa Plummer and his efforts to correct the \$140,000.00 in bookkeeping errors had been corrected. Councilman Presutti asked about the CPA. He indicated that money was being spent and not being accounted for.

At this time The Town Lawyer Andrew Cornell indicated that Supervisor Criss was making statements that could lead to a lawsuit.

Executive Session entered at 7:35PM. Invited by the board to attend was Town Lawyer Andrew Cornell.

Executive Session ended at 8:20PM at which time the regular board meeting was resumed.

Councilman Clendenin made a motion to abolish the proposed law. Councilman Presutti made the Second. A roll call vote was taken. Councilman Presutti, Clendenin, Zenoski and Skinner all voted Aye. Supervisor Criss also voted Aye. Motion Carried 5-0-0.

Supervisor Criss read the annual report which was not presented to the Clerk for filing. Lisa Plummer was given credit for finding the accounting errors which made the report accurate.

Supervisor Criss introduced Russ Heslin as a candidate for the upcoming vacancy of Town Assessor. Mr. Heslin presented a copy of his resume and procedure for doing assessments to the members of the board. Mr. Heslin made a presentation to the board and guests at the meeting which explained the process he uses to insure fair assessments for all property owners. Mr. Hess introduced his assistant who is also holds a certification. Mr. Heslin answered many questions asked by the board and of those asked by the guests.

Councilman Skinner introduced resolution 2013-017. He asked if anyone would like to serve as the seventh member. Diane Quaintance was then named to be that person. Resolution will be changed to indicate this by Clerk Winterhalter. This resolution was to appoint the members to the planning board. Councilman Skinner then made a motion to adopt this resolution. Councilman Presutti made the second. Clerk Winterhalter took a roll call vote.

Roll call:	Aye	Nay	Abstain	Absent
Chuck Criss		X		
Brian Clendenin	X			
Mark Presutti	X			
Don Skinner	X			
Jeff Zenoski	X			

Motion carried 4-1-0.

Town of Amity

Resolution No: 2013-017

Title: Seven Member Planning Board

Offered by: Donald Skinner

At the Town of Amity Regular Town Board Meeting attended by Councilmen Mark Presutti, Jeff Zenoski, Brian Clendenin Don Skinner.

I hereby resolve that:

The Town of Amity planning board shall consist of seven members:

<u>Member</u>	<u>Term Length</u>	<u>Term Begins</u>	<u>Term Ends</u>
Lois Reynolds Chairman	1 Year	01/01/2013	12/31/2013
John Maynard	2 years	01/01/2013	12/31/2014
Bill Bigelow	3 Years	01/01/2013	12/31/2015
John Clouse	4 Years	01/01/2013	12/31/2016
Josh Brown	5 Years	01/01/2013	12/31/2017
John Osterhaut	6 Years	01/01/2013	12/31/2018
Diane Quaintance	7 Years	01/01/2013	12/31/2019

Moved by Councilman Donald Skinner Seconded by Councilman Mark Presutti

Roll Call Vote: Ayes Nays

Charles Criss x

Jeff Zenoski x

Brian Clendenin        x  
Mark Presutti            x  
Don Skinner              x

Motion Carried. 4-1-0.

This Resolution replaces Resolution 2006-1.

SS

Belmont

State of New York

County of Allegany

IN TESTIMONY HEREOF, I have hereunto set my hand and affixed the seal of said Town of Amity, this 13<sup>th</sup> day of August 2013.

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Richard Winterhalter  
Town Clerk of the Town of Amity  
Allegany County, New York

Highway Superintendent Jim Reniff reported that the Town Crew had been mowing both sides of the Town Roads shoulders and trimming where necessary. They have also been doing some road screening.

Councilman Presutti asked about Pot holes. The Town crew will get to those as soon as possible. Jim also reported that the roof was on the town barns building.

A motion to get a dump box on the 2007 truck at a cost of \$5,700.00 (Five thousand seven hundred dollars) was made by Supervisor Criss. A second to the

motion was made by Councilman Clendenin. A roll call vote was taken by clerk Winterhalter.

Roll call:	Aye	Nay	Abstain	Absent
Chuck Criss	X			
Brian Clendenin	X			
Mark Presutti	X			
Don Skinner	X			
Jeff Zenoski	X			

Motion carried 5-0-0.

Clerk Winterhalter presented a check which was payment for unauthorized gasoline purchases, indicating this was the work of Laurie Mead who brought it to the attention of the board several months previously. The check was given to Councilman Presutti and passed to other board members ending up in the hands of Supervisor Criss.

Supervisor Criss introduced Harold Mitchell who had handed in a complaint form regarding the open position of deputy highway superintendent. He was informed that this was a board decision. Supervisor Criss indicated this appointment was not likely to be made anytime soon.

Someone at this point started talking about the planning board. This person was speaking from the Public Area. Another person from the public began speaking to the Supervisor about safety on Ackerman Hill Road the board expressed their appreciation for making them aware of the situation.

A discussion regarding the need for safety signs and the type that could be used on Ackerman Hill took place. The board will look into the possibility of placing said signs as needed.

Councilman Skinner asked Supervisor Criss about the Cemetery Report. Supervisor Criss indicated that he was confused by the request. It was left that a report would be presented at the next meeting.

Councilman Skinner remarked that Forest Hill Cemetery was looking very good thanks to the efforts of Mitch Haskell and the entire Town Crew.



A motion to accept the Highway abstract 8 Vouchers 89-113 for \$31,243.78 was made by Councilman Clendenin . Second by Councilman Zenoski. Roll call vote taken by Clerk Winterhalter.

Roll call:	Aye	Nay	Abstain	Absent
Chuck Criss	X			
Brian Clendenin	X			
Mark Presutti	X			
Don Skinner	X			
Jeff Zenoski	X			

Motion carried 5-0-0.

A motion to accept General Abstract 8 vouchers 161-178 for \$22,752.02 was made by Councilman Zenoski. The second was made by Supervisor Criss.

Roll call:	Aye	Nay	Abstain	Absent
Chuck Criss	X			
Brian Clendenin	X			
Mark Presutti	X			
Don Skinner	X			
Jeff Zenoski	X			

Motion carried 5-0-0.

The next regular board meeting will be held the 9<sup>th</sup> of September at 7:00PM at Town Hall.

A motion to adjourn the meeting was made by Supervisor Criss. The second by Councilman Presutti. Carried 5-0-0

Meeting was adjourned at 9:21PM.

Sincerely, Richard Winterhalter Town of Amity Clerk

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Christina VanCuren Deputy Town Clerk

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