

# TOWN OF AMITY MINUTES

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REGULAR BOARD MEETING

February 10, 2014

APPROVED BY BOARD

Present: Supervisor Dana Ross, Councilpersons, Jeff Zenoski, Josh Brown, and Miranda VanDyke

Clerk: Richard Winterhalter

Highway Superintendent: Bill Bigelow

Deputy Highway Superintendent: Mark Bliven

Absent: Brian Clendenin

Also Present: Exhibit A.

***All Votes taken at this meeting will be by roll call.***

The meeting was called to order by Supervisor Dana Ross at 7:00PM.

The meeting opened with the Pledge of Allegiance.

Supervisor Ross welcomed all guests and explained the procedure for board meetings.

Max Bigelow was introduced. His presentation dealt with asking the town to consider an Animal Control Officer (ACO) rather than a Dog Control Office (DCO). He told the board about problems he was having with neighbors that had three dogs that ran at large. He said to the best of his knowledge one dog was licensed but delinquent and the other two were unlicensed. Additionally, he said the Towns DCO had issued several appearance tickets which to his knowledge resulted in no fines. The State Police will not enforce this issue and that Mr. Bigelow should address the board.

Considerable discussion followed pertaining to actual examples which included killing a cow and biting Mr. Bigelow. He spoke of complaints he turned in to the DCO and the Town Clerk. The board was told that in addition to dogs running at large there were also horses and cows running which were tearing down fences

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which had to be repaired. Additional discussion took place about fines not being embossed when tickets are issued. Supervisor Ross acknowledged that enforcement was the problem. Discussion regarding the cost of having an ACO was discussed. Mr. Bigelow mentioned that the same neighbors put up a building without filing a building permit and that he thinks when the boundary dispute is settled that building may be on or partially on his land.

No votes were taken. Supervisor Ross indicated that the board will look into this issue.

Harold Mitchell was given the floor.

Harold mentioned that the site of the SPCA was in an agriculture district. He said his concern was that the SPCA was not taxable and wanted to know why they could not find some land that was already not taxable.

Fred Sinclair asked the Supervisor if he could comment. Supervisor Ross agreed. Mr. Sinclair indicated that land was used currently as a golf driving range was not actually agriculture. He also assured everyone that putting the structure there was not going to affect the Nature of agriculture in this location. The SPCA is tax exempt and suggested that negotiations could take place which could result in payment in lieu of taxes. He also explained that no tax dollars are put into the SPCA it is completely funded by fund raisers and private donations. Also the impact to agriculture would be evaluated.

Harold Mitchell asked about a reval. He had spoken to the assessor about errors in evaluation of some land. Councilman Zenoski mentioned he has also spoken to the assessor regarding that same subject.

The reading of the minutes of the prior meeting were waived.

Motion to accept the minutes of the previous meeting was made by Councilman Zenoski. Second by Councilwomen VanDyke made the second. Councilpersons Zenoski, Brown, VanDyke and the supervisor Ross all voted Aye. There were no Nay votes. Motion carried 4-0-0.

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Supervisor Ross provided a water district update.

He spoke to the Engineering Group MRB Mr. Dave Doyle. A meeting has been scheduled a meeting which will be an organizational meeting for March 1<sup>st</sup> at 10:00AM. Brian Clendenin has been invited but has something else going on. Also invited is the Town lawyer and Don Skinner. The financial grant writer will also be at the meeting. They will be picking up from where it shut down last year and get the project moving forward. The goal will be to have the districts in place by August. Once this is done there will be a public hearing. A report will be presented to the board at the March 10<sup>th</sup>, 2014 meeting.

Councilman Brown asked if the Town was pushing this. Supervisor Ross explained that the Village is in position of two letters. One from the County Health department who is really pushing this project. The other letters from the County attorney and one from the Village Attorney indicating the Village should shut the water down to the homes out of the Village. It is necessary for the Town to continue this project to prevent the shut off of water. Another reason to pursue this project is to prevent any contamination issues. Supervisor Ross expects the County Health Department to attend the public hearing. The MRB group will also be at the public hearing.

Supervisor Ross asked the board about where they thought the planning board should go. Councilwomen VanDyke indicated that a checks and balances procedure should be part of the direction. Should not allow the planning board should not have all the power. They needed some oversight. Supervisor Ross would like to have a meeting with the Town Planning board once the appointments have been made. He will invite the County Planner to attend.

Supervisor Ross has spoken to the Assessor who is expressing some of the same concerns the Mr. Mitchell previously expressed. A meeting with the Assessor and Supervisor will take place on the 22<sup>nd</sup> of February, 2014. Discussing problems with assessments.

Supervisor Ross explained that the town would not need to pass a local law because local law 92-01 set the date of the Board of Assessment Review date as

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Forth Monday after the 2<sup>nd</sup> Tuesday in May or a date to be specified by the board. Supervisor Ross passed the current local law to the board members for review.

Supervisor Ross announced that John Francisco will be the Deputy Supervisor.

SPCA Discussion.

Supervisor Ross announced the SPCA has requested the Town to be lead agency (Sequr) and that the Town sponsors the road cut for the Driveway. A lengthy discussion took place. This discussion involved Mr. Sinclair explaining what the towns responsibilities would be. Councilman Brown asked who would take over if the Town turns down this request. Mr. Sinclair explained that they would seek out another agency.

Mr. Sinclair explained why the site was chosen. He indicated that studies have shown that there will be no negative impact on the immediate or surrounding areas.

A second discussion took place regarding the benefits to the Town of Amity. Belmont has been the target to place a SPCA for several years because of the central location in the County.

At the end of the discussion the board was asked to make a motion on the SEQUR process. Councilman the board have more time to consider this issue.

Supervisor Ross indicated that the Town was advised by the Town Lawyer to stay away. If the town becomes lead on this project it would set precedence

Councilman Zenoski Asked Mr. Sinclair how soon a decision would be needed. Mr. Sinclair indicated that a decision would be needed soon. After a public hearing some changes may be required to the overall plan.

Councilman Zenoski made a motion to table the SEQUR issue. Councilwomen VanDyke seconded the motion. Councilpersons Brown, Zenoski, VanDyke voted Aye. Supervisor Ross voted Nay. The motion carried 3-1-0.

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The next SPCA issue is the sponsorship of the driveway cut. Councilman Brown suggested that if one is to be tabled it would make good sense to table this issue also. A short discussion took place. Supervisor Ross indicated he would be in favor of sponsoring the Driveway cut as it would not cost the Town any money.

A motion to table this issue was made by Councilman Brown. The second was made by Councilman Zenoski. Councilpersons Brown, Zenoski and VanDyke voted aye. Supervisor Ross abstained. Motion carried 3-0-1.

The clerks report, Budget report and bookkeepers report were all reviewed. Clerk Winterhalter told the board that the Collectors stamp account had been used to pay for mandatory tax collection software that is mandated by the county. The budget item for the software was in the preliminary budget but somehow was not included in the final budget. It was noted that this shortfall may become an issue later in the year.

Resolution 2014-011 providing John Francisco with check signing authority was read by Supervisor Ross. No discussion followed.

A motion to pass this resolution was made by Supervisor Ross. The second was made by Councilman Zenoski.

Councilpersons Brown, Zenoski, VanDyke and Supervisor Ross voted Aye. There were no Nay votes. Motion carried 4-0-0.

All councilpersons signed the resolution which will be taken to Steuben Trust and signature cards will be obtained.

Resolution 2014-012 appointing Wendy Skinner to a 5 year term to the Planning Board was read by Supervisor Ross. No discussion followed.

A motion to pass this resolution was made by Supervisor Ross. The second was made by Councilman Zenoski.

Councilpersons Zenoski, VanDyke and Supervisor Ross voted Aye. Councilman Brown voted Nay. Motion carried 3-1-0.

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Resolution 2014-013 appointing Paula VanDyke to a 3 year term to the Planning Board was read by Supervisor Ross. No discussion followed.

A motion to pass this resolution was made by Councilman Brown. The second was made by Councilman Zenoski.

Councilpersons Brown, Zenoski, VanDyke and Supervisor Ross voted Aye. There were no Nay votes. Motion carried 4-0-0.

Resolution 2014-014 appointing Harold Mitchell to a 7 year term to the Planning Board was read by Supervisor Ross. No discussion followed.

A motion to pass this resolution was made by Councilman Brown. The second was made by Councilwomen VanDyke.

Councilpersons Brown, Zenoski, VanDyke and Supervisor Ross voted Aye. There were no Nay votes. Motion carried 4-0-0.

Highway Superintendent Bill Bigelow provided the following report.

The Town has been busy plowing. An order has been placed with Buffalo Crush for 400 ton of aggregate ordered he needs board approval. Also ordered is 100 ton of salt to be taken to Buffalo Crush to be mixed with the aggregate. Planning for spring projects. Rebuilding the fence at Forest Hill which is falling down. Double checked some mileage. Cutting trees at Forest Hill. Finished picking up brush on Back River Road. Would like to look into getting a brush hog. Mowers were looked at that were made to mow brush but they were heavy duty for cutting trees which would not be needed. A conversion kit can be purchased for about \$2,000. Would like to take out and replace the concrete in the big bay where they do most of the repairs but cannot run the creepers on it because it is all broken up. This should be under \$2,000.00. The Town highway crew would take out the old concrete and put in the new. The cemetery maintenance position was discussed. Bill indicated it was expensive to have the Highway Crew doing this maintenance. Mitch Haskell was employed last year for this work. Bill said he was not sure what was going to be done moving forward. Some plan

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would be need soon. Money from the County has been received. The Town is out of coal for heating the shop. Bill asked for board approval to purchase Coal. Discussion regarding common purchasing between towns took place. The pros and cons were made known. No votes were taken.

A motion to allow the Highway to purchase coal was made by Councilwomen VanDyke The second was made by Councilman Brown. Councilpersons Brown, Zenoski, Vandyke and Supervisor Ross voted Aye. There were no Nay Votes. Motion carried 4-0-0.

Supervisor Ross asked for a motion to do concrete work. Some discussion took place regarding cost and time frame. A motion was made by Councilperson Brown. The second was made by Councilwomen VanDyke. Councilpersons Brown, Zenoski, VanDyke and supervisor Ross all voted Aye. Carried 4-0-0.

A motion to accept the General abstract 02 in the amount of \$83,298.62 and Highway abstract 2 in the amount of \$47,707.46 was made by Councilman Brown. The second by Councilwomen VanDyke. Councilpersons Brown, Zenoski, VanDyke and Supervisor Ross all voted Aye. There were no Nay votes.

Motion carried 4-0-0.

Supervisor Ross began a round table discussion with the board.

Supervisor Ross told the board of a meeting he had with the election commissioner regarding voter districting. Amity may be moved from one district to two. The reason is that Amity has move voters than the law allows for one district. A discussion followed. The Town has no choice. Additional costs of elections. How the district would be defined. Rick Hollis Commissioner and Mike Healy both made some comments. Currently there are approximately 1281 voters in the town of Amity. The district has to be split at 1200 voters.

Councilwomen VanDyke outlined what the Fire Company is doing in regards to finding a new location and Grants.

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Supervisor Ross is asking Curt Crandall to come to the next meeting. A packet was found that was sent to the Town in December that had not been acted on. This has to do with the upgrade of the county radio system. A County resolution was asking that the local municipality would split the cost of upgrading on a 50-50 basis. Additional discussion with Mike Healy explaining the reasons for the upgrade. Mike also mentioned that Grants were also going to be requested.

The next regular board meeting will be held the 10<sup>th</sup> of March at 7:00PM at Town Hall.

Supervisor Ross opened the meeting to the public for comments.

Harold Mitchell spoke about the response time if the site was placed at BOCES location. Councilwomen responded that several sites were being looked at. She said that keeping it in the Village was an important consideration. That many sites that were under consideration were in the flood plain and that a location would be selected that would be acceptable for Grants.

Harold Mitchell also commented that part of the issue with the problems Max Bigelow had talked about may have something to do with the influence with the justice system by the people in question. He suggested that the Town board should talk to the County powers to be so that the problem could be properly addressed. Supervisor Ross said that the board would take it under consideration.

A motion to adjourn the meeting was made by Councilman Zenoski. Second by Councilwoman VanDyke. Councilperson Brown, Zenoski, VanDyke and Supervisor Ross all voted Aye. There were no Nay votes. Motion carried 4-0-0. Meeting was adjourned at 8:47PM.

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Sincerely, Richard Winterhalter Town of Amity Clerk

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Christina VanCuren Deputy Town Clerk

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