

Machias Town Board Meeting Minutes - DRAFT

January 16, 2024

The meeting was called to order at 7:00 pm and the pledge of allegiance was said by all in attendance. Attending were Supervisor Joshua Dusterhus; Councilmen Robert Shenk, Frank Bork, Tom Reese, and Nick Glasner; Highway Superintendent Tim Byroads; and Town Clerk Rebecca Grimmelt. Also in attendance were Youth Commission members Karen Insley, Jim Insley, Jenna Hehl, and Katie Cornwall; Chris Burton; Jen Dusterhus; Tim Hoch; Steve Cornwall; and Rafael Tudela.

Robert Shenk made a motion to accept the minutes of the January 4, 2024 Reorganizational Board Meeting. Tom Reese seconded. All were in favor and the motion carried.

Robert Shenk asked to speak. He said that it had been reported that there have been some files in the cabinets in the Supervisor's office that have been moved and gone through and reports that another person has also been going through the files. He said that it is important for Josh Dusterhus to know that those files are for him and him alone. He was the one who took the Oath of Office. The clerk said that there are a bunch of financial reports that are not in the drawer where the bookkeeper left them, and they need to be put back in the drawer because the bookkeeper cannot finish her year end reports without them. Josh said they must be in a different spot because they are in the office. The clerk continued that the drawers in question have personnel records in them that even she or the Highway Superintendent do not look at. Nobody looks at those files except for the supervisor and the bookkeeper. The fact that Josh's wife, Jenny, was in those drawers is the issue that the Board is trying to address. Josh responded that he understands the issue but there was a lot of organizational issues that he was trying to address. The clerk responded that he would not take his wife to his office at WellNow to organize; you do not take your spouse to do your job. This is a government job and it is not okay. The clerk said that the Board members had discussed the issue with her and wanted it taken seriously. Josh said he appreciated the Board addressing it and that it would not be an issue going forward. Bob Shenk said that there had been a big issue about transparency, and this was addressed to go along with that. Josh said no one would be in his office without him there, but the Board said the issue is the files. Tom Reese said that if he needed help with organizing, it should be the Town Clerk that helps him since she is a Town official.

Tim Byroads gave his report for the Highway Department. He said that everything was going well for a while. The new Volvo truck had switches that did not work and went to Buffalo Mack for a week for repairs. He said they were lucky they had the backup truck to use and thanked the Board for not selling that. The problem turned

out that during manufacturing, the dash components squished the wiring harness and cut the wire with the power supply. It could have caused a fire if it had not been repaired. It is back in service now. The def tank heater on the Chevy needed to be replaced and it is at Upstate Chevrolet; they should have it for a couple of days. There is a carrier bearing out in the 2018 550 and it may take a few days to get the part. The backup truck will be out and around the Lake for the next storm. The new excavator and body for the one ton are both on track for delivery in May. One of the doors on the pool house blew off of the building. They rehung it but will rebuild it in the spring. With budget constraints, he wanted to let everyone know that he will leave snow on the roads if it is going to rain. It is easier to plow off after the rain and prevents the rain from icing over the roads. People may have to drive through some snow, but he can't afford to dump that much salt on the roads and have it wash off with the rain.

The clerk said that for the water district, the only issue was whether the Board wanted to determine who was going to meet with Odosagih to discuss how they would be billed for their water. The issue is that Odosagih is being billed for only one unit per meter which is not how the rest of the water district is billed. Everyone else is billed per commercial unit or per residential unit. If you have a building with four apartments, you are billed \$51 per unit per quarter plus usage, so four times \$51. Odosagih does not get billed that way. After discussions with Randy Jansen, Tom Reese, and others, about how the water district is being revamped with new meters and we are trying to make the water district profitable for the first time in years. Since we have just replaced all of the meters, they thought it might be a suitable time to address this with Odosagih. The clerk said that simply due to the number of buildings that they have, they should be paying at least an additional \$1,200 per quarter in fees. Why should the rest of the water district and town pay for Odosagih? Odosagih does not pay property taxes. They do not financially contribute to the Town. They only pay for their sewer. Why should they get a break on the water bills? No one else gets a break. Tom Reese thought that they could set up a meeting between several board members and Odosagih to discuss the situation. They will get a meeting set up. Josh suggested that if there is a change, maybe we could do a phased approach, so their annual budget is not thrown off completely. Tom will try to set up the meeting and let everyone know.

The Town Clerk had a handout from Text My Gov regarding a company that wants to contract with the Town for text alerts. They did not give her any cost but wanted to make a presentation to the Board. The clerk will try to get them to provide a cost estimate.

Justice Lounsbury offered a thank you to the Town officials and asked them to keep working together for the betterment of the Town. Their books are ready to be audited. The Board will do that at the end of the meeting.

The supervisor gave the report for Code Enforcement. Scott had written that there have been three building permits issued so far in January; one stop work order. He is working on implementing the new software and has included several examples of forms that it will print.

Katie Cornwall reported for the Youth Commission. She said that they have scheduled Summer Rec for July 8th to August 16th.

Communication points to go over with the Board. The new supervisor in Franklinville had reached out regarding the Dog Control contract with Franklinville. Josh reviewed it but felt it was thorough and did not need any updates. It did not have any financial details in the contract, but it has been less expensive than us running our own shelter, etc.

Josh has reached out to several grant writers to see what might be available to the Town. Tom said that there should be some grants available to help repair Town Hall since it is a historical building. While researching grants, Josh came across the NYS Unclaimed Funds website and the Town of Machias has some unclaimed funds. He printed it off and we will submit it for reimbursement. He asked if the Town Clerk would post the link for the public to be able to check for unclaimed funds. She will post on Facebook and the Town website.

The Highway Bonding Law is still in process. The Town attorney is working on it.

Josh wanted to address the issues with 200 Long Point Drive. Tim Hoch, the homeowner, responded. He has been trying to obtain a building permit since September but has a drain line running through his property that doesn't show up on his deed. He is trying to find out what he needs to do with this pipe: can he move it, can he build over it? It has been five months, and his costs are going up. He wanted to break ground in September. He needs a decision and wants a conclusion to this matter. He claims that his attorney is having a problem getting an appointment with the Highway Superintendent. It is structural pipe and he feels that he should be grandfathered in and be able to build over it. Tim Byroads said that this is covered under the easement portion of the NYS Right of Way law. The pipe was turned over to the town from the state years ago. The drain is covered under NYS Prescriptive Drainage Law. Tim Byroads has already spoken to the attorney for the State and has agreed to meet with the homeowner's lawyer. The previous owner should never have been allowed to build over the pipe. The homeowner said that he will move the pipe at his expense and said that the Town has no jurisdiction since the pipe is not on his deed. Tim Byroads said that New York State law protects the Town, and the taxpayers should not have to fund this project. Josh said that he will facilitate and continue forward to a decision. Tom Reese said that if the homeowner doesn't want to work with the lawyers and the Board, they will just stop the project and he won't be able to

build. Tim Byroads said that it must be done right and there must be an engineer to stamp the plans. There are a lot of pieces to this to make it right.

Josh Dusterhus mentioned adoption of a Planning Board. He wants to have another group of people to work with on a clear vision of the Town. We need a Comprehensive Plan for the Town; currently we are piggy backing from the County's plan and it doesn't really work for us. We have discussed grants but many of them require a plan for the Town. The planning board helps support the Town Board. They bring a lot of information to the Board. Bob Shenk said before we jump forward with a Planning Board, we should look at zoning. They go hand in hand, but you must have one before the other. Dan Brown, supervisor from Great Valley, has gone through this with his Town and is willing to give guidance to the Board. Josh would like to have some small-scale zoning that would fit Machias. The Planning Board does the research and gives recommendations to the Board. Members must be Machias residents who are at least 18 years of age; there would be 5 to 7 members with staggering terms. The Board would narrow down the number of any interested residents and then we would pass a local law establishing a Planning Board. Josh would like to see a member from the Lake community, the farming community, and a member from local business to make it a well-rounded group. Josh asked for a motion to recruit at least five members to serve on a Planning Board. Tom Reese made the motion and Frank Bork seconded. All were in favor and the motion passed.

Josh Dusterhus read Resolution #15, "Audit of Claims – Final 2023". Robert Shenk moved to accept the resolution and Frank Bork seconded. All were in favor, and it was accepted.

Josh Dusterhus read Resolution #16, "Audit of Claims January 2024". Tom Reese moved to accept the resolution and Robert Shenk seconded. All were in favor, and it was accepted.

The Board entered executive session at 7:48 pm to audit the books for the Town Justices. The Board returned to regular session at 8:00 pm. The Board then signed the letter requesting the removal of Town Taxes for the Time Warner Cable franchise and the letter for Highway shared services with Cattaugus County.

Frank Bork made a motion to adjourn the meeting. Tom Reese seconded. All were in favor and the meeting was adjourned at 8:01 pm.

Respectfully submitted,

Rebecca Grimmelt, Town Clerk