Angelica Town Board

# Meeting Minutes

# January 9, 2023

## Opening

The public hearing, regular and organizational meeting of the Angelica Town Board was called to order at 7:00 p.m. on January 9, 2023 in Angelica, NY at the Grange Meeting Room at 55 Park Circle by Robert Jones.

The Pledge of Allegiance was said.

## Present: Robert Jones, Supervisor

Elwyn Gordon, Councilman John "Skip" Hecker, Councilman Girard Kelly, Councilman

Don Case, Councilman

**Recording Secretary:** Sharon Presutti, Town Clerk

**Absent:** None

**Others Present:** David Haggstrom; Robert Budinger; Donald Ash; Michael Trivisondoli,

Guy Starck, Jonathan Makely, Rick Abbott, Gail Richardson

**Public Hearing**

This was a Public Hearing on Proposed Local Law 1 of 2023 entitled “Building Construction and Fire Prevention Law of the Town of Angelica”.

This meeting was advertised correctly.

Robert Jones read the purpose and intent of the law as follows: This local law provides for the administration

and enforcement of the NYS Uniform Fire Prevention and Building Code (the Uniform Code) and the State

Energy Conservation Construction Code (the Energy Code) in this Town. This local law is adopted pursuant to

section 10 of the Municipal Home Rule Law. Except as otherwise provided in the Uniform

Code, the Energy Code other state law, or other section of this local law, all buildings, structures, and premises,

regardless of use or occupancy, are subject to the provisions of this local law. Bob went on to say that the

previous law did not have anything about due process in it, the previous law was re-written to comply with the

order to include due process. It simply means if our Code Enforcement Officers determine that a building or

dwelling is unsafe and the owner/occupant does not agree with it, they have a right to due process and due

diligence and can ask for a hearing. The Code Enforcement agency will report this to the Town Board

Supervisor, the hearing will be posted and will take place in front of the Town Board within 5 days of the

request. The hearing officer will be the Town Supervisor or his/her designee. The hearing officer will then

deliver a written decision within 7 days of the hearing.

Robert Jones asked if there were any questions. David Haggstrom asked if every Township was doing this;

Robert Jones replied yes and that we are in the consortium M.A.C.E. with other Towns and Villages and they do

not want the liability nor does the Town. Skip Hecker made a statement

that our CE officers are going to make a determination on whether a building is safe or not but not one of them

have a structural engineering degree, so how do they make this decision that should be an engineering decision.

Robert Jones replied that the CE officers are the ones in charge of enforcing NYS Building Code.

Robert Jones asked if there were any further questions or comments adding again that the Town of Angelica

does not want the liability. Elwyn Gordon motioned to adopt Local Law #1 of 2023; seconded by Donald Case.

Elwyn Gordon Aye

Skip Hecker Nay

Robert Jones Aye

Girard Kelly Nay

Donald Case Aye

**Regular Meeting** called to order at 7:10 p.m.

**Organizational Meeting**

**Annual Resolutions and Appointments: Robert Jones read the following:**

Robert Jones noted that the only change was:

**Be it Resolved** The appointment of Kristina A. Carney as Court Clerk as per Justice David Szucs request.

**Be it Resolved** that the Compensation for mileage for personal vehicles used in the performance of official duties shall be 65.5 cents per mile for 2023.

**Be it Resolved** Corey Burrows has been added as a Code Enforcement Officer with M.A.C.E.

**Be it Resolved** Penny Miller has been added as a Deputy Town Clerk as per Town Clerk’s Sharon Presutti request. Girard Kelly asked about this; Sherri explained that with her hours change that Lisa Perry could only help during her evening hours so she needed someone during the day to help during tax season.

Girard Kelly also added that in regards to the Town Attorney that, after the conversations they had with Bobby Budinger regarding unions, we might want to hire a labor attorney. Robert Jones replied that this will be discussed later.

There have been no changes to the following:

**Be it Resolved** that the regular Town Board meetings will begin promptly at 7:00 o’clock p.m. on the 2nd Monday and 4th Monday (if required) of each month. Abstracts will be viewed and audited between 6:20 p.m. to the start of the meeting promptly at 7:00 p.m. All Town Board meetings will be held in the meeting room at 55 Park Circle.

**Be It Resolved** that the Official Depository for funds (all accounts) shall be Community Bank.

**Be it Resolved** that the Official Depositories for investments shall be: NYCLASS (New York Cooperative Liquid Assets Securities System) and Community Bank.

**Be it Resolved** that accounting, bookkeeping and payroll services shall be the firm of Berry & Berry CPA's, 7089 Bennett Road, Franklinville, NY as per contract.

**Be it Resolved** that the official newspaper shall be The Hornell Evening Tribune/Spectator.

**Appointment –** Town Historian shall be Jonathan Makeley,

**Appointment –** Dog Control Officer shall be Richard A. Abbott, 6081 Transit Hill Road, Belmont, NY 14813

**Appointment -** Members of BAR: Dean Gallmann, Raymond Hooker and James Gallman.

**Code Enforcement Officers –** shall be Kevin Margerum, Mike Unfus qne Corey Burrows (as also noticed above) as per contract through (Municipal Alliance of Code Enforcement) MACE.

**Assessor –** shall be Russell Heslin as per appointment and contract.

**Designation –** of the Town Clerk to serve as Registrar of Vital Statistics.

**Town Attorneys –** shall be Richardson, Pullen & Buck, P.C., 21 Minard Street, PO Box 182, Fillmore, NY.

**Special Issues -** shall be from the firm of Hodgson Russ Attorneys, LLP Buffalo, NY

**Supervisor Appointments:**

Deputy Supervisor – Donald C. Case

Authorized Signatures for Investments – Robert L. Jones or Donald C. Case

**Town Clerk Appointments:**

Deputy Clerk – Lisa K. Perry and Penny Miller (as noted above)

**Highway Superintendent Appointments:**

Deputy Highway Superintendent – Jeremy Morton

**Additional items requiring approval and authorization:**

**2023 Compensation Report** of the Town of Angelica Officials, Employees & Contractors:

Position Name 2023 Rate Pay cycle

Supervisor Robert Jones $7000 Qrtly\*

Councilmen Skip Hecker $1500 Qrtly\*

Elwyn Gordon $1500 Qrtly\*

Donald Case $1500 Qrtly\*

Girard Kelly $1500 Qrtly\*

Town Clerk/Col Sharon Presutti $13400 Bi-weekly

Registrar of Vitals Sharon Presutti $300

Deputy Town Clerk Lisa Perry $14.20/HR. As submitted

Penny Miller $14.20/HR As sumitted

Town Justice David Szucs $11700 Bi-weekly

Court Clerk Kristina Carney $15000 Bi-weekly

Cleaners $14.20/HR As submitted

Appointed Assessor Russ Heslin Contract $14000 Semi-annual

BAR $20.00/HR When completed

Code Enforcement Margerum Contract $6000 Semi-annual

Unfus

Burrows

Dog Control Richard Abbott $4500 Bi-weekly

Highway Supt. Mike Trivisondoli $57700 Bi-weekly

Highway Crew Jason Burrows $24.05/hour Bi-weekly

HMEO $36.08/OT/hour

$47.10/DT rate

Jeremy Morton $24.50/hour Bi-weekly

HMEO $36.75/OT/hour

Deputy Supt. $49.00/DT rate

Vinny Grotanelli $23.75/hour

HMEO $35.63/OT/hour

$47.50/DT rate

Laborer Gen.T/W positions currently vacant

Contractual with Village by Shared Service Contract

From Village for Labor Services $1273.33 Monthly

Fire Contract Village of Angelica $25500 By March 1st

Highway Crew: $.50 increase for 2023 to new Base Rate $23.25

Jason Burrows - $.30/hr. Longevity added to base

Jeremy Morton - $.75/hr. added to base as Deputy

Election personnel paid by Allegany County Board of Elections as billed to the Town

**\*Quarterly pay cycle is on the same date as the last bi-weekly payroll of the quarter**

**Be it Resolved:** To establish a Standard Work Day for elective or appointive offices or position.

**Approve –** Schooling/Conferences when such schooling pertains to respective jobs.

**Approve and Authorize –** the Supervisor to prepay utility bills, contracts and purchase postage as needed.

**Approve and Authorize –** the Supervisor to sign checks using a facsimile signature stamp

**Approve and Authorize –** a charge for each check tendered as payment and returned for insufficient funds in the amount of $20.00

**Approve –** the price of any gravesite in the Until the Day Dawn cemetery to be $450.00.

**Approve –** the price for any grave opening for full burial to be $350.00.

**Approve –** the price for any cremation burial to be $200.00

**Approve –** that additional charges be made for burials or cremation burials that need to be held on any day that employees are NOT working. Those charges shall cover the full cost of employee overtime. Funeral directors shall be notified of those additional charges when arrangements are made.

**Rules, Policies and Codes**

\*\*GML 104-b requires the governing board to annually review its policies and procedures.

Robert Jones noted that there no changes from the previous year.

Rules or Procedure for Town of Angelica Town Board Meetings. – no change

Investment Policy of the Town of Angelica. - no change

Procurement Policy of the Town of Angelica. - no change

Voucher Policy of the Town of Angelica. - no change

Code of Ethics for the Town of Angelica. - no change

Regulations for Public Access to Records of the Town of Angelica – no change

Computer, Internet and E-Mail Use Policy of the Town of Angelica – no change

Social Media Use Policy – no change

Rules for Until the Day Dawn Cemetery - no change

Grange Building Facility Use Policy – no change

Indemnification & Insurance Agreement Policy – no change

Harassment Prevention Policies & Procedures Handbook – no change

Drug and Alcohol Abuse Policy of the Town of Angelica from OCCUSTAR as it applies to all employees that are require to have a CDL.- no change

Facilities Use Applications and Requirements for Park and Grange – no change

Robert Jones asked the Board to look over everything and ask questions if they have them.

Skip Hecker had a comment on the Official Depository as Community Bank; he is not in favor of using Community Bank as our Official Depository, he would like us to use them as a deposit bank and then transfer those funds to another bank electronically. He does not know why we would support them when they do not support us. There was discussion on this, Skip suggested that Bob get a hold of Nick Kelley (Maple City Savings) to see how this could be done; he told Skip he could set the whole thing up. Robert Jones said he will talk with Nick Kelley. Don Case asked about what other banks could be used, there was discussion on this, possibly ask Nick what other banks there could be.

A motion was made by Elwyn Gordon to approve the agenda of the organizational meeting and the compensation report provided we discuss the attorneys later and speak with Nick Kelley regarding banking; seconded by Girard Kelly.

Elwyn Gordon Aye

Skip Hecker Aye

Robert Jones Aye

Girard Kelly Aye

Don Case Aye

Organizational meeting was closed at 7:20 p.m.

**Regular Meeting opened at 7:20p.m.**

## Approval of Minutes of Previous Minutes:

Minutes of the 12/12/22 meeting were distributed. There were no corrections or additions made. A motion was made by Skip Hecker to approve, seconded by Girard Kelly.

Elwyn Gordon Aye

Skip Hecker Aye

Robert Jones Aye

Girard Kelly Aye

Don Case Aye

**Abstract Approvals:**

General expenditures - $15784.02

A motion was made by Girard Kelly to approve payment seconded by Skip Hecker.

Elwyn Gordon Aye

Skip Hecker Aye

Robert Jones Aye

Girard Kelly Aye

Don Case Aye

Highway expenditures - $152061.52

A motion was made by Girard Kelly and seconded by Skip Hecker to approve payment.

Elwyn Gordon Aye

Skip Hecker Aye

Robert Jones Aye

Girard Kelly Aye

Don Case Aye

**Budget Sheets and Supervisor’s Reports:**

No reports given – these will come out with the yearend figures.

**Financial Reports:**

NYCLASS Report for December was distributed by Robert Jones. He noted that the interest rate is 3.8564%. Girard Kelly motioned to accept this report; seconded by Elwyn Gordon.

Elwyn Gordon Aye

Skip Hecker Aye

Robert Jones Aye

Girard Kelly Aye

Don Case Aye

**Town Business Review:.**

Robert Jones noted that Sherri Presutti, Town Clerk, distributed her 2022 Town Clerk's Annual Report, along with her December monthly report.

**Town Clerk’s December 2021 Report**

Dogs - $74.00

Decals - $0.83

Landfill - $4.00

Certified Copies - $60.00

Misc. Copies - $22.00

Cemetery Lot Sales - $0.00

Burials -$0.00

Marriage License - $0.00

ATV/LUV Registration Fee - $10.00

Elwyn Gordon motioned to approve the monthly and annual reports seconded by Skip Hecker.

Elwyn Gordon Aye

Skip Hecker Aye

Robert Jones Aye

Girard Kelly Aye

Donald Case Aye

**Town Justice Report**

Robert Jones distributed Justice Szucs reports for December ($16696.00). Elwyn Gordon motioned to accept these reports; seconded by Girard Kelly.

Elwyn Gordon Aye

Skip Hecker Aye

Robert Jones Aye

Girard Kelly Aye

Donald Case Aye

Robert Jones distributed the Annual Review of Justice Court Records for review along with the annual checklist. The Town Board reviewed this and signed that they did so. Robert Jones will send this onto the Office of Court Administration. Girard Kelly asked if we had a report showing what the status was on all of the old tickets that they were working on.

**Dog Control Report:** Rick Abbott reported that he went out this past weekend servicing notices to past due license holders noting that some residents were confused by the Clerk’s hours, they couldn’t figure it out, they agreed to come in when they could get there. Sherri Presutti added that the hours are on the dog license bills, not sure where the confusion is. Rick Abbott asked if there was any update on the Dog Shelter repairs, will it be on the schedule for next year, will it need to be re-bid. Robert Jones said it was not a bid repair and that it probably won’t be done this winter.

**Asessor/Real Property:** Robert Jones received information regarding tax exemptions for Volunteer Fire and Ambulance residents, this can be discussed at a later date. Russ Heslin noted that there is no cap for this, which bothers him, also it lowers the Town’s taxable value in addition to raising our rate/$1000. Russ also is concerned with how this will be tracked as volunteers come and go, who is in good standing and who isn’t. Robert Jones added that this will have to be done by Local Law. Robert Jones read what he had received in the mail. This will be discussed at the next Board meeting. Bob will email the letter from Russ to the Board members.

**Code Enforcement Report:** Robert Jones reported that the revenues for 2022 as of 12/13/22 are $11,000 over budget.

**Historian’s Annual Report:** Robert Jones distributed Jonathan Makeley’s annual report. Robert Jones thanked Jonathan for all of his work.

**Assessor/Real Property:** no report

**Highway report:** Mike Trivisondoli distributed his monthly report to the Board members. Robert Jones noted that we paid the bill for the new plow equipment from Valley Fab.

**RESOLUTION No. 1-1-23**

Motioned by Girard Kelly seconded by Skip Hecker to adopt the following resolution:

Elwyn Gordon Aye

Skip Hecker Aye

Robert Jones Aye

Girard Kelly Aye

Don Case Aye

Resolution approving the Mutual Aid Agreement between the Municipalities of Allegany County, New York.

Offered by: Allegany County Town Highway Superintendents Association, whereas, the Town Board of the Town of Angelica hereby agrees to allow Town Superintendent of Highways to extend Mutual Aid assistance to another participating municipality within the County of Allegany when requested to do so by such municipality in time of abnormal snow or work conditions. This agreement is subject to the conditions listed in the written agreement.

Robert Jones announced the bid results for the 2006 Chevrolet pick-up, there were two bids, he was present when they were opened, one bid was from Joe Demick for $625.00 and another bid from Mike Trivisondoli for $501.01. Bob wonders, because it is advertised that we can accept or reject all bids, what does the Board want to do? Elwyn Gordon motioned to accept Joe Demick’s bid of $625.00; seconded by Skip Hecker.

Elwyn Gordon Aye

Skip Hecker Aye

Robert Jones Aye

Girard Kelly Aye

Donald Case Aye

Robert Jones started a conversation regarding the Teamsters Local 264, Girard Kelly and himself met with Bobby Budinger who provided them with some handouts that Bob had distributed to the Board. There was some discussion regarding the information in these packets.

Robert Jones reported that he took a phone call Thursday or Friday night, someone from Belfast calling regarding ice on the hills, they don’t have a contract, same union guy, they had worked their 40 hours, were asked to go out and sand the hills and they refused because the union guy says they can. Bob is concerned that this is what we will be dealing with, Belfast will be talking with their lawyer regarding this incident. Elwyn Gordon would like to see the Town obtain an attorney that knows Unions; Robert Jones added that we would not be doing our residents well if we don’t hire an attorney during negotiations. Girard Kelly gave Robert Jones they name of a labor attorney that the County uses.

Rick Abbott asked if the County and Municipal workers aren’t all covered under AFSCME, Robert Jones responded that local municipalities are not. Rick wondered if they were allowed to join another union, he didn’t think they could.

Mike Trivisondoli reported that the Villages F550 is in and the Town’s 1 ton has been undressed, no sander. Mike added that he will put this back on if it ever becomes necessary. They had a burial on Saturday and it was nice to have that truck available. Mike T. noted on the compensation sheet that Vinnie should be an HMEO not just an MEO. Skip Hecker asked what we were doing with the truck that the new one replaced. Mike T. responded that as soon as the new one has been out and the bugs worked out we will mark it as surplus and we will sell it. Mike T. added that the Town of Burns was in the shop today and they looked at that truck, they would be interested in purchasing that truck. Mike has done some research and has found that the value for that truck is between $45,000 and $65,000, there was some discussion regarding this. Town of Burns would like a price, the truck has 98,000 miles on it. Girard K. would like to see us try to get more; upward of $100,00 depending on the shape it is in. There was discussion as to where to advertise it and whether to list with Auctions International.

Mike T. asked the Board what they would like him to do with the Waste Oil burners and wood boiler, he added that the boiler will need to be drained and that there is not much wood left. Elwyn Gordon added that now is the time to sell these, not in the Spring. There was discussion on this. Girard Kelly suggested to get what you can, put on Auctions International or an ad in the paper or do both.

Robert Jones added, as long as we are on the subject of heaters, two guys and an engineer from MJ Mechanical were here to look at the Grange heating system, they saw the hanging heaters and thought that we could get a $1000 a piece, maybe we should put those on Auction International.

Skip Hecker asked where we were at, dollar wise, on the Graddall repairs. Mike T. responded that they have completed the turntable and are working on the boom, they have discovered that there is a gauge inside the barrel and that the interior side of the ram is also damaged, a new cylinder will be $12600.00. The Board said to get it done - the timeframe is 8 - 10 weeks before they can get a cylinder, they will be keeping it up there. There was discussion as to using the excavator for doing some ditch work while the Graddall is being repaired.

## Hyland: Robert Jones distributed the 3rd Quarter Antea Group report for 2022 along with the Hyland Revenue sheet for 2022, 4th quarter was 108620.27 tons at $2.37/ton for $257,430.03. Bob added that for the year 2022 the Town of Angelica received $1,092,812.30 in tipping fees along with $10,000 for inspections and $60,000

## signing bonus for a total of $1,162,812.30 for 2022. Bob also distributed the monitoring report for December 2022.

**Miscellaneous:**

**2023 Fire Contract:** Girard Kelly motioned to approve the 2023 Fire Contract between the Village and Town of Angelica for $25,500.00; seconded by Elwyn Gordon.

Elwyn Gordon Aye

Skip Hecker Aye

Robert Jones Aye

Girard Kelly Aye

Donald Case Aye

**Southern Tier CAP Membership:** Robert Jones distributed the STW Cap Membership form, this is a fee of $150.00 plus the annual website maintenance fee for $275.00 for a total of $425.00. Skip Hecker motioned to approve this; seconded by Girard Kelly.

Elwyn Gordon Aye

Skip Hecker Aye

Robert Jones Aye

Girard Kelly Aye

Donald Case Aye

**FYI - Municipal Guide NYS General Municipal Law SS 239 L, M & N” -** Robert Jones distributed this, which came from Kier Dirlan**,** Allegany County Director of Planning, for the Board to review.

**Grange Heating System:** Robert Jones distributed a proposal from MJ Mechanical Services for the Grange heating system. There was discussion regarding this, the boiler is shot and the pumps are undersized. The proposal total is $23,115.00. They think they could have this within a week. Skip Hecker motioned to approve this repair/proposal; seconded by Girard Kelly. Robert Jones will write a resolution stating that we have a heat emergency and need to get this repair done. Robert Jones will call them first thing in the morning to get this started.

Elwyn Gordon Aye

Skip Hecker Aye

Robert Jones Aye

Girard Kelly Aye

Donald Case Aye

**Grange Wall:** Robert Jones reported that himself and Girard Kelly met with Ron Schlegel, Chris Kamarowski and an engineer from LaBella on the wall at the Grange, we are waiting on a proposal for that repair, this too could be classified as an emergency.

**Association of Towns 2023:** Robert Jones read to the Board information regarding the 2023 Training School and Annual Meeting held in NYC 2/19-2/22/23. There was a little discussion on this, no one thought they would be going.

**Skip Hecker:** Skip asked what the status was with the water situation with the Village. Robert Jones said that we need to schedule a joint meeting with the Attorneys. He added that we will sit down and work out some type of agreement stating who will be paying for what. The Village will be meeting on Monday.

Skip Hecker asked Girard Kelly if he had heard anything of the insulation of the Grange; Girard responded no.

Skip Hecker reported that he did dig back out the Cemetery rules and he will be working on those.

Skip Hecker asked Mike Trivisondoli where we stand on the Fire with the Fire #’s for High Street properties. Mike T. responded that he physically has the signs and will get them up one way or the other.

**Don Case:** Don Case asked if we have received any monies from the Solar Farm yet. Robert Jones responded that he had a request for a W-9, he sent this in, they received it so we should be getting something.

**Guy Starck** Guy complained about the front door of the Town Hall - he feels the rail needs to be changed or something - it is hard to get into the door. Guy also added that he thinks the Highway department is doing a good job. He also wanted it noted that he disagrees with having different makes of vehicles in the Highway department due to having to have different types of filters, etc., he also added that he thought we overpaid for the new truck. Mike T. thanked Guy for the compliment on the road conditions.

**Gail Richardson:** Gail reported that she spoke with Shawn Whitney this morning, from the NYS DOT, he said he would come down and check out the darkness by the on-ramps. She was pleased to be able to speak with someone regarding this issue.

With there being no further questions or comments Skip Hecker motioned to adjourn the regular meeting; seconded by Girard Kelly. The meeting was adjourned at 8:37 p.m.

Respectfully submitted,

Sharon A Presutti

Town Clerk