Angelica Town Board

# Meeting Minutes

# January 10, 2022

## Opening

The regular and organizational meeting of the Angelica Town Board was called to order at 7:12 pm on January 10, 2022 in Angelica, NY at the Grange Meeting Room at 55 Park Circle by Robert Jones.

The Pledge of Allegiance was said.

The following **oaths** were signed: Robert Jones, Michael Trivisondoli, Skip Hecker, Girard Kelly,

Sharon Presutti

## 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

**Organizational Meeting**

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

Robert Jones noted that the only change was:

**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 at 7:00 p.m. All town board meetings will be held in the meeting room at 55 Park Circle.

There have been no changes to the following:

**Be It Resolved** that the Official Depository for funds (all accounts) shall be Community Bank, NA, 32 West Main Street, Angelica, NY.

**Be it Resolved** that the Official Depositories for investments shall be:

NYCLASS (New York Cooperative Liquid Assets Securities System),

Community Bank, 32 West Main St., Angelica, NY

**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.

**Be it Resolved** that the compensation for mileage for personal vehicles used in the performance of official duties shall be $0.58.5 per mile for 2022.

**Appointment –** Court Clerk (as per Justice David Szucs request) shall be Yvonne Marks.

**Appointment -** Linda Healy as Deputy Court Clerk.

**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 and Mike Unfus 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.

Skip Hecker interrupted Robert Jones and asked to discuss this appointment. Skip feels that Richard Buck does not represent the Town of Angelica well with the money that he is paid. Skip is also concerned with the fact that Richard Buck is also the Village attorney and wonders what will happen when there is a legal issue that the Town and Village do not agree on, he feels that there will be one coming with the water issue concerning Town citizens who are receiving Village water service. Skip went on to say that he has done some research and found an attorney out of Warsaw, Robert Strassel, who the Town of Amity/Village of Belmont use and are satisfied with. Skip read some credentials of Atty. Strassel and reported that his fee is $250.00 per hour, non-negotiable.

Skip would like the Board to look into this Attorney and maybe have him come in to talk with us. Robert Jones responded that he does most of the consultations with our current attorneys, he does not have an issue with them, Richard Buck is very knowledgeable and can fall back on David Pullen if he needs to and also Hodgson Russ - our attorneys out of Buffalo. Girard Kelly added that whomever our attorney is they can use Hodgson Russ for back up. There was some discussion regarding the water issue that is coming up, those customers outside of the Village to the East and the options there are for that regarding the Town’s involvement, along with the Village’s. There was also discussion with what Belmont/Amity did with a somewhat similar scenario but with a greater distance. Elwyn Gordon added that he has spoken with a couple of Town Board members from Amity and they are very pleased with Atty. Strassel, he feels it would be worth looking into him. Mike Trivisondoli added, regarding the water issue, that if there is anyway the Highway department can help, when they have time, he is willing to do that. Elwyn Gordon would like to see some cost estimates for the water situation outside of the Village. Robert Jones brought the conversation back to the Attorney issue. He reiterated that he has no problem with our current attorneys, he deals with them the most, they are prompt and give good advice. The cost per hour would go from $160/hour to $250/hour - no retainer fee, you sign a retainer

agreement that shows the pricing, Robert Jones read the pricing agreement for Richardson, Buck and Pullen. Girard Kelly agreed that the per hour fee is a big difference but he feels it would be worth talking to Atty. Strassel. Don Case asked Girard Kelly if there were some attorneys in Allegany County that might be interested - Girard was not aware of any. Elwyn Gordon suggested tabling this appointment. Robert Jones does not want to be without legal representation if something were to come up, Elwyn Gordon added that we still have Hodgson Russ if something were to come up. Robert Jones asked if the Board members have been discussing this attorney issue amongst themselves, Skip Hecker said he had been talking with Girard Kelly, Bob Jones asked if Elwyn Gordon was involved in those discussions, Elwyn Gordon said no - he had been talking with people from Amity/Belmont. Robert Jones said we will get Atty. Strassel in and we will listen to him and he will talk to Buck.

**Special Issues Attorney's**  Robert Jones asked if anyone has an issue with Hodgson Russ Attorney's, LLP, Buffalo, NY. Girard Kelly suggested waiting to see what is done with the Town Attorney issue. Robert Jones added that Skip Hecker has gone off on his own to research this attorney without authorization, normally that is the Supervisor’s responsibility. Skip Hecker was not aware that he could not do this. Robert Jones decided to leave it there. Donald Case added that something like this should have been brought up a couple of months ago, knowing that the contract was coming up, start now for next year. Elwyn Gordon asked if he overstepped talking with Belmont/Amity Board members regarding their water districts. Robert Jones added that his concern is members of this Town Board getting together to discuss Town issues - that is a violation of the Open Meetings Law. Elwyn Gordon said he understands that, Girard Kelly said there is no concern.

**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

**Highway Superintendent Appointments:**

Deputy Highway Superintendent – Jeremy Morton

**Additional items requiring approval and authorization:**

**2022 Compensation Report** of the Town of Angelica Officials, Employees & Contractors:

Position Name 2022 Rate Pay cycle

Supervisor Robert Jones $6000 Qrtly\*

Councilmen Skip Hecker $1250 Qrtly\*

Elwyn Gordon $1250 Qrtly\*

Donald Case $1250 Qrtly\*

Girard Kelly $1250 Qrtly\*

Town Clerk/Col Sharon Presutti $11000 Bi-weekly

Registrar of Vitals Sharon Presutti $300

Deputy Town Clerk Lisa Perry $13.20/HR. As submitted

Town Justice David Szucs $11500 Bi-weekly

Court Clerk Yvonne Marks $16570 Bi-weekly

Cleaners $13.20/HR As submitted

Appointed Assessor Russ Heslin Contract $14000 Semi-annual

BAR $20.00/HR When completed

Code Enforcement Margerum Contract $6700 Semi-annual

Unfus

Dog Control Richard Abbott $4200 Bi-weekly

Highway Supt. Mike Trivisondoli $57700 Bi-weekly

Highway Crew Russ Lyon $23.55/hour Bi-weekly

HMEO $35.33/OT/hour

$47.10/DT rate

Jason Burrows $23.55/hour Bi-weekly

HMEO $35.33/OT/hour

$47.10/DT rate

Jeremy Morton $24.00/hour Bi-weekly

HMEO $36.00/OT/hour

Deputy Supt. $48.00/DT rate

Vinny Grotanelli $20.25/hour

$30.38/OT/hour

$40.50/DT rate

Laborer Gen.T/W Dean Warner $14.70/hour Bi-weekly

MEO $22.05/OT/hour

$29.40/DT rate

Contractual with Village by Shared Service Contract

From Village for Labor Services $1169.16 Monthly

Fire/Amb Contract Village of Angelica $34500 By March 1st

Highway Crew: $.70 increase for 2022 to new Base Rate $23.25

Russ Lyon - $.30/hr. Longevity added to base

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**

**Organizational:** To establish a Standard Work Day for elective or appointive offices or position. This was not done as Mike Trivisondoli is not in the NYS Retirement System, he needs to get enrolled first and then this will be taken care of.

**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.

A motion was made by Girard Kelly to approve the agenda of the organizational meeting and the compensation report with the exception of 3.O (Town Attorney appointment); seconded by Elwyn Gordon.

Elwyn Gordon Aye

Skip Hecker Aye

Robert Jones Aye

Girard Kelly Aye

Don Case Aye

Organizational meeting was closed at 7:43 p.m.

**Regular Meeting opened at 7:45 p.m.**

## Approval of Minutes of Previous Minutes:

Minutes of the 12/13/21 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 - $13694.65

A motion was made by Elwyn Gordon to approve payment seconded by Donald Case.

Elwyn Gordon Aye

Skip Hecker Aye

Robert Jones Aye

Girard Kelly Aye

Don Case Aye

Highway expenditures - $7170.60

A motion was made by Elwyn Gordon and seconded by Girard Kelly 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 year end figures.

**Financial Reports:**

NYCLASS Report for December was distributed by Robert Jones. He noted that the interest rate is starting to creep back up at .0351%. Girard Kelly motioned to accept this report; seconded by Skip Hecker.

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 2021 Town Clerk's Annual Report.

**Town Clerk’s December 2021 Report**

Dogs - $53.00

Decals - $0.83

Certified Copies - $40.00

Cemetery Lot Sales - $0.00

Burials - $200.00

Marriage License - $17.5

ATV/LUV Registration Fee - $5.00

Girard Kelly motioned to approve the monthly and annual reports seconded by Elwyn Gordon.

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 November and December. November amount was $20673.00, December’s was $13986.00. Elwyn Gordon motioned to accept these reports; seconded by Skip Hecker.

Elwyn Gordon Aye

Skip Hecker Aye

Robert Jones Aye

Girard Kelly Aye

Donald Case Aye

**Dog Control Report:** Rick Abbott called Robert Jones and said that he had no report. Elwyn Gordon asked if anything has been said regarding the fence at the Dog Shelter; Robert Jones responded no.

**Code Enforcement Report:** no report

**Assessor/Real Property:** no report

**Highway report:** Robert Jones announced that the newly elected Town Highway Superintendent is here, Mike Trivisondoli. Mike said that he asked Jeremy to send a Highway report, Robert Jones said he did. Robert Jones read Jeremy’s report stating what they have been working on; plowing, sanding, routine brush trimming and maintenance on equipment. Jeremy added that if there were any questions to please contact the Highway Superintendent. Mike Trivisondoli went on to say that he plans on going over each piece of equipment and he plans on having a report on the equipment for the February Board meeting. He said it has been a busy week and he is realizing that there is a whole lot that he did not know that went with this position. Elwyn Gordon asked Mike Trivisondoli about the plowing from this morning. Elwyn received a number of phone calls regarding County Road 20 and the lack of plowing done on that. Mike replied that he also received phone calls and knows that they were definitely out plowing, all three trucks were out - he is not sure on their plowing routes, he is just learning that. Girard Kelly added that he received some calls also and noted that a lot of people travel that road and maybe need to pay more attention to that. Elwyn added that people weren’t upset, that they were just making him aware of it. Elwyn Gordon also brought up, something that has been talked about for 12 years, trying to get some sort of deal on salt storage. Mike T. would like to see this happen also. Elwyn suggested

going to look at some other Town’s storage. Girard added that he might want to talk to Scott Torrey, that he gets a lot of funding for Town’s. Mike is trying to drive around on the roads to see what the residents face

depending on where they live. Mike has also been working on the Town financials, voucher system, the computer in the Highway office, working on the mini-excavator (in-house repair), future summer projects and noted that they will be using limestone this year instead of sandstone. There was some discussion regarding the hauling of the limestone - doing it ourselves vs. having someone deliver it. Girard Kelly asked when the Village truck would be coming in. Mike responded that the last he knew it was ordered in the Fall and it was going to be 30 weeks from when the salesman places the order, not necessarily when the documents were signed. Girard Kelly also asked about the Union Concrete situation at the gravel pit, Mike T. responded that he is investigating that and he has put a phone call into Aaron Finley himself, he has not returned his call so now he is looking for a phone number for someone further up the chain, he will be taking care of this.

**RESOLUTION No. 1-1-22**

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.

## Hyland:

Robert Jones distributed the Hyland Revenues sheet for fiscal year 2021 per quarter and by fund noting that the 4th quarter 2021 tonnage was 125,952.65 and that will be at $2.25 per ton. He also distributed the Hyland Revenues sheet comparing previous years and quarters. He added that the total received for 2021 was $1,064,474.68 which is not quite a half a million dollars over what was budgeted, $568,570.00, we also received $10,000 for our independent inspections and the $60,000 signing bonus which we will get yearly in the 2nd quarter. Total tonnage for 2021 was 479,297.86.

Robert Jones distributed the DEC monitoring reports for November and December 2021.

Robert Jones reported that he emailed all the Board members the notice of Hyland Landfill’s expansion virtual public comment hearing. This meeting will be held January 19, 2022 at 6:00 p.m. If anyone wishes to speak they need to sign up by 3:00 p.m. on January 18, 2022, anyone can listen to the meeting by phone - pre-registering is not necessary to just listen.

**Miscellaneous:**

**Salaries of Town Officers/Equalization Table**

Robert Jones distributed the Salaries of Town Officers for 2022 and the 2022 Equalization and Apportionment Table for 2022 for all Town’s, noting that Angelica is at 100% equal value. Don Case asked why some Town’s do not have 100%, Robert Jones replied that they don’t want to pay for a revalue.

**Southern Tier West CAP Membership Renewal for 2022**

Robert Jones read over the CAP Membership Invoice for 2022 - $150.00 for Basic CAP Membership plus other services if interested. It was decided to add the Annual Website Maintenance for Microsoft Expression Web for and additional $150.00 for a total of $300.00. Girard Kelly motioned to pay this; seconded by Skip Hecker.

Elwyn Gordon Aye

Skip Hecker Aye

Robert Jones Aye

Girard Kelly Aye

Don Case Aye

**Town Historian Report - Jonathan Makeley**

Robert Jones distributed Jonathan’s annual report. Skip Hecker motioned to approve this; seconded by Elwyn Gordon.

Elwyn Gordon Aye

Skip Hecker Aye

Robert Jones Aye

Girard Kelly Aye

Don Case Aye

**Request by Angelica Community Radio - “Shake on the Lake”**

Robert Jones distributed a request from Angelica Community Radio asking for permission for the regional theater group “Shake on the Lake” to produce one of William Shakespeare’s plays in the Park Circle on Sunday, July 31, 2022 at 3:00 p.m. Girard Kelly motioned to approve this; seconded by Skip Hecker.

Elwyn Gordon Aye

Skip Hecker Aye

Robert Jones Aye

Girard Kelly Aye

Don Case Aye

**Cemetery Fence**

Robert Jones distributed Angelica Cemetery Fence Specifications. He asked the Board members to look this over so we can get this out to bid. Bob’s only question is, IF the materials will be available, we won’t know that until these go out. Don Case asked what had been decided on the gates. Bob responded that nothing had been decided, we will see what is available. There was some discussion on the design, 2 rail or 3 rail, and on the state specs on the depth of the posts. Robert Jones said he will check on this.

**Town Park Use - Farmer’s Market**

Robert Jones distributed a letter from The Angelica Farmers Market requesting use of the Park from Ron Cobin. There was discussion on this and on a text Bob received noting there is still disagreements amongst the vendors. Bob still feels that we need to let these people decide amongst themselves what will be going on. Don Ash commented that there is a new Board for the Farmer’s Market. There was discussion on the insurance required

and dates of insurance, some vendors may need their own insurance. The Town is still looking for a check for the damaged bench. It was decided to table this request for now.

**Employee handbook**

Robert Jones asked the Board **t**o bring their copy of the Employee Handbook to the next meeting with any additions and or corrections so it can be finalized at the March meeting. There was some discussion on this**,** Mike Trivisondoli will look for this noting that the employees want to see a handbook. Robert Jones will find out what needs to be included for Pandemic policies.

**Skip Hecker**

Skip Hecker asked about the spindles for the gazebo - he has one and the rest are in Mike Trivisondoli’s office. Skip will prime and paint the one and get it installed as soon as the weather gets better - he got 12 spindles. Robert Jones asked Skip if he had a bill, Skip replied somewhere.

Skip Hecker asked about the tree cutting in the cemetery. Robert Jones responded that they are not cut yet and he has spoken to Mike Trivisondoli about it. Bob said all we have to do is call and say they are ready and he will cut them down.

Skip is asking for Board approval to look at a preservation grant for the cemetery. He would like to look at the Mausoleum - there was discussion on this on how to contact the family. Skip asked if he could try to contact them, Bob said yes. Skip then asked if we need to seek permission from families for anything we do up there. Bob Jones added that Bill Sortore worked on restoring some of the stones at one point. Skip isn’t sure what the grant covers, he is hoping it would cover repair of tombstones. He will pass that information on when he gets it.

**Elwyn Gordon** asked who the holdup was on the trees in the cemetery. There was discussion that we had agreed to have them do all of it - clean up and all. If the Town will clean it up, it would save us money. Mike Trivisondoli said we will clean it up. Sherri Presutti looked back in the minutes and it had been decided that the company would do a total clean up. The company will now knock them down and the Town will clean it up.

**Girard Kelly** asked if Skip was going to call Atty. Strassel. Robert Jones responded that he will contact him; Robert Strassel, 250 North Street, Warsaw, NY - 585-786-9949. Skip Hecker will email him tonight and tell him that Bob will be calling him.

**Don Case** asked where we were at with Tracy Cassidy and the cemetery. Sherri Presutti responded that she is all done and paid.

**David Haggstrom** asked for Hyland reports and Jonathan Makeley’s report. Robert Jones will get him those.

With there being no further questions or comments, Elwyn Gordon motioned to adjourn the regular meeting seconded by Girard Kelly.

Respectfully submitted,

Sharon A Presutti

Town Clerk