Angelica Town Board

# Meeting Minutes

# February 14, 2022

## Opening

The regular meeting of the Angelica Town Board was called to order at 7:00 pm on February 14, 2022 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

John "Skip" Hecker, Councilman Girard Kelly, Councilman

Don Case, Councilman

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

**Absent:** Elwyn Gordon, Councilman

**Others Present:** David Haggstrom; Guy Starck; Robert Budinger; Don Ash; Marilyn Warner; Pam Cockle: Jeaneane & Chris Finnemore; Teresa Claypool;

Jill Bennett; Harold Mitchell; Rob Chamberlain; Ian Jones;

Kym & Dean Gallmann

## Approval of Minutes of Previous Minutes:

Minutes of the 1/10/2022 meeting were distributed. There were no corrections or additions made. A motion was made by Girard Kelly to approve, seconded by Skip Hecker.

Elwyn Gordon Absent

Skip Hecker Aye

Robert Jones Aye

Girard Kelly Aye

Don Case Aye

**Abstract Approvals:**

General expenditures - $4755.60

A motion was made by Girard Kelly to approve payment seconded by Don Case.

Elwyn Gordon Absent

Skip Hecker Aye

Robert Jones Aye

Girard Kelly Aye

Don Case Aye

Highway expenditures - $16779.02

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

Elwyn Gordon Absent

Skip Hecker Aye

Robert Jones Aye

Girard Kelly Aye

Don Case Aye

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

No reports given; end of year report and audit will be done in March.

**Atty. Robert Strassel:** Mr. Strassel did not show.

**Water Discussion:** There was a discussion between the Board and residents from outside the East side of the Village. Robert Jones went through his notes from the Village meeting held on 2/8/22. He went on to say that if the Town agrees to the Water District, the Town would have to hire a competent engineering firm that is versed in water district formation and all things water. There would have to be a municipal agreement signed between the Village and Town. He added that there are 2 ways to do this:

Article 12 - The people that are affected would have topetition the Board.

Article 12A - The Board can simply say they are going to create the water district. This would then need to be voted on by permissive referendum.

Bob added that this is just his opinion based on research he has done. Bob opened the meeting up for questions from those residents who will be affected. Robert Jones added that if the Board decides to form a water district, the signed agreement with the Village would state that the Village would take over that line, they will read the meters, if it needs to be repaired they will repair it, we need to find out more specifics about water districts. Robert Jones would like to see, again his opinion, the people that are affected petition the Town Board, that way it will not slow anything down. Once the Board agrees to establish a water district, he is going to try to get it mapped out tomorrow so that all residents are included, the Town will need to hire a good engineering firm - this cost can be rolled into the grant. There are two types of grants - one for the engineering firm and one for getting the pipe in the ground, his opinion is that if we are doing this we need to do it right. It was noted that the Town applies for the grants through the engineering firm. A petition would have to be formally accepted by the Board and signatures verified by the Board and the Town Attorney. Robert Jones went on to say once the petition has been handed in and verified then the Board should hire an engineering firm, from then on they (the engineering firm) takes care of it. The only thing the Town Board will have to sign is the Municipal Agreement with the Village because the Village owns the water. The residents were thankful for our attention to this matter. Robert Jones added that if anyone has any questions feel free to call him or any of the Board members. Robert Jones will get the correct petition form to Jeaneane Finnemore.

**Financial Reports:**

NYCLASS Report for January was distributed by Robert Jones showing the balances for all of the sub-accounts. He noted the interest rate is sneaking up a little - .0351% and the total in reserves is $2981174.53.

**Town Business Review:**

Robert Jones noted that Sherri Presutti, Town Clerk, distributed her January 2021Town Clerk’s report.

Skip Hecker motioned to accept this report; seconded by Girard Kelly.

Elwyn Gordon Absent

Skip Hecker Aye

Robert Jones Aye

Girard Kelly Aye

Donald Case Aye

**Town Clerk’s January 2021 Report**

Dogs - $72.00

Decals - $0.00

Certified Copies - $20.00

Cemetery Lot Sales - $0.00

Burials - $425.00

Marriage License - $17.50

ATV/LUV Registration Fee - $15.00

**Town Justice Report**

Robert Jones distributed the Justice Court report for January 2022, totaling $17,840.00. He also distributed the traffic diversion report for 4th quarter 2021 – 58 cases for a total of $4350.00. Robert Jones added that next month we will have to do the yearly audit for the Courts, he will get clerks to run this report. Girard Kelly motioned to accept Justice Szucs report; seconded by Donald Case.

Elwyn Gordon Absent

Skip Hecker Aye

Robert Jones Aye

Girard Kelly Aye

Donald Case Aye

Robert Jones added the Justice Szucs is now the Justice of Caneadea and Alma.

**Dog Control Report:** Robert Jones reported that Rick Abbott called him today and had nothing to report. Robert Jones distributed the Municipal Shelter Inspection Report from NYS Ag & Markets noting a satisfactory rating.

**Assessor/Real Property Report:** No report given

**Code Enforcement/MACE:** Robert Jones reported that M.A.C.E. has hired a third inspector, Corry Burrows.

**Highway report:** Robert Jones distributed a report to the Board from Mike Trivisondoli, Highway Superintendent.

**Cemetery Fence:** Robert Jones distributed the advertisement for bids for the Cemetery fence project. Robert Jones submitted this to the Town Clerk to advertise it in the paper for one day. He added that if there is anyone the Town Board knows of who might want to bid on this to let him know. The advertisement will read as follows:

Advertisement for Bid

Please take notice:

The Town of Angelica is seeking bids for the purchase and installation of a new, black iron/coated steel ornamental fence in front of the Until the Day Dawn Cemetery on East Main Street in the Village of Angelica. This fence will be approximately 576 feet in length and 42 inches high. The bid must include all fencing materials, posts, and fasteners as well as all labor for the installation. Detailed specifications for the aforementioned fence are available to any interested bidder at the office of the Town of Angelica, Supervisor Robert Jones, 60 Olean Street, Angelica, NY, by appointment only or by email. To arrange an appointment or to request specs please call 585-610-0024. Bids must be received on or before Friday, February 25, 2022, by 12:00 p.m. at which time they will be publicly opened and read aloud at the Office of the Town Supervisor. The Town reserves the right to accept or reject any or all bids or accept the bid that is in the best interest of the Town of Angelica.

Robert Jones

Supervisor, Town of Angelica

**Hyland:** Robert Jones reported that the 4th quarter 2021 check has been received and deposited, that check was for $283393.46. He distributed the DEC monitoring report for January 2022, no issues noted. He also distributed a letter from Casella Waste Systems noting that pursuant to our agreement, executed 2/14/2005, our per tonnage fee will increase to $2.37 per ton effective 1/1/22 for all tons during 2022. This is due to Casella being obligated to adjust our host fee rate to the higher of $1.65/ton or 7.17% of the average price per ton for time period 10/1 thru 9/30.

**Miscellaneous:**

**Farmers Market:** Robert Jones reported that he believes all of the issues with the Farmers Market have been resolved. The Market season for 2022 will be May 28th through October 22. There was some discussion regarding insurance and R. Jones noted that Don Ash turned in the insurance certificates for the Farmers Market, the Market manager will be Ron Cobin. Donald Case motioned to execute the agreement with the Farmers Market; seconded by Girard Kelly.

Elwyn Gordon Absent

Skip Hecker Aye

Robert Jones Aye

Girard Kelly Aye

Donald Case Aye

Robert Jones added that we have been paid in full for the damaged park bench, $1619.75.

**Employee handbook:** Robert Jones would like the Board to tell him if there are any errors, omissions, corrections or deletions that need to be made. He had some suggestions from the Highway crew: call-in time 4 hours (like the County, Town of Granger and Town of Almond), Comp Time able to Comp up to 80 hours, longevity pay like at Allegany County; 7 years .28/hour, 10 years .46/hour, 15 years .60/hour, 20 years .84/hour and 25 years .96/hour. There was some discussion on this. R. Jones would like the handbook adopted in March if possible.

**Skip Hecker:** Skip reported that Atty. Strassel didn’t think he had to be here tonight. Skip would like the attorney issue to still be on the table. Skip did some research and from what he has read it is not ethical to have the same Attorney for both the Town and the Village. Everything Skip researched says to not do it. There was more discussion on this topic. Robert Jones distributed a sheet showing what had been paid to Richardson & Pullen from 1/1/19 - 1/31/22 - $23035.88. He feels the only time there might be a problem is with this water district but he does not foresee a problem. There continued to be discussion on this and the need for an attorney soon for the water district business. Skip Hecker also has concerns over the way Rich Buck talks to residents. The discussion on this continued.

Robert Jones asked the Board what they want to do for an attorney for the Water District issue. Again, the discussion continued.

Skip asked about the cemetery trees. Robert Jones responded that he has talked with Aaron McGraw and he is going to contact Mike Trivisondoli this week.

**Rob Chamberlain:** Rob stated that he has never had an issue with Richardson & Pullen throughout his time dealing with the DEC. The one thing he did not like was when Pullen was trying to sell the Town the “Win Win” wireless package. He felt that was unprofessional. Rob then asked some questions regarding the water district and that fact that it’s not right to ask them to pay for a water district that is not available to them. Robert Jones added that there should be very little that the Town will pay for. Robert Jones added that in most cases like this, those people who are affected will pay more for their water. Guy Starck asked if his taxes will go up because of this, Robert Jones said no.

**Harold Mitchell:** Harold is concerned with the expansion of the stinky dump on the hill. Harold knows that the Town is getting money for this but does not feel that the Town is thinking of the future residents and kids. He is worried about the leachate, the smell and water contamination. He is having the creek tested by his house, there are things growing there that he has never seen grow there before. Robert Jones added that the leachate from that site is collected and trucked to a municipal sewer system. Harold is worried about when it starts leaking with the additional tonnage due to the expansion. Harold just wants the Board to know that he is against the expansion. Robert Jones noted that Hyland went from an Ash monofil to a municipal solid waste landfill. Skip Hecker added that it could be coming from the County landfill that isn’t monitored nor inspected. Harold’s other concern is he is wondering what the Town’s Junk Law ordinance is. Robert Jones responded that we do not have one. Harold said there is a Junk Yard operation going on in Town and nothing is being done about it, he is sick of it. He wants to know what is going to be done about it. Robert Jones told Harold Mitchell that he needs to make a call to the NYS DEC, tell them the location and what is going on there. Harold responded that they don’t care about them because they are not a registered business, they only control those they are registered like Harold is. Harold then asked about code enforcement and asked if the Town has a Junk Yard Ordinance. Robert Jones said we use to. Harold went on to say that this place operates 7 days a week, that’s a business. Donald Case thought that a complaint needed to be made to the Building Inspector/Code

Enforcement. Robert Jones added that the Town is not an enforcement agency. Harold was told that he, as a business owner, can’t make a call about somebody else. Robert Jones said again to contact the DEC, there is a confidential tip line. Rob Chamberlain spoke and said that he thought there use to be a Junk Yard Law, he remembers something from 15-20 years ago at Radley’s residence. Robert Jones said he doesn’t know.

**Robert Chamberlain:** He added that he would think it would be a whole lot cheaper to pay for those residents to dig their own wells.

**Donald Case:** Don stated that we need to start thinking about equipment repair.

**Robert Jones:** Robert Jones stated that he still needs to know what we are doing for an attorney for this water district issue. Skip Hecker stated that because of the urgency of this, he feels we are forced to at least go another year with Buck. Skip Hecker made a motion to have Robert Jones execute the retainer agreement with Richardson, Pullen and Buck; Girard Kelly seconded the motion because we have to get this water issue going. Skip Hecker added that this issue is not dead.

Elwyn Gordon Absent

Skip Hecker Aye

Robert Jones Aye

Girard Kelly Aye

Donald Case Aye

Robert Jones adjourned the meeting at 8:46 P.M.

Respectfully submitted,

Sharon Presutti

Angelica Town Clerk