

Robert Breton, Supervisor
Town of Franklinville
Andrea L. Stanbro, Clerk

Heather Stevens, Councilwoman
Kim Palmatier, Councilwoman
John Tinelli, Councilman
Joseph Weaver, Councilman

DATE: October 11, 2022

RESOLUTION NUMBER: 36 YEAR: 2022

MOVED BY: Mr. Weaver SECOND BY: Mrs. Palmatier

TITLE: **Resolution Opposing Senate Bill S.9517 and Assembly Bill A.10644;**

WHEREAS, Senate Bill S.9517 and Assembly Bill A.10644 propose another layer of rules and regulations on cemetery corporations under the Not-for-Profit Corporation Law, and

WHEREAS, this legislation would require cemetery associations to carry liability insurance to cover claims filed if someone is injured or is killed by the collapse of any cemetery monument or marker; it would also require a cemetery corporation to carry liability insurance for monuments and other embellishments on a plot or cemetery lot, and

WHEREAS, activities like excavating a grave, setting concrete vaults, excavating foundations, concrete pouring, monument installation, maintenance and use of heavy machinery would require guidance from a licensed engineer, and

WHEREAS, cemeteries would also be required to remain available for grave openings and interments outside of normal business hours in the case of persons belonging to a religious and/or ethnic tradition that requires burial or interment prior to sunset on the date of the person's death, and

WHEREAS, those cemetery corporations that maintain and designate a burial section for persons of a particular religious belief or ethnic tradition would be required to appoint an inspector to ensure the cemetery is in compliance with the applicable rules and regulations governing those religious beliefs or ethnic traditions with respect to burials; inspectors would be appointed in consultation with local religious leaders, and

WHEREAS, this legislation also requires the cemetery corporation to disclose to a person purchasing a plot in the cemetery the condition of the soil under such lot, plot or part thereof, including but not limited to the existence of groundwater or any other defects or past disturbances which may substantially impair or alter the natural condition of the soil, and

WHEREAS, this legislation would create a huge financial burden upon the small rural cemetery corporations in Cattaraugus County by requiring them to hire a licensed engineer or excavating company to perform excavation work in the cemetery, purchase additional liability insurance to insure monuments and other embellishments belonging to individual plot owners, hire a religious inspector, and compensate cemetery employees to keep the premises open after normal business hours for grave openings and interments outside normal business hours, and

WHEREAS, this legislation would also require the cemetery corporation to contract for services to determine the soil conditions creating an additional financial burden on them, and

WHEREAS, the rural cemetery corporations of Cattaraugus County do not have adequate funds to support the additional financial burden this legislation would impose upon them,

WHEREAS, if cemetery corporations fail, the Towns in which their cemeteries are located become fiscally responsible for these cemeteries and their statutory obligations and most rural towns, including this town, the Town of Franklinville, do not have the financial ability to sustain such costs, therefore, be it

RESOLVED, that the Franklinville Town Board hereby opposes Senate Bill S.9517 and Assembly Bill A.10644 and the amendments to the Not-for Profit Corporation Law contained therein as creating an enormous financial burden upon the rural cemetery corporations in Cattaraugus County, and be it further

RESOLVED, that the Town Clerk of Franklinville is hereby directed to forward certified copies of this resolution to Governor Kathy Hochul, Senate Majority Leader Andrea Stewart-Cousins, Senate Minority Leader Rob Ortt, Assembly Majority Leader Crystal D. Peoples-Stokes, Assembly Minority Leader William Barclay, Senator George Borrello, Assemblyman Joseph Giglio, and the Inter-County Association of Western New York.

The resolution as stated above is hereby adopted by a majority vote of the Town of Franklinville Town Board at an official meeting held on the 11th day of October in the year 2022, the ayes and nays take and recorded below:

Aye Robert Breton, Supervisor
Aye Kim Palmatier, Councilwoman
Aye Heather Stevens, Councilwoman
— John Tinelli, Councilman Absent.
Aye Joseph Weaver, Councilman

CERTIFIED: Andrea L Stanbro
Andrea Stanbro, Clerk
Town of Franklinville

Robert Breton, Supervisor
Town of Franklinville
Andrea L. Stanbro, Clerk

Heather Stevens, Councilwoman
Kim Palmatier, Councilwoman
John Tinelli, Councilman
Joseph Weaver, Councilman

DATE: October 11, 2022

RESOLUTION NUMBER: 37 YEAR: 2022

MOVED BY: Mrs. Stevens SECOND BY: Mr. Weaver

TITLE: **Resolution Accepting Resignation and Making Appointment to Zoning Board of Appeals;**

WHEREAS, the Town of Franklinville Town Board has received the resignation of Kim Palmatier as Secretary of the Zoning Board of Appeals and hereby accepts the same; and

WHEREAS, the Town of Franklinville Town Board needs to appoint a new Secretary to the Zoning Board of Appeals, and now therefore be it

RESOLVED, that the Town hereby appoints Caitlyn Carson as the Secretary of the Town of Franklinville Zoning Board of Appeals effective immediately; and be it further

RESOLVED, that a copy of this resolution be transmitted to Mr. Craig Balcer, Chairman to the Zoning Board of Appeals.

The resolution as stated above is hereby adopted by a majority vote of the Town of Franklinville Town Board at an official meeting held on the 11th day of October in the year 2022, the ayes and nays take and recorded below:

Aye Robert Breton, Supervisor

Abstained Kim Palmatier, Councilwoman

Aye Heather Stevens, Councilwoman

— John Tinelli, Councilman

Aye Joseph Weaver, Councilman

CERTIFIED: Andrea L. Stanbro
Andrea Stanbro, Clerk
Town of Franklinville

Robert Breton, Supervisor
Town of Franklinville
Andrea L. Stanbro, Clerk

Heather Stevens, Councilwoman
Kim Palmatier, Councilwoman
John Tinelli, Councilman
Joseph Weaver, Councilman

DATE: October 11, 2022

RESOLUTION NUMBER: 38 YEAR: 2022

MOVED BY: Mr. Weaver SECOND BY: Mrs. Stevens

TITLE: **Resolution Authorizing the Submission of Justice Court Assistance Program (JCAP) Grant Application;**

WHEREAS, the Justice Court Assistance Program (JCAP) provides grant funds for local justice courts through a competitive grant process; and

WHEREAS, the Town of Franklinville is desirous of seeking grant funds for the improvement of Court facilities whenever possible; now therefor be it:

RESOLVED, that:

The Board of the Town of Franklinville authorizes the Franklinville Town Court to apply for a JCAP grant in the 2022-2023 grant cycle up to \$30,000.00.

Be it further

RESOLVED, that if funds are so awarded will be used for security and technological enhancements at the Court in the Town Hall; and be it further

RESOLVED, that such grant application shall be submitted by the deadline of October 14, 2022.

The resolution as stated above is hereby adopted by a majority vote of the Town of Franklinville Town Board at an official meeting held on the 11th day of October in the year 2022, the ayes and nays take and recorded below:

Aye Robert Breton, Supervisor

Aye Kim Palmatier, Councilwoman

Aye Heather Stevens, Councilwoman

— John Tinelli, Councilman

Aye Joseph Weaver, Councilman

CERTIFIED: Andrea L. Stanbro
Andrea Stanbro, Clerk, Town of Franklinville