

MINUTES  
WARSAW TOWN BOARD  
REGULAR & ORGANIZATIONAL MEETING  
JANUARY 12, 2022

Supervisor Rebecca Ryan calls the meeting to order t 6:00 p.m. at the Warsaw Town Office located at 83 Center Street Warsaw, NY 14569 at which time and place the following were:

PRESENT:

Supervisor:	Rebecca Ryan
Councilman:	Chris Lonneville
Councilman:	Dave Mateer
Councilman:	Steve Perkins
Councilman:	Travis Jones

ALSO PRESENT:

Town Attorney:	Dave DiMatteo
Town Clerk:	Cathy Smith
Highway Superintendent:	Jeff Royce
Historian:	Sally Smith
Zoning Officer:	Bob Martin

GUESTS:

Jerry Hill; Calamar Attorney, Calamar residents: Deb Baker, Donald Reed, Carolyn Miller, Sheila Tisdale, Roger Tisdale, Frank Miller, Donna Morgan, Carol Gear, Kathy Miller and Mary. Citizens for constitutional sanctuary: Dan Walczak, Leslie Walczak, Ingrid Larish, Lisa Hummel, Mark Roberts, Bill Wilkinson, James Mclaughlin, Mark Green. Town resident: Donna Perkins

Pledge of Allegiance

Guest time: Dan Walczak. Mr. Walczak brought several visitors with him asking the town board to consider a town resolution for a constitutional sanctuary. Local business owner Ingrid Larish read what her family experienced living in Germany during World War II and what moving to America meant to them. Brenda Hanson who was involved in the constitutional sanctuary for Cattaraugus County spoke about our rights being taken away.

Supervisor Ryan stated that she would like to review the resolution as well as other documents with the Town Attorney. Mr. Walczak answered that the same thing was said last month. Ms. Ryan said that the resolution would have to be drawn up. Steve Perkins asked if the town should have a sub-committee. Steve Perkins and Travis Jones will gather more information and bring it back to the board.

Library events and construction update. Updated by Travis Jones. The library has voted on moving forward with Bero Architects with a bid of \$14,600. The agreement is clearly defined and there will be more detailed billing.

Chris Lonneville asked if Travis had a copy of the bid. He did not and continued that Attorney DiMatteo has not seen anything but will get the bid to him before the next meeting.

A motion was made by Dave Mateer and seconded by Steve Perkins to approve the Airport vouchers. Carried: AYES: 5, NAYS: 0

With a correction to the Architects name from Barrow to Bero. A motion was made by Chris Lonneville and seconded by Travis Jones to approve the year end minutes of December 29, 2021. Carried: AYES: 5, NAYS: 0

A motion was made by Dave Mateer and seconded by Travis Jones to approve the Monthly Budget report. Carried: AIF

A motion was made by Chris Lonneville and seconded by Steve Perkins to approve the Supervisors report. Carried: AYES: 5, NAYS: 0

A motion was made by Travis Jones and seconded by Dave Mateer to approve the vouchers as follows: Carried: AYES: 5, NAYS: 0

General: \$9,657.20 Vouchers 01-12

Highway 1: \$2,714.36 Vouchers 01-02

Highway 3: \$1,326.67 Vouchers 03-10

Sewer: \$430.51 Vouchers 01-02

Airport report: A motion was made by Dave Mateer and seconded by Steve Perkins to approve the Engagement letter from Attorney DeMatteo's for Airport Appraisals, additional services. All bills are to be sent to the Perry-Warsaw Airport Commission.  
Carried: AYES: 5, NAYS: 0

Cemetery report: Given by Liaison Chris Lonneville. The cemetery met last evening to discuss the challenges that the cemetery faces and the potential takeover that has been ongoing for the last 4 years. The Committee decided to have Attorney DiMatteo draft a letter to Craig Wolcott asking for clarity on modified services. The care and quality are to remain the same as it has been. Maps of the lower east and west area are still in Craig Wolcott's possession. Key for the mausoleum will be requested as well.

Historian report: Given by Sally Smith. Working of Airport information. Have provided older pictures of Warsaw and surrounding areas to Shenanigans Restaurant. Looks good and will be adding more.

A motion was made by Chris Lonneville and seconded by Dave Mateer to approve the Clerk report. Carried: AYES: 5, NAYS: 0

Calamar report: Notice of Public Hearing for modification to the PUD of the Calamar Senior Housing Facility and Resolution for Amendment to the PUD for Calamar and Authorization of Escrow Agreement

Zoning report: Given by Bob Martin. A Public Hearing will be held on January 27, 2022 to consider a revised site plan for PUD. The road is not what was envisioned. Given the deficiencies the Town Highway superintendent will not accept the road.

A meter pit should be installed in case there are any breaks in the line. The water will pass through the meter and provide an accurate read of gallons lost.

Engineer JP Schepp discussed future problems if lots 3 & 4 are developed that another meter pit may be needed. Shane Evans and the project manager agree that this can be done for \$50,000 to \$75,000. \$75,000 from Calamar will be put into escrow.

The other question is how to get to Lot 3 & 4. Attorney DiMatteo answered that Calamar would be responsible for that. The Public Hearing is to accept the site plan showing the driveway.

The water at Calamar was shut off from midnight until 3 a.m. due to a pressure issue. Jerry Hill of Calamar said that Calamar is a great project. It is 100% full. Let's get the last piece done and move on.

Chris Lonneville asked if the \$75,000 would be sufficient. Attorney DiMatteo answered yes. Steve Perkins added that Calamar would purchase the meter and the district pays for maintenance.

A motion was made by Steve Perkins and seconded by Travis Jones to approve the "Resolution of the Town Board Amendment to PUD For Calamar and Authorization of Escrow Agreement. ROLL CALL: 5-Ayes. Rebecca Ryan, Chris Lonneville, Dave Mateer, Steve Perkins, Travis Jones.

### NOTICE OF PUBLIC HEARING TOWN OF WARSAW

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town Board of the Town of Warsaw at the Town Hall located at 83 Center Street, Warsaw, New York on the 27<sup>th</sup> day of January 2022 commencing at 3:00 p.m. to give citizens the opportunity to consider a final map depicting the modifications made to the Planned Unit Development ("PUD") of the Calamar Senior Housing Facility.

**ALL PERSONS INTERESTED IN THE SUBJECT MATTER OF THIS HEARING  
WILL BE ENTITLED TO BE HEARD AT THE TIME AND PLACE THEREOF**

Copy of the proposed final map is available for review at the Town Clerk's Office during regular office hours.

Cathy Smith, Clerk  
Town of Warsaw

**VIEWS**  
Vol. 25, Issue 22 - Thursday, Jan 20, 2022

mail a copy of any process  
6-1585 Simmons Road  
Perry, New York 14530  
#21-26

Copy of the proposed  
final map is available for  
review at the Town Clerk's  
Office during regular of-  
fice hours.  
Cathy Smith, Clerk  
Town of Warsaw  
1922

NOTICE OF PUBLIC  
HEARING  
TOWN OF WARSAW  
NOTICE IS HEREBY  
GIVEN that a public hear-  
ing will be held by the  
Town Board of the Town  
of Warsaw at the Town  
Hall located at 83 Center  
Street, Warsaw, New York  
on the 27 day of January  
2022 commencing at 3:00  
p.m. to give citizens the  
opportunity to consider  
final map depicting the  
modifications made to  
the Planned Unit Devel-  
opment ("PUD") of the  
Calamar Senior Housing  
Facility.  
ALL PERSONS INTER-  
ESTED IN THE SUBJECT  
MATTER OF THIS HEAR-  
ING WILL BE ENTIT-  
LED TO BE HEARD AT  
THE TIME AND PLACE  
THEREOF

**TOWN OF WARSAW  
RESOLUTION OF THE TOWN BOARD  
AMENDMENT TO PUD FOR CALAMAR AND AUTHORIZATION OF ESCROW  
AGREEMENT**

Adopted: JANUARY 12, 2022

The Town Board of the Town of Warsaw met at a regular board meeting at the Town Hall located at 83 Center Street, Warsaw, New York, on the 12<sup>th</sup> day of January, 2022, commencing at 6:00 p.m. and the following members were:

Present:	Supervisor	<u>Rebecca Ryan</u>
	Council Member	<u>Chris Lonneville</u>
	Council Member	<u>Dave Mateer</u>
	Council Member	<u>Steve Perkins</u>
	Council Member	<u>Travis Jones</u>
Absent:	_____	_____

**WHEREAS**, all Board Members, having due notice of said meeting, and that pursuant to Article 7, §104 of the Public Officers Law, said meeting was open to the general public and due and proper notice of the time and place whereof was given as required by law; and

**WHEREAS**, pursuant to Governor Andrew Cuomo's Executive Orders put into place in consideration of the COVID-19 pandemic said meeting was held in accordance with social distancing protocol; and

**WHEREAS**, by resolution dated August 10, 2016, the Town Board of the Town of Warsaw adopted a Planned Unit Development ("PUD") for the Calamar Senior Housing project; and

**WHEREAS**, since the onset of the project, various modifications have been made to the facility and the original sketch plan for the PUD does not accurately reflect the facility as currently built; and

**WHEREAS**, the Town Board of the Town of Warsaw is considering an amendment to the established PUD in accordance with Article IX, § 909(N) of the Zoning Law of the Town of Warsaw; and

**WHEREAS**, the Town Board finds it in the best interest of the Town of Warsaw to hold a public hearing on the amendment of the PUD and the final map of the Calamar Senior Housing Facility; and

**WHEREAS**, the Town Board feels it is in the best interest of the Town of Warsaw authorize the Town Supervisor, Rebecca Ryan, to enter into an agreement with Calamar for \$75,000.00 to be held in escrow by Attorney David M. DiMatteo, as the Town Attorney, for the installation of a meter pit and meters to read the water usage along the private drive.

**NOW ON MOTION OF** Steve Perkins which has been duly seconded  
by Travis Jones, be it \_\_\_\_\_

**RESOLVED**, that the Town Board of the Town of Warsaw will hold a public hearing on

the proposed adoption of said amendment to the established PUD and the final map of the Calamar Senior Housing Facility on the 27<sup>th</sup> day of January 2022 at 3:00 p.m., at which time all interested parties and citizens for or against the proposed law will be heard; and be it further

**RESOLVED**, that the Town Board of the Town of Warsaw hereby authorizes and empowers Rebecca Ryan, Supervisor of the Town of Warsaw, to execute and enter into such agreement on behalf of the Town for the installation of a meter pit and meters to read the water usage along the private drive.

Ayes: 5

Nays: 0

Quorum Present:  Yes  No

Dated: January 12, 2022, 2022

ROLL CALL: 5 AYES

[SEAL] Rebecca Ryan, Chris Lonneville, Dave Matech, Steve Perkins, Travis Jones

*Cathy Smith*

Cathy Smith, Clerk  
Town of Warsaw

Bob Martin add that permits issued for the month were for a special use permit to sell used cars. Will be limited to 12 cars. Has to go on to the county then back to the Planning Board, used Community events:

There has been a change in the Planning Board Operating By-Laws regarding meetings. Regardless of the number of issues addressed at the meeting it only counts as one. If the meeting is reconvened it does not count as another meeting.

There is a proposed solar project on Curtis and Rte. 19 which will include about 60 acres of land. Mr. Martin has informed the party that Type II solar projects are not permitted. Mr. Martin was asked to consider rezoning and replied that spot zoning is not allowed Dave Mateer said that we have be sure to not set a set a precedence.

Mr. Martin continues that Liberty Energy has a proposed wind project east of the valley. It is his understanding that representatives from the company have already reached out to property owners for leasing their property. Mr. Mateer asked about the flight path for the airport.

Highway report was given by Jeff Royce. Mr. Royce has received 3 generator quotes and would like the highway department to be an emergency site. Bids were obtained from Stitzman, Royce Electric and Beardsley. Beardsley was the lowest quote of \$38,280 but does not include the concrete pad. Royce was \$42,100 and Stitzman was \$48,000. Quotes include complete install and electric.

Chris Lonneville recommends going with Beardsley. Wait time is about 6 months. Would need to set up draws. The town has budgeted \$40,000 but the purchase could be paid from emergency funds.

A motion was made by Dave Mateer and seconded by Chris Lonneville to go with Beardsley for the generator. Carried: AYES: 5, NAYS: 0

Chris Lonneville will work with the county to have the building classifies as an established site.

Jeff Royce mentioned that the barn at the corner of Wyoming Street and Buffalo Road was discussed at the Traffic Safety Board. There are safety concerns. Dave Mateer mentioned that he met with a government official at the barn. There are several things that can be done. The County Zoning Officer can condemn it, the town can purchase it and tear it down and remove the debris. Mr. Mateer continues that the barn affects many people and something needs to be done.

Steve Perkins asked if there was any resistance from the owner. The answer was yes. Supervisor Ryan stated that we should sit with Devon and talk to him about this issue. Steve Perkins will meet with Devon. Dave Mateer offered as well if needed.

There was a brief discussion on the turn around on Burkehill Road. Mr. Royce stated that it was not a state road and he has not plowed it. The property owner call and complained. Mr. Royce says he does not get any CHIPS money so he is not going to plow. The town can wait 7 years and condemn it.

Community events: Ice Cream for Breakfast February 5th

Correspondence: nothing

Economic development: nothing

### **Organizational**

2022 Town Board Meetings, Planning Board Meetings and Holiday Schedules have been advertised in the Country Courier per the meeting of December 08, 2021 and are available to view on the town's website

A motion was made by Chris Lonneville and seconded by Dave Mateer to designate Five Star Bank for deposits for Supervisor, Town Clerk and Justices. Carried: AYES: 5, NAYS: 0

A motion was made by Steve Perkins and seconded by Travis Jones to authorize Supervisor to withdraw, deposit or invest monies for the Town. Carried: AYES: 5, NAYS: 0

A motion was made by Steve Perkins and seconded by Chris Lonneville to authorize payment of insurance and gas bill for the Gates house not to exceed \$4,000 annually. Carried: AYES: 5, NAYS: 0

A motion was made by Dave Mateer and seconded by Steve Perkins to approve mileage rate of .58 for using personal vehicle for Town business. Carried: AYES: 5, NAYS: 0

A motion was made by Dave Mateer and seconded by Travis Jones to approve the Country Courier as the official newspaper for the Town. Batavia Daily as secondary and the Warsaw Penny Saver to be used as needed. Carried: AYES: 5, NAYS: 0

A motion was made by Dave Mateer and seconded by Chris Lonneville to approve the following 7 appointments. Carried: AYES: 5, NAYS: 0

\*Reappoint Bob Martin as Zoning Officer for a 1-year term ending 12-31-2022

\*Supervisor Ryan’s appointment of Dave Mateer as Deputy Supervisor for a 1-year term ending 12-31-2022

\*Appoint Cathy Smith as Registrar of Vital Statistics for a 1-year term ending 12-31-2022

\*Appoint Theresa Radley as Deputy Clerk for a 1-year term ending 12-31-2022

\*Appoint Theresa Radley as Deputy Tax Collector for a 1-year term ending 12-31-2022

\*Appoint Theresa Radley as Deputy Registrar of Vital Statistics for a 1-year term ending 12-31-2022

\*Approve Theresa Radleys pay rate of \$13.20

A motion was made by Steve Perkins and seconded by Travis Jones to approve the Highway Superintendents appointment of Terri Daniel as Deputy Highway Superintendent for a 1-year term ending 12-31-2022. Carried: AYES: 5, NAYS: 0

A motion was made by Travis Jones and seconded by Steve Perkins to approve part time MEO’S (Machine Equipment Operators) rate of \$13.20 per hour. Carried: AYES; 5, NAYS: 0

A motion was made by Chris Lonneville and seconded by Dave Mateer to approve the amount to be spent by Highway Superintendent Jeff Royce in case of an emergency without Town Board approval for an amount up to \$1,000 and for an amount up to \$3,000 with the Highway Committee or Supervisor approval. Carried: AYES: 5, NAYS: 0

A motion was made by Dave Mateer and seconded by Chris Lonneville to appoint Sally Smith as Town Historian for a 1-year term ending 12-31-2022. Carried: AYES:5, Nays: 0

Approved previously are the Town salaries for elected officials:

Supervisor: Rebecca Ryan	\$6,200
Town Clerk/Tax Collector: Cathy Smith	\$32,000
Highway Superintendent: Jeff Royce	\$57,702.00
Councilman: Chris Lonneville:	\$2,195.00
Councilman: Dave Mateer	\$2,195.00
Councilman: Steve Perkins	\$2,195.00
Councilman: Travis Jones	\$2,195.00
Justice: Ron Errington	\$6,500.00

Justice: Bob Fusani

\$6,500.00

**2022 Budget is posted on the town's website**

A motion was made by Dave Mateer and seconded by Travis Jones to approve Court Clerk Carolyn Posts pay rate of \$15.45 not to exceed budgeted amount of \$9,000.00. Supervisor Ryan and Dave Mateer will meet with her. Carried: AYES: 5, NAYS: 0

A motion was made by Travis Jones and seconded by Steve Perkins to approve Pat Wagner to fill in as Town Court Clerk as needed at a pay rate of \$15.45. Carried: AYES: 5, NAYS: 0

A motion was made by Dave Mateer and seconded by Travis Jones to approve the following. Carried: AYES: 5, NAYS: 0

\*Retain Attorney David DiMatteo as Town Prosecutor with an annual compensation of \$2,750.00 for 1 year ending 12-31-2022. Same as last year.

\*Retain Attorney David DiMatteo as Town Attorney with an annual compensation of \$3,600.00 for 1 year ending 12-31-2022. Same as last year.

Supervisor Ryan appointed the following as committee members for a 1 year term ending 12-31-2022

Airport: Steve Perkins with Dave Mateer as an alternate. Meetings are held the 4<sup>th</sup> Monday of the month at 7:00 p.m.

Highway: Dave Mateer and Chris Lonneville to meet the Friday before the Town Board meeting at 8:00 a.m.

Library: Travis Jones

Cemetery: Chris Lonneville

Justice Audit: Dave Mateer

Youth: Chris Lonneville and Travis Jones

Economic Development: Steve Perkins and Rebecca Ryan

Sewer/Water: Dave Mateer and Travis Jones

Finance: Chris Lonneville

Approved previously to retain Kaufman Utz LLC as Town Bookkeeper for one year ending 12-31-2022 in the amount of \$17,100 which will be billed at a monthly amount of \$1,425. Additional services will be billed monthly. Same as last year.

A motion was made by Dave Mateer and seconded by Chris Lonneville to approve the Supervisor, Highway Superintendent, Town Clerk, Zoning Officer, Justices, Court Clerk and Board Members to attend respective schools/training for 2022. Training is paid for by the respective entity. Time required to take the training cannot be not claimed for reimbursement. Carried: AYES: 5, NAYS: 0

Review appointments of the following Warsaw Planning Board (town) members as follows:

Heather Aldrich: Chairwoman with a term ending 09-30-2022

Don McKeown with a term ending 09-30-2022

Tim Meyer with a term ending 09-30-2026

Kim Sobus with a term ending 09-30-2024

Colleen Pac as Secretary for a 1-year term ending 09-30-2022

**Terms can be found on the town website**

A motion was made by Travis Jones and seconded by Dave Mateer to approve pay as follows: Chairman and Secretary \$35 per meeting. Members to be paid \$30 per meeting. Chairman and Town Board Members to be paid by the Town. Secretary and Village Board Members to be paid by the Village. Carried: AYES: 5, NAYS: 0

Review appointments of the following Warsaw Zoning Board of Appeals (town) members as follows:

Ron Smith: Chairman with a term ending 09-30-2022

James Keough with a term ending 09-30-2026

Dan Lacey with a term ending 09-30-2022

Vacancy with a term ending 09-30-2024. Travis Jones will reach out to Dick Waite

**Terms can be found on the website**

Review 5-year appointments of the Board of Assessment Review (BAR) as follows:

Bob Martin: Chairman with a term ending 09-30-2025

Kim Sobus with a term ending 09-30-2024

Barb Barber with a term ending 09-30-2023

**Terms can be found on the website**

A motion was made by Chris Lonneville and seconded by Steve Perkins to approve Board of Assessment Review (BAR) pay as follows: Chairman \$200 and \$150 per member.

Carried: AYES: 5, NAYS: 0

Review Workplace Violence Policy – no changes

Review Hazmat Policy – equipment and updated contact changes

Review Purchasing Policy – no changes

A motion was made by Steve Perkins and seconded by Travis Jones to approve the amended Joint Planning Board Operating By-Laws: if a meeting is reconvened it does not count as a second meeting. Addressing multiple issues during the same meeting counts as one meeting. Approved by the Village on 01-05-2022. Carried: AYES: 5, NAYS: 0

Review Joint Zoning Board of Appeals agreement, no changes. No designated Secretary, no Operating By-Laws. Meetings are not being posted on the notice board

A motion was made by Steve Perkins and seconded by Travis Jones for review of the Sexual Harassment policy and MOU with Wyoming County. Carried: AYES: 5, NAYS: 0

A motion was made by Travis Jones and seconded by Dave Mateer to approve the Review MSDS Forms and First Aid Information – added 409 Multi Surface Cleaner, Clorox Disinfecting Cleaner and Glade Air Freshener. Carried: AYES; 5, Nays: 0

Working on year 2 of the 3-year fire contract

Calendar year 2022 \$64,851.00

Calendar year 2023 \$66,148.00

Shared Court Services agreement with the Village of Warsaw. DRAFT on new agreement being drawn up by Attorney DiMatteo.

Bailiff agreement with the Village of Warsaw. DRAFT on new agreement being drawn up by Attorney DiMatteo

Discussed the Elderly Agreement that the Town has with the Village of Warsaw. No written agreement on file but this is something that has been done for a number of years. The Town did not pay the village last year due to COVID

Reviewed water agreement in the amount of \$7,500 annually with the Village of Warsaw for reading of the meters, meter repair or replacement – no change. Steve Perkins noted that grant money has been approved but will not be available until 2023. Because the grant was signed off last year there is a statutory exemption

Reviewed sewer agreement with the Village of Warsaw at a rate to the Village in an amount equal to 2.0 times the standard rate – no change

Reviewed Petty Cash agreement – no change

A motion was made by Dave Mateer and seconded by Chris Lonneville to approve the BAS/Edmunds GovTech Clerk Licensing agreement. \$650 annually, same as last year. Carried: AYES: 5, NAYS: 0

A motion was made by Chris Lonneville and seconded by Travis Jones to approve the Williamson Law Annual Software Support Contract (tax collection) in the amount of \$432 an increase of \$39. Carried: AYES: 5, NAYS: 0

A motion was made by Travis Jones and seconded by Steve Perkins to approve Warren's Commercial Cleaning contract. Once a week cleaning has gone up from \$26 weekly to \$29 weekly. Once a month cleaning has gone up from \$72 weekly to \$79 weekly. Carried: AYES: 5, NAYS: 0

A motion was made by Steve Perkins and seconded by Travis Jones to approve the Warsaw Dry Cleaners contract. Town Hall \$41.50 carpets changed once a month. Highway \$37.00 carpets changed out every other week. Same as last year. Carried: AYES: 5, NAYS: 0

A motion was made by Dave Mateer and seconded by Chris Lonneville to approve the PlanTech maintenance/service agreement in the amount of \$3,900 annually, billed at \$325 monthly which includes 2 monthly service calls and 2 free call outs annually. Additional callouts will be billed at \$350 per. Same as last year. Carried: AYES; 5, NAYS; 0

Supervisor Ryan will talk to Bill Sykes regarding a County IT contract for services as needed.

Supervisor Ryan and Chris Lonneville will speak with Attorney DiMatteo regarding the MOU/Intermunicipal agreement with the Village of Warsaw for use of the John Deere.

A motion was made by Dave Mateer and seconded by Chris Lonneville to approve continued maintenance per the regular agreement with Ben Schultz for the website at an amount of \$100 quarterly. Carried: AIF:5, NAYS: 0

Tim Royce is retiring. There will be a luncheon at the highway department January 26, 2022 at noon. Supervisor Ryan will present him with a certificate for his 3 years of service to the Town Highway Department.

Steve Perkins and Travis Jones will speak with Attorney DiMatteo regarding the earlier discussion of constitutional sanctuary. Supervisor Ryan added that the Town does not have a mission statement.

A motion was made by Dave Mateer and seconded by Travis Jones to adjourn at 8:18 p.m.