

MINUTES

WARSAW TOWN BOARD

MARCH 09, 2022

Supervisor Rebecca Ryan calls the meeting to order at 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 Clerk:	Cathy Smith
Highway Super:	Jeff Royce
Historian:	Sally Smith
Zoning Officer:	Bob Martin

GUESTS:

Ingrid Larish, Dan Walczak, Susan Schell, Mark Hansen, Mark Roberts, Norm Gayford, Mark Green, Rick Stevens, David Almeter, David Mongiolo

Pledge of Allegiance

Guest time: Dan Walczak was present to answer any questions. Norm Gayford respectfully asked the Town Board to not put the resolution through. Dave

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Mongiello noted that his family has owned property on Wilder Road since the 50's. He loves the town and will be moving here eventually. Mr. Mongiello has studied constitutional law adding that elected officials are to help protect people's rights. As an example, hydroxychloroquine. Why is it that the government will not prescribe it to treat COVID? Mr. Mongilio spoke with a pharmacist that indicated it builds up the immunity so why isn't it being prescribed? People are purchasing the drug illegally.

Steve Perkins read the resolution as written from the special workshop meeting of February 15, 2022.

There was discussion on the words people and citizen. Ingrid Larish is a legal immigrant but is not a US citizen. Mark Green added that people involve illegals and legals. David Mongilio explained that in the constitution there is a difference between Citizen and citizen and suggested the correct way to spell it would be Citizen. Chris Lonneville made a couple of suggestions to be grammatically correct. All were in agreement.

Steve Perkins stated that we are accomplishing a lot with this resolution. Mr. Walczak turned towards the guests and told them that they need to get involved. He came to the board several months ago expressing his concerns, it has taken a long time to get to this point. Dave Mateer answered that because of people like him things get done.

A motion was made by Steve Perkins and seconded by Travis Jones to ADOPT the resolution with the suggested changes. ROLL CALL: 5 AYES – Rebecca Ryan, Chris Lonneville, Dave Mateer, Steve Perkins, Travis Jones.

RESOLUTION DECLARING THE TOWN OF WARSAW
TO UPHOLD THE CONSTITUTION OF THE UNITED STATES OF AMERICA
AND ITS AMENDMENTS
ADOPTED MARCH 09, 2022

WHEREAS, members of the Warsaw Town Board, being elected to represent the people of the Town of Warsaw, are duly sworn by their oath of office to uphold the Constitution of the United States and the New York State Constitution and Laws, including the New York Civil Rights Law, and

WHEREAS, the Warsaw Town Board stands in strong opposition to any mandate or law that would unconstitutionally restrict, or infringe upon, the rights by the Constitution of the United States and its Amendments, and

WHEREAS, the Warsaw Town Board is determined to uphold and protect the Constitution of the United States to protect the rights provided to its Citizens, and

WHEREAS, the Warsaw Town Board is dedicated to serving in a transparent business-like manner, promoting and improving our quality of life, our sense of community, and preserving the integrity of our small-town heritage while respecting the Constitution of the United States of America, be it

RESOLVED, that the Warsaw Town Board recognizes that Government must be limited and that the people must be free from unnecessary and arbitrary Governmental overreach and intrusions, and be it further

RESOLVED, that the Town Board hereby is committed to uphold and protect the rights given to its Citizens by the Constitution of the United States and its Amendments.

A motion was made by Steve Perkins and seconded by Travis Jones to ADOPT the resolution.
ROLL CALL: 5 AYES – Rebecca Ryan, Chris Lonneville, Dave Mateer, Steve Perkins, Travis Jones

Ayes: 5

Nays: 0

Absent/Abstain: 0

Quorum Present: X Yes No

Adopted: March 09, 2022

Cathy Smith, Clerk

Town of Warsaw

{SEAL}

Supervisor Ryan commented that we cannot be divided if so, we fail. There is not enough kindness. We need to come together to do better things. Not only do we need to protect our rights we also need to listen.

Mark Green asked for a copy of the resolution to present to the Town of Orangeville.

Library events and construction update were given by Travis Jones. There has been some update in the teen room. Miss Mary attended a course for teaching other programs geared towards those with special needs. The family program had 25 attendees. As for the construction have not heard anything from Attorney DiMatteo. Supervisor Ryan noted that he was out of town.

Dave Mateer asked the airport bill for DiMatteo, it is for the Airport Appraisals. A motion was made by Dave Mateer and seconded by Steve Perkins to approve the airport vouchers as presented. Carried: AIF

It was suggested to move the airport report up on the agenda to be done after the airport vouchers. Airport report was given by Steve Perkins.

Airport report was given by Steve Perkins. The SRE building is scheduled to start April 1st with 60 days to complete. Total for the NYS grant for the fuel farm is \$625,000.00 with a local 10% share of \$62,500.00 for the Towns of Perry and Warsaw. A resolution is required from both Towns. Brian Myers from Emergency Services met for the county emergency plan. Looking into replacing the terminal building. 2022 FAA funds can be used towards this. Ken Moses has been the Airport Manager for 10 years.

A motion was made by Steve Perkins and seconded by Dave Mateer to approve the minutes of February 09, 2022. Carried: AIF

A motion was made by Steve Perkins and seconded by Travis Jones to approve the work session minutes of February 15, 2022. Carried: AIF

Steve Perkins inquired on the budget line item for state retirement and if it was a one-time thing. Supervisor Ryan answered yes. A motion was made by Dave Mateer and seconded by Steve Perkins to approve the Monthly Budget report. Carried: AIF

A motion was made by Chris Lonneville and seconded by Dave Mateer to approve the Supervisors report. Carried: AIF

A motion was made by Dave Mateer and seconded by Travis Jones to approve the vouchers as presented. Carried: AIF

Cemetery report was given by Sally Smith. Forrest Lawn submitted a letter to the Cemetery Association stating that they are relinquishing the merger. Levi Wolcott has said that he will continue with the burials. There were no applicants for the cemetery mowing. The cemetery is requesting the towns help. Treasurer Gail Royce has calculated that if the town were to hire a seasonal laborer full time it would cost the town around \$15,600. The cemetery would repay the town by purchasing a lawnmower and a weed eater. Supervisor Ryan stated that anything over 30 hours is considered full time and would have to pay benefits which would be 47% on top of the pay and may want to consider 2-part timers.

Chris Lonneville asked for clarification on repayment with a lawnmower and a weed eater. Would it be a 40 hour a week position? Jeff Royce answered yes. Mark Hanson stated that we should be a bit more flexible. Dave Mateer noted that the weather would determine the mowing and maybe mow every other week and was in agreement with Mark Hanson on being flexible. Sally Smith answered that the mowing could be done 2 times monthly. Val Montgomery asked about getting help from the boy scouts. Sally Smith answered that we could not do that. Dave Mateer responded that maybe we could work on that. Mark Hanson noted that we need a plan A & B.

Chris Lonneville asked what would the towns encumbrance be, what is allowed and what is the towns perspective? Sally Smith added that they could get through until this fall. Supervisor Ryan added that it might help if we provide equipment. Levi Wolcott has said that he will continue with the burials. The annual cemetery meeting is April 14.

Historian report was given by Sally Smith. Georgann Almeter, Curator for the Gates House was contacted by Josh Gurney who is interested in purchasing the BRPD on Park Street but it has to be moved. Georgeann is looking into grant money as well as possible locations to move the building. Dave Mateer noted that Jim Rutowski has a couple of properties where it would be visible. Chris Lonneville asked what is the purpose? Sally Smith answered to preserve it so that it does not get torn down.

Clerk report was given by Cathy Smith. A breakdown of taxes collected was given. There was discussion on tickets being dismissed on dog violations. 2 tickets were reduced to a lesser amount than indicated by Ag & Markets and 3 tickets were dismissed. Cathy spoke with Justa about this and she feels that the Judges need to be reminded that we are working hard on following the Local Law not to mention that these people have been given additional time due to COVID. Justa will be asked to attend the next town board meeting. On 3-3-2022 PESH did an inspection on the Clerks records/ policies and the building. There were no violations. A motion was made by Dave Mateer and seconded by Travis Jones to approve the Clerks report. Carried: AIF

Zoning report was given by Bob Martin. The Calamar map was presented to show that the lot change includes the road and utilities. Supervisor Ryan signed the map. A motion was made by Travis Jones and seconded by Steve Perkins to return Scott Nichols escrow money in the amount of \$3,000. Carried: AIF. Permits issued as follows: Special use for a used car sale, Special use for firearms sales, a shed, firework sales and a land separation.

The Planning Board met last night and have sent a variance onto the ZBA adding that the ZBA still has a vacancy. Alyssa Cutcliffe approved a sandwich sign but did not provide enough information. The split with Tractor Supply has been sent on to MS. Cutcliffe regarding a sidewalk along Buffalo Road. Mr. Martin adds that this is a past issue. Mr. Martin feels that the Village Board should send a letter of violation as this was a part of the original agreement. The Town Hall passed the fire inspection

Highway report was given by Jeff Royce. On 3-3-2022 PESH did an inspection. Mr. Royce will be notified of his citations. Payroll was not correct for 2 employees. They did not get all of their overtime. Dave Mateer asked Mr. Royce about a replacement due to a person retiring. Mr. Royce will advertise. Truck 244 seems to be running OK, there was a spliced wire in the wiring harness. Busy servicing equipment for the spring, filling potholes and plowing. The John Deere mower quote given last year has gone up in price. It is now \$9,796.98. Mr. Royce would like permission to purchase it. Steve Perkins noted that due to the potential funding Mr. Royce should get 3 quotes.

The barn still stands on the corner of Buffalo and Sayre Roads. Hazardous Mitigation money is not a go.

TABLED from February 09, 2022 meeting is the Great Lakes monitoring bill. It was agreed to pay the bill as mentioned in the MOU with the Village of Warsaw for shared court services.

A motion was made by Chris Lonneville and seconded by Steve Perkins to sign the MOU with the Village for shared court services. Carried: AIF

A motion was made by Dave Mateer and seconded by Travis Jones to adopt the resolution for execution of the MOU with the Village of Warsaw for shared court services. Carried: AIF

**TOWN OF WARSAW
RESOLUTION TO AUTHORIZE THE EXECUTION OF THE
SHARED COURT SERVICES MOU WITH THE VILLAGE OF WARSAW**

WHEREAS, the Town Board of the Town of Warsaw met at a regular board meeting at the Town Offices of the Town of Warsaw, in the Town of Warsaw, New York on the 9th day of March 2022, commencing at 600 p.m., at which time and place the following members were:

<u>Present:</u>	Supervisor	<u>Rebecca Ryan</u>
	Councilman	<u>Chris Lonneville</u>
	Councilman	<u>Dave Mateer</u>
	Councilman	<u>Steve Perkins</u>
	Councilman	<u>Travis Jones</u>

Absent: _____

WHEREAS, all Town Board Members, having due notice of said meeting, and that pursuant to Article 7 Section 104 of the Public Officers Law (Public Meetings 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, the Village of Warsaw utilizes the Town of Warsaw's Town Hall for Village Court purposes; and

WHEREAS, the Town of Warsaw and the Village of Warsaw have previously entered an agreement with regard to shared court services (a copy of the previous agreement is annexed hereto as **Schedule A**); and

WHEREAS, the Town Board and Village Board agreed to revisit the terms of the agreement, and directed the Town and Village Attorney, David M. DiMatteo to create an updated Memorandum of Understanding (MOU); and

WHEREAS, on January 5, 2022, the Town Supervisor, Town Clerk, Mayor, Village Clerk, and Village Court Clerk met with the Town and Village Attorney, David M. DiMatteo to discuss the terms of the updated MOU; and

WHEREAS, an updated MOU has been prepared for Town Board and Village Board review (a copy of the updated MOU is annexed hereto as **Schedule B**); and

WHEREAS, the Town Board has reviewed the proposed MOU, and finds the terms of the MOU agreeable; and

WHEREAS, the Town Board of the Town of Warsaw believes it to be the best interest of the Town to enter into the MOU with the Village of Warsaw; and

NOW ON MOTION OF Chris Lonneville which has been duly seconded by,
Steve Perkins it is

RESOLVED, that the Town Board of the Town of Warsaw hereby authorizes the Town Supervisor, Rebecca Ryan to sign the MOU.

Ayes: 5
Nays: 0
Quorum Present: Yes No
Dated: March 09, 2022

(SEAL)

Cathy Smith
Cathy Smith, Clerk
Town of Warsaw

A motion was made by Chris Lonneville and seconded by Travis Jones to adopt the resolution to Approve Elijah H. McWhinney, Esq to appear on Town Attorney David DeMatteo's behalf in the event that Mr. DiMatteo is not available. Carried: AIF. ROLL CALL- 5 Ayes: Rebecca Ryan, Chris Lonneville, Dave Mateer, Steve Perkins, Travis Jones.

TOWN OF WARSAW
RESOLUTION

Adopted: 7 March 09, 2022

The Town Board of the Town of Warsaw met at a regular Town Board Meeting at the Town Offices of the Town of Warsaw located at 83 Center Street, Warsaw, New York on the 9th day of March 2022, commencing at 6:00 p.m. at which time and place the following members were:

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

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, DiMatteo & Roach Attorneys at Law have served as Prosecutor for the Town of Warsaw for many years, specifically Attorney David M. DiMatteo and Attorney David M. Roach; and

WHEREAS, the Town Board of the Town of Warsaw wish to continue to have David M. DiMatteo, and David M. Roach serve as the Town Prosecutors for the Town of Warsaw; and

WHEREAS, the Law Office has added a new Attorney to their Staff, Elijah H. McWhinney, and the Town Board of the Town of Warsaw wishes to approve his appointment as Prosecutor also on behalf of DiMatteo & Roach Attorneys at Law and the Town of Warsaw; and

WHEREAS, David M. DiMatteo and David M. Roach have assured the Board that they are confident in the abilities and skills of Elijah H. McWhinney to serve as Prosecutor on behalf of DiMatteo & Roach Attorneys at Law and the Town of Warsaw; and

WHEREAS, that the Town Board of the Town of Warsaw feels it to be in best interests of the Town of Warsaw to continue the appointments of David M. DiMatteo, and David M. Roach, and approve the appointment of Elijah H. McWhinney as prosecutors on behalf of DiMatteo & Roach Attorneys at Law and the Town; and

NOW ON MOTION OF Chris Lonneville, which has been duly seconded by Travis Jones, therefore, be it

RESOLVED, that the Town Board of the Town of Warsaw feels it to be in the best interests of the Town of Warsaw to continue the appointments of David M. DiMatteo and David M. Roach, and approve the appointment of Elijah H. McWhinney as prosecutors on behalf of DiMatteo & Roach Attorneys at Law and the Town of Warsaw.

Ayes: 5 ROLL CALL: 5 AYES-Rebecca Ryan, Chris Lonneville, Dave Mateer, Steve Perkins,

Nays: 0 Travis Jones

Absent/Abstain: 0

Quorum Present: XYes No

Dated: 9th day of March, 2022

[SEAL]

Cathy Smith
Cathy Smith, Clerk
Town of Warsaw

A motion was made by Steve Perkins and seconded by Dave Mateer to return bail money as requested by Justice Ron Errington. Carried: AIF

A motion was made by Dave Mateer and seconded by Travis Jones to adjourn at 7:30 p.m.