

MINUTES

TOWN OF WARSAW

MAY 11, 2022

Supervisor 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
Council man:	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

GUEST:

Barclay & Damon Atty:	Corey Auerbach
RESunance VP:	Todd Friedman
Town Resident:	Nate Koson
Town Resident:	Raymond Zeches
Town Resident:	Shannon Zeches
Village Resident:	Marcia Rease

## Pledge of Allegiance

Nate Koson of 5566-4 Oatka Road addressed the board with concerns regarding garbage pickup at his residence which is within a subdivision. Mr. Koson notes that the roadway/entrance to the property is dangerous. It is a single lane unpaved drive that is near Keeney Road where Merchant Road changes to Oatka Road. A letter of recommendations by the Wyoming County Safety Board was submitted.

With the changes in Waste Management garbage pickup there is not an area large enough to put 12 garbage receptacles or an area for the truck to turn around. There was discussion on extending the culvert pipe and widening the driveway making it wide enough to move the mailboxes to that area as well. Mr. Koson added the residents must cross the road to get the mail which is dangerous due to the knoll. Mr. Koson added that all the houses are numbered 5566 with a different lot number which is confusing. Supervisor Ryan added that the board will get into further details when discussing the highway report.

Corey Auerbach, partner of Barclay and Damons LLP addressed the board regarding a proposed community solar array project for a 60-acre property located at 3358 Rte. 19 South (SBL 85.-1-1-51). Mr. Auerbach notes that entitlements will be required from the town, site plan and SEQR are also required. Mr. Aurbach added that the Town Zoning Ordinance is confusing. Under the Town of Warsaw Ordinance, the array would be considered a Type 2 Solar Array Energy System.

Mr. Auerbach added that this project is considered renewable energy. The community can benefit by subscribing. A credit will show on the subscriber's bill and there is no long-term commitment. Projected savings for the community subscribers is a guaranteed 10% or approximately \$80,000 for the first year.

Dave Mateer added that the property was zoned agricultural/residential. Supervisor Ryan added that the town does not spot zone. Founder of RESunance Tom Friedman and purchaser of the property addressed the board stating that it would not be considered spot zoning. The plan is to separate 1 lot from the actual lot that is subject to the project keeping that lot as residential. The back portion is the projected area for the solar farm and it will have a separate access site.

Mr. Aurbach is not asking for any decisions today. Supervisor Ryan added that we were willing to listen but needed time to further discuss. The town will send a letter of response.

Library events and construction update were given by Travis Jones. He has not heard back from Attorney DiMatteo and feels a meeting should be set up to speak with him. Supervisor Ryan will speak with Attorney DiMatteo to see what his schedule is then she will email Travis Jones to see what works for him.

Airport report was given by Steve Perkins. Fly-In Breakfast is scheduled for May 29<sup>th</sup> with no rain date. The FAA is asking the towns to confirm a co-sponsor agreement. Supervisor Ryan will formalize a resolution and forward it to Steve Perkins and the board for approval at next months meeting. Once approved it will be sent to the FAA. Steve Perkins asked about a previous agreement. Supervisor Ryan stated that nothing has been located and it has been since the 40's.

A motion was made by Dave Mateer and seconded by Steve Perkins to approve the Airport vouchers as submitted. It was noted that the add on for the mower is paid in full and the mower has been delivered. AYES: 5, Nays: 0, AIF

Steve Perkins, Cathy Smith and Dog Control Officer Justa Goodell met with Justices Errington and Fusani. The Judges indicated that the defendant is entitled to counsel as in any other case. The recommendation for dismissal of the fine is suggested by the prosecutor. It was suggested that more supporting documentation be presented to the judges and copied to the Judges and Prosecutor.

There was discussion of increasing the fine to the maximum of \$225 as a lot of time is put into the cases. Several notifications are sent before the appearance tickets are hand delivered. Justa Goodell noted that municipalities are behind due to COVID and those that were served appearance tickets received additional notices above those required. Steve Perkins recommended to make an appointment with Attorney DiMatteo. Supervisor Ryan will reach out to him and email all board members.

With a correction to the spelling of Dave Mateers last name (page 2, last paragraph) a motion was made by Steve Perkins and seconded by Travis Jones to approve the minutes of April 13, 2022. AYES: 5, NAYS: 0, AIF

Dave Mateer notes that the Justice Clerk line continues to go up. The findings he requested did not justify her hours, it actually hurt her. A motion was made by Chris Lonneville and seconded by Dave Mateer to approve the monthly report. AYES; 5, NAYS; 0, AIF

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

After discussion on the April 2021 sewer bill received from Koester on May 02, 2022 it was determined that services were being provided by another source at that time. The bill was not vouchered for payment. A motion was made by Dave Mateer and seconded by Travis Jones to approve the vouchers. AYES: 5, NAYS: 0, AIF

Summer rec update was given by Chris Lonneville. A motion was made by Chris Lonneville and seconded by Dave Mateer that Anne Holmes, Meghan Barkley and Kristen Langless will be running the program again this year at the established budget. AYES: 5, NAYS: 0, AIF

Cemetery report was given by Sally Smith. The Association will dissolve and the cemetery will be turned over to the town years end. Ms. Smith adds that other cemeteries have decided to withdraw from the merger with Forest Lawn.

Historian report was given by Sally Smith. The next Historical Wyoming issue will have a story about the airport.

Clerk report as follows: \*Discussion on dog fines being dismissed\*ARPA reports have been submitted\* A list of water-sewer customers/property owners has been compiled for the meter update and billing system. To date there are 11 new meters in the districts. Steve Perkins noted that paperwork was received today regarding the grant money. There was discussion of a conflict of interest with Mr. Perkins involved in the grant and now a Town Board member. A motion was made by Dave Mateer and seconded by Chris Lonneville to approve the Clerks report. AYES: 5, NAYS: 0, AIF

Calamar report was given by Bob Martin: Unpaid vouchers were included in the approved vouchers as a Due to Due From. Bob Martin received the drawings for the pit meter. Attorney DiMatteo has the funds and would like to get going on the installation. Shane Evans is not in agreement with the installation. Steve Perkins noted that we could not override the engineers recommendation.

Zoning report was given by Bob Martin. Permits issued are as follows: 1 garage, 1 sign, 1 variance, 2 commercial use and 1 kennel. Kennel permits have decreased by 2 and there may be another one removed from the list the ending of May or June.

Trailer park permit renewal applications have gone out. It was noted that trailer parks are considered commercial and the park owners need to provide garbage pickup for their tenants. Steve Perkins told Bob Martin that he could work with the Department of Health on that as it is written in the Health Department code.

Mr. Martin adds there was a complaint of chickens on Wyoming Street. The Village Code Enforcement Office; Alyssa Cutcliffe was not present at the Planning Board

meeting. There was a land separation that was not done and paperwork was not presented. TABLED until the June 10, 2022 meeting.

Highway report was given by Jeff Royce and is on file. \*MOU with the Town of Warsaw and Teamsters with the wording hours instead of days for time off has yet to be received. \*Agreements to spend highway funds and supplemental agreement were approved at last months meeting\* Discussion on the issue on Oatka Road continued. Steve Perkins asked Jeff Royce if he agreed in the recommendations from the Wyoming County Safety Board. Mr. Royce answered yes, the driveway needs to be widened but he also has concerns as he feels there is a safety issue with the busses as well. Mr. Koson stated that none of the children ride the bus due to the pickup location.

Chris Lonneville added that the project was not well planned but we need to advocate for the residents. Bob Martin said that the Town did approve the project but the County Planning Department did not exist at that time. Jeff Royce said that a wider road is needed making it a 2 lane with a turnaround, however it is a private road and the homeowners are responsible.

Town resident Raymond Zeches commented on the issue. Supervisor Ryan noted that we do not discourage comments but those that wish to address the board are usually added to the agenda with the purpose of attending. Mr. Zeches commented that he served in the military and moved back to Warsaw 9 years ago. Dave Mateer thanked him for his service. Mr. Zeches added that he has learned that he had to play by the rules, as board members we are obligated to those that elect us into office and he will be sitting on the town board in the future. Supervisor Ryan added that rules are in place to have a formal meeting structure and we were glad to have them sitting here at tonight's meeting.

Steve Perkins asked about the next step to address the private drive. Jeff Royce answered the simple fix would be a larger culvert but that really does not address the problem, it compounds it. The town is only responsible for the back side of the ditch. Mr. Koson agreed that it needed to be widened but is not sure how a car will be able to pull out with all the garbage cans placed as required. Jeff Royce added that the county has paved the road 3 times and each time it raises the road further above the driveway, there is not a smooth transition. Supervisor Ryan and Jeff Royce will speak with the county regarding the right of way and will come back for further discussion next month. It was noted that the addresses need to be discussed as well. It was mentioned that each house should have a separate address in case of emergency.

Jeff Royce is looking on prices for an excavator. Chris Lonneville said that he is looking for a smaller one due to the potential of the cemetery. This would be about a \$60,000 expense. Would Levi Wolcott be willing to continue with the digging? Sally Smith answered that the understanding was if it was turned over to the town he would not continue. As for the MOU Chris Lonneville asked that Steward; Rob Fluker reach out to Lenny Lembinski.

Community events: nothing

Correspondence: Health and Wellness Stimulus Package was reviewed. Cathy Smith will reach out to them to let them know.

Economic development: nothing

Received notification form the Village of Warsaw about a water and sewer rate increase effective with the July billing. A motion was made by Chris Lonneville and seconded by Steve Perkins to approve the Water-Sewer Rate Increase Resolution. AYES: 5, NAYS: 0, AIF.

Seasonal Watering Agreement has been delivered to the Village of Warsaw for review and approval. Dan Seewaldt is interested in watering again this year.

TABLED: Justice Audit to meet on May 25, 2022

A motion was made by Chris Lonneville and seconded by Travis Jones to adjourn at 7:40 p.m.