

AGENDA

TOWN OF WARSAW

DECEMBER 14, 2022

PUBLIC HEARING

Call meeting to order

Pledge of Allegiance

Open the Public Hearing “Resolution to Adopt Local Law 1 of 2023 to Dissolve the Joint Planning Board with the Village of Warsaw” AND “Resolution to Adopt Local Law 2 of 2023 to Dissolve the Joint Planning Board of Appeals with the Village of Warsaw”. Advertisement on file.

Guest time: Carolyn Post, Tim McMaster

Library events and construction update

Approve Airport vouchers for November and December 2022

Airport report

Approve monthly budget report

Approve Supervisors report

Approve vouchers as follows:

Prepay: \$1000.76 Vouchers 109-118

General: \$13,559.84 Vouchers 194-209

Attorney Water Saltvale Road: \$412.50 Voucher 02 DUE TO DUE FROM

Highway 3: \$13,419.00 Vouchers 146-160

Highway 4: \$33,327.07 Voucher 01

Sewer: \$536.01 Vouchers 55-59

Historian report:

Cemetery report:

Clerk report: Taxes-escrow reports received. Dogs-there are 317 units combined between the apartment complexes and trailer parks. Of the 317 units there are 34 dogs licensed. Will work on them one at a time.

Zoning report:

Highway report: Reappoint Jeff Royce to the Traffic Safety Committee

Community Events:

Correspondence

Economic Development

Year-end meeting 28<sup>th</sup>. Organizational meeting January 11, 2023

MINUTES  
TOWN OF WARSAW  
REGULAR

PUBLIC HEARING TO ADOPT LOCAL LAW 1 of 2023 AND LOCAL LAW 2 of 2023  
"DISSOLVING THE JOINT PLANNING & ZONING BOARDS WITH THE  
VILLAGE OF WARSAW"  
DECEMBER 14, 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
Councilman:	Dave Mateer
Councilman:	Steve Perkins
Councilman:	Travis Jones

**ABSENT:**

Councilman:	Chris Lonneville
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**ALSO, PRESENT:**

Town Clerk:	Cathy Smith
Historian:	Sally Smith
Hwy. Super:	Jeff Royce
Zoning Officer:	Bob Martin
Historian:	Sally Smith
Tim McMaster:	Resident
Carolyn Post:	Court Clerk
T/V Justice:	Ron Errington

Town Justice: Bob Fusani

Middleberry Res. Philip Ulm

### Pledge of Allegiance

Carolyn Post, Court Clerk for the Town of Warsaw addressed the board regarding her capped pay of \$10,000. This will only allow her to work 12 1/4 hours a week and that is not enough time. Ms. Post indicated that when she was hired, she was told she would be able to do the job in 4-6 hours a week, she has never worked a 4-6-hour week. On July 21<sup>st</sup> Ms. Post was notified of being over her budget. Ms. Post continued that there is no court structure, court sessions overlap and training hours overlap, supplies are shared which is a benefit to the town. This year 6 hours of training are required while last year it was 12.

Paperwork for alternate arraignments take about 27 minutes per case. An average of 2 1/2 hours of her work week is for Village court and approximately 3 hours a week are for other municipalities. Ms. Post added that she had asked for a phone previously and was told no. A phone was installed but there was no voice messaging set up. Voice messaging was added to the phone which was now usable and has reduced her work by 2 1/2 hours a week.

Ms. Post adds that working 15 1/2 hours a week would not include her required training and continues that Pat Wagner the previous Town Court Clerk has been a good court clerk; she is fast at what she does but Carolyn cannot get the job done in 4-6 hours a week or 12 1/2 hours a week. If she is capped at \$10,000, she cannot stay on as the clerk for the town.

Judge Ron Errington noted that Carolyn Post was very thorough, her numbers always add up and he does not want to see her go. Judge Fusani added that Ms. Post's position was not a minimum wage job and requires a definite skill set.

Carolyn Post added that she has never asked for a raise, is respectful of the \$15.45 hourly pay but the hours she has worked is what it takes to do the job. Going over the budget has nothing to do with a raise. At the \$10,000 capped amount and working 15 1/2 hours a week puts her \$1.80 under minimum wage, which is not legal. There are things that happen that are beyond her control. 12-18 hours a week is what is needed to do the job. Under advisement until January 11, 2023 meeting.

Tim McMaster addressed the board in regards to property on Wilder Road. After the winter months and heavy rains there are 4"-5" of standing water behind Jay Hackemers land and Mr. McMasters which has to be pumped. Mr. McMaster provided photos and

maps of the area in question and proposes a new 600' ditch redirecting the water to Route 19. There was discussion that in doing so other issues, potentially flooding could develop on the other side of Route 19.

Supervisor Ryan opens the Public Hearing at 6:08 p.m. The Public Hearing was advertised in the November 24, 2022 issue of the Country Courier and is on file. There will be public comment later in the meeting

Library update was given by Travis Jones. Mr. Jones has received drawings from Bero Architectures. There are some things that need to be worked out but it is a very workable plan. The project is estimated to cost \$800,000 to \$900,00 with material and labor.

A motion was made by Dave Mateer and seconded by Steve Perkins to approve the airport vouchers of November and December 2022. Ayes: 4, Nays: 0, Absent/Abstain: 1 – Chris Lonneville

Steve Perkins updated on the Airport. The SRE building is pretty much done. The old Case tractor was sold for \$2,000 and a John Deere side by side will be purchased for \$9,042.89.

Supervisor Ryan opened the floor to public comment. Town Clerk Cathy Smith noted that there were no written or verbal comments received.

Sally Smith asked about the merging of the boards. Wasn't the purpose to save money? Bob Martin answered that part of the reason for combining the boards was due to the state wanting consolidation, shared services. Travis Jones commented that it was also due to conformity and a more organized approach.

Dave Mateer noted that he and Supervisor Ryan had talked about this collaboration 10 years ago and they were excited to think that it could be possible. Dave Mateer added that it was not in the best interest of the Town, we need to move on and finalize the dissolution.

Zoning Officer Bob Martin noted that the Planning Board will consist of 5 members instead of 7 along with a secretary and will cost an additional \$65 per month. The Zoning Board of Appeals will consist of 3 members and a secretary at the cost of \$130.00 per meeting.

Travis Jones said for the record he did not agree but the request was by other parties of the agreement. Steve Perkins stated that he was not in favor either.

Sally Smith noted that there were many properties in the village that should be looked at. Lawns are not mowed; some homes have junk in the yard. Mr. Jim questioned the resolution that had been passed with the county. Supervisor Ryan stated that we weren't talking about the same issue, that the Countywide Zoning Resolution was withdrawn yesterday. Bob Martin has been the town Zoning Officer for 13 years. Dave Mateer left at 6:40 p.m.

Supervisor Ryan asked if there were any other comments. There were none.

A motion was made by Steve Perkin and seconded by Travis Jones to close the Public Hearing at 6:55 p.m.

Supervisor Ryan added that she was opposed as well but we had no choice and felt like we were going backwards and not considering the quality of life for the residents.

A motion was made by Travis Jones and seconded by Steve Perkins to Adopt Resolution 22 of 2022 to Adopt a Local Law (1 of 2023) to Dissolve the Joint Planning Board with the Village of Warsaw. Ayes: 3, Nays: 0, Absent/Abstain: 2 – Chris Lonneville & Dave Mateer.

**ROLL CALL:** Ayes: 3 – Rebecca Ryan, Steve Perkins, Travis Jones. Absent/Abstain: 2 – Chris Lonneville & Dave Mateer.

**RESOLUTION 22**  
**TOWN OF WARSAW**  
**RESOLUTION TO ADOPT A LOCAL LAW**  
**TO DISSOLVE THE JOINT PLANNING BOARD**  
**WITH THE VILLAGE OF WARSAW**  
Adopted: December 14, 2022

The Town Board of the Town of Warsaw met at a regular board meeting at the Town Offices of the Town of Warsaw located at 83 Center Street, Warsaw, New York on the 14<sup>th</sup> day of December, 2022 commencing at 6:00 p.m., and thereafter a public hearing was held at 6:05 p.m. at which time and place the following members were:

Present:	Supervisor	Rebecca Ryan
	Councilman	Steve Perkins
	Councilman	Travis Jones

Absent:	Councilman:	Chris Lonneville
	Councilman:	Dave Mateer

**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**, in 2012, the Town of Warsaw adopted a local law to create a joint Planning Board with the Village of Warsaw pursuant to Town Law §284; and

**WHEREAS**, in 2013, the Town of Warsaw and Village of Warsaw had entered into an intermunicipal agreement relative to the creation of a joint Planning Board; and

**WHEREAS**, on August 5, 2022, the Village of Warsaw expressed their intention to exit the intermunicipal agreement and dissolve the joint Planning Board; and

**WHEREAS**, the Town Board held a public hearing to consider the proposed local law, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed local law, or any part thereof; and

**WHEREAS**, notice of said public hearing was duly advertised in the official newspaper of said Town; and

**WHEREAS**, after careful thought and consideration, the Town Board of the Town of Warsaw believes it to be in the best interest of the Town to exit the intermunicipal agreement and dissolve the joint Planning Board with the Village of Warsaw

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

**RESOLVED**, that the Town Board of the Town of Warsaw hereby adopts the local law entitled, "Dissolving the Joint Planning Board with the Village of Warsaw"; and be it

**FURTHER RESOLVED**, that the Town Clerk is hereby directed to enter the adoption of said local law in the minutes of this meeting and give due notice of the adoption of said local law to the Secretary of the State of New York.

ROLL CALL: 3 AYES - Rebecca Ryan, Steve Perkins, Travis Jones

Ayes: 3

Nays: 0

Absent/Abstain: 2 – Chris Lonneville and Dave Mateer

Quorum Present: X Yes No

Dated: December 14, 2022

[SEAL]

*Cathy Smith*  
Cathy Smith, Clerk  
Town of Warsaw

***Local Law Filing***

New York State Department of State  
99 Washington Street, Albany, NY 12231

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(Use this form to file local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

**County**  
**City of Warsaw**  
**Town**  
**Village**

**Local Law No. 1 of the year 2023**

**A local law entitled, "Dissolving the Joint Planning Board with the Village of Warsaw"**

**Be it enacted by the Town Board of the**

**County**  
**City of Warsaw as follows:**  
**Town**  
**Village**

**As set forth in the attached page(s).**

**(If additional space is needed, attach pages the same size as this sheet, and number each.)**



**TOWN OF WARSAW  
LOCAL LAW 1 of 2023  
A PROPOSED LOCAL LAW ENTITLED  
"DISSOLVING THE JOINT PLANNING BOARD WITH THE VILLAGE OF WARSAW"  
BE IT ENACTED** by the Town Board of the Town of Warsaw as follows:

**SECTION I. LEGISLATIVE INTENT**

It is the intent of this local law dissolve to the joint Planning Board with the Village of Warsaw, as both the Village and Town wish to re-establish separate Planning Boards. The Town of Warsaw believes it to be in the best interest of the Town to recreate their own Planning Board to better allow for ease in review of zoning applications and procedures.

**SECTION II. AUTHORITY**

In accordance with Town Law §284, the Town of Warsaw previously adopted a local law establishing a joint Planning Board with the Village of Warsaw. Pursuant to Town Law §271, the Town of Warsaw shall hereby re-establish the Town of Warsaw Planning Board, which shall review site plans, special use permits, subdivisions, and make recommendations to the Zoning Board of Appeals.

**SECTION III. INTERMUNICIPAL AGREEMENT**

On September 11, 2013, the Town of Warsaw entered into an Intermunicipal Agreement with the Village of Warsaw for the purposes of creating a Joint Planning Board. Said agreement held an initial term of five (5) years, and has since been extended. On August 5, 2022, the Village of Warsaw had provided written notification to the Town, which expressed the Villages intention to exit the Intermunicipal Agreement from 2013. The Town of Warsaw and the Village of Warsaw have further discussed and agreed that the Intermunicipal Agreement shall no longer be extended, and both municipalities wish to exit the agreement and repeal the local laws creating the joint Planning Board to re-establish separate Planning Boards for the Town and Village of Warsaw.

**SECTION IV. SEVERABILITY**

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

**SECTION V. REPEAL**

All ordinances, local laws and parts thereof inconsistent with this local law are hereby repealed.

**SECTION VI. EFFECTIVE DATE**

This local law shall take effect immediately upon filing with the Secretary of State.

A motion was made by Steve Perkins and seconded by Travis Jones to Adopt Resolution 23 of 2022 to Adopt a Local Law (2 of 2023) to Dissolve the Joint Zoning Board of Appeals with the Village of Warsaw. Ayes: 3, Nays: 0, Absent/Abstain: 2 -Chris Lonneville & Dave Mateer. **ROLL CALL:** Ayes: 3 – Rebecca Ryan, Steve Perkins, Travis Jones. **Absent/Abstain:** 2 – Chris Lonneville & Dave Mateer

**RESOLUTION 23  
TOWN OF WARSAW  
RESOLUTION TO ADOPT A LOCAL LAW  
TO DISSOLVE THE JOINT ZONING BOARD OF APPEALS  
WITH THE VILLAGE OF WARSAW**

Adopted: December 14, 2022

The Town Board of the Town of Warsaw met at a regular board meeting at the Town Offices of the Town of Warsaw located at 83 Center Street, Warsaw, New York on the 14th day of December, 2022 commencing at 6:00 p.m., and thereafter a public hearing was held at 6:05 p.m. at which time and place the following members were:

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

**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**, in 2012, the Town of Warsaw adopted a local law to create a joint Zoning Board of Appeals with the Village of Warsaw pursuant to Town Law §284; and

**WHEREAS**, in 2013, the Town of Warsaw and Village of Warsaw had entered into an intermunicipal agreement relative to the creation of a joint Zoning Board of Appeals; and

**WHEREAS**, on August 5, 2022, the Village of Warsaw expressed their intention to exit the intermunicipal agreement and dissolve the joint Zoning Board of Appeals; and

**WHEREAS**, the Town Board held a public hearing to consider the proposed local law, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed local law, or any part thereof; and

**WHEREAS**, notice of said public hearing was duly advertised in the official newspaper of said Town; and

**WHEREAS**, after careful thought and consideration, the Town Board of the Town of Warsaw believes it to be in the best interest of the Town to exit the intermunicipal agreement and dissolve the joint Zoning Board of Appeals with the Village of Warsaw

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

**RESOLVED**, that the Town Board of the Town of Warsaw hereby adopts the local law entitled, "Dissolving the Joint Zoning Board of Appeals with the Village of Warsaw"; and be it

**FURTHER RESOLVED**, that the Town Clerk is hereby directed to enter the adoption of said local law in the minutes of this meeting and give due notice of the adoption of said local law to the Secretary of the State of New York.

ROLL CALL: AYES 3 – Rebecca Ryan, Steve Perkins and Dave Mateer

Ayes: 3

Nays: 0

Absent/Abstain: 2

Quorum Present: X Yes No

Dated: December 14, 2022

[SEAL ]

*Cathy Smith*  
Cathy Smith, Clerk  
Town of Warsaw

**Local Law Filing**

New York State Department of State  
99 Washington Street, Albany, NY 12231

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(Use this form to file local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~  
~~City~~ of Warsaw  
~~Town~~  
~~Village~~

**Local Law No. 2 of the year 2023**

**A local law entitled, "Dissolving the Joint Zoning Board of Appeals with the Village of Warsaw"**

**Be it enacted by the Town Board of the**

~~County~~  
~~City~~ of Warsaw as follows:  
~~Town~~  
~~Village~~

**As set forth in the attached page(s).**

**(If additional space is needed, attach pages the same size as this sheet, and number each.)**

**LOCAL LAW 2 of 2023  
TOWN OF WARSAW  
A PROPOSED LOCAL LAW ENTITLED  
"DISSOLVING THE JOINT ZONING BOARD OF APPEALS  
WITH THE VILLAGE OF WARSAW"**

**BE IT ENACTED** by the Town Board of the Town of Warsaw as follows:

**SECTION I. LEGISLATIVE INTENT**

It is the intent of this local law dissolve to the joint Zoning Board of Appeals with the Village of Warsaw, as both the Village and Town wish to re-establish separate Zoning Boards. The Town of Warsaw believes it to be in the best interest of the Town to recreate their own Zoning Board of Appeals to better allow for ease in review of zoning applications and procedures.

**SECTION II. AUTHORITY**

In accordance with Town Law §284, the Town of Warsaw previously adopted a local law establishing a joint Zoning Board of Appeals with the Village of Warsaw. Pursuant to Town Law §267, the Town of Warsaw shall hereby re-establish the Town of Warsaw Zoning Board of Appeals, which shall hear and decide appeals from decisions of those officials charged with the administration and enforcement of the zoning ordinance or local laws of the Town of Warsaw.

**SECTION III. INTERMUNICIPAL AGREEMENT**

On September 11, 2013, the Town of Warsaw entered into an Intermunicipal Agreement with the Village of Warsaw for the purposes of creating a Joint Zoning Board of Appeals. Said agreement held an initial term of five (5) years, and has since been extended. On August 5, 2022, the Village of Warsaw had provided written notification to the Town, which expressed the Villages intention to exit the Intermunicipal Agreement from 2013. The Town of Warsaw and the Village of Warsaw have further discussed and agreed that the Intermunicipal Agreement shall no longer be extended, and both municipalities wish to exit the agreement and repeal the local laws creating the joint Zoning Board of Appeals to re-establish separate Zoning Boards for the Town and Village of Warsaw.

**SECTION IV. SEVERABILITY**

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

**SECTION V. REPEAL**

All ordinances, local laws and parts thereof inconsistent with this local law are hereby repealed.

**SECTION VI. EFFECTIVE DATE**

This local law shall take effect immediately upon filing with the Secretary of State.

A motion was made by Travis Jones and seconded by Steve Perkins to approve the minutes of November 11, 2022. Ayes: 3, Nays: 0, **Absent/Abstain: 2** – Chris Lonneville & Dave Mateer.

A motion was made by Travis Jones and seconded by Steve Perkins to approve the monthly budget report. Ayes: 3, Nays: 0, **Absent/Abstain: 2** – Chris Lonneville & Dave Mateer

A motion was made by Steve Perkins and seconded by Travis Jones to approve the supervisors report. Ayes: 3, Nays: 0, **Absent/Abstain: 2** – Chris Lonneville & Dave Mateer

A motion was made by Travis Jones and seconded by Steve Perkins to approve the vouchers as presented. Ayes: 3, Nays: 0, **Absent/Abstain: 2** – Chris Lonneville & Dave Mateer

Historian report was given by Sally Smith. Has been busy with Historical Wyoming renewals.

Cemetery report was given by Sally Smith. Ms. Smith handed out the current cemetery guidelines and suggested that the Town make some changes such as no planting of trees or shrubs and no glass objects to be left at the gravesite. No word from the state. Will be talking about issuing of deeds at the January meeting.

A motion was made by Travis Jones and seconded by Steve Perkins to Adopt Resolution 24 of 2022 Opposing State Senate Bill S.9517 and Assembly Bill A.10664 in Relation to Certain Duties and Responsibilities of Cemetery Corporations as Too Financially Burdensome. Ayes: 3, Nays: 0, **Absent/Abstain: 2** – Chris Lonneville & Dave Mateer

**TOWN OF WARSAW  
RESOLUTION 24 of 2022  
DECEMBER 14, 2022**

**RESOLUTION OPPOSING SENATE BILL S.9517 AND ASSEMBLY BILL A.10644 IN  
RELATION TO CERTAIN DUTIES AND RESPONSIBILITIES OF CEMETERY  
CORPORATIONS AS TOO FINANCIALLY BURDENSOME**

**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 Wyoming 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 Wyoming County do not have adequate funds to support the additional financial burden this legislation would impose upon them; now, therefore

**BE IT RESOLVED**, that the Warsaw Town Board opposes Senate Bill S.9517 and Assembly Bill A.106644 and the amendments to the Not -for-Profit Corporation Law contained therein; and

**BE IT FURTHER RESOLVED**, that the Town Clerk shall forward copies of this resolution to Governor Kathy Hochul, Senate Majority Leader Andrea Stewart-Cousins, Senate Minority Leader Rob Ort, Assembly Majority Leader Crystal D. Peoples-Stokes, Assembly Minority Leader William Barclay, New York State Senator Patrick Gallivan, New York State Assemblyman David DiPietro, New York State Senator George Borrello, the New York State Association of Counties, Inter-County Association of Western New York and all others deemed necessary and proper.

A motion was made by Travis Jones and seconded by Steve Perkins to adopt Resolution 24 of 2022 Opposing Senate Bill S.9517 and Assembly Bill A.10644 in Relation to Certain Duties and responsibilities of Cemetery Corporations as Too Financially Burdensome

ROLL CALL: AYES: 3 – Rebecca Ryan, Steve Perkins, Travis Jones

Ayes: 3

Nays: 0

**Absent/Abstain:** 2 – Chris Lonneville, Dave Mateer

Adopted : December 14, 2022

[SEAL]

Cathy Smith, Clerk  
*Cathy Smith*  
Town of Warsaw



Town Clerk Cathy Smith mentioned that she received a quote on a new copier. Inquiring on the current agreement she was told that the older the machine gets the costlier the parts are and there may become a time when a maintenance contract may not be offered. Our current copier is 12 years old. A copy of the quote will be sent to the board members.

A motion was made Travis Jones and seconded by Steve Perkins to approve the clerks report. Ayes: 3: Nays: 0, Absent/Abstain: 2 – Chris Lonneville & Dave Mateer

Zoning report was given by Bob Martin. Permits issued as follows: 2 signs, 1 land separation, 1 shed. Appointments and terms for the Planning Board and Zoning Board of Appeals will be done at the January 11, 2023 meeting. Steve Perkins added that the terms should be staggered.

Highway report was given by Jeff Royce. Have been busy with plowing, putting up snow fence and doing a sign survey. Some signs were missing and replaced. No overnight parking signs will be put up at the Town Hall.

Truck 245 was taken to Beam Mack for service. The PM sensor was bad. This is the 5<sup>th</sup> one that has been replaced on the truck and the 7<sup>th</sup> injector had to be cleaned. Was told that it was not under warranty and will be reaching out to them tomorrow. Travis Jones noted that this sounds like an ongoing issue and may be defective in work.

Truck 243 was taken to Marquarts for service. The fuel pump was replaced for the second time as it was replaced last year. Steve Perkins stated that we should not have to pay for it a second time.

Mr. Royce addressed the issue that Steve McMaster mentioned. It is not a town issue and he needs to go to Soil & Water. Supervisor Ryan will draft a letter and email to everyone.

A motion was made by Travis Jones and seconded by Steve Perkins to reappoint Jeff Royce to the Traffic Safety Committee. Ayes: 3, Nays: 0, Absent/Abstain: 2- Chris Lonneville & Dave Mateer

Community events: Moonlight Magic was successful, there was a decent crowd

A motion was made by Steve Perkins and seconded by Travis Jones to Adopt Resolution 25 of 2022 Urging Governor Kathy Hochul to Amend Paragraph C of General Municipal Law 209-B, Subdivision 4, to Allow ALS Intercept Agencies to Bill Directly. Ayes: 3, Nays: 0, Absent/Abstain: 2 – Chris Lonneville & Dave Mateer.

**ROLL CALL:** Ayes: 3- Rebecca Ryan, Steve Perkins, Travis Jones. Absent/Abstain: 2 –  
Chris Lonneville & Dave Mateer

**TOWN OF WARSAW  
RESOLUTION 25 of 2022  
DECEMBER 14, 2022**

**A RESOLUTION URGING GOVERNOR KATHY HOCHUL TO AMEND  
PARAGRAPH C OF GENERAL MUNICIPAL LAW 209-B, SUBDIVISION 4, TO  
ALLOW ALS INTERCEPT AGENCIES TO BILL DIRECTLY**

**WHEREAS**, Volunteer fire departments play a vital role in public safety; and

**WHEREAS**, the majority volunteer fire departments are supported through a combination of municipal funding and community donations, and they do not bill patients or insurers for services provided; and

**WHEREAS**, many non-billing agencies, are not able to provide Advanced Life Support (ALS) services to their communities; and

**WHEREAS**, those agencies are required to request ALS services when needed for patient care, as may ALS agencies when ALS volunteers are unavailable; and

**WHEREAS**, Paragraph C of Section 209-B, Subdivision 4, of the General Municipal Law, as amended effective July 8, 2022, requires ALS providers to bill transporting agencies for services provided, and prohibits the direct billing of patients or insurers; and

**WHEREAS**, this structure requires non-billing agencies to either begin billing patient/insurers in order to recover those costs, or to seek additional funding from their municipalities and through donations; and

**WHEREAS**, Existing funding through municipal and community support is not sufficient to cover the increased costs associated with ALS intercepts; and

**WHEREAS**, non-billing fire departments have neither the funding nor the personnel necessary to implement a billing apparatus; and

**WHEREAS**, several fire departments do not have access to funding that would support other losses incurred through increased operating expenses, insufficient reimbursements, or non-payments; and

**WHEREAS**, the undue financial burden placed upon our non-billing fire departments will result in the continued depletion of effective EMS operations in many Counties, which are necessary, life-saving services that the Board of Legislators is desirous that anyone living, working, and visiting any of our communities receives when requested; now, therefore

**BE IT RESOLVED**, That the Warsaw Town Board urges Governor Kathy Hochul to amend Paragraph C of Section 209-B, Subdivision 4 of the General Municipal Law to allow ALS intercept agencies to bill directly; and be it further

**FURTHER RESOLVED**, That the Clerk to the Board shall forward 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, New York State Senator Patrick Gallivan, New York State Assemblyman David DiPietro, New York State Senator George Borrello, the New York State Association of Counties, Inter-County Association of Western New York and all others deemed necessary and proper.

A motion was made by Steve Perkins and seconded by Travis Jones to adopt Resolution 25 of 2022 Urging Governor Kathy Hochul to Amend Paragraph C of the General Municipal Law 209-B, Subdivision 4, to Allow ALS Intercept Agencies to Bill Directly.

ROLL CALL: AYES: 3 – Rebecca Ryan, Steve Perkins, Travis Jones

Ayes: 3

Nays: 0

Absent/Abstain: 2 – Chris Lonneville, Dave Mateer

Adopted : December 14, 2022

[SEAL]

Cathy Smith, Clerk  
*Cathy Smith*  
Town of Warsaw

A motion was made by Travis Jones and seconded by Steve Perkins to adjourn at 7:45 p.m.