

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 Offices located at 83 Center Street, Warsaw, New York on the 11 day of October 2023 commencing at 6:00 p.m. to give citizens the opportunity to consider the adoption of a proposed Agreement for Fire Protection for a Fire Protection District within

the Town of Warsaw. The purpose of this Agreement is to renew a contract for Fire Protection Services with the Village of Warsaw Fire Department for the years 2024-2026.

Amounts of Consideration for Services are as follows:

2024 ... \$ 68,794.00

2025 ... \$ 72,234.00

2026 ... \$ 76,568.00

Amounts include a 4%, 5%, and 6% Service Fee increase.

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 Agreement is also available for review at the Town Clerks Office during regular office hours.

Cathy Smith, Clerk
Town of Warsaw
#12

Items on agenda were moved around.

WHEREAS, on September 28, 2022, all of the Warsaw Cemetery Association members unitedly agreed to transfer or convey ownership of the Warsaw Cemetery to the Town of Warsaw; and

WHEREAS, in an effort to offer assistance to a financially struggling cemetery, the Town Board of the Town of Warsaw believes it is in their best interest to accept the conveyance of the Warsaw Cemetery; and

WHEREAS, the Town Board of the Town of Warsaw believes that the Town of Warsaw is in an adequate financial state to hold ownership of the Warsaw Cemetery; and

WHEREAS, as part of the title work needed for the conveyance of real property, survey work was performed by John Gillen, land surveyor, who provided an invoice No. 7648 in the amount of \$3,500.00 for his services; and

WHEREAS, the Town Board of the Town of Warsaw shall receive the perpetual funds from the Warsaw Cemetery in the amount of \$232,676.41.

NOW ON MOTION OF Dave Mateer which has been duly seconded by Steve Perkins, now therefore be it

RESOLVED, the Town Board of the Town of Warsaw hereby accepts the conveyance of the Warsaw Cemetery from the Warsaw Cemetery Association; and be it further

RESOLVED, the Town Board of the Town of Warsaw acknowledges that the Town is now responsible for the operation, maintenance and care of the cemetery; and be it further

RESOLVED, the Town Board of the Town of Warsaw hereby acknowledges receipt of perpetual funds from the Warsaw Cemetery Association, in the amount of \$232,676.41; and be it further

RESOLVED, that the Town Board of the Town of Warsaw is authorized to submit payment to Gillen & Wellman Land Surveyors in the amount of \$3,500.00 for the survey work that was performed.

ROLL CALL - Ayes: 5, Nays: 0 Absent-Abstain: 0

Ayes: 5

Nays: 0

Quorum Present: Yes No

Dated: October 11, 2023

[SEAL]

Cathy Smith
Cathy Smith, Clerk
Town of Warsaw

A motion was made by Travis Jones and seconded by Chris Lonneville to authorize Supervisor Ryan to sign the \$60,733.00 endowment fund. Ayes: 5, Nays: 0, Absent/Abstain: 0. AIF

Supervisor Ryan thanked the Cemetery Association for their time given and realizes it has been a struggle. Sally Smith and Gail Royce are willing to help out to get the town going.

Wyoming County Historical Society Member Michael Buda asked about the historical records, they will come back to the town.

Kathy Wysocki addressed the board about discussion regarding speed indicator signs from a previous meeting she had attended. Supervisor Ryan noted that it was a state highway. Ms. Wysocki added that she spoke with Senator Borrello and Assemblyman DiPietro's offices as well as the state. It was indicated that the town has to take the initiative and we need to be proactive to get things done. We are looking for safety for everyone on the road not just vehicles.

Attorney DiMatteo noted that sign placement should begin at the town line. Travis Jones added that would be in the middle of a curve which is about 70' to the east of Ms. Wysocki's house. Steve Perkins asked if the signs are going to make a difference. Ms. Wysocki answered that one can't accept defeat without trying. Could there be a community survey? Scott Gardner suggested that the DOT do another traffic study. Ms. Wysocki answered that a traffic engineer looks at it differently than the community. There are parts of her property that she cannot be on due to the traffic.

Steve Perkins questioned submitting a formal request to the DOT. Attorney DiMatteo answered it should be done by a resolution requesting a study for the East and West sides at the boundaries. A motion was made by Steve Perkins and seconded by Travis Jones to approve the resolution to be compiled by Attorney DiMatteo. Ayes: 5, Nays: 0, Absent/Abstain: 0

Library events and construction update were given by Travis Jones. Lyndsay Yoder has further reviewed the drawings and has done an in-depth revision. Now working on the next phase.

A motion was made by Dave Mateer and seconded by Chris Lonneville to approve the airport vouchers as submitted. Ayes: 5, Nays: 0, Absent/Abstain: 0. AIF

Airport report: nothing to report.

A motion was made by Steve Perkins and seconded by Chris Lonneville to approve the minutes of September 13, 2023. Ayes: 5, Nays: 0, Absent/Abstain: 0. AIF

A motion was made by Chris Lonneville and seconded by Steve Perkins to approve the monthly report. Ayes: 5, Nays: 0, Absent/Abstain: 0. AIF

A motion was made by Chris Lonneville and seconded by Steve Perkins to approve the Supervisors report. Ayes: 5, Nays: 0, Absent/Abstain: 0. AIF

Chris Lonneville commented that it was nice to get the reports earlier.

A motion was made by Travis Jones and seconded by Chris Lonneville to approve the vouchers as submitted. Ayes: 5, Nays: 0, Absent/Abstain: 0. AIF

Historian report was given by Sally Smith. She participated in the Wine in the Valley. There are 3 historic markers to be put up. The highway department was asked to help install them. There will be a press release when unveiling the markers. Developing a plan for the first walking tour in the US for the Pomeroy markers. A committee has been formed for future development and will be meeting later this week.

Communication with B&R is going smoothly.

Cemetery report: Conveyance of the cemetery to the town. Ms. Smith thanked the board saying they were a tremendous help and thanked Jeff for mowing the cemetery.

Clerk report was given by Cathy Smith. Still having issues with the ARPA expenditure reports. I can get to the necessary page but the icons are "dead" It was suggested to call IT to see if there is a pop up that may be affecting it.

Zoning report was given by Dan Hurlburt. 4 people attended training. Permits issued as follows: Auto Zone: a handicap accessible side walk, land separation on 20A, shed, deck, kennel permit on Burke Hill Road and a sign for Scott Nichols.

Highway report was given by Jeff Royce and is on file. Will be picking up the truck tomorrow at the cost of \$18,500.00. Travis Jones asked about the transmission. Jeff answered that there were filings inside it as well as in the filter.

Correspondence: The County authorized a countywide ambulance service that will operate the same as Monroe Ambulance Services. The county will end its contract December 15th. Tim Meyer asked if the county will own the ambulances. Supervisor Ryan answered yes. Steve Perkins asked if they would be serving Livingston County. Supervisor Ryan answered that Monroe County Ambulance should be servicing.

Steve Perkins asked if hiring will be a problem. Supervisor Ryan answered that within 24 hours they had 12 applicants. Travis Jones asked how many do they anticipate to hire. Supervisor Ryan answered that is being worked on as there will be per diem, part time and full time. The first to be hired will be a coordinator and that person will be riding along. Steve Perkins asked if supplies can be gotten from the hospital. Supervisor Ryan answered pharmaceuticals, yes and continues that she is very grateful and appreciative of the volunteers.

Supervisor Ryan opened the public comment period. The 2% override was put into place due to the fire contract with the Village of Warsaw. Supervisor Ryan asked Cathy Smith if she received any comments. She answered she did not. A motion was made by Dave Mateer and seconded by Steve Perkins to close the public hearing at 6:47 p.m.

A motion was made by Travis Jones and seconded by Dave Mateer to adopt a Proposed Local Law Entitled "Override the Tax Levy Limit Established in General Municipal Law §3-C". Ayes: 5, Nays: 0, Absent/Abstain: 0. AIF. ROLL CALL: 5 AYES - Rebecca Ryan, Chris Lonneville, Dave Mateer, Steve Perkins, Travis Jones.

**TOWN OF WARSAW
A PROPOSED LOCAL LAW ENTITLED
"OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN
GENERAL MUNICIPAL LAW §3-c."**

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 to override the limit on the amount of real property taxes that may be levied by the Town of Warsaw, County of Wyoming pursuant to General Municipal Law §3-c. and to allow the Town of Warsaw, County of Wyoming to adopt a town budget for (a) town purposes; (b) fire protection districts; and (c) any other special or improvement district governed by the Town Board for the fiscal year 2024 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law §3-c.

SECTION II. AUTHORITY

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c. which expressly authorizes the Town Board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the Town Board.

SECTION III. TAX LEVY LIMIT OVERRIDE

The Town Board of the Town of Warsaw, County of Wyoming is hereby authorized to adopt a budget for the fiscal year 2024 that requires a real property tax levy in excess of the limit specified in General Municipal Law §3-c.

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. EFFECTIVE DATE

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

Local Law Filing

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

(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. 3 of the year 2023

A local law entitled, "Override the Tax Levy Limit Established in General Municipal Law §3-c."

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.)

5. (City local law concerning Charter revisions proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law no. _____ of 20__ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of majority of the qualified elector of such city voting thereon at the (special)(general) election held on _____ 20__, became operative.

6. County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law no. _____ of 20__ of the County of _____ State of New York, having been submitted to the electors at the General Election of November ____, 20__, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as unit voting as said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, as was finally adopted in the manner indicated in paragraph 1, above.

(SEAL)
Clerk

Cathy Smith
Clerk of the ~~County legislative body, City, Town or Village~~

Date: 10-12-23

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or another authorized attorney of locality.)

**STATE OF NEW YORK
COUNTY OF WYOMING**

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or take for the enactment of the local law annexed hereto.

Signature

Attorney
~~County~~
~~City~~ of Warsaw
Town
~~Village~~
Date: _____

Supervisor Ryan opened the public comment period for the Fire Contract with the Village of Warsaw. Supervisor Ryan asked Cathy Smith if she received any comments. She answered she did not. A motion was made by Steve Perkins and seconded by Chris Lonneville to close the public hearing at 6:52 p.m.

A motion was made by Travis Jones and seconded by Dave Mateer to adopt the Resolution of the Town Board of the Town of Warsaw Relating to a Fire Contract with the Village of Warsaw” AND to sign the “Agreement for Fire Protection for A Fire Protection District Located in The Town of Warsaw”. Ayes: 5, Nays: 0, Absent/Abstain: 0. AIF. ROLL CALL: 5 Ayes - Rebecca Ryan, Chris Lonneville, Dave Mateer, Steve Perkins, Travis Jones.

**RESOLUTION
OF THE TOWN BOARD OF THE TOWN OF WARSAW
RELATING TO A FIRE CONTRACT WITH THE VILLAGE OF WARSAW**

Adopted: 10-11- 2023

WHEREAS, the Town Board of the Town of Warsaw met at a public hearing at the Town Offices of the Town of Warsaw in the Town of Warsaw, New York on the 11th day of October 2023, commencing at 6:00 p.m. at which time and place the following members were:

| | | |
|----------|----------------|------------------|
| Present: | Supervisor | Rebeca Ryan |
| | Council Member | Chris Lonneville |
| | Council Member | Dave Mateer |
| | Council Member | Steve Perkins |
| | Council Member | Travis Jones |

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, the Town Board of the Town of Warsaw wishes to engage in an Agreement with the Village of Warsaw, as it has in the past for provision of Fire Protection and Emergency Services, renewable this year for the years 2024-2026; and

WHEREAS, the Town Board of the Town of Warsaw held a public hearing to consider the renewal of said fire contract between the Town of Warsaw and Village of Warsaw on the 11th day of October, 2023; and

WHEREAS, the Town Board feels it is in the best interest of the Town of Warsaw to authorize Supervisor Rebecca Ryan to sign the Agreement for Fire Protection for a Fire Protection District in the Town of Warsaw.

NOW ON MOTION OF Travis Jones which has been duly seconded by Dave Mateer, be it

RESOLVED, by the Town Board of the Town of Warsaw hereby authorizes Supervisor Rebecca Ryan to sign the Agreement for Fire Protection for a Fire Protection District in the Town of Warsaw.

ROLL CALL Ayes: 5, Nays: 0, Absent/Abstain: 0

Ayes: 5

Nays: 0

Quorum Present: X Yes No

Dated: October 11, 2023

[SEAL]

Cathy Smith, Clerk

A handwritten signature in cursive script that reads "Cathy Smith".

Town of Warsaw

A motion was made by Chris Lonneville and seconded by Travis Jones to authorize Supervisor Ryan to sign the Wyoming County Water Resource Agency Contract for Water Meter Installations as part of the NYS DOS LGE Grant. Ayes: 4, Nays: 0, Absent/**Abstain**: 1 – Steve Perkins. ROLL CALL: 4 Ayes - Rebecca Ryan, Chris Lonneville, Dave Mateer, Travis Jones Abstain: 1 – Steve Perkins.0

Chris Lonneville noted that he would like to streamline the meetings by each department head providing reports before the meeting.

A motion was made by Dave Mateer and seconded by Travis Jones to enter into executive session at 7:01 p.m. to discuss employment history.

A motion was made by Chris Lonneville and seconded by Steve Perkins to end executive session at 7:55 p.m.

A motion was made by Travis Jones and seconded by Dave Mateer to retain Clark Patterson Lee as Engineer for the water system improvement project. Ayes: 4, Nays: 0, Absent/**Abstain**: 1 – Steve Perkins

A motion was made by Chris Lonneville and seconded by Travis Jones to set a Public Hearing on November 08, 2023 for the 2024 budget. Ayes: 5, Nays: 0, Absent/Abstain: 0

A motion was made by Dave Mateer and seconded by Chris Lonneville to adjourn at 8:00 p.m.
AIF