

March 8, 2018

Minutes of the Town Board of the Town of Catlin held March 8, 2018 at 7pm at the Town Hall.

ROLLCALL: Board Members: David Silvernail, William Collier, Richard Brink and Eugene Unwin

Supervisor LaVerne Phelps and Attorney John Mustico

Motion made by Collier; seconded by Brink accepting Town Clerk's minutes for February 8, 2018 and place into record as submitted.

CARRIED: ALL

**Correspondence:**

- Chemung County updating GIS Aerial Photos
- Chemung County Storm and Water Coalition Renewal
- 2017 Historian Report; will be posted on website

Motion by Silvernail; seconded by Collier to receive and place on file all correspondence for further action if needed.

CARRIED: ALL

**Departmental Reports:**

Supervisor reports:

He and Keith Swarthout met with Mr. Stedge of IDA to help acquire funds for renovations to the old Beaver Valley School. Mr. Swarthout is to provide Mr. Stedge with architectural drawings. Mr. Swarthout is planning on some apartments for seniors; coffee shop; gym and his daughter would like to provide physical therapy.

He and Bill Collier met with Steve Wilbur; IT of Chemung County; concerning backup for our computers and potential website; there is a company looking to provide county-wide so each town can do own website.

He and Joe Doan met with USDA to go over paperwork for loader funding.

He met with NYSEG with respect to changing street lights to LED.

He went to a web-x at the county concerning highway bridge application – still being worked on.

He and Attorney Mustico did the closing on the property on Murphy Hill & Pine Valley Hill roads.

Assessor – Grievance Day tentatively set for June 4<sup>th</sup>; all franchises and gas wells have been put on the roll and the town is at 100% valuation.

Motion by Collier; seconded by Brink to receive and place on file all Departmental Reports as submitted.

CARRIED: ALL

**Beaver Dams Fire Department:** Yearly report was given by ‘Alex’, 2<sup>nd</sup> Assistant

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**Mark Watts:** (Chemung County Soil & Water)

- Explanation concerning Storm & Water Coalition Agreement; renew every 5 years; \$300,000 budget for 3 people; our town’s share is \$1571 per year for 5 years. Received grant to put rock in Pine Valley stream.
- Explanation concerning GIS aerial photo upgrade (every 4 years) – town’s share \$900 which is not needed until 2019.

**Budget Modification:**

- Explanation given by Supervisor Phelps for requested Budget Modification (request attached)

Motion for Resolution 18-47 by Phelps; seconded by Brink approving Budget Modification as requested.

CARRIED: ALL

**Abstracts:**

Motion for Resolution 18-48 by Phelps; seconded by Collier approving abstracts for payment as submitted.

CARRIED: ALL

**Beaver Valley Water District:**

Supervisor Phelps reports:

- Town of Corning replaced a leaking O-ring in a hydrant
- Well #1 water level fluctuations; had a bad sensor; water logic came down to do testing

**Hearing of the Public #1:**

Opened 7:21pm

Toni Puzzi from Town of Veteran: introduced himself as a candidate for Legislator of

District #1 against present Legislator; John Pastrick. He believes the county has done a lot of financial harm to the municipalities of Chemung County when the sales tax was taken away; believes in term limits; wrote an article in the paper against increasing salary of the County Executive and Legislators; serving on the Town of Veteran Zoning Board since 1995.

John Pastrick of Backer Road: currently the Legislator representing District #1; has lived in the Town of Catlin all of his life; served on the Town Board for 15 years and has served as County Legislator for 16 years; the County Executive is one who took away the sales tax and yes, he did vote for it; Town of Veteran tax rate has stayed the same for 15 years; the County for 13 years; Town of Catlin was not so lucky – they a struggling – down to 3 highway crew – but they continue to make adjustments; Mr. Pastrick would like to bring back the sales tax allotment.

Close 7:26pm

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**Old Business:**

- Closed sale for property on Murphy Hill and Pine Valley Hill roads; sold to Brian Edwards; money in the bank
- LED – met with NYSEG – BV District current rate of \$7.79 per month per light (have 39 lights)  
With LED light rate would be \$4.43 per month per light – savings of \$905.04 per year

Town lights current rate of &7.79 per month per light (have 11 lights)  
With LED light rate would be \$6.35 per month per light – savings of \$277.67 per year

If we do this we need to submit payment for all 50 lights in the amount of \$2,039.66

\$1100 savings x 2 years to payback costs

Motion for Resolution 18-49 by Collier; seconded by Silvernail granting permission to Supervisor Phelps to enter into agreement with NYSEG to replace Beaver Valley Light District and Town of Catlin Light District bulbs with LED bulbs and submit in payment a check in the amount of \$2,039.66.

CARRIED: ALL

- Highway Garage Repairs: County agrees to supply material and labor for heating upgrade (\$5480.) and roof replacement (\$9,000.). We pay for materials upfront and turn in invoices for reimbursement.
- Town Website: County is looking into a county-wide website for all municipalities which in turn each one could enter and control the material posted

Dave, who does website now was concerned if he may be liable for information of site – NO, as he is give information via Town Supervisor and or Town Clerk

**New Business:**

- Supervisor had a couple stop in to see about property on Murphy Hill & Pine Valley Hill roads we had for sale; was told it had sold; they asked if there was any other land for sale; Supervisor told them we may look into selling 5 acres of the 9.25 acres the Town owns on Kimble & East Creek roads but would need to speak with Highway Superintendent and Town Board first

General discussion took place:

Joe is concerned with room - plans to build cold storage building and needing somewhere to dump, etc. he is NOT for selling

The area is swamp

Discussion concerning price; would need survey (approx.\$1200) and appraisal (approx.. \$400); need to get more details what highway needs are

Table this topic for now

- MLC Leasing: 2.89 % interest / \$695. Filing fee / will be saving over \$6000 term of the loan of 4 years

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**New Business Con't:**

- GIS Aerial Consortium: photo upgrade at \$900 to be budgeted for 2019

Motion for Resolution 18-50 by Phelps; seconded by Collier approving GIS Aerial Consortium upgrade not to exceed \$900.

CARRIED: ALL

- Chemung County Storm Water Coalition: this is a 5 year inter-municipal agreement which is up for renewal for another 5 years at the annual cost of \$1571.

Motion for Resolution 18-51 by Phelps; seconded by Collier approving renewal of the inter-municipal agreement relating to storm water, erosion and sediment control not to exceed the annual cost of \$1571 per year for 5 years.

CARRIED: ALL

- Highway worker, Mark Phelps – Pay increase request: has completed his 6 month probation; Highway Superintendent is requesting 40 cent raise – payroll # 6 – March 19, 2018

Discussion took place as to why does the Town Board need to approve this pay raise as the workers have a contract.

Needs Town Board approval because Mark Phelps was not hired under the contract; he was hired after the fact; therefore, needs board approval.

Motion for Resolution 18-52 by Brink; seconded by Silvernail approving 40 cent pay raise for Highway worker, Mark Phelps beginning with payroll #6, March 19, 2018.

CARRIED: AYES: Silvernail, Collier, Brink and Unwin

ABSTAINED: Phelps

Attorney Mustico – sometime we need to talk about when you can abstain and when you can't; there are parameters when you do; and if you do you need to state why and you cannot participate in discussions or be in the room. You as Supervisor do not have to vote anyway unless there is a tie.

Will scratch from resolution 18-52 Supervisors' abstained vote as it was not necessary

- Junk Cars – Dave Silvernail heading - NYS-302.8 allows 1 unlicensed vehicle / current Local Law allows 1

General discussion – how much time and money do we want to put forth enforcing; usually it is addressed upon complaints – Beaver Valley area complaints; Bryan down checking it out – about 20 vehicles

Discussion concerning Residential areas - allow ZERO junk cars: Beaver Valley project; portions of NYS Rt 414, Sparrow Drive, Que Vista, portion of Campground Road and portion of Chambers Road

Beaver Valley project concerns due to small lots

Collier suggests including Neighborhood Business as well  
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**New Business Con't:**

Junk Cars Con't:

Silvernail – have 3 zones – AR (Agricultural-Residential), NB (Neighborhood Business) and R (Residential)

Silvernail – need to get rid of ‘JUNK’ and use the State’s description of ‘inoperative’, ‘unregistered’, ‘unlicensed’ and ‘partially disassembled’; this pertains to vehicles kept OUTSIDE – if it is inside a garage or under a cover it is allowed which is part of the State’s code

Silvernail – need to distinguish between the 3 zones; in regard to AR there is an exemption within the state code for agricultural districts; vehicles used in agricultural business – no limit of vehicles;

Attorney Mustico and Mark Watts explained the difference between being zoned ‘ag district’ and ‘ag assessment’; ag district is a tax assessment zone for exemption from taxes; ag district has no taxes and have the added protection via state district ag law; property can be in a ag district and not take advantage of ag value assessment

Atty Mustico – need to designate an ag district

Mark Watts – county has 5 ag districts; trying to consolidate into one – this town is in the counties ag district; every November one can request their property added to ag district – goes in front of the county legislature for approval

Atty Mustico – do we talk ag district or ag use (AR can have farm); DMV regulates farm vehicles/use

Supervisor - need clarification between AR and AG Districts

Silvernail – Residential zones – how does one sell a car if ZERO allowed – do they get a permit from CEO allowing up to 30 days to sell or do a 30 day notice letter then car must be gone or get cited

Brink – what if someone is making repairs to their car

Unwin – put it in a garage

Silvernail – all motor vehicle parking should be kept off yards; along roads; over shut-off valves – park in driveway only

Phelps – many homes have multiple cars

Brink – they wash cars in the yard - they have parties – campers

Silvernail – campers do not count – looking for consensus from the board on each of these points; as far as businesses go say in accordance with current state codes

Unwin – the problem is if CEO gives 30 days to sell and the car does not sell then have to get rid of it

Phelps – disagrees with a permit to sell; refers back to NYS 302.8; same with AR and Ag Dist.

Everyone agrees no need to do anything concerning ag district – just follow state code  
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**New Business Con't:** Junk Cars Con't:

Collier – Residential and Business – Zero / rest follow state

Phelps – Modify Resolution # 79-65 “Refuse Disposal Ordinance”; clean it up and clean up the enforcement portion

Collier – Rental and Lease properties – need to site both property owner and tenant; add wording any cost incurred by the town will be levied to the property taxes

**Hearing of the Public #2:** Open 8:30pm

J. Pastrick of Backer Rd: why not put junk car regulation in front of Planning Board  
Atty. Mustico responded because it is not a zoning issue it is a legal issue; thanks to Mark Watts for his service throughout the county; what is going on with Spectrum  
Supervisor responded he has not heard back from them

V. Petris of Catlin Hill Rd; does the board really want to site people for junk cars; they have a right to have boats, etc on their property  
Supervisor responded the board is talking about cars that are just sitting around  
What constitutes a farm  
Supervisor responded that is what we are discussing – trying to come up with definition  
Who is Mark Phelps  
Supervisor responded he is a new highway employee  
What are the people going to do with the property buying from the highway employee  
Supervisor responded talked about building something  
Conversation concerning salt in the water

A. Sullivan of 223 Chambers St – you should think about keeping the land by the highway garage – you may need it in the future for expansion; the car thing – we have trouble with our 2 cars; have to park ½ on lawn to make room  
Atty. Mustico – you are a fire fighter; what about safety issues  
Sullivan – it an exposure; nothing can be done due to houses being so close; just like in the city

Close – 8:45pm

Motion by Phelps; seconded by Collier to adjourn meeting at 8:46pm.  
CARRIED: ALL