

June 11, 2020

Minutes of the Town Board of the Town of Catlin held June 11, 2020 at 7pm at the Town Hall which was held via conference call for the public to participate due to COVID-19 pandemic.

ROLLCALL: BM: William Collier, Catherine Edwards and Dave Silvernail
Supervisor LaVerne Phelps and Attorney John Mustico
ABSENT: Eugene Unwin

Motion made by Collier, 2nd by Silvernail to excuse Unwin from the board meeting.
CARRIED: ALL

Motion made by Collier, 2nd by Edwards to accept and place on file Town Clerk's minutes of May 14, 2020 as submitted.
CARRIED: ALL

Correspondence:

- Harris Beach Bond Counseling Service Contract for truck
- Harris Beach Bond Contract Resolution for truck
- DEC permit – Pine Valley Creek repair
- DEC terminating hunting license agent
- Comp Alliance Ins. workforce reduction credit
- NYSEG – gas line replacement Rte 414 & Beaver Valley housing
- Pete Forcier – resignation from Planning Board
- Bonnie Wead – letter in reference to cattle

Motion made by Collier; 2nd by Silvernail to receive and place on file all correspondence for further action if required.
CARRIED: ALL

Departmental Reports:

Highway report:

- past flood road repair – received \$30,016 from FEMA which is one of three checks to be received
- Road repair for 2020 list presented
- CHIPS - \$197,101 – subject to 20% reduction due to COV ID-19 (lack of sales tax)

Supervisor report:

- Conference calls going on constantly
- NYSEG – gas line replacement – conversation concerning road repair
- Cold storage construction begins June 12th

CEO received letter from Eric Austin allowing Bonnie Wead to use 15 acres for livestock

Assessor – Board of Assessment Review held June 1st ; one person came for adjustment

Motion made by Collier; 2nd by Silvernail to receive and place on file all Departmental Reports as submitted.
CARRIED: ALL

June 11, 2020

Abstracts:

Motion for Resolution 20-61 made by Phelps; 2nd by Collier approving abstracts for payment as submitted.

CARRIED: ALL

Beaver Valley Water Department:

Supervisor to report:

- flushing was completed on June 1st; Tom Manning helped
- Town of Corning marking water lines and valves before NYSEG begins gas line replacement

Silvernail – what if NYSEG hits water line; should there be someone standing by?

Supervisor – there is one valve we have not found; NYSEG to help find it; Town of Corning will be on call for emergencies

Old Business:

- Mass gathering application form

General discussion: copy was sent to Health Department and Insurance Company for review; no communication with Health Department and Insurance Company stated 'not public property – therefore, no problem'

New Business:

- Harris Beach counsel service contract – Attorney Mustico has reviewed – just a standard contract
- Harris Beach bond resolution – Attorney Mustico stated this is their expertise – no issue
- CHIPS 2020 funds – need to authorize spending of funds to the Highway Superintendent
- Peter Forcier – resignation from Planning Board; current alternate Becky Lucas will take over
- Bonnie Wead – letter concerning livestock issues; lacking the needed 10 acres; Eric Austin has supplied a letter to the board giving Bonnie permission to use 15 acres of his adjoining land for the livestock
- Property Maintenance – had case in court concerning garbage & junk vehicles; lost due to PMC not being descriptive enough. Need to upgrade. GENERAL DISCUSSION

Proposed changes to the property maintenance:

Our current property maintenance is basically like, 3 or 4 lines.

Code enforcement took a person to court and for all intents and purposes lost. It had to do with garbage and junk vehicles. The current law is not descriptive enough to take care of that for the court hearing. There's two paragraphs that really comes out of the New York State Property Maintenance program, two paragraphs which is in much more detail.

Atty: Is it under the ordinance, or under property maintenance?

We think it's under the ordinance

It was taken under the New York State Property Maintenance

We never adopted the New York State property maintenance

Atty: Yes, you did. When you created The Code Enforcement office years ago, you adopted the model ordinance that adopted the building code, that's part of the building code, so you've got it.

My interpretation was last year I submitted the new Property Maintenance from New York State and we talked about it and we submitted to the planning board for them to review and it was so restrictive like right down to cracked paint on boards on houses that it just kind of faded away

They don't have to do, it's part of what your code enforcement officers is required to enforce

It's up to his discretion whether to enforce it, or not.

Exactly, like anything

Then we don't have to adopt them?

You've already have

The proposal last year was they wanted you to take pieces of the

The proposal last year was they wanted you to take pieces of the property maintenance code and put it in here, which is redundant makes no sense because he can take it under the property maintenance code plus the property maintenance code has a \$1,000 a day penalty. Why mess around with your code when you can really get their attention

Board member: One reason why you don't do that is because if you do it to the New York state code, the town doesn't get that money, the state does.

I don't care about that

You're looking for enforcement you're looking for change, you're not looking for anybody to pay anything.

We want it cleaned up

You said it was vehicles

Yes, they had garbage around the house, garbage bags backed up, and there were two unlicensed vehicle.

Didn't we adopt an ordinance for that, that shouldn't have been a problem.

For all intents and purposes, we lost. I have a misinterpretation.

It was Rich, Rich he voted for these things when you adopted them but when he found against the town, did he write a decision?

I think he did.

If he wants changes, we will have to change.

They are supposed to meet because Rich was asking for specific things that Brian(CEO) didn't have. We had the public defender and the district attorney which was a bad combination, you know. We talked about calling you to have you come up.

The DA was handling it for the town?

Yes

OK

Then, within the next week or two this covid-19 came in, everything is stopped. My goal, for bringing it up for discussion, as soon as the court has opened back up, we can go back to that situation and revisit. A couple other situations, same thing.

If the district attorney is here, why is he defending

It just didn't work

Hearing of the Public:

Open 7:42pm

Closed 7:45pm

Bonnie Wead: 42 Kimble Rd.

I am the one who they complained about the cows. I want to know who complained and I suppose you can't do that. I know who it is and I don't blame the person who did because they've got so much time on their hands with this virus that's going on they have nothing else to do. I don't appreciate it. All the years that we've lived up here, we were born up here and I feel so sorry for that guy, maybe there was two of them I'm not sure but don't take it out on Rob. I don't appreciate it, so if you know who that person is I wish you would relay the message to him or whoever.

Rob: Enough's enough, because I will get a lawyer.

how many cows are there?

10, well 4 babies, I grow my meat, I can't eat it at the store because I had my gallbladder out 3 years ago. I show my kids responsibility and I will not take it away from them

Code enforcement has that agreement In reference to your situation, as long as you have access to Eric Austin's property, you are free and clear.

Anybody else complains, it's not a problem. I'll give them the information.
Thank you.

Anybody else?

Hearing of the Public

June 11, 2020

Paul Chappius, 185 Pine Valley Road.

Mr. Chappius speaks: This is in regards to the mass Gathering permit application. It's my feeling that the board is really overstepping their authority. If you look up mass gathering in any other local town, those that even have an ordinance for mass gathering, it's defined as 5,000 people or more, for a period of 18 hours or more. Mass Gathering as defined by the New York State Department of Health, is 5,000 people or more for a period of 24 hours or more. Mass Gathering by Wikipedia, more than a thousand people that taxes the resources of the town. I had a gathering last year, called it the Pine Valley Music Festival, did not break any ordinances, did not tax a single utility or resource of the town.

Town Attorney: Before you go farther, you didn't break any ordinance, but you also didn't have permission in the ordinance to undertake the thing. They're trying to accommodate you, by putting it into the law, because what you did last year was illegal. They're trying to accommodate you to make sure that you can do it.

Tell me what I did last year that wasn't approved in the town of catlin.

It wasn't an approved use of property in the Town of Catlin zoning ordinance.

What was it?

The zone ordinance, it's not a permitted use where you are.

You haven't shown me a zoning ordinance that says that.

The zoning ordinance doesn't say you're not permitted to do this, this, and this. They don't list that. The zoning ordinance is permission. You look at the Use Regulation Table, you look down for what your area is in. You don't see any kind of gathering; mass gathering, Festival, anything. You broke the law. What these people tried to do for you is to accommodate you in the future, so that you can hold this Festival.

You're telling me that the ordinances cover everything possible that somebody could have, or not have?

No it covers what is allowed. Anything that is not allowed, is not allowed. If you're not specifically listed in our use table, it's not allowed.

Okay, is there going to be an ordinance that supports this application?

Yes, that is what they are trying to do for you. We're trying to accommodate you.

Board member: That's what we did last month.

You don't see the disparity between anybody else's definition of mass Gathering and your definition of mass gathering? You don't see the difference? You specifically targeted what I did!

For one thing, again, they're trying to accommodate you. They can go back and remove this mass gathering law. Then you can go back to hold a mass gathering, and we'll just ticket you at that point. They don't want to do that, they want you to be able to operate. They also want to be able to make sure that it's operated the way the town believes it should be, with public health excetera excetera, down the line.

It's on private property, it does not tax any of your resources or utilities. I don't understand. Like I said, anybody, John Q public, looks at those two definitions and they've got to ask themselves, what are these people doing, what are they trying to do

They make their definition of what this is, maybe we should have named it something different. That might have made everybody happy and we don't have the obvious comparisons. They can go back into that, they can change the name if it'll make you happy, so that doesn't say mass gathering. Again, what they have tried to do is -accommodate -you- in -what- you're- doing!

I don't see where that was necessary. It was fine last year, went off without a hitch.

It was illegal.

I don't believe that for a minute

Good, sue them. It came to their attention that it happened. Now, they have to take action. Again, they are taking action to help you.

I don't believe that.

Well, why would they be doing it?

I have no idea.

They are doing it for you. They are offering you a permit for what you did, to be done, because there is no permit for it to be done.

Board member: we're also protecting our neighbors. We're protecting the roads, there's a lot of things that come into it. It's not like you're not using any resources, we still are a town and we still have to protect our town.

Thank you.

Do I turn in the application tonight?

Spvr: if you turn it in, we will look at it during the July meeting. Hopefully, everything will be freed up by then. We may have to look at the restrictions, current restrictions that are still in. Even at that, there is the July meeting and we have until August 8th. The whole thing will be contingent upon what is allowed and what is not allowed. You know what I mean? If you want to turn it in tonight, she won't have time to take your money, unless you write a check

June 11, 2020

Resolutions:

Motion for Resolution 20-62 made by Edwards; 2nd by Silvernail approving Public Mass Gathering Application Form.

CARRIED: ALL

Motion for Resolution 20-63 made by Collier; 2nd by Edwards granting permission to Supervisor Phelps to enter into contract with Harris Beach Bond Counsel Service; not to exceed \$3,500.00.

CARRIED: ALL

Motion for Resolution 20-64 made by Collier; 2nd by Edwards authorizes the acquisition of one tandem snow plow truck to Supervisor Phelps and Highway Superintendent, Joe Doan; not to exceed \$228,000.00 and authorizes the issuance of up to \$172,000.00 in serial bonds of the Town to finance a portion of said appropriation.

CARRIED: ALL

Motion to adjourn made by Phelps; 2nd by Collier at 7:50pm.

CARRIED: ALL