

May 13, 2021

Minutes of the Town Board of the Town of Catlin held May 13, 2021 at 7pm at the Town Hall.

ROLLCALL: BM: Ron Moshier, Dave Silvernail, William Collier and Craig Christiansen  
Supervisor LaVerne Phelps and Attorney John Mustico

Motion was made by Collier; 2<sup>nd</sup> by Moshier accepting Town Clerk's minutes for April 8<sup>th</sup> and April 26<sup>th</sup> of 2021.

CARRIED: ALL

**Communications:**

- NYS Rural Water Association – Town of Catlin received reward for 15 year membership
- City of Elmira – Animal Control contract renewal - \$800 per month
- Paul Chappius – Mass Gathering Application
- Judy Elliott (Pratt) – water bill concern
- Southern Tier Planning Virtual Conference

Motion was made by Silvernail; 2<sup>nd</sup> by Collier to receive and place on file all correspondence for further action if required.

CARRIED: ALL

**Departmental Reports:**

Supervisor – Town Clerk position has been advertised for elected position – have spoken to people about it possibly becoming an appointed position – Chemung/Schuyler Clerk Association to pass on the information. The elected position must be a Town residence as where the appointed position may be anyone outside of the Town. To make the Town Clerk position an “appointed” position would need a Local Law; Public Hearing and Mandated Referendum for the November election.

- Discussion concerning court cases and the Code Enforcer; previously the Assistant District Attorney would not oversee the case unless the Defendant had an attorney; Judge Richard Brink would prefer the Code Enforcer not prosecute his own case against said Defendant; therefore, the District Attorney's office has given Town Attorney, John Mustico, permission to act as the Town's Prosecutor which would cost the Town money.
- June 7<sup>th</sup> is Grievance Day between 4pm and 8pm; one complaint at this time

Motion was made by Collier; 2<sup>nd</sup> by Silvernail to receive and place on file all Departmental Reports as submitted.

CARRIED: ALL

**Abstracts:**

Motion for Resolution 21-60 was made by Phelps; 2<sup>nd</sup> by Collier approving vouchers for payment as submitted.

CARRIED: ALL

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**Beaver Valley Water District:**

Supervisor – NYS mandated water test was completed by the Chemung County Health Department; this is paid by NYS; natural gas line replacement has been completed; had 2 high water bills this quarter

**Old Business:**

- Town Clerk's position – advertised in the Hi-lites; Silvernail questions why as it is not the Town's official newspaper; Supervisor: the Hi-lites goes into every mailbox and the newspaper does not and was only used for informational purpose
- Planning Board – nothing to report

**New Business:**

- Building Reserve Fund – put money aside for building repairs; \$5,000 minimum per year; discussion concerning difference between “capital reserve fund” and “building reserve fund”; “capital” – money can only be spent with a “public” referendum (vote); “building” – money can be spent with just Town Board approval
- City of Elmira – animal control contract renewal – no increase - \$9600 for the year with monthly payments of \$800
- Elliott-Pratt water bill – Don Pratt explained that due to them being hard of hearing they did not realize there was a leak until sister-in-law mentioned she heard water leaking. Upon checking it out there was a leak in the line under the house which has been fixed

Supervisor Phelps also explained he has the capability of reading the meters history with his phone and could see when the readings increased and just how much water was used

General discussion as to how to handle the situation; the water bill normally averages \$60 per quarter; this quarter it is \$918.28; Town Board agreed to reducing the bill by \$425 and allowing a year for payment without penalty

- Chappius mass gathering application – CEO to do inspection and report to the board members; then decision to grant or deny application will be made; at this time there is no set date for inspection

**Hearing of the Public:**

Opened – 7:35pm

Paul Chappius - Pine Valley Road: Mr. Chappius gave a small account of his court proceedings concerning last year's gathering during COVID as the Health Department had denied his having said gathering but Mr. Chappius held it anyway – this case is still open. Commented the definition on the application for mass gathering is 100 people for 4 hours; the definition by NYS for mass gathering is 5,000 people plus for 24 hours as well as the Town of Horseheads which is a local municipality; I do not tax the community at all – use my own water; electric; etc.

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**Hearing of the Public Con't:**

BM Christiansen -- we are not NYS or the Town of Horseheads; the Town of Catlin allows for 100 people for 4 hours

Judy Elliott-Pratt – 9 Catlin Dr: thanking the Town Board for the reduction of this quarters water bill

Mike (John) Pastick – Backer Rd: county is receiving 16 million from federal government; where to use; federal gave money directly to county – did not go to state to divvy up

Closed – 7:40pm

**Resolutions:**

Motion was made by Collier; 2<sup>nd</sup> by Moshier for Resolution 21-61 establishing “Building Repair Reserve Fund” which is to be funded yearly at a minimum of \$5,000.

CARRIED: ALL

Motion was made by Collier; 2<sup>nd</sup> by Silvernail for Resolution 21-62 granting permission to Supervisor Phelps to execute an Intermunicipal Agreement between the City of Elmira and the Town of Catlin for animal control commencing May 1, 2021 and expiring April 30, 2022 not to exceed \$9600.00.

CARRIED: ALL

Motion was made by Collier; 2<sup>nd</sup> by Christiansen for Resolution 21-63 lowering Judy Elliott-Pratt’s 2<sup>nd</sup> quarter water bill at 9 Catlin Drive by \$425.00 and granting one (1) year to pay without penalty.

CARRIED: ALL

**Executive Session:**

Motion was made by Phelps; 2<sup>nd</sup> by Collier to move into executive session at 7:52pm,

CARRIED: ALL

Motion was made by Moshier; 2<sup>nd</sup> by Collier to adjourn executive session at 8:18pm.

CARRIED: ALL

Motion was made by Collier; 2<sup>nd</sup> by Moshier to adjourn Town Board meeting at 8:19pm.

CARRIED: ALL