

Town of Catlin
Regular Board Meeting Minutes
June 11, 2026

Meeting called to order at 7:00pm by Supervisor LaVerne Phelps.

ROLLCALL: BM: Mike Koval, Ron Moshier, Bill Collier, Craig Christiansen, Supervisor LaVerne Phelps, Attorney Mustico

Pledge of Allegiance and Moment of Silence

Public Hearing:

Attorney Mustico opened the Public Hearing concerning Local Law 1 of 2026, a local law amending Local Law 3 of 2012 – A Local Law Amending the Alternate Planning Board and Zoning Board of Appeals Members Act of the Town of Catlin.

No one spoke.

Motion made by Collier; 2nd by Christiansen, closing the Public Hearing at 7:02pm
CARRIED: ALL

Minutes:

Motion made by Collier; 2nd by Koval accepting Town Clerk's minutes for May 14, 2026, and May 21, 2026, into records as submitted.
CARRIED: ALL

Correspondence:

- Board of Assessment Review sent minutes from Grievance Day held on June 1, 2026, from 4pm to 8pm. Two grievances were heard.
- NYMIR Insurance Visit – inspected buildings. Recommended highway crew use pre-check forms for maintenance on their vehicles and recommended using a NYMIR authorized boiler inspector.

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

Departmental Reports:

Reports submitted by Highway Superintendent, Supervisor, Town Clerk, Code Enforcement Officer, Assessor, Animal Control and Sheriff.

- Supervisor – worked with Code and NYMIR visit.
- Assessor – Equalization Rate is 93%.

Motion made by Christiansen; 2nd by Koval to receive and place on file all departmental reports for further action if required.

CARRIED: ALL

Abstracts:

Motion for **Resolution 26-68** was made by Phelps; 2nd by Collier approving June 11, 2026, Abstract #6 vouchers for payment: General vouchers 93-115: \$7,649.57; Highway vouchers 66-77: \$321,234.54; BV Light District vouchers 10-11: \$323.24; and BV Water District vouchers 39-48: \$6,642.79; for a total of \$339,641.10.

CARRIED

AYES: Koval, Moshier, Collier, Christiansen

NAYES: None

Beaver Valley Water District:

- Public Hearing needed for BVWD Improvement Project.
 - Town needs to declare itself Lead Agency on the project.
- General Discussion on steps for BVWD Project.

Old Business:

- Local Law 1 of 2026, amending Local Law 3 of 2012. A Local Law that would allow alternate members to serve on either the Planning Board or the Zoning Board of Appeals.

New Business:

- Pine Ridge Drive has met criteria to be dedicated as a new town road, pending Attorney Mustico approving title.
- Chemung County Equalization Rate for the Town of Catlin is 93%. Possibly do revaluation in next year or two.

Hearing of the Public:

Opened: 7:17pm

No one spoke.

Closed: 7:17pm

Resolutions:

Motion for **Resolution 26-69** was made by Moshier; 2nd by Koval hereby accepting and dedicating Pine Ridge Drive as a Catlin town road.

CARRIED

AYES: Koval, Moshier, Collier, Christiansen

NAYES: None

Motion for **Resolution 26-70** was made by Phelps; 2nd by Christiansen hereby enacting **Local Law 1 of 2026, A Local Law Amending Local Law No. 3 of the Year 2012**

Relating to Alternate Members of the Planning Board and Zoning Board of Appeals. The Town Board of the Town of Catlin hereby establishes a pool of alternate members who may be designated, as provided herein, to serve on the Planning Board or the Zoning Board of Appeals when a regular member of the respective Board is unable to participate in the consideration of a specific application or matter.

CARRIED

AYES: Koval, Moshier, Collier, Christiansen

NAYES: None

Motion for **Resolution 26-71** was made by Christiansen; 2nd by Moshier hereby setting a public hearing for July 9, 2026, at 7pm with respect to improvements to the Town of Catlin's Beaver Valley Water District.

CARRIED

AYES: Koval, Moshier, Collier, Christiansen

NAYES: None

Motion for **Resolution 26-72** was made by Collier; 2nd by Christiansen hereby declaring the intent of the Town of Catlin Town Board to act as lead agency in the Beaver Valley Water District Improvements Project.

CARRIED

AYES: Koval, Moshier, Collier, Christiansen, Phelps

NAYES: None

Motion was made by Phelps; 2nd by Moshier adjourning the meeting at 7:20pm.
CARRIED: ALL

Respectfully Submitted,

Yvonne M. Cutler

RESOLUTION 26-68

June 11, 2026

By: LaVerne Phelps

2nd by: Bill Collier

ABSTRACTS

RESOLVED, the Town Board of the Town of Catlin hereby approves submitted June 11, 2026, Abstract #6 vouchers for payment: General vouchers 93-115: \$7,649.57; Highway vouchers 66-77: \$321,234.54; BV Light District vouchers 10-11: \$323.24; and BV Water District vouchers 39-48: \$6,642.79; for a total of \$339,641.10.

CARRIED

AYES: Koval, Moshier, Collier, Christiansen

NAYES: None

RESOLUTION 26-69

June 11, 2026

By: Ron Moshier

2nd by: Mike Koval

PINE RIDGE DRIVE ACCEPTED AS TOWN ROAD

WHEREAS, Pine Ridge Drive existed in the Town of Catlin, off Lemae Drive as a private road, and

WHEREAS, Pine Ridge Drive is currently owned by John and Robin Makinster, and

WHEREAS, Makinster has offered to the Town said roadway for dedication, and

WHEREAS, The Town of Catlin Highway Superintendent has informed the town that Pine Ridge Drive has been brought into compliance with Resolution 2001-40 which establishes the conditions precedent to the acceptance of any highway, road or street by the Town of Catlin pursuant to the town law and the highway law of the State of New York, and

WHEREAS, GVR LAW PLLC has provided Attorney Mustico with proposed deed TP-584 and RP-5217 for the dedication of Pine Ridge Drive, and

WHEREAS, Attorney Mustico is able to approve a clear title, and

WHEREAS, the Town Board of the Town of Catlin has determined that the acceptance of the dedication of the proposed Pine Ridge Drive is in the best interest of the residents of Catlin, therefore be it

RESOLVED, the Town Board of the Town of Catlin hereby accepts and dedicates Pine Ridge Drive as a public road in the Town of Catlin.

CARRIED

AYES: Koval, Moshier, Collier, Christiansen

NAYES: None

RESOLUTION 26-70

June 11, 2026

By: LaVerne Phelps

2nd by: Craig Christiansen

**LOCAL LAW 1 OF 2026
A Local Law Amending Local Law 3 of 2012
RELATING TO ALTERNATE MEMBERS OF THE PLANNING BOARD AND
ZONING BOARD OF APPEALS**

WHEREAS, a notice was duly given and published announcing a Public Hearing concerning LL-1 of 2026 for June 11, 2026, at 7pm, and

WHEREAS, no one spoke for or against, therefore be it

RESOLVED, the Town Board of the Town of Catlin hereby enacts Local Law 1 of 2026 as follows:

**A Local Law Amending Local Law No. 3 of the Year 2012
Relating to Alternate Members of the Planning Board and Zoning Board of Appeals**

ARTICLE I

This local law shall be known and may be cited as:

“A Local Law Amending the Alternate Planning Board and Zoning Board of Appeals Members Act of the Town of Catlin.”

ARTICLE II

LEGISLATIVE FINDINGS AND INTENT

The Town Board of the Town of Catlin hereby finds and determines as follows:

1. The Planning Board and Zoning Board of Appeals of the Town of Catlin perform essential quasi-judicial and administrative functions pursuant to Article 16 of the New York Town Law.
2. Situations arise from time to time in which a duly appointed member of the Planning Board or Zoning Board of Appeals is unable to participate in the consideration of a particular application or matter due to conflict of interest, recusal, disqualification, illness, or other lawful inability to participate.
3. The inability of one or more members to participate in a particular application or matter may prevent the affected Board from achieving a quorum, thereby delaying official action and impairing the ability of the Town to adhere to statutory and regulatory timeframes.
4. The New York State Legislature, through amendments to Town Law §§ 267 and 271, has expressly authorized towns to provide by local law for the appointment and use of alternate members of planning boards and zoning boards of appeals.
5. The Town Board adopted Local Law No. 3 of the Year 2012 to establish alternate members, but finds that amendments are now necessary to:
 - clarify the circumstances under which alternate members may be designated;
 - provide express authority for the use of alternates to preserve a quorum;
 - safeguard due-process rights by preventing dual participation in the same matter; and
 - eliminate unnecessary and unintended supersession of state law.

6. These amendments are intended to strengthen procedural clarity, reduce the risk of legal challenge, and ensure the fair and efficient operation of the Planning Board and Zoning Board of Appeals while remaining fully consistent with Town Law §§ 267 and 271.

Accordingly, the Town Board hereby amends Local Law No. 3 of the Year 2012 as set forth below.

ARTICLE III

AMENDMENT OF LOCAL LAW NO. 3 OF 2012

Local Law No. 3 of the Year 2012 is hereby amended to read as follows:

ARTICLE IV

AUTHORIZATION AND APPOINTMENT OF ALTERNATE MEMBERS

Section 1. Establishment of Alternate Member Pool

The Town Board of the Town of Catlin hereby establishes a pool of alternate members who may be designated, as provided herein, to serve on the Planning Board or the Zoning Board of Appeals when a regular member of the respective Board is unable to participate in the consideration of a specific application or matter.

Section 2. Appointment and Term

Alternate members shall be appointed by resolution of the Town Board for a term of five (5) years and shall possess all qualifications required by law for appointment to the Board on which they may be designated to serve.

ARTICLE V

DESIGNATION AND AUTHORITY

Section 1. Designation by Chairperson

The Chairperson of the Planning Board or the Chairperson of the Zoning Board of Appeals may designate an alternate member to substitute for a regular member of that Board who is unable to participate (by reason of conflict of interest) in the consideration of a particular application or matter.

Section 2. Scope of Designation

Each designation of an alternate member shall:

1. Apply only to the specific application or matter for which it is made; and
2. Automatically terminate upon final determination of that application or matter.

Section 3. Powers of Designated Alternate

When duly designated, an alternate member shall have all the powers and responsibilities of a regular member of the Board with respect to the application or matter for which the designation is made.

Section 4. Record of Designation

All designations of alternate members shall be stated on the record and entered into the minutes of the meeting at which the substitution occurs.

ARTICLE VI

QUORUM PRESERVATION AND LIMITATIONS ON SERVICE

Section 1. Quorum Preservation

Alternate members may also be designated pursuant to this local law to preserve or achieve a quorum of the Planning Board or Zoning Board of Appeals when one or more regular members are unable to participate in a particular application or matter.

A duly designated alternate member shall be counted for quorum and voting purposes only with respect to the application or matter for which the designation is made.

Nothing herein shall be construed to increase the lawful membership of either Board.

Section 2. Prohibition on Dual Participation

An alternate member who participates in the review or determination of an application or matter before the Planning Board shall not participate in the review or determination of the same application or matter before the Zoning Board of Appeals, and vice versa.

Participation before one Board shall constitute a conflict of interest with respect to service before the other Board on the same application or matter.

ARTICLE VII
APPLICABILITY OF STATE AND LOCAL LAW

All provisions of state law and local law relating to Planning Board and Zoning Board of Appeals member eligibility, training, continuing education, ethics, conflicts of interest, attendance, compensation, vacancy in office, removal, compatibility of office, and service on other boards shall apply equally to alternate members when designated pursuant to this local law.

ARTICLE VIII
REPEAL OF INCONSISTENT PROVISIONS

Article V of Local Law No. 3 of the Year 2012, entitled "Supersession of Town Law," is hereby repealed in its entirety.

All other local laws or parts thereof inconsistent with this local law are hereby repealed to the extent of such inconsistency.

ARTICLE IX
SEVERABILITY

If any provision of this local law is adjudged invalid by a court of competent jurisdiction, such judgment shall not affect the validity of the remaining provisions.

ARTICLE X
EFFECTIVE DATE

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

CARRIED

AYES: Koval, Moshier, Collier, Christiansen

NAYES: None

RESOLUTION 26-71

June 11, 2026

By: Craig Christiansen

2nd by: Ron Moshier

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF CATLIN, CHEMUNG
COUNTY, NEW YORK AUTHORIZING A PUBLIC HEARING UNDER TOWN LAW
SECTION 202-B WITH RESPECT TO IMPROVEMENTS TO THE TOWN'S BEAVER
VALLEY WATER DISTRICT**

WHEREAS, the Town Board (the "Town Board") of the Town of Catlin (the "Town") is considering undertaking the acquisition, construction and reconstruction of certain improvements to the Town's Beaver Valley Water District, including upgrades to water treatment sites, pumps and filtration, supply lines and any right-of-way, appurtenant and incidental improvements, equipment or apparatus necessary or appropriate in connection with the foregoing and other costs and expenses incidental thereto (collectively, the "Project") all at an estimated maximum cost of \$3,469,000; and

WHEREAS, the Town Board now intends to conduct a public hearing in accordance with Section 202-b of the Town Law with respect to undertaking the Project at such estimated maximum cost.

NOW THEREFORE, BE IT RESOLVED, by the Town Board as follows:

Section 1. A public hearing shall be held at a public meeting of the Town Board to be held on July 9, 2026 at 7:00 p.m. at the Town of Catlin Town Hall, 1448 Chambers Road, Beaver Dam, New York 14812, to consider if it is in the public interest to undertake the Project at an estimated maximum cost of \$3,469,000 and to hear all persons interested in the subject thereof.

Section 2. The Town Clerk is hereby directed to cause notice of such public hearing to be published in *The Corning Leader* and posted on the Town Bulletin Board at 1448 Chambers Road, Beaver Dams, New York 14812 in the manner prescribed by Section 193 of Town Law.

Section 3. This resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

	<u>AYES</u>	<u>NAYS</u>
LaVerne Phelps, Town Supervisor	X	
William Collier, Deputy Town Supervisor	X	
Mike Koval, Board Member	X	
Craig Christiansen, Board Member	X	
Ron Moshier, Board Member	X	

The resolution was thereupon declared duly adopted by a vote of 5 ayes and 0 nays.

Dated: June 11, 2026

RESOLUTION 26-72

June 11, 2026

By: Bill Collier

2nd by: Craig Christiansen

**RESOLUTION DECLARING THE INTENT OF THE TOWN OF CATLIN TOWN BOARD
TO ACT AS LEAD AGENCY**

WHEREAS, the Town of Catlin (Town) is proposing the Beaver Valley Water District Improvements Project (Project), located in the Town of Catlin, Chemung County, New York; and

WHEREAS, the Project has been classified as an "Unlisted Action" as defined by the State Environmental Quality Review Act (SEQRA) in 6 NYCRR Part 617.2(al); and

WHEREAS, it is the intent of the Town of Catlin Town Board to assume the role of "Lead Agency" for purposes of conducting a SEQRA/SERP assessment of the Project; and

WHEREAS, Part I of a Full Environmental Assessment Form (FEAF) has been completed, reviewed by the Town of Catlin Town Board, and will be circulated to all Interested and Involved Agencies for purposes of establishing the Town of Catlin Town Board as "Lead Agency" in accordance with 6 NYCRR Part 617.6(b).

NOW, THEREFORE, BE IT

RESOLVED AND DETERMINED, that the Supervisor of the Town of Catlin hereby is authorized to sign Part I of the FEAF (page 13); and it is further

RESOLVED AND DETERMINED, that the Town of Catlin will send said Part I of the FEAF and associated site figure to the attached list of "Interested and Involved Agencies" under cover of a "Notice of Intent to Establish Lead Agency" letter for purposes of establishing Lead Agency status under the SEQRA/SERP; and it is further

RESOLVED, that the Supervisor of the Town of Catlin and the Town Board, together with the Town of Catlin Attorney and B&L, are hereby authorized to take all actions, serve all notices, and complete all documents required to give full force and effect to this determination.

CARRIED

AYES: Koval, Moshier, Collier, Christiansen, Phelps

NAYES: None