

BOARD MEETING  
JUNE 11, 2009

The Gerry Town Board met at 7:00 PM, June 11, 2009, at the Gerry Town Hall for the regular monthly board meeting.

Present were: John R. Crossley, Supervisor  
Robert B. Heitzenrater, Councilman  
Gary J. Swan, Councilman  
Richard C. Heath, Councilman  
Linda D. Bartholomew, Councilwoman  
Recia L. Myers, Town Clerk  
William Duncanson Jr., Town Attorney  
Mark Risley, Highway Superintendent  
David Crossley, Zoning Officer  
Troy Kennelley, Dog Control Officer

CALL TO ORDER:

Supervisor Crossley called the meeting to order and led in the Pledge of Allegiance.

PRIVILEGE OF THE FLOOR:

Rosemary Wiseman - a resident of the Town of Gerry addressed the Town Board about how she was disappointed with how they were addressed about the parking at the cold storage building. Ms. Wiseman explained she received permission from David Smeltzer of Heritage Village to have her partner's truck parked behind the cold storage building. Supervisor Crossley commented that he had to back in on the town's property to park there. Supervisor Crossley contacted Heritage Village and he was told they could not park there. He will contact David Smeltzer and ask him personally as he did not speak with him and he would appreciate if they kept their truck parked at home until he has spoken with him. Supervisor Crossley took Ms. Wiseman's phone number to call her as soon as he discusses the concern with Mr. Smeltzer.

COMMUNICATIONS:

- 1) Received a Thank-you letter from Gerry Baseball.
- 2) A letter was received from Colonial Life Benefits offering Health Care. Supervisor Crossley will check into the costs they are offering.
- 3) A letter was received from Flexcare, a health care company working with the County on combining municipalities health care with less than 50 employees. Supervisor Crossley will check with the Town Attorney before signing a support bill.

OFFICERS REPORT:

Zoning Officer.  
Monthly report for May  
Issued 11 permits this month  
22 pending permits  
1 Certificate of Compliance for 2009  
2 Certificate of Compliance for 2008  
1 Certificate of Compliance for 2006

Dave Crossley, Code Enforcement Officer, commented that the Town Board should check into making the fire department exempt from any Zoning Fees. The Board discussed the subject and will be amending the Zoning Schedule fee next month to make the Department exempt.

Dave Crossley, Code Enforcement Officer, noted that the tanks in kimball stand have new fencing up and it will be a couple more weeks before they are filled back in and two interested parties are considering purchasing the property.

Dog Control Officer.

DCO, Troy Kennelly, commented he attended training on June 2nd and June 3rd and it was very informative. He learned he cannot mail appearance tickets, they must be hand delivered. He issued six appearance tickets this month. He recommends having an enumeration next year as it has been almost 15 years since it has been done. Supervisor Crossley commented that we will put money in the budget for this next year. Troy Kennelly, DCO, noted the cage he received from Supervisor Crossley was too bulky and is pricing smaller cages.

Highway Superintendent.

Highway Superintendent, Mark Risley, stated that the highway schooling he recently attended was excellent this year. Mark Risley, Highway Superintendent, commented the logs from the cemetery are going to be given to Tim Ludgen in exchange to get the stumps out of the cemetery.

Mark Risley, Highway Superintendent, noted the black topping is done on Old Chautauqua Road and Tire Amnesty Days are going to be July 7th and 8th. A publication will be in the local newspaper.

Assessor's report.

Grievance Day was held on May 28, 2009 at the Sinclairville Village Hall, 3 property owners presented their grievances before the Board of Assessment Review. Many thanks to the BAR members for their service.

The final roll will be filed July 1, 2009 and the appropriate legal notice will be published in the Jamestown Post-Journal.

A Tentative Equalization rate of 90.20% has been established for the Town, a change of approximately 3.6%.

COMMITTEES, BOARDS OR AGENCIES:

Park & Recreation Committee.

Councilman Heath reported that some kids have been doing damage to the pavilions at the park. He talked with them and commented he will contact the sheriff's to have them arrested if they are caught doing this again. Part-Time Mower, James Boerst, has been doing a wonderful job. Councilman Heath received another quote for the siding of the restrooms and storage area. Jeff Johnson quoted him at \$936.00 and Brian Wahlgren quoted him at \$1,800.00. Councilman Heitzenrater entertained a motion to award the bid to Jeff Johnson, Castille Construction, for the siding of the bathrooms and storage area at the Town Park, seconded by Councilwoman Bartholomew. Approved.

Councilman Heitzenrater commented that a wall section for the playground has a hole in it and the storage building has a spare section that they could replace it with. Councilman Heath and Councilman Heitzenrater will replace the section together.

Highway Superintendent, Mark Risley, noted at the Highway schooling they discussed evasive species and weed spraying. Permits were needed to weed spray. They will check into the permit requirements.

SPECIAL ORDERS:

Resolution No. 35 - 2009. 2009 Budget Transfer. A motion was made by Councilman Swan, seconded by Councilman Heitzenrater. Approved.

Minute approval for the May 2009 Board Meeting, and Public Hearing for Local Law No. 2 of 2009 was approved on a motion by Councilman Swan, seconded by Councilman Heath. Approved.

OLD BUSINESS:

Office Equipment. Supervisor Crossley read a bid of \$10.00 on the metal desk from Larry Barmore. A motion was made by Councilman Heitzenrater to accept the bid of \$10.00 for the metal desk, seconded by Councilwoman Bartholomew. Approved.

A letter from District 9 Legislator, Larry Barmore, was read he stated he has contacted Kevin Meyers of the NYS DOT and noted the four corners of Route 60 will be sprayed for weeds in the near future.

He explained that in front of the Country Fair it has two deep ruts where the traffic comes to a stop and the sidewalk and driveways are badly cracked and he is checking on this.

Larry Barmore, District 9 Legislator, noted that the County legislature passed legislation to allow the county to make good on unpaid taxes to the cities of Jamestown and Dunkirk and their school districts. He commented he voted against this as it burdens the rural areas such as the Town of Gerry.

Army Reserve. Supervisor Crossley noted he spoke with a representative from Schumer's office and explained how he has contacted them 12 times and she stated she couldn't promise anything but will get an answer from the reserve center of why they could not rent the space out for offices and will check into grant money towards a new town hall.

Lawson's property request. Councilman Heitzenrater showed a map of the town park and Todd Lawson's property and commented that he is still interested in purchasing about .09 acre from the Town. The Board will discuss and see how much land is going for and decide. William Duncanson, Jr., Town Attorney, strongly recommends not using any fence as a guide line and must have the property surveyed first.

PRIVILEGE OF THE FLOOR:

NEW BUSINESS:

Speed. Councilman Heitzenrater commented Todd Lawson is concerned about the speed limit on Wilson Street. Highway Superintendent, Mark Risley, commented that they cannot go over 30 mph on that road and they can't lower the speed unless it is a school zone.

VOUCHER APPROVAL:

Highway Fund Vouchers #93 - 111 totaling \$69,496.39 was approved on a motion by Councilman Heath; seconded by Councilman Heitzenrater. Approved.

General Fund Vouchers #149 - 184 totaling \$8,739.90 was approved on a motion by Councilwoman Bartholomew; seconded by Councilman Swan. Approved.

ANNOUNCEMENTS:

The next Board meeting will be held 6:30 PM, July 9, 2009 at the town hall

ADJOURNMENT:

The meeting adjourned at 8:16 PM on a motion by Councilwoman Bartholomew; seconded by Councilman Heath.

Minutes taken by

Recia L. Myers,  
Town Clerk