

Nov11

BOARD MEETING  
NOVEMBER 10, 2011

The Gerry Town Board met at 7:00 PM, November 10, 2011, 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 A. Risley, Highway Superintendent  
Larry Barmore, District 9 Legislator  
Dave Crossley, Zoning Officer

CALL TO ORDER:

Supervisor Crossley called the meeting to order and led in the pledge of allegiance.

PRIVILEGE OF THE FLOOR:

COMMUNICATIONS:

1) An invitation was sent from the Sinclairville Library expressing there appreciation for the town's support and offered a wine & Hors d'Oeuvres party held there on the 10th from 7-9 PM.

2) A letter was received from the Rodeo City Senior Citizens thanking the town for there recent request and noted that they will attempt to advertize better for there trips planned.

3) A notice advising bankruptcy procedures regarding Iroquois Energy Management was received and passed on to the Town Attorney.

4) A letter was received from Fessenden, Laumer & Deangelo advising of the Town of Ellery's Local Law regarding a moratorium on the Chautauqua County Landfill.

5) An anonymous letter was placed in the drop box and received by the Town Clerk. The letter was a complaint to the tax assessor and code enforcement officer regarding their taxes and their concerns with a certain property owner's taxes and if this person received a building permit for a garage built. Supervisor Crossley said there is not much we can do as this is an anonymous letter and the Zoning Officer commented that there was a permit issued for the garage of this person and what he does with it is of no concern to him unless he receives an official complaint in writing to investigate.

OFFICERS REPORT:

Zoning Officer.

Zoning Officer, Dave Crossley, submitted the following report:  
November 2011

3 permits issued for October  
20 pending permits  
2 Certificate of Occupancy for 2011

Dog Control Officer.

Troy Kennelley, Dog Control Officer, was absent but submitted the following report:

He is continuing his enumeration through the town and has been in constant communication with Town Clerk, Recia Myers, regarding the people who have come in to license their dogs. So far it has gone very well and he has been receiving calls about dogs chasing deer but it is hard to find them by the time he investigates.

Nov11

Highway Superintendent.

Mark Risley, Highway Superintendent, reported they have been winterizing and getting the truck's ready. The paperwork from the DEC regarding the brine permit has been received and approved and after Highway Superintendent, Mark Risley, checked into this more he found that the town does not have to have a permit if they use the county's tanks and in this case they already have been, so this should save the town money he noted. Mark Risley, Highway Superintendent, commented that they received the truck from the auction and have updated it.

Assessor's report.

No Report was submitted.

COMMITTEES, BOARDS OR AGENCIES:

Parks & Recreation

Councilman Heath reported that they received 300 tons of baseball dirt for the park.

SPECIAL ORDERS:

Resolution No. 42 - 2011. Authorizing One-year Agreement with Gerry Volunteer Fire Department for 2012. A motion was made by Councilman Heitzenrater, seconded by Councilman Swan. Approved.

Resolution No. 43 - 2011. Authorizing One-year Agreement with Sinclairville Fire Department for 2012. A motion was made by Councilman Heath, seconded by Councilwoman Bartholomew. Approved.

Resolution No. 44 - 2011. Adoption of 2012 Town Budget. A motion was made by Councilman Swan, seconded by Councilman Heitzenrater. Approved.

Resolution No. 45 - 2011. 2011 Budget Transfers. A motion was made by Councilman Heath, seconded by Councilwoman Bartholomew. Approved.

Resolution No. 46 - 2011. Modifications to 2011 Budget. A motion was made by Councilman Heitzenrater, seconded by Councilman Swan. Approved.

Resolution No. 47 -2011. Modifications to 2011 Budget. A motion was made by Councilwoman Bartholomew, seconded by Councilman Heath. Approved.

Minute approval for the October 2011 Board Meeting/and Oct. 20th Budget Session. A motion was made by Councilman Swan; seconded by Councilman Heath. Approved.

OLD BUSINESS:

Garbage Disposal. Town Clerk, Recia Myers, called around and obtained 3 quotes for garbage disposal and Casella, the current company, the town uses dropped there price. John Penhollow, owner of Penhollow Disposal, contacted the Town Clerk and was not happy with the outcome as he felt it was unfair for the town to do this.

A contract was signed with Casella for 5 years and is not up until 2013. Councilman Heath noted that he felt it was not beneficial to the town to sign a contract for that long. Town Attorney, William Duncanson, Jr., noted that generally you would not sign a contract for over 4 years and commented that since just a few years ago the competitiveness for garbage removal has come up. Town Clerk, Recia Myers, found in the procurement policy for public works contracts that technically it is up to the purchaser to choose what company to go with and no bidding process is required. Supervisor Crossley will contact Mr. Penhollow and when the current contract is up they will discuss this process then.

Sign at rodeo grounds. Supervisor Crossley asked Town Attorney, William Duncanson, Jr., how the process was going regarding the electronic sign. Dave Crossley, Zoning Officer, commented that it is outside the overlay district and it could cause backlash from advertising companies. William Duncanson, Jr., Town Attorney, commented that he suggests entering into executive session to discuss this

Nov11

with permission for Dave Crossley, Zoning Officer, to be included.

EXECUTIVE SESSION. Supervisor Crossley entertained a motion to enter into executive session. A motion was made by Councilman Heitzenrater to enter into Executive Session with Zoning Officer, Dave Crossley, present, regarding potential litigation at 7:25 PM, seconded by Councilman Heath. Approved.

Supervisor Crossley entertained a motion to come out of Executive Session. A motion was made by Councilman Heitzenrater to come out of Executive Session at 7:39 PM, seconded by Councilman Swan. Approved.

No action was taken.

NEW BUSINESS:

Fall & Zoning Conference. The Zoning Board requested to attend a conference held at Salamanca, NY on November 15th or 16th. Supervisor Crossley entertained a motion for Zoning Board members and the Zoning Officer to attend the conference. A motion was made by Councilman Heitzenrater for any Zoning Board members and the Code Enforcement Officer to attend a conference held in Salamanca, NY on November 15th and or the 16th regarding schooling on the subject of Zoning held at Southern Tier West and any expenses submitted with receipts are a proper town charge, seconded by Councilman Swan. Approved.

PRIVILEGE OF THE FLOOR:

Dave Crossley, Zoning Officer, commented that right now the County is down to one Electrical Inspector and he is thinking about getting certified to do this and he feels it would be beneficial for town residents. He was concerned with the Town's insurance allowing this. Supervisor Crossley will contact Mr. Saar regarding the town's insurance and Zoning Officer, Dave Crossley, will check into pursuing this and what is needed and will inform the town board when he finds out more.

Dave Hall asked about the flags for the town and Supervisor Crossley said the money should be in there as long as it is not a huge bill. Dave also informed the Town Board the rodeo is being held on August 1st - 4th for next year and the Gerry Fire Department is checking into the purchasing of a new ambulance.

VOUCHER APPROVAL:

Highway Fund Vouchers #159 - 179 totaling \$50,714.23 was approved on a motion by Councilman Heath; seconded by Councilman Heitzenrater. Approved.

General Fund Vouchers #294 - 320 totaling \$ 6,756.62 was approved on a motion by Councilman Swan; seconded by Councilwoman Bartholomew. Approved.

ANNOUNCEMENTS:

The next Board meeting will be held 6:30 PM, December 8, 2011 at the town hall.

ADJOURNMENT:

The meeting adjourned at 7:44 PM on a motion by Councilman Heitzenrater, seconded by Councilman Heath.

Minutes taken by

Recia L. Myers,  
Town Clerk

Nov11