

BOARD MEETING
APRIL 11, 2019

The Gerry Town Board met at 6:30 PM, April 11, 2019, at the Gerry Town Hall for the regular monthly board meeting.

Present were: John R. Crossley, Supervisor
Gary J. Swan, Councilman
Richard C. Heath, Councilman
Linda D. Bartholomew, Councilwoman
Randy J. Zahm, Councilman
Recia L. Myers, Town Clerk
Brian T. Anderson, Highway Superintendent
William Duncanson Jr., Town Attorney
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:

Mikayla Certo came in to explain the Complete Streets Policy adopted in February explaining how they assess the area and the sidewalks within the Town with Volunteers and she requested to see what area the Town is looking at.

Councilman Heath commented that they would like Gerry-Ellington Road from Route 60 to Damon Hill Road assessed and they would like to see a paved shoulder and the sidewalk extended in that area as well. Councilwoman Bartholomew explained how many residents walk the block around Gerry-Ellington Road to Heritage Village and Route 60. Councilman Heath offered to meet with them when they do the assessment and Brian Anderson, Highway Superintendent, will research the road measurements as well. Ms. Certo thanked the Board and noted how she is happy to work with everyone and gave a report from the Village of Dunkirk to see an example.

Arthur Woltz commented that at a Zoning Board of Appeals meeting yesterday he asked the Code Enforcement Officer of the status of the park models and he said he told him nothing has been done yet. Mr. Woltz explained that the camper on Old Chautauqua Road that he has been concerned about since last year is still being occupied and should not be. He noted that 9 months has elapsed and nothing has been done and he is very unhappy. Mr. Woltz read sections from the Town Zoning Law outlining the regulations of mobile homes and park models, and how they are considered to be seasonal and recreational and this certain model on Old Chautauqua Road is being lived in as a residence and this should not be allowed stating right out of the Zoning Law. Supervisor Crossley asked the Town Attorney, William Duncanson, Jr., on the status and he noted he is not currently prepared for Mr. Woltz's concerns and will talk with the Zoning Officer, Dave Crossley, to discuss Mr. Woltz's concern. Arthur Woltz requested for the Town Board to take a drive up to that area as well and Herrick Road as there are

numerous residences in violation of Zoning. Supervisor Crossley explained that they will do their research on this and let Mr. Woltz know.

COMMUNICATIONS:

1. A thank you note was received from the Sinclairville Free Library for the town's annual donation along with a flyer of events.
2. A letter from a Certified Assessor named Christopher Holewinski was received explaining that he would be interested in the Assessor position once the term ends and or the current Assessor retires.
3. An estimate for the Town Hall was drawn up and Councilman Swan and Councilman Heath along with Dave Crossley, Zoning Officer, will review to have a spec sheet and bid drawn up to advertise. Supervisor Crossley noted that there is approximately \$11,215.00 in the Building Reserve.
4. A portfolio from Mark Alianello, an Engineer from Ellicottville was received.

OFFICERS REPORT:

Zoning Officer.

Dave Crossley, Zoning Officer, submitted the following report:
Has issued 5 Permits this month and has 14 pending permits.

Dave Crossley, Zoning Officer, commented that he has been busy with Heritage Village as they are now in the process of Phase two which is all underground utilities and paving and they will be doing some repairs to the equestrian center as well. Mr. Crossley said that it is starting to get busy now and he said as Arthur Woltz's concerns he has noticed they have another trailer up on Old Chautauqua Road and will be taking care of it. He also filed the Annual State Report.

Dog Control Officer. Matthew Abbey was absent but submitted the following report:

On March 2nd he received a call from the Sheriff's Office about a dog on Harris Hill roaming near the Brake residence and it was very aggressive. He contacted the homeowner and they explained that the dog has been hanging around there property and he will not leave and he said he could come out and catch it. She explained that they tried to and they are unable to as it is too skiddish. She informed her to leave it alone and maybe it would wander back to where it came from. She said she gave it food as she felt bad and he said that you should not do that as you are inviting it back. He said to update him if it returned again.

She contacted him back again and reported it back and he asked if she would be willing to coax it to the garage with food so he could come and get it. She said they would try. The next day he received a call from the husband saying it was acting even more aggressive and will not leave there cats alone. I offered again to come up and try catching it and he said don't waste your time to come you won't be able to get near it. He asked if they could use dart gun etc. and I told him the Sherriff's may be able to help with that. At 3:26 he received a phone call from a Sherriff and he said he received another call from Mr. Brake and was rude about it with him saying that it was his job to catch the dog. I tried explaining the circumstances that he has offered numerous times to go get it but he didn't want to listen to him. Then he received a call

from Mr. Brake 20 minutes later and said the Sherriff plans on making him take care of the situation and Mr. Brake apologized and I came up with the idea of getting a large box to trap the dog. They scheduled that for Monday.

On Monday he called Mr. Brake confirming the time and to set it up and Mr. Brake noted that he doesn't think it will work and at that time he repeated to Mr. Brake three times that he would be willing to come set up a trap as planned and he said no he did not want to and he will deal with it on his own. I then received a call from State Trooper Sam asking why nothing is being done about this dog at the Brake residence. I informed him of the whole story and he asked if I could just come up and set the trap. I then went to the residence at 2:15 and set the trap after 10 minutes I caught the dog and transported him to the Humane Society and notified Sam that I captured the dog. He received a voicemail later from Mr. Brake thanking him. Also received a letter from the Court regarding the Brittany McKoon case stating the Judge ruled in favor of the defendant. I was never asked/summoned to show up for the case. Supervisor Crossley would like to discuss this more with Town Attorney, William Duncanson, Jr., as this dog has been a problem for a while within the Town and Councilwoman Bartholomew noted that it has as walking by it seems aggressive. Councilman Zahm commented that Matthew Abbey, Dog Control Officer, is doing a wonderful job.

Highway Superintendent.

Brian Anderson, Highway Superintendent, noted that they have been grooming, shoulders and ditch work right now. Supervisor Crossley requested for the next time Tim Ode and Mr. Schimek regarding their training class to turn in a check instead of cash requested by the accountants.

Assessor Report.

April 2019

I am in the process of finishing up new construction and valuation, gas well valuation, special franchise review, and property owner requests.

Gas well reports are not all in from the companies yet. State land, Telecommunications, and special franchise valuation is complete. The tentative roll will be filed May 1, 2019 and the appropriate legal notice will be posted.

COMMITTEES, BOARDS AND AGENCIES:

PARK COMMITTEE.

Councilman Heath reported nothing yet. Recia Myers, Town Clerk, requested for the Park to be open by April 20th due to the Easter Egg Hunt and Brian Anderson, Highway Superintendent, said that was fine. They will order the dumpster for the park on the 1st of May.

SPECIAL ORDERS:

Resolution No. 20 - 2019. Appointment of Part Time Mower and Maintenance Position. A motion was made by Councilman Swan, seconded by Councilman Heath. Approved.

Resolution No. 21 - 2019. Budget Transfer. A motion was made by Councilman Heath, seconded by Councilwoman Bartholomew.

Minute approval for the March Board Meeting and the Supervisor's Monthly Report. A motion was made by Councilwoman Bartholomew, seconded by Councilman Zahm. Approved.

OLD BUSINESS:

An email Supervisor Crossley received last month from Jim Curtz regarding the new Veteran's Memorial he researched on the amounts to sponsor which is for a 4 by 8 brick for the wall is \$75.00 and 8 by 8 is \$100.00, they need \$75,000.00 for this to happen and right now they are at \$25,000.00. Supervisor Crossley suggested putting this on the Memorial Day program and he will give this info to Cherin Mehs.

Southern Tier West is offering again a GPS for the grave stones in the cemeteries at 20 cents per stone. Recia Myers, Town Clerk, researched how many for all the cemeteries within the town and the most are at the on Route 60 and the Town Board agreed to split the cost with the Association which the total amount runs \$420.00 for all the cemeteries. Ms. Myers will contact the Association and move forward with the project and keep the board informed.

Councilman Heath noted that they have to mark at Maple Grove Cemetery and they will all plan a day on doing this as well.

Supervisor Crossley discussed the request of the financial statements from the Fire Departments which led to a letter being drawn up as Sinclairville refused to give the statements. Supervisor Crossley noted that since then there is a state law now that requires the Fire Departments to file certain pieces of paperwork to the town as the amount of money that is being furnished to them by taxpayers. The letter that was drafted gives all the information regarding this and outlines why the town requests this. Supervisor Crossley asked the Town Board to sign the letter and he will personally deliver them to the Presidents of each company to discuss with them as well.

The donation requested by Gerry Baseball was sent out to them for \$250.00

Supervisor Crossley noted a long time ago the Zoning designation on Route 60 was discussed for it to be commercialized from the line of the Hamlet to the Town of Charlotte line. A petition from Brian Anderson, Highway Superintendent, requesting this change was received with 41 signatures on it in favor of. Councilwoman Bartholomew asked if it would apply to the Hamlet and Dave Crossley, Zoning Officer, stated that no it would not, the line would start from Heritage Village and she asked if anyone was unwilling to sign and Brian Anderson, Highway Superintendent, noted just one person refused to. Supervisor Crossley will discuss with William Duncanson Jr., Town Attorney, and Zoning Officer, Dave Crossley, on the next step of the process.

Dustin Johnson, A student at Cassadaga Valley, worked on the Town Hall sign and Supervisor Crossley had pictures taken and will be place them in Post-Journal as well.

Councilwoman Bartholomew noted that it is already on school website. A few items on the sign need adjusted and Brian Anderson, Highway Superintendent, will take a look at it.

NEW BUSINESS:

Currently under the New York State Real Property Tax Law the Towns may impose a fee of \$2.00 per tax bill and our town has since 1995. This year a person was not happy paying the extra fee and the Town Clerk feels like it is redundant and many towns opted out of this fee. With the cost of postage and for the amount of money the town receives for this it's really not worth the hassle. The Town Board agreed and a resolution will be presented at the next meeting of opting out of this fee.

Supervisor Crossley contacted the board members regarding the Gerry Free Methodist Church as the sidewalk ramp being placed there would encroach the Town's property line by a small amount. After discussion with the Town Attorney there were two options of an encroachment agreement or an exchange of property. The Church surveyed the property and Supervisor Crossley told Mr. Holley to wait until the meeting but it was put in and looks good. The Town Board is in favor of the property exchange and William Duncanson, Jr., Town Attorney, will work on this with the Church's Attorney Hope Fredrickson.

PRIVILEGE OF THE FLOOR:

Arthur Woltz asked about the expansion of the gravel pit on Route 60 and Dave Crossley, Zoning Officer, noted that the county has the paperwork right now and then it will go to the Zoning Board. Mr. Woltz explained how the gas wells are taxed and suggested on trying to collect royalties from the mining process for the town to consider as it is a gold mine in that area. William Duncanson, Jr., Town Attorney, noted that the state regulates the gravel pit industry and the town has very limited say but sees Mr. Woltz's point and they should be more concerned with the expansion as they have not followed guidelines on the previous permit granted as the banks are not sloped and more. Supervisor Crossley noted it would be worth to look into though.

Councilman Zahm said they are running into clay at the pit now but if the new expansion request does not fall through they do find other areas as well to work with. Dave Crossley, Zoning Officer, noted that they used to charge \$500.00 per pit but were challenged in the Town of Charlotte and lost and the Town quit doing it as well about a couple years ago.

Denny Bartholomew asked if they were abiding by the original setup and Mr. Crossley noted that the DEC is supposed to monitor them and Councilwoman Bartholomew asked if they will actually come out to inspect and if the Town can draw up a letter to request them to. William Duncanson Jr., Town Attorney, commented that yes we can and this time the Town will be louder as they are not following guidelines and will do homework on the expansion.

Dave Hall noted he will get a POW flag and a State Flag for the cemetery.

VOUCHER APPROVAL:

Highway Fund Voucher's #43 – 57 totaling \$19,977.64 was approved on a motion by Councilman Zahm, seconded by Councilman Heath. Approved.

General Fund Voucher's #102 – 129 totaling \$4,391.96 was approved on a motion by Councilman Swan, seconded by Councilwoman Bartholomew. Approved.

ANNOUNCEMENTS:

The next board meeting will be held at 6:30 PM, May 9, 2019 at the town hall.

ADJOURNMENT:

The meeting adjourned at 7:58 PM on a motion by Councilman Heath; seconded by Councilwoman Bartholomew.

Minutes taken by

Recia L. Myers,
Town Clerk