

Board Meeting
August 8, 2019

The Gerry Town Board met at 6:30 PM, August 8, 2019, at the Gerry Town Hall for the regular monthly board meeting.

Present were:

- Richard C. Heath, Supervisor
- Gary J. Swan, Councilman
- Linda D. Bartholomew, Councilwoman
- Randy J. Zahm, Councilman
- Bruce Gustafson, Councilman
- Recia L. Myers, Town Clerk
- Tracy Butcher, Deputy Highway Superintendent
- Dave Crossley, Zoning Officer
- William Duncanson Jr., Town Attorney
- Matt Abbey, Dog Control Officer

CALL TO ORDER:

Supervisor Heath called the meeting to order and led the pledge of Allegiance.

PRIVILEGE OF THE FLOOR:

Paul Cooley, Zoning/Planning Chairman, thanked Mr. Gustafson for his time serving on the Zoning Board and commented that Recia Myers, Town Clerk, offered to come on as a Secretary for the Zoning/Planning Board to help and also he wanted to confirm for the Clerk as well to see if they should be getting paid per meeting or per case, so the board knows what they have to write down on their voucher. Mr. Cooley said as per last meeting he is concerned with the numerous amount of Zoning Violations and he has been receiving calls from residents. He has been in touch with the state and they recommended making a change to the Zoning Law itself regarding the handling of Zoning Violations. He explained that in Section 201 of the current Zoning Law it has two methods of written complaints and the in the 1st it is requiring a written complaint to the Zoning Officer and the second method is the responsibility of the Town Board. He would like to see residents be able to remain anonymous for complaints so they will not be discouraged to write a formal complaint with their name listed.

William Duncanson Jr., Town Attorney, commented that he has dealt with other issues in local towns and you are required to have an identifiable complainant for making a complaint on Zoning Violations as it is considered a criminal proceeding which a complainant and accuser have to be identified or else it is considered zoning spotting and goes against the law. Confidentiality can be done at the beginning of the stage to make observations but once it goes further to court proceedings they need to be identified. As far as the Section 201 the Town Board can become the complainant and sign the written complaint if someone would like to remain off the form is what the explanation of the Town Board is for the methods. Councilwoman Bartholomew commented that even a violation is visible to everyone and William Duncanson, Jr., Town Attorney, commented yes. The Town Board understands that the job is a Part Time job and Councilman Swan commended Zoning Officer, Dave Crossley, as since he has been on he has done a great job.

Dave Crossley, Zoning Officer, noted that when Paul receives complaints to send them on to him and most of the issues with violations are handled and resolved before a court proceeding will come into play. Mr. Crossley explained that in his years of service he has only had one time where a judge used a complainants name as they normally keep them confidential and it costs money for an attorney

and they have to build a case which takes time before they go to trial. The Town Board thanked Mr. Crossley for explaining everything.

Arthur Woltz, Zoning Member, commented that he recently had an experience with the personal side of remaining confidential as a complainant as his neighbor has made some nasty gestures to him and he was concerned of who told him it was him that complained about the Zoning Violations on his property. Mr. Woltz discussed the park model trailer and how right now it looks like it is showing all signs of a permanent residence as a satellite dish is on the trailer and a propane tank has been placed near it. Dave Crossley, Zoning Officer, explained that they changed the Zoning Law as the Park Trailer Model was not defined and now it is and he has been working on the issue and that property owners who are accused of a violation do point the fingers at local neighbors every time. Discussion. Mr. Woltz commented that he did check the assessment rolls and there has been no increase in taxable status of the property as well and Dave Crossley, Zoning Officer, told him to contact the Assessor, Kevin Okerlund, regarding that and Supervisor Heath said he will leave the Zoning paperwork for Mr. Woltz here at the Town Hall regarding Zoning Violations and he will contact the Assessor for him as well.

COMMUNICATIONS:

1. A Communication from the DEC was received regarding Forestry workshops.

OFFICERS REPORT:

ZONING OFFICER:

Dave Crossley, Zoning Officer, thanked the Town Board for their support and he issued 19 permits for May, June and July and he has 14 pending permits. Mr. Crossley commented that he has five different cases in the vicinity for zoning violations that are being worked on and moving forward and the process will take time. He explained how individuals have things come up in their life and working with them is the best way to process. Councilman Swan thanked him for good job and realizes he is part time and does not have enough time in the day to process everything and Supervisor Heath thanked him as well and commented that Mr. Crossley went over and beyond for the fireworks permit at the Rodeo and worked with the company so the fireworks could happen this year.

DOG CONTROL OFFICER:

Matt Abbey, Dog Control Officer, commented that he was sorry he hasn't attended a meeting in a while but has been rather busy with his full time job. He explained that he received a phone call on July 15th about a neighbor's dog attacking a dog that was being dog sitted by the property owner. He had a previous complaint at the same residence of the neighbor's dog being aggressive and coming onto his property and trying to attack their dog and at that time a warning was given to the dog's owner, so on the 15th the dog actually attacked their son's dog they were sitting for and due to the previous warning Mr. Abbey deemed the dog dangerous under Article 7 of the State Law. The sheriffs were also called and handled the report. Mr. Abbey was out of town and asked if the sheriff could inform the dog owner that it must be tied up at all and time and on a leash until the hearing will be held. On Monday Dog Control Officer, Matt Abbey, went to the dog owner's home and the dog was inside as he heard it barking but no one would answer the door and he could hear someone walking there so he called the sheriff's dept. and they said they could send a peace officer but it would be a while so he decided to set it up for another day. On 7/26 the hearing was held and it was postponed and the Judge ordered the dog to be leashed and muzzled. On 7-31 he went to the dog owner's residence to inspect muzzle and the owner said he re homed the dog to a friend that lives in Onoville. He told the dog owner he does not know how this will play out as judge ordered him to have the dog confined. He contacted the friend and they said they will accept legal ownership, he

explained that the dog is in the middle of a legal proceeding and is deemed dangerous and he may need to take custody of the dog if the Judge authorizes. Mr. Abbey tried contacting the Judge numerous times and did not receive a response. He finally made contact with the Judge the next morning and he requested to seize the dog and he did drive to Onoville and seized the dog and took it to the humane society.

Matt Abbey, Dog Control Officer, is a little discouraged with all the time he has been putting in on Dog cases and phone calls and the Justice threw out a case due to the wrong date on his paperwork in which a woman was actually bitten, and the time frame for a dangerous dog case is supposed to be within five days and he has been having a hard time contacting him as well. Supervisor Heath will talk with him.

HIGHWAY SUPERINTENDENT:

Tracy Butcher, Deputy Highway Superintendent, reported that everything is going well and they have been busy blacktopping, roadside mowing and with shared services projects. They will be working on the sidewalks that were grant awarded real soon and they will be ordering parts for the plows for the coming winter season. The Town Board thanked the Highway Department and Councilman Zahm for the painting of the plow out front of the Highway Garage and noted it looks great.

ASSESSORS REPORT:

No Report was received.

COMMITTEES, BOARDS & AGENCIES:

Town Park: No Report.

SPECIAL ORDERS:

Resolution No. 32 - 2019. Appointment of Assessor Position. A motion was made by Councilman Swan, seconded by Councilwoman Bartholomew. Approved.

Resolution No. 33 – 2019. Appointment to Assessment Review Board. A motion was made by Councilwoman Bartholomew, seconded by Councilman Zahm. Approved.

Resolution No. 34 -2019. Unreserve Reserve Funds. A motion was made Councilman Zahm, seconded by Councilman Gustafson. Approved.

Resolution No. 35 – 2019. Authorizing Town Clerk to Hold a Rabies Clinic. A motion was made by Councilman Gustafson, seconded by Councilman Swan. Approved.

Resolution No. 36 -2019. Modifications to 2019 Budget. A motion was made by Councilman Swan, seconded by Councilwoman Bartholomew. Approved.

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

OLD BUSINESS:

Councilman Heath discussed the Town Roof Bids that were presented last month and Councilman Swan entertained a motion to award the bid to Finger Lakes Roofing for a new roof for the town hall which includes the tear off, gutters and fascia repair with new plywood for the total amount of

\$23, 975.00, seconded by Councilwoman Bartholomew. Approved. Councilman Swan noted that this must be done as the condition is really poor of the Town Hall roof.

The Zoning/Planning Boards requested a pay increase and after research of different towns the Gerry Town Board discussed the Zoning Schedule of Fees as with the pay increase they should probably adjust the amount of the Variances. Councilman Swan entertained a motion to increase the pay of the Zoning/Planning Board Members to \$25.00 Per Variance Case and the Chairman receiving \$30.00 per Variance Case and the Zoning Schedule of Fees will be adjusted to Residential and Other Residential Matters to \$100.00, Use Variance, Commercial Area Variance, Other Commercial Matters, Special Use Permit to \$175.00 and the Site Plan Review 0-2,000 sq. feet to \$100.00 and over 2,000 sq. ft. to \$175.00. Seconded by Councilwoman Bartholomew. All Approved.

Supervisor Heath noted that he received a quote of \$2,500.00 for the trees that need taken down in the Maple Grove Cemetery from Tim Lutgen and he contacted him back and wanted to reevaluate the trees to give the Town a better offer, Supervisor Heath will check back in with him and let the board know what his final offer will be.

NEW BUSINESS: Budget Sessions were set for September 19th and September 26th beginning at 5:00 PM.

PRIVILEGE OF THE FLOOR:

VOUCHER APPROVAL:

Highway Fund Vouchers # 105 – 118 totaling \$50,648.77 was approved on a motion by Councilman Zahm, seconded by Councilman Gustafson. Approved.

General Fund Vouchers # 247 – 277 totaling \$4,225.53 was approved on a motion by Councilman Gustafson seconded by Councilman Swan. Approved.

ANNOUNCEMENTS:

The next board meeting will be held at 6:30 PM, September 12, 2019 at the town hall.

ADJOURNMENT:

The meeting adjourned at 8:13 PM on a motion by Councilwoman Bartholomew, seconded by Councilman Zahm.

Minutes taken by

Recia L. Myers
Town Clerk