

**CLOSE-OUT & ORGANIZATIONAL MEETING  
WOLCOTT TOWN BOARD – JANUARY 3, 2023**

A special meeting of the Wolcott Town Board was held Tuesday January 3, 2023, at the Wolcott Town Hall with the following people present:

**PRESENT - Supervisor - Lynn Chatfield**

Councilman - Adam Ellis, Jr.

Councilman - Daniel Youngman

Councilman – Ray Hauss

Councilman – Jorden Brown

**OTHERS PRESENT - Jessica Freer, Town Clerk; Amber Roberts, Assessor/Supervisor's Clerk; Zach Decker, Highway Superintendent; Don Camp, former Code Enforcement Officer.**

The Supervisor called the meeting to order at 6:00 PM.

Pledge of Allegiance -

**OTHER BUSINESS -**

1. Conflict of Interest Policy -

**RESOLUTION #1-23 ANNUAL ADOPTION OF CONFLICT-OF-INTEREST POLICY-**

The following resolution was presented by Adam Ellis, moved by Dan Youngman, seconded by Jorden Brown,

BE IT RESOLVED, by the Town Board of the Town of Wolcott that:

(1) The Town Board of the Town of Wolcott hereby adopts the attached Conflict of Interest Policy in accordance with NYS General Municipal Law Article 18.

**Town of Wolcott Conflict of Interest Policy**

**ARTICLE 1: Authority**

Under the authority granted in NYS General Municipal Law Article 18 § 800-809, the Town Board of the Town of Wolcott hereby adopts the following Policy concerning conflict of interest.

**ARTICLE 2: Purpose**

The purpose of this Policy is to ensure that the business of the Town of Wolcott will be conducted in such a way that no public official of the municipality will gain a personal or pecuniary advantage from his or her work for the municipality and so that the public trust in municipal officials will be preserved.

**ARTICLE 3: Definitions**

For the purposes of this ordinance, the following definitions shall apply:

a. **"Municipality"** means the Town of Wolcott

b. **"Conflict of interest"** means a direct personal or pecuniary interest of a public officer, his or her spouse, household member business associate, employer or employee, in the outcome of a cause, proceeding, application or any

other matter pending before the officer or before the public body in which he or she holds office or is employed. "Conflict of interest" does not arise in the case of votes or decisions on matters in which the public officer has a personal or pecuniary interest in the outcome no greater than that of other persons generally affected by the decision, such as adopting a bylaw or setting a tax rate.

c. "**Emergency**" means an imminent threat or peril to the public health, safety or welfare.

d. "**Official act or action**" means any discretionary legislative, administrative or judicial act performed by any elected or appointed officer or employee while acting on behalf of the municipality.

e. "**Public body**" means a municipality and its departments, boards, councils, commissions, committees or other instrumentality's.

f. "**Public interest**" means an interest of the community as a whole, conferred generally upon all residents of the municipality

g. "**Public officer**" or "public official" means a person elected or appointed to perform executive, administrative, legislative or quasi-judicial functions for a public body.

#### **ARTICLE 4: Disqualification**

a. A public officer shall not participate in any official action if he or she has a conflict of interest in the matter under consideration.

b. A public officer shall not personally or through any member of his or her household, business associate, employer or employee represent, appear for, or negotiate in a private capacity on behalf of any person or organization in any cause, proceeding, application or other matter pending before the public body in which the officer holds office or is employed.

c. In the case of a public officer who is an appointee, the person or public body which appointed that public officer shall have the authority to order that officer to recuse him or herself from the matter.

#### **ARTICLE 5: Disclosure**

a. A public officer who has reason to believe that he or she has or may have a conflict of interest but believes that he or she is able to act fairly, objectively and in the public interest in spite of the conflict of interest shall, prior to participating in any official action on the matter, prepare a statement describing the matter under consideration, the nature of the potential conflict of interest and why he or she believes that he or she is able to act in the matter fairly, objectively and in the public interest.

b. In the case of a public officer who is an elected member of a board, commission or other body, the remaining members of that body shall have the authority to inquire of the officer about a possible conflict of interest and to suggest or recommend that the member recuse him or herself from the matter. If the member believes that he or she does not have a conflict of interest or believes that he or she is able to act fairly, objectively and in the public interest in spite of an existing conflict of interest, the member shall, prior to participating in the matter, prepare a statement describing the matter under consideration, the nature of the potential conflict of interest and why he or she believes that he or she is able to act in the matter fairly, objectively and in the public interest.

c. The statement required by subsections (a) and (b) above shall be signed by the officer and filed as part of the minutes of the meeting of the public body in which the officer holds office.

#### **ARTICLE 6: Determination**

a. After disclosure of the financial interest and all material facts, and after any discussion with the interested person, the public officer shall leave the Board meeting while the determination of a conflict of interest is discussed and voted upon. The remaining Board members shall decide if a conflict of interest exists.

#### **ARTICLE 7: Hearing before the Board**

a. Any resident of the municipality or Board member who believes that an officer should recuse him or herself from a matter because of a conflict of interest or that the officer should provide a disclosure statement regarding his or her conflict of interest in the matter, may file a complaint with the Town Clerk or a Town Board member.

b. Upon receipt of the complaint, a presentation may be made at the next Board meeting. After the presentation the

public officer shall leave the meeting during the discussion of the complaint and the Board shall consider all the evidence. The Board shall issue a written decision as to whether the official shall be required to recuse him or herself from the matter and state the reasons for that decision.

## **ARTICLE 8: Violations**

a. If the Board has reasonable cause to believe a member has failed to disclose actual or possible conflicts of interest, it shall inform the member of the basis for such belief and afford the member an opportunity to explain the alleged failure to disclose.

b. If, after hearing the member's response and after making further investigation as warranted by the circumstances, the Board determines the member has failed to disclose an actual or possible conflict of interest, it shall take appropriate disciplinary and corrective action.

## **ARTICLE 9: Enforcement**

a. Refusal to comply with the decision of the Board shall be considered a violation of this policy. The legislative body, acting on behalf of the municipality, may seek injunctive relief in superior court which may include, but not be limited to, an order to negate any vote or other action taken by the officer in the matter.

b. In addition to any other remedies provided by law, a public officer who violates this policy may be publicly censured by the Board.

## **ARTICLE 10: Records of Proceedings**

Once a decision is made by the Board, the minutes of the Board and all committees with board delegated powers shall contain:

a. The names of the persons who disclosed or otherwise were found to have a financial interest in connection with an actual or possible conflict of interest, the nature of the financial interest, any action taken to determine whether a conflict of interest was present, and the Board's decision as to whether a conflict of interest in fact existed.

b. The names of the persons who were present for discussions and votes relating to the transaction or arrangement, the content of the discussion, including any alternatives to the proposed trans-action or arrangement, and a record of any votes taken in connection with the proceedings.

## **ARTICLE 11: Exception**

The provisions of Article 4 of this policy shall not apply if the legislative body of the municipality determines that an emergency exists and that actions of the public body otherwise could not take place. In such cases, a public officer who has reason to believe he or she has a conflict of interest shall disclose such conflict as provided in Article 5.

## **ARTICLE 12: Severability**

If any section of this policy is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of this policy.

## **ARTICLE 13: Periodic Reviews**

The Town of Wolcott Town Board shall regularly and consistently monitor and enforce compliance with this policy by periodic reviews and taking such actions as are necessary for effective oversight. If at any time during the year, the information in this policy changes, the Board shall approve such changes in a meeting, by a majority vote of the Board and disclose such changes in the minutes of that meeting. The policy shall be re-approved yearly at the Annual Meeting.

## **ARTICLE 14: Effective Date**

This Policy shall become effective January 3, 2023, with its adoption by the Town of Wolcott Town Board.

**ON ROLL CALL VOTE - Chatfield "YES", Ellis "YES", Youngman "YES",  
Hauss "YES", Brown "YES".**

GENERAL CORRESPONDENCE - No Correspondence.

ORGANIZATIONAL MEETING -

A resolution was presented by Jorden Brown, moved by Ray Hauss, seconded by Adam Ellis, "Be it RESOLVED to accept blanket bonds for all regular Town employees."

VOTE - AYES 5 NAYS 0.

A resolution was presented by Adam Ellis, moved by Dan Youngman, seconded by Jorden Brown, "Be it RESOLVED to appoint Gary Mettler, Animal Control Officer, for a salary pay of \$7,441.75 as outlined in the 2023 Town Budget and Tammy Mettler, Deputy Animal Control Officer, for one year." VOTE - AYES 5 NAYS 0.

A resolution was presented by Adam Ellis, moved by Dan Youngman, seconded by Ray Hauss, "Be it RESOLVED that any Town Officer be allowed the IRS rate of .65.5 cents per mile when using their personal vehicles for Town business." VOTE - AYES 5 NAYS 0.

A resolution was presented by Dan Youngman, moved by Jorden Brown, seconded by Ray Hauss, "Be it RESOLVED to authorize the Highway Superintendent to spend up to \$1,500 for tools without prior authorization." VOTE - AYES 5 NAYS 0.

A resolution was presented by Adam Ellis, moved by Jorden Brown, seconded by Dan Youngman, "Be it RESOLVED to pay all elected Town Officers as outlined in the 2023 Town Budget." VOTE - AYES 5 NAYS 0.

A resolution was presented by Dan Youngman, moved by Jorden Brown, seconded by Ray Hauss, "Be it RESOLVED to pay the Supervisor, Councilmember's, Town Justices, Court Clerk, Town Clerk, Deputy Town Clerk, Code Enforcement Officer, Assessor, Supervisor's Clerk, Highway Superintendent, Assessor's Clerk, Animal Control Officer, Custodian of Town Hall-monthly; the Highway workers bi-weekly; the Town Historian, Town Attorney and anyone else contracted by the Town - upon submission of a voucher." VOTE - AYES 5 NAYS 0.

A resolution was presented by Adam Ellis, moved by Dan Youngman, seconded by Jorden Brown "Be it RESOLVED to authorize the Town Clerk and/or her Deputy to attend any County Town Clerk's monthly meetings, annual Spring Conference, and/or Continuing Education courses; the Councilmember's, Assessor and/or her Clerk to attend any Continuing Education courses; the Code Enforcement Officer and two members of the Planning Board/Board of Appeals to attend annual Spring and Fall Conferences; the Code Enforcement Officer to attend annual Spring Continuing Education Conference; the Supervisor's Clerk to attend any monthly meetings and/or Continuing Education courses; the Highway Superintendent to attend annual Spring Highway School and Fall Highway Superintendent Conference at Town expense." VOTE - AYES 5 NAYS 0

## ORGANIZATIONAL MEETING – (cont'd)

Supervisor Chatfield appointed Robert Huntington and T.J. Azzolina as Building Maintenance Supervisors for the Town Hall.

A resolution was presented by Adam Ellis, moved by Jorden Brown, seconded by Ray Hauss, "Be it RESOLVED to appoint the Supervisor and Highway Superintendent to serve as Supervisors to the Sanitary Landfill." VOTE - AYES 5 NAYS 0.

A resolution was presented by Dan Youngman, moved by Jorden Brown, seconded by Ray Hauss, "Be it RESOLVED to hold all regular Town Board meetings on the 3rd Tuesday of each month at 6:00 PM. "VOTE - AYES 5 NAYS 0.

A resolution was presented by Adam Ellis, moved by Dan Youngman, seconded by Jorden Brown, "Be it RESOLVED to appoint Karli Starczewski as Clerk to the Assessor for one year at a rate of \$17.00 per hour as outlined in the 2023 Town Budget and when regularly scheduled to work on Monday and such holidays designated by law to occur on Monday, she shall be paid her regular pay on such days." VOTE - AYES 5 NAYS 0.

A resolution was presented by Adam Ellis, moved by Jorden Brown, seconded by Ray Hauss, "Be it RESOLVED to pay existing full time Highway Workers, new full time Highway Workers, existing part time Highway Workers and new part time Highway Workers per hour as outlined in their union contract." VOTE - AYES 5 NAYS 0.

A resolution was presented by Jorden Brown, moved by Dan Youngman, seconded by Ray Hauss, "Be it RESOLVED to pay any part time general laborer for the Highway Department \$14.20 per hour as outlined in the 2023 Town Budget." VOTE - AYES 5 NAYS 0.

A resolution was presented by Adam Ellis, moved by Dan Youngman, seconded by Jorden Brown, "Be it RESOLVED to appoint Time to Spare as Custodians to the Town Hall, at a monthly rate of \$260.00." VOTE - AYES 5 NAYS 0.

A resolution was presented by Adam Ellis, moved by Dan Youngman, seconded by Jorden Brown, "Be it RESOLVED to pay the Deputy Town Clerk \$16.41 per hour as outlined in the 2023 Town Budget and when regularly scheduled to work on Monday and such holidays designated by law to occur on Monday, they shall be paid their regular pay on such days."

VOTE - AYES 5 NAYS 0.

A resolution was presented by Adam Ellis, moved by Jorden Brown, seconded by Ray Hauss, "Be it RESOLVED to pay not more than \$25.00 per yard for bank-run sand and/or gravel."

VOTE - AYES 5 NAYS 0.

A resolution was presented by Adam Ellis, moved by Dan Youngman, seconded by Jorden Brown "Be it RESOLVED to designate Lyons National Bank as the official depository for the Town of Wolcott." VOTE - AYES 5 NAYS 0.

## ORGANIZATIONAL MEETING – (cont'd)

A resolution was presented by Dan Youngman, moved by Jorden Brown, seconded by Ray Hauss, "Be it RESOLVED to pay Assessment Review Board Members a flat rate of \$100.00 when they act." VOTE - AYES 5 NAYS 0.

A resolution was presented by Jorden Brown, moved by Dan Youngman, seconded by Ray Hauss, "Be it RESOLVED to appoint Matthew St. Martin as Town Attorney for one year."

VOTE - AYES 5 NAYS 0.

A resolution was presented by Adam Ellis, moved by Dan Youngman, seconded by Jorden Brown, "Be it RESOLVED to appoint Tette, Ingersoll & Co. CPA's PC, a member of Allied Financial Partners, as Town Accountant for one year."

VOTE - AYES 5 NAYS 0.

Privilege of the Floor –

1. Zach brought up the excavator he would like to purchase, he stated he thought the lease was a better deal financially for the Town, discussion ensued. Lynn said that ARPA monies could be used for the purchase of the equipment, it was determined that the excavator was going to be paid in full using the ARPA monies.

Executive Session -

A motion was made by Adam Ellis, seconded by Dan Youngman to move into executive session at 6:26 PM to discuss the appointment of Code Enforcement Officer. (Don, Jessica, Amber, and Zach were asked to stay)

VOTE - AYES 5 NAYS 0.

Close Executive Session -

A motion was made by Dan Youngman, seconded by Jorden Brown, to close executive session at 6:38 PM. VOTE - AYES 5 NAYS 0.

## ORGANIZATIONAL MEETING – (cont'd)

A resolution was presented by Jorden Brown, moved by Adam Ellis, seconded by Dan Youngman, "Be it RESOLVED to appoint Ray Hauss, Code Enforcement Officer, for one year at a salary pay of \$ 26,000.00."

VOTE - AYES 4 NAYS 0. (Ray Hauss abstained from voting)

ORGANIZATIONAL MEETING – (cont'd)

A motion was made by Adam Ellis, seconded by Jorden Brown accept the resignation of Ray Hauss, Councilman, effective immediately.

VOTE – AYES 4 NAYS 0.

The next regular meeting of the Wolcott Town Board will be held January 17, 2023, at 6:00 PM at the Town Hall.

A motion was made by Jorden Brown, seconded by Dan Youngman, to adjourn the meeting at 6:45 PM.

Respectfully submitted,

Jessica Freer,  
Town Clerk