

REGULAR & SPECIAL MEETING (PUBLIC HEARINGS)
WOLCOTT TOWN BOARD - October 20, 2020

A Regular and Special Meeting of the Wolcott Town Board was held Tuesday, October 20, 2020, at 6:00 PM at the Town Hall with the following people present:

PRESENT - Supervisor - Lynn Chatfield
Councilman - Adam Ellis, Jr.
Councilman - Daniel Youngman
Councilwoman - Lori Furguson
Councilman - Derek Ceratt

OTHERS PRESENT - Jessica Freer, Town Clerk; Amber Roberts, Assessor/Supervisor's Clerk; Don Camp, Code Enforcement Officer; Zach Decker, Highway Superintendent; Karli Starczewski, Assessor's Clerk; Mary Anne McConkey, Court Clerk; Ronald Lancy, 11972 Cottage Rd #1, Wolcott; Roger Misso, Town Justice; Chris Bauer, Highway Department.

Copies presented to the Town Board:

1. Minutes of September 15, 2020 (Regular Meeting)
2. Minutes of September 29, 2020 (Special Meeting)
3. General Fund Claims (Unaudited)
4. Highway Fund Claims (Unaudited)
5. Port Bay SD Fund Claims (Unaudited)
6. Brown/Wadsworth Rd WD Fund Claims (Unaudited)
7. West Port Bay WD Claim (Unaudited)

The Supervisor's, Town Clerk's, Justices, Animal Control and Highway Superintendent's reports were presented to the Town Board.

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

Pledge of Allegiance -

OPEN PUBLIC HEARING - Local Law #1-2020

Supervisor Chatfield declared the Public Hearing open at 6:01 PM and asked the Town Clerk to read the notice of Public Hearing on Local Law #1-2020 and to show proof of publication.

Supervisor Chatfield asked for comments or questions from the floor.

CLOSE PUBLIC HEARING -

A motion was made by Derek Ceratt, seconded by Dan Youngman to close the Public Hearing at 6:02 PM. VOTE - AYES 5 NAYS 0.

LOCAL LAW #1-2020 - (cont'd)

RESOLUTION #52-20 LOCAL LAW #1-2020 TO OVERRIDE THE TAX LEVY -

The following resolution was presented by Adam Ellis, moved by Lori Furguson, seconded by Dan Youngman,

WHEREAS, Proposed Local Law #1-2020 of the Town of Wolcott would override the tax levy limit established in General Municipal Law 3-c; and

WHEREAS, the Town Clerk caused a copy of a Notice of Public Hearing on Proposed Local Law #1-2020 to be published in the Lakeshore News on October 14, 2020, on the signboard of the Town maintained pursuant to Town Law Section 30(6) on October 14, 2020, and on the Town of Wolcott website on October 14, 2020; and

WHEREAS, the Local Law overriding the tax levy cap is occurring because new water district and a revised capital plan; and

WHEREAS, adoption of Proposed Local Law #1-2020 would be routine or continuing agency administration and management, and related local legislative decision-making, and therefore is a Type II action under the State Environmental Quality Review Act, pursuant to 6 N.Y.C.R.R. Section 617.5(c)20,27); and

WHEREAS, a public hearing was duly held on that Proposed Local Law on October 20, 2020, at 6:00 PM before the Town Board at the Wolcott Town Hall, and all persons desiring to speak were heard;

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the Municipal Home Rule Law, proposed Local Law #1-2020 is hereby enacted, and shall be filed with the Secretary of State.

ON ROLL CALL VOTE - Chatfield "YES", Ellis "YES", Youngman "YES",
Furguson "YES", Ceratt "YES".

OPEN PUBLIC HEARING - 2021 Preliminary Budget

Supervisor Chatfield declared the Public Hearing open at 6:03PM and asked the Town Clerk to read the notice of Public Hearing on the 2021 Preliminary Budget and to show proof of publication.

Supervisor Chatfield asked for comments or questions from the floor.

Mary Anne spoke first about her request for a raise, she explained her job requirements to the Board and asked them to reconsider, and Roger also spoke about the Court Clerks' duties. Questions were asked by Board Members regarding the Court Clerk position. After much discussion the Board decided the budget would remain the same.

Mary Anne left the meeting at 7:09pm

CLOSE PUBLIC HEARING -

A motion was made by Adam Ellis, seconded by Dan Youngman to close the Public Hearing at 7:10 PM. VOTE - AYES 5 NAYS 0.

2021 PRELIMINARY BUDGET - (cont'd)

RESOLUTION #53-20 ADOPTING PRELIMINARY BUDGET AS ANNUAL BUDGET FOR 2021 -

The following resolution was presented by Derek Ceratt, moved by Dan Youngman, seconded by Lori Furguson,

WHEREAS, the Preliminary Budget, following some revisions and changes, was found to be acceptable by the Town Board;

NOW, THEREFORE, BE IT RESOLVED, to accept the Preliminary Budget as the Annual Budget for 2021.

On Roll Call Vote - Chatfield "YES", Ellis "YES", Youngman "YES",
Furguson "YES", Ceratt "YES".

GENERAL BUSINESS -
GENERAL CORRESPONDENCE -

A motion was made by Derek Ceratt, seconded by Lori Furguson, to accept the minutes of September 15, 2020, September 29, 2020 and departmental reports.

VOTE - AYES 5 NAYS 0 .

ABSTRACT OF CLAIMS -

GENERAL ACCOUNT - Claims #317 thru #362 - total - \$68,795.13

HIGHWAY ACCOUNT - DA Town wide & DB Outside - total - \$24,408.29

PORT BAY SD - Claims #58 thru #65 - total - \$573,768.19

BROWN/WADSWORTH RD WD - Claims #13 thru #16 - total - \$11,156.75

WEST PORT BAY WD - Claim #2 - total - \$202.45

A resolution was presented by Adam Ellis, moved by Lori Furguson, seconded by Dan Youngman" Be it RESOLVED to pay General, Highway, Port Bay SD and Brown/Wadsworth Rd WD and West Port Bay WD account claims as presented."

VOTE - AYES 5 NAYS 0 .

ASSESSOR/SUPERVISOR'S CLERK - Amber Roberts

1. Budget Transfers - Amber has been in talks with the Comptrollers Office regarding some questions they had during our audit, Amber said the Town Board will discuss some of these when the written audit becomes available. Amber also said a recommendation by the Comptrollers Office is to do transfers if a line item happens to go over budget instead of at the Closeout Meeting.

RESOLUTION #54-20 TO AUTHORIZE BUDGET TRANSFERS -

The following resolution was presented by Derek Ceratt, moved by Lori Furguson, seconded by Adam Ellis,

ASSESSOR/SUPERVISOR'S CLERK - (cont'd)

RESOLUTION - (cont'd)

WHEREAS, the New York State Comptrollers Office made a recommendation during their audit process with the Town stating to do transfers for budget line items as they happen if they are go over budget during the year; and

WHEREAS, a new water district is being researched that was not in the 2020 Budget; and

WHEREAS, invoices came in higher than expected for certain necessary expenses; and

NOW, THEREFORE, BE IT RESOLVED, to allow the Supervisor's Clerk to make the following transfers to line items in the 2020 Budget.

Contingent - A1990.4 to Insurance A1910.4 in the amount of \$490.10

Contingent - A1990.4 to Garage B5132.4 in the amount of \$2,541.15

Contingent - B1990.4 to Research B8030.4 in the amount of \$12,421.50

VOTE - AYES 5 NAYS 0 .

2. There was a memo from Amber that was give to Board Members about omitted taxes that the Town and County will be charging back to homeowners who received a property exemption they were not entitled to as it was an exemption applied to the prior homeowner. Amber is not sure how this will work itself out from the County but wanted to make the Board aware.

HIGHWAY SUPERINTENDENT - Zach Decker

1. Zach said he would like to purchase a Plasma cutter (Miller 875) for a price of \$2,499.99. Lori asked what it was needed for; Zach said for cutting stainless steel as he is changing the sanders on the plow truck to front discharge instead of rear for more traction when they are driving as well as many other uses for the tool available. The Board agreed with his decision.

RESOLUTION #55-20 TO AUTHORIZING THE HIGHWAY SUPERINTENDENT TO PURCHASE A PLASMA CUTTER -

The following resolution was presented by Adam Ellis, moved by Derek Ceratt, seconded by Dan Youngman,

WHEREAS, the Highway Superintendent has requested to purchase a Miller 875 plasma cutter in the amount of \$2,499.99; and

WHEREAS, the Highway Superintendent has presented a reasonable need for the purchase; and

WHEREAS, the Town Board has agreed this purchase would benefit the Highway Department,

NOW, THEREFORE, BE IT RESOLVED to allow the Highway Superintendent to purchase a Miller 875 Plasma Cutter for \$2499.99.

VOTE - AYES 5 NAYS 0

HIGHWAY SUPERINTENDENT - (cont'd)

2. Zach has previously mentioned trading in the loader. Zach said he obtained quotes to purchase a new one, he said John Deere was the lowest at \$41,846.04. Zach said he felt that they would not need to be traded in every three years but every five but will assess it in three years. Zach is requesting to purchase the extended warranty as plus \$1,478.00 to add extended warranty (60 month 1500 hr) totaling \$43,324.04. Zach explained to the Board there was no longer a trade in/lease program with CAT.

RESOLUTION #56-20 TO AUTHORIZING THE HIGHWAY SUPERINTENDENT TO PURCHASE JOHN DEERE LOADER -

The following resolution was presented by Lori Furguson, moved by Derek Ceratt, seconded by Dan Youngman,

WHEREAS, the Highway Superintendent has obtained quotes for a new Loader; and

WHEREAS, John Deere was the lowest quote at \$41,846.04 with an extended warranty priced at \$1,478.00 for a total amount of \$43,324.04; and

NOW, THEREFORE, BE IT RESOLVED to allow the Highway Superintendent to purchase a John Deere Loader for a price of \$43,324.04.

VOTE - AYES 5 NAYS 0

3. Zach said all items he put on the auction website sold, Zach said he has a \$620.00 for the hydraulic hose crimping tool and tooling, \$27.00 for steer tire, \$120.00 Hotsy pressure washer and a 3,900.00 for the Bomag roller.

4. The Highway Department is changing over trucks for winter. Zach said next Wednesday him and a couple employees are going to Harrisville, NY to tour a factory where plow equipment is made as well as to tell the factory where the amenities will be on the truck for example the lights, sander, etcetera.

BID OPENING - The advertisement placed in the paper for "On Road Diesel Fuel, Heating Oil and Gasoline" generated 1 bid. The following bid was opened and read by Supervisor Chatfield:

1. E&V Energy Corp:

On Road Diesel Fuel \$1.4431 per Gallon

Heating Oil \$1.4932 per Gallon

Gasoline \$1.4588 per Gallon

After a discussion between Zach and the Board it was decided to accept the bid.

A motion was made by Adam Ellis, seconded by Derek Ceratt to accept the bid from E&V Energy Corp for the above mentions amounts for Fuel.

VOTE - AYES 5 NAYS 0

CODE ENFORCEMENT OFFICER - Don Camp

1. Don updated the Board about the trailers on Red Creek Road that are abandoned. Don said he sent a certified letter to the homeowners; the homeowners have been in contact with Don. Don said the homeowners are in the process of trying to demolition the trailers, Don said he will continue to monitor this process but if the homeowners are trying he believes the Board should not contact an attorney just yet; the Board concurred with this statement.

2. A couple weeks ago the internet/power went out at the Town Hall during that process it shorted Dons computer, Don said he took his computer to a repair shop, the could not fix it but they copied the hard drive off from it. Don has since ordered a new computer; he is in the process of transferring the hard drive to the new one and all the work that has been done since. There is no monthly report presented to the Board tonight due to this.

3. Don has missed some of his required 24hrs of training due to the computer problem but has set up his home computer and has completed a number of hours there.

4. Special Permit Request - Craig Barrese
98 Parkerhouse Rd.
Rochester, NY 14623
Property Location - 7849 Eagle Rd
Wolcott, NY 14590
75119-11-672618

Code Enforcement Officer, Don Camp, presented Special Permit Request #6-2020, which was brought before the Town Board September 15, 2020, at which time a negative impact was declared on the environment and signed by the Supervisor.

WHEREAS, our Local Law #1-2000, Section 502-C, states special permits are required to expand pre-existing structures on less than one acre of land in waterfront area. Mr. Baresse has requested to add a 16 x 25 addition on the North side of his existing cottage for bedrooms at 7849 Eagle, Rd., Wolcott.

The County Planning Board was sent the packet but they took no action, the Board decided to go-ahead without the county looking at the project. The permit was brought before the Board of Appeals on October 12, 2020, and they voted unanimously to approve the permit. Discussion. There being no further discussion.

RESOLUTION #57-20 CRAIG BARRESE SPECIAL PERMIT #6 -

The following resolution was presented by Derek Ceratt, moved by Dan Youngman, seconded by Adam Ellis,

Be it RESOLVED that the Wolcott Town Board approve the request of Craig Barrese and the recommendation of the local Board of Appeals to the Town Board."

VOTE - AYES 5 NAYS 0.

5. Special Permit Request - Douglas Kinney
7632 Cardinal Rd.
Wolcott, NY 14590
75119-16-756342

Code Enforcement Officer, Don Camp, presented Special Permit Request #5-2020, which was brought before the Town Board September 15, 2020, at which time a negative impact was declared on the environment and signed by the Supervisor.

WHEREAS, our Local Law #1-2000, Section 502-C, states special permits are required to expand pre-existing structures on less than one acre of land in waterfront area. Mr. Kinney has requested to add a 26 x 38 addition on the West side of his existing cottage for 2 bedrooms, 1 bath and 2 car attached garage at 7632 Cardinal Rd., Wolcott, Rd., Wolcott.

The County Planning Board was sent the packet but they took no action, the Board decided to go-ahead without the county looking at the project. The permit was brought before the Board of Appeals on October 12, 2020, and they voted unanimously to approve the permit. Discussion. There being no further discussion.

RESOLUTION #58-20 DOUGLAS KINNEY SPECIAL PERMIT #5

The following resolution was presented by Lori Furguson, moved by Derek Ceratt, seconded by Dan Youngman,

Be it RESOLVED that the Wolcott Town Board approve the request of Douglas Kinney and the recommendation of the local Board of Appeals to the Town Board."

VOTE - AYES 5 NAYS 0

TOWN CLERK - Jessica Freer

1. Jessica reminded everyone of Election Day on Tuesday, November 3rd, 2020. Derek asked if the Town Hall would be closed, Jessica no.

1. Jessica said the Town Hall will be closed on Wednesday, November 11th for Veterans Day.

2. Jessica also said 2nd Round DMP Permits will go on sale November 2nd at the Town Clerks office.

SUPERVISOR - Lynn Chatfield

OLD BUSINESS -

1. Security System - There was a question of getting quotes from RING, Jessica said she will obtain quotes and bring them to the next Board Meeting.

2. Brown/Wadsworth Road Water District - Lynn said the project is almost complete Amber said there are some financials that will need to be done, outstanding bills and final bills. Amber said on her side there are a couple months before the project is officially complete.

3. Port Bay Sewer District - Lynn said this project is nearing the end as well. Lori is addressing the Board on behalf of neighbors and friends that have a grinder pump that was incorrectly placed on the neighboring property or more accurately the property line and asking what could be done to fix this situation, Lori said she will abstain from voting if and when a decision is made. Derek asked who placed the stake to place the grinder pump where it is, Lori said one of the homeowners. Lori has spoken with Dave Doyle and the property owners about this; the property owners will not sign an easement and are exploring other options. There was a discussion. The Board decided to table the decision next month when we could find out more information.

SUPERVISOR - (cont'd)

OLD BUSINESS - (cont'd)

4. Cleanup Day - September 19th, 2020 went well, Zach said there might be a possibility there will be a program that will take tires once a month which means we might not have to charge residents a tire fee, Zach will get more information.

5. Building Maintenance - One side of the sign in front of the Town Hall rotted through and fell down; Lynn has been in contact with the company that has recently done Youngman Farms sign. Lynn said the screens for courtroom windows are in the basement. P.A.T.I. recently came through and inspected the Extinguishers at the Town Hall and Highway, Jessica said they might be back to install more in the basement.

- Sign for Town Hall
- Landscape around building
- Screens Courtroom Windows
- Fire Extinguishers

6. Policies - Derek had emailed the Board Members a copy of a proposed Cell Phone Use Policy, to look over with any questions/concerns they might have. Amber will have current employees sign and implement with new employees. The Board agreed to the policy without any changes to be made.

RESOLUTION #59-20 ADOPTION OF CELL PHONE USE POLICY FOR THE TOWN OF WOLCOTT -

The following resolution was presented by Adam Ellis, moved by Derek Ceratt, seconded by Lori Ferguson,

WHEREAS, the Town of Wolcott would find it beneficial to the employer and employees to have a cell phone use policy; and

WHEREAS, it was at the request of the NYS Comptrollers Office that the Town of Wolcott needs to update/implement such policies,

NOW, THEREFORE, BE IT RESOLVED, the Town of Wolcott adopts the following Cell Phone Use Policy.

VOTE - AYES 5 NAYS 0

Town of Wolcott

Adopted Cell Phone Use Policy

Objective

This policy outlines the use of cell phones at work and the safe use of cell phones by employees while driving.

SUPERVISOR - (cont'd)

CELL PHONE USE POLICY - (cont'd)

Policy

Cell phones should be turned off or set to silent or vibrate mode during meetings, conferences and in any circumstance where incoming calls may be disruptive.

Personal Cell Phones

While at work, employees are expected to exercise discretion in using personal cell phones. Excessive personal calls during the workday can interfere with employee productivity and be distracting to others. Employees are encouraged to make any personal calls during nonworking time when possible and to ensure that friends and family members are aware of the Town's policy.

The Town of Wolcott will not be liable for the loss of personal cell phones brought into the workplace.

Safety Issues for Cell Phone Use

All employees are expected to follow applicable local, state, and federal laws and regulations regarding the use of cell phones at all times.

Employees whose job responsibilities include regular or occasional driving are expected to refrain from using their phone while driving; use of a cell phone while driving is not required by the Town. Safety must come before all other concerns. Regardless of the circumstances, including slow or stopped traffic, employees are required to use hands-free operations or pull off to the side of the road and safely stop the vehicle before placing or accepting a call. Employees are encouraged to refrain from discussion of complicated or emotional matters and to keep their eyes on the road while driving at all times. Special care should be taken in situations where there is traffic or inclement weather, or the employee is driving in an unfamiliar area.

Reading or sending text messages while driving is strictly prohibited

Employees who are charged with traffic violations resulting from the use of their phone while driving will be solely responsible for all liabilities that result from such actions.

Video or Audio Recording Devices

The use of camera or other video or audio recording-capable devices on Town premises is prohibited without the express prior permission of management and of the person(s) subject to recording. Video or audio recording in restrooms and/or locker rooms is strictly prohibited.

Consequences for Violators

Employees violating this policy will be subject to discipline, up to and including termination of employment.

SUPERVISOR - (cont'd)

CELL PHONE USE POLICY - (cont'd)

Employee Acknowledgement

The undersigned employee acknowledges that he or she has read the cell phone use policy and agrees to comply with all terms of the policy.

Employee Name

Employee Signature

Date

This policy was adopted by the Town Board of the Town of Wolcott on October 20th, 2020.

7. Blind Sodus Bay Water District - Lynn has a meeting in Fair Haven with the Mayor and water commissioner on October 21 to discuss the project.

NEW BUSINESS -

1. Snow & Ice Contract -

RESOLUTION #60-20 AUTHORIZING THE SUPERVISOR TO SIGN SNOW AND ICE CONTRACT WITH WAYNE COUNTY -

The following resolution was presented by Derek Ceratt, moved by Dan Youngman, seconded by Adam Ellis,

WHEREAS, the County of Wayne and the Town of Wolcott have agreed to a snow and ice control contract in years past; and

WHEREAS, both parties agree this is most advantageous for the taxpayer; and

WHEREAS, the Town Board agrees to the terms of said contract;

NOW, THEREFORE, BE IT RESOLVED, the Town Board authorizes the Supervisor to sign the Snow and Ice Contract with Wayne County for the term of January 1, 2021, to December 31, 2021.

VOTE - AYES 5 NAYS 0 .

SUPERVISOR - (cont'd)

NEW BUSINESS - (cont'd)

2. 2019 Town Audit -

RESOLUTION #61-20 ACCEPTING ANNUAL AUDIT OF TOWN RECORDS -

The following resolution was presented by Adam Ellis, moved by Derek Ceratt, seconded by Dan Youngman,

WHEREAS, the Chief Fiscal Officer's, Tax Collector's and Justices bank transactions for 2019 were audited by Tette, Ingersoll & Co., CPA's; and

WHEREAS, these reports were made available for the Town Board to examine; and

WHEREAS, the Town Board found them to be acceptable and in order;

NOW, THEREFORE, BE IT RESOLVED, that the Wolcott Town Board accepts the audit reports for the Chief Fiscal Officer's, Tax Collector's and Justices bank transactions for the year 2019.

On Roll Call Vote - Chatfield "YES", Ellis "YES", Youngman "YES",

Ferguson "YES", Ceratt "YES".

RESOLUTION #62-20 ALLOWING SUPERVISOR TO SIGN SINGLE AUDIT ENGAGEMENT LETTER -

The following resolution was presented by Adam Ellis, moved by Derek Ceratt, seconded by Dan Youngman,

WHEREAS, a Single Audit Engagement Letter from Rural Development need to be signed by the Supervisor; and

WHEREAS, the Town is required to have a single audit for the Rural Development Financing for the monies the Town has spent this year, regarding next year,

NOW, THEREFORE NOW, BE IT RESOLVED, to allow the Supervisor to sign Single Audit Engagement Letter.

VOTE - AYES 5 NAYS 0.

RESOLUTION #63-20 ALLOWING SUPERVISOR TO SIGN AUDIT MANAGEMENT LETTER -

The following resolution was presented by Adam Ellis, moved by Derek Ceratt, seconded by Dan Youngman,

WHEREAS, an Audit Management Letter from our auditors for the 2019 Audit needs to be signed by our Supervisor; and

WHEREAS, the Audit Management Letter is stating the Town agrees to all the Terms and Conditions of the Audit,

NOW, THEREFORE NOW, BE IT RESOLVED, to allow the Supervisor to sign Audit Management Letter.

VOTE - AYES 5 NAYS 0.

Executive Session -

A motion was made by Derek Ceratt, seconded by Adam Ellis, to move into executive session at 8:03PM to discuss current litigation, the Highway Superintendent was asked to stay.

VOTE - AYES 5 NAYS 0.

Close Executive Session -

A motion was made by Adam Ellis, seconded by Derek Ceratt, to close executive session at 8:34 PM. VOTE - AYES 5 NAYS 0.

The next regular meeting of the Wolcott Town Board will be held November 17, 2020 at 6:00 PM at the Town Hall.

A motion was made by Dan Youngman, seconded by Adam Ellis, to adjourn the meeting at 8:35 PM.

Respectfully submitted,

Jessica Freer
Town Clerk