

REGULAR MONTHLY MEETING

February 11, 2021

The regular monthly was opened at 7:00 pm with the pledge of allegiance led by Supervisor Acton.

All Board members were present via Zoom. Also attending via Zoom were Bill Dailey, Christel and Jason Rodd, Jim Ninos; representing the Village of Alfred, Catherine Chambers, Kenn Burdick, and Mark Meyerhofer, Senior Director of Community Affairs for Charter Communication. Also present was Town Assessor Bobbi Elderkin, Highway Superintendent Bob Halsey, and Town Clerk Janice Burdick. Joining later was Brent Reynold. (Please note, there may have been others participating in this Zoom meeting that I did not catch.)

Guests: Assessor Bobbi Elderkin

Supervisor asked Mrs. Elderkin to explain what is happening with the assessed valuation and the fact that it did go up about \$1 million dollars on the 2020 Tax Roll. Mrs. Elderkin explained that previously fiber optics were not taxable so the value of these was taken off the roll. After a Court proceeding the courts decided that they are assessable. The prior assessor never put them back on the roll so when she discovered this they were put back on the roll. Matthew Snyder asked if the fiber optics affect the equalization rate and was told no because that is based on sales. Mrs. Elderkin added that a reval is needed, sales are going up, but can't really do it due to COVID. Assessor Elderkin added that she has been getting building permits from the Village and overall things are going well.

Mark Meyerhofer – Senior Director of Community Affairs for Charter Communications. Mr. Meyerhofer explained that the franchise agreement expires in April. Currently there is no franchise fee and that can be continued or an amount up to 5% can be added to customers bills. This is a 15-year agreement. Dan Acton asked if a 5% fee was added what kind of revenue would that generate for the Town. Mr. Meyerhofer stated that there are 115 subscribers in the Town so it would equal about \$7000 a year. Mr. Acton asked how many other local Towns have a franchise fee and was told about 60-70% in WNY, not many still at 0%. Mr. Acton stated that there are two other internet providers in the area and neither have approached with a non-inclusive clause. Mr. Meyerhofer explained that State law does allow a non-inclusive clause but only when providing TV. Mr. Acton went on to say that people can stream on the internet and don't need a franchise agreement. Mr. Meyerhofer stated that is correct but wonders how long the State will continue to allow that. Matthew Snyder asked if tax can only be added when the Franchise Agreement is up? Mr. Meyerhofer responded that something could be put in that after a certain number of years it could be added. The ability to raise the rates is there but would need a public hearing. The localities that do not have a franchise fee include Almond, Village Alfred, Angelica, Bolivar and Burns – about 50%. Once an agreement on the renewal is made a public hearing will have to be held.

Approval of Minutes: The minutes of the January 14, 2021 meeting were approved with a motion by Matthew Snyder, seconded by Bill Cleveland and carried 5-0 with Wendy Dailey clarifying that the surveys were not being sent to the State, the combined results are in the report that is sent to the state.

Police Report – reviewed written report.

Code Enforcement Officer- Reviewed written report.

An application for a Special Use Permit for mining was received by Ray Palmer was reviewed by the Zoning Board of Appeals and it was found that he must complete a SEQRA and provide bonding requirements before a Public Hearing can be scheduled. If he mines over 1000 Ton a year it then needs DEC involvement.

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Monthly Report: Tax Collector has paid the total Town levy. Wendy Dailey asked what the fines that are included and was told it comes from the County for Traffic Diversion.

General Abstract #2-2021- Vouchers #16--25 in the amount of \$2936.91 in the General A Fund; Voucher #3 in the amount of \$3328.16 in the B Fund and #2 in the SF Fund in the amount of \$3511.33. A motion to approve the bills was made by Bill Cleveland, seconded by Fion MacCrea and carried 5-0.

Highway Abstract #2-2021 Vouchers #12-24 in the DA Highway Fund in the amount of \$85572.80 were approved with a motion by Wendy Dailey, seconded by Matthew Snyder and carried 5-0. This includes the Grader Payment of \$64836.43.

Highway Report: The written Highway report was reviewed. Superintendent Halsey reported that the Town will have to pay about \$500-600 to upgrade the software for the Grader and that will be good for three years. This allows the mechanic to look at the machine remotely and see what is wrong with it. This would be upgraded every three years. Supervisor Acton asked if Mr. Halsey had heard anything about legislation regarding the right to repair? Mr. Halsey stated that John Deere and CAT have control on repairs to their vehicles. Price quote on trade-in of pickup is between \$3000-\$4000. \$4000 was budgeted. A motion was made by Dan Acton to spend up to \$4000 for the trade in for a 2021 pickup, seconded by Fion MacCrea and carried 5-0. Fion MacCrea asked if the plow train will fit the new one and Mr. Halsey responded right now yes unless they change something.

Intermunicipal Agreement: Motion by Matthew Snyder to approve this, seconded by Dan Acton and carried 5-0. All Board members must sign this.

Supervisor's Report:

Have been looking at financial software and getting quotes. Bill Cleveland asked if it could be shared with another Town – probably not since both would have to have their own software. Mr. Acton stated that at last month's meeting, Bill Dibble was looking for a show of support for the Almond sewer grant application. Matthew Snyder stated that he feels it makes sense since it will go through the Town. Jim Ninos added that it is an Almond project, the only thing the Village of Alfred would do is provide service to hook into their sewage line. All Board members agreed to support this project. Mr. Ninos stated that Southern Tier West has many online webinars for Town Boards, Planning Boards, etc.

Sidewalk Project – Mr. Acton stated that the Town would be the lead agency on the SEQR. CPL will do the actual SEQR review and DEC is still working on the drainage plans. A video will be made by CPL to show what the project will look like. A public meeting will be and then the Town Board will have the opportunity to support or not the project. Matthew Snyder asked if there was any timeline and Mr. Acton responded not yet. SEQR has to be done first and submitted to the County Planning Board. A motion was made by Dan Acton for the Town to be the lead agency for the SEQR on the sidewalk project, seconded by Matthew Snyder and carried 5-0. Jason Rodd stated that he has been sending letters to various officials regarding a problem he has had with the grant since it was awarded. He acquired property on Sugar Hill. He was denied DRI proposal by the Village but found online that it did include part of Sugar Hill. He contacted Brent Reynolds who knew nothing about it. Peter McClain, one of the authors of the grant, reviewed all public minutes, and grant was never mentioned. The Smart Growth Grant stated that everyone would receive funding that were included in the grant. Mr. Rodd went on to say that as 2020 came to a closed he reached out to see if Grant money was still available for Sugar Hill. He had a letter from the Village awarding them some money from the grant. Contacted the State and was told they were not eligible. The grant money was going to be used to add electricity to the site. He is now looking at challenging the entire grant since according to Mr. Rodd, there was no public meeting or announcements. Doesn't believe that

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The Town Board members were made aware of this grant until it was awarded. He was supposed to get \$200,000 of a million-dollar project. If he doesn't get this money, may not continue their business at Sugar Hill. Village Board is spending \$300,000 to do a video rendering what the sidewalk will look like but can't give them money they were promised. Franchise Agreement -Fion MacCrea stated that he didn't want to add a franchise fee and all agreed. A motion to not add a franchise fee and schedule a public hearing was made by Wendy Dailey, seconded by Matthew Snyder and carried 5-0.

A motion to go into Executive Session to discuss potential litigation was made at 8:00 pm by Dan Acton, seconded by Wendy Dailey and carried 5-0. Executive Session ended at 8:45 pm with a motion by Dan Acton seconded by Matthew Snyder and carried 5-0.

Discussion about the splitting of the Town Clerk/Bookkeeper position into 2 part time jobs, or contracting the bookkeeping.

Committee Reports – A motion was made by Supervisor Acton directing Codes Enforcement Office Steve Kilmer to rescind the Building Permit issued to NYSEG for a tower and inform them that they will need to submit a new Building and Zoning Permit and do a SEQR review. This was seconded by Bill Cleveland. Discussion involved have the Town Attorney draw up the wording for this and then have it come from Steve Kilmer. The motion was carried 5-0.

Motion by Matthew Snyder allowing the Town to apply for a credit card so employees do not have to use their personal cards. Seconded by Fion MacCrea and carried 5-0.

Jason Rodd stated that they have decided that they will no longer be investing any money into their Sugar Hill property, probably will be going up for sale soon. Felt the Town and Village were unfriendly to do business with. Matthew Snyder reminded them that the grant was awarded and initiated by the Village, not the Town.

The meeting was adjourned at 9:00 pm with a motion by Bill Cleveland, seconded by Fion MacCrea and carried 5-0.

Respectfully submitted,
Janice L. Burdick
Town Clerk