

# Angelica Town Board Meeting Minutes July 12, 2021

## Angelica Town Board

### Meeting Minutes

July 12, 2021

#### Opening

The regular meeting of the Angelica Town Board was called to order at 7:10 pm on July 12, 2021 in Angelica, NY at the Grange Meeting Room at 55 Park Circle by Robert Jones.

The Pledge of Allegiance was said.

**Present:** Robert Jones, Supervisor  
Elwyn Gordon, Councilman  
John "Skip" Hecker, Councilman  
Girard Kelly, Councilman  
Don Case, Councilman

**Recording Secretary:** Sharon Presutti, Town Clerk

**Absent:** None

**Others Present:** Guy Starck, Bob Budinger, David Haggstrom, Rick Abbott, Karen Ash, Jeremy Morton, Mike Trivisondoli, Dean Warner, Barb Broughton, Rick Abbott, Gail Richardson, Mark Bainbridge, Jackie Bainbridge

**Approval of minutes of previous meeting:** Sharon Presutti distributed minutes from the June 14<sup>th</sup> and June 28<sup>th</sup> regular Town Board meetings of 2021. Skip Hecker motioned to approve the minutes; seconded by Girard Kelly.

Elwyn Gordon	Aye
Skip Hecker	Aye
Girard Kelly	Aye
Donald Case	Aye
Robert Jones	Aye

**Approval of abstracts:** Girard Kelly motioned to approve the General abstract for \$4879.29; seconded by Donald Case.

Elwyn Gordon	Aye
Skip Hecker	Aye
Girard Kelly	Aye
Donald Case	Aye
Robert Jones	Aye

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Elwyn Gordon motioned to approve the Highway abstract for \$17115.45; seconded by Girard Kelly.

Elwyn Gordon	Aye
Skip Hecker	Aye
Girard Kelly	Aye
Donald Case	Aye
Robert Jones	Aye

**Budget sheets and Supervisor's reports:** Robert Jones distributed the Budget sheets and Supervisor reports for June 2021. Robert Jones read these over noting the Hyland additional host fees had been deposited and \$500,000 had been moved to CLASS in the General Fund Townwide, he also noted a payment to the Village in the Highway Fund Townwide for the truck that is owned together. There were no questions on these reports.

Elwyn Gordon motioned to approve these reports, seconded by Skip Hecker.

Elwyn Gordon	Aye
Skip Hecker	Aye
Girard Kelly	Aye
Donald Case	Aye
Robert Jones	Aye

### **Financial reports:**

Robert Jones distributed the Class accounts report for June 12, 2021 – July 11, 2021, showing the balances in all accounts. He noted that this shows the \$500,000.00 that has been deposited from the General Fund Townwide. The interest rate is currently 0.0324%, there were no withdrawals. There were no questions on this report.

Girard Kelly motioned to approve this report, seconded by Skip Hecker.

Elwyn Gordon	Aye
Skip Hecker	Aye
Robert Jones	Aye
Girard Kelly	Aye
Donald Case	Aye

### **Town Business Review:**

Sharon Presutti distributed the **Town Clerk's Monthly Report for June 2021:**

DEC Decals	\$0.00
Certified Copies	\$0.00
Burials	\$975.00
Memorial Bases	\$0.00
Dog Licenses	\$99.00
ATV Registrations	\$85.00

Elwyn Gordon motioned to approve this report; seconded by Elwyn Gordon.

Elwyn Gordon	Aye
Skip Hecker	Aye
Girard Kelly	Aye
Donald Case	Aye
Robert Jones	Aye

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Robert Jones distributed the **June 2021 Town Justice Report**. Robert Jones also distributed a notice that states that there is an important change in the NY Law. Beginning 6/29/2021, you can pay fines, fees and surcharges for vehicle and traffic cases on an installment payment plan with no extra charges or interest. On the Justice report Robert Jones noted that there have been several cases dismissed, the Justice turned in \$21686.00 for June, some of the cases that were dismissed were as far back as 2011, noting some were dismissed due to death, some were never adjudicated correctly. Girard Kelly motioned to approve this report; seconded by Elwyn Gordon.

Elwyn Gordon	Aye
Skip Hecker	Aye
Robert Jones	Aye
Girard Kelly	Aye
Donald Case	Aye

**Dog Control:** Rick Abbott, dog control officer, reported that he had a serious dog bite incident on Joncy Road on the 24<sup>th</sup>, the dog was quarantined for 10 days, which was a wild 10 days. The dog escaped from the Shelter twice – chewing open a window, the door knob off the door and the gate. He also added that he has had several other dogs in the Shelter for the month of June with there being only one there now which was a drop off on Bailor Hill. Elwyn Gordon asked what the status of the “mean” dog was, Rick responded that he is back with its owner and is now licensed, Rick fixed the damage at the Shelter. Robert Jones wondered about putting a noose on a dog like that and taking it to the SPCA, Rick responded that they won’t take a dog like that.

**Assessor/Real Property:** nothing to report

**Code Enforcement:** Robert Jones reported that they are on track as far as permit fees go to meet our budget.

**Highway:** Sherri Presutti, Angelica Town Clerk, announced that she had something to read. Sherri informed the Board that this was on her desk tonight when she went into the office to get her stuff for the meeting. Sherri Presutti read the following, noting that this letter was addressed to herself, dated today, Dear Sharon, This letter shall serve as notification that I will be retiring from my position as Town of Angelica Superintendent of Highways. The effective date of my retirement shall be July 31, 2021. Sherri Presutti asked Barb Broughton, who works at Board of Elections, if that doesn’t become official until she sends it to BOE. Barb Broughton replied that it becomes official as soon as it is turned into the Town Clerk, I now have to send that to the Board of Elections.

Robert Jones distributed a draft of the proposed Local Law to change the office of Highway Superintendent from an elected office to a position appointed by the Town Board. Robert Jones read the draft of the Local Law. Robert Jones noted that someone will need to introduce the resolution adding that he will not do that. Robert Jones waited a few minutes and said if no one wants to introduce this Local Law then he will move on. Robert Jones then read the Local Law. Robert Jones again waited a couple of minutes and asked if there was anyone on the Board that wanted to introduce this Local Law. Skip Hecker said that he would introduce this Local Law, Robert Jones announced that Skip Hecker has moved for the adoption of this and asked for a second. Girard Kelly seconded this.

Elwyn Gordon	Aye
Skip Hecker	Aye
Robert Jones	Nay
Girard Kelly	Aye
Donald Case	Nay

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Robert Jones went on to say that a Public Hearing will be held on July 26, 2021 at 7:00 P.M. at the Grange Hall Meeting Room, 59 Park Circle, Angelica, NY, this will need to be noticed by the Town Clerk as a legal notice in the official newspaper, along with posting it on the Town Clerk's bulletin board and other locations.

Robert Jones then declared the resolution to be adopted and directed the Clerk to proceed to contact the Town Attorney and to complete the publishing and posting as required by law.

Robert Jones added that at the Public Hearing the Board will hear from all of those in attendance that wish to speak and keep in mind that this is by a mandatory referendum which means it will be on the Ballot at the November election, it will be a very simple yes or no.

Robert Jones asked if there were any questions from the general public.

Barbara Broughton asked why we would want to do this, curious as to why we would want to move in this direction, she feels like her vote is going to be taken away. Girard Kelly said due to the current superintendent working elsewhere pretty much full time, while collecting taxpayers money, a tremendous amount of people come up to him and ask what can be done about it and he has to tell them that there is nothing the Board can do about it. Barb then asked Girard if those people realize that the Board would then be making that decision. Girard replied that yes, they do, he explains that to them, he feels that there is a fair amount of support for this. They just want to take this to the voters to see how they feel. Barb has a concern that what happens when you don't like the Town Clerk's hours or how the Judge runs his hours, are you going to go that route with those also. Girard said that they are not trying to set a precedent. Barb said but you are. Girard said that this is for the Highway. Barb added that she is not sure that every Highway Superintendent in this County works 40 hours a week, she is not saying she is in agreement with what Fred is doing but she also believes that none of them, you included Girard, worked 40 hours per week at that job. Barb Broughton said she will move full forward that we do not lose our right to vote. Girard Kelly said he respects her opinion. Elwyn Gordon added that this will put it out to the community, they will either vote for it or against it, it is up to the community. Barb Broughton further said right, but you are giving them the chance once because of what Fred has or has not done, the Board will never flip it back to elected and Fred is leaving, your choice on this will not go into effect until January of 2024, if the voters vote yes in November the Board will still not make that appointment until 2024, the people will still vote in November to put someone in that seat. Barb Broughton added what if the person elected in November does a phenomenal job and you don't like him and won't appoint him, 3 people are picking not 300 voters. Girard Kelly added he had no idea that Fred was resigning this month. Barb Broughton added that you do now, know that, and you could have held off on that law and you chose not to. Girard Kelly said that's right, we are moving forward, just get it to the voters, if they vote it down fine, if they vote for it fine. Robert Jones said to Barb Broughton that he was under the assumption that someone could run in November. Barb Broughton said absolutely someone will run in November for the remainder of Fred Demicks term. Elwyn Gordon added that that is not true according to the Town Attorney, he said the Town Attorney said that if the law passes that supersedes anyone running on the ballot. Barbara Broughton has spoken to Richard Buck (Town Attorney) and what happens is (she also checked with NYS Board of Elections) that law does not go into effect until the end of the current term for the position that it is changing. Barb added that the Board has time to do this law later, Fred is leaving, you have time to see how it works with a new person, someone will win that seat this year. Skip Hecker read from a list he had composed of why he is in support of going from an elected Highway Superintendent position to an appointed one. Skip has many reasons why he would like to see this done, (see attached for what Skip read from). At the end he added that currently the Board has no control over the Highway Superintendent, we can control the monies, but that in the end that hurts the taxpayers not the Highway Superintendent. Skip Hecker feels

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that if the Highway Superintendent works directly under the Town Supervisor or Deputy Town Supervisor there will be a better working relationship and accountability, control will be with the Supervisor and the Town Board. This is how Skip looks at this issue, its not just him not showing up for work, there's a lot of things that haven't been done. Girard Kelly noted that that was well said and thanked Skip Hecker for all of the work that he has been doing on the Veteran's Memorial. Barb Broughton said that she still questions why the Board wants to do it now. Skip Hecker said why not, the people are going to decide, what difference does it make if we do it now or later. Girard Kelly added that they want to do it now because of the taxpayers that have come to them and that we are here for the taxpayers, Barb B. said ok, who isn't Girard, Girard K. said well that's what he sometimes wonders. Girard K. said to Barb B. that that's what he was elected for. Barb B. told Girard K. that she will take it up outside if he wants to, Girard K. said please do he looks forward to that. Barb B. said to Girard K. that his snotiness is inappropriate. Girard K. and Barb B. went on, talking over each other. Robert Jones stepped in and said we need to relax. Girard K. added put it on the ballot. Guy Starck added that he was a newcomer to this town, he came in 1965, he has never worked anywhere where it is a no show job and that is basically what Kevin Demick has done, he hasn't been showing up. Robert Jones added that we have been through this several times, Guy said and he is being paid. Robert Jones added that by NYS Law he is an elected official, he is not appointed by the Board, he is appointed by the people, because he is an elected official, and you can go down the list of elected officials if you would like, Elwyn Gordon interrupted and said so what you are saying is that every elected official can come and go as they please? If they all did that where would we be? Robert Jones had no answer and Elwyn said you know exactly where we would be, Girard added that's why we are doing this, put it on the ballot, Robert J. said its going to be on the ballot. Elwyn Gordon said just let the people decide, he doesn't care one way or the other, there's been a lot of questions and our hands are tied. Donald Case asked what other towns are doing in the same situation. Elwyn Gordon has talked with some residents since the last meeting, some say elect, some say appoint. Don again asked what other Town's are doing, Don said he heard that maybe it's a vendetta, Girard said that's false, Elwyn said a vendetta, looking out for the taxpayers is not a vendetta. Donald Case added ever since Girard Kelly got on the Board he started hammering on Fred Demick right off the bat, Girard Kelly responded you know what Don, its called accountability. Don and Girard continued talking over one another. Robert Jones said that we were going to move on and that everyone needs to calm down.

**Hyland:** Robert Jones distributed the Hyland monitoring report for June 2021. He reported that the second quarter tonnage is 123,481.93 tons, next month he will have a spreadsheet. Robert Jones reported that he received a phone call from Hyland asking permission (required by the DEC) to work Sundays through the end of August. Robert Jones has drafted a letter stating that the Town of Angelica approves this request. Robert Jones would like permission to execute this letter and send it to Hyland. Skip Hecker motioned to approve this; seconded by Girard Kelly.

Elwyn Gordon	Aye
Skip Hecker	Aye
Robert Jones	Aye
Girard Kelly	Aye
Donald Case	Aye

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## Miscellaneous:

### Building Permit Solar Projects

Robert Jones noted that he has read through the Town's Local Law, they must have a building permit and it can be anywhere from \$1500 - \$5000 per megawatt. Robert Jones did go to Belfast and met with their supervisor, deputy supervisor and Kevin Marjoram and it was decided, and Bob made the comment that we wanted all that we can get, on \$2500.00 per megawatt. Robert Jones asked if anyone had any issues with that. Girard Kelly asked if that was what Belfast was doing, Robert Jones said yes. Girard Kelly made a motion to approve this resolution; seconded by Elwyn Gordon.

Elwyn Gordon	Aye
Skip Hecker	Aye
Robert Jones	Aye
Girard Kelly	Aye
Donald Case	Aye

Robert Jones distributed the following **Resolution – 07-01-2021**

Resolution: WHEREAS the Town of Angelica is part of MACE and wished to set Building Permit Fees for Commercial Solar Projects within the Town of Angelica.

Resolved, that the Town of Angelica does hereby establish the building permit fee for Commercial Solar Projects in the Town to be \$2,500.00 per megawatt. The Town will be billed for the services of MACE at the rate of \$30.00/hour. The payment for those services will be paid by the Town to MACE from the respective \$2,500.00 per megawatt fees.

### LWRP

Robert Jones reported that the LWRP letters have been sent to the landowners regarding the LWRP meeting for public input on July 20, 2021. He believes there were 56 or 57 letters sent out. Robert Jones publicly thanked Karen Ash for doing that as she is our representative for the LWRP.

### Boy Scouts

Robert Jones reported that Joyce Kenyon contacted him regarding using the Park on August 14, 2021 after the Farmer's Market for a fun and games day. Robert Jones asked if anyone had a problem with that, no one did.

### Mark Bainbridge

Mark Bainbridge addressed the Board and said that he just had a few questions. Mark B. asked how much of the unexpended fund balance is put into the regular budget to make us whole on a yearly basis? Robert Jones replied that our total Town budget is \$1,179,048.00, our tipping fees that we put against that was \$568,570.00. Mark B. asked how much the total tipping fees were, Girard Kelly replied that last year they were \$793,000.00. Robert Jones added that this year it will be more because the tipping fee went to \$2.20, he explained that originally it was \$1.65 per ton and when we got to 228,000 ton it went to \$2.25/ton and now all the tonnage is at \$2.20 per ton. Robert Jones said for the unexpended balance we used \$51,851.00, which was applied to the



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General Fund. Mark B. asked what the inflation factor was in the host agreement, Robert J. didn't know, he didn't have it in front of him. Mark B. continued saying what he is getting at is this April they buried his wife's grandmother, she has other family members buried in the cemetery and his dad is buried there and his mom will be buried there, he is sure that most people sitting in the meeting room have someone buried there. Mark B. believes that those buried there helped shape the Town of Angelica, a lot of people who have been good to him are buried there, they can no longer do anything about the cemetery. Mark B. believes that the road in the cemetery could stand to be improved and there are trees that need to come down. Mark B. realizes that as a Board you have a lot on your plate and that he is an outsider but he would sure like to see things improved at the cemetery starting with the roads and the trees. Mark B. went on to say that you are going to be putting up a new fence, right? The Board responded yes, Mark B. noted that there are some trees that need to come down before that happens. Mark B. asked what the fence was going to cost, Robert J. responded \$50,000.00. Mark B. felt that \$10,000.00 should be spent before to get some trees down, they are only going to get worse, trees could then be purchased and replanted. Mark B. noted again that he is sure that the Board has more pressing issues than that but he is an outsider and he drives through the cemetery and it is an issue that he is just not going to give up on. Mark B. asked the Board to help out with the cemetery issues, he thinks that it would be difficult to plow the road in the cemetery in the winter for a winter burial. Mark B. feels that crushed limestone would look really nice and hire a tree company to do some work. Mark B. asked what the Board's feelings were in regard to what he has spoke about, he added that if we were a Town without any resources he wouldn't be here but he feels we can afford this and it needs to get done, whether it has to be privatized to accomplish the mission or whatever. Girard Kelly added that Mark B. echoes his feelings and he appreciates that, the driveway roads are terrible, he has always said that, they need to be carved out some and filled in with limestone or something, it's a matter of pride, there are pot holes and it is ridiculous. Donald Case added that he has suggested getting the trees down before the fence goes up but people want the fence up now, he still feels they need to come down before or we better have a few extra sections to replace them when the trees fall on them, people want it right now. Skip Hecker added that we aren't doing the fence until the Spring so we have time between now and the Spring to get the trees down. Robert Jones and Girard Kelly both said they are not tree guys, Robert J. added that some of them are perfectly healthy. Mark B. added that he probably owns 200 acres in the Town so that is why he is at this meeting. Robert Jones added that it is a Public Meeting and there is not a problem with that. Mark B. added that the other thing he is worried about for his grandchildren is the playground, he has heard there is talk about a new one, he is wondering if that is going to happen. Robert Jones replied that everything has been ordered, we are working on getting the Highway crew freed up so they can take all of the equipment out of the Park, he added that someone suggested that we carefully take the equipment out in case someone may want to buy the old equipment, he ran it through the insurance group that handles our liability, we met with her, she looked at the Buildings, she looked at the Playground – her thoughts on selling the old equipment were that we should not do that, it would be a serious liability hazard as the Town could be named in an injury law suit as would the person who has that equipment on their property. She added that this should not be done, properly recycle it or throw it away only. Robert Jones added that the playground installers are pressed to the max right now we are waiting for the Highway crew to get caught up, they will tear the stuff out, we make a phone call to get it done. Mark B. said so it is coming, Robert J. said yes it is. Mark Bainbridge hopes that the Board will consider improvements to the Cemetery in their future plans. Robert J. said he appreciates Mark B. coming down, Mark B. said thanks for having him. Girard Kelly asked what the time frame was for the equipment getting here, Robert Jones responded that it takes two weeks after the site is ready.

Robert Jones asked if anyone else in the general public had any questions or concerns.

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### **Gail Richardson**

Gail Richardson introduced herself and said that she lives on the Park Circle. Gail has been trying to figure out what the Town does with yard waste, she is seriously inconvenienced with trying to find someone to take it away or to take it away herself somewhere. She wonders if the Town Board has ever discussed having a place for debris, pruned branches etc. She also wondered if the Town was aware that other Towns in the County have a place for people to deposit this type of stuff, she heard Belfast has such a place today. Robert Jones replied that no, he was not aware of this, he added that we have talked at one time of having a compost facility but the rules and regulations that NYS puts on us prohibits that. Gail R. added that compost is rather different than yard waste. Robert J. said that limbs and stick can be chipped and shredded and added to compost. Girard Kelly asked Gail R. how much she was talking about, small piles? Gail showed Girard what size pile she has, Girard said he could give her a name of someone that could help her. Gail R. said so you don't think the Town should take any action on this, Robert Jones said you have the Town issue and you have the Village issue, they are not the same. Robert Jones added that he could tell her from experience, he allowed ditchings, sweepings, etc. to be pushed over his bank on his property, he then had a visitor, the NYS DEC, because somebody saw that as a place to throw treated decking, treated steps, he had to hire a company to come in and remove it, his point being once you start a spot like that its open dumping for anyone for anything, he told Gail R. that he really isn't sure what the answer is, he would like to know where Belfast has this. Gail R. responded that Bill Ellsessor is the one that told her that other Towns have a spot, she will do a little research and find out. Robert Jones said he will put some feelers out and see what other Towns are doing. Gail R. added that she is not the only one in Town who has this issue.

Robert Jones asked if there was anything else.

### **Elwyn Gordon**

Elwyn would like to go back to Mark Bainbridges question, Elwyn feels that before we do the fencing we should have someone come in and look at the trees in the cemetery, he added that all our big maples in Angelica are declining badly. He suggests removing the ones that would be by the fence and planting smaller ones back a bit, he said that a tree falling not only would ruin the fence but the headstones too. He added that it doesn't matter how healthy a tree is, Mother Nature can still take it down. Elwyn doesn't like cutting big trees down if they are healthy but in this situation where there can be property damage. Elwyn added that there are trees in the Park Circle that need attention too. Robert Jones added that two trees were cut on the West side of the cemetery, he would like to get the other two down but couldn't get it done. Mark B. asked why he couldn't get it done, lack of support? Robert Jones said well we don't like cutting healthy trees. Mark B. added well it's a work in progress, you have to start somewhere, you just need a reasonable plan, he added that the crews are often times limited to what they can do. Robert J. added that our highway guys will not cut down trees, Mark B. said that's what he means, it needs to be privatized to get it taken care of. Elwyn Gordon added that most small tree companies can't handle the trees here because of their height. Elwyn Gordon added that Aaron McGraw won't cut trees next to a power line. Mark B. added that at the end of the day it will cost, someone will do it for the right price.



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## **David Haggstrom**

David Haggstrom asked for clarification with the Highway Superintendent situation, you have a resignation effective at the end of this month which means that the Deputy Superintendent will be in charge and the position will be on the ballot on November 2, 2021 for the balance of the term which expires December 31, 2023, correct? Robert Jones responded that yes that is correct if someone chooses to run. David Haggstrom asked how an interested candidate would get on the ballot at this point? Barbara Broughton. answered by saying that the Town representatives will get someone on the ballot and they will do that within 10 days of the notification of resignation that is not effective until July 31, 2021. They have 10 days from July 31<sup>st</sup> to turn in a certificate of nomination, they being the local County committee people, Republicans are Robert Jones, Terri Ross, Girard Kelly and Mike Trivisonoli, Democrats are Karen Ash and Sandy (not sure of last name) and there can be a write-in campaign.

## **Skip Hecker**

Skip Hecker said that the only thing he has is in regards to the spindles in the Gazebo, he has found somebody in Penn Yan that might turn 6 of them. He added that he will get them someplace. Robert Jones asked how many were broken out, Skip replied two.

## **Elwyn Gordon**

Elwyn Gordon wondered that if the Highway crew can't get to the removal of the playground equipment can we contract with someone to do that. Elwyn wondered how many dates are left that the installers gave us. Robert Jones responded that he will have to go back and look at the email he received. Elwyn thinks we should just get someone to come in and get it out of there, get the new playground in there before the snow starts flying, just his personal opinion, Girard said he agrees. David Haggstrom suggested waiting until after Heritage Days. Elwyn Gordon asked if the company that installs the playgrounds can also remove the old playground equipment. Skip Hecker replied that no they do not do that.

## **Dean Warner**

Dean Warner spoke to Skip Hecker that he might have someone that can make those spindles if he could get one to show him, he is from Dansville. Skip replied and said that he has one in his truck.

With there being no further comments or questions Robert Jones made a motion to adjourn the meeting; seconded by Girard Kelly.

Meeting adjourned at 8:20.

Respectfully submitted,

Sharon A Presutti  
Town Clerk