

## OCTOBER 11, 2022, BOARD MEETING MINUTES

The October 11<sup>th</sup> Board meeting commenced at 6:00 p.m.

Present: Councilperson Freeman  
Councilperson Bauer  
Councilperson Haar  
Town Supervisor Mahr  
Clerk Serphillips

Absent: Councilperson Kenyon

In attendance were: Amy Gush, Doug Howard, Don and Marilyn Robbins, Joe Hope, Ron McIntire, and Chris and Wayne Hand.

The participants identified via Zoom conferencing were: Kody Kenny and DCO Megan Howard.

### Approval of Minutes

The September 13<sup>th</sup> Board meeting minutes were reviewed. A motion to approve them was made by Councilperson Freeman and seconded by Councilperson Haar with all in favor.

### Supervisor Report

Supervisor Mahr stated that the Resolutions presented are to correct a couple items that have some are negative in the 2022 Budget.

Supervisor Mahr stated that the Budget Modification in Resolution 17 (the Clerk's account in advertising is out of money) and dues subscription were negative so money was transferred from travel to cover it. A motion to approve Resolution 17 was made by Councilperson Haar and seconded by Councilperson Freeman. The voting is as follows:

Councilperson Freeman	Yes	Councilperson Haar	Yes
Councilperson Bauer	Yes	Supervisor Mahr	Yes
Councilperson Kenyon	Absent		

Supervisor Mahr also stated that on Resolution 18 CHIPS Reimbursement money was received in Revenue Account and needs to be put in the Budget Account. A motion to approve Resolution 18 was made by Councilperson Freeman and seconded by Councilperson Haar. The voting is as follows:

Councilperson Freeman	Yes	Councilperson Haar	Yes
Councilperson Bauer	Yes	Supervisor Mahr	Yes
Councilperson Kenyon	Absent		

Supervisor Mahr stated that in the 2023 Budget workshop, the preliminary Fire Department Budget went up by \$29,933.00. Supervisor Mahr stated that the 2023 confirmation on Shared Services Contract for the Assessor has not been received, but during our workshop it was increased by 2%. Supervisor Mahr also stated that all changes made during the last workshop have been submitted. The only additional action taken was to move monies from the General Fund Balance into A1990.4 Contingency.

Supervisor Mahr stated that the bills for the East Lake Road, Keuka Hill, Coryell and Silsbee have been received. The cut off for submitting for CHIPS Reimbursement is November 11<sup>th</sup>. The next Town Board Meeting is November 10<sup>th</sup> so the Town needs to prepay these bills to expedite the Reimbursement process.

Councilperson Bauer asked what are the bills for the prepay. Superintendent Howard responded that Blades bill was for \$167,194.16; Suit-Kote bill was \$53,204.64 and for the CHIPS program

the Town should be reimbursed \$167,593.34. Councilperson Bauer also suggested to prepay the Blades bill and pay Suit-Kote in November.

A motion was made to approve the 2023 Preliminary Budget by Councilperson Freeman and seconded by Councilperson Haar. The voting is as follows:

Councilperson Freeman	Yes	Councilperson Haar	Yes
Councilperson Bauer	Yes	Supervisor Mahr	Yes
Councilperson Kenyon	Absent		

### **Clerk**

A motion to approve the Clerk's Report was made by Councilperson Bauer and seconded by Councilperson Freeman with all in favor.

A motion to approval the Vouchers was made by Councilperson Freeman and seconded by Councilperson Bauer with all in favor.

### **Justice**

Supervisor Mahr stated that \$50.00 was received in Justice fees which was not in the report.

### **Highway Superintendent**

Superintendent Howard stated that the Highway Department used 414 gallons of fuel. The Highway Department has been mowing roadsides, mowing/weed-eating on East Lake Road, clean out culverts, repairing ditches on Coryell and Silsbee Roads, repair shoulders, sweeping the roads in preparation for the oil and stone on Coryell and Keuka Hill Roads, removed downed trees and branches from the road ways, cleaned and trimmed up the boat launch, worked Alderman Road, ditching on Hyatt Hill Road, installed driveway piping on Fair Oaks and removed an unused culvert on Ridge Road. Superintendent Howard stated that there was an update grinding at the Compost. Superintendent Howard stated that East Lake Road finally got paved and still has shoulder work to do. Supervisor Mahr asked if there was any feedback from the residents and Superintendent Howard said that some were positive. Councilperson Freeman said she received some comments from residents that they are very pleased.

Councilperson Freeman stated that a Keuka Village Road resident asked about a culvert in need of repair near their property and will be contacting Superintendent Howard for repair.

Supervisor Mahr asked Superintendent Howard when he would be working on the drainage on Keuka Village Road by the Switz. Superintendent Howard will look at it when it clears up.

Councilperson Bauer asked Superintendent Howard about the retaining wall with the rip-raff in the road right-of-way down on East Lake Road. Superintendent Howard stated that he talked to the resident about removing it and they agreed he would, but has not done anything. Superintendent Howard said he spoke with Gill Harrop to give him 30 days or 60 days to get it out. Councilperson Freeman stated that Gill told the resident that it had to come out and suggested something be put in writing. Councilperson Bauer stated he spoke with Gill Harrop and said it was all done. Supervisor Mahr asked if this was an "order to remedy." Superintendent Howard stated that Gill Harrop told the resident that he had to get an engineered drawing for the retaining wall.

Supervisor Mahr asked how long will it take once there is a plan? Councilperson Freeman stated that once he removes them, everything will start falling and a plan will be needed to fix it. Councilperson Bauer stated that the resident put some rocks there, put in a driveway that is not usable, except for an ATV, so without that he cannot use his house with an East Lake Road address versus State Route 54 address. Councilperson Bauer further added that steps to the lake can be added easily but to do what they are trying to do and cannot be in the road right-of-way.

Supervisor Mahr stated that he will convey to Gill what needs to be done for this situation.

Supervisor Mahr stated that over the weekend he went over on the lake by a “beach bungalow.” Councilperson Freeman stated that there are two owners and did not appear to be 25 feet back from the water. Supervisor Mahr stated it is a pavilion not a beach bungalow. Councilperson Bauer said that he would take a look at it and it was bought by the previous owner that whole area used to be beach. Councilperson Freeman stated she asked Gill Harrop if it was 25 feet back and Gill confirmed it.

Supervisor Mahr stated that there needs to be an approval for the prepay (Blades bill not to exceed \$170,000.00). A motion was made to approve Resolution 19 with the \$170,000.00 revision by Councilperson Freeman and seconded by Councilperson Bauer. The voting is as follows:

Councilperson Freeman	Yes	Councilperson Haar	Yes
Councilperson Bauer	Yes	Supervisor Mahr	Yes
Councilperson Kenyon	Absent		

Superintendent Howard stated that at the time of preparation of the inventory report the tractor was in the shop, sold the International at Auctions International, the grader is a 2004, the welder is a 2006, the excavator is a 2013, the 2013 GMC 1-ton being due next year should be replaced with a 5500 vs. a 1 ton, the 2013 Western-star being replaced with a Peterbilt for \$265,481.00, the cost of the roller is \$160,000.00, the 2018 Western Star is on a 10-year plan, the tractor was \$140,000.00 is now \$155,000.00. Supervisor Mahr asked if the tractor was a demo model vs. buying new. Superintendent Howard stated that it is buying new and the price of the grater today is \$345,000.00. Councilperson Haar asked when is the grader due and Superintendent Howard replied 2024 (20 years). Superintendent Howard stated that the grader does not have a ton of hours on it and they don't make that brand anymore with parts being unavailable with the parts cost being off the wall. Councilperson Freeman asked if that was the tractor we were going to purchase a few years ago that was \$14,000.00 and Supervisor Mahr stated it was \$140,000.00.

Supervisor Mahr stated that since the 10-wheeler will be a high cost, what else can the Highway Department get? Supervisor Mahr stated beside what is in the equipment reserve would be the priority? Superintendent Howard stated that a loader because the one we have is pre-emissions and if that goes down it will be a high cost and we need it in the winter time ~ it would be a must.

Councilperson Haar asked if the tractor was a must right now. Superintendent Howard stated that the Highway Department is just about done with that for the year and that is a 1995 model. Councilperson Freeman stated that the two top priorities right now are the loader and the tractor. Superintendent Howard agreed. Councilperson Freeman stated that after the one that is already ordered, the two top priorities are the loader and the tractor and with the tractor not being used in the winter it would be just the loader.

**Code Officer: Planning – Zoning**

Supervisor Mahr stated he will review with Gill Harrop how long the fees have been in place and should the Town be looking to increase our fees. Supervisor Mahr stated he will check with the Association of Towns to see if the Town can change fees after adopting its yearly budget.

Supervisor Mahr stated that the Zoning Board Minutes and Planning Board Minutes were included and no changes were presented.

**Watershed**

Supervisor Mahr asked if there was anything Ms. Amy Gush wanted to add. Ms. Gush stated that the town is doing well on KWIC inspections. Thanks to the residents' compliance.

**Dog Control Officer**

DCO Howard stated she has been reaching out to people who have outdated licenses. Next month DCO Howard will be out for a while with back surgery. DCO Howard also stated there is

a working relationship with Diane Davis and being told that the Town has a working relationship with Bradford DCO. Supervisor Mahr asked if DCO Howard would be out for a month or longer? DCO Howard responded she was not sure and depends how everything goes.

### **History Group**

Supervisor Mahr asked if there were any questions and no changes were presented.

### **WEB Statistics**

Councilperson Bauer asked who compiles the analytics. Supervisor Mahr replied that Scott Deming does this information from DSD Web works. Councilperson Bauer stated that there is no data for this year, there's a lot of information not there and what does that cost us to have that done? Supervisor Mahr stated that it was part of the DSD Web works service for the maintenance of the website. It is not a separate charge. Supervisor Mahr asked the Clerk to send a note to DSD Web works and ask if what was sent was an error. Councilperson Bauer stated that he has not received a complete report in his e-mail and what does he have to do because the second page is blank. Councilperson Freeman stated that usually there is information on the first page, but this one has nothing and page two is always blank.

### **Old Business**

Supervisor Mahr stated that Richard Buck is putting together the Town's Maintenance Law document (Property, Fire Code, and Building Code) and, in another week, will ask for the status.

Supervisor Mahr stated that the Town is starting to receive feedback on the Playground Survey. Ms. Gush stated that we need to get the information out and posted it in different areas around Sylvan Beach. Some people have suggested to include: soccer field, pickle ball court, pavilion, basketball court, volunteer garden at the Cabin, organized family events, dog park. Supervisor Mahr asked when the feedback was to be returned and Ms. Gush responded that it is October 23<sup>rd</sup>.

Supervisor Mahr reviewed the Switzerland Inn meeting on September 29<sup>th</sup>. He forwarded to the Board a report from DEC, Abigail Johnson, on the follow-up from that meeting. Supervisor Mahr stated that Abigail's synopsis of it was stronger than he thought it would be and the way she described the situation. Supervisor Mahr commented that what we need to see now is what actions she takes. Residents are still concerned. Supervisor Mahr stated that the vent that wasn't functioning was shut off and they would not need it, but they had the remedy to fix with the implement to remedy. Councilperson Bauer asked how do we know it has been remedied, what test will happen, and what's going to happen? Supervisor Mahr stated that the next step should be to have a conversation with DEC. Supervisor Mahr stated that it's apparent that the Health Department is not actively involved with this matter. Supervisor Mahr stated that he wants to see the owner do something when he closes down and that would be the next thing to monitor. The Town cannot do any inspecting or anything like that, it is still with DEC.

Supervisor Mahr stated that the Noise Ordinance or Policy from our last meeting, we discussed that the Board Members were in favor of starting out with a Policy and that is what will be drafted before our next meeting so it can be reviewed and do something with it at our next meeting.

Supervisor Mahr stated that Jeff Horton, Campbell Town Supervisor, is going to be our guest speaker at the November 10<sup>th</sup> Board Meeting. Also, we are asking Jeff Horton to address the noise issue, what we can and cannot do. Supervisor Mahr also stated that he can get Sheriff Jim Allard back here to see if we can do something because there seems to be a lot of differences of opinions on what can be enforced and what cannot be enforced with what we can do. Supervisor Mahr stated that this has gone on for a while and the intent is to complete a policy. The Policy should be mailed to every tax payer, and let them know we are trying to do something. Supervisor Mahr stated that it should be a "good neighbor policy," if it means talking with individuals directly the Board is willing to do that. Councilperson Freeman stated once we get the policy in place, get it to the tax payers because we know that all tax payers do not visit their properties, if they

don't live in the area they won't check the website, never come to a meeting, so a hard copy needs to go to them in the mail.

Supervisor Mahr stated he talked with Steuben County regarding the short-term rentals, they made it clear that their game plan is to get more and more active in regulating short-term rentals; mostly on getting room tax. Supervisor Mahr stated in Yates County the rental agencies are submitting room tax, and Steuben County is only receiving from *Airbnb* at this time. Councilperson Freeman stated that there should be an incentive for all the towns around the Lake because it is a monetary incentive.

### **New Business**

Supervisor Mahr stated that the Town received a letter from FEMA regarding a flood plan violation. Buck, Puller, and Richardson have been engaged to address the situation. They will set up a call with the DEC and the Town to discuss. Supervisor Mahr stated that the Town has to give FEMA a response prior to 60-days and Rich Buck has agreed to write the letter.

Supervisor Mahr stated that for the 2023 Organizational Meeting in the Wayne's Welcome we are advertising for volunteers who are interested in positions or want to participate on the Zoning and Planning Boards, also putting ads in the papers saying the same thing for October and November applying by Thursday before December Board Meeting. Supervisor Mahr stated that we will set up an Executive Session to discuss the responses.

Supervisor Mahr asked if we want to do a Volunteer Event, a luncheon in November or December, or do the gift cards again. Councilperson Haar stated that people are so busy from November through after the first of the year that maybe now do the gift cards, and in the Spring do something.

Supervisor Mahr stated that the Hometown Heroes are now on the website. Councilperson Haar stated that she has not heard from anyone. Supervisor Mahr asked if Councilperson Haar wanted an ad in the paper on that. Councilperson Haar responded she would like an ad placed in the paper. Councilperson Freeman suggested putting it in the Wayne's Welcome and Councilperson Haar agreed and requested to put it in the next one.

### **Public Comments**

Mr. Wayne Hand said that the East Lake Road residents are certainly grateful for all the work done to make it so nice noting there still needs some shoulder work to be done. Councilperson Freeman stated that Superintendent Howard is looking for a smaller machine to complete the shoulder project.

Mrs. Nelson spoke up and said a "job well done" and they are delighted with the road.

Supervisor Mahr stated that the Town Board Meeting will be on Thursday, November 10<sup>th</sup>, 6:00 p.m., due to the Elections being on Tuesday, November 8<sup>th</sup>.

Supervisor Mahr stated that the Public Hearing for the 2023 Budget Review will be on Tuesday, November 1<sup>st</sup>, 6:00 p.m.

The meeting to adjourn was made by Councilperson Haar and seconded by Councilperson Freeman at 7:35 p.m.

Respectfully submitted,

Angie Serphillips  
Town Clerk