

**REGULAR MONTHLY MEETING
MINUTES VAN ETTEN TOWN BOARD
JULY 14, 2022**

RESOLUTIONS THIS MEETING
BEGIN 50-22 THRU 55-22

REGULAR MONTHLY MEETING OF TOWN OF VAN ETTEN WAS CALLED TO ORDER BY TOWN SUPERVISOR GEORGE KETURI AT 7:00 PM.

ROLL CALL OF TOWN BOARD

HAROLD SHOEMAKER-COUNCILPERSON/DEPUTY SUPV.
FRED SWAYZE, JR.-COUNCILPERSON
PENNY FLORA-COUNCILPERSON-EXC
ANDREW LARISON-COUNCILPERSON
GEORGE KETURI-SUPERVISOR

TOWN OFFICERS

BOB EASTWOOD-H'WAY SUPT.
SALLY WHITSON-ASSESSOR-EXC
DAWN ROSE-TOWN CLERK
RICH LECLAIRE-CODE ENF
BONNIE MALLEN- TOWN HISTORIAN-EXC
HEATHER GABLE- WATER OPERATOR
DUSTIN ROSE-CEMETERY CURATOR AND
DOG CONTROL OFFCR.
BRENDA QUICK-WATER CLERK
LEON TUTTLE-TOWN JUSTICE-EXC

OTHERS PRESENT: CATHY LECLAIRE, TIM GABLE, LLOYD QUICK, LEE HAEFELE, NANCY BANFIELD JOHNSON, JANET SAYRE, STACIE MOORE AND KAREN FRICK.

A MOTION WAS MADE BY LARISON AND SECONDED BY SHOEMAKER TO ACCEPT THE MEETING MINUTES FOR REGULAR TOWN BOARD MEETING HELD ON JUNE 9, 2022. ALL AYE. CARRIED

CORRESPONDENCE READ AND ON FILE WITH THE TOWN CLERK

- OFFICE OF AGING FARMER'S MARKET COUPON DISTRIBUTION AT VAN ETTEN TOWN HALL ON JULY 26 FROM 2 – 3:30 PM.
- PANTHER PRIDE DAY-AUGUST 6 FROM 10A – 2P AT BANFIELD SQUARE.
- SPECIAL ELECTION TUESDAY, AUGUST 23 FROM 6A-9P.
- VAN ETTEN ELECTRONICS RECYCLING DAY AUGUST 27 9A – 4P AT 6 GEE STREET. VISIT WWW.REACT-E-CYLING.COM FOR ACCEPTABLE ITEMS.
- THANK YOU LETTER RECEIVED FROM VFW POST 8139 FOR DONATION OF AMERICAN FLAGS AND FLAG POLES.

REPORTS FROM TOWN OFFICERS:

-TOWN JUSTICE-NO REPORT

- CHECK FOR \$1589. PRESENTED TO G. KETURI/TOWN SUPV.

-ASSESSOR-SALLY WHITSON-REPORT FILED

-BUDGET OFFICER-GEORGE KETURI- REPORT FILED AND KETURI READ FIRST PAGE OF JUNE 2022 BUDGET REPORT.

-TOWN CLERK-DAWN ROSE-REPORT FILED

- CHECK FOR \$1,460.41 PRESENTED TO G. KETURI/TOWN SUPV.

-TOWN HISTORIAN-BONNIE MALLEN-REPORT FILED

-PARK COMMISSION-NO REPORT

-DOG CONTROL-DUSTIN ROSE-REPORT FILED

-CODE OFFICER-RICH LECLAIRE-VERBAL REPORT

- LECLAIRE STILL WORKING ON BACK LOG FOR REPORTING TO ALBANY.

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-BUILDINGS & GROUNDS-HAROLD SHOEMAKER-VERBAL REPORT

- SHOEMAKER STATED TOWN HALL WILL BE PRESSURE WASHED SOON.

-CF&R FIRE CO-NO REPORT

-HIGHWAY SUPERINTENDENT-BOB EASTWOOD-REPORTS FILED

- EASTWOOD INFORMED TOWN BOARD HE WOULD LIKE TO DEEM 644G JOHN DEERE LOADER, MISC CHAINSAWS AND TIRES AS SURPLUS.
- EASTWOOD PRESENTED 284 AGREEMENT FOR BRIGGS AND M. ELSTON IN AMOUNT OF \$38,206.93.

-TOWN SUPERVISOR-GEORGE KETURI-VERBAL REPORT

- CHEMUNG COUNTY SHERIFF MONTHLY REPORT PRESENTED (SEE FILE).
- KETURI RECEIVED FOLLOWING CHECKS:
 - #1416 FROM CF&R FOR QUARTERLY FUEL IN AMOUNT OF \$1,034.33
 - #1778 FROM L. HAFL FOR DRIVEWAY PIPE IN AMOUNT OF \$231.20
 - #2507 FROM M. VANGALDER FOR DRIVEWAY PIPE IN AMOUNT OF \$1,261
- LETTER FROM CHEMUNG COUNTY STORMWATER COALITION FOR INCREASE IN MEMBERSHIP FEE FOR 2023 IN AMOUNT OF \$3,750.

-WATER OPERATOR-HEATHER GABLE-REPORT FILED

-WATER DIRECTOR-HAROLD SHOEMAKER- REPORT FILED AND SHOEMAKER READ FIRST PAGE OF MAY 2022 WATER BUDGET REPORT.

- SHOEMAKER REPORTED THREE (3) CONTRACTOR TEMPORARY HYDRANT PERMITS WERE ISSUED
- SHOEMAKER STATED UPDATE ON PAYMENT OF WATER BONDS WILL BE INCLUDED IN AUGUST WATER BILLS.
- STARTING AUGUST 1 FIRE HYDRANTS WILL START BEING FLUSHED BY CF&R.

-CEMETERY-DUSTIN ROSE-REPORT FILED

ALL OFFICERS WRITTEN REPORTS ARE ON FILE WITH TOWN CLERK.

A MOTION WAS MADE BY LARISON AND SECONDED BY SWAYZE, JR. TO ACCEPT THE OFFICER'S REPORTS AS PRESENTED. ALL AYE. CARRIED

AUDIT COMMITTEE-GENERAL-H. SHOEMAKER

A ACCT: \$21,133.19

FIRE: \$0

HIGHWAY/WATER-H. SHOEMAKER

DA ACCTS: \$82,257.05

FX (WATER): \$4,301.30

SHOEMAKER STATED GRAVEL AND BOND PAYMENTS ARE LARGE PART OF HIGHWAY SPENDING.

BUDGET ADJUSTMENT

RESOLUTION 50-22

TOWN BOARD OF VAN ETTEN AUTHORIZES THE FOLLOWING BUDGET TRANSFERS;

\$7,000 FROM DA2665.3 TO DA9710.6 (BOND)

\$1,760 FROM A2770.1 TO A8160.4 (TIRES)

\$1,460.49 FROM A2770.1 TO DA5110.4 (DRIVEWAY PIPE)

\$2,500 FROM A1990.4 TO A3620.4

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\$5,000 FROM A1990.4 TO A5132.4

SPONSOR-SWAYZE, JR. SECONDED-KETURI. ROLL CALL VOTE-SHOEMAKER, FLORA-EXCUSED, SWAYZE, JR., LARISON AND KETURI. ALL AYE. CARRIED

A MOTION WAS MADE BY KETURI AND SECONDED BY LARISON AND CARRIED TO APPROVE PAYMENT OF AUDITED VOUCHERS AS RECOMMENDED BY AUDIT COMMITTEE OF SWAYZE, JR. AND SHOEMAKER. ALL AYE. CARRIED.

OLD BUSINESS:

- SHOEMAKER STATED PROPOSAL RECEIVED FROM HAEFELE FOR BROADBAND DID NOT INCLUDE ALL OF VAN ETTEN. HUNT ENGINEERING IS INVESTIGATING GRANTS TO AID TOWN. MR. HAEFELE IS WAITING ON NEW YORK STATE FOR MORE DETAILS AND WILL INFORM BOARD WHEN HE'S RECEIVED IT (I.E., LONG DRIVEWAYS, HOMES WITH NO ELECTRICITY). MR. HAEFELE HAS NOT HEARD FROM HUNT ENGINEERING. SHOEMAKER REITERATED TOWN IS ANTICIPATING APPROXIMATELY \$50,000 FROM CHEMUNG COUNTY AND FEDERAL AID IS NOT EXPECTED ANYTIME SOON. MR. HAEFELE WILL TRY TO CONTACT HUNT ENGINEERING.
- SHOEMAKER INDICATED TOWN ANTICIPATES RECEIVING \$75,486.95 FOR ARPA THIS SUMMER.
- COMMITTEE UPDATES-
 - STREETLIGHTS-ANDY LARISON
 - LARISON STATED ONE STREET LIGHT OUT ON 34 & UPPER FRONT, HE WILL CONTACT NYSEG.
 - SIDEWALKS-FRED SWAYZE, JR./RICH LECLAIRE
 - MAYO AND SONS WILL START WAVERLY STREET SIDEWALKS AUGUST 15.
 - WATER DIRECTOR-HAROLD SHOEMAKER
 - SHOEMAKER MADE MOTION AND SECONDED BY KETURI TO REQUEST PAYOFF AMOUNT FOR USDA WATER DISTRICT LOAN FOR SEPTEMBER 2022.
 - SHOEMAKER STATED LARSEN DESIGN AND TIOGA COUNTY ARE LOOKING FOR MORE INFORMATION FOR PROVIDING WATER TO RAYMOND HADLEY. SHOEMAKER REITERATED TOWN WILL NOT BE SPENDING ANY FUNDS AT THIS TIME. GABLE SUGGESTED ESTABLISHING WATER BOARD COMMITTEE.

COMMUNICATION FROM THE AUDIENCE:

- MS. NANCY BANFIELD JOHNSON STATED SHE'S BEEN WEEDING AT BANFIELD PARK AND ROCKS NEAR PARKING LOT ARE IN NEED OF REMOVAL; EASTWOOD STATED HE WOULD INVESTIGATE. MS. BANFIELD JOHNSON STATED WHITE BUILDING COULD BE USED AS MUSEUM AND NYS HAS MANY REGULATIONS; BANFIELD FAMILY HAS FUNDS THEY WOULD LIKE TO DONATE. TOWN BOARD WOULD LIKE TO START COMMITTEE.
- MS. SARA EMERY INFORMED TOWN BOARD OF PURCHASE OF PROPERTY ON NYS ROUTE 224 (SEE MAP) FOR HOPS AND FUTURE BREWERY. MS. EMERY MAY NEED LETTER OF SUPPORT FROM TOWN FOR AREAS DESIGNATED AS WET LANDS. TOWN BOARD AGREED TO HELP.
- MR. HYLAND THANKED ALL FOR SUPPORT DURING PRIMARY ELECTION. MR. HYLAND INDICATED "REDISTRICTING" IS BIG ISSUE. MR. HYLAND IS ON COMMITTEE FOR SOIL AND WATER.

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- MS. FRICK NOTED SHE'D BE HAPPY WITH MUSEUM.
- MS. SAYRE ASKED FOR UPDATE ON SECURITY CAMERAS; TOWN BOARD WOULD LIKE TO FOCUS ON BROADBAND FOR TOWN.

NEW BUSINESS:

- SWAYZE, JR. STATED TOWN INSURANCE COMPANY HAS WARNED TOWN OF LIABILITY CONCERNS WITH SKATEPARK. MR. LANCE CUNDY AND SUPERINTENDENT MS. BARBARA CASE MET WITH SHOEMAKER AND SWAYZE, JR. AND WILL ASSUME OWNERSHIP OF SKATEBOARD PARK; SKATEBOARD PARK WILL NOT BE USED AS PARKING LOT AND MAY BE USED FOR EDUCATIONAL AREA OR GARAGE ADDITION. KETURI STATED MONUMENT BENCH WILL BE MOVED TO BANFIELD SQUARE AND MR. GEORGE LAMPILA WILL KEEP JAMES LAMPILA SKATEBOARD PARK SIGN. SHOEMAKER WILL CONTACT MR. WOODRING REGARDING SKATEBOARD PARK RAMPS.

RESOLUTION 51-22

TOWN BOARD OF VAN ETTEN WHEREAS, THE TOWN OF VAN ETTEN (THE "TOWN") IS THE OWNER OF A CERTAIN PARCEL OF REAL PROPERTY LOCATED IN THE TOWN OF VAN ETTEN, CHEMUNG COUNTY, NEW YORK, DESIGNATED AS TAX MAP PARCEL NUMBER 45.18-1-3.2, COMPRISING APPROXIMATELY 0.08 ACRE, AND COMMONLY KNOWN AS THE JAMES LAMPILA SKATE PARK (THE "PROPERTY"), SAID PROPERTY HAVING BEEN ACQUIRED BY THE TOWN IN CONNECTION WITH THE DISSOLUTION OF THE VILLAGE OF VAN ETTEN; AND WHEREAS, THE PROPERTY HISTORICALLY HAS BEEN USED BY VAN ETTEN YOUTH FOR SKATEBOARDING AND RELATED RECREATIONAL PURPOSES; AND WHEREAS, THE TOWN BOARD, HAVING REVIEWED THE UTILIZATION OF THE PROPERTY, HAS OBSERVED THAT THE PROPERTY INCREASINGLY IS USED FOR ACTIVITIES OTHER THAN SKATEBOARDING AND THAT SUCH ACTIVITIES TEND TO BE UNPRODUCTIVE AND POTENTIALLY DETRIMENTAL TO THE VAN ETTEN COMMUNITY; AND WHEREAS, SPENCER-VAN ETTEN CENTRAL SCHOOL DISTRICT (THE "SCHOOL DISTRICT") HAS EXPRESSED INTEREST IN ACQUIRING THE PROPERTY FROM THE TOWN SO THAT THE PROPERTY MAY BE INTEGRATED INTO ADJACENT LANDS OF THE SCHOOL DISTRICT AND USED FOR SCHOLASTIC PURPOSES OR THE EXPANSION OF THE SCHOOL DISTRICT'S TRANSPORTATION BUILDING; AND WHEREAS, THE TOWN BOARD, HAVING CONSIDERED THE PRESENT AND ALTERNATIVE USES OF THE PROPERTY, HAS DETERMINED THAT THE PROPERTY IS NOT REQUIRED FOR USE BY THE TOWN AND THAT CONVEYING THE PROPERTY TO THE SCHOOL DISTRICT IS IN THE TOWN'S BEST INTEREST, INsofar AS IT WILL ELIMINATE BOTH THE TOWN'S RESPONSIBILITY FOR MAINTENANCE OF THE PROPERTY AND THE POTENTIAL LIABILITY EXPOSURE ASSOCIATED WITH THE PROPERTY; AND WHEREAS, BASED UPON THE FOREGOING, THE TOWN BOARD WISHES TO AUTHORIZE THE CONVEYANCE OF THE PROPERTY TO THE SCHOOL DISTRICT, SUBJECT TO CERTAIN CONDITIONS; NOW, THEREFORE, BE IT RESOLVED, THAT THE TOWN BOARD, HAVING REVIEWED THE PROPOSED CONVEYANCE OF THE PROPERTY IN ACCORDANCE WITH ALL APPLICABLE REQUIREMENTS OF THE NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT ("SEQRA"), HEREBY DETERMINES THAT SAID CONVEYANCE IS AN UNLISTED ACTION UNDER SEQRA AND THAT SAID CONVEYANCE WILL NOT HAVE A NEGATIVE IMPACT ON THE ENVIRONMENT; AND BE IT FURTHER RESOLVED, THAT THE TOWN BOARD,

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HAVING DETERMINED THAT THE PROPERTY IS EXCESS PROPERTY NOT REQUIRED FOR USE BY THE TOWN, HEREBY AUTHORIZES THE CONVEYANCE OF THE PROPERTY TO SPENCER-VAN ETTEN CENTRAL SCHOOL DISTRICT FOR NOMINAL CONSIDERATION, SUBJECT TO THE FOLLOWING CONDITIONS: (I) THE SCHOOL DISTRICT SHALL BE OBLIGATED TO PROVIDE FOR THE PAYMENT OF ALL FEES AND EXPENSES REASONABLY INCURRED IN CONNECTION WITH SAID CONVEYANCE, AND (II) THE SCHOOL DISTRICT, FOLLOWING ITS ACQUISITION OF THE PROPERTY, SHALL BE OBLIGATED TO ERECT A PLAQUE OR SIMILAR MARKER OR MONUMENT IDENTIFYING THE PROPERTY AS THE FORMER SITE OF THE JAMES LAMPILA SKATE PARK AND DESIGNATING SAID SITE AS THE JAMES E. LAMPILA AREA OF DISTINCTION, DEDICATED TO THE CONTINUED GROWTH OF YOUTH AND EDUCATION IN THE VAN ETTEN COMMUNITY, THEREBY PUBLICLY ACKNOWLEDGING MR. LAMPILA'S STANDING IN THE COMMUNITY AND HIS DEDICATION TO THE CITIZENS AND YOUTH OF VAN ETTEN AS A FORMER TOWN SUPERVISOR AND SCHOOL DISTRICT TRANSPORTATION DIRECTOR; AND BE IT FURTHER RESOLVED, THAT THE TOWN SUPERVISOR BE, AND HE HEREBY IS, AUTHORIZED AND DIRECTED TO EXECUTE SUCH DOCUMENTS, INCLUDING, WITHOUT LIMITATION, A QUITCLAIM DEED, AND TO TAKE SUCH OTHER ACTIONS AS MAY BE REQUIRED TO CARRY OUT THE CONVEYANCE OF THE PROPERTY AS CONTEMPLATED HEREIN; AND BE IT FURTHER RESOLVED, THE CONVEYANCE OF THE PROPERTY PURSUANT TO THIS RESOLUTION IS SUBJECT TO PERMISSIVE REFERENDUM AS PROVIDED IN SECTIONS 64(2), 90, AND 91 OF THE TOWN LAW OF THE STATE OF NEW YORK AND SHALL NOT TAKE EFFECT UNTIL THIRTY (30) DAYS AFTER THE DATE OF ITS ADOPTION, NOR UNTIL APPROVED BY THE AFFIRMATIVE VOTE OF A MAJORITY OF THE QUALIFIED ELECTORS OF THE TOWN THEREBY VOTING UPON SUCH PROPOSITION, IF WITHIN THIRTY (30) DAYS AFTER THE ADOPTION OF THIS RESOLUTION THERE IS FILED WITH THE TOWN CLERK OF THE TOWN A PETITION SUBSCRIBED AND ACKNOWLEDGED BY ELECTORS OF THE TOWN QUALIFIED TO VOTE UPON A PROPOSITION TO RAISE AND EXPEND MONEY, IN NUMBER EQUAL TO AT LEAST FIVE PER CENTUM OF THE TOTAL VOTE CAST FOR GOVERNOR IN SAID TOWN AT THE LAST GENERAL ELECTION HELD FOR THE ELECTION OF STATE OFFICERS. SPONSOR-SHOEMAKER. SECONDED-LARISON. ROLL CALL VOTE-SHOEMAKER, FLORA-EXCUSED, SWAYZE, JR., LARISON AND KETURI. ALL AYE. CARRIED

RESOLUTION 52-22

TOWN BOARD OF VAN ETTEN AUTHORIZES PLACING LEGAL NOTICE FOR NOTICE OF ADOPTION OF RESOLUTION SUBJECT TO PERMISSIVE REFERENDUM; PUBLIC HEARING FOR LOCAL LAW 1 OF 2022 AND LOCAL LAW 2 OF 2022. SPONSOR-KETURI. SECONDED-SWAYZE, JR. ROLL CALL VOTE-SHOEMAKER, FLORA-EXCUSED, SWAYZE, JR., LARISON AND KETURI. ALL AYE. CARRIED

RESOLUTION 53-22

TOWN BOARD OF VAN ETTEN CANNABIS PROPOSITION TO BE ADDED TO GENERAL ELECTION BALLOT. SPONSOR-LARISON. SECONDED-SWAYZE, JR. ROLL CALL VOTE-SHOEMAKER, FLORA-EXCUSED, SWAYZE, JR., LARISON AND KETURI. ALL AYE. CARRIED

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RESOLUTION 54-22

TOWN BOARD OF VAN ETTEN AUTHORIZES 284 AGREEMENT FROM ROBERT EASTWOOD FOR REPAIR OF BRIGGS HILL IN AMOUNT OF \$38,206.93. SPONSOR-SWAYZE, JR. SECONDED-LARISON. ROLL CALL VOTE-SHOEMAKER-ABSTAIN, FLORA-EXCUSED, SWAYZE, JR., LARISON AND KETURI. ALL AYE. CARRIED

RESOLUTION 55-22

TOWN BOARD OF VAN ETTEN AUTHORIZES JOHN DEERE LOADER, MISCELLANEOUS CHAIN SAWS AND CHAINS AS SURPLUS AND TO BE ADVERTISED ON AUCTIONS INTERNATIONAL. SPONSOR-KETURI. SECONDED-SWAYZE, JR. ROLL CALL VOTE-SHOEMAKER, FLORA-EXCUSED, SWAYZE, JR., LARISON AND KETURI. ALL AYE. CARRIED

RESOLUTION 56-22

TOWN BOARD OF VAN ETTEN APPROVES DOG CONTROL OFFICER DUSTIN ROSE TO ATTEND NYS AGRICULTURE AND MARKETS TRAINING IN FAIRPORT, NY. SPONSOR-SHOEMAKER. SECONDED-LARISON. ROLL CALL VOTE-SHOEMAKER, FLORA-EXCUSED, SWAYZE, JR., LARISON AND KETURI. ALL AYE. CARRIED

KETURI NOTED \$827.28 WAS RECEIVED FROM HIGHWAY DEPARTMENT FOR SCRAP.
EASTWOOD HAS TWO (2) HIGHWAY SAFETY SIGNS FOR PANTHER PAK 5K RUN.

REGULAR TOWN BOARD WILL BE HELD ON AUGUST 11, 2022 AT 7:00 PM.
ADJOURNED AT 8:30 PM MOTION BY SWAYZE, JR. SECONDED BY LARISON. ALL AYE. CARRIED.