

**TOWN OF CARROLLTON**  
**PUBLIC HEARING /MONTHLY MEETING**  
**May 11th, 2016**  
**4:00PM**

**MUNICIPAL COMPLEX**

**640 MAIN STREET**

**LIMESTONE, NY 14753**

**Present:** Town Supervisor James Stoddard, Councilwoman Florence Fuller, Councilman Ralph Bottone, Councilman Brian Jacoby, Town Clerk Julie Carlson, Ricky Dixon W/S/Maintenance, Water/Sewer/Rental Clerk Rosemary Fowler. Town Attorney Eric Firkel, and Town Resident Gary Subulski.

**Not Present:** Councilman James Rounsville.

**Public Hearing for:**

**Local Law 1-2016** "A Local Law establishing Property Maintenance Regulations for the Town of Carrollton.

**Local Law 2-2016** "A Local Law Providing For the Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code.

**Local Law 3-2016** "A Local Law Relating to the Licensing, Control, Confining and Leashing of Dogs in the Town of Carrollton.

Supervisor Stoddard opened the Public Hearing at 4:00PM.

**Public Comments in favor-** Gary Subulski asked questions to the new laws and why they were being written. Supervisor Stoddard stated they are updating the existing laws to support the Town of Carrollton Code Enforcement and the Dog Control. He was in favor of this.

**Public Comments in Opposition-**None.

**Motion** made Councilman Bottone, 2<sup>nd</sup> by Councilwoman Fuller to close the Public Hearing. All voting yes, Motion carried.

Supervisor Stoddard closed the Public Hearing at 4:15PM.

**Regular Monthly Meeting**

Supervisor Stoddard called the Meeting to order following with the Pledge of Allegiance at 4:15PM.

**Motion** made by Councilman Bottone, 2<sup>nd</sup> by Councilman Jacoby to pay bills presented. All voting yes, Motion carried.

**2016 Bills presented**

- General \$ 20,732.64 v#99-119
- Highway \$ 7,031.33 v#30-39
- Sewer 1 \$ 4,735.22 v#5-8
- Sewer 2 \$ 19,333.10 v#25-41
- Water \$ 3,138.00 v#22-33
- Total \$ 75,702.93**

**Motion** made by Councilwoman Fuller, 2<sup>nd</sup> by Councilman Bottone to approve the April 13th, 2016 Monthly Minutes and April 28<sup>th</sup>, 2016 Special Meeting Minutes as written. All voting yes, Motion carried.

**Checks Received:**

\$ 198.96 Town Clerk's Acct-April Sales  
 13,399.75 Justice Joseph Crowley-Fines Collected for April  
 12,188.00 Justice Mike Soper-Fines Collected for April  
 100.00 Matt Zurat-Rm 203 Rent-May  
 550.00 Enchanted Mountain Roller Derby -Gym Rent-May  
 165.00 Karen Fox-Foxy's Pet Shop- (641) Garage Rent-May  
 1,800.00 John Smith "Parts R Us" Rent-May  
 157.00 S & B Sound & Production-Rm 204-Rent-May  
 157.00 William Songer-Barber Shop-Rm 10-Rent-April  
 490.00 NJ Real Property Rm 201 Security Deposit & Rent-May  
 55.78 Fire Commissioners- Fuel Usage-March  
 290.00 S. Wilt Rm 110-Rent-May  
 50.00 S. Hayes-Gym Rental-B-day party-04/09/2016 (2hrs)  
 3,500.00 Ram Forest Products, Inc. Posted Road Bond

**Total \$33,101.49**

**Monthly Reports:** The Town Clerk, Water/Sewer/Rental Clerk, Highway Superintendent, Building & Zoning Permits, Town Supervisor Report were all distributed and reviewed. (Dog Control-not available at this time).

**Correspondence:**

- Cattaraugus Real Property Services filed a copy of Certificate of Attendance Board of Assessment Review Training for Brian Eaton.

**Rose Fowler-Water/Sewer & Rentals Clerk:**

- Rose reported she had complaint from Town Resident on Parts R Us and all the place looks like a junk yard. Questions were brought up about the boat that has been sitting there for a year or more, and the unlicensed vehicles. CEO John Helgager said he would speak to them.
- Rose asked about sending out Property Maintenance letters. CEO John Helgager stated he will be doing this.

**John Helgager-CEO/Zoning/Building Inspector:**

- John reported he met with the Court Clerk on one of the property owner cases that were sent to court. He informed the Board that the case was dropped. He will have to start over on that property. He stated that the Town needs to have condemned signs that are made up at the County. He is still checking into the other 2 cases filed by the previous CEO to see where they stand.
- John said he will check into the complaints called in about parking on the sidewalk on Paton Drive. He will contact the Sherriff's Department. Supervisor Stoddard stated he would also speak to one of the officers that he sees in town.

**Resolution Number 05 Year 2016**, moved by Councilwoman Florence Fuller, 2<sup>nd</sup> by Councilman Ralph Bottone. **Title:** Building and Zoning Code Enforcement Policy and Procedures **Whereas**, The Town of Carrollton Board has reviewed the introduced Building and Zoning Code Policy and Procedures are fully supporting the Town of Carrollton Building and Zoning code enforcement program. **Whereas**, the Town of Carrollton is responsible for protecting and ensuring the safety and welfare of all persons within the town. The construction and renovation of building within the town must meet certain minimal New York State standards in order to protect and ensure the safety and welfare of all residences within the town. **Whereas**, to ensure the building and zoning codes, ordinances and laws are enforced uniformly. **Resolved**, that a standard policy, procedure and enforcement guidelines are to be followed accordingly to the Building and Zoning Code Enforcement Policy and Procedures Manual.

The resolution as stated above is hereby adopted by a majority vote of the Town of Carrollton Town Board at an official meeting held on the 11<sup>th</sup> day of May in the year 2016, the ayes, and nays take and recorded below:  
AYES: Supervisor James Stoddard, Councilman Brian Jacoby, Councilman Ralph Bottone, Councilwoman Florence Fuller. NAYS: None. Not Present: Councilman James Rounsville.

**Rick Dixon-Water/Sewer/Bldg. Maintenance:**

- Rick provided a draft of the Annual Quality Water Report for 2015 for the Board to review. The Board approved the Report to be printed as presented.
- Rick informed the Board that he and Councilman Ralph Bottone met with Eric Wohlers from the Cattaraugus County Health Department and provided the Corrosion Control Study Report prepared by MDA Consulting Engineers, PLLC. The Town read and discussed the report.

**Motion** made by Councilman Bottone, 2<sup>nd</sup> by Councilman Jacoby to use money out of the Water Fund to begin the process of the required treatment equipment plans and specs for the copper in the drinking water. All voting yes, Motion carried.

**Old Business:**

**Cemetery:**

- Rick inquired if the Highway Dept. is going to be able to work on the cemetery roads around the cemetery and when you turn into the cemetery. If not, he has other resources he can go to get it done. Councilman Bottone said he would talk to Superintendent Hicks. Supervisor Stoddard said that the Town owns the cemetery and it is part of our job to keep it up. Councilman Bottone also researched the road from Main Street through the pine trees to the Rt. 219. It is apparently owned by Louis Lucco. He has spoken to the family about it. The town can repair the road, but it will go on the landowner if anything were to happen. Councilman Bottone said he will talk to the Lucco's again and let them know the town doesn't want to fix a private road. It was suggested by Town attorney to post it private road, there are signs but hard to read now.
- Councilman Jacoby questioned how much room we have left in the cemetery. Rick said there are lots that are unclaimed in the old part and he was told that if it isn't claimed after 75 yrs. of purchase it goes back to the cemetery to be used. Supervisor Stoddard is looking into getting a survey done to be sure of exactly where the property line is.
- D & J Lawn Service will be doing the lawn this year.
- Rick said he would like to start working on getting some of the stones set back up that are tipped over, due to trees, etc.

**Highway Department:**

- Discussion on the Complex back parking lot, and the Board agreed that it needed to be repaired. The Board agreed to all look at it after the Board meeting. Councilman Bottone said he would talk to Superintendent about this project also.

**New Business:**

- Attorney Eric Firkel distributed The Town Local Laws to be adopted after the Public Hearing that was held. The following Resolutions were adopted.

**Resolution 6 Year 2016** Moved by Councilwoman Florence Fuller, 2<sup>nd</sup> by Councilman Ralph Bottone  
**Title:** Resolution Adopting Local Law 1-2016 titled "A Local Law Establishing Property Maintenance Regulations for the Town of Carrollton and repealing Local Law 1 of 2010" **Whereas**, Pursuant to Section 136 of the general municipal law and section 10 of the municipal home rule law, the Town of Carrollton may from time to time enact such local laws as it deems necessary; and **Whereas**, the required public hearing was properly and legally noticed, published and held by the Town Board; now therefore be it **Resolved**, that Local Law 1-2106, Establishing Property Maintenance Regulations for the Town of Carrollton and repealing Local Law 1 of 2010 is hereby adopted; and be it further **Resolved**, that Local Law 1-2016, consisting of sections 1-

16 and being thirteen (13) pages in length, shall take effect upon the filing thereof with the New York Secretary of State.

The resolution as stated above is hereby adopted by a majority vote of the Town of Carrollton Town Board at an official meeting on the 11<sup>th</sup> day of May, 2016, and the ayes and nays are recorded below:

AYES: Supervisor James Stoddard, Councilman Brian Jacoby, Councilman Ralph Bottone, Councilwoman Florence Fuller. NAYS: None. Not Present: Councilman James Rounsville.

**Resolution Number 07 Year 2016** Moved by Co Councilwoman Florence Fuller, 2<sup>nd</sup> by Councilman Ralph Bottone **Title:** Resolution Adopting Local Law 2-2016 titled “A Local Law Providing for the Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code and Repealing Local Law No. 1 of 1983, Local Law No. 1 of 1991 and Local Law No. 1 of 2007.” **Whereas**, Pursuant to Section 136 of the general municipal law and section 10 of the municipal home rule law, the Town of Carrollton may from time to time enact such local laws as it deems necessary; and **Whereas**, the required public hearing was properly and legally noticed, published and held by the Town Board; now therefore be it **Resolved**, that Local Law 2 -2016 titled “ A Local Law Providing for the Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code and Repealing Local Law No. 1 of 1983, Local Law No. 1 of 1991 and Local Law No. 1 of 2007 is hereby adopted; and be it further **Resolved**, that Local Law 2-2016, consisting of sections 1-19 and being eighteen (18) pages in length, shall take effect upon the filing thereof with the New York Secretary of State.

The resolution as stated above is hereby adopted by a majority vote of the Town of Carrollton Town Board at an official meeting on the 11<sup>th</sup> day of May, 2016, and the ayes and nays are recorded herein below:

AYES: Supervisor James Stoddard, Councilman Brian Jacoby, Councilman Ralph Bottone, Councilwoman Florence Fuller. NAYS: None. Not Present: Councilman James Rounsville.

**Resolution Number 08 Year 2016** Moved by Co Councilwoman Florence Fuller, 2<sup>nd</sup> by Councilman Ralph Bottone **Title:** Resolution Adopting Local Law 3-2016 Titled “ A Local Law Relating To The Licensing, Control, Confining And Leashing of Dogs in the Town of Carrollton And Repealing Local Law 1 of 2011 (Town of Carrollton Dog Control And Licensing Law) And The Town Of Carrollton Animal Control Ordinance ( “Town of Carrollton Dog Control Law”)” **Whereas**, Pursuant to Section 136 of the general municipal law and section 10 of the municipal home rule law, the Town of Carrollton may from time to time enact such local laws as it deems necessary; and **Whereas**, the required public hearing was properly and legally noticed, published and held by the Town Board; now therefore be it **Resolved**, that Local Law 3-2016 titled “A Local Law Relating To The Licensing, Control, Confining And Leashing of Dogs in the Town of Carrollton And Repealing Local Law 1 of 2011 (Town of Carrollton Dog Control And Licensing Law) And The Town Of Carrollton Animal Control Ordinance ( “Town of Carrollton Dog Control Law”)” is hereby adopted; and be it further **Resolved**, that Local law 3-2016, consisting of sections 1-18 and being eight (8) pages in length, shall take effect upon the filing thereof with the New York Secretary of State.

The resolution as stated above is hereby adopted by a majority vote of the Town of Carrollton Town Board at an official meeting on the 11<sup>th</sup> day of May, 2016, and the ayes and nays are recorded herein below:

AYES: Supervisor James Stoddard, Councilman Brian Jacoby, Councilman Ralph Bottone, Councilwoman Florence Fuller. NAYS: None. Not Present: Councilman James Rounsville.

- Councilman Jacoby said he talked to Steve Wilt owner of Wilt’s Garage Sale Rm 110, and is interested in getting a bigger dumpster. He stated that John Smith owner of Parts R Us is also interested. Councilman Jacoby said he is concerned how much Wilt will be putting in there. Supervisor Stoddard stated that if the 2 tenants want to pay the difference in what the Town is already paying then that is fine. Jacoby is concerned that there still won’t be enough room due to the fact Smith’s employees are putting their own personal garbage in the dumpster. Councilman Bottone suggested getting garbage cans the size of Casella’s and the Town using them and letting the tenants pay for their own dumpster. Supervisor Stoddard mentioned the lease states garbage is included in the rental fee. Jacoby said he would talk to

Wilt and let him know if he and John Smith would be interested in paying/splitting the difference for a larger dumpster. Wilt also is interested in having his name put up on the Complex sign out front of the building. The Board stated they would talk to Curtis Peters, of Peters graphics to get a price on getting a name plate painted for the new businesses in the building.

**Open Forum:**

- Gary Subulski asked if he could get a copy of the new Town Laws that were just adopted to read. The Board gave him a copy of each.

**Motion** made by Councilwoman Fuller, 2<sup>nd</sup> by Councilman Bottone to adjourn the meeting at 5:45PM. All voting yes, Motion carried.

*The next scheduled Monthly Meeting is Wednesday, June 8th, 2016 @ 4PM.*

**Respectfully Submitted,**

**Julie Carlson –Town Clerk**