

**TOWN OF CHARLOTTE  
COUNTY OF CHAUTAUQUA  
STATE OF NEW YORK**



The Town Board, Town of Charlotte held a regular Board Meeting on Wednesday, August 14<sup>th</sup>, 2019 at 7:00 p.m. in the David Vern Luce Community Building, Allen Chase, Town Supervisor presiding. Town Board members present were: Harold North, Darren Carlstrom and Mark Abbey. Henry Harper Jr. was absent. Others present were: Jeffrey Crossley, Town Justice, Mark LeBaron, Highway Superintendent, Kris Wiles, DCO, Leah Grossman, Innogy, Sandy Sayyeau, GHD, Roy & Karen Harvey, Chautauqua Access, Sherman Sweeney, Earl & Joni Riggle, Jen & John Conway, Roger Clark, and Susan L. Peacock, Town Clerk.

The meeting was called to order.

Prayer was offered by Mark Abbey followed by the Pledge of Allegiance.

Each board member had been given a copy of the minutes of the July 10<sup>th</sup>, 2019 board meeting. A motion was made by Darren Carlstrom, seconded by Mark Abbey and with none opposed it carried to accept the minutes as submitted.

A motion was made by Mark Abbey, seconded by Harold North and with none opposed it carried to draw warrants on the proper funds in payment of Highway Claims No. 131 to No. 141 in the amount of \$5170.66 which have been duly audited and to draw warrants on the proper funds in payment of General Fund Claims No. 170 to No. 193 in the amount of \$9256.41 which have been duly audited.

A motion was made by Mark Abbey, seconded by Darren Carlstrom and with none opposed it carried to accept the July 2019 Financial Report prepared for the Town of Charlotte by Bahgat Laurito & Bahgat.

A motion was made by Darren Carlstrom, seconded by Harold North, and with none opposed it carried to approve the following budget transfers:

**TOWN OF CHARLOTTE  
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**General Fund Townwide**

\$	25	FROM	A1990.4	Contingent Account
		TO	A1910.1	Special Items Unallocated Insurance
\$	65	FROM	A1990.4	Contingent Account
		TO	A5010.4	Supt. Highway - Contractual
\$	135	FROM	A1990.4	Contingent Account
		TO	A6410.4	Publicity Contractual
\$	50	FROM	A1990.4	Contingent Account
		TO	A8160.4	Refuse & Garbage Contractual

Transfers needed for several miscellaneous budget overages

A motion was made by Darren Carlstrom, seconded by Harold North, and with a roll call vote as follows: Darren Carlstrom – YEA, Harold North - YEA, Mark Abbey - YEA and Allen Chase - YEA to appoint Kevin Okerlund to the Town Assessor position for a 6 year term: October 1, 2019 – September 30, 2025.

A motion was made by Mark Abbey, seconded by Harold North and with a roll call vote as follows: Darren Carlstrom – Abstain from vote, Harold North - YEA, Mark Abbey - YEA and Allen Chase - YEA to pass the following RESOLUTION:



**TOWN OF CHARLOTTE TOWN BOARD**

**Resolution of the Town of Charlotte Approving Exhibits to the Host Community Agreement for the Cassadaga Wind Farm**

**WHEREAS**, Cassadaga Wind, LLC ("Cassadaga") and the Town entered into a Host Community Agreement ("HCA") on October 6, 2016, which referenced exhibits to be prepared and approved after the effective date of the HCA; and

**WHEREAS**, Cassadaga and the Town have mutually prepared the referenced exhibits in consultation with the Town's consultant in accordance with the provisions of the HCA; and

**WHEREAS**, the Town now wishes to approve those exhibits and provide for a process for changes to said exhibits should they be required; and

**WHEREAS**, the Town has also requested that Cassadaga post a Construction Security for the Reinforcement Activities or Repair Activities as defined in the HCA;

**WHEREAS**, Cassadaga will post the Construction Security for all phases of construction in the amount of \$3,714,205 and the Town wishes to approve said Construction Security;

**NOW THEREFORE BE IT RESOLVED**, by the Town Board of the Town of Charlotte as follows:

1. The following exhibits to the HCA are hereby approved:
  - Exhibit A Schedule of Roads;
  - Exhibit B Pre-Construction Inspection Report;
  - Exhibit E Schedule of Project Facilities Requiring Municipal Franchises, Road Permits and Curb Cuts; and
  - Exhibit G Haul Route Map for Oversized Vehicles of the Host Community
2. The Town Board hereby authorizes the Highway Supervisor, in consultation with the Town's consultants, to approve any minor amendments or changes to the approved exhibits should they be requested by Cassadaga, provided such changes do not alter the material terms of the HCA.
3. The Town hereby approves the Construction Security in the amount of \$3,714,205 for the all phases of construction of the Cassadaga Wind Project.
4. The Town Supervisor is directed to execute any agreement needed to effectuate this Resolution on behalf of the Town.

**TOWN OF CHARLOTTE  
COUNTY OF CHAUTAUQUA  
STATE OF NEW YORK**



5. This Resolution shall be effective immediately.

**PASSED AND ADOPTED BY THE TOWN OF CHARLOTTE** on the 14<sup>th</sup>  
day of August, 2019.

ADOPTED: VOTE – AYES 3 NAYS: 0

Motion by: Mark Abbey  
Seconded by: Harold North

A motion was made by Mark Abbey, seconded by Darren Carlstrom, and with none opposed it carried to authorize Allen Chase, Town Supervisor, to pay GHD invoice #74062 dated 7/18/19 in the amount of \$3812.00 out of the escrow account funded entirely by Innogy. This is at no cost to the Town in any way.

A motion was made by Harold North, seconded by Mark Abbey, and with none opposed it carried to authorize Allen Chase, Town Supervisor, to transfer funds from the escrow account funded entirely by Innogy to the General Fund to reimburse a bill paid to Lundberg Price PC in the amount of \$534.63 that concerned Wind Matters. This bill was originally paid on voucher #166 on the 7-2019 warrant out of the General Fund A1420.41.

A motion was made by Mark Abbey, seconded by Harold North, and with none opposed it carried to authorize Allen Chase, Town Supervisor, to pay Lundberg Price PC invoice sent to the Town of Cherry Creek for Wind Project dated 7/2/2019 in the amount of \$536.63 out of the escrow account funded entirely by Innogy. This is at no cost to the Town in any way.

A motion was made by Darren Carlstrom, seconded by Harold North and with none opposed it carried to authorize Allen Chase, Town Supervisor to reach out to Chautauqua County DPW and our representative, Daniel Pavlock regarding the removal dead and dying Ash trees due to the Emerald Ash Bore that are on County roads in the Town that may have falling limbs onto the roadway and the danger they pose. A request was also made to Mark LeBaron, Town Highway Superintendent, to inventory all dead and dying Ash trees on Town roads so they can be removed.

A motion was made by Darren Carlstrom, seconded by Harold North, and with none opposed it carried to approve the Town Clerk, Susan L. Peacock, take the MFC-7340 Court copier that has malfunctioned to Second Chances in Jamestown for disposal.



Discussion was heard on the following:

1. **JUSTICE REPORT:** The approved Robe has been received and Security System has been installed. The total Grant money received was \$4821 with the Robe and Security System totaling \$4240, a refund to the Commissioner of Taxation and Finance \$581 will be remitted. July saw 11 new cases and 30 closed cases bringing the total to 479 total charges for the year. New mandatory training for the Justice and Court Clerk will be coming soon. The following report was submitted:

## DISPENSING JUSTICE FOR ALL

		2019	
	NEW CHARGES		CLOSED CHARGES
JAN	36		59
FEB	32		38
MAR	34		32
APR	51		32
MAY	34		29
JUNE	29		32
JUL	11		30
AUG			
SEPT			
OCT			
NOV			
DEC			
TOTAL OPENED CHARGES		TOTAL CLOSED CHARGES	
	227		252
TOTAL CHARGES TO DATE FOR 2019			479
PETTY CASH FUND IS	\$250.00		



2. **HIGHWAY REPORT:**

1. Mowing Shoulders continuing throughout the Town.
2. Rebuilt and changed intersection at North Hill Rd., Tarbox Rd., & Griswold Rd. to a "T" intersection and it is ready to pave.
3. Finished ditching, pipe work and cutting trees on Barnum Rd.
4. Micro milled Barnum Rd. Monday.
5. Pre-sealing Cassadaga Rd. & East Rd., ready to surface treat North Hill Rd., East Rd., and Cassadaga Rd. next Monday
6. On schedule to pave Barnum Rd. on August 22<sup>nd</sup> if all goes to plan and then on to the new intersection.
7. Helping Chautauqua County surface treat and Towns of Pomfret, Cherry Creek, Ellington & Ellery pave.

3. **CLERK REPORT:**

1. July scheduled hours were 41.5 with 49 hours actually worked leaving the total amount of 7.5 hours over the scheduled hours.
2. Matthew Riggle, Deputy Town Clerk, attended training for the Laserfiche System at Southern Tier West on July 23rd.
3. The Village Clerk approached the Town Clerk regarding the History Reports. While at training, Matt was informed that any records the Town scans into their Laserfiche account can be transferred to the Village account (once they set one up). The Village Clerk also responded that the History Reports had been in the Museums possession for some time but they had returned them to the Village Clerk. Larry Barmore assured the Town Clerk that the Museum IS interested in the History Reports and does not recall the Museum ever having possession of them.
4. Sexual Harassment training must be completed by October 9, 2019 and then annually after January 1, 2020 per the NYS Governor's Office.
5. Budget forms for 2020 have been handed out to all Town Officers.
6. The NY City Traffic Ticket received for the Town has been reviewed and dismissed.
7. The Town Clerk has rescinded her 1 year's notice from her other employers siting the Village of Sinclairville is not going to dissolve and her extra time is not needed at the Town Clerk position.
8. The following report was presented:

TOWN OF CHARLOTTE  
 COUNTY OF CHAUTAUQUA  
 STATE OF NEW YORK



08/02/2019

Town Clerk Monthly Report  
 July 01, 2019 - July 31, 2019

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Account#	Account Description	Fee Description	Qty	Local Share	
	Building fees	Barns/Garages/Sheds	1	20.00	
		<b>Sub-Total:</b>		<b>\$20.00</b>	
A1255	Marriage License	Marriage Fee	1	17.50	
		<b>Sub-Total:</b>		<b>\$17.50</b>	
A-1255	Certified Copies	Certified Copies	3	120.00	
		<b>Sub-Total:</b>		<b>\$120.00</b>	
A2544	Dog Licensing	Female, Spayed	17	85.00	
		Female, Unspayed	3	36.00	
		Male, Neutered	13	65.00	
		Male, Unneutered	3	36.00	
	Senior Citizen Discount	Senior Citizen Discount	3	-6.00	
		<b>Sub-Total:</b>		<b>\$216.00</b>	
				<b>Total Local Shares Remitted:</b>	<b>\$373.50</b>
Amount paid to: NYS Ag. & Markets for spay/neuter program				48.00	
Amount paid to: State Health Dept.				22.50	
<b>Total State, County &amp; Local Revenues:</b>			<b>\$444.00</b>	<b>Total Non-Local Revenues:</b>	<b>\$70.50</b>

To the Supervisor:

Pursuant to Section 27, Sub 1, of the Town Law, I hereby certify that the foregoing is a full and true statement of all fees and monies received by me, Susan Peacock, Town Clerk, Town of Charlotte during the period stated above, in connection with my office, excepting only such fees and monies, the application of which are otherwise provided for by law.

\_\_\_\_\_  
 Supervisor

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Town Clerk

\_\_\_\_\_  
 Date



4. **ASSESSOR REPORT:** A written report was submitted as follows:

Town of Charlotte

Assessors Report

August 2019

The State of NY has assumed responsibility for the income verification and approval of the enhanced STAR program. All property owners had to file an income verification form (IVP) that I transmitted to the State. The State then sent out a listing of all who qualified. Quite a few property owners were downgraded to a basic STAR exemption with the reason being that an IVP form was not received. I then reviewed and found a large majority of those downgraded had IVP forms that were transmitted to the State. I then retransmitted the forms. Final roll corrections were received last week from the State and the changes were entered on the computer. The majority of those downgraded have been reinstated to the enhanced STAR. There are some property owners that will not receive the enhanced and will be contacted directly by the State to work out any issues. I will assist any of the property owners with problems when school tax bills are mailed out in September but all STAR exemption questions will be directed to the State of NY.

The assessment roll has been filed with the County for school tax bills which will be mailed out the first part of September.

Thank you.





5. **CODE ENFORCEMENT REPORT:** A written report was submitted as follows:

<i>Supervisor</i> Allen Chase	<b>TOWN OF CHARLOTTE</b> 8 Lester Street, P.O. Box 482 Sinclairville, New York 14782 Phone (716) 962-6047 Fax (716) 962-3843	<i>Councilmen</i> Mark Abbey Darren Carlstrom Henry Harper Jr Harry North
<i>Town Clerk / Registrar</i> Susan Peacock	<b>CODE ENFORCEMENT OFFICE</b> Alan Gustafson, Code Enforcement Officer Cellular/Text: (716) 450-3032 E-Mail: townofcharlotteceo@outlook.com	<i>Assessor</i> Kevin Okerlund
<i>Highway Superintendent</i> Mark Lebaron		<i>Justice</i> Jeffery Crossley
<i>Attorney</i> Dana Lundberg		

**CODE ENFORCEMENT OFFICER  
MONTHLY REPORT  
JULY-AUGUST 2019**

To Members of the Town Board, below is a summary of activity for July-August 2019:

<b>Building Permits Issued:</b>	3
• 19-022, 6905 Hall Road, Dennis Nopper, Shed	
• 19-023, 6497 Charlotte Hill Road, House Demolition	
• 19-024, 7076 Rood Road, Donald Boyland, Shed	
<b>Building Permit Fees:</b>	\$40.00
<b>Building Inspections Performed:</b>	10
<b>Certificates of Occupancy:</b>	1
<b>Certificates of Compliance:</b>	4
<b>Phone Calls/Personal Contact/Email:</b>	16
<b>Complaints/Violations/Actions Taken:</b>	11

Respectfully Submitted,

Alan Gustafson  
Code Enforcement Officer



6. **DCO REPORT:** A written report was submitted as follows:

**DCO REPORT**  
K. Wiles

1 **CALLS RECIEVED**

2 Dog nuisance complaints, such as noise, destruction of property, running loose, ect.  
 Dangerous Dog (s)  
1 Dog (s) found - returned to owner.  
 Dog (s) missing  
 Dogs taken to SPCA  
 Other Incident involving The Greenstiens + the mantras - litigation pending

**APPEARANCE TICKETS ISSUED** - will be getting caught up within next couple weeks

Licensing  
 Other \_\_\_\_\_

Scheduled to appear: \_\_\_/\_\_\_/20\_\_\_ @ \_\_\_:\_\_\_ PM

**\* NOTES**

Had my inspection done by NY State Inspector in July. Passed on all checkpoints.

**\*Reimbursement funds requested** \_\_\_\_\_ None \_\_\_\_\_ YES (See page 2 for mileage used)

Signed Krista Wiles \_\_\_\_\_



7. **WIND UPDATE:** Several compliance filings related to construction and Article 10 have been submitted to New York State. Tree clearing is due to start August 26<sup>th</sup> in Cherry Creek. Estimates were done and adjusted to the roads being used for the project. Letter of Credit with correct verbiage and amounts will be overnighted to the Town Supervisor, Allen Chase, once it is completed.

8. **VILLAGE DISSOLUTION UPDATE:** The vote to dissolve was August 13, 2019 from Noon – 9pm at the David Vern Luce Building, 8 Lester St., Sinclairville. The results were 128 NO, 94 YES. NYS has a year moratorium so the Village cannot be petitioned to dissolve again until 2023.

9. Town Resident Joni Riggle voiced her concerns on the “lay down” area on Route 60, no contractor has been made public that is working on the wind project and how the tree clearing is going to be monitored for bat nesting areas. Leah Grossman addressed all Mrs. Riggle’s questions.

10. Town Resident Earl Riggle questioned the wind project noise complaint form

11. Construction times for the wind project were reiterated 8am – 8pm in the Town of Charlotte.

12. Town Supervisor, Allen Chase, also reminded residents the Host Community Agreement was made with the former Town Board and former Town Supervisor Ken Bochmann.

A motion to adjourn was made by Darren Carlstrom, seconded Mark Abbey and with none opposed it carried. The next regular Town Board Meeting is scheduled for Wednesday, September 11<sup>th</sup>, 2019 at the David Vern Luce Building, 8 Lester St., Sinclairville, NY.

Respectfully submitted  
Susan L. Peacock  
Town Clerk/Tax Collector/Registrar