

December 8, 2015

At 7:00 pm, Supervisor Gayle Ashbery called to order the regular monthly meeting of the Town Board of the Town of Carlton. Present were the following Board members: Councilman Robin Lake, Councilman James Shoemaker, Councilman Marcus Coville and Councilman Dana Woolston.

Also present were Dave Krull, Highway Supt., Kathy Bogan, Town Attorney, Lynda Woolston, Code and Zoning Officer

Following roll call and the Pledge of Allegiance, the minutes of November 10, 2015 were approved, motion by Mr. Woolston second by Mr. Shoemaker and carried.

Eileen DeWind of 13241 Park Rd read a letter to the Board stating that her and her husband Vincent received a notice from Lynda Woolston regarding brush, weed and trash. The DeWinds believe that it is selective enforcement and would like to know what to do about it. Kathy will meet with them to go over their complaints.

The Supervisors's report for September was approved, motion by Mr. Woolston seconded by Mr. Lake and carried.

The Supervisor's report for November was approved, motion by Mr. Coville seconded by Mr. Shoemaker and carried.

The Town Clerk's report was approved, motion by Mr. Shoemaker second by Mr. Lake and carried.

The Code/ Zoning Officer's report was approved, motion by Mr. Lake second by Mr. Shoemaker and carried. Mr. Woolston abstained.

Judge Russell's report was approved, motion by Mr. Shoemaker second by Mr. Woolston and carried.

Judge Hurley's report was approved, motion by Mr. Shoemaker second by Mr. Coville and carried.

Dave Krull gave an update on Highway and Water Departments activities.

The Fire Company responded to 24 calls with a total of 269 man hours. Andrew Niederhofer stated that the Fire Company has received all the new equipment for the Grant money.

General Fund vouchers for \$6,115.38 were approved for payment, motion by Mr. Shoemaker second by Mr. Coville and carried.

Highway Fund vouchers for \$18, 839.98 were approved for payment, motion by Mr. Woolston second by Mr. Coville and carried.

Water Fund vouchers for \$8,845.34 were approved for payment, motion by Mr. Shoemaker second by Mr. Lake and carried.

Under Old Business The Town Board all agreed that the town should retain the property on Yates Carlton Town Line Rd that David Barvinski requested to buy. A letter will be written to advise of the same.

Motion by Mr. Woolston to pass the attached resolution approving the Water Project was seconded by Mr. Coville and carried.

Under New Business

A motion by Mr. Lake to cancel the December Workshop, seconded by Mr Shoemaker and carried.

A motion by Mr. Shoemaker to set the Final 2015 meeting for December 29, 2015 at 7pm, seconded by Mr. Lake and carried.

A motion by Mr. Shoemaker to set the Organizational meeting for January 5, 2016 at 7pm, seconded by Mr. Woolston and carried.

A motion by Mr. Lake to add Seth Dumrese and Jason Draper to the active list for the Carlton Fire Company, seconded by Mr. Woolston and carried.

Gayle Ashbery stated that Kim Niehaus will be resigning as secretary from the Zoning Board of Appeals and the Planning Board effective December 31, 2015. This position will be advertised.

Gayle Ashbery stated that Mr. Lake will be greatly missed.

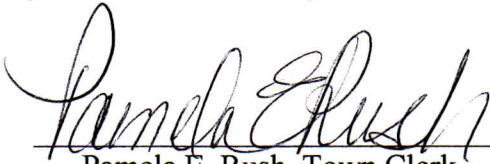
Under privilege of the floor Eileen Wuethrich asked if the assessor contract was signed with a one year agreement. Gayle is still waiting for the contract to come back from Kendall.

Dave Krull stated that Bob Ort contacted him regarding a new grant. Dave wanted to know if he had permission to contact him and let him know the town is interested. The Board said he can do so.

Frank Lauter expressed his concerns on the new Town Clerk. He also wanted an explanation for the budget line of Demolition of unsafe buildings. He was told it is for abandoned property.

Marcus Coville then questioned the Highway Supt. about snow removal at the Town Building. Following a discussion, Mr. Krull agreed to maintain the sidewalks.

At 7:50 PM, a motion by Mr. Coville to adjourn was seconded by Mr. Woolston and carried.


Pamela E. Rush, Town Clerk

December 8, 2015

Good Evening members of the Carlton Town Board.

We are Ellen and Vincent DeWind and we live at 13241 Park Road in the Lakeside community for 9 months of the year. We have owned property in Carlton for 23 years. Previously we owned and lived in Sunset Beach and had purchased property in the town to relocate our business to.

We are here tonight to express our concern about the constant stream of notices we are receiving from the Code/Zoning enforcement officer, Mrs. Linda Woolston, going back over our ownership of 13241 Park Road.

We have been told by her "that complaints are generated by neighbors". She has told us "they do not like you". We have been adamant over the years about the use and abuse of our property by others who also have political connections in the town and county. These individuals take offense to our stance and have been vindictive. One neighbor is angry because we would not sell him part of the property which we own next to 13241 Park Road. Others are angry because we will not allow them to cut our trees to improve their view of the lake.

We received an informal notice dated 11/5/2015 from Mrs. Woolston about 13241 Park Road that included copies of the local codes for Brush, Weed, Trash, Tire, and Abandon Vehicles. The notice simply says "Please do what is necessary to clean this property up". There were no specifics included.

We sent her a letter dated November 9, 2015 inquiring what exactly was in violation since the property is in the exactly the same condition as it was the last time she visited us. At that time she said there were no problems. This is not the first time this has happened. We receive a notice, we meet with her, and are told there is no problem only to receive another. Our letter of November 9 was responded to by a "Lets meet and chat letter".

Over the years we have pointed out to her violations on other properties both in letter and verbally. Since nothing ever changes, the assumption is she did nothing about these complaints.

We walk around Lakeside and Sunset and see properties in poor condition. Some of these have existed for years. At this point as elderly and disabled residents we feel we are being targeted. This amounts to harassment and selective enforcement.

We are asking for this treatment to stop.

We have filled two "Freedom of Information Law" requests with the Town of Carlton in regards to the zoning violations. Both requests have not been honored and violate the law by not furnishing or giving us access to the requested information.

In the last response we were informed that Lynda Woolston "does not keep or maintain an enforcement log book." This is from an office that should be keeping meticulous records in the performance of her duties to avoid complications that can arise.

After a month we still have not received any specifics on our property from Mrs. Woolston.

Thank you for your time.

Dr. Ellen and Mr. Vincent DeWind

RESOLUTION

Whereas, the construction of the improvements for the Town of Carlton Water Project have been completed and approved by the NYS Department of Health.

Now, therefore be it resolved, that the Town of Carlton accepts the project as constructed and hereby authorizes the final payment to the contractor.

Be it further resolved that the Town Board hereby designates a NYS certified operator, David Krull (License No. NY0038823) to serve as the operator for the water system.

I hereby certify that the foregoing is a true and correct transcript of resolution duly adopted by the Town Board of the Town of Carlton on the 8th day of December, 2015

Dated at Carlton, NY
December 8, 2015



Pamela E. Rush, Town Clerk
Town of Carlton

November 10, 2015

At 7:00 pm, Supervisor Gayle Ashbery called to order the regular monthly meeting of the Town Board of the Town of Carlton. Present were the following Board members: Councilman Robin Lake, Councilman James Shoemaker, Councilman Marcus Coville and Councilman Dana Woolston.

Also present were Dave Krull, Highway Supt., Kathy Bogan, Town Attorney, Gene Massey, Town Assessor and Legislator Defillips.

Following roll call and the Pledge of Allegiance, The minutes of October 13, 2015 were approved, motion by Mr. Woolston second by Mr. Shoemaker and carried.

The Town Clerk's report was approved, motion by Mr. Shoemaker second by Mr. Coville and carried.

The Code/ Zoning Officer's report was approved, motion by Mr. Lake second by Mr. Shoemaker and carried. Mr. Woolston abstained.

Judge Hurley's report was approved, motion by Mr. Woolston second by Mr. Coville and carried.

Judge Russell's report was approved, motion by Mr. Shoemaker second by Mr. Coville and carried.

Dave Krull gave an update on Highway and Water Departments activities. Mr. Krull also stated that the Waterport Carlton Bridge has been re opened and thanked Legislator Deroller for the help with moving the last bit of the project along.

The Fire Company responded to 25 calls with a total of 310 man hours.

Mr. Gene Massey reported that the re evaluation is still underway and that the exemptions will possibly be going out early.

Legislator Defillips stated that the direction of Oak Orchard River Rd has been changed and there were no issues with it.

General Fund vouchers for \$9,997.57 were approved for payment, motion by Mr. Shoemaker second by Mr. Woolston and carried.

Highway Fund vouchers for \$29,839.95 were approved for payment, motion by Mr. Lake second by Mr. Coville and carried.

Water Fund vouchers for \$ 46,779.39 were approved for payment, motion by Mr. Woolston second by Mr. Shoemaker and carried.

Water Project vouchers for \$943.00 were approved for payment, motion by Mr. Woolston second by Mr. Coville and carried.

Under old business:

Dave Krull went to inspect Mr. Bankowski's property on Lakeside Park Rd and found no signs of leaks. Mr. Krull sent the meter to Albion to be inspected for the second time and came up with no issues. The water department put a new meter at the property. Mr. Krull does not believe that the Bankowski's were at fault for the water loss and should not be liable for the bill. A motion by Mr. Woolston to charge the Bankowski's an estimated bill, was seconded by Shoemaker and carried.

Dave Krull also recommended that the water leak reported by Rich Cichocki on Rt. 279 was due to an equipment failure and he should not have to pay his total bill. A motion by Mr. Shoemaker to allow Mr. Cichocki to pay an estimated bill was seconded by Mr. Lake and carried.

A motion by Mr. Woolston to give Chad Scott of Ashwood Rd permission to hook up to the Town of Yates waterline was seconded by Mr. Coville and carried.

Mrs. Ashbery read a letter from Pam Rush stating that she will be retiring as of December 31, 2015.

Mrs. Ashbery also stated that OONA will be hosting an informational meeting November 12, 2015 to discuss issues. This meeting will be an open invite. Assemblyman Hawley will be attending.

The November workshop has been canceled.

Under privilege of the floor David Barvinski of Yates Carlton Townline Rd. inquired about purchasing a portion of Town owned property located at the north end of Townline Rd. Mr. Barvinski owns the property to the east and said that it would help with his parking situation. Mrs. Ashbery will look into this.

A motion by Mr. Lake to recess the regular meeting for the scheduled public hearing on local law #2, seconded by Mr. Woolston and carried.

At 7:30pm Supervisor Ashbery opened the public hearing on Local Law #2 to override the tax levy limit. Discussion followed as to why the town is going over the tax cap.

All persons being heard, this hearing was closed at 7:35 PM.

A motion by Mr. Woolston to re-convene the regular meeting was seconded by Mr. Coville and carried.

A motion by Mr. Coville to pass Local Law #2 to over ride the tax cap was seconded by Mr. Woolston and carried.

A motion by Mr. Lake to recess the regular meeting for the scheduled public hearing on the 2016 preliminary budget was seconded by Mr. Coville and carried.

At 7:45pm Supervisor Ashbery opened a public hearing on the 2016 preliminary budget. Discussion followed.

At 8:05pm Supervisor Ashbery closed the public hearing on the 2016 preliminary budget.

A motion by Mr. Woolston to reconvene the regular meeting was seconded by Mr. Coville and carried.


A motion by Mr. Woolston to adopt the 2016 preliminary budget was seconded by Mr. Coville and carried.

At 8:05pm a motion by Mr. Woolston to recess the regular meeting to go into Executive session to discuss contract negotiations was seconded by Mr. Coville and carried.

At 8:45 pm a motion by Mr. Woolston to reconvene the regular meeting, seconded by Mr. Coville and carried.

A motion by Mr. Coville to sign a one year contract with the Town of Kendall for the Assessor services, Seconded by Mr. Shoemaker and carried.

At 8:45 pm a motion by Mr. Coville to adjourn the regular monthly meeting was seconded by Mr. Lake and carried.



Pamela E. Rush, Town Clerk