

TOWN OF PERTH
Regular Town Board Meeting
July 6, 2023
6:00 p.m.

PRESENT: Supervisor Fagan, Councilman Lewandowski, Councilman Betz, Councilman Fisher and Councilman Barker

ALSO PRESENT: Town Clerk, Judith English; Acting Highway Superintendent, Richard Wallace; Town Attorney, Carmel Greco; Sole Assessor, David Walendziak; Board of Assessment Review Member, Paul Priamo; Custodian, Robert Nolan; Fulton County Republican Chairman, Susan McNeil; Assistant Principal Broadalbin-Perth School, Kerri Barker; Grant Palmer; Jeffrey Carey; Joshua Carey; and DJ Winters.

Supervisor Fagan opened the Meeting at 6:00 p.m. A salute to the flag was conducted and a moment of silent prayer observed.

COMMUNICATIONS

The Communication as listed on the Agenda is filed in the Town Clerk's Office, where it is available to anyone who wishes to see it.

UPDATE FROM STANDING COMMITTEES

Councilman Lewandowski read the **Youth Commission** Report, a copy of which will be filed with these minutes. **Youth Commission Director, Lisa Wallace**, reported that Summer Camp is going well. New York State Department of Health has issued the permit for the Summer Program, and the Concession Stand.

She also went on to report that she and her assistant **Shannon Ruth** were recently the recipients of an award for "Partner in Service" for their involvement in the Community, given to them by the Broadalbin-Perth Lions Club.

Councilman Barker asked if he could be apprised of how much money the Youth Commission has taken in so far this year for sign-ups, trips, and fund raisers.

Councilman Lewandowski also read the **Dog Control Officer's Report**, a copy of which will be filed with these minutes. **Dog Control Officer, Patricia Ashbey** reported that there were several dog bites in June and six calls for loose dogs.

The Town of Perth continues to have an issue of no shelter space available for any dogs picked up. The area shelters are all full. The Montgomery County SPCA, with which the Town has a shelter agreement, is full and is also under quarantine for the Parvo virus.

Councilman Betz read the **Assessor's Report**, a copy of which will be filed with these minutes. He reports that the 2023 Final Roll has been completed, notarized, and filed with the Town Clerk. The Assessor, **David Walendziak** will be re-visiting the properties that had a 2022 building Permit, but were incomplete as of March 1, 2023.

Councilman Barker asked **Acting Forman, Richard Wallace**, of the **Highway Department** how the new garbage truck was working out. **Mr. Wallace** stated that it is still taking three days to pick up the trash, but that is accomplished using one employee instead of three. The hold up is at the landfill where there is always a line of garbage trucks waiting to be emptied.

Councilman Barker went on to ask if the new garbage truck was saving money. **Mr. Wallace** stated that using the new truck, that only needs one person to do the job, leaves two more highway employees free to do the mowing, ditching and road work.

Councilman Barker then asked how much fuel was used for the garbage truck in July, compared to last year. **Mr. Wallace** stated that the gallons of fuel used is on the voucher from the Broadalbin-Perth School District, from where the Town gets its fuel for the trucks.

Councilman Barker then asked if it would be cheaper to go to Stewarts for gas and diesel since Stewarts is closer to the Town Highway Garage. **Supervisor Fagan** stated that by using the fuel from the School the Town does not have to pay fuel tax or excise taxes on the gas or diesel. Also, the school pumps are located on State Route 29, which is on the way back to the Town from the landfill on Mud Road; therefore they do not have to travel out of their way.

He went on to say that some diesel is kept at the Highway Department garage in the summer time for the mowers and the tractors. In the winter there is diesel available for the plow trucks to refill after a run at night or early in the morning. They make sure that the plow trucks are always topped off with fuel so in case of a power outage, they can still operate and take care of the roads.

Councilman Barker replied that he is just looking for transparency and accountability for the Town residents. **Mr. Wallace** stated that the amount of fuel and the cost to the Town of the fuel that is purchased from the School District is on the vouchers that the Broadalbin-Perth School District supplies to the Town each month for review by the Town Board members, after which review they sign each voucher allowing them to be paid.

Acting Forman, Richard Wallace, stated that the Department is busy mowing, ditching and doing prep work for the paving to be done this year. He expects Cobleskill Stone Products to begin paving in the middle of July.

Councilman Barker also asked that the Town's Code Enforcement Officer attend the Town Board Meetings. He feels that the Code Enforcement Officer should be in attendance to answer resident's questions regarding his duties. Councilman Barker stated that he himself has gotten several complaints regarding overgrown properties in the Town, some of which are owned by businesses.

Town Attorney, Carmel Greco, stated that The Code Enforcement Officer is a part-time employee, and therefore has to prioritize what his time is spent on. He does not have time to measure the length of grass on a property. If the Town does want to have him police the appearance of a property, there will have to be a Local Law adopted to that effect.

Town Attorney, Carmel Greco Esq., stated that the Town's legal work is up to date.

Supervisor Fagan reported that he sent a request to Fulton County that half of the remaining section of Della Valle Drive Extension that was accepted by the Town of Perth as far as construction, but was not turned over by the owners, be now turned over to the Town by the County, since it was in tax foreclosure.

Fulton County took the property off of the tax auction, and turned it over to the Town of Perth.

The other half of the road will be up for foreclosure next year, due to unpaid taxes. New York State has recently passed a moratorium on foreclosures after July 1, 2023. This was based on a recent Supreme Court ruling stating that the lien holders could not benefit from a tax sale. Any amount collected from a foreclosure sale over the amount that was owed, must be returned to the owner of the property.

Supervisor Fagan also stated that a check for \$80,000.00 that was written to the CEJJ Inc. was stolen from the mailbox in the Town parking lot. Fortunately, **Supervisor Fagan**, checks the bank accounts daily on line, and discovered that the check had been cashed by another company, not the one it was written to. He contacted the bank, and their security team was able to recover the funds the same day. The money was returned to the Town.

Next **Supervisor Fagan** contacted the United States Postal Service Law Enforcement, and the New York State Police. The culprit has not yet been identified, and the investigation is ongoing. The Supervisor has now enrolled the Town in a security program from NBT bank that watches any checks written by the Town to make sure they are being handled legitimately.

Councilman Betz stated that he never leaves any mail with cash or a check enclosed in a mail box, but rather takes it to the post office, and hands it to one of the postal workers there. This act greatly reduces the chance of theft of the mail.

Supervisor Fagan reported that he has received a letter from the Pinsky Law Group who is pursuing a Permanent Municipal Certificate of Need to establish, contract for and/or operate an ambulance service under contracts within the County's boundaries; asking the Town of Perth for a letter of support for this endeavor. He states that the response time for a 911 call for medical assistance in Fulton County has been dramatically reduced, especially in the far western part of the County.

PUBLIC SPEAKERS

Jeffrey Carey asked the Town Board if he could be designated the person to be responsible for mowing two acres of land that the Town of Perth owns at the north end of the Town Park. He would like to use the hay for his animals. The land was donated to the Town by his late mother, Joan Carey.

The land is contiguous to land owned by the Perth Bible Church, who has given him permission to mow their property for five years; subject to renewal. The Town Board agreed to his request, and will pass a resolution to this effect.

D.J. Winters asked if something could be done to protect the trash cans on Reidel Road that the residents of Perth Fitness Road bring down there to have their trash picked up. She is afraid that when they plow Reidel Road the trash cans will be behind the snow bank, and the garbage truck will be unable to pick them up.

Acting Forman of the Highway Department, Richard Wallace, told her that a platform was fashioned on Reidel Road for the residents of Perth Fitness Road to use to put their trash cans on for pick-up. The new garbage truck has an arm that can reach over snow piles and grab the cans.

He stated that the platform is made of millings, which is ground up asphalt, and this material hardens almost like asphalt. He stated that he would go over and meet with the residents of Perth Fitness Road, and discuss any questions they may have regarding garbage pick-up. **Councilman Barker** volunteered to go along with Mr. Wallace, and look at what Ms. Winters is talking about.

RESOLUTIONS

RESOLUTION #72- TRANSFER MONEY

BE IT HEREBY RESOLVED that the Town Board of the Town of Perth authorizes the transfer of the Amount of \$2,000.00 from Account A1990.4 Contingent to Account A3510.4 Dog Control Contractual to pay the Dog Control Officer the second half of the Dog Census, which is now completed.

Offered by: Councilman Fisher
Seconded by: Councilman Betz

A vote was taken with the Supervisor and all of the Councilmen present voting in favor; motion carried.

RESOLUTION #73- AMEND THE GENERAL FUND BUDGET

BE IT HEREBY RESOLVED that the Town Board of the Town of Perth authorizes amending the General Fund Budget as follows:

Increase Account A2701 Refunds of Prior Year Expenses by \$7,000.00

Increase Account A2401 Interest on Earnings by \$3,500.00

Increase Account AA5182.4 Street Lighting by \$10,500.00 to cover a bill for a 15 month period starting in 2022

and the last 6 months of 2023 for street lighting.

Offered by: Councilman Fisher
Seconded by: Councilman Lewandowski

A vote was taken with the Supervisor and all of the Councilmen present voting in favor; motion carried.

RESOLUTION #74- ALLOW CUTTING OF FIELD FOR HAY

BE IT HEREBY RESOLVED that the Town Board of the Town of Perth authorizes Jeffrey Carey and his family to cut a hay field comprised of two acres in the Town Park that was donated to the Town by his mother, Joan Carey.

Offered by: Councilman Fisher
Seconded by: Councilman Barker

A vote was taken with the Supervisor and all of the Councilmen present voting in favor; motion carried.

RESOLUTION #75- SEND A LETTER OF SUPPORT FOR AMBULANCE SERVICES

BE IT HEREBY RESOLVED that the Town Board of the Town of Perth agrees to send a letter of support to the New York State Department of Health regarding obtaining a Permanent Municipal Certificate of Need to establish contract for and/or operate an Ambulance Service under contracts within the County's boundaries for ambulance service in Fulton County.

Offered by: Councilman Fisher

Seconded by: Councilman Lewandowski

A vote was taken with the Supervisor and all of the Councilmen present voting in favor; motion carried.

RESOLUTION # 76- AUTHORIZE THE PAYMENT OF BILLS ON ABSTRACT #7-2023

BE IT HEREBY RESOLVED that the Town Board of the Town of Perth authorizes the payment of bills on abstract #7-2023 as follows:

General Prepaid	57-67	\$22,960.10
Highway Prepaid	17-19	\$7,912.58
Highway	56-65	\$23,658.00
General	125-144	\$24,440.79

Offered by: Councilman Lewandowski

Seconded by: Councilman Betz

Councilman Betz, Councilman Lewandowski, and Councilman Fisher indicated their approval by signing each voucher.

Councilman Barker signed the vouchers with the exception of the pre-paid general vouchers and the prepaid highway vouchers. He also did not sign any of the regular highway vouchers.

He also failed to sign several of the general vouchers; four for the Youth Commission, voucher from Adirondack Septic for rental of a porta-potty for the Town Park; and Runnings Supply Inc. for clothes for one of the Highway workers.

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Also Lou's Electric for work done at the Town Hall; Robert Nolan for tire swings for the Town Park; and the Dog Control Officer's dog census payment. Councilman Barker offered no explanation for his reluctance to sign these vouchers.

With all of the business concluded for the evening a motion was made to close the Meeting at 7:07 p.m. by Councilman Lewandowski and seconded by Councilman Betz. All were in favor; motion carried.

The next meeting of the Town Board of the Town of Perth will be held on August 3, 2023 at 6:00 p.m. at the Town Hall Complex, 1849 Co. Hwy. 107, Perth, NY 12010.

Respectfully Submitted,

Judith English
Perth Town Clerk