

The July 12,2021 meeting for the Town of Farmersville, was called to order at 7pm by Deputy Supervisor Mark Heberling, all stood for the pledge.

**Present**

Councilman Mark Heberling

Richard Westfall

Pamela Tilton

Donna Vickman

Hwy Superintendent Barry Tingue

Town Clerk Bridget Holmes

Town Attorney Eric Firkel

Absent Supervisor Francis Lounsbury

Guests- See sign in book

A motion was made by Mrs. Vickman to accept the minutes and seconded by Mrs. Tilton, carried.

A motion was made by Mr. Heberling to pay the bills and seconded by Mrs. Vickman, carried.

General –V101-V111=\$7,149.10

Hwy V85-V98=\$71,640.36

Code officer report- Mrs. Tilton had questions about last month's report and she knew for a fact that this one person did not get a permit and it says accounts receivable? Mr. Heberling stated he would talk to the code enforcement officer about it. A motion was made by Mr. Heberling to accept the code officer report and seconded by Mr. Westfall, carried.

**Hwy Report:**

Mr. Tingue stated that in last month's meeting a motion was made to buy the flail mower out of the equipment reserved, it isn't showing in the financial report, where did that money come from and why is there another line item for equipment reserve that wasn't there last month.

Kingsbury Hill Bridge- is done, D&H had to dig it out because it was too bad and if the board had left it alone last November and it could have been done then instead of digging it all out.

He wanted to address the newsletter that Mr. Lounsbury mailed out and wanted to know where the money was that Mr. Lounsbury stated that he had over 3 million in his budget, cause it doesn't add up to that.

He addressed Mr. Thompson (resident) he stated on Facebook that he did not get 3 bids, and he was wrong , he had a huyandi, Volvo and Komatso

Also Mr. Thompson, Mr. Tingue stated on Tarbell Hill with the issue of the driveway tube, the taxpayer had the driveway law a month and had not done anything.

Downtown has been finished and the cost was \$112,000.00 and Mr. Heberling stated that Mr. Tingue needed to calm down and give his report, Mr. Tingue stated that this was his report.

Mrs. Vickman stated that Mr. Tingue had asked for time to speak at the last special meeting but was denied.

Also the paper that Mr. Tingue handed to the board was the figures of what chips were and that figure is \$258,000.00 and in the budget the Pave NY and Extreme Winter Recovery was not added in so the budget is wrong.

On the subject of the budget the hwy garage door is in and in the budget the board only allowed for \$1000.00 and the door is just shy of \$3000.00 where is the money coming from. Mr. Heberling answered that it is a budget and money can be moved around.

Town clerk at this time reminded Mr. Tingue that the board had not answered his question about where the flail mower had been taken out of and why there was another line item in his budget.

Mr. Heberling stated that he did not know and suggested having the Berry's come and explain next month. A motion was made to table the supervisor report by Mrs. Tilton and seconded by Mrs. Vickman, carried

A motion was made to accept the town clerk's report by Mr. Westfall and seconded by Mrs. Tilton, carried.

A motion was made at this time to accept the hwy report by Mrs. Vickman and seconded by Mrs. Tilton, carried.

#### Justice Report

The report that they were given showed what she took in and that they were slowly opening back up. Justice Karcher also questioned what the board had decided about the resolution that she had brought up for 1 judge and Mr. Heberling stated that he had emailed Judge Markey and they decided not to move on it. The other board members questioned this at this time as that decision had not been made, a motion was made to go into executive session at 7:38pm by Mrs. Vickman and seconded by Mrs. Tilton, carried and Clerk Holmes stated that no reason had been given for the executive session and Attorney Eric Firkel stated for discussion on a particular job individual, a motion to come out of executive session at 8:06pm by Mr. Heberling and seconded by Mrs. Vickman, carried

To answer the judges question – the board was not going to move forward with that resolution

#### Outside communications by Mr. Heberling

Armstrong – still ahead schedule but did have some problems so that slowed them down

American Rescue Plan – goes thru the state but the money was applied for and it was a total of \$107,254.00

Some of the board met with the Fire Department and some of their list of items that was needed could be thru the grants available thru the hazardous mitigation plan and Mrs. Vickman could give information on that.

Cheese Factory – everything positive about it and the majority would go in Farmersville

He met with the county planning board about the trail that was mentioned in earlier meetings, the planning board was going to reach out to other towns.

Petitions from the floor:

Mr. Scurr asked if the town had reached out to the town's insurance about having a trail in the town and what it would do to the insurance. Mr. Heberling stated there was no need to at this time and Mr. scurr stated that he felt that was one of the first things that should have been done.

Mr. Peterson wanted information on the lawsuit that the town filed on June 30,2021 against New York state, the town attorney stated that he didn't know anything about it. The Zoghlin Group filed it on behalf of the town. On the subject of the foil request that he filed and did not hear anything, Mr. Firkel stated that there was a misunderstanding with Bridget on the foil request. Clerk Holmes stated that she did not have access to the bills that Mr.Peterson was asking for, and also did not have a copy of the agreement that the town signed to hire the lawyers that he was asking for. Mr. Firkel asked why she didn't have access, Clerk Holmes stated that it wasn't in her office and she could not go through another person's file cabinet without permission and she had emailed the whole board and there was nothing emailed back to her that she had permission to go into the supervisor's office and go thru the file cabinets. Mr. Heberling stated that she had full access to go in and get those bills that Mr. Peterson was asking for. His next question was he wanted to know how many lawsuits the Town was involved in and Mr. Firkel stated 5. Mr. Firkel stated that the insurance company was involved in the lawsuits. Mr. Peterson stated that on the subject of the cheese Factory, he thought that certain members of the town board was being hypocritical in the fact they stated that they didn't want lose farm land with the wind project but is supporting this cheese factory when 200 acres of prime farm land is being used and it will not generate the revenue for the town that a wind project would, he himself is supportive of the cheese factory. Also a question that he had if they could not get water to the state hwy department building how were they going to supply water to this cheese factory.

Mrs. Lane questioned Mr. Firkel about the foil request that she had sent to his office concerning the statements that he had made concerning the Darling Road, and Mr. Firkel stated that she would have to file a petition with the court for further action. Mrs. Lane stated that she just wanted clarification and documents about the statement that he told the town board that it was a road. At that time Mr. Firkel stated that he was retracting anything he said before the board concerning this issue.

Mr. Kozak stated that there had been numerous articles concerning the Amish and this wind project and how misleading they are and that he had talked to different families and they were most concerned with the truck traffic during construction

at the county level and with the American Rescue Plan the county had hired an expert on how to handle the money and was going to offer the towns some assistance with this.

Mr. Thompson presented documentation and gave to the town clerk for his right to film a public meeting which she questioned last month also presented to the town clerk a picture of a 75ft long and 8 inches deep pothole on Rogers Rd and when it would be fixed.

Mrs. Tilton asked if this time if they could go back to the lawsuit that was filed on June 30, 2021 by the Town of Farmersville. She asked Mrs. Vickman and Mr. westfall if they knew about the lawsuit and they both stated no and she said herself did not know. Asked why the board did not know? Mr. Heberling stated it wasn't going to cost the town anything and it was many municipalities that were suing the state about the home rule issue. Mr. Heberling stated that it went along with the resolution that the board had passed earlier concerning the home rule. Mrs. Tilton stated that the resolution didn't give them the right to go and sue the state over it. Asked Mr. Firkel if the board should have voted on the lawsuit and Mr. Firkel stated that a resolution should have been passed to ok the lawsuit. Mrs. Elana Kozak asked who decided to go thru with the lawsuit and no response from Mr. Heberling and what right did you have to make that decision for the board and how you are acting right now Mr. Heberling is definitely not going to have the residents appreciate you as a board member. Mr. Scurr said why didn't they make up a resolution right now as it can be done that fast and a decision be made. Mr. Firkel then stated that he would draft two resolutions one to stay in the lawsuit and one to get out of the lawsuit for the next month's meeting.

A motion was made by Mr. Westfall to adjourn the meeting at 8:49pm and seconded by Mr. Heberling, carried.

Side note – clerk did see that the meeting was being videotaped by one resident and recorded by another resident

Respectfully submitted

Bridget Holmes