

TOWN OF SPRINGWATER

REGULAR TOWN BOARD MEETING

APRIL 10, 2023

Supervisor Babbitt Henry calls the meeting to order at 7:00 P.M.

Pledge of Allegiance

Roll Call of Board - Present: Councilmember Canute, Councilmember Mason, Councilmember Willsea, Deputy Supervisor Lawrence Gnau, Supervisor Babbitt Henry

Approximately five members present in the audience.

Acceptance of Minutes for March 13, 2023 meeting – Deputy Supervisor Gnau requested that the word appeal be changed to repeal in motion made by Councilmember Mason to repeal the first attempt at Motion to increase Bond Counsel – Tim McGill’s agreement amount from \$7,600.00 to \$8,328.12, seconded by Deputy Supervisor Gnau; motion carried with all ayes. Deputy Supervisor made a motion to accept the minutes for March 13th, 2023 meeting minutes as corrected, seconded by Councilmember Willsea; Roll Call: Councilmember Canute, aye; Councilmember Mason, aye; Councilmember Willsea, aye; Deputy Supervisor Gnau, aye; Supervisor Babbitt Henry, aye; motion carried with all ayes.

Privilege of the Floor

First Net (AT&T) - Ann-Marie Tabrowski and Bobby Aman from First New Program (cell services) from AT&T. Presented information regarding cell service in this area. They support all Western New York counties. First Net is built by AT&T. It is a dedicated mobile broadband network built specifically for public safety and first responders. It was created due no communication between public safety and the community during 9/11. Congress came together and First Net was started to have coverage for first responders and public safety. They will be providing demo cell phones to the Town to use and review how the coverage is in this area.

Liberty Renewables Inc. (windmills) – Augusta Mead and Juliana Heffern present. Augusta spoke stating that they are a small company, a subsidy of Canadian and German Wind Company that has had twenty plus years of experience each throughout Europe and Canada. They are looking at a potential project here in Springwater and Naples. The project is looking to be split between both towns. The project is in the early stages. They are currently in landowner outreach. All the outreach at this point has been positive. The project is looking to be 120 megawatts. A larger project that would have to go through the state process. They would like to work with the towns zoning as much as possible. Local Laws are in place in this town however within the last four years there was a law that was passed in New York State 94-C that allows them to go through the States process of renewable energies. This project would include 20 to 25 turbines. They have not been to a town board meeting in Naples however they have had meetings with Tammy. Augusta stated that they would provide the town board with Quartey updates and would come to any town board meetings as requested. Area of interest is the Southeast side of Springwater and the Southwest side of Naples. This project has been named Russet Ridge. Augusta stated that she is not at the liberty of naming the homeowners that are interested as no Lease Agreement has been signed. Once a lease has been signed Liberty Renewables will need to register with the Counties. They Town of Springwater has local laws that they will follow as closely as possible. For example, our local law states that no windmill higher than 400 hundred feet. Augusta stated that unfortunately windmills are now around 650 feet and would be permitted through the state. After discussion Augusta stated around twenty turbines, 120 mega watts between Naples and Springwater, with the split of turbines being half between both towns. No actual locations have been determined as of yet. After discussion again Augusta stated 23 turbines. The percentage of power that these

turbines contribute to the grid varies. Forty to fifty percent energy created by the turbines goes into the grid. Local energy consumption depends on how much pull the town has from the grid. Training is provided by the wind company to local fire and police regarding turbine safety, such as climbing safety and fire safety. There is a fire suppression system within the turbine that should activate itself in the event of a fire. Liberty Renewables has not put up any turbines in this state only in Canada and Europe as of this date. They currently have permits to put turbines in Cayuga County and Madison County New York. They are also working on a project in Cattaraugus County. The parent company of Liberty Renewables in Canada is named Natural Forces Canada and the German company is Pro Wind. Natural Forces does Hydro and Solar wind turbines. Augusta stated again that this project is in the very early stages.

Mark Hopkins – Mr. Hopkins stated that the Livingston County Democratic committee is resuming their spring fundraiser. The fundraiser will be June 4th, 2023 at 5:00pm at the Genesee River Hotel in Mount Morris. Tickets are \$60.00 and if interested you may contact Mr. Hopkins for a ticket. There will be a Democratic Caucus this spring/summer that will be held from now until sometime in late July. The party is hopeful to have it in May.

Abstract of Claims # 4 of 2023 \$ 74,720.31

Approving the Abstract of Claims #4 of 2023 for Audit date 4/10/2023			
General Fund	\$ 19,578.61	Vouchers	#72-96
Highway Fund	\$ 53,017.00	Vouchers	#62-82
Sewer Fund	\$ 1,213.42	Vouchers	#34-42
Water Fund	\$ 911.28	Vouchers	#25-30

Councilmember Mason made a motion to approve abstract of claims #4 of 2023 for an overall total of \$ 74,720.31 seconded by Councilmember Canute; roll call: Councilmember Canute, aye; Councilmember Mason, aye; Councilmember Willsea, aye; Deputy Supervisor Gnaou aye; Supervisor Babbitt Henry, aye; motion carried.

Supervisor Reports

Monthly Reports - The following monthly reports were distributed to the board: Assessor Report March 2023, Justice Report March 2023, Water/Sewer Reports March 2023, Town Clerk Report March 2023, Historian Report March 2023, Town Supervisor’s Report January and part of February (Baldwin issue).

Appropriate advertisement was advertised to declare April Fair Housing month. A flyer was received to post that Legal Assistance of Western New York will be holding a Fair Housing Enforcement live presentation on April 25, 2023 from 11:00am – 1:00pm through Facebook Live. No Teen was provided to the County for Teen Recognition. Reminder that Houghton College will be holding its annual government training, count is due by May 1st. Received a letter from the State to be aware of SPAM emails. Received Assessor wages by parcel count from Livingston County, our Assessor handles five towns in Livingston County. Debt Service for Sewer, USDA Loan (\$356,000) has an interest payment due April 18th, 2023 in the amount of \$2,025.00, this will be an automatic transfer. The 2018 CBDG Grant for housing will be closing out. A closing meeting will be held on April 26, 2023. After this has closed the Town will be able to apply for another grant for housing improvements. Received a letter from Frontier that due to limited they will be removing the payphone on 7970 Mill Street, within 30 days of this notice. The Town Clerk designed new letterhead for the Town and board agreed for its use. Councilmember Willsea requested directories.

Old Business

The Town of Springwater was awarded the Justice Court Grant for 2023 cycle based on a quote from David Avery Construction for 19 replacement windows for the Town Hall in the amount of \$17,400.01. A resolution is required to acknowledge that the required Audit of Court records was completed and is in compliance with §2019-a if the Unified Court Systems Act submitted by Justice Haywood. Cost of the repairs to the Town ballfield which was damaged by the Legion Post softball tournament was estimated to be \$1,467.00 for just the materials. David Cotter who will be

doing the work will be donating his time. Received quotes for painting the water tower from Bruckel and M&J, this project will be paid with ARPA funds. ARPA required paperwork will be prepared by Supervisor Babbitt Henry for the next meeting. Board discussed issues relating to the sewer district and Hunt engineering as Hunt is not being very responsive. The highway department has been having trouble with a snow plow regarding warranty issues. The Highway Superintendent stated that he is currently waiting to hear back from International. Supervisor reports updates to water and sewer fees need to be addressed, and for the boards consideration on adding an additional \$10 to the quarterly charge for sewer. New meters are approximately \$160.00 now. Board to discuss at next board meeting as this rate has not been updated since 2014. There will be a closeout of the 2018 CBDG Housing Grant. The remote monitoring will be a remote conference call on April 18th at 1:00pm as it all done remotely now. Jade Perkins has uploaded all the information requested by them and a web meeting is scheduled to close out the grant. \$70,000 will be returned due to COVID and contractors who did not work. Home owners also did not want workers in their home due to COVID. There should be no penalty for this due to COVID. Supervisor did let THOMA know that the Town of Springwater is interested in another grant.

Motion made by Supervisor Babbitt Henry to allow David Avery Construction to start the process of replacing windows, seconded by Councilmember Willsea; Roll Call: Councilmember Canute, aye; Councilmember Willsea, aye; Deputy Supervisor Gnau, aye, Supervisor Babbitt Henry, aye; motion carried with all ayes.

Motion made by Deputy Supervisor Gnau to approve P.S. Bruckel in Avon to sand and repaint the water tank on East Avenue, seconded by Councilmember Canute; Roll Call, Councilmember Canute, aye; Councilmember Willsea, aye; Deputy Supervisor Gnau, aye; Supervisor Babbitt Henry, aye; motion carried with all ayes.

RESOLUTION #33

Motion made by Supervisor Babitt Henry to accept the Justice Court Audit that was completed for the year of 2022 and is in compliance with §2019-a if the Unified Court Systems Act, seconded by Deputy Supervisor Gnau; Roll Call, Councilmember Canute, aye; Councilmember Willsea, aye, Deputy Supervisor Gnau, aye; Supervisor Babbitt Henry, aye, motion carried with all ayes.

7:50pm Councilmember Mason left due to a fire call, returned at 8:27pm.

New Business

Received Grant Application for an ARPA Grant from Livingston County for park and recreation uses amount cap is \$20,000.00. Improvements need to be made at the park such as a new backstop, bleachers and a lit sign board. Bleachers need to be in compliance with NYMIR. NYMIR is requiring an update to the bleachers have a back and sides. Sparta supervisor approached Supervisor Babbitt Henry that Sparta does not have a designated park anywhere that he would be willing to give a share of money to the Town of Springwater for park and recreation use. JMZ sent an email stating that they will be out of the mowing business. The Town has received three bids for mowing the town properties. Mr. Bloom currently volunteers and mows Pleasant Valley East. All cemeteries must be cleaned up by Memorial Day, Independence Day and Veterans Day so that they may be flagged. Board decided to have a special meeting on April 29th at 9:00am to discuss mowing bids. In 2022 we paid \$7,315.00, 2021 we paid \$7,107.50, and in 2020 we paid \$7,415.00 for mowing. Received complaint regarding a sidewalk that has deteriorated along Mill Street. Mr. Kurelko that made the complaint was injured. Attorney Campbell was contacted and it was determined that the Town of Springwater does not have a sidewalk district, therefore this issue is on property owner and the State right of way. He also made a complaint on the sidewalk and bridge on Mill Street, which is a DOT issue as this is a state road. Mr. Kurelko will be receiving a letter from the Supervisor. Discussion took place regarding RFP requirements for the ARPA Grant project for water main replacement along East Avenue. The Highway Superintendent discussed with the board on getting a diesel or gas pickup truck. The pickup truck needs to be replaced as it is costing a considerable amount as it breaks down and needs to be fixed. The current truck is diesel truck and would like to have replaced with a gasoline vehicle. The Highway Superintendent will be taking a look at seeing what is available on state bid. Cell phone use and service in this area was discussed by the board. Local Law #3 of 2023 to consider for next month regarding Code Enforcement, a NYS requirement for municipalities. Local #4 of 2023 to be considered next month regarding Lot law and Land Use Ordinance, so that only one house may be built on a two-acre lot. It is being proposed

that Light up Livingston County Kickoff with Senator(s) for broadband initiative to be held in Springwater, more information to come regarding this project.

Motion made by Deputy Supervisor Gnau to have a special meeting on April 29th, 2023 at 10:00am to consider mowing bids, seconded by Supervisor Babbitt Henry.

Motion made by Supervisor Babbitt Henry to allow the Highway Superintendent to research different bids on a gasoline pickup truck, seconded by Councilmember Canute; Roll Call, Councilmember Canute, aye; Councilmember Mason, aye; Councilmember Willsea, aye; Deputy Supervisor Gnau, aye; Supervisor Babbitt Henry, aye; motion carried with all ayes.

Motion made by Supervisor Babbitt Henry to allow First Net to provide the Town with Demo phones, seconded, by Councilmember Mason, motion carried; Roll Call, Councilmember Canute, aye; Councilmember Mason, aye; Councilmember Willsea, aye; Deputy Supervisor Gnau, aye; Supervisor Babbitt Henry, aye; motion carried with all ayes.

Board Reports

Councilmember Mason reports that he was contacted by Dave Mastin over by Green Gull Cemetery, that there are a few dead or rotten trees that he is concerned will fall and hit his home, and that brush needs to be cleaned up before Memorial Day. The historian also reported that at Ford Cemetery a couple of trees that need to be removed as well along with general cleanup. Mason also states that he has working a project with a local teen for National Honor Society that they are mapping the light poles in the town for better reporting. The Highway Superintendent to look at the trees.

Motion made by Supervisor Babbitt Henry to adjourn to executive session at 9:19pm for the purpose of discussion involving the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation, seconded by Councilmember Mason, motion carried.

AJOURNMENT

Motion made by Deputy Supervisor Gnau to adjourn the meeting at 9:43pm, seconded by Councilmember Willsea; motion carried.

Respectfully submitted,

Christi C. Johnson
Town Clerk