

**Town of Schroepel
Town Board Meeting
October 4th 2022**

Present: Town Board Members JoAnn Nazarian, Zachary Gelling, JoAnn Nazarian, L. Hoyt, N. Hoyt and Town Clerk Darlene Owens. Absent C. Redhead

At 6:02 p.m. Nazarian called the meeting to order with the Pledge Allegiance.

SEQR Motion:

Gelling made a **Motion** that all actions taken tonight are excluded, exempt or Type II actions for the purpose of the State Environmental Quality Review Law unless otherwise stated, seconded by N. Hoyt. All aye Nazarian, Gelling, L. Hoyt and N. Hoyt. Absent Redhead

Privilege of the Floor: Dorothy Boorady

Boorady she was here to ask for clarification and written regulation on people storing junk outside their home were it becomes a nuisance and they have been asking for quite a few years and last year we brought it to a head and it appears there is still not any clarification. She said she sees there has been a local filing on that that they are going to discuss this evening that's why she is here.

Don Huff

Huff said he received a letter this week for property that the Town owns and that an easement runs right between me and my neighbor and I wouldn't have built my house if I haven't of been told that they haven't used that gravel bed in over 50 years and now for some reason your selling it and he wanted to know why they are selling it. Nazarian said the property has been declared no of use anymore to the town. Isabell allowed the Town to access that through the right away the reason why the letter sent and it was only sent to the surrounding properties that butt up against that property. Nazarian said in the event someone was to purchase it that they could merge that with their property. Nazarian said you're not allowed in New York State to buy and sell land lock property. The Town Attorney said yes the easement is transferable and runs with the land. Nazarian said will the always have access to the easement the Town Attorney said the easement runs with the land so regardless of who owns the property the easement is there to access the property the town would have np legal right to access the property or use the easement. And that the easement goes with the land, not exclusively the town.

Prior Written Notice of Defective Conditions of Town Property

6:09 Nazarian Opened the Public Hearing on Local law #1 2022 Prior written Notice of Defective Condition of Town Property seconded by N. Hoyt. All aye Nazarian, Gelling, L. Hoyt and N. Hoyt. Absent Redhead Nazarian asked if any public input on this. Nazarian said it's basically saying that when someone in the town is aware of property and roadsides that they put the town on notice and they town is aware they have to repair it in so many days. N. Hoyt said this was brought by our towns insurance this local law. N. Hoyt said if you're driving across a bridge and there is a piece of metal or something like that you have so many days to give notice to the town it is a protection thing with Insurance and liability on the town. Nazarian said no civil action shall be maintained against the Town, its officers or employees for personal injury, including death, or damaged to property related to cause by resulting from or arising out of any highway, bridge, culvert, street, sidewalk or crosswalk owned by the Town or any highway, bridge, culvert, street, sidewalk in the care or the custody and control of the Town being defective. Nazarian said it is reported to the Highway Superintendent and he shall transmit in writing to the Town Clerk within 5 days after the receipt thereof written notices received by him and the Town Clerk all written notices be presented to the Town Board within 5 days or the next Town Board meeting. Nazarian said the Highway Superintendent gets to deem if it is or isn't. N. Hoyt read the purpose of this "Where claims for bodily injury or damage to property are asserted against the town arising out of alleged defective conditions of the property owned by or in the care, custody or control of the town adequate notice to the town of any such conditions is of substantial importance to allow the Town the opportunity to investigate or correct such condition if found to exist. Whether the town has received actual or constructive notice of such alleged defective conditions is often a question of fact which can lead to uncertainty and possible unwarranted finding of liability against the town. To assure that the town receives notice of an alleged defective condition and is able to respond in a prompt and reasonable manner, the Town Board considers it to be important that such prior notice be in writing. It's is the purpose of this article to require that the notice of defective conditions of Town property be given to the Town by prior written notice

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actually received by the Town in order to provide for the safety, health, protection and general welfare of persons and property in the Town of Schroepfel. N. Hoyt said this is what the Insurance recommended. At 6:21 Nazarian recessed the Public Hearing.

Public Hearing – Vacant and Occupied Property Maintenance

At 6:22 Nazarian opened the Public Hearing on Vacant and Occupied Property Maintenance seconded by N. Hoyt. All aye Nazarian, Gelling, L. Hoyt and N. Hoyt. Absent Redhead.

Gelling said basically what this law is going to help. Gelling said we have a lot codes in the code book but they are scattered and some we don't have in depth and a lot of court cases have just been thrown out without saying this doesn't talk about it so this this does is go into more depth of what the State and Local laws already have. Gelling said he talked with Morrison, Ryan and sat down with the Town Attorney plus other local municipalities and this will put us in line with them and updating. N. Hoyt said just going through it he has some concerns like the definition of junk states worn out or discarded material of little or no value so the first question is who determines that. Gelling said it would go to Codes and then to the Judge. N. Hoyt said we have already been accused our town code Officer is one man's junk is another man's treasure so he doesn't think that definition fits well and to continue on with that definition including but not limited to a junk appliance, junk furniture, junk mobile home, junk motor vehicle or garbage, rubbish and debris. N Hoyt said you can't use the same definition junk in the word junk it doesn't describe anything. N. Hoyt said garbage has its own definition. N. Hoyt said paragraph B & C sound like code for a Town that has trash collection and we don't have that. N. Hoyt said liquid has to be securely wrapped in plastic prior to disposition in an approved collection container and no building debris shall not exceed 75 pounds who is going to determine that. N. Hoyt said this is a great working document we need to get something in place. This was provided and Gelling asked for our input. N. Hoyt said the next section B & C yard and swimming pool has nothing to do with swimming pools maintenance and this continues on. N. Hoyt said it's not just him he has talked to other people that have been involved in the town for their input. N. Hoy said this just isn't the right document. N. Hoyt said there are things in here and he will not approve this. Gelling said we have a Town Attorney which he said if we find something he can correct it. Morrison asked if they talked about this at a workshop. Morrison handed a picture of what the Pleasant Lake people go through. Nazarian said we as a Board are going to read and mark up this document so she and Boorady meet next week for Pleasant Lake their input. Nazarian said they will recess the 2nd Local Law hearing to October 18th seconded by Gelling. All aye Nazarian, Gelling, L. Hoyt and N. Hoyt. Absent Redhead.

At 7:00 Nazarian closed the Public Hearing on Local Law # 1 Prior Written Notice of Defective Conditions of Town Property of the Town of Schroepfel seconded by Gelling. All aye Nazarian, Gelling, L. Hoyt and N. Hoyt. Absent Redhead.

Nazarian opened up the Board Meeting at 7:01

Senior Exemption

N, Hoyt said the senior exemption there is a partial tax exemption for certain people over 65 and the County increased theirs to 37,400.00 maximum allowed there recommendation for surrounding towns is to follow theirs. Our Assessors would like ours changed as well. N. Hoyt made the **Motion** for the \$37,400.00 partial tax exemption on property owned by persons 65 and older. Morrison said it is on a sliding scale and Morrison said the Assessor wants to stay with what the County has seconded by Nazarian. All aye Nazarian, Gelling, L. Hoyt and N. Hoyt. Absent Redhead. (attached to minutes)

Nazarian said we do have a Resolution for the County Route 557 / Huntley Road Water District to adopt the Resolution but there is a question on the EDU's we can still peruse but can be changed this is to schedule a vote in 90 days not more than 120 days .N. Hoyt said his concern is we have an approval for Bankrupt Road in process now going on the third year construction hasn't started and currently can't at this time.

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Nazarian made the **Motion** to adopt Local Law # 1 2022 Prior Written Notice of defective Condition of Town Property seconded by Gelling. All aye Nazarian, Gelling, L. Hoyt and N. Hoyt. Absent Redhead

At 7:17 Gelling made the **Motion** to go into Executive Session for # 6 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 Nazarian. All aye Nazarian, Gelling, L. Hoyt and N. Hoyt. Absent Redhead

At 7:57 Nazarian made the **Motion** to come out of executive session without no decisions to be made seconded by Gelling. All aye Nazarian, Gelling, L. Hoyt and N. Hoyt. Absent Redhead

At 7:58 Gelling made the **Motion** to adjourn the Town Board Meeting seconded by Nazarian. All aye Nazarian, Gelling, L. Hoyt and N. Hoyt. Absent Redhead

Respectfully submitted,

Darlene M. Owens
Town Clerk