

Mexico Town Board
Minutes of the Regular Meeting
Held October 12, 2022 at the Town Hall 64 S Jefferson Street Mexico
Commencing at 7:00 P.M.

Present: Eric Behling, Supervisor
Larry Barber, Councilor
Judy Greenway, Councilor
Russell Partrick, Councilor
Cindy Robert, Councilor
Graham Seiter, Town Attorney
Nicole Wild, Town Clerk
Ron Marsden, Code Enforcement Officer
Russ Marsden, Highway Superintendent
Richard Diehl, Park Manager
Diane Chepko-Sade, Friends of Mexico Point Park
Nancy Weber, Planning Board Chairwoman
Ned Waterbury, ZBA Chairman
Terry Grimshaw, Water Commissioner

Absent: Jack Spriggs, Dog Control Officer
Carrie Bond, Mexico Point Park
Ian Yerdon, C2AE Engineer

And 3 in the audience.

Supervisor Behling opened the regular Town Board meeting at 7:05 pm with the Pledge of Allegiance.

Resolution 2022-86 Approval of Minutes

A motion was made by Councilor Greenway and seconded by Councilor Barber to approve the following resolution. The motion was adopted by a vote of 5 ayes: Behling, Barber, Greenway, Partrick, and Robert, and 0 nays.

Resolved the Mexico Town Board approves the minutes from the September 12, 2022 Town Board meeting.

Communications

- none

Public Comment

Concerns were unlicensed dogs on LaCasse Road, WSA #6, contract for mowing and snow removal with the county. Marsden said dog kennels are only allowed under a special use permit, which involves an application and the Planning and Zoning Board of Appeals process. Marsden said violations were sent for having more than four dogs without a kennel permit and that the next step is an appearance ticket.

Behling said that residents in Water Service Area 6 will not see the EDU charge on their 2023 property taxes because the town does not yet have the approval of the state comptroller's office. Seiter said all requested corrections have been sent and his office is waiting to hear back from the comptroller before the bidding process can begin.

Behling said that a contract with the county for mowing and snow removal has not been signed. Seiter added that the county is caucusing the issue in a day and that offers have not yet been made to the towns.

Reports

Town Clerk/Water Clerk- A motion was made by Councilor Robert and seconded by Councilor Greenway to accept the September reports as presented. The motion was adopted by a vote of 5 ayes: Behling, Barber, Greenway, Partrick, and Robert, and 0 nays.

Dog Control- A motion was made by Councilor Greenway and seconded by Councilor Robert to accept the September report as presented. The motion was adopted by a vote of 5 ayes: Behling, Barber, Greenway, Partrick, and Robert, and 0 nays.

Zoning Officer/Building Inspector- Councilor Partrick inquired about whether or not a building permit had been issued for a cabin on Pumphouse Road. Marsden said he will check but believes it was issued. Supervisor Behling asked for information about a gravel bed on Pople Ridge Road. Superintendent Marsden said material was being brought into the bed, which requires a different permit. Officer Marsden said that even a mining permit to remove materials would need to be issued because the gravel bed has been inactive, rendering any permits expired. Superintendent Marsden said the materials being dumped were not appropriately tested to be placed in an Aquifer Protection Zone.

Seiter said a conference call with the DEC revealed that there was a misunderstanding within the DEC regarding permits and that hauling materials in was not allowed. Seiter said a stop work order was immediately issued and that the DEC will likely make the gravel bed owner remove all dumped materials because it is an Aquifer Protection Zone. Seiter said the property owner may have been misled but that you cannot dump materials in an Aquifer Protection Zone. Superintendent Marsden said that multiple dump trucks from various companies were hauling debris into the site. Seiter said that the debris was from construction happening at the Novelis plant. Seiter said that Novelis was contacted and replied that the materials are nothing but earth but that the DEC is supposed to check the materials and should not at all be allowing dumping in the AP Zone. Superintendent Marsden confirmed that materials included tires and other non-earth materials but that the dumping has ceased.

A motion was made by Councilor Partrick and seconded by Supervisor Behling to accept the September report as presented. The motion was adopted by a vote of 5 ayes: Behling, Barber, Greenway, Partrick, and Robert, and 0 nays.

Highway Superintendent- Councilor Greenway asked about the damaged trees at a cemetery on US RT 11. Superintendent Marsden said bids for tree removal will be in soon. Marsden said that a dead tree in Wellwood Cemetery needs to be removed and the highway department can manage it.

A motion was made by Councilor Robert and seconded by Councilor Partrick to accept the September report as presented. The motion was adopted by a vote of 5 ayes: Behling, Barber, Greenway, Partrick, and Robert, and 0 nays.

Park Manager- Mr. Diehl said that soccer season has ended and the league plans to come down Friday to help reseed; a mixture from C&B will be used. Diehl said the football field needs a lot of work. Diehl said the benches for the playground are supposed to arrive soon. Councilor Partrick asked about the state of the equipment shed. Diehl said the floor needs repair but does not need to be entirely replaced; the building needs siding on a minimum of three sides and a new overhead door. Diehl said the lot east of the driveway could be cleaned up and used as a ballfield. Councilor Greenway said that Mexico Point Park does have an area that was, at one time, intended to be a ballfield but that nothing has been done with it.

Diehl said two fountains have been fixed but won't be turned on until next year so the leak in the pipe from the pump house will be found and repaired next year. Diehl said the pipe is 1-inch plastic. Commissioner Grimshaw suggested installing an entirely new line. Behling said the matter will be addressed again in the spring.

A motion was made by Councilor Greenway and seconded by Councilor Robert to accept the September report as presented. The motion was adopted by a vote of 5 ayes: Behling, Barber, Greenway, Partrick, and Robert, and 0 nays.

Mexico Point Park- Chepko-Sade said Casey's Cottage is now closed for the winter; the park hosted a middle school field trip; a community member asked her about removing the submerged vehicle off the shore at the park. Councilor Partrick said the vehicle was purposely put there and has been there for a very long time. Partrick said the beach that is not used for swimming gets overloaded with seaweed throughout the summer. Chepko-Sade said the permit for the new trail has still not been received from the DEC due to the proximity to a wetland and may have to wait until the spring; proximity to the beach and wetlands is making the project very time consuming. Chepko-Sade said that the Department of Parks and Trails has money for grants available and would like to pursue a grant to update the Roop's Loop trail and discussions with the DEC have begun. Chepko-Sade said she received a request from a community member to top the trees between the lawn and beach in order for people gathered in the park to be able to see the fireworks display better. Chepko-Sade said that the type of chestnut tree located in the park is an American chestnut.

A motion was made by Councilor Greenway and seconded by Councilor Robert to accept the September reports as presented. The motion was adopted by a vote of 5 ayes: Behling, Barber, Greenway, Partrick, and Robert, and 0 nays.

Planning Board- Chairwoman Weber said that a public hearing regarding a subdivision on French Street is scheduled for November and the special permit for a wedding venue on Valley Road has been revitalized after the applicant received clearance from the DEC.

A motion was made by Councilor Partrick and seconded by Supervisor Behling to accept the September report as presented. The motion was adopted by a vote of 5 ayes: Behling, Barber, Greenway, Partrick, and Robert, and 0 nays.

Zoning Board of Appeals- Chairman Waterbury said a special permit for a bait shop on St RT 3 North of the village has been issued and construction has begun.

A motion was made by Councilor Greenway and seconded by Councilor Robert to accept the September report as presented. The motion was adopted by a vote of 5 ayes: Behling, Barber, Greenway, Partrick, and Robert, and 0 nays.

Water Commissioner- A motion was made by Councilor Greenway and seconded by Councilor Barber to accept the September report as presented. The motion was adopted by a vote of 5 ayes: Behling, Barber, Greenway, Partrick, and Robert, and 0 nays.

Supervisor- A motion was made by Councilor Partrick and seconded by Councilor Robert to accept the September Supervisor's report and Quarterly Report as presented. The motion was adopted by a vote of 5 ayes: Behling, Barber, Greenway, Partrick, and Robert, and 0 nays.

Water District Update- none

McAuslan Hall Update- Mr. Maryak suggested adding \$20,000 to the budget for the portico and drainage project to cover unanticipated costs. Councilor Barber said the neighbor wants his property reinstated to its original condition should any damage to the grounds occur during construction. Maryak said the bid the town received is a good price; Supervisor Behling agreed that it is a fair price.

Assessor Search Committee Update- Partrick said three parties are interested in the Assessor position, two of which have prior experience. Partrick said the committee interviewed 2 people and has a recommendation. Partrick said both candidates live north of the town.

Review of Accessory use/Building- Councilor Partrick said Seiter recommended making a notation for the town to support the expanded use of buildings within a residential district. Partrick would like the board to investigate expanding the available uses of buildings on residential properties and ask the ZBA and Planning Board to give a recommendation. Seiter said the law would be changed to expand the law to include more types of buildings to be allowed without residential buildings. Greenway said it would remove certain restrictions. Seiter said if the board agrees, a committee should be created to investigate building uses. Partrick said he feels the limitations on property need to be reevaluated and discussed. Behling said properties without primary residences may not help build the tax base. Partrick asks the board to discuss the matter. Seiter said the ZBA and Planning Board need direction for this idea. Greenway said a committee should be established for discussion and research. Grimshaw and Chepko-Sade left the meeting at 8:16pm.

Resolution 2022-87 Accessory Use Research Committee

A motion was made by Councilor Partrick and seconded by Councilor Greenway to create a committee to research and discuss the expanded use of buildings within a residential district. The motion was adopted by a vote of 5 ayes: Behling, Barber, Greenway, Partrick, and Robert, and 0 nays.

Resolved the Mexico Town Board approves the creation of an Accessory Use Research Committee.

Resolution 2022-88 Payrolls

A motion was made by Councilor Greenway and seconded by Supervisor Behling to approve the following resolution. The motion was adopted by a vote of 5 ayes: Behling, Barber, Greenway, Partrick, and Robert, and 0 nays.

Resolved the Mexico Town Board approves the September payroll.

Resolution 2022-89 Local Law 5 of 2022 Partial Tax Exemption for Senior Citizens

A motion was made by Councilor Greenway and seconded by Councilor Partrick to approve the following resolution. The motion was adopted by a vote of 5 ayes: Behling, Barber, Greenway, Partrick, and Robert, and 0 nays.

Resolved the Mexico Town Board approves Local Law 5 of 2022, Provide Partial Tax Exemptions for Senior Citizens.

Resolution 2022-90 Local Law 6 of 2022 Partial Tax Exemption for Persons with Disabilities

A motion was made by Councilor Greenway and seconded by Supervisor Behling to approve the following resolution. The motion was adopted by a vote of 5 ayes: Behling, Barber, Greenway, Partrick, and Robert, and 0 nays.

Resolved the Mexico Town Board approves Local Law 6 of 2022, Provide Partial Tax Exemptions for Persons with Disabilities.

Resolution 2022-91 McAuslan Hall Drainage and Portico Project

A motion was made by Councilor Greenway and seconded by Councilor Robert to approve the following resolution. The motion was adopted by a vote of 5 ayes: Behling, Barber, Greenway, Partrick, and Robert, and 0 nays.

Resolved the Mexico Town Board accepts the sole bid for the McAuslan Hall drainage, portico, and door project submitted by Upstate Restoration of NY, Inc in the amount of \$172,650.00 with an added contingency budget for the total cost not to exceed \$192,000.00.

Resolution 2022-92 Operation Reindeer Proclamation

A motion was made by Supervisor Behling and seconded by Councilor Partrick to accept the following proclamation. The motion was adopted by a vote of 5 ayes: Behling, Barber, Greenway, Partrick, and Robert, and 0 nays.

Resolved the Mexico Town Board approves the following proclamation:

Whereas, Christmas is a time for our community to show a spirit of caring for all citizens, and

Whereas, Operation Reindeer has displayed this spirit of giving by distributing toys to needy children, and

Whereas, The spirit of giving by Operation Reindeer is an important part of our holiday season,

Now Therefore, I, Eric Behling, Supervisor of the Town of Mexico, do hereby declare that November and December shall be proclaimed as Operation Reindeer Months in the Town of Mexico and do hereby urge all our citizens to participate in this most worthwhile endeavor by making donations to this worthy cause.

Resolution 2022-93 Schedule Public Hearing for Local Law 7 of 2022 Override Tax Cap

Seiter said the law may not be necessary but to schedule a public hearing in case the town does need to override the tax cap.

A motion was made by Councilor Greenway and seconded by Supervisor Behling to approve the following resolution. The motion was adopted by a vote of 5 ayes: Behling, Barber, Greenway, Partrick, and Robert, and 0 nays.

Resolved the Mexico Town Board sets a Public Hearing to be held Monday, November 14, 2022 at 7:00pm or as soon thereafter as possible, at the Town Hall 64 S Jefferson Street regarding Local Law 7 of 2022 to override the tax cap.

A motion was made by Councilor Greenway to schedule a budget workshop. Councilor Partrick would like to know the difference between this year's and last year's total assessment and how it relates to the tax rate. Behling said the tax cap is at 2%. Partrick said if assessments have risen but the town is only collecting so much, they need to watch the tax rate. Behling said he will pass the total assessment information along to Partrick. Greenway said another town

agreed not to raise assessments in order to help constituents. Behling said assessments are not supposed to fluctuate wildly. Seiter said mortgage rates are low and sales are decreasing due to the market. Partrick said the number of sales is low but prices are not low. Councilor Greenway withdrew her motion to schedule a budget workshop.

Resolution 2022-94 Schedule Public Hearing for Budget

A motion was made by Councilor Greenway and seconded by Supervisor Behling to approve the following resolution. The motion was adopted by a vote of 5 ayes: Behling, Barber, Greenway, Partrick, and Robert, and 0 nays.

Resolved the Mexico Town Board sets a Public Hearing to be held Thursday, November 10, 2022 at 7:00pm or as soon thereafter as possible, at the Town Hall 64 S Jefferson Street regarding the 2023 town budget.

Resolution 2022-95 Schedule Public Hearing for Fire Contract

A motion was made by Councilor Greenway and seconded by Supervisor Behling to approve the following resolution. The motion was adopted by a vote of 5 ayes: Behling, Barber, Greenway, Partrick, and Robert, and 0 nays.

Resolved the Mexico Town Board sets a Public Hearing to be held Thursday, November 10, 2022 at 7:00pm or as soon thereafter as possible, at the Town Hall 64 S Jefferson Street regarding the Fire Contract.

Resolution 2022-96 Schedule Public Hearing for Ambulance Contract

A motion was made by Councilor Greenway and seconded by Supervisor Behling to approve the following resolution. The motion was adopted by a vote of 5 ayes: Behling, Barber, Greenway, Partrick, and Robert, and 0 nays.

Resolved the Mexico Town Board sets a Public Hearing to be held Thursday, November 10, 2022 at 7:00pm or as soon thereafter as possible, at the Town Hall 64 S Jefferson Street regarding the Ambulance Contract.

A motion was made by Councilor Greenway and seconded by Councilor Partrick to enter executive session to discuss a personnel appointment. The motion was adopted by a vote of 5 ayes: Behling, Barber, Greenway, Partrick, and Robert, and 0 nays.

The Mexico Town Board entered executive session at 8:36pm.

The Mexico Town Board exited executive session at 8:51pm.

Resolution 2022-97 Appoint Assessor Karen Shaw

A motion was made by Councilor Greenway and seconded by Councilor Partrick to approve the following resolution. The motion was adopted by a vote of 5 ayes: Behling, Barber, Greenway, Partrick, and Robert, and 0 nays.

Resolved the Mexico Town Board appoints Karen Shaw as the Acting Assessor, effective October 17, 2022.

Resolution 2022-98 Audit Claims

A motion was made by Councilor Greenway and seconded by Supervisor Behling to approve the following resolution. The motion was adopted by a vote of 5 ayes: Behling, Barber, Greenway, Partrick, and Robert, and 0 nays.

Resolved the bills for Abstract 10 have been reviewed by the Town Board and are authorized for payment in the following amounts:

General A Fund	voucher #255-277	\$	16,605.92
----------------	------------------	----	-----------

General B Fund	voucher #84-89	\$	3,494.14
Highway Fund	voucher #171-183	\$	30,544.75
Water Fund	voucher #18	\$	2,053.92
Special Districts Fund	voucher #15	\$	475.93

A motion was made by Councilor Partrick and seconded by Councilor Robert to adjourn the meeting at 8:56pm. The motion was adopted by a vote of 5 ayes: Behling, Barber, Greenway, Partrick, and Robert, and 0 nays.

Respectfully submitted,

Nicole Wild
Town Clerk