

Regular Meeting

The Regular Meeting of the Ephratah Town Board was held at 6 PM on Wednesday, September 13<sup>th</sup>, 2023 at the Ephratah Town Hall. Roll call found the following members present:

Supervisor	Todd Bradt
Councilman	Ivan Duesler
Councilman	George Cosselman
Councilman	Andrew Chorlton
Councilwoman	Eleanor Smith
Clerk	Cynthia Wesselmann
Hwy Superintendent	Alan Cretser
Code Enforcement Officer	Devon Percival - absent
Attorney	Michael Albanese - absent

The meeting was opened with Salute to the Flag, led by Supervisor Todd Bradt.

Ivan Duesler made a motion to accept the meeting minutes from the regular meeting on August 9th, 2023. 2<sup>nd</sup> by Eleanor Smith. 5 ayes, carried.

Ivan Duesler made a motion to pay General bills, Abstract #9, claim 455 thru 460 in the amount of \$31,811.17. 2<sup>nd</sup> by George Cosselman. 5 Ayes, carried.

Eleanor Smith made a motion to pay Highway bills, Abstract #9, claim 438 thru 454 in the amount of \$12,738.25. 2<sup>nd</sup> by Andrew Chorlton. 5 ayes, carried.

**Communications:**

- The Ephratah Transfer Station will be closed Monday, October 9<sup>th</sup> for Columbus Day Holiday. They will be open Tuesday, October 10<sup>th</sup> from 10am – 6pm.
- Rosalyn Wood sent in notice that she will not be entering a new term on the Planning Board Committee as of December 31, 2023.

**Public Input:**

- John Polenski, Jr at 158 Weaver Road gave the town notice that he will be applying for a retail cannabis license. He informed the town that the OCM will be issuing retail cannabis licenses and he will be applying for one.

Ivan Duesler made a motion to go into Executive Session for contract negotiations. 2<sup>nd</sup> by Eleanor Smith, 5 ayes carried.

Ivan Duesler made a motion to come out of Executive Session. 2<sup>nd</sup> by Eleanor Smith, 5 ayes carried

**Public Hearing:**

The Public Hearing for Local Law 3 of 2023 entitled “Amendment to Subdivision Regulations” was opened at 6:15PM

**Reports:**

Code Enforcement Officer:

- Devon Percival submitted a report that Carver has submitted all the paperwork for a new permit and a meeting will be held September 14<sup>th</sup> regarding this.
- Devon submitted a report on the vandalism on Old State and School House Road
- Mr. Percival can be reached at (518) 928-9360, his report is on file.

Planning Board:

- Nothing at this time

Highway

- The crew have been digging ditches and taking down dead trees.
- The Highway Dept. graded Tillboro Road
- Caver did not get the salt bid. The State contract for salt went down to \$66 a ton.
- Alan found a 2023 F550 truck for \$57,927.50 that would be ideal for the town for plowing.

**Resolution 65**

George Cosselman made a motion to accept Resolution 65 for the highway department to purchase a 2023 F550 truck for \$57, 927.50. 2<sup>nd</sup> by Ivan Duesler, 5 ayes

Youth:

- Soccer started on September 9<sup>th</sup> and trophies have been ordered. There was a decent turnout.
- The wooden retaining wall has to come out and concrete blocks have been ordered to fix this.

Assessor:

- A letter is being sent by the counsel representing the town to Erie Boulevard Hydropower that they should contacting the state about the rate they are being assessed at, not the municipality.
- The last course needed for credits was taken on Advanced Data Collection. There are two extra credits that can now be applied to next year's requirements.
- The tax rolls have been rolled over to 2024 and they are doing data collections for the 2024 tentative roll on properties. We are now able to splits and merges.
- There are still many junk yard properties in the town that need to be addressed. This problem has been on-going.
- Any questions or concerns please contact the Assessor's office at (518) 762-5688 ext 23.

Supervisor:

- A report has been submitted and is on file.

Historian:

- Abby reported that they had nothing at this time to report.

New Business:

- A new agreement has been reached with the Highway crew union and all unfinished business has been taken care of and resolved.
- The Supervisor noted that the NYMIR bill did not include Cyber Security for the town. He also informed the town board that the ambulance has insurance.
- National Grid send notice that they will be doing smart meter updates in town.
- A copy of a seeker from the state was received concerning the Rockwood bridge.
- The town received a new contract from Jones Hacker Murphy. LLP, for litigation dealing with Erie Boulevard Hydropower who have filed a suit against the Town of Ephratah for reduction in property taxes.
- The AG and Markets sent in notice that Daniel Robinson's facility was satisfactory.
- The Supervisor set the Town Budget meeting date and time to be October 4<sup>th</sup>, 6pm.

**Resolution 66**

Andrew Chorlton made a motion to accept Resolution 66 to enter into a contract with Jones Hacker Murphy, LLP, for legal fees associated with the Erie Boulevard Hydropower tax assessment dispute on an "Of Counsel" basis to Mr. Albanese. The town will be billed \$345/hour for all attorney time as a rate for all counsel.

**TOWN OF EPHRATAH  
RESOLUTION NO. 66 OF 2023**

WHEREAS, a regular meeting of the Town Board of the Town of Ephratah was convened in a public session of the Ephratah Town Hall, on September 13<sup>th</sup>, 2023, at 6:30 P.M. local time; and

WHEREAS, the Town of Ephratah has been named as a Defendant in a Supreme Court action brought by Erie Boulevard Hydropower; and

WHEREAS, the Town of Ephratah has received a letter of representation proposal dated August 14, 2023 from Patrick L. Seely, Jr., Esq., of the law firm of Jones, Hacker Murphy LLP, setting forth the terms and conditions of said firm's proposed representation of the Town of Ephratah in said action brought by Erie Boulevard Hydropower; and

WHEREAS, the Town Board of the Town of Ephratah has determined to hire said Patrick L. Seely, Jr., Esq., of the law firm of Jones, Hacker Murphy LLP, under the terms and conditions set forth in his said letter dated August 14, 2023, to represent the Town in the action brought by Erie Boulevard Hydropower hereinabove mentioned,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Ephratah hereby authorizes the Town Supervisor to sign the agreement for representation as set forth in said letter dated August 14, 2023, agreeing that the Town of Ephratah shall accept representation by Patrick L. Seely, Jr., Esq., of the law firm of Jones, Hacker Murphy LLP, under the terms and conditions set forth in his said letter dated August 14, 2023, and be it further

RESOLVED, that the Town Clerk be and she hereby is directed to enter said Resolution in the minutes of this meeting.

Ayes :5  
Nay: 0

Introduced: Andrew Chorlton

Approved: Ivan Duesler

	ABSENT	AYE	NAY
Supervisor Todd Bradt	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilman Eleanor Smith	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilman Andrew Chorlton	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilman George Cosselman	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilman Ivan Duesler	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Resolution 67**  
Ivan Dueler made a motion to accept Resolution 67 to pay Erik Winchell \$375 for mowing the ambulance property in the month of August. George Cosselman 2<sup>nd</sup>. 5 ayes, carried

**Public Hearing**  
Ivan Duesler made a motion to close the public hearing for Local Law 3 of 2023 “Amendment to Subdivision Regulations” with no public comment. Andrew Chorlton 2<sup>nd</sup>. 5 ayes, carried

**Resolution 68**  
**RESOLUTION 68 AUTHORIZING ADOPTION BY  
EPHRATAH TOWN BOARD  
OF LOCAL LAW NO. 3 OF 2023 entitled**

[“Amendment To Subdivision Regulations”](#)

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Ephratah for a public hearing to be held by said Town Board on September 13<sup>th</sup>, 2023 at 6:15 p.m. at Ephratah Town Hall to hear all interested parties on a proposed Local Law entitled, “Amendment To Subdivision Regulations;” and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town of Ephratah; and

WHEREAS, said public hearing was duly held on September 13<sup>th</sup>, 2023 at 6:15 p.m. at Town Hall and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition of said Proposed Local Law, or any part thereof; and

WHEREAS, the Town Board of the Town of Ephratah, after due deliberation, finds it in the best interest of the Town to adopt said Local Law; and

WHEREAS, based upon the recommendation of the Town of Ephratah Code Enforcement Officer that all building lost should have a minimum of one acre in area and a minimum of 200 feet frontage onto a public street owned by the Town or a private street built or the requirements of these regulations and the Town’s specifications that leads directly to a public street; and

WHEREAS, based upon the safety considerations and the recommendation of the Town of Ephratah Code Enforcement Officer, the Ephratah Town Board now desires to amend its Subdivision Regulations to modify the amount of real property and frontage required of building lots in said Town,

**NOW, THEREFORE, BE IT RESOLVED,** that the Town Board of the Town of Ephratah hereby adopts said Local Law No. 3 of 2023 entitled “Amendment To Subdivision Regulations,” a copy of which is attached hereto and made a part of this resolution, be it further

**RESOLVED,** that the Town Clerk be and she hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Ephratah, and to give due notice of the adoption of said local law to the Secretary of the State of New York.

Ayes: 5  
Nay: 0

Introduced: September 13<sup>th</sup>, 2023

Approved:

	ABSENT	AYE	NAY
<u>Supervisor Todd Bradt</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Councilman Eleanor Smith</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Councilman Andrew Chorlton</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Councilman George Cosselman</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Councilman Ivan Duesler</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**AMENDMENT TO SUBDIVISION REGULATIONS**

Local Law Number 3 of 2023

**III. GENERAL REQUIREMENTS**

**F. Design Standards for Minor Subdivisions:**

1. Lots

B. Lot access to public or private street.

1) All building lots shall have a minimum of one acre in area and a minimum of 200 feet frontage onto:

A public street owned by the Town or

A private street built or the requirements of these regulations and the Town's specifications that leads directly to a public street.

2) Any lot that does not have access to a public highway should be deeded a right-of-way of 25 feet in width. *(This would require a variance.)*

3) All lots should meet the design standards of the Town of Ephratah Fire Prevention and Building Constructions Law. Section 80-21. Standards.

**K. Design Standards for Major Subdivisions:**

1. Lots

B. Lot access to public or private street.

1) All building lots shall have a minimum of one acre in area and a minimum of 200 feet frontage onto:

A public street owned by the Town or

A private street built or the requirements of these regulations and the Town's specifications that leads directly to a public street.

2) Any lot that does not have access to a public highway should be deeded a right-of-way of 25 feet in width. *(This would require a variance.)*

3) All lots should meet the design standards of the Town of Ephratah Fire Prevention and Building Constructions Law. Section 80-21. Standards.

**Unfinished Business:**

- The Supervisor informed the Town Board that the ambulance is operating from the new building.

Ivan Duesler made a motion to adjourn the town board meeting. 2<sup>nd</sup> by Eleanor Smith. 5 Ayes, carried.  
Time 6:45 pm

Respectfully submitted,

Cynthia A. Wesselmann  
Town Clerk, Town of Ephratah