

**TOWN OF COVERT, SENECA COUNTY  
REGULAR TOWN BOARD MEETING**

August 14<sup>th</sup>, 2023

The regular meeting of the Town Board of the Town of Covert was held Monday, August 14, 2023 at 7:00 P.M. at the Town of Covert Municipal Building, 8469 South Main Street, Interlaken, New York.

<b>Roll Call:</b>	Supervisor Michael Reynolds	Present
	Councilwoman Deborah Nottke	Present
	Councilman Bill Bishop	Present
	Councilman Brayton Foster	Present
	Councilman Todd Wyckoff	Present

**Others Present:** Town Clerk Leslie Adams-Compton, Town Attorney Patrick Morrell, Deputy Clerk Brian Quan, other interested citizens.

**Call to order:** Supervisor Reynolds called the meeting to order at 7:00 P.M. All rose for the pledge of allegiance.

**Approval of Minutes:** Foster moved, seconded by Wyckoff, to approve the minutes from July 10<sup>th</sup>, 2023. Aye - Wyckoff, Aye - Nottke, Aye - Bishop and Aye - Foster.

**Highway Superintendent:** MacCheyne said they did ditching on Tunison and Burdick Roads, removed a fallen tree on Lower Covert Rd, installed material for shoulders on Arden, W Covert and Burdick Roads, mutually helped with shoulders in Lodi and Ovid and Covert, mowed roadsides and did cold patching on all town roads. They also replaced crossover pipe on the south end of Stout Rd per FEMA's request. They made repairs to the roadside mower, replaced air valves on 2010 International braking system, stripped the 2020 F-250 and 2002 Sterling, and did regular maintenance on all equipment. They hauled blacktop for Seneca County and hauled 1As for chip sealing.

MacCheyne reported that both the 2002 10-wheeler and the 2020 pickup did well at auction. The 10-wheeler sold to a town in Maine for 22,800. The pickup sold for \$47,100, making money on original purchase price.

MacCheyne said he would be working with Jim Brady on issues with Frontenac Bridge. He said they will try to get bids for trees down and that Owen/TG Miller said they will need bids for three-sided pipe to be placed in bedrock up by the phone company.

MacCheyne also reported that the gradall broke down and they had to borrow Lodi's. He said the service from the company that repairs gradalls is not good, due to all new employees, but someone should be coming down to diagnose the hydraulics issue.

He said he renewed his DEC permit to take care of a beaver problem on Halls Corners Rd and has permission from property owner.

**Town Clerk:** Adams-Compton reported that NY Ag + Markets gave Beverly Animal Shelter an "unsatisfactory" rating on their inspection due to mainly paperwork issues.

She said that after Spectrum came in to give the municipal building better internet, there were multiple connectivity issues that required three visits from the Town's IT person, Jacob Granger, and the Village's IT person, Brandon Swanson.

**Committees:** Nottke said that the Three Falls LDC has been working on a draft for an agreement with the LDC and NY Parks at their monthly Thursday meetings. Morrell said nothing looked concerning to

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him in the document. Nottke said there was no indication of a time frame of when they will have permission to do anything. She said the name of the park would be coming from the Commissioner. She asked for ideas from the Board.

Nottke brought up the approved Seneca County Sales Tax Sharing legislation and asked why Reynolds voted 'no'. Reynolds said that it will raise Seneca County taxes. Foster said the tax shared with the Towns could not be budgeted.

Nottke said that South Frontenac will be the alternate route while the new bridge is under construction. MacCheyne said it will be paved. The cost for this could be \$120,000, but the grant to Seneca County is only for \$90,000. Reynolds hopes to cover the extra expense using budgeted bridge money.

**Supervisor:** Reynolds said mowing bids would have to be advertised, for inclusion in the budget.

Reynolds said Judge Schmidt would like the Town Board to pass a resolution opposing the State legislation that would require all Town and Village justices to be attorneys.

Reynolds said that Katherine Sender, Planning Board member will be unavailable from September until May '24. The seven-member Planning Board meetings have been well attended by the members.

Reynolds said Owen/TG Miller spoke with Silverline and they will extend their bid for 45 days while the Town waits for a FEMA extension.

**Attorney:** Morrell said that the Town Assessors received three assessment challenges. No action is required immediately but Morrell will speak with the assessors. They hope to resolve the issues before the situation escalates.

There was some discussion about the recent interest in adding small rentals, from shed apartments to tiny homes.

**Petitioners:** Barry Ford asked about the County's septic system testing timeline. The inspections are for properties up to 250' off the shoreline. Fayette's have been done, and Ovid's are being inspected now. Covert may be next year. Reynolds said that Seneca County has secured grant money for applicants needing new septic.

Ralph Bailey reported that the annual Interlaken Fire Dept. car show drew 132 cars and the chicken was sold out.

**Resolutions:**

**RESOLUTION #3-2023**

IN OPPOSITION TO NEW YORK STATE SENATE BILL S-00139B and  
ASSEMBLY BILL A-1358B

WHEREAS, New York Senate Bill number S-00139B has been passed which, if adopted by the NYS Assembly (A 1358-B) and signed by the Governor, would require all Judges presiding in the 100 largest Town and Village Courts to be licensed to practice law in the State and to have been admitted to the NYS Bar for at least five years; and

WHEREAS, The Town and Village Courts in Seneca County are among the nearly 1,200 Justice Courts in the State of New York that collectively handle close to 1 million cases each year; and

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WHEREAS, The Town and Village Courts are known as the “Courts Closest to the People” and have broad jurisdiction, presiding over civil and criminal matters, thereby performing a vital role in the New York State Unified Court System; and

WHEREAS, The Town Court of Covert is a vital service to our residents and the Seneca County community as a whole; and

WHEREAS, The Justices in Seneca County’s Town and Village Courts have pledged to be ever mindful of their neutrality and impartiality, and render equal justice to all, while continually adhering to judicial rules of ethics and pronouncements of the New York State Commission on Judicial Conduct; and

WHEREAS, The Justices are required to be on-call 24 hours a day, 365 days a year to review/sign arrest and search warrants, perform arraignments, and issue orders of protection; and

WHEREAS, The Justices of Town and Village Courts ensure that the rights afforded to defendants by the Constitutions of the United States and the State of New York are provided and protected; and

WHEREAS, The Justices of Town and Village Courts preside over trials involving misdemeanor and violation level offenses, thereby ensuring that the victims of those offenses can be heard; and

WHEREAS, The Town and Village Courts provide a venue for Citizens to pursue a low- cost and efficient procedure for individuals to resolve civil disputes and landlord/tenant matters; and

WHEREAS, The Justices preside nightly and weekend and holiday mornings at the Seneca County Arraignment Part (‘CAP’) conducted in the County Jail, (CAP) that ensures that arrested citizens are promptly afforded legal representation, the opportunity to plead to alleged charges, and be processed for release, bail, or incarceration; (ONLY ) and

WHEREAS, The Justices continually strive to improve the administration of justice through participation in mandatory education programs, seminars, meetings of the Seneca County Magistrates Association and the New York State Magistrates Association; and

WHEREAS, The New York State Office of Court Administration must certify all as having successfully completed mandatory training both following election and in each subsequent year; and

WHEREAS, The New York State’s Commission on Judicial Conduct’s most recent annual report (2023) identifies that only 13% of the complaints filed against the judiciary were against Town and Village judges while the remaining complaints were against either “State-paid” judges, (constituting approximately 40% of the judiciary) who accounted for approximately 67% of the complaints received, or against non-judicial entities (20%); and

WHEREAS, This Bill attempts to usurp the right of voters to elect those in their communities that they believe to be fair and impartial, and who would best serve that community, whether they be attorneys or non-attorneys; and

WHEREAS, This Bill implicitly suggests that members of a community are incapable of making informed decisions about who should sit in judgment of matters from the straight- forward to the highly complex as may arise in their local courts; and

WHEREAS, this legislative body views the intention of this Bill is not to actually improve the courts, but a blatant and unconscionable attempt by the New York State Bar Association, an organization that represents approximately only fifteen percent (15%) of the State’s attorneys, to generate increased opportunities for its members, and to dictate who voters may choose to serve in our local governments;

NOW THEREFORE, BE IT RESOLVED, That the Governing board of the Town of Covert strongly, and in unequivocal terms, calls on both the leadership in the Senate and Assembly, and the Governor to reject this poorly conceived and hastily fashioned seizure of voters’ rights to determine, for themselves, who they would choose to sit as their judges as has been the case for almost two hundred years.

Adopted by unanimous consent this 14<sup>th</sup> day of August, 2023.

Foster moved, seconded by Wyckoff. Aye-Nottke, Aye-Foster, Aye-Wyckoff, Aye-Reynolds and Aye-Bishop.

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Foster moved, seconded by Wyckoff, to approve the purchase of Lodi's 8065 RTS/850 Midi Excavator for \$34,000. Aye-Wyckoff, Aye-Nottke, Aye-Bishop, Aye-Foster.

Nottke moved, seconded by Wyckoff, to advertise for a three-year Lawn Maintenance Contract for the mowing of lawns at Covert Municipal Building, Old Covert Town Hall and Old Covert Cemetery from May 1 - October 31, for the years 2024, 2025 + 2026. Aye-Nottke, Aye-Foster, Aye-Wyckoff, and Aye-Bishop.

Nottke moved, seconded by Foster, to approve the Supervisor's Income and Expenditure report for the month of July 2023. Aye-Wyckoff, Aye-Nottke, Aye-Bishop, Aye-Foster.

Foster moved, seconded by Nottke, to approve the Highway Superintendent's report for the month of July 2023. Aye-Wyckoff, Aye-Nottke, Aye-Bishop, Aye-Foster.

Nottke moved, seconded by Wyckoff, to approve Town Clerk report for the month of July 2023. Town Clerk received a total of \$1188.00; \$603.01 was remitted to the Supervisor. Aye-Wyckoff, Aye-Nottke, Aye-Bishop, Aye-Foster.

Nottke moved, seconded by Foster, to approve the Dog Control Officer's report for the month of July 2023. Aye-Wyckoff, Aye-Nottke, Aye-Bishop, Aye-Foster.

Nottke moved, seconded by Bishop, that Highway Fund Vouchers #100 - 118 in the amount of \$130,223.80 and General Fund Vouchers #148 - 167 in the amount of \$9,379.42 be approved for payment. Aye-Wyckoff, Aye-Nottke, Aye-Bishop, Aye-Foster.

Nottke moved, seconded by Bishop, to adjourn the meeting at 7:45 P.M.

Respectfully submitted,

Leslie Adams-Compton, Town Clerk