

Town of Bayview

July 13th, 2021

Meeting was called to order by Chair Don Jenicek at 6:35 p.m.

Roll call: Supervisor Mike Garnich, present; Supervisor Bill Bodin, present; Treasurer Kelly Warren, present; Clerk Wanda Hyde, present and Chair Don Jenicek, present. Other in attendance were Shari Eggleston, Mark Eggleston, Mike Yonan, Butch Warren, Bob and Nicola Cuty, Mel and Brod Olson, Wendy and Tom Murphy, Bob Bodin, John Malinoski, Duane Potter and Scott Fletcher.

Minutes of June 8th, 2021. **Motion** was made by Mike Garnich seconded by Bill Bodin to approve as amended. **Motion carried.**

Treasurer report by Kelly Warren. Checking \$76,231.62; Equipment \$5,399.45; Room tax \$2,207.17; Contingency Fund \$20,001.68 and tax levy Savings \$129,601.33.

Citizens concerns and comments – There were none currently.

HFNP fencing update. Don Jenicek has contacted Landmark Conservancy. Erika Lang recommended a maximum height of 5 feet tall, 10" off the ground to allow wildlife passage, smooth fence and 4" gaps in the fence. The Town Board has received correspondence from Steven J Slawinski an attorney that represents the Walls, the Connors, the Houses, the Egglestons, the Kasiskes, Monna Suerth and Sue Denuncio. These clients object to the Town's plan to erect fencing stating that it would constitute unlawful and tortious conduct on the Town's part. They will be filing a notice and claim against the Town if the Town continues to pursue its plan to erect the disputed proposed fencing. Don Jenicek contacted the Town's attorney John Carlson and he stated that several of the neighboring properties are asserting easement rights, including folks who do not even own property within the subdivision. Once the town receives the Notice, it will need to be tendered to the town's insurer. The town's insurer will then appoint counsel to represent the town.

Mike Garnich stated that if there is indeed a legal action if we start to put fence up, they could file an injunction to wait until we have a court decision.

Don Jenicek state that someone has been clearing 400' to 500' into the preserve by Jim Leans driveway. Mike Garnich suggested we schedule a special meeting to schedule a start date for installing the fence.

Citizens concerns was reopened at this time. Maureen Wall talked about more signage. Beret Kasiske stated people are missing the signs for HFNP and the need to enforce hours.

Bob Bodin supports the Board and the Management Plan.

HFNP fencing on Houghton Falls Road is tabled.

Radio tower has been damaged and needs replaced. Mike Garnich stated that we need this to have a safe environment. Costs would be \$2,000 to \$3,000. Wanda Hyde mentioned that ARPA told her that this could be done with their funds or FEMA would help. Mike Yonan would contact FEMA. The County tower would be preferred location. **Motion** was made by Mike Garnich seconded by Bill Bodin to move forward to town repeater and all necessary stuff on County tower not to exceed \$5,000. **Motion carried.**

Review Greg Magnusson subdivision of his property at 77700 Washington Ave. **Motion** was made by Bill Bodin seconded by Mike Garnich to approve Resolution #21-03 vacating section of right of way.

Motion carried.

Charly Ray room tax overpayment issue. **Motion** was made by Bill Bodin seconded by Mike Garnich to pay Charly Ray \$15,60 our share of overpaid room tax and bring to room tax commission at the Chamber that they owe \$36.40. **Motion carried.** This is based on Charly Ray paying room tax on a month stay that should not have been included in short term rental. The funds from Airbnb should have come to Charly Ray and he should have paid the town, which he did pay.

ARPA Grant. We have received \$25,957.80 with the same amount to come next year at this time.

Motion was made by Don Jenicek seconded by Bill Bodin that ARPA funding would be used for the election equipment \$6,000, Radio tower upgrade \$5,000 and fencing \$3,000. **Motion carried.**

Payment of bills in the amount of \$22,397.08. Motion was made by Bill Bodin seconded by Mike Garnich to pay as presented. **Motion carried.**

Road report was given by Butch Warren. It has been too dry to grade or apply calcium chloride. He has been mowing but having trouble with the New Holland using oil.

Discussion took place regarding replacement of New Holland tractor. Tabled until August meeting.

Correspondence –

We have received a notice that our PILT will increase by \$4,339.83 for a total of \$8,285.13 in 2022. Mike Yonan will have average hours of equipment next month.

Wilderness Inquiry, Inc was discussed previously. They have now completed their paperwork for utilizing Bayview Beach occasionally for lunch stops and Houghton Falls Nature Preserve for hiking as well. **Motion** was made by Bill Bodin seconded by Mike Garnich to approve this request. **Motion carried.**

A special meeting is July 28th, 2021, at 7:00 p.m. to schedule when to start Houghton Falls Fencing.

Next monthly meeting is set for August 10th, 2021, at 6:30 p.m.

Motion to adjourn was made by Bill Bodin seconded by Don Jenicek.

Submitted by:

Wanda Hyde, Clerk