

**Town of Big Flats
Special Board Meeting
October 27, 2025**

1. Call to Order: Chairman Meyers called the meeting to order at 10:03 AM.

Present: Chairman Meyers, Supervisor Kipfer, Supervisor Clark, Clerk Horacek,

The Pledge was recited.

2. Approval of Agenda: Motion to approve the agenda by Supervisor Clark, 2nd by Supervisor Kipfer. **Motion Carried**

3. Oct. 21, 2025 Action:

A. Chairman Meyers stated that the action that was taken was not what was on the agenda. The action taken was to be sent to legal. The board should not have approved taking that action.

B. A motion was made by Supervisor Clark to rescind that action taken on Oct. 21, 2025, for legal action on 1339 County Rd. C. 2nd by Supervisor Kipfer. **Motion Carried**

4. Discussion & Action on zoning violation at 1339 County Rd C: Chairman Meyers describe what the issue of a building being built without a land use permit. Supervisor Kipfer asked what would be gained by going to legal over this property. Rich Westover, the Zoning Administrator, stated that he has taken all the steps he needed according to the town's attorney. The landowner Matt Neitzel had not made any attempt to contact him. He also stated that a complaint was filed on Jan. 16, 2025, about a building being built without a land use permit. Rich stated that he had stopped several times to talk with the landowners. But no one would answer the door. So, Rich stopped Matt Neitzel after the town meeting in April. Rich went with Matt that night to the property and told him he needed to file a land use permit and pay the double fine for building without a permit. Matt stated that he would go to the town hall and pay the next day. Matt did not go to pay that fee the next day. Since Matt did not file for the land use and pay the fine, Rich sent him a letter. Rich received an email from Matt dated Aug. 8, 2025. Matt asked in the letter why Rich was sending the letter. He stated in the letter that he had replaced the walls one at a time. Matt

stated that there was a building there before and that he showed pictures of the pre-existing building to Rich.

Rich stated that there was not a pre-existing building. Matt did fill out a land use permit on Aug. 13, 2025 and paid \$200.00. There were requirements for the permit. But this was only after they had a meeting with Matt, Rich, Chairman Meyers and the plan commission chairperson Wendy Goerke. Matt was told he still needed to pay the fines that were stated in the letter dated July 17, 2025. And he had 30 days to comply. As of August 13, 2025 the fines totaled \$800.00. The fines would stop once the building was approved. Or he could remove the building and there would be no fines. At this point he had until Aug. 31, 2025. The final notice was signed for on Sept. 23, 2025. This letter stated that the fine had not been paid and he had 15 days to remove the building.

Rich showed ariel pictures of Matt's land showing there were no buildings years back. In 2015 the picture showed a box truck on the slab. Matt agreed there was a box truck there. Rich showed pictures that he had been given. It was asked who gave him the pictures. Rich stated he didn't know. One of the pictures showed a box truck there.

Supervisor Kipfer asked what the end goal was, was it \$800.00. Rich stated, no it now needs to go to the attorney. But there are still fines that would be added up. The attorney will send a letter to Matt and give him 30 days to comply. If he doesn't comply, it will go to court. Rich stated that Matt did agree to the letter at the meeting on Aug. 13, 2025. But he never did what he agreed to. Rich stated he recommends that it should go to legal, since Matt has told Chairman Meyers that he has contacted an attorney.

Supervisor Clark stated before they decide what to do, he would like to hear from Matt Neitzel. Matt stated that he had removed the box truck in 2019. After that he poured a concrete slab to build a woodshed to put his wood boiler in. Larry Beck told him it was fine to remove that to put a shed because the box truck was considered an outbuilding. It took him a while to be able to get the material. The building has been up for two years. He stated he just put the roof on last year. It had a tarp on it for over a year. Supervisor Clark asked Matt if at any point did, he get a land use permit. Matt stated that he did not because Larry Beck told him he didn't need one. Matt asked what ordinance he broke, because there was no ordinance number on any letter. Matt said according to state statues there must be an ordinance number on the letter and must go before the board before sending

out a letter. It was stated that that would have to be answered by an attorney. Rich stated that he had signed an Oath of Office when he took the job. Matt said “no you’re taking it “personally” because I lied to you. Rich said “well, I am now, yes.” Rich, stated he was going with what Supervisor Kipfer said, “when someone lies to me your credibility is no longer there.”

Matt stated that the letter said if he couldn’t pay in 30 days. He needed to get a hold of Richard Meyers. He tried several times. Rich stated he should have gotten hold of him. Matt stated that the letter was signed by Richard Meyers, he was to get a hold of Richard Meyers not Richard Westover.

Chairman Meyers asked the board what they wanted to do. Supervisor Clark stated that Matt keeps saying he isn’t going to pay the fine, and he isn’t going to take the shed down. Matt stated that he thought he had done everything right because Larry Beck (he was on the plan commission) said what he did was okay. Supervisor Clark stated that if we were in a court without an affidavit there is no proof of what was said, (from Larry Beck) it would be thrown out.

Matt stated he did not bring any of his information that he had taken to the lawyer. He did not hire a lawyer, and he told Chairman Meyers that. But he has a statement that his mother signed because she was there in the driveway in April. It stated that she heard Rich Westover state that it was done and he would not bother him anymore.

Supervisor Clark asked Matt if there was a way that this could be resolved right now. Matt stated that he has been telling Chairman Meyers that he wants to settle this at the town level. He would like his land use permit signed, because he paid \$200. As for the \$800 he tried to get a hold of Chairman Meyers, before the due date, but Chairman Meyers was on vacation. Chairman Meyers did send Matt a text saying he would get back to him. But he didn’t get back to Matt.

Rich Westover stated that Matt did agree to settle this and Chairman Meyers signed it. Matt stated that he had three options. Then it was said that #1 & #2 went together. Supervisor Clark stated that he wants to put an end to this. He asked Matt what we can do to settle this. The town is not out to make money on this or get an attorney involved. Matt stated

again he would like his land use permit signed, and this should be a learning lesson for everyone. Those things need to be brought before the board correctly.

Clerk Horacek stated that Matt did pay the \$200.00 fee and fine. She asked him if he had agreed to #1 & #2 since they were circled on the letter. Matt said he agreed to #1, then Wendy stated that he had 3 options then said I'm sorry #1 & #2 go together and circled them. Which Matt said then he was confused. She told him if he couldn't pay the \$800.00 in 30 days to let Richard know. Matt did try to get hold of him.

Chairman Meyers stated that the point was that 1&2 were explained to Matt and they did discuss it. Richard Westover stated that at that time he did agree to pay the \$800. Chairman Meyers said, correct. But Matt didn't have it on him at that time. That is when Wendy agreed to give him 30 days.

Supervisor Clark asked what the board would be comfortable with as a fine. Chairman Meyers said to keep in mind that that at \$50 a day the total was well over \$1500. This is why it was reduced to \$800. Supervisor Kipfer asked when Matt tried to get a hold of the chairman. Chairman Meyers stated that he was on vacation and by the time he remembered it was days after the deadline. Then it was asked if anything had been paid. Clerk Horacek stated that she hasn't received anything. Chairman Meyers stated that when he did talk with Matt he only talked about why he shouldn't be paying the fine. It was agreed that as soon as the fine was paid Rich would sign the land use, after he went to measure where the lots lines are from the building.

Richar Westover stated that he felt that the resolution should be to pay \$800. And the cost between himself and the clerk for all the time that has been put in on this of \$300. Supervisor Clark asked what Matt would be able to pay in the next 48 hours. Matt stated that he'd be willing to pay \$300 and have his land use permit signed.

Brandon Beck asked why there would be all the zoning if people were going to this and just do what they want and just pay the fine. Then it was asked why this is any different from any other case. Others had to tear down a building. Another one didn't agree, and he went to court. Rich W. stated that everyone has the option to go before the board. Matt has had enough time to go before the board. But he didn't. Rich Westover stated that he feels this should still go to court.

Supervisor Kipfer stated that we have spent a lot of money on attorney costs so far this year. The town could end up with nothing. Which is what has happened. Chairman Meyers ask if the board would like to settle without going to legal. Supervisor Clark stated that he feels that \$700 should be paid. He asked Matt if he was okay with that.

Supervisor Clark made a motion of a \$700 fee to be paid within 48 hours, 2nd by Supervisor Kipfer. **Motion Carried**

Matt asked Rich Westover if he would then sign the land use permit. Rich said he would come out to take all the measurements needed to approve the land use permit.

5. Discussion & Action on replacement Dump box and Sander box for Ford: Supervisor Kipfer received a quote in the amount of \$28,591.15 from RTR. Monroe Trucking was over \$42,000. And up to 1 year out. Chairman Meyers stated that the Town of Rome had a 1999 with about 127,000 miles and another 1998 with about 120,000 miles. He would like to have them investigate these and go that route. Leo Beck asked why 3 trucks are needed. Chairman Meyers stated that it's to have a backup in case one goes down. A motion was made by Supervisor Clark to sell the Ford Truck and search for something else. 2nd by Supervisor Kipfer. **Motion Carried**

6. Announcements:

- Next Plan Commission meeting: Oct. 28, 2025, 6:00 PM
- Next regular town meeting: Nov. 11, 2025, following the public hearing at 5:30 PM.

7. Adjourn: Motion by Supervisor Kipfer, 2nd By Supervisor Clark. **Motion Carried**

10 people signed in

Terri L. Horacek, Town Clerk