

THE TOWN OF CHENANGO TOWN BOARD MET AT WORK SESSION ON WEDNESDAY JULY 25, 2018, AT 5:00 P.M. AT THE TOWN OF CHENANGO TOWN HALL, 1529 NY RT. 12, BINGHAMTON, N.Y.

PRESENT: Jim DiMascio, Deputy Supervisor
Russell Hemedinger, Councilperson
Gene Hulbert, Town Councilperson
Terry Kellogg, Town Councilperson

ALSO PRESENT: Donald G. Walls, Town Attorney
Lizanne M. Tiesi-Korinek, Town Clerk
Michael Kwartler, Highway Superintendent

Department Head Reports

Michael Kwartler – Highway Superintendent

- Milling – Montague, Avalon, Riverview, Whitcomb, Duchess, and Peninsula – the whole development down there was scheduled for the month of June. However, due to a UFPO requested by NYSEG the work could not be done until Monday-only half of it done and the rest will be completed as soon as possible but we have had a few rain delays. Chenango Bridge Park did get paved today.

Jim DiMascio was very pleased for that to have happened.

Mike Kwartler just wants them to be aware that it is very wet down there and that they need to check it first thing in the morning to see if Music in the Parks can take place down there or if it needs to be moved to Hider Park or re-scheduled.

- Installing two new drywells – One on Wightman Dr. and the other on Wallace Road down in the bottom where all the water collects. He has checked that area everyday to make sure with all the rain that we have had but it seems to be working fine.
- Strip Patched – E. Hill Rd., N. Brotzman and started on Dimmock Hill Rd. They are all going to be getting stone & oiled later in August.
- Rebuilt Catch Basins – Councilman, Montague, Matthews and two on Stever Drive that were in disrepair and collapsing. Still have a few more to do.
- Replaced 30 feet of 18 inch pipe on E. Hill Rd.
- Sweeping, mowing and patching continue on a daily basis.
- Chipping this year – we have had at least 2 days of straight chipping every week– taking up a little more time than usual.

No issues with any water even though we have had quite a bit of rain. SEFCU parking lot yesterday was about 6 inches from flooding but luckily the rain stopped.

Alex Urda – Town Engineer

- NY Rising Update – Karl and John reached out to Alex, Jim & Tami about some paperwork that needs following up on – One piece Wendell already completed and Jim had to sign another document. They also asked for our review forms which we had from Wendell – Alex only had two of the four so some had to be re-done. Alex will e-mail them out tomorrow. Alex received an e-mail today that they have a third party auditor

who wants to audit Wendell's costs – The cost benefit ratio has Alex a little nervous. He will update when he knows something on it.

- Alex re-inspected 125 Kennedy Rd. The owner said he could go back in so he went back and updated his report based on the latest NYS Supplemental. So whatever you needed on that is all set with Scott now.

Mr. Walls would like a copy of the report to start the condemnation process. Alex will get it to him.

- Hazard Mitigation – Jim, Mike, Joy and Alex met this morning to wrap everything up on it. It has to go to the County by the 3rd.
- RFP's for the design work on Wallace Road and the Salt Barn Roof-he will get those back to us by Wednesday so that should give a little time to look at it before your next meeting. Alex wants to know if he could get a vote at that meeting if he gets everything to the Board in time? He will e-mail everything to the Board and Don Walls so it can go to vote at the Town Board Meeting for August.

Don Benjamin asked him if he could add to his list to do the sky-light panels in the Compost Barn-they are past their life and really deteriorated. That falls in the same routine as he got a quote for those with an approx. cost of \$40,000.00. They are an odd size. He may have to do the same thing with that and put out an RFP.

Russ asked if it just a straight replacement or do you have to do something different?

It exceeds the threshold to where it needs to be bid out, but it is a replacement. It is unfortunate as it is just a single item.

Terry was wondering if he could just buy them outright and contract for labor to do it? Russ thought it needed engineering. Alex said it just needs a bid package to be bid out because it exceeds our allowance. Russ asked if it was within Alex's scope. Alex told them no. Further discussion was had amongst them and Alex will check on a few different avenues and get back to Don Benjamin and the Board.

Terry Kellogg –

He is going to meet/interview on Friday afternoon with the ERB Alternate and he will report back to the Board.

He wants to talk about the Oliver Blaise report. What date does the rest of the Board have on their minds for a release date? He will be coming to our work session on the 8th of August to present. Does anyone have an objection about releasing it as part of Monday's meeting and then having it on the website for availability?

Gene Hulbert – He thought that the information was to be gotten together and then they would get together all the questions before we released it. At the last work session he thought Terry was going to be getting the supporting documentation to him for backup.

Russ Hemedinger – Terry, I believe that you said that to Gene. Russ has all his questions ready.

Gene Hulbert – All the documents that Oliver reviewed, you were to get them so that he could see how he arrived at his answers to the questions.

Terry Kellogg – The basis -95% of the Report questions, that were a question that he answered were in an e-mail from Terry. They were questions that were accumulated. There was not an underlying documentation that formed any detail to it. The part that Terry does not have were the questions that came up during the meeting with the people downstairs and the Ordinance Office-having to do with procedural issues. He is just confused on what extra details/documents that he could give to Gene.

Gene Hulbert – That is what you were to find out-what other documentation that he could share with us. How/Why he answered the way he did. Also, you were to find out if any of the information was privileged.

Terry Kellogg – He said no on that.

Gene Hulbert – That is what he was waiting for before he sent any of his questions. Especially if there were to be any changes/revisions made to the document.

Terry Kellogg – He feels that if Gene has any specific questions that maybe it would be quicker/cleaner just to contact Oliver yourself. He is still confused on any other information that he is going to get. The Ordinance Office/Scott's Department asked specific procedural questions and those are spelled out in the report. If that is something you would like to get from Oliver – do we ask like for minutes from that meeting from both the Zoning and Ordinance Department? We just want to ask for the underlying documentation that leads to his report?

Gene Hulbert – Yes, if I have a questions on that, as he doesn't want to spend an extra \$600.00 - \$800.00 of his time that we get billed for, if the answer is already in his document that he could just have e-mailed out.

Terry Kellogg - Ok, he can do that.

HIGHWAY

Gene Hulbert –

No Highway Report at this time.

BUILDINGS, GROUNDS & PUBLIC WORKS

Russ Hemedinger –

The men's room floor in the garage is being done today. The tile is laid, it just has to be grouted.

The alarm system– Syracuse Time & Alarm did their thing. He doesn't know if Sentry has done their part yet. He has not heard back from his source.

Don Benjamin sent them all an e-mail on the garbage pricing. Going with the County it would cost us 23% more on their contract.

Gene Hulbert – Do we just do an RFP?

Russ Hemedinger – Can we just ask him for a contract or is that not ok?

Jim DiMascio – I just don't understand why we can't. This is a healthy dialogue. The more he thought about it. He knows that there was controversy with both of those two parties and he is not sure who a third or fourth hauler is beyond Taylor– his is sure that there are others out there.

Gene Hulbert – There are others out there and he has called everyone out there in the phone book, internet anywhere out there and he was told that none of them service the Town of Chenango other than those two.

Jim DiMascio – One of his personal comments is – obviously there were ethical situations that were reported in the paper and to all due respect to the Adams Business, it is here in the Town of Chenango, their personal residence is here in the Town of Chenango. I think there is something to be said for supporting our local businesses. If we know now that we are getting a fair price – 23% savings off of Broome County's Contract, which you would think would have been more cost effective based on its scale. His point of view – he appreciates we need a contract but if we know we are getting a good number why don't we stick with our local, tax paying business.

Russ Hemedinger – It seems like a very reasonable thing to him.

Gene Hulbert – It may be reasonable but he is just going to have to voice his opinion on the whole issue. The price of the whole thing is not the issue. It is why it's priced where it is. Four years ago the service was two to three times what it is. The service got cut in half so the collection times and amounts got cut in half and the prices were raised. The prices that were cut and raised were done criminally.

Russ Hemedinger – Asked are you talking about the Town's account with him.

Gene Hulbert - He is talking about the Adams policy for what he was doing.

Russ Hemedinger – But we have no idea what that impact was on the Town's account.

Gene Hulbert – He is addressing Jim's comment on the whole ethical thing. That really bothers him. It bothers him that the Town would do business with a Corporation- local or not – that has that business practice and the ethical ability to do that!

Cindy O'Brien – She would have to say that Taylor has done the same thing.

Gene Hulbert – He gets it but he just does not like the idea that the Town has to engage in it. It is not right at all under any circumstances for that to happen.

Terry Kellogg – Brought up the fact that we still use Spectrum and they just got fined. He thinks you have to put it in perspective of what the entities that punish them, decided to punish them but we still have to purchase services and materials from who we have. We don't have a morality policy here.

Jamie Szenher – There is no other garbage service in this area.

Gene Hulbert – The Town of Chenango could be doing garbage. We could take our own garbage. We don't need a garbage hauler to do that. Spend the money for a garbage truck and do our own garbage and take it to the landfill.

Jim DiMascio – Reminded Gene that we have dumpsters at the Parks.

Gene Hulbert – Said to buy them then.

Mike Lumsden – Asked Mike Kwartler is that feasible.

Mike Kwartler – Not for his department! He has June, July & August to get done what he needs to get done. Unless you plan on hiring a bunch of new guys and buying garbage packers at \$350,000.00 each as Town of Union just bought three new ones. You need to have more men. We can't do that. We can barely pick yard waste up. The Town of Union has full time garbage-that's all they do is pick-up garbage. Highway and Garbage are Separate.

Russ Hemedinger – He understands what Gene is trying to express. However, we know we are getting a good price from Bert Adams. We spent the time to check it out and you could not find anyone to service us. To him you hold your nose and try to get an agreement with Bert Adams.

Jim DiMascio – He is in agreement. We start a contract with Bert Adams.

Russ Hemedinger – We just don't have the resources to start handling garbage. It takes time to take stuff up to the landfill etc.

Jim DiMascio – Maybe as part of a compromise we give ourselves a six month contract to try and look at other options. One of things is that we do not have a contract. Just too kind of get us over the hump and have a contract on the current prices so that we have time to evaluate other options.

After further discussion everyone seemed to be in agreement. Russ wants Don Benjamin to

contact them (Bert Adams) and see if we can get a contract that will get us to Spring/April 2019 so that we can check into further options.

Jim DiMascio said just have Don open-up a dialogue and make sure it gives us a period of time that we are comfortable with so that we can look at other options to make sure we are getting the best deal.

Frank Carl – Just wanted to give the Board a scenario of what happened one time when he called Verizon wanting to add something to his phone. They told him he was on an antiquated phone plan and his bill went up like crazy. He really hopes that this does not happen when you open this up. Bert is going to look and say I am not charging them nearly what I should be charging. You want a contract well here you go.

Russ Hemedinger – Well the worst thing that would happen is that it would be approximately \$100.00 more a month if we went with the County.

Gene Hulbert – The other issue is that we are not operating within our own rules and requirements of the Town by not having a contract.

Mike Kwartler – Why don't you just leave it alone until he raises the price? If it's 23% less than the County wouldn't that make sense? You are getting a good deal. If it isn't broke don't fix it. You are paying 23% less right now than the County and that's your only other option, so why are you pushing it? If the bill goes up then make the phone call. Why do anything now?

Gene Hulbert – Because, we have to operate within our own requirements on contracts and procurement.

Jim DiMascio – We just don't have a contract for that service. Everything else, like the floor mats, we have a contract on. So that's all we are trying to do. Just trying to formalize it.

Jim DiMascio –

So going through the list of items on the Agenda:

- NY Rising – Alex gave us the update
- SEFCU – Jim sent the letter exactly one week ago to Mary at SEFCU. He was going to wait till Friday to call her for any feedback.
- ZBA Appeals/Forms – we've had that discussion and we do have Oliver schedule for our first work session on August 8th.
- Disaster /Emergency Preparedness – work in progress.
- ERB Alternate – Terry taking care of
- Hiring of Constable/Snow Parking Tickets – Hired Brian Evans. Resolution for September meeting.
- Mr. Bush – Willette Rd. property. Russ Hemedinger - The question came up why we owned the property. Mike and Lizanne came up the reasons and we have no compelling reason to keep it. The question now is do we want to put it out for bid/auction? It is up for us to decide. Mr. Bush apologized that he could not make it tonight but relayed to Russ that he is still interested in purchasing it. So the question is do we want to sell it in general, not just to him? The upset price that Scott gave us was \$500.00 and they discussed that by the time they advertise it- a couple of legal notices etc. – it will probably be more than that. Do we mow it? Mike said it is so narrow. We don't need it-it's worth nothing. We do not mow it. The only investment that the Town has was the tear down costs. Gene wanted to know why we couldn't recoup the demo money. There is no harm no foul. Nancy Schnurbusch, Town Tax Collector, spoke up regarding the demo – it is placed on the Taxes and the Town is made whole so the County is the one who is left holding the bag and we purchased it for \$1.00 so the Town is not out the money. Now since we've owned it it's been wholly exempt so now if he purchases it, he will pay taxes on it. We would put it back on the roll. Jim thanked Nancy for her input and said he was in favor of selling the land. The rest of the Board agreed to move forward on the sale. They asked Mr. Walls what he needed to proceed. He needs the description of the property and he will start all the legal paperwork to move forward. Further discussion was

had on the sale price and they agreed to \$500.00. Alex Urda, Town Engineer, brought up the fact that we probably should retain the right to the road. Mr. Walls said we can reserve all rights to the road. Russ said it doesn't look like we are going to proceed by the August meeting. The Board agreed but keep him informed that we are proceeding forward with all the legal formalities. Jim said probably it will be done at the September Board Meeting. Lizanne was instructed to find the Moore Litigation File and find the Court Order for the road.

- Chenango Bridge Park – Don has reached out to all parties involved by email – Bush Family, CB Civic, and Board Members- involved with the potential playground development. It is scheduled for Thursday, August 2nd; it is a kick-off meeting and we will go from there. There is no scope, there are un-answered questions on the application, those issues have to be resolved and developed so that is why we are bringing the parties together and to get the process started. Cindy O'Brien asked if they have spoken with Fred to see if there is a time frame. Jim told her yes and that Robin Alpaugh is our contact. Jim believes that Robin has been invited to the meetings as well to keep the Senator up to date on things.

Jim DiMascio – Insurance

Don Patterson from NYMIR mentioned Cyber Security Insurance. Businesses, Hospitals etc. have been held hostage, etc. Would you be interested in having him come and discuss this situation with us? Give us the baseline etc. Gene said his IT provider has protection against it. Check with ours to see if they have that in effect. Jim will set that up for some time in August.

Russ Hemedinger – He wanted to go back and discuss the Oliver Blaise report. He wanted questions ahead of time if we had any. We are not going to meet again until the Town Board Meeting. Russ feels that we should give him our questions so that he is prepared because the next time we meet beside the Monday Town Board Meeting will be with him on the 8th. Jim agreed and with regard to Gene and his request, he isn't quite sure what he is looking for as he has extensively read the report and does not know what additional information you are looking for. Gene felt that there were two or three areas that referred back to the documents that he reviewed or were presented for it. Gene does not have those. Jim understands but to Terry's point, if there are just two or three things, is it something that you can highlight and send back to us so Terry can get it to you. There was further discussion back and forth between the board members. They also discussed when they should release this report to the public so that they had time to look it over. Mr. Walls felt that as a courtesy it should be released to the ZBA Board Members and the Ordinance Department.

Aleta Kinne – She feels that the ZBA Members and Ordinance, who were interviewed, that they should be able to see the results before it goes to the public. They were the ones interviewed.

Jim DiMascio – He does not disagree with her. The only reason he is pausing is that he doesn't see the difference in releasing it to her or the public.

Russ Hemedinger – He definitely agrees. Once it gets released, it goes to all.

Jim DiMascio – In his heart he just does not see why they can't release it.

Don Walls – To be technical, he feels it is foible right now as it has been given to him. He just feels that you should copy the ZBA as a courtesy.

Terry Kellogg – He would like to share this thought. The whole entire process was to make sure that we were complying with the laws that we know we have to comply with and that we were following the Town's procedures and the State Department's procedures for doing variances and things of that nature. It was not intended to investigate actions on a specific matter. He thinks that is where you were probably wondering were we criticized for making a wrong decision on a specific case. It's not down to that level of detail. It's more in generalities of-is there interaction between the Zoning Board and the Ordinance Office? Is there the ability for someone to file an appeal of the decision of the Ordinance Officer pursuant to State Law? It is very matter of fact. He feels once it is out people will realize that it is procedural review rather than specific case

review. He thinks that is important.

Nancy Schnurbusch – So moving forward, if it is procedural and we are not doing things appropriately wouldn't you want to give the Department and the ZBA members this information so moving forward we correct what is not correct. Because right now we are not correcting what is wrong and that is doing our Department and/or the ZBA an injustice as well as the tax payers.

Terry Kellogg – The sooner the better

Mike Lumsden – His intent and all he really cared about was that things were fair for the people. That's all he cared about. If it's good for one it's got to be good for the other. You can't just look at something and give it over there. As long as it's fair. Oliver straightened him up on a couple of things that he had wrong and he is ok with that. Just do it the right way. He doesn't think anyone should be personally attacked for it.

Terry Kellogg – If Don feels its foible today then why don't we release it subject to final revision.

Jim DiMascio – He would like to dovetail off of it – to Aleta and Nancy's point – he would like to assure if we e-mail them giving copies directly to each ZBA member and Department, then we can post it on the website as a public document at the same time.

Frank Carl – He feels that too much early release to the Board is going to give the public the impression that you had a lot of opportunity to "spin it" and I don't think you want to give them that impression. He thinks you want to get it out very quickly so that they don't think well you guys have been messaging this a little bit before we got it. You just want it to go.

Mike Lumsden – He agrees with Don that he could have foiled it but he didn't out of respect for everyone, even the people working in those departments. Just let's fix it.

Don Walls – The public's business is the public's to know. And this is the public's business.

Terry Kellogg – So to effectuate this – since he was the recipient he can forward a copy to the clerk electronically and then that process will commence immediately tomorrow?

Don Walls – Agreed that would be best.

Russ Hemedinger – So with regard to all of our questions – do we just all want to e-mail them directly to Oliver so he has a heads up on it.

Terry Kellogg – Feels it would be fortuitous for all of us to at least have him see what the questions are that might be coming at that meeting so he is prepared to answer them.

Jim DiMascio – I would suggest that we "cc" each other so that we are all prepared.

Gene Hulbert – So when we were first talking about schedules of when this was first to be done, we were looking at the end of June to receive it and have a couple of weeks to review it and sometime like the 18th to originally have this meeting and now it will be August and we are way past that deadline. So he is not comfortable in extending this out. He does not have any issue with or anything wrong in this but he knows there are some things in this that the residents are not going to like because of the answers. He was surprised by some of the answers but he is not saying they are wrong. That is some of the things he needs from Oliver to substantiate why it is the way it is. He does not see a lot of detail to the reference material. So it is what it is and he has no objection to it being released as he does not see anything technically wrong or what he can say is wrong.

Jim DiMascio – So it will go out as of tomorrow.

New Business-None

Jamie Szenher just wanted to make sure everyone was aware of the nice article in the Press & Sun

Bulletin on Hal Snopek this weekend.

Aleta Kinne – She knows in the past the Board has done a Resolution of the persons work. Did it ever get done with Hal?

Jim DiMascio – Well he didn't know if that happened. Usually when a person retires we do a Certificate of Appreciation.

Gene Hulbert – Doesn't have any issue to something being done.

Jim DiMascio – Yes, thank you we will look into it.

There being nothing further, the work session was adjourned at 6:04 p.m.

Respectfully Submitted by:

Lizanne M. Tiesi-Korinek
Town Clerk, Town of Chenango