

THE TOWN OF CHENANGO TOWN BOARD MET AT WORK SESSION ON WEDNESDAY JUNE 20, 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  
Don Benjamin – Director of Public Works  
Alex Urda – Town Engineer

## **Department Head Reports**

### **Don Benjamin – Public Works**

- Floor in men's room in Highway Garage – all tiles were coming up so Mike Kwartler had them all removed. Don has attempted to get at least two (2) estimates on retiling the floor. Only one (1) contractor has gotten back to him with an estimate of \$3,741.40 from Pro-tile. After much discussion on this matter Terry Kellogg is willing to check to see who the County used and mention was made to have John Freer in the Ordinance Office take a look at it as that is what he use to do. They are going to give it another week to see if they can get at least get two viable quotes.
- Summer crew is working out great – hired 2 young college gentlemen. A lot of the mowing has been taken care of so they've been painting fire hydrants as well. Also they are in the Cemeteries leveling some of the headstones.
- Roadway down to Chenango Bridge Park should be paved next week. He is just waiting for a call back from the blacktop company.

Jim DiMascio asked for an update on Harold Guernsey. He was in to visit us. He had clots in his lungs and kidneys. He looks a lot different, he's lost a lot of weight but he will be alright. He has to go through physical therapy. Don is guessing he will try to return by September/October. So for what he has been through, he is doing great and it was good to see him.

Mike Lumsden just wanted to let the Board know that Don was kind enough to contact him with regards to a tree that needed to be taken down in the Maplegrove Cemetery as it bordered his property. He has no problem with it coming down and it can be dropped on his property if need be and he is perfectly fine with it.

Don explained to the Board that there was a concerned family member who has a member buried there and they were concerned that the tree might fall on the head stone.

Gene Hulbert – He just questioned Don on what the \$11,600.00 expenditure for fence was. Don explained that it was for fence replacement at the NG Sewer Plant and that they did an excellent job.

### **Alex Urda – Town Engineer**

Got an email from John Groom regarding NY Rising? He says we are all clear for Wendel. He believes that the response was that Alex could go no vacation next week!! Alex still needs to double check on one thing with him. He reminded the Board that he will be gone from June

25-July 5<sup>th</sup>. He will have his phone on him if you need to get a hold of him and there is a nearby Café that has Wi-Fi.

ERB alternate – Alex spoke with Scott in regard to the ERB and why use variances are covered through the ERB. Alex explained why he feels we should continue what we are doing and the direction we are going in. He wants to make sure that he is not putting us at risk on SEQR. The Board and Alex had further discussion on this matter. The consensus was to keep things consistent. Start a policy and stick with it.

SEFCU drainage – Alex gave Jim the drainage sketch yesterday and after reviewing all the numbers he still comes up with a price around \$37,000.00. Discussion was had between Jim and Alex as Jim will be the one communicating with SEFCU on this matter.

The two proposals- Alex reviewed them with the Board members as Russ was absent last week. Discussion was had between the Board Members and they came to the conclusions that these two projects would go out to design/bid and Alex's role would be to oversee these projects as Town Engineer only. Alex was ok with things and he will move forward.

**Terry Kellogg –**

Nothing to Report at this time but he does have a personnel matter that he would like the Board to go into Executive Session at the end of the meeting.

Just as an update the ZBA members met with Oliver Blaise yesterday so we are on track and he will be in contact with Oliver as to when he will be ready to present to the Board. Russ asked if the meeting was Public or not. Mr. Walls responded that it was Executive Session.

**Gene Hulbert –**

No Highway Report at this time. He just wanted to make sure that everything was in place with NY Rising and that nothing had to get taken care of while Alex was on vacation. Alex said he just has one question/e-mail that John Groom did not reply back to him on and he wants clarification.

**Russ Hemedinger –**

All the Alarm work has been done in the Highway Garage and now we have to work on scheduling with Mike and Don and get the system working the way it is supposed to. Jim asked about the Fire Alarm working properly. Don said the work was supposed to have been done. Don said all the fire alarms have been tested and they are working properly. Terry asked if we got a report on this. He knows we are supposed to be given one after the testing is complete. Possibly it was give to the Ordinance Department/John Rudy. Russ will check with Scott to see if they received it.

Also, he received an extended warranty bill from Matrix wanting to know if we wanted to extend the warranty on the phone system-\$1800.00 for a year. It covers all repairs, replacement, everything – all inclusive. Discussion was had between the Board on this. They asked Alan Blyth what he thought on it. He said that we probably would not have problems for at least four to five years from now and what probably would go would be the voice mail it will not be the main system. They all agreed to not extend the warranty.

**Jim DiMascio –**

Nothing under safety but just to remind everyone that Music in the Parks is just two weeks away.

Don Benjamin – He wanted to bring up just one more thing. It has always been the past practice of the Town that in the past if one of the Youth Groups in the Town wanted to put in a new playground that it was the understanding that if they raise/come up with half the money for it the Town would match the other half. For example if they want to put up a playground that was \$10,000.00 they would come up with half that and the Town would supplement the other half. It has always been that way. Is that something that we still want to pursue because Chenango Bridge Civic wants to get a playground system that is \$20,000.00. They are trying to raise

\$10,000.00 and they want to know if we still do the policy where we match the other half.

Gene Hulbert – He does not know if that is in the Budget line item. We have reduced that line significantly over the last four years.

Russ Hemedinger- Do they want to do it this year?

Don Benjamin – No, if it was an accepted policy it would have to be budgeted. He just needs to know if that is something that we still want to do.

Jim DiMascio – I would just be concerned using the word “Policy”. He would rather say each situation because the monetary values could be so dramatically different. He did one in Castle Creek and he remembers working with Harold and the Board but he feels it should be on an as needs basis. To review the opportunity as they could as for \$10,000.00 or they could ask for \$50,000.00. God Bless them if they can raise half but our half is the important part. He would encourage any one of the groups to do what you are doing now and that is to give us an update now and let us digest it and then see if we want to put it in the Budget for the following year. Jim thought that they should give us a written/formal request and we can then take it under advisement. Everyone agreed.

Alex Urda – He also had a quick question on the DPW projects and referred it to Gene Hulbert as to what would be a realistic time frame normally he gives the designers four weeks. Does Gene think three weeks would be sufficient? Gene did not see an issue with three weeks. The Board also agreed that if they needed to pass anything on these two projects at work session it would not be a problem.

## **Resolutions**

Resolution and Order After Public Hearing in regard to Joint Increase and Improvement of Facilities of Sewer Districts Nos., 2, 3, 4, 5, 7, 7A, 8 & 9, offered by Russ Hemedinger, seconded by Terry Kellogg and carried by the following roll call: 4 Ayes, 0 Nays.

Bond Resolution Appropriating \$21,200.00.00 for the Joint Increase and Improvement of Facilities of Sewer Districts Nos., 2,3,4,5,7,7A,8 & 9, offered by Gene Hulbert, Seconded by Terry Kellogg and carried by the following roll call: 4 Ayes, 0 Nays

Resolution Appointing Clerk to Justice Court, Kendra Maslin, offered by Russ Hemedinger, Seconded by Gene Hulbert and carried by the following roll call: 4 Ayes, 0 Nays.

Mr. DiMascio asked if anyone wished to speak.

Mike Lumsden – E. Hill Rd. – He was present at the last ZBA meeting and once again it was a display of how poorly the ZBA chairman conducts a meeting and represents the Town of Chenango. He started the meeting out by reading a very long statement that he prepared to counter recent criticisms that myself and others had made towards him and towards the process of the ZBA. The statement went on for quite a while and he was adamant that his words would be recorded and placed in the minutes. But remember that he did everything he could to keep my statement as well as his remarks to me off the record in the February Meeting. The citizens that were there in attendance for their variances were very confused and did not understand what was going on. He chose not to respond to the Chairman’s statement out of respect for the citizens that were there to obtain variances. The Chairman should have shown the same respect and kept his statement for the end of the meeting like he had arranged for me to do in the February Meeting. After he had finished reading his statement, he gave no one a chance to respond and moved right on to the first case. In the very first case he told the people that they received and unfavorable review from the County and the Town Planning Board and they would need a super majority vote. He made it obvious to everyone in the room that he would not vote favorably. The applicants challenged him on this point and the Chairman was adamant that he knew what was going on and that he was correct in this matter. The Chairman’s m/o is to try and make jokes and laugh things off. They are not funny to the applicants that are there. At one point during this exchange the applicants asked to speak amongst themselves in the hallway. They were granted permission to do this. While they were out of the room the Chairman once again displayed his lack of procedure

and turned to only two of the ZBA Members and started whispering and carrying on a conversation. This put the other two members in an awkward position. This once again proves that he does not follow procedures correctly. This is a Public Hearing and all the people in the room from the person taking the minutes to the Town Councilman which is Terry Kellogg and the other ZBA Members and most importantly the Citizens of the Town of Chenango are supposed to be hearing what is being said. The Applicants came back into the room and they said that they decided to come back next month. In the second case of the night, the Chairman once again tried to put restrictions that the ZBA is not authorized to do upon the Applicants. He made the statement that he would vote their way but reminded them that the variance went with the person not the property. Once again, he was wrong. One of the other ZBA Members tried to correct him in a very professional way but the Chairman was adamant that he wanted it the other way. Again, the Chairman was wrong. It was only after the second ZBA member corrected the Chairman that he finally and reluctantly went along. Mike would like to give credit to the other ZBA Members that they illustrated that they do understand the correct way and are trying to follow the correct procedures. Mike feels that this Chairman does not understand it or he fully understands it and chooses not to follow the procedure the right way. He demonstrates on a regular basis that he is going to do it his way, regardless if it is correct or not. Remember he has done it for 30 years! Mike has given you a letter from a citizens that illustrates how rude, unprofessional, condescending, pompous that this Chairman is towards people that he may not like. Many times he makes statements that he was a School Teacher for 30 years and had the people attended his class, they may be more educated and not make "English" mistakes. Mike has given the Board Arthur Griswold's statement. Mike uses his name because he has given him permission to do so. Mike met with his wife and children and they seem to be very loving parents and hardworking citizens of this Town. There is no way they should have been subjected to the rude behavior from the Chairman. There were other citizens in attendance that night with Mr. Griswold including ZBA Members and Town Councilman that can back up Mr. Griswold's statement. The Chairman of the ZBA has always stated "We have always done it this way". Mike has reviewed previous years of ZBA minutes, going back prior to this Chairman's tenure. Mike has gone back and read the 60's, 70's & 80's and he assures you it has not always been done this way. The Chairman may think he is doing it the right way but it is not and it needs to be corrected! The people in this Town know when they are being insulted. The one thing that everyone agrees on is that nobody should be in that position for this long. In the past Mike has made statements that this Town Board did not create this problem. However, it is your responsibility to correct it! He and many other citizens of this Town urge you to address this issue as soon as possible. In the statement that the Chairman made that night at the ZBA, he kept reiterating that there is one citizen in this Town that has a problem with him and he looked directly at Mike. If he feels so strongly that Mike is the only one, he urges him to come to this work session and He is sure that Mr. Griswold and other people will come but he feels a bigger room will be needed. If he wants to keep making statements like he did and nobody can challenge him. Then Mike urges him to come here.

Thank you. One more thing, Mike has been coming to all these meeting and we have hired an Attorney to look at some of this stuff – the correlation of the ZBA and the downstairs office. He sat here one night when Terry brought up the fact that and he asked the question do we want Oliver Blaise to speak with the ZBA Members individually. Mike thinks it was Gene that said yes I thought that is what we asked him to do. Mike foiled e-mails of the records of the downstairs for the month of May and Mike doesn't know who gave them the permission-maybe it was one of you and that is fine-but the downstairs office was coordinating how the ZBA was going to be interviewed by Oliver Blaise. If one of you gave them permission that is just fine but it just seems kind of ironic that we are spending money on this and who gave them the authority to arrange these meetings. Did you guys, did Oliver Blaise, or did the Chairman ask them to set it up? It seems disturbing to him.

Gene Hulbert – He did not understand the last two minutes of his speech.

Mike Lumsden tried to better explain it to Gene. He and the others who have been coming to these meetings just feel that there is too much coziness between the office downstairs and the ZBA. Mike feels that Oliver Blaise's office should have been doing all the coordinating of the meetings-isn't that why he was hired. Mike understands that the two-Ordinance and ZBA-have to talk but they are separate departments. They should not have been the liaison between the Lawyer and the ZBA.

Gene Hulbert – Process question for Don Walls – Explain the Foiling.

Don Walls – Every foil request comes from the access officer and then comes to him as he is the one who has to clear the release of the information to make sure there is no violation of the right to privacy. 99 times he tells them whatever we have, give it to them, because the public's business is the public's business. As far as what went on he stayed out of it. It has been between Oliver and he has not talked to me. He thinks that the ZBA has made that decision amongst themselves as a group.

Mike Lumsden – But when you read the e-mails they were sent out by the downstairs people. They were sending out the e-mails to the ZBA on how they wanted to do it not Oliver Blaise or the Board. That just seemed odd to him.

Gene Hulbert – Asked Don if he saw what was sent to Mike. Mr. Walls said yes he saw them and they were Ok'd by him before given to Mr. Lumsden.

Mr. Lumsden- A lot more people than you think are paying attention to this. They are saying "When is this issue going to be resolved?" So when Mike heard that Oliver is going to talk to the ZBA, Mike foiled that month to see how the transaction went. It just seemed very odd that the downstairs was making the request. He just felt it very odd. He just wanted to know who initiated them to make the arrangements. He just did not think it appropriate because why is that office trying to determine the where, when and how that department is setting up the meeting of the ZBA and the outside council.

Gene Hulbert – Does anyone know the answer to that?

Russ Hemedinger – He is trying to look through his e-mail to see if he knew anything.

Mr. Walls – Well we can ask Aleta as she is on the Board.

Gene Hulbert – Asked her if she could shed some light on it.

Aleta Kinne – She explained that she got a call from Kelly and wanted to know if she wanted to make an appointment with someone named Keegan from Oliver Blaise's Office. So she set one up individually. Spectrum had knocked out her internet that day. She did not realize that Nancy had sent an e-mail out because her internet was down. When her internet was back up and running she got Nancy's e-mail which stated that they had the option of individual meetings or a group meeting with Oliver Blaise. She also had gotten an e-mail from Scott to Oliver Blaise saying that he has heard back from all the members of the Board but not Mrs. Kinne and everyone would prefer to meet as a group. Aleta was upset that her name was out there as not responding. She went to the Town Hall the very next morning and spoke with Scott to let him know that her internet was down and that she had no idea that these e-mails were coming in until two days after the fact. She told Scott that in the mean time she had a scheduled appointment with Keegan for 1:00 that afternoon. He said go to the appointment and then go to the group meeting too. Aleta did just that – she had her own appointment and then went to the group meeting on the 19<sup>th</sup> at 1:00. Further discussion was had with the Board and Mr. Lumsden. Mr. Lumsden could not understand from the e-mails that he foiled how did the Chairman get notified of this meeting. He could not understand from the e-mails how his correspondence got to him. He finds it very peculiar.

Don Walls – Does that clarify things?

Gene Hulbert – I understand the process but it does not clear up who told or why Nancy initiated that contact.

There was conversation with the audience back and forth saying well probably Oliver notified them

Gene Hulbert – Well someone should follow up with Nancy to find out where her direction came from.

Jim DiMascio – Terry will take the lead on it as he is the liaison for this Department.

Gene Hulbert – He asked Terry if he knew about the meetings and was he asked to sit in on them

Terry Kellogg – He knew about them but he was not asked to sit in on them. He did not treat it as a ZBA meeting. He did not want to be there so that the people were free to speak to the Attorney and to have it unfiltered.

Jamie Szenher – In his 31 years of experience of doing interviews - when you do them individually in a room by themselves you get a completely and totally different response than in a group setting.

Mr. Lumsden – Exactly! Why did we spend the money?

Jim DiMascio – Thanks for that perspective.

Terry Kellogg – Thanked Mike for bringing his concerns to light and he will talk to Mr. Blaise and get to the bottom of it and he will share it with him as soon as he finds out.

Russ Hemedinger – After reviewing my e-mails I did see where Terry gave Don Phillip's phone number to Oliver

Discussion was going on back and forth with Terry, Jim, Mike Lumsden, Russ and Gene and at the end Terry said he will get back to Mike after speaking with Oliver.

Jim DiMascio asked if there was anything else and Terry Kellogg made a motion to go into Executive Session on a personnel matter and it was seconded by Gene Hulbert.

Executive Session commenced at 7:00 p.m.

Respectfully submitted by:

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

