



**Town of Chenango**  
**Town Board Agenda**  
Wednesday, December 7, 2022 - 5:00 PM  
Town Office Building

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Guests shall speak in an orderly fashion and are limited to remarks of five (5) times minutes or less. The speaker shall deliver their comments or concerns in a civil tone and without the use of profanity, personal attacks, or other disruptive behavior which may result in the offender's removal from the meeting. The speaker shall not be interrupted except in a matter of urgency.	
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<b>15.</b>	<b>OPEN FORUM</b> Guests shall speak in an orderly fashion and are limited to remarks of five (5) times minutes or less. The speaker shall deliver their comments or concerns in a civil tone and without the use of profanity, personal attacks, or other disruptive behavior which may result in the offender's removal from the meeting. The speaker shall not be interrupted except in a matter of urgency.	
<b>16.</b>	<b>MEETING AND PUBLIC HEARING REMINDERS</b>	
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**17. ADJOURNMENT**

**TOWN OF CHENANGO  
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that a public hearing will be held by the Town Board of the Town of Chenango at Town Hall, 1529 State Route 12, Binghamton, NY on December 7, 2022 at 7:00 p.m., or as soon thereafter may be heard, regarding a local law entitled "A LOCAL LAW AMENDING THE TOWN CODE REGARDING THE HIGHWAY DEPARTMENT RESIDENCY REQUIREMENT."

TAKE FURTHER NOTICE that the environmental significance of said proposed Local Law, if any, will be reviewed by the Town Board incident to and as a part of said public hearing.

Any person is entitled to be heard upon said proposed local law at such public hearing. Communications in writing in relation thereto may be filed with the Town Board prior to the public hearing. Persons with disabilities who require assistance should contact the undersigned to request such assistance.

Dated: November 23, 2022

Lizanne Tiesi-Korinek  
Town Clerk, Town of Chenango

**Town of Chenango**

**Local Law No. 6 of the year 2022**

**A LOCAL LAW AMENDING THE TOWN CODE REGARDING  
THE HIGHWAY DEPARTMENT RESIDENCY REQUIREMENT**

Be it enacted by the Town Board of the Town of Chenango as follows:

Section 1. Section 8-2 entitled “Residency required” shall be deleted in its entirety and substituted with “Repealed”.

Section 2. Separability

The provisions of this local law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words, or parts of this local law or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this local law would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and as if such person or circumstance, to which the local law or part thereof is held inapplicable, had been specifically exempt therefrom.

Section 3. Repealer

All Ordinances, Local Laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section 4. Effective Date

This local law shall take effect immediately upon filing with the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

# Local Law Filing

## Instructions

New York State Department of State  
Division of Corporations, State Records and Uniform Commercial Code  
One Commerce Plaza, 99 Washington Avenue  
Albany, NY 12231-0001  
www.dos.ny.gov

### PLEASE OBSERVE THESE INSTRUCTIONS FOR FILING LOCAL LAWS WITH THE SECRETARY OF STATE

1. Each local law shall be filed with the Secretary of State within 20 days after its final adoption or approval as required by section 27 of the Municipal Home Rule Law. The cited statute provides that a local law shall not become effective before it is filed in the office of the Secretary of State.
2. Each local law to be filed with the Secretary of State shall be an original certified copy.
3. Each local law shall be filed on a form provided by the Department of State. If additional pages are required, they must be the same size as the form. Typewritten copies of the text may be attached to the form. Only legible copies will be accepted.
4. File only the number, title and text of the local law.
5. In the case of a local law amending a previously enacted local law, the text must be that of the law as amended. Do not include any matter in brackets, with a line through it, italicized or underscored to indicate the changes made. The printed number of the bill and explanatory matter must be omitted.
6. For the purpose of filing a local law with the Department of State, number each local law consecutively, beginning with the number one for the first local law filed in each calendar year. The next number in sequence should be applied to each local law when it is submitted for filing, regardless of its date of introduction or adoption. The date of filing of a local law is the date on which the local law is placed on file by the Department.

It is suggested that municipalities use introductory identifying bill numbers for proposed local laws. After the local law is enacted (and approved by the voters, if required), the local law should then be numbered with the next consecutive local law number, as described above, and then submitted to the Department for filing.

7. Each copy of a local law filed with the Secretary of State shall have affixed to it a certification by the Clerk of the County legislative body or the City, Town or Village Clerk or other officer designated by the local legislative body. Certification forms are provided herewith.
8. A copy of each local law may be mailed or delivered to:  
NYS Department of State  
Division of Corporations, State Records and Uniform Commercial Code  
One Commerce Plaza, 99 Washington Avenue  
Albany, NY 12231.

**(DO NOT FILE THIS INSTRUCTION SHEET WITH THE LOCAL LAW.)**

# Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  City  Town  Village  
*(Select one.)*

of Chenango

Local Law No. 6 of the year 20<sup>22</sup>

A local law amending the Town Code regarding the Highway Department Residency Requirement  
*(Insert Title)*

Be it enacted by the Town Board of the  
*(Name of Legislative Body)*

County  City  Town  Village  
*(Select one.)*

of Chenango as follows:

[See Attached]

(If additional space is needed, attach pages the same size as this sheet, and number each.)

**(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)**

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 6 of 2022 of the ~~(County)(City)(Town)(Village)~~ of Chenango was duly passed by the Town Board on December 7, 2022, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted *(Elective Chief Executive Officer\*)* on \_\_\_\_\_ 20  , in accordance with the applicable provisions of law.

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. *(Elective Chief Executive Officer\*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.



**5. (City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_\_\_<sup>1</sup>\_\_\_\_ above.

\_\_\_\_\_  
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: \_\_\_\_\_

**Town of Chenango**

**Resolution No. \_\_\_\_\_**

**Resolution Adopting Local Law #6-2022 entitled  
“A LOCAL LAW AMENDING THE TOWN CODE REGARDING  
THE HIGHWAY DEPARTMENT RESIDENCY REQUIREMENT”**

At a meeting of the Town Board of the Town of Chenango, held at Town Hall, 1529 State Route 12, Binghamton, NY on the 7th day of December, 2022, the following resolution was offered and seconded:

**WHEREAS**, the Town of Chenango scheduled a public hearing for December 7, 2022 at 7:00 p.m. for Local Law No. 6 of 2022 entitled “A LOCAL LAW AMENDING THE TOWN CODE REGARDING THE HIGHWAY DEPARTMENT RESIDENCY REQUIREMENT”; and

**WHEREAS**, notice of said public hearing was duly advertised in the official newspaper of the Town and posted on the Town Clerk’s signboard; and

**WHEREAS**, said public hearing was duly held at Town Hall, 1529 State Route 12, Binghamton, NY on the 7th day of December, 2022 at 7:00 p.m. and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

**WHEREAS**, pursuant to the State Environmental Quality Review Act, it has been determined by the Town Board that adoption of the proposed Local Law constitutes a Type II Action as defined under 6 NYCRR 617.5(26) and (33); and

**WHEREAS**, the Town Board, after due deliberation, finds it in the best interest of the Town to adopt said Local Law.

**NOW, THEREFORE BE IT RESOLVED** that the Town Board hereby adopts said local law as Local Law No. 6 of 2022 entitled “A LOCAL LAW AMENDING THE TOWN CODE REGARDING THE HIGHWAY DEPARTMENT RESIDENCY REQUIREMENT”; and be it further

**RESOLVED** that the Town Clerk be and hereby is directed to enter said Local Law in the minutes of this meeting and to give due notice of the adoption of said Local Law to the Secretary of State; and be it further

**RESOLVED** that this resolution will take effect immediately upon filing with the Department of State.

**CERTIFICATION**

I, Lizanne Tiesi-Korinek, do hereby certify that I am the Town Clerk of the Town of Chenango and that the foregoing constitutes a true, correct and complete copy of a resolution duly adopted by the Town Board of the Town of Chenango at a meeting

thereof held on 7th day of December, 2022. Said resolution was adopted by the following roll call vote:

Supervisor Jo Anne Klenovic	_____
Councilperson Gene Hulbert Jr.	_____
Councilperson Frank Carl	_____
Councilperson Jim DiMascio	_____
Councilperson David Johnson	_____

Town of Chenango Seal

Dated: December 7, 2022

\_\_\_\_\_  
Lizanne Tiesi-Korinek  
Town Clerk of the Town of Chenango



## HIGHWAY SUMMARY REPORT

December (November 2022)

### Work Performed

The Highway Department was dispatched three times in the month for snow removal services.

The catch basin at 17 Savitch Rd was cleaned out. The tops of catch basins were cleaned off of leaves periodically throughout the month.

The shoulders on Oak Hill Rd were cut.

Leaves were cleaned out of the ditches on Atchison Rd, East Hill Rd, Oak Hill Rd, Port Rd, and Wilson Hill Rd. Ditches were dug on Atchison Rd and Willis Rd.

Millings were hauled from the landfill to the Cherry Ln pump station.

A water break on N. Wisconsin was patched as well as other potholes. The hot patch plants are now closed until 2023.

Leaf pickup continued throughout the month as close to a daily basis as possible.

# Ordinance Report NOVEMBER 2022

## Building Permits

	Residential	Commercial
Received	6-McCormick, Clink, Starr, Van Doorn, Juran, Schultheis	2-Little House in the Prairies (2)
Issued	7	2
Inspections	17	2
C of O	1	
C of C	9	2

Building Permit Fees Collected: \$ 395.00

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## Special Permits

Type of Permit	# Permits Received	Permit Fees Paid	Applicant(s)
Sign		\$	
Site Plan		\$	
Variances	2	\$ 180.00	Cornell, Sickles
Other	2	\$ 180.00	Longo, Baker (Special Permits)

Fees Collected Total: \$ 360.00

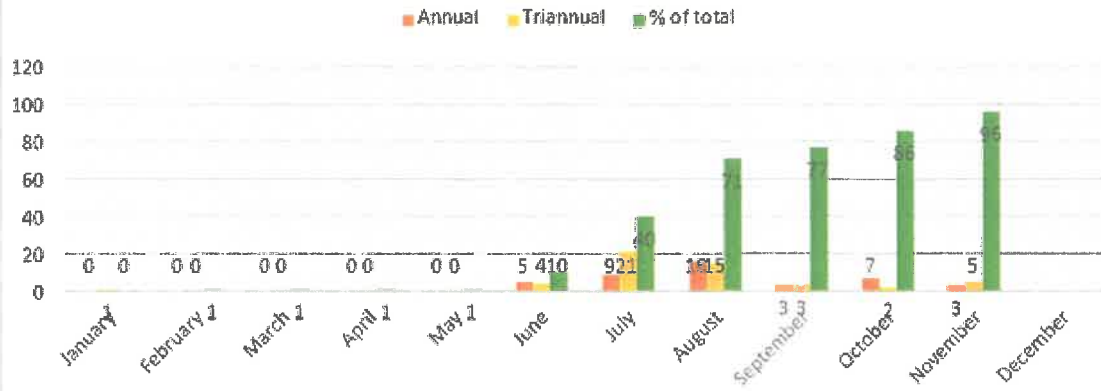
Total Amount Brought in by the Ordinance Department for November: \$ 410.00

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## Fire Inspections

	Total	Previously Done	New This Month	% Completed
Annual	47	40	5	96%
Tri-Annual	51	46	3	96%

## Fire Inspections 2022



## Complaints

Complaint Type	# of Complaints received through Oct 2022	New in Nov	Closed in Nov	Total Closed 2022	Open
Property Maintenance	70	4	5	50	24
Open Storage garbage/debris	1			1	0
Open Burning/smoke	7	1		7	1
Junk Vehicles	16		1	12	4
Grass/undergrowth	24		2	20	4
Noise	10			9	1
Operating a business	1			1	0
BWOP	14	1	1	9	6
Rec vehicles/trailers	19			16	3
<b>Totals</b>	<b>162</b>	<b>6</b>	<b>9</b>	<b>125</b>	<b>43</b>

## **PUBLIC WORKS REPORT FOR NOVEMBER 2022**

- Water well drawdowns were done for the month of November 2022.
- There were 10 after hour call outs in November 2022.
- 3 Curb Boxes repaired in November 2022.
- Parks Dept employees are cleaning up mowing equipment and getting snow equipment ready.
- The steel for the Wolfe Park Bridge was picked up by Zigmont Excavation and is being stored in Castle Creek until we can get the bridge assembled and installed.
- We are starting to get materials ordered and stationed at the park. If time and weather are cooperative, we will try to get the banks lined this year.
- Several repairs have been made to the Treatment Plants, and more are being done daily.
- Public Works laborer started on 11/28/22 and is training in water, sewer and parks departments.



## 12/7/2022 WORK SESSION



106 Main Street  
Suite #4  
Windsor, NY 13865  
607.760.6545  
[alex@urdaengineering.com](mailto:alex@urdaengineering.com)

Department Head  
Engineering



From: Alex Urda, P.E. – Engineer for the Town

### DISCUSSION ITEMS:

1. Wastewater Conveyance and Treatment Improvements Project:

a. 3<sup>rd</sup> Party Estimating

Trophy Point originally confirmed they were on track for an 11/22/22 completion, but were hit hard by the Buffalo area snow storm (no power, lack of access to offices, etc.) and requested some extended time. They anticipated having everything to us no later than 12/1/22.

b. 3<sup>rd</sup> Party Technical Review

Advertisement was made requesting proposal for a 3<sup>rd</sup> Party Technical Review of the project(s). An additional 5 days was given to allow for more time around Thanksgiving and for parties to have time to look over the PER, Design RFP, and Project Bid Documents.

Builders Exchange of the Southern Tier (non-engineer) received a set of all documents to aid in sharing the RFP with their members.

The following entities (just in alphabetical order) expressed interest in the RFP. I followed up with each to check on their proposals and received their responses. All declined to submit proposals (correspondence attached).

EDR  
Keystone Associates  
Labella  
Wendel

At this time, we have pursued finding a professional engineering firm to hire for the 3<sup>rd</sup> party technical review twice by direct correspondence with 3 hopeful engineering firms, and once via advertised RFP, and have failed to find an interested party. Anticipating award of grant funds in late December, a bid process hopeful to proceed immediately following in January/February 2023, this does not leave time to pursue other options to procure a 3<sup>rd</sup> party reviewer. I suggest that despite the value we may have to forego the 3<sup>rd</sup> party technical review. I request the Board's discussion on the topic and direction on how to proceed.

2. Zoning Map: Parcels with split zones have been reviewed and requested. Listing is provided under separate cover for discussion.
3. Wolfe Park: I have been assisting Greg B. with inspection of the bridge structure (steel inspection of 'dry fit' run prior to purchase and pickup), as well as a site visit to review layout and stone procurement and placement.
4. OTHER?

End.

**alex@urdaengineering.com**

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**From:** Rebecca Przybysz <rprzybysz@edrdpc.com>  
**Sent:** Monday, November 28, 2022 1:56 PM  
**To:** alex@urdaengineering.com  
**Cc:** Rebecca Przybysz  
**Subject:** RE: TOC WWTP technical review RFP

Good afternoon,

Upon review of the RFP, our team has decided not to pursue this opportunity.

Thank you for your efforts and for considering us.

Becky Przybysz  
EDR Marketing Proposal Specialist  
217 Montgomery Street, Suite 1100, Syracuse, New York 13202  
O: 716.533.3221 [www.edrdpc.com](http://www.edrdpc.com)

EDR a **better** environment

**From:** alex@urdaengineering.com <alex@urdaengineering.com>  
**Sent:** Monday, November 28, 2022 12:02 PM  
**To:** Rebecca Przybysz <rprzybysz@edrdpc.com>  
**Subject:** RE: TOC WWTP technical review RFP

[EXTERNAL SENDER]

Hello Rebecca. I'm just checking in to see if you had any questions regarding this RFP and to see if you are indeed pursuing it. Thank you for an update.

**Alexander N. Urda, P.E.**  
**Urda Engineering, PLLC**  
**106 Main Street, Suite #4**  
**Windsor, NY 13865**

**607.760.6545**

**alex@urdaengineering.com**

---

**From:** Christie Peterson <cpeterson@keyscomp.com>  
**Sent:** Monday, November 28, 2022 12:18 PM  
**To:** alex@urdaengineering.com  
**Subject:** RE: TOC WWTP third party technical review

Hi Alex – thank you for checking in on this. We’ve decided to pass on it. Please keep us in mind for future opportunities.

Thank you.  
Christie

**From:** alex@urdaengineering.com <alex@urdaengineering.com>  
**Sent:** Monday, November 28, 2022 12:00 PM  
**To:** Christie Peterson <cpeterson@keyscomp.com>  
**Subject:** TOC WWTP third party technical review

Hello Christie: Any questions on the ‘technical review’ RFP for Chenango? Will you be pursuing it? Thanks for any update.

**Alexander N. Urda, P.E.**  
**Urda Engineering, PLLC**  
**106 Main Street, Suite #4**  
**Windsor, NY 13865**

**607.760.6545**

**FW: [Ext] Fw: TOC WWTP technical review RFP**



**Smith, Paula** <psmith@labellapc.com>  
To: Alex Urda <alex@urdaengineering.com>

Hi Alex,

Thank you for reaching out and for your interest in LaBella Associates! I was able to track down our records as to why we chose to pass on

Initially, we passed due to the timing (this was before the deadline was extended), but we also passed because our current workload and schedule in the RFP.

I hope this helps, and we will look forward to future opportunities!

**Paula Smith**

LaBella Associates | Regional Marketing Manager

607-368-1483 cell  
607-367-5015 office

**From:** Alex Urda <alex@urdaengineering.com>  
**Sent:** Thursday, December 1, 2022 1:47 PM  
**To:** Smith, Paula <psmith@labellapc.com>; Smith, Paula <psmith@labellapc.com>  
**Subject:** [Ext] Fw: TOC WWTP technical review RFP

Just as a refresher...see below/attached. Just confirming I didn't miss a proposal made yesterday or sooner.

Alexander N. Urda, P.E.  
Urda Engineering, PLLC  
106 Main Street, Suite #4  
Windsor, NY 13865  
Cell 607.760.6545

----- Forwarded Message -----

**From:** "alex@urdaengineering.com" <alex@urdaengineering.com>  
**To:** "psmith@labellapc.com" <psmith@labellapc.com>  
**Sent:** Friday, November 18, 2022, 03:40:41 PM EST  
**Subject:** TOC WWTP technical review RFP

Ms. Smith: Please see attached as requested. Please note, given recent storms impacting some areas of the state, and the the deadline to Wednesday, 11/30/22, 2:00 PM local time.

Please confirm receipt of this. Also, confirm that you are able to access the dropbox info sent separately.

Alexander N. Urda, P.E.  
Urda Engineering, PLLC  
106 Main Street, Suite #4  
Windsor, NY 13865

607.760.6545

**CAUTION:** This email originated from outside the LaBella organization. Do not click links or open attachments unless you

**alex@urdaengineering.com**

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**From:** Adam M. Tabelski <atabelski@wendelcompanies.com>  
**Sent:** Monday, November 21, 2022 4:00 PM  
**To:** alex@urdaengineering.com  
**Subject:** RE: TOC WWTP technical review RFP

Hi Alex,

Thank you for providing the information relating to Chenango. I have reviewed the RFP and had conversations with our wastewater engineers and unfortunately, due to capacity constraints and the quick turnaround needed for the deliverable, we do not intend to submit a proposal.

Please keep us in mind for any future needs that may arise, and good luck on the project!

Regards, Adam

Adam Tabelski  
*Municipal Services Manager*



**ARCHITECTURE | ENGINEERING | ENERGY EFFICIENCY | CONSTRUCTION MANAGEMENT**

Wendel, Centerpointe Corporate Park, 375 Essjay Road, Suite 200, Williamsville, NY 14221  
p. 716.688.0766 ff. 877.293.6335 m. 585.590.0107 e. [atabelski@wendelcompanies.com](mailto:atabelski@wendelcompanies.com) w. [wendelcompanies.com](http://wendelcompanies.com)

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# REQUEST FOR PROPOSALS For Engineering Consultant

## Third Party Technical Review

for

## Town of Chenango Wastewater Conveyance and Treatment Improvements

Town of Chenango  
Broome County, New York

Prepared for:  
Town of Chenango  
1529 NYS Route 12  
Binghamton, NY 13901



**November 11, 2022**

Prepared by:

**URDA**  
**ENGINEERING, PLLC**

Alexander N. Urda, P.E.  
Engineer for the Town  
106 Main Street, Suite #4  
Windsor, NY 13865  
607.760.6545  
[alex@urdaengineering.com](mailto:alex@urdaengineering.com)  
Job No. 0016.00118.7



**REQUEST FOR PROPOSALS  
Third Party Technical Review  
Town of Chenango Wastewater Conveyance and Treatment Improvements Project**

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**Attachments:**

- Consultant Rating Form
- SAMPLE Insurance Form
- Statement of Non-Collusion

**Under Separate cover (Available Electronically via Dropbox)**

Original PER and Design RFP:  
001 FINAL 'PRELIMINARY ENGINEERING REPORT' (PER)  
002 PRELIMINARY ENGINEERING REPORT Addenda  
003 Wastewater Conveyance and Treatment RFP 2019 04 17 FINAL  
004 Addendum No001\_TOC Wastewater Improvements rfp

Project CONSTRUCTION Bid Documents by Barton & Loguidice including 'Contract Documents', 'Contract Drawings', and all associated addenda.



## ADVERTISEMENT REQUEST FOR PROPOSALS

TOWN OF CHENANGO  
1529 NYS Route 12  
Binghamton, NY 13901

### WASTEWATER CONVEYANCE AND TREATMENT IMPROVEMENTS PROJECT

#### REQUEST FOR PROPOSALS

Notice is given that the Town of Chenango is seeking to retain a Professional Engineering firm specializing in wastewater treatment and conveyance system design, licensed in New York, to provide a third-party, Technical Review of the Town's WASTEWATER CONVEYANCE AND TREATMENT IMPROVEMENT PROJECT (split into two contracts per below).

The project was bid for construction previously and all bids rejected. Prior to rebid for construction, a technical review is desired of the two sets of contract documents:

1. Plans/Contract Documents as previously bid for the "Northgate Wastewater Treatment Plan Improvements" (Contract No. 1)
2. Plans/Contract Documents as previously bid for the "Sanitary Sewer Collection System Improvements" (Contract No. 2)

Technical review will include, at a minimum, a professional review of design completeness (also any shortcomings or overdesign) of the project relative to the

1. Preliminary Engineering Report
2. Design RFP for Engineering Consultant
3. Engineering Consultant Contract for design
4. Code compliance

Review of construction cost estimating is NOT required (it is under separate contract)

Proposals are requested by the Town of Chenango for the project.

Proposals will be received for a single prime Contract based on a lump sum basis. Proposals will be reviewed based on a scoring matrix of qualifications and fee. The Contract will be awarded to the most qualified, responsible, lowest Bidder based on the matrix.

RFP Documents will be available electronically by request starting Friday, November 11, 2022 after 2:00 PM local time. The Issuing Office is:

Town of Chenango Town Clerk, 1529 NYS Route 12, Binghamton, NY 13901  
Monday – Friday 8:00 AM to 4:00 PM  
Phone: (607) 648-4809 x3

Prospective firms may examine printed copies of the Proposal Documents at the Issuing Office during the hours indicated above. They may obtain Proposal Documents electronically from the Town Clerk.

Proposals will be received via email until 2:00 PM local time Friday, November 25, 2022 per the RFP instructions. Proposals submitted by fax will not be accepted.

The Town of Chenango reserves the right to waive irregularities and to reject any or all proposals.

End.

**REQUEST FOR PROPOSALS**  
**Third Party Technical Review**  
**Town of Chenango Wastewater Conveyance and Treatment Improvements Project**

## **1. Introduction and Overview**

Notice is given that the Town of Chenango is seeking to retain a Professional Engineering firm specializing in wastewater treatment and conveyance system design, licensed in New York, to provide a third-party, Technical Review of the Town's WASTEWATER CONVEYANCE AND TREATMENT IMPROVEMENT PROJECT (split into two contracts per below).

The project was bid for construction previously and all bids rejected. Prior to rebid for construction, a technical review is desired of the two sets of contract documents (below) versus the design criteria:

1. Plans/Contract Documents as previously bid for the "Northgate Wastewater Treatment Plan Improvements" (Contract No. 1)
2. Plans/Contract Documents as previously bid for the "Sanitary Sewer Collection System Improvements" (Contract No. 2)

Questions regarding the proposal should be directed in writing to:

Alexander N. Urda, P.E. – Engineer for the Town  
[alex@urdaengineering.com](mailto:alex@urdaengineering.com)  
607.760.6545

Answers to questions will be provided until November 22, 2022.

The anticipated start date of the project is immediately after receipt of Notice to Proceed. And must be complete in four (4) weeks.

The Town of Chenango will select the most qualified engineering consultant that employs adequate staff and management capacity to be able to focus immediate attention on this project.

Through its evaluation team, the Town of Chenango will select the engineering consultant whose proposal receives the greatest score based on the *Consultant Rating Form* contained herein and may schedule an interview.

The Town of Chenango reserves the right to negotiate the fee.

The Town of Chenango reserves the right to reject any and all proposals in whole or in part.

Respondents will not be reimbursed for costs incurred in the preparation of the proposal.

**Electronic copy of proposal is required to be submitted per the advertisement.**

## **2. Project Background**

The Town of Chenango previously developed an engineering study funded through the New York Clean Water State Revolving Fund (CWSRF) (NYS Planning Grant #32342). The study is entitled "Wastewater Conveyance and Treatment, Town of Chenango, Broome County, New York Preliminary Engineering Report," dated October 2017, and prepared by Barton & Loguidice, D.P.C. A Subsequent Addendum No. 1 was prepared on July 27, 2018. The engineering study included a long range capital plan for the Northgate wastewater treatment plant (0.8 MGD) (WWTP) located in the Town of Chenango, Broome County, New York, including review of two existing smaller wastewater treatment plants Pennview and Chenango Heights. The proposed recommendations within the report provide for improved treatment

**REQUEST FOR PROPOSALS**  
**Third Party Technical Review**  
**Town of Chenango Wastewater Conveyance and Treatment Improvements Project**

operations compliant with current Chesapeake Bay TMDL criteria for discharge to the Chenango River, which ultimately discharges to the Susquehanna River and the Chesapeake Bay.

Barton & Loguidice (B&L) was contracted to complete design documents and final bid documents (Project Manual and Project Drawings). The RFP for design, associated Addenda, and the final construction bid documents are, along with the PER are available electronically for review. (We can make the B&L engineering design proposal and contract available (in part, redacted) upon award.)

A detailed NYSDEC SEQR Full Environmental Assessment Form (EAF) for the overall project was also completed in order to pursue project funding.

The Town of Chenango has currently secured the following grant funds and will continue to pursue additional funding with the assistance of the selected engineering consultant:

- \$1,000,000 NYSDEC Water Quality Improvement Project (WQIP) Grant
- \$5,000,000 NYS Water Infrastructure Improvement Act (WIIA) Grant (not to exceed subject to Environmental Facilities Corporation (EFC) evaluation of eligible costs)

The project, all phases, are subject to the regulations and requirements of these funding sources and is to be completed with NYSEFC compliant EJCDC bidding documents, construction contract, general conditions, and general requirements modified to comply with funding program requirements. Designs are to be prepared to meet NYSDEC Design Standards as defined in *Recommended Standards for Wastewater Facilities*, by Great Lakes-Upper Mississippi River Board of State and Provincial Public Health and Environment Managers (10 States Standards), excepting variations approved by NYSDEC. Design plans and specifications were prepared in accordance with current local, State, and Federal codes, standards, and regulations.

### **3. Construction Project Description (Design Presently Complete)**

In general the B&L design included the following (refer to the design RFP and contract documents for details):

- A. Upgrade all of the Town's submersible sewer lift stations (18) with suction lift style lift stations (where applicable) including any upgrades
- B. Decommissioning and demolition of the Pennview WWTP to be replaced with a pump station and design of new force main (gravity main where applicable), and any upgrades, to convey all sewage to the Northgate WWTP.
- C. Decommissioning and demolition of the Chenango Heights WWTP to be replaced with a pump station and new force main (gravity main where applicable), and any upgrades, to convey all sewage to the Northgate WWTP.
- D. Retrofitting the Northgate WWTP (0.8 MGD) to meet the anticipated 2025 WLA and the increased hydraulic and organic load from the Pennview WWTP and Chenango Heights WWTP. Capacity will be increased from 0.8 MGD to 1.0 MGD .

**REQUEST FOR PROPOSALS**  
**Third Party Technical Review**  
**Town of Chenango Wastewater Conveyance and Treatment Improvements Project**

#### **4. Technical Review Scope of Services**

The scope of services for this request for proposals includes, but is not limited to:

Technical review will include, at a minimum, a professional review of design completeness (also any shortcomings or overdesign) of the project construction documents relative to the

1. Preliminary Engineering Report and any addenda
2. Design RFP for Engineering Consultant
3. Engineering Consultant Contract for design
4. Code compliance (NY building codes, NYSDEC, funding agents, etc.)

The intent is to determine any inconsistencies between all documents.

Review of construction cost estimating is NOT required (it is under separate contract via Trophy Point).

Consultant shall provide findings in a complete engineering report. All final documents shall be made available in electronic PDF format and provide 10 hard copies to the Town.

Provide attendance at one Town Board meeting to review findings.

#### **5. Fee Schedule**

Provide a detailed LUMP SUM Summary of Fees based on the Scope of Services.

Provide the company's overall rate sheet (staff vs. hourly fee) within your proposal.

We anticipate a prime contract with no subconsultants.

#### **6. Project Schedule**

**Provide a project schedule** providing for completion within the project deadline four weeks from a Notice to Proceed. We anticipate the reporting to be completed in early January.

#### **7. Insurance**

The successful proposer will agree to indemnify and hold the Town of Chenango and Urda Engineering PLLC, their officers and employees harmless against all loss, cost, or damage, on account of inquiry to person or damage to property as a result of any action or inaction of the successful proposer or its representatives or agents or subcontractors in performance of this contract and against all fines, penalties, deductibles, and any other losses which the Town shall be obliged to pay or incur in connection with the performance of their work under contract. In addition the successful firm shall procure and maintain at their own expense and without expense to the Town, insurance for liability for damages imposed by law, of any kinds and amounts hereinafter provided, in insurance companies authorized to do business in the State of New York covering all operations under the contract whether performed by the successful Proposer or their subcontractors. Professional Liability Insurance in the amount of 1,000,000 dollars shall warrant that it will maintain continued, equivalent coverage for 3 years after project completion. Before the inception of this contract the successful Proposer shall furnish to the Town a Certificate of Insurance form(s) satisfactory to the Town exhibiting compliance with the attached insurance sample form.

**REQUEST FOR PROPOSALS**  
**Third Party Technical Review**  
**Town of Chenango Wastewater Conveyance and Treatment Improvements Project**

**8. ADDITIONAL INFORMATION REQUESTED**

Interested firms should submit their proposal along their qualifications as directed in the RFP.

Qualifications shall include:

- Contract Organization;
- Identification and resumes of the Key Personnel;
- Statement of Understanding of work to be done;
- Statement of Experience with similar kinds of work;
- Statement of Non-Collusion (attached)
- Provide a range of 3 – 5 projects representing experience on similar federally and/or state funded projects administered through New York State

**END**

Wastewater Conveyance and Treatment \_3rd Party Review RFP 2022 11 11.doc

**REQUEST FOR PROPOSALS  
Third Party Technical Review  
Town of Chenango Wastewater Conveyance and Treatment Improvements Project**

Pursuant to Section 103-d of the General Municipal Law, as amended, THIS NON-COLLUSION CERTIFICATE MUST BE SIGNED by the bidder (proposer) and accompany bid (proposal):

**STATEMENT OF NON-COLLUSION**

By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that to the best of knowledge and belief:

(1) The prices in this bid have been arrived at independently without collusion, consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor.

(2) Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the bidder and will not knowingly be disclosed by the bidder prior to opening, directly or indirectly, to any other bidder or to any competitor, and

(3) No attempt has been made or will be made by the bidder to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition.

The foregoing statement is hereby subscribed by the bidder and is hereby affirmed by the bidder as true under the penalties of perjury, and is hereby submitted to:

\_\_\_\_\_  
\_\_\_\_\_  
(Describe Project)

\_\_\_\_\_  
Name of Bidder (e.g. Company Partnership, or Corporation)

By: \_\_\_\_\_  
Signature of Person Authorized to sign this Statement of Behalf of Bidder.

Dated: \_\_\_\_\_

Note: If in any case the bidder cannot make the foregoing certification, the bidder shall so state and shall furnish with the bid a signed statement which sets forth in detail the reason therefore.

**END OF DOCUMENT.**

\_\_\_\_\_  
URDA Engineering, PLLC

**CONSULTANT RATING FORM**  
**Third Party Technical Review**  
**Town of Chenango Wastewater Conveyance and Treatment Improvements**



CONSULTANT: \_\_\_\_\_

The Town of Chenango shall evaluate each respondent in terms of:

Technical Factors	Max. Score (%)	Rating (1-10)	Actual Score
1. Overall experience of the individual or firm based upon years and type of professional services offered including the overall experience of the individual professional(s) who will be assigned to the project.	50		
2. Ability of the individual or firm to complete the project in a timely manner within required time schedules. The proposal should include some reference to the individual's or firm's past performance in delivering professional services in a timely manner within established time schedules. Their proposed time schedule for the specific project involved is included in this factor	30		
3. Other: Fee/Fee Structure	25		
4. Evaluation of the references and/or clients the individual firm submits in their proposal.	5		
		100	TOTAL SCORE:

Reviewed By: \_\_\_\_\_

Date: \_\_\_\_\_

Signature: \_\_\_\_\_





## Jo Anne Klenovic

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**From:** Dan Lizak <dlizak@trohypoint.com>  
**Sent:** Friday, December 2, 2022 10:28 AM  
**To:** Jo Anne Klenovic  
**Subject:** Northgate WWTP estimate status update

Joanne,

Good morning. I wanted to bring you up to speed on the status for the estimate relating to Northgate Wastewater Treatment Plant Improvements. We are working diligently to wrap things up, but are still “efforting” a few quotes from vendors that have a significant impact to the bottom line number for the project. Due to the magnitude of these quotes we would not feel comfortable sharing a number prior to having this information. Quotes have been taking a bit longer than usual in general due to the time of year and has also been compounded by the winter storm event last week in our area. I will keep you informed on our progress as we continue to work towards having things wrapped up.

Thanks,



**Dan Lizak | General Construction  
Estimator**

Office: 716-823-0006 (Ext. 215)

Mobile: 716-949-1476

[dlizak@trohypoint.com](mailto:dlizak@trohypoint.com)

[www.trohypoint.com](http://www.trohypoint.com)

**Blasdell, NY - Pittsburgh, PA  
New York, NY - Downers Grove, IL**

*Service-Disabled Veteran-Owned Small Business*

CONFIDENTIALITY NOTICE: The contents of this email message and any attachments are intended solely for the addressee(s) and may contain confidential and/or privileged information and may be legally protected from disclosure. If you are not the intended recipient of this message or their agent, or if this message has been addressed to you in error, please immediately alert the sender by reply email and then delete this message and any attachments. If you are not the intended recipient, you are hereby notified that any use, dissemination, copying, or storage of this message or its attachments is strictly prohibited.

Tax Map Information		Current Zones		*unless otherwise noted		Use		Recommendations	
Parcel SBL	911 Address	Front*	Rear*	Logic					
1 128.07-4-20	1043 Upper Front Street	PDD-C	RES	Rear parcel merged with front	Commercial	Commercial	Convert RES to PDD-C to be consistent with use and area.		
2 128.08-2-4	57 Hillside Drive	RES (west)	PDD-C-east		West Residential/East Vacant		Remain split as it lines up with adjacent parcel to the north		
3 128.08-1-1.1	1139 Upper Front Street	PDD-C	AGR	PDD-C consistent depth from street	Commercial plaza (Nimmonsburg Sq.)		Convert all to PDD-C; current zone line splits building		
4 111.20-1-21.1	1149 Upper Front Street	PDD-C	AGR	PDD-C consistent depth from street following prior studv lines	Commercial; rear wooded/pipeline (Ald)		Remain split? Discussion?		
5 111.20-1-14	1163 Upper Front Street	PDD-C	AGR	PDD-C followed old parcel lines	Commercial (Air Temp, BCSWQD, Etc.)		Convert all to PDD-C; current zone line splits parking area as parcels were merged over time		
6 111.20-1-13	1169 Upper Front Street	PDD-C	AGR	PDD-C followed old parcel lines	Commercial (Tractor Supply Co)		Convert all to PDD-C; current zone line splits parking area (current use variance for majority of rear in AGR)		
7 111.20-2-5	1227 Upper Front Street	PDD-C	AGR	Parcel/zones split by I-81	Commercial on east, vacant forest on west		Remain split to remain consistent with surrounding area		
8 111.20-2-1	1235 Upper Front Street	PDD-C	AGR	Parcel/zones split by I-81	Commercial on east		Remain split to remain consistent with surrounding area		
9 111.16-1-41	1239 Upper Front Street	PDD-C	AGR	Parcel/zones split by I-81 Front is Kost 'Plaza'	vacant forest on west Commercial on east		Remain split to remain consistent with surrounding area		
10 111.16-1-2	344 Dorman Road	PDD-C	AGR	Parcel/zones split by I-81	All vacant trees		Remain split to remain consistent with surrounding area		
11 111.04-1-2	264 Dorman Road	PDD-C	AGR	Parcel/zones split by I-81	Wolfe Park (TOC)		Remain split to remain consistent with surrounding area		
12 111.12-5-12	1322 Upper Front Street	PDD-C (south)	C (north)	Zones set prior to parcel sales/merge	Vacant commercial across from Mirabito		Convert all to Commercial 'C'; consistent with Comp. Plan Discussion: this may change flexibility of uses		
13 111.12-5-16	1318 Upper Front Street	PDD-C (south)	RES (north)	Zone followed prior parcel lines	Commercial (Lumes parking/outdoor sales)		Convert all to PDD-C consistent with use and prior site plan approval process		
14 111.12-2-7	1365 Upper Front Street	C	RES	Zone followed prior parcel lines	Commercial (Autozone)		Leave as is with current zoning/planning approval stipulations on rear buffer to Res?, Comp. Plan considers all Commercial		
15 111.12-2-1	42 Trafjord Road	C	RES	Parcels now merged	Vacant (grass, some trees)		Remain as-is to stay consistent with surrounding area and original intent		
16 112.05-1-21	1433 Upper Front Street	C	RES	Zone followed prior parcel lines	Commercial (CK Carwash) front; misc. and paved rear		Leave as is with current zoning/planning approval stipulations		
17 112.05-1-15	1445 Upper Front Street	C	RES	Zone followed prior parcel lines	Commercial Front; vacant trees rear (Fur and Feathers Vet)		Leave as is with current zoning/planning approval stipulations		
18 112.05-1-13	1449 Upper Front Street	C	RES	Zone followed prior parcel lines	All Vacant commercial (Hillside Gardens)		Leave as is with current zoning/planning approval stipulations		
19 112.05-1-10	1455 Upper Front Street	C	RES	Zone followed prior parcel lines	Commercial/prior Hillside Garden storage)		Comp. Plan considers all Commercial		
20 094.04-1-28	Savitch Road/Peterson Road	RES	AGR	Zone followed prior parcel lines	Vacant wooded		Leave as is to remain consistent with surroundings		
21 112.05-3-36	1448 Upper Front Street	C	RES	Zone followed prior lot lines all is now merged	All Commercial (Can Man)		Convert all to commercial. Match use and consistent with Comp Plan		
22 112.05-2-4	42 Chenango Bridge Road	C	RES	Zone followed prior lot lines all is now merged	Commercial Restaurant front; vacant back A Travalo		Leave as-is to remain consistent with surroundings (residential to rear)		
23 112.05-2-5	54 Chenango Bridge Road	C	RES	Commercial zone followed offset merged	Commercial parking front; field back		Leave as-is to remain consistent with surroundings		
24 112.05-1-1	91 Chenango Bridge Road	NC	RES	RES small area similar to adjacent west and split parcel	Front is Ch. Br. Medical, rear wooded Woodland road area vacant lawn		Remain as-is; Woodland Road area is flanked by residences.		
25 095.17-2-4	35 Woodland Rd	RES (south)	AGR (north)	0.2 acres RES on south was limit of zone and is lawn, remainder is vacant woods on Woodland			Remain as-is.		
26 095.17-2-17	9 Belair Dr	RES	AGR	Zone followed a subdivision lot line	Front is residence; rear wooded		Remain as-is.		
27 095.17-2-18	13 Belair Dr	RES	AGR	Current parcels go full depth to creek Zone followed a subdivision lot line	Front is residence; rear wooded		Remain as-is.		

28 095.17-2-19	15 Belair Dr	RES	AGR	Current parcels go full depth to creek	Front is residence, rear wooded	Remain as-is.
29 095.17-2-20	17 Belair Dr	RES	AGR	Zone followed a subdivision lot line	Front is residence, rear wooded	Remain as-is.
30 095.17-2-21	19 Belair Dr	RES	AGR	Current parcels go full depth to creek	Front is residence, rear wooded	Remain as-is.
31 095.17-2-22	21 Belair Dr	RES	AGR	Zone followed a subdivision lot line	Front is residence, rear wooded	Remain as-is.
32 095.18-1-3	17 Thomas Street	PDD-C (north)	RES (south)	Current parcels go full depth to creek	North is Abbey concrete, south was houses that have been demolished and now lawn	Remain as-is, buffer to residential area
33 095.13-1-8	1564 NYS Rte. 12	PDD-RES II (north)	AGR (south)	Abbey bought south and merged W&D prior unnamed proposed road ROW was split now merged w/ parcel	Vacant wetland	Convert to PDD-RES II
34 095.06-16-2	78 Prentice Rd	PDD-IND (west)	AGR	0.75 ac area adjacent west of 68 Prentice Road (Three Maple Farms)	Mostly wooded, some gravel industrial use	AGR Remain as-is adjacent to similar uses
35 095.10-1-2-1	78 Prentice Rd	PDD-IND (west)	AGR	Zone was based on prior parcel lines (Barrett Paving)	Some of gravel area is in AGR	Consider leaving as-is to buffer to residential to east of RR, but could consider extending PDD-1 to RR.
36 078.18-1-19	1743 NYS Route 12	AGR (west)	RES (east)	Zone is split at the creek CL	Residence in SW in AGR, rest vacant wood	Remain as-is
37 078.18-1-9	109 Port Road	AGR (west)	RES (east)	Zone is split at the creek CL	Residence in RES, remainder wooded	Remain as-is
38 078.03-1-23.1	370 Brotzman Road	AGR (west)	RES (east)	Zone is split at the creek CL	RES zone is tiny 0.02 ac error as creek is not on this parcel	Correct all to AGR
39 078.03-1-9.111	390 Brotzman Road	AGR (west)	RES (east)	Zone is split at the creek CL	RES zone is tiny 0.1 acres at rear of 11 acres only because stream meandered over	Correct all to AGR
40 078.14-1-6.1	171 Port Road	AGR (west)	RES (east)	Zone is split at the creek CL	Residence is in RES on east along road west of creek wooded	Remain as-is
41 078.14-1-5	183 Port Road	AGR (west)	RES (east)	Zone is split at the creek CL	Residence is in RES on east along road west of creek wooded	Remain as-is
42 078.14-1-1	223 Port Road	AGR (west)	RES (east)	Res Zone was set at an offset from road similar to adjacent parcel limits	Residence is on rest on east along road remainder lawn and then woods to west	Remain as-is
43 078.10-1-11	249 Port Road	AGR (west)	RES (east)	Zone followed line at rear of adjacent parcels	Residence is in AGR area, mostly wooded	Remain as-is
44 078.02-1-8	2 Daniel Drive	RES (SW)	AGR remainder	RES zone extend South consistent w/ adjacent rear parcel line	All Vacant stream area.	RES area does not appear buildable; could make all AGR
45 096.09-1-19	20 Verneth Dr.	RES (east)	AGR (west)	Zone followed prior subdivision lot line which now lots are merged	RES area is lawn, AGR area is residence	Convert all to RES (1.05 acres)
46 096.18-1-16	1154 River Road	RES	AGR	Zone is split by Chenango River channel and AGR is an island area		Remain as-is
47 113.05-1-6	1151 River Road	RES	AGR	Zone followed rear lot lines originally	Residence in RES, remainder woods/lawn	Revise as all RES, parcel is small 0.67 acres with 2/3 RES now.
48 113.05-1-7	1149 River Road	RES	AGR	Zone followed rear lot lines originally	Residence in RES, remainder woods/lawn	Revise as all RES, parcel is small 0.61 acres with 2/3 RES now.
49 113.05-1-8	1143 River Road	RES	AGR	Zone followed rear lot lines originally	Residence in RES, remainder woods/lawn	Revise as all RES, parcel is small 1.1 acres with 2/3 RES now.
50 113.05-1-10	1137 River Road	RES	AGR	Zone followed rear lot lines originally	Residence in RES, remainder woods/lawn	Revise as all RES, parcel is small 0.42 acres with 2/3 RES now.
51 113.05-1-12	1133 River Road	RES	AGR	Zone followed rear lot lines originally	Residence in RES, remainder woods/lawn	Revise as all RES, parcel is small 0.78 acres with 2/3 RES now.
52 113.05-1-14	1129 River Road	RES	AGR	Zone followed rear lot lines originally	Residence in RES, remainder woods/lawn	Remain as-is (majority of 3.2 ac or rear of parcel is forest); could go all RES
53 113.05-1-15	1127 River Road	RES	AGR	Zone followed rear lot lines originally	Residence in RES, remainder woods/lawn	Remain as-is (majority of 2.45 ac or rear of parcel is forest); could go all RES
54 113.05-1-1	1056 River Road	RES	AGR	Entire area was RES once, then back to AGR except access of 24x250	all vacant wooded except the grassed access in the RES area.	RES portion is not buildable. Could make all AGR, but then the 24x250 silver of AGR splits some residential lots.
55 095.20-1-11	86 Poplar Hill Road	RES (SW)	AGR	RES area was based on prior parcels which were later merged with remainder (Don Walls, Columbine Area)	RES area is in AGR, rest is wooded.	Leave Split.
56 112.07-7-2	716 River Rd	RES at entrance	PDD-R	Entrance appear errantly in PDD-R	TOC Chenango Bridge Park.	Make all on zone (AGRP?)
57 112.06-6-24	1 Kattelville Road	PDD-R	RES along	Area along River Road between houses Golf Course area		Remain RES, or make AGR; avoid potential for commercial development

Parcel ID	Address	Majority RES	NW River Rd AGR	Notes	Residence Location	Other Notes
58 111.12-1-7	101 Grant Road	RES	AGR		Residence in front 1/2, woods in back 1/2	between houses make all RES
59 111.07-1-6-1	199 Castle Creek Rd.	PDD-RES II	AGR	Zone was based on prior parcels which are now merged	Vacant wooded mainly	Leave as-is to avoid issues with PDD
60 111.07-1-9	207 Castle Creek Rd.	PDD-RES II	AGR	PDD-RES II followed a specific area	Residence in front, wooded rear	Leave as-is to avoid issues with PDD
61 111.07-1-8	209 Castle Creek Rd.	PDD-RES II	AGR	PDD-RES II followed a specific area	Residence in front, wooded rear	Leave as-is to avoid issues with PDD
62 111.07-1-7	213 Castle Creek Rd.	PDD-RES II	AGR	PDD-RES II followed a specific area	Residence in front, wooded rear	Leave as-is to avoid issues with PDD
63 111.07-1-6-2	2 Farrell Drive	PDD-RES II	AGR	PDD-RES II followed a specific area	Drive to Castle Creek Estates	Leave as-is to avoid issues with PDD
64 111.07-1-2	241 Castle Creek Rd.	PDD-RES II	AGR	PDD-RES II followed a specific area	Residence in front, wooded rear	Leave as-is to avoid issues with PDD
65 094.04-2-21	245 Castle Creek Rd.	PDD-RES II	AGR	PDD-RES II followed a specific area	Residence in front, wooded rear	Leave as-is to avoid issues with PDD
66 094.03-2-22	67 W Chenango Rd	RES	AGR	zones area split at the creek CL	Residence in front, wooded rear	Leave as-is
67 094.03-2-14	109 W Chenango Rd	RES	AGR	zones area split at the creek CL	Access road through RES zone wooded rear	Leave as-is
68 094.03-2-7	153 W Chenango Rd	RES	AGR	zones area split at the creek CL	Residence in front, wooded rear	Leave as-is
69 094.01-1-38	299 W Chenango Rd	RES	AGR	zones area split at the creek CL	All Vacant wooded	Leave as-is
70 094.01-1-1	331 W Chenango Rd	PDD-R (north)	AGR (south)	PDD-R established when parcels were split and since have been merged.	Mountain Trail Bow Hunters (north) Wooded South	Leave as-is, or make all same depending on PDD_R discussions
71 094.01-2-21	210 W Chenango Rd	RES	AGR	Zone was established this way with a somewhat consistent depth from road	Vacant wooded	Leave as-is
72 094.01-2-37	118 W Chenango Rd	RES	AGR	Zone was established this way	Residence in front, rest wooded	Leave as-is
73 094.01-2-39	108 W Chenango Rd	RES	AGR	Zone was established this way and parcels have changed hands and merged	Residence in front, rest wooded	Possibly leave front RES, make rear al AGR
74 066.03-1-8	1009 Castle Creek Rd.	RES	AGR	Zone was established this way	1/2 Apartment in front, rear wooded	Make all Residential
75 066.03-1-7	1021 Castle Creek Rd.	RES	AGR	Zone was established this way	Mixed barns/house in front, open land rear	Leave as is.
76 066.03-1-6-1	1041 Castle Creek Rd.	RES	AGR	Zone was established this way	TOC Highway yard	Leave as-is (depth of zone matched adjacent parcel depth
77 066.03-1-3	1071 Castle Creek Rd.	RES	AGR	Zone was established this way	Prentice farm	Leave as-is (depth of zone matched adjacent parcel depth
78 066.10-2-21	1117 Castle Creek Rd.	RES	AGR	Zone was established this way	Residence in front	Make all Residential as it matches surroundings
79 066.03-1-26	1008 Castle Creek Rd.	RES	AGR	Zone was established this way	Farm/AG	Leave as-is
80				RES lined up with adjacent parcel rear lines		



**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION APPROVING ABSTRACT NO. 22**

At a regular meeting of the Town Board of the Town of Chenango, held on the 7th day of December, 2022, the following resolution was offered and seconded:

**RESOLVE** to pay the attached and incorporated herein Abstract of Bills. Abstract 22, dated November 30, 2022.

General Fund - Voucher Nos. 785-812; Check Nos. 5587-5611 totaling the sum of \$31,387.70.

Highway Fund - Voucher Nos. 279-284; Check Nos. 1900-1905, totaling the sum of \$9,446.01.

Water Fund - Voucher Nos. 218-224; Check Nos. 1861-1866 totaling the sum of \$4,996.14.

Sewer Fund - Voucher Nos. 317-328; Check Nos. 2251-2262 totaling the sum of \$25,866.89.

Special Districts – Voucher Nos. 27; Check Nos. 1194 totaling the sum of \$4,388.87.

Capital Projects – Voucher Nos. 31; Check Nos. 1099 totaling the sum of \$3,703.95.

**WHEREAS**, this resolution shall take effect immediately.

Offered by:

Seconded by:

**CERTIFICATION**

I, Lizanne Tiesi-Korinek, do hereby certify that I am the Town Clerk of the Town of Chenango and that the foregoing constitutes a true, correct and complete copy of a resolution duly adopted by the Town Board of the Town of Chenango at a meeting thereof held at Town Hall, 1529 NY RT 12, Binghamton, NY on this 7th day of December, 2022. Said resolution was adopted by the following roll call vote:

Jo Anne Klenovic, Supervisor  
Dave Johnson, Councilperson  
Frank Carl, Councilperson  
Gene Hulbert, Councilperson  
Jim DiMascio, Councilperson

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Town of Chenango Seal

Dated: December 7, 2022

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Lizanne Tiesi-Korinek  
Town Clerk, Town of Chenango





**MEMORANDUM OF AGREEMENT**

**WHEREAS**, AFSCME Local 1912-B, Council 66, hereinafter “the Union” and the Town of Chenango, hereinafter “the Town” are signatories to a Collective Bargaining Agreement dated January 1, 2019 – December 31, 2021, hereinafter the “CBA”;

**WHEREAS**, the Union is recognized as the sole and exclusive bargaining agent for all employees in the Town of Chenango Highway Department excluding Probationary, Part-Time, Temporary and Seasonal Employees and the Town Highway Superintendent and Deputy Highway Superintendent;

**WHEREAS**, the parties have had discussions regarding the creation and addition of a new position in the Town of Chenango Highway Department;

**WHEREAS**, the parties are now desirous of creating and adding that new position;

**THE PARTIES HEREBY AGREE AND COVENANT AS FOLLOWS:**

1. The Town shall establish the position of Mechanic’s Helper – Heavy Equipment Operator.
2. The rate for the Mechanic’s Helper – Heavy Equipment Operator shall be at the rate of the Heavy Equipment Operator.
3. The Mechanic’s Helper – Heavy Operator title and rate are hereby incorporated into the CBA and will be subject to all terms and conditions of the CBA and any successive negotiations.
4. This Memorandum of Agreement shall constitute an amendment to the CBA in accordance with Article XXIV of the CBA.

\_\_\_\_\_  
Town of Chenango

\_\_\_\_\_  
Date

\_\_\_\_\_  
AFSCME Local 1912-B

\_\_\_\_\_  
Date

\_\_\_\_\_  
AFSCME Council 66

\_\_\_\_\_  
Date



To: Town Board  
From: Supervisor  
Re: Research of Motions related to Employee social gatherings  
Date: November 22, 2022

There has been much discussion about actions taken related to holidays, birthdays and other social gatherings at Town Hall. Please review the following research notes of the instances when the luncheons were discussed and the timeline for the motions that resulted from those discussions. The complete minutes are also included. Many thanks to Amy who also read through lengthy minutes from many work sessions in 2020, 21 and 22.

First noted Board discussion...

December 1, 2020	Letter from JWK outlining plans for a safe holiday to staff and Board.
December 9, 2020	WS discussion of whether a Holiday Luncheon was appropriate for Dec 2020.
December 14, 2020	Frank Carl sends letter suggesting an alternative plan.
January 27, 2021	Gene Hulbert's account of his conversation, January Birthday celebrations
February 3, 2021	WS discussion resulting in motion made by DiMascio
August 20-25, 2021	Correspondence to the Board regarding celebration for retiree, approved
September 8, 2021	WS discussion motion to follow CDC guidelines to not allow social gatherings
December 16, 2021	Employees took part in a "Grab & Go" lunch by department, in their office suite
February 9, 2022	NYS restrictions lifted: Statewide Indoor Business Mask or Vaccine Requirement to be Lifted Starting February 10, Remains Optional for Businesses, Local Governments, Counties
July 8, 2022	Gov. Hochel cancels COVID mandates. <a href="https://business.nycgo.com/coronavirus-information-and-resources/">https://business.nycgo.com/coronavirus-information-and-resources/</a>
November 16, 2022	Supervisor requests Board to move to allow Holiday Luncheon, motion attached, with condition that the history of the motion be stricken and revised.

**To:** Town Board

**From:** Supervisor

**Date:** November 22, 2022

**Subject:** 11.16.22 Meeting Dialogue regarding “Celebrations”

The meeting minutes haven’t been prepared for the November 16, 2022, meeting yet. I listened to the recorder to find out what motion was made regarding “Celebrations”. Please see below. Thank you.

**Jo Anne Klenovic:** “Is anyone willing to make a motion this evening”

**Gene Hulbert Jr.:** “I’m not”

**Dave Johnson:** “I’ll make a double one, I guess. I propose that we have this holiday event and also kill the previous resolution that says we couldn’t do it”

**Jo Anne Klenovic:** “Okay, you want to put those two together”

**Keegan Coughlin:** “That could be a motion”

**Jo Anne Klenovic:** “Okay, is there a second”

**Frank Carl:** “I would amend it to say I would like them to go forward with the planning for the function in December. But the other part of the motion is we have to find where it was voted on by the Board. We have to go through minutes, we have to go through Lizanne’s documentation. We need to find that to find out exactly how it’s worded to be able to kill it. We can’t just say we’re killing something that we think existed. We need to know how it reads. So, if Dave would be willing to amend his motion to allow them to go forward with the planning the function with the intention the Board is going to allow the function as we’re trying to administratively get through this, I would go with a motion to that effect”

**Jo Anne Klenovic:** “Dave, is that satisfactory to you”

**Dave Johnson:** “That’s okay”

**Frank Carl:** “And I will second that”

**Motion on the table.**

**Gene Hulbert Jr. – Nay, Frank Carl – Aye, Jo Anne Klenovic – Aye, Dave Johnson - Aye**



## Jo Anne Klenovic

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**From:** Klenovic, Jo Anne  
**Sent:** Wednesday, December 9, 2020 9:18 AM  
**To:** Frank Carl; DiMascio, Jim; Hulbert Jr., Gene H.; Kellogg, Terry J.  
**Cc:** Keegan J. Coughlin  
**Subject:** FW: Town Buildings Closed to the Public

The email below was sent to the Board on December 1. That is apparently the email Terry was referring to and I understood to be a second email. That was not the case.

I got one response from this email, Frank Carl and it did not include mention of the holiday party. Thank you Frank for your support of the COVID procedures mentioned.

Please see the highlighted paragraph.

**From:** Klenovic, Jo Anne  
**Sent:** Monday, November 30, 2020 11:09 AM  
**To:** Kwartler, Michael S. <Michael.Kwartler@townofchenango.com>; Burden, Greg <Greg.Burden@townofchenango.com>; Kraack, Derin <Derin.Kraack@townofchenango.com>; Freer, John <John.Freer@townofchenango.com>; Hamilton, Linda A. <dogcontrol@townofchenango.com>; Maslin, Kendra <Kendra.Maslin@townofchenango.com>; Cantone, Brenda L. <Brenda.Cantone@townofchenango.com>; Geisenhof, Tom V. <Tom.Geisenhof@townofchenango.com>; Endress, John <John.Endress@townofchenango.com>; Paddick, Cynthia <Cynthia.Paddick@townofchenango.com>; Brewster, James A. <James.Brewster@townofchenango.com>; Kasmarcik, Joy I. <Joy.Kasmarcik@townofchenango.com>; Wyatt, Julie A. <bookkeeper@townofchenango.com>; Ritter, Meri-K <Meri-K.Ritter@townofchenango.com>; Rudy, Kathleen A. <Kathleen.Rudy@townofchenango.com>; Aurelio, Diane M. <Diane.Aurelio@townofchenango.com>  
**Cc:** Frank Carl <frank.carl@townofchenango.com>; DiMascio, Jim <Jim.DiMascio@townofchenango.com>; Hulbert Jr., Gene H. <Gene.HulbertJr@townofchenango.com>; Kellogg, Terry J. <Terry.Kellogg@townofchenango.com>; Keegan J. Coughlin <KCoughlin@cglawoffices.com>; Tiesi-Korinek, Lizanne <Lizanne.Tiesi-Korinek@townofchenango.com>; Carl, Tami A. <payroll@townofchenango.com>  
**Subject:** Town Buildings Closed to the Public

To All

Effective November 30 to January 3, 2021, Town Hall and the Highway garage are closed to the public due to the conditions of COVID-19. It's important that we do our part to protect the public and ourselves from the spread of the virus.

Please instruct residents that call to use the US Postal Service, email, drop box or walkup window to make their transactions. These choices have been very successful up to this point and as we continue to educate the public, the benefits will grow.

If your department needs to meet with a resident, make an appointment for a given day and time that you can be prepared. Make sure your guest is wearing a mask, distancing 6 feet whenever possible, their temperature is taken and recorded, they sign a contact tracer sheet and that the space is disinfected before and after the visit. Please notify others in and around your work space that you expect someone in person.

Staff should

Take your **temperature upon arrival each morning** and sign off on the record.

Wear a mask when in common areas of the building.

Wear a mask and social distance when visiting someone else's office suite or there is a building visitor on site.

Be careful to clean and disinfect the kitchen and bathroom as well as your personal space frequently between scheduled cleanings.

If you are a Town employee that is required to make offsite visits, be sure that you are taking important precautions in the field and also when you return.

Vendors – Must be given a temperature check as they enter the building and sign off as well as signing the contract tracer form. Call any sales reps, maintenance or delivery persons in advance of their visit to give them the date of January 4, 2021 and let them know what to expect.

If we remain diligent through this period of time we may be able to celebrate the holiday season as we are accustomed. Speaking of celebrating....the staff luncheon will be held on Thursday December 17 at noon in the community room. WE WILL FOLLOW COVID PROCEDURES so it may make it necessary that we schedule 2 shifts or use a second space. I realize this changes the social nature of the event but I think we can make it an enjoyable experience. To that end, I am preparing a list of Naughty and of Nice just in case a decision needs to be made! (You'll have to figure out which group is getting in!)

Department Heads, please make sure that all staff in your charge has been informed and is practicing the guidelines described.

Take care, Jo Anne

*Jo Anne W Klenovic*  
Supervisor  
Town of Chenango





## Jo Anne Klenovic

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**From:** DiMascio, Jim  
**Sent:** Tuesday, December 15, 2020 7:40 AM  
**To:** Kellogg, Terry J.; Klenovic, Jo Anne; Carl, Frank R.  
**Cc:** Hulbert Jr., Gene H.  
**Subject:** Re: Date TBD

Works for me also

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**From:** Kellogg, Terry J.  
**Sent:** Monday, December 14, 2020 8:01 PM  
**To:** Klenovic, Jo Anne; Carl, Frank R.  
**Cc:** Hulbert Jr., Gene H.; DiMascio, Jim  
**Subject:** Re: Date TBD

Works for me.

Thank you Frank

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**From:** Klenovic, Jo Anne  
**Sent:** Monday, December 14, 2020 2:13 PM  
**To:** Carl, Frank R.  
**Cc:** Hulbert Jr., Gene H.; DiMascio, Jim; Kellogg, Terry J.  
**Subject:** RE: Date TBD

All good with me!

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**From:** Carl, Frank R.  
**Sent:** Monday, December 14, 2020 2:08 PM  
**To:** Klenovic, Jo Anne <supervisor@townofchenango.com>  
**Cc:** Hulbert Jr., Gene H. <Gene.HulbertJr@townofchenango.com>; DiMascio, Jim <Jim.DiMascio@townofchenango.com>; Kellogg, Terry J. <Terry.Kellogg@townofchenango.com>  
**Subject:** Re: Date TBD

So my thoughts were to do it at the end of this week, Friday probably. I think next week could be an issue with so many taking time off in front of the holiday. I certainly do not want to do anything that would preclude the Dept Heads from handling things within their teams as well.

I called Subway this morning and got some pricing, I'll try Price Chopper later today. I was a little surprised by how pricey Subway was, we'll have to see about Price Chopper. I know some sheet pizzas always work as a backup, but I think they do that often enough.

Thought we would just drop them off in the appropriate locations that people use for keeping their lunches, Highway, Public Works, and then the main building, again creating no additional gathering than what would have been if they just brought their lunch that day.

Once I get a decision made as to when and what, I thought I'd ask Tami to communicate it out to everyone so that they know not to bring their own that day, if that is their norm.

Here is what I was thinking for a note to go with the deliveries:

***As you all know, due to the current situation, the Christmas gathering for the Town had to be cancelled.***

***Even so, the Town Board wanted to offer a token of thanks for all that you do throughout the year, so have lunch on us, and thanks for the understanding and patience as we finish off a very successful year.***

***The Town Board,***

***Jo Anne, Terry, Gene, Jim and Frank***

Frank Carl

***Councilman, Town of Chenango***  
***[frank.carl@townofchenango.com](mailto:frank.carl@townofchenango.com)***

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**From:** Klenovic, Jo Anne  
**Sent:** Monday, December 14, 2020 12:19 PM  
**To:** Carl, Frank R.  
**Subject:** Date TBD

Frank

Since cancelling the holiday luncheon, 2 department chairs have mentioned planning a luncheon for their department only. They do not know about the intentions of the Board and I do not have a date to help them with their planning. The Board is planning a nice surprise so I think it will benefit all to coordinate a certain day and time to prevent duplication. Thanks JWK

*Jo Anne W Klenovic*  
Supervisor  
Town of Chenango

**1529 Route 12**  
**Binghamton, NY 13901**  
**607-648-4809 X6**



**THE TOWN OF CHENANGO TOWN BOARD MET WEDNESDAY, JANUARY 27, 2021  
AT 5:00 P.M. IN THE TOWN OFFICE BUILDING, 1529 N.Y. ROUTE 12,  
BINGHAMTON, N.Y.**

PRESENT: Jo Anne Klenovic, Supervisor-Absent  
Jim DiMascio, Councilperson  
Frank Carl, Councilperson  
Gene Hulbert, Councilperson  
Terry Kellogg, Councilperson

ALSO, PRESENT: Keegan J. Coughlin, Legal Counsel  
Lizanne M. Tiesi-Korinek, Town Clerk

Terry Kellogg welcomed everyone via ZOOM teleconference.

**PLEDGE OF ALLEGIANCE TO THE FLAG -**

Terry Kellogg asked everyone to join in the Pledge of Allegiance to the Flag.

Terry Kellogg called the meeting to order and Lizanne asked for roll call: Jim DiMascio, Frank Carl, Terry Kellogg and Gene Hulbert were all present. Absent – Jo Anne Klenovic, Supervisor.

Terry Kellogg read the rules of ZOOM and the following executive orders 202.1, 202.15 which were extended by 202.38, 202.39 and 202.60, 202.79 and 202.87 respectively.

Terry Kellogg explained that due to power outages with fellow board members, we are going to modify the agenda tonight to get through some business of critical nature and the rest will be tabled until next work session.

Terry Kellogg said we are going to table Alex Urda's report until next week's work session. He then asked Mr. Carl if he wanted to talk about the thing with Mr. Freer now or at a later date.

Frank Carl said that we could talk about it right now. He went on to say that Jo Anne had included attachments about the Senior Clerk hiring update. We interviewed a really good candidate. John Freer was involved in that interview as was John Endress, the Assessor. We do have a very solid candidate. Due to the schedule that we are going through; it has been kind of held at bay. The applicant understood that she had to wait until the next meeting. She is working in a government position now so she understands the necessity of detail on it. She has been in communications with Tami, the HR representative, and he thinks that he would like to ask for permission from us to go forward with providing a job offer to this person. It is within the budget, it is in the scope of the job that we were looking for in the first place. It is for the Clerk in the Ordinance/Assessor's Office. The applicant understands the provisional hiring and that the applicant would have to test and that she needs to be in the top 3. She has been given a copy of the work rules to have a better understanding and she has had a few questions back and forth with Tami on benefits and things like that.

Terry Kellogg asked if there were any objections to being able to advance an offer to this candidate?

Gene Hulbert had a few questions about there being three applicants; that Civil Service approved two and we were waiting for a third. What was the status of those?

Frank Carl said that his understanding was that one was a no show. Although the other was approved by Civil Service, but looking at the resume we chose not to interview. He is not sure why it got through Civil Service as there was no background that would support the job at all. As you know we have had interviews on this over the last few months. We went out to make an offer to one and they had taken another job the mean time. The same thing happened to another one on that list.

Gene Hulbert said that is a separate conversation that he wants to have and add it to the agenda. He has no issue with Kari Strabo being offered the position as she meets all the criteria for it but he doesn't want to get off the subject until we have that discussion.

Frank Carl agrees with Gene that it is a separate discussion and he understands it in a similar fashion but to have that discussion without Jo Anne would be kind of fruitless. Gene agreed but he cannot let it pass because it was completely inappropriate.

Terry Kellogg asked Keegan if a resolution is required at this point to extend an offer of employment or is that something that if Frank confirms that she is willing to accept then we do a resolution to hire at a later date.

Keegan Coughlin said that we could do it either way. If you wanted to formally empower the interview committee to extend the offer of employment at the terms there were discussed; then you could make a motion to that effect to have a formal action or we could do a kind of verbal resolution to that effect or we could.....the hiring committee has the understanding that they have been given that authority and do a formal hiring resolution as soon as we hear back.

Terry Kellogg wanted to know if everyone was agreeable to option three; empower Frank to reach out to her and pending a response of an affirmative response; we can do a formal resolution to hire this person.

There was further discussion back and forth on this and they decided to make a motion.

Jim DiMascio made a motion to authorize the Councilman and the Supervisor to offer the position of Ordinance/Assessor Clerk, seconded by Gene Hulbert. Further discussion took place. Frank wanted it clear that they will have the authority to make the offer and make a commitment to hire without another motion later on.

Keegan Coughlin said that is correct but there would still be a formal hiring resolution.

Gene Hulbert wanted it to included the name of Kari Strabo in the resolution as well as the salary. The reason why he is asking is because this is part of the confusion from the last time/process.

Keegan Coughlin said that without knowing the context of the applicant's other job position so from a general perspective it may be better that in the future we handle that in an executive session where we say the name and salary and we come out with the resolution or motion giving that authority. Since we've already said it-not a big deal. He would prefer not to do salary as long as it is within the established range; as long as we are in that range I think the authority as Jim put it in his motion is covered and we can include the name of the individual.

Frank Carl just wanted to add that the peak salary was lower than what was in the 2021 budget. We can't exceed the peak of the salary unless we go back and reconvass. We have to remain within the budget.

Keegan Coughlin asked if we were ready for the vote? Roll call was taken and it carried by the following vote: 4 Ayes, 0 Nays, 1 Absent-Jo Anne Klenovic.

Terry Kellogg forgot to extend the open forum at the beginning of the meeting so he is offering it at this time and he apologized for that.

#### **OPEN FORUM:**

- No one wished to speak

#### **PUBLIC HEARINGS:**

- None

#### **PRESENTATIONS:**

- None

#### **ACTIONS TO TAKE:**

1. **Approval of Abstract 29, Dated December 30, 2020 (Clean-Up)**, motion was made by Jim DiMascio, seconded by Frank Carl and carried by the following roll call: 4 Ayes, 0 Nays, 1 Absent- Jo Anne Klenovic
2. **Approval of Abstract 1, Dated January 13, 2021**, motion was made by Frank Carl, seconded by Jim DiMascio and carried by the following roll call: 4Ayes, 0 Nays, 1 Absent – Jo Anne Klenovic
3. **Approval of Abstract 2, Dated January 20, 2021**, motion was made by Frank Carl, seconded by Gene Hulbert and carried by the following roll call: 4 Ayes, 0 Nays, 1 Absent- Jo Anne Klenovic.

#### **COMMITTEE REPORTS:**

- Terry Kellogg said we are going to postpone committee reports until next week in the interest of time.

## **OLD BUSINESS or NEW BUSINESS:**

- Terry Kellogg asked if there was any old or new business that is pressing and must be discussed at this time; otherwise he suggests that we table these all until next week's meeting.

Jim DiMascio would like to make a comment and that was the Highway Department conducted interviews (Jim DiMascio, Derin Kraack & Jim Aukema) with two candidates for the open position in the Highway Department. Both were very good interviews but one candidate especially stuck out. He will wait for Derin to attend the next meeting to represent that but he did want to show it as an update.

Terry Kellogg thanked Jim. Terry said that Gene Hulbert wanted to, in terms of new business add a new item and what did you want to call it? Hiring procedures/the specifics of the hiring of that position. Gene said the specifics of the hiring of that Ordinance/ Senior Clerk issue. Terry Kellogg asked Lizanne to put that on the agenda for next week. The one other thing that he wanted to discuss tonight, as he does think it is an urgent issue, is that he had a conversation with John Freer earlier this week on liaison stuff and it came up that there was a birthday party/celebration that was held in the building and there were 12 people or so that attended this and it was family style pizza, fruit platter and things like that. It was a social gathering and that concerns him a lot in this environment to be having those and the health emergency issue. It is just really baffling to him that we are doing these kinds of things. It is his position that this can't happen. In his conversation with John Freer, he asked me about it and I told him that he is the department head and if he is comfortable or uncomfortable with it, that is his call but his personal position is that we should not at all be encouraging or practicing in those type of events right now. That is what he is putting out there for discussion.

Keegan Coughlin wanted to make a quick comment that he agrees with the end result of what Gene just said. That is not doing it and if he could ask somebody on the board to make a motion for attorney/client privilege and he can give a little bit of a directive.

Frank Carl made a motion to go to attorney/client privilege to discuss that subject, seconded by Jim DiMascio. Keegan assured the audience that it will be quick. Motion was carried by the following roll call: 4 Ayes, 0 Nays, 1 Absent-Jo Anne Klenovic.

The board came out of attorney/client privilege and Terry Kellogg said that all New and Old Business on the agenda tonight will be tabled until next Wednesday's work session.

## **OPEN FORUM:**

- No one wished to speak

Terry Kellogg just wanted to make sure that everyone knew that next week under our new schedule we will have work session on February 3, 2021 at 5:00 p.m. and the formal Board Meeting will immediately follow at 7:00 p.m. The same ZOOM coordinates will apply to both and be posted on the Town's website.

There being no further items for discussion, motion was made by Jim DiMascio at 5:25 p.m. to adjourn the meeting, seconded by Frank Carl and carried by the following roll call: 4 Ayes, 0 Nays, 1 Absent- Jo Anne Klenovic

Respectfully submitted,

Lizanne M. Tiesi-Korinek, Town Clerk

Town of Chenango





**THE TOWN OF CHENANGO TOWN BOARD MET WEDNESDAY, FEBRUARY 3, 2021 AT 5:00 P.M. IN THE TOWN OFFICE BUILDING, 1529 N.Y. ROUTE 12, BINGHAMTON, N.Y.**

PRESENT: Jo Anne Klenovic, Supervisor  
Jim DiMascio, Councilperson  
Frank Carl, Councilperson  
Gene Hulbert, Councilperson  
Terry Kellogg, Councilperson

ALSO, PRESENT: Keegan J. Coughlin, Legal Counsel  
Lizanne M. Tiesi-Korinek, Town Clerk  
Alex Urda, Town Engineer  
Greg Burden, Public Works  
John Freer, Building/Code

Jo Anne Klenovic welcomed everyone via ZOOM teleconference.

**PLEDGE OF ALLEGIANCE TO THE FLAG -**

Jo Anne Klenovic asked everyone to join in the Pledge of Allegiance to the Flag.

Jo Anne Klenovic called the meeting to order and Lizanne asked for roll call: Jim DiMascio, Frank Carl, Jo Anne Klenovic, Terry Kellogg and Gene Hulbert were all present.

Jo Anne Klenovic read the rules of ZOOM and the following executive orders 202.1, 202.15 which were extended by 202.38, 202.39 and 202.60, 202.79 and 202.87 respectively.

**OPEN FORUM:**

Linda Holmes – She would like to make the comment that the ZOOM link is very hard to find on the website. If you would like more public participation maybe putting it on the calendar may help.

Jo Anne Klenovic said that it is in two places on the website but we can take a look at that. Thank you.

**PRESENTATIONS:**

- None

**DEPARTMENT HEAD REPORTS:**

**Alex Urda – Engineer**

**January 2021 Report**

The Waste Water Treatment Plant and the Sewer Project he has on his action items but he may hold off after the team meeting that is scheduled for next week on Tuesday.

- Chenango Heights I & I Study – was accepted by the State-no bells or whistles.
- EPA Questionnaire on the MS4 Program-Questions need to be answered on our progress on three (3) items.
- NYS Self Audit– As of last year they were going to do a full audit but it got postponed, then canceled, then they said don't bother we will pick it up next year. So, we are at the point where we are picking it up. John, Alex and Diane will tackle that. We do anticipate having to take the entire binder and scan it in electronically. Everyone in the MS4 area is getting hit with that this year. He did budget for the MS4 work this year as he anticipated work in that area.

**John Freer – Building/Code**

**December 2020 Report**

**Building Permits**

**Res      Comm.**

Received	2		2	0
Issued		2		0
Inspections		21		
C of O		4		0
C of C		10		1- Dollar
General -propane exchange				
Fees Collected				\$ 118.25

**Complaints    10**

**Resolution**

Comments/Dated Closed		Resolution
Open Storage (1)	12/29/20 called owner	Made aware of the problem
JV (3)	2 remain open	1 Closed 12/8/20
Property Maint issues (2)	mh pk issues	1Closed 12/29 other30 days
Open Burning (1)	open	
Noise (1)	revving car engine	Closed 112/2/20
Parking on sidewalk (1)	Spoke w/ owner to push cars back	Closed 12/8/20
Sign in poor taste (1)	Spoke w/ owner freedom of speech	Closed 12/11/20

Sign Permits Received 1	\$100.00	Adapt Health – 1155 Upper Front
Site Plans -1    Dunkin Update	\$100.00	Variances    0
Special Permit -1-L Hamilton	\$ 90.00	

Fees collected total \$290.00

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Fire Inspections		
<b>Annuals</b>	Pass 3 King & St.	Weis Mkt & Burger
	Fail -3 Bakery	Mark Church Pinkie's Rest & Pinkie's And Moes.
<b>Tri-Annual</b>	Pass-0	
	Fail -0	
<b>Third Party</b>	0	

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**DCO – Dec. 30 – Linda took in a DOA-dog got hit by a car**

John Freer wanted to add one more thing about a letter that he sent out to the Town Clerk on January 20<sup>th</sup> requesting that after his training class that he and Gavin attended on January 15<sup>th</sup>. This class was titled “Ethics and Enforcing the Code” the instructor, David State, from the Division of Building, Standards and Codes. The class involved foils, procedural law and documentation. It was highly recommended not to use personal devices to conduct town business. He would ask that the Ordinance Department have cell phones to conduct their town business for that purpose.

Jo Anne Klenovic said that we all did receive that letter requesting that and it needs to be put on the agenda. It is lined up for next week the 10<sup>th</sup> of February depending on what we get done tonight. Is that enough time or are you on a deadline?

John Freer said he would like to see it sooner than later.

Jo Anne Klenovic asked the board if that was ok for the 10<sup>th</sup> of February for the discussion on this matter.

Gene Hulbert had no problem with that but he said there was some specific information from Frank Carl that he wanted. Did you forward that?

John Freer didn't know what Frank's request was. Gene said it was the instructor's name and all that. John said he everything went out to the Board. Frank Carl said he believes that it was Terry that asked for it. Gene asked Terry if he got the information. Terry said not that he is aware of but he has been without a laptop for the last two weeks. He knows that the request was made through Lizanne as she forwarded the letter to us. He was not sure the status of it. Jo Anne asked John to resubmit the information to the Supervisor's Office so that we can included it in the backup material. Jo Anne further asked if there were any other requests from the board for data?

John Freer said he will submit that to Lizanne tomorrow. He does have the actual power point from that presentation. He does not have the audio. He will present that to Lizanne tomorrow. Jo Anne asked John if he could send the link to that and he said he could do that and he will also

send the contact for David Stone through the Department of State's Building Standards and Codes. He is willing to take phone calls. Gene asked Keegan if there was a municipal law recommendation or guidance or determination about personal devices. If you could bring that to the meeting as well for us as far as guidance goes. Keegan said absolutely he can get the open meetings law that says don't use your cell phones. Frank Carl says he understands that don't use your cell phones for elected officials and persons like that but does it point anything out to Code Enforcement or other employees of the Town as he feels it will open up a big nut. Keegan said that he can provide more of that background information. By no means is the Town required to provide cell phones to its employees to conduct all their business it is just the understanding that if a personal device is used to conduct business that it is open for access for records purposed for the Town. He will make sure that is clear. Gene asked John for clarity as to the number of cell phones or equipment. John said that would be two (2)-one for Gavin and one for him. The fire department, the sheriff's department or contractors would come through that number and that business for the town would come through that device and not the use of our personal phones/devices.

### **Greg Burden – Public Works**

#### **January 2021 Report**

- There were five (5) water main breaks in the Northgate and 12A Water Districts.
- An OGS mini bid was done for the purchase of a ¾ ton pickup for the Parks Department. The information was forwarded over to Keegan to draw up the resolution.
- Hearing tests were performed on all Public Works Employees.
- The Health Department sent out our Water Supply Sanitary Survey; we had no deficiencies.
- Water Department read water meters and the bills were sent out.
- Water Adjustment Report was done in January.
- There was 15 after hour call outs.

Keegan Coughlin thanked Greg for working with him on the mini-bid-you did a nice job.

#### **PUBLIC HEARING:**

- None for this evening

#### **ACTIONS TO TAKE:**

- None for this evening.

#### **COMMITTEE REPORTS:**

#### **Frank Carl – Assessor Liaison/Zoning Review Committee**

- Zoning Review Committee has rescheduled it meeting for February 17, 2021. The new scheduled for Town Board meetings has taken our Wednesday so we slid into the third

Wednesday going forward and we do have some agenda items to cover at that point in time.

## **Jim DiMascio – Highway/ZBA**

### **January 2021**

- The Highway Department was dispatched on 16 separate occasions for snow removal.
- The Department collected Christmas trees on various days throughout the month using the chipper, garbage packers and small dump trucks.
- Snow was cleaned off the top of catch basins.
- The ditch line near 778 Brotzman Rd was cleaned out.
- Potholes were filled in various areas with cold patch.
- Water breaks were patched with cold patch on Cherry Ln, Columbine Dr, Highland Rd and N. Morningside Dr.
- Broome Emergency twice for emergency salting responses:
  - 1.) Port Rd due to a house fire and one on Brotzman Rd for an ambulance call, Truck #10 was dispatched to salt
  - 2.) Brotzman Rd – ambulance call, Derin Kraack responded in truck #1 to address the issue.
- The crew cleaned up the garage and the breakroom, pushed up salt and sand. Earl (Sony) Stinson constructed a shelf in front of the walk-up window at the Town Hall to help residents complete forms and conduct business.
- Trees were removed on Edwin, Palmer and Prentice Rd. Trees were trimmed on Palmer Rd and Port Rd.
- The annual required hearing exams were conducted for all Highway and DPW employees.

**Zoning Board** – There was a Zoom meeting in January. There was an application that was complete and accepted by the Board. He will have more information once he has the minutes.

## **Gene Hulbert – Ordinance Department Liaison/Zoning Review Committee Alternate**

- Nothing to add to John Freer's Ordinance Department Report

## **Terry Kellogg – Public Works/Planning Board Liaison/Safety/Security Alternate**

- Nothing to add to the Public Works Department's comments for tonight
- Planning Department Meeting coming up, schedule for Monday, February 8, 2021. There is an area variance for 23 Aitchison Road to build on a lot that is 1.9 acres where the minimum is 2 acres.

## **Jo Anne Klenovic – Supervisor's Report/Safety/Security/Insurance**

- The Safety and Security Committee will meet for the third time tomorrow afternoon. We are going to produce a draft copy that we can come to the Board with and also give to the Unions as they have the early February deadline to look at the first draft. We are going to

make sure that they get that and then the Board will get it within the next two work sessions to take a look at and make sure we are going in the right direction.

- Broome County Executive has scheduled his State of the County Address for February 18, 2021 that will be via Zoom so we will send you the parameters for that if you care to participate if you would like.
- Reminder to Terry Kellogg that he needs to register for the AOT that you need to that by the 14<sup>th</sup> we will be voting delegates. Thank you.
- The Committee Associations were e-mail today. The County Executive's Office has asked us to help facilitate guidance for the higher risk sports that was approved a few days ago. If any civic association, community-based groups in our town, subscribed to an adult sport league or something that is played at the higher risk level that we make sure they understand that they have written guidance or plan to the Town of their organization. County organizations have been notified. So, if we can help and provide them with the right information, the County Executive asked us to reach out. Jo Anne did reach out today to the three community organizations in the town suggesting that if they need help to call on us.

Keegan Coughlin said with regard to the safety committee and that report; he has a contact person for the attorney for the Highway Union. So, when that is drafted if you can pass that to me I can pass that to their attorney and expedite that.

#### **Keegan Coughlin – Attorney's Report**

- Bond Resolutions – going forward he would like to dove tail on what Julie brought up the last time on bonding for a Highway truck and whether or not the Town wanted the option of bonding against the General Fund when purchasing larger vehicles or whether or not we want to continue to shop the bond rates of local banks. He just wanted to put that out there and keep it in the back of your minds. We do have one coming up next week where they are purchasing a vehicle which is roughly \$230,000.00; just keeping that in reference as that will result in some changes to the bond resolution. Does anyone have any questions or what additional backup since we previously talked about? Keegan can provide that. If that is something the board did or did not want to entertain as it structures the bond resolution a little differently.

Terry Kellogg asked if Keegan could e-mail all of them an informational pros/cons on what we had previously been doing vs. self-financing. Is there is anything that you can find and share a head of the discussion that would be informative. Keegan said he could do that.

#### **OLD BUSINESS:**

- DCO Update – Keegan started by informing the board about the City of Binghamton arrangement. The City had initially reached out with some willingness and interest to enter into an intermunicipal agreement with the Town for DCO services. We proposed to the City and they are reviewing that. One wrinkle that was not anticipated is the one City employee is a unionized employee so that union will need to sign off on any agreement so we are in a holding pattern until we hear back from their union. That certainly sets us back in time line perspective. One thing they were clear on is that they do not want it to

be an independent contractor situation. They would like that if we enter into this agreement the DCO would become an employee of the Town. With that we would be subject to that collective bargaining agreement as well unless we have a MOA with their union that the services he provides to the Town would be outside of his unionized duties. Keegan would be dumbfounded if that happens but that is the lay of the land as it stands with the City.

Jo Anne Klenovic wanted to report that there were three (3) individuals who were on the Civil Service List for the DCO position. We got responses from two of the three. One declined, the second one accepted an invitation for an interview and the third one did not respond at all. We resubmitted correspondence to the one saying to remit your availability and we never got a response back so that is a broken list and we can hire from where ever we like to. We have the job posted on the website and today we have had no response on it. Jo Anne went on and contacted the County Executive and five (5) Town Supervisors and asked them to join in a discussion about shared services at the county level using the shelter as home base and coordinating our efforts. The five other supervisors have agreed that it was significant for them as well. They had job postings out there from \$12,000.00-\$30,000.00 in annual salaries for these positions with no applicants. Jason Garner took responsibility with his staff for scheduling a ZOOM conference between those supervisors and reaching out to the rest of the group that may have had interest that she was not aware of. She hopes to achieve this within the next week to have the County analyze this situation. She will report back as soon as that meeting takes place. She has it posted on the website but we can go to Indeed. She can get it put together and have it posted within the next 24 hrs. and see what unfolds. She wanted feedback from the Board.

Frank Carl had a few questions. Do any of the five towns have a DCO? Jo Anne said one considers sharing but the Fenton Board is rethinking that. Dickinson is at their mercy. Union and JC both are very much interested. Frank said what he is asking is do any of them have DCO's now. Fenton does so you said and will they share with us now. Jo Anne said no. It is not an option. I copied the board on these two meetings ago. They exercised their 30-day option to cancel their agreement with us. So, said they would revisit it when you have your full-time position but we want to back you up but we don't want the full responsibility. They also expressed at the same time that they were looking at their own situation whether or not they should be sharing with anybody as their DCO is doing double duty in the town over there. So, Union and JC are very excited. She also called Barker and they said they are all set. Frank then asked Keegan if that moved up to the County level does that impact our Town Code? Keegan said it would depend on how the intermunicipal agreement with the County was structured. Keegan said he would be interested to know if the county would be taking full responsibility for that or if it would be to enforce each local code. That would be something that would have to be worked out. The Codes are fairly similar but not identical.

Gene Hulbert asked Keegan what do we need to do inhouse during normal business hours. Keegan asked what are our options for that? We aren't doing that right now, we are just taking calls and not going out. Is there training that we would have to do for our guys? There is no real deadline that he is hearing so.... Keegan said we have an obligation to the Code as it is written and we have an obligation, since we license dogs, to enforce the State Ag. & Markets law as well. The Code Enforcement Officers are allowed to do that. If we got into a holding pattern where we weren't able to find a suitable replacement within a reasonable time, one option would



be to talk to John and Gavin about whether or not they wanted to take on that responsibility in a more full- time bases and do the training-DCO training. It is Keegan's understanding that their Code training qualifies them to respond to complaints currently. Gene asked what is the time frame that is reasonable? Keegan said if we don't have an answer by the end of March we really should be talking to John and Gavin about whether or not that is possible or get a lot more aggressive about finding one.

Jo Anne Klenovic is saying that she can express that to the County Executive and she knows that Union feels the same way. The Indeed posting is the original question and that is the avenue that we have not explored yet. Gene aske Jo Anne if she had a dollar amount on what that would cost. Jo Anne said it is controlled on what we would allocate on a daily basis. She feels that she spent about \$250.00-\$300.00 on the entire Public Works Department search.

Terry Kellogg had a question on the one person who expressed interest. How did we try to contact them? Did we send a certified letter or telephone number that we tried and didn't get an answer? Jo Anne said we had an e-mail address and the Civil Service has a form that we submit/canvas letter and they supply their contact information. So, they were sent an e-mail saying that an updated application was needed to participate. We just wanted to fortify the information and they did not respond. We have to report that to Civil Service that we had one denial, one no show and then a second that didn't follow through. Do we have a mailing address instead of just trusting the e-mail address because if there were experiencing computer problems like Terry is then they may not have gotten anything? Jo Anne said of course we can look into that; that is a good point.

Jo Anne asked Indeed – yes or no. All the board members said yes. Keegan asked if they wanted to put a dollar amount on that and make it a motion.

Gene said yes with a resolution for \$250.00, Jim DiMascio seconded that. Keegan created the resolution verbally and it was carried by the following roll call: 5 Ayes, 0 Nays.

Jo Anne said we will close that out and get it sent to Indeed tomorrow.

- Article 7 Tax Assessment Cases (2) – Keegan Coughlin asked the Board if they had any questions on the proposed settlement agreement that he provided to them. They all responded that they had no questions. Keegan said that at the next meeting you will empowering him as the Town Attorney to sign the settlement agreement which will not be finalized until the Court approves the settlement agreement. At that time, it will become part of the Town's record.
- Credit Card Policy – Jo Anne deferred it to the February 10<sup>th</sup> agenda in an attempt to handle more pressing matters tonight. Keegan just wanted to confirm that Julie will be coming to that meeting. Jo Anne said she will be attending and she and Julie have made notations on it.

Before moving onto new business Gene Hulbert questioned Jo Anne Klenovic on a matter that was a work session discussion about the hiring from the Ordinance Department. Jo Anne Klenovic was yes, it is on the agenda under new business, it is the last item. We have such a loaded agenda that she felt she wanted to move it to next week to make sure that everyone was in

attendance and she also prepared a sample procedure as we have a problem with sticking to the same set of rules for each job. We need some guidelines that we can set so that will be in your next agenda and discussion for next week.

Gene Hulbert said he did not agree to move it to the next meeting and last week they all agreed to put it on for this meeting. He wants to discuss it tonight. The whole board was polled and they agreed to the discussion tonight and if it runs long it can be tabled until next week.

Gene Hulbert said the issue that came up that Jim started with questions of the person in the Ordinance Department and the process of the last hiring person. There was a bunch of information that he was given which did not reflect anything that you said two weeks ago. Gene feels that Jo Anne misled the board and told them that Gene knew all the information and that conversation ended with them thinking that he was fully aware of the entire situation. That did not happen. There was discussion and Gene said we decided on December 16<sup>th</sup> to hire the person that is who we went out to and actually made the offer to. Then there was a January 4<sup>th</sup> meeting that there was no discussion on. So that was not brought up then and at that point someone knew that person had turned down that job-either you or Frank. The January 4<sup>th</sup> date was the date that John Freer was expecting that person to sit at that desk and that person did not show up. It wasn't even the same person that the Town Board authorized to hire. It was the second person who didn't take that spot. He doesn't feel that the interview committee has any ability to hire the person let alone come back to the Town Board and advise them that person is not taking the position. Gene feels that there is a lot of things the Board does not know that he does know. What he wants an actual tick/tock from who found out when the two people that were offered the job didn't take the job.

Jo Anne asked if he was done. She never stated to the Board that she consulted him or that you were whole in on this. She stated to the Board which is very much obtainable from ZOOM which she reviewed twice today. She has the recording on her phone of what was exactly she has said and she said that she called you to pass on to the new Board Liaison and brought you up to speed on what happened the last couple of weeks that we had lost the candidate that we intended to hire but she ironically received more applications that turned out to be very interesting and that the process needed to continue and if you wanted to be involved in the interview process because Frank was passing on his responsibility as well. You said wait a minute put your brakes on I want the whole board to hear the story. What you just told me doesn't sit well with me and I want a chance to talk about it publicly. That was the end of the conversation. I put it on the agenda and on the 13<sup>th</sup> of January you were unable to attend and then on the 27<sup>th</sup> of January I was in the hospital so we could not attend to that detail. I have never said that you endorsed it or had any influence on it. I merely told the board that I shared that information with you and you asked to have it forwarded for a conversation. That is exactly what went down. During this period of time it took 2 ½ weeks for the original person to decline our offer. She had appointments scheduled and she canceled them on the day of the appointment. She made another a week later and she canceled it again. It continued the process for an additional 2 ½ weeks in the mean time that pool of candidates was very strong and we hoped that our second choice would still be available. When she finally made her decision and put it in writing that she was not taking that position, we did not meet in December as we canceled it so it made a big gap between the first of the year and the last one in December. All these things transpired in that period of time. When we came back we had enough time-the December 29<sup>th</sup> refusal or decline of our offer

then there was not point in putting it in the agenda. At that point in time we did not know that the next person down, which we were equally satisfied with, would accept so it postponed it from the 6<sup>th</sup> so we had the most current information that that candidate would moved forward. That candidate declined making us go another week. So, we did not meet on the 20<sup>th</sup> so when these two other applications came one was phenomenal. It was like she saw the ad and was a perfect opportunity to fulfill that requirement and assist the Town's Ordinance Department that has waited extremely long for this to take place. The job posting did not change. The requirements did not change, nothing changed. The board was never given a name. Was never given anything other than we had someone of interest that we were bringing forth and hoped to start on January 4<sup>th</sup>.

Gene Hulbert said we talked about it in executive session so don't say the board did not know who we were hiring. He is asking the rest of the board if they knew that the first person declined and then a second person that the Town did not authorize an offer to go to, went out?

Jim DiMascio said no I was the guy who brought it up the last time. When it was put on the agenda that we needed to hire a new person, I said wow what happened to the lady who started on January 4<sup>th</sup>-where is she? That is when were told that she didn't accept the job. That was the first time he was aware of it.

Frank Carl – Gene he did know that one. The 4<sup>th</sup> was a Monday and he found out Friday because he went into the Ordinance Office to let John know but he was out that day. He let Diane know. He is guessing that it his fault that he did not call John at home to let him know. He can't imagine that when he came in on Monday morning that he was that shocked because other people there on his floor knew and it was the talk of the room that day. He did miss contacting John directly but he did notify Diane in the Ordinance Office that no one would be showing up that day. He does not have a good solid memory of the second applicant but he did know that she declined.

Gene Hulbert said at no time did the board authorize the second person to get hired. That would have made that whole hire again, illegal. We would have gone through that whole process again, because you kept stuff from the board and you did the wrong process and you hired someone before the board authorized you to hire them. The Board did not authorize that second person.

Jo Anne Klenovic said this is exactly why I recommend that this discussion move to another day and time with a more productive result because the hiring committee has been given different results, different charges, different results every time we go out to bat. Last week in a 17-minute meeting 11 minutes was spent on clarifying what the committee was getting a motion to do. It is so confusing when everyone is adding what that responsibility is. I reviewed the Zoom, you should all look at the zoom. I look at it every week because it is very enlightening on what was said, what wasn't said and how it was and the final verdict. Last week's meeting took 11 of those minutes just to clarify that. Frank asked three times. It is a confusing process and the board changes their mind on different occasions. We need to straighten it out. There are no laws broken. Those people interviewed were legitimate candidates for a job description that this board fully knew what the job description was. The pool of people was excellent for that. It was a very fair and even-handed process. The board was never given information that the person that declined that the second person was even a candidate or a part of it. I understand Jim's theory. I

remember hearing this before. I do remember January 6<sup>th</sup> as a start date and there was a gap in information again partly because the board does not want to receive any correspondence in between meetings, any business in writing and on telephone. They want no communication.

Jim DiMascio said he wants to interrupt right there as that is an unfair comment. All we have ever said in e-mails was to provide updates which is more than fair. It is when we put out questions and expect an answer to that is what we are against in regards to the open meeting law. I want to clarify that once again. All we needed was that this person declined that job, there would have been no response from us, it would have just been informational only.

Jo Anne Klenovic said to Jim that we spent over 20 minutes on an informational piece that she sent to the board and a lengthy discussion on the rules that she broke and it came out in the discussion that that was not the case at all. It was asking you to prepare.

Gene Hulbert said that you just unilaterally dissolve yourself from every misconduct thing you have done in the past and this is way off topic of what this is. You did not advise the board of anything that was going on. When you have those interview committees, those people on those committees do not have the authority to hire anybody. They are there to give recommendation to the Town Board. The Town Board is the only entity in the Town with the authority to hire anybody. That is, it! You can't put it back on the interview committee that they are the ones who are responsible to hire and make those choices.

Jo Anne Klenovic said that those words did not come out of her mouth. You just said it not her. The board does not give enough direction, which she is a member of the interview committee on most occasions, with another board member so she needs more clarification and she wants a set of rules that applies. If they don't apply to every situation, then we will make ones that apply either for "A" or "B". This board has to put more effort into it. If you don't like the results, you know that these are difficult positions to follow. She has another board member with her and administrators with her. She is trying her best to keep this above and beyond what it is supposed to be. She may have made missteps and she should have told you that that person backed out but it did not dawn on her to do that she kept waiting and waiting and then at the next benchmark we would have more complete information so that was a mistake on her part. She will take responsibility what for she did wrong but she will not admit more that this was handled improperly because every rule was followed that she was aware of at this time. It is just a work in progress that needs to get the kinks out but the board has different rules at different times. She is flabbergasted by that and she won't agree to the statements that you made about misleading you and your involvement. If anybody would like to make a motion or make any suggestions to move this in a forward direction, she would appreciate it getting resolved. Who wants to start the dialogue?

Keegan Coughlin thinks it would be a good idea to set up more clear guidelines to the policy being productive going forward for what the interview committee's role is a valid idea that could hopefully stop these issues from happening going forward.

Terry Kellogg doesn't disagree that some guidelines should be established but what he does have a problem with and in this specific instance is the fact that Jim brought it up, he was just as in shock when he found out that the person that we had approved by the interview committee to

make an offer to back in December, didn't accept. We didn't know that in January when it was on the agenda again. If another person was offered the position before it came back to the board for consideration that is a big problem. We would have had to make a recommendation, just like we did for the first hire before we can make that happen and that is a misstep that we all have to understand and not make that mistake again. In terms of what we have talked about in length last week, the confusion is something that we need to discuss because we shouldn't be throwing out the names of potential employees in an offer in open session when the person is gainfully employed at another employment. To me that is as wrong as anything here because that person is put in jeopardy where now their employer knows they have been offered a position and it is going to be in our minutes. That is something that should be done privately and until they have accepted the position. So, there is two issues that he feels we need to address.

Keegan Coughlin said he would co-sign both of those.

Frank Carl and to your point on the month of January, he would have to go back through his notes on it but applicant no. I kind of strung it along for a while. He didn't think that we knew she had turned us down until very, very late in December, because January 4<sup>th</sup> was supposed to be the start date. We didn't know that until the Friday before that.

Terry Kellogg just thinks that logical steps would be to let the board know before we get to the next candidate and that is something that we don't do very often because we are not personnel departments but we need to do a better job.

Jo Anne Klenovic said that she agrees to that.

Frank Carl said that on the back side of that hiring, he thought went extremely smooth. We all stayed out of her business and she communicated with Tami a few times, accepted the offer, everything went quite smooth after the last meeting. Too many hands in the pot make it kind of messy and scares people off and makes us look like we are not sure what we are doing.

Jim DiMascio absolutely has said his piece. Again, there were missteps and he thinks again he is the guy by the dictionary, semantics matters and the wording that we use-hiring committee vs. interview committee etc. all are important and he does agree that we should formalize this process to avoid these kinds of discussions. He would support that absolutely.

Jo Anne Klenovic asked Gene if all his points have been made.

Gene Hulbert said they have but the one thing that he asks Lizanne to do is to go back and it was a couple years ago that we did a resolution on how the Board was going to do the hiring process. I just don't want to re-invent the wheel but just go back to the resolution and the process that we already discussed and deliberated. Let's start from there before we make any new rules that we would have to discuss further. He asked Lizanne if she could do that. She said she will try to find it.

Keegan Coughlin asked if he could summarize so that everyone is on the same page? First, all five board members agree that it was a mistake not to let the board know that the person did not accept the job. Second, that nobody should be given an offer of employment without

authorization through the board, with the small exception of the Highway Department, because Derin is also an elected official and he can do what he wants within the budget. Third, going forward we are going to set more clear guidelines for the interview committees based on potentially changes off the old procedure that Gene just outlined. The board all agreed and said it sounds good.

Frank Carl wanted to know if it was out of the ordinary to set all the parameters-we want to go out and hire an administrative person these are the parameters, this is the Civil Service position, this is the amount of budget that you are allowed to work with- is it out of the ordinary to have the interview committee and the hiring committee to be all one to not have so much back and forth with the board. He feels that we are spending too much time, even if we hadn't misstepped on this one; he is not sure the value of coming back and forth to the board on some positions. He understands that there will be more board involvement with department heads and things like that but Keegan do you understand what he is saying?

Keegan Coughlin said yeah it does not have to go back and forth as long as the board in the beginning is clear of the authority that is given. Then ultimately a hiring resolution needs to be done after making an offer and acceptance. The one thing he forgot to mention that was well take by Terry as a suggestion **no** names!

Jo Anne Klenovic wants it know that she is taking responsibility, it was not Frank's call that she didn't notify the board, she misstepped on that. Let's make plans that if February 10<sup>th</sup>, if that still stands to work on a draft or do you want to take a break and go to the following week as we have no open positions besides DCO right now or take a little break and give it some thought to it or just come back and get it done next week.

Terry Kellogg said that it depends on how successful Lizanne is on finding that previous policy. If she finds it and can share it with us within the next few days then we can talk about it next week.

Jo Anne Klenovic asked if we go out a week or do it next week?

Gene Hulbert said he would prefer to keep it for next week. Terry Kellogg agreed and if we don't have what we need then table it until the following week. Jim DiMascio and Frank Carl were all in agreeance. Ok then it is on for next week.

Terry Kellogg asked Jo Anne one more quick thing as she previously mentioned ZOOM on line. Do they as board members have access to the recorded meeting in one way, shape, or form of that availability? You sent a link in a previous communication to them that had a link to a meeting, is there a ZOOM portal that they can access.

Jo Anne Klenovic said as the holder of the license that she gets a copy of the meeting in her mailbox a few hours after the meeting and there is one saved to the cloud and one saved to the local desktop. There is the initial copy that comes from ZOOM and she feels it is a good concept for everyone to review- some of the words from the meetings-some of the decisions made so she is referring this to Keegan for his comments/issues.

Keegan Coughlin said that any board member can get access to any of the meeting minutes, recordings or anything like that all they would have to do is ask Lizanne.

Jo Anne Klenovic said that usually it is available by Thursday afternoon so it will be available however you choose.

Terry Kellogg said as a matter of course, could we receive a link after every meeting?

Lizanne said sure that can be done.

### **NEW BUSINESS:**

- Broome County IT Agreement – Keegan Coughlin asked if there were any questions it is very similar to the one entered into last year.

Gene Hulbert had a concern about the things that they are signing off on that bother him are the same things as of last year. The fact that they have no input on the uptime; those are things that when you go out for things of this service-those are 99% uptime guarantees that you are getting into by that and there is a waiver in this that the County is not responsible for any uptime. That is something that he wants everybody to know that those are things that we should be getting not signing away and the cost for the extra storage on the e-mails. Our inboxes are going to do nothing but grow so the cost associated with those are going to continue to be extra costs that we don't get without e-mail handling services. He is just encouraging us to look at other markets because it is not the most effective for our own use we know that we are having problems with our e-mail that we wouldn't have with other vendors. Who else did we look at or did we go out and get a comparison quote from like Office 365, anything with our own provided?

Jo Anne Klenovic said that she thinks that there is a component that Pyramid can't handle in regard to our e-mail but that the County needs to be involved. She asked Lizanne if she stated that clearly.

Lizanne Korinek said that they, Pyramid, just feels that it would be extremely costly to us if we ..... they are giving us one heck of a deal, let's put it that way to handle our e-mail.

Gene Hulbert was just wondering if they every put that to us in writing because he does not ever remember seeing that.

Lizanne Korinek wanted to know if they wanted Jon to get an estimate to you to let you know if they handled our e-mail how much it would cost?

Gene Hulbert would like to see the information that we are basing our decision on, yes.

Jo Anne Klenovic said she would work with Lizanne on that tomorrow and that she also wants to explore the security aspect to it as well, that there should be a checks and balance to it. All the eggs shouldn't be in one basket. She would like him to document that for the board as well.

Keegan Coughlin said because it is an intermunicipal agreement and getting other quotes, we are not required to. That is just from a legal perspective and that is why we don't have to bid it.

Jo Anne Klenovic said we will first tackle the issue of the board and we will see what kind of deadlines we have and asked if there were any other questions on this item.

Terry Kellogg said he thought that there was a question regarding foil requests on e-mails and if it was outsourced those would be an ale cart expense, above and beyond our base contract, and he thinks that is where the cost element kicked in significantly is when the research had to be done by a third party provided for our e-mail for foil requests. How does that work currently? The requests from the Clerk go to the County, the County does a preliminary search, the data is dumped back to you for you to redact certain confidential matter; he doesn't know how that would work with the third-party provider of the e-mail. That was an issue in the past when we were looking at it.

Keegan Coughlin said that seems to be a fairly accurate summary of how it happens. Lizanne gets the request, she sends it along to me, talk about it and it gets sent to the County for them to pull the information. They try a couple different key words to make sure they are catching it all, then send it back to us in the form of a link that he can download the information.

Terry Kellogg asked if that was all part of the service fee that we pay the County, he just wanted to make sure.

Gene Hulbert just to follow up on Terry's question; there is a \$70.00/hr. outside service fee that is part of this agreement. How much was spent last year on out of service fees.

Jo Anne Klenovic said that we used it in the past because they were helping us make changes to our website and now that we have Pyramid and Freshsites for our website we haven't had to use the portion of the contract with the County since we brought on the other two vendors.

Keegan Coughlin felt it would be worth while for someone to pull the bill and see if those foil searches are some of those out of scope services or not.

Jo Anne Klenovic said to the board that this Resolution is on as part of the next meeting so we will have to table it.

- Year End Budget Modifications – Julie Wyatt gave you some backup in the agenda to describe some of the changes that she needed to make and was wondering if there was any changes or questions. No one had any questions or changes.
- Resolution Appointing the Senior Clerk – You have that in your packet-any questions or concerns as you will be voting on this at the following board meeting. They board was fine with it.
- Resolution hire in the Highway Department – Backup information is there and Derin is on the call if you have any question for either him or Jim. Jim said that we did interview several candidates. Jim Aukema was also in on the interviews. The candidate that Derin and Jim have put forward is a quality person. Again, as we have discussed it is under the Highway Superintendent's purview but it is also a decision that he supports.



Gene Hulbert asked if this position was the direct result of the opening because of the Highway Superintendent's promotion.

Jim DiMascio said that is correct. With his promotion we have a spot to backfill; it is not an addition to staff. There were no other questions or comments.

- Resolution to purchase a truck for the DPW – You have an attachment for that as well. Would anyone like to comment.

Keegan Coughlin said the only comments he has is that the blanks that were requested to be filled-mini bid number is 6210 but there will be an additional paragraph built in that says it is specifically the lowest bidder out of current existing inventories. The reason for that is that the bid structure was set up that we requested for pre-existing inventories and then we also had if there was not pre-existing inventory then we would like to entertain what the cost would be if we had one built but the pre-existing would be able to get priority. So, this is not the true low bidder on the entire bid but it is the low bidder from pre-existing inventory which would be our first requirement. He will be putting in some clarification language for that in the Resolution at the 7:00 p.m. meeting. Julie's response in connection with this resolution on the funding is that it is coming from two different lines of the General Fund. So, it is going to say from the surplus fund balance in the General Fund. The board had no comments, questions or concerns.

Keegan Coughlin wanted to say good job to Greg for his first successful mini bid. It is not the easiest system to work through when you've never done it and specifically the language he put in on how to structure pre-existing vs. as built inventory makes things a lot easier for us so he did a nice job.

- Board Communication – Jo Anne Klenovic felt it would be a good way to clear up a few items out there. She wanted to address the ZOOM because at one point the board members asked for clarification or however you wanted to word it that the break out rooms were being scheduled or assisted by her. It is a pre-determined setting for a meeting on ZOOM that she schedules the meetings for work session and that Lizanne schedules them for board meetings. That information is shared with Tami who distributes it to the website and the agendas for all occasions and makes sure that we are covered along all those lines. Planning and Zoning secretaries are sufficient at this point, they schedule their own meeting, record them and then secure the data at the end to the server. They have learned to be self sufficient for that. Lizanne and I have scheduled ZOOMs for interviews, training and all kinds of meetings with clients-State, Federal, Local and County or what have you as needed. So, if someone from the main floor needs help Lizanne helps them. The break out room is a feature of ZOOM. We were using the waiting room as a way to get the board out for executive session and that was incorrect to do. It was creating an expense to the Town for not being able to release the information in foils because we had to get help to extract the executive session portions so they would be clear to go out to foil. That extra expense and time made the foil process bog down. So, it was important how to use the break out rooms and its function. Jo Anne researched it with ZOOM and created some practice rooms with the staff and had practices during the day to make sure we all understood it. You will remember we did the same thing with the board, we started one of our meetings with the ZOOM technology for the breakout

rooms. She feels that it is imperative that we continue to look into the ZOOM capabilities and looking at the financial side and the obligations to the board to make sure that we have the best-case scenario. It has no bearing on open meeting laws. She wanted to make sure the board understood the process. We are trying to do this all-in house and she is taking the lead on the new concept portion of it and when everyone gets comfortable then we go on to the next thing we need to address.

Gene Hulbert has a comment. He doesn't care what you do with your internal meetings or how you host the meetings with the vendors or whatever. What was discussed as a board on who was to be responsible for the meetings for the Town Board-whether they are work sessions or town board meetings-that was all Lizanne's responsibility. At that time, it was decided that you were not going to be hosting or have any part of the documentation or holding the interviews, or holding the videos or any of that. That all was to be done by Lizanne and he doesn't see any reason why that is being done by you at all. As Lizanne is the Clerk, she is the one responsible for the meetings and the minutes. There is no reason why it should be going through you on your computer and having to distribute it to the board. It should be completely 100% off from your plate.

Jo Anne Klenovic said I just exactly described to you the process and the only thing that I told you is research and development of concept. She has no communication what so ever with meetings or any control over the meetings. I have a hard time following where you think there is discrepancy.

Gene Hulbert said because the last time he asked for a meeting-he asked Lizanne for it and he got an e-mail from you with the link of it- from you.

Jo Anne explained that the license that was used for the work session must have been hers and that is why the link went to her. The Cloud grabs the official recording and that.....

Gene Hulbert that is the conversation that we had months ago that you needed to separate yourself from the Planning Board, Zoning Board etc. So, he is going back to the previous board decision and he wants that to be followed, he understands why you got the license but for the Town Board Meetings and the Town Board Work Sessions that all needs to be run through the Town Clerk not have anything to do with the Supervisor. I am asking you to live by the decision that the board has made and to get rid of all that stuff.

Jo Anne Klenovic thinks that his description is a little bit more involved than the original decision and that most of these things existed at that time. Now everything is being lumped into it. She does not agree with it and doesn't feel it is functional but it could be the will of the board but it is her personal opinion of the training aspect and what we are spending our money on is an important function. It has absolutely no bearing on open meeting laws and she would expect the other board members to speak on their point of view and also Keegan.

Frank Carl stated earlier that you said that because the license is in your name the e-mail with the link comes to you with the recording. We should change that so that e-mail goes to Lizanne, the Clerk. We shouldn't have any possession of that in any way, it needs to go to the Clerk.

Jo Anne Klenovic said that it is a copy of the original that goes to the Cloud and there is absolutely no function to it other than viewing it. There can be no changes made to it.

Gene Hulbert said that you are not the only one on this planet that knows how ZOOM works. You don't have to create the link to the meeting. Lizanne can do that. ZOOM completely off the table the only person responsible for the minutes of the meeting is Lizanne. Everything else has to work exactly the same way. You need to be out of the invitation, housing portion of it.

Jim DiMascio so here is an easy question: Why doesn't the Town Clerk have a license?

Lizanne said she does.

Jim DiMascio so why isn't she the keeper of the meetings?

Jo Anne Klenovic said she is.

Jim DiMascio you just said that you have the license so that is why you are getting a copy of the report. Why isn't the license going through Lizanne for both work session and town board meetings?

Jo Anne Klenovic said that it could be but it is a method that we developed so that there would be no confusion and that the ZOOM information could go with the right document as Jo Anne's office produces one document and Lizanne's office produces the other. We didn't want to have any mistakes as it did occur earlier this year where the wrong information was included on the agenda so we made sure that we separated those responsibilities and the cross over of information was never an issue and it was successful in doing that. It can be changed. She can do it all. Originally hers was the only license, that is why everything comes.....

Jim DiMascio feels that this is a year down the road. We have gone through this experience, she is the Town Clerk, she is the keeper of the records for any meeting; that is why she is here. We should be using her license to clear this up so there is no misunderstanding. She is the keeper of all records and after the meeting the recording goes directly to her.

Lizanne Korinek said that going forward we can do that. In the beginning I did not feel comfortable doing it but now with more experience I am under control.

Jim DiMascio said ironically you should say that because my very last question based on Jo Anne's comments six (6) months ago Jo Anne said everyone was trained, you said hey wait a minute I need training.

Lizanne Korinek said that is correct. Since then we have practiced during the day setting up meetings, doing break out rooms. I'm...

Jim DiMascio doesn't want to put more on her if she is not prepared. Although he definitely feels that she should be the keeper of the license to host our meetings. Again, I don't want to put a new burden on you if you are not ready.

Lizanne Korinek said she was good with it.

Terry Kellogg has one quick comment on an issue that came up when you were unable to attend the meeting here and you had scheduled the meeting so we were not able to establish a breakout room for that meeting so we had to do it the other way.

Jo Anne Klenovic said that is incorrect that meeting was established with a breakout room and it probably was not executed properly but she did program it in.

Terry Kellogg said well then it was a mis understanding at the meeting and he was under the impression that we couldn't do that so we had to go to plan B. It sounds like the solution is in site with Lizanne scheduling the ZOOM meeting and creating the links going forward and he is fine with that.

Keegan Coughlin said that anyone can set up the link as long as it is properly done and all the records should be housed with the Town Clerk.

Jo Anne Klenovic said ok then it shall be.

Jo Anne Klenovic said there was another topic that came up last week and she was unavailable so she gathered the gist of it from the ZOOM report and provided you with any information that she could with the issues the board was having. I was in attendance and I have reviewed the ZOOM recording and the board's comments. She is going to suggest to the board that they take action making a motion stating their intentions for the use of the building and the due diligence on their part or what they think the Town should be held to. There will be no communication issued along this line and she is kind of paraphrasing but she will read what she had prepared because this event had transformed from a multi-event to one single event and precautions had been considered and so there is some value of course to having across the board policy so that we don't deviate and there is no questions or confusion. She would like to offer to the board that they make a motion that postpones any/all events within the Town Hall and that won't give anyone the opportunity that we are not doing our part or due diligence. That we have certainly been a healthy building and certainly have been living up to our standards. It should be a matter of record and she would like to have the board weigh in and making it a matter of record especially until the expiration of COVID-19 because that is what is driving this. Jo Anne asked if anyone would like to make a comment.

Gene Hulbert wants to make a comment. We have executive orders that are in place that already make it so that is already not allowed. (Gene froze up and lost his signal)

Frank Carl would like to say the comment on being a healthy building, he feels we are just as at much risk as any other building out there. We've had for the number of people that work in that building, we've had several and from a percentage basis it is probably higher than the State percentage just in that building alone. Not pointing to specific offices there have been several cases in the building. So, we have to be diligent and that stinks. He is as COVID-bored as any human being right now but we still have to live up to it and we have to keep living up to it. When they are bored the people tend to lax off a little bit, we just have to be

stricter and live up to the State guidelines. There is already orders in place from the Governor that we just need to follow ourselves.

Jo Anne Klenovic said this is true. This board made the decision to alter, not cancel, a holiday celebration but to bring in an alternative and to distribute it in such a way that each department was responsible and that we didn't have large groups. That was ineffective. It went to a centrally located kitchen, it was not refrigerated, it was communal style and it did not solve the problem so that is why she is ....

Frank Carl said hold it what centrally located kitchen as I delivered the stuff myself.

Jo Anne Klenovic said Frank I know it went to the kitchen over at the garage where they all partake in that room. I did not have any knowledge or did I attend that. Then you came to the Town Hall and it ended up in the kitchen and they were out for a period of time during the day. The people grazed and went back and forth and did what they had to do. It is not a solution to what we are facing right now. That is why she is asking for a motion that says we are not having any activities because a substitution is not better than the ones we are trying to replace. She is just saying let's not make another stop gap measure and just say everything is off the table. Then it will be clear with everyone that its off the table and we can all adjust to that thinking. That is her point of view.

Terry Kellogg thought that was clear back in December when we decided not to have the Holiday party and for some reason the confusion proceeded to go on where this event did occur. I think that was Gene's issue and he shares the complaint. With the orders that we have in place with the safety precautions that we all need to be cognoscente of, it was inappropriate for it to be allowed to happen let alone attend. That to him is the biggest problem. I don't think we need to make another motion. What we are trying to follow has been preestablished, we don't need to micromanage the language we just need to enforce it.

Jo Anne Klenovic said Gene is reporting that his connection is lost and he is having problems getting back on.

Jim DiMascio has had two comments. Jo Anne for his personal clarification because you were not able to attend last week, was the birthday party celebration your idea?

Jo Anne Klenovic said it is traditionally held.

Lizanne Korinek said it is a staff thing that we have done this... I am probably the oldest employed person here. We have done this every month since I have been here.

Jim DiMascio said in a central location.

Lizanne Korinek said yes.

Jim DiMascio said well there are two things. First and foremost, we thought we cleared this discussion up for the Christmas Party. It was put in front of us that these events that should not be happening at all due to the COVID restrictions. Obviously, we were not aware that

birthday celebrations were happening previously until it we found out that it was held just recently based on these situations. He is surprised and a little disappointed that these things would happen in this COVID environment. Lizanne, I understand what you have said again still though in the principle of COVID his company would never allow that to happen since March of last year. 90% of employees are working from home, there are no gatherings of multiple bodies, etc. and we were under the impression that was happening at the Town of Chenango. We understand now differently, it should be enforced. I agree with all the other board members that another resolution shouldn't be necessary but I would make a motion just for the clarification that this cannot happen again. That by no jurisdictions, by nobody else authority should an event be held again until the COVID-19 emergency is over or the NYS restrictions have ended.

Lizanne Korinek wanted to ask one question if she could. What is the maximum number of people that are allowed... like when you go out to dinner at a restaurant and have a gathering at a restaurant, what is the maximum amount of people allowed at a table.

Jim DiMascio said that his understanding was six (6).

Lizanne Korinek said six, ok.

Jim DiMascio asked if that number was still true.

Keegan Coughlin said it depends on what zone you are in what the rule is and 17 other factors.

Jim DiMascio asked how many people were in the room for the last birthday?

Lizanne Korinek said that we had ten (10).

Frank Carl said what is allowed at one table in a restaurant was six family members that come from the same bubble or what ever term we are using.

Lizanne Korinek well we are basically family members in a bubble here. I spend more time here with these people everyday than I do with my husband at home. Just putting that out there. It doesn't make it right or wrong but I am just letting you know. We are all adults here, we all social distance and we all had our masks on. I am just letting you know that.

Jo Anne Klenovic said she also asked them to consolidate to one day a month instead of multiple days previously and also that I felt comfortable with several people attending took food and left to go back to their space. All the rules have been covered. I thought it was a safe event. It was on my watch and I knew it was going down and I approved of it.

Gene Hulbert said when he asked John about the situation that happened, he told me there were more people there that were in addition to the number of people that were in the Ordinance Department. That is on top of what was going on. It was during a period of time when work had to go on and the public was still coming up to the window to have questions

answered and things like that. The operation of the department still had to run just as normal but it was not being easily done with the party going on.

Lizanne Korinek said Gene it was being done. We took care of every customer that came to that side window.

Gene Hulbert said he was telling Lizanne the information that he got from the Department Head. He is not making this information up.

Lizanne Korinek asked John Freer if he would like to comment? There was no response.

Keegan Coughlin said that we should call this conversation in two minutes so we can give the open forum the opportunity during the work session.

But Jim was that a formal motion that you made that someone might want to second it? Gene Hulbert said he would second it. Lizanne took roll call and the motion carried by the following vote: 5 Ayes, 0 Nays.

### **OPEN FORUM:**

Mike Lumsden read the following letter:

Supervisor Klenovik, it still appears that you do not fully understand what your role is and what it isn't, and for that matter, I do not think you fully understand the role of the duty supervisor either.

In the past, you; have told the board and the public to judge you by your actions and not your words. But words do matter, so I will start with your words. "I'm slow to understand the process and rise to the level of leadership I know this Board needs". That seems presumptuous on your part. Councilmen Hulbert, Kellogg, DiMascio, and Carl are all leaders in their own right in this town and on this Board, which you are a part of and like them, carry only one vote. One thing that keeps repeating itself is that you are slow to understand the process, or maybe the question to Supervisor Klenovik should be are your just choosing to ignore the process?

I will move on to another quote "there is too much micro managing". You are the one trying to micro manage "everything that is Chenango", again your words. You also stated "we do not practice what we preach sometimes and we do not heed the warning of counsel". That sure seems true in your case.

Another one "all I ask is truth and fairness and I offer the same". That certainly was not apparent on January 13<sup>th</sup> work session when Councilman DiMascio asked about a start date regarding a job in the code department. But your actions on the 13<sup>th</sup> are very indicative of your tenure. Another quote of yours "I seek to build trust and to eliminate anyone's need to be anything other than forthcoming on any topic". Again, your words don't match your actions. Many times a board member will ask you for clarification on one of your statements or ask for documentation, (for example in a recent work session there was discussion about the role of Tami Carl as your personal secretary and her role as HR director and other duties that she might perform inside the

town), but yet it never seemed to come up again in open forum and I don't see it in my FOIA requests, which leads me to think that you are not following up with the Board's request, or you are shielding it from the public through personal laptops, cell phones. Etc. Bit in one of my FOIAs, you wrote and I quote "given the uniqueness of Frank's position, it is up to Jim and Gene to fully understand the issues and weigh the solution created." What was the solution? Where was it discussed? It wasn't done in front of the public and it was never announced going into Executive Session. But I will get into that in another meeting.

Another quote of yours "I talk too much", which is true and is on full display in every meeting. Let me quote you again "perhaps I forgot that others have the ability to decide as well as I". That is absolutely true. The four other board members that sit on this board with you and the department heads and the professional certified employees in this building clearly have the ability to decide matters and do not need to be micro managed by you. Yet another quote "I feel I have improved in my understanding of the process but old habits die hard". Supervisor Klenovik, those old habits need to die and I am sure the Board, along with the public, are tired of them.

In this current environment, this next quote is absolutely pathetic. Your quote "in the case of COVID-19, I believe my ability to make decisions and act in the best interest of the town has been proven". That does not seem very fitting when you have been holding birthday parties in the building with people congregating in one room, family style without wearing masks or even worse, without the Board's knowledge. That is both pathetic and dangerous, which proves that you are not good at making the best decisions to protect this town.

But this last one that I am going to quote is truly ironic. "It's time to address the elephant in the room". It appears to me that the elephant in the room is you Supervisor Klenovik. In the past three years you have repeatedly lied, not followed the process, continue to think that you lead the board and that you always know best, when in fact you have demonstrated over and over that you think you have some kind of executive authority over this board and the professional people that work inside this building. After listening to all of the meetings in the last three years and having numerous dialogs with you Supervisor Klenovik, what keeps popping in my head is the Carly Simon Song You're so Vain. You probably think this town is about you, don't you? Oh, by the way, what happened with the Christmas Party? Thank You.

Kathy Rudy, Deputy Town Clerk, she would like to say something. I would like it known for the record that the birthday party which I was one of the birthdays was not created or had anything to do with Jo Anne. The employees of the town decided to have a party, not an extravagant party. It was a pizza; fruit platter and we were so far distanced from each other more so than if we went to any restaurant and sat down together. We were very careful of what of we were doing. We had a couple of the Highway Department people there that also had birthdays and they were distanced. We had at least six (6) feet apart from each other and it had nothing to do with Jo Anne. Jo Anne was not even there the day we planned.



I just want to let that be known because it had nothing to do with her. We had this planned while she was not even in the office.

Webb Sisson – Everybody has spoken about it. The fact that it occurred with or without masks and you attended; maybe you didn't plan it as the Supervisor but you should not have allowed it to have happen. You should have said stop this is as far as it goes. We are under County rule and State rule and you keep pointing that out and the public is not even allowed in the building. Yet we can still do these things. The buck stops at your house. You have to make sure that you are responsible for all the problems because you let it occur. End of discussion.

Kathy Rudy asked if she could reply.

Keegan Coughlin said no sorry Kathy.

Keegan Coughlin said there is also another public opportunity at that meeting as well. If someone is on their phone and they don't know how to unmute themselves, it is star 6.

As no one else wished to speak, motion was made by Frank Carl, seconded by Jim DiMascio to adjourn the meeting and carried by the following roll call: 5 Ayes, 0 Nays.

Respectfully submitted,

Lizanne M. Tiesi-Korinek, Town Clerk

Town of Chenango



## Jo Anne Klenovic

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**From:** Hulbert Jr., Gene H.  
**Sent:** Wednesday, August 25, 2021 9:30 AM  
**To:** Kellogg, Terry J.; Klenovic, Jo Anne; Carl, Frank R.; DiMascio, Jim  
**Cc:** Keegan J. Coughlin (KCoughlin@cglawoffices.com)  
**Subject:** Re: Employee Luncheon

I agree with Terry's comments below and support the lunch.

Gene Hulbert Jr.  
Town of Chenango Councilman

“Sunlight is said to be the best disinfectant.” Judge Louis Brandeis, 1913

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**From:** Kellogg, Terry J.  
**Sent:** Wednesday, August 25, 2021 08:23  
**To:** Klenovic, Jo Anne; Carl, Frank R.; DiMascio, Jim; Hulbert Jr., Gene H.  
**Cc:** Keegan J. Coughlin (KCoughlin@cglawoffices.com)  
**Subject:** Re: Employee Luncheon

Jo Anne,

Given the fact that Town Hall is open to the public again and COVID-19 protocols are in place, I would support having a luncheon for Tami limited to those Town employees who regularly work in the building.

Employees should be reminded of the protocols to ensure a safe event. Unfortunately, I won't be able to attend, but I believe it is a nice gesture to bid farewell to a dedicated Town employee.

I apologize for the late response. I wrote this yesterday and forgot to hit send. Gene, Jim, & Frank - Please respond ASAP if you haven't already to afford Jo Anne time to put a plan in motion if this is a go.

Thanks,

Terry

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**From:** Klenovic, Jo Anne  
**Sent:** Friday, August 20, 2021 1:27:35 PM  
**To:** Kellogg, Terry J.; Carl, Frank R.; DiMascio, Jim; Hulbert Jr., Gene H.  
**Cc:** Keegan J. Coughlin (KCoughlin@cglawoffices.com)  
**Subject:** Employee Luncheon

To All

I would like to host a staff luncheon for Tami Carl's last day. I am certain that we can safely and responsibly celebrate her time with TOC without endangering anyone's health. The community room is COVID clean and is spaced appropriately. However, given the previous Board determination regarding gatherings or parties we all wanted to ensure that the Board approved of the decision to have a celebration. Staff will have the option to revert back to their own space but if masked, I am certain all will be safe. Tami feels that the Board will be opposed to the celebration and there will be fallout. I do not want any controversy to brew regarding this topic or anxiety on her part. There are no mandates in effect other than our own precautions. My initial thoughts are to offer a lunch buffet between 11:30 and 1:30 on Friday August 27 allowing staff to eat and visit with Tami at various intervals keeping the business of the building up and running.

Tami has worked with all departments in her role as payroll clerk and human resources so all should be included. I'd suggest to the Department Heads that they make arrangements for the staff to partake in the food and cover their workload appropriately. Julie, Lizanne and I are organizing the event food and décor in celebration of Tami's successful career. I hope that the members of the Board are in support and are available to attend and offer your congratulations. Jo Anne

*Jo Anne W Klenovic*  
Supervisor  
Town of Chenango

**1529 Route 12**  
**Binghamton, NY 13901**  
**607-648-4809 X6**

## Jo Anne Klenovic

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**From:** Keegan J. Coughlin <KCoughlin@cglawoffices.com>  
**Sent:** Wednesday, August 25, 2021 10:07 AM  
**To:** Klenovic, Jo Anne; Carl, Frank R.; Kellogg, Terry J.; DiMascio, Jim; Hulbert Jr., Gene H.  
**Subject:** RE: Employee Luncheon

I agree with your approach Frank, if the Board wanted to have a general discussion regarding these types of events after the conclusion of the Tami related discussion then you'd be welcome to participate

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**From:** Klenovic, Jo Anne [mailto:[supervisor@townofchenango.com](mailto:supervisor@townofchenango.com)]

**Sent:** Wednesday, August 25, 2021 9:18 AM

**To:** Carl, Frank R. <[Frank.Carl@townofchenango.com](mailto:Frank.Carl@townofchenango.com)>; Kellogg, Terry J. <[Terry.Kellogg@townofchenango.com](mailto:Terry.Kellogg@townofchenango.com)>;  
DiMascio, Jim <[Jim.DiMascio@townofchenango.com](mailto:Jim.DiMascio@townofchenango.com)>; Hulbert Jr., Gene H. <[Gene.HulbertJr@townofchenango.com](mailto:Gene.HulbertJr@townofchenango.com)>

**Cc:** Keegan J. Coughlin <[KCoughlin@cglawoffices.com](mailto:KCoughlin@cglawoffices.com)>

**Subject:** RE: Employee Luncheon

Thank you Frank

**From:** Carl, Frank R.

**Sent:** Wednesday, August 25, 2021 9:12 AM

**To:** Kellogg, Terry J. <[Terry.Kellogg@townofchenango.com](mailto:Terry.Kellogg@townofchenango.com)>; Klenovic, Jo Anne <[supervisor@townofchenango.com](mailto:supervisor@townofchenango.com)>;  
DiMascio, Jim <[Jim.DiMascio@townofchenango.com](mailto:Jim.DiMascio@townofchenango.com)>; Hulbert Jr., Gene H. <[Gene.HulbertJr@townofchenango.com](mailto:Gene.HulbertJr@townofchenango.com)>

**Cc:** Keegan J. Coughlin ([KCoughlin@cglawoffices.com](mailto:KCoughlin@cglawoffices.com)) <[KCoughlin@cglawoffices.com](mailto:KCoughlin@cglawoffices.com)>

**Subject:** Re: Employee Luncheon

Sorry I didn't reply, figured that my input might not be appropriate.

Frank

**THE TOWN OF CHENANGO TOWN BOARD MET FOR WORK SESSION ON  
WEDNESDAY, AUGUST 25, 2021 AT 5:00 P.M. IN THE TOWN OFFICE BUILDING,  
1529 N.Y. ROUTE 12, BINGHAMTON, N.Y.**

PRESENT: Jo Anne Klenovic, Supervisor  
Jim DiMascio, Councilperson – Absent  
Frank Carl, Councilperson  
Terry Kellogg, Councilperson  
Gene Hulbert, Councilperson

ALSO PRESENT: Keegan J. Coughlin, Legal Council  
Lizanne M. Tiesi-Korinek, Town Clerk

Jo Anne Klenovic welcomed everyone.

**PLEDGE OF ALLEGIANCE TO THE FLAG -**

Jo Anne Klenovic called the meeting to order and asked everyone to join in the Pledge of Allegiance to the Flag.

**OPEN FORUM:**

Richard Firenze – 20 Fernwood Lane, Poplar Hill Estates addressed the board for a Speed Limit Reduction. He read the following and gave a copy to the Town Clerk to enter it into the meeting minutes.

Greetings. Madame Supervisor and members of the Council, I would like to thank you for the opportunity to speak with you today. I will be brief. My name is Richard **Firenze and I reside** at 20 Fernwood Lane in Poplar Hills Estates. I am addressing the Council today on behalf of the residents of the Estates concerning the possibility of both lowering the speed limit on Hemlock Lane, Overbrook Drive, and Fernwood Lane from the present unmarked 30 mph to a marked 25 mph, as well as the possibility of erecting signs stating, "Children at Play." We recognize that although this is a nominal, and somewhat symbolic reduction in the speed limit, it is none the less important. In fact, there is presently such a sign on Poplar Hill at the corner of Keeler Ave, which does reduce the speed limit to 25 mph and makes the statement identified above. We fully recognize the change of a speed limit is not just merely the province of the Town but also involves several other agencies. **It is a** time consuming, somewhat cumbersome, and often unsuccessful process. Therefore, we respectfully request, that whether the Council agrees with the request for this change and moves this process forward - or denies it, that the Town still erect signage, at strategic points in the Estates, indicating "Slow - Children at Play." We will gladly help identify those strategic points and, recognizing budget constraints on **all** municipalities — including our own Town, we are willing to assist in the cost for this signage.

We make this request for the safety and well-being of the children in our area. I assure the Council we do not allow our children or grandchildren to play in the

streets. But with no sidewalks, they do walk on the streets, cross the streets, and ride their bikes on the streets.

Although the research on **both the reduction of speed limits and the placement of signage is indeed mixed, and ranges from "it does no good" to "such signs reduce speeds by 16%" and "a one mph reduction in speed results in a 6% reduction in traffic incidences," we feel it is far better to error on the side of safety.** Several of our residents have recently posted yard signs stating "Slow - Children at Play" out of their concern, as well as hoping the "nudge" factor may help slow people down.

**Therefore, we are respectfully requesting, for the safety of our children, that- if feasible, the speed limit be lowered, and the appropriate signage be erected.**

Thank you

Residents of Poplar Hill Estates

There was a brief discussion amongst the Board Members and Derin Kraack, Highway Superintendent in regards to Mr. Firenze's presentation. The Board decided that this was two requests: the first being signage and the second being the speed study. The Highway Superintendent said that there was money in his safety budget for the signs. Mr. Firenze would like the signs to be placed at the entrances to Poplar Hill Estates and there is a blind curve where one would be greatly appreciated at. Mr. Firenze will come back with a petition signed by the residents of the area requesting the speed study. Once that is received the Town will forward it on to the NYS DOT and to Broome County.

### **PRESENTATIONS:**

#### **Highway Flash Flood – Kelly Road**

Derin Kraack from the Highway Department was present to inform the Board that after the storms Sunday night Monday morning the Kelly Road pipe fell apart. We lost half of the road. We had to dig the pipe out. We do have pictures. The pipe itself is shot. There was two of them side by side. One was 7 foot in diameter and the other was a 5-footer and both 60 feet long. Both are shot there is not bottom in it at all and the other is bashed so bad that it is not replaceable. Alex and Derin both looked at it and tried to come up with ideas. The double pipe idea is not a good idea any more. The thought is to try and put in one half-moon oval pipe with an open bottom on it and we would pour an express footer. Which is a concrete steel beam. You would pour the concrete in there and that would be the structure of it. Then you would have a half moon 60-foot, 19 x 8 pipe over top of it. Because it is a protected stream the DEC had a lot of problems pushing on it for us as we have to have pretty much a continuous stream so the fish can generally flow down it. We've had multiple calls from down there 26 times since 2006. In 2009 we replaced this pipe so it is only 12 years old. It is going to be a pretty hefty price and he needs to get on this as quickly as possible and they are working as fast as they can because winter is coming. He has had a few calls from down there. There are nine houses down there which 6 are permanent residents that live down there and it is their only means of getting in and out of there.

One lady whom called is on home oxygen and she is really concerned and wanted to make sure that EMS or any other medical personnel could get down there. So, right now it is ok but its not to say that with more rain it will be. Is this something he should hire a consultant to do and go out to bid for the whole project or does it fall under his emergency flash flood? Keegan Coughlin said if you feel confident that one flash flood could wash out the road and trap the people, then yes it would fall under an emergency. Derin continued and said yes both Terry and Frank where there. This is not the cheapest fix but the most logical fix as our hands are tied because it is a protected stream. Keegan Coughlin said just make sure that DEC is on board with your plan. Derin said that he is working on the permits with the DEC. 19 x 8 is the biggest that we can go or bigger than that they would consider it a bridge and they need to be inspected every year. We are trying to stay within that. This will allow us to get underneath it with a machine and clean it out if needed. He feels a bridge would cost about 1 million and this on the high side would cost around \$250,000.00 to \$375,000.00. Colesville had this same scenario and the same situation and he is waiting to hear back from them. He feels that it will take about 6-8 weeks to get the materials. We probably are not going to be able to do it inhouse, we are going to have to go out for quotes on it as it falls under emergency. Alex just wants to make sure that he is able to do the work as it is out of scope for him.

Gene Hulbert said this is two-fold but since it is an emergency situation he doesn't have any issue with Alex doing it as long as the whole process is done as an emergency situation.

Keegan Coughlin said that you have two options you could wait the 10 days or authorize the emergency expenditure up to a dollar amount right now.

Gene Hulbert said the only board action is for the financial of it the rest falls under Derin's purview as the Highway Superintendent to maintain a safe highway. So, if you are telling us it is a \$250,000.00 budget, and it goes through the process where does that money come from? Do we bond for it?

Keegan Coughlin said you could bond for it, come from the general fund or if there is an emergency fund, highway fund you could use that.

Gene Hulbert said so under your budget you take care of replacing culverts etc. that is all done under your budget, right? So, whatever decision we have we have to do a transfer to his budget is that what we are basically discussing.

Keegan Coughlin said yes. What he is getting at is if Derin needs to order the pipe immediately because it is an emergency; he find out Friday and we don't have our next meeting for 10 days from Friday and then if you had a ball park figure for what the pipe itself would cost and not the installation.

Terry Kellogg said his only concern about ordering it is to make sure that we get the blessing of the Army Corp. or the DEC because it is a change from what was there. If it was putting it back in kind, it would much smoother sailing. So, before we commit to an order with anybody we would need to have their sign off of Alex or some other engineer's design what the new one



would be so that they would have the hydraulic information. We are not restricting the flow going with one pipe vs. the two that are there. It should open it up.

Gene Hulbert said that as far as the Army Corp. goes there are quite a few permits that you can do under an emergency repair issue within the screen. You are more likely to get an issue if you are out of season for the fish situation. Gene feels with the size of the pipe you will be in the \$100,000.00 range.

There was discussion on putting a cancelation clause in there for the pipe order if needed. Keegan added to make sure that you discuss that with them when you are ordering the pipe.

Jo Anne Klenovic said before we end this conversation we need to make a motion to extend to Alex, the opportunity to work out of scope on the project for design if that is the way the board is deciding to go.

Keegan Coughlin said that we added that to his contract that any out of scope work needed to be voted upon by the board and that is why we are doing it.

Gene Hulbert said he will make a motion to hire Alex Urda to do the calculations and design for the pipe for the Kelly Road project at the rate sent in the existing agreement with the Town Engineer, Terry Kellogg seconded the motion.

Gene Hulbert asked if there was a Declaration of Emergency that Derin needs to issue to support that?

Keegan Coughlin said no it is different than a State of Emergency. It is a localized emergency for this area and he has the discretion to determine action. He should file a formal determination that it is an Emergency Situation with the Town Clerk.

Motion was carried by the following roll call: Hulbert voted aye, Carl voted aye, Klenovic voted aye, Kellogg voted aye.

### **Nadine Bell, Esq. – Change of Zone**

Prior to the phone call Frank read the following for the minutes in regards to a text exchange between he and Nadine:

Frank Carl: My intent is to essentially read this discussion into the record at the beginning of the meeting. Though likely not necessary, since it is simply discussing what to put on the agenda to then discuss in open forum, but I think it would be the right thing to do. I received a text message from Nadine Sunday evening, she had been out of town and was just seeing correspondence from Lizanne and me.

To paraphrase, since I don't know how to copy and paste a text.....

She has a dilemma, Gene made it clear that he would not support moving forward until the questions he had raised to Keegan prior were answered. She reached out to Gene and asked for clarification, and Gene indicated he would get back to her and clarify. To date, she hasn't received anything from Gene, and she is unsure how to proceed. She intends to contact me today, likely around noon, following several meetings she has.

My thoughts are that we should go ahead with the agenda item, with her calling in again at the early part of the meeting, and hopefully she and Gene will have corresponded by then, or she can be prepared to discuss the questions at that time.

Nadine Bell: She wanted to clarify that she did not want to do anything. She was concerned when she saw the email because she knew that Gene had concerns in the past, so that is why she reached out to Frank. She just wanted to do the correct thing.

What she has provided is a local law. This has been revised in the course of our discussions at the last meeting that she presented at. It now, further reflects the entire elimination of PDD-R and the zoning regulations that pertain to that. That would include a chart at the back of the zoning code. All references to PDD-R (recreation) has been removed. So, the local law is represented as well as the rezoning of the parcels that were previously identified. The introductory resolution has been revised to reflect those changes. She has emailed those revisions. In trying to put together all the information she has received, she has some questions. The town engineer had questioned whether and additional zone (indiscernible verbiage). She wanted to confirm, that some information she had received, indicated split zoning. It is not that it did not say a split zone, it just never referenced it. She wanted to make sure that the split zone parcel that had been identified are in fact split-zoned. The question for the board is do you just want the portions of the parcels that are PDD-R to be rezoned or do you want the parcels in their entirety? It can create issues if you rezone on properties that may already be using the property for uses that may already be being conducted. Did we want the parcels in their entirety or the split zoned parcels only? The other question was, the landlocked parcel, was identified as being residential but part of the golf course. It is landlocked and residential, should it be zoned neighborhood-commercial also. That is not the same parcel that is the tax-map number that she has been provided and that our town engineer. She would submit what she believes is appropriate and that is, the zoning code, chapter 73-36, requires, that when you are having a proposed change or amendment to the zoning ordinance then it has to be referred to your planning board. That is before you have a public hearing. It requires that the planning board not only reviews it but gives a recommendation. In her experience, the planning board, are very good judges if you will by virtue of the role they play by evaluating things such as what is before you. Often your planning board is in a better position to give guidance because this is what they do. It might be a wise thing to refer this to the planning board with the questions that she has presented. The Town Board does not have to accept their recommendations but you do need at least 4 members to override. She wanted to know if anyone has questions.

Frank Carl wanted to clarify that one of the land locked parcels, in which it appears to be a big portion of the owner's back yard that he must have leased at least a portion to the golf course because the sale of that property did not occur until well after the golf course was in play. That parcel is now owned by the golf course, Chenango Commons. That should move along with the

other parcel, Nadine thought that would be appropriate. Frank continued that in her note back that he had neglected to add to the list he sent her was the park. Our comprehensive plan does ask us to get rid of the PDD that would include the park too. We would need to convert the park because that is listed as PDD. Nadine clarified that she is trying to make sure that all information is correct because it is really easy to transpose numbers when using tax map numbers.

Frank just wanted to make sure his fellow board members were aware of this, for this park and other areas. He wanted to know what was typical when the zoning cuts a parcel in half. Nadine responded that it is not a problem to have split zoning. It can be confusing when it is not described, an example is a code officer trying to figure out where the line is. Split zoning allows an owner to continue using their property with prior uses and not be non-conforming.

Terry Kellogg said he felt as if we have talked about this a lot. He wanted to know if Gene's questions had been answered or did it create more?

Gene responded it is a bit of both, he does not have all the answers to his questions because he does not have all the documents he asked for. A brief discussion on the various parcels was held. There were three split-zoned parcels identified, the golf course (1 Kattelville Rd), the town-owned parcel at 716 River Rd and 331 West Chenango Rd.

Nadine remarked that although it might be interesting to learn how these were created it really doesn't matter. The only thing that is a jurisdictional defect is if a 239 review had not occurred. If the procedures were not done properly it doesn't matter by virtue of time. She doesn't believe that those issues would not change the ability of the board to change the zoning now. Gene would like that in writing. He also feels that if the process was done right or wrong is important to him.

Nadine explained that one of the things the law lets you do is make the changes and fix the changes.

Gene explained that he is still looking to get the documents. He is not necessarily support of a blanket rezoning and taking away someone's right to a residential property they bought.

Nadine responded that the properties that we are looking at now are zoned PDD-R (recreational) and in its current form, residential use is not allowed. She said that if you are only rezoning the PDD-R then if someone has a residential structure on them now, they are not conforming. You would not be taking away rights.

Gene said his biggest issue is that what is the board's intention for the section that goes from the driveway of the park, because that is residential, split-zoned and goes west. He wants to know if those are in the area that the board is entertaining to be in the PDD-R zone. That discussion has not been brought to the board. A discussion on Alex's emails and what it was included, including questioning the golf course, that it is now open space but could there be more uses. Nadine clarified that Gene is talking about a domino effect and that the planning board should know what is the potential uses for that area might be. Nadine recommended going through the planning board.

Frank Carl remarked about the 2 lots in question, that neither one of them could be used for anything else without a variance. One has too small a road frontage, the other is completely landlocked. His focus is not on what the sins of 1980 were but to make 2021 correct. He is listening to her approach and it sounds like the way to go. We need to run this through the planning board, that's fine but he feels that all they will tell us is that "yes, these 2 parcels, you can't do anything without a variance."

Nadine responded that we could have a statutory obligation as our local code to refer it. Nadine confirmed that 73-36 (b) of the code has that. Discussion using the planning board and the county planning board for recommendations was held.

JoAnne Klenovic spoke, she said we have a deadline in place, at least for one of the properties. Her concern is that the hands of the people who own these properties are tied. They can't use them as intended because we found this error and they have been delayed by this process. If anyone wanted to sell their property, they couldn't even do it right now because there is the question of the zone. JoAnne asked Nadine's opinion, are we doing those property owners an injustice to these property owners by perusing the fact finding.

Nadine clarified that she understood the question to be; would these actions negatively impact the property owners due to the proposed changes and restrict their ability to convey the property.

JoAnne responded; "no, the lack of change, in other words if we don't make the zoning changes to correct this problem, then their hands are tied on a couple of different levels. She is suggesting we break it apart. It is valid to look at the history but not to hold it up for weeks on end from correcting the problem we started to fix in the 1<sup>st</sup> place. She is asking if there is a hardship on these property owners if they wanted to sell or do business on their property and is that not a higher priority?"

Nadine responded, that it is a little bit of a hardship, not on proceeding but on when. She said making the corrections should be the goal. She reminded everyone that the comprehensive plan, unequivocally, recommends the elimination of the PDD-R zoning. The Town Board has an obligation to make the comprehensive plan and the zoning ordinance consistent. It is an error for the board to receive a direction regarding the comprehensive plan and completely disregard it and not act upon that. To the extent that the comprehensive plan has this recommendation and it is causing a hardship for property owners, there doesn't seem to be a reason to not fix it and fix it as soon as possible. The comprehensive plan was revised in 2016 and this should have been addressed a while ago.

Gene Hulbert said, unless we are going to address the permitted uses in it, JoAnne's point does not have any bearing on this decision at all because the properties that are there now and non-conforming will still be non-conforming in the future. He went on to say the golf course and restaurants and offices are non-conforming uses. He does not see how the process will change that unless there is more to the process.

Nadine Bell responded that if there are issues with the uses you need to rezone the property and then address, everything that is there will be allowed to continue, whether it is specifically

permitted in the next rezone or not. However, if you are going to rezone, to make the comprehensive plan and the zoning ordinance consistent and if the zoning designations that have been identified won't permit spot zoning and from a principle standpoint are consistent with what is being done on the property, if we just tweak some of the uses that are permitted you rezone. Then you go back and look at the uses that you want and are appropriate for the zoning district. If it is non-conforming now, it will be non-conforming then. She would say to rezone first. You don't change the zoning district uses first. You rezone the property and then fix whatever you need to because the properties will still maintain their protections.

Gene Hulbert said that is different that the conversation they had as far as the uses. He is not saying whether it is right or wrong. The issue with spot zoning, per his conversation with Alex, who was going to bring it up, once you correct the split zoning, if that is the decision to do that then do it. With the golf course, then you have three properties in between that are not that. They are residential. It is the area that has changed. That is a conversation that he doesn't want to get thrown to the side. It is definitely something the board has to decide and make a definite decision on it.

Nadine responded, if you rezone property and you don't have an issue with rezoning as far as creating, say the golf course becomes a n/c and not creating spot zoning because there are other properties zoned n/c in proximity. The fact that there is residential properties that currently exist, that may be more island like, you aren't rezoning those properties to be spot zoning issue. You would not be creating a spot zoning issue because they are currently zoned in that capacity.

Frank Carl said he is not sure what grasps that. He thought he understood Gene's question to be something along the lines of: We are taking this big PDD thing and converting it all to NC, but there happens to be some residential kind of tied in it but we would leave them alone. Is that acceptable?

Nadine responded yes, it is. Those properties are not being rezoned.

Frank just wanted to make sure he understood her answer to Gene's question. He said there are several residential spots along the road that will remain residential because they have home on them and that is acceptable in this kind of zoning change.

Gene Hulbert said the other point that he wants to bring up for discussion is that the reason that it is important to him to resolve the split-zoning issues, if you take a look at Broome County, all over the place are properties that exist today that are not necessarily going to be there in twenty years or thirty years. Those are projects that he works on all the time. Everyone in this room has experience with issues like that and if you take split zoning those are just added issues that have to be dealt with in the future. If we are talking about putting the park and the golf course under the same zoning there is no reason for these parcels as they exist to not be fully one zone. I don't know the bow hunters club, that is half agricultural and half PDD-R. When you create that line, you have ordinances and regulations on one side of the property and that doesn't make sense to do that. That seems to be more of an isolated situation for that property. He just doesn't want to forget about a problem that he knows we will have to address in the future.

JoAnne Klenovic asked what the deal breaker was on the legislation that Nadine has drawn up? She wanted to know what needs to be removed for it to be supported. She is not sure she has his full list.

Gene responded that he is not there to support it because we have to review it. We have to all review the local law. Nadine had suggested sending it to the planning board. That's an excellent idea as part of the process. Then there is the process that has to happen after that, the public hearing, getting comments on it. This is not something that is going to be resolved tomorrow or next month so he doesn't see any reason to process the can't play out. He just doesn't not want to have all the information at the end of it so he can make an informed decision on all the information.

JoAnne Klenovic asked if the local as it is being presented is acceptable, is this close or does it need more tweaking or input from other agencies?

Gene Hulbert responded that he supports the zoning change, that is not the issue, it is the content of it and where it is.

Nadine Bell said from what she is hearing, there is generally the interest in fixing this or resolving the PDD-recreational zoning issue. To get that process started, she would submit that it is appropriate to introduce that local law, take out the resolution. schedule a public hearing, unless you know you will hear back from the planning board. You can schedule the public hearing for after the next planning board meeting. You don't need to have your 239 comments back before the public hearing is held. You have to start the process at one point. So, you introduce it, you refer it to the planning board, you schedule a public hearing for after the planning board meeting. When you get the referral back from the planning board, you then refer it to the county planning agency. Then the board is in the position that you have the recommendation from the planning board, the recommendation from the county and you will have heard from the public, you will have gone through that process. As it plays, she knows that Gene wanted more information, but you can continue to receive that as the process moves forward.

Frank Carl said the only thing he can say about the information is that he has not looked that close at Gene's list but he spent time with Lizanne looking through stuff. His guess is that a fair amount of that information does not exist in our records.

Nadine responded that she did not think there would be, that municipalities are only required to keep records for seven years. She knows of municipalities that purge documents. She gave a few examples.

Frank Carl asked if she would send him the introduction again with the changes that we just talked about, taking out the particular dates and he will get with John and see how to get it scheduled for the next planning board. She would rather just pull out the dates right now. She will send, the only thing that needed to be revised, would be the introduction. She will send the introductory resolution. What it says right now is; it acknowledges that it is a type 1, and acknowledges that pursuant to section 73-36 (b) it is being referred to the town planning board. It

says the town board shall conduct a hearing on the 8<sup>th</sup>. She asked what the new date would be. She asked when the planning board met. JoAnne said that the September 2021 is full, they were not accepting anything else. They would be looking at October 12<sup>th</sup>. Nadine asked if the town board would like to schedule a public hearing for the October 13<sup>th</sup>.

Gene Hulbert asked if we would have the planning boards comments by then? He would not want the public to not have that information for the meeting. A brief discussion on meeting dates was held. The time frame discussed was it was to go to the planning board on the 12<sup>th</sup> and back to the Town Board on the 27<sup>th</sup> work session to open the public hearing. The public hearing will be scheduled for 5:00pm.

Gene Hulbert said one of the other things he was looking for was the board resolution about amending the zoning map. It is important for him to have what the town has as an official zoning map and not rely on Broome County's GIS display.

Nadine asked who would be the best person to have that – Alex or John?

Gene responded that it is his understanding that it is in the clerk's office. Discussion ensued as to where the documentation might be and the fact that it was in the last comprehensive plan. He went on to further explain that there is a disparity in what we have written and what is on the GIS data and other records show. It makes no sense to him that we are trying to fix a problem that has another problem in it.

JoAnne Klenovic said let's see what we can do to research that and in the meantime let's get back to the agenda and get some of this other business done.

Gene responded that he didn't know that wasn't our business.

JoAnne Klenovic asked what's that, he responded this conversation about the zoning map. JoAnne clarified that she meant to get back to the agenda, to close this item out and we will research that because no one knows the answer to that. Gene said he asked for all of that on April 19<sup>th</sup>. He hasn't gotten anything back from anybody. He is not putting that on anybody's plate. He said everybody is pushing, pushing, pushing to get this project through. He has asked some simple questions and its been four months now and he hasn't gotten anything back. He wants the answers to those questions, even if it is we don't have it. It's not an appropriate response to say okay Gene, just shut up and let's move on.

JoAnne Klenovic said that no one has the answer right now, she asked Lizanne and John what would be the best approach to get the answers. Is it going to be between the people we have here or do we need to go someplace else? Lizanne said she has been asking that. She is not sure where it would be filed, if it is not filed in the clerk's office. Gene made the point that the comprehensive plan states that this is not the official document that the official document is filed in the Town Clerk's office. That is part of his issue with the documentation. He is getting a resolution that is a word document that references a map that he can't review and they want him to response and approve a resolution to move forward and he can't because that is an important piece of information. He is not laying the blame on anyone. He said we are basing everything on

a map that no one can produce. They're errors on the electronic form that is on the GIS database and everyone is basing it off of that.

JoAnne Klenovic said she thinks Lizanne is asking what the board's limit be for support to this situation. What is the cost, the amount of money we would have to pay outsourcing it if we can't find it internally? Is that a next step for you or you said we can say we don't know and that is the end of looking for it?

Gene Hulbert responded that if we can't obtain it from our records, then we have to produce it. We have to give something to the public. We have a legal obligation to keep a file in the town clerk's office. We don't need to have it now, but we do need to have something to start with. It just can't be a word document that references another document that doesn't exist.

Lizanne Tiesi-Korinek responded that there are a lot of maps but she is not sure that one of them says official map for the Town of Chenango.

Gene Hulbert added that they are all named with specific dates and revisions. There are 6 or 7 of them there that he can find in the local laws. Lizanne responded that when you go back and look at the local laws whatever it is referencing is not right.

John Freer explained that you can start at one place and it will move you to another and then someplace else.

Gene Hulbert responded that doesn't mean that we don't have the responsibility to create it if we can't find it. If we can't find it then they need to decide how much effort they want to expend. Then we would have to engage Alex Urda to recreate that. He is the office that we charge to maintain that. A brief discussion on the efforts was held to find it.

John Freer asked if it would be worth-while to reach out to GIS and ask them what they used to create the digital version and see if they have a copy and they just digitized wrong?

Gene Hulbert responded that anything they had would have been a record from us. A brief discussion on who to possibly reach out ensued.

Terry Kellogg had one more question for Gene Hulbert, the properties on River Rd are outside of what we are talking about so when you mentioned that the residential people might lose rights, it's not them. Are there other parcels that are residential between the ice house and the entrance to the park? Gene Hulbert responded that there is one tiny parcel that is in the PDD-R is currently being used as residential. Terry Kellogg clarified that Gene was concerned that they might lose some of their residential rights if we changed it. Gene stated that wasn't it because the one parcel that is residential is landlocked. He knows that it is owned by the county and if we do that it is gone, he doesn't have a problem with that. He said the conversation that was with Alex was about four parcels of that entire ½ mile stretch. There are four residential parcels that are not in the PDD-R. Terry said they were neighborhood-commercial. Gene went on to say that is part of the comprehensive plan conversation, is to get rid of that and evaluate all of the properties that are in that area and whether or not that entire area is going to be in the PDD or they are going to



be left as residential. If that happens there is about  $\frac{3}{4}$  of an acre of all those properties, there is not a lot, what is the future plan. It was his understanding of the recommendation from the planning board to rezone that entire area that is all surrounded by the golf course. If we are looking at the map, he couldn't even address a question he had until he saw the official actual map.

### **ACTIONS TO TAKE:**

1. Resolution Approving Abstract 16, Dated August 25, 2021 Motion was made by Terry Kellogg; seconded by Frank Carl. DiMascio was absent; Hulbert voted aye, Carl voted aye, Klenovic voted aye and Kellogg voted aye.

### **DEPARTMENT HEAD REPORTS:**

Joel Troutman – DCO Report for August 2021, He did have two running at large, 1 barking and he did have one bite. He will start with the 2 running at large, 1 was located at 34A Savitch Rd, that was the running at large. The other running at large he has is at 1529 NY 12. Then he had 1 barking that was at 36 Savitch Rd. He answered the barking dog on Savitch Rd and he spoke with the resident there and she stated it wasn't her dog, he did not hear a dog barking there. The other one he had was on 84 Savitch Rd and he tried to make contact with that one in regards to another running at large, the lady had stated that the dogs would always go in the yard, do some droppings, etc. He went there and she advised me that she would tie those dogs up. When he comes out next time she said she would have the dogs there. They are little enough so he can get them and retain them. The running at large from 1529 NY 12 was a pitbull, he went up there and looked around for about 30 minutes. He got some pictures. He believed it was the one from 54 Hospital Hill Rd, he went there and knocked on the door but no answer. The bite happened in Canastota, but she lives on Williams. He called Nick Cortese and to just put this on file. It was reported through the county health department. He also had a couple of things that John Freer had handed him, some training courses that are online. He is not sure if he has to fork out the money or if the town would help him pay for them.

JoAnne Klenovic said he had previously asked about additional training. She asked John Freer if he liked what was offered.

John Freer responded that he did but that he didn't have time to research more but there are a lot of classes there.

JoAnne Klenovic said what she liked about it was that you can take the courses and get certified and licensed or you can just take it for the educational value. If you took them for the certification it was \$477 for that particular track. The cost at the bottom was \$1995.00 for 10 spots. She called and asked if they got 3 or 4 municipalities together to train 3 or 4 people from each municipality and split it. They said absolutely so that took it down to about \$200 a person. If Fenton sends 3 and Dickinson sends 3 and we send 3 then we cut it way down. She went on to add that because it was a national organization they had a lot of safety and obedience techniques and stuff like that too. It was not necessarily related to laws. She thought it might help us be compliant with NYS laws.

Keegan Coughlin responded that he would have to take a closer look at it but he is not sure if it would qualify for the NY training.

Frank Carl asked John Freer if he had it in his budget. John responded that he has his own budget line.

JoAnne Klenovic personally supports it and thinks it was a great idea for him to ask about it. A brief discussion ensued regarding budget lines. She also said that there is a savings if you join with a membership for \$50.00. It allows you to be able to get it whenever you wanted it. It would be available at convenient times, not just during the work day.

Keegan Coughlin asked what was the amount in the budget line for training?

Frank Carl said if the amount is within the budget then it is already authorized and would not need board approval. A brief discussion continued on the specific amounts.

Joel Troutman added that he had called over to the dog shelter earlier that day about the dogs from 93 Poplar Hill Rd. The dog Ghost had been adopted out, she never came and picked them up. He believes he went to Pennsylvania. The other Bear, was adopted today to a lovely lady. She did license them on July 20<sup>th</sup> but never picked them up.

#### Joel Troutman – DCO Report

Date: 07/27/2021

Complainant's Name: Jeff Baxter (607) 768-2072

Address: 36 Savitch Rd.

Nature of Complaint: Barking dog located at 34A Savitch Rd.

Response: upon arrival, I spoke Amber Vanderharst who stated it was not her dog barking. Nothing further at this time.

Date: 08/16/2021

Complainant's Name: Amy Fassett (607) 621-0667

Address: 84 Savitch Rd.

Nature of Complaint: A French bull dog and beagle running at large in her backyard.

Response: I responded on 08/15/2021 and attempted to make contact with Amy. I had negative results. On 08/19/2021 I attempted to make contact with her again in regards to this matter via her phone number. She answered and I advised her I'll do another follow up this weekend on 08/21/2021.

Date: 08/17/2021

Complainant's Name: Jo Anne Klenovic

Address: 1529 NY-12, Binghamton, NY 13901

Nature of Complaint: One large breed brindle colored pit bull running at large at the intersection of River Rd and Elizabeth Rd.

Response: I responded to the above area and did not locate the dog. I circulated the area for approximately 30 minutes with negative results. From prior incidents, I believe the dog is from 54 Hospital Hill Rd. I responded to that location in attempt to get in touch with the potential owner, however, no one answered the door. I did not receive any further complaints. Nothing further at this time.

I contacted the Broome County Dog Shelter and they informed me that the two dogs from 93 Poplar Hill Road were never picked up by the owner. Ghost was adopted out

John Endress – Assessor - August 2021

Since the last report, bear in mind that he wrote this on the 19<sup>th</sup> so he is going to revise what the first paragraph that is in your packet. He would like to amend his report on education to thank the director there, Mike Decker, for adjusting the schedule so he could attend the Ethics training. He does not know how soon he will get that message and how soon it will be sent from Albany. He went on to read his previously submitted written report. He has continued to do Star Exemption reports which come from the Department of Taxation and Finance. He sent three letters to homeowners requesting confirmation of residency and four letters requesting the homeowners comply with their form requirements, with their IVP. He also contacted nine residents that live in life estates, DTF requires proof of star eligibility. He is working with them. In addition, he continues his evaluations, his exemptions and tax certs and the budget as well as other administrative duties. He did seek additional funds for commercial appraisers because he thought that would be more court defensible than just him saying 'hmm'. It has been a busy month. He asked if anyone had any questions.

Terry Kellogg asked him to clarify something in the second paragraph - the trustees for the life estates living out of state cause DTF editing them issues. John clarified that it was his grammar error. He explained that what happens is people get into a life estate situation and in normal cases everything is great. There is a way in the software to say this is the life use person and this is the trustee. That works out fine unless the trustee lives out of state and then for some reason New York State's editing software seems to want to include that person's eligibility requirements in addition to saying that they were eligible for STAR or Enhanced STAR. He has contacted the folks at New York State DTF and asked them about it. They are aware and the only thing to do is to keep getting them through it, through it and through it. There are cases where the residency requirements run into trouble but that is usually someone that is picked up on some other states that have income tax and they've got income on two states or

properties in two states or multiple properties within the state, voter registration in another state. All of those little red flags come up and then they ask him is this person real, a resident or not. He just sends the letters out asking them to bring the evidence in and he will work with them.

### John Endress – Assessor Report

#### Education

- Passed the 9<sup>th</sup> of 10 introductory classes. The final class is Assessor's Orientation, which was held at the Broome County office building this afternoon.

#### Star Exemption

- A portion of my time is spent conversing with NYS Department of Taxation editing data for STAR eligibility. Three letters were sent to home owners requesting confirmation of residency and four letters requesting the home owner comply with the RP-425-IVP requirement. There were nine residents who live in life-estates where NYS DTF required proof of STAR eligibility or required a reminder that the proof has already been provided. According to my sources, trustees who live out of state cause DTF editing them issues.

#### Budget

- My budget has been submitted for review. In addition of, valuation, exemption, tax certiorari, continuing education, and administrative functions, I am seeking additional funds to value commercial parcels before their valuations become contested.

### John Freer – Ordinance Report – August 2021

Ordinance report for July: Building permits – we had 16 residential. They issued 11 residential inspections. They did 12 residential and commercial, 1 CO and 3 Certificates of Compliance. Special permits they had 4 signs, 1 site plan and 1 variance. Fire inspections – their annuals are at 76%, their tries are at 92%. The July complaints they received 18 and they have 9 closed. He addressed a question posed the previous month by Frank Carl about what the difference was between showing closed and what is showing on top. John explained that it was older complaints.

Terry Kellogg asked about a communication sent out by Jo Anne Klenovic regarding two properties on Wallace Rd. John responded that he was going to address that too. He also wanted to bring up the software. He reached out to Muncity, the girls did a training/webinar with them. He was hoping to have a quote here for today but he has not seen anything on that as of yet. He got a call from Go-Gov which similar so they are going to take a look at that.

Jo Anne Klenovic asked if that was inclusive of a fire inspection program as well. He said it is kind of like the Muncity. He has not seen it yet.

John spoke to Terry regarding the emails regarding the two properties. On Tuesday a representative from the DEC took a walking tour with a group of them to deal with TOC flood related issues. During the tour they viewed the properties on Wallace Rd. The next-door neighbor to both of them and met them in the street to request help with the situation and follow up to be provided. The properties in question are number 38 and 49. They are scheduled to present to the board on August 20<sup>th</sup> so it gave them a bit of an opportunity. The questions regarding these properties:

1 – How long ago did the fires occur?

A – 49 Wallace was the 27<sup>th</sup> of February and 38 Wallace was July 15<sup>th</sup>.

2 – The question – have complaints made it to the Ordinance Office and how many and have they been addressed?

A – Nope, they have not received complaints for either or. There has been no violations cited.

3 – From your point of view, what options are available to the Town for removing these eyesores from the neighborhood?

A – His answer to that is to refer to legal and court as far what could be done to the properties.

Keegan Coughlin asked John to restate what he said, then he said he could speak that right now. He said what happens when properties catch on fire, they often get tied up with insurance and that can take some time. Typically, there is a little leeway given to let that process play out. Keegan said in other municipalities there are code offices that like to give them six months to get their stuff in order and figure some stuff out. If they are not really making any progress you try to contact the landowner and the bank because a lot of times it will revert to the bank in these scenarios. You would find out who the owner is and then investigate as you would any other violations. If it is unfit for human occupancy you could red tag it and go through that process. From a Town Board perspective, if there is continued non-compliance and no progress made after a period of time, you can look at the unsafe structure law and potentially pursue that avenue which typically results, from the town code, an engineering report. That process would take place, there would be a public hearing where the owner would have a certain period of time to comply and come and plead their case. Most municipalities give them at least a year before they go through the unsafe structure process in order for the insurance company to do any investigations it deems necessary.

Gene Hulbert asked Keegan if those were Town Board actions? Keegan responded that the Town Board actions would be the unsafe structure. The other actions would be at John's discretion.

Gene Hulbert said that he felt that it would require at least a citation from John for them to act. He thought that they would need that to determine it was unsafe and for that process to begin. Keegan responded that he was correct. Gene went on to ask if it was then a court process.

Keegan responded that it is quasi-judicial proceeding that the town does. If you remember back to Finch, the property that was eventually demolished, it would be that type of thing. It would be

a similar process. The notice goes out, he has an opportunity to come and plead his case and it moves from there. First and foremost, John would need to investigate and come to some determinations. If John did not find anything the Board could in theory hire an engineer to do an unsafe structure report about the soundness of the building and that could be the basis to start the unsafe structure. Some municipalities just use the code enforcement officer and do not use the unsafe structure report.

Frank Carl asked what kind of fires they were – big or small? John responded that both of them were pretty good-sized fires. He went on to say that he has had a discussion with the homeowner of 49 recently, it was pending sale but that fell through. They are trying to sell that property.

Frank Carl asked if it was a complete loss and John responded, no, it can be rebuilt. He went on to say that he had met the insurance adjustor for 38 Wallace down there and it is a long process. They are planning on repairing that.

Jo Anne Klenovic asked John Freer what his window was for working through the process? He responded that he hasn't had any fires that were this massive so he has no frame of reference but he is going to let the insurance process go through. Keegan interjected that the plan is at John's discretion.

Gene Hulbert said the only experience he can offer him is when there is an issue with an insurance company and there is an issue with the insurance company, it can be very adversarial. It might be something he wants to talk to the homeowner about because once he cites them or puts it in writing that starts John's clock and that puts the town in that process. The conversation would be if that would be a benefit to them earlier to help the insurance company get through their processes.

Frank Carl asked John if he has spoken with both homeowners.

Keegan Coughlin said that if, for example, six months have gone by and there has been no progress you can ask the insurance adjuster for backup documentation that you can stick in a file. That would justify an extension.

Gene Hulbert said as far as a property maintenance/code issue, there isn't a timeline that is set, as far as he knows. He said that it is just an issue that they have to make it safe and also to make it secure. John responded that he knows that they both are.

Keegan Coughlin said that the City of Binghamton gives them one month. He knows this because of representing someone who had a fire. He said the process has been between five and six months to get the insurance money in and to start making the repairs.

Jo Anne Klenovic pointed out that both structures have also been impacted by floods and it is not known if that caused additional damages and has prolonged the process.

John Freer continued, in regards to 746 River Rd. The question is how many complaints have been filed for this property and the answer to that is zero.

Jo Anne Klenovic asked for clarification on the house and its location and it was determined that she was actually speaking about 742 River Rd. John responded that he had had four complaints on that address. All complaints that he has received for the address have been investigated. The property owner has not been cited because he voluntarily complied. All the outside storage has been removed. John went on to say that Jo Anne says she sees the property daily on her way to work. His observation is that this home is being used as a business. It currently has two trailers, pickups, pallets and a collection of materials outside the home. This is opposite a school and next to a church so it is getting a lot of notice. This is viewed as a board question on if the town is able to enforce our regulations. There are no violations. The trucks are registered. The trailers are registered and he voluntarily complied with the outside storage.

Jo Anne Klenovic asked about the trailers, she wanted to know if there is no limit to the number of vehicles that can be parked or the number of accessories. John said if they are registered in New York State than they can have them. Jo Anne went on to explain that things change there from day to day. She wanted to know what the process was. He gets a complaint, he closes it out and then they wait for another one? She knows that one of them was one that he recommended the police be contacted. John explained that one of the complaints was that they were drinking beer on their porch and smoking weed. He said, he doesn't enforce that. Another one was that they were hitting golf balls into the neighbor's back yard.

Jo Anne Klenovic said her goal is to show in the minutes that this has been discussed, it has been handled and that it doesn't violate anything and the anonymous calls have been addressed according to the tools we have. That is her way of reporting back to them.

Gene Hulbert said that when he read this he took it as a complaint on that property. Jo Anne responded that what she said was 'it was her observation, regarding the things she saw that were reported in the anonymous letter'. She further explained that she is not able to respond to that person so she thought this would be an opportunity to clarify that John has addressed them.

Gene Hulbert said he thinks she use caution in how she puts things in a correspondence because even if these were investigations, some of these questions, if it was an ongoing investigation, John shouldn't be answering in public.

Jo Anne Klenovic said she asked if there were any violations cited. Gene responded that in and of itself is something that shouldn't be discussed. Gene went on to say that this is actually a written complaint from her about a property. He said it is her understanding that it is a business. Jo Anne responded that it was her personal observation.

Gene Hulbert asked her what the basis was for that observation? She said she has seen a lot of vehicles and pieces of equipment in front of the property. She said it is unusual activity. She said it was a result of the anonymous letter. Gene responded that he did not get any of that from this correspondence. Jo Anne responded that if she was actually complaining she would have gone down to the office and done it herself. She is just giving the information as she knew it to support the questions that were asked.

Keegan Coughlin said the observation aspect of it would be considered akin to a complaint but asking the information on it is okay when it comes to the report, so long as there is not an active violation that is being investigated and pursued. He added because they were closed down, it is okay the way it happened. Keegan said he and John had talked about it and his advice to John was to say something like 'there is an active investigation and I don't feel comfortable reporting it and if you want we can go into executive session pursuant to an ongoing investigation and name the address'.

Gene Hulbert said already in this conversation we have had this property, there was a complaint of somebody drinking beer and smoking marijuana, which is legal so that is out. If someone is found not guilty of something that is out. They aren't building something. You can't just keep putting things out there and asking about it. If it is not being investigated there is nothing to say, there is nothing to find. We need to be careful about what we are saying or asking. Where it is done and how it is done, these are not appropriate questions to be asked at this point. It is his opinion that it is important that we respect individual's rights on these issues as we go through this.

Terry Kellogg asked Gene if it wasn't a practice in the past to investigate anonymous complaints? He asked if he was wrong on that.

Gene Hulbert said he has a court case pending because of an anonymous complaint.

Terry Kellogg asked Keegan to confirm there is no obligation to investigate if it is an anonymous complaint? Keegan responded no there is not, but life or safety issues should always be investigated.

John Freer said he would respond to that, it is how he operates because of the aspect of the lifesaving. You never know what these are, sometimes it is a case of the neighbor not liking another neighbor but he goes out and looks for that reason.

Gene Hulbert said the conversations he recalls from the past on anonymous complaints where, when an anonymous tip investigation for businesses goes; there are three trailers in a parking lot and you went out and there were three trailers in the parking lot and you past four trailers and four houses that had two trailers you wouldn't do anything with them. That was the basis for the issue and all the attention.

Keegan Coughlin said the other problem with anonymous is the general background is if John does not have first hand knowledge of it then the case is worthless because we don't have anybody to prove it. That is why he would want to investigate it, so he could obtain that first-hand knowledge. John added that it is beneficial to not be anonymous because he can make a phone call before he goes out there and a lot of times they are very vague. It gives him a better idea of what he is going out to look at, where he is going to look at it. He said they do get anonymous complaints because they don't want their neighbors to know they are calling in.



Gene Hulbert said, to just finish up this evening, on the verbal complaints on the Oak Hill Rd chickens, he asked John if he was going to address that. John replied he was not because it has not been investigated. It is ongoing so it is done for now.

John Freer wanted to ask about the website. He said an email was sent to him and Gene and the way they interpreted it was that the website was coming into Ordinance. They had a conversation after that and you explained that it was just for his department for public hearings and minutes. He wanted to know if there was more discussion about this. If so, he was wondering why Kari had gotten left out of the training sessions that were listed on that.

Jo Anne Klenovic responded that the board has not met since she got that email. She went on to say that they had a discussion and they were on the same page and this was the first opportunity to let the board know about it. In the end, Tami made the invitations to the departments and Lizanne went over and got Kari. Her interpretation was that she was going to leave it alone until it could be brought to the board. The girls got together and invited her up and she did a great job, she didn't intend to take that step but the girls did it. John went on to say that they had stuff that needed to be posted for meeting minutes, Kari couldn't do it, so she went up to see Tami. Tami said she couldn't do it until she gets approval from the Supervisor, he just doesn't know why the waters are so muddy.

Jo Anne responded that she was the way she had left it with Tami because she hadn't gotten approval from the board. When she got back to the office, they were all trained. In the end it was easy and Kari is very good at it. She feels it is working out just the way she planned and explained it to him. John responded that he is comfortable with that decision but he doesn't understand all the confusion after their conversation, that Kari is left out and everyone else is involved in it. Jo Anne responded that she was not left out, she just wasn't invited by her because it was her understanding that they had to wait till tonight. Lizanne did not know that.

Frank Carl made the following remarks regarding minutes "approval from the Supervisor to post minutes is not"; Lizanne interjected and said they were getting training from Tami. Frank said that is not what John said, he said he did not have approval from the Supervisor to post them yet. That is exactly what he said. Jo Anne responded that he may have said that but that is not what happened.

Gene Hulbert said that Tami could not post the minutes because Kari couldn't do anything until she got permission from you. Jo Anne responded that is not true, what Tami said was that she did not have permission from her to train them. She said don't train them, Ordinance, because they did not want to be involved in this. John has since, misunderstood what I was saying but we got through the process and when they came up the stairs, Kari came with them. You are making something out of nothing. This was an opportunity because what we are doing now is producing the minutes, taking them to Tami, she puts them on. They were now just sliding them into position. It takes out a step. It is the practical thing to do.

Gene Hulbert asked why it was changing? Lizanne responded because Tami is leaving us now, so there is nobody else that knows how to post anything on the website. We are all going to get

trained so we can put minutes on and whatever else we need. Jo Anne said this was a way to stay as current as possible with people.

Gene Hulbert asked if it was temporary.

Jo Anne responded that someone has to be able to learn the job and be hired first. Honestly, it is better off where it went to stay there because they will be able to control, as soon as their minutes are done, they can go on that day. It will make us more efficient and make it more available to the public right away, so there is no slipping through the cracks. Jo Anne said she has heard conversations regarding if things were sent and received.

Gene Hulbert said that is something he can see happening, if you have three different boards and they are posting three different ways to the website.

Jo Anne Klenovic said it has not been done that way at all. One person has been doing it since the building of the site. Now that person is leaving, it is extremely important that more people get involved. There was never a backup. Tami was in control of it, she wanted to drive the bus. If she is not there for two weeks, nothing gets put on the website. When she was on vacation we had to call FreshySites and have them get on the site and have them write down what we wanted them to write down because there wasn't a human being in our employment that could do it. It is a communication piece, you have to have control of your communication at all times. So, what we got back out of that situation was to train a backup in anticipation of the new person coming in and taking it. If Kari is responsible for a report and Lizanne puts the minutes up for this board. She is now trained to put them up herself instead of handing them off to another employee who may or may not do it in a timely fashion.

Gene Hulbert said that if you are going to give it to anyone it should be the clerks for the other boards. Jo Anne responded that who Kari is. Kari is the clerk for ZBA. Diane is the clerk for Planning.

Frank Carl said he has only one question, in regards to Jo Anne saying that they could post the next day, a brief discussion was held and it was determined that they would be posted after they were approved.

Lizanne Tiesi-Korinek said that we have one hour built into the contract for FreshySites per month. Frank said that he is not disagreeing that it needs to be spread out. He just wanted to make sure the board chairs had given the thumbs up. He said Lizanne needs to be paying attention because she takes the blame for all the minutes. He thinks it is a great idea to spread it around like that, he just wanted to make sure that everybody that needs to be in the picture is in the picture.

Gene Hulbert asked John Freer if he had any issues with the way it is now?

John Freer responded that he doesn't have an issue with how it is now. The girls are comfortable with the little bit that they do with the website. His question is, it going to be a temporary thing, a permanent thing, will it stay in their office when they rehire for Tami's position? Will we go

back to one person that does all? He went on to say that he didn't know and in Jo Anne's email she didn't want too many cooks in the kitchen. Is this a possibility for something to fall through the cracks by only electing two people to do this? So, if the new person isn't going to be there for a week, there is a backup person for them.

Gene Hulbert responded that he thinks it is his call as it is his department.

Jo Anne Klenovic said that he has two people.

Keegan Coughlin said respectfully that is Lizanne's call in respect to the minutes.

Gene Hulbert said even for the other boards?

Keegan Coughlin, Frank Carl and John Freer both responded yes, because she is the record keeper.

Gene Hulbert asked why that was? She is the clerk for the Town Board. Frank Carl responded she is the Clerk for the Town. Keegan added that any minutes are in the custody of Lizanne's office.

John Freer said it would be beneficial to have it go to the Clerk's office.

Gene Hulbert said that the posting of the minutes to the website is not, in and of itself, the Clerk's responsibility. Keegan added that is not what he meant, he meant that the custody of the minutes is Lizanne's call. She responded that she has them.

Gene Hulbert added that the actual drafting and writing of the minutes for the zoning board and the planning board is not her responsibility.

Keegan Coughlin responded that is delegated authority that the Town Board has given to specific secretaries.

Gene Hulbert added that it is the responsibility of the Chairperson of the board to decide who is going to do that, they gave them the financial ability to hire someone to do it, so it doesn't fall onto any one of the members.

Keegan Coughlin responded how we structured it was that the Town Board appointed a staff person that was available. They could not take that budget item and hire a third party. Gene added again that it is the responsibility of the board to produce the minutes.

Keegan said that ultimately it is the secretary of the boards that board is responsible for producing it.

Gene Hulbert said that was going to be either going to be a named board member or the Town Board gave that person the ability to do it.

Jo Anne Klenovic said it has gone off track because the question is not who is responsible for producing the minutes, it is who is putting it on the website. Gene Hulbert said he understands that but Lizanne has a valid point, that by it not being her responsibility, that he was to be cognizant of our conversation about who is doing it so we are not doing it improper.

Keegan Coughlin said that posting function is what we are talking about. Lizanne added, posting to the website. Keegan continued to say that ultimately if minutes that were approved and posted and they were not approved correctly or done wrong that does fall back on Lizanne.

Gene Hulbert said he does not see why that is wrong. Keegan added that was the point he was trying to make that it wasn't necessarily John's call. It may be in respect to the labor side of it but the actual function of the posting is truly Lizanne who has to be most comfortable with it because the responsibility of the minutes being correct are hers.

Gene Hulbert asked why is it hers?

Keegan Coughlin said because all of the minutes for the town are hers. He went on to say it is not producing them but the final product, because she is keeping the records. He understands it is convoluted.

Jo Anne Klenovic said this is her thought process; all the boards minutes are on the website and if one is missing that causes a problem. We have to put it out there as a matter of record. If someone is looking for that information and we haven't delivered it then we need to correct it right way. Tami has been the go-to on that. She is suggesting that this is a good time for re-evaluating. It doesn't necessarily mean that it belongs at that desk. It belongs in the hands of the people who are producing those minutes and then they can apply them. Lizanne will know that they are there at all times. Kari and Diane can cover for each other with those two boards and Lizanne has the main board. She feels that functions perfectly fine. There are a lot of other aspects to the website that aren't going anywhere but her office, when it is an emergency or news she has been trained to do all those things. So right now, she is doing the home page. She is handling any alerts or changes in rules. They are not going to touch that. The only thing we are talking about is putting those minutes up. They have no other website responsibilities.

Gene Hulbert said we don't have a responsibility, a regulation or an obligation to actually have a website that has them available for download, correct?

Keegan Coughlin said it is not a strict requirement in the law but because we have a website and have created the record and a practice of posting them, then yes, we do. He went on to say it is an obligation unless we got rid of the website altogether.

Gene Hulbert said that is just more information on why we have to get the missing ones up.

Lizanne Tiesi-Korinek said that when we changed over they either didn't get pulled or they were not pulled in a readable way. She sent an email to the woman today. She said if you can give me all the prior ones she will put them on.

Frank Carl made the comment that they lost them when they pulled from the old website. He thought they were pdf files and that they don't change.

Lizanne Tiesi-Korinek said that she believes that our first website made a plate and then when Computer Emergency took over they tweaked it and it was hard for anyone else to use it. She will now go through and send them.

Frank Carl said on the backside of that conversation, the only thing he has any concern about is ensuring there is a communication lineup.

Lizanne Tiesi-Korinek said that as soon as they approve them, Jo Anne Klenovic added that they bring them back.

John Freer said that is what happened yesterday. They had the ZBA meeting and the minutes were approved this morning and Kari applied them to the website.

Keegan Coughlin said that Lizanne might want to consider posting the draft minutes when the ZBA has a light schedule and doesn't meet for two or three months with a watermark over them. That will ultimately be her call. He went on to say that they have been busy now but there have been lulls and that you might not want to wait months to post them.

John Freer asked Keegan if that would be the responsibility of their girls for ZBA and planning or do they sit down with Liz? Keegan responded that he thought would be a conversation between Lizanne and the two of them on how they want to do it. If they are typed in word it is easy enough to slap a draft on there.

Gene Hulbert asked if that is to specifically address the requirement to post the minutes within two weeks after the meeting and before the board has time to approve them. He went on to say that means that they are not waiting months.

Frank Carl said that they fail every month to approve the minutes and they have to wait till the following month.

Gene Hulbert said that is why they should be posted in a draft prior to approval.

Frank Carl said he would argue that they are here in Town Hall if you want to come and look at them. He doesn't think you need to start mudding up things with drafts and finals, drafts and finals. If people want to see them they can come into the building. They are available.

Gene Hulbert said which one are you going to violate, which rule are you going to violate?

Frank Carl said he doesn't think he is violating any rules if they are available and posted as soon as they are approved. They are available within two weeks of the meeting, you just have to come here to get them. Gene responded that is not always true.

Keegan Coughlin said if the Town had a general practice that no draft meeting minutes were going to be posted to the website or 'x' date they were going to be posted to the website and the draft meeting minutes were available within two weeks you would likely be walking a happy middle ground and not have any issues.

Gene Hulbert began to say something about posting, Keegan interjected and said that if you picked a day and said, if we have a month where there is no meeting and will post it the day after that meeting that would occur, you can create that same general rule.

Gene Hulbert said he gets it, but right now we don't have a rule and we don't have meetings posted. We are not in a really good position to say yes or no.

Keegan Coughlin said he doesn't think the Town Board is not in a position to say yes or no. He thinks it is Lizanne.

Frank Carl said that Town Board meetings are available two weeks after and that putting drafts and finals all over that website is going to nothing but cause more confusion, now you are going to have two of the same date, one that is going to say draft and one is going to say final. Half the people looking at the website, no offense to anyone in the room and he is probably part of the club, are not the most tech savvy people out there and they are going to be reading the drafts when they should be reading the finals. I think we should post the finals and the others are available at the town hall.

Gene Hulbert said he does not disagree but the only point he was making was that if we even start interjecting the comment that Keegan said, in certain months when we don't have anything and now we start putting drafts on; that puts it in a different process. Either we do it or we don't do it.

Jo Anne Klenovic said that Lizanne has had a heck of a time getting the minutes done because the meetings have been so long and multiple long. A discussion ensued on the best way to get the minutes produced.

John Freer thanked Keegan for everything and added that he had a one more thing. He has a couple points to make, to disclose your interest. He has a project going on right now and he didn't think an awful lot about that until he sat there and listened. The Supervisor called him on August 12<sup>th</sup> at 3:45pm and explained that it was friends of hers that were trying to move into the building and what can we do to get them moved in faster. He feels that is an ethics problem as far as persuasion and also this same project, our town engineer, Alex Urda, it's their clients from before and had some issues there with Alex. Like, I think we can do it and we don't have to make them go through the planning board. He wants to bring this to the record.

Keegan Coughlin responded that he should just treat it like any other application. John responded that he is. Keegan added that it sounds like he just made a request to the board that we might need outside engineering help with this.

John Freer responded that we are not engineering this project but it is obvious that he has (indiscernible word).

Keegan Coughlin said that you are bringing that up so the project as it is proposed have engineering in it?

John Freer responded that he is going with outside engineering.

Keegan Coughlin asked from the Town's perspective?

John Freer responded – no.

Keegan Coughlin then instructed John to not talk to him about it.

John Freer said it is going to go the Planning Board.

Keegan Coughlin said so when Alex makes his normal report to the Planning Board you can have a conversation with Alex and you don't know to think of it because it is a conflict of interest.

Gene Hulbert said just for a point of clarity, we are talking about Alex Urda not doing the review because of his relationship with the client of the project.

John Freer said that is how he understood it.

Keegan Coughlin said he has worked with them before on multiple other applications? It is not like a one-off? John responded that he definitely knew the one. Keegan continued and said he would definitely first have a conversation with Alex about it. Keegan went on to say he doesn't know what this project is.

John Freer said he doesn't want to speak about it. Obviously, someone has because he has heard from numerous people outside of here.

Keegan Coughlin responded saying he would have a conversation with John tomorrow to find out the details and then Alex. He asked if everyone was comfortable with that? There were words of concurrence uttered.

Gene Hulbert said in that conversation he would like to know that Alex is being told that there is a client/relationship issue that is going to be a conflict, we need to hear that from him for anything in the future or for anything that goes to the Planning Board.

Keegan Coughlin agreed to tell him because (indiscernible word) and it depends on the circumstance. He said what he will do is explain how they go through the conflict process and suggest that he does the same thing.

Jo Anne Klenovic said for the record she would address his statement. She made a phone call to you, she did not call them her friends because they are not her friends. She is associated because she knows who they are because they live in Chenango Bridge.

John Freer interjected that he misspoke, he made it plural, it was friend.

Jo Anne Klenovic continued to say, she asked him, she said they called and said that they wanted to be in front of the Planning Board and that they were told it is a long wait. She said she told them that she believes there is a process for a special meeting. They responded that they didn't know anything about it and she said, she might be able to call down to the CEO and ask that question. That is what she did. She asked you is that an option and you said yes. You said it is \$500.00 and Diane schedules it and just how to call. That is exactly what she did. They called Diane after and have ever since. It was information for her to learn and to pass on. They came directly to her and John answered. She had absolutely no influence on that decision and she doesn't even know if it is scheduled at this point. She has no idea where that concept went other than they have the option to call you to schedule it and ask for Diane. She disagrees with you whole heartedly, there was absolutely no gain for her at all on this other than interfacing with a resident to answer or business owner that wanted to move into the area. She has re-wrote the email that you referred to earlier because she wanted it to be put in writing because we have a communication error, somethings not right. Every time she speaks with you, you didn't get what she meant about the website, you didn't get what she meant about this thing, it is interpreted wrong and now a phone call is interpreted wrong. She is putting it in writing because she is trying to avoid this situation so that you and she have the same ground, level playing field for communication. So, she will just tell you that she will continue to put things in writing and she will continue to copy everybody and hopefully she can choose her words so they don't offend anybody. That is what she is attempting to do here, to be as transparent as possible. She is flat out saying that to everybody. That is why she wrote that email. She has a quick question, who should she refer them to, how do we do this with a proactive spot for her to be in as far as person moving into this are and doing business. Read it however you want, that is the way it went down.

John Freer said he won't disagree with that statement but she did leave out the first part of that conversation, which is what can we do to move this along faster (voice lowered and was indiscernible).

Keegan Coughlin said the best course of action for everybody to take is, if any board member was reached out to by anybody who is looking to move into the town and they asked a question like "is there any way to move this faster?" It would be appropriate for that person to relay to that individual to contact John and you could even note in that these people were asking about if there is a way to get a special meeting and you make sure you pass that information on to him. That would be the end of it. Keegan asked if everyone was comfortable with that as a best practice moving forward? Jo Anne responded absolutely, there were several other voices of agreeance as well.

Jo Anne Klenovic asked John Freer if he was all set? He responded yes and she moved on to Frank Carl.



### Building Permits

|             | Residential | Commercial |
|-------------|-------------|------------|
| Received    | 16          |            |
| Issued      | 11          |            |
| Inspections | 12          | 2          |
| C of O      | 1           |            |
| C of C      | 3           |            |

Building Permit Fees Collected: \$ 838.00

### Special Permits

| Type of Permit  | # Permits Received | Permit Fees Paid | Applicant(s)                              |
|-----------------|--------------------|------------------|-------------------------------------------|
| Sign            | 2                  | 250.00           | Ginny's Boutique/BC Bagels                |
| Site Plan       | 1                  | 100.00           | Ginny's Boutique                          |
| Special Permits |                    |                  |                                           |
| Variations      | 1                  | 90.00            | Tesla & Electrify America-Triple Variance |
| Other           |                    |                  |                                           |

Fees Collected Total: \$ 440.00

### Fire Inspections

|            | Total | Previously Done | New This Month | % Completed |
|------------|-------|-----------------|----------------|-------------|
| Annual     | 46    | 34              | 1              | 76%         |
| Tri-Annual | 64    | 58              | 1              | 92%         |

### Complaints

Total No. of Complaints Received: 18

Closed: 9

| <b>Complaint Type</b>              | <b># of Complaints</b> | <b>Open</b> | <b>Closed</b> |
|------------------------------------|------------------------|-------------|---------------|
| <b>Property Maintenance</b>        | <b>11</b>              | <b>7</b>    | <b>4</b>      |
| <b>Open Storage garbage/debris</b> | <b>1</b>               | <b>1</b>    |               |
| <b>Open Burning</b>                |                        |             |               |
| <b>Junk Vehicles</b>               |                        |             |               |
| <b>Grass/undergrowth</b>           | <b>4</b>               | <b>2</b>    | <b>2</b>      |
| <b>BWOP</b>                        | <b>2</b>               | <b>2</b>    |               |

## **Dog Control**

|                   | <b># of Incidents</b> | <b>What Happened</b>                                       |
|-------------------|-----------------------|------------------------------------------------------------|
| <b>Complaints</b> | <b>1</b>              | <b>Dog barking, address given by complainant incorrect</b> |
| <b>Dog Bites</b>  |                       |                                                            |
| <b>Shelter</b>    |                       |                                                            |

**PUBLIC HEARINGS:** - None

### **COMMITTEE REPORTS –**

#### **Frank Carl – Assessor Liaison/Zoning Review Committee**

Assessor – Frank Carl said he has nothing to add to Mr. Endress’ assessor report but Terry and him just got the email, a little while ago, from Nadine. He asked as liaison if he could push that forward to the Planning Board to see what we need to do to get that process moving.

#### **Jim DiMascio – Highway/ZBA**

- Absent

#### **Gene Hulbert – Ordinance Report July**

He doesn’t have anything for the Ordinance but he does want to comment on the ethics training for the board. He thanked Keegan Coughlin for doing that and he appreciates the support of the board and all the boards for attending. He does think, just for his own preparation for that, he had looked at several other local municipalities throughout New York State, not just Broome County, ethic codes. There are some significant issues in other codes that we don’t deal with or address. He is asking if there is anything that the Ethics Board should review from them or from New York State to see if there are any changes that the Ethics Board might recommend.

Frank Carl said anything to remain more current to him is valuable. Terry Kellogg said he agrees. Gene Hulbert asked Jo Anne for her response.

Jo Anne Klenovic asked if we are looking for laws we haven't addressed or are we looking for ideas from others that have been created that we might not have thought of? She wanted to know if he was looking for a law review and us applying it or just more rules that we might have missed?

Gene Hulbert said the latter. Jo Anne responded "interpretation".

Gene Hulbert said, not necessarily interpretation, just areas of the ethic policies and areas that other municipalities address that we do not. He is not trying to invent more laws or put anything else in there, it is just bringing things up to today's standards. That is all. He is not suggesting anything at this time, it is not anything he would ask of anybody or even Keegan to look at until the board said okay because that is the process. That would be his recommendation that we look at it and then we can come back in a couple of months and tell you these are things that are in other town municipal ethics polices and codes. Do you want to address any of that?

Frank Carl responded that some things just be clear verbiage, less ambiguity and sometimes that is as much a help as anything.

The rest of the Town Board members said yes.

Keegan Coughlin asked Gene if he had the newest edition of the model code? He said it is pretty comprehensive.

### **Jo Anne Klenovic – Supervisor**

Everybody got the information about the meeting scheduling changes on September 15<sup>th</sup>, they do not have a quorum. The question remains on rescheduling for the available week which would be September 29<sup>th</sup>. Jim DiMascio indicated to her earlier in the day that he would be interested in rescheduling it because he thought it would be valuable to them. He wanted her to pass that information on. So, the option is either to use that available day to stay current with the board meetings with at least four board members. We can do business with four but we can't do business with three or two.

Gene Hulbert said the other option is to cancel.

Jo Anne responded that we are cancelling the 15<sup>th</sup> with no doubt, it is whether we reschedule on the 29<sup>th</sup> because that is the only available week. That would give us three meetings in a row. The 29<sup>th</sup>, October 5<sup>th</sup> and October 12<sup>th</sup>.

Frank Carl asked if they were talking budgets in September.

A resident interjected and said that he could not hear anything, the microphones or something were terrible. A discussion on what residents were supposed to be able to hear and how the audience was supposed to be able to hear them.

Jo Anne Klenovic responded that they have a community grant and the town is going to outfit the room with microphones and updated.

Frank Carl said he wanted to add one thing to the September discussion. He is on a business trip early in the month so he will not be here on September 8<sup>th</sup>. If we are working on the budget it would probably be a good idea to have two meetings.

Jo Anne Klenovic responded that the 22<sup>nd</sup> is the budget meeting. Frank responded it will spill over and Jo Anne added that there will be another one in October.

Jo Anne Klenovic said back to the discussion, schedule the 29<sup>th</sup> or leave it open as it was and be back on the 5<sup>th</sup> of October. She asked for their responses.

Keegan Coughlin said it needs to be a motion from someone and also to authorize Lizanne to publish it.

Frank Carl made a motion to cancel the September 15, 2021 meeting and to reschedule it for September 29, 2021 and Lizanne can publish it, Frank Carl seconded the motion; with the following roll call: Mr. Hulbert voted aye, Mr. Carl voted aye, Mrs. Klenovic voted aye, Mr. Kellogg voted aye.

Jo Anne Klenovic said that on Thursday at noon AOT is offering a webinar on the American Rescue Plan funding and so she is signed up for that. It is a little more detailed. The plan didn't have any part of that had the rules, now you have to have preliminary approval for projects that meet the standards of their by-laws. You have to have a process on reporting how you spent the money and that you did exactly what you said you were going to do. Everybody got money in July and they will have to go through this approval process. If you have an idea you don't know how long the process will be to get an answer back. Derin spoke to this tonight and she believes it will be accepted used because it is infrastructure and it is storm water. Storm water is in the verbiage along with water and waste water. She believes if the board wanted to move in that direction, they could count on that funding. They could also use the fund balance to pay and go through the process of getting it approved and then reimburse the fund balance. We have to be prepared that if it is denied and we spent the money it is not going back to the fund balance. She is going to this meeting on Thursday to gain some insight into what is possible now and what the process of reporting looks like because we haven't seen anything yet. That is a little bit of a heads up on that.

The Tenny group from Washington, as she reported a couple of weeks ago, that she met with them. They reported back to her with half a dozen grants and another half dozen other suggestions for funding for our storm water and drainage issues from the flooding of July 11<sup>th</sup>. One of those grants we are using as we speak because Joy and Derin picked up the application for this grant for funding for this Kelly Rd situation as well. We are going to run the flag up the

pole so to speak, and see if we can get one of those grants that the Tenny camp has offered us as a suggestion to work for that. There are a lot of other suggestions but they are limited and they have a lot of rules associated with them. They will have to stay on top of that. Joy is the one to do it though.

### **Keegan Coughlin – Attorney**

Keegan said there are two things for his report. One is the ARPA funds we need to be mindful if we want to do that sort of a pay it out of the fund balance and then pay the fund balance back, he wants the town to look at that before it says that's an option. He does not know that you can loan yourself money out of those funds. That is what they would be doing. We can look into that before we commit to spending it that way. Secondly, a couple months ago, maybe even longer, the board had made the action to not have any gatherings, or group events for birthday parties and things like that during Covid. There was an email communication that was passed around about whether or not it was appropriate to have a luncheon for Tami's last day on Friday. He said it sounded like the board was in support of that but he thinks it would be in the best interest of the town to make a formal motion to that effect, if those types of events are allowed again so long as people are being safe with whatever guidance is in place at the time. Lastly, we are being mindful of the new Governor's appointment. The Department of Health has recently made the determination that school district will be required to have students masked. We believe that she may bring back some of those requirements. She is taking a different path than Cuomo, instead of the executive path she is relying on the Department of Health's authority so it is easier to get done. They are keeping an eye on that and will let them know if anything specifically impacts the town. He reiterated that he thinks it would be in the Town's best interest to make that motion allowing those type of events because he does not recall if we put an end date on it. He thinks an end date was talked about regarding Covid restrictions, however we are now in this grey area where executive are not being issued but there is still CDC guidance that the town is following. We should be mindful of that.

Jo Anne Klenovic called for a motion.

Terry Kellogg motioned to permit small celebrations at town hall.

Gene Hulbert asked if the public could attend, because that would be different than what his comments indicated. The response was that he suggest it be limited to employees.

Frank Carl said he would prefer to abstain or recuse himself from this vote. Keegan Coughlin added from the conversation as well. Gene Hulbert asked if he was recusing himself. Frank clarified that he was just abstaining from the vote, that he didn't need to recuses himself.

Keegan Coughlin added that there is no financial benefit.

JoAnne Klenovic said that they just want to make sure that the public is not involved for the public's safety.

Keegan Coughlin added in accordance to Broome County Covid Protocols.

Jo Anne Klenovic asked if there was any more discussion.

Gene Hulbert responded that the only thing he can think of is that the regulations seem to change hourly and when someone decides to have it on Monday and it is two weeks later, he thinks it should be understood that whatever is in place on that day should be followed.

Keegan said he doesn't think they need to change the motion but that should be clear for the record. The day of the party whatever the rules are.

X The motion was voted on with the following roll call: Hulbert – Aye; Carl – Abstain; Klenovic – Aye; Kellogg – Aye; the motion passed with 3 ayes, 1 absent and 1 abstain.

Jo Anne Klenovic said in response to something Keegan said she has an AOT meeting tomorrow she will get an opportunity to understand more about the funding. There is also an option to us, \$270,000 that we can pay ourselves back for Covid expenses.

Keegan Coughlin said you can reimburse yourself for out of pocket Covid expenses but he is not sure if you can reimburse yourself for out of pocket capital expenditures.

#### **Terry Kellogg – Public Works/Planning Board**

- Planning Board – Will give an update at the next meeting
- Public Works
  - Mowing continues on Town owned grounds.
  - Water well drawdowns were done for August.
  - We repaired 3 curb boxes.
  - Water and sewer took in \$247,072.18 in payments for August.
  - Tree fell on the fence at C.B. Park, tree was cleaned up by PWD fence will be repaired by budget fence (\$1,450.00).
  - Music in the parks continued to operate without any issues through August.
  - There were 16 after hour call outs for August.
  - Exit 6 off ramp sign flower bed was cleaned out.

#### **OLD BUSINESS:**

Jo Anne Klenovic said that they would talk about the flash flood. There are two things that have happened, that they are talking about. We got an additional \$4381.00 that came to municipalities in NYS that did not file a request to be on the list to get funding. So, if a municipality didn't file the paperwork, their share, that was established by the federal government was divided among all the other ones that did. Because there was such a high volume of municipalities in New York that did comply there was very little left to share. That money will come in two different installments. That will bring out total to \$538,716.32.

The tour – DEC, the Department of Conservation, Soil and Water a representative and Susquehanna Coalition took a tour with Derin Kraack, Jim DiMascio and herself. Cindy O'Brien was also there and they went to four or five different locations that were heaviest hit with the floods. We got their opinions. It was really eye-opening. They climbed to the top of Smith Hill Rd and also to Dorman and so on. It affects the low point of the end of the road but the cause is up in the hills. It was really traumatic, the number of trees that are down and the amount of gravel that has been produced. It was a five-hour tour. Our infrastructure is small for what is coming off the hills. The hills are too tall, there is erosion coming down and they get to a place where there is some infrastructure and that is too small to take it. In some places it is in too much disrepair for the capacity. They say to start from the top. They talked about two things specifically, legislation, local legislation. For example, if you buy a piece of property and you start altering it by digging dirt, moving it or bringing in fill and you change the course of a creek or a creek bed and you cause damage to someone else down the hill the liability is yours because you didn't buy it that way, it wasn't accepted through the planning and zoning process. You created it after the fact, you created a hazard for someone else. The gentleman from the Susquehanna Coalition said they have had great success with that out in the western part of the state. It takes time to establish the laws and have them enforced. They also said that there is probably a 10-million-dollar project to address these issues and it will be over 10 years to create the results and then you have to start the maintenance on it. It is not going to be a build a building and you are done kind of deal, we would have to make a commitment. They recommended that we add up all the money that we've spent over the last five years on drainage, or fixing washouts and if we put that towards a project where would we be towards that 10 million. That was a valid question, so Derin and Joy are working on those numbers. Derin will be here for the September meeting, the first one. He is going to talk about the things that they suggested and give us an overview of some of the money that has been spent. He was going to get some estimates on some of the work to be done, just putting out some feelers so a way to identify what we may use some of these funds. Another suggestion was given to her that perhaps the Board host a information piece, not only for the public, but a meeting of professionals, real estate, bankers and insurance. The reason for that is that they are selling these parcels, insuring, etc. This way they will know that the owners of a property with a creek have a responsibility and liability. It worked well in the past and it has worked well in Chemung and Steuben Counties. It is a suggestion that when we have a solution to bring these types of people together to present it. She asked if there were any questions.

Frank Carl said, you have realtors, who will cut your throat to sell the property and never even tell you that there is a creek back there and cover it with a tree branch. You have insurance agents who just want to charge high premiums for having a creek in your back yard. Then you have the lenders who are interesting in figuring out how they are going to foreclose on you and charge you twice the interest rate to see how long before you bail on them. He doesn't see those people being very vested in educating the homeowner to live on a creek. It may be the cynic in him.

Jo Anne Klenovic responded that there are people in those industries that may not be reputable but that is not how she sees it. She believes that if there is a program that has been instituted it can succeed. It was just a suggestion we can take it or leave it.

Frank Carl said he was just curious what they meant by success. Did they have the training class or did something actually happen on the backside? Those are two completely different definitions of success. Finishing a training class means everyone came, got their free bottle of water and left. He would have to study it. Those people have less interest in the homeowners and these properties. He watched what happened here on Wallace Rd last time, half of those people couldn't even divvy off their property because their lenders wouldn't allow them to do it. If they had a loan on the property they couldn't do anything with the rights on the property in the back because the lenders wouldn't allow it to happen. It is like if you have gas leaks on a property you can't mortgage it.

Jo Anne Klenovic responded that she was not going to debate the success because she did not take the course but she is just saying that they have reported good success. It was just a suggestion like everything else but it has to be put in place by this board for anything to work. If it doesn't that's fine. It is just information. The tour was a success, he did thank both of those gentlemen for spending the day with us. They were very insightful and she did appreciate their help. Their suggestion to us was to make our next stop the Army Corp for a visit from them. They could give us a survey of sorts. They can give you a preliminary survey but if you want anything more elaborate then you have to pay for it. It could also go in an entirely different direction. It was another option they suggested, that might also involve some government money or reimbursement. As far as the emergency money we filed for there is no word from the governor's office and she is not sure if we will ever hear from them.

Gene Hulbert said he just wanted to make one comment; when Derin and Joy are researching the months of data for stormwater make sure the numbers they put together are for time spent on town property and town facilities that are inaccessible. He wants to know what the public cost is not what the private cost has been. He wants to know about town resources on town facilities. As far as the other issues, the only viable option he sees for the town is to create a stormwater district (rest indiscernible to someone coughing). The stormwater district would be for those that need it or we would have to raise taxes on everyone and we can't raise them enough to pay for this. There is going to be just as much money spent in studies and reports that are going to turn out to be 40% solutions on problems. The expectations have to be included in what you are actually going to be able to solve. We need to be very cautious on what we say to people about the Town's ability to solve these problems. It is not something that is easily done.

Jo Anne Klenovic said she understands completely and she agrees with him. The gentleman from the Susquehanna Coalition, who had forty years in the business, said that this is a lose-lose proposition. It is the topography of New York State; its bad weather formation and it is going to happen again. People are going to do things to complicate it. He said you can have a plan for ten years and in ten years you will be writing a new plan because something else has uprooted your plan. She gets that but she believes that they were also trying to communicate to us to start at the top of the hills to try and stop the damage from rolling down and taking out the lower parts, which was interesting to her. The other thing is that we have two surveys which they said they would take a look as well as the engineers at the Army Corp. because they are something that they would review. Maybe we could get some mileage out of those. Keystone has never even been here to talk about their plan. We paid them, took that thing and whatever was going on at the time, postponed one meeting and the next and they never even came to discuss their product



with us so at very minimum they owe us that. She thinks there are some things we can do and when you look at the drainage repair money and you compare maybe you bump up the funds to next level and make a repair somewhere. There are a couple of local laws that prohibit people from making a mess of a situation and we could at the end of five-years or ten-years say that we made a difference. She doesn't want to discount it because of the price tag on it. She knows that it is exhausting and overwhelming but she was encouraged by their encouragement so she would like to keep talking as professionals.

Gene Hulbert asked if she would disseminate to the board the two reports that she is talking about sending out before it goes out to the Army Corp. or where ever you are sending them? Just make sure that the Boards have copies of those.

Jo Anne Klenovic said she has both; electronic links.

Gene Hulbert said he has drafts. Jo Anne said he has the Smith Hill Creek one and he responded that all he has is the draft version. Discussion ensued between the Town Clerk and Town Board members on who had seen hard copies or supplied the links.

Terry Kellogg said it is a hydraulic study for Wallace Rd and it is over 400 pages. If you google Smith Hill Flood Mitigation you will find a link for it. Jo Anne Klenovic said to add the word creek and Terry added it is from Tetra Tec.

Jo Anne Klenovic said she sent it but she can send it again. The other one was from Keystone and it was for Chenango Bridge. We have five or six paper copies around. She does not have that electronically but Keystone should be able to provide that to us for review.

Frank Carl said that starting at the top is great because everybody thinks that about water, that gravity wins almost every fight. The problem is that there is no space up there to develop anything. You can't develop anything to fix the problem. All you are doing is creating another shoot that is going to end up somewhere else.

Jo Anne Klenovic said that they should you should go 50 feet wide. Their solution was instead of digging creeks deeper, where it just becomes a water ride basically, just a whoosh, is for every so much elevation you make it 50 feet wide, so that it can get wider and slow itself down.

Frank Carl said that if you get down in some of those people's yards, 50 feet wide would be in their living room.

Terry Kellogg asked if they said anything about Front St. You can get as wide as you want on top but you are still going to have to fall down onto Front St. and that 25-year flow which will be the same problem that was brought up before.

Gene Hulbert said the problem with starting at the top of the hills is if you don't design the system all the way to the bottom first, you don't know what you will get. Frank Carl added you won't know what you created.

Frank Carl said to Jo Anne Klenovic that one question he would like her to keep in mind when talking to the Army Corp. He has a friend that lives in the Town of Maine who has a big, big beaver pond, creating a problem in her back yard with swampiness and everything. They contacted the Army Corp and they said yup, we can fix it, do this and do that and for twenty-years it will have public access. You have to be careful.

Terry Kellogg said he has one comment, he asked Jo Anne about the email with grant information, has anyone looked to see if there was any viability?

Jo Anne Klenovic responded that she got those after that meeting. Terry asked if she would share those. He glanced at it but he would like to know what may have some traction in terms of what we might pursue in terms of grants. She added that she and Joy went through the ones from Tenny's office and there were only a couple that we might apply for.

Jo Anne Klenovic went onto the second old business topic; that of the Secretary's position. The civil service job spec is included in the agenda. Civil Service has signed off on it and it is on the website. The County website was supposed to put it up for us today, she has not checked but they said it would be up so we are hoping. We will open up the opportunity to receive applications. She would love to use Indeed at this point to jump start the interest.

**NEW BUSINESS:** None

**OPEN FORUM:** Jo Anne Klenovic opened the floor for comments to be made to the board for a period of five timed minutes or less.

Aleta Kinne spoke and she asked the Town Board what the new assistant's salary was going to be, she did not see that listed. Jo Anne Klenovic responded that it is listed on the site for \$32,800 as a maximum. Aleta continued to say that when she hears the money that we are going to spend for a payroll service and the assistant's salary, well Tami did all of that. Jo Anne responded that the payroll service and the new assistant's salary is about \$3000.00 short of what we are paying out now plus the benefits. Aleta's other question was if the luncheon for Tami is private or open. Gene Hulbert responded that it is for staff only. He went on to say that he did not think it would be a problem if other board members came by and said hello too. Keegan Coughlin said that Town Board members are technically employees of the town so they could come and that Mrs. Kinne would be welcome.

Mike Lumsden said he was told the last time Mr. Freer spoke he was in this building and he was speaking and he brought things forward. People that were here told him that he physically reacted to it. When he heard it and listened to the tape, it bothers him. Obviously, Mr. Freer felt so compassionate that he came here and it physically upset him. He watched him tonight and listened to what he said and he hopes (addressing Mr. Freer) that it is better for him. This is a public building, it is a municipality, no one, no one should ever feel nervous or scared to come forward and speak out. He doesn't care if it is the public or its somebody in this building. He applauds him; that is integrity. When you do something like that, when it is hard and difficult to do that is the definition of integrity. Coming off of ethics and everything else he hopes that it gets easier for him and he hopes he set an example for everyone in this building, that when you

see something, whether you are right or wrong, John, Mr. Freer (he is trying to be professional). He doesn't care whether he is right or wrong but nobody, nobody should be fearful to speak in this town hall. Everyone needs to understand their ethics and the need to conduct themselves properly. Supervisor Klenovic, time and time again, every single one of these board members, including Jim DiMascio has for 2 ½ years has told you to stay out of the code department, to stay out of it. No elected official that makes legislative law can have anything to do with the process of prosecuting, with the process of disciplining or any of it when it has to do with town law. You have to stay out of it. You keep saying, I get it, I got it and all of this but it keeps happening. It starts at the top. Ethics and every bad practices are more for elected officials than anyone else How do you expect people to do their jobs? The board tonight makes the decisions and repeatedly you keep doing stuff and the board corrects you and you say you are thinking forward and everything. That might be true but you have to ask these board members. They are peers of our community and it doesn't matter whether you are right or wrong, it matters that the process is followed every single time. He just can't thank him enough for coming forward and I just want him and everyone else to know that if you don't like what the Supervisor is doing, or Gene Hulbert or Frank or Jim DiMascio or Terry, you speak up from the Governor's office to what happened to our old DA. People have to speak up and nobody should ever be fearful, at all. That's intimidation and that's coercion. That's all he has to say.

Webb Sisson said last but not least (resident did not identify himself). He came in last week to view maps for work on the ZBA and he was out at the counter. He asked for permission to come see it. They invited him to the office, sat him at a table with a little chair and showed him where to go. As he walked by the Clerk's office there were nine people in the Clerk's office of which only one was behind the counter. They were all over and when he left they were still there. In the meantime, Madame Supervisor came through to the Ordinance Office put something on somebody's desk and left again. Excuse me, it goes to the same thing, he didn't get into the conversation at the Clerk's office but he was there for fifteen minutes and they were still there. Three of them are employees of the Clerk's office. He doesn't know who the other ones were. It's not his business but if somebody from the public came there it looks a little bit strange. That is all he has to say.

There being no further items for discussion, motion was made by Frank Carl to adjourn the meeting, seconded by Terry Kellogg and carried by the following roll call: Mr. Hulbert; Aye, Mr. Carl; aye, Mrs. Klenovic, aye, Mr. Kellogg, aye.

4 Ayes, 0 Nays, 1 Absent – Jim DiMascio

Respectfully submitted,

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



**THE TOWN OF CHENANGO TOWN BOARD MET FOR WORK SESSION ON WEDNESDAY, SEPTEMBER 8, 2021 AT 5:00 P.M. IN THE TOWN OFFICE BUILDING, 1529 N.Y. ROUTE 12, BINGHAMTON, N.Y.**

PRESENT: Jo Anne Klenovic, Supervisor  
Jim DiMascio, Councilperson  
Frank Carl, Councilperson - Absent  
Terry Kellogg, Councilperson - Absent  
Gene Hulbert, Councilperson

ALSO PRESENT: Keegan J. Coughlin, Legal Council  
Kathleen Rudy, Town Clerk

Jo Anne Klenovic welcomed everyone.

**PLEDGE OF ALLEGIANCE TO THE FLAG -**

Jo Anne Klenovic called the meeting to order and asked everyone to join in the Pledge of Allegiance to the Flag.

**OPEN FORUM:**

Mike Lumsden objected to the Supervisor's statement that she read in regards to opening of the Public Forum. He feels that she has no authority to tell the people what topic or who they address.

Keegan Coughlin Town Attorney interjected that in the open forum section of the agenda if you do not wish to state your name for the record – you don't have to. The topics can be related to anything you want. You can sing a song if you want to for five minutes. The Town makes a request that you state things related to the Town because that would be relevant to this Board but if you want to complain about the Federal Government – go ahead and do it. So again, you don't have to state your name for the record but you are welcome to share it.

Cindy O'Brien, Broome County Legislator asked if she could be told how much money is in the General Fund. roughly.

Julie Wyatt responded about five (5) million.

Cindy O'Brien asked what that journal fund is for.

Keegan Coughlin responded that it is for things related to the Town that the Town Board can expend funds for.

Cindy O'Brien asked if had to be an emergency or things like that.

Keegan Coughlin responded that it does not.

Cindy O'Brien said so you could go fix Kelly Road that is caving in and is really a hazard to the residents that are there and it could be a liability to the Town.

Gene Hulbert said that the issue is that it has to come out of the Highway Fund pool for that. He does not understand the nuances on how to transfer funds and how the Highway Department would pay back the General Fund. As he understands it you cannot use General Fund money for that unless there is a transfer of funds and a payback.

Keegan Coughlin said it doesn't necessarily mean that it needs to be a payback but there would need to be a transfer of funds in order to it to get expended for highways.

Cindy O'Brien then stated "You don't consider that road and emergency?"

Keegan Coughlin said it is his understanding that it was brought up by the Highway Superintendent at the last meeting and there is a budget adjustment on the agenda for tonight.

Cindy O'Brien said that she and the Senator and Derin went out to look at it and it is really in need of dire attention sooner rather than later. Even the concrete barriers that he has put up, even that is caving in and the whole road is going to wash away if something isn't done immediately.

Jo Anne Klenovic said that we will be addressing the flood issues later in the agenda.

Gene Hulbert stated that as it deals with an emergency issue because it is in the Highway. Derin is it your authority to declare it an emergency as a Highway Superintendent and not a Board issue.

Derin Kraack said we did but he did not have the money in his budget or in any of his highway funds to put towards that. He has to wait until they allocate the money before he can do anything. That is where we are at tonight. I am hoping that we can get that taken care of tonight. There is an emergency on that road which I declared and submitted to the Town Clerk. So that was done after the last meeting. It is in part of his report tonight.

Gene Hulbert asked if the Declaration went to the Town Board or just the Town Clerk.

Derin Kraack said it went to Keegan first to make sure it was correct and he wasn't missing anything and then to the Town Clerk.

Keegan Coughlin said the only reason we would need an emergency for that is he has the full authority once it is budgeted to him to do it at his discretion. The emergency declaration is more on file with the Clerk as support for the Town Board to justify the budget allocation. Once it is allocated then Derin can spend it. It is going to be spent within the Town's procurement policy so the emergency is actually not necessary. You will hear this later as he will be piggy backing off the State Contract to order the pipe and we will have plenty of time to do it within normal procedures.

Gene Hulbert just asked that the Town Board get a copy of it if it is part of the record for that decision.

Resident of Frederick Road spoke about a town owned drainage ditch between Frederick and Norman Roads that they have done nothing to in 20 years. There are five (5) Hemlock Trees that have been broken and dead for years. He is not certain if they are the Town's or not but he thinks they are. Well he has one on top of his garage right now. He is getting tired of this and if they are

the Towns they need to be taken care of. Everything from the flood comes down behind his house so he is the lucky one that gets all the junk. The Town needs to get someone in there and take a look at it and it needs to be cleaned out.

Keegan Coughlin asked what specifically is the address so that we can get Public Works or the Highway out there to take a look.

Resident replied 9 Frederick Rd. It's Norman Road, the guy has a fence and he has a fence and the drainage ditch goes right down through there all the way to the top.

Keegan Coughlin said we will pass it along to Greg and Derin is here as well.

Jo Anne Klenovic Asked if anyone would like to address the Board.

Mike Lumsden

- The town supervisor has been disrespectful to the people and to the board. Example: People at the July 14, 2020 is an example of People's civil rights being violated and violation of open meeting laws.
- Making it seem to a reasonable person that they must state their name before they are allowed to speak. A right that is granted to them by the Constitution of the United States as well as open meeting law.
- Telling people to sign in without stating that it is voluntary is a violation of open meeting laws and constitutional rights because it implies that they must.
- When staff and elected officials in the course of their duties, do it with prejudice and favor it is a violations of people's civil rights and a violation under law.
- Many people's civil liberties have been violated for YEARS in this town by this municipality. We will give you one example of many. There is a citizen in this town that had his civil liberty rights violated. He was not granted due process and he was treated with prejudice and was taken to court without even an investigation. The former DCO as well as the town supervisor, colluded and abused their authority with this citizen of our town. His name is Gene Hulbert Jr. and he happens to be one of our councilmen. We will get into more of that later, as well as other citizens that were dragged into court by the former DCO and town supervisor and those cases were ultimately thrown out of court because they were legally insufficient. The only reason citizen Hulbert's case is still in legal purgatory IS because he is a councilman. His case, as well as other pending cases will likely be thrown out of court.
- Could somebody please tell us when the town board, by motion or resolution deemed the stairwell in this building a restricted zone. Again, people's rights have been violated because some citizens have access while other citizens do not. Once again, the habit of practices in this building, is done prejudice and favor.

- February 12, 2020: Lumsden asked the board "why doesn't the board take action to stop or correct the supervisor when they've been told numerous times by the public and the attorney that any one of them at any time can make a motion followed by a second and a majority vote to stop her agenda and her which makes meetings go for 3 + hours". We wonder why they are so hesitant to do so. One reason could be that the supervisor plays the sexist card quiet often and the rest of the board are gentlemen and are put at a disadvantage. We would like to remind everyone of one of her quotes. *"the boys don't like taking direction from a newbie, especially when I am a girt"*. That is disrespectful to the board and an insult to all the professional women that work in the workforce and have integrity. We would like to point out that this statement is also incorrect. In a second-class town, the supervisor takes direction from the board, not the other way around.
- March 2, 2020: Lumsden once again, along with other citizens spoke about Open Meeting Law and the supervisor not following the rules or the Board's decision.
- November 4, 2020: Lumsden spoke about the DCO and the town supervisor once gain abusing their power and that there was collusion between them two on who gets a ticket and who doesn't. Remember, the town highway superintendent at the time had gotten bit and the proper action was NOT taken. But, charges were filed against citizen Gene Hulbert without any investigation being done by the former DCO. Both examples are once again showing prejudice and favor in this municipality. During this whole time the supervisor was trying to push her Route 12 project. The public rose up in large numbers which caused the town to have to reschedule meeting for a larger venue at Chenango Forks School. The project ended up being voted down. The same abuse of power was taken and used with the Poplar Hill incident regarding dogs, as well as at least four other tickets being thrown out of court for being legally insufficient. Thank goodness we have a court system and judges that do not take direction from Supervisor Klenovic, the board or legal counsel.

Web Sisson –

- It then came out that the former DCO officer was indeed in violation of harboring dogs. She was given due process and applied for a special permit that the town planning board was overly generous and actually permitted her and suggested to her that she should have more than she was asking for. The town attorney, Nick Cortese let that happen and one could argue, even promoted it. We wonder if all the other citizens will get treated this good by the planning board.
- February 10, 2021: Lumsden once again brought to the attention of the board and the public the discussion of 2/13/2019 work session where supervisor Klenovic, as she likes to refer to as "missteps" when she has not followed the law or the board decisions. (Pretty redundant) We would like to remind everyone that Supervisor Klenovic, in open forum, when she had been proven to be wrong about the law, she stated and we quote "even if I had stack of law books, it would not matter, I would do what I think is best". Supervisor Klenovic, this is



not Russia, you DO have to follow the law and you DO have to follow the will of the board. You openly admitted that you are willfully violating state and federal law.

- February 26: Lumsden spoke out about supervisor making a determination that there were code violations at Binghamton Precast, when there hadn't been. County Legislator, Cindy O'Brien spoke out about the supervisor's involvement with Binghamton Precast. Mr. Hulbert and Mr. Kellogg once again pointed out to supervisor Klenovic of her mistakes and abuse of power in regards to the code office. (Page 16 of the minutes if anyone is curious).
- March 11, 2020: County Legislator Cindy O'Brien questioned the supervisor on who she spoke with at the county regarding a security breach. It appeared once again that the supervisor was lying and put her foot in her mouth and had overstepped her authority.
- April 1, 2020: First night of ZOOM. Supervisor told everyone it was being taped, video and audio, on her computer and everything would be saved in the cloud. This ended up not to be true and she violated open meeting law as well as violated civil liberty rights and constitutional rights. She showed prejudice against Lumsden as well as others and was capricious in doing so. Lumsden routinely got muted and not allowed to speak in this zoom meeting as well as future ones. She always used the excuse "I forgot to hit the button" to save it to the cloud. At this meeting, she asked to limit the people speaking to only one time. This meeting was also the one that the supervisor addressed to the board that she wanted to stop people being allowed to speak outside in the parking lot. Another example of many, of her overstepping her authority.
- April 8, 2020: Citizen Web Session pointed out that he, on many occasions, observed staff not practicing social distancing or wearing masks, rather they were in groups gathered together like one big happy family, while us citizens have restrictions coming into the people's building.
- May 13, 2020: Supervisor Klenovic, without notice to the public, stated "with the interest of time" we are going to forego the first public comment opportunity and yield time to Barton and Loguidice. We will allow time at the end of the meeting for the public to speak. That was not posted on the agenda and that is disrespectful to the citizens of our town. We the public were forced to sit there and wait hours for our opportunity to speak. That particular meeting, Lumsden was finally able (at the end of the meeting) to state to the board that he was unable to participate because he was in a holding room.
- June 1, 2020: Lumsden stated once again, he was not able to get into the meeting by ZOOM. (Page 20 of the minutes)
- June 24, 2020: Supervisor Klenovic asked if anyone from the public wished to speak at the beginning of the meeting. Lumsden could hear, but she did not unmute him. Legislator Cindy O'Brien, along with legal counsel, advised Supervisor Klenovic to unmute Mr. Lumsden, once again.
- July 6, 2020: Lumsden could not get unmuted.

- July 22, 2020: Legislator Cindy O'Brien asked where is the posting for the public hearing for the cell phone towers on Brotzman Road? O'Brien stated the public is not properly informed. How are the citizens supposed to be informed if the information on the website is incorrect, which was controlled by the supervisor?
- August 19, 2020: It was brought up by the board members in a long conversation "why is Lumsden getting muted as well as other people in the public not being able to participate in the town meeting being hosted by the supervisor." She called it "a glitch" that sometimes she did not know if someone was legitimate or if someone was tampering with our meeting.

Karen O'Brien –

- She would put them in a waiting room until the problem took care of itself. This is the same thing as locking doors and keeping the public out of the building. She stated she gave it a pause to see if it would resolve itself and it did. The people went away, except for Mr. Lumsden. Councilman Hulbert pressed the supervisor on this issue. The supervisor said "it is troubling to her that she has been doing a lot of these zooms and she sees trends. She stands back and watches for a few minutes to see." Which means she is violating people's rights by not letting them in. Just like picking and choosing which citizens will be allowed to come in the building and which ones will not. She has demonstrated in her tenure that she absolutely will do what she wants with prejudice and favor. The supervisor also stated that when she put people in the waiting room, she really was not denying them, she was only delaying them. That is the same thing that happens in this building. She shows prejudice and favor. When Keegan Coughlin told her, we are going to let everyone in the meeting with NO pauses, she still wanted to debate it.
- October 5, 2020: A special meeting, including executive session was held in person during COVID with a full board, legal counsel Keegan Coughlin as well as Mike Lumsden about the abuse of power by the supervisor. Topics ranged from ZOOM violations, to not following the will of the board or law, as well as many other issues. One of the issues that Lumsden raised, that it was he who had informed Councilman Hulbert and Lead counsel Keegan Coughlin that in the future Mr. Hulbert would be charged and have a court appearance regarding an alleged dog violation. They both agreed in that meeting that Lumsden had brought it to their attention 2 weeks prior to citizen Hulbert receiving a court summons. The question everyone wants to ask themselves is "how did Lumsden know this information two weeks prior to the issue of the summons"? This conduct against citizen Gene Hulbert was done with prejudice and political reasons. His civil liberties and due process were violated.
- August 7, 2021: Lumsden pointed out that there was no need to keep public from entering the building. Supervisor Klenovic wanted to keep it closed so she could indeed treat citizens with prejudice and favor.

- April 14, 2021: Keegan Coughlin rightfully disclosed to the Board and the public, that his office had a conflict with the Commons. He stated that Shannon Kane was an attorney at his law firm and her parents that own the Commons had been represented by them. It was rightful that he recused himself. The Supervisor has also had many conflicts with the Commons, the Red & White and a close personal relationship with the owners plus a financial interest and she SHOULD recused herself from the process. She actually did at one point, but then she decided to un-recuse herself and the appearance of this is very bad for our Town and sets a bad precedent. In a situation like this, if she doesn't recuse herself then why should any of the Board have to recuse themselves? Did we not just go through ethics training; Alan Blythe- Planning Board, Frank Carl- Councilman, Gene Hulbert- Councilman and legal counsel all have displayed good judgement on different topics and recused themselves when it appeared that there was a conflict, but not Supervisor Klenovic.
- April 28, 2021: Lumsden raised the question, what if there are employees or department heads that maybe uncomfortable with their liaison or with Supervisor Klenovic? What are they to do? They should always feel like they can speak in public to the whole Board without fear of punishment or retribution. It appears that the Code Officer did this on July 24, 2021, Mike Lumsden was not a witness to this but people in the room said Mr. Freer was visibly shaken. This is not acceptable, no-one should be afraid to come forward to speak.
- August 25, 2021: The Code Enforcement Officer Freer made a statement that the Supervisor wanted to know what we have done to fast-track a project for one of her friends. Officer Freer felt she was trying to apply pressure. In our opinion Supervisor Klenovic has a habit of doing exactly that. Mr. Freer also stated that the Town Engineer also may have a conflict in this capacity of Town Engineer regarding the same project. One might think that the Town Supervisor and the Engineer were colluding. The Engineer has a working history with the project owner, he reminds everyone, that the Town Supervisor and the Town Engineer must give due process and he would hope that the Town Board, after hearing these accusations by the officer would start a full investigation. Has any investigation been started?

Leanne Harchar –

- Based on August 11, 2021 meeting when Nick Cortese was legal counsel, his conduct and dialog with Mike Lumsden and Councilman Hulbert was unbecoming of a town attorney; Also, when Mr. Cortese is legal counsel to the Planning Board and Zoning Board, for special permits and processes, he has demonstrated poor legal advice. Case in point, the former DCO Officer . When the planning board showed favor to the applicant by suggesting they give her even more than she was asking for, counsel Cortese went along, and some might say even promoted it and did not convene for attorney client privilege with the board. We got the sense from watching it that he was the attorney for the client, not the town. We also believe that he might have interfered with the

code department when another applicant applying for the same permit (harboring dogs), that the applicant admitted to running a home business, which is not allowed within town zoning. Remember, this person openly admitted it and no action was taken. We wonder why? Remember, when the supervisor drives by a place and believes someone is conducting business, she wants immediate action taken. We also want to remind the board that it was Nick Cortese and supervisor Klenovic, that together, by themselves, without board knowledge, decided to heavily redact Lumsden's foils and it was Cortese and Klenovic with their arrogance and smugness that prompted Lumsden to immediately invoke his right to appeal, which Lumsden knew the town had never properly set up. That is when Oliver Blaise and Keegan Coughlin had to come in and hold executive session with the board which led them to have to ask Lumsden's permission for a two-week extension, which Lumsden immediately agreed to. Lumsden has also seen Mr. Cortese display in the courtroom. Lumsden feels he does this with prejudice and favor. With all of this, we ask the question why the town continues to employ his services?

- The people must be able to remain informed and have access to their town government in order to maintain control over those who serve them. This building is the people's building and it is a public forum. We think everyone should look up where the word "forum" originates from.
- In 1977, NYS law CH. 532 was amended in 1983 to incorporate quasi board, which is what the ZBA is.
- Deliberations and decisions that go into making public policy, which means when the town board in open session refers to documents, they must be available for us citizens to view at the time of the meeting, not on all your computers that we cannot see.
- NY Law 84, to grant maximum public access to all public records.
- Petitioner does not have to demonstrate a clear legal right to a foil request. Case law, Benedict vs. Albany City.
- Legislative documents may be obtained under section 88.
- Local chief executive notes are subject to disclosure under foil. Example, granting access to the mayor's private cell phone which were intermingled with public policy and records are subject to foil. Case law Russo vs. Nassau.
- Local legislative bodies are with by definition agencies and thus subject to foil. Attendees, civilians that attend local meetings cannot be unreasonably searched, town cannot employ multiples of security. Examples, bomb sniffing dogs, video cameras trained on the audience, metal detectors, face recognition.
- The meeting cannot commence until all members of the public have been permitted entry, including ZOOM. If any of these things are not done, it violates people's 4th amendment rights and violates open meeting laws. This covers all public bodies

conducting public business. Law 102 includes state, county and local municipalities and all public bodies that are conducting public business.

- All state and local legislative bodies, including their committees and subcommittees are covered by open meeting laws. Advisory boards and quasi boards are also subject to open meeting laws.

Dave Fendick -

- No quorum, no meeting, no violations of open meeting laws.
- However, every series of less than a quorum on a particular meeting should not be used to thwart the purpose of open meeting laws. Example Cheevers vs. Town of Union. That would include emails, phone calls, text messaging, or a third party, but not limited to.
- Interesting case that Lumsden found. A luncheon gathering which the staff reported to the board was technically an open meeting violation.
- The court has power in its discretion to declare and void and action taken in violation in open meeting law, including that of executive session. Void Ab Initia, which is actually also, 'proof of the poisonous tree'. He, along with many others in this room, have heard Supervisor Klenovic state, 'well I only did what was best for the Town'. He was a NYS Trooper for twenty-two years, he encountered many individuals throughout that course of twenty-two years where he would have loved to have done what he thought was best for the victim or the Town, but by law he was not allowed to do so. He had to go by the rules and the laws of the State. We have had individuals in the State who did choose to do things on their own and did prison terms. It shows your integrity and who you are by following the rules and the laws of this State.

Linda Hamilton, former Dog Control Officer –

Stated that she usually doesn't attend these meetings, but she is certainly glad she was able to tonight since she seems to be the focus of it. She just wanted to tell the community members that there certainly was no collusion between the Supervisor and herself with her special permit to harbor more than three dogs. She became a Town Resident in 1996 at which time she licensed her dogs when she moved in the Town and she had six dogs at the time. She applied for and was granted a variance to have more than three dogs. That was given to me by the former Town Clerk, Rhonda Milks. She had a special permit. Somebody decided to check on that and were unable to find the paperwork. Low and behold, she was never given a piece of paper saying she had a special permit; and quite frankly after she had gotten the special permit in January, no piece of paper is given to anybody that has that special permit to harbor more than three dogs. So, why she was ever asked to provide a piece of paper, only one would know, someone obviously had a problem with her and that's fine. As far as special treatment saying she could have up to five dogs; that's not special treatment, there's other people in the Town that has...multiple people, she is guessing, if her memory serves her correct, ten to twelve. There're other people, that are dog owners that have well over four to five dogs. So, there was no special treatment or collusion given to her.

Luke Tokar -

He would like to thank everyone for being here today, the people, our neighbors and the citizens. He is young in this Town, trying to raise a family and do the right thing. So, Supervisor Klenovic, you did not keep the citizens properly informed that would have been impacted by your Route 12 project. It was we the people that had to inform our fellow citizens and neighbors, of the public hearing and the true facts of the project. Supervisor Klenovic, you did not keep up to date and have proper information on the web page regarding the cell phone tower on Brotzman Road. It was the concerned citizens and neighbors of Brotzman Road with their determination that got the word out and informed our fellow citizens and neighbors. Also, it was Aleta Kinne who sits on the ZBA that was the only person that read all the documents and she so graciously pointed out some mistakes and errors in the project's documents, along with the application. We the people of this Town, we pay our hard-earned tax dollars so that our Town can be represented by attorneys and engineers. We expect that they have our best interest in mind, not the Board. He finds it very inappropriate that our lawyers and engineers did not find some of these mistakes on this document. We the people are very grateful that we have a person like Aleta Kinne looking out for our best interest, not the interest of the Board. Supervisor Klenovic, he is asking that she please recuse herself from the R-districts; it is the right thing to do, if not, we the people, the citizens and neighbors will take all legal action to overturn any decision that this Board makes regarding rezoning of the R-districts. We ask that you please do the right thing and **recuse yourself**. Again, the reason he loves this Town and chooses to grow a business, a family, and spend his hard earned money in this Town, is because of the people who are here today. We the people have voted for the Board, to represent our best interests, and remember, we have voted to bring you here and we can also vote to take you out.

**PRESENTATIONS:** None

**ACTIONS TO TAKE:** None

**DEPARTMENT HEAD REPORTS:**

**Alex Urda - Town Engineer**

- Kelly Road - he wishes for Derin to speak on that with his assistance.
- Applications will be discussed on old business.
- Wolfe Park – he is assisting Greg with how to get the park opened up with a new pipe and how to cross the stream. He walked the stream channel.
- Sewer Improvement Project – Reviewed the list plans and project documents for bid; that is up for discussion as far as timing for bidding. He would like to get the bids as soon as possible. So far, he has not found any engineering issues.

**Derin Kraack – Highway Superintendent**

- Our new light equipment operator is scheduled to be begin working on September 13, 2021.
- The Drop-Off Days are scheduled to begin on Wednesday, September 15<sup>th</sup> and continue through Saturday, September 18<sup>th</sup>. Bert Adams will be bringing four (4) dumpsters on the 14<sup>th</sup> and removing them all by the 21<sup>st</sup>.

- The landfill is scheduled to be chipped in late September or early October, this was budgeted for last year.
- There was another wind event in August that brought several trees down in the Castle Creek area and on the western hills of the town.
- As requested I am providing a report from our database program that shows the expenditures from Kelly Rd for the past three years for water related problems and concerns. Please see the attached pdf for the breakdown.

## **COMMITTEE REPORTS –**

### **Jim DiMascio – Highway/ZBA**

#### **Highway Department - September**

- The catch basin that is located at the bottom of Port and Palmer was cleaned.
- Several area creeks were cleaned using contractor and in-house equipment and personnel. They include Wallace Rd, Clarendon (swale), Frederick Rd and by Smith Hill Rd.
- The sluice pipe at 78 Port Rd was replaced.
- Shoulders were cut on Treadwell Rd.
- Ditches were cleaned on Oak Hill Rd, Poplar Hill Rd and Panorama Dr. Flood damaged ditches were reconstructed on Ransom Rd. The ditches on Meadowood Ln were dug out.
- A crossover drainage pipe was replaced near 6 Heights Ct.
- Lawn damage repairs were made on Wallace Rd that had been damaged as a result of responding to the July flash flooding event.
- Washouts were repaired on Booth Rd, Dimmock Hill Rd, East Hill Rd, Fox Rd, Ransom Rd, Mix Rd and Warner Rd.
- A thunderstorm came through the area in the middle of the month bringing numerous trees down in the Castle Creek area and surrounding hills.
- The culvert pipe bridge at Kelly Rd washed out, the department responded with in-house equipment and labor and a contractor to rebuild one lane in and out of the dead-end road. This is a temporary repair.

### **Zoning Board of Appeals – September**

#### **A special Meeting was held on August 10<sup>th</sup>**

##### Public Hearing

- **2021—V09—Tesla/Electrify America-1165 Castle Creek Rd. -TM#066.10-1-13:**  
Application for a triple area variance to construct 12 electric vehicle charging stations with less than required lot size (6 acres to .65 acres), front setback (30' to 16.3'), and side setback (10' to 3.9') in a PDD-C zone and short EAF.

##### Discussion

- **2021—V09—Tesla/Electrify America-1165 Castle Creek Rd. -TM#066.10-1-13:**  
Application for a triple area variance to construct 12 electric vehicle charging stations with less than required lot size (6 acres to .65 acres), front setback (30' to 16.3'), and side setback (10' to 3.9') in a PDD-C zone and short EAF.

#### **Regular Meeting for ZBA on August 24<sup>th</sup>**

##### Public Hearing

- **2021—V08—Eric Sega—TM#094.03-1-3:** Application for a double area variance for a

pole barn in an Agricultural zone exceeding the maximum size from 1500' to 2350' and placement in front of the principal structure and a short EAF.

Application Discussion

- 2021—V08—Eric Sega—TM#094.03-1-3: Application for a double area variance for a pole barn in an Agricultural zone exceeding the maximum size from 1500' to 2350' and placement in front of the principal structure and a short EAF. This variance granted.

**Gene Hulbert – Ordinance**

Ordinance Report for August 2021

Building Permits

|             | Residential | Commercial |
|-------------|-------------|------------|
| Received    | 10          | 2          |
| Issued      | 9           | 2          |
| Inspections | 17          | 2          |
| C of O      | 2           |            |
| C of C      | 4           |            |

Building Permit Fees Collected: \$ 2,370

Special Permits

| Type of Permit | # Permits Received | Permit Fees Paid | Applicant(s)           |
|----------------|--------------------|------------------|------------------------|
| Sign           | 1                  | 150.00           | All Leathers & Repairs |
| Site Plan      | 1                  | 1650.00          | Lalor Dental           |
| Variiances     | 2                  | 180.00           | Mastro/Flanagan        |
| Other          |                    |                  |                        |

Fees Collected Total: \$ 1,980

Fire Inspections

|            | Total | Previously Done | New This Month | % Completed |
|------------|-------|-----------------|----------------|-------------|
| Annual     | 46    | 35              | 0              | 76%         |
| Tri-Annual | 64    | 59              | 0              | 92%         |

Complaints

Total No. of Complaints Received: 11      Closed 11

| Complaint Type                 | # of Complaints | Open | Closed |
|--------------------------------|-----------------|------|--------|
| Property Maintenance           | 8               | 5    | 3      |
| Open Storage<br>garbage/debris | 2               | 2    |        |
| Open Burning/smoke             |                 |      |        |
| Junk Vehicles                  |                 |      |        |
| Grass/undergrowth              |                 |      |        |



|                       |   |   |  |
|-----------------------|---|---|--|
| Noise                 |   |   |  |
| Operating a business  | 1 | 1 |  |
| BWOP                  |   |   |  |
| Rec vehicles/trailers |   |   |  |
| Illegal fill          |   |   |  |

**Dog Control**

|            | # of Incidents | What Happened |
|------------|----------------|---------------|
| Complaints |                |               |
| Dog Bites  |                |               |
| Shelter    |                |               |

**Jo Anne Klenovic – Supervisor**

- The Music in the Parks has concluded for this summer the first two were rained out and rescheduled however the eight concerts concluded on Thursday of last week and were very successful. Very well received.
- The Assessor for the Town is a newly State Certified Assessor; he completed all of his course work, took his test and has been awarded permit certification for six years.
- The Bark for your Park Contest; we co-sponsored with the County and very successfully were one of the Grant winners of \$25,000.00. That park will be installed at Otsiningo North in the Town of Chenango, it will start in 2022 and we will have help from the County for maintenance and attendance at that park. It is a very attractive, beautiful setting alongside of the river and we are so looking forward to it being available to our residence.
- We were successful in obtaining the Broome County Grant for our Community Room Renovation, and would like to thank Mrs. O'Brien for help keeping her on track with the dates of when things were due, but, we were successful in getting; today, you have in your packet additional information, just the contract came today for the acceptance for the Grant. The County has awarded us \$27,254.00 that will be applied to funds that we are contributing in labor and kind, so it is over \$33,000.00 project in that room that will include lighting and electrical upgrades that will save us money in the long run; also, some amenities that will help with handicap accessibility and for the groups that are including the three Boards that meet in there now. We are working with Greg Burden to use some help from the Public Works' staff and some of the purchases will be made later in the year.
- Barton & Loguidice are still looking for some information on the easements, so, Alex and Keegan, she will remind them that we need to get to them and get that finished up in the Waste Water Treatment Plant.

Gene Hulbert asked Jo Anne; she had mentioned that in our packets, the information about the Assessor's scores?

Jo Anne Klenovic – Stated that yes, it was in an attachment on the final page, it's an FYI. She then asked if that was a difficult agenda to follow, putting the icons with the subject?

Gene Hulbert – Stated he does not know what packet he is talking about.

Jo Anne Klenovic – Stated, the agenda from Friday, there are links right next to the topic, so at the end of the Agenda there were two FYIs, they were the Assessor...

Gene Hulbert – Stated, he sees it now.

Jo Anne Klenovic – Stated that she will continue to use this format as long as everyone is fine with it.

Gene Hulbert – Asked, when we use this, are those documents...they are on the website, but are they also here?

Jo Anne Klenovic – Stated that the documents, or attachments are not accessible through the website, the Agenda itself is a PDF, and the PDF part knocks out the live part of those attachments. You get the word document which all of the attachments come out when you click on them.

Gene Hulbert – Asked, so how is that information available to the public then?

Jo Anne Klenovic – It never has been, the Agenda is still there in its entirety.

Gene Hulbert – His point is that every document that we are reviewing is required to be available to the public for them to view to understand what we are talking about, so as long as we are talking about it, he needs to get us a resolution to make sure those documents are here and available for anybody who is just walking in and have those documents available, or on our website so they are available. There has to be a process for them to have it.

Jo Anne Klenovic – Asked, please clarify that for her, the Agenda is on the website in its entirety, the backup material that the Board receives is what was not accessible because it was a PDF and she did not realize that it knocked them out.

Keegan Coughlin – Stated that most of the material should be available to the public with a very few exceptions.

Jim DiMascio – Stated that there must be a technology, because you said PDF vs. word doc. There are ways of posting it without being able to edit it and that is the key word, because the public has no right to edit our documents, but they should have the right to review them and have free access.

Keegan Coughlin – Stated that when he first started representing the Town you were working the documents on the screen, he is not sure if that is something they want to explore again.

Gene Hulbert – Stated that he doesn't have a problem with that as we are discussing it, he just is making a point of posting the Agenda with the supporting documents is for the people who are attending to understand the issues that we are going to be discussing, so they can understand the discussion.

Cindy O'Brien – Stated that has never been done.

Gene Hulbert – Stated that he understands that, but that is an issue that is just always been an issue with him and we have not also taken minutes, that has only been six or seven years old, so that is why he is bringing it up.

Keegan Coughlin – Stated a good chunk of this stuff can be made available prior to the meetings.

Jim DiMascio – Stated they should be on our website.

Keegan Coughlin – Stated, yes it can be on the website, there can be copies here or up on the screen.

Gene Hulbert – Stated one of the things that he wanted to dovetail on to because he knows it is going to be on later, but he doesn't want to waste time later is the issue with the...he was going to give a report on an electronic document management system and one thing he would like is to send them the link, he knows that Keegan is familiar with Binghamton School District, they use a Software called Board Docs. They have their Agenda on it and electronically every document is there whether it is an 8 ½ x 11 or a map, whatever it is, it is all right there included in on the Agenda and is available on the website. He is sending everyone the link on that so when it comes time for the budget time that is what he is going to be recommending for us to take a look at in the meantime and that solves a lot of the technology that you are talking about, getting everything into a single format, so we can go from there later.

Jo Anne Klenovic – Stated that in the meantime she will talk to Pyramid and get a short-term solution underway.

### **Keegan Coughlin – Town Attorney**

- At the last meeting we were discussing the Tami Carl 'thanks for your service' party and there was a discussion about whether or not the public would be allowed to attend and he would like to apologize to the Board for some lack of thought process that turned into bad advice on his end; anybody that showed up to Town Hall on that day and wanted to participate or walk through the party, should have been allowed. It is his understanding that that is physically what happened from people who came there, but during business hours, if it is in a Town open area, anybody who strolls in is allowed to attend, otherwise it would be discriminatory to close them away. He just wanted to make that clear to everybody and apologize for his short-coming two weeks ago.

That technically was a Board action so, at this point we have two options, we can revoke that motion and just say they are allowed or we can consider that motion on the books and that portion would be unconstitutional and unenforceable, so his preference would be to clean it up with a motion to say, just striking that portion where the public is not allowed to attend

A motion was made to correct the motion made at the last meeting, so we are amending the previous motion retroactive to that date by Jim DiMascio, seconded by Gene Hulbert. There was discussion so with things getting a little tighter, there should be no social gatherings at all. Keegan stated that the CDC recommendation currently are for all individuals in public and gatherings to wear masks and to do everything that we can to not promote social gatherings. The following roll call was made: 3 Ayes, 0 Nays, 2 Absent – Frank Carl and Terry Kellogg.

Jo Anne Klenovic – Stated that discussion needed to be had concerning the community room, it is booked starting last night there was an event in here, and today we are here and next week the groups start coming back and by the end of the month our original group, pretty much was back for their monthly meetings. The schedule that we set up over the summer for meetings and including the board meetings, which means ZBA, Planning, and Town Board whether or not they should be in this room or should go back to ZOOM.

Keegan Coughlin – Asked, do we want to separate ZOOM and community room availability in the conversation, or do we want to lump them together? (All agreed to keep them together.) So, last Wednesday, the NYS Legislature passed a legislation that allows through, January 15, 2022 that municipalities can forego the open meetings law requirement of in-person meetings as long as we are back to the, during Covid, ZOOM accessibility and/or otherwise electronically accessible meeting structure that allows for public participation and comment. So, that can be on the table for Board meetings and then the other portion of that is whether or not the community room should be available to gatherings.

Jo Anne Klenovic – Stated, in-person meetings, scheduled two today for people to come here to meet with her on different topics. She is scheduled to go to Broome County tomorrow for a BMTS meeting, so they are out there, they are on the Calendar, so would it be our policy to include that as well?

Jim DiMascio – Asked Mrs. O'Brien how Broome County is currently handling this?

Cindy O'Brien – Stated they are all ZOOM.

Gene Hulbert – Stated that he would like to make a motion that starting tomorrow all meetings held are ZOOM meetings.

Keegan Coughlin – Asked, when is the next Town meeting?

Jim DiMascio – Answered, Planning Board next Monday.

Keegan Coughlin – Asked if we knew what was on the agenda? (It was answered, Laylor Dental) Given the publication time frame and the public participating, because that decision is being made now, we would have the opportunity to get it published everywhere and hold it by ZOOM, but the practicality of that is, by Monday, how many folks are going to see that, so that is part of the discussion that he would like you to consider.

Cindy O'Brien – Stated that they decided one night that they were going back to ZOOM and started the next day.

Further discussion was had, and it was decided to do a resolution at the 7:00 p.m. to resume to ZOOM meetings, and to make a determination on closing the community room until January 15<sup>th</sup> as well.

A motion was made to stop any and all town sanctioned gatherings and/or social gatherings at Town Hall facilities, by Gene Hulbert and seconded by Jim DiMascio...

Jo Anne Klenovic – Brought up the discussion that we do not change, or flip-flop on this issue, we were here two weeks ago and we were talking about did people have to wear masks and if people did not want to wear them we didn't have the right to say so and now we are putting a little different spin on it, we are saying please don't come in here unless you do and she realized that the words have not changed that much, but the intention is changing a little bit for her. The discussion a few weeks ago was to allow for a retirement gathering and it was going to be acceptable because the climate would allow for it, so she just wants to make sure that we don't make any more exceptions, it is too confusing to the staff also because she wants the public aware of our policy, like we have the walk up window and we haven't used it for several months since we opened our doors, so it is an option to re-open that and keep more people out. She would like to give them the option to use one or the other.

Jim DiMascio – Stated that he doesn't want to start a debate, however, Jo Anne commented on things have been confusing, but this variance has our whole economy a lot, so much of it in just the last two weeks. He would like to say from his perspective that this is free flowing and we adopt our policies based on the variant and how it could affect the health of our Residents, ourselves and our employees. He thinks this process is going to continue to be fluent and he feels that should be stated for the record.

The following roll call was made, 3 Ayes, 0 Nays, and 2 Absent – Frank Carl and Terry Kellogg.

Keegan Coughlin – He had circulated late this afternoon, a hiring resolution for Derin, he would like to be considered at the 7:00 p.m. meeting and this is kind of a formality that the Town had done where Derin has the authority to hire and fire people in his Department subject to the Collective Bargaining agreement, the Town had a process previously to kind of blessing those hires through a resolution and with the hire date of Monday the 13<sup>th</sup>, Derin had asked him to take a look at a resolution, we had talked about it a few weeks ago and then we both forgot to make sure it was on the agenda given the Highway Department being closed on Friday and the other more pressing issues in the Highway Department. He wanted to see if the Board was ok with considering that at the 7:00 meeting and reiterating that Derin can still do it even if you don't bless it.

Jim DiMascio – Asked Derin, this is a replacement, correct?

Keegan Coughlin – Stated, yes, it is already budgeted for. (All agreed) There are two things that he would like to discuss briefly with the Board, one is an attorney client privilege matter relating to two FOIL requests, and the other is an attorney client privilege discussing regarding threatened litigation regarding the flooding. Both of which should be extremely brief.

A motion was made by Jim DiMascio to go into executive session for attorney client privilege to discuss threatened litigation regarding and an attorney client recess regarding two FOILs, seconded by Gene Hulbert, with the following roll call: 3 Ayes, 0 Nays, and 2 Absent – Frank Carl and Terry Kellogg.

A Motion was made to come back into public session by Jim DiMascio, seconded by Gene Hulbert, with the following roll call: 3 Ayes, 0 Nays, 2 Absent – Frank Carl and Terry Kellogg.

Keegan Coughlin – Asked for some direction from the Board on who he should go to for scheduling the employee ethics training, should he just coordinate with the Department Heads? (All agreed)

Keegan Coughlin – There was a decision made in executive session for the record to stick to the existing Town Board policy regarding FOIL disclosures and there was a decision made to not hire outside Counsel for a FOIL request for Mr. Lumsden. There was also a decision made to correct the FOIL request form to place a large bold ‘optional’ next to the “for the following reason” section.

Gene Hulbert – Would like to clarify for the record that those comments that Keegan just made, didn’t need to be responded to because they were client attorney privilege.

Keegan Coughlin – Stated, that is a fair point, he made a mistake.

Mike Lumsden – Stated his apologies to the Board and Counsel.

### **OLD BUSINESS:**

- Flash Flood – Jo Anne Klenovic has been receiving grant opportunities from Claudia Tenney’s Washington Bureau; they have supplied her with about fifteen to eighteen different grant opportunities all for different purposes, different links of time would be needed to prepare them, but she is hoping to make a dent in some of those and look for a good fit. Also, Southern Tier 8 is working to supply us with some opportunities that they were highly recommending. She spoke to the County with an engineer, Tom Sullivan, and also making plans to meet with him which can easily be a ZOOM but to include Beth Lucas and Leslie Bolton who would be able to brainstorm with us to look for solutions. Our meeting last time that Cindy O’Brien, Jim and she took part in, we got a lot of information from the DEC Soil & Water Conservation group and also the Susquehanna Coalition. They suggested the next couple of steps for us and one of them was to start working with the State and the County to start brainstorming some ideas changing ownership, getting some... work on the same page. They are excited to be involved and willing to be involved, so Tom will set it up on the County side and come back with dates that perhaps, Jim might be available for; and she appreciates his participation. Jim has made it to everything that we have scheduled and Derin, of course you and Alex would be key players too, so we will put this together for maybe not so much as a road trip as before, but a ZOOM brainstorming. She will everyone posted on that.

Derin Kraack – For Kelly Road; he has been working with the DEC, he was able to get the permit, work all sent into them, they are on board, he talked to them today about this whole issue down there, they want to send somebody out to do their observation of the site just to make sure, with what we have sent them with the pictures, that they understand what is going on there. They do understand it, they are very strongly agreeing with what we have come together with putting a wide pipe, vs. two pipes, side by side; because side by side, all that does is cause for back-up, plugging and more problems for the creek and throws it all out of whack. So, they are really liking the idea that we are doing that and making it an open bottom, so that it keeps it open and allows it to flow on its own and does its own little thing. With that being said, going forward what we want and what we’ve come together with, that is a great idea and he thinks there are more apt

to give us the special permit because, technically once October 1<sup>st</sup> comes, because it is a protected creek, we are not allowed to do any work inside of it without a special permit from the DEC and they are more apt to give us this knowing that we won't be in the creek as much, or at all, so that there is not an issue. With that said, we came together, he has a pipe price of \$56,798.80 for the pipe and the footers to be set in there that they sit on and that is obviously just the pipe and footers. Not including the concrete, but that would be the contract for the installation of the pipe. The footers are steel beams, like a trough that they would build, then you pour concrete in and that is how it sets in there, so you don't have to build forms for it. That is what they use now and that is the quickest way. It will be a half moon and the pipe will just sit on the footers and buried in the creek bed and it will have the proper coverage for the creek. It takes about six to eight weeks to get this manufactured, it is the quickest and most efficient way to get it done.

Jim DiMascio – Asked, so, you think it is going to be a bigger improvement vs. the two big metal pipes that are there now?

Derin Kraack – Right now there is a seven-foot pipe in there and a five-foot pipe, so you actually have about twelve feet of pipe, this is going to be a nineteen-foot by eight-foot high one open, sixty foot long.

Jim DiMascio – What are the steps to getting this ordered?

Derin Kraack – He needs money allocated to the Highway so he can order it, then it takes two weeks for them to design the pipe for us and sign off, then the build is approximately six to eight weeks by the time it gets here. It gives us time for a bid or get quotes or however you want to do it for the install.

Julie Wyatt – Her question is the pipe part considered drainage, which would be General Fund or then redoing the road over it would be Highway; would that be correct and it would be split? But then General can fund the Highway money, but it sounds like the big piece of it is a drainage project and that is General, it can't be in Highway.

Derin Kraack – Yes, you are right, it would be drainage because it is a flash flood, so it is not budgeted.

Julie Wyatt – Then the road repair piece of it, we can take that money and transfer it to Highway.

Derin Kraack – The road repair part will not be done this year, because we will not be able to blacktop it by then, so it will come out of next years budget and we can figure that out next year.

Keegan Coughlin – So, we can do a budget modification from fund balance to drainage within General?

Julie Wyatt – Yes.

Derin Kraack – There is also going to be a cost for installation, once we get the bid for the price, it will come back to the Board to try to figure out ...

Jim DiMascio – But, right now the urgency is to get the pipe.

Derin Kraack – Yes, getting the pipe here, so we can have it. Designed and ordered.

Jim DiMascio – And in the process, you go out to bid.

Keegan Coughlin – We have plenty of time to go out for bid, based on that.

Gene Hulbert – Julie, you can pull over money from 2020 that is unspent?

Julie Wyatt – 2021?

Gene Hulbert – 2021, just say it's a \$200,000 Job, and you spend \$60,000 on pipe in 2021 and you need the rest of it in 2022, can't that money slide over to the next budget?

Julie Wyatt – No, the budget ends on December 31<sup>st</sup>, so, we would have to do a brand-new budget for 2022. So, once we find out the timing of the project we can figure out how much to budget for 2021 and how much to put in to 2022.

Jim DiMascio – So, based on that analogy, we do a budget transfer right now for the \$56,000 to get the pipe on order?

Julie Wyatt – I say we wait until we get the final cost because there is no rush, if it is going to take eight weeks to make it even.

Keegan Coughlin – But, he needs the money to allocate to order it. So, \$60,000 from fund balance to drainage, then you can order it?

Julie Wyatt – Will it go over \$60,000?

Derin Kraack – No, it shouldn't, this is as if he orders it tomorrow, it is tomorrow's pricing.

Gene Hulbert – Who pays for drainage bills?

Julie Wyatt – General fund.

Gene Hulbert – Who signs for it?

Julie Wyatt – Joy has Derin sign-off on it.

Gene Hulbert – But it is out of General, right?

Julie Wyatt – It is out of General, but when Joy gives her vouchers to Kathy, some are General fund for drainage and also for the Highway Superintendent Admin. units, like gas, cell phones for Derin & Jim Aukema, that all Joy processes, Derin signs it but it comes out of General.

Gene Hulbert – We are going to use that same process?



Julie Wyatt – Same process, but if we need to do a budget modification ... yes, it will be the same process.

Alex Urda – It is his understanding that he would be able to work on the design to expedite and add on to his contract, that he had to have their approval for, it would be extra out-of-scope added on to his budget. It would be \$9,750.00 for everything, that gets through helping with the permit process, that he already did, he did some work just to keep it moving at a risk. If they would go in another direction, he would give everything to whoever gets it. But that \$9.750 is what he would expect his cost would be, plus some priming fees. Budget wise, he also has an issue where it's not there in his baseline but he had it within other locations in his allocations that Julie would have to let him know if he can move it out of, say AT&T.

Julie Wyatt – That is not Julie. That's the Board.

Alex Urda – He has three lines that he is not using currently which are litigations, and some are inspections for some projects that might come in, those two things may occur by the end of the year, he is not sure, but then there was \$3,600 in the AT&T towers that just walked away. Can those funds be utilized towards this?

Gene Hulbert – He would rather keep all of those line items intact, instead of moving them around for the historical number of what you do use and what you don't, so when it comes to budget time then he has no problem just doing the additional.

Alex Urda – It looks like a \$2,000 overage for the year unless something else comes up.

Jim DiMascio – It's a natural disaster.

Gene Hulbert – He also looked at the pricing that was there, it was just a percentage that he would expect to go out for civil engineers in the area to do it, and you are in the 6 – 8% of the project cost, that is what he would budget and Alex is very reasonable and is well under that and he feels it is in the best interest of the Town to just do it.

Jim DiMascio – Agrees, whole heartedly, and he thinks expedience plays into his decision.

Derin Kraack – Has one more thing to add, your comment about the project getting done and carrying it into next year, knowing that he is expecting carrying into next year at all is paving. He wants to get this done this year, as soon as possible because he can't plow the road right now, we can't get a wing truck down there, we would have to send a special truck every time to make sure we could get up and down that because he doesn't want to put any more pressure on that pipe.

**OPEN FORUM:** No one wished to speak

Gene Hulbert made a motion to go into executive session personnel issue in the Ordinance Department, seconded by Frank Carl. Motion was carried by the following vote: 4 Ayes, 0 Nays, Absent 1-Terry Kellogg.

Respectfully submitted,

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





To: Town Board  
From: Supervisor  
Date: 12.1.22  
Re: Multifactor Authentication

The Microsoft 365 upgrade includes multifactor authentication. If an employee has a Town phone, they can easily sign in to their desktop. If an employee has not been issued a Town cell phone, then they need to use their personal device and the Authenticator app to sign on to their work desktops.

The Work Rules (Attachment A) state that employees should refrain from using their personal phones for anything other than a family emergency. This requirement to sign in is contrary to the Town policy.

Two staff members did express their concerns about the "exposure" related to using their phones at work, example FOILS, security etc. I asked Keegan to speak to that issue and he forwarded the email response (Attachment B).

I asked Pyramid for an alternate solution and they provided the estimate for the Cisco DUO 2FA/2 Factor Authentication (Attachment C) which is a fob system that stays with the computer station not the employee. The cost of the service must include all 46 TOC email addresses NOT just the ones we choose and the charge is re-occurring.

We do need to consider an adjustment to the policy regarding personal devices as well as the management philosophy for requiring such.

Pyramid representatives have agreed to attend or link to a call during our Board meeting to review any portion of the transition from the County to our in house program. If the Board is so inclined, please comment so that I can schedule with Pyramid.

A

## Town of Chenango

### Cell Phone and Personal Communication Device Policy

This policy outlines the use of personal cell phones and Personal Digital Assistants (PDA's) at work and the safe use of cell phones or PDA's while driving.

#### General Use at Work

Employees should restrict the use of personal communication devices for personal matters during work times except in emergencies, to check briefly on family matters or communicate with supervisors. Personal calls, messages or use of data retrieval during the workday, regardless of the device use, can interfere with employee productivity, be distracting to others or potentially be dangerous. Personal communications should be conducted only during scheduled breaks or lunch periods, except in active work areas. Employees should make their friends and family aware of the Town's policy

#### Safety Issues for Cell Phone and PDA Use

All employees are expected to follow applicable State and Federal laws or regulations regarding the use of cell phones or PDA's at all times.

An employee who drives a Town owned vehicle is prohibited from using a cell phone or similar device while driving, whether the business conducted is personal or Town related. This prohibition includes receiving or placing calls, text messaging, surfing the Internet, receiving or responding to e-mail, checking for phone messages or any other purpose.

We recognize that other distractions occur during driving, however restricting the use of cell phones, while driving, is one way to minimize the risk of accidents for our employees. Employees are required to stop the vehicle in a safe location so that they may safely use the cell phone or device.

Employees who are charged with traffic violations resulting from the use of a cell phone or PDA while driving will be solely responsible for all tickets that result from such action.

#### Use of Camera Phones

The use of camera phones, PDA's or other audio or visual recording capable devices may constitute an invasion of employee's personal privacy.

Employees may not take photographs and video, whether by camera phone or other device in "private" areas (restrooms).

Therefore, the use of camera or other video-capable recording devices are prohibited without the expressed prior permission of the person(s) present at the time.

Employees who violate this policy will be subject to disciplinary action which may include termination or employment and or legal action.

### **Town Provided Cell Phones/Equipment**

Employees in possession of Town issued cell phones or other equipment are expected to protect the equipment from loss, damage or theft. Any employee unable to present equipment in good working condition within a reasonable time period after a request is made, may be expected to purchase a replacement.

The Town retains the right to monitor employee's cell phone usage on Town issued devices. Signs of potential misuse may be brought to the attention of the employee's supervisor, who will determine if action is required.

### **Policy Enforcement:**

Enforcement of the policy will follow the discipline policy as stated in the Town's Safety Manual.

Egregious violations of this policy such as using a device to record, send or display lewd, sexually explicit or suggestive, or derogatory material that may create a hostile work environment will result in suspension and potential termination following an investigation.

Instances where the Town does not monitor or strictly enforce this policy will not be construed as a waiver of the Town's right to enforce its policy in any particular situation.

The Town reserves the right to restrict the possession or use of these electronic devices in all work areas.

The Town is not liable for the loss of personal cell phones or PDA's brought into the work.

(B)

**Jo Anne Klenovic**

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**From:** Keegan J. Coughlin <KCoughlin@cglawoffices.com>  
**Sent:** Wednesday, November 16, 2022 12:14 PM  
**To:** Jo Anne Klenovic  
**Subject:** Two Factor and Cell Phone

Hi Joanne:

Please let this e-mail confirm it's my firm opinion that the use of a personal cell phone as a means of two-factor authentication would not subject someone's personal cell phone to FOIL.

Thanks,

**Keegan J. Coughlin** | Associate

**COUGHLIN & GERHART, LLP**

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Tel: 607.723.9511

Fax: 607.723.1530 | Toll Free: 1.877.COUGHLIN

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(C)



**Town of Chenango**

Quote - November 17, 2022

**Cisco Duo 2FA/Two Factor Authentication**

**Cisco Duo Security**

(46) Cisco Duo MFA/2FA "Standard" Edition License (\$4.50/User/Month)	\$207.00/month
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PYRAMID Technical Support Services	\$1,530.00
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Scope of work: Deploy Duo Auth Proxy, configure Duo apps and policies. Deploy Duo for Office 365.

Employees will require assistance with enrollment or training, estimate is an additional 15 minutes per employee.

This is an estimate based on (18.0) hours of technical support services performed during regular business hours which are Monday - Friday, 7:00am - 6:00pm at the rate of \$85.00/hour with travel billed one way. Town of Chenango will be billed for actual services rendered.

**Cisco Tokens:**

*- Only for Town of Chenango employees that decline to use Duo Mobile and Microsoft Authenticator on their personal mobile devices for work purposes.*

(2) Cisco Duo Hardware Tokens, (10-Pack, Minimum)	\$610.00
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