



Town of Chenango

Town Board Agenda

Wednesday, September 7, 2022 - 7:00 PM

Town Office Building

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**THE TOWN OF CHENANGO TOWN BOARD MET WEDNESDAY, AUGUST 3, 2022
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, Jr., Councilperson
Dave Johnson, Councilperson

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

PLEDGE OF ALLEGIANCE TO THE FLAG -

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

Jo Anne Klenovic said that in regards to rules of order she found where roll call should be done in the beginning and we don't do that so she wanted to start our meetings with that.

Roll Call: Hulbert present, Carl present, Klenovic present, DiMascio present and Johnson present.

OPEN FORUM:

Mike Lumsden read the following:

I would like to talk about Chapter 29 of the Town Code named "Curfews". This is another example, like many that I've previously brought to the Board, that are poorly written and do not meet the legal requirement to be able to enforce. This particular one is much like when the town used to hand out snow tickets and the highway superintendent, not a constable, decided whose tickets went to court.

29-2 gives the definition of a minor who is a person under the age of 18. 29-3 explains the hours of curfew between 8:00 p.m. until 6:00 a.m. 29-4 is exemptions. Item number "c" in this section got my attention. It states that the town does not want to violate the minor's first amendments rights, but I believe it does exactly that. Section "d" says a minor has to show evidence in writing and signed by the parent and the minor. Good luck with that one too.

"i" states under exemptions, within one hour of the determination of a town or school sponsored activity and they must have a note with their home address, their telephone number and their place and time. Who in this town has a legal right to stop anyone in this town and demand such things?

29-5 Enforcement. It states this chapter will be administrated and enforced severely and separately and jointly by the code officer, the Sherriff's department and the state police. This is pretty interesting. I believe that is up to the judge to decide what "severe" is. I do

not believe our code officer has been sworn in as a constable to be able to take these actions. It also states in this chapter that it is complaint driven and as such requires that a violation thereunder be complained of to the Town of Chenango code officer, Sheriff department, state police before enforcement hereunder may occur. The complaint must describe the violation and the complaint must describe the enforcement authority with the address of the aggrieved property or person.

29-6 Parental Responsibility. I believe none of this is going to meet the requirements of being legally sufficient.

29-7 Penalties of Offenses. "a" any minor under the age of 16 years. What if the minor is 17 year of age. This is a contradiction of the first paragraph stating under 18 years of age. Could someone please tell me what state or federal law requires that anyone has to show i.d. while walking on the street that has not committed a crime?

Section "b". If a minor is found guilty, the first offense is \$50, the second offense is \$100, the third offense is \$250 or by the term of imprisonment not to exceed 15 days. Just like dog tickets or snow tickets or any other tickets that the town is going to hand out, if imprisonment is part of the penalty, it now falls into criminal procedure law. If the people cannot afford an attorney, the public defender office has to supply them one, and the legal bar now becomes higher. But "c" is even better yet. This one says that the PARENTS could be fined or be imprisoned for 15 days. Let's say your 17-year old is driving a car and gets a DWI or reckless driving, which is a felony. Do the parents go to jail? No.

I bring this up like I have so many other things, like not following procedures or not following law. In the past the collusion and the coercion of elected officials, personnel and people stepping outside of their legal boxes. Just like all the issues the town has regarding zoning, variances, contradictions within town law. I believe this is a product of the town having the same legal guidance for over 60 years. It also demonstrates to me that people who sat on these boards didn't bother to challenge or question their attorney. For that matter, I think they very rarely challenged department heads either. They just took their word for it. I am ok with taking someone's word, but in a municipality, when taxpayer dollars are involved, elected board members need to verify what their attorneys, engineers and department heads are telling them. It reminds me of the Heights and the \$40 million sewer project. I will continue to point out other issues in these areas, and there are more.

Webb Sisson – Now that we have decided to keep the truck for the Water Department, he would like to suggest that he put the safety features on the truck that are required for someone that is going out and it is their work truck. He needs the safety light, the back fence which should be there in case something hits the window. But he does need the light on it and he was told that he does have a plow on it and it is required by law that trucks that plow and are on the road have a light and a beeper. He would ask that the Town makes sure that these safety things are put on that truck for his safety. In case someone sees that truck without a light in the middle of the night, he could get hit and he doesn't want to see that happen. Thank you.

OLD BUSINESS:

- Engineer Referrals – Urda Engineering

Alex Urda said that he has reached out to GHD, C & S and CT Male for a second round of consideration. C & S declined immediately, GHD and CT Male are still in consideration but no formal response back. He did not give them a deadline but he wanted to have their stuff back by this week so that he could report on it next week. So, the engineer review is still up in the air.

He is working with Trophy Point with Keegan to get the contract cleaned up a little more formally.

Had minor updates with Biosolids Compost Permit Renewal which was submitted. DEC already responded with some things that they wanted back. He knew of some of those and are already in process. He will get them out so we should be in good shape there.

MS4 Stormwater program – he submitted a draft plan to them. Julie got back from the 3-4 weeks off and has reviewed it right away. She already gave him comments today. Alex said that he will get back to her comments-which is a pretty decent list. She is just trying to keep us all on our toes. Your format for the stormwater management plan is something that is being passed around from Tioga Stormwater Coalition.

Alex said he will call the two companies tomorrow that did not respond and say that he needs to know by Friday. If none of them take the lead he will go out to bid on it as you already voted that if these three decline, he goes out to a legal ad and bill it out with an RFP.

- Agenda Software – Amy and Lizanne have been working with Diligent on the template work session agenda. Lizanne said that she hasn't had a chance to work on the template yet but she did ask her about linking the audio to the minutes. It can be done as long as it is not longer than 250 MB. Lizanne said as long as she stops the recorder between the two meetings and restarts it there shouldn't be a problem.
- Pyramid E-mail Update – Jo Anne explained there was a little bit of a problem with converting the e-mail to a pdf from a PST. Jon did a little research and found a solution for \$199.00 to be able to convert the e-mail so that Keegan would be able to do his redaction should it be needed.

Keegan Coughlin confirmed what Jo Anne just explained. Lizanne said that the searchability seems to work well. You can search the body of the e-mails as well as the headings.

NEW BUSINESS:

- Cannabis Management Survey – Jo Anne explained that she received an e-mail from Office of Cannabis Management and was wondering if the Board thought we should participate in a survey.

Keegan Coughlin said he didn't see any harm in participating in this survey. The zoning regulation change that you all adopted allowing it is basically similar to liquor stores and bars. He thinks that is kind of adequate as a first. This would be if you wanted to have more expansive regulations more like SEQR regulations which will say what is and what is not reasonable from a local regulation perspective. It will further detail the licensing requirements that the applicants will need and the stuff listed in the second aspects of the bullets. If the town wanted to limit it in historic districts, which I don't believe you have or different parking regulations or traffic nuisance, noise or other general ordinances that if you wanted to put more teeth into limiting them; you could fill out that survey but

you are basically covered at this point. You can give input on this and give it to the state and then whether they listen or not who knows.

Gene Hulbert thought maybe this survey would be more appropriate for the Planning Board to do?

Keegan Coughlin said you could give it to them and have them do it. Keegan said give it to them tomorrow and they have the option to do it or not.

Gene Hulbert said he would like to make a motion that the Planning Board completes the survey.

Dave Johnson asked if we give them the option or do we make them do it?

Gene Hulbert said he would suggest that we make them do it; if they decline we will miss the deadline.

Frank Carl seconded the motion.

Dave Johnson said that he wanted to give them the choice. He just assumes personally that if the Board said if the Board was going to do it; just back off and let others make comments and see what the State comes up with. So, if we are going to give this to the Planning Board and I was on the Planning Board, I would say the same thing. Unless you made me do it, I wouldn't personally if I sat on the Planning Board.

Gene Hulbert understands that but this survey is the Town's opportunity to give input on what the State does. We give the input and they can choose to ignore it or not. Then at least we would have a voice in what they are recommending instead of living with what they recommend.

Jim DiMascio said he would like them to do it as a request and Frank Carl said the same.

Being no further discussion roll call was taken: Hulbert voted aye, Carl voted aye, Klenovic voted aye, DiMascio voted aye and Johnson voted nay. Motion carried by the following: 4 Ayes, 1 Nay-Johnson.

- First Light/Spectrum – First Light is our internet and phone provider at this time. Phone is going great but the internet is sketchy to say the least. We have very little bandwidth. They are running us on 30 right now. When she called and they did a temporary test and they said well you need 200 for the operation of your size with the number of computers you have and what you are using. They said they would do a test for two weeks with 200 bandwidth and check it out and see how you do and if it answers all your problems. Then they came back with well we can't give you 200 bandwidth because what the building is wired with and what the local area has, they have never expanded the Binghamton operations so, the maximum bandwidth here, at best, is 100 and 200 is not an option. We have tried the 100 before and we were getting kicked off of zooms so she went back and forth and they would not address the infrastructure issue and what was offered to us is all they have and they know we need more. They are not able to give the additional bandwidth and they want to raise our bill an additional \$585.00/month for the increase bandwidth that is inadequate and they know it. So, she reached out to Spectrum to see what they have to offer and the invoice is in the packet for the quote. They can do it in a matter of weeks to get us set up for \$160.00/month for all the power that we need. Now there is the issue of getting out of the contract. We have 5-6 months left on the First Light Contract. She is asking Keegan right now and she is presenting to you the Board members that since you cannot

give us the service that you know we require so we will keep the phones since there are no issues there but we are going to have to remove the internet from our contract. She doesn't know if that will create enough leverage to take just the phone. We have been with them a long time as they were First Niagara then First Light. Regardless Spectrum will be up and ready to go. The other option is that we run them both simultaneously. We are now paying \$240.00 a month for the inadequate/ineffective bandwidth and if we add the \$160.00 from Spectrum. This will run simultaneously and we can make Spectrum our primary and First Light can be our backup if anything goes out in a storm we will have First Light to go to but we will overlap for five months until we can go to what we want. It will also still be cheaper than what First Light wants to charge us for what is not going to work. So, a little direction from the Board to get the ball rolling on it. She feels strongly that we have given them three chances and they won't invest in us to do it.

Frank Carl said that we have been with them a long time is there still a termination liability in the contract. Instead of talking to some sales person on the phone let's look at the contract.

Keegan Coughlin said he will take a look at the contract and he would be shocked if we can't get out of it. There is usually a 30-day termination notice.

Frank Carl wants to find out what our termination liability is before it's a go.

Gene Hulbert agrees that is what he would like to do.

Frank Carl will make a motion to have Keegan find out what the termination liability notice is with First Light, seconded by Jim DiMascio. Hulbert voted aye, Carl voted aye, Klenovic voted aye, DiMascio voted aye and Johnson voted aye.

- Constellation Energy – Jo Anne reviewed the chart with the Board. It is renewable for 12-60 months. We have done 2-year increments since she has been here. This has been quite successful. We've been able to maintain the prices within that budget. So, before we re-up for a November renewal Jo Anne was wondering what the Board wanted to do-the same 2- year contract or lock in for longer and do we lock in now or wait until November. Jo Anne also stated that we can get once a week updates if they were uncertain on how they wanted to proceed tonight. After a brief discussion the board decided to get once a week updates and then they would decide come mid-September.

REVIEW OF RESOLUTIONS:

- Abstract 14 – No one had any comments or questions.
- ZBA/Planning Board Training Law Change – No one had any comments or questions.
- Spectrum Franchise Agreement – Public Hearing and Resolution to adopt it. No one had any comments or questions.
- Chenango Fire Company Resolution for a Public Hearing to purchase new trucks – Keegan asked if the Board all see the information that the Chenango Fire Company wanting to buy a new fire truck. Effectively they are looking to buy some new trucks and the last time they did was in 2007. As part of the requirement to get a tax- exempt bond they are required to have a Public Hearing and get permission through each of the municipalities that they operate within. It needs to either be conducted by the Town Board or the fire company can conduct it

themselves. The other municipalities have opted to have the Town Board delegate a hearing officer for the purposes of conducting the hearing for the borrowing of money for a fire truck for Chenango Fire to the president of the fire company who would then conduct a public hearing here at town hall. They are available to do it the very last week of August. It is up to the Board if you are allowing them to do that or if you wanted to conduct a public hearing on it yourselves.

Frank Carl had a few questions on it. Why didn't they come straight to the Board and not to two different attorneys.

Keegan Coughlin said they did reach out to Jo Anne but they didn't have any idea of how to do any of this stuff. Their previous attorney was Oliver and they hadn't needed him since he had become judge so they reached out to Jo Anne and said here is what we are doing in concept but we don't know how to do this. Keegan Coughlin said he could figure it out for your guys and took care of it on that end.

Frank Carl said since it is a public hearing, does Lizanne have to attend.

Keegan Coughlin said no but they do have to provide a report and synopsis for the Town Records.

After a brief discussion the board said they were in support of it.

Frank Carl made a motion to appoint Gary Lewis, the president of the fire company, to be the hearing officer to conduct a public hearing for the fire company. Keegan Coughlin said can we add to that to allow Jo Anne to sign an agreement delegating that authority. It is a standard form that says exactly what you just said and it is to be recorded. Frank Carl said he will modify his motion to include that, seconded by Jim DiMascio.

Gene Hulbert asked what the format of the agreement was and Keegan said he will show him one from a different municipality. Gene continued that he had no issue with the process or anything, he is just reserved about approving something that he has not seen. Keegan showed him a Town of Barker one; he said it is really short and he read it aloud to everyone.

There being no further comments or questions roll call was taken. Hulbert voted aye, Carl voted aye, Klenovic voted aye, DiMascio voted aye and Johnson voted aye. Motion carried by the following: 5 Ayes, 0 Nays.

Keegan Coughlin continued that following that there may be an additional step to have a resolution accepting the borrowing. Keegan also said that speaking of the fire companies it is something that he strongly recommends that when a fire company makes a request for an increase in their budget. That we need to do a contract amendment and hold a public hearing anytime we are giving them more money. In prior history, it is his understanding that you have a signed five (5) year contract with them and they would present their budget figure and it was lumped into the budget public hearing to increase their funding but we have to do that separately. Every time a new contract is being entered into it has to have a public hearing. It is not an option, it is a law.

UNFINISHED BUSINESS:

- Town Board Project:

Rules of Procedures – Jo Anne asked Gene when he would like these on and he said it could be after Budget Season.

USPS – She has reached out to them with a list of questions. It is her understanding that the lease agreement secured the property for them and it will give them the green light to go forward with a survey, putting the order in for the building. She asked in an e-mail this week to know any more preliminary information on this and the rules on plowing and sanitary waste or anything like that. She has not heard anything back yet so it will still be on the list as an open item.

Senior Citizens using the Community Room – We have had several conversations with the insurance company and they have given us a waiver that is suitable for this situation and them using the room to sign off on. The seniors do not have an insurance policy and everyone else that we have using the rooms do and have supplied us with them. They have 80 some people in this group so we would have to have them sign a waiver for each person each time they are using this room or come up with something as they don't have the funds to buy insurance and no one is willing to use their homeowners to cover the group. Jo Anne continued they are here September through April and they go to the park May through August. So, they are here 8 of the 12 months. They also have three trips a year and they use our parking lot as a home space to leave their cars while they go on their trips. She doesn't know what kind of liability that we have with their cars parked here than anyone else. We have had groups call here and we have directed them to Park-n-ride. She needs more focus on what we can do for these seniors as they have been with us a very long time.

Gene Hulbert said he would like to find a way to keep the seniors coming to the community room. One of the things that concerns him about the feedback and forth there is definitely a liability and exposure on his part and that is why we are doing the insurance. He is bothered a little bit that the senior citizens group acknowledges that exposure by not wanting their home owners to cover it and transfer that to the Town. He doesn't know how to get past that. That Jo Anne is something that you have to work out with the insurance company and make sure that it is legal. He wants to find out if it is possible. He doesn't think that it is appropriate for them to just come park and leave their cars here for the day. It is on town property and we are liable for that no matter what if something happens that will always be tagged on any lawsuit. He is concerned about and that one is a separate issue.

Frank Carl says most of their trips are not just for a day, sometimes it is for a long weekend or week.

Jim DiMascio said he will dovetail off of Gene's comments that yes, he would absolutely like us to be able to figure out something for this group. You keep mentioning 80 people and that is a large group. A large group only magnifies our risk. That is what is concerning to him. Six (6) people vs eighty (80) from a safety perspective, which is what he does for a living, It evaluates our risk at such a higher level and that is concerning to him.

Frank Carl to be honest and fair to the other groups if we made them jump through hoops we need to...those folks took up ownership in here for years. They locked all the cabinets so no one else could get in and they were allowed. They moved in and took the place over and made a mess of it half the time. It is not theirs. It is theirs as tax payers and as a not for profit. He feels that they need to follow the

rules that we forced like the bee keepers and guys like that. The ones that came back. If they were all willing to do it then they should. He does agree that he would like to be able to do it for them but they need to follow the rules like everyone else did.

Jo Anne Klenovic said the insurance company doesn't seem to be as concerned about it as we are. To be very honest. At the same time individually, what if they don't own a home and have home owners- they are apartment dwellers or live with a relative or whatever. Jo Anne asked if we had anything in our coverage that would allow for a guest on our property to buy something for the day. We don't have any products like that attached to our policy. So, it would be us selling them something separately and they say they have no money just \$5.00 dues for the entire year. That is the catch.

Someone asked if they are a not for profit, because the rules that we implied for the community room are very specific on those kinds of situations. So, if they are not a not for profit then how would we do that without adjusting those rules.

Jo Anne Klenovic continued that the president of the senior citizens group has been very proactive and asking what he can do or just give him a paper to sign.

Jim DiMascio said when you say just give them a paper to sign you mean a waiver, correct?

Jo Anne nodded yes. They would have each member sign it.

Gene Hulbert asked if there was a rider that we could purchase that would insure any group that the insurance company would allow and get rid of the waiver.

Frank Carl spoke and said he thought it was the insurance company that drove this in the first place as we never used to do it.

Keegan Coughlin said they drove waivers and it is still his advice that if you are going to require them then make them sign something else where their insurance companies are going to be picking up the tab while the insurance company and ultimately the town isn't going to be necessarily liable, it won't eat into the fund balance or anything like that, but the insurance company with the waiver would be able to defend the town against the lawsuit. If the lawsuit happens, they will go ahead and jack the premiums up.

Gene made the comment that he could buy additional flood coverage for his leased area for pennies instead of having my insurance jacked up and he doesn't know if that translates to the situation for this or not. He is not talking about the groups buys a policy he is talking about the Town of Chenango getting an attachment to our current policy that would cover people for this.

Jo Anne said that is what we are insured for here every day. People come here everyday and night for the purposes of using this building. So, that is why this group coming in is not as big a deal as we think it is. We are insured for people coming to our parks, people coming to the cemeteries and this building and we have liability coverage.

After some further discussion, Jim DiMascio said we really need to have the insurance people come here and speak with us. Just so we have a better understanding. Give them 15 minutes so we can at least ask a few questions and they can give us input as far as our liability.

Frank Carl feels the biggest issue with the insurance company and this subject here is that you have these groups in here with no town employees in here. They are in here on their own.

Jim DiMascio agrees but they will be here to coach us through this.

Frank Carl just feels that if you do it for this group then you have to do it for the rest.

Keegan Coughlin agrees and said unless there was something in the initial intent of this room, his understanding was that was an intended use of this room; was other governmental agencies. He doesn't believe that you need to have them sign a waiver or insurance in that respect.

Gene Hulbert said that he would ask that you get a copy of the original agreement because in past conversations, he has asked for it and we don't have a record for that agreement. He knows there were restrictions and we never have been able to vet that out. They were done by Senator Libous so is that something that you can track down. He knows that this room only exists because of the grant and the restrictions that were on it.

Keegan Coughlin said he can check.

Frank Carl says there was a letter from Senator Libous that he saw not an agreement. In the body of the letter it talked about the uses that were intended. It is not an agreement signed by two parties. It mentions not for profits etc.

Jo Anne Klenovic said she thought she saw that letter too. She will put the insurance company on for a presentation and solve this on the same occasion.

Jo Anne asked if anyone wanted anything else added to the calendar.

Frank Carl said everything is on track with the Nadine Bell and the Public Hearing dates with the 239 that went out. So far that schedule is holding together.

Gene Hulbert asked if the two issues that were brought up during the public comment – are they issues that we want to put on the agenda for a discussion. The curfew and the public works truck.

Jo Anne said she will find a place on the agenda for those things. Since there is time she wanted to cover some things that were on her report so it may make short work of our next meeting. She passed out papers to the Board members. Unfortunately, we got bad news that the grant with Senator Schumer has been denied. We did not make the cut. The letter that she is passing out states that the awards were severely cut. We asked for 5,000,000.00. We were one of several that did and the awards were 1,000,000.00 or 1,500,000.00. They cut the pool. She would imagine that the others didn't do well either. That option is now off the table for the WWTP Project.

On July 29th the WQUIP application for the 10,000,000.00 grant was submitted by B & L.

We are looking at USDA which is a 10,000-person limit and we have 10,800 people in this town according to the 2020 CENSUS. She is willing to be the representative to do this. She will ask if we are applicable to the rural submission for this.

Keegan and Alex said it is also based on income and they feel that we are too high on that too.

There was a brief discussion in regards to the grants that are out there and the amount of the awards available.

Alex Urda said that he and Taylor are always looking for grants which the Town might be applicable for. Alex knows that B & L are watching all the grants not just the ones that ended. We are all watching to get a couple of bucks anywhere we can.

Jo Anne Klenovic said she will check with the Agency to see if there is anything there.

Moving onto the budget packet – Jo Anne wanted to make sure that nothing was missing that they had asked for or wanted more info on.

Frank Carl would like proof that the ambulance is a not for profit. We did not ask for their tax return.

Keegan Coughlin said their by-laws should prove it and we did ask for them but didn't get a copy of them.

Gene Hulbert said that Julie usually give us a refresher of last years budgets and comments so that historically we will know what we addressed last year. So, if she hasn't included that he would like to see that. Specifically, from last years comments he would like that.

Keegan Coughlin added that Jo Anne sent an e-mail out to all of you about next week and he has spoken with a few of you that he will not be available next week. You will have coverage but they are not necessarily the most experienced of the attorneys in his office. So, he would like to know what the board's thought are on this.

Jo Anne Klenovic passed the proposed agenda for the 10th and the 17th. If we chose not to meet next week because of legal representation and we meet on the 17th and the 24th. It would be just moving everything down the line. If you are not concerned about the legal representation with the budget or the payroll and the ambulance.

There was discussion about who can attend what meetings and what subjects to put on each of the agendas for those specific dates.

Jo Anne confirmed we are on for the 10th (Budget, ARPA, Payroll & Ambulance), off for the 17th (Gene and Jim are unavailable) and back for the 24th. The budget is being kept on for the 10th and carry over the GPS and other things for the 24th. WWTP Benefit Assessment would have to go beyond the 24th and into September because Julie won't be available until then and that is key to her role, Community Letters we are asking to move to September as well. The 24th would remain the same and it is also a board meeting. You will have items/resolutions to pass and the abstract to approve for that meeting as well.

Jim DiMascio wanted a special ask of moving the community letters to the 14th of September.

OPEN FORUM:

Webb Sisson commented to hire a grant writer on a permanent basis and pay them \$100,000.00 for what we paid this engineering firm to go find money for us on a regular bases, not just for this sewer project but on a regular basis. The Red Cross does it. It would be well worth it. Professional grant writers make a lot of returns they are worth it to the town or possibly share one with another town.

Jo Anne Klenovic said that he had a very valid point and she thanked him for his comment.

ADJOURNMENT:

There being no further business to discuss Frank Carl made a motion to adjourn the meeting, seconded by Jim DiMascio. All Board members were in favor.

Respectfully submitted,

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

**THE TOWN OF CHENANGO TOWN BOARD MET WEDNESDAY, AUGUST 3, 2022
AT 7:00 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, Jr., Councilperson
Dave Johnson, Councilperson

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

PLEDGE OF ALLEGIANCE TO THE FLAG -

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

APPROVAL OF MINUTES: None

BID OPENINGS: None

PUBLIC HEARINGS: Cable Franchise Agreement

Jo Anne Klenovic opened the Public Hearing.

Keegan Coughlin gave a brief summary and explained that under NYS Law Cable Companies are required to get a franchise agreement with local municipalities in order to operate business. Spectrum locally formerly Time Warner is sometimes called Charter. They are the cable company in the area. They have proposed an agreement with the Town of Chenango to continue operations. Their agreement expired last year and we are currently in a hold-over agreement with them. The proposed agreement has no changes that impact any of the residents. It remains at the 3% franchise fee. It had the option to increase up to 5% or reduce down to 0%. It is a pass-through tax so it shows up on your cable bills. The only really mark up changes are things to protect the Town and to allow for free cable service to continue in the building and the highway garage.

There was no public comment so Jo Anne turned it over to the Board. There were no additional comments or questions from the Board Members.

Jo Anne Klenovic closed the Public Hearing.

OPEN HEARING, GENERAL TOWN BUSINESS: No one wished to speak

COMMUNICATIONS:

Received a Letter from Gary Williams, Event Coordinator for the Car Show, that took place at the Castle Creek Civic grounds on July 16, 2022. He thanked Derin Kraack and Diane Aurelio for all their help. He hopes they can do it again next year.

Hunting License sales have begun as of August 1st so all you avid hunters come and purchase your license.

COMMITTEE REPORTS:

Jim DiMascio – Highway – ZBA

- Catch basins were cleaned out on Fuller Rd. and Hiawatha Trail. Drywells were also cleaned out on Fuller Rd. and E. Thomas St. Catch basins were rebuilt at 3 Hiawatha Trail, 17 Maplewood Dr. and 21 Montague Rd.
- Shoulders were cut on Dimmock Hill Rd. and Ransom Rd.
- Ditches were cleaned on Bishop Rd. and Clarendon Dr. Ditching was done on Brotzman Rd., East Hill Rd. and Mix Rd. A drainage swale was dug and patched with blacktop on Johnson Rd.
- A new drywell was installed at 10 Duchess Rd.
- Sluice pipes were installed at 465 East Hill Rd. and 203 Mix Rd.
- Mailboxes were repaired on Matthew Dr. and Ransom Rd.
- The following roads were oil and stoned: Fuller Rd. (upper portion), Russell Rd., Dorman Rd., Wynne Rd., Grant Rd., Sky View and Willis Rd.
- Several water breaks were patched again as they had settled: Alice St, Newman, Palmer St and Wallace Rd. Pothole patching continued throughout the month. The following roads were also strip patched: Brotzman, Buckley Rd, Church St, Depot St, Leonard Ln, Mix Rd, Oak Hill Rd, Parsons Rd and Willette Park Rd.
- Signs were replaced on Dorman Rd, Fuller Rd and Willis Rd. The stop bar before the railroad track was repainted on Willette Park Rd.
- Roadside mowing has stopped for the moment because the mower had to be sent out for repairs.
- Yardwaste is ongoing.
- Under sharing of services, we cleaned out catch basins for the Town of Dickinson.

ZBA Report July 26, 2022

NEW BUSINESS:

2022-V12—New York Power Authority—1166 Castle Creek Rd—TM#066.10-1-23:
Application for a triple area variance to construct four electric vehicle charging stations in front of the principal structure, less than minimum required lot size from 6 acres to 2.5 acres, and less than minimum required lot depth from 450' to 264.3' in a PDD-C zone and a short EAF. Was moved to the Planning Board for advisory and conditional to the ZBA in August depending on getting answers to the following questions: Question 20 in the SEQR part-As the site of the

proposed action for adjoining properties as the subject of remediation whether ongoing or completed and should it be yes instead of a no. Questions 16 in the SEQR part I: is the project site located in a 100-year flood plain and should it be yes instead of no. Will the charging stations be raised up like the gas station was during construction and No. 3 will the DEC need to weigh in on the application and No.4 will the existing retaining wall behind the gas station need to be extended to behind the charging stations.

2022-V13—Nancy Karns—85 Aitchison Rd—TM#:111.09-1-1: Application for an area variance to have a detached garage in front of a principal structure in an Agricultural Zone and a short EAF. The application was accepted and moved onto the Planning Board for advisory.

PUBLIC HEARINGS:

2022-V09—David Owen—6 Pine Dr—TM#079.17-2-28: Application for an area variance to construct a front porch with less than required front yard setback from 30' to 24' in a Residential zone and a short EAF. The variance was approved.

2022-V10—Kathryn Mace—194 Smith Hill Rd—TM#128.01-2-5: Application for an area variance to have two existing accessory structures in front of a principal structure in an Agricultural zone and a short EAF. That variance was approved

2022-V11—Kenneth West—2537 NYS Rt. 12—TM#067.08-1-33: Application for an area variance to construct a detached garage with less than required side yard setback from 10' to 7' in a residential zone & Short EAF. That variance was approved

APPLICATION UNDER DISCUSSION:

2022-V09—David Owen—6 Pine Dr—TM#079.17-2-28: Application for an area variance to construct a front porch with less than required front yard setback from 30' to 24' in a Residential zone and a short EAF. Variance was approved.

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Dave Johnson – Public Works

- Repaired 4 curb boxes
- Water well drawdowns were done for the month of JULY
- There were 8 after hour call outs in JULY
- Meters were read and billing has gone out
- Music in the Parks continues every Thursday with good turnouts

- Budgets for Water, Sewer and Parks were started

Yesterday Alex, Derin and Dave went to Aqua Terra Wilderness Area to check out a bridge that the County had built up there just to get ideas and what we may need for Wolfe Park. It is so overbuilt that you could have a herd of elephants on there. They had a lot of extra material that they wanted to get rid of it. Nothing will move that.

Frank Carl – Assessor/Planning Board

- The 239 Review from last month’s Planning Board’s actions was sent off to Broome County for their review for Local Law No. 5 that is coming up.
- Upcoming Planning Board – the two advisory opinions that just came from the ones that Jim just read-he won’t read them again-the charging stations and the detached garage. They also have an application for a site plan review for a solar farm on Ransom Rd.

Keegan Coughlin said that he has something from the Assessor. John asked him today about the Board potentially authorizing an ACH for the purchase of a software that allows him to better compare and evaluate commercial sales than him compiling a date base to access. It is \$1500.00/year use of this service that would allow him to understand and know how to value the commercial properties a little bit better. That will be on an agenda coming up. So he will need a resolution to authorize the automatic withdrawal from the account.

Frank Carl asked what time of urgency is on it.

Keegan Coughlin replied as soon as we can do it.

Gene Hulbert asked why is that the only mechanism that we have to pay for it.

Keegan Coughlin said that company only offers the automatic or a credit card and the credit card limit is low and it would render the credit card unusable until the next round of vouchers. The limit is only \$2,000.00 on the credit card and there is already a few larger items charged on it – Classes for Gavin for MS4 and an I-Pad for Public Works for water reads. Keegan said he can have a resolution for you next week if you want to do it. The Board was agreeable to that.

Gene Hulbert – Ordinance/Building/Code

Building Permits

	Residential	Commercial
Received	15-Lomonaco, Gerst, Jonassen, Heath, Langton (2), May, Hosier, Eck, Bennett, MCJ Property, Kumiega, Geiger, Fitzgerald, Ryder	2-Jones, Arka Properties (Dunkin)
Issued	16	3
Inspections	13	
C of O		

C of C	3
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Building Permit Fees Collected: \$ 1,067.40

Special Permits

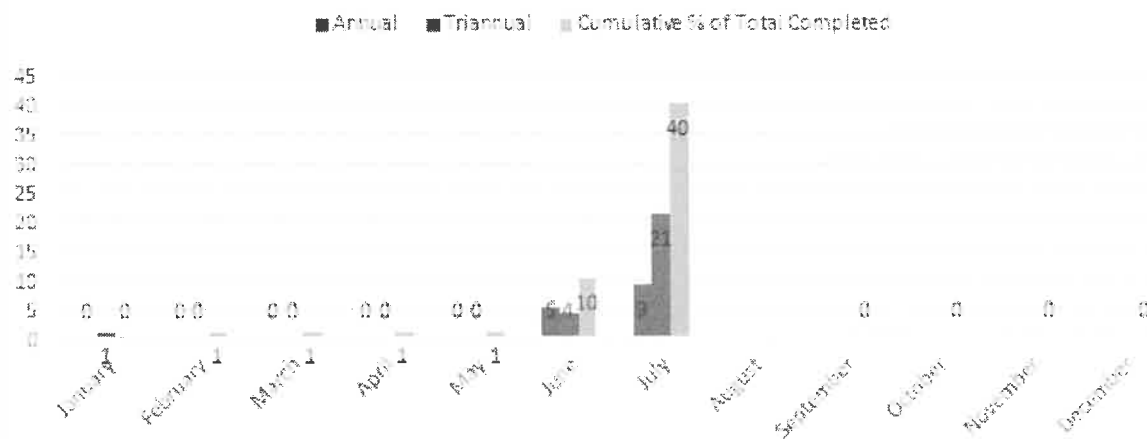
Type of Permit	# Permits Received	Permit Fees Paid	Applicant(s)
Sign	1	\$450.00	Arka Properties (Dunkin)
Site Plan	1	\$255.00	Mirabito
Variiances	3	\$270.00	Mirabito/Karns/Geiger
Other		\$	

Fees Collected Total: \$ 975.00

Fire Inspections

	Total	Previously Done	New This Month	% Completed
Annual	46	5	9	30%
Tri-Annual	54	5	21	48%

Fire Inspections 2022



For the remainder of the year:

- 28 triannual inspections need to be done.
- 32 annual inspections need to be done.

With 60 inspections remaining, a minimum of 12 need to be completed per month by the end of December.

ComplaintsTotal No. of Complaints Received: 13Closed: 9

Complaint Type	# of Complaints	Open	Closed
Property Maintenance	8	8	
Open Storage garbage/debris			
Open Burning/smoke			
Junk Vehicles			
Grass/undergrowth	4	4	
Noise			
Operating a business			
BWOP			
Rec vehicles/trailers	1	1	

Jo Anne Klenovic asked if anyone wanted Mr. Fritz to come to a meeting. The board said there was no reason for it. Some of them had already met him and feel he is doing a good job thus far.

Jo Anne Klenovic – Supervisor’s Report

- The Town was not successful for the \$5,000,000.00 grant that we submitted to Senator Schumer.
- Meeting of August 17th will be re-scheduled until August 24th. The necessary notices will go out but just a heads-up that it has been moved.

Keegan Coughlin – Attorney Report

- The rest of the Ethics Training has been completed for those who had missed it; including the new employees. We did that on July 21st. We were originally going to do it on the 22nd and a big thank you to Amy, Mike and Nancy for coordinating a date earlier to accommodate Keegan’s schedule.
- He has a letter for all the board members that he will give you at the end of the meeting in regards to a conflict of interest.

RESOLUTIONS:

1. Resolution to Approve Abstract No. 14 dated July 27, 2022, motion was made by Jim DiMascio, seconded by Frank Carl. Hulbert voted aye, Carl voted aye, Klenovic voted aye, DiMascio voted Aye and Johnson voted aye. Motion carried by the following: 5 Ayes, 0 Nays.
2. Resolution Introducing a Proposed Local Law entitled: “A Local Law Amending Chapter 2A of the Town Code Entitled “Boards and Commissions” Amending the Minimum

Training Requirements, motion was made by Gene Hulbert, seconded by Frank Carl. Hulbert voted aye, Carl voted aye, Klenovic voted Aye, DiMascio voted aye and Johnson voted aye. Motion carried by the following: 5 Ayes, 0 Nays.

3. Resolution Approving Cable Franchise Agreement, motion was made by Jim DiMascio, seconded by Frank Carl.

Gene Hulbert asked why we are doing this.

Keegan Coughlin said in order for the Cable Franchise to operate in any municipality in NYS, NYS Public Service Commission and the related laws that help enforce require the Cable companies to get a franchise agreement with a local municipality. Primarily the public policy purpose is behind that and he gives a local example of Kirkwood. There are areas in Kirkwood that don't have cable; they cannot get cable as Spectrum has not run any lines there. So, this would be a check for the Town to be able to say "hey you are not meeting our needs here – do it." There is a fee associated with it that, that the municipalities are allowed to charge. The company is then allowed to pass it through to the customers and this will ultimately get sent to the public service commission. It is really kind of a check on the border line monopolies.

Hulbert voted aye, Carl voted aye, Klenovic voted aye, DiMascio voted aye and Johnson voted aye. Motion carried by the following: 5 Ayes, 0 Nays.

UNFINISHED BUSINESS:

Gene Hulbert would like to add the meeting packets onto an agenda. There seems to be a discrepancy between the items in the Work Session and the ones that were in the Town Board. It seems to me to be inefficient to print the papers out to scan them and to make them into a PDF. Case and Point is the letter attached that had the link to Cannabis Survey. Originally that had to have been an electronic document because that was a hyperlink in the letter but as it was transmitted to the board it was printed out and scanned and we lost that capability. The Town Board documents are in much better shape; they are clear, they actually reflect the redlining that Keegan was talking about from the work session. So, he would like to be uniform and consistent with that.

Jo Anne said she will mention it to Amy as she is on vacation this week.

Lizanne said she has the converter from a PDF to a Word Doc on her computer but she doesn't know if Amy has it. So that is why hers appear that way.

There being no further discussion, Jim DiMascio made a motion to adjourn, seconded by Frank Carl. All were in favor.

Respectfully submitted,

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

**THE TOWN OF CHENANGO TOWN BOARD MET WEDNESDAY, AUGUST 10, 2022
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, Jr., Councilperson
Dave Johnson, Councilperson

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

PLEDGE OF ALLEGIANCE TO THE FLAG -

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

Roll Call: Hulbert present, Carl present, Klenovic present, DiMascio present and Johnson present.

OPEN FORUM:

Mike Lumsden – He is looking at the budget and was wondering if the Planning Board and Zoning Board were scheduled for an increase.

Jo Anne Klenovic said that it is not but she had gotten a call from Aleta Kinne today at 2:30. She asked that it mentioned tonight. She asked to have that brought forward on her behalf.

Karen Mooney- Frederick Rd. – She has lived here for the past five (5) years. She said that her road has been flooded that last two times. She would really just hope that you take them into consideration. Please don't forget them on Frederick Rd. Most of her neighbors feel the same way. She does worry about the property values. She is also concerned that some people may start to take things into their own hands. Some people have raised the front of their houses a little bit as well as their driveways. So, please when you are considering the monies for the ARPA, please, please don't forget about Frederick Rd.

PRESENTATION:

Chenango Ambulance, Jeff Alan and Frances Morris, were present to address being put back into the Town's budget. The Board was given back up information to review. Chenango Ambulance is a volunteer, not for profit. They have been providing EMS to the Town of Chenango since 1976. Medical emergencies as the most common type of 911 calls in the Town of Chenango. As a not for profit they do not get any type of public funding from any local government. Monies come primarily from the services that they provide-private insurance, Medicare and Medicaid. However, these are not enough to cover the cost of operations. They do try to make this up with grants and things like that and donations. We have 8 volunteers at this time. Most of these individuals are not fully cleared medical provided because it takes a certain amount of training to do that. We have been having to hire an

increase amount of staff, which is creating an increased amount of expense on payroll for them. EMS is an industry which is struggling nationwide. It has been worsened by COVID, etc.

In order to address these issues, we have been working hard on this and have been reaching out to the County. We did meet with Donna Lupardo and Joe Angelino and talked about different issues affecting our agencies and trying to work on solutions. We have been working hard to address these issues but we do need help from our Town Board in order to continue to provide ambulance service to the Town of Chenango. The high increase of payroll issues has not allowed us to replace equipment in vehicles. Our current vehicles are over 15yrs. old and are rather value prone and require costly repairs every year to keep them in services. We are looking at purchasing a new ambulance that is fully equipped. This will help us provide rapid emergency response that is reliable and it will also help us to allocate the rest of our funds to the increasing payroll costs. She thanked the board for allowing them to present and hopefully come up with solutions to help to continue to provide emergency medical services to the Town.

Jo Anne Klenovic thanked them and turned it over to the Board for a question and answer period.

Dave Johnson was the fist to go and he explained that he was the new guy on the board so he didn't really have a good background on this matter and why the relationship ended but he felt that it had been corrected.

Jeff Alan responded the he believes so. They last had a full contract with the Town approximately ten (10) years ago. There was some wording in the contract that was misunderstood by both parties. The wording was about giving the town residents a preferred rate. In the past the Town set how much we could bill town residents. When we changed to the new billing company, we found out that billing the Town one rate and the rest of the people another rate under the Medicaid law that was illegal. So instead of redoing the entire contract with the Town we just billed everyone the same rate. He guesses at the time the Town Board took issue with it that we were not giving the Town residents a preferred rate. Their hands were kind of tied and they really didn't have a choice. They had to do the same rate across the board.

Jim DiMascio added that he looked over all of the documentation and wanted to know exactly what you would like from the Town. There is economics involved but exactly what are you requesting from the Town as far as a contract.

Francis Morris said well we are requesting funding for an ambulance that is fully equipped for a five (5) year loan period. So that would be the cost of the ambulance itself and then also the large equipment items to put it into service like the heart monitor, the stretcher, the LUCAS which is an automated chest compression device. Per year it is \$64,100.79.

Frank Carl asked Jeff how long he had been with the ambulance as it looks like it was a slowly eroding number all the way from prior to 2013. Somewhere in there you were given something like \$56,000.00 from the Town and then down to 0 in 2016.

Jeff Alan said he was with the ambulance for 31 years. He said they were getting about \$56,800.00, since 1992 up until 2013. In 2013 the Town Board sent them a letter saying that they were no longer going to fund us. They didn't understand why as it was the first correspondence that they had gotten from the Town. When they reached out, the same situation with the preferred rate hat they felt we were

in breach of contract. The Town at the time was under some financial constraints of its own. EMS is not an essential service under NYS Law. Municipalities have to provide Fire and Police protection but not EMS. So, unfortunately the Town was under no obligation to provide us with that money; they felt it was best to cut the ties. They did negotiate an extra couple of years out of it. They lowered the money each time to help ease the pain.

Frank Carl said he didn't see anything about a preferred rate from 2013 forward. It said something to the effect of the rate should be at fair market value as determined by the ambulance company.

Jeff Alan said that is correct. It was 2013 when the verbiage was taken out.

Gene Hulbert said he was the only board member that was sitting on the board at that time. He doesn't want anyone to be tainted by the Town Board taking the position the way you presented it. It wasn't all that hard core. This went on for several months and there was a lot of other issues that were going on; the collection of the data, the perception from the Town Board to the residents, which we are here to make sure they are taken care of. At the end of the day there was no differences in services that the Town residents were going to get in addition to or subtracted from whether or not the Town contributed towards the contract. He is just saying and being very clear about it that it was a long process to get to where it was and there were more reasons than just that. All the documentation is there but the history and the conversation was not. So, he just wanted the board members to know that there were other documents that we talked about earlier that we were going to have shared and has not come back to us yet. But he wants to make sure that we get the record from those meetings that we can. Gene asked what other towns and municipalities are going to benefit from the \$64,000.00 that you are asking for from the Town and for that piece of equipment. Are you asking any other town to help cover that cost/share?

Jeff Alan said their primary territory is the Town of Chenango. So, any equipment/ambulances that they buy will primarily protect the Town of Chenango. We are part of the Broome County Mutual Aide Agreement that is legal binding that we are part of that. So, if we don't have an ambulance available if they are already out answering a call that another ambulance, if available, will come in and cover our district so that our residents are still protected. In turn, we have to return that favor. Since we are a smaller ambulance we don't do it quite as often as the larger agencies like Superior etc. They do it more than we do. Because we are small we don't do it as much but the benefit to us is better than what the other communities get from us.

Gene Hulbert said the primary purpose of his question is are you receiving funds from other municipalities?

Jeff Alan said no we are not. We are one of the few agencies in Broome County that do not receive funds from any municipality.

Gene Hulbert continued whether or not you get the monies that you are asking for from the Town; it won't change any service that the Town residents would get.

Jeff Alan if anything it would improve the service that they get.

Francis Morris continued said that may have been true several years ago but with the level zero situation there has been suspension of several mutual aid situations so when the resources get low it

kind of washes the mutual aid to the surrounding communities. When there are three or fewer ambulances left in the County and if there is a 911 call in the Town of Chenango, in certain situations they will not send a mutual aid ambulance so Chenango would be the only ambulance service that would be able to provide that. If they were not available to do that then the resident would have to wait until one was available. So, it would affect the services to the residents.

Gene Hulbert asked if they had documentation that you receive and how many that you take and how many calls you can't answer and how many calls that have to go out to mutual aide.

Jeff Alan said yes, we have that.

Gene Hulbert asked what was the historical record that you have on it.

Jeff Alan said traditionally we have been dispatched this year 1500 calls. We were able to answer about 1,000 of them. So, we are talking about 70-75% rate for the most part. That is where we have traditionally been over the years. Again, the call that we aren't able to answer because our crews are busy, we are still mostly volunteer and the volunteers are not available or our equipment is out of service or the ambulances are broken down. Which again is another reason why we are looking for assistance. So, in the future we are looking to add more paid staff but it is very tough right now. We actually have open jobs right now that we are trying to fill but the EMT's and paramedics are not out there so that is part of the problem.

Gene Hulbert still would like to see what the documentation is on what your calls are and why you can't address a call and if it was a staff issue or that your ambulance was needed somewhere else and how many years can you go back with that data?

Jeff Alan said we can get that information to you and we can go back to at least 2017.

Jo Anne Klenovic – Stated that you have give or take a \$70,000.00 mortgage on the property. Have you looked into downsizing or renting out office space to try and get your budget down? Has any of that been discussed.

Frances and Jeff said they have been looking into this.

Jeff Alan said right now their monthly payments are a little over \$6,000.00/month. They also have actually looked at other commercial properties that would be able to house the three (3) ambulances and their fly car. So, we will need a space to hold at least 4-5 vehicles and to find a commercial space to do that – the rent would be close to what their mortgage is if not more. We've looked at and talked about it and we've talked about renting out part of our building to our medical council that helps us an all the other agencies in the area. All is in the works and nothing is off the table but it hasn't gotten any farther than just talks.

Jo Anne Klenovic said you mentioned working with Assemblyman Angelino and Lupardo; what came from that meeting?

Frances Morris said that most of the talks were about longer-term solutions to the problems. There is a piece of legislation pending in NYS to provide more state funding to ambulance service which would involved EMS. There is also a piece of legislation about really small billing issues; like patient

reimbursement. Those pieces of legislation if passed would help us down the road. As far as immediate solutions right now, they would not be able to help us or provide for us that right now.

Jo Anne Klenovic asked if they have approached anyone from the State Government about renting space in your building because that would be additional income. You need to stay connected with those opportunities if you can. She also asked them if they had a financial advisor or someone that helps you make decisions.

Frances Morris said they do it as a volunteer board. They do have an accountant that does the tax returns very year but they don't provide any financial counseling services.

Jo Anne Klenovic continued that this next question is coming directly from her – it's like the fox is in charge of the hen house. She would buy lots of nice and wonderful things for myself and set my priorities. But as a medical professional I would be looking for what works for me, an employee and or as a service provider but am I looking at the big picture. So, have you ever had someone come in and review the decisions that were made?

Jeff Alan answered not really. Unfortunately, that costs money and that is why we are here as we don't have money. We've had other outside people look at it like people from Broome County, Ray Serowik, just for some ideas and other ambulance leaders. We do reach out to other agencies to get help that way. Just like the fire companies, their board of directors are all firefighters. We are born from that service so that is just how we are. The Rotary has reached out to see if they could help us and things like that. They did mention to them if they had a financial people that could help out and they are usually hesitant as they don't like to give financial advice on a free basis because of the legality involved.

Brady L. Begeal, Esq. said so his understanding is that this is specifically directed at using the money for funding the capital costs. It is important because some times these contracts in such a way where boards will negotiate them in such a way to reduce the burden to the Town residents on the patient portion of the billing. The contract will say we will pay you "X" dollars and in return for that you will waive the patient portion of any fee as that portion is covered by the contract amount. So, that is where we get into problems like you brought up before and you also get in to other problems with billing as many have debated at to whether or not the money collected is to be kept by the ambulance company. The law suggests that the revenue should be taken by the town and paid back to the company. So, it makes it very complicated when it is structured that way but in this particular way where you are specifically saying that it is for this particular capital costs and without it you can't buy this specific ambulance. That is an approach that sounds more doable.

Frances Morris said to do it that way was to make it a concrete item. She said she heard it was more feasible to fund like a specific capital project that had a more tangible result. So that is what her intention was.

Brady L. Begeal, Esq. continued so it looks like you are going to get a loan to make the original purchase and then pay it back over the five (5) year period. Is that how this is going to work? If you buy it, it will have to be a lump sum; the full cost upfront. You will then finance it and this Town portion will go to paying off the loan.

Frances Morris said that was their intention and they are open to other loan options too. As a not-for-profit they can only secure partial loans which will bear interest rates.

Jo Anne Klenovic said if in fact you have some assistance in that loan payment for the equipment, is that equipment the solution to your problems to get back on your feet. So, since you don't have what you need or what have you is the reason why you can't make the calls. So, if you get the equipment does that solve or open the doors to income for you that you are not eligible to get now? Do you feel that is where you turn the corner or is that just one of the issues?

Frances Morris said it would be a significant help for them. A big part of that is that they have aging vehicles and this will all create a lot of money so that we can allocate towards payroll costs and allow for more consistent staffing. It won't solve all of our problems but we do have short falls as well but it will be a significant help to us.

Dave Johnson asked with being in business are you obligated to react to every single type of accident. You can't say our equipment doesn't allow us to help you out. Will this new ambulance help drum of business or is it just standard equipment?

Jeff Alan said it is pretty much standard equipment. The only thing that it might increase our call on. So that would mean we would be leaving the Town of Chenango and going to assist Towns that don't have that equipment-the LUCAS devise. It is a newer device which during CPR it provides chest compressions that a human normally would. It makes it safer so that the EMS crew can be seated and seat belted while this does it and it does a better job than a human. Only a handful of agencies have this in Broome County even though it is a state standard. So, if someone needs that device we would get more calls and assist more agencies and make more money. That would probably be the only thing that would really change it.

Frank Carl just feels that things don't add up all the way in the 2023 budget; you put aside \$132,000.00 for payroll. As near as he can tell in your 2021 taxes you claimed "0" for salaries.

Frances Morris said so our accountant prepares that and with the staff that we hire we do it through a third-party staffing company. So, she thinks that is why it is done that way.

Jeff Alan said so the Chenango Ambulance has no payroll as we have no employees. We have a staffing agency company and we just pay them and they send us employees.

Frank Carl continued that if he looks at the profit and loss for 2020 you are claiming almost \$85,000.00 in payroll/wages.

Jeff Alan so that is how we do it internally but our CPA puts it that way for tax purposes puts it at 0 because we have no employees they are the Payroll Service's employees. He said we will look at it and get back to you on it.

Frank Carl questioned them that is this a side step from being all volunteer because you are paying those guys. They are not volunteers.

Jeff Alan said correct. So, our ambulances never respond without a volunteer on board. So, we have to pay the paramedics. Paramedics is a college degree now, no one wants to pay for college and do the

work for free. So, we do have to pay our paramedics. However, they still cannot go without a driver and an aid on the ambulance. So, the aids and drivers are volunteer. The ambulance does not go out the door without a volunteer on board but we do have to pay some of the staff because no one will do it for free anymore. All of it is there.

Brady L. Begeal, Esq. said that this is a common arrangement for these staffing agencies. They take on all the risk and responsibilities/liability for employment and you pay them a fee. If it is going to cost \$100,000.00 to hire five (5) employees you pay them \$105,000.00 to cover all the cost and fees.

Jeff Alan said that is how we work it so we don't have to pay workman's comp; we are all volunteer, we can't do payroll or workman's comp. So, we pay them and they do all the work for us.

Gene Hulbert had two follow up questions. The one thing that stuck out for him was the payroll protection plan recovery. He does not understand how that gets in the tax mix. How do you have a \$16,000.00 payroll protection plan if you are not paying payroll. So, if you can look into that and respond. Next is the issue with the amount that you are asking for; it is a very specific amount for a very specific item that it is for. Now is it for the request at the end of the task. Is that what you are asking the town to provide?

Jeff Alan said that he didn't know where they would be in five years which is the end of this contract that we are requesting.

Frances Morris said she feels their goal is to re-initiate our relationship with the Town and to basically to have contracts with us.

Jeff Alan said again it is to build a relationship and how we can try to work better with the Town and vice versa. Like with the Highway Department we are working on trying to set up a CPR Class and train them for CPR. Trying to work along with the Town a little more. We are looking at other alternatives so hopefully we don't have to go back to the Town in the future. We are looking into tax districts for ambulances and council may know a little bit more about that. That might be an option to go to in the future and we probably need Town approval for that. We are just kind of getting out feet wet. Just kind of learning about that and that could be a better option for us. This is just a short-term fix for us. Medical costs are going up together with fuel costs and Medicare and Medicaid costs are staying the same or lower. Our income is going down but the cost of running the ambulance is going up. So, at some point we need to figure out a permanent solution to this. We may be back to discuss other options but hopefully it involved us being self-sustained and not coming back to the Town Board for more financial help.

Gene Hulbert has concerns about the Town of Chenango being the pot of money to fill the void that is being created by that. So, that is a concern that you will keep coming back to the well to keep getting that. Why is it that you cannot adjust your revenue to address what your expenses are? In a real world a business cannot do that, they just go out of business. What has been the plan?

Jeff Alan although we are considered a corporation, we are not a business. We are a service that we provide to the tax payers. When the tax payers look to their town or their cities for help they expect them to provide certain services. Some Towns provide police and fire, garbage, highway and some provide ambulance services. WE are not a business, we are a service. We sent lots of paperwork. There are white papers from Ray Serowik, there are articles that we sent to all of you in regards to Donna

Lupardo explaining that EMS cannot service on its own. It has to be a public private partnership. It won't work on its own. We cannot just raise our prices to get more money because the prices are set by Medicare and Medicaid. Also, one of the things that also happens is that the private insurance companies send the check to the patient and then it is up to the patient to send it to us. When you get a check for a couple thousand dollars in your hand, a lot of people just say that I am keeping this for myself. I am not going to send it towards the bills. That is what Joe Angelino and Donna Lupardo are looking at trying to fix; that loophole where people or the billing companies are getting the money directly from the insurance companies.

Jo Anne Klenovic thanked them for their attendance and all their information. The Board will be discussing this again.

DEPARTMENT HEAD REPORTS:

Greg Burden – Public Works

Dave read his whole report last week so he just has two items to add. Had to remove two (2) slides from Hider Park – one was cracked and the other chipped. He boarded up the holes where the slides sat. Started removing wood chips and adding new the last two days. Meter price increase for water meters has gone up from \$258.00 to \$283.50. So, he has to increase the cost for the residents when they purchase new water meters to \$283.50. He will need board approval. So, if they need to get a new water meter our cost to purchase them has gone up so we need to pass that onto the resident. Greg was asked how many that they do a year and he thought about 20.

Gene Hulbert asked about a program that they had in the past, is this part of it.

Greg said no it was not this is just a cost for a brand-new meter. We keep so many in stock. They do not cover the body of the water meter just the head and we are past the ten (10) year mark for the heads so everything now is pro-rated. We get about 20% back from Neptune for the heads but the meter they give us nothing.

Gene Hulbert asked if they were still in the program replacing them 20% every year.

Greg Burden said we replace that many quarterly. Every time we do a meter reading we replace 20-meter heads or more every time. We turn them back in and they give us a prorated amount for a new one. Then the next quarter comes around and he may have 15 that need to be replaced he again does the same thing.

There was discussion about the fee schedule in the Code Book being changed to reflect that.

Gene Hulbert said he expected Alex and Greg to be putting that together and presenting it to the Board.

Alex Urda – Town Engineer

He did not submit anything for this evening.

John Endress – Assessor

Things have changed since he submitted his report.

Last month he stated that ARPUS last month was working fine and this week he was locked out again. Broome County had changed passwords and it took them six hours to get John back in.

Senior Exemptions are coming in.

He put in a request for a \$1500.00 ACH and when the company discovered that we would be the ones initiating the ACH and not them, they decided that they would change business methods and allow us to write them a check. So that is in progress.

His continuing education is in progress and ongoing, as well as an appraisal process of three commercial properties. Just waiting on checks to be processed and mailed out.

Two law suits showed up this week and they have been sent onto the attorney for his viewing. To be more accurate there are three individual law suits referencing two properties.

OLD BUSINESS:

Nothing to discuss

NEW BUSINESS:

Julie Wyatt – 2023 Budget Discussion – 12th year she has been doing the budget. In prior years the way that it was approached was that she would give the Department Heads Budget Worksheets and she would ask them to fill out the .200 equipment lines and the .400 contractual lines and she would fill out the .100 for personal service. The first year she started was the year the 2% tax cap was put into place. So, to mirror that Margaret Turna did the budget with her the first time and we did 2% so for each of the years with the exception of 2020 when she requested a 4% raise from the Board to make an adjustment for the staff. That was the only year that there was an exception. There are a couple of exceptions here and there but for the most part it has been 2% every single year. When this year's budget season rolled around-everything about this year was a little bit different. The cost of living has exploded and everyone knows that. The cost of all basic necessities. If you look at some of our lower salaries the sheet that she provided. Some she would argue are not even a living wage. There is a very competitive job market with work from home options and all kinds of benefits and sign on bonuses being thrown at people. She feels that we are not just competing for good people with other municipalities but with all of Broome County. We have a work force with a lot of experience on the one end and some newer people on the other end. We want to retain these really good people that we've got right now. We want to be able to attract people when and if there are any openings. The last thing that happened this year was the adjustment to the Court salaries that across the board all three positions were given a 25% increase. So, with that in mind she changed the way that she approached the budget this year and asked the Department Heads to get together and talked about the salary increases. We met in this room and discussed how do we approach it this year. The discussion started with how to do we approach it and what do we want to take to the Board? Our starting point was the Court position for the brand-new person. Mike Fedish came to the Board and asked for a particular salary, a 25% increase from the current one which made it \$35,504.00. He hired one person who had zero experience and she last a week or two and then she left. He then hired the next person with no experience well. So, we decided that was the starting point for a salary. It is actually an attractive salary,

she wouldn't say it was an excessive salary but that is where that number came from. So, if you look at the chart that she provided. When you look at the two full time Court salaries – we took the three lowest paid which are the two senior clerks and the Deputy Town Clerk – she matched it to those. Mike Fedish asked for a 4% increase for he and Wendy as well as a 4% increase for his three positions. So, she included the 4% increase in those three positions that she just mentioned. We then took the next level and we have more responsibility from Meri-K and Amy. So, we kept them in portion from the three before. Then we went from there. Then you look at someone like Diane who has been here for 21 years going on 22 and she is currently being paid less than the Court folks. It just seemed like things were out of wack so this is a correction to some of these salaries. We have three people-Diane, Joy and Lizanne who have so much experience to offer to the town in training other people as well. We kept them in line and to retain them as well. So, if you look at NYS Retirement it is in their best interest to stay if they have an incentive to do so. So, if that pay goes into their salaries she would certainly hope that would give them an incentive to stay and everything else fell in line from there. She asked if the board wanted her to go through all the nine steps she can. She doesn't know how much detail you want her to go into.

Frank Carl said one of the things he would like on the spread sheet that was distributed; he wanted the job title added because there are a lot of things compared to other municipalities and things like that.

Julie Wyatt explained that was one of the things that she also struggled with because she is a senior account clerk and also the bookkeeper but as the bookkeeper she doesn't do what the bookkeeper in Fenton does. We have two completely different job responsibilities. She is not a senior account clerk. We are different titles. Then if you look at the Town of Dickinson, Bev is the assistant to the supervisor so she stayed out of the Civil Service. So, she did kind of Julie's job and part of Amy's job and part of Meri-K's job. So, this really is not an apples to apples. Also, depending on the size of the Town and the numbers of residents, the number of commercial properties, everything that goes with the Town she could argue that the Ordinance Department in our Town is much busier than Fenton even though they have an Ordinance Department. They might have a similar Civil Service Title but we are not as busy as Tn. Union or Tn. Vestal. It is really hard to compare. So, she asked the Department Heads to go out and get some comparison. So, it is really hard to say that her job exists over in another Town because it really doesn't. We have a bookkeeper's group that meets and has lunch together once in a while. She has talked and she had not found anyone that does what she does; every single piece of her job. She can get Civil Service Titles. She can add that to the spreadsheet but she just doesn't feel it is meaningful.

Frank Carl thinks the admins. are closer to apples to apples. Add also years of service of people they are being compared with which is lacking with a lot of these.

Julie Wyatt said a lot of municipalities which she has reached out to are going through the same thing right now and saying while we've got you on the phone what are you making. It is like playing chicken, which board will do something first. She feels like we are not just competing with other municipalities and comparing ourselves with them but we've got talented people like Stephanie, Carrie and Amy our newer employees; she wants them to stay and she wants them to feel like their skills are valued and compensated. She feels like some of these salaries - the lower salaries; it is really not a living wage. If you look at what they take home it is very, very low.

Gene Hulbert said the one thing that he doesn't want to lose site of and is not in any of this is compensation. You are talking about salary and benefits and total compensation are part of the picture

and the point of view that he needs to look at it from and that information is not here. So, he needs that added to this.

Julie Wyatt said ok you mean health insurance. Ok and we can look at health insurance. So, when you look at tiers 5 & 6 with NYS Retirement; those who are lucky enough to be in tier 4 are in a much better position than those who are in 5 & 6. So, while in the past it was much more attractive to work for a municipality/a government agency because the NYS Retirement was so attractive; they've reduced the benefits over the years. So those in 5 & 6 isn't nearly as attractive as the others.

Gene Hulbert said well that is the whole pie and he needs to look at that not just the salaries/dollar issue. That has to be part of the compensation issue.

Frank Carl said inclusive of the HSA funding.

Julie Wyatt said the employee pays a portion of that so if you are at 18% you pay 18% of that HSA money that goes into your account.

Jo Anne Klenovic said she wanted to add that there is a tremendous amount of multi-tasking. They all wear many hats. Some do not have a back up for their position so Julie is a good example. She is fluid in the public works department and bookkeeping, budget and is also a part of the accounting system and not to mention backing up payroll and Jo Anne's office. There are extenuating circumstances and comparisons, like she said originally when you are talking to the other municipalities. Some of the smaller ones do a couple of different things and then some of the bigger ones have 5-6 people doing what one person does here. She just wants to caution the board that there are extenuating circumstances for all these positions as far as she is concerned. She can give some examples too. It would be difficult to just pick a title because they all wear so many hats.

Julie Wyatt continued that one thing that she thought was interesting is that she had budgets that went back to 2004 in her office. From 2004 to 2011 there was a 3% increase every single year. Then starting with the 2012 budget year it was 2% every single year with the exception of that one. If there had been a 3% raise per year flat across those 10 years following. If you were making \$30,000.00 per year it would have meant another \$3,748.00 in your pay and if you were making \$40,000.00 it would have been an extra \$5,000.00 extra. So, that is the difference a percentage can make. She knows there is a balance and it is the board's responsibility to the residents of the Town that the finances are well taken care of and the best use of the money. But at the same time, she feels like the residents of town want to feel that they are being taken care of by competent people who are the same people that they see each time. People want to stay and people want to work here and serve the residents. There is a very fine line here and she understands both sides but has to put her case out there.

Jim DiMascio had no comments.

Dave Johnson said this is the first time he has been going through anything like this and he is not going to be saying much as he is being introduced to many new terms like Tier 1, Tier 2 etc. He has to get up to speed on that. He is at a different perspective as he has a private business and he hasn't worked for anyone else other than his wife. So, it is a balance and the population of the Town and it has different careers. We have to keep that in mind. There is a balance and what is the process? This is the earliest that you have had a presentation like this. We meet several times and then the final decision is in November.

Jo Anne Klenovic said yes there will be two other work sessions that will have to do with the budget and further discussions.

Gene Hulbert said ultimately it has to go to..... Julie has a responsibility to create a preliminary budget and publish that by a specific date and that has to be in place before the Board adopts the final budget.

Julie Wyatt continued that the tentative budget is first and that has to be filed by September 30th with the Town Clerk, Lizanne. Then from the tentative budget the Board makes the changes and it goes to the preliminary budget and there is a resolution to adopt all the changes. Then the preliminary budget is the one that is presented at the public hearing which is the day after the election. Then it has to be voted on and approved by November 20th.

Dave Johnson said he just has to be brought up to speed and he sees all sides. He just has to take time to figure it out.

Julie Wyatt said this is a starting point.

Jo Anne Klenovic said just to finish up for this evening she gets the privilege of working with all these people and she is having difficulty seeing this as clearly as possible. In all honesty she wouldn't trade a single person in this building. They are all competent, hard working and intelligent people. As a board member what has been asked is more than a tax payer can withstand in her opinion. Maybe a compromise is needed and maybe this can be something that can evolve over a two- or three-year period, this is just her idea and no one else's. It does not seem doable as it is right now and she is just being very honest in saying, you are appreciated in more ways than you can imagine but it is our responsibility in finding a way to pay for it and with the WWTP and all other things we have to be responsible. She is willing to hear this group and concerns and suggestions. Everyone has to come back next time and be creative.

Jim DiMascio said with all that being said he didn't have any questions because he wanted to see how we were going to pay for it and all that will come out in the tentative budget and he does not want to get into that discussion tonight. This is not the time or place. When we are talking about the budget we will be talking about a \$100,000.00 increase to the budget. He would like to better understand how we are going to pay for it.

Gene Hulbert thanked Jim for all of that and he also wants to see that.

Jim DiMascio said when Julie gives us the tentative budget and all these numbers are included then we will see how we are going to pay for it. Until then these are just numbers.

The board thanked Julie.

Chenango Ambulance – Further discussion

Frank Carl said he needs to speak with an accountant as the profit and loss just doesn't make sense and the explanation of the not for profit. Maybe we can ask Coughlin & Gerhart to look at it and see if they can make sense of it.

Jim DiMascio agrees that there are discrepancies that are not understandable to us as lay people. In one way they are saying there is zero payroll but then in another breath their tax preparer is saying there is \$130,000.00 in payroll. That just doesn't make sense to a layman.

Frank Carl if Town of Chenango is their main hub he doesn't understand why we can't be 80% of their ask and Dickinson, Fenton be 5 and 5. Why should the Town of Chenango pick up their whole tab just because they are located in our Town.

Gene Hulbert has concerns about the Town of Chenango residents paying for a service that is not a sustainable entity and his concerns go back to financial end of it. He cannot see where their financials are getting anything for the longevity of the company. He just wants to see the rest of it. An ambulance service here in the Town is something that he would prefer than going to Afton or Greene but he doesn't agree with the fact that he said he is not a business. It doesn't matter to him the corporate structure a business model is a business model. You either taken in enough revenue to pay off what your liabilities are or you don't. If that is not sustainable, then asking for a \$50,000.00 a year gift from the Town of Chenango for five years does not make that company viable. Someone else with a business plan would come in and fill that. He wants them to respond to that.

Brady Begeal, Esq. said we can certainly take a look at it and address more of the questions behind the specifics behind the numbers.

Frank Carl also asked what is our liability limitation when you invest in a company that fails. Do we have or is there a way to build in a payback to us? You know they're going to ask again in five years.

Brady Begeal, Esq. said that another option would be to buy the ambulance and then enter into a service agreement so they could use it and if something goes wrong you just have the ambulance and sell it. The bank will secure their loan with them so if they don't make their payments they will take the ambulance. If you are the bank then you could do it.

Gene Hulbert said there was a legislative issue that happened that they could no longer be with the Chenango Fire Company and that they could longer provide the EMT service that is why they split.

Brady Begeal, Esq. said no they can't directly bill for that service directly in the same way the private ambulance can. So, they cannot generate the revenue to support it. The law just passed this year that now allow the Fire Company Emergency Squads to bill or to be treated the same. So, it now a new thing. It is more his opinion is that their approach for asking for the money for a specific purchase is a better approach than just saying hey we need money to operate. He is not saying that you should approve it but it is a better approach. It is just a better way to justify. You can theoretically justify adding a new ambulance to the service on paper if you wanted to.

Gene Hulbert said the other comment that he wants to make as far as the difference of the profit and loss in their tax returns. They are two completely separate rolls. How you track your business on a revenue, cash or basis throughout the year and how you account for it and then you give it to your accountant to massage the money on whether or not it meets the criteria for not for profit etc. those are by intention separate. He doesn't have an issue with that in itself. You will find it in different places. Because he got through that pretty easy but there are weird things going on.

Frank Carl said in 2004 that the Chenango Fire Company did not renew its contract for ambulance service and if we approve a contract with the ambulance there will be no interruption. That is when it occurred.

Brady Begeal, Esq. said you also mentioned the ambulance district and that is completely different thing. So, if you have a light district or a water district, they have their own billing. They become their own taxing district. They will have their own ambulance board of commissioners and they will set their own budget and whomever is within the district, there would be a new line item on their tax bill same exact things as a fire district. They are subject to the tax cap.

Jo Anne Klenovic asked if we could get the logistics of their accounting out of the way does it bring you to the other issues or is one a deal breaker. What is your theory guys?

Brady Begeal, Esq. offered that most of their Towns that they represent have contracts with ambulance companies so maybe asking for a copy of those to see what other people are doing. Then you can do an apples to apples comparison.

Jim DiMascio recollects that back in 2013 their financial accountable was part of the problem. He feels that they have done a better job than back then but it still generated questions. He cannot get past the first question without knowing the answer and that is their financial stability and making sure that we are seeing budgets and tax returns that are comparable.

Dave Johnson said their short falls are quite sizable and he wonders how they are still in business right now.

Alex Urda said that we directed them to SUNY to do a business plan.

Brady Begeal, Esq. said you might ask them to come back with their treasurer as that is the person who does the budget.

ARPA discussion – Greg Burden gave his outline of two item – generators for water pumping stations and the replacement of the 12-inch water main that crosses Exit 6. He gave figures on if we purchased the generators ourselves and had them installed. If we went out to bid we would get other prices for the installation of those. He used the higher number because we discussed before we would be going out to bid.

Derin Kraack spoke in regards to his list as things have changed. We can discuss it on the 24th if you would like. He has been looking into other options in regards to the flooding/drainage situation on Smith Hill/Wallace Rd./Frederick Rd. areas. We would have to put studies together and start with that. We are trying to get away from some of the easement issues. We have been working on somethings for Kelly Road and Dorman Rd. Those are just some recommendations that he would like to get taken care of. We can look at those on the 24th if you would like.

Frank Carl asked Derin a question in regard to the Kelly Rd. project. Derin said it was a change order and Alex is working on a formal change order on it and we should have it back by next week. It is within their current contract language but we will need to come back to you guys on it.

Alex Urda said there have been different discussion on the Wallace Rd. Smith Hill area and there may be some other options on achieving the 100-year passage on that area. We would need Board direction to proceed on that if it is our goal and to proceed with studies. They also have been looking at diverting the flow over to Johnson or Morningside. We could cross at Nirchi's if we came down Morningside. That is where the studies would come in. Frederick Rd – once we get to the River our easement limits us that we currently have. It is problematic and we were maybe thinking of heading toward Wisconsin or Alice or go backwards. We currently don't have easements to the river. We would have Keystone adjust their study and look at that extra layer, just piggyback on their prior study and how we might pick up the additional streets.

Jo Anne Klenovic said in conclusion that with these things being done it still leaves unallocated roughly \$537,000.00. When the studies actually come in and we have a plan we will have some money to go with these plans and they all qualify for the ARPA funds. We've reported two times so far that we have no plans for the usage of the money. So, do you feel that these are reasonable requests and that we can move forward in the next couple of weeks and make the decisions on the usage of ARPA.

Webb Sisson spoke up and said Madam Supervisor you forgot about Clarendon Drive. Clarendon Drive floods. It is not included in the write up here and wants to

Jo Anne asked Alex to speak on this please.

Alex Urda said the Frederick/Wisconsin discussion is the lower end of your system. We are working on how to get an increase capacity out on that low end. He believes that it is the first step in getting the flow through the system. We will start at the bottom and work up.

There was discussion on putting monies in budget lines and how it could be used.

Gene said he needs a budget with set numbers for use of the ARPA monies. He wants to see a document with a line item number and how much it costs. We are just wasting time here. He wants a full document for the board to look at. Get in line so that we can make a decision.

Jim DiMascio could it just be a simple spread sheet that Julie could create with how the monies will be spent and to what line items they will be allocated to.

Gene Hulbert said put it all in one document and don't send it 1 hour before the meeting.

Jo Anne Klenovic said you will have this document but sometimes you need to get things send at the last minute because they are important.

Jim DiMascio said by the next meeting on the 24th we create a simple spread sheet showing how this money will be spent from ARPA.

Julie Wyatt said the July 31st financials that she just sent everyone. If you look on the balance sheet for the General Fund you will see the ARPA money sitting as a liability. Everything that she has read from the Treasury says that it has to stay as a liability until it is spent. Then it gets to a revenue and it gets recognized as an expense. She wants to remind everyone that the budget is a living breathing thing. It doesn't have to be decided until November of this year. If next year the actual quotes come in and we want to do a resolution and present it to the board we can do that. So, I think these are just estimates

that Jo Anne is trying to put forward. We don't have to have the actual finite numbers, but that money, from everything that she has read has to stay as a liability on the balance sheet until the money is actually spent. The accounting for ARPA funds we included that and that is what she is referring to and it has to stay as a liability.

Gene Hulbert said he is not talking about the Town Budget and the allocation of it. He is talking about the budget of the ARPA funds for the board to digest on what items are being allocated to. Not to go back to that issue. He just wants to be able to when Greg says he needs \$300,000.00 for Generators there is not reason to kick that off for three or four months. Let's allocate it and take it off and we don't have to talk about it again. Derin you need something for it, give us some numbers so that we can stop putting this off so that we can get the work done. From there, from his point of view, he can assess on these reports that these are report that we want to move forward with which may translate into a tax burden issue on the residents. If we are going to spend \$40,000.00 on a storm water report and then it costs the residents \$7,000,000.00 in upgrades that the Town cannot afford to make or has to create a storm water district for that. Then that has to be information that the Board needs to know before we decide if we want to spend \$40,000.00 on a report. Those are the conversations that he needs the information for so that we can just check them off.

Dave Johnson says he kind of agrees with what Gene just said because the money is there and when do we have to spend it?

Julie Wyatt explained that it has to be committed by December 31, 2024 and spent by December 2026.

Dave Johnson says we got money and we got problems but he doesn't see a deadline where we have to make a decision or do we keep on waiting until we get a bigger problem next year that we are going to save the money for. If we've got problems now he doesn't have a problem solving them now because you have no idea what the future will be.

Jo Anne Klenovic continued well with Greg's situation and the generators we could be at risk one or two years down the road where he could take care of that right now. Where with drainage it could be just the tip of the iceberg.

There was a brief discussion in regards to reporting of the ARPA funds. Julie Wyatt said that you are supposed to put down every quarter what projects you are working on and put an amount to it. To her you just don't report it until you know the actual number/cost. That is how she would report it. You just don't report it until you know the no kidding actual number.

Brady Begeal, Esq. said it seems to him that you need to budget it for your decision making but not for your reporting.

Julie Wyatt said that the Town just has to show that they have spent every dime of it or you have to give it back.

Gene Hulbert said the Town needs to know the dollars associated with the ARPA money that is a separate issue than what the Town Board has to do when they file and what the expense it. You file the expense after the expense has been made then it doesn't leave anything on the table. Or you have to live within the estimates that you give us.

Jo Anne Klenovic said we will put this on to another agenda date as we have exhausted what we know.

Jim DiMascio apologized but he has to excuse himself at this time as he has another commitment tomorrow morning that he has to leave for now. He informed his fellow board members that 7:00 p.m. was his hard stop and he needs to leave now.

UNFINISHED BUSINESS:

Jo Anne Klenovic said this has to do with the community room and it was on our topic list the last time we met. Since that time a lot of information has come in and so she wanted to brief the board with it.

Gene Hulbert said is that the information that you sent out today. The reply was yes. Gene then asked if that could be pushed out to a different meeting because he has not had a chance to look at it.

Jo Anne Klenovic said it needs to be addressed as there is a date between now and our next meeting with whatever decision is made. Will I need to tell their Senior Group that their event cannot be held here or we have to have this discussion.

Gene Hulbert said tell them that they cannot have their event here as he is not ready and he has not read anything that was sent.

Frank Carl did not open any of the attachments so he has no idea what the insurance company sent.

Dave Johnson had not opened any e-mails since 6 this morning; so, he has not seen it.

Jo Anne Klenovic said since you do not want to handle this situation due to lack of information or lack of timely information, so she will tell the Kattelville Seniors Group that they are not allowed to park their vehicles here for a bus trip that they intend to take on August 18th. They would be leaving their cars parked here for a period of 8 hours. At our last meeting we discussed that was not going to be appropriate unless we got answers to certain questions. All the answers are provided in this packet but it is not going to be discussed. She is letting you know that it is an information item and she has to make that call because this board will not allow for any in between situation in our last discussion. We were going to address it when they came back in September but this date was presented as one of their outstanding dates of activities. So, she just wants it as part of the record that she has to do that.

Gene Hulbert said to also add to the record that the Town Board did not receive the information in time to make any decision.

TOPICS FOR FUTURE BOARD MEETINGS:

- Senior Issue – Community Room Discussion – April 24th
- ARPA Budget -
- Chenango Ambulance Discussion – September
- Rules of Order – September 21st

OPEN FORUM:

Nancy Savory – In regards to the discussion on the Ambulance she would like to know the following:

- Ratio of Paramedics to EMTs
- If they ordered this new ambulance what is their financial time to pay for it
- How many calls are support calls by Superior
- Have they looked into hiring an actual paramedic per shift?
- Have they had help looking at their costs vs. their income besides their tax preparer vs a financial advisor
- Clarification on salaried employees

With all of these questions is it not a good investment for the Town to be adding money to them when they do not seem to have a good business plan. She would rather take money that we would consider to the ambulance and help it met the short fall of the salary increases. It just left too many questions for her and their explanations were to gray. Trying to plan a business with their tax preparer as their advisor is not a good call. Those are just a few thoughts.

Mike Lumsden – He didn't hear the ambulance say this but he heard that they did secure \$37,500.00 of money from the County. So, it is something that you can check into.

He also wants to apologize to the board with e-mails and screwing up addresses and everything. Lizanne and Amy helped me get through that but now they are fixed.

He wants to talk about having more than three dogs and the ordinance. So, if you scroll down and it says if you have more than three dogs at your residence you are required to apply for a special permit for more information download. When you go to the actual law on page 8 32-7 exemptions Agricultural District – this law shall not apply to agricultural districts unless they are within 100 feet of a resident that is inside a residential area. There is a conflict here between what your website says and what the town law is. He just wants you to be up to speed and you might want to talk to your town attorney and make sure that your dog officer fully understands what it is. If he got it wrong, please get it right on here because there is a contradiction.

He has been self-employed a long time. He agrees with David, he doesn't get holidays off. We've struggled. We have to do more with less. On the other note, he comes in here all the time and he demands a lot as a citizen to get the right answers and he believes the people in this building have been doing a great job. He believes that the people on the Planning Board and Zoning Board have to be addressed too because they work ungodly hours on some of that stuff trying to do it. Do I agree necessarily with all of these increases, as a business owner it is tuff. You have to balance both sides out. Everyone in this room deserves more. Can the tax payer afford to do it; he doesn't have the answer. Just keep in mind we are all strapped, everyone. AS a business owner it has never been as bad as it is right now. You have to do more with less. He does believe that we spend an awful amount of money on a lot of stuff and the people in this building I believe need to be paid fairly but as a citizen he has no idea what that is. We all think we are worth more. He thinks he is worth more every time he bids a job but finds he wasn't worth that much. He has empathy for the board who has to make these decisions. The people in the building have to remember there are all sides to this. I think there should be a compromise of some kind.

Julie Wyatt said she has a question for Brady. Did she hear you correctly before when you said if a special district is formed for the ambulance company that they would be subject to the 2% tax cap or less?

Brady Begeal, Esq. said he believes so.

Julie Wyatt then asked if the Fire Companies are the same way. Fire Protection Districts?

Brady Begeal, Esq. said it is a district in name but it is not a fire district. It is a Fire Protection District. They are still under the Town Budget.

Julie Wyatt continued so they are not subject to any tax cap.

Brady Begeal Esq. said correct.

Webb Sisson said going back to the \$100,000.00 increase. The town has saved money at the employee's expense for a number of years. Yes, he is a small business owner also. The \$100,000.00 that you are looking at to increase the salaries is justified. Excuse me, we have it in the coffers. What \$4,500,000.00 in the surplus. Yes, the town has been sitting on this money. We discussed this a long time ago. Different than Mike, this will just bring things up to the standard where they should have been to begin with. So, he is in agreement to what is written down here to bring people's salaries to where it belongs. It has been overlooked for years. That is his comment.

Dave Conklin – In regards to the Chenango Ambulance. They want this new equipment. You supply the new ambulance and then the next thing you have to think about is they cannot man these ambulances. He said that it goes out the door with three people; it does not. It goes out with two at the most and a lot of times it does not go out the door. A lot of times it does not. If you cannot man your ambulances how are you going to buy the stuff you need. They want to buy a fourth ambulance Why do they need four ambulances? They had a brand-new ambulance and they had to get rid of it because they couldn't afford it. If you cannot man these ambulances that you want to buy what good is it. You might lose it down the road. They don't have the volunteer ship like they had. The fire companies are having the same problem, even we are. We got rid of the ambulance back in 2014 because of the cost. We couldn't bill anybody, supplies were outrageous, maintenance it got to be too much of a cost to handle. They went out on their own because they could start billing people. They had a billing agency and everything like that. He knows they have money problems and they've always had it. Even when he was working three shifts a week. They had three paramedics that worked 6 a.m. to 6 p.m. Monday through Friday and they couldn't keep them because they were not handling them properly. The biggest problem they have is that they can't get the ambulances out the door. There was a long wait for a person with very serious injuries, they could have died. The ambulance that we got came from Vestal-Harper's Ferry.

Dave Johnson said he only has one minute to spend on this question. So, you have an accident at his place. You call 911. Who decides who is going where. The closest ambulance to his place or where.

Dave Conklin said it will be Chenango Ambulance because they have a CON with the Town of Chenango. They are the first ones called out. After so many minutes when no one responds they send the next closest. They call whoever is the closest.

Dave Johnson continued so if they don't have the staff to get the ambulance out the door then they aren't going.

Dave Conklin said we had a paramedic at the station and they had three calls in one night but they couldn't get a driver. He sat at our fire station.

Meri-K who works for the Water Department. She just has two comments: 1. During the discussion of the payroll, she did not hear the board mention at all about giving the Court Department the 25% raise that they did. That in doing so, and she cannot speak for anyone else here, but for herself that was a wake-up call. It definitely made here feel a little less valued. As she would word it. I think that it has affected the other staff as well but that is for them to say. 2. She does hear about a compensation package everywhere you go and the time off that we get, the vacation, the sick time is very nice, it is wonderful. There are some of us and she being one that does not get the medical nor the HSA plan. So, that part of her pay that the Town is paying her is not equal to what someone else is being paid. She does not get that benefit. She is not sure of how many others do not get that benefit but she knows she doesn't. So, in her salary as it is being calculated on this new spread sheet that Julie is going to present; that half of her salary is already under what someone else may be getting as she doesn't need that benefit from the Town of Chenango and she is not receiving. She just hopes all of that is being considered the fact that the whole Court System Department got a 25% raise and she knows that it has been said during other people getting raises that this is a slippery slope. Maybe that should have been considered respectively at the time the decision was made to give that whole department a 25% raise.

Amy has only been here since November. She loves everyone she works with. But as Meri-K said the Board set a president when you increased the salary for three people in the Courts by 25 % who also have the compensation package. As far as the compensation goes, it is not a flat compensation package across the board for every employee. Some people get more HSA than others because of the plan they are in so you are not comparing apples to apples. You need to take into consideration what you already approved for the Courts when you are discussing the budget and give increases for everyone else because we are valuable.

ADJOURNMENT:

There being no further business to discuss Frank Carl made a motion to adjourn the meeting, seconded by Dave Johnson. All board members were in favor.

Respectfully submitted,

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

REQUESTED ARPA PROJECTS
HIGHWAY DEPARTMENT

I would like to request that ARPA funds be dedicated to the following 2022 Road Projects. They are listed in order of priority.

<u>Project</u>	<u>Amount</u>	<u>Description</u>	<u>Total Costs</u>
Quinn Estates Pipe	\$23,300.00 \$9,000.00	Replace failing existing drainage pipe at entrance to development by contractor Blacktop installed by Town Employees	\$32,300.00
Kelly Rd	\$24,584.00	Change order to install additional rock to enhance bank stability - by contractor	\$24,584.00
Chenango Bridge Study	\$30,000.00	Expansion of previous drainage study	\$30,000.00
Wallace Rd Study	\$60,000.00	Expansion of previous drainage study	\$60,000.00
Total ARPA Funds Requested for 2022			\$146,884.00

Attachments:

Bylar Excavating Proposal for Theresa Blvd

Bylar Change Order for Kelly Rd

Alex Urda recommendations for drainage study expansion – Chenango Bridge and Wallace Rd

Byler Excavating LLC
 745 Martin Hill Rd
 Harpursville, NY 13787 US
 +1 6072227754
 leroy@bylerexcavating.com
 www.bylerexcavating.com



PROPOSAL # 1410
 DATE 06/13/2022

Proposal

ADDRESS
 Town of Chenango
 1529 State Route 12
 Binghamton, NY 13901

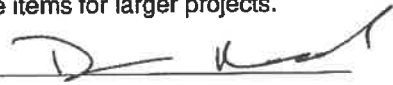
PLEASE DETACH TOP PORTION AND RETURN WITH YOUR PAYMENT.

DATE	SCOPE OF WORK	QTY	RATE	AMOUNT
	Excavation Work Dig and remove 165 LF culvert and replace with 24" HDPE pipe. Pipe supplied by town. Bedding and backfill material supplied by town. Backfill in compacted lifts.	1	23,300.00	23,300.00
	Trucking for takeout supplied by town. Price is good for 30 days. Price is subject to change based on changing fuel and supply costs.	1	0.00	0.00

To put job in schedule sign and we will get a contract agreement to you. Balance will be due when complete or as per billed line items for larger projects.

TOTAL

\$23,300.00

Please Sign 

Accepted By

Accepted Date



745 MARTING HILL RD, HARPURSVILLE, NY 13787
607.222.7754

CHANGE ORDER

DATE: 8/26/22

JOB: Kelly Rd. Culvert Replacement
ADDRESS: Kelly Rd. Town of Chenango

GENERAL CONTRACTOR:

ITEM NO.	DESCRIPTION	QUANTITY	UNIT PRICE	TOTAL
1.	Mobilize/demobilize	1 LS	\$2000.00	\$2,000.00
2.	Provide and install approx heavy stone fill and chinking as shown in updated drawing.	202 Tons	\$92.00	\$18,584.00
3.	Extra work for under culvert stone placement.	1 LS	\$3,000.00	\$3000.00
4.	Seeding and mulching disturbed area.	1 LS	\$1000.00	\$1000.00
			Total	\$24,584

BY SIGNING THIS, YOU AGREE TO NEW CHANGES TO THE CONTRACT AND AGREE TO PAY BYLER EXCAVATING FOR THESE CHANGES.

ACCEPTED BY: _____

A handwritten signature in black ink, appearing to be "R K", is written over a horizontal line.

**FREDERICK ROAD AREA HYDROLOGIC & HYDRAULIC DRAINAGE STUDY
EXPANDED AREA TO ALTERNATE DISCHARGE POINT TO THE RIVER**



106 Main Street
Suite #4
Windsor, NY 13865
607.760.6545
alex@urdaengineering.com

Department Head
Engineering



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

Date: August 19, 2022

PROJECT SCOPE:

The project scope is to expand the prior Frederick Road Area H&H Drainage Study, completed by Keystone Associates, to include an alternate discharge point to the Chenango River. The existing pipe location and easement are not practical to utilize for the prior study pipe size so we are requesting approval to study two alternative locations, one near 16 Badger Road (across from Everett Road), or an extension down Badger Road along Wisconsin Drive to an outlet at possibly 90 Wisconsin Drive. The study would include H&H review of any additional watershed that would flow to and be collected in the future by any additional storm system (example: from Wisconsin Drive, Hiawatha Trail, Alice Street areas). We will request H&H modeling of the 10-year, 25-year, 50-year, and 100-year conceptual storm system sizing in these areas and what would be needed for easements to discharge to the river.

Costs are anticipated to be funded by ARPA funds.

The project timing is subject to Town Board consideration with a request to start the request for a proposal ASAP. We ask that the Town Board consider allowing us to request this of Keystone only as they already have knowledge of the Frederick Road drainage area system and existing study. We would like to continue to work with them on this.

ESTIMATED STUDY COSTS:

\$30,000

**SMITH HILL ROAD/ WALLACE ROAD AREA HYDROLOGIC & HYDRAULIC DRAINAGE STUDY
EXPANDED AREA TO ALTERNATE DISCHARGE POINTS
ALONG JOHNSON ROAD OR MORNINGSIDE TO THE RIVER**



106 Main Street
Suite #4
Windsor, NY 13865
607.760.6545
alex@urdaengineering.com

Department Head
Engineering



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

Date: August 19, 2022

PROJECT SCOPE:

The project scope is to expand the prior Smith Hill/Wallace Road Area H&H Drainage Study, completed by Woidt Engineering as a subconsultant to Delta to include an alternate discharge from Wallace Road (prior to entering the piping at the 'top' of Wallace Road) along North Morningside Drive with a possible outlet (concepts below). Study considerations would include additional watershed drainage areas contributing to the new system, possible 50-year and 100-year system sizing, and the extent of what could realistically be diverted away from the current storm system at Wallace Road.

Conceptual New System areas and discharge locations.

1. Down Johnson Road across Front Street to Riverview Lane ultimately to the open drainage system along the west side of I-81, or
2. Continue down North Morningside and cross Front Street to the existing drainage channel on the North side of Nirchi's which also flows to the to the open drainage system along the west side of I-81. The existing pipe location and easement are not practical to utilize for the prior study pipe size so we are requesting approval to study two alternative locations, one near 16 Badger Road (across from Everett Road), or an extension down Badger Road along Wisconsin Drive to an outlet at possibly 90 Wisconsin Drive. The study would include H&H review of any additional watershed that would flow to and be collected in the future by any additional storm system (example: from Wisconsin Drive, Hiawatha Trail, Alice Street areas). We will request H&H modeling of the 10-year, 25-year, 50-year, and 100-year conceptual storm system sizing in these areas and what would be needed for easements to discharge to the river.

Costs are anticipated to be funded by ARPA funds.

The project timing is subject to Town Board consideration with a request to start the request for a proposal ASAP. We ask that the Town Board consider allowing us to request this of Woidt Engineering only as they already have knowledge of the original drainage area system and existing study which would be included and expanded on. We would like to continue to work with them on this.

ESTIMATED STUDY COSTS:

\$60,000

ZONING BOARD OF APPEALS
REGULAR AUGUST 25, 2022
7:00 P.M. –TOWN HALL
1529 NYS RTE 12
BINGHAMTON, NY 13901

CALL-TO ORDER AND ROLL CALL ATTENDANCE

WELCOME AND OPENING STATEMENT RULES

APPROVAL OF THE MINUTES FROM JULY 26, 2022 MEETING

NEW BUSINESS

- **2022-V14—Jamie Geiger—1607 NYS Rte 12—TM#095.09-1-29:** application for an area variance to construct an addition with less than required side yard setback from 20' to 3' in an Agricultural zone and a short EAF – **Application accepted, moved to Planning Board for advisory**
- **2022-V15—Stephen Giannini—35 Wallace Rd—TM#128.07-4-3:** application for a double area variance to have a driveway with less than required side yard setback from 10' to 3' and an addition with less than required distance from an adjacent home from 20' to 18' in a Residential zone and a short EAF.-- **Application accepted, moved to Planning Board for advisory**

PUBLIC HEARINGS

- **2022-V12—New York Power Authority—1166 Castle Creek Rd—TM#066.10-1-23:** application for a triple area variance to construct four electric vehicle charging stations in front of the principal structure, less than minimum required lot size from 6 acres to 2.5 acres, and less than minimum required lot depth from 450' to 264.3' in a PDD-C zone and a short EAF.- **Granted on condition of site plan approval from the Planning Board**
- **2022-V13—Nancy Karns—85 Aitchison Rd—TM#:111.09-1-1:** application for an area variance to have a detached garage in front of a principal structure in an Agricultural Zone and a short EAF.-**Variance granted**

APPLICATION DISCUSSION

- **2022-V12—New York Power Authority—1166 Castle Creek Rd—TM#066.10-1-23:** application for a triple area variance to construct four electric vehicle charging stations in front of the principal structure, less than minimum required lot size from 6 acres to 2.5 acres, and less than minimum required lot depth from 450' to 264.3' in a PDD-C zone and a short EAF.-- **Granted on condition of site plan approval from the Planning Board**
- **2022-V13—Nancy Karns—85 Aitchison Rd—TM#:111.09-1-1:** application for an area variance to have a detached garage in front of a principal structure in an Agricultural Zone and a short EAF.-- **Variance granted**

ADJOURNMENT

Town of Chenango Zoning Board of Appeals (ZBA) Procedural Rules and Conduct

Mission Statement - The Town of Chenango Zoning Board of Appeals is committed to faithfully upholding its administrative and quasi-judicial functions as set forth by State and Local Law to hear applications from parties seeking zoning relief, special permits, or interpretations of the Town Zoning Code. The Board is further committed to carefully weighing the evidence and making thoughtful findings of fact in order to render a fair and balanced decision on each application that comes before it

Pursuant to Section 73-22 of the Town of Chenango Code, the following are "Rules of Order" established for the conduct of the affairs of the Town of Chenango ZBA meetings. *Decorum is to be maintained at all times.*

Public Hearings - Public hearings allow an applicant to present evidence for the Record to address the legal standards relevant to the requested variance, interpretation, or special permit, and to allow the general public to speak in favor of, or opposition to the application.

- ❖ Public comment will be heard after the applicant's presentation of evidence to the Board.
- ❖ Speakers shall be recognized by the ZBA Chairman before addressing the Board.
- ❖ A speaker "holding the floor" shall not be interrupted except in a matter of urgency.
- ❖ Individuals may speak more than once, but only after all who wish to speak, have spoken.
- ❖ Speakers are not required to provide their name and address for the Record, but are encouraged to do so.
- ❖ Comments must be in reference solely to the application in question.
- ❖ Please speak slowly, clearly, and loudly (enough) for all to hear, and for the accuracy of the Record.
- ❖ Public comment will end upon closure of the public hearing by the ZBA Chairman.
- ❖ Once the public hearing is closed, only ZBA members will be allowed to discuss the evidence presented and make findings of fact.
- ❖ Disregard for these rules, personal attacks, the use of vulgar or abusive language and other disruptive conduct is not permitted, and may result in the offender's removal from the meeting.

New Business - New applications presented to the ZBA fall under the routine administrative function of the Board and are not open for public comment at that time. Members will evaluate the application for completeness and relevance, then accept the application, refer it to the Town Planning Board for review and recommendation, and schedule it for a future public hearing. Questions and comments regarding the details of an application should be brought forth at the scheduled ZBA Public Hearing.

2/26/20

Town of Chenango ZBA Procedural Rules & Conduct- Final

Ordinance Report AUGUST 2022

Building Permits

	Residential	Commercial
Received	17 -Sanford, Johns, Nash, Tokarz, Layman, Haruk, Wallis, Mace, Olson, Ryder, Sturtevant, Kane, Doupe, Blanchard, Harder, Karns, Heath	
Issued	17	1
Inspections	16	2
C of O		
C of C	7	

Building Permit Fees Collected: \$ 3379.30

Special Permits

Type of Permit	# Permits Received	Permit Fees Paid	Applicant(s)
Sign	1	\$ 150.00	Batch Creamery
Site Plan	1	\$ 0	Gupta (fee paid previously)
Variances	2	\$ 180.00	Giannini, Abbey
Other	2	\$ 2500.00	Special Permit - Gupta (fee paid previously), SWPPP – Luke Tokarz

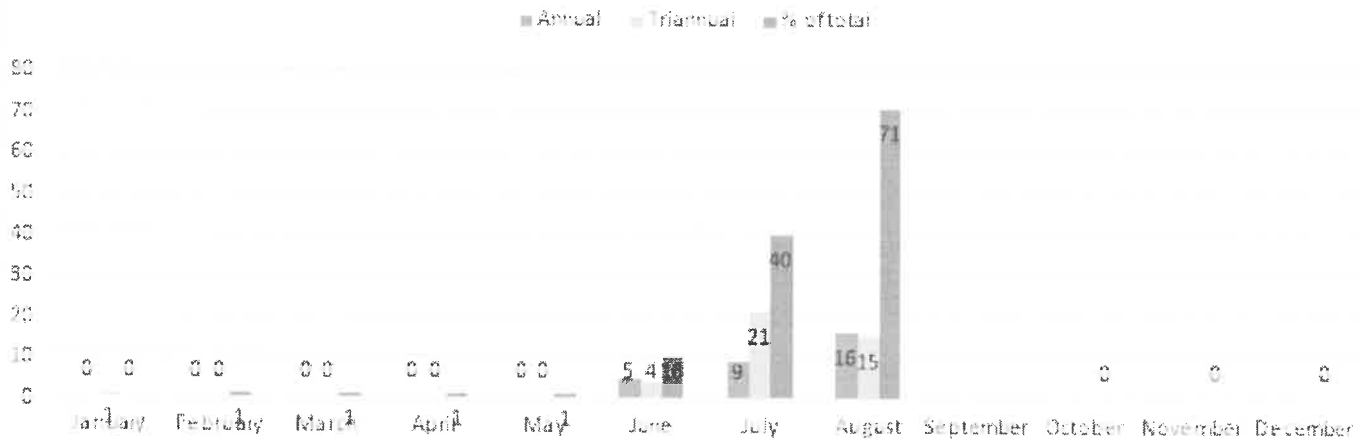
Fees Collected Total: \$ 2830.00

Fire Inspections

	Total	Previously Done	New This Month	% Completed
Annual	46	14	16	65%
Tri-Annual	53	26	15	77%

Ordinance Report AUGUST 2022

Fire Inspections 2022



Complaints

Total No. of Complaints Received: **13**

Closed: **47**

Complaint Type	# of Complaints	Open	Closed
Property Maintenance	6	6	
Open Storage garbage/debris			
Open Burning/smoke			
Junk Vehicles	2	1	1
Grass/undergrowth	3	2	1
Noise			
Operating a business			
BWOP	1	1	
Rec vehicles/trailers	1	1	
Illegal fill			

**AMENDED AGENDA
PLANNING BOARD
REGULAR MEETING
MONDAY, AUGUST 8, 2022
7:00 P.M. – TOWN HALL – 1529 NYS RTE 12
BINGHAMTON – NY – 13901**

**Approval of the July 11, 2022 Regular Planning Board Meeting Minutes
Approval of the July 18, 2022 Special Planning Board Meeting Minutes**

NEW BUSINESS

- NONE

ADVISORY OPINION/REFERRALS

- **2022-V12 -New York Power Authority-** 1166 Castle Creek Rd. – TM#066.1-1-23- Application for a triple area variance to construct four electric vehicle charging stations in front of the principal structure, less than minimum required lot size from 6 acres to 2.5 acres, and less than minimum required lot depth from 450' to 264.3' in a PDD-C Zone and Short EAF.

Action – Favorable advisory to the ZBA contingent upon site plan approval on 9/12/22

- **2022-V13- Nancy Karns** – 85 Aitchison Rd. – TM#111.09-1-1-Application for an area variance to have a detached garage in front of a principal structure in an Agricultural Zone and Short EAF.

Action – Favorable advisory to the ZBA

OLD BUSINESS

- **2022- PB10 - Andrew Day- Ransom Road Solar LLC-** 129 Ransom Rd. - TM#094.03-2-30- Application for site plan review for a solar farm & Long EAF in an Agricultural Zone.

Action for SEQR- submit the following by next month PB meeting

- Line of site visual shed for 176 & 186 Wilson Hill Road.
- Draft narrative for the Negative Declaration
- Provide NY SHPO report

DISCUSSION

- **73-44 Attachment1 Schedule of Regulations for (R) Residential District - several contradictions**
- **Cannabis Survey Discussion** See Attached

ADJOURNMENT

PUBLIC WORKS REPORTS FOR AUGUST 2022

- Grayson Delaney is attending the required courses to become a 2A WWTPO. He is commuting to Morrisville State College daily to attend the following classes:
 1. Basic Operations 8/22/22-9/2/22 (\$975.00)
 2. Activated Sludge waste water Treatment Process 10/17/22-10/20/22 (\$525.00)
 3. Basic laboratory Procedures 11/28/22-12/2/22 (\$575.00)

Books for Basic Operators class \$201.50

Total combined cost of \$2,276.50 was applied towards budget line 8110.400 employee training. Books will be purchased for other classes before he attends cost unknown at this time

- Water well drawdowns were done for the month of August
- There were 10 after hour call outs in August
- Old mulch was removed and new playground mulch was installed at Hyder Park, 2 slides were removed and openings were boarded off for safety. Attempts will be made to sand and stain before winter.
- Old mulch was removed, playground bottom was excavated, drainage was fixed and upgraded, (3) 6-inch layers of crushed stone was installed to improve drainage, textile cloth was installed between stone and mulch layer and a new 12" layer of playground mulch was installed. The climbing structure and 2 spring rockers were removed due to condition of metal parts. Several 2x6 decking boards were replaced due to condition. All metal parts were sanded, primed and painted. All wooden parts were stained as well.
- Mowing and trimming continued as needed due to high temps/dry conditions
- Water Bill payments continue to come in.
- Music in the Parks continued every Thursday with good turnouts. The last concert was 8/25/22.
- A third water main break occurred at Exit 6 off-ramp. PWD with assistance of 2 TOC HWY Dept drivers, NYS DOT and Vacri Construction (torch operator) fixed this main repair.

RESOLUTION NO. _____

RESOLUTION APPROVING ABSTRACT NO. 16

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

RESOLVE to pay the attached and incorporated herein Abstract of Bills. Abstract 16, dated August 31, 2022.

General Fund - Voucher Nos. 578-603; Check Nos. 5408-5433 totaling the sum of \$69,607.58.

Highway Fund - Voucher Nos. 229-237; Check Nos. 1853-1859, totaling the sum of \$15,005.67.

Water Fund - Voucher Nos. 161-168; Check Nos. 1809-1816 totaling the sum of \$6,295.87.

Sewer Fund - Voucher Nos. 226-238; Check Nos. 2172-2182 totaling the sum of \$14,055.26.

Special Districts/Street Lights – Voucher Nos. 18; Check Nos. 1187 totaling the sum of \$3,886.45.

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 September, 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: September 7, 2022

Lizanne Tiesi-Korinek
Town Clerk, Town of Chenango

RESOLUTION NO. _____

RESOLUTION TO ENTER INTO AGREEMENT WITH TROPHY POINT

WHEREAS, the Town Board of the Town of Chenango following a proposal received by the Town Engineer from Trophy Point Construction Services & Consulting (“Trophy Point”) determined it was in the best interest of the Town to hire Trophy Point to provide a third party estimate of the plans for the Town’s Wastewater Treatment Facility project, and

WHEREAS, Trophy Point has submitted a proposal outlining their scope of services, attached hereto and incorporated herein.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Chenango desires to execute said agreement with Trophy Point; and it is further

RESOLVED, that the Town Supervisor is hereby authorized to execute such agreement and any additional documentation necessary to effectuate the proposed services within said agreement with Trophy Point, subject to review of Counsel, and

RESOLVED, that the 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 September, 2022. Said resolution was adopted by the following roll call vote:

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

Town of Chenango Seal

Dated: September 7, 2022

Lizanne Tiesi-Korinek
Town Clerk of the Town of Chenango

RESOLUTION NO. _____

RESOLUTION AUTHORIZING BRIDGE FOR WOLFE PARK

The Town Board of the Town of Chenango, duly convened in Regular Session, September 7, 2022, does hereby RESOLVE as follows:

WHEREAS, the Public Works Superintendent of the Town of Chenango, Gregory Burden, has recommended and requested the purchase of a bridge for access across the creek at Wolfe Park to allow for the Park to re-open; and

WHEREAS, after exploring design and purchase options for such bridge and access, the Public Works Superintendent has received a proposal from Broome County to purchase surplus and second-hand supplies from the County for installation in the Park; and

WHEREAS, the Public Works Superintendent has recommended the Town purchase the bridge and related documentation from the County, in the amount of \$7,280.00; and

WHEREAS, the Town Budget Officer has recommended that the funds for the purchase be taken from Town Budget line A7110.201; and

WHEREAS, the Town Procurement Policy and NYS General Municipal Law §104-b allow the Town to purchase surplus and second-hand materials from another political subdivision; and

WHEREAS, the Town Board has determined such purchase to be in the best interest of the Town of Chenango.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Town Board of the Town of Chenango authorizes the purchase of the bridge and related documentation from Broome County in the amount of \$19,000.00; and be it further

RESOLVED, that the funds for such purchase be taken from A7110.201; and be it further

RESOLVED, that 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 on this 7th day of September, 2022. Said resolution was adopted by the following roll call vote:

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

Town of Chenango Seal

Dated: September 7, 2022

Lizanne Tiesi-Korinek
Town Clerk of the Town of Chenango

Resolution No. _____

Resolution Authorizing Change Orders for Kelly Road Culvert Replacement Project

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

WHEREAS, the Highway Superintendent has recommended the Kelly Road Culvert Replacement Project; and

WHEREAS, the Town Board authorized the Town Engineer to draft the Kelly Road Culvert Replacement Project, and administer the receipt of bids; and

WHEREAS, the bid was awarded to Byler Excavating, LLC for \$178,086.00; and

WHEREAS, following the completion of the work there was unexpected erosion on the stream banks upstream which requires additional work as recommended by the Town Engineer; and

WHEREAS, as a result of the erosion Byler Excavating, LLC has requested a change order as attached hereto as **Exhibit A** and incorporated herein for an increase in fee of \$24,584.00

WHEREAS, the Board after due deliberation has carefully reviewed this change order and recommendation by the Town Engineer and find the same to be necessary and reasonable.

NOW, THEREFORE BE IT RESOLVED that the Town Board hereby authorizes the Town Supervisor to execute the attached hereto change orders in an amount not to exceed \$24,584.00 additional to Byler Excavating, LLC; and

BE IT FURTHER RESOLVED that this resolution will 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 September, 2022. Said resolution was adopted by the following roll call vote:

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

Town of Chenango Seal

Dated: September 7, 2022

Lizanne Tiesi-Korinek
Town Clerk of the Town of Chenango

RESOLUTION NO. _____

**RESOLUTION OF THE
TOWN BOARD OF THE TOWN OF CHENANGO**

RESOLVED, that the undersigned members of the Town Board of the Town of Chenango, Broome County, New York upon reading the Appointment of Hearing Officer executed by Jo Anne Klenovic, Supervisor dated August 24, 2022; the Notice of Public Hearing published on August 10, 2022 in the *Press & Sun-Bulletin*; and the Report of Hearing Officer dated August 26, 2022 for the Public Hearing held on August 26, 2022 at 6:30 p.m.; hereby approve the "Approval of Borrowing" attached hereto and further direct that the Chenango Town Supervisor execute such "Approval of Borrowing " on behalf of the Town Board.

Offered by:

Seconded by:

Dated: September 7, 2022

TOWN BOARD OF THE
TOWN OF CHENANGO

Supervisor, Jo Anne Klenovic

Councilmember Jim DiMascio

Councilmember Frank Carl

Councilmember Gene Hulbert Jr.

Councilmember David Johnson

ATTEST:

Lizanne Tiesi-Korinek, Town Clerk

**APPROVAL OF BORROWING BY
ELECTED REPRESENTATIVE OF POLITICAL
SUBDIVISION CONTRACTING FOR FIREFIGHTING SERVICES**

I, Jo Anne Klenovic, Supervisor of the Town of Chenango in accordance with the requirements of Section 147 and related sections of, and regulations under, of the Internal Revenue Code, and in reliance upon certain recommendations and other information submitted to me, and subsequent to a duly conducted public hearing concerning the matter, do hereby approve borrowing and the issuance of an obligation evidencing such indebtedness by the Chenango Fire Company, Inc. from M&T Bank for the financing of the purchase by the Chenango Fire Company, Inc. of a 2 new pumper/tanker trucks.

The proposed purchase is from 4-Guys Fire Trucks. The obligations are in the maximum principal amounts of \$801,646 and \$798,358. The trucks are to be used for the provision of fire protection service to the Town of Chenango pursuant to a contract dated as of December 31, 2018 between the Fire Company and the Town of Chenango. The trucks are to be garaged at 86 Castle Creek Road, Binghamton, New York.

Execution of this document in no way creates liability on the part of the Town of Chenango and the Town of Chenango is not responsible for the repayment of any bonds issued pursuant thereto.

DATED: September 7, 2022

Jo Anne Klenovic, Supervisor
Town of Chenango