

THE TOWN OF CHENANGO TOWN BOARD MET WEDNESDAY, FEBRUARY 9, 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

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

Jo Anne Klenovic welcomed everyone via ZOOM teleconference.

PLEDGE OF ALLEGIANCE TO THE FLAG -

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

OPEN FORUM: No one wished to speak

PRESENTATIONS: None

ACTIONS TO TAKE:

Keegan Coughlin explained that in regards to Derin's truck purchase bond resolution he was wondering if it would be ok to remove the "automatic package" language from the resolution and specs due to the concerns from the vendors about the time frame. So, removing the "automatic package" would give them more flexibility in receiving the vehicle. Removing that would allow for the flexibility to get either an automatic or a manual. So, before he proceeds he wanted to present that to the board to see if any one had any thoughts or concerns. Board members had a question in regards to the cost factor and Keegan replied that it is a cost not to exceed a certain number. The board was fine with the "automatic package" being removed from the resolution.

- Resolution Authorizing the Purchase of a New 2023 or Newer Western Star 47X Truck Chassis with Warranty, with Plow Equipment Package and Stating the Estimate Maximum Cost thereof not to exceed \$275,000.00. Motion was made by Jim DiMascio, seconded by Frank Carl. Hulbert voted aye, Carl voted aye, Klenovic voted aye and DiMascio voted aye. Motion carried by the following: 4 Aye, 0 Nays.
- Resolution Authorizing Purchase of Equipment (JDZ920M ZTRAC Mower), motion was made by Frank Carl, seconded by Jim DiMascio. Discussion took place and Gene Hulbert said that the attachments were not attached with the correction letter and this is a policy procedure and we have had this discussion numerous times about the backup material. Keegan Coughlin added that it is on the website. Greg Burden said he will resend the whole package again this coming week; there is no rush and we can do it next week. So, Frank Carl and Jim DiMascio rescinded their motion.

DEPARTMENT HEAD REPORTS:

Greg Burden – Public Works February 2022

- Repaired 3 curb boxes
- Water well drawdowns were done for the month of January
- There were 11 after hour call outs for January
- Hauled wood chips out of the sewer plant to Cherry Lane/Town Landfill
- Parks Department continues cleaning mowing equipment
- Painting and installation of outlet, cabinet and countertop installed in Community Room and kitchen by the Public Works Department and the Highway Department.
- The Sewer project bid opening was pushed back 2 weeks and it got pushed back for a third week so the new bid opening date is 2/17/22.
- Sidewalks were done several times in January
- Water main break/repair on Charmel

- Water bills were sent out in January

Frank Carl just had a quick question on the applicant flow for the Public Works Laborer Position.

Greg Burden replied that none as of yesterday.

Alex Urda Engineer - February 2022

1. Kelly Road Culvert:

- Byler has 'substantially completed' the project work and invoiced for all work to-date which is just shy of 90% of the work. He has reviewed the pay request/certified payroll and will likely put it through for processing 2/7/22. He put that through to Lizanne as of yesterday.
- They will return in the spring to finalize:
 - Remaining Guiderail (the protected the concern areas, but have to finish in spring as the ground was too frozen to drive posts.) They have secured the areas, project is safe and the road is wind open again.
 - fine grade shoulders and then topsoil, seed, mulch
 - fine grade subbase and pave

Gene Hulbert asked how they were addressing the safety of the road without the guiderail.

Alex Urda said one side is done and the other side has stone on it. We are going to look at it tomorrow to see if there is anything else to address.

Derin Kraack added that there was also (4) 20 feet concrete barricades up there as well to protect that one side.

John Endress - Assessor February 2022

- The first new Alternative Veteran exemption was processed during the week of January 17, 2022. It is clear and obvious that the Town of Chenango treats Veterans with abatements befitting the service to their country. Thank you.
- The Governor's Executive Order 11.1 continues to be popular with Town of Chenango Senior Exemption holders. They are happy to not have to go through the renewal process. The exemption renewal process for the 2023 tax roll may begin as soon after July 1, 2022 because NYS DTF changed the income eligibility criteria from income of the previous year to the income of the previous two years. Example: for the 2023 tax roll, we'll base eligibility on the 2021 income.
- NYS is mailing a letter out to selected residents suggesting they check with their Assessor for Enhanced STAR eligibility. I cannot predict the response of Town of Chenango residents. NYS is also mailing a letter to owners of mobile homes who are also receiving a STAR exemption. I think we have two, but there could be more.
- Thanks to those in the Ordinance Department for the assistance to residents filling out new exemption forms and for reporting of completions or status of construction projects.
- Other work in the office is proceeding normally.

John read the following:

The Assessor is to be impartial, independent, and objective. Assessors are trained to be so from the beginning. This allows the public to trust that their assessments, and ultimately their real estate taxes are at least close to fair and equitable. But, in last week's Work Session and Board meeting, various board and committee members criticized my work and attacked my character. I have seen portions of the video. One of the most frequently used phrases implied that there was some form of conflict of interest. The manner in which the phrase was used implied that I was doing something immoral or illegal, or possibly both. Since no board member has bothered to contact me for my interpretation of events, I believe it is in the best interest of my office and the profession of assessors to provide examples of these conflicts of interest to you today.

First example.

Recently the Deputy Clerk received her second computer monitor. Not certain how to install the device, and knowing that I have thirty-five years of I.T. experience, I assisted at connecting the monitor to the computer. In minutes, our Deputy Clerk was back to her productive self. It is true, I am not the I.T. support person. It is also true that by being a good team member, my colleague was working productively within the hour.

Perhaps in the same week, the town received a rolling podium. It seems the item suffered some damage during transit such that when assembled, it wobbled from side to side. So, I set the item on the floor, and I pushed and pulled on the frame a bit. When I was done, it was a little bit better, but not perfect. It is true, I am not the furniture assembly guy, I'm the Assessor. I also recognize that pitching in where I see a need is part of being a good team player.

Third example. It was this year some time I noticed the toilet in the men's room was plugged. The water was overflowing on the floor. I got the plunger, and cleared the toilet. I then used a mop to clean the water off of the floor. Now - I understand that being a plumber in politics is not a good career mix. But, being a team member, I pitch in where I see the need.

Final example. Last fall, I was sitting at my desk when I heard a scream from the clerk's office. I got up and the clerks pointed to an open drawer. Mouse. So, I entered the clerk's office, I removed the mouse and mouse trap, cleaned and baited the trap and returned it to the drawer. It's true, the Clerk's office is not my space, but being a good team member, I pitch in where I see the need. To not do so would be unacceptable social behavior.

Your Supervisor has tried to build teamwork within and between departments. By doing so, she will reduce costs, improve services, and increase overall job satisfaction. These are signs of a good leader.

I have provided you with but a few examples of when I step outside of my job description. Three out of four of these examples occurred inside the Clerk's office. I would cite these as examples of a good work ethic or of someone willing to pitch in for the greater good. In no example have I received additional monetary compensation for my actions. If the various boards and committees choose to treat me like an evil character in a Stephen King novel, that's your prerogative.

I will continue to work with the Supervisor and my fellow town employees to the benefit of the citizens of the Town of Chenango.

Frank Carl thanked John Endress and said the first paragraph in his report meant a lot to him. The work to get those Veterans exemptions squared away better is very fractious for us.

Jo Anne Klenovic also commented that John goes above and beyond every day.

Gene Hulbert just wanted to say that if anyone is going off script to please send those notes to be shared with the board before they are spoken but he doesn't care that John spoke them tonight. This is just his opinion.

SUPERVISOR AND ATTORNEY REPORTS:

Supervisor - February 2022

- A reminder to the board that on the 16th we will be having a presentation panel with us – Barton & Loguidice, Bill Jackson, Esq. and Jeff Smith from Municipal Solutions, Julie Wyatt and Alex Urda.
- She was contacted by Broome County to see if we wanted to add Cannabis language to our policy. Keegan is looking into that for review. We will need to change our signs which came to us by Broome County for free. That will be on a future agenda.

- He commented further on the Cannabis Law – The Town has the no smoking on Town Property Law and what they are looking for is an amendment to that to expand and explicitly reference Cannabis. It is in line with what we talked about before. So, in places that you are allowed to smoke cigarettes you can smoke cannabis now. That is the differentiating factor. They now want it to be explicit on the signs and in the local laws. If the board wants Keegan to; he can put together a revision to that local law to just add that as a not allowed substance similar to tobacco. There was discussion and Keegan added that right now the Town's law now allows for a remedy of a fine for smoking in parks and things like that where there is not another vehicle for criminal fines or prosecution. It would be a civil violation in the Town's existing smoking law. Jim DiMascio ask Keegan if he thought it was a good idea to do this. Keegan Coughlin said he felt it was more of a policy decision. It would be similar to the tobacco free law that you passed in 2019 after the group from Broome County presented. Keegan further went on to say that what he thinks the board would want him to draft the local law and that particular section of the law is 74-4 where it says use of tobacco products are prohibited on the town's properties. We would just add a section to say: And use of tobacco products and or cannabis products is prohibited and cover it that way. Jim DiMascio doesn't feel as a tax payer that we need to create new signs/spend money on new signs. Cindy O'Brien added that that the Health Department got a Grant for this so they are getting signs from the State. Jim DiMascio and Gene Hulbert don't support new signs either way.

Keegan Coughlin just wanted to add that it would be a violation and a fine of no less than \$50.00 with a maximum of \$1,000.00 per offense and the Sheriff's Office could enforce the Town's Local Law related to that. One note on the smoking part of it – the Town's Local Law specifically states cigarette, cigar, pipe or any other matters or substance that contains tobacco. It also references vaping. For vaping it's the use of any electronic device that delivers vapor which is inhaled by the user thereof. He feels the vaping of anything is not allowed but smoking of a joint would be ok under the Town's Code. After another brief discussion they agreed to allow Keegan to write up new legislation for a Local Law and the board is not interested in spending any money in updating signs at any level of costs.

Jo Anne Klenovic confirmed that we will have Keegan create new legislation and have another discussion at a later date on this.

- Keegan Coughlin continued that as most of you saw in the news today that as of tomorrow the State is walking back some of the mask mandates. Specifically, tomorrow it allows local governments and businesses to change their rules to be more flexible on mask usage. The requirement remains in effect for health care facilities, correctional facilities, schools, child care centers etc. It effectively allows the Town to make the decision as to whether or not to require their employees to wear masks or not. It removes the ability of the Town to require public coming in to wear masks or not. When the public comes in it is more of a personal choice on the matter. Also, now if you are seated in an open-air space you no longer are required to wear a mask. He just wanted to make them aware and update them and see if they wanted to change the signage. First there was a brief discussion in regards to the staff and if they needed to wear them or not and they decided that it would be their personal choice as of 8:00 a.m. tomorrow and removal of all signs for the public. Jim DiMascio made a motion that Town Employees no longer need to wear masks effective tomorrow per the new NYS Guidelines and we will also remove any signage to Town properties and doors that convey that message, seconded by Frank Carl. Hulbert voted aye, Carl voted aye, Klenovic voted aye and DiMascio voted aye. Motion carried by the following: 4 Ayes, 0 Nays.
- ZOOM – Still monitoring it. We probably won't know anything until Valentines Day in the evening. There are two rules of thought and as soon as the word come out he will let everyone know. He also informed the board that we put in catch phrases in our Legal Notice advertisements that allows for most updated information to be found on the Town's website. We are confident that we are covered for all with that catch all language.
- If the board wanted to make a motion to go into executive session for Attorney Client Privilege discussion or an Executive Session for the purposes of contract negotiations with Coughlin & Gerhart. Jim DiMascio made a motion for recess for Attorney Client Privilege, Frank Carl seconded and he will add that it is to discuss contract negotiations

with Coughlin & Gerhart. Hulbert voted aye, Carl voted aye, Klenovic votes aye and DiMascio voted aye. Motion carried by the following: 4 Ayes, 0 Nays.

Jo Anne Klenovic stated for the record that Jim DiMascio made a motion to return to formal session, seconded by Frank Carl and the vote was unanimous.

OLD BUSINESS:

- Staff Vacancy – All 7 Applicants are scheduled for the interviews. They are all interested in continuing. A second e-mail was sent out today confirming the date and time with the suggestion that they contact the Board of Elections and also to submit anything that they feel is of interest to the board in advance. One more e-mail will go out to them maybe one or two days just to confirm their appointment and make sure that they don't have any questions regarding ZOOM. Frank Carl asked for a list of the order of the interviews. Jo Anne commended Amy for a great job on all of this.
- Planning & Zoning Applications – Frank Carl said that we have received three (3) applications and one from within the board that is interested in taking on the chairperson role. One of the Planning Board Applicants is a Zoning Board Member so if that person were to make the move then the problem goes from him to Jim-It would create a gap on the Zoning Board and fill the Planning Board. He wants to get with the Planning Board themselves later this week now that he is back in town and see if we can set something up with these three people next week sometime; at least have a conversation with them and then he will get with the Board and see how we want to do interviews.
- Zoning Board Applications – Jim DiMascio said it is the same. With the resignation we will need an alternate. He acknowledged that he needs to get with the chair person as far as the position goes. He will have that conversation this weekend. He would wish that we put out for the alternate position effective immediately. Jo Anne said that we can get that on the website but the sign board has the public works position advertised at this time but when that expires we will put it on there.

Frank Carl made a point that at this time we have some very good applications for some really qualified individuals who are looking for the Town Board Seat. Is it ok without advertising again can we go to the non-selects and ask them if they would be interested in the Planning Board or Zoning Board?

Keegan Coughlin said you don't have to have an application is it a Board appointment just like the Board Seat so you can theoretically just appoint someone to either planning or zoning without even interviewing them. Keegan said you could ask them during the interviews if they would be interested in the planning or zoning open positions. Jim DiMascio thought that was a great idea and he is on board.

Jim DiMascio still would like it to go out for public view.

- Building & Code – Gavin Stiles wants to speak about coming up with more money for the Code position. Thus far we have not come up with any meaningful candidates or interested. The people that were qualified that applied were going backwards many thousands of dollars.

Jim DiMascio asked if there is a scale that we are discussing and have you done your homework on this?

Gavin Stiles said yes, the homework has been done. There are two candidates that we are interested in. He was hoping to be in the \$37,500.00 range to start and then an incentive that they could get a 4 in front of their number once they achieve code certification, pass the civil service test, etc.

Gene Hulbert understands and feels that if we go to offer more money then we need to re-advertise as we may get a few more interested candidates with the change in the money and re-do the process.

Keegan Coughlin would recommend re-advertising.

Jo Anne Klenovic asked how they wanted to proceed?

Jim DiMascio said first we should agree on an amount and are we willing to repost at that dollar amount. There was discussion and Jim DiMascio said that we give approval for and make a motion to re-advertise at \$37,500.00, Gene Hulbert seconded that motion. There was discussion and Jim DiMascio said he wanted to amend his motion to create a salary range of \$37,500.00 - \$40,000.00. Keegan wanted to make a suggestion to add the range factors into consideration with experience, qualifications and certification. Jim DiMascio said yes, so amended. Gene Hulbert amended his second as long as it does not exceed the \$40,000.00 mark. If these candidates come back and want more we can't have that conversation without us having the conversation first. Hulbert voted aye, Carl voted aye, Klenovic voted aye and DiMascio voted aye. Motion carried by the following: 4 Ayes, 0 Nays.

Jo Anne Klenovic asked how long they wanted to advertise for and a dollar amount. They agreed to advertise for 10 days at the cost of \$240.00. Frank Carl made a motion, seconded by Jim DiMascio. Hulbert voted aye, Carl voted aye, Klenovic voted aye and DiMascio voted aye.

- Zoning Recommendation – Gavin Stiles said it seems pretty clear to him that this change should be made – garages in front of the principle structure in residential vs. agricultural.

Gene Hulbert feels that clearly the garages need to be behind the front line of the residences. There was discussion and Keegan said that he will conceptually put together an introductory resolution that introduces a local law that will reflect those changes. It will show the new language and depending on size it could also show the old language but at a minimum the backup material will show both versions for everyone to see the difference. Just to reiterate how that process works we do an introductory resolution for the local law and we will put it forth at a meeting and then we will schedule a public hearing. It will go out for 239 review. You could refer it to the planning and zoning boards for their review and recommendation. It will then come back to the Town Board at the Public Hearing and hear the public comments. You can take those under consideration and then pass the resolution enacting the Local Law or opt to change it or decline. SEQR is mixed in there too.

Gene Hulbert would like to keep the process of putting it back to the planning board and zoning board.

Frank Carl said get rid of the same as "R" or same as "A". The lead you down a bad path so spell it out for each one.

Gavin Stiles agreed with Frank.

Keegan Coughlin said it would be in the Town's Board best interest to introduce it at the March 2nd meeting and have the public hearing for the first meeting in April. This should give us adequate time to achieve all of the deadlines and referrals. The Board was all in agreeance with Keegan's recommendation.

- Flood Mitigation - The Congressional Research Service said they acknowledged our request but could not comply yet. She really wanted the US Clearing House as she feels it would be the most appropriate. But it has not made it to us yet. AOT did report its findings but it is vague in comparison to the others. It is still a work in progress and we won't be moving forward on the easement portion or the \$100,000.00 until we get more. The other option is just submitting it; going through the process as they outlined with the ARPA funds and looking for the permission legitimately. If the board likes that we can pursue it but she has no idea what the timeline is.

Jim DiMascio likes the idea but needs more time and wants to be involved in the discussion but as he stated earlier he won't be here for a few meetings and he just can't make a decision on it tonight without giving it more deep thought.

Jo Anne Klenovic brought up that Joe Angelino asked for the Smith Hill Creek Study and the Fredrick Road Hydrology Study. He felt it would be good preparation for him for discussion and be used as reference materials for him and his staff to seek other opportunities for us.

- Town Assessor – She asked Gavin and Greg to help her with regard to the room at the top of the stairs. It does not meet code. She gave them all the dimensions with the filing cabinets etc. We've had to also postpone the move because of water breaks and the snow. The only other rooms that are available are the board room and the community room. Honestly giving it very thorough review, the board room is the only room in size and functionality that will work. She will move the oak desks downstairs to the community room for the board to use. The board room will take on all the filing cabinets etc.

Jim DiMascio asked where Court adjournment would be if we use the entire space of the board room. So, do we have an obligation to the Court System that they deserve a dedicated room? He understood that we did.

Keegan Coughlin said it would be easy to check with the Court on. Jo Anne said she will inquire with the Judge tomorrow.

Jim DiMascio said he would like it in writing if we are going that route.

Jo Anne stated further that economically it would just require a new desk.

Gavin Stiles added that his interpretation is that it is a business area and couldn't find anything else and he wanted that for the record. It was 150 sq. ft. gross and once the cabinets go in there he doesn't know how you could fit a person in there. Gavin asked Gene his thoughts and after a brief discussion Gene said that he had no problem with the Board Room. He said that once you clear it up with the Court you have the direction from the Board to move him. Jim DiMascio agrees with him to move him per the approval of the Court.

Keegan Coughlin added that we could make a motion to relocate the Assessor's Office to the existing former town board room upstairs pending written satisfaction that the Town Court is adequately accommodated in the building. Additionally, in the event that it is unsatisfactory, that the board would conduct another discussion next week and he would remain downstairs until then. Jim DiMascio said he would make that motion and that it has to fit into the manpower that the town personnel can use based on snow by Highway, based on water main breaks based on Public Works – when it fits into their schedule. Gene Hulbert added that he would like sunset on that to be the end of February. Greg Burden said he will have it done by next week. Gene and Jim thanked Greg. The motion was seconded by Gene Hulbert as amended. Hulbert voted aye, Carl voted aye, Klenovic voted aye and DiMascio voted aye. Motion carried by the following: 4 Ayes, 0 Nays.

Old Business: Nothing from the Board

Open Forum:

Nancy Savory – She was one of the people who spoke last week about the Assessor's Office and she also stated that she was sure that John's contacting her was done as a friend and she highly appreciates his approach of being a team player. It is very commendable. Number one she wants to thank Jo Anne for her efforts for finding a place and also thank the town for their consideration of this. It is extremely important that we have the separation of the offices. It doesn't matter who the employees are. It is about the separation of the two physical offices. It also important going forward that we value the resident's concerns and conversations, which are based on financial matters, are not overheard. She commends everyone for taking this seriously and helping to provide that space to our residents.

Mike Lumsden – Nancy and he had exchanged e-mails earlier in the week and Mr. Carl indicated that you were offended by some of our comments. He wants to assure him that he has the upmost respect for your military career, your dedication to it, your dedication to this town, your patriarch to your family. None of what he said was an attack personally on you – he apologizes. But he does stand for responding to you as a councilman, you are the elected official and you represent the people and he encourages everyone to contact their councilman and talk to them and get engaged in our town. Even when we have opposing opinions he believes in it. He wants to clear that up for the record. At no time does he try to personally attack anyone. If there is something in there, Councilman Carl, that you feel that he did attack you. He will be more than glad to talk about that with you in public. At no way does he diminish your military career or your dedication to this town. He does question you like he has many other board members in the past and in the

future on statements that you make when elected officials make comments in public forum or how ever they do. It is just who he is so, he hopes you accept his apology. He just wanted to say that in public.

Frank Carl said he is fine and thank you.

As no one else wished to speak, motion was made by Jim DiMascio, seconded by Gene Hulbert to adjourn the meeting. Hulbert voted aye, Carl voted aye, Klenovic voted and DiMascio voted aye. Motion carried by the following: 4 Aye, 0 Nays.

Respectfully submitted,

Lizanne M. Tiesi-Korinek, Town Clerk

Town of Chenango

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