**THE TOWN OF CHENANGO TOWN BOARD MET WEDNESDAY, FEBRUARY 8, 2023, AT 6:00 P.M. IN THE TOWN OFFICE BUILDING, 1529 N.Y. ROUTE 12, BINGHAMTON, N.Y.**

PRESENT: Jo Anne Klenovic, Supervisor

Jim DiMascio, Councilperson

Kevin Worden, Councilperson

Dave Johnson, Councilperson

Gene Hulbert, Jr., 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.

**OPEN FORUM:**

Jay O’Brien – Brotzman Rd. – Been a resident here for about 50 years. He got involved with these meetings a few years back because of Mike Lumsden. He was worried about two citizens and wanted to help them out. He just doesn’t want them mistreated. He felt that they sometimes get a raw deal. So, he came and got involved and enjoyed the process. It got to be a fun thing to do and he enjoyed it. He encouraged him to get involved. He wanted to process and the people to be treated fairly and how important it is. Mike over the years got good with that process and he is one of the most talented people that he knows. He would get involved with ZBA meetings because of his business. He would call Mike up and he would go with him to the Town of Fenton. The guy knows his stuff and he can see how he got so good at it with all of the activity here. He remembers when he wanted the Church here. Mike told him of the process as another example. This whole thing with the charges that the Town people have brought up against him, he is just disgusted with it. He knows more about it than most anyone in this room. He has showed him the videos, the audios and matched them together. He has covered himself well. These accusations are false. It is disgusting that we are spending this money over false accusations and false information. He has had enough of it and when it all comes down and it is found out that he is 100%... he is the most honest person that he knows. He is honorable, he is honest, and he wouldn’t lie to you. He would take a shot before he would tell a lie; that is how honorable he is. So, that is why he is so disgusted. When the truth comes out he wants the people that are making the accusations to go under the scrutiny that he is going through right now.

George Harshar – He agrees with Jay 100%. He has known Mike many years. He is the most honest person that he has ever met. If you ever need help, he is always there. The other thing he would like to mention is have we exhausted the $5,000.00 yet?

Gene Hulbert asked if that was a question or a statement? He knows that attorneys for Hancock and Estabrook have reached out to the Town Board that they were going to exceed the $5,000.00 and estimated it to be $10,000.00 and that is what the Board acted on last week. Currently he has not seen or had any invoices submitted to the Town. He doesn’t know if the Town has received anything, any invoices.

Jim DiMascio said, well, the invoice would come through the Clerk’s Office, wouldn’t it.

Lizanne Tiesi-Korinek said that she doesn’t do the vouchers. You guys have been sent all vouchers/abstract so she doesn’t know but she can check on it.

Jo Anne Klenovic said that payment has been made in part. At least it has been on an abstract.

Gene Hulbert said well, as far as he knows there hasn’t been any invoicing that has exceeded the $5,000.00.

**COMMUNICATIONS: Nothing to report.**

**OLD BUSINESS:**

**Bookkeeper Position** – We spoke on it last time and introduced the topic. Julie is here tonight to answer any of your questions. She did a very thorough look at the job description and making sure all of the activities are identified. We are looking at a three day week which may seem an aggressive goal but Jo Anne is sure she can meet that.

Julie Wyatt said what she is proposing is a minimum of three days. Civil Service shouldn’t be an issue because she has the Civil Service title. So, it will be a minimum of three days and she will commit to being here up to five days if that is what it takes to get the work done. What she does is quite cyclical. With the AFR, it is a five day a week job for a couple of weeks and the budget season is a heavy load. So, that is her commitment to the Board to get her work done with a minimum of three days a week.

Jo Anne Klenovic asked if anyone had any questions and that it will come back as an action item later on in the evening.

**Planning Board Vacancy Update** – The interview committee had their interviews and made their selections. You have the resolutions in front of you.

Dave Johnson said it was actually fun. The applicants were more than qualified. He thinks that we will be very, very pleased with whom we chose. He is very pleased with the way it turned out.

Kevin Worden said they were all very enthusiastic, great interviews.

Dave Johnson announced that Gerald Smith and Maura Cooley were the choices for the Planning Board. They are very qualified.

**WWTP** – Jo Anne Klenovic gave a little background information. We have determined that we have a need for operators at the plant and we have a small window of time to get that resolved. She sent out a letter as the Board knows and reviewed last time to 44 contractors that have operators on staff. Thus far we’ve gotten 8 responses back to those inquiries. They are willing to come down and take a look at the plant and give us a price.

She has been communicating with the DEC regularly and they have been extremely easy to work with. There is a letter in your packet that she asked the DEC to write for her. They just recapped some of the points that we have been making back and forth. She just wanted to make clear our responsibilities to replace this person and to also be compliant. Our 2A Operator is able to do the sampling, make the recording to the computer, do the reports and keep us compliant. He will sign his name to it. We don’t have a Chief Operator right now for at least a period of up to two weeks. They are giving us a grace period and they know that we need to do due diligence and to make sure we have the right fit for this position and also the legal contracts are executed. They are wanting us to revisit in two weeks and give them an update on how our process is moving along and they will evaluate from there. They established some guidelines which they included with their e-mail that they would like us to distribute to anyone that we are considering a contract with so that they know. We are requiring onsite 8-10 hrs. a week/total of 30 hrs. in a quarter is the very minimum. They will agree to some phone interviews as well so that the 2A Operator can ask them. They are looking at a combination of things to make it work and affordable. Jo Anne asked the Board if they have any questions. She felt that the DEC was pleased with how quickly we jumped on it and got some results. Greg gave a tour to a group yesterday that came down. Five of the eight wanted to take the tour. There is another group coming down tomorrow too. Others are trying to work in a tour on Friday. Hopefully we get them all in and then start negotiating for what their services will cost. She doesn’t have any numbers from anyone of them at this time but she would like to get a plan in place. We would like to have them starting in two weeks.

Keegan Coughlin added that the Board needs to come to a consensus that whether it is through delegation to someone through an emergency basis to meet the DEC’s two weeks grace period to stay compliant with the DEC’s SPEDES permit. You need to have the 3A operators and they are giving you some grace to find it but whether you delegate Greg and a Board Member who can make the hire on an emergency basis. Whether that be a short-term contract until the Board can determine if they are satisfied to hire them long term or what those parameters would be. But they do have to be put in place.

Gene Hulbert asked Greg if this was one of the licenses that you originally talked about taking.

Greg Burden said yes but he just does not have the time to do all the training.

Keegan Coughlin said there was some discussion amongst the Board that predated some of the Board of the unwillingness of people to assist in training for Greg to meet requirements as well.

Greg Burden said we revisited his contract because it just wasn’t possible for him.

Gene Hulbert just remembers that at the time you were appointed that was one of the conditions of your appointment. That is all he is asking and he still considers that a viable option. He feels that Greg needs to take the shoulder brunt of it and finding the best short term path. He would also want his recommendation on which Board member you would want to work with for that to make it smooth and efficient as possible. So that the rest of the Board will get that in two weeks to know what that plan is. He also feels that it should be a short-term issue for the Board to get the person on and get us in compliance and then develop a long-term plan.

Jo Anne Klenovic said the letter that was sent requesting their services be broken down into a short term and a long-term quote. We know we need 90 days for this situation and with the Treatment Plant Renovation we may need two years.

Jim DiMascio agrees with that and feels it is a great idea. The rest of the Board was in agreement.

Keegan Coughlin said if the Board wanted to memorialize that the Board can ask Greg to work with whichever Board member he chooses to facilitate a short term contract to present at the February 22, 2023 meeting.

Gene Hulbert said he will present that motion, seconded by Jim DiMascio.

There was discussion and Greg feels that Kevin Worden, since he is new would be a great choice to get a better grasp on how it all works. If Kevin doesn’t agree, he doesn’t have a problem with anyone else.

Kevin Worden said he was in agreement with all of that. He will do his best.

Kevin Worden voted aye, Jim DiMascio voted aye, Jo Anne Klenovic voted aye, Dave Johnson voted aye and Gene Hulbert voted aye. Motion carried by the following: 5 Ayes, 0 Nays.

**Town Board’s Topic List**:

Jo Anne asked if anyone had anything to add or prioritize what stays and goes. She said she would like to add two subjects. One is the Chenango Ambulance who has contacted the Town wanting to discuss an ambulance district. They have completed the audit that we had asked them to do for review and they would like us to reconsider. We may have to look at that sooner as it has to do with the budget. She would like that added.

Fund Balance is on the list. Would the Board members want to identify areas at this time?

Gene Hulbert said the only reason to have the discussion on the Fund Balance is to allocate a certain amount of dollars to specific issues.

Jo Anne Klenovic said that she has three (3) issues to bring forward.

Gene Hulbert thought the conversation was to put the topic with a date to the calendar.

Jo Anne Klenovic said that was correct but to clean it up as well.

Jim DiMascio said well there is a compromise here. Some Board members have items that they would like to be added to the list not for tonight but at a future discussion and he is fine with that.

Kevin Worden said he thought that we were just putting dates to it tonight.

Dave Johnson thought that we would be going down the list and saying if you want it discussed or not and if not then take it off.

Jo Anne Klenovic said we can do whatever you want. If you want to go line by line, majority rules.

They went line by line and started with the budget and slowly went through the list.

Dave Johnson brought up the fact that we have big projects coming up and we should plan around them like the WWTP Project.

Keegan Coughlin brought up the Bonding for the project as well should be considered. If you decided tonight how much money the project would cost then the fastest that you could bid and have the money available to award contracts would be 60 days. That is assuming the bids come in under whatever number you pick as the bond threshold authorization. If it doesn’t then add 45 days to it.

After a brief discussion Dave Johnson said not to load up the agenda because we will have to push the stuff away because the WWTP Project needs to be addressed first.

Benefit Assessment and EDU’s we pushed back until March and this cannot be done until the number is settled for the bond. So, this again can be moved down.

Wendell and Trophy Point will have to be on for next week.

They want to just go down the list and put a date to all of these.

Fund Balance is May 3rd.

Department Head evaluation – The only topic of conversation that Gene wants is the Gavin Stiles conversation and the software issue prior to his evaluation and his claim of insubordination.

**Trophy Point Report for WWTP Project** – Alex Urda

* Final Report was given on December 22, 2022. Alex looked to see if they had the cost estimate for the actual bid times and also what they gave us as the projected bid coming up in the spring. They are currently working on getting us a retro number to compare what we have in the bid. For 2023 they’ve got 23 million and some change which didn’t surprise him too much at the moment. It is higher than what we had seen with B & L-it was just over 30 last year. Alex’s question that he has right now since this has not been released to B & L is to have them compare it currently. Taylor roughly knows the number from Alex just in talking but he would like to share it with them and have them go through and compare it with their end and see where we fall and if they can find any errors in it; while we are going the same on our end. One of the things Alex noted is that they don’t have the $400,000 that were our resource that we put in for allowances. So, the number should automatically go up to $37,400,000.00. He doesn’t see any other red flag immediately. They have some general conditions that they have 10% for. He is talking with them to see why they aren’t more in the 3-5% range. This should be what is tacked on to cover the bond, insurance, etc.
* The discussion yesterday was with Taylor and our team meeting, and we had the discussion that the estimating came in around $37 million. The conditions and the 10% was with Trophy Point and not B & L/Taylor.
* The other piece that he noted is that there is not a contingency thrown in there. We would estimate a 10% contingency with B & L. It doesn’t show up in the $37 million with Trophy Point. So, Alex came up with a rough number piecing the overall budget for bonding. So, if he takes their $37 million plus the $400,000.00 in allowances and adding in a 10% contingency, adding in the 2.75 that B & L has contracted plus their original change orders up to $23.5 thousand so we are looking at the $618,000.00. So, when he adds that all up he is sitting at $44.8 million right now. With your authorization he wants to take the time to sit with B & L with the Trophy Point numbers and get their estimating compared and make sure he doesn’t have errors on one side or the other. Make sure we like the $37 million before we commit to this and come back to you with a new bond number.
* Yesterday at the team meeting they had discussed the project numbers around the state and we don’t know that numbers are coming down but we know that labor and other things went up. So, jumping up from 40-44 – we just don’t know if it is just strictly inflation across the contracts.

So Alex just wants to share this with B & L and go through it with them, review it and get back to us as quickly as possible. We know the release of the Governor’s awards for the WQIP was to be around December 21st and that didn’t happen. For what ever reason that has stalled and the DEC doesn’t know why either. So, we just don’t have the reward notice on the $10 million. We are still hopeful. Based on these numbers we are another $5 million up from where we had hoped to be.

Keegan Coughlin noted that they used the prevailing wage of Erie County in there and asked if they are the same as Broome County and the consensus was that they are not.

Alex said he missed that but he feels that all the estimating is for Broome County but he will ask them that and make sure they did it correctly.

Gene Hulbert said he would not support you giving this to B & L because it does not answer the questions of what the Board had on what the bids would have been estimated in at the time they were received originally. We have to get to that answer before we give this to B & L. You shouldn’t have given him the number of $37 million dollars. The Board has to look at that and answer that first. The sole purpose of the estimate was to justify the cost of the time the bids were received.

Keegan Coughlin said we were to get the quotes from the time the bids were done as well as this future number.

Gene Hulbert again said not to share this with B & L until the Board has a chance to talk about it.

Jo Anne Klenovic said ok then we are looking for the other half of the report before we go much further.

Alex Urda said he will check on the other minor pieces and hone in on the date of the 18th for all of this.

Jo Anne Klenovic said they sent a bill of the $30,000.00. We submitted it to EFC to see if it was covered by our grants and they came back and said it was covered. So, when we get ready to pay the bill we can go through the grant money. They were thrilled that we took that step and happy to be able to submit it for payment.

**Department Head Evaluation** – Greg Burden

* Dave and Frank got a chance to sit down with Greg and had a brief meeting and compared notes.
* You got a separate e-mail with regards to all of this, but it was never decided what to do with this now that it is completed. So, a final step is needed to decide and finish this up.
* After discussion the Board decided to just have the two Board members go through the process, we have formal documentation and had a chance to review them and if the other Board members wanted to add comments, they could, otherwise just stick it in the employees file and we are done. A brief discussion was also had on the grading system and they all agreed it was fine.

**Safety Coordinator –** There was discussion on whether or not Joy Kasmarcik would be willing to stay on as Safety Coordinator and what would be a fair salary for that. There was also discussion on if it fell under her Civil Service title. If it didn’t fall under her title could she still do it or did they need to change the title.

It was brought up that it used to fall under the duties of the Town Board back in 2011 and it was parched out the Town Board and Joy took on the responsibilities of that for a stipend. So, it is an option for it to come back to the Town Board as alternative.

It was also discussed that Amy and Joy would both coordinate this committee.

Gene Hulbert made a motion to table this discussion until later in the agenda as they need to proceed with the Public Hearing, seconded by Jim DiMascio. Worden voted aye, DiMascio voted aye, Klenovic voted aye, Johnson voted aye and Hulbert voted aye. Motion carried by the following: 5 Ayes, 0 Nays.

**PUBLIC HEARING:** Local Law for Water Meter Fees

Keegan Coughlin opened the Public Hearing and explained that there is a proposed Local Law to change the fees related to water meters adding under section 71-27 the rate schedule. Removing that and then amending section 19-3 fee schedule to add water and sewer connection fees to make it $300.00. This is in light of the increased cost from the vendors that Greg had proposed to the Board and then the Local Law itself is there. The public was asked for comment.

Joe Pratt said he doesn’t use the services where he lives but can Greg explain it to him what this is all about.

Greg Burden said with inflation and everything the cost of the meters have risen. What it costs the Town to purchase them at is higher than what we are charging the customer to buy it. So, we have to raise the bar to meet the same number.

The Board did not have any comments and as such is the case of the Public Hearing was closed at 6:10 p.m.

**DEPARTMENT CHAIR REPORTS:**

Supervisor’s Report: Jo Anne Klenovic said she has provided some notes to the agenda to help clarify some things from last week to save time so she will leave it to your read.

DEC – They are watching for our grant. They are also the ones who are excited about us working with Trophy Point and getting that extra information solidified at our advantage for getting this grant.

In the past 24 hours there are three critical information pieces she wants to bring to the Board.

* Planning Vacancies – There are now two – Kevin was one and we received another resignation yesterday so that leaves three members to the Planning Board. HR is working on this. We do have one application on file. We will put an ad on the website and the sign Board. The ZBA does have an alternate so we may be able to move that person over.

Jo Anne Klenovic asked the Board for their input on who wanted to sit in on interviews and how many applications would you like to have before we interview.

Jim DiMascio said to put it out there for advertisement and give it a minimum of 2 weeks.

Dave Johnson said that he didn’t mind being on the interviewing Board because he has the time at this time of the year.

Gene Hulbert feels the chair of the Board should be part of the interview and a Town Board Member.

After discussion it was decided to advertise it in the paper and give it two weeks until January 27th.

Jim DiMascio suggested that we the Town Board do not have to make the decision/approve that it’s the Planning Board Chair, Dave Johnson has volunteered, and he would also like HR to sit in as a clerical process.

Gene Hulbert just wanted to make it clear that the interviewing committee is making a recommendation to the Town Board and it is the Town Board that appoints that person and he wants to see all the applications.

Kevin Worden volunteered to be an alternate if the Chair is not able as he has been on that Board.

Gene Hulbert made a motion to approve the above with the cost of advertisement not to exceed $1,000.00, advertisement will be for two consecutive Sundays with an application deadline of Friday the 27th and the Town reserves the right to not interview and not accept any applications after Friday the 27th. That way you have the option to consider them or not. The committee needs to know that it is an all or nothing. If you accept one person you accept all that come in afterwards until the hiring happens and if you decline any then you decline all, seconded by Jim DiMascio. Worden voted aye, DiMascio voted aye, Klenovic voted aye, Johnson voted aye, and Hulbert voted aye. Motion carried by the following: 5 Ayes, 0 Nays.

Gene Hulbert said that we do have an interview committee process and he would like to see this process addressed into that, so we do not waste discussion on it; we just follow that process.

Jo Anne Klenovic said she will put that in writing.

* Jo Anne Klenovic continued that she got a call from DEC Soil & Water Conservation – they got a pot of money yesterday from the Governor for flood mitigation. They chose to spend some of it in the Town of Chenango and one place is Wolfe Park and all of Dorman Road down to Front Street where it washed away and they’re putting up preventative maintenance. The other area is the 100 acres that we own behind Rt. 11 and Dunham Hill Rd. They want to turn it into a wet lands and put up barriers that prevent Castle Creek from flooding. Their plan is that they have to spend the money in three years. They will develop the plans, the surveys and all of the studies and hire the contractors and equipment and do the work. It will all be for our approval-the final plan and then it will be similar to NY Rising. They are meeting here next Wednesday morning with Derin and Greg, Alex and Jo Anne. If another Board member wants to attend that would be great. Beth Lucas from Broome County Planning was invited as well. When she has more information, she will report. She is happy that they remembered us and put us on the radar for this money.
* Brian Donnelly contacted her about being included in the AOT Conference. We did the resolution last week and he got the correspondence provided by the Board and that is how he was going to remedy himself for 2023. She told him that she would pass it along to the Board and she doesn’t know if the Board is so inclined to change the resolution. There are other means for this training to take place and it is up to the Board. Would anyone like to comment?

Gene Hulbert said that we have already passed the resolution and he could get the training in a different format. The rest of the Board all agreed.

Attorney’s Report – Keegan said that there is an item of litigation negotiations that he would like to discuss at some point which is related to the Beach Bound Article 7. There are a few items related to personnel members in Public Works and Collective Bargaining with Teamsters which he believes warrants an executive session with Greg included which the Board needs to be brought up to speed on and lastly following the current Planning Board meeting regarding the current Solar Farm Application, the Planning Board in reviewing the local law and that application-Nick wanted to bring to your attention the Town’s Local Law regarding solar is not quite up to date with today’s standards for municipal concerns. It effectively allows anybody if they check all the boxes, they can put a solar farm anywhere in the whole Town. Whereas most municipalities treat it as a Special Permit with restrictions like landscaping, siding, locations, size, impacts, bonding. There is bonding here but it is not quite as strong as most municipalities in the state that we have now for a Solar Local Law. It is their recommendation, if the Board wanted, from a policy perspective wants it to be very easy then no changes are needed but if you want to be able to add more protections for the Town residents and the neighboring residents of those Solar facilities then in the near term it would be most appropriate for the Board to pass a moratorium on solar development for six months to put together a new solar local law. His office has done a lot of those recently because most of the municipalities were quick to adopt solar regulations. They are realizing now that they are not quite up to the current standards. It would be a quick turn around to give you that proposal to the Town Board. It will pause any current development so that the Town Board could protect the interest of the Town’s residents. If you do not do the moratorium then any existing projects would not be under the more protected rules. There are two pending and one is at the top of Smith Hill.

There was discussion and Kevin Worden feels that this would be good.

Keegan Coughlin reiterated that your current policy is very friendly and that is why you have seen 5 applications in the last year and a half.

Gene Hulbert wanted to better understand the differences and Keegan said by next meeting he could get all three things-the moratorium, a sample Local Law and your current for comparison for review and if you decided at that meeting yes we want to do it you could and if you decided nope we are good or if you want to slow change it that would be up to you guys.

Jim DiMascio said he would like to pursue that idea.

Gene Hulbert questions how low it would take to get to that and Keegan said it would not take long about two weeks. Gene said he is fine moving forward with it at the next meeting and all Board members were in agreeance. Gene asked if we had any obligation to notify the current applicants and Keegan said it was up to you. Alex Urda asked about the SWPPP fee ($9500.00) that he just got in regard to it. Does he skip that review? Gene said he certainly wouldn’t want you to invest the money in it if he was paying for it and find out in a month there was a moratorium that just wouldn’t be fair. It would be Keegan’s recommendation to the Board would be to tell Alex to do nothing until the next meeting. If you did decide to do the moratorium then you could just refund the SWPPP fee.

The Board decided to hold the executive sessions until the end of the meeting.

Assessor’s Report: John Endress

* Exemption renewal requests were mailed out during the last days of December. Taxpayers have until March 1, 2023, to renew their annual exemptions. They are coming back.
* Assembly Bill A10155A/Senate bill S9131, gives localities statewide the option to offer an exemption for volunteer firefighters and ambulance workers. The bill was signed into law on December 9. As far as I know, the Town of Chenango does not offer this exemption.
* New York State DTF has mailed out a form to homeowners to suggest they may be eligible for the Enhanced STAR exemption. Please see the attached as it is pages 3 & 4. I am getting exemption requests based on their mailing.

Update, January 9, 2023

* Assembly Bill A1980/Senate bill S8570, is also known as the Second Notice bill. It requires a second notice to be sent to homeowners regarding potential eligibility for the senior citizens exemption. The Governor did sign the bill.
* On January 9, 2023, Broome County offered a shared service to notify our taxpayers for the 2nd notice, for the cost of $0.48/postcard. We can say “yes” by opting in on/before January 13, 2023. Please see the email below for details. John feels that not having the option to mail this out to 4,214 out of his pocket seems like a good idea to hop in. He has a copy of the post card and it will probably cause more confusion to our tax payers than we want but since we are required to give them this notice, he doesn’t see any other alternative. It would cost us $2,022.00 to send these post cards out. He is asking the Board for the green light to say yes go ahead and spend it. We will be saving .12 in postage, time, paper and toner so it would be saving us to go into shared service.

Keegan Coughlin said that he would need approval to enter into this new shared services contract with Broome County to send out this letter. So, it would just be a motion to authorize John to enter into an agreement with Broome County and have them take care of the senior citizens tax exemption second notice on behalf of the Town.

Dave Johnson made that above stated motion, seconded by Kevin Worden. Worden voted aye, DiMascio voted aye, Klenovic voted aye, Johnson voted aye and Hulbert voted aye. Motion carried by the following: 5 Ayes, 0 Nays.

Gene Hulbert had a quick question in regard to the Fire Fighters and Ambulance workers.

John Endress said they could get up to 10% of the assessed value.

Keegan Coughlin advised that we should hold off until next year given the uncertainty and wait for that guidance to come out and pass it next year. The Board was comfortable with that.

Town Engineer – Alex Urda

Wastewater Conveyance and Treatment Improvements Project:

1. 3rd Party Estimating

Trophy Point completed and provided their estimate of projected project construction costs for an anticipated 2023 bid and construction start. Upon first review I noted that they did not provide an estimate of project construction costs relative to the first time of bidding. They will be providing that. At this time, I suggest we review the estimate provided and coordinate a review with the B&L design team such that we develop the most plausible estimate of construction costs and then develop an updated total project cost. This will aid us in determining if we are bonded properly prior to a rebid. I ask for Board approval to share the estimate with B&L.

1. 3rd Party Technical Review – RFP (4th round)

Advertisement was made requesting proposal for a 3rd Party Technical Review of the project(s). Interested parties have until the end of the week of January 13th, 2023 to provide their proposals.

Zoning Map: Parcels with split zones have been reviewed as requested and more detailed evaluation and recommendation of how to eliminate the majority of the ‘splits’ is provided in the attached spreadsheet and associated parcel figures. We reviewed these with Keegan C. as well. Please note there are still several parcels recommended to remain ‘split’ as they have PDD-C on one side of I-81 and ‘AGR’ on the other side. Figured these were the safest to leave.

Gene Hulbert didn’t have any questions but wants to go over the ones that you leave split but do it at another meeting so not tonight. He felt this was quite a bit of work. More than what we thought it would be. He wants to give it a thorough review for all the effort that was given on this. Gene also wants this forwarded to Nadine to keep her up to date. Gene feels that the next opportunity to discuss this would only be about ½ hour to go over and discuss this. We can do this in the section for future Town Board Topics.

Kevin Worden had a few questions in regard to this topic and Keegan Coughlin brought him up to date with what had been going on. He said that the original intent was to create an official zoning map of the Town. This has morphed into not only the official zoning map of the Town but a significant amount of property rezones. So, there would be an introductory Local Law changing the zoning for all of the 79 parcels as well as the adoption of the official zoning map. It will be a resolution introducing the Local Law and then a public hearing gets published, 239 review comments to all of the surrounding municipalities as well as the County responding to that, the Public Hearing is held and SEQR is done and then the law can be passed or modified. So, probably every single resident will get notified of this Public Hearing. So, we might want to book the CF Auditorium.

There was discussion on if they could piece meal them into groups to come and discuss this by an official notification.

Keegan Coughlin said he also wants to make sure going forward that when a change of zone occurs and the Town gets notified of the change to the tax roll the Town needs to add to their own check list what the zoning of the parcel is and talk to the resident and ask what they want and then bring it to the Town Board and make sure they are comfortable with it. That is how the Village of JC does it.

Public Works Department Report – Greg Burden

• Water well drawdowns were done for the month of December 2022.

• There were 30 after hour call outs in December 2022.

• 1 Curb Boxes repaired in December 2022.

• Parks Dept is cleaning mowing equipment when not helping other depts.

• I received quotes for work to be performed at Wolfe Park. Please see attached.

• 4 water main breaks/repairs were done in December.

• Several repairs have been made to the Treatment Plants, and more are being done daily. Total payments received for water/sewer $66,847.62.

There are several attachments, and he has reached out to several contractors for the work at Wolf Park. There are two quotes and he has reviewed them. He recommends Zigmont Excavation for the sum of $12,330.00. He is looking for permission to hire them to proceed since the weather is cooperative. This is coming out of the Grant money that we received from Broome County-the $75,000.00. The County requires us to pay it, submit it and then they reimburse us. Since the weather is so nice he feels that we can get this bridge knocked out in a week or so.

Dave Johnson makes the motion to allow Zigmont Excavation to proceed with the work at Wolfe Park, seconded by Jim DiMascio.

Gene Hulbert asked Greg, to in the future, that we get a written recommendation from you not just the quotes.

Greg Burden said he did submit one with the quotes stating what he wanted done to the attention of the Town Board.

A vote was taken, and Worden voted aye, DiMascio voted aye, Klenovic voted aye, Johnson voted aye and Hulbert voted aye. Motion carried by the following: 5 Ayes, 0 Nays.

Gene Hulbert questioned if there was a resolution or is this just a motion.

Keegan Coughlin said that we just made a motion for him to proceed since the weather is permitting and we can do a formal resolution next week to get on tract with your formal procedures.

Gene Hulbert would prefer that. Keegan Coughlin also reiterated that Greg did follow the procurement policy and did ask for Keegan’s assistance through the whole process here.

Greg Burden continued that there are several other attachments. It is basically recommendations from him on the replacement of some stuff that is not in stock but would like to reach out to the Vendors and get on the waiting list for some if not all of them, especially the 12A Well Rehab. He would like to get that done before usage goes up and the weather turns nice as the Cherry Lane well has a hard time with the Chenango Bridge usage. That is a big one and some of the trailers are on the replace list from last year. He wanted to get on the waiting list as they are several months out. He needs a resolution to be able to purchase them.

Keegan Coughlin said he will prepare the resolution for the trailers next week and can Greg get another bid from another company before next week.

Greg Burden said we have used other companies in the past but with this particular one we have not. Keegan Coughlin said if not then we will have to send that out for an RFP or RFQ.

**RESOLUTIONS:**

1. **Resolution Adopting Local Law 1-2023 Amending the Town Code regarding Water Meter Fees ($300.00)**, motion made by Jim DiMascio, seconded by Gene Hulbert. Worden, DiMascio, Klenovic, Johnson and Hulbert all voted aye. Motion carried by the following: 5 Ayes, 0 Nays.
2. **Resolution Authorizing Water Agreement with the Town of Dickinson,** motion made by Kevin Worden, seconded by Dave Johnson. Worden, DiMascio, Klenovic, Johnson and Hulbert all voted aye. Motion carried by the following: 5 Ayes, 0 Nays.
3. **Resolution Authorizing the Hiring of Full-Time Help in the Highway Department – Kyle R. Chergosky ($24.23),** motion was made by Jim DiMascio, seconded Kevin Worden. Worden voted aye, DiMascio voted aye, Klenovic voted aye, Johnson voted aye and Hulbert voted aye. Motion carried by the following voted: 5 Ayes, 0 Nays.

Return to the tabled item of Safety Coordinator that was being discussed prior to Public Hearing.

Gene Hulbert asked if Civil Service take the Safety Committee Chairperson duty list and tell us where it fits in to either Joy’s or Amy’s Civil Service portion and tell us what portions of that does not apply to either one and then we decide where it goes.

Keegan Coughlin explained it could fall back to the Town Board or someone else because the Safety Committee Chair’s position was created by you.

Jim DiMascio said that we could create a nominal stipend because she is already getting paid the original amount which was $700.00. So, without creating a dollar figure we could create another stipend. This would eliminate the need to go back to Civil Service if that happened.

Keegan Coughlin just reminded them that it has to be reasonable.

Jo Anne Klenovic just reminded them that the $700.00 was not in her mind compensating her adequately since she took it on. The duties and responsibilities had grown over time and it should have been addressed that way from the beginning but that is not the way it was approached.

Derin Kraack was asked to comment by Jo Anne. Derin said that this somewhat has resolved itself. Joy has agreed to go back and do it from the way it was back in 2015 until now. She is still going to do her job. It was not competitive for Civil Service back then. When they gave her the job, she did what she had to do. She just wants to make sure going forward with Amy as HR, that she does the on-board training for all the new hires get trained with all the policies and procedures. Then from that point on she will continue to do just like what she has been doing with everyone else who is an employee here. If you go to Civil Service they may make it a lot harder for us and even him. Because if they are going to change her job title it probably isn’t going to go through with adding that to her. Derin explained that he just went through all that with the mechanics spot. So, again, she is willing to go back and do it so we need to just move on.

Jo Anne Klenovic said so we have the Department Heads and the employees in agreement so where is the gap that is not fair to somebody or unjust in someway that we need to fix.

For Gene the primary issue is what is legal. If it is not in their description you can’t make them do it then you will have to change the Civil Service description. He would prefer to avoid a Civil Service amendment job description and if I am understanding the conversation I am trying to separate out if Joy is in this position now and what that position is as the institution for the Town of Chenango. Because that is going to live on longer than any of us in the room. So, if there are duties that can slip into HR and then go back to the Stipend for the Safety Committee Chair that is reasonable, that works for him. He doesn’t want to complicate the issue for the Town going forward.

Keegan Coughlin said if Amy as the Administrative Assistant Towns is performing XYZ on that list and Joy is performing XYZ on that list and she is comfortable with that as Safety Administrator at a reasonable stipend which is established then there is no reason for Civil Service involvement at all. The Town is protected from a legal perspective. If there is no stipend created then there is theoretically some liability for the Town in asking an employee from the Town to work outside of their scope. That can be elevated by asking the employee and creating that reasonable stipend.

Jim DiMascio said this seems to be the fairest and cleanest way to handle this that is both fair and to make sure that we have met our legal responsibilities to the employee and to what is fair to Civil Service. That challenge of what we face now is what would that reasonable amount be. He would like to use the term fair and get rid of the term nominal for the extra work that we have created.

Jo Anne Klenovic offered that an additional $500.00 as she has $700.00 now in her salary. As such is the case Jo Anne made a motion for the $500.00 additional monies for the job, Jim DiMascio seconded that.

Gene Hulbert just wants to make sure that next year when we are doing the budget the $700.00 that is in her salary now and the $500.00 which is $1200.00 is the stipend.

Jim DiMascio just wanted to make sure that we can legally do that next year and Keegan Coughlin confirmed that it was ok to do next year.

Keegan Coughlin said that you can create the stipend right now and adjust her salary because you have it in the budget for next year. So we are motioning to recreate the stipend for the Safety Administrator Position to be filled by Joy at $500.00 for the Calendar year 2023, effective January 1, 2023 from the fund balance. Jo Anne and Jim are in agreement with that motion.

Dave Johnson just wanted to get something straight. In the last month we went from we’ve got to get rid of Joy because she is not living up to her expectations and somewhere along the line he got that we are going to get rid of stipends all together for any kind of payment. To know we can work this out and we are going to use stipends again. He doesn’t have a problem with it, he just wants to know that we have covered a lot of territory in this last month and he is all for solving this. So, is that kind of what happened in the last month-possibly getting rid of her…or breach of contract…It was very strong language, very strong.

Gene Hulbert asked from who and Dave replied “you!”

Jo Anne Klenovic said it was miscommunication and over reaction.

Keegan Coughlin added that it was a discussion about whether or not Joy was performing her job duties because Gene understood that the Safety Administrator job duties had rolled into her regular formal job duties. They did not because Joy is a Civil Service employee.

Dave Johnson continued that he was just a little surprised with the emotion that happened a month ago to where now we can work this out Kumbaya.

Gene Hulbert asked to explain that his issue with the resignation of her for that position was that she is taking the salary for that position and that she cannot resign from something that…..she cannot resign from $700.00 worth of her position. It is not an issue on the quality of her work or the work that she had done. It was solely that she cannot resign that portion of it.

Dave Johnson said with the way it was said and the emotion in this room, he wouldn’t blame her if she just took off and said see ya! That is all he is saying.

Gene Hulbert continued and said it was also the content of the letter. Nothing in her letter said anything about the conversation that we are having right now. It was about that she was upset for the one party, the training committee for public attendance. That was wrong and he doesn’t agree with it now.

Dave Johnson said he was all set with the way we are going here now.

Gene Hulbert just wants to make sure that the $500.00 going forward is reasonable and the person is happy with that amount.

Derin Kraack added that we should sit down with her and have her go over the amount of hours and the amount of trainings and see what she feels is reasonable.

Gene Hulbert feels the additional $500.00 is reasonable to him.

Jo Anne Klenovic said she will stick her neck out and say the $500.00 is reasonable to her. She does agree that when we do a permanent fix, we should consult with her. We will probably have to add something to it but it is a stop gap measure for 2023. So, this is fair in her opinion.

Gene Hulbert wants Joy to send out information to all the Board members on the number of trainings and the amount of time spent for the budget season 2024 so that if we need to change anything it can be done at that time.

The discussion had ended and a vote was taken on the motion of an additional $500.00 for the 2023 year – Worden voted aye, DiMascio voted aye, Klenovic voted aye, Johnson voted aye and Hulbert voted aye. Motion carried by the following: 5 Ayes, 0 Nays.

**NEW BUSINESS:**

Code of Ethics Resolution – Keegan Coughlin said if everyone was ok with it, we could do the resolution to introduce the Local Law in regards to it. Keegan read the resolution. Jim DiMascio made a motion to introduce the Local Law and set a public hearing for February 8, 2023, seconded by Gene Hulbert. Worden voted aye, DiMascio voted aye, Klenovic voted aye, Johnson voted aye and Hulbert voted aye. Motion carried by the following: 5 Ayes, 0 Nays.

Abandonment of Mill Road Resolution – Keegan said this resolution is for next week as well. He explained that Derin is fine with the abandonment of it. It was noted that there are some errors in it so they will be corrected for the February 8th meeting.

Town of Dickinson Water Agreement – That was voted on earlier in the meeting.

Gene Hulbert asked that attachment “A” be attached to it. Is this an annual thing that we need to do?

Keegan Coughlin said yes, and we need to add it to our beginning of the year resolutions for next year. Please let Amy know so that she will add it for next year.

Resolution to Donate the Surplus Radios to EMS – Keegan read the resolution. Jim DiMascio made the motion to donate the surplus radios to EMS, seconded by Dave Johnson. Worden voted aye, DiMascio voted aye, Klenovic voted aye, Johnson voted aye and Hulbert voted aye. Motion carried by the following: 5 Aye, 0 Nays.

Keegan just wanted to note that the only reason you are allowed to do this is because it is to another municipal entity and it is a greater municipal entity that is reasonable for services throughout the Town, otherwise they would need to be sold for a nominal value.

**FUTURE BOARD TOPICS**

Solar Law is for next week, Ordinance Software, resolution for some of Greg’s project were also added and the zoning issues that came forward tonight.

Jo Anne Klenovic brought up the fact if anyone is interested in having any special meetings added as we have a bunch of zoning issues and maybe they can be all resolved and gone through at this special meeting.

Jim DiMascio just wanted to let everyone know that he did his best to rearrange his work schedule to meet the two monthly meetings. So, he can’t promise that he will be here. We can schedule it and he will do his best. For the next few months, he will be traveling the Wednesdays that we don’t meet.

Gene Hulbert was not offering a special meeting but just a meeting for that being the only topic on the regular scheduled meeting.

Gene Hulbert brought up the cemetery rates and the $25.00 increase.

It was discussed that it is not an annual resolution so Keegan said would someone like to make a motion to acknowledge the fact that last week’s resolution regarding cemetery rates is superfluous and unnecessary. That the cemetery rates for 2023 where unchanged from the rates of 2022. Jim DiMascio made that motion, seconded by Kevin Worden. Worden voted aye, DiMascio voted aye, Klenovic voted aye, Johnson voted aye and Hulbert voted aye. Motion carried by the following: 5 Ayes, 0 Nays.

No one needed anything added to the calendar.

Gene Hulbert said in regard to the Zoning at Chenango Bridge, he will forward everything to Nadine and bring her up to speed and let her know where everything stands and that she is on hold. The Board all agreed to it.

Jo Anne Klenovic said that discussion will be CB properties and Ordinance Software that is it, that is all that is highlighted. Are we adding to it?

Discussion was had to address the Solar Law, Storage Facilities/Alex elaborated on it. Gene Hulbert feels that since his recommendation did not come from Ordinance it shouldn’t be discussed.

Jim DiMascio brought up the fact that since there are no longer liaisons to the department then who will be notifying him that since he did not bring these up to the Board they will not be discussed. What he is suggesting that when we have these conversations and we say we want to ask Ordinance or Public Works then someone has to be tasked to do it.

Jo Anne Klenovic agrees with Jim and says that it needs to be documented each and every time we have a question.

Gene Hulbert volunteered to do it on this issue for the storage containers.

Keegan Coughlin said he would also like to see it in writing from the department heads as there was also a similar request in regards to the storage of heating oil. He knows it was Bert Adams, but it may have been a conversation that he and Gavin had earlier. He had asked Gavin about doing both on his properties-a fill up station for Blue Ox. So perhaps that can be added to that conversation as well. These are situations where the Town zoning does not contemplate that, and it is a grey area as to if it would qualify for a utility variance or not.

Gene Hulbert said so we have the storage facilities and the fuel/propane filling station.

Jo Anne Klenovic said he also had the question on the permitting. If it had to be renewed/extended, could he charge a fee. The list is very long from them. Jo Anne feels that Amy can send out a note to the Department Heads letting them know of the date and deadline that they can reply to this, because if we don’t have some kind of order about this they will be getting e-mails from all over and she won’t be able to put an agenda together with the topics list.

Gene Hulbert said he will relay to Gavin that the Town Board had the discussion on the storage buildings and the propane and that the Town Board will only consider what he gives us and only that and when he gives it to us. It is up to him. He doesn’t want to give a deadline to any of the department heads because it is their priority. So if this is the issue then you get it to us and when you do – give us your entire recommendation.

Jim DiMascio said so we have to task Amy to send out that e-mail from every meeting to that department head. So then we need to say Supervisor we need you to ask Amy to send this specific verbiage with the request and when she does it she cc’s the entire Board so that we know it has been handled. So, then we are using her services as it is supposed to be. Jim further asked Jo Anne to relay this just the way we asked no embellishments, no changes, exactly as we asked.

Keegan went back to the extended fee being charged for the renewal of a building permit for 50% of the cost of the expired building permit. He can draft that local law for him if the Board wants that.

Gene Hulbert said he would expect all the information be put together between your office and the department head and come to us with everything and a full recommendation so we are not getting 30% about what is going on. So, he wants to see the whole package before we start wasting time.

Jo Anne Klenovic concluded with the zoning issues will be put on for the 25th and if we need to clean any of them up, we will do that on the 8th.

**OPEN FORUM:**

Nancy Savory – She has worked Civil Service for 25 years. Her job changed every day with many different duties. She never got a stipend or an increase. Her job stated duties and it also stated: And additional duties deemed necessary. Be careful going forward. Joy may be accepting now but who is to say that the next person who has that job 5 years from now isn’t going to say hey this isn’t part of my duty and I want more money. She isn’t saying that she doesn’t deserve something, she agrees but at the same time just be careful.

The other question is in line with the solar. Do we have laws in place in regard to wind turbines in the Town of Chenango? The reason she asks is that be careful and look at Wyoming as they’ve put laws on the books as far as clean up with the life of the turbine and who is responsible for removing it. The blades or turbines are not recyclable and so it is falling back on the municipality that they are in. So, keep this in mind if this comes up.

Joe Pratt – He would first like to thank the council for their duties. The second is as far as a vacancy on Town Boards we have a local radio station and they run two segments a day and they post jobs to the radio audience but that is an avenue to take as well for your Boards. Thank you.

Mike Lumsden – He would encourage the Board for a moratorium on the solar. Your laws are so vague and poor, and this is something that needs to be addressed. He gave some examples. He encourages this Board to look at your Town’s zoning laws.

The storage unit’s law. He has storage units on his property, and he did it through a variance and he doesn’t encourage that. He was able to do it through the old broken system that was not right. He encourages the Board to look at it to make it available to people. Yes, it will compete with him, but he doesn’t care as that is the way it is supposed to be.

Wind turbines – you need to address that you go down 86 and see a pile of wind turbines and they can’t do anything with it. So, please, please address it.

Last week you talked about a stipend for IT. Mr. Endress is here was that ever addressed? Madam Supervisor talked about needing help and Mr. Hulbert said to get an IT guy in here. Put a value to it if Mr. Endress is going to do it.

Foils – he still has them. He foiled all the video cameras in this building. He counted quite a few cameras so what he wants to know who directed his foil that he asked the video guy to retrieve. Was it done by council, was it done by the clerk, who instructed him on the foil because he believes it is incorrect? He wants it on the record of what he just said.

Gene Hulbert wants to know how that works.

Keegan Coughlin said that when Lizanne gets a foil submitted, she passes it along to him for review. He says yes this is a record that is foilable, so go ahead and contact the vendor and get the record that they asked for.

Mike Lumsden said he had a conversation with you counselor, and he asked point blank that he did not get what he asked for and he now has done an inventory of the cameras and he believes that his statute is still alive and well and the Town was at fault for not honoring his foil request of the cameras. He wants it on the record, and he believes that the statute is not over. Which means that I cannot retrieve the documents that he wants which is a fault in procedure on the Town. Keep in mind he has an investigation Friday that this Board generated. He pointed out to Madam Supervisor that she did vote for it. One more thing now this is costing him money.

Keegan Coughlin said there will be a motion to go into Executive Session to discuss settlement of litigation for Beach Bound vs. the Town of Chenango and additionally for the employment of particular persons from the Public Works Department and collective bargaining negotiations with the Teamsters. He would suggest that Greg Burden be invited to join the conversation about the discussion in regards to the Teamsters. If John wants to and you want him too, he can participate in the Beach Bound discussion too.

Jim DiMascio asked if John adds value to the discussion. Keegan replied he feels that he adds value to the discussion.

Gene Hulbert asked if there was an update on the Hancock and Estabrook issue?

Keegan Coughlin replied that confirmation of the discussion that he had with the four Board members that are not conflicted out of this occurring. We can do that first and discuss that in a recess for Attorney-Client privilege. So, we can recess for Attorney/Client for an ongoing investigation regarding workplace complaints. Jim DiMascio made that motion, seconded by Kevin Worden. Jo Anne Klenovic recused herself. The remaining members of the Board were all in favor.

Gene Hulbert and Jim DiMascio made a motion to come back into regular session at 8:37 p.m. All members were in favor.

Keegan Coughlin said now we need to make a motion to go into executive session to discuss Beach Bound vs. the Town of Chenango with the ongoing Article 7 Litigation and ask John Endress to join the Board. Gene Hulbert made that motion, seconded by Jim DiMascio. Worden voted aye, DiMascio voted aye, Klenovic voted aye, Johnson voted aye and Hulbert voted aye, Motion carried by the following: 5 Ayes, 0 Nays.

Jim DiMascio made the motion to come back into regular session, seconded by Kevin Worden and all the Board members were in favor at 8:52 p.m.

Keegan Coughlin said okay now it would be appropriate for the Board to make a motion to make a settlement offer to Hinman, Howard & Kattell which represents Beach Bound in regards to their Article7 Tax Assessment case against the Town. He will add on to that to make a similar offer to the previous property owner for their tax assessment case dated 2020. Jim DiMascio made that motion, seconded by Dave Johnson. Worden voted aye, DiMascio voted aye, Klenovic voted aye, Johnson voted aye and Hulbert voted aye. Motion carried by the following: 5 Ayes, 0 Nays.

Keegan Coughlin just wanted to thank John Endress for all of his hard work on this matter.

Keegan Coughlin continued with if you now want to discuss a particular person in Public Works and the CBA negotiations with the Teamsters, it would now be appropriate to make a motion and invite Greg Burden. Motion was made by Jim DiMascio, seconded by Kevin Worden. All the Board members were in favor.

Jim DiMascio made a motion to come back into regular session, seconded by Gene Hulbert at 9:22 p.m. The vote was unanimous.

Jo Anne Klenovic made a motion to allow Greg and her to research licensed Chief Operators and licensed 2A Operators for the plant for professional services for estimate and review. Kevin Worden seconded the motion. Worden voted aye, DiMascio voted aye, Klenovic voted aye, Johnson voted aye and Hulbert voted aye. Motion carried by the following: 5 Ayes, 0 Nays.

**ADDITIONAL OPEN FORUM:**

Mike Lumsden – You guys need to look at the laws. He will give an example that at Cherry Lane you gave out 3 variances for trailers out front. We have tons and tons of flagpole properties. He has land and he cannot build a house for his son, but he can put up a solar farm. So please adjust that.

There being no further items for discussion, motion was made by Jim DiMascio to adjourn the meeting, seconded by Gene Hulbert. All were in favor. The meeting concluded at 9:25 p.m.

Respectfully submitted,

Lizanne M. Tiesi-Korinek, Town Clerk

Town of Chenango