

**THE TOWN OF CHENANGO TOWN BOARD MET WEDNESDAY, JUNE 15, 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 - Absent  
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.

**OPEN FORUM:**

Judge Fedish just wanted to update the board that he has filled the position. We will be seeking a resolution coming up hopefully soon. We have a start date for this person July 11<sup>th</sup>. He just wanted to advise that board that they did get that position filled. Salary is \$34,504.00. So, if anyone has any questions he is giving the opportunity in regards to that.

Jo Anne Klenovic said we will expect a resolution on the July 6<sup>th</sup> Board Meeting.

Judge Fedish said he already provided all the information to Amy. There is a process where she needs to be fingerprinted but he doesn't expect any problem with that. He just wanted to try and get a head of the curve.

Gene Hulbert questioned is there anything that the board has to do before or after that that would keep her from starting on the 11<sup>th</sup>.

Judge Fedish said not that he is aware of. The biggest thing is as long as she is getting paid. He just wanted to give them a heads-up ahead of time instead of having to backdate and do the back resolution We have a name and we have a hire and she has accepted. He is good with the State on his end.

**PUBLIC HEARING:** None

**PRESENTATIONS:** None

**DEPARTMENT HEAD REPORTS:**

**Derin Kraack - Highway – June 2022**

**Quinn Estates Drainage:**

The drainage system that runs through the middle of the road in Quinn Estates is beginning to fail. I am concerned that this drainage system will completely fail this upcoming winter. I would strongly suggest that this project be completed using ARPA funding.

The Highway Department has two other large drainage projects scheduled for this construction season. They are replacing other drainage systems that need to be upgraded and replaced on Country Knoll Dr and Port Rd. There is also a third possible failing crossover pipe near 309 East Hill Rd.

I initially requested a quote from a local contractor and was preparing to get a second quote per our procurement policy but the quote that came back exceeded the \$35,000 threshold. Therefore,

it will be necessary to work with Alex Urda and Keegan Coughlin to compile a competitive bid package.

**New Truck:**

The new 2022 Western Star 4700SF was delivered last month. As of Friday afternoon, it has been insured and is licensed.

**Milling and Paving:**

The section of Matthew Dr from Mary to Patch Rd was milled. Matthew Ct was also patched. Mary Dr and Matthew Ct were also milled. All roads should be cleaned and ready for paving in the next few days.

**Revised ARPA List:**

I am attaching a revised an ARPA Funded Potential Projects list for your review and consideration:

1. Quinn Estates (Theresa Blvd) – replacement of 165 of 24” pipe
2. Wallace Rd - Storm Debris Catchment System, if HMGP grant application is not awarded.
3. Wallace Rd/Smith Hill Rd – complete drainage from top to under US Route 11.
4. Frederick Rd – replace drainage system from north of River Rd to the river.
5. Fuller Rd – procure easement and install a retaining wall.

Gene Hulbert asked Derin to come back with dollar amounts for his lists.

Derin Kraack will get those for him and one last thing – the landfill and it being chipped. He thought he only had \$6,000.00 to use for that but there is a budget line with \$15,000.00 that we can use for it and if more is needed then Julie said a budget modification can be done.

**Gavin Stiles – Ordinance Report**

**Building Permits**

	<b>Residential</b>	<b>Commercial</b>
<b>Received</b>	17-Fassett/Finch(2)/Olson/White/Lav-Lar LP/Owen/Dake Sanford(2)/Linville/Perrault/Mordoff/Julian/Dobish/Niles Park/Mullins	2-The Spot/Boland
<b>Issued</b>	19	2
<b>Inspections</b>	13	2
<b>C of O</b>		
<b>C of C</b>	2	1

**Building Permit Fees Collected: \$2171.20**

**Special Permits**

<b>Type of Permit</b>	<b># Permits Received</b>	<b>Permit Fees Paid</b>	<b>Applicant(s)</b>
<b>Sign</b>	3	\$ 150.00	Barton & Lyle’s/CV Nursery School/Convenience & Smoke Shop
<b>Site Plan</b>	2	\$ 200.00	BC Development/Wrightman Construction
<b>Variiances</b>	4	\$ 360.00	May/Haruk/Miller/Owen
<b>Other</b>	2	\$ 165.00	In-house review (Convenience & Smoke Shop)/Special Permit (May)

**Fees Collected Total: \$ 875.00**

**Fire Inspections**

	<b>Total</b>	<b>Previously Done</b>	<b>New This Month</b>	<b>% Completed</b>
<b>Annual</b>	<b>46</b>	<b>--</b>	<b>0</b>	<b>0%</b>
<b>Tri-Annual</b>	<b>65</b>	<b>1</b>	<b>0</b>	<b>2%</b>

**Complaints**

Total No. of Complaints Received: 25 Closed: 10

<b>Complaint Type</b>	<b># of Complaints</b>	<b>Open</b>	<b>Closed</b>
<b>Property Maintenance</b>	<b>9</b>	<b>9</b>	
<b>Open Storage garbage/debris</b>			
<b>Open Burning/smoke</b>			
<b>Junk Vehicles</b>	<b>2</b>	<b>2</b>	
<b>Grass/undergrowth</b>	<b>8</b>	<b>5</b>	<b>3</b>
<b>Noise</b>	<b>3</b>	<b>2</b>	<b>1</b>
<b>Operating a business</b>			
<b>BWOP</b>			
<b>Rec vehicles/trailers</b>			
<b>Illegal fill</b>			
<b>Other</b>	<b>3</b>		<b>3</b>

Frank Carl questioned the Fire Inspections that are outstanding and if he will be able to get them done.

Gavin Stiles said now that he has Rick Fritz they should be able to knock them out. He has told Gavin that he doesn't want to be in the office he just wants to get out there and do the job. He will get a schedule together and give it to the board. Gavin continued that you can get them done pretty quickly but you just can't get them to comply quickly. They can be inspected, failed or passed quickly. He went out with Rick today and they did five. You can't get them to pass quickly but they can be inspected relatively quickly. He told Rick to just drive down Front Street and pull in and say you are doing an inspection.

Frank Carl had another question about the two site planes. Wright Construction. So, they did site plan for both?

Gavin Stiles said they want to put a big sign on 12A next to A'Tavallo and a sign down there too.

Frank Carl said you did get complaints on the previous renter there. I would expect you would see that again if someone is running a business out of that place.

Gavin Stiles said that he claims thus far it is just for storage. He said to keep your stuff in doors. It is just not zoned for it. We are three tenants in and they just don't get it.

Frank Carl added that the landlord doesn't live in the town. He just wants to prepare himself for when he gets the call from the prior complainant.

Gavin Stiles added that the last tenant and landlord got an Order to Remedy and then it changed hands quickly like that and now we have the new guy.

Gene Hulbert asked him what others were in the complaint portion of his report and with Wright Construction you said it was a sign permit but you didn't have them listed under signs.

Gavin Stiles thought it was site plan to run the business out of 12A as he recalls; the old A frame. It was a site plan for a re-occupy as they wanted to have their office in there. They have been in and out and Diane has been holding their hand and quite frankly he has lost tract but he will get that information and pass it along to the board tomorrow.

**Joel Troutman – DCO Report**

Date: 6/1/2022

Complainants Name: Katelyn Lewis

Address: 59 Savage road

Nature of Complaint: A French bulldog which belonged to 84 Savage road was running at large.

Response: At approximately 8:50 a.m, I responded and circulated the area with negative results of any dog running at large in the area. I then proceeded to 84 Savage road in attempt to get ahold of the owners however, no one answered the door. Nothing further to report.

Date: 5/25/2022

Complainants Name: Mike Kwartler

Address: Not mentioned

Nature of Complaint: Believes there are unlicensed dogs back at 93 Poplar Hill Road again.

Response: At approximately 12:30 p.m, I sent out notice of unlicensed dogs form to 93 Poplar Hill Road. Nothing further at this time.

Date: 5/24/2022

Complainants Name: Amanda Panus

Address: 31 Patch road

Nature of Complaint: Her yorkie was sitting by the neighboring fence when the neighbor's dog had nipped at her dog.

Response: At approximately 8:00 a.m, I responded to 33 Patch road and spoke with Hailey Andrascik who stated at the time of the incident her dog was outside leashed and she didn't realize it was and long as it was. Hailey also stated she will shorten the leash and she was moving the following day. Let it be known that the neither dog did not sustain any injuries. I relayed this information to Amanda Panus. Nothing further to report.

Date: 5/21/22

Complainants Name: Glenn Whittington

Address: 105 Poplar Hill road

Nature of Complaint: While out for a run a dog ran out into the road and bit him in the buttocks and arm. The incident occurred in front of 185 Poplar Hill road. Glenn states he just wanted to make a report however, he did not wish to pursue anything further.

Response: At approximately 3:00 p.m, I responded to 185 Poplar Hill road and spoke to Melissa Korduvich who stated it was her dog "Bogey" and she was extremely shocked this had occurred. Upon further investigation, Melissa's dog was deemed to be unlicensed and was quarantining for 10 days then was going to be put down. Nothing further to report.

Date: 5/18/2022

Complainants name: Morgan Northrup

Address: 4 Peer street

Nature of Complaint: States neighbor's dog had dug a hole under her fence and then came into her yard and nipped at her lab dog.

Response: At approximately, 12:00 p.m on 5/19/2022 I responded to the above location and spoke to Morgan and inspected her dog which appeared to have no visible injuries. At this time, I also secured a photo for record purposes. I provided her a complaint form which she had filled out. At this time, I spoke to the neighbor Andrea Babcock at 2 Peer street about her pug. Andrea doesn't deny her dog went over into neighbor's yard but does not believe her dog attacked neighbor's dog. Andrea asked to see Morgan's dog to inspect it for any visible injuries and explained if there were any injuries sustained she would be more than willing to pay for it however no injuries were seen by Andrea at this time. Upon further investigation it was determined this has been an ongoing neighbor dispute between both parties and neither dogs were licensed.

Update: On 05/20/2022 both parties had licensed both of their dogs. Nothing further.

Keegan Coughlin asked him if he had spoke with Gina from his office.

Joel said he had and she is going to print out some new forms for him going forward. He has spoken to her on one of the incidents and she said she would be speaking with you on it.

Keegan Coughlin said he has it on his calendar for tomorrow morning.

Joel asked if he could be given a call after.

Keegan Coughlin said Gina will probably be calling you right afterwards.

Frank Carl asked if there was any follow up on the 10-day thing?

Joel Troutman said he hadn't made it back out there but he will this weekend. He has been tied up on some other things.

Frank Carl just wanted to make sure that we don't have any unlicensed, unvaccinated dogs out there.

Joel added that on another incident he had out there both parties were unlicensed and both had their dogs licensed the very next day.

No one had any issue with Joel departing and they all thanked him and wished him a good evening.

### **OLD BUSINESS:**

Engineer/Estimator Recommendations:

Jo Anne Klenovic went on to say that Alex Urda's Engineering list that he was asked to put together to over see our project and to do a professional estimating of how the project reads and the expenses. He provided it and we didn't make any decisions on but does anyone have any questions on it because as this point it is just words and discussion on how to use these companies and if we plan on using these companies. Is this something we want to pursue.

Frank Carl said he was reaching out and getting proposals in two weeks.

Jo Anne added that if there is anything we wanted to highlight we can.

Gene Hulbert said he told the board that he would work with Alex on this and developing the firms and we did that. He is fine with the people on the list for both of them. He is going to follow through with the process and get the proposals and act on those.

There was then a side discussion on when the new computer system was coming in and when we were going to get rid of the county e-mail. The only reason that Dave Johnson asks is that he has troubles with them and with opening some of the attachments to the agenda on his computer screen. Gene Hulbert explained the issue to Dave Johnson and he is also frustrated with the e-mail situation with the County and he is ready to move forward with the new system. The other is the agenda software that Lizanne is getting in place. Gene Hulbert asked when that would be up and running and Lizanne and Jo Anne both agreed that it would be a little longer than expected as they feel they are taking baby steps with us. Gene Hulbert commented that the pdf's on the website are good and it is all scanned in so he may want to go there to look for everything. Lizanne said that we have the converter and we can change it into a word doc and put it in there. She will talk with Amy on it.

Cyber Insurance:

Jo Anne Klenovic is meeting with NYMIR next week to cover a bunch of renewals and this is one that they are highly recommending. It has been an agenda before. She would like an aye or nay.

Gene Hulbert asked how many claims have we had that we put in and that have been denied because we didn't have the coverage. How many incidents of an insurable event that would have been covered if we had the coverage?

Jo Anne Klenovic said none to her knowledge but she had some as a business owner; at least once a year but it has not happened here.

Gene Hulbert said he is fine with having the discussion further but he wants to know specifically what the coverage is on this because he had an instance that he thought he had coverage for and he didn't. So, he wants to know what we are actually getting coverage for. He wants what the narrative of the coverage of that policy is. He would also like to know what their claim history is in an aggregate to tell us if 1% of their clients are getting hit with this or 80% of them are.

Jo Anne Klenovic said they have been suggesting this and she will ask those questions to them.

Dave Johnson agrees with Gene to find out what exactly they cover and what they don't.

Keegan Coughlin said it typically covers ransom payments to get your system back up and running.

Frank Carl agrees with the other guys and wants to see something more in writing.

Gene Hulbert said as a side note that maybe another viable solution would be off-site backup. So, if you do get caught with someone hacking into it; you close that section down, back up the stuff that is not corrupted and reload it.

Proposed Amendment to Local Law 73-74:

Gave Stiles came to the board to ask for a revision in this law with regards to the setbacks and requirements for an accessory structure to help eliminate some of the variances that his office has been burdened with that need to go to the ZBA.

There was discussion and the Board asked him to get with Keegan and clean it up and bring it back to the board for the following work session. The board was all in agreement for this to happen. Keegan Coughlin said he will present the board with options so you can see how this all plays out.

Gavin Stiles also asked the board to consider waiving the fee for ADA accessible ramps (\$20.00). After a brief discussion the board was in agreement of doing this. Keegan Coughlin said this can easily be done by a resolution. Gavin Stiles added that he will look at the plans, go out and do all the inspections but he wants the \$20.00 fee waived.

## **REVIEW OF RESOLUTIONS**

Review of Proposed Resolution to Approve Abstract # 11 – No one had any questions.

Review of Proposed Resolution to Approve Chenango Bridge Fire Memberships. No one had any questions. Keegan Coughlin said there is one note the Board that there is currently ongoing litigation at the State level that is going to iron out the .... There is a municipality that is suing the County because the County is saying that they won't put people on the Comp Insurance without having a formal resolution to end the decision once and for all. Currently the County has lost. It may or may not go to the Court of Appeals. So, Keegan advised that we should keep doing these resolutions for a bit more.

Consolidation Resolution for the WWTP – Keegan Coughlin said that in talking with Bill Jackson the last couple of weeks in putting this together Mike Woylniak and Julie spoke about some of their concerns in regards to the consolidation. The short version is that the Town is likely covered having consolidated everything back in 2011 and subsequently adding other districts as recent as a few months ago. However, in looking at all of those it appears that Sewer District 10, at some point probably due to a clerical error omission removed from the list of districts that were consolidated. So, the most conservative approach to make sure that no funding for the larger waste water treatment plant project is impacted is to redo the consolidation that recently happened and effectively insure that all of the sewer districts are listed correctly and that it didn't include district 8. In 2011 it didn't include 8, and in 2022 it didn't include 8A and 10. Julie thought District 10 was Pennview but she didn't know what 8A was.

There was a brief discussion and Keegan and Julie explained a few things to the board and another reason for doing this tonight is that it gives plenty of time for these things to get resolved before the WEA grant applications in September.

## **UNFINISHED BUSINESS:**

Town Board Projects – Gene Hulbert has an issue with the Ethics Board and the funding on the outside services attorney.

Jo Anne Klenovic said we already authorized that. We allocated the funds.

Keegan Coughlin said there was a budget item for \$8,000.00. The board did vote to create the \$8,000.00 budget. The Ethics Board just needs to present who they want to hire and a resolution to do it.

Mike Lumsden said he gave Lizanne the date of their next meeting which is the 27<sup>th</sup> and then we can make the decision to give to the board.

Keegan Coughlin wanted to add the cable franchise agreement to the July 6<sup>th</sup> schedule. This agreement has been floating around for a little bit and he finally worked out the changes that they normally do with Charter. The only thing that he questioned is where you get free cable service. Do you want to try and keep it and do you want to change the rate or keep it where it is for the franchise fee?

Jo Anne Klenovic said we have had those conversation and every said to leave it alone as we were making 5% or something along those lines.

The board agreed to no changes and Keegan said it will be on the agenda for July 6<sup>th</sup>.

Ethics Board Hiring Resolution will also be on the July 6<sup>th</sup> schedule.

Lizanne said also the resolution for the hiring of the Court Clerk for the Judge.

Keegan Coughlin said for Gene's resolution for Ethics pull the resolution when you hired Coughlin & Gerhart for outside retainer work.

Frank Carl wanted one thing added to the August 3<sup>rd</sup> work session. He would like to get a format laid out so that they all look the same. They look like 15 people wrote them. He would like to get a template laid out that everybody uses and they all look the same. He will be happy to help.

Keegan Coughlin added that the only ones that won't will be the Bond Counsel ones. Frank said he understood and that is fine.

Gene Hulbert also wants to put on that date how we are tracking motions and resolutions.

Jo Anne Klenovic said the Resolutions are being put in the book the motions are being recorded and the dates and time of everyone's vote being recorded and whether or not you are here. So, she feels that is thoroughly being done.

Lizanne said it is and it isn't to be honest with you. I need to take them off of the meeting minutes and put them in Laser Fisch. The Resolutions are in the book but the motions have to be extracted from the minutes and put in Lasher Fisch so we can keep track of them.

Gene Hulbert said that is why we decided to stay away from motions because we couldn't log them and keep track and have the history of the resolutions and decisions.

Frank Carl asked if that was a requirement and a lot of labor. Moving stuff into Fisch and get them in a book somewhere. Is that a requirement that we have to do? Do we need to hire another Clerk Assistant?

Gene Hulbert said well that is a separate issue but yes you have to do it. You have to have a log of your resolutions.

Frank Carl asked can you show him that.

Gene Hulbert said yes, he can. There is not distinction between Resolution and Motions. It is when the board votes. It doesn't matter at all if this board makes a decision we all vote and that has to be in the record. The minutes are the record but you have to have a log of your resolutions and votes.

Frank Carl said of the resolution votes. So, do you have a log every time you make a motion to adjourn? Gene come on, I don't think it is the law.

Gene Hulbert told Frank that he needs to do some research.

Frank Carl said he will. He thinks there is a law that you have to have a book of Resolutions.

Gene Hulbert said the minutes are supposed to include the Resolutions. All they include right now is the narrative and the summary.

Frank Carl doesn't know how much more administrative burden you want to put on them. If it is not a requirement. We sat and spent an hour last week talking about how the tax payer should not have to pay for anything above and beyond the requirements with Barton & Loguidice. If it was something above and beyond the requirements on their own nickel, its on them. That was kind of the brunt of the conversation. He is not going to do the same thing here. If it is not a requirement and we don't have to do it; he doesn't think we should incur any addition costs to our tax payers.

Gene Hulbert concluded that he was not trying to turn this into a conversation, he just wants it on the topic of conversation.

Frank Carl will ask Keegan to provide any laws on it.

Jo Anne Klenovic said she agrees with Frank that it is growing in leaps and bounds the number of safe guards and recordings and such to prove our points and or protect our elves.



Frank Carl said if it is a law it's a law he doesn't want to fight that but if it is just adding requirements.

Jo Anne Klenovic asked how we wanted that.

Gene Hulbert said it is resolution format. Gene asked Lizanne to disseminate the Resolution that the Town Board did to do resolutions instead of motions.

Lizanne seems to recall it being a motion. You guys made a motion.

Keegan agreed it was.

Gene Hulbert said Keegan said there was no difference.

Keegan said they are Board actions.

It will be put on the schedule for August 3, 2022.

### **OPEN FORUM:**

Mike Lumsden said today we met with Ethics and Mr. Hulbert had different memories what the Board had done for action so he went to the Clerk. Whether they are motions or resolutions they are supposed to be with the clerk of what your elected officials made for a decision. She could not easily, readily get it. Lizanne did everything she could and he appreciates it. She absolutely needs help there. The world changes it becomes more demanding in that office. Just like in his business the State always comes up with more rules and not enough hours in a day. She was gracious enough to stop what she was doing this afternoon to find out what we talked about here. So, there has to be something in place so that when you are having your discussion it is easily to go back to see what the board actually did and not have a twenty minutes conversation on what we did or didn't do. He and Gene Hulbert had a disagreement for twenty minute and we couldn't do anything because the information wasn't there. That is all he wanted to say. Something has to be done here. The solution is up to your folks.

John Freer questioned that last month he brought up the Code software issue and Gene said you were gong to have a discussion at this meeting and he was wondering where that was at.

Gene Hulbert responded that he did have that conversation with Gavin in the last month but it was only that we needed to get it scheduled. So, the only thing he wants to say before we get into it is that the Town Board had authorized the Code software purchase. So, Gavin his expectation is when it is going to be implemented. So that is the conversation I would have had with you before today.

Gavin Stiles said he is trying to get together with my assistants and we know we are able to have it but we have not brought it to fruition yet.

John Free said that is fine. He is not trying to put you on the spot.

Gavin Stiles said there are some ins and outs. We've talked with Jon Kubis who has a municipality in the Oneonta area and they think it has a lot of bells and whistles and it has a lot of trouble. They've had trouble with it. When its working it is apparently awesome and when it's not he understands that their reps/customer service is few and far between. It is hard to get someone when you are in a jam. What he understands when it is running it is a hot rod but it's a Yugo when its not. So, we are bouncing around with the girls in the office. Julie offered to come and help with the data input. It is only as good as what you input in it. This is a busy time of year to do this.

John Freer said they were to implement a lot of information before we started if that helps.

Gavin Stiles said yes that will help because he remembers Julie being down stairs here putting all the information into Laser Fisch. That was a massive undertaking and he cannot have the girls doing that now. He understands he has time. He doesn't have to do it tomorrow or he loses it.

Gene Hulbert thought we have been paying for it and we haven't got the use out of it.

Keegan Coughlin added that they haven't invoiced and they won't until the implementation happens. It is in the contract that we are not charged until it's all in there.

Gene Hulbert said he would expect with all the conversation that we get it up and running and all set and ready to go by January 1, 2023. It seems like you should be able to get all the input and data by the.

Gavin Stiles said he will give it a shot. He doesn't want to upset the apple cart. They girls are working in Williamson. He knows it kind of a dinosaur but its working and a paddling boat.

Motion was made by Frank Carl to adjourn the meeting, seconded by Gene Hulbert. Hulbert voted aye, Carl voted aye, Klenovic voted aye and Johnson voted aye. Motion carried by the following: 4 Ayes, 0 Nays, 1 Absent – Jim DiMascio

Respectfully submitted,

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