



Town of Chenango

Minutes

Town Board

5:00 PM - Wednesday, June 26, 2024

Town Office Building

The Town Board of the Town of Chenango was called to order on Wednesday, June 26, 2024, at 5:00 PM, in the Town Office Building, with the following members present:

Present: Councilperson Gene Hulbert Jr
Councilperson Dave Johnson
Councilperson Kevin Worden
Councilperson Jim DiMascio
Supervisor Mike Lumsden

Absent:

Also Present: Derin Kraack, Highway Superintendent
Greg Burden, Public Works Superintendent
Alex Urda, Town Engineer
Dawn Blair, Town Clerk

CALL TO ORDER / PLEDGE OF ALLEGIANCE

ROLL CALL

The Clerk took the roll call and all were present.

COMMUNICATIONS

There were no communications.

OPEN FORUM

A resident expressed concern about the number of solar farms being developed in the Town. There should be a clause in bonds for the disposal cost of hazardous materials at future values.

A resident stated he purchased the golf course on Dimmock Hill and wants to expand it with a maintenance garage, restaurant, and venue center. He is concerned about how tonight's zoning changes will affect his plans. It will be discussed later at the Public Hearing.

OLD BUSINESS

ZBA Appointments

The ZBA members discussed term expiration dates at their last meeting. A list of dates that were agreed on at that meeting were provided. A resolution will be prepared for the next Board meeting stating the exact expiration dates. The Town Clerk is considered the keeper of

those records and will record them in Diligent.

[ZBA Expired Terms](#)

Self Storage Units Advisory from Planning Board

The comments from the Planning Board regarding self storage units were reviewed. Their advisory to the Town Board was to recommend storage facilities be allowed in NC, PDD-C, PDD-I, and CD zones and for the Town Board to ask them if any further advisement on restrictions is needed. Regulations are not in place for how the facilities should appear. It would involve decisions made in the future through the Comprehensive Plan. For now, the Planning Board should be asked for input on restrictions and a local law will be needed to change the use tables to allow the commercial self-storage facilities within the districts the Planning Board suggested. The law will have to go to the Planning Board for an advisory opinion and a 239 review, so it will be a couple months before the local law can be drafted. It could possibly be introduced at the July 24 meeting.

[PB-Minutes-5.13.24\(ADVISORY ON PAGE 24\)](#)

PUBLIC HEARINGS - 6:00PM

The Public Hearings opened at 6:00 p.m. Attorney VanWhy explained that separate SEQRA forms were prepared for each law presented tonight, but it has been decided to do one SEQRA form for all five laws. He is recommending that all Public Hearings be held open tonight for review by the Planning Board for their advisory opinion at their July 8 meeting. The hearings will then be closed at the July 12 Town Board meeting.

Public Hearing for "A Local Law Amending Attachment II: Schedule of Regulations for Agricultural District"

Supervisor Lumsden opened the Public Hearing for comments.

A resident asked if the law covers accessory buildings. The law addresses use only and does not include the definition of accessory buildings. It will be up to the Town Board to clarify that. A definition can be added so that it is spelled out and not up to the interpretation of any one individual. The accessory buildings language will be addressed at a future time.

The Public Hearing will remain open.

[Local Law amending Ag District uses](#)

[Resolution Introducing a Proposed Local Law Entitled 'A Local Law Amending Attachment II Schedule of Regulations for Agricultural District'](#)

[FEAF Part 1-3](#)

[Comments Chenango LLA and RZ](#)

Public Hearing for "A Local Law Amending Attachment III: Schedule of Regulations for Neighborhood Commercial District"

Supervisor Lumsden opened the Public Hearing for comments.

There were no comments

The Public Hearing will remain open.

[Local Law Amending Neighborhood Commercial District Uses](#)

[Resolution Introducing a Proposed Local Law Entitled 'A Local Law Amending Attachment III Schedule of Regulations for Neighborhood Commercial District'](#)

[FEAF Part 1-2](#)

[Comments Chenango LLA and RZ](#)

Public Hearing for "A Local Law Amending Section 73-10 of the Town Code Regarding Nonconforming Uses"

Supervisor Lumsden opened the Public Hearing for comments.

There were no comments

The Public Hearing will remain open.

[Local Law regarding Non-conforming Uses](#)

[Resolution Introducing a Proposed Local Law Entitled 'A Local Law Amending Section 73-10 of The Town Code Regarding Nonconforming Uses'](#)

[FEAF Part 1](#)

[Comments Chenango LLA and RZ](#)

Public Hearing for "A Local Law Rezoning Residential Parcels on River Road and Updating the Town of Chenango Zoning Map"

The wrong local law was referenced in the agenda. Attorney VanWhy read the correct description and will see that the correct law is on the next agenda.

Supervisor Lumsden opened the Public Hearing for comments.

There were no comments

The Public Hearing will remain open.

[Local Law rezoning 5 residential parcels on River Road](#)

[Resolution Introducing a Proposed Local Law Entitled 'A Local Law Rezoning Residential Parcels on River Road and Updating the Town of Chenango Zoning Map'](#)

[seafpartone_LL Res to NC_2024 05 09](#)

[Comments Chenango LLA and RZ](#)

Public Hearing for "A Local Law Rezoning all PDD-R Properties and Updating the Town of Chenango Zoning Map"

Supervisor Lumsden opened the Public Hearing for comments.

There were no comments

The Public Hearing will remain open.

[Local Law Rezoning All PDD-R Properties](#)

[Resolution Introducing a Proposed Local Law entitled 'A Local Law Rezoning all PDD-R Properties and Updating the Town of Chenango Zoning Map'](#)

[feafpart1_PDD_R_2024 05 10](#)

[Comments Chenango LLA and RZ](#)

NEW BUSINESS

Waste Water Treatment Plant Easement Issue

Town Engineer Urda explained that there are three easements in question. There is a temporary easement for the Route 11 location. The Front Street laundromat was thought to be resolved but the owner is not responding to calls. The Lowes easement is the most urgent. It had been obtained two years ago, but no action was taken so it expired. They had a meeting last week, but the results have not been relayed. Lowes is most key and must be agreed to for the project to go forward. The representatives from Barton & Loguidice that were present at tonight's meeting stated that they don't obtain easements and assumed they had been obtained. The engineering firm is usually responsible for assuring that easements are ready. The Board requested that Engineer Urda and Public Works Superintendent Burden prepare something for the July 24 meeting documenting exactly how and when this happened.

Invitation to Barton & Loguidice regarding WWTP Funding Issue

The Board is concerned and asked for answers from Barton & Loguidice as to what has failed resulting in the Town needing to expend money to get funding. The cash flow analysis

document that had been prepared previously was inadequate, consisting of the contract amount divided by twelve months. The Board were expecting a statement tonight that provided more information. The representative stated that more information has been received from contractors since the time the cash flow was requested, so more details can now be provided. They were available one month ago, so there was concern why it wasn't available for the meeting two weeks ago. As a precaution, they were asked to continue looking into a change order removing labor from the project so that if in four months money is needed again that option is open. There is a chance that the labor will then increase later which will again cost the Town more money. They have been asked to send an update by the next meeting.

[2024.06 Monthly Board Update](#)

[Contract 1A Payment Application No. 01 \(Final\) \(ID 3138447\)](#)

[Contract 1B Payment Application No. 1 \(Final\) \(ID 3145984\)](#)

[Contract 1C Payment Application No. 1 \(Final\) \(ID 3145995\)](#)

[Contract 1D Payment Application No. 1 \(Final\) \(ID 3145996\)](#)

DEPARTMENT REPORTS / SUPERVISOR REPORT / ATTORNEY REPORT

DPW Report

Public Works Superintendent presented his report. He requested and received permission to be able to put a sign board and website posting for 3A and 2A operators.

[DPW Report May 24](#)

Highway Report

Highway Superintendent Kraack presented his report.

[Highway Report](#)

Attorney's Report

Attorney VanWhy reviewed the secure vestibule, attended a Zoning Board meeting and worked on employee issues.

Supervisor's Report

There was no report.

RESOLUTIONS

[Resolution Appointing Donnelly to PB](#)

The motion was made to approve the resolution appointing Brian Donnelly to the Planning Board.

Motion made by Councilperson Kevin Worden, Seconded by Councilperson Jim DiMascio

Ayes: Councilperson Gene Hulbert Jr, Councilperson Dave Johnson, Councilperson Kevin Worden, Supervisor Mike Lumsden, and Councilperson Jim DiMascio

Nays: None

Abstained: None

Carried: 5-0

[Resolution Appointing Cooley to PB](#)

The motion was made to approve the resolution appointing Maura Cooley to the Planning Board.

Motion made by Councilperson Jim DiMascio, Seconded by Councilperson Dave Johnson

Ayes: Councilperson Gene Hulbert Jr, Councilperson Dave Johnson, Councilperson Kevin Worden, Supervisor Mike Lumsden, and Councilperson Jim DiMascio
Nays: None
Abstained: None
Carried: 5-0

[Resolution Approving Abstract No. 11
Abstract No. 11](#)

The motion was made to approve the resolution for Abstract No. 11.

Motion made by Councilperson Kevin Worden, Seconded by Councilperson Jim DiMascio

Ayes: Councilperson Gene Hulbert Jr, Councilperson Dave Johnson, Councilperson Kevin Worden, Supervisor Mike Lumsden, and Councilperson Jim DiMascio
Nays: None
Abstained: None
Carried: 5-0

FUTURE BOARD TOPICS

July 10

Work Rules
B&L Detailed Cash Flow/Labor Change Order Status
Close Public Hearings
Flags for Veterans
Proposed Wolfe Park Project
Part-Time Deputy Town Clerk
Abstract 12
Resolutions Adopting Local Laws
Resolutions for ZBA Members

July 24

Report from Alex & Greg on Easements
Work Rules – Pages 4-6
BAN District for water customers
EDU Meeting for Assessor
Resolution for Advisory Opinion from Planning Board for Self Storage Units
Generator Project Costs
Abstract No. 13

August 7

ARPA Funds for Water Line Replacement on Calgary Lane
Work Rules – Pages 7-9
Abstract No. 14

[Town of Chenango future topics list](#)

OPEN FORUM

A resident asked for clarification on how long things take for storage units to get approved and stated he needs answers. Mr. VanWhy said he will write a resolution for an advisory opinion from the Planning Board which will be brought back to the Town Board. If they raise questions about restrictions it will be discussed at the July 24 Town Board meeting and August 12 Planning Board meeting. A 239 review will be done and a Public Hearing would be held at the last meeting in August or first meeting in September.

EXECUTIVE SESSION

The motion was made to go into Executive Session to discuss a Department of Public Works personnel issue.

Motion made by Councilperson Gene Hulbert Jr, Seconded by Supervisor Mike Lumsden

Ayes: Councilperson Gene Hulbert Jr, Councilperson Dave Johnson, Councilperson Kevin Worden, Supervisor Mike Lumsden, and Councilperson Jim DiMascio
Nays: None
Abstained: None
Carried: 5-0

The motion was made to return to regular session.

Motion made by Councilperson Kevin Worden, Seconded by Councilperson Dave Johnson
Carried

As a result of the Executive Session discussion, the motion was made to direct Coughlin & Gerhart to do a thorough employee investigation.

Motion made by Councilperson Jim DiMascio, Seconded by Councilperson Gene Hulbert Jr

Ayes: Councilperson Gene Hulbert Jr, Councilperson Dave Johnson, Councilperson Kevin Worden, Supervisor Mike Lumsden, and Councilperson Jim DiMascio
Nays: None
Abstained: None
Carried: 5-0

ADJOURNMENT

There being no further items for discussion, motion to adjourn the meeting at 7:21 p.m.

Motion made by Councilperson Jim DiMascio, Seconded by Councilperson Kevin Worden
Carried

Respectfully submitted,

Dawn Blair, Town Clerk
Town of Chenango