



Town of Chenango

Minutes

Town Board

5:00 PM - Wednesday, September 4, 2024

Town Office Building

The Town Board of the Town of Chenango was called to order on Wednesday, September 4, 2024, at 5:00 PM, in the Town Office Building, with the following members present:

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

Absent: Councilperson Jim DiMascio

Also Present: Nate VanWhy, Town Attorney
Daren Kraack, Highway Superintendent
Gavin Stiles, Code Enforcement Officer
Joel Troutman, Dog Control Officer
Greg Burden, Public Works Superintendent
Alex Urda, Town Engineer
Insurance Representatives, Finger Lakes Group
Dawn Blair, Town Clerk

CALL TO ORDER / PLEDGE OF ALLEGIANCE

ROLL CALL

The Clerk took the roll call. Councilperson DiMascio was absent.

COMMUNICATIONS

The clerk read the following communications into the record.

[2024.08.26 LTB](#)

[Resignation John Endress](#)

[Resignation James Hunter](#)

OPEN FORUM

A resident stated that he had filed a complaint with Code Enforcement on August 14 about the condition of a home on 91 Trafford Road and asked for an update. He was told that the Code officer was at tonight's meeting and may have an update.

A resident asked Councilperson Hulbert if the Town would be moving forward with getting members for the Ethics Board. He replied that he is making sure all applications are in and will

be reaching out soon. The resident also thanked Mr. Hulbert for not accepting funds for services provided and commended him for always taking that stand to avoid a conflict of interest.

OLD BUSINESS

Assessor - EDU Discussion

Public Works Superintendent Burden used the EDU spreadsheet John Endress had prepared and condensed it into an easier document to understand. Properties were categorized by class and showed the amount per EDU that would be used for debt payment. Only properties that would benefit from the sewage treatment plant are used in the calculations. The cost per EDU was decreased since publication of the document from \$354.62 per EDU to \$303.64 because the actual bond payment was about \$6 million less than projected for the calculation. Single family residential homes, mobile homes, residential vacant properties and commercial vacant properties would be 1 EDU. Two family homes would be 2 EDUs and three family would be 3 EDUs. Commercial properties would be determined by annual water consumption and, if water is not metered, it would be averaged according to size and property class. EDUs will change as properties change in the Town. When a Public Hearing is held, assuming the Town does not have an Assessor by that time, Mr. Burden will explain how the numbers were achieved. Attorney VanWhy stated that what has been done is helpful but the categories need to be broken down further. Not every carwash is going to use the same amount of water, but it could be based on the number of bays, or apartment buildings could be based on the number of units. By calculating the total amount of water used by all properties in a category and then finding the average, you could calculate the number of EDUs. Using a carwash as an example, the average could be found based on the number of bays and the EDUs for the property would be calculated by the number of bays. All commercial properties need to be reviewed carefully to make sure they are in the right category in case their purpose has changed or a former business is now a vacant lot. The County has said they need the information by the beginning of November, and there is still a lot of review to be done. Attorney VanWhy has asked someone in his office to calculate the average for residential parcels excluding any that are not metered for sewer. It's going to take time and attention to get the information needed. It will require a committee or more than one person to work through the properties. Since not everything is metered it won't be perfect but it can be tailored with careful analysis of information available. There may be challenges to EDUs assigned, but if reasonable and rational care has been taken in determining the distribution it should be effective. Even though EDUs are being applied currently, it has been some time since they have been updated and it's not know if the properties have changed. This EDU analysis started because the Board needed to know if any updates needed to be made. The next step is to adjust the property classifications to what they are today. Since there is no Assessor for the Town, Attorney VanWhy encouraged reaching out to the County to see if they can assist. If two months is not enough time to change the new methodology, than someone has to take the current method and apply it to current town properties and make sure all properties are getting the correct EDU. They will also check John Endress's computer to see if there is a file that shows all current EDUs. At the end of tonight's discussion it was agreed that is unlikely that there is enough time to make the change in time for this year's deadline. However, it does put the Town in a much stronger position to have an accurate study done for next year.

[2024-09-04](#)

[edu breakdown 2024](#)

Work Rules - Pages 10-13

The changes that were already applied for review in the document as presented to the Board tonight were accepted as written. The grievance process for disciplinary actions does have to be completed, as suggested before. The process is in the Safety Manual and the question was whether it should be included in the Work Rules. Attorney VanWhy will review the disciplinary actions as listed in the Safety Manual and bring the findings to the next meeting.

[Work Rules - draft as of August 7, 2024](#)

[Work Rule Questions](#)

Planning Board Comments Regarding Self-Storage Units

Attorney VanWhy was concerned about the wording of the response from the County in the 239 review because of the language "contingent on addressing" where they then listed several items that the Town should consider before proceeding with allowing the self-storage units. This response was received after the Planning Board sent their advisory opinion. The items could be addressed at the Public Hearing when it is held, or it could be sent back to the Planning Board first for discussion. The Code has been drafted and the choice is to address the County's comments prior to holding a Public Hearing or go forward with the Public Hearing with what has been drafted and override the comments from the County with a super majority. There was discussion about the best approach realizing accepting any of the suggestions changes the law as written. Even though many of the items are not significant, some do require conversation especially considering the Town's Comprehensive Plan and the lack of a community based plan of what the Town should look like. It was decided to send it back to the Planning Board to see how to address the County concerns. The next Planning Board meeting is Monday, September 9, and it was decided to send the County's review to them for their input. It can then be decided at the September 18 meeting whether to make any changes to the law. There will be time to publish it for a Public Hearing on October 2, assuming it does not have to go back to the County again because of any significant changes.

[Planning Board Advisory](#)

[239-2024-120 Comments & Attachments Chenango ZLLA Commercial Self Storage Facilities](#)

The motion was made to hold a Public Hearing regarding a local law allowing self-storage units on September 18, 2024 at 6:00 p.m. After discussion, the motion was amended and approved to change the date of the Public Hearing to October 2, 2024 allowing time for it to go to the Planning Board for their advisory comments on suggestions from the County.

Motion made by Supervisor Mike Lumsden, Seconded by Councilperson Dave Johnson

Ayes:	Supervisor Mike Lumsden, Councilperson Gene Hulbert Jr, Councilperson Dave Johnson, and Councilperson Kevin Worden
Nays:	None
Abstained:	None
Carried:	4-0

RFP for Vestibule Updates

Councilpersons Hulbert and DiMascio will be meeting Friday morning to discuss the vestibule and will have everything ready to move forward at the next meeting.

[Updated RFP for Vestibule](#)

[AE RFP Vestibule_Rev01](#)

[A110 1st floor plan CROPPED vestibule area](#)

Wastewater Treatment Plant Project Updates

There will be a monthly update at the next meeting.

BAN - Letter from Attorney Stating No Public Hearing Needed for Rate Change

Attorney VanWhy explained that the water rates for District 16 were approved by Public Hearing and an administrative error was made in recording those rates, meaning only an administrative change is needed to correct them.

Discussion Regarding Applicant for Sewage Treatment Plant Operator

There was one applicant qualified for the position and the committee chose not to make an offer as the person was not a good candidate for the Town of Chenango. DPW Supervisor Burden asked that he be allowed to post the position again at the second-year rate in order to attract more candidates but was told by Attorney VanWhy that the person must start at the year-one rate unless an agreement is reached with the union. Mr. Burden will speak with the union representatives about that possibility.

Town Code Updates (Water and Sewer Fees)

DPW Superintendent Burden is requesting that the Town Code be updated because water and sewer fees are no longer current. Attorney Van Why suggested removing the fee schedules from the law because it involves changing the law in order to update prices, whereas prices in a separate fee schedule can simply be changed by annual Board resolution. Fee schedules could then be listed on the Town website for public viewing. The fee schedule will be done by Board resolution at the beginning of the year and the Town Code will be updated to remove the schedule.

[Water and Sewer Code Changes](#)

Water Study EJCDC Agreement Review

This is addressed as a resolution is in Section 9.3 of tonight's agenda.

[702.4943 EJCDC Agreement-080624 \(ID 3179065\)](#)

[water study fund code.](#)

Generator Project Manual Review

This is addressed as a resolution in Section 9.8 of tonight's agenda.

[2023.569.001 Town of Chenango Generators Project Manual revised 8-13-2024](#)

Sale of Surplus Items (DPW)

This is addressed as a resolution in Section 9.4 of tonight's agenda.

[surplus good 2024 \(1\)](#)

PUBLIC HEARINGS - 6:00PM

There was no public hearing

NEW BUSINESS

Health Insurance Information - Chuck Campbell

Chuck Campbell of the Finger Lakes Group gave a preliminary overview of health insurance changes suggested for next year. He reviewed two suggested Medicare programs: the program the Town is currently using, Medicare Blue Enhanced, is very good and has saved the Town money, but the rates will be going up. There is a program being offered now, Blue Active, that will cost less than what is being paid currently and the benefits are very close. He distributed information showing the rates under the new program compared to the current one. He will return in the near future to speak more on what is offered. Excellus has applied for a 17% increase, so for budgeting purposes it won't be higher. They are studying options to help reduce the cost to the Town and to employees. The information provided is very preliminary. Exact increases will be released soon. They also discussed a wellness program that is available to all employees, whether under health insurance or not, although an employee must make \$25,000 a year to participate. He discussed several benefits that are afforded to people who sign up for it. The cost of the program is taken out of the employee's pay on a pre-tax basis and the Town will pay less payroll tax providing a savings for everyone. Informational material was left for review and the program will be discussed further when they return to the Board for further discussion.

DEPARTMENT REPORTS / SUPERVISOR REPORT / ATTORNEY REPORT

Dog Control Report

Dog Control Officer Troutman presented his report. He also presented the inspection for the Broome County Dog Shelter.

[Dog Control Report](#)

[Municipal Shelter Inspection Report](#)

[Municipal Shelter Report Correspondence](#)

Ordinance Report

There has been some difficulty transitioning from the past clerk to the current clerk. The monthly reports were stored, but unable to be located. Code Enforcement Officer Stiles logged into the Municipality program and ran reports for tonight's meeting. Although different from the usual report that is submitted, it has pertinent information needed. Mr. Stiles stated that there are three candidates that will be interviewed for the position in his office. He explained that, in answer to the resident that spoke during Open Forum this evening, the 91 Trafford Road complaint mentioned is an ongoing investigation.

In reference to the difficulty finding the report needed for tonight's meeting, Mr. Stiles was asked to look into assuring the server is used for storing information. He was reminded that the computer desktop is not an adequate location for storing information that needs to be saved and retrieved. It was pointed out that the concern is not just regarding Code Enforcement, but is a town wide failure to store information correctly. It is a serious concern for the Town, but not everyone has the same computer skills and more emphasis needs to be brought to the importance of understanding how to save to the server.

Engineer's Report

Mr. Urda stated that he worked on several things including reviewing the generator project, working on easements, and helping Mr. Burden with EDUs. He also did sewer project reviews and solar project reviews. Highway Superintendent Kraack asked him to explain the drainage on Frederick Road where trees fell down. He was able to locate the project where the swale was put in for that area. The Town does own the property, maintains it and uses it for drainage. The property should be surveyed so the Town can properly maintain it.

[001-MEMO-engineering TB 2024 09 04](#)

Attorney's Report

Attorney VanWhy worked on the EDU project, the vestibule project, multiple resolutions, a waste water treatment plant issue regarding the DeVincentis response, self storage units, attended a Planning Board meeting, and addressed an employee complaint issue that will require an Executive Session

Supervisor's Report

None

RESOLUTIONS

Resolution for Insero - Proposal for Budget Preparation

This resolution will be on the agenda for the September 18, 2024 Board Meeting.

[Resolution Authorizing Agreement for Engineer Services](#)

The motion was made to authorize agreement with Barton & Loguidice for engineering services for the water study.

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

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

Nays: None

Abstained: None

Carried: 4-0

[Resolution Authorizing Auction of DPW Surplus Property](#)

The motion was made authorizing the auction of DPW surplus items no longer in use.

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

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

Nays: None

Abstained: None

Carried: 4-0

[Resolution Insurance for CB & CC Parks](#)

The motion was made authorizing a premium increase in insurance coverage for Chenango Bridge Park and Castle Creek Park.

Motion made by Supervisor Mike Lumsden, Seconded by Councilperson Kevin Worden

Ayes: Supervisor Mike Lumsden, Councilperson Gene Hulbert Jr,
Councilperson Dave Johnson, and Councilperson Kevin
Worden
Nays: None
Abstained: None
Carried: 4-0

Resolution Approving Abstract No. 17

[Abstract No. 17](#)

[Resolution Abstract No. 17](#)

The motion was made to approve the resolution for Abstract No. 17.

Motion made by Supervisor Mike Lumsden, Seconded by Councilperson Dave Johnson

Ayes: Supervisor Mike Lumsden, Councilperson Gene Hulbert Jr,
Councilperson Dave Johnson, and Councilperson Kevin
Worden
Nays: None
Abstained: None
Carried: 4-0

Resolution Approving Position Transfer

[Resolution Authorizing Position Transfer for Aurelio](#)

[Broome County Resolution L-2024-210](#)

[R8SrClerk0801171](#)

The motion was made to approve the resolution authorizing the transfer of Diane Aurelio from Ordinance/Assessor Assistant to Senior Clerk.

Motion made by Councilperson Kevin Worden, Seconded by Supervisor Mike Lumsden

Ayes: Supervisor Mike Lumsden, Councilperson Gene Hulbert Jr,
Councilperson Dave Johnson, and Councilperson Kevin
Worden
Nays: None
Abstained: None
Carried: 4-0

Resolution Authorizing Bidding Generators

[Resolution authorizing bidding for generators](#)

The motion was made authorizing bids for generators for construction projects. The bids must be received by October 4, 10:00 a.m.

Motion made by Supervisor Mike Lumsden, Seconded by Councilperson Dave Johnson

Ayes: Supervisor Mike Lumsden, Councilperson Gene Hulbert Jr,
Councilperson Dave Johnson, and Councilperson Kevin
Worden
Nays: None
Abstained: None
Carried: 4-0

The motion was made at 8:00 to continue the meeting because of additional issues that had developed that needed to be addressed.

Motion made by Supervisor Mike Lumsden, Seconded by Councilperson Dave Johnson

Ayes: Supervisor Mike Lumsden, Councilperson Dave Johnson, and
Councilperson Kevin Worden
Nays: None
Abstained: None
Carried: 3-0

Councilperson Hulbert left the meeting before the recorded vote.

FUTURE BOARD TOPICS

September 18

- Work Rules - Disciplinary Action from Safety Manual
- Commercial Self Storage Units
- Job Opening - Sewage Treatment Operator
- Agenda Format
- YouTube Streaming
- Broader Language for Code Enforcement
- GPS Administrator Discussion
- RFP Discussion
- Wastewater Treatment Plant Project Update

October 2

October 16

October 30

- Policy Manual – Gene Hulbert
- Process for Replacing Town Vehicles – Gene Hulbert

Late 2024

- Comprehensive Plan Directive to Planning Board

[Future Topics List 9.4.2024](#)

OPEN FORUM

No one wished to speak.

EXECUTIVE SESSION

The motion was made to go into Executive Session.

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

The motion was made to return to Regular Session.

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

The motion was made to authorize Coughlin & Gerhart to do two investigations into complaints of misconduct by employees of Town Hall.

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

ADJOURNMENT

There being no further items for discussion, motion to adjourn the meeting at 8:43 PM.

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

Respectfully submitted,

Dawn Blair, Town Clerk
Town of Chenango