



Town of Chenango

Minutes

Town Board

5:00 PM - Wednesday, September 18, 2024

Town Office Building

The Town Board of the Town of Chenango was called to order on Wednesday, September 18, 2024, at 5:00 PM, in the Town Office Building, with the following members present:

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

Absent:

Also Present: Nate VanWhy, Attorney
Derin Kraack, Highway Superintendent
Greg Burden, Public Works Superintendent
Alex Urda, Town Engineer
James Brewster, ZBA Chair
Joy Kasmarcik, Highway Department Secretary
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 traffic patterns at the corner of Clarendon Drive and River Road, especially during end-of-day school hours. The cars queuing up at the stop sign force you to go into the other lane. It is a matter of time before something happens. He asked that someone look into this hazard.

Duane Shoen of Insero & Co. attended tonight's meeting and stated that the accounting and bookkeeping is going very well and that Laurie has done an excellent job. He has met with Laurie and Supervisor Lumsden twice regarding the 2025 budget and will be meeting with them this week to examine other revenue forms available to the Town. By State law the tentative budget must be filed with the Town Clerk by September 30. It will then be presented to the

Board at the October 2 meeting. He will be present at that meeting for any questions and to discuss options regarding property taxes, expenditures, etc.

A resident stated that at the corner of Norman and River Roads it is impossible to see the street sign because of the vegetation. Cars wanting to turn at that street are making quick, wide turns because it is difficult to see. She is asking that the Highway Department look at the problem on that corner.

OLD BUSINESS

Work Rules - Disciplinary Action from Safety Manual

The Board decided to review the disciplinary chart from the Safety Manual and see if any part of it should be put in the Work Rules. Attorney VanWhy explained that nothing in the chart can unilaterally change the rights of employees under Section 75 of the Civil Service Law making the chart, in essence, only an outline of what employees can expect if disciplined. It can remain in the Safety Manual, added to the Work Rules or eliminated completely and replaced with language stating that discipline is handled per Section 75. Highway Secretary Joy Kasmarcik explained that the discipline guidelines in the Safety Manual are largely intended to protect laborers in dangerous work related violations. Attorney VanWhy stated that if the Board wanted a similar chart that would apply to the Work Rules it would have to be developed so as to apply to Work Rule violations. A rubric would be helpful but it has to identify enough flexibility for a higher level offense and Section 75 gives you that flexibility. It was agreed that Section 75 would be referenced in the Work Rules as the method of disciplinary action with wording such as "to the extent required by law, all discipline shall comply with the requirements of Civil Service Section 75. The Town reserves its right to terminate or discipline employees in accordance with other provisions of the law."

[Section 15 Disciplinary Guidelines Chart 1](#)

[Discussion about Disciplinary Actions in Work Rules](#)

[Work Rules - final](#)

Commercial Self Storage - Discussion on Comments from Planning Board on County 239 Review

https://tiogacountyny.com/media/1778/shampa_final-plan_122209.pdf

https://gis.broomecountyny.gov/website/Planning/2019-01-15_BC%20Ag%20Plan%20report.pdf

<https://townofchenango.com/wp-content/uploads/Town-of-Chenango-Comprehensive-Plan-Adopted-3-7-16.compressed-min-1.pdf>

<https://townofchenango.com/wp-content/uploads/Zoning-Map.pdf>

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

[Commercial Self Storage - Full Environmental Assessment Form](#)

[Commercial Self-Storage Facility Local Law - draft](#)

[PB Comments/Motions on BC 239 Comments on Commercial Self Storage](#)

[239 Email from Nate_09132024125211](#)

There are several links provided that were provided when reviewing the commercial self-storage facilities. The Planning Board reviewed the links and the 239 comments. The Planning Board, Engineer Urda, Code Enforcement Officer Stiles and Attorney VanWhy believe that the Town's existing enforcement regulations are adequate to address the types of concerns that were raised. Many comments from the County required no response. They saw

no need to revise the draft that was presented previously and based on the positive response, recommended a Public Hearing be held.

The motion was made to hold a Public Hearing, Wednesday, October 16, 2024 at 6:00 PM to establish a local law allowing commercial self storage units.

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

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

Discussion Regarding Job Opening - Sewage Treatment Operator

There was no update.

Agenda Format - Correct Procedures

The agenda policy presented is similar to the discussion had by the Board in 2023 but appears to be outdated. One thing not included is the time frames for submission of items and posting of the agenda. It is believed there was a motion or a resolution at some point that defined the time frame for each step and should be referenced in the minutes of 2023. Attorney VanWhy suggested including the names of people responsible for each item on the draft agenda in order to bring attention to those responsible for supporting documents. This topic was tabled until the agenda policy previously approved is located by the Town Clerk.

[Agenda Policy from TOC Policies & Procedures](#)

Community Room - Update on YouTube Streaming - Jim DiMascio

The topic was tabled until the next meeting.

Broader Language for Code Enforcement - Mike Lumsden

Supervisor Lumsden stated that on September 12 he went to municipal training through Broome County Department of Planning and Economic Development, co-sponsored by Coughlin & Gerhart. ZBA Chair Brewster and Planning Board Chair Donnelly also attended. The State is recommending that Town Boards look at their Comprehensive Plans, look at the language, and look at contradictions in zoning. He stated that many municipalities have laws and ordinances that were put in place in the 80s and 90s and they no longer meet current needs. The ZBA and Code Enforcement Officer are inundated with people coming in with concerns. The zoning in the Town needs an overhaul and the State suggests that maps be updated, which the Town of Chenango has done. He is asking the Board to consider updating the Town Code. Attorney VanWhy said the proposal is a good one, but to engage the type of change here you would need first to update the Comprehensive Plan where you would gather all the information from the public and in the process put together either a new or revised Plan which will have a section about zoning issues that need to be addressed. It has been 13 years since the Comprehensive Plan was updated. Building it up from the ground would be good, but it is not easy because the resources to do such a big change is difficult. There are firms that will assist the Town through the planning process and there is the unappropriated fund balance that could be used very effectively to further this important task. If the Board is interested, the money could be allocated for next year. An RFP could be put together by the end of the year to determine what the cost may be. Councilperson

Hulbert, Planning Board Chair Donnelly, ZBA Chair Brewster and Attorney VanWhy will collaborate in getting an RFP ready.

[Broader Language for Code Enforcement](#)

[Attachment #1](#)

[Attachment #2](#)

[Attachment #3](#)

[Attachment #4](#)

[Attachment #5](#)

[Attachment #6](#)

[Attachment #7](#)

[Attachment #8](#)

[Attachment #9](#)

[Attachment #10](#)

[Attachment #11](#)

[Attachment #12](#)

[Attachment #13](#)

[Attachment #14](#)

[Attachment #15](#)

GPS - Discussion Regarding Who Should be Administrators

Councilperson DiMascio said that Hiway Trac can be used by department heads to create reports for their departments. They do not have to be administrators. There are multiple reports that can be done to improve safety and productivity. The sole purpose for an administrator is making changes to vehicles, such as taking a vehicle out of the system and then adding another. The administrator can also see all vehicles whereas a department head can only see his/her own department. It was agreed that Highway and Public Works would be able to see their own departments and the Town Clerk would be the only administrator. Board members will not be administrators. Highway Superintendent Kraack and Councilperson DiMascio will work with Hiway Trac to get the accounts set up as requested by the Board.

[GPS Administrators Discussion](#)

RFP Discussion

The RFP on tonight's agenda was not the final copy. For the record, the RFP attached to these minutes is the correct document.

[RFP for Secure Vestibule 2024](#)

[AE RFP Vestibule_Rev01 \(9 4mtg\)](#)

[Updated RFP for Vestibule \(8.21mtg\)](#)

[AE RFP Secure Vestibule_Rev01 \(8.7mtg\)](#)

Wastewater Treatment Plant Project Update

There was a standard update from Barton and Loguidice. There was a change order needed because when they were digging they unexpectedly found wood material that required excavation. The cost of the manpower, equipment and stone to remove the material and backfill back to grade was \$120,068.31. It did not show up when they were testing, and there seems to be no error or omission issue. B&L disputed the original amount of \$128,068.31 and the contractor dropped \$8,000 of the cost. All time and materials were documented and reviewed by B&L and Engineer Urda. According to town policy adopted for change orders, approval is required for a change order of this amount. Attorney VanWhy will submit a resolution at the next meeting authorizing the Town Supervisor's signature on the change order along with backup material as to why the change order is needed. Since the work has been done, the change order must be

signed, but in the future the Board needs to be notified when there is an emergency that exceeds the amount the Supervisor is allowed to approve, because it requires a resolution before the work is done. If there is documentation by the engineer, it has to be part of the change order. B & L is to be notified in writing of the requirement to provide documentation with every change order.

The response letter from the Town to the claims of DeVincentis was attached to the agenda for the private viewing of the Board in order for it to be reviewed before being released to the public. The letter was approved and is now viewable by the public and attached with the resolution below.

Highway Superintendent Kraack asked that an update be done on the road conditions at Carmichael and Quinn Roads. They were recently paved and the construction has caused the road to buckle and heave making plowing snow impossible. The contractor needs to remill and pave the road since the damage was caused by them. Mr. Kraack was told to contact Barton & Loguidice and instruct them to address the concern.

[2024.09 Monthly Board Update](#)

[C1A - Change Order 002](#)

[Contract 1C Payment Application No. 03](#)

[Contract 1D Payment Application No. 02](#)

[Contract 1A Payment Application No. 04](#)

[Contract 1B Payment Application No. 03](#)

[4352607](#)

PUBLIC HEARINGS - 6:00PM

There was no Public Hearing.

NEW BUSINESS

DEPARTMENT REPORTS / SUPERVISOR REPORT / ATTORNEY REPORT

DPW Report

The information for the local law changes were presented to the Board. There were no questions. The justifications for the changes in the code were also presented by showing the current fee schedule and the proposed fee changes. It was agreed that a resolution will change the fees for the remainder of this year and a change in the code in January 2025 will take fee schedules out of the code and be done by annual resolution.

[August 2024](#)

[justification for code changes](#)

[Code-LL Changes](#)

[meter costs](#)

Highway Report

Highway Superintendent Kraack presented his report. He has requested quotes on surveying King Row and he will have a resolution at the next meeting to approve the lowest quote of \$4,000.00. The line item from the budget will be provided as part of the resolution.

[DKWS091824](#)

Attorney's Report

Attorney VanWhy spoke with Delaware River Solar regarding road conditions and the contractor seems responsive. Since the meeting there has been more conversation than before. They are planning on it being documented in the next few weeks and understand it has to be resolved or they may be sued for treble damages. He also worked on the treatment plant with the letter for DeVincentis, the RFP for the vestibule, and assigned an associate the task of going through the entire code to update fees and costs in order to have them as a separate resolution. He spoke with the County regarding EDUs. They don't have any records of previous calculations. He stated that there are 3,000 properties that someone is going to have to figure out road frontage and assign EDUs using the methodology under existing code. It is going to require a lot of time and he recommends the Town Board ask Insero, people from the County, Binghamton University, but someone has to do it before the end of November. Greg Burden has worked on the commercial properties. Councilperson Hulbert will refer Attorney VanWhy to someone from Hunt Engineering to see if it is a project they could do. Attorney Van Why will also reach out to SUNY Binghamton as they have a large GIS department and may have someone who could help.

Supervisor's Report

Broome County was contacted about the Town of Chenango Assessor resigning. The Town of Vestal Assessors Office has several employees and there are two assessors who work as a team. That team is very competent, eager to do a shared service and have received approval from their Town Board to pursue that possibility. As shared services, they would be Town of Vestal employees. They met with Supervisor Lumsden and Councilperson DiMascio to discuss options and suggested there should be a part-time administrator that would be a Town of Chenango employee in Town Hall to work with them. They would be in Town Hall for some office hours and be available all week for phone calls. If it is something that the Board is interested in exploring, Attorney VanWhy can put a plan together with their attorney. It was agreed an ad should also be posted on Indeed in case an agreement with Vestal can't be reached. The posting to Indeed will be discussed at the next meeting.

[August 2024](#)

RESOLUTIONS

Insero - Proposal for Budget Preparation

[Resolution authorizing employment of Insero & Co for 2025 budget assistance](#)

The motion was made to approve the resolution to enter into agreement with Insero & Co. for budget preparation.

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

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

Nays: None

Abstained: None

Carried: 5-0

Abstract No. 18

[Resolution Abstract No. 18](#)

[Abstract No. 18](#)

The motion was made to approve the resolution for Abstract 18.

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

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

Nays: None

Abstained: None

Carried: 5-0

[Resolution authorizing response to Devinentis Letter](#)

[Response letter to Devinentis letter of August 16](#)

The motion was made to authorize the Town Supervisor to send a letter in response to the claims of G. DeVincentis & Son Construction Co.

Motion made by Supervisor Mike Lumsden, Seconded by Councilperson Jim DiMascio

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

Nays: None

Abstained: None

Carried: 5-0

FUTURE BOARD TOPICS

October 2

- Community Room - Update on YouTube Streaming
- Administrative Changes to Hiway Trac
- Update - Delaware River Solar - Road Conditions
- Discussion - Replacement for Assessor - Decision to Advertise and/or Shared Services with Town of Vestal
- Current Agenda Policy - Dawn Blair
- Wastewater Treatment Plant Project Update
- EDUs - Source to do Calculations
- RFP - Vestibule Updates
- Tentative 2025 Budget
- Resolution for Change Order 0002
- Resolution to Adopt Rate Changes for Water/Sewer for Remainder of 2024
- Resolution to Approve Survey for King Row
- Resolution Abstract 19

October 16

- Town Policy-8:00 Stop Time
- Resolution for Re-Levy for Broome County – Greg Burden/Nate VanWhy
- Town Board Meeting Dates for November and December
- Public Hearing on Storage Units
- Resolution Abstract 20

October 30

- Policy Manual – Gene Hulbert
- Process for Replacing Town Vehicles – Gene Hulbert
- Resolution Abstract 21

November

- Public Hearing for Preliminary Budget

Late 2024

- Comprehensive Plan Directive to Planning Board

January 1

- Annual Resolution to set Fee Schedules Separate from Town Code – Nate VanWhy

OPEN FORUM

A citizen stated that the Town he worked in had done a shared service for Code Enforcement and it was very effective. He offered to speak with Attorney VanWhy if he had any questions.

ADJOURNMENT

There being no further items for discussion, motion to adjourn the meeting at 8:45 PM.

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

Respectfully submitted,

Dawn Blair, Town Clerk
Town of Chenango