

**TOWN OF BALDWIN
TOWN BOARD MEETING
JANUARY 9, 2019**

THIS REGULAR MEETING of the Town of Baldwin was called to order at approximately 6:18 p.m. by Supervisor Purvis. Those present were Councilman Sherwood, Councilman Steiner, Councilwoman Purvis and Councilman Collins.

Also present was Faith Marmor, Paul Tillotson, Marty Jerzak, Robin Rosekrans, Terie Huseby, Sherrill Collins and Mike Drake.

PUBLIC COMMENTS

No public comments.

COUNTY LEGISLATURE

No report was given.

MINUTES

A Motion was made to accept the December 12, 2018 Town Board Meeting Minutes by Councilman Steiner, seconded by Councilman Collins, All Ayes.

SUPERVISOR

The Town has received two \$60,000.00 checks from DRS for the solar decommissioning, one for each property.

The State is heading for problems with the loss of population, probably going to lose two House Seats in Congress because the population has dropped by 180,000 as of the last year the records are available.

HIGHWAY REPORT

Paul Tillotson reported that since the last meeting, the plow that was broken is back up and working fine. It cost about \$350.00 to do that project.

The Highway Department had the 2017 Truck down to Mack to fix the engine light, TCS light and the ABS. When they got the truck back there was an issue with it, the snow storm seat belt buzzer kept going off. Scott Burlew found a loose wire sensor on the starter. The truck is going back tomorrow to get those issues fixed.

The Highway Department has been hauling some #2 stones on Lockwood Run, Ridge Road and Oakhill for the soft spots on the dirt roads.

The Highway Department has been dealing with ice storms and snow storms, plowing and sanding as needed. They have been ditching, fixing wash-out spots on roads.

Hunt Engineers has completed Elston Hollow Road box culvert papers which Paul Tillotson has given to the State and is waiting to hear back from them regarding the same.

Paul Tillotson hired a man, David Kunzman, who will start on January 18th, or he could start a little earlier. He lives on Elston Hollow Road. He is putting his two weeks notice in to his other company.

PUBLIC WELFARE AND SAFETY COMMITTEE REPORT

Councilman Steiner stated that the smoke detector program is ongoing. Anyone may contact the Fire Department for installation. The Pet and Child Finder reflective stickers are also still available and the Town Clerk has a few on hand should anyone stop into the Town Hall for one or both of these stickers.

COMMUNITY APPRECIATION AND DEVELOPMENT REPORT

No report was given.

CITIZEN APPRECIATION REPORT

No report was given.

CODE ENFORCEMENT REPORT

Marty Jerzak reported that he has been working with DRS concerning a Letter of Completion for the two solar projects and after that he is going to talk with the builder concerning the Turner Garage and give them a Certificate of Occupancy.

Marty Jerzak asked if he had authorization to contact Attorney Mustico to discuss bonding, to which the Board approved.

DOG CONTROL REPORT

No report was given.

ASSESSOR REPORT

Terie Huseby stated that she has been working on renewals when they come in. She was at the Town Hall today from 1:30 p.m. to 3:00 p.m. No one came in to the Town Hall today but she has been answering phone calls and taking care of any questions or concerns homeowners have. Sherrill Collins asked about the Enhanced Star and applying online. Ms. Huseby stated that in order to keep the Star Enhancement, the old program, one needs to be registered in the Income Verification Program. This is mandatory starting this year. Ms. Huseby stated that the Star Credit is anyone that bought their house after 2015 or did not have a Star exemption on their property in 2015 - they would have to go into the new program in which they register at the State once and then the State will verify if they are eligible for Star Enhanced or Star Base. In September instead of getting a discount directly off a school tax bill, one would get a check from the State to help pay that school tax bill out of the Star savings. To find out if you are already registered, you would need to talk to Ms. Huseby.

TOWN OF BALDWIN
INCOME AND EXPENDITURES
DECEMBER 2018

INCOME:

GENERAL FUND	\$ 454.18
HIGHWAY FUND	\$ <u>.14</u>
TOTAL	\$ 454.32

EXPENDITURES:

GENERAL FUND	\$ 10,715.16
HIGHWAY FUND	\$ 27,754.50
TRUST AND AGENCY	\$ <u>923.04</u>
TOTAL	\$ 39,392.70

TOWN CLERK'S MONTHLY REPORT

TOWN OF BALDWIN, NEW YORK

DECEMBER, 2018

TO THE SUPERVISOR:

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Pursuant to Section 27, Subd 1 of the Town Law, I hereby make the following statement of all fees and moneys received by me in connection with my office during the month stated above, excepting only such fees and moneys the application and payment of which are otherwise provided for by Law:

A2544	<u>4</u>	DOG LICENSES	<u>24.00</u>	
		TOTAL A2544		24.00

Year End Building Code Report For 2018

10 Permits were issued for a total revenue of \$ 451 this dose
include the revenue taken in from the past code officer

1 New Home
1 Pole Barn
3 Roofs
2 Sheds
2 Garages
1 Mud room

Thank you

M Jerzak Code Officer

OLD BUSINESS

HAEFELE TV, INC. - A Public Hearing will be scheduled for February 13, 2019 at 6:00 p.m. immediately before the Town Board Meeting. A copy of the proposed Notice of Public Hearing was given to all Board Members. Faith Marmor will contact Lee Haefele concerning the Public Hearing and Agreement. A copy of the Notice of Public Hearing will be served on the Department of Public Service and Haefele TV. A copy of the Agreement will be given to the Department of Public Service for their file. The Public will be able to review the Agreement at the Clerk's Office during normal business hours of the Town Clerk.

This matter is tabled to the February 13, 2019 Public Hearing and February 13, 2019 Town Board Meeting.

TOWN PERMIT FEES - Sherrill Collins spoke to the Board on behalf of the Planning Board. She stated that the Planning Board had a meeting on January 7, 2019 and they went over/discussed the suggestion that the Board made of increasing the permit for timber harvest. At that time, they decided they would leave the timber harvest permit at \$50.00, but if whoever is doing the work, large company or small, fails to comply with our Local Law, which it is a Local Law-it is not just in the zoning, they would charge a \$300.00 non-compliance penalty. Landowners are exempt. Landowners, according to the Local Law, are supposed to register with the Town Clerk so that she can let the Highway Superintendent know, but they will pay no fees. The Planning Board felt that the penalty would be more appropriate than the permit fee up front. There are a lot of small time loggers in the area that might have a problem with the \$300.00 up front fee, but they felt that if the larger loggers failed to register that they could come up with the \$300.00 penalty, this would be much more appropriate for the fee schedule. Enforcement on the timber harvest penalty can be enforced by the Code Enforcer with a Stop Work Order until the \$300.00 penalty is paid. She was not sure what the legalities were, but that if a timber harvest has not complied with the Town's Local Law at that point it would come under the jurisdiction of the Sheriff or someone. Some of the towns require bonding, however this Town is not wealthy enough. The towns that require bonding are Horseheads and Big Flats and there is a lot more money there, there is more activity, and the Planning Board felt that the Town really did not need bonding if the penalties could be enforced. Councilman Sherwood questioned that with the \$300.00 penalty, his concern would be damage to roadways or highway stuff and asked if this was separate, to which Ms. Collins replied that it would be separate as if one is non-compliant with the Town's Local Law then they pay the penalty but they also have to deal with the legalities of breaking the law. Councilman Sherwood stated and asked that the Town would potentially have to take that company/individual to Court and would a bonding of any sort of level preclude that, to which Sherrill Collins stated that she thinks it would cost the Town more to do it. She stated that timbering is a fairly ongoing thing in this area, but she thinks the Town Board would need to check with the lawyer. Between the Highway Superintendent and Code Enforcer, they would take it to the next level. Marty Jerzak stated that the Town would have to take them to Court though if they decided not to fix the road. Councilman Sherwood asked if it costs the Town money to have someone submit a bond, to which Marty Jerzak stated that the logging company would get the bond themselves and so it would be no cost to anyone. Sherrill Collins reiterated again that the Town Board would need to check with the lawyer as to whether it would be better for the Town to require

bonding from anybody that was going to do timber harvesting other than the landowner, however this would still not bypass the penalty fee. Code Enforcement would enforce this and if they do not pay it, then it goes to the police. If the company or the logger has not registered with the Town Clerk before work starts, he is right then in non-compliance and owes the \$300.00 penalty fee. This registration is for the Code Enforcement and Highway Department to keep track of what the logger is doing. If this is a bonding issue, the attorney can look into this and the Board can address it at a future date. Any bonding would require an amendment to the Local Law as opposed to the fee schedule.

Sherrill Collins stated that the Planning Board Minutes for January 7, 2019 under No. 10-Swimming Pools, that they have fees for above ground and in ground pools and they did exempt wading pools (small plastic wading pools). She will correct the schedule and get it to Faith Marmor. She will add this to the Minutes that she did the other night, so that the fee schedule will be complete for the Board's next meeting.

Supervisor Purvis stated that he spoke with Ashur Terwilliger concerning permit fees and Supervisor Purvis questioned amending the permit fees to not include such fees as roofing, existing property repairs for property owners and just for contractors only. He questioned above ground pools and needing a permit for this as well.

This matter was tabled to the February 2019 Town Board Meeting.

ENVIRONMENTAL EMERGENCY SERVICES ANNUAL FEE - Supervisor Purvis stated that this fee is budgeted. Councilman Sherwood asked what this fee covers. No annual fee "agreement" was available for review. The Board determined not to address this until such time an invoice is available.

CCPB INTERMUNICIPAL AGREEMENT - Sherrill Collins spoke on behalf of the Planning Board. She stated that the Planning Board has decided to continue to decline this agreement as it would be no benefit for the Town and that the Planning Board recommends the Board decline this Agreement for reasons as the Town being stuck for one year with this agreement in place and the fact that any minor land use variance would have to be referred to the County, which would pretty much involve deleting the Town's Zoning Board of Appeals. Anything involving solar, ethanol plant, etc., the County Planning Board would be involved anyway. There is no money involved but the County Planning Board wants to keep track of what the Town is doing. The Town's Planning Board has always done their own land use variances and the Planning Board feels that they can continue to do this.

A Motion was made in the form of a **Resolution No. 14-2019 (1R14-2019)** to decline the Chemung County Planning Board Intermunicipal Agreement, by Supervisor Purvis, seconded by Councilman Sherwood, All Ayes.

TOWN JUSTICE (2019) - Supervisor Purvis stated that any Justice from out of town, the State would be obligated to pay \$1,500.00 per year towards the Justice's salary. He showed the Board Members a packet concerning court mergers from the Unified Court System Offices. The Association of Towns attorney felt the better way to go is to make a resolution to accept out of town eligibility for Town Justice rather than going with the merger. If the Town merges then the State covers nothing, whereas the Town having their own Court can maintain eligibility of the \$1,500.00 per year paid by the State. The

Town would only have to make a resolution to accept an out of town Justice and the Association of Towns would handle the particulars of whatever is involved in doing that. Councilman Sherwood said to clarify as it stands now, using Judge Tuttle the Town will be reimbursed. Supervisor Purvis stated that Judge Tuttle is one that they are appointing, but this would mean that any out of town Justice the Town of Baldwin would get \$1,500.00 because in the Unified Court System regulations an out of town Judge or person that is elected or put on the Bench, the State has to pay that amount. Councilman Sherwood stated that with that in mind the Town has Judge Tuttle who the Town of Baldwin has been using, he is familiar with the Town's stuff, and now they have the added benefit of saving \$1,500.00 a year. Supervisor Purvis stated that there is no guarantee with Judge Tuttle though that he would be the Judge, that the point the Association of Towns gave him was to open it up to out of town residents and then the Town saves \$1,500.00 per year, whereas next year if someone writes in, even one write in, they accept the job, the Town will have to pay the full amount, pay training. If the Board would accept out of town residents for the Justice position, they would not have to pay the training and would save \$1,500.00 per year. The Board determined that they have Leon Tuttle for Judge this year and they will worry about it when he no longer wants the position, they are saving money right now and thanked Supervisor Purvis for finding this. The law is on the books right now and they will worry about it when they have too. The State will pay Judge Tuttle directly and the Town would just reduce their fees by that \$1,500.00. Supervisor Purvis stated that Judge Tuttle only had 17 defendants for the year 2018.

A Motion was made in the form of a **Resolution No. 15-2019 (1R15-2019)** to appoint Leon Tuttle as the Town of Baldwin Justice for 2019, by Councilman Collins, seconded by Councilman Sherwood, All Ayes.

SEXUAL HARASSMENT TRAINING- Supervisor Purvis stated that he would like to have this training immediately after the March 2019 Town Board Meeting. He will get a hold of everyone concerning this training. Everyone that is an official, employee, elected, appointed, or a volunteer will need to attend this training. Paul Tillotson stated that the Highway Department does their own Sexual Harassment Training. Councilman Collins asked Paul Tillotson to be sure that he uses the same training because the State changed policies a little bit.

2019 CITY OF ELMIRA ANIMAL CONTROL/KENNELING AGREEMENT - A Motion was made in the form of a **Resolution No. 16-2019 (1R16-2019)** to accept the 2019 City of Elmira Article 7 Animal Control Services (Kenneling) Agreement by Councilman Collins, seconded by Councilman Sherwood, All Ayes. A Motion was made in the form of a **Resolution No. 17-2019 (1R17-2019)** to accept the City of Elmira/County of Chemung/Town of Baldwin Animal Control Services Agreement for 2019, by Councilman Sherwood, seconded by Councilman Collins, All Ayes.

NEW BUSINESS

2018 JUSTICE COURT RECORDS/DOCKET AVAILABILITY FOR AUDIT - A Motion was made in the form of a **Resolution No. 18-2019 (1R18-2019)** to allow Judge Tuttle to present for audit the 2018 Court records and docket at the February 13, 2019 Town Board Meeting, by Councilman Collins, seconded by Councilman Sherwood, All Ayes.

This matter was tabled to the February 2019 Town Board Meeting.

SECTION 174, NO. 7 OF THE FIRE DISTRICT OFFICERS TOWN LAW - The Board is still looking into this issue. *This matter was tabled to the February 2019 Town Board Meeting.*

SOLAR ORDINANCE AMENDMENT - *This matter was tabled to the February 2019 Town Board Meeting.*

PAYMENT OF BILLS - A Motion was made to pay the bills by Councilman Sherwood, seconded by Councilman Collins, All Ayes.

EXECUTIVE SESSION

A Motion was made to go into Executive Session by Supervisor Purvis, seconded by Councilman Sherwood, All Ayes.

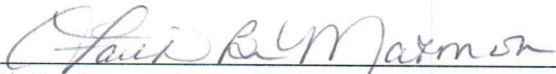
A Motion was made to go out of Executive Session by Councilman Sherwood, seconded by Councilwoman Purvis, All Ayes.

ADJOURNMENT

A Motion was made to adjourn the meeting by Councilman Sherwood, seconded by Councilman Collins, All Ayes.

THE NEXT MONTHLY BOARD MEETING WILL BE HELD IMMEDIATELY FOLLOWING THE PUBLIC HEARING AT 6:00 P.M. ON FEBRUARY 13, 2019.

Respectfully Submitted,



Faith B. Marmor, Town Clerk