

**TOWN OF BALDWIN
TOWN BOARD MEETING
AUGUST 14, 2019**

THIS REGULAR MEETING of the Town of Baldwin was called to order at approximately 6:00 p.m. by Supervisor Purvis. Those present were Councilman Sherwood, Councilwoman Purvis, Councilman Collins and Councilman Steiner.

Also present were Faith Marmor, Paul Tillotson, Ana Pirro, Robin Rosekrans, Attorney Christopher Denton, Bryan Hyland and Don Barber.

PUBLIC COMMENTS

Robin Rosekrans again requested input and closure as to Section 174 of the Fire District Officers Law from Attorney Denton. Attorney Denton submitted his opinion in writing to the Town Supervisor and verbally read the opinion at the meeting. He found that there is a rational and reasonable reading of sources which supports a sound legal opinion that there is no legal impediment to the Fire Chief or the Assistant Fire Chief holding an elected office, a Member of the Town Board, while also being employed by the Fire Commissioners of the Fire District. The key here is employment, if the individual was a Commissioner they could not hold a Town Board office because they are separate legal entities and cannot be held both in the Town at the same time. Therefore, his legal opinion after research is that there is no legal impediment/conflict to them being on the Board and also an employee.

Robin Rosekrans also asked why the franchise fee from Haefele was not taken and that this franchise fee could have been used to get internet access and cable to those who were not fortunate enough for same on the initial hookup. Councilman Sherwood again reiterated what was said at the last meeting, this is not anything anyone locally decided as to who got service and this franchise fee would be paid by everyone in the town. Attorney Denton explained that the franchise fee is a source of revenue to the General Fund/a tax.

There were no further public comments.

COUNTY LEGISLATURE

Bryan Hyland dropped off a copy of the Study for the City of Elmira concerning getting the city back on its feet and in order. He requested if after the Board reviewed the study, they could let him know their feedback.

MINUTES

A Motion was made to accept the July 10, 2019 Town Board Meeting Minutes by Councilman Sherwood,

seconded by Councilman Collins, All Ayes.

SUPERVISOR REPORT

Supervisor Purvis stated that he has had a couple complaints of wash-boarding on Ridge Road. Paul Tillotson stated that he would go back to Ridge Road again and look at the road, however if he has to fix the road again this would be his third time doing so.

There will be an AMA Off-Road Race (New York State Championship Series) at the Purvis's on Sunday, August 25, 2019, beginning at 8:00 a.m. Supervisor Purvis asked if the Highway Department could do some branch trimming on his road, Lathrope Road.

NYSEG sent a letter to the Town that they are proposing an increase in Electric and Gas rates effective 2020.

TOWN CLERK REPORT

Faith Marmor stated that Sherrill Collins asked the Board's permission to attend the 2019 Planning Board and Zoning Schools Workshop in Big Flats on September 27, 2019. The fee would be \$80.00 for a Member and \$100.00 for a Non-Member. The form, payment and tax exempt form would need to be mailed in advance. A Motion was made in the form of a **Resolution No. 39-2019 (8R-2019)** to allow Sherrill Collins to attend the 2019 Planning Board and Zoning Schools Workshop in Big Flats on September 27, 2019, with the Town paying for this Workshop in the amount of \$80.00, by Councilman Steiner, seconded by Councilman Sherwood, All Ayes.

The Town Clerk will be on vacation the week of August 19, 2019.

The Town Clerk will have new hours effective 09/01/2019. She will be in the office every Monday and Tuesday from 5:30 p.m. to 6:30 p.m., and by appointment.

Hunting licenses are now available. Hunting Guides are not available until mid to late August, but before 09/01/2019.

New York State is offering free fishing until 09/02/2019 at 5:00 p.m. on Lake Ontario and the St. Lawrence River with no fishing license required. All other waters require a fishing license.

Local Law No. 2 regarding Permit Fees has not been completed to date.

TOWN OF BALDWIN
INCOME AND EXPENDITURES

JULY 2019

INCOME:

GENERAL FUND	\$ 879.80
HIGHWAY FUND	<u>\$ 1.75</u>
TOTAL	\$ 881.55

EXPENDITURES:

GENERAL FUND	\$ 10,909.75
HIGHWAY FUND	\$ 38,745.17
TRUST AND AGENCY	<u>\$ 921.15</u>
TOTAL	\$ 50,576.07

TOWN CLERK'S MONTHLY REPORT

TOWN OF BALDWIN, NEW YORK

JULY, 2019

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:

A1255	<u>1</u>	CERTIFIED COPIES	<u>10.00</u>	
		TOTAL TOWN CLERK FEES		10.00
<hr/>				
A2544	<u>6</u>	DOG LICENSES	<u>51.00</u>	
		TOTAL A2544		51.00
<hr/>				
A2555	<u>1</u>	BUILDING PERMITS	<u>15.00</u>	
		TOTAL A2555		15.00

\$ 76.00

TOWN OF BALDWIN
CODE ENFORCEMENT OFFICE
622 BRESSPORT, N CHEMUNG RD.
LOWMAN, N.Y. 14861
MONTHLY REPORT FOR July 2019

PERMITS ISSUED: 1

PERMITS DENIED: NONE

PERMITS TO ZBA: NONE

FEEES RECEIVED: \$ 15

COMPLAINTS: NONE

VIOLATIONS ISSUED: NONE

TICKETS ISSUED: NONE

FOOTER INSPECTION : 2

FRAMING INSPECTION : 1

CODE ENFORCEMENT OFFICER

MARTIN JERZAK

HIGHWAY REPORT

Paul Tillotson reported that the Highway Department has dust control down on all roads throughout the Town.

They have hauled in our Crush Item 4.

The Highway Department has finished mowing along the roadsides. First pass has been completed and they are starting on the second pass.

They started the bridge on Grover Road on July 29, 2019 and had to close the road to finish the deck and reopened it on August 12, 2019. They still have to install rail for the sides, should be August 27th to 28th. They have concrete barriers up for now. Soil and Water will be coming in to put in rock for the Town.

The Highway Department will be starting to repair the following roads: Norway, Elston Hollow, Hard Scrabble, Decker and Murphy. Paul Tillotson asked the Board's permission to spend up to \$6,000.00 from the Summer Account to repair these roads, which will be blacktop, stone and oil. He spoke with Greg from Vestal Asphalt and he will still honor the patch work that he did back in 2017 that came apart due to weather we had last year. The cost of the oil is not going to be so high. We are paying for the stones to put back over top of it. A Motion was made in the form of a **Resolution No. 40-2019 (8R2-2019)** to allow Paul Tillotson to spend up to \$6,000.00 from the Summer Account to repair Norway, Elston Hollow, Hard Scrabble, Decker and Murphy roads, by Councilman Collins, seconded by Councilman Sherwood, All Ayes.

NYSEG is moving poles up on Hugg Road where they were close to the road.

Due to County Road 1 being closed, a lot of traffic is going up Hugg Road. Paul Tillotson was asked to see if the Town could put some more dust control down. There are a lot of speeders going up through Hugg Road. Paul Tillotson stated that we are getting a lot of rain coming up and it reactivates what they put down for dust control, so he would rather wait and not spend another \$2,000.00 for this. The Highway Department is going to wait on this request.

Paul Tillotson stated that winter sand went up from \$12.45 per ton to \$13.20 per ton from Dalrymple. Angelo's is \$9.00 per ton, the same as last year. For 2,000 tons, they would be saving \$8,400.00 if they get it from Angelo's, after fuel cost the savings would be \$6,400.00. They will start hauling from Angelo's on rain days to get before the pile is gone. He would like to get at least 2,000 tons in now, this would be approximately \$18,000.00.

Councilman Steiner asked if Paul Tillotson had heard anything more from Soil and Water about them getting into the creek across from the Fire Department. He stated that the Commissioners are going to forward them a letter and pressure them a little bit. He took a walk from the bridge up and one more gully wash and the water will be coming over into the Fire Department, and this will be huge fees. Paul Tillotson stated this is no different than the county bridge. Councilman Steiner stated that they need to

get a dozer in there. Councilman Sherwood stated that he does have emails from Mark Watts who says to let him know if they can help with anything. Paul Tillotson stated that they classified some section up through the creek as a trout stream and this is where they are going to run into some problems. Councilman Sherwood stated that he reached out to DEC and that he has emails on this issue. Attorney Denton stated that if they were going to rely on suing a municipality, they better give notice of the defect now, document it, put it in writing. The Town is not on notice just because of its existence. Paul Tillotson asked to whose right is the streams and Councilman Sherwood stated that he has this in an email as well from Mark Watts and he will forward it to Paul Tillotson. Councilman Sherwood stated that if the Town wants to get into a creek and work a section of it, to ask the landowner, you then have the permission and it is just a permitting process at that point. Attorney Denton stated that a landowner cannot alter the natural flow of drainage off their property. Paul Tillotson stated that this is why they work with Soil and Water. Attorney Denton will send a notice template to Paul Tillotson to use for this purpose and Paul Tillotson will work with Soil and Water on this matter.

PUBLIC WELFARE AND SAFETY COMMITTEE REPORT

Councilman Steiner stated that the smoke detector program is still ongoing.

COMMUNITY APPRECIATION AND DEVELOPMENT REPORT

Councilman Sherwood stated that he got the Town's flood maps to Haefele for the SEQR Review. He believes all of the paperwork should have been done. Now it is figuring out who they will get to do the tree work between here and Van Etten.

OLD BUSINESS

INDEPENDENT AUDIT - Attorney Denton has found it difficult to find an answer to this matter and would like further time to look into this issue. From a procedural and conceptual point of view, he does not see where there would be a problem but he would like to find some authority/citation. *This matter was tabled to the September 2019 Town Board Meeting.*

TOWN JUSTICE/COURT CONSOLIDATION - There are no new developments at this time. Attorney Denton asked that the Board allow him to follow up with Mr. Shapiro on this matter and also recommended to the Board that they look into opening this position up to adjoining/neighborhood towns rather than consolidating with other towns. *This matter will be taken off of the Agenda at this time until the Supervisor or Town Attorney has any updates.*

PERMIT FEES - Attorney Denton stated that there was an issue with the Local Law No. 2-2019 concerning Permit Fees. He has a question in to the State as the previous Permit Fees were adopted as a Resolution and the current amendment to the Permit Fees (Local Law No. 2-2019) is a Local Law. *This matter will be added to the Agenda for the September 2019 Town Board Meeting.*

NEW BUSINESS

ASSESSOR APPOINTMENT - A Motion was made in the form of a **Resolution No. 41-2019 (8R3-2019)** to appoint Terie Huseby as the Town Assessor for the period of 10/01/2019 through 09/30/2025, by Councilman Sherwood, seconded by Councilman Collins, All Ayes.

2020 BUDGET DISCUSSION(S) - Don Barber from Tompkins County Insurance spoke to the Board concerning the Consortium health insurance for the Town. Attorney Denton recommended to the Board that they take a year to look at this option for health insurance as administration is cumbersome to start the process and the deadline of 09/01/2019 fast approaching. Mr. Barber stated that this insurance would be a shared services agreement, a copy of the agreement was given to the Town Attorney. A plan comparison was given to the Board. Attorney Denton asked questions concerning the Consortium, number of employees and how the employees are paid, how the Directors are determined, etc. Mr. Barber requested that if the Town took a year to consider this and wanted him to come back to speak to the Board before the 09/01/2020 deadline, that he appear at the June or July 2020 Board Meeting. There were questions concerning whether the Town had the last few years of Financial Reports available as these would be needed for applying for the Tompkins County Insurance. Councilman Sherwood asked if anyone had heard anything about the Financial Reports and whether the Town is caught up. Supervisor Purvis will check with Barb Harding on this issue.

There were also questions by the Board as to whether they should have a workshop concerning the Budget or an additional meeting before the final Budget meeting. Supervisor Purvis will ask Barb Harding if the Budget for 2020 could be available for the September 2019 Town Board Meeting.

The estimated Election costs for 2020 are \$2,245.00.

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

CODE OF ETHICS - Attorney Denton asked if the Town has an adopted Code of Ethics. He will send a copy of the State Code of Ethics for the next meeting, however urged the Board to look into whether or not they have already adopted a Code of Ethics, possibly in their Local Laws. *This matter will be added to the Agenda for the September 2019 Town Board Meeting.*

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

EXECUTIVE SESSION

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

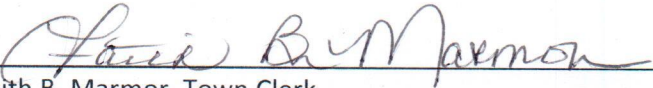
No Motion was made to go out of Executive Session.

ADJOURNMENT

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

THE NEXT MONTHLY BOARD MEETING WILL BE HELD ON SEPTEMBER 11, 2019 AT 6:00 P.M.

Respectfully Submitted,

A handwritten signature in cursive script, reading "Faith B. Marmor", is written over a horizontal line.

Faith B. Marmor, Town Clerk