

**TOWN OF BALDWIN
TOWN BOARD MEETING
SEPTEMBER 9, 2020**

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

Also present were Paul Tillotson, Faith Marmor, Anna Pirro, Robin Rosekrans, Dan Miller (Sprague Insurance), Martin Jerzak, Barbara Harding and Brian Hyland.

PUBLIC COMMENTS

Robin Rosekrans stated that about four or five years ago she received a postcard in the mail from NYSEG saying that they would be coming out onto properties to trim trees, and they never showed. With all of the power outages the Town has been having, she was wondering if the Town could contact NYSEG as to trimming trees in the Town. Supervisor Purvis said that this is usually a contract that NYSEG has with tree trimming companies and he would imagine the best thing to do is get a hold of NYSEG. Paul Tillotson stated that NYSEG was in the area last year to trim trees, they have a grid that they follow and they bid on it. Robin Rosekrans stated that she could contact NYSEG on this issue but was just wondering if it was something the Town could do.

COUNTY LEGISLATURE

Brian Hyland stated that there has been a new sales tax proposal. They are proposing to raise the sales tax, change the split of the sales tax between the Towns and the County. It has been proposed that they are going to change the split from County's 63.3% of the sales tax and 36.7% onto the Towns, and this is based on population (this is how this is distributed). These percentages went into place in 2018 and will remain flat/stay the same for 2021. For 2022, the County's share will go to 66.7% and the towns will go to 33.3%. This is a 3.4% decrease in revenue to the Towns. He believes it will be significant because the Town of Baldwin's portion of the sales tax revenue in 2019 was about \$154,000.00. It will not be a huge loss but it is still significant. He will crunch numbers and get back to the Town of Baldwin as to the impact regarding same.

Councilman Sherwood asked that when the Executive was doing his talk at the Budget Meeting he said Chips, but that is not Chips that is being looked at for the Budget reduction? Brian Hyland replied that this is not from the County, that the State is reducing State funded programs by 20% and Chips is one of them - some programs being reduced by 30%, but he has not gotten any clarification as to what those programs are, but Chips is one of them. Currently the County gets \$26,000,000.00 in State Grants and they are expecting this total is going to be reduced by 20%.

MINUTES

A Motion was made to accept the August 12, 2020 Town Board Meeting Minutes by Councilman Sherwood, seconded by Councilman Conklin, All Ayes.

SUPERVISOR

A \$500.00 donation was made by Russell and Nancy Purvis for banners in the Town. This donation was given to Barbara Harding. Supervisor Purvis stated that he would like to figure out some type of flags (welcome, photo, etc.) they could put up when the Hero Banners are not up. *The Banners will be placed on the October 2020 Town Board Meeting Agenda.*

TOWN CLERK

Faith Marmor stated that she received an email from Verizon regarding the wireless devices (MIFI devices) and a discount being offered of \$2.00 to \$6.00 per month for these devices. There was no name or phone number associated with the email. Faith Marmor replied to the email requesting that an individual from Verizon contact her to discuss this matter. No return email or phone call was received from Verizon. Therefore, it was suggested that the monthly current price for the wireless devices remain as is, especially since there will be a new internet provider coming soon within the Town of Baldwin, namely Haefele.

HIGHWAY

Paul Tillotson reported that the Highway Department installed a 5' pipe on the bottom end of Nixon Road, the other one was pretty well rotted out.

He received a Town of Chemung call for a couple days to help pay back when they helped them on Norway.

They did their patch work with the stone and oil, Murphy Road, MacDonald Road, Grover Road and Elston Hollow. Approximately \$2,000.00 was spent on this. They black-topped Elston Hollow Road box culvert to see if will hold a little bit better than the stone and oil has been.

They are almost done mowing for the second time around. There is just the other side of Town to do and they plan on starting this tomorrow.

The Highway Department has started to haul in their winter sand.

They went around and graded some of the bad spots again, Ridge Road, Porter Hill and Joe Green. There were quite a few that they went around and graded/touched up before winter time, Lathrope Road down at the bottom.

The dozer came back in. They have a couple of jobs that they will be using it for with Soil & Water.

Councilman Sherwood asked if Paul Tillotson had heard anything more about State Chips? Paul Tillotson stated that they will be 20% off of their Paving New York and 20% off of Winter Recovery. Paving New York would have been \$41,193.00 and 20% of that the State is taking away. The EWR was \$17,680.91 and 20% of that is being taken away as well. It should not affect us too bad as Paul has already capped off \$40,000.00 right from the top before he started this year. Councilman Sherwood asked if we then were looking at a potential decrease of \$12,000.00? Paul Tillotson replied that he figured \$20,000.00 to \$40,000.00 right off. We had a rollover of total Chips balance for just this year at \$159,709.00.

PUBLIC WELFARE AND SAFETY COMMITTEE

Councilman Steiner stated that there is no Burning Ban in effect yet.

HEALTH INSURANCE COMMITTEE

This matter was discussed under Old Business.

COMMUNITY APPRECIATION AND DEVELOPMENT

Councilman Sherwood stated that the last update from Haefele was that sections of Joe Green, Grover Road and other roads that way (Federal Road was mentioned but he is not sure if this is the entire road or just the upper part), he is hoping to have plugged in for service by October 15th.

CODE ENFORCEMENT

Councilman Sherwood asked if the \$800.00 for Code Books was for the 2020 Budget, and Martin Jerzak replied that this \$800.00 is not for 2020 but for the 2021 Budget.

Public Gatherings - Martin Jerzak read the Local Law No. 1-2017, second paragraph, where it says that if a public gathering of more than 50 people is held that a permit will be obtained from the Town Code Enforcement Officer. Once the permit is issued then the Town Code Enforcement Officer will notify the proper agencies as to the public gathering. At the bottom of the Local Law it says that any gathering of 50 or more people for a family event is not subject to any fee. The Fee Schedule for a non-family public event is 0-50 no permit fee, 51-100 is \$50.00, 101-200 is \$100.00, 201-300 is \$200.00, and 300 plus is \$300.00. He stated that Supervisor Purvis had an event on his property and a "permit" was turned into the Town Clerk. When he spoke with the Town Clerk, she said that it was not her job to sign permits. Martin Jerzak stated that he does not care who signed this but the Town needs the fee. Councilman Sherwood stated that there is an issue proceeding this permit fee. Martin Jerzak said that he was not notified of this event, he received complaints about this event, he called Nancy Purvis and she said that they did not need a permit and they are not paying a fee and that all the paperwork went to the Town Clerk. At this point, Martin Jerzak text the Town Clerk at 7:42pm on Saturday night and he did not

expect an answer. Monday morning around 9:00 a.m. the Town Clerk called the Code Enforcement Officer and she said she would give him the paperwork. Martin Jerzak asked her if a permit was done and she said no this is not my job. The Code Enforcement Officer then called Nancy Purvis and he tried explaining everything, the phone switched over to Russell Purvis and he was screaming and yelling. Supervisor Purvis stated that he is yelling the same way as the Code Enforcement Officer is now. Martin Jerzak stated that Russell Purvis said that he is not paying for anything. Russell Purvis stated that the written document from the Code Enforcement Officer is twisted, that he is saying half of something and turning other things around. Martin Jerzak asked if Russell Purvis was going to pay for the permit, to which Nancy Purvis stated that they just gave \$500.00 to the Town. (Town Clerk Note: This \$500.00 donation was given to the Town for banner purposes only.) Martin Jerzak stated that this is not the permit fee and they did not do what the Town requires. Supervisor Purvis stated that they did this the same way as they have every year and how they filed the paperwork with Betty Jo. Councilman Sherwood asked if the information they had regarding Public Gatherings was from 2014, to which Nancy Purvis stated that it was. Councilman Sherwood stated that the Law was updated in that interim time, to which Supervisor Purvis stated that they were not here at that time. Councilman Sherwood asked if they lived in the Town? Supervisor Purvis stated that he would give the Town the money, that it is no big deal. Councilman Sherwood asked if Supervisor Purvis approached the Code Enforcement Officer for the permit, to which Supervisor Purvis replied that they did not because they went by the way it was in the past and they did not know of the new Local Law. Councilman Sherwood stated that putting this aside, the form they used is not even a current permit form that the Town's Code Enforcement Officer uses and the form they used is from when Larry Lanterman was the Code Enforcement Officer, and he is trying to figure out who gave him (Supervisor Purvis) the permit. Nancy Purvis stated that they just used the same paper that they used last year. Councilman Sherwood again asked who gave them the permit (document), to which Nancy Purvis stated Betty Jo. Supervisor Purvis stated that he thinks it is a ridiculous thing to have people worry about permits when having things on their own property and if the Town is worried about the money they will give them the money, but to him we may need to have a meeting and discuss it and have the law written accordingly. Councilman Sherwood stated that the law is written. Supervisor Purvis stated that it needs to be amended. Councilman Sherwood asked if it is because it does not suit Supervisor Purvis, to which Supervisor Purvis said no because the way it should be is people should not have to be harassed by government officials when they do things on their own property. Councilman Sherwood stated that when you do things on your own property with your family, the government does not get involved, but you have people coming in from all over. Councilman Sherwood said that the Board has told him time and time again that if you do not like the law, you lobby to change it, you cannot ignore it or choose what parts to follow. As far as the money, it is not a matter of the money, and especially being that Supervisor Purvis is a member of this municipal board and also are the Town Supervisor, an example should be set. Supervisor Purvis stated that if he would of known that there was something other than what they had, he would have just paid the money - it does not make any difference, but the point he is making is we need to amend the law as people should not have to pay for doing things with their own property. Councilman Sherwood stated that until the law is changed, Supervisor Purvis has to follow the law. Martin Jerzak said that he does not agree with that statement, because he tried to read Supervisor Purvis and Councilwoman Purvis the law and they did not want to hear it. Councilwoman Purvis said that she asked Martin Jerzak if it was Local Law No. 1 and he said yes, she then said we already have it. Martin Jerzak did not say it was 2017. Councilman

Sherwood stated that this was on them for not doing the homework. Councilman Sherwood said that this brings us to a greater issue in that we have to keep revisiting this issue every couple months, you cannot just pick and choose what laws you want to follow, you cannot be out there telling people in the community there are no fees. Supervisor Purvis said that he never said that, he said that if someone is doing something and he feels they need a permit, to come to him and he will pay the fee. Councilman Sherwood said that he cannot do that either. Supervisor Purvis wanted to know why he cannot donate someone's fee, to which Councilman Sherwood stated that it is because he is showing preferential treatment and he is an elected official, you cannot do this when you are a member of a governing body. There was a lengthy discussion on this issue of paying permit fees for town residents and Supervisor Purvis agreed that he would no longer pay for town residents' permit fees.

ANIMAL CONTROL

No report was given.

ASSESSOR

No report was given.

TOWN CLERK'S MONTHLY REPORT

TOWN OF BALDWIN, NEW YORK

AUGUST, 2020

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>6</u> | DOG LICENSES | <u>80.00</u> | |
| | | TOTAL A2544 | | 80.00 |
| A2555 | | | | |
| | <u>1</u> | BUILDING PERMITS | <u>30.00</u> | |
| | | TOTAL A2555 | | 30.00 |

\$110.00

TOWN OF BALDWIN
CODE ENFORCEMENT OFFICE
622 BRESSPORT, N CHEMUNG RD.
LOWMAN, N.Y. 14861
MONTHLY REPORT FOR August 2020

PERMITS ISSUED: 1

PERMITS DENIED: 0

FEES RECEIVED: \$ 30

COMPLAINTS: 0

FOLLOW UP ON COMPLAINTS : 0

WARNING VIOLATIONS ISSUED: 1

TICKETS ISSUED: 0

CERTIFICATION OF OCCUPANCY / COMPLETION : 0

INSPECTIONS : 2

911 ADDRESSES ISSUED : 0

CODE ENFORCEMENT OFFICER

Martin Jerzak

**NOTE : Would like an increase in money to buy new code books the 2020 year addition
approximately \$800 in cost**

OLD BUSINESS

2021 BUDGET DISCUSSIONS - Faith Marmor gave what information she currently has for the 2021 Town of Baldwin Budget to Barbara Harding. Paul Tillotson gave Barb Harding the Highway Budget for 2021. Barb Harding had a question regarding the Chips and what she should figure for Chips for 2021, to which Paul Tillotson stated he will not know what we have in Chips until March of next year because they go from March to March, however he may have a better idea once he gets the paperwork back from the State. Barb Harding asked if there would be any equipment or large purchases in 2021? Paul Tillotson stated that this would only be if an emergency arises. No one else had anything or any other programs that would affect the 2021 Budget. *This matter was tabled to the October 2020 Town Board Meeting.*

NEW BUSINESS

2021 HEALTH INSURANCE - Dan Miller from Sprague Insurance stated that there are no 2020-2021 Plans released to date. He is hoping to have the Plans for 2020-2021 by the next Town Board Meeting and is optimistic to have final rates at that time. There was discussion regarding the HRA program with Barb Harding. The deductible money would be put in the HRA. Barb Harding is recommending a separate account for this HRA. Dan Miller would recommend to the Town that they keep their current 2020 Budget for insurance for the 2021 Budget and add 3% to that Budget. Barb Harding stated that it would help if the Town had the data as to what each person used for 2020. Councilman Sherwood stated that he thought the Town limited the health insurance pay in to \$50,000.00 and this will have to be looked into. *This matter was tabled to the October 2020 Town Board Meeting.*

As to the Town's Yearly Reports, Supervisor Purvis asked Barb Harding where the Town stands on this matter. Barb Harding stated that she is doing 2016 now and is hoping to be caught up by the end of the year.

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

EXECUTIVE SESSION

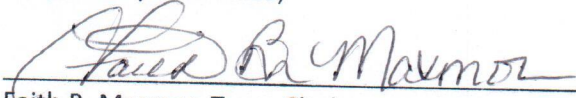
A Motion was made to go into Executive Session by Councilman Sherwood, seconded by Councilman Conklin, All Ayes.

ADJOURNMENT

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

**THE NEXT MONTHLY BOARD MEETING WILL BE HELD AT THE BALDWIN VOLUNTEER FIRE DEPARTMENT
ON OCTOBER 7, 2020 AT 6:00 P.M.**

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Faith B. Marmor", written over a horizontal line.

Faith B. Marmor, Town Clerk