## TOWN OF BALDWIN TOWN BOARD MEETING OCTOBER 14, 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 Councilman Steiner, Councilman Conklin and Councilman Sherwood. Councilwoman Purvis was absent.

Also present were Paul Tillotson, Faith Marmor, Anna Pirro, Robin Rosekrans, Dan Miller (Sprague Insurance), Barbara Harding and Betty Jo Ziemer.

#### **PUBLIC COMMENTS**

Robin Rosekrans asked if there was a resolution from last month's meeting concerning the fee being paid for the public gathering. There was a resolution to this issue.

Robin Rosekrans commented that due to COVID-19 there is some guidelines as to events being held with over 50 people, and this public gathering could have been a super-spreader. Supervisor Purvis stated that the AMA (every AMA Series) received written permission directly from Governor Cuomo's Office to hold the event/public gathering. This event was held with riders and pit crew, there were no fans allowed and signs reflected this. Robin Rosekrans stated that the Town of Baldwin is the only place that has had zero cases of COVID and she would like to keep it this way.

Betty Jo Ziemer asked why a permit was not generated for this public gathering. Supervisor Purvis stated that the Local Law had changed regarding public gatherings and he was unaware that the law had changed. He did register with the Clerk. Betty Jo Ziemer stated that the last law said that one had to notify the Health Department and that they were not notified. Supervisor Purvis said that he thought they were notified. Councilman Steiner asked if Marty had all of this information under investigation. Councilman Sherwood stated that last he knew as long as the permit was paid for, everything was squared away, everything was hashed out. Councilman Steiner stated that no town laws have been changed regarding doing away with permitting. Betty Jo Ziemer stated that this is her point, the event was already held and there were three other places that had to be notified, one very importantly was neighbors. She asked if the neighbors were notified, to which Supervisor Purvis stated that all his bordering neighbors were notified. Betty Jo Ziemer asked if this was before or after the event and Supervisor Purvis stated they were notified before the event. She said she knew the Fire Department was there but that the Health Department was not notified. Supervisor Purvis stated that he thought the Health Department was notified. Betty Jo Ziemer wanted to remind Supervisor Purvis that he took an Oath of Office that he has to abide by the Town of Baldwin rules. Supervisor Purvis stated that he thought they were, they were going by the original law.

#### **COUNTY LEGISLATURE**

The County Legislature was not in attendance. No report was given.

#### **MINUTES**

A Motion was made to accept the September 9, 2020 Town Board Meeting Minutes by Councilman Sherwood, seconded by Councilman Conklin, All Ayes.

#### **SUPERVISOR**

Supervisor Purvis read a personal statement which is incorporated and attached to these Minutes.

Supervisor Purvis and the Board briefly discussed the public gathering (AMA Event on the Purvis property) after Executive Session. The Board did not understand why Supervisor Purvis would want to re-hash this matter as all issues were resolved and it could create more problems for Supervisor Purvis. They agreed the matter was resolved once the permit was paid. Supervisor Purvis stated that he believes the law should be amended as a public gathering could constitute the Church, a baseball game (league), etc. The Board did not feel the law was to be perceived this way and that any public gathering should have direct contact with the Code Officer as to what requirements, if any, need to be completed.

#### **HIGHWAY**

Paul Tillotson reported that the Highway Department has been cutting brush on Robert Hollow Road and ditching.

They had the dozer in from Soil and Water for the creek by the Fire Station and creek on Elston Hollow Road.

They have been hauling sand in for winter.

The Highway Department has been doing ditching on the other side of Norway to be ready for project next year if the money is there.

They helped the Town of Chemung with stone and oil for a couple days.

Paul Tillotson would like to purchase a pick up truck for the Town. He has been using his personal vehicle and putting a lot of wear and tear on his personal vehicle. He does drive the 1 Ton when he can. He received three quotes for 2020 pick up trucks, 1) F-150 Truck for \$38,175.50, 2) Chevy 1500 for \$33,587.00 and 3) Chevy 2500 for \$34,036.04. Paul Tillotson stated that he has \$80,000.00 sitting in his budget/accounts right now, with \$25,000.00 just in his Machinery Account. The Board discussed the matter briefly and determined to *table this matter to the November 2020 Town Board Meeting*. \*More discussion regarding this matter was discussed under Old Business, Health Insurance.

Councilman Sherwood asked how Paul Tillotson made out with the backhoe and if the packings came in yet, to which Paul Tillotson stated that they have not. He also asked about the plating that was going to

be welded on and the status of that. Paul Tillotson stated that there has been nothing on that yet.

## PUBLIC WELFARE AND SAFETY COMMITTEE

Councilman Steiner reiterated that the Town of Baldwin is the only town in the County with no COVID yet. They have done a good job so far with keeping everyone educated, and when everyone comes into the Fire Department they keep the distancing. State courses are being done at the Fire Department again, but they are under strict rules with this. When the Hall is rented, whoever rents the Hall is given the rules and nothing is being put on the Fire Department. Whatever everyone is doing, keep it up! Supervisor Purvis stated that on the same note and regarding the AMA Events, there have been zero instances of COVID.

Councilman Sherwood stated that there is a difference between diagnosed cases and asymptomatic spread, people can be infected and show no symptoms. While it is good that the town has had no reported cases, just because no one is sick does not mean that they do not have it. Hand washing, mask wearing, keep distances, following state approved guidelines and keeping up on the science is the best way to handle it.

#### **HEALTH INSURANCE COMMITTEE**

Please refer to Old Business concerning this matter.

## **COMMUNITY APPRECIATION AND DEVELOPMENT**

Councilman Sherwood stated that fiber lines are up in sections. Hopefully by mid-November they will start actually hooking up for service, hopefully sooner. As they free up crews from doing one thing, they are folding them over to do other services. Last time he spoke with Lee Haefele, he is intending on all areas planned for service to have service by the end of the year. Councilman Sherwood brought a map and if anyone here knows exact areas where Spectrum leaves off service, to please indicate on the map as best can. He is hoping to work with O'Mara's Office to find out how many households in those distances between Spectrum and Haefele that are not getting services and see if any way they can finagle service. No promises, but O'Mara's Office has opted to work with Councilman Sherwood to see what can be done.

#### **CODE ENFORCEMENT**

The Code Enforcement Officer was not in attendance. No report was given.

#### **ASSESSOR**

The Assessor was not in attendance. No report was given.

# TOWN OF BALDWIN INCOME AND EXPENDITURES SEPTEMBER 2020

### **INCOME:**

**GENERAL FUND** \$ 23,662.47

HIGHWAY FUND <u>\$ .15</u>

TOTAL \$ 23,662.62

## **EXPENDITURES:**

**GENERAL FUND** \$ 10,652.82

HIGHWAY FUND \$ 27,220.93

TRUST AND AGENCY \$ 990.26

TOTAL \$ 38,864.01

On September 9th 2020 while on the way to the monthly town board meeting

I seen a pick up truck going real slow on North Chemung Breesport Road. At the

Time I didn't think much of it other than thinking why is he going so slow.

View On September 11th 2020 it became clear why the driver of that truck was driving the way he was. On that day this driver sexually assaulted a girl 5 miles from here in her front yard and attempted to kidnap her but she was able to break free and run into her house to summon help. The driver was found and arrested later that day.

I happen to know all the details of this because that girl is my 14 year old grand daughter. This man was driving around slow looking for a victim right here in our town just two days prior to this happening. The victim could very well have been another one of our homeowners daughter or grand daughter right here in the Town of Baldwin.

Then on September 17th 2020 my niece died as of a result of suspected foul play. She was my late brother's only daughter. He was my only brother.

It seems very clear to me that with the way everything is going today with rioting, looting, police being targeted and shot, businesses being burned and destroyed and other mayhem all over the country that there certainly is much more to be concerned about then a small town supervisor wanting to help people in his community. A town supervisor who wants to use his town supervisor pay to give to people in our town the way he feels is right and good should be commended and not condemned. To try to brighten citizens lives in as many ways as possible to me is a very good thing. To recognize some for special events in their lives and to brighten the holidays for others is what we all should be doing. To help anyone who might need help by paying for something they need or giving them something they are in need of is always the right thing to do.

Certainly in a right and just society these actions by a town supervisor would be encouraged and supported and not be looked at as

inappropriate. Instead I have received condemnation. Of course , this condemnation is a reflection of the deterioration of our country as a whole. Where right and good are now viewed as wrong and bad and where forcing compliance on our citizens is viewed as more important than doing what is right and good. To avoid this condemnation I am forced to direct my supervisor pay away from helping people in our town. I hope those who have condemned my helping people feel enlightened and happy with my decision but I feel helping people is what we are here to do.

## TOWN CLERK'S MONTHLY REPORT

## TOWN OF BALDWIN, NEW YORK

SEPTEMBER, 2020

## TO THE SUPERVISOR:

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:

2544	5	DOG LICENSES	40.00
2555		TOTAL A2544	40.00
	5	BUILDING PERMITS	90.00
2770		TOTAL A2555	90.00
	1	MISCELLANEOUS REVENUE	210.00
		TOTAL A2770	210.00
			\$ 340.



September 4, 2020

Russell Purvis Town Supervisor - Town of Baldwin 622 Breesport N Chemung Rd Lowman, NY 14861

Enclosed is the Municipal Shelter Inspection Report completed on 08/20/2020. This inspection relates to Agriculture and Markets Laws and Regulations which may be viewed on the website below.

As the report indicates, dog shelter services were rated "Satisfactory". Please make note of any comments listed on the report.

Municipal dog shelters are subject to inspection by this agency on a regular basis.

Please notify this office within 30 days of any changes in municipal shelter services.

If you have any questions regarding this inspection, please call me.

Makayla Fowler Animal Health Inspector

## **MUNICIPAL SHELTER INSPECTION REPORT - DL-90**

Rating: Satisfactory365

Purpose: Inspection

DATE/TOA: 8/20/20 11:45 am

ELMIRA ANIMAL CONTROL AND SHELTER C/O DEPT OF PUBLIC WORKS BLDG 840 LINDEN PLACE ELMIRA NY 14901

Inspector: Makayla Fowler

Inspector #: 847

These are the findings of an inspection of your facility on the date(s) indicated above:

1. Shelter is structurally sound	Van
2. Housing area and equipment is sanitized regularly	Yes
3. Repairs are done when necessary	Yes
4. Dogs are handled safely	Yes
5. Adequate space is available for all dogs	Yes
6. Light is sufficient for observation	Yes
7. Ventilation is adequate	Yes
	Yes
8. Drainage is adequate	Yes
9. Temperature extremes are avoided	Yes
10. Clean food and water is available and in ample amount	Yes
11. Veterinary care is provided when necessary	Yes
12. Dogs are euthanized humanely, by authorized personnel	Yes
13. Complete intake and disposition records are maintained for all seized dogs	Yes
14. Dogs transferred for purposes of adoption in compliance with Article 7	
15. Redemption period is observed before adoption, euthanasia or transfer	Yes
16. Owners of identified dogs are properly notified	Yes
17. Redeemed dogs are licensed before release	Yes
18. Proper impoundment fees paid before dogs are released	Yes
19. Written contract or lease with municipality	Yes
The second of lease with municipality	Not Applicable

## Town - City - Village Information for Inspection:

TCV CODE	TCV NAME	
0701	Town of Ashland	
0702	Town of Baldwin	
0704	Town of Catlin	
0705	Town of Chemung	
0706	Town of Elmira	
0707	Town of Erin	
0708	Town of Horseheads	
0709	Town of Southport	
0711	Town of Veteran	
0712	City of Elmira	

REMARKS:

REPRESENTATIVE PRESENT FOR INSPECTION: Amanda Lamphier TITLE: LVT

REVIEWED BY: David Chico REVIEWED DATE: 08/24/2020

## Town - City - Village Information for Inspection:

TCV CODE	TCV NAME	
0701	Town of Ashland	
0702	Town of Baldwin	
0704	Town of Catlin	
0705	Town of Chemung	
0706	Town of Elmira	
0707	Town of Erin	
0708	Town of Horseheads	
0709	Town of Southport	
0711	Town of Veteran	
0712	City of Elmira	

REMARKS:

REPRESENTATIVE PRESENT FOR INSPECTION: Amanda Lamphier TITLE: LVT

REVIEWED BY: David Chico REVIEWED DATE: 08/24/2020



September 4, 2020

Russell Purvis Town Supervisor - Town of Baldwin 622 Breesport N Chemung Rd Lowman, NY 14861

Enclosed is the **Dog Control Officer Inspection Report** completed on **08/20/2020**. This inspection relates to Agriculture and Markets Laws and Regulations which may be viewed on the website below.

As the report indicates, DCO services were rated "Satisfactory". Please make note of any comments listed on the report.

Dog control officer services are subject to inspection by this agency on a regular basis.

Please notify this office within 30 days of any changes in DCO services.

If you have any questions regarding this inspection, please call me.

Makayla Fowler Animal Health Inspector

## DOG CONTROL OFFICER INSPECTION REPORT - DL-89

Rating: Satisfactory365

Purpose: Inspection

DATE/TOA: 8/20/20 11:45 am

ELMIRA ANIMAL CONTROL AND SHELTER C/O DEPT OF PUBLIC WORKS BLDG 840 LINDEN PLACE ELMIRA NY 14901

Inspector: Makayla Fowler

Inspector #: 847

These are the findings of an inspection of your facility on the date(s) indicated above:

Equipment is available for proper capture and holding	\/
2. Dogs are held and transported safely	Yes
3. Equipment maintained in clean and sanitary condition	Yes
4 Votoring a core is a series and sanitary condition	Yes
4. Veterinary care is provided when necessary	Yes
5. Dogs are euthanized humanely	Yes
6. Complete seizure and disposition records are maintained for all seized dogs	
7. Dogs transferred for purposes of adoption in compliance with Article 7	Yes
8. Redemption period is observed before adoption, euthanasia or transfer	Yes
9 Owners of identified the served before adoption, euthanasia or transfer	Yes
9. Owners of identified dogs are properly notified	Yes
10. Redeemed dogs are licensed before release	Yes
11. Proper impoundment fees paid before dogs are released	100
	Yes

## Town - City - Village Information for Inspection:

TCV CODE	TCV NAME
0701	Town of Ashland
0702	Town of Baldwin
0704	Town of Catlin
0705	Town of Chemung
0706	Town of Elmira
0707	Town of Erin
0708	Town of Horseheads
0709	Town of Southport
0711	Town of Veteran
0712	City of Elmira

## Additional Information for Inspection:

## Number of Dogs Seized:

Number of dogs seized since previous inspection: 29

## Associated Municipal Shelter(s):

Name of Shelter(s): Elmira Animal Shelter

## **Holding Facility:**

Dogs held before transport to shelter? (Yes/No): No Location(s): N/A

REMARKS:

REPRESENTATIVE PRESENT FOR INSPECTION: Amanda Lamphier TITLE: LVT

REVIEWED BY: David Chico REVIEWED DATE: 08/24/2020

Town -	City -	Village	Information	for	Inspection:
	,	· mage	mormation	101	inspection:

TCV CODE	TCV NAME	
0701	Town of Ashland	
0702	Town of Baldwin	
0704	Town of Catlin	
0705	Town of Chemung	
0706	Town of Elmira	
0707	Town of Erin	
0708	Town of Horseheads	
0709	Town of Southport	
0711	Town of Veteran	
0712	City of Elmira	

## Additional Information for Inspection:

## Number of Dogs Seized:

Number of dogs seized since previous inspection: 29

## Associated Municipal Shelter(s):

Name of Shelter(s): Elmira Animal Shelter

## **Holding Facility:**

Dogs held before transport to shelter? (Yes/No): No

Location(s): N/A

REMARKS:

REPRESENTATIVE PRESENT FOR INSPECTION: Amanda Lamphier

REVIEWED BY: **David Chico** REVIEWED DATE: 08/24/2020

#### **OLD BUSINESS**

**2021 PRELIMINARY BUDGET** - Barb Harding stated that there were a few small changes in General Fund as far as decreasing a little bit, if the money has not been used no sense in carrying a large balance. The only increase was Paul Tillotson asking for a 2% on everything except his wage which is on the General, he requested \$1,500.00, other than that no increases. The total budget went down a little bit.

Faith Marmor will be placing a legal ad in the Elmira Star Gazette for the November 4, 2020 Town of Baldwin 2021 Budget Public Hearing.

A Motion was made in the form of a **Resolution No. 25-2020 (10R4-2020)** that no raises would be given for any employee for year 2021 by Councilman Sherwood, seconded by Councilman Conklin, All Ayes.

2021 HEALTH INSURANCE - Dan Miller stated that he and Paul Tillotson spoke with the Highway Department men, namely Scott and Gerald, regarding plans. He passed out documents with a financial overview relative to the current program as it relates to the renewal and Excellus document with current and the potential new plan the Board and he have been discussing over the past few months. He went over the documents with the Board. The town would look to fund the deductible with \$7,000.00 for an individual, \$14,000.00 for the other two subscribers, for a total deductible fund of \$35,000.00 across that whole risk. The total risk for the town is approximately \$63,000.00 should all three go into catastrophic events. He broke this down into utilization examples. The average utilization is around 25%, that is the normal. The only other fees related to the plan are related to the HRA. There is a \$200.00 installation fee (one time fee), \$800.00 annual cost and then the collateral deposit (5% for credit cards weekly or 3% daily withdrawals). Councilman Sherwood asked if the \$28,182.00 is the annual premium, \$17,500.00 is the deductible amount at 50% utilization, which gives the town \$45,682.00 total, plus the \$800.00 administration fee and the \$200.00 installation fee (one time), which brings the total to \$46,682.00, and then dental and vision amount at approximately \$4,000.00, saving the town a minimum of \$15,000.00 per year, which is correct per Dan Miller. Councilman Sherwood stated that this year and probably next year they know financials from the state and county will be dismal at best. Supervisor Purvis stated that if it benefits the employees as they are the beneficiary of the health insurance and it is a savings for the town, he would make a motion that the town approves the new health insurance plan. Councilman Sherwood stated he had no issues with it as it is a savings all around.

A Motion was made initially by Supervisor Purvis to accept the new plan for health insurance for year 2021, and all Board Members approved, however as Dan Miller spoke of next steps and allowance, he recommended that the town max out in the overall funding whether utilized or not and Councilman Sherwood questioned the fully funding as the town would not save anything. Dan Miller stated that from a funding perspective, the town is reserving this money in their account - budgeting the \$70,000.00, the total risk of the HRA funding is \$35,000.00, this is the allowance he speaks of and this is not being paid out unless it is utilized. Councilman Sherwood stated that these funds would be tied up solely for that account and if the town needs these funds for something else, they cannot touch them, to which Dan Miller agreed. Councilman Sherwood asked why they could not fund at the 50% utilization

rate if the average is 25%, to which Dan Miller stated that this then puts 50% risk on the employees/members should they go over that. Councilman Sherwood stated that his approval of the new health plan was based on with this year and next year the budgeting being on shaky ground. Dan Miller stated that year one is the biggest financial burden because the town is budgeting \$70,000.00. If the town does not fully fund the HRA which is not a requirement, 50% risk of the deductible is put on the member which is worse than the current insurance. Councilman Sherwood stated that if they are not realizing any sort of savings, he cannot see committing this kind of money the first year out. Barb Harding stated that the problem is that even though the money is in the budget, the town's funds are continually going down. In the monthly report, the revenues are not taking care of the expenses. The Board discussed this matter at length with Councilman Sherwood not willing to accept the new plan as fully funded.

\*Barb Harding suggested that the money (\$35,000.00) Paul Tillotson wants to put towards a new truck, that it be put aside but not buy the truck for 2020, wait and see what 2021 brings. She realizes this money is in Paul Tillotson's accounts but it is not in the bank, therefore we would be better off and cheaper for the Highway guys to take that money and fully fund the health insurance. The medical expense would be far greater beneficial than the pick up truck for the Highway Department. Paul Tillotson said that he is fine with this if the town wants to give him more money towards maintenance on his personal vehicle as the money he does receive from the town does not cover tires and he is putting new tires on every year. Barb Harding said he does not have the money, yes he may have leftovers in the budget but the problem is where would we get the money? She would have to use money from Chips which is basically a reimbursement from monies they have spent on other accounts, so he really does not have this money because this Chips money has already been spent, this is just a reimbursement. To Barb, maybe the town needs to choose for 2021. She can see the benefit for doing the \$35,000.00 for the Highway guys and she sees the benefit for the town in doing the \$35,000.00. Paul Tillotson asked if he spent the full entire budget, where would they be, to which Barb Harding said he would be broke. He then asked if what is in his budget is not for him to spend in a year? Barb Harding stated that she has \$103,634.00 for the new budget of unexpended fund balance which means monies that is not funded - not by property taxes, not by revenues, this means this money has to come from somewhere. Normally they always say you do your budget to come out to zero, so if he figures for his budget to come out to zero, take all the expenses he has already spent, and this is probably what should have been appropriated. More appropriation is put in the budget only with the idea that otherwise we would have to go back and amend the budget every meeting if overspending a certain amount. Barb Harding again mentioned a replacement plan for vehicles and something the town should think about going forward, one of the reasons she always asks Paul Tillotson what is he going to buy. She also asked if spending this amount of money on a new pick up would warrant the amount it is being used, would it be a cost benefit. Once you drive the truck off the lot, it drops \$10,000.00 right there. She also mentioned the possibility of shared services. Barb Harding stated that if it were her she would fund the health insurance and not the pick up truck because she is not sure on the usage. Paul Tillotson stated that if this is what we have to do to get the insurance, then they will go with the insurance.

A Motion was made in the form of a **Resolution No. 22-2020 (10R-2020)** to accept the new plan for health insurance for year 2021 fully funded by Supervisor Purvis, seconded by Councilman Conklin, Councilman Steiner Aye, Councilman Sherwood Nay.

Regarding the HRA, Faith Marmor will be the contact. There are two cards that will be sent to members, an Excellus Medical Subscriber ID Card (at point of service this card is utilized at the Hospital, Urgent Care, etc.), nothing is paid at point of service. The member requests to be billed. The member will get an invoice. This is when that benefits card is utilized to fund any out of pocket expenses as relates to medical claims. The client will remit fees to ProFlex Administrators through an ACH withdrawal, the funds can be set up on a weekly basis or on a daily basis. Barb Harding and Faith Marmor thought best for fees to come out weekly. Supervisor Purvis signed the HRA document for funding purposes. Faith Marmor kept the original and will be scanning a copy to Dan Miller.

The requirement documents pertaining to the bank account and a blank check need to be submitted to Dan Miller as soon as possible. Barb Harding thinks a separate account would be good for this purpose. She questioned whether a savings account could be used for this purpose. Dan Miller said he would check into this issue and get back with Barb Harding.

#### **NEW BUSINESS**

**2021 PROPOSED ARTICLE 7 AND ARTICLE 26 AGREEMENTS** - A Motion was made in the form of a **Resolution No. 23-2020 (10R2-2020)** to accept the proposed Article 7 and Article 26 Animal Control Services Intermunicipal Agreements by Councilman Sherwood, seconded by Councilman Steiner, All Ayes.

HAZARD MITIGATION PLAN MUNICIPAL ADOPTION - A Motion was made in the form of a Resolution No. 24-2020 (10R3-2020) to accept the Hazard Mitigation Plan Municipal Adoption by Councilman Sherwood, seconded by Councilman Collins, All Ayes.

**BANNERS** - There was no discussion on this matter. The Banners will be placed on the November 2020 Town Board Meeting Agenda.

**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 Supervisor Purvis, seconded by Councilman Sherwood, All Ayes.

A Motion was made to go out of 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 NOVEMBER 4, 2020 IMMEDIATELY FOLLOWING THE PUBLIC HEARING REGARDING THE 2021 BUDGET BEGINNING AT 6:00 P.M.

Respectfully Submitted,

Eaith B. Marmor, Town Clerk