

# TOWN OF WAYNE BOARD MEETING MINUTES February 11, 2020

The February monthly meeting commenced at 6:31PM with the Pledge of Allegiance.

Present: Supervisor Dunbar  
Councilperson Kenyon  
Councilperson Haff  
Councilperson Freeman  
Town Clerk Mahr

Also present: Doug & Megan Howard, David Bauer, Julie Haar, Kurt Falvey, Jay Paul Martin, Jay Palmer, Randy Hoad, Ray Kane, Don & Marilyn Robbins, Kerry & LuAnn Simmons, Kyle Dencenburg, Ray Blanchard, Doug Putnam, Ken Hurst, Rich Carpenter, Paul Sutherland & Ron McIntire.

## **Approval of Minutes**

The January 14th Board Minutes were reviewed. Motion to approve the minutes was made by Councilperson Freeman, seconded by Councilperson Haff subject to the change in the Highway Report that the Town will provide surveyor contact information to Doug Putnam and Dog Control Officer Megan Howard will receive reimbursement for her personal expenses incurred in the dog shelter project. The motion was made by Councilperson Freeman and seconded by Councilperson Haff with all in favor.

The January 21 special board meeting minutes were reviewed. Councilperson Freeman asked for a clarification around the discussion on how an estimate was made for fixing the existing Town tractor. Supervisor Dunbar replied he gave a description of the problems with the unit to Jay Paul Martin but no one actually inspected the unit. Motion to approve those minutes was made by Councilperson Haff and seconded by Councilperson Freeman with all in favor.

## **Supervisors Report**

Prior to the review of the Supervisor's Report Supervisor Dunbar reviewed a number of business issues.

1. The Cell Tower lease agreements have been signed. No further action needs to be taken until Horvath makes a decision to exercise its option on the contract. Presently Verizon is the only provider signed up to use the tower. Supervisor Dunbar encouraged residents who are not Verizon customers to encourage their vendors to join the tower as well. Supervisor Dunbar also added that during the construction Horvath needs to take into account the location of the Town water line.
2. The Town of Bath has decided not to partner with Town of Wayne for a New York State archives grant. The Town of Tyrone may be interested in partnering as long as the grant doesn't require funds to be put up initially by the applicant that are subsequently matched by the State. The grant discussion will be tabled until later in the year. Supervisor Dunbar clarified that he had misread the Hunt Engineering proposal presented at the special board meeting on January 21. The proposal was to

engage Hunt's grant writing services on an \$8,000 retainer. Supervisor Dunbar followed with making a motion that the Town retain Hunt Engineering for general engineering grants and bid package services. Councilpersons Haff and Kenyon suggested the Board review the capabilities of the Town's current engineering firm, Larson Engineering, before making any decision. Councilperson Freeman recommended tabling the proposal because until a plan for grant projects was established. Councilperson Freeman also agreed with Councilperson Haff that a meeting should be set up with Larson to understand their offerings.

3. Supervisor Dunbar gave an update on the Records Recovery Investigation. On February 5, 2020 Town Attorney Connolly received the following information via email from Noel Terwilliger in the District Attorney's Office that he had been contacted by a Town Board member who stated that he or she did not want a criminal investigation. Dunbar stated that Noel Terwilliger was an ADA in the office assistant district attorney. This claim has caused a delay in the investigation requiring Attorney Connolly to draft a letter to DA Baker stating the accurate interest of the Town.
4. Supervisor Dunbar discussed that he was preparing a draft of a Procurement Policy for the Town Board and public to review. Supervisor Dunbar was meeting with DSD Webworks to discuss the possibility of putting documents on the Supervisor's page of the website. Supervisor Dunbar indicated if the price was around \$600 he would not proceed without further discussion.
5. Supervisor Dunbar revisited the Tractor Mower purchase approved by the Board at the January 21<sup>st</sup> special board meeting. Supervisor Dunbar reiterated his view that the equipment bid and subsequent purchase did not follow New York State legal guidelines. It was Supervisor Dunbar's contention that the Town attorney should review the bid along with State Comptroller's Office. If the legal concerns are not addressed to Supervisor Dunbar's satisfaction he will not sign a check to purchase the new unit. The Steuben County mowing contract was also reviewed. Supervisor Dunbar stated that the previous Supervisor signed a contract in September that was not notarized and was not presented to the Town Board for approval. The County required changes in the contract that were never acted on so there is no agreement in place at this time.
6. Supervisor Dunbar gave a brief update on the progress being made on the highway union negotiations. Framework discussions have taken place. Major issue is health care and its impact on the Highway budget.
7. The Annual Update Audit (AUD) was submitted on January 18<sup>th</sup>. Response from the State Controller's Office indicated there were (6) items that need to be addressed. Supervisor Dunbar stated he has had issues accessing the NYS retirement system and briefly discussed the current costs associated with his book keeper training. Supervisor Dunbar will be contacting the State Comptroller's Office to conduct an audit on the Town's finances. Supervisor Dunbar added that he has had numerous discussions with accounting folks who stated that many times accounting plugs are used to balance financials. Councilperson Freeman stated the Board should be a participant in the audit process.

8. Fund Balances were presented showing \$193,000 in the General account and \$300,000 in the Highway account. Clerk Mahr made the point that there was a discrepancy between the numbers shown in the fund balance report versus the Supervisor report. Supervisor Dunbar was to research.
  
9. A breakdown dog shelter costs was presented.
  
10. Supervisor Dunbar reviewed Town Hall infrastructure upgrades and asked the Board to approve prepaying SCT Computer for the networking installation performed on February 6-7. Councilpersons Haff and Freeman questioned why the project was done without Board approval. Supervisor Dunbar indicated he would review potential expenditures with the Board in the future prior to proceeding. The Town Board agreed to pay the invoice not because they agreed with project but because of the value they placed in SCT as a vendor. Motion was made by Councilperson Freeman and seconded by Councilperson Haff with all in favor. Councilperson Freeman also reiterated her concern that the Town was spending money without proper approvals and questioned the validity of the account codes being charged. In addition Councilperson Freeman suggested that there should be a policy put in place with a limit on what could be spent without Board approval.

The supervisor’s report for January was reviewed. Councilperson Freeman questioned why the cash on the Trust & Agency was zero. Supervisor Dunbar said since the funds going in and out of that line were a wash it did not really need to be reported. Supervisor Dunbar added that the transaction doesn’t impact the accounting system at all and is not a checks and balance on anything. Supervisor Dunbar will review the requirement with Williamson Law and the State Comptroller’s office. Motion to approve the Supervisor’s Report contingent upon clarification that the Trust & Agency line could be blank was made by Councilperson Kenyon and seconded by Councilperson Haff with all in favor.

**Clerks Report**

The Clerk’s monthly report for January 2020 was presented with no discussion. Motion to approve the Clerk’s Report was made by Councilperson Haff and seconded by Councilperson Kenyon with all in favor.

Abstract 2 vouchers were reviewed for the General and Highway Accounts. There was no Trust and Agency vouchers.

Abstract 2 Vouchers submitted were broken down by:

- General Account                                      Vouchers 13 – 51                                      \$ 231,477.22
- Highway Account                                      Vouchers 6 - 13                                      \$ 7,300.79

Councilperson Freeman questioned Voucher #s 17 & 20 being charged to the 2020 budget because the expenses were incurred in 2019. The Board agreed to do a Resolution for a funds transfer from the unallocated funds to accounts A1315.48 and A1420.4 accordingly. In addition the account charged for Voucher 26 needed to be changed to A4050.4 Councilperson Freeman reiterated her concern regarding the Williamson Law vouchers being

charged to the book keeper accounts versus the Chief Financial Officer. Supervisor Dunbar stated he was shadowing Williamson Law presently and they were actually performing the book keeper activities. Councilperson Freeman also indicated that the Urda dumpster voucher should be a General Fund expense not Highway. Clerk Mahr to make the correction. Motion to approve Abstract 2 subject to the account code changes was made by Councilperson Haff and seconded by Councilperson Kenyon with all in favor.

Clerk Mahr also indicated that (2) invoices were not included for repair of the snowplow in the Highway because it was unclear what account code to charge. Reimbursement monies were received from Geico insurance. Councilperson Haff made a motion to prepay the (2) invoices seconded by Councilperson Freeman with all in favor.

### **Tax Update**

Clerk Mahr updated the 2020 Tax Collections. As of January 30<sup>th</sup> \$1,601,875.66 has been collected and \$917,590.89 remain outstanding. The Wayne Fire Department and the Keuka Lighting accounts have been paid. A brief discussion was held as to when to pay the General and Highway Funds.

### **Justice Report**

Justice report was reviewed with no discussion.

### **Assessor**

No report.

### **Highway Superintendent Report**

Highway Superintendent Doug Howard discussed journal activities for the month of January primarily with regards to snow removal. 1,057 gallons of fuel was used. The Town water system will need spare parts stored for back-up in case system fails. Primary concern is for a back-up chlorine pump. Estimated costs for the spare parts is \$921.00. Another discussion was held regarding the surveyor pin placement for Mr. Putnam's adjacent land. Supervisor Dunbar to contact McConnell & Mueller.

### **Code & Zoning Officer**

Review of monthly report was presented with no discussion.

There was no Zoning Board Meeting in December or January so the November minutes are still in draft mode. There was no Planning Board held this month so the January meeting minutes are also in draft mode.

### **Watershed**

No report

### **Dog Control Officer**

The monthly report was reviewed with no discussion. Dog Control Officer Howard informed the Board that the shelter passed its inspection with the State Vet. DCO Howard also stated in January there were (4) lost dogs one of which was put in the shelter and then returned to its owner. In addition, DCO Howard contacted the Association of Towns and was informed that Liz Kenyon could not be interim assistant Dog Control Officer because she is on the Town Board. Supervisor Dunbar will need to act as the interim. The dog shelter additional

materials that need to be procured to bring shelter into total compliance were discussed. Councilperson Freeman inquired about boarding dogs from other towns in the shelter with potential reimbursement.

### **History**

Review of monthly report was presented with no discussion.

### **Web Statistics**

Review of monthly report was presented with no discussion.

### **Executive Session**

At 8:11 PM Councilperson Haff made a motion to go into executive session to discuss personnel issues. The motion was seconded by Councilperson Freeman with all in favor.

At 9:20 PM the Board came out of executive session with the following actions:

1-Motion to approve backpay for Amy Gush for her services to January 1, 2020 given her understanding she was selected for the positions of Watershed Administrator, Planning & Zoning Board secretary by the previous Town Supervisor.

The roll call was as follows:

Councilperson Haff	Yes
Supervisor Dunbar	No
Councilperson Freeman	Yes
Councilperson Kenyon	Yes

2- The Board has reviewed the applicants for the open positions from the January Organizational meeting and will be making offers to the selected candidates. After the offers are accepted the names will be announced.

### **Public Comments**

Mr. David Bauer stated he agreed with the State Comptroller's Office doing an audit on the Town's financials.

Mr. Ray Kane stated he was in favor of the infrastructure upgrades and asked what plans are in place for disaster recovery for the Town's portable devices. Supervisor Dunbar replied that SCT Computing is engaged on this project and it is a work in progress.

Mr. Ron McIntire asked what analysis was done prior to signing any contract with Steuben County on mowing. Mr. McIntire reiterated that the Town lost money on previous contracts of this nature and should not be buying a new tractor mowing just to perform this contract.. Supervisor Dunbar responded that there is no contract in place at this time.

Ms. Julie Haar asked who on the Town Board made the request not to press criminal charges on the records retention investigation. She also clarified that Noel Terwilliger is an investigator for the county not an ADA. Ms. Haar also questioned why the Board expressed concern over the Town Supervisor spending \$3,800 dollars for upgrading the network when they approved \$6,000 additional for the tractor mower. Councilperson Haff responded that the tractor mower was a project presented to the Board for approval before any action was taken whereas the networking project was done without the Board's knowledge or consent.

Mr. Kurt Falvey asked how are the Town servers backed up. Supervisor Dunbar responded there are (2) back-ups in place. Mr. Falvey asked each Town Board member who contacted the DA's office on the investigation. All (3) Councilpersons responded no. Mr. Falvey reviewed his concern about the lack of accountability from the previous Town Supervisor particularly with Land Use Regulation.

Mr. Paul Sutherland questioned if the appointments made in the Executive Session included the open Board position. Supervisor Dunbar said applicants have until February 20<sup>th</sup> to express their interest. Following that the candidates will be interviewed and the Board will make a selection.

Councilperson Freeman asked Supervisor Dunbar if he was aware of the request from Sebastian LeSuerre for a letter of support for him to take to the embassy in France. Supervisor Dunbar said he was and would work on a draft letter for the Board to sign.

### **Announcements**

The next Town Board Meeting will be on Tuesday March 10, 2020

### **Adjourn**

A motion to adjourn the Town Board meeting was made by Councilperson Freeman and seconded by Councilperson Haff with all in favor.

Meeting adjourned at 9:40 PM.

Respectfully Submitted,

William Mahr Town Clerk  
February 11, 2020