

TOWN OF WAYNE

NOVEMBER BOARD MEETING MINUTES

November 9, 2021

The November 9th Board meeting commenced at 6:30 p.m.

Present: Councilperson Freeman
Councilperson Haff
Councilperson Kenyon (Zoom)
Councilperson Walton
Town Supervisor Mahr
Deputy Clerk Gabel

In attendance were: Amy Gush, Doug Howard, LuAnn Simmons, Dave Bauer, Joyce Witkowski, Maureen Conklin, Brenda Scotchmer, Bernadette Ervin, Steve Woodhouse, Julie Haar, Kurt Falvey, and Ron McIntire.

The participants identified via Zoom conferencing were: Chris Curry, Wayne Hand, Steve Butchko, DCO Howard and Erin McCann.

Approval of Minutes

The October 12th Board meeting minutes were reviewed. A motion to approve them was made by Councilperson Freeman and seconded by Councilperson Haff with all in favor.

Supervisor Mahr stated that on the agenda we will be starting with the History Group. Ms. Witkowski will make a presentation on the overview of the Scott Deming information presented at the October 12th Town Board Meeting. Supervisor Mahr stated that Mr. Tom Zuber from Mengel, Metzger & Barr will arrive to discuss the internal audit contract and then go into Executive Session.

History Group

Ms. Witkowski discussed the database and when to decide to open to the public. This started as a concept on a spreadsheet. The collection of material has been in binders, books, boxes, file folders and DVD's with a lot of duplication. Adjustments were made along the way and now there is a working product. The database will reflect more information on the subject. The Topics can be by: structure, organization, people, events, images, and collection items. Anyone with internet will be able to search and access the database through the Town's website. Ms. Witkowski suggested that during the first quarter of 2022 the database could be open to the public.

Ethics Committee

Ms. Brenda Scotchmer, Chairman of the Steuben County Ethics Board, stated The Town of Wayne Ethics Committee reached out for her assistance to develop a law on Ethics for the Town of Wayne. Ms. Scotchmer stated this law will establish guidelines for Town officials and employees to follow. Ms. Scotchmer also stated there will be annual training and include a financial form for elected officials, department heads will need to file to protect the Town from conflicts of interest. Ms. Scotchmer stated there would be a Public Hearing, with a Permissive Referendum (45 days) effective in 2022 and it will need to be on the website with a notice put on the Bulletin Board.

Supervisor Mahr stated that the Town will need to advertise for additional people to be on the Ethics Committee. Ms. Scotchmer stated that in the Ethics Rules the Town Supervisor can select the people, but the Town Board confirms to approve. Ms. Scotchmer also stated that the

term to be on the Committee needed to be removed for “just cause.” A committee member can only be removed by the Supervisor.

Supervisor Mahr stated that there will be a Public Hearing before the December 14th Town Board Meeting at 6:00 p.m.

Supervisor Report

Supervisor Mahr stated that the tractor attachment purchase is now reflected in the Highway Reserve Fund. Councilperson Freeman asked if that was for the mower attachment back in April. Supervisor Mahr confirmed it was.

Councilperson Haff requested information on the Keuka Lighting. Supervisor Mahr stated the information shows what we have spent year-to-date and there was no bill for October. The next bill will be paid in November as a pre-pay.

Supervisor Mahr showed on the Budget reports the line items that are negative and put together two Budget Modifications to resolve the issues.

Supervisor Mahr stated that the additional Town Clerk postage expense came from the estimated mailing bill for the 2022 taxes.

Councilperson Freeman stated that the playground mowing is going to go negative because there was no voucher for mowing. Supervisor Mahr stated that all the mowing expenses are in 2021 will overrun.

Councilperson Haff asked if Supervisor Mahr zeroed out the line items for the postage in zoning and planning. Supervisor Mahr responded that after taking this action, there was still a shortage of \$115.

A motion to approve the Budget Modification #1 was made by Councilperson Haff and seconded by Councilperson Walton. The voting was as follows:

Councilperson Freeman	Yes	Councilperson Kenyon	Yes
Councilperson Haff	Yes	Councilperson Walton	Yes
		Supervisor Mahr	Yes

Supervisor Mahr stated that the second Resolution was for the Highway. The Blades \$170,000 invoice was paid from the general repairs, creating a negative line item for that expense. Supervisor Mahr stated that the negative number needed to be replenished from the Highway Fund Balance. In addition to that the 2021 budget has run out of money for the Highway employees. Supervisor Mahr noted that we have to go into the Fund Balance to cover that difference.

Supervisor Mahr stated that there was a negative balance in the Chips account because we charged more than what was planned in the Budget, but on the Revenue side the Town has received more revenue than anticipated. What we need to do is move money out of revenue, which is a negative number, credit that, and debit it over to the Chips account into the Budget. Supervisor Mahr stated that it should be the same amount of money because there should not be a negative number in the Budget for Chips and in the Revenue for Chips.

Councilperson Walton asked what account was the General Repairs Personnel service amount coming out of. Supervisor Mahr stated that it would be coming out the Highway Fund Balance.

A motion to approve Budget Modification #2 was made by Councilperson Haff and seconded by Councilperson Walton. The voting was as follows:

Councilperson Freeman	Yes	Councilperson Kenyon	Yes
Councilperson Haff	Yes	Councilperson Walton	Yes
		Supervisor Mahr	Yes

Supervisor Mahr suggested that the 2021 Payroll schedule for the next two months be adjusted to pay Town employees on the Tuesday before Thanksgiving and the Tuesday before Christmas.

A motion to amend the November and December Holiday Payroll schedule to November 19th and December 17th for the Town employees to receive their pay prior to the Holidays was made by Councilperson Freeman and seconded by Councilperson Kenyon. The voting was as follows:

Councilperson Freeman	Yes	Councilperson Kenyon	Yes
Councilperson Haff	Yes	Councilperson Walton	Yes
		Supervisor Mahr	Yes

Clerk's Report

A motion to approve Clerks Report was made by Councilperson Haff and seconded by Councilperson Freeman with all in favor.

Supervisor Mahr asked if there were any questions on the Vouchers. There were none. Supervisor Mahr stated that an additional bill came in today that's not in the packet for the handicap ramp replacement. The amount was approved at the October Board Meeting and could be a prepay in November. Supervisor Mahr asked if anyone had an issue with the prepay. Councilperson Walton and Haff suggested to prepay in November.

A motion to approve Abstract 11 was made by Councilperson Haff and seconded by Councilperson Walton with all in favor.

Justice Report

Judge Freeman asked Supervisor Mahr to do an audit and will be done in December to review the checks received, deposited, and amount sent to the State. If there is more involved, the Town will find another way to handle the audit.

Assessor's Report

Supervisor Mahr stated that the Assessor shared this afternoon the 2022 contract and is going up to just under 5% going up monthly from \$1,508 to \$1,581. Supervisor Mahr stated he will compare to the previous contracts and the contract does not need to be signed until the December 14th meeting and the Board can approve at that time. Supervisor Mahr stated the Board will receive a copy.

Highway Report

Superintendent Howard stated that the fuel usage was 552 gallons. Superintendent Howard stated they hauled materials for the East Lake Road project and got pipes changed as well, along with mowing some roadsides. Superintendent Howard stated that the tractor needs to get its PTO repaired. Superintendent Howard stated that with the flooding last week the Highway employees cleaned up Keuka Village Roads.

The shoulder stabilization on the East Lake Road bid received only one response at \$67,440.00 Larson Engineering reviewed the bid, and recommend the Board award it to Upstate Builders (Penn Yan). Supervisor Walton asked if the bid fit into the overall package that was put together for the East Lake Road Project and Superintendent Howard said it was.

Superintendent Howard asked for a motion by the Board to have Larson Engineering process the award packet to Upstate Builders.

Councilperson Walton asked if the price fit into the Budget for the East Lake Road Project and Superintendent Howard responded it was.

Ms. Haar asked who owns the business. Superintendent Howard replied that his first name was Mark.

Councilperson Freeman asked if there was a timeframe on the bid. Superintendent Howard stated that the work can be done in a month's time once it is awarded. Councilperson Walton asked if Larson Engineering is comfortable with Upstate Builders and Superintendent Howard said he has received a letter from Larson recommending we award the bid to the vendor.

Councilperson Haff stated that paperwork shows that the shoulder stabilization estimated at \$45,000. Superintendent Howard stated that was the original quote, but what has to go up for bid is the prevailing wage with all the extra money they have to pay for insurances, etc.

Councilperson Walton asked if the submitted bid increased the overall job beyond \$240,000. Supervisor Mahr stated this was part of the expense for this year.

Superintendent Howard stated that he also turned in the Chips paperwork with the reimbursement being in December.

Councilperson Freeman asked if there were any other towns that have work done by Upstate Builders. Superintendent Howard responded that they have done other work around the Lake on County Route 54A. Councilperson Freeman stated that Larson Engineering would know if they looked at the bid. Councilperson Haff also stated that Larson Engineering recommended awarding the bid to Upstate Builders for this project. Superintendent Howard stated that a letter was received from Larson Engineering to that effect. Councilperson Haff recommended to proceed with the project and we will find the \$22,000.

A motion to approve Larson Engineering's recommendation to award the East Lake Road Project to Upstate Builders was made by Councilperson Haff and seconded by Councilperson Walton. The voting was as follows:

Councilperson Freeman	Yes	Councilperson Kenyon	Yes
Councilperson Haff	Yes	Councilperson Walton	Yes
		Supervisor Mahr	Yes

Superintendent Howard stated that the 2002 International truck is rotting out and was taken out of service on October 13th. Superintendent Howard suggested finding a good 10-wheeler to replace it that has not been used in a town environment. It would be used to just haul materials and to put the brine tank in and the Town does not need another plow truck.

Councilperson Freeman asked if Superintendent Howard looks at any used trucks and he said he has not yet. Councilperson Freeman stated that the Board needs to know about how much money the truck will cost. Councilperson Walton suggested to get an idea of what the replacement cost would be and what would be the potential value of the 2002 International truck and then discuss it. Councilperson Haff stated that as long as you have taken it out of service it seems that you can put it on the Auctions International or something and sell the equipment. Councilperson Haff also stated that as far as buying something used, being that something on State bid can be purchased, or will buying a used piece of equipment or buying a new piece of equipment on State bid.

Superintendent Howard stated that since the new truck previously discussed is two years out. Councilperson Freeman recommended doing some research on what you can get for the 2002 International and what is out there for a used dump truck and bring back some options and numbers.

Supervisor Mahr stated that Superintendent Howard needs to get different options to the Board prior to the December 14th Board Meeting. Supervisor Mahr stated that if we have to pay for this out of the Equipment Reserve, then the Board needs to have a Permissive Referendum process.

Councilperson Haff asked how soon would this truck be needed. Superintendent Howard stated that going into the winter season it would be used to haul sand and gravel. Councilperson

Walton stated that Superintendent Howard still has means of doing it. Superintendent Howard replied that if there was a need to haul a lot of sand Shared Services can be used. Councilperson Haff stated that realistically if you had something by Spring that would work out. Superintendent Howard stated that it would be to put the brine tank in.

Mr. David Bauer stated that with the Board approval, Superintendent Howard could list it on Auctions International seeing it is out of service and then it could be put in as an open bid on the truck.

A motion to list the 2002 International truck on Auctions International was made by Councilperson Haff and seconded by Councilperson Walton with all in favor.

Code Officer – Planning – Zoning

Supervisor Mahr asked if there were any questions on the Code Officer's Report. Councilperson Freeman stated that the Planning Board met on November 15th and approved the September 20th Minutes.

Watershed Report

The monthly summary report was presented.

Dog Control Officer

The monthly summary report was presented. Ms. Howard stated that a resident had his first warning with everything else going well. Also, a thank you to the people who donated supplies to the shelter like toys and collars.

Web Statistics

No report this month.

Old Business

Councilperson Freeman presented some information on the Hometown Hero Program stating she talked to several towns. The handout was from the Town of Odessa's website with an application due by April 22nd, the banner company they spoke with is from Pennsylvania with the cost of \$183 per person nominated. The check is made out to the Town and the Town does one check to the banner company with a minimum of five banners. Councilperson Walton stated that the person nominated is paid for by the family. Councilperson Freeman also stated that the \$183 is for banner and the bracket. On the DD214 form need to get information from the veterans' records to be included with the application. Councilperson Freeman stated the Town of Odessa has three people on their committee, not Town Board members, it's residents of the Town. The Town of Odessa's Highway and Fire Departments put the banners out before Memorial Day, take them in after Veteran's Day and they should last about five years.

Councilperson Freeman does have some questions like where would they could be put because there are not that many utility poles that can be used. The Town may need to get permission from NYSEG or whoever those poles belong to. Councilperson Walton suggested this information go to Mr. Gary Perz because he initiated the idea.

Superintendent Howard said that the Town does not have a bucket truck. Councilperson Freeman stated that cost would enter into it also.

Supervisor Mahr stated that the formation of the committee could be put on the website looking for volunteers and post it on the Bulletin Board.

Ms. Haar stated she would contact Gary Perz to ask him to head up this program.

Councilperson Haff stated under Old Business the Board discussed Scott Deming's (DSD Webworks) proposal at the October 12th meeting and make a motion that DSD Webworks

continue with the Town's website and do the update as per Mr. Deming's proposal last month. Councilperson Walton seconded with the following approvals:

Councilperson Freeman	Yes	Councilperson Kenyon	Yes
Councilperson Haff	Yes	Councilperson Walton	Yes
		Supervisor Mahr	Yes

Supervisor Mahr stated, due to the health restrictions, the Town would like to do the gift cards again for Volunteer Appreciation. This was well-received last year keeping the cost the same.

Public Comments

Ms. Haar strongly encouraged that there be a background check on the owner of Update Builders based on her own experience as well as his background. Councilperson Walton asked Superintendent Howard to ask Larson Engineering to do that. Superintendent Howard will contact Larson Engineering. Ms. Gush asked if there were lawsuits against the company a couple years ago. Ms. Haar said that there were and they've done some shotty work for her relatives and does not want the Town to have an issue.

Mr. Bauer asked what was being discussed in Executive Session. Supervisor Mahr replied the Board was going to review the Audit Contract for the Town. Mr. Bauer asked if the decision would be made tonight. Supervisor Mahr stated that hopefully tonight, but if not at the next Board Meeting.

Ms. LuAnn Simmons asked about the Procurement Policy as a follow up at the last Board meeting. It has come up at the Ethics Committee meeting as a guideline for the Board. Councilperson Freeman stated that the Board started one last year with some changes made to it never got finished and there is a copy that the Board will review.

Supervisor Mahr stated he would like to thank Ms. Maureen Kurtz and Ms. Megan Howard for cleaning the Town Hall prior to Election Day.

Supervisor Mahr stated that for the Town Hall will be closed on Veteran's Day.

Supervisor Mahr stated that the KWIC/KLOC meeting will be hosted at the Wayne Town Hall on Monday, November 22nd from 7:00 – 9:00 p.m.

A motion was made to go into Executive Session by Councilperson Kenyon and seconded by Councilperson Freeman with all in favor.

A motion was made to come out of Executive Session at 8:20 p.m. by Councilperson Freeman and seconded by Councilperson Walton with the following action:

Approval of Supervisor to sign the letter of engagement with Mengel, Metzger & Barr to audit the Town's financial transactions for 2020 and 2021, with all in favor.

A motion to adjourn at 8:28 p.m. was made by Councilperson Freeman and seconded by Councilperson Haff with all in favor.

ANNOUNCEMENTS:

- Next Town Board Meeting – December 14th
Public Hearing for TOW's Code of Ethics & Marijuana Opt-Out at 6:00 p.m.
Town Board Meeting at 6:30 p.m.

Respectively submitted,

Nancy Gabel, Deputy Town Clerk