

TOWN OF WAYNE  
DECEMBER BOARD MEETING MINUTES  
December 14, 2021

A Board Meeting commenced at 6:30 pm following the Public Hearing on Cannabis and Ethics.

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

Absent: Councilperson Kenyon

In attendance were: Amy Gush, Doug Howard, LuAnn Simmons, Candy Dietrich, Dave Bauer, Joe and Angie Serphillips, Bernadette Ervin, Steve Woodhouse, Brenda Scotchmer, Paul Wolfe, Jay Palmer, Sheriff James Allard, Julie Haar, Marilyn and Don Robbins, and Ron McIntire.

The participant identified via Zoom conferencing was: Chris Curry, DCO Howard, Steve, Karen Doucette, Kyle Dencenberg, Kody Kinney, and Erin McCann.

**Guest Speaker**

Supervisor Mahr introduced Sheriff James Allard to update the Town on opting-out/opting-in on Adult Use Cannabis Retail Dispensaries and On-Site Cannabis Consumption Sites.

Sheriff Allard stated if the Town opted-out now they can opt-in at any time, but it cannot be done in reverse. Sheriff Allard also stated during the Public Hearing that:

- Zoning is up to local law
- Has to be 300 feet from any school and so many feet from a church.
- The NYS Cannabis Control Board has no regulations in place at this time.
- The Town must service 50,000 people and other associated businesses, pay \$250,000 to apply, and be affected by NYS Laws.
- Sheriff Allard stated that twelve towns/villages in Steuben County have Opted-out.

Sheriff Allard stated that Colorado has been in existence for six years and have not reached their first-year goal.

Sheriff Allard also stated that the community can put together a petition to vote for an Opt-in at any time in the future. There would need to be a Public Hearing and public vote.

Sheriff Allard stated that once the Town opts-in, the County will have to control, and the State gets the tax revenue.

Sheriff Allard mentioned that if cannabis is a “gift” it is legal and not regulated in shops. These edibles are intentionally dangerous because you are not sure what is mixed in with the cannabis. Every community has a choice to make and consider your tax cap.

A motion for Resolution 20 to adopt in 2021 Law #1 **opting-out** of Adult Use Cannabis Retain Dispensaries was made by Councilperson Haff, seconded by Councilperson Walton. The voting was as follows:

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

\*Councilperson Walton also stated that the public can put together a petition to vote for an Opt-in.

A motion for Resolution 21 also to adopt in 2021 Law #1 **opting-out** of Adult Use of On-Site Cannabis Consumption Sites was made by Councilperson Haff, seconded by Councilperson Walton. The voting was as follows:

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

\*Councilperson Walton also stated that the public can put together a petition to vote for an Opt-in.

### **Ethics Committee**

Supervisor Mahr stated Local Law 2 of 2021, Enacting a Code of Ethics and establishing a Board of Ethics needs to be established along with a Financial Disclosure Form.

A motion was made for Local Law 2, 2021, Replacing Local Law No. 3 of the Year 2012, Enacting a Code of Ethics and Establishing a Board of Ethics for the Town of Wayne was made by Councilperson Haff and seconded by Councilperson Freeman. The voting was as follows:

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

Supervisor Mahr stated that the Financial Disclosure Form will be addressed at the January 11<sup>th</sup>, 2022, meeting.

Supervisor Mahr requested a moment of silence for “Barney” Hubbs, Dwayne Randell, and David Campbell.

Supervisor Mahr acknowledged “Angie” Serphillips as the new Town Clerk and looking forward to her being on board sharing her talents.

### **Approval of Minutes**

The November 9th Board meeting minutes were reviewed. A motion to approve them was made by Councilperson Walton and seconded by Councilperson Haff with all in favor.

### **Supervisor Report**

Supervisor Mahr stated that the General Fund analysis shows money will be rolled over to 2022. Supervisor Mahr also stated that the Highway Department is tighter and did not enough money in the budget to cover the salaries and some Union benefits. Supervisor Mahr stated that the November and December costs will be paid from the Highway Fund Balance account to cover those costs.

Supervisor Mahr also stated we expect to be getting a check for \$155,000 for CHIPS, which will be allocated to the 2022 East Lake Road project.

Supervisor Mahr stated that the Budget Modifications also include the impact of Abstract 12 expenses.

Supervisor Mahr stated that the Deputy Town Clerk position actual vs. budget differences are due to the need to cover for Town Clerk.

Supervisor Mahr stated that he will set up a meeting with Bob Wixson to review IT expenditures for 2021.

Councilperson Haff stated typically, at this time of the year, the Board looks at what we have left from the Highway unfunded balance and make a contribution to our equipment reserve; would encourage the Board and future Board to keep that in mind. Councilperson Haff also stated that

he's not saying we have to put money in that right now because once it's in the Reserve that is what it has to be used for. Councilperson Haff stated that if no money is put in, keep in mind because the Highway could be short for equipment in the future. Councilperson Haff also stated that when he started on this Board had to borrow money to pay for a truck.

Councilperson Haff stated that in the past we have put upwards of \$100,000 into the reserve account and understands that it is pretty tight right now.

Supervisor Mahr stated that we could look at the General to see if there is some money there to move over. There's not enough money in the Highway right now.

Councilperson Freeman suggested we get through the end of the year, get the CHIPS money back, and see what happens on the East Lake Road Project bid that's out there. Then we can make a decision in January and have answers to those items just mentioned.

Supervisor Mahr asked the Board to review Resolution 22 in the General Fund budget transfers. A motion to accept Resolution 22 was approved by Councilperson Haff and seconded by Councilperson Walton. The voting was as follows:

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

Supervisor Mahr asked the Board to review Resolution 23 for the Highway Fund transfers, noting we are moving money out of the Fund Balance to cover employee medical insurance and social security benefits.

A motion to accept Resolution 23 was approved by Councilperson Walton and seconded by Councilperson Freeman. The voting was as follows:

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

Supervisor Mahr stated that there will be an Abstract 13 which was done as an accrual last year with the vote to be approved in January. The Town of Campbell for Abstract 13, put together a Resolution that the Town Supervisor and one Board Member sign off on the expenses to be approved by December 31<sup>st</sup>. Supervisor Mahr stated that is the better way to handle the approvals and avoid the requirement for a special board meeting.

A motion to close out our final expenses of 2021, authorize Supervisor Mahr and one Board Member to approve all valid invoices collected in Abstract 13 so they can be paid by December 31<sup>st</sup>, was made by Councilperson Haff and seconded by Councilperson Walton. The voting was as follows:

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

### **Clerk's Report**

Supervisor Mahr stated that the two main contributors were building permits and property transfers. There was a Playground donation so two separate checks were done. A motion to approve Clerks Report was made by Councilperson Walton and seconded by Councilperson Haff with all in favor.

Supervisor Mahr stated that when he created the Abstract 12 to do the prepaids, it had an incorrect date on it. The Association of Towns and Williamson Law stated that Supervisor Mahr could cross out the incorrect date and replace the date with December 14<sup>th</sup>. For the vouchers a letter should be attached to the file signed by the Board.

Supervisor Mahr also stated that the celebration voucher for the gift cards, had to be split up into three vouchers. Tops told us they needed three different checks (10, 10, and 3 cards = 23) to process the gift cards.

Councilperson Haff asked if the \$2,400 to Sprague Insurance for KWIC will get reimbursed. Supervisor Mahr responded yes. Councilperson Haff asked about the \$200 Supervisor's cell phone for Tom Dunbar. Supervisor Mahr stated that it was \$300 for the year and he was here for 2/3rds of the year. Supervisor Mahr also stated that since he was Clerk for 2/3rds of the year he got that amount, and the Deputy Clerk was here in the Clerk's position, she will receive the remainder.

Councilperson Freeman suggested that KWIC be invoiced for the \$2,400. Supervisor Mahr stated yes that will be done.

A motion to approve Abstract 12 was made by Councilperson Haff and seconded by Councilperson Walton with all in favor.

### **Justice Report**

Supervisor Mahr stated an audit with Judge Freeman was done in December and everything was according what was sent to the State.

### **Assessor's Report**

Supervisor Mahr stated the Assessor's contract was reviewed. A motion to accept the Assessor's contract was approved by Councilperson Freeman and seconded by Councilperson Haff with all in favor.

### **Highway Report**

Superintendent Howard stated that there were flooding issues on Keuka Village Roads, the culverts were blocked on State Route 54, and water ran over and down by the Power Plant. The shoulders on Coryell Road were washed, that were just put in, and more material was needed to put back. Other roads such as Rhinehart, Ridge, and Fleet were also washed out and repaired.

Superintendent Howard stated that the fuel usage was 523 gallons.

Superintendent Howard stated that Soil and Water received an easement on Keuka Village Road to clean up the gravel bar that ran over. Shared services from Urbana assisted, fixed the head wall and changed them. Superintendent Howard stated that the International is ready to go to auction in January when there will be more bidders available.

Superintendent Howard stated that the road signs were replaced. Superintendent Howard stated that \$839 was received from the scrap metal and rebidding the shoulder work on East Lake Road with a January 4<sup>th</sup> due date.

Superintendent Howard stated that the CHIPS money should be sent out on December 15<sup>th</sup>.

Councilperson Haff asked about the voucher from Pinnacle Rental Centers for a mini-saw rental for \$5,200. Superintendent Howard stated that was for a mini-excavator on East Lake Road and also a demolition saw to cut the road to replace the pipes and cut the pipes too. Councilperson Haff asked about the repair work on the excavator. Superintendent Howard stated that the excavator was parked in barn. Superintendent Howards stated a couple days later went to start it up and the Codes came on and it would not start, so Volvo had to be contacted to come and read the Codes. Of course, they do not have parts with them, had to pay a service call, ordered the parts, and they come back with another service call. Superintendent Howard stated that Volvo thought they would have to take the unit back to their place and take the counter-weights off the back in order to get to where they had to replace the part, but the service man was able to reach down and get it done. Superintendent Howards stated that the excavator was not that old and the problem was the emissions.

Supervisor Mahr asked if there were any responses on the rebid. Superintendent Howard stated that he has not heard anything and that Larson Engineering suggested that if he knew of any contractors to ask them to put in a bid. Superintendent Howard asked the Board if they knew of any to please let him know and he would contact them.

Supervisor Mahr stated that the recommendation from the last Board Meeting was to ask for references and that is what is proposed for the new bids.

Councilperson Haff stated that the excavator was purchased in 2013. When the list was made (quite a few years ago) the excavator had 1400+ hours on it.

Councilperson Haff asked if there were any updates on any used 10-wheelers. Superintendent Howard stated there are quite a few out there, but they are all over the country and looking for something that was not in a town environment to just haul materials.

### **History Group**

Supervisor Mahr stated that the report shows description of hours and people working.

### **Code Officer – Planning – Zoning**

Supervisor Mahr asked if there were any questions on the Code Officer's Report. The only update was on the November Planning Board minutes were approved on December 13<sup>th</sup>.

Councilperson Freeman stated that the application for the event center on Hyatt Hill was withdrawn.

### **Watershed Report**

The monthly summary report was presented.

### **Dog Control Officer**

The monthly summary report was presented. Ms. Howard stated that all was quiet.

### **Web Statistics**

Supervisor Mahr presented Mr. Deming's contract for approval to sign.

### **Old Business**

Supervisor Mahr stated that if we needed to go into Executive Session Harter Secret is available if we need to discuss the Union Contract to proceed with the tentative agreement.

### **Home Town Hero Update**

Supervisor Mahr asked if there was any follow-up. Ms. Haar stated she made contact with Gary Perz, helping her a lot, and got her an application for using the utility poles. Ms. Haar stated that an ad should be put out or on the website for interest in the program and what the cost will be.

Councilperson Freeman stated that she had the name of the company for the banners and can e-mail that to Ms. Haar. Ms. Haar stated that would be helpful.

### **New Business**

Supervisor Mahr stated that Mengel, Metzger, and Barr will start the 2019-2020 audit sometime next week and the Town needs to provide certain reports that Williamson Law will provide. Supervisor Mahr stated that the bookkeeper who agreed to accept the position decided not to. There are three new candidates that will be reviewed.

Supervisor Mahr stated that the Town received a 2020 audit letter from the State on the AUD asking six questions which need to be answered. Supervisor Mahr stated that Mengel, Metzger, and Barr could help and in the past they have done AUD's for towns. Mr. Steve Perry, Barrington Town Supervisor, had them do their AUD's and was very happy with them.

Supervisor Mahr stated that the yearly Comp. Alliance Insurance renewal is due. The new cost has been reduced. The decrease is because we have been a great customer to them and they are willing to hold that price for two or three years if we want. Supervisor Mahr stated that the Town does not pay anything up front, just pay \$13,766 per year. Councilperson Walton asked how long we have had them. Councilperson Freeman stated that it was probably four or five years and suggested if we are going to use Comp. Alliance Insurance, we should lock in a rate for three years because insurance premiums are going through the roof. A motion to contract for three years with Comp. Alliance Insurance for Workman's Comp. was made by Councilperson Freeman and seconded by Councilperson Haff with all in favor.

**Public Comments**

Mr. David Bauer inquired about the International truck bid. Supervisor Mahr stated that a representative from the auction came today and it will be up for bid in January because there will be more bidders at that time.

Mr. David Bauer asked if the December business will be covered in the January meeting. Supervisor Mahr stated yes.

**ANNOUNCEMENTS**

- For the Christmas Holidays the Town will be closed on December 23<sup>rd</sup> and 25<sup>th</sup>.
- On January 1<sup>st</sup> the Town will be closed.
- Next Town Board Meeting – January 11<sup>th</sup>, 2022
- Organizational Meeting will be determined in January, 2022

The taxes will be sent out by the County except the escrow accounts.

Supervisor Mahr thanked Councilperson Haff and Councilperson Walton for all their efforts for the Town Board and looks forward to working with Ms. Haar and Mr. Bauer.

Supervisor Mahr stated his objectives for 2022 is to help the Town moving forward not revisiting the past topics such as record and retirement investigations, and financial errors. These issues will not be discussed, unless there are new updates to report. Our employees and volunteers have been doing great work for the Town and we need to keep that momentum going in 2022.

A motion to accept the Union's Tentative Agreement as is was made by Councilperson Walton and seconded by Councilperson Haff. The voting was as follows:

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

A motion to adjourn was made by Councilperson Haff at 7:38 p.m.

Respectively submitted,

Nancy Gabel, Deputy Town Clerk