

TOWN OF WAYNE BOARD MEETING MINUTES January 14, 2020

The January monthly meeting commenced at 6:30PM with the Pledge of Allegiance. Following the Pledge a moment of silence was held for James Knapp and Jeff Kerrick.

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

Also present: Doug & Megan Howard, Jeff & Lulu Martin, David & Anna Bauer, Julie Haar, Kurt Falvey, Pat Gray, Jay Paul Martin, Gary Osborne, Les Reimsnyder, Jeff Hortin, & Doug Baer, Maureen Conklin, Ralph Dubendorfe, Donald Young, Randy Hoad, Ray Kane, Brian & Pam Nowland, Ron McIntire & Leslie Connelly.

Approval of Minutes

The December 10th Board Minutes were reviewed. Motion to approve the minutes was made by Councilperson Haff, seconded by Councilperson Freeman subject to the change in the Supervisor's Report that based on the projected year end expenses there would be \$120,000 remaining in the Highway fund not \$120,00. The motion was passed with all in favor.

Supervisors Report

Prior to the review of the Supervisor's Report Supervisor Dunbar reviewed the issue of Town hard copy and electronic records missing and the efforts to recover them. The initial action taken, based upon Supervisor Dunbar's discussion with Steuben County's Records Department was to open an investigation with the New York State Police. Secondly, based upon input from The Association of Towns a demand letter for the return of the property was issued to former Supervisor Butchko. On January 9th Mr. Butchko returned one box of physical files and (1) 64GB drive of correspondences and notes. The returned materials did not contain e-mail records. SCT Computing attempted to recover the email files but the files were corrupted. Supervisor Dunbar indicated the materials returned were a subset of what was missing and if the other files were destroyed the Town would be in violation of New York State government records laws that stipulate the required timeframes and appropriate methods for the disposal requirements of records. In 2016 the Town of Wayne passed a motion to follow these requirements in a document called MU1. Attorney Leslie Connelly from Harter Secrest & Emery discussed the next steps that will be taken to retrieve the missing records. The steps will include further correspondences with Mr. Butchko to return any and all additional files he may have. Attorney Connelly reviewed the potential legal ramifications of missing documentation. If the second request letter doesn't provide the required results the Town should work with Steuben County for further action. At 6:50 PM Supervisor Dunbar made a motion that the board go into executive session to discuss a personnel matter. The motion was seconded by Councilperson Haff with all in favor.

At 7:55 the Board came out of Executive Session with the following action. Councilperson Freeman made a motion that Harter, Secrest & Emery send Mr. Butchko another letter stating that the Town still believes there is outstanding information and property in Mr. Butchko's possession. The Town Board requires that sufficient files be returned to the Town Hall no later than the close of business on Tuesday, January 21, 2020. If the materials are not returned the Town Board will rescind Mr. Butchko's Board appointment and re-advertise the position. Should all the information be returned by the 21st the Town Board will support his appointment. The motion was seconded by Councilperson Haff. A roll call for voting was taken as follows:

Tom Dunbar	Yes
Liz Kenyon	Yes
Michael Haff	Yes
Shona Freeman	Yes

The supervisor's report and Funds transfers for Abstract 13 and 14 were reviewed. Supervisor Dunbar reviewed the reasons why Abstract 14 had to be created. A motion was made by Councilperson Haff to approve the Supervisor Report. and Transfers. The motion was seconded by Councilperson Freeman with all in favor.

Supervisor Dunbar also discussed filing a grant application for Records Management

Clerks Report

The Clerk's monthly report was presented along with the 2019 year end total revenues. Clerk Mahr briefly discussed that the revenues in 2019 were \$6,000 lower than 2018. The driving factors were building permits, watershed fees and cemetery plots. Motion to approve the Clerk's report was made by Councilperson Haff and seconded by Councilperson Kenyon with all in favor.

Vouchers of Abstract 13 which were approved on December 30, 2019 were shown. Abstracts 14 and 1 were reviewed. Abstract 1 was adjusted to eliminate a duplicate Simmons Rockwell invoice that was previously paid.

Abstract 13 Vouchers submitted were broken down by:

- General Account Vouchers 416 – 445 \$49,743.00
- Highway Account Vouchers 161 - 169 \$ 4,274.71
- TA Account Voucher 56 - 63 \$10,207.46

Abstract 14 Vouchers submitted were broken down by:

- General Account Vouchers 446 – 451 \$ 4,049.69

Abstract 1 Vouchers submitted were broken down by:

- General Account Vouchers 1 – 12 \$ 2,568.06
- Highway Account Vouchers 1 – 5 \$ 3,076.10
- SL Account Voucher 1 \$ 240.89

(The Highway dollar figure reflects the deletion of the duplicate Simmons-Rockwell invoice)

Motion to approve Abstract 14 and 1 Vouchers was made by Councilperson Haff and seconded by Councilperson Kenyon with all in favor.

Clerk Mahr also asked that the board approve the appointment of Nancy Gabel as Deputy Clerk and Deputy Registrar. Motion was made by Councilperson Kenyon and seconded by Councilperson Haff with all in favor.

Tax Update

Clerk Mahr stated that the 2020 Tax Warrant of \$2,519,466.55 was \$51,929 less than 2019. Initial payments collected so far totaled \$331,552.76.

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 December primarily with regards to snow removal. Superintendent Howard also updated the status of the potential purchase of property owned by Doug Putnam which is adjacent to the Town barn. As of now there is no sale. Superintendent Howard will also be providing Mr. Putnam the contact information for McConnell & Mueller Surveyors to put additional pins in marking the boundaries for his land.

Superintendent Howard reviewed that the vendor who provided the \$132,064.74 cost for the new mowing tractor approved by the Board in December has increased its price for the mower attachment after a letter of intent to purchase had been signed. Supervisor Dunbar stated if the price increases a rebid of the unit should be considered.

Superintendent Howard also reviewed the status of a snow plow accident. An insurance check has been received from Geico for the repairs.

The initial union meeting will be held Thursday, January 16th.

Code & Zoning Officer

Review of monthly report was presented with no discussion.

There was no Zoning Board Meeting in December so the November minutes are still in draft mode. The Planning Board December 9th minutes were approved in their January 13th meeting.

Watershed

No report

Dog Control Officer

The monthly report was reviewed with no discussion. Dog Control Officer Howard reviewed the status of the Dog Shelter. The fences will be arriving within the week. Greg Blessing will also be ordering an additional \$200 of material. It is estimated that the costs for the shelter

will over run the original budget by \$2,500. There will also be a need for shelving units and file cabinets in the shelter for keeping the DL18 information on stray dogs. DCO Howard will also be reimbursed for her dog shelter personal expenses.

History

Monthly report was reviewed with no discussion.

WEB STATISTICS

Monthly report was reviewed with no discussion.

New Business

The Cell Tower contracts will be signed as soon as the timeframe for the Permissive Referendum expires. Supervisor Dunbar tabled any additional new business discussion until the February meeting.

Public Comments

Mr. Kurt Valvey asked for a review of what occurred in the January 2 Executive Session. Mr. Falvey referenced his concern that there were no interviews given for the open Board position and asked who voted for Mr. Butchko.

Mr. Jeff Martin expressed concern over the monies in the Supervisor Report that will be rolling over into 2020. Mr. Martin questioned how will that money be allocated and how will it be factored in during the next budget cycle. Mr. Martin also reiterated discussions on prior tax increases and the overall budget process. Supervisor Dunbar discussed moving a larger amount of the monies into a contingency fund to augment the 2020 Budget.

Mr. Jeff Horton reintroduced himself as the new County Legislator for the Town of Wayne replacing Joe Hauryski. Mr. Horton commented that fund balance rollovers are not due to activity in any one year but many prior years. Mr. Horton discussed Reserves and how they should be designated. Mr. Horton also briefly discussed some county studies planned for 2020 on Wi Fi requirements and Fire Department staffing. Mr. Horton also mentioned briefly how Air B&B's have implications on County Sales Tax reimbursements and how the new jail bail program will impact the County prison.

Ms. Lulu Martin stated her concern about not interviewing candidates for the Board appointment

Mr. Randy Hoad questioned if the Board can vote in an executive session. Mr. Hoad also expressed concern over the zoning board not meeting for potentially 5 months.

Announcements

The next Town Board Meeting will be on Tuesday February 11, 2020

Adjourn

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

Meeting adjourned at 9:00 PM.

Respectfully Submitted,

William Mahr Town Clerk
January 14, 2020