

**TOWN OF WAYNE**  
**SPECIAL BOARD MEETING MINUTES (on website)**  
**SEPTEMBER BOARD MEETING MINUTES**  
**September 14, 2021**

The September 14<sup>th</sup> Board meeting commenced at 6:30 PM.

Present:      Councilperson Freeman  
                  Councilperson Haff  
                  Councilperson Kenyon  
                  Councilperson Walton  
                  Town Supervisor Mahr

In attendance at Town Hall were Meghan and Doug Howard, Amy Gush, Nancy Gabel, Jeff Horton, Dave Bauer, Julie Haar, Maureen Conklin, Peter and Lorraine Nelson, Gayle O'Conner, Chris and Wayne Hand, Donald & Marilyn Robbins, Ron McIntire, Beth Mooney, Tom Freeman, Bernadette Ervin and Kirk Falvey. The participants identified via Zoom conferencing were: Benjamin Klein, Luisa Martin, Karen Doucette, Peter Snoor, Candy Dietrich and Mary Starkweather.

**Approval of Minutes**

The August 10th Board meeting minutes were reviewed. Motion to approve with the correction noted in public comments was made by Councilperson Walton and seconded by Councilperson Kenyon with all in favor.

**Guest Speaker**

Mr. Jeff Horton, Steuben County Legislature, gave a County update. Mr. Horton stated the rules for all the County Buildings people are required to wear masks. He stated that it was up to the Town of Wayne Board to make the decision to wear a mask in the Town of Wayne buildings.

Mr. Horton stated that they are 9 full time guards short in the Steuben County Jail. Two guards are going to take the test resulting 7 guards short. Mr. Horton also stated that there are and will be openings in the County in all departments, such as DOT, deputies, and jail positions.

The Fire Department in Steuben County who have Motorola radio products, will have to get a newer model because the frequency has to be changed.

The EMS Study for 2020 showed that there were 2,462 ambulance calls and that 7 per day were a "no show." The County is looking into funding an independent ambulance service.

With the recent flooding in western Steuben County in and near Woodhull, FEMA will come to help because they were not in a flood zone. Woodhull highway department lost several trucks and the County is helping with a loaner along with shared services from other local towns. If there is over \$30 million damage FEMA will come in to help.

Wendy Ohlman, bookkeeper for the Town of Campbell, is willing to accept any questions if the Town of Wayne needs her. Supervisor Mahr has her contact information.

## **Supervisors Report**

The Supervisor's report was reviewed. Councilperson Haff asked for an update on the Equipment Reserve Fund regarding the flayer mower funding.

Supervisor Mahr said the figure of \$230,000 is not accurate and should be \$14,000 lower. Councilperson Haff stated that was the amount for the attachment. Supervisor Mahr said what we need to do is get with Williamson Law to go over the report. Councilperson Haff feels this report is incorrect and will not accept it. Councilperson Walton agreed. Councilperson Freeman stated that we have to get it resolved so we are comfortable with it.

In the Highway Department Councilperson Walton stated the actuals continue to have a run rate issue on both general repairs and snow removal personnel services. The two-line items were funded at \$10,000 per month and running at \$12,000 per month. It looks like expenses are going to be \$24,000 over on those two budget lines. It looks like on DA 9060.8 hospital and medical insurance line actual costs are running \$500 per month over budget which projects to be over by \$6,000 by end of the year.

Supervisor Mahr reviewed the General and the Highway Funds where there were minuses and put together a Resolution to make a budget modification to bring those accounts back to zero. Highway expenses in the vouchers being approved this month that would have added the overage were also incorporated into the numbers. Supervisor Mahr is preparing a list of things to go through with Williamson Law.

Councilperson Haff requested an explanation of why the budget is over by \$4,160 on Watershed. Supervisor Mahr said that Mr. Jeff Cederstrand reorganized the files for the Watershed files for the septic. Ms. Gush stated it took many days to organize 1,100-1,200 households. Councilperson Haff stated we budgeted \$5000 for Watershed inspections so that basically says we are almost doubling our budget. If this is for clerical, this needs to be documented as part of the budget so for next year so the budget is accurate.

Councilperson Freeman stated that for the expenditure report for Watershed Inspections shows a negative of \$2,410. Supervisor Mahr said that Mr. Jeff Cederstrand submitted a voucher so that's why it is added into it. The reorganization was only a one-time expense. Ms. Gush will check the timesheets for hourly and what else for verification.

Councilperson Freeman requested that in this Resolution exclude the Watershed Inspections. Supervisor Mahr stated \$2,410 be added to get the budget item back to zero. Councilperson Freeman agrees with Councilperson Haff that if that was more admin and Councilperson Haff said it should be taken out of a different line item than from Watershed Inspections.

With that change, Councilperson Walton made a motion to approve the Budget Transfers as laid out on the sheets with the modification to the Watershed Inspections and lower it to \$2,410, seconded by Councilperson Kenyon. The voting was as follows:

Councilperson Freeman Yes  
Councilperson Haff Yes

Councilperson Kenyon Yes  
Councilperson Walton Yes  
Supervisor Mahr Yes

Supervisor Mahr reconfirmed the Town Board's availability for the Budget Workshop on Tuesday, September 21<sup>st</sup> at 6:00 pm. Supervisor Mahr will contact Harter Secrest and find out what is the latest Union update.

Supervisor Mahr said that he was not familiar with the tax challenge documentation from Marty Ellis. Councilperson Haff stated there was an e-mail sent out detailing what has happened already and the Board asked if they want to settle this matter without going to court. The Board doesn't know where our Assessor David Oliver stands on this particular topic. Councilperson Haff also stated he needs more information to make a decision on this. Councilperson Walton asked where this came from. Supervisor Mahr stated he received it from Mr. Dunbar and was told to put in the Board packet.

Supervisor Mahr will contact Assessor David Oliver and go over it with him.

### **Clerks Report**

The Clerk's monthly report for August was reviewed with minimal discussion. Motion to approve the report was made by Councilperson Kenyon and seconded by Councilperson Haff with all in favor.

Supervisor Mahr mentioned in Abstract 9 that water supplies and mowing were going over budget and that a time clock for the Union was purchased by Highway Superintendent Howard from Long's in Penn Yan.

Supervisor Mahr stated that he wanted to bring another issue for the Board's attention. Voucher 184 in General and Voucher 105 in Highway for the Association of Towns was for the Town's Workman's Comp Insurance which was supposed to be paid the first of the year and was not. There is not enough money in the DA 9040.8 account. The short fall of \$2,640 will require a modification to be made next month. Councilperson Walton asked if the annual amount is right. Supervisor Mahr stated it was.

Councilperson Haff asked about the Municipal Workers of \$11,222, is that going to be short. Supervisor Mahr stated it was. We had a larger amount last year. Councilperson Freeman suggested that we take a look at it for next year as Workers Comp usually goes up.

Supervisor Mahr stated the Town will incur a bill for \$170,000 for paving Coryell Road to be paid in October.

Councilperson Freeman made a motion to approve the Vouchers and seconded by Councilperson Haff with all in favor.

### **Justice Report**

The monthly summary report was presented with no discussion.

### **Assessor Report**

Supervisor Mahr stated he received a document from Assessor David Oliver today which is being handed out to discuss in October. It was a tax challenge from 2020. Councilperson Walton requested that Assessor David Oliver attend the October meeting to explain this challenge and the one previously discussed.

### **Highway Superintendent**

Superintendent Howard reported that 859 gallons of fuel was used in August.

Superintendent Howard met with Larson Design Engineering on August 12<sup>th</sup> to go over the culverts, stone wall reconstruction, and road stabilization needed for the East Lake Road repair project. Larson Engineering is putting together a packet that needs a signature of approval before he can proceed. Councilperson Haff made a motion for Supervisor Mahr to sign for approval to get this project underway seconded by Councilperson Walton. The voting was as follows:

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

Activities for the month that Superintendent Howard reviewed were mowing road sides. Coryell Road has been blacktopped with 3" binder and the shoulders need to be done when County finishes with Groves Spring Road they will bring the shoulder machine down. Councilperson Haff asked if the CHIPS seal would be done next year.

Councilperson Haff asked why do they have to wait so long to put the CHIPS seal on, is there a cure time for the base. Superintendent Howard stated that it probably was money and that there is a good blacktop binder on for the winter. Councilperson Haff said that he thought that was the whole idea to put CHIPS sealer to keep binder together. Superintendent Howard stated it would stay together and that it was a courser blacktop. Councilperson Haff asked if they are going to do Grove Springs Road this year – seal it. Superintendent Howard said that they put the binder on and then they blacktopped the surface.

Supervisor Mahr stated that the Board is going to need guidance for the Budget regarding the handling of CHIPS expenses and revenues. Superintendent Howard will be putting in for more CHIPS once we get the canceled checks back. Superintendent Howard stated we will have everything spent and actually reimbursed, "reallocated" money to us that they took away last year, and increased some to about \$114,000 with CHIPS. Now, it is up to \$155,000 they will reimburse us and we will have to spend the \$155,000 before they will give it back.

Superintendent Howard stated that for the East Lake Project he will put an ad in the paper to advertise and Larson Engineering will handle that paperwork.

Superintendent Howard stated that they have been ditching and installing driveway pipes on Silsbee, Turner, and Mohawk Roads. We have done shared services to the County for storm damage in Woodhull, Jasper, and Addison area.

Superintendent Howard stated that he received the quote today for new truck. It's only good for 10 business days, making it difficult to go from meeting month to month. The first quote went up \$15,389 and won't see the truck until 2023. So, the new quote is \$265,481.

Supervisor Mahr said that a couple things changed since the last Board meeting when the Board made the motion to move the \$230,000 money from the equipment reserve, Superintendent Howard did not know the lead time was that long and didn't find out until after the fact. More importantly, the motion was incorrect because it was for \$230,000 and that money figure was incorrectly reflected on the August Supervisor's report. The Board can make a motion to rescind the motion. There is no sense of urgency. Councilperson Freeman stated that from an accounting standpoint we cannot do it because the money is not there.

Councilperson Freeman asked if the letter with the quote is not due until the final delivery of the truck to the Town. Superintendent Howard said that was correct. It's only good for 10 days so if we go ahead and do this we will not have to pay until the third quarter of 2023 for delivery. It's a commitment that locks in the price.

Councilperson Haff asked if this is a piggyback to the Onondaga bid. Superintendent Howard said yes. An audience member asked what year the truck would be and Superintendent Howard responded that it would be a 2023 truck.

Councilperson Haff asked that since the last two trucks were Western Stars, will the Peterbilt service be different. Superintendent Howard said that we would be changing repair shops. There are two repair shops: one in Owego and one near Tracy's at the Thruway exit in Rochester. The Western Stars are more expensive than the Peterbilt probably because of the electronics on them.

Councilperson Haff made a motion we get on the list for the Peterbilt 2023 dump truck, seconded by Councilperson Kenyon. The voting was as follows:

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

Councilperson Freeman stated the quote did not say it is for the Town of Wayne. Superintendent Howard will request a new quote to reflect it's for the Town of Wayne. We need two signatures for this so Supervisor Mahr and I can do that.

Supervisor Mahr will contact the Association of Towns to find out what we need to address the budget modification voted on last month.

Councilperson Haff said that another interesting question on this was that we have the budget year for 2021 and 2022 which typically the Board tries to put between \$80,000–\$120,000 into our equipment reserve depending how we end up at the end of the year. Do we want to put that money in the equipment reserve so that we know that we are spending that money on equipment from equipment reserve or do we just have that money in the highway budget to pay for this equipment? It's all about how you want to track it. Supervisor Mahr stated that the way the bank is set up, the reserve account has a little more interest, but doesn't know how much of a difference that makes.

Councilperson Walton stated that we have to budget more for the truck anyway so your point is do we leave \$200,000 or more in the reserve or put it in a line item.

Councilperson Haff asked if we should put it in the reserve until we actually have to pay for the truck and then take it out to pay for the truck. Councilperson Walton suggested putting it into the reserve until we have to pay for the truck getting a higher interest and Councilperson Haff said it would be more traceable to do it that way and it's more paperwork. Councilperson Walton stated that it is still two years away.

Supervisor Mahr stated that we have the possibility to build up the reserve and we could have extra cash and you don't have to take everything out of the reserve.

### **Code Enforcement Officer**

The Zoning Board minutes from July were approved at the September 13th meeting. The Planning Board will be meeting on September 20th. The monthly Code Enforcement was reviewed with no discussion or comments.

### **Ethics Committee**

Supervisor Mahr stated that The Ethics Committee submitted minutes which were sent out and asked if there was anything the Board wanted to add. No comments were stated. Councilperson Kenyon stated that Karen Doucette has been doing the minutes. At the last meeting the one thing the committee did find out is that the Board Liaison cannot vote on anything, so the person that has to be a part of that Committee is the Town Clerk and that person can vote and take minutes.

### **Watershed**

Supervisor Mahr stated that the insurance payment from KWIC was received in August and deposited in the bank.

The monthly report was presented with no discussion.

### **Dog Control Officer**

DCO Howard stated the month of August was not as busy. On Sylvan Beach they are leashing the dogs more. The Town did have a dog drop-off that was transferred to Schuyler County and he already has an adoption in process. Councilperson Kenyon asked if that went through the SPCA and DCO Howard responded yes.

### **History**

Supervisor Mahr asked if the Board has any questions. Councilperson Walton stated that it sounds they are getting close to letting the public go in to see what's going on.

### **Web Statistics**

Supervisor Mahr stated that on the Web meeting, Scott Deming will be here in October. Councilperson Haff suggested that the statistics did not need to be reviewed.

### **Old Business**

Darlene Swarthout left Supervisor Mahr some Playground notes that they have raised more money for the basketball court that is up to almost \$200 which will be booked soon. They also requested if they could do a dinner or lunch at the Town Hall to raise money. Councilperson Kenyon suggested that the Fire Hall would be more appropriate. She is still waiting to get concrete prices. The two basketball courts they are looking at, one half sized being 47' x 50' x 6" deep and the other would be 84' x 50' x 6" deep.

Councilperson Haff commented on last month's minutes. There was a question about the Justice Report in that the Summary would be misrepresenting the report.

Supervisor Mahr said that Justice Freeman was going to research that and has not heard back. Councilperson Walton said that the discussion was about putting people's names on the report. Supervisor Mahr said that the names were deleted and the Board would only be looking at the dollar amount and asked to just put a summary report together.

Councilperson Haff made a motion for Assessor Oliver to attend the October 12th Board Meeting. There are a couple topics to discuss. Councilperson Walton stated there are three issues: one was the revol rebate and the two outstanding cases. Supervisor Mahr

asked for a second to the motion. Councilperson Kenyon seconded the motion. All in favor.

### **New Business**

Ms. Lorraine Nelson brought up about putting up a new speed limit sign on East Lake Road. Ms. Nelson has prepared a list of signatures for the speed limit be reduced, presented to the County Supervisor so a study can be made and to be approved by the State. Mr. Jeff Horton stated that the Board needs to accept Ms. Nelson's petition, that will be turned over to the County Transportation, which, in turn, will go to the County Legislature to approve. Eventually, it will go to the NYS Police and they actually go out on that road and do a "ball" test. They pretend there are kids on the side of the road doing all kinds of testing with the ball and they will give you a recommendation on the speed limit. You can put on the petition that you want a "20" or "40" mile speed limit, but they don't even look at that. They look at that the Town Board and County accepted it, so the State does their own formula. There are at least ten signatures on the petition.

Councilperson Haff made the motion to accept the petition with a second by Councilperson Kenyon. Councilperson Walton asked if the posted speed limit was 25 mph. The answer was yes. Councilperson Walton further asked if the State could make the speed limit higher. Mr. Horton said he has never heard of one getting raised, but they do their test and do deny a lot of them. What they will say is that what is there is sufficient.

Ms. Lulu Martin asked what road are they talking about. Councilperson Walton stated that the answer was East Lake Road from down by the Glenwood Club to Hines Road. Councilperson Freeman stated it was not Keuka Village Road.

The question was asked of Mr. Horton how long does it take. Mr. Horton replied that about a year and a half after it gets to the State.

Supervisor Mahr asked if all were in favor. The response was yes.

Councilperson Freeman stated that the Board has been talking about having the State conduct an audit. With COVID-19 hitting, the State has been delayed. Councilperson Freeman reached out to Mengel, Metzger, Barr, a CPA firm, with a division that does municipality and school audits. Explained how large was our town, our budget, and what we are looking for in the audit. Received documentation explaining that most town of our size they do not do a full-blown audit with everything with footnotes and that would be about \$15,000. Most of the towns our size would do is the MOU (Memorandum of Understanding), look at a sample of AUD's that are turned into the State, Payrolls, Vouchers, anything that would be in detail but not everything. That rough estimate runs from \$5,000 to \$6,500. Councilperson Freeman will get a sample contract to be shared with the Board. Councilperson Haff stated he was in favor of this because we have been working towards this for months and it is a good idea that we move forward with a private auditor. Councilperson Freeman stated the firm was very busy and they probably would not be able to do this until end of October or beginning of November. They are very familiar with Williamson Law. Supervisor Mahr asked if we engaged in a contract with them is there any way they can do a couple things earlier to get things started. Councilperson Freeman offered to go back with questions. Councilperson Haff made a motion to move forward with it as long as we are within the \$5,000 to \$6,000 range. Councilperson Kenyon seconded the motion. The voting was as follows:

Councilperson Freeman	Yes
Councilperson Haff	Yes

Councilperson Kenyon	Yes
Councilperson Walton	Yes
Supervisor Mahr	Yes

### **Public Comments**

Mr. Kirk Falvey stated that there is a Town of Wayne sign at the end of Cty. Rte. 230 and Keuka Hill that is starting to fall apart. Superintendent Howard will check it out and get a new one. Councilperson Haff stated that there is a line item for Beautification and could address this expense.

Ms. Lulu Martin asked what is the understanding of the Board as to the reason why Supervisor Dunbar resigned. Councilperson Freeman stated she did not know and the letter did not say. Councilperson Walton read the letter. Supervisor Mahr stated that it will be posted on the website. Supervisor Majr stated that besides the letter left on the desk was Town's laptop, keys, list of passwords and a credit card cut up. He tried to find out if that the account was canceled, since his name was on the account they would not talk with anyone from the Town of Wayne. So, the Town will have to pursue through the Town's lawyer, a letter to Mr. Dunbar to reauthorize someone else to be on the account. Ms. Martin asked about the Clerk position and Supervisor Mahr stated the Town would advertise for the position.

Mr. Falvey said that if we were going to contact a lawyer for a letter to Mr. Dunbar, wouldn't it be easier for someone just to contact him to see if he'll do it without a lawyer. It seems like it is a waste of money if someone can do it and Mr. Falvey offered to talk with him. Councilperson Freeman stated that the bank wanted to see a copy of the minutes from this meeting where we accepted his resignation and appointed a new Supervisor. We are hoping that the bank can adjust that credit card to close the account with that information. Ms. Haar offered to assist because she is also on the Five Star account. Councilperson Freeman stated this is a priority because the way the credit card was set up where NYSEG and things like that were paid automatically, so if it's closed then those accounts have to get paid separately.

Mr. Horton was asked how they handle credit cards in the Town of Campbell. He stated they are in the Town's name and they never leave the Town Hall. If someone has to go to a training, the Supervisor or Town Clerk would call and make the reservation. If someone were going to order from Staples for the Town, they would use that credit card to order and the credit card does not leave the Town Hall. There are two authorized users on the credit card and remains in the Town Hall. Supervisor Mahr is just looking at the procedure for the credit card use.

Mr. Ron McIntire stated he has not talked with Mr. Dunbar so he can't talk for him but he can talk for himself. He came to the first two Board meetings after Mr. Dunbar was elected and it was apparent, except with the exception of Mr. Walsh that there was going to be no working with the man. So, I can certainly understand why he left, but the people of this Town voted for him because they wanted a change and nobody would meet him half way. You showed your absolute contempt for the people who voted for him. You appointed the guy who ran against him to be put on the Board to replace him, you showed your contempt for the voters of this Town who elected him.

An audience member asked how can someone run on the ballot as a Republican and a Democrat? That's what can be done.

Mr. Falvey was very upset that Mr. Dunbar resigned, but the one thing he did was before he was elected Mr. Dunbar said there was a million dollars in this Town and nobody stood up and said yes there is. Mr. Dunbar brought in an accounting system for everyone to see that there was a million dollars.

Mr. McIntire said that Mr. Dunbar was never given a chance to be a good supervisor or a bad supervisor.

Another audience member stated that she read the minutes and it seemed to be a very dysfunctional Board. There was a lot Mr. Dunbar did on his own without informing the Board which you cannot have. You have to be open and honest with each other. Her added comment was that tonight's Board meeting went very well. You work well together and are above board with each other.

An adjournment motion was made by Councilperson Walton seconded by Councilperson Kenyon at 8:05 p.m. All in favor.

Respectfully submitted,  
Deputy Town Clerk, Nancy Gabel  
September 30, 2021