

**GUILFORD REGULAR TOWN BOARD MEETING
WEDNESDAY, APRIL 12, 2023, AT 7:00 PM
TOWN HALL, GUILFORD CENTER
STATE OF NEW YORK**

Town Board present: Councilmember Thomas Ives
Councilmember Matthew Retz
Councilmember Gilda Ward
Supervisor George Seneck
Councilmember Terence Ives arrived late - 7:05 PM

Officials present: Town Clerk Jodie Ives
Deputy Town Clerk Gail Hoffman
Highway Superintendent Robert Fleming

I CALL TO ORDER

Supervisor Seneck called the regular meeting to order at 7:00 p.m.

II PLEDGE OF ALLEGIANCE

Councilmember Tom Ives led the Pledge of Allegiance to the Flag.

III APPROVAL OF MINUTES

RESOLUTION - Motion to dispense with the reading of the minutes from the March 08, 2023, meeting was moved by Councilmember Tom Ives. Seconded by Councilmember Matt Retz. Ayes: Councilmember Tom Ives, Matt Retz, and Gilda Ward. Noes: None. Motion carries.

RESOLUTION - Motion to approve the minutes from the March 08, 2023, meeting as presented was moved by Councilmember Tom Ives. Seconded by Councilmember Gilda Ward. Ayes: Councilmember Tom Ives, Matt Retz, and Gilda Ward. Noes: None. Motion carries.

IV PROPOSED UNSAFE STRUCTURE LAW – STEVE FOX – The intent of this law is to deal with derelict buildings and buildings that are structurally unsafe in the town. It sets up a process by which those buildings would be reviewed by a Codes Officer. As a town law, we must have our own Codes Official and cannot use the County Officers.

- The town should also consider ordinances to deal with garbage and junk.
- The process starts with a complaint. The Codes Officer completes an inspection, tries to contact the owner, issues an order to remedy, and lastly the case is taken to court. To be most effective, it is suggested that the Executive Law is sited to include jail time.
- The Town would need to establish a budget for demolition and plan for costs such as following environmental standards, various testing which can include asbestos, and paying for trucking and tipping fees for disposal.
- The Codes Officer qualifications include 4-5 months' training, 28 hours per month in 7 different classes to be State Certified, building experience is required and 26 hours of in-service training to keep the certification.

V FROM THE FLOOR – Speaker 1 shares that the Guilford Volunteer Fire Department will be looking to participate in the Hometown Hero's Flag Program. The program has an initial cost of approximately \$1,500. They will follow up with the Town at the next meeting to see if there is support and backing from the Town level. The average cost per banner is \$200.

Speaker 2 The GMU little league baseball program has begun and they would like to be sure to coordinate with the town on park usage.

VI REPORTS

A. SUPERVISOR – Supervisor Seneck reported the following:

1. The extension for the engineering grant for the Guilford Lake Dam was approved.
2. Contacted NBT regarding the town's safety deposit box. Contains Historical records.
3. The Town was not petitioned requesting a public vote on reducing from two to one the number of Town Justices for Guilford.
4. Chris Stanton from Northland and representatives from Invenergy Wind (the company purchasing the High Bridge Project) would be able to meet with town officials on Wednesday, April 19th.
5. Have not received documents to move forward investing in T bills.
6. Contacted by Nate VanWhy regarding a stipulation of discontinuance of action on the Wilkinson Junkyard.
7. Met with Russell Stone discussing the guardrails at Mt. Upton Park. Russell said he purchased the guardrails and would like them back if the town plans to take them out.
8. Should the town plan a white goods and/or an electronics cleanup day?
9. Requested support for an Eagle Scout Project repairing the welcome signs for the Hamlet of Guilford.
10. Notified by the NYS Committee on Judicial Conduct recommending the removal of Judge Persons. Judge Persons has 30 days to file an appeal with the NYS Court of Appeals.
11. In the board packets is a draft Deputy Town Highway Superintendent job description.
12. Contacted Johnson Control for change order details/explanation.
13. Updated Security and Contact Personnel with the NYS Retirement System.

B. TOWN CLERK – Town Clerk Jodie Ives reported the following:

1. A Tax Collection report was presented for March 2023. We have collected \$2,619,546.69 of our total warrant. The remaining amount is under \$700,000.
We are now collecting payments for April which includes a three percent penalty.
2. The March Statistics report and Dog Control Officer reports were included in the board packet.
3. From an insurance audit, the Town was asked to develop a Safety Plan for the Summer Program as well as a Law for the Town Parks. A draft of both was included in the packet for board review.
4. Borden Hose Company has provided a listing of new officers and Chiefs for their fire department.
5. A Counselor from the Bainbridge-Guilford Central School District has contacted the Town Office inquiring if there are summer employment opportunities available. There are local students who would be available if we are interested in work such as lawn maintenance, painting, flower beds, or power washing. We believe we may have a need for lifeguards for the summer swim program. We will contact the school with feedback from this meeting.

C. FINANCIALS - Supervisor Seneck reported the following:

1. Revenue – Interest and Penalties on Property Taxes will not make budget. Interest and Earnings are 311% of the budgeted amount.
2. The Guilford Lake Project Account and Transfer of Funds needs to be completed.
3. Snow Personnel 2021 39.62%, 2022 50.72%, 2023 53.90%. The budget was adjusted for Union salary increases. The percentage of overtime budgeted was reduced as per the Highway Superintendent's recommendation.

4. Equipment Reserve through 2024 has an approximate \$40,000 short fall. In June we will need to review build prices for new trucks.

RESOLUTION - Motion to accept the March 2023 financials as presented moved by Councilmember Tom Ives. Seconded by Councilmember Gilda Ward. Ayes: Councilmember Terry Ives, Tom Ives, Matt Retz, and Gilda Ward. Noes: None. Motion carries.

**Proposed Town of Guilford
Budget Amendments for April 2023**

<u>Town General</u>	Increase Budget A1910.4 Unallocated Insurance	+\$138.00
	From Contingent A1990.4	-\$138.00
<u>Mount Upton Water</u>	Increase Budget SW1-8310.4 Admin Contractual (Storage Bldg.)	+\$2,675.00
	From Unassigned Fund Balance	-\$2,675.00

RESOLUTION - Motion to accept the proposed budget amendments moved by Councilmember Terry Ives. Seconded by Councilmember Gilda Ward. Ayes: Councilmember Terry Ives, Tom Ives, Matt Retz, and Gilda Ward. Noes: None. Motion carries.

D. HIGHWAY – Highway Superintendent Robert Fleming reported the following:

1. He feels we had an easy winter. Salt, sand, fuel, and overtime costs are down by quite a bit.
2. Highway has installed 200’ of culvert pipe so far in 2023.
3. Started grading town dirt roads.
4. Started cutting a lot of brush.
5. Prepared 500 tons of shim mix at the shale bed.
6. He has prices on road work but is waiting on the status of the windmill project before finalizing plans.
7. Received the new 2022 Dodge 5500 in March.
8. Sold the 2016 Ford F450 on Auctions International for \$26,000.
9. He has ordered the culverts for both the Marble and Wahlberg Road projects.

E. COMMITTEE REPORTS

1. **HIGHWAY COMMITTEE** – Councilmember Retz reported the following:
Met on 4/12/23 to discuss the roads needing repair and the installation of dash cams in the highway trucks.
2. **BUILDING COMMITTEE** - Councilmember Ward reported the following:
 - a. Met on 4/10/23 – There is a roof leak in the upper level of Highway garage. This is currently being monitored.
 - b. A urinal in the men’s restroom of the Highway garage has a leak. John Tracy has been called about repairing or replacing this.
 - c. Cold Storage plans continue to come together.
 - d. Outside stairs replacement continues to be discussed and planned. Steel replacement with step down and concrete landing is an option as well as concrete stairs.
 - e. The Mt. Upton water treatment storage shed has been delivered.

- f. There continues to be vandalism at Mt. Upton Park. The list now includes broken glass and light bulbs. The outside faucet is damaged, and the picnic tables are being misused.
- g. Our new cleaner is working out well and doing a nice job.

3. **PLANNING COMMITTEE** – No business.

VII OLD BUSINESS

A. UNSAFE STRUCTURE LAW – No action taken.

B. HIGHWAY CLOTHING ORDERS – RESOLUTION – Motion to bring the Highway clothing orders off the table moved by Councilmember Terry Ives. Seconded by Councilmember Gilda Ward. Ayes: Councilmember Terry Ives, Tom Ives, Matt Retz, and Gilda Ward. Noes: None. Motion Carries. DISCUSSION – Highway employees received \$350 in January. The quote of \$1,384 is over the \$1,200 budget. The quoted order includes clothing for the Highway Superintendent. The Highway Superintendent is budgeted within the general fund and his clothing will be coded appropriately. RESOLUTION – Motion to approve the clothing order not to exceed \$1,200 from the Highway fund for the Union employees and the General fund for the Highway Superintendent moved by Councilmember Matt Retz. Seconded by Councilmember Terry Ives. Ayes: Councilmember Terry Ives, Tom Ives, Matt Retz, and Gilda Ward. Noes: None. Motion Carries.

C. SAND, GRAVEL & STONE BID – RESOLUTION - Motion to bring the bids for sand, gravel and stone off the table moved by Councilmember Tom Ives. Seconded by Councilmember Terry Ives. Ayes: Councilmember Terry Ives, Tom Ives, Matt Retz, and Gilda Ward. Noes: None. Motion carries. RESOLUTION –Motion to accept the bids for sand and gravel based on whatever quadrant the work is being completed in moved by Councilmember Tom Ives. Seconded by Councilmember Terry Ives. Ayes: Councilmember Terry Ives, Tom Ives, Matt Retz, and Gilda Ward. Noes: None. Motion carries. RESOLUTION – Motion to accept the low bid for delivered 1ST, 1A, 1B, #1 NYS, and #1A NYS from Cobleskill Stone Products and picked up 1ST, 1A, 1B, #1 NYS, and #1A NYS from Heidelberg Materials moved by Councilmember Terry Ives. Seconded by Councilmember Matt Retz. Ayes: Councilmember Terry Ives, Tom Ives, Matt Retz, and Gilda Ward. Noes: None. Motion carries.

D. HIGHWAY GARAGE & DOOR REPAIRS – The procurement policy requires public works projects over \$35,000 be bid. Projects between \$10,000 and \$34,999 require three written proposals. RESOLUTION - Motion to publish RFP for building repairs to the Highway Garage and doors moved by Councilmember Terry Ives. Seconded by Councilmember Gilda Ward. Ayes: Councilmember Terry Ives, Tom Ives, Matt Retz, and Gilda Ward. Noes: None. Motion Carries.

VIII NEW BUSINESS

A. APPOINT GUILFORD TOWN HISTORIAN – RESOLUTION – Motion to appoint Mike Wade as the Guilford Town Historian at the current salary of \$1,786 per year effective 4/16/23 moved by Councilmember Gilda Ward. Seconded by Councilmember Matt Retz. Ayes: Councilmember Terry Ives, Tom Ives, Matt Retz, and Gilda Ward. Noes: None. Motion carries.

B. APPOINT GUILFORD TOWN HISTORIAN EMERITUS – RESOLUTION – Motion to appoint former Town Historian Tom Gray as Town of Guilford Historian Emeritus, effective April 2023, moved by Councilmember Terry Ives. Seconded by Councilmember Tom Ives. Ayes: Councilmember Terry Ives, Tom Ives, Matt Retz, and Gilda Ward. Noes: None. Motion carries.

C. FACILITY USE REQUEST – RESOLUTION – Motion to approve the Facility Use Requests made by Chenango County Board of Elections for June 27, 2023, and November 7, 2023, moved by Councilmember Terry Ives.

Seconded by Councilmember Gilda Ward. Ayes: Councilmember Terry Ives, Tom Ives, Matt Retz, and Gilda Ward. Noes: None. Motion carries.

- D. WILKINSON JUNKYARD – RESOLUTION** - Motion to approve the Wilkinson Junkyard Permit for 2023 moved by Councilmember Matt Retz. Seconded by Councilmember Terry Ives. Ayes: Councilmember Terry Ives, Tom Ives, Matt Retz, and Gilda Ward. Noes: None. Motion carries.

**RESOLUTION APPROVING STIPULATED DISCONTINUANCE OF
TOWN OF GUILFORD V. WILKINSON SALVAGE LLC ET AL.
(CHENANGO COUNTY INDEX NO. 2019-5311)**

Resolution

At a regular meeting of the Town Board of the Town of Guilford, held on April 12, 2023, at Guilford Town Hall, 223 Marble Rd, Guilford, NY 13780, the following resolution was offered by Councilmember Terry Ives and seconded by Councilmember Gilda Ward:

WHEREAS, in July 2019, the Town of Guilford commenced an action in Chenango County Supreme Court (Index No. 2019-5311) for, among other things, a declaratory judgment against Wilkinson Salvage LLC and Clifford E. Wilkinson (collectively, “Wilkinson”) permanently enjoining Wilkinson from operating a junk yard in violation of General Municipal Law § 136 on property within the Town having a street address of 1557-1573 County Road 33, South New Berlin, New York 13843 and designated as Tax Map No.: 175.-1-11.1; and

WHEREAS, the Town and Wilkinson subsequently executed a Stipulated Order entered by the Court on August 20, 2020, under which the Town, in lieu of further litigation, agreed to, among other things, allow Wilkinson time to remedy the conditions at the junk yard that violated the provisions of General Municipal Law § 136, provided that Wilkinson complied and remained in compliance with the Order’s requirements; and

WHEREAS, it is the determination of the Town Board that Wilkinson has adequately cleaned up the junk yard property and remedied the violations of General Municipal Law § 136 thereon to the Board’s satisfaction; and

WHEREAS, the Town Board further determines the purpose of the above-referenced litigation has been realized, and that the execution of a Stipulation of Discontinuance of the matter is appropriate at this time.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Guilford that the Attorneys for the Town are hereby authorized to execute the said Stipulation of Discontinuance, thus terminating the pending litigation against Wilkinson; and be it further.

RESOLVED that this resolution shall take effect immediately.

CERTIFICATION

I, Jodie Ives, do hereby certify that I am the Town Clerk of the Town of Guilford and that the foregoing constitutes a true, correct and complete copy of a resolution duly adopted by the Town Board of the Town of Guilford at a meeting thereof held on April 12, 2023 at the Town Hall, 223 Marble Rd, Guilford, NY 13780. Said resolution was adopted by the following roll call vote:

Supervisor George Seneck voted: Aye

Councilmember Terence Ives voted: Aye

Councilmember Thomas Ives voted: Aye

Councilmember Gilda Ward voted: Aye

Councilmember Matthew Retz voted: Aye

Dated: April 12, 2023

Jodie Ives, Town Clerk

Town of Guilford

- E. BUDINE JUNKYARD – RESOLUTION -** Motion to approve the Budine Junkyard Permit for 2023 moved by Councilmember Tom Ives. Seconded by Councilmember Terry Ives. Ayes: Councilmember Terry Ives, Tom Ives, Matt Retz, and Gilda Ward. Noes: None. Motion carries.
- F. SURPLUS HIGHWAY EQUIPMENT – RESOLUTION –** Motion to declare a 2016 Ford F450 XL Super Duty Dump Truck with plow and sander surplus and put up for auction moved by Councilmember Terry Ives. Seconded by Councilmember Matt Retz. Ayes: Councilmember Terry Ives, Tom Ives, Matt Retz, and Gilda Ward. Noes: None. Motion carries.
- G. RFP HIGHWAY STORAGE SHED ENGINEERING PROPOSALS - DISCUSSION –** the quote is high and included items we did not ask for. Supervisor Seneck suggests we contact the bidder to discuss the proposal further. **RESOLUTION –** Motion to table the award of the RFP for Highway Storage Shed Engineering Proposals moved by Councilmember Terry Ives. Seconded by Councilmember Gilda Ward. Ayes: Councilmember Terry Ives, Tom Ives, Matt Retz, and Gilda Ward. Noes: None. Motion carries.
- H. HIGHWAY EQUIPMENT REPLACEMENT SCHEDULE –** The replacement schedule includes estimated future replacement costs. We need to consider the duration that some equipment is kept. Trade values are higher if we replace more frequently. Next steps will be budgeting for the equipment.
- I. HIGHWAY SUMMER POSITIONS –** This topic was moved to the Executive Session and resolutions were made after the return to Open Session.
- J. CATSKILL DIRT SLINGERS & AMATEUR RADIO GROUP – MT. UPTON PARK – DISCUSSION –** The Catskill Dirt Slingers Garden tractor pulling club was asking to use Mt. Upton Park at a reduced fee for their events in 2023. The Board has decided that there will be no adjustment to the fee for these events. The Amateur Radio group is planning to use Mt. Upton Park on June 24 and 25th and asked if it was okay to stay overnight. The Board found no issues with this request.
- K. JOHNSON CONTROLS CHANGE ORDER – DISCUSSION –** For the fire alarm project there has been a change order allowing for safe access to the attic space of the Town Hall. The initial change order request did not provide enough detail for how the additional cost was calculated. We are waiting for a detailed change order request before any action is taken.
- L. STORAGE SHED GUILFORD LAKE SUMMER PROGRAM – DISCUSSION –** The shed size needs to be 8’x12’ to accommodate the needs of the swim program. The type of door to the shed needs to be determined as either a roll up door or barn style entry door. Quotes were not available for the entire board to view at this time. No action was taken.

IX FROM THE FLOOR Speaker 1 discusses the stair replacement job and suggests that jobs of similar nature, sidewalk repairs and stair installation, can be combined and completed together and would be cost efficient. He also suggests installing landscaped stairs which offer many options. He indicated that concrete is expensive and will heave and crack. With steel stairs there is a possibility for rust.

X EXECUTIVE SESSION

RESOLUTION - Motion to go into Executive Session at 8:58 p.m. to discuss employment of personnel and benefits, and consultation with our attorney regarding a matter moved by Councilmember Tom Ives. Seconded by Councilmember Terry Ives. Ayes: Councilmember Terry Ives, Tom Ives, Matt Retz, and Gilda Ward. Noes: None. Motion carries.

RESOLUTION – Motion to exit Executive Session at 9:43 p.m. made by Councilmember Terry Ives. Seconded by Councilmember Tom Ives. Ayes: Councilmember Terry Ives, Tom Ives, Matt Retz, and Gilda Ward. Noes: None. Motion carries.

HIGHWAY SUMMER POSITIONS – Highway Superintendent Bob Fleming said he would like to hire Summer Merithew to the summer help position and keep Delmar S. Franklin on for the summer season. **RESOLUTION** – Motion to appoint Summer Merithew to the Summer Help position effective May 1, 2023, through August 31, 2023, at \$17 per hour not to exceed 30 hours per week moved by Councilmember Tom Ives. Seconded by Councilmember Terry Ives. Ayes: Councilmember Terry Ives, Tom Ives, Matt Retz, and Gilda Ward. Noes: None. Motion carries. **RESOLUTION** – Motion to appoint Delmar S. Franklin as summer seasonal help effective April 1, 2023, through October 30, 2023, at \$20 per hour moved by Councilmember Terry Ives. Seconded by Councilmember Matt Retz. Ayes: Councilmember Terry Ives, Tom Ives, Matt Retz, and Gilda Ward. Noes: None. Motion carries.

XI AUDIT & PAYMENT OF BILLS

At an earlier time, General Fund vouchers number 65 - 86 in the amount of \$20,238.73, Highway Fund vouchers number 39 - 62 in the amount of \$130,893.99, Capital Fund voucher number 3 in the amount of \$6,341.33, Lighting District vouchers number 6 - 7 in the amount of \$618.28, Mt. Upton Water District vouchers number 19 - 25 in the amount of \$3,052.95 and Guilford Water District vouchers number 17 - 22 in the amount of \$4,948.84 were audited. Motion to approve payment of the bills moved by Councilmember Terry Ives. Seconded by Councilmember Matt Retz. Ayes: Councilmember Terry Ives, Tom Ives, Matt Retz, and Gilda Ward. Noes: None. Motion carries.

XII ADJOURNMENT

Being no further business, Councilmember Tom Ives moved to adjourn at 9:46 p.m. Seconded by Councilmember Matt Retz. Ayes: Councilmember Terry Ives, Tom Ives, Matt Retz, and Gilda Ward. Noes: None. Motion carries.

Respectfully Submitted,

Jodie M. Ives, Town Clerk