

**GUILFORD REGULAR TOWN BOARD MEETING
WEDNESDAY, AUGUST 09, 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

Members Excused: Councilmember Terence Ives

Officials present: Town Clerk Jodie Ives
Deputy Town Clerk Gail Hoffman

Officials Excused: Highway Superintendent Robert Fleming

I CALL TO ORDER

Supervisor Seneck called the regular meeting to order at 7:01 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 July 12, 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 July 12, 2023, meeting as presented was moved by Councilmember Tom Ives. Seconded by Councilmember Matt Retz. Ayes: Councilmember Tom Ives, Matt Retz, and Gilda Ward. Noes: None. Motion carries.

IV FROM THE FLOOR – no comments.

V REPORTS

A. SUPERVISOR – Supervisor Seneck reported the following:

1. The Chenango County Fair was August 9th through August 13th.
2. Spoke with Mr. Yoder on County Route 36 and Shawn Fry about relocating the cattle crossing for the Yoder farm.
3. The Guilford Lake Dam Inspection Report was received by the town.
4. Met with George Papathanasiou about the house he owns at the corner of School Street and County Route 35 in Guilford.

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

1. The July Statistics report, Dog Control Officer and Assessor reports were included in the board packet.
2. The suspected counterfeit money from the April 2023 tax collections was not counterfeit. The funds have been deposited back in the General Fund. The tax accounts were 100% in balance for 2023!
3. Hunting licenses are now on sale.
4. We received the \$2,000 funding from Chenango County Soil and Water for the summer program storage shed.
5. We reached out to the 2022 taxpayer who did not pay their taxes and had been receipted in error. The payment was received in full today and was deposited back in the General fund.

C. FINANCIALS - Supervisor Seneck reported the following:

1. Interest and penalties are \$1,800 more than budgeted.
2. Sales Tax is up \$22,000 over 2022 (Town General and Highway Funds).
3. Interest earnings are up \$27,000 over 2022 (Town General and Highway Funds).
4. Unassigned Fund Balances for the Guilford and Rockdale Lighting Districts are more than they were in 2022.

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

Proposed Budget Amendments for August 2023

General Fund

Increase A1410.11 Deputy Town Clerk	+\$1,250.00	
From A1990.4 Contingent		-\$1,250.00
Increase A1620.4 Buildings Contractual	+\$32,278.26	
From ARPA Funds (Bldg. Security System)		-\$32,278.26
Increase A1620.4 Buildings Contractual	+\$1,250.00	
From A1990.4 Contingent (Property Transfer)		-\$1,250.00

Town Highway

From DA2665 Sale of Equipment		Transfer \$40,970
To Reserve Highway Equipment Savings		
From Hwy. Unassigned Fund Balance		Transfer \$200,000
To Reserve Highway Equipment Savings		

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

D. HIGHWAY – Highway Superintendent Robert Fleming was not present.

E. COMMITTEE REPORTS

1. **HIGHWAY COMMITTEE** – Councilmember Retz reported the following:
 - a. There are some maintenance issues on trucks that need to be addressed.
 - b. The two new highway trucks are expected in the second quarter of 2024.
 - c. Finished the Wahlberg Road culvert project and Highbridge Road has been paved.
 - d. The Highway department will need \$15,000 - \$18,000 in additional funds. There were problems with Hohreiter Road flooding and patching up White’s Hill Road.
 - e. Mowing of town roads is in the process for the second time this year.
 - f. Pricing is coming for guardrails on Wahlberg Road.
 - g. Replaced the radiator in the skid steer.
 - h. 10 cameras are coming and will be installed in the plow trucks, small trucks, mower and gradall.
 - i. Our summer employee is scheduled to work through the end of August.

2. **BUILDING COMMITTEE** - Councilmember Ward reported the following:
 - a. The highway garage phones are fixed.
 - b. The annual fire extinguisher inspections are complete and include the Town Hall, the Highway building, the water buildings, and all vehicles.
 - c. Floor cleaning is being quoted.
 - d. Water buildings inspections were completed on 7/31/23.

Guilford Water District – The water treatment building roof needs repairs, brush has been cleared, the plumbing is obsolete inside the building, parts are not available. The hydrant has been replaced. There is a required lead verification program with an October 2024 federal deadline. Water Superintendent, Jeff Fuller says he will do the lead program at the same time as completing the installation of water meters. All shut offs have been located using a GPS system. A laptop will be required to set up contact with the new system, however, Mr. Fuller is unsure of the specs required.

At the Furnace Hill backup well, arsenic levels here are above acceptable levels. The building needs paint, stain, or metal siding.

At the Water Storage Tank, the inside tank will need an inspection in 2024. The Telemetry building appears to be in good shape.

At the Dexheimer buildings the three buildings were all open and unsecure.

Mt. Upton Water District – The water treatment building has a new roof. Inside the building there is corrosion on pipes and cabinets. Water Superintendent Paul Heath noted chemicals costs are increasing again. Disconnected propane tanks on the property need to be removed. Storms and lightning are kicking off the ground fault for the transducer which controls the filling of the tank. At the Mount Upton water tank on the hill trees, brush and weeds need trimming. Tank repairs were completed last year, and the tank continues to work well.

At the League well, this is the emergency backup well and the building needs paint or stain. There is a 4’ x 8’ section of concrete sidewalk missing on County Road 37.

3. **PLANNING COMMITTEE** – no business.
4. **PARK UPDATES** – Councilmember Ward reported the following:

- a. The committee did not meet. However, Councilmember Ward reviewed the outstanding items from the previous month.
- b. The Mount Upton Community Days event was very successful.

VI OLD BUSINESS

A. GUILFORD PARK LAW – RESOLUTION - Motion to take the proposed Guilford Park Law off the table moved by Councilmember Tom Ives. Seconded by Councilmember Gilda Ward. Ayes: Councilmember Tom Ives, Matt Retz, and Gilda Ward. Noes: None. Motion Carries. Discussion: Revisions to the draft should include not entering the water or swimming when no lifeguards are on duty, no fishing from the docks or within the public beach area and no pets or dogs in the beach area. Under the enforcement section, fine amounts will be established at no more than \$250 for the first offense and no more than \$500 for a second offense. In the protection of property section, individuals will be held responsible for any damages. **RESOLUTION –** Motion to schedule a public hearing to discuss the proposed Guilford Park Law on September 13, 2023, at 7:00 pm moved by Councilmember Matt Retz. Seconded by Councilmember Gilda Ward. Ayes: Councilmember Tom Ives, Matt Retz, and Gilda Ward. Noes: None. Motion Carries.

B. RESOLUTION UNSAFE STRUCTURES LAW – RESOLUTION – Motion to take the proposed Town of Guilford Local Law #2 for the year 2023 Entitled Unsafe Structures off the table moved by Councilmember Matt Retz. Seconded by Councilmember Tom Ives. Ayes: Councilmember Tom Ives, Matt Retz, and Gilda Ward. Noes: None. Motion Carries. Discussion: At our meeting in July our procedures were questioned regarding our public hearing. Supervisor Seneck found that our public hearing held in July was held properly. There are no requirements for items to be posted on the website and such items were available to review from the Town Clerk in hard copy format. Also, the Town was not required to complete a 239 review or a full environmental review. Supervisor Seneck reviewed the Short Environmental Assessment Form (SEAF). **RESOLUTION –** Motion to authorize Supervisor Seneck to sign the SEAF form Part 1 - Project Information and Part 3 – Determination of Significance as it relates to our local law Unsafe Structures and determine that our local law will in no way significantly impact or create adverse environmental impacts moved by Councilmember Tom Ives. Seconded by Councilmember Matt Retz. Ayes: Councilmembers Tom Ives, Matt Retz, and Supervisor George Seneck. Abstain/Noes: Councilmember Gilda Ward. Motion Carries. **RESOLUTION –** Motion to adopt Local Law #2 of the Year 2023 Entitled Unsafe Structures moved by Councilmember Matt Retz. Seconded by Councilmember Tom Ives. Discussion-Councilmember Ward is concerned that this could be used in an undesirable fashion if in the wrong hands and inadvertently could affect property owner rights. She feels that if the cost to repair or demolish a structure is levied on a property tax bill that this could possibly lead to a property owner losing their property when they cannot afford to pay their taxes. Supervisor Seneck and Councilmember Retz stress the focus and intent is on public safety and unsafe structures. There are financial costs to the town and the financial resources may limit the town’s actions. The Town could promote and explore ideas of County Assistance and grants through Opportunities for Chenango.

Roll Call: Councilmember Terry Ives - Excused
Councilmember Tom Ives - Aye
Councilmember Gilda Ward – No/Abstain
Councilmember Matt Retz - Aye
Supervisor Seneck - Aye

Motion carries.

C. COURT FUNDS REQUEST – RESOLUTION – Motion to fund the Town of Guilford court an amount of \$156 for shortages in former Justice Persons’ accounts moved by Councilmember Tom Ives. Seconded by

Councilmember Matt Retz. Ayes: Councilmember Tom Ives, Matt Retz, and Gilda Ward. Noes: None. Motion Carries.

D. RESOLUTION COLD STORAGE BUILDING CONTRACTOR – RESOLUTION – Motion to take the Cold Storage Building legal notice and bidding process for construction quotes off the table moved by Councilmember Gilda Ward. Seconded by Councilmember Matt Retz. Ayes: Councilmember Tom Ives, Matt Retz, and Gilda Ward. Noes: None. Motion Carries. Discussion – There are minor changes needed to the design plans. The Town will publish the legal notice and it will be requested of Doak to get us a PDF of the plans that will be shareable with contractors. Supervisor Seneck will get five copies of the plans printed from the County office. Schedule to be returned to the town by Tuesday, September 12th at 5:00 p.m. **RESOLUTION –** Motion to accept the changes as prepared by Doak Engineering and authorize the publication of a legal notice and begin the bidding process for construction quotes moved by Councilmember Gilda Ward. Seconded by Councilmember Matt Retz. Ayes: Councilmember Tom Ives, Matt Retz, and Gilda Ward. Noes: None. Motion Carries.

VII NEW BUSINESS

A. RESOLUTION TO CONDUCT FUEL BIDS - RESOLUTION - Motion to put fuel out to bid for the period beginning October 1, 2023, through September 30, 2024, moved by Councilmember Tom Ives. Seconded by Councilmember Gilda Ward. Ayes: Councilmembers Tom Ives, Matt Retz, and Gilda Ward. Noes: None. Motion carries.

B. SCHEDULE BUDGET MEETING – Meeting is scheduled for Wednesday, September 20, 2023, at 7:00 p.m.

C. RESOLUTION TO TRANSFER TAX SALE PROPERTY – RESOLUTION – Motion to transfer Chenango County tax sale property located at 1733 State Hwy 8. Mt. Upton to the Town of Guilford with costs totaling \$1,205.00 moved by Councilmember Matt Retz. Seconded by Councilmember Tom Ives. Ayes: Councilmember Tom Ives, Matt Retz, and Gilda Ward. Noes: None. Motion Carries.

D. RESOLUTION SURPLUS OFFICE EQUIPMENT – RESOLUTION – Motion to declare a Planar computer monitor and a REVO 16 channel DVR from the prior security system surplus with no value moved by Councilmember Tom Ives. Seconded by Councilmember Gilda Ward. Ayes: Councilmember Tom Ives, Matt Retz, and Gilda Ward. Noes: None. Motion Carries.

E. RESOLUTION CORRECTING THE MINUTES FROM 11/10/2021 IN REGARD TO GUILFORD WATER – RESOLUTION – Motion to correct minutes in regard to New Business Item K from the 11/10/2021 Board Meeting to be as follows:

TOWN OF GUILFORD

RESOLUTION APPROVING PURCHASE OF AN OPTION TO ACQUIRE EASEMENT

At a meeting of the Town Board of the Town of Guilford held at Town Hall, 223 Marble Road, Guilford, New York on the 10th day of November 2021, the following resolution was offered by Councilmember Terry Ives and seconded by Councilmember Tom Ives:

WHEREAS, on September 16, 2017, the Town of Guilford entered into a Lease Agreement with Patrick W. Young and Rebecca S. Young for real property with a street address of 1345 County Road 35, Guilford, New York 13780; and

WHEREAS, the parties wish to further define the terms and conditions of said Lease Agreement, and provide the Town of Guilford an option to convert said lease to an easement in

the event the Town of Guilford proceeds with construction of a well and related appurtenances for municipal water production; and

WHEREAS, upon exercise of said option to purchase a permanent and irrevocable easement, the sum total of \$25,000.00 would be payable to Patrick W. Young and Rebecca S. Young in consideration of said easement; and

WHEREAS, the Lease Agreement Amendment referenced above is attached as Appendix A; and

NOW THEREFORE, BE IT RESOLVED, that pursuant to Part 617 of the implementing regulations of the State Environmental Quality Review Act, it has been determined by the Town Board that acquisition of the referenced option to purchase constitutes an Unlisted Action. The Town Board has considered the possible environmental impacts of the action and has determined that the Town's potential purchase and use of the property will not have a significant adverse impact on the environment and the Town Board adopts a negative declaration with respect thereto; and

RESOLVED, that the Supervisor of the Town of Guilford be and hereby is authorized to execute any and all necessary legal documents to enter into the aforementioned Lease Agreement Amendment; and

RESOLVED, that, pursuant to Town Law §64(2), this resolution is subject to a permissive referendum.

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

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

F. RESOLUTION – OPTION TO PURCHASE YOUNGS PROPERTY EASEMENT – Stated within the agreement the water had to be satisfactorily tested at the Youngs well and adequate discussion must be held. Need to have further discussion and an update from Brendon Becker about the water quality and sulfur in the water and the associated costs. No Action.

G. RESOLUTION – AGREEMENT RIVER FILL DONATION TO THE TOWN – Motion to send to our attorney the request to draft an agreement with D. Lockwood of Mt. Upton regarding a donation and removal of river fill and give permission to execute the agreement moved by Councilmember Tom Ives. Seconded by Councilmember Matt Retz. Ayes: Councilmember Tom Ives, Matt Retz, and Gilda Ward. Noes: None. Motion carries.

VII FROM THE FLOOR – Speaker one - Regarding the sidewalk needing repair on County Road 37 using hand mixed concrete is not recommended. Speaker one also spoke regarding the building keys not being returned and suggested taking further action with the NYS Troopers. Speaker one has experience with stamped engineered plans and stated that they cannot be modified by us, and we do need to run the modifications by the engineer. Another item for the town to consider is the weather will be changing soon and any concrete and sidewalk repairs will need to be completed soon. Lastly, speaker one asked what are the town's plan for the property in Mt. Upton? Supervisor Seneck replied we will be tearing it down. One last item, speaker one suggests that the wording "Public Safety" be added to the Unsafe Structures Law language.

IX EXECUTIVE SESSION

RESOLUTION - Motion to go into Executive Session at 8:34 p.m. to discuss a property lease moved by Councilmember Gilda Ward. Seconded by Councilmember Matt Retz. Ayes: Councilmember Tom Ives, Matt Retz, and Gilda Ward. Noes: None. Motion carries.

RESOLUTION – Motion to exit Executive Session at 8:45 p.m. made by Councilmember Matt Retz. Seconded by Councilmember Gilda Ward. Ayes: Councilmember Tom Ives, Matt Retz, and Gilda Ward. Noes: None. Motion carries.

X AUDIT & PAYMENT OF BILLS

At an earlier time, General Fund vouchers number 176 – 199 in the amount of \$41,214.24, Highway Fund vouchers number 116 – 130 in the amount of \$86,975.93, Capital Fund voucher number 7 in the amount of \$237.50 , Lighting District vouchers number 14 – 15 in the amount of \$581.71, Mt. Upton Water District vouchers number 42 – 46 in the amount of \$244.44 and Guilford Water District vouchers number 40 – 42 in the amount of \$480.36 were audited. Motion to approve payment of the bills moved by Councilmember Gilda Ward. Seconded by Councilmember Matt Retz. Ayes: Councilmember Tom Ives, Matt Retz, and Gilda Ward. Noes: None. Motion carries.

XI ADJOURNMENT

Being no further business, Councilmember Tom Ives moved to adjourn at 8:49 p.m. Seconded by Councilmember Matt Retz. Ayes: Councilmember Tom Ives, Matt Retz, and Gilda Ward. Noes: None. Motion carries.

Respectfully Submitted,

Jodie M. Ives, Town Clerk