

**TOWN OF BARTON
MONTHLY MEETING MINUTES
July 13, 2020 – 6:30 PM**

Board Members Present: Supervisor Leon Cary, Don Foster, Kevin Everly, John Tryon, and Dave Shipman

Staff Present: Fred Schweiger, Highway Superintendent; Arrah Richards, Town Clerk; Mary Jo LeClaire, Town Assessor

Guests: Daniel Eiklor, Kelly Schweiger, Brandon Stanton

Pledge of Allegiance

Privilege of the Floor

Brandon Stanton, Bonham Road, would like to know when his road is going to be fixed. Highway Superintendent Schweiger said he could get some new material over there.

Approval of Minutes: A **motion** to approve special meetings June 24, 2020 and July 2, 2020 along with monthly board meeting June 8, 2020 made by **Board Member Kevin Everly** and seconded by **Board Member John Tryon** and carried.
5-Ayes, 0-Noes.

Vouchers: A **motion** to approve the vouchers made by **Board Member John Tryon** and seconded by **Board Member Don Foster** and carried.

- General Fund \$21,095.94
- Water/Sewer \$89,668.29
- Highway \$37,863.08

Leon Cary	Aye
Don Foster	Aye
Kevin Everly	Abstain
John Tryon	Aye
Dave Shipman	Aye

Personnel:

Town Clerk, Arrah Richards

Spectrum has terminated the request for a site survey to run fiber wires to the Highway Barn. They found it to be too expensive to run the wires over top or even below the railroad tracks.

Still waiting for the Verizon OGS plan to be implemented. This plan will reduce the cost of each line to \$30.99 and would include unlimited talk/text with 10GB data.

We have been having issues with our county phones. When someone dials an extension, the operator repeats itself. An IT ticket was submitted.

NYSEG and RG&E Emergency Preparedness Meeting is scheduled for tomorrow. Information was given to the Town Board and Highway Superintendent regarding this webinar. Supervisor Cary and Town Clerk Richards are currently registered.

The Governor extended the option to municipalities to hold public hearings virtually, through August 6, 2020.

Our DECAL program is currently down. The Town Clerk has contacted NYS DEC multiple times to change the agent information to be in her name. Hoping to have this program up and running by August 1 when hunting season begins.

The Town Clerk has been busy learning the sewer and water program.

The Clerk's Office has received multiple phone calls and inquiries on recycling hazardous materials and whether the Town of Barton was going to hold another tire pickup.

Highway Superintendent, Fred Schweiger

RMS is currently crushing and making a lot of #3's and 4's.

The grader is currently down. They were trying to finish up Bunnell Road then move over to Worden Road. Afterwards, they'll come back and finish Steenburg and Stone Quarry Road with some of the good material that they're making now. They'll redress Bonham Road after that and hopefully get to Delaney. The dirt roads should be completed within a couple of weeks then they will move onto chipping and sealing.

Lewis (Cary) is almost done with his first round of mowing. Hopefully he'll be able to start his second-round next week.

The Freightliner was sold last week in the auction and was sold for \$26,000. This was higher than expected. A resolution to have this check go into a reserve fund for future purchases is being proposed tonight.

Board Member Kevin Everly asked how many tons RMS is going to be crushing. Superintendent Schweiger is looking at around 11,000 tons. He will have RMS continually crush stone until the point so that the total bill stays under \$35,000.

Board Member Everly asked about the pit's open days. Highway Superintendent Schweiger said the gate is now supposed to be locked unless Vic (McIntyre) is there every other Saturday. The pit schedule is listed on the Town of Barton website under the "Highway" page. Throughout the day, the highway employees will go in and out leaving the gate open until they're finished. It's fine if residents come in during that time. Previously, the department had tried leaving the gates open but there were some issues with people dumping things that they shouldn't and also taking material. It also appeared that some people doing side contracting work were dumping a lot of extra brush. Town Clerk Richards asked if a sign could be put up outside the gate.

New Business

1. Resolution 19-2020 – Tax Certorari Settlement for Allentown Properties, LLC.

Town Assessor Mary Jo LeClaire spoke on behalf of this resolution. This item has been going on for five years in the Supreme Court. The Assessor valued the property at \$600,000 and with the 78% equalization rate, the assessed value comes in at \$480,000. The property is currently at \$546,000 now. Board Member Everly calculated the revenue for the Town/County tax season to go down around \$1,100 per year.

CERTIFIED COPY OF RESOLUTION ADOPTED BY THE BARTON TOWN BOARD
ADOPTED 07/13/2020

RESOLUTION NO 19-2020

TAX CERTORARI SETTLEMENT FOR ALLENTOWN
PROPERTIES, LLC

WHEREAS, Allentown Properties, LLC ("Allentown") initiated a tax certiorari proceeding contesting the assessment for the parcel located at 403 Chemung Street, Waverly, New York, in the Town of Barton (Tax Map No. 166.15-3-19) in 2015 and 2016; and

WHEREAS, 95 NYRPT, LLC ("95") initiated a tax certiorari proceeding contesting the assessment for the parcel located at 403 Chemung Street, Waverly, New York, in the Town of Barton (Tax Map No. 166.15-3-19) in 2017, 2018, and 2019; and

WHEREAS, Allentown and 95 were seeking a reduction of the current total assessment from \$546,900 to \$300,000; and

WHEREAS, a negotiated settlement has been reached which will not require any refund of Town property taxes and this settlement has the support of the Town Assessor; and

NOW THEREFORE upon a motion by Board Member Don Foster seconded by Board Member Kevin Everly and carried; therefore, be it

RESOLVED, that Town Board of the Town of Barton authorizes the settlement in the tax certiorari cases of Allentown Properties, LLC v. The Board of Assessment Review for the Town of Barton; The Assessor of the Town of Barton and The Town of Barton, New York (Index Nos. 45878, 46705) and 95 NYRPT, LLC v. The Board of Assessment Review for the Town of Barton; The Assessor of the Town of Barton and The Town of Barton, New York

(Index Nos.47645, 2018-60037, 2019-60637) for the real property known as 403 Chemung Street in the Town of Barton for an assessed value of \$546,900 for the assessment rolls of the Town of Barton for years 2015, 2016, 2017, 2018, and 2019 and for the assessed value of \$480,000 for the assessment rolls of the Town of Barton for the year 2020.

BE IT FURTHER RESOLVED, the Town Board of the Town of Barton authorizes Kimberlee Balok Middaugh, Esq., as Town Attorney, to execute the Stipulation of Settlement and further authorizes the Town Attorney and the Town Supervisor to execute any documents or take any actions necessary to effectuate this settlement.

Roll Call Vote:

Leon Cary	Aye
John Tryon	Aye
David Shipman	Aye
Kevin Everly	Aye
Don Foster	Aye

2. Resolution 20-2020 – Proposed Sewer Rate Increase

CERTIFIED COPY OF RESOLUTION ADOPTED BY THE BARTON TOWN BOARD

ADOPTED 07/13/2020

RESOLUTION NO 20-2020

PROPOSED SEWER RATE INCREASE

WHEREAS, the Town of Barton has received an increase from the Village of Waverly on the sewer rates, and

WHEREAS, the Town of Barton must in turn pass the increased rates onto those utilizing the sewer in the Town of Barton; and

WHEREAS, the proposed increase in the sewer rate is \$0.25 per 100 cubic feet; and

NOW THEREFORE upon a motion by Board Member Don Foster seconded by Board Member John Tryon and carried; therefore, be it

RESOLVED, that the Town of Barton Town Board increase the sewer rate from \$4.60 to \$4.85 per 100 cubic feet, starting at the next billing cycle.

Roll Call Vote:

Leon Cary	Aye
John Tryon	Aye
David Shipman	Aye
Kevin Everly	Aye
Don Foster	Aye

3. Resolution 21-2020 – Standard Work Day and Reporting Resolution

CERTIFIED COPY OF RESOLUTION ADOPTED BY THE BARTON TOWN BOARD

ADOPTED 07/13/2020

RESOLUTION NO 21-2020

STANDARD WORK DAY AND REPORTING
RESOLUTION

WHEREAS, The New York State Retirement System created new reporting regulations in 2009 that require establishment of terms and work hours for elected and appointed officials and a resolution stating such at the onset of each term;

NOW THEREFORE upon a motion by Board Member Kevin Everly seconded by Board Member Don Foster and carried; therefore, be it

RESOLVED, that the Town of Barton hereby establishes the following as standard work days for elected and appointed officials, and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by the following officials to the Clerk of this body;

Name	Social Security Number	NYSLRS ID	Title	Current Term Begin & End Dates	Standard Work Day	Record of Activities Result	Not Submitted	Pay Frequency	Tier 1
Elected Officials:									
Arrah Richards	4771	R11026067	Town Clerk	01/01/2020-12/31/2023	7.00	21.33	<input type="checkbox"/>	Bi-weekly	<input type="checkbox"/>
Dave Shipman		41423252	Bookkeeper	01/01/2020-12/31/2020	6.00	0.33	<input type="checkbox"/>	Bi-weekly	<input type="checkbox"/>
Frederick Schweiger	2149		Highway Superintendent	01/01/2020-12/31/2023	8.00	30.08	<input type="checkbox"/>	Bi-weekly	<input type="checkbox"/>
Appointed Officials:									
Melanie Sinsabaugh	9246	41423252	Bookkeeper	01/01/2020-12/31/2020	6.00	4.42	<input type="checkbox"/>	Bi-weekly	<input type="checkbox"/>
							<input type="checkbox"/>		<input type="checkbox"/>
							<input type="checkbox"/>		<input type="checkbox"/>

Roll Call Vote:

Leon Cary Aye
 John Tryon Aye
 David Shipman Aye
 Kevin Everly Aye
 Don Foster Aye

Affidavit of Posting: I, Arrah M. Richards, being duly sworn, and depose and say that the posting of the resolution began on July 14, 2020 and continued for at least 30 days. That the resolution was available to the public on the:

- Employer's website at www.townofbarton.org
- Official sign board at the Town of Barton Office located at 304 State Route 17C, Waverly, NY 14892
- Main Entrance at the Clerk's Office at 304 State Route 17C, Waverly, NY 14892

4. **Resolution 22-2020 – Deposit Funds into Capital Machinery Reserve Fund**

CERTIFIED COPY OF RESOLUTION ADOPTED BY THE BARTON TOWN BOARD
ADOPTED 07/13/2020

RESOLUTION NO 22-2020

DEPOSIT FUNDS INTO CAPITAL MACHINERY
RESERVE ACCOUNT (DA231)

WHEREAS, the Town of Barton Highway Superintendent sold the 2010 Freightliner M916A3 Military T/A Tractor; and

WHEREAS, the Highway Superintendent received a check from Roy Teitsworth, Inc., from Geneseo, NY, in the amount of \$26,000 for the Freightliner; and

NOW THEREFORE upon a motion by Board Member John Tryon seconded by Board Member Dave Shipman and carried; therefore, be it

RESOLVED, this check, in its entirety, is to be deposited into the following account:

Capital Machinery Reserve Account (DA231)

Roll Call Vote:

Leon Cary	Aye
John Tryon	Aye
David Shipman	Aye
Kevin Everly	Aye
Don Foster	Aye

5. **Resolution 23-2020 – Amend Cemetery Rules and Regulations**

A **motion** to rescind resolution 14-2020 to amend the cemetery rules and regulations made by **Board Member Don Foster** and seconded by **Board Member John Tryon**. And carried.

5-Ayes, 0-Noes

CERTIFIED COPY OF RESOLUTION ADOPTED BY THE BARTON TOWN BOARD
ADOPTED 07/13/2020

RESOLUTION NO 23-2020

AMEND CEMETERY RULES AND REGULATIONS

WHEREAS, resolution 05-2011 set the cemetery rules and fees; and resolutions 05-2016 and 14-2020 amended these cemetery rules and regulations; and

WHEREAS, it is necessary to update these rules and regulations regularly; and

WHEREAS, the Town of Barton's interment charges include perpetual care whereas hiring a contractor does not, and

WHEREAS, it is necessary to include a burial permit fee to offset the cost of maintaining these cemeteries year after year if utilizing an approved contractor rather than the Town of Barton employees; and

WHEREAS, it is necessary to have an approved contractor list for opening/closing gravesites; and

NOW THEREFORE upon a motion by Board Member Kevin Everly seconded by Board Member Don Foster and carried; therefore, be it

RESOLVED, the burial permit fee will be set at \$175.00 for a single lot burial and \$100.00 for a cremation burial; and

BE IT FURTHER RESOLVED, this fee must be paid to the Town of Barton Town Clerk prior to interring the remains; and

BE IT FURTHER RESOLVED, Attachment A of the Cemetery Rules and Regulations be updated to reflect these prices; and

BE IT FURTHER RESOLVED, a contractor must submit, and keep current, their contact information, certificate of liability insurance, and a list of 2-3 business references to be reviewed and approved by the Cemetery Commissioner in order to be placed on the "Approved Contractors" list; and

BE IT FURTHER RESOLVED, the Town of Barton Cemetery Rules and Regulations will be posted and updated as needed on the Town of Barton website.

Roll Call Vote:

Leon Cary	Aye
John Tryon	Aye
David Shipman	Aye
Kevin Everly	Aye
Don Foster	Aye

Town Clerk Richards thought it'd be necessary to propose a new resolution rescinding the entire fee schedule as resolution 14-2020 increased the fees that were already established in 2011. The Board decided this would be tabled.

The Town Clerk will put out a press release notifying the public we are looking for contractors to be on our approved list to open/close gravesites. This notice will also be posted on our signboard and our website as well.

Old Business

Railroad – Supervisor Cary had spoken to Lance Lee and requested to have written in the agreement the original plan of the railroad giving the Town \$110,000 to close the

two crossings as well as having the State pay the original \$15,000. He also requested to have in the agreement, specific language so that the Railroad be responsible for paying the flag workers. According to the Delta engineering plan, \$1,750 was attributed to the cost of hiring flag workers.

Supervisor Cary will make copies of the properties that will be going up for sale and hand to the Board Members to discuss at the next meeting.

Motion to adjourn meeting at 7:07 PM made by **Board Member John Tryon** and seconded by **Board Member Don Foster** and carried.

Respectfully submitted,

Arrah Richards
Town of Barton Clerk

DRAFT