

PLYMOUTH TOWN BOARD MEETING

APRIL 12, 2021

6:30pm

PRESENT: Supervisor Grace Nucero Alger

Councilman Jerry Kreiner

Councilman Frank Williams

Councilman Garry James

Highway Superintendent Rodney Oakley

ABSENT: Councilman Daniel Meyer

Supervisor Alger led in the Pledge to the Flag.

She asked if there were any additions or corrections to the minutes of the March 22 meeting. There were none. Mr. Kreiner made a motion to accept the minutes as sent. Mr. James seconded the motion. The Board was polled and the motion was passed with four yeses and no nos. Councilman Meyer was absent.

DOG CONTROL OFFICER'S REPORT: Mr. Brian Franklin gave the following report to the Board:

- 3/24/21 Dogs charging walker – after investigation, Mr. Franklin found that no dogs left their property
- 3/29/21 Loose dogs Rte. 23 – no dogs found

CODE ENFORCEMENT OFFICER'S REPORT: Mr. Steve Fox reported the following:

- Visited the Cushman residence on County Rt. 21 at the request of the Board to ask them to clean up. The homeowners are working on cleaning it up.

- Stopped at the Buffa residence on County Rt. 16 where the occupants have removed siding from the barn leaving it's contents exposed.
- Went to court with Sam Clemens. He has made progress on two of his properties.
- Did a septic inspection on Reservoir Hill Rd. for a new house.
- There has been a permit issued for a new house on the Center Road.
- There was a complaint about plastic from the Adamow farm blowing all over. Mr. Fox is working on this issue.

HIGHWAY SUPERINTENDENT'S REPORT: Mr. Rodney Oakley reported the following:

- The crew has been brooming the roads.
- Cleaned out a beaver dam on Blackman Road on Sunday
- All plows and frames are off the trucks
- Began hauling 1B and 1A stone to make grader shim for patch
- Presented Mrs. Alger with a check for \$207.90 for scrap dismantled from the burned out truck that was purchased from the Town of Hamilton for the box.
- The dump box braces have arrived and Mr. Oakley will be distributing them to other Towns that expressed interest in them in the coming week.
- He called the DEC to inquire as to how the transfer of a Mining Permit to another town could be done. In return, Mr. Oakley got a Time to Renew Your Permit letter. Mr. Oakley will call them back.
- Tried out the new paver at the garage. Worked well.
- One of the crew will be going out with an injury that did not occur while working for the Town. Discussion followed about temporarily filling that position. Mr. Oakley anticipates that the injured employee will be paid by compensation from the employee's former employer while he is out.

LETTERS AND COMMUNICATIONS: Mrs. Alger informed the Board of the following:

- Avolio Brothers were hired to replace the thermostat in the Town Clerk's office.
- Brian Wilcox repaired the water leak in the hallway between the Supervisor's office and the Town Clerk's office. Mrs. Alger asked him to come back and make sure there was no water trapped inside the walls in hopes of preventing any mold issues. There was none. There was no charge for that visit.
- Judge Fox gave Mrs. Alger a check for \$2,894.00 for fines and fees for the month of March.
- Mrs. Alger reminded people that have not yet taken the Sexual Harassment Training that on April 13, 2021 at 9:00am there would be another webinar available.
- Mrs. Alger asked Mr. Oakley if he would check out Foster Park and see if it

over hall is expected to cost about \$2.1 million dollars. The County Emergency Management System and ambulance coverage is becoming a real problem. Discussion was had about possible solutions. Policies are being reviewed. Mental health care at the County jail has become a problem. Ideas for using the Covid Relief Fund was discussed.

- Mrs. Alger asked Mr. Oakley if Mrs. Chirlin's complaint had been addressed. It had.

Mr. Williams made a motion to go into Executive Session for a personnel issue. Mr. James seconded it. The Board was polled and the motion was carried with four yeses and no nos. Councilman Meyer was absent. The Board went into Executive Session at 6:52pm.

Mr. Kreiner made a motion to return from Executive Session to the regular meeting at 7:01pm. Mr. Williams seconded the motion. The Board was polled

and the motion was carried with four yeses and no nos. Councilman Meyer was absent.

Mr. James asked if anyone had gotten in touch with Debbie Friot about the Board of Assessment position. Mrs. Alger said that Mr. Rifanburg was supposed to but Mr. Oakley said he had not. Mrs. Alger will talk to Mr. Rifanburg.

Mr. James asked about the tractor and York rake that Mr. Oakley wanted to surplus. There was some discussion about it. Mr. James made a motion to sell said equipment. Mr. Williams seconded the motion. Discussion was had. Mr. James amended his motion to include a minimum bid of \$4,000.00 for the tractor and \$1,000.00 for the rake. The two will be sold separately. Mr. Williams agreed for his second. The Board was polled and the motion was carried with four yeses and no nos. Councilman Meyer was absent. Mr. Oakley will get in touch with Auctions International for the sale.

Mr. Kreiner made a motion to authorize Supervisor Alger to sign the Intermunicipal Agreement with Chenango County for shared highway equipment not including the roadside mowing program. Mr. Williams seconded the motion. The Board was polled and the motion was carried with four yeses and no nos. Councilman Meyer was absent.

PUBLIC CONCERNS: Rhonda Fairbanks asked the Board about Gladys Brannagan's resignation as judge. Ms. Fairbanks wanted to know what restitution was expected for the charges against Mrs. Brannagan. Mrs. Alger informed Ms. Fairbanks that it was in the hands of the Unified Court System and they would not reveal any information about the case to the Town Board. Mr. Kreiner added that the Justice position was a stand alone elected position. The Town Board has no supervisory responsibilities over that.

Ms. Fairbanks asked the Code Enforcement Officer about who gets revenue from a code violation if a defendant claims a conflict of interest between CEO Steve Fox and Judge Jim Fox causing the case to be sent to another Town for judgement. Mr. Fox said he didn't have an answer for that. He has not had that happen to this date. Mrs. Alger said that if a case was sent to another Town, the Town hearing the case would receive the revenue.

Ms. Fairbanks also asked Mr. Fox about a statement made in the November 9, 2020 minutes concerning Town Laws that have been rendered ineffective because of overriding State Laws that have been more recently passed. She wanted to know what laws they were. Mr. Kreiner said that most of the Town Laws contain language that says that if one is convicted they may face jail time and or a fine.

Because of the new bill reform that New York passed, the laws need to be reviewed and jail time has to be taken out. Mr. Kreiner said that he believed that the Town attorney is looking at them. Ms. Fairbanks asked why it has taken so long to get the review done. Mrs. Alger said that the Town attorney has been doing a tremendous amount of work for the Town on the cell tower project. Mrs. Alger advised Ms. Fairbanks that she would follow up on her question.

Ms. Fairbanks asked Mr. Fox what the process was for obtaining a building permit. Mr. Fox said that she should go to the County and get an application for a permit. She should fill it out and submit it to him. He will review it and sign it. Then she should take it back to the County and obtain her building permit.

Ms. Fairbanks commented that she noticed some improvement in the property on County Rt. 21 in Plymouth, but more work needs to be done. She also said that she doesn't see why the Town Board and the Highway crew can't do more to police the properties that are not clean. Mr. Kreiner said that the process is complaint driven. Ms. Fairbanks said that no one wants to make a complaint because they would have to sign their name causing fear of retaliation. Mr. Fox said that the only way anyone could find out who complained would be to submit a FOIL request. Mrs. Fairbanks said she was denied when she submitted a FOIL request. Mrs. Brown stated that the Town attorney denied the request. Mr. Fox suggested the Ms. Fairbanks make a list of properties that were of concern to her, send it to Mrs. Alger. Mrs. Alger will forward it to Mr. Fox, and he will check on them. Mrs. Alger said she would sign complaints if necessary.

Ms. Fairbanks questioned the meeting minutes of November 9, 2020. Mr. Meyer raised an issue about Morley Road. Ms. Fairbanks wanted to know what that was about. Mr. Oakley said it was probably about a wooden pole that was hit. Ms. Fairbanks asked if there was something different that could be done because

it seemed to her like it happened every year. Mr. Oakley said the pole shouldn't have been placed where it was (on the right of way).

Ms. Fairbanks asked when the cell tower would be started. Mrs. Alger said construction would be started this year. Right now the County is working on the building permit. Ms. Fairbanks asked if the tower would be up and running this year. Mrs. Alger said yes.

Ms. Fairbanks requested that the full reports from the DCO and the CEO be included in the minutes. Mrs. Brown agreed to do that.

Ms. Fairbanks asked if any thought had been given to having inmates pickup garbage along the roads. Mrs. Alger said no.

Ms. Fairbanks asked what the DD214 proposal mentioned in the January 11, 2020 minute was. The Town Board had asked anyone who had served in the military in a noncombat capacity to submit their DD214 form to the Town Clerk to see if there was enough interest to give cause to the Board to pass a resolution to adopt the DD214 Tax Exemption. Mrs. Brown had only received three forms, so the idea was dropped. She also stated that it had been advertised on the Town website almost since the site had been up and running.

Ms. Fairbanks referred to February 8, 2021 where it was brought up that someone on the Reservoir Road wanted a speed sign erected. She asked if the process for getting this done could be put on the website. Mr. Oakley explained the process. He said he has only had two people approach him about speed limit signs since he has been in office. Mrs. Alger asked him to write something up and submit it to the Town Clerk to be put on the website. Mrs. Brown said she would like to know how the whole Town Board felt about that.

Ms. Fairbanks asked if the Facebook page that Mr. Oakley had created to inform Plymouth residents about road conditions was posted on the website. It was not. Ms. Fairbanks asked Mr. Oakley what road he was referring to when he made his suggestion to reopen Old Route 16. He said it was the road that goes through the Peck farm.

Ms. Fairbanks asked what the concerns were that Mr. Oakley was talking about for the CHIPS money for 2021. Mrs. Alger said the State cut everybody's budget

by 20%. Some of that money will be reimbursed when Mr. Oakley files for CHIPS this year.

Ms. Fairbanks said that in November 13, 2020, Mr. James reported that he was investigating the issue of people using campers as permanent residents. She also said that it stated that an Ordinance had been passed against this. This was not true. Mr. James said that there is a lot of work that has to be done on such an undertaking.

Ms. Fairbanks asked Mr. Oakley if he had put the gate up at Foster Park. He had. Ms. Fairbanks asked Mrs. Alger about the County's ideas for using the COVID relief money such as a new Highway garage. She asked what the County would have done if that money wasn't available. Mrs. Alger said the burden would probably have been put back on the taxpayers.

Ms. Fairbanks asked Mr. Oakley what progress had been made on the plans for a new highway garage for the Town. Mr. Oakley said they were still looking for a location. He had a piece in mind and is trying to contact the land owner.

Mr. Tom Kreiner asked Mr. Fox what can be done about the garbage on the property next door. Mr. Fox has been working with them but it now looks like he will have to take them to court.

Ms. Fairbanks complained that concerns that were brought up at one meeting were not followed through in the next meeting. Mrs. Alger said that there really hasn't been that much to follow through on except the cell tower. The Board has been working hard on the tower project. Ms. Fairbanks wants to see answers to the questions she has asked in this meeting at the next meeting.

Mr. Steve Kreiner asked if going forward would the public be able to attend through gotomeeting. Mrs. Alger said yes, and the meeting number would stay the same month after month.

Mr. Steve Kreiner also asked why copies of the minutes must be paid for. Mrs. Alger reminded him that they are on the Town website. She also said that minutes cannot be posted until the Town Board approves them.

Mrs. Margaret Kreiner informed Mrs. Alger that the Watershed Committee was working on a proposal. Mrs. Kreiner said hopefully they will have it ready for the

next Town Board meeting. She said she will submit it to Mrs. Alger before the meeting so the Board can have a chance to review it.

Mr. Steve Kreiner asked again about the cell tower progress. Mr. Fox said the County is waiting for the permit fee from Airosmith and then it will be issued.

Mrs. Alger said that as soon as she gets word from the County, she will open the meetings to the public.

Mrs. Alger announced that the next meeting will be held on May 10, 2021 at 6:30pm.

The bills were reviewed and signed. Mr. Kreiner made a motion to pay the bills. Mr. James seconded the motion. The Board was polled and the motion was passed with four yeses and no nos. Councilman Meyer was absent.

Mr. James made a motion to adjourn. Mr. Williams seconded the motion. The Board was polled and the motion was carried with four yeses and no nos. Councilman Meyer was absent. The meeting was adjourned at 8:18pm.

Respectfully submitted by,

A handwritten signature in cursive script that reads "Virginia E. Brown". The signature is written in dark ink and is positioned above the printed name and title.

Virginia E. Brown

Plymouth Town Clerk

April 20, 2021