**REGULAR MEETING**

**BAINBRIDGE TOWN BOARD**

**APRIL 12TH, 2022**

Present: Dolores Nabinger Supervisor

Bob Evans Councilman

Gordie Daniels Councilman

Melissa Fuller Councilwoman

Matt Clark Highway Superintendent

Recording Secretary: Aric McKown Town Clerk

Absent: Michael Kauffman Councilman

**Guest(s):** Bill & Cathy Sherrick, Pool Superintendent Gary Richman, Deputy Clerk Jennifer Cooper, Roger Barnhart, Jonathan Allen, Henry Jursyk of the American Kennel Club.

Supervisor Nabinger called the Regular Meeting to order at 6:30PM.

**RESOLUTION # 1**

Motion was made by Councilman Evans, second by Councilman Daniels, to approve the minutes from the March 8th, 2022 Regular Meeting.

Ayes: Supervisor Nabinger, Councilman Evans, Councilman Daniels, Councilwoman Melissa Fuller; No: none; Motion Carried.

The following claims as set forth on abstract #4 for 2022 were audited by Town Board:

General Town Wide#77-108 for $52,511.78

General Town Outside#7-8 for $188.56

Bennettsville Lights#4 for $17.34

Highway Town Wide#26-34 for $1,959.63

Highway Town Outside#15-20 for $22,495.50

**RESOLUTION #2**

Motion was made by Evans, second by Councilman Daniels, authorizing clerk to issue warrant to Supervisor for payment of audited claims;

Ayes: Supervisor Nabinger, Councilman Evans, Councilman Daniels, Councilwoman Fuller; No: none; Motion Carried.

**RESOLUTION #3**

Motion was made by Councilman Daniels, second by Councilman Evans, to receive and file February 2022 Financial Report.

Ayes: Supervisor Nabinger, Councilman Evans, Councilman Daniels, Councilwoman Fuller; No: None; Motion Carried.

**Guests Questions & Concerns:**

Jonathan Allen from County Road 39 spoke to the town board about the issues he’s having with his neighbors Dennis & Carrie Decker next door. Allen said he feels terrorized and bullied by the Deckers with their verbal abuse, the operation of loud machinery & their tenant’s loud music in the late evening hours. He commented on the number of dogs the Deckers own and how their mistreated. He asked the town board to consider enacting a noise ordinance for the town.

The town board discussed the matter with Mr. Allen and Dog Control Officer Sherrick. Supervisor Nabinger stated the town board would discuss the matter and follow up with Mr. Allen.

Henry Jursyk/ Show Chairman for the Chenango Valley Kennel Club attended the meeting to discuss the placement of the RV seasonal campers at General Clinton Park during the Dog Show event.

Town Clerk stated he’d been in contact with all the 3 kennel clubs and all clubs are asking the following questions regarding the seasonal camping.

1) Where will the seasonal campers be placed?

2) How will seasonal campers be identified?

McKown read the revisions proposed by Councilman Daniels and Councilwoman Fuller. The town board held discussion with Mr. Jursyk about the flow of campers during the Dog Show, how the campers enter and exit the park and the placement of the seasonal campers. Supervisor Nabinger said they would discuss this further and be in touch with Mr. Jursyk.

Roger Barnhart of the Bainbridge Chamber of Commerce was in attendance to ask the town for the lighting to be improved at the entrance of General Clinton Park.

Supervisor Nabinger stated, according to record, the Bainbridge Chamber motioned to offer a donation of $300.00 towards new lighting in September of 2019.

The town board held discussion with Barnhart about the lighting, and the placement of a shed and lighting pole. Supervisor Nabinger asked the town board if they would make a motion to move forward with a new light.

**RESOLUTION #4**

Motion was made by Councilman Evans, second by Councilman Daniels, to install a pole and run wiring to a new light.

Ayes: Supervisor Nabinger, Councilman Evans, Councilman Daniels, Councilwoman Fuller; No: None; Motion Carried.

**DOG CONTROL**

Dog Control Officer Sherrick informed the town board of the ‘Puppy Mill’ situation at the Decker residence on County Road 39. He said he counted roughly 23 dogs that are not licensed and how he had sent the Deckers a letter explaining the law on licensing their dogs. Sherrick stated he would be issuing an appearance ticket to the Deckers if he doesn’t hear back by April 24th.

**CDBG GRANT**

Deputy Clerk Jennifer Cooper provided the town board with an update on the town’s CDBG grant. Cooper said we have a officially signed our contract with Thoma and it has been mailed back on March 17th. Thoma has been working on an Environmental Review and the legal notice for this went into the paper today. This notice includes the town requesting a release of funds on or about April 20th. The community has 15 days to submit any comments and then funds will be released to move forward. Cooper said after this, Thoma will start the marketing process. She added Thoma is currently working on an administrative plan, and there are 2 things left to do for the administrative plan. The town board will need to adopt the following amendment to the Town of Bainbridge’s Procurement Policy:

**Minority- and Women- owned Business (M/WBE) Business Participation in the Procurement and Contracting:**

In a effort to affirmatively increase procurement and contracting opportunities for minority- and women-owned business enterprises, the Town will solicit up to three MBEs and/ or WBEs as part of its procurement process, when appropriate. Solicitation may be undertaken via advertisements in minority publications or direct outreach by letter, email, or fax to identified State-certified M/WBEs, or by working with a clearinghouse such as the Syracuse Minority Business Development Center. The Town’s established purchase/ contracting thresholds will apply.

For purposes of the above, the M/WBE must be certified by Empire State Development (ESD) through the Division of Minority and Women Business Development (DMWBD). The Town will keep documentation of M/ WBE solicitation in its records and any response(s) thereto.

The Town’s Procurement Policy dated January 14, 2003 , as may be previously amended is hereby amended to incorporate the above into it’s Policy.

**RESOLUTION #5**

Motion was made by Councilman Evans, second by Councilwoman Fuller, to amend the Town of Bainbridge’s Procurement Policy and to include the Minority- and Women-owned Businesses (M/WBE) Business Participation in Procurement and Contracting documentation.

Ayes: Supervisor Nabinger, Councilman Evans, Councilman Daniels, Councilwoman Fuller; No: None; Motion Carried.

Supervisor Nabinger asked the town board for a motion to adopt the following resolution:

**WHEREAS,** Section 504 of the Rehabilitation Act of 1973 prohibits discrimination on the basis of disability in programs and activities conducted by the U.S. Department of Housing and Urban Development (HUD) or by grantees that receive financial assistance from HUD, and

**WHEREAS,** Part 8 of Title 24 of the Code of Federal Regulations (24 CFR) requires adoption of grievance procedures to address complaints of those who feel they may have been discriminated against on the basis of disability and also requires the provision of notice of said grievance procedures, and

**WHEREAS,** it is the policy of the Town of Bainbridge not to discriminate against any individual, person or group on the basis of disability and the intent of the Town to address any complaints that may arise pursuant to Section 504,

**NOW, THEREFORE, BE IT RESOLVED** that the Town of Bainbridge does hereby adopt by resolution internal grievance procedure (the “Procedure”) providing for the prompt and equitable resolution of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973 of the U.S. Department of Health and Human Services regulations implementing the Act, and

**BE IT FURTHER RESOLVED**, that the Town of Bainbridge does hereby designate the **Town Supervisor**, as the Grievance Coordinator who shall be responsible for receiving and addressing complaints pursuant to the Procedure adopted hereby and attached hereto, and

**BE IT FINALLY RESOLVED**, that the Town of Bainbridge will be place it’s employee, the public, and potential beneficiaries of certain federal public programs on notice by undertaking certain actions that will include, but may not be limited to (1) providing a copy of the grievance procedure to it employees, (2) putting the public on notice by placing a notice in the, Town’s official newspaper subsequent to adoption of this Procedure, (3) placing copies of the Procedure in the Town Hall for review and dissemination, and (4) adding language to federal program brochures to insure all potential program beneficiaries are aware of the Town of Bainbridge’s adopted grievance procedures.

**RESOLUTION #6**

Motion was made by Councilman Evans, second by Councilman Daniels, to adopt the Section 504 Grievance Policy and appoint the Town Supervisor as the Grievance Coordinator.

Ayes: Supervisor Nabinger, Councilman Evans, Councilman Daniels, Councilwoman Fuller; No: None; Motion Carried.

**RESOLUTION #7**

Motion was made by Councilman Evans, second by Councilman Daniels, to receive and file the reports from the Dog Control Officer, Sanitation Officer, Assessor.

Ayes: Supervisor Nabinger, Councilman Evans, Councilman Daniels, Councilwoman Fuller; No: None; Motion Carried.

**HIGHWAY DEPARTMENT**

Highway Superintendent Clark reported his department has been ‘slowly’ taking the plow equipment off the trucks and been cleaning ditches, cutting brush, roads have been swept and they’ll be making some cold mix shim to do repair work on the roads.

Clark gave an update on the generator for the highway garage doors and said he still hasn’t received a quote from JM Electric.

He brought up the 20% increase for a new truck in comparison to last year. Clark said to buy the same Mac Truck we purchased last year would be $311,000.00. The truck went up $10,000.00 and the plow equipment went up $50,000.00. He said the reason for these increases is due to stainless steel coming from Russia.

Highway Superintendent Clark provided prices for new trucks from the following companies:

MAC- $141,000.00

VOLVO- $145,000.00

INTERNATIONAL-$140,000.00

These prices include the cab and chassis only. The price for the plow equipment would be an additional $170,000.00, bringing the total to $311,000.00.

Clark suggested deciding on the cab and chassis, and he’ll continue to do some more research for plow equipment. The town board held discussion on the matter.

**RESOLUTION #8**

Motion was made by Councilman Evans, second by Councilman Daniels, for Highway Superintendent Clark to proceed with the MAC Cab & Chassis.

Ayes: Supervisor Nabinger, Councilman Evans, Councilman Daniels, Councilwoman Fuller; No: None; Motion Carried.

Highway Superintendent Clark reported the CHIPS money will be the same as last year and mentioned he attended a recent PERMA Safety Meeting at the Eaton Center in Norwich.

**TOWN HALL**

Highway Superintendent Clark said he’d be putting in 2 new dehumidifiers in the basement of the town hall in the next 2-3 weeks, 1 by the bathrooms and 1 by the records room.

Supervisor Nabinger held conversation with the town board about talking to the Mayor about not storing anything else in the basement and for the library to take care of the boxes of books under the steps for the library.

**POOL**

Pool Superintendent Richman confirmed with Town Clerk McKown that Aqua Concept has been paid up to date now. He reported that Aqua Concept would be installing the new pump within the next week. Richman said the cost to replace the lifeguard chairs & ladders would be $13,745.00 and with a new slide, the total would be just under of $25,000.00.

Councilman Evans brought up making a decision on the pool bathroom update project. The town board held discussion on the bid they’d received from Wilcox Construction, in the amount of $126,698.00 for the Town Pool Bathroom Project and waiting until Fall to bid this project again.

Evans suggested taking action to reject the bid from Wilcox Construction.

**RESOLUTION #9**

Motion was made by Councilman Evans, second by Councilman Daniels, to reject the bid from Wilcox Construction and try again in the Fall with this project.

Ayes: Supervisor Nabinger, Councilman Evans, Councilman Daniels, Councilwoman Fuller.

The town board held discussion on purchasing new ladders, lifeguard chairs and a new slide, and concluded to hold off on making any of these purchases until we know what the costs will be to do the upgrades on the pool bathrooms.

Richman brought up the replacement for the ‘Leonard’ plaque at the Payne Park pavilion and how he’d gotten a price from Gary Gifford. The price for the replacement metal sign would be $500.00, and Jim Leonard offered a contribution of $250.00 toward the cost.

**RESOLUTION #10**

Motion was made by Councilman Daniels, second by Councilman Evans, to purchase new Leonard sign through Gary Gifford.

Ayes: Supervisor Nabinger, Councilman Evans, Councilman Daniels, Councilwoman Fuller; No: None; Motion Carried.

**CLINTON PARK**

Park Superintendent Richman said he’s been cleaning things up at the park and the water has been turned on. He mentioned most of the trees that were previously planted are now gone. Richman said he’s looking for a full-size refrigerator for the pavilion and is need of some gravel for some of the camping spots.

The town board held conversation about how much gravel is needed and the importance of having it for the campers. Richman said he would need 8 loads of gravel and asked if Highway Superintendent Clark would be able to transport the gravel to the park.

**RESOLUTION #11**

Motion was made by Councilman Evans, second by Councilman Daniels, to bring in gravel for the upper campground.

Ayes: Supervisor Nabinger, Councilman Evans, Councilman Daniels, Councilwoman Fuller; No: None; Motion Carried.

Park Superintendent Richman talked about a deteriorated electrical box that needed some repair. He asked the town board for a decision on a new mower for the park and said he had gotten a ‘locked in’ price until mid-summer for a 2022 Jacobsen at a cost of $80,410.33. Richman said we would only get $7,000.00 to trade in the old mower and it would be best to hang onto it for backup. The town board held discussion on the matter and concluded it would be in our best interest to replace the mower.

**RESOLUTION #12**

Motion was made by Councilman Evans, second by Councilman Daniels, to go ahead and purchase the 2024 Toro mower for General Clinton Park at a cost of $80,410.33.

Ayes: Supervisor Nabinger, Councilman Evans, Councilman Daniels, Councilwoman Fuller; No: None; Motion Carried.

Richman brought up purchasing a golf cart for Clinton Park and how he’s called multiple places to get prices with no phone calls back. He did get a price on a golf cart from a business on Rt.12 in Norwich, for $5,000.00. The town board held discussion on the matter.

**RESOLUTION #13**

Motion was made by Councilman Evans, second by Councilman Daniels, to purchase a golf cart for $5,000.00.

Ayes: Supervisor Nabinger, Councilman Evans, Councilman Daniels, Councilwoman Fuller; No: None; Motion Carried.

Councilman Evans talked about the seasonal campsite that Groundskeeper Tim Harmon occupies during the season at no charge and feels Harmon should be paying the $1,400.00 to camp there. The town board discussed the matter.

**RESOLUTION #14**

Motion was made by Councilman Evans, second by Councilman Daniels, to ask Tim Harmon to move his camper or pay for the season.

Ayes: Supervisor Nabinger, Councilman Evans, Councilman Daniels, Councilwoman Fuller; No: None; Motion Carried.

Supervisor Nabinger noted the town board is happy with the job that Tim Harmon does at the park.

**TOWN CLERK**

Town Clerk McKown spoke with Councilwoman Fuller about one of her paychecks that hadn’t been cashed yet. Fuller stated she’s deposited all her checks. McKown said he would let Bookkeeper Sherman know.

McKown said he’d been approached by Clerk To Justice Bickford asking the town board to make a motion to approve the receipt of the monies and permission to spend those monies from the JCAP Grant for 2022.

**RESOLUTION #15**

Motion was made by Councilman Daniels, second by Councilwoman Fuller, to receive and spend the monies from the JCAP Grant for 2022.

Ayes: Supervisor Nabinger, Councilman Evans, Councilman Daniels, Councilwoman Fuller; No: None; Motion Carried.

Town Clerk McKown brought up the revisions made by Coughlin & Gerhart LLP for the Spectrum franchise agreement and asked to schedule a public hearing. The town board talked about these revisions but wanted to be sure the Spectrum franchise agreement said the same as the Delhi Telephone Company franchise agreement. They concluded it would be best to have Coughlin & Gerhart LLP compare these agreements and hold off on the public hearing for now.

Supervisor Nabinger said she would take care of it.

Councilwoman Fuller asked about leaving a couple of port-a-jons during the baseball season, so the players and public don’t have to walk as far to use the bathroom. The town board held discussion on the matter.

**RESOLUTION #16**

Motion was made by Councilwoman Fuller, second by Councilman Daniels, to have 1 Port-a-Jon by the T-Ball Field and 1 Port-a-Jon by the Main Field.

Ayes: Supervisor Nabinger, Councilman Daniels, Councilwoman Fuller; No: Councilman Evans; Motion Carried.

Fuller mentioned she had been contacted by someone in the community who was upset on the town’s decision to opt out of the onsite cannabis consumption sites. The town board held discussion on the matter.

Councilwoman Fuller announced the Bainbridge Cub Scouts are having a Clean-Up Day on April 23rd if anyone is interested.

Councilman Evans asked about the uncleared checks from November 2019. Supervisor Nabinger said she would follow up with Bookkeeper Sherman on this. He also asked about the filing of the annual report. Supervisor Nabinger said we are registered and are closer to getting it done.

Councilman Daniels said he had gotten a call on the cannabis on-site consumption sites and had referred things to the town clerk’s office. The town board held some discussion on the matter.

Supervisor Nabinger said we need to find another member for the Board of Assessment Review.

Councilman Evans suggested Pete Taggart and Town Clerk McKown Andy Maddalone suggested for the Board of Assessment Review.

Supervisor Nabinger said the training for Board of Assessment is coming up.

Supervisor Nabinger said she’d been informed by Mayor Wade that the Commerce Chenango would be doing a presentation on their strategic plan for the grant they received in the theater on May 19th at 6:30PM, if anyone is interested.

Nabinger reported the Local Law for Renewable Energy has been filed and ready for a public hearing.

She said the Local Law will be sent to the Chenango County Planning Board for a 239 Review and the town board will need to do a full environmental assessment at our May meeting. Nabinger said she needs a motion to move forward with this.

**RESOLUTION #17**

Motion was made by Councilman Evans, second by Councilman Daniels, to go forward with the Local Law on Renewable Energy and to schedule a public hearing at the May 10th Regular meeting at 7PM.

Ayes: Supervisor Nabinger, Councilman Evans, Councilman Daniels, Councilwoman Fuller; No: None; Motion Carried.

Supervisor Nabinger reviewed the highlights of this Local Law and asked the town board’s thoughts on having our attorney Robert McKertich present during the public hearing. The town board held discussion and concluded they would like to have our attorney and Planning Board members present during the public hearing.

**RESOLUTION #18**

Motion was made by Councilman Evans, second by Councilman Daniels, to have our attorney Robert McKertich and Planning Board members present during the public hearing on May 10th.

Ayes: Supervisor Nabinger, Councilman Evans, Councilman Daniels, Councilwoman Fuller; No: None; Motion Carried.

The town board held a brief discussion on upgrades for electric and charging stations for the camping at Clinton Park.

Motion to Adjourn at 9:10PM

Respectively Submitted,

Aric McKown

Town Clerk