

**REGULAR MONTHLY MEETING
MINUTES VAN ETTEN TOWN BOARD
SEPTEMBER 8 AND 22, 2022**

RESOLUTIONS THIS MEETING
BEGIN **63-22** THRU **67-22**

REGULAR MONTHLY MEETING OF TOWN OF VAN ETTEN WAS CALLED TO ORDER BY TOWN SUPERVISOR GEORGE KETURI AT 7:01 PM.

ROLL CALL OF TOWN BOARD

HAROLD SHOEMAKER-COUNCILPERSON/DEPUTY SUPV.
FRED SWAYZE, JR.-COUNCILPERSON
PENNY FLORA-COUNCILPERSON
ANDREW LARISON-COUNCILPERSON
GEORGE KETURI-SUPERVISOR

TOWN OFFICERS

BOB EASTWOOD-H'WAY SUPT.-EXC
SALLY WHITSON-ASSESSOR-EXC
DAWN ROSE-TOWN CLERK
RICH LECLAIRE-CODE ENF
BONNIE MALLEN- TOWN HISTORIAN
HEATHER GABLE- WATER OPERATOR
DUSTIN ROSE-CEMETERY CURATOR AND
DOG CONTROL OFFCR.
BRENDA QUICK-WATER CLERK
LEON TUTTLE-TOWN JUSTICE-EXC

OTHERS PRESENT: LLOYD QUICK, TIM GABLE, JEFFREY STONE, JANET SAYRE, ZACHARY KOSKI, MARY JO LECLAIRE, STACIE MOORE, WAYNE POST, RENEE POST, DARRYL RUTLEDGE AND HEIDI NEUHAUSER.

A MOTION WAS MADE BY SHOEMAKER AND SECONDED BY SWAYZE, JR. TO ACCEPT THE MEETING MINUTES FOR REGULAR TOWN BOARD MEETING AND PUBLIC HEARING FOR LOCAL LAW 1 AND 2 OF 2022 HELD ON AUGUST 11, 2022. ALL AYE. CARRIED

CORRESPONDENCE READ AND ON FILE WITH THE TOWN CLERK

- NYSEG PUBLIC STATEMENT HEARINGS NOTIFICATION (POSTED ON TOWN HALL BULLETIN BOARD).
-

REPORTS FROM TOWN OFFICERS:

-TOWN JUSTICE-NO REPORT

- CHECK FOR \$674.00 PRESENTED TO G. KETURI/TOWN SUPV.

-ASSESSOR-SALLY WHITSON-NO REPORT FILED

-BUDGET OFFICER-GEORGE KETURI- REPORT FILED AND KETURI READ FIRST PAGE OF AUGUST 2022 BUDGET REPORT.

-TOWN CLERK-DAWN ROSE-REPORT FILED

- CHECK FOR \$1,250.96 PRESENTED TO G. KETURI/TOWN SUPV.

-TOWN HISTORIAN-BONNIE MALLEN-REPORT FILED

-PARK COMMISSION-NO REPORT

-DOG CONTROL-DUSTIN ROSE-REPORT FILED

-CODE OFFICER-RICH LECLAIRE-VERBAL REPORT

- LECLAIRE STILL WORKING ON BACK LOG FOR REPORTING TO ALBANY.

-BUILDINGS & GROUNDS-HAROLD SHOEMAKER-VERBAL REPORT

-CF&R FIRE CO-NO REPORT

-HIGHWAY SUPERINTENDENT-BOB EASTWOOD-REPORTS FILED

- 284 AGREEMENT PRESENTED FOR STONE AND OIL IN AMOUNT OF \$116,000

-TOWN SUPERVISOR-GEORGE KETURI-VERBAL REPORT

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- CHEMUNG COUNTY SHERIFF MONTHLY REPORT PRESENTED (SEE FILE).
 - KETURI RECEIVED \$203.44 IN CASH FROM HIGHWAY DEPARTMENT FOR SCRAP FROM WEITSMAN.
- WATER OPERATOR-HEATHER GABLE-VERBAL REPORT
- GABLE STATED SHE WAS AWAY ON AUGUST 24 AND 25 AND REPAIRS WERE MADE TO WATER SYSTEM WITHOUT NOTIFYING HER. GABLE STATED ON AUGUST 8 (SHE WAS AVAILABLE) REPAIRS WERE MADE ON WAVERLY STREET WITHOUT NOTIFYING HER; HER JOB DESCRIPTION ISSUED BY CHEMUNG COUNTY HEALTH DEPARTMENT STATES SHE IS TO BE PRESENT WHEN ANY MODIFICATIONS ARE COMPLETED ON WATER SYSTEM.
 - GABLE STATED POST FAMILY AT 12 WAVERLY STREET REQUESTED TO GO BACK ON TO THEIR PRIVATE WELL; PROCESS WAS NOT FOLLOWED BY WATER DISTRICT. GABLE STATED TAKING POST FAMILY OFF PUBLIC WATER IS ILLEGAL BY NYS RESIDENTIAL CODE AND FEELS HAROLD SHOEMAKER SHALL BE IMMEDIATELY SUSPENDED AS WATER DIRECTOR AND REFORM WATER BOARD.
 - SHOEMAKER STATED HE HAS BEEN IN CONTACT WITH COUNTY HEALTH DEPARTMENT REGARDING NYS RESIDENTIAL CODE AND WAS TOLD THAT COUNTY HEALTH DEPARTMENT WILL NOT SUPPORT IT. SHOEMAKER STATED IF VARIANCE IS NOT APPROVED, POST FAMILY WILL HAVE TO RECONNECT TO MUNICIPAL WATER. SHOEMAKER STATED ALL BOARD MEMBERS ARE UP TO DATE ON EVERY PROCESS OF SITUATION AND DOES NOT APPRECIATE HER REQUEST FOR HIS SUSPENSION. SHOEMAKER CONTACTED DENNIS AT COUNTY HEALTH DEPARTMENT IN REGARD TO AUGUST 24 AND 25 REPAIRS ON WAVERLY STREET.
 - SHOEMAKER INDICATED TOWN OF VAN ETTEN HAS BEEN REPORTED TO NYS BUILDING CODE DEPARTMENT IN ALBANY REGARDING POST FAMILY WATER DISCONNECT AND TOWN IS WORKING WITH STATE DEPARTMENT TO REMEDY ISSUE.
- WATER DIRECTOR-HAROLD SHOEMAKER- REPORT FILED AND SHOEMAKER READ FIRST PAGE OF AUGUST 2022 WATER BUDGET REPORT.
- SHOEMAKER STATED STATEMENT WENT OUT WITH WATER BILLS EXPLAINING PAYOFF OF BONDS (SEE FILE).
 - SHOEMAKER INDICATED ONE WATER BOND LEFT TO PAY OFF AND IT'S NO INTEREST WITH PAYMENT OF \$67,000 PER YEAR.
- CEMETERY-DUSTIN ROSE-REPORT FILED

ALL OFFICERS WRITTEN REPORTS ARE ON FILE WITH TOWN CLERK.

A MOTION WAS MADE BY FLORA AND SECONDED BY SWAYZE, JR. TO ACCEPT THE OFFICER'S REPORTS AS PRESENTED. ALL AYE. CARRIED

AUDIT COMMITTEE-GENERAL-H. SHOEMAKER

A ACCT: \$17,542.98
FIRE: \$58,674.40 (FIRE TRUCK BOND PAYMENT)

HIGHWAY/WATER-H. SHOEMAKER

DA ACCTS: \$116,686.29
FX (WATER): \$120,439.29

- SHOEMAKER STATED \$68,887 IN HIGHWAY ACCOUNT APPLIED TO SHOEMAKER ROAD REPAIR (CHIPS) AND \$112,597.61 IN WATER ACCOUNT APPLIED TO BOND PAYOFF.
- SWAYZE, JR. NOTED DUMPSTER PRICING MAY BE HIGHER NEXT YEAR WITH INFLATION (DUMPSTERS USED FOR VAN ETTEN CLEAN UP DAY) AND WE MAY ORDER MORE DUMPSTERS.

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BUDGET ADJUSTMENT

RESOLUTION 61-22

TOWN BOARD OF VAN ETTEN AUTHORIZES TRANSFERRING \$6,602.70 FROM A4089 (ARPA) TO FX8310.21. SPONSOR-SHOEMAKER. SECONDED-FLORA. ROLL CALL VOTE-SHOEMAKER, FLORA, SWAYZE, JR., LARISON AND KETURI. ALL AYE. CARRIED

RESOLUTION 62-22

TOWN BOARD OF VAN ETTEN AUTHORIZES TRANSFERRING THE FOLLOWING TO FX9720.6 TO ASSIST WITH WATER BOND USDA PAYMENT:

\$4,500 FROM FX1910.4

\$10,000 FROM FX8310.21

\$3,500 FROM FX8330.4

\$2,500 FROM FX8340.2

\$3,000 FROM FX9720.7

\$6,000 FROM FX8310.12

SPONSOR-KETURI. SECONDED-FLORA. ROLL CALL VOTE-SHOEMAKER, FLORA, SWAYZE, JR., LARISON AND KETURI. ALL AYE. CARRIED

A MOTION WAS MADE BY LARISON AND SECONDED BY SWAYZE, JR. AND CARRIED TO APPROVE PAYMENT OF AUDITED VOUCHERS AS RECOMMENDED BY AUDIT COMMITTEE OF SWAYZE, JR. AND SHOEMAKER. ALL AYE. CARRIED.

OLD BUSINESS:

- SHOEMAKER SPOKE WITH HUNT ENGINEERING IN REFERENCE TO BROADBAND PROJECT WITH HAEFELE CONNECT. HUNT HAS BEEN WORKING WITH HAEFELE AND WILL UPDATE TOWN NEXT WEEK ON PROGRESS.
- SHOEMAKER NOTED BANFIELD SQUARE SIDEWALK REPAIR QUOTE OF \$3,300 FROM MAYO AND SONS AND BENCH MODIFICATION WILL TAKE PLACE TO ACCOMMODATE SIDEWALK REPAIR. SWAYZE, JR. NOTED SOME ARPA FUNDS WILL BE USED TO ASSIST WITH REPAIRS AT BANFIELD SQUARE.
 - COMMITTEE UPDATES-
 - STREETLIGHTS-ANDY LARISON-ALL GOOD

COMMUNICATION FROM THE AUDIENCE:

- MS. POST STATED IN MARCH OF 2022 SPOKE WITH LECLAIRE WHILE INSPECTING BUILDING PROJECT ABOUT WHO TO CONTACT TO DISCONTINUE MUNICIPAL WATER AND HE SUGGESTED HAROLD SHOEMAKER. MS. POST CONTACTED SHOEMAKER AND DISCUSSED DISCONNECTING FROM MUNICIPAL WATER. SHOEMAKER INDICATED HE SAW NO LEGAL REASON WHY THEY COULDN'T DISCONNECT FROM WATER. SHOEMAKER SUGGESTED CONTACTING COUNTY HEALTH DEPARTMENT

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AND THEY DID; HEALTH DEPARTMENT TOLD POST FAMILY THEY HAVE NOTHING TO DO WITH DISCONNECTING AND IT'S TOWN BOARDS DECISION. POST FAMILY HAD THEIR PRIVATE WELL TESTED WITH GOOD RESULTS. MS. POST SPOKE WITH SHOEMAKER ON MAY 24 AND TOLD HIM TEST RESULTS WERE GOOD AND SHOEMAKER SUGGESTED UTILIZING PROFESSIONAL PLUMBER. MS. POST TESTED WELL WATER AGAIN WITH SAME RESULTS AND INSTALLED WATER SOFTENER. MS. POST STATED SHOEMAKER ASKED TO BE NOTIFIED WHEN READY TO COMPLETE REMOVAL OF METER. MS. POST CONTACTED WATER DEPARTMENT SEVERAL TIMES TO HAVE WATER METER REMOVED. MS. POST STATED SHE REVIEWED HER WATER BILL AND FOUND SHE WAS BEING CHARGED FOR MULTIPLE RESIDENT HOME AND THEY ARE SINGLE FAMILY HOME AND THEY HAVE NOT BEEN MULTIPLE FAMILY HOME SINCE 2005. THEY HAVE BEEN PAYING MULTIPLE FAMILY HOME CHARGE FOR 14 ½ YEARS. SHOEMAKER CONTACT MS. POST ON AUGUST 11 TO RECONNECT MUNICIPAL WATER AND POST REFUSED ENTRY. SHOEMAKER SPOKE TO MS. POST ON AUGUST 16 AND STATED TOWN BOARD WILL ISSUE CREDIT FOR APPROXIMATELY \$900. MS. POST STATED SHE DOES NOT HAVE ACCESS TO BILLS PRIOR TO OCTOBER 2018. KETURI STATED TOWN OF VAN ETTEN IS ONLY RESPONSIBLE FOR BILLS FROM JANUARY 2019 (DISSOLUTION DATE) TO PRESENT. MS. POST ASKED WHY TOWN OF VAN ETTEN IS NOT RESPONSIBLE FOR DEBTS PRIOR TO DISSOLUTION. SHOEMAKER READ LEGAL NOTICE FROM 2019 FOR ADJUDICATION OF ALL OUTSTANDING VILLAGE PAYMENT OBLIGATIONS AS OF MAY 31, 2019 (SEE FILE). MS. POST DISAGREED WITH LEGAL NOTICE DUE TO FACT SHE JUST REALIZED LAST WEEK THAT SHE WAS BEING OVERCHARGED. MS. POST STATED SHE OVERPAID WATER DISTRICT \$6,800. SHOEMAKER STATED ALL LOCAL LAWS WERE FOLLOWED AT THE TIME. MS. POST REITERATED COUNTY HEALTH DEPARTMENT SAID IT WAS TOWN BOARD'S DECISION TO AGREE OR DISAGREE ABOUT DISCONNECTING FROM MUNICIPAL WATER. LECLAIRE ASKED TO INSPECT METER HOOKUP ON SEPTEMBER 1 FOR CROSS CONTAMINATION. LECLAIRE STATED LOCAL LAW NEEDS TO BE REVIEWED AND UPDATED. SWAYZE, JR. STATED TOWN HAS BEEN UNDER NYS DEPARTMENT OF BUILDING CODE GUIDANCE AND WILL CONTINUE FORWARD WITH THEIR RECOMMENDATIONS. SWAYZE, JR. ASKED MS. POST IF SHE HAS RECORDS OF HER CONVERSATIONS WITH COUNTY HEALTH DEPARTMENT. MS. POST STATED SHE CONTACTED THEM TO HAVE WATER TESTED AND WAS TOLD THAT THEY DO NOT DO WATER TESTING FOR VAN ETTEN (MS. POST COULD NOT RECALL CONTACT NAME). SWAYZE, JR. ASKED GABLE WHAT COUNTY HEALTH DEPARTMENT WOULD DO IF CROSS CONTAMINATION OCCURRED IN PRIVATE RESIDENCE AND GABLE STATED COUNTY WOULD NOT HAVE ANY SAY IN MATTER. SWAYZE, JR. STATED TOWN FOLLOWED ALL PROCEDURES AND PROCESSES FOR DISSOLUTION AND TOWN BOARD UNDERSTANDS SITUATION HOWEVER, CREDIT OF \$1,004.76 IS OFFERED FROM BILLING ERROR STARTING IN JANUARY 2019. QUICK INFORMED MS. POST LETTER WAS MAILED OUT EXPLAINING CREDIT. MS. POST STATED THEY PAID \$886 TO DISCONNECT FROM MUNICIPAL WATER PER TOWN'S GUIDELINES.

- MS. SAYRE ASKED FOR UPDATE ON SIDEWALK REPAIR ON WAVERLY STREET AND SHOEMAKER STATED SOON AND WEATHER HAS BEEN IMPACTING REPAIR DATE. MS. SAYRE ASKED ABOUT STUMPS ON FRONT STREET AND SHOEMAKER WILL INVESTIGATE.

NEW BUSINESS:

RESOLUTION 63-22

TOWN BOARD OF VAN ETTEN AUTHORIZES TOWN CLERK TO POST DEPUTY WATER OPERATOR POSITION IN STAR GAZETTE AND TO EXTEND APPLICATIONS ACCEPTANCE TO OCTOBER 13 AT 4:00PM. SPONSOR-

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LARISON SECONDED-FLORA. ROLL CALL VOTE-SHOEMAKER, FLORA, SWAYZE, JR., LARISON AND KETURI. ALL AYE. CARRIED

SHOEMAKER STATED TOWN RECEIVED NOTICE FROM NYS DEPARTMENT OF STATE (SEE FILE) IN REFERENCE TO GRANT MONIES TOWN RECEIVED IN 2021 FOR DISSOLUTION. FORM NEEDS TO BE COMPLETED TO ACQUIRE 5% (TOTAL AMOUNT OF \$4,673.27) THAT WAS WITHHELD DUE TO FISCAL CONSTRAINTS CAUSED BY COVID-19. KETURI WILL CALL.

SHOEMAKER DISCUSSED ABANDONMENT REQUEST FROM MR. RON PRESHER OVER YEAR AGO. SHOEMAKER AND EASTWOOD MET WITH MR. PRESHER AND ARE WAITING ON FORMAL REQUEST FROM MR. PRESHER.

SHOEMAKER IS WORKING ON ACQUIRING SHREDDING TRUCK FOR TOWN USE. SHOEMAKER STATED COMPANIES ARE NOW OFFERING "SECURE BOXES" AND SHREDDING THEM OFF SITE. SHOEMAKER'S STILL INVESTIGATING.

KETURI STATED BOARD HAS REVIEWED LOCAL LAW 2 OF 2022. SWAYZE, JR. STATED BOARD DISCUSSED PUBLICS CONCERNS WITH CODE ENFORCEMENT OFFICER AND LOCAL LAW IS CONFORMING TO STATE'S LAWS. LOCAL LAW IS NOT TO CHANGE OR INTERFERE WITH AGRICULTURAL ENTITIES. SWAYZE, JR. STATED LAW WILL ADDRESS BRANCHES OVER SIDEWALKS. TOWN BOARD WILL HAVE ANOTHER PUBLIC HEARING TO DISCUSS.

RESOLUTION 64-22

TOWN BOARD OF VAN ETTEN ACCEPTS 284 AGREEMENT FROM HIGHWAY SUPERINTENDENT EASTWOOD FOR \$116,000 FOR STONE AND OIL OF SOUTH HILL, RUMSEY HILL AND SHOEMAKER ROAD . SPONSOR-KETURI SECONDED-SHOEMAKER. ROLL CALL VOTE-SHOEMAKER, FLORA, SWAYZE, JR., LARISON AND KETURI. ALL AYE. CARRIED

A MOTION WAS MADE BY SWAYZE, JR. AND SECONDED BY LARISON TO ENTER INTO EXECUTIVE SESSION WITH BUILDING CODE ENFORCEMENT OFFICER LECLAIRE AND MARY JO LECLAIRE AT 8:19 PM. ALL AYE. CARRIED

A MOTION WAS MADE BY KETURI AND SECONDED BY LARISON TO ADJOURN FROM EXECUTIVE SESSION WITH BUILDING CODE ENFORCEMENT OFFICER LECLAIRE AND MARY JO LECLAIRE AT 9:00 PM. ALL AYE. CARRIED

- KETURI STATED PERSONNEL WAS DISCUSSED.

REGULAR TOWN BOARD WILL BE HELD ON OCTOBER 13, 2022 AT 7:00 PM.
RECESSED AT 9:22 PM MOTION BY FLORA. SECONDED BY LARISON. ALL AYE. CARRIED.

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REGULAR MONTHLY MEETING OF TOWN OF VAN ETTEN WAS RECONVENED TO ORDER BY TOWN SUPERVISOR GEORGE KETURI AT 7:07 PM.

ROLL CALL OF TOWN BOARD

HAROLD SHOEMAKER-COUNCILPERSON/DEPUTY SUPV.
FRED SWAYZE, JR.-COUNCILPERSON
PENNY FLORA-COUNCILPERSON
ANDREW LARISON-COUNCILPERSON
GEORGE KETURI-SUPERVISOR

TOWN OFFICERS

BOB EASTWOOD-H'WAY SUPT.-EXC
SALLY WHITSON-ASSESSOR-EXC
DAWN ROSE-TOWN CLERK
RICH LECLAIRE-CODE ENF-EXC
BONNIE MALLEN- TOWN HISTORIAN-EXC
HEATHER GABLE- WATER OPERATOR-EXC
DUSTIN ROSE-CEMETERY CURATOR AND
DOG CONTROL OFFCR.-EXC
BRENDA QUICK-WATER CLERK-EXC
LEON TUTTLE-TOWN JUSTICE-EXC

OTHERS PRESENT: N/A

RESOLUTION 65-22

TOWN BOARD OF VAN ETTEN AUTHORIZES TOWN CLERK ENTER INTO AGREEMENT WITH HIGHER INFORMATION GROUP FOR LEASING COLOR PRINTER/COPIER AT \$168.16 PER MONTH. SPONSOR-LARISON SECONDED-SWAYZE, JR. ROLL CALL VOTE-SHOEMAKER, FLORA, SWAYZE, JR., LARISON AND KETURI. ALL AYE. CARRIED

RESOLUTION 66-22

TOWN BOARD OF VAN ETTEN AUTHORIZES TOWN CLERK TO ADVERTISE FOR PUBLIC HEARING ON LOCAL LAW 2 OF 2022 "REGULATION OF PROPERTY MAINTENANCE IN THE TOWN OF VAN ETTEN" ON OCTOBER 13, 2022 AT 7:00 PM. SPONSOR-KETURI SECONDED-SWAYZE, JR. ROLL CALL VOTE-SHOEMAKER, FLORA, SWAYZE, JR., LARISON AND KETURI. ALL AYE. CARRIED

RESOLUTION 67-22

TOWN BOARD OF VAN ETTEN AUTHORIZES TOWN CLERK TO ADVERTISE FOR PUBLIC HEARING ON LOCAL LAW 3 OF 2022 "EXCEEDING NEW YORK STATE TAX CAP" ON OCTOBER 13, 2022 IMMEDIATELY FOLLOWING PUBLIC HEARING AT 7:00PM. SPONSOR-KETURI SECONDED-SWAYZE, JR. ROLL CALL VOTE-SHOEMAKER, FLORA, SWAYZE, JR., LARISON AND KETURI. ALL AYE. CARRIED

KETURI PRESENTED 2023 TENTATIVE BUDGETS FOR TOWN AND WATER.

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SHOEMAKER STATED LETTER RECEIVED FROM MR. AND MRS. POST AND WILL BRING TO TOWN ATTORNEY.

SHOEMAKER RECEIVED REQUEST FROM MR. CHRIS PASTO (OWNER OF CREEKVIEW MOBILE HOME) ABOUT ADDING MORE TRAILERS TO CURRENT SITE. TOWN BOARD RECOMMENDED MR. PASTO CONTACT DEPARTMENT OF HEALTH.

SHOEMAKER AND LECLAIRE WILL MEET WITH COUNTY HEALTH DEPARTMENT TO DISCUSS BACKFLOW DEVICES IN WATER DISTRICT.

REGULAR TOWN BOARD WILL BE HELD ON OCTOBER 13, 2022 AT 7:00 PM.

ADJOURNED AT 7:47 PM MOTION BY SWAYZE, JR.. SECONDED BY LARISON. ALL AYE. CARRIED.