

## Regular Meeting

A regular meeting of the Waddington Town Board was held on Monday, October 12, 2020 @ 7PM in the Old Town Hall.

**Present were:** Supervisor Alex Hammond and Councilmembers: Travis McKnight, David McBath, Scott Loomis, and Shaun Prentice.

**Also Present:** Carol A. Burns, Town Clerk, David Putney, Highway Superintendent, Rita Curran, County Legislator, Kevin & Phyllis Acres, Shannon Robinson, Town Justice, Kerri O'Bryan, Court Clerk, Tenley Amo, Edith Ashley, Renee Backus, Heather Jock, Mark Scott, Marjorie Todd, Chloe Tiernan, Nick Beldock, and Katie Fobare.

**Call to order:** Supv Hammond called the meeting to order @ 7PM.

**Pledge of Allegiance:** The Pledge of Allegiance was recited.

**Approval of Minutes:** A motion was made by McBath, seconded by Prentice to approve the minutes as submitted. Ayes: All

**Citizen's Comments:** There were no citizen comments at this time.

### **Public Hearing: Local Law #1 of 2020 exceeding the 2% tax cap:**

Supv Hammond opened the public hearing with the Clerk reading the legal notice. He reported that the purpose for the public hearing was to pass a local law that would allow the town to exceed the 2% tax cap if needed. He opened the floor to public comments. There were no public comments.

### Resolution #50

Motioned by: McKnight

Seconded by: Loomis

RESOLVED, that the Waddington Town Board does hereby approve local law #1 of the year 2020 entitled "A local law exceeding the tax levy limit imposed upon real property pursuant to General Municipal Law §3-c(5)";

FURTHER RESOLVED, that the Waddington Town Board does hereby declare a negative declaration on the short environmental assessment form. Ayes: All

### **Committee Reports:**

**Recreation/Tourism:** C Loomis reported that there was nothing new to report. The beach is closed. The Recreation committee will be having a meeting to see what will be happening at the rink this winter. Not sure if they will have ice or not. Russ is still looking for information concerning the plastic ice.

**Rescue Squad:** C Prentice reported that the Rescue Squad had their meeting on Monday. They collected \$400 from the last bottle drive. They have another one coming up. A chicken BBQ was held jointly with the Fire Department. It was sold out. They are working on getting the new stretcher in A304. They are forming a membership committee as part of their review process. They have had to do some repairs on A303. There were some spring issues.

**Library:** C McBath reported that the Library Board met on October 6<sup>th</sup>. The neighbors to the north of the library have requested to plant trees on town property between their property and the library. The Village is currently planting trees in the right of way in front of houses if the property owner wishes to have this done. Vicki MacDonald noted that any trees planted near the library should be 50' from the building due to the root growth. The request would also have to be out of the way for snowplowing. The board stated it should be requested in writing and we can see where it goes from there. Supt Putney noted that the Board might want to consider continuing the circular driveway around the library for the purpose of plowing and

handicap accessibility. Currently if you need to use the handicap entrance you have to pull in, unload, and then back out of the driveway. If it were all the way around the building you could drop off and drive around and out. The 2021 budget proposal was discussed.

**Campground Committee:** The Campground committee did not meet and there is nothing to report.

**Cemeteries:** C McKnight reported that there was nothing new. Supv Hammond asked when the board would hear about the grant that was submitted. C. McKnight stated that the grant would be awarded in January.

### **Highway:**

**Gallery/Clark House:** Mark Scott reported that the 1<sup>st</sup> annual pumpkin festival was held at the pavilion. There was a great turnout. Masks were worn and social distancing was maintained. They had a hay wagon and a bon fire on Main Street. There were pumpkins for the kids to paint at the pavilion. The Clark House was also open for the event.

The Gallery is doing their best to keep things moving. They have a virtual tour on line in November.

C McKnight noted that the G & G Country Store in Louisville has been changed to St Lawrence Arts. He asked if this was affiliated with the Waddington Arts Council. Mark noted that it had no affiliation with Waddington. We are the Lake St Lawrence Arts.

Mayor Zagrobelny updated the board on the joint RVRDA grant that was submitted for the sign at the four corners. He noted that we had submitted a request for \$30,000. Unfortunately if we are making a joint application we have to apply separately even if it is for the same project. The max award per application is \$20,000 which we will receive. He would like to put a committee together to discuss the design. He would like to have a representative from the Village and Town Board. Supv Hammond asked C Loomis if he would serve on the committee since he is the tourism liaison. C Loomis stated that he would.

**Tentative Budget:** Supv Hammond reviewed how he had come up with the figures for the 2021 tentative budget. The library submitted a revised budget.

C McBath asked how there would be an expected balance in the general fund of \$215,000. Supv Hammond reported that it was because there were two NYPA payments submitted in one year so the money has been sitting there. He would like to keep approximately \$70,000 in the general and then move the balance to another bank account. The board discussed this and noted that last year we took money from a bank account to balance the budget and it should be put back to that account.

C McBath also asked about the money for the old town hall. He noted that he and Supv Hammond had met with Bertrand's Construction and there will have to be repairs to the steeple of the building in the spring. Bertrand's noted it could be between \$5-20,000 for the repairs. Supv Hammond noted that the Old Town Hall savings account had approximately \$41,000 in it and that there is still \$20-30,000 left from the RVRDA grant that can be spent.

C McKnight noted that the dog control budget has been reduced as had been discussed. He would like to see something in place as to how it will be handled before they pass the budget. Supv Hammond stated he would have something for them.

C McBath had submitted questions to be answered by Justice Robinson concerning the proposed court officer. Questions he had are is the person armed? Is the person recognized as a peace or police officer in the Criminal Procedure Law? Who selects/trains/certifies this person to perform this function? What liability does it bring to the town? Especially if they are armed and shoot someone or arrest someone. What does the town lawyer say about this? What does our insurance policy/agent say about this scenario, especially if they armed? Is the

Court Security Officer required by the State Office of Court Administration? What percentage of town court nights is there a uniformed officer already present in the courtroom (to testify, transport prisoners)? Do any other local criminal courts in St Lawrence County have a court security officer arrangement such as this? Justice Robinson told the board that they have been looking into the procedures to have a court officer. There are a couple different ways that it can be handled. The Town could appoint a constable by resolutions and would be able to specify their job responsibilities. The court could hire a person with peace officer status. The Town of Louisville currently has a constable that is not armed, Canton, Potsdam, and Massena all have armed officer and metal detection and the Town of Lisbon has nothing. The clerk contacted the town's insurance agent and was told that Trident allowed one armed guard under our insurance policy with no additional fee for this coverage. He is looking at the town's current policy holder. *Unarmed* court security is not an issue whatsoever as the Town does have an endorsement (GL-214 Law Enforcement Coverage-Courts) which provides Liability Insurance for "any activities or functions related to the administration of the criminal justice system" as they pertain to the Town Justice Court. Thus, the only question is if he is armed. I do know we'll want policies and procedures in place for him or her and he can help with developing these. Supv Hammond noted there are still things that need to be worked out for this position. At this time he is just looking to have the funding in the budget for it.

Supv Hammond made a motion to accept the submitted tentative budget as a 2020 preliminary budget. No second was given. Supv Hammond asked the board what the issues were that they couldn't pass the tentative to the preliminary. The board can still make changes as they feel necessary.

C McBath stated that he was not in favor of passing the tentative budget until it was updated. He asked for another budget workshop because the numbers aren't matching the conversation.

C McKnight noted he was concerned about the library increases. He wanted to know why more money was needed to clean the steps. It was covered when Jason did it why the increase? Edith explained that for the last 1 ½ years she and the custodian have been cleaning the steps. When Jason did it the fee was \$20 each time. This was for one side of the steps. The library board wants both sides cleaned so that would be \$40. If it snowed and we shoveled 30 times it would be over \$1,000. So without knowing the weather they increased it to \$2,000. They were also charged for half of the lift rental to remove the windows, install the screens, and air conditioners.

C Loomis noted that the library should give the board one budget and we should have it earlier than we received it this year.

C Prentice noted he is still hung up on the utilities. Where does the additional money left in that line item get used? Edith noted that they like to keep the money to be used as grant matches. A lot of the grants that they go for require matching funds. The grant that they received for Vicki to paint the windows was \$30,000. They have also gone after and received grants for carpet, painting, and electrical work.

Supv Hammond told the board that Waddington has a 20% poverty rate. The library services everyone that needs service. They have only requested an additional \$7,240 for 2021.

#### Resolution #53

Motioned by: Hammond

Seconded by: Loomis

RESOLVED, that the Waddington Town Board does hereby approve the submitted tentative budget as the 2021 preliminary budget.

Roll Call Vote:

Supv Hammond: Aye C McBath: Naye

C McKnight: Aye C Prentice: Naye

C Loomis: Aye

**Communications Tower Update:** C McBath reported that the building has been set. Matt Denner is looking into the radio antenna for the Highway Department. This antenna will not only help Waddington but the County as well. Supt Putney received a quote from Wells Communications to have the antenna installed. He shared it with Matt and he thinks he can get a better rate from Midstate Communications who have been doing the work for the tower. It may also work out that the budget for the tower will allow the antenna to be installed. They will contact the town when they have further information.

**Local Community Planning:** Supv Hammond reported that the 2<sup>nd</sup> community planning workshop was held last Wednesday @ the Old Town Hall. There were 6 people in attendance. The mayor, supervisor, C McBath left the meeting so that they group could speak freely. The group is leaning towards some type of expansion of dockage on the foot of Main St, a trail around Leishman Point, and the trail from the Village to Coles Creek. There has been a study done by the LeBerge group for this trail.

Kevin Acres spoke and stated that he had attended both meetings. There were 30 people the 1<sup>st</sup> time and 15 the 2<sup>nd</sup>. At the 1<sup>st</sup> meeting they were broken into two groups. They were looking at money for the marina, trails, and brandy brook. The 2<sup>nd</sup> meeting leaned more towards brand brook expansion and trails.

The last community planning meeting will be held on October 21<sup>st</sup> @ 7PM. Kevin will then give the results to the Town Board to submit to NYPA.

**Local Government Task Force:** Supv Hammond and C McBath attended the local government task force meeting. They asked if it were possible to have a recreational trail on Leishman Point. NYPA noted it wasn't an issue as long as the trail was on the NYPA property. They would have to look at the current rough trail to see if it is on NYPA Property. Supt Putney noted that the Highway Department has brush hogged the trail twice this summer.

The Mayor and Supv asked Rob Daley from NYPA if the Town/Village would be able to use the money earned from a NYPA recreational facility into a capital reserve to fund future projects within the boundary. He told them he would look into this.

The intake project is going well and is on budget. It is projected that Waddington could have as much as 2.2 million for our project.

The shoreline stabilization committee will meet this fall. Jim Houmiel is the representative from Waddington.

**Baildon's Property Update:** The Town Attorney has requested that the Board approve moving forward with imposing civil penalties on the Baildon's if the property has not been cleaned up by the November court date. This will entail serving the Baildon's notice of the penalties. He is hopeful that the service of the judgement will be sufficient to make them clean the property to satisfaction.

#### Resolution #54

Motioned by: Prentice

Seconded by: McBath

RESOLVED, that the Waddington Town Board does hereby authorize the Town Attorney to serve the Baildon's with the civil penalty judgment for the cleanup of their property and proceed in the court as scheduled. Ayes: All

**Solar Project:** Supv Hammond has spoken with Rich and Pat Kelly from the IDA to set up a meeting to move the PILOT negotiations along for the two solar projects in the town. The school superintendent has removed himself from the negotiations and has left it to their Attorney. The clerk reported that she had received letters from our Attorney to approve the decommissioning plans submitted by both Omni Navatis and Nexamp Solar. Nexamp has submitted their plan with a copy of the bond required. Omni Navatis will need to submit their bond before the town can approve. Supv Hammond noted he would like to wait to approve the decommissioning plans until the group can meet with the IDA.

**Old Town Hall Update:** Supv Hammond reported that he and C McBath had met with Bertrand's construction to look at the damages to the tower on the old town hall. It has been buttoned up for the winter so that no weather can get into it. The repair can run anywhere

from \$5-20,000. A more definitive estimate can be gotten when they get into the project. The sidewalk along the side of the building is being finished so that the water goes away from the building. Last winter we were unable to open the door. Supt Putney noted that the threshold is 5/8". They will do the threshold @ 3/8" with a shim so if it heaves we will be able to remove the shim to get the door open. He also noted that the concrete broke under the threshold and had to be taken out. Water has gotten in. They will make sure it is running to the drain tile along the building.

**Food Giveaway:** C McBath thanked everyone that helped with the food giveaway. 21,000 lbs of food was distributed.

**Sales Tax Proposal:** Resolution #55

Motioned by: Hammond

Seconded by: Prentice

WHEREAS, In 1965, New York State enabled counties to collect sales tax because Medicaid expenses became a shared expense between counties and the state; and  
WHEREAS, the St. Lawrence County Board of Supervisors, at that time in 1965, decided to share 50% of realized sales tax revenues with local governments, including the City of Ogdensburg, and an additional 1 percent sales tax was added in 2012, and they agreed to share that additional one percent with local governments including the City of Ogdensburg; and  
WHEREAS, sales taxes represent an important source of revenue that many towns, villages, and the City use to help defray the rising costs of providing services or mitigate property tax increases at the town or county level; and  
WHEREAS, counties are authorized by Article 29 of the New York State Tax Law to impose a tax on certain goods; and  
WHEREAS, a county legislature has the option of using all or a portion of its sales tax revenues solely for county or education purposes, or it may apportion some between its towns and cities (Tax Law, §1262), which has been the case in St Lawrence County since 1965; and  
WHEREAS, the county legislature is additionally authorized to make an agreement with any city in the county to allocate a specific portion of these revenues to such city; and  
WHEREAS, cities have the right to pre-empt application of the county sales tax and impose their own local sales tax; and  
WHEREAS, towns do not yet enjoy the right to levy their own local sales tax, pre-empt the in town application of the county sales tax, or require the county to negotiate a sales tax allocation agreement, so we rely on county and City of Ogdensburg to negotiate on our behalf; and  
WHEREAS, local sales taxes are levied at the county level, and sales tax proceeds are distributed to the other units of government within the county boundaries in accordance with the longstanding local sharing agreements entered into with the county; and  
WHEREAS, the state has imposed a real property tax levy cap on all municipalities, effectively limiting the ability of the cities, towns and villages to keep pace with the rising costs of employee health insurance, retirement system costs, and other expenses and increasing the need for towns to rely on alternative revenue sources such as sales taxes; and  
WHEREAS, due to the 10-year agreement being renegotiated between St Lawrence County and the City of Ogdensburg, a county committee has been appointed to study and re-negotiate the existing sales tax distribution formula within the City of Ogdensburg; and  
WHEREAS, sales tax revenue is an important revenue source for all municipalities in St Lawrence County, which enables the municipalities to be able to maintain stable tax rates and provide essential services to its citizens; and  
WHEREAS, the City has proposed a sales tax distribution plan that will have a positive benefit to all municipalities in the County, Towns, the City, and Villages, thereby having a positive impact on all County residents; and  
NOW, THEREFORE BE IT RESOLVED, that the Waddington Town Board supports the City of Ogdensburg and the proposed change to the current negotiated sales tax formula between the City of Ogdensburg and St Lawrence County.

Roll Call Vote:

Supv Hammond: Aye

C McKnight: Naye

C Prentice: Aye

C Loomis: Naye

C McBath: Aye

**JCAP grant:** Justice Robinson has requested the board's approval to apply for a grant under the Justice Court Assistance Program (JCAP). They will be applying for a metal detector, surveillance cameras, and paving of the new parking lot at the Municipal Building.

Resolution # 56

Motioned by: Loomis

Seconded by: McBath

RESOLVED, that the Waddington Town Board does hereby authorize the Waddington Court to apply for a Justice Court Assistance Program grant (JCAP) in 2020-2021 up to \$30,000. Ayes: All

**Fire Department Contract:** Supv Hammond reported that last year the Village renewed our annual contract for one year. They wanted to see that the contract helped to cover the costs to provide fire protection to the township. Things look good and they are willing to renew the contract @ the current \$35,000 for a three year term.

Resolution # 57

Motioned by: Hammond

Seconded by: Loomis

RESOLVED, that the Waddington Town Board does hereby agree to renew the Fire Protection Contract with the Village of Waddington in the amount of \$35,000 for a three year period.

Ayes: All

**RFP Solar Project:** Supv Hammond reported that back in the beginning of the year the Town had a solar company representative come to the board and make a hypothetical offer to develop a solar project on Whitehouse Bay property. The Board has been looking at and discussing where they would allow this on the property. They are currently at the juncture where they would like to put out an RFP for a company to come in and make an offer. The town is currently deemed a clean energy community so this helps in the endeavor. The Clerk has obtained a copy of an RFP from the Town of Potsdam for their large solar company that came to town. It can be used as a beginning model. C McBath asked if the RFP was available electronically. The Clerk will send it to him.

**Power Outage:** The Board has recently discussed the situation with the generator that is used to power the municipal building, rescue squad, and fire hall in the case of a power outage. They have also discussed stand-alone units for the buildings. C McBath would like to put an RFP out for a stand-alone unit that would come on automatically if the power goes out and will power the Rescue Squad, Town Barn, and Town Offices.

A motion was made by McBath, seconded by Hammond to put together an RFP for a stand-alone generator. Ayes: All

#### **Citizen's Comments:**

County Legislator Rita Curran updated the Town on the County's Covid cases. As of this point in time there were 9 cases and no hospitalizations. Rita also discussed the sales tax negotiations with the City of Ogdensburg. She told the board she doesn't think she has the ability to present a local law to lay out the parameters of the sales tax but will ask and get back to the town.

Mayor Zagrobelny spoke in support of the library budget. He noted that they work within their means and that they worked through Covid. In July he had the pleasure of reading a new book along the book trail while walking his dog. It was a great program. He told the board that the library employees' wages were shameful and that employees should not make below the minimum wage just because NYS allows this for municipalities. He also asked Rita to bring a resolution/local law to the communities for sales tax.

Kevin Acres asked when the preliminary budget would be available on line. The clerk noted she would try to have it there tomorrow.

Edith Ashley told the Mayor and the Board that the story walk was done by receiving a grant. They collaborated with the Lisbon Hepburn Library.

Mark Scott noted that in prior years the town allocated \$20,000 in the budget for maintenance of the library and old town hall. This year the money is allocated to the municipal building. Supv Hammond told him that there are a lot of repairs that need to be done at the municipal building such as the parking lot and handicap accessible bathroom. He wants to be sure that once the municipal building is done that the money gets put back into the old town hall/library maintenance line. There is \$42,000 in the account and approximately 30,000 left in the grant to take care of the building.

Kevin Acres asked where the town had reduced their State revenues by 20%. It is reflected in the CHIPS funding. We can only spend 20% of what they are allowing. We have followed that already with this year's road repairs. Supv Hammond asked him if the County will be giving the towns a check for the AIM funding that was cut by the governor or if it was coming from the online sales tax revenues. He believed it will be in the form of a check. Supv Hammond will contact the County Treasurer for verification.

**Bills:** A motion was made by Loomis, seconded by McBath to pay bills #13617- 13656 in the amount of \$108,915.33. Ayes: All

**Executive Session:** A motion was made by McBath, seconded by Loomis to enter into executive session to discuss proposed, pending, or current litigation. Ayes: All The board went into executive session @ 10:15 PM. A motion was made by Loomis, seconded by Prentice to return to regular session @ 10:45PM. No action was taken during executive session.

**Adjournment:** A motion was made by Prentice, seconded by McKnight to adjourn the meeting @ 10:45PM. Ayes: All

Respectfully submitted,

Carol A. Burns, Town Clerk