

TOWN OF BARTON

DONALD FOSTER, SUPERVISOR

MINUTES – FEBRUARY 10, 2025 @ 6:30 PM

Via In-Person

Board Members Present: Supervisor Donald Foster, Councilperson Michael Rice, Councilperson Jeffrey Coleman, Councilperson David Shipman

Board Members Absent: Councilperson Kevin Everly

Staff Present: Fred Schweiger, Highway Superintendent; Arrah Richards-McCarty, Town Clerk; Dan Shay, Deputy Highway Superintendent; Nick Cortese, Town Attorney

Guests:

Steven Palinosky, Tioga County Real Property
Don McCarty; Waverly, NY

The meeting was called to order at 6:30 pm by Supervisor Donald Foster.

Pledge of Allegiance

Privilege of the Floor

None.

Approval of Minutes: A **motion** to approve last month's regular board meeting minutes (01/13/2025) as well as special meeting minutes (01/22/2025 and 01/28/2025) as submitted by the Town Clerk made by Councilperson Dave Shipman, seconded by Councilperson Mike Rice. 4-Ayes, 0-Noes

Vouchers: A **motion** to approve the vouchers made by Councilperson Mike Rice, seconded by Councilperson Jeff Coleman.

2025 (Abstract 2):

<u>FUND</u>	<u>VOUCHER NO'S</u>	<u>TOTAL CLAIM</u>
➤ General Fund	10-31	\$28,943.14
➤ Highway Fund	5-19	\$75,672.98
➤ Water/Sewer Fund.....	2-7	\$31,304.02

4-Ayes, 0-Noes

Personnel:

Town Clerk Arrah Richards-McCarty

1. Per the Lockwood By-Laws Article 4, §25; notice of the resignation of a member shall be delivered to the Town of Barton Clerk. Lockwood Fire Chief Darrin Wilson notified the town of the four resignations they received at their last meeting – Robert Stoddard, Alyssa Stoddard, Ethan Stoddard and Rebecca Stoddard.
2. Town Clerk Richards-McCarty inquired whether the board had any questions regarding DOXO, another source of online payment which offers free ACH/eChecks, and if they were ready to move on it. The board engaged in discussion, with mixed emotions expressed among members. After deliberation, the Board decided to table the issue until next month to allow for further consideration.

Highway Superintendent Fred Schweiger

- American Rock Salt has the contract with the state and they have a low supply. The highway is going to have to go light on salting the roads as they are in emergency supply. The Town of Barton has been put on an emergency list for another vendor to provide salt. Their prices will be higher and the town will have to pay the difference initially; however, the state will reimburse them later. Governor Hochul signed legislation requiring only NYS vendors could fulfill salt orders. Now, with an emergency order in place, she has temporarily rescinded her initial legislation and will now allow outside vendors to fulfill orders.

New Business

1. Standard Work Day and Reporting Resolution

CERTIFIED COPY OF RESOLUTION ADOPTED BY THE BARTON TOWN BOARD

ADOPTED 02/10/2025

RESOLUTION NO 06-2025

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 Councilperson Jeff Coleman, seconded by Councilperson Mike Rice 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:									
							<input type="checkbox"/>		<input type="checkbox"/>
							<input type="checkbox"/>		<input type="checkbox"/>
							<input type="checkbox"/>		<input type="checkbox"/>
Appointed Officials:									
Melanie Sinsabaugh			Bookkeeper	01/01/25-12/31/25	6.00	3.57	<input type="checkbox"/>	Bi-Weekly	<input type="checkbox"/>
Nancy Perry			Court Clerk	01/01/25-12/31/25	6.00	2.53	<input type="checkbox"/>	Bi-Weekly	<input type="checkbox"/>
Jenifer Monahan			Assessor Clerk	01/01/25-12/31/25	7.00	8.42	<input type="checkbox"/>	Bi-Weekly	<input type="checkbox"/>
Appointed Officials:									
Catherine Kozemko			Assessor	01/01/25-09/30/25	7.00	8.99	<input type="checkbox"/>	Bi-Weekly	<input type="checkbox"/>

Roll Call Vote:

Mike Rice Aye
Donald Foster Aye
Jeffrey Coleman Aye
Dave Shipman Aye

2. Authorization to Close Bank Account (Tax Collector MMI)

CERTIFIED COPY OF RESOLUTION ADOPTED BY THE BARTON TOWN BOARD

ADOPTED 02/10/2025

RESOLUTION NO 07-2025

AUTHORIZATION TO CLOSE BANK ACCOUNT
(TAX COLLECTOR MMI)

WHEREAS, it has been found that the account "Tax Collector MMI" is no longer being used; and

NOW THEREFORE upon a motion by Councilperson Mike Rice, seconded by Councilperson Dave Shipman and carried; therefore, be it

RESOLVED, that on this day, February 10, 2025, the Tax Collector MMI Account, located at Tioga State Bank, be closed out immediately.

Roll Call Vote:

Mike Rice Aye
Donald Foster Aye
Jeffrey Coleman Aye
Dave Shipman Aye

3. Authorization for Melanie Sinsabaugh to Conduct an Audit of the 2024 Town of Barton Court Records

CERTIFIED COPY OF RESOLUTION ADOPTED BY THE BARTON TOWN BOARD

ADOPTED 02/10/2025

WHEREAS, Section 2019-A of the Uniform Justice Court Act requires that town justices annually provide their court records and dockets to the auditing board of the town, and that such records then be examined and that fact be entered into the minutes of the Town Board's proceedings; and

WHEREAS, the Unified Court System's Internal Audit Office is responsible for monitoring Town Board compliance with Section 2019-A; and

WHEREAS, the NYS Unified Court System requests that we provide a copy of the audit of the Town of Barton court records for fiscal year ending in 2024 and a copy of the board resolution acknowledging that the required examination was conducted; and

WHEREAS, Town of Barton Bookkeeper, Melanie Sinsabaugh, has agreed to conduct an audit and review of the Town of Barton court records for a fee of \$300.00; and

NOW THEREFORE upon a motion by Councilperson Dave Shipman, seconded by Councilperson Jeff Coleman and carried; therefore, be it

RESOLVED, that the Town Board of the Town of Barton authorizes Melanie Sinsabaugh to conduct an audit and review of the 2024 Town of Barton court records for a fee of \$300.00.

Roll Call Vote:

Mike Rice	Aye
Donald Foster	Aye
Jeffrey Coleman	Aye
Dave Shipman	Aye

4. Approve New FOIL Notification Requirements for Public Employers

CERTIFIED COPY OF RESOLUTION ADOPTED BY THE BARTON TOWN BOARD

ADOPTED 02/10/2025

RESOLUTION NO 09-2025

APPROVE NEW FOIL NOTIFICATION
REQUIREMENTS FOR PUBLIC EMPLOYERS

WHEREAS, on September 4, 2024, Governor Kathy Hochul signed legislation requiring public employers to notify employees if their disciplinary records are requested as part of a Freedom of Information Law (FOIL) request; and

WHEREAS, this legislation amends Section 87 of the Public Officer's Law by adding language which states:

All agencies subject to the requirements of the public officers law shall develop a policy regarding providing a notification to public employees in the event that the agency is responding to a request for such employee's disciplinary records.

; and

NOW THEREFORE upon a motion by Councilperson Mike Rice, seconded by Councilperson Jeff Coleman and carried; therefore, be it

RESOLVED, that on this day, February 10, 2025, the Town Board of the Town of Barton, County of Tioga, State of New York hereby enacts a policy on the release of employee-related information under FOIL as set forth as follows:

Roll Call Vote:

Mike Rice	Aye
Donald Foster	Aye
Jeffrey Coleman	Aye
Dave Shipman	Aye



Town of Barton

Policy on the Release of Employee-Related Information Under FOIL

Purpose:

Pursuant to Article 6 of the Freedom of Information Law (FOIL), Chapter 302 of the Laws of 2024, all agencies must develop a policy to notify public employees if their disciplinary records are being released in response to a FOIL request. This policy shall ensure the proper notification requirements, contents of the notification, delivery of the notification and define the records to be released.

Definitions:

- 1) FOIL - Freedom of Information Law (also referred to as Public Officers Law, Article 6, Sections 84-90)
- 2) Record - any information kept, held, filed, produced or reproduced by, with or for an agency or the state legislature, in any physical form whatsoever including, but not limited to, reports, statements, examinations, memoranda, opinions, folders, files, books, manuals, pamphlets, forms, papers, designs, drawings, maps, photos, letters, microfilms, computer tapes or discs, rules, regulations or codes.

Notification Requirement:

The Town of Barton will provide notice to current and former public employees if their employment records are subject to a FOIL request. Notification shall occur after the records are released, in line with the legislative intent to ensure minimal notice.

Content of the Notification:

The notification will include a statement informing the employee that their employment records have been released. While there is no requirement to provide a copy of the FOIL request or the released records, the Town of Barton will provide any records released to the employee.

Delivery of Notification:

The notice should be delivered in writing, either via regular mail or email, depending on the availability of the employee's contact information. In the event that a former employee is unable to be contacted, all reasonable efforts will be made and these attempts documented. Such notification efforts shall be the responsibility of the Barton Town Clerk.

Disciplinary Records:

The Town of Barton will use the definition of "disciplinary records" under Public Officers Law (POL) §86(6) for law enforcement, applying it to non-law enforcement employees. Counseling memos may also be classified as disciplinary records if they relate to employment discipline.

5. Sewer Bill Adjustment Due to Leak - Barbara Soprano

CERTIFIED COPY OF RESOLUTION ADOPTED BY THE BARTON TOWN BOARD

ADOPTED 02/10/2025

RESOLUTION NO 10-2025

SEWER BILL ADJUSTMENT DUE TO LEAK-
BARBARA SOPRANO

WHEREAS, Town of Barton water/sewer owner, Barbara Soprano, requested sewer forgiveness for the property located at 179 State Route 17c, Waverly, New York due to a leak; and
WHEREAS, Village of Waverly Water Department confirmed this leak and most of the water did not go into the sewer pipes; and
WHEREAS, the Town of Barton Town Board requests that the Water and Sewer Clerk take the average of the last four water and sewer consumptions prior to the leak and charge only that average to the landowner; and
NOW THEREFORE upon a motion by Councilperson Jeff Coleman, seconded by Councilperson Dave Shipman and carried; be it
RESOLVED, the Town of Barton Town Board, Tioga County, New York approves the owner's request to adjust the sewer portion only of the recent water and sewer bill due to a leak; and be it
FURTHER RESOLVED, the water and sewer bill be reduced from \$782.47 to \$356.41, with an adjustment to the sewer portion only, totaling \$426.06; and be it
FURTHER RESOLVED, this resolution be forwarded to the Village of Waverly.

Roll Call Vote:

Mike Rice Aye
Donald Foster Aye
Jeffrey Coleman Aye
Dave Shipman Aye

6. Annual Review of the Town of Barton Procurement Policy – Per the Town of Barton's Town Code, the procurement policy shall be reviewed annually by the Town Board. All

members of the Town Board concurred that the policy was approved and accepted as it is written.

7. Executive Session

Motion to go into executive session at 6:53 PM to discuss current pending litigation made by Councilperson Mike Rice, seconded by Councilperson Dave Shipman. All in favor.

Motion to come out of executive session at 7:34 PM made by Councilperson Mike Rice, seconded by Councilperson Dave Shipman. All in favor.

The board took action on the ongoing litigation related to the Elderwood tax certiorari.

CERTIFIED COPY OF RESOLUTION ADOPTED BY THE BARTON TOWN BOARD

ADOPTED 02/10/2025
RESOLUTION NO 11-2025

**RESOLUTION APPROVING A
SETTLEMENT AGREEMENT FOR TAX
CERTIORARI PROCEEDINGS BEARING
TIOGA COUNTY INDEX NUMBERS:
2020-00061238; 2021-00062081; 2022-00062591;
2023-00063058; and 2024-00063742**

At a meeting of the Town Board of the Town of Barton held on the 10th day of February 2025, the following resolution was offered and seconded:

WHEREAS, 37 North Chemung Street, LLC and 44 Ball Street, LLC., the Petitioners in the above-referenced proceedings pursuant to Article 7 of the Real Property Tax Law, and the Town of Barton, New York, a Respondent in said proceedings, are desirous of having certain assessment issues resolved as to property owned by Petitioners in the Town; and

WHEREAS, a proposed Settlement Agreement resolving the pending tax certiorari litigation was recommended by the Attorney for the Town and reviewed by the Town Board at a regular meeting held on February 10, 2025; and

WHEREAS, the proposed Settlement Agreement presents the parties with an expeditious and economic alternative to further litigation so as to resolve numerous disputed issues between the parties; and

WHEREAS, the Town Board has determined that entering into the proposed Settlement Agreement is in the best interests of the Town.

NOW THEREFORE upon a motion by Councilperson Mike Rice, seconded by Councilperson Dave Shipman and carried; be it

RESOLVED, that the Town Board does hereby accept the proposed Settlement Agreement, a true copy of which is attached to this resolution, for the purpose of resolving the pending tax certiorari proceedings filed by Petitioners; and be it

FURTHER RESOLVED, that the Attorney for the Town is hereby authorized to execute said Agreement on behalf of the Town Respondents, and the Town Supervisor is authorized to do

and/or cause to be done any action(s) necessary to comply with the terms of said Agreement;
and be it further
FURTHER RESOLVED, that this resolution shall take effect immediately.

Roll Call Vote:

Mike Rice	Aye
Donald Foster	Aye
Jeffrey Coleman	Aye
Dave Shipman	Aye

Town Attorney, Nick Cortese explained how the nursing facilities earn money and how their income is generated. He feels that this settlement with Elderwood is the best deal for everyone involved.

Old Business

None.

Motion to adjourn meeting at 7:42 PM made by Councilperson Jeff Coleman, seconded by Councilperson David Shipman. All in favor.

Respectfully submitted,

Arrah Richards-McCarty
Town of Barton Town Clerk