

# TOWN OF BARTON

DONALD FOSTER, SUPERVISOR

MINUTES –MAY 13, 2024 @ 6:30 PM

Via In-Person

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

**Board Members Absent:** None.

**Staff Present:** Fred Schweiger, Highway Superintendent; Arrah Richards-McCarty, Town Clerk; Chris Robinson, Code Enforcer

**Guests:**

Robert Murphy, Waverly

Charles Rossi, Waverly

Wayne Volpe, Waverly

Andy Aronstam, Waverly

Nicole Lamberti, Morning Times

Pat Burnell, Waverly

Val Chapman, Waverly

Dawn Volpe, Waverly

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

**Pledge of Allegiance**

**Privilege of the Floor**

Bob Murphy stood to discuss the petition (*Attached @ end of document*) he and his neighbors signed, and had notarized, regarding the accumulation of garbage at the property of 313 Norris Road. He is requesting the Town move on clearing all garbage, rubble and unregistered vehicles from the property.

Code Enforcer Chris Robinson addressed the petitioners by addressing the fact that the owner of the property has medical issues and is having trouble getting around. The Town of Barton is working with Tioga County as there are multiples issues going on. There are four illegal vehicles on the property – not registered or inspected. Mr. Robinson thought they were cleaning up the property but found out they were just moving the items behind the sheds.

Mr. Robinson had cited the owner but she never showed up for court. Due to a no-show, the court will be able to send another letter with a little more force behind it explaining she needs to show up to court. Justice Myers may also be able to setup a phone conference with Ms. Cella so she wouldn't have to physically show up as it is a hardship for her.

Supervisor Foster added, after this goes to court, the town can go and clean the mess up and put it on her tax bill, but he can't promise the taxpayers won't eat it in the end.

Councilperson Mike Rice stated another major concern is how to prevent it from happening again.

Town Clerk Richards-McCarty explained the county currently has ARPA (COVID) funds available and could assist the owner with the cleanup. The funds are depleting quickly so this would need to move along quickly. The owner will need to be committed in the effort of the cleanup.

One resident was concerned about all the cars that were coming and going at all times of day. Town Clerk Richards-McCarty stated that is a matter for the Tioga County Sheriff's Office or NYS Police.

Supervisor Foster asked the audience to give the town one month to get everything in order and to come back to the next board meeting on June 10<sup>th</sup>.

**Approval of Minutes:** A **motion** to approve last month's regular board meeting minutes as submitted by the Town Clerk made by Councilperson Kevin Everly, seconded by Councilperson Jeff Coleman.

5-Ayes, 0-Noes

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

- General Fund .... \$34,938.82
- Highway ..... \$42,869.23
- Water/Sewer..... \$224.61

5-Ayes, 0-Noes

**Personnel:**

**Town Clerk Arrah Richards-McCarty**

**Electronics Drive** – I am interested in holding an electronics clean-up day, here at the Town of Barton. I've had two successful events at the Village with no incidences. I'd like to request the board to consider this option. I'd like to schedule a date as soon as possible so when people are spring-cleaning they can set aside their e-waste rather than throw it in the garbage or on the side of the road.

The board would like to read the contract prior to voting. I answered, the contract will be in their folders tomorrow.

**Shred Day** – I've also been hearing requests for a town-wide shred day. I've looked up what it would cost the town and ConfiData, who I currently use for my records management purging, quoted \$200/hour and would include the driver and a truck. We don't necessarily have to hold this event this year but something to definitely consider in the budget for next year.

The board is concerned about the cost as money was just spent on paving the parking lot.

I have been keeping track of my tax collection interest in my NYCLASS account and have found that I am projecting more interest earned than what was budgeted for. If needed, the town could use those extra funds to cover the cost.

The board would like to digest this information and come back with an answer.

**Facebook** - We've been discussing having a Town of Barton Facebook page to keep the town updated on events/activities that are going on. Such things would include, tax collection season, tentative/final assessment rolls being posted, budget meetings, road closures, dogs running at large, etc. The Town Clerk's office will oversee the page.

I think the best way to handle the information is if a department head has something they'd like posted, they will need to email a statement, in verbatim, and email it to the Town Clerk's email. This is a group email so Rebekah (Deputy Clerk) and I will both have access to it. Comments will be turned off. Therefore, anyone who would like to comment on a post would need to call our office.

**Penelec** –Penelec is asking the Town of Barton go out and do a site check to verify locations of these light poles. The number of lights we are being billed for is different from what they have mapped so they'd like us to verify the pole locations against the spreadsheet they sent. If the town is still interested in converting lights to LED, we have to make sure we have at least 12 lights to convert with zero years of life remaining in those light fixtures.

### **Highway Superintendent Fred Schweiger**

Trees were deliberately cut down and moved to the middle of the road creating a safety hazard recently. This has happened in the Town of Chemung as well. *(More to discuss on this topic later)*

The town is currently chip sealing. Suit-Kote broke down halfway through the day. Hoping to get wrapped up this week, potentially into next week.

### **New Business**

1. Dog Drop-offs in the Town of Barton
  - a. The town has been having issues from Pennsylvania and other municipalities dropping off unlicensed dogs in the Town of Barton. Our Dog Control Officer, Wayne Searles, along with Tioga County Sheriff's Office arrested a woman from Sayre, PA for abandonment of a dog. Supervisor Foster read aloud the arrest report from the Tioga County Sheriff's Office dated April 18, 2024.

Town Clerk Richards-McCarty explained the process and expenses incurred when the Dog Control Officer, or police officer captures an at-large dog. Once the dog is seized and taken to Stray Haven Humane Society, the town is

charged \$150.00 per dog.

Supervisor Foster added that if people are going to abandon dogs in the Town of Barton and they are caught, they will be arrested and fingerprinted. This is animal cruelty, pure and simple. The court appearance got rescheduled so it'll be another couple weeks until we hear anything on the outcome of the arrest.

2. Retirement - Keith Shipman

- a. Motion to accept Keith Shipman's resignation dated April 22, 2024 made by Councilperson Kevin Everly, seconded by Councilperson Jeff Coleman. All in favor.

3. Resolution 17-2024 \$500.00 Reward for Information Leading to the Arrest and Conviction of Any Person or Persons Dumping Household Items and/or Garbage in the Town of Barton Right-of-Way

Supervisor Foster started out by saying shingles were dropped off on Talmadge Hill East and, more recently, garbage dumped on Old Barton Road. Supervisor Foster read aloud the summons that was written from Code Officer Chris Robinson to the alleged offenders summoning them to court based on the evidence gathered at the scene.

The current reward is set at \$250.00 and Supervisor Foster would like to increase that amount. Per Town Law §73 – Dumping of Solid Waste, the town would be able to recoup the funds through restitution.

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CERTIFIED COPY OF RESOLUTION ADOPTED BY THE BARTON TOWN BOARD

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ADOPTED 05/13/2024

RESOLUTION NO 17-2024

\$500.00 REWARD FOR INFORMATION LEADING  
TO THE ARREST AND CONVICTION OF ANY  
PERSON OR PERSONS DUMPING HOUSEHOLD  
ITEMS AND/OR GARBAGE IN TOWN OF BARTON  
RIGHT-OF-WAY

**WHEREAS**, certain individuals are dumping household items and garbage in the Town of Barton highway right-of-way; and

**WHEREAS**, this is in direct violation of the Town of Barton's local law relating to the dumping of solid waste (see Chapter 73 of the Code of the Town of Barton); and

**WHEREAS**, the Town Board of the Town of Barton agrees that immediate action is necessary to halt such activity because such activities are deemed to pose an imminent hazard to the public health, safety, and welfare of the residents of the Town of Barton; and

**WHEREAS** the Barton Town Board believes it is necessary to create an incentive for persons with knowledge of the dumping of household items and/or garbage in the Town of Barton right-of-way to come forward; and

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

**RESOLVED**, that on this day, May 13, 2024, the Town Board of the Town of Barton authorizes the payment of a \$500.00 reward to any individual with information that leads to the arrest and conviction of any person or persons that are dumping household items and/or garbage in the Town of Barton right-of-way in violation of the Town of Barton Dumping of Solid Waste Law; and be it

**FURTHER RESOLVED**, that funding for the implementation of this policy shall be paid from the following account:

**SAFETY INSPECTION CONTRACTUAL (B3620.4)**

**Roll Call Vote:**

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

4. Resolution 18-2024 \$500.00 Reward for Information Leading to the Arrest and Conviction of Any Person or Persons Intentionally Cutting Down Trees to Block Town of Barton Roads.

Highway Superintendent Fred Schweiger explained that there are people who are randomly going around and cutting down trees in the middle of the night, then found they were purposefully drug out to the middle of the road. This creates a very serious safety hazard. The Town of Chemung has had this happen to them as well.

If the criminal(s) are found, the case could then be referred to the District Attorney's office for criminal charges (criminal mischief/trespass) and the town can file a suit to recover the damages against the individual if it comes to that. The Real Property Actions and Proceedings Law (RPAPL) also allows for triple damages for the destruction of trees.

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CERTIFIED COPY OF RESOLUTION ADOPTED BY THE BARTON TOWN BOARD

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ADOPTED 05/13/2024

RESOLUTION NO 18-2024

\$500.00 REWARD FOR INFORMATION LEADING  
TO THE ARREST AND CONVICTION OF ANY  
PERSON OR PERSONS CUTTING DOWN TREES TO  
BLOCK TOWN OF BARTON ROADS

**WHEREAS**, certain individuals are intentionally cutting down trees to block Town of Barton roads; and

**WHEREAS**, the Town of Barton has the authority to petition the Tioga County District Attorney's office to pursue criminal charges (criminal mischief, trespass) against these individuals as well as file suit to recover damages; and

**WHEREAS**, New York State Real Property Actions and Proceedings Law (R.P.A.P.L) also allows for triple damages to be assessed for the destruction of such trees; and  
**WHEREAS**, the Town Board of the Town of Barton agrees that immediate action is necessary to halt such activity because such activities are deemed to pose an imminent hazard to the public health, safety and welfare of the residents of the Town of Barton; and  
**WHEREAS**, the Barton Town Board believes it is necessary to create an incentive for persons with knowledge of who is intentionally cutting down trees to block Town of Barton roads to come forward; 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, May 13, 2024, the Town Board of the Town of Barton, County of Tioga, State of New York authorizes the payment of a \$500.00 reward to any individual with information that leads to the arrest and conviction of any person or persons that are cutting down trees to block Town of Barton roads; and be it  
**FURTHER RESOLVED**, that funding for the implementation of this policy shall be paid from the following account:

**Safety Inspection Contractual (B3620.4)**

**Roll Call Vote:**

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

5. Resolution 19-2024 \$150.00 Redemption Fee for Dog Holding Services

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CERTIFIED COPY OF RESOLUTION ADOPTED BY THE BARTON TOWN BOARD

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ADOPTED 05/13/2024

RESOLUTION NO 19-2024

\$150.00 REDEMPTION FEE FOR DOG HOLDING SERVICES

**WHEREAS**, Stray Haven Humane Society charges the Town of Barton \$150.00 for each dog seized and delivered by the Town Dog Control Officer, Peace or Police Officer in the employ of or acting in the agency of the Town; and  
**WHEREAS**, the Town of Barton feels this charge should be conveyed to the owner; and  
**WHEREAS**, in the event an owner reclaims the dog during the holding period, Stray Haven Humane Society agrees to return any such dog seized and delivered by the Town DCO, Peace or Police Officer in the employ or acting on behalf of the agency of the Town, to its rightful owner only upon written proof of the existence of a current dog license and a receipt from the Town showing that all fees have been paid; and

**WHEREAS**, it is now the responsibility of the Town to collect all applicable fines and fees from the owner; and

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

**RESOLVED**, the Town of Barton will now charge the \$150.00 fee to rightful owner of the seized dog and provide the owner with a paid receipt and a copy of the unexpired dog license prior to the owner reclaiming their dog at Stray Haven Humane Society; and be it

**FUTHER RESOLVED**, a copy of this resolution will be forwarded to Stray Haven Humane Society; and be it

**FURTHER RESOLVED**, that this will be in effect immediately.

**Roll Call Vote:**

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

6. Resolution 20-2024 Approve 2023 Annual Accounting For Town Clerk

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CERTIFIED COPY OF RESOLUTION ADOPTED BY THE BARTON TOWN BOARD

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ADOPTED 05/13/2024

RESOLUTION NO 20-2024

APPROVE 2023 ANNUAL ACCOUNTING FOR  
TOWN CLERK

**WHEREAS**, Town Law Section 123 requires an annual accounting and the submission of books and records by all town officers and employees to the town board; and

**WHEREAS** Supervisor Donald Foster performed a review of the Town Clerk's records on April 9, 2024 using Appendix D – General Recordkeeping Requirements for Town Clerks; and

**WHEREAS**, a copy of said findings to the checklist was given to each Town of Barton board member for review and approval; and

**NOW THEREFORE** upon a motion by Councilperson Mike Rice, seconded by Councilperson Kevin Everly and carried; therefore, be it

**RESOLVED**, that the Town of Barton Town Board did hereby review and approve the aforementioned annual accounting requirements performed by Supervisor Donald Foster.

**Roll Call Vote:**

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

7. Resolution 21-2024 Renew Service Agreement with GST BOCES

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CERTIFIED COPY OF RESOLUTION ADOPTED BY THE BARTON TOWN BOARD

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ADOPTED 05/13/2024

RESOLUTION NO 21-2024

RENEW SERVICE AGREEMENT WITH GST BOCES

**WHEREAS**, The Town Board of the Town of Barton wishes to renew the GST BOCES service agreement; 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 wishes to renew the GST BOCES service agreement; and be it

**FURTHER RESOLVED**, that the Barton Town Board grants the Town Supervisor the authority to sign any documentation necessary relating to the agreement.

**Roll Call Vote:**

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

8. Resolution 22-2024 Authorize the Purchase of 2025 Freightliner 114SD Tandem Axle Cab and Chassis Truck

During the March meeting, the Highway Superintendent brought to the board's attention the electrical issues he had been experiencing with the International truck; he added this truck had been a lemon since the day they got it.

Mr. Schweiger had a copy of the three quotes he'd obtained since the March meeting in each of the board member's folders. Mr. Schweiger discussed the increase in cost he's experienced over the course of each year purchasing these trucks to be around \$20,000/year. Two of the three quotes are on the OGS contract; Burr is not on the OGS contract but Tracey Road, who came in with the lowest bid, is on the OGS contract.

Mr. Schweiger put together a document detailing how costs are rising. The Tenco Body and Plow parts are increasing over \$7400/year over the last couple years. The actual chassis is about \$8,000 more per year. All in all, the town can expect about a \$20,000 increase year over year for a new truck.

Mr. Schweiger also detailed how the town will pay for the new truck. Currently, he has \$541,123.07 in his current machinery reserve account and approximately \$166,086 is in this year's DA5130.2 account (Machinery Fund) [Totaling = \$707,209.07]. He's already committed to replacing the 61A truck at a cost of \$231,287. Taking into account the



monies we currently have (\$707,209.07) minus the committed funds (\$231,287) and the current low bid (\$301,429), the town has enough funding to cover these two trucks, leaving leftover money in reserves for future emergencies/purchases.

New York State is still pushing everyone to go to electric dump trucks.

The purchase contract allows for the cost of the truck to increase from the time of approved resolution to the time of invoice. Due to this truck being standard, rather than automatic, this truck should be ready for delivery at the beginning of next year. Therefore, the increase amount from time of resolution to invoice should be minimal; maybe \$2-3,000.

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CERTIFIED COPY OF RESOLUTION ADOPTED BY THE BARTON TOWN BOARD

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ADOPTED 05/13/2024

RESOLUTION NO 22-2024

AUTHORIZE THE PURCHASE OF 2025

FREIGHTLINER 114SD TANDEM AXLE CAB AND  
CHASSIS TRUCK

**WHEREAS**, The Town Board of the Town of Barton believes it is necessary to purchase a heavy duty tandem axle cab and chassis truck to replace one of the Town of Barton's aging dump trucks; and

**WHEREAS**, Tracey Road Equipment has a proposal that meets the Town of Barton's needs; and

**WHEREAS**, this purchase is through Onondaga County Contract #0010914 and meets state bid requirements; and

**NOW THEREFORE** upon a motion by Councilperson Kevin Everly, seconded by Councilperson David Shipman and carried; therefore, be it

**RESOLVED**, that on this day, May 13, 2024, the Barton Town Board authorizes the purchase of a 2025 Freightliner 114SD tandem axle cab and chassis truck from Tracey Road Equipment in the amount of \$301,429.00; and be it

**FURTHER RESOLVED**, that this expenditure is subject to a permissible referendum; and be it

**FURTHER RESOLVED**, that this purchase is to be paid out of the following account:

**DA CAPITAL MACHINERY RESERVE - \$301,429.00**

**Roll Call Vote:**

Mike Rice                      Aye

Kevin Everly                      Aye

Donald Foster                      Aye

Jeffrey Coleman                      Aye

Dave Shipman                      Aye

9. Resolution 23-2024 Sewer Bill Adjustment Due to Leak – McProperties & Rentals, LLC

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CERTIFIED COPY OF RESOLUTION ADOPTED BY THE BARTON TOWN BOARD

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ADOPTED 05/13/2024

RESOLUTION NO 23-2024

SEWER BILL ADJUSTMENT DUE TO LEAK-  
MC PROPERTIES & RENTALS, LLC

**WHEREAS**, Town of Barton water/sewer owner, MC Properties & Rentals, LLC, requested sewer forgiveness for the property located at 41 Dodge Ave., Waverly, New York due to a leak beyond their control; and

**WHEREAS**, Village of Waverly Water Department confirmed this leak was a leak beyond their control 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

**WHEREAS**, due to the nature of this account where the title of this property was transferred to a new owner (MC Properties & Rentals, LLC) effective 01/25/2024, and there being no tenants that currently occupy this residence since the transfer of ownership, the calculation is being calculated based off of the minimum charges; and

**WHEREAS**, the minimum 3-month sewer charge, which includes up to 600 cubic feet, totals \$31.56; and

**NOW THEREFORE** upon a motion by Councilperson Mike Rice, seconded by Councilperson Jeff Coleman 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 beyond their control; and be it

**FURTHER RESOLVED**, the water and sewer bill be reduced from \$3,105.59 to \$875.35, with an adjustment to the sewer portion only, totaling \$2,230.24; and be it

**FURTHER RESOLVED**, this resolution be forwarded to the Village of Waverly.

**Roll Call Vote:**

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

10. Resolution 24-2024 Set Ethan Klossner's Starting Salary

Ethan Klossner is filling Keith Shipman's vacant position. The new hire typically comes in at \$3.00 below the rest of the group, then incrementally increase until they are caught up with the rest of the employees.

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CERTIFIED COPY OF RESOLUTION ADOPTED BY THE BARTON TOWN BOARD

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ADOPTED 05/13/2024

RESOLUTION NO 24-2024

SET ETHAN KLOSSNER'S STARTING SALARY

**WHEREAS**, Town of Barton employee Keith Shipman tendered his retirement with his last day of working full-time to be effective April 22, 2024; and

**WHEREAS**, Ethan Klossner has applied for this position and meets the job qualifications; and

**WHEREAS**, Town of Barton Highway Superintendent Fred Schweiger has hired Ethan Klossner as a full-time employee of the Town of Barton Highway Department; and

**WHEREAS**, Highway Superintendent Fred Schweiger is requesting Ethan Klossner's starting pay be set at \$22.52/hour;

**NOW THEREFORE** upon a motion by Councilperson Dave Shipman, seconded by Councilperson Kevin Everly and carried; therefore, be it

**RESOLVED**, that on this day, May 13, 2024, the Town Board of the Town of Barton sets Ethan Klossner's starting full-time pay at \$22.52/hour.

**Roll Call Vote:**

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

11. Councilperson Jeff Coleman discussed increasing the Deputy Supervisor's pay as this position requires much more time to be involved as well as additional duties. The rest of the board agrees and has decided to keep this in mind.

**Old Business**

None.

**Motion** to adjourn meeting at 7:49 pm made by Councilperson Kevin Everly, seconded by Councilperson Dave Shipman. All in favor.

Respectfully submitted,

*Arrah Richards-McCarty*  
Town of Barton Town Clerk

## PETITION

To the Town of Barton, New York

WE THE UNERSIGNED, HEREBY PETITION the Barton Town Board to have the property located at 313 Norris Road, Waverly, New York 14892 cleared of all garbage, rubble and unregistered vehicles.

WE STATE

1. That the petitioners are residents and owners of homes in the Town of Barton located on Norris Road, Waverly, New York.
  2. We are requesting that the town code that prohibits the accumulation of garbage, discarded home furnishings and unregistered motor vehicles be enforced and this debris be removed from the property located at 313 Norris Road, Waverly, New York 14892. Property owner Elena Cella.
  3. The accumulated trash and unregistered motor vehicles have created an unsanitary health hazard for the residents of said neighborhood as well as a possible fire hazard. The garbage has attracted rats, other rodents and wild animals that endanger health and well-being of the people living in this neighborhood.
  4. The proprietor of 313 Norris Road , Waverly, New York 14892 has previously been cited by the Town of Barton twice within the past year, most recently within the last two months. Both citations have resulted in no shows in Town of Barton Court and the directives ignored.
  5. The petitioners who have signed this letter are requesting immediate action by the Town of Barton Board and the Town of Barton Code Enforcement Officer to have the property located at 313 Norris Road, Waverly, New York cleared by overseeing the removal of all accumulated trash and unregistered motor vehicles from 313 Norris Road, Waverly, New York 14892 ensuring a safe and healthy environment for the residents of Norris Road, Waverly, New York.
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Signature of Signer

Legal Address

Date

<i>Charles Amundson</i>	315	Norris Road	5/9/24
<i>Wayne Voge</i>	319	Norris Rd	5/9/24
<i>Laurie Walpe</i>	319	Norris Rd	5/9/24

<i>Alma Wheeler</i>	306	Norris Rd	5/9/24
<i>Elizabeth Wheeler</i>	304	Norris Rd	5/9/24
<i>John</i>	30	" "	5/9/24
<i>Bob</i>	107	Norris Rd	5/9/24
<i>Val Chapman</i>	318	Norris Rd	5/10/24
<i>Charles Rosen</i>	310	Norris Rd	
<i>Pat Burrell</i>	321	Norris Rd	

Signature of Petition Circulator

*Robert L Wright*

Address

307 Norris Rd Waverly, PA 16892

Signature of Notary

*Madison N Campbell*

