

## Town of Scipio January 2023 Board Meeting Minutes

The 2023 organizational meeting of the Town Board of Scipio, Cayuga County, State of New York was held on Wednesday, January 11, 2023.

Present: Gary Mutchler, Supervisor  
Jason Botsford, Council Member

Susan Allen, Council Member

Virtual: Mark Ferrari, Council Member

Melinda Pitman, Council Member

Others Present: Ann Robson, Bill Hall, Heather Garner, Gary Gordon, Kelly Wade.

1. The Town of Scipio Board meeting was called to order at 7pm by Supervisor Mutchler, followed by the pledge of allegiance. Due to illness Council Members Ferrari and Pitman attended remotely. They participated in discussion only.
2. After review, a motion to approve the agenda for the January 11, 2023 Town Board meeting was made by Council Member Allen, second by Council Member Botsford. All in favor.
3. Issues from town residents: Gary Gordan, 4314 Wyckoff Rd., Scipio Center, NY informed the town board that he was served court papers regarding the 2016 abandonment of Healy Rd. Supervisor Mutchler informed him the town was also served papers of the complaint and the issue is being reviewed by the town attorney, Jeff Eaton.
4. **Resolution 2023-1** Approval of the December 28, 2022 meeting minutes. On a motion by Supervisor Mutchler, second by Council Member Botsford, be it resolved the resolution was:

Adopted Ayes 3 Mutchler, Allen, Botsford  
Noes 0

5. Presentation – Kelly Wade, President, CFO at Cayuga Lake National Bank informed that board that a new Municipal Savings Account with a floating Money Market interest rate of 4.33% is available. The floating rate MM Savings Account resets monthly on the 1<sup>st</sup> of the month to the current Federal Funds Overnight Rate. The Money Market account is fiscally prudent and there are no charges to move funds to municipal checking accounts. Discussion was had on moving municipal funds currently in CDs and checking accounts to this floating rate MM Savings Account to take advantage of the higher interest rates.

**Resolution 2023 -2** Investment Policy - Approve setting up floating rate Money Market Savings Accounts for General and Highway funds and closing current CD accounts at CLNB. On a motion made by Supervisor Mutchler, second by Council Member Botsford, be it resolved the resolution was:

Adopted Ayes 3 Mutchler, Allen, Botsford  
Noes 0

### 6. Officer Reports

- a. Assessor – Heather Garner reviewed several tax exemptions for board consideration. 1) The Cold War Veterans exemption applies to those who served in active duty between September 2, 1945 to December 26, 1991. 2) Senior Citizen exemptions are currently set at \$20,500 with no medical deductions reported. The county maximum has increased to \$37,400 allowing medical exemptions. 3) Disabled Persons exemptions are allowed up to \$37,400 including medical deductions yet Scipio has not adopted this option. 4) Volunteer Firefighters and Ambulance Drivers exemptions of up to 10% of county/town property tax. This does not address the current \$200 credit on Federal Income taxes. Supervisor Mutchler advised the assessor to contact the town attorney to review these considerations and report back to the board at the February 2023 meeting.
- b. CEO – The printed monthly report was reviewed by the board. The town Planning Board had a meeting on December 13, 2022 with an engineer for the SunEast Scipio Solar Project planned for Center Rd. The Cayuga County Planning Board and the town engineer are still waiting on requested information to facilitate site plan review and approval for the project. It was noted that the Special Use Permit was approved by the town board on November 4, 2020 and the requested extensions have expired. On Friday January 13, 2023 the town supervisor and town CEO will meet with Liberty Renewal

representatives regarding the Agricola wind project in southern Cayuga County. A demolition permit application to tear down the burned-out building at 3054 Fleming Scipio Townline Rd. is expected.

- c. Clerk – It was reported that the December disbursements to the supervisor were \$1,871. The town Contact List has been updated and disseminated. In the first week of tax collection 10% of the property tax bills have been processed.
- d. Highway Superintendent – With the mild winter weather highway personnel have been busy repairing machinery, catching up on projects and plan to remove five dead trees along town roads.

7. Board Member Reports

- a. Susan Allen – The Casella account representative is no longer with the company. MSW charges have increased on recyclables after the town budget was approved. Monthly costs are being complied and Tom Olenych is comparing charges. Since the annual costs to dispose of trash and recyclables exceed \$10,000, the next contract will need to go out for bid.
- b. Jason Botsford – no report
- c. Mark Ferrari – Architect Kathleen Connelly is working with Tim Buhl, PE to transfer files on the prior Office Renovation project plans.
- d. Melinda Pitman – As the town board delegate to the Owasco Lake Watershed Management Council, Mel will also serve as the town’s representative on the 9 Element Planning Committee. She researched information for Judge Dugan on fax machine options that will meet town court requirements.

8. **Resolution 2023-3** Approve Appointments for 2023. On a motion made by Supervisor Mutchler, second by Council Member Allen, be it resolved the following was:

Adopted            Ayes    3            Mutchler, Allen, Botsford  
                              Noes    0

- a. Town attorney: Jeff Eaton (BSK law office) one year term expiring 12/31/2023
- b. Code Enforcement Officer: J. Patrick Doyle III – one year term expiring 12/31/2023
- c. Court Clerk – Eron Klipple – one-year term expiring 12/31/2023
- d. Deputy Highway Superintendent – Timothy Calhoun – one year term expiring 12/31/2023
- e. Dog Control Officer: Carl Collier – yearly contract expiring 12/31/2023
- f. Town Bookkeeper: Rolland Dodge – 1 year term expiring 12/31/2023
- g. Delegate to AOT 2023 Business Session – Melinda Pitman
- h. ZBA Chair: Keith Welch – one year term expiring 12/31/2023
- i. Planning Board Chair: Marilyn Post – one year term expiring 12/31/2023
- j. Planning Board member: Andy Miller – one year term expiring 12/31/2023
- k. All other officials whose terms were appointed for multiyear contracts ending in 2023 and beyond.

9. Polices

- a. Ethics – No action was taken as the policy is being revised and will be sent to the town attorney before presenting to the town board.
- b. **Resolution 2023-4** Approve Procurement Policy. On a motion made by Council Member Allen, second by Council Member Botsford be it resolved the following was:

Adopted            Ayes    3            Mutchler, Allen, Botsford  
                              Noes    0

WHEREAS, §104-b of the General Municipal Law (GML) requires every Town to adopt internal policies and procedures governing all procurement of goods and services not subject to the bidding requirements of GML §103 or any other law; and

WHEREAS, the Town Board desires to adopt a procurement policy.

NOW, THEREFORE, BE IT RESOLVED that the Town Board hereby adopts the following procurement policies and procedures:

Guideline 1. Every prospective purchase of goods or services shall be evaluated to determine the applicability of GML §103. Every Town officer, board, department head or other personnel with the requisite purchasing authority (herein Purchaser) shall estimate the cumulative amount of the items of supply or equipment needed in a given fiscal year. That estimate shall include the canvass of other town

departments and past history to determine the likely yearly value of the commodity to be acquired. The information gathered and conclusions reached shall be documented and kept with the file or other documentation supporting the purchase activity.

Guideline 2. All purchases of: a) supplies or equipment which will exceed \$20,000 in the fiscal year or b) public works contracts over \$35,000 shall be formally bid pursuant to GML §103.

Guideline 3. All estimated purchases of:

*Less than \$20,000 but greater than \$3,000* require a written request for proposal (RFP) and written/fax/Email quotes from three vendors.

- *Less than \$3,000 but greater than \$1,000* require an oral request for the goods and oral/fax/Email quotes from two vendors.
- *Less than \$1,000 but greater than \$250* are left to the discretion of the purchaser.

All estimated Public Works contracts of:

- *Less than \$35,000 but greater than \$10,000* require a written RFP and written/fax/Email proposals from three contractors.
- *Less than \$10,000 but greater than \$3,000* require a written RFP and written/fax/Email proposals from two contractors.
- *Less than \$3,000 but greater than \$500* are left to the discretion of the purchaser.

Any written RFP shall describe the desired goods, quantity, and the particulars of delivery. The Purchaser shall compile a list of all vendors from whom written/fax/Email/oral quotes have been requested and the written/fax/Email/oral quotes offered.

All information gathered in complying with the procedures of this Guideline shall be preserved and filed with the documentation supporting the subsequent purchase or public works contract.

Guideline 4. The lowest responsible proposal or quote shall be awarded the purchase or public works contract unless the Purchaser prepares a written justification providing reasons why it is in the best interest of the Town and its taxpayers to make an award to other than the low bidder. If the bidder is not deemed responsible, facts supporting that judgment shall also be documented and filed with the record supporting the procurement.

Guideline 5. A good faith effort shall be made to obtain the required number of proposals or quotations. If the Purchaser is unable to obtain the required number of proposals or quotations, the Purchaser shall document the attempt made at obtaining the proposals. In no event shall the inability to obtain the proposals be a bar to procurement.

Guideline 6. The Town may make purchases of apparatus, materials, equipment or supplies, or contract for services related to the installation, maintenance or repair of apparatus, materials, equipment, and supplies through the use of a contract let by the United States of America or any agency thereof, any state or any other political subdivision or district therein, if such contract was let to the lowest responsible bidder or on the basis of best value in a manner consistent with General Municipal Law §103.

Guideline 7. Any purchase in excess of \$1,000.00 must receive approval from a majority of the Town Board at a duly noticed meeting of the Town Board. Emergency purchases in excess of \$1,000.00, but not exceeding \$3,000.00, may be authorized by the Supervisor or the Deputy Supervisor upon consultation with at least two other members of the board. The need to purchase an item or service shall be deemed an emergency if the health and safety of the public, or any Town employee, would be endangered by waiting until the next regularly scheduled Town Board meeting to obtain approval for the purchase.

BE IT FURTHER RESOLVED that the Resolution shall take effect immediately.

- c. **Resolution 2023-5** Approve Rules of Order. On a motion made by Supervisor Mutchler, second by Council Member Allen, be it resolved the following was:

Adopted           Ayes   3           Mutchler, Allen, Botsford  
                          Noes   0

WHEREAS, pursuant to Town Law §63, a Town Board may determine its rules of order (“Rules of Order”); and

WHEREAS, the Town Board desires to set its Rules of Order.

NOW, THEREFORE, BE IT RESOLVED that the Town Board hereby adopts the following Rules of Order:

1. Regular Meetings. Regular meetings of the Town Board shall generally be held at 7:00 p.m. on the second Wednesday of each month. Each regular meeting and all adjourned sessions shall be open for the consideration of any matter which, in accordance with the law and these rules, may be properly brought before the Town Board.
2. Special Meetings. Upon the written request of two members of the Town Board, or upon a resolution of the Town Board, the supervisor may hold a special meeting to conduct business of a truly emergent nature. Notice shall be given as soon as practicable for any special meeting. The Town Board designates the following locations for special meeting notices to be published: (1) *The Citizen* newspaper; (2) the Town website; and (3) the bulletin board at the Town Office Building, located at 3705 Route 34, Scipio Center, NY 13147.
3. Quorum. A majority of the duly constituted membership of the Town Board shall constitute a quorum for the transaction of business.
4. Regular Meeting Business. Immediately following the opening of every regular meeting of the Town Board, the Supervisor shall generally proceed to regular order of Town business as follows: reception of petitions and other communications addressed to the Town Board, reports of Committees, reports of officers and departments, and introduction of resolutions and motions. As necessary circumstances arise, the Supervisor has discretion to vary regular order of Town business. In the event that the Supervisor is not present, the Deputy Supervisor shall preside over such meeting.
5. Public Hearings. Where a person is petitioning the Town Board, that person shall be allotted fifteen minutes to speak in favor of such position. Any persons wishing to address the Town Board during a public hearing shall sign in by providing the Town Clerk with their name, address, phone number, e-mail address, and whether such person is in favor or opposed to the proposal. Persons in favor of the proposal shall be recognized first, and persons opposed to the proposal shall speak last. Each person shall be afforded with three minutes to address the Town Board regarding the subject matter of the public hearing. At the Supervisor's discretion, an extension of any time limit may be provided in order to allow the person to conclude their comments. After all members of the public have had an opportunity to address the Town Board, the Supervisor may close the public hearing. After the close of the public hearing, the Town Board may vote on any motion or resolution related to the public hearing.
6. Location of Meetings. All regular and special meetings shall be held at the Town Office Building, located at 3705 Route 34, Scipio Center, NY 13147 unless otherwise scheduled by the Town Board.
7. Open Meetings Law. All regular and special meetings of the Town Board shall be conducted in accordance with the New York State Open Meetings Law.
8. Decorum. The Supervisor shall preserve order and decorum during all meetings of the Town Board. The Supervisor shall recognize Town Board members in the order in which the members have requested recognition for the purpose of debate on any question under consideration. Speakers shall address the board as a whole, in an orderly manner. All speakers shall refrain from partisan political commentary, personal, impertinent, slanderous, or profane remarks directed to any member of the board, staff or general public that disrupt the meeting. Any person who makes such remarks or otherwise disrupts the meeting with loud outbursts, shouting, threats or other disruptive behavior shall, at the discretion of the Supervisor or after a motion and majority consensus of the Town Board, be ruled out of order. If after receiving a warning, any person persists in disrupting the meeting, the Supervisor shall order that person to leave and may utilize law enforcement to enforce that order.
9. Motions and Resolutions. Every resolution or motion must be seconded before being put to a vote by the Supervisor. The Supervisor may offer or second a resolution or motion and need not relinquish the chair for such purpose. All resolutions or motions shall be recorded in their entirety in the official minutes of the Town Board meeting. As provided by law, a majority vote of the entire membership of the Board shall be necessary to carry any question, proposition, resolution, motion or any other matter, except where it is otherwise provided herein or required by law that a two-thirds vote or a unanimous vote is required.
10. Recording of Votes. The ayes and nays shall be taken on all questions requiring a vote of the Town Board when required by statute. A roll call vote may be taken under all other circumstances, provided that one Board member requests that such a roll call vote be taken. Every resolution directly or indirectly involving expenditures or receipt of money shall be by roll call vote. Any member who shall be present when a question is stated by the Chairperson shall vote thereon. Except where otherwise specifically provided by these rules, Roberts Rules of Order, or by statute, a majority vote of the members shall govern. A Board member may abstain from voting, because of a direct interest in the question. The order of voting shall be alphabetical.
11. Suspension of Rules of Order. These Rules of Order may be suspended at any time during a meeting by unanimous consent of all members of the Town Board,

12. Matters not Covered. On all points of order not governed by these rules, the revised edition of the Robert's Rules of Order shall prevail.

BE IT FURTHER RESOLVED that the Resolution shall take effect immediately.

d. **Resolution 2023 -6** Harassment. On a motion made by Council Member Botsford, second by Council Member Allen, be it resolved the following was:

Adopted        Ayes    3        Mutchler, Allen, Botsford  
                      Noes    0

e. **Resolution 2023-7** Official Repository is Cayuga Lake National Bank. On a motion made by Council Member Botsford, second by Council Member Allen be it resolved the following was:

Adopted        Ayes    3        Mutchler, Allen, Botsford  
                      Noes    0

f. **Resolution 2023-8** Prepay Utility Bills before the monthly Abstracts. On a motion made by Supervisor Mutchler, second by Council Member Botsford, be it resolved the following was:

Adopted        Ayes    3        Mutchler, Allen, Botsford  
                      Noes    0

g. **Resolution 2023-9** Return check charge of \$20. On a motion made by Supervisor Mutchler, second by Council Member Botsford, be it resolved the following was:

Adopted        Ayes    3        Mutchler, Allen, Botsford  
                      Noes    0

h. **Resolution 2023-10** Approve Supervisor Mutchler and alternate Council Member Allen to sign checks. On a motion made by Council Member Botsford, second by Council Member Allen be it resolved the following was:

Adopted        Ayes    3        Mutchler, Allen, Botsford  
                      Noes    0

i. **Resolution 2023-11** Filing of AUD by February 28, 2023. On a motion by Supervisor Mutchler, second by Council Member Botsford be it resolved the following was:

Adopted        Ayes    3        Mutchler, Allen, Botsford  
                      Noes    0

j. Mileage Reimbursement – Approve IRS standard mileage rate of \$.655/mile for 2023. Motion made by Supervisor Mutchler, second by Council Member Allen. All in favor.

10. **Resolution 2023-12** – Salaries. On a motion by Council Member Allen, second by Council Member Botsford, be it resolved the following was:

Adopted        Ayes    3        Mutchler, Allen, Botsford  
                      Noes    0

#### January 2023 Payroll

NAME	POSITION	SALARY
SA, MP, MF, JB	Town Board Members	\$2,100/yr. each
Gary Mutchler	Town Budget Officer	\$1,000/yr.
Gary Mutchler	Supervisor	\$9,000/yr.
Ann Robson	Town Clerk/Tax Collector	\$16,800/yr.
Cathy Komarisky	Deputy Town Clerk	\$14.50/hr.
Rolland Dodge	Bookkeeper to Supervisor	\$9,000/yr.
Brian Dugan	Justice	\$6,600/yr.
Eron Klipple	Court Clerk	\$6,300/yr.
Heather Garner	Assessor	\$16,125/yr.
Patrick Doyle III	Code Enforcement Officer	\$9,720/yr.
Laura Wallenbeck	Historian	\$350/yr.
Thomas Olenych	Transfer Station Attendant	\$15.50/hr.
Mark Johnson	Ass't Transfer Station Attendant	\$15.50/hr.

William Hall	Highway Superintendent	\$63,000/yr.
Timothy Calhoun	MEO Heavy Deputy	\$25.00/hr.
Gary Haff	MEO medium	\$24.00/hr.
Brandon Swearingen	MEO Light	\$23.00/hr.
Richard Waldron	Laborer PT	\$19.00/hr.
Keith Welch	ZBA Chairman	\$400/yr.
Greg Otis	ZBA Vice Chairman	\$300/yr.
Zane Cramer	ZBA member	\$125/yr.
Howard Nelson	ZBA member	\$125/yr.
Eric Devan	ZBA member	\$125/yr.
John Malenick	ZBA alternate	\$50/yr
Ann Robson	Secretary to ZBA	\$14.50/hr.
Marilyn Post	Planning Bd Chairman	\$400/yr.
Melissa Alford	Planning Bd member	\$250/yr.
Peter Rogers	Planning Bd member	\$250/yr.
Andrew Miller	Planning Bd member	\$250/yr.
Michael Nolan	Planning Bd member	\$250/yr.
Cathy Komarisky	Secretary to Planning Board	\$14.50/hr.
Michael Whitten	BAR chairman	\$100/yr.
Ronald Curvin	BAR member	\$75/yr.
Kenneth Post	BAR member	\$75/yr.

11. 2023 Town of Scipio Meeting Schedule and Special Events. Motion made by Council Member Botsford, second by Council Member Allen. All in favor.

January 11 (Wed.)	Town Board Organizational Meeting, 7 pm
February 8 (Wed.)	Town Board Meeting, 7 pm
March 8 (Wed.)	Town Board Meeting, 7 pm
April 12 (Wed.)	Town Board Meeting, 7 pm
May 6 (Sat.)	Spring Clean-up Day, 9 am – 4 pm
May 10 (Wed.)	Town Board Meeting, 7 pm
June 14 (Wed.)	Semi-Annual Financial Records Review, 6:30 pm
	Town Board Meeting, 7 pm
July 12 (Wed.)	Town Board Meeting, 7 pm
August 9 (Wed.)	Town Board Meeting, 7 pm
September 13 (Wed.)	Town Board Meeting, 7 pm
September 18 (Mon.)	Deadline to submit budget requests
October 7 (Sat.)	Fall Clean-up Day, 9 am – 4 pm
October 11 (Wed.)	Town Board Meeting, 7 pm – Tentative Budget Review
November 7 (Tues.)	Election Day
November 8 (Wed.)	Town Board Meeting, 7 pm – Public Hearing 2024 Town Budget
December 13 (Wed.)	Town Board Meeting, 7 pm
December 27 (Wed.)	Semi-annual Financial Records Review, 6:30pm
	Town Board End of Year Meeting, 7 pm

12. Supervisor's Report

- a. Financials – Supervisor Mutchler reported there was a fund increase of \$339,802 in 2022, which will be invested in the new Money Market accounts.
- b. Town Attorney Jeff Eaton will email his monthly report to the town board. Supervisor Mutchler reported this should be for board members only and will not to be posted on the town website.
- c. Jeff Eaton is reviewing the court summons regarding the town's 2016 abandonment of Heally Rd.

d. Supervisor Mutchler and CEO Doyle will attend the Cayuga Economic Development Agency (CEDA) meeting next week.

13. Other Business - Nothing was presented.

14. Review of 2023 Abstract 1

a. **Resolution 2023-13** General Fund vouchers 1-15; total \$21,775.57 On a motion made by Council Member Allen, second by Council Member Botsford, be it resolved this resolution was:

Adopted	Ayes	3	Mutchler, Allen, Botsford
	Noes	0	

b. **Resolution 2023-14** Highway Fund vouchers 1-8, total \$13,180.05 On a motion made by Supervisor Mutchler, second by Council Member Botsford be it resolved this resolution was:

Adopted	Ayes	3	Mutchler, Allen, Botsford
	Noes	0	

15. Next Board Meeting – Wednesday, February 8, 2023, 7pm

16. Adjournment – On a motion made by Council Member Botsford the January 2023 Town Board of Scipio meeting was adjourned at 8:37pm.

Respectfully submitted,

Ann Robson  
Town of Scipio Clerk