

July 11, 2019
Town of Afton
County of Chenango

Present at the regular meeting were Supervisor John Lawrence, Councilmen Chris Warren, Robert Tallmadge, Calvin Tallmadge Absent was Jamie Baciуска, Highway Representative Kirk Hoyt, Assessor Caitlyn Brown DCO Amy Cross, Sanitation Officer Bailey DeBetta.

Visitors Judy and John Hinman, Roland Cross Dave Wylubski, Hon. Pam Wylubski, Charles Sherman, Dawn Baciуска, Cindy Baciуска and Joyce from HALOS.

Bills and Claims were audited and ordered paid as follows:

General Fund Claims # 97-112 totaling \$7521.95 as shown on General Fund Abstract #7 dated July 11, 2019 and

Highway Fund Claims # 78-92 in the Amount of \$64887.94 as shown on Highway Fund Abstract # 7 dated July 11, 2019

The regular meeting was called to order at 7 pm with the salute to the flag.

Motion to accept the minutes of the June 13, 2019 regular meeting was made by Robert Tallmadge seconded by Chris Warren approved

Motion to pay bill and claims made by Calvin Tallmadge seconded by Robert Tallmadge. Approved

Communications

Afton Lake Complaint concerning speeding on Lake Road was discussed.

Committee Reports

- Assessor Report a local law to require a PILOT Agreement for all Solar, Wind, Bio and Hydro installations to be adopted in conjunction with the NYS 487 Law. To be developed for the next meeting in August, 2019. Final roll is out and completed.
- Financial Reports were distributed.
- Justice Report Distributed. New JCAP grant to be requested by October 10, 2019.
- Sanitation Report some permits in process.
- Highway Report oral report given
- DCO Report distributed
- Historian Report distributed
- Building Report Parking Lot sealing has been completed and looks nice.
- Animal Response Team no activity

Old Business

Delaware River Solar Farm position is currently with the Chenango County Committee

Review motion and Law to change Highway Superintendent from and elected to an appointed position at the November Election as follows

Local Law #3 of 2019

“ A Local Law to change the Office of Highway Superintendent from and Elected Office to an Appointed Office”

- **Legislative Intent:** The Town of Afton desires to eliminate the elected position of Superintendent of Highways and replace it with an appointed position of Superintendent of Highways.
- **Statutory Authority:** This local law is enacted under the authority of Municipal Home Rule ss 10,22 and 23. The Town hereby expressly states its intention that this local law shall supersede any provision of the Town Law of the State of New York to the contrary, including but not limited to Town Law ss 20.
- **Purpose:** The purpose of this local law is to abolish the elected position of Superintendent of Highways and replace it with an appointed position of Superintendent of Highways in the Town of Afton.
- **Abolition of Elected Position: Creation of Appointed Position:** The elected position of the Superintendent of Highways in the Town of Afton is hereby abolished, effective January 1, 2020 The Appointed position of Superintendent of Highways in the Town of Afton is hereby created, effective January 1 , 2020.
- **Title:** This local law shall be incorporated in the Town of Afton's Code as a new Chapter thereof to be entitled “The Office of the Appointed Superintendent of Highways”
- **Transfer of Duties:** Except as set forth in Section 9, all duties, authority and power previously vested in the elected Superintendent of Highways shall be vested in the appointed Superintendent of Highways.
- **Residency Requirements:** The person holding the office of Superintendent of Highways in the Town of Afton, need not be a resident nor an elector of the Town of Afton, provided, however, that such person shall reside in Chenango County or in an adjoining County within the State of New York.
- **Supersession:** This local law shall supersede Town Law s 23(1) in its application to the office of Superintendent of Highways for the Town of Afton, Chenango County, New York.
- **Authority of Superintendent: Appointing Authority:**
 - a) The appointed Superintendent of Highways shall have such powers and shall perform such duties as are or hereafter may be conferred or imposed by law, and such further duties as the Town Board may determine not inconsistent with law. Any references contained in the Code of the Town of Afton to the Superintendent of Highways shall be construed as applying to the duly appointed Superintendent of Highways.

b) The Town Board shall be the appointing authority for all employees of the Town of Afton Highway Department.

- Term of Office and Filling Vacancy: The Appointed Superintendent of Highways of the Town of Afton shall serve for a term of tow (2) years, upon the terms and conditions determined by the Town Board, unless sooner removed by the Town Board in a manner provided for in this local law. A vacancy in the Office of the Superintendent of Highways shall be filled by the Town Board for the unexpired term in the manner provided by law.

- Salary and Removal of the Highway Superintendent:

A) The Salary of the Highway Superintendent shall be fixed by the Town Board and shall be payable in such installments and at such intervals as the Town Board shall determine, which may be modified by resolution of the Town Board from time to time.

b) The Town Board may remove the Highway Superintendent for malfeasance or misfeasance in office upon written charges presented to the Town Board in the form of one or more affidavits. The Highway Superintendent shall have an opportunity to appear before the Town Board and be heard. Copies of any such charges shall be served upon Highway Superintendent accused thereby at least ten (10) days before his/her appearance before the Town Board.

- Mandatory Referendum: This Local Law shall be subject to a mandatory referendum to be held at the next regularly scheduled General Election on November 5, 2019.

- Effective Date: this local law shall take effect upon the affirmative vote of a majority of the qualified electors voting therein at such General Election on November 5, 2019, and the filing with the Office of the Secretary of State in accordance with the applicable provisions of law on January 1, 2020.

Motion made by Chris Warren seconded by Robert Tallmadge Approved.

Joining of Upstate Towns Association not at this time.

New Business

Review of Court Constable Position to be postponed for the gathering of more information

Recognition of Visitors

Motion to Adjourn at 8:24 PM by Calvin Tallmadge seconded by Chris Warren Approved

Respectfully submitted by

Rosemarie A Klatz
Clerk of the Board