

**Town of Lincoln**  
6886 Tuttle Road, Canastota, NY 13032  
**Town Board Meeting**

April 14, 2021

**Call to order time: 7:06pm**

**Pledge of Allegiance**

**Members Present:** Supervisor Yvonne Nirelli, Councilmember Russell Blanchard, Councilmember Jayne Black, Councilmember Melissa During, Councilmember Doug Holdridge

**Member Apologies:** None

**Others in Attendance:** Town Clerk, Amy Becker, Attorney James Stokes, HWS Anthony Domenicone, Tyler Farwell, Jenn Farwell

**Others in Attendance Via Zoom:** Chuck Ghosin, Peg LeClair, Bob Roberts, PM Becker, Mat Spendley, D. Domenicone

Supervisor Nirelli welcomed everyone tonight.

**RESOLUTION #43-2021:** Councilmember Russ Blanchard made a motion to accept the March Minutes with the corrections of DOR, “touch to touch”, “Fuscillo to Fusillo”, and “harassments to harassment”.

Councilmember Doug Holdridge seconded the motion.

Carried unanimously.

**Clerk’s Report:** Read by Amy Becker, Town Clerk

**RESOLUTION #44-2021:** Councilmember Doug Holdridge made a motion to accept the March Clerk’s Report

Councilmember Jayne Black seconded the motion.

Carried unanimously.

**Highway Supervisor’s Report:** Read by HWS Tony Domenicone, swept about half of the town, trimmed branches, met with OCWA to check on water meter/leaks.

**Code Officer’s Report:** Turned into clerk, emailed to Councilmembers on file at TOL.

**Dog Officer’s Report:** Turned into clerk, emailed to Councilmembers on file at TOL

## **Supervisor's Financials Report:**

**March General Fund:** Beginning Balance: \$115,712.74, Receivables: \$13,570.02  
Disbursements: \$46,031.41, General Savings: \$504,396.06, Ending Balance:  
\$83,251.35

**March Court Fund:** Beginning Balance: \$3,332.00, Distributions: \$1,751.25,  
Receivables: \$1,721.00, Ending Balance: \$3,301.75

**March Highway Fund:** Beginning Balance: \$263,408.46, Receivables: \$3,792.00  
Disbursements: \$17,171.94, Savings: \$437,050.89, Ending Balance: \$267,200.46

**Street Lighting Fund:** Beginning Balance: \$7,278.58, Receivables: \$.12  
Disbursements: \$163.40, Ending Balance: \$7,115.30

**RESOLUTION #45-2021:** Councilmember Russell Blanchard made a motion to accept the  
Supervisor's Report

Councilmember Jayne Black seconded the motion.

Carried unanimously.

Proposed under green energy we can changed the street lighting to LED, and can get reimbursed for this. HWS stated that National grid has been changing them out as they expire.

Supervisor Nirelli had a couple of updates from Madison County. The rescue America Stimulus is proposing for Madison County an estimated \$14 million. Disbursing into the TOL \$210,000.00. The State is still working out the parameters. Also, MCHS Joe Wysinski had been working with the state to get the CHIPS money back from the State.

## **Correspondence:**

- Supervisor Nirelli thanked everyone on the Board for all their help with the Easter basket giveaway. ‘
- The Town has had a Purchase office for the Old schoolhouse from Jenn and Tyler Farwell for \$30,000.00
- April is Sexual Assault Awareness month.

## **Old Business:**

- A. Supervisor Nirelli jumped into Old Business to discuss the Spectrum Agreement as Attorney Jim Stokes has another meeting at 8pm. Attorney Stokes stated that they would agree to all provisions with the passing of a local law requiring work permits with respect to Town of Lincoln Roads and Highways. A draft Local Law follows here:

# Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

**County**  
**Village**

of Lincoln

**Town**  
**City**

Local Law No. \_\_\_\_\_ of the year 2021.

A local law requiring work permits with respect to Town of Lincoln roads and highways  
(Insert Title)

Be it enacted by the Town Board of the

**County**  
**City**

of Lincoln as follows:

**Town**  
**City**

## Section 1 Purpose

Town highways and the rights-of-way associated with them represent substantial assets of the Town of Lincoln. The Town Board is the trustee for these public thoroughfares, and the Town Board recognizes its obligation to protect the public health, safety and welfare of its residents and the public in general by insisting that any work performed in these highways, including, but not limited to, the placement of utility poles, lines, wires, guy wires and appurtenant facilities, be performed in a professional manner, with the work being completed as safely and expeditiously as possible. In order to attain this goal, the Town Board finds that it is necessary to enact a local law requiring those performing work in Town highways to obtain permits from the Town so that the Town can adequately monitor the work performed and ensure that it is performed with as least disruption to the public as possible, in as safe a manner as possible and returned to the way it was before the construction began.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

## Section 2 Permits

Any person, institution or corporation desiring permanent or temporary access to a town highway shall obtain a town highway work permit from the Town Highway Superintendent prior to the commencement of construction. No person shall excavate in, under, over or through a Town Highway. Place any objects or facilities within a Town Highway, or perform any construction within or

otherwise interfere with a Town highway without first obtaining a permit for such work from the Highway Superintendent. Any such work performed shall fully comply with all conditions under which said permit is granted.

A. Application:

- (1) Applications for highway work permits shall be on such forms as determined and supplied by the Town Highway Superintendent and shall include such information as may be determined necessary by the Highway Superintendent to determine compliance with this local law and any other applicable codes, rules and regulations.
- (2) The applicant shall furnish with the application maps and plans detailing the work to be performed and the specific location of the work for which approval is requested. The Town Highway Superintendent may require such other additional documentation including but not limited to photographs, surveys or reports as the Highway Superintendent in his sole discretion shall deem appropriate.
- (3) All applicants for permits shall give at least two weeks' notice, in writing, to the Highway Superintendent, specifying the place, kind and approximate size of the excavation or work and the time required to do the work, except in cases of emergency, such as the breaking of a public utility, in which case such notice shall be given to said Highway Superintendent as soon as possible and the applicant shall give prompt notice of the completion of its work to the Highway Superintendent.

B. Issuance. At a reasonable time after the submission of a completed application, appropriate fee, as determined from time to time by resolution of the Town Board, and additional documentation, if necessary, the Town Highway Superintendent shall determine whether the application is in compliance with the provisions of this local law. Should compliance be determined, the Highway Superintendent shall issue a permit for the construction as specified on the application. An incomplete application or lack of sufficient information shall be cause for denial of the permit.

### Section 3

### Definitions

For the purposes of this local law, the following words, phrases and terms and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular, words used in the singular number include the plural, and words in the masculine include the feminine. The word "shall" is always mandatory and not merely directory.

#### **HIGHWAY SUPERINTENDENT**

The Highway Superintendent of the Town of Lincoln.

#### **PERSON**

Any person, firm, partnership, association, corporation, company or organization of any kind.

#### **TOWN**

The Town of Lincoln.

## **TOWN BOARD**

The Board of the Town of Lincoln.

## **TOWN HIGHWAY**

All the land, public fixtures, public improvements and public facilities used, maintained or held for highway purposes located within the boundary lines of any real property within, upon, over and/or under which the Town has a right or interest, whether pursuant to ownership in fee, by easement, by permission, by use, by possession or by statute, irrespective of whether such property has been formally conveyed or dedicated to the Town or offered for dedication but not yet accepted or laid out by the Highway Superintendent. The term "highway" includes a street, avenue, road, square, place, alley, lane, boulevard, concourse, parkway, driveway, overpass and underpass and also includes all items appurtenant thereto, including but not limited to bridges, culverts, ditches, shoulders, signs, signals and sidewalks.

### Section 4 Exceptions

This local law shall not apply to the following:

- A. Any construction or excavation which has been contracted for by the Town Board or approved by the Town Board pursuant to another local law, ordinance, regulation or resolution.
- B. Highway repairs and maintenance performed at the direction of the Highway Superintendent.

### Section 5 Insurance and Indemnification Requirements

- A. The permittee shall be responsible for all damages resulting in bodily injury, including death, and/or property damage liability due to the installation, maintenance, use or existence of any facility of the permittee, or which arises out of the activities of the permittee, its contractors, subcontractors of either or both, agents or employees, in connection with any act or omission hereunder, and the permittee does hereby expressly agree to indemnify and save harmless the Town of Lincoln and/or the Highway Superintendent of the Town of Lincoln, and his representatives and employees, from any claims, suits, actions, damages and costs of every name and nature and description, arising out of or resulting from any act or omission hereunder of either the permittee or the Town of Lincoln and its agents and employees, and the permittee does hereby further expressly agree to pay any damages because of injury to or destruction of part or all of any Town Highway owned and maintained by the Town of Lincoln, or which may be caused, directly or indirectly by any occurrence and arising out of the existence, maintenance or use of any facility or the matter and contents thereof as such facility, matter and contents are authorized for the installation, connection, maintenance, transportation or transmission on and across any Town highway.
- B. The permittee shall obtain a protective liability insurance policy issued to and covering the liability of the Town of Lincoln, the Town of Lincoln Highway Department and the Highway Superintendent, with respect to all operations under this permit by

the permittee or by anyone acting by, through or for the permittee, including omission and supervisory acts of the Town of Lincoln. The limit of liability in such policy shall be not less than \$1,000,000 for all damages arising out of bodily injury (including death) and property damage. Such policy shall state that it will not be changed or canceled until 30 days written notice has been given to the Highway Superintendent or his representative. Unless expressly waived, in writing, by the Highway Superintendent, or his representative, the permittee shall furnish with the application filed, in order to obtain this permit, a certificate of insurance verifying the amounts of protective liability insurance. The enumeration in this permit of this kind and amount of insurance shall not abridge, diminish or affect the permittee's legal responsibility for the consequences of accidents arising out of or resulting from the operations of the permittee under this permit.

#### Section 6.

#### Fees and deposits.

- A. A cash undertaking or a certified check in an amount determined by the Highway Superintendent shall be deposited with the Supervisor of the Town of Lincoln at the time of the issuance of this permit, which shall be deemed, and shall be used as security so that the highway, or any part thereof, will be restored to its original condition where disturbed at the expense of the permittee, and as soon as the work has been completed, and the Highway Superintendent or his representative is hereby authorized to expend all or as much of such deposit as may be necessary for that purpose should the permittee neglect or refuse to perform the work.
- B. The permittee shall be responsible for any and all claims and damages arising out of operations by this permit which may result because of any dangerous conditions created by the existence of any debris or obstruction left on the pavement or roadside during the progress of the work which may be either within the highway, right-of-way or on adjacent property. Should the Highway Superintendent or his representative discover any hazardous condition so created, he may issue verbal instructions or written notice to the permittee to eliminate the cause. In the event that the permittee fails to take immediate action to remove such hazardous condition, the Highway Superintendent reserves the right to take such action as he may deem necessary to safeguard the public. All cost resulting therefrom shall be paid by the permittee and shall be deducted from any deposit on file or any surety given by the permittee. In the event that the expenses exceed the amount of any surety bond or deposit, the permittee shall promptly pay the balance due.

#### Section 7

#### General rules and regulations.

The applicant shall comply with the following rules and regulations.

- A. Work authorized by this permit shall be commenced within 30 days from the date of permit and shall be performed in a workmanlike and expeditious manner without unreasonable delay or interference with public travel. The permittee shall provide all necessary and suitable safeguards so as to reduce to an absolute minimum any dangerous condition hazardous to life, limb or property.

- B. The permittee shall submit, with the application filed in order to obtain a permit to said Highway Superintendent, or his representative, a detailed plan of any structure(s) or facilities to be built, placed or installed, if any, with a description of the proposed method of construction before any work hereunder is started.
- C. Traffic shall be maintained and flagmen provided by the applicant and/or permittee during the period of time the work is in progress and until its final completion. The applicant and/or permittee assume full responsibility for all traffic control and are required to place adequate warning signs at least 300 feet on each side of the work site.
- D. The permittee expressly agrees that the rights of abutting property owners in fee to the center line of the Highway shall not be encroached upon, and that any utility and communications lines, wires and pipes, including drainage, sewer and/or water pipes or appurtenances which are laid under this permit shall be placed at least four feet below, and in such a manner as in no way to interfere with the pavement, shoulders or drainage ditches of the Highway. Upon the completion of the work, the highway shall be left in as good condition as before the work was performed and to the complete satisfaction of the Highway Superintendent.
- E. The applicant and permittee agree to keep in good repair all pipes, hydrants or appurtenances which may be placed within the bounds of the highway under the terms of this permit, and agrees to save the Town harmless from any and all damages which may accrue by reason of and location in the highway whether due to the negligence of said permittee or the negligence of the Town of Lincoln, its agents, servants and employees, and upon notice from the Highway Superintendent, said permittee agrees to make any and all repairs required for the protection and preservation of the highway; and said applicant and permittee further agrees that upon the failure of said applicant, and/or permittee to make such repairs, they may be made by the highway Superintendent at the sole expense of the applicant and such expense shall be a prior lien upon the land benefited by and from the use of the highway for such pipes, hydrants and appurtenances. It is further agreed by the applicant and permittee that any injury or disturbance of the paved portion of the highway, its shoulders or drainage ditches, which may occur hereafter by reason of the laying of any drainage, sewer or water pipes and their appurtenances, shall be repaired and at the expense of the applicant and permittee and to the complete satisfaction of the Highway Superintendent.
- F. Written permission to close a road to traffic must first be secured from the Highway Superintendent, and such permission shall only be valid for the time specified. Such written approval may require the permittee to give notification of such closing to various public agencies and to the general public.
- G. All openings shall be covered or filled overnight unless permission is obtained from the Highway Superintendent and the opening is adequately protected. The applicant shall open no greater part of such road than shall be reasonably necessary.
- H. Any road, when opened and excavated, shall be promptly backfilled and restored to specifications approved by the Highway Superintendent.
- I. Where multiple openings are made, the applicant shall resurface with one strip to prevent a washboard effect.





**RESOLUTION #46-2021:** Councilmember Russ Blanchard made a motion to schedule a Public Hearing for May 12, 2021 at 7:20pm for the above proposed Local Law

Councilmember Jayne Black seconded the motion.

Carried unanimously.

**RESOLUTION #47-2021:** Councilmember Doug Holdridge made a motion to schedule a Public Hearing for May 12, 2021 at 7:30pm for the Spectrum Agreement.

Councilmember Russell Blanchard seconded the motion.

Carried unanimously.

**Correspondence Continued:**

- Supervisor Nirelli stated that Public Service Recognition Week is May 2<sup>nd</sup> to May 7<sup>th</sup>
- The Highway Software has been ordered.

**Old Business Continued:**

- B. Construction for the Water District will hopefully start the first or second week of May.
- C. The interest survey can now be sent out to the remaining of the Town of Lincoln by the end of the Month of April. Doug Holdridge asked to have a signature line added on the response cards.
- D. Sexual Harassment forms need to be signed and turned in to the Town Clerk asap.

**New Business:**

- A. There will be a Wind/Solar Planning Board meeting on Tuesday April 27<sup>th</sup> at 7pm to specifically discuss wind and solar. The Town Board will meet at 6pm on May 12<sup>th</sup> to review.

**RESOLUTION #48-2021:** Councilmember Russell Blanchard made a motion to move the Town Board Meeting time to 6pm on May 12, 2021

Councilmember Melissa During seconded the motion.

Carried unanimously.

Supervisor Nirelli discussed with the Board the elimination of the second Judge position on our ballots for the future.

- B. Discussion on the removal of the Judge Position.

**RESOLUTION #49-2021:** Councilmember Doug Holdridge made a motion for a Public Hearing to eliminate the second position of Town Justice on May 12<sup>th</sup> at 7:50pm

Councilmember Russell Blanchard seconded the motion.

Carried unanimously.

- C. Supervisor Nirelli wanted to discuss the purchase of HW surplus Acquisition from Madison County. HWS got a walk behind stone plate tamper from the Highway for \$350.

Supervisor Nirelli also went over last month's HW discussion of a letter expression concerns of the Limestone dust spread on the roads in the winter. HWS Tony responded stating that he does not use that, he uses a washed 1B stone that all of Madison County uses, except for the Town of Lenox who uses pure salt. Tony looked into using pure salt, stating it would cost \$50,000 more a winter and he would need twice the road repair budget as pure salt would destroy the roads.

Also discussed was HWS purchase on an Auction bid of \$21,500 without proper authority and was asked to follow proper procurement agreements in the future.

**RESOLUTION #50-2021:** Councilmember Russell Blanchard made a motion to purchase a New Holland Tractor from Auctions International for \$21,000.

Councilmember Melissa During seconded the motion.

Carried unanimously.

RECORD OF VOTE

MEMBER NAME	AYE	NAY	ABSTAIN	ABSENT
Supervisor Yvonne Nirelli	X			
Councilmember Doug Holdridge	X			
Councilmember Jayne Black	X			
Councilmember Russ Blanchard	X			
Councilmember Melissa During	X			

D. HWS Tony Domenicone discussed his seasonal winter hire would like to fill the full-time yearly position when his position ends in April.

E. HWS Tony Domenicone would like to list excess equipment on Auctions International.

**RESOLUTION #51-2021:** Councilmember Russell Blanchard made a motion to sell the following equipment: 1979 Osh-Kosh Plow Truck, 2000 Autocar Dump Truck, 1972 Cat 14E Grader, 1988 Ford 4610 Tractor, 1991 Ford 7710 Tractor, Brush hog 7ft Offset Mower, Buyers Pickup Style Salt Spreader, Military Hyd Winch, and a Military Fifth Wheel Plate.

Councilmember Jayne Black seconded the motion.

Carried unanimously.

RECORD OF VOTE

MEMBER NAME	AYE	NAY	ABSTAIN	ABSENT
Supervisor Yvonne Nirelli	X			
Councilmember Doug Holdridge	X			
Councilmember Jayne Black	X			
Councilmember Russ Blanchard	X			
Councilmember Melissa During	X			

F. HWS Tony Domenicone would like to buy or replace:

- Boom Arm Mowing Tractor
- Dump box on the 2012 Dodge 5500, he is getting quotes now.
- Rear flail mower for roadside mowing tractor
- Possibly replace lawn mower

G. HWS Tony Domenicone stated 20% of what the DOT withheld last year, they will give us back 95%, appx \$15,000. He stated would like to roll it over and use it this year. The Board needs to decide.

H. HWS Tony Domenicone also went over the 284 agreement.

- When the bill is paid for the Emergency Management plowing, Tony would like the money put back into the new equipment reserve so it will pay for the pusher blade that was purchased.
- HWS Tony Domenicone asked that the \$100,000.00 left over from last year's budget be rolled into this year's road budget. He can pave 1.7 miles of road, and seal 2 miles and replace the culvert on Ray Road.
- Bruce Road – 9/10 mile, replaced, \$113,697.09
- Alene Corner's Road – .67 miles, hot mix 2in overlay \$68,904.00
- Old County Road –Whitman towards Timmerman (2 miles) type 2 micro seal \$45,000
- Forest Ave-Burleson to Town Line .5 miles 1a Oil and Stone \$9,000
- Whitman Road-5/10 mile – Shim pave and fix holes, \$14,120
- Eddy Road-3/10 mile – 1" hot mix overlay, \$13,600

**RESOLUTION #52-2021:** Councilmember Russell Blanchard made a motion to approve HWS 284 as proposed to the Board

Councilmember Doug Holdridge seconded the motion.

Carried unanimously.

RECORD OF VOTE

MEMBER NAME	AYE	NAY	ABSTAIN	ABSENT
Supervisor Yvonne Nirelli	X			
Councilmember Doug Holdridge	X			
Councilmember Jayne Black	X			
Councilmember Russ Blanchard	X			
Councilmember Melissa During	X			

**RESOLUTION #53-2021:** Councilmember Russell Blanchard made a motion go into Executive Session at 9:22pm

Councilmember Jayne Black seconded the motion.

Carried unanimously.

**RESOLUTION #54-2021:** Councilmember Jayne Black made a motion Exit Executive Session at 10:15pm

Councilmember Russell Blanchard seconded the motion.

Carried unanimously.

**Decisions:**

- To continue to list the property and keep the offer. They can submit the offer in through the realtor.

**RESOLUTION #55-2021:** Councilmember Russell Blanchard made a motion to accept the new Medical Self-Insurance Plan Single Coverage 75/25 employee for Brett and all new hires. Excellus Bronze Plan for Health Reimbursement and to also cancel the Health Savings Account.

Councilmember Doug Holdridge seconded the motion.

Carried unanimously.

**RECORD OF VOTE**

MEMBER NAME	AYE	NAY	ABSTAIN	ABSENT
Supervisor Yvonne Nirelli	X			
Councilmember Doug Holdridge	X			
Councilmember Jayne Black	X			
Councilmember Russ Blanchard	X			
Councilmember Melissa During	X			

- Supervisor Nirelli will reach out to HWS Tony Domenicone to let him know his seasonal worker can become permanent on May 1, 2021
- Supervisor Nirelli stated that the next meeting will be May 12, 2021 at 6pm via zoom

**RESOLUTION #56-2021:** Councilmember Jayne Black made a motion for payment of claims.

Councilmember Russell Blanchard seconded the motion.

Carried unanimously.

**RESOLUTION #57-2021:** Councilmember Russell Blanchard made a motion to end the meeting

Councilmember Jayne Black seconded the motion.

Carried unanimously.

**Meeting was adjourned at 10:22 pm.**