

ORWELL TOWN BOARD
Regular Meeting
Orwell Town Hall
1999 County Route 2, Orwell, New York
April 9, 2019
7:00 PM

Members Present:
Supervisor William Potter
Councilmen: Nicholas Marshall, Ryan Jones, Jeffrey Graham, David Lake
Also Present:
Oswego County Legislator-Milferd Potter
Highway Superintendent-Doug Henry
NOCA Representative - Robert Trainham
Code Enforcement Officer-John Howland
Water Operator-Eric Pappa
Town Clerk-Rebecca Trudell
Dog Control Officer-Sтивен Cronk
Public Present: Jessica Steele, Carl Anson Jr.

Supervisor William Potter opened the Public Hearing (proposed Local Law #1-2019 Prohibiting Tobacco and E-Cigarette Usage and Smoking Inside Town Buildings and Vehicles Owned by the Town of Orwell) for Public Comment at 6:45PM. Public present

Supervisor Potter closed the Public Hearing at 7:00 PM and opened the Regular Meeting with the Pledge of Allegiance to the Flag.

RESOLUTION #3-2019

Establishing the Workplace Tobacco Use, E-Cigarette and Smoking Policy

WHEREAS, the Town of Orwell adopted Local Law #1 of 2019 - A Local Law Prohibiting Tobacco and E-Cigarettes Usage and Smoking Inside Buildings and Vehicles Owned or Leased by the Town of Orwell on April 9, 2019 and was filed with the New York State Department of State on April 10, 2019 for the purpose of promoting and protecting the public health, safety and welfare of the Town of Orwell.

WHEREAS, the Town of Orwell desires to establish such policies as follows:

1. Consistent with Local Law #1 of 2019, smoking, tobacco use and the use of e-cigarettes is prohibited in all Town owned or leased buildings or vehicles.
2. Signage consistent with the local law shall be posted on all Town owned or leased property, with the Buildings and Grounds Department being responsible for posting and maintenance of the same.
3. A written copy of this policy shall be given to all employees with an employee acknowledgment for signature.

4. Employees who smoke in Town owned or leased buildings or vehicles in violation of the local law and this policy will be subject to appropriate disciplinary procedures. Violations of the local law and this policy may also constitute violations of the NYS Clean Indoor Air act of 1994, Public Law 103-227, Title X, Part C, the enforcement of which shall be handled by the appropriate agency.
5. Each department head and/or his or her designee shall be responsible for the following:
 - Providing a copy of this policy to department employees;
 - Having employees sign the attached acknowledgment, acknowledging receipt of the property and retaining a copy of the same in the employee's personnel file;
 - Informing individuals who enter the property that smoking, tobacco use and the use of e-cigarettes is prohibited in all buildings and vehicles owned or leased by the Town;
 - Taking disciplinary action against employees who violate this policy following a verbal or written warning or counseling memo;
 - Make a good faith effort to ensure that the general public, including vendors, contractors and other patrons comply with this policy.
6. The Town Board of Town of Orwell is the enforcement agency for the local law. Any person who desires to make a complaint to the Town Board may call the Town Clerk at (315) 298-3236.
7. Employees who believe there is or has been a violation of this policy should notify their direct supervisor or department head. If the department head is able to verify a violation has occurred, the department head may make a complaint to the Town Board by calling the Town Board at (315) 298-3236. Nothing in this policy serves to prevent an employee or member of the public from making a complaint to the enforcement body directly.

DEFINITIONS:

"Town employee" is defined for purposes of this policy as a full or part-time employee or an elected official of the Town of Orwell.

"Tobacco use" consistent with the Local Law means the burning of a lighted cigar, cigarette, pipe, bidi or any other matter or substance which contains tobacco and/or nicotine, and the chewing, holding in the mouth, and/or expectorating of any forms of chewing or dipping tobacco, or any other substance which contains tobacco, including, but not limited to snuff or other dissolvable tobacco products.

"E-Cigarette" shall mean any electronic device composed of any combination of a mouthpiece, heating element, battery, atomizer, cartridges and electronic circuit that provides a vapor of liquid nicotine, tobacco and/or other substances mixed with propylene glycol or other chemical components to the user as he or she simulates smoking and shall include such devices whether manufactured as e-cigarettes, e-cigars, e-pipes, or under any other product name.

"Smoking" is the inhaling or exhaling the smoke or vapor of burning, lit or heated tobacco or nicotine or any tobacco or nicotine substitute or plant product in the form of a cigarette, cigar, bidi or any other smoke or vapor producing product or device, including pipes and e-cigarettes, as well as the carrying of any burning tobacco or nicotine or any tobacco or nicotine substitute or plant product in such forms.

NOW, THEREFORE, upon motion made by Councilman Jeffrey Graham and seconded by Councilman Ryan Jones, **BE IT RESOLVED** as follows:

William Potter, Supervisor	AYE
David Lake, Councilperson	AYE
Jeffrey Graham, Councilperson	AYE
Ryan Jones, Councilperson	AYE
Nicholas Marshall, Councilperson	AYE

REPORTS:

-Code Enforcement Officer - John Howland submitted his report for March. CEO Howland will be decreasing his office hours from Monday and Friday to Mondays. He will email building permit application to Supervisor Potter to have added to the town's website. Councilman Graham asked CEO Howland how he gets applications to people now. CEO Howland explained that he usually meets them, at the property and then mails or emails them.

-Oswego County Legislator Potter read his report, the County agenda can be found on the Oswego County Website.

-Water Operator - Eric Pappa reported water usage has stayed between 26,000 and 27,000 gallons per day. There is a water leak under the town barn that needs to be repaired. Highway Superintendent Henry will repair the leak.

- Highway Superintendent - Douglas Henry handed in the equipment repair cost report for January and went over the highway bills.

- The Grade-All has been repaired and was \$60 less than the estimate.
- Oswego County sent a bill for \$3,800 for sand.
- The Highway Dept. will be switching to 4 10 hour days / week on April 15th.
- A truck was borrowed from Boylston in order to finish cleaning intersections.

- Tug Hill Commission Representative Paul Baxter submitted his report via email for the month of March.

- Tug Hill Commission's Local Government Conference was held at Jefferson Community College on March and was well attended.
- The Commission's annual report is now out and has been distributed.
- The County Tourism Advisory Council meeting will be held on Tuesday, April 16 at the Tailwater Lodge.
- The 2019 Invasive Species Symposium will be held on Thursday, June 20 at the Tailwater Lodge.

- Oswego County will be holding a public presentation on the Multi-Jurisdictional Hazard Mitigation Plan on Wednesday, April 17 at the County Legislative Chambers.

- NOCA Representative Trainham gave his report for March.

DISCUSSION:

a) Purchase of Floor Machine & Extractor - The Town has been borrowing a floor machine from the Sandy Creek School District but will not be able to continue borrowing it. Supervisor Potter suggested purchasing one which will cost \$1,581.00. Councilman Graham asked if renting a machine would be possible. Supervisor Potter explained that it would not be cost effective to do so.

-A motion was made by Supervisor William Potter to purchase a floor machine & extractor. With no second, motion fails.

b) Siding Repairs - Jason Rossman will be replacing the missing siding on the Town Hall but needs to purchase more. The siding blew off during a recent storm.

c) Vestibule Repairs - Jason Rossman needs to replace 3-4feet of the subfloor in the vestibule then replace floor tiles.

d) Old Home Day Insurance Costs - The Old Home Day event is not covered under the town's regular insurance policy. A separate policy needs to be purchased for the event. With the addition of the bounce houses this year, the policy will cost \$500. Supervisor Potter would like the town to pay half of the cost and the Old Home Day Committee will pay half.

- A motion was made by Councilman Ryan Jones and seconded by Councilman Jeffrey Graham to pay \$250 to the Old Home Day Committee for half of the cost of the Old Home Day Insurance Policy. (5 Ayes) Motion carries.

Public Comments:

Robert Trainham asked why the town needed to pass a Smoking law when there is a state law for the same purpose. Supervisor Potter said the local law is more lenient than the state law.

Jessica Steele expressed concern that the consequences listed in the policy may cause employees to hesitate or refuse to sign the policy. Highway Superintendent Henry also expressed his concerns with the policy.

CORRESPONDENCE: Supervisor Potter read the correspondence received since last month's meeting. Supervisor Potter has received the Headwaters Annual Report and CITI newsletter.

- A motion was made by Councilman Jeffrey Graham and seconded by Councilman David Lake to approve the minutes of the March Regular Meeting. (5 Ayes) Motion carries.

-A motion was made by Councilman Jeffrey Graham and seconded by Councilman Nicholas Marshall to approve the Town Clerk's Report for March. (5 Ayes) Motion carries.

- A motion was made by Councilman Ryan Jones and seconded by Councilman David Lake to approve the Supervisor's Monthly Report for March. (5 Ayes) Motion carries.

- A motion was made by Councilman Nicholas Marshall and seconded by Councilman Ryan Jones to approve payment of the following claims. (5 Ayes) Motion carries.

General Fund Abstract #4	Claims # 22-29D	\$ 5,716.97
Highway Fund Abstract #4	Claims #37- 49	\$27,817.73
Water Fund Abstract #4	Claims #9- 12	\$ 835.34

- A motion was made by Councilman Nicholas Marshall and seconded by Supervisor Potter to adjourn the meeting at 7:55PM. (5 Ayes) Motion carries.

Submitted May 8, 2019.

Rebecca Trudell
Orwell Town Clerk