

MINUTES OF THE REGULAR TOWN BOARD MEETING

Tuesday, April 11, 2017

AT 7:00 PM

PERSONS PRESENT	TOWN BOARD	Supervisor, Merilee Walker Councilperson, William Mann Councilperson, Michael Hillier Councilperson, James Forrester Councilperson, Randall Morris
	RECORDING CLERK	Cheyenne DeMarco
	PERSONNEL	CEO, Mark Mullikin Hwy. Supt., Rick Moran, <i>Absent</i> Historian, Valerie Griffing Assessor, Brian Knapp, <i>Absent</i>
	VISITORS	Dana Wood

CALL TO ORDER Supervisor Walker called the meeting to order at 7:00 PM. Roll call was taken with Michael Hillier absent.

PLEDGE TO THE FLAG All persons stood as councilperson Randall Morris led the pledge.

APPROVAL OF MINUTES A motion was made to adopt the regular Town Board minutes of 03/18/2017. The motion was made by Jim Forrester seconded by Bill Mann and carried 4-0.

Mike Hillier entered meeting at 7:02 PM.

CHANGES TO AGENDA None.

PRIVILEGE OF THE FLOOR None.

CEO Mark reviewed his March written report. Some proposed homes are coming up. Mark spoke with local home builders to make sure they're meeting code requirements. Mark spent a week at RIT for the annual code enforcement conference.

Mark passed a draft of a new permit/project schedule of fees to the board, stating that most of his proposed changes were about combining separate fees where he believes they should be the same, for an example double wide's and mobile homes were two separate fees but Mark considers them both to be a single-family dwelling and suggested they both be charged as such. Mark suggested the removal of some permits that are never used and further

MINUTES OF THE REGULAR TOWN BOARD MEETING

Tuesday, April 11, 2017

AT 7:00 PM

recommends the removal of the fee for a demolition permit. Mark states it is just a matter of formality of requiring it to be filed in the office with Code Officer who then informs the Assessor, but if someone is going to improve their property by demolishing a broken-down building than Mark doesn't see why that has to be charged to the person since it is bettering the community. Mark also proposes that the Town do away with a failed to be inspected fee, and just apply an increased penalty fee to their permit fee.

Bill Mann asked if this fee schedule puts the Town in line with their neighboring towns? Mark answered it would put them in line with the Village of Nunda who passed a resolution to accept Mark's proposed fee schedule, and it would put the town in line with the majority of towns in the county.

Resolution No. 3

Revised Town of Nunda Permit Fees 2017

WHEREAS, the Nunda Town Board approves the revised schedule of permit/project fees as written and presented by Town Code & Zoning Officer, Mark Mullikin.

BE IT FURTHER RESOLVED, that the Nunda Town Board approves the revised Town of Nunda permit/project fees to be in effect immediately.

A motion was made to adopt Resolution No. 3-2017. Motion was made by Mike Hillier, seconded by Jim Forrester and carried 5-0.

HISTORIAN

Val submitted her written report which included her continued research in old newspapers and penny savers. Also, her continued effort to organize the list of veterans in the Nunda/Portage vicinity. A new source of information popped up on the Dalton-Nunda Central School Facebook Friends link. It was asked that if you were in the military to list your branch of service. About two dozen people have responded so far, with additional information and pictures. Val states that the Facebook Friends link was a wonderful resource and is especially helpful since most of the entries are from mid-1970's to the present, the segment of time for which Val had nothing to work with.

The county historian is organizing an exhibit to commemorate World War I that will begin on May 4th at the Arts Center on Murray Hill. At this time, Nunda has little to offer the exhibit.

ASSESSOR

No report.

COMMUNICATIONS

Supervisor Walker reviewed the following communications:

MINUTES OF THE REGULAR TOWN BOARD MEETING

Tuesday, April 11, 2017

AT 7:00 PM

- i. *Public hearing.* Tonight's public hearing is scheduled to open at 7:30 PM to review and potentially pass the renewal of Cable Television Franchise by Charter Communications franchise agreement.
- ii. ***Resolution No. 4 of 2017***
Adoption of the 2017 Livingston County, NY All – Hazards Mitigation Plan.

WHEREAS, all jurisdictions within Livingston County have exposure to natural hazards that increase the risk to life, environment, and the County and local economy; and

WHEREAS, pro-active mitigation of known hazards before a disaster event can reduce or eliminate long-term risk to life and property; and

WHEREAS, The Disaster Mitigation Act of 2000 (Public Law 106-390) Established new requirements for pre-and post-disaster hazard mitigation programs; and

WHEREAS, a coalition of Livingston County municipalities with like planning objectives has been formed to pool resources and create consistent mitigation strategies within Livingston County; and

WHEREAS, the coalition has completed a planning process that engages the public, assesses the risk and vulnerability to the impacts of natural hazards, develops a mitigation strategy consistent with a set of uniform goals and objectives, and creates a plan for implementing, evaluating and revising this strategy;

NOW, THEREFORE, BE IT RESOLVED that the Town of Nunda:

1. Adopts in its entirety, the 2017 Livingston County All-Mitigation Plan as the jurisdictions Hazard Mitigation Plan, and resolves to execute the actions identified in the Plan that pertains to this jurisdiction.
2. Will use the adopted and approved portions of the Plan to guide pre- and post-disaster mitigation of the hazards identified.
3. Will coordinate the strategies identified in the Plan with other planning programs and mechanisms under its jurisdictional authority.
4. Will continue its support of the Mitigation Planning Committee as described within the Plan.
5. Will help to promote and support the mitigation success of all participants in this Plan.
6. Will incorporate mitigation planning as an integral component of government and partner operations.

MINUTES OF THE REGULAR TOWN BOARD MEETING

Tuesday, April 11, 2017

AT 7:00 PM

7. Will provide an update of the plan in conjunction with the County no less then every five years.

Motion was made to accept Resolution No. 4 of 2017, motion was made by Jim Forrester, seconded by Mike Hillier and carried 5-0.

BUDGET REPORT &

SUPERVISORS STATEMENT Supervisor Walker stated that the Town Health Savings Account has \$3,000.00 + in the account that has been classified dormant by Five Star Bank. Supervisor Walker stated she will close it out and put funds into the highway health funds.

It was discussed to schedule another Work Session meeting with Justin Bennett from Baldwin Businesses after their tax season slows down.

AUDIT BILLS

There was a motion to approve the Abstracts for the month of April, 2017.

These abstracts include;

General Fund Claim number, 86-110 the amount of \$17,753.73, as set forth in abstract No. G-4, dated 04/11/2017.

Highway Fund Claim number 85-112, in the amount of \$64,026.65, as set forth in abstract No. H-4, dated 04/11/2017.

Police Fund Claim number, 26-32 in the amount of \$1,568.80 as set forth in abstract No. P-4, dated 04/11/2017.

A motion was made to approve the abstracts. Motion was made by Jim Forrester, seconded by Mike Hillier and carried 5-0.

OPEN PUBLIC HEARING

Supervisor Walker stated that they will open a public hearing as advertised, to vote on the franchise agreement with Charter Communications. Supervisor Walker also stated that the annual total payout on the franchise fees is reflected in this month's financial report in the total amount of \$4,777.00.

Supervisor Walker opened the public hearing at 7:30 P.M.

Supervisor Walker also stated that she had brought this agreement to the Town Attorney who did not recommend any changes.

POLICE

Mike reported the Nunda Police Department statistics for March along with Chief Wilcox's written Nunda Police Department Monthly Report. Chief Wilcox stated at the commissioners meeting they will be expecting letters of resignation from two other officers who have found employment elsewhere.

The recent event in the town of Geneseo involving Immigration and Customs Enforcement (ICE) was discussed at the Commissioners meeting

MINUTES OF THE REGULAR TOWN BOARD MEETING

Tuesday, April 11, 2017

AT 7:00 PM

where Mike advised Chief Wilcox to contact and involve the Livingston County Sheriff's office or State Police if they are in a situation where a Nunda Police Officer has a person of no documented identification.

A change in phone vendor service at Nunda police station took place several months ago, switching the phone vendor to Time Warner.

Village Trustee/Commissioner Fritz Amrhein looked into changing the phone and internet management to Frontier communications for a better deal.

The current charge a month through Time Warner Communications is at a rate of \$187.83 and Frontier Communications can offer a monthly rate near an amount of \$120.00. Mike stated that the Village is planning on acting on the transition at their next board meeting.

Jim stated that he doesn't feel this is something the board has to vote on but he is in favor of switching the service to Frontier Communications for the better deal. The remainder of the councilmembers agreed.

There was discussion on the potential use of an Air card, which is used by officers in the field to submit reports from the police car instead of the office, and also connects directly with dispatch center and command terminal.

At present Nunda PD does not have an air card in place, although they already pay a licensing fee with mobile but without an air card they don't have a way of connecting to it.

Officer scheduling was discussed.

IT REPORT

Jim stated that there are draft policies for IT and acceptable use. Through the work of developing these policies it was found that there is no existing framework for adopting a policy within the Town of Nunda regulations. Cheyenne checked with the Village who does not work from a policy procedure either. Tomorrow is a Livingston County Clerks meeting and Cheyenne will extend the question to them at that time.

Jim stated he would feel more comfortable if there was a procedure to approve and document a policy.

It is a subject to regroup on in the future.

COMMERCE REPORT

Jim stated that he has reached out to Bobby Gelser from Once Again Nut Butter (OANB), where Bob informed both Jim and Supervisor Walker that another separation process may have to be introduced, due to a policy that was just passed in Canada in regards to the separation of sesame seeds. Bob stated the instalment to OANB could be 6 months to a year from now.

BUILDING/ZONING REPORT

MINUTES OF THE REGULAR TOWN BOARD MEETING

Tuesday, April 11, 2017

AT 7:00 PM

Jim stated that he sat in on a Planning and Zoning boards meeting held at the Government center on April 4th with the County Planning Department's deputy director, Heather Ferrero. Jim stated she covered subjects such as the comprehensive plan and tools that the planning and zoning boards can use to advance equal understanding between the applicant and boards. Such tools like creating specific flow charts for Nunda's application system. Heather also brought about free resources that the Planning and Zoning boards can take advantage of to advance their own procedures. Jim stated that the overall presentation was very meaningful and helpful.

Mark Mullikin commended Planning Board Chairman Alex Pierce for being proactive in his efforts to enhance the Nunda Planning Board.

Simplex has sent a life safety disclaimer notice to the Town of Nunda about a sprinkler that needs to be fixed and repaired at the Government Center. It was decided to work with simplex directly and challenge the price of the given quote.

Mike stated that Sal NiCastro has submitted a quote for the back-door lock replacement. In the quote, it covers the materials, electric strike, key pad and power supply. The labor that will consist of but not be limited to: install strike, mount keypad, drill though wall for hard wire. An outsourced electrician will need to install a 110-volt outlet for the power supply. Sal's estimated maximum total cost for the proposed job is one-thousand dollars, (\$1,000.00). Motion was made to approve the presented quote from Sal NiCastro with the cost of work not to exceed \$1,000.00. Motion was made by Bill Mann, seconded Jim Forrester and carried 5-0.

HIGHWAY

Dana Wood, Deputy Highway Superintendent, stated that the highway crew is currently working on French Hill and hauling gravel. Dana states the Caledonia truck is working out well, that it is a "real truck".

Jim discussed the equipment plan. It was stated that the options of finding the new highway building needs to be handled as an open discussion. Bill Mann suggested a special meeting addressing just the procedures and options of the new highway building.

Reminder: Junk Day is set for May 13, 2017 from 9:00 AM to 1:00 PM. E-waste provided a quote to take electronics at Junk Days, and the quote has been passed over to Rick Moran.

ONE MOTION

A motion was made to accept all reports given on 04/11/2017. Motion was made by Mike Hillier and seconded by Bill Mann and carried 5-0.

MINUTES OF THE REGULAR TOWN BOARD MEETING

Tuesday, April 11, 2017

AT 7:00 PM

Supervisor Walker re-addressed Renewal of Cable Television Franchise agreement that has been left open to public comment. Supervisor Walker reviewed the resolution.

Resolution No. 5 of 2017

Renewal of Cable Television Franchise held by Time Warner Cable, locally known as Charter Communications in the Town of Nunda, Livingston County.

An application has been duly made to the Board of the Town of Nunda, County of Livingston, New York, by Time Warner Cable Northeast LLC, locally known as Charter Communications, a partnership organized under the laws of the State of New York doing business at 2604 Seneca Avenue, Niagara Falls, NY 14305, and holder of a cable television franchise in the Town of Nunda for the approval of an agreement to renew the cable television franchise for an additional fifteen (15) years. The Franchise Renewal Agreement would bring the franchise into conformity with certain provisions of the Federal Cable Communications Policy Act of 1984, as amended, and certain court rulings.

WHEREAS, the Board of the Town of Nunda finds that:

1. Charter Communications has substantially complied with the material terms and conditions of its existing franchise and with applicable law; and
2. The quality of the Charter Communications service, including signal quality, response to customer complaints and billing practices has been in light of community needs; and
3. Charter Communication has the financial, legal and technical ability to provide these services, facilities and equipment as set forth in its proposal; and
4. Charter Communications can reasonable meet the future cable-related community needs and interests, taking into account the cost of meting such needs and interests.

BE IT FURTHER RESOLVED that the Board of the Town of Nunda hereby renews the cable television franchise in the Town of Nunda for fifteen (15) years commencing on the date of approval by the Public Service Commission.

MINUTES OF THE REGULAR TOWN BOARD MEETING

Tuesday, April 11, 2017

AT 7:00 PM

BE IT FURTHER that the Board of the Town of Nunda hereby confirms that this Franchise Renewal Agreement replaces the original franchise last amended on 05/02/00.

A motion was made to adopt Resolution No. 5-2017. Motion was made by Bill Mann, seconded by Jim Forrester and carried 5-0.

CLOSE PUBLIC HEARING Supervisor Walker closed the public hearing at 8:19 P.M.

OLD BUSINESS None.

NEW BUSINESS None.

CLERK REPORTS Cheyenne submitted her March Town Clerk Report of total state, county and local revenues and 2017 Tax season close out totals to date report including treasurer payments, and the March Justice Report to the Nunda Town Board. A motion was made to approve the Town Clerk and Justice reports for the month of March 2017 and the 2017 Totals to date tax report. The motion was made by; Jim Forrester seconded by, Bill Mann and carried 5-0.

Cheyenne re-addressed the board about the number of lapsed dog renewal payments recently found in the dog licensing system. New York State Agriculture & Markets was contacted in regards to the situation via e-mail where it was stated that as long as payments were not withheld from their department, AG & Markets does not mandate that those lapsed payments be made up, that is a decision for the town board.
The board agreed to forgive the list of missed renewal payments found during the updating of the dog licensing system.

Mike asked when the annual renewal was? Cheyenne answered that September is the annual renewal month, but it will be advertised that early payments can be accepted starting July 1st.

ADJOURNMENT Being that there was no further business, there was a motion to adjourn. The motion was made by Bill Mann, seconded by Supervisor Walker, and carried 5-0.

The meeting adjourned at 8:30 PM.

RESPECTFULLY SUBMITTED,

MINUTES OF THE REGULAR TOWN BOARD MEETING
Tuesday, April 11, 2017
AT 7:00 PM

CHEYENNE DEMARCO
NUNDA TOWN CLERK