

**MINUTES OF THE REGULAR TOWN BOARD MEETING**

**Tuesday, July 12, 2016**

**AT 7:00 PM**

PERSONS PRESENT	TOWN BOARD	Supervisor, Merilee Walker Councilperson, Bill Mann Councilperson, Mike Hillier Councilperson, James Forrester <i>Councilperson, Vacant Seat</i>
	RECORDING CLERK	Cheyenne DeMarco
	PERSONNEL	CEO, Mark Mullikin Hwy. Supt., Rick Moran <i>Absent</i> Historian, Valerie Griffing <i>Absent</i> Assessor, Brian Knapp <i>Absent</i> Police Chief, Jeff Wilcox
	VISITORS	Bob Cox, Alex Pierce, Paula Blownkisk, Nickole Stark

CALL TO ORDER                      Supervisor Walker called the meeting to order at 7:00 PM. Roll call was taken with one Councilperson seat vacant.

PLEDGE TO THE FLAG              All persons stood as Councilperson, Jim Forrester led the pledge.

WELCOMED VISITORS              Supervisor Walker welcomed visitors.

APPROVAL OF MINUTES          A motion was made to approve the Minutes of 6/14/2016 with changes made by Supervisor Walker and Jim Forrester. The motion was made by Jim Forrester seconded by Bill Mann and carried 4-0.

**INTERGOVERNMENTAL AFFAIRS REPORT**

**JOINT PLANNING BOARD**

Supervisor Walker asked the board if they wish to review the planning board material now or to carry it forward since it is being reviewed later on in the meeting. It was agreed to carry it over.

**ZONING BOARD APPEALS**

None.

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**CHANGES TO AGENDA** Supervisor Walker asked the board members if there was a need to make any changes to the agenda. Councilperson Bill Mann stated that it has been brought up in the past, that agenda line items 10 – ZEO Report, 11 – Historian report and 12 – Assessor Report, be moved up in the agenda towards the beginning of the meeting agenda so they can have their reports done before the board goes into lengthy discussions with the budget and not hold them over and they have the option to exit the meeting or stay after if they wish. The board agreed.

**PRIVLEDGE OF THE FLOOR**

Supervisor Walker addressed the guests present and asked if they wish to address the board with anything? Nickole Stark stated she was there to listen to Mark's ZEO report. Supervisor Walker addressed Bob Cox.

**BOB COX**

Village Mayor Bob Cox addressed the board stating he wanted to know if a special joint meeting between the town and village could potentially work this coming Thursday the 21<sup>st</sup> of July to review the new zoning laws and set up a public hearing thereafter. Supervisor Walker stated that Cheyenne had uncovered more material about the original changes in zoning while doing records management in the office. The original draft with suggested changes and highlighted areas was found; those suggestions are in the rewritten March 2015 packet so they know the current draft has those updates in it. Village Clerk Roy Wood found minutes of April 2015 joint meeting where the town was made lead agency for SEQR application but it was just never followed through with passing a local law and the state has confirmed they do not have a new zoning law on file from 2015. Jim asked Bob if that April Joint meeting was a public hearing as well? Bob answered that it happened a while ago and he would have to check with how it was written up. Mark Mullikin stated that we have to file the state before he can act on the new version of the code. Supervisor Walker stated that the new zoning has already been voted on in last April and isn't sure if a second public hearing is necessary. Jim stated according to his memory that the only piece missing from last year's proceedings is voting on the new zoning to officially as a local law. Mark asked that we make sure and confirm that it was a public hearing for that joint meeting in April 2015, advertised and all. Jim suggested that if it was a public hearing that we just move forward with it acting on it as a local law in August and file it with the state, if not we need to get a publish hearing as quick as possible.

**COMMUNICATIONS**

Supervisor Walker reviewed the following communications:

- i.) Local Law No.1 of 2016 - Defense and Indemnification – The definition of indemnification was discussed, Section 2 of proposed local law was agreed upon to strike from the proposed law draft. A motion was made to set a public hearing to review and pass Local Law

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Number 1 of 2016 - Defense and Indemnification, during the next Regular Town Board Meeting, August 9, 2016 at 7:00PM with the update of removing section two from July's board meeting draft. Motion was made by Jim Forrester, seconded by Mike Hillier and carried 4-0.

- ii.) Five Star Agreement – Supervisor Walker brought to the board's attention that she will be signing an upgrade agreement to originate automated clearing house ACH debit/credit.

**BUDGET REPORT &  
SUPERVISORS STATEMENT**

*Bob Cox left meeting at 7:20PM*

00:23:40

Referring to last page of the budget packet labeled "Police Fund Balance Sheet" and following under Account receivable in the amount of \$5,845.23, Supervisor Walker asked Chief Wilcox if that was moneys we were receiving for the fingerprinting machine? The Chief answered yes, former Supervisor Tom Baldwin and former Town Clerk Cindy Essler were listed on the grant forms and fiscal papers and Chief Wilcox has been in contact with the state, during their communications the state indicated it would be fine to have Cheyenne's signature on the paperwork even though it has been Cindy and Tom's signatures on the paperwork in the past.

There was a motion to approve the Supervisors' statement and budget report for the month of June, 2016. The motion was made by Bill Mann, seconded by, Mike Hillier and carried 4-0.

**AUDIT BILLS**

There was a motion to approve the Abstracts for the month of July, 2016. These abstracts include; General Fund Claim number, 160-183 in the amount of \$13,470.62, as set forth in abstract No.G-7, dated 07/12/2016 , Highway Fund Claim number 136- 144, in the amount of \$71,414.34 , as set forth in abstract No. H-7, dated 07/12/16 , and Police Fund Claim number, 37- 40 in the amount of \$573.05 as set forth in abstract No. 7, dated 07/12/16. The motion was made by Jim Forrester, seconded by, Bill Mann and carried 4-0.

**CEO**

Mark reported that he is following up with some subdivisions. Mark received a concerned call in regards to livestock on Bailey Road concerning horses, the zoning code law states you need 5 acres to hoard horses. A letter has been sent and the owner did leave a phone message back to Mark to follow up on that issue and is still in process on what needs to be done to resolve that issue. Mark reviewed the Nunda requirements to house livestock.

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*Paula Blownkisk and Nickole Stark left meeting.*

HISTORIAN

Valerie Griffing submitted a written June report in her absence.

ASSESSOR REPORT

No report.

00:42:10

POLICE

Mike reported that he and Bill met with the Chief last week. Along with the statistics sheet, the Chief has submitted a written report including the special events and community policing done for the month of June. Bill stated that last week being his first meeting as a police commissioner, he thought it was an excellent meeting and Chief Wilcox's special events and community policing written report is exactly what Bill was looking for. Supervisor Walker confirmed that she liked it as well and it looks great.

Mike addressed a copy of a thank you letter sent by Keshequa Central School's superintendent, Tom Kopp; in this letter Kopp thanked Chief Wilcox and the officers who helped site control during the funeral for Ryan Almeter.

Jim stated that he liked the extra report of the community policing and special events as well, it was very helpful. Jim asked Chief Wilcox if the officers were spending some of their shifts at the Kiwanis Park summer soccer program?

Chief Wilcox answered yes; there is an officer there tonight.

Chief Wilcox reported that the officers do a helmet safety day with John Gordiner and the summer recreation kids, as they have been doing for the last four years. Jim asked about the riding program recognition award, Chief Wilcox answered that they give a certificate to kids they find obeying safe riding rules, such as wearing helmets and riding their bikes in accordance to the rules of the road then they put their names in a drawing to win a gift certificate.

Bill Mann thanked the Chief Wilcox for the great meeting and making the extra report.

Mike addressed the Chief Wilcox stating that he heard about the Chief Wilcox's intent to make a "coffee with cops" event at the end of the summer. Chief Wilcox stated he would like to have a socializing event including light refreshments with coffee and water to get the public to interact with their police officers; it's been a successful event from other jurisdictions. Bill stated that a small agency in Florida had a coffee with cops event and it was a good event that the public enjoyed. Chief Wilcox stated he thinks it will be a beneficial event for Nunda.

Jim addressed Chief Wilcox in regards to the recent tragedies and risk with cops in the area now a days and asks how Chief Wilcox handles that, are we leaning towards a support services for officers or anything like that? Chief Wilcox answered you are walking a fine line, you want to be out there, available, but you want to be safe. We can't close ourselves off by fear, just this year there was a trooper in this county assaulted at a traffic stop. It is always a possibility of the job, and now our country has a growing fear in our

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society with stereotypes growing. Jim states that he understand that they as a board are pushing the officers to be more out there in the community and it is tough and they can understand when officers want to pull back and protect themselves, Jim reiterates that he understands it's a tough situation.

Mike reported that he has a letter of agreement that Tim Cassidy Jr. has signed along with Mike's signature, representing the Town, and Fritz Amrhein, representing the Village, that covers the terms and understanding of the decision to sponsor Tim while completing phase two of the Rural Police Training Academy with the Nunda Town and Village Police Department. The original should be filed with his employee file.

*Bill Mann stepped out with Chief Wilcox at 8:52 PM*

**CEMETERY REPORT**

Cheyenne reported on behalf of Bob Marsh with his suggestion in regards to a section of the Town of Nunda Union Cemetery Rules and Regulations, in particular, listed under Section B. No.1 "Before digging for a monument or foundation a \$20 fee must be paid, the area must be staked out and approved by the Cemetery Superintendent and checked before any footer is placed or poured." Bob Suggests that \$20.00 application fee be removed, as he sees it an unnecessary charge.

*Bill Mann and Chief Wilcox re-entered meeting at 8:55 PM*

A motion was made to approve the removal of the \$20.00 application fee from the Town of Nunda, Union Cemetery Rules and Regulations, Section B. No.1 in regards to digging for a monument or foundation. Motion was made by Bill Mann, seconded by Jim Forrester, and carried 4-0.

**IT REPORT**

No report.

**COMMERCE REPORT**

Mike asked Jim how the move with Nunda Mustard is going? Jim answered that he and Darren have continued to facilitate discussions with Nunda Mustard. The building is being cleaned. Permits will be needed to have equipment to be installed like sinks etc. Mark stated once they are moved in they will get with him. Bill state he is happy to hear they are moving forward. Jim asked that they give Darren Snyder similar appreciation for the effort on this situation.

**BUILDING/ZONING REPORT**

58:09

**HIGHWAY**

Jim stated that the only thing for the highway report has already been previously reported and Rick is out on Vacation this week.

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Supervisor Walker stated that she has met with Livingston County Highway Superintendent Don Higgins last week, he basically gave an update, Newville road has been completed with oil and stone. The week of Fourth of July, they did Barkertown and Chidsey Road, and the timing had it so that our town highway guys were all off that week but the county timeline couldn't be changed for when they were going to work in Nunda. Supervisor Walker stated that she had asked Don Higgins how the Nunda Bridges were, are they in good order and he answered yes.

01:11:30

Supervisor Walker addressed the status with the Teamsters Union, every board member got a packet from the teamsters' proposals. Some information from the town's employee policy supersedes it. Supervisor Walker reviewed it with the Town attorney. There will be another meeting with the Teamsters tomorrow Wednesday, July 13, 2016.

Supervisor Walker addressed the agreement with the county for the Snow and Ice removal.

**SNOW AND ICE CONTRACT**

Resolution No. 2 – 2016

Whereas, the Town Board of the Town of Nunda sign the Snow and Ice contract given by Livingston County Highway Department for the removal of snow and ice for the 2016 – 2017 season, starting October 2016 and therefore ending October 2017.

It is hereby resolved as follows:

1. That the Town Board of the Town of Nunda hereby consent to have Supervisor Walker and Town Clerk Cheyenne DeMarco sign and approve the presented Snow and Ice contract given by Livingston County Highway Department.

A motion was made to adopt the foregoing resolution. Motion was made by Jim Forrester, and seconded by Mike Hillier and carried 4-0.

59:32

**OLD BUSINESS**

Mike Hillier stated he has been in contact with a representative from Tyco Security in regards to the credit owed to the town after the town board decided to cancel several accounts with Tyco and switch over to General Security. Tyco has communicated with Mike that they will credit the town with the reimbursement of the eight unused months from the cancelled accounts starting from April 2016 in the amount of \$1,266.22. Supervisor Walker stated she would rather have the money back than a credit to the account.

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Mike re-introduced the idea of a 30 day DVR system possibly using the town's existing cameras. Mike spoke with the General Security regarding the Key Fob swipe at the back entrance for employees to get into the building set up by Tyco; General Security could set up a general lock system with each Government Center employee having their own individualized security access code, the only caution General Security had was that the back door has a Crash bar that General Security can't work off of. Mike asked Mark if a crash bar had to be on the back door? Mark answered yes, due to fire exits. Mike states through his communication with Tyco he has been trying to get a breakdown of the charges for our key system and so far he has not gotten a solid answer back from the Tyco representative. Mike mentioned putting another motion monitor in the back entry way that would take a photo each time you come in to deactivate the alarm.

**BUILDING/ZONING REPORT**

Mike addressed the \$9,000 in building fund in regards to the driveway at Tri-County, it has been spoken of but can we also have Steve Mann look at the Tri-County building as well? Bill Mann agreed with Mike and maybe they should pave the Tri county parking lot next year when we go into the year preparing to put a lot of money into it. Mike Hillier states that we use the rent money from tri-county and put the money back into the building with painting it and having it look acceptable. Supervisor Walker stated she agreed, they pay rent each month we have to put money back into it. Mike asked the board if he should proceed to contact Steve Mann to get an estimate from him to paint the tri-county building, the board agreed to.

**NEW BUSINESS**

*NYS retirement*- Supervisor Walker stated she has been contacted by NYS retirement who has informed the town that the town of Nunda elected members have not submitted a standard work day calendar to them. Reading through the names that NYS sent Supervisor Walker a lot of them are no longer board members or employees of the Nunda Government Center. Bill and Jim have selected to be exempt from being paid as a councilmember, if you are not collected the money do they still have to finish the standard work day calendar with the state? Supervisor Walker will ask.

*Selective Insurance* – has requested a contract between the Village and Town Police department. Jim stated that Supervisor Walker, Cheyenne and he have a meeting with Selective Insurance Friday, July 22, 2016. To go over Town Liabilities and see if there is any other recommendations. Double check if aggregates are at the coverage figures they should be at etc.

**CLERK REPORTS**

Cheyenne submitted the monthly Town Clerk Reports, and Justice Report to the Nunda Town Board.

**DRAFT & REVIEW LOCAL LAW No. 2 of 2016**

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Supervisor Walker addressed Local Law No. 2 of 2016 - "Dog Control Ordinance, Licensing & Fees of the Town of Nunda, County of Livingston." drafted by Cheyenne that would be applied as an amendment to the Local Law #2 of 2010 - "Dog Licensing and Control Law of the Town of Nunda." . In addition to the hard copy of the draft supplied, Supervisor Walker asked Cheyenne to mention what the changes would be.

Cheyenne answered the only real change are listed in Section 3. Purpose. - "The purpose of this article is to provide a particular annual licensing period in the Town of Nunda to coincide with Livingston County Free Rabies Clinic and have all dog owners on the same renewal expectancy date for the Town of Nunda to better track delinquencies and update the Town Clerk's database of expired rabies records." And then reaffirmed in Section 7. - "Licensing of dogs; fees., Letter B., All dog licenses shall be valid for a period of one year. The annual dog licensing will be held during three chronological months, the start date will be the first day of July and carried through the last day of September. The license shall expire at the end of the month one year from the date of issuance."

The main goal of this local law amendment is to put all dog owners on the same renewal timeline of July-September every year.

Cheyenne adds that renewal letters would still be mailed out to dog owners before due date.

A motion was made to add Local Law #2 of 2016 - "Dog Control Ordinance, Licensing & Fees of the Town of Nunda, County of Livingston." To the public hearing to be held on August 9<sup>th</sup>, 2016 along with Local Law No.1 of 2016 - Defense and Indemnification Motion was made by Jim Forrester, seconded by Mike Hillier, and carried 4-0.

**RECORDS DISPOSAL**

Supplied to board members is a list of records due for disposal from the Town of Nunda following the MU-1 Schedule. Supervisor Walker stated that during her years as Village clerk they had gotten grants for records management, their main concern is that you keep up with everything and dispose of records once they reach their expiration.

Cora Cassidy the Nunda Government Custodian would shred these records as listed.

**ONE MOTION**

A motion was made to accept all board reports given on 07/12/2016. Motion was made by Bill Mann, Seconded by Mike Hillier, and carried 4-0.

**OLD BUSINESS**

**HWY BUILDING**

Supervisor Walker asked if any board member had been looking for a highway location. Bill stated Jim, Fritz Amrhein, Rick and himself need to be gathered again to look at the bus garage and have more discussion for its viability. Jim stated that in order for them to find suitable property they need to be sure it is sufficiently funded and what the expected value is of the current highway department.

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VACANT SEAT

Supervisor addressed the board about the now Vacant Seat on the board, Nunda Republican Chairman Terry Lowell contacted Supervisor Walker informing her that they're having their republican caucus in August, do we want to have somebody chosen before then so they could be a part of the caucus? One letter of interest has been received since Doris's resignation but Supervisor Walker would still like to put something in the shopper. Mark stated that West Sparta is going through a similar situation and they have put out an advertisement for a letter of interest and the will collect them and the board will sit down and review them together. Jim stated we should put an advertisement in the Mount Morris shopper this weekend and asked Cheyenne to advertise in their legal newspaper, the evening Tribune, as well. For the individual to be a part of the Republican caucus in August, a motion was made to hold a special meeting Tuesday, July 26, 2016 at 7:00 PM at the Government Center to review submitted letters of interest and also to review the zoning laws.

ADJOURNMENT

Being that there was no further business, there was a motion to adjourn. The motion was made by Bill Mann, seconded by Jim Forrester, and carried 4-0.

The meeting adjourned at 8:26 PM.

RESPECTFULLY SUBMITTED,

CHEYENNE DEMARCO  
NUNDA TOWN CLERK