

**MINUTES OF THE REGULAR TOWN BOARD MEETING**

**Tuesday, August 9, 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 Historian, Valerie Griffing Assessor, Brian Knapp
	VISITORS	Jim Adams, Troy Bennet, Larry Mallaber, Randy Morris, Gary Galton, Brian Beardsley, Tim Cassidy
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, Supervisor Walker led the pledge.
WELCOMED VISITORS		Supervisor Walker welcomed visitors.
APPROVAL OF MINUTES		A motion was made to approve the Minutes of 7/12/2016 and Special Minutes of 7/26/2016 with changes made by Supervisor Walker and Jim Forrester. The motion was made by Bill Mann seconded by Mike Hillier and carried 4-0.
OPEN PUBLIC MEETING		Supervisor Walker opened the Public Meeting at 7:04 P.M. Supervisor Walker asked the guests if any were there in regards to the two local laws up for review this evening. No one stated they were.
PRIVLAGE OF THE FLOOR		
LARRY MALLABER		Representing the Nunda Fire Department, Larry Mallaber gave a report for the next budget year. In the report it compares the operating expenses from 2015 and the proposed budget for 2017-2018, which goes as follows:

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<u>2015 Operating Expenses:</u>	<u>2017-2018 Proposed Budget:</u>	
<i>Insurance:</i>	\$26,285.50	\$30,000.00
<i>Utilities:</i>	\$12,433.78	\$12,000.00
<i>Equipment Operating:</i>	\$14,622.90	\$12,000.00
<i>Equipment Repair:</i>	\$9,942.63	\$10,000.00
<i>Building Maintenance:</i>	\$12,218.69	\$10,000.00
<i>Truck Fund:</i>	\$65,000.00	\$60,000.00
<i>Other:</i>	\$9,685.39	\$6,000.00
<i>Total:</i>	\$150,188.89	\$140,000.00
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<i>Deduction by Fire Dept.</i>		\$10,000.00
<i>2017-18 Contract Total:</i>		\$130,000.00

The 2017-18 Contract total would be divided up accordingly:

Village of Nunda	\$28,008.00
Town of Nunda	\$65,998.00
<hr/> Town of Portage	<hr/> \$35,994.00
	\$130,000.00

The Ambulance services sharing under the same roof as the fire department has provided more savings. A new ambulance will be received next week, to handle the hills they switched over to a different truck with four wheel drive.

Larry also reported that the national fire protection association (NFPA) has regulations that will apply some changes to the Nunda fire department, for instance fire jackets now have a 10 year life span, and the life span for air packs is 15 years. Truck prices are also increasing at a faster rate than expected. Some parts for the current Nunda fire trucks are discontinued due to changes in technology; they are looking to replace their trucks within the next 24 months which will cost approximately \$400,000.00.

Supervisor Walker stated her Appreciation for the Fire Department and ambulance corps.

*Troy Bennett and Larry Mallaber left meeting at 7:10 PM*

JIM ADAMS

9028 McGinty Road. Jim stated that he appreciates what Rick Moran and the highway guys have done on his road the last few days, nice ditching work, but he wonders what will be done with the actual road down the line? Jim states he has been a resident on McGinty Road for 16 years now and 15 years ago former highway superintendent Chuck Carlson told him within 2 years the road would be stoned and oiled and it still hasn't been done. Jim reinstates he would just like to know the situation is for his road. Rick answered that they are working on a five year plan, a part of that plan is to put gravel down to build the base of the road up, that is why Rick has started with ditching, and will follow with gravel and lime stone to cut down on dust and dirt. The oil they put down two years ago did not hold up, but until they can get a good solid

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base it is not worth the money to keep oiling. Jim stated he noted that Scipio Road got oiled twice in two years. Rick stated that is because they needed a third layer on it, the first year gets two layers and you wait a year to add the third and then you don't touch it again for 10 years. For McGinty Road, Rick stated they are going to put gravel and lime stone on it, also try to get some brine on it. Jim states that when the highway puts gravel down, when it's wet it's like clay, when its dry it's like dust and it creates a problem. Rick stated they need to fix trouble spots then add more gravel. Jim states the other roads that have gotten the stone and oil are in really nice shape and he just wants that for McGinty road. Supervisor Walker stated Jim attended at an opportune time because they are getting ready for budget season for next year. Jim reinstates they would appreciate some stone and oil for his road and that he appreciates everything they have done so far.

*Jim Adams and Brian Beardsley left meeting at 7:15 PM*

*Tim Cassidy entered meeting at 7:15 PM*

**CEO**

Mark reported he had a couple regional permits out. Mark is still working out the issue on Baily Road that was brought up last month, will probably be referring the home owner to the planning or zoning board. The monument next to the Dalton tracks was discussed.

**ASSESSOR REPORT**

Brian reported it is pretty quiet, not a lot of people coming in the office. Monday, August 8<sup>th</sup>, was the last day to give changes to county regarding school taxes. Brian is processing transfers, no updates with star at this point, just taking in new registrations. 2015 stars applicants are grandfathered in.

**COMMUNICATIONS**

Supervisor Walker reviewed the following communications:

- i.) Local Law No.1 of 2016 - Defense and Indemnification – Councilperson Jim Forrester stated he would like to table Local Law No. 1 of 2016 Defense and Indemnification until we get clarification from the town attorneys in regards to section two. Motion was made by Jim Forrester and seconded by Mike Hillier, and carried 4-0.
- ii.) Local Law No. 2 of 2016 – Dog Control Ordinance, Licensing & Fees of the Town of Nunda, County of Livingston. To amend Local Law 2-2010 Dog Licensing and Control Law of the Town of Nunda.

Motion was made to adopt Local Law No. 2 of 2016; motion was made by Jim Forrester, seconded by Bill Mann and followed with roll call with the following results:

Supervisor Walker – Aye  
Councilperson Mann – Aye  
Councilperson Hillier – Aye  
Councilperson Forrester – Aye

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The local law was therefore passed and adopted.

Since Local Law No. 1 of 2016 - Defense and Indemnification, was tabled and Local Law No. 2 of 2016 - Dog Control Ordinance, Licensing & Fees of the Town of Nunda, County of Livingston was passed, Defense and Indemnification of Town Officers and Employees within the Town of Nunda, County of Livingston, State of New York shall now be referred to as the local law No. 2 of 2016 and Dog Control Ordinance, Licensing & Fees of the Town of Nunda, County of Livingston will be filed with the Secretary of State as Local Law No. 1 of 2016.

Public Hearing was closed at 7:25 PM

- iii.) Joint Special Meeting set for Saturday, August 13<sup>th</sup> at 9 AM, and our public hearing for our zoning will start at 11 AM at the School.

**BUDGET REPORT &**

**SUPERVISORS STATEMENT** Supervisor Walker stated that all department heads were given an estimate sheet due August 15<sup>th</sup> for the next budget year.

*Val Griffing entered meeting at 7:30 PM.*

There was a motion to approve the Supervisors' statement and budget report for the month of August, 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 August, 2016. These abstracts include; General Fund Claim number, 184-206 in the amount of \$6,923.80, as set forth in abstract No.G-8, dated 08/09/2016.

Highway Fund Claim number 145-170, in the amount of \$43,984.56, as set forth in abstract No.H-8, dated 08/09/16.

Mike Hillier stated that vouchers 41 & 42 that exceeded the \$250.00.

Expenditure amounts were approved by text message by board members before the Chief completed purchase. Also, Police voucher number 45 of \$860.00 is in regards to invoice #337002, which will be 100% reimbursed to the town budget, 50% from federal grant and 50% from NYS.

Police Fund Claim number, 41-47 in the amount of \$2,019.71 as set forth in abstract No. 8, dated 08/09/16. The motion was made by Jim Forrester, seconded by, Mike Hillier and carried 4-0.

*Brian Knapp left meeting at 7:51 PM.*

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**HISTORIAN**

Val reported that there is a bus tour hosted by Nunda Historical Society for the Nunda portage area where Val will be a narrator. The Tour is a free event that covers mostly the western part of Nunda and quite a lot of Portage.

**POLICE**

Bill reported there was a good meeting with the Chief and commissioners last week. Bill read off the special events listed on the worksheet provided by Chief Wilcox, such events were the Bike rodeo with Nunda Summer Recreation program and Child seat safety check. Community policing, the Chief reported the nightly foot patrols have completed many business door checks. Also included with the written report, July 11<sup>th</sup> Officer Eldridge responded to a call to a 74 year old Nunda resident in cardiac distress, Officer Eldridge determined upon arrival that the heart had stopped and used AED to revive the person, which is the intent of having that equipment in the cars. Bill Mann noted how that is a positive note on having that sort of equipment in the cars and having the officers trained up on it.

Jim asked in regards to the community policing, are the officers actually getting out of their cars and interacting with the coaches, teams and parents on the field? Supervisor Walker stated she had heard that they are walking around and interacting with various people on the fields. Bill confirmed similarly. Supervisor Walker addressed the drafted copy of the contract between the village and the town.

Supervisor Walker asked Mike Hillier what his option of the contract was. Mike stated that he feels there is no resolution with the commissioners being an even number, there is no majority rule it creates a gridlock. Bill Mann also states that if the two vs. two vote happens in a commissioners meeting and the commissioners take it back to their boards and it the same gridlock only its five vote vs five votes. The issue is how we have a final decision. Jim stated that his understanding is that within the commissioners the majority is three votes, if you get two and two then the decision is no. Three constitutes the majority. Bill Mann asked for the documentation that states that the town is the lead agency of the police department. Bill asked Cheyenne to check with the state to see if they have any documentation on who recognizes and grants authority to the Nunda police department and who the state has listed as the sponsoring entity.

Supervisor Walker stated that Selective Insurance has a deadline to get a Village and Town police contract by September 15<sup>th</sup> so decisions need to be made.

Mike reported that the Chief gives the officers a rules and procedures policy upon hiring and Chief Wilcox is going to give an exact copy to the commissioners for review. Some Nunda Officers are now wearing body cameras, in last year's budget two were purchased, they were delivered in March 2016 and now they are up and running.

**CEMETERY REPORT**

No report.

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- IT REPORT** A motion was made that the Town of Nunda authorize expenditure up to \$1,800.00 to replace the Town Clerk's computer. Motion was made by Jim Forrester, seconded by Bill Mann, and carried 4-0. Jim stated he would reach out to Hurricane Technologies to work with Cheyenne.
- COMMERCE REPORT** Jim stated he's spoken with Todd and Darren, Nunda Mustard is still moving forward. A contract is in the making that Todd will keep the town and village boards updated with.
- BUILDING/ZONING REPORT** Parcels for another location for the highway department were discussed.
- HIGHWAY** Jim stated the monthly meeting between Rick, Merilee and himself ended up being cancelled for this month. Jim discussed the five year Highway plan tying into the abstracts and budget, such as the amount of money going into equipment vs. road maintenance. Jim stated he would like to see how we compare to other townships.  
Rick reported that the new technology with GPS satellite Nunda did lose about 1.9 miles of road. Some of it was reconsidered the Town of Grove and other was considered inaccurate measurement. The DOT GPS measures from the center of the road instead of the edge. Nunda had a couple roads added like Maple Street, but we lost more than we gained. Nunda was at 50.1 miles of road and now we are at 48.3 miles.  
A motion was made to authorize the expenditure of \$28, 936.09 additional CHIPS money for the black topping of several sections as recommended in Rick Moran's Highway Superintendent report. Motion was made by Jim Forrester, seconded by Bill Mann, and carried 4-0.
- ONE MOTION** A motion was made to accept all reports given on 8/09/2016. Motion was made by Mike Hillier and carried by Jim Forrester and carried 4-0.
- OLD BUSINESS** Mike addressed the subject of hiring Steve Mann to paint the Tri-County building. Steve has a rough estimate written up, all but one window will need glazing and the doors toward the parking lot need replacing. Right now Steve is still waiting on estimates for a man lift.  
Gary Galton stated he could supply a man lift. The board thanked Gary.  
Mike stated as soon as he gets a quote from Steve Mann he will scan and e-mail it to the other board members.
- NEW BUSINESS** None.
- CLERK REPORTS** Cheyenne submitted the monthly Town Clerk Reports, and Justice Report to the Nunda Town Board. A motion was made to approve the Town Clerk and

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Justice Reports for the month of, July 2016. The motion was made by; Bill Mann seconded by, Mike Hillier and carried 4-0.

**EXECUTIVE SESSION**

*8:45 PM* A motion was made to go into executive session to discuss subject relating to employment history of particular persons. Motion was made by Bill Mann and seconded by Mike Hillier and carried 4-0.

*Mark Mullikin, Randy Morris, Tim Cassidy and Gary Galton left meeting.*

*Rick Moran and Cheyenne DeMarco were approved to stay.*

*9:04 PM* Motion was made to come out of executive session with no action taken. Motion was made by Mike Hillier, seconded by Jim Forrester and carried 4-0.

**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 9:07 PM.

RESPECTFULLY SUBMITTED,

CHEYENNE DEMARCO  
NUNDA TOWN CLERK