

**MINUTES OF THE REGULAR TOWN BOARD MEETING**  
**Tuesday, September 13, 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 Assessor, Brian Knapp <i>Absent</i> Chief, Jeffery Wilcox
	VISITORS	Betty Adam, Ron Adam, Tim Cassidy, Randy Morris, Alex Pierce, Catherine Ludwig, Dan Hurlburt
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 Town Clerk Cheyenne DeMarco led the pledge.
WELCOMED VISITORS		Supervisor Walker welcomed visitors.
APPROVAL OF MINUTES		A motion was made to approve the Minutes of 8/9/2016 and Joint Informal Minutes of 8/13/2016 and Joint Village and Town Meeting 8/13/2016. The motion was made by Jim Forrester seconded by Mike Hillier and carried 4-0.
OPEN PUBLIC MEETING		Supervisor Walker opened the Public Meeting at 7:04 P.M.
PRIVLAGE OF THE FLOOR		
CATHERINE LUDWIG		Catherine addressed the board stating that she owns property on the corner of 1714 Mill Street, Dalton. Catherine presented photos, majority of which are of the front side of North Street facing the opposite of Catherine's property and the corner of Catherine's property on Mill Street. The photos represented

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Catherine's concern with the maintenance being done with the drainage ditches, lawn, street light and stop sign. Catherine stated she has cleaned the drainage ditch herself along with controlling the weeds on the bank and she does not believe it should be her responsibility to do so.

Jim stated that he will take Catherine's concerns to Highway Superintendent Rick Moran when he is back from conference and follow up with him.

Supervisor Walker stated they will make sure Rick is aware of Catherine's concern.

DAN HURLBURT

Dan addressed the board stating that he sold his ranch to his nephew last year. They have been in the process of subdividing the property, this process started back in 2014 with Wayne Dalrymple as the Nunda Code Enforcement Officer. Wayne told Dan then that the owner's parcels were at 3 acre minimum for a subdivision but since speaking with Mark Mullikin when he became the Nunda Code Enforcement Officer in 2015, Mark informed Dan that the current zoning laws actually state it is at a 5 acre minimum for a subdivision. Dan asked the board what they can do to help him in this situation.

Supervisor Walker stated that the revised zoning laws in Nunda were intended to be passed at this board meeting but when sent to the County Planning Board they found some errors and removed Nunda's new zoning off their meeting agenda. The Town needs the county's approval before they can adopt these new zoning laws. Cheyenne has made all the changes to the zoning and now we are to have a public hearing in October to pass the updated zoning as a local law.

Dan asked for a letter of intent written by the board. Supervisor Walker stated they could supply that.

Mark stated that the whole problem started with the assumption back in 2014 that the updated zoning would be passed in 2015 where the subdivision acreage would change from 5 to 3 acres. Mark states that he doesn't know what can be done beyond passing the updated zoning. Mark stated that he sympathizes with Dan's situation, he was misled and Dan has been very patient with this.

Mark goes on to state that he, Roy and Cheyenne are all new and this new zoning just got dumped in their laps and it has been a long hard process of trying to figure out what was being done before any of them were around.

Supervisor Walker stated they will be in touch with Dan as soon as they hear back from the County, the County Planning Board meeting will be on Thursday, October 13<sup>th</sup>. The Town Board will have to hold a public hearing following their approval as a special meeting to pass the zoning since their regular board meeting will be October 11<sup>th</sup>, before the County Planning Board's.

*Dan Hurlburt left meeting at 7:23 PM*

CEO

Mark reported that the residents with the issue on Baily Road pertaining to livestock being held without meeting the required limit of acreage, have filed

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their paperwork with Mark to go before the planning board to request a variance. Maintaining other permits and certificates are out on closed permits.

*Gary Galton entered meeting at 7:25 PM*

HISTORIAN

Val submitted her written report. Val stated that they are winding down with summer activities, for Val's annual December quiz, it will be based on the historical calendar on sports. Bill Mann asked where the historical calendars are for purchase? Val answered they are available at the Pharmacy and in the Village Clerk's office in time for Christmas in Nunda occasion in December.

ASSESSOR REPORT

No report.

COMMUNICATIONS

Supervisor Walker reviewed the following communications:

- i.) Local Law No. 2 of 2016 - Defense and Indemnification – Supervisor Walker asked if any board member or guest at tonight's meeting had any questions regarding the local law that is up for passing tonight? Catherine Ludwig stated she didn't understand the local law. Supervisor Walker and Jim reviewed the essentials of the local law to Catherine. Supervisor Walker asked if there were any more questions or concerns regarding this local law? None were stated.

Motion was made to adopt Local Law No. 2 of 2016 titled Defense and Indemnification; 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

The local law was therefore passed and adopted.

PUBLIC HEARING CLOSED

Public Hearing was closed at 7:30 PM

COMMUNICATIONS CONTINUED

- ii.) *Updated Zoning Packet.*

Supervisor Walker addressed the revised zoning packet given to each board member at tonight's meeting that will be submitted and up for review at the County Planning Board next month at their meeting on October 13<sup>th</sup>. Town Clerk Cheyenne DeMarco stated that the current draft is labeled "September 2016" at the footer of each page.

- iii.) *Baldwin Business Services Bookkeeping and Payroll services*

*Contract.* Where the Town of Nunda will pay Baldwin Business Services a fee of nine thousand dollars for services plus a monthly fee

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of \$100.00 for payroll services, with an additional fee of \$5.00 per pay period for direct deposit. A motion was made to accept the contract between the Town of Nunda and Baldwin Business Services, motion was made by Mike Hillier, seconded by Jim Forrester, and carried 4-0.

- iv.) *Casella Service Contract*, Where Casella will continue to pick up waste materials from the Highway Department located at 9364 Watercure Road, twice a month for a monthly service fee of \$64.25 and extra pick/ delivery will be set at a fee of \$50.00 each. Motion was made to accept the service contract between the Town of Nunda and Casella, motion was made by Jim Forrester, seconded by Mike Hillier, and carried 4-0.
- v.) *Commercial Power Systems Generator Maintenance Agreement*. A motion was made to agree to the three year term with CPS, where CPS will have one visit per year at the Nunda Government Center at a rate of \$195.00 per year for preventative maintenance, the three year term being a total of \$585.00 after tax exemption is applied. Motion was made Mike Hillier, seconded by Jim Forrester and carried 4-0.
- vi.) A public hearing will be set for next month's regular Town board meeting on October 11<sup>th</sup> at 7:00 PM to review next year's tentative town budget.

*Val Griffing left meeting.*

**BUDGET REPORT &**

**SUPERVISORS STATEMENT**

Supervisor Walker stated that there was a meeting with Baldwin Business Services to go over next year's budget on September 12<sup>th</sup>, Rick Moran and Cheyenne DeMarco were also in attendance. The Tentative Budget is due to be received by the Town Clerk by September 30<sup>th</sup>, and Cheyenne will then make it available to each board member and as a board they will review and modify. The final draft of the budget will need to be reviewed and passed in a Public Hearing no later than November 20<sup>th</sup>.

**AUDIT BILLS**

There was a motion to approve the Abstracts for the month of September, 2016. These abstracts include;  
*General Fund* Claim number, 207-231 in the amount of \$8,780.25, as set forth in abstract No.G-9, dated 09/13/2016.  
*Highway Fund* Claim number 171-195, in the amount of \$80,050.74, as set forth in abstract No. H-9, dated 9/13/16.  
*Police Fund* Claim number, 48-55 in the amount of \$1,195.09 as set forth in abstract No. P-9, dated 09/13/16.

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**POLICE**

Mike reported the Nunda Police Department statistics for August. Mike stated that man hours are substantially up at 432 hours. Chief Jeff Wilcox stated the hours will be reimbursed from DWI and Police Traffic Service (PTS). Bill stated that in October's commissioners meeting they would like a breakdown of these hours from the Chief to better understand how many of the hours are reimbursable.

Mike asked Chief Wilcox if the fingerprint machine was up and running? Chief Wilcox answered yes. Mike asked when the fingerprint machine was up and running? Chief Wilcox answered April/May, a gentleman from the company came in April to set it up and give the police department training on the machine. Mike asked when will the one year free service plan on the fingerprint machine end? The answer was April.

Chief Wilcox announced there will be a coffee with cops event at the Nunda Fire Department on Saturday, October 8<sup>th</sup>, at 9:00AM, all officers except for one will be in attendance. This event will serve as a sort of meet and greet with the community that will coincide an open house with the Fire Department crew as well. An hour before the event starts, there will be a sit down with just the police commissioners and the officers as an open forum for them to get to know each other and have a chance to ask and answer questions.

Bill stated his concern with Chief Wilcox not being re-appointed annually, and being that the Chief is civil service protected, there is no documentation in Bill documents that show a Board approving that. Ron Adam stated that he recalls this topic being brought up and voted on 2-3 years ago, maybe in 2013. Bill stated they need to see the verification in documentation.

**CEMETERY REPORT**

No report.

**IT REPORT**

Jim stated that Selective Insurance has reached out to us with a Cyber Liability insurance quote, Cheyenne will set up a date for Jim, Merilee and herself to sit down with a selective insurance representative to review the given quote. Jim will contact the Association of Towns to develop an IT policy for the Town.

The justice computers are separate and not included as Town computers in the cyber liability insurance since they are covered by the state, but as far as the police computers Jim stated he does not know if they fall under state insurance or town? Chief Wilcox stated that they are covered by state.

**COMMERCE REPORT**

Jim stated he and Merilee spoke with Bob Gelser, the new facility at Once Again Nut Butter is doing well.

**BUILDING/ZONING REPORT**

Mike stated he has a quote from Steve Mann to do maintenance on the Tri-County building; total cost for supplies and labor would be \$9,000.00, if they used the man lift provided by Gary Galton it would bring the cost down to \$7,300.00 but that price does not include replacing the door. Mike has spoken

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with Darren about it and they will get together to work out how to best replace that door. Supervisor Walker stated that it is important to make it as close to a historically accurate door as possible.

A motion was made to delay the painting of the Tri-County building until the next budget year. Motion was made by Mike Hillier, seconded by Bill Mann and carried 4-0.

**HIGHWAY**

Jim stated that budget line DA5110.4 for Road maintenance is over by \$12,723.00, since snow and ice removal is under budgeted so the thought now is to do a transfer of money saved from snow and ice removal and put it to the road materials.

County revenue and CHIPS money are also coming in that are not reflected in this month's budget report.

Sealing Tri-County parking lot was discussed.

Once Again Nut Butter contract was discussed.

Supervisor Walker stated that Rick rented a screener and had the highway guys screen over 50 loads of mixed salt and refilled the salt shed which will save a lot of budget money.

Jim stated that he also would like to give Rick credit for creating a five year road plan and also having with a ten year equipment plan prepared.

Supervisor Walker stated that Rick has a request to surplus items to put to auction; items are skid-steer, old tires, snow plow and a 550 sander. Motion was made to declare the listed items as surplus, motion was made by Mike Hillier, seconded by Jim Forrester and carried 4-0.

Motion was made to approve the spending of the amount \$6,700.00 for a sander from George and Swede. Motion was made by Mike Hillier, seconded by Jim Forrester and carried 4-0.

**ONE MOTION**

A motion was made to accept all reports given on 9/13/2016. Motion was made by Jim Forrester and seconded by Bill Mann and carried 4-0.

**OLD BUSINESS**

Jim asked how the selective insurance renewal is, Supervisor Walker stated it is up to date, applications have all been submitted.

Mike asked how we are getting our reimbursement on the fingerprint machine?

Chief Wilcox stated that it will be a direct deposit. Supervisor Walker stated she will watch the bank statements for that deposit.

**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's

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reports for the month of August 2016. The motion was made by; Bill Mann seconded by, Jim Forrester and carried 4-0.

A motion was made to approve the Justice Report reports for the month of, August 2016. The motion was made by; Mike Hillier seconded by, Jim Forrester and carried 4-0.

**RECORDS DISPOSAL**

Cheyenne supplied a list of records due for disposal from the Town of Nunda following the MU-1 Schedule. A motion was made to dispose of the listed records by the town clerk and to have Cora Cassidy the Nunda Government Custodian shred these records as listed. Motion was made by Bill Mann, seconded by Mike Hillier and carried 4-0.

**EXECUTIVE SESSION**

8:28 PM A motion was made to go into executive session to discuss subject relating to employment history of particular persons. Motion was made by Mike Hillier and seconded by Jim Forrester and carried 4-0.

*Mark Mullikin, Alex Pierce, Jeff Wilcox, Randy Morris, Tim Cassidy, Ron Adam, Betty Adam and Gary Galton left meeting.*

*Cheyenne DeMarco and Darren Snyder were approved to stay.*

8:55 PM Motion was made to come out of executive session with no action taken.

**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 9:01 PM.

RESPECTFULLY SUBMITTED,

CHEYENNE DEMARCO  
NUNDA TOWN CLERK