

MINUTES OF THE SPECIAL TOWN BOARD MEETING

Tuesday, July 26, 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	Hwy. Supt., Rick Moran
	VISITORS	Tim Cassidy

CALL TO ORDER Supervisor Walker called the meeting to order at 7:04 PM. Roll call was taken with one Councilperson seat vacant.

PLEDGE TO THE FLAG All persons stood as Councilperson, Rick Moran led the pledge.

WELCOMED VISITORS Supervisor Walker welcomed visitors and offered Tim Cassidy privilege of the floor.

PRIVLEDGE OF THE FLOOR

Supervisor Walker informed the board of Tim's situation being that his foot surgery has still left him disabled to work and he will run out of his accruals of Vacation, Sick and Personal time before the end of the next pay period. Rick stated he has 26 hours left, leaving Tim short 14 hours for the rest of this week and runs out thereafter.

It was discussed how the union regulations affect this situation; since a contract has not been signed it falls under management rights. Tim mentioned paying back with overtime; Jim replied that state law is explicit about overtime management.

A motion was made to offer Tim Cassidy an advance of his 2017 accruals for the year 2016; making 80 hours available for his use now and not grant the 80 hours on January 1st, 2017. A motion was made by Bill Mann, seconded by Mike Hillier and carried 4-0.

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LETTERS OF INTEREST Supervisor addressed the board of the four letters of interest given to the board in regards to the vacant seat on the board. Bill Mann stated it is excellent that there are multiple interests in the position, but Bill states since it is so close to caucus that they as a board shouldn't choose a person to fill the vacancy but rather leave it for the public of Nunda to vote and decide. Supervisor Walker stated that would leave the vacant seat empty until December 2016. Mike asked how many the board needs for a quorum? The answer was three. Bill stated that if they choose someone tonight, will it sway the other persons of interest not to come forward during the caucus. Bill reiterates that he'd rather the people decide.

A motion was made to push the decision of the fifth board member of the board left to the process of the caucus. Motion was made by Mike Hillier, seconded by Bill Mann and carried 4-0.

ZONING Supervisor Walker addressed the new zoning laws, the public hearing held last April did not include the changes made afterward in August and October by Planning and Zoning Boards so another Public Hearing is required to be held on the subject of our new zoning, thinking ahead, our tri-board meeting between Town, Village and School is scheduled on August 13th at 9AM at the Keshequa Central School Board Room and it is being considered to have our public hearing on the matter while the village and town boards are together to have our public hearing on the matter following the meeting at 11AM.

SELECTIVE INSURANCE Supervisor Walker addressed the copy of the agreement between the Town and Village for the police department. Our Town insurance is due to expire on September 15th, 2016. Our Insurance Company will not renew our policy with police department unless we have a written contract between the village and town. Some stuff on the drafted contract is not necessary and requires reviewed by commissioners. The police department was started in the 1950's and there has never been a written contract, the town is lead agent of the department and handles the police accounting financial package yet funded 50/50 with the Village, just as the village is the lead agent for the summer recreation program and handles their financial package and the town funds 50% of it. Bill Mann stated he would like to bring this contract to the next police commissioners meeting and go over it with all 4 commissioners and the chief and bring back their discussion to the August board meeting. Jim stated that the contract is needed in less than two months and the current draft is unacceptable, there needs to be correspondence between the commissioners and the attorney. When it comes to questions of employment who is the employer, the town or the village? Who would pay worker's compensation, would it be funded 50/50? These questions need to be answered and sorted out with the attorney. It was discussed that there is a question of authority, hard to serve multiple masters officers have so many people to answer to, four police commissioners,

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the mayor, the town and village boards, if they aren't all saying the same thing who are they supposed to listen to? It creates conflicting orders. Supervisor Walker read to the board the attorney's questions regarding the police department agreement.

Jim stated that last Friday, July 15th, Merilee, Cheyenne and Jim all sat down with their Selective Insurance representative to go over coverage. The town does have a blanket policy, the representative from selective noticed at the meeting that the sums were incorrect and he will be following up on the total sums along with getting a cyber security policy application to Cheyenne. Cheyenne gave Chief Wilcox a copy of our listed driver's since we had noticed at the list of names was not current. Also Rick, Chief Wilcox and Cheyenne have been requested to make a list of the inventory in their department buildings with the replacement costs listed with it. Jim stated he it was a productive meeting that had some action items that will be followed up on.

HWY

A situation of a conflict understanding between Denny Hoffman on Shute Road and the Town Highway department arose this past week. Rick with an understanding that there was a verbal agreement with Hoffman had his highway guys could use a small parcel of Denny's land to back up on the property and dump two or three loads of material. Denny has since blocked his land with a hay bale. Since last week Rick has spoken with Denny and the highway guys will not be backing up on his property anymore. Jim stated perhaps we have gotten to a point where we cannot have just a verbal agreement, since we just had a similar problem with the GoHo's earlier in the year.

Jim also added that we need to understand the contract with Once Again Nut Butter, going into budget we need to consider options and revenue, what we will be receiving. Bob Gelser is willing to work with us. Supervisor Walker stated that August 8th our CD at Five Star Bank will be due for renewal.

EXECUTIVE SESSION

7:48 PM A motion was made to go into executive session to discuss subject relating to employment history of particular persons. The motion was made by Mike Hillier, seconded by Jim Forrester, and carried 4-0.

Tim Cassidy left the meeting at 7:50 PM.

Cheyenne DeMarco and Rick Moran were approved to stay.

8:00 PM - A motion was made to come out of executive session without action. The motion was made by Bill Mann, seconded by Mike Hillier, and carried 4-0.

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Supervisor Walker stated she will send a letter to notify all who submitted a letter of interest for the vacant seat and reach out to Terry Lowell and Fritz Amhrien as the republican and democratic chairmen.

ADJOURNMENT

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

The meeting adjourned at 8:06 PM.

RESPECTFULLY SUBMITTED,

CHEYENNE DEMARCO
NUNDA TOWN CLERK