

**MINUTES OF THE REGULAR TOWN BOARD MEETING**  
**Tuesday, December 12, 2017**  
**AT 7:00 PM**

PERSONS PRESENT	TOWN BOARD	Supervisor, Merilee Walker Councilperson, William Mann Councilperson, Michael Hillier Councilperson, James Forrester Councilperson, Randall Morris
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RECORDING CLERK Cheyenne DeMarco

PERSONNEL	CEO, Mark Mullikin Hwy. Supt., Rick Moran Historian, Valerie Griffing Assessor, Brian Knapp
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VISITORS	Stephanie Knapp, Darren Snyder, Alex Pierce, Jeanne Matossian, Ian Ferrin, Kurgan Matossian, Sarkis Matossian, Jacob Smith
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CALL TO ORDER	Supervisor Walker called the meeting to order at 7:01 PM. Roll call was taken with all councilmen present.
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PLEDGE TO THE FLAG	All persons stood as town clerk Cheyenne DeMarco led the pledge.
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ADOPTION OF MINUTES	A motion was made to adopt the Planning Board minutes of 11/7/2017, regular Town Board minutes of 11/14/2017 and the Special Town Board minutes of 11/15/2017 with suggestions from Jim. The motion was made by Mike Hillier, seconded by Jim Forrester and carried 5-0.
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CHANGES TO AGENDA	None.
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PRIVILEGE OF THE FLOOR	None.
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Jeanne Matossian – Cub Scouts  
Kurgan and Sarkis Matossian,  
Jacob Smith, and Ian Ferrin

Jeanne Matossian, leader of the second grade Cub Scouts addressed the board with four of her cub scouts stating that they are looking to start a community based service project where they would build two “Little Free Library” book boxes within the Village of Nunda. The goal is to install two book boxes at southern and northern ends of the Village in areas of constant foot traffic and safely away from the road. The Government Center is one of their areas of interest in placing a book box if the Town Board is in support of the project. Jeanne handed out a templet of the book box design and measurements. The post would be 3 feet above ground and two feet beneath the ground. The book box is designed to be installed in ground, and would not be attached to a building nor near the road.

Jeanne stated she spoke with the Village Board at their meeting last night about the second book box being potentially placed at the Police Department, Village Park or Kiwanis.

Supervisor Walker recommended if the book box were to be placed here that it would be best to have it on the State Street side of the building to avoid any court traffic where it may be subject to people putting their garbage or cigarette ends in it.

Jim Forrester asked who they would contact on the book box placement on the grounds? Jeanne answered herself and her husband.

Jim stated between the Matossians, the Supervisor, Mayor, Village and Town clerk, they will choose the best area to install this book box.

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Motion to approve the Little Library book box Project to be installed on the Nunda Government Center property. Motion was made by Mike Hillier, seconded by Jim Forrester and carried 5-0.

*Jeanne Matossian, Kurgan, Matosian, Sarkis Matossian, Jacob Smith, and Ian Ferrin left the meeting at 7:08 PM*

Mayor Bob Cox

Mayor Bob Cox stated he would like to review the Provisional Agreement between the Town of Nunda and the Village of Nunda regarding the Use and Maintenance of the Municipal Building that was recently found by Cheyenne. (Policy Attached.)

As you will see, there are no signatures or dates to support it. The policy was found among the new government center development plans/agreements from 2009. When looking into the 2009 Town Board minutes, it is referenced once in the November meeting stating; "the provisional agreement between the town and village has been drawn up and approved by board." There is no attachment or text reciting the exact approved agreement in the Town or Village board minutes.

Bob goes on to state that the policy found is basic, but within the policy Number five (5) states that the Supervisor and Mayor will each appoint two members of a committee to oversee implementation of this agreement. Bob stated he would like to implement this committee between the Village and Town board and perhaps this committee will not need to meet more than twice a year.

Supervisor Walker stated the Town already has a building committee in effect that could easily adhere as this committee as well. Jim stated that it makes sense to formalize this like they did with the joint police department agreement from 2016.

Police Commissioner Clerk

Bob brought up a separate topic to the town board, stating they recently were informed with the Town Board that the police commissioner meetings according to Open Meetings Law need to be advertised and minutes need to be taken.

Given that Cheyenne is the Planning and Zoning Board Secretary, she has enough responsibility with those boards' meetings and minutes. In which case village clerk LeRoy Wood has volunteered to be the clerk to the police commissioners. All the police commissioners have agreed and the Village board appointed LeRoy as the commissioner clerk at last night's meeting. Darren Snyder asked if there were funds available to compensate for LeRoy's time? The Board agreed it is appropriate to compensate the position and suggested the commissioners sit down with LeRoy and find a figure to agree on.

Advertising the commissioners meeting was discussed.

*Bob Cox left at 7:16 PM*

CEO

Mark reviewed his November written report. Stating that he met with Mike Bradley with the County 911 to go over the new mapping program, review areas of the town and correct address issues.

A site plan application was received from Sun Common Solar for proposed community solar array in Dalton where they will lease the property from Bugman & Sons, therefore Sun Common will be responsible for the array set up, maintenance, installation and decommissioning. The plans are currently requesting a setup of a 2 mega Watt array to potentially provide for 400 homes. Anyone on the RG&E grid has the opportunity to purchase their energy from the Sun Common grid. A representative came out to the Planning Board meeting on 12/5/17 to review the process. The representative will be coming back in the January Planning board meeting on 1/2/2017 should anyone be interested in attending. This will be a lengthy process between the Nunda Planning, Nunda Zoning and County Planning Boards, Mark apprehends that this project will be reviewed until at least March 2018.

Mark attended a Zoning Conference on zombie homes in Batavia. Four violations were issued for Junk or Junk & Unlicensed vehicles.

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Mike re-addressed Mark and the board in regards to last month's discussion about the Nunda Police Department delivering violation letters. Mike stated that at the commissioners meeting they deemed to resolve the issue by having Mark drop the letters off at the police department within their drop box and the officer coming on is to check the box and service them. A mailbox will be provided for Mark in the board room, and the serving officer is to drop off their affidavit there. Mike asked Cheyenne if the officers could be assigned codes to access the building and manage the alarm? Cheyenne answered yes, Mike stated he will provide her a roster of the officers and their codes to be used.

**HISTORIAN**

Val submitted her written report  
In keeping with holiday tradition, her report is a local history trivia quiz. This year's topic is "Remembering Nunda's Veterans" and is based on the Nunda Historical Societies 2018 calendar of the same title. All questions are taken from/based on the calendar now on sale at the pharmacy and the historical society.

1. Which war ended on the eleventh hour of the eleventh day of the eleventh month?
2. Name at least two veterans organizations that have existed in our community.
3. Where was the JL and CS Thompson GAR Post #190 located?
4. What did Col. John J. Carter receive for his gallantry at the Battle of Antietam, Dunker Church, on September 17, 1862?
5. In which local cemetery is Captain Frank Adams Wilner buried?
6. In which local cemetery will you find this plaque: "This monument stands and will stand in our cemetery...not only as memorial to the soldier dead but as a monitor to the living; admonishing us as a people and nation, to deal justly with all mankind and with all nations...it commemorates that the freedom and liberty we enjoy are priceless treasures, born and still later saved to us by rivers of blood...it admonishes us not be lightly or thoughtlessly throw away our heritage nor hesitate to defend it in this of peril..."
7. For extra credit, which monument is it referring to?
8. What year was construction on the Hunt GAR Memorial Hall completed?
9. Name the respective Commanders of the Duryea-Kleinhenz-Lathrop VFW Post 8961, Arland Kelley American Legion Post #1569 and Seager-Werner American Legion Post #333.
10. Explain how the names of the Seager-Werner and Arland Kelley American Legion posts came about.

Answers:

1. *World War I*
2. *The Grand Army of the Republic, the American Legion, the Veterans of Foreign Wars, to name three.*
3. *Dalton*
4. *The Medal of Honor*
5. *Pennycook Cemetery, Town of Portage*
6. *Oakwood Cemetery, Village of Nunda*
7. *Nunda's Soldiers' Monument where Memorial Day services are held each year*
8. *1880*
9. *Alexander W. Pierce, Hiram Kemp and Kenneth J. Weaver, Jr., respectively.*
10. *The American Legion custom was to name new posts after the first war casualties in the community. The Seager-Werner American Legion Post #333 is named for Cecil Seager of Dalton who was killed in action in 1918 and for Edward T. Werner who died in April 1942. The Arland Kelley American Legion Post #1569 is named for Arland Kelley who was killed at the Battle of the Bulge during World War II.*

The Board thanked Val.

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ASSESSOR

Brian Knapp addressed the board stating he is primarily working on the assessment update. A change of address list is being made and will be given to Cheyenne to most accurately send out the tax bills. Brian addressed the amending of the local law allowing the Cold War Veterans Exemption. The county has decided to extend it beyond the current 10-year limit. If the Town Board of Nunda wishes to extend it and amend the current local law, he recommends to do it in a timely manner before the taxable status of March 1<sup>st</sup> 2018. Brian also added that in consideration of Solar arrays, the applicant can apply for an exemption, and if interested under law Real Property Tax Law 487 the town could have a Payments In Lieu of Taxes (PILOT) agreement between with the solar array project if the town wants to collect any revenue from the project.

*Brian and Stephanie Knapp left at 7:50 PM*

COMMUNICATIONS

Supervisor Walker reviewed the following communications:

- i. Set Year-End & Organizational Meeting*  
Motion was made to set the Year End meeting on December 26<sup>th</sup> at 7:00 PM and the Organization on January 2<sup>nd</sup>, 2018 at 6:00 PM. Motion was made by Mike Hillier, seconded by Jim Forrester and carried 5-0.
- ii. Re-Appoint Tim Cassidy to Planning Board, 4-year term*  
Motion was made to reappoint Tim Cassidy to the Nunda Joint Planning board for another a 4-year term that shall expire December 2021. Motion was made by Mike Hillier, seconded by Randy Morris and carried 5-0.
- iii. Re-Appoint Eugene Clark to Board of Assessment, 5-year term.*  
Motion was made to re-appoint Eugene Clark to the Nunda Board of Assessment for a 5-year term that shall expire in September 2022. Motion was made by Mike Hillier, seconded by Bill Mann and carried 5-0.
- iv. Petty Cash Fund Resolution 13*  
**WHEREAS**, Town of Nunda Board minutes from January 13, 2009, state that the town board approved the town hall having a petty cash fund but did not designate the dollar figure that is to be maintained. The minutes reflected only the following: "Motion was made to approve a petty cash fund for the government center use."  
  
**WHEREAS**, the Town Board now agrees to set the petty cash fund amount to \$50.00, where it shall be reconciled to that base amount whenever used within the Town Clerk's office.  
  
**RESOLVED**, That the current petty cash total of \$71.30 shall will be reduced to \$50.00 and the remaining \$21.30 be deposited to the Town Clerk account and a check of \$21.30 is to be written by the town clerk to Supervisor Walker by 2017 year-end.  
A motion was made to adopt Resolution No. 13-2017.  
Motion was made by Randall Morris, seconded by James Forrester and carried 5-0.
- v. Snyder Brothers Cemetery Service Rates increase*  
Snyder Brothers have sent notices to the town in regards to their rates increasing in 2018. Effective January 1, 2018 the cost of grave openings and closing will now be \$350.00. There will also be an additional charge of \$150.00 for Sundays and Holidays. For Cremation openings and closings

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will be \$175.00 with an additional charge of \$150.00 for Sundays and Holidays. Motion was made to accept the new rates from Snyder Brothers, motion was made by Randy Morris, seconded by Mike Hillier and carried 5-0.

- vi. *2018 Government Center Phone Replacement Quote*  
Cheyenne provided a Government Center phone replacement quote from Continuous Communications, recommended by Hurricane Technologies. After review the board requested more information in regards to the quoted system before approval.
  
- vii. *Inter-municipal Agreement Extension*  
Previously reviewed with Rick, Supervisor Walker reviewed a contract extension of intermunicipal agreement for machinery, tools, equipment and service sharing with the county and other Livingston County town highway departments, contract is to terminate on December 31, 2018. Motion was made to approve Supervisor Walker to sign the contract extension. Motion was made by Randy Morris, seconded by Jim Forrester and carried 5-0.
  
- viii. *Amanda Kladke, Girl Scout request use of Town Hall*  
Amanda Kladke sent Cheyenne an e-mail requesting use of town hall for Girl Scout meetings from 6:00 PM – 7:00 PM every 3<sup>rd</sup> and 4<sup>th</sup> Monday of the month. It was discussed that meetings between 6:00PM -7:00PM would be beyond the hours of operation; therefore, the alarm system would be set and a representative would have to be compensated to come down, deactivate the alarms and monitor the building and visitors while they meet, then close down the building and reactivate the alarm. Other community centers are available such as the VFW, Fire Hall or the Dalton Legion building that would be more suitable. Also, Mondays would not be a good night with that being court night. The board agreed to deny the request.

**BUDGET REPORT &**

**SUPERVISORS STATEMENT** Supervisor Walker signed the Supervisor's statement and handed it to Cheyenne for filing.  
CHIPS revenue was discussed.

**AUDIT BILLS**

There was a motion to approve the Audited Abstracts for the month of December, 2017. These abstracts include;  
*General Fund* Claim number, 298 - 318 the amount of \$5,380.51, as set forth in abstract No. G-12, dated 12/12/2017.  
*Highway Fund* Claim number 272 - 296 in the amount of \$62,767.86, as set forth in abstract No. H-12, 12/12/2017.  
*Police Fund* Claim number, 80-86, in the amount of \$1,263.81 as set forth in abstract No. P-12, dated 12/12/2017.

Motion was made by Bill Mann, seconded by Mike Hillier and carried 5-0.

**POLICE**

The November monthly reports were not submitted by Chief Wilcox this month.

There was a commissioner's meeting on December 4<sup>th</sup> accompanied by Chief Wilcox and Sargent and Supervisor Walker. Where it was discussed that under open meetings law the commissioner's meetings need to be advertised with minutes documented. As already addressed with Mayor Cox during the privilege of the floor, village clerk LeRoy

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Wood has volunteered to be the clerk to the police commissioner's meetings.

Also, a new policy was established and signed by all commissioners and Chief Wilcox. It is a policy of notifications to prevent communication issues and enhance cooperation between the Nunda Police Commissioners and the Nunda Police Department.

Jim asked if Chief Wilcox knew that a policy would be reviewed and signed before the meeting? The answer was no.

Mike stated that there is not a policy for how a police department is to work with a town board or specifically it's commissioners. Nunda is unique with its joint department, and technically the commissioners are restricted to either disciplinary action or policy when it comes to communications. Randy stated installing policies is meant to avoid issues from happening twice.

Copies will be given to Cheyenne and LeRoy for record keeping. (Policy attached.)

As stated in Mark's CEO report, the issues with delivering violation letters have been provided a solution.

**IT REPORT**

Jim stated Rick's computer was installed successfully and now looking into a printer. And will also assist Cheyenne with the phones and finding training on Web site management.

**COMMERCE REPORT**

Supervisor Walker asked what had happened with the plan to move Nunda Mustard back into Nunda within Keshequa school property? Darren Snyder answered that the school attorney advised against it due to risk mitigation and to correct that became cost prohibited.

**BUILDING/ZONING REPORT**

Mike stated that the new door on the Tri-County building is still not installed and perhaps they should consider contacting a contractor.

Supervisor Walker stated she spoke with Senator Young about the new highway building and she is on the committee to look into discretionary funds, and Senator Young will keep the Town of Nunda in mind.

**HIGHWAY**

No committee report was presented. Rick stated equipment wise everything is holding up well. In regards to the Steam Genny that broke down, Rick obtained a quote to replace it at a value of \$4,395.00 and Rick stated he also obtained two other quotes.

Jim requested this to be brought up at the year-end meeting.

Jim with Rick Moran will go over grant work for culverts with Bob Striker over Christmas break. And the Highway committee is to meet up one more time before year end.

**ONE MOTION**

A motion was made to accept all reports given on 12/12/2017. Motion was made by Randy Morris and seconded by Jim Forrester and carried 5-0.

**OLD BUSINESS**

None.

**NEW BUSINESS**

Bill discussed the Keshequa Central School resource officer. The grant for the resource officer will expire within one more school year, ending in June 2018. Bill stated that the board should anticipate a request from the school to at least look into a shared service with funding as a future discussion.

Mike Hillier requested the board to get new Town Law Manuals.

According to NYS Open Meetings law, not only is the police commissioners subject to advertising meetings and having minutes, it

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also applying to any committee consisting of two or more board councilmen. This applies to the Highway committee as well as any other committee within the town board that meets with more than one board member. NYS open meetings law stated that these meetings need to be advertised regardless if taking action or not.

**CLERK REPORTS**

Cheyenne submitted her November Town Clerk Report of total state, county and local revenues and the November Justice Report to the Nunda Town Board.

A motion was made to approve the Town Clerk and Justice reports for the month of November 2017. The motion was made by; Bill Mann seconded by, Randy Morris and carried 5-0.

**EXECUTIVE SESSION**

9:05 PM - A motion was made to go into executive session relating to employment history of a particular person. The motion was made by Mike Hillier, seconded by Randy Morris, and carried 5-0.

*Mark Mullikin and Val Griffing left the meeting at 9:05 PM.*

Cheyenne DeMarco and Darren Snyder were approved to stay.

*Cheyenne DeMarco and Darren Snyder left executive session at 9:45 PM*

10:07 PM - A motion was made to come out of executive session. The motion was made by Mike Hillier, seconded by Bill Mann, and carried 5-0.

Motion was made to increase the Town Clerk salary, fund A1410.1, by \$2,254.00 to the adopted 2018 budget base of \$25,000.00 for a total of \$27,254.00 by taking funds from the deputy clerk line of A1410.1A. Motion was made by Mike Hillier, seconded by Bill Mann and carried 5-0.

**ADJOURNMENT**

Being that there was no further business, there was a motion to adjourn. The motion was made by Mike Hillier, seconded by Jim Forrester, and carried 5-0.

The meeting adjourned at 10:09 PM.

RESPECTFULLY SUBMITTED,

CHEYENNE DEMARCO  
NUNDA TOWN CLERK