

MINUTES OF THE REGULAR TOWN BOARD MEETING
Tuesday, November 13, 2018
AT 7:00 PM

PERSONS PRESENT	TOWN BOARD	Supervisor, Merilee Walker Councilperson, William Mann Councilperson, Michael Hillier Councilperson, Jim Forrester Councilperson, Randall Morris
	RECORDING CLERK	Cheyenne DeMarco
	PERSONNEL	CEO, Mark Mullikin Hwy. Supt., Rick Moran Historian, Valerie Griffing, <i>Absent</i> Assessor, Brian Knapp, <i>Absent</i> Chief, Ryan Dale, <i>Absent</i>
	VISITORS	Alex Pierce, Tim Cassidy, Brenda Weaver, Troy Bennett, Nathan Hillier, John “Kirk” Beaver, Rachel Marzo

CALL TO ORDER Supervisor Walker called the meeting to order at 7:00 PM. Roll call was taken with all councilmen present.

PLEDGE TO THE FLAG All persons stood as guest Nathan Hillier led the pledge.

OPEN PUBLIC HEARING Supervisor Walker opened meeting at 7:00 PM.

ADOPTION OF MINUTES A motion was made to adopt the minutes of the following meetings;

- Planning Board Meeting 10/2/2018
- Regular Town Board Minutes of 10/09/18
- Planning Board Meeting 10/16/2018
- Special Police Commissioners Minutes 10/22/18
- Special Town Board Meeting Minutes 10/30/2018
- Special Town Board Meeting Minutes 11/01/2018

The motion was made by Bill Mann seconded by Jim Forrester and carried 5-0.

The drafted Police Commissioners Minutes of 11/05/18 were presented to the board for review only.

PRIVILEGE OF THE FLOOR

Armstrong Representatives John “Kirk” Beaver introduced himself to the board as the general manager of Armstrong, which is communication company with New York State Broadband. Kirk also introduced his colleague, Rachel Marzo, who is the office supervisor and marketing coordinator for their office in Addison, New York.

Kirk explained that their hub station has been placed at the Physical Therapy facility at 25 South State Street, near the creek where their fiber optic lines will feed from.

Contractors from Armstrong will be working for the installation although they will not be in trucks labeled “Armstrong” rather those of the actual contracting company. They will coordinate with the Highway Superintendent for days of operation of this installation, and if a highway permit is required, they will request it of the Nunda Code and Zoning officer.

Once installed it will serve sixty (60) percent of the Township, excluding the Hamlet of Dalton and the Village of Nunda. There is no installation fee if a resident is signed up on their website.

Kirk asked that if any questions or issues arise please contact him.

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Kirk and Rachel left at 7:32 PM.

Alex Pierce

Alex addressed the board as the Nunda Planning Board Chairman to follow up on the progress of the Nunda Solar Local Law that they have been working on since April of this year. Alex stated that the Nunda Solar Law was on the agenda to go before the County Planning Board November 8th but they lacked a quorum so no official action was taken.

Although, from comparison to the County's review to other Livingston County Town Solar Laws in the County, none have had completed County approval because they want efficient Agriculture protection within the law. State Ag and Markets are invested in protecting farm land and do not want to disturb prime soils. The hard part for Towns to create local laws is that the County nor Ag and markets have an example of language to reference. It has gotten to the point where Towns like Geneseo, York and Mount Morris regardless of the County's approval brought the Local Law back to their Town Boards who passed the local law so that solar powered systems could be implemented in their towns. Right now, it is very frustrating for the Nunda Planning Board to constantly be working on this local law and having it constantly rejected by the County while they have a Bugman and Sons waiting on this local law to be passed so they made begin their solar farm project as proposed over a year ago to the Planning Board.

HISTORIAN

None.

ASSESSOR REPORT

None.

CEO

Mark submitted and reviewed his October written report. Mark informed the commissioners that Police Department Garage on State Street has a piece of loose fascia hanging off it and it's getting caught in the breeze. Mike stated they will look into repairing that. Also, Mike stated that Police garage does need a little attention in terms of up keep. Perhaps a fresh paint job on the interior would be enough.

Mark stated that Brian Kelley finished the back steps as well as the other Government Center jobs assigned to him in October's meeting minutes. Mark suggested appointing Brian Kelley to be the Government Center's contact to address any building problems. As of now, Mark knows we need someone to help remove all the air conditioners. Bill Mann stated that he would like a list of what needs repair at the Government Center and he and Brian Kelley can review them together and perhaps schedule Mr. Kelley to be a two to four times a year help for with annual upkeep like cleaning of the gutters, etc. It would be a good idea to authorize just the Supervisor and Town Clerk to contact Brian Kelley for maintenance needs.

COMMUNICATIONS

Supervisor Walker reviewed the following communications:

i.) Inter-Municipal Agreement Extension.

A contract extension of intermunicipal agreement for machinery, tools, equipment and service sharing with the County and other Livingston County town highway departments was presented to the board. The contract shall commence on 01/01/2019 and terminate on December 31, 2019. Motion was made to approve Supervisor Walker to sign the contract extension. Motion was made by Mike Hillier, seconded by Bill Mann and carried 5-0.

ii.) The Nunda Board of Assessment Review Vacancy.

Currently there is one vacancy to the five-member board. The Town board agreed to put an advertisement in the Mount Morris shopper that would instruct any interested parties to submit a letter of interest to the Town Board for consideration to fill vacancy.

iii.) Resolution to sign paper work for Culvert grant.

Supervisor Walker stated they have received paperwork from the New York State Assembly's office to apply for a grant in the amount of \$25,000.00 dollars to apply to a culvert on Kendall Road between

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DeGross and Bailey. Motion was made to authorize Supervisor Walker to sign the grant paper work and submit. Motion was made by Jim Forrester, seconded by Mike Hillier and carried 5-0.

Local Law No. 2 of 2018
Tax Cap Levy

Supervisor Walker reviewed Local Law Number 2 of 2018, entitled "A Local Law to Override the Real Property Tax Cap Levy Established by General Municipal Law Section 3-c," The purpose of the proposed local law is to authorize the Town Board to adopt a budget for 2019 that provides for an increase in the real property tax levy in excess of 2.25% of the levy for 2018.

Supervisor Walker asked if any one present has any questions regarding this local law or the Preliminary budget?

Brenda Weaver asked about the building reserve for the new highway building. Jim answered that they set \$200,000 accumulated over the last couple years in preparation of a new highway facility, in the 2019 budget they added \$25,000 and they anticipate additional payment from Once Again Nut Butter once they move off the current highway property and Nut Butter can expand.

Brenda asked if they Town has found land for this new highway facility yet? Jim answered no, they are still searching. Brenda asked if this would be another year to year and a half before the new building is created? Supervisor Walker answered yes.

Brenda asked if this is why the Town was going over the tax cap this year? Supervisor Walker answered no, that was primarily due to the Nunda fire/ambulance department increasing their contract \$100,812.00, a dramatic increase from last year's \$85,576.00 contract total.

Jim stated that they have been steadily growing the fund balances to standardize the cap for the last two year, but now there is no room.

Brenda asked how much the tax cap increases their taxes? Jim answered it is depending on assessment, the best example is if your assessment is \$100,000 your taxes would be raised slightly less than \$20.00.

Overall, the tax cap increased .79% Inside Village
& .78% Outside Village.

It was decided to keep the public hearing on the Local Law No. 2 of 2018 open until the end of the meeting incase any other residents appeared.

PUBLIC HEARING

A motion was made to hold a Public Hearing meeting on November 19th at 7:00 PM at the Government Center for the Town Board to pass the 2019 preliminary budget as the adopted budget. Motion was made by Bill Mann, seconded by Mike Hillier and carried 5-0.

At such hearing any person may be heard in favor of or against any items herein contained. A copy of the Preliminary Budget that shall be passed as the adopted 2019 Budget and will be made available at the office of the Town Clerk for inspection by any interested persons.

BUDGET REPORT &
SUPERVISORS STATEMENT

- ❖ The October balance sheet for the Youth Recreation program was provided by the Village of Nunda, along with a copy of the youth recreation abstract of audited vouchers, payroll and final bank statement.
- ❖ Tri-County Medical Center paid the remaining rent due for 2018, a total of \$12,000.00
- ❖ Rick stated he applied for CHIPS and the town should get their final CHIPS check in December.

AUDIT BILLS

There was a motion to approve the Audited Abstracts for the month of November 2018. These abstracts include;

- **General Fund** Claim number, 259-288.
Vouchers 259 & 260 classified as prepaids in the amount of \$952.25

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Vouchers 261 – 283 & 285- 288 in the amount of \$11, 467.89,
Voucher 284 was voided and removed per Town Board decision,
as set forth in abstract No. G-11, dated 11/13/2018.

- **Highway Fund** Claim number 205-229,
Vouchers 205-207 classified as prepaids in the amount of \$1,191.03,
Vouchers 208 -229 in the amount of \$46,296.12,
as set forth in abstract No. H-11, dated 11/13/2018.
- **Police Fund** Claim number, 81-91,
Vouchers 81-82 classified as prepaids in the amount of \$5,901.40,
Vouchers 83-91 in the amount of \$9,366.47,
as set forth in abstract No. P-11, dated 11/13/2018.

A motion was made to approve the audited abstracts. Motion was made by Bill Mann, seconded by Randy Morris and carried 5-0.

POLICE

Randy reported the Nunda Police Department statistics for October 2018, Monthly Community Policing Report, Payroll and Door Check Log as submitted.

Randy stated that Chief Dale has been revamping the Police Department for the last month. Both Randy and Mike remarked how well it already looks and they appreciate the pride Chief Dale has in taking care of his work environment. Chief Dale has also implemented several new policies including Evidence Storage and Procedures, New Patrol Logs and updates to the existing Nunda Police Department Rules and Regulations.

Chief Dale also addressed the Live Scan grant with the commissioners, during his renovation of the office he found the Live Scan grant paper work and there is some uncertainty if there are dues the Town owes for this grant. Randy stated that he and the Chief will review the paperwork together.

Chief Dale also told commissioners that the live scan machine has information stuck in the machine software, to fix this would be a \$600.00 charge and would put appliance back in compliance.

Mike stated that they should first get a confirmation of the status of the dues for live scan grant and compliance updates before more action is taken.

Resignation

Sergeant Bryant

Motion was made to accept the resignation of Nunda Police Sergeant Timothy Bryant. Motion was made by Mike Hillier, seconded by Jim Forrester and carried 5-0.

**50/50 Police Budget
Resolution**

A motion was made to officially designate the Nunda Joint Police Department budget to be managed by an equal divided of financial contribution (50)/ (50) between the Village of Nunda and the Town of Nunda. Motion was made by Mike Hillier, seconded by Bill Mann 5-0.

Police Car

The Commissioner's approved Chief Dale to purchase a 2019 Chevy Tahoe at a spending cap of \$43,000.00 from the Police car reserve fund, figure to include total conversion/outfitting.

Motion was made to accept and support the commissioner's recommendation as previously stated. Motion was made by Randy Morris, seconded by Mike Hillier and carried 5-0.

**Police Agreement
Revision Proposal**

Changes to the current agreement for the Joint Town and Village Police were presented to the board.

The Board reviewed the proposed revised agreement and commented that Number seven (7) in reference to Police Department expenditures was too vague. That perhaps it should address the \$250.00 spending cap specifically.

It was decided that the Town commissioners will address the No. 7 specification at the next commissioners meeting in regards to making it a

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mutually agreed upon cap and the Town Board will reconsider official action in approving the revised agreement at the December board meeting.

Troy Bennett entered meeting at 8:18 PM
Brenda Weaver left meeting at 8:20 PM

IT REPORT

A motion was made to authorize Town Clerk, Cheyenne DeMarco, to contact the Town Attorneys and proceed with the credit card agreement with Forte for the Town Clerk's office. Motion was made by Bill Mann, seconded by Jim Forrester and carried 5-0.

COMMERCE REPORT

None.

BUILDING/ZONING REPORT Previously discussed in CEO report.

HIGHWAY

Rick stated that they are fixing plows to prepare for winter. The 550 truck has a leak in the oil pan.
Jim and Rick are continuing to update the highway equipment replacement plan.

Troy Bennett addressed the board stated that he would like to thank the Town for their assistance, it is to be able to rely on one another and service as a shared service to their community.
The board thanked Troy.

Troy Bennett left meeting at 8:30 PM

ONE MOTION

A motion was made to accept all reports given on 11/13/18. Motion was made by Bill Mann and seconded by Mike Hillier and carried 5-0.

OLD BUSINESS

None.

NEW BUSINESS

None.

CLERK REPORTS

Cheyenne submitted her October 2018 Town Clerk Report of total state, county and local revenues and the October 2018 Justice Report to the Nunda Town Board.

A motion was made to approve the audited Town Clerk and Justice reports for the month of October 2018. The motion was made by Bill Mann seconded by Mike Hillier and carried 5-0.

**ADOPT LOCAL LAW
NO. 2 of 2018**

Motion was made to adopt Local Law Number 2 of 2018, entitled "A Local Tax Cap Levy Law to Override the Real Property Tax Cap Levy Established by General Municipal Law Section 3-c," The purpose of the proposed local law is to authorize the Town Board to adopt a budget for 2019 that provides for an increase in the real property tax levy in excess of 2.25% of the levy for 2018.

This local law shall take effect immediately upon its filing with the Secretary of State pursuant to Section 27 of the Municipal Home Rule Law and shall be applicable to all assessment rolls prepared pursuant to the first taxable status date occurring on or after the effective date of this local law.

Motion was mad by Randy Morris, seconded by Mike Hillier and carried 5-0.

CLOSE PUBLIC HEARING

Motion was made to close the public hearing. Motion was made by Jim Forrester, seconded by Bill Mann and carried 5-0.
Public hearing was closed at 8:25 PM.

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SPECIAL MEETING/
PUBLIC HEARING TO
ADOPT 2019 BUDGET

Reminder that a Public Hearing will take place at a Special Town Board meeting on November 19th at 7:00 PM at the Government Center for the Town Board to pass the 2019 preliminary budget as the adopted budget

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 8: 45 PM.

RESPECTFULLY SUBMITTED,

CHEYENNE DEMARCO
NUNDA TOWN CLERK