

MINUTES OF THE REGULAR TOWN BOARD MEETING
Tuesday, August 13, 2019
AT 7:00 PM

PERSONS PRESENT	TOWN BOARD	Supervisor, Merilee Walker Councilperson, Martha Blair Councilperson, Michael Hillier Councilperson, James Forrester Councilperson, Randall Morris
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RECORDING CLERK	Cheyenne DeMarco
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PERSONNEL	Assessor, Brian Knapp, <i>Absent</i> CEO, Mark Mullikin Chief, Ryan Dale Historian, Valerie Griffing Hwy. Supt., Rick Moran
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VISITORS	Greg McCaffrey, Mel Allen, Jeffrey Wiedrick, Tim Cassidy
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CALL TO ORDER	Supervisor Walker called the meeting to order at 7:00 PM. Roll call was taken with all councilmembers present.
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PLEDGE TO THE FLAG	All persons stood as Mike Hillier led the pledge.
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ADOPTION OF MINUTES	A motion was made to adopt the minutes of the following meetings; <ul style="list-style-type: none"> ➤ Regular Town Board Minutes of 07/09/2019 ➤ Joint Town & Village Board Minutes of 07/15/2019
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The motion was made by Martha Blair, seconded by Jim Forrester and carried 5-0.

CHANGES TO AGENDA	None.
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PRIVILEGE OF THE FLOOR

Greg McCaffrey	Livingston County District Attorney, Greg McCaffrey, attended tonight’s meeting to inform the Town Board of a new law passed by New York State Assembly (CLE 245) These reforms will be effective on Jan. 1, 2020. McCaffrey reviews the most significant aspects of this legislation and how it will affect the Town Board budget as well as the extra responsibilities given to the Nunda Police Department and the Nunda Court system.
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- **“Qualifying Offense”**
 - Unless a person is charged with a “qualifying offense”, a court has no authority to set monetary bail, and must release the person on his or her own recognizance.
 - Monetary bail can still be set by a court when a defendant is charged with a “qualifying offense.” That term is defined as a “violent felony” under Penal Law 70.02 (except for robbery in the second degree (aiding another) and burglary in the second degree (in a dwelling) although an attempt to commit these crimes would still appear to constitute a “qualifying offense”

- **Desk Appearance Tickets (DAT)**
 - A police officer must issue a DAT when a defendant is charged with an E felony (with the exception of certain escape-related offenses and sex offenses), or a misdemeanor unless an exception applies such as:
 - an outstanding bench warrant or has failed to appear in court in the last two years, as well as other exceptions as stated in the law.
 - A DAT must now be filed within 24 hours and returnable no later than 20 days from the date it is issued
 - If the return date is more than 72 hours after its issuance, a court must have “appearance reminders” sent to any defendant who gave his contact information to the police officer.

MINUTES OF THE REGULAR TOWN BOARD MEETING
Tuesday, August 13, 2019
AT 7:00 PM

- **Discovery Reform** (CPL Article 245) will supersede the current discovery statute with new disclosure deadlines.
 - the obligation to disclose information is no longer timed to the date of trial—it is timed to the date of arraignment.
 - the prosecutor’s “initial discovery obligations” must be performed within fifteen calendar days of a defendant’s arraignment date.
 - This includes the Grand Jury testimony of the victim, and the defendant; police reports; the names of witnesses and “adequate contact information,”; search warrants and affidavits in support of the warrants; a record of the defendant’s convictions and prosecution witnesses; the existence of any pending criminal action against prosecution witnesses; and electronically stored information from computers, cell phones, social media accounts seized by or obtained on behalf of law enforcement.

- **“Flow of information”**
 - The arresting officer or assigned detective shall notify the prosecution in writing of the existence of all known 911 call recordings or video or audio recordings from a police body-worn camera and submit as “complete” Law Enforcement agency records and files upon request.

McCaffrey stated that this new law is problematic for many reasons. All the new provisions and timelines are going to be strenuous on both the Local PD and Court and will inevitably create more hours worked on both departments which will largely affect the Town Budget because there is no funding provided by the state budget.

McCaffrey stated that the Town Board and Nunda community will notice how their Police Department will be working in the office a lot more than in their patrol cars during shifts because this new law implements much more administrative work with sensitive timelines.

McCaffrey stated that the DA and Sherriff’s Associations are opposed to this new law, but with the law taking effect the first of the year 2020 McCaffrey is trying to inform as many Town and Village Boards as possible.

Chief Dale asked if they could implement local Village ordinances to better process traffic violations? McCaffrey said that was an option.

McCaffrey thanked the board for their time and stated he will be working closely with Chief Dale in regards to this law.

The Board thanked Mr. McCaffrey.

7:50 PM – Greg McCaffrey and Jeffrey Wiedrick left meeting.

CEO

Mark submitted his July 2019 report. Reviewing that plans of a new house are in the process for Ebert Road. Met with resident to discuss potential business development in the Town. Resident is considering purchasing property to open a repair shop.

Mark also stated that the Planning board is reviewing the Joint Nunda Zoning Code and they’ve found some gaps in the language of the zoning code that could be improved, for instance, for some businesses to move into the Village they would have to acquire a use variance from the Zoning Board, use variances are very difficult to obtain and it almost discourages new businesses. They will continue to review amendments.

It was agreed to proceed with Local Law steps for adopting the Nunda Solar Law. The Town Attorneys stated they thought the final draft was well written and advised it was good with proceeding. The Board agreed to present the

MINUTES OF THE REGULAR TOWN BOARD MEETING
Tuesday, August 13, 2019
AT 7:00 PM

Local Law at the September Board meeting and then proceed with a public hearing at the October Board Meeting.

ASSESSOR REPORT

None.

HISTORIAN

Val submitted her July report where she stated that she is reading the annual meeting minutes of the Portage #7 later Portage #11 school for the period 1840-1915. While most of it is the usual information you would expect an annual school board meeting to be, there is a gem that popped up in there that made my day. A list of births, marriages and deaths for 1849-1850 from that school district is recorded. Considering that vital statistics were not required until about 1882 in New York State, this is a nice little resource to come across. Val will share this with the Portage town historian as well.

The board thanked Val.

COMMUNICATIONS

Supervisor Walker reviewed the following communications:

i.) David Haskell Letter

David Haskell from 9401 South State Street, Nunda, wrote a letter to Supervisor Walker as well as Rick Moran, Don Higgins from the Livingston County Highway Department and Mr. Billittier from NYS Department of Transportation. Haskell's letter addressed the summer rain storms that created damage to Mr. Haskell's property due to excess water. Mr. Haskell says due to his property location, he has two smaller sized creeks running through State Street and Watercure Road, one from the South and the other from the West of Stone Road. Mr. Haskell stated that he has tried to maintain both creeks on his own with personally hired contractors but this summer has gone beyond his ability to handle the problem. Mr. Haskell is asked all addressed in the letter for assistance. Rick stated that the DEC did recently approve to maintain those creeks with landowner permission, although Rick believes the maintenance would have to follow creek all the way to Fuller Road to really resolve the flooding problem. It was stated that it's a potential shared service project with the School. It was stated that some community members may have a concern that they would be using public funds to resolve a private landowner problem, but really resolving this issue would protect the roads as well. It was suggested to bring this subject to the Town attorneys.

ii.) TRIAD delegates letter

A letter was received from Livingston County TRIAD delegates requesting help from the Town board to scout Nunda representation. Monthly meetings are held at the County Government Center.

iii.) Creation of a Capital Building account for new Highway building (H1440)

Motion was made to create a capital projects fund for the future Nunda Highway Building. Motion was made by Mike Hillier, seconded Martha Blair and carried 5-0.

iv.) County Administrator, Ian Coyle, will be at the Nunda Government Center on August 19th at 5:30 PM, - open to the public.

v.) NYClass presentation. Supervisor Walker stated that when peaking to other County Supervisors, the use of investing with a company called NYClass was used by some. Supervisor Walker asked if the board would be interested in inviting a representative to a board meeting to consider? The Board was in favor.

MINUTES OF THE REGULAR TOWN BOARD MEETING
Tuesday, August 13, 2019
AT 7:00 PM

SUPERVISORS STATEMENT Signed and given to the Town Clerk for filing.

BUDGET An invoice from the Village Board was requested for the Nunda Police Car Purchase. Chief Dale stated he will create an itemized invoice to present to the Town to supply the Village for reimbursement to the Town Budget.

Budget estimate forms were submitted to all department heads for the 2020 Budget year.

Transfer of Funds **GENERAL FUND – TOWNWIDE**

Transfer From:

<i>Unanticipated Revenue</i>		
AUB	Unexpended Balance - Bldg Rsv	\$45,590.00
A1990.4	Contingency	\$501.00
	TOTAL:	\$46,091.00

Transfer To:

A1330.4	Tax Collector Contr	\$201.00
A1410.4	Town Clerk Contr	\$75.00
A1620.2	Town Hall Equip	\$225.00
A1940.4	Purchase of Land	\$45,590.00
	TOTAL:	\$46,091.00

GENERAL FUND - OUTSIDE VILLAGE

Transfer From:

<i>Unanticipated Revenue</i>		
BUB	Unexpended Balance	\$2,027.00
	TOTAL:	\$2,027.00

Transfer To:

B7310.4	Youth Programs	\$429.00
B8160.4	Clean Up Day	\$1,598.00
	TOTAL:	\$2,027.00

HIGHWAY FUND - TOWNWIDE

Transfer From:

DA5130.4	Machinery Contr	\$5,625.00
	TOTAL:	\$5,625.00

Transfer To:

DA5130.2	Machinery Equipment	\$5,625.00
	TOTAL:	\$5,625.00

POLICE FUND

Transfer From:

<i>Unanticipated Revenue</i>		
SPUB	Unexpended Balance	\$2,965.00
	TOTAL:	\$2,965.00

Transfer To:

SP3120.4F	New Equipment	\$1,035.00
SP3120.4L	Radio/Computer	\$400.00
SP3120.4O	Uniforms	\$1,110.00
SP3120.4S	Software Maint Fee	\$420.00
	TOTAL:	\$2,965.00

MINUTES OF THE REGULAR TOWN BOARD MEETING
Tuesday, August 13, 2019
AT 7:00 PM

AUDIT BILLS

There was a motion to approve the Audited Abstracts for the month of July 2019. These abstracts include;

- *General Fund* Claim number, 168-185, in the amount of \$6,376.23, as set forth in abstract No. G-8, dated 08/13/2019.
- *Highway Fund* Claim number, 145-167, in the amount of \$119, 349.17, as set forth in abstract No. H-8, dated 08/13/2019.
- *Police Fund* Claim number, 63-69, in the amount of \$25, 638.40, as set forth in abstract No. P-8, dated 08/13/2019.
Vouchers 63 was classified as prepay in the amount of \$25, 292.00, payable to Main Motorcar.

A motion was made to approve the audited abstracts. Motion was made by Mike Hillier, seconded by Martha Blair and carried 5-0.

POLICE

Mike reported the Nunda Police Department statistics for July 2019, and Monthly Community Policing Report, Payroll and Door Check Log as submitted.

Chief Dale briefly reviewed how the CLE 245 reforms, that Mr. McCaffrey reviewed earlier, would put additional administration time on all officer shifts. Mr. McCaffrey mentioned that the law would require that all 911/PD radio interaction tapes be submitted, Chief Dale stated that this has never been done at the Nunda PD. A lot of what this new law is requesting will make the PD learn a lot of new material procedures. In regards to traffics violations, Chief Dale would like to look into establishing Village ordinances.

The 2019 Dodge Charger was received on July 30th, graphics will be installed next by August 8th. All equipment has been ordered for the patrol car and is expected to come and be installed the last week in August.

Chief Dale stated that the Bulletproof Vest Program (BVP) informed him that the Nunda PD has \$1, 876.80 in approved funding from 2017. Chief Dale is currently working with BVP to transfer funds by month end.

IT REPORT

None.

COMMERCE REPORT

None.

BUILDING/ZONING REPORT

None.

HIGHWAY

Rick Moran stated the DeGroff road project is still on the agenda, they are changing a culvert then attending the road. Tiled Fox Hill Road, Caledonia and York Highway departments assisted with hauling.

Rick and Jim discussed bidding out the 550 for a predicted \$35 – 38, 000. Motion was made to advertise for sealed bids for the Town of Nunda Highway Department's F-550 Dump Diesel Power equipment group. Mailed bids must be postdated by August 19, 2019 and sent to the office of the Nunda Town Highway Superintendent, PO Box 580, Nunda, New York 14517 or submitted in person to the Nunda Town Clerk's Office, 4 Massachusetts Street, Nunda, New York 14517 by Thursday, August 22, 2019 until end of business at 7:00 PM.

F-550 Dump Diesel Power equipment group includes a 4x4 regular cab, 169-inch wheel base, 11-foot stainless steel body, tow package, snow plow package, daytime running lights, cruise control & block heater. All questions shall be directed to Nunda Town Superintendent, Rick Moran.

Bids will be publicly opened and read out loud at the Regular Town Board Meeting of September 10th, 2019 at 7:00 PM.

Bids shall be received in a sealed envelope and marked "Truck bid".

The Town Board reserves the right to reject any and all bids.

Motion was made by Jim Forrester, seconded by Randy Morris and carried 5-0.

MINUTES OF THE REGULAR TOWN BOARD MEETING
Tuesday, August 13, 2019
AT 7:00 PM

- ONE MOTION A motion was made to accept all reports given on 07/09/19. Motion was made by Jim Forrester and seconded by Mike Hillier and carried 5-0.
- OLD BUSINESS
- Highway Building Supervisor Walker stated that the preliminary site plan has been completed by MRB group. Supervisor Walker handed out copies of the floor plan blue print to the Board.
- It was mentioned that a review of potential shared services between the Town & Village highway departments be discussed between Rick and Troy Bennett.
- Tax Abatement/
Land Acquisition Jim stated that a joint Town & Village committee met on July 8th in regards to renewing the Tax Abatement agreement as well as the Land Acquisition grant the Village of Nunda has applied for in order to obtain the Lawson's Property. The committee will meet again on July 27th to explore alternative purchase options if the grant is not approved. Lawson's have said they would prefer to sell the land after January 2020.
- Brian Knapp attended the committee meeting and was very helpful in the tax abatement discussion. They will be approaching the KSC School Board in regards to this abatement renewal.
- NEW BUSINESS None.
- CLERK REPORTS Cheyenne submitted her July 2019 Town Clerk Report of total state, county and local revenues and the July 2019 Justice Report to the Nunda Town Board.
- A motion was made to approve the Town Clerk and Justice reports for the month of July 2019. The motion was made by Mike Hillier, seconded by Martha Blair 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 9:18 PM.

RESPECTFULLY SUBMITTED,

CHEYENNE DEMARCO
NUNDA TOWN CLERK