

**MINUTES OF JOINT VILLAGE AND TOWN BOARD SPECIAL MEETING**

**Monday, July 16, 2018**

**AT 7:00 PM**

**PERSONS PRESENT**

**TOWN BOARD**

Supervisor, Merilee Walker  
Councilperson, Bill Mann  
Councilperson, Mike Hillier  
Councilperson, James Forrester  
Councilperson, Randall Morris

**RECORDING CLERK** Cheyenne DeMarco

**VILLAGE BOARD**

Mayor, Jack Morgan  
Trustee, Darren Snyder  
Trustee, Bill McTarnagan  
Trustee, Mel Allen  
Trustee, Don Wilcox

**RECORDING CLERK** LeRoy Wood

**PERSONNEL**

Police Chief, Jeff Wilcox  
Sergeant, Stephen Rapp

**VISITORS**

Rick Moran, Justin Bennet,  
Joy Costello, Mechelle Gillen

Meeting was called to order at 7:00 PM by both Supervisor Walker and Mayor Morgan.

Roll call was taken by Town and Village Clerks with all councilmembers and trustees present.

All persons stood as Randy Morris said the pledge of allegiance.

**A. Clarification of Joint Ventures**

Mayor Morgan spoke in regards to the Nunda joint police department's operation under Article 6 of the New York State General Municipal Law (GML) §121-a, *Creation of village and town police department in certain towns and villages*. Mayor Morgan stated his concern that our joint police department may not be following the law, specifically at the part where the law states, "The Board or boards of trustees of each village of each village shall appoint village policemen for service inside the area covered by such joint department, and the town board or boards shall appoint town policemen for service inside the area covered by such joint department. Such town and village policemen shall be appointed for such terms of office and receive such compensation as the town or village board may determine." Currently the Town pays all the police officers and their employee files are with the Town when they are both Village and Town employees. There was discussion on difference in interpretation of the quoted law.

Supervisor Walker stated the payroll of officers has always been done by the Town, over the years they have been audited numerous times and it was never found as a fault.

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Stephen Rapp left meeting at 7:15 PM

Councilmen Jim Forrester stated that within GML §121-a, the part of the law they are in fact in violation of is not having a Chief of Police who is appointed. GML §121-a states the following, "Boards shall at such meeting, by a majority vote, appoint a chief of police for such joint police department. . . Such chief of police shall be appointed for a term of office of three years, and shall receive such compensation as the town and village boards at joint session may determine." Currently, Chief Wilcox is civil service protected.

Councilperson Bill Mann suggested that before trying to create an inter-municipal agreement that is following the GML 121-a to everyone's liking and understanding, they should table making any agreements until they get both Town and Village attorney's opinions. Mayor Morgan agreed.

A motion was made that until the commissioners with Town and Village attorneys can sit down to create an agreement applicable to the Joint Police Department in compliance with GML§121-a, any furtherer discussion of a joint venture should be tabled. Motion was made by Bill Mann, seconded by Mike Hillier and carried 5-0.

Motion was also carried and approved by the Village Board.

A motion was made that until the youth members from the Town and Village of Nunda and the Town of Portage can meet with each municipal's attorney to create an agreement applicable to the Joint Youth Program, any furtherer discussion of a joint venture should be tabled. Motion was made by Bill Mann, seconded by Mike Hillier and carried 5-0.

Motion was also carried and approved by the Village Board.

Bill advised that the commissioners get with the attorneys for an updated agreement and within that agreement make sure to designate a governing body overseeing the rules and regulations of the Police Department. Chief Wilcox should not have to ask permission from two boards to get approval for one thing. The agreement needs structure; structure of the Chief and officers, commissioner's relationship with the Police Department and establish who has power of authority with the police department. A document that breaks down the essentials. There should also be a way include budget overview as well.

A motion was made to extend the current joint police department agreement between the Town and Village of Nunda until January first of the year 2019 where the commissioners and attorneys reconvene with an updated and approved joint agreement to replace it. Motion was made by Bill Mann, seconded by Jim Forrester and carried 5-0.

Motion was also carried and approved by the Village Board.

**B. Budgeting for Joint Ventures**

LeRoy asked Town of Nunda Book keeper Justin Bennett representing Baldwin Business Services why there is no 230-account recorded on the Police Annual Financial Report Update Document (AUD)?

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Justin Bennett explained that the Police Department submits its own AUD because it is its own entity. The monies received for the Police Department through Town taxes goes into the Town budget as a B fund but recorded in the AUD as an A fund because it is a joint entity. It is also recorded on State's website as mandated. A 230- account is not recorded on the AUD report because it is not a separate account, but if requested it can be listed on the AUD without physically moving the money.

Supervisor Walker clarified that funds stays in their fund lines. There is no transfer from police budget to general budget as it has been rumored. If there is left over fund balance within the police budget it rolls over to the next year's budget. Justin Bennett from Baldwin Businesses confirmed this as well.

Councilmen Randy Morris asked if the Village had any documentation of when the budgetary decision with the police budget went from 40/60 to 50/50? Supervisor Walker stated she was Village clerk at the time of the 50/50 split and it was just decided in a joint Town and Village board meeting. Randy stated that to make things right, it should have been done by resolution. Mayor Morgan stated that the Village has every vital police communications document and a document containing that information is a part of it.

**C. Double dipping in taxes**

Jim stated this rumor has been out there before and it was cleared up then and now the rumor is back. Remarks or questioning that the town is "double dipping" with tax payer money with the Police Department portion hurts the relationship as a partnership of a joint venture and is offensive that it is on tonight's agenda.

**D. Police Car**

Bill Mann stated that in 2016 he was on the Police commissioners board, at that time the police car reserve was healthy. \$8,000 was requested to go into the police car reserve by Chief Wilcox but the board decided instead to put \$4000 in the car reserve and \$4000 in the police services fund to be able to give the current officers a raise hoping that would decrease the turnover in the department. The same budget decision was made last year as well.

The topic of a new police car has always been a very lengthy and constant discussion with the commissioners. In fact, it was brought up in the June commissioners meeting that Bill attended in Councilmember Mike Hillier's absence.

The 2019 Town Budget preparations are about to begin, all ducks need to be put in a row if the police car is going to be requested again. It was requested to Chief Wilcox to bring Mini bids for both Chevy and Ford replacement cars with estimates of outfitting and be submitted by the next police commissioners' meeting.

Darren Snyder stated he finds it offensive that Chief Wilcox only goes to the Town Supervisor in regards to his department budget estimate/request each year and the commissioners are left out. The commissioners need this budget as well, some refurbishing needs to be done at the Police Department Building but it feels like you're just spinning your wheels when you have plans but don't get to participate.

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Darren requested that drafted minutes from commissioners' meetings be given to both Village and Town boards the same month as the commissioners meeting is held.

**E. Air Conditioning Unit.**

A motion was made to purchase an air conditioning unit at a 50/50 share cost between the Town and Village of Nunda for the office of the shared Code and Zoning Enforcement. Motion was by Mike Hillier and seconded by Bill Mann 5-0.

Motion was also carried and approved by the Village Board.

**F. Crossing Guard**

The topic of crossing guards at the intersection of Mill and Church Street within the Village of Nunda by Keshequa Central School was discussed. The school attempted a volunteer guard program and was unsuccessful.

Bill Mann stated that in Florida there were crossing guards hired by the Sheriff's Office. Perhaps they can ask Chief Wilcox if the Nunda Police Department could offer a program to train volunteers. It is hard to get crossing guards without paying them.

Don Wilcox suggested asking Nunda organizations such as Rotary or Kiwanis to find volunteer cross guards. Don stated it is worth a try before launching a program requiring funding.

It was decided this discussion would be on the next agenda to the commissioners' meeting.

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

Village adjourned thereafter.

Meeting ended at 9:25 PM

RESPECTFULLY SUBMITTED,

CHEYENNE DEMARCO  
NUNDA TOWN CLERK