

MINUTES OF THE REGULAR TOWN BOARD MEETING
Tuesday, February 11, 2020
AT 7:00 PM

PERSONS PRESENT	TOWN BOARD	Supervisor, Merilee Walker Councilperson, Martha Blair Councilperson, Michael Hillier Councilperson, James Forrester Councilperson, Randall Morris
	RECORDING CLERK	Cheyenne DeMarco
	PERSONNEL	Assessor, Brian Knapp, <i>Absent</i> CEO, Mark Mullikin Chief, Ryan Dale Historian, Valerie Griffing Hwy. Supt., Rick Moran
	VISITORS	Kaytlyn Hall, Recruit Brock Allen, Recruit James Pappas, Matthew Whitney, Charles Comer, Elaine Comer, Patty Piper, Yvonne Oliver, Rhonda Howard, Alex Peirce, Tim Cassidy
CALL TO ORDER		Supervisor Walker called the meeting to order at 7:00 PM. Roll call was taken with all councilmembers present.
PLEDGE TO THE FLAG		All persons stood as Randy Morris led the pledge.
ADOPTION OF MINUTES		A motion was made to adopt the minutes of the following meetings; <ul style="list-style-type: none">• Organizational Minutes of 01/02/2020• Regular Town Board Minutes of 01/14/2020• Review Only, Commissioner Minutes of 02/03/2020 <p>Motion was made by Jim Forrester, seconded by Mike Hillier and carried 5-0.</p>
CHANGES TO AGENDA		None.
PRIVILEGE OF THE FLOOR		
Charles Comer		<p>Mr. Comer stated that he lives in West Sparta, but recently purchased a home on Route 408. Mr. Comer stated complaints about both his property tax and assessment being too high. Supervisor Walker and the board members expressed that they have the shared concern of raised taxes, nobody wants to raise taxes. In 2018 there were several budget meetings addressing the fact that they would have to. One of the difficulties is that Nunda is not a growing tax base but expenses are going up. The Town Board had been using its fund balance to offset the taxes for the several years to spare the tax payers, but the fund balance is winding down and it has come to a point where they need to taper off using the fund balance. All circumstances make it difficult not raise taxes.</p> <p>Mr. Comer asked if there was something that caused a significant increase to the budget? The answer was yes, the Nunda Fire Department was mandated to have certain updates in equipment and health insurance coverage by New York State, which contributed to an 5% increase alone.</p> <p>Mr. Comer asked if they have followed legal procedure for going over the 2% tax cap? Supervisor Walker stated that they had in fact passed a local law and filed it with the Secretary of State as required.</p> <p>The board also advised Mr. Comer of Grievance Day in 2020 to address his assessment.</p>

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Mr. Comer thanked the board.

Charles Comer & Elaine Comer left meeting at 7:15 PM.

Be Well in Nunda
Patty Piper & Yvonne Oliver

The Be Well in Nunda Committee provided the board with a 2019 Be Well Status Update and also asked the Town Board to consider adopting a Be Well resolution they have created.

Resolution No. 1 of 2020

SETTING FORTH NUNDA'S COMMITMENT TO BE WELL

WHEREAS, the Town Board of Nunda supports policies, systems and environmental changes that focus on health and wellness and healthier lifestyles in all communities; and

WHEREAS, there are important, long-term community benefits to be gained by encouraging healthy lifestyles, including a decrease in the rate of obesity and its negative health-related impacts and cost; and

WHEREAS, there is a significant difference in health status, such as obesity, poor mental health and substance use, among people living in rural areas compared with people living in urban areas, and this variance increases because rural residents are often more likely to face social determinants that negatively impact health, such as poverty, transportation barriers and lack of economic opportunity; and

WHEREAS, about one in six residents in Nunda are living in poverty, and 37% of students are overweight or obese; and

WHEREAS, our health is affected by where we live, work, and play; and in order for our communities to be healthy, we need to live in healthy communities; and

WHEREAS, the Town Board of Nunda and other community partners/businesses/educational institutions will work together to ensure that there are safe places for residents to be active, have access to healthy foods and education, and opportunities for mental health programs; and

NOW, THEREFORE, BE IT RESOLVED by the Town Board of Nunda that all community departments and agencies are encouraged to support the mission of the Be Well In Livingston initiative to Eat Better, Move More, and Stress Less by taking advantage of opportunities to: (A) Promote and support active transportation and physical activity; (B) Support joint use of facilities throughout communities in Livingston County which enhance health opportunities; and (C) Develop policies to provide access to healthy foods and mental health; and (D) Promote and support opportunities for education; and

BE IT FURTHER RESOLVED that the Town Board of Nunda will work with other communities, Livingston County departments, community partners, and regional agencies to adopt preventive measures, develop initiatives and programs to fight obesity and chronic disease, and create or support existing coalitions, such as Be Well in Livingston, which collectively advance community health and wellness.

Motion was made to adopt Resolution 1 of 2020. Motion was made by Martha Blair, seconded by Mike Hillier and carried 5-0.

Alex Pierce

Alex addressed the board, stating that Tri-County Family Medical is looking for a larger facility in Nunda to expand their services. Alex suggested to the board that perhaps they consider vacating the current Government Center and let Tri-County expand here and the Government center relocate to the Union Block.

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- CEO Mark submitted his January 2020 written report which included the structure fire on Myers Road. Owner John Mann and wife had no injuries; however, the home was a total loss on site with fire investigators. Cause of fire was from a failure in the electrical system started in the electric panel.
Working with the Nunda Planning Board to create a draft of zoning law with proposed amendments, as well as updating the bulk use tables.
All annual reports have been filed with NYS as required.
- ASSESSOR REPORT None.
- HISTORIAN Val submitted her January 2020 report.
Val began working on a joint project with Cheyenne DeMarco, Nunda Town Clerk, to transcribe the first minute book of the Town of Nunda. The nuances and shorthand abbreviations of handwriting of 200 years ago is an interesting contrast to the handwriting of today. Reading and transcribing old handwriting take some getting used to and a lot of patience. Val is transcribing this work into modern English for ease in using this document.
- Val also gratefully acknowledge two recent gifts from the Nunda Historical Society to the Town of Nunda Historians office.
The first is a four CD set of digitized Nunda Central/Keshequa Central yearbooks from 1946 to 2018. The society worked with a division of the Oklahoma Department of Corrections which digitizes government documents as well as those of other institutions and non-profit organizations, etc. for a very reasonable price. The original documents are returned unharmed. In this instance, you put in a CD, enter a name you are looking for and it will list all of the places on the disk that name is found.
- The second is a two CD digitized set of Val's 10,000-card index card file. In the early 1980's the card file was microfilmed by the Latter-Day Saints church and the microfilm placed in Bell Library for all to use. That microfilm was also sent to the Oklahoma Department of Corrections and digitized. There is no index to this resource as the cards are all handwritten and also, the file ends at the point that the microfilming was done. The entries are in alphabetical order by surname and you can scroll down to the name you are looking for. These donations are a much-appreciated addition to the Town's collection.
- The board thanked Val.
- COMMUNICATIONS Supervisor Walker reviewed the following communications:
- i.) *James Mann Jr. resignation from newly elected Justice term.*
Justice Mann resigned his position as Town and Village Justice effective December 1, 2019. Being that he was elected in 2019 to a 4-year justice term beginning 01/01/2020. The letter he submitted dated November 25, 2019 only addressed the Town Justice Position that ended 12/31/2019. This second letter of resignation is his resigning from his newly elected office.

In resignation letter, Jim Mann stated that having been elected to the position of Town Justice of Town of Nunda on November 5, 2019, he hereby declines such election and will not serve in said office for the term commencing January 1, 2020.

Motion was made to accept Justice Mann's resignation letter from the Election of November 5, 2019, and not serve in said office for the term commencing January 1, 2020. Motion was made by Mike Hillier, seconded by Martha Blair and carried 5-0.
 - ii.) *Snyder Brothers Cemetery Service, change of rates.*
Two letters of notice were sent to the Nunda Town Board to advise the increase in rates. Effective April 1, 2020, the cost for grave openings and closing will be \$375.00. There will also

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be an additional charge of \$150.00 for Sundays and Holidays, and an overtime charge of \$100.00 per hour for Funerals that arrive at the cemetery after 3:30 PM.

Effective April 1, 2020, the cost for cremation openings and closing will be \$200.00. With the same additional charges applied for Sundays and Holidays and overtime.

iii.) Accepting Cemetery Bids.

Motion was made to advertise for the acceptance of sealed bids for the mowing and trimming of Union Cemetery in Dalton, NY 14836. Sealed bids will be received at the office of the Nunda Town Clerk, 4 Massachusetts Street, PO Box 699, Nunda, New York 14517, until end of business at 4:30 PM on Friday, the 6th day of March 2020. They will be publicly opened and read out loud at the Regular Town Board Meeting of March 10, 2020 at 7:00 PM. Motion was made by Randy Morris, seconded by Martha Blair and carried 5-0.

iv.) Renewal of Teamsters Union Contract.

Motion was made to authorize Supervisor Walker to sign the renewed contract with the Teamsters Union as submitted, contract to end 2022. Motion was made by Randy Morris, seconded by Jim Forrester and carried 5-0.

NEW HIGHWAY GARAGE PROJECT

a) SEQR Resolution, Declaring the intent to be lead agency.

Resolution No. 2 of 2020 - SEQR

WHEREAS, the Town of Nunda Town Board (hereinafter referred to as Town Board) has reviewed the SEQR Short Environmental Assessment Form (EAF) Part 1, prepared by the MRB Group (hereinafter referred to as Town Engineer) on the above-referenced Town of Nunda Highway Garage Project (hereinafter referred to as Action); and

WHEREAS, the Town Board determines that said Action is classified as an Unlisted Action under the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the Town Board determines that said Action is also subject to review and approval by other involved agencies under SEQR Regulations; and

WHEREAS, the Town Board determines that it is the most appropriate agency to ensure the coordination of this Action and will provide written notifications to involved agencies, for the purposes of conducting a coordinated review and making the determination of significance thereon under the SEQR Regulations.

NOW, THEREFORE BE IT RESOLVED that the Town Board does hereby declare its intent to be designated as the lead agency for the Action.

BE IT FURTHER RESOLVED, that the Town Engineer is directed to provide notice hereof to the involved and interested agencies, seeking their agreement (or objection thereto) in writing on or before noon on Friday, March 13, 2020.

Motion was made to adopt Resolution 2 of 2020, by Randy Morris, seconded by Mike Hillier and carried 5-0.

Foundation Design Proposal of
Engineering and Lab Testing Services

b) Geotechnical Engineering Proposal with Foundation Design, P.C.

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1. Review the project concept plans to finalize the exploration program. Provide MRB with a plan showing the desired test pit layout. MRB will stake out the test holes and provide surface elevations.
2. Log test pits that Nunda will excavate and backfill. Test holes will be ten feet or more in depth. Foundation Design will log the subsurface conditions 'from the surface' and will not be climbing down into test holes after extend deep than four feet. Test pits will be backfilled shortly after excavation.
3. Select representative soil samples for supplemental laboratory testing to potentially include sieve analysis, organic content tests, and moisture content tests. Perform the testing and formalize a laboratory report for inclusion in Foundations Design's design documents.
4. Evaluate the soil, bedrock, and groundwater conditions. Analyze the data and develop detailed design recommendations including bearing pressures and settlement estimates, slab-on-grade, seismic design criteria, retain wall conditions, a discussion of groundwater control, and fill placement and compaction.
5. Submit a design report summarizing Foundations Design's findings and design recommendations.
6. Foundations Design will propose to provide these services in accordance with General Conditions. They propose to provide the described engineering and lab testing services for Lump Sum Fee of \$2,950.00. They will invoice monthly for the percent work completed, with the final invoice to be submitted shortly after submission of the geotechnical report.

Motion was made to sign presented proposal by Foundations Design authorizing them to proceed. Motion was made by Jim Forrester, seconded by Mike Hillier and carried 5-0.

Resolution No. 3 of 2020- State Aid

- c) Authorizing the implementation, and funding in the first instance of the State-aid Program eligible costs, of a capital project, and appropriating funds therefore.*

WHEREAS, a Project for the construction of the Nunda Town Highway Building, P.I.N. #476119 is eligible for funding under a New York State Program administered by the New York State Department of Transportation (NYSDOT): and

WHEREAS, a sum not to exceed \$500,000 in Program Funding is available to progress the project.

WHEREAS, the Town of Nunda desires to advance the Project by making a commitment of 100% of the State share of the costs of the construction of the Nunda Town Highway Building.

NOW, THEREFORE, the Nunda Town Board duly convened does hereby

RESOLVE, that the Nunda Town Board hereby approves the above-subject project; and it is hereby further RESOLVED that the Nunda Town hereby authorizes the Town of Nunda to pay in the first instance 100% of the cost of construction work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$500,000 is hereby appropriated from the general fund and B.A.N.'s and made available to

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cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the full state share costs of the project exceeds the amount appropriated above, the Nunda Town Board shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Nunda Town Supervisor thereof, and it is further

RESOLVED, that the Supervisor of the Town of Nunda be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for the State Aid on behalf of the Town of Nunda with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's/Sponsor's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that a Certified Copy of this resolution be filed with the New York State Commissioner of Transportation of the State of New York by attaching it to any necessary Agreement in connection with the Project between the Town of Nunda and the State of New York; and it is further

RESOLVED, this Resolution shall take effect immediately.

Motion was made to adopt resolution 3 of 2020 by Jim Forrester, seconded by Mike Hillier and carried 5-0.

MRB Group
Proposal for Professional Services

- d) *MRB Group, Engineering, architecture, surveying agreement for professional services standard terms and conditions.*
Motion was made to accept the surveying agreement for professional services standard terms and conditions with MRB Group as submitted. Motion was made by Jim Forrester, seconded by Randy Morris and carried 5-0.

SUPERVISORS STATEMENT Signed and given to the Town Clerk.

MONTHLY BUDGET

- Youth Budget was submitted by the Village of Nunda for review.

AUDIT BILLS

There was a motion to approve the Audited Abstracts for the month of February 2020. These abstracts include;

- *General Fund* Claim number, 20-44, in the amount of \$113, 161.37, as set forth in abstract No. G-2, dated 02/11/2020.
Vouchers 20 was classified as prepay in the amount of \$121.32
- *Highway Fund* Claim number, 6-36, in the amount of \$99, 257.76, as set forth in abstract No. H-2, dated 02/11/2020.
Vouchers 6-7 was classified as prepays in the amount of \$1, 154.57.
- *Police Fund* Claim number, 5-12, in the amount of \$6, 450.26, as set forth in abstract No. P-2, dated 02/11/2020.
Vouchers 5 was classified as prepay in the amount of \$52.06
- *Capital Project* Claim number, 2, in the amount of \$85.00, as set forth in abstract No. C-2, dated 02/11/2020.

Motion was made to approve the audited abstracts. Motion was made by Martha Blair, seconded by Jim Forrester and carried 5-0.

POLICE

Chief Dale reported the Nunda Police Department statistics for January 2020.

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Hiring Pappas & Allen Chief Dale stated that Recruit Officer Pappas and Recruit Officer Allen are progressing through their Field Training as required by DCJS. Chief Dale stated that both candidates would be an asset to the Nunda Police Department and to the Village and Town of Nunda. As each Recruit Officer reaches their soon to be graduation from the Rural Police Training Academy, it would be the recommendation of Chief Dale to hire both recruits for employment at the Nunda Police Department following their completion of FTO training hours.

Motion was made to hire Brock Allen and James Pappas as Officers to the Nunda Police Department upon successful completion of field training officer (FTO). Motion was made by Mike Hillier, seconded by Randy Morris and carried 5-0.

Exam Chief Dale stated that the County Personnel Department informed him that when the Chief position was created for Nunda it was created under civil service requirements. Chief Dale applied for the exam, which will be March 14th and results will be given in June/July.

Transfer of Funds

POLICE FUND

Transfer From:

SP3120.1	Protective Svc	\$ 10,500
TOTAL:		\$ 10,500

Transfer To:

SP3120.1A	Court Services	\$ 4,500
SP3120.1B	DWI	\$ 6,000
TOTAL:		\$ 10,500

Motion was made to approve the Police line transfers. Motion was made by Randy Morris, seconded by Martha Blair and carried 5-0.

Chief Dale stated that he is changing his payroll reports to better track the Crackdown monies received so there is more transparency in how those monies are supporting the payroll of the Nunda Police Department.

IT REPORT None.

COMMERCE REPORT Two committee meetings were held with the Village and Lawsons regarding the property. They are looking at April 2020 for a purchasing timeframe for the land and gravel. They discussed reducing the tax roll which would benefit the Village of Nunda who pay tax on the land as well, the value brought in by the property would offset the reduced tax. They are discussing setting up scheduling to prepare the gravel and compare the tax abatement against the value of the gravel.

BUILDING/ZONING REPORT Refer to new highway department project.

HIGHWAY Rick reported that there is an antifreeze leak in the Mac 2015. They have started clearing out brush in preparation for Spring.

Jim stated that they expect the fund balance of 2019 to end high which will help offset 2020 expenses.

ONE MOTION **A motion was made** to accept all reports given on 01/14/2020. Motion was made by Randy Morris and seconded by Mike Hillier and carried 5-0.

OLD BUSINESS None.

