

# MINUTES OF THE REGULAR NUNDA TOWN BOARD MEETING

Tuesday September 13, 2022, at 7:00 PM

*Draft*

## PERSONS PRESENT

### TOWN BOARD

Supervisor: Merilee Walker

Councilperson: Martha Blair

Councilperson: Michael Hillier

Councilperson: James Forrester – *absent*

Councilperson: Randall Morris

### RECORDING CLERK

Tamara McCallum

### PERSONNEL

Assessor: Brian Knapp – *absent*

CEO/ZEO: Mark Mullikin

Police Chief: Ryan Dale – *arrived 7:30 PM*

Historian: Valerie Griffing

Hwy Superintendent: Rick Moran

Planning Board Chairman: Alex Pierce – *absent*

### VISITORS

Lesley Powers

Elmer Bird

Beth Sackett

### CALL TO ORDER

Supervisor Walker called the meeting to order at 7:00 PM. Roll call was made with one councilperson absent.

### PLEDGE TO THE FLAG

All persons stood as Rick Moran led the pledge.

### ADOPTION OF MINUTES

**A motion was made** to adopt the minutes of the following meeting, with corrections:

- A. Regular Town Board Minutes of 08/09/2022 – **Motion was made by** Councilperson Hillier, seconded by Councilperson Blair, and carried 4-0.

### CHANGES TO AGENDA

None

### PRIVELEDGE OF THE FLOOR

Mrs. Lesley Powers introduced herself as the new Keshequa School District Superintendent. She thanked the Board for allowing her to visit. Mrs. Powers grew up in Nunda, went to Keshequa herself and still has one child enrolled in the district. She was excited to take on the role of Superintendent and is looking forward to partnering with the Town, Village, and other stakeholders in the community to provide expanded services and opportunities to the citizens. The Board thanked Mrs. Powers for meeting with them.

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The Supervisor recognized Mr. Elmer Bird. Mr. Bird stated that he had lived in Town for 30 years. He said that "due to the actions of Mark Mullikin not acting in good faith in the Zoning Laws, I now face two rubber-stamped permits which are not within conformance of the Zoning Laws." He went on to state that "I'm here tonight to see if Mr. Mullikin is going to pave the way so that I can sue the Town; or I will give you a chance to throw out his decision and have an independent person review the case and see what you guys think."

There was much discussion between Mr. Bird, Supervisor Walker, and the Board Members. Mr. Bird's basic complaint was that one of his neighbors created a public health hazard to him, that he did not have enough land to own cattle, that the cattle's odor bothered his COPD, and that he should not be allowed to run a farming operation. Supervisor Walker told the Board that Mr. Bird's neighbor had purchased an additional 2 acres and added it to the original acres and that the neighbor now had more than enough acreage to own cows. She told Mr. Bird that she consulted the Town's Attorney and read a statement from the attorney which said that the neighbor was now fully in compliance with the code and that he was legally allowed to use the property for an agricultural and/or farming operation and the keeping of livestock. Mr. Bird went on to complain about another of his neighbors' accessory building which is in front of her house in opposition to the building code. He was told that he should bring this up with the Zoning Board of Appeals.

Mr. Bird stated that he intended to sue his neighbor first and then come around to the Town. Councilperson Morris asked if Mr. Bird was putting the Town on notice that he was going to sue the Town. Mr. Bird responded in the affirmative. Councilperson Morris stated that the Board could no longer talk to him. Councilperson Hillier told Mr. Bird to have his attorney contact the Town's attorney. The board thanked Mr. Bird for coming in.

*Elmer Bird left the meeting at 7:28 PM*

### **HISTORIAN'S REPORT**

The Board reviewed Historian Valerie Griffin's written report. She has been busy this summer with Americana Days, LivCo Mural Festival, and collaborating with the Nunda Historical Society on transcribing the diaries of Justus Barker who kept a daily account of his activities from 1855 through 1911. Supervisor Walker thanked Val for her wonderful work and expressed how grateful the Town is for having both her and the Nunda Historical Society as such a great resource. Val said that everyone should visit the Nunda Historical Society Museum and see all the new exhibits.

### **CEO/ZEO**

The Board reviewed Mark Mullikin's written report. Mark has been extremely busy with new building permits and reviewing plans.

### **PLANNING BOARD REPORT**

None

### **POLICE REPORT**

Chief Dale and Councilperson Hillier discussed the Chief's written report. Chief Dale mentioned that the Department was experiencing technical difficulties, both with the Blotter and with their printer/copier/fax machine which no longer works. They have temporarily fixed another printer to

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use while exploring options to purchase a new one. Councilperson Hillier mentioned reaching out to Greg McCaffrey as this is a matter dealing with Discovery. Chief Dale and Councilperson Hillier will get together and resolve the issue.

Chief Dale said that all officers have been briefed on stopping and warning all UTV, ATV and Off-Road vehicles driving on roadways.

Councilperson Hillier mentioned that he would like to see the Livingston County EAP program be offered to the Police Officers as they do not have an outside source of support to discuss all the difficult issues that only Police Officers and first responders deal with daily.

Chief Dale talked about the meeting with BBS on 9/7/22 to discuss re-allocating some of the line items for the 2023 Police Budget. Chief Dale said there would be a proposed increase of \$10,000.00 for both the Town and the Village. This increase would allocate \$15,000 for Police Services which would include a \$3.00 per hour wage increase and \$5,000.00 for fuel. Councilperson Hillier explained that, even with the wage increase, the Town of Nunda is still considerably behind both the County and nearby jurisdictions with respect to wages. There was **a motion made** by Councilperson Hillier to give each officer a \$1.00 per hour raise effective 10/1/2022, seconded by Councilperson Morris and carried 4-0.

*Chief Dale left the meeting at 8:00 PM*

## **HIGHWAY REPORT**

Rick Moran stated that the Highway Department has been very busy. They have finished chipping roads. Moving everything to the new Building is progressing. Rick will stop and see Bob Gelser to see what his intentions are about the old building and finding out what they expect from the Town. Moving the sand and salt sheds is in process. They finished the blocks for the barn. The new cleaners made their initial visit and did a great job. Rick anticipates that we will have them clean once a week after all moving is complete. Rick will contact MRB to make sure they know about the cracks that need to be repaired before the warranty ends on 9/30/22. He is not happy about the way the lights stay on for 2 hours even after people have left the rooms. He moved the fuel tanks, and we will be getting a big bill when they are filled.

Rick spoke with Councilperson Forrester about anticipated equipment purchases. They agreed that a new loader should be ordered since a new truck would not be available for 2 years. He plans to trade-in the old loader. He purchased a sander out of this years' budget for \$11,000.00. **There was a motion** to trade in the old loader and purchase a new loader made by Councilperson Hillier, seconded by Councilperson Morris, and carried 4-0. We need to order a new plow truck now so that we can receive it in Mid-2024. **There was a motion** to draft a letter of intent designed to put the Town's name down for a new plow truck made by Councilperson Blair, seconded by Councilperson Hillier, and carried 4-0.

There was discussion about the property to be donated by Cecil Edwards to the Dalton Union Cemetery. Councilperson Morris agreed to talk to Mr. Edwards about whether the property is in the County Agricultural district. It was agreed that Mr. Edwards should not renew that parcel as agricultural land until the land is subdivided and the one acre is removed from that parcel. The remaining section could then be included back into the Agricultural District next year.

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## **SUPERVISOR'S STATEMENT & MONTHLY BUDGET REPORT**

Supervisor Walker pointed out that the Gasoline Budget line had been revised for the increase as previously discussed. She asked Rick Moran if he had heard anything from RG&E on the LED lighting for Dalton, Rick responded that he still had not but would contact them again on the matter.

## **INFORMATION TECHNOLOGY**

Councilperson Forrester will contact Hurricane Technology on email backups, and on email accounts for Valerie Griffing and Rick Moran.

## **CLERK AND JUSTICE REPORTS**

The monthly Town Clerk and Justice Reports were presented. The Clerk requested that she be allowed to keep \$100.00 in petty cash instead of \$50.00.

### **Resolution #3 of 2022**

**BE IT RESOLVED** that the Nunda Town Clerk be allowed to increase the Petty Cash Account to \$100.00.

**There was a motion** to increase the petty cash to \$100.00 made by Councilperson Blair, seconded by Councilperson Hillier, and carried 4-0.

## **ALL REPORTS/ONE MOTION**

**A motion was made** by Councilperson Morris to accept all reports, seconded by Councilperson Hillier, and carried 4-0.

*Valerie Griffing left the meeting at 8:20 PM*

## **AUDIT BILLS**

The Audited and signed abstracts for the month of July were:

- ❖ General Fund Vouchers numbered 235-270 (235-242 are prepaid), in the amount of \$92,362.22 as set forth in abstract number G-9, dated 09/13/22.
- ❖ Highway Fund Vouchers numbered 157-176, in the amount of \$43,806.32 as set forth in abstract number H-9, dated 09/13/22.
- ❖ Police Fund Vouchers numbered 39-44 (39 and 40 were prepaid), in the amount of \$3,433.25 as set forth in abstract number P-9, dated 09/13/22.

**A motion was made** to approve the audited abstracts by Councilperson Hillier, seconded by Councilperson Blair and carried 4-0.

## **COMMUNICATIONS**

- There will be a meeting to develop the Tentative Budget at BBS Accounting on Monday, 9/19/22 at 9:00 AM.
- Supervisor Walker presented a work-in-process local law developed by the Town of West Sparta regarding a Landlord/Rental Inspection law. Mark Mullikin stated that he does not have a lot of problems with Landlords in the Nunda area. The consensus was to keep this idea for possible use later.

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## **OLD BUSINESS**

- A. The Government Center Porch & Roof repairs will be added to the 2023 budget. Mark was asked to request multiple estimates from local contractors on the needed work.
- B. County ARPA monies of \$20,000.00 will be received for Tourism/Parks/Recreation use. Councilperson Blair would like to see if a parking lot to use the Greenway could be created on Vermont Street. Perhaps benches and bathrooms could be added.

*Mark Mullikin, Beth Sackett, and Leslie Powers left the meeting at 8:45 PM*

## **NEW BUSINESS**

- A. Local Law #1 of 2022 – To override the Tax Levy Limit. Supervisor Walker called for a motion to hold a public hearing on this local law.

**The motion was made** to hold a public hearing on Local Law #1 of 2022 at the next Regular Town Board Meeting on October 11, 2022, by Councilperson Morris, seconded by Councilperson Hillier and carried 4-0.

**There was a motion made** by Councilperson Hillier to enter Executive Session for the purpose of discussing several Personnel matters. The motion was seconded by Councilperson Blair and carried 4-0. The Clerk and Rick Moran were allowed to stay. The Executive Session ended at 9:15 PM with no action taken.

**There was a motion made**, to have Supervisor Walker add the Nunda Police Officers to the Town of Nunda's Employee Assistance Program (EAP), by Councilperson Hillier, seconded by Councilperson Morris, and carried 4-0.

As there was no further business, **a motion was made** by Councilperson Blair to adjourn the meeting, seconded by Councilperson Hillier, and carried 4-0.

The meeting was adjourned at 9:17 PM.

Respectfully submitted,

Tamara McCallum  
Nunda Town Clerk