

# MINUTES OF THE REGULAR NUNDA TOWN BOARD MEETING

Tuesday February 14, 2023, at 7:00 PM

*Draft*

## PERSONS PRESENT

### TOWN BOARD

Supervisor: Merilee Walker

Councilperson: Martha Blair - *absent*

Councilperson: James Forrester

Councilperson: Michael Hillier

Councilperson: Randall Morris

### RECORDING CLERK

Tamara McCallum

### PERSONNEL

Assessor: Brian Knapp – *absent*

CEO/ZEO: Mark Mullikin

Police Chief: Ryan Dale - *absent*

Historian: Valerie Griffing - *absent*

Hwy Superintendent: Rick Moran - *absent*

Planning Board Chairman: Alex Pierce

Hwy Department: Tim Cassidy

### VISITORS

Eunice Englert, Myra Snyder, Cragg Chaffee, Chad Bugman, Aryah VanName, Kimberly Pierce

### 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 stood as Councilperson Randy Morris led the pledge.

### ADOPTION OF MINUTES

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

- Regular Town Board Minutes of 1/10/2023

The motion was made by Councilperson Hillier, seconded by Councilperson Morris, and carried 4-0.

### CHANGES TO AGENDA

None

### PRIVELEGE OF THE FLOOR

Chad Bugman and Cragg Chaffee discussed their progress on the Green Way Campground project. They spoke of meeting with the joint Town/Village Planning Board and the Village Board of Trustees about the need to have water and sewer moved north on Route 408 to the Campground area which would also require crossing the State Greenway trail. The Village Board made a resolution to move ahead with the Water/Sewer contingent upon the Town's willingness to expand and extend Village Water and Sewer infrastructure to the Greenway

# MINUTES OF THE REGULAR NUNDA TOWN BOARD MEETING

Tuesday February 14, 2023, at 7:00 PM

*Draft*

Campground. Mr. Chaffee reiterated that PPP Future Development and a new Company (to be formed in the near future) will be responsible for the costs involved in this expansion.

## **Resolution #1 of 2023:**

**Be It Resolved** to Expand and Extend (as a “Non-District”) the water and sewer service to the Greenway Campground. **The motion to approve** this resolution was made by Councilperson Hillier, seconded by Councilperson Morris, and carried 4-0.

**A motion was made** to declare the Town of Nunda as Lead Agency for the SEQR process required for this expansion. The motion was made by Councilperson Hillier, seconded by Councilperson Morris, and carried 4-0.

A special meeting of the Town Board was set for Tuesday 2/21/23 at 7:00 PM at the Government Center to discuss next steps required for the Greenway Campground.

*Mr. Bugman and Mr. Chaffee left the meeting at 7:08 PM*

## **LOCAL LAWS PUBLIC HEARING**

The Supervisor declared the Public Hearing for Local Law #1 of 2023, providing partial exemption from Real Property Taxes to persons with disabilities who have limited income and Local Law #2 of 2023, providing a partial exemption from Real Property Taxes to certain eligible Senior Citizens, to be open. Both Myra Snyder and Eunice Englert were under the impression that this hearing would provide a question-and-answer forum for these exemptions. It was proposed that directing their questions to the Assessor would be the best course of action.

*Ms. Snyder and Ms. Englert left the meeting at 7:18 PM*

## **CEO/ZEO**

Mark Mullikin discussed his written report.

## **PLANNING BOARD REPORT**

The minutes of the Planning Board Meeting were presented for review only. Chairman Pierce reported that the Planning Board was using the combined Town/Village of Cuba Comprehensive plan as a template for our own revision to the Town of Nunda Comprehensive Plan. Various solar projects in other towns were discussed.

## **POLICE REPORT**

Chairperson Hillier reviewed Chief Dale’s written report. The Police Department is still experiencing staffing difficulties. The Greece Police Department will not approve Officer Klump’s outside employment; therefore, he will not be working weekends. Officer Errington is still on maternity leave, but she is helping with administrative duties. Connor Mann will be coming back to work for at least one day. Geoffrey VanDunk, an officer with the Dansville Police Department, reached out to the Chief and offered to help on weekends. **There was a motion** to hire Geoffrey VanDunk made by Councilperson Morris, seconded by Councilperson Forrester, and carried 4-0. Mike D’Amico came to the Commissioners meeting and presented the Nunda Police Department with a check for the proceeds generated by his annual Christmas Light Show.

# MINUTES OF THE REGULAR NUNDA TOWN BOARD MEETING

Tuesday February 14, 2023, at 7:00 PM

*Draft*

## HIGHWAY REPORT

Councilperson Forrester spoke with Highway Superintendent Rick Moran about the new truck that is on order to be available in 2024. They both plan to meet next week to discuss the update to the Vehicle and Equipment plan. Tim Cassidy mentioned that the generator at the new facility on Hay Rd. is not working properly, it does not automatically start up for a weekly test as it should.

## SUPERVISOR'S STATEMENT & MONTHLY BUDGET REPORT

Supervisor Walker discussed the Monthly Budget report and her Statement.

## INFORMATION TECHNOLOGY

None

## CLERK AND JUSTICE REPORTS

The monthly Town Clerk and Justice Reports were presented and discussed.

## ALL REPORTS/ONE MOTION

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

## AUDIT BILLS

The Audited and signed abstracts for the months of February were:

- ❖ General Fund Vouchers numbered 28-58, in the amount of \$143,524.25 as set forth in abstract number G-2, dated 2/14/23.
- ❖ Highway Fund Vouchers numbered 18-43, in the amount of \$48,858.77 as set forth in abstract number H-2, dated 2/14/23. It was noted that Voucher #35 should be listed under Fund Account number DA5142.4 instead of DA5132.4 and instructed the Clerk to make this change.
- ❖ Police Fund Vouchers numbered 5-10, in the amount of \$2,406.70 as set forth in abstract number P-2, dated 2/14/23.

**A motion was made** to approve the audited abstracts (with noted changes) by Councilperson Forrester, seconded by Councilperson Hillier and carried 4-0.

## COMMUNICATIONS

- The Town's 2022 Wages were distributed for information only.
- The SNAP-ED agreement was reviewed. **There was a motion** to instruct the Supervisor to sign the agreement made by Councilperson Morris, seconded by Councilperson Hillier, and carried 4-0.
- The Youth Recreation report from 2022 was presented.
- An email from the Town Attorney was discussed involving the sale of the old Highway Bldg. property and the deed conveyance for the Union Cemetery which is waiting for the abstract of title.

# MINUTES OF THE REGULAR NUNDA TOWN BOARD MEETING

Tuesday February 14, 2023, at 7:00 PM

*Draft*

## **ADOPT LOCAL LAWS #1 and #2 of 2023**

The Supervisor closed the Public Hearing and called for a vote on the following resolutions:

### **Resolution #2 of 2023**

**Be It Resolved** that Local Law #1 of 2023; providing a partial exemption from Real Property Taxes to persons with disabilities who have limited income be adopted. **The motion was made** to pass this resolution by Councilperson Forrester, seconded by Councilperson Hillier and carried 4-0.

### **Resolution #3 of 2023**

**Be It Resolved** that Local Law #2 of 2023; providing a partial exemption from Real Property Taxes to certain eligible senior citizens be adopted. **The motion was made** to pass this resolution by Councilperson Forrester, seconded by Councilperson Hillier and carried 4-0.

## **OLD BUSINESS**

- A. We still need estimates for the Government Center porch and roof. There have been unwritten estimates by a few contractors ranging from \$30,000.00 to \$35,000.00. The supervisor said she'll sit down with the County Grant administrator to see what might be done. There was mention of NYSEDA grants, perhaps for the roof or the boiler system.
- B. The ARPA funds will be distributed soon, the County is wording a document to clarify exactly what the money can be used for. The clerk was asked who will be responsible for the maintenance of a park if it is put on the land owned by Seating Inc.? The Board believes the Village will be responsible but there will be joint aspects as well.

## **NEW BUSINESS**

On the sale of the old Highway Facility on Water Cure Road:

### **Resolution #4 of 2023**

**WHEREAS**, the Town of Nunda is the record owner of approximately 3.89 acres of land located at 9364 Water Cure Road in the Town of Nunda, County of Livingston and State of New York, which such property served as the previous Highway Department facility for the Town of Nunda (hereafter "Prior Highway Facility"); and

**WHEREAS**, the Town of Nunda has determined that it is no longer beneficial for the Town to own the Prior Highway Facility, nor is it economically viable or advantageous for the Town to continue to maintain the same for use by the Town; and

**WHEREAS**, the Town Board has determined that the Town of Nunda has no viable use or need for the Prior Highway Facility and accordingly seeks to declare the same surplus for purposes of allowing such real property to be sold for the benefit of the taxpayers of the Town of Nunda;

**NOW, THEREFORE**, upon motion by Councilperson James Forrester, seconded by Councilperson Michael Hillier, it is hereby:

**RESOLVED**, that the Nunda Town Board declares surplus the real property known as tax account map number 184.-1-52.31 said parcel being approximately 3.89 acres in area located along the west side of Water Cure Road in the Town of Nunda, County of Livingston and State of New York; and be it further

MINUTES OF THE REGULAR NUNDA TOWN BOARD MEETING

Tuesday February 14, 2023, at 7:00 PM

Draft

**RESOLVED**, that the Town Board is authorized to proceed to sell and transfer such property in any fashion permissible under New York State Town Law.

DATED: February 14, 2023

**VOTE OF THE BOARD:**

Merilee Walker, Supervisor	<u>Aye</u>
James Forrester	<u>Aye</u>
Michael Hillier	<u>Aye</u>
Randall Morris	<u>Aye</u>
Martha Blair	<u>Absent</u>

**BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF NUNDA**

February 14, 2023

\_\_\_\_\_

**There was a motion made** to authorize the Town Supervisor to sign the SEQR Short Environmental Assessment form Part 1 made by Councilperson Hillier, seconded by Councilperson Forrester, and carried 4-0.

**There was a motion made** to adopt answers as official findings on Part 2 of the SEQR Short Environmental Assessment form part 2 made by Councilperson Hillier, seconded by Councilperson Forrester, and carried 4-0.

**There was a motion made** to Adopt a Negative Declaration as the Board has determined that the proposed action will not result in any significant adverse environmental impacts. The motion was made by Councilperson Hillier, seconded by Councilperson Morris, and carried 4-0.

**There was a motion made** to authorize the Town Supervisor to sign the SEQR Short Environmental Assessment form Part 3 made by Councilperson Forrester, seconded by Councilperson Morris, and carried 4-0.

**Resolution #5 of 2023**

**WHEREAS**, the Town of Nunda is the record owner in fee of real property known as 9364 Water Cure Road, located in the Town of Nunda, County of Livingston and State of New York, also being known as tax identifier map parcel number 184.-1-52.31 and being approximately 3.89 acres in area (hereafter “Subject Property”); and

**WHEREAS**, the Town of Nunda previously utilized the Subject Property as its Highway Department facility; and

MINUTES OF THE REGULAR NUNDA TOWN BOARD MEETING

Tuesday February 14, 2023, at 7:00 PM

*Draft*

**WHEREAS**, the Town of Nunda no longer derives a benefit from using the Subject Property for its Highway Department or for any other purpose; and

**WHEREAS**, on even date herewith, the Town Board of the Town of Nunda (hereafter “Town Board”) duly adopted a resolution declaring the Subject Property as surplus, since the Town no longer uses the Subject Property for its Highway Department facility or for any other municipal related purpose and since there is no other legitimate municipal or public purpose or use for said property; and

**WHEREAS**, the Town Board previously declared surplus and sold a 5.77 acre property contiguous to the Subject Property to OANB Real Estate Holding Company, LLC (hereafter “OANB”), which was sold pursuant to a Purchase and Sale Agreement dated October 3, 2013 (hereafter “Prior Purchase Agreement”); and

**WHEREAS**, contemporaneously with the Prior Purchase Agreement, the Town Board entered into an Option Agreement (hereafter “Option”) with OANB for the Subject Property, which Option permitted OANB the exclusive option to exercise its right to purchase the Subject Property during the option period for an established purchase price of \$150,000.00; and

**WHEREAS**, the Town Board determined at the time of entering into the Option that the above established purchase price for the Subject Property reflected the actual market value of the Subject Property; and

**WHEREAS**, the Option had an original term of eight (8) years (which would have expired on October 3, 2021) and which term was subsequently extended by an amendment to the Option dated October 3, 2020, which extended the term during which OANB could exercise its option to purchase until October 3, 2023; and

**WHEREAS**, OANB has indicated that it intends to exercise its right to purchase the Subject Property as provided for in the Option and has presented to the Town a Purchase and Sale Agreement (hereafter “Current Purchase and Sale Agreement”) in the same form as that attached to the Option at the time of its original execution on October 13, 2013; and

**WHEREAS**, the Town Board wishes to accept such Current Purchase and Sale Agreement for the Subject Property and the Town Board has authority to undertake such action pursuant to New York State Town Law §64; and

**WHEREAS**, the Town Board of Nunda has conducted a full and comprehensive single agency review of the proposed action pursuant to 6 New York Code Rules and Regulations §617, the New York State Environmental Quality Review Act (hereafter “SEQRA”) and on February 14, 2023 duly issued a Negative Declaration pursuant thereto; and

**WHEREAS**, this resolution approving the sale of the Subject Property is subject to permissive referendum in accordance with Article 4 and Article 7 of the New York State Town Law.

MINUTES OF THE REGULAR NUNDA TOWN BOARD MEETING

Tuesday February 14, 2023, at 7:00 PM

*Draft*

**NOW, THEREFORE BE IT RESOLVED** that the sale of the Subject Property for a purchase price of One Hundred Fifty Thousand and no/100ths Dollars (\$150,000.00), pursuant to the terms set forth in the Option and further enumerated in the Current Purchase and Sale Agreement is hereby approved; and be it further

**RESOLVED**, that the Subject Property shall be sold in “AS IS” condition with no representations or warranties of any kind other than those as may be set forth in the Current Purchase and Sale Agreement; and be it further

**RESOLVED**, that the Town Board hereby authorizes the Town Supervisor to execute the Current Purchase and Sale Agreement as offered by OANB that memorializes the terms as set forth in the Option between the Town of Nunda and OANB, said contract being subject to and contingent upon the permissive referendum process; and be it further

**RESOLVED**, that the Town Board hereby authorizes the Town Supervisor to execute the Deed and all other necessary documentation required in order to convey the Subject Property, after expiration of the time period for filing of petitions demanding a referendum, if good and sufficient petitions are not duly filed, or, if so filed, after approval of the qualified voters upon due presentation of a proposition for approval at a duly noticed election therefore; and be it further

**RESOLVED**, that the Town Clerk is authorized and directed to publish notice of this Resolution made subject to permissive referendum, within ten (10) days from the date hereof, in accordance with Article 7 of the New York State Town Law; and be it further

**RESOLVED**, that this Resolution is adopted subject to permissive referendum, in accordance with Article 4 and Article 7 of the New York State Town Law.

**IN WITNESS WHEREOF**, this Resolution was properly adopted by the Town Board at its regularly scheduled meeting, the date of which is listed above.

**VOTE OF THE BOARD:**

Merilee Walker, Supervisor	<u>Aye</u> ___
James Forrester	<u>Aye</u> ___
Michael Hillier	<u>Aye</u> ___
Randall Morris	<u>Aye</u> ___
Martha Blair	<u>absent</u>

**BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF NUNDA**

MINUTES OF THE REGULAR NUNDA TOWN BOARD MEETING

Tuesday February 14, 2023, at 7:00 PM

*Draft*

February 14, 2023

---

Tamara McCallum, Town Clerk

Supervisor Walker informed the board that she had received a Certificate of Insurance from the Trinity Church of Nunda naming the Town of Nunda as additional insured. This Policy will cover the Town when hosting the Pop-Up Pantry at the Nunda Highway Building on Hay Road.

As there was no further business **a motion was made** to adjourn the meeting by Councilperson Forrester, seconded by Councilperson Morris, and carried 5-0.

The meeting was adjourned at 8:17 PM.

Respectfully submitted,

Tamara McCallum  
Nunda Town Clerk