

# MINUTES OF THE REGULAR NUNDA TOWN BOARD MEETING

Tuesday April 11, 2023, at 7:00 PM

*Draft*

## PERSONS PRESENT

### TOWN BOARD

Supervisor: Merilee Walker

Councilperson: Martha Blair

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

Hwy Superintendent: Rick Moran - *absent*

Planning Board Chairman: Alex Pierce

### VISITORS

Tony Mess, Mackenzie Robinson

### CALL TO ORDER

Supervisor Walker called the meeting to order at 7:00 PM. Roll call was made with all Councilmembers present.

### PLEDGE TO THE FLAG

All stood as Mark Mullikin led the pledge.

### OPENING OF CEMETERY MOWING BIDS

Supervisor Walker opened the two bids that were received for the Mowing and Trimming of Union Cemetery for the 2023 season from May 1 through October 1, 2023. The bids were read aloud as follows:

- 1.) kNOw Mess Lawn Care; \$12,000.00
- 2.) Shafer Landscape, LLC; \$4,675.00

There was a motion made by Councilperson Hillier to accept the lower bid of Shafer Landscape LLC, seconded by Councilperson Forrester, and carried 5-0. The supervisor thanked the visitors for attending the meeting.

### ADOPTION OF MINUTES

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

- Regular Town Board Minutes of 3/14/2023

**The motion was made** by Councilperson Blair, seconded by Councilperson Forrester, and carried 5-0.

### CHANGES TO AGENDA

None

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## **HISTORIAN REPORT**

Valerie Griffing discussed her written report. Many people are requesting pictures of their ancestors' gravestones. She is continuing to decipher the Justus Barker diaries.

## **CEO/ZEO REPORT**

Mark Mullikin reviewed his written report. He spent a week at RIT attending his annual training on Code updates. Mark mentioned that the Scipio Road subdivision had been altered from 9 to 8 parcels. PPP Future Development was concentrating on re-opening the Whistling Farmer Pub at Woodlyn Hills Golf Course with more to come about the Greenway Campground.

## **PLANNING BOARD REPORT**

The minutes of the Planning Board Meeting were presented for review only. Chairman Pierce briefly went over the Planning Board's lack of a quorum to act on the Scipio Road subdivision. The Microsoft security needed for the Town's email accounts was discussed. Chairman Pierce told the Board that Brenda Weaver would resign as a Town Planning Board member and the Village would appoint her to their vacant seat formerly held by Geri Smith with the term ending 5/31/25. The Town would then appoint Joe Tamimie to fill Brenda's vacant seat with a term ending 12/31/23. **There was a motion** to accept these planning board changes made by Councilperson Hillier, seconded by Councilperson Blair, and carried 5-0. Chairman Pierce noted that the Town would now be up to a full Planning Board with 7 members. He also mentioned that Don Wilcox is awaiting approval to take the Village seat on the County Planning Board. Chairman Pierce is still waiting for the Town Attorney and the Village Attorney to get back to him on the wording for a moratorium on light commercial development.

## **POLICE REPORT**

Councilperson Hillier reviewed Chief Dale's written report. The Police Commissioners met on April 3; however, the only members present were Councilmembers Hillier and Morris and Deputy Mayor Snyder. Much of their discussion centered around the proposed law allowing UTV and ATV vehicles on Town and Village roads.

## **HIGHWAY REPORT**

Councilperson Forrester discussed Rick Moran's written report. There was a complaint about a huge dead tree on Cooperville Road. It needs to be determined if the tree is in the Town right of way. The equipment plan is in place.

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

Councilperson Forrester and Supervisor Walker went over the budget report. The fund balances from the Town AUD were discussed. They both agreed that the Highway fund and the Police fund are doing well but the General fund is a little tight. The Supervisor shared that there was very little activity to report for March.

## **INFORMATION TECHNOLOGY**

There was a motion made to accept the quote from Hurricane Technologies Inc. to renew the SonicWALL security bundle for another year at a cost of \$589.00. **The motion was made** by Councilperson Hillier, seconded by Councilperson Forrester, and carried 5-0.

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## **CLERK AND JUSTICE REPORTS**

The monthly Town Clerk Report and Justice report were presented and discussed.

## **ALL REPORTS/ONE MOTION**

**A motion was made** by Councilperson Morris to accept all reports, seconded by Councilperson Blair, and carried 5-0.

## **AUDIT BILLS**

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

- ❖ General Fund Vouchers numbered 88-1077, in the amount of \$11,688.64 as set forth in abstract number G-4, dated 4/11/23.
- ❖ Highway Fund Vouchers numbered 68-82, in the amount of \$23,668.50 as set forth in abstract number H-4, dated 4/11/23.
- ❖ Police Fund Vouchers numbered 17-24, in the amount of \$2,835.39 as set forth in abstract number P-4, dated 4/11/23.

**A motion was made** to approve the audited abstracts by Councilperson Forrester, seconded by Councilperson Hillier and carried 5-0.

## **COMMUNICATIONS**

- Resolution #6 of 2023 was adopted to proclaim April 30, 2023, through May 6, 2023, as Municipal Clerks week.

## **OLD BUSINESS**

Mark Mullikin and the Board discussed the best way to affect repairs to the Government Center's porch and roof. Mark will get written quotes from contractors for this. Mark also mentioned that the boiler heating system will need to be revisited.

The plans to use the County ARPA funds (\$20,000.00 for specific one-time need for projects in parks, recreation and/or tourist category) for a pickle-ball court at the corner of North State and 4<sup>th</sup> Street were disbanded after the owners of the property decided to use the area for their own purposes. Ideas for a pickle-ball court at either the Village park or Kiwanis were discussed.

## **NEW BUSINESS**

The Board discussed the pros and cons of passing a local law to regulate the use of Limited Use Vehicles (LUVs) and All-Terrain Vehicles (ATVs) on Town Highways. Councilperson Hillier said that we would have to present this to our State legislators and ask them to take it to the State Capitol on our behalf. This would allow the Town to alter from the current law in place. After much discussion, the Board agreed not to act on this proposed law.

The Clean Energy Communities Certification was discussed. The following 4 High Impact Actions are needed to receive a \$5,000.00 grant:

- 1.) Code Enforcement Officer must attend NYSEERDA training – Mark Mullikin signed up for the May 3 training in Phelps, NY.
- 2.) Resolution to adopt NYS Unified Solar Permit – Councilperson Hillier **made the motion** to adopt this resolution, Councilperson Blair seconded the motion, and the motion carried 5-0. Resolution #7 of 2023 is as follows:

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**RESOLUTION NO. 7 OF 2023**

**ADOPTION OF THE NEW YORK STATE UNIFIED SOLAR PERMIT**

**WHEREAS**, The Nunda Town Board duly adopted the "NYS Fire Prevention and Building Construction" code to provide minimum requirements to safeguard the public safety; and

**WHEREAS**, The Town of Nunda Code Enforcement Officer, who administers and enforces all provisions of the New York State Uniform Fire Prevention and Building Code, the New York State Energy Code, and the Town of Nunda Code; and

**WHEREAS**, The Town of Nunda requires the issuance of a building permit for the construction, enlargement, alteration, repair, removal or demolition of any building or other structure; and

**WHEREAS**, The New York State Uniform Fire Prevention and Building Code regulates the design, construction, installation, alteration and repair of equipment and systems using solar systems; and

**WHEREAS**, The New York State Energy Research and Development Authority has developed a New York State Unified Solar Permit that reduces the cost for solar projects by streamlining municipal permitting processes: and

**WHEREAS**, The Nunda Town Board desires to promote the streamlining of the application process for small-scale photovoltaic system installations under 25 kW in size by adopting the New York State Unified Solar Permit application form and implementing the new procedures,

**NOW THEREFORE, BE IT RESOLVED**, the Nunda Town Board hereby adopts the New York State Unified Solar Permit application form and procedures for the installation of small-scale photovoltaic systems; and it is further

**RESOLVED**, The Town of Nunda Code Enforcement Officer is hereby directed to use said New York State Unified Solar Permit application form and procedures in the issuance of building permits for the installation of small-scale photovoltaic systems; and it is further

**RESOLVED**, Any further actions required of the Town of Nunda to effect the foregoing are hereby authorized and the Supervisor of the Town of Nunda is hereby authorized to execute and deliver any instruments, documents or the like as required to effect the same.

The vote on the foregoing resolution was as follows: The motion was made to adopt Resolution #7 by Councilperson Hillier, seconded by Councilperson Blair and carried 5-0

Supervisor Merilee Walker	<u>    Aye    </u>
Councilperson Martha Blair	<u>    Aye    </u>
Councilperson James Forrester	<u>    Aye    </u>

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Councilperson Michael Hillier

\_\_Aye\_\_

Councilperson Randy Morris

\_\_Aye\_\_

This resolution was adopted.

Tamara McCallum; By my Hand and Seal

- 3.) Resolution to Establish Energy Benchmarking Requirements for all Town Buildings over 1000 Square Feet – Councilperson Forrester **made the motion** to adopt this Resolution, Councilperson Morris seconded the motion, and the motion carried 5-0. Resolution #8 of 2023 is as follows:

**RESOLUTION NO. 8 OF 2023**

**ESTABLISHING ENERGY BENCHMARKING REQUIREMENTS FOR  
CERTAIN MUNICIPAL BUILDINGS**

**WHEREAS**, buildings are the single largest user of energy in the State of New York. The poorest performing buildings typically use several times the energy of the highest performing buildings—for the exact same building use; and

**WHEREAS**, collecting, reporting, and sharing building energy data on a regular basis allows municipal officials and the public to understand the energy performance of municipal buildings relative to similar buildings nationwide, and equipped with this information the Town of Nunda is able to make smarter, more cost-effective operational and capital investment decisions, reward efficiency, and drive widespread, continuous improvement; and

**WHEREAS**, the Nunda Town Board desires to use Building Energy Benchmarking - a process of measuring a building's energy use, tracking that use over time, and comparing performance to similar buildings - to promote the public health, safety, and welfare by making available good, actionable information on municipal building energy use to help identify opportunities to cut costs and reduce pollution in the Town of Nunda; and

**WHEREAS**, the Nunda Town Board desires to establish a procedure or guideline for Town of Nunda staff to conduct such Building Energy Benchmarking; and

**NOW THEREFORE, IT IS HEREBY RESOLVED AND DETERMINED**, that the following specific policies and procedures are hereby adopted;

**BUILDING ENERGY BENCHMARKING POLICY/PROCEDURES**

**§1. DEFINITIONS**

(A) “Benchmarking Information” shall mean information generated by Portfolio Manager, as herein defined including descriptive information about the physical building and its operational characteristics.

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(B) “Building Energy Benchmarking” shall mean the process of measuring a building’s Energy use, tracking that use over time, and comparing performance to similar buildings.

(C) “Commissioner” shall mean the head of the Department.

(4) “Covered Municipal Building” shall mean a building or facility that is owned or occupied by the Town of Nunda that is 1,000 square feet or larger in size.

(5) “Department” shall mean the Office of the Nunda Town Clerk.

(6) “Energy” shall mean electricity, natural gas, steam, hot or chilled water, fuel oil, or other product for use in a building, or renewable on-site electricity generation, for purposes of providing heating, cooling, lighting, water heating, or for powering or fueling other end-uses in the building and related facilities, as reflected in Utility bills or other documentation of actual Energy use.

(7) “Energy Performance Score” shall mean the numeric rating generated by Portfolio Manager that compares the Energy usage of the building to that of similar buildings.

(8) “Energy Use Intensity (EUI)” shall mean the kBtUs (1,000 British Thermal Units) used per square foot of gross floor area.

(9) “Gross Floor Area” shall mean the total number of enclosed square feet measured between the exterior surfaces of the fixed walls within any structure used or intended for supporting or sheltering any use or occupancy.

(11) “Portfolio Manager” shall mean ENERGY STAR Portfolio Manager, the internet-based tool developed and maintained by the United States Environmental Protection Agency to track and assess the relative Energy performance of buildings nationwide, or successor.

(12) “Utility” shall mean an entity that distributes and sells Energy to Covered Municipal Buildings.

(13) “Weather Normalized Site EUI” shall mean the amount of Energy that would have been used by a property under 30-year average temperatures, accounting for the difference between average temperatures and yearly fluctuations.

## **§2. APPLICABILITY**

(1) This policy is applicable to all Covered Municipal Buildings as defined in Section 2 of this policy.

(2) The Commissioner may exempt a particular Covered Municipal Building from the benchmarking requirement if the Commissioner determines that it has characteristics that make benchmarking impractical.

## **§3. BENCHMARKING REQUIRED FOR COVERED MUNICIPAL BUILDINGS**

(1) No later than May 1, 2023, and no later than May 1 every year thereafter, the Commissioner or his or her designee from the Department shall enter into Portfolio Manager the total Energy consumed by each Covered Municipal Building, along with all other descriptive information required by Portfolio Manager for the previous calendar year.

(2) For new Covered Municipal Buildings that have not accumulated 12 months of Energy use data by the first applicable date following occupancy for inputting Energy use into Portfolio Manager, the Commissioner or his or her designee from the Department shall begin inputting data in the following year.

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### **§4. DISCLOSURE AND PUBLICATION OF BENCHMARKING INFORMATION**

(1) The Department shall make available to the public on the internet Benchmarking Information for the previous calendar year:

(a) no later than September 1, 2023 and by September 1 of each year thereafter for Covered Municipal Buildings; and

(2) The Department shall make available to the public on the internet and update at least annually, the following Benchmarking Information:

(a) Summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information; and

(b) For each Covered Municipal Building individually:

(i) The status of compliance with the requirements of this Policy; and

(ii) The building address, primary use type, and gross floor area; and

(iii) Annual summary statistics, including site EUI, Weather Normalized Source EUI, annual GHG emissions, and an Energy Performance Score where available; and

(iv) A comparison of the annual summary statistics (as required by Section 5(2)(b)(iii) of this Policy) across calendar years for all years since annual reporting under this Policy has been required for said building.

### **§5. MAINTENANCE OF RECORDS**

The Department shall maintain records as necessary for carrying out the purposes of this Policy, including but not limited to Energy bills and other documents received from tenants and/or Utilities. Such records shall be preserved by the Department for a period of three (3) years.

### **§6. ENFORCEMENT AND ADMINISTRATION**

(1) The Commissioner or his or her designee from the Department shall be the Chief Enforcement Officer of this Policy.

(2) The Chief Enforcement Officer of this Policy may promulgate regulations necessary for the administration of the requirements of this Policy.

(3) Within thirty days after each anniversary date of the effective date of this Policy, the Chief Enforcement Officer shall submit a report to the Nunda Town Board including but not limited to summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information, a list of all Covered Municipal Buildings identifying each Covered Municipal Building that the Commissioner determined to be exempt from the benchmarking requirement and the reason for the exemption, and the status of compliance with the requirements of this Policy.

### **§7. EFFECTIVE DATE**

This policy shall be effective immediately upon passage.

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**§8. SEVERABILITY**

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

The vote on the foregoing resolution was as follows: Moved to Adopt Resolution #8 of 2023 by Councilperson Forrester, seconded by Councilperson Morris and carried 5-0.

Supervisor Merilee Walker	<u>    Aye    </u>
Councilperson Martha Blair	<u>    Aye    </u>
Councilperson James Forrester	<u>    Aye    </u>
Councilperson Michael Hillier	<u>    Aye    </u>
Councilperson Randy Morris	<u>    Aye    </u>

This resolution was adopted.

Tamara McCallum; by my Hand and Seal

- 4.) Create, through Energy Star/NYSERDA, an online account used for the Benchmark Reporting of Town Buildings' energy use.

Youth Recreation – The Town of Nunda's Youth Committee members, Councilperson Blair and Councilperson Morris, will meet with the Village of Nunda's committee members on Thursday 4/27/23 at 7:00 PM to discuss hiring a Director and Deputy Director for the 2023 Youth Recreation season.

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

The meeting was adjourned at 8:31 PM.

Respectfully submitted,

Tamara McCallum  
Nunda Town Clerk