

# MINUTES OF THE REGULAR NUNDA TOWN BOARD MEETING

Tuesday September 10, 2024, 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 - *absent*

Hwy Superintendent: Tim Cassidy

Planning Board Chairman: Alex Pierce – 7:30 PM

### **VISITORS**

Brett Murray

### **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 Councilperson Morris led the pledge.

### **ADOPTION OF MINUTES**

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

- Regular Board Meeting of July 9, 2024.  
**The motion was made** by Councilperson Blair, seconded by Councilperson Hillier, and carried 4-1-0 with Councilperson Forrester abstaining.

### **CHANGES TO THE AGENDA**

None

### **CEO/ZEO**

Mark Mullikin reviewed his written report.

- The DEC placed a stop-work order on the Greenway Campground. Chad Bugman is working with the DEC to get the necessary permits to mitigate erosion. Mark will work with Chad to bring the site plans up to NYS Zoning code at which time the stop-work order will be lifted.
- Mark was in court again today for code violations at a residence on Cooperville Road; DSS is working to relocate the family as the residence has been declared unfit for occupation. Mark and the Town Attorney, Jim Campbell, are working on a plan to clean up the site so the property can be sold.

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- A resolution to allow The Nunda Ranch to serve alcohol when being used as a Wedding Venue was presented. According to an email received by the clerk, The Nunda Ranch needs permission from the Town to obtain more than 4 one-day alcohol event permits from the New York State Liquor Authority in any given year. The Nunda Ranch reported that they had already used the 4 allowable permits and had booked 5 more Weddings that required one-day alcohol event permits. Mark Mullikin reported that he had been working with The Nunda Ranch to determine the viability of the barn at the location being used as a Wedding Venue and had not received the information he needed to grant a Certificate of Occupancy for the barn loft. **There was a motion** made to deny the request for a resolution to permit alcohol to be served through 12/31/2024 at The Nunda Ranch when being used as a Wedding Venue (one-day permits). The request was denied because there are open Zoning questions and requirements that have not been met at The Nunda Ranch and are presently being addressed by both the Town of Nunda Code/Zoning Officer and the owner(s) of The Nunda Ranch. **The motion was made** by Councilperson Forrester, seconded by Councilperson Blair and carried 5-0.

## **HISTORIAN'S REPORT**

The Board reviewed Valerie Griffing's written report.

## **PLANNING BOARD REPORT**

The Planning Board minutes of 9/3/24 were presented and discussed. Alex had an informal meeting with Chad Bugman and the engineer for the Greenway Campground and reaffirmed that the Town and Village are supportive of the project and in no way trying to hold up its progress.

## **POLICE REPORT**

Councilpersons Hillier and Morris discussed Chief Ryan's written report. The new truck should arrive any day. There are two municipalities interested in the old vehicle. There is an extreme manpower shortage with many open shifts and anticipated resignations. It was noted that the Police Budget will stay the same for 2025. The Police Commissioners will be asking to meet with BBS Accounting to go over the Police Budget.

## **HIGHWAY REPORT**

The Board reviewed the Highway Superintendent's written report. Tim will be attending the NYS Highway Superintendent's Conference in Ellicottville September 24 – 27. The NYS Advanced Clean Truck (ACT) rule regarding electric vehicles was discussed. The CHIPs reimbursement for this year is in good order. There was a discussion regarding the Town Highway Building consistently receiving fire alarm codes on the security system. General Security provided a quote to install a satellite security system. **There was a motion** to accept this quote made by Councilperson Morris, seconded by Councilperson Hillier and carried 5-0. There is still a problem with the Highway Garage's generator and the transfer switch not communicating with each other. Councilperson Forrester suggested that an Uninterrupted Power Supply be purchased to protect the Highway Superintendent's computer.

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Livingston County has completed the Intermunicipal Agreement with regards to the Town of Nunda accepting jurisdiction of the portion of Main Street in Dalton between State Street and the Portage Town line. The resolution was cited as follows:

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**RESOLUTION #3 OF 2024**

**WHEREAS**, this Agreement pertains to that portion of Main Street in the Hamlet of Dalton, Town of Nunda that starts at State Street and extends west for a distance of approximately .27 miles to the Town of Portage town line; and

**WHEREAS**, the County of Livingston presently has jurisdiction over the above- described portion of Main Street in the Hamlet of Dalton, Town of Nunda; and

**WHEREAS**, pursuant to New York State Highway Law Section 115-b, upon the recommendation of the County Highway Superintendent and pursuant to a written agreement, the Livingston County Board of Supervisors may remove said portion of road from the Livingston County road system and revert that portion of road to the Town of Nunda wherein said portion of road is situated; and

**WHEREAS**, per the recommendation of the County Highway Superintendent, the County of Livingston now wishes to transfer jurisdiction of the above-described portion of road to the Town of Nunda thereby removing that portion of road from the Livingston County road system; and

**WHEREAS**, the Town of Nunda is willing to accept jurisdiction of the above-described portion of road along with all legal liability and maintenance responsibilities for that portion of road,

**NOW, THEREFORE** for good and valuable consideration the receipt of which is acknowledged, it is hereby agreed as follows:

1. The County of Livingston hereby agrees to transfer jurisdiction of that portion of Main Street in the Hamlet of Dalton, Town of Nunda that starts at State Street and extends west for a distance of approximately .27 miles to the Town of Portage town line to the Town of Nunda.
2. The Town of Nunda hereby agrees to accept jurisdiction of that portion of Main Street in the Hamlet of Dalton, Town of Nunda that starts at State Street and extends west for a distance of approximately .27 miles to the Town of Portage town line.
3. The Town of Nunda further agrees to assume all legal liabilities and maintenance responsibilities for said portion of road. Specifically, the Town of Nunda agrees to be responsible for the following:
  - a) Maintaining, repairing, capital improving, and otherwise providing for said portion of road.
  - b) Keeping that portion of road open at all times with the exception of construction and short-term inclement weather issues.

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- c) Accepting all legal responsibility for said portion of road, including but not limited to liability in case of lawsuits, and shall indemnify, defend and hold harmless the County of Livingston therefrom.
  
- 4. Authority for execution on behalf of the County of Livingston - the Chairman of the Board of Supervisors has executed this Agreement pursuant to a Resolution adopted by the Board of Supervisors has executed this Agreement pursuant to a Resolution adopted by the Board of Supervisors at a regular meeting held on \_\_\_\_\_, 2024. Said Resolution having been passed upon the recommendation of the Livingston County Highway Superintendent.
  
- 5. Authority for execution on behalf of the Town of Nunda – the Supervisor for the Town of Nunda has executed this Agreement pursuant to a Resolution adopted by the Town Board at a regular meeting held on September 10, 2024.
  
- 6. A copy of this Agreement shall be filed with the New York State Department of Transportation within thirty (30) days of execution. Failure to do so, however, shall not negate the Agreement.
  
- 7. The Agreement sets forth the entire understanding between the parties on the subject matter set forth herein.

**There was a motion** to accept Resolution #3 of 2024, to accept jurisdiction of the portion of Main Street in Dalton from State Street to the Town of Portage town line.

**The motion was made** by Councilperson Forrester, seconded by Councilperson Blair and recorded as follows:

Supervisor Walker: Aye

Councilperson Blair: Aye

Councilperson Forrester: Aye

Councilperson Hillier: Aye

Councilperson Morris: Aye

**BUDGET REPORT AND SUPERVISOR'S STATEMENT**

Supervisor Walker discussed the Budget Report and the Supervisor's Statement for August 2024.

**CLERK AND JUSTICE REPORTS**

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

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## ALL REPORTS/ONE MOTION

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

## AUDIT BILLS

The original Audited and signed abstracts were as follows:

- ❖ General Fund Vouchers numbered 224-253, in the amount of \$10,716.08 as set forth in abstract number G-9, dated 9/10/24.
- ❖ Highway Fund Vouchers numbered 155-175, in the amount of \$108,499.93 as set forth in abstract number H-9, dated 9/10/24.
- ❖ Police Fund Vouchers numbered 51-56, in the amount of \$1,510.97 as set forth in abstract number P-9, dated 9/10/24.

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

## COMMUNICATIONS

- Budget preparation – Meeting at BBS on 9/13/14 at 9:00 AM.
- RG&E switching to smart meetings which should result in fewer estimates.

## OLD BUSINESS

- A. Inside/Outside Elevators: Inside elevator was inspected, needs a full weight test. Outside lift wiring has been received, waiting for technician to repair lift.
- B. Town of Nunda logo: Councilperson Blair suggested contacting Patty Piper of Be Well in Nunda for the graphic designer they used. Also, the School has a new Art teacher that may help out for a nominal fee.

## NEW BUSINESS - NONE

**There was a motion** to enter executive session to discuss personnel matters of a particular employee made by Councilperson Hillier, seconded by Councilperson Blair and carried 5-0. The Clerk was allowed to stay. Councilperson Morris left the meeting at 8:39 PM.

**There was a motion** to exit executive session at 8:41 PM, with no action taken, made by Councilperson Blair, seconded by Councilperson Hillier and carried 4-0

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

The meeting was adjourned at 8:42 PM.

Respectfully submitted

Tamara McCallum  
Nunda Town Clerk