

**TOWN OF NICHOLS  
REGULAR MEETING  
FEBRUARY 14, 2023**

*Town Supervisor, Esther Woods, brought meeting to order at 7:00 pm in the Nichols Elementary School located at 139 Ro-Ki Blvd Nichols NY 13812*

**PLEDGE OF ALLEGIANCE**

**ROLL CALL;**

*Supervisor Esther Woods (present), Councilperson Bill Middleton (present), Councilperson Ladd Yost (present), Councilperson Rose Cole (present), and Councilperson Brenda Fay-Pelotte (present).*

**ALSO PRESENT;**

*Kem Hart-Baker, Steve Hill, Randy Thetga, Rick Kie (DCO and Marcy Hill (Town Clerk).*

**MINUTES**

*Motion to approve the revised minutes from January 25, 2023 made B. Fay-Pelotte 2nd by L. Yost Roll Vote; B. Middleton (aye), R. Cole (aye), B. Fay-Pelotte (aye), Lad Yost (aye), and E. Woods (aye).*

*Carried aye- 5- 0 No- 0 abstain*

**Public Hearing Opened @ 7:02 for:**

**RESOLUTION 4-2023**

**ADOPTING LOCAL LAW NO. 1 OF 2023 ENTITLED**

**“A LOCAL LAW TO EXPAND THE RESIDENCY REQUIREMENT FOR THE POSITION OF DEPUTY TOWN CLERK OF THE TOWN OF NICHOLS”**

**No public comments.**

*Motion to close public hearing#2 made by Rose Cole 2nd by B. Fay-Pelotte.*

*Roll Vote; B. Middleton (aye), R. Cole (aye), B. Fay-Pelotte (aye), Ladd Yost (aye), and E. Woods(aye).*

*Carried 5 aye- 0 absent- 0 No- 0 abstain*

**Close Public Hearing at 7:04pm**

*Motion to approve Resolution 4-2023(Local Law #1-2023) made by Rose Cole 2nd by B. Fay-Pelotte.*

*Roll Vote; B. Middleton (aye), R. Cole (aye), B. Fay-Pelotte (aye), Ladd Yost (aye), and E. Woods(aye).*

*Carried 5 aye- 0 absent- 0 No- 0 abstain*

**Public Hearing Opened @7:05 for:**

**RESOLUTION #5-2023**

**ADOPTING LOCAL LAW NO. 2 OF 2023 ENTITLED**

**“A LOCAL LAW AMENDING THE TOWN OF NICHOLS ETHICS CODE”**

**Bill Middleton stated that he is not in favor of this. He stated he spoke with the lawyer who feels our current law is fine. This has happened in the past and the family member has abstained from any discussion regarding family member.**

**Ladd Yost – Asked is “the States standard more like the change”? Yes, state law is wide open.**

**Our amendment is still stricter than the State.**

**Have other town laws like this been looked at? No.**

**If the procedure we have satisfied, then why are we changing it?**

Rose Cole stated that she feels this is stricter than what the State rules are. It takes away from small town issues.  
Brenda Fay-Pelotte – Stated Section 2.2 – Makes this consistent – it’s stricter.

A more heated discussion continued between members over what has happened in the past.

*Motion to close public hearing#2 made by Rose Cole 2nd by B. Fay-Pelotte.*

*Roll Vote; B. Middleton (aye), R. Cole (aye), B. Fay-Pelotte (aye), Ladd Yost (aye), and E. Woods(aye).*

*Carried 5 aye- 0 absent- 0 No- 0 abstain*

### **Close public hearing at 7:23pm**

*Motion to approve Resolution 5-2023(Local Law #122023) made by Rose Cole 2nd by B. Fay-Pelotte.*

*Roll Vote; B. Middleton (Naye), R. Cole (aye), B. Fay-Pelotte (aye), Ladd Yost (Naye), and E. Woods(aye).*

*Carried 3 aye- 0 absent- 2 No- 0 abstain*

### **NEW BUSINESS –**

- *Charging Stations: This is a grant funded opportunity. There is a revenue source with this. It is a good thought to consider. Is there maintenance that the Town would be responsible for? Is this an ongoing grant? The board will continue to pursue this.*
- *Emergency Plan Annex –Rose stated she and Ray will be meeting next week (2/22) at 6PM to start the process with key member of the committee. After the “ball is rolling” they will bring in the state contacts and whomever else needs to get involved.*
- *Grievance Day – Date was discussed and it was determined that May 23, 2023 will be the date. Mr. Howard Stoltzfus and Mr. Howard Visscher will be on the grievance board. Motion to approve May 23, 2023 as Grievance Day made by Rose Cole 2nd by B. Fay-Pelotte. Roll Vote; B. Middleton (aye), R. Cole (aye), B. Fay-Pelotte (aye), Ladd Yost (aye), and E. Woods(aye).*

*Carried 5 aye- 0 absent- 0 No- 0 abstain*

- *Stamps.com – Rose has been researching postage costs for the newsletter and I lead her to stamps.com. She shared the cost and how the system would work. Everyone agreed this most likely would be a cost savings. Further investigation into certified mail options will be looked into.*
- *E-Waste 2023 – The Agreement with Tioga County NY was signed and along with certificate of insurance was sent back to the county.*

### **ADDITIONAL NEW BUSINESS –**

- *Stray Haven Contract – There were many changes and fee increases in the new contract. Brenda Fay-Pelotte will reach out the Town of Owego as they has stated in the past that we would possibly contract with them for dog control holding services.*

- *IDA – Depot Road Area. The IDA shared that there is the possibility of a new company building in this area. The company will be making fertilizer and manure products. If this is a “go” then it would go through the town planning board for a site review.*
- *Tioga County Dental Van – Rose will look into having the van come to here for an event for adults in the community.*

- *Community Bank, NA accounts (Town Clerk)*

*Resolution to remove Karen Hall from Community Bank, NA accounts and to add Marcy Hill, Town Clerk to these accounts:*

**WHEREAS**, the Town of Nichols has recently experienced personnel changes; and **WHEREAS**, the need exists to change the names of the existing authorized parties and authorized signers on the Community Bank, NA accounts held by the Town of Nichols; and

**NOW THEREFORE** upon a motion by Board Member Rose Cole seconded by Board Member Brenda Fay-Pelotte and carried; therefore, be it **RESOLVED**, the Karen Hall will be removed as an authorized party on all accounts held by Community Bank, NA; and be it further **RESOLVED**, Marcy Hill, Town Clerk will become an authorized party on the Town Clerk’s accounts held by Community Bank, NA ; and be it further **RESOLVED**, Karen Hall will be removed as an authorized party/signer on all accounts; and be it further **RESOLVED**, this change will take effect immediately.

*Motion to approve Resolution 6-2023(Banking Amendments) made by Rose Cole 2nd by B. Fay-Pelotte.*

*Roll Vote; B. Middleton (aye), R. Cole (aye), B. Fay-Pelotte (aye), Ladd Yost (aye), and E. Woods(aye).*

*Carried 5 aye- 0 absent- 0 No- 0 abstain*

**UPDATE FROM TOWN PERSONNEL –**

**Ray Thetga – Building & Grounds: AED quote \$2200.** Ray also suggested moving the old AED from carriage house to 139 RoKi until new unit arrives.

*Motion to approve purchase of new AED unit made by Bill Middleton 2nd by R. Cole.*

*Roll Vote; B. Middleton (aye), R. Cole (aye), B. Fay-Pelotte (aye), Ladd Yost (aye), and E. Woods(aye).*

*Carried 5 aye- 0 absent- 0 No- 0 abstain*

*Ray also stated the TC Sherriff Department has reached out to him regarding their “weekend warrior” program. The used to go to the cemeteries each year for clean-up and would like to continue.*

*Motion to approve TC Sheriff Department organize cemetery cleanup made by B. Fay-Pelotte 2nd by L. Yost.*

*Roll Vote; B. Middleton (aye), R. Cole (aye), B. Fay-Pelotte (aye), Ladd Yost (aye), and E. Woods(aye).*

*Carried 5 aye- 0 absent- 0 No- 0 abstain*

*Martin Plumbing will be coming in on a Monday to do installs.*

**Will Heveland – Highway Dept.**

*Rose shared for Will that he was in agreement with the new mailbox policy change to \$25 reimbursement to the homeowner for mailbox damages.*

**COMMITTEE REPORTS –**

*Reap – Rose Cole reported that there is a lot of grant money that hasn't been applied for per TC. We are looking at doing a fence grant for highway department. Also, looking into grant funding for our new signage, front door, and AED's. Also there are USDA grants available. Rose will continue to work on getting these application completed.*

*Council of Governments – Rose and Bob Nugent will be attending the next meeting which is regarding updated NYS Wastewater regulations.*

**OLD BUSINESS –**

*Mailbox quote for 139 RoKi.*

*Motion to approve mailbox with pedestal purchase made by B. Fay-Pelotte 2nd by R. Cole.*

*Roll Vote; B. Middleton (aye), R. Cole (aye), B. Fay-Pelotte (aye), Ladd Yost (aye), and E. Woods(aye).*

*Carried 5 aye- 0 absent- 0 No- 0 abstain*

*Highway Department – Mail will be delivered directly to 170 Buck Road. A note will go out to vendors regarding this change.*

*Milton Cat Generator Quote*

*Ray states that this quote covers two services a year. The three year quote is \$5680.40.*

*Motion to approve Milton Cat service agreement made by B. Middleton 2nd by R. Cole.*

*Roll Vote; B. Middleton (aye), R. Cole (aye), B. Fay-Pelotte (aye), Ladd Yost (aye), and E. Woods(aye).*

*Carried 5 aye- 0 absent- 0 No- 0 abstain*

*Dog Control Officer –*

*Pens need to be obtained for the 24-hour holds. Rick Kie, DCO, provided different quotes.*

*After discussion the board agreed on the 4x6/4x4 combo.*

*Motion to approve purchase of 4x6/4x4 combo from the Kennel Store not to exceed \$3000 made by B.*

*Middleton 2nd by B. Fay-Pelotte.*

*Roll Vote; B. Middleton (aye), R. Cole (aye), B. Fay-Pelotte (aye), Ladd Yost (aye), and E. Woods(aye).*

*Carried 5 aye- 0 absent- 0 No- 0 abstain*

*Discussion continued regarding badge for Dog Control Officer. Esther stated that she found one on Amazon. The DCO will purchase his own at this point.*

**OTHER OLD BUSINESS –**

*Depot Road – Hunt and FEMA are working together on the grants.*

*Shared Services Update-Cameras will be installed within the next few weeks. Highway Dept. and remaining Departments will be done at a later date.*

*Website Update – Brenda continues to work with Brad daily with updates.*

*FEMA properties – No update*

*Employee Handbooks – Rose will meet with Will next week to review. Bob Nugent has received, reviewed and signed off on his. Next Friday Rose will meet with highway department crew for their signatures. This will include appreciation luncheon. All worked hard and got us moved to new office. Kudos to Ray and the entire crew.*

*Rick Kie, DCO, had several comments regarding dog control position. After the move is complete Rick will receive one of the printers that he needs for his work as DCO.*

*Catholic Charities – Esther stated that a discussion and vote was need on the issue of Catholic Charities Rent.*

*The consensus was that we have to continue with the new rate increase. The town has to get fair market value for this space. Also, if they do not pay they will have to be evicted. Tioga Downs and the Food Bank have supposedly been helping them financially. Catholic Charities to date have not paid for February and did not pay higher rent for January.*

*A motion to continue to charge Catholic Charities\$4029 a month for rent and to start eviction proceedings if not paid made by E. Woods 2nd by B. Middleton.*

*Roll Vote; B. Middleton (aye), R. Cole (aye), B. Fay-Pelotte (aye), Ladd Yost (aye), and E. Woods(aye).  
Carried 5 aye- 0 absent- 0 No- 0 abstain*

*A motion to accept vouchers and pay bills made B. Middleton 2nd by L.Yost*

*Roll Vote; B. Middleton (aye), R. Cole (aye), B. Fay-Pelotte (aye), Ladd Yost (aye), and E. Woods(aye).  
Carried 5 aye- 0 absent- 0 No- 0 abstain*

*A motion move the February 2 2nd Town Board Meeting to March 1st made E. Woods 2nd by L.Yost*

*Roll Vote; B. Middleton (aye), R. Cole (aye), B. Fay-Pelotte (aye), Ladd Yost (aye), and E. Woods(aye).  
Carried 5 aye- 0 absent- 0 No- 0 abstain*

#### **EXECUTIVE SESSION –**

*Motion to go into executive session to discuss legal considerations pursuant to public officers’ law Section 105 at 9:15 pm made by B. Fay-Pelotte 2nd by Rose Cole.*

*Roll Vote;*

*B. Middleton (aye), R. Cole (aye), B. Fay-Pelotte (aye), Ladd Yost, and E. Woods (aye).  
Carried 5 aye- 0 absent- 0 No- 0 abstain*

*Motion to go out of executive session at 10:20 pm made by B. Middleton 2nd by R. Cole*

*Roll Vote;*

*B. Middleton (aye), R. Cole (aye), B. Fay-Pelotte (aye), Ladd Yost (aye) E. Woods (aye).  
Carried 5 aye- 0 absent- 0 No- 0 abstain*

#### **MOTION TO RECONVENE TO REGULAR SESSION**

*Motion to reconvene to regular session at 10:10 pm made by E. Woods 2nd by B. Fay-Pelotte.*

*Roll Vote;*

*B. Middleton (aye), R. Cole (aye), B. Fay-Pelotte (aye), Ladd Yost (aye), and E. Woods (aye).*

*Carried 5 aye- 0 absent- 0 No- 0 abstain*

***MOTION TO ADJOURN –***

*Motion to adjourn the meeting at 10:10 pm made by E. Woods 2nd by R. Cole.*

*Roll Vote;*

*B. Middleton (aye), R. Cole (aye), B. Fay-Pelotte (aye), Ladd Yost (aye), and E. Woods (aye).*

*Carried 5 aye- 0 absent- 0 No- 0 abstain*

*Respectfully Submitted,*

*Marcy Hill*

*03/01/2023*