

**Town of Nichols  
Regular Meeting  
June 8, 2021**

Supervisor Kevin Engelbert brought meeting to order at 7:00pm in the Nichols Elementary School located at 139 Ro-Ki Blvd Nichols NY

**PLEDGE OF ALLEGIANCE -**

**ROLL CALL;**

Councilperson Ray Thetga Sr. (present, arrived late), Councilperson Bill Middleton (absent), Councilperson Esther Woods (present), Councilperson Barbara Crannell (present) and Supervisor Kevin Engelbert (present).  
Others present;  
Will Heveland (Highway Superintendent), Ray Thetga Jr. (Buildings and Grounds), Brandon Sickler, Roseann Cole, Ron Traue, Andy Silvanic, Robert Nugent and Pam Moore.

**MINUTES**

The motion to accept the minutes from the May 11, 2021 board meeting, made by B. Crannell 2<sup>nd</sup> by E. Woods.  
Roll Vote;  
E. Woods (aye), B. Crannell (aye), K. Engelbert (aye).

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

**QUESTIONS COMMENTS & CRITICISMS FROM THE PUBLIC -**

R. Traue wanted to know when Upper Briggs Hollow Rd was going to get paved. W. Heveland said that paving Upper Briggs Hollow wasn't on his list of roads to do this year, but they could possibly oil and stone the road. The Town Board agreed that would be a great alternative to keep the dust down.  
R. Cole wanted to know how the search for a new Code Enforcement Officer was going. She was hoping that the Town would consider making the position more proactive instead of a reactive one. Meaning, that a proactive officer would be driving around identifying code issues and dealing with them as they are seen and not waiting around for someone to complain.

**NEW BUSINESS**

- Section 284 Highway Law, Expenditures for Repair and Improvement of Highways, W. Heveland brought it to the Town's attention that one of these forms need to be filled out every year. K. Engelbert has not done one of these before and wanted to discuss it.  
K. Engelbert - "The first step of this process is that prior to the preparation of the Town Budget, the Town Superintendent of Highways must submit an estimate showing the amount that is going to be raised by taxation for the construction and maintenance of highways. I have never gotten that from you and the way it reads is that the Highway Superintendent writes down the projects, general repairs and improvements he would like to do for the year and you need to put it down on the paper."  
W. Heveland - "I need to know what the budget is."  
K. Engelbert - "No you need to put it on here and then the Town will approve those projects that we think we can do."  
W. Heveland - "Those can't be paid without that 284 agreement being signed."  
K. Engelbert - "I don't know how much we will have to spend because I don't know how long Tioga Downs is going to be in business or if they shut down or if we have another pandemic. So a lot of it is moot anyway. I can see why we never had it's really just socialist BS, that's all it is."

W. Heveland - "That's something that the Comptroller requires and the Comptroller wants it turned in."

K. Engelbert - "I am not saying that it's not right that it's never been done, but it's never been done. It's the first I have ever heard of it and I have been here for 15 years. I am not saying we shouldn't do it, but the first step is for you to tell me how much money you want to raise in taxes when I do the budget. So in August I will need to know how much money you want to raise. I will read it again, 'Must submit an estimate showing the amount to be raised in taxation for the construction, improvement, maintenance and repair of town highways', that's the first step. We can fill these out now..."

W. Heveland - "This is supposed to be filled out in January."

K. Engelbert - "Again. I have never gotten any estimates from you about how much we were going to spend."

W. Heveland - "This is not a new Town, I don't know how all these new things have come up since I've been here and nobody has ever done them in the past."

K. Engelbert - "I don't know either, I am not saying it's ok...I am just saying there are steps to take so we do it properly. We can't fill out the general you want to do or the roads that you want to repair. That you need to fill out, everyone of them and then the Town Board will agree to do it. That part of what you need to do to make this 284 happen. Will you see this sheet? We can't fill it out and we can't tell you what roads you want to improve."

W. Heveland - "If you see the top, the Highway budget amount goes there and then I fill it out."

K. Engelbert - "On what?"

W. Heveland - "That paper, that 284 agreement. "

K. Engelbert - "OK."

W. Heveland - "I then put projects on there and then you write on the bottom of it, subject to change due to weather or things that can come up to hinder that."

K. Engelbert - "Well we've committed to \$600,000 right now."

W. Heveland - "That's just an estimate, I am going to need more than that if I am going to oil and stone and stuff like that. Those are just estimates for black top."

K. Engelbert - "And again that's what we need to know, because right now I don't even know what the budget is. I don't know how much for sure until these checks come in."

W. Heveland - "You know how much we have, I don't know how to work around that."

K. Engelbert - "Because you say what you want to do and then we'll decide whether or not we can afford to do it. If you want to do this road and it's going to cost this much or you want to pave this road and it's going to cost this much, you want to replace these sluices. Write down the whole litany of what you want to do and then the town board will go through and say yes or no. Like I said, that's what it looks like to me, because you are your own boss ok? I mean I can tell you any figure I want that we are going to have, but I don't know how accurate it's going to be."

W. Heveland - "That's what I need to work with, you know what I mean?"

K. Engelbert - "I understand and I am trying to work with you with it, but I don't know what it costs to do this or that or anything else. So I can say that we have about \$600,000 we know we can commit to right now. If Tioga Downs stays open for another 3 months we can probably go to \$750,000 and if they are open for the rest of the year we can probably spend \$1,000,000 on our roads this year. But for me to say in August, that by the end of October in the year 2022, I know exactly what we have to spend on roads, I can't do it...no town can."

W. Heveland - "It just puts me in a bind where it would be easy to overspend your budget if you don't know what your budget is."

K. Engelbert - "Yeah, we've done that in the past. Am I wrong here? I don't recall..."

R. Thetga - "No, no."

W. Heveland - "You have never heard of the 284 agreement commitment to spend?"

R. Thetga - "No, never saw it."

K. Engelbert - "It doesn't mean we won't do it, we will."

R. Thetga - "You put down what work you want to do on the roads..."

K. Engelbert - "And we will try and work with you. I am not trying to be obstinate. I am just trying to make it work. Come in and see me and we'll talk things through and work on it together. Tell me what you would like to do, can we do that? We will do the best we can. I don't know what we will have to spend."

B. Crannell - "Sounds to me like maybe you need to do a wishlist."

K. Engelbert - "I guess the best that I can. The more we can do the better, the less often people come in and complain about their roads. Just like last year, with the pandemic and the highway garage. You just don't know because there are so many variables and I think that's why this has never been brought up. Come in, let's sit down, let's fill it out and at the next meeting we'll have it ready to sign and we'll have a 284 agreement. But we certainly can't do it tonight, not with all that's involved."

W. Heveland - "Why can't we figure out at the beginning of the year how we want to pave, or we want to do so many miles of paving every year, so many miles of oil and stone every year. Because we know what that costs, but we have to set a goal for that."

K. Engelbert - "Right, let's do it. Come in and see me, let's do it. Well start right in for this year, we will make it retroactive and we will do it. But like I said, when I start working on the budget every year at the end of August, tell me how much you want to raise and what you are going to do. That's the first step for next year. This year we will back into it, so to speak."

R. Thetga - "How much are you spending on Waite Rd now?"

W. Heveland - "Probably 8 to 12."

K. Engelbert - "What's he doing up there, I haven't been up there?"

W. Heveland - "We are digging that all out, putting drain tile in and building it back up."

R. Thetga - "Who's doing it?"

W. Heveland - "Broome is helping us, we are doing all the hauling."

K. Engelbet - "Do you guys help Tioga with West Whitcomb?"

W. Heveland - "No, wait a minute I sent one guy. I am not sure if it was for West Whitcomb, but we sent a guy for a week."

Further discussion regarding Waite Rd regarding the degradation of the felt and the ditch work being done.

- RESOLUTION NO 05-2021

TOWN OF NICHOLS SECTION 125 PREMIUM ONLY PLAN

**WHEREAS:** The Town of Nichols makes group insurance benefits available for its employees, and pays a portion of the premiums; and

**WHEREAS:** The Town of Nichols' desire to allow its employees to participate in the Town of Nichols Salary Reduction Plan; and

**WHEREAS:** The Town of Nichols wishes to adopt a Salary Reduction Plan that complies with Section 125 of the Internal Revenue Code, to enable its employees to elect to pay for their share of the group health insurance premiums on a pre-tax reduction basis; and

**WHEREAS:** The Town of Nichols determines the above actions are in the best interest of the Town of Nichols; and

**NOW THEREFORE:** Upon a motion by Town Supervisor K. Engelbert, seconded by Board Member B. Crannell, and carried; therefore, it

**RESOLVED,** that this day of June 8, 2021, the Town Board of the Town of Nichols hereby adopts the Town of Nichols Section 125 POP Plan to be in effect starting July 1, 2021.

Certified copy of this Resolution will be filed in the Town Clerk's Office

- Cancel June 23, 2021 meeting

The motion to cancel the next meeting of June 23, 2021 made by Ray Thetga 2nd by E. Woods.

Roll Vote;

Ray Thetga (aye), E. Woods (aye), B. Crannell (aye), K. Engelbert (aye).

Carried 4 aye-1 absent-0 No-0 abstain

#### **ADDITIONAL NEW BUSINESS FROM BOARD MEMBERS -**

##### **UPDATE FROM TOWN DEPARTMENTS/PERSONNEL**

Highway Department – W. Heveland the new tractor will be delivered on Thursday. W. Cleveland went on to talk about the situation of the tractor trailer trucks on Sunnyside and other Town back roads, W. Heveland suggests changing the weight limit signs to 10 ton. K. Engelbert asked if they got ticketed and W. Heveland stated that the officers can't ticket them at 16 tons because the trucks are at the right weight and won't get tickets. W. Heveland also said that these are regulatory signs and they would have to be installed on all the roads that are needed by board resolution. Discussion followed on the frustration of trucks getting stuck because the GPS tracker is telling them to go on the wrong roads. If the Town posts these regulatory signs then only trucks making local deliveries can use the Town roads. W. Heveland to contact the Town lawyer to show him the signs that the Town can adopt and discuss how these signs can affect other businesses that use our roads.

Buildings and Grounds - R. Thetga Jr. asked about cleaning service for the Justice Department's new offices and courtroom. R. Thetga to contact J's Cleaning Service to get an estimate for services. Justices are all moved in, with the exception of a few minor things to finish up. The next project is to get the Historian and historical items moved up to the school. K. Engelbert suggested using the side room in the Clerk's office as a place to put cemetery maps/cards etc, that it would be a nice place with a desk to be able to research cemetery stuff. R. Thetga is still trying to locate space to move the Town Justice records and as a temporary fix is looking to get some shelving to put them on. He needs a space that can be locked up and that the clerks can have access to. K. Engelbert recommended using the storage shed outside or the 4th room. Wes Nichols will be fixing the porch of the library as it has buckled and is wavy.

Planning Board - A. Silvanic presented to the Town Board that the Planning Board is working on a new Town of Nichols RV Ordinance. It would allow people to live in Recreation Vehicles, campers, tiny homes set up to travel or travel trailers for up to 180 days with the purchase of a permit. They would like the Town Board to look it over to see if there are any changes that need to be made or any questions that need to be answered. K. Engelbert and the Board will look over the new proposed ordinance and decide at the next meeting if the Town wants to move forward and then schedule a public hearing on it later. A. Silvanic also mentioned that the Planning Board would like to get direction regarding putting together ordinance on windmill farms because of what happened in Deposit. K. Engelbert agreed.

Tioga Downs applied for their yearly Fireworks Permit for the July 4th weekend.

Motion to approve the permit made by K. Engelbert 2<sup>nd</sup> by E. Woods.

Roll Vote;

Ray Thetga (aye), E. Woods (aye), B. Crannell (aye), K. Engelbert (aye).

Carried 4 aye-1 absent-0 No-0 abstain

The Town Assessor, Denise Spaulding would like to attend professional training at Cornell. The cost for the room is \$385.00 and would be split between the Towns of Candor, Tioga and Nichols. Nichols' portion would be \$128.33.

Motion to approve D. Spauldings request made by K. Engelbert 2<sup>nd</sup> by B. Crannell.

Roll Vote;

Ray Thetga (aye), E. Woods (aye), B. Crannell (aye), K. Engelbert (aye).

Carried 4 aye-1 absent-0 No-0 abstain

**OLD BUSINESS** - E. Woods wanted to follow up from the last meeting and asked if payroll was going smoother. Those in attendance said it was.

#### **ADDITIONAL OLD BUSINESS FROM BOARD MEMBERS -**

#### **ACCEPT REPORTS AND PAY BILLS**

The motion to accept the Reports and Pay Bills, made by R. Thetga 2<sup>nd</sup> by E. Woods.

Roll Vote;

Ray Thetga (aye), E. Woods (aye), B. Crannell (aye), K. Engelbert (aye).

Carried 4 aye-1 absent-0 No-0 abstain

#### **ADDITIONAL COMMENTS, QUESTIONS & CRITICISMS -**

**EXECUTIVE SESSION** - Motion to go into executive session to discuss personnel at 7:56pm made by K. Engelbert 2<sup>nd</sup> by B. Crannell

Roll Vote;

Ray Thetga (aye), E. Woods (aye), B. Crannell (aye), K. Engelbert (aye).

Carried 4 aye-1 absent-0 No-0 abstain

Action taken - Motion to appoint Martin Jerzak as Deputy CEO from June 9, 2021 to June 30, 2021 at \$15 per hour and then as CEO as of July 1, 2021, with a probationary period until December 31, 2021 made by E. Woods 2<sup>nd</sup> R. Thetga.

Roll Vote;

Ray Thetga (aye), E. Woods (aye), B. Crannell (aye), K. Engelbert (aye).

Carried 4 aye-1 absent-0 No-0 abstain

*The motion to end Executive Session at 8:38pm, made by R. Thetga 2<sup>nd</sup> by K. Engelbert*

*Roll Vote;*

*Ray Thetga (aye), E. Woods (aye), B. Crannell (aye), K. Engelbert (aye).*

*Carried 4 aye-1 absent-0 No-0 abstain*

***ADJOURN -***

*The motion to Adjourn meeting at 8:40pm pm, made by R. Thetga 2<sup>nd</sup> by B. Crannell*

*Roll Vote;*

*Ray Thetga (aye), E. Woods (aye), B. Crannell (aye), K. Engelbert (aye).*

*Carried 4 aye-1 absent-0 No-0 abstain*

*Karen Hall*

*Nichols Town Deputy Clerk*

*6/21/2020*