

**Town of Nichols
Regular Meeting
July 13, 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), Councilperson Bill Middleton (present), Councilperson Esther Woods (absent), Councilperson Barbara Crannell (present) and Supervisor Kevin Engelbert (present).

Others present;

K. Hall (Town Clerk), Will Heveland (Highway Superintendent), Rose Cole, Kem Hart-Baker (Historian) and Marty Jerzak (CEO).

MINUTES

K. Engelbert asked K. Hall to amend the minutes to correct a misspelled word, change the board members that made the motion in executive meeting action and to change the time of ending of executive meeting to 8:38. The motion to accept the minutes from the June 8, 2021 board meeting with those amendments, made by B.Crannell 2nd by B. Middleton.

Roll Vote;

Ray Thetga (aye), B. Middleton (abstain), B. Crannell (aye), K. Engelbert (aye).

Carried 3 aye-1 absent-0 No-1 abstain

QUESTIONS COMMENTS & CRITICISMS FROM THE PUBLIC -

R. Cole mentioned she was happy to see and have a chance to speak with the new Code Enforcement Officer. She had some concerns regarding a neighbor living in an RV with no water, sewer or electricity and putting stacks of pallets and other trash along the edge of their property. R. Cole would like it to be addressed. K. Hart-Baker also mentioned a neighbor with the same situation and they have been living in it for 10 months or so. She wanted to know if there were any existing codes to prevent people from living in them 24/7 325 days a year. K. Engelbert stated that people can live in an RV for six months as a seasonal thing, but if it's over six months then it's a different story.

B. Crannell - "The planning board has been working on a new ordinance and it was brought before the board and I thought we were going to discuss it tonight."

K. Engelbert - "I thought so too, Andy was supposed to be here. Do we have anything currently right now?"

B. Middleton - "The problem is that it's not enforceable I believe, have you looked into it because I believe that's why it went back to the planning board. Because of the wording."

M. Jerzak - "In the code book you can only stay 180 days. However, if you stay longer you have to meet the HUD/Manufactured home requirements. It also has to meet NYS requirement code and ICC code. So from your 180 days from April till October when the heat comes on they can stay in them, but they have to have sewer and water. They have to have some kind of water hook up and they have to have some kind of sewer."

B. Crannell - "Did you see a copy of the new ordinance from the planning board?"

M. Jerzak - "I did see that and some of it was familiar with NYS code, but there is some interpretation in there that needs to be rectified moving forward."

B. Crannell - "I thought that we had taken it back and I thought that the changes in there were ok and that we were going to have a final look at it. If you've reviewed it and you see some changes that need to be made, you probably need to get a hold of the planning board so that you can let them know that you, as the CEO, are not agreeing with whatever section of it."

M. Jerzak - "Has Bob reviewed this at all?"

B. Crannell - "I don't know for sure, I thought he had but I don't know that for sure."

B. Middleton - "I thought he had to, I thought that they corrected one problem. One thing we tried to do, Rose, was set it up so snowbirds could come and stay in their camper and then go back."

Discussion followed regarding getting permits issued to these owners and how to enforce new ordinance. M. Jerzak to get with the planning board to review the ordinance and offer changes that agree with NYS requirements.

NEW BUSINESS

- *Historian Report and Rebinding of Historical and Cemetery Books*

K. Hart-Baker said that she has been very busy and has received a lot of donated books, pictures and brochures from people. She has photographed, documented and inventoried all the books in the Town's possession. The last two weeks she has gone out and photographed all the historical markers in the Town so that those are now documented and she currently has 95% of the current businesses located in the Town and the Village photographed so that the Town has current pictures of all the businesses for posterity.

K. Hart- Baker has met with some families, including Mary Gleason, who showed her around the White Cemetery up on Sibley Rd. It is on private property and they are some of the first settlers that ever lived in Nichols. Joshua White died in 1834 at 67 years and had lived here for a number of years before he passed. His wife Rhoda is also up there too. K. Hart-Baker met with Beverly Quick and her Daughter Cindy. Beverly shared memories of early businesses and the residents that owned them. Betty Quick donated a pair of eyeglasses once owned by Dr. George M. Cady.

K. Hart-Baker inquired about an estimated time for the historical records to be moved from the library to the school. K. Engelbert said that moving stuff from the library to NES is between Ray, Historian and Librarian and it is Ray's busy season. He suggested she get a key from Ray Thetga Jr. to start moving items from her house up to the school to get started for now.

K. Hart-Baker is hoping to hear from the William Pomeroy Foundation by late summer/early fall that at least one or maybe all 3 grants submissions for historical markers for the Nichols, Dunham and Briggs Hollow Cemeteries have been approved. The Historian went on to suggest that the board should consider getting proper signage for the Nichols, Coryell/Ashbury, and Briggs Hollow Cemeteries. B. Middleton made the suggestion to wait until the slow season to bring up the signage with R. Thetga Jr. R. Cole suggested seeing if this is an Eagle Scout project someone can do. B. Middleton said that R. Thetga Jr. does a lot with youth groups and should have some contacts.

At the direction of the Town Supervisor the historian met with a Kofile representative and got 3 cost estimates to preserve, microfilm and rebind some very old books that were either donated to or in possession of the Town Clerk These are to include the "Nichols Cemetery Association Minutes Book Vol. 1" dated 1800 - early 1900's; " "History of Tioga, Chemung, Thompkins and Schuyler Counties" dated 1879; and "Historical Gazetteer of Tioga County, 1785-1888" at a proposed cost of \$12,139.00.

Discussion about preserving the books continued.

B. Middleton - "Is the money available? You are the budget officer."

K. Engelbert - "I am not sure how to phrase it. Money is no object for us, as long as Tioga Downs stays open is the plain simple fact. For example, the week ending July 4th, which was a Sunday, they had their highest grossing gaming revenues since they opened. The town will get \$35,566.92 for that one week. We are on a pace for about 1.4 million dollars this year just from Tioga Downs. So I can't sit here and say, "no we can't do this because we don't have the money". We can do what we want. We are one of the two towns in the state that can say that. So there's \$12,000.00 that wouldn't go to a road, but we aren't going to get our last payment until October and that is going to be beyond the season to do roads anyways. So that will be what we start with next year. In my opinion, if we have this company lined up, let's do it and get it done before they deteriorate any further."

K. Hart-Baker - "So would you like me to get an estimate on the second cemetery book?"

K. Engelbert - "I think, in my opinion, we should do all four books."

The motion to preserve historical books made by B. Crannell 2nd by B. Middleton.

Roll Vote;

Ray Thetga (aye), B. Middleton (aye), B. Crannell (aye), K. Engelbert (aye).

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

K. Hart-Baker thanked the board

- **Cleaning Contract for Justice Department**

K. Engelbert asked if the board had a chance to look over the proposed cleaning contract to add cleaning services to the Town Courtroom and Justice Offices. Initial cleaning at \$120.00 1X per week \$70.00, 1X every 2 weeks \$80.00, 1X every 3 weeks \$95.00 and 1X every 4 weeks \$105.00. K. Hart-Baker asked if this would include the Historian room. K. Engelbert told her once the Nichols Museum is up and running they can amend the contract when it's needed. Discussion on how many times a month services would be needed followed.

The motion to contract J's Clean Sweep to clean the Courtroom and Justice offices every two weeks was made by B. Middleton 2nd by R. Thetga.

Roll Vote;

Ray Thetga (aye), B. Middleton (aye), B. Crannell (aye), K. Engelbert (aye).

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

- **Cancel July 28, 2021 meeting**

The motion to cancel the next meeting of July 28, 2021 made by K. Engelbert, 2nd by R. Thetga.

Roll Vote;

Ray Thetga (aye), B. Middleton (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

W. Heveland presented the 284 agreement to K. Engelbert and the town board.

K. Engelbert - "I have done a little research on this Will, no other towns do this. George Richter says 'the Town of Chemung, it's a very old and outdated law that remains on the books in New York State and it's much like the

law that mandates the Town Board to perform an audit of our Town records every January.' The Town of Barton doesn't do it, Owego doesn't and Tioga doesn't."

W. Heveland - "Tioga Center doesn't do it?"

K. Engelbert - "Well I shouldn't say that because actually I don't know that for a fact yet."

W. Heveland - "And the Town of Barton doesn't?"

K. Engelbert - "No, I talked with Fred and he said that they weren't going to do it. It's just a waste of time."

W. Heveland - "If you can put a note with that."

K. Engelbert - "We'll do it if you want to."

W. Heveland - "I want to still turn it in, if you guys don't want to sign it, you don't have to sign it. But I still want to turn it in."

K. Engelbert - "We'll look at it, we aren't going to tonight. I have got to look it over and see what we can do. I am just letting you know that it's an outdated law, it was done before computers were in existence and before Town Boards really did budgets like we do now. But if you want to do it, it is in the books and we'll do it. I'll take this to my office and look it over, then give it to Karen and then let other board members look it over. Because it isn't an agreement with me, it's an agreement with board members like I said."

W. Heveland - "According to the Highway Superintendents Association, that's the most important document the highway department has right there."

K. Engelbert - "And almost every town doesn't do it. Cities don't do it, villages don't do it and the county doesn't do it. A copy is supposed to go to the County and they've never asked for one ever."

W. Heveland - "Gary Hammond the Commissioner asked me for that, he said the Town of Nichols has never done it and that we are supposed to do it."

K. Engelbert - "Did he ask other Towns to do it?"

W. Heveland - "He asked me for it and that it should have been done."

K. Engelbert - "Like I said if you want to do it, we'll do it. It's not something that most Towns do. Did you get the email from Bob McKertich about Chapter 175? Do you want to explain a little bit what this is all about to the board?"

W. Heveland - "You can explain it to them, I will give them details about the signage and all that because I didn't bring any of that paperwork with me I wasn't expecting it to be on here tonight."

K. Hall gave W. Heveland a copy of the Chapter 175 law.

K. Engelbert - "What Will wants to do is amend Chapter 175 of the Town Code. The law would change the tonnage and length of trucks subject to restrictions from 5 tons and 30ft to 10 tons and 48ft. The will also add five new roads subject to the length and weight restrictions. They are Smith Creek Rd, Hunts Creek Rd, Sunnyside Rd, Red Brush Rd and Decker Hill. Here's what we need to do to move forward with this law: we introduce the law at the next town board meeting by providing a copy of each attached document to each board member, which is part of your packet and the next thing is we vote to schedule a public hearing for a specific time and date. That's all we need to do tonight to make this happen and I suggest we schedule it for next month's meeting which is August 10th. Will, explain why you want to do this."

W. Heveland - "We now have a 16 ton limit and the trucks unloaded are just under that. So all these guys getting stuck are not getting ticketed because they are just on that mark. If we went lower than that then we can ticket them. The police are getting frustrated because they can't give out tickets because our tonnage is too high and they feel like they are wasting their time coming out."

K. Engelbert - "Unless anyone objects, we will schedule a public hearing and Bob will work with you (at K. Hall) getting the wording. There's lots of time, but the sooner we get it in the better. For August 10th, let's say at 7:05pm."

B. Crannell - "Just to let you know, I won't be at that meeting."

K. Engelbert - "Ok. Anything else we want to talk about?"

W. Heveland - "We had a plow damage Hunts Creek that we just paved last year. Someone dropped a 4 or 5 pound plow on it."

K. Engelbert wanted to know how much that would cost to fix. W. Heveland said that even if it gets fixed that road will never be right. W. Heveland asked the board if we knew who did it could the Town charge that person to fix the road. The board discussed the matter and it was agreed that as long as it was accidental they didn't want to pursue the matter. Fixing the road won't come out of taxpayer money.

Planning Board - A. Silvanic (absent)

K. Engelbert explained to the board that there was a typo in the Solar Farm Law. It says 16 Megawatts and it was supposed to be Gigawatts and there is continuing RV discussion that the Town Board will talk about next month.

CEO - M. Jerzak

M. Jerzak stated he was learning the Town codes and is exploring the Town of Nichols to become more familiar with it. He said he posted a trailer up on Red Brush Rd. The former CEO sent a letter to the owner condemning it but the property was never posted as uninhabitable. He wanted to know if there was a Board member that he should contact with any questions or just to let them know if anything comes up. K. Engelbert said that M. Jerzak could contact himself or B. Middleton if he needed to. The CEO then asked the Board if he could order New State Code Books. Approval was given to order books.

OLD BUSINESS -

ADDITIONAL OLD BUSINESS FROM BOARD MEMBERS -

ACCEPT REPORTS AND PAY BILLS

The motion to accept the Reports and Pay Bills, made by B. Middleton 2nd by R. Thetga.

Roll Vote;

Ray Thetga (aye), B. Middleton (aye), B. Crannell (aye), K. Engelbert (aye).

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

ADDITIONAL COMMENTS, QUESTIONS & CRITICISMS -

R. Cole asked who the contract was with. B. Crannell stated J's Clean Sweep.

EXECUTIVE SESSION - Motion to go into executive session made by B. Crannell to discuss personnel 2nd by B. Middleton.

Roll Vote;

Ray Thetga (aye), B. Middleton (aye), B. Crannell (aye), K. Engelbert (aye).

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

Motion to go out of executive session at 8:25pm made by R. Thetga to discuss personnel 2nd by B. Middleton.

Roll Vote;

Ray Thetga (aye), B. Middleton (aye), B. Crannell (aye), K. Engelbert (aye).

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

ADJOURN -

The motion to Adjourn meeting at 8:25 pm, made by B. Crannell 2nd by K. Engelbert

Roll Vote;

Ray Thetga (aye), B. Middleton (aye), K. Engelbert (aye).

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

Karen Hall

Town Clerk

7/13/2021