

**Town of Nichols
Regular Meeting
September 14, 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 (present), Councilperson Barbara Crannell (present) and Supervisor Kevin Engelbert (present).

Others present;

Ray Thetga Jr. (Buildings and Grounds), Will Heveland (Highway Superintendent), Kem Hart-Baker (Historian), Roseann Cole, Craig Stevens, Paul and Doris Ketchum and Martin Jerzak (CEO).

MINUTES -

The motion to accept the minutes from the August 10, 2021 board meeting, made by B. Middleton 2nd by R. Thetga.

Roll Vote;

R. Thetga (aye), B.Middleton (aye), E. Woods (aye), B. Crannell (abstain), K. Engelbert (aye).

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

QUESTIONS COMMENTS & CRITICISMS FROM THE PUBLIC -

NEW BUSINESS -

PUBLIC HEARING

Local Law #1 of 2021

Amendment to Chapter 175 Vehicle and Traffic

The Public Hearing was called to order at 7:05pm by Supervisor Kevin Engelbert to discuss the amendment to the Town of Nichols Vehicles and Traffic Law Chapter 175 regarding weight and length limits on certain town highways. The amendment would change the tonnage and length limits as well as add 5 additional town highways to the restriction. The need for change is so law enforcement can enforce the law when tractor trailers are using our back town roads for anything other than local home delivery.

Motion to go into Public Hearing made by K. Engelbert 2nd by E. Woods

Roll Vote;

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

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

K. Engelbert opened up the floor to the public for any questions and comments.

C. Stevens, who lives on Smith Creek Rd, asked why the weight and length were going up and not going down. W. Heveland explained that by making the change it actually lowers the total weight of what will be allowed on the roads and the police can ticket the semi's using our backroads going to Best Buy and Crown Cork and Seal. Another resident asked if Decker Hill was on the list of named roads on the amendment and the Board said yes.

Motion to end Public Hearing made by B. Middleton 2nd E. Woods.

Roll Vote;

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

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

Motion to adopt the Local Law #1 2021 made by K. Engelbert 2nd by B. Middleton.

Roll Vote;

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

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

A copy of the new amendment is attached to these minutes and can also be found in the Town of Nichols Town Clerk's Office.

- *Award a contractor to put on a new roof at the waste treatment facility.*

<i>Weathermaster Roofing Co., Inc</i>	<i>\$45,000</i>
<i>Binghamton Slag Roofing</i>	<i>\$51,989</i>
<i>Tri-Cities Construction</i>	<i>\$54,000</i>

Motion to accept bid and sign the contract for Weathermaster Roofing Co., Inc made by B. Middleton 2nd by B. Crannell.

Roll Vote;

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

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

- *Tentative 2022 Town Budget*

K. Engelbert stated he would like to lower town taxes by 5% - 10% for 2022. E. Woods asked how much have we lowered taxes so far. K. Engelbert said approximately 50% as of this year. K. Engelbert also said that this town has been very fortunate to have Tioga Downs located here. W. Heveland asked if people would mind if they didn't get a tax break and the Town utilized that money for infrastructure and roads. K. Engelbert said that the County taxes will most likely go up and he wanted to lower the Town's taxes to even it out. K. Engelbert also said that the Highway Department has done a beautiful job on the roads this year and heard many compliments from residents. W. Heveland said that there are some people that think we are not doing it fast enough and K. Engelbert said that there will always be people that think it should all be done at once, but a 5% cut in taxes wouldn't do ½ mile of road. The Town is only raising \$220,000 for roads and that Tioga Downs is key to doing our road work. K. Engelbert stated that this is a tentative budget and when the board comes together to work out the final budget they will discuss it. R. Cole asked if there were other things that any of this excess money can be used for, examples she gave were the Historical Society or quality of life projects to add to the Town that might benefit the residents. E. Woods said that she would like the Town to have a river walk. K. Engelbert would like to see another fishing access, but went on to say that until the roads are completed there will be people that would not like the Town using funds for other projects yet. K. Engelbert said once the

roads get paved that the Town won't have to work on them as much. K. Hart-Baker asked if the Town had a 5yr or 10yr plan. B. Crannell said that there was a plan and the plan is to be updated, with covid and other things that have been happening they hadn't had a chance to get together to go over it. The plan is available in the library if anyone wants to look at it. B. Crannell stated it hadn't been looked at in 2 years and it is something the Town and the Village were working on together. K. Hart-Baker asked who was on the committee for that. B. Crannell stated that it was only her and Lesley Pelotte (Village of Nichols Mayor). K. Hart-Baker wondered if they were looking for volunteers and B. Crannell said they hadn't looked at anything for the last several months, but it was something to consider.

Motion to approve tentative 2022 budget made by K. Engelbert 2nd by B. Middleton

Roll Vote;

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

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

- Cancel August 25, 2021 meeting

Motion to cancel the next meeting on September 14, 2021 made by B. Middleton 2nd by E. Woods.

Roll Vote;

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

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

ADDITIONAL NEW BUSINESS FROM BOARD MEMBERS -

E. Woods wanted to discuss the FEMA release of the 2011 flooded properties that the Town owns. FEMA is allowing the Town to lease out the 5 properties for agricultural/cultivation purposes to farmers. She wanted to make sure that we are opening it up for bid to all farmers that would like to make use of the land. K. Hart-Baker asked how much the town would lease those properties for. K. Engelbert said that 5 years ago when we agreed to do this the Town settled on one dollar per parcel for 5 years. He said it would help cover the cost of clearing the overgrowth of trees and remains of concrete/buildings etc. on those parcels. K. Engelbert said that there is a lot of buried stuff that we can't see and that stuff would need to be cleared too, such as well pipes etc. W. Heveland asked if groups like churches or youth groups could use the land for community gardens. K. Hart-Baker wanted to know how the town would announce something like that. E. Woods suggested putting it in our public newspaper saying something to the effect of "If you are interested in leasing the parcels, fill out an application stating what your purpose or what you would like to do with it". E. Woods went on to say that it has to be used as a green space with some other stipulations required by FEMA. K. Engelbert mentioned that there are other properties that FEMA may release soon as well. E. Woods wanted the Town to give everyone a fair opportunity to be able to lease those properties. K. Engelbert asked E. Woods if she wanted to make a motion on that.

Motion to make an announcement to the public that property FEMA bought out is available to lease to residents and hold a public hearing to those that are interested made by E. Woods 2nd by R. Thetga.

Roll Vote

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

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

E. Woods also wanted to bring up the request for the change in the Solar Ordinance that the Planning Board asked for at the August 10, 2021 meeting . The Planning board wanted to up the wattage from 16MW to

16GW. E. Woods has an issue with changing it, she researched the amount of what the Planning Board is suggesting and there are no other counties in New York State that have gigawatts. The most she found was in Orange County, they have 187MW. E. Woods wants to know why the Town of Nichols is trying to allow so much wattage. E. Woods feels it's too much and she was upset because she feels the Town Board was "duped" at the last Board Meeting. E. Woods said the Board asked A. Silvanic why the Solar Ordinance needed to be changed and his response was that it was a "typo". E. Woods talked about how she was informed that a solar company came in last June and talked to the Planning Board about property on West River Rd. The Planning Board, at that time, informed them that we are a small farming community and that the Planning Board would not change the Ordinance. E. Woods went on to say that at the last Planning Board meeting there was discussion to change the ordinance because K. Engelbert requested it to be changed. E. Woods had a problem with this because a couple of the properties on W River are properties that are owned by Engelbert. E. Woods went on to say that the Town doesn't have enough wattage for the solar company to install on all the properties, that's why there was a request to change the wattage in the Town ordinance and that K. Engelbert would be receiving the sum of \$100,000 for the use of or sale of those properties for solar. E. Woods wished that this was said at the last meeting so she could have made an informed decision. K. Engelbert said that it wasn't brought up because it wasn't true. He went on to say that he never requested the Planning Board to change the Solar Ordinance on his behalf. K. Engelbert said that the two farms that have signed on are Howard Visscher and Paul Campbell and our current law won't allow both to have solar farms. E. Woods asked K. Engelbert if his property was included in that. K. Engelbert said it wasn't and that his sons owned that property. They were offered something, but he told his sons that he wanted nothing to do with it and that it would be their decision. K. Engelbert stated that he was not on the Board to benefit himself, that he was here to serve the Town like his family had done before him. E. Woods said that it was someone on the Planning Board that approached her and that person was very upset because it was unethical. K. Engelbert said that things must have gotten mixed up because that's not why the change was requested, he was told it was a typo and it needed to be fixed and that if it's not fixed then those 2 landowners can try and sue the Town from preventing them from having a solar farm installed on their property or they can go to the Zoning Board of Appeals to be granted an exemption. K. Hart-Baker asked the Board why the landowners didn't go to the Board prior to signing any contracts with the solar company. K. Engelbert said he didn't know and further asked the Board how socialist does the Town want to be. Did we want to tell everybody what they can and can't do with their property? K. Hart-Baker and E. Woods both said that it has a big impact on the Town. E. Woods went on to say that she feels that a lot of people don't want all those solar panels and that residents have been complaining about them. K. Hart-Baker asked if there was a public hearing on the ones that went up on Hunts Creek and Smith Creek roads. K. Engelbert said that there must have been. K. Hall confirmed that the Town held public hearings and that they are in the past minutes. Resident C. Stevens asked how much acreage were they talking about to be able to put these solar farms on and if New York State governed the electrical hook ups. E. Woods responded that the Town of Nichols has a law that limits the amount of wattage produced and put out onto the grid. With the current solar farms we already have, she believes that there is only 5-7 MW left in our ordinance to farm. W. Heveland asked if they could put a solar farm at the old dump since that land is unusable and then the Town could benefit from it. K. Engelbert said that the reason the solar company approached the Campbell's, Visscher's and K. Engelbert's sons, is that the solar company wanted it to go straight to Tioga Downs. E. Woods had an issue with this because she heard that wasn't true either. That when those solar panels go in, the electricity goes straight into the NYS grid and anybody can get it, it doesn't just go to Tioga Downs. E. Woods went on to say that if Tioga Downs wanted their own solar they would have to do their own. The solar energy still belongs to NYSEG and the Downs has to buy it from them, just like anyone else that wants it. It doesn't just benefit Tioga

Downs, it would benefit anyone that wants to buy solar. E. Woods said she is all for helping Tioga Downs, that most people enjoy the money they bring into the Town, but those solar farms are not going to benefit Tioga Downs directly because they could buy solar now if they wanted to. Resident C. Stevens has been told that the electrical lines on W River Rd are old and would need to be replaced and upgraded. He asked if there was a way that the Town could profit and sell the electricity. E. Woods said that we couldn't do that and that the only thing that could be changed is get tax money out of it. W. Heveland suggested again, that if the solar company used Town property like the old dump then the Town would benefit from it because they pay per acre of land used. B. Crannell asked if the Planning Board could come in to give a presentation about the result of their meetings as far as the increase in concerned. K. Engelbert stated that A. Silvanic was planning on being at the Town Board meeting on October 12, 2021 meeting to talk more about the wind farm ordinance. B. Crannell said that she would like to hear more from the Planning Board. E. Woods said she would like the whole Planning Board to attend, not just A. Silvanic. The rest of the Town Board agreed and K. Engelbert stated he will ask them all to come in to discuss it. B. Crannell thinks that the solar engineers went directly to the land owners first before coming to the Planning Board. K. Hart-Baker said that was like putting the cart before the horse. K. Engelbert believes that H. Visscher and maybe P. Campbell have already signed contracts with the solar company. E. Woods stated that at this time there is only 7MW left and whoever takes it then that will be it.

K. Engelbert addressed residents Paul and Doris Ketchum and asked if they had any comments. D. Ketchum said that they came to support W. Heveland and after 25 years they finally got their road completed. They wanted to thank our Highway Superintendent for his good work. She went on to say that 25 years ago there was a promise to do 5 miles of roads every year, they did it the first year and then it disappeared. E. Woods asked what road they lived on and they stated Red Brush Rd. D. Ketchum just wanted to comment that if they could keep the roads going that it would be great. She heard the discussion about taxes going down, but she would be ok with them going up as long as we had good roads to travel on. K. Engelbert thanked D. Ketchum for her compliments and said that he thinks W. Heveland and his crew were doing a wonderful job. W. Heveland stated that we have to do enough to stay ahead, that if he doesn't they will always be behind.

UPDATE FROM TOWN DEPARTMENTS/PERSONNEL -

Historian - K. Hart-Baker gave an update on the Dunham cemetery grant for the historical marker. The check has been cashed and the order has been made for the marker. If the Town wants to have a dedication ceremony or something in the papers K. Hart-Baker will need to let the foundation know in 3 weeks in advance so they can have people from the foundation come. The Blue Ox oil painting has been delivered and has been installed in the Historian room. She will be meeting with Ginny from the Library to go through whatever was left behind from the old Historian to take inventory and move it to the school. K. Hart-Baker also asked the Board to consider giving her a cell phone stipend.

Highway Department – W. Heveland nothing new to report.

Buildings and Grounds - R. Theta Jr. nothing new to report just finishing up projects. K. Engelbert said he has gotten compliments for his work at the cemeteries.

CEO - M. Jerzak handed the Town Board a Williamson Law software proposal for code enforcement software. M. Jerzak stated that the software would have all the properties that are in the Town of Nichols and it would have all the information pertaining to that tax map id. He went on to explain it is updated yearly, so if there is a new owner it would reflect that in the software. Anything that gets done with that property for example; building permits, code violations etc. will all be listed on that software under the tax map id. So if he looks up, or future Code Enforcers look up a property, all that information will be at their fingertips. This would eliminate the paper trail and streamline things. Right now the filing system in place isn't accurate and it's difficult to find information that he needs. K. Engelbert asked if M. Jerzak uses this program anywhere else. M. Jerzak said he uses this software in the Town of Candor and they have had it for 10 years. K. Hart-Baker asked who would put in the basic information for the properties now. K. Hart-Baker asked if was going to start from ground zero and he said yes. K. Engelbert asked what the support cost is for. M. Jerzak said that was for any and all updates or if he has to call and talk to a live person if there are questions. K. Engelbert asked if everything we are doing now is on paper and asked if there was anything done on the computer now. M. Jerzak said that everything was paper and there were boxes of it. K. Hart-Baker asked if the company backs up the information and archives it. K. Hall said that it was both, at the end of the day you backup your work to outside Williamson Law servers and backup onto your computer. K. Engelbert asked if M. Jerzak was expecting the Board to give an answer tonight. M. Jerzak said he didn't know what the procedure was. K. Engelbert opened the floor up to the Town Board to ask questions or decide on purchasing the software. B. Crannell wanted more time to look at the proposal. K. Engelbert asked if there were other programs out there that do the same thing. M. Jerzak said there were a couple but they weren't nearly as good as Williamson. K. Hall asked if it was possible to network Code and Town Clerk computers in case someone had a question or needed a copy of a certificate of occupancy. M. Jerzak said he didn't know, he hasn't done that yet. B. Middleton said that the more we can do to make people's jobs easier the better, but we don't need to vote on it tonight. K. Engelbert said that the Board will discuss it and vote on it at the next meeting.

Dog Control Officer - L. Maciak was unable to attend and K. Engelbert asked K. Hall to read the letter L. Maciak wrote to the Board. L. Maciak had a chance to review the Town of Nichols local laws and found that some were out of date and did not match NYS Ag and Market laws. They needed to be updated. Also, the DCO is asking the Board to consider paying mileage from Town Hall to the calls she goes to. The Town only pays for enumeration mileage and not any extra. The Town Supervisor and Board agreed that L. Maciak needed to present changes to the Planning Board as they affect Town Law.

OLD BUSINESS -

Update Hunts Creek Bridge

K. Engelbert mentioned that he received an email that said that the engineers and FEMA are trying to agree on the diagrams that were sent. K. Engelbert asked W. Heveland if that was the way he also read the email. W. Heveland said he wished they would speed this along and he thought this process is moving too slow. K. Engelbert agreed and got the feeling that they were waiting for FEMA to approve the proposed work. W. Heveland said he thought that our attorney also needs to move quicker. K. Engelbert stated, the way he understood the last series of emails received, was that the engineer sent FEMA his plans for the work and that the attorney is waiting for approval from FEMA. When our attorney gets FEMA approval, then he can get a proposal ready for the landowners to approve and then we can put it out for bid. W. Heveland said that he was worried that the Town will lose the funding if this doesn't move along quicker because this is already at 2 years. K. Engelbert agreed and also said that FEMA needs to get their act together because they are saying that

there's a December 31, 2022 deadline to get this done, but when he talked to another person, they said that because it is a repair that there isn't a deadline. W. Heveland said that there is always a deadline and that Crown trucks will start using the new driveway soon and it wouldn't work well with workers fixing the road right in front of it.

ADDITIONAL OLD BUSINESS FROM BOARD MEMBERS -

REAP - B. Crannell announced that there was still an opening on the REAP Board to represent the Town of Nichols

ACCEPT REPORTS AND PAY BILLS -

Motion to accept the Reports and Pay Bills, made by B. Crannell 2nd by B. Middleton.

Roll Vote;

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

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

ADDITIONAL COMMENTS, QUESTIONS & CRITICISMS -

EXECUTIVE SESSION -

ADJOURN -

Motion to Adjourn meeting at 8:18 pm, made by R. Thetga 2nd by E. Woods.

Roll Vote;

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

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

Karen Hall

Nichols Town Clerk

09/20/2021