

**Town of Nichols  
Regular Meeting  
November 9, 2021**

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

**Pledge of Allegiance**

**Roll Call;**

Councilperson Ray Thetga Sr. (present), Councilperson Bill Middleton (present), Councilperson Esther Woods (present), Councilperson Barbara Crannell (present), Supervisor Kevin Engelbert (absent).

Others present;

Will Heveland (Highway Superintendent), Rose Cole, Brandon Sickler Lesley Pelotte (Village of Nichols Mayor), Michael Grinage (Town Justice), Paul Campbell, Meagan DePue, Brenda Fay-Pelotte (Planning Board), Kem Hart-Baker (Historian), Janyne Stoltzfus (Planning Board), Howard Stoltzfus, Mark Handford, Andy Silvanic (Planning Board), Larry Katchuk, John Kapacko, Debbie Hanford, Howard Visscher, Dale Kersten, Grant Kersten, Jennifer Kersten, Laurie Maciak (Dog Control Officer), Keegan Coughlin (Town Attorney) and Ken Snowden (Planning Board).

**MINUTES**

Motion to accept the minutes as submitted by the Town Clerk from the October 12, 2021 Town Board Meeting made by B. Middleton 2<sup>nd</sup> by R. Theta.

Roll Vote;

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

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

**QUESTIONS COMMENTS & CRITICISMS FROM THE PUBLIC**

A resident felt that the minutes should be amended, the board took the comment under consideration and chose to accept the Town Board Minutes as it is.

Another resident mentioned that they were disappointed in a news article they read. They felt that a Board Member was pointing the finger at the other Board Members and that as a community we shouldn't do that.

Motion to move out of regular meeting into Public Hearing made by B. Middleton 2<sup>nd</sup> by E. Woods.

Roll Vote;

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

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

- 2022 Public Hearing  
B. Crannell opened the floor up for public comments

A comment was made that they didn't see the Public Hearing posted in the local paper. Discussion about when the Budget needs to be adopted by the Town Board with the Town Attorney followed.

Motion to stop the Public Hearing for the 2022 Budget due to publication questions made by B. Middleton 2<sup>nd</sup> by E. Woods.

Roll Vote;

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

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

Motion to call for a Special Meeting on Monday, November 15, 2021 made by B.Middleton 2nd by E. Woods.

Roll Vote;

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

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

Motion directing the Town Clerk to arrange for publication of said Special Meeting and Public Hearing for the 2022 Budget made E. Woods 2nd by B. Middleton.

Roll Vote;

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

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

Motion to go out of Public Hearing made by B. Middleton 2nd by E. Woods.

Roll Vote;

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

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

- NYMIR Insurance 2022-2023 Policy

Motion to approve annual insurance policy made by B. Middleton 2nd by R. Thetga.

Roll Vote;

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

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

- Approve Pam Moore appointment for 3 year term for the Tioga County Planning Board.

Motion to approve Pam Moore's appointment made by B. Middleton 2nd by R. Thetga.

Roll Vote;

Ray Thetga (aye), B. Middleton (aye), E. Woods (*no*), B. Crannell (aye), K. Engelbert (*absent*).

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

- Motion made by E. Woods for the Town Board to go back to a once a month Audit of the bills 2nd by B. Middleton.

Roll Vote;

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

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

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

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

Town Justice - Michael Grinage asked the Board to consider paying the Court Clerks more per hour.

Highway Department – W. Heveland had a question regarding a roller that was not operable at this time. R. Thetga suggested using it as a trade-in for a newer one. W. Heveland also asked the board to look at the 21 yr

old front loader that was parked in front of the building because it will also need to be replaced soon, the Board declined to go outside in the dark and look at it. He stated the cost of a new loader is approx \$180,000. Discussion about getting W. Heveland getting trade-in information and cost to replace the roller as well as researching a 2 yr lease deal, like the Town has for the Highway excavator, for the front loader to present to the Board for purchase approval. W. Heveland also mentioned that the \$100,000 budget for equipment would not be enough to cover these and also reminded the Board that snow season is coming up so bills for sand and salt ordered will be coming in. Councilwoman B. Crannell asked W. Heveland to submit an equipment schedule to the Board.

Planning Board - A. Silvanic presented their changes to the Solar ordinance to the Town Board. Changes include the landscaping buffer, this will be an evergreen species eight feet in height, spaced 5 feet apart at time of planting and planted within 10 linear feet of the solar energy system. Post planting maintenance will be required and plants must be healthy and growing 2 years after installation. The Property shall be maintained on a monthly basis including mowing. Fence height will be increased from 6 feet to 8 feet. A. Sivanic brought up a NYS Solar and Wind Appraisal Model. K. Coughlin explained this to be a model for how assessors can value the infrastructure and that the Planning Board is recommending that the Town Board Opt out of the automatic exemption so the assessor can assess the infrastructure on new solar and wind farm builds. The Town Board gave approval for K. Coughlin's office to put together introductory Resolutions to be presented at the next Board meeting. Tioga County sent back notification that the RV Ordinance did not need to be reviewed. Before the Town Board brings this forward at a Public Hearing the attorney needs to review the Ordinance to make sure everything is correct.

Historian – K. Hart-Baker stated that donations are still coming in and she is still sorting and inventorying items with the help of some volunteers. Dunham Cemetery Historical Marker has arrived and R. Thetga Jr. will install it when he finds extra time in his schedule. K. Hart-Baker is working with the Tioga County of Economic Planning and Development to get help for writing grants to help with preservation costs, tables and chairs, printer/scanner, fireproof safe and display cases. The TCEDP is asking the Nichols Town Board to make a motion for blanket permission to assist the Town Historian in applying for grants on behalf of our Town and the Historian. The historian also wanted the Town Board to consider adding the Historians room to the cleaning service contract. Councilwoman Crannell asked to see the email request from TCEDP. Councilwoman Woods did not like the idea of giving blanket permission. Discussion with K. Coughlin followed. K. Coughlin stated that the way he read the email is that TCEDP is looking for an intermunicipal agreement between the Town and the TCEDP to assist with grant applications so that there aren't any conflicting grants that are written. K. Coughlin's office to write a Resolution to put together an intermunicipal agreement of a general class to be presented at the next meeting.

Zoning Board of Appeals - R. Cole told the Board a petition had been received by Bob Murphy, Inc. to rezone a property on E River Rd from AR to IBAR to mine sand and gravel. The Zoning Board of Appeals have submitted their recommendation to the Town Board. The recommendation is that they should not change the zoning from AR to IBAR in that area because it would alter the character of the neighborhood and additionally, since the adjacent parcels are not zoned IBAR it would result in "Spot Zoning".

Motion to not change the zoning made by B. Middleton 2nd by E. Woods.

Roll Vote;

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

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

**OLD BUSINESS**

*K. Coughlin wanted to know if the Board wanted to talk about the leases of the Fema properties. B. Middleton suggested that the leases should be for a longer than 5 years because of the cost to clear the land. K. Coughlin will put together a couple of lease options to present to the board.*

**ADDITIONAL OLD BUSINESS FROM BOARD MEMBERS**

**ADDITIONAL PUBLIC COMMENTS**

*A resident commented that he didn't realize that the Town Board could override the Zoning Board of Appeals. K. Coughlin gave an explanation as to the duties and the limited jurisdiction of the Appeals Board and that any Law change rests upon the legislative body of the Town Board.*

*L. Pelotte (Nichols Village Mayor) said that she and Councilman B. Middleton have been working on a slice of the old tree that was on the corner of E River St and S Main St. She wanted to let everyone know that there was an arborist that did her master thesis on Dendrochronology, the study of the ages of trees. In 2017 that tree was 204 years old and the diameter was between 50"- 60". When B. sanded it smooth they approached K. Hart-Baker about putting it in the museum but it is too big. Now they are going to put it in an enclosed type case/shed with plexiglass at the Veterans Memorial. They want to put some numbered buttons or pins documenting events throughout the years such as; the Civil War in 1861, the Nichols Village incorporation in 1903, the Town of Nichols establishment in 1824, Pearl Harbor and when certain floods have occurred and pandemics. L. Pelotte asked for ideas of significant events to let them know. A sign will state what event the numbered pins correspond to. Discussion about the tree being called the treaty tree, the meeting tree and the council tree followed and a question was asked if those dates were put on it. L. Pelotte said that she reached out to the local Native American tribe and hasn't gotten a response. K. Hart-Baker thinks she may have a newspaper article that mentioned dates and events when the tree was cut down and will get back to L. Pelotte. Resident of 60 yrs M. Handford commented that he was concerned after getting a notice that the Town Board had been approached by a solar company to approve a new solar farm near his home on W River Rd. He is requesting a plot map or location of these solar panels. B. Fay-Pelotte responded that the Planning Board was not increasing the wattage at this time and they have not received any formal request from a solar company. She knows that something has been proposed for a 4 MW project on W River but they haven't received anything yet. M. Handford said that he has been an electrical engineer for 35 yrs and wanted to present the Boards with some data before a potential site is picked. He stated that the issues from an engineering standpoint that he wanted the Board to think about are some of the negative impacts on solar farms such as habitat degradation, hypersensitive electromagnetic radiation to life and our environment, property value decreases and solar panels will destroy the beauty of the surrounding area. More discussion about risk for Town liability and how when a project comes in like this it has to go through the State Environmental Quality Review Act process as well as go through a public meeting. Another resident mentioned that if the Town doesn't want to allow a gravel mine in the middle of residential areas then they shouldn't allow a solar farm where it's not zoned for one.*

**ACCEPT REPORTS AND PAY BILLS**

*Motion to accept the Reports and Pay Bills, made by B. Middleton 2<sup>nd</sup> by E. Woods.*

*Roll Vote;*

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

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

**EXECUTIVE SESSION**

**ADJOURN**

Motion to Adjourn meeting at 8:27pm made by R. Thetga 2<sup>nd</sup> by B. Middleton.

Roll Vote;

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

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

Respectfully Submitted,

*Karen Hall*

Nichols Town Clerk, 11/23/2021