

**Town of Nichols  
Regular Meeting  
February 8, 2022**

*Town Supervisor, Kevin Engelbert, 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;**

*Councilperson Bill Middleton (present), Councilperson Esther Woods (absent), Councilperson Roseann Cole (present), Councilperson Brenda Fay-Pelotte (present), Supervisor Kevin Engelbert (present).*

*Others present;*

*Will Heveland (Highway Superintendent), Kem Hart-Baker (Historian), Laurie Maciak (Dog Control), Robert Nugent (Water/Sewer), Vance Trout, Howard and Jayne Stoltzfus, Randy Thetga, Michael Grinage (Town Justice) and LeeAnn Tinney*

**MINUTES -**

*Motion to accept the minutes as submitted by the Town Clerk from the January 11, 2022 Town Board Meeting with the amendment to remove R. Thetga in the others present section made by B. Middleton 2nd by R. Cole.*

*Roll Vote;*

*B. Middleton (aye), R. Cole (aye), B. Fay-Pelotte (aye), K. Engelbert (aye).*

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

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

*V. Trout read aloud a letter of complaint against the Town Code Enforcement Officer. V. Trout asked the Board their position is about disciplinary action and asked about the reports M. Jerzak gives to the Board. V. Trout felt that the Code Officer was stalling his plans to build his tiny home. B. Fay-Pelotte addressed V. Trouts concerns regarding the Town Code of using a camper as a permanent residence. V. Trout gave a list of questions and complaints to B. Middleton. B. Middleton will follow up on questions and complaints.*

*J. Stoltzfus had some concerns regarding some questions that were asked regarding Solar Farms that hadn't been answered. She also had concerns regarding past minutes and thinks the minutes should reflect verbatim discussions. K. Engelbert addressed her and told her to contact the assessor for any questions regarding property assessments and also told her that he contacted the Town attorney regarding if the Town is liable for neighboring properties decreased property values or other health issues related from the installation of a solar farm or other development. K. Engelbert read aloud the Town Attorney's response. J. Stoltzfus asked if the people around the solar farms were notified that it was being installed. K. Engelbert stated that it was in the paper, on our website and the Town Board Meetings are open to the public. Discussion followed regarding the Town's Solar Farm ordinance in the Town Code and notifying neighbors. Planning Board to follow up on adding notification amendments to Solar Farm Code. K. Engelbert clarified that the fields that the current Solar Farms are on, are zoned as IBAR and they did not require a variance. H. Stoltzfus gave a copy of a study regarding solar panels reducing nearby property values to the Board Members to review. H. Stoltzfus asked the Board if the technology exists to transcribe Board Minutes. R. Cole addressed H. Stoltzfus' question and stated that there is the technology but it comes at a cost and that there's no guarantee the Town's website has the kind of bandwidth to handle files that large.*

**NEW BUSINESS -**

- *Historian Grant -Kem Hart-Baker sent in all information to the County grant writer and will hopefully hear soon if the Historian's office is a recipient of the grant from Tioga State Bank.*
- *Broadband update and Resolution - L. Tinney let the Board know that she is continuing to move forward on the USDA Grant and they are still working on identifying all under and unserved areas within the Town. B. Middleton wants to make sure that everyone is included to get broadband.*

REFERRED TO: TOWN OF NICHOLS COUNCIL

RESOLUTION NO. 3– 2022

*AUTHORIZATION TO PROVIDE FUNDS AS MATCH FOR A SOUTHERN TIER NETWORK USDA RECONNECT GRANT APPLICATION FOR EXTENSION OF BROADBAND IN THE TOWN OF NICHOLS*

*WHEREAS: The United States Department of Agriculture (USDA) Broadband ReConnect Program furnishes loans and grants to provide funds for the costs of construction, improvement, or acquisition of facilities and equipment needed to provide broadband service in eligible rural areas;*

*WHEREAS: Rural areas include cities, villages, townships and towns with no more than 20,000 residents according to the latest US Census Data; and*

*WHEREAS: The Town of Nichols fits the USDA defined criteria under the Broadband ReConnect Program; and*

*WHEREAS: The Town of Nichols has identified a need for the extension of broadband services to unserved and underserved areas; and*

*WHEREAS: Tioga County supports and encourages the extension of broadband services within the County; and*

*WHEREAS: The Southern Tier Network (STN) is a nonprofit open access communication organization that enables fast affordable reliable internet access in New York State's Southern Tier Region; and*

*WHEREAS: The Town of Nichols is in support of an application to the USDA Broadband ReConnect Program by STN; and*

*WHEREAS: The USDA Broadband ReConnect grant requires a match not less than twenty-five percent (25%) of the total project cost; and*

*WHEREAS: The ultimate numbers for the build out have not been finalized, but are estimated at \$1.7 million dollars; and*

*WHEREAS: The Town of Nichols and Tioga County have agreed to provide an equal match injection not to exceed \$300,000 each; and*

*WHEREAS: The USDA Broadband ReConnect grant application will be in the name of STN and submitted for a total of approximately \$1,275,000 in grant funds; therefore be it*

*RESOLVED: That the Town of Nichols hereby authorizes providing matching funds for the purpose of extending broadband to the unserved and underserved areas of the Town of Nichols in an amount not more than the Tioga County match and not to exceed \$300,000.*

*Motion to approve Resolution 3-2022 made by R. Cole 2nd by B. Middleton*

*Roll Vote;*

*B. Middleton (aye), R. Cole (aye), B. Fay-Pelotte (aye), K. Engelbert (aye).*

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

*Copy of Resolution 3-2022 is available to view upon request at the Town Clerk's Office.*

- *Employee Handbook - R. Cole reviewed the revised 2022 Handbook with Buildings and Grounds, Highway Dept and the Utilities Director. There were questions asked that she wanted to follow up with the Board. R. Cole suggested that the work schedule shouldnt be specified, however, the work hours should be specified. Discussion followed regarding the pros and cons of allowing 4 ten hour days and how W. Heveland can manage coverage 5 days a week during the summer months. W. Heveland stated that in his Highway Superintendent Manual it says that the Superintendent sets the hours of the men. Town Board members wanted to see more information before making a decision; they asked W. Heveland to provide the Board with a sample schedule and what kind of work can be accomplished with a 1-2 man crew. W. Heveland stated that he couldn't get anything done with a 2 man crew, that it would only be 4 ten hour days. The Board agreed that that would not work and that they wanted 5 day coverage for the Town roads. W. Heveland clarified that he was only looking at summer months not year round. Discussion followed on changing the wording in the Handbook to hours worked are up to the Department Supervisor. The Board made no final decision on the change. Another change requested was the unlimited accrual of sick time. The Highway workers, at this time, are capped at 100 days of sick time. The Board and W. Heveland discussed that the Highway employees would like to be able to continue to accrue sick days in case they have surgery and/or are out due to sickness, as well as, using these days to put into their New York State Local Retirement when they retire from the Town of Nichols. Motion to make a change in the Employee Handbook Chapter 7 Section 1, that employees are able to save an unlimited amount of sick time but only get paid 100 days into their retirement made by B. Fay-Pelotte 2nd by B. Middleton.*

*Roll Vote;*

*B. Middleton (aye), R. Cole (aye), B. Fay-Pelotte (aye), K. Engelbert (aye).*

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

R. Cole also suggested changing the wording of NYS Driver's License to Valid Driver's License. Motion to change Driver's License from NYS Driver's License to valid Driver's License made by B. Middleton 2nd by R. Cole.

Roll Vote;

B. Middleton (aye), R. Cole (aye), B. Fay-Pelotte (aye), K. Engelbert (aye).

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

W. Heveland asked the Board for clarification of holiday pay for the highway workers. Town Board made it clear that a full time employee gets paid 8 hours for a listed federal holiday and if they report to work on a listed federal Holiday then they get paid double time.

- Drug Policy and Code of Ethics - R. Cole cannot find an existing copy of drug policy for the Town and showed a copy of Tioga County's employee policy to the Board. She suggested giving it to the Town attorney to create one for the Town of Nichols. She would also like to update the Town Code of Ethics.

- Open sealed bids for Used Roller 2017 Volvo SD 115B with one year extended powertrain warranty.

Alta Construction Equipment

\$74,545.00

Motion to accept bid made by B. Middleton 2nd by B. Fay-Pelotte.

Roll Vote;

B. Middleton (aye), R. Cole (aye), B. Fay-Pelotte (aye), K. Engelbert (aye).

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

- Motion to Cancel 2/23 Board Meeting

Roll Vote;

B. Middleton (aye), R. Cole (aye), B. Fay-Pelotte (aye), K. Engelbert (aye).

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

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

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

Historian - K. Hart-Baker submitted her 2021 annual report to NYS and Tioga County. She would like to get volunteer students from Tioga Central High School to assist in helping with inventorying every other Saturday. The Board discussed the use of Permission Slips that releases the Town for any liability. K. Hart- Baker to contact the school's Counselor to see if they have something that can be used and make sure there are 2 adults supervising the students. The Board agreed to allow volunteer help from TCHS students.

Dog Control Officer - L. Maciak told the board that Stray Haven contract for the upcoming years isn't a sure thing and that she would like to have a kennel at her home, she has been working with her NYS Ag and Markets contact on what would be required. She also mentioned that she was told by the Board when she was hired that she was getting paid \$5 per enumeration, but was recently told it was only \$2.

*Motion to change enumeration fee given to the Dog Control Officer in the salary chart of Organizational to \$5 made by K. Engelbert 2nd by B. Fay-Pelotte.*

*Roll Vote;*

*B. Middleton (aye), R. Cole (aye), B. Fay-Pelotte (aye), K. Engelbert (aye).*

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

*L. Maciak also requested a cell phone allowance. The Board will take that into consideration for next year.*

*Motion to appoint Denise Liske as Deputy Dog Control Officer made by K. Engelbert 2nd by B. Middleton.*

*Roll Vote;*

*B. Middleton (aye), R. Cole (aye), B. Fay-Pelotte (aye), K. Engelbert (aye).*

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

*Justice - M. Grinage had a question regarding the hourly rate of pay for the Court Clerks. He felt that they were getting paid less than what was discussed. K. Engelbert stated that the raises reflect what he and M. Grinage discussed and it was what the Board approved.*

*Water/Sewer - R. Nugent said that the roof to the Water Sewer Plant has been completed. The roofers were slow to order the materials and were asking the Town Board if they could help offset the extra material cost of \$4,387.00, all Board members agreed to not cover the cost.*

*Highway Department – W. Heveland sent the old truck to the Stateline Auction and the roller to the Manasse Auction. He canceled the flatbed for the new truck and decided to stay with the box he currently has.*

#### **OLD BUSINESS -**

*COG/Shared Services/Upstate Towns Association - B. Middleton said no meeting date as of yet.*

*NY Rising/Compressive Plan - B. Fay-Pelotte said NY Rising was closed out October 29, 2021 and she is still working on the Comprehensive Plan. She will get together with R. Cole regarding the Hazard Mitigation Plan.*

*REAP - R. Cole is attending the REAP meeting via Zoom on 2/9/2022.*

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

*K. Engelbert followed up with J. Branston regarding the health insurance question that E. Woods asked at the last Board Meeting. J. Branston stated that the Town paying spouse insurance was in place when he was Town Supervisor. The Town Board agreed to not make any changes.*

#### **ADDITIONAL PUBLIC COMMENTS -**

*J. Stoltzfus wanted to let the Board know that she had concerns and was not criticizing the Board and perhaps the wording could be changed in the agenda to concerns and not criticisms.*

**ACCEPT REPORTS AND PAY BILLS -**

Motion to accept the Reports and Pay Bills, made by R. Cole 2<sup>nd</sup> by B. Fay-Pelotte.

Roll Vote;

B. Middleton (aye), R. Cole (aye), B. Fay-Pelotte (aye), K. Engelbert (aye).

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

**EXECUTIVE SESSION**

Motion to go into executive session at 8:49 pm to discuss personnel made by R. Cole 2<sup>nd</sup> by B. Middleton.

Roll Vote;

B. Middleton (aye), R. Cole (aye), B. Fay-Pelotte (aye), K. Engelbert (aye).

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

Motion to go out of Executive Session at 9:20 pm made by B. Fay-Pelotte 2<sup>nd</sup> by B. Middleton.

Roll Vote;

B. Middleton (aye), R. Cole (aye), B. Fay-Pelotte (aye), K. Engelbert (aye).

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

No action taken

**ADJOURN**

Motion to Adjourn meeting at 9:20 pm made by r. Cole 2<sup>nd</sup> by K. Engelbert.

Roll Vote;

B. Middleton (aye), R. Cole (aye), B. Fay-Pelotte (aye), K. Engelbert (aye).

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

Respectfully Submitted,

*Karen Hall*

Nichols Town Clerk, 2/14/2022