

**TOWN OF NICHOLS
REGULAR MEETING
DECEMBER 13, 2022**

Town Supervisor, Esther Woods, brought the meeting to order at 6:00 pm in the Nichols Elementary School located at 139 Ro-Ki Blvd Nichols NY 13812

PLEDGE OF ALLEGIANCE

Motion to go into executive session at 6:02 pm to discuss legal considerations pursuant to public officers law section 105 made by B. Fay Pelotte 2nd by R. Cole .

Roll Vote;

B. Middleton (aye), R. Cole (aye), B. Fay-Pelotte (aye) and E. Woods (aye).

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

Motion to go out of Executive Session and into Regular Meeting at 7:27 pm made by B. Fay-Pelotte 2nd by B. Middleton.

Roll Vote;

B. Middleton (aye), R. Cole (aye), B. Fay-Pelotte (aye) and E. Woods (aye).

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

ROLL CALL;

Supervisor Esther Woods (present), Councilperson Bill Middleton (present), Councilperson Rose Cole (present), Councilperson Brenda Fay-Pelotte (present).

ALSO PRESENT;

Will Heveland (Highway Superintendent), Martin Jerzak (Code Officer), Ray Thetga Jr (Buildings and Grounds), Barbara Cushman, Ricky Kie, Kelly Kelley, Jo and Brad Bartholomew, Mario Ayres, Dan and Gabby Ayres, Dylan Anderson, Randy Thetga, Renee Spear, Howard and Jayne Stoltzfus, Robert Nugent (Water and Sewer), Cathie Holobosky, Jane and Patti Westfall, Laurie Hiller, Johnny Lee Birosh, Andrew Clara, Jeff Wakefield, Ray Thetga Sr, Gabe Sindoni, Divers, Paul Card, Renee Martin Fox, Tammie and Charles Jacobs, Sheldon Cammer, Andrea Seeley, Chris and Melanie Crown, J. L. Yost, Nichole Lamberti (Morning Times), Marcy and Steve Hill, Kem Hart-Baker (Historian) and Karen Hall (Town Clerk).

MINUTES

Motion to approve minutes from November 28, 2022 made by R. Cole 2nd by B. Fay-Pelotte.

Roll Vote;

B. Middleton (aye), R. Cole (aye), B. Fay-Pelotte (aye) and E. Woods (aye).

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

NEW BUSINESS –

Nichols Fiber Buildout Update - Jeff and Ben from Southern Tier Network gave an update on the progress of the high speed fiber internet update; New poles are going in, they will be finished in the village by early next week and they will be starting in East Nichols after that. There will be another Public Meeting in January, at the Nichols Joint Fire Station for anyone wanting to get more details. Southern Tier Network highly recommends that sign up at www.nicholsfiber.com.

Questions/Answers regarding the buildout:

Q - Is the total project going from Vestal to Elmira areas?

A - No, only in the Town and Village of Nichols.

Q - Will the fiber be covering all of Nichols residents?

A - Not in the first phase. However, the plan is to have it available to all Nichols residents when completed.

Q - Will the lines go past Tioga Downs on W. River?

A - The lines stop at the entrance of Tioga Downs because those poles already had existing fiber lines. The goal is to eventually to expand fiber to the stateline.

Q -How long will the project take?

A - Construction for phase one should be completed by the end of March, weather permitting.

Chris Crawn addressed the Board the letter of complaint that was sent to the Board from Stephen Lounsberry that was discussed at the last Board Meeting. C. Crawn has been leasing space to store equipment to Richardson Electric, the company that is installing the poles and fiber lines throughout the Town of Nichols. The Board explained to C. Crown he could go through the process of asking for a variance through the Zoning Board of Appeals. Richardson Electric has been shown other locations to move to that is within the Town's zoned business areas and doesn't have a problem moving their equipment. C. Crawn's property is zoned agricultural/residential and the Board informed him that the Town has to follow the zoning laws.

Tioga Downs/Catholic Charities leases - R. Spears of Catholic Charities addressed the Board regarding the rent increase from \$17,712.00 to \$48,352.00 per year. They weren't made aware of the increase until the end of November, after Catholic Charities had already adopted their budget for the year.

The Board responded that the rent hasn't increased since the Town bought the building in 2017 and that the Town is spending more money on maintenance and utilities than what is collected in rent. The Office of the State Comptroller's Office informed the Board that the Town cannot subsidize a charity and should be charging fair market value for the rental space. R. Spears stated that she contacted 3 local real estate brokers and the going rate for rental space in our area is \$4.00-6.00 per square foot, not the \$8.00 per foot that the Town is asking. The Board will take all comments made to them under consideration before making any final decisions.

NES Garbage and Recycling - The Board discussed the cost of increasing the size of the garbage and cardboard at NES from a 2yd to a 3yd container at a cost of \$70 for cardboard and \$120 for garbage with an 18% surcharge from Taylor Garbage.

Confidential Secretary to the Supervisor - Motion to change rate of pay from hourly to an annual salary of \$15,000.00 to be reviewed at the end of 2023 made by R. Cole 2nd by B. Fay-Pelotte.

Roll Vote;

B. Middleton (aye), R. Cole (aye), B. Fay-Pelotte (aye) and E. Woods (aye).

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

IT Shared Services - Phone installation will start at an unspecified date in January and should take 1-2 days to complete. Coax line still needs to be run from the boiler room to the kindergarten room. Still waiting for the computers. R. Cole has a meeting with shared services with Tioga County IT services to go over what is needed for the Highway Department and Water/Sewer Plant.

UPDATE FROM TOWN PERSONNEL –

Highway - W. Heveland would like the Board to decide if the Town will continue with the excavator 3 year trade in program. It will cost \$44,335.00 for a brand new machine. Discussion followed regarding the cost savings of the trade in program.

Motion to continue with the trade in program for the excavator for \$44,335.00 made by R. Cole 2nd B. Fay-Pelotte.

Roll Vote;

B. Middleton (aye), R. Cole (aye), B. Fay-Pelotte (aye) and E. Woods (aye).

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

The tree trimming is on day 7 of the 8 days the Board approved and it is going well.

Buildings and Grounds - R. Thetga Jr. stated that he is getting ready for winter and still working on the new offices located at NES.

Water/Sewer - R. Nugent said the new pump came in and has been installed. Turnkey is still working on the RFP specs for the scada project upgrade. The old pump is in Rochester and is waiting to hear back from the technician. He talked with the tree trimmer the Highway Department is using and would like him to take down some trees that are hanging over the power lines at the Water/Sewer Plant.

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

ADDITIONAL NEW BUSINESS –

COMMITTEE REPORTS -

REAP/Hazard Mitigation - R. Cole stated that Abby Ortu from REAP can assist with grants to put fencing around the Highway Garage. R. Cole would like to meet with W. Heveland to find out how much fencing is needed so she can get the quotes that are necessary for grant submission. Grant submission deadlines for the Faulkner Foundation and Community Network of the Southern Tier, are February and March.

COG - Nothing new

OLD BUSINESS –

Dog Control Officer - No applicants. K. Hall to run job posting in the Morning Times for one week.

FEMA Flood Buyout - Nothing new.

Emergency Plan - Is completed and will be posted on the Town website.

Hunts Creek Project - Opening bids for engineering firms at December 28, 2022 meeting.

Employee handbook - Motion to approve Employee Handbook starting January 1, 2023 made by R. Cole 2nd Brenda Fay-Pelotte.

Roll Vote;

B. Middleton (aye), R. Cole (aye), B. Fay-Pelotte (aye) and E. Woods (aye).

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

W. Heveland wanted to know if department heads were going to get a chance to see it ahead of time. R. Cole told him that once it gets approved that she would get it out to everyone.

Library Porch Repair - The Board will be looking for bids when the weather gets warmer.

Damage to Briggs Hill Rd - A new invoice will be sent to Truman Kittle.

OTHER OLD BUSINESS –

PUBLIC COMMENTS -

H. Stoltzfus asked if the Board had received the state audit back. The Board said they were still waiting on the results. H. Stoltzfus also wanted to say he thought the Board was doing the best job they can to make sure the law applies to everyone.

Someone wanted to know what the Hunts Creek project was. The Board explained that the Creek was undermining Hunt Creek Rd and the town had to fix the road. The first process is to hire an engineering firm.

K. Hart-Baker wanted to know if there was a date that the Town Hall was moving to NES. The Board told her that they don't know when the move will take place, the phones and internet haven't been installed at this time. K. Hart-Baker asked why the Board was changing the Confidential Secretary from hourly to salaried and she wanted to know how many hours this person would be working each week. E. Woods did feel that \$20.00 hour wasn't enough for someone to take care of money and confidential information. She said that in the beginning the new person will be working a lot because of the switch with the accounting firm. E. Woods also stated that this person will also be working a minimum of one day a week, 4-5 hours. K. Hart-Baker wanted to know where the extra \$14,000.00 to pay for the accounting firm and a Confidential Secretary was coming from. E. Woods said that they put the funds under the audit. She also stated that the Town just spent a lot of money and to have 2 years worth of books recreated and the Board feels that the Town needs an accounting firm that knows how to do Town books. K. Hart-Baker asked about the creation of a new Town website. The Board told her that they are reviewing 5 different quotes and there will not be any decisions made until January. K. Hart-Baker asked about the doors that were removed from the carriage house and brought up to NES. She was concerned about the records in the offices that no longer had doors and she wanted to know if they had asked the National Historical Society if they could remove the doors. The Board stated that the doors were not antiques and that there is no historical significance to the doors.

J. Ladd Yost asked if municipalities are subject to NYS rules about who can be salaried.. The Board said yes, civil service.

MOTION TO ACCEPT REPORTS AND PAY BILLS -

Supervisor’s Report - Was submitted and is filed in the Clerk’s Office.

CEO Report - Was submitted and is filed in the Clerk’s Office.

DCO Report - Not submitted

Historian Report - Was submitted and is filed in the Clerk’s Office.

Justice Reports - Was submitted and is filed in the Clerk’s Office.

Town Clerk Report - Was submitted and is filed in the Clerk’s Office.

Abstract #1-2022

General Fund	#503-550	\$ 55,397.81
General Town Outside	#548	\$ 17.78
Highway Townwide	#193-210	\$ 11,232.23
Highway Outside	#191-211	\$ 22,257.10
Sewer	#120-133	\$ 7,196.93
<u>Water</u>	<u>#120-133</u>	<u>\$ 2,714.59</u>
Total		\$ 91,619.51

Motion to accept the reports and pay bills made by R. Cole 2nd B. Fay-Pelotte.

Roll Vote;

B. Middleton (aye), R. Cole (aye), B. Fay-Pelotte (aye) and E. Woods (aye).

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

EXECUTIVE SESSION –

Motion to go into executive session at 8:24 pm to discuss legal considerations pursuant to public officers law section 105 made by B. Fay Pelotte 2nd by R. Cole .

Roll Vote;

B. Middleton (aye), R. Cole (aye), B. Fay-Pelotte (aye) and E. Woods (aye).

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

Motion to go out of Executive Session at 8:42 pm made by R. Cole 2nd by B. Middleton.

Roll Vote;

B. Middleton (aye), R. Cole (aye), B. Fay-Pelotte (aye) and E. Woods (aye).

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

MOTION TO ADJOURN –

Motion to adjourn the meeting at 8:43 pm made by B. Middleton 2nd by R. Cole.

Roll Vote;

B. Middleton (aye), R. Cole (aye), B. Fay-Pelotte (aye) and E. Woods (aye).

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

Respectfully Submitted,
Karen Hall
12/2/2022