

## **Nichols Town Regular Board Meeting Minutes**

### **April 22, 2025 - 6:00PM**

#### **Board Members Present:**

Supervisor Esther Woods, Councilperson Brenda Fay-Pelotte, Councilperson LeeAnn Tinney, Councilperson Rose Cole, Councilperson J. Ladd Yost

**Board Members Absent:** None

#### **Others Present:**

Robert Nugent, Ray Thetga, Jr. Jeff Blow, Matt Freeze, Erica Deretz, Karen Herrela, and Marcy Hill, Town Clerk.

The meeting was called to order by Supervisor, seconded by Esther Woods at 6:00pm

Pledge of Allegiance

Public Hearing: Local Law – Temporary Solar Moratorium – Opened at 6PM

Supervisor Woods opened the public hearing regarding a Local Law establishing a temporary moratorium on solar energy installations.

Supervisor Woods noted that while there is an existing solar law on the books, after consultation with legal counsel, it has become apparent that the law should be revisited and potentially revised. The proposed moratorium would establish a one-year pause on new solar projects, allowing time to thoughtfully update the current legislation.

The Planning Board has already been working on this issue for approximately 18 months. One of the key revisions under consideration includes the addition of a soil testing requirement for the duration of a solar farm's operation. This would ensure that after decommissioning, the soil can be restored to a condition suitable for agricultural use, specifically prime soil standards.

Public Comment:

- Karen Herrela spoke in strong support of the proposed pause. She emphasized that her primary concern is decommissioning, noting that New York State currently lacks a statewide disposal policy for solar infrastructure. She expressed worries about the potential environmental impact, referencing the problems California faced following recent wildfires.
- Ms. Herrela thanked the board for addressing this issue and acknowledged the importance of proactive planning.

Public hearing closed at 6:06 PM.

The regular portion of the meeting started 6:10 PM.

## **Approval of Minutes**

A motion to approve March 2025 minutes by, Supervisor, Supervisor E. Woods, seconded by Councilperson J. Ladd

**Vote:** 5 Ayes, 0 No, 0 Abstain, 0 Absent

## **Acceptance of Financial Reports**

A motion to accept the March 2025 financial reports by Supervisor E. Woods, seconded by Councilperson R. Cole

**Vote:** -4 Ayes, 0-No, 1-abstain, 0 absent

## **Public Comments**

- None

---

## **Department Reports**

Note: Full reports have been submitted to the Board and are on file in the Clerk's Office.

### **Highway Department**

- Insurance: Awaiting receipt of insurance documentation for the Volvo.
  - Roadwork: Ditches are being cleaned using the grader and excavator (not pulling back into the road). Roads include McCoy, Lynch, Codner, Barr, Briggs, and Horton.
  - Maintenance:
    - Cleaning grates on Coryell Road to prevent water issues.
    - Patching roads in preparation for oiling and stoning (projects to begin in approx. 6 weeks).
    - Decker Hill Road noted as in desperate need of repair.
  - Equipment:
    - Equipment reassignment: Box moved from Unit 109 to 102 before 109 goes to auction. Another town has expressed interest in purchasing Unit 109.
    - Rake is working well.
    - Help Wanted Ad to be published this weekend.
  - Storm Damage: Crews quickly responded to downed trees from last Tuesday's storm by splitting up and clearing roads.
  - Site Visit: Jeff will inspect Cole Hill Road in response to a tree complaint.
  - Equipment Planning:
    - 5-year plan being developed for equipment purchases.
    - Reviewing plow options for the 2024 RAM truck:
      - BOSS Plow: \$13,000
      - Fisher Plow: \$7,500
    - Still awaiting chipper delivery.
    - LeeAnn will share the equipment spreadsheet with the Board.
-

## Building & Grounds

- Town Hall and Library Signage: Installed and looks good. Recommendation to place protection around signs to prevent damage from weed eaters/mowers.
  - Planters: Blocks and planters for the library will be purchased at Lowe's.
  - Accessibility: Ray has contacted Teledair for more information regarding handicap-accessible door buttons.
  - Room 2: Work is ongoing.
  - Mower Demo: Ray is arranging demos for a new mower.
- 

## Sewer & Water

- Report submitted and on file.
- 

## Code Enforcement

- Reports filed.
  - Ongoing work by the Tower Special Use Committee and Zoning Board.
  - Concern raised about the E. River Road fire site, which remains unsightly. Unfortunately, cleanup is a slow process.
- 

## Library

- Expressed gratitude for the new sign, which "looks amazing," and for the planter purchase.
  - Motion: To approve the Kofile Restoration Quote for preservation of birth/death records and death register.  
Motion by: Supervisor E. Woods  
Seconded by: Councilperson B. Fay-Pelotte
  - Vote: -5 Ayes, 0-No, 0-astain, 0 absent
  - Motion carried.
- 

## Nichols Fire Commission

- Correction: Report labeled 1A reflects March, not February.
  - Mr. Cole emphasized that EMS crews consistently respond within 3 minutes and arrive on site in under 10 minutes.
  - Coverage: Monday–Friday, 6:00 AM–6:00 PM is fully staffed.
  - Audit: The NYS Comptroller's Office is currently auditing all fire departments in the state, including Nichols Fire Department.
- 

## New Business

### 1. Resolution #5 – Local Law #1 Temporary Moratorium Solar Energy

- Resolution #5 has been tabled until the May meeting pending the outcome of the Tioga County 239 Review.

### 2. Resolution #6 – NYSMA Attendance Approval

- A motion was made to approve Resolution #6, authorizing Judge Grinage to attend the New York State Magistrates Association (NYSMA) event.  
Motion by: Supervisor Woods  
Seconded by: Councilperson, R. Cole
- Vote: -5 Ayes, 0-No, 0-astain, 0 absent
- Motion carried.

## CERTIFIED COPY OF RESOLUTION ADOPTED BY THE NICHOLS TOWN BOARD

RESOLUTION: #6-2025 - Resolution Conference Attendance – Judge Grinage

ADOPTED: 4/22/25

WHEREAS, the New York State Magistrates Association (NYSMA) will hold its 2025 Annual Conference, which will provide valuable educational sessions, networking opportunities, and professional development for judges; and

WHEREAS, the Town Judge, Michal Grinage, has requested authorization to attend this conference in order to stay current with judicial trends, procedures, and legal updates, and to improve the administration of justice within the town; and

WHEREAS, attendance at this conference will enhance the Town Judge's knowledge, contribute to the efficient operation of the court, and benefit the town by improving the administration of justice; and

WHEREAS, the cost for attending the conference includes the following estimated expenses:

- Registration Fee: \$75.00
- Travel (Roundtrip): .70 per mile
- Lodging (Hotel): \$828.50 - paid per employee handbook
- Meals: Included

Total Estimated Cost: \$903.50 (excluding mileage)

WHEREAS, the Town Board acknowledges the importance of continued education and professional development for the Town Judge and recognizes the value this conference will bring to the town and the judicial process; now, therefore, be it

RESOLVED, that the Town Judge is hereby authorized to attend the 2025 Annual Conference of the New York State Magistrates Association; and be it further

RESOLVED, that the Town shall reimburse the Town Judge for all reasonable expenses related to the conference, including but not limited to registration, travel, lodging, and meals, in accordance with the Town's policies on official travel and professional development; and be it further

RESOLVED, that the Town Judge will submit a report to the Town Board upon return from the conference, summarizing key learnings and insights gained from the event that could be beneficial to the town's judicial operations.

Supervisor Esther Woods	AYE
Deputy Supervisor Brenda Fay-Pelotte	AYE
Councilperson Roseann Cole	AYE
Councilperson Jonathan Ladd Yost	AYE
Councilperson Leeann Tinney	AYE

### 3. Resolution #7 – Budget Transfers

- A motion was made to approve Resolution #7, authorizing LGSS to perform the budget transfers.  
Motion by: Supervisor Woods  
Seconded by: Councilperson, B. Fay-Pelotte
- Vote: -5 Ayes, 0-No, 0-astain, 0 absent
- Motion carried.

## CERTIFIED COPY OF RESOLUTION ADOPTED BY THE NICHOLS TOWN BOARD

RESOLUTION: #7-2025 - Resolution Authorizing Budget Transfer(s)

ADOPTED: 4/22/25

WHEREAS, the Town Board has reviewed the current financial status of the Town’s budget for the fiscal year 2025, and has identified the need for budget transfers in order to ensure the efficient operation of town services and programs; and

WHEREAS, pursuant to the Town’s budget policies and applicable state law, the Town Board has the authority to approve budget transfers as necessary to align appropriations with the actual expenditures required for the operation of the Town; and

RESOLVED, that the Town Board hereby authorizes the following budget transfers:

1. Transfer \$50,000 to BB.599.000.000 Appropriated Fund Balance
2. Transfer \$50,000 to BB.9901.900.000 Interfund Transfer
3. Transfer \$50,000 to DB.5031.000.000 Interfund Transfer (Revenue)
4. Transfer \$50,000 to DB. 5110.400.000 Street Maintenance

RESOLVED FURTHER, that the Town Supervisor and/or the Town Budget Officer are authorized to take any and all actions necessary to implement these budget transfers, ensuring compliance with all applicable legal and financial regulations.

---

Supervisor Esther Woods	AYE
Deputy Supervisor Brenda Fay-Pelotte	AYE
Councilperson Roseann Cole	AYE
Councilperson Jonathan Ladd Yost	AYE
Councilperson Leeann Tinney	AYE

4. Resolution #8 – Donation to Tioga Central School Recreation Program

- A motion was made to approve Resolution #8, authorizing a donation of \$1000.00 to the Tioga Central School Recreation Program.  
Motion by: Supervisor E. Woods  
Seconded by: Councilperson, R. Cole
- Vote: -5 Ayes, 0-No, 0-astain, 0 absent
- Motion carried.

CERTIFIED COPY OF RESOLUTION ADOPTED BY THE NICHOLS TOWN BOARD

RESOLUTION: #8-2025 - Donation to Tioga Central CSD Recreation Program

ADOPTED: 4/22/25

WHEREAS, the Town Board recognizes the importance of providing recreational opportunities for the youth in our community, particularly during the summer months, to promote physical activity, social development, and overall well-being; and

WHEREAS, the Tioga Central CSD offers valuable summer activities, including sports, arts and crafts, swimming, field trips, etc., which contribute to the positive development of the town’s youth; and

WHEREAS, the Town Board desires to make a donation to support the continued success of the Tioga Central CSD in providing these enriching opportunities to the youth of our community; and

WHEREAS, the Town Board has reviewed the town’s budget and determined that a donation to the Tioga Central CSD is feasible and consistent with the Town’s financial policies; now, therefore, be it

RESOLVED, that the Town Board hereby authorizes a donation of \$1000.00 to the Tioga Central CSD Summer Recreation Program, and be it further

RESOLVED, that the Town Supervisor is authorized to take all necessary steps to facilitate the donation to the Tioga Central CSD Summer Recreation Program in accordance with the Town’s policies on charitable contributions.

Supervisor Esther Woods	AYE
Deputy Supervisor Brenda Fay-Pelotte	AYE
Councilperson Roseann Cole	AYE

Councilperson Jonathan Ladd Yost	AYE
Councilperson Leeann Tinney	AYE

#### 5. Resolution #9 – Authorization to Sell Surplus Equipment

- A motion was made to approve Resolution #9, authorizing the sale of surplus equipment (sander).  
Motion by: Supervisor Woods  
Seconded by: Councilperson, J. Ladd Yost
- Vote: -5 Ayes, 0-No, 0-astain, 0 absent
- Motion carried.

#### CERTIFIED COPY OF RESOLUTION ADOPTED BY THE NICHOLS TOWN BOARD RESOLUTION: #9-2025 Resolution Authorizing the Town Board to Sell Surplus Equipment

ADOPTED: 4/22/25

WHEREAS, the Town Board has reviewed the inventory of town property and has determined that certain equipment is no longer needed for the operation of town services; and

WHEREAS, the following surplus equipment is deemed to be excess or obsolete and no longer serves a useful purpose for the Town:

- Sander

WHEREAS, the Town Board desires to sell this surplus equipment in a manner that is consistent with the best interests of the Town and in compliance with applicable laws and regulations governing the disposal of public property; and

WHEREAS, the Town Board has determined that the sale of surplus equipment will be conducted through public auction and/or direct sale, ensuring transparency and fairness in the process; and

WHEREAS, the proceeds from the sale of the surplus equipment shall be deposited into the Town's general fund or another appropriate fund as determined by the Town Board; now, therefore, be it

RESOLVED, that the Town Board hereby authorizes the sale of the surplus equipment as listed above; and be it further

RESOLVED, that the Town Supervisor, Town Highway Superintendent, or other designated official is hereby authorized to take all necessary actions to facilitate the sale of the surplus equipment, including preparing any necessary documents, advertising the sale, and overseeing the disposal process, in accordance with the applicable laws and Town policies; and be it further

RESOLVED, that the proceeds from the sale of the surplus equipment shall be deposited into the Town's Highway Fund for future use.

---

Supervisor Esther Woods	AYE
Deputy Supervisor Brenda Fay-Pelotte	AYE
Council Member Roseann Cole	AYE
Council Member Jonathan Ladd Yost	AYE
Council Member Leeann Tinney	AYE

Dated: April 22, 2025

#### 6. Introduce Telecommunication Facilities Law:

A draft of the updated Telecommunication Facilities Law was introduced. A public hearing has been scheduled for May 27th at 6:00 PM.

- Motion: To set a public hearing for May 27th at 6:00 PM.  
Motion by: Supervisor E. Wood  
Seconded by: Councilperson J. Ladd Yost
- Vote: -5 Ayes, 0-No, 0-astain, 0 absent
- Motion carried.

---

## 7. FEMA Properties

The Town owns several FEMA-restricted properties that cannot be developed due to flood regulations. These parcels have been leased to local farmers for agricultural use.

A recent inquiry was made by a resident regarding the lease of a parcel on W. River Road. The Town's attorney has been in contact with FEMA, and it was confirmed that the prospective lessee would be allowed to keep farm animals on the property.

Current lease agreements are \$15 per year with a 10-year term, which the Board agreed is below fair market value. The possibility of raising lease rates will be discussed at the May meeting.

---

## 8. Sewer & Sewage Disposal – Industrial Park

Revisions to the sewer and sewage disposal regulations, specifically for the industrial park, have been requested by the DEC and the Utilities Supervisor. A public hearing will be held at the next board meeting.

- Motion: To approve a public hearing on May 27th regarding Sewer & Sewage Disposal.  
Motion by: Supervisor E. Woods  
Seconded by: Councilperson R. Cole  
Vote: 5 Ayes, 0 No, 0 Abstain, 0 Absent
- Motion carried.

---

## 9. .GOV Website Domain Requirements

A new NYS mandate requires municipalities over a certain population to use a .gov domain extension. The Town has submitted an application, and approval is expected within 30 days.

- Setup fee: \$100.00
- Ongoing annual increase: \$50.00 (as billed by the Town's web designer)

---

## 10. Right to Farm Signs

The Town has a "Right to Farm" local law, and signs will be posted at all town entrances to reflect this policy.

- Motion: To approve the purchase and installation of "Right to Farm" signs, not to exceed \$1,000.  
Motion by: Councilperson R. Cole  
Seconded by: Councilperson J. Ladd Yost  
Vote: 5 Ayes, 0 No, 0 Abstain, 0 Absent
- Motion carried.

Note: The newly installed Sunnyside Road signs were noted to look very good.

---

## 11. Fall Cleanup

The Town is planning its annual Fall Cleanup Event, specifically for tire and electronic waste disposal. The event will shift from a two-day event to a one-day event, scheduled for:

- Date: Friday, October 10, 2025
- Reason: Fridays have historically seen higher participation; hours will be extended to accommodate all residents.

## **Committee Reports**

REAP: Councilperson J. Ladd Yost reported:

A meeting was recently held, and Councilperson Ladd was approved as a member. The organization is in the process of paying off its debt following the sale of equipment. A quorum was finally achieved, allowing business to proceed.

- Chair: Shawn Lanning
- Vice Chair: Eddy VanCoy

LEPAC: Councilperson R. Cole reported:

Council will be attending the May 7th meeting. The agenda includes discussions on assisting municipalities on updating their emergency plan annexes.

---

## **Old Business:**

1. Quadient Postage Machine: Installation and setup are complete.
2. Sunnyside Signage: Signage installation is complete. The Board noted it looks very good—nice job to all involved.
3. Emergency Plan 2025: Awaiting updated annexes. A working contract list is being developed. Updated annexes are expected next month.
4. Signage for Town Hall & Library: Installation is complete.
5. Library Front Porch: Work delayed due to weather. Ray will reach out to Mr. Gargus of General Properties, LLC to begin addressing outstanding issues.
6. Depot Road Reimbursement: Still on hold pending FEMA response.
7. FEMA Property Reimbursements: Submissions for reimbursement are in process; however, FEMA funding from 2020–2023 was reduced. The Town can only offer the originally committed amounts.
  - The E. River Road property owner has agreed to the original offer. Payment process will begin immediately.
  - Councilperson Fay-Pelotte will follow up with the S. Main Street property owner.
8. Emergency Shelter Supplies:  
Cots and blankets have been received. Kitchen supplies are en route.
  - Thank you to Esther for managing these efforts.
9. Design Connect – Fishing Access Project:  
The application was accepted and approved. The next step is the selection of a project manager, who will contact the Town Board. Work is scheduled to begin in August 2025.
  - Kudos to Councilperson Fay-Pelotte for her leadership on the project.
  - Appreciation was also expressed for former Councilperson B. Middleton for his prior work on boat launches.

---

## **Public Comment**

- No public comments were received.
- 
-



## **Other Business:**

### Employee Handbook:

- Revision 6 of the Employee Handbook was presented and adopted.  
Motion by: Supervisor E. Woods  
Seconded by: Councilperson R. Cole
- Vote: 5 Ayes, 0 No, 0 Abstain, 0 Absent
- Motion carried.
  
- A motion to approve vouchers and pay bills by Councilperson E Woods, B. Fay Pelotte, seconded by Councilperson B. Fay Pelotte  
Vote: 5-Ayes, 0-Naye 0-abstain  
Motion carried.

General Fund: \$52,502.65

Highway \$ 51,882.95

Library \$2,289.17

Sewer/Water \$ 7,745.90

---

## **Executive Session**

Motion: To enter executive session to discuss the employment history of Employee A and Employee B.

Motion by: Supervisor E. Woods

Seconded by: R. Cole

Motion carried.

Motion: To reconvene into regular session following the executive session.

Motion by: Supervisor E. Woods

Seconded by: Councilperson J. Ladd Yost

Motion carried.

Motion: To adjourn the meeting at 8:00 PM.

Motion by: Supervisor Esther Woods

Seconded by: Councilperson Rose Cole

Vote: All in favor – Motion carried.

Respectfully Submitted,

Marcy Hill

4//22/2025