

**Town of Nichols
Regular Meeting
May 11, 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;

Will Heveland (Highway Superintendent), K. Hall (Town Clerk), Nick Woods, Jessica Woods, Pam Moore, Brandon Sickler, Barb Cushman.

MINUTES

The motion to accept the minutes from the April 9, 2021 board meeting, made by R. Thetga 2nd by E. Woods.
Roll Vote;

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

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

QUESTIONS COMMENTS & CRITICISMS FROM THE PUBLIC -

- Jessica Woods wanted to know the status of the Hunt Creek project. She said that she hadn't heard anything since the last Board Meeting. K. Engelbert stated that he hadn't heard anything yet, that the Town Attorney had reached out to her attorney Adam Schumacher and hadn't gotten a response yet.

J. Woods - "I thought it was discussed at the previous meeting that we were going to try and settle this without lawyers. Nobody has contacted me and then I get an email at work that was forwarded to me, that states that he can't even talk to me without representation. I want to know, are we going to settle this as adults as a township and a taxpayer? Or do I have to get representation to find out exactly what the plans are and what you guys are going to do about the issue?"

K. Engelbert - "The ball is in your court Jessica, if you give us permission to have that easement then we will do everything we can to help you."

J. Woods - "But you haven't presented me with an easement or anything. I have gotten nothing from the Town on what is going on."

K. Engelbert - "Because at the last Meeting you said you wanted us to contact your lawyer..."

J. Woods - "No I did not state that, I thought we agreed that we were going to take care of this without lawyers. I thought that we were going to come to an agreement on what was going to happen. But no plans have ever been put in front of me, so I have nothing to agree or disagree with."

K. Engelbert - "Well then, I will have our lawyer contact you and present you..."

J. Woods - "I have already called Bob and he hasn't been very helpful with information either."

K. Engelbert - "Like I said, I haven't heard from him either. I will contact him and ask him to get in touch with you."

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J. Woods - "He sent me an email today saying they no longer needed access to the property for surveying because they already have all that they need. But I need some information from somebody, do I need to get representation or is somebody going to come to me and say what is going on and what the Town wants from me?"

K. Engelbert - "Like I said, I will call him tomorrow and tell him what.."

E. Woods - "Does the Town need Jess's easement to do the project?"

W. Heveland - "Yes"

R. Thetga Sr - "There are other places we can go in."

K. Engelbert - "We could do it from the road but the Engineers think there is some risk doing that, that it could cave in with the equipment sitting there. So he recommends that we get an easement so we can come in from the bottom. We wouldn't have to, but it would be safer to do it from the bottom and not try and do it from the top."

E. Woods - "So you need...I understand that there are a couple board members that don't want to help Jess at all. That we as a Town don't think we should help Jess, but if she's going to give us the easement..."

K. Engelbert - "We will do all we can to help, no one has ever said they don't want to help."

E. Woods - "That's not what I heard."

J. Woods - "I keep being told they are not going to touch my side."

E. Woods - "They're not going to touch your side, they are not going to do Jess. I am going to tell you up front, they are not going to do it."

B. Middleton - "Can I say something? Do I have permission to speak?"

K. Engelbert - "Let Esther finish."

E. Woods - "I'm just saying, they are not going to touch your property Jess."

J. Woods - "Well it's all the fault of the bridge."

B. Middleton - "I did go to the meeting that Will wanted us to attend, along with the attorney and the engineer. We were told by the, now I am not going to pull any punches I am going to tell you everything that went on. My first question was why weren't you guys there. Not everyone felt it was necessary. At that point Will told us and stated that he was told and that you had contacted and spoke with Adam Schumacher as your attorney."

J. Woods - "All I said is that I had a consultation."

B. Middleton - "We got into a bit of an argument about it. But at any rate, at that point the Town, because we were told you had, that Will had talked to you and that you had an attorney."

J. Woods - "Why didn't anyone come to me directly and ask?"

B. Middleton - "Well I am being honest with you, ok? The end result was we still...the board does want to help you, that is wrong what you heard Jess."

E. Woods - "That is not wrong, that is true."

K. Engelbert - "Who said it, who on the board said they didn't want to help her, Esther?"

E. Woods - "I heard that you and you (pointing at K. Engelbert and B. Middleton). That you two both had a conversation and that you are not helping them."

K. Engelbert - "Then whoever told you that is lying to you, because I have never said that"

E. Woods - "That's what I heard, that you two were absolutely not helping Jess."

B. Middleton - "I am being totally honest here..."

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- E. Woods - "If that is the way it is and if that's what you guys want to do then just be truthful, just tell Jess we're not doing it."
- K. Engelbert - "I already told her we will do all we can to help."
- E. Woods - "You said that last time and nothing has happened in thirty days."
- J. Woods - "I just need to know do we come to an agreement or do I have to get a lawyer?"
- B. Middleton - "No, I do not think you do, but unfortunately you have been left out of the loop and it's not right and it's not by any problem by the board here."
- W. Heveland - "There is a problem that she is left out of the loop.."
- B. Middleton - "It's because someone doesn't want to do their job and come and talk to people. End result is..."
- W. Heveland - "The Town Supervisor does easements, the Hwy Superintendent doesn't do easements."
- B. Middleton - "You should go around and talk to the public, the people that elect you. If you had done this from the start we wouldn't be at this point right now. At any rate, what I suggest you go to Adam because our Hwy Superintendent..."
- J. Woods - "I am not going with Adam."
- B. Middleton - "I know, well that's very good, we were under the assumption that that's who we had to go through. We will call Mr. McKerditch tomorrow and tell him that's not the case."
- J. Woods - "I have been in contact with him directly."
- B. Middleton - "It was a suggestion that was made by looking at your property, it was on your side of the bank, where we have to access, we told you before that what we have to access we will fix. And the best way to get into the creek is to go between your garage and your house with the loader to carry the riff raff in. There's really not enough room to put dump trucks in there, it's not necessary."
- J. Woods - "Are the plans to go on the back side and down where there is no damage? Why don't you make the arrangements coming from the house side where there is actual damage and then you can build that up."
- B. Middleton - "Because the Town can repair, by law, what we have to disturb to fix it. So if we have to go in between and we'll agree to this because that is the logical place to go in between your garage and your barn, you know where those dead trees are out there?"
- J. Woods - "You mean the ones that are falling in, about to rip the roots so it takes more of my property?"
- B. Middleton - "If we go in between your house and down into the creek there, we can legally say that we are repairing where we work."
- E. Woods - "But that doesn't help her."
- B. Middleton - "Yes it does Bunny."
- J. Woods - "I would like to see the map of where you want to put the exit."
- B. Middleton - "We can't really go past your house because we aren't disturbing that."
- E. Woods - "So you're not really helping."
- B. Middleton - "Enough of the bank on your side of the creek will be replaced and we'll push it out so that will keep the water from coming down. If you want to do work, like you said, you don't have \$40,000 to spend on a wall and I understand that. But I think for a few more thousand

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dollars you can work with the contractor and have it extended the rest of the way down your property line.”

J. Woods - “I would be ok with that, I would reason with that.”

B. Middleton - “I think the majority of us think that you have been talked to before, but the board refused to do something that is not our job to do and I am doing something that isn’t my job right now, I understand where you are coming from.”

J. Woods - “It’s the engineer’s fault for that bridge.”

B. Middleton - “That’s why I went up there again and looked at it. But if you’re willing to get the easement and let us go down there and we repair from where we went in up through the bridge, that will take care of half your problem and should keep it from washing your house away because it won’t let any main current hit that. Speaking with the Engineer he agrees that you don’t get direct water, it doesn’t just hit the other side and bounce back on to your property. It’s just the amount and volume of water that is washing the banks away.”

J. Woods - “What about a suggestion, that instead of you guys paying out on an easement, use that money for material?”

B. Middleton - “We’re going to do that for the right to go in. We can legally use taxpayer money to fix property that we use to fix town property. The logical place is to go through your garage and house, but unfortunately it will probably go straight across your yard to make it a straight shot. It’s not easy to back up large equipment around corners and stuff.”

J. Woods - “But you don’t know where my location is and I have been surrounded by industrializing and all kinds of machines, sometimes at five o’clock in the morning tampering grounds. I know what’s coming, I had to deal with it with Crown, the solar panels and Best Buy. When are you guys going to stop it?”

E. Woods - “It’s not going to stop. The property behind you was zoned commercial.”

B. Middleton - “My thought, just being honest with you, I think it’s pretty good...”

J. Woods - “I would like to see the map where they want to put the access road.”

B. Middleton - “We’ll show you where we are talking about, it’ll still be there on the same bank.”

W. Heveland - “I don’t have a map that says that, I can’t tell you that. That’s where it’s tentatively talked about, but there’s no map.”

B. Middleton - “That’s what she wants to know, where it’s been talked about.”

J. Woods - “Can you come to my property and show me?”

B. Middleton - “Will, nothing happens unless you go talk to people man.”

W. Heveland - “I can’t give a map but I will go there and show you where they are talking about. But you keep saying that this isn’t your job, resolutions are done by the Town Board for easements.”

B. Middleton - “You told us you had a project that needed to be done and we gave you the ok to go do it. We didn’t tell you that we were going to go out there and do it for you.”

W. Heveland - “You gave me the ok without even looking at the project. Nobody was willing to go out there.”

B. Middleton - “That was the second time I have been out there. I went out once and then called you to talk to you about it. Think.”

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K. Engelbert - "Jessica, our lawyer will contact you and present you with the easement paperwork."

J. Woods - "Bob has been very pleasant. He's been very helpful."

K. Engelbert - "He'll get with.."

B. Middleton - "We'll help where we can, but we can't do your whole property."

J. Woods - "I am not asking that."

K. Engelbert - "He'll get with the engineer and get you the paperwork and show you where we want to go in. We are just going by the way it's always been done. The last easement was from your father when the bridge was put in and it was all handled by the lawyer, they drew it up when the engineer work was done. It was presented to land owners, they signed the easements and then that bridge was put in. We are basically doing the same thing from when the bridge was put in in the past."

J. Woods - "That was the back corner of my property which isn't anywhere near my house. It is a little different situation."

K. Engelbert - "All I can tell you is what I know and that's it. We've all been up there, we've seen the project. I go across that bridge a lot because we own the field at the end of the road."

J. Woods - "Those big trucks that keep missing Crown Cork and Seal drive in there and stop. Those can't be helping the erosion either. That should be addressed as well."

K. Engelbert - "I know that and that's why we have to take care of it. We have the same things going on other roads, we have the same thing going on at Sackets Creek, problems with the ravine on Sunnyside, it's happened on Lower Briggs and Leasure Hill. It has happened on almost every road, there are a few that don't follow a stream, but any road that follows a stream we have issues with banks washing out. We are doing the best we can. Again, whoever told you that we didn't want to help her was lying."

E. Woods - "That's what I was told."

K. Engelbert - "Because I never said it and I have always said we always said we want to try and do the best we can for you."

N. Woods - "You're not going to put an easement road next to my bedroom window, it's not going to happen."

J. Woods - "You have to go on the other side."

K. Engelbert - "Well, let us get you the paperwork from the lawyer and the engineer and we'll go from there."

N. Woods - "They can go right down the hedgerow, right between Martin's and our property. You ain't putting a road 10 foot from my bedroom window."

B. Middleton - "The engineer, we have to run it by him, he said it will take like 2 weeks tops to do the job. We all have to live with inconveniences sometimes. We just try to get along."

J. Woods - "I understand. I just want a little communication. I apologize, but I'm going to excuse myself, I said my piece."

B. Middleton - "I hear you."

K. Engelbert - "Thank you."

- *B. Cushman - "Hi my name is Barb Cushman and I also live in that area. The truck traffic is not bearable, the trucks that come to Crown Cork and Seal sometimes they'll stop right in the middle"*

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of the road going into Crown and throw on their 4 ways, so then I have to pass on a curve not knowing if someone is coming the other way, because you can't see the around the truck. I also have a problem with the exit that they are putting in on Hunt Creek Rd. They are trying to exit those trucks on Hunt Creek Rd and I understand the logic of that, but that road is not wide enough and you're not gonna be pushing my car over to where it's getting undermined. I have a real problem with what's going on and I really want to know what's going to be done about it."

K. Engelbert - "Well we can't do anything about it until we know what the problem is, so thank you for coming to the Town Board. We can't stop the trucks, you have to understand that. We can't stop them from having trucks..."

B. Cushman - "Can you go to Crown? Can you talk to them about educating their drivers?"

K. Engelbert - "We have tried, I have tried in the past to get them to put exit 63 as part of the paperwork. But if you really want to try and get results, your best bet would be to go to Crown and say 'look you've got to do something about this' and explain exactly why. As far as the road, we can look into making it wider."

B. Cushman - "That is going to have to happen before we have tractor trailers exiting on Hunt Creek Rd."

K. Engelbert - "Right"

B. Cushman - "That has to happen."

E. Woods - "I would think that if they are going to put an exit on Hunt Creek Rd, don't they have to have some kind of survey or study, traffic, you know what I am saying, done?"

B. Middleton - "They probably did."

E. Woods - "And they did it already?"

K. Engelbert - "I don't know that they have to."

E. Woods - "To me you would think that they would have to."

B. Cushman - "That's on the Town, it's what you all allow."

E. Woods - "That's what I am saying."

W. Heveland - "Larrabee's uses it for trucks too. Trucks have always been up that road."

B. Cushman - "But not up that far where the erosion problem is."

E. Woods - "Larrabee's does repairs for people and such."

K. Engelbert - " We will do what we can Mrs. Cushman. Again, the best thing for you to do is go right into the Crown Cork and Seal and say I need a meeting with the manager and express your concerns and go from there. I honestly cannot stop those trucks. They are operating a business and that's part of the business is having those trucks come in and out. We can't stop them. We will do what we can."

B. Cushman - "But you can keep them from exiting Hunt Creek Rd."

K. Engelbert - "No we can't stop them from operating their business. That's part of their business plan and we can't stop them from using that road. We can't."

B. Cushman - "But you can take care of the erosion?"

K. Engelbert - "We are trying, but nothing is ever easy. We will try to make that section of Hunt Creek Rd safer and widen it as much as we need to."

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B. Cushman - "Can you make that a stipulation before Crown starts exiting, make them do it. It's going to have to be on their property anyways. Because there's no way you can go on the other side."

K. Engelbert - "No there isn't."

R. Thetga - "Is there an exit right there?"

B. Cushman - "They just put in an exit right there, they're bringing the truck back towards the 17 so that they can't go left up the hill. Which is awesome, that will save a lot of the Sunnyside jackknifes."

K. Engelbert - "That was part of they're thinking in doing that."

B. Cushman - "And it makes good sense., but not without widening that road. Trucks can't even move. I stopped one from going up Hunt Creek Rd in the last week and I come down in the morning at 6:00am and there are trucks parked all over the side of Berry Road."

E. Woods - "Which they shouldn't be, in my opinion they own the road, they shouldn't be able to park in the road for that."

W. Heveland - "That's why they want to put in that second exit, because they want to be able to come in one way and out the other. because they increased production they are going to have 60 to 90 trucks coming in a day."

B. Cushman - "Oh my god. The truck traffic is unbelievable."

K. Engelbert - "I am just guessing that the trucks you are seeing along the road are drivers that have come in during the night and they can't get in the plant until a certain time."

E. Woods - "They should have to stay over there at the rest area."

K. Engelbert - "Yes they should."

B. Cushman - "I have stopped and told drivers to get down the road, there's a truck stop right over there where you can park your truck at."

W. Heveland - "I believe it's in the Crown's paperwork, that they tell them to stay there until they are called up to unload."

E. Woods - "They should, because they shouldn't park on that road."

K. Engelbert - "But again, call them and meet with them. That is the first step and we'll try and do what we can to back you up."

B. Cushman - "Ok, thanks for listening."

K. Engelbert - "Thank you."

NEW BUSINESS

- The Section 125 Cafeteria plan should be ready for board approval at the June board meeting.
- New York State passed a law allowing the recreational use of marijuana but the Town has the option to enact local laws that prohibit use. The Board discussed the pros and cons of the New York State Marijuana Law. If the board votes no, the Town would not be eligible for any sales tax from distribution revenues. B. Crannell said at the COG Marty Saubrey expressed concerns and wanted input from all of the municipalities in Tioga County. They aren't formally asking the Town Nichols to make a decision right away. K. Engelbert mentioned that the Town has until December to make their decision.

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- *Motion to accept the resignation for Rob Pipher from the Assessment Grievance Board made by R. Thetga 2nd by E. Woods.
Roll Vote;
Ray Thetga (aye), B. Middleton (aye), B. Crannell (aye), E. Woods (aye), K. Engelbert (aye).
Carried 5 aye-0 absent-0 No-0 abstain*
- *Motion to Appoint Ches Spencer to Assessment Grievance Board made K. Engelbert 2nd B. Engelbert.
Roll Vote;
Ray Thetga (aye), B. Middleton (aye), B. Crannell (aye), E. Woods (aye), K. Engelbert (aye).
Carried 5 aye-0 absent-0 No-0 abstain*
- *Motion to cancel the next meeting of April 28, 2021 made by E. Woods 2nd by B. Middleton.
Roll Vote;
Ray Thetga (aye), B. Middleton (aye), B. Crannell (aye), E. Woods (aye), K. Engelbert (aye).
Carried 5 aye-0 absent-0 No-0 abstain*

ADDITIONAL NEW BUSINESS FROM BOARD MEMBERS -

E. Woods - "I do have one thing I wanted to discuss. I want to discuss payroll date changes that I think went from a Tuesday to a Thursday and I don't have a problem with them changing it, it doesn't matter to me that they changed it. But I was a little upset that employees weren't notified. You know it is a law that you have to notify them at least a week in advance that you are going to change the day from a Tuesday to a Thursday. You know, because it's only common courtesy, a lot of people live paycheck to paycheck. If you change that date without them knowing, maybe someone had a loan that was supposed to come out on their payday on Tuesday and they didn't get paid until Thursday, now they are delinquent on their mortgage or car payment. I really don't think that was right and I don't think that that should not have been done without them being notified."

R. Thega - "It's in the handbook that they get paid every other Tuesday."

E. Woods - "Right, so that's what I am saying. We should have discussed that, I really think. I don't think it was right that it was changed without any kind of...nobody discussed it, the employees weren't warned. That's my biggest thing is just that employees weren't notified. I just want to put that on record, I don't think that was right. You know, obviously it's done now. But I don't think it's fair to the employees that we did that."

K. Engelbert - "Pam, as long as you are here, do you want to address that? What the situation is and why they were late and what your thoughts are on it."

P. Moore - "Well you know, I have told employees that have complained directly and indirectly to me about it that it was changed to Thursday because when I took over the payroll there were a number of problems."

E. Woods - "I do understand that maybe changed because you weren't getting the payroll is what I heard, I guess my biggest thing is that you didn't notify them, I'm I correct?"

P. Moore - "Can I finish, because I did let people know."

E. Woods - "In writing?"

P. Moore - "I did let people know, including people on the Town Board and employees. Just because people don't like that it changed, but the pay period was actually changed before I even started working here."

E. Woods - "Did you notify them in writing?"

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P. Moore - "Did I notify people?"

E. Woods - "Yes, you see that's the law, you have to."

P. Moore - "You're saying that's my responsibility as the bookkeeper to do that?"

E. Woods - "Somebody who made the decision should have. Who made the decision to change from Tuesday to Thursday, who did it?"

P. Moore - "Back in December? I don't know who changed it."

E. Woods - "Nobody changed that, as far as I know, in December."

P. Moore - "I don't know who authorized the change, let me put it that way."

W. Heveland - "What changed that is a problem?"

E. Woods - "Nobody changed it, it was always supposed to be a Tuesday."

W. Heveland - "Are you saying because I changed my guy's work week? Instead of it being Sunday to Saturday, I have it Monday through Sunday. We still turn the payroll in on Monday morning regardless. So that shouldn't have changed anything."

P. Moore - "You also brought to my attention a lot of problems with payroll going back to 2007, that is as far back as I have gone. There's a lot of problems in the payroll system and the more I look, the more I find. I am just trying to get stuff straightened out and trying to get the payroll correct. Back in early February I was bringing it to people's attention because payroll was getting out on Thursday's, but when things went well I was able to get it out on Wednesday and that's what I would do. But sometimes it still was until Thursday and I have talked to a number of employees about that and what I have found is that people don't like what I am saying to them, so they won't acknowledge that it is, that, that is what's going on. I literally can't get the payroll done by Thursday, then that is what it is. It's not that I am trying to make people's lives difficult, that's not the case at all."

E. Woods - "If payday is Tuesday, payday is Tuesday. I don't care if you have to come in at 2 o'clock in the morning to do the payroll. If we are telling people that their payday is Tuesday, they should be paid on Tuesday."

P. Moore - "I didn't tell anybody that."

E. Woods - "That's the way the payroll has always been, on Tuesdays. I'm I correct? Has it always been that everybody gets paid on Tuesday?"

R. Thetga - "Yep."

E. Woods - "And until it was in writing saying that 'as of', you could have done it the last pay period that you did. Because everybody gets paid every other week, you could have written a letter saying, as of February 11 or whatever, I am changing the payday from this day to this day and you will be paid on Thursday instead of Tuesday. You could have given notice so they could change things."

R. Thetga - "We have to approve it first, it's in our handbook."

E. Woods - "Right, so why didn't we...we didn't talk about it at all."

P. Moore - "I don't know about the handbook, that doesn't mean it's not there."

E. Woods - "Like I said, that shouldn't have been done, I think that it's sad."

P. Moore - "I did include something in the payroll once for department heads at one point and I got push back from the department heads and the impression that I was given was...who are you to tell us what is and isn't going on? So I thought that I am just the Bookkeeper, if people don't want to hear things coming from me, then I won't. But I was having trouble getting the timesheets, I had people handing in days after the payroll

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supposedly had to be done and I get grief from people. I think you would be surprised how some people who work for the Town speak to me, well maybe you wouldn't, but some people on this Board are."

E. Woods - "I don't have a problem with you Pam, I don't. I personally don't know you. I was just a little upset that it was changed from a Tuesday to a Thursday without notifying employees, that's the bottom line. I understand that you were having problems, I did hear that."

P. Moore - "I have literally had people yell at me about it."

E. Woods - "Well I don't think that's appropriate, but they should have been notified."

P. Moore - "I just literally can't get it done, I was working 50-80 hours a week the first 2 months of the job."

E. Woods - "Which I understand because you have no training."

P. Moore - "Our payroll software is so screwed up, even the company that developed the software said, 'I can't believe you haven't quit because of the situation you are working with' the integrity of the software has been corrupted since they don't even know when."

E. Woods - "I think that was just the software they were using because they were using it."

P. Moore - "I am doing the best that I can and I am really focused on getting the payroll correct. Because there are so many old problems that I am correcting. People have been cheated out of benefit time like you wouldn't believe, like weeks of vacation time one of the employees was cheated out of. People have been cheated out of their sick time and personal days. I mean that's not right."

E. Woods - "I agree."

P. Moore - "For me to take that on, I took that on because I think it's important and I really felt badly because the people that work for the town work hard. Especially the guys in the highway department who were affected. So please don't think that I am trying to make people suffer, because I am not. I am trying to right some of the wrongs and do things the correct way. But when, you know, that things have not always been done correctly, I am getting information from the source. I can't rely on getting second hand information from people that claim to be experts. I get it from the state, the feds and the Town CPA because I want it to be right. If I have employees telling me I am doing it wrong and the experts telling me I am doing it right, some employees don't want to hear that. I have the authority from their mouth to my ears that I am doing it the way it's supposed to be done. I am accountable to all of you and the state and the feds. There are a lot of people that the Town has to keep happy and I am one of the people that interface between all those folks and you."

E. Woods - "I understand that there probably were a lot of problems and I am not...I am just saying I do not think it was right that you did not notify them."

P. Moore - "I am doing the best that I can. I literally didn't have passwords, I didn't have access to anything, I didn't have keys, I didn't have anything. Part of the problem with this last payroll was that there were a lot of changes, there were people that were starting and people who were leaving, there were problems from the previous week. Problems that I was resolving because people aren't getting me their timesheets. I am not supposed to do it, but I pay them anyway, because just like you said there are people living paycheck to paycheck."

E. Woods - "Correct."

P. Moore - "And we don't have policies on a lot of kinds of circumstances that come up. You know, like the employee that handed in her timesheet 3 days late and then yelled at me. She put it in an email and I saved it. I'd be happy to show it to you."

E. Woods - "Well, I probably know how it looks."

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P. Moore - "For the first 3 months almost every pay period I got timesheets late. It only takes one late timesheet and I have to make a decision. Do I hold up payroll or do I pay everybody and that person has to suffer. Because I can't run the payroll twice because it's very time consuming, there are a lot of steps that are involved. So I have made some judgement calls and maybe I didn't always make the right judgement call. But, you know, it's not always a situation where I am doing the payroll in the wee hours of the morning. But I can't have people interrupting me because then I might make a mistake. Then that's what I do. But at 2 o'clock in the morning I'm not going to pick up the phone and call Kevin and ask him what to do."

K. Engelbert - "One other thing, we do not have a specific day. We don't specify that payroll is Tuesday."

E. Woods - "That's what it's always been for how many years?"

K. Engelbert - "I am telling you that it's not specified."

E. Woods - "It doesn't matter if it's not specified Kevin, if you change it you have to notify people, there's a law."

K. Engelbert - "Let me finish Esther, we never specified it. It's not in the handbook, it's not in our organizational meeting. We don't specify that it is Tuesday and if you want somebody to blame because it was Thursday this last pay period, blame me, because I am sick and tired of all the grief that Pam is getting here and all the things she's had to deal with to try and get it out this week. I said get it out when you can. If it's not until Thursday, then it's not until Thursday."

E. Woods - "You cannot do that."

K. Engelbert - "We should have let people know, but we didn't."

E. Woods - "You can't do that, you just can't."

K. Engelbert - "Well it happened, everybody makes mistakes, I made a mistake. Like Pam said, it wasn't intentional, we aren't trying to make anybody's life miserable"

E. Woods - "I understand if she wanted to change it because she's not getting her timesheets and I do understand what she is saying. But you got to say I'm changing the day because these people don't want to give me their timesheets in a timely manner, so for me to run the payroll at a good time I have to change it. I am ok with that."

P. Moore - "You know what it is, it's if somebody forgets. We have one person, she fills out her timesheet at home and she forgot to bring it into the office. Things come up or maybe I don't know how much a new person is supposed to get paid, or how they need to be set up for their withholdings, whatever it is. Like when Robert started, I only knew what his pay was because I came to the Board Meeting. It was discussed how much he was making so that's how I knew how to set him up. There are different things that can come up, one person gave me a wrong account number for their direct deposit and it took a bit of time to get that sorted out."

E. Woods - "I do appreciate what you are doing. I know it's a tough job. I am not trying to bad mouth you, I know you came in with no training."

W. Heveland - "And she inherited a big mess."

E. Woods - "I do understand that, I heard through the grapevine that the software was no good, that it was outdated and everything was a mess."

P. Moore - "You're hearing from the source now, not from the grapevine. I have a lot of communication with Kevin and Barb, but I didn't feel like I needed to burden the whole Town Board with it. I am happy to do that, that's why I started coming to the Board Meetings in case there's questions. It never ceases to amaze me, the things that keep coming up unexpectedly."

B. Crannell - "Has the date been settled on now that when the timesheets are turned in, that that is a logical time..."

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P. Moore - "I've asked for 3 days, that's 3 day for both pay periods. We have the folks that get paid monthly, they expect to get paid on the last business day of the month and it's three business days from there. It's the same with the biweekly folk. So timesheets should be in by Monday and they should have their checks by Thursday. When I was getting it done sooner than that, I was putting them out and I think that was part of the problem. People were expecting it to be done early and when it's not people get upset with me. So I thought, if it's consistently always a Thursday, is that the way to go? Maybe that makes more sense and then people know what to expect."

B. Crannell - "I don't know if the employees are going to back it up, 3 days for this and 2 days for that. They want to know this is the day I am going to get it and Thursday might be the answer."

E. Woods - "That's fine."

W. Heveland - "A couple of my guys have payments that go out on a certain day and if that's not in the bank when the bank withdraws it out, they are in trouble. So they have to let the bank know ahead if they need to change that day. If they are used to getting paid on Tuesday on a certain date and it comes out on a Wednesday, these guys will be late on their mortgages and their car payments."

B. Crannell - "But now Thursday is the day that payroll should be consistent, is that what I am understanding? So it should be consistent and something that can be communicated to the employees."

K. Engelbert - "Right, because if we continue to have issues like this, I don't think we will. I don't think anybody has done a better job than Pam has done. But the Town may want to consider hiring a payroll service and that would take that burden off of you and all that pressure. If we hired a payroll service, hours would come in on Monday, they are not going to get paid until Thursday. That's 3 days. That's standard industry practice, you have to have a 3 day turnaround. "

B. Middleton - "And if the department doesn't get their hours turned, they don't get paid."

P. Moore - "I was told that the new software is much easier and faster. I have heard that from people that use that software, but until I get to use that software I am stuck with the old software. It's going to be a bit of work getting the new software set up. I am told it's intuitively much better software and I have to believe that, because the stuff I am working with right now is awful."

B. Crannell - "So that can be communicated by the department heads to the employees? That is the day they are going to be paid, is Thursday?"

P. Moore - "Yep."

W. Heveland - "Now if the Town is willing to spend the money on a pay system, why not put time clocks in all the departments. So the heads won't have to turn in any paperwork that could be sent right to that area to get it. They could do it on Monday, Tuesday, Wednesday, they could get it on Sunday night at 3 o'clock in the morning if they wanted to because all that information would be in front of them. They wouldn't have to depend on turning sheets in because it would be right in a system in front of them."

B. Crannell - "You have to monitor the time clock usage though."

W. Heveland - "What do you mean monitor it?"

B. Crannell - "If an employee doesn't use the time clock..."

W. Heveland - "Then he doesn't get paid."

B. Crannell - "That has to be communicated."

W. Heveland - "My department is the only department that uses a time clock. Just the 5 guys, nobody else uses a time clock in the Town."

E. Woods - "Does anybody else need a time clock? Everyone else is pretty much salaried, am I correct?"

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K. Hall - "The deputies and court clerks are hourly, we are only looking at 3-4 people."

K. Engelbert - "Not that it would make an ounce of difference, but I didn't know that they were going to be paid late until after..."

E. Woods - "I did not know that either, until people were saying..."

K. Engelbert - "And like Pam was saying, if she calls me at 2 o'clock in the morning I am not going to hear the phone anyway. We'll have to get out a memo to all Town personnel, that pay days are Thursdays and not Tuesdays. So if they have to make adjustments with their banks they can do it. Who can be responsible for this memo to all Town employees? Any suggestions?"

E. Woods - "Do you want me to type up a letter, is that what you are saying?"

K. Engelbert - "I don't know..."

E. Woods - "I can type a letter up and say that we are going to change payroll, from Tuesday to Thursday."

K. Engelbert - "Ok."

E. Woods - "Who would that impact? The highway guys...who is on payroll every two weeks?"

P. Moore - "All the department heads, Ray and his guys, Will and his guys, the Town Clerk's Office and the deputy clerks."

K. Engelbert - "Can you make a list of everybody?"

B. Crannell - "You can also include the monthly payroll and include all Town employees."

E. Woods - "I am fine with that."

P. Moore - "So what happened with the monthly payroll I was getting those timesheets late. Like one of things that was happening is that the Library was putting their timesheets in the night drop because the library opens at 2 and the Clerk's Office closes at 2. So if they didn't get over fast enough they would put it in the night drop. Well guess what? I don't have a key to that. If I don't know they are in there and I am looking for them, this happened one time it had 5 timesheets. It's 4:30pm and I am wondering where they are, so I check with the library and they tell me they put them in the night drop and the court has the key and she left a half an hour ago. Fortunately the library clerk had copies of them. But if she had left at 5:30 that day, I would have had nothing. She didn't know that I didn't have access to that box. These are the kinds of things that can happen."

B. Crannell - "The letter should specify that the timesheets have to be turned in by this day in order for payroll to be effective."

E. Woods - "So what time is your cut off, I mean is there a time you want them by Monday?"

P. Moore - "Just Monday morning, usually Will and Ray come by the office Monday mornings."

B. Crannell - "11 o'clock."

E. Woods - "I am not afraid to put in there, that if they don't have their timesheets in by 11 they are not going to get paid until the following week. I will spell it right out."

P. Moore - "9 would probably be better. That way they can still be a little bit late. Email is fine, I have people email me their timesheets now."

E. Woods - "So they are ok to email them or bring to you in person."

P. Moore - "There should be a department head signature on there."

Esther Woods to type up Personnel Payroll Change Memo to be distributed to all personnel.

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UPDATE FROM TOWN DEPARTMENTS/PERSONNEL

Highway Department – Nothing new to discuss. K. Engelbert wants to meet with W. Heveland to discuss what the Town is going to spend on roads this year. W. Heveland asked how much Highway has to do paving and road fixes. K. Engelbert told him that he could have approximately one million dollars to work with, as long as Tioga Downs doesn't close. K. Engelbert stated that the first thing is to repair the roads that failed this winter, like Briggs Hill. The ones that get the most travel and are in the worst shape. Discussion about Herzog Rd. and slowing the water in the ditch. W. Heveland said that there was no possible way to make the road wider. R. Thetga told W. Heveland that he puts in big blocks in the ditch, it will slow any further water erosion.

OLD BUSINESS

NY Rising Hazard Mitigation Plan - Some projects have been completed and the new up to date version is available to look at in the Town Clerk's office.

COG - discussion about the current situation with Code Enforcement. None of the towns have a full time position and how Towns are having difficulty finding trained CEOs.

ADDITIONAL OLD BUSINESS FROM BOARD MEMBERS -

ACCEPT REPORTS AND PAY BILLS

The motion to accept the Reports and Pay Bills made by B. Middleton 2nd by R. Thetga.

Roll Vote;

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

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

ADDITIONAL COMMENTS, QUESTIONS & CRITICISMS -

EXECUTIVE SESSION -

ADJOURN -

The motion to Adjourn meeting at 8:02 pm, made by B. Crannell 2nd by E. Woods

Roll Vote;

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

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

Karen Hall
Nichols Town Clerk
05/13/2021