

**Town of Nichols
Regular Meeting
August 10, 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, arrived late), Councilperson Bill Middleton (present), Councilperson Esther Woods (present), Councilperson Barbara Crannell (absent) and Supervisor Kevin Engelbert (present).

Others present;

Will Heveland (Highway Superintendent), Kem Hart-Baker (Historian), Roseann Cole, Phil Patinka, Steven Patinka, Dan and Julie Berry, Cindy Smith, Ron Acerra, Andy Silvanic, Albert Fredenburg and Edwin Fredenburg.

MINUTES -

The motion to accept the minutes from the July 13, 2021 board meeting, made by B. Middleton 2nd by R. Thetga.

Roll Vote;

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

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

QUESTIONS COMMENTS & CRITICISMS FROM THE PUBLIC -

NEW BUSINESS -

- The Town Historian requested the purchase of an old hand painted room divider/privacy screen that belonged to Mrs. Smith's grandmother for \$200.00, for the museum she is curating for the Town of Nichols. It is over 100 years old and has been stored in the attic of Mrs. Smith's mother's house. No one knows who the artist was. The board asked a few questions regarding the privacy screen. K. Engelbert asked for time for the board to discuss it and make a decision at a later date. K. Hart-Baker mentioned that a painting that was in the buffet room at the old Lounsberry Truck Stop of semi trucks with a background of the truck stop is being donated by the Blue Ox Corporation, along with 2 old aerial photos that were taken of the truck stop (if they can locate them).

PUBLIC HEARING

Local Law #1 of 2021

Amendment to Chapter 175 Vehicle and Traffic

The Public Hearing was called to order at 7:05pm by Supervisor Kevin Engelbert to discuss the amendment to the Town of Nichols Vehicles and Traffic Law Chapter 175 regarding weight and length limits on certain town highways. The amendment would change the tonnage and length limits as well as add additional town highways to the restriction. The need for change is so law enforcement can enforce the law when tractor trailers are using our back town roads for anything other than local home delivery. K. Engelbert opened up the floor to the public for any questions and comments.

Motion to adopt the Local Law #1 2021 made by B. Middleton 2nd by R. Thetga.

Roll Vote;

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

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

Copies of the new amendment can be found in the Town of Nichols Town Clerk's Office.

Motion to go out of Public hearing made by K. Engelbert 2nd by B. Middleton.

Roll Vote;

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

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

- **RESOLUTION NO 06-2021**

Standard workday and reporting resolution for elected and appointed officials for Bob Nugent for the NYS Local Retirement System.

Motion to accept resolution #6-2021 made by K. Engelbert 2nd by B. Middleton.

Roll Vote;

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

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

A certified copy of the resolution will hang in the lobby of the Town Hall for 30 days as required by the Office of the New York State Comptroller.

- **Accept DCO Rob Frye resignation**

Motion to accept R. Frye's resignation made by B. Middleton 2nd E. Woods.

Roll Vote;

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

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

- **Town Justice Annual Audit 2020. K. Engelbert read out loud the findings of the annual audit for the town's justice department. External CPA findings are that the books are good.**

Motion to accept Audit Report made by B. Middleton 2nd E. Woods.

Roll Vote;

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

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

- **Appoint Bob Huseby as Deputy CEO.**

Motion to appoint B. Huseby as CEO made by E. Woods 2nd by K. Engelbert.

Roll Vote;

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

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

- 2019 GOSR Audit for the new Highway barn.
K. Engelbert stated that the audit of the FEMA funds from Governor's Office of Storm Recovery for the Highway garage has been completed, sent to the state and should be closing out soon. K. Engelbert also stated that Incero audited all the books of the Town as well and everything was fine.

- Tioga Downs firework permit for September 4th.
Motion to allow Fireworks permit made by K. Engelbert 2nd E. Woods.

Roll Vote;

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

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

- Cancel August 25, 2021 meeting
Motion to cancel the next meeting on September 14, 2021 made by B. Middleton 2nd by E. Woods.

Roll Vote;

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

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

ADDITIONAL NEW BUSINESS FROM BOARD MEMBERS -

UPDATE FROM TOWN DEPARTMENTS/PERSONNEL -

Highway Department – W. Heveland wanted to know what the board wanted to see as far as additional paving/repair work being done on the roads and how much money was left in the budget to do it. K. Engelbert stated that the Town was probably done paving for the rest of the year, adding that the Town won't get another check from the Downs until the end of October.

Planning Board - A. Silvanic would like the board to approve changes in the Town's Solar Ordinance because it has some typos in it. The way it reads now is that the max output of solar farms is 16MW, it should read 16GW. The planning board needs the town to approve the change in the wording and then it gets sent to the county. Once the county sends it back to us and the board approves, we do not have to file it with the state. It just gets sent to code. A. Silvanic also wanted the board to consider passing an ordinance that the Town will not take payments in lieu of taxes. This would be a new ordinance to nullify the 487 code and it doesn't have to go to the county. The town attorney would have to draw it up. Discussion about the benefits to the Town followed. A. Silvanic said to the Town Board that the new Town of Nichols RV Ordinance is ready to go to the County to look at. Discussion about having an electrical GFI breaker on site, as well as septic being pumped and that the CEO would be in charge of permits given out and enforcement of the Ordinance. K. Engelbert gave some grammatical recommendations for the Ordinance and suggested a definitive timeline on some of the wording in the Ordinance be more specific. The ordinance is being sent back to the planning board to make changes.

OLD BUSINESS -

ADDITIONAL OLD BUSINESS FROM BOARD MEMBERS -

ACCEPT REPORTS AND PAY BILLS -

Motion to accept the Reports and Pay Bills, made by E. Woods 2nd by B. Middleton.

Roll Vote;

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

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

ADDITIONAL COMMENTS, QUESTIONS & CRITICISMS -

K. Hart-Baker asked if a new DCO was appointed yet. K. Engelbert stated that the board interviewed candidates that night and was planning on going into executive session to discuss it.

W. Heveland asked the board what the current mask policy is for Town employees. The board answered that the Governor lifted the State of Emergency and that there is no longer a mask mandate, so employees do not have to wear a mask.

K. Hart-Baker asked if the Board was going to require an audit of the Bookkeeper office from the time Shelia left and then Pam took over, now that the Town has a new Bookkeeper since Pam has resigned, to see if there were any inconsistencies from the last 2 years. K. Engelbert stated that he didn't plan on it since he hadn't seen any inconsistencies and that everything was fine. K. Hart-Baker asked how he knew that. K. Engelbert said that he gets reports every month that have balances on it from bank accounts and investments. E. Woods asked if there was an audit before. K. Engelbert said one was done in 2019, that it was the fourth audit that has happened since he has been on the Board and that there was a full audit done in 2019 because of the money received from FEMA. K. Hart-Baker had some concerns because things were not being done by Sheila and things were not being done by Pam. She felt that, to protect the new Bookkeeper, that there should be an audit done. K. Engelbert said that Incero did an informal audit because Pam contacted them to get their help to get things straightened out. Incero said there were some inconsistencies as to where things were being attributed or put under, but overall things balanced out perfectly last year. K. Engelbert went on to say that Pam gave the auditing company remote access to her computer and accounts and they looked at everything to help get things straightened out for this year. In summary, there has not been an official audit done, but it has been looked at and things have been straightened out.

Albert and Edwin Fredenburg asked when Decker Hill Road would be getting worked on. They complained about the amount of dust the road gives out when people drive on it. K. Engelbert wanted to know what was different about the amount of dust this year. Mr. Fredenburg stated nothing was getting done, even water being sprayed in the road was gone an hour later and the dust would be back. E. Woods asked if we had ever oil and chipped that road before. Conversation between E. Woods and W. Heveland followed. E. Woods then told Mr. Fredenburg that in September the Hwy would oil and chip the road. Mr. Fredenburg stated that it wouldn't last and would get eaten up by plow trucks and he wanted blacktop. Councilwoman E. Woods said that at this point Hwy department is out of money for the year to pave. Mr. Fredenburg asked why everyone is getting blacktop and they aren't. Supervisor Engelbert said that everyone is doing the best they can do, the Hwy Superintendent is paving the roads that need to get done this year. K. Engelbert went on to say that we can't make everyone happy and if we can come up with some more money and figure out a way to do it then we will, but the Town can't borrow money to blacktop roads. K. Engelbert said that he will sit down and figure out if it's financially feasible to do Decker Hill this season.

EXECUTIVE SESSION - Motion to go into executive session to discuss personnel made by K. Engelbert 2nd by B. Middleton.

Roll Vote;

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

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

Action taken - Motion to appoint Laurie Maciak as DCO Effective August 18, 2021 made by R. Thetga 2nd by E. Woods..

Roll Vote;

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

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

The motion to end Executive Session at 8:27pm, made by R. Thetga 2nd by B. Middleton.

Roll Vote;

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

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

ADJOURN -

Motion to Adjourn meeting at 8:30pm pm, made by R. Thetga 2nd by E. Woods.

Roll Vote;

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

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

Karen Hall

Nichols Town Clerk

8/20/2020