

**Town of Nichols
Regular Meeting
October 12, 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), Ray Thetga Jr. (Buildings and Grounds), Martin Jerzak (CEO), Kem Hart-Baker (Historian), Roseann Cole, Brenda Fay-Pelotte (Planning Board), Jayne Stoltzfus (Planning Board), Andy Silvanic (Planning Board), William Leonard (Planning Board), Keegan Coughlin (Town Attorney), Howard Stoltzfus, Vance Trout, Rose Cole, Joan and Kenneth Tong, and Paul Campbell.

QUESTIONS COMMENTS & CRITICISMS FROM THE PUBLIC -

A question was asked if a Solar Farm goes in, how does it affect our tax base? K. Engelbert explained that the two solar farms currently within the Town limits are on a pilot program that was set up with the County IDA. This means that they make payments in lieu of taxes. This money is split 3 ways, the Town gets $\frac{1}{3}$, the County gets $\frac{1}{3}$ and OACSD gets $\frac{1}{3}$ of these payments. Question was asked if the status of a property changes from an unimproved to improved if a Solar Farm goes in. K. Engelbert said he didn't know since the Town hasn't dealt with it before and that it would be a question for the assessor.

Vance Trout stated he was building a "Tiny House". He was told that the Code Enforcement Officer, Martin Jerzak, told NYSEG that they couldn't run power to his site and he wanted to know why the CEO did that. K. Engelbert said he didn't know and that the CEO didn't have the authority to tell people that they can't run electricity to a site. M. Jerzak addressed V. Trout and told him that he didn't have permits for any Tiny Home that was being built. He said NYSEG contacted him and told him they were instructed to put electricity up there, M. Jerzak told them to hold off since there were no permits pulled. M. Jerzak then asked V. Trout if it was the same trailer that he had looked at on River Rd. when A. Silvanic was there. M. Jerzak went on to say that he told A. Silvanic at the time that it could not be turned into a home until there was an architect stamped plan. V. Trout said he had an architect and that that person had a hard time getting a hold of M. Jerzak. When the architect finally got in touch with M. Jerzak, the architect said that M. Jerzak had no idea what he was talking about. M. Jerzak stated that wasn't true at all. V. Trout then said that he would believe his Eagle Scout before he believed anything M. Jerzak said. V. Trout then asked if he can run electricity to his site. K. Engelbert asked M. Jerzak for more explanation regarding the permit needed. M. Jerzak said that right now it is a tractor trailer and it has to be registered through New York State or he can be cited for having an illegal unregistered vehicle on his property. M. Jerzak went on to say that if V. Trout was going to make it a dwelling, then he had to get a building permit and he also had to show that an architect says that it is suitable for a home. V. Trout asked if the CEO has the authority to stop him from getting electricity to his site. Keegan Coughlin, the Town Attorney, stated that the Town doesn't have authority to stop electricity, that it would be NYSEG's decision. V. Trout stated that he was told NYSEG can't do it because the CEO told them to stop. K. Coughlin again said that the Town didn't have the jurisdiction to do that and from the Town's perspective the next step should be to fill out the building permits and bring in the stamped prints. K. Engelbert stated that M. Jerzak should call NYSEG and

tell them that he overstepped his bounds and that V. Trout should come to Town Hall and fill out the necessary paperwork for the permit.

Joan Tong wanted to address the old fishing shack on E River Rd. She feels that that place needs to be torn down, she talked about the amount of middle of the night stop and go traffic, as well as the rats that run back and forth the road coming from that place. J. Tong also talked about all the garbage around that place and asked where the sewer was going. She talked about how there were 12 pitbull dogs at one time in the house and the Dog Control Officer removed them, including the one that was dead. K. Engelbert said that Tioga County Public Health would have to be involved and M. Jerzak would have to contact the owners. K. Engelbert asked the CEO what the steps were. M. Jerzak said that the owner won't give him permission to walk around the property or walk in the house. He said he has already contacted the owner and the son about cleaning up the property. He also told the son that he could not live in the camper across the road. K. Engelbert and K. Coughlin suggested calling the Tioga County Public Health. Several attendees said they would both put in a call to the Public Health Office.

MINUTES -

The motion to accept the minutes from the September 14, 2021 board meeting, made by B. Crannell 2nd by B. Middleton.

Roll Vote;

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

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

NEW BUSINESS -

- *Fema properties - K. Engelbert told the Board that there were copies of an October 2016 Board Meeting in their packets. P. Campbell addressed the Board and said that he had approached the Board in October of 2016 with a request to lease the Franks/Walker properties and it was voted on and approved back then. At some point FEMA put a stop to leasing the properties. But with emails, phone calls and other leg work, FEMA has finally released the properties to lease for agricultural purposes. P. Campbell wants to know if the Board will stay with the original lease agreement. K. Coughlin said that he has put together some draft leases from other Towns that have done this. He went on to say that these are usually 5 year agreements that will automatically renew if everyone is still ok with the terms and there would be a 30 day cancelation notice for either party. E. Woods said that she wasn't sure if the original agreement should be honored. K. Engelbert said that the first thing we have to do is decide if we are going to honor the agreement from 2016. E. Woods read aloud FEMA property rules and regulations, in that it states that the Town should have gotten approval from FEMA before conveying any property to anyone or any organization. E. Woods stated that she thinks that what the board did in 2016, they legally couldn't do because it hadn't been approved by FEMA and the Town was jumping the gun. K. Coughlin agreed that the Town cannot convey ownership, that the Town can have a lease agreement only. There are specific limitations to being able to lease FEMA properties, such as general green space or general agriculture use. There also needs to be a plan so that FEMA is satisfied and some things may have to be done to these properties such as tree removal etc., but the landscape or floodway cannot be changed. K. Coughlin said that what was done for the farming usage of the properties was done correctly, if the Board wants to go through with it. He said with the Board already voting on it back in 2016 it could be interpreted that the Board has already agreed to this and what we are really working on is the final terms of the leases. K. Coughlin told the Board they could change their decision if they wanted to. E. Woods said that she had farmers in mind when this property was released from FEMA,*

but she had no idea P. Campbell was working behind the scenes until she had contacted P. Campbell after the last Board Meeting. B. Middleton mentioned that after the last Board Meeting he recalled the discussion back in 2016 that P. Campbell wanted to do it and the Board told him to get all of the Ok's that were needed to move forward. Discussion followed regarding the last Board Meeting talks about opening up bids to other resident Farmers that might also want to lease the land. E. Woods stated that the attorney just said that the Board Members have the option to change their minds at this point. B. Crannell addressed the Board and asked if they wanted to move forward with the agreement that was voted on in 2016. K. Coughlin said that if anyone else wanted to lease FEMA property, then they would have to start all over and submit a plan to FEMA etc. E. Woods said it seemed like the Board was in agreement of honoring the lease. She asked about the other properties that were available on Sunnyside and on E River Rd. K. Engelbert said that there was an agreement for two properties near the Engelbert Farm that his son's had gotten approval for. There are also properties that have not been released by FEMA yet and no one has approached the Board about them. E. Woods stated that no one is probably aware about these properties and doesn't know what's going on, she went on to say that unless they were informed how would they know to say "I want it". K. Coughlin said we can announce that they are available and the things that can be done on these properties. E. Woods didn't want these properties to only go to the biggest farmers around here and wanted to make sure that they were available for any of our residents to lease. B. Middleton mentioned that these were adjacent properties to their farms. K. Hart-baker asked if it would ever be an issue if the Town was just putting the 4 properties up for lease if that would be thought of as preferential treatment to P. Campbell and K. Engelbert's sons without public knowledge and advertisement. B. Crannell said that this was all done at a public meeting in 2016 and that it wasn't a secret. K. Hart-Baker asked if there was an advertisement that these properties were available to lease. K. Coughlin said that because of the restrictions on FEMA properties that an advertisement was not required and FEMA guidelines are that adjoining property owners are usually asked first. K. Coughlin asked the Board if they wanted to proceed with the decision made five years ago. E. Woods asked how much the Town would be looking at to lease the properties out, she wanted to know the comparables. K. Coughlin told them that people that are farming pay the reduced rate per acre from a normal farm lease, but agricultural leases are only worth the tax credit that those people get. He went on to say that if it was only for mowing, he recommended only \$25 per year. K. Coughlin explained to the Board that another Town took the previous number of what that property was assessed at and what the tax to the Town would have been, they then used that number for the yearly cost of the Ag lease. K. Engelbert asked if that Town took into consideration the cost to remove the trees and to get it into workable land. K. Coughlin told the Board that it is up for them to consider and it would be up to them to set the term of the lease. K. Coughlin also mentioned that there would be a clause, that if the farmer had planted a crop and they were given a 30 day termination of the lease, that farmer still has the right to bring the crop in once it was ready. B. Middleton asked how the farmer recoup the clearing cost, K. Coughlin said that a 5 year lease seemed appropriate. K. Engelbert said the Board has to vote on whether it will honor it's original agreement to lease these properties.

Motion to honor the agreements the Town made to P. Campbell and John and Joe Engelbert 5 years ago made by B. Middleton 2nd by B. Crannell 2nd.

Roll Vote;

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

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

K. Coughlin to work on leases current property leases and passed out copies of other Town land leases to review. He recommends leases should be priced per acre and separated per parcel for agricultural farming. Question from the public was who was paying for the upkeep of the properties now and the Board replied that the Town was. K. Coughlin said that a lease would save the Town money for expenses and bring in revenue where the Town wasn't getting any money for taxes on those parcels.

The Town Board to review paperwork and vote on it at the next meeting.

● *Resolution #6-2021 Operation Green Light -*

WHEREAS: Approximately 200,000 service members transition from military to civilian communities annually and there is an anticipated 20% increase in that transition due to the drawdown of the Afghanistan/Iraq War; and

WHEREAS: Current studies indicate that 44-72% of service members experience high levels of stress during the transition period from military to civilian, sadly for these transitioning members they are at highest risk for suicide during their first year after military service; and

WHEREAS: The Town of Nichols appreciates the sacrifices that our United States military personnel have made while defending freedom and believe that specific recognition should be accorded them in appreciation for their service; and

WHEREAS: Designating this as a time to salute and honor our men and women in uniform who are making the transition to civilian life by switching one lightbulb to green to show visible support for these veterans; therefore

The TOWN OF NICHOLS of the County of Tioga, does hereby proclaim October 13, 2021 through Veterans Day, November 11, 2021 as a:

GREEN LIGHT FOR MILITARY SERVICE TOWN

And in observance of Operation Green Light for Military Services we encourage its residents to recognize the importance of honoring all those who made immeasurable sacrifices in preserving freedom by displaying a green light in a window of their residence and/or business. Green is the color of hope, renewal, wellbeing and that by this simple act of changing one light to green we can spark meaningful conversation regarding the recognition of veterans and help "green light" them forward as valued members of our communities.

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

Roll Vote;

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

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

- *EFPR Solutions Accounting Firm contract -*

Approve contract to audit the Bookkeepers' office. Shelia, prior to her retiring on 12/31/2020, did not balance the books and issues that occurred in 2020 continued into 2021 with Shelia's replacement. Our Town CPA does not specialize in this kind of audit and this accounting firm will go through and get the books straightened out, balance them and send the reports to the state that weren't done as required, as well as get our current figures in order. This will be time consuming, they will need a lot of documentation and they will be going back through the books from 2019 to the current year. The estimated cost for these services will be \$25,000 to \$30,000.

Motion to approve contract with EFPR Solutions made by K. Engelbert 2nd by B. Middleton

Roll Vote;

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

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

- *Union Volunteer Emergency Support -*

The Union Volunteer Emergency Support Squad are expanding their coverage into parts of Tioga County. The Towns of Richford, Berkshire, Newark Valley and Owego.

Including the Villages. They would like the Town of Nichols to sign a letter saying that we support the expansion. The reason they are expanding their territory is because of the lack of service and volunteers. They are not servicing our area yet, but hopefully in the future will add our Town.

Motion to sign letter of support made by B. Middleton 2nd R. Thetga.

Roll Vote;

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

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

- *Approve 2022 Preliminary Town Budget -*

K. Engelbert said that this budget is still very preliminary, that he hasn't changed anything from the tentative budget. He said he got more information from the new Bookkeeper and he was able to put in more accurate figures for the budget modified as of September 1st. The actual 2020 figures are not accurate, they are from 2019. Until he gets the bookkeeping audit straightened out, which he hopes will happen very quickly, K. Engelbert doesn't have the final figures. K. Engelbert went on to say that he was still looking to cut property taxes by 5%. B. Middleton said that he thinks that most people in the Town are happy with the way our Town taxes are going. K. Hart-Baker asked about a discussion from the last meeting, about how people wouldn't mind a 2% reduction in taxes as long as the other 3% as it was going into the infrastructure of the Town like roads. K. Engelbert said that the lowering of taxes by 5% only equals about \$12,000 and we only collected approximately \$230,000 last year in property taxes. Discussion about how much the cost of fuel, salt and other products have risen over the last couple years insured. K. Engelbert will rework the budget and get 2 options available for the Board to review at November 9, 2021 Budget Hearing, one with a 2% cut and one with 5% cut in property taxes.

Motion to approve Preliminary Town Budget made by E. Woods 2nd by K. Engelbert.

Roll Vote;

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

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

- Set 2022 Budget Public Hearing for November 9, 2021 at 7:05am.

Motion to set 2022 Budget Hearing for November 9, 2021 at 7:05pm by K. Engelbert 2nd B. Middleton.

Roll Vote;

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

Carried 5 aye-0 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), B. Crannell (aye), K. Engelbert (aye).

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

ADDITIONAL NEW BUSINESS FROM BOARD MEMBERS -

UPDATE FROM TOWN DEPARTMENTS/PERSONNEL -

Dog Control Officer - Laurie Maciak is requesting Board approval to purchase a microchip scanner. A lot of dogs now have a microchip in them, most pet rescue shelters do this before adoption. This will eliminate a trip to Stray Haven Humane Society to have them scan the dogs. She can scan them as soon as she picks it up and can locate the owners quicker without incurring the cost of having Stray Haven do it. The cost of a multi frequency scanner is \$325.00 and the Town of Spencer has agreed to pay for half since the Dog Control Officer also works there.

Motion to purchase the microchip reader made by K. Engelbert 2nd by B. Middleton

Roll Vote;

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

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

Highway Department – W. Heveland wanted to remind the Town Board that salt and fuel costs have gone up and the Town hasn't raised the Highway budget in much in a couple of years. NYS is looking at mandating prevailing wages for aggregate drivers for companies hauling salt, gravel etc. to the Town. K. Engelbert asked if that was something the Highway Department could do themselves. W. Heveland said that most of the time he tries to. He isn't sure how that will work out with paving because that will double or triple the cost of paving. K. Engelbert asked W. Heveland to come in and talk with him to help get numbers together for the Highway Budget.

Buildings and Grounds - R. Thetga Jr. gave the Board members a service contract for the HVAC units at the new Highway Garage. Board members asked R. Thetga Jr. of what he was capable of doing/fixing himself. He said that he is comfortable changing filters and the like, but not actually repairing the system himself. The contract is a yearly contract where they would come out 4 times a year to service and do any updates required with the system. K. Engelbert asked if the cost of the service contract would save the Town money in the long run. R. Thetga Jr. said yes and went on to explain that the water heater in the Highway garage just broke and the

warranty had expired on it. For us to call them out to fix it, the Town had to pay prevailing wage. With this contract the Town only pays the basic salary rate. K. Engelbert opened the floor up to the Board Members to ask questions. E. Woods asked how long the contract is and can we cancel it at any time. R. Thetga Jr. said that the contract would be for one year and if the Town wasn't happy with their performance then we could choose not to renew the contract the following year. R. Thetga Jr. stated that the contract they are looking at was for 4 yearly service visits, but the Town could opt for 2 service visits and it would drop the cost by \$1,200. B. Middleton asked how much it was total. R. Thetga replied the total is \$6,144. B. Crannell suggested doing 4 service visits the first year and if we don't use it as much then go to a twice a year service contract. Discussion followed about how many units are in the garage. R. Thetga Jr. said that there are 5 units to service and it's all controlled by computer. Filters are included in the contract, but if there are parts that need to be ordered, it would be an extra cost.

Motion to sign service contract for 4 visits with Air Temp made by B. Middleton 2nd by R. Thetga.

Roll Vote;

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

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

R. Thetga Jr. asked where he could move all the Court documents that are stored in the Attic of Town Hall. Discussion ensued about one of the empty rooms at the school. R. Thetga Jr. said that the only room in the building that he can use he and the other occupants of the building use for the mop bucket, as it has running water. Discussion about partitioning the Justice office or Court Room ensued. K. Engelbert said that we should really think about a long term solution since the number of boxes isn't likely to decrease in the future. R. Thetga Jr. said he would continue to think about it. B. Middleton asked R. Thetga Jr. when Mr. Nickels was going to fix the Library front deck. R. Thetga Jr. said that he has contacted him a number of times. B. Middleton stated that it should be done before winter or it's going to get worse. B. Middleton would like to know when he is coming and would be ok with meeting Mr. Nickels to see how and when he'll be fixing it.

Planning Board - RV ordinance. E. Woods asked if V. Trout's tiny home would be included in the RV ordinance. B. Fay-Pellote said it would not if it isn't planning on being moved. E. Woods asked V. Trout if he was planning to affix it to something, V. Trout said yes. V. Trout wanted to know what the difference was between a camper and a trailer since they both have wheels. K. Coughlin said that under building code that they are defined differently. M. Jerzak said that a mobile home/trailer is HUD inspected. V. Trout asked what the Town position is on RV's. The Board said that is what they were discussing that night. A. Silvanic told the Town Board that he and the Planning Board made the changes to the ordinance that were requested at the meeting in August. E. Woods asked the Planning Board that if these RV's/Campers have water and sewage can people live in them year round? A. Silvanic said that they are not designed for winter usage. E. Woods asked if the Town would be throwing people out of their RV's/Campers that are residing in them. A. Silvanic said that anyone that is living in one now is grandfathered in as per what the law says, but they have to have electrical meters and water/sewer hookups for their RV's/Campers. W. Heveland said he thought Town Law now was that people couldn't live in them for more than 180 days. K. Coughlin said that it was the Law as it currently stands today. That would not necessarily be grandfathered, it would have to be legal today. K. Egelbert asked what the next steps were. A. Silvanic said they changed the wording, that the Planning Board only changed the heading at the request of the Town Board. The next step is to send it to the Tioga County Planning Board to get their approval or any changes that they feel is necessary. A. Silvanic said that if it comes back from them and there are no changes to be made then the Town Board would have to have a Public Hearing to vote on adopting the

change in the Ordinance. K. Engelbert asked if they were approving sending the amended RV Ordinance to the County for approval. A. Silvanic said yes. E. Woods asked if someone was building a house if they could live in an RV/Camper. A. Silvanic said that yes they could and it is written in the ordinance under emergency use, such as if someone loses their house to fire or flood, or just building a house. They could live in it for up to 180 days but if they are not progressing on the house that's when the Code Enforcement Officer comes in. E. Woods asked if they could get an extension. A. Silvanic said yes if the house is progressing in its build and they would get a conditional permit from the Code Enforcement Officer. M. Jerzak asked if there were dates associated with 180 days. A. Silvanic said that the dates were in there and the Planning Board tried not to include the winter months because RV's/Campers are not insulated for winter usage. A question was asked where people obtain the permits, A. Silvanic said they would have to get them from the Code Enforcement Officer. H. Stoltzfus said he thought the Town already had an Ordinance like this. A. Silvanic said no, that the only RV Ordinance the Town had was for campgrounds. Discussion about dates of the year that people couldn't live in Recreational vehicles ensued. K. Engelbert said December 15th to April 1st is when people can't live in them unless you had a variance from the Zoning Board of Appeals. A question was asked to clarify if people cannot live in an RV unless it was a hardship or they were building a house? A. Silvanic said no, that from April 1 to October 15 they can live in their campers if they want to, like the people that come up for the racetrack. They can live in them because of the warmer weather. It's the colder weather that the Board is concerned with because they are designed to live in in the cold weather. A. Silvanic went on to say that a lot of people use kerosene and other heaters to stay warm and that's when fires get started and someone can get killed, that is what they are trying to prevent. K. Coughlin told the board that once the Ordinance goes to the County Planning Board they legally have 30 days to review and send it back to the Town and that the Town would not have to take any of their changes into consideration if the County took longer than 30 days to approve it. K. Engelbert said that we would decide on the Public Hearing at the next meeting.

Motion to approve RV Ordinance to be sent to the County Planning Board for approval made by B. Middleton 2nd by B. Crannell.

Roll Vote;

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

Carried 5 aye-0 absent-0 No-1 abstain

Solar Farm Ordinance - A. Silvanic said that there needs to be an amendment made to the Solar Ordinance. E. Woods said she doesn't want to "up" it. A. Silvanic said that it wasn't about that, it was about planting trees to hide the Solar Farms from view. In the Ordinance it doesn't specify the type of tree/how tall/or how far apart they should be planted. A. Silvanic said that he went and looked at the 2 farms we have now and they have 3 ft tall pine trees planted 50 ft apart along the fence line. B. Middleton asked if the Town could go up there and say that this isn't up to code. K. Coughlin said yes and it would depend on conditions of the approval. A. Silvanic said that the conditions were that they needed to provide planting to provide screening to shield the solar panels from view. K. Coughlin said that prior to the next approval the Town can ask the Solar company to submit plans showing exactly what trees and what height. A. Silvanic said that is why they wanted to put it in the Ordinance so it is specific as to what kind of tree, how tall and how far apart it must be so there were no questions. B. Middleton wanted to know if the Town could go after the existing ones now. K. Coughlin said possibly, usually sending a letter will prompt them to fix it. Discussion about types of appropriate trees ensued. A question from the public was, if the Town is requiring these companies to hide the solar farms, why did the Town approve them to be here, why didn't they go on top of buildings? H. Stoltzfus said he would oppose any more solar farms going in, but would be open to rooftop solar. A. Silvanic said that the electricity generated

from these farms is not going directly to Crown or Best Buy. The electricity is going into the grid and most likely going to places like New York City. H. Stoltzfus said that he rented a building that had rooftop solar that went directly to the grid and it didn't require any other infrastructure because the hook up was right there. K. Engelbert asked what the Planning Board needed from the Town Board. A. Silvanic said that the Planning Board needed to do an addendum to change the wording regarding type/height/and spacing of screening trees and bring it back to the Town Board for approval. E. Woods asked if that was the only thing that was being changed. A. Silvanic said yes since the Town Board didn't seem interested in changing the watts. B. Fay-Pellote mentioned she brought information in case the Board wanted to discuss it. B. Fay-Pelotte said that it was the Planning Board's understanding that the town wanted to create a balance between protecting agricultural land and protecting property owners rights to the use of their land. The considerations, if the Town should get to that point, are to not only consider just raising the megawatts but to consider the acreage that would go with it. For example, for every megawatt, the amount of land needed is usually two and a half to seven acres, but five acres is a good reference point. The 2 projects we have now on Hunts Creek is 4 megawatts on 18 acres and Smith Creek is four and a half megawatts on 19.7 acres, our average has been about 4.3 acres per 1 megawatt. A second consideration would be to limit the amount of a single project to only a five megawatt project or a 10 megawatt project. A good visual reference on the 10 megawatt project would be Hunts Creek and Smith Creek together. A 10 megawatt project would take up 50 acres of land. B. Fay-Pelotte went on to say that not all land is desirable for these solar farms. B. Middleton said just limiting the size of each project so as to not take over acres and acres. B. Fay-Pelotte said correctly and went on to say that if a 20 megawatt farm wanted to come to our area, it would take over 100 acres in our Town. B. Middleton said that he knew that the Board was looking at restraints for the solar farms so that wouldn't happen. Discussion followed about not offering pilot programs so the Town could get tax revenue. Kem Hart-Baker asked if the Planning Board was working on a windmill Ordinance. The Planning Board said yes and that there were no companies interested in putting one at this time, they just wanted to get ahead of it just in case.

Code Enforcement - M. Jerzak asked the Board if they were going to vote on the Williamson Law Software he requested last month. E. Woods asked about the cost, M. Jerzak said it was approximately \$5,600 with a yearly support fee of \$1,100. K. Engelbert asked M. Jerzak to remind the Board what the software would enable his office to do that he couldn't do now. M. Jerzak said everything would be on the computer, that anytime anybody calls and complains about a violation he can push a key and it would come up on the computer. It would tell him who lives there, what their tax number is, if there's been problems in the past or how they corrected them. Everything would be documented in that software. Right now everything is listed by year, if somebody comes in and wants to know if the county sent paperwork for their septic he has no idea what to look for. K. Engelbert asked if M. Jerzak uses this program in other towns. M. Jerzak said he uses the program in Candor. Kem Hart-Baker asked who will input the old paperwork into the new program. M. Jerzak said Williamson would, anytime a property is sold all the information goes to Williamson and they're supposed to put it right in the computer. Kem Hart-Baker asked about how the past paperwork gets in there. M. Jerzak said once he gets this set up he would put everything in by tax number from today's date moving forward. Kem Hart-Baker said this won't be helping for anything in the past, that he would still be searching through old boxes. M. Jerzak is hoping to get all the old paperwork put into files by tax number like the assessor does. Anything else moving forward would be in the new software. B. Crannell asks how much activity he sees that he could use the software for. M. Jerzak said a lot, approximately 30 permits a year. The former CEO has got files of violations and warning letters that he sent out. All of that will be documented right into the computer. B. Crannell said that it's not just permits on the file, it's all of the activity with the property. M. Jerzak said yes.

B. Crannell reminded everyone that we already have a lot of boxes that need to be kept permanently, which requires a lot of storage space. K. Engelbert asked if Williamson Law backs up the data. M. Jerzak said yes, it is offsite. B. Middleton mentioned that the Board agreed last time that it would be helpful to the office.

Motion to purchase CEO Williamson Law Software made by B. Crannell 2nd by B. Middleton.

Roll Vote;

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

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

Historian - Kem Hart-Baker said that she continues to receive donations for the museum. The books that were preserved have been delivered. The historical marker for the Dunham Cemetery should be arriving soon. Most everything has been moved from the Cady Library except the display cases. K. Hart-Baker also submitted a grant with the William C. Pomeroy Foundation entitled "Legends and Lore" for one of our local businesses, The Fainting Goat Island Inn. She is also sorting and doing inventory on the stuff she has. K. Hart-Baker wanted to inform the Board that originally the Town was called Rushville, however when the Town was incorporated in 1824 from part of Tioga Center, the name was changed. Further, the Town of Nichols will celebrate its 200th year as a Town in a little over 2 years and she is exploring ways to celebrate this historical event, any person/persons interested in helping out can contact the Town Historian. K. Hart-Baker is requesting the purchase of a fire proof safe for the preserved historical books and a legal size file cabinet for other documents. Discussion about the cost of these cabinets followed. The Board decided to hold off on the fire proof safe until next for now.

Motion to purchase a legal size file cabinet in the Town's possession made by K. Engelbert 2nd by B. Crannell.

Roll Vote;

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

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

OLD BUSINESS -

Marijuana Law - In June the Town Board decided not to make a decision on opting in or out the New York State marijuana law. If the Town doesn't opt out then we have to follow County and State regulation and the Town would benefit from the sales tax generated from store sales. Once the Town opts in the Town cannot ever back out of it. K. Engelbert asked the people attending the Board meeting how they felt about marijuana stores in the Town of Nichols. Discussion about zoning and on site consumption followed. The Town of Nichols can look at more comprehensive zoning/ordinances for these types of businesses. The Town Board has decided to let it ride and will vote on whether or not the Town will opt in or out before the December 31st deadline.

ADDITIONAL OLD BUSINESS FROM BOARD MEMBERS -

ACCEPT REPORTS AND PAY BILLS -

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

Roll Vote;

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

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

ADDITIONAL COMMENTS, QUESTIONS & CRITICISMS -

A. Silvanic asked why everyone from the Planning Board was requested to be at the Board Meeting. E. Woods said that they wanted to talk with them regarding the ordinances. M. Jerzak asked if his new software would be for next year's budget. K. Engelbert said yes.

EXECUTIVE SESSION -

Motion to go into executive session to discuss personnel made by K. Engelbert 2nd by E. Woods.

Roll Vote;

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

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

Motion to end Executive Session at 10:14 pm, made by B. Middleton 2nd by R. Thetga

Roll Vote;

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

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

ADJOURN -

Motion to Adjourn meeting at 10:16pm, made by B. Crannell 2nd by E. Woods.

Roll Vote;

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

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

Karen Hall

Nichols Town Clerk

11/02/2021