

**Town of Nichols
Regular Meeting
December 14, 2021**

Town Supervisor, Kevin Engelbert, brought meeting to order at 7:00pm in the Nichols Elementary School located at 139 Ro-Ki Blvd Nichols NY 13812

PLEDGE OF ALLEGIANCE

ROLL CALL;

Councilperson Ray Thetga Sr. (present), Councilperson Bill Middleton (present), Councilperson Esther Woods (present), Councilperson Barbara Crannell (present), Supervisor Kevin Engelbert (present).

Others present;

Will Heveland (Highway Superintendent), Rose Cole, Ray Thetga Jr (Buildings/Grounds), Brenda Fay-Pelotte (Planning Board), Janyne Stoltzfus (Planning Board), Howard Stoltzfus, Rose Cole, Jessica and Nick Woods, Randy Thetga, Leann Tinney (Director of Tioga County Economic Planning and Development) and Rick Bullock (Milton Cat).

MINUTES -

Motion to accept the minutes as submitted by the Town Clerk from the November 9 and 15, 2021 Town Board Meeting and Special Meeting 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

QUESTIONS COMMENTS & CRITICISMS FROM THE PUBLIC -

NEW BUSINESS -

- LeAnn Tinney gave a presentation to the Board regarding a proposition to partner with Southern Tier Network to run fiber in the town. This will allow service providers to provide broadband service to the unserved and underserved areas within the Town of Nichols. The cost of the project will be approximately \$1,600,000 and the funding would come from grants, as well as, Town and County ARPA monies received. Discussion followed. Board members agreed that this would be great for the residents of the Town and that L. Tinney should start taking the next steps necessary to start the process. E. Woods volunteered to represent the Town during the process.

- Motion to accept Barb Crannell's resignation effective December 31, 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

- Motion to declare any negative impact answers on SEQR short form regarding Hunts Creek project made by B. Crannell 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

TOWN OF NICHOLS
RESOLUTION 07-2021
TO PURCHASE
PERMANENT EASEMENT AND RIGHT-OF-WAY

At a meeting of the Town Board of the Town of Nichols held at Town Hall, 54 East River Road, Nichols, New York on the 14th day of December, 2021, the following resolution was offered and seconded:

WHEREAS, *the Town of Nichols desires to enter into a Permanent Easement and Right-of-Way Agreement with Jessica Woods regarding a certain parcel of land identified as tax parcel number 149.00-1-18.21, and located in the Town of Nichols (“the Premises”); and*

WHEREAS, *the Town of Nichols requires an easement and right-of-way to the Premises in order to perform improvements to the Hunt Creek drainage system for the public benefit; and*

WHEREAS, *upon the purchase of the easement and right-of-way by the Town of Nichols, the sum total of \$1.00 would be payable to Jessica Woods in consideration thereof, in addition to other good and valuable in-kind consideration, as set forth in the Permanent Easement and Right-of-Way Agreement; and*

WHEREAS, *the Permanent Easement and Right-of-Way Agreement referenced above is attached as Appendix A; and*

WHEREAS, *the Town has a public interest in the property transaction for the protection of the adjacent public highway and the Hunt Creek drainage system; and*

WHEREAS, *the Town Board has exercised due diligence in inspecting the property and determining the value thereof; and*

WHEREAS, *, that pursuant to Part 617 of the implementing regulations of the State Environmental Quality Review Act, it has been determined by the Town Board that the purchase of a permanent easement and right-of-way constitutes an Unlisted Action. The Town Board has considered the possible environmental impacts of the action and has determined that it will not have a significant adverse impact on the environment and the Town Board adopts a negative declaration with respect thereto.*

NOW THEREFORE BE IT RESOLVED, *that the Supervisor of the Town of Nichols be and hereby is authorized to execute any and all necessary legal documents to enter into the aforementioned Permanent Easement and Right-of-Way Agreement; and*

BE IT FURTHER RESOLVED, *that, pursuant to Town Law §64(2), this resolution is subject to permissive referendum.*

- *Motion to pass Resolution 07-2021 To Purchase Permanent Easement and Right of way between the Town and Nick and Jessica Woods made by K. Engelbert 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
Permissive referendum to be posted regarding easement in the local paper by Coughlin and Gerhart. A Copy of Resolution 07-2021 will be filed in the Town Clerk's Office.
- *Motion to appoint Joyce Mantei as Court clerk to Justice Grinage made by B. Middleton and 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
- *Motion to appoint Mary Caldwell as Deputy Court Clerk made by B. Middleton and 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
- *The County wanted the Board to consider changing the Town's Code Fees so that each Town throughout the County has the same Fee Schedule. The Board discussed it and the result was to not change the Fee.*
- *Motion to approve 2022 Stray Haven contract made by E. Woods 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
- *Motion to cancel December 20, 2021 made by R. Theta 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
- *Motion to set Organizational Meeting for January 3, 2022 at 10:00 am at Town Hall made by E. Woods 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

ADDITIONAL NEW BUSINESS FROM BOARD MEMBERS -

UPDATE FROM TOWN DEPARTMENTS/PERSONNEL -

Highway Department – W. Heveland brought Rick Bullock representative from Milton CAT to give the Board a quote on a 938M Loader with bucket and brush and inform them about the trade program. Questions and discussion followed.

Motion to purchase the 938 M CAT for \$177,000.00 made by R. Theta 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

W. Heveland asked about replacing the 1984 roller that doesn't work anymore, instead of renting one every month. The Board told him to present them with quotes at the next meeting.

Buildings and Grounds - R. Thetga mentioned that he would replace the mowers that have over 1000 riding time on them next year.

OLD BUSINESS -

E. Woods asked K. Coughlin if the lease proposals were ready for the Board to review. K. Coughlin stated that they were not.

ADDITIONAL OLD BUSINESS FROM BOARD MEMBERS -

ADDITIONAL PUBLIC COMMENTS -

ACCEPT REPORTS AND PAY BILLS -

Motion to accept the Reports and Pay Bills, 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

Motion to pay end of year Bill and Balance the Accounts made by B. Middleton 2nd 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

EXECUTIVE SESSION

Motion to go into executive session to discuss personnel 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

No Action taken

Motion to go out of Executive Session at 8:09 pm 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

ADJOURN

Motion to Adjourn meeting at 8:10pm made by B. Crannell 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

Respectfully Submitted,

Karen Hall

Nichols Town Clerk, 12/21/2021