

**TOWN OF NICHOLS
REGULAR MEETING
MAY 10, 2022**

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

PLEDGE OF ALLEGIANCE

ROLL CALL;

Councilperson Bill Middleton (present), Councilperson Esther Woods (*absent*), Councilperson Rose Cole (present), Councilperson Brenda Fay-Pelotte (present), Supervisor Kevin Engelbert (present).

ALSO PRESENT;

Will Heveland (Highway Superintendent), Kem Hart-Baker (Historian), Randy Thetga, Bryan Cole, Mark Hanford, Howard and Jayne Stoltzfus, Martin Jerzak (CEO) and Karen Hall (Town Clerk).

QUESTIONS, COMMENTS AND CRITICISMS –

MINUTES

Motion to approve minutes from April 12, 2022 and April 27, 2022, with amendment to April 27, 2022 to include that B. Fay-Pelotte made the motion and 2nd was E. Woods to approve the overage in cost for the Historian printer and fireproof safe and to change the spelling of the new owners of Jim's RV to Wilkins RV made by B. Fay-Pelotte 2nd by R. Cole.

Roll Vote;

B. Middleton (aye), R. Cole (aye), B. Fay-Pelotte (aye), K. Engelbert (aye).

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

NEW BUSINESS –

- Motion to approve Chris Williams as NJFD Fire Commissioner made by R. Cole 2nd by B. Fay Pelotte.

Roll Vote;

B. Middleton (aye), R. Cole (aye), B. Fay-Pelotte (aye), K. Engelbert (aye).

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

- Bryan Cole addressed the board and is looking for ways to increase staffing of emergency service personnel at NJFD. The Board of Commissions will be getting together and would like to have someone from the Town Board meet with them so they can get some input and insight of what the Town needs and to find the best way forward to serve our residents.
- Cannabis Opt Out/ Smoke Free Grounds Policy - Elaine Jardine passed out papers to the Board members that listed the Tioga County municipalities Opt In/Out status for NYS MRTA (Marijuana Regulation and Taxation Act) and gave the Board a presentation to help the board with municipal regulation for any retail dispensaries and/or onsite consumption establishments that may open in the Town. The presentation paperwork is on file in the Town Clerk's Office. E. Jardine told the Board that NYS Office of Cannabis

Management has started working on regulations and those should be complete in late 2022- early 2023. The NYSOCM should start issuing licenses for retail dispensaries and on site consumption as early as next summer. The Town of Nichols has zoning in place for businesses and because of that the Town can regulate use, location, density, time and manner of these cannabis businesses. The Town can also regulate cannabis smoking in public places and modify existing regulations, such as bars and liquor stores. H. Stoltzfus asked if a store could be near Kirby Park, E. Jardine said yes. However, the Park can amend their no smoking on grounds policy and add cannabis language to it. The Board discussed zoning, where those zones are and answered a question from M. Grinage as to why the Board did not opt out last year. The Board mentioned that M. Grinage may want to be a part of a working committee to assist the Planning Board create the Code to regulate adult use of cannabis.

Motion to modify zoning laws for adult use cannabis in public and creating a smoke free grounds policy made by R. Cole 2nd by B. Middleton.

Roll Vote;

B. Middleton (aye), R. Cole (aye), B. Fay-Pelotte (aye), K. Engelbert (aye).

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

- Spring Cleanup Day - R. Cole addressed the Board about having a Town Wide "Spring Clean Up". She talked to the Head of Recycling for Tioga County, Ellen Pratt, to get information regarding shared services through the County that the Town can use to collect tires and old electronics. She also talked with the Town of Tioga about how they do their clean up day. The Board discussed how many days it would take, advertising, getting volunteers and it was also mentioned that the Town could do it this Fall. W. Heveland suggested collecting scrap metal to help offset the cost of collection/disposal. A question was raised if turning in scrap would be a conflict of interest. R. Cole to get more information on the cost of the disposal of the tires and collecting of scrap metal.

- Tioga Downs Annual Fireworks Permit -

Motion to approve Tioga Downs Fireworks Permit for the Dates of 5/28/22, 7/4/22 and 9/24/22 made by B. Fay-Pelotte 2nd by B. Middleton.

Roll Vote;

B. Middleton (aye), R. Cole (aye), B. Fay-Pelotte (aye), K. Engelbert (aye).

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

ADDITIONAL NEW BUSINESS –

- R. Cole and Melanie (Bookkeeper) had a meeting with Nancy Henry, Tioga County Civil Service Technician, regarding job titles and descriptions. R. Cole mentioned there might be a couple "title" changes to appointees to avoid required civil service exams.
- R. Cole went to the County Emergency Services Planning Meeting. They discussed hazard risks and having a plan to mitigate hazards if something were to happen within the Town limits. R. Cole didn't think that the Town had one in place and wanted to look into getting more information regarding putting a plan together. The Board thought that was a good idea.

UPDATE FROM TOWN PERSONNEL –

Highway - W. Heveland brought in the County shared services contract for Tri-County Tree Service for the Board to review to make sure there was no conflict of interest with the Town hiring this company. He also gave the Board members CHIPS, Pave New York and EMR funding figures from the State, which is approximately \$300,000.00 for road repair and paving. W. Heveland told the Board that they are getting the roads ready for paving, as well as changing driveway pipes and putting in crossover pipes. They are also working on trucks. The Board asked if the trucks were fixed and W. Heveland stated that there are still 2 trucks down with electrical problems, one is in the shop and when it comes back the other will go in to get fixed. W. Heveland and the Board discussed replacing trucks and the Board asked W. Heveland to document how often, which trucks break down, what is broken and how long it is out of commission. B. Middleton asked W. Heveland when he will start paving, W. Heveland stated that they were getting the roads ready first and there is not an exact start date yet.

Buildings and Grounds - Motion to table bid estimates of service contract estimate for the standby generator and air filter grills at the Highway Garage until the Board can further discuss it with R. Thetga Jr. made by B. Fay-Pelotte 2nd by R. Cole.

Roll Vote;

B. Middleton (aye), R. Cole (aye), B. Fay-Pelotte (aye), K. Engelbert (aye).

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

Historian - K. Hart-Baker gave an update on the museum regarding visitors, student volunteers, donations, Historical signage and the Memories of Nichols Facebook page. She has also created a tribute in the hallway for Memorial Day for those that were killed in action from the civil war to present day.

OLD BUSINESS –

Hazard Mitigation Grant - K. Engelbert said there are 4 homeowners interested and it will be a 90/10 cost share.

Shared Services/Upstate Town Association - B. Middleton stated that there were no meetings this month and that he will talk to Marte Saurerbrey regarding shared services on Thursday.

Comprehensive Plan/Council of Governments - B. Fay-Pelotte reported COG and Comp Plan update at the last meeting and told the Board that she had attended a meeting on May 5th with the Office of Cannabis Control Board where they passed 2 resolutions to advise regulation. The first resolution was for home cultivation for medical marijuana; a person can have up to 6 mature, 6 immature plants and can possess up to 5 lbs of home cultivated cannabis for a certified patient that needs it medically. It also calls for the regulation of sales of plants and seeds to ensure that they are quality and safe products, as well as packaging and labeling of the products to include when the product was harvested and what pesticides were used for medicinal marijuana. The second resolution determined that the Chairperson will grant the cultivator licenses and the Board will issue the conditional adult use cultivator licenses. March 15 the application portal opened to apply to cultivate marijuana and will close on June 30. The Board discussed that the State has received up to 150 applications so far and that none were for Tioga County at that time.

Hazard Mitigation Plan/REAP - Nothing new

Cancel May 25, 2022 Meeting - No motion made

OTHER OLD BUSINESS –

MOTION TO ACCEPT REPORTS AND PAY BILLS -

Supervisor’s Report - Was submitted and is filed in the Clerk’s Office.

CEO Report - Was submitted and is filed in the Clerk’s Office.

DCO Report - Was submitted and is filed in the Clerk’s Office.

Historian Report - Was submitted and is filed in the Clerk’s Office.

Justice Reports - Was submitted and is filed in the Clerk’s Office.

Town Clerk Report - Was submitted and is filed in the Clerk’s Office.

Abstract #5-2022

General Fund	#214-264	\$ 88,853.69
General Town Outside	#243-252	\$ 60.36
Highway Townwide	# 92-104	\$ 180,658.74
Highway Outside	# 90-106	\$ 17,353.62
Sewer	# 35-46	\$ 8,032.05
<u>Water</u>	<u># 35-46</u>	<u>\$ 2,176.54</u>
Total		\$ 297,135.00

Motion to accept reports and pay bills made by B. Middleton 2nd B. Fay-Pelotte.

Roll Vote;

B. Middleton (aye), R. Cole (aye), B. Fay-Pelotte (aye), K. Engelbert (aye).

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

ADDITIONAL COMMENTS, QUESTIONS & CRITICISM FROM THE PUBLIC –

EXECUTIVE SESSION –

Motion to go into executive session at 8:06 pm to discuss personnel made by K. Engelbert 2nd by B.

Fay-Pelotte.

Roll Vote;

B. Middleton (aye), R. Cole (aye), B. Fay-Pelotte (aye), K. Engelbert (aye).

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

Motion to go out of Executive Session at 8:33 pm made by K. Engelbert 2nd R. Cole.

Roll Vote;

B. Middleton (aye), R. Cole (aye), B. Fay-Pelotte (aye), K. Engelbert (aye).

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

No action taken

MOTION TO ADJOURN –

Motion to adjourn the meeting at 8:36 pm made by B. Fay-Pelotte 2nd B. Middleton.

Roll Vote;

B. Middleton (aye), R. Cole (aye), B. Fay-Pelotte (aye), K. Engelbert (aye).

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

Respectfully Submitted,

Karen Hall

05/18/2022