

**TOWN OF NICHOLS
REGULAR MEETING
JUNE 14, 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 (absent), Councilperson Esther Woods (present), Councilperson Rose Cole (absent), Councilperson Brenda Fay-Pelotte (present), Supervisor Kevin Engelbert (present).

ALSO PRESENT;

Will Heveland (Highway Superintendent), Kem Hart-Baker (Historian), Ray Thetga Jr (Buildings and Grounds), Laurie Maciak (DCO), Roger and Alicia Field, Rick Kie, LeeAnn Tinney, Ed Fredenburg, Steven and Lillie Harmatuk, Brandon Sicker, Howard Stoltzfus, and Karen Hall (Town Clerk).

QUESTIONS, COMMENTS AND CRITICISMS –

Steve Harmatuk complained about the dust on Decker Hill Rd. W. Heveland told him that Decker Hill Rd. is being prepped so it can be paved later this year.

Alicia and Roger Field complained about the dust on Herzog Rd and asked if it could get oil and chipped or sprayed with calcium/brine. They feel like their road is not a priority. A. and R. Field also wanted their sluice pipe fixed because it has settled and the top of the pipe is showing from water erosion. Discussion followed regarding the homeowner's responsibility to maintain their driveway, but if the pipe was installed improperly then the Town should fix it. W. Heveland to look at the driveway pipe and decide if the Town is responsible to fix it.

Rick Kie of 27 Ro-Ki Blvd stated that his abstract says, when NES was no longer used as a school that a temporary easement will revert back to him, this includes the pathway behind his property. He let the Board know that he will be putting up a chain and will be posting signage of private property.

MINUTES

Motion to approve minutes from May 10, 2022 made by B. Fay-Pelotte 2nd by E. Woods.

Roll Vote;

E. Woods (aye), B. Fay-Pelotte (aye), and K. Engelbert (aye).

Carried 3 aye- 2 absent- 0 No- 0 abstain

NEW BUSINESS –

- *ConnectALL Pilot Initiative Program - L. Tinney gave the Board Members a copy of a press release that went out to the local news agencies saying that the Town of Nichols was one of four communities in New York State that will take part in the ConnectAll program to expand high speed broadband access to rural areas across the state. This means that the build out will include the Village and several roads in the Town that were*

not originally included. There is a need to add some extra poles on Waite Rd as well as Coryell Rd within the Town's right-of-way with the least amount of impact to property owners. The cost to the Town of Nichols remains the same, but the County is paying an additional \$70,000.00. Southern Tier Network would like to get houses connected by October. A License Liability Release form will need to be signed.

Motion to sign Limited Liability Release Form contingent on the Town Attorney's edits and approval made by E. Woods 2nd by B. Fay-Pelotte.

Roll Vote;

E. Woods (aye), B. Fay-Pelotte (aye), and K. Engelbert (aye).

Carried 3 aye- 2 absent- 0 No- 0 abstain

Discussion followed about where to securely store the cable during the installation, W. Heveland said that the new highway garage can be made available to store the cable.

- Mobile Home Park Permit Application - B. Fay-Pelotte said that according to Nichols Town Code a mobile home park within Town limits is required to apply for an Operator License each year and an application had never been created. The Planning Board finalized and approved an application and is asking the Town Board to approve it. Motion to approve the Mobile Home Park Operator License Application made by E. Woods 2nd by B. Fay-Pelotte.

Roll Vote;

E. Woods (aye), B. Fay-Pelotte (aye), and K. Engelbert (aye).

Carried 3 aye- 2 absent- 0 No- 0 abstain

- NYS DEC Cooperative Agreement - Motion to approve the signing of the 20 yr NYS DEC Cooperative agreement for the east and west boat launches made by K. Engelbert 2nd by B. Fay-Pelotte.

Roll Vote;

E. Woods (aye), B. Fay-Pelotte (aye), and K. Engelbert (aye).

Carried 3 aye- 2 absent- 0 No- 0 abstain

Discussion followed about adding an additional boat launch and fishing access near the Sewer Plant.

- NYS Retirement is offering, to those that participate, a NYS Deferred Compensation Plan. If any employees are interested in participating they can go to the Town Clerk's Office to look at the information provided by NYS.

ADDITIONAL NEW BUSINESS –

- E. Woods asked about a Lease Agreement with Paul Campbell. The Board agreed to wait until the next meeting when all the Board Members and the Town's Attorney can discuss it.

UPDATE FROM TOWN PERSONNEL –

Highway - W. Heveland stated that Waite Rd had been paved and they will be starting on Mt Pleasant Rd next week. They also started working on Decker Hill and Red Brush Roads to prepare for paving. The Town of Owego agreed to pay for their portion of the materials used on Red Brush Rd. W. Heveland asked if his employees get the day off for Juneteenth. K. Engelbert stated the Board agreed in the current Handbook that they all observed federal Holidays off.

Buildings and Grounds - Ray Thetga, Jr said he is working on finishing up various projects and brought up a service contract for the NES generators. The Board tabled the discussion until next month when all the Board Members can be there. The Board asked when the Library's front porch will be fixed, they are concerned that nothing is happening and the porch is a safety hazard. R. Thetga Jr to contact Mike Nichols and put up caution tape to keep people off of the porch.

Historian - K. Hart-Baker said that the number of visitors and the Facebook page have increased, she has a new college student volunteer that is earning college credits, there have many donations and the new historical marker has been installed in front of the Cady Library.

DCO - Laurie Maciak asked the Board to pay an invoice for the "Dog Control" embroidered shirts she wears when working in her capacity as the Town's Dog Control Officer. She also stated that the Town of Spencer agreed to pay 1/2 of the cost in the amount of \$110.00. The Board discussed who had given original approval to purchase the clothing. L. Maciak stated that she was searching for some training to help her be a better Dog Control Officer and found a class that teaches learning the signs and temperament of dogs. She has already paid for the course and asked the Board if they would approve reimbursing her for some of the cost. The Board approved paying for the clothing, but not the class and told L. Maciak that she needs to ask for Board approval prior to purchasing.

OLD BUSINESS –

Hazard Mitigation Grant - E. Woods stated that only 2 residents qualify for the FEMA Flood Mitigation Grant and that they are waiting to see if the grant will be approved.

Comprehensive Plan/Council of Governments - B. Fay-Pelotte suggested starting fresh and shortening the Comprehensive Plan, the Board agreed. COG - Tioga County is working on a County wide cemetery program, the Town decided not to participate since we take care of our own cemeteries.

Cancel May 25, 2022 Meeting - Motion to cancel June 22, 2022 meeting made by B. Fay-Pelotte 2nd by E. Woods.

Roll Vote;

E. Woods (aye), B. Fay-Pelotte (aye), and K. Engelbert (aye).

Carried 3 aye- 2 absent- 0 No- 0 abstain

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 #6-2022

General Fund	#265-320	\$ 305,051.06
General Town Outside	#286	\$ 33.84
Highway Townwide	#109-129	\$ 5,499.88
Highway Outside	#107-125	\$ 170,681.46
Sewer	# 61-75	\$ 6,511.76
Water	# 61-74	\$ 7,154.32
<u>Library</u>	<u>#238</u>	<u>\$ 339.32</u>
Total		\$ 495,271.64

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

Roll Vote;

E. Woods (aye), B. Fay-Pelotte (aye), and K. Engelbert (aye).

Carried 3 aye- 2 absent- 0 No- 0 abstain

ADDITIONAL COMMENTS, QUESTIONS & CRITICISM FROM THE PUBLIC –

H. Stoltzfus asked if there was anyone that had a public comment or spoke up against or in favor of cannabis stores within the Town. K. Engelbert said that it was advertised and no one came. Discussion about the Town’s official paper the Tioga County Courier. The Board also told him that there is nothing the Town can do to change the decision once the December 31st date passed. H. Stoltzfus asked what the upside to not opting out was. E. Woods stated that in her opinion that there was no stopping it and there is revenue to make off the sales. K. Engelbert stated that because it’s a business, it has to operate in one of our zoned areas and that there was no way for the Town to enforce the opt out rule. Another reason given for not opting out was for medicinal purposes. Questions were asked about the store in the Village and how they could be there if the Village opted out. It was explained by the Board that it wasn’t a “Store”, that the business was taking advantage of a loophole and considered themselves a “Private Club”. Discussion followed regarding rules and regulations of the State of New York.

EXECUTIVE SESSION –

MOTION TO ADJOURN –

Motion to adjourn the meeting at 8:20 pm made by E. Woods 2nd by B. Fay-Pelotte.

Roll Vote;

E. Woods (aye), B. Fay-Pelotte (aye), and K. Engelbert (aye).

Carried 3 aye- 2 absent- 0 No- 0 abstain

Respectfully Submitted,
Karen Hall
06/24/2022