

**TOWN OF NICHOLS
REGULAR MEETING
JULY 12, 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;

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

ALSO PRESENT;

Will Heveland (Highway Superintendent), Kem Hart-Baker (Historian), Ray Thetga Jr (Buildings and Grounds), Laurie Maciak (DCO), Robert Nugent (Utilities), Mike Grinage (Justice), LeeAnn Tinney, Mary Caldwell, Paul Campbell, Rick Kie, Larry Katchuk, Truman and Laura Kittle, Renee Spear (Executive Director Catholic Charities) and Karen Hall (Town Clerk).

QUESTIONS, COMMENTS AND CRITICISMS –

Truman Kittle addressed the Board and stated that the bill to fix the portion of road that he damaged on Upper Briggs Hill Rd was excessive. He showed pictures to the Board and said he would repair the road himself with chip/stone and tar. The Board told him he was not allowed to fix it personally because of liability issues, but the Board told him to present an estimate from a reputable company to W. Heveland with the hopes that the Highway Department and T. Kittle can come to a resolution to fix the damage.

MINUTES

Motion to approve minutes from June 14, 2022 made by B. Fay-Pelotte 2nd by E. Woods.

Roll Vote;

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

Carried 2 aye- 1 absent- 0 No- 2 abstain

NEW BUSINESS –

- *ConnectALL Pilot Initiative Program - L. Tinney gave the Board Members a flyer saying that the Tioga County Planning and Southern Tier Network will be at NJFD on July 14, 2022 to discuss and answer any questions residents may have about the installation of the fiber optic lines that will bring internet to the Town and Village of Nichols. There is a need to add some extra poles on Waite Rd, Coryell Rd and Red Brush Rd. Initial phase will start August 1st and project completion is anticipated in the first quarter of 2023. The wording of the License Liability Release Agreement form has been approved by all parties and will need to be signed to proceed.*

Motion to sign Limited Liability Agreement Release Form made by R. Cole 2nd by B. Middleton.

Roll Vote;

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

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

- *Hunts Creek Restoration - No sealed bids were presented and the date of when the bids were due was incorrect in the Specification packet. Doak Engineering will also be changing the size of the stone in the specifications. A new legal notice will be posted in the Tioga Courier for sealed bids and those will be presented to the Board and opened at the August 9, 2022 Board Meeting. Plans and Specifications will be posted on the Town's website. Board discussed the timing of completion and the change to smaller stone.*
- *Court Clerk Training - Motion to approve the Town covering the cost for a hotel room for 1 night for Joce Mantei and Mary Caldwell made by B. Fay-pelotte 2nd R. Cole.*
Roll Vote;
B. Middleton (aye), R. Cole (aye), B. Fay-Pelotte (aye), and K. Engelbert (aye).
Carried 4 aye- 1 absent- 0 No- 0 abstain
- *FEMA Property Lease Agreements - Keegan Coughlin spoke to the Board via telephone and told them that in 2016-2017 the Board approve a Resolution with a Permissive Referendum to lease FEMA flood properties to P. Campbell and Joe and John Engelbert at \$5 per parcel annually for the length of their lease. If the Board wants to change the annual lease rate they would need to pass another Resolution with Permissive Referendum.*
Motion to approve signing of lease agreements for FEMA flood property with John and Joe Engelbert and Paul Campbell at \$5.00 per year per parcel for 10 years with option for both parties to renew at the end of the lease agreement made by B. Fay-Pelotte 2nd R. Cole.
Roll Vote;
B. Middleton (aye), R. Cole (aye), B. Fay-Pelotte (aye), and K. Engelbert (abstain).
Carried 3 aye- 1 absent- 0 No- 1 abstain
- *Tioga Opportunities 30-day lease termination notice - Tioga Opportunities presented to the Board their 30-day notice to terminate their lease at NES. Renee Spear, executive Director of Catholic Charities was present to ask the Board to consider renting the front office and the old teacher's lounge to Catholic Charities. She stated that their services are expanding and they would like to use the space to meet with families privately and being the first office and when people walk into the building it would be convenient for them. She reminded the Board that Catholic Charities services 25% of our local residents and services the surrounding communities as well. They assist families/individuals with food, utilities, small car repair, housing, food stamps and eventually would like to start a senior social gathering with a meal. Discussion followed about the Town eventually using space at the school. The Board tabled the decision pending further discussion.*

- *Agreement with Soil & Water Conservation District for StormWater Service - Motion to sign annual Agreement for Stormwater Service made by B. Middleton 2nd by B. Fay-Pelotte.*

Roll Vote;

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

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

- *NYS Assessor Annual Conference - Motion to approve 1/3 cost to be split by 3 Towns for Town Assessor to go to annual conference made by B. Fay-Pelotte 2nd by B. Middleton.*

Roll Vote;

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

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

ADDITIONAL NEW BUSINESS –

- *B. Fay-Pelotte told the Board that Tioga Downs submitted a site plan review to install a private solar collection array and the 239 review will go to the County tomorrow night. If it passes at the County it will come back to the Town Planning Board and they can get their permits if everything passes. They will not be tied to the public electric grid and it is under 1MW. They will also be using a tracker rack system and low glare technology for their panels.*
- *R. Cole discussed with the Board that she went to a meeting regarding local emergency planning at the County. Items discussed were the final version of the EMS study and updating the Hazard Assessment Plan. R. Cole also discussed with the Board the need to finalize the Town’s Emergency Operation Plan, which is in draft form. She also suggested joining another Town like Spencer or Candor to do Tier 3 emergency management training for everyone on the Board. R. Cole to get more information regarding dates and follow up with the Board.*

UPDATE FROM TOWN PERSONNEL –

Highway - W. Heveland stated that the Highway department is only working with one truck, that two are in the shop and one is waiting for parts. The Board discussed purchasing a different brand in the future. W. Heveland suggested purchasing a new vehicle every year or every other year until all the vehicles have been replaced. The Board agreed with him.

Buildings and Grounds - Ray Thetga, Jr said he is working removing trees behind Town Hall. He said he reached out to Nichols Re Construction regarding fixing the porch at the Library, the Board told R. Thetga that if he doesn’t get anywhere with Wes Nichols then they will send a certified letter to him. Discussion followed regarding EMS services; if NJFD signs with Greater Valley it could cost residents a lot of money because they can bill for their services, having a paid EMS staff at NJFD and that the County is talking about taking over services and having a centralized Ambulance service. R. Thetga mentioned that he will be retaking his CDL road test in October. Discussion about an Air Temp filter service contract for the split unit and a generator service agreement for the Highway Garage. R. Thetga Jr. to follow up with CAT to find if it is still under warranty or already has a service contract.

Motion to approve Air Temp return air filter service contract for split unit at Highway Garage made by R. Cole 2nd by B. Fay-Pelotte.

Roll Vote;

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

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

B. Middleton talked to the Board about the emergency generator at NES and suggested the Town pay for all costs that pertain to NES because it is Town owned. B. Fay-Pelotte told the Board that there is a maintenance plan already in place that has 8 more years on it. It does not include repair fees incurred. R. Thetga Jr. to find out if that generator is still under warranty.

Motion to cover all costs on the emergency generator and costs that are related to NES made by B. Middleton 2nd by R. Cole.

Roll Vote;

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

Carried 3 aye- 1 absent- 0 No- 1 abstain

R. Thetga asked Board permission to assist and show the Village Grounds worker how to patch the potholes within village limits. K. Engelbert stated that technically the Town should bill the Village and told R. Thetga to keep track of their hours.

Motion to approve R. Thetga and his crew help out the new maintenance man in the Village with labor and equipment to repair potholes made by K. Engelbert 2nd by B. Middleton.

Roll Vote;

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

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

Historian - K. Hart-Baker asked the Board to approve her going to the NYS Public Historians Annual Meeting. Her report is on file in the clerk's office.

Motion to approve K. Hart-Baker to go to NYS Public Historians Annual Meeting made by B. Fay-Pelotte 2nd by K. Engelbert.

Roll Vote;

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

Carried 3 aye- 1 absent- 1 No- 0 abstain

DCO - Laurie Maciak asked for Board approval to pay for a 2 night Hotel room for dog control training, with Spencer paying for the class and mileage.

Motion to approve paying for 2 night hotel stay at \$95.00 per night made by R. Cole 2nd by B. Fay-Pelotte.

Roll Vote;

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

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

L. Maciak also asked for the purchase of a wireless cellular trail cam to assist in the trapping and capture of dogs that are running loose. Discussion followed about the type of camera and how it would be used. The Board told L. Maciak to do more research on trail cam.

Utilities - Robert Nugent would like to upgrade the control system at the water plant to one he would be able to monitor and control remotely. Discussion followed on who would put together the bid package. The Board told R. Nugent to get formal proposals together and submit them to them for review.

OLD BUSINESS –

Hazard Mitigation Grant (Esther) - Nothing to report.

Comprehensive Plan/Council of Governments (Brenda) - No meeting, decided to work with original Comp Plan.

Shared Services/Upstate Towns Association (Bill)- No Meetings.

Hazard Mitigation Plan/REAP (Rose)- Mentioned the Hazard mitigation above and nothing to report on REAP

Cancel July 27, 2022 Meeting - Motion to cancel July 27, 2022 meeting made by R. Cole 2nd by B. Middleton.

Roll Vote;

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

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

OTHER OLD BUSINESS –

B. Fay-Pelotte told the Board that the Dandy are doing some remodeling. They are installing new pumps and adding additional parking. Dandy is planning in the future to put an addition on the building.

R. Cole passed out a copy of the draft Employee Handbook to everyone. There are highlighted sections of it that some need questions answered by the Board, questions for the Attorney and items requested by the Board to be put in the handbook. She would like everyone to look it over and have it on the agenda for review at the next meeting.

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 #7-2022

General Fund	#321-364	\$ 56,344.29
General Town Outside	#332-349	\$ 207.20
Highway Townwide	#133-143	\$ 21,264.35
Highway Outside	#130-144	\$ 26,518.31
Sewer	# 76-86	\$ 4,776.96
Water	# 76-86	\$ 3,169.20
Total		\$ 112,280.31

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

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

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

ADDITIONAL COMMENTS, QUESTIONS & CRITICISM FROM THE PUBLIC –

B. Middleton and B. Fay-Pelotte wanted to thank R. Thetga Jr. and Will and their crews for the great job they did cleaning up the boat launches.

P. Campbell asked what he needed to do to complete the lease agreement. K. Engelbert told him to bring a check, insurance liability paperwork and get the lease notarized. B. Middleton to meet with P. Campbell and Joe and John Engelbert the following afternoon to finalize the lease and send it to the Town Attorney.

W. Heveland asked the Board if there was a timeline for T. Kittle to drop off the estimate. He stated that Midland will be in Nichols on the 29th. The Board told W. Heveland that if he doesn't hear anything from T. Kittle, to let them know. He also told the Board that tar is no longer used on the roads, what is used is asphalt oil. The Board said that the estimate that is brought to him by T. Kittle will be his decision to approve or not approve and they will stand behind him.

EXECUTIVE SESSION –

Motion to go into executive session (*no reason given*) at 9:30 pm made by R. Cole 2nd by K. Engelbert.

Roll Vote;

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

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

Motion to go out of executive session at 9:52 pm made by B. Middleton and 2nd by K. Engelbert.

Roll Vote;

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

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

MOTION TO ADJOURN –

Motion to adjourn the meeting at 9:53 pm made by R. Woods 2nd by B. Fay-Pelotte.

Roll Vote;

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

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

Respectfully Submitted,

Karen Hall

07/26/2022