

**TOWN OF NICHOLS
REGULAR MEETING
AUGUST 9, 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 (present), Councilperson Rose Cole (present), Councilperson Brenda Fay-Pelotte (present).

ALSO PRESENT;

Will Heveland (Highway Superintendent), Ray Thetga Jr (Buildings and Grounds), LeeAnn Tinney, Howard and Jayne Stoltzfus, Roger M Cole, Marcus Cole, Margaret Soprano, Mike Mente Sr., Brian Doak and Karen Hall (Town Clerk).

QUESTIONS, COMMENTS AND CRITICISMS –

MINUTES

Motion to approve minutes from July 12, 2022 made by R. Cole 2nd by B. Middleton.

Roll Vote;

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

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

NEW BUSINESS –

- *Open Sealed bids for Hunts Creek Restoration Project - Marcus Cole Construction - \$491,547.19*

Motion to approve bid from Marcus Cole Construction made by B. Fay-Pelotte 2nd by B. Middleton.

Roll Vote;

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

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

Document to be reviewed by Town attorney prior to Town signing the contract.

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- *Employee Handbook - Revisions with comments were passed out to Board members to review. A work session was requested to discuss the Handbook, future work session date to be determined.*

- *National Incident Management System Resolution -*

TOWN OF NICHOLS

RESOLUTION 10-2022 TO ADOPT THE NATIONAL INCIDENT MANAGEMENT SYSTEM

At a meeting of the Town Board of the Town of Nichols held at NES, 139 Ro-Ki Blvd, Nichols, New York on the 9th day of August, 2022, the following resolution was offered and seconded:

WHEREAS, Homeland Security Presidential Directive 5 (HSPD-5) calls for the establishment of a single, comprehensive national incident management system; and

WHEREAS, the National Incident Management System (NIMS) provides the template for the management of incidents ranging from daily occurrences to incidents requiring a coordinated Federal response; and

WHEREAS, NIMS provides for a consistent nationwide approach for federal, state, local and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to, and recover from domestic incidents; and

WHEREAS, Federal guidelines indicate that any jurisdiction which receives federal preparedness program funds is required to be NIMS Compliant.

NOW THEREFORE BE IT RESOLVED, by the Town Board of the Town of Nichols that the Town of Nichols hereby adopts the NIMS concepts of emergency planning and incident command; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

CERTIFICATION

I, Karen Hall, hereby certify that I am the Town Clerk of the Town of Nichols and that the foregoing constitutes a true, correct and complete copy of a resolution duly adopted by the Town Board of the Town of Nichols at a meeting held at Town NES, 139 Ro-Ki Blvd, Nichols, NY on the 9th day of August, 2022. Said resolution was adopted by the following roll call vote:

Supervisor Kevin Engelbert	<u>Aye</u>
Council Member Roseann Cole	<u>Aye</u>
Council Member Esther Woods	<u>Aye</u>
Council Member Bill Middleton	<u>Aye</u>
Council Member Brenda Fay-Pelotte	<u>Aye</u>

Date: August 9, 2022



Town of Nichols Seal
Karen Hall
 Karen Hall, Town Clerk

Motion to adopt Resolution 10-2022 National Incident Management System made by K. Engelbert 2nd by R. Cole

Roll Vote;

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

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

Discussion followed regarding the Tier 3 Management Training and putting together an Emergency Operations Plan.

- *Animal Control Law Update - Motion to approve updated Town of Nichols Animal Control Law, including price changes and current Ag and Markets laws, and send it to the Town Attorney made by B. Middleton 2nd by B. Fay-Pelotte.*

Roll Vote;

*B. Middleton (aye), E. Woods (aye), R. Cole (aye), B. Fay-Pelotte (aye), and K. Engelbert (aye).
Carried 5 aye- 0 absent- 0 No- 0 abstain*

- *Fall Clean Up - Motion to approve Fall Clean Up for October 14-15, 2022, with alternate dates of October 21-22, 2022, to be held at old Highway Garage located at 742 E River Rd and to sign E-Waste Agreement with Tioga County made by B. Middleton 2nd by E. Woods.*

Roll Vote;

*B. Middleton (aye), E. Woods (aye), R. Cole (aye), B. Fay-Pelotte (aye), and K. Engelbert (aye).
Carried 5 aye- 0 absent- 0 No- 0 abstain*

- *Broadband Update - L. Tinney said that fiber lines are already being installed on River Road and there are a few additional poles that need to be installed. This requires a new liability release form to be signed. There have been 2 public meetings to get the word out to residents. Residents can sign up at nicholsfiber.com to get more information. Motion to sign Liability Release form made by R. Cole 2nd by E. Woods.*

Roll Vote;

*B. Middleton (aye), E. Woods (aye), R. Cole (aye), B. Fay-Pelotte (aye), and K. Engelbert (aye).
Carried 5 aye- 0 absent- 0 No- 0 abstain*

ADDITIONAL NEW BUSINESS –

UPDATE FROM TOWN PERSONNEL –

Highway - W. Heveland stated that the Highway department trucks have been repaired and are all in use. Mount Pleasant Rd has been paved from W River Rd to Davenport Rd. Paving has started on Decker Hill and Red Brush Roads. They have been oil and chipping and Upper Briggs Rd damage has been repaired. Motion to send invoice to Truman Kittle for Upper Briggs Road repair made by R. Cole 2nd E. Woods.

Roll Vote;

*B. Middleton (aye), E. Woods (aye), R. Cole (aye), B. Fay-Pelotte (aye), and K. Engelbert (abstain).
Carried 4 aye- 0 absent- 0 No- 1 abstain*

Buildings and Grounds - Ray Thetga, Jr said he is working removing trees behind Town Hall, tree removal and reseeded Briggs Hill Cemetery and is getting estimates for NES. R. Thetga Jr recommended that the Board send a letter to Nichols Re-Construction regarding Library Porch. Motion to have B. Middleton contact the Town's Attorney to see what the Town's options are and, if necessary, the Attorney will send a letter to Nichols Re-Construction to request a completion date to fix the Cady Library Porch correctly made by B. Middleton 2nd by E. Woods.

Roll Vote;

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

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

Historian - Kem Hart-Baker submitted estimates from Kofile to preserve 12 books for consideration for the next year's budget. B. Fay-Pelotte also mentioned that the Town Clerk will also be receiving an estimate to preserve the older Birth, Death and Marriage records.

OLD BUSINESS –

Hazard Mitigation Grant (Esther) - Nothing to report.

Comprehensive Plan/Council of Governments (Brenda) - No meeting, working on Comp Plan.

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

Hazard Mitigation Plan/REAP (Rose)- Historian grant has been closed out and REAP sent out Tioga County EMS study, next meeting is on 8/10.

OTHER OLD BUSINESS –

K. Engelbert asked R. Thetga Jr if he was able to get another CAT service contract estimate. R. Thetga Jr said he hadn't had a chance to get one yet.

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 #8-2022

General Fund	#365-411	\$ 65,466.50
General Town Outside	#403	\$ 25.20
Highway Townwide	#147-158	\$ 2,779.66
Highway Outside	#145-157	\$ 405,768.99
Sewer	# 87-96	\$ 6,876.70
Water	# 87-97	\$ 4,390.49
<u>Total</u>		<u>\$ 485,307.54</u>

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

Roll Vote;

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

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

ADDITIONAL COMMENTS, QUESTIONS & CRITICISM FROM THE PUBLIC –

Mike Mente Sr asked the Board if the Town has a noise ordinance. The Board informed him that the Town of Nichols does have a noise ordinance and to contact Martin Jerzak the Town's Code Enforcement Officer for more details.

EXECUTIVE SESSION –

MOTION TO ADJOURN –

Motion to adjourn the meeting at 8:11 pm made by K. Engelbert 2nd by B. Middleton.

Roll Vote;

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

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

Respectfully Submitted,
Karen Hall
08/15/2022