

**TOWN OF NICHOLS
REGULAR MEETING
SEPTEMBER 13, 2022**

Town Supervisor, Esther Woods, brought the 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 Esther Woods (present), Councilperson Bill Middleton (present), Councilperson Rose Cole (present), Councilperson Brenda Fay-Pelotte (present).

ALSO PRESENT;

Will Heveland (Highway Superintendent), Marcus Cole, Roger M. Cole, J. Todd Yost, Ricky and Jill Kie and Karen Hall (Town Clerk).

Motion to recess Regular Meeting made by R. Cole 2nd B. Fay-Pelotte.

Roll Vote;

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

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

Motion to go into Public Hearing for Local Law #03-2022 Entitled A LOCAL LAW AMENDING CHAPTER 74 ENTITLED "ANIMAL CONTROL LAW" made by B. Fay Pelotte 2nd by R. Cole.

Roll Vote;

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

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

A question was asked from the public about what the Law was for. The response from the Board was to amend our local law to conform to NYS Ag and Markets, a rate increase in fees and to allow for a one year or 3 year license.

Motion to go out of Public Hearing for Local Law #03-2022 Entitled A LOCAL LAW AMENDING CHAPTER 74 ENTITLED "ANIMAL CONTROL LAW" made by R. Cole 2nd by B. Fay Pelotte.

Roll Vote;

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

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

Motion to go into Regular Meeting made by R. Cole 2nd B. Middleton.

Roll Vote;

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

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

Motion to approve Resolution #11-2022 to Adopt Local Law #03-2022 Entitled A LOCAL LAW AMENDING CHAPTER 74 ENTITLED "ANIMAL CONTROL LAW" made by B. Fay-Pelotte 2nd B. Middleton.

Roll Vote;

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

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

**TOWN OF NICHOLS
RESOLUTION 11-2022
ADOPTING LOCAL LAW NO. 3 OF 2022 ENTITLED
"A LOCAL LAW AMENDING CHAPTER 74 ENTITLED 'ANIMAL CONTROL LAW'"**

At a meeting of the Town Board of the Town of Nichols held at 139 Ro-Ki Blvd, Nichols, New York the 13th day of September, 2022, the following resolution was offered and seconded:

WHEREAS, the Town of Nichols scheduled a public hearing for September 13, 2022 at 7:00 p.m. for Local Law No. 3 of 2022 entitled "A LOCAL LAW AMENDING CHAPTER 74 ENTITLED 'ANIMAL CONTROL LAW'"; and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town and posted on the Town Clerk's signboard; and

WHEREAS, said public hearing was duly held on the 13th day of September, 2022 at 7:00 p.m. at 139 Ro-Ki Blvd, Nichols, NY and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

WHEREAS, pursuant to the State Environmental Quality Review Act, it has been determined by the Town Board that adoption of the proposed Local Law constitutes a Type II Action as defined under 6 NYCRR 617.5(26) and (33); and

WHEREAS, the Town Board, after due deliberation, finds it in the best interest of the Town to adopt said Local Law.

NOW, THEREFORE BE IT RESOLVED that the Town Board hereby adopts said local law as Local Law No. 3 of 2022 entitled "A LOCAL LAW AMENDING CHAPTER 74 ENTITLED 'ANIMAL CONTROL LAW'"; and be it further

RESOLVED that the Town Clerk be and hereby is directed to enter said Local Law in the minutes of this meeting and to give due notice of the adoption of said Local Law to the Secretary of State; and be it further

RESOLVED that this resolution will take effect immediately upon filing with the Department of State.

**TOWN OF NICHOLS
LOCAL LAW NO. 3 OF THE YEAR 2022
A LOCAL LAW AMENDING CHAPTER 74 ENTITLED “ANIMAL CONTROL LAW”**

Be it enacted by the Town Board of the Town of Nichols as follows:

Section 1. *Section 74-5 entitled “Restrictions” shall be amended as follows:*

(8) Chase, harass, injury, or kill deer on or off owner’s property.

Section 2. *Section 74-7 entitled “Seizure and redemption of dogs” shall be amended as follows:*

B. *Redemption of dogs shall be in accordance with current Agriculture and Market laws. Each dog which is not identified, whether or not licensed, shall be held for a period of five days from the day seized during which period the dog may be redeemed by its owner.*

Promptly upon seizure of any identified dog, the owner of record of such dog shall be notified personally, or by certified mail, return receipt requested, of the facts of seizure and the procedure for redemption

If notification is personally given, such dog shall be held for a period of seven days after day of notice.

If such notification is made by mail, such dog shall be held for a period of nine days from the date of mailing, during which period the dog may be redeemed by the owner.

In either case, the owner may redeem such dog upon payment of the impoundment fees in accordance with current Agriculture and Markets, and by producing proof that the dog has been licensed.”

C. *A dog owner may redeem their dog from the Dog Control Officer within the 24 hour hold period at a fee commensurate with the care of the dog. The Dog Control Officer hold fee is payable by a cash payment of \$25.00 for the first offense, \$50.00 for the 2nd offense in the same year, and \$75.00 for a 3rd offense in the same year. After the 24 hour hold period the dog owner may redeem their dog from the Town of Nichols contracted shelter at their fee.*

Section 3. *Section 74-9 entitled “Penalties for offenses” shall be amended as follows:*

Upon conviction, an individual violating this article shall receive a civil summons, and may be charged with a misdemeanor in cases involving dangerous dogs deemed punishable by a fine not exceeding \$250 or by confinement in the Tioga County Jail for a period not to exceed 60 days, or both. Additional penalties for violation of restrictions noted in 74-5 shall be in accordance with current Agriculture and Market laws.

Section 4. *Section 74-15 entitled “Grace period for dogs licensed outside New York State” shall be amended as follows:*

Any dog harbored within the Town which is owned by a nonresident of New York State and/or licensed by a jurisdiction outside the State of New York, shall, for a period of 30 days, be exempt from the licensing and identification provisions of this article.

Section 5. *Section 74-18 entitled “Fees” shall be amended as follows:*

A 1 Year or 3 Year License will be required upon the date of the adoption of this law. Both licenses will run concurrent with the Rabies proof of vaccination.

1. Individual dog license fee.

- | | |
|-------------------------------------------------------|--------------------------------|
| <i>(1) 1 year spayed or neutered dog: \$10.00</i> | <i>3 year license: \$30.00</i> |
| <i>(2) 1 year unspayed or unneutered dog: \$15.00</i> | <i>3 year license: \$45.00</i> |

2. State mandated animal population control surcharge.

(1) Each individual dog license for a spayed or neutered dog shall be subject to an Animal Population Control Surcharge in the amount of \$1.00 annual license, \$3.00 3 year license, payable at the time the dog license application is filed.

(2) Each individual dog license for an unspayed or unneutered dog shall be subject to an Animal Population Control Surcharge in the amount of \$3.00 annual license, \$9.00 3 year license, payable at the time the dog license application is filed.

3. Dog enumeration surcharge. *Each dog found to be unlicensed during a Town dog enumeration shall be subject to a dog enumeration surcharge of \$10.00 per year unlicensed, payable at the time the application is filed to license the dog.*

4. Replacement tag fee. *A replacement tag fee of \$5.00 shall be charged to offset the costs associated with the provision and replacement of identification tags.*

5. Late fee. *The Town shall charge a late fee of \$10.00 for any license renewed 10 days or more after the date of expiration.*

Section 6. **Separability**

The provisions of this local law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words, or parts of this local law or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this local law would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and as if such person or circumstance, to which the local law or part thereof is held inapplicable, had been specifically exempt therefrom.

Section 7. **Repealer**

All Ordinances, Local Laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section 8. Effective Date

This local law shall take effective immediately upon filing with the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

PUBLIC COMMENTS –

MINUTES

*Motion to approve minutes from August 24, 2022 Board Meeting made by E. Woods 2nd by B. Fay-Pelotte.
Roll Vote;*

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

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

NEW BUSINESS –

- *Resolution #12-2022 Procurement Policy - Motion to approve Resolution #12-2022 made by R. Cole 2nd by B. Middleton
Roll Vote;
B. Middleton (aye), R. Cole (aye), B. Fay-Pelotte (aye) and E. Woods (aye).
Carried 4 aye- 0 absent- 0 No- 0 abstain*
- *Employee Handbook - The Board has reviewed the first 5 sections and will be having another Work Session on Monday, September 19th at 8:00am-9:30am to Review the second half of the Employee Handbook at Town Hall.*
- *Emergency Management Plan - The Board reviewed the Emergency Management Services Manual. The outline of the Town Plan has been given to the Board and when all the edits are completed it will go to the Town Attorney.*
- *IT through Tioga County Shared Services - B. Fay-Pelotte and E. Woods had a meeting with the County IT people to gather information for the Town to utilize the County Shared Services. B. Fay-Pelotte to get the final figures from the County. Discussion followed about internet, phone services and cost.*
- *Hunts Creek Project - The Board had an issue with the cost and is worried that FEMA will not cover the bid price Marcus Cole Construction submitted. The Board will be requesting an extension from FEMA to be able to rescope and rebid the project. R. Cole will work with W. Heveland and the FEMA website and E. Woods to be in charge of communication with Brian Doak.*

ADDITIONAL NEW BUSINESS –

The Town Justice is working with Amy Ortu to apply for a Justice Court Assistance Grant and is requesting the Board to pass a Resolution to authorize them to apply for it. The amount could be up to \$30,000. The Board agreed to send a sample Resolution to the Town Attorney to be voted on at the next Board Meeting.

UPDATE FROM TOWN PERSONNEL –

Highway - W. Heveland stated that paving and shoulders are completed for the season. He would like to get the tree person to come in for \$800.00-\$900.00 per day. W. Heveland mentioned that he would like to purchase a cold planer for the skid steer. Discussion followed about how much the Highway Department has in its budget and replacing guard rails instead of purchasing a millhead. The Board said the newly paved roads look great.

Buildings and Grounds - R. Thetga, Jr said he was working on the rooms at the school and getting estimates to create office spaces. One estimate was for the cubicles. It would cost \$20,000.00 to \$40,000.00 per office, this package would include file cabinets, desks and wired panels. B. Middleton suggested putting up sheetrock instead at an approximate cost of \$3,000.00. Discussion followed regarding desks, filing cabinets and other necessary purchases that may affect the cost of moving Town Hall up to NES. R. Theta, Jr is also working on finding a company to get a service contract for the Generac generator.

B. Middleton stated that Nichols Reconstruction has agreed to fix the front porch at the Cady Library and that it will be completed within a month.

OLD BUSINESS –

Hazard Mitigation Grant (Esther) - Tammy Kunzman is waiting for information from homeowners. When she gets that, the Town will have to sign papers and resubmit.

Fall Clean Up Day (Rose) - The Fall Clean Up Day will be moved to the new Highway Garage at 170 Buck Rd.

Hazard Mitigation Plan/REAP (Rose)- Haz Mit. will be going to a mtg on 9/19 to renew the plan.

OTHER OLD BUSINESS –

ADDITIONAL PUBLIC COMMENTS - A question was asked where the Board Meetings will be held if the room that is being used now becomes offices. The Board responded that they can utilize another empty classroom or the Courtroom down the hall. A comment was made that they wish the Board had a microphone and speakers because it was difficult to hear all of the conversations.

EXECUTIVE SESSION –

Motion to go into executive session at 7:52 pm (no reason given) made by E. Woods 2nd by R. Cole .

Roll Vote;

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

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

*Motion to go out of executive session at 8:52 pm made by B. Fay-Pelotte 2nd by R. Cole.
B. Middleton (aye), R. Cole (aye), B. Fay-Pelotte (aye) and E. Woods (aye).*

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

Action Taken - None

MOTION TO ADJOURN –

Motion to adjourn the meeting at 8:52 pm made by R. Cole 2nd by B. Middleton.

Roll Vote;

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

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

*Respectfully Submitted,
Karen Hall
09/20/2022*