

July 12, 2021

The Regular Meeting of the Nunda Village Board of Trustees was held on July 12, 2021, at the Nunda Government Center Building with the following present:

Mayor: Jack Morgan

Deputy Mayor: Darren Snyder

Trustees: Mel Allen

William McTarnaghan

Dr. Donald Wilcox

Planning Board Chairperson: Alex Pierce

Water and Streets Superintendent: Troy Bennett

Code Enforcement/Zoning Officer: Mark Mullikin

Administrator/Clerk-Treasurer: LeRoy Wood

Deputy Clerk-Treasurer: Tammy McCallum

Mayor Morgan - called the meeting to order at 7:00 PM.

Roll Call: All present

Pledge of Allegiance: led by Mayor Morgan

Visitor Forum: 7 Guests

Water/Sewer Account #1945

Hillside Apartment had three representatives present to discuss current/outstanding water/sewer bill. A representative stated the cost of the current bill would be a big hit to their budget. Also stated, multiple times a review of all buildings proved to find no leaks. Hillside Apartment maintenance coordinator again stated what Mayor Morgan in June 2021 stated, leaks do not fix themselves.

The village has read the meter monthly over the course of the past quarter having no findings as to leakage or overuse of water. Pulling the meter and having it replaced would cost more than \$3K. Having the meter inspected would be the same cost of a new meter at this time.

Mayor Morgan stated the CEO of Hillside Apartments, Village DPW Superintendent, and the Village Administrator will need meet to discuss further.

Jeremy Blair

Stated his case to have water installed at his home on Creek Road in the Town of Nunda. Discussions between DPW Superintendent Bennett, Town Highway Superintendent Moran and Mr. Blair continue to take place. Mr. Blair stated he would be attending the Town of Nunda Board Meeting to discuss further as this location in the Town would need approval of the Town Board prior to any actions taking place.

DPW Superintendent Bennett stated he would like to ascertain the current water supply infrastructure to see if it is galvanized pipe or not during this process.

MOTION was made by Deputy Mayor Snyder to revoke Local Law #1 of 2021 - Opting-Out of Marihuana Regulation & Taxation Act for the Village of Nunda, seconded by Trustee Allen. Carried 5-0.

Mayor Morgan **opened Public Hearing** on Local Law #2 of 2021 - Opting-Out of Marihuana Regulation & Taxation Act for the Village of Nunda at 7:17 PM.

Approval of Minutes

A. June 14, 2021

MOTION was made by Trustee Wilcox to accept the minutes as presented, discussed, and reviewed, seconded by Trustee Allen. Carried 5-0.

Reports

A. Police

1. Monthly Reports-June 2021

Police Commissioners Meeting for the month of July 2021 has been rescheduled for July 20, 2021 at 6:00 PM.

MOTION was made by Deputy Mayor Snyder to approve the repairs and brake replacement to the Police Department vehicle by Eastside Automotive at a cost of \$932.08, seconded by Trustee Allen. Carried 5-0.

B. Code Enforcement/Zoning

1. Monthly Report-June 2021

C. Waste Water Treatment Plant

1. Departmental Activity Log-June 2021

D. Water/DPW

1. Departmental Activity Log-June 2021

2. Trees being scheduled to be taken down

3. Streets-Milling on West Street

4. Water/Sewer connection at new Town building on Hay Road is almost complete

5. Reservoir – due to intense rain the Water Plant is experiencing high turbidity numbers causing the water to have an odor and taste different than most times during the year. The water has been treated before being delivered to the public.

Mayor Morgan stated the Village truly looks great and thanked the DPW Department for their efforts in maintaining our community.

Trustee Wilcox stated the new sidewalks look good and thanked the DPW for the work they put in.

E. Justice

1. Monthly Reports-June 2021

F. Treasurer's Reports

1. Monthly Bank Statement Account-June 2021

2. Collateralization Report-June 2021

3. Monthly Treasurer's Reports-June 2021

Administrator Wood stated Budget Modifications will need to be made as the application for a second CDBG Grant was not budgeted for, however was approved and submitted. A change to the budget will be presented at the next Village Regularly Scheduled Board Meeting in August 2021.

4. Payroll - #11 & 12-Certification Review

5. Departmental Activity Log-June 2021

G. ZBA/Planning Board

Planning Board Chairperson Alex Pierce discussed the Comprehensive Plan and the potential entrepreneurial opportunities in the Town of Nunda. An additional Planning Board Meeting is scheduled for July 20, 2021 at 6:30 PM to make a final determination as a Board in business opportunities in the Town of Nunda.

H. Youth Recreation

MOTION was made by Trustee Wilcox to accept the departmental reports as given, seconded by Deputy Mayor Snyder. Carried 5-0.

Approval of Invoices

A. Abstract No. 002

The Nunda Village Board of Trustees has reviewed and approve invoices for payment on Abstract no. 002 as follows:

GENERAL	(A)	- \$ 8,546.99
WATER	(F)	- \$ 10,338.61
SEWER	(G)	- \$ 926.08
WWTP CIP	(H)	- \$ 1,023.30
YOUTH	(J)	- \$ <u>654.17</u>

TOTAL - \$ 21,489.15

The **motion** was made by Trustee Wilcox, seconded by Deputy Mayor Snyder. Carried 5-0.

New Business

A. Consolidated Funding Application for Grant at WWTP

**Resolution of Support from the Village of Nunda for the
2021 New York State Consolidated Funding Application, Water Quality Improvement Project
Wastewater Treatment Disinfection Improvements**

Resolution No. 2021-021

WHEREAS, the Village of Nunda Board of Livingston County supports the submission of a 2021 Consolidated Funding Application (CFA) on behalf of the Village, for the Water Quality Improvement Project (WQIP) program to add an effluent disinfection process at the wastewater treatment plant; and

WHEREAS, the New York State Department of Environmental Conservation (DEC) provides a competitive statewide reimbursement grant program for local governments, administered to directly address documented water quality impairments; and

WHEREAS, the Village has been notified by the DEC of upcoming modifications to their State Pollutant Discharge Elimination System (SPDES) permit, requiring them to provide effluent disinfection at the wastewater treatment plant; and

WHEREAS, findings in the preliminary engineering study recommended improvements to the wastewater treatment plant, including installation of an ultraviolet disinfection system, greatly improving the quality of effluent discharged into the Keshequa Creek;

NOW THEREFORE BE IT RESOLVED, it is anticipated that the Village Board, on behalf of the Village, will complete the necessary actions to authorize expenditures for the proposed project, as well as authorizes the Village Mayor to execute necessary documents relative to and as required for the application; and

BE IT FURTHER RESOLVED, the Village Board does hereby accept that they shall provide at least 25% match of the total of any grant funding awarded as a local match in the form of in-kind services or cash contributions hereby appropriated and obligated from SRF Financing; and

BE IT FURTHER RESOLVED, that the Village of Nunda Board of Livingston County recognizes and fully supports the submission of the 2021 CFA for WQIP on behalf of the Village for improvements to the wastewater treatment plant.

This resolution was presented by Mayor Morgan with a **motion** to adopt made by Trustee Wilcox, seconded by Trustee McTarnaghan where thereupon declared duly adopted by a vote of 5 ayes and 0 nays.

B. Annual Updated Document 2020-2021-emailed/available at www.villageofnunda.org

C. Compensation Doctrine

D. Joint Meeting of Town/Village Boards – Police Department/Tax Abatement

Deputy Mayor Snyder stated these two items should be discussed at two separate meetings

E. Part-time help while employee out on Disability

MOTION was made by Trustee Allen to hire back fulltime Laborer Ray Houtz during the time period the current fulltime Laborer will be out on disability insurance due to upcoming surgery, seconded by Deputy Mayor Snyder. Carried 5-0.

F. Spring Assembly for Village Park

MOTION was made by Trustee Allen to hold-off on purchasing an additional Spring Assembly for the Village Park due to cost and availability now of three spring park toys/equipment our younger population, seconded by Trustee McTarnaghan. Carried 5-0.

Mayor Morgan **closed the Public Hearing** on Local Law #2 of 2021 - Opting-Out of Marihuana Regulation & Taxation Act for the Village of Nunda at 8:13 PM.

G. Discussion on Local Law on Marihuana Regulation & Taxation Act

Resolution No. 2021-022

WHEREAS, the Village of Nunda has reviewed and thoroughly discussed options of opting-in or opting-out of Licensing and Establishing Retail Cannabis Dispensaries and On-site Cannabis Consumption Establishments within the Village of Nunda; and

WHEREAS, New York State has directed municipalities to pass a local law prior to December 31, 2021 should they desire to opt-out of Licensing and Establishing Retail Cannabis Dispensaries and On-site Cannabis Consumption Establishments; and

WHEREAS, pursuant to Cannabis Law § 131, which expressly authorizes villages to opt-out of allowing retail cannabis dispensaries and on-site cannabis consumption establishments within its boundaries;

NOW THEREFORE BE IT RESOLVED, the Village Board of Trustees of the Village of Nunda, County of Livingston, hereby opts-out of licensing and establishing cannabis retail dispensaries and cannabis on-site consumption establishments within its boundaries; and

BE IT FURTHER RESOLVED, the Village Board of Trustees of the Village of Nunda, approve bypassing the permissive referendum phase and hold a special election/referendum with residents of the Village of Nunda making the final determination of opting-in or opting-out of Licensing and Establishing Retail Cannabis Dispensaries and On-site Cannabis Consumption Establishments within the Village of Nunda; and

BE IT FURTHER RESOLVED, the Village Board of Trustees of the Village of Nunda, adopt Local Law #2 of 2021 - Opting Out of Licensing and Establishing Retail Cannabis Dispensaries and On-site Cannabis Consumption Establishments within the Village of Nunda.

This resolution was presented by Mayor Morgan with a **motion** to adopt made by Deputy Mayor Snyder, seconded by Trustee Allen where thereupon declared duly adopted by a vote of 5 ayes and 0 nays.

H. Credit Card for Director of Youth Recreation

MOTION was made by Deputy Mayor Snyder to issue John Gordinier, Director of Youth Recreation a Village credit card for purchases for the Joint Youth Recreation Department during the time period this seasonal activity is operating, seconded by Trustee Wilcox, Carried 5-0.

I. Appointment Associate Village Justice

Resolution No. 2021-023

BE IT RESOLVED, that the Village Board of Trustees of the Village of Nunda duly appoint Tammy McCallum as Associate Justice for the Village of Nunda.

The resolution was presented by Mayor Morgan with a **motion** to appoint made by Trustee Allen, seconded by Deputy Mayor Snyder. Carried 5-0.

Old Business

A. Property Maintenance & Nuisance Local Laws

Mayor Morgan has called a Special Meeting of the Board to meet Monday, July 26, 2021 at 7:00 PM to review Local Law #1 of 2009, Property Maintenance Law within the Village of Nunda and to hold a public hearing and possibly amend said local law.

B. WWTP CIP & Grant Submission through WQIP

Pre-bid conference scheduled for Tuesday, July 13, 2021 at 11:00 AM at the Sewer Plant to discuss with potential contractors and other vendors any questions they may have prior to bids being due.

C. Lawson Properties

A conference call with the municipal financial consultant occurred with the decision to go for a Bond Anticipation Note (BAN) of \$300,000.00 for the purchase of three Lawson properties. It is with the understanding that the monies received through the Land Grant with New York State will pay down this BAN within a year. Mid-August will be the time period when this funding will be received. A meeting with the village attorney to finalize purchase of these properties will need to be scheduled for August 2021.

Other Business

A. Close M&T Bank Account used for Reimbursement of Healthcare

MOTION was made Mayor Morgan to close the M&T Bank Account, used for healthcare reimbursements, at an appropriate time when use is no longer required, seconded by Deputy Mayor Snyder. Carried 5-0.

Policy Review

- A. Vehicle-Use Policy – tabled
- B. Investment and Borrowing Policy – tabled

Communications / Informational / Discussion Items

A. ARPA Coronavirus Local Fiscal Recovery Fund
A letter of funding to be received was distributed to Board Members.

- B. Public Hearing set for Monday, July 26, 2021 at 7:00 PM-Property Maintenance Law
- C. Letter mailed to resident's delinquent on Water/Sewer Bill Payments

MOTION was made by Trustee Wilcox to enter into Executive Session at 9:05 PM to discuss personnel matters of specific employee-Administrator Wood, seconded by Deputy Mayor Snyder. Carried 5-0.

MOTION was made by Deputy Mayor Snyder to exit Executive Session at 9:26 PM, seconded by Trustee Allen. Carried 5-0.

Adjournment

MOTION was made to adjourn by Trustee Allen, seconded by Trustee McTarnaghan at 9:26 PM.

Respectfully submitted,

LeRoy J. Wood
Administrator/
Clerk-Treasurer