

May 12, 2014

A Regular Meeting of the Nunda Village Board of Trustees was held May 12, 2014 with the following present:

Mayor: Bob Cox

Deputy Mayor: Fritz Amrhein

Trustees: Jeff Essler

Darren Snyder

Gary Galton 7:40 P.M.

Chief Water Operator: Troy Bennett

Chief Sewer Operator: Markus Hugi 7:35 P.M.

Town Historian: Val Griffing

CEO/Zoning Officer: Shawn Grasby

Clerk-Treasurer: Lori Gray

Citizens:

Ron & Betty Adam

Jessica James

Marcia Underwood

Gary Brink

Mel Allen

Steve McVaugh

Beverly Clark

Mayor Cox called the meeting to order at 7:00 P.M.

Pledge of Allegiance led by Mayor Cox

Roll Call: Gary Galton Absent

Visitor's Forum

A. Marcia Underwood: Food Wagon Business – Ms. Underwood is interested in setting up a Food Wagon Business. Chad Bugman has offered a spot on his property, the old Agway Building, for a 16 ft. long wagon. Business would be on the weekends, and during the summer when school is out of session. Board referred her to Shawn Grasby, CEO/Zoning Officer for possible Zoning Permit. Would also need Health Department Permits.

B. Jessica James: No Parking – Ms. James received a Parking Ticket on 4/12/2014, dated for 2013, for parking between the sidewalk & the road during the hours of 2 AM & 6 AM. She stated that her property does not have a driveway due to space limitations and the configuration of the property itself that would force her to park on some else's property. She took her ticket to the Court, she was instructed to take her ticket to the Chief of Police, and was further instructed to bring it to the Village Board. Mayor Cox responded that he was aware that she has permission to park in the Trinity Church parking lot. He stated that the Parking Laws have been advertised in the Mt. Morris Shopper. A study had been done for over a year which led to slight changes. He also stated that enforcement is sporadic due to having a part-time Police Department. The Board instructed Ms. James to take her ticket back to Court because it is not valid with the wrong date.

Clerk Gray was instructed to advertise the 2AM to 6AM Parking Restrictions again in the Mt. Morris Shopper and to research the history of changes to the Village Law.

C. Lu Pierce: Garden Club – Asked to be removed from agenda

D. Gary Brink: Liberty, Website – Mr. Brink congratulated the Mayor for his coverage seen on TV driving the Shriner's Car. He went on to state his complaints with the Liberty, hired by NYSEG, for ruining the road on Center St., cutting the pavement in 8 places and not wetting it down during the process. "It's like driving down a dirt road." There are cracks on the street that need to be repaired.

Mayor Cox responded that contractor will restore the street to it's prior condition, however it will not be repaved, only patched. The contractor is working to have everything completed by Nunda Fun Days. Mr. Brink reiterated that the dust does not need to be flying. Changing the subject, Mr. Brink stated his dissatisfaction with the Village website being taken down. Hopefully, the Board will make better decisions in the future regarding the hosting of the site itself. Clerk Gray offered to scan and email the packet to anyone wishing to receive it.

Privilege of the floor given to Mel Allen, former officer of the Nunda Police Department. Mr. Allen lives at Mill & Walnut St. He would like "No Parking Signs" posted on his side of the street. He stated his frustrations with a neighbor holding a card party and the parking issues/violations that occur. A letter will be sent from the Village to the folks hosting the regular card parties. Mr. Allen continued to state his opinion that the Police Department is out of control regarding the issuance of parking tickets, driving violations, etc. Yet, they drive the wrong way out of the Mall in order to park in front of the Police Station. He also informed the Board of an issue with a parked car at Church & Walnut St. that forces the elderly and students to walk around the car into the streets. Lastly, he does not believe he updates to the Parking Laws are legal. A person should be able to park on their own property, regardless of being in the right-of-way, as long as they are not on the street.

Privilege of the floor given to Betty Adam. Mrs. Adam stated her complaint regarding the shortness of notice for a Zoning Board of Appeals meeting for which her property was located in proximately of the variance being requested. She had no time to respond since she was in Florida for the winter. The notice arrived after the ZBA hearing. Procedures will be researched.

Presentation

A. Val Griffing, Town Historian: Video Presentations – Two videos, narrated by Tom Cook, were posted on the Historical Society webpage on April 26th. They have been viewed 4,000 times on Facebook, with 50 hits on YouTube. The Board thanked Ms. Griffing for all of her efforts, to include Tom Cook, for highlighting the history of the Village of Nunda during the 175th Anniversary of Incorporation.

Approval of Minutes

A. April 9, 2014

BE IT RESOLVED that the Nunda Village Board of Trustees approve the minutes as presented. The motion was made by Trustee Essler, seconded by Deputy Mayor Amrhein. Carried 5-0.

Approval of Bills

A. Pay Application No. 2 Water Treatment Plant Control System Improvement: Final Payment

BE IT RESOLVED that the Nunda Village Board of Trustees approve the Final Payment for Pay Application No. 2 Water Treatment Plant Control System Improvement in the amount of \$2,000.00. The motion was made by Trustee Essler, seconded by Trustee Snyder. Carried 5-0.

B. Abstract No. 11

BE IT RESOLVED that the Nunda Village Board of Trustees approve the bills for payment on Abstract No. 11 as follows:

GENERAL- \$27,676.60
WATER - \$39,520.87
SEWER - \$12,624.74
YOUTH- \$0
TOTAL – \$79,822.21

The motion was made by Trustee Essler, seconded by Deputy Mayor Amrhein. Carried 5-0.

C. NY Main Street: Drawdown No. 3

BE IT RESOLVED that the Nunda Village Board of Trustees approve NY Main Street Grant Drawdown No. 3 in the amount of \$40,000.00. The motion was made by Trustee Essler, seconded by Trustee Snyder. Carried 5-0.

Reports

A. Police: presented by Gary Galton

1. Monthly Report: April 2014 – Sheriff’s Department approved 2014 STOP funds in the amount of \$6,500.

BE IT RESOLVED that the Nunda Village Board of Trustees accept the resignation of Officer Billy Little, with thanks & regrets. The motion was made by Trustee Essler, seconded by Deputy Mayor Amrhein. Carried 5-0.

BE IT RESOLVED that the Nunda Village Board of Trustees approve the hiring of Matthew Whitney as police officer for the Nunda Police Department. The motion was made by Trustee Essler, seconded by Trustee Galton. Carried 5-0.

2. Town of Nunda Budget Report: Fiscal Year End 2013, January thru April 2014- Unavailable
3. Payroll Reports: 4/6/14 -5/3/2014

B. Code Enforcement/Zoning: presented by Shawn Grasby

1. Monthly Report: March & April 2014

C. Sewer: presented by Markus Hugi

1. DEC Inspection
2. Douglass Ford has purchased and removed F150 Pick-Up Truck
3. Repair 2009 John Deere Tractor \$1,071.99
4. Press – Mike Suka from Slack to trouble shoot
5. Land Spreading: Roll-N-View Farms completed sludge spreading. Will be full before the Fall. Could be hauled by O’Briens. Trustee Galton stated that the will not be an issue with spreading at that time.
6. Bug Seeding/Foam: took advantage of 2 for 1 deal
7. Trustee Snyder to look into the installation of gas heat as an option for the Sewer Department

D. DPW: presented by Troy Bennett

1. CHIPS Winter Recovery: possible project options highlighted
2. John Deere Select Series X540 Multi-Terrain Tractor Less Deck \$6,231.18: Clerk-Treasurer Gray stated that she received payment for Franchise Fees owed from Time Warner Cable that have been incorrectly collected from TWC customers. With this unexpected revenue, she recommended that the Board approve the purchase of the tractor slated out of next year’s budget. This would allow the Board to explore the equipment replacement plans that many municipalities take advantage of through Teitsworth, as the silver truck could be put up for auction and the sale combined with the tractor money therefore being utilized to purchase a new truck. Another truck, to replace the Sewer truck, had already been budgeted for the upcoming year.

BE IT RESOLVED that the Nunda Village Board of Trustees approve the purchase of a John Deere Select Series X540 Multi-Terrain Tractor Less Deck at the stat bid price of \$6,231.18. The motion was made by Trustee Essler, seconded by Deputy Mayor Amrhein. Carried 5-0.

3. 2 Tires (State Bid Pricing) for Back Hoe: Sedam’s Perry, NY State Bid-\$243.59, Over-the-Counter \$202.95

BE IT RESOLVED that the Nunda Village Board of Trustees approve the purchase of 2 tires for the backhoe at the over-the-counter pricing of \$202.95 per tire from Sedam's. The motion was made by Trustee Essler, seconded by Deputy Mayor Amrhein. Carried 5-0.

4. DEC Tree Grant: Village not awarded funding

5. Liberty on schedule.

6. CP Ward setting beams on Walnut Street Bridge. Should be completed June 2nd.

E. Water: presented by Troy Bennett

1. 2013 Annual Water Quality Report

2. Hydrants flushed

3. Replacement Water Meters

BE IT RESOLVED that the Nunda Village Board of Trustees approve the expenditure up to \$5,000 for replacement water meters per available unexpended funds in the current budget. The motion was made by Trustee Essler, seconded by Trustee Snyder. Carried 5-0.

F. Justice

1. Monthly Reports: April 2014

2. Justice Court Audit: Postponement Continued

3. Judge Mann needs a back-up Court Clerk

G. Treasurer's Reports: presented by Lori Gray

1. April 2014

2. Auto Payment for Water/Sewer Billing ready to implement

H. ZBA/Planning Board: None

I. Youth Recreation: None

BE IT RESOLVED that the Nunda Village Board of Trustees accept the reports as presented. The motion was made by Trustee Essler, seconded by Deputy Mayor Amrhein. Carried 5-0.

New Business

A. Proposed Local Law No. 1 of 2014: A Local Law to Override the Tax Levy Limit, Public Hearing on May 28, 2014 at 7:15 P.M.

BE IT RESOLVED that the Nunda Village Board of Trustee approve Local Law No. 1 of 2014: A Local Law to Override the Tax Levy Limit and therefore set the date of Public Hearing for May 28, 2014 at 7:15 P.M. The motion was made by Trustee Essler, seconded by Trustee Snyder. Carried 5-0.

B. Permanent Easement Grant and Release to NYSEG Tax Map #184.9-1-20.1

BE IT RESOLVED that the Nunda Village Board of trustees approve the request for Permanent Easement Grant and Release to NYSEG Tax Map #184.9-1-20.1. The motion was made by Trustee Essler, seconded by Trustee Snyder. Carried 5-0.

C. Annual Car Show June 14th: Request for S. Church Street to be closed from Mill St. to bridge 9-4PM

BE IT RESOLVED that the Nunda Village Board of Trustee approve the request to close S. Church Street from Mill Street to the bridge over Keshequa Creek during the Annual Car Show Event on June 14, 2014. The motion was made by Trustee Essler, seconded by Deputy Mayor Amrhein. Carried 5-0.

D. Fiscal Year End Meeting

BE IT RESOLVED that the Nunda Village Board of Trustees set the date for the 2013/2014 Fiscal Year End Meeting for Wednesday, May 28, 2014 at 7:00 PM. The motion was made by Deputy Mayor Amrhein, seconded by Trustee Snyder. Carried 5-0.

E. TAP Resolution for Application

BE IT RESOLVED that Robert Cox, as Mayor of the Village of Nunda, is hereby authorized and directed to file an application for funds from the New York State Department of Transportation through its Transportation Alternatives Program 2014, and upon approval of said request to enter into and execute a project agreement

with the State for such financial assistance to the Village of Nunda for the Pedestrian/Bicycle Improvement Program. The motion was made by Trustee Essler, seconded by Deputy Mayor Amrhein. Carried 5-0.

F. Waiver for Parking in Village Mall

BE IT RESOLVED that the Nunda Village Board of Trustees approve the request of waiver for parking in the Village Mall on Saturday, June 14 from noon until 8 PM due to the Festival of Music Fundraiser. The motion was made by Deputy Mayor Amrhein, seconded by Trustee Snyder. Carried 5-0.

Old Business

A. Village Property Route 408: Annexation- temporarily postponed

B. Replacement Coil Springs Village Playground

BE IT RESOLVED that the Nunda Village Board of Trustees approve the purchase of replacement Coil Springs for the Playground Equipment from GameTime at the quoted cost of \$446.47. The motion was made by Trustee Essler, seconded by Deputy Mayor Amrhein. Carried 5-0.

The installation of new “Park Rules” signage to be discussed at next meeting.

Communications/Information Items

A. Calendar: May & June 2014

B. Time Warner Cable

C. Livingston County Development Sign & Façade Awards

D. NYS Retirement System employer forum

Other Business

A. Executive Session

BE IT RESOLVED that the Nunda Village Board of Trustees enter Executive Session at 9:34 P.M. for the purpose of discussing potential litigation. The motion was made by Deputy Mayor Amrhein, seconded by Trustee Snyder. Carried 5-0.

BE IT RESOLVED that the Nunda Village Board of Trustees exit Executive Session at 10:00 P.M. The motion was made by Trustee Essler, seconded by Trustee Snyder. Carried 5-0.

BE IT RESOLVED that the Nunda Village Board of Trustees authorizes Attorney David Pullen to request from Attorney Shannon Hillier the abstract of title, or a copy of such, for approximately 2.5 acres of land, incorrectly assessed to Wilma Willey that belongs to the Village of Nunda and then perform a title examination. The motion was made by Trustee Essler, seconded by Trustee Galton. Carried 5-0.

BE IT RESOLVED that the Nunda Village Board of Trustees, having no practical use for this parcel of land, hereby declares the parcel of real property as surplus and therefore approves the sale of such property. The motion was made by Mayor Cox, seconded by Deputy Mayor Amrhein. Carried 5-0.

BE IT RESOLVED that the Nunda Village Board of Trustees authorizes Attorney David Pullen to negotiate with Attorney Shannon Hillier the sale of surplus parcel of land to Wilma Willey. The motion was made by Mayor Cox, seconded by Trustee Snyder. Carried 5-0.

BE IT RESOLVED that the Nunda Village Board of Trustees retain Attorney Peter K. Skivington as the primary attorney in the matter with Jeff Luellen, managing member of American Village Communities a.k.a. LLHC Realty, LLC and Country Road Mobile Home Park located on Creek Road in Nunda, NY. The motion was made by Trustee Essler, seconded by Mayor Cox. Carried 5-0.

BE IT RESOLVED that the Nunda Village Board of Trustees approve the draft “Sale of Water Agreement” between the Village of Nunda and American Village Communities, LLC, and therefore authorizes the Village Clerk to forward such agreement to American Village Communities, LLC. The motion was made by Trustee Essler, seconded by Mayor Cox. Carried 5-0.

With no further business to be discussed, the Motion to adjourn was made by Mayor Cox at 10:06 P.M., seconded by Deputy Mayor Amrhein. Carried 5-0.

Respectfully submitted,

Lori j. Gray
Clerk-Treasurer