

April 8, 2024

The Regular Meeting of the Nunda Village Board of Trustees was held on April 8, 2024, at the Nunda Government Center Building with the following present:

Mayor: Jack Morgan
Deputy Mayor: Darren Snyder
Trustees: William Davis
James Mann Jr.
Patti Piper

Water and Streets Superintendent: Troy Bennett
Waste Water Chief Operator: Markus Hugi (absent, excused)
Planning Board Chairperson: Alex Pierce
Code Enforcement Officer: Luke Granger (absent, excused)
Clerk-Treasurer: Kimberly Wester

Mayor Morgan - called the meeting to order at 7:01 PM.

Roll Call: All present

Pledge of Allegiance: Led by Mayor Morgan

Open Public Hearing - 2024 - 2025 Village Budget at 7:01 PM

Village business as presented by Mayor Morgan;

Position:

Deputy Mayor
Clerk-Treasurer (2 year)
Registrar
Court Clerk
Code Enforcement Officer (6 months)
Deputy Registrar
Deputy Clerk-Treasurer (6 months)
Deputy Code Enforcement/Zoning Officer
Associate Justice

Appointee:

Darren Snyder
Kimberly Wester
Kimberly Wester
Sheila Duffy
Luke Granger
Tamara McCallum
LeRoy J. Wood
Vacant
Vacant

MOTION to accept the Appointees as presented was made by Deputy Mayor Snyder, seconded by Trustee Davis. Carried 5-0

LIAISONS:

Administrative (insurance, planning, office, phone, computer, data)
Water
Other Utilities (sewer, streets, trees, cable)
Youth / Parks
Budget Preparation
Code Enforcement
Public Safety / Police Commissioners

CURRENT MEMBERS

Mayor/Trustee Davis
Mayor/Dpty Mayor Snyder
Dpty Mayor Snyder/Trustee Mann
Trustee Davis/Trustee Piper
Mayor/Village Board
Mayor/Trustee Piper
Dpty Mayor Snyder/ Trustee Mann

FINANCIAL CONSULTANT:

Fiscal Advisors & Marketing, Inc.
Bernard P. Donegan

FINANCIAL DEPOSITORY:

Five Star Bank
Secondary, M&T Bank
Secondary, JP Morgan Chase
The Hornell Evening Tribune
Kruk & Campbell, PLLC
Foote & Meyers, PLLC

OFFICIAL NEWSPAPER:

LEGAL CONSULTANT:

VILLAGE ENGINEER:

MRB Group, P.C.

CLERK’S OFFICE HOURS:

M-F 8:30 AM - 4:00 PM

DPW/WATER DEPARTMENTS HOURS:

M-F 6:00 AM - 2:30 PM

SEWER DEPARTMENT HOURS:

M-F 6:00 AM - 2:30 PM

VILLAGE / TOWN PLANNING BOARD

Meet 1st Tuesday of each month, as needed

Village Members:

Joan Schumaker
Alternate –
Jennifer Flint
Monica Morris
Joe Lindstrom

Town Members:

Chairperson –
Alex Pierce
Brenda Weaver
Michele Siefried
Joseph Tamimie

VILLAGE / TOWN ZONING BOARD OF APPEALS

Public Hearings, as needed

Village Members:

Chairperson –
Scott Amidon
Jeff Essler
Vacant

Town Members:

Daniel Strobel
Vickie Amidon

**VILLAGE OF NUNDA REVITALIZATION
REVIEW BOARD – LOCAL LAW #1 – 2009**

Resident: Vacant
Resident: Gary Payne
Resident: Cathy Kemp
Mayor: Jack Morgan
Trustee: Patty Piper
Alternate Trustee: Vacant
Secretary: Vacant

Rules of Procedure for the Board of Trustees

Resolution No. 2024-014

BE IT RESOLVED, the Village Board of Trustees approve the following Rules of Procedure for the Village of Nunda.

WHEREAS, Village Law 4-412 provides that the Board of Trustees may determine its own rules of procedure;

NOW, THEREFORE BE IT RESOLVED, the following rules of procedure are adopted pursuant to Village Law 4-412:

1. **REGULAR MEETINGS:** The Board of Trustees Regular Meeting is held on the second Monday of each month, commencing at 6:00 PM in the Nunda Government Center Board Room.
2. **SPECIAL or SUPPLEMENTAL MEETINGS:** Special Meetings of the Board of Trustees, or all other Board Meetings other than Regular Meetings. A Special Meeting may be called by the Mayor or any Trustee upon notice to the entire Board. Notice must be given to each member of the Board of Trustees by telephone, in person or email at least 24 hours in advance on meeting unless an emergency requires the meeting to be held on less than 24-hour notice.
3. **QUORUM:** A quorum of the Board must be physically present to conduct business. A quorum of the five-member Board of Trustees is three, regardless of any Board vacancies.
4. **EXECUTIVE SESSIONS:** Executive sessions must be held in accordance with New York State Public Officers Law 105. All executive sessions must be entered into by a motion made from a properly noticed and conducted open meeting.
5. **AGENDAS:** The agenda for each Board of Trustees meeting is to be prepared by the Village Clerk-Treasurer at the direction of the mayor. The Mayor or any Trustee may have an item placed on the agenda. When possible, items for the agenda must be provided to the Village Clerk-Treasurer by the Thursday before the Monday meeting, by 12:00 PM. The final agenda must be prepared by noon on the day of the meeting.
6. **VOTING:** Pursuant to the New York State Village Law, each member of the Board of Trustees has one vote. The mayor may vote on any matter but must vote in case of tie. A majority of the totally authorized voting power is necessary to pass a matter unless otherwise specified by State Law. A vote upon any question must be taken by ayes and noes, and the names of the members present and their votes must be entered in the minutes. Any vote which takes place where a voting member of the Board does not verbally voice their vote, whether ayes or noes, then this will be considered a non-vote or an abstention.

7. GENERAL RULES OF PROCEDURE:

- a. The Mayor presides at the meeting. In the Mayor's absence, the Deputy Mayor presides at the meetings of the Board. The presiding officer may debate, move and take any action that may be taken by other members of the Board. Board members are not required to rise, but must be recognized by the presiding officer before making motions or speaking.
- b. Every motion must be seconded before being put to a vote; all motions must be recorded in their entirety in the Board's meeting minutes.
- c. Once recognized, a member may not be interrupted when speaking unless it is to call him/her to order. If a member is called to order, they must stop speaking until question of order is determined, and, in order, they must be permitted to proceed. There is no limit to the number of times a member may speak on a question. Motions to close or limit debate may be entertained and require a two-thirds vote to pass.

8. GUIDELINES FOR PUBLIC COMMENT:

- a. The public may speak only during the Visitor Forum period at any meeting or at such other time as a majority of the Board allows.
- b. Speakers must be recognized by the presiding officer and should introduce themselves prior to engaging in direct dialog on any topic with the Board.
- c. Board members may, with the permission of the mayor, interrupt a speaker during their remarks, but only for the purpose of clarification or information.
- d. All remarks must be addressed to the Board as a body and not to any member thereof.
- e. Speakers must observe the commonly accepted rules of courtesy, decorum, dignity, and good taste.
- f. The public will be held to a three-minute time limit to address the Board on any matter they so choose to discuss. Additional time will be granted only by a majority vote of the Board.

9. MINUTES:

- a. The Village Clerk-Treasurer is responsible for taking minutes of the Board. Minutes must consist of a record or summary of all motions, proposals, resolutions and any other matter formally voted upon and the vote thereon.
- b. Minutes must also include the following:
 - Name of the Board;
 - Date, place, and time of meeting;
 - Notation of the presence or absence of Board members and time and arrival or departure if different from time of call to order or adjournment;
 - Name and title other Village Officials and employees present and the approximate number of attendees;
 - Record of reports made by Board or other Village personnel;
 - Time of adjournment; signature of the Village Clerk-Treasurer or person who took meeting minutes.
- c. The Village Clerk-Treasurer is responsible for creating a draft of meeting minutes within the prescribed timeframe as provided by New York State Open Meetings Law.

10. ORDER OF BUSINESS OF THE BOARD OF TRUSTEES:

- a. Call to order;
- b. Roll call;
- c. Visitor's Forum;
- d. Review / approval of meeting minutes from previous meeting(s);
- e. Reports from Departments / Committees
- f. Review / approval of Abstract;
- g. New business;
- h. Old business;
- i. Other business;
- j. Policy Review
- k. Communications / Informational Items
- l. Adjournment

11. GUIDELINES FOR USE OF RECORDING EQUIPMENT: All members of the public and all public officials are allowed to be taped or video recorded at public meetings. Recording is not allowed during executive sessions. Recording should be done in a manner which does not interfere with the meeting. The mayor may determine whether the recording is being done in an intrusive manner taking into consideration, but not limited to, brightness of lights, distance from the deliberations of the Village Board, size of equipment and the ability of the public to participate in the meeting. If the recording is determined to be intrusive and interferes with the

meeting, the mayor may direct that the recording be stopped or undertaken in a different manner or location.

12. ADJOURNMENT: All meetings may be adjourned by single motion.

13. AMENDMENTS TO THE RULES OF PROCEDURE: The foregoing procedures may be amended from time to time by a majority vote of the Board. These procedures do not require annual review unless directed by the mayor.

MOTION to adopt was made by Trustee Davis, seconded by Trustee Piper. Carried 5-0.

Audit of Claims

WHEREAS the Board of Trustees has determined to authorize payment in advance of audit claims for public utility service, postage, freight, and express charges; and Health Insurance and,

WHEREAS all claims shall be presented at the next regular meeting for audit; and

WHEREAS the claimant and officer incurring or approving the claim jointly and severally liable for any amount disallowed by the Board of Trustees,

NOW THEREFORE BE IT RESOLVED:

Section 1. That the Board of Trustees authorizes payment in advance of audit of claims for public utility services, postage, freight and express charges and health insurance. All claims shall be presented at the next regular meeting for audit and the claimant and officer incurring or approving the claims shall be jointly and severally liable for any amount disallowed by the Board of Trustees.

Section 2. That this resolution shall take effect immediately.”

MOTION to adopt was made by Mayor Morgan, seconded by Trustee Davis. Carried 5-0.

Depositories

WHEREAS the Board of Trustees has determined that Village Law requires the designation of banks or trust companies for the deposit of all village monies;

NOW THEREFORE BE IT RESOLVED:

Section 1. That the Board of Trustees designates the following institutions as depositories of all monies received by the village clerk-treasurer and receiver of taxes. Names of Institutions:

Five Star Bank, M&T Bank, JP Morgan Chase

Section 2. That this resolution is effective immediately.”

MOTION to adopt was made by Trustee Davis, seconded by Trustee Mann. Carried 5-0.

Approval of Minutes

A. March 25, 2024 Tentative Budget Adoption

MOTION to adopt the minutes as presented, discussed, and reviewed was made by Trustee Davis, seconded by Trustee Piper. Carried 5-0.

Approval of Invoices

A. Abstract No. 012

GENERAL	(A)	- \$ 6,097.70
WATER	(F)	- \$36,395.49
SEWER	(G)	- \$ 3,806.90
WWTP CIP	(H)	- \$ 885.50
YOUTH	(J)	- \$ _____ .00
TOTAL		- \$47,185.59

MOTION to approve was made by Mayor Morgan, seconded by Deputy Mayor Snyder. Carried 5-0.

Reports

A. Police

B. Code Enforcement/Zoning

C. Sewer

MOTION was made by Mayor Morgan, seconded by Deputy Mayor Snyder for the purchase of crusher run stone to not exceed budget of \$1200.00. Carried 5-0.

D. DPW

E. Water

F. Justice

G. Treasurer’s Report’s

1. Monthly Bank Statement Account-March 2024
2. Collateralization Report-March 2024 - Not yet received
3. Treasurer's Report-March 2024
4. Payroll – 5, 6, & 6A - Certification Review

MOTION was made by Trustee Davis after review and discussion to approve and Certify Payrolls #5, #6, and #6A, seconded by Trustee Mann. Carried 5-0

- H. ZBA/Planning Board
- I. Youth Recreation

New Business

- A. Close Public Hearing at 8:25 pm
- B. 2024-2025 Village Budget Adoption

Resolution No. 2024-15

BE IT RESOLVED that the Nunda Village Board of Trustees *adopt* the 2024-2025 Budget of the Village of Nunda as follows:

GENERAL FUND:	\$952,542.00
SEWER FUND:	\$254,670.00
WATER FUND:	\$379,029.00
YOUTH RECREATION:	\$ 29,450.00

Grand Total Amount is \$1,615,691.00 with \$505,000.00 to be raised by taxes for the General Fund at the Tax Rate of \$9.030405 per thousand an increase of \$0.106807 per thousand assessed. The Water/Sewer Debt Charge will be \$30.30 per quarter, per living unit.

MOTION to adopt was made by Trustee Piper, seconded by Trustee Mann. Carried 5-0.

- C. Property at 12 Center St
- D. Property at 39 East St
- E. Requests to rescind Water/Sewer late payment fees. (Acct #1233 and Acct #1286)

MOTION to approve rescind of Water/Sewer late payment fee was made by Deputy Mayor Snyder, seconded by Trustee Davis. Carried 4-0. Mayor Morgan to abstain.

Old Business

- A. Aerator at Reservoir

Resolution No. 2024-16

BE IT RESOLVED that the Nunda Village Board of Trustees approves the purchase of a high-performance display aerator from USA Bluebook, not to exceed \$7500, to be used at the village reservoir for aeration of the municipal source water.

MOTION to approve was made by Deputy Mayor Snyder, seconded by Trustee Davis. Carried 5-0.

- B. Project at 1 Mill Street
- C. Military Tribute Banner Project
- D. National Register of Historic District Project
- E. Feral Cat Control
- F. Arbor Day Celebration

Other Business

- A. Bank Accounts

Resolution No. 2024-17

BE IT RESOLVED that Kimberly A. Wester, as newly appointed Village Clerk-Treasurer be added as a signatory on all bank accounts to allow her to perform her duties and responsibilities as municipal chief fiscal officer in accordance with New York State Village Law §4-408.

MOTION to adopt was made by Trustee Piper, seconded by Trustee Davis. Carried 5-0

- B. Deputy Clerk-Treasurer Appointment

Resolution No. 2024-18

WHEREAS, the Nunda Village Board of Trustees finds it to be in the best interest of the Village of Nunda to appoint a Deputy Village Clerk/Treasurer; and

WHEREAS, such appointee will assist the Village Clerk/Treasurer with the operations of the Village offices as well as the duties of the Village Clerk/Treasurer; and

WHEREAS, the Deputy Village Clerk/Treasurer shall be a part-time position, compensated on an hourly basis; and

WHEREAS, the Village Board of Trustees believes it to be in the best interest of the Village to fill such position immediately to address certain imminent needs of the Village,

NOW THEREFORE BE IT RESOLVED, after due deliberation and consideration of all information received concerning the proposed action, the Village Board of the Village of Nunda hereby:

RESOLVES, to appoint LeRoy J. Wood to the position of Deputy Village Clerk/Treasurer on a part-time basis, effected as of April 1, 2024, and at a compensation rate of \$30.00 per hour.

MOTION to adopt was made by Trustee Davis, seconded by Trustee Piper. Carried 5-0.

Communications/Information Items

A. 1 Mill Street – obtain an estimate for brick repair

Adjournment

MOTION to adjourn was made by Mayor Morgan at 9:05 PM.

Respectfully submitted,

Kimberly A. Wester
Clerk-Treasurer