

November 12, 2019

**The Regular Meeting of the Nunda Village Board of Trustees was held on November 12, 2019 at the Nunda Government Center Building, at 6:30 PM with the following present:**

**Mayor:** Jack Morgan  
**Deputy Mayor:** Darren Snyder  
**Trustees:** Mel Allen  
William McTarnaghan  
Donald Wilcox

**Water and Streets Superintendent:** Troy Bennett  
**Waste Water Treatment Operator:** Markus Hugi arrived at 6:55 PM  
**Code Enforcement/Zoning Officer:** Mark Mullikin  
**Police Chief:** Ryan Dale  
**Administrator/Clerk-Treasurer:** LeRoy Wood

**Citizens:** Ron Adam

**Mayor Morgan** - called the meeting to order at 6:30 PM

**Roll Call:** All present

**Pledge of Allegiance:** Led by Trustee Allen

**Mayor Morgan opened Public Hearing on the 2020/21 Youth Recreation Budget at 6:30 PM**

**Visitor's Forum:** Lee Bancroft

Mayor Morgan stated a meeting is scheduled for Saturday, November 16, 2019 at 11:00 AM to business organizations in the community, as well as other interested participants looking to start businesses in the Village or Town of Nunda. Code Enforcement Officer/Zoning Officer Mullikin and Water and Streets Superintendent Bennett have been asked to attend. Superintendent Bennett stated he was unavailable for meeting.

Lee Bancroft introduced herself to the Village Board. Ms. Bancroft is looking for the right site to increase her business and is looking at Nunda. Ms. Bancroft owns and operates a bakery and is looking for a site that has water and sewer services because of the requirements of her business. Requirements for her expansion business would be to have a test kitchen and laboratory.

Items discussed were: Keeping business in Livingston County, transportation (not a problem due to close proximity to State Route 390 and Buffalo), funding, water and sewer accessibility,

available properties, complexity of the facility that would be built, work force, and availability to expand within selected properties.

Many questions were asked of Ms. Bancroft from the Village Board members. Ms. Bancroft also expressed an interest in Lima for expanding her business.

Ms. Bancroft stated she is in contact with her architect in developing plans for this facility.

Mayor Morgan thanked Ms. Bancroft for coming to the meeting tonight and that as the municipality gains information she would be kept informed.

### **Approval of Minutes**

A. October 8, 2019

**MOTION** was made by Trustee Allen to approve the minutes as *presented, discussed, and reviewed*, with some grammatical corrections, seconded by Trustee Wilcox. Carried 5-0.

### **Reports**

A. *Police*

1. Nunda Police Department Monthly Report – October 2019

Items discussed: Donation from Once Again Nut Butter in support of the bicycle patrol, grant funding for ballistic protective vests (approved), and vehicles going to auction.

Chief Dale introduced Police Officer Schirmer to the Board.

Deputy Mayor Snyder asked Chief Dale to state his new venture in his daily employment/job as a Project Manager/Executive. Chief Dale stated this would not interfere with his duties and responsibilities as Police Chief.

Mayor Morgan asked Chief Dale if he would be available to provide a presentation on the new Criminal Justice Reform Law being implemented on January 1, 2020 to the public. Chief Dale stated he would be more than happy to (he also stated he would reach out to the Livingston County District Attorney McCaffrey).

B. *Code Enforcement/Zoning*

1. Monthly Report – October 2019

Code Enforcement Officer Mullikin stated the continuing concerns with 39 Massachusetts Street home and camper parked in the side yard.

*C. Waste Water Treatment Plant*

1. Departmental Activity Log provided for October 2019
2. Land spreading to be completed sometime in November

*D. Water/Department of Public Works*

1. Departmental Activity Log not provided for September 2019
2. Striping Update-not completed
3. Sidewalk Plan
4. Crooked Brook-DEC/Livingston County

Mayor Morgan asked if letters have been sent out to neighboring residents explaining the concerns of this Brook and an update as to the municipalities plan. Administrator Wood stated they had not been sent out as of yet.

5. Steel tank at Water Plant

Superintendent Bennett stated the annual inspection is completed. There is a mandated test required to ascertain if the tank has any lead paint on it. Superintendent Bennett will continue to update the Board as to the status on this mandate.

*E. Justice*

1. Monthly Reports – October 2019

*F. Treasurer's Reports*

1. Monthly Treasurer's Report – October 2019 – not available – official bank statement received day of this meeting
2. Monthly Bank Statement Account – October 2019
3. Collateralization Report – October 2019 – not available
4. Payroll #21 and #22 - Certification for review
5. Departmental Activity Log provided for October 2019
6. Certificate of Deposit was renewed at 0.7%

Bank statement was received the morning of this Board meeting. Due to meeting preparation, this report was not generated. Mayor Morgan asked to complete the Treasurer's Report and email this to the Board members and department heads. Administrator/Clerk-Treasurer Wood understood and agreed to send once completed.

*G. ZBA/Planning Board*

*H. Youth Recreation*

**MOTION** was made by Trustee McTarnaghan that the Nunda Village Board of Trustees accepts the reports as reviewed, presented, and discussed, seconded by Trustee Wilcox. Carried 5-0.

**Approval of Invoices**

A. Abstract No. 06

The Nunda Village Board of Trustees has reviewed and approve invoices for payment on Abstract no. 006 as follows

GENERAL(A)	- \$ 29,886.05
WATER (F)	- \$ 22,442.39
SEWER (G)	- \$ 14,999.19
YOUTH (J)	- \$ 1,260.00
WWTP CIP (H)	- \$ <u>24,350.80</u>
<b>TOTAL</b>	<b>- \$ 92,938.43</b>

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

**New Business**

A. Youth Recreation Budget review/adoption

**Resolution No. 2019-033**

**BE IT RESOLVED** that the Nunda Village Board of Trustees **adopt** the 2020-2021 Joint Youth Recreation Budget for the Village of Nunda as lead agent, as follows:

YOUTH RECREATION:     \$ 20,593.00

With no further discussion to be held, the motion to adopt the 2020-2021 Joint Youth Recreation Budget and close the Public Hearing was made by Deputy Mayor Snyder, seconded by Trustee Wilcox at 7:30 PM. Carried 5-0.

B. Employee 2020 Healthcare coverage decision

**Resolution No. 2019-034**

**BE IT RESOLVED** that the Nunda Village Board of Trustees approve the 2020 Health Care Employee Benefits Package as discussed with the employees and as listed:

2020 Health Care – Village of Nunda  
Excellus SimplyBlue Plus Silver 2

The **motion** was made by Trustee Allen, seconded by Trustee Wilcox. Carried 5-0.

C. 2020 Intermunicipal Agreement Extension with Livingston County

**MOTION** was made by Trustee Wilcox to require Livingston County and New York State

Departments for water use at the same rate as local residents and business owners who purchase bulk water through our Water Department, seconded by Trustee Allen. Carried 5-0.

**Resolution no. 2019-035**

**BE IT RESOLVED**, that the Nunda Village Board of Trustees approves extending the current Inter-municipal Agreement with Livingston County, Resolution No. 2016-037, for the calendar year 2020, for the exchange or lending of materials or equipment which shall promote and assist in the maintenance of roads and highways and provide cost savings measures by maximizing the effective utilization of both parties' resources.

The **motion** was made by Trustee Wilcox, seconded by Trustee McTarnaghan. Carried 5-0.

D. CDBG Drawdown No. 3: \$49,500.00

**Resolution No. 2019-036**

CBDG Drawdown No. 3: \$49,500.00

**BE IT RESOLVED** that the Nunda Village Board of Trustees approve the bills for payment on CBDG Drawdown No. 3 in the amount of \$49,500.00 once funding has been received. This vendor listed is Townline Construction.

The **motion** was made by Trustee McTarnaghan, seconded by Trustee Allen. Carried 5-0.

E. Budget modifications

From	State Aid/Capital Projects	H3991	\$ 30,000.00	
To	Engineering	H1440.4		\$ 30,000.00

**MOTION** was made by Deputy Mayor Snyder to approve the above discussed budget modifications as presented by the Village Administrator/Clerk-Treasurer, seconded by Trustee McTarnaghan. Carried 5-0.

**Old Business**

A. Local Traffic Laws - discussed

B. WWTP CIP – Update

Due to the complexities of the WWTP CIP electrical components, a new generator will need to be included in the Capital Projects Plan. Hope is that contingency will be able to cover additional costs of this equipment.

C. Truck Purchases – open sealed bids

Mayor Morgan received three bids for a 2020 4X4 truck purchase for the DPW

Department. The bids were opened in no particular order of receipt. The bids are listed as follows:

2020 Ram 4X4 Crew	Maple City Dodge	\$ 32,521.00
2020 F-150 4X4 Crew	Genesee Valley Ford	\$ 35,900.00
2019 Ram 4X4 Crew	McClurg CDJ	\$ 42,897.50

Request for bid were sent to ten local dealerships.

Much discussion on an outright vehicle purchase or research leasing a vehicle. Mayor Morgan asked WWTP Chief Hugi to explore the costs of leasing or buying outright. Mayor Morgan also stated for WWTP Chief Hugi to look into a more economical deal should the municipality lease or purchase two trucks at this time.

#### D. Smoke Concerns within Village Limits

Trustee Allen stated he has been in touch with the EPA and was told to contact local DEC. The DEC told Trustee Allen then to call the local Department of Health Division on local fireplace/stove smoke issues from homeowner to homeowner.

E. Nunda Public Art Committee – Mayor Morgan updated Board as to progress

F. Cameras at Gazebo – Deputy Mayor Snyder – discussed concerns with vandals and other individuals not keeping park clean

G. New hire Police Officer Brian Schirmer

**MOTION** was made Trustee Allen to hire Brian Schirmer as a part time Police Officer for the Joint Village/Town Police Department, seconded by Deputy Mayor Snyder. Carried 5-0.

### **Policy Review**

A. Employee Policy distributed for annual review-discussed in November 2019

Administrator/Clerk-Treasurer Wood presented a change to the Time-Off procedures as to having the next in-line supervisor approve time-off versus current policy stating the Streets Superintendent will approve all time-off. The Board requested better language be presented at the December Board Meeting for review and approval.

Superintendent Bennett presented a list of holidays to be paid to his part time employee. A list of six holidays was presented. Administrator/Clerk-Treasurer Wood stated he had not

heard of paying part time employees for holidays and requested additional research be conducted prior to a Board decision being made either way. The Board approved the additional time to be allocated to researching this item.

Mayor Morgan asked if there was any other input. Administrator/Clerk-Treasurer Wood asked to read a prepared statement. Mayor Morgan Allowed this. The prepared statement is as follows:

November 12, 2019

**Memorandum for the Record**

From: LeRoy Wood, Administrator/Clerk-Treasurer  
To: Mayor Morgan, Village Trustees

Subj: **COMPENSATORY TIME-OFF**

Mayor Morgan and Trustees,

I have been concerned about compensatory time-off for more than three years now as it is defined and interpreted within the confines of the Village of Nunda Employee Policy. I have written a Green Paper on this subject, presented this paper to the Village Board, and have been rebuked in public by an employee for the work I completed.

My first and foremost responsibility is to work diligently in providing **all** information to the governing board, residents of this municipality, and the employees on any particular subject. As a public administrator, my main focal points are to; advance the public interest, uphold the Constitution and the Law, fully inform and advise elected and appointed officials, demonstrate personal integrity, promote ethical organizations, and advance professional excellence.

This will be the last time I mention compensatory time-off as it relates to the Employee Policy, unless otherwise directed. The disdain and contemptuousness received from a few municipal employees is stressful and is affecting my health enough to put this matter to rest.

I believe the definition has never been fully explained. Comp Time, or Compensatory Time, is an alternate way of rewarding overtime work. Instead of paying an hourly employee time-and-a-half for work done over the time allotted in the normal work week, employers would allow an **hour and a half** of time off for each hour of overtime worked the next week. There are rules and regulations; state and federal laws on comp time. The **Fair Labor Standards Act** defines compensatory time off as paid time away from the job that is earned and accrued by an employee in lieu of a cash payment for overtime compensation, at the rate of no less than one and one-half hours of compensatory time for each hour of overtime worked. Currently, we pay employees after the fact. Sometimes several months after the comp time was accrued and can be two different calendar years or fiscal years. The village should not be a staging area for comp time accrued and act as a banking house for its employees when reimbursement is requested sporadically throughout the year.

Time worked should be reported within the calendar year it was completed. Correct hours worked within the calendar year are not being reported properly to New York State Taxation and Finance, Internal Revenue Service, or the New York State Local Retirement System. The Employee Policy allows this. The employees that have a problem with my research believe that something is being taken from them. Hours worked and pay will never be taken from them; regular or overtime.

I would like to go on the record as to following my professional ethical standards and informing my governing board of the concerns this matter has as it relates to the law.

Respectfully,

LeRoy J. Wood  
Administrator/  
Clerk-Treasurer

Administrator/Clerk-Treasurer Wood thanked Mayor Morgan for allowing him to read his message.

**Other Business**

A. Association of Village's Dinner-November 20, 2019-Mount Morris

**Communications/Information Items**

A. Solicitation Permit Request-Spectrum

**MOTION** was made by Trustee Wilcox to issue Charter Spectrum a one-year solicitation permit to work within the confines of said permit. The motion was seconded by Deputy Mayor Snyder. Carried 5-0.

**Adjournment**

With no further business to be discussed, the motion to adjourn was made by Trustee Allen at 8:49 PM, seconded by Trustee McTarnaghan.

Respectfully submitted,

LeRoy J. Wood  
Administrator/  
Clerk-Treasurer