

January 14, 2020

**The Regular Meeting of the Nunda Village Board of Trustees was held on January 14, 2020 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

**Waste Water Treatment Operator:** Markus Hugi arrived at 6:49 PM

**Code Enforcement/Zoning Officer:** Mark Mullikin

**Planning Board Chairperson:** Alex Pierce

**Police Chief:** Ryan Dale

**Recruit Officer:** Brock Allen

**Administrator/Clerk-Treasurer:** LeRoy Wood

**Citizens:** Ron Adam Emily Stoufer

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

**Roll Call:** All present

**Pledge of Allegiance:** Led by Mayor Morgan

**Visitor's Forum:** Emily Stoufer

Mayor Morgan introduced Ms. Emily Stoufer who has expressed interest in the vacant Village Justice position. Ms. Stoufer stated she is an attorney and was interested in the Village Justice position and to have a chance to meet and discuss with the Village Board. As an attorney, Ms. Stoufer would be allowed according to New York State law to take the bench immediately. Ms. Stoufer stated that if she were to be appointed, she would want to attend training for newly elected/appointed justices available in April 2020 (even though this training is not required due to the fact Ms. Stoufer is a licensed attorney).

**Resolution No. 2020-001**

**BE IT RESOLVED** that Mayor Jack Morgan appoints Emily Stoufer as Village Justice in accordance with New York State Office of Court Administration or to serve until such time a local election can be held or to serve out the remainder of the former village justices' term ending April 2022.

The **motion** to pass the resolution for mayoral appointment was made by Trustee Wilcox, seconded by Trustee Allen. Carried 5-0.

**Approval of Minutes**

A. December 10, 2019

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

B. December 16, 2019

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

**Reports**

A. *Police*

1. Nunda Police Department Monthly Report-December 2019

Chief Dale discussed two recruit officers who have started field training in

December 2019 and will complete next month, February 2020.

Chief Dale mentioned several grants for protective vests, DWI-Crackdown, and STOP-DWI, have been received. These grant monies have allowed for the Police Department to extend police services within the community.

A scanner was provided by the Livingston County District Attorney's Office to assist in police functionality and reporting timelines.

Two vehicles ready for auction have been delayed. Prior to selling a vehicle at auction, a clear title is required. A title for both these vehicles could not be located and in working with DMV, rectifying this concern is and hopefully in the near future this will be resolved and the two vehicles sent to auction.

Police Commissioners Snyder and Allen both expressed concerns with the budget reporting process. The Town financial/business executive will be visiting the Commissioner's Meeting in February 2020 to provide additional help in ascertaining a well-defined and easily read budgetary summary of the Joint Police Department.

Police Commissioner Allen stated he has been in contact with the attorney for the Police Department and looking at finalizing local traffic laws for the community.

Police Officer Chatley is now civil service eligible

Police Officer Schirmer has started on duty this month.

## B. Code Enforcement/Zoning

### 1. Monthly Report-December 2019

Code Enforcement Officer (CEO) Mullikin provided information on the Moratorium on Multi-family dwellings that expired in November 2019. In order to continue with this moratorium justification would need to be established as to why a second moratorium is needed. Work completed on the first moratorium would need to be provided and why more time is still needed.

Mayor Morgan asked the CEO if the current Joint Zoning Law could be amended to reflect the current situation.

The CEO stated yes, the law could be amended, however, there are concerns with the law as it relates to the mixed-use district, transitional-use district, and the residential-use district and how those districts are defined and how the moratorium on multi-family dwelling are a concern if established.

Mayor Morgan asked the CEO to conduct additional research into what the municipality is able to do according to the already established local law and state allowances.

## C. Waste Water Treatment Plant

### 1. Departmental Activity Log-December 2019

Motor on clarifier went out. Internal repairs (electrical issues) of equipment corrected this concern.

### 2. Land spreading update

Chief Hugi has made several attempts to contact our local vendor to have land

spreading services completed. The vendor the municipality has used in the past has not responded to our requests. Because land spreading was not completed in the required timeline after soil samples were taken, new samples will need to be conducted creating additional expense on the budget.

Mayor Morgan asked for any alternatives to having another vendor provide land spreading services. Chief Hugi stated it is difficult with DEC regulation to transport waste to spread. Rules and regulations prohibit many factors of transport and land spreading activities.

Chief Hugi stated on Wednesday, January 8, 2020, Nick Bucci stopped by the Waste Water Treatment Plant to report seepage from a manhole located on his property next to the Sewer Plant and Keshequa Creek. Immediately, Chief Hugi went to the manhole (#4) to ascertain the reported concern. At this time, Chief Hugi attempted to clear an obstruction from the manhole.

Chief Hugi then attempted to contact the DEC Help line (Chief Hugi stated he has 2 hours to report an emergent situation). A message was left because the computer access to logon and report was not functioning. After this attempted reporting was accomplished, the Village of Mount Morris was contacted to see if their jet flushing equipment was available to help alleviate the partial blockage and clean the line out.

On Thursday, January 9, 2020, O'Brien's Septic was contacted to clean out the manhole completely. Once the manhole was determined cleaned out, what appeared to be a rock the size of a softball was found in the manhole. This could have been the cause of the blockage. Chief Hugi has theorized the blockage could have been from a new apartment complex built that could have introduced debris into the collection system, this location is the lowest flow area within the collection system, or the restaurant that used to be open has severely dropped flow in this line of the collection system. Many factors could have contributed to this blockage. Also, on this day, Chief Hugi and another village employee went to the furthest manhole within the line (manhole #20) and flushed the system thoroughly for more than 30 minutes to clean out any potential debris that could still be within this line.

Chief Hugi then contacted the State Department of Health through email because he had not been notified this event had been properly logged into the alert system.

As described by Chief Hugi; the majority of any spill went away from Keshequa Creek. A small percentage did flow toward the creek. The reporting mechanism does not allow for an explanation as to the disposition of spillage that occurred.

Chief Hugi stated he has asked to have the system flushed many times to help keep the collection system clear of obstructions.

Mayor Morgan asked if this side has ever experienced a blockage. Chief Hugi stated he has no recollection of this ever happening, this side has never been plugged before.

Chief Hugi stated there are 6-8 manholes that should really be flushed every six months and recommended this happen when the DPW flushes hydrants twice a year.

Chief Hugi stated he looked into an inspection of manholes in a municipality and could not find any information on this.

Chief Hugi stated he has not been contacted by DEC at this point.

Chief Hugi stated the spill was closer to the Sewer Plant and not any water.

Mayor Morgan asked Chief Hugi if the spill has been cleaned up. Chief Hugi stated he has been to the location and cleaned up what needed to be cleaned and that lime was applied to the location.

Mayor Morgan asked Chief Hugi if all the manholes have been inspected by village personnel. Chief Hugi stated not as far as he knew.

Mayor Morgan then stated he wanted all manholes inspected this year and 1/3 each year thereafter.

Chief Hugi then stated the collection infrastructure is the responsibility of the DPW.

Mayor Morgan stated when DEC gets here to let them know we have a plan in place.

Deputy Mayor Snyder stated that all manholes adjacent to the creek should be inspected and put in your report back to DEC.

Chief Hugi stated we did flush from Keating Lane, the furthest location on this collection system line. Chief Hugi stated the correct tools needed would help in situations like this to free up partial or complete blockage. The total cost of tools would be approximately \$500-\$1000 (manhole opening tools, grabbers).

**MOTION** was made by Deputy Mayor Snyder to allow Chief Waste Water Treatment Operator Hugi to procure tools and equipment up to \$750.00 to help secure proper access to manholes and unplug blockage that may occur in the municipal collection system, seconded by Trustee Wilcox. Carried 5-0.

Mayor Morgan asked Chief Hugi of the two hours reporting requirement should an event happen. Chief Hugi stated yes, there is a two-hour time frame. Mayor Morgan stated he wants to be notified should an event occur immediately.

Deputy Mayor Snyder mentioned concerns posted on social media. Mayor Morgan stated that when an employee of the Village responds to a post, it appears that this employee is speaking for the Village when this is normally not the case.

#### D. Water/DPW

1. Departmental Activity Log-December 2019

#### E. Justice

#### F. Treasurer's Reports

1. Monthly Bank Statement Account-December 2019
2. Collateralization Report-December 2019
3. Monthly Treasurer's Reports-December 2019
4. Payroll - #25, #25A, #25B, #26-Certification Review
5. 2019 Annual Wage Report for all employees
6. Departmental Activity Log-December 2019

Discussion of **each fund** took place. The monthly Treasurer's Report was then compared to each bank account. All bank accounts ending balances **did match** the Treasurer's Report as presented.

The *Balance Sheet, Detail of Revenues and Cash Receipts Journal, Detail of Expenditures and Cash Disbursements Journal* - Statements were provided to each Board member **for each fund** for review, and discussion. Noted, budget modifications are being recommended this month to correct any account in the negative. The monthly Collateralization Report did provide enough funding as required. Each reserve account was reviewed with the Village Board.

Administrator/Clerk-Treasurer Wood stated spending trends continue to be a concern. All departments must be mindful of spending considerations at this point in the fiscal year.

G. ZBA/Planning Board

1. Planning Board Chairperson Alex Peirce mentioned the possible realignment of Board members moving from a Village seat to a Town seat and vice-versa.
2. Chairperson Peirce stated he was pleased the Village had received a grant for land acquisition for greater source water protection measures for the municipality.

H. Youth Recreation

**MOTION** was made by Trustee Allen 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. 08

The Nunda Village Board of Trustees has reviewed and approve invoices for payment on Abstract no. 008 as follows:

GENERAL(A)	- \$ 32,938.71
WATER (F)	- \$ 15,952.69
SEWER (G)	- \$ 10,260.61
YOUTH (J)	- \$ 0.00
WWTP CIP (H)	- \$ <u>276.00</u>
<b>TOTAL</b>	<b>- \$ 59,428.01</b>

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

**New Business**

A. Budget Modification

From	Contingency	A1990.4	\$ 165.45	
	To Village Justice/contractual	A1110.4		\$ 165.45
From	Streets/Contractual	A5110.4	\$ 1,885.73	
	To CHiPS	A5112.2		\$ 1,885.73

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From	Contingency	F1990.4	\$ 2,457.33	
	To Transmission/Distribution	F8340.1		\$ 284.45
	Equipment/Turbidimeter	F8340.2		\$ 370.00
	Transmission/Contractual	F8340.4		\$ 1,802.88

**MOTION** was made by Trustee McTarnaghan to approve budget modifications as presented by Administrator Wood to the Village Board of Trustees, seconded by Deputy Mayor Snyder. Carried 5-0.

B. CDBG Drawdown No. 5: \$41,200.00

**Resolution No. 2020-002**

**BE IT RESOLVED** that the Nunda Village Board of Trustees approve the bills for payment on CBDG No. 831HR350-18 Drawdown No. 5 in the amount of \$41,200.00 once funding has been received. This vendor listed is Townline Construction for work completed at two local residents' homes, Bennion and Smith.

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

C. Alan J. Wood six-month probationary period completed

**Resolution No. 2020-003**

**BE IT RESOLVED** that the Nunda Village Board of Trustees approve making Alan J. Wood a permanent full-time Laborer after completing his six-month probationary period and increasing his hourly pay by \$ .25 to \$18.25 per hour.

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

D. Unemployment benefits for two former employees

Administrator Wood expressed his concerns with two former employees who both left voluntarily now filing for unemployment. The Village did not budget for this expenditure as it has already received an invoice from New York State Unemployment. Mayor Morgan asked Administrator Wood to research unemployment insurance throughout New York State to see if it would be beneficial to invest in this type of insurance.

E. Budget Call Letter 2020-2021

Administrator Wood provided the Budget Call Letter for 2020/2021. Mayor Morgan asked Administrator Wood to read aloud the letter:

January 10, 2020

**MEMORANDUM**

From: LeRoy Wood, Administrator/Clerk-Treasurer/Chief Fiscal Officer

To: Mayor Morgan  
Deputy Mayor Snyder  
Trustee Allen  
Trustee McTarnaghan  
Trustee Wilcox  
All Administrative Unit Heads

**SUBJ: 2020-2021 BUDGET CALL**

This year's budget call will begin with the anticipated discussion on Bail Reform Laws that went into effect January 1, 2020 that will increase our budget several thousand dollars in order to remain in compliance with these changes. The decision-making process will also be a factor as the budgetary requirements to fulfill the obligations the taxpayers deserve continue to increase.

Discussion on several grants the municipality is working along with continued healthcare costs are matters that will need to be addressed with final *executive* decisions being made as to the direction the Village is moving towards. Pursuant to New York State Village Law §5-502, On or before the eighth day of February in each year, or such other date as may be applicable pursuant to section 5-510 of Village Law, the budget officer shall give written notification to the head of each administrative unit that he shall submit estimates, schedules, and statements as hereinafter provided. The municipalities Standard Operating Procedures for the Annual Operating Budget Cycle will be provided in February 2020 to act as a guidance defining the purpose of the procedures, scope, responsibilities, and calendar of events. A Detailed Report of Revenue and a Detailed Report of Expenditures will also be provided to each administrative unit head along with a printout of each *funds* accounting codes to assist each administrative head with the creation of their tentative budgets.

On or before March 1<sup>st</sup> of each year, the head of each administrative unit **must submit** an estimate of revenues and expenditures of the administrative unit for the ensuing fiscal year to the Clerk-Treasurer. This estimate should show all sources of all revenue, itemize the character and

object of each expenditure, as defined in Village Law §5-500(7), and contain such additional information as the Clerk-Treasurer may prescribe. What is also being *requested* is a review of our current five-year capital equipment plan to better manage our budgetary requirements and necessary equipment needs. This five-year plan is State mandated to have on file and discuss during this timeframe. Should there be any questions with the process, procedures or due dates, please do not hesitate to contact the Clerk-Treasurer.

Thank you.  
LeRoy J. Wood

#### F. Land Acquisition Grant Awarded

A letter from The Office of the Commissioner of the New York State Department of Conservation was received in the Village on January 10, 2020 informing the municipality that it has been selected to receive \$236,250 through the Land Acquisition for Source Water Protection from the Water Quality Improvement Project (WQIP) for the purchase of three properties adjacent to the Village reservoir in the Town of Nunda in order to help protect this water source.

#### **Resolution No. 2020-004**

**WHEREAS**, the Village of Nunda desires to protect the source of water for its municipal water system, and

**WHEREAS**, the Village of Nunda has applied for a grant to purchase real property which is part of the source water for its water system, and

**WHEREAS**, Lawson Sand & Gravel, Inc. Tracey M. Lawson, and Lynnette Lawson have agreed to sell their property on New York State Route 70 and Gilbert Road located in the Town of Nunda, New York, which property is part of the source of the village's water system; hereby

**RESOLVED**, that the Village of Nunda purchase the real property of

Tax Map Nos. 208.-1-11.1, 208.-1-20.123, and 209.-1-10 for \$300,000.00, and it is further

**RESOLVED**, that said purchase be conditioned upon receipt of grant monies for the purchase, and it is further

**RESOLVED**, that the Village of Nunda, if necessary, finance part of the purchase price of the aforementioned three properties, per contract recommendations from the Office of the State Comptroller and New York State Department of Environmental Conservation with the Village of Nunda.

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

Deputy Mayor Snyder stated he has spoken with Deputy Town Supervisor James Forrester and has set-up a meeting of the Land Acquisition and Tax Abatement Committee for Tuesday, January 21, 2020 at 7:00 PM to further discuss moving forward with both land acquisition, tax abatements, and shared services with the Town of Nunda.

#### **Old Business**

- A. Local Traffic Laws
- B. WWTP CIP – Update
- C. Truck Purchases
- D. Emergency Response Plan-WWTP/status

#### **Policy Review**

- A. February 2020 discussion on Social Media Policy

#### **Other Business**

- A. Cat food drive for the Kitty Shelter in Castile will take place at the end of this month.
- B. Christmas Tree to be stored in the basement at 1 Mill Street.
- C. Discussion on the Art Project through the Nunda Public Art Committee

**MOTION** was made by Deputy Mayor Snyder to allow the Mayor of the Village of Nunda to appoint members to the Nunda Public Arts Committee as necessary, with a membership of seven as listed;

Village Mayor, Town Supervisor, Village Trustee, Town Councilmember, (2) Nunda Historical Society Member, and Planning Board Member.

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

**Communications/Information Items**

A. Village Associations Dinner in February 2020-Caledonia will switch with Nunda as sponsor for February 2020. Nunda will host in June 2020.

**Adjournment**

With no further business to be discussed, the motion to adjourn was made by Trustee Allen at 9:01 PM, seconded by Trustee Wilcox.

Respectfully submitted,

LeRoy J. Wood  
Administrator/  
Clerk-Treasurer