

February 11, 2020

The Regular Meeting of the Nunda Village Board of Trustees was held on February 11, 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

Water and Streets Superintendent: Troy Bennett
Code Enforcement/Zoning Officer: Mark Mullikin
Planning Board Chairperson: Alex Pierce
Police Chief: Ryan Dale
Police Officer: Whitney
Recruit Police Officers: Allen & Pappas
Administrator/Clerk-Treasurer: LeRoy Wood

Citizens: Ron Adam Pamela Lane Rhonda Howard Patty Piper 3 civilians

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: Pamela Lane

Mayor Morgan welcomed Mrs. Lane.

Mrs. Lane asked to speak using a prepared written statement, Mayor Morgan approved.

Mrs. Lane stated the following: On February 6, 2020, approximately 1:00 PM, Village worker Ray Houtz was plowing sidewalks and tore up the grass in front of her home. Mrs. Lane then stated she came out from her house to flagged Mr. Houtz down. Mr. Houtz did not want to stop and with flailing arms kept moving to plow the sidewalks. Mr. Houtz eventually did stop briefly.

Mrs. Lane stated her sidewalk in front of her home was already shoveled. The plowing left snow in their driveway and tore up the grass in front of her home. Mrs. Houtz stated she was upset and ended the conversation with Mr. Houtz.

At this time, Mrs. Lane called the DPW Building and left a message, then called the Village Administrator's Office and left a message about how furious she was and how she was treated by this Village employee.

Eventually, Mrs. Lane called the Village Administrator's Office and spoke with Administrator Wood. Mr. Wood stated he would be right over with Deputy Superintendent Emke to assess the situation.

Mrs. Lane expressed her concern with Mr. Houtz to Mr. Wood and Mr. Emke. Mrs. Lane called for Mr. Houtz to be fired. Mr. Emke stated in the Spring time the Village would come around and fix all damage the sidewalk plow caused over the Winter months of plowing.

Mrs. Lane also wanted to know why the sidewalks were being plowed at 1:00 PM in the afternoon when the kids were already in school.

Mrs. Lane again stated she wanted Mr. Houtz fired and wanted to know the outcome. Mr. Wood stated this was a personnel issue and that these matters would be discussed.

Mrs. Lane then showed pictures of the grass to Mayor Morgan.

Mayor Morgan stated there were two issues:

1. Plowing – particularly sidewalks being plowed,
2. Behavior displayed

Mrs. Lane stated this was not the first time this has happened this year.

MOTION was made by Mayor Morgan to not plow sidewalks in front of resident's homes that desire not to have them plowed, seconded by Trustee Wilcox. Carried 5-0.

Mayor Morgan stated he would speak with Mr. Houtz on this issue and if there is anything that he can tell (Mrs. Lane), he would even though this is a personnel issue.

Mayor Morgan thanked Mrs. Lane for coming to the meeting tonight.

Be Well in Nunda – Patty Piper

Mrs. Piper discussed the initiatives this group has been working on since its inception more than a year ago. Steering Committee is performing worksite assessments, focus groups, classes, Town Hall on opioids, Environmentally-Historical Trail, Drug Drop-Off Box, ¼ mile walk now at Kiwanis Park. Healthy choices and walkability are focus points. The obesity rate for Nunda has dropped 3% this year.

Grant opportunities are being looked into with support from Livingston County Department of Health and Noyes Hospital.

Mrs. Piper has asked for the board to approve a resolution in support of the Be Well in Nunda Initiative; its policies, systems, and environmental changes.

Resolution No. 2020-005

SETTING FORTH NUNDA'S COMMITMENT TO BE WELL

WHEREAS, the Village Board of Nunda supports policies, systems and environmental changes that focus on health and wellness and healthier lifestyles in all communities; and

WHEREAS, there are important, long-term community benefits to be gained by encouraging healthy lifestyles, including a decrease in the rate of obesity and its negative health-related impacts and cost; and

WHEREAS, there is a significant difference in health status, such as obesity, poor mental health and substance use, among people living in rural areas compared with people living in urban areas, and this variance increases because rural residents are often more likely to face social determinants that negatively impact health, such as poverty, transportation barriers and lack of economic opportunity; and

WHEREAS, about one in six residents in Nunda are living in poverty, and 37% of students are overweight or obese; and

WHEREAS, our health is affected by where we live, work, and play; and in order for our communities to be healthy, we need to live in healthy communities; and

WHEREAS, the Village Board of Nunda and other community partners/businesses/educational institutions will work together to ensure that there are safe places for residents to be active, have access to healthy foods and education, and opportunities for mental health programs; and

NOW, THEREFORE, BE IT RESOLVED by the Village Board of Nunda that all community departments and agencies are encouraged to support the mission of the Be Well In Livingston initiative to *Eat Better, Move More, and Stress Less* by taking advantage of opportunities to: (A) Promote and support active transportation and physical activity; (B) Support joint use of facilities throughout communities in Livingston County which enhance health opportunities; and (C) Develop policies to provide access to healthy foods and mental health; and (D) Promote and support opportunities for education; and

BE IT FURTHER RESOLVED that the Village Board of Nunda will work with other communities, Livingston County departments, community partners, and regional agencies to adopt preventive measures, develop initiatives and programs to fight obesity and chronic disease, and create or support existing coalitions, such as Be Well in Livingston, which collectively advance community health and wellness.

The **motion** was made by Trustee Wilcox for the Nunda Village Board of Trustees to adopt this resolution as presented, reviewed and discussed in support of the Be Well in Nunda Initiative in promoting community health, seconded by Trustee McTarnaghan. Carried 5-0.

Mayor Morgan thanked Mrs. Piper for her presentation.

Mayor Morgan opened the Public Hearing on Local Law #1 for 2020 on Traffic Safety Rules and Regulations at 7:01 PM.

Approval of Minutes

A. January 14, 2020

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

B. January 24, 2020

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

Reports

A. *Police*

1. Nunda Police Department Monthly Report-January 2020

- DWI Crackdown Grant has provided \$180.
- Titles for all police vehicles still awaiting receipt from DMV.
- Officer Galuski cleared to return to work April 1st.
- Recruit Officer's Allen and Pappas progressing well Chief Dale has recommended hiring both recruit officers upon graduation from the Police Academy at the end of the month (February 2020).

MOTION was made by Deputy Mayor Snyder to hire Recruit Police Officer Brock Allen upon graduation from the Police Academy on February 29, 2020 as an officer of the Joint Town/Village of Nunda Police Department with a probationary period of six-months, seconded by Trustee McTarnaghan. Carried 4-0 (1 Abstention, Trustee Allen).

MOTION was made by Deputy Mayor Snyder to hire Recruit Police Officer James Pappas upon graduation from the Police Academy on February 29, 2020 as an officer of the Joint Town/Village of Nunda Police Department with a probationary period of six-months, seconded by Trustee McTarnaghan. Carried 5-0.

MOTION was made by Trustee Wilcox to pay Officer's Allen and Pappas \$17.00 per hour during their six-month probationary period to increase to \$18.00 thereafter pending Board Approval at that time, seconded by Trustee McTarnaghan. Carried 4-0 (1 Abstention, Trustee Allen).

Chief Dale stated both recruits are loyal, have been trained in Nunda, and have been sought out by many other departments for employment.

2. Budget Modifications

Trustee/Police Commissioner Allen stated in order to keep better track of police services in the court and through the DWI Crackdown Program the following Police Department Budget Modifications are being presented. Trustee/Police Commissioner Allen also stated the Police Commissioners have already, through lengthy discussion with Police Chief Dale, approved modifications to take place.

From: Protective Services	SP3120.1	\$ 10,500.00
To: Protective Services – Court	SP3120.1A	\$ 4,500.00
Protective Services – DWI	SP3120.1B	\$ 6,000.00

MOTION was made by Trustee Allen to approve budget modifications as presented by Chief Dale to the Police Commissioners, and approved by said body, to better track payroll expenditures for the Joint Police Department as a whole, seconded by Trustee Wilcox. Carried 5-0.

B. Code Enforcement/Zoning

1. Monthly Report-January 2020

C. Waste Water Treatment Plant

D. Water/DPW

1. Manhole Inspection Report

Superintendent Bennett reported most of the 186 manholes have been inspected with the exception of only a handful being located under asphalt on our roads. At this time of the year it would not be prudent to dig the streets up and raise the manhole covers and inspection. The weather does not cooperate at this time. When the weather warms up the DPW crew will complete the inspections as per Mayor Morgan's directive. Superintendent Bennett reported most of the manholes already inspected looked good, however, there are still trouble spots with disposable wipes and other non-biodegradable items being flushed.

MOTION was made by Trustee Allen to contact local New York State Senator and Assemblyperson to ascertain the decision by New York State Department of Transportation to pave State Route 436 from the Village Eastern border East to the Village of North Dansville's Western boarder without repairing or paving the Village streets located on this State Route, seconded by Deputy Mayor Snyder. Carried 5-0.

2. Sidewalks

Deputy Mayor Snyder has reached out to Assemblywoman Marjorie Byrnes for assistance with New York State Department of Transportation to determine status of placement of a sidewalk to Kiwanis Park to help in keeping safe way to schools' routes in the Village of Nunda.

3. 2019 Annual Water Quality Report Letter received from DOH

E. Justice

1. Monthly Reports-December 2019

2. Monthly Reports-January 2020

Justice Stoufer has stated she will be attending bench training in April 2020.

F. Treasurer's Reports

1. Monthly Bank Statement Account-January 2020
2. Collateralization Report-January 2020
3. Monthly Treasurer's Reports-January 2020
4. Payroll-#1 and #2-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 not match** the Treasurer's Report as presented. Interest received for each account was posted in February 2, 2020 making the accounts not match the bank statements for January 2020.

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.

G. ZBA/Planning Board

Chairman Pierce stated the County-wide Clean-up day will be April 24, and is open to community groups centered around Earth Day.

Researching with Code/Zoning Officer some inconsistencies with multi-family dwellings and trying to clean-up Zoning Code (Law).

Greenway Active-interested in connecting to State Park System-will revisit.

Gateway to Greenway-GNAP-Rochester to State Line-Rural Economic Development Innovation.

Municipal Planning-Wayfinding

Transportation Corridor-not only vehicle transportation; snowmobile and horseback considerations.

Mayor Morgan asked about Greenhouses. Chairman Pierce stated they fall under the agricultural umbrella and are still being discussed.

Mayor Morgan stated he was submitting an application for grant funding for the Land Mark Society and that the mission statement was a required component of the application. Mayor Morgan asked Chairperson Pierce if he could provide this statement and he answered yes, it was part of the Joint Town/Village Comprehensive Plan and would forward it to the Mayor.

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. 09

The Nunda Village Board of Trustees has reviewed and approve invoices for payment on Abstract no. 009 as follows:

GENERAL(A)	- \$ 13,809.92
WATER (F)	- \$ 5,101.10
SEWER (G)	- \$ 6,679.28
YOUTH (J)	- \$ 0.00
WWTP CIP (H)	- \$ <u>1,011.60</u>
TOTAL	- \$ 26,601.90

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

New Business

A. Fair Housing Month

Resolution No. 2020-006

WHEREAS, in accordance with Title VIII Fair Housing Policy of the Civil Rights Act of 1968 and the Fair Housing Amendments Act of 1988 and,

WHEREAS, the month of February 2020 has been designated by the U.S. Department of Housing and Urban Development’s Office of Fair Housing and Equal Opportunity as Fair Housing Month, **NOW THEREFORE BE IT RESOLVED**, that the Village Board of Nunda hereby declares and proclaims February 2020 as Fair Housing Month in the Village.

The **motion** was made by Trustee Wilcox, seconded by Trustee Allen. Carried 4-0 (1 Abstention, Deputy Mayor Snyder).

B. Markus Hugi vacation accrual restoration

MOTION was made by Trustee Allen to restore 16.5 hours of vacation to Markus Hugi due to non-use in 2019, seconded by Deputy Mayor Snyder. Carried 5-0.

C. Thomas Wood Participation in 2018 CDBG Program-letter received for discussion
Per letter received from Thoma Development, the municipalities consultant in CDBG Project No.# 831HR350-18, Subject: Thomas Wood’s Participation in the 2018 CDBG Program, the governing board must complete steps in order to ascertain participation of this applicant in the Village CDBG Grant Program.

The following items were discussed by the Nunda Village Board of Trustees:

- (1) openly discuss at Board meeting Mr. Thomas Wood’s intended participation in the program and the nature of the conflict-Mayor Morgan read aloud the letter in its entirety along with providing copies of the consultant’s letter to each Board member.
- (2) obtain an Opinion of Counsel letter stating that his participation does not violate State or local law-Mayor Morgan stated he believed this village resident does not violate any state or local law prohibiting his participation.
- (3) submit a letter of request to the State-this process will be completed by consultant.

The Village Board reviewed this applicant request to participate. Trustee Allen stated that the applicant’s father does not have nor has ever had any voting or decision-making authority with this governing body and thus should be able to participate in this program.

Mayor Morgan reiterated the program requirements and the spirit of this Community Development Block Grant is to revitalize the municipal community through home rehabs.

Mayor Morgan also stated the village attorney and program consultant should move forward with this applicant’s participation request.

D. CDBG Drawdown No. 6: \$26,433.93

Resolution No. 2020-007

CBDG No. 831HR350-18 Drawdown No. 6: \$26,433.93

BE IT RESOLVED that the Nunda Village Board of Trustees approve the bills for payment on CBDG No. 831HR350-18 Drawdown No. 6 in the amount of \$26,433.93 once funding has been received. The vendors listed is *Townline Construction* for work completed at one local residents' home-Denby; and *Thoma Development* for Payment processing to vendors, program delivery, and administrative responsibilities per contract with Village of Nunda.

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

E. Budget Modifications			
From:	A1990.4 Contingency	\$3,500.00	
To:	A1620.4 1 Mill Street Bldg		\$2,000.00
	A6497.4 Economic Development		\$1,500.00

From:	F8330.4 Contractual	\$1,200.00	
To:	F8340.4 Contractual		\$1,200.00

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

F. New water meter-Keating Lane

Superintendent Bennett expressed concerns with existing water metering equipment at 100 Keating Lane. Water meter reads have not been consistent with previous historical data. Superintendent Bennett has requested to purchase 1 ½” water meter and a digital reader.

MOTION was made by Deputy Mayor Snyder to allow Superintendent Bennett to spend up to \$1,000.00 to replace alleged defective water metering equipment at 100 Keating Lane to prevent potential leakage and misaligned readings, seconded by Trustee Allen. Carried 5-0.

G. Delinquent water bills

Administrator Wood presented concern for local resident with whom has not paid their full water and sewer usage bill in six months. The family has stated they have no monies to pay their bill and have two children at home.

Mayor Morgan stated to Administrator Wood to check with the Health Department as to turning water off with children in the house.

Trustee Allen recommended a letter should be sent to the home with a request to have half of the current total due within 30 days and the remaining half due 30 days thereafter.

Mayor Morgan directed Administrator Wood to send a letter per Trustee Allen's recommendation for half total due paid within 30 days and the remaining due paid 30 days thereafter. Also, Mayor Morgan asked Administrator Wood to reach out to the local Health Department to see what options there are for non-payment of services provided and children being in the home. Administrator Wood acknowledged the directive.

H. Criminal Justice Reform Resolution-discussion

Resolution No. 2020-008

WHEREAS while there was a need to reform New York's criminal justice statutes during the 2019 state legislative session, it is widely recognized that several of the drastic changes in the laws pertaining to discovery are overly broad and vague and are having unintended consequences at the municipal level; and

WHEREAS the dramatically shortened time period in which prosecutors must disclose evidence to defendants and the broad expansion of the matters to which such discovery mandates apply will have significant cost, tax and justice implications for villages with police departments, local justice courts or code/parking enforcement departments; and

WHEREAS the discovery reforms mandate prosecutors disclose evidence to the defense within 15 days of arraignment for criminal charges; even if the defendant is not in custody, and

WHEREAS drastically enlarging the scope of material that a prosecutor must review and deliver within 15 days will overwhelm the ability of village officials and employees to prosecute cases while managing their misdemeanor and felony caseloads, and will make it impossible to prosecute vehicle and traffic and local code infractions and violations in compliance with the new discovery mandates; and

WHEREAS arraignment must now take place within 20 days of desk appearance ticket issuance, thereby requiring justice courts, many of which convene monthly, to meet more frequently; and

WHEREAS villages will not reap savings from the bail reform's reduction of the burden on county jails; and

WHEREAS municipalities are already challenged with operating within the now-permanent 2% tax cap and have not received an increase in general purpose state aid in 11 years.

NOW THEREFORE BE IT RESOLVED THAT the Village of Nunda supports the following set of amendments proposed by the New York State Conference of Mayors that are consistent with the intent of the criminal justice reforms but which will allow for more effective and affordable implementation:

- Ensure that cities and villages are provided with additional financial and operational support to offset the cost of these mandated measures;
- Allow 60 days for prosecutors to disclose evidence to the defense for criminal charges;
- Exclude from the accelerated discovery requirements any charge not involving a misdemeanor or felony;
- Adjust the 20-day arraignment requirement to accommodate local courts that meet on a monthly basis;
- Allow prosecutors to withhold sensitive information, such as victim contact information, without having to obtain a court order.

AND BE IT FURTHER RESOLVED that this duly adopted resolution of the Village of Nunda be forwarded to Governor Andrew Cuomo, Senate Majority Leader Andrea Stewart-Cousins, Assembly Speaker Carl Heastie, Senator Patrick Gallivan and Assembly Member Marjorie Byrnes, the New York State Conference of Mayors, and local media outlets.

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

I. Internal Control Audit Committee

Administrator Wood asked the Village Board of Trustees to establish an Audit Committee that would provide oversight of the Village Administrator/Clerk-Treasurer's Office and duties/responsibilities this department manages.

Mayor Morgan issued a directive establishing an Audit Committee for the Village of Nunda to provide oversight of the Village Administrator/Clerk-Treasurer's Office and financial controls and other departments of the Village. Mayor Morgan appointed Deputy Mayor Snyder and Trustee Allen to this Audit Committee to report back to the entire Village Board of results once audit is completed.

I. Christmas Lights

Superintendent Bennett presented pricing for replacement Christmas lights for the Village. Cost for one light was \$463 per light with a quantity being requested of 6 each. Total costs would be \$2,778 plus shipping cost.

Mayor Morgan welcomed the idea, however, stated he found it difficult to spend this significant amount of taxpayer funds on Christmas lights.

Superintendent Bennett stated the lights that are put up now are getting old and finding parts to replace is difficult.

Mayor Morgan asked if other sources of supply have been contacted. Superintendent Bennett stated the price being quoted is for items that are on sale with a large discount for this month. The vendor we received pricing from is the one we have used several times in the past.

Administrator Wood asked Mayor Morgan if additional research could be done to provide other pricing sources before any decisions were to be made.

Mayor Morgan agreed to conduct research additional pricing sources.

Deputy Mayor Snyder asked about donations. Mayor Morgan agreed once other pricing was provided.

Mayor Morgan stated \$3,000 could be better spent elsewhere and that we should try to look for grants to help with costs.

Old Business

A. Local Traffic Laws

Mayor Morgan asked if there was any further discussion on traffic safety rules and regulations. With none being received, **Mayor Morgan closed the Public Hearing on Local Law #1 of 2020, Traffic Safety Rules and Regulations for the Village of Nunda at 8:54 PM.**

B. WWTP CIP – Update-Planning Grant Completion Certificate & Disbursement Form

C. Truck Purchases

Superintendent Bennett stated the vendor has contacted him and that the DPW truck is ready for pick-up next week.

D. Emergency Response Plan-WWTP/status-competed awaiting final review

E. Land Acquisition Grant-update

F. Budget Call Letter 2020-2021

Administrator Wood stated budget worksheets will be provided to all department heads by the end of February 2020 to be worked up and discussed in March 2020.

G. Sidewalk to Kiwanis for student safety

Deputy Mayor Snyder has reached out directly to Assemblywoman Marjorie Byrnes to help with contacting New York State Department of Transportation to ascertain status of the engineering plans submitted and a decision to move forward with the sidewalk installation.

H. Historical Preservation Board Members

Mayor Morgan discussed appointing local members to this Board.

MOTION was made by Trustee Allen to approve the following members be appointed to the Village Historical Preservation Board;

Alex Pierce

Planning Board Chairperson

Joan Shoemaker	Historical Society Member
Bonnie Kratz	Historical Society Member
Merilee Walker	Town of Nunda, Supervisor
Randall Morris	Town of Nunda, Councilperson
Jack Morgan	Village of Nunda, Mayor
Dr. Donald Wilcox	Village of Nunda, Trustee

The **motion** was seconded by Deputy Mayor Snyder. Carried 5-0.

Policy Review

A. Internet, Email, and Computer Use Policy

B. Social Media Policy formulation

Administrator Wood provided both policies to Board members and asked to review and provide discussion at the next regularly scheduled Board meeting in March. Administrator Wood asked to have these policies in place prior to launching the Village's approved social media's platforms.

Other Business

A. Livingston County Land Bank

Mayor Morgan has reached out on two properties located in the Village that would benefit from additional exploration in getting these properties up to standards in reference to property maintenance requirements per local law.

B. Wayfinding Study through Livingston County

Resolution No. 2020-009

BE IT RESOLVED, that the Nunda Village Board of Trustees adopt Local Law #1 of 2020, Traffic Safety Rules and Regulations for the Village of Nunda.

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

Communications/Information Items

A. Village Associations Dinner-Thursday, February 20, 2020-Caledonia

B. Pre-Trial Services Letter from Livingston County Administrator

C. Livingston County Semi-Annual Report on Dog Control

MOTION was made by Deputy Mayor Snyder at 9:15 PM to enter into executive session to discuss personnel concerns, seconded by Trustee Wilcox. Carried 5-0.

MOTION was made by Trustee Allen at 9:31 PM to exit executive session, seconded by Trustee McTarnaghan. Carried 5-0.

Adjournment

With no further business to be discussed, the motion to adjourn was made by Trustee Allen at 9:31 PM.

Respectfully submitted,

LeRoy J. Wood
Administrator/
Clerk-Treasurer