

August 9, 2021

The Regular Meeting of the Nunda Village Board of Trustees was held on August 9, 2021, at the Nunda Government Center Building with the following present:

Mayor: Jack Morgan

Deputy Mayor: Darren Snyder

Trustees: Mel Allen

William McTarnaghan

Dr. Donald Wilcox

Municipal Engineer: JP Schepp, MRB Group

Planning Board Chairperson: Alex Pierce

Water and Streets Superintendent: Troy Bennett

Code Enforcement/Zoning Officer: Mark Mullikin

Waste Water Treatment Plant Chief Operator: Markus Hugi

Administrator/Clerk-Treasurer: LeRoy Wood

Deputy Clerk-Treasurer: Tammy McCallum

Mayor Morgan - called the meeting to order at 7:00 PM.

Roll Call: Trustee McTarnaghan

Pledge of Allegiance: led by Mayor Morgan

Municipal Engineer – WWTP Capital Project Update

JP Schepp, Municipal Engineer, MRB Group presented data from opening bids to the Waste Water Treatment Plant Capital Improvement Project. There were four categories that were bid out; General Contracting, Electrical, HVAC and Plumbing.

The following contractors' bids were reviewed:

General Contracting – STC Contraction, Inc.	\$ 2,448,800
Blue Heron	\$ 3,166,611
Villager Construction	\$ 3,900,000
Electrical	MW Controls Services \$ 475,376
	Hewitt Young Electric \$ 774,500
	Concord Electric \$ 797,000
	Invictus Electric \$ 1,026,000
HVAC	No bids received
Plumbing	No bids received

JP presented three options the municipality could choose from as the bids presented were over budgeted from original plan.

Option #1 – Reject bids, reduce project cost to work within budget and rebid

Option #2 – Award bids and work with bidders to find areas to economize.

Option #3 – Award bid and seek additional grant and loan opportunities.

JP mentioned the municipality (with MRB Group writing and submitting grant) is awaiting word to see if an award of an additional \$ 386,000 would be added to the project and reduce long term debt.

Trustee Wilcox asked about the HVAC and plumbing and that because they were not bid, where do we go with those two? JP stated they were small and required under the scope and cost of the project to send out and request for bids. These could be wrapped into either the general contracting or electrical portion of the project.

Resolution No. 2021-027

BE IT RESOLVED, that the Nunda Village Board of Trustees approve awarding STC Construction, Inc. as the general contractor for the Waste Water Treatment Plant Capital Improvement Project #6485-01-00 at a cost of \$ 2,448,800 at this time, upon recommendation from the municipal engineer, JP Schepp, MRB Group and to seek out additional funding options either through grants or loans. The **motion** was made by Trustee Wilcox, seconded by Deputy Mayor Snyder. Carried 4-0.

JP provided three budget overviews.

1. Original cost and breakdown of the project
2. Cost of project with bids
3. Cost of project with bids and \$ 386,000 grant received.

Cost analysis was completed as to quarterly debt that would be owed by each user on all three overviews.

Mayor Morgan and the Board thanked JP for the presentation and recommendations.

Visitor Forum Ron Adam

Approval of Minutes

A. July 26, 2021

MOTION was made by Trustee Allen to accept the minutes as presented, discussed, and reviewed, seconded by Trustee Deputy Mayor Snyder. Carried 4-0.

B. July 28, 2021 – Joint Meeting with Town of Nunda

MOTION was made by Trustee Wilcox to accept the minutes as presented, discussed, and reviewed, seconded by Trustee Allen. Carried 4-0.

Reports

A. Police

1. Police Commissioner's Board Meeting was rescheduled to be held August 11, 2021

B. Code Enforcement/Zoning

1. Monthly Report-July 2021

Mayor Morgan asked the Code Enforcement Officer about several properties with infractions that require notification. CEO Mullikin stated he has sent out notifications to several home owners regarding violations of the local Property Maintenance Code.

Mayor Morgan stated if you recognize one with infraction notify them, then you must notify all with infractions.

C. Waste Water Treatment Plant

1. Departmental Activity Log-July 2021

NYSDEC was onsite for their annual inspection. Concern from the inspector was the accumulation of foam at the sewer plant. Once Again Nut Butter (OANB) was visited to ascertain if the foam issue was being caused by (OANB). Final analysis has not been determined as foam has been at the sewer plant for many years prior to OANB being active.

D. Water/DPW

1. Departmental Activity Log-July 2021

2. Paving – West Street is completed

3. Millings at the end of driveways on West Street completed

4. Dig up tile on Halstead Road to ease drainage from customers property

5. Water line for J. Blair – trailer park on Creek Road would not be able to accommodate being extended to (J. Blair) property. This pipe is 3" galvanized pipe and cannot be used. Other possibilities to extend would be from Piper's property where there are already two pit meters in this yard. Superintendent Bennett raised objection to adding one or two customers while extending the water infrastructure several hundred feet would not be cost effective and raise concerns with water pressure to customers. It was determined that cost of a pit meter and other supplies should be provided to J. Blair and that Pipers should be contacted as to the additional pit meter being placed in their yard should this project move forward. Also, a contract with the Blair's would need to be generated with the understanding that the equipment would be the responsibility of the new customer.

E. Justice

1. Monthly Reports-July 2021

F. Treasurer's Reports

1. Administrator's Report

a. Prepared and attended **four** public meetings in July; Village Board Meeting (2), Police Commissioners Meeting and Joint Town and Village Board Meeting – completed all board meeting minutes for these meetings, posted to village website.

b. Received confirmation on CDBG No. 2 Grant; prepared RFP, advertised, completed **six** required forms for submission to Office of Community Renewal to include; CDBG Grant Agreement, Designation of Depository for Direct Deposit of Funds, Authorized Signature Form, Proof of Insurance Coverage, Project Team List, Project Schedule. These will be submitted after Board reviews and signs the Authorized Signature Form.

c. Attended Webinar – Financial Condition Analysis for Board Members

d. Received – American Rescue Plan Act Payment (\$65,527.14) in our bank account (checking account) to include the Office of the State Comptroller’s Directive on processing receipt of these funds. This is a new concept that will take an in-depth approach to processing these funds into our financial system. There are strict guidelines to using these funds, more to come.

e. Processed two abstracts for the payment of invoices. This created additional bank transfers and check writing and mailings.

f. Received from the Water Department water meter reads for our customers. The initial reads have been uploaded into our Water/Sewer Software Program. Bills to be mailed second week in August.

g. Lawson Properties – a Bond Anticipation Note (BAN) has been sold for \$300,000. This BAN will provide funding for the acquisition of the Lawson Properties forthwith. DEC has contacted the village requested additional explanations from the title and deeds. The municipal attorney has been visited several times throughout the month to work at fulfilling DEC’s requests. Survey maps have been recopied and sent to DEC. A quote to have a required sign on the Lawson Property once the village takes possession of these land was delivered to two vendors. Only one responded and review is currently at DEC prior to moving forward with purchase of sign. Attended a conference call related to the BAN with Fiscal Advisors and attorney Harris Beach associates.

h. Board of Elections was visited to discuss upcoming referendum on the Local Cannabis Law. A sample proposition was developed and sent to the mayor and board members, with the mayor making final determination due to time constraints. This has been sent to the municipal attorney for review prior to our submission to Board of Elections. This action is paramount as time is our enemy.

i. Tax collection is still continuing; outstanding taxes to date are \$19,628.65.

j. Water/Sewer outstanding balances due to date is; \$32,269.69. This is normally below \$5,000 prior to sending out new bills.

- k. Continued work on the Compensation Doctrine.
 - l. Processed two death certificates.
 - m. Attended the opening of bids for the Waste Water Treatment Plant Capital Improvement Project with the Chief Waste Water Treatment Operator and our municipal engineer.
 - n. Continued website and Facebook monitoring and updating.
 - o. Typed Property Maintenance Local Law #3 of 2021 and submitted to New York State Department of State for filing after presenting to board with their approval of amending this law.
 - p. Typed the Cannabis Local Law, awaiting a referendum to determine final disposition.
 - q. Processed Disability Request Form for employee.
 - s. Researched and presented information on the village and town agreement related to water/sewer utilities. Wrote tax abatement resolution.
 - t. Hour scheduled to work: 147 Hours worked: 187.75 Difference of +40.75 hours
2. Monthly Bank Statement Account-July 2021 – only one provided
 3. Collateralization Report-July 2021
 4. Monthly Treasurer's Reports-July 2021 – will be distributed later in the month
 5. Payroll - #13, 14 & 15 - Certification Review
 6. Departmental Activity Log-July 2021

G. ZBA/Planning Board

Mayor Morgan stated to the Planning Board Chairperson that he was available including the Board to assist in any way with the Joint Town/Village Comprehensive Plan. Chairperson Pierce was grateful.

Chairperson Pierce stated the Planning Board is working on Zoning Law to clear some things up.

H. Youth Recreation

Trustee Wilcox stated he had visited the Youth Recreation Program site at Kiwanis and spoke with the Director (Gordinier). Trustee Wilcox stated this year's numbers were up and that it was a better year than last.

MOTION was made by Trustee Allen to accept the departmental reports as given, seconded by Trustee Wilcox. Carried 4-0.

Approval of Invoices

A. Abstract No. 004

The Nunda Village Board of Trustees has reviewed and approve invoices for payment on Abstract no. 004 as follows:

GENERAL	(A)	- \$ 58,478.11
WATER	(F)	- \$ 4,426.90
SEWER	(G)	- \$ 2,966.80
WWTP CIP	(H)	- \$.00
YOUTH	(J)	- \$ <u>921.79</u>
TOTAL		- \$ 66,793.60

The **motion** was made by Deputy Mayor Snyder, seconded by Trustee Allen. Carried 4-0.

New Business

A. American Rescue Plan Act (ARPA) Brief

Brief discussion from Deputy Clerk-Treasurer McCallum on the receipt of ½ of the federal ARPA funds, a NYCOM (two-hour) webinar was attended by both the Deputy Clerk-Treasurer and the Administrator. Uses for these funds is still being ascertained. More information will be gathered from the attendance at next month’s Annual NYCOM Fall Conference.

B. Budget Modifications

Administrator Wood asked to increase the budget by the amount of CHiPs, PAVE-NY and Extreme Winter Recovery (EWR) funds. Increasing account A3501 \$ 25,900 and on the expenditure side account A5112.2 \$ 25,900, if allowed through our financial/accounting software program.

Resolution No. 2021-028

BE IT RESOVLED, that the Nunda Village Board of Trustees approves budget modifications to increasing the overall budget lines to allow for the true CHiPs, PAVE-NY and EWR available monies to reflect within the budget.

The **motion** was made by Deputy Mayor Snyder, seconded by Trustee Wilcox. Carried 4-0.

Old Business

A. Compensation Doctrine Presentation

Administrator Wood presents a Policy that would define payroll processing and create a structured payroll system for the municipal employees.

Mayor Morgan stated he did not understand the Policy as it relates to pay structure.

Mayor Morgan asked both Chief Operator Hugi and Superintendent Bennett if they approved of the policy. Chief Hugi stated he was alright with it. Superintendent Bennett stated if the

village was looking at getting away from stipends for two of the three employees that currently have them then he should not have a stipend as well. Current employees receiving an annual stipend:

Superintendent Bennett \$ 3,400
 Deputy Superintendent Emke \$ 400
 Chief Sewer Operator Hugi \$ 3,000

It was determined a discussion on removing these stipends while not having the employees lose pay would be debated.

Deputy Mayor Snyder announced this would be tabled for future discussion.

B. Tax Abatement Resolution

Resolution No. 2021-029

WHEREAS, the Village of Nunda is a municipal corporation located in the County of Livingston, Town of Nunda, and Dalton-Nunda School District in the State of New York; and

WHEREAS, the Village of Nunda currently owns several parcels located in the Town of Nunda, New York; and pays property taxes on these parcels to the Town of Nunda, Dalton-Nunda School District and the County of Livingston; and

WHEREAS, the Village of Nunda has researched and submitted an application for a New York State Water Quality Improvement Project (WQIP) Grant that would provide funding to purchase three parcels in the Town of Nunda adjacent to current owned Village properties that would increase the water source protection area of the municipal water source; and

WHEREAS, the Village of Nunda was awarded such grant funding for the purchase of three parcels to include administrative costs; and

WHEREAS, the Village of Nunda does provide water and sewer services to multiple Dalton-Nunda School District locations and some Town of Nunda residents through proper water districting requirements; and

THEREFORE, BE IT RESOLVED, the Village of Nunda desires to enter into an agreement with the Town of Nunda to provide a tax abatement on the following properties for the period of twenty-five (25) years to include the three properties to be acquired through the New York State Land Acquisition Grant through WQIP, when at that time of expiration – in the year 2046, a new agreement will be formulated and established.

<u>Tax Map ID</u>	<u>Location</u>	<u>Assessed Value</u>	<u>Total Abatement</u>
198.-1-73	Water Treatment Plant	\$765,978	\$115,000
198.-1-74	NYS Route 70 – 26.16 acres	\$ 15,000	\$ 15,000
208.-1-15.1	Chidsey Road – 61 acres (reservoir)	\$254,798	\$ 38,250
209.-1-23.1	NYS Route 70 – 43.30 acres	\$ 20,000	\$ 20,000
640.89-999-232.700-1881	Water transmission lines	\$218,724	\$ 32,810

*208.-1-11.1	Gilbert Road – 25.98 acres	\$ 30,400	\$ 30,400
*208.-1-20.123	NYS Route 70 – 128.54 acres	\$207,500	\$ 31,125
*209.-1-10	NYS Route 70 – 25.62 acres	\$ 20,000	\$ 20,000

*Properties to be added through the finalization of the Land Grant with NYS WQIP

NOW, THEREFORE BE IT RESOLVED, the Nunda Village Board of Trustees approves entering into a twenty-five-year agreement with the Town of Nunda on tax abatement for properties listed above, and with such approval, this agreement will direct specific land uses and oversight of properties by stakeholders involved while preserving the source water protection area the Village of Nunda requires for its municipal water source.

The **motion** was made by Deputy Mayor Snyder, seconded by Trustee Wilcox. Carried 4-0.

C. Sidewalks

MOTION was made by Deputy Mayor Snyder to accept Curry Masonry to install new sidewalks in the village located on North State Street, approximately 350 feet, at a cost of \$ 5,600, as this stretch of sidewalk is unsafe and needs to be replaced forthwith, the **motion** was seconded by Trustee Allen. Carried 4-0.

D. Referendum

Proposition No. 1

Background Information:

On July 12, 2021, The Village Board of Trustees of the Village of Nunda adopted Local Law No.2 of 2021, Opting Out of Licensing and Establishing Retail Cannabis Dispensaries and On-site Cannabis Consumption Establishments within the Village of Nunda.

The purpose of this Local Law is to prohibit retail cannabis dispensaries and on-site cannabis consumption establishments in the Village of Nunda.

This local law was adopted by vote of the Nunda Village Board of Trustees, pursuant to Marihuana Regulation Taxation Act of New York State - Cannabis Law § 131, which expressly authorizes villages to opt-out of allowing retail cannabis dispensaries and on-site cannabis consumption establishments within its boundaries.

The law will not take effect until:

- Forty-five (45) days have passed following the adoption of the law and
- The law is approved by the electorate of the Village of Nunda (if a permissive referendum is authorized and held at a regular or special election)

The purpose of this special election and referendum, is to allow residents of the Village of Nunda to make a final determination regarding Local Law No. 2 of 2021. On July 12, 2021, the

Nunda Village Board took all necessary actions to authorize this special election and referendum.

Please note that in voting for or against the following proposition, a vote of “Yes” is a vote to prohibit Licensing and Establishing Retail Cannabis Dispensaries and On-site Cannabis Consumption Establishments within the Village of Nunda, while a vote of “No” is a vote not to prohibit such licensing.)

Proposition (Vote “YES” or “NO” by marking the appropriate box):

Should the Village of Nunda continue to opt-out of (prohibit) licensing and establishing retail cannabis dispensaries and on-site cannabis consumption establishments within the Village of Nunda?

YES

NO

Resolution No. 2021-027

BE IT RESOLVED, that the Nunda Village Board of Trustees approved Proposition No. 1 to be presented to the voters of the Village of Nunda on September 7, 2021 as a special referendum to determine opting out of Licensing and Establishing Retail Cannabis Dispensaries and On-site Cannabis Consumption Establishments within the Village of Nunda or opting-in allowing these establishments to exist in the village, while allowing Livingston County Board of Elections to review and make necessary changes as required prior to placement on ballot so long as the nature of the intent of the proposition is not compromised.

The **motion** was made by Deputy Mayor Snyder, seconded by Trustee Wilcox. Carried 4-0.

Other Business

- A. Surveillance System at Village Owned Properties
- B. Water/Sewer Account #1945 – Hillside Apartments did not contact the village since the last board meeting to set-up a time to review data from past water meter reads.

Policy Review

- A. Vehicle-Use Policy

MOTION was made by Trustee Wilcox to not allow any use of the municipal vehicles other than while working on weekend, however, to allow village employees during the week to use municipal vehicles to travel within the Town of Nunda for lunch or when on village business outside the township be allowed to stop and have a meal while on route to or from business, seconded by Trustee Allen. Carried 4-0.

Communications / Informational / Discussion Items

- A. Semi-annual Report Livingston County Dog Control
 - B. Christmas Lights
- Superintendent Bennett stated he received new Christmas lights to be hung in the village over the Winter by Nunda Lumber, Dana Russell and expressed that a card or letter be sent to thank them for the donation.

Adjournment

MOTION was made to adjourn by Trustee Allen, seconded by Trustee Wilcox at 9:01 PM.

Respectfully submitted,

LeRoy J. Wood
Administrator/
Clerk-Treasurer