

April 2, 2019

The Organizational Meeting of the Nunda Village Board of Trustees was held on April 2, 2019, at the Nunda Government Center Building, at 6:30PM with the following present:

Mayor: Jack Morgan
Deputy Mayor: Darren Snyder
Trustees: Mell Allen
William McTarnaghan
Dr. Donald Wilcox

Water and Streets Superintendent: Troy Bennett
Deputy Water and Streets Superintendent: Brian Emke
Administrator/Clerk-Treasurer: LeRoy Wood

Citizens: Mrs. Bennett 2 High School Students

Newly elected Trustee Dr. Donald Wilcox was administered the Oath of Office of Village Trustee for a period of one year by the Village Administrator/Clerk-Treasurer Wood.

Mayor Morgan - called the meeting to order at 6:35 PM.

Roll Call: All present

Pledge of Allegiance - led by Deputy Mayor Snyder

Mayor Morgan welcomed everyone in attendance to the meeting.

Village Annual business as presented by Mayor Morgan;

APPOINTMENTS as presented by Mayor Morgan:

Deputy Mayor	Darren Snyder
Deputy Clerk-Treasurer	Mechelle Gillen
Registrar	LeRoy J. Wood
Deputy Registrar	Mechelle Gillen
Records Management Officer	LeRoy J. Wood
Assessor	Brian Knapp (Town)
Budget Officer	Mayor Morgan
Code Enforcement / Zoning Officer	Mark Mullikin
Deputy Code Enforcement / Zoning Officer	<i>Vacant</i>
Court Clerk	Sheila Duffy
Historian	Valerie Griffing

LIASONS:

Administrative (insurance, planning, office, phone, computer, data)	Mayor Morgan / Trustee Wilcox
Water	Mayor Morgan
Other Utilities (sewer, street, trees, cable)	Deputy Mayor Snyder / Trustee McTarnaghan
Youth / Parks	Mayor Morgan / Trustee Wilcox
Budget Preparation	Mayor Morgan / Village Board
Code Enforcement	Mayor Morgan / Trustee McTarnaghan

POLICE COMMISSIONERS:

Public Safety / Police	Deputy Mayor Snyder / Trustee Allen
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Financial Consultant: Bernard P. Donegan
Fiscal Advisors & Marketing, Inc.

Financial Depository: Five Star Bank
Secondary, M&T Bank
Secondary, JP Morgan Chase

Official Newspaper: Hornell Evening Tribune

Legal Consultant: Mason Meyer, PLLC
John Vogel

Village Engineer: MRB Group, P.C.

Clerk's Office Hours: M-F 8:30 A.M.- 12:15 P.M. -- 12:45 P.M.- 4:00 P.M.

Informational Purposes - Village / Town Planning Board

Meet 1st Tuesday of each month, as needed

Village Members:		Town Members:
Joe Lindstrom		Chairperson – Alex Pierce
Michele Seifried		Brenda Weaver
<i>Vacant</i>		Joan Schumaker
		Timothy Cassidy Sr.

Informational Purposes - Village / Town Zoning Board of Appeals

Public Hearings, as needed

Village Members:		Town Members:
Scott Amidon		Chairperson – Robert Piper
Jeff Essler		Daniel Strobel
Kristie Cartwright		

Village of Nunda Revitalization Review Board – Local Law #1 – 2009

Nunda Chamber:	Margaret Grosse
Resident:	Gary Paine
Resident:	Cathy Kemp
Mayor:	Jack Morgan
Trustee:	
Alternate Trustee:	
Secretary:	LeRoy J. Wood

Resolution no. 2019-017

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 7:00 PM in the Nunda Government Center Board Room.
2. **SPECIAL 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 Friday before the Monday evening 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, if 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 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 meeting minutes within the prescribed timeframe as provided by New York State Open Meetings Law. The Board of Trustees review and approves meeting minutes at the next regularly scheduled Board meeting. Amendments to the Village Clerk-Treasurer's meeting minutes require approval of the Board of Trustee by a majority vote.

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. Review / approval of Abstract;
- f. Reports from Departments / Committees
- g. New business;
- h. Old business;
- i. Other business;
- j. Communications / Informational Items
- k. 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 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.

The motion was made by Mayor Morgan, seconded by Trustee Wilcox. Carried 5-0.

Organizational Meeting

Resolution no. 2019-018

BE IT RESOLVED that the next Village of Nunda Organizational Meeting be held April 14, 2020 at 6:30 PM.

The motion was made by Mayor Morgan, seconded by Trustee Wilcox. Carried 5-0.

Audit of Claims

Resolution no. 2019-019

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.

The motion was made by Mayor Morgan, seconded by Trustee McTarnaghan. Carried 5-0.

Attendance at Schools and Conferences

Resolution No. 2019-020

WHEREAS attendance by certain municipal officials and employees at one or more of workshops, seminars or schools benefits the municipality;

NOW THEREFORE BE IT RESOLVED:

Section 1. That attendance at any workshops, seminars and schooling is decided on an individual basis throughout the year.

Section 2. That this resolution is effective immediately.

The motion was made by Mayor Morgan, seconded by Trustee Allen. Carried 5-0.

Clerk and Permit Fees

Resolution no. 2019-021

BE IT RESOLVED that the Clerk's fees and Permit fees be accepted as they now exist.

The motion was made by Mayor Morgan, seconded by Deputy Mayor Snyder. Carried 5-0.

Depositories

Resolution no. 2019-022

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 treasurer, clerk and receiver of taxes. Names of Institutions: Five Star Bank, M&T Bank, JP Morgan Chase

Section 2. That this resolution is effective immediately.”

The motion was made by Mayor Morgan, seconded by Trustee McTarnaghan. Carried 5-0.

Emergency Management Plans

Resolution no. 2019-023

BE IT RESOLVED that the Nunda Village Board of Trustees adopt the Livingston County Comprehensive Emergency Management Plan, the Village of Nunda Water Emergency Response Plan and the Village of Nunda Wastewater Plant Emergency Response Plan as updated, with such changes from NYS or Livingston County policies.

The motion was made by Mayor Morgan, seconded by Trustee Wilcox. Carried 5-0.

Standard Work Day

Elected and appointed officials have been required to record and submit a record of work-related activities (ROA) to their employers if they are members of the New York State and Local Retirement System (NYSLRS); and do not use a time-keeping system that shows hours worked. Since retirement

benefits are based in part on service credit, Standard Work Day is used for correctly reporting the number of days these members work during a reporting period to help ensure the benefits they receive are accurate.

Resolution no. 2019-024

WHEREAS, the Nunda Village Board of Trustees approves the 2019 Standard Work Day Resolution for Location Code 40280, to be signed and sealed by the Village Clerk-Treasurer and thereafter within forty-five days submit such resolution to New York State and Local Retirement System.

BE IT FURTHER RESOLVED, that the Nunda Village Board of Trustees approves the Village Clerk-Treasurer to post a sealed copy of the 2019 Standard Work Day Resolution on Nunda Government Center official bulletin/sign board for a continued of at least thirty (30) days.

The motion was made by Mayor Morgan, seconded by Trustee Wilcox. Carried 5-0.

New Business

A. Local Code of Ethics and General Municipal Code 800 -809

Distributed to all Board Members and Village employees, was reviewed and discussed.

B. Probationary Period ending for Water and Streets Superintendent – discussion

MOTION was made by Deputy Mayor Snyder to enter into executive session, at 6:55 PM, for the discussion of personal matters, the motion was seconded by Trustee Wilcox. Carried 5-0.

MOTION was made by Deputy Mayor Snyder to eliminate a Water and Waste Water Treatment Plant Operator vacant position from the Village position/employee roster held by Livingston County Personnel Office on behalf of the Village, seconded by Trustee Wilcox. Carried 4-0 (Trustee McTarnaghan non-vote).

MOTION was made by Trustee Allen to confirm permanent appointment of Troy Bennett as Water and Streets Superintendent, seconded by Trustee Wilcox. Carried 3-2 (Mayor Morgan and Deputy Mayor Snyder no votes).

MOTION was made by Trustee Allen to exit executive session, at 7:19 PM, the motion was seconded by Deputy Mayor Snyder. Carried 5-0.

Mayor Morgan invited the public back into meeting after executive session ended.

Mayor Morgan congratulated Mr. Troy Bennett for his confirmation as now being a permanent Water and Streets Superintendent for the Village of Nunda.

Mayor Morgan stated to Mr. Bennett that he needed to contact Administrator LeRoy Wood when there is a need within the Village.

Superintendent Bennett stated he understood. Superintendent Bennett stated nothing has been explained to us as to this new position and he interprets things one way and others see it another.

Mayor Morgan stated anything you would come to me for - now you go to the Administrator. The Administrator position was put in place to streamline decision making in the Village. Mayor Morgan stated when the Superintendent would come to me for information or an answer, I would contact the Village Clerk-Treasurer and confer about budgetary, policy conformance, or other administrative matters. Reporting to the Administrator would alleviate the middle person with some decisions being made right then and there. Administrator Wood knows and understands decisions that would require higher approval, then he would contact me.

Mayor Morgan then stated to Superintendent Bennett that I expect you to treat the Administrator as you would treat me.

Superintendent Bennett then asked due to Department of Health requirements with water should there be a problem it states to contact the Mayor specifically.

Mayor Morgan stated he would research this and to still contact Administrator Wood.

Mayor Morgan stated to Superintendent Bennett that the vote to not confirm was 3-2.

Deputy Mayor Snyder stated we're all here to get along. Deputy Mayor Snyder then asked why Superintendent Bennett was always in a defensive mood.

Superintendent Bennett stated over the past four or five months with the Board going into executive session every meeting he feels this is because of him. Superintendent Bennett stated he feels things are brought on at the last minute without employees knowing about it.

Deputy Mayor Snyder stated he cares about the Superintendent and all the DPW employees.

Mayor Morgan then stated that this is a new start.

Trustee Allen stated he voted to keep Troy Bennett as Superintendent. Trustee Allen stated his disapproval of the conduct of ranting/raving at a Board Meeting in Public with threatening of overtime bills increasing, social media concerns, and other behaviors.

Superintendent Bennett thank Trustee Allen, then stated that it is time for the Village to get a Facebook page. Superintendent Bennett stated a lot of people contact me as to things going on in the Village and that I post somethings on my page.

Mayor Morgan stated he spoke with the Deputy Clerk-Treasurer about having a Facebook page and that we were planning on having one, it is just that some administrative work would need to be researched and completed.

Mayor Morgan stated training on computer for Superintendent Bennett.

Superintendent Bennett stated he has come to the Clerk's office for help and been has helped him with computer training.

Mayor Morgan stated that this is a new start for everybody and to have a good, friendly, and healthy relationship.

Mayor Morgan stated again, congratulations to Superintendent Bennett for his permanent status.

MOTION was made by Trustee Allen to have Administrator/Clerk-Treasurer Wood research options to purchase a new laptop and printer for Superintendent Bennett, seconded by Deputy Mayor Snyder. Carried 5-0.

Communications/Information Items

A. Invitation to Livingston County Associations of Village Boards – April 17th

Deputy Water and Streets Superintendent Emke stated he spoke with Trustee Wilcox about his proposed pay raise for next fiscal year (June 1st). Deputy Superintendent Emke stated his concerns with being the lowest paid employee in the Village. Deputy Superintendent Emke stated, "What about me? I should get what Markus gets. I would like the \$1.32 pay raise." Deputy Superintendent Emke also stated, "I am the Deputy of Water, Streets, and Sewer. I have been here the second longest, longer than LeRoy and Danny and am going to be the lowest paid employee."

Mayor Morgan stated he would take this under consideration and would be discussed at the public hearing prior to adoption of the budget. Mayor Morgan thanked Deputy Superintendent Emke.

Adjournment

With no further business to be discussed, the motion to adjourn was made by Trustee McTarnaghan, seconded by Deputy Mayor Snyder at 10:44 PM. Carried 5-0.

Respectfully submitted,

LeRoy J. Wood
Administrator/
Clerk-Treasurer