

Draft Meeting Minutes

April 11, 2022

The Regular Meeting of the Nunda Village Board of Trustees was held on April 11, 2022, at the Nunda Government Center Building with the following present:

Mayor: Jack Morgan
Deputy Mayor: Darren Snyder
Trustees: Mel Allen
William Davis
Dr. Donald Wilcox

Water and Street Superintendent: Troy Bennett
Waste Water Treatment Plant Chief Operator: Markus Hugi
Administrator/Clerk-Treasurer: LeRoy Wood

Mayor Morgan - called the meeting to order at 7:01 PM.

Roll Call Trustee Wilcox was absent

Pledge of Allegiance led by Mayor Morgan

Open Public Hearing - Mayor Morgan opened the Public Hearing on the municipals Fiscal Year 2022-2023 Budgets at 7:01 PM.

Visitor Forum

Steve Schiano – Discussed possible rental of village building on property located on State Route 70 in Dalton.

Village business as presented by Mayor Morgan;

APPOINTMENTS:

Deputy Mayor
Administrator/Clerk-Treasurer (2 years)
Registrar
Court Clerk
Deputy Registrar
Deputy Clerk-Treasurer
Deputy Code Enforcement/Zoning Officer
Associate Justice

INCUMBENT

Darren Snyder
LeRoy Wood
LeRoy Wood
Sheila Duffy
Tamara McCallum
Vacant
Vacant
Vacant

LIAISONS:

Administrative (insurance, planning, office, phone, computer, data)
Water
Other Utilities (sewer, streets, trees, cable)

CURRENT MEMBERS

Mayor/Trustee Wilcox
Mayor/Trustee Davis
Deputy Mayor Snyder/Trustee Wilcox

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Youth / Parks Mayor/Trustee Davis
Budget Preparation Mayor/Village Board
Code Enforcement Mayor
Public Safety / Police Commissioners Deputy Mayor Snyder/Trustee Allen

FINANCIAL CONSULTANT: Fiscal Advisors & Marketing, Inc.
Bernard P. Donegan

FINANCIAL DEPOSITORY: Five Star Bank
Secondary, M&T Bank
Secondary, JP Morgan Chase
OFFICIAL NEWSPAPER: The Hornell Evening Tribune

LEGAL CONSULTANT: Foote & Meyers, PLLC
John Vogel

VILLAGE ENGINEER: MRB Group, P.C.

CLERK'S OFFICE HOURS: M-F 8:30 AM - 4:00 PM

VILLAGE / TOWN PLANNING BOARD

Meet 1st Tuesday of each month, as needed

Village Members:		Town Members:
Joan Schumaker		Chairperson –
Joe Lindstrom		Alex Pierce
Timothy Cassidy Sr.		Brenda Weaver
		Michele Siefried
		Gerri Lee Smith

VILLAGE / TOWN ZONING BOARD OF APPEALS

Public Hearings, as needed

Village Members:		Town Members:
Chairperson –		Daniel Strobel
Scott Amidon		Robert Smith
Jeff Essler		

**VILLAGE OF NUNDA REVITALIZATION
REVIEW BOARD – LOCAL LAW #1 – 2009**

Resident:	Patty Piper
Resident:	Gary Paine
Resident:	Cathy Kemp
Mayor:	Jack Morgan
Trustee:	Dr. Wilcox
Alternate Trustee:	
Secretary:	LeRoy Wood

Resolution No. 2022-014

BE IT RESOLVED that the Nunda Village Board of Trustees approve the appointments as listed by Mayor Morgan.

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

Rules of Procedure for the Board of Trustees

Resolution No. 2022-015

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 or SUPPLEMENTAL 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 Thursday before the Monday 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.

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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 the 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 of meeting minutes within the prescribed timeframe as provided by New York State Open Meetings Law.

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

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I. 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 single 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** to accept the Rules and Procedures of the Board of Trustees was made by Deputy Mayor Snyder, seconded by Trustee Davis. Carried 4-0.

Audit of Claims

Resolution No. 2022-016

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 Allen. Carried 4-0.

Depositories

Resolution No. 2022-017

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:

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Section 1. That the Board of Trustees designates the following institutions as depositories of all monies received by the village clerk-treasurer 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 Trustee Allen, seconded by Trustee Davis. Carried 4-0.

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. 2022-018

WHEREAS, the Nunda Village Board of Trustees approves the 2022 Standard Work Day Resolution 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 2022 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 Deputy Mayor Snyder, seconded by Trustee Allen. Carried 4-0.

Approval of Minutes

- A. March 14, 2022 Regularly Scheduled Board Meeting
- B. March 29, 2022 Supplemental Board Meeting

MOTION was made to accept *both* board meeting minutes as presented, discussed, and reviewed, by Deputy Mayor Snyder, seconded by Trustee Davis. Carried 4-0.

Approval of Invoices

- A. Application # 4 – STC Construction – GC WWTP-CIP

Resolution No. 2022-019

BE IT RESOLVED that the Nunda Village Board of Trustees approves payment #4 to STC Construction – General Contractor in the amount of \$ 228,380.00 for work performed at the Waste Water Treatment Plant’s Capital Project, once funding becomes available.

The **motion** was made by Trustee Allen, seconded by Trustee Davis. Carried 4-0.

- B. Abstract No. 012

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The Nunda Village Board of Trustees has reviewed and approve invoices for payment on Abstract no. 012 as follows:

GENERAL	(A)	- \$	13,494.88
WATER	(F)	- \$	40,245.88
SEWER	(G)	- \$	24,460.55
WWTP CIP	(H)	- \$	233,358.45
LAND GRANT	(HA)	-\$.00
YOUTH	(J)	- \$.00
TOTAL		- \$	311,559.76

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

Reports

A. Police

1. Monthly Report – March 2022
2. Town of Nunda Police Budget Report – March 2022
3. 2021 Police Department AUD
4. Draft Police Commissioners Board Meeting Minutes April 4, 2022
5. New (rehire) Hire Brock Allen
6. Resignation Catherine Turnbull

MOTION to accept the resignation of Catherine Turnbull was made by Deputy Mayor Snyder, seconded by Trustee Allen. Carried 4-0.

7. Resignation Corey Thomas

MOTION to accept the resignation of Corey Thomas was made by Deputy Mayor Snyder, seconded by Trustee Allen. Carried 4-0.

8. Redesignation of Officer Schirmer to Assistant Police Chief

Resolution No. 2022-020

BE IT RESOLVED, that the Nunda Village Board of Trustees approve changing Brian Schirmer’s job title from Officer to Assistant Police Chief, to include increasing wages from \$21.00 per hour to now be \$24.50 per hour.

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

B. Code Enforcement/Zoning

1. Monthly Report - March 2022

C. Sewer

MOTION was made by Trustee Allen to approve the procurement of a sludge pump for the Sewer Plant in the amount of \$2,059.95 plus shipping, seconded by Trustee Davis. Carried 4-0.

D. DPW

1. Monthly Report

E. Water

1. 2021 AWQR completed

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F. Justice

1. Monthly Reports – March 2022

G. Treasurer's Report's

1. Monthly Bank Statement Account-March 2022
2. Collateralization Report-March 2022 coverage available as required
3. Treasurer's Report-March 2022 provided through earlier email
4. Budget Status Report – by Fund provided through earlier email
5. Payroll – 5 & 6 - Certification Review
6. Monthly Report

H. ZBA/Planning Board

I. Youth Recreation

MOTION was made by Deputy Mayor Snyder to accept the departmental reports as presented, seconded by Trustee Davis. Carried 4-0.

New Business

A. Public Hearing - Continued- 2022 – 2023 Village Budget

Resolution No. 2022-021

BE IT RESOLVED that the Nunda Village Board of Trustees approve an additional pay increase for Brian Emke of \$.50 per hour on top of the already 3.25% pay increase budgeted in the 2022-2023 municipal budgets.

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

Resolution No. 2022-022

BE IT RESOLVED that the Nunda Village Board of Trustees *adopt* the 2022-2023 Budget of the Village of Nunda as follows:

GENERAL FUND:	\$ 849,198.00
SEWER FUND:	\$ 284,125.00
WATER FUND:	\$ 327,849.00
YOUTH RECREATION:	\$ 25,577.00

Grand Total Amount is \$ 1,486,749.00 with \$ 481,000.00 to be raised by taxes for the General Fund at the Tax Rate of \$10.892115 per thousand an *increase* of \$ 0.279737 per thousand assessed. The Water Debt Charge will *increase* from \$ 29.53 to \$29.85 per quarter, per living unit. There will be no Sewer Debt Charge this fiscal year.

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

B. Close Public Hearing – Mayor Morgan closed the Public Hearing at 8:07 PM.

Old Business

- A. Lease Agreement
- B. Town/Village Agreement

Other Business

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A. CDBG

Communications/Information Items

Adjournment

The **motion** to adjourn was made by Trustee Allen, seconded by Trustee Davis at 8:25 PM.

Respectfully submitted,

LeRoy J. Wood, CMFO, RMC
Administrator/
Clerk-Treasurer

Mayor Morgan **re-opened** the Board Meeting at 8:25 PM

MOTION to enter into Executive Session was made by Mayor Morgan to discuss personnel concerns at 8:25 PM, seconded by Trustee Allen. Carried 4-0.

MOTION to exit Executive Session was made by Trustee Allen at 8:57 PM, seconded by Mayor Morgan. Carried 4-0.

Adjournment

The motion to adjourn was made by Trustee Allen at 8:57 PM.

Respectfully submitted,

LeRoy J. Wood, CMFO, RMC
Administrator/
Clerk-Treasurer