

Town of Nelson – Town Board Meeting
December 14, 2017
7 p.m. – Nelson Town Office
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The December 2017 Town Board meeting was called to order at 7 p.m. with the Pledge of Allegiance. Present: Supervisor Roger D. Bradstreet, Councilor Jennifer Marti, Councilor Michael Costello, Councilor Tammy Hayes, Councilor John Laubscher, Highway Superintendent Jack Sevier, Jr. and Deborah J. Costello, Town Clerk. Supervisor Bradstreet welcomed Assemblyman William Magee.

Minutes

A motion was made by Councilor Hayes and seconded by Councilor Costello to approve the October 19th, 2017 Budget Work Session minutes, the November 9th, 2017 Town Board minutes and the November 29th, 2017 Joint meeting with Cazenovia minutes as written. There was no further discussion. All voted in favor. The motion carried.

It was noted Robert Lucas attended the Cazenovia/Nelson joint meeting minutes. Mr. Lucas has two properties and Mr. Trush has one that are being considered for placement of the tank. Mr. Lucas is not in favor of the property behind his residence but will consider the second property.

Financials

Town Clerk - \$1,830.00

November 2017 Revenues - \$1,149.28

Conservation Licenses – DECALS Commission - \$36.23

Three (3) Punch Cards at \$0.35 each - \$1.05

Zoning Fees - \$50.00

Planning Fees - \$800.00

Nine (9) Dog Licenses, original/renewal, spayed/ neutered at \$6.50 each - \$58.50

Three (3) Dog Licenses, original/renewal/unspayed/unneutered at \$14.50 - \$43.50

One (1) Permit - \$35.00

Twenty (20) photo copies at \$0.25 each - \$5.00

Eleven (11) Certified Death Certificates at \$10.00 each - \$110.00

One (1) Certified Marriage Transcript at \$10.00 each - \$10.00

November 2017 Disbursements - \$680.72

Conservation Licenses - \$621.77

New York State Dept. of Agriculture & Markets, Dog Licensing Fees - \$18.00

Madison County Treasurer – Three (3) Punch Cards at \$13.65 each - \$40.95

Operating Statement - period ending November 30, 2017

General Fund A Expenditures - \$40,553.85

Highway Fund DA Expenditures - \$68,576.82

General Fund A Revenues – (\$2,427.16)

Highway Fund DA Revenues - \$22.83

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Erieville Lighting District Expenditures – \$325.53 Nelson Lighting District Expenditures - \$207.98
Erieville Lighting District Revenues - \$0 Nelson Lighting District Revenues - \$0

Erieville Water District Expenditures – \$1,437.27
Erieville Water District Expenditures - \$1,579.56

Supervisor Bradstreet welcomed Assemblyman William Magee to the December Town Board meeting. Assemblyman Magee thanked Supervisor Bradstreet and stated it was nice to be able to attend and say goodbye to two people who have given a number of years of commitment to the Town of Nelson. Assemblyman Magee noted he too had served and thanked Jack and Mike for what they have done in serving the people and needs of the Town of Nelson. Assemblyman Magee noted he left 26 years ago and Mike was here. Assemblyman Magee asked Jack if he remembered Don Church.

Assemblyman Magee thanked Mike and Jack for the time they've given to the Town of Nelson and noted it wasn't rewarded as much as it should have been. Assemblyman Magee stated Jack and Mike have done a good job representing the people of Nelson and we thank you both for that. Jack and Mike both thanked Bill.

Highway Superintendent Report

There have been 23 plow/sand runs made to date. The budget for plowing County roads may be met with a month and half to go. Six large trees and several small trees were removed and cleaned up. Equipment is being worked on.

The 2002 International dump truck, roller, fiberglass sander and one-way and plow were placed on Auction's International. The 2002 dump truck - \$17,800; roller - \$6,100; fiberglass sander - \$10.00 and the one-way and wing - \$260.00 for a total of \$24,170.00. Once the Town is notified payment has been received from the buyer (s) they will come and pick that item up. Auction's International collects everything associated with sales. Auction's International will send the Town a check.

A motion was made by Councilor Costello and seconded by Supervisor Bradstreet to accept Auction's International prices for the 2002 International dump truck, roller, fiberglass sander and the one-way and wing for a total of \$24,170.00. There was no further discussion. All voted in favor. The motion carried.

A job description for a motor equipment operator, last dated 1971, has been updated using Madison County's as a guide. The county has updated their policy four times. The updated job description/requirements has been updated according to the Town of Nelson's needs and now requires a new hire to have a current CDL license and is subject to a license check and drug testing. Jack noted the insurance company would like license checks done. Four applications have been received as of today. Supervisor Bradstreet suggested the Board discuss the applications/applicants at the December 18th meeting.

Councilor Costello didn't think the motor equipment operator job description was restrictive and noted a CDL is not required to drive for a municipality unless the municipality requires it which the Town will now do.

A motion was made by Councilor Costello and seconded by Councilor Hayes to approve the Motor Equipment Operator job description/requirements. Councilor Marti thought the Town was looking for someone with a little more mechanical experience to perform minor mechanical repairs. It was suggested that be removed from the hire notice. Jack pointed out the when looking for an experienced mechanic or welder those positions require certification to perform those duties. There was no further discussion. All voted in favor. The motion carried.

Correspondence – None

Old Business

Update Cazenovia/Nelson Water District

Supervisor Bradstreet noted the distances, unofficial, from the water supply to the end of the newly defined, without the Lucas properties, is .7 miles in Town of Cazenovia and .7 miles for the Town of Nelson. This does not include the distance to the undecided tank location. Everything will be based on property assessments both in the Town of Cazenovia and Town of Nelson. The Cazenovia/Nelson Water District includes nineteen (19) properties in Cazenovia and twenty-six (26) properties in the Town of Nelson. The Town of Cazenovia is holding a meeting December 18th so Attorney Langey and Attorney Stokes can move forward. There are two locations for the water tower; a property owned by the Lucas family and a Trush property. Leasing has been discussed but Supervisor Bradstreet noted he is not in favor of a lease.

Land Use Regulations – Trailers

A work session is scheduled for January 18th at 6 p.m. to discuss the ongoing trailer issue.

New Business

Audit of Court Records

The Town Board is required to review and audit the Court records once a year. Judge Marris explained she sets the fines and surcharges but never handles the money. Most payments come in the mail or internet. Everything is calculated monthly and is triple checked. The money is taken in by Sue Volz and recorded in the fine book and bank book. Ms. Volz deposits the money. Court Clerk Patricia Amico matches the fine notices with what comes in. Judge Marris makes sure the all the balances check and submits a monthly report. The share of the funds to the Town varies on whether it's Vehicle and Traffic or criminal. Surcharges go to the State. Judge Marris writes the checks to the Town. The Court banks

with Community Bank. Every new judge has to have their own account. The former Judge’s account was closed and a new account set up. There are separate accounts for bail money and fine money.

The Court is within its rights to keep 3% of bail money if it’s only an actual crime and not an offense. Judge Marris believes the Court does do that but only under certain circumstances and only if a guilty plea. If no guilty plea to a crime, 100% of the bail money is returned to the individual.

Supervisor Bradstreet informed Judge Marris the Town has budgeted money for security for the building on DA (District Attorney) night only. This will allow the Court to get a magnetometer. Judge Marris explained the former policy of the District Attorney’s office allowed a person to write to the DA’s office asking for a disposition on a Vehicle/Traffic ticket. That’s no longer allowed unless someone lives two (2) or more hours from Madison County. Therefore, the DA is in Nelson every other month to hear those requests.

A motion was made by Councilor Costello and seconded by Councilor Marti to approve and acknowledge a review of the Court books had been done. There was no further discussion. All voted in favor. The motion carried.

Budget Transfers Resolution #043-2017

A motion was made by Councilor Costello and seconded by Councilor Laubscher to approve Resolution #043-2017, Budget Transfers. There was no further discussion. All voted in favor. The motion carried.

**RESOLUTION NO. 043--2017
OF THE TOWN BOARD
OF THE TOWN OF NELSON**

A RESOLUTION AUTHORIZING BUDGET TRANSFERS

General Fund A

Transfer from Contingency to Tax Collector CE to cover stamps for mailing tax receipts.

To: A1330.4 Town Board CE	\$300.00
From: A1990.4 Contingency Account	(300.00)

Transfer budget to Buildings EQ to cover copier lease.

To: A1620.2 Buildings EQ	\$500.00
From: A1990.4 Contingency Account	(500.00)

Transfer budget to Dog Control CE to cover mileage reimbursement to Dog Control Officer \$300 additional to cover related expenditures to year end.

To: A3510.4 Dog Control CE	\$400.00
From: A1990.4 Contingency Account	(400.00)

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Transfer budget to Parks CE to cover lawn care service provider.

To: A7110.4 Parks CE	\$1,500.00
From: A1990.4 Contingency Account	(1,500.00)

Transfer budget to Planning CE to cover legal notices, board packet mailing & New York State Planning Board Federation Dues \$100 additional to cover related expenditures to year end.

To: A8020.4 Planning CE	\$250.00
From: A1990.4 Contingency Account	(250.00)

Highway Fund DA

Budget adjustment to accommodate parts & repairs expenditures for equipment – received unanticipated revenue of \$19,000 + for insurance recovery.

To: DA5130.4 Machinery CE	\$6,000.00
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Transfer budget to Brush & Weeds (Misc.) to cover actual expenditures.

To: DA5140.4 Brush & Weeds (Misc.)	\$450.00
From: DA5142.1 Snow Removal PS	(450.00)

Erieville Water District

Transfer budget to cover calls to Dig Safely New York.

To: SW8340.4 Transmission/Distribution CE	\$15.00
From: SW8320.4 Source Power Pump CE	(15.00)

Dated: December 14, 2017

Councilor Michael Costello
First

Councilor John Laubscher
Second

(Carried 5 Tabled 0 Rejected 0)

Councilor Marti discussed the fire at Keith Berger's on Nelson Road. Neither Mr. Berger or his daughter was at home. A dog and two (2) turtles were rescued but two (2) cats perished. The home is totally destroyed. The fire departments had difficulty getting water to the scene due to the cold temperatures. Fire fighters were standing by at the Schoenfelds, Bushnecks and Nelson Farms watching for embers blowing about due to the winds.

Public Hearing – MEGA (Municipal Electric & Gas Alliance)

The Town of Nelson has been working with MEGA to establish a program that will aggregate the energy supply needs of residents and small commercial business who are currently National Grid customers.

Oneida- Madison Co-op customers are not eligible. Two informational sessions have been held. The next step is to pass a resolution that will allow MEGA to negotiate and enter into supply contracts with energy companies on behalf of those who choose to participate. Anyone not wanting to participate can opt-out.

A motion was made by Councilor Marti and seconded by Councilor Hayes to open the Public Hearing to adopt a Local Law for MEGA. There was no further discussion. All voted in favor. The motion carried. The Public Hearing was opened at 7:49 p.m. The Local Law was not presented. Supervisor Bradstreet noted this program could save homeowners money.

There were no further comments. A motion was made by Councilor Marti and seconded by Councilor Hayes to close the Public Hearing. The Local Law will be adopted at a meeting to be held December 18th at 7:30 p.m. There was no further discussion. All voted in favor. The motion carried. The Public Hearing was closed at 7:53 p.m.

A motion was made by Supervisor Bradstreet and seconded by Councilor Costello to approve Resolution No. 042-2017, a Resolution Adopting Community Choice Aggregation Program Education and Outreach Plan and Customer Opt-Out Letter. There was no further discussion. All voted in favor. The motion carried.

Council Updates

Councilor Michael Costello; Highway Liaison, Erieville Water District and Madison County Sewer: There was no Sewer Board meeting in December. The last meeting was in November. The Town of Cazenovia will takeover in December 2017. An Advisory Board will be established that will include Town of Cazenovia Supervisor Zupan as Chairman and a representative from the Town of Cazenovia, Town of Nelson and Village of Cazenovia. Jim Cunningham will stay on as plant operator.

Mark Nourse, Erieville Water District Operator, has missed two (2) water tests. The Health Department notified the Town and Mark. There could be a fine. Mark will correct the violation.

Councilor Tammy Hayes; Economic Development: Councilor Hayes reported that several flower boxes were destroyed at the time of the tractor trailer accident several months ago. A claim will be submitted.

Councilor Jennifer Marti; Buildings & Grounds: Councilor Marti noted there are seven (7) containers of soil material from the tractor trailer accident sitting on the Byrne Dairy property and will be removed soon. The accident spill site is still being monitored.

Christian Brunel of Byrne Dairy has received the asbestos report. Asbestos was found in the front building and some floor tiles. No asbestos was found in the back buildings. The abatement has to be done prior to demolition. A contractor has been lined up to do the demolition. All buildings will be demolished.

Paul Romanenko, Forester with the Department of Environmental Conservation, has finished the Land Management Plan.

Some results of the survey are; most everybody likes Nelson the way it is, somewhere to eat, some would like to see a gas station and a convenience store. There were comments about not being able to participate in local government. It was pointed out that Board meetings are open to the public and when appropriate comments are welcome. Allowing public comments is at the discretion of the Board unless a Public Hearing. Councilor Costello suggested younger people get involved and the Planning and Zoning Boards are always looking for people to sit on those boards. People asked that there be a better website and maybe a Facebook page.

Attorney James Stokes discussed the trailer issue briefly. The Board needs to determine the issues and what they want to see. It was the consensus of the Board that a work session was needed. A work session is scheduled for January 18th, 2018 at 6 p.m. Attorney Stokes will resend the draft version originally sent and noted no final version has been drafted.

Councilor John Laubscher; Planning: Councilor Laubscher had no report; everything had been covered by Councilor Marti.

The next Town Board meeting will be the Organizational Meeting and will be held January 11, 2018 at 7 p.m. at the Nelson Town Office located at 4085 Nelson Road in the Hamlet of Nelson.

Bills were prepaid from the following accounts for the period of November 17th, 2017 through December 12th, 2017:

General Fund A	\$36,280.24
Highway Fund DA	27,681.24
Erieville Lighting District SL	264.15
Nelson Lighting District SL	163.85
Erieville Water District SW	687.13
Trust & Agency Fund TA	<u>687.86</u>
Total	\$65,764.47

Bills were approved and paid from the following accounts for the period of November 17th, 2017 through December 14th, 2017:

General Fund A	\$ 8,846.94
Highway Fund DA	32,604.38
Erieville Lighting District SL	61.38
Nelson Lighting District SL	44.13
Erieville Water District SW	<u>66.64</u>
Total	\$41,623.47

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As there was no further business before the Board, a motion was made by Councilor Hayes and seconded by Councilor Costello to adjourn the meeting. There was no further discussion. All voted in favor. The motion carried. The meeting was adjourned at 8:33 p.m.

Respectfully submitted,

Deborah J. Costello, Town Clerk
Town of Nelson