

TOWN OF NICHOLS
TOWN BOARD MEETING MINUTES
August 25, 2026

ROLL CALL:

Present:

Supervisor B. Cushman, Councilperson L. Tinney, Councilperson J. Ladd Yost; Councilperson B. Fay-Pelotte

Absent:

Councilperson R. Cole

APPROVAL OF MEETING MINUTES

A motion was made by Supervisor B. Cushman and seconded by Councilperson B. Fay-Pelotte approve the meeting minutes of June 23, 2026 as presented.

Vote: B. Cushman -Aye; Councilperson L. Tinney-Aye; Councilperson B. Fay-Pelotte – Aye; Councilperson J. Ladd Yost-Aye; Councilperson R. Cole- Absent

A motion was made by Supervisor B. Cushman and seconded by Councilperson B. Fay-Pelotte approve the meeting minutes of July 28, 2026 as presented.

Vote: B. Cushman -Aye; Councilperson L. Tinney-Aye; Councilperson B. Fay-Pelotte – Aye; Councilperson J. Ladd Yost-Aye; Councilperson R. Cole- Absent

FINANCIALS – JULY 2026

A motion was made by Supervisor B. Cushman and seconded by Councilperson B. Fay-Pelotte to approve the July 2026 financials.

Councilperson J. Ladd Yost discussed the Library's variance percentage on Page 6 and its percentage of the overall budget. It was agreed that the heading should be revised to more accurately reflect the information presented.

Vote: B. Cushman -Aye; Councilperson L. Tinney-Aye; Councilperson B. Fay-Pelotte – Aye; Councilperson J. Ladd Yost-Abstain; Councilperson R. Cole- Absent

FAST NY – B. WOODBURN

Two tracts of industrial property are being considered for grant funding as shovel-ready properties. Tioga County is working with the property owners regarding the potential acquisition of the properties.

The grant amount discussed was \$2.6 million, with the IDA required to provide a \$300,000 match, or approximately 10%.

The grant is an open-cycle grant. The project would primarily involve acquisition of the properties, after which the IDA would complete the remaining work and the Town could reapply.

The Board discussed whether the matter was ready for a letter of support and whether a public hearing should be held.

The property owners are one current and one former member of the Town of Nichols Board. Concern was expressed regarding supporting the acquisition, while support was expressed for development of the property.

Supervisor B. Cushman stated that the Board was not ready to support the proposal.

It was noted that the property is currently zoned for industrial use.

Councilperson L. Tinney stated that ownership should not determine the Town's position and questioned what legal basis the Town would have to oppose the proposal if the proposed use complies with the Town's zoning regulations.

A motion was made by Councilperson L. Tinney, seconded by Councilperson J. Ladd Yost, to sign a letter of support.

Vote: Councilperson L. Tinney – Aye; Supervisor B. Cushman – Nay; Councilperson J. Ladd Yost – Aye; Councilperson B. Fay-Pelotte– Nay. **Motion failed.**

The Board discussed the lack of public support and the difficulty of opposing a business when the nature of the proposed business is not yet known.

The Board discussed that the applicants would have an opportunity to express their opinions and that the sensitivity of public perception should be considered.

Councilperson L. Tinney did not agree that a public hearing was necessary, stating that the Board was voting to support development on property that is already zoned for the proposed use.

The Board discussed the letter as supporting development that complies with Town zoning laws. Concern was also raised regarding potential collusion.

It was agreed that the acquisition portion would be removed from the letter.

A motion by Councilperson L. Tinney, seconded by Councilperson J. Ladd Yost to strike the “acquisition” portion from the letter. Tioga County IDA will rewrite the letter of support.

Vote: Councilperson L. Tinney – Aye; Supervisor B. Cushman – Aye; Councilperson J. Ladd Yost – Aye; Councilperson B. Fay-Pelotte– Aye

Motion carried.

PUBLIC COMMENTS

None

BUDGET TRANSFERS

A motion was made by Supervisor B. Cushman and seconded by Councilperson J. Ladd Yost approve the July Budget Transfers as presented.

Town of Nichols		
Recommended Budget Transfers		
August 13, 2026		
	General Fund - Recommended Budget Transfers	
Transfer From:		
AA.2401.000.000	Interest And Earnings	(1,660.00)
AA.3016.000.000	Casino Licensing Fees and Gaming	(100,000.00)
		(101,660.00)
Transfer To:		
AA.9050.800.000	Unemployment Insurance, Empl Bnfts	1,660.00
AA.1620.200.000	Buildings Equip - Town Hall	100,000.00
		101,660.00

Vote: B. Cushman -Aye; Councilperson L. Tinney-Aye; Councilperson B. Fay-Pelotte – Aye; Councilperson J. Ladd Yost-Aye; Councilperson R. Cole- Absent

ASBESTOS QUOTE

The proposal from LCP Group for an asbestos survey of the Town Hall was reviewed. The proposal includes inspection of the building, collection and laboratory testing of samples of suspected asbestos-containing materials, and a report of findings. The standard laboratory turnaround time is 10 days.

The quoted costs include technician time at \$275 per hour, with a 1.5-hour minimum, an asbestos finding report at \$100, and additional charges for each non-friable or friable asbestos sample. An optional three-day laboratory turnaround is available for an additional \$250.

The proposal was discussed and noted to be within the spending limit established by the Town's procurement policy.

A motion by Supervisor B. Cushman and seconded by Councilperson L. Tinney was made to proceed with LCP Group for the asbestos survey.

Vote: B. Cushman -Aye; Councilperson L. Tinney-Aye; Councilperson B. Fay-Pelotte – Aye; Councilperson J. Ladd Yost-Aye; Councilperson R. Cole- Absent

NYAOT CONFERENCE

Supervisor B. Cushman has requested Board approval to attend the NYAOT Conference. The registration fee is \$175. Hotel expenses associated with the conference will be included in the 2027 budget.

A motion was made by Councilperson L. Tinney, seconded by Councilperson B. Fay-Pelotte, to approve Barb's attendance at the NYAOT Conference.

Vote: B. Cushman -Aye; Councilperson L. Tinney-Aye; Councilperson B. Fay-Pelotte – Aye; Councilperson J. Ladd Yost-Aye; Councilperson R. Cole- Absent

Motion carried.

RESOLUTION #15-2026 – Perry Road

*** CERTIFIED COPY**

At a meeting of the Town Board of the Town of Nichols held at the Nichols Town Building, 139 Roki Blvd, Nichols, New York the 25th day of August, 2026, the following resolution was offered and seconded:

WHEREAS, Perry Road (168.00-3-24) is a one lane, unpaved road that is .18 in length. There is one vacant house located on Perry Road, however the property owner does not reside there and only visits the property occasionally during the summer months. There is no public traffic on Perry Road and it only serves as a driveway to the vacant house; and

WHEREAS, the Town has not performed any repairs to Perry Road dating back to at least 2008 and only clears snow during the winter months; and

WHEREAS, pursuant to Highway Law § 205, a public highway or right-of-way is deemed abandoned if it is not opened and worked within six years of being laid out or dedicated, or if it has not been traveled or used by the public for six consecutive years; and

WHEREAS, pursuant to the State Environmental Quality Review Act, it has been determined by the Town Board that declaring constitutes a Type II Action as defined under 6 NYCRR 617.5(26) and (33); and

WHEREAS, the Town Board, after due deliberation, finds it in the best interest of the Town to declare Perry Road abandoned.

NOW, THEREFORE BE IT RESOLVED that the Town Board hereby declares Perry Road, TM# 168.00-3-24 abandoned pursuant to Highway Law § 205; and be it further

RESOLVED that this resolution will take effect immediately upon filing with the Department of State.

A motion was made by Councilperson L. Tinney, seconded by Councilperson J. Ladd Yost, to approve the Land Lease Agreement Resolution 16-2026.

Vote: B. Cushman -Aye; Councilperson L. Tinney-Aye; Councilperson B. Fay-Pelotte – Aye; Councilperson J. Ladd Yost-Aye; Councilperson R. Cole- Absent

Carried

RESOLUTION #16-2026 Land Lease Agreement – 1757 S. Main Street

*** CERTIFIED COPY**

**RESOLUTION #16-2026
A RESOLUTION APPROVING LAND LEASE AGREEMENT
FOR 1757 SOUTH MAIN STREET**

At a meeting of the Town Board of the Town of Nichols held at the Nichols Town Building, 139 Roki Boulevard, Nichols, New York, on the 25th day of August, 2026, the following resolution was offered and seconded:

WHEREAS, the Town of Nichols owns the real property located at 1757 South Main Street, Nichols, New York, Tax Map No. 170.00-1-71 (the “Premises”); and

WHEREAS, the Town acquired the Premises through a FEMA-funded hazard-mitigation acquisition, and the Premises are subject to recorded deed restrictions requiring their continued use for open-space and proper floodplain-management purposes; and

WHEREAS, Margaret A. Gilbert desires to lease the Premises for controlled rotational grazing of goats for a term of ten (10) years at annual rent of \$50.00; and

WHEREAS, the proposed use will employ portable fencing, portable watering troughs and a removable tent-style livestock shelter and will not involve permanent construction, paving, grading, fill, permanent fencing or alteration of the terrain; and

WHEREAS, the proposed Land Lease Agreement between the Town of Nichols and Margaret A. Gilbert is attached as Appendix A; and

WHEREAS, the proposed lease and use require the prior written approval of the FEMA Regional Administrator through the New York State Division of Homeland Security and Emergency Services; and

WHEREAS, pursuant to 6 NYCRR 617.5(c) (21) and (26), the proposed action constitutes a Type II action for purposes of the State Environmental Quality Review Act and is not subject to further environmental review; and

WHEREAS, the Town Board has reviewed the proposed Land Lease Agreement and determined that the Town will receive fair and adequate consideration and that the agreement is in the best interests of the Town of Nichols.

NOW, THEREFORE, BE IT RESOLVED, that the Town Supervisor is authorized to execute the Land Lease Agreement with Margaret A. Gilbert substantially in the form attached as Appendix A, following receipt of the required written approval from FEMA and DHSES and after this resolution takes effect; and be it further

RESOLVED, that pursuant to Town Law § 64(2), this resolution is subject to a permissive referendum.

A motion was made by Councilperson L. Tinney, seconded by Councilperson J. Ladd Yost, to approve the Land Lease Agreement Resolution 16-2026.

Vote: B. Cushman -Aye; Councilperson L. Tinney-Aye; Councilperson B. Fay-Pelotte – Aye; Councilperson J. Ladd Yost-Aye; Councilperson R. Cole- Absent

Carried

SITE WORX BID AWARD – TOWN HALL PARKING LOT

RFP responses were recently received, and following the bid opening, SiteWorx submitted the lowest bid. The total bid amount, including Alternate 1, was \$327,600.

A motion was made by BC, seconded by BFP, to award the contract to Siteworx

A motion was made by Supervisor B. Cushman, seconded by Councilperson B. Fay-Pelotte, to approve the Site Worx bid award.

Vote: B. Cushman -Aye; Councilperson L. Tinney-Aye; Councilperson B. Fay-Pelotte – Aye; Councilperson J. Ladd Yost-Aye; Councilperson R. Cole- Absent

Carried

CYBER LIABILITY INSURANCE

A quote was received from NYMIR for the addition of cyber liability insurance to our current policy.

The Board expressed strong support for selecting the higher coverage option, Option #2, effective immediately, with the premium prorated for the remainder of the coverage period.

A motion was made by Councilperson J. Ladd Yost, seconded by Supervisor B. Cushman, to acquire the cyber liability policy as cover in Option #2 of the proposal.

Vote: B. Cushman -Aye; Councilperson L. Tinney-Aye; Councilperson B. Fay-Pelotte – Aye; Councilperson J. Ladd Yost-Aye; Councilperson R. Cole- Absent

FUEL TANK ASSESSMENT

Councilperson L. Tinney discussed the assessment in relation to the size of the building.

The proposal addresses the removal of the underground fuel tanks, which have been in place since 1987. It was noted that the tanks would have been inspected as part of the sale of the building.

The proposed work includes removal of the tanks and testing of the surrounding soil. If contamination is identified, the matter would be addressed separately.

The proposal also includes preparation of bid packages. Clarification was requested as to whether the contractor would be responsible for preparing the bid packages.

The professional services fee is \$75,316.

A motion was made by Councilperson L. Tinney, seconded by Councilperson B. Fay-Pelotte, to approve an amount not to exceed \$80,000 for the proposed work.

Vote: B. Cushman -Aye; Councilperson L. Tinney-Aye; Councilperson B. Fay-Pelotte – Aye; Councilperson J. Ladd Yost-Aye; Councilperson R. Cole- Absent

Motion carried.

OLD BUSINESS

Carriage House HVAC

Ryan Vergason contacted the Village Code Enforcement Officer regarding the HVAC system at the Carriage House. Martin recommended obtaining an engineer to evaluate the proposed approach. Ryan is contacting Jason Bellis to inspect the building and confirm that the proposed approach is appropriate.

Library Parking Lot

RC noted that grant funding may be available to the Library for improvements to the parking lot. Erica stated that she would contact RSE to determine which grant opportunities were being referenced.

Veterans' Exemption

The Board discussed the Town's Veterans' Exemption and noted that the current exemption is acceptable because there is no applicable cap. No further action is required.

West River Road

A request was made to reduce the speed limit on West River Road from the Tioga Downs entrance to the Pennsylvania State line. Gary Hammond responded to the Town's request and indicated that the State would review the matter.

The placement of the recently installed signs was also discussed.

DEPARTMENT REPORTS

Highway Department

Ditching and touch-up work has been completed since the last rainfall. The Town is considering renting equipment in the fall to conduct a town-wide cleanup.

The Highway Department is preparing for the winter season and has 450-pound stones available for use on dirt roads.

Buildings & Grounds

Glass in the windows have been installed at Town Hall

Of the three vendors contacted regarding a storage box for the work truck, one vendor provided a quote. The quoted price is \$18,364 for a box with a Hardox floor rather than stainless steel. The estimated lead time is 10–12 weeks for the box, followed by an additional 2–3 weeks for installation.

A motion was made by Councilperson L. Tinney, seconded by Councilperson B. Fay-Pelotte, to approve an amount not to exceed \$27,000 for the truck box.

Vote: B. Cushman -Aye; Councilperson L. Tinney-Aye; Councilperson B. Fay-Pelotte – Aye; Councilperson J. Ladd Yost-Aye; Councilperson R. Cole- Absent

Motion carried.

Boiler - The Board discussed the boiler.

Town Insurance -Property liability insurance coverage for all Town properties was discussed. The insurance schedule for the FEMA properties was also reviewed.

Cemetery

The Board discussed recent vandalism at the cemetery. Brass has been stolen from the backs of seven cemetery headstones.

It was noted that the Veterans Administration provides the plaque to the family, and the cost of replacement will be the responsibility of the family members.

The Board discussed the need to keep the back gate locked.

White Garage – Town Hall

The Board discussed upgrading the white garage, including new siding, fascia, soffit, garage door, and man door. Estimated material costs are \$2,150. The estimated cost of the garage door is \$1,225 to \$1,478.

A motion was made by Councilperson B. Fay-Pelotte, seconded by Councilperson L. Tinney, to approve an amount not to exceed \$4,000 for the purchase of materials.

Vote: B. Cushman -Aye; Councilperson L. Tinney-Aye; Councilperson B. Fay-Pelotte – Aye; Councilperson J. Ladd Yost-Aye; Councilperson R. Cole- Absent

Motion carried.

Sewer/Water

The F1 pump went down and Bob has submitted quotes for the purchase of a new pump.

USEPA/DEC testing at Crown has been completed. The inspections were satisfactory, and a report is expected within 60 days.

A motion was made by Councilperson L. Tinney, seconded by Councilperson J. Ladd Yost, to accept the quote from Shrier-Martin in an amount not to exceed \$5,500.

Vote: B. Cushman -Aye; Councilperson L. Tinney-Aye; Councilperson B. Fay-Pelotte – Aye; Councilperson J. Ladd Yost-Aye; Councilperson R. Cole- Absent

Motion carried.

Code Enforcement - Code Enforcement is addressing town-wide building permit matters and an ongoing property maintenance issue.

Library - The Board discussed key fobs for building access, including procedures for scheduling and managing the fobs. Barb is able to control the building locks remotely through her phone.

Library signage was also discussed. The possibility of having a float in the Labor Day parade was discussed.

Historian - The Historian will look into potential repairs to the historical markers.

Fire Commissioners - No report.

COMMITTEE REPORTS

REAP - The next meeting will be next month.

VOUCHERS

A motion was made by Supervisor B. Cushman and seconded by Councilperson J. Ladd Yost to approve the vouchers:

Vote: B. Cushman -Aye; Councilperson L. Tinney-Aye; Councilperson B. Fay-Pelotte – Aye; Councilperson J. Ladd Yost-Aye; Councilperson R. Cole- Absent

Motion carried.

PUBLIC COMMENTS

Paul Campbell

Mr. Campbell stated his concern for a property located east of North Cole Hill Road that needs a condemned sign.

EXECUTIVE SESSION

Motion to move into Executive Session to discuss hiring of confidential secretary by Supervisor B. Cushman, seconded by Councilperson L Tinney

Vote: B. Cushman -Aye; Councilperson L. Tinney-Aye; Councilperson B. Fay-Pelotte – Aye; Councilperson J. Ladd Yost-Aye; Councilperson R. Cole- Absent

Following Recorded by Councilperson B. Fay-Pelotte:

Following much discussion, a motion to close Executive session and move back into the Public Board meeting was made by Councilmember Tinney, Second by Town Supervisor Cushman.

A motion was made by Councilmember Tinney and Second by Town Supervisor Cushman to hire a temporary Confidential Secretary position, not to exceed 4 hours per week, \$30 / hour contingent upon confirmation of the NYS Comptroller's opinion on allowable tasks.

4 Ayes

Councilmember Yost
Councilmember Tinney
Councilmember Fay-Pelotte
Town Supervisor Cushman

Motion to close board meeting Councilmember Tinney, Second Town Supervisor Cushman

4 Ayes
Councilmember Tinney
Councilmember Fay-Pelotte
Councilmember Yost
Town Supervisor Cushman

Meeting adjourned 8:12 pm

Respectfully submitted,

Marcy Hill
Town Clerk