*Town of Nichols*

*Regular Board Meeting*

*August 14, 2018*

*Supervisor Engelbert brought meeting to order at 7:00 pm in the Town Hall, located at 54 E. River Rd. Nichols NY.*

*Pledge of Allegiance;*

*Roll Call;*

*Councilperson Ray Thetga (present), Councilperson Bill Middleton (present), Councilperson Esther Woods (present), Councilperson Barbara Crannell (present), Supervisor Kevin Engelbert (present), Karen Hunsinger Town Clerk.*

*Also present; Leslie Pelotte (Village Mayor), Lee Ann Tinney (County IDA), Kevin Vought (Highway), Rob Miner (Fire Chief).*

***MINUTES***

*The motion to accept the minutes as presented made by B. Crannell 2nd by B. Middleton*

*Roll Vote;*

*R. Thetga (aye), B. Middleton (aye), E. Woods (aye), B. Crannell (aye), K. Engelbert (aye). Carried 5-0-0-0*

***QUESTIONS, COMMENTS & CRITICISMS FROM THE PUBLIC***

* *Tioga County IDA, Lee Ann Tinney – Tioga County has hired Zachery Baker for the position of Agriculture Economic Development, Mr. Baker started at this position in June if anyone would like to contact or follow Mr. Baker you can do this on his Facebook page.*
* *Agriculture – K. Engelbert*

*Supervisor Engelbert requested Emails from anyone that is interested in knowing what is happening to Family Farms. As an overview K. Engelbert stated that corporations are now becoming involved with farming and are turning it into big business, corporations are buying and milking thousands of cows, buying huge chicken, and pig farms and pushing out small farming. Family farmers cannot compete with corporate farming, in production or size.*

***NEW BUSINESS***

* *Work Place Violence Policy – K. Engelbert*

*OSHA/PESH – require a policy on work place violence, Town Attorneys drafted a policy for the Town Of Nichols.*

*Town of Nichols*

*Workplace Violence Prevention Policy*

*The Town of Nichols is committed to providing a safe, violence-free workplace for our employees. Threats, threatening language, or any other acts of aggression or violence made toward or by any employee will not be tolerated.*

*Workplace Violence is defined as any physical assault or act of aggressive behavior occurring where a public employee performs any work-related duty in the course of his or her employment including but not limited to an attempt or threat, whether verbal or physical, to inflict physical injury upon an employee; any intentional display of force which would give an employee reason to fear or expect bodily harm; intentional and wrongful physical contact with a person without his or her consent that entails some injury; or stalking an employee with the intent of causing fear of material harm to the physical safety and health of such employee when such stalking has risen through and in the course of employment. This policy covers any violent or potentially violent behavior that occurs in the workplace or at Town –sponsored functions.*

*Acts of potential workplace violence against any of our employees where any work related duty is performed will be promptly and thoroughly investigated and appropriate action will be taken including involving law enforcement authorities when warranted. All employees are responsible for helping to create an environment of mutual respect for each other as well as clients and visitors, following all policies, procedures and practices, and for assisting in maintaining a safe and secure work environment. Any employee who witnesses or is the recipient of violent behavior should promptly inform their supervisor. No employee will be subject to retaliation, intimidation, or discipline as a result of reporting a threat in in good faith under this policy.*

*Any individual engaging in violence against the Town, its employees, or Town property will be prosecuted to the full extent of the law. Any such act or threatening behavior may result in disciplinary action up to and including termination.*

*This policy is designed to meet the requirements of New York State Labor Law Art. 2 27-b. The process involved in complying with this law includes workplace evaluation that is designed to identify the risks of workplace violence to which Town employees could be exposed. In addition, all employees will participate in an annual workplace Violence Prevention Training Program. For questions regarding this policy, or to report concerns of workplace violence contact the Town Supervisor.*

*The motion to approve the Town of Nichols Workplace Violence Policy, made by B. Crannell 2nd by B. Middleton*

*Roll Vote;*

*R. Thetga (aye), B. Middleton (aye), E. Woods (aye), B. Crannell (aye), K. Engelbert (aye). Carried 5-0-0-0*

* *Tioga Opportunities Group’s Lifetime Adventures – K. Engelbert*

*Tioga opportunities are taking applications for the Summer Work- camp program that provides free home repairs to Tioga County homeowners. Previously known as the “Group Work Camp”. Information and Applications are available in the Town Clerk’s Office.*

* *SEQOR – Short Environmental Assessment Form Part 1 – Project Information (Resolution #7)*

*Supervisor K. Engelbert read each question and checked applicable answers.*

*SEQOR – Short Environmental Assessment Form Part 2 – Impact Assessment (Resolution #7)*

*Supervisor K. Engelbert read each question and checked applicable answers.*

* *Resolution*

*RESOLUTION #7*

*A RESOLUTION APPROVING THE GRANT OF EASEMENTS ON*

*TOWN PROPERTY TO THE VILLAGE OF NICHOLS*

*At a meeting of the Town Board of the Town of Nichols, held at the Town Offices, 54 East River Road, Nichols, New York on the 14th day of August, 2018, the following resolution was offered and seconded:*

*Offered by; Kevin Engelbert*

*Seconded by; Bill Middleton*

***WHEREAS,*** *the Town of Nichols owns approximately 9.9 acres located on Ro-Ki Boulevard, Town of Nichols, County of Tioga and State of New York. Tioga County Tax Map Number 170.06-1-16 and approximately 1350 square feet located on E. River Road, Town of Nichols, County of Tioga and State of New York. Tioga County Tax Map Number 159.19-3-2 (collectively the “premises”); and*

***WHEREAS,*** *the Village of Nichols has received grant money and desires to place emergency infrastructure including a generator and an information sign on the Premises; and*

***WHEREAS,*** *the Town Board has entered into negotiations with the Village regarding the mutual use of and public benefit of the emergency infrastructure and municipal information sign; and*

***WHEREAS,*** *the Town recognizes the public benefit of such uses and no longer needs a portion of the Premises for their own public purpose and declares such portion surplus property; and*

***NOW THEREFORE, BE IT RESOLVED,*** *THAT THE Nichols Town Supervisor be and hereby is authorized to execute a contract and all necessary legal documents to transfer a permanent easement agreement for electrical sign & service connection to a portion the aforementioned Premises to the Village of Nichols; and*

***RESOLVED,*** *that the Nichols Town Supervisor be and hereby is authorized to execute a contract and all necessary legal documents to transfer a permanent easement agreement for utilities and access to a portion the aforementioned Premises to the Village of Nichols; and*

***RESOLVED,*** *that pursuant to Part 617 of the implementing regulations of the State Environmental quality Review Act, it has been determined by the Town Board that the transfer of an easement on the Premises constitutes an Unlisted Action. The Town Board has considered the possible environmental impacts of the action and has determined that the Town’s grant of an easement will not have a significant adverse impact on the environment and the Town Board adopts a negative declaration with respect thereto; and*

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

***CERTIFICATION***

*I, Karen Hunsinger, do hereby certify that I am the Town Clerk of the Town of Nichols and that the foregoing constitutes a true, correct and complete copy of a Resolution duly adopted by the Town Board of the Town of Nichols at a meeting thereof held at the Town Offices, 54 East River Rd., Nichols New York on the 14th day of August, 2018, said resolution was adopted by the following roll call vote:*

*Supervisor Kevin Engelbert Aye*

*Councilperson Ray Thetga Aye*

*Councilperson Bill Middleton Aye*

*Councilperson Esther Woods Aye*

*Councilperson Barbara Crannell Aye*

*Dated: August 14, 2018*

* *Cancel Board Meeting for August 22, 2018-*

*The motion to cancel the meeting for August 22, 2018, was made by K. Engelbert 2nd by B. Crannell*

*Roll Vote;*

*R. Thetga (aye), B. Middleton (aye), E. Woods (aye), B. Crannell (aye), K. Engelbert (aye). Carried 5-0-0-0*

***ADDITIONAL NEW BUSINESS FROM BOARD MEMBERS***

***UPDATES FROM TOWN DEPARTMENTS/PERSONNEL***

* *Highway – K. Vought*

*Rain has pushed back doing shoulder work on roads. New Truck should be delivered any day; old truck will be used for running errands, hauling, and getting crew from one job to another.*

* *Building and Grounds – B. Middleton*

*NES/Asbury Cemetery – trees were removed two (2) stumps remain but will be removed. Martins heating and plumbing solved problems with water in restrooms, heating and leaks have also been resolved. Martins will work up a contract for NES regular Maintenance plan for heating and plumbing.*

* *Nichols Cemetery – K. Engelbert*

*The Town of Nichols will be temporarily taking over the mowing and trimming of the Nichols Cemetery.*

*Scotts Lawn & Landscape Care sent in estimate for Cemetery mowing and trimming, for $1500.00 per service, which is about the same amount or lower than cost of lawn maintenance with the Cemetery Association.*

*The motion to enter into a contract with Scotts Lawn & Landscape Care was made by B. Crannell 2nd by B. Middleton.*

*Roll Vote;*

*R. Thetga (aye), B. Middleton (aye), E. Woods (aye), B. Crannell (aye), K. Engelbert (aye). Carried 5-0-0-0*

* *NES – B. Crannell*

*The Old Nichols Elementary School (NES) will be ready to open as an Emergency Evacuation Center for flood*

*Victims, if the storms keep coming and residents are flooded and need a safe place with amenities to stay.*

*Discussion of food supplies and Village and or Town getting prepaid credit cards to purchase supplies.*

***OLD BUSINESS***

* *Highway Garage update – K. Engelbert*

*Supervisor Engelbert has signed letters of* ***(Notice to Proceed)*** *to send to GOSR, Attorney Conti, and Contractors to get project started.*

***ADDITIONAL OLD BUSINESS FROM BOARD MEMBERS***

***MOTION TO ACCEPT REPORTS AND PAY BILLS***

*The motion to accept the Reports and pay bills, made by R. Thetga 2nd B. Middleton.*

*Roll Vote;*

*R. Thetga (aye), B. Middleton (aye), E. Woods (aye), B. Crannell (aye), K. Engelbert (aye). Carried 5-0-0-0*

***ADDITIONAL QUESTIONS, COMMENTS &CRITICISMS FROM THE PUBLIC***

***EXECUTIVE SESSION***

***ADJOURN***

*The motion to adjourn the meeting at 8:01 pm, made by R. Thetga 2nd E. Woods.*

*Roll Vote;*

*R. Thetga (aye), B. Middleton (aye), E. Woods (aye), B. Crannell (aye), K. Engelbert (aye). Carried 5-0-0-0*

*Karen Hunsinger*

*Town Clerk*

*08/15/2018*

***ADDITIONAL NEW BUSINESS FROM BOARD MEMBERS***

***UPDATE FROM TOWN DEPARTMENTS/PERSONNEL***

***OLD BUSINESS***

***ADDITIONAL OLD BUSINESS FROM BOARD MEMBERS***

***MOTION TO ACCEPT REPORTS & PAY BILLS***

***ADDITIONAL COMMENTS, QUESTIONS, & CRITICISMS FROM THE PUBLIC***

***EXECUTIVES SESSION***

***MOTION TO ADJOURN***