

Town of Nelson - Town Board Meeting
February 13, 2025
6:30 p.m. – Nelson Town Office

Supervisor Cunningham called the February 13, 2025, Town Board meeting to order at 6:30 p.m. with the Pledge of Allegiance. Present were Supervisor James Cunningham, Councilor Joseph Lewis, Councilor John LaGorga, Councilor Jennifer Marti, Highway Superintendent Joe Deyo, Town Clerk Christine Jaquez; Councilor John Laubscher- Absent

Minutes – January 2025

A motion was made by Councilor LaGorga and seconded by Councilor Marti to approve the January minutes. There was no further discussion. All voted in favor. Motion carried.

Proclamation of Retirement

Whereas Karin Marris has served the Town of Nelson Courts with unwavering dedication and integrity since 2016, showcasing a commitment to justice and the rule of law; and

Whereas Judge Marris has presided over countless cases, impacting the lives of individuals and the community, always exhibiting wisdom, fairness, and compassion.

Whereas, through her unwavering commitment to the law and public service, Judge Marris has earned the respect of colleagues, attorneys, and the citizens of the Town of Nelson, and

Whereas, throughout her distinguished career, Judge Marris inspired countless colleagues and aspiring legal professionals, fostering a spirit of collaboration, and

Whereas, she embarks on a new chapter of life, we celebrate her achievements and the impact she has made on the lives of all she has touched

Now, therefore, be it resolved, The Town of Nelson Board expresses our sincere gratitude for her many years of dedicated service and extends our warmest wishes of happiness and fulfillment in retirement.

Signed and sealed Town of Nelson Board

Dated: February 13, 2025

Roll Call:	
Councilor Jennifer Marti	Voted Yes
Councilor Joseph Lewis	Voted Yes
Councilor John LaGorga	Voted Yes
Councilor John Laubscher	Absent
Supervisor James Cunningham	Voted Yes

Town Clerk Report January 2025 - \$601.50

January 2025 Revenues – \$569.16

Decals- Conservation Licenses - \$1.66
Six (6) Registrar Death certificates - \$60.00
Seven (7) Landfill Punch Cards at \$25.00 - \$175.00
Two (2) Building Permits - \$301.00
Four (4) Dog License Renewals - Spayed/Neutered at \$6.50 each - \$26.00
Photocopies (22) - \$5.50

January 2025 Disbursements – \$32.34

NY State Ag. & Markets – Dog Licensing Fees– \$4.00
Decals- Conservation Licenses- \$28.34

Highway Superintendent's Report

Joe Deyo stated that the highway department has had (97) plow runs, using (34) hundred gallons of fuel. There have been (44) runs since January's meeting, last year they had (88) runs in total. The department has had a few fixable breakdowns. An air compressor broke that will take about a week to replace. The department had a snowplow stuck and got it out with a wrecker.

The department had one minor incident. There was a car parked on Nelson Heights and a snowplow clipped the mirror. Joe Deyo spoke with Steve McCarthy with the Towns insurance they will cover the claim for a side mirror. Joe also spoke with the owner who will park his car in a neighbor's driveway while snow blowing.

The new truck is still expected to arrive in the fall.

Joe Deyo asked the Board about the incentive bonus for staying with the department for more than (20) years.

Councilor LaGorga stated that it can be addressed in the future when someone gets closer to reaching (20) years.

Joe Deyo stated that it costs the Town almost \$12,000 a year for health insurance per employee. Joe proposed raising the incentive to opt out of insurance from \$1,000 to \$2,000.

Supervisor Cunningham stated he would like Nelson to be competitive and encourage employees to stay with the Town.

The Board agreed to raise the incentive to \$2,000, starting next fiscal year. The clerk will contact the Town attorney John Langey for him to write-up a formal resolution.

Joe Deyo stated he has ordered more salt, there is a shortage of salt, but Nelson has not run out. Supervisor Cunningham added that the governor has issued a state of emergency due to a salt and sand shortage.

The highway workers have been assisting in fueling the generators for the water tower. Policy dictates that if Joe calls in an employee, they are to be paid for a minimum of (3) hours. The job only takes about an hour and a half, they were wondering if they should just be paid for the time it takes. Councilor Lewis stated he would check with the attorney, but for now they will continue to follow the policy.

Councilor's Reports

Councilor Jennifer Marti – Parks & Recreation, Buildings & Grounds & Lake Watershed Management Committee

Councilor Marti stated the Tinsley group went snowshoeing to explore the trail extension. They will return to start marking. Councilor Marti received an email from Nate Ermer. The DEC decided to make each lane ADA compliant. The final design for the layout should be completed in about a month. The DEC is planning a site visit during the first week in April. Councilor Marti will notify the committee of that date. The DEC will bring flags and tape to layout the whole thing so they can have a better idea what it will look like. At that meeting the DEC will also be providing oversight to the contractor.

Youth rec planning has started for the summer of 2025. Nothing else to report otherwise.

Councilor Joe Lewis – Economic Development, Planning & Zoning, Erieville Revitalization

Councilor Lewis stated he will continue to follow the progress for the Byrne Dairy in Cazenovia, continuing to wait to ask for the land donation.

Councilor Lewis stated the contract buyer for the college properties does not intend to redevelop anything. It is a real-estate investment where the investors decided that the parts are worth more than a whole. They intend to parcel off everything. The contract is contingent but the investors are offering pieces to prospective buyers. If the County is interested in the athletic facility that is what they are doing.

Councilor Lewis noted the lack of progress for 2600 Erieville Rd., 2737 Erieville Rd., 2619 Erieville Rd., and 3328 Old State Rd. These property owners were contacted by Code Enforcement Officer, Jeff Edgerton last September for violation of New York municipal law on the properties. When Jeff spoke with the owners there were plans for selling or renovating. If no progress has begun by May, Councilor Lewis would like the codes enforcement officer to return for a follow up. The board agreed.

Councilor John LaGorga - Economic Development & Water Districts, Land Use Update

Councilor LaGorga asked if there is support for the Town to hold another cleanup day. The Board and Joe Deyo agreed and have a tentative date of April 26th.

Engineering Planning Grant

Councilor LaGorga stated that with the approved proposed district boundaries mapped out and a list of properties and types of properties created, the engineers were able to create a design flow plan for the wastewater treatment plant. Councilor LaGorga will review the plan and make sure the engineers have double checked it before approving it. After the plan is approved the engineers can move forward and

start using that number to size equipment. Councilor LaGorga stated he has a letter drafted to the effected residents, and will send it out to the Board members for review.

Solar Grant

Councilor LaGorga has received the final design plan for the solar panels. Councilor LaGorga crosschecked the plans with the comments from the codes enforcement officer and Tom Devine, an electrical engineer and Town resident. All the questions they had were answered and Councilor LaGorga was able to approve the design. With the design approved it can be submitted to NYSERDA for payment.

Councilor LaGorga stated the Town has requested an ESF intern. Applications are due in March and interviews may be held at the end of March to select an intern.

Supervisor's Report

Supervisor Cunningham stated that Madison County held a podcast discussing solar and wind that has been sent around the State. Supervisor Cunningham was interviewed by Channels 3 and 5 news stations. Supervisor Cunningham with Madison County have been opposing and going back and forth with the governor on this matter.

Supervisor Cunningham was invited to give a presentation for (450) people in Mohawk Valley with Congressman Manion and other congressional and state legislators. Supervisor Cunningham received a standing ovation when he spoke about power rates going up to (30) cents. They had Matt Roberts from Sherrill manufacturing to discuss this issue, this will terminate manufacturing in New York State.

Supervisor Cunningham is speaking in the following weeks in Albany to Kathy Hochul's group and also to the NYSAC energy workshop along with some NYSERDA people. Supervisor Cunningham is explaining how Madison is the premier County in New York State with the first solar windfarm. The Town of Fenner has the largest one this side of the Mississippi. The County has (50) wind turbines with (23) more that are 700ft tall going up. Towns have lost their home rule and are losing prime farmland. They also have to pay for the transmission lines, which will drive our costs way up and force businesses out of New York State. Supervisor Cunningham will meet with County leaders in a couple weeks and will try to push them to get involved with Madison and the other involved Counties. There is a large movement pushing back on this initiative. It sounds great but the Towns or Counties will end up paying an enormous amount of money for the transmission lines. Small modular reactors, (SMRs) are the way to go. Oswego is looking into this option right now, as are a lot of other people because AI is going to use so much power that solar or wind won't be able to keep up with it.

David Rezak- Watershed Committee

The Watershed Management Committee is actively trying to add an amendment that would exempt navigable waters from the rather dramatic overreach of the Freshwater Wetlands Act. The committee received confirmation from both the Senator and the new Assemblymen that they will both be co-sponsoring. They both like the idea that the Town or maybe as a County would publicly take a position on that amendment. There are enough water properties that would be impacted.

Dave Rezak has letter templets for people if they would like to write the State representatives or the Governor, and is asking the Board to put the template on the Town websites for people to use and send to the Senator and Assemblyman.

Supervisor Cunningham agreed and stated that the Town letterhead could be added to it.

Dave Rezak attended a webinar about the Freshwater Wetlands Act sponsored by the DEC. They were focused on only answering global questions. Dave submitted questions in advance but those were not addressed. The question was about the process, how it will impact the permitting process for things that waterfront owners constantly have to apply for. Dave received an email from the women that coordinated that webinar providing him with a copy of the general permit that is supposed to cover these things. What it seems to be is the law will be the law but how it is enforced is up to us. Dave assumed how it was enforced would be the letter of the law and the letter of the law exempt navigable waters. Dave emailed back and asked if there is a weed bed that is designated as a protected wetland (75) ft. off his dock with the (100) ft. buffer around everything, would it be able to be dredged? Dave did not get a response.

Supervisor Cunningham added that the wetland size went from (12.4) acres to (7.4) acres. There are also (11) points that classify these wetlands. To build, a form needs to be completed to the DEC but they won't know if the site is under the new regulations.

Dave Rezak stated they focused on jurisdictional determination. There are two people in the State of New York who will make that determination for every permit, and are supposed to make site visits.

The Watershed Committee holds an annual collaborated information meeting with the Eaton and Tuscarora Lake Associations. It will be held this year on July 19th at 10a.m. at the Erieville Firehouse. This year they will focus on Nelson fisheries. Lars Rudstam, Cornell professor and director of the Cornell field station at Oneida Lake will speak. The Committee is providing him with a lot of data. Randy Fuller is reviewing all the information in preparation to help professor Rudstam with his presentation. After that Jeff Edgerton and Don Ballway will demonstrate practical fishing technics.

Erieville Revitalization Committee

Jim Gemmell stated the ERC needs to receive more quotes for a traffic sign and for rewiring and pouring concrete for the pavilion.

Jim Gemmell stated he was approached about using Tinsley Hill in the winter. The committee would like to develop the area for snowmobiling. Jim also stated the committee would like to add concrete pads in addition to the pavilion to add grills. A concern would be how to keep it clean.

Supervisor Cunningham stated that when the park is developed it would need to be a community responsibility, so starting a volunteer group to help maintain the park is important.

The Hometown Heros Program the committee has been working on has (22) veteran nominees and (16) Erieville fire department nominees. It costs about \$185 per flag, \$6,845 in total. The committee is looking to the Town for a contribution.

Supervisor Cunningham stated the Town will contribute.

Dave Rezek asked if the Hometown Heros Project was going to be a 501c3, for a tax deduction.

Councilor LaGorga recently spoke with the CACDA Board, that is a 501c3 committee, they will manage the fundraising for this project or any other projects for the Town.

Public Comment

Martha Moore, Lyon Rd. asked if a template letter for the power authority about changing the rates for public comments and suggestions could be available. Supervisor Cunningham would provide that.

A motion was made by Councilor LaGorga and seconded by Councilor Lewis to approve resolution 007-2025 with amendment. There was no further discussion. All voted in favor. Motion carried.

**RESOLUTION NO. 007-2025
OF THE TOWN BOARD
OF THE TOWN OF NELSON
TO CONTRACT WITH COSTELLO, COONEY & FEARON PLLC**

Presented by Councilor LaGorga, seconded by Councilor Lewis, as follows:

To contract with Costello, Cooney & Fearon PLLC as Attorney for the Town of Nelson commencing **January 1, 2025 and expiring December 31, 2025 at \$225.00 per hour for the services of all attorneys and \$195.00 per hour for the services of Paralegals. Any expenses over \$500.00 will be pre-approved.** The scope of the hourly fee services shall be deemed to exclude services required in connection with municipal financial matters which will be billed on a fixed fee basis to be determined upon the complexity of the matter and services to be charged back to applicants pursuant to the Town’s local laws, as applicable. All out of pocket expenses incurred by Attorney in connection with any of the foregoing services, such as filing fees, publication fees, overnight mailing or out of town travel will be billed to the Town at cost in addition to the charges for the foregoing services. No other disbursements shall be charged to the Town except upon prior authorization of the Town Board. Invoices will be submitted no less frequently than every sixty (60) days. Representation may be terminated at any time with or without cause by notifying Costello, Cooney & Fearon in writing.

Dated: February 13, 2025

Roll Call:

Councilor Jennifer Marti	Voted Yes
Councilor Joseph Lewis	Voted Yes
Councilor John LaGorga	Voted Yes
Councilor John Laubscher	Voted Absent
Supervisor James Cunningham	Voted Yes

There was no further discussion.

The foregoing resolution was thereupon declared duly adopted.

Dated: February 13, 2025

A motion was made by Councilor Marti and seconded by Councilor Lewis to enter into executive session at 7:28pm. There was no further discussion. All voted in favor. Motion carried.

A motion was made by Councilor LaGorga and seconded by Councilor Marti to leave executive session at 8:04pm. There was no further discussion. All voted in favor. Motion carried.

Review and approval of monthly vouchers

Vouchers were "Paid" from the following accounts for the period of January 13, 2025 through January 31, 2025:

General Fund A	\$9,598.86
Highway Fund DA	\$5,962.24
Morrisville-Eaton Joint Fire	\$20,547.97
Cazenovia-Nelson Fire	\$91,087.76
CAVAC Ambulance	\$38,812.76
Trust & Agency Fund TA	<u>\$972.12</u>
Total	\$166,981.62

A motion was made by Councilor Marti and seconded by Councilor LaGorga to approve the prepaids, "Paid", for the period of January 13, 2025, through January 31, 2025. There was no further discussion. All voted in favor. Motion carried.

The Abstract of Vouchers "Unpaid" for the period of January 1, 2025, through January 31, 2025 were presented for review and approval for payment:

General Fund A	\$16,592.53
Highway Fund DA	\$19,817.19
Erieville Lighting District	\$312.20
Nelson Lighting District	\$187.75
Erieville Water District SW	\$430.00
Route 20 Joint Water District	<u>\$1,579.98</u>
Total	\$38,919.65

A motion was made by Councilor and seconded by Councilor to pay the Abstract of Vouchers "Unpaid" for the period of January 1, 2025, through January 31, 2025. There was no further discussion. All voted in favor. Motion carried.

Operating Statement "All Funds" - period ending January 31, 2025

General Fund A Appropriations: \$48,639.58 Highway Fund DA Appropriations: \$51,975.07

General Fund A Revenues: \$0 Highway Fund DA Revenues: \$0

Capital Projects Fund H Appropriations: \$0 Morrisville - Nelson Fire Appropriations: \$20,547.97

Capital Projects Fund H Revenues: \$0 Morrisville - Nelson Fire Revenues: \$0

Erieville Lighting District SL Appropriations: \$312.20 Erieville Fire District Appropriations: \$0

Erieville Lighting District SL Revenues: \$0 Erieville Fire District Revenues: \$0

Nelson Lighting District SL Appropriations: \$187.75 Trust & Agency Fund TA Revenue: \$0

Nelson Lighting District SL Revenues: \$0

Cazenovia - Nelson Fire Appropriations: \$91,087.67

Cazenovia - Nelson Fire Revenues: \$0

EW Capital Project Appropriations: \$0

EW Capital Project Revenues: \$0

Erieville Water District SW Appropriations: \$1,178.60 CAVAC Ambulance Appropriations: \$38,812.76
Erieville Water District SW Revenues: \$587.02 CAVAC Ambulance Revenues: \$0

Route 20 Joint Water District Appropriations: \$1,579.98
Route 20 Joint Water District Revenues: \$0

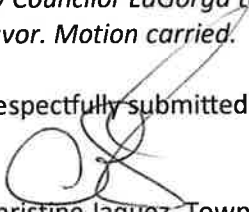
Georgetown Ambulance District Appropriations: \$0
Georgetown Ambulance District Revenues: \$0

Route 20 Water District Capital Project Appropriations: \$0
Route 20 Water District Capital Project Revenues: \$0

A motion was made by Councilor LaGorga and seconded by Councilor Marti to create a budget line for the sewer engineering project and then to fund that line with 50k of reserved dollars with the idea that they will be reimbursed that 50k and will pay it back into the reserve line. There was no further discussion. All voted in favor. Motion carried.

As there was no further business before the Board, a motion was made by Councilor Marti and seconded by Councilor LaGorga to adjourn the meeting at 8:04 p.m. There was no further discussion. All voted in favor. Motion carried.

Respectfully submitted,



Christine Jaquez, Town Clerk
Town of Nelson