

Town of Nelson - Town Board Meeting
January 9, 2025
6:30 p.m. – Nelson Town Office

Supervisor Cunningham called the January 9, 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, Councilor John Laubscher, Highway Superintendent Joe Deyo, Town Clerk Christine Jaquez, John Langey, ESQ

Minutes – December 2024

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

Public Hearing - Open

*A motion was made by Councilor LaGorga and seconded by Councilor Laubscher to open a public hearing. ("Amending Land Use and Development Law Appendix A".)
There was no further discussion. All voted in favor. Motion carried.*

*A motion was made by Councilor Marti and seconded by Councilor LaGorga to open a public hearing. (Additional (6) Months Moratorium on the Establishment of Commercial Wind Energy Facilities.)
There was no further discussion. All voted in favor. Motion carried.*

*A motion was made by Councilor LaGorga and seconded by Councilor Lewis to open a public hearing. (Battery Energy Storage System Prohibition for Tier 2 and larger systems.)
There was no further discussion. All voted in favor. Motion carried.*

John Langley, ESQ stated County planning received these local laws and said they could all be returned for local determination and had no comments, negative or otherwise. The laws were also reviewed for local impacts, at the last meeting.

Town Clerk Report December 2024 - \$5,723.00

December 2024 Revenues – \$5,484.00

Twelve (12) Landfill Punch Cards at \$0.75 each – \$9.00
Planning Fees - \$195.00
Seven (7) Building Permits - \$5,147.00
Eight (8) Dog License Renewals - Spayed/Neutered at \$6.50 each - \$84.50
Photocopies (324) - \$81.00

December 2024 Disbursements – \$239.00

NY State Ag. & Markets – Dog Licensing Fees- \$8.00
Madison County Treasurer – (12) Punch Cards at \$19.25 each – \$231.00

Highway Superintendent's Report

Joe Deyo stated that the highway department has had (53) plow runs, (20) more than this date last year and (21) runs since December's meeting. Everything has been running fairly smoothly, a few minor breakdowns the department has been able to fix.

Joe Deyo brought to the Boards attention that the incentive bonus for staying with the department for (15) and (20) years decreases, suggested that there is a \$400.00 increase for each milestone.

Joe Deyo also asked if the incentive can be higher, with the cost of healthcare and living going up, if an employee opts out of healthcare or only receives single coverage.

The Board agrees but would like to see the numbers and how much money it saves the Town, to figure out the new appropriate incentive amount.

Public Hearing- Close

A motion was made by Councilor Laubscher and seconded by Councilor LaGorga to close the public hearings. There was no further discussion. All voted in favor.

A motion was made by Councilor LaGorga and seconded by Councilor Lewis to move Local Law F Amending Land Use and Development Law Appendix A.

There was no further discussion. All voted in favor.

**TOWN OF NELSON
TOWN BOARD RESOLUTION NO. 008-2025**

January 9, 2025

LOCAL LAW NO. F OF 2024
(“A Local Law Amending The 2011 Town of Nelson
Land Use and Development Law Appendix A”)

The following resolution was offered by Councilor LaGorga, who moved its adoption, seconded by Councilor Lewis, to wit:

WHEREAS, pursuant to the provisions of the New York State Constitution and the New York State Municipal Home Rule Law, proposed Local Law No. F-2024, titled “A Local Law Amending The 2011 Town of Nelson Land Use and Development Law Appendix A,” was presented and introduced at a regular meeting of the Town Board of the Town of Nelson held on December 12, 2024; and

WHEREAS, a public hearing was held on such proposed local law on the 8th day of January 2025, by the Town Board of the Town of Nelson and proof of publication of notice of such public hearing, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed local law having been heard, and said proposed local law having been in the possession of the members of the Town Board of the Town of Nelson in its final form in the manner required by Section 20 of the Municipal Home Rule of the State of New York and the Town of Nelson Land Use and Development Law; and

WHEREAS, the enactment of Proposed Local Law No. F-2024 has previously been determined to be a Type I Action and will have no significant effect on the environment thus concluding the SEQRA review process; and

WHEREAS, this Local Law was duly referred to the Madison County Planning Department for review and recommendation pursuant to Section 239-m of the General Municipal Law of the State of New York, which has returned the Local Law for local determination finding it will have no county-wide impact; and

WHEREAS, the Town Board of the Town of Nelson has now determined that it is in the public interest to enact said Proposed Local Law No. F-2024.

NOW, THEREFORE, it is

RESOLVED that the Town Board of the Town of Nelson, Madison County, New York, does hereby enact Proposed Local Law No. F-2024 as Local Law No. 1-2025 as follows:

**“TOWN OF NELSON
LOCAL LAW NO. 1 OF 2025**

**A LOCAL LAW AMENDING THE 2011 TOWN OF NELSON LAND USE
AND DEVELOPMENT LAW APPENDIX A**

Be it enacted by the Town Board of the Town of Nelson as follows:

SECTION 1. AUTHORITY.

This Local Law is enacted pursuant to the New York State Constitution and New York Municipal Home Rule Law §10.

SECTION 2. LEGISLATIVE INTENT & PURPOSE

The purpose of this Local Law is to adjust the coverage percentages allowed in the Waterfront Zone Districts (Waterfront Zone, Eaton Brook Reservoir District, WF-E, and Waterfront Zone, Tuscarora Lake, WF-T).

**SECTION 3. AMEND APPENDIX A OF THE 2011 TOWN OF NELSON LAND USE
AND DEVELOPMENT LAW**

The Table title “Code Requirement – WF-E” contained within Appendix A shall be repealed in its entirety and replaced with the following:

“Code Requirement	WF-E
Planned United Development – PUD (acres)	5.0
Minimum Lot Area (acres) (Note 1)	
Lot size	2.0
Dimension Regulations (feet)	
Street Frontage (minimum)	150
Lake Frontage (where applicable)	150
Front yard depth (at setback line) (feet)	
Front yard setback from street	25 (or 10% of lot depth)
Lakeshore setback for structure	30
Lakeshore setback for decks	5
Side yard depth (at setback line) (feet)	
Side yard buildings (principal)	15
Side yard accessories (includes decks)	10
Side yard parking	5
Ratio regulations	0
Height regulations (maximum feet)	
Principal**	35
Accessory	20
Decks (including rail)	8
Coverage Percentage	
Principal and accessory buildings	15
All other impervious materials	10
Total all improvements with decks (including pervious and impervious decks)	25

**Maximum two-story exposure (plus walkout level) in Waterfront Zone, Eaton Brook Reservoir.

Code Requirement	WF-T
Planned United Development – PUD (acres)	5.0
Minimum Lot Area (acres) (Note 1)	
Lot size	2.0
Dimension Regulations (feet)	
Street Frontage (minimum)	150
Lake Frontage (where applicable)	150
Front yard depth (at setback line) (feet)	
Front yard setback from street	25 (or 10% of lot depth)
Lakeshore setback for structure	30
Lakeshore setback for decks	5
Side yard depth (at setback line) (feet)	
Side yard buildings (principal)	15
Side yard accessors (includes decks)	10
Side yard parking	5
Ratio regulations	0
Height regulations (maximum feet)	
Principal***	30
Accessory	20
Decks (including rail)	8
Coverage Percentage	
Principal and accessory buildings	12
All other impervious materials	10
Total all improvements with decks (including pervious and impervious decks)	25

***Maximum two-story lakeside exposure in Waterfront Zone, Tuscarora Lake.”

SECTION 4. SEVERABILITY.

If any clause, sentence, paragraph, subdivision or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not impair or invalidate the remainder thereof but shall be limited in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the proceeding in which such judgment is rendered.

SECTION 5. EFFECTIVE DATE.

This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with Municipal Home Rule Law Section 27.”

The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

John LaGorga	Councilor	Voted	Yes
John Laubscher	Councilor	Voted	Yes
Joseph Lewis	Councilor	Voted	Yes
Jennifer Marti	Councilor	Voted	Yes

James Cunningham	Supervisor	Voted	Yes
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The foregoing resolution was thereupon declared duly adopted.

DATED: January 9, 2025

A motion was made by Councilor LaGorga and seconded by Councilor Laubscher to move Local Law G. Additional (6) Months Moratorium on the Establishment of Commercial Wind Energy Facilities. There was no further discussion. All voted in favor. Motion carried.

**TOWN OF NELSON
TOWN BOARD RESOLUTION NO. 009-2025**

January 9, 2025

LOCAL LAW NO. G OF 2024

(“A Local Law Extending for an Additional Period of Six (6) Months the Moratorium on the Establishment of Commercial Wind Energy Facilities within the Town of Nelson”)

The following resolution was offered by Councilor LaGorga, who moved its adoption, seconded by Councilor Laubscher, to wit:

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, proposed Local Law No. G-2024, titled “A Local Law Extending for an Additional Period of Six (6) Months the Moratorium on the Establishment of Commercial Wind Energy Facilities within the Town of Nelson,” was presented and introduced at a regular meeting of the Town Board of the Town of Nelson held on December 12, 2024; and

WHEREAS, a public hearing was held on such proposed local law on January 9, 2025, by the Town Board of the Town of Nelson and proof of publication of notice of such public hearing, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed local law having been heard, and said proposed local law having been in the possession of the members of the Town Board of the Town of Nelson in its final form in the manner required by Section 20 of the Municipal Home Rule Law of the State of New York; and

WHEREAS, Volume 6 N.Y.C.R.R., Section 617 of the Regulations relating to Article 8 of the New York State Environmental Conservation Law of New York (SEQRA), requires that as

early as possible in the consideration of a proposed action, an involved agency shall make a determination whether a given action is subject to the aforementioned law; and

WHEREAS, on December 12, 2024, the Town Board declared itself lead agency and determined that the enactment of proposed Local Law No. G-2024 is a Type II action and therefore will have no significant effect on the environment, thus concluding environmental review under State Environmental Quality Review Act; and

WHEREAS, it is in the public interest to enact said Proposed Local Law No. G-2024.

NOW, THEREFORE, it is

RESOLVED that the Town Board of the Town of Nelson, Madison County, New York, does hereby enact Proposed Local Law No. G-2024 as Local Law No. 2-2025 as follows:

**“TOWN OF NELSON
LOCAL LAW NO. 2 OF 2025**

**A LOCAL LAW EXTENDING FOR AN ADDITIONAL PERIOD OF
SIX (6) MONTHS THE MORATORIUM ON THE ESTABLISHMENT OF
COMMERCIAL WIND ENERGY FACILITIES WITHIN THE TOWN OF NELSON**

Be it enacted by the Town Board of the Town of Nelson as follows:

SECTION 1. AUTHORITY.

This Local Law is enacted pursuant to the New York State Constitution and New York Municipal Home Rule Law §10.

SECTION 2. INTENT.

It is the intent of the Town Board of the Town of Nelson to extend for an additional period of six (6) months the moratorium on commercial wind energy facilities within the Town of Nelson.

SECTION 3. LEGISLATIVE PURPOSE.

The Town of Nelson presently has in effect a Town of Nelson Zoning Law which has established regulations for building, construction and allowable uses within the Town. In recent months, the Town has become aware of increasing interest by developers of larger scale wind energy facility applications in the Town and surrounding areas, such that wind energy uses are becoming increasingly prevalent in the Town of Nelson at a commercial scale. The Town Board is of the opinion that a period of time is necessary to adequately review the current regulations concerning commercial wind energy facilities (windmills) installations, and to determine whether additional local regulations are necessary in order to preserve and protect health, safety and welfare of its residents. Such commercial wind energy facilities can be both residential, commercial, large, obtrusive, and can and may pose a hazard and danger to residents by distraction, obstruction, and the power supply systems involved with such installations that may pose a risk. This moratorium

will enable town officials to review and comprehensively address the issues involved with commercial wind energy facilities that are becoming increasingly popular in our rural community.

The town recognizes the potential benefits and desirability of wind power and renewal energy sources, but determines time and research is necessary to determine how to properly regulate the systems. The Supervisor and Town Board deemed this moratorium emergent and immediately necessary for the Town.

Since passage of the original moratorium, the Town has met and worked diligently to address the concerns associated with such uses and has begun, but not finished, its review of a comprehensive commercial wind energy facilities law, seeking input from Town Officials and other stakeholders. The Town Board finds that a moratorium extension limited to an additional six (6) months in duration, coupled with a mechanism for an ‘unnecessary hardship’ variance procedure, will achieve an appropriate balancing of interests between, on the one hand, the public need to safeguard the character and other resources of the Town of Nelson and the health, safety and general welfare of its residents, and, on the other hand, the rights of individual property owners and businesses desiring to conduct such activities during such period.

This Local Law shall therefore act as an extension to the moratorium (Local Law No. 1 of 2023) adopted by the Town of Nelson Town Board on February 9, 2023 and filed with the New York State Department of State on February 27, 2023, as well as the extensions to said moratorium adopted by the Town of Nelson Town Board as Local Law No. 2-2024 on November 9, 2023, filed with the New York State Department of State on February 20, 2024 and Local Law No. 6-2024 on August 8, 2024, filed with the New York State Department of State on August 13, 2024, both for an additional six (6) months.

SECTION 4. SEVERABILITY.

If any clause, sentence, paragraph, subdivision or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not impair or invalidate the remainder thereof but shall be limited in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the proceeding in which such judgment is rendered.

SECTION 5. EFFECTIVE DATE.

This Local Law shall take effect immediately upon expiration of the previous moratorium extension enacted by the Town of Nelson as Local Law No. 6-2024 (Expiring February 9, 2025) and shall remain in force and effect for a period of six (6) months from said date (until August 9, 2025)."

The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

John Laubscher	Councilor	Voted	Yes
Jennifer Marti	Councilor	Voted	Yes
Joseph J. Lewis, Jr.	Councilor	Voted	Yes
John LaGorga	Councilor	Voted	Yes
James Cunningham	Supervisor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

DATED: January 9, 2025

A motion was made by Councilor Marti and seconded by Councilor Laubscher to move Local Law H. (Battery Energy Storage System Prohibition for Tier 2 and larger systems. There was no further discussion. All voted in favor. Motion carried.

**TOWN OF NELSON
TOWN BOARD RESOLUTION NO: 010-2025**

January 9, 2025

LOCAL LAW NO. H OF 2024

("A Local Law to Amend the 2011 Town of Nelson Land Use and Development Law to Prohibit Tier 2 and Larger Battery Energy Storage Systems")

The following resolution was offered by Councilor Marti, who moved its adopted, seconded by Councilor Laubscher, to wit:

WHEREAS, pursuant to the provisions of the New York State Constitution, the Municipal Home Rule Law and the Statute of Local Governments, proposed Local Law No. H-2024, titled "A Local Law to Amend the 2011 Town of Nelson Land Use and Development Law to Prohibit Tier 2 and Larger Battery Energy Storage Systems," was presented and introduced at a regular meeting of the Town Board of the Town of Nelson held on December 12, 2024; and

WHEREAS, a public hearing was held on such proposed local law on the 9th day of January, 2025, by the Town Board of the Town of Nelson and proof of publication of notice of such public hearing, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed local law having been heard, and said proposed local law having been in the possession of the members of the Town Board of the Town of Nelson in its final form in the manner required by Section 20 of the Municipal Home Rule of the State of New York; and

WHEREAS, on December 12, 2024, the Town Board pursuant to Volume 6 N.Y.C.R.R., Section 617 of the Regulations relating to Article 8 of the New York State Environmental

Conservation Law (SEQRA) declared that adoption of Local Law No. H-2024 was a Type I Action, that the Town Board would act as lead agency for purposes of SEQRA and made a determination that the aforementioned law would not result in any adverse environmental impacts and therefore issued a Negative Declaration; and

WHEREAS, the proposed Local Law was duly referred to the Madison County Planning Department for review and comment pursuant to the New York State General Municipal Law; and

WHEREAS, the Madison County Planning Board has previously reviewed the application for county-wide or intermunicipal impacts and returned the application for local determination; and

WHEREAS, the Town Board of the Town of Nelson has now determined that it is in the public interest to enact said Proposed Local Law No. H-2024.

NOW, THEREFORE, it is

RESOLVED that the Town Board of the Town of Nelson, Madison County, New York, does hereby enact Proposed Local Law No. H-2024 as Local Law No. -2025 as follows:

**“TOWN OF NELSON
LOCAL LAW NO. OF 2025**

**A LOCAL LAW TO AMEND THE 2011 TOWN OF NELSON
LAND USE AND DEVELOPMENT LAW TO PROHIBIT
TIER 2 AND LARGER BATTERY ENERGY STORAGE SYSTEMS**

Be it enacted by the Town Board of the Town of Nelson as follows:

SECTION 1. AUTHORITY

This Local Law will amend the 2011 Town of Nelson Land Use and Development Law to prohibit Tier 2 and larger Battery Energy Storage Systems and is adopted pursuant to Article IX of the New York State Constitution, §§ 2(c)(6) and (10), New York Statute of Local Governments, §§ 10(1) and (7); Sections 261-263 of the Town Law and Section 10 of the Municipal Home Rule Law of the State of New York.

SECTION 2. PURPOSE & INTENT.

This amendment to the 2011 Town of Nelson Land Use and Development Law to prohibit

Tier 2 and larger Battery Energy Storage Systems is being adopted to advance and protect the public health, safety, welfare, and quality of life of the residents of the Town of Nelson by banning the installation and use of certain large (Tier 2) battery energy storage systems within town boundaries. The Town Board has recognized and acknowledged the Town needs to study and analyze many considerations that affect the preparation of local legislation to regulate battery energy storage systems. Thereafter, the Town has carefully and diligently studied regulations that would address the establishment, placement, construction, enlargement, and erection of Battery Energy Storage Systems and balanced these objectives with potential land use regulations for provisions to specifically regulate the same. Included in these considerations is the likelihood of chemical and electrical fires which connect into such systems and the inability of the Town and its limited fire response capabilities to adhere to and address these issues in a satisfactory and safe manner given the availability of equipment, resources, and training. Upon reflection of these risks and harms, the Town Board has determined that prohibiting the establishment, placement, installation, construction, and erection of certain battery energy storage systems town-wide is in the best interests of the Town.

SECTION 3. AMENDMENT OF SECTION 201 (“LAND USE AND DEVELOPMENT DEFINITIONS”) OF THE 2011 TOWN OF NELSON LAND USE AND DEVELOPMENT LAW

Section 201 of the 2011 Town of Nelson Land Use and Development Law, titled “Land Use and Development Definitions,” is hereby amended to add the following terms in correct alphabetical order:

“201.17.1 **Battery/Batteries** -- A single cell or a group of cells connected together electrically in series, in parallel, or a combination of both, which can charge, discharge, and store energy electrochemically. For the purposes of this law, batteries utilized in personal household consumer products are excluded from these requirements.

201.17.2 **Battery Energy Storage System** -- A rechargeable energy storage system consisting of electrochemical storage batteries, battery chargers, controls, power conditioning systems and associated electrical equipment designed to store energy to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle. A battery energy storage system is classified as a Tier 1 or Tier 2 Battery Energy Storage System as follows:

- A. *Tier 1 Battery Energy Storage Systems* have an aggregate energy capacity less than or equal to 600kWh and, if in a room, contained, or enclosed area, consisting of only a single energy storage system technology.
- B. *Tier 2 Battery Energy Storage Systems* have an aggregate energy capacity greater than 600kWh or are comprised of more than one storage battery technology in a room, contained, or enclosed area.

201.26.1 **Cell** -- The basic electrochemical unit, characterized by an anode and a cathode, used to receive, store, and deliver electrical energy.”

SECTION 4. AMENDMENT OF ARTICLE VII (“MAINTENANCE AND

**PERFORMANCE STANDARDS APPLICABLE IN ALL DISTRICTS")
TO PROVIDE FOR A NEW SECTION 706 ("PROHIBITION OF TIER 2
AND LARGER BATTERY ENERGY STORAGE SYSTEMS")**

Article VII (maintenance and Performance Standards Applicable in All Districts") of the 2011 Town of Nelson Land Use and Development Law is hereby amended by adding a new Section 706, titled "Prohibition of Tier 2 and larger battery energy storage systems," to read in its entirety as follows:

"Section 706 Prohibition of Tier 2 and larger battery energy storage systems.

Tier 2 Battery Energy Storage Systems and larger are hereby specifically prohibited from being erected, placed and/or sited within the jurisdictional limits of the Town of Nelson. Such prohibition is regardless of whether any proposed Tier 2 Battery Energy Storage System (or larger) is a primary (principal) use or an accessory use on any parcel within the Town. Any requests for a Tier 2 Battery Energy Storage System (or larger) will require use variance approval from the Town of Nelson pursuant to the requirements and procedures of Town Law §267-b(2)."

SECTION 5. ENFORCEMENT.

Any violation of this Local Law shall be subject to the same enforcement requirements, including the civil and criminal penalties, provided for in the zoning or land use regulations of the Town of Nelson.

SECTION 6. SEVERABILITY.

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

SECTION 7. EFFECTIVE DATE.

This Local Law shall be effective upon its filing with the New York Secretary of State."

The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

John Laubscher	Councilor	Voted	Yes
Jennifer Marti	Councilor	Voted	Yes
Joseph J. Lewis, Jr.	Councilor	Voted	Yes
John LaGorga	Councilor	Voted	Yes
James Cunningham	Supervisor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

DATED: January 9, 2025

Supervisor's Report

Supervisor Cunningham has been working with the Supervisors from Eaton, Fenner and Smithfield. The Towns would like to have Computer Networking and Security Engineering (CNS) do the work for the Wind Turbine project. John Langey stated that each Town pays a portion and will be reimbursed through an intervener fund up to \$1,000 dollars per megawatt, from Office of Renewable Energy Siting ORES. The project is a 100-megawatt project, and they have applied on behalf of the Towns to offset the engineering and legal fees.

When the time comes for public comments, the Towns will work together on a presentation to ORES. There are parts that, as proposed, need to be considered before being approved. There are local impacts, Madison County has some road issues and line of sight for the emergency towers. There are a number of things to be concerned about, there are 30 days once the permit has been issued to make comments. C&S has sent similar agreements to the other Towns that have been approved.

A motion was made by Councilor LaGorga and seconded by Councilor Lewis to approve the C&S proposal. There was no further discussion. All voted in favor. Motion carried.

Councilor's Reports

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

Councilor Marti has been in communication with Nate Ermer about the archery range for Tinsley Hill. Councilor Marti has sent him photos looking for a new location for the ADA compliant lane, they will figure it out so there is no shooting up into the trail.

The Tinsley group will get together in January and go to Tinsley to see where the range will be going and to get a better visual and understanding of the space.

Youth rec is gearing up for the 2025 program. The cost is going to go up from \$100.00 to \$110.00 per child. They are very grateful for the donation from the Town of Nelson.

Supervisor Cunningham stated he has a meeting with the prospective buyers of the Cazenovia College. One of the buildings the County is looking into purchasing is the one with the pool, which could be used by the youth rec group but maintained by the County.

Councilor Marti has provided the Town Clerk with a copy of a pdf version of the individual volunteer application for the trail crew. The Town is under the umbrella of Frosty, Stoney Pond. An application can be filled out for anyone who would like to volunteer for the trail crew, and it provides workers compensation insurance while they are working on the trail, through New York State.

Councilor Marti reached out to Brian Burlew regarding a turnaround for the DEC trail. Brian agreed there should be one. Councilor Marti will work on that RFP and send it out to the Board members for an updated price for an access road.

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

Councilor Lewis stated they have a letter for Byrne Dairy asking for donation of their land in Nelson. Councilor Lewis attended the ERC meeting.

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

Councilor LaGorga stated that for the sewer project the boundaries and parcels have been identified in both the hamlet and also on the south side of Rt. 20. A slideshow was presented to show the locations where the project would run. Beginning at the Town line where the Caz storage units are and going up to the Mason property on Rt. 20. It extends and captures Midstate Road and a few residents there. It then goes up Nelson Heights Road to the top of the hill to the old stone culvert that is a part of the horse farm. The layout is driven by grade and elevation.

The area for the Hamlet goes north from the four corners. Moves up to Putnam Road and goes west from the (4) corners of Rt. 20 coming up to and going down Putnam Road about halfway. The project goes down Thomas Road about $\frac{1}{2}$ mile. South on Erieville Road it extends about $\frac{1}{4}$ of a mile to the incline and does not go very far east but captures the lighting district.

Councilor LaGorga will send the Board members a more detailed map for them to review and move forward with the engineers if there are no concerns. The engineers can start with the boundary conditions and number of properties to calculate the design flow and start sizing infrastructure. The County created a more detailed map along with a spreadsheet with all the parcels, tax ID numbers, owners and addresses.

The Town will write a letter to the effected property owners to summarize the project. It will either propose or schedule an informational meeting or it will direct people to the website.

The Town office, solar panel project draft design was received. Jeff Edgerton reviewed the general and structural drawings with only one comment. Tom Devine, an electrical engineer reviewed the electrical drawings and provided some comments that were passed on to Halco.

Councilor LaGorga introduced the pro-housing program last month that the Town can engage in. Jeff Edgerton provided Councilor LaGorga with the data; the next step is to summarize the data and complete the application.

Nelson is a clean energy community, a program administered by NYSERDA. Councilor LaGorga had an independent auditor of the NYSERDA program contact him. They asked if some of the smart energy sustainable efforts Nelson has done is a common practice to other communities their size. Councilor LaGorga stated Nelson is more progressive. Councilor LaGorga also stated that more grant funding for the Town of Nelson would be helpful for current and future projects.

Councilor LaGorga stated no new progress on the wind law.

Councilor John Laubscher- Highway Department

Councilor Laubscher stated he has been working on the comprehensive plan, focusing on section 400 which refers to land use regulations. The goal for the comprehensive plan is to move the Town forward but not change the culture of the Town. To improve opportunity for small business and families to move in, clean up the Town and get unused houses back on the market. Councilor Laubscher mentioned that while reviewing the Towns comprehensive plan overview goal sheet the Town has made progress in the last few years. From creating the Erieville Revitalization Committee to holding a Farmers' Market.

David Rezak- Watershed Committee

The Watershed Management Committee heard back from Jeff Gallahan, Assemblyman as of January 1. He is in support of amending the Freshwater Wetlands Act. Gallahan is waiting for the new person who is replacing Assemblyman Gadel, who was the sponsor of last year's legislation, which did not get out of committee. David Rezak believes Gallahan and Griffio will like having community response from effected waterfront owners. If Gadel's replacement does not sponsor, then Assemblyman Gallahan will sponsor. If Gadel's replacement does sponsor, Gallahan will co-sponsor. We will have the new bill numbers hopefully by February's meeting.

Erieville Revitalization Committee

Jim Gemmell stated the ERC had a meeting on December 19th and the committee wants to remind the Board of the derelict properties in Erieville. Councilor Lewis stated Jeff Edgerton inspected these properties with all but (1) having a plan for selling or renovating.

Mark Nourse had to shut off the water to a home on Erieville road. There was a leak that filled the first floor that went unnoticed and drained the Erieville water tanks. The owner lives down south and has not been able to be reached.

Mikala Marris met with the Fire Department and there are about (15) nominees for a banner. The committee is researching all the details from the height of the flags, to style, and type. Jim Gemmell has been in contact with National Grid, they will be the ones to give the permission and hang the banners. There will be about (30) banners that will hopefully be able to go up this spring or summer.

Jim Gemmell is going to get quotes to the Board for portable and fixed speed limit radar signs.

Jim Gemmell is looking into setting up a 501c3 nonprofit committee. The ERC would advise the nonprofit group to help get future grants.

Dave Rezek noted that the Town could act as a lead agency to apply for grants. The Town did this for the Watershed Committee and received a community foundation grant. A brief conversation was had about having a 501c3 or not.

Jim Gemmell has spoken to a few others willing to be on that committee and will move forward with that project.

Jim Gemmell stated that for Tinsley Hill the ERC would like the divider to the archery range to be straight and not curved. Councilor Marti stated she agrees and would like the DEC to come out in the spring to be able to put markers down and be able to fully visualize the set up.

Jim Gemmell stated that the committee talked about revising the initial plan for creating a park, to something not so elaborate. They would also like to begin by fixing up that pavilion, bringing power and lights to it. Then looking into a park area and possibly getting a pavilion for bands.

Councilor LaGorga suggested that the Town fix up the pavilion before the archery range goes in so if people come from out of Town, they see a place to want to come back to.

The ERC will begin looking into credentials and quotes for restoring the pavilion.

Appointments and Resolutions

A motion was made by Councilor Marti and seconded by Councilor Lewis to appoint Kerry Bishal as the new Court Clerk. There was no further discussion. All voted in favor. Motion carried.

A motion was made by Councilor LaGorga and seconded by Councilor Laubscher to move forward resolution numbers 001-2025 through 007-2025. There was no further discussion. All voted in favor. Motion carried.

RESOLUTION NO. 001-2025 OF THE TOWN BOARD OF THE TOWN OF NELSON

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

- a. to designate the Cazenovia Republican as the official newspaper.
- b. to designate Community Bank, N. A. as the Town's official bank.
- c. to designate Madison County Health Department as the Town's Health Department.
- d. to designate the second Thursday of each month at 6:30 p.m. as the regular Town Board meeting
- e. to designate the May and August 2020 Town Board Meetings to be held the Erieville Fire departments meeting room at 6:30 p.m. all other Town board meetings will be held at the Town of Nelson Town Office meeting room.
- f. to designate the second Tuesday of each month at 7 p.m. as the regular Planning Board meeting date and time
- g. to designate the third Tuesday of each month at 7 p.m. as the regular Zoning Board of Appeals

meeting date and time, as needed.

- h. to establish a \$150.00 Petty Cash Fund for the Town Clerk's use.
- i. to authorize town business mileage reimbursement at **\$0.70 per mile per the 2025 Federal reimbursement rate.**
- j. to authorize payment in advance for public utility services, postage, healthcare insurance and dental insurance, liability insurance and cleaning services
- k. to authorize the issuance of the payroll on a bi-weekly basis for certain employees
- l. to authorize the issuance of the payroll on a monthly basis to be paid between the 25th and end of each month

Roll Call:

Councilor Marti	Voted Yes
Councilor Lewis	Voted Yes
Councilor LaGorga	Voted Yes
Councilor Laubscher	Voted Yes
Supervisor Cunningham	Voted Yes

There was no further discussion.

The foregoing resolution was thereupon declared duly adopted.

Dated: January 9, 2025

Changes in BOLD

RESOLUTION NO. 002-2025
APPOINTMENTS OF TOWN BOARD MEMBERS AS LIAISONS FOR AREAS
OF OVERSIGHT AND INTEREST FOR 2025
OF THE TOWN BOARD
OF THE TOWN OF NELSON

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

Councilor Jennifer Marti	-	Parks & Recreation, Building & Grounds
Councilor Joseph Lewis	-	Planning & Zoning
Councilor John LaGorga	-	Economic Development, Water Districts
Councilor John Laubscher	-	Highway Department

Roll Call:

Councilor Jennifer Marti	Voted Yes
Councilor Joseph Lewis	Voted Yes

Councilor John LaGorga	Voted Yes
Councilor John Laubscher	Voted Yes
Supervisor James Cunningham	Voted Yes

There was no further discussion.

The foregoing resolution was thereupon declared duly adopted.

Dated: January 9, 2025

RESOLUTION NO. 003-2025
TO MAKE THE FOLLOWING APPOINTMENTS AND RE-APPOINTMENTS
OF THE TOWN BOARD
OF THE TOWN OF NELSON

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

Christine N. Jaquez.....	Registrar of Vital Statistics, Records Management Officer
Deborah Costello	Deputy Town Clerk, Planning and Zoning Clerk, Assistant Records Management Officer
Jeff Edgerton	Zoning & Codes Enforcement Officer
Susan Volz.....	Bookkeeper, Secretary to the Town Supervisor
Kerry Bishal	Court Clerk
Jason Driscoll.....	Dog Control Officer
Fay Lyon.....	Historian
Laine Gilmore.....	Co-Historian
John LaGorga.....	Deputy Supervisor
Kenneth Woodcock.....	Deputy Highway Superintendent
James Cunningham.....	Town of Cazenovia Sewer Board
Christabell Westcott.....	Erieville Water District Secretary and Commissioner
Kevin Parker.....	Erieville Water District Commissioner
James Gemmell.....	Erieville Water District Commissioner

Roll Call:

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

There was no further discussion.

The foregoing resolution was thereupon declared duly adopted.

Dated: January 9, 2025

Changes in BOLD

RESOLUTION NO. 004-2022
TO MAKE THE FOLLOWING BOARD APPOINTMENTS AND RE-APPOINTMENTS
OF THE TOWN OF NELSON

Presented by Councilor LaGorga, seconded by Councilor Laubscher, as follows

<u>Board Member</u>	<u>Term Length</u>	<u>Term Expiration</u>
Alex Samoray, Planning Board Alternate	1 year	December 31, 2025
James Gemmell, Planning Board	5 years	December 31, 2029
Martha Moore, Zoning Board Alternate	1 year	December 31, 2025
Keith Berger, Zoning Board	5 years	December 31, 2029

Roll Call:

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

There was no further discussion.

The foregoing resolution was thereupon declared duly adopted.

Dated: January 9, 2025

RESOLUTION NO. 005-2025
PROCUREMENT POLICY FOR THE TOWN OF NELSON
OF THE TOWN BOARD
OF THE TOWN OF NELSON

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

To reaffirm the policy and procedure of the Town of Nelson Procurement Policy:

Purchases costing less than two thousand dollars (\$2,000.00) do not require a quote and may be

purchased at the discretion of the purchasing agent or department head based upon his or her determination as to the best value for the Town.

The following items are generally subject to competitive bidding pursuant to Section 103 of General Municipal Law:

- Purchase contracts of or over \$20,000
- Public work contracts of or over \$35,000

Under General Municipal Law Section 103, the following items are generally **not** subject to competitive bidding, regardless of amount, but said Section 103 shall be reviewed for a complete statement of its terms and applicability in any given instance:

- Emergency purchases
- Certain municipal hospital purchases
- Goods purchased from agencies for the blind or severely handicapped
- Goods purchased from correctional institutions
- Purchases under State or County contracts
- Surplus and second-hand purchases from another governmental entity
- Professional services

Estimated Amount of Purchase Contract	Method
\$1.00 - \$2,000	At the discretion of the purchasing agent or department head
\$2,001 - \$3,000	At least 2 oral quotations
\$3,001 - \$10,000	At least 3 written quotations
\$10,001 - \$19,999	At least 3 written quotations and prior Board approval

Estimated Amount of Public Work Contract	Method
\$1,001 - \$3,000	At least 2 oral quotations
\$3,001 - \$15,000	At least 3 written quotations
\$15,001 - \$34,999	At least 3 written quotations and prior Board approval

All other terms of the Town of Nelson Procurement Policy remain as noted.

Roll Call:

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

There was no further discussion.

The foregoing resolution was thereupon declared duly adopted.

Dated: January 9, 2025

RESOLUTION NO. 006-2025
HIGHWAY DEPARTMENT OF THE TOWN OF NELSON

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

Longevity compensation shall be as follows:

- After 5 years of service.....\$400.00/year
- After 10 years of service.....\$800.00/year
- **After 15 years of service.....\$1200.00/year**
- **After 20 years of service.....\$1600.00/year**

Holidays:

- New Year's Day
- Memorial Day
- Independence Day (July 4th)
- Labor Day
- Veterans' Day
- Thanksgiving Day
- Christmas Day
- Three (3) "floating" days - (2 (two) additional days approved in 2020

Sick time:

- 6 days per year – employees can accumulate 24 days per year

Personal Leave:

- Employees shall receive 5 personal days (40 hours) per year and shall be used for personal business which includes religious observance. If an employee does not use all of their allotted time, a check will be issued to that employee for any unused time remaining. An employee may choose to apply any part of their unused time towards their sick leave time but the accumulated sick time **MAY NOT** exceed 200 hours. The Attendance Incentive check will be issued in the first pay period of the New Year, or sooner, at the previous rate.

Vacation:

One (1) week (5 days) with one added day each year of service up to a total of 15 days. All vacations **MUST** be approved by the Highway Superintendent.

Health and Dental Insurance:

- The Town shall contribute 100% of the individual premium cost for medical and dental insurance for all employees.
- The Town shall contribute 75% of the premium cost for dependent (family) medical and dental coverage.

- The Town shall pay \$1,000 annually to those employees who elect not to enroll in individual and dependent coverage.
- The Town shall pay \$500.00 to those employees who elect not to enroll in dependent coverage with the refund paid on a bi-weekly basis

-1-

- The employee must notify the Town by December 1st of each year of their health insurance selection
- MVP Health Insurance is presented to all participating employees
- Blue Cross/Blue Shield Dental is presented to all participating employees
- New hires after January 1st, 2018 will be presented an MVP Health Savings Account

Safety Recognition Program:

- The Town of Nelson encourages and recognizes safe work practices of the Highway Department employees.
- Effective January 1st, 2000 each full-time employee who has worked an entire year without being involved in a preventable automotive accident and reportable work injury shall be eligible for one day of vacation to be taken the month of the employee's birthday. The Highway Superintendent and only the Highway Superintendent may make the determination for eligibility and the employee shall coordinate the timing of that vacation day with the Highway Superintendent.

Dated: January 9, 2025

Roll Call:

Councilor Jennifer Marti
Councilor Joseph Lewis
Councilor John LaGorga
Councilor John Laubscher
Supervisor James Cunningham

Changes in Bold

**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 Laubscher, 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 \$175.00 per hour for the services of all attorneys and \$145.00 per hour for the services of Paralegals. Any expenses over \$400.00 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: January 9, 2025

Roll Call:

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

There was no further discussion.

The foregoing resolution was thereupon declared duly adopted.

Dated: January 9, 2025

Court Records- Review

A review of court records is something the Office of Court Administration requires every year, so the Town sees the monies and how they're handled, and checks and balances are in place. The Board reviewed the Court records as presented.

A motion was made by Councilor Laubscher and seconded by Councilor Marti to accept Appendix A, review the Court Records. 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 December 15, 2024 through January 1, 2025:

General Fund A	\$1,063.86
Highway Fund DA	\$5,962.24
Trust & Agency Fund TA	<u>\$972.12</u>
Total	\$7,998.22

A motion was made by Councilor Marti and seconded by Councilor Laubscher to approve the prepaids, "Paid", for the period of December 15, 2024, through January 1, 2025. There was no further discussion. All voted in favor. Motion carried.

The Abstract of Vouchers "Unpaid" for the period of December 1, 2024, through December 31, 2024 were presented for review and approval for payment:

<i>General Fund A</i>	\$17,670.37
<i>Highway Fund DA</i>	\$38,256.80
<i>Erieville Lighting District</i>	\$ 288.66
<i>Nelson Lighting District</i>	\$ 246.65
<i>Erieville Water District SW</i>	\$ 2,116.55
<u><i>Route 20 Joint Water District</i></u>	<u>\$11,538.08</u>
Total	\$ 70,117.11

A motion was made by Councilor Marti and seconded by Councilor Laubscher to pay the Abstract of Vouchers "Unpaid" for the period of December 1, 2024, through December 31, 2024. There was no further discussion. All voted in favor. Motion carried.

Operating Statement "All Funds" - period ending December 31, 2024

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

*Erieville Lighting District SL Appropriations: \$288.66 Erieville Fire District Appropriations: \$0
Erieville Lighting District SL Revenues: \$0 Erieville Fire District Revenues: \$0*

Nelson Lighting District SL Appropriations: \$246.65 Trust & Agency Fund TA Revenue: \$0
Nelson Lighting District SL Revenues: \$0

Cazenovia - Nelson Fire Appropriations: \$0 *EW Capital Project Appropriations: \$0*
Cazenovia - Nelson Fire Revenues: \$0 *EW Capital Project Revenues: \$0*

Erieville Water District SW Appropriations: \$2,865.15 CAVAC Ambulance Appropriations: \$0
Erieville Water District SW Revenues: \$587.02 CAVAC Ambulance Revenues: \$0

Route 20 Joint Water District Appropriations: \$11,538.08
Route 20 Joint Water District Revenues: \$157.04

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

As there was no further business before the Board, a motion was made by Councilor Laubscher and seconded by Councilor LaGorga to adjourn the meeting at 8:11 p.m. There was no further discussion. All voted in favor. Motion carried.

Respectfully submitted,

Christine Jaquez, Town Clerk
Town of Nelson