

October 10, 2011

A regular meeting of the Village Board held on the above date was called to order at 7:00 p.m at the Village Hall, 1 West Main Street, Clifton Springs, NY 14432.

Presiding: William A. Hunter, Mayor

Board Members Present: Melissa Kumkey, Dan Blondell, Earl Lincoln, Jeff Linsner

Board Members Absent: None

Minutes: The minutes of the meeting of September 12, 2011 were approved upon motion by Trustee Lincoln 2nd by Trustee Linsner. All members present voted AYE. Carried.

Vouchers: General, Water and Sewer Vouchers #304 through #377, and Broad Street Vouchers # 8-#8 were approved for payment by Trustee Lincoln, 2nd by Trustee Linsner. All members present voting AYE. Carried.

General Fund =	\$	58,735.58
Water Fund =	\$	4,446.92
Sewer Fund =	\$	14,984.60
Broad Street =	\$	253,807.36

Laurel Wemett, reporter from the DAILY MESSENGER was present for this meeting.

PRIVILEGE OF THE FLOOR TO PERSONS ATTENDING THIS MEETING

Eric Merkley – Sewer Plant

Eric Merkley, Sewer Plant Operator, appeared before the Board. Mr. Merkley was present to introduce himself to the Board. Mayor Hunter informed the Board that Mr. Merkley has been running the plant since C. Douglas Fagner retired on September 26, 2011. Mayor Hunter informed the Board that Jeff East, Wastewater Treatment Plant Operator Trainee is working with Mr. Merkley on a part time basis (24 hours per week). Mr. Merkley informed the Board that he completed the Discharge Monitoring Report for DEC for the month of September. Mayor Hunter informed Mr. Merkley the Board is here for him should he need something.

Grease Traps at Ashton Place & Countryside Restaurant

Mr. Merkley discussed with the Board the on-going problem with grease from Ashton Place and Countryside Restaurant. Recently the Village had the sewer lift station behind Ashton Place pumped and the station had a large amount of grease in it. This has been a continuous problem. Ashton Place had a representative there to see the grease, but they do not believe they are creating the problem. Ashton Place pumps to the lift station.

Mr. Merkley explained that Ashton Place has a grease trap, but it appears it is too small. The issue originates back to when Ashton Place was built. At that time they did not intend to have a kitchen. Also Ashton Place has approximately 75 rental units and all units have a kitchen. The Board is aware that to install a grease trap will be expensive for Ashton Place, but the trap needs to be installed and the sewer code indicates this cost is at the expense of the owner. Clerk Reals was instructed to contact Attorney Jeff Graff and have him send notification to Ashton Place to install the grease trap. The Board agreed that they would give Ashton Place until April 1, 2012 to submit a plan for the installation of the grease trap that needs to be approved by the Village and until July 1, 2012 to get the grease trap installed.

Meeting of October 10, 2011 continued:

Discussion was held on grease coming from the County Side Restaurant. This has also been addressed with Al Loson, owner of the Clifton Springs Plaza, and he has addressed this with the owners of the restaurant. This grease is creating problems because the grease is getting into the sewer main and creating problems in the main and at the sewer plant. The Board is aware that to install a grease trap will be expensive for the Countryside Restaurant, but the trap needs to be installed and the sewer code indicates this cost is at the expense of the owner. Clerk Reals was instructed to contact Attorney Jeff Graff and have him send notification to the Al Loson, owner of the plaza and Countryside Restaurant to install the grease trap. The Board agreed that they would give Al Loson or Countryside Restaurant until April 1, 2012 to submit a plan for the installation of the grease trap that needs to be approved by the Village and until July 1, 2012 to get the grease trap installed. Mr. Merkley also indicated that County Side Restaurant may expand. Doug Fagner, former Sewer Plant Operator, previously discussed with Steve DeHond, Code Enforcement Officer, for Mr. DeHond to not issue any building permits or Certificate of Occupancy until this issue is resolved.

Sewer Compost Building Roof

Mr. Merkley informed the Board that Secor Lumber has been at the sewer compost building working on fixing leaks on the roof they replaced.

Mr. Merkley and Mr. East have agreed if leaks occur that they will mark them out on the floor and on a floor plan. If leaks continue Secor will have the manufacturer of the roofing material come to the sewer plant and advise what to do next. The Board recognizes that Secor Lumber has worked diligently to correct this problem. The Village Engineer, Clark Patterson Lee has been involved with this as well.

Grit Removal

Mr. Merkley informed the Board that prior to the retirement of C. Douglas Fagner the grit was removed from the tanks. This process had not been done for approximately 10 years. The Board agreed that this should be done approximately every five years. The Board appreciates that Mr. Fagner took care of this project prior to his retirement.

CORRESPONDENCES

Letter of Resignation from D. Douglas Fagner – Sewer Plant Operator

Letter of resignation from C. Douglas Fagner, Sewer Plant Operator.

Reviewed and accepted the regrets. Mr. Fagner has worked for the Village for approximately 38 years. Mayor Hunter noted that Mr. Fagner has been dedicated to his job and has always paid extremely close attention to costs. Mr. Fagner also run the sewer plant extremely well and the NYS Department of Environmental commented many times about the efficiency of the plant. The Board hopes Mr. Fagner enjoys his retirement and thanks him for his service to the people of Clifton Springs.

Eric Merkley – Sewer Plant Operator Trainee passes 2A sewer exam **Appointment of Eric Merkley to Sewer Plant Operator**

Copy of the score report that shows Eric Merkley passed the 2A sewer license exam.

The Board is very pleased that Mr. Merkley passed this exam. Mr. Merkley has been working toward this license since April 2010 when he was hired. Motion was made by Trustee Lincoln 2nd by Trustee Linsner to appoint Eric Merkley to the position of Wastewater Treatment Plant Operator. All members present voting AYE.

Sewer Plant Compost Building Roof

Two e-mails from Bob Raeman, Clark Patterson & Lee to David Secor regarding the roof at the sewer compost building.

Reviewed and discussed under privilege of the floor.

Meeting of October 10, 2011 continued:

Local Law 1-2011 – Override the 2% Property Tax Cap

Information and proposed local law from Attorney Jeff Graff regarding the override to the 2% property tax cap.

Reviewed and discussion held. The Board feels it is best to take the least risky and most conservative approach with this and proceed with a local law. This will help provide legal protection. The formula to determine the increase is complex and the adoption of the local law will provide protection, even in the event of human error. After discussion the Board proceeded with the resolution:

The following resolution was offered by Trustee Linsner 2nd by Trustee Kumkey:

RESOLUTION INTRODUCING LOCAL LAW AND CALLING A PUBLIC HEARING

WHEREAS, the Village Board of the Village of Clifton Springs, after due deliberation, finds it in the best interests of the Village to schedule a public hearing to solicit public comment upon a proposed Local Law entitled “A local law to override the tax levy limit established in General Municipal Law §3-c”; and

WHEREAS, the Village Board of the Village of Clifton Springs has reviewed the draft of the aforementioned proposed Local Law attached hereto as Exhibit “1” and deems it in the best interests of the Village of Clifton Springs to proceed in accordance with the Code of the Village of Clifton Springs and the Laws of the State of New York in adopting said Local Law; and

NOW THEREFORE, BE IT RESOLVED, that the proposed Local Law entitled “A local law to override the tax levy limit established in General Municipal Law §3-c”, be and it is hereby introduced before the Board of Trustees of the Village of Clifton Springs, New York, and

BE IT FURTHER RESOLVED, that the Board of Trustees hold a public hearing on said proposed Local Law at the Village Hall, 1 West Main Street in the Village of Clifton Springs, New York, at 7:00 p.m. on November 14, 2011; and

BE IT FURTHER RESOLVED, that the Village Clerk publish or cause to be published a public notice in the official newspaper of the Village of said public hearing at least five (5) days prior thereto; and

BE IT FURTHER RESOLVED, that the Village Clerk be, and she hereby is, directed to post a copy of the proposed Local Law on the Village of Clifton Springs sign board and take any and all other necessary actions to properly bring the aforementioned Local Law before the Village Board of the Village of Clifton Springs for its consideration; and

BE IT FURTHER RESOLVED, that the Village Clerk be, and hereby is, authorized to provide all other notices as required by law for the adoption of this local law.

I, Lori Reals, Village Clerk of the Village of Clifton Springs do hereby certify that the aforementioned resolution was adopted by the Board of Trustees of the Village of Clifton Springs on October 10, 2011, by the following vote:

	<u>Aye</u>	<u>Nay</u>
William Hunter	X	
Earl Lincoln	X	
Daniel Blondell	X	
Melissa Kumkey	X	
Jeffrey Linsner	X	

Dated: October 18, 2011

Lori Reals, Village Clerk

SEAL

Meeting of October 10, 2011 continued:

Local Law 2-2011 – 2% Property Tax Cap Override

Second email from Attorney Jeff Graff with modifications to the proposed local law above.

The Board agreed to proceed with the original local law that was received from Attorney Graff.

Town of Phelps Public Hearing on Hydro Fracking Moratorium

Copy of Local Law #4 – 2011 from the Town of Phelps regarding “Establishing a Moratorium on Horizontal and Directional Gas Drilling and Hydraulic Fracturing”.

Reviewed. The Town will hold a public hearing on this on Tuesday October 11, 2011.

Peaceful Haven B & B closing – sewer reduction request

Letter from Rachel Riccione, owner of the “Peaceful Haven” bed and breakfast requesting a reduction in sewer rent for the closing of the bed and breakfast.

Motion was made by Trustee Lincoln 2nd by Trustee Kumkey to grant this request and remove the business sewer unit from the bill effective November 1, 2011. Should this re-open as a Bed and Breakfast in the future the sewer unit will be added back to the water and sewer bill.

Thank you from John Galati- CEO of C.S. Hospital

Letter from John Galati, CEO of Clifton Springs Hospital.

Mr. Galati thanked the crew for work they did at the intersection of Main Street and Ambulance Drive. This was passed on to Supervisor Lannon. The Board appreciates the note of thanks.

C.S. Big M intends to renew beer license

Copy of the renewal application from Clifton Springs Big M indicating they intend to renew their permit to sell beer.

Reviewed. This was passed on to Chief Scott Upchurch.

Warfield’s Restaurant intends to renew liquor license.

Copy of the renewal application from Warfield’s Restaurant to sell liquor, wine at beer at the restaurant.

Reviewed. This was passed on to Chief Scott Upchurch.

Joint meeting of Planning & ZBA meeting minutes

Copy of the meeting minutes from the joint Zoning Board and Planning Board meeting that was held on September 21, 2011.

Trustee Blondell reported the Board’s continue to work diligently on updating the code book. The Boards are looking to revise many sections of the code. The Boards have attached some time lines to work with. Trustee Blondell asked Clerk Reals to inquire if the work the Boards are doing on the code book constitutes “training” to meet the four hours of required training per year.

Clerk Reals informed the Board that the entire Village code has been received on disk so the Boards are welcome to use this as a resource.

Newspaper article involving “Just Energy”

Copy of a newspaper article regarding door to door sales people.

Reviewed. Clerk Reals copied this as the Village has had several problems with the people from “Just Energy”.

Meeting of October 10, 2011 continued:

STREET DEPARTMENT: Trustee Kumkey reported the following:

Crew is short handed

The street department will be short handed because Kevin Blair will be working with Craig Reed in the water department. Mr. Blair will assist with turning valves and Mr. Blair will continue working on learning the water system from Mr. Reed.

Cleaning of ditch line – Stephens Street

The crew will be cleaning the ditch line on Stephens Street that runs between 70 Stephens Street (The Merchandiser) and 56 Stephens Street (Mrs. Jean Fagner).

John Fabrizi Park – moving shed

The shed that is owned by the YMCA at the John Fabrizi Park will be moved by Sauder's and at the expense of the Village. The reason for this is to avoid any damage to the underground drain tiles that were installed approximately five years ago. The shed will be moved behind the Palace building on Crane Street. The Village will receive a couple sheds from the YMCA in exchange for this assistance.

Broad Street

The Board Street reconstruction project is going well. All driveway aprons will be asphalt. Keeler Construction has commented many times how cooperative the people on Broad Street and the people from G.W. Lisk Manufacturing Company have been. Keeler Construction is hoping to have the majority of this project completed by November 1, 2011.

SEWER DEPARTMENT: Trustee Lincoln report was covered under privilege of the floor.

ZONING & PLANNING DEPARTMENTS: Trustee Blondell reported the following:

Jaylene Folkins, ZBA Chairman and Mike Nurse, Planning Board Chairman continue to work on updating the residential codes with their Boards. The next joint meeting with the two Boards had been scheduled for October 19, 2011.

FIRE DEPARTMENT: Mayor Hunter and Trustee Linsner reported the following:

Hopewell Fire Contract

The Town of Hopewell has verbally agreed to a 3% increase in the fire contract for the next calendar year.

Pumper Truck 531 out for repairs

Pumper Truck 531 is at Churchville Fire for repairs to the tank. This work had been scheduled. The truck will be out of service for approximately two weeks. The fire departments in the area have been informed this truck is out of service and mutual aid will be used if needed.

POLICE DEPARTMENT: Mayor Hunter reported the following:

Police Activity- Schedule

The Board did not receive the police activity report for September. The Board previously received a police schedule for October.

PARK – YOUTH DEPARTMENT: Nothing was reported.

WATER DEPARTMENT: Trustee Blondell reported the following:

Water Tank Painting

The water tank on Pearl Street had been stripped and re-painted. This project is completed.

Meeting of October 10, 2011 continued:

Professional Leak Survey

A professional leak survey was completed. One leak was discovered and this leak has been repaired.

Water slightly high in Copper

Most all districts in the area have had the water quality test slightly high in copper. The Department of Health is working with the municipalities on how to correct this problem. It appears the problem may be occurring with the main water source.

Kevin Blair working with Craig Reed

Kevin Blair has been working with Craig Reed to obtain more knowledge of the water system. The Board is pleased with this.

MAYOR HUNTER REPORT: Mayor Hunter reported the following:

The Police Department was successful in having NYSEG come to the Village and repair the street lights. The Police Department had been working with NYSEG for months, as many street lights were out. Chief Upchurch has found a contact at NYSEG and once she was notified she was able to get a crew to fix the lights in a timely manner. She has indicated she is now the contact person and this should help correct – alleviate the problem with lights remaining out for extended periods of time.

CLERK REALS REPORT: Clerk Reals reported the following:

Renewal of CD's

The Village has two CD's that renewed September 25, 2011. These CD's were established prior to Clerk Reals. Motion was made by Trustee Linsner 2nd by Trustee Kumkey to renew the CD's for six months, in hopes that the interest rate will improve. All members present voting AYE. Carried.

Executive Session

Motion was made by Trustee Lincoln 2nd by Trustee Kumkey to enter into executive session at 8pm. All members present voting AYE. No decisions were made in executive session. Motion was made by Trustee Lincoln 2nd by Trustee Kumkey to exit executive session at 8:45 and resume the regular the Board meeting. All members present voting AYE. Carried.

Transfer of Funds

Motion was made by Trustee Lincoln 2nd by Trustee Linsner that Clerk Reals be and she is hereby authorized to transfer funds between the following appropriations as follows:

From A8810.2 to A8810.1	\$500.00
From A9055.8.to A9050.8	\$ 20.30

Transfer \$750,000 (money received from Bond for Broad Street) from the General Fund Savings Account to the Broad Street Capital Project checking account.

All members present voting AYE. Carried.

Adjournment

There being no further business to come before the Board, motion made by Trustee Lincoln 2nd by Trustee Linsner to adjourn. All members present voting AYE. Meeting adjourned at 8:45 p.m.
Respectfully submitted,

Lori A. Reals
Clerk/Treasurer