

November 14, 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 October 10, 2011 were approved upon motion by Trustee Linsner 2<sup>nd</sup> by Trustee Lincoln. All members present voted AYE. Carried.

Vouchers: General, Water and Sewer Vouchers #378 through #479, and Broad Street Vouchers # 9-#11 were approved for payment by Trustee Blondell, 2<sup>nd</sup> by Trustee Lincoln. All members present voting AYE. Carried.

General Fund =	\$132,595.84
Water Fund =	\$ 253,631.10
Sewer Fund =	\$ 31,496.49
Broad Street =	\$ 280,973.99

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

**Public Hearing on Local Law 1-2011**

**A Local Law to override the tax limit established in General Municipal Law 3-c**

Mayor Hunter opened the public hearing at 7:00 pm. This public hearing was properly advertised in THE DAILY MESSENGER on October 20, 2011.

No persons, other than the reporter, attended the public hearing.

Mayor Hunter closed the public hearing at 7:50 pm.

Motion was made by Trustee Kumkey 2<sup>nd</sup> by Trustee Blondell 2 adopt Local Law 1-2011 as presented. All members present voting AYE. Carried.

**RESOLUTION AUTHORIZING ADOPTION BY THE BOARD OF TRUSTEES  
OF THE VILLAGE OF CLIFTON SPRINGS  
LOCAL LAW NO. 1 OF 2011**

**WHEREAS**, a resolution was duly adopted by the Board of Trustees of the Village of Clifton Springs for a public hearing to be held by said Board of Trustees on November 14, 2011, at 7:00 p.m. at the Village Hall, 1 West Main Street, Clifton Springs, New York, to hear all interested parties on a proposed Local Law to override the tax levy limit established in General Municipal Law §3-c; and

**WHEREAS**, notice of said public hearing was duly advertised in the official newspaper of the Village of Clifton Springs, on October 20, 2011 and all other notices required by law to be given were properly served, posted or given; and

**WHEREAS**, said public hearing was duly held on November 14, 2011, at 7:00 p.m. at the Village Hall, 1 West Main Street, Clifton Springs, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local Law, or any part thereof; and

**WHEREAS**, the Board of Trustees of the Village of Clifton Springs, after due deliberation, finds it in the best interest of the Village of Clifton Springs to adopt said Local Law.

Meeting of November 14, 2011 continued:

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Trustees of the Village of Clifton Springs hereby adopts said Local Law No. 1 of 2011, entitled, "A Local Law to override the tax levy limit established in General Municipal Law §3-c", a copy of which is attached hereto and made a part of this resolution, and be it further

**RESOLVED**, that the Village Clerk be and she hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Village of Clifton Springs, and to give due notice of the adoption of said local law to the Secretary of State of New York.

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 November 14, 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: November 21, 2011

\_\_\_\_\_  
Lori Reals, Village Clerk

SEAL

### **Village of Clifton Springs**

#### **Local Law No. 1 of the year 2011**

A local law to override the tax levy limit established in General Municipal Law §3-c

Be it enacted by the Village Board

Village of Clifton Springs as follows:

#### Section 1: Legislative Intent

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Village of Clifton Springs, County of Ontario pursuant to General Municipal Law §3-c, and to allow the Village of Clifton Springs to adopt a village budget for (a) village purposes (b) fire protection districts and (c) any other special or improvement district governed by the village board for the fiscal year 2012 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law §3-c.

#### Section 2: Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes the village board to override the tax levy limit by the adoption of a local law approved by a vote of sixty percent (60%) of the village board.

#### Section 3: Tax Levy Limit Override

The Village Board of the Village of Clifton Springs, County of Ontario, is hereby authorized to adopt a budget for the fiscal year 2012 that requires a real property tax levy in excess of the limit specified in General Municipal Law §3-c.

Meeting of November 14, 2011 continued:

Section 4: Severability

If any clause, sentence, paragraph, section or part of this local law or the application thereof to any person, firm or corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part of this local law or in its application to the person, individual, firm or corporation or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

Section 5: Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.

**PRIVILEGE OF THE FLOOR TO PERSONS ATTENDING THIS MEETING**

No persons appeared before the Board.

**Local Law 1-2011**

Copy of Local Law 1-2011 for the public hearing. A local law to override the tax limit established in General Municipal Law 3-c.

This law was passed. See the public hearing.

**Turnover of unpaid taxes to Ontario County Treasurer**

Copy of the list of unpaid taxes. Clerk Reals reported that 95% of taxes were paid.

RESOLVED, by the Board of Trustees of the Village of Clifton Springs, NY, pursuant to local law 6-1977 of the County of Ontario, a local law to provide for the collection of delinquent village taxes by the County Treasurer and methods of payment of such village property taxes so collected and that the Village Clerk be and she is hereby authorized and directed to transmit a detailed listing of unpaid village property taxes to the Treasurer of Ontario County, and that the Village Board of Trustees of the Village of Clifton Springs NY respectfully requests that the Treasurer of Ontario County collect all unpaid village property taxes as provided for in local law number 6-1977 to the County of Ontario.

All members present voting AYE. Carried.

**Property Tax Cap information**

Information from a newspaper article that Mayor Hunter wanted Board members to have regarding the property tax cap law.

Reviewed. This information was in THE DAILY MESSENGER, as part of a guest essay, written by George Herron, retired Chairman of NYS Board, Real Property Services.

**Sale of Fire Truck 561 (1989 Chevy pickup)**

Copy of a motion from Clifton Springs Fire Department regarding the sale of truck 561 (1989 Chevy Pick Up).

Discussion was held on this. The Village Board has no objection to the sale of the 1989 pickup truck. The Board would like the fire department to determine what they feel is fair market value. The Board would like this advertised locally in THE MERCHANDISER, in an effort to obtain the best price for the fire department. The Board would like sealed bids to be received and opened at the Village Board meeting on December 12, 2011. The Board agreed that any revenue from this truck would be placed back into the fire department budget to help offset the cost of the most recent repairs to truck 531.

Meeting of November 14, 2011 continued:

ADDENDUM: Clerk Reals was informed by Chief Lynn Spence that this is not what the fire department was looking for, so as of November 18, 2011 no advertising will be done for this sale until the Village Board agrees on how they want to proceed.

**Copy of Eric Merkley**

Copy of Eric Merkley's official Department of Environmental Conservation 2A Wastewater Treatment Plant Operator license.

Reviewed.

**NYS Department of Health**  
**Water has slightly high copper level**

Information from NYS Department of Health regarding slightly high copper levels and what steps are required to be taken next. Craig Reed, Water Maintenance Technician has received this.

Trustee Blondell reported that slightly high copper is a problem with thirteen municipalities in the area. The action level for copper is 1.3 mg/l. The Village of Clifton Springs has tested at 1.6 mg/l. The Village will follow the steps that the Department of Health has advised, including additional testing. Trustee Blondell indicated that it is possible the high copper may be coming from the water source, which is Canandaigua Lake. Craig Reed, Water Maintenance Technician will attend a meeting with Department of Health on November 16, 2011 regarding this.

**Professional Water Leak Survey results**

Copy of the most recent professional leak survey results. This leak survey was completed by DSM Solutions LLC.

Trustee Blondell reported that one leak was discovered on Broad Street – and repaired while the street was under construction. The Board was pleased with the survey results and acknowledges the hard work Craig Reed completes routinely to keep the ageing water system running with minimal water loss.

**List of possible homes – business for tax sale in 2012**

Letter from Gary Baxter, Ontario County Treasurer, with the list of homes – businesses that will be sold in County tax sale if the back taxes are not paid by January 13, 2012.

Reviewed.

**Sewer Plant – Compost Building Roof**

Letter from Bob Raeman, Clark Patterson Lee, to David Secor regarding the sewer plant compost building roof.

A meeting was held regarding this. David Secor is aware the roof continues to leak. David Secor has attempted again to repair the roof. Since the most recent repair, there has not been rain. The Village will wait and see what happens when the next heavy rain comes.

**Joint Meeting Minutes from October 19, 2011**

Copy of the meeting minutes from the joint meeting held by the ZBA and the Planning Board on October 19, 2011, regarding updating the residential code.

Trustee Blondell explained that the Boards are working very hard on this update. At this time they are working on “sweeping” the codes so that sections of the code don't overlap and so that all sections of the code read consistently.

Meeting of November 14, 2011 continued:

#### **Code updates**

Copy of an email from Mike Nurse regarding the code updates. There have been 6 comments from ZBA and Planning members from this.

Trustee Blondell discussed that the Boards are concerned about hydrofracking. The Boards would like a moratorium until further studies are done to know how this affects the water table.

Discussion was held on this. The Village Board respects the concern of the ZBA and Planning Boards, but does not see that hydrofracking would happen in the Village of Clifton Springs. The Village Board recognizes where this could be necessary in the towns. The Village Board would like Jaylene Folkins, ZBA Chair and or Mike Nurse, Planning Board Chair to appear before the Board if they disagree and the Village Board could discuss this further.

#### **Request for temporary sewer reduction at Plaza**

Letter from Al Loson, owner of Clifton Plaza, requesting a temporary sewer reduction because the bar has closed and the restaurant has not completed renovations.

The Board had no objection to this request. This will become effective with the next billing cycle.

#### **Damage to 2011 pickup truck**

Copy of a check from Travelers Insurance.

This check is for damage done to the new Village pickup truck. Keeler Construction accidentally backed into the pickup truck with their skid steer. The total damage was \$4,627.69. The truck is scheduled to be repaired the week of November 21, 2011.

#### **Annual inspection at the sewer plant by D.E.C.**

Copy of the annual inspection done at the sewer plant by Department of Environmental Conservation.

Mayor Hunter reviewed this with the Board. The D.E.C. has three comments. Eric Merkley, Sewer Plant Operator, is looking into the first comment. The first comment pertains to exactly what the generator operates. Comment number two, pertains to the Mercury level needing to be changed, as the state code has changed. Clerk Reals will work with Attorney Jeff Graff on this. Comment number three has to do with consideration for screenings and grit removal. The cost to install grit removal is excessive. For this reason the Village will continue having the grit removed from the tanks every five years.

**STREET DEPARTMENT:** Trustee Kumkey reported the following:

#### **Miscellaneous work**

The crew will be working on putting on the Christmas decorations in the near future.

The crew will be planting trees on Broad Street in the next couple of weeks.

The crew will be flooding the ice skating rink, tennis court area only.

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) when weather permits.

**SEWER DEPARTMENT:** Mayor Hunter reported the following:

Mayor Hunter, Eric Merkley, Sewer Plant Operator, Jenifer Wengender, Engineer from Clark Patterson Lee and Ashton Place management met to discuss the grease trap. Mayor Hunter reported the time frame for Ashton Place to install the trap remains the same, with a plan in place by April 1, 2012 and the trap installed by July 1, 2012.

Meeting of November 14, 2011 continued:

**ZONING & PLANNING DEPARTMENTS:** Was covered under correspondences.

**FIRE DEPARTMENT:** Trustee Linsner reported the following:

**Pumper Truck 531**

Pumper Truck 531 has been repaired and is back in service. Churchville Fire completed the repairs to the tank.

**POLICE DEPARTMENT:** Mayor Hunter reported the following:

**Police Activity- Schedule**

The Board did not receive the police activity report for October. The Board did not receive a police schedule for November, but Chief Upchurch has indicated it will have no major changes from previous months.

**PARK – YOUTH DEPARTMENT:** The crew will flood the skating rink, tennis courts only when weather permits.

**WATER DEPARTMENT:** Trustee Blondell reported the following:

**Miscellaneous Water Work**

A water valve has been repaired on Teft Avenue.

A water main break occurred on Stephens Street. It is estimated that 120,000 gallons of water was lost. The break was immediately repaired.

A water service line is being repaired at the Burke Block, on the corner of East Main Street and Broad Street.

See correspondences for high copper and professional leak survey.

**MAYOR HUNTER REPORT:** Mayor Hunter's report was covered under the sewer department.

**CLERK REALS REPORT:** Clerk Reals had nothing to report.

**Executive Session**

Motion was made by Trustee Lincoln 2<sup>nd</sup> by Trustee Blondell to enter into executive session at 7:50pm. All members present voting AYE. No decisions were made in executive session. The purpose of the session was to discuss a potential law suit and an employee's health issue. Motion was made by Trustee Lincoln 2<sup>nd</sup> by Trustee Blondell to exit executive session at 8:15 and resume the regular the Board meeting. All members present voting AYE. Carried.

**Transfer of Funds**

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

From A1990.4 to A4020.4	\$281.31
From A5410.4 to A5112.2	\$5,500.00
From A5110.1 to A8810.1	\$1,040.50
From A9730.7 to A9050.8	\$20.30
From A1990.4 to A9010.8	\$2,694.00
From A1990.4 to A9015.8	\$910.00
From F8340.4 to F9010.8	\$1,000.00
From G8130.4 to G9010.8	\$1,000.00

Increase A5112.2 \$55,276.25 from a donation.

Increase A51104. \$4,627.69 from insurance claim for damage to 2011 pickup truck

Meeting of November 14, 2011 continued:

All members present voting AYE. Carried.

**Adjournment**

There being no further business to come before the Board, motion made by Trustee Lincoln 2<sup>nd</sup> by Trustee Kumkey to adjourn. All members present voting AYE. Meeting adjourned at 8:15 p.m.

Respectfully submitted,

Lori A. Reals  
Clerk/Treasurer