

March 9, 2015

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: Bill Hunter, Mayor

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

Board Members Absent: None

Minutes: The minutes of the meeting of February 9, 2015 were approved upon motion by Trustee Linsner 2nd by Trustee Lincoln. All members present voted AYE. Carried.

Vouchers: General, Water and Sewer Vouchers #722 through #787, and Broad Street Vouchers #0-#0 were approved for payment by Trustee Lincoln 2nd by Trustee Kumkey. All members present voting AYE. Carried.

General Fund =	\$ 66,060.89
Water Fund =	\$ 35,864.86
Sewer Fund =	\$ 8,960.36
Broad Street =	\$ -0-

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

### **Review of Justice Records**

Village Justice Randy Brooks attended this meeting. Judge Brooks presented his justice record keeping books to the Board for review. The Board looked at years 2013 and 2014. Judge Brooks presented the books in person, as part of the recommendations made by the most recent audit from the State Comptroller's office. The Board would like to see initials placed in the books when anything is crossed out and new information is inserted and the Board would like to see the bank statements balanced on a monthly basis. The Board has asked that Judge Brooks present his books, or leave them to be reviewed on a quarterly basis.

### **Request for a part time court clerk**

Judge Brooks addressed the Board and asked the Board to consider hiring a part time court clerk, not to exceed eight hours per week. Judge Brooks has a certified court clerk in mind that he feels would be an asset to him. The Board understands a need for a court clerk and is agreeable. Judge Brooks will supply additional information on the court clerk and a suggestion on the rate of pay.

### **Public Hearing on the 2015-2016 Budget**

Mayor Hunter opened the public hearing at 7:00 p.m. The hearing was properly advertised in THE DAILY MESSENGER on February 22, 2015.

No people were present for the public hearing.

Discussion was held on the proposed 2015-2016 budget. Motion was made by Trustee Lincoln 2<sup>nd</sup> by Trustee Blondell to close the public hearing at 7:15 p.m. All members present voting AYE.

Motion was made by Trustee Lincoln 2<sup>nd</sup> by Trustee Blondell to accept the 2015-2016 budget. Mayor Hunter called for a roll call vote which resulted in Trustee Lincoln voting AYE, Trustee Kumkey voting AYE, Trustee Blondell voting AYE, Trustee Linsner voting AYE and Mayor Hunter voting AYE. Carried.

Meeting of March 9, 2015 continued:

Budget for 2015-2016

General Fund = \$1,404,616

Water Fund = \$576,273

Sewer Fund = \$458,619

TOTAL = \$2,439,508

Tax Levy = \$615,318 – which stays under the 2% property tax cap. The Village had passed the local law to exceed the 2%, but worked diligently on the budget to stay under the 2%.

	Tax Rate	Equalization Rate	Change in tax rate From 2014-2015
Town of Manchester	\$6.7941	100%	up .04/1,000
Town of Phelps	\$6.7531	100%	up .04/1,000

No changes in water and sewer rates. Water remains \$33.00 for 0-5,000 gallons and then \$5.15 for each 1,000 gallons thereafter and sewer remains \$70.00 per unit. Both are billed quarterly.

## **CORRESPONDENCES**

### **Proposed budget 2015-2016**

Proposed budget for 2015-2016.

Reviewed and adopted under the public hearing.

### **Possible Kendall Street water line installation**

Proposal for engineering services and cost estimates for Kendall Street. There are two estimates included; one is for open cut method the other is for direct boring method.

Trustee Blondell had a couple questions and will contact Bob Raeman, Hunt Engineering, for clarification. Once Trustee Blondell is satisfied, he will advise Clerk Reals who will advise Mayor Hunter. All members of the Board agreed to allow Mayor Hunter to sign the acceptance from Hunt Engineering to put this project out to bid. The bid will be for new water main from West Main Street, past the railroad tracks to Stephens Street. Once the project is put out to bid and bids are received, then the Board will decide if they want to proceed with the project. The Board has a budget number they want to work within.

### **Possible Zoning Text Amendment**

Letter from G.W. Lisk regarding 36 South Street and a copy of Local Law 1-2015 regarding a possible zoning text amendment.

Reviewed. The Board would like to proceed with a public hearing on the proposed text amendment.

## **RESOLUTION AUTHORIZING SCHEDULING OF PUBLIC HEARING FOR PROPOSED LOCAL LAW ENTITLED “A LOCAL LAW TO AMENDING THE VILLAGE OF CLIFTON SPRINGS ZONING ORDINANCE”**

**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 Amending the Village of Clifton Springs Zoning Ordinance”; and

Meeting of March 9, 2015 continued:

**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,

**NOW, THEREFORE, BE IT RESOLVED**, that the Village Clerk be, and she hereby is, directed to schedule a public hearing to be held on April 13, 2015, at 7:10 p.m. at the Clifton Springs Village Hall, 1 West Main Street, Clifton Springs, New York; and be it further

**RESOLVED**, that the Village Clerk, be and hereby is, authorized to forward to the official newspaper of the Village a Notice of Public Hearing in the form substantially the same as that attached hereto as Exhibit "2"; 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.

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 March 9, 2015, by the following vote:

	Aye	Nay
William Hunter	X	
Earl Lincoln	X	
Daniel Blondell	X	
Melissa Kumkey	X	
Jeffrey Linsner	X	

Dated: March 10, 2015

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

SEAL

**Tina Bounds (petitioner) –vs. - Village of Clifton Springs ZBA  
and Mary Anna Morrow (respondents)**

Copy of the "Order and Judgment" from Attorney Mary Jo Korona in regards to Tina Bounds vs. Village of Clifton Springs Zoning Board and Mary Anna Morrow.

Reviewed. The Order and Judgment was signed by Honorable Craig J. Doran and the Order and Judgment reads as follows:

" Upon reading the Notice of Petition for Verified Petition with exhibits thereto, of petitioned Tina Bounds dated November 14, 2014, and filed November 20, 2014, for judgment pursuant to CPLR Article 78, reversing, annulling and setting aside a decision of the Village of Clifton Springs Zoning Board of Appeals made on October 23, 2014; and the Verified Answer with Objections in Point of Law, the Notice of Motion of Village of Clifton Springs Zoning Board of Appeals, to dismiss the Verified Petition pursuant to CPLR ss3211 (a)(b) or alternately CPLR ss3212 (b), together with the Certified Transcript of Record of Proceedings and the Attorney Affirmation of Mary Jo S. Korona, all dated and filed December 5, 2014, in opposition to the Verified Petition and in support of the Motion to Dismiss the Proceeding; and the Reply Affirmation of Ronald J. Hall, Esq., dated December 8, 2014, in further support of the Verified Petition; and the issues in the above entitled proceeding having duly come to be heard, and the petitioner having duly appeared by Ronald G. Hull, Esq., her attorney, and respondent

Meeting of March 9, 2015 continued:

Village of Clifton Springs Zoning Board of Appeals having duly appeared by its attorney, Mary Jo S. Korona Esq., and counsel having been heard before this Court, the Hon. Craig J. Doran presiding, at a Special Term thereof on December 12, 2014, and after due deliberation having been held thereon and a decision of the Court having made; it is hereby

ORDERED, ADJUDGED and DECREED that the motion of the Village of Clifton Springs Zoning Board of Appeals for judgment dismissing the Verified Petition be, and the same hereby is, in all respects, granted; and it is further

ORDERED, ADJUDGED and DECREED that the judgment be entered in favor of the respondents, and against the petitioner, dismissing the proceeding on the grounds stated by the Court, on the record. A certified copy of the transcript of the judicial proceeding conducted on December 12, 2014 is attached hereto and made a part hereof."

The transcript was reviewed by the Village Board and is available in the Office of the Village Clerk.

This was filed in the County Clerk's office on January 29, 2015.

#### **Sewer Plant Inspection**

Copy of the most recent inspection at the sewer plant from the Department of Environmental Conservation.

Reviewed. The report was positive and the Board is very pleased with the work Eric Merkley, Sewer Plant Operator, is doing at the sewer plant.

#### **Clifton Springs Fiscal Stress Score**

Copy of the Village of Clifton Springs Fiscal Stress Score, from the State Comptroller's office.

Reviewed. The fiscal stress score for the Village of Clifton Springs is 3.3%, out of 100%, so the score is very low which is positive for the Village.

#### **Letter to Steven and Melissa Eagley regarding demolition of 31 South Street**

Copy of a letter sent to Steven and Melissa Eagley regarding demolition of their home at 31 South Street.

Reviewed. The demolition process has gone thru the court system and a court order is in place to demolish the home. Should the Eagley's not demolish the home, the Village will and the cost will be re-levied onto the tax bill.

#### **Potential code updates**

Copy of an email from Jaylene Folkins regarding code updates.

Reviewed. Trustee Blondell has been reading the updates carefully. In the future the Zoning Board will be looking for the Village Board to adopt the updates, thru the local law process.

From Jaylene Folkins, copy of the meeting minutes from the joint meetings (code updates) held on September 30, 2014 and November 19, 2014.

Reviewed.

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

#### **Clarence Guard to increase hours**

Jason Lannon, Street Supervisor, would like to increase the hours of Clarence Guard. Mr. Guard is currently a seasonal employee. Supervisor Lannon would like to utilize Mr. Guard for additional summer hours, from April until November, approximately 20 hours per week. The Board does not object, providing this would not create a problem with needing to pay Mr. Guard unemployment. Clerk Reals will look into this.

Meeting of March 9, 2015 continued:

**SEWER DEPARTMENT:** See correspondences.

**Sale of 2 x 4 2006 pickup truck – surplus equipment**

Discussion was held on the 2 x 4 sewer pickup truck. The 2015-2016 budget has budgeted for a new pickup truck. Motion was made by Trustee Lincoln 2<sup>nd</sup> by Trustee Blondell to declare the 2006 pickup truck as surplus equipment. All members present voting AYE. The Board agreed to try to sell this by advertising in The Daily Messenger and The Merchandiser, with a minimum bid of \$5,000. Bids will be opened at the April 13, 2015 Board meeting. Should the minimum bid not be received, the truck will be taken to the Municipal Public Auction in May.

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

**Frozen water lines**

The Village has had numerous residents experience frozen water lines. As the Village does not thaw the lines, the residents have contacted Bob Dorgan who has successfully unthawed most of the frozen lines. Mr. Dorgan called Mayor Hunter to let Mayor Hunter know that Street Supervisor Jason Lannon was doing a great job working with Mr. Dorgan and the residents.

**Sale of 4 x 4 2006 pickup truck with snow plow package– surplus equipment**

Discussion was held on the 4 x 4 water pickup truck. The 2015-2016 budget has budgeted for a new pickup truck. Motion was made by Trustee Lincoln 2<sup>nd</sup> by Trustee Blondell to declare the 2006 pickup truck as surplus equipment. All members present voting AYE. The Board agreed to try to sell this by advertising in The Daily Messenger and The Merchandiser, with a minimum bid of \$9,000. Bids will be opened at the April 13, 2015 Board meeting. Should the minimum bid not be received, the truck will be taken to the Municipal Public Auction in May.

**Kendall Street water project**

The Board had two estimates from Hunt Engineers for water line replacement on Kendall Street from West Main Street to approximately Stephens Street. One estimate is for the open cut method and one estimate is for direct boring method. The Board had a proposal for engineering that equaled \$20,500 for design phase, \$1,500 for bidding phase and \$15,000 for construction phase. The Board authorized Mayor Hunter to sign the proposal for engineering. The Board will proceed with Hunt Engineering into the bidding phase. The Village has a budget they are working within, should the bid prices not come in closely to the budget numbers, the Village will not proceed. Clerk Reals and Trustee Kumkey informed the Board that Supervisor Lannon remains concerned about this project.

**ZONING & PLANNING DEPARTMENTS:** See correspondences.

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

**New Officers elected**

The following have been elected Officers for the Fire Department for 2015-2016.

Chief – Amanda Spence  
1<sup>st</sup> Assistant – Jason McMillan  
2<sup>nd</sup> Assistant – Kodey Clark  
Captain – Steve DeCook

A letter from the department should be coming to confirm these officers.

**PARK – YOUTH DEPARTMENT:** Nothing was reported.

**POLICE DEPARTMENT:** Trustee Lincoln reported the following: Chief Upchurch provided the April schedule.

Meeting of March 9, 2015 continued:

**MAYOR HUNTER REPORT:** Mayor Hunter had nothing to report.

**CLERK REALS REPORT:** Clerk Reals reported the following:

**Numerous reports and bank statements**

Clerk Reals provided the Board with the bank statements for January and February 2015, the trial balances, year to date numbers for expenses and revenues, the payroll time sheets since the last Board meeting, the fire department monthly report and the Village Justice monthly report.

**OTHER BUSINESS:**

**Transfer of Funds**

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

From A1910.4 to A1420.4	1,946.88
From A9010.8 to A5110.2	9,200.49
From A1325.1 to A1325.4	315.75
From A1325.1A to A1325.4	176.26
From A1325.2 to A1325.4	437.17
From A5110.1 to A5142.1	2,724.98
From A5110.1 to A5142.4	8,855.75
From A9010.8 to A5182.4	1,433.51
From A9015.8 to A7140.1	400.00
From A9015.8 to A7140.4	1,000.00
From A9015.8 to A8160.4	270.00
From A9015.8 to A8810.1	500.00
From A9040.8 to A5110.4	3,021.00
From F9010.8 to F8340.4	177.29
From G8120.4 to G1440.4	2,328.00
From G8120.4 to G8130.4	6,098.80
From sewer fund balance to G8130.4	15,000.00

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 Kumkey to adjourn. All members present voting AYE. Meeting adjourned at 8:17 p.m.

Respectfully submitted,

Lori A. Reals  
Clerk/Treasurer