

April 12, 2021

A regular meeting of the Village Board held on the above date was called to order at 6:00 p.m. at the Village Hall, 1 West Main Street, Clifton Springs, NY 14432.

Presiding: James Keyes Mayor

Board Members Present: Jeff Linsner, Bryan Gray, Brian Rickerson

Board Members Absent: Earl Lincoln

Also Attending: Street-Water Supervisor Jason Lannon, Chief Sewer Plant Operator Eric Merkley, Police Chief Scott Upchurch, Village Historian Jim Conners

Minutes: The minutes of the meeting minutes of March 8, 2021, March 22, 2021, April 5, 2021, and the Certificate of Canvass of the Village Election, were approved upon motion by Trustee Gray 2<sup>nd</sup> by Trustee Linsner. Trustee Rickerson did not vote on these items. Mayor Keyes, Trustee Linsner and Trustee Gray all voted AYE. Carried.

Vouchers: General, Water and Sewer Vouchers #715 through #786 approved for payment by Trustee Linsner 2<sup>nd</sup> by Trustee Gray. All members present voting AYE. Carried.

General Fund =	\$ 50,957.65
Water Fund =	\$ 3,613.28
Sewer Fund =	\$ 13,385.65

#### **Appointment of Trustee Brian Rickerson**

The first item of business was the appointment of a Village Trustee by Mayor Keyes. As Mayor Keyes was appointed by the Board at the April 5, 2021 meeting to fill the office of Mayor, this opened his former office of Village Trustee. Mayor Keyes appointed Brian Rickerson to the office of Village Trustee. This appointment will be until a special election can be held in March 2022. Clerk Reals then administered the Oath of Office to Trustee Rickerson.

#### **PRIVILEGE OF THE FLOOR:**

##### **Jason Lannon – street and water report**

Jason Lannon, Street & Water Supervisor appeared before the Board.

Street report: NYSEG is installing a new gas main on Silver Street and Dewey Avenue. Most of the snow equipment has been put away. Repairs have been done to the bridge at the park. CHIPS funding will increase.

Water report: The crew dug the water valve at 1 Sherman Street. The Village end of the line is fine. The owner will be replacing the water line. All water valves have been exercised. Both water tanks have been power washed. Hydrant flushing will be done in May.

##### **Village Historian Jim Conners Museum Day**

Village Historian Jim Conners appeared before the Board. Mr. Conners discussed Museum Day with the Board. This would be the 3<sup>rd</sup> Museum Day, sponsored by the Historical Society. This year's event would celebrate the 200<sup>th</sup> birthday of Dr. Henry Foster. Mr. Conners asked the Board for permission to have the crew close Main Street from Crane Street to Spring Street for this event on June 19, 2021. Mr. Conners explained that many of the businesses are planning to participate. Mr. Conners estimates 150 to 200 people would attend.

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Trustee Linsner stated that he leans toward the cautious side due to Covid and for this reason he is not sure having this event is the responsible thing to do. Trustee Linsner is concerned about the youth and Covid and although he wants to support this, he is uncomfortable doing so.

Trustee Gray agreed with Trustee Linsner. Trustee Rickerson stated that he is not aware of any other events being held in the County yet. Trustee Rickerson stated that in the future this could be a good replacement for the Sulphur Springs Festival or a good addition to the festival.

Discussion was held on the "Rotten Egg" 5K race/walk that the scouts and YMCA would like to have on June 19, 2021. Chief Upchurch will discuss this with the YMCA Director, Todd Freelove.

After discussion, the Board agreed that they appreciate Mr. Conners passion for Museum Day, but the Board agreed the Village will not be closing the street and the Village will not be bringing any Village owned equipment (fire trucks, police cars, dump trucks etc.) to the event.

The Historical Society can hold the event and have their own Covid protocols in place because the Village does not own the Historical Society.

#### **Eric Merkley – Wastewater report**

Eric Merkley, Chief Operator of the Wastewater plant, appeared before the Board and reported the following:

Z. Watts, Operator Trainee, successfully passed the Basic Operators course for wastewater operators. This was held at Morrisville College. Mr. Watts will attend Activated Sludge class in May. As per the agreement with Mr. Watts he received a \$1.00 per hour pay increase for successfully passing the class. Mr. Watts has two required classes he needs to complete his bachelor's degree. At this time, it has not yet been determined if the classes will be online, due to Covid, or held on person. The Board understand the need to complete the college degree.

A new sewer service will be installed at the homeowner's expense at 2 Hibbard Avenue.

The razz building pumps were serviced and updated. There was a problem with pump 2 and Operator Merkley may need to switch the pump out.

The 2015 pickup truck seems to be having a transmission problem and Chief Operator Merkley is looking into this further.

Operator Merkley is looking to have a 16 x 16 pole barn style building built over the existing lift station at Ashton Place. Operator Merkley is working on obtaining quotes.

The generators for the Village were recently serviced by Emergency Power. An exploded battery was found at the Village hall generator. Operator Merkley obtained pricing from Emergency Power and Commercial Power. Operator Merkley explained that it is difficult to find a company that can service multiple generators. Operator Merkley has been having trouble getting service from Commercial Power. The Board reviewed a price comparison to service all village generators from Commercial Power and Emergency Power. Operator Merkley explained that it is more expensive to maintain the diesel generators.

After discussion, the Board agreed to have Emergency Power service all village owned generators for one year.

Discussion was held on engineering for upgrades at the sewer plant. Delaware Engineering from Albany NY has indicated they will honor the estimate of Hunt Engineering. The Board agreed that this is not acceptable, and Delaware is to supply

Meeting of April 12, 2021 continued:

their own written estimate for design, bidding and construction administration and construction inspection for upgrades at the sewer plant.

**CORRESPONDENCES:**

**Museum Day**

Letter from Jim Conners requesting closing off Main Street on June 19, 2021 for Museum Day and to celebrate the 200<sup>th</sup> birthday of Dr. Foster.

Reviewed under privilege of the floor.

**Information for annual organizational meeting**

Information for the Annual Organizational Meeting.

Reviewed during the organizational meeting.

**J. Lincoln declines Village Justice office**

Letter from Justin Lincoln, declining the office of Village Justice.

Reviewed. J. Lincoln was the only write in candidate at the Village election on March 16, 2021. Mr. Lincoln has declined the office of Village Justice.

**Proposed Local Law regarding expanding the residency to serve as Village Justice**

Copy of a proposed local law to expand the residency of the Justice to residents outside the Village limits.

Discussion was held on this proposed local law. At this time, no village resident ran for the office of Village Justice at the March 16, 2021 Village election. The only write in candidate declined the office. Mayor Keyes reached out to approximately 8 residents to see if they would be interested in serving. All residents he reached out to declined. At the March Board meeting, Attorney Nathan Thomas brought to the Boards attention that people outside the Village can be appointed to serve as Village Justice, if a local law is in place. For this reason, the Board pursued a local law on residency.

Trustee Rickerson brought to the Board attention that this could be a steppingstone for people wanting to get experience as a Justice. Trustee Linsner stated that he is not a proponent of losing Village services, such as village court.

After discussion Trustee Linsner offered the following resolution 2<sup>nd</sup> by Trustee Gray:

**RESOLUTION AUTHORIZING SCHEDULING OF PUBLIC HEARING FOR PROPOSED LOCAL LAW ENTITLED "A LOCAL LAW CHANGING THE RESIDENCY REQUIREMENT FOR THE OFFICE OF VILLAGE JUSTICE"**

**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 Changing the Residency Requirement for the Office of Village Justice"; 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.

**NOW, THEREFORE, BE IT RESOLVED**, that the Village Clerk/Treasurer be, and she hereby is, directed to schedule a public hearing to be held on May 10, 2021, at 6:00

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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/Treasurer, 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/Treasurer 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/Treasurer 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 April 12, 2021 by the following vote:

	Aye	Nay
James Keyes	X	
Earl Lincoln	was not present	
Jeffrey Linsner	X	
Bryan Gray	X	
Brian Rickerson	X	

Dated: April 13, 2021

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Lori Reals, Village Clerk/Treasurer

SEAL

**Village can defer tax payments due to covid**

Letter from the County that informs the Villages that Gov. Cuomo has signed a law that would allow taxing entities to defer tax payments.

Discussion was held on this. The Village Board agreed that the Village will not be deferring tax payments.

**NYCOM regarding Trustee – Police Officer B. Rickerson**

From NYCOM, information that shows a person can work for the Village and serve on the Board.

Reviewed. The Board wanted to make sure that Trustee Brian Rickerson could serve on the Board and continue as a part time police officer for the Village. The article does indicate that on certain matters the person serving may need to recuse themselves. At the organizational meeting, Trustee Rickerson did declare a conflict.

**Comptroller's Office – fiscal stress score**

From the State Comptrollers, letter on the fiscal stress of the Village.

Reviewed. No designation is listed. This is the best score a municipality can receive.

**Clifton Springs Fire Department 2020 report**

Copy of the 2020 Fire Department Report.

Reviewed. The Board agreed that there is a lot of useful information in this report and that the department did a nice job. This report was also sent on to the Town of Manchester, the Town of Phelps and the Town of Hopewell.

Meeting of April 12, 2021 continued:

**Juneteenth – June 19 Holiday**

From NYCOM, an article on Juneteenth as a Federal holiday.

Reviewed and discussion was held. Mayor Keyes asked the Board members to vote on allowing Village employees Juneteenth as a holiday, effective June 2021. Mayor Keyes voted AYE, Trustee Linsner voted AYE, Trustee Rickerson voted AYE, Trustee Gray voted NAY, Trustee Lincoln was not present. Carried.

**Fishers Fire District**

From Attorney Hogan Willig. Information pertaining to the Fishers Fire District. This came via certified mail.

Reviewed. This was also forwarded on to Clifton Springs Fire Department.

**Thank you note from Habitat for Humanity**

Thank you letter from Habitat for Humanity.

Reviewed. The Board appreciates the note of thanks.

**NYCOM Advocacy updates**

Advocacy updates from NYCOM 1) extending utility termination, 2) cannabis legislation, 3) State budget details.

Reviewed.

**Z. Watts successful completion of Basic Operators**

Copy of the Certificate of Completion for Zach Watts for successful completion of the “Basic Operators Course for Wastewater Treatment Plant Operators”.

Reviewed under privilege of the floor. This is the 2<sup>nd</sup> class Z. Watts has completed. Z. Watts will attend his final class in May – “Activated Sludge”. As per the agreement with Z. Watts when he was hired, Z. Watts should receive a \$1.00 per hour pay increase effective April 12, 2021. Motion was made by Trustee Gray 2<sup>nd</sup> by Trustee Linsner to increase Z. Watts from \$16.00 per hour or \$17.00 per hour effective April 12, 2021. All members present voting AYE. Carried.

**Commercial Power – Emergency Power generators**

Information from Chief Sewer Operator Eric Merkley, possible contract from Emergency Power Systems.

This was discussed and moved on during privilege of the floor.

**AEP (Solar) and vegetation management**

Copy of the proposed agreement between the Village and American Electric Power (AEP).

Reviewed. AEP is the owner of the solar panels on Village land. This is the same agreement as last year, which allows the sewer crew to maintain the grounds inside the solar field, for \$1,500. In the past Chief Operator Merkley has found this acceptable. The Board found this agreement acceptable. Motion was made by Trustee Linsner 2<sup>nd</sup> by Trustee Rickerson to authorize Mayor Keyes to sign the agreement. All members present voting AYE. Carried.

**STREET DEPARTMENT:** This report was covered under privilege of the floor.

**WATER DEPARTMENT:** This report was covered under privilege of the floor.

Meeting of April 12, 2021 continued:

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

**ZONING & PLANNING DEPARTMENTS:** Trustee Gray reported the following:

**Local Law regarding Indoor Recreation Facilities**

The Planning Board will review a local law that involves indoor recreation facilities and will be working on required SEQR, part 1. Once the SEQR is completed this will move on the Village Board. The Village Board will complete part 2 and part 3. Once the SEQR is done this local law will require review by Ontario County Planning Board, before the Village Board can proceed with the local law. This local law is being pursued because the current village code does not allow indoor recreation facilities anywhere within the village.

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

Scott Hartmann will proceed with ordering what is needed to repair-replace the 5 outside lights at the fire house.

Martins Door replaced 13 windows in the garage bay doors. Discussion was held on possibly replacing the remaining windows.

The ladder truck is at Churchville Fire Equipment for repairs. The hydraulic lift cylinders were leaking. This repair is estimated to be anywhere between 3K and 10K.

Discussion was held on background checks for the Volunteer Fire Fighters. This has been discussed before and the Board agreed that background checks need to be done on any new fire fighters and on any fire fighters that have not had them completed, either by the Clifton Springs Police Department or the Ontario County Sheriffs Office. Clerk Reals was asked to look further into this and to supply the Board the rules pertaining to background checks for volunteer fire fighters.

**PARK – YOUTH DEPARTMENT:**

**John Brown Park rentals**

Discussion was held on renting the John Brown Park this summer. Clerk Reals explained several people have inquired about renting the park. The Board agreed that they would like the Village Attorney to draft a waiver from that covers Covid and allows the Village to cancel reservations depending on what the pandemic numbers are doing locally and within the County and State and based upon guidance from the Center for Disease Control and Ontario County Public Health. The Board would also like the capacity of the park to be determined.

**SOCIAL MEDIA:** Nothing was reported.

**POLICE DEPARTMENT:** Chief Scott Upchurch reported the following:

The Police Reform- Reinvention was filed on time.

Chief Upchurch is completing some Police Academy training online thru Lexipol. This week he will work on training involving policies.

Police activity has picked up because of the warmer weather.

**MAYOR KEYES REPORT:** Mayor Keyes report was covered thru out the meeting.

**CLERK REALS REPORT:** Clerk Reals provided the Board members a copy of the abstracts thru March and year to date revenue and expenses thru March and bank statements thru March.

Meeting of April 12, 2021 continued:

**OTHER BUSINESS:**

**Memorial Day Ceremony**

The local VFW has inquired about a Memorial Day Ceremony. The Board agreed that at this time they do not feel this should be held on Village property, due to Covid. It will be suggested that the VFW inquire with a local church to see if the event could be held there.

**Transfer of Funds**

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

From A1990.4 to A1325.4	2,000.00
From A1990.4 to A1450.1	37.97
From A1990.4 to A1450.4	18.25

All members present voting AYE. Carried.

**Adjournment**

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

Respectfully submitted,

Lori A. Reals  
Clerk/Treasurer