

September 13, 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: Mayor James Keyes

Village Trustees Present: Bryan Gray, Brian Rickerson, Earl Lincoln

Village Trustees Absent: Jeff Linsner

Also Attending: Street & Water Supervisor Jason Lannon, Chief Sewer Operator Eric Merkley, Engineer Tim Sneed, Resident Dan Delpriore

Minutes: The minutes of the meeting of August 9, 2021, were approved upon motion by Trustee Gray 2nd by Trustee Rickerson. All members present voted AYE. Carried. General, Water and Sewer Vouchers #207 through #290 were approved for payment by Trustee Lincoln 2nd by Trustee Gray. All members present voting AYE. Carried.

General Fund =	\$ 115,226.05
Water Fund =	\$ 53,310.50
Sewer Fund =	\$ 24,335.38

PRIVILEGE OF THE FLOOR:

Jason Lannon – street and water report

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

Street report: The crew has repaired a number of sidewalk trip hazards, primarily on Stephens Street, Teft Avenue and Dewey Avenue. The crew has been helping the sewer department with jetting the sewer system and manhole inspections. The crew has hauled away debris from the trim trimming work done by NYSEG. Some Teft Avenue residents have had concerns about some sidewalk on Teft Avenue. Supervisor Lannon suggests replacing some sidewalk on this street, once NYSEG removes some trees and replaces them on Teft Avenue. Two dead pine trees have been removed near Dewey Avenue and Coulter Road.

Discussion was held on possible easements for storm water on Ladue Avenue. The Board agreed to have Attorney Graff research three properties on Ladue Avenue and look for storm water easements.

A home at the corner of Pleasant Street and Dewey Avenue is getting washed out with storm water. Supervisor Lannon will look into the cost to install some concrete gutter in this area.

Water report: A new water service will be installed near 5 and 7 Foster Avenue. The homeowner will be replacing their water line. Five larger water meters have been replaced, one more still needs to be completed.

Supervisor Lannon will be meeting with a company this week to look at the water tanks on Pearl Street. This is to get a better idea of when the tanks will need to be painted and a more current estimate on the cost to have the tanks painted.

Thirty- six cellular service is going away. The water tanks telemetry system uses thirty - six cellular service. Supervisor Lannon is working on obtaining estimates to upgrade the service for the water tanks. Chart recorders and altitude will be replaced.

There are three portable water tanks on Kendall Street, near TOPS plaza. These are in place to help control water pressure in the Newark water system. This will be in place for approximately one month, while Newark does some work on their water tanks. Clerk

Meeting if September 13, 2021 continued:

Reals informed the Board that Frank Stowell from Anderson – VanHorne Insurance Agency worked very hard to make sure proper insurance coverage was in place, as these tanks are in the road right of way.

Midlakes Jr. Eagles Football - Cheerleading

Dan Delpriore, President of the Midlakes Jr. Eagle Football – Cheerleading, appeared before the Board. Mr. Delpriore wanted to express thanks for the job the crew does caring for field (John Fabrizi Park) and also thank the Board for the use of the field. Mr. Delpriore presented a check to the Village as a donation for use of the field. The Board thanked Mr. Delpriore and appreciates that the field is used by so many children and that football – cheerleading also do a great job caring for the field and keeping it clean as well.

Sewer Plant – disinfection and possible upgrade

Tim Sneed, Engineer from Hunt Engineering and Eric Merkley, Chief Sewer Plant Operator, appeared before the Board.

Mr. Sneed updated the Board on the Water Quality Improvement Program. Mr. Sneed is hopeful the Village will receive a one-million-dollar grant to be used toward the state mandated disinfection system. The Village also hopes to receive another grant, up to 25% of the possible sewer plant upgrade project (headworks). The disinfection is estimated at approximately 1.2 million and the headworks is estimated at 1.3 million. Mr. Sneed also spoke about the possible Federal Infrastructure bill. This is currently in the House of Representatives and unsure if this bill will pass. If the bill did pass there maybe additional grant money thru NYS Environmental Facilities Corporation. Typically, these projects need to be shovel ready. Mr. Sneed reminded the Board that the requirement is disinfection.

Trustee Gray asked what the benefits of upgrading the headworks would be. Chief Operator Merkley explained that every three years the crew needs to take the tanks down, to remove rags, grease etc. from the tanks. The cost to complete this work cost about \$10,000. The cost to upgrade the headworks is estimated at \$957,000.

Trustee Rickerson asked if the headworks could be done later on, maybe in five years, if the engineering was done now. Mr. Sneed said yes this was possible.

Mayor Keyes believes that it makes sense to engineer for the design now, so the Village is prepared for the possible upgrade in the future if that happened.

Motion was made by Trustee Gray 2nd by Trustee Rickerson to have Hunt Engineering design both the required disinfection and the possible headworks upgrade. This will allow for proper design of what would need to be buried underground in the future. All members present voting AYE.

Eric Merkley – sewer updates

E.P.A. – G.W. Lisk Plating Department Discharge Permit

Chief Operator Merkley has been contacted by E.P.A. with concerns about the G.W. Lisk Company Plating Department. E.P.A. wanted to know if the Village had any discharge limit violations created by G.W. Lisk. Chief Operator Merkley explained that the cyanide was violated – but that this was done by human error. The concern at the G.W. Lisk plating department is being overseen by E.P.A.

D.E.C. – Clifton Springs Hospital Discharge Permit

Chief Operator Merkley informed the Board that during the most recent D.E.C sewer plant inspection, D.E.C. noted that Clifton Springs Hospital remains without a discharge permit. D.E.C. would like the Village to issue a temporary permit and to make the permit “under review”. Chief Operator Merkley would like the Board to consider fining the hospital (allowed per the sewer code) if the hospital violates the limits of the discharge permit. The fine can be from the first day of the violation and can continue to fine per day, if needed. Discussion was held on \$100 fine per day, per violation. Chief

Meeting of September 13, 2021 continued:

Operator Merkley indicated that ultimately what he is wants is to work with the hospital and get them in compliance, to fix any problem they may have on their end and to pre-treat.

Chief Operator Merkley informed the Board that a pump failed in the wet well. The cost to replace will be approximately \$3,000. The clarifier is having issues. Chief Operator Merkley is not sure why, the clarifier may have a clog. Chief Operator Merkley informed the Board hat around October 25 and October 27, 2021 JAMKO will be cleaning the aeration tanks.

Chief Operator Merkley has been working on obtaining a contractor to pour a concrete pad at the Ashton Place lift station. Chief Merkley worked on obtaining bids for this project. FLX Home Solutions will be pouring the pad. Chief Operator Merkley continues to work on obtaining bids for a building to house the existing lift station.

CORRESPONDENCES:

Hunt Engineering

Hunt Engineering proposal and contract. This item was carried over from the August meeting as it arrived the day of the meeting.

Reviewed under privilege of the floor. The engineering contract is being reviewed by the Village Attorney and Village Insurance Company. Mayor Keyes is working out the details for the contract

Town of Manchester – Intermunicipal agreement Code Enforcement

Copy of the proposed Intermunicipal Agreement between the Town of Manchester, Village of Clifton Springs, Village of Shortsville and Village of Manchester for the shared services of the Code Enforcement Officer and Deputy Code Enforcement Officer.

Reviewed. Motion was made by Trustee Lincoln 2nd by Trustee Rickerson to authorize Mayor Keyes to sign the contract. All members present voting AYE. Carried.

Short term rentals local law

Draft of the local law pertaining to short term rentals, this has been updated with the changes the Board requested at the August meeting.

See discussion below with the letter from Attorney George Van Nest on this topic.

D. Morphy – G.W. Lisk concern on chemical smell

Email between E.P.A. and D. Morphy, Broad Street resident, addressing her concerns with chemical vapor that is being burned into the air from the G.W. Lisk Company.

Reviewed. Mayor Keyes will meet with representatives from G.W. Lisk Company regarding the chemical smell and Mayor Keyes will respond to D. Morphy. Trustee Rickerson stated he willing to participate in a meeting as well, if needed.

ARPA Coronavirus Funds

Letter from the Division of Budget, indicating the Village will receive an additional \$835.75 in ARPA Coronavirus Local Fiscal Recovery Funds.

Reviewed. This money will be placed in the bank account that is specific to ARPA funds.

Falkowsky – animal permit – 50 Pearl Street

Email from Carl Falkowsky, 50 Pearl Street, requesting permission to continue to have three horses, six chicken and three goats.

Reviewed and approved with the following conditions:

Meeting of September 13, 2021 continued:

- 1) The permit is for three horses, three goats and six chickens. No Roosters are allowed with any animal permit in the Village.
- 2) The horses and goats are to be housed in the barn with proper stalls that you own.
- 3) The goats are not allowed in the front yard of your property.
- 4) The chickens are to be housed behind your home in a shed/chicken coop. No free-range chickens are allowed.
- 5) 10% Of the manure will be used for compost. The remainder is to be routinely removed from the property, so no odor is present in the neighborhood.
- 6) The permit is good for one year. As a reminder the Village code reads as follows: Section 49.1A, of the Village Code “Such special permit may be granted for a period of one year unless it shall appear from complaints of neighbors or otherwise that the keeping of the animal in question is objectionable or offensive by reason of noise, smell or other cause. Such a special permit shall be revocable at any time by the Board of Trustees.”
- 7) This is a one-year permit. After a one-year period, should the permit still be in effect, you are responsible to appear or write to the Board for the permit to continue. This permit expires September 13, 2022.

Kirsop- animal permit- 29 Silver Street

Letter from Laura Kirsop, 29 Silver Street, requesting permission to have six chickens.

Reviewed and approved with the following conditions:

- 1) The permit is for no more than six (6) chickens, and no roosters. Roosters are not allowed with any animal permit within the Village.
- 2) The chickens are to be housed behind your home in a shed/chicken coop. No free-range chickens are allowed.
- 3) Manure is to be composted and with offensive odors to the neighbors.
- 4) The permit is good for one year from September 13, 2021 until September 13, 2022. As a reminder the Village code reads as follows: Section 49.1A, of the Village Code “Such special permit may be granted for a period of one year unless it shall appear from complaints of neighbors or otherwise that the keeping of the animal in question is objectionable or offensive by reason of noise, smell or other cause. Such a special permit shall be revocable at any time by the Board of Trustees.”
- 5) After a one-year period, should the permit still be in effect, you are responsible to appear or write to the Board for the permit to continue. This permit expires September 13, 2022.

Court report September 2021

Court report for the month of September 2021.

Reviewed.

Short term rental – Att. G. Van Nest

Letter from Attorney George Van Nest regarding the short-term rental law.

Meeting of September 13, 2021 continued:

The Board reviewed a letter from Attorney George Van Nest, from the law firm Underberg & Kessler. Attorney Van Nest was writing on behalf of a local property owner. Attorney Van Nest questioned the reason for the Village of Clifton Springs drafting a short-term rental law that is modeled after Cooperstown NY. The Board appreciates this concern and indicates they choose this model as the Finger Lakes area is a very popular destination, particularly with the wineries.

Attorney Van Nest inquired about grandfathering properties that are currently allowing short term rentals. The Board agreed not to grandfather current owners that are providing short term rentals.

Attorney Van Nest inquired about short term rental owners needing to reside in the building. The Board agreed that a manager can be used when a property owner is away for a vacation. The current draft of the law provides that an owner can live within the Village or within several of the surrounding Villages and townships. This was not changed. The Board did agree to allow a one- time permit that would allow current property owners a two-year time period to make a decision about residing within one of the villages or townships that is stated in the law or wind-up operations of the short-term rental if necessary.

Attorney Van Nest inquired about the notices that would be sent to neighbors within 500 feet of the short-term rental, letting them know about the special use permit request. The Board agreed to keep this in the local law as this is the process with other special use permits within the Village.

Eric Merkley, Village resident, asked the Board to allow short term rentals in Recreational Vehicles, campers, etc. The current draft law does not allow these types of rentals. The Board made no change to this section of the law.

Clerk Reals was instructed to work with Attorney Graff on the local law and see if it can be ready for review at the October meeting and possibly a public hearing at the November meeting.

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

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

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

Sewer Plant to become a 3A plant once disinfection is completed

Chief Operator Merkley informed the Board that NYS DEC recently completed an inspection at the plant. Once required upgrades are done at the plant, the plant will become a 3A plant. DEC will let Chief Operator Merkley know how much time he needs to have in a 3A plant before he can be tested as a 3A operator. Chief Operator Merkley will also inquire to see if he can obtain time in the Manchester – Shortsville plant, that currently is a 3A plant.

Z. Watts – end of probationary period – retained

Z. Watts probationary period ends on September 19, 2021. The Board agreed that Z. Watts is doing a great job at the plant and motion was made by Trustee Rickerson 2nd by Trustee Gray to retain Z. Watts. All members present voting AYE. No raise was given as the Board has an agreement with Z. Watts on pay increases as he successfully passes the required sewer classes and obtains his sewer license.

ZONING & PLANNING DEPARTMENTS: Trustee Gray had nothing to report.

FIRE DEPARTMENT: Trustee Linsner was not present.

PARK – YOUTH DEPARTMENT: Nothing was reported.

Meeting of September 13, 2021 continued:

SOCIAL MEDIA: Nothing was reported.

POLICE DEPARTMENT: Trustee Gray reported the following:

Tentative retirement of Chief S. Upchurch

Trustee Gray meet with Chief S. Upchurch to discuss his retirement, tentatively scheduled for May 2022. At this time Trustee Gray is looking at continuing with an officer for approximately 20 hours per week.

Trustee Gray has discussed this with Chief Upchurch, and he is interested in working with the Village approximately 20 hours per week. No decision was made on an hourly rate, but discussion was held that it may be approximately in the \$29 per hour range.

Possible insurance agreement with Chief Upchurch

Discussion was held on a possible agreement at the time of separation from full time work to part time work for Chief Upchurch. Trustee Gray informed the Board that an agreement had been reached with a former Police Chief at his retirement that allowed him to give up his accumulated sick days in exchange for a portion of health insurance coverage for a five-year period. The Board asked Clerk Reals to provide the former agreement to the Village Attorney for his review. Some Board members were concerned about starting this type of an agreement at retirement. Trustee Rickerson stated that he believed past practice had already been set in place by a previous Board.

MAYOR KEYES REPORT: Mayor Keyes reported the following:

Rails to Trails

Mayor Keyes reported that a second meeting was held with the Town of Manchester, the Town of Phelps, the Village of Phelps, the Village of Clifton Springs, Midlakes School District and Hunt Engineering to discuss a grant that is available that would help fund a rail to trail path between Phelps, Clifton Springs, Manchester and the Midlakes campus. This is very early in discussion. Some members of the committee will talk with some of the property owners that would need to agree to this. Another meeting will be held in late September.

CLERK REALS REPORT: Clerk Reals provided the Board members a copy of the abstracts thru August and year to date revenue and expenses thru August and bank statement for August.

Review of Annual Update Document

Clerk Reals reviewed with the Board the 2020-2021 Annual Update Document (AUD) and provided the Board with all revenues and expenses for that fiscal year. Discussion was held on each fund and all year end fund balances were reviewed. Clerk Reals answered the questions the Board had, and the AUD was accepted. The AUD has also been filed with the Office of the State Comptroller.

Clerk Reals reminded the Board that the court audit needs to be completed. Trustee Linsner was not present but is working on this.

OTHER BUSINESS:

Adjournment

There being no further business to come before the Board, motion made by Trustee Lincoln 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