

October 14, 2019

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: Bill Hunter, Mayor

Board Members Present: Jim Keyes, Jeff Linsner, Earl Lincoln, Bryan Gray

Board Members Absent: None

Also Attending: Jason Lannon – Street Supervisor, Eric Merkley – Chief Sewer Plant Operator, Peter Martin and Jennifer Vaughn – Hunt Engineering, Gail Morrow and Sharon Backus – Village residents.

Minutes: The minutes of the meeting of September 9, 2019 were approved upon motion by Trustee Lincoln 2nd by Keyes. All members present voted AYE. Carried.

Vouchers: General, Water and Sewer Vouchers #315 through #408 approved for payment by Trustee Lincoln 2nd by Trustee Linsner. All members present voting AYE. Carried.

General Fund =	\$ 55,728.84
Water Fund =	\$ 6,784.76
Sewer Fund =	\$ 22,890.81

PRIVILEGE OF THE FLOOR:

Supervisor Jason Lannon – Street and Water reports

Jason Lannon appeared before the Board to give his street and water reports.

Street report: Kevin Lyke, laborer, has resigned his position to accept work with another municipality. Mr. Lyke's last day of work was September 30, 2019. Supervisor Lannon has hired William Ciardi at a rate of pay of \$17.00 per hour. Veterans banners will go up October 28, 2019 and will come down November 18, 2019, when winter banners will go up. A new electric service needs to be run to the cold storage building for safety reasons. The crew will do as much of this work as possible, such as pouring the pad and the digging. Work will need to be done by NYSEG and Scott Hartmann, Electrician. The zero- turn mower exceeds decibels by 2. Supervisor Lannon informed the Board that the Village crew employees that use the mower (5 employees) will have baseline hearing tests as required by PESH and will be tested annually. Also, a hearing safety plan will be put into place and policy posted at the Village barns. Equipment is getting ready for the winter, catch basins have been cleaned and cold patch is being hauled.

Water report: Supervisor Lannon informed the Board that he recently learned that the current water meters that the Village uses are no longer going to be available. The water meters that have been installed over the last four years will continue to work for the approximately 20- year life cycle. The reason for this is the technology that is currently be used will no longer be available. Supervisor Lannon said he will do more research to see what direction to head in for the future. Supervisor Lannon would like to replace several commercial water meters and Supervisor Lannon has agreed that the crew will manually read these meters if necessary. Clerk Reals explained that this also creates a water billing problem going forward. Supervisor Lannon and the Clerk's office will discuss this as more information is received on how to proceed forward. The crew will be washing the water tanks and mowing the sidehill before winter.

Gail Morrow and Sharon Backus – squirrel problem

Gail Morrow, Teft Avenue and Sharon Backus, Sherman Street, appeared before the Board. The ladies addressed the Board with concerns regarding the number of squirrels that are on the East end of the village. The ladies are aware of several

Meeting of October 14, 2019 continued:

residents and one church that are trapping squirrels, as they are creating damage inside and outside of properties. Mrs. Morrow indicated the squirrels seem more aggressive this year and are chewing thru wood to gain entry. The Board agreed that the Village will not get into the trapping of the squirrels, but the Village is willing to properly remove the squirrel's, if needed, once it is in a have a heart trap. Should this happen it will be removed during regular working hours of the police department. Trustee Linsner also suggested that those with issues should contract with an exterminator or removal company to assist with this.

Eric Merkley – Chief Operator, Peter Martin and Jennifer Vaughn – Hunt Engineers regarding the food compost grant, disinfection grant and park manhole

Jennifer Vaughn, Project Engineer with Hunt Engineering addressed the Board regarding the food compost grant. The Village has been awarded approximately \$248,000 in a grant for food composting. This grant, if accepted, requires a match from the Village of \$231,000. The grant would be for a part time employee, equipment, facility expansion construction, outreach and education and a new truck. Mrs. Vaughn reviewed a time- line schedule that would run from October 2020 thru September 2022. Mrs. Vaughn explained that the "Education and Outreach" could be done thru in kind services, as Chief Operator Merkley is currently doing this.

Mrs. Vaughn explained that a new law was recently passed, and large food scrap holders will soon need to properly dispose of food waste and can dispose of the waste within a 25-mile radius. This could generate revenue for the sewer plant. Along with this the sewer plant could collect tipping fees and sell compost. Mayor Hunter is concerned that people or companies will not want to pay to pay tipping fees or pay to purchase the compost. Chief Operator Merkley explained that if Clifton Springs proceeded with this grant, then the plant could also except pressings from other municipalities, which would also generate revenue. Chief Operator Merkley also explained that landfills will be enforcing municipalities to divert to entities that can take food waste.

Mayor Hunter is concerned that some or parts of this plan might not play out as projected. Mayor Hunter does not want this project to cost the users of the sewer system. Mayor Hunter is also concerned about the timing of the project, as the Village is mandated to proceed with disinfection at the plant and food composting is not required. When Peter Martin, Hunt Engineering, speaks this evening, more information on the cost of disinfection is discussed.

Mrs. Vaughn spoke and stated that the grant allows for a part time employee and that paying the costs involved with an employee should be able to be covered by fees collected from composting. Chief Merkley would also like to build a building between the raz building and the solar panels. He would also like another truck and hot water to the area that food compost buckets are washed. These items could be covered approximately 50% if the Village accepts the grant.

Chief Operator Merkley explained that the process for compost needs to happen under cover. Recently the sewer department collected approximately 10,000 pounds of food compost in three Village weeks. This collection came from thirty residences and three businesses, located within the Village.

Trustee Gray questioned who would be buying the finished compost? Chief Merkley explained there are vendors who want this. He also explained that pressed sludge would be paid for by the ton and food compost would be calculated differently.

Mr. Martin explained that the State of New York will be changing what products can be hauled to landfills in the next five to ten years.

Mayor Hunter stated that he appreciates the enthusiasm that Chief Merkley has and that he does a great job at the plant, but he does not want this to cost the residents any

Meeting of October 14, 2019 continued:

money. Mayor Hunter is concerned that food composting is not mandated, and that disinfection is mandated. Mayor Hunter wants to focus on what is mandated.

Trustee Linsner questioned if there were any other local municipalities that also received a food compost grant. Mrs. Vaughn was unsure but will get an answer to this.

Sewer Manhole - Park

Peter Martin, Project Manger at Hunt Engineering, addressed the Board. Discussion was held on a manhole in need of repair at the John Brown Park. Mr. Martin and Chief Operator Merkley explained that this manhole has a significant amount of sewer flow, due to the location. The manhole will need repair – replacement and Mr. Martin estimates this cost at approximately \$47,297.

Disinfection Grant

Peter Martin, Hunt Engineering, addressed the Board regarding the requirement to have disinfection at the sewer plant. Mr. Martin broke down the estimated costs for a disinfection system. The proposed improvements include a new chlorine disinfection system, control building for chemical storage and mechanical equipment, generator set, and scum holding tank and miscellaneous improvements to the collection system. Estimated costs for the project are as follows:

ITEM	COST
Disinfection System Construction Cost	\$822,275
Collection System Construction Cost	\$427,725
Soft Costs	<u>\$212,500</u>
TOTAL PROJECT COST	\$1,462,500

To fund the project, the Village could apply for the Water Quality Improvement Program Grant (WQIP) funding in the 2020 cycle. The WQIP program offers up to \$1,000,000 in grant funding and requires a 25% local match (\$250,000). The grant and match monies are to be applied toward construction costs only. Therefore, the project would be funded as follows:

SOURCE	CONSTRUCTION COST	SOFT COST	TOTAL FUNDED
WQIP Grant	\$1,000,000	\$0	\$1,000,000
Village Financed	\$250,000	\$212,500	\$462,500

The Village can elect to finance the \$462,500 as desired. The Village could choose to utilize state revolving funds, the terms of the loan would be a 30- year payoff, at a market rate of 3.75%, for an annual debt service of approximately \$25,941 per year. The Village asked if Hunt could provide the estimate if the Village choose to pay the loan off over a 20- year period.

No final decisions were made on any of the above projects. Hunt Engineering will plan to attend the meeting in November or December with additional information for the Board to consider.

CORRESPONDENCES:

Resignation on Kevin Lyke

Letter of resignation from employee Kevin Lyke. Kevin accepted employment with another municipality.

The Village accepted Mr. Lyke’s resignation with regrets. See the hiring of Will Ciardi under privilege of the floor.

Food Composting Information

Information on “New Food Scraps Recycling Law” from Chief Sewer Plant Operator, Eric Merkley.

Meeting of October 19, 2019 continued:

Reviewed. Mr. Merkley would like to attend this class in Albany on November 18, 2019. The Board agreed Mr. Merkley could attend.

Information from DEC on the food compost grant

Information from DEC regarding the food compost grant.

Reviewed. Clerk Reals suggested that should the Board choose to proceed with accepting the grant, that Hunt Engineering select the date range in question. As the Board has not decided on the food compost grant, this paperwork has not been completed.

Local Law – proposed the ability to exceed the property tax cap

Annual local law regarding the ability to exceed the property tax cap. The Village has this law in place in case it is necessary to exceed the tax cap and as protection for the Village in the event of a math error in the formula.

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 6:30 p.m. on November 11, 2019; and

BE IT FURTHER RESOLVED, that the Village Clerk/Treasurer 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/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; and

BE IT FURTHER RESOLVED, that the Village Clerk/Treasurer 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/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 October 14, 2019 by the following vote:

	<u>Aye</u>	<u>Nay</u>
William Hunter	x	
Earl Lincoln	x	
Jeffrey Linsner	x	
James Keyes	x	
Bryan Gray	x	

Dated: October 15, 2019 *Lori A. Reals* (electronically signed)

SEAL Lori Reals, Village Clerk/Treasurer

Meeting of October 14, 2019 continued:

Local Law proposed “No Parking on the north side of East Main Street from Teft Avenue to Sherman Street and on the west side of Broad Street entire length – year around – day and night

Copy of the proposed local law on “No Parking” on the north side of East Main Street from Teft Avenue to Sherman Street and “No Parking” on the west side of Broad Street. This is for Board review and this requires a public hearing.

Reviewed and discussed. Trustee Lincoln is concerned about passing this law. After discussion the Board agreed to proceed the public hearing.

RESOLUTION AUTHORIZING SCHEDULING OF PUBLIC HEARING FOR PROPOSED LOCAL LAW ENTITLED “A LOCAL LAW AMENDING CHAPTER 108 (VEHICLES AND TRAFFIC) OF THE CODE OF THE VILLAGE OF CLIFTON SPRINGS”

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 “Amending Chapter 108 (Vehicles and Traffic) of the Code of the Village of Clifton Springs”; 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 November 11, 2019, at 6:00 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 October 14, 2019 by the following vote:

	Aye	Nay
William Hunter	x	
Earl Lincoln	x	
Jeffrey Linsner	x	
James Keyes	x	
Bryan Gray	x	

Dated: _____, 2019 *Lori A. Reals* (electronically signed)
Lori Reals, Village Clerk/Treasurer

SEAL

Meeting of October 14, 2019 continued:

Ontario County Shared Services plan

Information from Ontario County on the shared services plan.

Reviewed.

Finger Lakes Railway – assessment lawsuit

Email from Attorney Sheila Chailifoux that indicates Finger Lakes Railway has filed a notice of appeal in the assessment lawsuit that was dismissed by Ontario County Supreme court (correspondence from last meeting).

Reviewed.

Estey – 33 Pearl Street

Letter that Mayor Hunter sent to Debbie Estey regarding her property at 33 Pearl Street.

Discussed and the following resolution was passed:

**RESOLUTION REGARDING LOT AND PROPERTY MAINTENANCE
ESTEY PROPERTY AT 33 PEARL STREET**

WHEREAS, the Village Board of the Village of Clifton Springs, after due deliberation finds it in the best interest of the Village to authorize cleanup of the property at 33 Pearl Street, owned by Debbie Estey and that such clean up would include mowing the backyard, removing numerous items that are located in the back yard and along the back hedgerow and trimming and mowing the vegetation in the front yard.

WHEREAS, the Mayor of the Village of Clifton Springs sent the owner, Debbie Estey of 33 Pearl Street, Clifton Springs, NY 14432, proper notice via regular mail and certified mail. The certified mail was signed for by Debbie Estey on September 27, 2019.

WHEREAS, the letter states that the Village has had complaints from neighbors about this, and now the overgrowth is attracting vermin (fox, rats and wood chucks) to the neighborhood. The woodchucks are burrowing in neighbor's property and creating damage to their homes.

WHEREAS, this overgrowth is in violation of the Village of Clifton Springs, local law that is titled "Lot and Property Maintenance", section 76-10, section 76-11 and section 76-13 A & B. A copy of this section of the code was mailed to Debbie Estey at 33 Pearl Street, Clifton Springs, NY 14432 via regular and certified mail.

WHEREAS, Debbie Estey was notified that the Village Board would be addressing this at the October 14, 2019 Village Board meeting.

WHEREAS, Debbie Estey has taken little to no action at her property to mow the back yard, remove the numerous items that are located in the back yard and along the back hedgerow (or get a shed to place the items in) and little to no action to trim and mow the vegetation in the front yard. Debbie Estey was given a deadline date of October 13, 2019 to bring the property at 33 Pearl Street into compliance and as of October 14, 2019 this has not happened.

NOW THEREFORE, BE IT RESOLVED, that the Board of Trustees authorize that action be taken as per section 76.13 A and B which states:

- A. The Village Board, by resolution, may cause any nuisance, hazard or litter as herein defined to be removed from any property within the Village of Clifton Springs upon the failure of such owner, tenant or occupant to comply with the written notice aforementioned within the time limit. Said removal may be performed by the Village Highway Department or other designee, including a private contractor. The Village Board shall ascertain the cost of such removal, and such cost shall be charged and

Meeting of October 14, 2019 continued:

assessed against the owner, tenant or occupant of the property. The expense so assessed shall constitute a lien and charge on the real property on which it is levied until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other village charges.

B. The removal of any nuisance, hazard or litter by the Village of Clifton Springs or its designee shall not operate to excuse such owner, tenant or occupant from properly maintaining his property as hereinabove set forth, and such owner, tenant, or occupant shall not withstanding, be subject to the penalties above mentioned.

BE IT FURTHER RESOLVED, that the Village Board authorizes the Village Mayor hire a contractor or company that has the ability to mow the backyard, remove the numerous items that are located in the back yard and along the back hedgerow to trim and mow the vegetation in the front yard.

BE IT FURTHER RESOLVED, that at a minimum the contractor or company shall take photographs of the property before and after clean- up and shall keep a written list of any items removed from the property and present a copy of the list to the Village Mayor.

I, Lori A. 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 October 14, 2019 by the following vote:

	AYE	NAY
William Hunter	X	
Earl Lincoln	X	
Jeffrey Linsner	X	
James Keyes	X	
Bryan Gray	X	

Dated: October 18, 2019

Lori A. Reals (electronically signed)
Lori A. Reals, Village Clerk/Treasurer

50 Pearl Street – goats on property

Letter that Mayor Hunter sent to the owners of 50 Pearl Street, pertaining to goats at the property.

Reviewed. Mayor Hunter informed the owner that three goats have been seen on the property and no permission for goats has been granted and that the goats need to be re-located.

Jansen – 44 Stephens Street – debris left by Todd’s Cable

Email from Eric Jansen, 44 Stephens Street.

Reviewed. Mr. Jansen had a complaint about OTTC, but after further investigation it was discovered that it was Todd’s Cable, working for First Light, that created the debris problem on Stephens Street. The Village spoke with Todd’s Cable and they apologized for the problem and assured the Village this won’t happen again.

Zoning Board minutes 9-3-2019

Copy of the ZBA meeting minutes from September 3, 2019.

Reviewed.

Planning Board minutes 9-11-2019

Copy of the Planning Board meeting minutes from September 11, 2019.

Reviewed.

Meeting of October 14, 2019 continued:

Falkowsky – 50 Pearl Street – request for horses, goats and chickens

Letter from Carl & Jessica Falkowsky, 50 Pearl Street. They are asking to continue the permit for 3 horses and would also like to have 3 goats and 6 chickens.

Reviewed and discussed. The Board is agreeable to continue with the three horses, as per the animal permit with conditions, but did not agree to allow the 3 goats or the 6 chickens. The discussion involved that although this property has plenty of land, the Village Board does not want to set a precedent with allowing goats within the Village limits. The following animal permit was granted:

The Village Board approved a permit to house three horses at 50 Pearl Street with the following conditions:

- 1) The permit is for three horses
- 2) The horses are to be housed in the barn with proper stalls.
- 3) 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.
- 4) The permit is good for one year from October 2019 until September 2020. 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 is to be done annually.

Please note the Village Board also reviewed the request for three goats and six chickens. As the Clerk indicated via email on October 15, 2019, the Board did not approve the goats or chickens. The Board realizes that re-locating the goats could take some time, so the Board has given Mr. Falkowsky 30 days from October 15, 2019 to re-locate the goats.

STREET DEPARTMENT: See privilege of the floor

WATER DEPARTMENT: See privilege of the floor.

SEWER DEPARTMENT: Trustee Keyes reported the following: .

Please see privilege of the floor.

The pick- up truck needs routine maintenance. The hospital discharge permit has been in compliance for the last three months.

ZONING & PLANNING DEPARTMENTS: Trustee Gray reported the following:

DeLong Beanery

The DeLong Company, 48 Railroad Avenue, is preparing for final site plan with the Planning Board. It appears that the public hearing for final site plan will be held on November 13, 2019.

See correspondences.

FIRE DEPARTMENT: Trustee Linsner reported the following:

Trailer

The fire department has not sold the surplus trailer yet. They have had some offers but have not accepted any.

