

September 14, 2020

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: Earl Lincoln, Jeff Linsner, Jim Keyes, Bryan Gray

Board Members Absent: None

Also Attending: Jason Lannon, Street & Water Supervisor, Scott Upchurch, Police Chief .

Minutes: The minutes of the meeting minutes of August 10, 2020 were approved upon motion by Trustee Linsner 2nd by Trustee Keyes. All members present voted AYE. Carried.

Vouchers: General, Water and Sewer Vouchers #202 through #282 approved for payment by Trustee Lincoln 2nd by Trustee Keyes. All members present voting AYE. Carried.

General Fund =	\$ 180,238.80
Water Fund =	\$ 66,505.55
Sewer Fund =	\$ 23,832.79

PRIVILEGE OF THE FLOOR:

PUBLIC HEARING TO OVERRIDE TAX CAP

Mayor Hunter opened the public hearing at 6:00 PM. No person's present appeared before the Board to discuss the proposed local law. This local law was properly advertised in THE DAILY MESSENGER on August 23, 2020. This public hearing notice was also posted on the sign Board in the Village Hall and due to COVID 19, this was posted on the front door of the Village Hall. After review by the Village Board, motion was made by Trustee Lincoln 2nd by Trustee Keyes to close the public hearing at 6:10 PM and to adopt local law 5-2020. All members present voting AYE.

RESOLUTION AUTHORIZING ADOPTION BY THE BOARD OF TRUSTEES OF THE

VILLAGE OF CLIFTON SPRINGS OF LOCAL LAW NO. 5 OF 2020

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 September 14, 2020, at 6:00 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 August 23, 2020 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 September 14, 2020, at 6:00 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.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Clifton Springs hereby adopts said Local Law No. 5 of 2020, 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

Meeting of September 14, 2020 continued:

RESOLVED, that the Village Clerk/Treasurer 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/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 September 14, 2020 by the following vote:

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

Dated: September 15, 2020

Lori Reals, Village Clerk/Treasurer

SEAL

Village of Clifton Springs Local Law No. 5 of the year 2020

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 fire departments and (c) any other special or improvement district governed by the village board for the fiscal year commencing June 1, 2021 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 commencing June 1, 2021 that requires a real property tax levy in excess of the limit specified in General Municipal Law §3-c.

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.

Meeting of September 14, 2020 continued:

Jason Lannon – street and water report

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

Street report: One of the dump trucks needed brake work. This work will be done by Village employees and Town of Manchester employees. The backhoe has arrived, and the old backhoe was traded in on this purchase. The backhoe was ordered prior to COVID. Supervisor Lannon has been informed that CHIPS funding will be reduced by 20%.

Water report: A lot of water work has been done this summer. New service lines were installed at 35 Crane Street and 25 Pearl Street. A valve repair was done on Hibbard Avenue. Five large water meters will be installed. Permanent street repairs will be made where water digs have occurred. The telemetry system at the water tanks had a problem. Repairs to the system have been made and it seems the problem is resolved.

CORRESPONDENCES:

Copy of the local law to override the property tax cap

Copy of the proposed local law and other documents pertaining to overriding the tax levy limit.

Reviewed and local law adopted at the public hearing.

NYS DEC – wastewater plant inspection

From NYS Department of Environmental Conservation -the inspection at the sewer plant.

Reviewed. The Board was pleased with this good report.

SEQR and sewer plant improvements

Information from Jennifer Vaugh, Engineer from Hunt Engineering regarding action items that need to be completed to move forward with improvements at the wastewater plant.

Reviewed. Several items were included for review from Hunt Engineering, all pertaining to improvements at the wastewater plant. The Board reviewed the documents. After review, the Board authorized Mayor Hunter to sign the environmental assessment. The Board also reviewed the items pertaining to the SEQR and then proceeded with the resolution below.

**STATE ENVIRONMENTAL QUALITY REVIEW ACT
RESOLUTION REGARDING
VILLAGE OF CLIFTON SPRINGS
CLIFTON SPRINGS WASTEWATER TREATMENT PLANT AND COLLECTION
SYSTEM IMPROVEMENT PROJECT**

WHEREAS, the Village of Clifton Springs (hereinafter the “Village”) maintains a municipal wastewater treatment plant and collection system; and

WHEREAS, the Village is proposing the Clifton Springs Wastewater Treatment Plant and Collection System Improvement Project (collectively, the “Project”), to comply with NYSDEC SPDES permit requirement to disinfect wastewater effluent, to reduce inflow and infiltration, and to improve system shortcomings identified in the engineering reports prepared by Hunt Engineers. The proposed rehabilitation of the existing wastewater collection system includes manhole improvements and cured in place pipeline improvements. The wastewater treatment plant improvements include installation of new UV disinfection system, new headworks system, associated improvements, and appurtenances thereof; and

Meeting of September 14, 2020 continued:

WHEREAS, the Village is obligated under SEQRA and corresponding regulations to review the Project, and if necessary, undertake a review of the potential environmental impacts associated with the Project before undertaking the same; and

WHEREAS, the Village is the appropriate agency to be the lead agency to undertake the project review under SEQRA; and

WHEREAS, based upon an examination of 6 NYCRR § 617.4 and § 617.5, the Village classified the Project as Type I Action given § 617.4(9), any Unlisted Action occurring substantially contiguous to any historic building or district. A Full Environmental Assessment Form was prepared for the Project, and pursuant to 6 NYCRR § 617.6(b)(3), coordinated review was undertaken by the Village and no objections were received regarding the Village serving as lead agency.

NOW, THEREFORE, BE IT:

RESOLVED, that the Village Board hereby makes the following findings:

The Project consists of: to comply with NYSDEC SPDES permit requirement to disinfect wastewater effluent, to reduce inflow and infiltration, and to improve system shortcomings identified in the engineering reports prepared by Hunt Engineers. The proposed rehabilitation of the existing wastewater collection system includes manhole improvements and cured in place pipeline improvements. The wastewater treatment plant improvements include installation of new UV disinfection system, new headworks system, associated improvements and appurtenances thereof

IT IS FURTHER RESOLVED, that:

The Village Board hereby designates itself lead agency pursuant to 6 NYCRR § 617.6(b)(2) and § 617.6(b)(3) with respect to the Project.

IT IS FURTHER RESOLVED, that:

Based upon an examination of the components of the Project, the Full Environmental Assessment Form, and the criteria contained in 6 NYCRR § 617.7(c), and based upon its knowledge of the areas including and surrounding the Project site, and discussions with professionals retained by the Village, the Village Board, as lead agency, hereby makes the following determinations with respect to the Project pursuant to SEQRA:

- A. The Project constitutes a "Type I Action."
- B. Based upon review by the Village Board of the Full Environmental Assessment Form, any input provided by other involved agencies, and other necessary criteria set forth in SEQRA, the Village Board hereby finds and determines that the Project will result in no significant impacts and, therefore, (a) the action is not one which "may include the potential for at least one significant adverse environmental impact," (b) "there will be no significant adverse environmental impacts," and (c) no "environmental impact statement" need be prepared, as such quoted terms are defined in SEQRA. This determination constitutes a negative declaration for purposes of SEQRA and it has been prepared in accordance with Article 8 of the Environmental Conservation Law.
- C. A copy of this resolution, together with notice of negative declaration, shall be placed on file in the office of the Village Clerk where the same shall be available for public inspection during business hours and such

Meeting of September 14, 2020 continued:

notice of negative declaration shall be filed in such offices, posted in such places and published in such manner as shall be necessary to conform to the requirements of SEQRA.

This resolution shall take effect immediately.

Dated: September 14, 2020

Introduced by: Trustee Bryan Gray

Seconded by: Trustee Earl Lincoln

Voting Aye: Trustee Bryan Gray, Trustee Earl Lincoln, Trustee Jeff Linsner, Trustee Jim Keyes, and Mayor Bill Hunter

Voting Nay: None

**Local Law 3 (zoning changes) and Local Law 4 (police residency)
filed with the State**

Letter from NYS Department of State that indicates Local Law 3 (zoning changes) and Local Law 4 (Police residency) have been filed with the State.

Reviewed.

J. Herendeen, 31 Pleasant Street – permit to work in road right of way

Letter and email from Jon Herendeen, 31 Pleasant Street, regarding a permit to work in the street right of way.

Reviewed. A permit, with conditions, was issued to Mr. Herendeen by Supervisor Lannon on August 28, 2020. The delay was waiting on approvals from the Village Attorney and the Village insurance company.

Reimbursement for C.S. Fire Department

Copy of a check from Clifton Springs Fire Department to reimburse the Village for some fire expenses.

Reviewed. The check was in the amount of \$1,413.28 for three invoices.

Planning Board meeting minutes from August 12, 2020

Copy of the Planning Board meeting minutes from the meeting held on August 12, 2020.

Reviewed.

NYCOM updates Pension cost to increase

Three NYCOM updates. Please note, the 2nd update refers to a significant increase in pension costs in 2022.

Reviewed. Pension cost are estimated to increase 11% for employees retirement and 16% for police & fire retirement.

NYCOM update – Required Pandemic Operations Plan

NYCOM advocacy update. All government agencies need to develop a Pandemic Operations Plan by April 2021.

Reviewed. The Village will need to begin working on a Pandemic Operations Plan that needs to be in place by April 1, 2021.

Meeting of September 14, 2020 continued:

Planning Board minutes from September 9, 2020

Copy of the Planning Board meeting minutes from September 9, 2020.

Reviewed. These minutes indicate that Planning Board Chairman Dan Blondell intends to resign from the Planning Board. Chairman Blondell recommends Planning Board member Scott Janas be appointed Chair. The Board will consider appointments once they receive an official letter of resignation from Chairman Blondell.

Trustee Gray updated the Board on the Dollar General sign request. The Planning Board approved the sign that would adhere to the Dollar General Store. The Planning Board would like Dollar General to share one post sign with the Bottle Redemption Store. Chairman Blondell will reach out to the owners of the Dollar General and the bottle redemption store to see if a meeting can be arranged to discuss this possibility.

STREET DEPARTMENT: See privilege of the floor for Supervisor Lannon report.

WATER DEPARTMENT: See privilege of the floor for Supervisor Lannon report.

SEWER DEPARTMENT: Trustee Keyes reported the following:

Hiring of Z. Watts as WWTP Operator Trainee

Trustee Keyes and Chief Operator Merkle recommend hiring Z. Watts, as a Wastewater Treatment Plant Operator Trainee, at \$15.00 per hour, with a start date of September 21, 2020. Mr. Watts has worked two summer seasons at the plant and applied for the position. Motion to hire Z. Watts with the above criteria was made by Trustee Keyes 2nd by Trustee Gray. All members present voting AYE. Carried. As with any candidate in this position, employment is contingent upon successful completion of the required classes and successfully passing the NYS DEC exam for a 2A Operator.

Uniform service

At the request of the Chief Operator, discussion was held on discontinuing the uniform service for the sewer plant employees. The Board agreed that at this time the Village is offering the uniform service. This is the option for the employees. The Board continues to agree that the Village does not buy work boots, car harts, pants, and bibs etc. The Village does supply the uniform service, rain gear and DOT approved T-shirts-sweatshirts – within reason. All these items are property of the Village. Should an employee purchase any of the items the Village does not supply, the employee will be responsible to pay for them.

ZONING & PLANNING DEPARTMENTS: Trustee Gray report was covered under correspondences.

FIRE DEPARTMENT: Trustee Linsner reported that the new furnace and central air have been installed at the firehouse. Both were twenty years old and in need of replacement. The department did receive estimates for this work.

PARK – YOUTH DEPARTMENT: The park rental use is done for the season. The crew will winterize the park facilities soon.

SOCIAL MEDIA: Trustee Keyes continues to work with Nathan Dingy on the web site.

POLICE DEPARTMENT: Mayor Hunter received a schedule for the month of September.

MAYOR HUNTER REPORT:

Village Court

Discussion was held on Village Court. The Board is aware that operating a court system has been costing the taxpayer's money for some time. The Board also realizes the court is not intended to be a revenue source for the Village either.

Meeting of September 14, 2020 continued:

That being said the Mayor Hunter feels a discussion on continuing or eliminating the court needs to be held.

The Board asked Chief Upchurch some questions pertaining to the operation of the court. The Chief indicated that court used to be held on a weekly basis, then the court went to twice a month and now court is held monthly. Discussion was held on CAP court (Court Arraignment Point) that is now held twice daily at the County. Because Ontario County now has CAP court, the judges are no longer required to come out at all hours to arraign people.

Mayor Hunter would like the Board to consider if it is worth it to continue to keep a court or should the Board consider having a proposition on the March 2021 election ballot and ask the residents to decide if they want to continue to keep a court. Mayor Hunter informed the Board that the court operated at a deficit in the year ending May 2020 of \$11,387 and this fiscal year is operating at a deficit of \$3,590 for the first three months. It is noted that COVID has affected court since March of 2020, but also that the court has operated at a deficit for many years now.

Chief Upchurch reminded the Board that the Town courts probably would not address some of the smaller issues in court, such as zoning issues, that the local court does address.

Trustee Keyes worries that if the Village eliminated court, then we might discuss eliminating police, and Trustee Keyes would like to see the Village retain both.

Discussion was held on should the Village consider keeping a court system, but reducing the salary of the elected Justice? Discussion was held on if the salary was reduced would anyone run for the office?

Discussion was held on reducing the salary of the judge to \$3,500, which is equivalent to a Trustee. The Board compared that both the Trustees and the Judge must attend once a month and that both have responsibilities outside of the monthly meeting.

Trustee Linsner understands reducing the salary, but does not support eliminating the court service. Trustee Lincoln agrees with Trustee Linsner.

Chief Upchurch is concerned about eliminating any service.

Trustee Keyes made a motion 2nd by Trustee Gray to reduce the salary of the elected Village Justice beginning with the new term of April 5, 2021 to \$4,000 per year. All members present voting AYE. Clerk Reals noted that an elected official salary cannot be reduced while an elected officer is in their term, that is the reason for the April time period.

Mayor Hunter will let the Village Justice know of this decision and that the salary will be reduced to \$4,000 per year beginning April 2021.

Mayor Hunter gives verbal resignation

Mayor Hunter verbally informed the Board that after much thought it is his intention to resign from his office as Village Mayor in March or April of 2021. This would be approximately mid - term as Mayor Hunter official term ends April 3, 2023.

Discussion was held on how this office would be filled in the future. Clerk Reals will contact the Village Attorney and NYCOM about the proper process to fill the office of Mayor.

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.

Meeting of September 14, 2020 continued:

Review of Annual Update Document

Clerk Reals reviewed with the Board the 2019-2020 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.

Village Election Day

Village Election day will be held on September 15, 2020.

Court Financial Review

The Board was presented with the checkbooks and bank statements for the two Village Justices from January 2019 thru December 2019. The Board reviewed the records and Trustee Gary will come in and look further at the records. Trustee Gray noted that the bank statements are not being reconciled on the monthly statements. The Board agreed that the statements need to be properly reconciled each month.

OTHER BUSINESS:

Adjournment

There being no further business to come before the Board, motion made by Trustee Lincoln 2nd by Trustee Keyes to adjourn. All members present voting AYE. Meeting adjourned at 7:35 p.m.

Respectfully submitted,

Lori A. Reals
Clerk/Treasurer