

May 10, 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, Nathan Thomas, Nancy Farrell

Minutes: The minutes of the meeting minutes of April 12, 2021, were approved upon motion by Trustee Linsner 2nd by Trustee Rickerson. All members present voted AYE. Carried.

Vouchers: General, Water and Sewer Vouchers #787 through #895 approved for payment by Trustee Linsner 2nd by Trustee Gray. All members present voting AYE. Carried.

General Fund =	\$ 195,491.69
Water Fund =	\$ 85,830.79
Sewer Fund =	\$ 12,880.86

PRIVILEGE OF THE FLOOR:

Jason Lannon – street and water report

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

Change in Overtime policy

Street report: Mayor Keyes met with the crew and did a walk thru of the DPW. Supervisor Lannon informed the Board that the crew would like the Board to consider paying employees for overtime, during times when an employee may have taken a personal or vacation day during a work week. The current policy does not allow for this. Supervisor Lannon checked with many municipalities around the Village, and many do pay overtime when an employee takes a personal or vacation day during a work week. Mayor Keyes stated we have a small work force, and he feels this would be the right thing to do. Discussion was held and motion was made by Trustee Linsner 2nd by Trustee Rickerson that effective immediately employees will be paid overtime (time and a half) for hours worked during a work week, even if an employee has taken a vacation or personal day during that work week. All members present voting AYE. Carried.

Also reported, micro paving has not been done yet because the weather has been too cold, a concrete gutter project will be completed this summer on Ladue Avenue, mulching around trees has been done at the parks and on Main Street.

Hiring of C. Peacock

Supervisor Lannon requested permission to hire C. Peacock as a seasonal laborer for the summer. Supervisor Lannon would like him to begin working June 28, 2021 and work until approximately the end of August 2021. Supervisor Lannon would like C. Peacock to work approximately 40 hours per week. Supervisor Lannon intends to not have any part time laborer until approximately October 2021. Motion was made by Trustee Gray 2nd by Trustee Rickerson to hire C. Peacock as a seasonal laborer, starting June 28, 2021 at \$13.50 per hour. All members present voting AYE.

Water report: Fire hydrant flushing will be done in May as part of the routine maintenance on the water system. Some large water meters will be replaced. Supervisor Lannon asked if he should make any adjustments to the water budget due to the proposed water rate increase from the Village of Newark. (See correspondences)

Meeting of May 10, 2021 continued:

The Board informed his at this time it is acceptable to proceed with his water budget as he proposed it.

Park: The G.W. Lisk Community Park (pickleball and basketball) will be cleaned, cracks repaired and painted. Supervisor Lannon informed the Board that the former Mayor had asked Supervisor Lannon to look into installing a 4-foot fence within the pickleball court area to help contain the balls used to play. The Board has concerns about this, pertaining to a person getting injured on the fence and also installing the fence would create installation post holes. The Board asked Supervisor Lannon to look into a netting and see if this would work. Supervisor Lannon will look into this and report back to the Board in June.

Public hearing for proposed local law entitled “A local law changing the residency requirement for the Office of Village Justice”

This public hearing was properly advertised in the Daily Messenger on April 17, 2021 and posted on the sign Board in the Village Hall. Also posted on the front door of village hall, due to Covid and posted on the village website.

Mayor Keyes opened the public hearing at 6:20 PM.

Nancy Farrell addressed the Board. Ms. Farrell stated she lives locally and would like to see a local person appointed. Ms. Farrell indicated she works for the County and stated she would have a conflict to serve. Ms. Farrell stated that Attorney Nathan Thomas, who asked to be considered for the for the office, has a conflict of interest as well as he too works for the county. Ms. Farrell stated that she guesses many cases would have a conflict of interest and thinks cases should go to the town of Phelps and Manchester versus expanding the residency requirement . Ms. Farrell advocates for Judge D. Smithling to continue as the judge.

Mr. Thomas addressed the Board. Mr. Thomas stated that what Ms. Farrell has said, all makes sense. Mr. Thomas said he is only here because the Village could not find a local person to serve. Mr. Thomas agrees that the Village should have a local person. Mr. Thomas stated that he cannot hear county cases as this would be a conflict for him, but he can hear cases with the local police department, state police, civil cases etc. Mr. Thomas stated that he is qualified, willing, and capable to serve.

The Board called Village Attorney Jeff Graff during the meeting and had him on speaker phone so all present could hear. After discussion with the Attorney, the Board agreed that they would like to reach out to the 7th Judicial District and request consideration to appoint Judge D. Smithling to serve as Village Justice until March 2022, when a special election would be held.

After discussion with the Village Attorney, motion was made by Trustee Linsner 2nd by Trustee Rickerson to keep the public hearing open until the June 14, 2021 Board meeting. All members present voting AYE. Carried.

CORRESPONDENCES:

Local Law to change residency requirement for Village Justice

Copy of the local law that would change the residency requirement for the Office of Village Justice.

See public hearing above. This public hearing remains open until and discission will continue at the June 14, 2021 meeting.

Resignation of C. Guard

Letter of resignation from part time laborer, Clarence Guard.

This resignation was accepted with regrets.

Meeting of May 10, 2021 continued:

Resignation of B. Rickerson as ZBA Chair

Letter of resignation from former Zoning Board Chairman Brian Rickerson. Trustee Rickerson submitted this at the April meeting, but it should be noted as part of the Village record.

Reviewed and letter of resignation accepted. The Board appreciates the extra efforts of former ZBA Chairman Brian Rickerson and looks forward to his service as a Village Trustee.

Village of Newark needs to raise water rates 10%

Copy of the water rate increase from the Village of Newark – increase of 10% effective June 2021.

Reviewed. Clerk Reals is working on arranging a web ex meeting to discuss this. Newark is clear the rates have to increase 10%, this is on top of a 20% increase that Newark requested last year. The Village of Clifton Springs will be asking the Village of Newark for consideration in holding off on a rate increase until August 1, 2021, so the rate increase does not occur during a billing cycle. Trustee Gray asked how frequently the water towers need painting and is this determined by Department of Health? Clerk Reals will look into this with Supervisor Lannon. Trustee Gray is also reviewing the finances of the water department and will have a recommendation on the increase for the Board at the June meeting.

Delaware Engineering

Information from Engineer Peter Martin, Delaware Engineering regarding potentially working at the wastewater plant along with an updated email from May 6, 2021.

Reviewed. Mayor Keyes and Trustee Rickerson will be meeting with Hunt Engineering and Delaware Engineering, via the internet before the June Board meeting and intend to have a recommendation as to which engineering firm will be proceeding with engineering for disinfection and possible other improvements at the sewer plant.

State Comptrollers audit the property tax cap

Letter from the State Comptrollers. Recently they did an audit to see if the Village was in compliance with the property tax cap.

The State Comptrollers responded with “no findings” which is the best result the Village can receive.

YMCA – rotten egg run 6/19/21

Letter from the YMCA requesting permission to have the Rotten Egg 5k on June 19, 2021.

Reviewed. The YMCA will work these details out with the Clifton Springs Police Department.

Rochester D&C article regarding 50a access with Police files

Newspaper article from the Democrat & Chronicle regarding Police Unions getting a win in court to limit 50a access to police personnel files.

Reviewed. This applies to jurisdictions within the 7th judicial district.

Warn Act – layoffs at Clifton Springs Travel Plaza

Information regarding the Warn Act Notice of Layoff at the Travel Plazas located on the NY Thruway.

Reviewed. This travel plaza is located on the thruway with pedestrian access off Route 96, near Prestige Acres. The plaza will be remodeled, this is the reason for the layoff.

Meeting of May 10, 2021 continued:

Justice financial records

Letter from Judge Smithling regarding a review of the Justice records.

Clerk Reals will ask the court clerk to present these records at the June meeting.

Charter Communications – increase in cable rates

Information from Charter Communication regarding an increase in cable rates.

Reviewed. The Village receives this notice because the Village has a franchise agreement with Charter Communications.

Fire Department – background checks

Per discussion at the last meeting – information from Village law pertaining to Volunteer Fire fighters. Item 19 refers to background checks.

Clerk Reals was instructed to send a letter to the fire department reminding them that background checks are required and these are to be done by the Clifton Springs Police Department or the Ontario County Sheriff's Department. The Board also wants background checks completed on any member of the department, who has not yet had one completed.

Fire Department – slate of officers

From previous discussion - also from Village Law, an item that shows the fire membership must present their slate of officers for the Village Board to accept.

Clerk Reals explained this use to be the practice and it seems it stopped inadvertently during a change in the secretary of the department.

Delaware Engineering

Additional email to go with correspondence #5, from Peter Martin with a further explanation about Delaware Engineering estimate for engineering at the sewer plant.

Reviewed.

Z. Watts successful completion of Activated Sludge

Copy of the Certificate of Completion for Z. Watts for successfully passing the Activated Sludge class at Morrisville College.

Reviewed. As per the agreement with Z. Watts, motion was made by Trustee Linsner 2nd by Trustee Rickerson to increase the pay of Z. Watts from \$17.00 per hour to \$18.00 per hour effective May 10, 2021. All members present voting AYE. Carried.

Letter pertaining to code violations on Hibbard Avenue

Copy of an anonymous letter that was left in the drop box at Village Hall for Mayor Keyes and Code Enforcement Officer Steve DeHond.

Reviewed. Code enforcement will look into this concern.

Planning Board meeting minutes from April 14, 2021

Copy of the Planning Board meeting minutes from the April 14, 2021 meeting.

Reviewed.

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

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

Meeting of May 10, 2021 continued:

SEWER DEPARTMENT: Trustee Rickerson report was covered under correspondences.

Trustee Rickerson has gone to the sewer plant to learn more about the operations and needs of the plant.

ZONING & PLANNING DEPARTMENTS: Trustee Gray reported the following:

Local Law regarding Indoor Recreation Facilities

The Planning Board has completed part 1 of the SEQR for the local law that involves indoor recreation facilities. The Village Board will be completing part 2 and part 3, hopefully at the June meeting. 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:

The ladder truck should be back from Churchville Fire Equipment this week.

The lights near the outside doors need to be replaced or repaired. Trustee Lincoln is working on this with Trustee Linsner.

In the 2021-2022 budget, truck 511, pumper truck, the premier motor is leaking and will be repaired.

Mayor Keyes met with the officers and membership of fire department.

PARK – YOUTH DEPARTMENT:

Hiring of Park Cleaner

Discussion was held on hiring a park cleaner. K. Groover has cleaned the park for a number of years and done an exceptional job. K. Groover does not intend to return to park cleaning. Discussion was held on hiring C. Reals as park cleaner. Motion was made by Trustee Gray 2nd by Trustee Linsner to hire C. Reals to clean the park at \$14.00 per hour. All members present voting AYE. Carried.

SOCIAL MEDIA: Nothing was reported.

POLICE DEPARTMENT: Chief Scott Upchurch reported the following:

Committee for Police Department future needs

Discussion was held on the police department. Chief Upchurch has given his verbal notice to retire, tentatively May 2022. Mayor Keyes assigned Trustee Gray and Trustee Linsner to be a formal committee to work with Chief Upchurch and determine what the needs of the department and the community will be once the Chief retires. A brief discussion was held on if the department could be abolished. Clerk Reals was asked to discuss this with Attorney Graff. It should be noted, this is not necessarily the direction of the police department. The Board wants to make sure they know what all options are for this department, for the future.

MAYOR KEYES REPORT: Mayor Keyes report the following.

Marijuana Legalization

Mayor Keyes and Clerk Reals attended a zoom sponsored by NYCOM on marijuana legalization. Mayor Keyes reviewed some of the highlights of the zoom. The Board received written information on this topic from the NYCOM presentation. This information will be on the next agenda, as there is a number of items to take into consideration with this topic. The Village will be required to make a decision to opt in or to opt out on retail sales by the end of 2021.

Meeting of May 10, 2021 continued:

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

Tax Warrant

Trustee Linsner offered the following resolution and moved its adoption 2nd by Trustee Gray that the real property taxes for general fund purposes in the amount of \$738,766.00, plus unpaid water charges of \$ 0, (this is correct, due to Gov. Executive Order, unpaid water was not allowed to be re-levied this year – so next year two years of water will be re-levied) plus unpaid sewer charges of \$11,182.31, plus a computer adjustment of .96 for a total of \$749,949.27 be levied on the 2021 assessment roll in accordance with section 1420 (1) of the real property tax law and further that Mayor James R. Keyes and Tax Collector Lori A. Reals execute the warrant for the collection of such Village taxes on June 1, 2021 in accordance with section 1420 (1) of the real property tax law. All members present voting AYE. Carried.

OTHER BUSINESS:

Certificate of Deposit – Fire Equipment (Protective Gear)

The following was made upon motion of Trustee Gray 2nd by Trustee Linsner:

Resolved, that pursuant to section 6-c of the General Municipal Law, as amended the Village Board has established a reserve fund to finance the cost of purchasing fire protective gear.

The Clerk/Treas. is authorized to invest from time-to-time moneys of this fund pursuant to section 6-f of the General Municipal Law. At this time \$15,000 be placed in a certificate of deposit. This Certificate of Deposit is established for the purchase of fire protective gear. This certificate of deposit is established for eleven months.

At this time, the certificate of deposit has \$45,104.98.

No expenditure shall be made from this fund, except upon authorization from the Board pursuant to section 6-c of the General Municipal Law.

All members present voting AYE. Carried.

Certificate of Deposit – Fire Truck

The following was made upon motion of Trustee Gray 2nd by Trustee Linsner:

Resolved, that pursuant to section 6-c of the General Municipal Law, as amended the Village Board has established a reserve fund to finance the cost of purchasing fire equipment.

The Clerk/Treas. is authorized to invest from time-to-time moneys of this fund pursuant to section 6-f of the General Municipal Law. At this time \$9,000 (amount remaining in fire department budget at close of fiscal year) plus \$30,000 be placed in a certificate of deposit.

This Certificate of Deposit is established for the purchase of fire equipment. This certificate of deposit is established for eleven months.

At this time, the certificate of deposit has 61,562.93.

No expenditure shall be made from this fund, except upon authorization from the Board pursuant to section 6-c of the General Municipal Law.

All members present voting AYE. Carried.

Meeting of May 10, 2021 continued:

Certificate of Deposit – Street Equipment

The following was made upon motion of Trustee Gray 2nd by Trustee Rickerson:

Resolved, that pursuant to section 6-c of the General Municipal Law, as amended the Village Board has established a reserve fund to finance the cost of purchasing or repairing street equipment.

The Clerk/Treas. is authorized to invest from time-to-time moneys of this fund pursuant to section 6-f of the General Municipal Law. At this time \$30,000 be placed in a certificate of deposit. This Certificate of Deposit is established for the purchase or repair of street equipment. This Certificate of Deposit will be for eleven months.

No expenditure shall be made from this fund, except upon authorization from the Board pursuant to section 6-c of the General Municipal Law.

Currently the certificate of deposit has \$48,414.04.

All members present voting AYE. Carried.

Certificate of Deposit – Water Fund

The following was made upon motion of Trustee Gray 2nd by Trustee Rickerson:

Resolved, that pursuant to section 6-c of the General Municipal Law, as amended the Village Board has established a reserve fund to finance the cost of painting the water tower and water improvements.

The Clerk/Treas. is authorized to invest from time-to-time moneys of this fund pursuant to section 6-f of the General Municipal Law. At this time \$25,000 be placed in a certificate of deposit. This Certificate of Deposit is established for the painting of the water tower or any other necessary water improvements. This Certificate of Deposit will be for eleven months.

No expenditure shall be made from this fund, except upon authorization from the Board pursuant to section 6-c of the General Municipal Law.

Currently the certificate of deposit has \$151,894.16.

All members present voting AYE. Carried.

Certificate of Deposit – Sewer Fund

The following was made upon motion of Trustee Gray 2nd by Trustee Rickerson:

Resolved, that pursuant to section 6-c of the General Municipal Law, as amended the Village Board has established a reserve fund to finance the cost of sewer improvements or sewer equipment.

The Clerk/Treas. is authorized to invest from time-to-time moneys of this fund pursuant to section 6-f of the General Municipal Law. At this time \$10,000 be placed in a certificate of deposit. This Certificate of Deposit is established for the improvements at the sewer plant or sewer equipment. This Certificate of Deposit will be for six months.

No expenditure shall be made from this fund, except upon authorization from the Board pursuant to section 6-c of the General Municipal Law.

Currently the certificate of deposit has a balance of \$60,116.10.

All members present voting AYE. Carried.

Meeting of May 10, 2021 continued:

Transfer of Funds

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

From A1110.1 to A1110.11	433.36
From A1110.4 to A1420.4	1,064.84
From A1110.12 to A1420.4	1,495.16
From A3120.11 to A3120.1	145.48
From A3120.11 to A3620.4	2,238.96
From A5110.1 to a5142.4	11,170.97
From A51101. To A5142.2	1,398.49
From A8010.4 to A8020.4	12.50
From A8010.4 to A8160.4	62.28
From A9030.8 to A9060.8	920.46
From F8340.1 to F8310.1	53.63
From F8320.4 to F8320.4A	2,617.91
From G8130.1 to G8130.4	10,525.30

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 Rickerson to adjourn. All members present voting AYE. Meeting adjourned at 8:45 p.m.

Respectfully submitted,

Lori A. Reals
Clerk/Treasurer