

August 9, 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: Jeff Linsner, Bryan Gray, Brian Rickerson, Earl Lincoln

Village Trustees Absent: None

Also Attending: Street & Water Supervisor Jason Lannon, Police Chief Scott Upchurch, Jaylene Folkins, Maureen Ballatori

Minutes: The minutes of the meeting of July 12, 2021, were approved upon motion by Trustee Linsner 2nd by Trustee Gary. All members present voted AYE. Carried. General, Water and Sewer Vouchers #148 through #206 were approved for payment by Trustee Lincoln 2nd by Trustee Linsner. All members present voting AYE. Carried.

General Fund =	\$ 47,657.47
Water Fund =	\$ 9,195.42
Sewer Fund =	\$ 5,807.70

PRIVILEGE OF THE FLOOR:

Jason Lannon – street and water report

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

Street report: Recently a sub- contractor for NYSEG trimmed several trees on Teft Avenue for safety reasons. Many residents in this area are very unhappy with the result. Supervisor Lannon spoke with the Forester for this job, and he has agreed to remove several of the trees on Teft Avenue and plant 12 new trees. Trustee Linsner asked if this could happen on South Street as residents there are unhappy as well. The concern is the centers of the trees have been removed to keep the limbs away from the wires. In trimming the trees this way, the limbs remaining are leaning either toward the homeowner house or toward the street. Trustee Rickerson asked if this could also happen on Dayton Avenue, as the same issue is there as well. Supervisor Lannon will look further into these concerns.

The painting of crosswalks is completed and the parking area on Spring Street. Within the next couple weeks, sidewalk will be poured in numerous areas in the Village that need a block or two replaced.

Railroad tracks in the Town of Manchester will be having work done on them. For this reason, many will detour through the Village. Due to the weight of the truck traffic, Supervisor Lannon has informed those working on this job that they need to find a detour for the truck traffic that does not go thru the Village. Supervisor Lannon and Chief Upchurch will do their best to stay on top of this. The Village does have 5-ton weight limit on the streets, except for local delivery.

Water report: Letters have been sent to four potential bidders asking for a price quote to inspect the two 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.

Work was done on the water main on Crane Street near the YMCA. Once the street was dug open the crew realized the design under the road was not as one would expect. Supervisor Lannon may need to bring in an engineer to look at what is there and how to improve the area.

Meeting of August 9, 2021 continued:

For now, the crew will put in water valves on the Peirce Block side and the Foster Block side that would help isolate the water in that area if needed.

The crew is working on odds and ends with repairs at the water tanks. The water department anticipates a cost of approximately \$7,500 to re-build a water pump. Supervisor Lannon will be obtaining estimates to purchase new pumps down the road.

PUBLIC HEARING TO OVERRIDE TAX CAP

Mayor Keyes opened the public hearing at 6:15 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 July 28, 2021. This public hearing notice was also posted on the website, 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 Gray 2nd by Trustee Rickerson to close the public hearing at 6:20 PM and to adopt local law 1-2021. All members present voting AYE.

RESOLUTION AUTHORIZING ADOPTION BY THE BOARD OF TRUSTEES OF THE VILLAGE OF CLIFTON SPRINGS OF LOCAL LAW NO. 1 OF 2021

RESOLUTION AUTHORIZING ADOPTION BY THE BOARD OF TRUSTEES OF THE

Village of Clifton Springs Local Law 1-2021

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 August 9, 2021, at 6:15 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 July 28, 2021 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 August 9, 2021, at 6:15 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. 1 of 2021, 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

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.

Meeting of August 9, 2021 continued:

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 August 9, 2021 by the following vote:

	Aye	Nay
James Keyes	X	
Earl Lincoln	X	
Jeffrey Linsner	X	
Bryan Gray	X	
Brian Rickerson	X	

Dated: August 10, 2021

Lori Reals, Village Clerk/Treasurer

SEAL

Village of Clifton Springs

Local Law No. 1 of the year 2021

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, 2022 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, 2022 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 August 9, 2021 continued:

Discussion of opt in or opt out of retail dispensaries and /or on site consumption establishments for marijuana

With New York State legalizing marijuana, discussion was held on if the Village should opt in or opt out of allowing retail dispensaries and/or on-site consumption establishments from locating and operating within the Village boundaries. Per a NYCOM webinar, “to effectuate the opt out, such local law governments must adopt a local law subject to permissive referendum on or before December 31, 2021”. Per NYS Office of Cannabis Management, “if a municipality does not opt out by December 31, 2021, the municipality will be unable to opt out at a future date. However, a municipality may opt back in, to allow either, or both, adult- use retail dispensary or on-site consumption license types by repealing the local law established the prohibition”.

All municipalities in NYS must decide if they want to opt in or opt out. Mayor Keyes had placed information on social media that the Village Board would be discussing this at the Board meeting on August 9, 2021.

The default options for all municipalities are the opt in. Should the Board choose to opt, this would require a local law subject to permissive referendum.

Mayor Keyes explained the opting in or opting out to the public. Mayor Keyes explained that the Village could put zoning restrictions on this, if the Board opted in.

Mrs. Ballatori stated she would support opting in.

Ms. Folkins stated she was present just to listen.

Discussion was held on if people could smoke marijuana in public parks. Chief Upchurch explained that his understanding is any place you can smoke cigarettes that you can also smoke marijuana. Chief Upchurch stated that the Village might want to consider a local law to prohibit smoking marijuana in public parks. Chief Upchurch explained that he has had few calls in the last five years related to people smoking marijuana.

Discussion was held on how this could affect people who come to Clifton Springs for treatment.

Discussion was held on if the Village opted in, would this create additional problems for the police department. Chief Upchurch indicated that he could see a problem if someone tried to rob a retail store or dispensary, but this could happen at any business in the Village.

Trustee Gray stated that he feels if the Village were to opt in that this business would be better situated in the Gateway Transitional zoned area of the Village. This would be on or near Route 96, the area with the Plaza and the Dollar General. Trustee Gray also stated that hours of operation should be included. Clerk Reals will contact Attorney Graff regarding a local law to address these.

After discussion Mayor Keyes asked the Trustees to indicated if they were in favor of opting in or opting out. All Board members present agreed to opt in. As opting in is the default for municipalities, no further action is required, except for a local law on where the retail dispensaries and on-site consumption establishments would be allowed by zoning along with hours of operation and other regulations the Board would like regarding opting in.

CORRESPONDENCES:

Local Law for Property Tax Cap

Copy of the proposed property tax cap override local law for the public hearing.

Reviewed and adopted under the public hearing.

Meeting of August 9, 2021 continued:

ARPA Funds

Letter from the NYS Division of Budget that shows the Village will receive \$204,702 in ARPA Coronavirus fiscal recovery funds. The Village has received \$102,351.05. There are many regulations on how these funds can be spent.

The Board directed Clerk Reals to place these funds in a new checking account. The Village will need to continue to learn more on how the funds can be spent.

911 approval of name change from Village Drive to Hunter Lane

Approval from Ontario County 911 to the street name change from Village Drive to Hunter Lane.

Reviewed. Clerk Reals had cleared this name change with 911, prior to the official name change.

YMCA requests portion of Crane Street closure for “Sip and Sway”

Letter from the YMCA asking permission to close a portion of Crane Street during the “Sip & Sway” for food trucks and yard games and also to show case the new YMCA building.

Chief Upchurch spoke to the YMCA regarding this request. Chief Upchurch explained to close this portion does create a problem for the Foster Block residents. Chief Upchurch suggests the food trucks use the Peirce Block parking a lot, with approval from the owner. Trustee Lincoln, Supervisor Lannon and Chief Upchurch will talk with YMCA Director Todd Freelove to see what they can work out.

Grant for Justice Court

Letter from Judge Doreen Smithling seeking permission for a grant for the court. There are two options available. Judge Smithling would like to get this grant process underway but needs direction and approval from the Board.

The Board discussed the two options. Option one would allow the court to apply for a grant in the 2021-2022 grant cycle up to \$30,000. Option two would allow the court to apply for a grant in the 2021-2022 grant cycle amount an amount to be determined by the Board.

After discussion the following resolution was offered:

WHEREAS, discussion was held on the need to update court furniture, court equipment, and court security items for the Village of Clifton Springs Justice Court;

WHEREAS, the Village of Clifton Springs Village Board of Trustees agrees with the need to update court furniture, court equipment and court security items;

NOW THEREFORE BE IT RESOLVED, the Board of the Village of Clifton Springs authorizes the Village of Clifton Springs Village Court to apply for a JCAP grant in the 2021-2022 grant cycle up to \$30,000.

Mayor Keyes called for a roll call vote which resulted in:

Mayor Jim Keyes voted	AYE
Trustee Earl Lincoln voted	AYE
Trustee Jeff Linsner voted	AYE
Trustee Bryan Gray voted	AYE
Trustee Brian Rickerson	AYE

This resolution was carried.

Meeting of August 9, 2021 continued:

Draft of a possible local law on short term rentals

Draft of a possible local law pertaining to short term rentals.

Reviewed. The Board had several items they would like to see changed in this draft local law. Clerk Reals will get these changes to Attorney Graff.

Planning Board meeting minutes from July 14, 2021

Copy of the Planning Board meeting minutes from the meeting held on July 14, 2021.

Reviewed.

Hunt Engineering – WWTP project and proposal

Email from Hunt Engineering regarding potential wastewater treatment plant projects and their engineering proposal.

Trustee Rickerson explained that this proposal contains cost for both disinfection/generator improvements as well as design of a new headworks facility. The Village needs to decide if they want to proceed with engineering all improvements for the sewer plant, so projects could be shovel ready or proceed with the required disinfection only. Trustee Rickerson explained a decision needs to be made soon. Hunt Engineering suggests having the engineering ready for the headworks because the Federal government is working on a infrastructure bill and it is possible some of the sewer work could be eligible for funding under this bill. This information was received at the Board meeting, so the Board had little time to review it. For this reason, no decisions were made and this correspondence will be on the agenda for the September Board 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.

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

See correspondences.

FIRE DEPARTMENT: Trustee Linsner had nothing to report.

PARK – YOUTH DEPARTMENT: Nothing was reported.

SOCIAL MEDIA: Nothing was reported.

POLICE DEPARTMENT: Trustee Gray reported the following:

Tentative retirement of Chief S. Upchurch

Trustee Gray will be meeting with Chief S. Upchurch to discuss his retirement, tentatively scheduled for May 2022. At this time Trustee Gray will be looking at continuing with an officer for approximately 20 hours per week. Trustee Gray will discuss this with Chief Upchurch and see if he may be interested in working approximately 20 hours per week, after his retirement.

MAYOR KEYES REPORT: Mayor Keyes reported the following:

Rails to Trails

Mayor Keyes reported that a 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

Meeting of August 9, 2021 continued:

fund sidewalks to the school campus. At this meeting it was determined by all present that sidewalk to the Midlakes campus was not feasible. Those present did agree that it would be beneficial to have a discussion on a rail to trail path between Phelps, Clifton Springs, Manchester and the Midlakes campus. This is very early in discussion but another meeting will be held to continue to see if this would be feasible. It has not yet been determined but it may be possible to use some of the ARFA (coronavirus) funds toward this project. The representatives for this project will meet again in August.

Masking Policy

Discussion was held on the masking policy. The Board had previously agreed that vaccinated employees do not need to wear a mask. The Board agreed that non vaccinated employees must wear a mask when in the presence of any other people, while working for the Village. The Board agreed that the public does not need to wear a mask if they have been vaccinated and that the public who has not been vaccinated must wear a mask when in the presence of Village employees.

Mayor Keyes will remind the employees what the masking policy is.

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

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 A7140.4	8,000.00
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All members present voting AYE. Carried.

OTHER BUSINESS:

Adjournment

There being no further business to come before the Board, motion made by Trustee Lincoln 2nd by Trustee Linsner to adjourn. All members present voting AYE. Meeting adjourned at 7:30 p.m.

Respectfully submitted,

Lori A. Reals
Clerk/Treasurer