

May 9, 2022

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

Village Trustees Absent: Earl Lincoln, Jeff Linsner

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

Minutes: The minutes of the meeting of April 11, 2022, and the bid opening minutes from May 5, 2022 were approved upon motion by Trustee Gray 2<sup>nd</sup> by Trustee Rickerson. All members present voted AYE. Carried.

Vouchers: General, Water and Sewer Vouchers #818 through #918 were approved for payment by Trustee Rickerson 2<sup>nd</sup> by Trustee Gray. All members present voting AYE. Carried.

General Fund =	\$ 170,261.10
Water Fund =	\$ 91,930.05
Sewer Fund =	\$ 17,298.05

**PRIVILEGE OF THE FLOOR:**

**J. Lannon – street and water report**

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

Street report: The banner hardware for some of the Veterans banners need replacement. The original hardware was donated and is made of aluminum. The hardware needs to be replaced with cast iron. The cost is approximately \$2,500 to change out hardware for twenty-five banners. The Board agreed to authorize Supervisor Lannon to order the necessary hardware. Micro-paving and crack sealing will be done soon. The parks and Main Street will be mulched before Memorial Day. Discussion was held on portable nets at the pickleball courts. An installed fence has been requested, but the Board has not agreed to this request. Portable nets will be ordered.

**Hiring of B. MacDonell**

Supervisor Lannon recommended to the Board the hiring of B. MacDonell as a seasonal laborer. Motion was made by Trustee Gray 2<sup>nd</sup> by Trustee Rickerson to hire B. MacDonell to begin working on June 6, 2022 at \$15.50 per hour. All members present voting AYE. The Board asked if Mr. MacDonell could also work some hours at the wastewater plant (no one applied for the seasonal laborer job). Supervisor Lannon was agreeable that Mr. MacDonell could work approximately 10 hours per week at the wastewater plant and 30 hours per week the street department. Mr. MacDonell will work until approximately the end of August.

Water report: Fire hydrant flushing will be done the week of May 16, 2022. A water conservation notice will be placed on the website and in various places in the village for the period of May 11, 2022 thru May 12, 2022 as the Village of Newark will be having a new water valve installed on a water transmission line.

**Crane Street water valve reconfiguration project Bid Awarded**

The Board reviewed a letter of recommendation from Hunt Engineering pertaining to the Crane Street water valve bid opening.

The Board noted the following pertaining to the bid:

The Village identifies that the receipt of a company check by the low-bidder, Mark Poretta Excavating, Inc. within the company's sealed bid, in the amount of 5% of the bid

Meeting of May 9, 2022 continued:

amount at the time of the bid opening is a technical non-compliance item and that a cashier's check for the 5% bid amount was received the same morning and before the Village Board awarded the Contract.

Per the Advertisement for Bid, last paragraph, "The Village of Clifton Springs reserves the right to waive any irregularities or informalities in or to accept or reject any or all bids."

Per the Instructions to Bidders Article 18.01 "...Owner also reserves the right to waive all minor Bid Informalities not involving price, time, or changes in the Work."

Given the bids received, it is in the Village's best interest to execute its right to waive the technical informality of a bid bond or cashier's check not present at the time of bid opening, but a company check was present, as a minor bid informality as it does not affect the price, time, or change of work.

By waiving this informality, it does not give the bidder a substantial or unfair advantage.

Motion was made by Trustee Rickerson 2<sup>nd</sup> by Trustee Gray to award the Crane Street Water Improvement project to Poretta Excavating Inc. for the bid price of \$68,000. All members present voting AYE. Carried.

The Village intends to pay for this project with \$45,000 from the ARPA funds (Covid relief) and 23,000 from the water fund balance.

#### **CORRESPONDENCES:**

##### **Mandatory water conservation notice**

Copy of the Mandatory Water Conservation Notice.

A water conservation notice will be placed on the website and in various places in the village for the period of May 11, 2022 thru May 12, 2022 as the Village of Newark will be having a new water valve installed on a water transmission line.

##### **Report of non-compliance at the sewer plant**

Copy of the "Report of Noncompliance that Chief Operator Merkley filed with the DEC, when there was a problem with the clarifier.

This report is required to be completed for the DEC when a problem arises. The clarifier issue was addressed and repaired as quickly as possible.

##### **Sewer Improvement Grant awarded**

Copy of the email from Hunt Engineering, informing the Board of a grant, \$407,134 the Village can receive toward the headworks improvements.

The Village is pleased to be awarded this grant.

##### **Sewer grant awards and sewer rates**

Copy of an email Clerk Reals wrote regarding the two grant awards and discussion on potential borrowing and the possible increase to sewer rates, all dependent on the borrowing amount.

Clerk Reals sent this email to begin discussion on sewer rates. At this time, the two projects for the sewer plant (disinfection and headworks) total 2,329,200, less the two grants totaling 1,107,798 equals potential borrowing of 1,221,402. This information has been emailed to Bernard Donegan, Financial Advisor and Clerk Reals will work with them on determining if a sewer unit rate increase will be needed.

Meeting of May 9, 2022 continued:

**Judge Nathan Thomas returns substantial portion of his pay**

Copy of the check from Associate Judge Nathan Thomas.

Reviewed. Judge Thomas indicated that he did not want to be paid for his service. The Village is required to pay him. Judge Thomas accepted the pay and returned a check to the Village for his check, less what he will need to pay in taxes. The Board appreciates that Judge Thomas took this action and thanks him for his service and his kindness.

**Letter of resignation from Police Officer D. Frasca**

Letter of resignation from Police Officer, D. Frasca.

Reviewed. The Board accepted this letter of resignation and thanks Officer Frasca for his years of service to the Village.

**Park Advisory Committee**

Information provided Clerk Reals, from the park (John Brown – John Fabrizi) abstract of title that contains two deed restrictions.

Clerk Reals included this so the Board can see section two, that reads “that the naming, operation, and governance of the park shall be the responsibility of the park advisory Board and then references the nine members of the park advisory board, with five members coming from the Clifton Springs Hospital. This has also been forwarded to Attorney Graff. The Village will ask G.W. Lisk (former owner) if they will consider removing these two deed restrictions.

**Possible Dog Park**

This led to a discussion on the dog park. Mayor Keyes reported that locations are still being looked at. Some discussion is being held on a possible Girl Scout Gold Award Project. People are also looking to see if grant funds could be available. Discussion was also held on a possible “friends of the park” group.

**70 Stephens Street – animal permit request**

Letter from the owner of 70 Stephens Street asking for permission to have four cows, two pigs, four goats, ten chickens within the Village.

Motion was made by Trustee Gray 2<sup>nd</sup> by Trustee Rickerson to grant an animal permit with the following conditions:

The permit is for up to ten chickens and four goats. No roosters are allowed.

The chickens and goats are to be housed behind the home. The chickens need to be in a shed/chicken coop. No free range chickens. The goats need to be fenced in.

Waste generated by the chickens and goats shall be hauled away from your property and disposed of with a local farmer.

Please note the Village Board did not approve any permit for cows or pigs, so these animals cannot be within the Village limits.

The permit is good for one year from May 2022 thru May 2023. 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.”

After a one-year period, should the permit still be in effect, the owner is responsible to appear or write to the Board for the permit to continue.

All members present voting AYE. Carried.

Meeting of May 9, 2022 continued:

**Crane Street water improvement project**

Letter of recommendation from HUNT Engineering and notice of award. Hunt recommends awarding the Crane Street water improvement project to Poretta Excavating Inc. at a cost of \$68,000.

See more information under Privilege of the floor, water report.

**Letter of resignation from Police Chief Scott Upchurch**

Letter of resignation from Police Chief Scott Upchurch from his full-time work, effective May 25, 2022.

The Board accepted the letter and acknowledged the exceptional job that Chief Scott Upchurch has done for the last 28 years.

Motion was made by Trustee Gray 2<sup>nd</sup> by Trustee Rickerson to appoint Scott Upchurch to the office of Police Chief, part time, effective May 30, 2022 at \$30.00 per hour. Chief Upchurch will work approximately 22 hours per week (flexible) and his earnings cannot exceed \$35,000 per year, per NYS retirement rules. All member present voting AYE. Carried.

**Mural on the YMCA building**

Email between Mayor Keyes and NYCOM pertaining to the mural.

Mayor Keyes has heard of other municipalities using ARPA (covid relief) funds to pay for murals. As only three Board members were present, Mayor Keyes asked that this be on the agenda for June.

**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 reported the following:

See correspondences for updates from EFC on disinfection and possible headworks improvements and grant funding.

**Seasonal Laborer**

The Village is looking to hire a part time twenty hours per week seasonal laborer for the summer. This has been advertised in numerous places. Interested applicants can apply thru the Ontario County portal.

**ZONING & PLANNING DEPARTMENTS:** Trustee Gray reported the following:

**Need to replace Dan McGrath on Planning Board**

There is an open seat on the planning board, which was vacated by Dan McGrath.

**Short term rentals**

The short term rentals law is currently being reviewed by the Ontario County Planning Board. The Village needs to wait to receive the County comments before determining how to proceed.

**FIRE DEPARTMENT:** Trustee Linsner was not present.

**PARK – YOUTH DEPARTMENT:**

**Hiring of C. Budinock - part time park cleaner**

The Village is looking to hire a part time cleaner for the park for the summer. . This has been advertised in numerous places. Motion was made by Trustee Rickerson 2<sup>nd</sup> by Trustee Gray to hire C. Budinock as a part time park cleaner at \$18.00 per hour. All members present voting AYE. Carried.

Meeting of May 9, 2022 continued:

**Clifton Springs Rotary Club – creek cleaning**

Clifton Springs Rotary Club and Midlakes Student Council cleaned the park and creek area on April 23, 2022. This is part of a Rotary Great Lakes water ways cleanup project throughout the area. The Village purchased lunch for the volunteers and is grateful for the outstanding job that was done to keep the waterway and park clean.

**SOCIAL MEDIA:** Nothing was reported.

**POLICE DEPARTMENT:** See correspondences for resignation of Police Chief Scott Upchurch and re-hiring of Police Chief Scott Upchurch on a part time basis.

**MAYOR KEYES REPORT:** Mayor Keyes report was also covered throughout the meeting.

**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 statement for April.

**OTHER BUSINESS:**

**Change of Official newspaper**

Discussion was held on changing the official newspaper for the Village. Currently the official paper is THE DAILY MESSENGER. Clerk Reals has had an exceedingly challenging time getting any response from THE DAILY MESSENGER when she reaches out to them. One notice that was emailed to the paper was not advertised. After discussion motion was made by Trustee Gray 2<sup>nd</sup> by Trustee Rickerson to change the official newspaper for the Village to THE FINGER LAKES TIMES, effective May 9, 2022. All members present voting AYE. Carried.

**Premium Pay-ARPA funds**

Mayor Keyes and Trustee Gray are looking into premium pay for employees. The county, several towns and villages have provided premium pay to employees who worked thru the Covid 19 pandemic. This pay comes from ARPA (Covid19 funds) that have been provided to the Village from the Federal government. No decision was made.

**Park – ARPA**

The Village would like to use some ARPA funds to update some playground equipment. No final decision was made on this.

**Cemetery wall(s)**

Discussion was held on the Pearl Street cemetery wall(s) that need repair. The Village has money that was left in trust to the cemetery, which can only be spent at the cemetery. The Board would like to obtain some pricing to repair the front wall that faces Pearl Street. The Board will reach out to Assemblyman Jeff Gallahan and Senator Pamela Helming to see if any grant funding is also available because the repair of the wall may exceed the amount of funds the Village has.

**Museum Day**

Museum Day will be held at the Foster Cottage on June 18, 2022.

**Certificate of Deposit – Fire Truck**

The following was made upon motion of Trustee Gray 2<sup>nd</sup> 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 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 \$3,000 be placed in a

Meeting of May 9, 2022 continued:

certificate of deposit. (money that the fire department had remaining in the 2021-2022 budget)

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 \$91,393.

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.

#### **Tax Warrant**

Trustee Rickerson 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 \$716,282.93, plus unpaid water charges of \$ 26,015.83, (this is two years of unpaid water, due to Gov. Executive Order last year, unpaid water was not allowed to be relieved) plus unpaid sewer charges of \$11,851.00 for a total of \$754,149.76 be levied on the 2022 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, 2022 in accordance with section 1420 (1) of the real property tax law. All members present voting AYE. Carried.

#### **Transfer of Funds**

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

From A1110.12 to A1110.1	.08
From A1110.12 to A1910.4	1,190.00
From A1110.4 to A1910.4	428.29
From A1110.4 to A1420.4	445.00
From A1110.4 to A3620.4	636.64
From A5110.1 to A5112.2	16,536.69
From A5110.1 to A7140.4	4,640.48
From A5110.1 to A8160.4	75.91
From A5110.1 to A8140.4	548.90
From A5110.1 to A9060.8	1,974.51
From F8320.4 to F9730.7	1,180.50
From G8130.1 to G8130.4	5,298.25

All members present voting AYE. Carried.

#### **Adjournment**

There being no further business to come before the Board, motion made by Trustee Rickerson 2nd by Trustee Gray to adjourn. All members present voting AYE. Meeting adjourned at 7:25 p.m.

Respectfully submitted,

Lori A. Reals  
Clerk/Treasurer