

July 10, 2023

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, Jeff Linsner

Village Trustees Absent: Earl Lincoln

Also Attending: Jason Lannon – DPW Supervisor, Eric Merkley – Chief Wastewater Plant Operator, Village Justice Adam Caldwell, Village residents - Rick Block & Chris Wagner, Jannie Burgess and Bill Krise from Phelps Community Center, Jacob Kornbau and Mike Patrick from Midlakes Youth Football

Minutes: The minutes of the meeting of June 12, 2023 were approved upon motion by Trustee Rickerson 2<sup>nd</sup> by Trustee Linsner. All members present voted AYE. Carried.

Vouchers: General, Water and Sewer Vouchers #70 through #131 and ARPA #3-#3 were approved for payment by Trustee Linsner 2<sup>nd</sup> by Trustee Rickerson.

. All members present voting AYE. Carried.

General Fund =	\$ 39,680.28
Water Fund =	\$ 3,810.56
Sewer Fund =	\$ 91,593.30
ARPA =	\$ 7,642.69

**PRIVILEGE OF THE FLOOR:**

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

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

Street report: The seasonal help is working on painting a number of items around the Village that are painted green, such as doors, railings etc. A tree at the Pearl Street cemetery is being removed. The seasonal help will help with the debris. The tree must be taken down by hand due to the location.

The Crane Street drainage needs repairs. There is a clog on Ladue Avenue, near 8 Ladue Avenue that has been repaired. An easement is needed for this storm drain. Supervisor Lannon will reach out to Attorney Graff for assistance.

**Poretta – sidewalk on Crane Street**

Hunt Engineering has reached out to Poretta Construction. There is an issue with six sidewalk blocks on the east side of Crane Street, that Poretta poured last year while doing water valve work. Mr. Poretta has informed Supervisor Lannon that he will re-pour the sidewalks blocks in approximately two weeks.

Water report: Fire hydrants have all been painted. Some hydrants will be painted twice, because they are on heavy traffic streets and are exposed to more road salt in the winter. A new water service was completed at 23 Hibbard Avenue. The turning of water valves has been completed.

See privilege of the floor for discussion from Supervisor Lannon pertaining to a baseball field and drainage at the Fabrizi park. At the request of the Board, Supervisor Lannon stayed for this discussion.

**E. Merkley – sewer report**

Eric Merkley, Chief Wastewater Operator, appeared before the Board and reported the following:

Meeting of July 10, 2023 continued:

Alta has put a new cylinder in the loader – and the new cylinder is leaking. Alta is looking into if they may have a bad batch of cylinders.

At this time the Village will not be having the “Mr. Manhole” delivered in July. Chief Operator Merkley has looked into having Villager Construction come and they would do the work on the manhole for \$2,000 per manhole and the Village will do the restoration. All of this is on hold for now, as other projects need to be completed.

The sewer department will be jetting the sewer lines. The department will continue doing inspections on the sewer manholes. At this time approximately 78 manholes still need to be inspected.

The compost permit is being finalized by NYS Department of Environmental Conservation now. No major changes will be made to the compost permit.

The wet weather plan has been completed.

Hunt Engineering is working on information that NYS DEC needs for the disinfection and headworks. Hunt Engineering intends to have this information back to DEC by the middle of this week.

The grinder should be back together and installed by the end of this week. The sewer employees are doing this work.

#### **Sewer agreement with the Village of Phelps for shared services**

At the request of the Village of Phelps, Phelps Mayor Brian Hemminger met with Mayor Keyes to discuss an agreement between the two villages for help with sewer services. Phelps has had a difficult time keeping a 2<sup>nd</sup> person in the sewer department. Phelps Chief Operator needs to be out of work and Phelps has asked if Clifton Springs sewer department could help on an as needed basis. At this time Phelps hopes this is only needed for one week, but would like to have an agreement in place, in case the assistance is needed for a longer period. Chief Operator Merkley believes a licensed operator needs to be there two hours per day. The Board and Chief Operator Merkley were agreeable, although details of the agreement need to be worked out between the two villages and Attorney Graff.

#### **R. Block and C. Wagner**

Village residents, Rick Block and Christine Wagner, appeared before the Board. They were present to discuss with the Board a recent order to stop all uses associated with the sawmill business on their property located on Prospect Street. This order came from Clifton Springs Code Enforcement.

Mr. Block and Mrs. Wagner informed the Board that they do not have a “ sawmill business” at their home. They informed the Board that Mr. Block uses the sawmill for work they are doing in their home, and he uses the sawmill to make gifts. They indicated the sawmill is a tool they use to make improvements to their home.

Mr. Block and Mrs. Wagner are not sure who complained about this, but they feel they are being singled out.

Mr. Block stated there is a property on Hibbard Avenue that continues to have mowers for sale and a business on Silver Street as well. Mr. Block questioned how they could do this, as they seem to be operating a business.

Trustee Rickerson stated that at this time this situation with Mr. Block and Mrs. Wagner is not going anywhere because no summons has been sent to Mr. Block or Mrs. Wagner.

Meeting of July 10, 2023 continued:

Trustee Gray stated that the area does look commercial. Trustee Gray spoke with Code Enforcement and Code Enforcement said they can have a sawmill, but no commercial work can be done with it. Trustee Gray explained that they cannot have any products for sale. Mr. Block stated that he does not sell any products and has not been paid for anything he makes or builds.

Trustee Gray informed Mr. Block that he has seen kids entering onto Mrs. Wagner property, off Park Street. Trustee Gray stated that the kids might think it leads to a trail.

Mr. Block explained that he wants to put a gate on this entrance area to the property, off Park Street and that he has been informed that the gate would need a variance, due to the height. Mr. Block explained that for now, he may just park his truck in that area.

**J. Burgess, B. Krise, M. Patrick, J. Kornbau**

Jannie Burgess and Bill Krise from the Phelps Community Center (PCC) and Mike Patrick and Jake Kornbau from Midlakes Youth Football, appeared before the Board.

Mrs. Burgess is seeking approval from the Village to have a cut in baseball field at Fabrizi Park. The purpose of the field would be for Babe Ruth Youth Baseball.

Mr. Patrick and Mr. Kornbau informed the Board that there is enough room at Fabrizi field to have both youth football and youth baseball and that the sports run at different times of the year.

Mrs. Burgess indicated by September 2024, that youth baseball is losing the use of baseball fields in Phelps. Going forward PCC will have use of one field at Redfield Park in Phelps and use of one field at Midlakes High School, but they need a third field.

A question was asked by the Board as to why youth baseball doesn't put a field in at the PCC, as the league is now being run through the PCC and there is plenty of green space to have a field cut in there. Mrs. Burgess indicated that the PCC is looking to use their property for other events and parking is an issue.

Mrs. Burgess indicated that the PCC took over the Babe Ruth baseball league. Mrs. Burgess stated the cost to have a cut in baseball field is estimated at \$90,000 to \$140,000. Mrs. Burgess indicated that there would be no permanent structures, like bleachers, but they would need one shed.

Mrs. Burgess has found some grant funds that the Village could apply for. PCC would like to have a cut in a field that would require the existing backstop to be removed and the field moved further back to south.

Street Supervisor Jason Lannon informed everyone present that twenty (20) years ago the Village put in 9,000 feet of drainage at Fabrizi park, and the cost was \$13,600, not including restoration costs, that were completed by the Village. Supervisor Lannon explained that a field cannot be cut in because the existing drainage is not deep at all (literally inches under the surface) at the far end of Fabrizi field, where the cut in field is being proposed. Supervisor Lannon explained that you cannot dig or add to that area, as the existing drainage has all been designed to drain to the creek. Supervisor Lannon explained that behind the existing backstop there is drainage, but there is also rock the further back to the south you go.

Mrs. Burgess would like to see what an engineer says about the existing drainage at Fabrizi park.

Mayor Keyes asked where the \$90K to \$140K grants would come from. Mrs. Burgess is aware of a possible 50K grant from the Ralph Wilson fund and possible other matching grants from the Mary Hicks Preston Fund and the Lisk Morrriis Foundation.

Meeting of July 10, 2023 continued:

Mayor Keyes asked about maintenance of the fields. Mr. Krise indicated the PCC would cut in the field, mow and line the field. This is the reason they would need a shed, as they need to house their mower.

Supervisor Lannon asked about the maintenance of the field in the off season. Supervisor Lannon informed the Board that when he started with the Village, this field had a cut in baseball field (prior to any drainage being installed) and in the off season, the area was not maintained and became overgrown with weeds. Supervisor Lannon explained that his crew currently mows this area a minimum of twice a week, and he is concerned about how the baseball field will look in the off season when no one from baseball is maintaining it. Supervisor Lannon explained that the crew maintains all the parks too pristine conditions.

Trustee Rickerson suggested doing some exploratory work to see if grants could even be obtained.

Mrs. Burgess explained that Midlakes High School is willing to give one field and that softball is declining at the school, so they could possibly get one more field there, but it needs complete work done. She also explained that the school is looking into getting turf and if that happens, the PCC will not get use of an additional field.

All Board members present agreed that they like the idea of at least having an engineer explore the option of a cut in field at Fabrizi park, and look at the existing drainage, but this is to be done at no cost to the Village of Clifton Springs.

Supervisor Lannon reiterated that it is fine to have a baseball field, but not one that is cut in. He stated that the crew could easily paint baseball lines that anyone could use. Supervisor Lannon reiterated he remains very concerned about both drainage and maintenance of a cut in baseball field at Fabrizi park.

#### **Justice A. Caldwell**

Village Justice Adam Caldwell appeared before the Board. Judge Caldwell wanted to discuss with the Board the current layout of the bench. Judge Caldwell was looking for permission to re-organize the bench. The Board explained that Judge Caldwell can set the bench up in whatever way he feels will work best for the operation of the court. Currently Judge Caldwell has a four-foot table as a desk. Clerk Reals will see if a desk can be obtained from a local bank that has recently closed.

#### **CORRESPONDENCES:**

##### **C. Wagner – sawmill business**

Copy of the letter that was mailed to Christine Wagner, 1 Prospect Street, regarding a sawmill business on her property.

See privilege of the floor for this discussion.

##### **DEC comments on disinfection and possible headworks at sewer plant**

Copy of the comments from the review completed by NYS Department of Environmental Conservation on the disinfection and possible headworks for the sewer plant.

Reviewed. Hunt Engineering is working on the response to DEC to answer questions or comments they have on the disinfection and possible headworks project. Hunt Engineering intends to have their response back to DEC by July 12, 2023.

##### **Proposed annexation of small piece of land by sewer plant**

Carry over from the last meeting: The annexation process as outlined by Attorney Graff, copy of the SEQR paperwork, and notice of meeting from the Town of Manchester that they will meet on this on July 11, 2023.

Meeting of July 10, 2023 continued:

Reviewed. The Village can proceed with the SEQR but cannot proceed with other parts of the annexation process until after the Town of Manchester Board acts on this request at their meeting on July 11, 2023.

**Resolution with reference to the proposed  
VILLAGE OF CLIFTON SPRINGS, ONTARIO COUNTY, NY  
WWTP IMPROVEMENTS LAND ACQUISITION AND ANNEXATION  
State Environmental Quality Review Act (SEQRA)  
Lead agency establishment**

**WHEREAS**, the Village of Clifton Springs (hereinafter the "Village") proposes to undertake wastewater treatment plant (WWTP) improvements, including new headworks building and appurtenances; and

**WHEREAS**, the Village has a history of wastewater headworks and screen issues relating to impurities such as grit and rags getting into the WWTP processes, which impacts the operation of the wastewater treatment plant; and

**WHEREAS**, Hunt Engineers has identified WWTP improvements including the construction of a new headworks building, consisting of screen and grit removal equipment prior to entering the WWTP, located over its current WWTP influent sewer main that is partially on the Village WWTP parcel tax no. 34.18-3-41.000 and the southeast corner of tax no 34.00-1-25.211 located in the Town of Manchester now owned by the Village of Clifton Springs, subdivided and sold to the Village by the former owner Leach Road Land Company, Inc to provide 0.774 +/- acres of landlocked property to the Village for means of use by the WWTP; and

**WHEREAS**, the acquired parcel to be annexed is owned solely by the Village, is uninhabited, and adjoins the Village, NYS General Municipal Law §706 provides the means for this annexation and the Village of Clifton Springs and Town of Manchester municipal approvals will be needed:

**NOW, THEREFORE, LET IT BE RESOLVED THAT:**

1. The Village Board of the Village of Clifton Springs determines pursuant to Article 8 of the Environmental Conservation Law and the regulations contained in 6 NYCRR Part 617, hereafter called SEQRA, that the proposed project is an unlisted action under SEQRA 617.4(b)(4), acquisition and annexation of land less than 100 acres, and therefore a Short Environment Assessment Form (SEAF) must be prepared.
2. The Village Board declares its intent to establish itself as lead agency in the coordinated review of this action;
3. The Village Clerk or agent of the Village shall notify all Involved Agencies of the Village's intention to designate itself lead agency.
4. A coordinated review will be performed.
5. This resolution shall take effect immediately.

Dated: July 14, 2023

Introduced by: Trustee Brian Rickerson

Seconded by: Trustee Bryan Gray

Meeting of July 10, 2023 continued:

Voting Aye: Mayor James Keyes, Trustee Brian Rickerson, Trustee Byan Gray,  
Trustee Jeff Linsner

Voting Nay: None

Absent: Trustee Earl Lincoln

The Board reviewed SEQR for the Clifton Springs Wastewater Treatment Plant Improvements Land Acquisition and Annexation.

The Board reviewed the SEQR Part 1 – Project Information and answered the following questions.

1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or reg? The Board answered YES

Project narrative to SEAF Question 1 “Yes”:

The Village of Clifton Springs purchased a portion of subdivided property in the Town of Manchester (0.774 +/- acres from the southeast corner of tax map no. 34.00-1-25.211) from the former owner Leach Road Land Company, Inc. for the Village’s sole use of the land for purposes of improvements to its wastewater treatment plant (WWTP). The Village plans to annex the solely owned, uninhabited, adjoining property from the Town through Village and Town Board Resolutions and a Village Local Law.

The Village of Clifton Springs, in efforts to continuously improve its public infrastructure, has determined through engineering studies and design that a new headworks building be constructed to improve the effectiveness of the Village’s WWTP operations. The headworks building is to be constructed over an existing sewer influent main to the WWTP that contained an easement to the Village through this parcel. The parcel that the new headworks building is to be constructed on is landlocked by Sulphur Creek to the west/north, the Village WWTP property to the east, and other parcels owned by the Village to the south; and therefore, unusable except for the use by the WWTP. To provide proper construction of the new building, the previous owner subdivided the property and the Village has purchased this subdivided parcel for use of its WWTP.

This subdivided parcel was part of the Ontario County Agricultural District No. 1. NY State Agricultural & Markets was contacted and approved the subdivision of the property and purchase by the Village for use by the WWTP.

Question 7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? The Board answered NO

Question 12 a. Does the project contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for the listing on the State Register of Historic Places? The Board answered NO

Question 12 b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? The Board answered YES

HUNT Engineering has received a letter from NYS Parks, Recreation and Historic Preservation dated July 12, 2023 and they have stated “based upon this review it is the opinion of the New York SHPO that no historic properties, including archaeological and/or historic resources, will be affected by this undertaking”.

Question 13 a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or lead agency? The Board answered YES

Meeting of July 10, 2023 continued:

Question 13 b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? The Board answered NO

Question 15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered? The Board answered NO

Question 20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? The Board answered NO

After the review was completed motion was made by Trustee Rickerson 2<sup>nd</sup> by Trustee Gray to authorize Mayor Keyes to sign part 1 of the SEQR.

The Board reviewed and completed Part 2 – the impact assessment form. All questions were answered NO.

The Board completed part 3 – determination of significance and provided the following comment:

The acquisition and annexation of the recently subdivided southeast corner of tax no 34.00-1-25.211 by the Village of Clifton Springs is for its sole use of improving public infrastructure at its wastewater treatment plant facility. The acquired property is partially cleared/lawn (over the existing WWTP's influent sewer previously containing a 20' wide easement), partially forested, and containing a portion of Sulphur Creek. Due to the land use and location, it is unusable for any other purpose except for vacant land and improvements for the WWTP. The project will consist of a building with interior equipment for the betterment of the WWTP's operations. Environmental impacts were considered and deemed little to no impact on the environment and surrounding community.

The Board checked the box that reads they have determined based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Motion was made by Trustee Rickerson 2<sup>nd</sup> by Trustee Gray to authorize Mayor Keyes to sign part 3 of the SEQR assessment. All members present voting AYE.

**STREET DEPARTMENT:** Trustee Lincoln was not present. See privilege of the floor.

**WATER DEPARTMENT:** Trustee Lincoln was not present. See privilege of the floor.

**SEWER DEPARTMENT:** Trustee Rickerson report was covered under privilege of the floor and correspondences.

Trustee Rickerson reported that work on the old clarifier should begin next week. The old clarifier needs to be operational before any improvements at the sewer plant can begin.

The Board discussed the need to pay attention to the interest free ability that the Village has for the proposed debt on the sewer plant. The hardship borrowing has an end date of September 30, 2023. Hunt Engineering and EFC are both aware of this and work is being completed on the short-term financing portion for this project in order to meet this deadline. Chief Operator Merkley will remind Hunt of this and Clerk Reals will remind both the grant writer at Hunt and the financial advisor of the September 30, 2023 date. Although the Village has been assured this should not be an issue to extend the date, the Village is hopeful to not need to ask for this extension.

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

**Follow up on Lannon's Garage – Kendall Street**

Meeting of July 10, 2023 continued:

Trustee Gray followed up with Code Enforcement on concerns regarding the cars and conditions at Lannon's Garage on Kendall Street.

**FIRE DEPARTMENT:** Trustee Linsner had nothing to report.

**PARK – YOUTH DEPARTMENT:**

**SOCIAL MEDIA:** Nothing was reported.

**POLICE DEPARTMENT:** Chief Upchurch is working with a new company as the former vendor kept putting off bringing the demonstration radar trailer. The Village is now looking to purchase two pole mounted signs, at a cost of approximately \$2,500 each. One unit will have data collection. These signs will be able to be moved around the Village.

**COURT DEPARTMENT:** Trustee Linsner has not yet been able to do the court audit but intends to work on this soon.

**MAYOR KEYES REPORT:** Mayor Keyes report was covered through out the meeting.

**CLERK REALS REPORT:** Clerk Reals did not have anything to report.

**OTHER BUSINESS:**

**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 7:20 p.m.

Respectfully submitted,

Lori A. Reals  
Clerk/Treasurer