

October 11, 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: Bryan Gray, Earl Lincoln, Jeff Linsner, Brian Rickerson – via web ex

Village Trustees Absent: None

Also Attending: Street & Water Supervisor Jason Lannon, Chief Sewer Operator Eric Merkley, Bryan White, Engineer from Hunt Engineering – via web ex

Minutes: The minutes of the meeting of September 13, 2021, were approved upon motion by Trustee Lincoln 2<sup>nd</sup> by Trustee Linsner. All members present voted AYE. Carried.

Vouchers: General, Water and Sewer Vouchers #291 through #349 were approved for payment by Trustee Lincoln 2<sup>nd</sup> by Trustee Linsner. All members present voting AYE. Carried.

General Fund =	\$ 38,776.26
Water Fund =	\$ 9,336.66
Sewer Fund =	\$ 25,756.41

Notice of the web ex meeting was placed on the Village web site, Village sign Board, Village front door (due to Covid) and THE DAILY MESSENGER was notified.

#### **PRIVILEGE OF THE FLOOR:**

##### **Jason Lannon – street and water report**

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

Street report: Supervisor Lannon presented to the Board an eight -year equipment replacement schedule. This evening Supervisor Lannon was looking to get permission to order a new loader to arrive in 2022. At this time, with Covid and shipping delays, it is anticipated the loader will take approximately one year to arrive. The dealer (Monroe Tractor – per state bid) has offered a fair price for a trade in, but the Board agreed as the time draws closer for the new loader to arrive, the Board would like to see what the loader would bring at an on -line auction. The Village can always refuse the on -line price, if it is less than the trade in value that is being offered. Motion was made by Trustee Lincoln 2<sup>nd</sup> by Trustee Gray to allow Supervisor Lannon to order one new loader, for delivery in approximately one year.

Supervisor Lannon received an email from A. Prescott, 40 Silver Street, requesting new sidewalk in front of her home. A. Prescott recently found sidewalk there that had been buried. Supervisor Lannon has priced this out and estimates it would cost \$6,500 for sidewalk to run this home. Supervisor Lannon feels sidewalk on Teft Avenue is a priority. The Board agreed that next year sidewalk on Teft Avenue that needs replacement will be completed and then the Village will see how much money is left in the sidewalk budget and then look at the request from 40 Silver Street.

The crew is preparing equipment for winter.

Water report: The two above ground water tanks on Pearl Street have been inspected and reports have been received on each tank. It is recommended that the tanks be inspected again in five years. There is sediment in the bottom of both tanks. Supervisor Lannon will get quotes to remove this. Also, a clamp needs repair on one of the tanks.

Meeting of October 11, 2021 continued:

Supervisor Lannon needs Hunt Engineering to look at a water main configuration on Crane Street. Supervisor Lannon believes the plan to change the configuration may need Department of Health approval. Bryan White, Hunt Engineering was on the meeting via web ex and he will arrange to meet with Supervisor Lannon.

#### **Sewer Plant – disinfection and possible upgrade**

Bryan White, Engineer from Hunt Engineering was part of the meeting via web ex and Eric Merkley, Chief Sewer Plant Operator, appeared before the Board.

Mr. White updated the Board on the time frame for applying for grant money, the deadline is November 22, 2021. The Village completed the SEQRA in 2020, so the Village is in good shape with that portion.

Mr. White explained the Village will need to complete the municipality authorizing resolution to apply for the grants, along with the bond resolution at the November Board meeting.

Clerk Reals explained these processes need assistance from Bond Counsel and a Financial Advisor. In the past the Village has used Attorney Timothy McGill and Bernard Donegan Inc. Clerk Reals will reach out to them and see if a remote meeting can be arranged to get the processes moving forward.

Mr. White explained that EFC is now allowing up to a 30% contingency, due to the increased costs of material as well as shipping and receiving problems. If the Village went with a higher contingency this could protect the Village if costs went well above where cost are now. The Village can choose to go with a 10%, 20% or 30% contingency. The Board indicated at this time they would like to go with a 30% contingency.

Bryan White gave a verbal overview of the total of the two projects. The required disinfection and the requested headworks improvements are 2.3 million. It is anticipated the Village will receive approximately 700,000 toward disinfection. The Village will be applying for WIIA and WQIP grants. The Board asked Mr. White to provide the financial information in writing. Mr. White agreed to do that.

Mr. White explained that the Village should get contracts with the Financial Advisor and Bond Counsel as some of these costs may be covered with grant funds.

The final amount of the actual borrowing will be determined once the Village is notified of grants funds. The Village will proceed with borrowing for disinfection and headworks, with the understanding that items may be removed from this project if grant funding is not available.

#### **Eric Merkley – sewer updates** **Lift station near Ashton Place**

Chief Operator Merkley informed the Board that the concrete pad has been poured at the lift station. Chief Operator Merkley hopes a building can be built around the existing lift station in the Spring of 2022. Chief Operator Merkley would like a roll up door for this proposed building and the estimated cost is \$12,000. The building size will be 8 x 12.

The grinder pump in the wet well has been fixed.

#### **G.W. Lisk**

G.W. Lisk had a violation with the violating a discharge limit. G.W. Lisk has supplied a letter showing this was by human error and at this time they are following the limits allowed in the permit.

Meeting of October 11, 2021 continued:

**Violations- fines**

Chief Operator Merkley informed the Board that he spoke with the Village of Newark to see what fines they impose to users that violate discharge permit limits. Newark fines between \$100 and \$1,000 per violation per day. The Board discussed if a fine should be from the time the sample is taken. The Board agreed going forward they could set a fine for \$100/violation/day, starting with the day the sample was taken. Chief Operator Merkley explained that some samples can take 10 days to get results.

**Clifton Springs Hospital Discharge Permit**

The Village will be meeting via remote with representatives from the hospital to discuss the hospital violations and the hospital getting into compliance with the permit. The hospital is working on setting the meeting date. DEC would like the hospital to begin working on pre-treatment with their engineers. This will be part of the discussion with the hospital.

**CORRESPONDENCES:**

**Street Department – proposed equipment replacement schedule**

Proposed equipment replacement schedule for the street department with financial recommendation on how to meet this request.

Supervisor Lannon reviewed this with the Board under privilege of the floor. The Board reviewed the proposal and agreed that the loader for next year could be ordered thru state bid now.

**Local Law to amend Zoning Code to allow for not-for-profit recreation facility**

Copy of the proposed local law to amend the zoning code to allow for not-for-profit recreation facility.

The Board reviewed the proposed local law. This local law has been approved by the Village Planning Board. This proposed local law was sent to the County Planning Board, the County Planning Board did not act on this within the allowed time frame, so they had no comment, and the Village can legally proceed.

**RESOLUTION AUTHORIZING SCHEDULING OF PUBLIC HEARING FOR A PROPOSED LOCAL LAW ENTITLED “A LOCAL LAW AMENDING CHAPTER 120 (ZONING) OF THE CODE OF THE VILLAGE OF CLIFTON SPRINGS”**

**WHEREAS**, the Village Board of the Village of Clifton Springs, after due deliberation, finds it in the best interests of the Village to schedule a public hearing to solicit public comment upon a proposed Local Law entitled “A Local Law Amending Chapter 120 (Zoning) of the Code of the Village of Clifton Springs”; and

**WHEREAS**, the Village Board of the Village of Clifton Springs has reviewed the draft of the aforementioned proposed Local Law attached hereto as Exhibit “1” and deems it in the best interests of the Village of Clifton Springs to proceed in accordance with the Code of the Village of Clifton Springs and the Laws of the State of New York in adopting said Local Law,

**NOW, THEREFORE, BE IT RESOLVED**, that the Village Clerk be, and she hereby is, directed to schedule a public hearing to be held on November 8, 2021, at 6:05 p.m. at the Clifton Springs Village Hall, 1 West Main Street, Clifton Springs, New York; and be it further

**RESOLVED**, that the Village Clerk, be and hereby is, authorized to forward to the official newspaper of the Village a Notice of Public Hearing in the form substantially the same as that attached hereto as Exhibit “2”; and be it further

**RESOLVED**, that the Village Clerk be, and she hereby is, directed to post a copy of the proposed Local Law on the Village of Clifton Springs sign board and take any and all other necessary actions to properly bring the aforementioned Local Law before the Village Board of the Village of Clifton Springs for its consideration.

Meeting of October 11, 2021 continued:

I, Lori Reals, Village Clerk 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 October 11, 2021 by the following vote:

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

Dated: October 12, 2021

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Lori Reals, Village Clerk/Treasurer

SEAL

**Proposed Short term rentals and RV law**

Updated and final draft of the short-term rentals and RV law.

Reviewed. Clerk Reals reminded the Board that if the Board finds this acceptable, it still requires SEQR, and review by the Village Planning Board and County Planning Board before a public hearing can be scheduled. The Board found this proposed local law acceptable and authorized Clerk Reals to proceed with sending this on to the Village Planning Board and Ontario County Planning Board.

**St. John's Episcopal Church asking for parking lines on Teft Avenue**

Letter from St. John's Episcopal Church asking for parking lines to be painted on Teft Avenue, to ensure optimal number of parking spots.

Reviewed. The Board agrees that painted parking lines are a good idea. Chief Upchurch indicated much of the overflow parking is from FLACRA and Chief Upchurch agrees lines would help. The Board agreed that the Village will paint or have lines for parking spaces painted in the area of the Episcopal Church on Teft Avenue to allow optimal parking spots.

**Hunt Engineering contract and staff rates**

Copy of the agreement for services from Hunt Engineering, along with their staff rates. Mayor Keyes is ironing out the details of the contract with Attorney Graff and Frank Stowell, Insurance Representative.

The Board reviewed the contract and the comments from Village Attorney Jeff Graff and the Insurance Representative Frank Stowell at Anderson VanHorne Agency. Clerk Reals was instructed to send these comments on to Hunt Engineering and ask for a revised contract.

**Proposed Fire Contract with the Town of Manchester.**

Copy of the proposed fire district contract with the Town of Manchester. This contract provides an approximate increase of 2.4% each year for three years.

Reviewed. Motion was made by Trustee Linsner 2<sup>nd</sup> by Trustee Lincoln to authorize Mayor Keyes to sign the fire contract. All members present voting AYE. Clerk Reals will inform the Town of Manchester that the contract is acceptable.

**Tax Cap override law filed**

Letter from the Department of State that shows Local Law 1-2021 was filed with the State.

Reviewed. Clerk Reals informed the Board that this is the tax cap override law.

Meeting of October 11, 2021 continued:

**Thank you note from Clifton Springs Library for park use**

Thank you note from the Clifton Springs Library for use of the park to celebrate their 125<sup>th</sup> anniversary celebration.

Reviewed and appreciated.

**Hunt Engineering contract and comments from the Attorney and Insurance Company**

Hunt Contract, comments from the Insurance Company and Attorney Graff. Attorney Graff advises that the Village Board decide what updates they want to the contract, based on these comments. The contract was included in the correspondence earlier in the meeting.

The Board reviewed the contract and the comments from Village Attorney Jeff Graff and the Insurance Representative Frank Stowell at Anderson VanHorne Agency. Clerk Reals was instructed to send these comments on to Hunt Engineering and ask for a revised contract.

**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.

**FIRE DEPARTMENT:** Trustee Lincoln reported the following:

**Concern about call on Crane Street**

Trustee Lincoln was concerned that there was a fire call on Crane Street, during the day, and no volunteers were available to respond. Trustee Linsner was aware of this and understands that during the day the department has limited volunteers, like many Volunteer Fire Departments around the Village. Mayor Keyes agreed to reach out to G.W. Lisk Company Inc. and inquire if employees there could become volunteer fire fighters and have availability during the day to respond. In the past G.W. Lisk Inc. has been exceptional about allowing this.

**PARK – YOUTH DEPARTMENT:** Trustee Rickerson reported the following:

**Rails to Trails**

Trustee Rickerson reported that the Rails to Trails that has been being discussed along the Lehigh Valley railway will not be going forward as at least one property owner will not give up their rights and members of the committee do not feel that they can safely proceed at this time.

**SOCIAL MEDIA:** Nothing was reported.

**POLICE DEPARTMENT:** Trustee Gray reported the following:

**Health insurance agreement with Chief Upchurch**

Discussion was held on an agreement at the time of separation from full time work to part time work for Chief Upchurch. Trustee Gray informed the Board that an agreement had been reached with a former Police Chief at his retirement that allowed him to give up his accumulated sick days in exchange for a portion of health insurance coverage for a five-year period. Attorney Graff has reviewed the former agreement and, in his opinion, this former contract is not binding.

Meeting of October 11, 2021 continued:

Trustee Rickerson indicated the County offers a similar option for retirees. Chief Upchurch stated that this was a past practice. Trustee Gray would like to get something in place, so the Village has a clear path going forward. Currently Chief Upchurch does not have enough accumulated sick days to cover a five-year period, at the current amount the Village pays toward a family policy, which is \$9,500 annually. Chief Upchurch is not looking for a gift of insurance in exchange for his sick time. Chief Upchurch understands if his accumulated sick time covers 4 years than that is acceptable to him. Mayor Keyes stated that is hard to ignore this past precedent. The Board members present agreed. Motion was made by Trustee Lincoln 2<sup>nd</sup> by Trustee Linsner to apply the \$9,500 per year that is currently allotted for family health insurance in exchange for the unused accumulated sick time of Chief Scott Upchurch, so his accumulated time does not exceed the dollar value that his sick time is equivalent too. The Board understands this final value cannot be calculated until the end of May 2022 when Chief Upchurch intends to retire from full time work. All present voting AYE.

**MAYOR KEYES REPORT:** Mayor Keyes reported the following:

**Parking on Pleasant Street between Coulter Road and Dewey Avenue**

Village resident M. Gilman has reached out to the Village Clerk and Mayor Keyes regarding school buses having a challenging time on Pleasant Street because of parked cars and difficulty for buses at the intersection of Dewey Avenue and Coulter Road. Chief Upchurch said he would go and observe the area.

**CLERK REALS REPORT:** Clerk Reals provided the Board members a copy of the abstracts thru September and year to date revenue and expenses thru September and bank statement for September.

**OTHER BUSINESS:**

**Boot Allowance**

Chief Sewer Operator Eric Merkley would like the Board to consider a boot allowance of \$250 annually for DPW and sewer plant employees. The Board members present thought this dollar amount seemed high. Clerk Reals was asked to see what other municipalities around the Village offer for a boot allowance.

**Court Audit**

Clerk Reals reminded the Board that the court audit needs to be completed. Trustee Linsner intends to work with the court clerk to get this accomplished.

**Adjournment**

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

Respectfully submitted,

Lori A. Reals  
Clerk/Treasurer