

**VILLAGE OF PAINTED POST  
REGULAR BOARD MEETING  
December 14, 2020**

**The Regular Meeting of the Board of Trustees for the Village of Painted Post was called to order with the Pledge of Allegiance by Mayor Foster at 7:00PM.**

**PRESENT:** Mayor Foster, Trustee Francis, Trustee Kenny, Trustee Ferree, Trustee Visconti, OIC Copp, Fire Chief Button, DPW Superintendent Smith, and Clerk Names

**ABSENT:** Attorney Patrick

**REGULAR BOARD**

**MINUTES:** of November 9, 2020 were approved on a motion made by Trustee Ferree, seconded by Trustee Francis and carried.

**REORGANIZATIONAL  
MEETING:**

**APPOINTMENTS SUGGESTED BY MAYOR FOSTER:**

Building Inspectors	Bryan Hallgren – Town of Erwin One (1) year
Official Newspaper	The Leader
Official Depositories Trust	M & T Bank & Chemung Canal
<u>Village Attorney</u>	Craig Patrick, Esq.
<u>Planning Board</u> Vicki Button Moira French Martha Tober Marcia Weber - Chair Kathleen Scolaro	<u>Term to expire (5yrs)</u> March 2021 March 2024 March 2023 March 2021 March 2025
<u>Alternates</u> Art Stilwell VACANT	March 2021
<u>Zoning Board of Appeals</u> Chair - ----- Nancy Foster	<u>Term to expire (5yrs)</u> March 2024

Elton Harris	March 2022
David Togni	March 2021
Priscilla Tallman	March 2024 - Alternate
Sam Gullo	March 2024 - Alternate

<u>Fire Department</u>	
Engineer/Purchasing Officer	
Brian J. McCarthy	March 2021

Motion to accept assignments: Trustee Kenny seconded by: Trustee Visconti  
 All in favor: YES 5 NO 0

### **BOARD COMMITTEE APPOINTMENTS**

**As of December 14, 2020**

Deputy Mayor	Brian Francis
Budget, Finance & Insurance	Ralph Foster * Anne Names – Treasurer
Public Works	Danielle Kenny * Michelle Visconti
Fire Department	Travis Ferree * Michelle Visconti
Grant Research/Writing	Brian Francis
Planning Board Liaison	Travis Ferree
Police Department	Brian Francis * Danielle Kenny
Parks & Recreation	Brian Francis
Liaison to Colonial Days	Brian Francis

\* = Organizational Chair

Motion to accept assignments made by Trustee Ferree, seconded by Trustee Francis

All in Favor: YES [5] NO [0]

**POLICE REPORT:** November report submitted by OIC Copp as follows:

Traffic Arrests: Total of 14

0 Radar, 3 Moving Violations, 0 DWI Violations, 3 Suspensions/Revocations and 8 All other Violations.

Complaints: Total of 29

1 Felony, 6 Misdemeanors, 3 Violations, 0 Vehicle & Traffic, 2 CPPMS, 1 Animal, 1 Domestic, 0 Local Law Violation, 4 Stolen Property Cases, 2 Found Property Case, 8 Miscellaneous and 1 Pause Investigations.

Assistance/Services Rendered: Total of 29

3 Citizen/Motorist, 9 AMR Ambulance Serv., 3 PP Fire Dept., 0 E.I.D. Alarms, 2 Missing Person, 1 Open Door, 0 Mental Health Transports, 0 Escorts/Jail Run, 4 Vacation Property Checks, 3 Steuben Co. Sheriff, 4 NY State Police, 0 Corning Police, 0 Other Agencies, 0 DA Office, 0 Dept. of Public/Works, 0 US Government, 0 Other agencies.

Cases Adopted/Closed: Total of 11

1 Felony, 6 Misdemeanors, 1 Drug Interdictions, 3 Violations, 0 Mental Hygiene, 0 Warrant/FOA.

Parking Tickets: Total of 0 - 2A-5A Parking Enforcement, 0 Other.

Accidents: Total of 0 - 0 Personal Injury, 0 Property Damage, 0 Other.

Total Calls for Service: 83

5N01 REPAIRS: None

5N01 MILEAGE: 554

5N02 REPAIRS: Rear Differential

5N02 MILEAGE: 292

**FIRE DEPT.  
REPORT:**

November report submitted by Fire Chief Button as follows:

Total number of calls for the month were 16

1 MVA/Rescues, 3 Service Call, 0 Vehicle Fire, 0 Searches, 0 Chimney Fire, 1 Structure Fire, 0 Grass/Brush Fires, 0 Hazardous Conditions, 0 Vehicles Leaking Gas, 0 Storm Flooding, 4 C.O./Fire Alarm Activation, 6 Mutual Aid Fires, 0 Mutual Aid MVA, 0 Searches, 0 Mutual Aid Medical and 1 Mutual Aid AMR.

Total in Service Hours: 152

Average Fire Fighters Per Call: 11

Training Hours – 0

Training Certifications: 0

Total in Service Hours to Date: 1878

Total Number of Calls to date for the Year – 125

No major repairs to the Fire equipment

Injuries – No injuries reported

Chief 2800 – Button responded to 69% of the calls for the month.

Chief 2801 – Smith responded to 94% of the calls for the month.

Chief 2802 – McCarthy responded to 50% of the calls for the month.

Three chiefs obtained fuel – 64.2 gallons, diesel 54.6 gallons

1. Monthly Department training consisted of pump operations, UTV operations, hand tool usage, SCBA mask confidence and FAST/RIT.
2. Monthly equipment operation and safety checks continue.
3. Annual SCBA inspections completed by Churchville Equipment.

**DPW REPORT:** November report submitted by Superintendent Smith as follows:

**Water Treatment and Distribution System**

Water levels at wells are at: **Well # 4 –42'**, **Well # 3 –25'** & **Well # 2 – 42'** of water above the pump.

Trans-loading Facility operations. Hauled ZERO Gallons for the month. Water service @ 349 N. Hamilton turned off. Service leaks on owner's side of valve.

Water service to 340 E. High St turned off as requested by owner.

Crew performed water system operations for the Village of Riverside.

Crew assisted NYSDOT with disconnection of abandon water service on W. High @ N. Hamilton

Crew repaired broken fire hydrant in front of 312 W. High St. Painted Post and 13 Stanton St. Riverside.

P & J Mechanical Contractors completed repairs to the WTP boiler system as mandated by the NYSDOL.

Annual SCBA inspections completed by Churchville Equipment

Crew pumped out all non-draining fire hydrants in the Village of Painted Post and Riverside

#### **Sanitary Sewer Treatment and Collection System**

Crew completed monthly jet cleaning of problem areas of the sanitary sewer collection system.

Crew performed sewer system operations for the Village of Riverside. Annual SCBA inspections completed by Churchville Equipment.

Crew installed and removed wastewater sampler at the Village of Riverside lift station as required.

Sludge pressing operations at the WWTP continues.

#### **Village Streets and Walkways**

Crew continued daily picked up leaves & brush throughout the Village.

Crew swept streets throughout the Village on several occasions.

Crew salted walkways and sanded street on one occasion.

#### **Buildings and Grounds**

Crew hauled weekly trash from Village facilities.

Crew continued cleaning/sanitation operations at Village Hall & DPW to address COVID 19 Virus.

Crew performed weekly equipment safety checks.

Pushed back Village compost area above the cemetery on several occasions.

Crew continued mowing operations of all Village owned properties.

Crew completed stump grinding operations (34 stumps ground)

Crew repaired roof leak at the Village Hall Facility.

#### **Equipment Maintenance**

Performed maintenance and repairs on DPW, FD and PD equipment.

Annual NYS inspections completed on five Village vehicles.

Replaced rear tires on the 08 dump truck.

Six month fire suppression system for the gas storage facility completed.

#### **Village Cemeteries**

Three burials for the month.

Crew assisted Clearview Tree Service with emergency tree removal in Fairview Cemetery.

Crew turned water off at both cemeteries.

## **FINANCIAL/BUDGET**

**REPORT:** No changes

**CLERKS REORT:** November report submitted by Clerk Names as follows:

All accounting is current and balanced between checkbooks, accounting software and have been reconciled with our bank statements. Monthly reports for November have been provided to the mayor, board members and department heads.

We continued to process water and sewer payment as they came in. I also generated the third quarter water/sewer penalty notices which were printed and mailed out.

I have been working with M&T Bank and Williamson Law Book Co. to get direct deposit setup in the Village.

I have also been working with our insurance company with regards to implementing Paid Family Leave for our DPW employees.

I attended the planning board training session that was held in November.

All unpaid taxes were sent to Steuben County Treasurers' office to be relieved on the Town and County taxes that come out in January. There was a grand total of 25Village properties that were unpaid. The total outstanding taxes are \$27,591.77 plus \$2,207.37 in penalties for a grand total of \$29,799.14. The total taxes that were collected was \$1,067,420.74.

**PLANNING BOARD:** There was no November planning board meeting but there was a training session held for the members.

**NEW BUSINESS:** 1. After holding the public hearing to review the State's mandates amending changes to our Sewer Ordinance Law the following resolution was adopted on a motion made by: Trustee Kenny, seconded by Trustee Visconti and carried 5 to 0.

**STATE ENVIRONMENTAL QUALITY REVIEW ACT  
RESOLUTION REGARDING  
VILLAGE OF PAINTED POST  
NEW SEWER ORDINANCE LAW**

**WHEREAS**, the Village of Painted Post (hereinafter the "Village") maintain a Village wise Sewer System; and

**WHEREAS**, the Village is proposing to Adoption of a New Sewer Ordinance Law (collectively, the “Project”) to take the place of the existing Sewer Ordinance; and

**WHEREAS**, the Village is obligated under SEQRA and corresponding regulations to review the Project, and if necessary, undertake a review of the potential environmental impacts associated with the Project before undertaking the same; and

**WHEREAS**, the Village is the appropriate agency to be the lead agency to undertake the project review under SEQRA; and

**WHEREAS**, based upon an examination of 6 NYCRR § 617.4 and § 617.5, the Village classified the Project as an Unlisted Action given § 617.2(al). A Short Environmental Assessment Form was prepared for the Project, and pursuant to 6 NYCRR § 617.6(b)(4) uncoordinated review was undertaken by the Village and no objections were received regarding the Village serving as lead agency.

**NOW, THEREFORE, BE IT:**

**RESOLVED**, that the Village Board hereby makes the following findings:

The Project consists of adoption of a New Sewer Ordinance Law.

**IT IS FURTHER RESOLVED**, that:

The Village Board hereby designates itself lead agency pursuant to 6 NYCRR § 617.6(b)(2) and § 617.6(b)(3) with respect to the Project.

**IT IS FURTHER RESOLVED**, that:

Based upon an examination of the components of the Project, the Short Environmental Assessment Form, and the criteria contained in 6 NYCRR § 617.7(c), and based upon its knowledge of the areas including and surrounding the Project site, and discussions with professionals retained by the Village, the Village Board, as lead agency, hereby makes the following determinations with respect to the Project pursuant to SEQRA:

- A. The Project constitutes an “Unlisted Action.”
- B. Based upon review by the Village Board of the Short Environmental Assessment Form, any input provided by other involved agencies, and other necessary criteria set forth in SEQRA, the Village Board hereby finds and determines that the Project will result in no significant

impacts and, therefore, (a) the action is not one which “may include the potential for at least one significant adverse environmental impact,” (b) “there will be no significant adverse environmental impacts,” and (c) no “environmental impact statement” need be prepared, as such quoted terms are defined in SEQRA. This determination constitutes a negative declaration for purposes of SEQRA and it has been prepared in accordance with Article 8 of the Environmental Conservation Law.

C. A copy of this resolution, together with notice of negative declaration, shall be placed on file in the office of the Village Clerk where the same shall be available for public inspection during business hours and such notice of negative declaration shall be filed in such offices, posted in such places and published in such manner as shall be necessary to conform to the requirements of SEQRA.

This resolution shall take effect immediately.

2. Village Board to approve the transfer of \$5,000 from our GF to our DPW, Fire Dept., Police Dept reserve funds and \$10,000 to our Fire Dept. Turnout/SCBS reserve account.

Motion to approve made by Trustee Visconti, 2<sup>nd</sup> by Trustee Ferree and carried 5 to 0

3. Village Board to approve the transfer of \$50,000 from our Bulk Water savings account to our Sewer Debt Service savings account.

Motion to approve made by Trustee Ferree, 2<sup>nd</sup> by Trustee Kenny and carried 5 to 0.

4. Steuben County created a Traffic Diversion Program under Local Law #4-2019 with the goal to increase the safety of the roads, highways and streets for vehicular traffic.

The Village Board to approve the resolution between Steuben County and the Village of Painted Post.

Motion to approve made by Trustee Kenny, 2<sup>nd</sup> by Trustee Francis and carried 5 to 0.

**INTERMUNICIPAL COOPERATION AGREEMENT PURSUANT  
TO ARTICLE 5-G OF THE GENERAL MUNICIPAL LAW**

THIS AGREEMENT, made the 14th day of December, 2020 by and between the Village of Painted Post, a municipal corporation of the State of New York, having its offices at P.O. Box 110, Painted Post NY 14870 (hereinafter ("City, Town, or Village")), and the County of Steuben, a municipal corporation of the State of New York, having its offices at 3 East Pulteney Square, Bath, New York 14810, (hereinafter "the County"). Herein Village of Painted Post and Steuben County are collectively referred to as "the parties".

WITNESSETH

WHEREAS, the General Municipal Law §119-0 authorizes municipalities to enter into agreements covering a governmental function performed by both entities; and

WHEREAS, both the Village of Painted Post and Steuben County are responsible for promoting public safety and providing safe highways, roads, and streets for vehicular traffic; and

WHEREAS, Steuben County has created a Traffic Diversion Program under Local Law #4-2019 with the goal to increase the safety of the roads in Steuben County by teaching drivers how to be better drivers; and

WHEREAS, the service charge for applying to and being accepted into the Traffic Diversion Program is subject to periodic review and modification by the Steuben County Public Safety Committee upon the recommendation of the District Attorney and the Commissioner of Finance; and

WHEREAS, any change in the service charge can be done without any notice to or consent from participating municipalities; and

WHEREAS, receiving a portion of said service charge will help municipalities inside Steuben County promote public safety and traffic safety; and

WHEREAS, the respective governing bodies have determined it to be in the best interest of their respective municipality and the public at large, to enter into this inter-municipal agreement.

NOW, THEREFORE, the parties hereto hereby agree as follows:

The Village of Painted Post shall receive 30 percent of net monies collected from any successful completion of the Traffic Diversion Program originating from its geographical limits.

a) Any such payments to the Village of Painted Post shall be made by the Steuben County Finance Department on a quarterly (every three (3) months) basis. b) For any traffic ticket that is not disposed of through successful completion of the Traffic Diversion Program the Village of Painted Post shall be entitled to only those fees and surcharges they are entitled to under applicable New York State law. c) The parties agree that the service charge shall be subject to periodic review and can be changed at any time by the Steuben County Public Safety Committee upon the recommendation of the District Attorney and the Commissioner of Finance.

Authority for Execution on Behalf of (City, Village, or Town) – (Mayor or Supervisor) of Village of Painted Post has executed this agreement pursuant to a Resolution adopted by the Village Board of the Village, at a meeting thereof held on December 14, 2020.

Authority for Execution on Behalf of the County - Steuben County Manager has executed this agreement pursuant to a Resolution adopted by the County Legislature of the County of Steuben, at a meeting thereof held on December 14, 2020.

Any and all notices and payments required hereunder shall be addressed as follows, or to such other address as may hereafter be designated in writing by either party hereto:

To Village of Painted Post: Honorable Ralph Foster, Village of Painted Post Mayor of P.O. Box 110, Painted Post NY 14870  
To County of Steuben: Tammy Hurd-Harvey, Steuben County Commissioner of Finance, 3 East Pulteney Square, Bath, New York 14810.

Term: This agreement shall commence (date), 2020 and shall terminate on (date five years after), 2025. Either party may terminate this inter-municipal agreement by written notice to other with ninety (90) days' notice. Further, the term of this agreement may be extended upon mutual consent of the parties to an additional term of five (5) years.

The parties shall at all times defend, indemnify and hold harmless the other party and its employees from any and all claims, damages or judgments or for the defense or payment thereof, based on any claim, or any affiliated claims, by reason of any act or failure to properly act on the part of the respective party and in particular as may arise from the performance under this contract. Such obligation to such respective party not be construed to be negated, abridge or reduce other rights of indemnity

which would otherwise exist. This provision shall supersede any other provisions in this Agreement deemed to be in conflict, unless specifically stated otherwise.

This agreement constitutes the complete understanding of the parties. No modification of any provisions thereof shall be valid unless in writing and signed by both parties.

5. The Village Board to adopt the following resolution to dissolve the Consolidated Board of Health:

*RESOLUTION* to dissolve the Erwin Painted Post Consolidated Board of Health and to distribute all remaining funds on a pro rata basis of the 2020 tax roll taxable assessed value.

The proposed distribution of Erwin Painted Post Consolidated Board of Health to the Village of Painted Post would be in the amount of \$17,936.21.

I, Trustee Francis, move to adopt the above resolution.

Carried: 5 – Yes 0 - No

6. The Mayor, Superintendent and Clerk are reviewing the water/sewer rates that have not been increase in over 12 years. As you may know, the water and sewer departments cannot be funded using public tax money. An increase is needed to cover the new State mandates and the O&M (operations/maintenance) costs of these departments. The Village is looking to implement these increases at the end of the 1<sup>st</sup> quarter of 2021.

7. Proclamation recognizing January 24 – January 30, 2021 as School Choice Week in the Village of Painted Post.

### **PROCLAMATION**

#### **Village of Painted Post School Choice Week**

WHEREAS all children in the Village of Painted Post should have access to the highest-quality education possible; and,

WHEREAS the Village of Painted Post recognizes the important role that an effective education plays in preparing all students in Government Name to be successful adults; and,

WHEREAS quality education is critically important to the economic vitality of the Village of Painted Post; and,

WHEREAS the Village of Painted Post is home to a multitude of high quality public and nonpublic schools from which parents can choose for their children, in addition to families who educate their children in the home; and

WHEREAS, educational variety not only helps to diversify our economy, but also enhances the vibrancy of our community; and,

WHEREAS the Village of Painted Post has many high-quality teaching professionals in all types of school settings who are committed to educating our children; and,

WHEREAS, School Choice Week is celebrated across the country by millions of students, parents, educators, schools and organizations to raise awareness of the need for effective educational options;

NOW, THEREFORE, I, Ralph Foster do hereby recognize January 24 – January 30, 2021 as the Village of Painted Post School Choice Week, and I call this observance to the attention of all of our citizens.

**SUSPEND ORDER  
OF BUSINESS:**

Motion made by Trustee Francis, seconded by Trustee Kenny and carried.

**PUBLIC others  
COMMENTS:**

Bill Scheidweiler of 127 Steuben St. commented on how nice the Holiday parade was and commend Trustee Francis for his work organizing it and to recognize the fire department in their participation and all others who participated. Bill stated he heard several comments of appreciation and enjoyment with regards to the parade.

Emily Northrup 582 W. High asked what happened to the trees by Siemen's on N. Hamilton. Superintendent Smith stated that the gutter system on Siemen's was being replaced and that they would be replacing the trees that were cut down.

Mike Hansford of 302 W Water St. asked if there was anything new to report on the Tyoga project on W Water St. Mayor Foster stated that the project was most likely placed on winter hold but that the contract had been extended through March 2021.

**RESUME ORDER**

**OF BUSINESS:** Motion made by Trustee Kenny, 2nd by Trustee Visconti and carried.

**TRUSTEE**

**COMMENTS:** Trustee Kenny thanked Clerk Names for sending the minutes out before the meeting and thanked Superintendent for showing her around.

Trustee Francis stated that updated Vehicle Traffic laws are near completion and he also stated that he had many positive comments with regards to the Christmas parade.

Mayor Foster thanked Trustee Francis for the Christmas parade and thanked the Fire Dept. for their participation. It was very enjoyable.

**AUTHORIZATION:** to pay audited bills for the Village on a motion made by Trustee Kenny, seconded by Trustee Visconti and carried.

<u>Abstract #012 (Nov)</u>	<u>Vouchers</u>	<u>Abstract #13 (Dec.)</u>	<u>Vouchers</u>
----------------------------	-----------------	----------------------------	-----------------

General Fund:	\$ 3,393.50	246 - 279	\$ 43,040.07	280 - 329
Water Fund:	\$ 169.05	124 - 125	\$ 4,240.24	126 - 139
Sewer Fund:	<u>\$ 123.12</u>	124	<u>\$ 8,238.53</u>	127 - 142
<b>Total:</b>	<b>\$ 3,685.67</b>		<b>\$ 55,518.84</b>	

**GRAND TOTAL:** **\$59,204.51**

**MOTION** to adjourn meeting was made by Trustee Visconti, seconded by Trustee Francis and carried at 7:30pm.

Respectfully submitted by: Anne Names, Clerk-Treasurer