

## **VILLAGE OF PAINTED POST REGULAR BOARD MEETING March 8, 2021**

**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, Deputy Mayor Francis, Trustee Kenny, Trustee Ferree, OIC Copp, Fire Chief Button, DPW Superintendent Smith, Attorney Patrick and Clerk  
Names

**ABSENT:** Trustee Visconti

### **REGULAR BOARD**

**MINUTES:** of February 8, 2021 were approved on a motion made by Trustee Ferree, seconded by Deputy Mayor Francis and carried.

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

Traffic Arrests: Total of 23  
4 Radar, 5 Moving Violations, 2 DWI Violations, 2  
Suspensions/Revocations and 10 All other Violations.

Complaints: Total of 37  
3 Felony, 7 Misdemeanors, 9 Violations, 0 Vehicle & Traffic, 0 CPPMS,  
0 Animal, 0 Domestic, 1 Local Law Violation, 9 Stolen Property Cases, 1  
Found Property Case, 7 Miscellaneous and 0 Pause Investigations.

Assistance/Services Rendered: Total of 30  
2 Citizen/Motorist, 3 AMR Ambulance Serv., 1 PP Fire Dept., 0 E.I.D.  
Alarms, 0 Missing Person, 0 Open Door, 1 Mental Health Transports,  
6 Check the Welfare, 4 Vacation Property Checks, 2 Steuben Co. Sheriff,  
5 NY State Police, 1 Corning Police, 1 Other Agencies, 0 DA Office, 3  
Dept. of Pubic/Works, 0 US Government, 1 Other agencies.

Cases Adopted/Closed: Total of 22  
3 Felony, 7 Misdemeanors, 1 Drug Interdictions, 9 Violations, 2 Mental  
Hygiene, 0 Warrant/FOA.

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

Accidents: Total of 2 - 0 Personal Injury, 2 Property Damage, 0 Other.

Total Calls for Service: 114

5N01 REPAIRS: None

5N01 MILEAGE: 323

5N02 REPAIRS: None

5N02 MILEAGE: 546

Police Reform is complete and submitted to the State.

**FIRE DEPT.  
REPORT:**

February report submitted by Chief Button as follows:

Total number of calls for the month were 6

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

Total in Service Hours: 71

Average Fire Fighters Per Call: 10

Training Hours – 0

Training Certifications: 0

Total in Service Hours to Date: 130

Total Number of Calls to date for the Year – 13

No major repairs to the Fire equipment

Injuries – No injuries reported

Fuel Usage = Gas - 67.9 gallons and Diesel 3 53.8 gallons

Chief 2800 – Button responded to 67% of the calls for the month.

Chief 2801 – Smith responded to 83% of the calls for the month.

Chief 2802 – McCarthy responded to 33% of the calls for the month.

**Fire Department Activities/Community Services**

1. Monthly Department training Hazmat Awareness.
2. Monthly equipment operation and safety checks continue.
3. The Department continued to prepare for ISO inspection in March.
4. Covid – 19 vaccination of firefighters has continues

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

### **Water Treatment and Distribution System**

Water levels at wells are at: **Well # 4 –40’, Well # 3 –25.5’ & 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.

Water Service @ 10237 Oak Wood turned off. Leak on Owners side.

Crew turned water service to Friendly’s off to allow for demolition.

Crew performed water system operations for the Village of Riverside

Crew installed new water meters @ 457/459 & 465/467 Brainard.

Crew flushed water service and cleaned corporation stop @ 548 W. High St.

Annual flow meter calibration completed at the WTP.

### **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 flow meter calibration completed at the WWTP.

Annual wastewater sewer flow at the WWTP completed and submitted to the NYSDEC

Sludge pressing operations at the WWTP completed until spring 2021

### **Village Streets and Walkways**

Crew plowed and/or salted walkways on 12 occasions.

Crew plowed and/or sanded streets on 13 occasions.

Crew plowed sidewalks throughout the Village on one occasion.

Ordered and received over 100 tons of salt

Crew filled potholes throughout the Village.

### **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.

Crew repainted restrooms and hallways at Village Hall.

Crew began building picnic tables for use in Craig Park.

Crew continued rebuilding Park Benches

Crew began constructing new trash containers.

P & J repaired heating issues at the Village Hall.

Crew along with Hartman Electric repaired emergency blue light at the intersection of W. High & Charles.

Prepared and posted required Department of Labor injury report.

Prepared and submitted annual SARA Title II documents

**Equipment Maintenance**

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

Rear backline on Unit #12 (F250) replaced.

Replaced starter on F550 and bearing in frontend replaced by Eagle Transmission.

New York State inspection failed on Water Department Van. Borrowing pickup from Riverside.

Monroe Tractor performed 1000 Hours service on 2019 backhoe.

**Village Cemeteries**

Three burials for the month.

**FINANCIAL/BUDGET**

**REPORT:** No changes

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

All accounting is current and balanced with our accounting system and bank statements. Monthly reports have been provided to the board members and department heads.

I completed the annual handicap report for the Dept. of Motor Vehicles.

The water/sewer late notices (134) were processed and mailed out.

I attended the planning board ZOOM meeting on February 3, 2021.

A report confirming the wages of one of our employees from July 2019 thru June 30, 2020 was completed for the Department of Labor.

I have been working on the budget with Mayor Foster.

**PLANNING BOARD:** February 3, 2021 planning board meeting.

Planning Board Members Present: Marcia Weber (chair), Martha Tober, Moira French, Kathleen Scolaro, Art Stilwell (alternate)

Absent: Vickie Button

Planning Consultant: Chelsea Robertson Village Clerk: Anne Names

Others: Travis Ferree & Danielle Kenny– Village Trustee, Chris Morral – Tyoga, Jamie Johnson – Steuben County IDA, Jill Staats – Steuben County IDA, Representatives from Larson Design Group, Ralph Foster – Village Mayor

Approx. 8 members of the public present

1. The meeting was called to order at 5:45 PM by Marcia Weber, Planning Board Chair.

2. APPROVAL OF THE MINUTES FROM JANUARY 6, 2021.

Motion by: Art Stilwell, seconded by Martha Tober and carried.

3. OLD BUSINESS: Tyoga Container Project Complete Application Review Marcia, Planning Board Chair, gave the following summary - Many documents for this project have been reviewed. Those documents include an Environmental Impact Statement, a Stormwater Prevention Pollution Plan, a Traffic Study, a Noise Study and a Vibration Study. We have conducted two formal public hearings, one on June 3rd and the other on July 22nd. We, along with our Southern Tier Central Regional Planning and Development Board consultant, have received, listened to and responded to countless public comments that came from either phone calls, emails or FOIL requests. We have gone back to the applicant with questions from the Planning Board and from the Village residents about the project and the studies, and we have shared the answers that we have received with the Board and the residents. At our meeting today we need to do two things:

1) Determine the environmental significance of the project under SEQR (NYS Environmental Quality Review Act).

2) Determine the approval, denial or modified approval of the Special Use Permit requested by Tyoga for this project.

It's been our responsibility as a Planning Board to identify the impacts of this project on a variety of environmental topics listed in SEQR.

Those that we highlighted at our may meeting were "small impacts" regarding land, surface water, historic resources, consistency with community character, and noise, odor and light. We identified a "moderate to large impact" regarding transportation. Our role is to determine whether we can adequately mitigate the impact of transportation or other issues by setting conditions that the applicant must follow as a part of the Special Use permit.

Chelsea, Planning Board Consultant, led the Board through the review so they could determine whether to decide on approval, denial or modified approval for the Special Use Permit application. She explained the difference between a negative SEQR declaration and a positive one. She said that the DEC signed off on the water impact and that the rest of the impacts come down to noise and vibration. Marcia noted that the property is zoned industrial. Chelsea explained that while it is an industrial site and always has been, the public concern stems from the number of years that it

was vacant and quiet and how the possible use of the site will impact the neighborhood through noise and traffic.

It was also noted that the Village went through the process of updating their Comprehensive Plan two years ago and then updated the zoning law. When West Water Street zoning was discussed, the zoning committee agreed that the area on West Water Street would remain zoned industrial.

Moira, Planning Board member, brought up the concern someone had about rail use and Chelsea explained that plan submitted had zero use of rail. The plan says that the use of the rail would be retained by the Village. If at a later date Tyoga would like use of the rail they would have to go through the whole process again and do a site plan amendment as well as strike a deal for use of the rail with the Village, as it will be owned and maintained by the Village.

Moira also wondered if the planting of trees would help with the noise and vibration issues. There is proposed tree planting on the site, but that wouldn't really have an effect on the trucks traveling on the street. Chelsea noted that the thing that helps vibration is distance. Travis, Village Trustee, said that there are two ways to mitigate the impact of vibration from the trucks and that is to either modify the suspension system on the vehicle or increase the mass.

Chelsea explained a Special Use Permit. A Special Use Permit in the Village allows you to apply for a use that is an allowed use, but with conditions. Marcia then went through the suggested mitigation list –  
\*A maximum of 35 trucks (70 truck trips) during the hours of 6am and 10pm. These are the hours of operation. The trip amounts are the number that the study settled on. There was an additional recommendation of limiting truck traffic during peak hours (7-8am, noon-1pm and 23pm).

\*Noise would not exceed 55 decibels.

\*Asked for a lighted crosswalk and additional signage, paid for by Tyoga, along West Water Street to enter the park. The main concern was children crossing the road to get to the park.

\*Asked for a speed limit of 20 mph.

\*Asked for a road use agreement between the Village and Tyoga that would pay for any additional damage caused by Tyoga trucks. The Village will mill and repave West Water Street before Tyoga is operational. This way the Village will be able to determine if Tyoga is causing more damage to the street than just the usual wear and tear from traffic. There will be an evaluation every five years to determine this.

\*Asked for removal of on-street parking along West Water Street on the south side from Steuben to the Tyoga site prior to Tyoga becoming operational. Art Stilwell said that he has not seen cars parked on the south side of the street, but that it would be a good idea to post "No parking" signs there.

\*Asked for widening of the road at the Tyoga site entrance within the existing right of way on their site.

\*Asked that the fence around their site be no more than six feet tall and without razor wire.

\*Requested that the maximum weight of the truck be 42,000 lbs. weight.

Art Stilwell and the rest of the Planning Board all agreed that the what's included in the plan that they've been reviewing over the past 15 months addresses all the concerns about increased traffic on the road.

Chelsea reiterated to the Planning Board that a "Negative Declaration of Environmental Significance" means you agree the mitigation efforts are enough to mitigate any negative environmental impacts. And that a "Positive Declaration of Environmental Significance" means you believe there needs to be alterations to the plan and or the mitigation efforts ARE NOT enough to mitigate negative impacts. The board discussed this to ensure they all understood what they are voting for.

There was a vote to issue and file a Negative Declaration of Environmental Significance, based upon the above-mentioned mitigation efforts being implemented as a part of the Special Use permit.

Motion made by: Art Stilwell, seconded by Moira French and carried.

The next step was a vote on the Special Use Permit.

Chelsea explained the options for the vote as follows:

- Approve the Special Use Permit outright
- Approve with conditions • Modified approval - requesting a change to the applicant's actual plan
- Deny the application – which must include an explanation why.

There was then a motion made to approve with conditions. The conditions are:

\*A maximum of 35 trucks from 6am to 10pm.

\*Noise would not exceed 55 decibels.

\*One lighted walkway crossing with additional signage that's paid for by Tyoga

\*Hours of operation in two shifts from 6a.m. to 2:30p.m. and 2:30 pm to 10:30 pm \*Maximum number of trucks in peak hours to be seven total, which would be fourteen trips.

\*Road use agreement to be made between the Village of Painted Post and Tyoga after the road has been repaved.

\*Removal of on-street parking along West Water Street on the south side from Steuben and Tyoga prior to becoming operational

\*Widening of the road on the Tyoga site entrance within the existing right of way

\*A fence around the site to be no more than six feet in height and no razor or barbed wire on the fence

\*Requested that the maximum weight of the truck be 42,000 lbs. weight.

\*West Water Street speed limit to be 20 mph, with Painted Post to enforce the speed limit

\*Additional signage of no parking

Motion made by: Art Stilwell, seconded by Martha Tober and carried.

4. NEXT MEETING: Wednesday, March 3, 2021

5. Motion: To adjourn the meeting was made by Martha Tober, seconded by Art Stilwell and carried.

Meeting was adjourned at 6:31 PM by Marcia Weber.

Minutes taken by Chelsea Robertson, Planning Consultant.

**NEW BUSINESS:** 1. Village Board reviewed the proposed changes to the Village Rates and Fees and they were approved on a motion made by Deputy Mayor Francis and seconded by Trustee Kenny and carried.

2. Project “Clean Up” is for our trustees to identify Village properties that are not within Village code such as homes in disrepair, cars on property, excessive trash on property, etc.

3. Village Board to review the Vehicle & Traffic laws. A public hearing will be held in May before the regular board meeting to approve the changes and to pass LL#1-2021

4. Fire Department is requesting permission to hold it’s Memorial Day event the end of May.

Motion approved by Trustee Kenny, seconded by Trustee Ferree and carried.

5. Resolution to approve budget transfer from the FD Turnout Gear Reserve account (A236) to the FD Turnout Gear expense fund (A3410.41) in the amount of \$8220.60.

I, Trustee Kenny, move to adopt the above resolution



6. The Village will need to adopt the Steuben Co. Hazard Mitigation Plan resolution at the April meeting. Board members can review plan at this site: <https://steubencony.org/pages.asp?PID=12891>.

7. Village to hold a budget workshop on Thursday, March 18, 2021 at 4:00pm. This workshop is open to the public.

**SUSPEND ORDER**

**OF BUSINESS:** Motion made by Deputy Mayor Francis, seconded by Trustee Kenny and carried.

**PUBLIC others**

**COMMENTS:** Robert Manning of 444 W High St. asked if we would be requesting any relief funds out of the COVID relief package.

Emily Northrup of 582 W. High St. asked if the sale with Tyoga Container had been finalized yet. The Mayor stated that it had not. Emily also asked if we still plowed the village sidewalks.

Michelle VonAlmen of 342 W Water St. asked if project cleanup could be a community project especially for those who may help.

Wally Marribitt of 440 W High St. asked what the status is of our “missing” trustee. Mayor Foster stated that until we received a signed letter of resignation, we are unable to anything.

**RESUME ORDER**

**OF BUSINESS:** Motion made by Trustee Kenny, 2nd by Deputy Mayor Francis and carried.

**TRUSTEE**

**COMMENTS:** Deputy Mayor Francis stated that Colonial Days has been postponed this year due to COVID-19 but next year we should be able to hold it.

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

Abstract # 18 (Mar)

General Fund:	\$ 36,874.35	438 – 479
Water Fund:	\$ 11,773.23	196 - 216
Sewer Fund:	<u>\$ 6,688.80</u>	198 - 215
TOTALS:	\$ 55,336.38	

March 8, 2021

**GRAND TOTALS: \$ 55,336.38**

**MOTION** to adjourn meeting was made by Trustee Kenny seconded by Deputy Mayor Francis and carried at 7:43pm.

Respectfully submitted by: Anne Names, Clerk-Treasurer