

**REGULAR VILLAGE BOARD MEETING**  
**September 13, 2021**  
**7:00 PM**

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

**PRESENT:** Mayor Foster, Deputy Mayor Francis, Trustee Ferree, Trustee Kenny, Trustee Manning, OIC Copp, DPW Superintendent Smith and Clerk Names.

**ABSENT:** Attorney Patrick

**MINUTES:** of the August 9, 2021 meeting were approved with a motion made by Trustee Manning, seconded by Deputy Mayor Francis and carried

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

Traffic Arrests: Total of 28 - 1 Radar, 0 Moving Violations, 1 DWI Violations, 2 Suspensions/Revocations, 24 All Other.

Complaints: Total of 55 - 2 Felony, 13 Misdemeanors, 6 Violations, 6 Vehicle & Traffic, 0 CPPMS, 2 Animal, 2 Domestic, 7 Local Law Violation, 7 Stolen Property Cases, 3 Found Property Cases, 7 Miscellaneous and 0 Pause Investigations.

Assistance/Services Rendered: Total of 39  
7 Citizen/Motorist, 6 AMR., 1 PP Fire Dept., 1 E.I.D. Alarms, 0 Missing Persons, 0 Open Door, 0 Mental Health Transports, 5 Check the Welfare, 4 Vacation Property Checks, 5 Steuben Co. Sheriff, 7 NY State Police, 0 Corning Police, 0 Other Agencies, 0 DA Office, 0 Dept. of Public/Works, 0 US Government, 3 Other agencies.

Parking Tickets: Total of 54: 54 for 12am to 6am Parking Enforcement, 1 Other.

Cases Adopted/Closed: Total of 27 – 2 Felony, 13 Misdemeanors, 1 Drug Interdiction, 6 Violations, 0 Mental Health, 5 Warrant/FOA.

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

5N01 REPAIRS: None

N01 MILEAGE: 433 Miles

5N02 REPAIRS: None

5N02 MILEAGE: 821 Miles

Michael Ruggles will be leaving and Dean Swan will be coming on board in September.

FIRE DEPT.

REPORT:

August report submitted by Chief Smith as follows:

Total number of calls for the month was 11 –  
1 MVA/Rescues, 2 Service Calls, 0 Vehicle Fires, 0 Searches, 0 Chimney Fires,  
0 Structure Fires, 0 Grass/Brush/Wood Fires, 0 Hazardous Conditions, 0  
Vehicles Leaking Gas, 1 C.O./Fire Alarm Activation, 4 Mutual Aid Fire and 3  
Mutual Aid MVA, 0 Mutual Aid Medical, 0 Mutual Aid AMR

Total in Service Hours:	136
Average Fire Fighters Per Call:	13
Training Hours - In House:	0
Training Certifications:	0
In Service Hours to Date:	749
Total Number of Calls to date for the Year –	82

No major repairs to the Fire equipment and no reported injuries.

Chief 2800 – Button responded to 91% of the calls for the month.

Chief 2801 – Smith responded to 100% of the calls for the month.

Chief 2802 – McCarthy responded to 73% of the calls for the month.

Fuel Usage – 77.6 gallons Diesel – 61.2 gallons

Department Activities/Community Services:

1. Monthly department training consisted of auto extrication and stabilization.
2. Monthly department training also included hand line placement and advancement.
3. Department attended UTV operation and driver training class held at Painted Post FD.
4. Monthly equipment operation and safety checks continue.
5. Department attended RIT/FAST team committee meeting held at Painted Post FD.
6. Department held the annual firefighters picnic at Craig Park Pavilion.

DPW REPORT:

August 2021 report submitted by Superintendent Smith as follows:

**Water Treatment and Distribution System**

Water levels at wells are at: **Well # 4 – 44'**, **Well # 3 – 28'** & **Well # 2 – 45'** of water above the pump.

Trans-loading Facility operations. Hauled ZERO Gallons for the month.

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 performed water system operations for the Village of Riverside.

Crew repaired broken water service @ 205 West Chemung Street.

Crew replaced water service curb box and 1" water meter 160 Vg Sq.

Miles Leak detection completed annual leak survey of entire water service. (One service leak owners side)  
Hartman Electric provided assistance on several occasions for electrical issues @ 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.  
Sludge pressing operations at the WWTP continues.  
Covid-19 sampling for the state continues at the WWTP.  
Koester & Associates completed raw influent pump installation and startup.  
Monthly Rainfall 7.93"

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

Crew continued weekly pickup of leaves and brush.  
Crew swept streets throughout the Village on several occasions.  
Crew cleaned out storm catch basins throughout the Village.  
Crew called in to clean Smith Creek inlet during heavy rain event.

#### **Buildings and Grounds**

Crew hauled weekly trash from Village facilities.  
Crew performed weekly equipment safety checks.  
Crew hauled topsoil.  
Crew weeded flower beds and planters.  
Crew cleaned pavilion interior and exterior of 10 occasions for rentals.  
Crew continued mowing and trimming of Village Property throughout the Village.  
Crew continued work on new volley ball court and new play area at Craig Park.  
P & J Contracting repaired AC unit located at the DPW Building.  
Kinsley power performed an inspection on the generator at the Village Hall.  
(Shut down for over speed alarm)

#### **Equipment Maintenance**

Performed maintenance and repairs on DPW, FD and PD equipment.  
New York State inspection failed on Water Department Van. Borrowing pickup from Riverside.  
Took delivery of a 2008 GMC bucket truck..

#### **Village Cemeteries**

One burial for the month.  
Crew continued mowing and trimming operations in both Cemeteries.

#### **DPW**

Crew attended mandatory Work Place Violence and Sexual Harassment Training.

FINANCIAL/  
BUDGET REPORT: No Changes

CLERKS REPORT: All checkbooks have been reconciled and balance to our accounting program and bank statements. Monthly reports have been provided to the mayor, board members and department heads.

Late notices for taxes were sent out and as of 09/01/21 we have collected \$1,084,104.03 in taxes and penalties as of 8/31/2021. We currently have 32 properties that remain outstanding which total \$33,437.15

Late notices for over 100 water/sewer bills were sent out on August 24, 2021. I attended the Planning Board meeting that was held on 8/4/2021.

Payroll exceptions for Civil Service have been addressed in order for our yearly “payroll certification” to be finalized. I also completed and submitted 1 RPC (Report of Personnel Change) form.

One tax search was completed and I attended the mandatory Work Place Violence and Sexual Harassment training.

PLANNING BOARD

REPORT: Present: Martha Tober, Moira French, Kathleen Scolaro, Vickie Button, Art Stilwell (alternate)  
Absent: Marcia Weber (chair), Travis Ferree (liaison)

Planning Consultant: Stephanie Yezzi, Village Clerk: Anne Names  
Others: Matt Towner (applicant)  
Approx. 1 member of the public & 4 ZBA members present

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CALL TO ORDER: August 4, meeting was called to order at 5:26 PM by Vickie Button.

APPROVAL OF THE MINUTES FROM JULY 7, 2021.

Motion by: Moira French      Seconded by: Martha Tober      *Carried.*

OLD BUSINESS: NONE

NEW BUSINESS: Application for Special Use Permit at 117 W. Water St.

S. Yezzi reviewed the notes provided to the Planning Board. She described the mixed-use project proposed at the old Town of Erwin building. The project includes two retail fronts on the first floor, two apartments and a private photography studio on the second floor and three living spaces on the third floor (one apartment and two Airbnb spaces). The two Airbnb spaces would fall under

the “bed and breakfast” use in the Zoning Law use chart. It is also proposed that the roof will have a rooftop patio for third floor access only and the basement will be utilized for meeting space associated with the two retail fronts.

The applicant proposes about 50-100 customers per day, 6-10 employees and 7-12 residents within the apartment/Airbnb spaces. Retail operations will be from 8:00 AM to 9:00 PM. Two signs are proposed; however, no details have been given. When S. Yezzi stated that sign details will be required for final approval, the applicant asked if they could be a condition of the approval as they will not have the exact details yet. He discussed the only question would be if the signs could be placed high enough to be seen from the highway. It is stated that as long as they do not exceed building height or size requirements and meet all other sign regulations, they would be allowed.

A. Stilwell asked if there would be parking for the project. S. Yezzi clarified that the adjacent parking lot was also purchased and included in the notes as part of the approval. The parking would directly serve the facilities. Ms. Yezzi then asked outstanding code questions highlighted at a walk-through with the previous Code Enforcement Officer, Doug Wicks. This included questions regarding construction of an elevator, implementation of a sprinkler system, update of windows to meet energy code, and ADA compliance. The applicant stated that an elevator and sprinkler system are not required due to the building type (full masonry). ADA compliant bathroom will be included in the basement, and the applicant will double-check on wheelchair access to the basement as well. The building has been approved to be listed on the historic register and is exempt from some portions of the energy code requirements.

S. Yezzi stated that the proposed project is an unlisted action, requiring full review of the short form EAF, as the project includes a use not currently allowed by the Zoning Law though the amendment process is underway. The Planning Board began reviewing SEQR forms. V. Button stated, “*The Village of Painted Post Planning Board claims lead agency for the review of the unlisted action.*”

*Motion to issue a negative declaration of environmental significance based on the conducted review of short EAF parts I & II.*

Motion by: Martha Tober, seconded by: Kathy Scolaro and *Carried*.

V. Button then opened the meeting to the public.

Motion to open the public hearing was made by Vickie Button, seconded by Martha Tober and *Carried*.

No public comments were made.

Motion **to** close the public hearing was made on a motion by Martha Tober, seconded by Moira French and *Carried*.

S. Yezzi explained a final motion needed to be made in order to recommend approval of the retail use by the ZBA. M. Tober then read the motion to do so, as stated below.

*Motion to send the applicant for approval of a use variance for the two retail portions of the proposed mixed-use project from the Zoning Board of Appeals. The Planning Board recommends approval of the use variance as the Board is currently seeking approval of a Zoning Law amendment to include small retail within the Village Center District.*

Motion by: Martha Tober, Seconded by: Kathy Scolaro and Carried.

Next steps for the project are approval at the ZBA meeting to follow and final vote at the September 1 meeting.

NEXT MEETING: Wednesday, September 1, 2021

ADJOURNMENT: Motion by: Vickie Button, Seconded by: Martha Tober and *Carried.*

Meeting was adjourned at 5:55 PM by Vickie Button.

OLD BUSINESS: None

NEW BUSINESS: 1. Village Board to approved LL#2-2021 for the Zoning Law changes regarding retail businesses in Village Square and the “Clear Vision” changes.

Motion for approval made by Trustee Ferree and 2<sup>nd</sup> Trustee Manning and Carried.

2. The Village of Painted Post is in favor of approving the submission of the grant application for lighting and security for the walking trail/bike path. Approval of the project will be based on grant funding and the availability of financing and the amount of the 20% village match.

Motion made by Deputy Mayor Francis, 2<sup>nd</sup> by Trustee Manning and carried.

3. The Village Board discussed the allowance of cannabis retail dispensaries in the village.

SUSPEND ORDER OF BUSINESS: Motion made by Trustee Kenny and seconded by Deputy Mayor Francis and carried.

PUBLIC COMMENTS: Nancy Foster of 497 N. Hamilton St. asked if people would need a prescription to purchase cannabis. Mayor Foster said no.

Wally Marribitt of 440 W. High St. stated that the residents who may not want cannabis dispensaries may need to reconsider because of the revenue that could be generated.

Emily Northrup 582 W. High St. who is removing the stump by Siemens and she stated that her sidewalk needed to be replaced.

Frank Lashure of 243 Imperial St. was concerned with the landscape at Siemens off E. High.

**RESUME ORDER**

**OF BUSINESS:** Motion made by Trustee Kenny and seconded by Trustee Ferree and carried.

**TRUSTEE**

**COMMENTS:**

Trustee Manning is pro-business and ok with cannabis dispensaries and also wants to create an “official” Village of Painted Post Facebook page.

Trustee Kenny supports cannabis dispensaries. Asked when the fire department horn would be repaired and whether or not the decrease in in-service hours effected the fire department in any way.

Trustee Ferree supports cannabis dispensaries.

Deputy Mayor Francis is also in support of cannabis dispensaries and stated that the work for the new pavilion roof would begin this coming Thursday.

**AUTHORIZATION:** to pay audited bills for the Village on a motion made by Deputy Mayor Francis and seconded by Trustee Manning and passed as follows:

	<u>Abstract #6 (Aug)</u>	<u>Voucher No.</u>	<u>Abstract #7(Sept.)</u>	<u>Voucher No.</u>
General Fund:	\$ 25,998.98	133 - 134	\$ 32,119.13	135-195
Water Fund:	\$ 1,030.16	59 - 61	\$ 8,052.67	62 -81
Sewer Fund:	\$ _____ -0-		\$ 7,598.52	62- 80
<b>TOTALS:</b>	<b>\$ 27,029.14</b>		<b>\$ 47,607.85</b>	

**GRAND TOTALS: \$74,799.46**

**MOTION TO  
ADJOURN:**

Made by Trustee Kenny and seconded by Deputy Mayor Francis and carried.  
Meeting adjourned at 7:52pm

Respectfully submitted by  
Anne Names, Clerk-Treasurer