

Village of Afton
Board of Trustees Meeting
Jack D. Bolster Community Center, Afton, NY
May 13, 2019

Minutes of the meeting of the Board of Trustees held May 13, 2019 at 7:00 pm in the Susquehanna Room, 105 Main Street, Afton, NY

Meeting called to order at 7:06 PM

Present: Mayor Burnett, Trustee Matthews, Trustee Muller, Trustee Lawrence, Trustee Simonds, Village Attorney Nathan VanWhy, DPW Superintendent Andrew Acla, Village Code Enforcement Officer Jeffrey Butler and Officer in Charge Q. Wright.

Visitors: Jay Hager, Mark Hulbert, Amanda Hyzer, Gloria & Curtis Harvey, Patricia Stafford, Maryann Palmetier Laura Grover, John & Judy Hinman, Charles Torres, Nancy & Jerry Harris, Ronda Barriger, Edward Jones III, Susan Harmon, Robert Humphry Jr., Ricard Ramsey, Susan Weibel, Lila Harris, Susan Hart, Andrew Winans.

- A motion was made by Trustee Simonds authorizing Clerk/Treasurer to pay the following audited vouchers, Seconded by Trustee Matthews. All in favor, motion passed.
General Fund Vouchers # 316 - 348, Totaling \$17,629.25.
Water Fund Vouchers # 117 – 126, Totaling \$26,342.57.
- Motion to accept previous minutes with no additions or corrections was made by Trustee Simonds, seconded by Trustee Matthews. All in favor, motion passed.

Monthly Report:

- **DPW/ Water:** Report Distributed. Mr. Acla gave a verbal account of what his written report. Trustee Simonds informed Mr. Acla that during the informational meeting that was held at the Fire Station on Thursday, May 9th. It was brought to forth that there are fire hydrants within the village that are nonoperational. Do we know which ones do not work. Mr. Acla stated that there are 2 on the front & back of Spring Street that do not work, there are bags over top of those that do not work. Trustee Simonds asked if the DPW will be working on fixing the broken hydrants. Mr. Acla stated that they are in need of replacing and updating. Trustee Lawrence asked if the Fire Department is given a report of which hydrants are not working correctly. Mr. Acla stated that if the Fire Department wants to give a written request he'll supply them with it. Trustee Lawrence asked if the purpose of flushing the lines were to see if they are working properly. Mr. Acla stated that partly, but also to flush the line out of any sediment sitting in the lines.
- **Police Department.** Report Distributed.
- **Code Enforcement:** Jeffrey Butler gave a verbal report. He stated that has sent the resident living at 22 Main Street information pertaining to the manufactured trailer law. The owner states that he is willing to work with the Village. Mr. Butler stated that he has reached out

to the Village of New Berlin to find out what their protocol is when dealing with trailers. He took care of a garbage complaint on Blowers Hill Road. Mr. Butler received a call from Suburban Propane in regards to the General Dollar Store. They would like to put a propane tank service return at this location. Mr. Butler has sent out 3 notices as well as a septic inspection. He attended a meeting at the County with Mr. Matthews pertaining to the Planning Board. He spoke with Mr. Steve Fox the County Code Officer, about the property located on Spring Street. The paperwork is in the process. He also attending the last Planning Board Meeting as well as the Town Board Meeting. Mr. Butler asked DPW Superintendent Andrew Acla about the dog feces signs. The Afton Inn has placed signs up.

- Planning Board: Trustee Matthews informed the Village Board of Trustees that on May 2, 2019, he attended a Planning Board training seminar at the County for SEQR and Solar Guidelines. The Planning Board received the SEQR workshop information at this time. The Solar Workshop is set to be held in June, 2019.
- Finance/Insurance: Mayor Burnett met with the insurance representative today.
- Christmas Parade Committee: Remains the same.
- Grant Committee: Remains the same.
- Parks Committee: Trustee Simonds informed those in attendance that she won the Chili Cook off Challenge. It was a nice turn out, there were a number of vendors that participated.
- Historian Report: Report distributed.
- Dog Control Officer: - Report distributed.

Old Business:

- Village received email request from Melissa Matthews for vending waivers for numerous events being held in the Village. – This was tabled at last month's meeting. Trustee Muller asked to once again table this request until next month's meeting. Trustee Muller stated that the village waives for charitable or nonprofit organizations. Trustee Muller stated that she understands that the Chamber wants to put on a series of concerts. Which she finds to be commendable. But she has a few concerns that she'd like to discuss with Judy Hinman prior to the Village Board of Trustees making a motion to their request. One of the locations listed is the future Community Park location. This location has no bathroom facilities. Some of these locations mentioned have nothing to do with the Village. Fees are usually waived when those generated funds are coming back to the attached organization. Trustee Muller stated that one date in particular coincides with the Seniors Ladies Christmas Bazaar. Historically this date has belonged to the senior's ladies group. Trustee Muller kindly requested that the Chamber withdraw their event planned on this day. Trustee Muller stated that it would be great to have these concerts held, but that there is limited space for vendors and people. Mrs. Judy Hinman stated that there will be no more than 3 vendors partaking in one single event. That would include one food and drink, plus a sponsor. Mrs. Hinman stated that they would like to begin their concert series in June. Trustee Muller stated that we need to further discuss this. She asked Mrs. Hinman if they could meet next week to continue the discussion. Trustee

Muller stated that after their discussion she will bring to back to the Village Board of Trustees.

- Spectrum Billing - This was tabled at last month's meeting. - have received a second billing. DPW Superintendent Andrew Acla stated that he has since returned the cable box. He said that when he originally had spoken to the representative at Spectrum he was under the impression that the Village was allowed 2 boxes. Mr. Acla stated that the representative did not have the power to override the additional free box. The Police Department still has their box for training purposes. Mr. Acla stated that they were in need of the box during the winter months. It was asked if the one box was able to work on 2 televisions. Trustee Matthews stated that 2 years ago Spectrum changed their system. You now need a cable box for every television. Trustee Muller stated that we will see if the Village can obtain a second box for free before the Department is in need of it. The Village will pay the current billing received.
- Received information from 911 addressing – Village needs to rename location due to inadequate addressing for properties located at 126 Main Street. – Either Avenue or Drive –Decided that this is a property owners decision. The renaming of this location has been done. Received notification from 911 addressing. Visitor Jerry Harris asked if the property owners were notified. Trustee Matthews explained that the name change had come at the request of the property owner, due to the property numbers confusion, mail misplacements. Mr. Harris then asked about the water billing at this location. Trustee Simonds stated that it's not an issue, as the billing is placed in the landlord's name.

New Business:

- Village received postcard from Afton Chamber with invite to join their 5th Annual Golf Tournament being held on September 15, 2019 at 10 am. Being held at the Afton Golf Course for those interested.
- The Afton Motorsports Park 2019 Race Schedule was presented to the Village Board of Trustees.
- The Village Board of Trustees viewed the received retirement letter from John Deierlein. Mr. Deierlein is the NBT Bank Vice President and Relationship Manager of Government Banking.
- The Village Clerk / Treasurer has submitted/ received the 2018 Public Employer Risk Management Associations Payroll Audit. This yearly report was presented to the Village Board of Trustees for their viewing.
- The Village Clerk / Treasurer has submitted the Property Tax Cap with the State Comptroller Office for the Fiscal year ending May 31, 2020. Confirmation of this yearly report was presented to the Village Board of Trustees for their viewing.
- The Village Clerk / Treasurer has submitted the Constitutional Tax Limit with the State Comptroller Office for the Fiscal year ending May 31, 2020. Confirmation of this yearly report was presented to the Village Board of Trustees for their viewing.

- The Village Clerk / Treasurer informed the Village Board of Trustees that all unpaid water billing has been sent back to County for placement on 2019 Village Taxes to be distributed on the 1st of June.
- The Organizational Meeting for the Village of Afton was held during the regular May meeting. Motion was made for the following: Planning Board Members are as follows – April Leggett, Ernest Cutting, Robert Humphrey Jr and Bruce Bosket. Appeals Board Members are as follows – Richard Cuthbertson and Michael Lawrence. The Attorney for the Village will be Coughlin & Gerhardt. The official depository for all monies will be The NBT Bank. The official newspaper will be The Evening Sun, as well as the Pennysaver. Our mileage reimbursement will be \$.50. Our monthly board meeting will be held every second Monday of the Month at 7PM. in the Susquehanna Room at the Jack D Bolster Community Center 105 Main Street. The Planning Board monthly meeting will be held on the first Monday of the Month at 7PM, as the same address. All Village committees will remain the same. Deputy Mayor will be Girard Matthews, Motion for the preceding was made by Trustee Muller and seconded by Trustee Matthews. All in favor, motion passed.
- It was during the organizational meeting that Mayor Burnett asked Trustees Matthews if he'd be willing to be the Deputy Mayor. Trustees Matthews accepted the appointment of Deputy Mayor.
- Mayor Burnett made a motion for appointment of Amanda Hyzer as the Village of Afton's New Village Clerk/ Treasurer.
- Trustee Muller asked for a roll call vote to be called on the motion made by Mayor Burnett to appoint Amanda Hyzer as the Village of Afton's New Village Clerk/ Treasurer. The current Village Clerk / Treasurer, Ann Palmatier proceeded with a roll call vote, which resulted in the following:

Trustee Sally Muller	VOTING: No
Trustee Girard Matthews	VOTING: No
Mayor Cynthia Burnett	VOTING: Yes
Trustee Michele Simonds	VOTING: Abstain
Trustee Deanna Lawrence	VOTING: No

- At this time the Village Attorney Nathan VanWhy told the Mayor that she can go into executive session to discuss this vote with the Village Board of Trustees. There were many discussions made by village residents in attendance that the executive session could wait.
- Visitor Laura Grover expressed her dissatisfaction with the Mayors decision to appoint a new Village Clerk / Treasurer.
- Visitor Charles Torres asked the Village Board of Trustees what is wrong with our current Village Clerk / Treasurer. He stated to the Village Board of Trustees, you yourselves have hired her. Mr. Torres stated that to be fair to the people of the community they should know why there is talk of replacing her.

- Trustee Muller explained that there is nothing wrong with the current Village Clerk / Treasurer, Ann Palmatier. That the Village Board of Trustees are pleased with her work. That it's the Mayor who does not like the current Village Clerk / Treasurer.
- Mayor Burnett went on to say that there are requirements for the position. One of which is to live in the Village. It was brought before the Village Board of Trustees that the Mayor hired DPW Superintendent Andrew Acla who does not live in the Village. Nor as past numerous Village Clerk / Treasurers.
- Village Attorney Nathan VanWhy explained that the Clerk / Treasurer is a Public officer which requires the position to be reappointed every 2 years. He stated that since the Village Board of Trustees did not approve the Mayor's motion to appoint Amanda Hyzer as the Village of Afton's New Village Clerk/ Treasurer the appointment remains vacant. The attorney also stated that it appears that the Village Board is happy with the job that Ann does.
- Trustee Muller stated that without approval from the Village Board of Trustees for motion made by Mayor Burnett is not valid. That Ann Palmatier our current Village Clerk / Treasurer will remain as our Village Clerk / Treasurer.
- Visitor Jerry Harris asked if the floor can be opened by the Mayor. Trustee Muller explained the approval process. It's the Mayor's right to appoint into the position. But it must be approved by the Village Board of Trustees.
- Visitor Charles Torres asked if the position states that one is a Public Officer, then shouldn't it be up to the public to vote. I say we put a request in for a public vote.
- Village Attorney Nathan VanWhy explained that it's not allowed to be placed under public vote by Village Law.
- Visitor Nancy Harris asked Mayor Burnett what it was that she felt she needed to say in executive session that she can't say in front of everyone else.
- Village Attorney Nathan VanWhy explained the reason why executive session is not open to the public.
- A motion was made by Trustee Muller to move a total of \$6,939.49 from (1990.40 – Contingency Fund) in our Water Budget for the following Budget Appropriations: (9089.8 – Sign on Bonus – In the amount of \$ 1, 600.00). (1910.40 – Unallocated Insurance Water – In the amount of \$1,549.36). (8310.11 – Clerk Treasurer – In the amount of \$2,210.00). (8330.41- Chemicals – In the amount of \$487.45). (8340.41 –Electric Water – In the amount of \$633.38). (8340.45 –building/Misc./Training – In the amount of \$459.30). Seconded by Trustee Simonds. All in favor, motion passed.
- A motion was made by Trustee Muller to move \$450.00 from (8310.12 – Deputy Clerk) into the (8310.11 – Clerk Treasurer) in the Water Budget. Seconded by Trustee Matthews. All in favor, motion passed.

- A motion was made by Trustee Muller to transfer a total of \$21,502.35 from the Water Fund Checking to (8320.40 - Well Source Supply Contractual Expense) for the following budget Appropriations:
 (8320.40 - Well Source Supply Contractual Expense – In the amount of \$18001.80).
 (8330.42 – Equipment/ Maintenance – In the amount of \$3,500.55). Seconded by Trustee Simonds. All in favor, motion passed.
- A motion was made by Trustee Matthews to move a total of \$6636.82 from (1990.0 – Contingency Fund) in our General Budget for the following Budget Appropriations:
 (1325.10 – Clerk Treasurer – In the amount of \$ 4,065.00).
 (1420.40 – Attorney Contractual Expense – In the amount of \$ 1,005.00).
 (1620.42 – Electricity Buildings – In the amount of \$ 618.94).
 (1620.45 – Building Maintenance – In the amount of \$ 947.88). Seconded by Trustee Simonds. All in favor, motion passed.
- A motion was by Trustee Muller to move a total of \$678.00 to (1620.45 –Building Maintenance) in our General Budget from the following Budget Appropriations:
 (1620.40 – Building Contractual Expense – In the amount of \$384.00).
 (1620.43 – Building Telephone – In the amount of \$187.00).
 (1620.44- Building Supplies/Equipment – In the amount of \$107.00). Seconded by Trustee Simonds. All in favor, motion passed.
- A motion was made by Trustee Muller to move a total of \$ 3,500.00 from (3120.49 – Police Fuel) in our General Budget for the following Budget Appropriation:
 (5110.43 – Street Maintenance Fuel & Diesel). Seconded by Trustee Simonds. All in favor, motion passed.
- A motion was made by Trustee Muller to move a total of \$11,975.57 from (9550.20 – Equipment Fund Reserve) in our General Budget for the following Budget Appropriations:
 (5110.43 - Street Maintenance Fuel & Diesel- In the amount of \$1,470.85).
 (9030.80- Social Security – In the amount of \$2,361.24).
 (6410.40 – Publicity Contractual – In the amount of \$369.58).
 (1640.44 – Garage Oxygen/Tools – In the amount of \$849.75).
 (5110.20 – Street Maintenance Equipment/Vehicle Repair & Maintenance – In the amount of \$3,384.58).
 (5110.47 – Street Main. Misc./Sup./Training – In the amount of \$4.63).
 (5182.40- Street Lights – In the amount of \$1134.94).
 (9089.8 – Other Employee Benefit/ DPW Contract –In the amount of \$ 2,400.00).
 Seconded by Trustee Simonds. All in favor, motion passed.
- Per email from NYMIR – New York Municipal Insurance Reciprocal. The Village needs to update its anti-sexual harassment policy to meet new standards set by New York States Legislation. Motion needed to accept the NYMIR Policy against Discrimination and Harassment as our own. Trustee Matthews asked to table this until next month, as so everyone has an opportunity to look it over.
- NYMIR – Also states that the State has mandated that all employees must attend an annual training session on sexual harassment. This training must be completed by October 9, 2019. The State has made the training available online. All employees must be given Notice of this. Once training is complete it must be submitted to the Village Office.

The Village must respond in writing in a timely matter. Trustee Matthews asked to table this until next month's meeting.

- The Village Board of Trustees were informed that according to NYMIR – New York Municipal Insurance Reciprocal. The Village Clerk / Treasurer must keep indexed records of any prior written notices received regarding street or sidewalk defects. This is a new, New York State Village Law.
- A motion was made by Trustee Muller to remove locks from restroom doors. Trustee Muller explained in past there was an individual who was causing destruction in the restrooms, this person no longer visits the Library. It's very difficult for the older residents who are in the building for the Library or the Village Office or the Community Center to unlock the door in an emergency. Seconded by Trustees Simonds. All in favor, motion passed.
- A motion was made by Trustee Muller to close the office on Monday, May 27, 2019 in observance of Memorial Day. Seconded by Trustee Lawrence. All in favor, motion passed.

Recognition of Visitors:

- Visitor Ronda Barriger presented a letter of request from the Afton Driving Park and Agricultural Association. They are requesting a waiver of permits and fees for various events to be held from June 20 – 23, 2019 at the Afton Fair Grounds. A motion was made by Trustee Muller and Seconded by Trustee Simonds. All in favor, motion passed.
- Visitor Ronda Barriger from the Afton Driving Park and Agricultural Association requested the use of the Village Parking Area across from the Fairgrounds during the week of the Fair. They are also requesting an extension of 1 hour curfew for the events be held on Friday, June 21 and Saturday, June 22, 2019 at the Afton Fair. A motion was made by Trustee Muller to extend the curfew, and Seconded by Trustee Simonds. All in favor, motion passed.
- Visitor Patricia Stafford stated that the electric pole is still out on Main Street. Mrs. Stafford express that maybe the Village Board of Trustees should think about appointing someone to periodically check on these lights. We seem to have an awful lot of lights out throughout the Village. She suggested that perhaps the DPW or the Police Department could check on the pole outages. Mayor Burnett states that Andrew did check on the lights. Mr. Butler stated that he'd check on the light outages a well.
- Visitor Jerry Harris asked about the 5th wheel camper on Main Street. He stated that it's not properly zoned location. How long are we going to allow this to occur? It's a disgrace and an eye score.
- Enforcement Officer Jeffrey Butler stated that he checked the zoning and called the County to check on the sewage. The home owner stated that they placed this trailer in as

a FEMA trailer. It was stated that this trailer was placed in its current position long after the flooding happening in that area of the Village.

- Mr. Harris stated that the property owner needs to be cited. They are not within the ordinances or the zoning. It's not a normal house. Mr. Harris asked when they are going to get a violation. Mr. Butler stated that he'd check into it.
- Visitor Patricia Stafford stated that the law reads that it must be a double wide with a permanent foundation and the wheels must be removed.
- Trustee Lawrence asked Mr. Butler if his violations are typed up on village letter head. Mr. Butler stated yes they are.
- Visitor Jerry Harris also asked about East Main Street. He stated that last year he and his son help with the temporary fix of the roadway. He stated that he spoke with Andrew on this last year. He supplied Andrew with a list of contacts and recommendations on the much need drainage. He stated that last year the Town dug up the tree stump. The Village was supposed to put in new ditching, this did not happen. He offered to help Andrew with the laser, ditch basin and or culvert. This roadway is one of our highest traffic areas. Drainage needs to be done, the street should be milled and sealed. We continue to place cold patch on it, all that does is continue to crack.
- Trustee Lawrence stated she had a conversation with her father in law about this roadway. She stated that Andrew should still be here, she wanted to ask him about it. She was informed that there was a conversation that the County Highway Superintendent Shawn Fry would be a great support to the Village with help on this said roadway.
- Trustee Simonds asked Mr. Harris if he could meet with Andrew on this discussion. Mr. Harris stated yes, he already has.
- Trustee Lawrence stated that a call needs to be made to Shawn Fry at the County. Hopefully they are still able to help with the work that needs to be done.
- Trustee Matthews asked Mr. Harris if he was looking at the repair/ replacement of this roadway from the Village line up to the cross road. Mr. Harris stated yes.
- Mr. Harris recommends that the Village Board of Trustees appoint a committee to oversee the repair/replacement of this roadway. He's stated that he's not sure of Andrew's experience with road repair.
- Visitor Robert Humphry Jr. asked the Village Board of Trustees about the much needed repair to our village sidewalks. He complained that the sidewalk across for the Country Store is in bad shape. He stated it does not help to have our Town workers parking their big heavy trucks along this sidewalk. He stated that this should not be happening, someone need to speak with a Town Official. There is a no parking sign present, but that it is hidden by growing bushes.
- Visitor Robert Humphry Jr. also stated that he'd like to know when brush pick-up is. He stated that we have a Code Officer that will cite you if you don't mow you lawn. What about the DPW picking up brush. He stated that for 3 weeks DPW drive by a pile of

brush without picking it up. There is no excuse, they drive right by it at least 2 times a day to check the water system.

- Trustee Lawrence stated that she would like to discuss the policy for debris pickup. Trustee Lawrence also stated that she too sees the same piles sitting on Spring Street day after day. Why are we not picking the debris in a timely matter. Trustee Matthews stated that we the Village did have a County worker who would pick the debris up. But that this person no longer is working with the Village. Trustee Muller stated that we need to amend the policies for pickup. Visitor Gloria Harvey stated that maybe this information should be sent out with water billing. Trustee Lawrence stated that we need to revisit the pick-up process. Visitor Jerry Harris stated that perhaps there should be someone overlooking what the DPW is doing. Visitor Charles Torres asked Mr. Harris if he means a private citizen or a Board Member. Mr. Harris stated the Board Members should be doing this. Trustee Lawrence asked to place the revisit of the debris pick-up on next month's agenda.
- Visitor Patricia Stafford asked about the municipal parking lot at the old Great American being full of pot holes. Is this not the Villages responsibility to maintain the up keep of this lot. It was stated that this lot should be black topped. Visitor Jerry Harris asked if the repairs to the parking lot can be placed under the Chip's Program. There were some discussions as to whether the parking area would fall under the Chips Program. Mr. Harris stated that the State will push off little villages. It's up to us to push them if we need help. Mr. Harris suggested that the Board of Trustees consider appointing a committee to help the DPW with dealing with the State.
- Visitor Charles Torres asked if this is indeed a municipal parking lot. Trustee Muller stated that yes a portion of it is, it goes way back. Trustee Muller stated that she does not know the details. But that she's sure it's written within the legal papers. Trustee Muller said that she'd be willing to come into the office to look up the details. Visitor Patricia Stafford stated that she recalls the parking lot incorporation into the village being somewhere around the year 1972. Visitor Charles Torres asked if that would change the outcome of whether the parking lot is eligible for the Chips Program. Visitor Richard Ramsey stated that if the parking lot is broken off into sections it should be. Visitor Curtis Harvey stated that the parking lot is very dangerous, it needs to be fixed. Trustee Muller stated that we will look into what can be done to fix it.
- A motion was made by Trustee Simonds to enter into executive session for personnel matters at 8:35 pm. Seconded by Trustee Muller. All in favor, motion passed.
- A motion was made by Trustee Simonds to exit executive session at 9:30 pm. Seconded by Trustee Lawrence. All in favor, motion passed.
- A motion was made by Trustee Muller to adjourn regular meeting at 9:31 pm. Seconded by Trustee Simonds. All in favor, motion passed.

Respectfully Submitted
Ann Palmatier
Clerk / Treasurer

