

Village of Afton
Board of Trustees Meeting
Jack D. Bolster Community Center, Afton, NY
April 12, 2021

Minutes of the meeting of the Board of Trustees held April 12, 2021 in the Susquehanna Room, 105 Main Street, Afton, NY

Meeting called to order at 7:00 pm, by Mayor Janice Nickerson.

Mayor Nickerson welcomed everyone, and read the following statement:

The last two Board Meetings have ending in chaos, with questions taken out of turn and disruptions of those who are speaking. This cannot continue. We will follow Robert's Rule of Order. The board will complete its business and then and only then will public comments and or questions be allowed. I suggest you write down your questions as the meeting continues, to allow you to get the answers you need. There will be no yelling out of questions or walking around/talking during meetings.

It was stated that in person meetings are not allowable. We are following executive orders that allow us to do so. A thorough cleaning of the room is conducted, after each use. We are complying with mask wearing and social distancing. We ask that all visitors use hand sanitizers upon entering the room.

The following is in response to a letter written to the Village Board by Mrs. Vail, pertaining to the Chicken Code – Local Law # 1 of 2021.

Zoning regulations allowing residents to raise chickens as part of urban agriculture activities have a suggested strategy to increase access to healthy foods and build sustainable, self-reliant food systems. The Village of Afton's zoning regulations establish where and how many chickens are allowed. They outline specific property characteristics and accessory structure requirements, and set standards for animal welfare and waste management. The Village requires a permit to be issued to make us aware of where chickens are housed and to monitor their living conditions by the Village Code Enforcement Officer. Whether they are kept for egg layers, meat, or as pets. Permits are annual cost to the chicken owner. The cost of a permit shall be established by the Village Board after the code has been passed. Dwellings in a village are fairly close to one another, not scattered broadly over the landscape as a dispersed settlement. Development regulations like zoning and subdivision standards apply equally to all properties. There will be times when a particular property is unfairly burdened by the general rules, as there can be no variances for property size.

Chickens are social birds and they do not fare well on their own, so you should have a minimum of two. As a very loose rule of thumb, is two hens per family member. The Village Planning Board feels that 8 is a maximum number for Afton.

Minutes may never include a statement not made at a meeting nor may it include record of an action not taken at a meeting, as this is tantamount to creating a false record.

Present: Mayor Nickerson, Trustee Muller, Trustee Lawrence, Trustee Humphrey, Clerk/Treasurer Palmatier, DPW Supervisor Bailey DeBetta and Officer in Charge Anjelica Stanko.

Absent: Trustee Simonds.

Visitors: Rhonda Barriger, Donald Ouimet, Kenneth Vail, Timothy McNamara and Michael Lawrence.

- A motion was made by Trustee Lawrence authorizing Clerk/Treasurer to pay the following audited vouchers, Seconded by Trustee Humphrey. All in favor, motion passed. **General Fund Vouchers # 312 - 340, Totaling \$20,397.74.**
Water Fund Vouchers # 92 – 100, Totaling \$6,545.01.
- Motion to accept previous minutes with no additions or correction, made by Trustee Muller. Seconded by Trustee Humphrey. All in favor, motion passed.
- Open Public Hearing at 7:05 pm to inform public of the tentative water & general budgets for 2021 -2022.

Monthly Report:

- **DPW/ Water:** DPW Supervisor Bailey DeBetta said that the Department has repaired a water main by Pierce Lane. They have continued to attend online safety webinars. They have assisted with tree removals on Main Street and Spring Street. A curb box replacement has been installed at 2383 NY -41. Pots holes are being repaired, maintenance has been done on the Skid Steer. This past week the Department flushed hydrants. The crew has been peeling the shoulders on Long Hill Road. DPW Supervisor Bailey DeBetta informed the Village Board of Trustees that he has placed bids out for stone for repair of the following roads this year, Pleasant Ave, Orchard Street and Evergreen Ave. He stated that the hydrants that were never ordered are under the last estimate approved by the Village Board of Trustees, therefore we can place the order when we are ready.
- **Police Department.** Reports distributed, read aloud by Officer in Charge Stanko. In January 2021 – the Department assisted the Chenango County Sheriffs with a motor vehicle collision. They responded to a suspicious vehicle complaint on Sand Street. The suspicious vehicle was later identified and ticketed. Patrol conducted numerous property checks. In February 2021 - Patrol assisted the Chenango County Sheriffs with a welfare check in the Town of Afton. Patrol received a code enforcement complaint on Main Street. Patrol assisted the Code Enforcement Officer in making contact with the resident. Patrol conducted numerous property checks. In March 2021 – Patrol responded to a domestic dispute on Main Street and a 911 hang up call on Caswell Street. Patrol conducted numerous property checks. Officer in Charge and Village Board Members worked on the Police Reform Plan, which was brought forth for public comment. The plan was adopted and successfully sent to the Director of New York State Division of Budget. This plan can be viewed publicly online through the New York State Conference of Mayors website or on the Village of Afton web page.

- Code Enforcement: Report distributed, read aloud by Mayor Nickerson. Code Enforcement Officer, Jeffery Butler received calls regarding requirements needed for building permits pertaining to fence installation and deck repairs. He received an inquiry on how to have water turned off at a residential location, referred to DPW. He spoke with a landowner on Commercial Drive, in regards to cleaning up an area where cats are fed. Mr. Butler met with County Code Officer, Steve Fox to sign building permit applications. He spoke with a renter located on Main Street about the placement of trashcans and loitering sign. Mr. Butler will be following up on the 239 for the State, in regards to a sign right away on Main Street. He issued a building permit for a prefabricated garage. Mr. Butler stated that he received a call from a company inquiring information for placement of a solar farm. He referred them to County. He has continued to issue notices for unlicensed/ unregistered vehicles and attended the Planning Board Meeting.
- Planning Board: Trustee Humphrey informed the Village Board of Trustees that the Planning Board held a Public Hearing for a 239-review plan for a take-out only restaurant at 214 Main Street. He stated that New York State Department of Transportation is questioning the current sign at this location. He stated that the Planning Board Chairman, Girard Matthews would be speaking with the property owner. Trustee Humphrey stated that the Planning Board is continuing to look at alternative energy solutions, as they have had some inquiries. Trustee Humphrey stated that the Planning Board would be looking at updating the codebook pertaining to home occupations. Some of these guidelines, conflict with New York State Department of Transportation law; in particular the no backing out onto a State Roadway. He stated that if you have a customer based business, you must have adequate parking available for those customers. Trustee Humphrey informed the Village of Trustees that he shared the letter that he had received from Mrs. Vail in regards to the Chicken code law. As there were some aspects, in which the raising of them did not address meat purposes.
- Finance/Insurance: Up to date.
- Christmas Parade Committee: Remains the same.
- Parks Committee: Remains the same.
- Historian Report: Report distributed. Mayor Nickerson stated that the Town / Village Historian, Kathy Ouimet does a tremendous job; her reports are always long and detail oriented. The report will be placed on the Village Web page for public viewing.
- Dog Control Officer: - Reports distributed for March 2021. Mayor Nickerson stated that the report will be placed on the Village web page for public viewing.
- Afton Central School – Mr. Timothy McNamara informed the Village Board of Trustees that the school building project has begun. The outline for the new vestibule and downstairs offices is moving along. The property on Route 7 is to be prepared for demolishing. Mr. McNamara stated that as of April 26, 2021 School would resume to five full days a week. The school will be following the guidelines set forth by the Center of Disease Control. Last week the school opened the swimming pool; it has been a slow process. We hope to open for some water aerobics soon. The school budget is almost complete; we will be presenting it at the next school board meeting. Mr. McNamara informed the Village Board of Trustees that the school has been awarded the American Rescue Plan Grant.

Old Business:

- Local Law #1 of 2021 – Entitled Chicken Code – The Public Hearing for Local Law #1 of 2021, previously held on Monday, March 8, 2021. Mayor Nickerson stated that this law had been tabled at the last Board Meeting. She asked the Village Board of Trustees if they were ready to move forward with the adoption of the Local Law #1 of 2021 – Entitled Chicken Code.

VILLAGE OF AFTON LOCAL LAW NO. 1 FOR THE YEAR 2021 A LOCAL LAW ENTITLED “CHICKEN CODE”

Be it enacted by the Village Board of the Village of Afton as follows:

Section 1. General Provisions

- 1) No person shall breed, raise, harbor or maintain any bees, poultry, chickens, turkeys, ducks, geese or any other fowl, any swine, pigs, horses, mules, goats or any other animals or reptiles except domesticated pets within the Village of Afton unless specifically authorized in any other provision of the Code of the Village of Afton.
- 2) Further prohibited are any animals that are vicious, dangerous, obnoxious, objectionable, or offensive or that have, in the absence of intentional provocation, repeatedly chased, menaced, attacked or inflicted bodily injury to a person or domestic animal, excluding wild birds, rodents and reptiles.
- 3) Notwithstanding the foregoing, chickens may be kept and maintained under the following circumstances:
 - (a) **Number:** No more than eight hens shall be allowed for each taxable parcel used as a residence. If chickens are kept at a rental property, the owner of the chickens must maintain a current written authorization for the keeping of chickens on the property, signed by the property owner or authorized agent.
 - (b) **Setbacks and Bulk Restrictions:** Coops or cages housing chickens must be at least 25 feet from any door or window of any dwelling or building other than the chicken owner’s structures, and also at least 10 feet from any property line. Coops and cages shall also only be located to the rear of the chicken owner’s dwelling.
 - (c) **Enclosure:** Hens shall be provided with a covered, predator – proof coop or cages that are well ventilated and designed to be easily accessed for cleaning. The coop shall allow at least 2.5 square feet per hen. Hens shall have access to an outdoor enclosure that is adequately fenced to contain the birds on the property and to prevent predators from access to the birds. The enclosure must be sized to allow at least 5 square feet per chicken. Hens shall not be allowed out of these enclosures unless a responsible individual, over 18 years of age, is directly monitoring the hens and is able to immediately return the hens to the fenced enclosure or coop if necessary.

- (d) **Sanitation:** The coop and outdoor enclosure must be kept in a sanitary condition and free from offensive odors. The coop and outdoor enclosure must be cleaned on a regular basis to prevent the accumulation of waste.
- (e) **Slaughtering:** Outdoor slaughtering of chickens is prohibited.
- (f) **Roosters:** It is unlawful for any person to keep roosters in the Village of Afton.
- (g) **Permit:** An annual permit to keep chickens is required, which shall be reviewed and approved by the Code Enforcement Office, issued by the Village Clerk's Office, and thereafter will be filed and maintained in the Code Enforcement Office. The initial fee and renewal fee for such permit shall be set from time to time by resolution of the Village Board.
- (h) **Application:** The application for a permit must contain the following:
 - 1. Applicants Name
 - 2. A working contact number
 - 3. The address of the applicant
 - 4. If the applicant is a renter, a letter from the property owner/ owners consenting to the issuance of a permit to keep the chickens on the said premises.
 - 5. Consent from the applicant for inspection of the outdoor premises of the property at reasonable times by the Village or its agent to determine compliance with the provisions of this subsection.
 - 6. Acknowledgment of the receipt of an information packet from the Village of Afton which includes a copy of this statute, together with information regarding the proper maintenance and handling of domestic chickens in a residential environment.
- (i) **Notice of Removal/Disposal:** The chicken owner must immediately notify the Village when the chickens are permanently removed or disposed of.
- (j) **Application for Variance:** In the event an application is denied for failure to conform with the requirements of this local law, the applicant may request a variance from such requirement by appealing the denial to the Village Zoning Board of Appeals within thirty days of the denial. The Village Zoning Board of Appeals shall have authority to deny, grant, or grant with conditions any variance to this local law's requirements.

Section 2. Remainder

Except as hereinabove amended, the remainder of the Code of the Village of Afton shall remain in full force and effect.

Section 3. Severability

The provisions of this Local Law are severable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words, or parts of this local law or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this local law would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included

therein, and as if such person or circumstance, to which the local law or part thereof is held inapplicable, had been specifically exempt therefrom.

Section 4. Effective Date

This Local Law shall take effect immediately upon filing with the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

VILLAGE OF AFTON
RESOLUTION APPROVING LOCAL LAW NO. 1 of 2021

At a regular meeting of the Village Board of Trustees of the Village of Afton held at the Jack D. Bolster Community Center, 105 Main Street in said Village on the 8th day of March, 2021, the following resolution was offered and seconded:

WHEREAS, the Village of Afton scheduled a public hearing for March 8, 2021 at 7:05 p.m. for Local Law No. 1 of the year 2021 entitled “A Local Law entitled ‘Chicken Code’”; and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Village, and posted on the Village Clerk’s signboard; and

WHEREAS, said public hearing was duly held at the Jack D. Bolster Community Center, 105 Main Street in the Village at 7:05 p.m. on March 8, 2021, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law or any part thereof; and

WHEREAS, pursuant to Part 617 of the implementing regulations of the State Environmental Quality Review Act, it has been determined by the Village Board that the local law constitutes an Unlisted Action as defined under said regulations. The Village Board has considered the possible environmental impacts of the law, concluded that it will not have a significant adverse impact on the environment, and adopts a negative declaration with respect to the same; and

WHEREAS, the Village Board, after due deliberation, finds it in the best interest of the Village to adopt said local law.

NOW, THEREFORE, BE IT RESOLVED that the Village Board of the Village of Afton hereby adopts said local law as Local Law No. 1-2021 entitled “A Local Law entitled ‘Chicken Code’” a copy of which is attached hereto and made a part hereof; and it is further

RESOLVED that the Village Clerk be and hereby is directed to enter said Local Law in the minutes of this meeting and to enter said Local Law in the Local Law Book of the Village of Afton, and to give due notice of the adoption of said Local Law to the Secretary of State; and it is further

RESOLVED that this resolution will take effect immediately upon filing with the Department of State.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Mayor: Janice Nickerson	VOTING	<u> Aye </u>
Trustee Sally Muller	VOTING	<u> Aye </u>
Trustee Robert Humphrey, Jr.	VOTING	<u> Nye </u>
Trustee Deanna Lawrence	VOTING	<u> Aye </u>
Trustee Michele Simonds	VOTING	<u> Absent </u>

The resolution was thereupon declared duly adopted.

- A motion made by Trustee Muller to set the yearly fee for chickens at \$5.00. Seconded by Trustee Lawrence. All in favor, motion passed.

New Business:

- Mayor Nickerson informed the Village Board of Trustees that she has spoken with Mr. Isaiah Sutton from the Chenango County Public Health Department about the possibility of Village hosting the Memorial Day Parade. Sadly, we will need to cancel this year's parade, as Mr. Sutton stated that the only way to host this event would be to either host indoors or outdoors with a gated way with proof of vaccination or with negative test results. Mayor Nickerson stated that the only options for an indoor location would be the school building, which is not available for outside school use. The Fairgrounds are a possibility for the outdoor location, but there is no way to control who has or has not received the vaccination.
- A motion made by Trustee Muller to appoint Girard Matthews as the Chair Person for the Planning Board. Seconded by Trustee Humphrey. All in favor, motion passed.
- A motion made by Trustee Lawrence to grant the request of keys to the Village Office to Girard Matthews. Seconded by Trustee Muller. All in favor, motion passed.
- A motion made by Trustee Muller to conduct the Organizational meeting during our May 2021 regular scheduled meeting. Seconded by Trustee Lawrence. All in favor, motion passed.
- A motion made by Trustee Muller to move a total of \$31,500.00, from the following water fund allocations, for payment to Lamont Engineers, as follows:
(8397.0 – Capital Improvement – for \$20,000.00).
(8389.4 – Other Water Systems Improvement – for \$11,500.00).
(1990.40 –Contingency - \$2,100.00).
Seconded by Trustee Lawrence. All in favor, motion passed.
- A motion made by Trustee Lawrence to move a total of \$5,309.60 from Capital Reserve Water Improvement Savings Fund for the payment to Lamont Engineers. Seconded by Trustee Muller. All in favor, motion passed.

- A motion made by Trustee Muller to move a total of \$657.06 from (8340.44 – Building Maintenance) in our Water Budget for the following Budget Appropriations: (8340.41 – Buildings Electric – for \$657.06).
Seconded by Trustee Humphrey. All in favor, motion passed.
- A motion made by Trustee Muller to move a total of \$2,398.73 from (1990.40 – Contingency) in our Water Budget for the following Budget Appropriations: (F9060.80 – Medical Insurance Water – for \$2,398.73).
Seconded by Trustee Lawrence. All in favor, motion passed.
- A motion made by Trustee Muller to Motion needed to move a total of \$9,862.90 from (1990.0 – Contingency Fund) out of General Budget for the following Budget Appropriations:
(A1620.40 – Building Contractual – for \$169.95).
(A1620.44 – Supplies / Equipment – for \$38.05).
(A1620.45 – Building Maintenance- for \$141.58).
(A1325.10 – Clerk Treas. Personal Services – for \$2,930.76).
(A9060.8 – Hospital & Medical Insurance – for \$5,484.05).
(A5110.47 – Misc/Sup/Training – for \$196.87).
(A5110.20 – Street Main, Equipment, Vehicle – for \$901.64).
Seconded by Trustee Lawrence. All in favor, motion passed.
- A motion made by Trustee Muller to move a total of \$478.76 from (A1640.41 – Central Garage Heat) out of General Budget for the following Budget Appropriations: (A1640.43 – Central Garage Telephone – for \$478.76).
Seconded by Trustee Lawrence. All in favor, motion passed.
- A motion made by Trustee Lawrence to move a total of \$438.45 from (A1640.45 – Central Garage Office Equipment) out of General Budget for the following Budget Appropriations:
(A1640.44 – Central Garage Oxygen/ Tools – for \$438.45).
Seconded by Trustee Humphrey. All in favor, motion passed.
- A motion made by Trustee Muller to approve purchase of new computer for the Police Department at a cost of no more than \$750.00. Seconded by Trustee Lawrence. All in favor, motion passed.
- A motion made by Trustee Lawrence to move no more than \$750.00 from (A3120.20 – Police Equipment / Vehicle Expense) out of General Budget to the following Budget Appropriation:
(A3120.46 – Police Office Supplies), for the purchase of a new computer for the Police Department. Seconded by Trustee Humphrey. All in favor, motion passed.
- Mayor Nickerson asked the attending public if there were any question on the proposed tentative water and general budgets for 2021-2022. There were no questions or comments made by the attending public.
- A motion made by Trustee Lawrence to close the public hearing on the tentative water and general budgets for 2021-2022. Seconded by Trustee Muller. All in favor, motion passed.

- A motion made by Trustee Muller to accept the tentative general & water budgets for 2021- 2020 as the village of Afton operating budgets. Seconded by Trustee Lawrence all in favor, motion passed.

Recognition of Visitors:

- Visitor Rhonda Barriger presented the Village Board of Trustees with a letter of request of waivers from the Afton Driving Park and Agricultural Association for events held at the Afton Fairgrounds. Mrs. Barriger stated that she has been in contact with a County Health Official who suggested that the Fair Board hold off on canceling the upcoming fair. Mrs. Barriger stated that the Fair Board Association would follow the recommendations s set forth by the State & County Officials.
- The letter of request presented to the Village Board of Trustees by Mrs. Rhonda Barriger on behalf of the Afton Driving Park and Agricultural Association needed more detail on the dates requested. The Village Board of Trustees asked Mrs. Barriger to submit another letter of request specifying the exact dates of request.
- A motion made by Trustee Lawrence to adjourn our regular meeting at 7:45 pm. Seconded by Trustee Humphrey. All in favor, motion passed.

Respectfully Submitted

Ann Palmatier
Clerk / Treasurer