

**Village of Afton
Board of Trustees Meeting
Jack D. Bolster Community Center, Afton, NY
April 8, 2024**

Minutes of the meeting of the Board of Trustees held April 8, 2024 in the Susquehanna Room, 105 Main Street, Afton, NY.

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

Present: Mayor Dedman, Trustee D. Lawrence, Trustee Humphrey, Trustee T. Lawrence, Clerk/Treasurer Palmatier and DPW Supervisor DeBetta.

Absent: Village Code Enforcement Officer Jeffrey Butler and Officer in Charge Frank Ventura.

Visitors: Donald Ouimet, Daron Schultes, Becky Komorowski, Linda Matthews, Jason Wicks and Tara Halaquist.

- A motion made by Trustee D. Lawrence authorizing Clerk/Treasurer to pay the following audited vouchers. Seconded by Trustee T. Lawrence. All in favor motion passed.

General Fund Voucher's # 239 - 269, totaling \$25,284.77.

Water Fund Voucher's # 102 – 113, totaling \$15,882.29.

- Motion to accept previous minutes with no additions or correction, along with the minutes from the budget workshop held on March 6, 2024 made by Trustee Humphrey. Seconded by Trustee D. Lawrence. All in favor, motion passed.
- Open Public Hearing at 7:15 pm for the purpose of informing the public of the tentative water and general budgets for the 2024 -2025.
- Open Public Hearing at 7:16 pm for the Local Law # 2 of 2024 – Amending Chapter II. “Businesses and Trades” will be amended to add Article III “Fines, Penalties, and Enforcement.

Monthly Report:

- DPW/ Water: Verbal report given by DPW Supervisor DeBetta.
- Police Department. Mayor Dedman stated that Officer in Charge, Ventura is absent, that his report will be submitted to the Clerk, once received it will be posted on the web page.
- Code Enforcement: Mayor Dedman said that Code Enforcement Officer Butler is absent, however we do have his report for anyone wishing to view it, and this too will be placed on the village web page.

- Planning Board: Trustee Humphrey informed the Village Board of Trustees that he did not attend the last Planning Board Meeting.
- Finance/Insurance: The Clerk/ Treasurer informed the Village Board of Trustees that past due water billing has been re-billed. A new billing has been received for unallocated insurance pertaining to the bond policy. Chenango County has issued payment to the village for the unpaid taxes and water for the 2023 tax year.
- 4 Towns Forward: No representative, no report.
- Historian Report: Mayor Dedman stated that he had received this report he will forward to the village for posting.
- Dog Control Officer: - Report distributed.
- Afton Central School – No representative.

Old Business:

- Railroad discussion. – Trustee D. Lawrence informed the Village Board of Trustees that she has been communicating with a representative from the Railroad Company in regards to the billing that the village has received. The village has been charged a rate of \$2,300.00 annually, in which she was told that that this is a blanket charge. The railroad was not aware that the village is a municipality. She has been able to get the billing down to \$300.00 annually, with an increased on a compound basis by any positive, year-over-year percentage change in the “Consumer Price Index”. Currently we are waiting for the paperwork from them outlining these changes.
- Progress on the 2 Yellow Houses. Mayor Dedman has submitting for grant funds with Empire State Development through the Restore New York Funding Program to hopefully receive funds to help with the cleanup and demolition of these two properties.
- Water Meter Project Progress. – Trustee T. Lawrence and Trustee Humphrey attended a meeting in Guildford to meet with suppliers and discuss different meter options available for the village’s needs. Their recommendation would be the Neptune Meters to begin the Zone 1 install.
- Trustee Humphrey reminded those in attendance that the village is in need of Planning Board Members and Zoning Board of Appeals Members. Anyone wishing to be a member can reach out to a Village Board Member.

New Business:

- A motion made by Trustee D. Lawrence to accept the email vote that was made on Monday, March 18, 2024 authoring Mayor Dedman to sign and submit for grant funds with Empire State Development, through the Restore NY Funding Program. Seconded by Trustee T. Lawrence. All in favor, motion passed.
- A motion made by Trustee L. Lawrence to conduct an organizational meeting during our May 2024 regular scheduled meeting. Seconded by Trustee Humphrey. All in favor, motion passed.

- A letter of request received from Mrs. Patricia Schultes asking to plant a red maple in remembrance of her late father Ross Willes at Foster Park. Her letter of request was read aloud by Mayor Dedman.
- A motion made by Trustee T. Lawrence allowing for Mrs. Schultes to place a remembrance tree at Foster Park, providing that she speak with the care taker of Foster Park, Mr. Ronald Sherman, on possible placement location. Seconded by Trustee Humphrey. All in favor, motion passed.
- A motion made by Trustees Humphrey to move \$1870.52 in general budget from Contingency Fund (A1999.40), for budget overages to the following:
 - A. Electricity Buildings (A1620.42), for \$1195.31.
 - B. Garage Telephone (A1640.43), for \$110.60.
 - C. Unallocated Insurance (A1910.40), for \$100.00.
 - D. Police Office Supplies (A3120.46), for \$329.58.
 - E. Street Lights Contractual (A5182.40), for \$62.48.
 - F. Electricity for Parks (A7110.42), for \$72.55.

Seconded by Trustee Humphrey. All in favor, motion passed.

- A motion made by Trustee T. Lawrence to move \$371.08 in the water budget from Contingency (1990.40), for budget overages to the following:
 - A. Chemicals (F8330.41), for \$371.08.

Seconded by Trustee Humphrey. All in favor, motion passed.

- A motion made by Trustee T. Lawrence to close the village office at 12:30 pm on Thursday, April 18, 2024. Seconded by Trustee Humphrey. All in favor, motion passed.
- Public Comments – on Tentative Budgets. Mayor Dedman asked the attending public if there were any question on the proposed tentative water and general budgets for 2024-2025. There were none.
- A motion made by Trustee D. Lawrence to close the public hearing on the tentative water and general budgets for 2024-2025, at 7:25 pm. Seconded by Trustee Humphrey. All in favor, motion passed.
- A motion made by Trustee T. Lawrence to accept the tentative water and general budgets for 2024- 2025 as the village of Afton operating budgets. Seconded by Trustee Humphrey. All in favor, motion passed.
- Public Comments – on Local Law #2 of 2024 – Amending Chapter II. “Businesses and Trades” will be amended to add Article III “Fines, Penalties, and Enforcement. Mayor Dedman asked the attending public if there were any question on the Local Law #2 of 2024.
- Visitor Mr. Donald Ouimet, who is the Town Judge expressed that the way this law is written that it would require that the Village Attorney oversee the enforcement of the law. As the Town too has laws where it requires that the Town Attorney oversee.
- A motion made by Trustee Humphrey to close the public hearing on Local Law #2 of 2024, entitled fences at 7:28 pm. Seconded by Trustee T. Lawrence. All in favor, motion passed.

VILLAGE OF AFTON
LOCAL LAW NO. 2 FOR THE YEAR 2024
A LOCAL LAW AMENDING CHAPTER II, BUSINESSES AND TRADES
TO ADD ARTICLE III
ENTITLED “FINES, PENALTIES, AND ENFORCEMENT”

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

Section 1. Chapter II, “Businesses and Trades” will be amended to add Article III, “Fines, Penalties, And Enforcement” as follows:

Insert:

Article III. Fines, Penalties, And Enforcement

2-3-1 The Village Code Enforcement Officer is authorized to inspect any complaints of a person, business, or trade allegedly operating without a license required pursuant to this Chapter. The Village Code Enforcement Officer is authorized to issue a notice to any person, business, or trade operating in violation of this Chapter. Every person, business, or trade must cooperate with the Village Code Enforcement Officer in providing access to the premises and the event for inspection.

2-3-2 If the Village Code Enforcement Officer determines that there are any violations of this local law, a written notice will be served upon the owner or operator.

a. The notice must contain the following:

- 1) The date and approximate time the violation was observed;
- 2) A recitation of the specific section of the local law the conditions violate;
- 3) A recitation of the violations observed;
- 4) A statement of the number of days from the date of the notice that the owner or operator has to apply for and obtain a license pursuant to this Chapter, which may not be less than 10 days nor more than 60 days; and
- 5) A statement of the penalties for noncompliance, as set forth herein.

b. A copy of this notice will be filed in the Village Clerk's Office, and such notice will be deemed sufficient if served:

- 1) In person;
- 2) By certified mail with return receipt requested; or
- 3) By posting a copy of the notice on the building, only if attempts to serve the owner or occupant by the first two methods set out above are unsuccessful and sending the notice by regular mail to the property address.

c. Upon failure to comply with the notice, the Code Enforcement Officer will issue an appearance ticket to the license holder that is returnable to the Town Court, and send a copy to the Village Attorney.

2-3-3 Penalties for Offenses.

- a. Violations of this code are be punishable by a fine not to exceed \$250 or by imprisonment for not more than fifteen (15) days, or both. Each day that a violation exists will constitute a separate and continuing violation subject to fines and potential imprisonment.
- b. The Village Code Enforcement Officer is authorized to coordinate with the Village Attorney to pursue injunctive relief if circumstances so warrant.

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. Separability

The provisions of this Local Law are separable 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. 2 OF 2024

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 8 day of April, 2024, the following resolution was offered and seconded:

WHEREAS, the Village of Afton scheduled a public hearing at 7:16 p.m. for Local Law No. 2 of the year 2024 entitled “Amending Chapter II, BUSINESSES AND TRADES, to add Article III, entitled ‘Enforcement, Fines, and Penalties’”; 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 7:16 p.m. on April 8, 2024, 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 the State Environmental Quality Review Act (“SEQRA”), it has been determined by the Village Board that adoption of the proposed Local Law constitutes a Type II Action as defined under 6 NYCRR 617.5 (26) and (33); 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. 2 of 2024 entitled “Amending Chapter II, BUSINESSES AND TRADES, to add Article III, entitled ‘Enforcement, Fines, and Penalties’” 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.

CERTIFICATION

I, Ann Palmatier, do hereby certify that I am the Village Clerk of the Village of Afton and that the foregoing constitutes a true, correct and complete copy of a resolution duly adopted by the Village Board of the Village of Afton at a meeting thereof held at the Jack D. Bolster Community Center, 105 Main Street, Afton, New York on the 8th day of April, 2024. Said resolution was adopted by the following roll call vote:

Mayor: Patrick Dedman	<u> Aye </u>
Trustee Robert Humphrey, Jr.	<u> Aye </u>
Trustee Deanna Lawrence	<u> Aye </u>
Trustee Tyler Lawrence	<u> Aye </u>

- Trustee T. Lawrence informed the Village Board of Trustees that he has had DPW Supervisor DeBetta to look in the a trade-in of the current Backhoe which is a Case 2018 580N S/N CJC750612, with Milton Cat. In past the village has discussed getting into a program that allows for them to trade in older equipment before it loses its value to ensure that they are getting the most out of their equipment. The current backhoe is six years old and in need of new tires, which are costly. A new 2024 Cat 420 XE BHL with Milton is \$149,358.00. They are willing to give the village a trade-in value of \$54,000.00, bring the total cost of the new machine to \$95,358.00. Milton Cat will place a warranty on the new machine for 2 years up to 1000 hours, at that time the village will have the option to trade in. There is a total of \$39,000.00 in the DPW Equipment Capital Reserves Savings Fund to be used towards this purchase. The remaining balance of \$56,358.00 could be used from the General Fund Savings Account #2.
- A motion made by Trustee D. Lawrence to purchase a 2024 Backhoe -Cat 420 XE BHL from Milton Cat in the amount of \$149,358.00, with a trade in on the Case 2018 580N S/N CJC750615 at a value of \$54,000.00. Making the total purchase price of the 2024 Cat 420 XE BHL- \$95,358.00. A total of \$39,000.00 to purchase this equipment will come from the DPW Equipment Capital Reserves Savings Fund. The remaining balance of \$56,358.00 will be used from the General Fund Savings Account #2. Seconded by Trustee T. Lawrence. All in favor, motion passed.

Recognition of Visitors:

- Visitor Becky Komorowski thanked the Mayor for meeting with her and the other members of HALos. Ms. Komorowski expressed that they will be opening up their community room. In addition they have just refinished their sensory room, where currently Mrs. Joyce Humphrey has been working with the school children from Bainbridge and Guilford. Mrs. Humphrey would like to set up a meeting with the Afton Central School Superintendent, to be able to provide counseling services to the local area children. Mrs. Komorowski asked how to get in touch with Ronny Ford, as HALos is planning on hosting their annual ride parade. In the past Ronny has allowed for the kids to ride their bikes around the racetrack. At that time Mrs. Komorowski was asked to speak with the gentleman behind her (Jason Wicks) as he is the new Afton Fair Board President. Mrs. Komorowski informed the Village Board of Trustees that HALso has been asked by Four Towns Forward to help at the Music Festival by hosting a children's area. At this time HALso has reached out to the school for a list of honor society kids that may be interested in getting some community service. Mrs. Komorowski informed the Village Board of Trustees that the North Afton Church would be conducting a clean-up day on April 27, 2024, they are planning on cleaning the headstones in the North Afton Cemetery. Currently, they are looking for donations for the cleaning solution that is used to clean the headstones. They are looking at different way to hold some functions to raise the money need to buy the cleaning solution.
- Visitor Jason Wicks inform the Village Board of Trustees that he is the new Fair Board President. He came to the meeting to get information on the permit process in regarding to the races. The Village Board of Trustees informed Mr. Wicks that Mr. Clapper had attended a board meeting asking about the fees for the required racing permits. Mr. Wicks was informed that the race permit is \$50.00 per day and any food vending would be \$10.00 for each concession. However, the Chenango County Health Department must do an inspection on all food site sales. Mr. Wicks was informed that no race can start after 11:00 pm, due to noise ordinances, no race can start before noon on Sundays. The Village Board of Trustees also informed Mr., Wicks that historically if the Fair Board hosts any function at the Fair Grounds that benefits the Fairgrounds solely, that a waiver of permits is granted. However, a letter of request must be submitted to the Village Board of Trustees beforehand. Mr. Wicks informed the Village Board of Trustees that the dates for the fair this year will be July 18th thru July 21st, 2024. Discussions of the Fair Board possibly allowing a "Go Cart Track" on the Fairgrounds. Mr. Wick was informed that the gentleman looking to host this event had attend a Planning Board Meeting, at this time it's up to the Fair Board. The Village Board of Trustees reminded Mr. Wicks that they would be required to have emergency services available at each race held.
- Visitor Daron Schultes informed the Village Board of Trustees that he'd like to have another meeting with the school officials about the Memorial Day Parade and their part in the event. Mr. Schultes indicated that he was able to secure a bag-pipe player for the parade. He asked if anyone has come up with a speaker, at this time they are still looking for a speaker. Trustee D. Lawrence stated that she had spoken with someone about the placement of the flags, banners and flowers for the event. She has also spoken with Julie Brooks about the VFW's part in the parade. Trustee D. Lawrence reminded Trustee T. Lawrence that he would need to speak with AYSO to have the sports kids involved with the parade. Trustee D. Lawrence indicated that she could be sure that flyers were given out in Friday folders to go home with the school children, they could let kids know that they can decorate their bikes for the parade. Mr. Schultes stated that they are not able to get other Fire Departments here to help with traffic control or to patriciate, as they all do their own Memorial Day Parades. However, he is aware that Officer in Charge Ventura indicated that they could help.

- A motion made by Trustee D. Lawrence to enter into executive session at 8:44 pm to discuss the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation. Seconded by Trustee T. Lawrence. All in Favor, motion passed.
- A motion made by Trustee D. Lawrence to exit executive session at 9:40 pm. Seconded by Trustee T. Lawrence. All in favor, motion passed.
- A motion made by Trustee T. Lawrence to adjourn our regular meeting at 9:41 pm. Seconded by Trustee D. Lawrence. All in favor, motion passed.

Respectfully Submitted,

Ann Palmatier,
Clerk / Treasurer