

Village of Afton
Board of Trustees Meeting
Jack D. Bolster Community Center, Afton, NY
December 12, 2022

Minutes of the meeting of the Board of Trustees held December 12, 2022 in the Susquehanna Room, 105 Main Street, Afton, NY

Meeting called to order at 7:00 pm, by Deputy Mayor, Trustees Lawrence.

Present: Deputy Mayor - Trustee Lawrence, Trustee Humphrey, Trustee Komorowski, Trustee Winans, Clerk/Treasurer Palmatier and Village Code Enforcement Officer Jeffrey Butler.

Absent: DPW Supervisor DeBetta and Officer in Charge, Stanko.

Visitors: Ronda Barriger, Linda Matthews, Maryann Palmetier, Charles Torres, Donald Ouimet, Ronny Ford, Todd Stanton and Tyler Lawrence.

- A motion made by Trustee Humphrey authorizing Clerk/Treasurer to pay the following audited vouchers. Seconded by Trustee Komorowski. All in favor, motion passed.

General Fund Voucher's # 188 - 187, totaling \$312,432.76.

Water Fund Voucher's # 78 – 87, totaling \$106,403.76.

- A motion made by Trustee Humphrey to accept previous minutes with the following corrections.

A.

Motion to move \$79,323.61, from# 1 Capital Reserves Improvement Building Savings Fund for partial payment of Invoice # 7 - to DN Tanks of New York, LLC for the Capital Reserves Water Storage Tank replacement, to the following:

(9950.90 – Transfer to Capital Projects Funds – for \$79,323.61).

Motion should be in the amount of \$72,978.15.

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

- A motion made by Trustee Humphrey to accept the previous minutes with the following corrections.

B.

Motion to move \$47,526.80, from# 2 Capital Reserves Improvement Building Savings Fund for remaining balance of Invoice # 7 - to DN Tanks of New York, LLC for the Capital Reserves Water Storage Tank replacement, to the following: (9950.90 – Transfer to Capital Projects Funds – for \$47,526.80). Motion should be in the amount of

\$53,872.26.

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

Monthly Report:

- DPW/ Water: Report distributed, read aloud by Deputy Mayor, Trustee Lawrence. DPW Supervisor Bailey DeBetta stated in his report that the Department has finished with the leaf pickup. They have removed the leaf box from the back of the truck to begin getting the plows and salters ready for the winter season. They have repaired two water main breaks on Park Ave. A curb box leak was repaired on Sand Street. The filling of the new water storage tank has been completed.
- It was asked if the tank was functional at this time. Deputy Mayor, Trustees Lawrence expressed that the Health Department will need to do their inspection, along with other testing requirements. At this time due to DPW Supervisor DeBetta not being available to confirm where they are in the process, we'll need to gather that information. However, it was confirmed by Supervisor DeBetta at the last meeting that the certification was the next step in finishing the project. It was confirmed by Supervisor DeBetta that we could lift the water restrictions that have been in place. This information will be placed on the Village of Afton web page to inform the public.
- Police Department. No representative, October and November 2022 report distributed. Reports were read aloud by Deputy Mayor, Trustee Lawrence. It was noted by Deputy Mayor Trustee Lawrence that Officer in Charge, Stanko had hand delivered reminders of special parking for the Christmas Parade to Main Street Businesses on November 30, 2022. Officer Stanko would like it noted on the Village of Afton web page to remind residents of the Village ordinance 8-6-3: November 1 "to April 1 "there is NO STREET parking from 2:00 AM - 6:00 AM. The fine is \$50.00 to be paid to the village in person or by mail. This includes the parking spaces that are located on Main Street.
- Code Enforcement: Report distributed, read aloud by Code Enforcement Officer Butler.
- There were discussions among the Village Board of Trustees of the Code Report findings on a complaint of old tires being disposed of in the creek on Spring Street. Deputy Mayor, Trustee Lawrence asked Code Officer Butler if the Village of Unadilla Code Officer was looking at issuing tickets. Code Officer Butler, responded yes, they have the same issues as we do.
- Planning Board: Trustees Humphrey informed the Village Board of Trustees that there were discussions on the site plan review for 214 Main Street. The Planning Board expects that Buell Fuels will meet all setbacks for this property including NYSDOT and Railroad requirements. It was recommended that screens be used to provide visual concealment of propane tanks located on the property. Mr. Ferriola from Buell Fuels stated that approximately 25 – 100 gallon new tanks would be on site waiting for placement for new customer service installation, as such these tanks would remain empty of fuel. The Planning Board discussed the ongoing variance request put forth by Mr. & Mrs. Vail. There were discussions among the Planning Board pertaining to fence laws. Planning Board Chairman, Gerry Matthews distributed different laws from Bainbridge and Oxford for review by the Planning Board Members to implement for the village.
- Finance/Insurance: Up to date, remain the same.

- 4 Towns Forward: Deputy Mayor, Trustee Lawrence stated that she would need to reach out to Chamber Member, Judy Hinman to see where we are with 4 Towns Forward.
- Clerks Report: The Village Clerk /Treasurer Palmatier informed the Village Board of Trustees that the billing for Burke Pest Control has increased along with the New York State Teamsters Health Insurance. Therefore just keep these increases in mind once the budget process begins.
- Historian Report: Report distributed. Deputy Mayor, Trustee Lawrence stated the Mrs. Ouimet always does a good job. The report is available to anyone who would like to see it.
- Dog Control Officer: - Report distributed. Deputy Mayor, Trustee Lawrence states that this report includes both the Town and the Village if any one wishes to view it.
- Afton Central School – No representative. Deputy Mayor, Trustee Lawrence expressed that currently there is a lot of illness going around at school.

Old Business:

- Water rate discussions – There were discussions among the Village board of Trustees about the raising of the water rates. It was decided that all rates would be increased by 10% beginning with the July – December 2023 water rate billing cycle.
- A motion made by Trustee Humphrey to increase all water billing rates for the July – December 2023 billing cycle to 10% going forward. Seconded by Trustee Winans. All in favor, motion passed.

New Business:

- A motion made by Trustee Humphrey to accept the resignation of Janice Nickerson, as Mayor effective November 21, 2022. Seconded by Trustee Komorowski. All in favor, motion passed.
- A motion made by Trustee Humphrey to move \$6,316.89, from # 2 Capital Reserves Improvement Building Savings Fund for payment of Invoice # 15 – to Lamont Engineers for engineering services as follows: (8320.20 – Water Contractual – for \$6,316.89). Seconded by Trustee Winans. All in favor, motion passed.
- A motion made by Trustee Winans to move \$90,053.16, from # 2 Capital Reserves Improvement Building Savings Fund for payment of Invoice # 8 - to DN Tanks of New York, LLC for the Capital Reserves Water Storage Tank replacement, to the following: (9950.90 – Transfer to Capital Projects Funds – for \$90,053.16). Seconded by Trustee Komorowski. All in favor, motion passed.
- Bond Resolution on the prior bond resolution, authorizing the increase in the maximum estimate cost of the village sewer project (the project) to increase up to \$16,600,000.00. Deputy Mayor, Trustee Lawrence expressed that the Village Engineer Brendon Becker from Lamont Engineers was planning on attending tonight’s meeting, however he is ill. At this time it was decided that this resolution will be tabled until Brendon Becker is available to be here to discuss the project further with the Village Board of Trustees.

- A motion made by Trustee Humphrey to sign the warrant for unpaid taxes to be returned to the County for collections. Seconded by Trustee Komorwski. All in favor, motion passed.
- Deputy Mayor, Trustee Lawrence informed the Village Board of Trustees as well as those in attendance that on Saturday she picked up 11 bags of toys through the Toys for Tots program that was submitted through the Village by the Village Clerk / Treasurer to be used at the School for their Angel Tree Program.
- Deputy Mayor, Trustee Lawrence informed the Village Board Trustees of a Certified Letter that the Village has received from the Delaware and Hudson Railway Corporation (Norfolk Southern Railway Company, Successor). The letter is referencing the (lease) – railroad property right of way, in which the village has an agreement of a \$15.00 annual fee. But this letter states that as of March 1, 2023, that annual fee will increase to \$2,300.00. The Clerk / Treasurer has left a message for a returned call on this matter. We will need to look into it further as the letter does not give any details on the property in question.

Recognition of Visitors:

- Visitor Ronda Barriger stated that they had seen in last month's minutes that the fair board and the race track were discussed. They thought that perhaps they should come tonight to discuss it. Deputy Mayor, Trustee Lawrence stated that there was a little bit of an issue with the permits, but that they are currently up to date. Deputy Mayor, Trustee Lawrence expressed to Mr. Ronald Ford that it's important to the Village Board that he comes to the office to get his permits on a weekly bases. Mr. Ford agreed, he stated that he's bad about that. He stated that if previous Mayor Sally Muller ever had a problem she'd send someone over on a Friday night to collect the money. Deputy Mayor, Trustee Lawrence expressed to Mr. Ford that the Village Board of Trustees are happy that he's continued to run the race track and they want to see him stay doing so. Mr. Ford stated that races are one of the few things that helps bring people into the village. Deputy Mayor, Trustee Lawrence agreed, and thanked Mr. Ford. Mr. Ford introduced visitor Todd Stanton, who will be helping him with the technical end of running the race track. Deputy Mayor, Trustee Lawrence stated to Mr. Ford that she would like to make note of an awareness that it's being said that the races will be switching to Saturday night instead of Friday night, Is this a for sure thing? Mr. Ford stated that yes it is. Deputy Mayor, Trustee Lawrence asked Mr. Ford if when he has finished his race schedule for the new season, if he will present the Village Board with a copy, Mr. Ford said that he would. Deputy Mayor, Trustee Lawrence stated to Mr. Ford that she's not sure if for him if it would make sense for him to obtain his permits on a 6 month permit issuing bases. Mr. Ford stated that they don't race for a 6 month period. Deputy Mayor, Trustee Lawrence expressed that it may be worth looking into especially when it comes to the food vending portion of the permit requirements. There were discussions as to how many races were held last year, vs how many they anticipate on holding this coming race season.
- Visitor Ronda Barriger expressed that she understands that the Village Board should have been informed about the changes in the upcoming race season being moved from Friday night to Saturday night, due to the fairgrounds being within the village limits. However she does not feel as though the Village should be a part of the negotiation process. Deputy Mayor, Trustee Lawrence, agreed. Mrs. Barriger expressed that it was an

oversight on the Fair Board's part, they never thought to keep the village informed. Trustee Humphrey expressed that he's all for the races, it just seems as though the Board Members are always playing catchup, which is not what we want to do. Trustee Humphrey stated that Village Board just wants to be kept informed. Mr. Barriger stated that no contract has been signed yet, they are still in the negotiation process. Trustee Humphrey stated that he goes to the races every week, he thinks it would probably be better for Mr. Ford to run on Saturday Night. Mrs. Barriger expressed that yes it would be better for Mr. Ford, but that she still needs to think about the fairgrounds and other events that are held there throughout the year. Trustee Humphrey stated that the truck and car shows were eventful and nice to see and attend. Mr. Barriger stated that it is a community affair, they do what they can to bring people together.

- Visitor Charles Torres informed the Village Board of Trustees that he has submitted quite a few FOILS that have gone unanswered to the previous Mayor, Janice Nickerson, one of the FOILS was answered partially. Mr. Torres expressed to the Village Board of Trustees, that he's is very detailed about things being done the right way, for everyone's benefit, this way there is no margin of error. All governments have certain procedures and operations that they must follow. With receiving the partially filled FOIL I came across the email that involves 4 Towns Forward. Mr. Torres handed out a copy of the email in question to the Village Board of Trustees. Mr. Torres asked that it be placed on the record, within the Village Board minutes that he personally, has nothing against 4 Towns Forward or any of the individuals who works for or are a part of them. He feels as though what they are trying to do is a really good idea. Mr. Torres pointed out that at the last board meeting he stated that the Mayors position is a horrible job with little pay, with a lot of responsibility, that's serious. Part of that responsibility includes keeping the Village Board of Trustees in the loop of any actions or anything that is done in the name of The Village of Afton, which would include money or grants. Mr. Torres stated that when he came across this email with the partiality filled FOIL he had requested from, Mayor Nickerson he has found that there is a person who is an outside source that's asking to have access to the Village of Afton's grant gateway system. Mr. Torres expressed that this concerns him, it may be nothing but he stated that he had done his due diligence and searched the pervious minutes. He stated that there was no mention by Mayor Nickerson of bring this information to the Village Board of Trustees, in any minutes. Mr. Torres stated that if you continue to look at the email chain that was sent to Mayor Nickerson, this outside person wants to be added as administrator to an email that they have established at aftongrants@gmail.com. Mr. Torres stated that he has found no record in the minutes where the village has established such an email account for grant proposes. Mr. Torres expressed his concern on what is out there in limbo in the Villages name that we don't know, but perhaps should know. Mr. Torres expressed that anything that Mayor Nickerson has done on behalf of the Village should have been made aware to the Village Board of Trustees as well as the public. Mr. Torres stated for the record he does not know who this person is, but he does know that they are not sitting here at the table with the Village Board of Trustees. This person was asking the then Mayor, Janice Nickerson to have access to the village credentials and wants to be placed as administrator for those grants. Mr. Torres states that in his request for FOILS, he is aware that the Village has paid out to 4 Towns Forward a total of \$600.00 for a membership fee, with nothing coming in return. The concern here is, what the Village's name has been used with and for. The Mayor should have been informing everyone, not keeping everyone in the dark of what is happening. The Afton grant email that's not ours but it is attached to the village. My question would be, what the Village of Afton's name has been used with along with other villages to obtain grant funding. I have seen on Facebook where 4 Towns Forward has given out grants to various establishments, which is

fantastic. However one would wonder if our Village should be getting a cut of a grant somewhere? What credentials has our Mayor given that is privy only to our village. The question is what's going on? Mr. Torres stated that along with his FOIL request he's found that during Mayor Nickerson tenure that she's established 4 private emails that she has used for government functions. Mr. Torres stated that at last month's meeting it was clear that the Mayor had no interest in speaking with her Board of Trustees or the public, which is an important part of being the Mayor. Mr. Torres expressed that these are some of the serious concerns he has pertaining to the operations that are unknown to you the Board Members without approval or knowledge. The Village residents should be made aware as well, it's their right to know. This is how you build trust in your community with transparency.

- Trustee Humphrey states that the Village Board of Trustees were aware of the proposed electric car charging station grant that they were trying for through the 4 Towns Forward, however it did not transpire.
- Visitor Charles Torres expressed that it not about the 4 Towns Forward, it's a great concept to band together to try to receive funds. It's about the access to village information, how do we know if there is moneys sitting out there on behalf of the village. Again my concern is what's going on, what's out there in the Villages name, we don't know at this time, it's the Mayors responsibility to inform everyone. It's her job to bring it to the Village Board of Trustees.
- Visitor Charles Torres stated that most of the time when a certified letter is sent, there were previous attempts that were made that went unanswered. It's the responsibility, no matter how stressful the job is for the person that's sitting in the Mayoral seat to inform every one of what's happening, what's going on. What credentials has the Mayor, Janice Nickerson given to outside sources that should not have been shared. All of these things that I've pointed out paint a picture of total lack of communication.
- There were discussions among the Village Board of Trustees of not having enough information given to them to make informed decisions. Deputy Mayor, Trustee Lawrence, asked the Village Clerk/ Treasurer if she was aware of the grant gateway program. The Village Clerk / Treasurer Palmatier stated yes, the grant program was something that the Village has been a part of when Sally Muller was Mayor. At the time when Mayor Nickerson asked the Clerk how to gain access to the account, the Clerk told Mayor Nickerson that Brendon Becker from Lamont Engineers had the access information, as he was and has been apply for grants on behalf of the Village. The clerk stated that it's her understanding that Mr. Becker gave Mayor Nickerson the access information to log into the gateway grant program, which as Mayor is her right to have that information. It's not clear if she passed the information along to a third party.
- Deputy Mayor, Trustee Lawrence expressed her concern over a portion of the email handed out by Mr. Torres pertaining to a possible jeopardizing of the water grant that the village is trying to receive. It was stated that perhaps the Mayor may have been told this by Brendon Becker from Lamont Engineers. There were discussions among the Village Board of Trustees about the third party in question and the 4 Towns Forward. Visitor Tyler Lawrence expressed that he asked the question before about who's responsible to or who could attend a 4 Towns Forward meeting. At that time Mayor Nickerson said anyone can attend. It was stated that as long as it's a government meeting it's open to public for all to attend. Deputy Mayor, Trustee Lawrence expressed that there may be

information that they are not aware of. She stated that she would need to reach out to Judy Hinman, from the Afton Chamber of Commerce. Trustee Komorowski stated that perhaps she could attend a 4 Towns Forward meeting to gather more information on behalf of the village.

- A motion made by Trustee Humphrey to enter into executive session at 8:05 pm to discuss personnel matters leading to the appointment of the Mayor. Seconded by Trustee Komorowski. All in favor, motion passed.
- A motion made by Trustee Humphrey to exit executive session at 8:30 pm. Seconded by Trustee Winans. All in favor, motion passed.
- A motion made by Trustee Humphrey to leave the Mayoral position vacant until the March 21, 2023 election, with the remaining of the current 3 year term to be placed on the ballot. With, Deputy Mayor, Trustee Lawrence continuing with the Mayoral Duties as Acting Mayor until the March 21, 2023. Seconded by Trustee Winans. All in favor, motion passed.
- A motion made by Trustee Humphrey to adjourn our regular meeting at 8:45 pm. Seconded by Trustee Winans. All in favor, motion passed.

Respectfully Submitted

Ann Palmatier
Clerk / Treasurer