

**Village of Afton**  
**Board of Trustees Meeting**  
**Jack D. Bolster Community Center, Afton, NY**  
**July 11, 2022**

Minutes of the meeting of the Board of Trustees held July 11, 2022 in the Susquehanna Room, 105 Main Street, Afton, NY

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

**Present:** Mayor Nickerson, Trustee Lawrence, Trustee Humphrey, Trustee Winans, Clerk/Treasurer Palmatier, DPW Supervisor DeBetta, Officer in Charge, Stanko and Village Code Enforcement Officer Jeffrey Butler.

**Absent:** Trustee Komorowski

**Visitors:** Gerry Harris, Linda Matthews, Joseph & Catherine Politano and Mr. & Mrs. Frank Foxworth.

- **No motion was made to pay the following Vouchers:**
- **General Fund Vouchers # 39 - 62, Totaling \$38,096.31.**  
**Water Fund Vouchers # 13 – 24, Totaling \$60,253.61.**
- Motion to accept previous minutes with no additions or correction, made by Trustee Lawrence. Seconded by Trustee Humphrey. All in favor, motion passed.
- Open Public Hearing at 7:05 pm for the purpose of adoption of Local Law #2 of 2022, entitled “A local Law amending Local Law # 1 of 2021, entitled “Chicken Code” to add penalties and fines for violations.

**Monthly Report:**

- DPW/ Water: Verbal report given by DPW Supervisor Bailey DeBetta.
- Police Department. Report distributed. Read allowed by Officer in Charge, Stanko.
- Code Enforcement: Report distributed. Read aloud by Village Code Enforcement Officer Jeffrey Butler. Trustee Lawrence told the Code Enforcement Officer Butler, that in the past there was a conflict of interest for him to be writing code violations. At this time this is not the case, he should be doing when necessary.
- Planning Board: Trustee Humphrey informed the Village Board of Trustees that the Planning Board meeting was held on July 6, 2022, due to the 4<sup>th</sup> of July Holiday. Trustee Humphrey stated that he has not seen Mr. Girard Matthews to receive the written minutes from the meeting. The Planning Board Members have elected Mr. Girard Matthews to continue to hold the position of Chairperson. Trustee Humphrey stated that the Board has not received any returned calls from NEXUS, pertaining to the Solar Fields on Caswell

Street. Trustee Humphrey stated that going forward, when a Holiday falls on a regular scheduled Planning Board Meeting, the Board will be holding those meetings on the following Wednesday.

- Finance/Insurance: Mayor Nickerson met with the insurance representative last week to go over the policies.
- Christmas Parade Committee: Remains the same.
- Parks Committee: Remains the same.
- Historian Report: No report.
- Dog Control Officer: - Report distributed.
- Afton Central School – No representative.

#### **Old Business:**

- Water Rate Discussions – Mayor Nickerson states that the water rates have not been updated since 2008, we need to decide how much to increase the rates as well as how to set categories going forward to ensure that all residents and businesses are being charged correctly. In some cases there are businesses who have opened doors without contacting the village for water services. Trustee Lawrence expressed that it's hard to gage the village's rates with other villages, as most of them are metered. We are one of the few villages who are not metered. There were many discussions among those in attendance and the Village Board of Trustees. Trustee Lawrence stated that the focus for the Village needs to be on the water tank replacement project, the placement of water meters throughout the village and then a sewer district project. It was decided that a 10% increase on all current water billing would be the best option, before going forward Mayor Nickerson will be contacting the Village Attorney to discuss the next steps.
- Discussion on letter received from New York State Department of Environmental - DPW Supervisor, DeBetta stated that he has spoken with Chenango County Code Officer, Steve Fox pertaining to the Corporate Drive request. Mr. Fox is aware of the gravel piles, the piles belong to both the Village and the Town. Supervisor, DeBetta stated that Mr. Fox expressed that because there is no floodplain management agreement, the village has been notified of these matters. Supervisor DeBetta states that once there is an agreement in place there will be no issues with the gravel piles. The Village Clerk has researched the information pertaining to the intermunicipal Floodplain Management agreement with Chenango County. Mayor Nickerson stated that there were discussions at the August 13, 2018 and the November 12, 2018 Board Meeting, but that no agreement was ever voted upon by the Village Board of Trustees. Mayor Nickerson said that she would speak with Mr. Fox before the village votes on an intermunicipal floodplain agreement with the County.

#### **New Business:**

- A letter of request from the Afton Community Parks Association to use the Village of Afton office grounds as far as the flagpole, along with the bathroom facilities during the Afton Arts & Crafts Festival. They have also requested the use of the picnic tables from the pavilion, located on East Main Street at the village office grounds, where they will be serving food on site. The Afton Arts & Crafts Festival will be held on August 20<sup>th</sup> and August 21<sup>st</sup>, 2022. The Greater Afton Area Chamber of Commerce is hosting the event.
- A motion made by Trustee Humphrey allowing the request for the use of the Village of Afton grounds and facilities, as well as the village owned picnic tables to be used by the Afton Community Parks Association, during the Afton Arts & Crafts Festival on August 20<sup>th</sup> and August 21<sup>st</sup> 2022. Seconded by Trustee Lawrence. All in favor, motion passed.
- A motion made by Trustee Humphrey to move \$3,634.65, from Capital Reserves Water Improvement Savings Fund for payment of Invoice # 1 1 - to Lamont Engineers for engineering services as follows:  
(8320.20 – Water Contractual – for \$3,634.65). Seconded by Trustee Winans. All in favor, motion passed.
- A motion made by Trustee Lawrence to move \$55,240.56, from Capital Reserves Water Improvement Savings Fund for payment of Invoice # 3 - 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 \$55,240.56). Seconded by Trustee Humphrey. All in favor, motion passed.
- A motion made by Trustee Lawrence approving and endorsing the Village of Afton in its application to NYS Homes and Community Renewal for funding under the NYS Main Street Program, with the desired to apply for \$20,000.00 in financial assistance through the 2022 Consolidated Funding Application (CFA). Seconded by Trustee Winans. All in favor motion passed.

**Resolution as follows:**

Resolution by the Village of Afton Board of Trustees approving and endorsing Village of Afton in its application to NYS Homes and Community Renewal for funding under the NYS Main Street Program

**WHEREAS**, the Village of Afton desires to apply for \$20,000 in financial assistance through the 2022 Consolidated Funding Application (CFA) under the NYS Main Street Program

; and

**WHEREAS**, the application proposes funding to assist property owners to complete building renovations to downtown “main street” buildings on Main Street between Pleasant Ave. and Maple Street; and

**WHEREAS**, the proposed funding will contribute to ongoing community revitalization efforts; and

**WHEREAS**, the grant application requires that the applicant obtain the approval and endorsement of the governing body of the municipality in which the project will be located.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Trustees of Village of Afton approves and endorses the 2022 NYS Main Street Program for assistance prepared and to be submitted by Village of Afton

Passed by the following vote of all Board of Trustee Members voting in favor thereof:

Affirmative Board of Trustees Members:

Affirmative: #4

Negative: #

Abstain: #

The resolution was thereupon declared duly adopted.

- A motion made by Trustee Humphrey to close the village office on Thursday, July 28, 2022. Seconded by Trustee Lawrence. All in favor, motion passed.
- Mayor Nickerson asked if there were any questions or comments on the Public Hearing for the adoption of Local Law #2 of 2022, entitled “A local Law amending Local Law # 1 of 2021, entitled “Chicken Code” to add penalties and fines for violations.
- Visitors Mr. & Mrs. Foxworth and Mr. & Mrs. Politano expressed their concerns over not being able to have chickens. All parties were informed that this is not true, that the village has adopted a chicken code that would allow for residents to have at least 8 hens, providing that all setbacks are met within the law. Email information was exchanged from each party, to have the chicken code information sent for their viewing.
- A motion made by Trustee Lawrence to close the Public Hearing at 8:00 pm, for adoption of Local Law #2 of 2022, entitled “A local Law amending Local Law # 1 of 2021, entitled “Chicken Code” to add penalties and fines for violations. Seconded by Trustee Humphrey. All in favor motion passed.

**VILLAGE OF AFTON  
LOCAL LAW NO. 2 FOR THE YEAR 2022**

**A LOCAL LAW AMENDING LOCAL LAW NO. 1 FOR THE YEAR 2021  
ENTITLED “CHICKEN CODE” TO ADD PENALTIES AND FINES FOR VIOLATIONS**

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

Section 1. Local Law No. 1 for the year 2021 is hereby amended as follows:

New Section 1, subparagraph 4, is added as follows:

- 4) This Local Law may be enforced by the Code Enforcement Officer, Village Police Department, or any other duly authorized police officer or peace officer. Such enforcing officer shall issue a notice of violation providing not less than ten (10) days' time to correct the violation, by serving such notice (a) in person or (b) by first class mail and posting a copy of such notice at the property where such violation is occurring. Upon failure of a person duly noticed to correct the violation, the enforcing officer shall issue and serve an appearance ticket in accordance with law.

New Section 1, subparagraph 5, is added as follows:

- 5) Any person who continues to violate this Local Law after expiration of the correction period provided for pursuant to subparagraph 4 hereof shall be deemed to have committed an offense, and any person convicted of any such violation shall be liable for a penalty of not more than \$50 for each violation. Any person so convicted of such violation as a second offense shall be liable for a penalty of not less than \$50 and not more than \$100, and a third or subsequent offense shall be liable for a penalty of not less than \$100 and not more than \$200. Upon failure to pay any such fine, such person may be imprisoned until such fine is paid, not to exceed 15 days. Each day that a violation shall continue to exist shall be considered a separate violation for purposes of this Local Law.

New Section 1, subparagraph 6, is added as follows:

- 6) Conviction of a violation of this Local Law shall automatically result in revocation of any permit granted pursuant to this Local Law. In addition, conviction of a violation shall be grounds to deny a permit application, where such conviction occurred within the prior twelve months.

New Section 1, subparagraph 7, is added as follows:

- 7) No remedy or penalty specified in this Local Law shall be the exclusive remedy or penalty available to address any violation described in this Local Law, and each remedy or penalty specified herein shall be in addition to, and not in substitution for or in limitation of, the other remedies or penalties specified in this Local Law.

## 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. 2 OF 2022**

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 11th day of July, 2022, the following resolution was offered and seconded:

**WHEREAS**, the Village of Afton scheduled a public hearing for July 11, 2022 at 7:05 p.m. for Local Law No. 2 of the year 2022 entitled “A LOCAL LAW AMENDING LOCAL LAW NO. 1 FOR THE YEAR 2021 ENTITLED “CHICKEN CODE” TO ADD PENALTIES AND FINES FOR VIOLATIONS”; 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 July 11, 2022, 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. 2 of 2022 entitled “A LOCAL LAW AMENDING LOCAL LAW NO. 1 FOR THE YEAR 2021 ENTITLED “CHICKEN CODE” TO ADD PENALTIES AND FINES FOR VIOLATIONS” 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 11th day of July, 2022. Said resolution was adopted by the following roll call vote:

Mayor: Janice Nickerson     Aye      
Trustee Rebecca Komorowski     Absent      
Trustee Robert Humphrey, Jr.     Aye      
Trustee Deanna Lawrence     Aye      
Trustee Andrew Winans     Aye    

### **Recognition of Visitors:**

- Visitor Linda Matthews expressed to Supervisor DeBetta that they were appreciative of the work that was performed on Sand Street, but they are wondering if he plans on back filling, as there a dip in the roadway that causes their vehicle to bottom out. Supervisor DeBetta stated that they will be continuing the work on Sand Street.
- Visitor's Mr. & Mrs. Foxworth expressed their concerns about the black soot all over their windows, screens and their vehicles. When their windows are open it's on their window sills, floors and table. It's a constant battle to keep everything clean. They asked if there were rules as to whether they should be informed as to when burning will be taking place at the mill. Mayor Nickerson stated that she'd look into what precautions could be put forth.
- Visitor Gerry Harris expressed his concern over the eroding boat ramp access, he feels as though the village should fix it. Mayor Nickerson states that she spoke with DEC last year about fixing the ramp, she was told by DEC that they will not fix the current conditions of the ramp. The way the water flows it causes a gravel pile up that continues to fill in the area. Mr. Harris states that he had spoken to the Army Corps of Engineers, about this problem. Mr. Harris feels as though the cleaning of the channel should be done every couple of years. Mr. Harris suggested that perhaps the boat launch could be moved to the end of Maple Street, behind Foster Park. He feels as though people are missing out on the use of the ramp. Trustee Humphrey states that placing a boat ramp behind the park would be a bad idea as there is no room for parking.
- Visitor Gerry Harris expressed his concern about the erosion on the river bank along Riverside Drive. He stated that he had spoken to the Army Corps of Engineers on this issue as well. He states that if something is not done about the erosion there will be lost trees and houses along the riverbank.
- Visitor Gerry Harris expressed his concern over the blacktopped part of the sidewalk on Maple Street. He stated that it is hazard to walk on, it's uneven. Supervisor DeBetta said that once the turbines come through the sidewalk will be replace by Bluestone Winds. They has agreed to replace what is existing.
- A motion made by Trustee Lawrence to adjourn our regular meeting at 8:25 pm. Seconded by Trustee Humphrey. All in favor, motion passed.

Respectfully Submitted

Ann Palmatier

Clerk / Treasurer