

Village of Afton
Board of Trustees Meeting
Jack D. Bolster Community Center, Afton, NY
March 11, 2019

Minutes of the meeting of the Board of Trustees held March 11, 2019 at 7:00 pm in the Susquehanna Room, 105 Main Street, Afton, NY

Meeting called to order at 7:00 PM

Present: Mayor Burnett, Trustee Matthews, Trustee Zablocki, Village Attorney Beth Westfall, DPW Superintendent Andrew Acla and Village Code Enforcement Officer Jeffrey Butler.

Absent: Trustee Harvey, Trustee Simonds

Visitors: Montana Allen, Michelle Strong, Devin Barker, Marge Petrie, Edward Jones III, Charles Torres, Joyce Thorsalnd, Diane Whippel, John Lawrence, Shirley Butler, Kenneth Vail, David & Frances Dodge, Mark Strong, David L. , Susan & John Dougherty, Cindy Kinsey, Jay Hager, Deanna Lawrence, Ollie Gonzales, David Wylubski, Alyson & John Parsons and Lila Harris.

- A motion was made by Trustee Zablocki authorizing Clerk/Treasurer to pay the following audited vouchers, Seconded by Trustee Matthews. All in favor, motion passed.
General Fund Vouchers # 261 - 287, Totaling \$9,512.23.
Water Fund Vouchers # 103 – 107, Totaling \$371.16.
- Motion to accept previous minutes with no additions or corrections was made by Trustee Matthews, seconded by Trustee Zablocki. All in favor, motion passed.
- Open Public Hearing at 7:05 PM to discuss the 2% cap law.

Monthly Report:

- **DPW/ Water:** Report Distributed. Mr. Acla expressed that he was glad to see such a large turnout of residents in attendance. He stated that he had taken a trip to Albany last week to attend a service lesson with 600 other City, Villages, Towns and Highway Departments. He stated that he was able to meet with our local Senator Frederick Akshar and Assemblyman Clifford Crouch. The purpose of lesson was to discuss ways in which to increase the Chips funding program for much needed road repairs. Mr. Acla also stated that he stands behind the DPW crew.
- **Police Department.** Report Distributed.
- **Code Enforcement:** Jeffrey Butler gave a verbal report. He stated that he had a complaint of a sewage leak on High Street. That the Great American continues to clear their area of snow removal. He spoke with a few residents about their sidewalks and junk cars. He had also attended the Village Planning Board Meeting this month.

- Planning Board: Trustee Matthews informed the Village Board of Trustees that the Planning Board has questions from a Village resident about the merging of adjoining properties. The Board continues working with Mr. Butler the Village Code Enforcement Officer with his questions and concerns. The Planning Board continues to work on the updating of the zoning within the Village. They are using copies of other Village/ Town of our size within the area as a guide.
- Finance/Insurance: Up to date.
- Christmas Parade Committee: Remains the same.
- Grant Committee: Remains the same.
- Parks Committee: Visitor Dianne Whipple informed the Village Board of Trustees that the Parks Committee had their Valentines Dance with great success. They will be holding a Chili Cook off Challenge / Vender Sale on Saturday, May 4, 2019 at 10 am at the New Town Hall, public participations is welcomed.
- Historian Report: Report distributed.
- Dog Control Officer: - Report distributed.

Old Business:

New Business:

- Public Comments on 2% Tax Cap
- A motion was made to close the Public Hearing on the 2% Tax Cap Law at 8:30 pm by Trustee Zablocki. Seconded by Trustee Matthews. All in favor motion passed.
- Village Attorney Beth Westfall asked the Mayor to table the Public Hearing on the 2% Tax Cap Law – Local Law #1 of 2019 until the next Board meeting to held in April.
- Motion made by Trustee Matthews to table the decision on the passing of the 2% Tax Cap Law – Local Law #1 of 2019 until next month's board meeting. Seconded by Trustee Zablocki. All in favor, motion passed.
- Village Attorney Beth Westfall asked the Mayor to set forth a Special Meeting for the purpose of informing the public of the tentative water and general budgets for 2019-2020.
- A motion was made by Trustee Matthews to hold a Special Meeting on Monday, March 18, 2019 at 6 pm for the proposed of information the public of the tentative General & Water Budgets for the 2019 -2020 fiscal year. Seconded by Trustee Zablocki. All in favor, motion passed.

Recognition of Visitors:

- Visitor David Dodge asked the Village Board of Trustees what the reason was for the purpose of adopting Local Law #1 of 2019 -2% Tax Cap Law.
- Visitor Frances Dodge asked if the Village was experiencing any added expenses more than usual to warrant the increase in taxes.
- Village Attorney Beth Westfall stated the Village is anticipating expense increases with the Department of Public Works contracting with the Teamers Union.
- Both Mr. & Mrs. Dodge stated that they oppose to the passing of the Local Law #1 of 2019 -2% Tax Cap Law.
- Visitor Jay Hager asked if there was a budget in place yet.
- Village Attorney Beth Westfall stated that we are working on one.
- Visitor Frances Dodge stated that our streets are broken up and our sidewalks are in bad shape. Is there any money in the budget for these things?
- Visitor Kenneth Vail asked why do you want to put this 2% Tax Cap in place before you even do our budget. He stated that this is kind of like putting the horse before the cart.
- Village Attorney Beth Westfall stated that the Village Board does not have to pass the 2% Tax Cap Law tonight. That they will be passing their budget at the April Board Meeting.
- Mr. Vail stated that he opposes to the passing of the Local Law #1 of 2019 -2% Tax Cap Law.
- Visitor Charles Torres asked the Mayor what her responsibilities are since she's taken office. If she's following the rules set forth by the municipal laws. Village Attorney Beth Westfall stated that Mr. Torres could ask this question later after the public comment of the proposed law.
- Mr. Torres then asked how long the 2% Tax Cap applies for if passed. If you raise the cap do you obtain a certain level of rate or does it return to the previous rate at the end of the tax year.
- Village Attorney Beth Westfall stated that it's only good for one budget year. Every year the Village must decide whether to adopt this law.
- Mr. Torres stated that he opposes to the passing of the Local Law #1 of 2019 -2% Tax Cap Law.
- Visitor Jay Hager stated that if the Village remains under the 2% tax cap he receives a refund from the state on his property taxes. He asked if the village goes over this amount for the 2% tax cap. Does that mean that I won't get my property tax refund check?

- Village Attorney Beth Westfall stated that yes that would mean that your check wouldn't be as much.
- Mr. Hager stated that they opposes to the passing of the Local Law #1 of 2019 -2% Tax Cap Law.
- Visitor Kenneth Vail asked the Village Board what is the main concern. Where is it that you think you need this extra money?
- Trustee Zablocki stated that there will be added expenses with the Department of Public Works pending Teamers Contract.
- Visitor Mark Strong stated that he's in the Union. There is a huge difference between what he makes to what these guys currently make. There's a lot involved, why is it that the Village is interested in bring the union in to Afton?
- Visitor Cindy Kinsey asked how many employees are we speaking of, in regards to the union? The Mayor stated that we have 2 employees.
- Visitor David Dodge stated that he thought that the Village had more employees than that. Village Attorney Beth Westfall stated that we have 2 worker and 1 Superintendent.
- Visitor Jay Hager asked if the Board has investigated how much more this will cost the Village. Because Mark Strong is correct, it's going to be expensive.
- Visitor Charles Torres asked is the reason why they need to pass this proposed law, for just 2 people.
- Village Attorney Beth Westfall stated that the law has not past as of yet. We are here tonight to seek public opinion.
- Visitor Joyce Thorsalnd stated that she's lived in village a few years now, from what I've heard here tonight I don't think that we should pass this law. I oppose.
- Visitor Marge Petrie asked if any of this increased funds coming from Local Law #1 of 2019 -2% Tax Cap Law if pasted will be coming back into the village and not just to the DPW. She stated that we have pots holes throughout out roads and our sidewalks are a mess.
- Village Attorney Beth Westfall stated that the money could be used for anything.
- Visitor Marge Petrie stated that we need this money to go towards the Village. She stated that as long as the money is going back into the Village. She is ok with the passing of the Local Law #1 of 2019 -2% Tax Cap Law.
- Visitor John Lawrence stated that the Teamers Contract will go through, regardless of the Local Law #1 of 2019 -2% Tax Cap Law passing. The DPW will still have their contract with the added expenses. If they don't pass this law 2% is the max that they can increase the tax base too. That'll also depend on the cost of living.

- Visitor David Dodge stated that what John just said makes a lot sense. I approve of the Local Law #1 of 2019 -2% Tax Cap Law passing.
- Visitor John Parson stated that he's lived in the Village for 7 years. He stated that he'd be paying more taxes than mortgage. This increase would be a challenge for his family. He opposes to the passing of the Local Law #1 of 2019 -2% Tax Cap Law.
- Visitor Montana Allen stated that she too opposes to the passing of the Local Law #1 of 2019 -2% Tax Cap Law.
- Visitor Michele Strong stated that she opposes to the passing of the Local Law #1 of 2019 - 2% Tax Cap Law.
- Visitor Devin Barker stated that he opposes to the passing of the Local Law #1 of 2019 - 2% Tax Cap Law.
- Visitor David Wylubski stated that he opposes to the passing of the Local Law #1 of 2019 - 2% Tax Cap Law. He feels that it's ridiculous to give 2 people union rights. He stated his father in law was the one who worked with outside companies to fix the road last year.
- Visitor Jay Hager stated that our water has been bad for years. DPW Superintendent Andrew Acla stated that he has walked in on things needing attention. He stated that we are working on fixing what we can.
- Visitor Michelle Strong asked Code Enforcement Officer Jeffrey Butler what his plans were for the 2 yellow houses across from her house, about the junk house next to her house, the rocket ship next to her house and junk behind her house. She said you are the code officer right. Mr. Butler stated that it'll take time for the cleanup process.
- Visitor Michelle Strong asked the Mayor when her office hours are. She stated that she's been to see her several times and she is never in the office. The Mayor stated that she has 2 businesses to run and she always in and around town. That she can be found anywhere on the street, leave a message with clerk.
- Visitor Marge Petrie asked Code Enforcement Officer Jeffrey Butler about the house on Spring Street. She stated that she and her neighbors complained about the condition of this property last year. She said that the foundation is crumbling into the cellar of the house. Mr. Butler stated that when you call these people they don't return calls. Mrs. Petrie asked Mr. Butler if he had phoned Mr. Steve Fox, the County Code Officer. Mr. Butler stated that he would do so. Mrs. Petrie said please do.
- Visitor Deanna Lawrence asked if she could see the Police Departments monthly report. She was given the report to view.
- Visitor Mark Strong asked who the Animal Control Officer was. Mr. Vail informed him that it is Amy Cross. That the Town / Village share the appointed person. John Lawrence corrected that Amy's title is Dog Control Officer, not Animal Control Officer.
- Visitor Marge Petrie asked the Village Board of Trustees if the Village would be willing to do a meeting & greet for those that are running for the coming election for the Trustee positions. As not everyone who is running is known by the Village residents.

- There were many discussions on when and where this may be done. Village Attorney Beth Westfall informed everyone that no one is allowed to campaign on Election Day. It was decided that it was up to those who are running as to whether they wanted to participate in such.
- Visitor Kenneth Vail gave his opinion of not knowing who to vote for when those on the ballot don't come to a Village Meeting.
- Trustee Zablocki stated that those who are on the ballot did the campaigning involved to have their names placed on the ballot.
- Visitor Charles Torres asked who would be running of the positions available.
- Visitor Cindy Kinsey stated that she's aware that our previous Mayor is running.
- Visitor Deanna Lawrence stood to say that she's on the ballot for election. She stated that she's lived in Afton her whole life. She is willing to step up and do what she can for the Village. She stated that she has the time to put forth for the duties, her children are grown. She informed everyone in attendance that she'd appreciate their support. She stated that she does not do social media. Deanna stated that John Lawrence is her father in law. She agrees with him the ship as sailed for the Teamers Contract, we need to accept that. I realize that no one wants their taxes to go up. I have not looked at the budget, so I don't know where we stand, but I'll do my best for the Village. Thank you.
- A motion was made by Trustee Matthews to form a Committee for the feasibility and sustainability for the police force. Seconded by Trustee Zablocki. All in favor motion passed.
- Village Attorney Beth Westfall asked who will on this committee. It was stated that the committee already has members. Those members are Mr. Charles Torres, Mr. Martin Pettit and Mrs. Deanna Lawrence.
- Visitor Kenneth Vail asked how many people reside on the Village Board. Village Attorney Beth Westfall stated that they are 4 – Trustees and 1 – Mayor. You must have at least 3 of those people present to conduct a meeting.
- Visitor Jay Hager stated that this tax cap law will affect my rebate. I already pay \$1100.00 a year in taxes, that's enough. Which will in turn affect everyone else.
- Visitor Kenneth Vail asked the Village Board of Trustees about the Johnson property. He stated that the DPW was going to connect them to the water main. Mr. Acla stated that this has already been done. Mr. Vail stated that the Village tax payers paid for them to receive our water. Mr. Acla stated no, they paid for the connection of the new service. Mr. Vail said the tax payers still paid for the labor on this water connection. Mr. Vail asked the Board if they have changed the ordinances. It states that no outside villagers will receive new water services. Mr. Vail feels as though residents should have been made aware of this placement of new water services prior to it being installed. It's not our fault that they have a bad well. They should not have been allowed to get this water. We picked up the tab for them, due to their bad business venture. Mr. Acla disagreed, they have paid for those services.

- Visitor Charles Torres stated that if the people in question are not within the Village boundaries. Then the board has set presidents to allow for others to tap into our water lines.
- Visitor Deanna Lawrence asked about the water being billed to residents outside the Village, for new residents.
- Village Attorney Beth Westfall stated that the Village has the right to sell water to outside village residents.
- Visitor Kenneth Vail asked what the plan is for the East Side. He stated that there has been no changes over there. Mr. Vail asked that special attention to be made of the East Side when doing the budget. He feels as though the water main should be repaired as well as the roadway. He said that water runs off and causes erosion. My driveway has had issues from this as well. I had to place crushed stone in my driveway over the past last 2 years.
- DPW Superintendent Andrew Acla stated that he's confident that there is no water leak on the East Side. We need to fix the drainage issues. These issue are coming from water run-off.
- Visitor David Wylubski asked when the East Side road will be fixed. DPW Superintendent Andrew Acla stated that he has collected estimates from Suit-Kote for repairs.
- Trustee Matthews read the corresponding email receives form Mr. John Deierlein the Vice President and Government Banking Manager of the NBT Bank. Mr. Deierlein wanted to make the Village aware of the different interest rates going into effect with money market accounts.
- Visitor John Lawrence asked the Village Board of Trustees if the Village had discussed any negotiations with the DPW on a pay raise or health insurance prior to meeting with Teamers. Mr. Lawrence then asked who has sat in on these meetings. Village Attorney Beth Westfall stated she has, the Mayor and Trustee Matthews.
- Visitor Jay Hager asked what the union scale is. Village Attorney Beth Westfall stated they cannot discuss that.
- Visitor Lila Harris asked if there would be any left over money after the water tank replacement. If so what will it be spent on. Trustee Matthews explained that current were not even sure how much money in total were looking at for the entirety of the project. We've been working with an engineering firm for grant funding. If the grant is awarded we have no way of knowing at this time what those funds will be.
- Trustee Matthews sated that we don't meet specific criteria's. The hardship falls under the 2% more of a family income. In order to fall under that we'd have to double our water rates.
- It was stated that we were denied grant funding. The first round of funding was denied. But the village has resubmitted there application to be considered for the next round of grant funding.

- Visitor Jay Hager asked what type of tank we are talking about. Trustee Matthews stated that the current tank is made of steel. We are looking at different possible replacements. There has been talk of refurbishment, but we're unsure of the shape of the current tank.
- DPW Superintendent Andrew Acla said that the Chenango County Health Department has stated that we need to address some issues.
- Visitor Charles Torres stated that Martin Pettit the previous Officer in Charge has spoken of secured fencing around our tower for added protection. As it is exposed, anyone could have access.
- DPW Superintendent Andrew Acla assured that all hatches are pad locked. There is no access to the water source. The outside perimeter could possibly need fencing. But that they village also shares right of way at this location with a resident.
- Visitor Mark Strong brought up the ongoing issues he's had with his sidewalk. DPW Superintendent Andrew Acla stated that he has spoken with the Board about it.
- Visitor Cindy Kinsey asked about the yellow houses. She stated that there is 3 quarters of an inch of ice on those sidewalks.
- Visitor Kenneth Vail asked if the DPW had health insurance. If no, were they offered?
- Trustee Matthews stated no, there is no health insurance.
- Visitor Deanna Lawrence asked if they were eligible through the New York State of Health. Because your employer does not offer it.
- Visitor Kenneth Vail stated that it's off the table, we have to offer health insurance.
- Visitor Jeffery Butler stated that they took the job knowing that they didn't have health insurance.
- Visitor Charles Torres asked if they have ever been told that they weren't offered health insurance. Village Attorney Beth Westfall said she did not know. This is ongoing I cannot discuss this.
- Visitor Charles Torres asked if there will be a proposed budget for the public at next Mondays meeting. Village Attorney Beth Westfall said yes.
- Attorney Beth Westfall asked the Village Board of Trustees to make a motion to enter into executive session to discuss the collective bargaining negotiations.
- A motion was made by Trustee Matthews to enter into executive session for personnel matters at 8:45 pm. Seconded by Trustee Zablocki. All in favor, motion passed.
- A motion was made by Trustee Zablocki to exit executive session at 9:20 pm. Seconded by Trustee Matthews. All in favor, motion passed.
- A motion was made by Trustee Zablocki to adjourn regular meeting at 9:22 pm. Seconded by Trustee Matthews. All in favor, motion passed.

Respectfully Submitted
Ann Palmatier
Clerk / Treasurer