

Village of Afton
Board of Trustees Meeting
Jack D. Bolster Community Center, Afton, NY
March 8, 2021

Minutes of the meeting of the Board of Trustees held March 8, 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, asked that all visitors kindly hold all comments during the meeting until we reach the point in our agenda for public recognition.

Present: Mayor Nickerson, Trustee Muller, Trustee Lawrence, Trustee Simonds, Trustee Humphrey, Clerk/Treasurer Palmatier, DPW Supervisor Bailey DeBetta, Village Code Enforcement Officer Jeffrey Butler and Second Officer Anjelica Stanko.

Visitors: Donald Ouimet, April Leggett, Kenneth & Lori Vail, Charles Torres and Brendon Becker, Lamont Engineers.

- A motion was made by Trustee Muller authorizing Clerk/Treasurer to pay the Following, audited vouchers, Seconded by Trustee Simonds. All in favor, motion passed.
General Fund Vouchers # 292 - 311, Totaling \$10,137.23.
Water Fund Vouchers # 85 – 91, Totaling \$1,533.97.
- Motion to accept previous minutes with no additions or correction, made by Trustee Muller. Seconded by Trustee Lawrence. All in favor, motion passed.
- Open Public Hearing at 7:05 pm regarding Local Law #1 of 2021. A local law entitled Chicken Code.

Monthly Report:

- **DPW/ Water:** DPW Supervisor Bailey DeBetta said that the Department has continued to work on snow removal. The tool inventory list was completed. The crew made repairs on the Ford – F-450 plow truck. The Department assisted contractors with locating water lines, for replacement of fiber optic lines along Route 41. They have filled in potholes throughout the Village. The crew attended two on line webinars for the New York Rural Water Association on circumferential pipe break repair.
- **Police Department.** No report at this time. Officer Stanko had submitted her updated resume as well as her required training certificate needed to run the Village of Afton Police Department to the Village Board of Trustees. Officer Stanko stated that she would submit the missing report along with next months, at the next Board Meeting.
- **Code Enforcement:** Report distributed, read aloud by Village Code Enforcement Officer Jeffrey Butler. Mr. Butler stated that he had spoken to a concerned resident about a parked car on Main Street, during the snowstorm. He has spoken with Mr. Steve Fox, County

Code Officer about two new businesses coming into Afton. He received a call from a resident on Main Street looking for a building permit for a carport. Snow removal letters, were mailed to three homeowners, received one response. Code Officer, Jeffrey Butler suggested that the Village Board of Trustees might want to think about setting a monetary fee, as they do with unkempt mowed yards to those who are not clearing their sidewalks as required. He fielded a question from a resident about the need for a building permit for reroofing a barn He asked for a Village of Afton Police escort to a resident who had been dumping stove ash on other properties other than their own. Reached out to the County Tax Department to inquire about the tax foreclosures. They informed him that unless they are moved back they should be available in May / June. Mr. Butler stated that he followed up on some streetlight outages and attended the Planning Board Meeting.

- Planning Board: Trustee Humphrey informed the Village Board of Trustees that the Planning Board met with Angelica Baddy. She has shared her plans for placing a take-out only restaurant at 214 Main Street. This location has had held a previous restaurant in the past. The Planning Board motioned to approve this location for restaurant use; they have set a Public Hearing for their next regular scheduled Board Meeting. To be held, on Monday, April 5, 2021 at 7:10 pm in the Jack D. Bolster Community located at 105 Main Street, Afton, NY. Trustee Humphrey explained that there must be a 439 issued for the take out location. Mr. Gerry Matthews will submit this to the County. Trustee Humphrey informed the Village Board of Trustees that Planning Board has voted to appoint Mr. Gerry Matthews as the Chair Person for the Planning Board.
- Finance/Insurance: Mayor Nickerson informed the Village Board of Trustees that she has been working on the current budget.
- 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 such a great job; her reports are always very interesting and detail oriented. Mrs. Ouimet shares a lot of information on her historian web page.
- Dog Control Officer: - Reports distributed for January 2021 and February 2021. Mayor Nickerson stated that these reports will be, placed on the Village web page for public viewing.
- Afton Central School – No representative.

Old Business:

- Well House Alarm System – DPW Supervisor Bailey DeBetta informed the Village Board of Trustees that he was able to gather the warranty information on both estimates previously given for the, well house alarm system. Both companies state that there is a two-year warranty on all equipment, which includes labor. There was discussions as to which system would best suit the village's needs.
- A motion made by Trustee Lawrence to accept the bid from Cyclops Process Equipment at no more than \$7412.00 for total cost. Seconded by Trustee Muller, all in favor motion passed.

- This price does not include the estimated yearly fee of \$420.00 for the maintenance on the equipment.

New Business:

- Visitor Mr. Brenden Becker, an Engineer with Lamont Engineers, P.C. explained that even though the Village was able to meet the requirements needed for the RCAP income surveys to move forward with the grant submission process, we missed the required deadlines for the Public Hearing requirements to be included in this current grant-funding round. The Village will have to wait until June 2021 to submit for grants. Mr. Becker explained that when applying the Village may be able to get public infrastructure and street revitalization funding. In the meantime, he suggested that the Village place the bids out now, just to see where the funding coming in at for the concrete water tank replacement. Mr. Becker stated that he would need to submit the construction plans to the County Health Department for approval.
- Mr. Becker explained that Lamont Engineers has conducted an ariel flight of the entire Village water system. GPS coordinates were, performed on the whole water system. They have conducted a complete assessment report on the water system to determine what needs replacing.
- Trustee Humphrey suggested that perhaps the Village might want to think about the raising of the well house at some point, due to the possibility of floodwaters. Mr. Becker indicated that grant funding could be a possibility for this location.
- Trustee Muller asked Mr. Becker if he would supply the Village with the correct wording for the required motion to begin the bidding process. Mr. Becker stated that he could, plus that would give him time to submit the necessary paperwork to the County Health Department on the Villages behalf.
- A motion made by Trustee Muller to accept the resignation of Mr. Ronald Swislosky as Office in charge. Seconded by Trustee Simonds. All in favor, motion passed.
- A motion made by Trustee Lawrence to appoint Second Officer, Anjelica Stanko as Officer in Charge. Seconded by Trustee Humphrey. All in favor, motion passed.
- A motion made by Trustee Muller to appoint Mr. Charles Torres as a Zoning Board of Appeals Member. Seconded by Trustee Lawrence. All in favor, motion passed.

**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 cleaning 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.

- Mayor Nickerson asked if anyone present had any questions or concerns on the proposed Local Law #1 of 2021 – Entitled Chicken Code.

Recognition of Visitors:

- Planning Board Member, April Leggett inform the Village Board of Trustees that she has spoken with Steve Fox, County Code Enforcement Officer about the revising of Planning Board Codes. Mr. Fox stated that the City of Norwich, NY addresses the code updating every three years. Mr. Fox’s suggestion is that the Village of Afton should focus on what would be essential for the Village’s needs. Ms. Leggett stated that the Planning Board would be working on Solar Energy alternatives.
- Visitor Charles Torres asked Mr. Brendon Becker with his experience if he would expect there to be any reason as to why the Health Department may not approval the tank place plan. Mr. Becker stated no it is straightforward.

- Visitor Kenneth Vail expressed his dissatisfaction with the proposed Local Law #1 of 2021- Entitled Chicken Code.
- Mayor Nickerson asked the Village Board of Trustees for a motion to table the proposed Local Law #1 of 2021- Entitled Chicken Code.
- Motion made by Trustee Simonds to close the Public Hearing for Local Law #1 of 2021 – Entitled Chicken Code at 8:14 pm. Seconded by Trustee Humphrey. All in favor motion passed.
- A motion made by Trustee Simonds to adjourn our regular meeting at 8:15 pm. Seconded by Trustee Muller. All in favor, motion passed.

Respectfully Submitted

Ann Palmatier
Clerk / Treasurer