

VILLAGE OF SHERMAN
MINUTES FOR REGULAR BOARD MEETING
and the MUNICIPAL ZONING BOARD
Wednesday, February 5th, 2020

The Mayor opened the regular meeting at 6:00pm and led everyone in the Pledge of Allegiance. Board members Colleen Meeder, Isaac Gratto, Donna Higginbotham, Kirk Ayers and Ryan Sanders, Clerk-Treasurer Jeanette Ramm, Chief Operator Jay Irwin, DPW Superintendent Doug Crane, five residents and the press were present.

RES 2020-02-05.1:

Motion to accept the previous minutes of the Regular Board Meeting and the meeting of the Municipal Zoning Board held January 8th, 2020.

Moved by Trustee Higginbotham Seconded by Trustee Gratto

Ayes: 5 Nays: 0 Carried

Motion to suspend the regular meeting and enter into the Public Hearing of the Drinking Water and Stormwater Infrastructure Preliminary Engineering Study; the second hearing and close of the \$52,500 study paid for with a \$50,000 CDBG – NYS Community Development Block Grant, and a Village match of 5%, \$2,500.

Moved by Trustee Ayers Seconded by Trustee Gratto

Ayes: 5 Nays: 0 Carried

PUBLIC HEARING: WATER & STORMWATER STUDIES

The mayor introduced Ken Knutsen, from Barton & Loguidice, to report back on the Drinking Water and Stormwater Infrastructure Preliminary Engineering Studies. Mr. Knutsen said that the drinking water engineering report was prepared in time to have the village scored and listed in the funding list for drinking water, so the village is beginning work this summer of 2020. A draft stormwater engineering report has been submitted at this time with plans to apply for grants on the July 2020 CFA. Mr. Knutsen explained that he would be reporting on both studies' findings and recommendations.

With the use of a slide presentation, Mr. Knutsen gave details on the village's assets, including water lines, water storage, groundwater wells, well houses and pumps. He explained how boundaries, elevation and pressure all worked with our assets in this system. Some issues he noted were that any pipe under 6-inches was no longer acceptable, and a lot of our old pipes (some about 100 years old) are currently only 4-inches. The study also revealed that almost 40% of our water is unmetered or lost due to antiquated mains and faulty meters. The study also investigated how we can reduce this loss. Another issue that was highlighted was our manually driven (labor-intensive) water system because it has no level sensors in the tanks. This requires that our operators go back and forth between the tanks and wells sometimes many times in a day. Water mains, new meters and chlorination were also discussed.

Mr. Knutsen went over the details of their recommendations and then broke down the expected costs of construction, new meters, repairs, engineering, legal fees, etc. ending with a base project cost of roughly \$2.4million. This excludes the potential of adding a water softener, which would be put to public vote if it was deemed feasible.

Our hardship scoring and low median household income (MHI) have qualified us for a hardship loan for 30 years at 0% interest. This with our system deficiencies have made us eligible

for almost 60% grant funding of the project costs. There are other funding opportunities which the village will consider further along the project.

In response to a question Mayor Meeder explained that no decision has been made about adding a water softener to our system. After investigating the impact and costs to residents, it will be decided if it is feasible. If not, it will not be considered or included in the project. If it is feasible there will be public hearings and ultimately a public vote. No softening system will be included into the project without hearing from the village residents.

With regards to the stormwater study, Ken Knutsen explained how topography, watersheds, elevation, culverts, catch basins, French Creek, flooding, and land use, etc. all impact our drainage and collection. He went over details of our 4 identified drainage areas which lead to and through the village, all ultimately flowing into French Creek. He detailed the various issues and areas of concern, explaining that if problems can be solved at the source (i.e. in higher basin areas) by adding detention ponds, etc., then the need to upgrade pipes lower down in the village will decrease. He spoke about green infrastructure (bio retention areas, permeable asphalt, flexible porous pavement and raingardens) which would help collect rainwater, reduce flow rates and improve water quality to French Creek, especially in our downtown core where a lot of the issues are located. The flooding around the ballpark was also emphasized as a focal point.

Project 1 - Street Scape Enhancement Program (which would include green infrastructure) set at the base area of drainage area 1 and 2. Mr. Knutsen showed slides of Main Street with various improvements to pull the water off the streets and reduce flow before it gets to the populated areas. These features would collectively address quite a few of the problems including water quality before the water seeps back into French Creek. Traffic calming measures, pedestrian safety and walkability would also be addressed with new sidewalks, street trees and crosswalks also at the gas station and the bank, etc. Other improvements to draw people off I86 include adding an electric vehicle charging station which would also assist in economic development. Pictures of possible Main Street improvements were viewed.

Project 2 – Detention Pond (the existing nature conservancy pond) in drainage area 3. This drainage area is quite substantial in size and a lot of water passes right near the pond. The pond is isolated from the main channel, and it is recommended that we extend the pond to include a forebay to allow water to be diverted into the pond during peak conditions. This forebay would store excess water, to be rerouted and released later into drainage area 4 (which has more capacity) to alleviate the flooding in drainage area 3.

Project 3 – Bio Retention Area near the ballfield. The ballfield experiences the most flooding, and this may be aggravated by poor drainage pipes. Mr. Knutsen said that increasing the pipes from 36-inches to 48-inches, and extending their length to end past the field, would reduce the current problems with water backing up and bottlenecking, thus allowing for better flow.

Project 4 – Detention Pond near school to counter flooding above the school on the East side of drainage area 3. This includes the flooding from Titus Road along Columbia Street. Adding a forebay above the school would capture the excess sediment, decreasing pipe blockage and improving water quality flowing back into French Creek.

Mr. Knutsen went over the budgetary estimates for the projects, and the relevant funding opportunities for each. 90% funding is available for the stormwater project from the Environmental Facilities Corporation (EFC) through the Consolidated Funding Application (CFA), with a match of 10% which can be cash or in-kind services. The detention ponds (flood reduction and water quality) and other stormwater projects are eligible for 75% grant funding from the NYS Department of Environmental Quality Improvement Program (WQIP), also through the CFA. Because the Village of Sherman is already registered as a Climate Smart Community with the DEC, we are also eligible

for other Climate Smart funding opportunities under the clean energy initiative. We have already received planning grants from Community Development Block Grants (CDBG) and they like projects that come from those planning studies. The village is getting ready to apply for funding from Green Innovation Grant Program (GIGP) for our Main Street projects. GIGP is funded through the EFC with up to 90% grant funding, but each funding opportunity has specific time constraints and requirements that need to be met in order to qualify.

Mr. Knutsen outlined the timeline for the projects and the need to prioritize going forward. As part of the general questions at the end of the meeting, Mr. Knutsen explained the difference between dry ponds and wet ponds; talked about easements and pond locations. Mayor Meeder mentioned that flooding issues between the Deering and Peck properties, and along First Street, will most likely be addressed as part of the in-kind services. Mr. Knutsen explained that the water collection problem at the parking area at the trail head will also be addressed, perhaps under the GIGP funding or even in conjunction with Chautauqua Rails to Trails. Walkability around the village is one of the priorities.

The full slide presentation is available at www.shermanny.org (under DPW / Water)

Motion to close the public hearing at 7:28pm and enter into the meeting of the Municipal Zoning Board.

Moved by Trustee Gratto Seconded by Trustee Ayers
Ayes: 5 Nays: 0 Carried

MUNICIPAL ZONING BOARD MEETING

Code Enforcement Officer, Dave Heckman has submitted our annual New York State Division of Building Standards and Codes. Zoning Enforcement Officer, Greg Gormley, has successfully completed the third part of his code enforcement training.

DUMPSTER PERMITS:

The board looked over the annual dumpster permits we have received. The commercial dumpsters were discussed, and no issues were found. Residential dumpsters are a privilege, not automatically available to residents, while a commercial dumpster in a public facility is a necessity. The Fuller dumpster (residential) has an open case right now and she is asking for an extension on the clean-up. There have been issues, but it would be counterproductive to deny the dumpster permit while she is in the process of cleaning up. It was decided that an extension would be given for the cleanup, and a dumpster permit would be given with conditions that she comply with all other zoning ordinances and property maintenance laws in order to keep the dumpster. Since the Fuller dumpster is on the road, next year it may be necessary to address moving it or fencing it in, as per the law.

RES 2020-02-05.2:

Motion to approve annual dumpster special use permits for: Neil Miller 154 Kipp Street, Sherman Apartments 125 Church Street, Feelin' Saucy 111 West Main Street, Sherman Community Church 107 Church Street, The Cooler Café 114 West Main Street (commercial dumpsters with no conditions); and Amanda Fuller 189 West Main Street (residential with the condition that she remain in compliance with property maintenance laws).

Moved by Trustee Gratto Seconded by Trustee Higginbotham
Ayes: 5 Nays: 0 Carried

FARMER'S MILL:

Mayor Meeder read the report from ZEO, Greg Gormley: From November 6th to January 3rd the Village was working with the Department of Health and the Amherst Exterminators to abate the rat concern at the Mill. During this period 41 rats were killed and removed from the Mill. After that all poisons were removed and from January 6th through February 4th the Village took over the clean out of any food sources starting on the fifth floor and working down to the basement. The initial estimation in the paper was 1500 rats, which was the potential according to the gestation period of rats. To-date, the total number of rats found and removed is 67. The feed has been completely removed and taken to the village property off the old Depot Road and disposed of in accordance with what was discussed with the Department of Health. The county left the traps and Mr. Gormley will continue to bait them and check for any rat activity going forward. So far, we have had no complaints from residents or neighbors of the Mill.

Motion to close the Municipal Zoning Board Meeting and resume the Regular Meeting of the Board.

Moved by Trustee Ayers Seconded by Trustee Gratto

Ayes: 5 Nays: 0 Carried

REGULAR BOARD MEETING

WATER AND STREETS REPORTS FROM SUPERINTENDENT

Mr. Crane concurred that the Farmer's Mill cleanup was complete and said his focus was now on installing more water meters, completing service lines, and maintenance on First Street. Mr. Crane said that a few potholes needed attention and as soon as he received the winter mix, he would address them. He mentioned that the cones along Miller Street, next to Tex's Quick Stop, are not potholes but the old clay tile collapsing beneath the surface. Mr. Crane will contact "Dig Safe" in preparation but won't know exactly what is wrong or how big the problem is until he opens it up.

WATER PROJECT UPDATE

In the next week the clerk will certify the bond resolution for the water project, after which the fiscal advisors will finalize the short-term financing. The engineering contract should be ready in the next month. Our first priority this summer will be to engineer the waterlines, followed by the pump houses, and then engineering for construction of the reservoir and pumphouses which will be completed next year.

SEWER REPORT FROM CHIEF OPERATOR

Mr. Irwin said the Emergency Response Plan for both water and sewer are completed. When the weather improves the diesel tank will be repositioned. Mr. Irwin said once he could set a time with the property owner, the RAFA system for the Domo DIP would be installed at the Loomis property.

SEWER PROJECT UPDATE

The engineering has already begun, Barton & Loguidice will report on that at a later date. The CDBG application process has also begun under advisement of Charlie Phillion. Our Bond Counsel is processing the \$300,000 bond anticipation notes (BAN) which will be published under the legal notices in the paper. The BANs are to cover the engineering and surveying while we wait for the short-term financing from the EFC which we expect in August. The Village attorney is reviewing and certifying the property ownership of the WWTP, making sure there are no liens on the new properties. Peter Clark is also working on sewer usage agreements for the 5 users outside the village, as this is required by law. We have almost completed the USDA RD – Letter of conditions. This has

been a big project with many items required prior to bid, some of these items will be addressed in motions later this evening.

MAYORAL ADDRESS:

PLANNING BOARD REPORT

The board met on Monday night and discussed local businesses, including the hardware and grocery stores. They looked at stormwater issues and reviewed the 2009 Village Zoning Laws. The next Planning Board meeting will be held on March 2nd, at 4pm in the Village Office. Planning Board meeting minutes are available on the website at www.shermanny.org under Government/ Planning Board.

STEERING COMMITTEE

The Steering Committee is scheduled to meet with John Steinmetz on March 2nd, at 6pm, at the fire hall (upstairs).

TREE PLANTING COMMITTEE

The Tree Committee is meeting for the first time on February 6th at 6:30 in the Village Office. This is a subcommittee of “Parks and Recreation” and will be led by Mary Swanson. There has been quite a lot of interest in this, although many people have informed us that they cannot attend this first meeting.

FIRST STREET FOLLOW-UP: Mayor Meeder reminded everyone that First Street is not complete, and as discussed in previous meetings, it will be top coated in the Spring. After the topcoat is laid, the shoulders will be completed, allowing us to reinstall the mailboxes. There is a balance of \$16,000 remaining in our streets fund for this project.

BITTINGER TOWN TAX BILL (January 13th, 2020): The Bittinger property tax bill caused some concern because Mr. Bittinger’s bill had increased after the donation of the property (Edmund’s Park). After investigation it simply turned out that unpaid school taxes had been added to the bill. During the split of the properties, a county software error added the school relevy to the Medicaid portion of the bills and so it appeared as though the town/county taxes had gone up significantly. When the property was divided the Village became liable for our share of all taxes (including outstanding school taxes) for this one billing cycle. Next year it will fall under the tax exemption of the municipality.

GROCERY STORE: The mayor was pleased to inform everyone that as of Wednesday, Mark Graham had finally closed on the property transfer. Ownership officially transferred to Mr. Graham on January 30th and if all goes well, he plans to open “Graham’s Market” in 4-6 weeks. A ‘Grand Opening’ will be scheduled for the Summer. The parking area next to Graham’s Market is public parking and needs some work, which the village will do before he opens.

MAIN STREET PROPERTIES: We’ve spoken to CDBG about a planning grant to review all four buildings that we received. It would be the same as the grants we recently received for our sewer study, and water and stormwater study, which means it would be a \$50,000 grant with a local match of \$2,500. This would provide for surveys of the condition of each building and complete the second phase of the environmental study for the 130 West Main Street which still has the tanks in the ground and possible contaminants in the drain. Our quote for the environmental survey was \$9,000 alone.

FOOD PANTRY: The Food Bank of WNY has very particular requirements that needed to be met for our Food Pantry to continue receiving food. Our village employees worked diligently to complete and meet all their requirements, and as of January 29th the pantry is officially approved. The clerk read a letter from Helen Reynolds thanking Doug Crane and his crew for all their hard work.

LOADER - USDA RD: Tom Becker from USDA-RD meet with the mayor and Doug Crane on January 16th, 2020 to discuss trading in our loader. Our loader is 5 years old and no longer under warranty. Our loan balance with the USDA RD is \$57,300 (trade in value of \$60,000) and our current interest rate is 3.25%. The new loader would be \$166,544 plus bond counsel and other administrative costs of approximately \$11,000. Since our truck would need to be replaced in a year or two, Mr. Becker recommended getting the new truck (F-350 or F-550) in the same grant to save money in administrative costs in the long run. The new truck is estimated to be \$65,000. The grant is 35% (up to \$50,000) and the terms of the loan would be 2.75% interest over 15 years, with a 5% match by the village. We may keep the old truck for the WWTP because Mr. Irwin uses his own vehicle and with the sewer project starting it may be necessary to have the extra vehicle, for the life of the project.

FARMER'S MILL: With recent inquiries, Trustee Higginbotham asked the Mayor to address the Farmer's Mill situation in greater detail, what work has been done by the Village and more specifically why the Village is involved.

Situation: The Farmer's Mill closed its doors last May (2019). Almost immediately there were signs that raised concerns from neighboring residents: issues of rats running over the lower roof, families of skunks on First St., overgrown grass. By July, Greg Gormley, the Zoning Enforcement Officer (ZEO), started talking with neighbors and reaching out to Farmer's Mill board members. He closely studied the Village of Sherman's 2009 Zoning Law and relevant municipal laws, like the Grass & Weeds and the critical Vacant Property Laws of 2019. His investigation led to several revealing issues. Issues that were dealt with discretion to prevent any further issues; or issues that could be addressed under a future court subpoena. Securing the building, ensuring the safety of community members was the primary focus in an attempt not to draw any extra attention to a situation that could entice curious kids or other trespassers.

The Code Enforcement Officer (CEO), Dave Heckman, was called in, he condemned one section of one building. Evidence of decades of neglect and unsafe work conditions is abundant, reports of the findings have been documented and sent on to the relevant officials.

In September, the ZEO and the Mayor contacted the Dept of Health, and the ZEO has been the Village's point person since. The County's Dept of Health found the rodent problem to be "unprecedented". The Board of Health called a public meeting to timely address the matter, where they inquired about possible criminal and civil charges for the Farmer's Mill members. There was outrage from Board of Health members; their discussion resulted in them declaring this a "public nuisance", a legal determination required for the County to engage in helping our community. The County has made a great investment in time on site, organizing the Erie County expert rat exterminators, and providing the legal research, petitioning, and efforts to place us at the front of the bankruptcy process. (However, as previously stated, this does not guarantee reimbursement in full for our costs. The judge overseeing the bankruptcy hearing will make that determination.)

The ICC Property Maintenance Codes and the 2009 Village Zoning Law address the basic responsibility to maintain the property. The Village's 2019 Vacant Property Law was a tool for our ZEO to investigate further and require immediate measures to secure the building. The County's decree gave us further ability to remediate.

Clean out: From the beginning, we knew this would be a lengthy coordinated project. After the feed mill was cleared of rat poisoning, January 2020, the Village employees began emptying the feed mill of the grain. Anything in bags or other containers had to go to the transfer station, the liquid and rotten material was sent through the wastewater treatment plant, and the grain in the bins was taken to the Village property to be composted (along with leaves, old tree stumps, limbs; where organic material is kept at what is nicknamed the “Village dump”, behind the Babcock Saw Mill, along old ‘Depot Rd’, adjacent to Jim Weise’s property). It is not a “dump”, and certainly not an “illegal dump”.

The Village “dump” is located outside the Village limits, and therefore falls under the Town Code Officer’s purview. January 30th, Greg Osman, the Town’s Code Enforcement Officer, contacted the County Dept of Health about the Village’s “illegal dumping”. To the Mayor’s knowledge Greg Osman has not personally been to the site, given the Village has not received any notice or citation from Greg Osman describing the alleged concerns. If there was any concern about composting near any creek that would be under the authority of the Department of Environmental Conservation. Other suggestions that “dumping” has been done on neighboring properties is absolutely false. After the Weise family’s last complaint about this particular property, the Village brought in Matt White to survey the property. We are learning some have used the dump to cut wood and conduct other personal use. The Village Board may need to make decisions to restrict the use and access to the property, limiting it to the Streets Superintendent and Village employees.

Mayor Meeder met with Mark Stowe from the County Health Department, there is no concern of “illegal dumping”, no concern for the minimal trace of poison in the feed that is composting. The MSDS (Material Safety Data Sheets) were closely reviewed by the DOH and the Streets Superintendent before any decisions on feed removal was made.

Responsibility: Village Board members are responsible to make decisions in the best interest of the health and safety of the village whether the community members understand the decisions or have varying opinions about the decisions, the trustees must understand their responsibilities, which goes far beyond pot holes and snow plowing. The responsibilities of Board Members are outlined in the Village’s Governance Policy containing the vision, mission, purpose statement.

For decades, the Village has failed the community in its enforcement of state and local law in the interest of public safety. It was the duty of all code enforcement officers appointed by the Village, to inspect and enforce the codes for everyone’s health, safety, and welfare. It was the responsibility of the Village Board of Trustees to ensure the CEOs were effectively conducting those duties. The Village Board adopted the Uniform Fire Prevention and Building Code and Zoning Law however never saw that action was taken to follow the adopted laws and policies.

There seems to be some mystery about who is responsible for the property and who owns the Farmer’s Mill property. The ‘legal’ name is “Farmer’s Mill, Inc.”, and the Farmer’s Mill Board Members are the individuals responsible for the Farmer’s Mill, Inc. and were served documents accordingly.

Ignorance continues to insight drama. Suggestions that we should burn it are reckless and very dangerous. The fire department and school have noted the hazards of the site. A well-managed feed mill carries its own risk of securing combustible material; the abandoned feed mill facility in its long-neglected condition has numerous hazardous challenges. The situation is extremely serious, for all our residents. It goes beyond rats, mice, and fisher dens.

The Village Board of Trustees and Municipal Zoning Board have no direct control over the Farmer's Mill property. The Village does NOT own the property, nor will the Village own the property. Other than the provisions set forth by law to ensure the security, safety, and health of our community, the Village has no control or authority over the property. The authority over the property is currently in the hands of the judge, after the Farmer's Mill filing of bankruptcy last October.

'IF' there are ever unpaid taxes, the County's Department of Real Property Tax has the legal authority to sell the property at tax auction. This would be no different than any other property in default of paying their taxes.

Once the bankruptcy is completed, we imagine there may be some private interest in purchasing the property. The Village Zoning Law and the Planning Board will determine the future permissible 'use' of the property. It is our hope there is an interested party that will work cooperatively with the Village to bring the property to a safe, secure, and well-maintained condition, as it directly affects the residential property value and quality of life on Kendrick and First St.

Costs: The Village has invested in in-kind services of personnel that were otherwise budgeted for. A small engine had to be replaced that the Village owns and can continue to use. Additional costs include personal protective equipment purchased, 17 ½ hours of added occasional help at minimum wage and the 2-day conveyor rental. All costs (see RES 2020-02-05.9) associated with the clean out of the mill will be submitted for reimbursement through the bankruptcy. Even if the Village only receives a penny on the dollar, this was absolutely necessary.

PUBLIC PARTICIPATION

Daniel Warner came in to complain about the Christmas lights on Main Street, the water bills, and concern over the previous \$400,000 water grant and reserves being mismanaged. Mayor Meeder's response follows:

"I was asked to relay this message to the Board by Daniel and Beverly Warner who came in on January 21st, 2020 asking for the Christmas lights to be taken down, saying that there was no reason to continue leaving them up now that Christmas is over, and paying for the electricity - this community cannot afford it. Followed by the repeated complaint of the cost of the water bill. At the time I was on a conference call with 3 engineers and I had to discontinue the call because Daniel was in the background insisting that he speak with me and getting loud and rude with Jeanette.

I explained that water is an entirely separate department to streets, to which he said that's no reason to keep the lights on. Jeanette offered to see if we could have a timer placed on the lights to turn them off during late night hours. He felt with the number of employees staffed in the village we could spend some to take down the lights.

The water bill discussion continued. They wanted to know what happened to the \$400,000 for the water lines (from 2002). I explained it has long been spent on water lines; they suggested it wasn't spent appropriately. I have the extensive documentation from the Wolfe administration, detailing the \$400,000 grant disbursement. Beverly then asked where the reserve went. I explained there never was a reserve established... which I meant in the accounting of fund balance. I confused her, and she asked more specifically about the "\$5/quarter reserve" that was paid for years. I then explained the \$1.66 per month was absorbed by the operational budget. (Not directly, but when approx. \$6,000 was collected in "reserve" dollars, while the village spent approx. \$20-30,000 a year in capital improvements from the budget, there never was an actual reserve established.)

Mr. and Mrs. Warner are very upset about the amount they are paying for water:

<i>Warner's Annual Estimate</i>	<i>\$388</i>
<i>Village Average</i>	<i>\$473</i>

NYS CDBG says affordable \$525
NYS Comptroller \$800 (current affordability, previously was \$900)
(The Warner's paid **\$107.80** in water for an **entire year** under the old structure.)

I explained this and wrote it on their water bill. He didn't understand why it had to go up so high so fast. I explained that they were undercharged for decades and NYS would not provide us with grant money. The typical angry response I get, I got with Daniel Warner: "because NY says so, we have to do it?" Yes, if we want the millions of dollars in grant funding.

*I attempted to explain the significant disparity in water bills... to which I got the usual response about "retired teachers washing their cars". Now those retired individuals are also paying on sewer usage for water going down the storm drain. Some spend a season away, yet still must pay the base charges. Everyone determines "fair" from their own "box". The Warner's believe the few with the high bills should be paying much more than them because there is only two of them. I attempted to use a glass of water as an example. If he had a glass of water and she had two glasses, what would the difference be in the cost of water? It would not be twice as much. The cost of the water, 'the commodity of water here in Sherman', is minimal. The cost is in the infrastructure, lines, pumps, reservoir, and everyone should be contributing to the fixed costs equally. **We are still very far from a truly equitable rate structure that would distribute the fix costs onto customers in the same proportion of fixed expenses in the operational and maintenance budget.** The Board worked to balance the essential need to gain equitability with the actual affects it would have on the lower paying half of customers. While they were complaining I reminded them with emphasis that they still have a **very** low bill (in comparison to other customers, and NYS's recommendations).*

The Warner's reiterated they want me to pass onto the board that they can't believe anyone actually wants the lights up, it is ridiculous now that Christmas is over. Jeanette took a verbal survey as people came to pay their water bills. All believe they should be up for the winter, that they are a welcoming sight when entering the town/village, especially on dark and short winter days. Doug has taken them down as early as the first weeks of January or as late as mid-March in previous years. The additional cost of electricity for the lights is very minimal."

The mayor also said that "with the continual ridiculous Facebook complaints, a few months ago Susan Bates reminded me that I myself took to Facebook to complain about my water and sewer bill, back in 2010. Recently, I came across the March 2010 rate increase under Mayor Patterson, as described by Ann Gilbert, following an audit by the NYS Comptroller's Office. These use rate increases attributed even more to the utility bill disparity.

Exert from Minutes Regular Board Meeting on March 10, 2010:

"Clerk Gilbert presented to the board information regarding past budget lines that were misstated. Two Accounts Receivable lines in the Water Fund and an Accounts Receivable line in the Sewer Fund were found to be entered in 2004-2005 Budget. After confirming with the comptroller's office, it was determined that these lines are not to be on the budget sheet but are strictly bookkeeping procedures. If revenue is listed on the budget it should not be listed again as a receivable. It was determined that our revenues were overstated and caused overspending. This procedure was continued on budget through 2009-2010. In order to remedy these errors, the following increases were decided:

*Water rate increase from \$2.30 to \$3.84
Sewer rate increase from \$6.10 to \$7.10"*

They made decisions without accurate financials or an understanding of the variable revenue structure paying for a fixed operating and maintenance budget. Mayor Patterson earnestly made rate increases over his terms to try and close the budget gaps in the water and sewer departments. A few residents paid greatly, but most paid very little, and the budget gap remained.

*With regards to the New York State Department of Home and Community Renewal, Community Development Block Grant (CDBG) we applied for. There is some confusion that the grant money we will receive will lower water and sewer rates. The grant money is to pay for critical project improvements and relieve the residents of any additional costs beyond what NYS deems affordable for our residents. **The grants are not to lower water & sewer bills.** Grantors require us to have “skin in the game” and contribute to the cost of our utility service and infrastructure.*

- Applications are a “process” which we have started*
- Our current \$475 water average is still far below CDBG’s \$525 affordability determination*
- NYS Comptroller currently says \$800/year for water AND \$800/year for sewer is affordable*
- CDBG uses an internal procedure “in-house rule of thumb” for rural communities: which is 1.5%-2% of MHI (Median Household Income)*
- It’s CDBG and other grantors’ goal to **keep rates from becoming unaffordable***
- Grantor **cannot** speak with us once we push “submit” on the ‘application document’ in July*
- There is a maximum of \$1,000,000 per year per municipality (in the co-funding category) and we are in the process of applying for our sewer project.”*

FINANCIAL REPORT FROM CLERK-TREASURER:

General Checking Account: Balance (02/05/2020) is \$7,151.77 & book balance (\$5,269.96)
NYS Fund Bank Account: Balance (02/05/2020) is \$6,670.00 & book balance \$6,670.00
Sewer Project Bank Account: Balance (02/05/2020) is \$117.52 & book balance \$117.52
CD Account: Balance (02/05/2020) is A\$150,065.03, B\$0
CD Transfer: No need as Sales Tax should be coming tomorrow.
Unpaid Taxes N/A
Account Adjustments: N/A

RES 2020-02-05.3: VOUCHER

Motion to approve Voucher #9 for \$14,426.21 as presented for January 2020, of which \$0 is from the NYS Special Fund, and \$0 is from the Sewer Project Fund.

Moved by Trustee Higginbotham Seconded by Trustee Ayers

Ayes: 5 Nays: 0 Carried

The Sewer Department’s fuel tank replacement was necessary at this time. Although it was an item budgeted within the WWTP Capital Project, “no construction” activity can be attributed to the project before a CDBG award, (anticipated notice December 2020). Otherwise we’d be found to be out of compliance and risk denial or loss of the \$1,000,000 application. Only engineering, surveying, environmental and professional-administrative services are permissible prior to award.

RES 2020-02-05.4: FUND ALLOCATION

Motion to allocate the previous voucher for Lictus Oil & Propane in the amount of \$3,095, check # 70002 from the sewer construction account (USDA RD Sewer Project checking account), of the WWTP Capital Project Fund (HG) to the Sewer Fund (G).

Moved by Trustee Ayers

Seconded by Trustee Gratto

Ayes: 5 Nays: 0 Carried

CASH BUDGET REVIEW

The mayor handed out financial spreadsheets and the trustees went over the last months accounts' activities, projections and balances.

OLD BUSINESS:

Mr. Wolfe requested information from the January 2nd, 2019 minutes and the mayor responded accordingly, see amendments below:

RES 2020-02-05.5: JANUARY 2nd, 2019 MINUTES AMENDMENT

Motion to amend the January 2nd, 2019 minutes by striking out the words "and sewer" in the Mayor's recap of the May 2018 reference to a CDBG \$750,000 grant application and denial:

"...that NYS offers \$750,000 in unmatched funds which we applied for last year. The grant was denied because our water ~~and sewer~~ rates are far below what NYS deems as affordable. The residents have to pay the minimum before the State will consider any future assistance."

And add the following to the end of the paragraph:

"A grant 'application' is a process, once the application document is submitted the grant agency can no longer consult with the applicant about eligibility. The 'denial' as indicated above came in May 2018 in the form of a verbal expression of our ineligibility primarily because of our water rates; it was not a formal written denial. Therefore, the Village pursued a Drinking Water and Stormwater Study with CDBG under their recommendation; the actual application document was submitted in July 2018 and awarded in December 2018 for \$52,500 (including the \$2,500 Village match)."

Moved by Trustee Gratto

Seconded by Trustee Ayers

Ayes: 5 Nays: 0 Carried

RES 2020-02-05.6: DECEMBER 4th, 2019, MINUTES AMENDMENT

Motion to amend the December 4th, 2019 minutes to include the following paragraph as spoken by Matt Zarbo of Barton & Loguidice:

"Matt Zarbo said the Sewer Department didn't qualify for hardship because we are not negatively affecting the environment, i.e. the French Creek is not being adversely impacted by our wastewater treatment plant, so we didn't warrant the hardship award. On the other hand, the Water Department did qualify for hardship because of our failing system. Mr. Zarbo clarified that it is not the quality of our water that failed, but the actual infrastructure. Doug Crane is using broken infrastructure, similar to the sewer infrastructure of which only half works. Mr. Crane is producing good quality water even though he has no monitoring systems. Mr. Zarbo explained that Mr. Crane is starting his day checking the water tank levels, then going to the pumps and turning them on, then returning to check the tank levels and then again, returning later to turn the pumps off. Because he has no monitoring systems, this part of his job is very labor-intensive. This is alongside his other water and streets responsibilities. Mr. Zarbo mentioned how amazing it is that Mr. Crane doesn't complain about this. Mayor Meeder added that this is the reason Mr. Crane is always driving up

\$14.25/hr. The Code Enforcement Officer appointment is conditional on successful completion of all 6 classes of code school within a year of appointment (as per NYS law).

Moved by Trustee Higginbotham Seconded by Trustee Gratto

Ayes: 5 Nays: 0 Carried

RES 2020-02-05.17: MARCH BUDGET WORKSHOP

Motion to schedule a Budget Workshop for Village Board Members to discuss current budget status and begin multiyear strategic planning. This workshop is subject to open meetings law and is to be published in the Post Journal and posted at the Post Office. Date Wednesday, March 18th, 2020 at 6:00pm.

Moved by Trustee Gratto Seconded by Trustee Ayers

Ayes: 5 Nays: 0 Carried

Motion to adjourn the meeting at 8:57p.m.

Moved by Trustee Gratto Seconded by Trustee Higginbotham

Ayes: 5 Nays: 0 Carried

Respectfully submitted,

Jeanette Ramm

Clerk- Treasurer

Future Meeting Items:

2018-2019 FY Audit by Financial Committee

Collection Policy

Draft Laws (amendments) 2020

Budget 2020-2021