

Village of Hammondsport

October 8, 2019

Regular Meeting Minutes

The Village of Hammondsport Board of Trustees held its regular monthly board meeting on Tuesday, October 8, 2019 at 6:00 p.m. at 18 Water Street, Hammondsport, NY.

PRESENT: Deputy Mayor, Anne C. Green, Chaired the Meeting
Trustee Stella Pulver
Trustee David Luppino
Trustee Bee Keck
DPW Superintendent Ray Hawley
Clerk-Treasurer Tammie Nelson

ABSENT: Mayor Emery L. Cummings, Jr

OTHERS PRESENT: Ron Jaquin, Deb Robbins, John Hoch, Ron Leonard, Jean Carpenter, Alan Carpenter and JC Smith from the IDA.

BUSINESS MEETING

Minutes: On motion of Trustee Pulver, seconded by Trustee Luppino, and carried, all voting Aye to approve the September 10, 2019 Regular Meeting Minutes.

Abstract: On motion of Trustee Keck, seconded by Trustee Pulver, and carried, all voting Aye, RESOLVED, that the Clerk-Treasurer is hereby authorized to pay General Fund Abstract #8, Claims #269-302, totaling \$20,421.48 and Water Fund Abstract #8, Claims #85-94, totaling \$133,961.60.

Department Reports

Police: Sergeant Ryan Sincerbox submitted a written report of the Police Department for September 2019. Activities included: 11 calls for service, 3 criminal complaints, 0 criminal complaints closed, 0 Criminal Arrests, 1 traffic stop, 1 warning issued, 2 traffic tickets issued, 1 parking tickets issued, and 1 motor vehicle accidents.

DPW: DPW Superintendent Hawley submitted a written report on the DPW for August 2019. Activities included: Sidewalk repairs and cleanup, Bush pick up, mowing,

cleaning parks, replaced grate on Middle Road, black topped, turned in scrap, milled street for repair, removed planters from Liberty Park, PERMA Class, Large rocks in Liberty Park, weeded the bottom of Liberty Street, leaf pick up and lights on the flag poles.

Water Plant: Supervisor McConnell submitted a written report on the Water Plant activities for September 2019. Activities included: Pump house, residuals, samples, turbidity, UFPO, mowed, repaired reservoir level, meeting for construction, water line install, water meeting, flushed hydrants, washed old reservoir. The Shethar Street water main project has begun and is proceeding on time.

Finance: Village Clerk submitted a report of the Clerk's Office activities for September 2019. Activities included: NYCOM Fall Training Conference, meeting minutes updated on the website, Civil Service Paperwork, Tax Searches, list of building permits, KWIC report, bills, DOL monthly report, monthly retirement report, legal ads, variance applications processed, work on the Watershed letters, Sexual Harassment Policy work, orders for the beach, reconstruction meeting, maps for the annexation, KWIC Report, FOIL requests, Watershed Inspector hiring and Comprehensive Plan Meeting.

Parks: Trustee Keck reported that October 15, 2019, the recycling containers in the parks will be taken down for the season.

KWIC:

Trustee Green reported on the problems they are facing at the upper end of the lake/Penn Yan, NY. With the increased heat and decreased rainfall, the toxin levels have increased causing concern. KLOC is controlling the lake level in hopes to help with the problem while they look for and research a more permeant solution. Michael Hicks has been hired by the Village of Hammondsport as the Watershed Inspector for village.

Zoning and Building: The Building and Zoning Inspector Mike Slowinski, submitted a written report for September 2019.

NYSEG's has submitted an email with information about a 200ft Substation Tower that is to be constructed in the back of their property at 9 Main Street, Hammondsport. The Village Attorney and Core Enforcement Officer are in communication with them currently.

Trustee Pulver made a motion, seconded by Trustee Luppino, and carried, all voting Aye, to accept the Department Reports.

Beautification Committee: No report.

OLD BUSINESS

Comprehensive Plan: The first meeting of the Project Advisory Committee was held Thursday, September 26, 2019 in the Village Office, the date for a public meeting will follow shortly.

Waste Water Treatment Project: JC Smith from the IDA was present. Trustee Keck made a motion, seconded by Trustee Pulver, RESOLVED, that the Village Board of Trustees does hereby accept and make the resolution setting forth findings and determinations regarding eminent domain procedure in connection with the development, construction, operation and maintenance of the municipal sewage disposal system servicing certain village real properties ("project") and authorize the village to proceed to acquire certain acreage and a utility and access easement.

ROLL CALL VOTE: Mayor Cummings		ABSENT
Trustee Keck	AYE	
Trustee Green	AYE	
Trustee Pulver	AYE	
Trustee Luppino		RECUSED

Motion Carried

Full resolution as follows:

RESOLUTION

RESOLUTION SETTING FORTH FINDINGS AND DETERMINATIONS REGARDING EMINENT DOMAIN PROCEDURE IN CONNECTION WITH THE DEVELOPMENT, CONSTRUCTION, OPERATION AND MAINTENANCE OF THE MUNICIPAL SEWAGE DISPOSAL SYSTEM SERVICING CERTAIN VILLAGE REAL PROPERTIES ("PROJECT") AND AUTHORIZE THE VILLAGE TO PROCEED TO ACQUIRE CERTAIN ACREAGE AND A UTILITY AND ACCESS EASEMENT.

FINDINGS AND DETERMINATIONS

WHEREAS, the Village of Hammondsport, New York ("Village") is a municipal corporation existing under and in accordance with the laws of the State of New York; and

WHEREAS, pursuant to Village law, the Village is authorized to take and acquire real property; and

WHEREAS, the activity of the Village includes, but is not limited to economic revitalization and the growth of retail and commercial businesses within the Village; and

WHEREAS, by Local Law No. 1 of 2018, the Village established a sewage disposal benefit area to serve a portion of the Village; and

WHEREAS, the Project will eliminate a patchwork of individual private disposal systems consisting generally of septic tanks and leach fields serving many Village businesses; and

WHEREAS, the establishment and operation of the Project will ensure that the business properties being benefitted will be in compliance with all applicable state and local laws, codes and regulations pertaining to sewage disposal systems; and

WHEREAS, the Project will be a positive economic benefit to those properties within the sewage disposal benefit area thereby assisting in the continued economic vitality of the businesses within said area; and

WHEREAS, the Village has held a public hearing pursuant to Sections 201 and 203 of Eminent Domain Law of the State of New York on August 6, 2019; and

WHEREAS, the property and easement to be acquired are shown on a map entitled "Property Acquisition Map (Tax Parcels: 118.00-01-001.000 and 118.05-01-033.100) "prepared by Fagan Engineers dated February 10, 2017" which has been reviewed by the Village Board of the Village of Hammondsport; (legal descriptions are on file in the Village Clerk's Office), and

WHEREAS, the various factors relating to the public use, benefit or purpose to be served by the proposed Project, the location thereof and the effect of the Project on the locality have been reviewed; and

WHEREAS, undertaking of the Project assists in averting the potential closure of one or more businesses in the benefitted area, thereby maintaining and potentially increasing real property values and an expansion of the Village's property tax base.

NOW, THEREFORE, BE IT RESOLVED, that the Village of Hammondsport, New York by and through its Village Board, hereby finds as follows:

1. The public use, benefit or purpose to be served by the proposed public Project is as follows: to benefit and promote businesses in the Village business district by providing said businesses with a modern, regulatory, compliant municipal sewage disposal system thereby assisting and promoting the economic vitality of the business district, in preserving and expanding the Village' s property tax base and local employment within the Village.

2. The Project will be located pursuant to the map attached hereto.

3. The public Project will consist of the taking of the fee of 3.169 acres and a permanent utility and access easement of 0.19 acres as shown on the attached map.

These parcels were designated as the most suitable for the Project by the Village's consultant, Fagan Engineers.

4. The proposed public Project will have no significant impact on the environment and the residents of the Village. The Village Board, acting as lead agency, conducted a state environmental quality review of the proposed Project. A full Environmental Assessment form was completed and notice of the review was given to potential, involved agencies. By Resolution dated June 20, 2018, the Village Board adopted a Resolution finding that the Project will have no significant impact on the environment and issued a negative declaration. The Board further finds that Village residents will not be adversely impacted by the Project. The operating and maintenance costs of the system will be paid for only by those owners of property benefitting from the sewer service.

5. The Village Board determines that given the need to maintain and provide for economic development within the Village's business district, the public Project involving the taking by fee of one parcel and a permanent easement over another parcel is necessary for the economic well-being of the Village, and be it further

RESOLVED that the Village Board hereby determines that there is a public use, benefit or purpose of economic development pertaining to the public Project which involves the taking of the aforementioned parcels of real property; and be it further

RESOLVED that the Village Board of the Village of Hammondsport hereby authorizes Village staff and counsel to proceed pursuant to the Eminent Domain Law of the State of New York to acquire the designated properties for the development of a municipal sewage disposal system servicing certain Village real properties benefitted by said system.

Code Book Section 122-12: The Board discussed the short-term rentals in the business district. There have been applications for short-term rental and as the code reads in section 122-12, *(j) Apartments. In the business districts, residential apartments are allowed on and limited to upper floors over the first floor commercial uses.* The Board discussed the recommendations that were presented from the Planning Board. Tabled, until information comes back from the Village Attorney.

Sexual Harassment Policy: Tabled until next regular meeting.

Refuse/Garbage Removal Bid: The current contract with Cardinal Disposal is due to expire on February 29, 2020. On motion of Trustee Keck, seconded by Trustee Pulver, and carried all voting Aye, RESOLVED that the Clerk is authorized to advertise for Garbage Bids, with the change in the Specifications that the Refuse/Garbage Removal Company may choose the day they prefer for weekly removal, as long as it is the same day each week.

NEW BUSINESS

Deputy Clerk Position: Deputy Clerk Lela Martuscello is retiring at the end of the year. The Clerk would like to hire someone to fill her position.

Inter-Municipal Agreement and Building Inspector/Zoning Officer: After Board discussion, tabled until next regular meeting.

License, Depot Building: After Board discussion, tabled until next regular meeting.

Board discussion on the Wings & Wheels event that took place on September 14-15, the Board would like to follow up with a letter regarding the car that was parked in Pulteney Park (vehicles are prohibited in the park) and the Street Closing of Shethar Street can only extend up to the grocery store.

Correspondence:

Letter from the Public Service Commission, they are in receipt of the letter written from the Village of Hammondsport, regarding the NYSEG Electric Rate Case.

Letter from Rev. Lynne Sharp, St James Church, regarding the No Parking sign on Lake Street, asking for it to be moved . Trustee Pulver will contact Rev. Lynne Sharp.

Public Comment: None.

Trustee Luppino made a motion, seconded by Trustee Keck to enter into Executive Session at 6:52 p.m. to discuss the matters leading to the appointment or employment of certain persons.

Trustee Pulver made a motion, seconded by Trustee Keck to come out of executive session at 7:00 p.m.

On motion of Trustee Keck, seconded by Trustee Luppino, and carried, all voting Aye to adjourn the meeting at 7:06 p.m.

Respectfully Submitted,

Tammie Nelson,
Village of Hammondsport Clerk-Treasurer