

Regular Board Meeting
Village of Montour Falls

April 20, 2023

7:00 pm

Present: Mayor James Ryan, Trustees Phil Jo Smith, James Nolan, and Jeffrey Confer

Also Present: Dean Hillyard, Superintendent; James Howell, Sch. Co. Legislature; and Emily Byers, Village Clerk

Public: Jody Saunders, Maureen Colunio, and Katie Serrine

Mayor Ryan called the meeting to order at 7:00 pm.

Trustee Smith offered a resolution, seconded by Trustee Nolan authorizing the payment of bills on Abstract no. 19 – General Fund, for the amount of \$ 128,214.91. AYES: Trustees Smith, Nolan, and Confer. NOES: None. Resolution carried.

Trustee Nolan offered a resolution, seconded by Trustee Smith authorizing the payment of bills on Abstract no. 19 – Water Fund, for the amount of \$ 7,498.60. AYES: Trustees Smith, Nolan, and Confer. NOES: None. Resolution carried.

Trustee Confer offered a resolution, seconded by Trustee Nolan authorizing the payment of bills on Abstract no. 19 – Sewer Fund, for the amount of \$ 4,150.33. AYES: Trustees Smith, Nolan, and Confer. NOES: None. Resolution carried.

Trustee Smith offered a resolution, seconded by Trustee Confer authorizing the payment of bills on Abstract no. 19 – Trust & Agency Fund, for the amount of \$ 3,742.17. AYES: Trustees Smith, Nolan, and Confer. NOES: None. Resolution carried.

PUBLIC HEARING

7:10 p.m.

Local Law #2-2023 A Local Law
to Override the Tax Levy Limit for
the Fiscal Year 2023-2024

Trustee Smith offered a resolution, seconded by Trustee Confer to open a Public Hearing at 7:10 p.m. for the purpose of hearing public comments on Local Law #2-2023 A Local Law to Override the Tax Levy Limit for the Fiscal Year 2023-2024. AYES: Trustees Smith, Nolan, and Confer. NOES: None. Resolution carried.

James Howell inquires about the tax rate.

Mayor Ryan answers the proposed tax rate is 9.4713.

PUBLIC HEARING

7:15 p.m.

Local Law #3-2023 Amending the Code
of the Village of Montour Falls Chapter
156-21 Water Rates and Sewer Charges

Trustee Nolan offered a resolution, seconded by Trustee Confer to enter into a Public Hearing to hear comments on the proposed changes to the Water and Sewer Rates. AYES: Trustees Smith, Nolan and Confer. NOES: None. Resolution carried.

Local law amends residential water rates to \$0.745 per hundred gallons (\$7.45/thousand); residential water base charge to \$3.24 per billing; residential water rates outside the Village to \$1.490 per hundred gallons (\$14.90/thousand); residential water base charge outside the Village to \$6.48 per billing; residential sewer rates to \$1.050 per hundred gallons (\$10.50/thousand); residential sewer base charge to \$3.60 per billing; and residential sewer unit charge to \$280.96 per 41,464 gallons of usage per year.

Local law amends commercial water rates to \$1.000 per hundred gallons (\$10.00/thousand); commercial water base charge to \$1.62 per billing; commercial water rates outside the Village to \$2.000 per hundred gallons (\$20.00/thousand); commercial water base charge outside the Village to \$3.24 per billing; commercial sewer rates to \$1.375 per hundred gallons (\$13.75/thousand); commercial sewer base charge to \$1.80 per billing; and commercial sewer unit charge to \$280.96 per 41,464 gallons of usage per year.

Trustee Smith offered a resolution, seconded by Trustee Confer to close the Public Hearing for Local Law #2-2023 at 7:29 p.m. AYES: Trustees Smith, Confer and Nolan. NOES: None. Resolution carried.

Trustee Confer offered a resolution, seconded by Trustee Smith to close the Public Hearing for Local Law #3-2023 at 7:30 p.m. AYES: Trustees Smith, Confer and Nolan. NOES: None. Resolution carried.

Trustee Smith offered a resolution, seconded by Trustee Nolan approving Local Law #2-2023 A Local Law to Override the Tax Levy Limit for Fiscal Year 2023-2024 as follows:

A local law authorizing a property tax levy in excess of the limit established in General Municipal Law §3-c

Section 1. Legislative Intent

It is the intent of this local law to allow the Village of Montour Falls to adopt a budget for the fiscal year commencing June 1, 2023 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government's governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3. Tax Levy Limit Override

The Board of Trustees of the Village of Montour Falls, County of Schuyler, is hereby authorized to adopt a budget for the fiscal year commencing June 1, 2023 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date

This local law shall take effect immediately upon filing with the Secretary of State.

The foregoing resolution was put to vote by roll call, which resulted as follows: AYES: Trustee Smith, Nolan, and Confer. NOES: None. Resolution carried.

Trustee Smith offered a resolution, seconded by Trustee Nolan to enter into a Public Hearing to hear comments on the proposed 2023-2024 Village Budget. AYES: Trustees Smith, Nolan and Confer. NOES: None. Resolution carried.

Mayor Ryan and Treasurer Thompson present the budget overview sheets for the General, Water, and Sewer Funds.

Trustee Smith offered a resolution, seconded by Trustee Confer to close the Public Hearing at 7:45 p.m. AYES: Trustees Chicone, Smith, Confer and Nolan. NOES: None. Resolution carried.

Trustee Smith offered a resolution, seconded by Trustee Nolan to approve the 2023-2024 Village Budget, summarized as follows:

	GENERAL	WATER	SEWER
Appropriations	1,736,489	359,692	713,025
Estimated Revenues	1,049,701	355,285	653,435
Appropriated Fund Balance	20,000	11,592	39,589
Tax Levy	666,788		
Taxable Assessment	70,401,112		
Tax Rate	9.4713		

AYES: Trustees Smith, Confer and Nolan. NOES: None. Resolution carried.

Trustee Smith offered a resolution, seconded by Trustee Confer approving the Mayoral appointment of Nichole Chaffee to the Montour Falls Planning Board. AYES: Trustees Smith, Nolan, and Confer. NOES: None. Resolution carried.

Trustee Smith offered a resolution, seconded by Trustee Nolan to hire the following seasonal employees: Sarah Gridley, Richard Hartwell, Francis Harrison, Donald Hughey, Michael Merrill, Michael Mosher, Amanda Reasor, and Bruce Thatcher. AYES: Trustees Smith, Nolan, and Confer. NOES: None. Resolution carried.

Trustee Confer offered a resolution, seconded by Trustee Smith to designate the Village of Montour Falls Board of Trustees as Lead Agency on the State Environmental Quality Review Act for the proposed sale of 305 ROCK CABIN ROAD. AYES: Trustees Smith, Nolan, and Confer. NOES: None. Resolution carried.

The board completed - Part II of the State Environmental Quality Review Act application.

Trustee Smith offered a resolution, seconded by Trustee Confer determining that the described action of proposed sale of 305 ROCK CABIN ROAD will not result in any significant adverse environmental impacts, therefore resulting in a negative declaration under the State Environmental Quality Review Act. AYES: Trustees Smith, Nolan, and Confer. NOES: None. Resolution carried.

Trustee Confer offered a resolution, seconded by Trustee Smith approving the following resolution:

WHEREAS, the Village of Montour Falls owns the property located at 305 Rock Cabin Road, Montour Falls, New York (the "Premises"); and

WHEREAS, the Board of Trustees has been presented with an offer to purchase the Premises (the "Offer"), and

WHEREAS, the Board of Trustees has determined that the Premises is not needed for public purposes; and

WHEREAS, the Board of Trustees has determined that the price and other terms of the Offer are fair and adequate; and

WHEREAS, the Board of Trustees has further determined that the sale of the Premises pursuant to the Offer is otherwise in the public interest; and

WHEREAS, the Board of Trustees has completed review of the sale of the Premises pursuant to the New York State Environmental Quality Review Act and its implementing regulations ("SEQRA");

NOW, THEREFORE, it is:

RESOLVED, that the Board of Trustees finds that the Village's sale of the Premises will have no significant adverse environmental impact; and it is further

RESOLVED, that the Village's sale of the Premises pursuant to the Contract is approved, and the Mayor is authorized to accept the Offer on behalf of the Village execute and deliver on behalf of the Village all documents and agreements necessary to complete said sale.

The aforementioned resolution was put to a vote and resulted in the following: AYES: Trustees Smith, Nolan, and Confer. NOES: None. Resolution carried.

Trustee Smith offered a resolution, seconded by Trustee Confer to accept the higher purchase offer on the property located at 305 Rock Cabin Road, Montour Falls in the amount of \$68,000.00.

AYES: Trustees Smith, Nolan, and Confer. NOES: None. Resolution carried.

Trustee Confer offered a resolution, seconded by Trustee Nolan to designate the Village of Montour Falls Board of Trustees as Lead Agency on the State Environmental Quality Review Act for the proposed purchase of 412 W. Main Street. AYES: Trustees Smith, Nolan, and Confer. NOES: None. Resolution carried.

The board completed Part II of the State Environmental Quality Review Act application.

Trustee Smith offered a resolution, seconded by Trustee Nolan determining that the described action of the purchase of 412 W. Main Street will not result in any significant adverse environmental impacts, therefore resulting in a negative declaration under the State Environmental Quality Review Act. AYES: Trustees Smith, Nolan, and Confer. NOES: None. Resolution carried.

Trustee Nolan offered a resolution, seconded by Trustee Confer approving the following resolution:

WHEREAS, the Village of Montour Falls has contracted to purchase certain real property located at 412 West Main Street, Montour Falls, New York and 00 Genesee Street, Montour Falls, New York (collectively, the "Premises") from the Snider Trust for a price of \$225,000, pursuant to purchase and sale agreement dated March 14, 2023 (the "Contract"), subject to approval by the Village's Board of Trustees; and

WHEREAS, the Board of Trustees has determined that, in consideration of the Premises' historic value, its proximity to the Village offices, and other factors, that the price and other terms of the Contract are fair, reasonable and in accordance with the most beneficial terms available for the purchase of the Premises, and

WHEREAS, the Board of Trustees has further determined that the Premises is to be acquired for municipal purposes, to wit use as municipal offices and other public purposes; and
WHEREAS, the Board of Trustees has further determined that the purchase of the Premises pursuant to the Contract is otherwise in the public interest; and
WHEREAS, the Board of Trustees has completed review of the acquisition of the Premises pursuant to the New York State Environmental Quality Review Act and its implementing regulations (“SEQRA”);
NOW, THEREFORE, it is:
RESOLVED, that the Board of Trustees finds that the Village’s acquisition of the Premises will have no significant adverse environmental impact; and it is further
RESOLVED, that the Village’s acquisition of the Premises pursuant to the Contract is approved, and the Mayor is authorized to execute and deliver on behalf of the Village all documents and agreements necessary to complete said acquisition.

The aforementioned resolution was put to vote and resulted in the following: AYES: Trustees Smith, Nolan, and Confer. NOES: None. Resolution carried.

Trustee Smith offered a resolution, seconded by Trustee Confer to accept Elliott Landscaping proposal to replace sidewalk blocks on East South Street. AYES: Trustees Smith, Nolan, and Confer. NOES: None. Resolution carried.

The Village Hall roof is moving forward.

Mayor Ryan, Superintendent Hillyard and Treasurer Thompson met with Teamsters for Union negotiations and came to an agreement. The agreement is with the Teamsters for a final review and will be returned for the Mayor to sign.

Trustee Confer noted that Tim Dunlap has volunteered to repaint the historic signs in the Village.

Mayor Ryan let the board know he will host an Arbor Day celebration at the Carnival Grounds on Friday, April 28, 2023.

Trustee Smith offered a resolution, seconded by Trustee Confer to adjourn the meeting at 8:35 p.m. AYES: Trustees Smith, Nolan, and Confer. NOES: None. Resolution carried.

Respectfully submitted,
Emily Byers, Village Clerk