

October 22, 2018

Mayor Johnson opened the Regular meeting at 6:30 pm followed by the Pledge of Allegiance.

Members present: Mayor Johnson, Trustees Graham, Lauer, McMartin-Eck and Sargent. Also present were Village Deputy Clerk Denise Beal, Planning Board Chairman Mark Zimmerman and Village business owner Linda Rindell.

The Board was updated on the status of Linda Rindell's Change of Use on the property located at 55 Alleghany St.

Brief discussion took place regarding procedure and Zoning Board of Appeals. It was mentioned that in the Neighborhood Business Law it also states that businesses in a Neighborhood Business District should be an acre parcel. It was mentioned that the Market property was being split off from the area where the Senior Apartments are and that it would fall under the restrictions of the Neighborhood Business District. Mr. Zimmerman recommended that the Board approve Linda Rindell's Change of Use.

Motion was made by Trustee McMartin-Eck and seconded by Trustee Graham to approve Linda Rindell's Change of Use on the property located at 55 Alleghany.

The motion was **passed** on the following vote:

VOTE	YES	NO	ABSTAIN	ABSENT
Mayor Johnson	X			
Trustee Ken Lauer	X			
Trustee Al Graham	X			
Trustee McMartin-Eck	X			
Trustee Sargent	X			
<b>VOTE TOTAL</b>	<b>5</b>			

Discussion also took place regarding Sarah Margaret's application for Special Use and Site Plan review on the property located at 47 West Main Street. Mr. Zimmerman informed the Board that the Planning Board will be approving the application at their October 23<sup>rd</sup> meeting. Further conversation took place regarding the nature of the business and Mr. Zimmerman indicated that they would need to have a Special Use yearly review and recommended that the Board approve the current application.

Motion was made by Trustee McMartin-Eck and seconded by Trustee Sargent to approve the Special Use and Site Plan permits for property located at 47 West Main Street pending approval of the Planning Board.

The motion was **passed** on the following vote:

VOTE	YES	NO	ABSTAIN	ABSENT
Mayor Johnson	X			
Trustee Ken Lauer	X			
Trustee Al Graham	X			
Trustee McMartin-Eck	X			
Trustee Sargent	X			
<b>VOTE TOTAL</b>	<b>5</b>			

Board was informed that drawings are still needed for the Ron Long project and a joint meeting of both Boards will need to be set up.

Trustee Sargent and Mark Zimmerman said they would like to attend the Planning/Zoning training in Batavia on November 14<sup>th</sup>. Cost will be \$75.00 each.

Motion was made by Mayor Johnson and seconded by Trustee McMartin-Eck to approve Mark Zimmerman and Trustee Sargent to attend the Planning/Zoning training in Batavia on November 14<sup>th</sup> at \$75.00 each.

The motion was **passed** on the following vote:

VOTE	YES	NO	ABSTAIN	ABSENT
Mayor Johnson	X			
Trustee Ken Lauer	X			
Trustee Al Graham	X			
Trustee McMartin-Eck	X			
Trustee Sargent	X			
<b>VOTE TOTAL</b>	<b>5</b>			

Board of Trustees requested Code Enforcement Officer Schollard to present a report to the Board once a month.

Mark Zimmerman said he is putting together packets to provide residents and clerks with any paperwork needed for permits. Procedure was also discussed.

Attorney Dave Saleh arrived at 6:47 pm.

Motion was made by Trustee Graham and seconded by Trustee Sargent to adopt procedure outlined by Mark Zimmerman.

The motion was **passed** on the following vote:

VOTE	YES	NO	ABSTAIN	ABSENT
Mayor Johnson	X			
Trustee Ken Lauer	X			
Trustee Al Graham	X			
Trustee McMartin-Eck	X			
Trustee Sargent	X			
<b>VOTE TOTAL</b>	<b>5</b>			

Linda Rindell left the meeting at 6:55 pm.

Mark Zimmerman requested increase in contractual line item for the Planning Board to be applied to work sessions, comprehensive plan, upgrading, etc. Deputy Clerk Beal suggested settling up a separate budget for the Planning Board. It was agreed that a consistent procedure be set up. Software for permits was discussed.

Mark Zimmerman said he will continue to work on streamlining the procedure. Mr. Zimmerman left the meeting at 7:20 pm.

Trustee Sargent updated the Board on police checkpoint to be set up for the day before Thanksgiving. Mayor Johnson said he has been in touch with FM Communications regarding the wiring issues on the Police vehicles. It was mentioned that the Explorer is not a police package vehicle and indicated that they would like to get rid of the Explorer. Brief discussion took place.

Motion was made by Trustee McMartin-Eck and seconded by Trustee Sargent to take the Explorer in for electrical work not to exceed \$800.00.

The motion was **passed** on the following vote:

VOTE	YES	NO	ABSTAIN	ABSENT
Mayor Johnson	X			
Trustee Ken Lauer	X			
Trustee Al Graham	X			
Trustee McMartin-Eck	X			
Trustee Sargent	X			
<b>VOTE TOTAL</b>	<b>5</b>			

Trustee Sargent updated the Board regarding the change in Union representation and PERB hearing for Police union.

Trustee Graham informed the Board that he and Deputy Clerk Beal worked on cleaning up the storage loft and have excess computer parts which could be put out for bid. Trustee Graham said he will create a list of items.

Motion was made by Trustee Sargent and seconded by Trustee Graham to put excess computer parts out for bid.

The motion was **passed** on the following vote:

VOTE	YES	NO	ABSTAIN	ABSENT
Mayor Johnson	X			
Trustee Ken Lauer	X			
Trustee Al Graham	X			
Trustee McMartin-Eck	X			
Trustee Sargent	X			
<b>VOTE TOTAL</b>	<b>5</b>			

Board was updated on Maintenance projects in the works.

- Picking up leaves
- Winterizing – Put new scrape bar on sidewalk snow blower
- Potential solutions for deep pothole near entrance of Dadio’s

Motion was made by Trustee Sargent and seconded by Trustee Graham to approve minutes of the October 8, 2018 regular meeting.

The motion was **passed** on the following vote:

VOTE	YES	NO	ABSTAIN	ABSENT
Mayor Johnson	X			
Trustee Ken Lauer	X			
Trustee Al Graham	X			
Trustee McMartin-Eck	X			
Trustee Sargent	X			
<b>VOTE TOTAL</b>	<b>5</b>			

Motion was made by Trustee Sargent and seconded by Trustee Graham to approve payment of the following bills due prior to the November 12<sup>th</sup> meeting.

The motion was **passed** on the following vote:

VOTE	YES	NO	ABSTAIN	ABSENT
Mayor Johnson	X			
Trustee Ken Lauer	X			
Trustee Al Graham	X			
Trustee McMartin-Eck	X			
Trustee Sargent	X			
<b>VOTE TOTAL</b>	<b>5</b>			

Date	Inv #	Vendor	Description	Amt. Due	Due Date
10/18/18	182840014149	BlueCross BlueShield	11/1-11/30/18 Health Ins	\$ 1,771.35	11/1/18
10/11/18	219883	Falcone Electric	Wall pack replacment Plant	\$ 1,082.90	11/10/18
10/16/18	518180	Genesee Lumber	Concrete Mix - Grant	\$ 19.96	9/25/18
10/1/18	18-10008	K&S Contractors	8" pipe - Grant	\$ 177.52	10/31/18
10/2/18	18-10030	K&S Contractors	15" Poly - Grant	\$ 153.20	11/1/18
10/19/18	101218	M&T Bank	Chg.Card- Backup.com	\$ 149.25	11/9/18
10/22/18	111518	Greene Co Comm Bank	Serial Bond Payment	\$ 17,358.75	11/15/18
10/15/18	9/10-10/5/18MR	National Fuel	Town Main Road Lift Station fuel	\$ 15.53	11/4/18
10/15/18	9/10-10/5/18C	National Fuel	Cohocton Lift Station fuel	\$ 19.67	11/4/18
10/10/18	9/4-10/2/18V	National Fuel	Village Main Lift Fuel	\$ 20.39	10/31/18
10/22/18	9/13-10/12/18MR	National Grid	Town Main Road Lift elec	\$ 129.35	11/8/18
10/22/18	9/13-10/12/18C	National Grid	Cohocton Lift Station elec	\$ 82.58	11/8/18
10/22/18	9/13-10/12/18TA	National Grid	TA Lift Station Power	\$ 121.78	11/8/18
10/22/18	9/13-10/12/18Cem	National Grid	Village Cemetery Lift Power	\$ 109.42	11/8/18
10/22/18	9/13-10/12/18D	National Grid	Village Depot Lift Power	\$ 31.03	11/8/18
10/22/18	9/13-10/12/18VM	National Grid	Village Main Lift Power	\$ 261.55	11/8/18
10/22/18	9/13-10/12/18P	National Grid	Village Plant Power	\$ 1,772.94	11/8/18
10/12/18	1912768	Quill	Court Toner	\$ 139.90	11/11/18
10/12/18	1927131	Quill	Storage Boxes	\$ 24.38	11/11/18
10/6/18	1044	S&S Excavating	Install Cemetery Lift Station	\$ 2,000.00	11/5/18
10/5/18	122867401100518	Time Warner	10/15-11/14/18 Cable/Internet	\$ 275.61	10/27/18

10/10/18	191442	WNY Imaging	Copier Contract	\$ 141.00	10/22/18
10/6/18	1814	WNYNetWorks	System Support	\$ 237.50	11/6/18
			<b>Total Due</b>	<b>\$ 24,324.21</b>	

Communications:

- 1) Rec'd ck#1246 in amt of \$399.80 from Richard Shaw Law firm for accident with Police Car.
- 2) Rec'd ck#1116 in amt of \$17,034.00 from Judge O'Connor for September Fines.
- 3) Rec'd ck#46215 in amt of \$20.00 from Metropolitan Reporting Bureau for accident report.
- 4) Rec'd report of tickets written in September 2018 from NYS DMV.
- 5) Rec'd letter from Attorney Disare re: PERB hearing.
- 6) Rec'd DASNY counsel opinion letter from Whiting Law Firm.
- 7) Rec'd monthly results for September 2018 usage from TA Travel Center
- 8) Rec'd notice of claim for damage at 104 Allegheny from Frontier Communications.
- 9) Rec'd ck#56333388 in amt of \$119.19 from Frontier for Utility Tax.
- 10) Rec'd ck#61617 in amt of \$.10 from TING Inc. for Utility Tax.
- 11) Rec'd ck#3196 in amt of \$2.90 from Interstate Gas Supply for Utility Tax.
- 12) Rec'd ck#68860 in amt of \$4,385.29 from Yancey's for permit fee, overage & sampling.

Board was updated by Clerk on progress on the Ranzenhofer grant paperwork and the Hazard mitigation Plan. Mayor Johnson signed paperwork where required.

Reminder was given that the corrective action plan for the State audit is due in 90 days.

Brief conversation took place regarding Local Law #2 of 2018. It was agreed to set the public hearing on November 12<sup>th</sup> meeting at 6:30 pm.

Motion was made by Trustee Sargent and seconded by Mayor Johnson to move the following Resolution;

**RESOLUTION TO INTRODUCE PROPOSED LOCAL LAW No. 2 of 2018 (See attached Law)**

**WHEREAS**, the Village Board of the Village of Corfu, New York desires to consider adopting legislation "Prohibition on Illegal Connections to Public Sewer System and Inspection Prior to Transfer of Title"

**NOW, THEREFORE, BE IT RESOLVED** by the Village Board of the Village of Corfu, New York that proposed Local Law No. 2 of 2018 entitled "Prohibition on Illegal Connections to Public Sewer System and Inspection Prior to Transfer of Title" which proposed Local Law is now in its final form as appears by a copy thereof hereto attached, be and the same hereby is introduced for adoption; and

**BE IT FURTHER RESOLVED** that said proposed Local Law be laid upon the desks of the members of this Village Board on this date and remain there and a copy thereof be kept on file in the office of the Village Clerk until November 12, 2018, and that a public hearing be held before this Village Board on the 12<sup>th</sup> day of November, 2018, at 6:30 p.m. at the Corfu Village Hall, 116 East Main Street, Corfu, New York, on the advisability of enacting said proposed Local Law; and

**BE IT FURTHER RESOLVED** that a copy of said proposed Local Law be mailed to each member of

the Village Board not in attendance at this meeting in a postpaid, properly addressed and securely closed envelope in a post box within the Village of Corfu, New York not less than ten (10) calendar days, exclusive of Sunday, prior to the date of said public hearing; and

**BE IT FURTHER RESOLVED** that the Village Clerk shall cause notice of said public hearing to be published once in The Daily News at least ten (10) days prior to the date of said public hearing, which notice shall contain the time and place of said hearing, the title and purpose thereof, as well as a statement that a copy of said proposed Local Law is on file in the Village Clerk's Office.

Dated: October 8, 2018

The motion was **passed** on the following vote:

VOTE	YES	NO	ABSTAIN	ABSENT
Mayor Johnson	X			
Trustee Ken Lauer	X			
Trustee Al Graham	X			
Trustee McMartin-Eck	X			
Trustee Sargent	X			
<b>VOTE TOTAL</b>	<b>5</b>			

Motion was made by Trustee Sargent and seconded by Trustee Lauer to go into Executive Session at 8:00 pm to discuss personnel matters.

The motion was **passed** on the following vote:

VOTE	YES	NO	ABSTAIN	ABSENT
Mayor Johnson	X			
Trustee Ken Lauer	X			
Trustee Al Graham	X			
Trustee McMartin-Eck	X			
Trustee Sargent	X			
<b>VOTE TOTAL</b>	<b>5</b>			

Clerk Thomas and Deputy Clerk Beal were asked to leave for the Executive session.

Motion was made by Trustee McMartin-Eck and seconded by Trustee Graham to go out of Executive Session at 8:25 pm.

The motion was **passed** on the following vote:

VOTE	YES	NO	ABSTAIN	ABSENT
Mayor Johnson	X			
Trustee Ken Lauer	X			
Trustee Al Graham	X			
Trustee McMartin-Eck	X			
Trustee Sargent	X			
<b>VOTE TOTAL</b>	<b>5</b>			

No decisions were made in Executive session.

Motion made by Trustee McMartin-Eck and seconded by Trustee Sargent to adjourn meeting at 8:30 pm.

The motion was **passed** on the following vote:

VOTE	YES	NO	ABSTAIN	ABSENT
Mayor Johnson	X			
Trustee Ken Lauer	X			

Trustee Al Graham	X			
Trustee McMartin-Eck	X			
Trustee Sargent	X			
<b>VOTE TOTAL</b>	<b>5</b>			

**VILLAGE OF CORFU**

**Local Law No. 2 of 2018**

**Prohibition on Illegal Connections to Public Sewer System and Inspection Prior to Transfer of Title**

1. **Title.** This local law shall be known as Local Law No. 2 of 2018 entitled “Prohibition on Illegal Connections to Public Sewer System and Inspection Prior to Transfer of Title.”
2. **Authority.** This local law is adopted pursuant to New York Municipal Home Rule Law.
3. **Legislative Purposes and Objectives.** The Board of Trustees of the Village of Corfu enact this local law to promote the general welfare of its constituents by:
  - (a) Ensuring that public sewer connections for all property owners within the Village are safe, adequate, and properly connected to the public sewer system;
  - (b) Preventing illegal connections to the public sewer system which, among other things, will further incentivize legal connections to the system and avoid unanticipated flow capacity into the sewer system;
  - (c) Promoting the marketability of property within the Village;
  - (d) Providing assurances to any potential purchaser of a property in the Village that sewer connections are safe, adequate, and properly connected to the public sewer system; and
  - (e) Otherwise promoting the health, safety, and welfare of residents of the Village.
4. **Provisions.** The Board of Trustees of the Village of Corfu hereby enacts the following provisions with regard to public sewer system connections:
  - (a) Permit Required. No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Village.
  - (b) Connection Permit. The owner of a parcel seeking connection shall make application to the Village, with said application to be submitted to the Village, along with supplemental plans and specifications, in such form and content as the Village may from time to time require.
  - (c) Costs Borne by Owner. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the property owner. If the Village performs the sewer tap to the public sewer, a fee as set forth from time to time by resolution of the Board of Trustees shall be paid to the Village upon completion of the tap. The owner shall pay the Village for any loss or damage (including claims of others against the Village) that may directly or indirectly be occasioned by his installation of the building sewer.

- (d) Certain Connections Prohibited – Sanitary Sewer. No person shall make connection of roof downspouts, foundation drains, areaway drains, sump pumps, floor drains, such as garage or basement, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. Any such connection now in existence shall be removed.
- (e) Certain Connections Prohibited – Wastewater. No person shall make connection to the public wastewater sewer system, or any appurtenance thereof, without first having obtained a written permit from the Village. Any property owner seeking to connect to the public wastewater sewer system must follow the permit application procedures outlined in this local law.
- (f) Inspection Prior To Transfer of Title. No person shall transfer title to another person, nor accept from any other person the transfer of title to any structure or parcel of land upon which a structure is located, until the Village, through the Superintendent of Public Works or his authorized agent, shall have inspected the wastewater connections, sump pump system, footing drains, yard drains and downspouts of such structure or parcel of land and issued a certificate of compliance stating that the same is found to be in compliance with the provisions of this local law. This section shall not apply to transfers of property by gift, intestacy or testamentary disposition, or transfers made pursuant to the Bankruptcy Code, partition or matrimonial settlement.
- (g) Costs of Inspection. The fee for an inspection as outlined in Section 4(f) above shall be Seventy-Five and 00/100 Dollars (\$75.00) unless otherwise specified by the Board of Trustees in a subsequent resolution or local law. This cost shall be borne by the owner/seller of the property, unless otherwise agreed in a duly executed contract between the purchaser and seller.

**5. Severability.** The invalidity of any clause, sentence, paragraph, or provision, of this local law shall not invalidate any other clause, sentence, paragraph or part hereof.

**6. Repeal and Supersession.** All local laws, ordinances, or resolutions or parts thereof in conflict with any part of this local law are hereby repealed.

**7. Effective Date.** This local law shall take effect January 1, 2019, with said local law to be promptly filed after passage with the Office of the New York State Secretary of State.

Sandra Thomas,  
Clerk-Treasurer