

September 18th, 2018

REGULAR BOARD MEETING

PRESENT: Acting Mayor Miller
Tr Reed, James, and Bannister
Supt Wright
Clerk Gozelski

Also Present: R. Uptegrove

At 7:00pm Acting Mayor Miller led us in the Pledge of Allegiance and called the meeting to order.

Minutes of previous meeting were read.

A motion was made by Tr James, seconded by Tr Bannister, that the minutes be approved from the previous meeting.

Polled: Ayes: Tr James, Bannister, Reed, and Acting Mayor Miller
Noes: None Carried

Public Comments:

R. Uptegrove inquired why the Town has moved the meetings to different dates.

Bills listed in abstract #5 in the amounts of:

\$10,523.78 in the General Fund, \$97,060.89 in the Electric Fund, \$13,483.39 in the Water Fund, and \$4,144.64 in the Sewer Fund.

A motion was made by Tr Bannister, seconded by Tr James, to approve and pay the Bills.

Polled: Ayes: Tr James, Bannister, Reed, and Acting Mayor Miller
Noes: None Carried

Committee Reports:

The Village has been able to procure a Sexual Harassment training program for \$500.00 per year.

A motion was made by Tr Bannister, seconded by Tr Reed, to approve the purchase of a Sexual Harassment Training from \$500.00 per year.

Polled: Ayes: Tr James, Bannister, Reed, and Acting Mayor Miller
Noes: None Carried

Mayor's Report:

Acting Mayor Miller asked that there be a reminder put in the newsletter to inform the residents of the local Law #2 2015 for fowl. There have been many complaints from various violations this year.

Supt's Report:

A motion was made by Tr Bannister, seconded by Tr James, to send W. Wallace and J. Norcross to Water Schools in November 2018 costing \$80-\$130/person.

Polled: Ayes: Tr James, Bannister, Reed, and Acting Mayor Miller
Noes: None Carried

J. Scott would like to begin training for Water School to obtain his Water License.

A motion was made by Tr Bannister, seconded by Tr James, to permit J. Scott to begin Water School Training at his home this winter. The course is \$500.00.

Polled: Ayes: Tr James, Bannister, Reed, and Acting Mayor Miller
Noes: None Carried

Supt Wright will attempt to pour 9-10 yards of concrete on 9/19/2018.

Supt Wright was successful in training Clerk J. Gozelski and Deputy Clerk C. Gilkinson for Workplace Violence. The Hazardous Communications Report has been submitted and rejected. Tom will follow up with a representative from PESH to see what the discrepancy is and how it can be rectified.

Supt Wright reported on 9/17/2018 Meadowview was blacktopped and the Catch Basins were fixed.

Clerk's Report:

The bank reconciliation was submitted for August 2018.

Clerk Gozelski reported that the inspection report came through for the Government Center Building. The Board of trustees of the Village of Castile stated that the Town is the lead agent in this matter and we are to follow up with Town UPT D. Nourse to see about compliance and any needs of the building.

A motion was made by Tr James, seconded by Tr Reed, to send Clerk Gozelski to class in Syracuse for Electric training on October 10-11, 2018.

Polled: Ayes: Tr James, Bannister, Reed, and Acting Mayor Miller
Noes: None Carried

A motion was made by Tr Bannister, seconded by Acting Mayor Miller, to pay down on Ban #2 for the Building for \$45,000.00-\$50,000.00.

Polled: Ayes: Tr James, Bannister, Reed, and Acting Mayor Miller
Noes: None Carried

A motion was made Tr Reed, seconded by Tr Bannister, to send out bids for Gas/Diesel for the term of November 1, 2018-October 31, 2019, with the understanding that the Board of Trustees of the Village of Castile retains the right to refuse any bids presented.

Polled: Ayes: Tr James, Bannister, Reed, and Acting Mayor Miller
Noes: None Carried

The Village Board of trustees were made aware that there is a group called OMNI that serves as an administrative watchdog for Municipal holdings; ie. 403B funds. Tr Reed is gathering information to see how it can be administered and used to the benefit of the Village employees.

A motion was made by Tr Reed, seconded by Tr James, to adopt a deferred Compensation Plan
WHEREAS, the Village of Castile wishes to adopt the Deferred Compensation Plan for Employees of the State of New York and Other Participating Public Jurisdictions (the "Plan") for voluntary participation of all eligible employees; and

WHEREAS, the Village of Castile has reviewed the Plan established in accordance with Section 5 of the State Finance Law and

WHEREAS, the Village of Castile has reviewed the Plan established in accordance with Section 457 of the Internal Revenue Code and Section 5 of the State Finance Law of the State of New York; and

WHEREAS, the purpose of the Plan is to encourage employees to make and continue careers with the Village of Castile by providing eligible employees with a convenient and tax-favored method of saving on a regular and long-term basis and thereby provide for their retirement; NOT, THEREFORE, it is hereby:

RESOLVED, that the Village of Castile hereby adopts the Plan for the voluntary participation of all eligible employees; and it is further

RESOLVED, that the appropriate officials of the Board of trustees, Village of Castile are hereby authorized to take such actions and enter such agreements as are required or necessary for the adoption, implementation, and maintenance of the Plan; and it is further

RESOLVED, that the Administrative Services Agency is hereby authorized to file copies of these resolutions and other required documents with the President of the State of New York Civil Service Commission,

Adopted the 18th day of September, 2018, at a meeting of the Castile Village Board of Trustees.

*a local public employer eligible to adopt the Plan pursuant to Section 5 of the State of Finance Law includes: a county, city, town, village, or other political subdivision as defined in Section 131 Security law or civil division of the State; a school district or other governmental entity operating a public school, college, or university; a public improvement or special district, a public authority, commission, or public benefit corporation; or any other public corporation, agency, instrumentality or unit of government which exercises governmental powers under the laws of the State.

Polled: Ayes: Tr James, Bannister, Reed, and Acting Mayor Miller

Noes: None Carried

NOW, THEREFORE, it is hereby:

RESOLVED, that the Village of Castile hereby adopts the Plan for the voluntary participation of all eligible employees; and it is further

RESOLVED, that the appropriate officials of the Village of Castile are hereby authorized to take such actions and enter such agreements as are required or necessary for the adoption, implementation, and maintenance of the Plan; and it is further

RESOLVED, that the Administrative Services Agency is hereby authorized to file copies of these resolutions and other required documents with the President of the State of New York Civil Service Commission.

Adopted 18th day of September 2018, at a meeting of the Village Board of Trustees.

I hereby certify that the Village of Castile is a local public employer within the meaning of the section 5 of the State Finance Law and that the adoption of the Plan has received all required approvals of any local governing body or officer and otherwise complies with the local law.

Witnessed by:
Johanna Gozelski
Castile Village Clerk

Dennis Miller
Castile Acting Mayor

By:

Consent of the Deferred
Compensation Board of the
State of New York to
Local Public Employer's
Participation

By: _____

- A local public employer eligible to adopt the Plan pursuant to Section 5 of the State Finance Law includes: a county, city, town, village or other political subdivision as defined in Section 131 of the retirement and Social Security law or civil division of the State; a school district or other governmental entity operating a public school, college, or university; a public improvement, commission, or public benefit corporation; or any other public corporation,

agency or instrumentality or unit of government which exercises governmental powers under the laws of the State.

A motion was made by Tr Reed, seconded by Tr James to adopt the following Resolution regarding the New York State Deferred Compensation Plan.

Village of Castile
53 N Main St
P O Box 515
Castile, NY, 14427
585-493-2233 bfax 585-493-2063
villageofcastile@gmail.com

Adoption of the State of New York Deferred Compensation Plan

WHEREAS, the Village of Castile wishes to adopt the Deferred Compensation Plan for Employees of the State of New York and Other Participating Public Jurisdictions (The "Plan") for voluntary participation of all eligible employees; and

WHEREAS, The Village of Castile is a local public employer eligible to adopt the Plan pursuant to Section 5 of the state Finance Law* and

WHEREAS, the purpose of the Plan is to encourage employees to make and continue careers with the Village of Castile by providing eligible employees with a convenient and tax-favored method of saving on a regular and long-term basis and thereby provide for their retirement.

Polled: Ayes: Tr James, Bannister, Reed, and Acting Mayor Miller
Noes: None Carried

At 7:24pm a motion was made by Acting Mayor Miller, seconded by Tr Reed, to go into executive session for legal,

Polled: Ayes: Tr James, Bannister, Miller, Reed, and Mayor Washburn
Noes: None Carried

At 7:36pm a motion was made by Acting Mayor Miller, seconded by Tr Bannister, to come out of executive session.

Polled: Ayes: Tr James, Bannister, Miller, Reed, and Mayor Washburn
Noes: None Carried

A motion was made by Acting Mayor Miller, seconded by Tr Bannister, to approve Village Lawyer D. Di Matteo, ESQ to submit a letter to The Myer's with an update of the situation on the location of 23 South Main St, Castile, NY, 14427.

Polled: Ayes: Tr James, Bannister, Reed, and Acting Mayor Miller
Noes: None Carried

VILLAGE OF CASTILE A PROPOSED LOCAL LAW ENTITLED, "SIDEWALK LAW"

Be it enacted by the Village Board of the Village of Castile as follows:

SECTION T.

STATUTORY AUTHORITY, TITLE

This local law is adopted pursuant to the authority of Municipal Home Rule Law of the State of New York, specifically S 10, allowing local government to adopt and amend local laws. It is further specifically intended, pursuant to the authority granted under Municipal Home Rule Law & 22 and General Municipal Law 50-e(4) that this local law shall supersede Village Law S 6-628. All other local

laws and ordinances inconsistent with the provisions of the within enactment are hereby deemed repealed. This law shall be entitled "Sidewalk Law".

SECTION II.

PURPOSE

The purpose of this law is to regulate the construction, repair, and maintenance of sidewalks in the Village of Castile, the expense of construction thereof, and the removal of snow, ice, debris, rubbish and other obstructions therefrom. It is also the intent of this law to establish liability for personal injuries or property damage proximately resulting from the failure to keep a sidewalk in reasonably good and safe repair directly and solely upon any owner that breaches the duty prescribed herein such that no civil action shall be maintained against the village of Castile.

SECTION III.

DEFINITIONS

The following definitions shall apply and be used for reference purposes under this law:

Abandoned- Meaning that the Village of Castile will no longer maintain or plow that sidewalk

Curb Line - The point in the outer boundary of a street beyond which no vehicular traffic is intended regardless of whether designated by a continuous and evident physical barrier.

Street - All public highways in the Village of Castile including, but not limited to, avenues, boulevards, roads, alleys, lanes and viaducts.

Sidewalk - Any portion of a street between the curb line and an adjacent property line intended for use by pedestrians and as further defined herein.

Terrace - Any portion of a street between a curb line and sidewalk.

Owner - The person, or entity, depicted in the office of the County Clerk as having record title to real property.

SECTION IV.

APPLICABILITY

All sidewalks in the Village of Castile, whether existing or under construction on the effective date of this article, or hereafter constructed, shall be subject to the provisions of the article unless otherwise noted.

SECTION V.

SIDEWALK MAINTENANCE BY VILLAGE

A.

Whenever the Village Board shall determine upon its own initiative and discretion to construct a new sidewalk or repair an existing sidewalk in the Village of Castile, the cost of the construction of the sidewalk shall be borne by the Village.

The Village of Castile and the Department of Public Works may assume the duty to make necessary preventive and corrective structural maintenance to any and all existing sidewalks within the Village of Castile, and to repair any sidewalks that the Village Board deems to be a defective sidewalk upon its own initiative or through a properly filed complaint form, except as provided herein. All repairs and construction shall conform to the construction standards set forth herein.

C.

Complaint Forms shall be made available at the Office of the Village Clerk to report any defective sidewalks. The Village Clerk shall make a copy of all complaint forms received and send to the Department of Public Works.

D.

Upon receipt of information that the sidewalk may be defective, The Superintendent of Public Works or his or her designated agent shall make an inspection of the sidewalk and file a report with the Village Board to include all necessary remedial actions. If the Board is satisfied that the construction or repair of the sidewalk is in the interest of the general public, the Board may approve the project if funds are available to do so.

Conditions that may constitute structurally defective sidewalks - A sidewalk that is not in accordance with the following standards shall constitute a defective sidewalk:

1.
Unacceptable quality of sidewalk surface, including but not limited to holes, depressions, breaks, or projections.
Ridges or gaps between adjoining sidewalk blocks.
Differences in elevation of the surface or of adjoining sidewalk blocks.
Peeling or crumbling of the surface of the sidewalk.
Tilting of sidewalk or sidewalk blocks except in the case of handicap ramps, driveway approaches or other similar situations.

6.
Missing portions of surface.

F.
Some sidewalks within the Village of Castile shall be considered abandoned, and will not be plowed or maintained by the Village. A list of those sidewalks is attached hereto and incorporated herein as Attachment A.

G.
In the event that any homeowner in the Village of Castile wishes to plow, repair, construct or maintain a sidewalk that has been deemed abandoned, they must do so in accordance with the specifications listed in Section VII of this law.

SECTION VI.

DAILY MAINTENANCE OF SIDEWALKS

A.
The owner of any premises shall be responsible for the all necessary and corrective maintenance of sidewalks, on or running along the street row adjoining the property, in order to keep them in reasonably good and safe repair for users thereof.

All liability for personal injuries or property damage proximately resulting from the failure to keep a sidewalk in reasonably good and safe repair directly and solely upon any owner that breaches the duty prescribed herein such that no civil action shall be maintained against the Village of Castile.

SECTION VII. VOLUNTARY CONSTRUCTION AND REPAIRS BY OWNERS

Whenever an owner of any premises in the Village of Castile shall determine upon his own initiative to construct or repair a sidewalk, on or running along the street row adjoining the premises, such owner or contractor on behalf of the owner, before engaging upon sidewalk repair or construction, must first obtain a permit from the Superintendent of Public Works or his designated agent. The applications shall be furnished by the Superintendent of Public Works.

The property owner/contractor is responsible for the quality of the finished sidewalk. The Superintendent of Public Works or his or her designated agent will inspect the project from time to time and may require the owner to remove and replace new construction that does not meet construction standards as set forth herein and as may be modified from time to time. If modified it will need written approval by the Superintendent of Public Works and submitted to the Village Board.

C.
At the time of making application to the Department of Public Works for a permit to construct or repair a sidewalk, the owner or contractor shall pay to the Village a permit fee in such amount as the Board may from time to time determine and all contractors shall supply proof of a performance bond for the project.

No permit shall be issued to a contractor until he has filed with the Village Clerk a certificate showing that he carries workmen's compensation for all of his employees together with such other insurance as the Superintendent may by rule or regulation require.

E.
No person shall repair or reconstruct a sidewalk unless the same shall be in accordance with the constructions standards set forth herein.

F.

No person shall, without the written consent of the Village Board and approval from the Superintendent, remove any sidewalk in the Village of Castile. Sidewalks shall not be removed for the addition of a new driveway approach nor to replace with asphalt.

G.

The Village of Castile reserves the right to stop any and all work being done on sidewalk repairs within the Village Castile.

SECTION VIII. REPAIRS DUE TO OWNER'S ACTIONS

A. The Superintendent of Public Works or his or her designated agent shall have jurisdiction for the purpose of ordering the repair of a defective sidewalk and for taking remedial action towards making the surface in good repair at the expense of the owner when deemed that the sidewalk is defective due to the direct actions of the owner or private contractor hired by the owner, including, but not limited to, all violations set forth in Section X herein.

B.

All repairs shall be constructed in accordance with sections VII and IX set forth herein.

C. The Superintendent shall cause notice to be served upon the owner or his or her executor, legal representative, or agent, either personally or by first class prepaid mail, addressed to the last known address or the owner or other person mentioned herein as said address is shown on the records of the assessor. If the name of the owner or place of the residence cannot be ascertained, notice shall be served by posting in a conspicuous place upon the premises.

The notice shall contain the following: 1. Description of the premises upon which the sidewalk is located;

The statement of particulars in which the sidewalk is defective;

3. The statement of particulars of the actions by the owner or contractor hired by the owner causing said defect.

4. An order that the repair or correction of the defect shall commence within thirty (30) days of personal service or within forty (40) days of service by mailing;

5. A procedure to schedule a hearing before the Village Board if the owner does not agree with the findings of the Superintendent of Public Works that hearing shall be scheduled not less than twenty (20) business days from the date of service of the written notice;

6. A statement that in the event of the neglect or refusal to comply with the order to repair, or replace the defective sidewalk, the Village Board is authorized to provide that the sidewalk be secured and repaired and that all expenses thereof assessed against the land in which the sidewalk is located including related necessary or incidental expenses.

E. The Superintendent may extend time requirements for cause and in writing and upon reasonable terms and conditions.

SECTION IX.

CONSTRUCTION STANDARDS

All sidewalk repairs or construction, whether performed by the Village or the owner of the premises, are to be performed in accordance with the following construction standards:

1. All sidewalk dimensions must meet the minimum requirements of the American Disabilities Act, including a minimum width of five (5) feet;

Forming and reinforcement with wire mesh;

Normal weight concrete weighing 4,000 pounds per cubic yard;

Trenches lined with crushed stone pack

Any other matter or items that the Superintendent deems necessary for each situation,

Prior to the pouring of any concrete, the owner and/or contractor is responsible for obtaining the written approval of all site work from a representative of the Department of Public Works. A receipt evidencing the purchase of 4,000 pound concrete shall also be given to the representative of the Department of Public Works.

The Village Board and/or the Superintendent of Public Works may establish additional rules and regulations for the construction and repair of Village sidewalks and shall file them in the Office of the Village Clerk

SECTION X OBSTRUCTIONS

It shall be the duty of any owner of any real estate or land fronting upon any sidewalk in the Village of Castile to keep such sidewalks clear from snow, ice, and all obstructions stated in this section, at all times for safe pedestrian travel. Such owner and each of them, shall be liable for all personal injuries or property damage proximately resulting from the breach of the duty described herein such that no civil action shall be maintained against the Village of Castile.

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No person shall leave a motorized vehicle of any type blocking or parked on a sidewalk within the Village of Castile at any time including, but not limited to, snowmobiles, dirt bikes, ATVs, lawn mowers, and golf carts.

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No person shall place or cause to be placed any boxes, barrels, crates or other receptacles, whether filled or empty, or any other obstruction upon any sidewalk or public place within the Village of Castile.

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No person shall place or cause to be placed any stone, brick, timber, lumber, plank, boards or other material for building in or upon sidewalks in the Village of Castile.

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No person shall drive or operate motorized vehicles on any sidewalk in the Village of Castile, including, but not limited to, motor bikes, four wheelers, snowmobiles, lawn mowers, and golf carts. No person shall slide or coast or roller-skate, roller-blade and/or skateboard on Main Street sidewalks in the Village of Castile.

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No person shall erect or maintain an awning in the streets of the Village of Castile which shall extend beyond the outer edge of the sidewalk.

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No person shall, without the written consent of the Board of Trustees and approval from the Superintendent, plant flowers, shrubs, or erect a fence, on or running along the sidewalk right of way adjoining the property within the Village of Castile. All plants, shrubs, and trees that extend or hang over the outer edge of the sidewalk must be properly trimmed by the owner and the Village of Castile does not assume any liability for any damage done to trees, shrubs, or plants under this section.

It shall also be the duty of the owner of any real estate or lot fronting upon any sidewalk in the Village of Castile to keep sidewalks clean and clear of ice, snow or other debris as follows:

If such owner shall fail to remove such ice, snow or other debris before 9:00 a.m. or each day, the Superintendent of Public Works shall cause the same to be removed and such owner shall pay the cost of such removal.

2.

In cases where ice has formed on the sidewalk to such an extent that it cannot be readily removed, the sidewalk shall be sprinkled with salt, sawdust or sand within the timeframe required by this section.

The Department of Public Work's will make a pass through all Village sidewalks with the sidewalk plow to help maintain a clear sidewalk as a courtesy to Village residents as work load of snow removal may permit. The Village will not plow East Park Road from Lovers Lane to Main Street, on the North side of the road. Although the Village maintains this plowing program, it does not relieve any owner from the responsibilities set forth in this local law for keeping sidewalks clean and clear of ice, snow and/or other debris.

SECTION XI. ENFORCEMENT

A.

It shall be unlawful for any person, whether or not interested in the property affected by this local law to hinder or obstruct the Department of Public Works or any person acting on his behalf and including any contractor not performing the work in this local law.

The Village of Castile reserves the right to stop any and all work being done on sidewalk repairs within the Village Castile

SECTION XII,

REPEAL

All ordinances, local laws and parts thereof inconsistent with this focal law are hereby repealed.

SECTION XIII.

SEVERABILITY/VALIDITY

In the event that any word, phrase or part of this local law shall be declared unconstitutional, the same shall be severed and separated from the remainder of this local law and shall not impact the remainder of said local law which shall remain in full force and effect.

SECTION XIV.

WHEN EFFECTIVE

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

A motion was made by Tr James, seconded by Tr Reed, to approve a sidewalk law.

Polled: Ayes: Tr James, Bannister, Reed, and Acting Mayor Miller

Noes: None Carried

At 7:40pm, a motion was made by Acting Mayor Miller, and seconded by Tr Bannister, to adjourn the meeting,

Polled: Ayes: Tr James, Bannister, Reed and Acting Mayor Miller Noes: None Carried

Respectfully submitted,

Johanna Gozelski
Clerk/Treasurer