

VILLAGE OF SAVONA

15 McCoy Street
Savona, NY 14879

MAYOR - Brian C. Scott

TRUSTEES - Mary Finch
Tina Carson
Carl Peters Jr.
Chris McCann

Minutes for May 17, 2021

The Village of Savona Board of Trustees held its regular monthly board meeting on Monday, May 17, 2021 at 6:00 p.m. in the Village Hall at 15 McCoy Street, Savona.

PRESENT: Mayor Brian Scott
Trustee Mary Finch
Trustee Carl Peter's, Jr.
Trustee Tina Carson
Trustee Chris McCann
Clerk Susan Thorne
Treasurer Tammie Nelson
Attorney Elizabeth Oklevitch

OTHERS PRESENT: Emma E. West
Jessica Stevens
Hal Bailey

The meeting was called to order by Mayor Scott at 6:03 p.m.

PUBLIC SPEAKERS:

Mayor Scott opened the floor to public speakers at 6:05 p.m.

Resident Alma West of 60 W. Lamoka St. stated that residents at 4 Manning St. are letting their dog's roam. She called the Sheriff and they went to house but no one was home.

Resident Jessica Stevens at 67 W. Lamoka St. stated that there wasn't much police enforcement in the neighborhood. At the 4 Manning St. she noticed one of the dogs was on a short leash and tangled up. The dogs were being abused and neglected and there was garbage all over the yard. She did some research and they have not paid their taxes for 2019, 2020 & 2021. They owe a balance of \$12,000.00.

Mayor Scott stated that he spoke to Michael Cervoni about the situation. However, during COVID they cannot evict anyone. There is very little the authorities can do.

Attorney Oklevitch explained if it were a non-COVID year, and taxes hadn't been paid three years in a row, then they could auction the house for taxes .

All persons desiring to be heard, having been heard, Trustee Peter's, Jr. made a motion, seconded by Trustee McCann, and carried, all voting AYE, to close the Public Hearing at 6:15 p.m.

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PUBLIC HEARING: Public Review and Comment on Local Law #1 of 2021, Tax on Utilities

Pursuant to the authority granted by § 5-530 of the Village Law of the State of New York, on and after Augusts 1, 2007.

All persons desiring to be heard, having been heard, Trustee McCann made a motion, seconded by Trustee Carson, and carried, all voting AYE, to close the Public Hearing at 6:09 p.m.

ROLL CALL VOTE:

| | |
|---------------------|-----|
| Mayor Scott | AYE |
| Trustee Finch | AYE |
| Trustee Peters, Jr. | AYE |
| Trustee Carson | AYE |
| Trustee McCann | AYE |

BUSINESS MEETING:

Minutes -

On motion of Trustee Peters and seconded by Trustee McCann, and carried, all voting AYE to approve the April 15, 2021 Regular Board Meeting Minutes.

Finance -

On motion of Trustee Finch, and seconded by Trustee Carson and carried, all voting AYE, **RESOLVED**, that the Treasurer is hereby authorized to Pay General Fund Abstract #12, Claims #359-402 totaling \$62,147.02 and Water Fund Abstract #12, Claims #370-400, totaling \$17,381.49.

On motion of Trustee Finch, and seconded by Trustee Carson and carried, all voting AYE, **RESOLVED**, that the Treasurer is hereby authorized to make the budget transfers.

| General Fund | Debit | Credit |
|--------------|-----------|-----------|
| A1620.22 | \$2800.00 | |
| A1620.45 | | \$2800.00 |
| A8540.4 | \$3000.00 | |
| A1325.4 | \$2500.00 | |
| A1620.2 | \$500.00 | |
| A1620.4 | \$500.00 | |
| A5110.4 | | \$6500.00 |
| A1420.1 | \$1300.00 | |
| A1620.1 | \$1500.00 | |
| A1110.4 | \$200.00 | |

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A5410.4 \$3000.00

F5140.4 \$2000.00

F8684.4 \$2000.00

ROLL CALL VOTE:

| | |
|---------------------|-----|
| Mayor Scott | AYE |
| Trustee Finch | AYE |
| Trustee Peters, Jr. | AYE |
| Trustee Carson | AYE |
| Trustee McCann | AYE |

BOARD REPORTS:

Trustee Peters, Jr. –

- Memorial Day parade will start at 11:00 a.m. Kids will be in the parade.
- Community plaque being given to Mary Finch, first recipient of plaque, for her tireless volunteering in the community. Mayor Scott will be the Master of Ceremonies
- He has flags for the Seamans Cemetery, enough for 13 rows
- There was a speed sign knocked down Grove & Lamoka Street and will ask Rick Littell to put it back up.
- Hydrants need painting
- First bay at Fire Department entrance/lip needs repair
- June 12, 2021 is Awards & Banquet in Campbell Village. Fire Chiefs will be sworn in by Savona Village Clerk
- No bee problems so far, still early but Carl has sealed and sprayed

Trustee Finch –

- Storytime will start at the Library May 27, 2021
- Bingo will start again on May 28, 2021
- Library Chicken BBQ

Trustee Carson –

- Nothing to report on lights
- Trustee Carson met with and walked the property owned by Dalrymple Gravel

Trustee McCann –

- Old tattered flags being burned by Campbell American Legion
- Chips will be laid at playground
- Park being used often, kids playing ball every day
- Mowing not being down enough
- Some of the swings are being replaced due to wear and weather
- Bathrooms are being kept up and clean by Rick Littell who is doing a good job

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Mayor Scott -

- Worked with Treasurer, Tammie Nelson
 - Attorney Payment Research
 - Fire Department Contract Fees
- Harassment Training
- Met with Supervisor, Ron Smith regarding fire contract
 - Toured fire department with Ron
 - Town of Bath board to tour the fire department at 5:00 p.m. on June 14, 2021
- Attended Town of Bath meeting
 - Mentioned the annexation of Dusenbery Road
- Softball concession stand
- Main Street Grant conference call
- Hero Banners. Trustee McCann has a relative who would like honor flag in a different spot. Applications are still open and will be sending in the order end of May. Trustee Peters, Jr. has a couple he will bring in. Brian has 4-5 more.
- Met with Kayla regarding the fire department insurance renewal. VFIS, through Sprague insurance company is much lower than what we have currently with McNeil. All Board of Trustees agreed to go with VFIS.
- Expanding Board Terms research
- New York State Retirement classes (2 nights)
- Dropped off payroll in Bath
- Met with Terry Rice-Crestwood, \$20,000.00 check given to Village
- New computer server was installed
- Water EDU research
- Desk for clerk's office. Right now, there is limited space to work. Treasurer has a new computer which takes up work space. Mayor Scott suggested we ask Michael Hawkins, contractor to build a desk with extra space. He is waiting for a quote on the price. Board of Trustees are fine with one being built and would sign-off on it.
- Emails to State Comptroller's office

Mayor Scott asked if any further comments.

No comments.

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DEPARTMENT REPORTS:

Fire Department – report for April 2021:

- Hazardous Conditions: 4
- Mutual Aide: 12
- EMS: 10
- Motor Vehicles: 2
- Car Fire: 1

Total Calls: 29

Calls to Date: 96

Mutual Aide Given: 12 (Campbell 5, Thurston 6, and Kanona 1)

Mutual Aide Received: 3 (Campbell 4/7, 4/13, 4/20)

Average Response: 3.20 Minutes

Village: 6

Town: 11

Water Department – Report for April 2021

No report submitted

Court – Report for April 2021

Received Cases: 48

Closed Cases: 28

Amount Reports: \$6,486.00

Animal Enforcement – Report for 2021

Complaints: 3

Action Taken:

- Warnings: 2
- Running at large: 3

Code Enforcement – Report for April 2021

- Building Permits Issued: 1
- Complaints Investigated:
- House Inspections: 1
- Septic Test: 1
- Street Sign Inspections: 1

4/19/21 – 4/22/21 International Code Council 20 hours of classes for code training.

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Town of Bath – Report for April 2021

Clerk Report – Submitted Report for April 2021

Treasurer Report – Submitted Report for April 2021

On motion of Trustee Carson and seconded by McCann and carried, all voting AYE to accept the board and department reports as submitted.

| | | |
|------------------------|---------------------|-----|
| ROLL CALL VOTE: | Mayor Scott | AYE |
| | Trustee Finch | AYE |
| | Trustee Peters, Jr. | AYE |
| | Trustee Carson | AYE |
| | Trustee McCann | AYE |

OLD BUSINESS:

Hazard Mitigation Plan – Grant monies available for updates only every 5 years and they started late 2015, early 2016. Attorney Oklevitch explained that we cannot do this year but will need to wait till they open up again. We will need to look for an email notice from the County letting everyone know that it has re-opened for applying.

NEW BUSINESS:

- **Town of Bath Meeting:** Bath Town Board Assignment, Mayor Scott, June 14, 2021, 7:00 p.m.
- **Water Relevy Update:** Village voted to relevy water tax after budget. There has been an executive order from the governor that municipalities cannot relevy, expiring on July 1, 2022. Attorney Oklevitch suggested a letter to go out with water bills asking them to pay.
- **Year-end Meeting:** This is required by NYCOM. Meeting will be scheduled for June 7, 2021 at 6:00 p.m., at the Village Hall, Savona, NY.

On motion of Trustee Carson, and seconded by Trustee Finch, and carried, all voting AYE to approve the year-end meeting for June 7, 2021, 6:00 p.m., Village Hall, Savona, NY.

| | | |
|------------------------|---------------------|-----|
| ROLL CALL VOTE: | Mayor Scott | AYE |
| | Trustee Finch | AYE |
| | Trustee Peters, Jr. | AYE |
| | Trustee Carson | AYE |
| | Trustee McCann | AYE |

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After Board discussion and on motion of Trustee Carson, and seconded by Trustee McCann, and carried, all voting AYE RESOLVED to and enact Local Law 1 of 2021, Tax on Utilities as followed:

Local Law #1 Of 2021

Tax on Utilities

Pursuant to the authority granted by § 5-530 of the Village Law of the State of New York, on and after August 1, 1970, there is hereby imposed:

Section 1. Utility income tax established.

A. A tax equal to 1% of the gross income of every utility doing business in the Incorporated Village of Savona which is subject to the supervision of the New York State Department of Public Service and which has an annual gross income in excess of \$500, except motor carriers or brokers subject to such supervision under Article 3-B of the Public Service Law.

B. A tax equal to 1% of the gross operating income of every other utility doing business in the Incorporated Village of Savona which has an annual gross operating income in excess of \$500.

Section 2. Definitions

As used in this article, the following terms shall have the meanings indicated:

Gross Income

Includes receipts received in or by reason of any sale, conditional or otherwise, (except sales hereinafter referred to with respect to which it is provided that profits from the sale shall be included in gross income) made or service rendered for ultimate consumption or use by the purchaser in this state, including cash, credits and property of any kind or nature (whether or not such sale is made or such service is rendered for profit), without any deduction therefrom on account of the cost of the property sold, the cost of materials used, labor or services or other costs, interest or discount paid, or any other expense whatsoever; provided, however, that gross income with respect to a provider of telecommunication services shall not include receipts from the sale of telecommunication services as such services are defined in § 186-e of the Tax Law. Gross income also includes profits from the sale of securities; also profits from the sale of real property growing out of the ownership or use of or interest in such property; also profit from the sale of personal property (other than property of a kind which would properly be included in the inventory of the taxpayer if on hand at the close of the period for which a return is made); also receipts from interest, dividends and royalties, derived from sources within this state other than such as are received from a corporation, a majority of whose voting stock is owned by the tax-paying utility, without any deduction there from for any expenses

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whatsoever incurred in connection with the receipt thereof; also profits from any transaction (except sales for resale and rentals) within this state whatsoever.

Gross Operating Income

Includes receipts received in or by reason of any sale, conditional or otherwise, made for ultimate consumption or use by the purchaser of gas, electricity, steam, water (unless a public system) or refrigeration, or in or by reason of the furnishing for such consumption or use of gas, electric, steam, water (unless a public system) or refrigerator service in this state, including cash, credits and property of

any kind or nature, without any deduction therefrom on account of the cost of the property sold, the cost of materials used, labor or services or other costs, interest or discount paid, or any other expenses whatsoever.

Person

Persons, corporations, companies, associations, joint-stock companies or associations, partnerships and limited-liability companies, estates, assignee of rents, any person acting in a fiduciary capacity or any other entity, and persons, their assignees, lessees, trustees or receivers, appointed by any court whatsoever, or by any other means, except the state, municipalities, political and civil subdivisions of the state or municipality, or public districts.

Telecommunication Services

Shall have the same meaning as such term is defined in § 186-e of the Tax Law.

Utility

Includes every person (including every provider of telecommunication services) subject to the supervision of the State Department of Public Service, except persons engaged in the business of operating on the public highways of this state one or more omnibuses having a seating capacity of more than seven persons, and persons engaged in the business of operating or leasing sleeping and parlor railroad cars or of operating railroads other than street surface, rapid transit, subway and elevated railroads and also includes every person (whether or not such person is subject to such supervision) who sells gas, electricity, steam, water (unless a public system) or refrigeration, delivered through mains, pipes or wires, or furnishes gas, electric, steam, water (unless a public system) or refrigeration service, by means of mains, pipes or wires, regardless of whether such activities are the main business of such person or are only incidental thereto, or of whether use is made of the public streets.

Section 3. Applicability.

This article and the tax imposed hereby shall:

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A. Apply only within the territorial limits of the Village.

B. Not apply and the tax shall not be imposed on any transaction originating or consummated outside the territorial limits of the Village notwithstanding that some act be necessarily performed with respect to such transaction within such limits.

C. Be in addition to any and all other taxes.

D. Apply to all subject income received on and after May 1, 2021.

Disposition of Revenues.

All revenues resulting from the imposition of the tax imposed by this article shall be paid to the Treasurer of the Village and shall be credited to and deposited in the general fund of the Village.

Collection and enforcement; rules and regulations.

The Treasurer shall be the chief enforcement officer of this article and shall make and be responsible for all collections hereunder. He shall also have the power and authority to make any rules or regulations or directives, not inconsistent with law, which, in his discretion, are reasonably necessary to facilitate the administration of this article and the collection of the taxes imposed hereby. Copies of all such rules and regulations and directives as may from time to time be promulgated shall be sent by registered mail to all utilities subject to this article which register as such with the Treasurer. All such rules, regulations and directives shall be deemed a part of this article.

Section 4. Records.

Every utility subject to tax under this article shall keep such records of its business and in such form as the Treasurer may require, and such records shall be preserved for a period of three years unless the Treasurer directs otherwise.

Section 5. Filing of returns; contents.

A. Time of filing. Every utility subject to a tax here under shall file a return annually on June 25 for the twelve (12) calendar months preceding each return date, including any period for which the tax imposed hereby or any amendment hereof is effective. Any utility, whether subject to tax under this article or not, may be required by the Village Treasurer to file an annual return.

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B. Filing and contents. Returns shall be filed with the Treasurer on a form to be furnished by him for such purpose and shall show thereon the gross income or gross operating income, as the case may be, for the period covered by the return and such other information, data or matter as the Treasurer may require to be included therein. Every return shall have annexed thereto a certification by the head of the utility making the same or by the owner or a copartner thereof or by a principal corporate officer to the effect that the statements contained therein are true.

Section 6. Payment of tax.

At the time of filing a return as required by this article, each utility shall pay to the Treasurer the tax imposed hereby for the period covered by such return. Such tax shall be due and payable at the time of the filing of the return or, if a return is not filed when due, on the last day on which the return is required to be filed.

Section 7. Penalties and interest.

Any utility failing to file a return or a corrected return or to pay any tax or any portion thereof within the time required by this article shall be subject to a penalty of 5% of the amount of tax due, plus 1% of such tax for each month of delay or fraction thereof, excepting the first month, after such return was required to be filed or such tax became due; but the Treasurer, if satisfied that the delay was excusable, may remit all or any portion of such penalty.

Section 8. Tax as operating cost.

The tax imposed by this article shall be charged against and be paid by the utility and shall not be added as a separate item to bills rendered by the utility to customers or others but shall constitute a part of the operating costs of such utility.

Section 9. Enforcement.

Whenever any person shall fail to pay any tax or penalty imposed by this article, the Village Attorney shall, upon the request of the Treasurer and approval of the Village Board bring an action to enforce payment of the same. The proceeds of any judgment obtained in any such action shall be paid to the Treasurer. Each such tax and penalty shall be a lien upon the property of the person liable to pay the same, in the same manner and to the same extent that the tax and penalty imposed by § 186-a of the Tax Law is made a lien.

| | | |
|------------------------|---------------------|-----|
| ROLL CALL VOTE: | Mayor Scott | AYE |
| | Trustee Finch | AYE |
| | Trustee Peters, Jr. | AYE |
| | Trustee Carson | AYE |
| | Trustee McCann | AYE |

MOTION PASSED

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- **Boiler Replacement:** Boiler needs to be replaced and have Court room on its own thermostat/zone. Received a quote from I.D. Booth. They charge for each zone being heated. Mayor Scott would like another quote. Mayor Scott asked Trustee Peter's, Jr. if he would speak to Doug Kapral, Savona Water Department Officer to get another quote. They need to see if it would be worth putting each room on a separate zone.
- **Softball Concession Stand:** Chris stated Softball Organization is looking into having the Amish build the new concession stand, a one story is all that is needed. It will cost between \$6,000.00 and \$6,500.00. It will take about 5 weeks for the new building to be done. There will be no cooking inside, just basic layout with refrigerator and storage. Mayor Scott stated that they can take money out of park budget to demolish the old concession stand. Mayor Scott asked if it would be possible to move the Craig sign. Chris will look into having it down and placed with the other signs. After built it would be turned over to Village of Savona. Attorney Oklevitch has written up a draft agreement. She was asked to add who can use the concession stand. She will revise agreement and email over to Clerk's office.

Mayor Scott stated that the Park needs to update the picnic tables. The Trustees all agreed. He will look into getting some costs.

Mayor Scott asked if any further comments.

No comments.

- **Extension of Board Terms:** Board terms currently are 2 years and would like to go to 4-year term. They would need to do resolution of memorandum next year. Mayor Scott stated the two years goes by fast and four years would be more efficient.

On motion of Trustee Finch, and seconded by Trustee Carson, and carried, all voting AYE to approve to have Board terms changed to 4 years.

ROLL CALL VOTE:

| | |
|---------------------|-----|
| Mayor Scott | AYE |
| Trustee Finch | AYE |
| Trustee Peters, Jr. | AYE |
| Trustee Carson | AYE |
| Trustee McCann | AYE |

- **Water Truck** is here and paid for. Trustee Peter's mentioned that Village can get rid of the Fire Department van for \$500.00. It was suggested by one of the firemen to use it for extraction. The Trustee's agreed that would be more economical to get rid of it and put the \$500.00 into the Village fund.

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On motion of Trustee Peter's, Jr. and seconded by Trustee McCann and carried, all voting AYE to have Doug Kapral take the van and pay the Village \$500.00.

ROLL CALL VOTE:

| | |
|---------------------|-----|
| Mayor Scott | AYE |
| Trustee Finch | AYE |
| Trustee Peters, Jr. | AYE |
| Trustee Carson | AYE |
| Trustee McCann | AYE |

- **Ray of Light Event:** Mayor Scott received a call from Ranae Carapella-Johnson that wanted to know if they could use the park for their Mental Health Awareness Day/Ray of Light event on Thursday, July 1, 2021, 4:00 p.m. – 6:00 p.m. It would be held outside, weather permitting. They are a counseling/consulting organization and there would be 5 organizations attending. Mayor Scott felt it is a community event and would be nice to waive the fee for them to use the park.

Mayor asked if any further comments.

No comments.

On motion of Trustee Peter's, Jr. and seconded by Trustee Finch and carried, all voting AYE to waive the fee for use of the park for Ray of Lights Mental Health Awareness Day on Thursday, July 1, 2021, 4:00 p.m. – 6:00 p.m.

ROLL CALL VOTE:

| | |
|---------------------|-----|
| Mayor Scott | AYE |
| Trustee Finch | AYE |
| Trustee Peters, Jr. | AYE |
| Trustee Carson | AYE |
| Trustee McCann | AYE |

EXECUTIVE SESSION:

On motion of Trustee Finch, and seconded by Trustee Carson, and carried, all voting AYE to exit out of the regular Board meeting and into an Executive Session to discuss the employment history of an individual at 6:10 p.m.

ROLL CALL VOTE:

| | |
|---------------------|-----|
| Mayor Scott | AYE |
| Trustee Finch | AYE |
| Trustee Peters, Jr. | AYE |
| Trustee Carson | AYE |
| Trustee McCann | AYE |

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On motion of Trustee McCann, and seconded by Trustee Peters, Jr., and carried, all voting AYE to return to regular Board meeting at 6:35 p.m.

ROLL CALL VOTE:

| | |
|---------------------|-----|
| Mayor Scott | AYE |
| Trustee Finch | AYE |
| Trustee Peters, Jr. | AYE |
| Trustee Carson | AYE |
| Trustee McCann | AYE |

JUNIOR MEMBERSHIPS:

Mayor requested a motion to approve Kris Wiley application for Junior membership for the Fire Department.

On motion of Trustee Peter's, Jr. and seconded by Trustee Finch and carried, all voting AYE to approve Kris Wiley's application for Junior membership for the Fire Department.

ROLL CALL VOTE:

| | |
|---------------------|-----|
| Mayor Scott | AYE |
| Trustee Finch | AYE |
| Trustee Peters, Jr. | AYE |
| Trustee Carson | AYE |
| Trustee McCann | AYE |

Mayor requested a motion to approve Melinda Burleson application for Junior membership for the Fire Department.

On motion of Trustee McCann and seconded by Trustee Peter's, Jr. and carried, all voting AYE to approve Melinda Burleson's application for Junior membership for the Fire Department.

ROLL CALL VOTE:

| | |
|---------------------|-----|
| Mayor Scott | AYE |
| Trustee Finch | AYE |
| Trustee Peters, Jr. | AYE |
| Trustee Carson | AYE |
| Trustee McCann | AYE |

ADJOURNMENT:

On motion of Trustee Finch and seconded by Trustee McCann, and carried, all voting AYE to adjourn the Regular Board Meeting at 8:04 p.m.

ROLL CALL VOTE:

| | |
|---------------------|-----|
| Mayor Scott | AYE |
| Trustee Finch | AYE |
| Trustee Peters, Jr. | AYE |
| Trustee Carson | AYE |
| Trustee McCann | AYE |

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Respectfully Submitted,

Susan Thorne
Village Clerk