

At a regular meeting of the Board of Trustees of the Village of Morrisville, held the 7th day of January, 2021, via videoconferencing technology due to the coronavirus pandemic, there were:

Present:	Thomas Lane	Mayor
	Michael Higgins	Trustee
	Kathleen Roher	Trustee
	Judy Scholefield	Trustee
	William Donnelly	Trustee (joined meeting at 7:08 p.m.)
	Amy Will	Clerk-Treasurer
	Nadine Bell	Attorney

Others: Tracy Scholefield, resident (joined at 7:25 p.m. and left at 8:01 p.m.).

Mayor Lane opened the meeting at 7:00 p.m. Clerk Will made the following statement: “This meeting is being held in compliance with Governor Cuomo’s Executive Order 202.11. Notice of this meeting was made to the news media at least seven days in advance and was also posted on the Village signboard and web site. The public may listen to or view this meeting via web-based video technology by using Zoom. Public comment will only be allowed this evening during the designated Public Comment section of the agenda. The public does not have the right to speak outside these allotted times and any public in attendance this evening will be muted at all other times.”

Clerk Will conducted a roll call and determined four members of the Board of Trustees were present for this meeting, representing a quorum. Clerk Will stated that in person attendance is not permitted at this meeting. A transcript of this meeting will be available at a later date.

Minutes of the December 3, 2020 meeting were reviewed. Trustee Higgins made a motion to adopt the minutes as written, seconded by Trustee Scholefield. The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

Michael Higgins	Trustee	Voted	Yes
Kathleen Roher	Trustee	Voted	Yes
Judy Scholefield	Trustee	Voted	Yes
Thomas Lane	Mayor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

Public Comment: None.

Wastewater Treatment: Mayor Lane spoke with Mr. Cunningham who indicates the plant is running well, however they are seeing an increase in not only disinfecting wipes, but disposable masks, being flushed. It was suggested that we put notice in the newsletter about this.

Code Enforcement: CEO Sutton provided a written report for review. Trustee Higgins addressed the continuing property maintenance violations at 23 Union Street and questioned whether the village has the ability to amend the local law to provide a penalty similar to what we have for trash can violations so that if it goes unpaid it can be levied onto the village tax bill. Attorney Bell indicated that only with certain violations can you impose a fee if the village has to remedy it such as by mowing high grass or removing trash cans that have been left curbside for an extended period of time. The village can’t just simply say that whenever there is a violation of the code we are going to impose a fine or remedy the violation and assess a fee to the owner. Defendants must have procedural due process. Attorney Bell is not aware of a situation or of any legal authority where a village can just say we are going to unilaterally impose a fine, or take action, without any kind of due process and assess the cost to the individual. Trustee Higgins said we have attempted due process in this matter and that has gone nowhere. Attorney Bell said this is a unique situation because the judge has recused himself; that does not normally happen. In most municipalities you go through the process of citing the individual and the matter proceeds through the criminal

court process. She reminded the board that when you go through the criminal court process you are not going to get compliance, you will get the associated fine or jail. The theory is if you impose a fine eventually people say it's not worth it and they will just keep their yard picked up or their property in good repair, whatever it may be. Trustee Higgins questioned whether small claims court could take care of this if we kept going back with \$50 fines. He suggested this would be a better alternative than going to Supreme Court and spending thousands of dollars. Attorney Bell said each of these courts have very specific jurisdictional powers. Small claims court doesn't have the power of equity. She explained that small claims court doesn't have the power to say you need to correct this violation, so the court can't make them fix it and the problem is the village hasn't established their right to the fine. The argument would be that the village has to prove that they are in violation of the code and go through that process, and our code only contemplates doing so in a criminal court matter or with a civil suit and it's the Supreme Court justice that has the authority to make a determination. Trustee Higgins expressed his frustration that we are going around in circles and have no recourse regarding this situation. Attorney Bell said she will contact CEO Sutton on Monday to discuss the outstanding issues and develop a plan to address those.

Trustee Roher discussed a vehicle parking on the lawn at 12 Union Street when there is ample parking available in the lot adjacent to the house. Trustee Higgins will speak to CEO Sutton regarding this. Trustee Scholefield said the owner has installed security cameras on this building. Mayor Lane will suggest that the parking enforcement officer attempt to obtain photos of the vehicle parking on the lawn as well so those may be provided to CEO Sutton.

Department of Public Works: The board continued discussion regarding the tree at 66 East Main Street which needs to be removed. Mayor Lane spoke with a neighbor who recently used Family Tree Service and was very satisfied with their work. The proposal from Family Tree Service doesn't indicate what services are included so Mayor Lane will ask Superintendent Commins to contact them and find out. Trustee Scholefield asked if stump removal is included in the estimate. Mayor Lane said that is included in Hutchings Tree Service's quote, but it's unknown if it is in Family Tree Service.

Trustee Roher noted that after a recent snowstorm the snow banks on the end of Union and Eaton Streets were quite high, making it difficult to see oncoming traffic. She asked that the DPW give attention to those throughout the village this winter.

Historic Preservation Commission: Trustee Scholefield said they were scheduled to have a meeting in December, but only two members were present so it was cancelled. Clerk Will indicated they have set their regular meetings for the third Thursday of each month at 6:30 pm.

Planning Board/Zoning Board of Appeals: Clerk Will is in the process of scheduling a meeting with the Planning Board to consider Alex Sen's application. The ZBA has not met.

The board considered a request from Christopher Community, Inc. for a letter of support for the senior housing project at Crouse Community Center. Trustee Roher made a motion authorizing the issuance of a letter of support to Christopher Community, Inc., seconded by Trustee Donnelly. The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

Michael Higgins	Trustee	Voted	Abstain
Kathleen Roher	Trustee	Voted	Yes
William Donnelly	Trustee	Voted	Yes
Judy Scholefield	Trustee	Voted	Abstain
Thomas Lane	Mayor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

Parking Enforcement Officer: Mayor Lane advised the board of a situation where the village attempted to tow a vehicle recently due to outstanding parking tickets. The owner of the vehicle became very belligerent and the

state police were there to assist with the tow. The vehicle was partially on the tow truck, but due to the owner's actions the police directed that it be removed from the truck.

Justice Court: Trustee Donnelly recently spoke with Judge Whitney and discussed court operations.

Crossing Guard: Trustee Scholefield said the sidewalk on the school side of Eaton Street was a sheet of ice recently. She questioned whether the DPW can put salt down when they are plowing and know an area is icy. Trustee Higgins noted this was discussed last year and the conclusion was that the village plows sidewalks as a convenience to residents and it's the homeowner's obligation to maintain them.

Trustee: Trustee Higgins questioned the late fee on the voucher for WEX Bank. Clerk Will advised the board that the payment was received by the vendor shortly after the due date. They will not negotiate the removal of it. The village has established credit with Buell Fuels and the intention is to only purchase fuel there going forward.

Clerk-Treasurer Report: The board was provided financial reports detailing income and expenditures to date by fund. Clerk Will advised the board the amount outstanding for water/sewer bills is \$32,329.58. Quarterly bills will be issued on January 15.

The contract for garbage and recycling collection expires 5/31/2021. Attorney Bell has reviewed the bid documents. Trustee Roher made a motion to authorize the solicitation of bids for the provision of garbage and recyclable collection, making specific notation that the bidding notice and instructions have been slightly modified from previous contracts to accommodate circumstances caused by COVID-19, with bids to be opened at 2:00 p.m. on February 3, 2020, seconded by Trustee Scholefield. The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

Michael Higgins	Trustee	Voted	Yes
Kathleen Roher	Trustee	Voted	Yes
William Donnelly	Trustee	Voted	Yes
Judy Scholefield	Trustee	Voted	Yes
Thomas Lane	Mayor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

Vouchers were scanned and emailed to each member of the board for review prior to the meeting. Trustee Higgins made a motion to pay audited vouchers as indicated below, seconded by Trustee Donnelly.

General Fund – Vouchers 158-183 Waste Water Operation & Maintenance Fund – Vouchers 46-50
Water Fund – Vouchers 38-48

The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

Michael Higgins	Trustee	Voted	Yes
Kathleen Roher	Trustee	Voted	Yes
William Donnelly	Trustee	Voted	Yes
Judy Scholefield	Trustee	Voted	Yes
Thomas Lane	Mayor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

With no further business before the board, Trustee Scholefield made a motion to adjourn the meeting at 8:13 p.m., seconded by Trustee Roher. The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

Michael Higgins	Trustee	Voted	Yes
Kathleen Roher	Trustee	Voted	Yes
William Donnelly	Trustee	Voted	Yes
Judy Scholefield	Trustee	Voted	Yes
Thomas Lane	Mayor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted. Meeting adjourned.

Respectfully submitted,

Amy Will
Clerk-Treasurer