

Board of Trustees
Village of Black River, New York



Agenda

Regular Meeting

March 3, 2023

- Call to order.
- Pledge of Allegiance.
- Approval of minutes of the 2/6/23 regular meeting.
- Public Comment.
- Police Department Report.
- Code Enforcement Report & review of related correspondence.
- Clerk-Treasurer's Report.
- Superintendent's Report.

Correspondence Received:

- A) Rt. 3 Sewer Board
- B) NYS Dept. of Labor

Re: Minutes
Re: Notice of Violations

Correspondence Sent:

New Business:

Unfinished Business:

- Reports from Standing Committees.
- Reports from Special Meetings.
- Authorize payment of bills; adjournment.

Village of Black River
Board of Trustees
Regular Meeting
February 6, 2023

DRAFT

Mayor Dishaw called the meeting to order and led the Pledge of Allegiance at 6:00 p.m.

Present:

Mayor Frank Dishaw
Trustee Gary McCullough
Trustee Corey Decillis
Trustee Bonnie Proven
Trustee Randy Lake
Superintendent Les Williams
Clerk-Treasurer Kristin Williams
Code Enforcement Officer James Holland
Police Chief Steve Wood

A motion was made by Trustee Proven, seconded by Mayor Dishaw to approve the minutes of the 1/9/23 meeting. The motion was carried.

Public Comments: Resident, Lee Carpenter was present to discuss digital speed signs. He would like the village to purchase two for a total of \$6,000. Mayor Dishaw stated that the board will discuss them at budget time.

Police Department Report: Police Chief Wood presented four new policies that have been approved by the state. He stated that the village has been awarded a grant for the purchase of a body camera.

A motion was made by Trustee McCullough seconded by Trustee Proven to open the public hearing for parking regulations at 6:32 p.m.

Code Enforcement Report: Code Enforcement Office Holland stated that he is working on property maintenance issues. He stated that the Azah project at 119 N. Main St. had slowed for the winter but would resume in March.

Clerk-Treasurer's Report: Clerk-Treasurer Williams stated that she had been contacted by the Village's current telephone provider. The provider informed her that the cost of the phone lines was going to increase, possibly more than double. She stated that Chimera who provides cameras and alarm monitoring for the village also has phone service and that the monthly bill with payment for the new equipment will be about the same as it is now.

A motion was made by Trustee Lake, seconded by Trustee McCullough to approve the switch to chimera for phone service. Trustee Decillis abstained. The motion was carried.

Superintendent's Report: Superintendent Williams stated that he has found a water school for Matt Leary and that he and Joe Paige will need to go to the Rural Water Conference in order to get enough hours to renew their licenses. He stated that he is trying to find a water school for Eric Nier. He stated that he wrote five parking tickets, scheduled a CPR recertification class, and is meeting with the engineer from Barton & Loguidice to tour the water system.

Correspondence Received: The board reviewed a letter from the Planning Board requesting a moratorium on solar regulations. The board decided to speak with attorney regarding moratoria and to review the model solar law.

A motion was made by Trustee Decillis, seconded by Trustee Proven to close the public hearing regarding amendments to parking regulations at 7:20 and to adopt the new regulations. The motion was carried.

A motion was made by Trustee Decillis, seconded by Trustee Proven to adopt the following resolution:

Resolved, that the following abstracts of audited vouchers be approved: interim abstract dated 1/10/23 in the amount of \$17,796.23 (General Fund: \$8566.80 Water Fund: \$9,229.43) interim abstract dated 1/25/23 in the amount of \$14,619.51 (General Fund: \$12,793.74 Water Fund: \$443.57 Sewer Fund: \$1,382.20) and regular monthly abstract dated 2/6/23 in the amount of \$24,812.24 (General Fund: \$19,418.74 Water Fund: \$5,393.50). The motion was put to a vote as follows:

Mayor Dishaw	Yes
Trustee Decillis	Yes
Trustee Proven	Yes
Trustee McCullough	Yes
Trustee Lake	Yes

The motion was carried and the resolution duly adopted.

A motion was made by Trustee Proven, seconded by Mayor Dishaw to adjourn the meeting at 7:45 p.m. The motion was carried.

Respectfully submitted,

Kristin Williams
Clerk-Treasurer

BLACK RIVER/EVANS MILLS POLICE DEPARTMENT

MONTHLY REPORT

February-23

	B/R	E/M	TOTAL	Jan-23	Dec-22
ARRESTS -	2	0	2	0	0
COMPLAINTS -	7	7	14	6	12
VEHICLE STOPS -	4	4	8	0	15
TICKETS ISSUED -	2	0	2	0	9
ACCIDENT REPORTS -	0	0	0	0	1
PARKING VIOLATIONS -	2	0	2	1	0
MOTORIST ASSISTS -	0	0	0	0	0
ASSIST OTHER AGENCY -	3	1	4	0	3
ESCORTS -	0	0	0	0	0
VEHICLES TOWED -	0	0	0	1	0
PROPERTY CHECKS -	3	4	7	0	4
INCIDENT REPORTS -	3	4	7	5	8
DOMESTIC REPORTS -	0	0	0	0	0
OFFENSE REPORTS -	1	0	1	0	0
FOLLOW UP REPORTS -	5	0	5	2	2
CRIMES REPORTED -	0	0	0	0	0

DAYS WORKED PER MONTH - 9/28 DAYS

HOURS WORKED - 51 HOURS

MILES DRIVEN - 206 MILES

EXTRA DETAILS -

POLICE CHIEF, STEVEN C WOOD #2701
POLICE DEPARTMENT
VILLAGE OF BLACK RIVER/EVANS MILLS NY

SC WOOD #2701

UTT Report by Date

From 2/1/2023 to 2/28/2023

Date	Officer Name	Badge	Case Number	Section And Offense	Status	Location	Local Code
02/01/2023	WOOD S	01	0321GCZKM8	5111A AGGRAVATED UNLIC OP 3RD (MISD)	7	SR 3 @ HUNTINGTON ST BR	23BR00009
02/01/2023	WOOD S	01	0321GCZK9P	1180D SPEED IN ZONE	7	SR 3 @ HUNTINGTON ST BR	23BR00009

Summary

Query returned 2 records.

BLACK RIVER POLICE DEPT

Incidents Reported From 02/01/2023 00:00 hrs. to 02/28/2023 23:59 hrs.

Page 1 of 1
Print Date: 03/01/2023
Print Time: 17:24:05

Selection Criteria

ORI: BLACK RIVER POLICE DEPT
Date From: 02/01/2023 00:00
Date To: 02/28/2023 23:59
Sorted By: Incident Number

Incident Number	Incident Type	Status	Div/Pct	Reported	Wkday	Case #	Occurred On	Occurred To	Location Type	Reporting Officer
172	Dmv Suspension Or Revocati	ARREST - ADULT	BR	02/01/2023	Wed	23BR00009	02/01/2023 20:44	02/01/2023 20:45	STREET	CHIEF WOOD, STEVEN #2701

TO: NYS ROUTE 3 CORRIDOR SEWER BOARD

FROM: Christina Vargulick, Secretary

DATE: February 14, 2023

RE: Minutes of February 13, 2023 meeting

Present: S. Allen, F. Dishaw, B. Peck and R. Taylor

Absent: G. Eddy

Others: B. Nutting and C. Vargulick

The NYS Route 3 Corridor Sewer/Development Board met at the Town of LeRay Municipal Building on Monday, February 13, 2023. F. Dishaw called the meeting to order at 4:30pm.

The Board reviewed the minutes for December 12, 2022. Motion by B. Peck, seconded by S. Allen to approve the minutes as presented. Ayes-4, Nays-0. Motion carried.

Operating Report

The period summary for December 2022 was distributed to the Board. The sewer flow was 9.1MG. One hundred and one percent (101%) of the total budgeted revenues were received. Expenses year-to-date were ninety seven percent (97%) of the total budgeted. Net cash of \$83,351.80 remained at the end of the period. The reserve account balance was \$154,563.22.

The period summary for January, 2023 was distributed to the Board. The sewer flow was 12.8MG. Two percent (2%) of the total budgeted revenues were received. Expenses year-to-date were twelve percent (12%) of the total budgeted. Net cash of \$87,854.03 remained at the end of the period. The reserve account balance was \$223,184.65.

Motion by R. Taylor, seconded by S. Allen to approve the reports as presented. Ayes-5, Nays-0. Motion carried.

Pamelia Water Leak

S. Allen reported that Kraft Storage had experienced a water leak under their foundation. S. Allen requested that action on any sewer charge modifications be tabled until the next meeting pending additional information. Motion by B. Peck, seconded by R. Taylor to table the issue until the April meeting. Ayes-4, Nays-0. Motion carried.

LeRay Water Leak

Melissa Verne, T/LeRay Town Clerk, distributed information regarding a water leak at 26800 NYS Route 3 during the August - October 2022 and November – January 2023 billing quarters. Tim Garnsey, owner of the property, explained that the property is rented and that he had limited access to the property and was unaware of the water leak in the basement. The information provided by M. Verne determined that the average annual usage was approximately 40KG/quarter. Calculating both the variable rate and overage the sewer charge would have been \$142.75 per billing quarter. Motion by S. Allen, seconded by F. Dishaw to adjust the sewer charge for each of the respective billing quarters to \$142.75. Ayes-4, Nays-0. Motion carried.

Agreed Upon Procedures

Motion by B. Peck, seconded by S. Allen to request a five (5) year proposal from Drescher & Malecki, LLP to perform agreed-upon procedures as of and for the fiscal years 2023, 2024, 2025, 2026, and 2027. Ayes-4, Nays-0. Motion carried.

Open Discussion

B. Nutting reported issues with grease build-up in the manhole near Primo's De Tico's restaurant, 25044 County Route 47. A letter will be sent from the T/Champion advising that an inspection of the restaurant's grease trap will be made by the system operator to ensure that it complies with the Town Sewer Law.

B. Nutting reported, in response to a call regarding a sewage backup at 30744 NYS Route 3, T/Rutland, the operator determined that the grinder pump had been damaged by prohibited materials that were flushed into the system. The lateral was also clogged with the materials and the clean-out was not available because construction had been built over it. The Board authorized the construction of another clean out. The responsibility for the cost of that construction to be determined.

Motion by S. Allen, seconded by B. Peck to adjourn. The meeting adjourned at 4:57pm.

The next scheduled meeting of the NYS Route 3 Sewer/Development Board will be held on Monday, April 10, 2023 at 4:30pm at the T/Pamelia Municipal Building.

Christina Vargulick

Christina Vargulick, Secretary
NYS Route 3 Sewer Board of Commissioners



Notice of Violation and Order to Comply

To:
Mayor
Village of Black River
107 Jefferson Place
Black River, NY 13612

Inspection Number: 1636425
Inspection Date(s): 11/29/2022-11/29/2022
Issuance Date: 02/24/2023
CSHO ID: W9181

Inspection Site:
Village of Black River - WTP
227 Maple Street
Black River, NY 13612

The violation(s) described in this Notice of Violation and Order to Comply is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

This Notice of Violation and Order to Comply (this Notice) describes violations of the Public Employee Safety and Health Act of 1980. You must abate the violations cited in this Notice by the dates listed below. An employer who wishes to file an appeal of the violation(s) cited, including but not limited to appeals which raise issues concerning the application of the cited standard(s) to the employer or to the violation(s) cited, as well as issues concerning the appropriateness of the abatement period(s), must do so within 60 days of the issuance date of this Notice by filing a petition with the Industrial Board of Appeals. Appeals of the violation(s) cited, including but not limited to appeals raising the issues listed above, will be considered time barred if not filed within the 60-day period. The details of such appeal process are set forth at 12 NYCRR Part 65 *et seq* and Section 101 of the Labor Law. Additional information may also be obtained from the Industrial Board of Appeals at their website: www.labor.state.ny.us/iba.

Posting - The law requires that a copy of this Notice be posted immediately in a prominent place at or near the location of the violation(s) cited below. This Notice must remain posted until the violation(s) cited below have been abated, or for 3 working days (excluding weekends and State holidays), whichever is longer.

Penalty Assessment - An employer that fails to correct a violation by its abatement date is subject to a PER DAY penalty assessment. We will assess a penalty of up to \$50 per day for each non-serious violation, and up to \$200 per day for each serious violation, until the violations are corrected. The penalty assessed for each violation will appear in the Failure to Abate notice.

Informal Conference - If an informal conference is requested, it must be made to the nearest PESH district office by telephone or letter, within 20 working days from the date of issuance given on this Notice.

Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far.

Employer Discrimination Unlawful - The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the PESH district office at the address shown above.

Employer Rights and Responsibilities - The enclosed booklet (P907) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

Notice to Employees - An employee (or an authorized employee representative) may object to the abatement date set for a violation if the employee believes the date to be unreasonable. The objection must be filed at the nearest PESH district office within fifteen (15) working days (excluding weekends and State holidays) from the posting of this Notice.



Notice of Violation and Order to Comply

Establishment: Black River Vill - Maple St - WTP
Inspection Site: 227 Maple Street Black River, NY 13612

Citation 1 Item 1 Type of Violation: **Serious**

29 CFR 1910.151(c): Where employees were exposed to injurious corrosive materials, suitable facilities for quick drenching or flushing of the eyes and body were not provided within the work area for immediate emergency use:

- a) Maple Street Water Treatment Plant - Facilities for quick drenching of the eyes were not maintained according to manufacturer's specifications where a liquid sodium hypochlorite chlorination system (a corrosive) is serviced and maintained. Employees are exposed to skin burns or permanent eye injury from potential contact with chlorine in the event of an accident.

NOTE: Facilities for eye washing must be capable of flushing both eyes simultaneously with a continuous flow of water for a minimum of 15 minutes.

Date by Which Violation Must Be Abated: March 22, 2023

Citation 1 Item 2 Type of Violation: **Serious**

29 CFR 1910.212(a)(5): Fan blade guards, where the periphery of the blades was less than seven feet above the floor or working level were not guarded:

- a) Maple Street Water Treatment Plant - Fan located approximately four feet from the working level was not guarded. Employees are exposed to lacerations and broken bones in the event of an accident.

Date by Which Violation Must Be Abated: March 22, 2023

New York State Department of Labor
Public Employee Safety and Health Bureau

Inspection Number: 1686425
Inspection Date: 11/29/2022-11/29/2022
Issuance Date: 02/24/2023
CSHO ID: W9181



Notice of Violation and Order to Comply

Establishment: Black River Vill - Maple St - WTP
Inspection Site: 227 Maple Street Black River, NY 13612

Citation 1 Item 3

Type of Violation: **Serious**

29 CFR 1910.305(b)(1)(ii): Unused openings in boxes, cabinets, or fittings were not effectively closed:

- a) Maple Street Water Treatment Plant - Breaker box missing knockout. Employees are exposed to electric shock hazard.
- b) Maple Street Water Treatment Plant - Breaker box missing breaker blanks. Employees are exposed to electric shock hazard.

Date by Which Violation Must Be Abated:

March 08, 2023

Richard T. Dugan dlm

Richard T. Dugan
Supervising Safety and Health Inspector

RTD/dlm



Notice of Violation and Order to Comply

To:
Mayor
Village of Black River
107 Jefferson Place
Black River, NY 13612

Inspection Number: 1636407
Inspection Date(s): 11/29/2022-11/29/2022
Issuance Date: 02/24/2023
CSHO ID: W9181

Inspection Site:
Village of Black River WTP
30032 NYS Route 3
Black River, NY 13612

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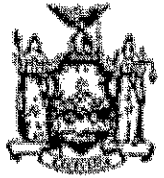
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Notice of Violation and Order to Comply

Establishment: Black River Vill - Route 3 - WTP
Inspection Site: 30032 NY-3 Black River, NY 13612

Citation 1 Item 1

Type of Violation: **Serious**

29CFR 1910.37(a)(3): Exit route(s) were not kept free and unobstructed:

- a) Water Treatment Plant Exit door - Emergency exit route was not kept free from snow and ice. Employees are exposed to falls and broken bones in the event of an emergency requiring the evacuation of the work site.

Date by Which Violation Must Be Abated:

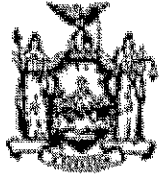
March 08, 2023

Citation 1 Item 2

Type of Violation: **Serious**

29 CFR 1910.147(c)(4)(i): Procedures were not developed, documented and utilized for the control of potentially hazardous energy when employees are engaged in the activities covered by this section:

- a) Water Treatment Plant - The employers Lockout Tagout Program did not contain procedures for all equipment maintained by employees (e.g., pumps) that would expose employees to the hazards of unexpected startup or release of stored energy (e.g., water and pressure).



Notice of Violation and Order to Comply

Establishment: Black River Vill - Route 3 - WTP
Inspection Site: 30032 NY-3 Black River, NY 13612

NOTE: The procedures shall clearly and specifically outline the scope, purpose, authorization, rules, and techniques to be utilized for the control of hazardous energy, and the means to enforce compliance including, but not limited to, the following:

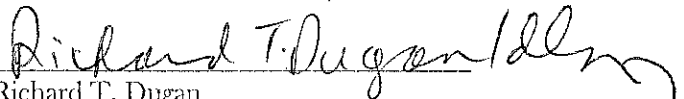
- (1) A specific statement of the intended use of the procedure;
- (2) Specific procedural steps for shutting down, isolating, blocking and securing machines or equipment to control hazardous energy;
- (3) Specific procedural steps for the placement, removal and transfer of lockout devices or tagout devices and the responsibility for them; and
- (4) Specific requirements for testing a machine or equipment to determine and verify the effectiveness of lockout devices, tagout devices, and other energy control measures.

NOTE: Exception: The employer need not document the required procedure for a particular machine or equipment, when all of the following elements exist:

- (1) The machine or equipment has no potential for stored or residual energy or deaccumulation of stored energy after shut down which could endanger employees;
- (2) the machine or equipment has a single energy source which can be readily identified and isolated;
- (3) the isolation and locking out of that energy source will completely deenergize and deactivate the machine or equipment;
- (4) the machine or equipment is isolated from that energy source and locked out during servicing or maintenance;
- (5) a single lockout device will achieve a locked-out condition;
- (6) the lockout device is under the exclusive control of the authorized employee performing the servicing or maintenance;
- (7) the servicing or maintenance does not create hazards for other employees; and
- (8) the employer, in utilizing this exception, has had no accidents involving the unexpected activation or reenergization of the machine or equipment during servicing or maintenance.

Date by Which Violation Must Be Abated:

May 03, 2023


Richard T. Dugan
Supervising Safety and Health Inspector

RTD/dlm