

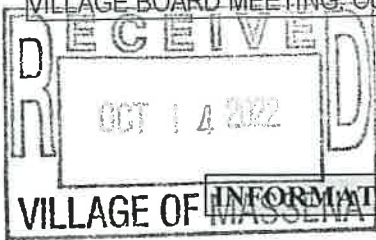
Village of Massena
BOARD OF TRUSTEES MEETING
AGENDA

October 18, 2022

5:30 P.M.

- [1] **Call to Order / Silence of Electronic Devices / Roll Call**
- [2] **Report of Officers and Committees**
A. Treasurer's Report **Proposed Resolution:** Return of Tax Roll to St. Lawrence County
B. Committee Reports: Code Enforcement (Carvel/LeBire)
Economic Development Committee (Simpson/LeBire)
Fire Committee (Carvel/LeBire)
Personnel Committee (Winston/Simpson)
Police Committee (Carvel/Simpson)
Recreation Commission (Carvel/Winston)
Rescue Squad Committee (Paquin/Simpson)
Street Committee (Winston/LeBire)
Water & Sewer Committee (Winston/LeBire)
- [3] **INITIAL PUBLIC COMMENT PERIOD**
- [4] **Old Business**
A. **Proposed Resolution:** Authorize Health Insurance Benefit Changes for Village Employees, Retirees and Eligible Dependents
B. **Discussion/Establish Public Hearing Date/Time:** Mobile Food Vendors and Food Trucks
C. **Proposed Resolution:** Authorize Agreement with Massena Central School District for School Resource Officer Services
- [5] **New Business**
A. **Resignation:** Brandon Wheeler, Zoning Board of Appeals
B. **Appointment:** Jeffrey Slack, Jr., Zoning Board of Appeals
C. **Discussion:** Revisions to General Code Chapter 130 (Curfew) to Include "Juvenile Conduct"
D. **Proposed Resolution:** Authorize Emergency Repair and/or Securing of Unsafe Building
E. **Appointment:** Alice Giroux, Part-Time (Fill-In) School Crossing Guard
F. **Resignation:** Paul Devine, Motor Equipment Operator
G. **Authorization to Canvas:** Patrol Officer, Massena Police Department
H. **Proposed Resolution:** Approve and Authorize Communications Site Lease Agreement (Second Amendment) with Sprint Spectrum Realty Company, LLC
- [6] **Voucher Warrants**
- [7] **Monthly Reports**
Massena Perm. Firefighters / Village of Massena Code Enforcement Office (September 2022)
Massena Rescue Squad (September 2022)
Explore Massena Monthly Progress Report (October 2022)
- [8] **Communications / Correspondence**
Local Waterfront Revitalization Program Plan
- [9] **CLOSING PUBLIC COMMENT PERIOD**
- [10] **Adjournment**

REMINDER – NEXT MEETING
(Tues.) November 15, 2022 , 5:30 p.m.



Village of Massena
Treasurer's Report
October 18, 2022

VILLAGE OF MASSENA INFORMATION

1. You have been provided with preliminary Balance Sheet and Budget to Actual Revenue/Expense reports for September and the September summary follows:

2022/2023	Revenue	% Collected	Expense	% Spent	Net Favorable (Unfavorable)
General Fund	6,989,287	72.03%	3,996,704	39.23%	2,992,583
Refuse Fund	266,527	21.26%	365,111	23.59%	(98,584)
Water fund	409,180	19.91%	578,556	26.56%	(169,376)
Sewer Fund	396,493	22.27%	563,564	29.91%	(167,072)
Joint Rec	226,520	23.50%	362,964	32.58%	(136,444)
	<u>8,288,007</u>		<u>5,866,899</u>		

Rescue Squad Activity Summary YTD

Resource Recovery Revenue	302,828.86
Equipment Expenses	-
Contractual Expense	<u>202,648.19</u>
Net Profit (Loss)	<u>100,180.67</u>

Year-end projection spreadsheets have been updated with actual figures through September and have been distributed to the Board members and Department Managers.

2. The lease-purchase payment for the fire pumper truck was processed in the September warrant. The payment consisted of \$45,453.93 principal and \$3,705.89 interest, leaving a remaining principal balance of \$94,549.
3. A semi-annual interest payment was made in September to Greene County Commercial Bank for the refunded Community Center bonds in the amount of \$9,936.
4. The Comptroller's Office has issued an estimated retirement invoice for the 2022-2023 budget year. This is the payment which would be due in February 2023 (we would use the December 2022 payment option to obtain the discount). For the Employees' Retirement System (ERS) it is \$364,963, a 24.1% decrease compared to last year's actual bill, and for the Police & Fire Retirement System (PFRS) the estimated bill is \$590,545, a 5.2% increase compared to last year's actual bill. These numbers are based on the rates released last month by the Retirement System and salaries for the period April 1, 2021, to March 31, 2022, a variable that is subject to change according to the System.
5. I will soon be working on the GASB 34 statements for our auditors. Once completed the statements will be reviewed and footed. Seyfarth & Seyfarth, CPA's will begin the auditing process in the latter part of November.

ACTION

1. **Budget Amendments:** The Joint Rec Director is requesting to increase his Town Beach equipment account (500-7140-200-712-00) by \$159,290 for the installation of a new roof that will be reimbursed by NYPA. The revenue will be received to his Other Governmental Funds – NYPA revenue account (500-2390-000-010-00) for \$159,290.

2. **Delinquent Tax Resolution:**

RESOLUTION

Return of Tax Roll to St. Lawrence County

The following Resolution is offered to transfer unpaid Village taxes to St. Lawrence County for collection:

WHEREAS the collection period for the Village of Massena's 2021-2022 Tax Warrant ended on September 30, 2021, and

WHEREAS there remained an amount of \$590,843.59 in unpaid taxes and an additional amount of \$42,104.57 in interest and fees due to the Village of Massena on 332 parcels, and

WHEREAS the Trustees have inspected the Delinquent Tax Listing, then therefore be it

RESOLVED, that the Village Board hereby instruct the Village Tax Collector to return the 2022-2023 Village of Massena Tax Warrant to the Office of the St. Lawrence County Treasurer at 48 Court St., Canton, NY for collection of those amounts still owed to the Village of Massena.



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VILLAGE BOARD MEETING: October 18, 2022

Paquin

LeBire

Winston

Miller

McCabe

Ward (HBA)

Carvel

Simpson

Treasurer

Hardy

Olson

Draft

PROPOSED RESOLUTION

Authorization to Change Health Insurance Coverage For Village Employees/Retirees/Eligible Dependents

BE IT RESOLVED, that the Village of Massena Board of Trustees hereby elects to change health insurance coverage effective January 1, 2023, for active and retired employees, and their eligible dependents as follows:

- [1] Cancel existing health insurance coverage through the Excellus SimplyBlue Plus Platinum 2 Plan; and
- [2] Provide health insurance coverage through Excellus Bronze 4 PPO Plan for active employees and their eligible dependents and for non-Medicare-eligible retirees and their eligible dependents; and
- [3] Provide a health reimbursement arrangement covering 100% of the deductible for each employee and their dependents; and
- [4] Continue to provide health insurance coverage through the Medicare Advantage Plan with United Healthcare for all Medicare-eligible members and their eligible dependents; and

BE IT FURTHER RESOLVED, that the firm of USI Insurance Services, 220 Salina Meadows Parkway, Suite 210, Syracuse, New York 13212, is hereby authorized and directed to coordinate the above changes on behalf of the Village of Massena; and

BE IT FURTHER RESOLVED, that Gregory M. Paquin, as Mayor of the Village of Massena, is hereby authorized and directed to execute any and all documents related to this change.

Dated: October 18, 2022

The Code of the Village of Massena shall be amended by **REMOVING** Chapter 201, Article II and **ADDING** a new section 210, Article III as follows:

§201-XXX Rules for Mobile Food Vendors and Food Trucks

§201-XXX Purpose.

The Village of Massena Board of Trustees finds that public health, safety and welfare requires that the citizens of the Village be provided with information relating to persons and organizations who peddle, solicit or vend food products from non-stationary facilities within the Village, that such activities be regulated, and that the citizens of the Village be protected from deceptive and dishonest practices, and that local businesses be protected from unfair competition.

§201-XXX Definitions.

Mobile Food Vendor: Any person, either principal or agent, who from any fixed location, by use of a temporary or moveable structure, or a motor vehicle of any kind, sells or barter, offers to sell or barter to the public, or exposes for sale food products. This shall include, but not be limited to, hot dog sales, snow cone or ice cream sales, funnel cake or fried dough sales, produce sales and other similar sales.

§§201-XXX License required.

It shall be unlawful for a person or individual within the corporate limits of the Village to act as a Mobile Food Vendor without first having obtained and paid for, and having in force and effect, a license therefor issued by the Village of Massena. A written application for a Mobile Food Vendor License shall be submitted to the Village Clerk on forms furnished by the Village. In addition to the standard application for Peddlers and Hawkers, applicants for a Mobile Food Vendor License shall provide the following information:

1. The requested date, hours of operation and proposed location of the Mobile Food Vendor.
2. If on private property, proof of consent of the property owner is required.
3. All necessary certifications and approvals from the St. Lawrence County Health Department.
4. Such other information as may be required by the Village Board.

§§201-XXX Issuance of License.

1. The Village Clerk shall refer the Application for Mobile Food Vendor License, when completed, to the Village Board for action and shall not issue the Mobile Food Vendor License unless the Village Board has approved the license with or without imposing conditions.

2. When considering the Application for Mobile Food Vendor License, the Village Board shall consider the following circumstances:

- a. The impact of the activity on pedestrian and vehicular traffic and parking.
- b. The impact of the activity on nearby businesses, especially those businesses that serve food and beverages.
- c. The suitability of the hours of operation and the location requested.
- d. The results of any criminal investigation into the applicant and any others who may participate in the activity.
- e. Any other relevant facts and circumstances.

§§201-XXX Duration of License.

1. The days, hours of operation and specific location approved shall be specified on the license, as well as any express conditions set by the Village Board.

§201-XXX LICENSE FEES

On each Mobile Food Vendor, stand, booth, wagon, cart or other device so erected or used, there is hereby imposed a license fee of \$250 per year or \$25 per day.

§§201-XXX Rules for Mobile Food Vendors.

1. Mobile Food Vendors shall strictly comply with all conditions of the approved license.
2. Mobile Food Vendors shall comply with each of the following rules:
 - a. No Mobile Food Vendor shall commence food sales until the local fire code official, after an inspection has been conducted and the Mobile Food Vendor meets all New York State Fire Code Requirements, St. Lawrence County Department of Health, New York State and local code requirements and the local fire code official has conducted an inspection and has certified that there are no violations of applicable laws, codes, rules and regulations.
 - b. Any advertising signage not adhered to the mobile unit shall not exceed four square feet.
 - c. The vending site shall be kept clean and orderly at all times, and the Mobile Food Vendor must provide a refuse container and is encouraged to provide containers for recycling and shall duly dispose of all waste outside of the Village limits. No portion of the Mobile Food Vendor's inventory, sales equipment, or any other structure or equipment used in the sales or solicitation process shall be left overnight upon any unenclosed portion of any lot or site within the Village, nor any public street or right-of-way.
 - d. If located near a sidewalk, a minimum clearance of five feet shall be maintained by any mobile food vendor.
 - e. No mechanical audio or noise making devices and no hawking are allowed. Hawking is the loud, repeated oral solicitation of business by the Mobile Food Vendor or employee.
 - f. All Mobile Food Vendors shall comply with all applicable New York State Fire Code Requirements, St. Lawrence County Department of Health, New York State and local code requirements
 - g. No Mobile Food Vendor shall falsely or fraudulently misrepresent the quantity, character or quality of any food or beverage offered for sale.
 - h. No Mobile Food Vendor shall violate Chapter 200 Noise, of the Code of the Village of Massena, as amended from time-to-time.
 - i. No Mobile Food Vendor shall operate in a manner not approved by the Village.

§§201-XXX Suspension and revocation of license.

A. A license may be suspended pending a public hearing as set forth in in subsection B below, upon discovery that a Mobile Food Vendor who has been issued a license is in violation of this article. The license may be suspended by the Village Clerk or the Code Enforcement Officer upon reasonable suspicion of a violation of this article.

B. The Village Clerk shall promptly notify the Village Board of any license suspension. The Village Board shall hold a public hearing, upon five days' notice in the official Village newspaper, as soon as possible after the license has been suspended. After such public hearing, at which the licensee shall have the opportunity to be heard, the Village Board may revoke any license issued under this article to any applicant whom the Village Board shall determine to be an undesirable person or incapable of properly conducting the trade or business previously licensed. The Village of Massena may also revoke a license for a Mobile Food Vendor under the following conditions:

1. Failure to comply with the terms of this Section;
2. Misrepresentation of facts in the licensee's application for the necessary permits;
3. Failure to comply with the terms of the license;
4. Creation of a hazard to the public health or safety; or
5. Complaints of aggressive or disorderly behavior.

C. When a license is revoked, no refund of any portion of the fee shall be made.



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VILLAGE BOARD MEETING: October 18, 2022

Paquin

LeBire

Winston

Olson

Carvel

Simpson

Treasurer

Draft

PROPOSED RESOLUTION

Approve Memorandum of Agreement Between the Village of Massena and Massena Central School District

[SCHOOL RESOURCE OFFICER]

BE IT RESOLVED, that the Village of Massena Board of Trustees hereby approves a Memorandum of Agreement between the Village of Massena and the Massena Central School District, for the purposes of entering into Agreement for the Massena Central School District to obtain from the Village of Massena the services of a School Resource Officer to promote the goal of ensuring a caring, safe, respectful, and orderly learning environment in its schools as detailed in said Memorandum of Agreement; and

BE IT FURTHER RESOLVED, that Gregory M. Paquin, as Mayor of the Village of Massena, is hereby authorized and directed to execute said Memorandum of Agreement on behalf of the Village of Massena.

Dated: October 18, 2022

Chapter 130. Curfew and Juvenile Conduct

[HISTORY: Adopted by the Board of Trustees of the Village of Massena 9-18-2012 by L.L. No. 5-2012.⁽¹⁾ Amendments noted where applicable.]

[1]

Editor's Note: This local law also superseded former Ch. 130, Curfew, adopted 9-22-1969 as Ch. 20 of the 1969 Code, as amended.

§ 130-1. Policy; purpose; findings.

A.

Policy. It is hereby declared to be the policy of the Village of Massena (the "Village") to minimize nocturnal crime, juvenile delinquency and vandalism and to prevent the damage and destruction of both public and private property.

B.

Purpose. It is the purpose of the Village to promote the health, safety and general welfare of the residents of the Village and to maintain rule and order by prescribing, in accordance with prevailing community standards, regulations concerning the presence of minors on streets, roads, highways, public parks or other public areas of the Village at night; to reduce juvenile crime and vandalism; to protect the children and minors of the Village; and to further **parental** responsibility.

C.

Findings. The Board of Trustees of the Village hereby finds that:

(1)

There has been a significant breakdown in the supervision, normally provided by certain parents, and guidance of minors, resulting in minors being involved in a wide range of unacceptable conduct, including vandalism, noisy, rowdy and disturbing behavior, larcenies, and harassment of Village residents.

(2)

Significant numbers of minors have been congregating in the Village after dark, causing disturbances to residents.

(3)

Offensive activities of minors are not easily controlled by existing laws.

(4)

The sense of the community is that there is a proper time for the cessation of outdoor activities of minors.

(5)

There is a need for a curfew for minors to achieve, under local conditions, the policy and purposes herein stated.

(6)

Curfew regulations will meet special needs, will enable the community to better control streets and public places, will be a significant factor in minimizing juvenile delinquency and will enable the police to act reasonably and fairly to prevent the violation of laws by minors.

(7)

The curfew hours declared by this chapter take into consideration the danger hours for nocturnal crime and for accumulations of minors with the potential risks incident to immaturity.

(8)
Curfew regulations in other communities have been a significant factor in reducing juvenile delinquency.

(9)
Parental responsibility for the whereabouts and conduct of minors should be the norm; as parental control increases, the likelihood of juvenile delinquency decreases.

§ 130-2. Definitions; word usage.

A.
As used in this chapter, the following terms, phrases, words and their derivations shall have the meanings indicated:

KNOWINGLY

Includes knowledge of information which a parent should reasonably be expected to have concerning the whereabouts of a minor in that parent's legal custody. It is intended to include neglectful or careless parents and require such neglectful or careless parents to maintain a reasonable community standard of parental responsibility through an objective test. It shall be no defense that a parent was indifferent to the activities, conduct or whereabouts of such minor.

MINOR

Any person under the age of 18 years of age or, in equivalent phrasing sometimes employed herein, any person 17 or less years of age.

PARENT

Any person having legal custody of a minor as a natural or adoptive parent, as a legal guardian, as a person who stands in loco parentis or as a person to whom legal custody has been given by court order.

PUBLIC PLACE

Any place to which the public has access, whether privately or publicly owned, including, but not limited to, public streets, roads, thoroughfares, sidewalks, bridges, alleys, plazas, parks, recreation or shopping areas, stores, cafes, restaurants, eating establishments, public transportation facilities, vehicles used for public transportation, parking lots or any other public building, structure or area.

REMAIN or LOITER

To stay behind, to tarry or to stay in or upon a public place.

TIME OF NIGHT

Based upon the prevailing standard of time, whether Eastern standard time or Eastern daylight saving time, generally observed at that hour by the public in the Town/Village.

YEARS OF AGE

Years of age continue from one birthday to, but not including, the day of the next so that 17 or less years of age is equivalent to under 18 years of age.

B.

The word "shall" is mandatory; the word "may" is permissive. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular and words in the singular number include the plural.

§ 130-3. Curfew and conduct established for minors.

- A. It shall be unlawful and a violation of this chapter for a minor to be or loiter or remain in, on or upon a public place within the Town/Village between the following hours (the "curfew hours"): beginning at 10:00 p.m. and extending until 5:00 a.m. on the following day.
- B. It shall be unlawful for any minor to commit any act which would be in violation of any New York State or Local Law.

§ 130-4. Exceptions and exemptions to curfew.

A minor in a public or private place during the curfew hours shall not be considered in violation of this chapter under the following circumstances:

- A.
When the minor is accompanied by a parent of such minor.
- B.
When the minor is accompanied by an adult authorized by a parent of such minor to take said parent's place in accompanying said minor for a designated period of time and purpose within a specified area.
- C.
When the minor is exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech and the right to such exercise, provided that the minor has in his possession a writing, signed by the minor and by a parent of the minor, with their home address and telephone number, specifying when, where and in what manner the minor will be in a public place during curfew hours in the exercise of a First Amendment right specified in such writing.
- D.
When the minor is, with parental consent, in or on a public place in a case of reasonable necessity.
- E.
When the minor is on the sidewalk or property where the minor resides or on either side of or across the street from the place where the minor resides and the adult owner or resident of that property has given permission for the minor to be there.
- F.
When the minor is, with parental consent, returning home from, and within one hour after the termination of, a school or Village-sponsored activity or an activity of a religious, voluntary, cultural or community organization.
- G.
When the minor is, with parental consent, in a motor vehicle engaged in normal travel and when the minor is engaged in bona fide interstate movements along major routes through the Town/Village or interstate travel beginning or ending in the Town/Village.
- H.
When the minor is engaged in, or traveling to or from a place of, employment.
- I.
When the minor is engaged on an errand involving a medical emergency or other emergency involving an immediate and significant threat to life or property.

J.

When the minor is authorized by a special events permit from the Mayor carried on the person of the minor thus authorized, as follows:

(1)

When necessary nighttime activities of a minor are inadequately provided for by the provisions of this chapter, recourse may be had to the Mayor for a special permit as circumstances warrant.

(2)

Upon the Mayor's finding of necessity for the use of a public place or places, and with written parental consent, the Mayor may grant a special permit, in writing, for use of a specified public place or places by such minor, for such specified periods of time as in the Mayor's judgment may be necessary.

(3)

Such special permit may be revoked by the Mayor for good cause shown following a hearing.

§ 130-5. Parental responsibility.

- A. It shall be unlawful and a violation of this chapter for a parent knowingly to permit, or by inefficient control to allow a minor to be or loiter or remain in or on or upon a public or private place in the Village during curfew hours under circumstances not constituting an exception to or an exemption from or otherwise beyond the scope of this chapter.
- B. It shall be unlawful and a violation of this chapter for any parent or legal guardian of a minor knowing or having reason to know or otherwise consenting or permitting said minor to be in a public or private place within the Village of Massena so as to allow or permit or provide the minor with the opportunity to commit any violation of New York State or Local Law. It shall be unlawful of any parent or guardian to fail to exercise reasonable diligence in the care and control of the activities of said minor.

§ 130-6. Enforcement procedures.

A.

If a police officer reasonably believes that a person is in a public or private place in violation of this chapter, the officer shall notify the person of such violation and shall require the person to provide his or her name, address, telephone number and how to contact his or her parent. In determining the age of the person, and in the absence of convincing evidence such as a birth certificate or driver's license, the officer shall use his or her best judgment in determining age.

B.

If the officer determines or has reason to believe that a person is in violation of this chapter, he or she shall, if practicable, take the person to police headquarters, where a parent shall be immediately notified and required to report to police headquarters and procure the person, whereupon the parent shall be questioned to ascertain, within constitutional limits, the relevant facts.

C.

The officer shall file a written report.

D.

The officer shall issue an appearance ticket or tickets as the circumstances require.

E.

The minor shall be released to the custody of a parent.

F.

If a parent cannot be located or fails to take charge of the minor, the minor may temporarily be entrusted to a relative, neighbor or other person who will assume the responsibility of caring for the minor pending availability of a parent.

G.

In circumstances where the procedures in Subsections B, E and F of this section are impracticable, the officer shall comply with or cause compliance with the procedures in Subsections A, C, D and H of this section.

H.

In the case of a first violation by a minor, the Chief of Police or designee shall, by certified mail, return receipt requested, send to a parent written notice of the violation, with a warning that any subsequent violation will result in full enforcement of the Curfew and Juvenile Conduct Law, including enforcement of parental responsibility and of applicable penalties.

§ 130-7. Penalties for offenses.

A.

Any minor under the age of 18 years of age violating the provisions of this chapter shall be dealt with in accordance with the procedures contained in § 130-6 herein and on each violation shall be treated as a first violator.

B.

Any minor under the age of 18 years of age violating the provisions of this chapter as a second-time violator will be required to perform 20 hours of community service to be administered by the Village. In circumstances where community service is impractical, refused or not completed, the officer shall comply with § 130-7C.

C.

Any minor under the age of 18 years of age violating the provisions of this chapter as a third-time violator shall be petitioned to Family Court in accordance with the standards set forth by the St. Lawrence County Probation Department and the St. Lawrence County Family Court.

D.

Any parent convicted of violating any provision of this chapter shall be guilty of a violation punishable by a fine of not more than \$50 for the first conviction, \$100 for the second conviction and \$250 thereafter or by a term of imprisonment not to exceed 15 days or shall be required to perform community service, or any combination thereof.

§ 130-8. Notice of regulations.

Notice of the existence of this chapter and of the curfew regulations established by it shall be posted, from time to time, in, on or at such public or quasi-public places as may be determined by the Chief of Police in order that the public may be informed of the existence of this chapter and its regulations.



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VILLAGE BOARD MEETING: October 18, 2022

Paquin

LeBire

Winston

Miller

Carvel

Simpson

Treasurer

Draft

PROPOSED RESOLUTION

Approve and Authorize Communications Site Lease Agreement (Second Amendment) with Sprint Spectrum Realty Company, LLC

BE IT RESOLVED, that the Village of Massena Board of Trustees hereby approves a second amendment to the Communications Site Lease Agreement (Water Tower, 21 Bowers Street) with Sprint Spectrum Realty Company, LLC for any activity in connection with present and/or future licensed communications services; and

WHEREAS, the current Agreement with Sprint Spectrum Realty Company, LLC will expire June 6, 2026; and

WHEREAS, the Board of Trustees approve and authorize the Second Amendment automatically renewing for five (5) additional five (5) year terms beginning June 7, 2026; and

BE IT FURTHER RESOLVED, that Gregory M. Paquin as Mayor of the Village of Massena, is hereby authorized and directed to execute said agreement.

Dated: October 18, 2022