

Village Board Meeting and Public Hearing
December 2nd, 2024, 7:00pm
Village Municipal Center

Agenda

1. Pledge of Allegiance
2. Call to Order, Public Hearing, Proposed Local Law #1 of 2024
3. Accept Testimony
4. Close Public Hearing
5. Call to Order, Regular Session
6. Consider Action, Proposed Local Legislation
7. Ratify Meeting Minutes (11/4)
8. Monthly Reports
9. Appropriations
 - General Fund
 - Water Fund
 - Sewer Fund
 - Senior Shuttle
 - Unaudited Claims
10. Budget Transfers, if necessary
11. Resolution—Local Match, NBRC Grant
12. Update—Tree Lighting Ceremony
13. Authorize Mayor to Execute Contract—South Granville Fire District
14. Authorize DPW Superintendent to Execute County Road Maintenance Agreement
15. Mayor's Reports
 - A. Final Draft Plan—Main Street Technical Assistance Grant
 - B. Update—Lighted Tractor Parade
 - C. Other
16. Public Comment
17. Executive Session, if necessary
18. Adjournment

Section 4. Imposition of tax:

Pursuant to the authority granted in § 5-530 of the Village Law of the State of New York, from and after the effective date of this local law, there is hereby imposed:

- A. A tax equal to 1% of the gross income of every utility doing business in the territorial limits of the Village of Granville, which is subject to the supervision of the New York State Public Service Commission and which has an annual gross income in excess of Five Hundred (\$500.00) Dollars except motor carriers or brokers subject to Transportation Law § 240{i}EN.
- B. A tax equal to 1% of the gross income of every utility doing business in the territorial limits of the Village of Granville, which has an annual gross operating income in excess of Five Hundred (\$500.00) Dollars.

Section 5. Definitions:

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

A. Gross Income includes:

- 1. In the case of a utility engaged in selling telephony or telephone service, only receipts from local exchange service wholly consummated within the Village.
- 2. In the case of a utility engaged in selling telephony or telephone service, only receipts from transactions wholly consummated within the Village.
- 3. In the case of any utility other than described in Subsections 1 and 2 herein above, shall include:
 - i. Receipts received in or by reason of any sale, condition 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 a purchaser in the Village, including cash, credits and property of any kind or nature (whether or not such sale is and or service is rendered for profit) without any deductions therefrom on account of the cost of the property sold, the cost of the materials used, labor or services or other costs, interest or discount paid, or an other expense whatsoever;
 - ii. Profits from the sale of securities;
 - iii. Profits from the sale of real property growing out of the ownership or use of or interest in such property;

- iv. Profits from the sale of personal property (other than property of a kind which would properly be made);
- v. Receipts from interest, dividends and royalties, derived from sources within the Village (other than such as are received from a corporation, a majority of whose voting stock is owned by the taxpaying utility), without any deduction therefrom for any expenses whatsoever incurred in connection with the receipts thereof;
- vi. Profits from any transaction (except sales for resale and rentals) within the Village whatsoever.

B. Gross Operating Income includes:

- 1. 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, refrigeration, telephony or telegraphy or in or by reason of the furnishing for such consumption or use of gas, electric, steam, water, refrigeration, telephone or telegraphy service in the Village, including cash, credits and property of any kind or nature, without deductions therefrom on account of the cost of the property sold, the cost of materials used, labor or services or to the costs, interest or discount paid, or any other expense whatsoever.

C. Person(s):

- 1. Includes persons, corporations, companies, associations, joint-stock associations, copartnership, estates, assignees 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. The word "person(s)" shall not include the state, municipality, public districts, and corporations and associations organized and operated exclusively for religious, charitable or education purposes, no part of the net earnings of which inures to the benefit of any private shareholder or individual.

D. UTILITY:

- 1. Every person subject to the supervision of the State Public Service Commission, except:
 - i. Persons engaged in the business of operating or leasing sleeping and parlor railroad cars; and

- ii. Persons engaged in the business of operating or leasing railroads other than street surface, rapid transit, subway, and elevated railroads.
2. Every person who sells gas, electricity, steam, water, refrigeration, telephony or telegraph delivered through mains, pipes or wires, whether or not such person is subject to the supervision of the State Public Service Commission or any other regulatory agency.
3. Every person who furnishes gas, electricity, steam, water, refrigeration, telephony or telegraph service, by means of mains, pipes, or wires, regardless of whether such activities are the main business of such persons or are only incidental thereto or of whether use is made of the public streets.

Section 6. Applicability:

1. This local law and the tax imposed thereby:
 - i. Shall apply only within the territorial limits of the Village of Granville.
 - ii. Shall not apply and the tax shall not be imposed on any transaction originating or consummated outside the territorial limits of the Village of Granville, notwithstanding that some act be necessarily performed with respect to such transaction within such limits.
 - iii. Shall be in addition to any and all other taxes.
 - iv. Shall apply to all subject income received on and after the effective date of this local law.

Section 7. Disposition of revenues:

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

Section 8. Collection and enforcement:

1. The Village Treasurer shall be the chief enforcement officer of this local law 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 this local law, which, in his discretion, are reasonable 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 Village Treasurer. All such rules, regulations and directives shall be deemed part of this local law.

Section 9. Records:

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

Section 10. Returns; filings; contents:

A. Time of filing:

1. Every utility subject to a tax hereunder shall file on or before December 25 and June 25 of year a return for the six calendar months preceding each return date including any period for which a tax imposed hereby or any amendment hereof is effective. However, any utility whose average gross income or gross operating income for the aforesaid six-month period is less than Three Thousand (\$3,000.00) Dollars may file a return annually on December 25 for the 12 calendar months preceding such 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 local law or not, may be required by the Village Treasurer to file an annual return.

B. Contents of returns:

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

Section 11. Payment:

1. At the time of filing a return as required by this local law, each utility shall pay to the Village Treasurer the tax imposed hereby for the period covered by such return. Such tax shall be due and payable at the time 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 12. Penalties and interest:

1. 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 local law, 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; however, the Village Treasurer, if satisfied that the delay was excusable, may remit all or any portion of such penalty.

Section 13. Tax as operating cost:

1. The tax imposed by this local law 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 14. Failure to file returns or incorrect returns:

1. In the event a return filed pursuant to this local law shall be insufficient or unsatisfactory to the Village Treasurer, he may require a new or supplemental return, which shall contain any data that may be specified by him, and if a corrected or new return is not filed within 20 days after the same is required by notice from him, or if no return is made for a period, the Village Treasurer shall determine the amount due from such information as is available to him and may estimate the tax on the basis of external indices or otherwise. He shall give notification of such determination to the utility liable for such tax. Such determination shall finally and irrevocably fix such tax unless the utility against which it is assessed shall, within one year after the giving of notice of such determination, apply to him for a hearing or unless the Village Treasurer, of his own motion, shall reduce same. After such hearing, he shall give notice of his decision to the utility liable for such tax.

Section 15. Review of final determination:

1. Any final determination of the amount of any tax payable hereunder shall be reviewable for error, illegality or unconstitutionality or any other reason whatsoever by a proceeding under Article 78 of the Civil Practice Law and Rules commenced within 90 days after the giving of notice of such final determination; provided, however, that any such proceeding shall not be instituted unless the amount of any tax sought to be reviewed, with such interest and penalties thereon as may be provided, shall be first deposited and an undertaking filed, in such amount and with such sureties as a Justice of the Supreme Court shall approve to the effect that if such proceeding be

dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceedings.

Section 16. Notice:

1. Any notice authorized or required pursuant to this local law may be given by mailing the same to the utility for which it is intended, in a postpaid envelope, addressed to such utility at the address given by it in the last return filed by it or, if no return has been filed, then to such address as may be obtainable. The mailing of such notice shall be presumptive evidence of the receipt of same by the utility to which it is addressed. Any period of time given for compliance with such notice shall commence to run from the date of mailing of such notice.

Section 17. Refunds:

1. If, within one year from the giving of notice of any determination of assessment of any tax or penalty, the person liable for the tax shall make application for a refund thereof and the Village Treasurer or the court shall determine that such tax or penalty or any portion thereof was erroneously or illegally collected, the Village Treasurer shall refund the amount so determined. However, no refund shall be made of a tax or penalty paid pursuant to a determination of the Village Treasurer unless the Village Treasurer, after a hearing or of his own motion, shall have reduced the tax or penalty or it shall have been established in a proceeding under Article 78 of the Civil Practice Law and Rules that such determination was erroneous or illegal. An application for a refund shall be deemed an application for revision of any tax or penalty and the Article 78 of the Civil Practice Law and Rules any receive additional evidence with respect thereto.

Section 18. Limitation of additional tax:

1. Except in the case of a willfully false or fraudulent return no assessment or additional tax shall be made with respect to taxes imposed pursuant to this local law after the expiration of three years from the date of filing of a return; provided, however, that if no return has been filed, the tax may be assessed at any time.

Section 19. Powers of the Village Treasurer:

1. In addition to any other powers herein given to the Village Treasurer and in order to further insure payment of the tax imposed hereby, the Village Treasurer shall have the power to:

- i. Prescribe the form of all reports and returns required to be made hereunder.
- ii. Take the testimony and proofs, under oath, with reference to any matter enumerated in this local law.
- iii. Subpoena and require the attendance of witnesses and the production of books, papers, records and documents.

Section 20. Enforcement; action to enforce payment; lien:

1. Whenever any person shall fail to pay any tax or penalty imposed by this local law, the Village Attorney shall, upon the request of the Board of Trustees, bring an action to enforce payment of the same. This proceeds of any judgement obtained in any such action shall be paid t the Village 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 dame extent as the tax imposed on real property by the Real Property Tax Law

Section 21. Validity:

1. The invalidity of any work, section, clause, paragraph, sentence, part or provision of this Local Law shall not effect the validity of any other part of this Local Law which can be given effect without such invalid part or parts.

Section 22. Effect on Other Laws:

1. All ordinances and laws or parts of ordinances and laws in conflict with the provisions of this Local Law are hereby superseded to the extent necessary to give this Local Law full force and effect during the effective period.

Section 23. Home Rule:

1. This Local Law is adopted pursuant to the authority granted to the Village as set forth in Section 10 of the Municipal Home Rule Law and Statues of Local Government.

Section 24. Effective Date:

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

Be it Enacted, this ___ day of December, 2024 by the Village Board of Trustees of the Village of Granville, Washington County, New York.

Paul Labas, Mayor

Gordon Smith, Trustee

Heather Leaman, Trustee

Dean Hyatt, Trustee

Lisa Ackert, Trustee

**Village Board Meeting
November 4th, 2024, 7:00pm
Village Municipal Center**

Attendance: Village Board: Mayor Paul Labas, Deputy Mayor Gordon Smith, Trustees Dean Hyatt, Denise Davies and Heather Leaman

Village Key Staff: Local Ordinance Officer Curt Pedone, DPW Superintendent Scott Mackey, Ass't DPW Sup't Josh Hayes, Fire Chief Michael Zinn, Village Attorney Michael Martin, Deputy Clerk-Treasurer Dee Scarlotta and Clerk-Treasurer Rick Roberts

Press: Erik Pekar, *NYVT Media*

Others: Mr. Daniel Williams, Mr. Steven and Mrs. Felicia Dougherty, Mr. Peter Kishak, Ms. Coral Pardy, Mr. Paul Felice, Mr. Matthew Rollwagen, and Mrs. Robin Anderson

At 7:00pm, Mayor Labas led those in attendance in the Pledge of Allegiance. He then called the Meeting to Order.

Ratify Meeting Minutes: Trustee Hyatt moved ratification of the draft Meeting Minutes of October 7th as posted to the Village website. Trustee Davies seconded the motion and it carried unanimously.

Monthly Reports: The Mayor reviewed the following monthly reports with the Village Board: Local Ordinance Officer, Village Court (Justice and Associate Justice), Fire Dept., and Water Dept. (3 samples taken, all satisfactory). Deputy Mayor Smith moved acceptance of the reports as read. Trustee Leaman seconded the motion and it carried unanimously.

Appropriations: The following claims were submitted to the Board for review and in consideration of payment:

General Fund:	\$30,088.03
Water Fund:	\$9,347.12
Sewer Fund:	\$22,487.77
Senior Shuttle:	\$1,336.63
Unaudited Vouchers:	<u>\$21,549.66</u>
Total Claims:	\$84,809.21

The Board audited the claims and Trustee Leaman moved their authorization for payment. Deputy Mayor Smith seconded the motion and it carried unanimously.

Mayor's Reports: Mayor Labas briefed the Board in the following matters:

- A. Election Reminder: The Mayor reminded those in attendance that the National Election would be conducted tomorrow from 6:00am to 9:00pm. He noted that the polling location for Village residents had been changed from the Village Municipal Center to the Town

Offices. He encouraged all in attendance to exercise their right to vote in this important election.

- B. Vacancies (ZBA/Planning Board): Mayor Labas advised that there was a present vacancy on the Zoning Board of Appeals, and that another position was expected to become available soon. In addition, he noted that there was a need for an alternate member of the Planning Board. If anyone is interested in serving, he advised that they can contact him to set up an interview at their convenience.
- C. Update—Website Development: The Mayor advised that he had been in contact with Karin Rozell, who had been heading up the marketing/branding committee formed after the RERC Workshop. Mrs. Rozell has advised that after a slow start, work has commenced on the website to be utilized for community events, lodging, eateries, etc. The website is meant to be a single-stop resource for information about Granville, as well as to promote the natural and cultural resources seen locally. The Mayor has been advised that the website is expected to be completed during the month of December, with an expected launch date in January.
- D. Consider Gross Receipts Tax: Mayor Labas advised that the Village had begun work on the 2025-26 Budget and that we are seeing continued inflation in certain areas beyond our control, particularly in terms of retirement costs, property insurance, health insurance, and commodity costs. He noted that the Village would like to remain tax cap compliant, but the inflationary pressures seen are making that difficult. In order to address this, he asked that the Board consider the adoption of a Gross Receipts Tax (GRT) for Utilities who operate in the Village Right of Way. The Mayor asked the Clerk-Treasurer if he could provide additional information to the Board concerning the GRT.

The Clerk-Treasurer advised that many municipalities in NYS utilize the Gross Receipts Tax as a means to supplement non-tax revenues. He explained that this tax amounts to a 1% fee collected from utilities that utilize the Village right of way, namely power and telephone suppliers. This tax would be similar in composition to that seen with the current cable franchise fee, but lower in terms of percentage (1% only, as opposed to 5% for Spectrum) If the Board were interested in pursuing this, the means to do so would involve the Village Attorney drafting proposed legislation and then holding a Public Hearing to accept any public input/comment. This would develop an additional revenue stream for the Village as opposed to an increase in taxes beyond the tax cap. The Treasurer advised that the Mayor/Board had established this Tax Cap compliance as a priority going forward. He also noted prior reductions in staff (DPW reduced from 8 FT staff to 6, Police Dept. reduced from 6 to 5 FT staff), so the GRT may be something to consider if the Village wants to retain its current services.

Following a period of discussion, Trustee Davies moved that the Village Attorney be directed to craft draft local legislation to consider the GRT, and that the Clerk-Treasurer be authorized to advertise for a public hearing on Monday, December 2nd at 7pm at the Village Municipal Center to consider the same. Trustee Hyatt seconded the motion and it carried unanimously.

Mayor Labas opened the meeting to public comment at 7:15pm.

Mrs. Robin Anderson addressed the Board concerning the formulation of a local youth group targeting students in 6th-12th grade at GCS. While she acts as Faith Coordinator at St. Mary's Church, she stressed that the program would be open to all and was designed to be non-denominational. Previously, under Rev. Zelker, this program had been quite successful/popular, and the church is hoping to re-establish the same in an effort to provide healthy, positive alternatives for local youth. Components of the program would include money management, time management, eating well/healthy, community involvement, character, games, interaction, food & beverages, etc. Mrs. Anderson also noted that program volunteers would be vetted and have passed background checks—parental involvement would also be welcomed, similar to when the program was administered by Rev. Zelker and the Ecumenical Council. She noted that the Church has received some grant funds and is hopeful to put them to good use through growth of the program locally. She concluded by noting that this program can be viewed on You Tube by searching for "A Trail Map for Life". The Mayor thanked Mrs. Anderson for her presentation and wished her success.

Trustee Hyatt commented that he felt that the Veterans banners looked great throughout the Village during the summer months. He complimented the DPW for their time and care in installing and maintaining them through the seasons. He went on to suggest that it might be a good idea to have a small group of volunteers to receive the banners following their removal to clean and care for them so that they are put away fresh for next season. He feels that this might extend the life of the banners and maintain a positive appearance, while simultaneously making things a little easier for the DPW when it is time to reinstall them in the Spring. The Mayor noted that this might be a good project for the youth group and Mrs. Anderson agreed.

There was no further public input.

The Mayor advised that he had no material for Executive Session this evening and as such, he would accept a motion to adjourn if the Board were so inclined. There being no other business, Trustee Leaman moved that the Meeting be adjourned at 7:20pm. Deputy Mayor Smith seconded the motion and it carried without objection.

Respectfully Submitted,

Richard H. Roberts
Village Clerk-Treasurer

**Resolution #1 of December, 2024
Village Match and Cost Share, NBRC Grant
December 2nd, 2024**

On a motion by Trustee _____, seconded by Trustee _____ the following Resolution was offered for consideration:

Whereas, the Village of Granville has been awarded a grant by the National Border Regional Commission to facilitate a Water Main Replacement on Church Street, and

Whereas, there is a local match and cost share associated with said grant, including labor and equipment to be supplied by the Village DPW, and upwards of \$21,603 in hard costs, and

Whereas, the Village Board of Trustees wishes to demonstrate its willingness to support this important project as per NBRC Requirements, now

Therefore, be it so **R**esolved, that the Village Board of Trustees hereby stipulates to the above local match and cost share requirements, and will appropriate the monies as necessary from the current or subsequent Water Fund Budgets and/or Reserves.

The Resolution carried by the following roll-call vote:

Mayor Paul Labas	Aye
Deputy Mayor Gordon Smith Jr.	Aye
Trustee Dean Hyatt	Aye
Trustee Denise Davies	Aye
Trustee Heather Leaman	Aye

Mayor Labas thus declared the above Resolution to be duly adopted.

The foregoing represents a true and accurate copy of the proceedings carried at the Meeting of the Village Board of Trustees conducted on Monday, November 4th at 7:00pm at the Village Municipal Center.

Richard H. Roberts
Village Clerk

Detail for Packet Items

#13 For many years, the Granville Engine & Hose Company (GEH) has provided Fire Protection to the South Granville Fire District. To do so, a contract is required. This contract originates with the Town, and then is circulated to GEH for review. Following this, it comes to the Village for review and approval. However, the contract is required for January 1, prior to the next Village Board Meeting. As such, the Board has previously authorized the Mayor to execute the contract following review by the Village Attorney as deemed necessary. There generally are few changes to the contract beyond the dollar amount, dates of service, and syntax/spelling corrections.

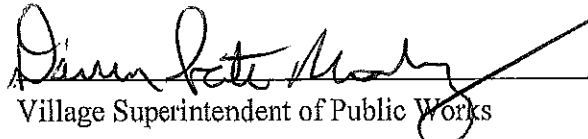
#14 For many years, the Board has authorized the DPW Superintendent to execute the Road Maintenance Agreement with Washington County. This paperwork represents the contract/payment terms for the Village when clearing snow from Main St., around Veterans Park, and in front of the School on NYS Route 149. These documents specify the salary, benefit rate, and equipment rates to provide these services, as well as the sweeping/cleaning of NYS Route 149 in the spring season.

This agreement made this 12th day of November, 2024, by and between Darren "Scott" Mackey as DPW Superintendent, of the Village of Greenville, County of Washington, New York, hereinafter designated as first party and Deborah Donohue, as Superintendent of Public Works of Washington County, hereinafter designated as second party as follows:

The first party hereby rents to the second party such trucks and equipment (with operators and/or personnel) as second party may require for the plowing, sanding, or removal of snow on State roads during the winter of 2024-2025 at the hourly rates fixed from time to time by the State Comptroller in the exercise of his supervision of municipal accounts for rental or hiring of such machinery, tools, or equipment by the Village. First party must receive approval from NYSDOT before doing any snow removal. **First party must also provide second party with proof of insurance, for working in the right-of-way, on all vehicles involved in their State snow and ice removal operations.**


This agreement is to become effective upon the approval of the Village Board of the Village of Greenville.

IN WITNESS WHEREOF, the parties have hereto set their hands and seals the day and year first above written and in duplicate.


 Village Superintendent of Public Works

 Superintendent of Public Works
 (Washington Co.)

This is to certify that the Village Board of the Village of Greenville, Washington County, New York, did approve unanimously, the foregoing agreement, the entire Board being present and voting at a meeting held December 2, 2024.



 Village Clerk
 By order of the Village Board

VILLAGE OF GRANVILLE, NY

MAIN STREET TECHNICAL ASSISTANCE PROGRAM
BUILDING REHABILITATION & REUSE STUDY



PREPARED BY:



PREPARED FOR:

Village of Granville, New York

October 30, 2024