

**REGULAR MEETING -BOARD OF TRUSTEES- AUGUST 18, 2015-7:00 P.M.**

**PRESENT: RICK NELSON, MAYOR, TRUSTEE JUDY WOOD-SHAW, TRUSTEE TATUM, TRUSTEE TIMOTHY CAMPBELL, TRUSTEE MURPHY  
CLERK/TREASURER: SHERISTIN TEDESCO  
DEPT. OF PUBLIC WORKS: MATT RIFENBURGH  
ATTORNEY, JAMES PELUSO  
FIRE CHIEF – JEFF MAHAR - ABSENT  
BUILDING CODE OFFICER – LAWRENCE ALLEN**

Public Attendance – 15

The Mayor began the meeting introducing the Village’s next door neighbor Jason Miller, 9 Champlain Road, and stated Mr. Miller has requested to park on Village property to get his car off the street. It was decided by the Board and the Village Attorney that the attorney would work on an easement. This has been past practice when the Sickler’s lived there, according to past Mayor Rathbun.

**MOTION** to open the public hearing regarding water and sewer rates made by Trustee Murphy, seconded by Trustee Tatum  
Motion carried 4-0

Mr. John Basile asked for a description of the proposed rates and why they are needed. It was explained by Trustee Murphy that our expenses have been greater than our revenues for the past few years, which means we have been dipping into our fund balance. (All reports on file) The proposed water rates are \$4.50/1000 gallons of consumption for inside users and \$6.38/1000 gallons for outside users. The proposed sewer rate is \$4.50/1000 gallons for inside users and \$551.12 per year for outside users.

**MOTION** to close the public hearing regarding water and sewer rates made by Trustee Murphy, seconded by Trustee Tatum  
Motion carried 4-0

**MOTION** to raise the sewer rates made by Trustee Campbell, seconded by Trustee Murphy

**RESOLUTION**

**Resolution Establishing Sewer Rents Effective October 1, 2015**

**WHEREAS**, Local Law No. 1 of 2013 provides for the establishment of sewer rents and charges enacted by resolution of the Village Board of Trustees.

**WHEREAS**, after due notice a public hearing was duly held before the Village Board of Trustees at the Village Hall on August 18, 2015 at 7:00 p.m. to consider and establish such sewer rents and charges;

**NOW, THEREFORE, BE IT RESOLVED**, that the pursuant to said local law, the Village Board hereby establishes a sewer rent billing rate of \$4.50 per 1,000 gallons for insider users to be effective October 1, 2015.

The adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

	Aye	Nay	Absent
Trustee Timothy J. Campbell	X		
Trustee John M. Murphy	X		
Trustee Frank Tatum	X		
Trustee Judith Wood-Shaw		X	
Mayor Rick Nelson	X		

The foregoing resolution was duly adopted at a meeting of the Board of Trustees of the Village of Stillwater duly conducted on August 18, 2015.

Motion passed 4-1

**MOTION** to raise the water rates made by Trustee Murphy, seconded by Trustee Campbell

**RESOLUTION**

**Resolution Establishing Water Rents Effective October 1, 2015**

**WHEREAS**, Local Law No. 3 of 1999 provides for the establishment of water rents enacted by resolution of the Village Board of Trustees.

**NOW, THEREFORE, BE IT RESOLVED** that the Village Board of Trustees hereby establishes a water rent billing rate of \$4.50 per 1,000 gallons for inside users to be effective October 1, 2015; and it is further

**RESOLVED**, that the outside water user rate shall be the contract rate with the Town of Stillwater or \$6.38 per 1,000 gallons to be effective October 1, 2015.

The revised Water Regulations and Rates are adopted in the form attached hereto effective October 1, 2015.

The adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

	Aye	Nay	Absent
Trustee Timothy J. Campbell	X		
Trustee John M. Murphy	X		
Trustee Frank Tatum	X		
Trustee Judith Wood-Shaw		X	
Mayor Rick Nelson	X		

The foregoing resolution was duly adopted at a meeting of the Board of Trustees of the Village of Stillwater duly conducted on August 18, 2015.

Motion passed 4-1

**WATER REGULATIONS AND RATES**  
EFFECTIVE October 1, 2015

**1. CONNECTION AND TERMINATION OF SERVICE**

- A. To connect to the Village Water System, all property owners in the Village of Stillwater must make an application to the Village Treasurer.
- B. Only the Village Department of Public Works (DPW) will be allowed to make connection to said water system.
- C. The Village will furnish a curb stop and curb box to each consumer. The consumer must pay for the water meter and tap. The cost of a ¾ inch water meter will be included in the tapping fee and must be paid before tapping is installed. Application may be made to the Village Board of Trustees for a connection larger than the standard 1 inch connection. In such event the cost of the meter and meter pit is to be negotiated between the applicant and the Village Board of Trustees and borne by the applicant. All materials for individual service of consumers must be provided by the property owner and all labor in connection with the introduction and maintenance of such individual service must be paid for by such owner. If application is made for service and the Department of Public Works arranges for the connection of house service to the mains, the owner will be expected to become a customer within sixty (60) days of completion of connection. If said owner is not a customer within the sixty (60) days, the minimum will be charged for each six (6) month period, which passes without service commencing. This charge will continue until said services are in place.
- D. In the event a consumer requests their water service be terminated for any reason or length of time, there will be a service charge of \$300.00 to reinstate the service.
- E. Each single family residence will be connected to one lateral, each new residence will have their own lateral connected to the main. On a lateral over a distance of 100 feet a meter pit will be installed at the Village main with the cost to be borne by the property owner. Rates for connection to the system are pursuant to a fee schedule adopted by the Board.
- F. For industrial, commercial and multi-family the DPW will define the requirements and the associated costs.

**2. ACCESS TO VILLAGE WATER DEPARTMENT PROPERTY**

- A. All persons not employed by the Village of Stillwater Department of Public Works are prohibited from trespassing on or tampering with the property of said Village Department.

**3. ACCESS TO CONSUMERS PROPERTY**

- A. Upon request, any employee of the Village DPW or member of the Village Board of Trustees shall be allowed access to all areas of any premises to which water is supplied, provided that such request is made at a reasonable hour.

**4. BREAKAGE AND/OR REPAIRS OF/TO THE VILLAGE WATER SYSTEM**

- A. The Village reserves the right to shut off the water to its mains for making repairs to said mains or for any other necessary purposes. The Village may do so without prior notice to the consumer and any consumers having boilers on their premises are hereby cautioned against danger of collapse. Risk of damage in such case is borne by the consumer. In case of danger the hot water faucet should be opened.
- B. The Village hereby agrees to use due diligence and care to provide a constant supply of water through its system to consumers. It is of utmost importance to the Village that no break, failure or accident should occur. In the event of any such occurrence, the Village shall not be liable to any consumer for any damages resulting therefrom nor shall the Village be liable for any damage to any consumer caused by any public enemy, the elements or any accident, failure or break in the machinery, reservoirs or supply lines of the Village Water Supply System.
- C. Consumers will be held responsible for the cost of repairs to or replacement of their meter if it becomes inoperable for any reason. If a consumer's shut-off valve is faulty, the Village will replace the valve for a fee of \$20.00 plus the cost of parts.

**5. TESTING OF CONSUMERS WATER METERS**

- A. The Village may, at its own cost and at any time it alone deems necessary, test the accuracy of any meter and replace it with a new one at the consumer's expense if it does not register correctly. In the event a meter does not register correctly, that consumer will be billed by the amount the consumer was charged during the previous period. The DPW will test an old style meter if requested by the consumer upon the payment of a \$35.00 deposit, for new remote read meters a deposit of \$70.00 is required. The deposit is refundable in full if the meter is found to be faulty and requires replacement.

**6. METER RATES, BILLING AND PENALTIES**

- A. The water usage rate within the Village shall be Four and 50/100 (\$4.50) dollars per 1,000 gallons metered. There shall be a six-month minimum rate within the Village of \$45.00.
- B. All metered water outside the Village limits will be charged at the contract rate with the Town of Stillwater or \$6.38 per 1,000 gallons. The minimum rate will be based on 10,000 gallons. Minimum semi-annual rates for larger meters may be obtained by application to the Board of Trustees.
- C. The rates quoted herein are effective October 1, 2015 and shall remain in effect until further notice. The Village reserves the right to amend or revise any of the foregoing rates and make changes as it may deem necessary. The Village will bill for water usage on a six-month cycle. All bills for service are due and payable within thirty (30) days from the date of mailing or presentation. The Village will impose a 5% late fee to each water bill with an outstanding balance each month that it is in arrears. The amount of the total unpaid water bills and the accumulated late fees at May 1<sup>st</sup> shall be added to the owner's Village property tax.

**7. ESTIMATED WATER READINGS**

- A. If the DPW is unable to obtain a meter reading and the property owner fails to call in the reading within 3 days, the Village will estimate the reading based on prior documented reading, if no documented reading is available then 36,000 gallons will be billed unless we have written notification that the premises is empty. If the Water Department does not have access to read a meter for the use during a period after an estimated reading, the property owner will make the premises available so the DPW can install a new remote read meter. In the event a reading is obtained after billing and the estimates are found to be high, there will be no adjustments or refunds on either the water or sewer billed by estimate. However, should the Village underestimate the amount of water used the property owner will be liable for the full cost of the actual water delivered and corresponding costs for sewer rents.

**8. DECLARATION OF A "STATE OF EMERGENCY"**

- A. The Village reserves the right to declare a "State of Emergency" and to order the discontinuance of the use of sprinkling devices or the use of hoses for any purpose other than the extinguishing of fires. The Village may continue this "State of Emergency" for such periods as it may deem necessary. In the event that any consumer does not immediately comply with such declaration and order, the Village may shut off the supply of water to such consumer without further notice.
- B. Consumers must not permit water to run to waste or supply it to others.

Camelot Builders gave another presentation on a proposed apartment complex on Hudson Ave. This proposal consists of three buildings with ten units each and one building with 5 upper level apartments and potential retail space on the lower level. Much discussion was had between the builders, real estate agent and the Village Board. It was decided there will be a public hearing on September 8<sup>th</sup>, 2015 at 6:00 PM to present the new proposal to the Village residents. The Village Board agreed they will be prepared to make a decision after the public hearing.

**CORRESPONDENCE:** A letter was received from Mr. Joseph Zecca requesting a sewer connection for two parcels on Kellogg Road. (Letter on File)

**MOTION** to approve the sewer request by Mr. Joseph Zecca at property tax map ID's 253.26-1-17 and 253.26-1-27, subject to a contract reviewed by the Mayor and Village Attorney, made by Trustee Murphy, seconded by Trustee Tatum  
Motion carried 4-0

**FIRE DEPARTMENT CHIEF:**

There were 4 alarms, 1 event and 5 drills in the past month. (Report on file)

**DPW:** Matt Rifenburgh

The DPW has been replacing valves and hydrants on Palmer and Lake Streets next week. There will be valves being repaired on Major Dickinson Ave. and then 2 on Hudson Ave in the coming weeks. Matt will be on vacation from August 21<sup>st</sup> to August 30<sup>th</sup>.

**BUILDING CODE OFFICER:** Lawrence Allen reported there were two permits and one CO issued during the month. (Report on file)

Adirondack Mtn. Engineering representative Ed Hernandez gave a summary of the sewer project stating the project was on hold due to the contractors awaiting parts but he is expecting an October

completion date. High Tide is scheduled to install the monitoring system this week, after this is complete we just need approval from DOH to begin selling water to outside users from our distribution line. The High Tide modems need to be upgraded to 3 or 4G from 2G, but the labor can be done in house. This is the system we use to get notifications of issues at the water and sewer stations.

**MOTION** to approve the Mayor to purchase the upgrades for the High Tide Systems, to be either 3G or 4G, not to exceed \$1400.00 made by Trustee Murphy, seconded by Trustee Campbell  
Motion carried 4-0

**COMMITTEE REPORTS:**

Trustee Campbell reported there is a water leak by the sewer plant that they are trying to address. There is a leak between 2, 2 " hydrants and it might be better to install a valve by Champlain Ave. and shut down the line.

Trustee Murphy stated the timeline for the install at the Hillside Tank will depend on the grant information and status.

Trustee Tatum attended the Fall Festival meeting at the library. The fall festival will be 10/24/15. The Village is taking the lead on the parade. Trustee Tatum also stated he spoke to Mr. Hallum about possibly putting some directional signs on his building.

Trustee Wood-Shaw reported the new playground equipment for the Major Dickinson Park will be installed on August 31. Momentive came with volunteers on August 14<sup>th</sup> and dismantled the old playground equipment and graded the area. Momentive calls is their "Day of Caring". Mr. Tom Coffinger is looking for some community projects for his son to earn scout hours.

**VILLAGE ATTORNEY** - James Peluso stated he would like the Board to review the Vacant Building Law draft he has sent to each Trustee.

**TREASURER REPORT** – Sheristin Tedesco

Voucher Totals By Account 7/21/15

"A" General Fund	\$ 30,098.61
"F" Water Fund	\$ 3,758.37
"G" Sewer Fund	\$ 10,199.68
TOTAL	\$ 44,056.66

Village Taxes were mailed out for June 1, 2015  
Total was \$374,573.55 (including the relievis) of which, \$337,736.31 has been collected to date. Roughly 90%.

Treasurer's Report – copy provided to all board members

Up to date Revenue and Expense Control Reports have been provided to all board members.

**MOTION** to accept the budget adjustments as follows, made by Trustee Campbell, seconded by Trustee Murphy  
Increase A.1989 Other Economic Assistance and Opportunity Income and A.7110.400 Parks & Rec by \$50,000.00 for the grant money received from Senator Marchione's Office for the upgrades to Major Dickinson Park  
Transfer \$18,600.00 from A.1320.400 Auditor to A.5110.400 Street Maintenance Cont. to cover added expense of replacing and repairing all fire hydrants and valves throughout the Village.  
Motion carried 4-0

**MOTION** to open the floor to the public and press made by Trustee Campbell, seconded by Trustee Wood-Shaw  
Motion carried 4-0

Mr. Jim Doyle, of Stillwater Landings, introduced himself to the Board and stated he hopes to have two CO's by the end of September. He also stated 7 Newland Road will be a showcase house. He requested, and received, Board permission for a temporary sign to direct visitors to the showcase house. He stated he has brought a nuisance lawsuit against Paul and Barb O'Kosky, 1082 Hudson Ave., to clean up their property. Trustee Murphy stated he will go talk to the O'Kosky's tomorrow.

Barb O'Kosky stated her insurance company told her not to touch anything on their property having to do with their fire. They are still waiting on a decision from the insurance company.

Mr. James Champlin inquired about the status of the Legion Playground. Mayor Nelson stated the Village will be requesting more grant money, once the Major Dickinson Park is completed. He also inquired about road repairs. It was answered that the DPW is working on securing estimates at this time. Mr. Champlin stated he is more concerned with the manholes around Carpenter Place at this point.

Mr. Lynn Goman requested a water connection for 260 Lake Street. He was asked to send a request to the Village in writing and was told the Village is in the final stages of acquiring DOH approval and we should be receiving that within the month.

**MOTION** to close the floor to the public and press made by Trustee Campbell, seconded by Trustee Wood-Shaw  
Motion carried 4-0

**NEW BUSINESS**

There is a SEQRA Action needed for the Major Dickinson Park, for grant paperwork, and it is recommended by the attorney the Village Board makes a Type II Declaration for the park.

**MOTION** to authorize the Village of Stillwater as the lead agency and declare the Major Dickinson Park a Type II Action, under SEQRA made by Trustee Campbell, seconded by Trustee Wood-Shaw

**RESOLUTION**

**Resolution Recognizing Type II SEQRA Action**

**WHEREAS**, the Village has proposed to replace and install certain playground equipment at the Major Dickinson playground.

**WHEREAS**, the Village declares itself to be the lead agency of the project for the purposes of SEQRA.

**WHEREAS**, the project is an Type II Action for the purposes of SEQRA pursuant to 6 NYCRR § 617.5 (c)(2), (c)(7) and (c)(10) as it involves replacement, rehabilitation or reconstruction of in kind equipment and accessory structures within the existing footprint of the playground, and is, therefore, not subject to review pursuant to SEQRA;

**NOW, THEREFORE, BE IT RESOLVED** that this project has been determined not to have a significant impact on the environment and is not subject to further review under SEQRA.

The adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

	Aye	Nay	Absent
Trustee Timothy J. Campbell	x		
Trustee John M. Murphy	x		
Trustee Frank Tatum	x		
Trustee Judith Wood-Shaw	x		
Mayor Rick Nelson	x		

The foregoing resolution was duly adopted at a meeting of the Board of Trustees of the Village of Stillwater duly conducted on August 18, 2015.

Motion carried 5-0

Mayor Nelson stated he spoke with residents of Riverside Drive and addressed their concerns regarding drainage in their area. Mr. Ed Hernandez did complete a site visit and determined there is a drainage system in place, but it is recommended that the existing catch basins and piping system be inspected and cleaned to ensure they are functioning properly. (Letter on file)

Mayor Nelson stated there will be a kickball tournament 9/19/15 at 10am, for grades 3-8, at the American Legion to support the Village Bi-Centennial celebration.

**OLD BUSINESS - none**

**MOTION** to approve the audit claims for the month made by Trustee Murphy, seconded by Trustee Campbell  
Motion carried 4-0

**MOTION** to approve the Treasurer's report made by Trustee Campbell, seconded by Trustee Wood-Shaw  
Motion carried 4-0

**MOTION** to approve the minutes from Regular Meeting dated 7/21/15 made by Trustee Campbell, seconded by Trustee Murphy  
Motion carried 4-0

**MOTION** to adjourn made by Trustee Campbell, seconded by Trustee Murphy  
Motion carried 4-0

Meeting adjourned 9:20 pm

Respectfully submitted,

Sheristin Tedesco  
Clerk/Treasurer