

REGULAR MEETING -BOARD OF TRUSTEES- NOVEMBER 19, 2013-7:00 P.M.

**PRESENT: ERNEST MARTIN, MAYOR, TRUSTEES - JOHN BASILE, TRUSTEE JUDY WOOD-SHAW, TRUSTEE ELLEN VOMACKA, TRUSTEE TIMOTHY CAMPBELL
CLERK/TREASURER: SHERISTIN TEDESCO
SUPT. OF PUBLIC WORKS: PAUL O’KOSKY - ABSENT
ATTORNEY, JAMES PELUSO
FIRE CHIEF – TONY CONTI
BUILDING CODE OFFICER – LAWRENCE ALLEN
PUBLIC ATTENDANCE –**

MOTION to open the Public Hearing on Local Law #2 of 2013 “Sidewalk Maintenance” made by Trustee Basile, seconded by Trustee Wood-Shaw
Motion carried 4-0

MOTION to close the Public Hearing on Local Law #2 of 2013 “Sidewalk Maintenance” made by Trustee Basile, seconded by Trustee Vomacka
Motion carried 4-0

MOTION to adopt Local Law #2 of 2013 “Sidewalk Maintenance” made by Trustee Basile, seconded by Trustee Wood-Shaw
Motion carried 4-0

Roll Call Vote

Trustee Basile – Aye
Trustee Wood-Shaw – Aye
Trustee Campbell – Aye
Trustee Vomacka – Aye

Local Law # 2 of 2013 “Sidewalk Maintenance” passed 4-0

**VILLAGE OF STILLWATER
LOCAL LAW NO. 2 OF 2013
SIDEWALK MAINTENANCE**

Section 1. Legislative Intent

The purpose of this local law is to promote the health, safety and general welfare of the community by requiring owners, occupants and persons in charge of lands abutting public streets and highways to maintain sidewalks adjacent to their properties in a safe condition. To accomplish this goal, the Village Board is exercising its authority under Municipal Home Rule Law §§ 10(1)(ii)(a)(6) and (12) and § 10(1)(ii)(e)(3), and any other applicable provision of law now or hereinafter enacted, in order to transfer liability for damage or injury to person or property as a result of the failure to repair and maintain sidewalks, and to remove snow, ice and obstructions or defects therefrom to the abutting owners and occupants of land.

Section 2. General Maintenance

Every owner or occupant of any house, building, structure, vacant lot, plot or parcel of land within the village, or any person in charge of or responsible for the maintenance thereof, shall keep the sidewalk in front or adjacent to said premises in good and safe repair. Sidewalks shall be left unobstructed at all times, with their surface in a safe and passable condition free from dirt, weeds, briars, debris, rubbish, encumbrance or obstruction of any kind or character.

Section 3. Snow and Ice Removal

Every owner or occupant of any house, building, structure, vacant lot, plot or parcel of land in the village, or any person in charge of or responsible for the maintenance thereof, shall, within 24 hours after snow ceases to fall, remove snow and ice from the sidewalks in front or adjacent to said premises and shall keep the full paved width of such sidewalk free from snow and ice, and in case snow shall be frozen so hard that it cannot be removed without injury to the pavement, shall keep the same covered with ashes, sand or other suitable material so as to enable persons thereon to walk with safety.

Section 4. Penalties for Offenses

- A. Any owner or occupant of any house, building or structure, vacant lot, plot or parcel of land in the village, or any person in charge of or responsible for the maintenance thereof, who shall fail to keep the sidewalk in front or adjacent to said premises in good repair or who shall fail to remove snow, ice, dirt, weeds, briars, debris, rubbish, encumbrance or obstructions as provided shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine not exceeding \$50. Each day on which such violation continues shall constitute a separate and distinct offense and fine.
- B. Should there be damage or removal of all or part of an existing sidewalk, then the property owner shall be responsible for replacement or repair of the sidewalk to such standards as the Superintendent of the Village Department of Public Works shall require. Any replacement or repair work shall be completed within ninety (90) days. The Superintendent of the DPW may in his or her discretion exclude any dates between November 1 and March 30 from the computation of said ninety day period in consideration of impracticalities of construction work during the winter season. Failure to complete said replacement or repair work within ninety days shall be an offense subject to a fine in the amount of \$50 for each day the replacement or repair work remains incomplete after expiration of said ninety day period.
- C. Whenever any such owner or occupant or responsible person in charge shall fail to keep the sidewalk in front of said premises in good and safe repair, or who shall fail to remove snow, ice, dirt, weeds, briars, debris, rubbish, encumbrance or obstructions as heretofore provided, the Building Code Inspector, Superintendent of Public Works, Village Clerk or any person empowered by the Board of Trustees may cause written notice to be served upon such persons requiring such act to be done and stating the time in which said action is required. If such person fails to perform within the time period specified, the village may cause such act to be done and the direct and indirect costs of repairing, replacing and/or remedying the sidewalk condition shall be made a lien on the real property. The property owner shall have ten (10) days from receipt of written notice to pay the amount due. In the event the owner fails to pay the amount due within said ten-day period, said costs shall be assessed against the real property in the same manner as a tax or assessment, to bear interest at the same rate as taxes, and shall be collected and enforced by the same officers and in the same manner as taxes until such time as paid or otherwise satisfied.
- D. Written notice upon a property owner as required herein shall be served either (1) personally or (2) by registered or certified mail, return-receipt requested, to such person's last address shown on the most current assessment role. Written notice upon an occupant or person in charge as required herein shall be served either (1) personally or (2) by registered or certified mail, return-receipt requested, to such person's post office box, and a copy of said notice shall be served upon the property owner in the manner heretofore provided.

Section 5. Notification of Defects

In no way shall this local law be interpreted to waive any prior written notice requirements under the Civil Practice Law and Rules, General Municipal Law, Village Law, or any other applicable law.

Section 6. Severability, Effective Date

- A. The invalidity of any section, clause sentence or provision of this local law shall not affect the validity of any other part of this local law which can be given effect without such invalid part or parts.
- B. This local law shall become effective immediately upon filing with the office of the Secretary of State.

CORRESPONDENCE

We received a letter from the Town of Stillwater Assessor Colleen Adamec referencing she has changed the assessment of 8 Clinton Court, Michael and Jacqueline Caulfield 244.46-1-36, from a two family home to one family home. (Letter on File) Trustee Basile stated this change should be reflected in the next water billing on April 1, 2014, but is not retroactive.

We also received a letter from Kathryn Lilac requesting the Lilac Mobile Home Park be changed to a month billing cycle instead of on a semi-annual basis. (Letter on File)

MOTION to accept monthly billing and payments for Lilac Mobile Home Park made by Trustee Basile, seconded by Trustee Campbell

The Mayor stated once we do this for one customer it could open the door for other customers to want to do the same. It was discussed that the other monthly water billing customers are outside users with contracts. The Lilac Mobile Home Park is an inside user for water billing.

Roll Call Vote

Trustee Campbell – No

Trustee Vomacka – No

Trustee Basile – No

Trustee Wood-Shaw – No

Motion denied 4-0

The property at 36 Dick Lynch Road, an outside user with a contract, is still in arrears for their water bill and many letters have been sent without any response. Would the Board like to terminate their water connection as of December 2, 2013? Upon advice from counsel, another letter will be hand delivered and also sent with return receipt requested.

Trustee Vomacka gave a report stating the general recommendation for zoning changes in the Village of Stillwater stemming from the request from Fred and Linda Tracy. The committee would recommend to extend the existing northern business district line from the existing boundary to the (Village line) south side of Stratton Lane, one parcel back on the South side of Stratton Lane (west) to Colonial Road, then (east) to Hudson Avenue to the Hudson River one parcel back. Possibility of Business District with an R1 overlay.

MOTION to accept the proposal from The Laberge Group, dated November 18, 2013, to make appropriate Zoning Law revisions not to exceed \$7000.00 made by Trustee Basile, seconded by Vomacka. It was decided that the Village Board will make amendments to the Zoning Law on its own to be discussed during Executive Session.

Roll Call Vote

Trustee Campbell – No

Trustee Vomacka – No

Trustee Basile – Aye

Trustee Wood-Shaw – No

Motion denied 3-1

FIRE DEPARTMENT REPRESENTATIVE: Tony Conti -

Monthly report given for September and October 2013. (Reports on file) There were 5 alarms, 4 drills and 3 events in September. There were 6 alarms and 2 events in October. Chief Conti asked to remove John Bouchell from the active roll, because he moved out of state, and to have Kris Brennan added to the active roll.

MOTION to remove John Bouchell from the active roll of the Newland Wood Fire Company made by Trustee Basile, seconded by Trustee Vomacka.
Motion passed 4-0

MOTION to add Kris Brennan to the active roll of the Newland Wood Fire Company made by Trustee Basile, seconded by Trustee Vomacka.
Motion passed 4-0

Chief Conti also inquired as to the status of the repainting of the Fire House sign. The Mayor stated he has reached out to a number of businesses and have not received any responses as of yet. Chief Conti will try to get an estimate for repainting the sign.

SUPERINTENDENT OF DPW: Paul O'Kosky - Absent

Monthly report provided to all Board members. (Report on file)

BUILDING CODE OFFICER: Lawrence Allen

There were 2 building permits issued during the month of November 2013. One for a septic system replacement at 67 Ferry Lane and one for a garage at 27 Newland Road.
(Report on file)

COMMITTEE REPORTS:

Trustee Basile reported that at last month's meeting there were two notices of violations on the water which was discussed. He believes he made an incorrect statement pertaining to not being able to put the Carus system into operation by the Dept. of Health and apologizes for that. After researching the records he could not find anything official that stated that. On October 23, 2013 the Saratoga County Water Authority started the orthophosphate treatment that should take care of this issue. The results will be available after the next round of tests. In regard to the water project, the spare parts have been delivered and there will be a pre-construction meeting for contracts 3&4 tomorrow November 20th at 2:00 pm at Village Hall with the contractors and the USDA. In regard to the sewer project, Insituform will be slip lining pipe on Major Dickinson Ave. within the next week. The DEC has not yet approved the engineer's submission on the force main portion of the project. The DPW and engineer did some tests on our pump stations and Delaware engineering has interpreted the data to come within 7% for run times and pump flows, which are pretty impressive results. This is information that the DEC wants. Barbolt Court is now complete.

Trustee Campbell stated there were requests sent to five different truck dealerships for a new truck for the Village DPW over 30 days ago. The requests were identical to prepare for fair bidding. We received two proposals in return. Orange Motors quoted \$41,862 and Armory Dodge quoted \$44,398. There will be a motion made during new business to accept the proposal from Orange Motors for a new Ford F450 with utility body.

Trustee Vomacka has been working with the Fire Dept. to rewrite their bylaws. Ted Thrane is preparing the bylaws for Board approval. Some changes were necessary because they were too lax. The renovations for the new door at the Ferry Lane water plant has been approved and the money is to come from the prior years building reserve account.

MOTION to accept TopNotch Construction's proposal for renovations to the Water Plant on Ferry Lane not to exceed \$3200 to include all parts and labor made by Trustee Vomacka, seconded by Trustee Basile
Motion passed 4-0

Trustee Wood-Shaw reported most goals have been met for the Emergency Mgmt. Committee. She asked if there was an emergency could court be held in Village Hall? The Mayor answered yes. It was decided Trustee Wood-Shaw will get pricing on an emergency generator. She reported Senior time raised \$355 to donate to the food pantry from their sales of gold. Donna Bove donated a new tree and lights for the festival of trees on December 14, 2013 at the Stillwater Area Community Center.

The Mayor reported there will be a Tree Lighting Ceremony on December 1st at Cannon Park.

TREASURER REPORT – Sheristin Tedesco

Voucher totals by account for month.

"A" General Fund	\$ 80,701.21
"F" Water Fund	\$ 8,912.20
"G" Sewer Fund	\$ 7,072.39
"H" Capital Sidewalk Project	\$ 4,243.40
TOTAL	\$100,929.20

Treasurer Report for November 2013 – copies provided to all board members listing all bank accounts with all receipts and expenditures.

Updated revenue/expense control report – copies provided to all board members.

Update on Water collections – We have received approximately 72% or \$217,000.00 as of 11/18/13.

MOTION to renew the original \$624,000 Sidewalk/Drainage BAN, with a payoff of \$300,000, for a total of \$324,000 with an interest rate of 1.39% for a term of one year made by Trustee Basile, seconded by Trustee Vomacka.
Motion carried 4-0

MOTION to accept the budget adjustment to transfer \$14,000 from A.1320.400 – Auditor to A.9010.800 – State Retirement to cover the 2014 Annual Invoice of \$58,784 that was estimated at \$45,100 made by Trustee Basile, seconded by Trustee Campbell
Motion carried 4-0

MOTION to accept the budget adjustment to increase A.5197.200 of \$32,000.00 for purchase of new 2014 Ford F450 to be covered by a transfer from A.0879 – DPW Prior Years Reserve of \$10,000.00, and \$22,000.00 taken from "A" fund balance, the remaining \$10,000.00 to be used from this year's DPW reserve account A.5132.200 made by Trustee Basile, seconded by Trustee Campbell
Motion carried 4-0

NEW BUSINESS

MOTION to approve the purchase of 2014 Ford F450 from Orange Motors, as specified in their proposal dated 10/7/13, not to exceed \$42,000.00 made by Trustee Campbell, seconded by Trustee Basile.
Motion carried 4-0

MOTION to approve a Phase 1A/1B Cultural Resource Survey and Price Proposal by Birchwood Archaeological Services for the sewer project, not to exceed \$3342.40, made by Trustee Basile, seconded by Trustee Vomacka
Trustee Basile explained as part of the force main changes to the sewer project we have to have to archaeological survey for mainly one area behind the Community Center, to receive approval from the State Historical Office.
Motion carried 4-0

OLD BUSINESS

MOTION to amend the 9/17/13 minutes of the Building Code Officer to read as "The Zoning Board of Appeals reviewed Mr.Mosier's garage plans and it was decided there was nothing to be brought to the Zoning Board of Appeals" made by Trustee Basile, seconded by Trustee Campbell
Motion carried 4-0

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

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

MOTION to approve the minutes from Regular Meeting dated 10/15/13 and Special Meeting dated 10/28/13 made by Trustee Basile, seconded by Trustee Campbell.
Motion carried 4-0

MOTION to adjourn to Executive Session for legal advice pertaining to zoning made by Trustee Basile, seconded by Trustee Campbell
Motion carried 4-0

MOTION to exit Executive Session made by Trustee Basile, seconded by Trustee Wood-Shaw
Motion carried 4-0

MOTION to adjourn made by Trustee Basile, seconded by Trustee Campbell.
Motion carried 4-0

Meeting adjourned 9:00 pm

Respectfully submitted,



Sheristin Tedesco
Clerk/Treasurer