

Pledge of Allegiance

**PUBLIC HEARING**

**SEPTEMBER 7, 2016**

**7:00 PM**

**MAYOR JOSEPH ORLOW PRESIDING**

**LOCAL LAW 3-2016**

Trustee William Hayes  
Trustee Anthony Girard  
Trustee Peter E. Lemery  
Trustee Timothy Carota

Brian Abare, DPW Superintendent  
Michael Muller, Attorney

A Local Law 3-2016 to AMEND Chapter 149 Water. Article 1, Rules and Regulations for all users.

Attorney Muller reviewed the Local Law with the Public. He then recommended that the Board make themselves the lead agent. Trustee Carota moved to approve the Village as a lead agent; seconded by Trustee Hayes and the Board unanimously approved. Trustee Lemery asked if there would ever be a situation in which there would be a home in the Village that would not be able to hook-up to Village water and need a well. Trustee Hayes said there are no reasons for a home in the Village to be excluded from the Village water source. Trustee Girard stated that he feels that it should not be Village wide and should only be in the Aquifer Protection District (APD). Attorney Muller stated that in the email he sent out to the Board he gave the alternative to adopt this law as to prohibit wells Village wide or to just prohibit well in the Village APD. Trustee Lemery stated that it should not be Village wide to simplify boarders and all should abide by it. Trustee Girard stated right or wrong some of the parts of the Village have a high water table and they should have the option of a well. Mr. Gerald Fitzgerald stated that he would like to ask a

few questions and would like to have his questions entered into as part of the minutes. (attached)

Attorney Muller stated that if this law is adopted it does not pertain to existing wells. Attorney Muller explained to Mr. Fitzgerald that the law being present tonight changes Section 149-1 (Section D) only and there are no changes to the current laws in Chapter 149 – 1 (Sections A, B, C or D). Per Mr. Fitzgerald's request Attorney Muller then explained the SEQRA process to him. Mr. Giogianni from 9 Edgewood Avenue was present and asked if Mr. John Doe would have the same impact on the ADP as a well does, and if so then he feels that the Village is after the metered money. Trustee Hayes stated that at some point the Village will need to go with all meters. Trustee Lemery explained the reasons why the Village needed to eliminated 2 additional wells from their system. Mr. Fitzgerald stated that all of the water restrictions and this proposed amendment to the Village code could have been avoided by hooking into the Queensbury or the Saratoga water systems. Trustee Lemery stated that would have been a choice but at this time the Village is trying to protect the ADP and by doing that they need to prohibit drilling into it. Mr. Fitzgerald stated it is all about money and the history shows it. Trustee Lemery stated it is not about money. Trustee Hayes stated that the Village has a fund balance in the water budget that will be spent down by all the projects that need to happen to the water infrastructure. Trustee Hayes disagreed with Mr. Fitzgerald who stated that hooking to Queensbury or Saratoga was a more inexpensive way to go. He stated that when the water treatment project for the water treatment plant was being developed the engineering studies were preformed and the Village made the most cost effective and inexpensive decision which was to rehab the Village Water Treatment facility. Trustee Hayes stated that Queensbury's buy-in fee alone was \$1.4 million and Saratoga County buy-in fee's was more. Mr. Giogianni stated that he is not going to drill a well but asked if it was legal for the Village to tell someone they could not drill a well. Attorney

Muller stated that it could be challenged and a judge would probably look at the public's wellbeing and determine whether the Trustees made a sound decision. Trustee Hayes also stated that when the Town took over the Terry Drive (Caputo dump) area they also capped off all the wells and the Town residents in that area are strictly on Town of Moreau water. Trustee Lemery stated that the additional cost associated with having another municipality's water would come at a high cost. Mr. Fitzgerald stated that he does not see the reason why the Village will not let people put in wells to water their lawns. Trustee Girard asked Attorney Muller if this is passes and someone wants to put in a well how does that work since a commercial business has already put in a well for irrigation. Attorney Muller stated that it already exists and there would be preexisting and non-conforming rights to protect them. Mr. Harry Gutheil stated that it is admiral that the Village Board wants to protect the APD, but he agrees with the comments about the Village making money. He thinks the Village is over reaching and the taking of people's property. He stated taking because all people outside the ADP is being taken from. He would recommend that the SEQRA action be taken in the Public Meeting and he feels it is illegal to take action in a Public Hearing. He stated Clark Street is a high water table and he feels that the people should be able to put wells in that area. He thinks the Village should not have any water restriction because with a flip of a switch they can connect to the Town. Trustee Hayes and Clerk-Treasurer stated that there are certain areas in the Town that can no longer have wells for irrigation and Town municipal water at the same location; and maybe the Town can give additional information to help the Village. Mayor Orlow then asked if there were any other comments. Trustee Lemery stated that after listening tonight to all comments he believes that wells should be prohibited only in the ADP area of the Village. Mayor Orlow then asked for a motion to close the Public Hearing and enter into the Public Meeting. Trustee Girard moved to

close the Public Hearing; Trustee Carota seconded the motion and the Board unanimously approved. Attorney Muller reviewed the SEQRA form questions with the Board and the Public. Mayor Orlow asked if there were any questions regarding what Attorney Muller reviewed. There were none. Trustee Carota moved that there was no negative environmental impact. Trustee Lemery seconded the motion and the Board unanimously agreed. Attorney Muller then verified with the Board that this Local Law is only pertaining to the ADP area of the Village. The Board unanimously agreed.

## PUBLIC MEETING

### Minutes

Trustee Carota moved to approve the minutes from the August 17, 2016 with the correction from Trustee Hayes to page #4 and #5 (Mr. Jim Martin should be Mr. Jim Fitzgerald). Trustee Girard seconded the motion. The Board unanimously approved.

### Bills

Trustee Carota moved to approve the bills audited tonight; seconded by Trustee Girard and the Board unanimously approved.

FY 2016-2017		FY2016 -2017	
<u>Vouchers 92482-92532</u>		<u>Vouchers 92367-92368</u>	
General Fund	\$70,840.82	Community Development	<u>\$15,000.00</u>
Water Fund	4,083.68	Total	\$15,000.00
Sewer fund	<u>1,920.41</u>		
Total	\$76,844.91		

Mayor Orlow stated that at this point we will now make a change to the Public Comments section of the Agenda. There will not be a Public Forum prior to the agenda. ItPublic comments will be allowed during the agenda. This comes as a request from the Public at the last meeting. Although comments will not be made while the Board is in discussion but there will be time granted during the items for the public at ask questions or make comments. Trustee Carota

wanted to know how this was going to work and when the Public would speak during the agenda. Attorney Muller suggested the Mayor start the agenda and the Board discuss and review the agenda items and if a hand goes up in the audience and the Mayor and the Board have no objection to the public they will be recognized at that time. Attorney Muller stated that at the last meeting the public (Mr. Granger specifically stated that he would like to comment on agenda items while it is happening) and the Trustee's spoke about what they would like to see happening and when they would like to be able to comment. Attorney Muller then stated that as long as no Trustee has any opposition to the public being heard then let it be heard and it might add to a better decision by the Board. Attorney Muller did state that he recommends that there still be a Public Forum at the end of the agenda for any items not on the agenda. Trustee Carota stated that he feels the Board has a job to do and if there are constant interruptions it will make it difficult to stay on track. Trustee Lemery stated that there are no guarantees that the Board will receive comments on anything. He suggested trying it the way Attorney Muller suggested and see how it works. Trustee Carota stated that he has never seen a meeting set up like this. Trustee Hayes stated that prior to a few years ago all the Village meetings were set up exactly as Attorney Muller has suggested. Trustee Carota would like to see the minutes of the prior meetings. The Clerk-Treasurer will put the minutes in Trustee Carota's mail box. Mayor Orlow stated that he apologies for the interaction of the last meeting and he is asking for the Board input, but for tonight he will run the meeting as suggested by the Attorney based on the public and the Board comments from the last meeting. He then reminded the Trustees that if there is something on the agenda that they feel needs total Board concentration on then they need to speak up and not allow public comment at that time.

## **AGENDA**

**1) Act on Local Law 3-2016**

Attorney Muller stated that this is Local Law 3-2016 to ADMEND the Chapter 149 Water (Section 1) (D). Trustee Girard moved to approve Local Law 3-2016 to include the amendment of Chapter 149-1 (D) and the SEQRA form; seconded by Trustee Carota and the Board unanimously approved.

**2) Water/Sewer Projects Update**

1. Well Rejuvenation – Trustee Girard stated that the Village is waiting on a recommendation from the engineers. He hopes that there will be a meeting scheduled in the near future which will give him additional information that he can report on at the next Village Board meeting. Trustee Lemery asked at what point the project was at. Trustee Girard stated that the Village is ready but just waiting on a recommendation
2. Income Survey Status – Trustee Hayes reviewed the summary and it is attached to the minutes.
3. Water Grant – Phase 2 of the water grant for the water tower rehab was denied; Phase 3 is now being submitted by the consultants.
4. Prospect Street Project – A pre-construction meeting was held last week and the job will begin soon and finished by the end of October.

**3) Animal Control Officer**

Mayor Orlow stated that the Village has two options. 1. Is to allow the current Animal Control officer, Ed Robbins to continue with the job which will mean the Village will have to rescind the motion that was passed on accepting his resignation a few weeks ago. 2. Is to accept the proposal as presented from Warren County SPCA at the September 7, 2016 meeting. Trustee Lemery stated that he has read the SPAC proposal which is a good

proposal but expensive. He would like to see the Village approve option #1 and to also include a raise in pay from \$154.00 to \$250.00 a month; which takes his annual salary from \$1,848.00 to \$3,000.00 per year. Trustee Lemery stated that the increase could come from the Contingency Fund. Trustee Lemery stated that Mr. Robbins loved his job and the work he does. Trustee Lemery then stated that Mr. Robbins maintains his own vehicle, he buys his own fuel, he maintains his own peace officer status, his response time is short and he goes above and beyond at times. Mayor Orlow supports Trustee Lemery's recommendation. Trustee Hayes agreed also. Trustee Carota stated that in reviewing the current Animal Control report it looks like he has more than Animal Control duties listed on the report. Mayor Orlow stated that Mr. Robbins included in his report to the Board his finding from his other position currently held with the Village. Trustee Girard stated that since Mr. Robbins request was for an increase of \$50.00 per month then then the Village should not approve more than that because of budget constraints. Trustee Lemery moved to approve an increase in the Animal Control monthly pay to \$96.00 per month which is an increase of \$1,152.00 per year which brings the Animal Control expense to \$3000.00 per year. Trustee Carota asked if this was something that should be discussed in an Executive Session. Attorney Muller stated that as with most other topics it can be discussed in an Executive Session if the Board wishes. Mr. Giorgianni asked if Mr. Robbins has been told he would get an increase. The answer was no. Mr. Giorgianni stated that maybe meeting both Trustee Lemery and Mr. Robbins request in the middle is a good way to settle. Mayor Orlow stated that he is comfortable with the suggestions given by all. Trustee Carota asked again about his report. Trustee Hayes stated that Mr. Robbins also has job responsibilities in the Cooper's Cave area which he is contractually paid for out of other line items in the budget which is a 50/50 split

with the City of Glens Falls. Trustee Lemery amended his motion to increase Mr. Robbins pay to \$2,700.00 per year from \$1,848.00. Trustee Hayes seconded the motion and the Board unanimously approved.

**4) Gazebo –Deborah Keane, CWI Annual Talent Show-October 7, 2016 (rain date October 14, 2016)**

Trustee Hayes moved to approve the request; seconded by Trustee Carota and the Board unanimously approved.

**5) 2016 Public Works Training School - October 16-19, 2016**

Trustee Carota moved to approve for the DPW Superintendent and any Board member to attend the NYCOM training expense and for mileage reimbursement; seconded by Trustee Hayes and the Board unanimously approved.

**6) Annual Board Audit** – Mayor Orlow stated that September 26-30, 2016 were the dates set for the Board audit. Trustee Hayes moved to approve the week; seconded by Trustee Girard and the Board unanimously approved.

**7) Village Code updates informational**

1. Chapter 66 – Fair Housing – no changes to the code except. There will need to be a change of the certification only from former Mayor Keith Donohue to current Mayor Joe Orlow.
2. Chapter 141 – Vehicle and Traffic – no changes by the Board to §141-17 “All night parking prohibited” will stay as stated in the Village code “All parking is prohibited on all highways within this Village between 1:00 a.m to 6:00 a.m.”
3. Chapter 127 – Streets and Sidewalks – on changes by the Board to Chapter 127-22. Trimming of Trees. This was a discussion for the future tree trimming issues in the Village.



4. Chapter 125- Storm water Management – Attorney Muller will discuss this with the Building Inspector .

**8) Approve Police Chief to sell 13 abandoned bikes**

Trustee Hayes moved to approve the Police Chief to sell 13 abandoned bikes at \$5.00 a piece; seconded by Trustee Girard and the Board unanimously approved.

**9) Lease Documents – 2016 Ford Police Car**

Attorney Muller has read the lease-purchase and stated it was a standard agreement based on 2 years equal payments of \$13,825.07. Trustee Carota stated that he thought the Board at budget time approved in the budget to purchase a police car. Trustee Girard stated that Chief Judd suggested at budget time that he lease a car which allowed \$15,000.00 in the budget but as of now that line item may be short because of the equipment and decaling of the new car.

Trustee Carota moved to approve the Mayor and/or the Chief of Police to sign the lease-purchase agreement and to issue the first payment for Ford Credit; seconded by Trustee Girard and the Board unanimously approved.

**10) Bill of Sale - Cerrone Construction/Village of South Glens Falls**

Attorney Muller stated that the Cerrone Construction has conveyed over to the Village all the sewer system improvements that were made by Cerrone construction in their subdivision on William Street. (Manholes, network pipe, etc) which means it is now Village property. Trustee Girard asked if everything met the DPW Superintendents approval. Mr. Abare, DPW stated yes. Trustee Hayes asked if there was a right-of-way to service the area. The answer is yes. Trustee Carota moved to approve the Bill of Sale and for the Mayor to sign the documents; seconded by Trustee Girard seconded the motion and the Board unanimously approved.

**11) Animal Control Report – on file**

**12) DPW Report – on file**

**13) Trustee’s Report**

Trustee Hayes – None

Trustee Carota – None

Trustee Girard – None

Trustee Lemery- None

**14) Mayor Report – on file with the minutes**

Public Forum

Mayor Orlow asked if there were any additional questions or comments from the public.

Mr. Giorgianni asked about the bike sale. It was suggest that he contact the Police Chief tomorrow morning regarding his questions.

Harry Gutheil stated that the thought the village would get two police cars and one was possibly through a grant process. It was stated to him by the Mayor that the budget allowed for the lease-purchase of one police car and the grant money for the police car is not possible, but when received the funding will be used for the DPW wash bay.

Mr. Gutheil then stated that in light of the report that was submitted a few Board meetings ago he is following the money of the Village and wants to know if the money set aside in last year’s budget for the Certificate of Deposits was ever used for the purpose. Clerk-Treasurer, Danae Bock stated that the Inter-fund Transfers funds were not transferred and were part of the \$500,000.00 not used. There was approximately\$48,000.00 in the assigned funds at end of year it was impossible to transfer \$75,000.00 because it would have caused a negative in the checking account. Mr. Gutheil then asked if the Fire Company knew they were not

getting the \$25,000.00 transferred into the CD. Members of the audience stated yes the Fire Company was aware of it. Mr. Gutheil stated that the Public is led to believe that the money is set aside for the purpose. The Clerk-Treasurer stated to Mr. Gutheil that the Budget is classified as a projection. The expenses and the revenue are not 100% of what is allowed in the line items. Ending the year in a deficit would not be a good thing for the Village. Trustee Girard stated that the problem is not the budget but it is the fact that the \$25,000.00 interfund transfer for the Fire Truck was not added to the CD for the year. He stated that at one time there was a CD that disappeared for \$152,000.00. He was corrected the money in the Village does not disappear, but that it was moved to the General Checking account and used for budget expenses. He corrected his statement by saying it did not disappear but that it was money spent. Clerk-Treasurer asked Trustee Girard if when he met with the NYS Controllers office if they stated the Village has done anything wrong. He said no. Trustee Girard stated that he actually thought that when he set his tax base he thought there was more money in the fund balance than what there actually is. Mr. Gutheil stated the Village is headed to a 15% tax increase for the next year, and does the Village need to use grant money on a DPW Wash bay. Brian Abare stated that it is a NYS mandate and part of the storm water management guidelines. Trustee Girard stated that the Village needs to continue to look at shared services, because that is the future.

Mayor Orlow asked if there were any additional questions or comments. There were none.

At 8:45 pm Trustee Hayes moved to close the public meeting; seconded by Trustee Girard and the Board unanimously approved.

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Clerk-Treasurer