

PUBLIC HEARING

APRIL 1, 2015

7:00 PM

MAYOR JOSEPH ORLOW PRESIDING

PRELIMINARY BUDGET 2015-2016

ORGANIZATIONAL MEETING

PRESENT

Trustee William Hayes
Trustee Anthony Girard
Trustee Timothy Carota
Trustee Edward J. LaFave

Michael Muller, Attorney
Brian Abare, DPW Superintendent

Mayor Orlow opened the Public Hearing at 7:00 p.m.

Mayor Orlow asked all to stand for the Pledge of Allegiance.

Mayor Orlow then asked for a Moment of Silence for all to reflect in their own way

Mayor Orlow then stated that the first item to address this evening would be the Preliminary Budget for 2015-2016 and stated that there were copies of the budget on the back table for the public to have.

PRELIMINARY BUDGET 2015-2016

Mayor Orlow stated that the Village Board has already reviewed the Preliminary Budget and that this meeting is for the purpose of hearing public comments.

The following were public comments:

Fire Company, Keith Dickinson asked what the budget cuts were to the Fire Company. Mayor Orlow stated the accounts adjusted were physicals A3410.0402 for \$3,000.00 and building repairs A3410.0409 for \$4,000.00. Don Rank stated that physicals are OSHA mandates, and he would also like to know what the Village receives in taxes for Fire Protection. It was stated by the Board that the Village does not receive tax money for Fire Protection as part of the Village taxes. Mike Schaffer stated that he would like to see if the Board would consider taking an additional \$3,000.00 from the building repairs account and put it in the physicals account. Mr. Schaffer stated that another option is that the Village could take it from the Village parks accounts. Mr. Schaffer thinks that the communication between the Village Board and Fire Company needs to improve on both sides. Trustee Girard stated that he does not have a problem with increasing the budget line for the Fire Company physicals as long as the bottom line of the Fire Company's budget does not change. The Board stated that they did not have a problem with the adjustment within the Fire Company line items and it will be discussed when they act on the Budget as part of Item #1 of the agenda. Wayne Bruce asked what other contracts were cut by the Village. Mayor Orlow stated that the Fire Company is the only outsource contract the Village has. Mr. Bruce asked if the Village had a contract with the Moreau Emergency Squad. The answer was no. Mayor Orlow then stated that the contract amount of \$64,000.00 with the Fire Company was not cut; and that the Fire Company will still get the payment to do with as they wish to do.

Harry Gutheil, Spring Street was present and wanted to express his displeasure with the way the Village Board handled the Budget process. Mr. Gutheil feels that the Board should be holding a

Budget Workshop, and asked who the Budget officer of the Village is. Mayor Orlow stated to Mr. Gutheil that he as the Mayor is the Budget Officer and that the budget is set based on the department worksheets and input from the Board members. Mr. Gutheil feels there should be more public input by holding a Public Workshop. Mayor Orlow stated that this year as the Budget Officer he took a different approach and met individually with all the Department Heads and Board members. Deputy Mayor LaFave also met with the same people individually. Mr. Gutheil is not happy with the newly proposed tax rate. Mayor Orlow then tried to explain to Mr. Gutheil that the revenue coming in cannot support the increase in expenses. Mr. Gutheil asked the Village Board to extend the hearing date and to conduct a Public Workshop. Mayor Orlow asked what Mr. Gutheil thought that would accomplish. Mr. Gutheil continued by saying that the Board needs to review the NYS Comptrollers last audit report and that he is embarrassed by the audit. Mayor Orlow stated that he feels it was a good audit. Mayor Orlow stated that the Village will take into consideration Mr. Gutheil's comments when the Board is ready to act on the Budget. Mr. Gutheil then stated that he would like to know the actual estimate fund balances for the General and Water budget. Trustee Girard stated that what he thinks Mr. Gutheil is asking for is what will be the amount left on each fund balance account at year end. Clerk-Treasurer, Danae Bock stated that at this point it is unclear but the general budget will have somewhere around 150,000 and that is why as the financial officer she did not recommend a 600,000 plus appropriation in the current budget. Trustee Girard stated that he does not disagree with that, but feels the Village needs to curtail the expenses. Mayor Orlow stated that the expenses have been cut to the minimum and that the Village is currently seeking how to get the assessment back which could increase the revenue. This decision has no reflection on the Town or Peggy Jenkins, Town Assessor, but has more to do with the structure of Village vs Town tax processes and the

fact that Village works off the last year's Town roll. Mayor Orlow stated that the tax increase from \$4.50 to \$5.00 is the first increase in 5 Years. Mr. Gutheil again talked about the process and the fact that he had to foil for a copy of the budget. He states that other Municipalities just give their residents copies. Clerk-Treasurer, Danae Bock stated that unfortunately until the Village Board instructs her to just hand out copies without a FOIL request she will continue to abide by the NYS Village Laws. Mr. Gutheil asked who was in charge of cutting the Fire Company's budget; and if it was a meeting held amongst the Village Board it was a violation of the Village Laws. Mayor Orlow stated that all budget meetings were individual and no violations were made. Trustee Girard asked the percentage for the formula of the tax cap. He is concerned that the tax cap is over, but as the Clerk Treasurer explained all percentages are set by NYS. Mr. Gutheil would like a word verification in the Water Budget and should it say Bond Anticipation Note or Bond Payment. He also would like to know if the bond is for 38 years. It was determined by Trustee Hayes that it should say Bond Note and yes it is for 38 years. Mr. Gutheil then asked about the 1% Utility Tax Revenue. As explained to Mr. Gutheil by the Mayor the Village has no control of the 1% Utility Tax. Mayor Orlow stated that as the Budget officer he meets with all Board members individually, and then Deputy Mayor LaFave meet with all Board members as well as all Department Heads. Mr. Gutheil also questioned the formula in which the tax rate was displayed. It was explained to him that it was in thousands and not in tenths and that the dollar amount was correct. Mr. Gutheil asked if the Board agreed with the formula. It was stated yes. At this point the Mayor asked the Board if they felt that Mr. Gutheil had sufficient enough time for his questions. It was then decided that Mr. Gutheil did not have many more questions. Mr. Gutheil stated his feeling is that the public needs additional input in the Budget

and continued to read a letter from the Mayor from last year and he feels that the procedure from last year has been changed.

Mr. Gerald Fitzgerald, Fourth Street then spoke and handed the Board copies of a Post Star article that was in the paper regarding the process in which the Preliminary Budget was distributed this year. He felt that he should be able to come to the Village office and get a copy without a FOIL request.

Mayor Orlow then asked if there were any additional comments regarding the Preliminary Budget. There were no comments. Mayor Orlow then asked for a motion to close the Preliminary Budget hearing. Trustee LaFave moved to close this part of the hearing; seconded by Trustee Carota and the Board unanimously approve.

ORGANIZATIONAL MEETING

Mayor Orlow then stated that he would open the Organizational Meeting which is also part of the Public Hearing. The then asked the Public if they had any questions or comments regarding the Organizational Meeting. There were no public comments.

At 7:50 pm Mayor Orlow asked for a motion to close the Public Hearing. Trustee LaFave moved to close the Organizational Meeting and the Public Hearing; seconded by Trustee Carota and the Board unanimously approved.

PUBLIC MEETING

At 7:53 Mayor Orlow stated that he would now open the Public Meeting.

Mayor Orlow then asked for a motion to approve the Minutes from the March 19, 2015 meeting. Trustee Carota moved to approve the minutes; seconded by Trustee Girard and the Board unanimously approved.

Trustee Hayes moved to approve the Village bills as follows:

	FY 2015-2016
	<u>Vouchers 89513-89567</u>
General Fund	\$55,047.56
Water Fund	19,842.37
Sewer Fund	<u>1,915.43</u>
Total	\$76,805.36

The motion was seconded by Trustee Carota and the Board unanimously approved.

Mayor Orlow then asked if there were any Public Comments for anything that is not on the agenda.

Mr. James Atherton, 88 Hudson Street was present to ask if there was any legal action that he can take regarding a cat problem with his neighbor at 86 Hudson St. The occupant of 86 Hudson Street has several cats that come on Mr. Atherton property. They leave feces all over the grounds and urinate on this porch. Mr. Artherton stated that he has young children and is worried for their health/safety. Mr. Artherton is willing to trap them and place them in an animal shelter or do whatever he can legally do to keep the cats off his property. Attorney Muller stated from the Village's point of view, that Mr. Robbins Animal Control Officer does not have control over domestic pets. Ed Robbins, Animal Control Officer stated that public municipal funds cannot be used to control/limit cats in anyway. Cats are considered a domestic animal and not a wild animal and therefore this might have to be a Department of Health issue. The question is how many cats are on the property. Mr. Artherton is not sure how many cats are on the property but they all enter the home through a window. Mayor Orlow stated that he will meet with the Animal Control Officer, Mr. Robbins and the head of the Department of Health in the Village. Ms. Gayle Osborne spoke and said that she has had the same issues with neighborhood cats and if she took them to a shelter she would be responsible to pay the fees associated with the visit.

Mr. Artherton stated he is willing to pay the fees but needs the cats removed from his property. Mayor Orlow will get back to Mr. Artherton after he has more information regarding this mater. Mr. Tony Bruno asked if there was any laws on how many cats can be in a household. Attorney Muller stated no.

AGENDA

1) Act on Preliminary Budget

Mayor Orlow then asked the Board if they wished to ADOPT the budget as presented.

Trustee Girard made a motion to adjust the Fire Company line items of the Budget.

A3410.0402 Fire company Physicals will now be \$5,000.00 and not \$2,000.00.

A3410.0409 Fire company Bldg. Repairs will now be \$7,000.00 and not \$10,000.00.

Trustee Carota seconded the motion. Mayor Orlow stated that the Fire Company is very important and he appreciates all that they do. Trustee Girard stated that he feels in the future there should be Public Workshops on the Budget held and this would allow the Public to come and have a say. He stated that it looks like the Village is hiding something and he disagrees with the Budget law and wants copies of the Preliminary Budget handed out without a mandated FOIL request. Trustee Girard made a motion to have a Public Workshop for future budgets and to waive all FOIL request for copies of the Preliminary Budgets, after it is filed in the Village Clerks office; Trustee Carota seconded. Vote is as follows Trustee LaFave no, Trustee Carota yes, Trustee Hayes yes, Trustee Girard yes. Mayor did not have to vote, and the motion passed. Attorney Muller stated that now the Budget adoption needs to continue with a final vote. Trustee Girard stated that there was a reduction of \$98,851.00 in the A599 Appropriation Account between the Tentative Budget and Preliminary Budget. He would like to know why the appropriations account was reduced and not the A1001 Tax Levy account. Mayor Orlow stated that the decision was based on the Fund Balance amount.

Clerk Treasurer, Danae Bock stated that there was prior discussion during this meeting on the fund balance and that the Board and the Budget officer are trying to keep the A599 Appropriation Account from being miles apart from the actual Fund Balance. Trustee Girard stated that he did not disagree with it, but then asked again why it was done. He then stated that he feels the difference should be used to reduce the tax amount, but once again the Clerk-Treasurer stated that will increase the appropriations fund and put a bigger gap between the funds. Trustee Girard stated that the NYS Controllers audit report states that the Village should be using more fund balance than we actually have. Mr. Gutheil wants to make a comment, but Trustee Carota stated that this is not the time for Public Comment, and the Board needs to complete the motion on the Budget. Mayor Orlow asked if there were any additional comments from the Board on the Budget and if not he would ask for a vote. Trustee LaFave yes, Trustee Carota yes, Trustee Hayes yes; Trustee Girard wants to review the tax cap law, because he wants to know the percentages, but they are set by NYS and the Village has no control over the percentages which was started by the Clerk-Treasurer. Attorney Muller stated he has to rely on the Clerk-Treasurer. Trustee Girard votes no on the budget because he feels the tax increase is too high and that the expenses of the Village need to be controlled. Mayor Orlow votes yes. The Budget is adopted as amended.

2) Act on Organization Meeting

Mayor Orlow asked if the Board was ready to adopt the Organizational meeting policies. Trustee LaFave moved to approve items 1 through 7 individually; Trustee Carota seconded the motion individually, Trustee Hayes yes individually, Trustee Girard voted yes to all except item #7 Fee Schedule due to the water rate increase, and he feels this should have been mentioned during the Budget Hearing; Mayor Orlow yes. The Organizational Meeting

is ADOPTED as present. Trustee Hayes would like the water rates reviewed after the summer billing.

1. Dates for Regular Meetings 1st & 3rd Wednesday of each month
2. Appointments/Committees Attached
3. Advance Approval of Claims - Authorize payments in advance of audit claims for Utility bills, postage, freight/express charges, and payroll.
4. Official Newspaper - Post Star and Chronicle
5. Procurement Policy - Re-adoption
6. Investment Policy - Re-adoption
7. Fee Schedule – Re-adoption

3) Fire Company Contract – Previously Tabled

Trustee Carota stated there was nothing new to add at this point. Mike Schafer, Fire Company suggested a couple of meetings be scheduled between the Village and Fire Company.

4) Moreau Community Center Sign Request – Previously Tabled

If this is to be approved then a Public Hearing will be scheduled. Chief Judd was present and was asked which recommended sign would be best for the area. Trustee Girard stated that there are other parking options for the Meals on Wheels vehicles. His concern is that tickets will be issued to the violators who are in the building. Mayor Orlow stated that the Community Center is trying to get individuals that visit the center to realize that some parking spots need to be dedicated to offer outside services. Mayor Orlow asked Trustee Girard how many years he had served as a Board member of the center. Trustee Girard stated that he was a Community Center Board member for 6 years and he would suggest to the center that a dedicated sign be placed next to the ramp. The sign should state the days and times for Meals and Wheels parking only. He does not think that coming to the Village

is the right solution. Trustee Carota did agree with Trustee Girard. The center president will be asked to attend the next Village meeting.

5) Inter-Municipal Agreement with the Saratoga County Animal Shelter

Trustee LaFave moved to approve the two agreements.

1. July 1, 2013 – December 31, 2014
2. January 1, 2015 – December 31, 2015

Trustee Carota seconded the motion and the Board unanimously approved. Trustee Hayes asked how much the services were used. Ed Robbins, Animal Control Officer stated 8-9 times a year.

6) 2015 Post Star – Go & Do Guide

Trustee LaFave moved to approve a full page ad at the cost of \$699.00. Trustee Girard asked how much was in the account and if there was enough money to cover the expense. The account will be A6410.0400 and yes there is money to cover the expense. Trustee Hayes seconded the motion and the Board unanimously approved.

7) 2015 NYCOM Annual Meeting & Training School – May 3-5, 2015

Trustee LaFave moved to approve the training expense for all Board members and office staff; seconded by Trustee Hayes and the Board unanimously approved.

**8) 2015 NY Rural Water Associations – 36th Annual Technical Conference & Exhibition
May 18 – 21, 2015 in Verona, NY**

Trustee Hayes moved to approve for John Dixon Jr. to attend the 2015 NY Rural Water Association Conference and Exhibit in Verona, NY. Trustee Carota seconded the motion and the Board unanimously approved.

9) Adirondack Chamber of Commerce – Directory Listing

This is informational only and there will be no changes to the ad, and no cost to the Village.

10) Account Transfers

Trustee LaFave moved to approve the following transfers:

- | | | | | |
|----|--|----------|---------------------------|------------|
| 1. | FROM: A1440.0400 | CE | Bldg. Insp- contractual | \$1,000.00 |
| | TO: A1440.0100 | PS | Bldg. Insp – Pers Service | \$1,000.00 |
| | *2015 Part-time Spring/Summer Code Enforcement Officer | | | |
| 2. | FROM: A1440.0400 | CE | Bldg. Insp Contractirual | \$76.50 |
| | TO: A1440.0800 | FICA/Med | Bldg. Insp | \$76.50 |
| | *2015 Part-time Spring/Summer Code Enforcement Officer | | | |

Trustee Carota moved to second the transfer and the Board unanimously approved.

11) Animal Control Report - on file**12) DPW Report – on file**

12A) Assistant Code Enforcement Report- 3 complaints have been reviewed and are in the process of being cleaned up.

13) Trustee’s Report

Trustee Hayes – The waste water study paperwork been issued to NYS and at this time there are no issues. Soon there will also be a location verification for all manholes in the Village.

Trustee Girard - He would like to have the public be able to comment during the Public Meetings. The Board agrees and comments from the audience should be allowed. What was decided is to give anyone in the audience a chance to comment at the beginning and the end of the meeting with the wording “Open Forum”. This will be listed on the agenda.

Trustee Carota – None

Trustee LaFave – Encourages everyone to participate in the Memorial Day parade on May 22, 2015.

14) Mayor Report – Stated that as the Budget Officer has done the best he could to involve the Village Board and the Department Heads throughout the Budget process.

Mayor Orlow wants the Board to give their opinion on the recent Newspapers Editorial Article that printed in the Post Star on Monday, March 30, 2015. Mayor Orlow quoted a few things from the article. It indicates that is ok to allow bad behavior if the individual does not get the answer they want. Mayor Orlow stated this means that Mr. Guthiel had a right to be out of line because he was not getting the answer he wants. Mayor Orlow asked at what point does the Village Board feels that the staff has a right to take action. Trustee Hayes stated that he feels a security camera system would be appropriate. Trustee Carota stated that he does not feel that the Village should be setting tolerance levels for the staff and each staff member knows their own tolerance level. They should not be harassed and should be able to place a complaint any time they feel the need be. Trustee Carota then stated that the Village has a Work Place Violence Policy in place and the employees have been trained on how to deal with each situation. Trustee Girard agreed with Trustee Carota on the work place violence and it should be followed. He then asked how often the staff encounters upset individuals. The Clerk-Treasurer commented that a few incidents have been ongoing. Mayor Orlow said it is not the numbers but it is activity, and even one time is too many. Trustee LaFave stated that the Village has the Work Place Violence program in place and maybe paperwork needs to be filed. He also feels that security cameras are a good idea. He also commented that the office door from the lobby needs to be kept locked. The Board agreed that the staff will be supported when following the Work Place Violence plans/policies of the Village.

Mayor Orlow asked if there was any additional information to be brought before the Board.

Mr. Wayne Bruce asked if the Public has a right to discussion in the middle of the Village Board making a motion. The answer is no.

Mr. Gerald Fitzgerald commented again that he does not agree with the process and he does not like the NYS FOIL laws.

Mr. Gutheil also commented on the Budget process in which he is not happy, and feels he has been character assassinated. He feels that he has a difference of opinion. Mr. Gutheil then wants to refer back to minutes from February 18th, page #2. Trustee Carota stated that there was time to speak during the Public Hearing and Public Comments will be held at certain times of the meeting. Trustee Hayes asked Attorney Muller if the audience has to be given a chance to speak at the Board meetings. Attorney Muller stated that the Mayor is to control the public comments and timelines.

Trustee LaFave moved to close the Public Meeting at 9:10 PM; seconded by Trustee Girard and the Board unanimously approved.

Clerk-Treasurer