

Pledge of Allegiance

PUBLIC HEARING

July 20, 2016

7:00 PM

DEPUTY MAYOR TIMOTHY CAROTA PRESIDING

Trustee William Hayes
Trustee Anthony Girard
Trustee Peter E. Lemery

Brian Abare, DPW Superintendent
Michael Muller, Attorney

Local Law 2-2016

A Local Law to establish a temporary moratorium on the installation of private water wells within the boundaries of the Village of South Glens Falls concerning such installation that are pending or may be subsequently intended to be located and installed within the Village.

Deputy Mayor Carota stated that the first item to address tonight would be Local Law 2-2016.

Attorney Muller stated that there have been previous request and permission granted for the installation of a private well for irrigation purposes. Attorney Muller then began to read through and review the proposed law. He then asked if there were any questions on what he just read.

Local Law 2-2016 on file in the minute book. The following questions were asked. Tom Wade asked why someone would want a well when they have access to public water. Attorney Muller stated that some people want a lot of water to run their sprinkler/irrigation systems and with a private well they would not have to pay the municipality for it. Trustee Lemery stated that everyone in the City of Glens Falls is metered but residents do put points in and run their sprinkler/irrigation systems off them. Mr. Wade's concern then was the Village aquifer space and asked if the new homes in the Village would be more assessable to a well. Trustee Hayes stated no, and explained some of the new homes are in the aquifer district. Mr. Fitzgerald was

present and stated that in the past he has toyed with the idea of using an in active well that he has on his property. He was told several years ago that he could not use the well. He believes that at that time there was a Village law. He then stated that if there is not a law then write one and if there is a law enforce it and if there have been violation then the Village needs to deal with it. If the Village wants to waste time and money on a moratorium please remove the part that states that “wells being used for irrigation”. A well being used for irrigation should be allowed. Deputy Mayor Carota thanked Mr. Fitzgerald for his input. Attorney Muller stated that he was told that 2 wells were put in by the same person. Trustee Lemery stated that without the moratorium there could be a flood of people doing the same and this should be enforced now before the meter process starts. Harry Gutheil was present and stated that he wondered what prompted all of this. He is curious about the interruption of the current code and who approved the wells. He then asked the Board again who approved. Brian Abare, DPW Superintendent stated that the Mayor approved because the Village code does not state you can't. The current code states “No other water source can be mixed with the potable water”. It does not state irrigation. Attorney Muller agreed with Mr. Abare. Mr. Gutheil stated that he feels that the 9 month period of the moratorium is excess and tends to get abused. People are making investments of \$300,000.00 in the Woodcrest area, and the water restriction is not helping them establish a new lawn. With the Village having the option for other sources how do you tell people they cannot use their water. He then stated that the Village borrowed \$1,400,000 for the water treatment plant and passed another bond resolution for \$1,700,000. Then you tell the people they are on restriction and can't have a well. He would like the Board to do what is fair. Attorney Muller stated that this is not telling anyone they can have water from public sources and it is the same source as the Village Aquifer. Mr. Gutheil thinks someone should look at the

Aquifer district and stated that the Village has access to supplementary supply. Attorney Muller stated that he does not know that. Mr. Gutheil stated the Village has or did have an agreement with the Town for water. Attorney Muller then stated in that case the Village would be charged for the water. Mr. Gutheil then stated that Bob Phinney used to brag about how much water the Village had and held a gun to the Town's head to buy water to supplement the Towns wells and then the Village doubled the rate and made them pay it year round. Mr. Gutheil asked about the "Hard Ship" language in the moratorium. Attorney Muller then reread the language that included the wording that was in question by Mr. Gutheil. Trustee Girard stated that the Village also needs to think about how the Village should word the language to include meters for irrigation. Trustee Lemery stated that a geological survey should be done. Harry Gutheil stated that he wants to know where the money will come from for the geological survey and what is the process. He then stated that it sounds like no one on the Board knows the answers. Attorney Muller stated that this a moratorium and not the definitive actual word, and a full study is not needed for what the Village is trying to accomplish this evening. How many people on the Board know the cost of the study. Trustee Lemery stated that the Village needs to start somewhere and this is a good place to start. The Village needs to stop the draw of water from the aquifer area before it begins. Mr. Gutheil then asked how many homes were in the area. At this point the Village is not sure of the number of homes that would affect the area. Mr. Gutheil asked how much the expense was for water purchased to date. The Village has not had to purchase any water this summer. Trustee Lemery stated it was a smart decision for the Village to do the water restriction rather than purchase water and the moratorium is a very smart idea. Mr. Gutheil stated he is not sure but he sees the amount of money the Village spends on engineering and thanks rather than continue money on engineering they should look at getting

the wells up and running again. Mr. Abare stated that the hook up of one well is being worked on now. Trustee Girard stated that the Village needs to remember the water plant is almost at the max in water handling capacity. He personally does not want water going in the Hudson River. Mr. Gutheil stated that the new developments were not considered as part of the Village study at the time of the water plant improvements. Trustee Hayes stated that yes all projects were included except for the William Street area. Mr. Fitzgerald asked if this was all about the money for the Village. Trustee Lemery stated that people don't put wells in to pay the Village additional money. They would put a well in to save the municipal expense of water. Mr. Gutheil asked how many people in the Village had sprinkler systems. The Board stated that is unknown, because unless the form is filled out then there is no way of charging them. Mr. Gutheil thinks the Village should have more control over it by riding around the Village to figure it out. Suggested the Police or DPW enforce it. He now agrees with Mr. Fitzgerald that this moratorium is all about money. Mr. Gutheil then commented on the amount of tax relieve to the county. Deputy Mayor Carota stated that digression is now taking place and he would like to get back to the subject. Deputy Mayor Carota asked for a motion to close the Public Hearing. Trustee Girard moved to close the Public Hearing; seconded by Trustee Lemery and the Board unanimously approved.

PUBLIC MEETING

Deputy Mayor Carota then stated that he would open the Public Meeting

Minutes

Approve Minutes from the June 15, 2016 Board Meeting – Approved by Trustee Hayes; seconded by Trustee Girard and the Board unanimously approved.

Bills

Approve bills audited July 6, 2016 – Approved by Trustee Lemery; seconded by Trustee Girard and the Board unanimously approved.

Approve bills audited tonight - Approved by Trustee Lemery; seconded by Trustee Girard and the Board unanimously approved.

FY 2016-2017 (7/6/2016)	
<u>Vouchers 92124-92187</u>	
General Fund	\$55,249.85
Water Fund	10,211.42
Sewer fund	<u>2,201.28</u>
Total	\$67,662.55

FY 2016-2017	
<u>Vouchers 92065-92077</u>	
General Fund	\$22,114.31
Water Fund	13,727.15
Sewer	<u>1,547.66</u>
Total	\$37,389.12

FY 2016-2017	
<u>Vouchers 92095</u>	
Sewer Fund	<u>\$15,000.00</u>
Total	\$15,000.00

FY 2015-2016	
<u>Vouchers 92203-92204</u>	
General Fund	<u>\$174.50</u>
Total	\$174.50

FY2016-2017	
<u>Vouchers 91288</u>	
General Fund	<u>\$393.99</u>
Total	\$383.99

FY 2016-2017	
<u>Vouchers JBP 32- JBP 33</u>	
Benoit Project	<u>\$928.83</u>
Total	\$928.33

Public Forum

Harry Gutheil stated that the motion should include the fund and dollar amount. He stated that he has no idea how much is coming out of each fund. Deputy Mayor Carota asked if it has ever been done like that before. The answer is only when requested and it is always part of the minutes. This will be a consideration.

Mr. Gutheil also would like to see the Board split \$40,000.00 between two CD's in the General Fund. One is the Fire Company Equipment and the other is the DPW. He then stated the Fund Balance is \$199,000 and the \$40,000.00 should be deducted from it. A correction was stated because it is around \$188,000. Mr. Gutheil then stated that at one point it was stated that all the fund balance would be used. Deputy Mayor Carota stated that the Board can talk about it.

Mr. Gutheil than asked what was happening with the duplicate health care insurance. Deputy Mayor Carota stated that he is unable to comment on it at this time, and it is a lengthy process. Mr. Gutheil asked why? Deputy Mayor Carota stated agreements, contracts and communications. Mr. Gutheil stated that he as read both union contracts and he does not feel the Village has to be in that position and the Village should stop being nice and just do it. He says the Village is wasting \$220.00 per day.

Mr. Gutheil then asked about the golf tournament items of the agenda. Trustee Carota stated that it has been discussed to sponsor the tournaments, and when the Board gets to that part of the agenda it will be discussed further.

Mr. Gutheil then asked about Item #10 of the agenda. It was explained that this was for the EFC 80/20 wastewater grant. Before the Village can receive the second payment of \$15,000.00, we needed to pay it first and then get the reimbursement. This will be a wash in the account upon receipt of the \$15,000.00 from EFC.

AGENDA

1) Act on Local Law 2- 2016

There was some discussion regarding changing the moratorium from 9 months to 6 months. It was determined that there would be a need to advertise again and therefore the Board agreed it was to stay as is. Trustee Lemery moved to adopt Local Law 2- 2016; seconded by Trustee Hayes and the Board unanimously approved.

2) Affordable Housing Grant (AHC) Resolution

Bob Murray, Shelter Planning was present and stated that he has presented the Village with a resolution regarding an extension for three additional homes under the ongoing Affordable

Housing Corporation (AHC). Trustee Hayes moved to approve; seconded by Trustee Lemery and the Board unanimously approved.

3) Water/Sewer Projects Update

1. Prospect Street and Beach Road Bid Tabulations –Tabled until August 3, 2016 Bids received from 4 contractors: Casala for \$405,000.00; American Evergreen for \$424,300.00; Gallo for \$503,450.00 and Kubricky for \$567,100.00. Tabled until the August 3, 2016 meeting.
2. First Street Pump Station Bypass Installation – Trustee Hayes stated that the following proposal were received: Rozell for \$11,340.00;Kubricky Construction \$21,250.00 and Stephen Miller General Contractors for \$27,070.00. Trustee Hayes stated that he would like to make a motion to accept the proposal from Rozell for \$11,300.00; seconded by Trustee Girard and the motion was unanimously passed.
3. Income Survey Results Update - Trustee Girard stated that the Village did not received enough residential income surveys (missing 3 to 4) to qualify for the grant process. The Village still has until the end of the year, but the reality is that the streets that need it the most will need to have 90% participation. Trustee Girard then stated that the citizens need to help the Village in this matter. The Village has attempted to collect the data needed through 2 separate mailers, and door to door 3 different times. Trustee Hayes stated that when the consultant gives the Village a street by street break down then they will pursue the surveys in that area again. Trustee Hayes stated that it is frustrating because of the number of complaints that were received, but yet when it comes time to get a grant to help fix the complaints the Village cannot get the cooperation from all involved. Trustee Hayes thanked the door to door volunteers again publicly for their

help and involvement, and there is no excuse for the verbal abuse they received. Deputy Mayor Carota asked if there was anything the Village could do to save this grant opportunity at this point. Trustee Hayes stated no not at this point. Trustee Girard stated that the unfortunate things is that the Village felt confident about this and has spent \$13,000.00 to try to obtain the information needed. All information that has been obtained will be able to be used for the future grant application but not for what the intent was.

4. Engineers Report – For review

4) Planning Board Application Refund--Steven Preston

The application from Steven Preston was denied by the Village ZBA and therefore there was not a need for this to be reviewed by the Planning Board. Both fees of \$150.00 were paid by Caffry & Flower Attorneys at Law and now they are asking for a refund on behalf of Mr. Preston. Trustee Girard moved to approve the check to be returned to the attorney firm of Caffry & Flower; seconded by Trustee Hayes and the Board unanimously approved.

5) NYCOM 2016 Fall Training School--September 12- 16, 2016

Trustee Lemery moved to approve the registration and the mileage reimbursement for all administration and elected officials to attend; seconded by Trustee Girard and the Board unanimously approved.

6) Approve Financial Statements

Trustee Girard stated that prior to approving the following financial statements he ask that there be a motion to add \$15,000.00 to the DPW Equipment and \$15,000.00 to the Fire Company CD's. Deputy Mayor Carota stated that prior to do that he would prefer the Mayor Orlow be present. Deputy Mayor Carota asked that it be on the August 3, 2016 agenda.

1. May 2016
2. June 2016

Trustee Girard moved to approve the May 2016 and the June 2016 financial reports; seconded by Trustee Hayes seconded and the Board unanimously approved.

7) Police Department

Trustee Girard moved to approve the following; seconded by Trustee Lemery and the Board unanimously approved.

1. Hiring Edward Stangle Girard/Lemery
2. Resignation of Dennis Garvelle

8) South Glens Falls/Town of Moreau Chamber of Commerce Annual Golf Outing Sponsorship – August 19, 2016

Deputy Mayor Carota stated that it has been mentioned that the Village consider a partial sponsorship of the event. Trustee Girard stated that he feel that his should be an individual's sponsorship and not a Village sponsorship. It was decided that this would just be an informational item of the agenda.

9) SEDC 2016 Golf Outing Sponsorship – September 27, 2016

Deputy Mayor Carota stated that it has been mentioned that the Village consider a partial sponsorship of the event. Trustee Girard stated that he feel that his should be an individual's sponsorship and not a Village sponsorship. It was decided that this would just be an informational item of the agenda.

10) Account Transfers

Deputy Mayor Carota stated that this had previously been discussed in the Public Forum.

Mr. Gutheil then asked about Item #10 of the agenda. It was explained that this was for the EFC 80/20 wastewater grant. Before the Village can receive the second payment of

\$15,000.00, we needed to pay it first and then send the reimbursement. This will be a wash in the account upon receipt of the \$15,000.000 from EFC.

1. FROM:	G1990.0400	CE	Contingency	\$5,000.00
TO:	G1441.0400	CE	Engineering Services	\$5,000.00

Trustee Girard moved to approve the transfer listed; seconded by Trustee Lemery and the Board unanimously approved.

11) Gazebo Request – Maria O’Connell, NYS DOH – August 10, 2016

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

12) Gazebo Request Refund – Lynne Duffany – July 9, 2016

Deputy Mayor Carota stated that the refund request is because the power in the Gazebo was not turned on at the time of the requested event. Trustee Girard moved to approve the return of the \$30.00 to Ms. Duffany; seconded by Trustee Hayes and the Board unanimously approved.

13) Veterans Memorial Park Request – Edward McDougal – August 20, 2016

Trustee Hayes moved to approve the request for the Veterans Memorial Park; seconded by Trustee Lemery and the Board unanimously approved.

14) Fire House Cleaning – Update

Trustee Lemery took care of some of the issues that the Fire Company had. One item was the dull floors, but unless there is money in the budget for this item then the floors are okay. Trustee Lemery could not find any mold as stated; the hallway has been prepped and is ready for paint when Brian has a day in which is summer staff could paint it that. The doors that don’t shut properly have been adjusted. The electrical issue in the hallways is still on going , but if it can be checked by the DPW that would be good. Trustee Lemery stated that the Fire

Company Chief is satisfied with most recent repairs. Trustee Lemery also thinks that the cleaning lady does a great job in the building.

15) Accept Resignation of Peter Lemery from the Zoning Board of Appeals

Trustee Girard moved to approve the resignation of Pete Lemery from the Zoning Board; seconded by Trustee Hayes and the Board unanimously approved.

16) Warren County SPCA – Animal Control Proposal - Trustee Lemery moved to table it

item; Trustee Girard seconded and the Board unanimously approved.

17) Animal Control Report – on file

Trustee Hayes commented on the part of the report that states someone is stealing the toilet paper in the bathrooms at the gazebo park.

18) DPW Report – on file

Trustee Girard asked what streets would be paved this year. Mr. Abare stated he will be paving Harrison Avenue to the tracks and is also looking at the Spring Street area.

19) Trustee's Report –

Trustee Hayes - None

Trustee Girard – on August 13, 2016 the Planning Board met. Stewart's Store was present to review their plans for a small addition to be added to the store on Saratoga Avenue. They will return to the Planning Board in August 2016 with additional information.

Also there was a gentleman that is looking to occupy the old Town Hall building on Hudson Street to open a Day Care facility. At the present time the building has not been purchased.

Trustee Lemery – Presented the Saratoga County Mutual Aid Program to the Village Board. This has one change this year, which was allowing all companies to respond to all other calls outside the immediate area of service. Attorney Muller stated that if approve the Village

Board would be allowing the Fire Company/Fire Department without restriction to allow outside services in the Mutual Aid Program. Trustee Lemery moved to approve the resolution. Trustee Girard seconded the motion and the Board unanimously approved.

20) Deputy Mayor Report – He thanked the Audience and the Board for their help in assisting him in this meeting.

He then stated there are 3 trees that need to be removed in the Village. The price quoted is for \$3,600.00 to remove the trees and grind stumps. This will take most of the budget for the year. The trees are dangerous and split. Mr. Gutheil asked if there were estimates for the work given. Once a year the Village submits a proposal for services and that company is hired for the year. Trustee Girard moved to approve the expense; seconded by Trustee Girard and the Board unanimously approved.

Public Forum

Harry Gutheil stated that he thanked the Village Board for their efforts in trying to get a grant, but then commented as to the changes that have been put in effect regarding the participation totals of the grant.

The Deputy Mayor asked if there was any additional information. There was none. He then asked that the Board close the Public Meeting. At 7:42 pm Trustee Hayes moved to approve; seconded by Trustee Girard and unanimously approved by the Village Board.

Clerk-Treasurer