

VILLAGE OF SCHUYLERVILLE

BOARD OF TRUSTEES

Meeting Minutes ~ January 14, 2015

The Village of Schuylerville Board of Trustees met for their regular monthly meeting on Wednesday, January 14, 2015 at the Village Municipal Center. The meeting was called to order at 7:00 pm by Mayor John Sherman followed by the Pledge of Allegiance. Roll Call: present were Mayor John Sherman; Trustees Whitney Colvin, Jim Miers, Robert Petralia, Mary Sherman; Village Attorney David Klingebiel; Clerk/Treasurer Anna Welfley and several residents.

Trustee Petralia made a motion to approve the minutes of the December 10 meeting, seconded by Trustee Miers. Trustee Miers, Petralia, Sherman and Mayor Sherman, aye. Trustee Colvin, nay as he did not attend that meeting.

Mayor Sherman read the upcoming meeting announcements and events. He introduced Mary Sherman as the newly appointed trustee filling the unexpired term of Charles Sherman through March 31, 2015.

Michele DeGarmo, Flatley Read, LLC spoke to the board acting as a representative of Administrative Solutions, 12 Spring Street, Schuylerville. The purpose of the presentation was to propose two resolutions to the Board for consideration. The resolutions concern securing the consulting services of Administrative Solutions for application and submission of the application seeing grant funding for community revitalization in the Village. The cost for the consulting service will be \$500.00. If the village is successful in receiving the grant, residents who have applied previously can apply again for qualified improvements to their home. The focus will be to reach out to village residents who could benefit, but have not previously applied. The need for a public hearing was discussed and the Board agreed to hold the public hearing on February 11 at 6:45 pm, just prior to the scheduled village monthly board meeting.

Reports

Treasurer Anna Welfley reported on bank balances as of December 31, 2014 and stated that the sewer billing is scheduled to be mailed to residents on February 1. The cost per unit remains at \$223.50 covering a six month period from February 1 to July 31, 2015.

Code Enforcement Officer Gil Albert reported on November, December and early January activity. Site inspections and permits for Schuyler Island Drive, and Ranger Road. Ongoing issue with mobile home put onto the vacant land at 7 Church Street. Attorney Klingebiel stated that this issue will be discussed in executive session. Also there were meetings with a Spring Street business discussing renovations following a fire.

Department of Public Works Supervisor Rob Decker was unable to attend the meeting. Mayor Sherman reported that all is going well in the village. We just received about 70 tons of salt for the storage shed.

Fire Chief Brian Myers reported on December activities. There were 12 alarm responses in December and 180 year to date for 2014 of which 59 were within the village. This is an increase from the 120 calls last year. The total man hours for the year are 6000, averaging about 200 hours per member. There have been 6 alarm responses in January. The fire at County Route 338 near the monument resulted in the loss of a storage barn New Year's Eve into January 1. The call on February 5 at 23 Spring Street was a great stop by the first Engine Company. Mutual aid was received at both fires. Chief Myers reported on the upcoming courses and weekly training schedule for January as well as the activity schedule and equipment updates. There is water issues with the hydrant by the monument and the hydrants south of the village Rt. 4 Bridge (Schuyler House) are out of service. Chief Myers answered a question from the Board regarding the Burgoyne Street hydrant stating that hydrants should be coded so they would know the ones that are working.

Planning Board member Leona Colvin reported that the next meeting will be held February 23. The Planning Board is closely watching the issue with the mobile home at 7 Church Street. The yearly Saratoga County Planning and Zoning Conference training is being held at the end of January in Saratoga Springs.

Trustee Petralia made a motion to approve Trustee Jim Miers attending the Saratoga County Planning and Zoning Conference on January 28, seconded by Trustee Colvin. All ayes. Motion passed.

Sewer Chief Operator Harry Bogardus stated that the WWTP construction is wrapping up and all SPEDES requirements have been met. He spoke about the wet water event on December 25 and 26 resulting in a lot of extra water from rain and snow melt. Our equipment is 70% effective and this was like a spring thaw event causing a lot of excess water. The septage system has been run and tested and the process of haulers getting permits from the state for transport has begun. Trustee Colvin suggested that the board approve the cost per gallon at \$.06 since that had not yet been approved. Trustee Miers expressed his confusion about the wet weather event since we have just upgraded the plant at great expense. Operator Bogardus explained to the board about the topography of our surrounding ground, saturation of the ground, ice and snow melt and the actual collection system running under the village roads is 70 plus years old as being the reason the plant, even with all the improvements, cannot be 100% effective in any situation. The improvements were made to mitigate the problems at the best possible cost to the village.

This type of infiltration is normal. To update the entire system would require relining the collection system throughout the village which would cost in the millions of dollars. The plant will be covered in eight hour shifts seven days a week by Harry and Charlie.

Mayor Sherman suggested an open house be scheduled in the spring to see all the improvements that have been made at the WWTP and the great job done that is the result of years of planning and following through on those plans.

Improvements Project Engineer Patti Flores stated that the project is winding down with the wrap up of documentation remaining. The \$.06 per gallon was established by United Water and has been the rate consistently throughout the entire process. She reminded the board that United's approach to competitiveness was to charge for septage deliveries based on the actual volume of septage offloaded, and not by the total volume of the truck, empty or not. The per gallon charge that Schuylerville will have should be attractive to the haulers. Before going to long term financing, NYS EFC will want to know how the village plans to pay the long term debt. The septage receiving is potential source revenue toward that and the EFC has that understanding. The EFC's plan is to go to closing on the long term financing March 8. EFC has agreed to roll the borrowing of \$775,000 in capital costs committed for the design and construction of the septage system into the long term financing at little or no interest. Meetings are being held between the Village, Attorney Ed Bartholomew, BSK Bond Counsel, AECOM and Fiscal Advisors. To work thru all of the requirements and documentation required for closing. AECOM will be providing support to the village through closing. AECOM is well under way with the preparation of an O & M Manual for all the improvements and operation of the plant. They are also preparing a closure report for the NYS DEC to assist in lifting the Order on Consent. Speaking to the concern expressed earlier by Jim Miers regarding the 100% avoidance of any wet weather events and their impacts on the WWTP, Ms. Flores said there were criteria established by the NYS DEC and approved by the funding agency. To provide protection against all storms, regardless of magnitude is not financially feasible. In this case the design criterion was in keeping with the NYS DEC's criteria. Some improvements were done to the storm water collection system, but the funding agency was not willing to finance the total improvement of the collection system that at that time was quoted to be 40 million dollars. The reports that will be generated from this project will show that the Village of Victory is a contributor to the I & I going into the plant and always has been. The board may want to consider how to best utilize that information. The EFC will want to see that all the approvals for payment including retainages are met as a delay by the Village could jeopardize the closing of the EFC's financing. The issues regarding the Village of Victory's claims for the Burgoyne Street matter and the drying bed matters should not be an issue since there was great improvement to both jobs that the Village of Schuylerville is paying for.

Trustee Miers asks about the authorization to do anything to the drying bed owned by Victory. Ms. Flores states that what was done to the drying bed was part of the DEC Order on Consent

and needed for the operation of the plant. All parties involved were aware that this was part of the original design, including the Village of Victory, the DEC and the funding agency. Operator Bogardus then explained what was done and why it was done. It was to meet NYS standards. The drying bed is 100% better.

Attorney Klingebiel told the board that he would have a 50H hearing where the village of Victory will have to testify under oath what these issues are with the drying bed. There is no doubt that the drying be has been improved and under the IMA, Schuylerville is to maintain the WWTP without the requirement to consult Victory. They will have to articulate the damages they are claiming. This was not a malicious act and everyone has been aware of the plans all along.

Patti Flores spoke regarding the 39 Burgoyne Street issue. She advised the board that the retainage be approved for BCI Construction for the purposes of closure on the financing, but the check can be held until the issue is resolved.

Trustee Miers asked about a credit card reader for the septage receiving. Mr. Bogardus explained the process and the acceptance of credit cards would cost additional money and is not needed. The system will be very efficient doing invoices, including preparation for mailing, and will be easily processed by the office staff in the village office.

Water did not have a report.

Public Comment

Leona Colvin, Pearl Street, asks how the Mayor can appoint a new trustee when the board has not accepted the resignation of the former trustee. Attorney Klingebiel stated there is not a law that the board accepts a resignation. A resignation is a resignation and the Mayor has the right to appoint anyone he chooses to fill a position.

Gail Blake, Pearl Street, asks if Charles Sherman will remain as a water commissioner. The Mayor stated that by the 26th, he will have the answer and the resolution.

There was a lot of talking and raised voices throughout the audience which prompted. Attorney Klingebiel to ask the audience to be aware of their tone and to remember that were are all here for the same purpose which is the well being of the Village of Schuylerville and we probably all agree with this.

Wendy Lukas, Green Street, welcomed Mary Sherman. She reminded the board that Mrs. Sherman will never be able to vote on sewer issues because of her husband's position with the village. She appreciated Attorney Klingebiel' statement to the audience tonight. She said that the sewer treatment plant is in a flood zone and we live on a big hill.

Dan Carpenter, Green Street, stated that there was no water report tonight and there has not been a report for a few months. Mr. Carpenter asked the board if there were rules for attendance concerning the water board and Mayor Sherman responded with a no.

Andrew Jennings, Morgan's Run, asked if the repair to the manholes will continue at Morgan's Run and the answer was yes, in the spring. He stated that a fifth member to the water board was critical and should be done a sap. Mr. Jennings asked how the fiscal deficit for the sewer will be met and if there is a time table. Trustee Miers answered that the board is putting together a contingency plan. He thinks we should use the sewer equipment reserve account. Mr. Jennings inquired about the progress on the fire house roof. That will be in the spring.

Kate Leone, Broad Street, expressed her concerns with repairs and operation of the Youth Center in Fort Hardy Park. Youth Center Board member Pat Temple spoke to that stating that a board of seven people was formed in September and have been meeting monthly. Code Enforcement Officer Gil Albert spoke to the accuracy of his previous report. J.R. Hanna, also a board member, spoke to the repairs done and in progress and the board is researching grants to benefit the betterment of the Youth Center.

Executive Session

Trustee Whitney Colvin made a motion to go into executive session at 8:35 pm, seconded by Trustee Miers. All ayes. Motion passed.

Trustee Miers made a motion to come out of executive session at 9:14 pm, seconded by Trustee Petralia. All ayes. Motion passed.

Attorney Klingebiel announced to the public that the executive session resulted in discussion on and employment issue and litigation with the Village of Victory regarding the WWTP. The board will take action to remove the funds in the Sewer Reserve account and use it to pay EFC debt for inside the improvements.

Old Business

- Approval for the Community Animal Action Project Coin Drop was tabled to arrive at an acceptable date.

New Business

Trustee Colvin made a motion to approve the Fire Protection Contract between the Town of Easton and the Schuyler Hose Company for \$3,678.18, covering the period of January 1 to December 31, 2015, seconded by Trustee Petralia.

Trustee Colvin made a motion to approve the Fire Protection Contract between the Town of Saratoga and the Schuyler Hose Company for \$35,057.27, covering the period of January 1 to December 31, 2015, seconded by Trustee Petralia. All ayes. Motion passed.

Trustee Petralia made a motion to approve the resolution setting the Polling Place and Hours for the March 18, 2015 Village Election, seconded by Trustee Miers. All ayes. Motion passed.

Trustee Petralia made a motion to approve the resolution for the appointment of Election Inspectors for the March 18, 2015 Village Election, seconded by Mary Sherman. All ayes. Motion passed.

Trustee Colvin made a motion to approve the resolution authorizing consulting services for assistance in applying for the 2015 CDBG and AHC Community Revitalization Grant Funding at the cost of \$500.00, seconded by Trustee Petralia. All ayes. Motion passed.

Trustee Petralia made a motion to approve the resolution authorizing submittal of the CDBG and AHC applications for Community Revitalization Grant Funding, seconded by Trustee Sherman. All ayes. Motion passed.

Trustee Miers made a motion to accept the resignation of Charles W.T. Sherman Jr. from the elected position of Village Trustee, with regret, seconded by Trustee Petralia. All ayes. Motion passed.

Trustee Colvin made a motion to approve the Lion's Club Annual Fund Raising Coin Drop, Saturday, May 2, 2015 from 8:00 am to 4:00 pm... Mayor Sherman, Trustees Colvin, Petralia and Sherman, aye. Trustee Miers abstain due to his affiliation.

Voucher Approval

Trustee Petralia made a motion to approve the vouchers presented for payment for the General Fund \$117,129.21 and Sewer Fund \$7,298.33, seconded by Trustee Miers. Mayor Sherman, Trustees Miers, Petralia and Sherman, aye. Trustee Colvin nay. He did not review the vouchers.

Trustee Colvin made a motion to authorize BCI Construction Inc Change Order No. 8 to Contract 3G General- Schuylerville WWTP Improvements for a net decrease of \$3,831.00, seconded by Trustee Petralia. All ayes. Motion passed.

Trustee Colvin made a motion to approve payment for the following Storm Water/Sewer Improvement Project WWTP Contract #3 payment applications presented: AECOM Invoice #37501726 (Septage) for period of 11/29/14 to 12/26/14 for \$1,305.00;Stilsing Electric, invoice #11 Final – EFC \$17,614.90/Septage \$13,110.00;Stilsing Electric, Invoice

#11 – Retainage \$53,830.33;BCI invoice #15 Final – EFC \$40,610.74/Septage \$27,811.25; BCI invoice #15 – Retainage \$233,192.92. The motion was seconded by Trustee Petralia All ayes. Motion passed.

Trustee Petralia made a motion to appoint Charles W.T. Sherman as a full time employee of the Village of Schuylerville as an operator at the WWTP, seconded by Trustee Miers. Mayor Sherman Trustees Petralia and Miers, aye. Trustee Colvin, nay. Trustee Sherman abstained. Motion passed.

There being no further business before the board, the meeting adjourned at 9:50 pm.

Respectfully submitted

Anna M. Welfley
Clerk/Treasurer

