

**VILLAGE OF SCHUYLERVILLE**  
**PUBLIC HEARING AND MEETING MINUTES**  
Wednesday, December 13<sup>th</sup>, 2017

At 6:30 PM Mayor Carpenter called the public hearing to order with the pledge of allegiance

PRESENT:

Mayor Daniel Carpenter  
Trustee Daniel Baker  
Trustee Brian Drew  
Trustee Robert Petralia

Attorney David Klingebiel and Trustee Nicole Proctor arrived later in the public hearing

PUBLIC HEARING:

Mayor Carpenter announced the commencement of the public hearing and read the local law which was being proposed. "We would like to adopt local law number 1 of 2017 which would allow the position of Clerk/Treasurer to be filled by an individual who resides either in Saratoga County or in an adjoining county." He stated that notice requirements were met and that each trustee received a copy of the proposal at least 7 days before the meeting. Notices of the hearing were advertised in the Saratogian and the Post Star in the required time frame of ten days prior to the hearing with a synopsis of the local law and the date location and time of the public hearing. He stated that all had been provided with a copy of the local law, he said if anyone wanted him to he would read it, otherwise he suggested that he could open the floor for comment.

It was suggested that each board member should give their own opinion on the matter.

Deputy Mayor Daniel Baker stated that he felt it would be good for the Village to provide a larger pool to draw from.

Trustee Drew agreed with this statement

Trustee Petralia agreed as well to a bigger pool to find more talent

Leona Colvin strongly disagreed. She stated that The Village of Schuylerville Clerk Treasurer is a vital position and that that person should have a vested interest in the Village. She stated that she felt that there were plenty of people that resided within the county. She felt that someone who is not from the village might at the first opportunity take another job for more money or one that is closer to home. She asked what had prompted this decision. Mayor Carpenter stated that Anna Welfley, the current Clerk treasurer was retiring. Leona Colvin asked if she had given her notice. Mayor Carpenter said that she had verbally committed to retiring. She asked if the mayor had advertised for the position. Mayor Carpenter stated that he had not advertised the position. She asked if he had a person in mind. Mayor Carpenter stated that he did, and it was within his power to appoint the clerk of his choice.

Wendy Lukas spoke next, she questioned the legitimacy of the law. She thought that the law was being created to allow them to hire whomever they want. She said that she felt that the law that they were referring to was specific to the situation wherein the Village of Victory was allowed to have Maureen Lewsey as the clerk, as she resides in Washington County. Later in the hearing

David Kliengbiel stated that the law would apply to any village in New York, and that he had conferred with NYCOM on this matter as well

Mayor Carpenter read the law, which stated no such specification, only the amendment to that law is specific to that area. He stated that he had spoken to two attorneys on this matter and that both had stated that the law was good.

Mayor Carpenter announced that there were 15 minutes left for the public hearing if anyone had anything further to say.

Wendy Lukas read out the law and noted that an elected officer must be from within the village. Mayor Carpenter pointed out that the position is an appointed office, not elected.

Leona Colvin once again reiterated that she felt that they could find someone from within the village who could fill the position. Chairman Baker stated that they currently had someone in the office who had been filling in for Ms. Welfley who was doing a good job. He stated that this person had already found several mistakes and corrected them. He said that he had sat on this board for previous meetings and all he has been hearing is about how the numbers are not right, the books aren't right and How the budgets aren't right. Right now there is someone in there who is making corrections and he feels that this is the right path for the village.

At this point Mayor Carpenter asked if there were any further questions or comments, there were none so he asked if someone wanted to make a motion to adjourn the public hearing. Deputy Mayor Baker made the motion, Trustee Drew seconded, all in favor, hearing adjourned

#### MEETING MINUTES:

Mayor Carpenter called the meeting to order;

#### PRESENT:

Mayor Daniel Carpenter  
Trustee Daniel Baker  
Trustee Brian Drew  
Trustee Nicole Proctor  
Trustee Robert Petralia  
Attorney David Klingebiel

#### ABSENT:

None

#### BOARD ANNOUNCEMENTS:

Schuylerville Village Meeting tentatively scheduled to be held on January 10<sup>th</sup> at 7:00 PM at the Village Municipal Center.

Schuylerville Board Workshop, Monday January 8<sup>th</sup> at 6:30 PM at the Village Municipal Center

Schuylerville/Victory Board of Water Management Meeting Monday, December 18<sup>th</sup> at 7 PM in the Victory Meeting Hall

Mayor Carpenter noted that this is only due to the fact that the planning board meeting and public hearing is being held on that same day at the Village of Schuylerville

Schuylerville Planning Board Meeting Monday, December 18th at 6:30 PM in the Village Municipal Center

MINUTES:

Mayor Carpenter announced that the minutes had been sent out and that the members of the board had had a chance to review them and asked if anyone had any questions regarding the minutes. There were none. Trustee Drew made the motion to approve the minutes, Trustee Petralia seconded, all in favor, minutes approved

Carpenter stated that the minutes for the workshop on December 4<sup>th</sup> were sent out earlier this week for review. Trustee Drew made the motion to approve the workshop minutes, trustee Proctor seconded the motion. All in favor, minutes approved

TREASURER'S REPORT:

<b>General Fund</b>	<b>\$722,860.09</b>
<b>Sewer Now Account</b>	<b>\$276,813.57</b>
<b>Trust Agency Account</b>	<b>\$14,983.40</b>
<b>Housing Rehab</b>	<b>\$8,252.41</b>
<b>AHC home imp.</b>	<b>\$2,520.68</b>
<b>Septage receiving</b>	<b>\$51,627.02</b>
<b>Capital Sewer</b>	<b>\$120,416.84</b>
<b>Repair reserve</b>	<b>\$4,651.63</b>
<b>Sidewalk repair res.</b>	<b>\$25,038.35</b>
<b>Sewer Equipment</b>	<b>\$59,011.45</b>
<b>Harbor Project</b>	<b>\$5,076.37</b>
<b>Memorial Day</b>	<b>\$4,859.18</b>
<b>Capital Project</b>	<b>\$10,061.01</b>
<b>Morgans Run</b>	<b>\$14,162.73</b>

The penalty update for the sewer billing was completed today, December 13<sup>th</sup> in the amount of \$4,520.24

Bank statements are available for review

#### CODE ENFORCEMENT REPORT:

Gil Albert Code Enforcement Officer, read from his Zoning Officers Report, the following;

Issued three permits, did two renewals, one property inspection seven final inspections

Mayor Carpenter noted that he had a resident reach out to him regarding trash on the north end of Route 4 across from Liberty street. There is trash all over the yard and a full dumpster. Gill Albert stated that he was aware of the situation. He said the property in question was on Division Street and that the tenant is in the process of being evicted.

There was some concern about the side walk just north of Liberty street and just East of Broad Street. The grade of the sidewalk slopes downward. Rob Decker said that he thought that sidewalk was half in the town and half in the village as 251 broad street is the last village resident. 234 north Broad street was determined to be the location. Gil felt that we need to address the sidewalk issues all over the village. He felt that we need to formulate a plan to address these issues.

#### DEPARTMENT OF PUBLIC WORKS REPORT:

Rob Decker announced that with the exception of Morgan's Run all of the streets were in excellent shape. He said that the issues with Morgan's Run were due to the swales and the runoff and the lack thereof from the freezing and thawing that was typical of this time of year. He said three storms produced three issues with the trucks. Trustee Baker asked if there was any improvement in the parking issue. Rob Decker said that there was no change in the parking situation and that he had handed out flyers to all of the residence to no avail. He said that Pearl Street was the only one in compliance. Mayor Carpenter asked if there was any progress on getting the vehicles out of the public parking lot. Rob said he has been in contact with the owner of the vehicle and that there is good progress being made with the situation, only three of the vehicles will need to be towed.

#### WASTE WATER TREATMENT PLANT:

No report as Charles Sherman was not present

#### FIRE DEPARTMENT:

Mayor Carpenter read from the report, as Brian Miers was not present.

Oct 11 all fire department apparatus fire pumps were tested by KMENY we are awaiting the test report.

October 13<sup>th</sup> annual fire prevention day at the Elementary School.

October 23<sup>rd</sup> new fire chief vehicle was delivered 2017 Ford.

Department responded e to 8 alarms during the month of October and 19 during the month of November.

Mayor Carpenter listed several members of the fire department who had completes various training courses.

#### HISTORIAN/VISITORS CENTER:

No report.

#### WILTON EMERGENCY SQUAD:

Wilton responded to total of 256 calls in November 55 of which were in the General Schuyler area. Of these calls only one went to another agency. The Wilton squad will be providing EMS standby service during the wreath laying ceremony at the cemetery. The merger with General Schuyler is almost complete.

#### PLANNING BOARD:

The planning board will be meeting on November 20<sup>th</sup> at the Village of Schuylerville Hall, regarding the LA Group on their Green Street Project as well as the project proposed by Jason Young.

There will be a public hearing for the new Clarks Steakhouse, as well as a public hearing for the proposed apartment complex on green Street and University with the LA group.

Ms. Colvin stated that the planning board sent a letter to the village board regarding the parking situation at the new Stewarts.

She asked why the no parking signs had not been put up on Route 4 (Broad Street). Mayor Carpenter said that he had met with Bob Foster and that it had not been determined as to where the parking signs should be placed. Rob Decker asked where we should have placed more signs. He said that we could put signs anywhere we wanted to on Spring Street and that it should be on Broad Street and back to the light.

Mayor Carpenter asked if Rob would reach out to DOT and get permission to put the signs in. Rob stated that the Village did not have the right to put any signs on a State highway. Rob said that he felt that there should also be no left turn at that intersection.

Trustee Baker asked if the LA Group was supposed to have sent out notices to all of the neighboring properties. Leona Colvin said that yes, they had. Trustee Baker then said that he had not received a notice,

#### WATER BOARD MEETING:

Trustee Baker stated that he did not have the minutes with him and that he had not attended at the last meeting, as he was on vacation. He said that most of the matters had been tabled until his return. He said that the board did approve the bid package to go out.

#### SIDEWALK COMMITTEE:

No meeting this month

#### TREE COMMITTEE:

Nicole Proctor said that the tree committee met on December 12<sup>th</sup> and their next meeting will be on January 9<sup>th</sup> at Faith Chapel. They discussed their spring planting which will be in May. They will be planting approximately ten trees; six on Broad, two on Pearl two on Church as well as some replacement bushes for Joanna Albertson on Tow Path Road who had some trees removed as well as possibly some along the retainer fence at Morgan's Run.

#### GRANT COMMITTEE MEETING:

Mayor Carpenter announced that they had held their third Grant Committee meeting this Monday and that they had a number of new people show up. Among them were two new people who were interested in doing projects that would align themselves with the grant money. This brings us up to either 12 or 13 projects to apply for. There will be another meeting on January 3<sup>rd</sup> 2018 at 6:00pm

#### PUBLIC COMMENT ON ITEMS 3-5:

Gil Albert asked if any time we do these grants we could make sure we have the permits in place for final inspection before they get their funds. He asked if the village could start issuing appearance tickets when people are not compliant with their permit renewal. Wendy Lukas had a question about the parking issue. She said that if she had to follow it she would not know which side is north or south so she just followed what the other residents did. Some questions were raised as to how many parking spaces would there be for the new apartments planned for Green Street. Trustee Baker stated that the proposed building was for 6 units and that the parking lot was to be 9 spaces. He was concerned that there might be more cars than that per unit, and that it could cause parking issues on Green Street. Leona Colvin said that this meets the standards set for spaces per unit which is 1.5 spaces per unit. Ms. Colvin wanted to know why the public hearing notice was not on the website. Dan Carpenter said that the new website is almost completed. She asked why it was not posted on the old site. Mayor Carpenter said that every time they post on the old site it costs \$75, that is why they are getting a new website. Leona Colvin asked also about the zoning codes. Mayor Carpenter stated that it would be addressed in the near future.

#### OLD BUSINESS:

Mayor Carpenter mentioned that the parking notices had gone out and that the ordinance was now in effect, please adhere to it to the best of your ability. We talked about the consequences, eg towing. We do not have a Village Constable, so we cannot ticket cars, therefore our only recourse is towing. Rob Decker assured the board that he was taking all of the proper steps in any case where towing was necessary.

Original Champlain Canal was tested earlier this week by an independent agency at the request of the EPA. The DEC had already done some testing previous to that in September. At that time there were elevated levels in some areas which is what prompted us to go to the EPA for further testing as well as the local media as you saw the articles. We reached out to the EPA to meet with us, but we rescheduled as we wanted to have more people here. We reached out to supervisor Wood and Julie Stokes from the Community Advisory Group and we are bringing in members of the DEC as well as the EPA to go over the DEC testing and hopefully the results from the EPA will have their results as well.

Nolan and Eller is a law firm with an attorney named Dave Engle. This law firm has extensive experience with this kind of litigation. He suggested the village could call them to discuss the possibility of PFOA litigation. In the Halfmoon PFOA case they took GE to court and there are reams of pages of documents and materials that could be very helpful to the village. After you have investigation as to the levels, this attorney would be willing to come up at no cost to give you an idea of how you can go about commencing litigation.

#### NEW BUSINESS:

Please approve Wendy Lukas up to \$1250.00 for the issue that occurred during the paving of green Street. There was a gap left of 8 inches between the driveway that she had just had paved, and the street. Mayor Carpenter stated that due to the lateness of the year that it was agreed that the repair did not come up to standards. He asked for a motion to approve the reimbursement. Trustee Baker made the motion, Trustee Drew seconded all in favor

Request to approve the local law. Village of Schuylerville resolution for the village law.

We ask that the Village of Schuylerville vote on proposed local law # 1 of the year 2017, local law to allow the Village Clerk Treasurer to reside in a county which adjoins the County of Saratoga being enacted by the village board of Schuylerville

Section 1 titled;

local law number 1 of 2017 is entitled a local law to allow Village Clerk Treasurer to reside in a county which adjoins to the County of Saratoga.

Section 2 Legislative Intent

Schuylerville code section 35-2 previous that appointed village officers may reside outside the Village of Schuylerville, provided however any such appointed village officer resides within the county of Saratoga. It is the intent of this local law to provide for a larger pool of qualified persons to be available for appointment as Village Clerk Treasurer by permitting appointment as Village Clerk Treasurer to reside in a county which adjoins the County of Saratoga.

Section 3 Authority

This local law is adopted pursuant to the subdivision 24 of law 3-300 which expressly authorizes the Board of Trustees of a village to provide in lieu of any other residency requirements imposed by law that any Village Clerk Treasurer must be a resident of the County of Saratoga, New York or a County which adjoins the County of Saratoga.

Section 4 Body of Law

Body of local law of 2017. Pursuant to the provisions of 3-300 subdivision 24 of Village law notwithstanding any other provisions of law to the contrary on and or after the effective date of this local law, the Village Clerk treasurer may reside outside of the Village of Schuylerville but shall be a resident of the County of Saratoga, State of New York or of a County which adjoins the County of Saratoga

Section 5 severability

If any provision of this local law is determined to be unconstitutional or invalid the validity and enforceability of the remainder shall not be affected.

Section 6 Effective date

This local law shall take effect immediately upon filing with the Secretary of State.

The vote was as follows;

Trustee Baker made the motion to approve local law number 1 of 2017, Trustee Petralia seconded.

Trustee Baker yes

Trustee Petralia yes

Trustee Drew Yes

Trustee Proctor no

Mayor Carpenter yes

Vote counted 4-1 motion passed

Village of Schuylerville budget resolution **WHEREAS**, a budget amendment is needed to transfer money from the budget between appropriations for those costs associated **from** A.1910.400 Unallocated Insurance Contractual \$3,000.00, A.5182.400 Street Lighting Contractual \$2,000.00 and A.7140.400 Playground Rec Ctrs Contractual \$400.00 **to** A.1320.400 Auditor Contractual Treasurer \$3,000.00, to A1680.400 Central Data Processing \$2,000.00 and to A.7310.400 Youth Programs Contractual \$400.00

Therefore by it resolved that the board of the village of Schuylerville does hereby approve the budget transfer

Trustee Baker made the motion to approve the resolution, Trustee Petralia seconded all in favor resolution passed

#### PUBLIC COMMENT FOR ITEMS 7-9

Wendy Lukas asked about the Village of victory litigation. Carpenter said talks look promising. What agency provides civil service administration for the Village of Schuylerville? I put a request in in the beginning of April that the village board salaries should be listed in the budget. Also she requested that a letter to be sent out to the village so that people could find out what is happening in the village. Trustee Baker said that once the website is up and running these things will be posted on a regular basis

#### APPROVAL OF VOUCHERS:

Trustee baker made the motion to approve the vouchers for the general fund in the amount of \$61,103.99, Nicole proctor seconded the motion all in favor, vouchers approved.

Trustee Baker made the motion to approve the vouchers for the sewer fund in the amount of \$27,411.98 Nicole Proctor seconded all in favor

#### ADJOURNEMENT:

Trustee Baker made the motion to adjourn, Trustee Petralia seconded all in favor. Meeting adjourned.

Respectfully submitted,

*Cory J. Heyman*