

**Village of Schuylerville  
Public Hearing on Amendments to  
Village Sidewalk Law and  
Monthly Meeting Minutes  
Wednesday October 13, 2021**

**6:30 PM PUBLIC HEARING ON AMENDMENTS TO VILLAGE  
SIDEWALK LAW**

**Present:**

Mayor Carpenter  
Trustee Baker  
Trustee Drew  
Trustee Colvin  
Trustee LeBaron  
Attorney Klingebiel

The first resident to speak was Martha Keefe from 229 Broad Street in Schuylerville. She asked how it will be determined if a sidewalk needs to be replaced and who will determine what sidewalk needs repair or replacement. Mayor Carpenter stated that this was one of the things that the new sidewalk law would be addressing. In the revised law, the code enforcement and building inspector, Gil Albert would be the person who would make this determination. There was some discussion about the program that the village offers to contribute 50 percent of the cost to replace their sidewalk up to \$1,500.00. Ms. Keefe asked why the village had replaced some of the sidewalks for free, but residents were going to be expected to provide their own funding. Mayor Carpenter explained that the sidewalks that the village had replaced were funded by grants that the village was able to secure from the state. Mayor Carpenter stated that the village was always looking to win grants for sidewalk replacement. Ms. Keefe stated that she thought that it was a burden on the residents to be required to replace their sidewalks. Mayor Carpenter advised that the residents were the owners of the sidewalks and therefore the residents also own the liability. Mayor Carpenter stated that the only way that the village would be able to afford to maintain all of the sidewalks in the village would be if they imposed a sidewalk tax similar to the one that the Village of Greenwich has proposed. This would apply to all residents regardless of whether they need to have their sidewalks replaced or not. Mayor Carpenter stated that he does not wish to do this, as many residents do not even have a sidewalk. He noted the most recent grant award for the west side of Broad, which would be started in the spring.

Dianna Martindale who resides at 23 Green Street stated that she has a difficult sidewalk that she acquired when she bought the house. She felt that she should not have to maintain a sidewalk

that she does not own. Mayor Carpenter stated that the laws regarding ownership and liability were not changing with the revisions (residents own the sidewalks, not the village.) She wants to know why she can't just rip them up. Mayor Carpenter stated that for the safety of the residents, the maintenance of the sidewalks needs to be enforced. She complained that it was hard to clean her sidewalks because she works, and her husband is partially disabled. Mayor Carpenter stated that he has an elderly neighbor that is disabled and as he has a snowblower, he clears hers as well. He expressed that he wished other residents would do the same. Martindale also complained about the persons on their street that continue to park on the wrong side of the road and the tow trucks that come by and honk their horns.

Doug Mitchell, residing at 121 Pearl Street, spoke up on this subject. He stated that yes, the tow trucks come through and honk their horns and the residents come out and move their cars, then move them right back as soon as the truck leaves. People on that side of the streets will plow their snow off their sidewalks into the walkway and kids have to walk in the streets to school. He is concerned that one of these kids will get run over. He states that he has tried to help by plowing out these areas, and that people think it is the municipality that is doing this and he gets, "flamed out" on social media because he is not doing it for everyone. He states that he is helping out the elderly on his street, and that others should be doing the same. He has tried to get others to help out, tried to call out that people should not park in front of the fire hydrants, and he gets, "flamed out" for this. He is feeling tired of this. He is feeling tired of having to worry about his daughter's safety in walking to school. He also stated that there are people who have done some construction in the village and have left their sidewalks completely ripped to shreds. These people state that the sidewalks are not theirs and refuse to take responsibility for it. He stated that if your roof leaks, you have to get it fixed, if your sidewalk is messed up you have got to do something about it. He then asked, if you have a big tree, it pushes up your sidewalk, what are you going to do about it. Mayor Carpenter stated that there is a similar program for removing trees, where the village will assist the homeowner with trees that are next to the sidewalk and need to be removed. Mitchel asked what if the resident does not want to remove a healthy tree that is causing a problem. Trustee Baker stated that there are other options such as just replacing just the section that is heaved up, by having a tree company come in and remove the root that is causing the problem and leveling the ground and replacing that section. Mitchel thought that this would compromise the tree. Mayor Carpenter stated that this was at the discretion of the resident. Trustee Baker stated that in any community that he has ever lived in, the responsibility of the maintenance of the sidewalks is on the homeowner. Trustee Baker stated that the main reason that the revisions were being made is because there have been instances of residents replacing their sidewalks and using subpar construction this is unsafe and will not hold up over time.

Bruce Ricketson of 266 Broad Street spoke. He suggested that before the village incorporates the law, that they could take two or three years to replace all of the sidewalks. If they were to form a slush fund and over time, start with the worst sidewalks and do one street per year, over the course of four or five years, then at the time that every villager has a new sidewalk, then it would be the responsibility of the homeowner at this point. Mayor Carpenter advised Ricketson that the section of sidewalk that was done on Pearl Street and in front of the Revolution Café was over \$65,000.00. Fortunately, this was mostly covered by a grant. This amount is roughly 5% of our

total budget. It would be impossible to raise taxes enough to pay for this. We are now currently getting training for our DPW to install the sidewalks, as, any time we hire a contractor, we, by law must pay prevailing wage, which drives up the cost of sidewalk installation considerably. Trustee Baker stated that the village is constantly working to get grants to install more sidewalks, but that if a resident has a sidewalk that needs replacing and they can afford to do it, they should not wait, because it could be several years before the village could get the grant to replace the sidewalk in their area. Ricketson stated that regarding the proposed penalties in the sidewalk law, if you are attaching liens on to the house and you are passing the lien on to the county, within a year or two a person could lose their house, this seems harsh. Trustee Baker stated that it is similar to what happens if you don't pay your water bill. Ricketson clarified, so if someone is having a hard time, if they have retired on a fixed income, they can barely pay their bills, they could lose their home. Mayor Carpenter stated that he did not think that it would get to that point.

A resident asked what will happen if the sidewalk was four feet originally and now you require a five foot. Mayor Carpenter stated that that was one of the new revisions. Trustee Baker read that portion as follows, "for any sidewalk being replaced, the minimum width shall be the existing width of the sidewalk being replaced so that the replaced area is consistent in width of the adjacent sidewalks to which it connects. When a replacement or new installation meets the existing sidewalk, the front edge of last five feet of the new sidewalk shall taper to meet the existing sidewalk for width and elevation. Mayor Carpenter stated that any sidewalks that will be installed by the village will be five feet in width to be ADA compliant and as pedestrian friendly as possible.

Wendy Lukas of 77 Green Street stated that she had worked with Trustee Drew (sidewalk committee chair) on the revisions to the sidewalk law. She expressed that she has an issue with the fact that the village would impose a lien on the property if a homeowner did not pay the village in the event that the village had to repair or replace their sidewalks. Attorney Klingebiel stated that a law was useless unless it contained, "teeth." She asked if the term could be, "levy" instead of lien. Attorney Klingebiel stated that a levy is basically the same as a lien. Any time that someone has a judgement or a claim on your property, it is filed in the county clerk's office and it becomes a lien. Tax liens, judgements, water bills, sewer bills, and if you wanted to sell your property, that lien would absolutely have to be paid at closing because your property is unmarketable because it has a valid lien on it. Lukas says, so if a relevy is already known as a lien why does it have to say lien, why can't it say relevy. Lukas thought that the word lien sounded mean and that she felt that they should just use the word relevy.

Mayor Carpenter stated that at this point the board was going to table the adoption of the revisions to the sidewalk law and that the board would schedule the next public hearing during tonight's regular meeting.

Trustee Drew made the motion to close the public hearing, Trustee Baker seconded the motion, all in favor, hearing closed.

## **7:00 PM REGULAR VILLAGE MEETING**

### BOARD ANNOUNCEMENTS:

- Schuylerville/Victory Board of Water Management regular board meeting will be held on Monday October 18th at 7:00 pm in the Victory Meeting Hall
- Schuylerville Village Board Workshop Meeting Monday November 1st at 6:30 pm at the Schuylerville Meeting Hall.
- Schuylerville Village Board Meeting on Wednesday November 10th at 7:00pm at the Schuylerville Meeting Hall.
- Fort Hardy Park Master Plan Committee Public Forum October 20th at 6:30 at the American Legion Post 6 Clancy Street, Schuylerville masks mandatory for unvaccinated individuals. Mayor Carpenter went into detail on the purpose of this meeting this is public forum, we have sent out questionnaires to the stakeholders of the community and the greater Schuylerville area for feedback and ideas on what Fort Hardy Master Plan should incorporate. At that public meeting there will be ideas brought forth and presented to the public. We will be asking the public to weigh in on these ideas and encourage them to present any thoughts or ideas that they may have. This is the first of two community meetings that they will be holding.
- Planning Board Meeting TBA
- Zoning Commission Public Hearing TBA

MINUTES: Trustee Colvin made the motion to approve the minutes from the last meeting, Trustee Drew seconded the motion, all in favor, minutes approved.

### TREASURER'S REPORT:

General Fund Statement balance	\$320,325.27
Sewer Now Statement Balance	\$249,213.89
Trust and Agency	\$37,556.28
General Fund Money Market	\$1,013,253.00
Sewer Fund Money Market	\$252,436.48
Memorial Day	\$2,863.39

Heyman mentioned that she had provided the board with an up-to-date revenue and expense report with notations and that the board should feel free to bring any questions about the report to her.

#### DEPARTMENT AND COMMITTEE REPORTS:

- DEPARTMENT OF PUBLIC WORKS

Mayor Carpenter gave a brief synopsis of the report that Supervisor Decker gave at the village workshop on October 4<sup>th</sup>. He also mentioned that there will be a mailing that will be sent out with the next billing stating that only leaves that are in bags or containers will be picked up by the DPW. He also stated that if there is a significant snowstorm before this date, leaves must be bagged or in containers. Brush more than 3” in diameter should be separated from leaves.

- CODE ENFORCEMENT

Gil Albert gave his report on the inspections and permits issued.

- FIRE DEPARTMENT

No report

- WASTE WATER TREATMENT PLANT

Waste water treatment plant operator Sherman gave his report at the workshop. Mayor Carpenter stated that Sherman had informed the board that he would be working with Supervisor Decker to try to determine what is the source of some significant Infiltration of water into the sewer lines which was discovered when a resident reported an overflowing manhole just east of Broad Street.

- HISTORIAN/VISITORS CENTER

Historian Saddle mire gave her report on the historical inquiries she had fielded during the last two months, as well as a report on the visitor’s center and the fact that this will be the last weekend that the visitor’s center will be open for this season. She stated that she had received a lot of positive feedback regarding the staff at the center this year. Mayor Carpenter mentioned the sword surrender ceremony that he would be officiating on Monday the 18<sup>th</sup> at 9:30 am. He mentioned that the ceremony was open to the public and welcomed all to attend. We are coming up on the 250<sup>th</sup> celebration of this event, which will be being promoted by various entities over the next year.

- PLANNING BOARD

No report, the board did not meet.

- SCHUYLERVILLE/VICTORY BOARD OF WATER MANAGEMENT

Trustee Drew (also water board chairman) reported on the highlights of the previous water board meeting. He stated that the owner of the Basin Grille and Marina had attended the last water

board meeting to protest the increase in the number of units that the water board had assigned in a reassessment of units due to the changes at the 1 Ferry Street location. The water board conceded and reduced the number from 20 to 12. There was an additional reduction for Darcy Fillipovich's business on Saratoga Street to one unit, as she protested the additional unit on the grounds that she is a seasonal business. Trustee Drew stated that the board would be reviewing the number of units assessed to all water users in the near future. Drew mentioned that the board has asked CT Male to move forward to apply for a CDBG grant to replace the water infrastructure that run through the Fort Hardy Park, as this section has been determined to be one of the more urgent areas for replacement. There have been some reports of high chlorine. Drew has spoken to the water operator and Mr. Fort states that the level is well within the guidelines from DOH. Trustee Baker asked what was the subject of the emergency meeting on Tuesday October 12<sup>th</sup>. Drew stated that there were some complications on the previously approved hydrant replacement due to the need for a gate valve to be replaced, and that the amount that had been approved at the previous meeting would not be sufficient to complete this repair. The board approved the amount of up to \$13,000. Mayor Carpenter stated that he will be attending the next waterboard meeting to discuss the changes to the number of units that the water board has made. The water board approved changing the name on the municipal credit card from former chairman of the water board Tim Healy to Brian Drew. Trustee Baker confirmed with Drew that the water board credit card would be housed at the village office and that it would not be something that the water operator would hold. Mayor Carpenter asked that there be a policy instituted by the water board similar to the one that the village had just adopted that would outline rules and procedures for the use of the card.

- **ZONING COMMISSION**

Zoning Commissioner Leona Colvin stated that the only responses to the lead agency designation letter that was sent out were positive and that the time period allowed for protest had expired. She stated that the ball was now in the court of the village board to set a date for the public hearing for the adoption of the zoning. Mayor Carpenter stated that he would be traveling for work over the next month and that he would like to have the meeting in December. Leona stated that December would be fine with her, as it would give her more time to ensure she is completely prepared. Trustee LeBaron suggested December 1. The board agreed to Wednesday December 1<sup>st</sup>, at 6pm for the public hearing for the proposed zoning adoption.

PUBLIC COMMENT:

Ruthie Ricketson at 266 Broad Street asked if the proposed zoning would be available to the public. Mayor Carpenter stated that the zoning was available on the website. Zoning Commissioner Leona Colvin offered to loan a hard copy to Ms. Ricketson. Mayor Carpenter asked Heyman to bring the zoning announcement to the top of the website front page.

Patty Smola asked if someone could explain the high chlorine content of the water. Trustee Drew stated that he would reach out to the water operator for answers and that he would get back to her on this matter.

Leona Colvin stated that her main concern with zoning is that we are the only municipality in the region that has no zoning. She expressed her concerns that this is a factor that draws in unscrupulous builders.

Ruthie Ricketson asked if there could be changes made to the zoning laws after the zoning has been passed. Mayor Carpenter clarified that the laws could be modified after the passing of the zoning. Appeals are brought to the zoning board of appeals and any changes to the laws would have to go through the same processes that any other law amendments in the village would be subject to, with a public hearing before the village board.

Wendy Lukas asked if the board was aware that there appeared to be some clear cutting on property that she thought was owned by the village. Mayor Carpenter stated that he would look into this matter.

#### OLD BUSINESS;

Mayor Carpenter appointed Trustee Baker to the position of deputy mayor. Trustee Baker will assume the duties of mayor when Mayor Carpenter is not present in the village. Trustee Drew made the motion to approve the appointment, Trustee Colvin seconded the motion, all in favor motion passed.

#### NEW BUSINESS;

Review of change of policy from debit to credit. Mayor Carpenter reviewed that at the previous meeting the board had adopted a policy for how to handle a debit card within the village office. Having a debit card would allow the village to purchase items that might not be available at any of the vendors that the village currently has accounts with. Upon attending the fall NYCOM courses, Treasurer Heyman discovered that having a debit card would violate certain laws due to the fact that purchases could be made without the correct order of approval. Credit cards, however are legal for villages. The policy will remain the same, with the exception of all instances of debit being changed to credit. Trustee Baker made the motion to amend the policy by changing all instances of debit to credit. Trustee Drew seconded the motion, all in favor, amendments to policy passed.

Mayor Carpenter stated that Treasurer Heyman has drafted a fund balance policy that was reviewed by Attorney Klingebiel as well as the village board at the previous village workshop. Trustee Baker stated that the board will need to determine an amount that they would like to set as the lowest percentage of annual expends that they would like to keep in unreserved fund balance and what would be the highest amount. He suggested that the board should table the adoption of a policy until they had time to discuss these percentages at the next workshop. Mayor Carpenter mentioned some of the reasons to have such a policy such as; providing sufficient cash flow for daily financial needs, securing and maintaining investment grade bond ratings (if necessary), offsetting significant economic downturns or revenue shortfalls, and providing funds for unforeseen expenditures related to emergencies. Attorney Klingebiel mentioned that the board should include in their policy how many consecutive years in a row the board would use fund balance to balance the annual budget. Over use of fund balance in the budgeting process can lead to a situation where the board would need to increase the levy by a

large amount. Trustee Baker stated that the board will be creating what is referred to in his workplace as a five year, “strat” plan. This will allow the board to try to plan for any major predicted expends over the next five years. Heyman stated that she had filled out the recommended spreadsheet from OSC which uses previous years spending and revenue trends to predict how things will look over the next five years. She has provided the board with these spreadsheets, and the capital assets worksheet that was developed over the past year as well as a worksheet that they can enter any major forecasted expends that will need to be funded. Trustee Baker stated that this was perfect timing as the board would soon be going into budget season. There was a discussion on the proposed alternate parking law changes. Mayor Carpenter stated that he has asked Attorney Klingebiel to assist with the amendment of the current alternate parking law for Broad Street. Broad Street currently has a time period of midnight to 6am, which is difficult to enforce, as one would need to be awake after midnight to identify those who are in violation of the law and need to be towed. Patricia Smola, 5 Schuyler Island Drive, stated that she and many other business owners in the village felt that the alternate parking law that was proposed for Broad Street would be a hardship for the business owners on Broad. She stated that already there was a shortage of parking for patrons of the shops and restaurants and that limiting parking to one side would cause problems. There was discussion regarding the timing of the restrictions.

Attorney Klingebiel also mentioned that the current wording for all of the other streets is from 8 am to 8 am and that many village residents have voiced their opinion that the wording is confusing. This will be worded differently to clarify the time period that is designated for parking on that side of the street. Trustee Baker proposed that the public hearing should be held just before the next village meeting so that if it is approved, it could be in effect for December 1<sup>st</sup>.

Mayor Carpenter stated that in addition to the fact that the road would be cleared of parked vehicles to allow for better plowing, it would also give the village DPW more opportunities to clear the snowbanks from the sidewalks on Broad Street.

Trustee LeBaron stated that he felt that the majority of the issues that the village is having with the cars parked on Broad Street are the tenants that live on Broad.

There was a request for Handicap space sign at 43 Pearl Street for Alexandra Young. Mayor Carpenter stated that he has no issues with this. Trustee Baker asked if Supervisor Decker had surveyed the area in question to be sure that it would not cause any safety issues to have that spot be designated for handicapped only. Mayor Carpenter stated that he would make sure that the sign would not cause any issues. Trustee Baker made the motion to approve the handicap parking sign for 43 Pearl Street, providing it could be installed safely, Trustee Drew seconded the motion, all in favor.

#### EVECUTIVE SESSION:

Trustee Drew made the motion to go into executive session on a personnel matter, Trustee Baker seconded the motion, all in favor, motion passed. Trustee Baker made the motion to come out of executive session at 8:32 pm, Trustee Drew seconded the motion, all in favor. Mayor Carpenter stated that the board had discussed a personnel issue that was to remain confidential.

#### PUBLIC COMMENT:

APPROVAL OF VOUCHERS:

Trustee Baker made the motion to approve the A fund vouchers in the amount of \$34,195.03 and the G fund vouchers in the amount of \$3,498.86. Trustee Drew seconded the motion, all in favor, vouchers approved.

ADJOURNMENT

Trustee Baker made the motion to adjourn, Trustee Drew seconded the motion, all in favor, meeting adjourned.

Recording Secretary,

*Cory Heyman*