

## ROUND LAKE VILLAGE BOARD OF TRUSTEE MEETING HELD SEPTEMBER 4, 2013

**PRESENT:** Mayor Dixie Lee Sacks  
Trustee Dominick DeLorio  
Trustee Thomas Bergin

Trustee Christopher Nellissen  
Trustee Caroline Woerner

**Also Present:** Thomas Peterson, Village Attorney  
Terry Brown  
Michelle Stewart

John Stevenson, Superintendent  
Jack Fitzgerald  
Oliver Reynolds

Mayor Sacks called the meeting to order at 7:00 PM.

The pledge of allegiance was recited.

**PUBLIC COMMENT PERIOD:** Oliver Reynolds stated that he has taken a number of videos of vehicles going through the stop sign at Washington Avenue and Curry Road. Even the emergency vehicles do not stop. What can be done about this? There is also a problem with speeding on Washington Avenue.

Mayor Sacks replied that he needs to call the police.

Trustee Nellissen stated that the Town of Malta does not have a dedicated police officer. The Trustee has seen both the Sheriff's Department and the NYS Police setting at all the intersections and issuing tickets.

Trustee DeLorio commented that he agrees with Mr. Reynolds, he has the video on line. He has called the police agencies. The Village should lend a letter to the NYS Police and the Sheriff's Department requesting additional patrols in the Village, especially at the new stop signs.

Chief Mazza commented that the Town of Malta will not pay to have an extra Sheriff's deputy patrol in the Town.

Mr. Reynolds commented that if word got out that the Sheriff was here often, he would not have a problem with that.

Trustee Woerner asked if there are signs for "kids crossing" or "children at play" that the Village could post? Is there a crosswalk for the Zim Smith Trail on Curry Road?

Discussion continued about signs, the Superintendent will look for appropriate signs.

Trustee DeLorio will draft the letter to the Sheriff's Department.

### REPORTS

Superintendent Stevenson: Everything is good with the water. The new water meter has been installed; there was air in the water line that kept the meter from working. Everything is good in the sewer system.

The Superintendent will hold off planting trees until fall, he has some spots in the Village picked out for trees.

Richards Paving will be doing some work of Peck and Andrews Avenues prior to paving the streets.

The Superintendent has met with three contractors for quotes on the Washington Avenue rear and Whitfield Avenue, near Baker Park.

The DPW has been cutting back lower branches on trees and getting the roads ready for paving. Jack Castle is out sick.

Animal Control Officer: Mr. Stevenson reports that there are no complaints this month.

Fire Chief Mazza: a copy of the monthly report is attached to the minutes. There were 22 calls this month, 1 call in the Village.

They are looking at a possible ground breaking on September 16, for the shared station. They have a meeting with the construction company in a few days.

Veterans Committee: Trustee DeLorio stated that the ceremony for Veterans Day will be celebrated on November 11 at 11 AM. The same as it has been the last few years. The residents that park in the parking lot will need to be notified of the closed parking area.

Auditorium: Mayor Sacks stated that she will have a final report for 2013 season for the next meeting.

## **OLD BUSINESS**

Hillman Estates: On Hold.

Zoning Changes: Trustee DeLorio presented a draft of zoning amendments for the Board to review. Any changes made to the zoning laws must be in coordination with the Master Plan for the Village. The workshop is scheduled for October 17 at 6:30 in Mr. Peterson office.

26 Albany Avenue: Mr. Blair and Mr. Cottrell believe that the conditions on the variance that was granted were illegal and want the conditions removed.

The insurance company will cover up to \$10,000 in expenses for the attorney.

Trustee DeLorio commented that he has looked at the time frame from the original variance, is the Village within the time limit?

Mr. Peterson replied yes, this will be a motion to dismiss; we have until the end of September to get the papers filed. The Village is in good shape.

### **RESOLUTION # 54 OF 2013**

**IT IS RESOLVED** that the firm of Peterson & Thomas, P.C. be retained to defend the Article 78 Proceeding David Blair and Josh Cottrell vs. Village of Round Lake Zoning Board of Appeals, Village of Round Lake and Dixie Lee Sacks, Mayor of the Village of Round Lake, at a rate of \$200 per hour.

**RESOLVED** by Trustee Woerner, **SECONDED** by Trustee Bergin.

Trustee Nellissen – aye

Trustee Woerner – aye

Mayor Sacks – aye

Trustee DeLorio – aye

Trustee Bergin – aye

## **RESOLUTION ADOPTED**

Clifton Park Water Authority: The Village received a letter stating that the Department of Health will begin imposing fines for the TTHM violations. The Village can request a hearing or sign an agreement to correct the violations by June 2014.

The Superintendent will do the water tests where the water comes into the water system. This water is already in violation. CPWA will be getting violations but they can average their reading over their number of water customers. The Village is getting bad water from CPWA, who is getting the water from SCWA.

Trustee DeLorio stated that the Village should go to the hearing on October 8, the Village cannot afford the \$2000 fines.

The Village should contact Assemblyman Jordan or Senator Farley for support with this issue.

Trustee Woerner stated that CPWA has a contract with the Village of Round Lake to provide potable water. Instead we are getting water with TTHM violations.

Trustee DeLorio commented that the Village would have to go for the hearing or sign the consent agreement to fix the system by June 2114.

Superintendent Stevenson commented that Saratoga County Water Authority is now flushing hydrants on a monthly basis. This is to keep them just under the level.

Trustee DeLorio stated that the Village cannot let Victorian Landings connect to the Water system before the water tower.

Mayor Sacks will return the form tomorrow requesting a hearing.

### **RESOLUTION # 55 OF 2013**

IT IS RESOLVED that the firm of Peterson & Thomas, P.C. be retained to prosecute a civil action against the Clifton Park Water Authority ("CPWA") to compel it to hold the Village of Round Lake harmless with respect to any expense for decontamination of water received from CPWA by the Village and/or for money damages sustained or to be sustained by the Village by reason of contaminated water received by it from the CPWA, at a rate of \$200 per hour.

**RESOLVED** by Trustee Woerner, **SECONDED** by Trustee Bergin.

Trustee Nellissen – aye

Trustee DeLorio – aye

Trustee Woerner – aye

Trustee Bergin – aye

Mayor Sacks – aye

### **RESOLUTION ADOPTED**

Victorian Landings: As discussed at previous meetings the Village can't approve the water connection for Victorian Landing onto the Village water system before the water tower.

Trustee DeLorio stated that the Village cannot let Victorian Landings connect to the water system before the water tower. They need Village approval for the connection, although they have approval from DOH.

The Village Board discussed the recent problems with storm water runoff. Are the Village Code Enforcement Officers authorized to issue violations? Trustee DeLorio suggests that their job decisions be reviewed.

Trustee Woerner commented that Victorian lands were to maintain an escrow account to cover the cost for the Village engineer. Has this been done? Mayor Sacks replied that the account has not been maintained, they owe the Village approximately \$15,000.

Mr. Peterson will send an itemized bill, if it is not paid, Victorian Landings will be shut down.

### **RESOLUTION # 56 OF 2013**

BE IT RESOLVED THAT THE Round Lake Village Board of Trustees authorizes Thomas Peterson, Village Attorney, to notify Victorian Landings that prior permission to connect to the Village Water system before the water tower has been withdrawn. This is being ensured that the Village can provide Victorian Landings with potable water.

**RESOLVED** by Trustee Woerner, **SECONDED** by Trustee Bergin.

Trustee Nellissen – aye

Trustee DeLorio – aye

Trustee Woerner – aye

Trustee Bergin – aye

Mayor Sacks – aye

## **RESOLUTION ADOPTED**

Purchase of Property: Trustee Nellissen stated that this is a small price to pay for this property. The Village needs to come up with a single purpose for the property. Most people say that they would pay \$100 per year tax increase.

Trustee Woerner and Trustee Bergin will sit down and work on a proposal for the cost of purchasing the property.

Jack Fitzgerald asked why the Village is paying \$300,00 for the property when it's assessed for \$96,000? The Village should get another appraisal, if only 7 acres are developable, that's \$72,000 per acre.

Mayor Sacks informed the Village Board that there is a small property on Peck Avenue that Saratoga County Real Property is selling for back taxes. It is a small unbuildable property adjacent to Village property that contains a drainage ditch. The Village can purchase the property for \$2,562. The Village Board is not interested in purchasing the property.

## **NEW BUSINESS**

Membership Application for Fire Department: The application was returned to the Fire Chief and has not been returned for approval.

**CORRESPONDENCE:** The Village has received a check in the amount of \$ 3,878.40 for its share from the Arts & Craft Festival.

## **APPROVAL OF MINUTES:**

MOTION by Trustee Nellissen to approve the minutes of the Public Hearing held June 19, 2013 as presented, SECONDED by Trustee DeLorio.

## **MOTION APPROVED**

MOTION by Trustee Nellissen to approve the minutes of the regular meeting of the Village Board held June 19, 2013 as presented, SECONDED by Trustee DeLorio.

## **MOTION APPROVED**

MOTION by Trustee Nellissen to approve the minutes of the regular meeting of the Village Board held on July 3, 2013, as presented, SECONDED by Trustee Bergin.

## **MOTION APPROVED**

**VILLAGE ATTORNEY:** Nothing for this meeting.

**VILLAGE MAYOR:** Nothing for this meeting.

## **VILLAGE TRUSTEES:**

Trustee DeLorio informed the Village Board that the Public Hearing for the Exit 11 Corridor is scheduled for September 18, the same night of the next Village Board meeting. Trustee DeLorio feels that someone from the Village should attend the public hearing.

Trustee Bergin stated that the Village Board has never agreed on the stipend for Mayor Sacks for taking over the responsibilities of the Village Treasurer while she is out on sick leave. This has been discussed for some time now, `` a decision needs to be made”.

**RESOLUTION # 57 OF 2013**

**BE IT RESOLVED** that the Round Lake Village Board of Trustees pay Mayor Dixie Lee Sacks the same hourly rate that is paid to the Treasurer, from this day forward until the return of the Treasurer. Mayor sacks will submit a time card; Deputy Mayor Bergin will sign the document.

RESOLVED by Trustee Woerner, SECONDED by Trustee Bergin.

Trustee Nellissen – aye  
Trustee Woerner – aye  
Mayor Sacks – abstain

Trustee DeLorio – aye  
Trustee Bergin – aye

**RESOLUTION APPROVED**

**MOTION** by Trustee Nellissen to go into executive session to discuss a personnel issue, SECONDED by Trustee Woerner.

**MOTION APPROVED**

**MOTION** by Trustee Bergin to return to regular session of the Village Board meeting, SECONDED by Trustee Nellissen.

**MOTION APPROVED**

**ADJOURN MEETING**

**MOTION** by Trustee Bergin to adjourn the meeting at 8:55 p.m.

**MEETING ADJOURNED**

Respectfully submitted,

Lois J. Whitbeck,  
Village Clerk