

ROUND LAKE VILLAGE BOARD OF TRUSTEES MEETING HELD OCTOBER 2, 2013

PRESENT: Mayor Dixie Lee Sacks
Trustee Dominick DeLorio

Trustee Christopher Nellissen
Trustee Caroline Woerner

ABSENT: Trustee Thomas Bergin

Also Present: Superintendent Stevenson

David Meager
Sharon Walsh
Debbie Rice
Amy Furbeck
Jack Fitzgerald
Jeff Max
Eric Rutland

Attorney Thomas Peterson

Fire Chief Frank Mazza
Marilyn DeLorio
Terry Brown
Morris Strass
Peter Sheridan
Mary Jo Lanahan
Michael Roets

Mayor Sacks called the regular meeting of the Village Board to order at 7:00 P.M.

The pledge of allegiance was recited.

David Meager is present to review the Village insurance with the Village Board.

The Village insurance is in two sections, the Village Fire Department is covered by a company that specializes in Fire Companies and all the other village coverage is with Selective Insurance. The Village Board reviewed the policies with Mr. Meager. The Superintendent will review the list of equipment, all equipment 10 years old or newer is covered at the replacement cost. Overall there is a 1% increase in insurance coverage. Totally there is a 2.5 blanket policy. Mayor Sacks and the Board thanked Mr. Meager for his time.

PUBLIC COMMENT PERIOD

Sharon Walsh is a member of the Malta League of Art, every year they hold an art show in the Auditorium. This is a very important event in the County. The League of Art would like to install a permanent cable system for the east & west walls of the Auditorium. This system would allow for the safe hanging of the art work and avoid damage to the Auditorium walls. Funding for this project would be from the GLOBALFOUNDRIES- Town of Malta Grant.

MOTION by Trustee Woerner that the Village Board provide the Malta League of Art with a letter of support for the installation of a cable system for the Round Lake Auditorium, **SECONDED** by Trustee Nellissen.

UNANIMOUSLY APPROVED

Debbie Rice stated that she has lived here for 23 years. The situation in front of her house is unbearable. Every time it rains she has a flood in the front & side of her house. How can anyone justify that that is right? The foundation and house are being jeopardized, she is asking for something to be done.

Jeff Max stated that he lives next door to Debbie. The old sanitary sewer line was like a drain, it took the ground water out of the park. Ms. Rice stated that she started having water in her basement when the new sanitary sewer line was put in.

Mr. Max stated that Mr. Luse came over and said that the reason there is a water problem is because they don't have gutters on the houses. The Village put a drainage swale in the driveway, it has not helped.

Superintendent Stevenson commented that there is a low spot between these houses. The water does run into the park but goes into the drainage swale. The Village has had the engineers look at the property. The plan for the installation of the drainage system would have to be done by the engineers.

Trustee Woerner asked what the cost of the project was.

The Superintendent replied that he is not sure of the cost.

Mr. Max commented that the water sits in the ditch; there is no slope to move the water out of the ditch. Mr. Max stated that all the Village has done is raise the level of the roads.

Jack Fitzgerald stated that someone mentioned that there is \$150,000 in parkland money, why don't we put some money in the park drainage?

The engineers will be contacted to review any plans and provide a cost for the project.

REPORTS

Superintendent Stevenson: The Superintendent commented that everything is good. The next water test is tomorrow.

The DPW replaced a storm water basin on Fletcher Avenue by the library and two basins on Whitfield Avenue by Baker Park. The line will need to be jetted. The drainage on Washington Avenue, approximately 1500 feet of pipeline was replaced.

The DPW has begun gathering new trees and will determine where they will be planted.

Trustee Woerner asked the superintendent if he has a master list of drainage problems.

Superintendent Stevenson replied to a degree, he inspects the areas on a regular basis. Washington Avenue has been a problem for years. At one time the residents had to use boats in the streets to get to their houses.

Trustee Woerner would like the Superintendent to make a list of drainage problems in the Village according to priority.

Fire Chief Mazza: A copy of the monthly report is attached. The fire Department has been doing Fire Prevention at Chango and local day care centers.

Code Enforcement: Report that there has been 3 jobs completed and 2 new building permits issued.

Veterans Committee: Trustee DeLorio stated that the committee is looking for someone that can engrave the memorial bricks.

OLD BUSINESS

Hillman Estates: A public hearing is scheduled for October 16 at 6:30 P.M. The Trustees have been provided with draft copy, number 13. Of the PDD legislation. Michael Allen suggested leaving the 8 lots untouched until the Village is ready to use them. Mr. Dailey has agreed to clear the lots and make them ready to use.

Zoning Changes: Trustee DeLorio has provided the Trustees with suggestion on the changes of the zoning laws. This meeting has been rescheduled for October 21 at 6:30.

26 Albany Avenue: Mr. Peterson informed the Village Board that the court schedule has been moved back one week. All the papers for the Village have been filed.

Victorian Landings: Mr. Sheridan, CEO met with Blue Neils, Saratoga County Storm Water Coordinator on Victorian Landings. Yes, there are some major issues at the site. There have not been any workers at the site for at least a couple of weeks. The Village Board discussed the issuing of fines, when the violations and fine begin.

The Code Enforcement Officer can issue tickets.

Trustee DeLorio feels a ticket should be issued, if not repaired in a given number of days a second ticket issued.

Trustee Nellissen asked if the SWPPS reports are up to date.

CEO Erik Rutland will contact Blue Neils concerning the SWPPs reports that appear to be the unchanging week after week.

Trustee Woerner commented that she would like to see a written procedure listing the duties and who is responsible for issues like who is responsible for the inspections, who issues violations, who issued tickets.

The Code Enforcement Officers will produce a standard of procedures and identify Blue Neils in the process.

There was discussion about the heavy rain storm that caused all the heavy runoff. What caused this problem there was a huge problem on Bangs Avenue.

Purchase of Property: Two more Village residents have notified the Village that they would rather see the drainage improvements made than purchase the Roerig property.

Trustee DeLorio stated that he is not in favor of using parkland funds to purchase the property.

Mr. Sheridan informed the Village Board that he had a call from a developer who wanted to build 66 apartments on the property

CP Water: Mayor Sacks, Superintendent Stevenson and Village Attorney, Thomas Peterson attended a meeting with the Department of Health. DOH had wanted the correction to the water issue made by July 2014. Mayor Sacks has requested a hearing. When the village received the water from CPWA it is already in violation. CPWA will be making improvement to the system. The Village can agree to stipulations that will extend the corrections to the Village water system until December 31, 2014 provided the Village submits progress reports every six months.

Trustee Woerner stated that Saratoga County Water Authority should be taking steps to correct these problems. They are the supplies of the water to CPWA and then to the village.

Trustee Nellissen commented that CPWA is also getting water that is in violation from SCWA. We want CPWA to join the village against the water authority.

Superintendent Stevenson stated that the County is putting in a discharge pipe that puts water back in to the river.

Discussion continued.

Mr. Peterson stated the CPWA is on board with the Village concerning the water quality.

RESOLUTION # 63 OF 2013

BE IT RESOLVED that the Round Lake Village Board of Trustees authorizes Mayor Dixie Lee Sacks to sign and return the State of New York Department of Health Administrative Tribunal Stipulation.

RESOLVED by Trustee DeLorio, SECONDED by Trustee Woerner.

Trustee Nellissen – aye
Trustee Woerner – aye
Mayor Sacks – aye.

Trustee DeLorio.-abstain
Trustee Bergin – absent

MOTION APPROVED

Sale of 2003 DPW Truck: The Village Board will open bids for the truck at the October 16 meeting.

NEW BUSINESS

Amy Furbeck: Morris Strass is present to speak to the Village Board concerning the construction of a garage over a Village drain. Mr. Strass stated that he has reached an agreement with the Village Attorney. Ms. Furbeck was issued a building permit for a two car garage; unknown to her there was being a storm drain under the structure.

Ms. Furbeck will reroute the drain, papers were submitted to the village engineer, and she will give an easement to the Village. She is asking to be able to go forth with the construction of the garage. They would like to pour the concrete surface and proceed with the framing.

Mayor Sacks asked if they proceed with the construction what happens if there is a problem with rerouting of the drain.

Trustee Nellissen commented that he would agree that it's okay to proceed but the Village Board needs to see the plans.

Superintendent Stevenson commented that if the contractor had contacted DIG they would have located the drain before they began digging for the footings.

RESOLUTION # 64 OF 2013

BE IT RESOLVED that the Round Lake Village Board of Trustees agrees and approved the relocation of a Village drain on property currently owned by Amy Furbeck, 7 Ames Avenue with the following conditions: 1) plans from the Village engineer, 2) approval of the Village Superintendent, 3) an easement for the Village, 4) in a form approved by the Village Attorney.

RESOLVED by Trustee DeLorio, **SECONDED** by Trustee Nellissen.

Trustee Nellissen – aye
Trustee Woerner – aye
Mayor Sacks – aye.

Trustee DeLorio.-abstain
Trustee Bergin – absent

MOTION APPROVED

Use of Community Room by WRLIS: WRLIS is requesting the use of the Community Room on Saturday, October 5, 2013.

MOTION by Trustee Nellissen to approve the use of the Community Room by WRLIS for a membership coffee hour, Saturday, October 5, 2013 from 9 AM to 11 AM, **SECONDED** by Trustee DeLorio.

MOTION APPROVED.

Parking Person: Renee Ludwiczak has applied for the position of Parking CEO. The position is for a maximum of 6 hours per week, at different times, for \$10.00 per hour. There will be a 6 month probation period. Ms. Ludwiczak will be invited to the next Board of Trustees meeting, the Board would like to meet her.

CORRESPONDENCE: Nothing for this meeting.

APPROVAL OF MINUTES

MOTION by Trustee Nellissen to approve the minutes of the August 21, 2013 Village Board of Trustees meetings as presented, **SECONDED** by Trustee Woerner.

Trustee Nellissen – aye
Trustee Woerner – aye

Trustee DeLorio.-abstain
Trustee Bergin – absent

Mayor Sacks – aye.

MOTION APPROVED

MOTION by Trustee Nellissen to approve the minutes of the September 4, 2013 Village Board of Trustee meeting as presented, SECONDED by Trustee Woerner.

Trustee Nellissen – aye

Trustee Woerner – aye

Mayor Sacks – aye.

Trustee DeLorio - abstain

Trustee Bergin – absent

MOTION APPROVED

VILLAGE MAYOR: The Mayor presented the Trustees with trial balances for June and July.

VILLAGE TRUSTEES

Trustee DeLorio: informed the Village Board that he has had 2 complaints on Quick Response trucks not stopping at the stop signs. A call will be made to Quick Response.

Trustee Woerner: asked if the Village is applying for the Globalfoundries/Town of Malta grant this year. Trustee Woerner stated that the Globalfoundries/Town of Malta Grant has more funding available than originally thought. The Village may want to increase our request for funding.

PUBLIC COMMENT PERIOD: There was no one wishing to address the Board of Trustees at this time.

Village Attorney: Mr. Peterson commented that the Village Board has discussed an issue that is unclear how they can do what they want to do. Mayor Sacks has been doing the duties of the Treasurer, which has nothing to do with the responsibilities of the Mayor. Mr. Peterson presented a resolution to the Village Board. Mayor Sacks left the meeting at the beginning of this discussion.

RESOLUTION # 65 OF 2013

WHEREAS the Village of Round Lake has been deprived of its Treasurer due to illness from mid-June, 2013 to date, leaving the Village unable to pay its bills or payroll; and

WHEREAS Dixie Lee Sacks has taken over the duties of Treasurer for the period June 17, 2013 to date; and

WHEREAS such duties are not duties for which she is compensated in whole or in part in her position as Mayor for the Village, but were and are entirely distinct; and

WHEREAS the Board of Trustees of the Village of Round Lake finds that an actual benefit has been conferred on the Village of Round Lake as a result of the Treasurer services provided by Dixie Lee Sacks; and

WHEREAS the Board of Trustees of the Village of Round Lake finds that there exists an obligation on the part of the Village to pay for the rendering of such services which would be recognized, and with real desire to act fair and equitable without compulsion of law; and

WHEREAS the Village has consulted with the NYS conference of Mayors regarding retroactive compensation for such services and has further been guided by *Rochester v. Chiarella, 98 A.D.2d 8, 11 (4th Dept. 1983), aff'd, 63 NY2d 857 (1984)* and mindful of the structures of NYS Town Law 4-412 2.(3): now, therefore, it is

RESOLVED that Dixie Lee Sacks be paid \$5,000 for the period June 17, 2013 to September 30, 2013 and at a rate of \$1,500 per month from October 1, 2013 forward until such time as the village Treasurer returns to her regular full-time duties or until October 15, 2013 whichever occurs first and a temporary Treasurer will be hired by November 1, 2013.

RESOLVED by Trustee Nellissen, SECONDED by Trustee Woerner.

Trustee Nellissen – aye
Trustee Woerner – aye

Trustee DeLorio – aye
Trustee Bergin – absent

Mayor Sacks – absent.

RESOLUTION ADOPTED

ADJOURN MEETING

MOTION by Trustee Nellissen to adjourn the meeting at 9:39 P.M.

MEETING ADJOURNED.

Respectfully submitted,

Lois J. Whitbeck

Village Clerk