

ROUND LAKE VILLAGE BOARD OF TRUSTEE MEETING HELD JUNE 4, 2014.

PRESENT: Trustee Christopher Nellissen Trustee Dominick DeLorio
Trustee Caroline Woerner Trustee Thomas Bergin
Mayor Dixie Lee Sacks

Also Present: Heidi Finkle Jeff Finkle
Stephen Sabella Cindy Sabia
Thomas Peterson, Attorney Sharyn Marchione
Sandy Finkle Joy Wolf
Ken Rawley Michael Allen
Linda Peterson Diana Marchand
June Barker Michael Roets
John Stevenson Christine Van Patten
Stephen Luse

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

The pledge of allegiance was recited.

Jason Preisner, Lamont Engineers, presented a plan for the drainage problems in Rowe Park. The plan is to install five (5) catch basins within the park to collect the water and bring the drainage down to the Lake Avenue drain. A small drain could be run along Lake Avenue into the park. This could be done in pieces over the next few years. A small retention pond could be built in South Park.

Trustee Woerner commented that they will put in catch basins which will work like storm drains. How will they look? Will they be sticking up out of the ground?

Mr. Preisner replied that the catch basins would be at ground level and green colored; it would be surrounded by green grass. Only the grates will be visible.

Trustee DeLorio asked about funding for this drainage project? Has there been any funding approved?

Mr. Preisner replied that a grant for funding was submitted to several agencies; perhaps a grant from NYSDEC will be successful.

Mayor Sacks informed the Village Board that Superintendent Stevenson received a quote for the installation of 4 catch basins of \$14,000. There are water & sewer lines and a natural gas line that cross the park.

Mr. Preisner commented that the lines are 12-15" in diameter and have 1 foot of cover over the pipes. The driveway is the highest area to deal with.

Trustee Woerner asked if we could level the "driveway?"

Mr. Preisner replied yes, the Village could put in a larger drain. He and the superintendent have shot grades in this area. The Village could grade the area at Asbury Avenue and across Round Lake Road.

Discussion continued about the drain and how they would look and work continued.

Mayor Sacks stated that for 30 years there have been drainage issues on Washington Avenue South, for years. Something needs to be done about this problem now.

Mr. Preisner commented that he is aware of the problem. The existing line runs parallel to the Zim Smith Trail. Discussion continued and the Village Board reviewed the map where the line could be continued.

Trustee DeLorio asked if the residents along Rowe Park could be allowed to connect their sump pumps in the drain line.

Mr. Preisner replied yes, in the future even more drains could be connected to the drain line. Mayor Sacks commented that these drains would have to be installed at the owner expense.

Michael Allen is here to make the Village Board of Trustees of Trustees and Village residents aware that the Town of Malta is looking at changing the Town zoning for the area north of the Village. The area includes along Route 67 towards the Town of Stillwater, North to Black Smith Drive all along Route 9. There is a lot of interest in commercial development, open space and residential development. The Town is interested in knowing what residents would like to see happen. The Next meeting is June 11, Malta Town Hall at 6:30. Mr. Allen will have more information later on.

PUBLIC COMMENT PERIOD

Ms. Finkle stated that there is still no reply from her November 25, 2013 letter concerning the neighbor's chickens, pool, shed and truck.

CEO Sheridan replied that there was a report on her complaint. The truck is registered, the sheds are less than 144 square feet and the chickens will be removed. The CEO received a complaint about a truck that was being dismantled. The first day, the tools were put away, the second day, they continued to work, on the third day they said that the truck was worth more money than the ticket they would receive and kept working.

By the next meeting Trustee DeLorio wants to have a date for the removal of the chickens.

Jeff Finkle stated that when he was Code Enforcement, pools have to meet setbacks.

Mayor Sacks replied that set backs are required for in ground pools, not above ground pools.

Mr. Sheridan and Mr. Peterson sent a letter to Mr. Rock concerning the condition of his property on 4 Ames Avenue.

Ken Rawley is interested in holding a movement class in the Auditorium or in the Community Room. The members are willing to sign a document for a release of an injury.

Trustee DeLorio commented that for the use of the Auditorium they are required to have insurance and sign a hold harmless agreement.

Trustee Woerner commented that WRLIS holds their monthly meetings in the Community Room. Maybe they could get WRLIS to sponsor the classes.

Trustee Bergin commented that his wife held yoga classes in the Village Park.

Trustee Nellissen commented that the use of the room is subject to other uses planned for the room.

It was suggested that Mr. Rawley talk to WRLIS about the movement classes.

Mr. Rawley commented that there is a group of people that are interested in having a Labyrinth in School House Park. The Labyrinth would be flat, 45 feet square and would be stable with flat pavers at ground level.

Trustee Nellissen is somewhat concerned about the placement, it could be constructed in School House Park or Scott Park.

Trustee DeLorio asked what you do in a Labyrinth.

Mr. Rawley replied that it's similar to a maze, you would be surprised at how many there are.

Trustee Woerner asked who is going to pay for the pavers.

Trustee Bergin stated that the Village Board needs to see a plan.

Linda Peterson stated that there are a lot of small stones and tar along the edge of Andrews Avenue. A lot of the small stones and some of the tar ends up in her house. Could the superintendent take a look at the street to see if anything can be done with the stones.

Ms. Peterson commented that she has a lot of seedlings on her property that she would love to plant around the Village.

Jeff Max has discussed the valves in the water system that are failing. Has anyone had an opportunity to locate the bid packet?

Mayor Sacks suggested that Mr. Max met with the Superintendent to look at the valves.

Mr. Max commented that he has offered to review the plans for the Village.

REPORTS

Superintendent Stevenson: Everything has been good with the water. The Superintendent checked into the approximate cost of \$2,500 for replacing just the bolts in the water system. Everything is good with the Sewer system. The 1990 Wood chipper radiator and fuel lines have been repaired.

The tents and chairs have been taken down and put away.

At the Lake front, they have been picking up garbage and weedwacking along the Lake.

Mayor Sacks reminded the superintendent that the tents and tables go up again for June 20.

Trustee Woerner asked when the Village has to do the next water test.

The superintendent replied that he believed it is in August.

Mayor Sacks asked if we are back on Saratoga County Water.

Superintendent Stevenson replied that he is not sure; it could be that we are getting a mix from both systems. The County has added more filters to their system.

Animal Control Officer: There has not been any complaint received.

Fire Chief Mazza: The Fire Chief stated that there were 32 alarms last month, all outside of the Village.

Chief Mazza informed the Village Board that he received a call from fire control asking him to check on a bonfire on New York Avenue. The Fire Chief requested a police patrol to accompany him. When he went to the site, it was a neighbor on the other side of the street who had a small campfire for roasting marshmallows.

The shared station floors have been poured and they are closing in the building.

Eric Sievers would like to use the auditorium on June 24 at 7 to 9 P.M. for a class graduation.

MOTION by Trustee Bergin to approve the use of the Auditorium for a fire class graduation on June 24, 2014 from 7 to 9 P.M., **SECONDED** by Trustee Woerner.

MOTION APPROVED

The Fire Chief's Show is next week. Fire Chief Mazza is requesting funds for the upcoming Fire Chief's Show in Syracuse.

Resolution # 43 OF 2014

BE IT RESOLVED that the Round Lake Village Board of Trustees approve \$500 for rooms, foods and etc. at the Fire Chief's Show,

BE IT ALSO RESOLVED that the Round Lake Village Board of Trustees approves the expenditure of up to \$10,000 at the Annual New York State Fire Chief's Show in June.

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

Trustee Nellissen – nay	Trustee DeLorio – aye
Trustee Woerner – nay	Trustee Bergin – aye
Mayor Sacks – aye	

RESOLUTION ADOPTED

The Fire Truck will be at the Night of Illumination on June 21 at 8 P.M.

Veterans Committee: Mayor Sacks commented that she has received a lot of comments on the Memorial Day Service. Everyone is looking forward to next years' event.

Trustee DeLorio commented that there were a lot of Village residents that attended.

OLD BUSINESS

Zoning Revisions: A public hearing is scheduled for June 18 at 6:45 P.M.

26 Albany Avenue: Mr. Peterson met with the court; Mr. Blair's Attorney indicated that there is an agreement with the neighbors. Hold for executive session.

Victorian Landings: The Village of Round Lake has received a letter from Farone/Amedore, LLC stating that they must demand that the Village reaffirm its original approval to connect to the water system before the water tower. Hold for executive session.

Village Drainage: This issue has already been discussed.

Open Burning Law: Copies of the Open Burning Law has been provided for the Village Board. The Board reviewed the proposed law; there are changes that need to be made. Trustee DeLorio and Village Attorney Peterson will work on a revision of the draft law. It was suggested that DEC may have rules and regulations already in place.

OLD BUSINESS

Request for Easement (Sana Muir): Sana Muir is requesting an easement or the sale of Village property on the Andrews Avenue side of her property. Ms. Muir wants to put an addition and update the rear of her house. Ms. Muir has been to the May Zoning Board of Appeals requesting a variance for an 18-24' for the rear of the house. Ms. Muir is also willing to purchase the strip of village property along Andrews Avenue. The ZBA did not grant a variance to Ms. Muir; it was suggested by the ZBA that she requests an easement or to purchase a small section of Village property.

Trustee Nellissen asked if the property that is being requested is a paper street. It is not a paper street.

Ms. Muir and the Village Board reviewed a copy of her survey. Is this survey correct?

Trustee DeLorio feels that the Village Board should walk over to see the property.

The policy for the sale of village property was reviewed by the Board. The Village board will finish the meeting then go look at the Muir property.

Executive session for a personnel issue: Hold for executive session.

CORRESPONDENCE

A thank you note was received from Alzheimer's Association for a donation from the Village Board in memory of Mary Hesson.

APPROVAL OF MINUTES

MOTION by Trustee Nellissen to approve the minutes of the May 7, 2014 Village Board meeting as corrected, SECONDEED by Trustee Bergin.

UNANIMOUSLY APPROVED

MOTION by Trustee Nellissen to approve the minutes of May 21, 2014 Village Board meeting as corrected, SECONDED by Trustee Bergin.

UNANIMOUSLY APPROVED

VILLAGE ATTORNEY: Mike Harrington, Lamont Engineering, informed Mr. Peterson that NY State has amended the Procurement Policy by increasing the amount for public works contracts FROM \$20,000 TO \$35,000.

RESOLUTION # 44 OF 2014

WHEREAS the Village Board of Trustees have adopted a Procurement Policy for the Village of Round Lake: therefore,

BE IT RESOLVED that the Village Board of Trustees amend said Procurement Policy, **Guideline 3,(b) public works contracts over \$20,000 be increased to \$35,000 shall be formally bid pursuant to General Municipal Law, Section 102.**

RESOLVED by Trustee DeLorio, SECONDED by Trustee Woerner.

Discussion followed:

- ◆ Trustee Woerner commented that it makes her nervous that the amount was raised so high.
- ◆ Trustee DeLorio commented that the Village still has the flexibility on the amount of money that is used.
- ◆ More discussion continued.

Trustee Nellissen – nay	Trustee DeLorio – aye
Trustee Woerner – nay	Trustee Bergin – aye
Mayor Sacks – aye	

RESOLUTION ADOPTED

VILLAGE MAYOR

VILLAGE TRUSTEE

Trustee DeLorio commented that the Engineer suggested adding fill to the low areas of the park. Superintendent Stevenson replied that it depends on the area, we have to be careful, and you can't just put in fill.

Trustee DeLorio commented that the engineer suggested grading the park then adding the sand.

Trustee DeLorio asked about the sale of the Roerig Property. Has the property sold, if so does the Village need to rescind this offer?

Mr. Peterson stated that the Village was told that the contractor had not finalized the sale at the time the Village voted on the offer. Mr. Peterson believes that the property has sold.

Trustee Woerner attended the Saratoga County Framework for Success meeting. There was discussion about Exit 11A Transportation Study. There will be a grant written to National Grid for funding. Some discussion continued.

PUBLIC COMMENT PERIOD

Christine Van Patten asked if Farone & Amedore have permission to use Bangs Avenue. There is always someone going up and down the street.

The Superintendent responded that the contractors usually use the front entrance on Round Lake Road.

The Village Board continued their discussion concerning the request for an easement for Sana Muir. Trustee DeLorio suggested the Village Board grant an easement to allow Ms. Muir the use of Village property. The village Board would have time to look at the property. Ms. Muir would be responsible for the filing fee and the cost for the Attorney fees.

RESOLUTION # 45 OF 2014

WHEREAS Sana Muir has made a request of the Village Board of Trustees of the Village of Round Lake for purchase of an easement for an approximately 9" triangle of land located under her existing home; and

WHEREAS the land in question is not proximate to any Village Street or Road and will not interfere with existing or foreseeable future public transportation; and

WHEREAS the Village Board wishes to accommodate the request but also to provide a small buffer; now, therefore, it is

RESOLVED that the Village Board of Trustees approves the sale for \$10 of a revocable easement for a triangle of land approximately 9" on each side located between the existing lands of Sana Muir (intersection of Lake and Andrews Avenues) and Andrews Avenue, as set forth on the annexed survey map, together with an additional 30 " of land extending from each side of said triangle and the Village Mayor is authorized and directed to execute all paperwork necessary to effectuate such sale of easement.

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

Trustee Bergin asked how this affects our issue with 26 Albany Avenue.

Trustee DeLorio responded that the house at 26 Albany Avenue goes out into the Street.

Trustee Nellissen – aye
Trustee Woerner – aye

Trustee DeLorio - aye
Trustee Bergin – aye

RESOLUTION ADOPTED

MOTION by Trustee Nellissen to go into executive session to discuss possible litigation and a personnel issue, **SECONDED** by Trustee DeLorio.

UNANIMOUSLY APPROVED

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

UNANIMOUSLY APPROVED

Authorize Declaratory Judgment Action:

RESOLUTION # 46 OF 2014

WHEREAS the Village Board of Trustees of the Village of Round Lake has notified Farone-Amedore, LLC that it must change the previously approved site for connection to the Village water supply due to water contamination issues; and

WHEREAS Farone-Amedore, LLC had stated its willingness to “work with the Village “regarding this issue, most recently at a Village Board meeting speaking through its legal counsel; and

WHEREAS the Village has just received written notice from Farone-Amedore, LLC through its legal counsel “demand[ing] that the Board reaffirm its original approval to connect to the water system”; and

WHEREAS the Board of Trustees has been advised by counsel that the law is not clear regarding whether the Village may rescind its previous approval to connect to the Village water system at a particular point in light of health concerns; and

WHEREAS that Village does not wish to require Farone-Amedore, LLC to change the location of its water connection site in contravention of law, or to cause Farone-Amedore, LLC to incur damages by doing so or through delay caused by the pendency of this issue; now, therefore, it is

RESOLVED that the Village attorney is authorized and directed to commence a declaratory judgment action forthwith to seek the Supreme Court’s determination of the rights and liabilities of the parties through this firm, Peterson & Thomas, P.C. at an hourly rate of \$250 per hour.

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

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

Trustee DeLorio - aye
Trustee Bergin – aye

RESOLUTION ADOPTED

MOTION by Trustee Bergin to adjourn the meeting at 9:30 P.M.

MEETING ADJOURNED

Respectfully submitted,

Lois J. Whitbeck, Village Clerk

