Village of Valatie

 Board of Trustees

August 19, 2014

**FINAL**

**Members Present** **Audience Present**

Mayor Diane Argyle 7 residents

Trustee Frank Bevens, Dpty. Mayor Register Star Reporter

Trustee Philip Bickerton Dan Rourke, Delaware Engineering

Trustee Angelo Nero

Trustee David Williams

Walt Simonsmeier, Building Inspector

Courtney Elliott, Esq.

Mayor Diane Argyle opened the meeting at 7:00 pm with the Pledge of Allegiance to the Flag. The continuation of the Public Hearing for Local Law #1 was reopened by Mayor Argyle at 7:01 pm. The Clerk read the public notice from the paper and the Mayor asked for public comments.

Trustee Bevens commented that he was ok with the fines for Section 9-B but did not agree with the amount and stated that the fine should not be the tenants’ responsibility.

Gary Strevell asked who would enforce this and how would the Village collect these fines?

Trustee Nero agreed that this should not be the tenants’ responsibility, only the landlords and commented that that should be removed from the law.

The Board requested that the Village Attorney look over the changes and continue the Public Hearing at the September meeting. There were no more comments from the audience.

The Mayor closed the Public Hearing #1 at 7:05 pm for continuation at the September 9, 2014 meeting.

Mayor Argyle opened the Public Hearing for Local Law #2 at 7:06 pm with Public Comments.

Gary Strevell stated he had some objections to the wording of the law. He commented that this was an RII District- residential. He stated that it was misquoted in the Register Star on November 27, 2013 regarding making the Law comply with Main Street District 1. He asked the Board to look at the restrictions and commented that the section be made more clearly to read “may” instead of shall. Mr. Strevell provided the Board with a copy of Local Law #1 for the year 2008 amending Chapter XII of the Village Code entitled “Main Street Business District”. Mayor Argyle commented that she felt the Village Attorneys intent was to make this optional for building owners to either have a business or a residence on Main Street.

Randall Schmit commented that he felt it should be up to the building owner whether they want a residence or business on Main Street. He does not feel that it should be mandatory in any way. He does not want to see a “red light” district.

Trustee Bickerton stated that Attorney Fitzsimmons should get together with Walt Simonsmeier and Habitat for Humanity to review further and discuss this at the September meeting.

Kirk Kneller thanked the Board for their time in this matter and commented that he hoped the Board will straighten this out soon.

Mayor Argyle closed the Public Hearing for continuation at the September 9th Board meeting at 7:28 pm and referred these comments to the attorney for further review.

The Board convened the regular Board meeting at 7:00 pm and opened the meeting with Public Comments.

Gary Strevell questioned the Board on whether a resolution was passed to raise the water rates and if a resolution was also passed in the Town? Mayor Argyle commented that there were workshops held regarding the raising of the rates and the Town was notified of the rate increase through the Village liason to the Town Board.

Kevin Lee Jacobs inquired about an abandoned house on the corner of Williams Street and the DeKirk Apartments that had a lot of garbage in the yard. He asked why things had been allowed to get so bad there. He mentioned that he did speak to Walt regarding this situation.

Mayor Argyle stated that a summons has been given to the property owner and explained that the case cannot be heard in the Town Court because of a conflict of interest. Mr. Simonsmeier’s wife is a sitting Town Board member therefore the case must be moved to another court since the Village no longer has a court. Mr. Strevell commented that in the meantime the Village can always bill the homeowner to have the garbage removed and put this on their taxes if they do not comply.

Trustee Williams commented that the real problem is that the Village no longer has it’s own court to prosecute landlords. We now have to find another court to deal with these cases. Trying to get enforcement has been a big problem.

Randall Schmit commented that if the Village cleans up the mess, the landlord will just do it again. Until there are enough people who want a clean Village, it will continue.

The **Theater** Director gave his report because he could not stay;

* There were two youth productions, one from the high school and the other younger students- the kids got a lot out of this.
* Rory Block will be performing on September 27th
* Getting insulation on the walls of the theater
* The trailer will be moved to the sewer plant after shale removal
* There will be a show the first Saturday in September
* The Air conditioner will be worked on once the fence is repaired- Mayor Argyle stated that insurance may cover the vandalism to the air conditioner

**Delaware Engineering**- Dan Rourke

* There is an amendment to the engineering report stating what is being done with the screen
* There have been emails from Jamie Malcolm from DEC- waiting for approval
* The work schedule is going to be pushed out another month but we will still be on schedule for the deadline of May/June 2015
* Design finalization

**Water**-

* The Mayor met with the State and the County- there doesn’t seem to be effluent therefore not enough water capacity. The State is therefore forcing the Village to do a filtration plant.
* Dan Rourke commented that Delaware Engineering is fighting this decision- the State believes that an additional well will not be enough.

Resolution # 30 was made by Trustee Williams to approve the minutes of the July Board of Trustees meeting. Trustee Nero seconded the motion. Roll Call- Tr. Bevens- abstained, he did not attend the July meeting, Tr. Bickerton- yes, Tr. Nero- yes, Tr. Williams- yes. Motion carried.

Resolution #31 was made by Trustee Williams to pay claims # 2014-03-84 to2014-03-130, Seconded by Trustee Bickerton. Roll Call- Tr. Bevens- yes, Tr. Bickerton- yes, Tr. Nero- yes, Tr. Williams- yes, carried.

**Old Business**-

**Fire Department Report**- Contract for another Engineer?

Trustee Bevens reported that there is no sub base under the fire house floor. The floor has sunk around 2-3 inches and there are concerns regarding the walls cracking. The Village Engineer suggested that the floor be fixed and the walls be patched and this may take care of the problem. It was decided at the June meeting that the area along the outside wall be dug up to the footings to see if the problem could be seen. Pictures of the cracks in the wall have been taken. They don’t believe anything should be done with the floor until another opinion is sought. It was suggested that the Board seek the opinion of Engineer Ryan Biggs. Mayor Argyle stated that a representative from Weston and Sampson, another engineering firm, visited her and she gave copies of their brochure to each Board member for review.

Resolution #32 was made by Trustee Williams to seek another opinion from Ryan Biggs and Weston and Sampson Engineering firms. Seconded by Trustee Bevens, all in favor, motion carried. Roll call- Tr. Bevens- yes, Tr. Bickerton- yes, Tr. Nero- yes, Tr. Williams- yes.

**Parks-Callan Park**-

* Mayor Argyle did not speak to Deputy Louis Bray but people have been arrested for vandalism. The mulch will need to be re-done possibly in October.
* Volunteer help is needed for an Eagle Scout project to repair the roof of the gazebo
* Flag pole also needs to be painted
* Pachaquack park – posts need to be re-painted, people are driving through the woods. May have to close the gates at both entrance/exits. Gary Strevell commented that Highway Superintendent John Ruchel was instrumental I acquiring BIG rocks but he did not remember the cost.
* Mayor Argyle reported the status of vandalism at Callan Park- Two people had been arrested. A female will be doing 10 hours of community service and make monetary restitution. A male went to probation. Because of the income status of his parents, the Village was told that he will not be making any monetary restitution. Tr. Bevens stated that the Board is not happy with this decision and he will write a letter to probation regarding this stating that it is not fair to the other residents of the village to have to “foot” the bill for the damage.

**Water/Sewer**- The State and County Inspection went very well, the results are on file in the clerk’s office. The Board is contemplating changing the billing period date to the beginning of the month instead of the middle. The Clerk read comment from an attorney from NYCOM stating they know of no reason why the Village cannot change the date of the billing as long as the timing works for the Villages cash flow needs and that customers are given advance notice of the change.

**VERA**

* There will be an Artisan Fair on October 18th from 11:00 am – 4:00 or 5:00 pm–Mayor Argyle, Lee Sharp and Village Historian Dominic Lizzi will have a picture display in the MHG gymnasium.

**Landscape**-

* Tru Green gave a quote to spray weeds on Main Street and other locations needed at a cost of $1200.
* A Committee of Phil Bickerton, Dave Williams and Randall Schmitt was formed to research what to do with the trees on Main Street- replace or cut down?

Resolution #33 was made by Trustee Bevens to allow True Green to spray the weeds on Main Street and other locations at a cost of $1200. Trustee Bickerton seconded the motion, carried. Roll call- Tr. Bevens- yes, Tr. Bickerton- yes, Tr. Nero- yes, Tr. Williams- yes, motion carried.

**Clerk Office update**-

* Off abstract payment authorization- The Clerk asked the Board to grant permission to pay bills such as the electric, phone, health insurance, fuel bills and postage meter before the regular Board meeting due to the fact that these bills must be paid before the regular meeting in order to avoid late fees. Al l vouchers will still be presented for signature at the regular Board of Trustees meetings.
* Request for permission to receive quotes for programs from Business Automation Systems (BAS) for a tax billing program that Columbia County Real Property uses and a utility billing program as well.
* The clerk’s office has begun a discounted program with Staples called Staples Advantage so that items needed by all departments may be purchased at a lower cost.
* The credit card machine should be up and running soon. Waiting on paperwork.

Resolution # 34 was made by Trustee Williams to allow the clerk to pay claims “Off abstract” and to obtain quotes from BAS. Seconded by Trustee Bevens, motion carried. Roll call- Tr. Bevens- yes, Tr. Bickerton- yes, Tr. Nero-yes, Tr. Williams-yes, motion carried.

Resolution #35 was made by Trustee Bickerton to approve the use of the Martin H. Glynn building to various organizations on specific dates. All applications are on file in the clerk’s office. Trustee Bevens seconded the motion, carried. Roll Call- Tr. Bevens- yes, Tr. Bickerton- yes, Tr. Nero- yes, Tr. Williams- yes, motion carried.

**Mayor Report**-

* Residents have asked for forgiveness of penalties on their water/sewer bills for various reasons. Most had not been receiving their bills for at least a couple of quarters and felt they should not have to pay a penalty. It was noted that part of the responsibility does lay with the homeowner. One customer purchased their home in December of 2012 and stated they had never received a bill until this July billing.

Resolution #36 was made by Trustee Bickerton to forgive penalties on homeowners’ bills who had asked for forgiveness. The homeowner who purchased their home in 2012 should be granted only half of the penalty forgiveness and were advised to be placed on a payment plan. Trustee Bevens seconded the motion carried. Trustee Williams had reservations regarding this, Trustee Nero objected to all. Roll Call- Tr. Bevens- yes, Tr. Bickerton- yes, Tr. Nero-no. Tr. Williams-yes. Motion carried.

Mayor Argyle stated that another homeowner was found out to have turned on their water without a meter being in place. The bill was going to the wrong homeowner for at least two years. The water department had turned off the water to the home because it was thought that no one was living there. The water is still off as of this date. Plumbing needs to be put in for a meter. Unit charges had been paid as of this date. The Board could prosecute for theft of services if they choose to according to Village Code. Corrections are being made by the homeowner now.

**Correspondence**-

Trustee Bevens read a letter from a concerned citizen regarding drivers not obeying the law concerning crosswalks in the Village. Trustee Bevens commented that he spoke to the State DOT and he has been instructed to send a letter to Poughkeepsie offices requesting crosswalk signs. Mayor Argyle commented that the Village has been turned down before for this signage.

Resolution # 37 was made by Trustee Bickerton to go in to executive session at 9:04 pm, seconded by Trustee Bevens. Roll call- Tr. Bickerton- yes, Tr. Bevens- yes, Tr. Nero-yes, Tr. Williams- yes, motion carried.

Resolution # 38 was made by Trustee Bevens to come out of executive session at 9:34pm, seconded by Trustee Williams. All in favor, motion carried.

Resolution # 39 was made by Trustee Bevens to allow Thomas Puchner to research restoring the Village Court. Trustee Williams seconded the motion, motion carried. Roll Call- Tr. Bevens- yes, Tr. Bickerton-yes, Tr. Nero- yes, Tr. Williams-yes, motion carried unanimously.

Mayor Argyle will attend a meeting on September 12th with Columbia County to discuss a filtration plant.

With no further business to discuss,

Resolution #40 was made by Trustee Bickerton to adjourn the meeting at 9:39 pm, seconded by Trustee Nero, all in favor, motion carried.

Respectfully submitted,

Barbara A Fischer

Village Clerk