

PRESENT: Mayor Smith; Trustees Austin & Armstrong; Attorney Erika Sellar Ryan; Chief Ernest Bassett; Mark Lebowitz; Matt Saari; Pete Ruby; Katie Ross; Derrick Morin; Garry Bowen; Robert Putorti, Jr.

Mark Lebowitz, an Attorney representing Pete Ruby, stated that Mr. Ruby purchased property on Poultney Street opposite Village owned property and Mr. Ruby's deed states that he has rights to spring water on the Village owned property. Mr. Ruby would like access to this site owned by the Village to test if the water is drinkable. Garry Bowen would create a 12' strip with his 14,000 lb. excavator to get access to the site of the spring. Mr. Bowen stated that he is fully insured if any damage it created by this. Mayor Smith asked how much water was required for the testing. Katie Ross stated that 30 bottles ranging from 1 oz. to 1 gallon would be required. Ms. Ross has been given instructions on how to collect the samples and then they would be tested by CMA Environmental LLC. Attorney Sellar Ryan asked who would certify that the samples came from the spring. Mayor Smith stated that the Dept. of Public Works has concerns with equipment going over the Village's 10" waterline. Attorney Sellar Ryan asked if the testing could be done without the use of the excavator. Mayor Smith will talk with DPW Foreman Steven Brock about having someone from the DPW crew onsite if access is granted. Mr. Lebowitz asked if Foreman Brock and Garry Bowen could meet to come up with a plan on how to access the water for testing. Pete Ruby wants permission to have a surveyor access the property. Mayor Smith stated that rights to the spring and title issues need to be satisfied before allowing numerous people access to the property. Attorney Sellar Ryan stated that it was unfair for the Village to bear all the cost to solve this issue and Mr. Ruby needs to provide some proof of his rights to the spring. Mark Lebowitz stated that further access may not be needed if the water tests fail to show that the water is drinkable. Mr. Ruby wants access to the water if it is approved or not and he wants a feasibility study conducted to install a low impact hydro plant. Trustee Austin stated that we need to take this matter one step at a time.

Robert Putorti, Jr. thanked the Village Board for hiring the part-time Court Clerk. She has been very helpful in the courtroom.

Motion made by Trustee Armstrong, seconded by Trustee Austin to approve the minutes of the August 21st meeting, all voting favor, CARRIED

Motion made by Trustee Armstrong, seconded by Trustee Austin to approve the minutes of the September 6th meeting, all voting in favor, CARRIED

LETTERS: NYMIR submitted a subscriber accounting statement covering fiscal year 2017. Charter Communications requested a meeting to discuss the renewal of the franchise agreement which expires on June 28, 2021. Charter Communications sent a letter regarding programming changes. NYS Corrections sent notification that Great Meadow Correctional Facility will be conducting weekly siren tests every Wednesday afternoon beginning in November. Whitehall Volunteer Fire Company submitted a letter regarding the recent meeting with Village and Town officials regarding the investigation of a joint fire district. Whitehall Central School District Homecoming Committee requested permission to conduct the Homecoming Parade on October 5, 2018 and permission for an open burn for the annual Pep Rally bonfire. The executed Indemnification Agreement between the Village and County of Washington regarding Adams Property known as Main Street was received. Champ's Corner Pub and Grill Inc. submitted a request to waive the 30 day notification with regards to their liquor license application for a class change with NYS Liquor Authority. Motion made by Trustee Austin, seconded by Trustee Armstrong to accept and file the correspondence, all voting in favor, CARRIED

Motion made by Trustee Armstrong, seconded by Trustee Austin to approve the request of the Whitehall Central School District Homecoming Committee to have a parade on October 5, 2018 and to allow the open burn for a bonfire, all voting in favor, CARRIED

Motion made by Trustee Austin, seconded by Trustee Armstrong to approve the attached resolution waiving the 30 day notification required by NYS Liquor Authority for Champ's Corner Pub & Grill Inc. liquor license application, all voting in favor, CARRIED

September 18, 2018 Regular Meeting Continued

BILLS: Motion made by Trustee Armstrong, seconded by Trustee Austin to approve payment of the abstract covering claims #175-239 totaling \$812,712.94, all voting in favor, CARRIED

REPORTS: Justice Nichols submitted a report for August. New York Leak Detection, Inc. submitted the Field Report on Leak Detection throughout the Village. Motion made by Trustee Austin, seconded by Trustee Armstrong to accept and file the reports, all voting in favor, CARRIED

APPLICATIONS: Gregory Randus, Scott Reed, Jr. and Phelony West submitted applications for the Dept. of Public Works. Motion made by Trustee Austin, seconded by Trustee Armstrong to accept the applications and to place them on file, all voting in favor, CARRIED

Motion made by Trustee Armstrong, seconded by Trustee Austin to hire Phelony West as a full-time laborer with the Dept. of Public Works, all voting in favor, CARRIED

Motion made by Trustee Austin, seconded by Trustee Armstrong to hire Stephen Herrmann as a full-time laborer with the Dept. of Public Works, all voting in favor, CARRIED

Motion made by Trustee Armstrong, seconded by Trustee Austin to approve the attached resolution approving the voluntary transfer of the Whitehall Housing Authority's Housing Choice Voucher Program to the City of Glens Falls Housing Authority effective January 1, 2019, all voting in favor, CARRIED

Motion made by Mayor Smith, seconded by Trustee Armstrong to authorize joining with Washington County for a records management grant to scan records, all voting in favor, CARRIED

Motion made by Trustee Austin, seconded by Trustee Armstrong to approve payment of \$28,685.49 to Environmental Design Partnership for engineering services on the Sanitary Sewer Rehabilitation and authorize Mayor Smith to sign the payment applications, all voting in favor, CARRIED

Motion made by Trustee Armstrong, seconded by Trustee Austin to approve payment of \$11,600.00 to Galusha & Sons for CCTV work in existing sewer lines and authorize Mayor Smith to sign the payment applications, all voting in favor, CARRIED

Chief Bassett would like to sponsor 3 people to attend the Police Academy which starts in October. The Village would be responsible for the ammunition and uniforms. The cadet would be responsible for the tuition to attend the Academy. Chief Bassett stated that Investigator Hunt is conducting thorough background checks on the potential cadets. If the cadets don't pass the school, the Village does not have to hire them. Mayor Smith stated that by hiring part-time officers it keeps the overtime to a minimum. Motion made by Trustee Armstrong, seconded by Trustee Austin to approve sending 3 people to the Police Academy, all voting in favor, CARRIED

Mayor Smith received a copy of "Bigfoot Times" which is published in California. Village of Whitehall made the issue because we named Bigfoot as the official animal of the Village. It also mentioned the Bigfoot Festival on September 28. Trustee Austin stated that the Sasquatch Festival was good for the Village as it attracts people to come to our community.

Mayor Smith received a report from NYS Environmental Protection Agency regarding the old rail yard property located on Broadway. NYS EPA is working with the owner because the asbestos pipe wrap that was found there is some of the worst that the NYS EPA has seen. The building is now closed up so no one can get into it.

September 18, 2018 Regular Meeting Continued

Zoning Officer Peter Telisky received numerous complaints regarding high grass at 43 Saunders Street. After many attempts to notify the owner of the violation and with no response from the owner, the Dept. of Public Works crew mowed that lawn. Motion made by Trustee Austin, seconded by Trustee Armstrong to bill the owner of 43 Saunders Street a \$250.00 mobilization fee, \$75.00 for equipment use plus the man hours to mow the property, all voting in favor, CARRIED

Mayor Smith attended a meeting in Newburgh. At this meeting it was announced that the Village was awarded \$10,000.00 for a Comprehensive Plan from the Greenway grant. This is a matching grant but the time of the personnel to attend the meetings could be used toward the Village's share of the grant.

Mayor Smith and Trustee Chaplin attended a meeting at the Whitehall Volunteer Fire Company regarding the creation of a Fire District. Whitehall Volunteer Fire Company had an attorney at this meeting who has previously worked on the creation of Fire Districts. Mayor Smith stated that no evidence that the Fire District would benefit the Village was presented and the only assurance was the longevity of the Fire Company. Village taxpayers pay .52/1000 of assessed value and Town taxpayers pay 1.08/1000 of assessed value. A joint Fire District would cost 1.60/1000 of assessed value which would be divided and shared by Village and Town taxpayers at .80/1000 of assessed value. Trustee Armstrong wants control on the amount of money that could be taxed for the Fire District. Mayor Smith stated that the only control the Village and Town would have with the joint Fire District would be the appointment of the Fire District Board and the 2% tax cap.

Mayor Smith reported that only one bid was received for next sewer rehabilitation work. The bid was much higher than the engineer anticipated and more than the awarded grant money. This phase of work included the sewer lines on Route 22 through a swamp, School Street, Saunders Street and Poultney Street. One option would be to omit some of the streets and re-bid the project. Poultney Street alone had a cost of \$100,000.00 for traffic control in the bid that was received. The work on Route 22 through the swamp needs to be done in fall when the water levels are low. There is also a deadline to meet for the CDBG grant funds. Attorney Sellar Ryan stated that if the scope of work is changed significantly the project would have to be re-bid.

Trustee Armstrong reported that Peter Telisky is aggressively pursuing owners to remedy the violations on their properties such as mowing their lawns.

Mayor Smith had a report from Trustee Watson regarding the generator at Pump Station #4. The generator is very old and is not operational. \$6,000.00 has already been spent on this to repair and an additional \$6,000.00 would still be needed. A new generator would cost \$14,462.00. Motion made by Trustee Austin, seconded by Trustee Armstrong to approve the purchase of a new generator for Pump Station #4 at a cost of \$14,462.00, all voting in favor, CARRIED

Mayor Smith reported that it would cost \$1,500.00 to move the fence surrounding the Pump Station on Williams Street off of Eli Schulman's property.

Mayor Smith reported that a controller upgrade is needed at the Water Treatment Plant which would cost \$5,600.00. He also reported that the employees that check the Water Treatment and Wastewater Treatment Plants on the weekends would like to be allowed to work 4 hours each day instead of the 3 hours currently allowed on Saturdays and Sundays. Trustee Austin would like to table this request until a full board is present.

Motion made by Mayor Smith, seconded by Trustee Armstrong to convene into executive session to discuss negotiations with the Part-Time Police Officers Union and potential litigation at 7:25PM, all voting in favor, CARRIED

Motion made by Mayor Smith, seconded by Trustee Austin to adjourn executive session and to reconvene into regular session at 7:50PM, all voting in favor, CARRIED

September 18, 2018 Regular Meeting Continued

Motion made by Mayor Smith, seconded by Trustee Armstrong to retain Whiteman, Osterman & Hanna to be legal counsel in regards to the litigation with Arold Construction Co., all voting in favor, CARRIED

Motion made by Trustee Austin, seconded by Trustee Armstrong to move the fence on Williams Street that is on Eli Schulman property at a cost of \$1,500.00, all voting in favor, CARRIED

Motion made by Mayor Smith, seconded by Trustee Austin to adjourn the meeting at 7:54PM, all voting in favor, CARRIED

Stephanie A. LaChapelle
Clerk-Treasurer