

Local Law No.   1   of 2013 of the Village of Whitehall

A Local Law Superseding and Replacing the Village of Whitehall, Local Law #2 of 1915, titled "Prohibition on Encumbering Sidewalks or Public Streets of the Village of Whitehall".

Be it enacted by the Village Board of Trustees of the Village of Whitehall as follows:

Section 1 – Preamble and Enacting Clause

For the purposes of providing for the safe and orderly use of the public sidewalks and right of ways within the Village of Whitehall by members of the public, the Village Board of the Village of Whitehall, a municipal corporation organized within the County of Washington, State of New York, duly convened in regular session and having duly held a public hearing thereon, does hereby enact this Local Law pursuant to the authority granted under New York State Municipal Home Rule and New York State Village Law Section 6-632.

Section 2 – Title

This Local Law shall be known and cited as the "Prohibition on Encumbering Sidewalks or Public Streets of the Village of Whitehall".

Section 3 – Definitions

The definitions set forth in Article 1 of the Vehicle and Traffic Law of the State of New York, as the same may be amended from time to time, are hereby adopted as applicable to this Local Law.

Section 4 – Prohibition

No person shall encumber the sidewalks or public streets of the Village of Whitehall, unless permission of the Village Board of Trustees, for a period or more than one hour at any one time. This prohibition includes, but is not limited to, the placement of snow, leaves, lawn waste, refuse, garbage, whether bagged or uncontained, or other debris on the sidewalk or street by any person. It shall be the duty of the owner, lessor or occupant of any real property in the Village upon which a sidewalk passes, or that abuts a public street, to maintain such sidewalk or street free of debris or other encumbrances.

Section 5 – Enforcement & Removal by the Village

The duly appointed Code or Zoning Enforcement Officer of the Village of Whitehall shall be charged with enforcement of this Local Law. Notice of violation of this law shall be by first class mail, or personal service, on the owner or occupant of the real property before which the sidewalk or street is encumbered.

Section 6 – Penalties for Violation of the Local Law

Any person committing an offense against the provisions of this Local Law shall be punishable by a fine set by resolution of the Village of Whitehall Board of Trustees, at an amount set for each violation. Each day of the violation shall constitute a separate additional violation, for which a separate fine shall be assessed.

#### Section 7 – Severability

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances. The Village Board of Trustees hereby declares that it would have enacted this Local Law or the remainder thereof had the invalidity of such provision or application thereof been apparent.

#### Section 8 – Effective Date

Provisions of this Chapter become effective immediately upon filing with the Office of the Secretary of State of the State of New York.

PRESENT: Mayor Telisky; Trustees LaChapelle, Sandford and Mohn; Attorney Erika Sellar Ryan; Carol Greenough; Robert Weinfurt; Steven St. Claire; Daniel Mach; Harold Nicholson, Jr.; Hannah Ferguson; Donald Williams

Mayor Telisky asked for a moment of silent prayer for the men and women in the military especially serving in the Middle East during these troubled times.

The public hearing for the proposed changes to Local Law #3 of 1997 titled "Control of Brush, Grass and Weeds in the Village of Whitehall" and Local Law #2 of 1915 titled "Prohibition on Encumbering Sidewalks or Public Streets of the Village of Whitehall". Mayor Telisky and Attorney Sellar Ryan explained the proposed changes. There were no comments from the public regarding the proposed changes. Motion made by Trustee Sandford, seconded by Trustee LaChapelle to close the public hearing at 6:10PM, all voting in favor, CARRIED

Motion made by Trustee LaChapelle, seconded by Trustee Sandford to adopt the changes to Local Law #3 of 1997 titled "Control of Brush, Grass and Weeds in the Village of Whitehall", all voting in favor, CARRIED

Motion made by Trustee Sandford, seconded by Trustee Mohn to adopt Local Law #1 of 2013 which supersedes and replaces Local Law #2 of 1915 titled "Prohibition on Encumbering Sidewalks or Public Streets of the Village of Whitehall", all voting in favor, CARRIED

Motion made by Mayor Telisky, seconded by Trustee Sandford establishing the penalty for violating Local Law #1 of 2013 as \$250/day per violation. Trustee Sandford felt this fine was too high. Motion made by Trustee Sandford, seconded by Trustee Mohn to amend the previous motion and establish the penalty for violating Local Law #1 of 2013 as \$100/day per violation, all voting in favor, CARRIED

Steven St. Claire asked if the Martell property on Poultney Street is back on the tax roll. Mayor Telisky stated that the property is not on the tax roll and that the Village cannot stop any activity at the property or place the property back on the tax roll. The property will be sold and placed back on the tax roll once Dept. of Environmental Conservation has signed off in writing that no future violations will incur regarding the soil contamination that was removed. Attorney Sellar Ryan suggested Mr. St. Claire talk to Town Supervisor George Armstrong as Washington County exempted the property from the tax roll.

Robert Weinfurt has a problem with his neighbor who has graded their driveway behind Mr. Weinfurt's causing drainage to come into his building. Mr. Weinfurt also believes that the property graded was on Village property. Mayor Telisky will have Dept. of Public Works Superintendent Donald Williams investigate the issue.

Harold Nicholson, Jr. was representing CKA Motel which owns Budget Inn. His client is selling the property and is requesting a \$3,220.83 adjustment plus an adjustment of late charges to the Budget Inn's sewer bill portion of his Water/Sewer bills due to a water leak during the period of July 28, 2010 through August 2, 2012. Attorney Sellar Ryan asked why a request for adjustment wasn't done sooner. Mr. Nicholson stated that he ran out of time with filing the confession of judgment that is assessed to this property for non-payment of Water bills. Trustee Sandford asked if the sale is pending. Mr. Nicholson stated that a sale was pending. It was decided that no action would be taken on this matter until further discussion by the Village Board could take place.

Donald Williams reported that the Boardman Street cemetery would be closed at the end of the month. The new fence is in place at the DPW garage and the sand/salt stock pile has been completed. Hydrants will be flushed next week.

Carol Greenough reported that the check for the Historic marker sign has been received. The sign is ordered and should be here by the end of this year.

Motion made by Trustee LaChapelle, seconded by Trustee Mohn to approve the minutes of the October 15<sup>th</sup> and October 29<sup>th</sup> meetings, all voting in favor, CARRIED

LETTERS: Whitehall United Methodist Church sent correspondence regarding the free community Thanksgiving dinner and their need for donations. Whitehall Volunteer Fire Co. sent a copy of correspondence sent to the Town of Whitehall regarding their EMS services. Skene Manor requested an adjustment to the Water/Sewer bill due to a water leak. Farrell Prefontaine requested an adjustment

of sewer charges on his Water/Sewer bill due to a hot water tank leak in his home. Gerald Aunchman requested an adjustment of sewer charges on his Water/Sewer bill due to a leak in his home. Motion made by Trustee Sandford, seconded by Trustee LaChapelle to accept and file the correspondence, all voting in favor, CARRIED

Trustee Sandford stated that the water that goes through a meter including leaks should be paid for by the customer. He also stated that he would be willing to make adjustments to the sewer charges due in part because these customers always pay their bills on time and they fixed the water leaks as soon as they could.

Motion made by Trustee Sandford, seconded by Trustee Mohn to adjust the sewer charge for the Skene Manor to the minimum sewer charge for a total adjustment of \$81.41, all voting in favor, CARRIED

Motion made by Trustee Sandford, seconded by Trustee LaChapelle to adjust the sewer charge for Farrell Prefontaine to the minimum sewer charge for a total adjustment of \$68.01, all voting in favor, CARRIED

Motion made by Trustee LaChapelle, seconded by Trustee Mohn to adjust the sewer charge for Gerald Aunchman to the minimum sewer charge for a total adjustment of \$57.38, all voting in favor, CARRIED

BILLS: Motion made by Trustee LaChapelle, seconded by Trustee Sandford to approve payment of the abstract covering claims #308-375 for a total of \$188,903.21, all voting in favor, CARRIED

REPORTS: Water Treatment Plant reports for August and September were received. October reports were received from the Heritage Area Director, Acting Village Justice and Village Justice. Motion made by Trustee Mohn, seconded by Trustee Sandford to accept and file the reports, all voting in favor, CARRIED

Motion made by Trustee Sandford, seconded by Trustee Mohn to approve the attached resolution authorizing the submittal of an application to Dept. of Environmental Conservation for Water Quality Improvement Program to address storm water issues throughout the Village, all voting in favor, CARRIED

Motion made by Trustee LaChapelle, seconded by Trustee Sandford to authorize Mayor Telisky to sign a temporary license agreement with National Grid as approved by Attorney Sellar Ryan, all voting in favor, CARRIED

Whitehall Volunteer Fire Co. would like Mayor Telisky to sign a memorandum of understanding regarding the fire protection contract agreement between Village of Whitehall/Whitehall Volunteer Fire Co. and Town of Whitehall. Mayor Telisky has a concern with Section IV (part 4) of this agreement which talks about a Fire Protection District. Mayor Telisky doesn't feel that this should be part of an agreement that is mainly for the purpose of funding for the Fire Co. from the Town of Whitehall. Attorney Sellar Ryan recommends signing the memorandum of understanding after striking out Section IV (part 4). Motion made by Trustee Sandford, seconded by Trustee LaChapelle to authorize the Mayor to sign the Memorandum of Understanding with the striking out of Section IV (part 4), all voting in favor, CARRIED

The following bids were submitted for Number 2 fuel oil for the 2013-2014 heating season:

J & D Fuel Co.	-	.245 MOR
Lake Champlain Coal Co.	-	.25 MOR

A discussion took place regarding the fuel bids which states that the bidder will agree to inspect and clean the furnaces and that the furnaces were not cleaned in the last heating season. Donald Williams will get quotes for cleaning and maintaining the furnaces. Motion made by Trustee Mohn, seconded by Trustee Sandford to accept the lowest bid for fuel oil and award it to J & D Fuel Co. at .245 MOR, all voting in favor, CARRIED

Brian Brooks arrived at the meeting at 7:25PM. Mr. Brooks wanted to explain the Memorandum of Understanding. He stated that Section IV (part 4) was only a dialogue tool between the Fire Co., Town and Village to form a fire district. Mayor Telisky informed Mr. Brooks that the Village signed the agreement with Section IV (part 4) crossed out.

November 12, 2013 Regular Meeting Continued

Trustee Mohn reported that she received a quote from Gould's Landscaping to do work in the park for a total price of \$2,500.00. She will revisit this issue in the spring.

Mayor Telisky reported that he attended a meeting with the Village and Town Justices, Supervisor Armstrong, Sergeant LaChapelle and Jim Austin regarding plans for the construction of the new court room and judge's chambers.

Attorney Sellar Ryan stated that a process server was unsuccessful in serving the papers to the Adams family members but will continue to pursue this matter. Attorney Sellar Ryan discussed property violations for the Flint Stone property. Mayor Telisky stated that Charles Friedman is completing the clean-up of the property.

A discussion took place regarding the proposed parking law. Attorney Sellar Ryan discussed amendments to the Zoning Law to include the fence law. She would like to meet and have a workshop on the Zoning Law. Mayor Telisky suggested having the workshop in January.

Motion made by Trustee LaChapelle, seconded by Trustee Mohn to convene into executive session for a specific personnel work history, ongoing litigation and union contract negotiations at 8:27PM, all voting in favor, CARRIED

Motion made by Trustee LaChapelle, seconded by Trustee Sandford to table the request for a sewer adjustment for the Budget Inn until the next meeting for further investigation, all voting in favor, CARRIED

Motion made by Trustee LaChapelle, seconded by Trustee Mohn to adjourn executive session and to reconvene in regular session at 9:10PM, all voting in favor, CARRIED

Motion made by Trustee LaChapelle, seconded by Trustee Mohn to only hold one meeting in December which will be on December 10<sup>th</sup>, all voting in favor, CARRIED

Motion made by Trustee LaChapelle, seconded by Trustee Mohn to appoint Steve Brock as Assistant Public Works Superintendent on Donald Williams recommendation with an \$1.00/hour raise effective immediately, all voting in favor, CARRIED

Motion made by Trustee Sandford, seconded by Trustee LaChapelle to transfer \$30,000.00 from the Village's savings to the Police Department contractual account to replace the funds used for the construction of the new Police Department offices, all voting in favor, CARRIED

Motion made by Trustee Sandford, seconded by Trustee LaChapelle to adjourn the meeting at 9:20PM, all voting in favor, CARRIED

Stephanie A. LaChapelle  
Clerk-Treasurer

**JORDAN & KELLY LLC**  
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12 Circle Ave., Box 220  
North Creek, NY 12853

Please Reply to  
Greenwich Office

November 22, 2013

New York State Department of State  
Division of Corporations, State Records and Uniform Commercial Code  
One Commerce Plaza, 99 Washington Avenue  
Albany, NY 12231-0001

Re: Village of Whitehall/Local Law Filing

To Whom It May Concern:

Enclosed please find the Local Law #1 of 2013 as well as Local Law # 2 of 2013 for filing for the above referenced matter. Please date stamp the enclosed copies of the cover pages and return to my attention in the enclosed self-addressed stamped envelope. If you have any questions, please do not hesitate to contact me.

Very truly yours,

*ERIKA SELLAR RYAN*

Erika Sellar Ryan

ESR/kml

CC: Village of Whitehall



*P.O. Box 207*  
*1 Saunders Street*  
*Whitehall, New York 12887*  
*(518) 499-0871 Fax (518) 499-1120*

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*Peter J. Telisky*  
*Mayor*

November 19, 2013

Erika Sellar Ryan  
Jordan & Kelly LLC  
4 Fisher Street  
Greenwich, NY 12834

Erika:

I have enclosed the certifications for the local law filings. If you need anything further, please let me know.

Thanks,

*Stephanie*  
Stephanie A. LaChapelle  
Clerk-Treasurer

Encs.

# Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  City  Town  Village  
(Select one.)

of Whitehall

Local Law No. 1 of the year 2013

A local law Prohibition on Encumbering Sidewalks or Public Streets of the Village of Whitehall  
(Insert Title)

Be it enacted by the Board of Trustees of the  
(Name of Legislative Body)

County  City  Town  Village  
(Select one.)

of Whitehall as follows:

See Attached



**(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)**

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2013 of the (County)(City)(Town)(Village) of Whitehall was duly passed by the Board of Trustees on November 12 2013, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 2013, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

Stephanie A. Pachapelle  
Clerk of the county legislative body, City, Town or Village Clerk or  
officer designated by local legislative body

Date: 11/19/13

(Seal)