

Regular Board Meeting

August 18, 2008

7:00p.m.

Present - Mayor Donna Kelley, Trustees Bonnie Howell,
Philip Gillemot, Linda Brown.

Absent - Trustee Phil Joe Smith.

Also present - Clerk-Treasurer Suzanne Casselberry, Mike & Christina
Hughey

Mayor Kelley called the meeting to order at 7:00p.m.

Mayor Kelley called for the Pledge of Allegiance.

The minutes of the August 5, 2008 regular board meeting were presented.

Trustee Howell offered a resolution, seconded by Trustee Brown to approve the minutes of the August 5, 2008 regular board meeting as presented. AYES: Trustee Gillemot, Trustee Brown, Trustee Howell. NOES: None. Resolution carried.

PUBLIC PARTICIPATION-None.

Jim Kuttner, owner of a vacant lot he has for sale on Mary Layton Drive explained he had been advised the lot is too small for a sewer system and inquired if the village would consider extending the sewer from Canal Street onto Mary Layton Drive to provide public sewer to this property. Mayor Kelley noted that further investigation will be necessary before an decision can be made.

Village Justice Don Spaccio reported to the board a representative of the Office of Court Administration visited the both courtrooms last week and among other issues discussed modifications that will enable a trial jury to be held in the existing court room. Justice Spaccio suggested removal of the wall between the town and village courtroom opening it up to one large room. He noted there are funds available for construction and may be applied for through the Justice Court Administration Program. Justice Spaccio also requested approval to submit an application for the 2008 Justice Court Administration Program to purchase fireproof cabinets and chairs for the courtroom to replace existing folding chairs.

Trustee Howell offered a resolution, seconded by Trustee Brown authorizing submission of an application for participation in the 2008 Justice Court Administration Program for the purchase of fireproof file cabinets and courtroom chairs for an amount not exceeding \$7500.00. AYES: Trustee Howell, Trustee Brown, Trustee Gillemot. NOES: None. Resolution carried.

Trustee Howell offered a resolution, seconded by Trustee Gillemot authorizing investigation into removal of the existing wall between the town and village courtrooms. AYES: Trustee Brown, Trustee Gillemot, Trustee Howell. NOES: None. Resolution carried.

Trustee Howell offered a resolution seconded by Trustee Brown that in accordance with Section 617.6 of the SEQRA the adoption of the comprehensive plan and the implementation of zoning regulations be classified as a Type I action that does not involve a federal agency and further determined the only other agency involved will be the Schuyler County Planning Commission therefore resolved that the Village Board of Trustees declares itself lead agency and further resolved a draft generic environmental impact statement will be prepared and accepted in lieu of an environmental assessment form. AYES: Trustee Howell, Trustee Brown, Trustee Gillemot. NOES: None. Resolution carried.

Jim Howell of the Planning Board, Jim DeRoche and Antoinette DiCiaccio of the Historic Preservation Committee were present and discussed with the board the pros and cons of the draft historical preservation local law.

Trustee Howell commented that the law is too much for a village this size and noting that there is design guidelines included in the new zoning law presently under consideration. In addition Trustee Howell opposed creating additional enforcement requirements.

Mayor Kelley stated that economic development on the state level felt the law was too stringent and added that county level economic development also felt the law is too strict and would hurt and already depressed area. Mayor noted she received a resignation from John Potter as a member of the Historic Preservation committee.

Trustee Gillemot noted that the present Historic District is a designation only and has no regulations attached to it. He expressed concerns for Main Street buildings and felt the law can have a positive effect economic development. He noted that once a law is in place and a certified local government established, properties can become eligible for funds.

Jim Howell felt that it was premature to say the Planning Board was in favor of the law as there was no vote. The Planning Board had discussed the law and made comments. His personal concern was that members of the Historic Preservation Committee be village residents. Other Planning Board concerns included a clause to opt out, the level of authority extended to the committee as far as the designation of a historical district and monitoring of property maintenance of a district.

Antoinette DiCiaccio indicated the district under consideration is West Main Street and a law provides for more monitoring and compliance than guidelines will. She stated the committee fully expected further review and modification to the draft law and can be more specific to naming West Main Street.

Mayor Kelley added that she established a committee for the purpose of reviewing a law concentrating on West Main Street and Catharine Street and what has been presented is a model law with no modification specific for the Village of Montour Falls.

Trustee Brown suggested a poll of the property owners of West Main Street business district to determine the level of support.

Mayor Kelley indicated the project would be tabled for the present time.

Trustee Howell offered a resolution, seconded by Trustee Brown to grant a right of way to property owner James Kurtz and Charles Hayes to permit access to the back side of Kurtz Enterprises and to Hayes farm land through the drying bed property across the wastewater treatment plant on Marina Drive. AYES: Trustee Howell, Trustee Brown, Trustee Gillemot. NOES: None. Resolution carried.

Board discussed membership in the National Fire Protection Association for the Code Enforcement Officer for an annual cost of \$150.00. Board agreed to consider membership if the cost could be split with Village of Odessa.

Trustee Gillemot offered a resolution, seconded by Trustee Howell with the recommendation of the marina manager authorized a refund of \$30.00 to Louise Overacker of Elmira, for marina campsite deposit. AYES: Trustee Howell, Trustee Brown, Trustee Gillemot. NOES: None. Resolution carried.

Mayor Kelley reported that the block walls for the marina bathhouse and office is scheduled to begin to be laid later this week.

Bids received for the Village Hall & Cupola Roofing and Painting:

McPherson Builders Inc. \$23,830.00

Chicone Builders \$39,315.00

Trustee Howell offered a resolution, seconded by Trustee Gillemot accepting the low bid of McPherson Builders Inc and awarding a contract for the Village Hall and Cupola Roofing and Painting for an amount of \$23,830.00 pending receipt of updated Certificate of Insurance. AYES: Trustee Howell, Trustee Brown, Trustee Gillemot. NOES: None. Resolution carried.

Mayor Kelley noted having met with Tom Klaseus of the NYS Department of Health along with water operator John Raplee and Mike Hughey to discuss the Raymond Street waterline replacement, well site and land spreading concerns. Mr. Klaseus will be sending a letter to advise against permitting any land spreading in the area of the well site. Mayor also noted that modifications to the water supply system at the well site must be implemented next year to allow for a proper chlorine retention period from the well.

Mayor Kelley noted sewer design drawings for the Raymond Street Family Housing were received from William Frandsen on August 14 and were sent to Hunt Engineers for their review.

Board discussed permitting the village work forces to assist the fire department in removing sod and leveling crusher run material to provide for additional parking at the bunker's quarters at 121 Lee Street. The fire department would like to prepare parking between the sidewalk and curb on the South Street side of the " bunker house". It was unclear whether parallel parking or diagonal parking would be suitable. Mayor also noted that the property is owned by the fire department. Board members were reluctant to grant approval until a clarification is made on the layout of parking.

Board members authorized village work forces to make repairs to the playground merry-go-round and re-install at the carnival grounds property.

Board members received copies of both the year-end budget report and the Annual Update Document for fiscal year ending May 31, 2008. Village Clerk reviewed with the board the total cost of the Main Street Connector (sidewalk) Project noting the total village share was \$43,930.90 plus in-kind work force and equipment. Clerk also noted that NYS grant funds will not be received in full until completion of the program audit.

Trustee Howell offered a resolution, seconded by Trustee Gillemot authorizing a final transfer of \$1,557.00 from General Fund's fund balance to the Main Street Connector Capital Project to balance the project. AYES: Trustee Howell, Trustee Brown, Trustee Gillemot. NOES: None. Resolution carried.

Trustee Howell reported the Nascar event took place without incident, and final meeting will be held to review the finances and discuss future events.

Trustee Gillemot mentioned the 2008 Erie Canalway Photo Contest is underway and provided information to be shared with the marina manager and the residents there.

Mayor Kelley reported she attended a countywide water district meeting and was provided with the results of the preliminary study. She will make this report will be available to board members.

Mike Hughey reported :

- The water tap for the marina project is expected to be completed this week
- Steuben Street ditches have been cleaned

Trustee Howell reported there are not adequate funds in the budget to purchase all new Christmas lights and will need to be combined with the following years budget funds.

Trustee Gillemot reported the walking tour of the Glorius T historic district is scheduled for September 21.

Mayor Kelley reported the NYS Main Street grant application was not approved adding that SCOPED will assist with re-application for next year.

Trustee Howell offered a resolution, seconded by Trustee Brown authorizing payment of bills on General Abstract \$18,515.06, Water Abstract \$802.52, Sewer Abstract \$883.40. AYES: Trustee Howell, Trustee Brown, Trustee Gillemot. NOES: None. Resolution carried.

Trustee Howell offered a motion, seconded by Trustee Gillemot to adjourn the meeting. Carried.

Respectfully submitted,

Suzanne Casselberry, Clerk-Treasurer