

Present – Mayor, Donna Kelley, Trustees, Linda Brown, Philip Gillemot, Phil Joe Smith, Bonnie Howell.

Absent – None

Also Present – Deputy Clerk; Alyssa Hammond, Jody Saunders, Jim Howell, David Austin, Mike Hughey, Christina Hughey, Bob Muller, Sharilyn Reynolds, Zachary Reynolds, Jeremy Taylor

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

Mayor Kelley called for the Pledge of Allegiance.

The minutes of the August 18, 2008 regular Board meeting were presented, and Trustee Gillemot asked for the wording to be changed in the Public Participation portion where it says "...that will enable a trial jury..." it should say "...that will enable a jury trial..." Trustee Howell offered a resolution, seconded by Trustee Brown to approve the minutes of the August 18, 2008 regular board meeting, as modified by the aforementioned change. AYES: Trustee Howell, Trustee Brown, Trustee Smith, Trustee Gillemot. NOES: None. Resolution carried.

PUBLIC COMMENT

Bob Muller asked if we had any results yet from the Department of Transportation survey for installation of a stop sign on S. Genesee St. Mayor Kelley states that she has not heard anything back from them yet, and as soon as she does she will let him know immediately.

Jody Saunders states that she is part of the Glorious T district, and that the Montour Falls Improvement Association made the brochure of the Glorious T district and put a picture of her home in it, without informing her beforehand. She states that they have suggested that she put a plaque on her front porch to display that she is part of the district. She says that she already has had people coming up her driveway and on her lawn because of the brochure. She says that she had members of the Montour Falls Improvement Association come to her door with a petition about the Draft Historic Preservation Law. She also stated that she told the members of the Montour Falls Improvement Association that they no longer have permission to include her home in any more advertising that they do.

Mayor Kelley expresses that the Montour Falls Improvement Association is not part of the Village, she adds that they are a separate group of homeowners that put this group together, and the Village had nothing to do with the Glorious T brochure.

Trustee Howell asks what the petition was for. Mrs. Saunders states that it was asking that everyone in the Glorious T district give their support for the Draft Historic Preservation Law. She says that she does not understand why the Montour Falls Improvement Association is not informing the property owners in this district, such as herself, of their meetings, so that they could attend, and hear their ideas.

Philip Gillemot states that the Glorious T district had been designated a historical district many years ago. The Montour Falls Improvement Association has been promoting the Glorious T as a tourist destination, to bring people into the Village. He states that the plaque that they asked her to get is voluntary, and that a subsidy is available to help pay for the plaque.

Mrs. Saunders states that because she runs a day care center out of her home, she does not think that it is safe to have strangers coming on to her property to read a plaque.

Jim Howell introduces himself as a member of the Village Planning Board, and he states that the Planning Board did not officially make any recommendations about the Draft Historic Preservation Law. He states that he raised several concerns with the document. He also states that he regularly attends the meetings of the Montour Falls Improvement Association and that he understands that they had received money from Senator Winner's office to promote the Glorious T district, and that he is disappointed to find out that when the group received this money, they did not inform all of the property owners included in the Glorious T district, so that they could share in the planning and the dispense of these funds.

Linda Brown expresses concern over the liability of the property owner if they have strangers coming on to their property, if anything were to happen on their property they would be responsible. She also does not think it is right that some homeowners didn't know they're properties were a part of this project. Trustee Gillemot states that they are not suggesting that people go onto these properties, they are meant to be looked at from the sidewalk. Mrs. Saunders states that they have information in the brochure about writing on her bedroom window, which she believes would draw people to look much closer, so they could try to see it.

The Mayor stated that she would like to continue with the other subjects on the agenda and that they would return to this subject later in the meeting.

Sharilyn Reynolds introduces herself as a seasonal camper at the Montour Marina. She states that she feels that she is dealing with constant harassment from Harold Brown, the Marina manager. She states that her family was letting off fireworks on July 4, 2007, and that they did receive one complaint, but Mr. Brown told them not to worry about it, and that they were not in any trouble. On Labor Day 2007, some guys, that she did not know, came to her campsite asking for her son, who was not there at the time. These guys went behind her camper into a field and let off some fireworks, the police showed up and took the fireworks away from them, when the police came it was in front of her campsite, and she wanted to make sure Mr. Brown knew that no one from her campsite was involved, and that she did know who the men were, once again he said it was not a problem and they were not in any trouble. July 4, 2008 she stated that Mr. Brown asked her if her son could let off some fireworks in the baseball field, and that he had told her that the Mayor had given her permission, and the Sheriff's Department said that they would not come unless they received a complaint. She states that the manager told her that her son would have to sign a paper saying that he would be responsible for any damages to any boats or campers. Her son was not able to do the fireworks because he had to work. She went on to say that many people at other campsites were letting off fireworks, and that she went to watch them and Mr. Brown was at every party watching fireworks and didn't tell anyone to stop letting them off. She goes on to say that the next day, July 5, her son came to the campsite and let off a couple of bottle rockets that they had left over from last year, and then the next day they had a letter on their door from the Mayor that said that they were in trouble for letting off fireworks, but that no one else that had been letting off fireworks on July 4 got into trouble.

Trustee Smith asked the Mayor why she only sent Mrs. Reynolds a letter and not everyone else that was letting them off. Mayor Kelley stated that she did not know of anyone else letting them off, and she also added that she never gave anyone permission to let off any fireworks because it is against the law.

Ms. Reynolds added that about a month after the July 4 incident they brought their boat to their campsite to wash it, which she has seen other people do many times, and the manager came over to their campsite and told them they couldn't wash it there. She also stated that in a different incident her neighbor had thrown some construction wood into her fire, and the manager came over and told her that it was too high. Mayor Kelley stated that it says in the Marina rules that there is not supposed to be any new construction wood, they must use campfire wood only.

Jeremy Taylor, Ms. Reynolds' son also added that in the rules it states that no one may have a golf cart, except for the marina manager, but Mr. Brown always lets his grandchildren and other tenants of the park drive his golf cart around, some of them will

be at parties in the campgrounds and then drive around the park in the golf cart after they have been drinking. Ms. Reynolds adds that her son Zachary, whom has Down syndrome, was supposed to have open heart surgery a couple of years ago, so they requested permission to use a golf cart in the park, and they were denied. She adds that her son Zachary rides an adult tricycle out front of their camper and he has been almost hit by other people driving around the manager's golf cart. She also adds that he constantly drives by her camper at 10 or 11 o'clock at night, making sure she is not doing anything wrong.

The Mayor asks that Ms. Reynolds leave a copy of the letter that she wrote, and that she would set up an appointment with Mr. Brown to meet with Ms. Reynolds, and herself to take care of the matter.

Public Comment ends at 7:32 p.m.

The Mayor informs the Board about the County Water District workshop that will be on October 1, 2008 at 6:00 p.m. at the Watkins Glen Village Board Room.

The Mayor requested that the Board add Main Street to appendix A of the Design Guidelines in the Draft Zoning Law. All of the Board members agree to make the changes as previously noted.

Trustee Howell offers a resolution, seconded by Trustee Smith to close W. Main Street on Friday, September 5, 2008 for the "Montour Mile" from 10:00 a.m. until Noon. AYES: Trustee Howell, Trustee Smith, Trustee Gillemot, Trustee Brown. NOES: None. Resolution carried.

Mayor Kelley informs the Board about putting in the gravel parking area at the Fire Department apartment house at 111 Lee Street, on the South Street side of the building. She stated that the Fire Department would provide the crusher run and the gravel, and that the Village would need to provide the fabric, the manpower, and the equipment. Trustee Smith offers a resolution, seconded by Trustee Howell to authorize the Village work forces to do the work at the Fire Department apartment house at 111 Lee Street. AYES: Trustee Smith, Trustee Howell, Trustee Brown, Trustee Gillemot. NOES: None. Resolution carried.

Mayor Kelley informs the Board that she will be sending a letter to James Dunn denying his request for water service to his property based both inadequate water pressure and a recommendation from the Department of Health Official, who stated that a private pump should not be approved. Trustee Smith inquires why the Village should be concerned with putting in a pump if the homeowner is willing to pay for testing, and for the pump. Mayor Kelley states that it would be one of our employees who would have to test it, and also that she believes that they should comply with the recommendation of the Department of Health.

Mayor Kelley informs the Board that she will be sending a letter to James Kuttner stating that he would have to hire the Village Engineer to engineer the project of running a new sewer line to his property on Mary Layton Drive from Canal Street.

Mayor Kelley asks the Board for authorization to provide two Village work trucks for the Schuyler County Hazardous Waste/Tire Collection on September 20, 2008. The trucks would be dropped off on Friday, September 19 and picked up on Monday, September 22. Trustee Smith offers a resolution, seconded by Trustee Howell to approve the use of two Village work trucks to be used for the Hazardous Waste/Tire Collection on September 20. AYES: Trustee Smith, Trustee Howell, Trustee Brown, Trustee Gillemot. NOES: None. Resolution carried.

Trustee Smith offers a resolution, seconded by Trustee Howell authorizing payment of bills on General Abstract \$10,771.90, Water Abstract \$2,641.98, Sewer Abstract \$1,233.02. AYES: Trustee Smith, Trustee Howell, Trustee Brown, Trustee Gillemot. NOES: None. Resolution carried.

Mayor Kelley shared a letter with the Board written by Gerald Loughlin, a village resident, complimenting the work crew about picking up the brush, and what good work they do.

Mayor Kelley shared with the Board, an invitation to an Open House at the Harbor Hotel on September 18, 2008 at 6:00 p.m.

Mayor Kelley addresses the Board and the public about her position with the Historic Preservation Committee. She explains that it was not the intention of the Village Board to impose a law on the property owners, when they put together the Historic Preservation Committee; it was in an attempt to preserve the historical significance of the Village, and the Committee was asked to prepare guidelines, not a law. The draft law presented to the Village Board was not specifically written for the Village of Montour Falls but instead it was a New York State prototype. The Village Board, Planning Board, and Code Enforcement Officer all had serious concerns with the draft law. Subsequent to the August 18 board meeting she has become aware that the draft document had been altered by members of the Montour Falls Improvement Association and without consultation of the entire Historic Preservation Committee or the Village Board and presented at their meeting on August 26. It is Mayor Kelley's belief that some of the members of this Committee had been demonstrating unprofessional and unethical practices and that she would recommend that the Village Board terminate the Historic Preservation Committee. In addition she is suggesting that a letter also be sent to the Montour Falls Improvement Association to inform them that they shall not represent themselves as a branch of the Village of Montour Falls nor do they have the authority to impose themselves with any appointed Committee or Board of the Village of Montour Falls.

Trustee Gillemot stated that when the Draft Historic Preservation Law proposal came to the Village Board and the Planning Board, there were a number of suggestions for change, and that he asked John King and Jim Deroche to help him add those changes into the proposal and possibly make it more acceptable. Mayor Kelley added that it was not his responsibility to do that because he is not a Historic Preservation Committee member. Trustee Gillemot went on to say that he suggested that after the proposal was revised that it would go back to the Village Board, and then back to the Committee again for possible resolution. Trustee Howell states that she does not understand why he took it upon himself, in that he is not a member of the Committee, to make those changes with only two of the members, why did he not approach the entire Committee and ask them to make those changes. Trustee Smith asked why there was a petition, and Trustee Gillemot responded that it was just to see how people felt about it, and if they would support it, and that it is just part of the process of public education. Trustee Gillemot goes on to say that at no time he represented this as a production of the Village Board. Mayor Kelley added that she had been informed that the document that the Village Board received was not what the Committee was working on, and Trustee Gillemot responded by stating that he was not aware of that.

Trustee Howell offers a resolution, seconded by Trustee Smith based on the findings and report of Mayor Kelley to terminate the Historic Preservation Committee effective immediately, and furthermore resolve to send a letter to the Montour Falls Improvement Association as recommended by Mayor Kelley. AYES: Trustee Smith, Trustee Howell, Trustee Brown. NOES: Trustee Gillemot. Resolution carried.

Reports

Trustee Gillemot inquires if the Village insurance would cover any of the structural damage to the Montour Falls Library. The library is formulating a list of some of the problems, and Clayton Snow will be calculating some prices for the repairs. Trustee Smith states that they could look into it, but he doesn't believe the insurance would cover it. Mayor Kelley stated that the Library could bring the issues to the Village and that the Village Office would contact the insurance company.

Trustee Gillemot also inquired whether or not the storm drain at the Library goes into the sewer. Mayor Kelley explained to him that it does not.

Trustee Gillemot suggests that it might be in the best interest of the Village and the Library to start talking to the Village Attorney about the process of separating the Library and the Village. Mayor Kelley states that she will get in touch with the Village Attorney.

Trustee Gillemot stated that there would be a tent set up at Bennett Hill Park for the Montour Falls Harvest Festival that would be sponsored by Guthrie, and that the best way to set it up would be to put it up on the Friday before the festival and take it down on the Sunday after the festival. Trustee Smith adds that they should do a UFPO on the property first. Mayor Kelley adds that the Village would not be responsible for anything that might happen to the tent overnight.

Trustee Brown shares with the Board that she attended the EOP orientation and that after talking with a couple of members there, she has decided that she would like to continue to attend the Chemung/Schuyler EOP meetings to represent the Village. She added that it does look like there may be some projects going on that eventually might be able to expand to the Schuyler County area.

Mayor Kelley suggested that the Board members go and check out the progress on the new marina buildings.

Trustee Smith offers a motion, seconded by Trustee Brown to adjourn the meeting at 8:07 p.m. Carried.

Respectfully Submitted,

Alyssa Hammond, Deputy Clerk