

The regular meeting of the Board of Trustees was held on 3/11/13 at 6:00 p.m. in the Council Room of Village Hall.

Present: Mayor John E. Barton  
Trustee Thomas VanAernem  
Trustee Michael Horrigan  
Trustee James Gallagher, Jr.  
Trustee Robert Cook  
Attorney Stefanie DiLallo Bitter

The Mayor opened the meeting up to General Public Comment.

Betty Webster, 53 Coleman Avenue had previously asked the Board to look into her situation – She lives across from Derby Park and has had numerous softballs strike her house and damage her property. The Mayor advised that the Board is looking into resolving the issue. The Mayor reported that the major issue is when the teams are warming-up and prior to supervision or park attendants arriving. The Mayor advised that this issue will be discussed so that the teams are not lining up or warming up where they would be facing Mrs. Webster's house. Looking at the possibility of installing a net to block the balls from going over the fence has also been discussed and is being considered. Trustee Horrigan will be discussing the complaint with Kingsbury Recreation Director to resolve the matter prior to the upcoming softball season.

Mike Willig, 43 Elm Street soon to be 58 Elm Street advised that the property next door to 58 Elm Street had a fire back in January. There is debris from the fire left out front of the house. It is unsightly and he would like to know if the owner plans on cleaning it up. There was a restoration crew on sight for a short time, but they didn't complete the cleanup. Code Enforcement Officer Cortese reported that he is scheduled to meet a contractor at the house tomorrow (3/12/13) – he will have more information about the property after that meeting.

Mr. Willig also inquired as to who is responsible for picking up the debris and garbage along the River Street roadway near and in front of the trash plant. In particular there has been a garbage bag along the side of the road for three days, that may have fallen off a trash truck. Trustee Horrigan advised that he has seen the trash plant's work force picking up in that area in the past. The Mayor advised that he would call the Plant Manager to determine if that is something they do.

Mr. Willig inquired as to whether the road going around the park is going to be repaired? He realizes there is a Rte 4 Construction Project going through but is concerned, especially for motor cyclists. That particular turn at the north end of the park is nasty. The Mayor advised that in the past they have repaired that area temporarily. The Mayor will inquire as to whether something can be done.

Trustee Cook advised that the Rte 4 Project started today (3/11/13). Trustee VanAernem advised that the area around the park isn't scheduled to be done for another year or more, so it may need a temporary fix before then.

Upon motion made by Trustee VanAernem, seconded by Trustee Gallagher and carried the minutes of the regular meeting of 2/11/13 be approved as read.

**RESOLUTION TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT FOR COMMUNITY DEVELOPMENT TECHNICAL AND IMPLEMENTATION ASSISTANCE**

Upon motion made by Trustee Cook, seconded by Trustee Horrigan and carried

**WHEREAS**, the Village wishes to obtain technical assistance for the implementation of its community development programs and wishes to pursue additional grant funds to address its housing and community development needs, and

**WHEREAS**, the Village has determined that consulting services are required for the proper implementation of its existing programs and for the preparation and submission of grant/loan applications and subsequent implementation of these programs; and

**WHEREAS**, the Village has solicited proposals pursuant to 24 DFR Part 85.36 for C.D. Consulting Services; and,

**WHEREAS**, the Village has reviewed and evaluated consultant qualifications and services in accordance with the RFP selection process and criteria, and determined that the proposed costs are reasonable and necessary; and,

**WHEREAS**, the Village desires to engage Shelter Planning & Development, Inc. to render certain technical advice and assistance in the administration and implementation of its community development programs and in the preparation and submission of grant applications and subsequent implementation of such programs; and

**NOW THEREFORE**, the Village Board authorizes the Mayor to enter into a Community Development consultant services agreement with Shelter Planning & Development, Inc.

**RESOLUTION APPROVING GRANT AWARD  
FOR CASE FILE 2003 HOME PI-2  
IN CONNECTION WITH THE VILLAGE OF HUDSON FALLS  
HOME PROGRAM INCOME FUND AND  
HUD SMALL CITIES PROGRAM INCOME FUND**

Upon motion made by Trustee VanAernem, seconded by Trustee Gallagher and carried

**WHEREAS**, the Village of Hudson Falls has previously been funded by the NYS Office of Community Renewal Division of Housing and Community Renewal (DHCR) HOME Program, Affordable Housing Corporation (AHC) Home Improvement Program, and Community Development Block Grant (CDBG) Program (formerly known as HUD Small Cities), and has successfully administered the programs and provided grant assistance to income eligible households to purchase and/or rehabilitate a home in the Village of Hudson Falls, and

**WHEREAS**, the Village of Hudson Falls has received a certain portion of these funds back through recapture obligations, and the Village now intends to reuse these funds under the appropriate Program guidelines to provide housing rehabilitation assistance to income eligible households through the Village of Hudson Falls Housing Rehabilitation Program, and

**WHEREAS**, applicant, Madeline Gibson, has made application to the Village and has been determined to meet income eligibility requirements and has been determined to need rehabilitation assistance, and

**WHEREAS**, property rehabilitation specifications have been provided to three (3) qualified contractors for bid, and

**WHEREAS**, the Village will determine that the selected property meets the Section 8 Existing Housing Quality Standards after rehabilitation, and

**WHEREAS**, Shelter Planning & Development has overseen the grant process and has verified that it has been followed in this case and recommends approving this grant,

**THEREFORE BE IT RESOLVED**, that the Village of Hudson Falls hereby awards eligible applicant, Madeline Gibson a grant from the Village's revolving loan fund in the amount not to exceed one hundred ninety-five and no cents (\$195.00), and

**BE IT FURTHER RESOLVED**, that the Mayor is hereby authorized to execute, or have executed, all necessary documents to implement this grant award.

Upon motion made by Trustee Horrigan, seconded by Trustee Cook and carried it is

**RESOLVED**, that the attached resolution exemption matters of local concern from Washington County Planning Review.

The Mayor announced the receipt of the Village Historian's Annual Report and the Report on the Town's Celebration.

Trustee Cook reported that the Washington County Sewer Agency is asking the Village to support their application for a Local Government Efficiency Grant (LGE) to provide an in-depth study of their infrastructure needs. Trustee Cook outlined some of the challenges the Sewer District is facing. All five (5) entities will share equally in the cost of the local share (10% of the \$80,000 grant award). Villages of Fort Edward and Hudson Falls, Towns of Kingsbury and Fort Edward and the Washington County Sewer Agency will each contribute \$1,600 toward the 10% local share.

### Washington County Consolidated Sewer Study

#### RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR GRANT FUNDS TO THE NEW YORK STATE DEPARTMENT OF STATE LOCAL GOVERNMENT EFFICIENCY GRANT PROGRAM FOR FY 2012-2013

**WHEREAS**, the New York State Department of State is accepting applications from eligible applicants to compete for funds available through the Local Government Efficiency grant program ("LGE"); and,

**WHEREAS**, the Town of Fort Edward, Village of Fort Edward, Town of Kingsbury, Village of Hudson Falls, and the Washington County Sewer District #2 ("The Partners") have reviewed their shared infrastructure needs, and have identified common issues relating to sewer provision, management and delivery; and,

**WHEREAS**, the Partners intend to submit an application for assistance under the LGE in an amount not to exceed \$80,000 in order to examine these common sewer issues; and,

**WHEREAS**, the LGE program requires a local cost share of 10%; and

**WHEREAS**, the LGE application process requires that the governing body of each applicant identify a lead applicant and authorize the submission of the application and related actions by the lead applicant; and

**THEREFORE BE IT RESOLVED**, that

1. The Washington County Sewer District shall function as the Lead Applicant
2. The Town/Village/County hereby authorizes and directs Joseph Brillinger, Executive Director, Washington County Sewer District #2, the Lead Applicant contact person, to submit the application to NYS DOS and to execute all financial and/or administrative processes relating to the implementation of the program
3. The Partners agree to provide the required 10% local cost share

Upon motion made by Trustee Gallagher, seconded by Trustee Horrigan and carried it is

**RESOLVED**, that the attached resolution approving the fire truck financing and authorizing the Mayor to sign the necessary documents be approved.

Upon motion made by Trustee VanAernem, seconded by Trustee Gallagher and carried the Board accepted the resignation of Patrolman Jason Diamond effective 3/22/13.

Upon motion made by Trustee Horrigan, seconded by Trustee Gallagher and carried it is

**RESOLVED**, that the following budget appropriations be approved as submitted:

|          | <u>Debit</u> | <u>Credit</u> |
|----------|--------------|---------------|
| A-1331   | \$9,551.70   |               |
| A-1110.4 |              | \$9,551.70    |
| A-3410.2 | \$4,839.00   |               |
| A-3410.4 |              | \$4,839.00    |



Upon motion made by Trustee VanAernem, seconded by Trustee Cook and carried, the following monthly reports were approved as read: Police Department, submitted by Chief Diamond; Justice Court submitted by Justice Matthew Mabb; Code Enforcement submitted by Francis Cortese; and Fire Department, submitted by Chief Michael Fitzgerald.

Upon motion made by Trustee Gallagher, seconded by Trustee Cook and carried the following abstracts were audited and ordered for payment:

|                           |            |               |
|---------------------------|------------|---------------|
| General Fund              | Check Nos. | 27052 - 27107 |
| Water Fund (General Fund) | Check Nos. | 27052 - 27107 |
| Water Fund                | Check Nos. | 5378 - 5380   |
| Drug Fund                 | Check Nos. | 1285 - 1286   |
| AHC Grant Fund            | Check No.  | 1025          |
| Home Grant Fund           | Check Nos. | 1284 - 1287   |
| Community Dev. - State PI | Check Nos. | 1775 - 1776   |
| Trust Fund                | Check Nos. | 5969 - 5987   |
| Payroll Fund              | Check Nos. | 27575 - 27592 |

The Mayor asked the Board for their comments - none were given.

The Mayor asked for general public comment.

Dr. Potvin, 50 Pearl Street inquired as to what is meant by Community Development Programs in reference to the above appointment of Shelter Planning & Development. The Mayor advised that the community development programs consists of the grants awarded for the NYS HOME Program, NYS Main Street Grant, BOA Grant, AHC Grant, CDBG Block Grant, and all of the grants which are submitted on behalf of the Village and administered by Shelter Planning. Dr. Potvin inquired as to what the HOME Grant Program is - Clerk Brayman advised that the HOME Program is the name of the program which consists of rehabilitation of owner occupied one and two family owner occupied homes. Dr. Potvin inquired as to who would qualify for that program. Clerk Brayman advised that the State dictates the qualifications as far as income limits, etc... Trustee VanAernem advised that one of the qualifications is that they must be owner occupied. Trustee Cook advised that this RFP was to hire a grant writer and consultant to administer the existing grants which have been awarded to the Village. Mayor Barton noted that Shelter Planning has certainly done a good job in pointing the Village in the right direction as far as being successful with grant programs.

Upon motion made by Trustee Cook, seconded by Trustee VanAernem and carried the meeting adjourned to executive session for the purpose of discussing current collective bargaining negotiations and pending litigation matters.

Upon motion made by Trustee Horrigan, seconded by Trustee Gallagher and carried executive session was closed.

No action was taken.

Upon motion made by Trustee Horrigan, seconded by Trustee Cook and there being no further business to come before the Board the meeting was adjourned at 7:10 p.m.

  
Ellen M. Brayman, Clerk/Treasurer

Resolution No: \_\_\_\_\_

Date: 3/11/13

**TITLE: Exemption of Matters of Local Concern from County Planning Review**

WHEREAS, the Washington County Planning Board was created by the Washington County Board of Supervisors as provided by Article 12 B of the General Municipal Law; and

WHEREAS, the provisions of General Municipal Law Article B, Section 239 l and m (GML 239) require local municipal bodies in Washington County to submit certain planning and zoning actions to the Washington County Planning Board for said Board's review and recommendation unless excepted by an agreement approved by the municipal body; and the County Planning Board that such matter is of a local rather than an inter-municipal or county-wide concern; and

WHEREAS, it is in the interest of the County and local municipal bodies for a local municipal body to be able to take action on matters of local concern without being bound by the referral requirements of GML 239; and

WHEREAS, having such an agreement for exception of matters which are not of an inter-municipal or county-wide concern is not detrimental to the County or the Village of Hudson Falls Village Board; and

WHEREAS, the Washington County Planning Board has established a process for exempting matters and actions of local concern from the referral requirements of GML 239; now, therefore, be it

RESOLVED, that the attached agreement entitled "*Exemption of Matters of Local Concern from County Planning Review Agreement*" shall exempt actions of local concern under this agreement from the referral requirements of GML 239 shall exist between the County Planning Board and the Village of Hudson Falls Village Board; and be it further

RESOLVED, that said agreement shall apply to zoning reviews and actions of the Village of Hudson Falls Village Board; and be it further

RESOLVED, that a copy of this resolution with the attached agreement shall be provided to the Washington County Planning Board; and be it further

RESOLVED, that this agreement shall take effect immediately.

Introduced by: Mayor Barton

Carried: A11

Motion by: Trustee Horrigan

Ayes: 5

Seconded by: Trustee Cook

Nayes: 0

Signature: *Dea M Gray*

Village of Hudson Falls Village Board, Authorized Official

{Seal}



## RESOLUTION

Municipality/Lessee: Village of Hudson Falls

Principal Amount Expected To Be Financed: \$447,400.00

WHEREAS, the Municipality is a political subdivision of the State in which Municipality is located (the "State") and is duly organized and existing pursuant to the Constitution and laws of the State.

WHEREAS, pursuant to applicable law, the governing body of the Municipality ("Governing Body") is authorized to acquire, dispose of and encumber real and personal property, including, without limitation, rights and interest in property, leases and easements necessary to the functions or operations of the Municipality.

WHEREAS, the Governing Body hereby finds and determines that the execution of one or more Master Lease-Purchase Agreements ("Leases") in the principal amount not exceeding the amount stated above for the purpose of acquiring the property ("Equipment") to be described in the Leases is appropriate and necessary to the functions and operations of the Municipality.

WHEREAS, Oshkosh Capital ("Lessor") shall act as Lessor under said Leases.

NOW, THEREFORE, Be It Ordained by the Governing Body of the Municipality:

Section 1. Either one of the John Barton OR Thomas VanAernem (each an "Authorized Representative") acting on behalf of the Municipality, is hereby authorized to negotiate, enter into, execute, and deliver one or more Leases in substantially the form set forth in the document presently before the Governing Body, which document is available for public inspection at the office of the Municipality. Each Authorized Representative acting on behalf of the Municipality is hereby authorized to negotiate, enter into, execute, and deliver such other documents relating to the Lease as the Authorized Representative deems necessary and appropriate. All other related contracts and agreements necessary and incidental to the Leases are hereby authorized.

Section 2. By a written instrument signed by any Authorized Representative, said Authorized Representative may designate specifically identified officers or employees of the Municipality to execute and deliver agreements and documents relating to the Leases on behalf of the Municipality.

Section 3. The aggregate original principal amount of the Leases shall not exceed the amount stated above and shall bear interest as set forth in the Leases and the Leases shall contain such options to purchase by the Municipality as set forth therein.

Section 4. The Municipality's obligations under the Leases shall be subject to annual appropriation or renewal by the Governing Body as set forth in each Lease and the Municipality's obligations under the Leases shall not constitute general obligations of the Municipality or indebtedness under the Constitution or laws of the State.

Section 5. As to each Lease, the Municipality reasonably anticipates to issue not more than \$10,000,000 of tax-exempt obligations (other than "private activity bonds" which are not "qualified 501(c)(3) bonds") during the current calendar year in which each such Lease is issued and hereby designates each Lease as a qualified tax-exempt obligation for purposes of Section 265(b) of the Internal Revenue Code of 1986, as amended.

Section 6. This resolution shall take effect immediately upon its adoption and approval.

ADOPTED AND APPROVED on this March 11, 2013.

The undersigned Secretary/Clerk of the above-named Municipality hereby certifies and attests that the undersigned has access to the official records of the Governing Body of the Municipality, that the foregoing resolutions were duly adopted by said Governing Body of the Municipality at a meeting of said Governing Body and that such resolutions have not been amended or altered and are in full force and effect on the date stated below.

LESSEE: Village of Hudson Falls

*Ellen M. Brayman*  
Signature of Secretary/Clerk of Municipality

[SEAL]

Print Name: Ellen M. Brayman

Official Title: Clerk/Treasurer

Date: 3/11/13

