

The regular meeting of the Board of Trustees was held on 10/14/14 at 6:00 p.m. in the Council Room of Village Hall.

Present: Mayor John E. Barton
Trustee Thomas VanAernem
Trustee Robert Cook
Trustee James Gallagher, Jr.
Attorney William L. Nikas
Absent: Trustee Michael Horrigan

Max McDonnell of the Senior Center of Kingsbury and Fort Edward Area, Inc. gave a presentation to the Board. The Senior Center's goal is to introduce new and interesting ways for older adults to stay independent and age well in their community. You can visit the Senior Center's website at www.seniorkfe.com or visit 78 Oak Street or call 747-9352. Check out their calendar or newsletter for various events and activities. The Center provides socialization, transportation, cultural enrichment, physical fitness and nutrition, education and health information and community interaction. The hours of the Senior Center are Monday thru Friday 8:30 a.m. to 1:30 p.m. and Saturdays and Sundays from 1 p.m. to 4 p.m. Bus transportation is available. Lunch is served at Noon Monday thru Friday. Their recent Spaghetti Dinner fund raiser provided \$750 in funds and their website averages 41 hits per day. They recently secured a grant from the Sandy Hill Foundation in the amount of \$5,000 which will provide the opportunity to improve their façade, replace handicap ramp, upgrade restrooms and office.

Mr. McDonnell asked the Board to consider increasing the amount the Village budgets for the Senior Center by \$1,000 for the upcoming 2015-2016 fiscal year.

The Mayor opened the meeting to General Public Comment.

Peter Leonbruno, 29 Smith Street, Fort Edward advised the Board that he owns property at 165 Main Street across from the Post Office. He was at a Board meeting about a year ago because he was having problems with people parking in front of his property which resulted in his tenants being unable to exit on to Main Street. At the time the Board felt the DOT Project may improve this issue. He feels DOT has done a great job on the project but he still has one concern. He provided the Board with a diagram which showed a car parked on Main Street just north of the top of Depot Hill. He advised the Board that this car (a blue Hyundai) is parked in this spot 24/7, the spot was not lined by DOT, is very close the intersection and may be a safety concern.

Chief Diamond agreed to take a look at the situation, consult with Superintendent Fiorillo if necessary to find a way to remedy the situation.

Attorney Nikas and Clerk Brayman reported it is necessary to amend Local Law No 6 of 2014 Senior Exemptions. Our scale did not meet the state requirements. Consequently another public hearing will be required to adopt the law as amended.

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

RESOLVED, that a public hearing be set for 6:00 p.m. to consider revised Local Law No. 6 of 2014 "Senior Exemption".

Upon motion made by Trustee Gallagher, seconded by Trustee Cook and carried the minutes of the regular meeting and public hearings of 9/8/14 were approved as read.

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

RESOLVED, that the Mayor be authorized to sign the trade of highway equipment agreement between the Village of Hudson Falls and Town of Kingsbury.

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

RESOLVED, that Superintendent Fiorillo be authorized to sign the annual Snow Agreement between the Village and Washington County.

Upon motion made by Trustee Gallagher, seconded by Trustee Cook and carried the resignation of PT Patrol Officer David Willis was accepted. The Mayor thanked Officer Willis for his nearly 34 years of service to the community and wished him well.

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

RESOLVED, that the attached list of Fire Department equipment be declared surplus and removed from the list of fixed assets.

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

RESOLVED, that Shut-off Notices be sent out to the attached delinquent out-of- district water customers.

**RESOLUTION AUTHORIZING THE ESTABLISHMENT OF A PUBLIC HEARING
DATE FOR OBTAINING CITIZEN INPUT FOR AN EXISTING
NEW YORK STATE OFFICE OF COMMUNITY RENEWAL FY 2012
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

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

RESOLVED, that the following resolution be adopted:

WHEREAS, the Village of Hudson Falls is the recipient of a FY 2012 New York State Office of Community Renewal (OCR) Community Development Block Grant (CDBG) Program; and

WHEREAS, the OCR requires that the Village of Hudson Falls hold two public hearings regarding the program, once before the time of application, and once during the implementation of the program, and

WHEREAS, the second hearing will be held to provide basic information about the existing FY 2012 program such as the purpose of the CDBG program, the amount of funds received, program status, and progress toward program goals and objectives; now

THEREFORE BE IT RESOLVED, that the Village Board hereby authorizes the Village Clerk to establish a public hearing on November 10th, 2014 at 6:00 pm.

Attorney Nikas reported that he has provided the Board with a draft amendment to Chapter 139 Abatement of Public Nuisance Properties. This local law if adopted will repeal in its entirety Chapter 76 entitled "Buildings, Unsafe". It addresses, unsafe structures, vacant or abandoned properties and substandard housing, public nuisance law violations and lists specific items of defects. These items are public in their effect and devised to address nuisances that are beyond the boundaries of the property.

The Board agreed to move forward with setting a public hearing on the proposed local law.

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

RESOLVED, that a public hearing be set for November 10, 2014 at 6:00 p.m. to consider proposed Local Law No. 7 of 2014 Chapter 139 Abatement of Public Nuisance Properties: Unsafe, Vacant or Abandoned Properties, Substandard Housing repeal Chapter 76 entitled "Buildings, Unsafe" in its entirety.

Attorney Nikas provided the Board with a draft local law for the Board's consideration amending and restating the definition of "family" in Section 215-8 of Article II of Chapter 215- Zoning. Mr. Nikas advised that

the current definition of "family" is very broad. In addition, the amendment has a provision for "Boarders". It will allow one Boarder if you have a family of four (4) or more; two (2) Boarders if you have a family of three (3) or less. This Code would require the owner to notify Code Enforcement in writing who the family members and boarders are and provide adequate parking. The family unit is defined as a group of people two or more who occupy a dwelling in common. If we find certain features that would be a reasonable assumption that a single family dwelling is being used as more than a single family dwelling it would allow Code Enforcement to issue a violation.

The Board agreed this would address some of the issues that have been brought up and would like to review this further.

Code Enforcement Officer Cortese advised the Board that Zoning matters are reviewed annually and this could be one of the amendments the Board could consider at that time. It was agreed to add this to the list of Zoning Amendments made during the annual review of the Code.

The Mayor reported that the Village has been working on the John Street Neighborhood Waterline Project through a CDBG Grant. Superintendent Fiorillo advised the Board of an issue with boring under the railroad and the extra expense it has placed on the project. A discussion ensued. The Board agreed to move forward with the change order from TKC in the amount of \$110,000 due to the time constraints and grant deadline.

Upon motion made by Trustee Cook, seconded by Trustee Gallagher and carried the following budget appropriations be approved as submitted:

Budget Appropriation:	<u>Debit</u>	<u>Credit</u>
C-4910.008 NYS Main Street Grant	195,000	
C-8686.4.009 Main Street Grant Project		181,875
C-8686.4.008 Main Street Grant Admin		13,125
A-1990.4.000 Contingency	8,500	
A-9015.8.000 NYS Police Retirement		8,500
C-599 Appropriated Funds Balance	\$143,380	
C-8668.4.P10 Program Income		143,380

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.	28433 - 28507
Water Fund (General Fund)	Check Nos.	28433 - 28507
Water Fund	Check Nos.	5466 - 5469
Drug Fund	Check No.	1299
BOA Grant Fund	Check Nos.	103 - 104
Trust Fund	Check Nos.	6328 - 6352
Payroll Fund	Check Nos.	28454 - 28489

The Mayor asked the Board for their comments – none was given.

The Mayor opened the meeting up to General Public Comment.

Dr. Potvin, Pearl Street concurs with the proposed local law changing the definition of family and addressing Boarders. He questioned why the Board would wait until its annual review of the Zoning to address the this issue as well as the issue he brought up previously concerning prohibiting two-family and multi-family dwellings in Class A Residential Zones. He feels they are important. The Board advised that due to the fact the Zoning Codes are required to go before the Washington County Planning Board they have, in the past, tried addressed most of these issues on an annual basis.

Attorney Nikas reported that engineer Ken Martin plans to provide the Village with a proposal regarding the Fourth Street storm water issues in the next couple of weeks.

Upon motion made by Trustee Cook, seconded by Trustee Gallagher and carried it is the regular meeting was adjourned.

Upon motion made by Trustee Cook, seconded by Trustee Gallagher and carried the Board convened as the Local Board of Public Health regarding 86 River Street.

The Mayor reported that on 10/2/14 Code Enforcement Officer Cortese issued an Order to Remedy Violation regarding the premises at 86 River Street and ordered that the premises "not be occupied"; on 10/8/14 Village Health Officer Dr. David Foote provided the Village with a report of extreme unsanitary conditions at the premises; and a Police Report from 10/2/14 visit to the property was provided. Upon review it is found that enough information has been supplied to support that the conditions at 86 River Street are unsafe, unsanitary and constitute a nuisance which affects life and health and are detrimental to the public health.

Code Enforcement Officer Cortese advised that the owners of the property have been cooperative and he is in contact with them on a daily basis. The owners have advised that they are in the process of hiring a more reputable cleaning crew and improvements as to the cleanup will become more evident in the coming days.

A brief discussion ensued.

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

RESOLVED, that the attached Order Declaring Nuisance and Requiring Abatement was approved and adopted subject to the Village Attorney's recommended revisions.

Upon motion made by Trustee Gallagher, seconded by Trustee Cook and carried the meeting of the Local Board of Public Health was closed.

Upon motion made by Trustee Gallagher, seconded by Trustee Cook and carried the regular meeting of the Village Board of Trustees continued.

The Mayor reported that the next regular Board meeting will be held 11/10/14 at 6:00 p.m.

Upon motion made by Trustee Cook, seconded by Trustee Gallagher and carried the Board entered into Executive Session for the purpose of discussing a pending litigation matter.

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

No action was taken.

Upon motion made by Trustee Gallagher, seconded by Trustee Cook and there being no further business to come before the Board the meeting was adjourned at 7:25 p.m.


Ellen M. Brayman, Clerk/Treasurer

VILLAGE OF HUDSON FALLS
LOCAL BOARD OF HEALTH
WASHINGTON COUNTY

In the Matter of

Premises known as 86 River Street

ORDER DECLARING
NUISANCE AND REQUIRING
ABATEMENT

The within constitutes the Order of the Village of Hudson Falls Board of Trustees convening and acting as the Local Board of Health ("Board of Health") under Article 13 of the Public Health Law of the State of New York.

FINDINGS

1. The premises located in the Village of Hudson Falls – Washington County and known as 86 River Street (the "subject premises") is comprised of a single family residential structure. Upon information and belief, at the present time the subject premises is owned by Salvator and Lucy DeMonico.
2. David L. Foote, M.D., the Health Officer of the Board of Health, conducted a site visit and examined pictures of the subject premises that were taken on or about October 2, 3, 6 and 7 of 2014. A copy of the report, findings and recommendation of Dr. Foote is annexed hereto and incorporated herein. Francis P. Cortese, the Village of Hudson Falls Code Enforcement Officer, also made an inspection of the subject premises on October 2, 2014. A copy of the report, findings and recommendation from Mr. Cortese is annexed hereto and incorporated herein. The Village Police Department also submitted an Incident Report noting their findings on October 2, 2014 when the accompanied the Code Enforcement Officer to the premises at 86 River Street. A copy of the report is annexed hereto and incorporated herein.
3. The Board of Health convened to consider the matter on October 14, 2014 at 6:00 p.m. during a regularly scheduled meeting of the Board of Trustees. Based upon an examination of the aforesaid reports of the subject premises and after due deliberation, the Board of Health concludes that the conditions at the subject premises are unsanitary, unsafe, constitute a nuisance, a danger and hazard to human health.
4. There is a large amount of rotting and decaying food and trash scattered throughout the house. The Village was contacted by a service man who reported the conditions to the Code

Enforcement Officer. Upon visual inspection and evidence that was gathered from the premises, there was an extreme rodent infestation at the subject premises.

5. Maintaining a home with rotting and decaying food and garbage inside the premises which is producing an odor and the presence of animals constitutes a violation of Chapter 170, Article IV of the Code of the Village of Hudson Falls, specifically Section 170.13.
6. Pursuant to the Property Maintenance Code of the State of New York, specifically Section 305.1 and Section 305.3, the interior of the structure and equipment there shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants are required to keep the interior of the structure where they occupy or control in a clean and sanitary condition. The current unsanitary condition, constitutes a violation of the Property Maintenance Code of the State of New York, specifically Section 305.1 and Section 305.3
7. Pursuant to the Property Maintenance Code of the State of New York, specifically 307.1, all exterior property and premises and the interior of every structure shall be free from any accumulation of rubbish and garbage. The existence of garbage in the interior of the structure constitutes a violation of the Property Maintenance Code of the State of New York, specifically 307.1.
8. Every occupant of the structure is required by law to dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers. In addition all the structures shall be kept free from insect and rodent infestation.
9. The failure to dispose of garbage which has created an infestation constitute a violation of the Property Maintenance Code of the State of New York, specifically 307.2 and 308.1.
10. The unsafe, unsanitary and unhealthy conditions at the subject premises constitute a nuisance in violation of Article 13 of the Public Health Law of the State of New York. The conditions are a hazard to the owner/occupant and potentially hazardous to the neighbors.
11. The record before the Board of Health revealed that the present owner of the subject premises was notified of the violations and advise of the potential outcome in an Order to Remedy Violation which was sent to him on October 2, 2014 by Francis Cortese. A copy is attached hereto.
12. Due to the odor and burden this condition is placing on the neighborhood, the Board has determined that an emergency situation exists.

13. Based on the foregoing, it is hereby determined that the conditions at the subject premises are unsafe, unsanitary and constitute a nuisance which affects life and health and are detrimental to the public health.

14. The Board of Health finds that the subject premises is unfit for human habitation.

15. Therefore, pursuant to the powers vested in the Board of Health under Articles 13 of the New York Public Health Law, it is hereby

ORDERED, that upon service of this Order upon the owner in person and/or by regular mail, the owner of the subject premises shall immediately abate, remediate and otherwise cure the aforesaid violations of the New York State Public Health Law, the Code of the Village of Hudson Falls and the Property Maintenance Code of New York State including (1) removing rotting and decaying food; (2) remediating the rodent infestation; (3) removing combustible materials and storage blocking exits; installing working smoke and CO detectors and removing the unsanitary storage of animal waste in the yard; and it is further

ORDERED, that the owner of the subject premises shall follow and adhere to all directives issued by the Health Officer, Village of Hudson Falls Code Enforcement Office and Police Department to abate, remediate and otherwise cure the aforesaid violations within the time periods or deadlines imposed by the aforesaid Village of Hudson Falls officials; and it is further

ORDERED, that the owner may, upon request, appear before the Board of Health at a time and place to be determined to show cause why the nuisance and conditions specified herein should not have been declared a nuisance dangerous to human health and why this Order for abatement should not have been issued; and it is further

ORDERED, that the Health Officer, Village of Hudson Falls Code Enforcement Officer and Police Department are hereby authorized to take any and all necessary action to enforce the terms of this Order; and it is further

ORDERED, that failure to comply with the terms of this Order including the failure to comply with the directives of the Health Officer, Village Code Enforcement Officer and Police Department, or the continued violation of the Public Health Law of the State of New York and the Code of Hudson Falls shall result in fines and penalties assessed as follows:

- (a) A penalty not to exceed \$2,000.00 for a single violation or failure to comply with any of its orders or regulations, or any of the regulations of the State sanitary code
- (b) \$250.00 for violation of §170-9 of Article 3 of Chapter 170 of the Code of the Village of Hudson Falls and \$250.00 for each day which the violation continues.

(c) \$250.00 for violation of §170-13(A), (B) and (C) and § 170-14(A) of Article IV of Chapter 170 of the Code of the Village of Hudson Falls and \$250.00 for each day which the violation continues, and it is further

ORDERED, that in light of the nuisance and public health problems at the subject premises, the Village of Hudson Falls Code Enforcement Officer and Police Department or their agents are authorized to enter upon the premises and suppress or remove such nuisance, condition or other matter and are further authorized to immediately take any and all actions or measures necessary to remove all occupants and secure the subject premises; and it is further

ORDERED, that the expense of abatement, suppression or removal of the nuisance or conditions detrimental to human health shall be paid by the owner of the subject premises and should this cost be initially born by the Board of Health or the Village of Hudson Falls, the costs shall be recovered and paid in accordance with Section 1306 and 1307 of the Public Health Law; and it is further

ORDERED, that the owner shall be responsible for all costs and expenses of the Board of Health including reasonable attorney's fees associated with the action taken by the Board of Health.

So ordered this 14th day of October, 2014 by order of the Village of Hudson Falls Local Board of Health.



John E. Barton, Presiding Officer
Village of Hudson Falls
Local Board of Health

I hereby certify that this Order was duly adopted by the Village of Hudson Falls Board of Trustees acting as the Local Board of Health at a regular meeting conducted on October 14, 2014 at 6:00 p.m. at the Village Hall, 220 Main Street, Hudson Falls, New York.



Ellen M. Brayman, Clerk/Treasurer