

The regular meeting of the Board of Trustees was held on 8/10/15 at 4:00 p.m. in the Council Room of Village Hall.

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

Jeanne Williams, Executive Director of the Feeder Canal Alliance addressed the Board and thanked them for the Village's continued support. She asked if the Feeder Canal Alliance is doing enough for the Village. The alliance has worked on the silos and three (3) parks in the Village of Hudson Falls. The trail has been refurbished. The Feeder Canal Alliance could not do this without the support of the Village of Hudson Falls and its counterparts. A trail count was completed three years ago and the trail gets almost 90,000 uses per year. This is a huge amount of people flowing through our area. She suggested that area businesses put out some bicycle racks, this will generate business. This past weekend there was an open house at the Silos. Two bicycle groups stopped, one with almost 50 people – bicycles bring business. She thanked the Village for their support, especially the financial support for insurance. \$225,000 grant money was received from NYS for the Feeder Canal Alliance – it has been put back into our local community.

At 4:00 p.m. time was set aside for a public hearing regarding Local Law No. 3 of 2015 Zoning Amendments.

The Mayor advised that the Board has been considering the proposed amendments for several months.

The public hearing was opened for public comment

Mike Willig, 58 Elm Street inquired as to how the Village considers mother-in-law apartments. Attorney Nikas advised that the new definition of "family" addresses the situation. For example if you have two separate utility entrances it would be considered a duplex, etc...

Upon motion made by Trustee Cook, seconded by Trustee VanAernem and carried the public hearing was closed.

**RESOLUTION - BOARD OF TRUSTEES  
VILLAGE OF HUDSON FALLS**

SUBJECT: ADOPTION OF LOCAL LAW 3 OF 2015- THE AMENDING CERTAIN SECTIONS OF CHAPTER 215 OF THE CODE OF THE VILLAGE OF HUDSON FALLS, TITLED "ZONING"

Up motion made by Trustee Horrigan, seconded by Trustee Gallagher and carried

**WHEREAS**, the Board of Trustees of the Village of Hudson Falls ("Board") is considering the adoption of Local Law No. 3 of 2015, which would, if adopted, amend and modify sections of Chapter 215 "Zoning" to the Village of Hudson Falls Code;

**WHEREAS**, the Board finds that it is necessary to adopt this law for the purpose of updating and providing clarification in certain sections of the Zoning Code that exist in the Village Code for the Village of Hudson Falls; and

**WHEREAS**, the Board finds that the adoption of Local Law No. 3 of 2015 is a necessary and proper exercise of authority by the Board; and

**WHEREAS**, pursuant to Section 20 of the Municipal Home Rule Law, a public hearing on the proposed adoption of Local Law 3 of 2015 was duly conducted on August 10, 2015 at 4:00 p.m. at the Village Hall; and

**WHEREAS**, the Board has considered the public comments made at the public hearing; and

**WHEREAS**, the Washington County Planning Board will review Local Law No. 3 of 2015 on August 11, 2015; and

**WHEREAS**, the Board, serving as lead agency for this Type 1 action under SEQRA, reviewed a long environmental assessment form and determined that the action does not present any adverse environmental impacts; and

**WHEREAS**, after thorough review and deliberation, the Board proposes to adopt Local Law No. 3 of 2015; and

**WHEREAS**, the Attorney for the Village has prepared the necessary documents for filing this local law with the Secretary of State including the text of the law itself.

**NOW THEREFORE, BE IT RESOLVED**, that the Board hereby adopts Local Law No. 3 of 2015, annexed hereto, contingent upon the Washington County Planning Boards approval; and

**BE IT FURTHER RESOLVED**, that the Board adopts and authorizes the filing of a negative declaration; and

**BE IT FURTHER RESOLVED**, that the Board hereby authorizes the Village Clerk and the Attorney for the Village to make such minor modifications to the local law documents as they deem necessary and thereafter are directed to execute and file the said documents as required by law and to take all of the necessary actions for the promulgation thereof; and

Roll Call:	Trustee VanAernem:	Aye
	Trustee Gallagher:	Aye
	Trustee Horrigan:	Aye
	Trustee Cook:	Aye
	Mayor Barton:	Aye

The Mayor opened the meeting to general public comment.

Rick Connolly, restored the cannon carriage in Juckett Park. He wanted the Board to know what the Village has – a bronze tube that weighs 1,234 pounds made by Henry N. Cooper and Company, Boston, Massachusetts in 1862. Mr. Cooper was an apprentice of Paul Revere Company. The tube is #70 of 374 that were approved by the federal government for use in the Civil War. Cooper and Revere were two of five foundries in the north that were commissioned to build that type tube for the Union Army. It is a 12 pound Napoleon which comes from Napoleon III of France, he realized that there was a need to create a barrel that would shoot anything (rocks, 12 lb. cannon balls, canisters, etc...). The color is called Japan Varnish (linseed oil, blue, black, green, yellow oker, raw umber, burnt sienna, and red whent. If anyone suggests to do anything with the tube – tell them absolutely no. The tube is perfect as is. Mr. Connolly reported that he spent 41 hours on the Civil War Cannon and 8 hours on the small black cannon. He had a great deal of publicity, thanks to Kendall McKernon. He told stories of different people who stopped while he was working on the project. He thanked Superintendent Fiorillo and his crew. Mr. Connolly said that the project was very rewarding and he thanked the Board for allowing him to do it.

Trustee VanAernem asked if Mr. Connolly could put his description of the cannon in writing and submit it to the Village. People often asked these questions and if put in writing the Village will have the information. Trustee VanAernem and the Board appreciated Mr. Connolly's efforts and thanked him.

Abe Norman, 11 Third Avenue has a complaint concerning the way his disgruntled neighbor painted his garage. He provided the Board with pictures of the garage (painted in patch work with many colors). He provide background information – in the Spring Mr. Norman called the police to complain about the neighbor burning during the burn-ban. The neighbor did finally put the fire out after a few words with the police. Later on the same day his wife and daughter were on the porch, his neighbor mooned them because he thought Mr. Norman was out on the porch. Mr. Norman also complained to Code Enforcement about the neighbor's yard. In the meantime this disgruntled neighbor began to paint his garage in a patchwork of colors (13 different colors) to aggravate his neighbors. Mr. Norman has a petition signed by 32 people requesting the Board consider "enacting a municipal bylaw prohibiting the painting of any structure being obnoxious and disrespectful to the village with the following: stripes, polka dots, circles, patches or any pattern that of appearance and also if they contain offensive words". Mr. Norman feels this is an eyesore and devalues his property as well as the entire neighborhood. If it happens in his neighborhood it could happen in any neighborhood. He asked the board to help correct this complaint and provided a copy of a complaint for the Code Enforcement Officer.

Attorney Nikas reported that he has spoken to Mr. Norman – there is nothing in the Code to address this particular issue. This issue has been the subject of debate for years and is now considered freedom of speech/expression.

Jill Norman inquired about the words that are painted on the garage. Attorney Nikas indicated that it would have to be a public health issue. You could have regulations for signs but someone would be required to apply for a permit in this case. Esthetics could become an issue in the permitting process and would fall under site plan review. This would not pertain to a resident who wants to paint his house purple. Mr. Norman feels this devalues his house. Mr. Nikas agrees with Mr. Norman and indicated the primary catalyst for changing this behavior is community pressure. Hopefully a petition that says we don't appreciate what you're doing gets circulated enough so that Mr. Houseworth remedies the situation. He may also realize it devalues his own home. Legislating the color one can paint their home would not pass constitutional muster. Mr. Norman feels there should be some way to stop this and feels it would be worthwhile to try to adopt something and see where it leads us.

Mayor Barton advised that trying to figure out how to legislate it so that it means anything is a challenge but at this point there is not a remedy. Trustee VanAernem understands that Mr. Houseworth is trying to aggravate Mr. Norman. He encouraged Mr. Norman to get the entire neighborhood to communicate their feelings with Mr. Houseworth.

Jenny Demers advised that her aunt lives next door to this gentlemen and he approached her aunt fully nude in her own driveway. He may be an unstable individual and you might be able to approach the situation in a different way. Keeping tabs on his instability may be more fruitful. Trustee VanAernem advised that the police should be contacted in these circumstances.

Trustee Cook expressed that the Board is sympathetic to Mr. Norman's complaint. The Board has spent the last few years trying to tighten up the Code and upgrade the community in many different ways. Whenever there is an issue – call the police it could be determined to be a nuisance.

Trustee Horrigan advised that the only municipality that has any sort of paint or regulations is Lake George. We could take a look at their regulations. Attorney Nikas advised that Saratoga has a very tough architectural review as well. Both have to do with site plan review.

Dr. Potvin, 50 Pearl Street inquired as to what Glens Falls was doing about abandoned homes. Attorney Nikas reported that he understands that the plan was to take abandoned property by eminent domain. When you take a property by eminent domain you have to compensate the owner for the value of the property. Glens Falls would then be the owner of an abandoned dilapidated property. Attorney Nikas feels this remedy is not the solution.

Attorney Nikas reported that the Village has been waiting for an opinion from the Attorney General for over a year and one-half. The ruling finally came back last week. The Village could advance funds to remediate the problem. Consequently, if a building was in disrepair the Village could take action through the Board of Public Health to remediate the issue. The cost would then be added to the Village Tax bill. The problem before was the lien but it

would be behind the mortgage on the property. So if the tax bill is not paid it will go to tax sale which would cancel the mortgage. Trustee Horrigan advised that the answer the Village received was substantial and the Attorney General's Office did a nice job in responding. Attorney Nikas advised that he is trying to get a meeting with the County Attorney so a plan can be put in place where the County knows that this money is for property maintenance to protect the health and safety of the community. If it goes to tax sale we would be reimbursed. The Village will not abuse this, it is a remedy. This is a common problem in all communities and the Village will be meeting with other communities to discuss it. Trustee Horrigan advised that this came about thanks to Attorney Nikas who got the ball rolling by sending a letter to the NYS Attorney General requesting an opinion "pertaining to the recovery of costs expended by a village to demolish or clean up unsafe buildings".

Sandy Hill Farmers Market Committee reported to the Village Board. Mike Willig reported that the committee has been meeting for about a month to form the Sandy Hill Farmers Market in Juckett Park. The committee is looking for the Village's support and endorsement. The farmers market will not only have fresh produce and farm goods but healthy living items. The parks look great and it should be a nice place to have it this year. The committee would like to be able to put an insert in the Village mailing. It is key to have support from within the Village and beyond to make it a success.

Jenny Demers share the "Sandy Hill Farmers Market" mission statement and vision statement.

Mission Statement: to provide access to local agriculture, artisans, wellness professionals; advocacy platforms and educational opportunities to grow robust producer consumer relationships which cultivate active stewardship of community, economy, environment and heritage.

Vision Statement: providing the opportunity to engage with one another in the act of cultivating an active community, growing a sustainable economy, practicing environmental stewardship and honoring our local heritage in a way that inspires this legacy for generations to come.

Jenny Demers reported that the committee really wants to create an environment that is going to push economic growth in Hudson Falls. She further provided: "public markets contribute unequivocally to the economic, social and political health of towns and cities. Farmers Markets across the nation give residents the opportunity to hear ideas, make connections, develop relationships with local food producers, learn the value of their own economic habits and choices and how their communities are directly affected. Vendors, producers and artisans are given the opportunity to network, grow their business and to provide a valued service to the community. A farmers market can be a direct reflection of the health of its village."

Joelle Timms shared a list of possible vendors – Gillis Farms, Humiston Farms, Oh Happy Day Farm, the gentlemen across from Dollar General is excited to bring his pumpkins, Goose Island Potatoes (who will be reaching out to Battenkill Dairy), Adirondack Seafood, and Hornytoad Farms. Several wellness vendors – Sweat Revolution, AdvoCare, Massage and Reiki, and Yoga. They have also lined up a photographer who will be doing photo-shoots by the fountain; Matt Rozell will be signing his book; hoping the boy scouts will participate by teaching the community about recycling and Kendall McKernon will have his photos. Two groups will be providing food and a consignment table that will bring local business products to that table. They are also working with Binley's to decorate the park with mums – everything will be for sale. They are working on pricing for T-Shirts, shopping bags with logo and hoping to market copies of the Sandy Hill Map.

Mike Willig advised that the Sandy Hill Farmers Market will start September 27, 2015. Looking for endorsement from the Village and start-up money. Mr. Willig has invested his own money on printing, etc... to get started. This will give the Village a health look and will help the businesses and residents. The goal is to see this carry on Hudson Falls' agricultural roots and the health benefits of good, well grown food.

Clerk Brayman advised that the mailer advertising the Sandy Hill Farmers Market will go in the water bills sent out August 31<sup>st</sup>. It will also be posted on the Village's website.

Jen Demers reported that they have a couple of ideas. They would like a large sign which goes across the street; banner poles in the park in possibly three locations; the approximate cost is \$600. They will also need a rest room which would cost \$600 for the season and more next year. They are focusing on fund raising efforts as well.

Trustee Horrigan inquired about the entertainment. Joelle Timms advised that family of her's from of Arlington Vermont will be providing the entertainment.

The Mayor inquired as to what will be necessary for a permit. Clerk Brayman advised that if the Village is sponsoring the event a permit may not be necessary.

Trustee Cook thanked the committee for all of their efforts. He pointed out the logo for the Sandy Hills Farmers Market was designed by Mike Willig. The three key committee members have done a great job of researching farmers markets and reaching out to local vendors and businesses. The Board is pleased with the progress and appreciative of the committee's efforts.

Request of John Hall, 52 Ferry Street to purchase Village Owned Property adjacent to his property. The Mayor advised that his understanding was that Mr. Hall was to provide Attorney Nikas with a survey. Superintendent Fiorillo reported that not knowing where the property pins are, it is difficult to know where the back property line is. The storm drain is located behind Mr. Hall's property and is on Village property. Mr. Hall had previously discussed with Mr. Fiorillo obtaining a piece of land out front big enough to build his garage but he asked the Board to purchase a parcel which runs the entire depth of his property. He would recommend transferring 25' of the frontage and 50' deep. This would ensure the Village would have access to the storm sewer. A survey will be required. A discussion ensued. The Mayor asked Superintendent Fiorillo to inform Mr. Hall he will need to get a survey in order to move forward.

Paris Park designation update. Attorney Nikas reported that everything has been done except satisfying New York State Historic Preservation. One of the things which will be required is a Phase I Archeological Study. Historically the Paris Park property housed the old fire station and it is next to the Main Street historic district. The first quote he received for this study is for \$7,600. The quote for the necessary survey came in at \$1,000. The goal of the survey is to plot the paved area. A stormwater plan will not be necessary if we can limit the disturbance to less than an acre resulting in a savings of \$5,000. The Board will need to put together a budget and decide how to proceed.

Brian Parsons request for no parking near the corner of Grove and Main Street. The Mayor reported that he has visited the area and asked Chief Diamond and Deputy Chief Pedone to make a recommendation. The recommendation is that the "no parking" sign be moved back to the other side of the drive way on the North side of Grove Avenue. A local law will be necessary to enforce. Attorney Nikas indicated the sign could be moved now with the knowledge that until the Code is actually adopted it can't be enforced. The Mayor asked Superintendent Fiorillo to install an additional sign.

Upon motion made by Trustee VanAernem, seconded by Trustee Cook and carried the minutes of the regular meeting of 7/13/15 were approved as read.

Safety Committee's Request to Proclaim October as Pride and Beautification Month was reviewed. The Mayor asked if the flyer could also go out with the water bills on August 31<sup>st</sup>. Clerk Brayman indicated that the flyer will likely be Page 2 of the newsletter. The Mayor advised the flyer will also go on the website.

Trustee Horrigan is concerned with wording "DPW to pick up yard waste ONLY" The DPW does not pick-up yard waste that is not bagged and bundled during the month of September. It was suggested that the month of October be Pride and Beautification Month. Trustee Horrigan advised that the requirement to bundle and bag yard debris is not working. There are piles all throughout the village. He asked Superintendent Fiorillo how this is working out for his department. Superintendent Fiorillo reported that his crew does not pick up these piles. When the DPW does pickup bulk piles it takes 2 loaders and 3 dump trucks a week to go from one end of the Village to the other (5 DPW employees). Hence he is not able to complete other projects which is why the DPW does not pickup bulk piles from June 1<sup>st</sup> to September 30<sup>th</sup>. A lengthy discussion ensued regarding the Village Policy on picking up yard waste.

Superintendent Fiorillo advised that the intention of the yard waste removal project is to prevent the piling up of debris in backyards which is why his loaders go out in the Spring and Fall and DPW continues to pick up bagged and bundled yard waste in the summer months.

The Board agreed to proclaim October 2015 as Pride and Beautification Month. A notice will go out in the water bills on August 31<sup>st</sup>.

Trustee Cook suggested that a recommendation regarding the village's policy on yard waste removal be provided to the Board at the September meeting. Trustee Horrigan advised that he would have a policy for the Board's consideration.

The Board considered the request to provide Sandy Hill Farmers Market with startup money.

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

**RESOLVED**, that the Village of Hudson Falls will sponsor the Sandy Hill Farmers Market and allocate a budget of \$1,000 from contingency funds for miscellaneous expenses, and it is

**FURTHER RESOLVED**, that the necessary budget appropriation be approved.

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

**RESOLVED**, that approval is granted of the Hudson Falls Fire Council's appointment of Jordan J. Beadnell, 8 Shippey Street, Glens Falls as a Fire Fighter in the Hudson Falls Fire Council as submitted.

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

**RESOLVED**, that the retired Fire Chief's Crown Victoria and two retired Police Chevy Impalas be declared surplus and placed for auction.

The Mayor announced that the Summer Concerts continue at Grace Park on Thursday nights at 7 p.m. through August 27, 2015.

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

General Fund	Check Nos.	29321 - 29374
Water Fund (General Fund)	Check Nos.	29321 - 29374
Water Fund	Check Nos.	5512 - 5514
Trust Fund	Check Nos.	6508 - 6523
Payroll Fund	Check Nos.	28868 - 28882

The Mayor reported that the park is coming along great, the grass has come in and was mowed recently. The project is a tribute to Superintendent Fiorillo and his crew; Girard's have done a great job and the park will be ready for future events.

The Mayor reported that he, Trustee VanAernem and Code Enforcement Officer Cortese met with a group from New Life Baptist Church. The Church had approached the Village interested in doing some type of community service in the Village. The Church group agreed to mow and care for properties that have been vacant or abandoned and left uncared for. They also mowed and picked up along River Street; mowed properties on Spruce Street, Third Avenue, Notre Dame Street and John Street. The churches efforts have made a big difference.


Trustee Horrigan inquired as to whether the church is interested in helping members of the community during the winter months. There are many elderly people who are unable to clear their walks and are in need of assistance. Mayor Barton advised that this was discussed at the meeting and the church is willing to help residents who are in need. It was suggested that Max McDonnell at the Senior Center may be able to provide the Village and church with some names of people in need.

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

The Mayor asked for general public comment – none was given.

Attorney Nikas provided the Board with an update regarding the Wheelabrator assessment settlement. An additional request to add a provision which essentially says if the plant closes the agreement is void. At that point the assessment would be based upon whatever the value is at that time. The Board authorized Attorney Nikas to sign the stipulation.

Upon motion made by Trustee Cook, seconded by Trustee Horrigan and there being no further business to come before the Board the meeting was adjourned at 5:45 p.m.

  
Ellen M. Brayman, Clerk/Treasurer

**VILLAGE OF HUDSON FALLS  
LOCAL LAW NUMBER 3 OF 2015**

**A LOCAL LAW AMENDING CERTAIN SECTIONS OF CHAPTER 215 OF THE CODE  
OF THE VILLAGE OF HUDSON FALLS, TITLED "ZONING".**

Be it enacted by the Board of Trustees of the Village of Hudson Falls, as follows:

§1. Authority and Applicability.

This local law is adopted pursuant to the authority vested in the Board of Trustees of the Village of Hudson Falls pursuant to Municipal Home Rule §10 of the State of New York. It shall apply to certain provisions of Chapter 215 of the Code of the Village of Hudson Falls titled "Zoning".

§2. Declaration of Policies and Purpose.

The Board of Trustees of the Village of Hudson Falls has reviewed the provisions contained in Chapter 215 of the Code of the Village of Hudson Falls and believes that certain amendments to the provisions contained therein are reasonable and necessary. The recommended amendments shall therefore be enacted and authorized pursuant to the provisions of this local law.

§3. Amendments.

- A. Table 1 of Chapter 215 shall be amended to prohibit "Duplex (or two-family)" use in the Class A and Class B residential districts.
- B. Table 1 of Chapter 215 shall be amended to prohibit "Multifamily dwelling (including apartments)" use in the Class B residential district.
- C. Table 1 of Chapter 215 pertaining to "Professional office incidental and subordinate to SFD" shall be amended to delete the phrase "residential dwelling unit in conjunction with retail or office use".
- D. Table 3 of Chapter 215 pertaining to lot width shall be amended to increase the minimum 50 feet lot width required in the Class A, B, and C residential districts to 75 feet.
- E. §§215-12.1B and 215-12.1C and §215-12.1D pertaining to conversion or additions to a single-family dwelling and/or a multifamily dwelling shall be deleted in their entirety.
- F. §215-103C and §215-122 pertaining to the granting of a permit or special extension for the expansion or extension of a nonconforming use by the Zoning Board of Appeals shall be deleted in their entirety.



- G. §215-8, Definition of "Building Lot" shall be amended (i) to delete the phrase "and assigned a Tax Map number", and, (ii) to add the following sentence at the end thereof: "The merger of two or more adjoining lots for real estate tax purposes shall not preclude the reversal of said merger at the request of the landowner and shall not cause a forfeiture of any rights that had been vested at the time of the merger".
- H. §215-8, Definition of "Restaurant" shall be amended to delete the phrase "other than a tavern".

§4. Section Numbering.

The section numbering contained herein is used for the adoption of this Local Law. Upon incorporation of the foregoing into the next revision of the Code Book of the Village of Hudson Falls, the foregoing section and/or paragraph numbering may be amended by the publisher upon final publication.

§5. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this Local Law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this Local Law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

§6. Effective Date.

This Local Law shall take effect immediately upon filing in the Office of the New York State Secretary of State.

