

The regular meeting of the Board of Trustees was held on 2/13/17 at 6:00 p.m. in the Council Room of Village Hall.

Present: Mayor John Barton
Trustee James Gallagher, Jr.
Trustee Robert Cook
Trustee Joelle Timms
Attorney William Nikas
Vacant: Trustee Thomas VanAernem

The Mayor opened the meeting to General Public Comment.

Mark Layden, 5 North Oak Street has some suggestions with regards to pedestrian safety. Signage at the crosswalks similar to what they have in Fort Edward. Expand police foot patrol, particularly in downtown, they could watch for pedestrian crossing concerns and it would improve the image of the Village in addition to making the Village unique compared to other communities. Reduce the speed limit around the rotary. Getting people to slow down would improve safety and may encourage people to stop and shop downtown.

Mr. Layden also suggested possible bridge naming ceremony dedicating the new bridges over the canal NYS DOT have recently replaced. Could involve the schools and given all the history there are many individuals the bridges could be named after – Townsend Harris, Nathaniel Pitcher, etc.

Brian Burnett, 5 LaCross Street advised that he has been at his residence for 23 years. David LaFountain owned and operated a small pallet manufacturing company (Dimensional Mills) across the street from him in 2001 or 2002. The property is zoned mixed use (not industrial). Mr. Lafountain obtained a variance from the Village (Mr. Burnett and neighbors objected to the variance). Mr. Lafountain operated the business within the terms of the variance. All changes he made came before the Village for approval. Mr. Lafountain died and in 2013 the company brought in a loader and an industrial chipper. They began chipping wood chips, people four streets away could hear this and it shook his house. He called the Code Enforcement on Monday nothing was formally done, but the chipping stopped. In November of 2015, the company started cutting and running the loader at 5 a.m. He called Code Enforcement and the company was given a verbal warning. The early morning issues continued intermittently. In June of 2016 they brought in a bigger loader which is very loud. In September things worsened, cutting/sawing with the doors open during the day which is a violation of the variance. Especially operating with the door open when the weather is warm. Feels the operation has become a full blown industrial saw mill in their neighborhood. He has notified the Mayor, the Police and Code. He and his wife would not have invested money to improve their property if they had known this. A real estate agency has indicated the noise effects property value and properties have sold lower than assessed values in their neighborhood. He feels the company should operate as they did when Mr. Lafountain owned it or find an industrial location. He feels there is not room for this type of operation at the property and he noted the business is now in multiple buildings instead of the one originally proposed.

Mayor Barton noted he has discussed the issue with Mr. Burnett. Chief Diamond and Code have responded to complaints on multiple occasions, Code has monitored the noise levels using decibel meter with no luck capturing the complaints noted. They will continue to monitor the situation. Mr. Burnett noted that he has been to the company's other location in the Kingsbury Industrial Park where there is a football field between the facility and the nearby homes. The problem is there is no buffer zone. The dust collector resonates - he can feel the vibrations at his house. The Mayor and Board agreed to review the variance with Code Enforcement.

Chris Round, Chazen Companies advised that New York State recently announced additional funds available for the Brownfield Opportunity Grants specifically for communities that have already worked with the Dept. of State. The Village is eligible for additional funds to complete the nomination study. The Village completed a pre-nomination study which consisted of an inventory analysis. A draft nomination study was undertaken but funds were not adequate to complete the project. The Village is entertaining an application to complete the nomination study. The idea is to identify redevelopment ideas within the Village. The Village has been active with Phoenix Rising and Hudson River Music Hall. Village would explore those key opportunities to put the village in a spot to be able to secure money to actually construct a project. The application is due March 1st. Tonight's meeting is to let the public know the application is pending and to welcome public comment right up to the March 1st deadline. The Board is contemplating an \$80,000 application which will require a 10% match. That match can come from a combination of cash and like-kind contributions.

The Mayor noted he has been in attendance for many meetings associated with the previous BOA grants and David McLeod, the representative from NYS DOS. Mr. McLeod recommended the Village's application. In addition, involvement in the BOA provides other advantages to the Village in terms of applying for other grants. Mr. Round advised that upon the designation of the BOA financial incentives are available to developers, tax credits, and there are a variety of funding programs that provide additional scoring if participating in the BOA.

Mark Layden inquired to whether the Brownfield Opportunity Grant is specifically available to the Village because of General Electric? Mr. Round advised that it is not specifically because of GE but because of the preponderance of sites associated with brownfields - GE is one of those sites. The Village has a geographic area which encompasses most of downtown and the waterfront.

**RESOLUTION IN SUPPORT OF SUBMITTAL OF A NEW YORK STATE DEPARTMENT OF STATE
BROWNFIELD OPPORTUNITY AREA – NOMINATION STUDY APPLICATION**

Upon motion made by Trustee Cook, seconded by Trustee Timms and carried:

WHEREAS, the NYS DOS is accepting applications from eligible applicants to compete for funds available through the Brownfield Opportunity Area (BOA) program; and

WHEREAS, the Village of Hudson Falls has previously received funds for completion of a Brownfield Opportunity Area Nomination Study and prepared a Draft Nomination Study and requires additional financial support from NYS DOS to complete the project, and

WHEREAS, the NYS DOS has informed the Village of Hudson Falls that additional funds are available, and

WHEREAS, the BOA application process requires that the governing body of the local municipality support the submission of the application, pledge financial commitment and related actions, and

THEREFORE, BE IT RESOLVED, that the Village of Hudson Falls Board of Trustees hereby authorizes submittal of funding request for completion of the Hudson Falls BOA Nomination Study.

BE IT FURTHER RESOLVED, should the project be awarded funds by the NYS DOS, the Village pledges the required 10% match in order to completely fund the project and hereby authorizes the Mayor to submit the application, and authorizes the Mayor to execute all financial and administrative actions necessary to effectuate the terms of the application.

Upon motion made by Trustee Gallagher, seconded by Trustee Cook and carried the minutes of the regular meeting of 1/9/16 were approved as read.

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

RESOLVED, the request of Superintendent Fiorillo to award Todd Colomb, MEO his .50 cent performance raise be approved.

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

RESOLVED the request of Chief Diamond's request to hire Thomas Beadnell and Arthur Dashnaw as PT Substitute Crossing Guards be approved.

Upon motion made by Trustee Gallagher, seconded by Trustee Cook and carried the resignation of PT Police Officer Michael Tracy be accepted.

The Board discussed the need to replace the existing water meter and water meter reading system. The replacement program together with the increased costs of water and the increased cost of doing business will require the increase of the minimum charge for water. This increase will be reflected in your September 2017 billing. The total impact will be \$25 annually. In addition, the proposal is to use equipment reserve funds toward the initial purchase of the necessary equipment for the upgrade. Many municipalities are faced with the same issues and costs associated with going to the new radio read technology. The village water rates will still be lower than many surrounding communities. The Water Dept. is self-sustaining and separate from the General Fund and property tax rates. Commercial rates will be adjusted in the future to reflect the additional costs to implement the upgrade.

**NOTICE OF ADOPTION OF
RESOLUTION SUBJECT TO PERMISSIVE REFERENDUM**

NOTICE IS HEREBY GIVEN that at a meeting held on the 13th day of February, 2017, the Village Board of the Village of Hudson Falls, Washington County, Hudson Falls, New York, duly adopted the following resolution, which resolution is subject to a permissive referendum pursuant to the Local Finance Law, General Municipal Law and Article 9 of the Village Law of the State of New York:

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

WHEREAS, the Board of Trustees of the Village of Hudson Falls has established an equipment reserve account for the purpose of purchasing equipment for the water department; and

WHEREAS, the balance of the equipment reserve account is presently Two Hundred Seven Thousand Nine Hundred Thirty-Five Dollars and 51/100 (\$207,935.51), and

WHEREAS, upon recommendation of Michael Fiorillo, Superintendent for the Village of Hudson Falls Water Department, the Board of Trustees desires to allocate a sum not to exceed \$70,000 from the equipment reserve account for the acquisition and delivery of an approximately \$120,000 Sensus Water Reading System Package including software and initial 500 meters and radios for use by the Village of Hudson Falls Water Department; and

WHEREAS, the allocation of \$70,000 from the equipment reserve account for the acquisition and delivery of the aforesaid meter replacement package is subject to a permissive referendum,

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees hereby authorizes and allocates the sum of \$70,000 from the equipment reserve account for the sole and express purpose of purchasing and acquiring a meter replacement package for use by the Village of Hudson Falls Water Department; and be it further

RESOLVED, that this resolution is subject to a permissive referendum as provided by law.

**RESOLUTION
WATER RATE INCREASE
DUE TO NEW METER READING SYSTEM AND METERS**

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

WHEREAS due to changing technology it is necessary for the Hudson Falls Water Department to update the existing meter reading system and associated software and

WHEREAS existing water meters will require updating and/or replacing in order to accommodate the new meter reading technology.

NOW THEREFORE BE IT RESOLVED that in order to meet the financial impact of the new water reading system, software and meters it is necessary to increase the water rates as follows (these rates will be reflected in the September Residential Billings):

**Change to take effect on the Sept 2017 Residential Accounts
HUDSON FALLS WATER DEPARTMENT**

Within the Corporation

Residential:

First 20,000 gallons	\$85.00
Each 1,000 gallons thereafter	2.90
Minimum charge biannually	85.00

Commercial:

First 20,000 gallons	\$55.00
Each 1,000 gallons thereafter	2.30
Minimum charge per month	55.00

Town of Fort Edward

Residential:

First 20,000 gallons	\$85.00
Each 1,000 gallons thereafter	\$ 2.90
Minimum charge biannually	\$85.00

Commercial:

First 20,000 gallons	\$55.00
Each 1,000 gallons thereafter	2.30
Minimum charge per month	55.00

Outside the Corporation – Kingsbury & Queensbury

Residential:

First 20,000 gallons	\$85.00
Each 1,000 gallons thereafter	2.90
Minimum charge biannually	85.00

Commercial

First 20,000 gallons	\$55.00
Each 1,000 gallons thereafter	2.50
Minimum charge per month	55.00

Construction Rates

Each 1,000 gallons	\$ 3.00
Minimum charge	\$50.00

Sale of Property Pro-ration (Finals & Pro-rates)

3,000 gallons per month	\$14.17
Each 1,000 gallons thereafter	\$ 2.90

Short Side Long Side

New Water Service **

**Mike will determine cost by measuring length of copper piping needed and based on fair market value (6/12/06)

Meter	3/4"	\$200.00
	1"	250.00

(Service over 1" will be billed material and labor)
(Rock Clause – labor and equipment extra)

Meter Repairs	Broken bottom	\$20.00
	Remote replacement	30.00

Non-payment shut off	\$25.00
Disconnect or Reconnect of Meter	\$15.00

RESOLUTION

**Exemption from Competitive Bidding
Requirements for the Purchase of Water Meters and
Meter Reading System from Sole Source**

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

WHEREAS, New York State General Municipal Law provides an exemption of the bidding process when a municipality, in the public interest, requires an item for which there is no reasonable equivalent and which is available from only one source, and

WHEREAS, the Superintendent of Public works has done extensive research and comparisons of the implementation of new water meters and meter reading systems, and

WHEREAS, in order to ensure compatibility of existing equipment the Superintendent of Public Works has determined that it is necessary to purchase Sensus water meters, Trimble hand held readers and Sensus Command Link from its local distributor HD Supply Waterworks.

WHEREAS, the Superintendent of Public Works and Clerk/Treasurer have adequately justified the exemption to the competitive bidding requirements in the purchase of Sensus water meter/reading from its local distributor to implement the replacement of the Village's aging water meter reading system to a radio read system.

NOW THEREFORE BE IT RESOLVED, that the Village be authorized to purchase Sensus Water Meters and associated meter reading system to support the replacement of the Village's aging water meter reading system to radio read.

Upon motion made by Trustee Cook, seconded by Trustee Timms and carried the following budget appropriations are approved:

	<u>Debit</u>	<u>Credit</u>
F-8310.2 Water Admin	\$25,000	
F-8310.4 Water Admin		\$25,000
F-9951.9 Equipment Reserve	\$25,000	
F-8340.4 Tran & Dist.		\$25,000
F-878 Reserve Funds	\$70,000	
F-8320.4 Source & Supply		\$70,000

The Mayor announced that the Village was successful in the application of a \$500,000 Restore NY Grant to assist in the renovations of the Masonic Temple. This is a great project and great news that this project will move forward. Trustee Cook noted that this grant application process is very competitive, the village is pleased to be awarded the grant. The Mayor thanked all involved – grant writers, Sandy Hill Vision, etc.

Upon motion made by Trustee Timms, seconded by Trustee Gallagher and carried, the following monthly reports were approved as read: Police Department, submitted by Chief Diamond; 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.	30625 - 30704
Water Fund	Check Nos.	5589 - 5592
CDBG 2015 Grant	Check Nos.	723 - 726
Trust Fund	Check Nos.	6819 - 6840
Payroll Fund	Check Nos.	29439 - 29463

The Mayor asked everyone to have patience while we are dealing with the snow, drive a little slower, pay more attention, give the plows the room they need.

Attorney Nikas reported that a settlement agreement regarding the Article 7 proceeding with the owner of the former Rite Aid building on Main Street has been made. They are proposing lowering the assessment from \$750,000 to \$450,000.


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

RESOLVED, that the Village Attorney be authorized to enter into a Settlement Agreement regarding the Commercial Net Lease #65 Article 7 Proceeding assuming the school, town and county are in agreement.

Diane Santa Croce, 16 Spruce Street inquired if the water rate increase effects just the minimum rate. Mayor advised that correct, just the minimum the rate will increase.

Dan Hogan, Paris Avenue inquired as to how the meters replacements will be scheduled due to peoples work schedules. Superintendent Fiorillo advised that they will be scheduled on weekends too.

Upon motion made by Trustee Cook, seconded by Trustee Timms and there being no further business to come before the Board the meeting was adjourned at 6:36 p.m.


Ellen M. Brayman, Clerk/Treasurer