

The regular meeting of the Board of Trustees was held on February 13, 2023, at 6:03 p.m. in the Council Room of Village Hall.

Present: Mayor John Barton  
Trustee Michael Horrigan  
Trustee James Gallagher, Jr.  
Trustee Jeffrey Gaulin  
Attorney William Nikas  
Absent: Trustee Daniel Hogan

By request, Mayor Barton began the meeting with the discuss of the Stormwater Control Maintenance Agreement for 11-13 Fourth Street. He welcomes the attorney on the project Stefanie Bitters to speak. She begins by explaining to the board that the project has recently received subdivision approval. She briefly explains the history of the property and the approval of the subdivision including the limitation to dividing it into only two lots, stormwater management and the recommendations from Tom Jarrett, the Village Engineer, that reviewed and approved the project with contingencies, including this Stormwater Control Maintenance Agreement with the village. The approval of the Planning Board was also contingent upon executing the recommendations provided by Mr. Jarrett. She also explains that the stormwater management plan does not make the property better or worse it just contains the water on the property in attempt to alleviate the runoff onto the surrounding properties. The Stormwater Control Maintenance Agreement was provided to Ms. Bitters and the developer from Attorney Nikas, her only question and request would be if the property did have any issues within the terms of the agreement that a notice would be provided in a timely manner to remedy any issues. It is agreed that a notice by the village will be provided when necessary. Mr. Nikas ensures the board that no matter the type of storm or the severity of a storm this agreement is to enforce the property owner to maintain the property as required. Trustee Horrigan states that this is all new to him, 15 years on the board and he does not recall such agreement with any other properties. Mr. Nikas explains that there is no other property in the village that has a stormwater system. Mr. Horrigan expresses his concern with the agreement that the village will now have to enforce stormwater management on private property. Or if a new owner was to purchase the property, they may not necessarily have the means to do so, then it will become a village problem, and we would have to enforce and maintain it. Ms. Bitters explains that an engineer designed the project, and the upkeep would be minimal that of just mowing and vegetation. The continues by stating the main factor in the successfulness of this stormwater project is proper construction and they have the ability to ensure it is constructed properly. She goes onto explain that just like any other village code, we have the right to enforce it and in this case the village would have the right to claim attorney fees. Mr. Horrigan explains he understand the mowing and vegetation side of the agreement, but he is also concerned with embankment stabilization. If that was to fail 5 years down the road, the new homeowner would have to fix that as well, so it is not just mowing. Ms. Bitters explains that he is correct, but this agreement will be on file and when someone purchases the home, they will see this requirement and responsibilities. He asks where are the sediment control measures? Mr. Nikas explains that if our engineer says there is a problem, the village will have the option to act or not. Without the agreement there will be no enforcement. Mr. Horrigan asks who will be inspecting the property. Mr. Nikas says that Mike Fiorillo is qualified to inspect the property, or if there are questions or concerns, we contact our engineer, and the homeowner would be subject to those expenses. Trustee Horrigan iterates his concerns including the cost that may incur from this. Mr. Nikas confirms that all enforcement is optional by the village. Mr. Horrigan asks if we don't have to do anything if there is an issue then why must we agree to a contract. Mr. Nikas again explains that the agreement allows us to enforce it. We have never been in a situation with a property that this has come up except for the Feeder Street project, which we are doing the same thing and working with Mike Fiorillo approval and guidance. No one has had to put a system in place to control it. A brief discussion ensued.

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

**RESOLVED**, to approve to Mayor Barton to sign the Stormwater Control Maintenance Agreement for 11-13 Fourth Street.

Trustee Horrigan opposed.

Upon motion made by Trustee Horrigan, seconded by Trustee Gallagher and unanimously carried, the minutes of the regular meeting of January 9, 2023, were approved as submitted.

Upon motion made by Trustee Gaulin, seconded by Trustee Horrigan and unanimously carried it is;

**RESOLVED**, to approve resignation of Blake MacWhinnie, part-time Police Officer, effective January 17, 2023.

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

**RESOLVED**, to approve appointment of Zachary Flewelling to part-time Police Officer, effective February 18, 2023, at the rate of \$25 an hour.

30-Day Advance Notice letter request for a liquor license from Comfort Zone, 17 Court Street, Trustee Horrigan asks what it is. Mayor Barton says it looks like the normal request for a waiver letter. Attorney Nikas says it is not a request for the waiver, they are just providing us with a notice to inform the village of a new application for this premise. The applicant is Robert Neuweiler. Hope Frettoloso, Enforcement Officer commented, stating that he previously had a bar at this location and someone had died there and as a result, he lost his liquor license and now he is reapplying.

Attorney Nikas states this does not require a motion, it is just a notice informing us of such.

Upon motion made by Trustee Gaulin, seconded by Trustee Horrigan and unanimously carried it is;

**RESOLVED**, to approve Change Order No.3 for Derby-Moran Park.

Upon motion made by Trustee Horrigan, seconded by Trustee Gaulin and unanimously carried it is;

**RESOLVED**, to approve revision to Salaried Exempt Full-Time Employees contract for tenure and observing Juneteenth.

Upon motion made by Trustee Gaulin seconded by Trustee Gallagher and unanimously carried it is;

**RESOLVED**, to approve the following Budget Appropriations:

	Debit	Credit
A-1990.4.000 Contingency	\$11,211.20	
A-1910.4.000 Unallocated Ins. (Insurance Renewal)		\$11,211.20

Upon motion made by Trustee Horrigan, seconded by Trustee Gaulin and unanimously carried, the following abstracts were audited and ordered for payment:

General Fund	Check Nos. 35440 - 35527
Water	Check Nos. 5909 - 5912
Trust	Check Nos. 7870 - 7879
Payroll	Check Nos. 31040 - 31056
Drug Fund	Check No. 1333

**Mayor Comment:**

None was given.

**Board Comment:**

Trustee Horrigan explains the Talk Derby To Me committee recently had a meeting and has decided to purchase a portable score board to be used for games and rec program. Last year a bench was broken, and the company would not cover it under warranty so they have decided to purchase two benches so there will be every bench in the cement cutouts. Also, the Class of 1970 has donated to the fund to buy a standing bulletin board that will be placed near the pickleball courts to inform the visitors of what is being held at the park like community nights, concerts, flea markets. The Hudson Falls Rec Department has asked for storage containers that we will set up behind the clubhouse, so they are able to store and access their equipment much easier.

Mayor Barton added that we recently had the new doors installed by Catafamo Construction. We are in good shape for reopening he park. More information to come.

**Public Comment:**

None was given.

Upon motion made by Trustee Gallagher, seconded by Trustee Horrigan and there being no further business to come before the Board the meeting was adjourned at 6:25 p.m.

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Cassandra Allen, Village Clerk-Treasurer