

VILLAGE OF VICTORY

VILLAGE BOARD OF TRUSTEES

MONTHLY MEETING MINUTES ~ MAY 8, 2018 ~ 7:00pm

Call Monthly Meeting to Order. Attending: Mayor Pat Dewey, Trustees Tim Healy and Leslie Dennison, and Clerk Treasurer Lewsey.

Approval of Minutes:

- Minutes – April 3, 2018 – Public Hearing/Monthly Meeting/Organizational Meeting. **A motion was made by Mayor Dewey and seconded by Trustee Dennison to approve the monthly meeting minutes of April 3, 2018 as submitted. All in favor – aye. Motion passed.**

Prior to the monthly meeting starting, Mike Panich, Associate Landscape Architect from the L.A. Group made a presentation on the planning phases of the General Schuyler Sawmill Park. A walk through the phases was conducted.

Phase I – Installation of the period style fencing

Utility Pole Relocation

Building of the Sawmill Structure (16'x20' open air construction to allow interpretive panels)

Phase II – Safety Improvements

Install interpretive signage to help tell the story of the site.

Install furnishings and picnic tables

Phase III – Addition of play elements to encourage stay/play elements to make it a true destination.

Phase IV – A meeting and provide specifications for the sawmill replication.

Grand Vision – Phase 1 with a caveat of a little bit of legwork and community workmanship, government grants to make this project affordable. There was a discussion of options: Hudson River Valley Greenway Community Grant Program at 50/50%, or Consolidation Funds Application - Local Water Revitalization Program (CFA) (LWRP) which would be the best bet for the Village at 75/25% match. The Village of Victory was included on the revitalization. Mayor Dewey stated he likes the concept but asked if the 25% could equal in kind services. Mr. Panich replied yes, he believes in kind services would qualify toward the 25%. Mr. Panich said the next step would be to apply for the grant and this could be either done in house or cost \$1500.00. The Board noted this is definitely something they will be discussing. The Board thanked Mr. Panich for his attendance and going through the phases.

Village Board Correspondence or Announcements:

- **ZBA Meeting:** No Meeting scheduled for May 2018
- **Planning Meeting:** No Meeting scheduled for May 2018
- **Schuylerville/Victory Water Board Meeting:** May 21, 2018 at 7:00pm in Victory

Monthly Reports:

All reports are read as presented and are as follows;

A. DPW REPORT

- Working Supervisor Bill Lloyd provided written report. Trustee Healy asked in regard to the generator filters, which generator was he having a problem changing filters. DPW Lloyd replied it was the one at the lift station, but he was able to change after using five filters. Mayor Dewey mentioned he did speak with Water Board Chairman Baker in regard to the cleaning of the water tank and the need for DPW Lloyd's monitoring the high water process for 5 ½ hours. He will be attending the next water board meeting.

- Request from Pine Street residence on what is required to create a new driveway. Mayor Dewey said he will speak with Village Attorney Catalfimo regarding this and see if the Board has the right to either approve or deny this request. Also see if the resident can wait a couple of days, and if we do not hear anything from the Village Attorney, the resident can proceed.
- Discuss Paving Project/Pond St and Cemetery Road
 - CHIPS allotment \$74,190.15 FY18.19.
Trustee Healy would like to discuss what water work would need to be done prior to paving and the number of shut offs that we would like to update prior to paving. Mayor Dewey suggested getting paving pricing now or piggy back on the County contract vs. RFQ. There was a discussion on the locations. Wants to come on Cemetery Road to Pine Street and down to the top of hill at Herkimer and Pond. There is a lot of cold patch on Jay Street. Mayor Dewey said to get itemized pricing for Cemetery Road and Pond Street then Jay and Pratt Streets. Mayor Dewey stated that if they are going to mill out, he would like to take the milling material to the point near Harvey Lane. Mayor Dewey will meet with DPW Lloyd on Sunday morning to look at this paving project. Contingent on the response regarding the water work and number of shut offs, the time for the work would be about August-September before we could think about paving.

B. SEWER DEPARTMENT:

- Included with DPW report
- Letter request from 44 Burgoyne Street Schuylerville to tie into public sewer as an outside user.
 - Village sent a letter requesting application and fee to consider request on April 18, 2018
 - Addendum to homeowner insurance names Village as additional named insured.

A long discussion followed whether to allow connection of the outside user on the village system. Mayor Dewey spoke to the Village Attorney and it was outlined the village should enter into a contract drawn up by the attorney. There is a concern of how to handle an outstanding balance with the Town/County levy process. If an outside water user doesn't pay their water bill, we can levy the fee onto the tax bill or shut the water off. But this cannot happen with sewer as we cannot turn off the sewer due to causing a health hazard. The Town said they would pass a law to allow us to levy the fee onto the Town tax bill but to do this the village would need to pass a law to allow the levy to happen. This option was felt to be the easiest. Or, the Village Attorney could draw up a contract which would remain on record at the County when and if the property is ever sold. Mayor Dewey noted he is not sure which would be the best economical solution, but did say that the legal costs would not be on the village to pay but the homeowner. The resident of 44 Burgoyne Street, Mr. and Mrs. Cadwallader, discussed hooking into VOS system and they had suggested various options that were made prior to them approaching the VOV Board. The Cadwallader's said they were told by Schuylerville they had the option of contacting the owner of the property on the corner of Burgoyne and Chestnut Street. There is a possibility they could hook into VOS sewer system, but at this point the Cadwallader's said we are basically splitting hairs as to which way to go. VOS would be the least expansive as well as expensive and a smaller project. However, we are getting push back from the neighbor, so we are not sure if that option is off the table. We were told their outlet comes out of the side of the basement facing us and we could tie into theirs going downhill. But, the neighbor would be required to have a dye test done to ensure whatever is coming out of his house is not going into the sewer system. The neighbor is okay with that as long as it goes down his commode in the bathroom. But we were told the law states, the dye must also go down his kitchen sink but he will not allow that as they do food and dishes there. As Mrs. Cadwallader states she understand the dye is nothing other than food coloring. She also stated she understands that the VOS has suspicions that the water coming from the neighbors lines is gray water going into the

storm sewer and does not want that to come to light. All our concern is can we hook into their sewer system. The next option would be to cut across our lawn across the street to the VOV system. Option three would be to raise the level of our lawn 3' in our front lawn to basically have a semi-raised leach field. We feel for various reasons option 3 is no viable. Mayor Dewey asked if a holding tank had been considered or at least to look into it. The question arose about the repaving project currently ongoing on Burgoyne Street. Morning Star questioned how deep down the sewer line is and whether he would have to go under or across other services such as water or gas lines and other communication lines. Mayor Dewey stated if there is a sewer line there, an easement must have been signed (as everyone in the village had to sign one) or if it in the right-of-way of the road.

The Cadwallader's stated they used to have a leach field which they were told is no longer functioning. Presently they are pumping their septic tank every two weeks. They have been told by the person pumping their tank, that due to a high water level, some water is flowing back into the tank. Mayor Dewey noted there are legal and engineering entanglements, but not sure what those costs would be. Mrs. Cadwallader stated there are basically two issues here and those are gray water running off and the sewer line taking care of the bathroom that they want to tie into. Trustee Dennison said the VOV board needs to find out the results of the dye test and remembers when the sewer system was originally done every single house was dye tested. Trustee Healy asked when the line comes out of the west side of the neighbor's property is the line all on his property. The Cadwallader's replied that they were told by VOS CEO, Gil Albert, that the line goes along under the back yard of the Flander's home and goes down to the sewer between Flander's home and Luhmann's home. The Flander's home does not have a public sewer connection but a septic system and believes that the Luhmann's use the sewer system. Mayor Dewey asked where the sewer line goes on Chestnut Street. Mr. Cadwallader said that no one really knows but everyone he spoke to thinks it goes down University Street. Mayor Dewey stated he is not objecting to them hooking into VOV system, but it's going to be very costly. DPW Lloyd noted the closest point may be down Burgoyne Street about 300' feet to the flow meter. The Victory line crosses down the street at 37 Burgoyne Street. Mr. Cadwallader asked if he was correct in understanding that the Village Attorney suggested a contract be drawn up to allow them to sign to assume liability for payment which would be filed with the County for inclusion in deed. He then asked for the name of the Village Attorney, to which the Mayor responded Mike Catalfimo, who is associated with Carter Conboy. It was also noted at this time that the contract would involve the County for right-of-way. Again Mrs. Cadwallader stated that the VOS is demanding the Cadwallader's have the dye test performed before they would allow them to hook into their system. The neighbor did speak with Mr. DeRidder from Morning Star and again said the neighbor would let them perform the dye test in the bathroom but not the kitchen sink. It is felt that the neighbor doesn't want to get involved in the problem, but as Mayor Dewey noted, one way or another he is involved. There was a discussion on holding tanks. Again Mayor Dewey stated he is not opposed to looking into this situation, but reiterated it is going to be very expensive. The Cadwallader's said they are currently looking at costs for a grinder pump to be estimated between \$15K and \$25K for their options. They noted that their septic tank is 500 gallons and the person pumping their tank stated they have another chamber which makes their tank 750 gallons. They also stated that there was a water break about 7 years ago, and the line was under their home, which was repaired, and now are wondering if something was disturbed at that time that may have interrupted their leach field. Mayor Dewey suggested they get their pump guy to test the water from their tank and see if it is

municipal water or spring water. If it a leak is municipal water, that can be taken care of. Mayor Dewey said there is no short solution but he can contact the Village Attorney and have him look into legal costs estimates. DPW Lloyd stated there is a manhole at the intersection of Schuyler Heights where they may be able to check to see how deep the lines are and get some ideas from that. At the end of this discussion, unfortunately there was no resolution at this time, but the Cadwallader's thanked the Board for their consideration in addressing this issue.

- Action Septic pumped out and cleaned the Lift Station due to sediment and debris following the draining of the water storage tank project on May 2, 2018. The invoice was sent to SV/BOWM.

C. CODE ENFORCEMENT OFFICER REPORT

- CEO Wolcott had to leave the meeting. Mayor Dewey stated the owner of 21 Pond Street, was told to clean up his property. He agreed to ACOD and agreed to pay \$1,000.00. He has to stay in compliance for 6 months or he would be in violation of the ACOD. Trustee Dennison stated the owner had mowed on the last day, though it may not be the neatest. It was commented that if other issues come into play, then the owner would become non-compliant and in violation of ACOD, a complaint form would need to be filled out and given to the Village CEO for further action. 28 Gates Avenue is still in court. Our Village Attorney wants full restitution for the court costs. The Mill has been given 2 weeks extension (was 5/11/2018). The extension was the Hydro Plants request, not Riverview. 14 Pine Street, the property has a new attorney. The owner was offered an ACOD and to pay \$1000.00 and requiring to stay in compliance for 6 months. The owner said she didn't agree to pay the \$1000.00, but wanted to pay \$500.00 only. The Village countered for the owner to pay \$500.00 plus \$100.00 per months for 5 months.

D. FIRE DEPARTMENT REPORT

- No report.

E. WILTON EMERGENCY/GENERAL SCHUYLER EMS

F. WATER DEPARTMENT REPORT

- Draft minutes from April 16, 2018 monthly meeting were received.
- Appoint Leslie Dennison as water board commissioner: fulfilling remainder of term through May 31, 2019. **A motion was made by Trustee Healy and seconded by Mayor Dewey to approve the appointment of Leslie Dennison as water board commissioner fulfilling the remainder of term from April 1, 2018 through May 31, 2019. All in favor – aye. Motion passed. .**
Update organizational list to remove Mrs. Dennison as alternate commissioner.

G. VILLAGE TREASURER'S REPORT

- Monthly report ending April 30, 2018 was read.

H. PLANNING BOARD REPORT

- No meeting/no report

I. ZONING BOARD OF APPEALS REPORT

- No meeting/no report

OLD BUSINESS:

A. **Litigation: Ongoing Sewer Manhole/Encroachment (Settlement Agreement) & Flow Meter Issues (Sewer Agreement) with Village of Schuylerville**

- Settlement Agreement is pending with Schuylerville and a final draft has not yet been received in order to review. Sewer Agreement has been completed and a final draft was forwarded to Schuylerville for review and approval. Victory Board will approve once final draft has been accepted. The Village Board is waiting for settlement agreement from VOS attorney, Matt Fuller.

B. **Mill Building #8/Riverview Realty/Enel/Brookfield Power aka Consolidated Hydro**

- The issue on ongoing, as the Village of Victory filed suit in the matter of the unsafe structure known as Building #8.
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C. Local Law #2 of 2018: Fees Costs and Expenses

- Next month the village board is expected to pass a resolution to hold a public hearing in preparation of adoption of the local law. The law will be available next month.

NEW BUSINESS:

A. General Schuyler Saw Mill Park Presentation by LA Group

- General information about moving the utility poles was emailed to the board on April 23, 2018. An application is required to start the process and getting an estimate for the village. It was noted that the Board would like to move forward with the application. Trustee Healy asked if the next step would be to review the plans and look into the grant application. Clerk Lewsey noted that a member of the General Schuyler Sawmill Committee, Sara Osborne had mentioned that she'd be willing to help work on the grant application, and noted that sometimes there are similar examples of approved grants available for the Village Board to review. This would give the Village Board an idea of what has been accepted. The only thing is the Village Board does not have is all the supporting documentation we would need other than what we already presently have. Clerk Lewsey also stated the Village would not be reimbursed until the next fiscal year. Trustee Healy asked what if the Village Board does not want to do everything that has been suggested by the LA Group at this time. Possibly look at each phase and see what we can work with. For example, we don't need a 16'x20' open air pavilion, it is felt we don't need that at this time. Trustee Healy also stated he likes the split rail fencing, but the naturalization landscaping basically looks like weeds and that means a lot of maintenance. Another question arose on the whereabouts of the sawmill replica spoken about previous meetings. At the end of this discussion it was decided to look into the grant application and find out what we need to move forward in this process at this time.

B. RESOLUTION: Budget Amendment

- Formal resolution to transfer the \$20,000 from fund balance for truck purchase
- \$7,000 from unexpended contractual amount FY16.17 and \$13,000 from fund balance FY17.18. **A motion was made by Trustee Healy and seconded by Mayor Dewey to approve the resolution for the budget amendment in the amount of \$20,000.00 to be taken from account A2831 Fund Surplus and transfer to account A5110.2 Street Administration, Equipment. This is to finalize the transaction for the purchase of the new highway truck for FY2017.2018. All in favor – aye. Motion passed.**

C. RESOLUTION: Budget Amendment

- Budget transfers to balance the village budget FY17.18. **A motion was made by Trustee Healy and seconded by Trustee Dennison to approve the resolution and authorize the treasurer to amend the budget as follows: take \$6,963.29 from Contingency and transfer \$1,005.37 to A1325.1 Treasurer P/S, \$4,706.75 to A1420.4 Attorney Contractual, \$772.58 to A8010.4 Zoning contractual and \$478.59 to A9060.8 Health Insurance. Also, \$3,535.00 from A9010.8 State Retirement and \$154.42 from A1910.4 Unallocated Insurance and transferred \$3,689.42 to A8510.4 Community Beautification (Park Project). All in favor – aye. Motion passed.**

- D. **NYS Deferred Compensation Plan:** Information was received about the “Plan” that is a State sponsored voluntary retirement savings plan offered to employees. There is no employer cost. Trustee Dennison stated it was okay to look into this further.

E. National Grid/NYSERDA program

- Village Board approval required to inspect all interior and exterior lights in order to replace them with the more efficient LED's. This approval would allow permission to review the current
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National Grid bills, and allow them to get signatures on all invest tools so they can get the village board a quote for the June meeting. **A motion was made by Trustee Dennison and seconded by Mayor Dewey to grant approval to National Grid/NYSERDA to inspect all interior and exterior lights in order to provide an estimate to replace them with more efficient LED's, review National Grid bills and authorize a signature on invest tools paperwork so they can get a quote to the Board for the June meeting. All in favor – aye. Motion passed.**

F. Turning Point Parade

- Village Board to approve agreement in the amount of \$300.00 in July/as was budgeted.
- Village Participation/Fire Department participation contact Byron Peregrim or Jean Driscoll. Trustee Healy agreed to participate in the Parade and Mayor Dewey offered his truck to pull the float.

G. Response from the Law Offices of Lawrence Magdovitz/Owner of Post Office Building and Lot regarding the letter about damage to the village storm drain line from Herkimer Street. No response was provided at this time.

OPEN FLOOR: None

Audit Claims:

- Abstract # 12 – MAY 2018
 - General Fund \$ 19,023.98
 - Sewer Fund \$ 24,676.85

A motion was made by Trustee Dennison and seconded by Trustee Healy to approve the claims for Abstract #12 for May 2018 as listed above and also to include the invoice for B-Lann to be added to the claims in the amount of \$3,364.36. All in favor – aye. Motion passed.

Executive Session: None

UPCOMING VILLAGE BOARD MEETINGS:

- Fiscal Year End Meeting:
 - Wednesday, May 30, 2018 ~ 6:30pm (to verify at meeting)
- Next Monthly Meeting:
 - 2nd Tuesday, June 12, 2018 ~ 7:00pm

ADJOURNMENT: A motion was made by Mayor Dewey and seconded by Trustee Dennison to adjourn the meeting. All in favor – aye. Motion passed.

Respectfully submitted,

JoAnn Bielkiewicz

Recording Secretary
