

Village of Schuylerville
Monthly Meeting Minutes
Wednesday
December 8, 2021

Present:

Mayor Carpenter
Trustee Baker
Trustee Drew
Trustee Colvin
Trustee LeBaron
Attorney Klingebiel

Mayor Carpenter opened the meeting with the pledge of allegiance

ZONING COMMISSIONER COLVIN PRESENTS ZONING PLAN TO BOARD OF TRUSTEES:

Leona Colvin, Zoning Commissioner, presented the proposed zoning to the board of trustees. She thanked the members of the former zoning commission, Larry Alheim and Pam Foeshler consultant, CT Male, especially planner, David Plant, former attorney Ed Bartholomew and current village attorney, David Klingebiel. She thanked the board for their support in this endeavor and encouraged them to reach out to her if they had any questions. She presented them with the printed version as well as thumb drives for the village attorney and clerk. Mayor Carpenter accepted the zoning from Commissioner Colvin and thanked her for her work.

BOARD ANNOUNCEMENTS:

- Schuylerville/Victory Board of Water Management regular board meeting will be held on Monday December 20th at 7:00 pm in the Victory Meeting Hall
- Schuylerville Village Board Workshop Meeting Monday January 10th at 6:30 p m at the Schuylerville Meeting Hall.
- Schuylerville Village Board Meeting on Wednesday January 12th at 7:00pm at the Schuylerville Meeting Hall.
- Sidewalk Committee Meeting December 22nd at 6pm at the American Legion Hall
- Planning Board Meeting TBA
- Public Hearing on the adoption of Zoning on January 5th, 2022 at 6:00pm

MINUTES: Trustee Colvin made the motion to approve the minutes from the November meeting as well as the December workshop. Trustee Baker seconded the motion, all in favor.

TREASURER'S REPORT:

General Fund Statement balance	\$165,856.14
Sewer Now Statement Balance	\$158,803.26
Trust and Agency	\$41,706.51
General Fund Money Market	\$1,013,371.47
Sewer Fund Money Market	\$452,469.05
Memorial Day	\$2,863.39

DEPARTMENT AND COMMITTEE REPORTS:

- DEPARTMENT OF PUBLIC WORKS

Trustee Baker gave a synopsis of the report given by DPW Supervisor Decker at the previous workshop. He reported that the leaf vacuum motor had blown, and that, as this machine will not be needed until the following summer, Decker would try to have his crew repair this in house over the winter. He mentioned that the Church Street sewer blockage turned out to be on the resident's side. Supervisor Decker attended the water board meeting and has red tagged the water backhoe, as he feels it is not safe to operate. Mayor Carpenter noted that Supervisor Decker had informed him that the residents are mostly complying with the alternate street parking. Mayor Carpenter also mentioned that notices had been generated from the village office and would be distributed by the DPW to give any residents parked on the wrong side a first warning.

- CODE ENFORCEMENT

Gil Albert gave his report. Trustee Baker asked if he had received a building permit for the construction of the building on 65 Pearl Street. Albert stated that the structure had already been built by the time he noticed it. Mayor Carpenter thanked Mr. Albert for his service to the village and mentioned that the village is already sending out some inquiries for a replacement.

- FIRE DEPARTMENT

No report.

- WASTE WATER TREATMENT PLANT

Trustee Baker gave a run-down of the report that Sherman gave at the workshop. Among other subjects, he briefly talked about the internal crack in the sewer pipe in front of the plant that had been brought to the attention of the board. He stated that the representative from Rural Water thought that this was a repair that could be done in the spring.

- HISTORIAN/VISITORS CENTER

Mayor Carpenter spoke regarding the report that the historian had given at the workshop. Historian Saddle mire would like to see the visitor's center remain open, as she feels that the

Schuylerville visitors center is more focused on the history of the village. She also had a list of repairs and improvements and listed them in order of importance. Some of these will need to be made if the village plans to keep the center open.

- PLANNING BOARD
- SCHUYLERVILLE/VICTORY BOARD OF WATER MANAGEMENT

Trustee Drew gave his report. He listed the repairs that need to be done to the water backhoe. The board has asked Decker to get quotes for a replacement machine. Drew reported on the plant operations and repairs. He also mentioned that Kathryn Sera was planning on presenting on the master plan and that this was a meeting that both villages should attend. The board discussed the possibility of a meeting on January 7th. Trustee Drew said that he would ask the board and Ms. Sera (CT Male representative.)

- ZONING COMMISSION

PUBLIC COMMENT;

Wendy Lukas asked Mayor Carpenter to clarify the dates of the upcoming meetings and public hearings. Mayor Carpenter confirmed the discussed dates. She also asked if the tree removal assistance is on the website. Mayor Carpenter stated that a description of the assistance offered by the village will be made available on the website.

Pat Smola asked what the final ruling on the changes to the alternate street parking were. Mayor Carpenter stated that the law had not been changed, and that it remained the same at this point.

Leona Colvin stated that she would like to see the visitor's center remain open.

OLD BUSINESS;

The proposed changes to the alternate street parking law were discussed. Mayor Carpenter stated that he had reached out to DOT to ask how the new ruling would affect their ability to clear the roads. Supervisor Decker has agreed that he will make it a priority to keep Broad Street clean by putting it first on his schedule when there is a snow event. Also, Mayor Carpenter stated that the DOT representative says that the village of Schuylerville is actually in a good spot, as it is the intersection of several state roads, which would cause the state to be passing the village on several occasions throughout a weather event, as we are a central turn around spot. Mayor Carpenter stated that he would like to add a public hearing for amendments to the parking law to the scheduled hearing for zoning. There was extensive discussion regarding the logistics of the alternate street parking and how the streets will be plowed. The board agreed on changing the time frame for Broad street to 10 pm to 6 am to make enforcement less difficult.

NEW BUSINESS;

Village Clerk Patterson reported on the insurance recoveries from the flood back on February 2nd 2021. Patterson provided the board with a detailed spreadsheet documenting expenses and payouts related to the flood of the building. To date the insurance company has paid out \$49,405.38. Village Clerk Patterson is working with Dave Meager of Amsure Insurance to recoup those outstanding monies totaling \$3,863.96 as well as the projected amount of over \$4,600 for the replacement of the radio room equipment, which has not been delivered yet, due to backorder issues. The backorder issue makes collecting difficult, as the insurance company requires a paid invoice as well as the cancelled check image to release funds.

Health insurance costs went up 11% this year. Mayor Carpenter stated that at some point the village may need to increase the amount contributed by the employees. Currently the employee's contribution is 20%.

Village Clerk Patterson brought it to the attention of the board that due to an error in date entry, there was an adjusted voucher total for the November meeting. She stated that all vouchers had been presented to the board and had been signed. The adjusted amount will be presented for approval at the end of this meeting when the December voucher totals are presented.

Laird Conover has requested assistance with the removal of a tree that is in the right of way on the corner of Ferry Street and Green Street. He has obtained three quotes. The board agreed to assist the Conovers in the amount of \$1,225.00. This motion to approve the reimbursement was made by Trustee Baker upon proof of payment and seconded by Trustee Drew.

Treasurer Heyman gave a mid-year treasurer's report. She had provided the board with an excel spreadsheet as well as the usual revenue and expense report, and three note sheets detailing the fund balances and reserves for the general and the sewer funds.

She highlighted any accounts that were over 50% in particular the building contractual account, as this was an account that was very low, particularly being as this is only mid-year. The low balance is due to the extensive repairs that are needed to shore up building on the north side. The fund balance report showed the fund balance at year end for 2021, the revenues and expends to date and the resulting figure. Her presentation included other things such as an annualized figure for the property tax revenue, as this revenue is realized in the first quarter of the year, as well as the fact that only 5.28 percent of the \$180,000 in fire revenues had come in so far. Current fund balance after considerations is projected at \$663,112.57. Heyman also included the calculations to show the amounts, according to the previously discussed percentages of total revenue that the board would like to have in the fund balance policy, would allow for unassigned fund balance for each fund. Heyman pointed out that the proposed amount of unassigned fund balance for the sewer fund would only be \$163,702.25 on the lower end of 25% and \$209,538.88 on the higher at 32%. Trustee Baker thought that the board should possibly have separate fund balance policies. After some discussion, the board determined that due to the nature of the unanticipated and costly expends that could be incurred in the sewer fund, that they should draft a separate fund balance policy for sewer than the general fund. Mayor Carpenter asked the board if they had any questions for Treasurer Heyman. Trustee Baker stated that he thought this was a good starting point, and that once the board has numbers from the other department heads (sewer and DPW) that they would be able to move forward on creating the five-year strat plan, which is, in essence putting a three to five-year budget together. Department heads should come with a list of equipment that they feel will have expended their useful lives in the upcoming three to five year period. Baker stated that this will allow us to be more pro-active than reactive, not just

putting out fires. Reserves will be the first step in getting that achieved, taking the numbers they give us, we can work out what we will pull out of fund balance.

The fund balance policy that the board has been drafting over the past several months was presented for approval. The board agreed that they needed to clarify that this fund balance policy was for the general fund only and that they would create a separate policy for the sewer fund. The policy that the board agreed on would give a lower number of 25% of total budget to a maximum of 32%. Trustee Baker made the motion to adopt the fund balance policy, Trustee Colvin seconded the motion, all in favor, policy adopted.

The board discussed the schedule for the release of the RFP for the SAM grant. After some discussion, the board agreed on a schedule for RFP release. Trustee Baker made the motion to approve the RFP and release schedule, Trustee Drew seconded the motion, all in favor.

The quote from Nolan Engineering for the building erosion issue was presented for board approval. Trustee LeBaron was present when the engineer was on site and he stated that the engineer determined that the pillar that is on the north west part of the building, which was originally one of the most concerning items in the repair, was not actually structurally important. That part of the building is tied in to the main structure with a steel beam. There is still more work that will need to be done, as the engineer will need to take more measurements before the project moves forward. Trustee Colvin made the motion to accept the quote from Nolan engineering in the amount of \$5,520.00, Trustee LeBaron second the motion, all in favor, quote accepted.

Mayor Carpenter read from the following resolutions that were presented to the board;

A resolution to approve the Hiring of Tyler Wolf as Permanent Full Time DPW Laborer **WHEREAS**, The Village of Schuylerville Board of Trustees has voted to change the status of the position of Temporary Full Time DPW Laborer to Permanent Full Time DPW Laborer **WHEREAS**, The Permanent Full Time DPW Laborer, Tyler Wolf, the rate of pay will remain \$17.00 per hour. Trustee Baker made the motion to approve the hiring of Tyler Wolf permanently, Trustee Drew seconded the motion, all in favor, hiring approved.

Resolution to declare the building erosion issue an emergency **WHEREAS**, the board of trustees of the Village of Schuylerville does hereby declare the compromise to the integrity of the foundation of the radio room addition, due to storm water runoff, to be an emergency, as it is a safety hazard and has resulted in a situation that could result in greater damage to the building. Normal procurement procedures will hereby not apply in this emergency situation. Trustee Baker made the motion to approve the resolution as stated, Trustee LeBaron seconded the motion, all in favor, resolution approved.

The resolution to transfer funds from fund balance to buildings was discussed prior to approval, as the board agreed that the original estimate from New England Structural may end up being less after the engineering report, as the pillar has been determined not to be structural; **WHEREAS**, a budget amendment is needed to increase A.1620.400 Buildings Contractual using

General Fund Balance in the amount of \$12,000.00 for emergency repairs to the municipal building foundation due to stormwater damage. **THEREFORE, BE IT RESOLVED**, that the Board of The Village of Schuylerville does hereby approve this resolution and authorizes the Treasurer to amend the budget as stated and as outlined. Trustee Baker made the motion to approve the amendment, Trustee Colvin seconded the motion, all in favor, amendment approved.

Resolution to transfer funds law contractual **WHEREAS**, a budget adjustment is needed to transfer funds from the following accounts **Increase** A.1420.400 Law Contractual \$700 and **Decrease** A.7140.100 Playgrounds Contractual \$700.00 **THEREFORE, BE IT RESOLVED**, that the Board of The Village of Schuylerville does hereby approve this resolution and authorizes the Treasurer to adjust the budget as stated and as outlined. Trustee Colvin made the motion to approve the transfer, Trustee Drew seconded the motion, all in favor, transfer approved

Resolution to transfer funds engineering services contractual **WHEREAS**, a budget adjustment is needed to transfer funds from the following accounts **Increase** A.1440.400, Engineer Contractual by \$5,520.00 and **Decrease** A.1990.400 Contingent Contractual by \$5,520.00. Trustee Baker made the motion to approve the transfer, Trustee LeBaron seconded the motion, all in favor, transfer approved.

Resolution to amend budget water services; **WHEREAS**, a budget amendment is needed to increase the amount to water services revenue line and Common water services personal for DPW water work. **Increase** A.8350.100 Common Water Services Personal \$2,000 and **Increase** A.2378.000 Water Services by \$2,000.00. Trustee Baker made the motion to approve the amendment, Trustee Drew seconded the motion, all in favor, resolution approved.

Resolution to amend budget insurance recoveries to buildings **WHEREAS**, a budget amendment is needed to increase the amount to insurance recoveries and increase the amount to buildings contractual to use funds recovered from insurance to cover expenses incurred in flood of January 2021 **Increase** A.2680.000 Insurance Recoveries \$8,421.20 and **Increase** A.1620.400 Building Contractual in the amount of \$8,421.20. Trustee LeBaron made the motion to approve the amendment and Trustee Baker seconded the motion, all in favor, resolution passed.

Resolution to transfer funds Sewer fund retirement **Increase** G.9010.800 State Retirement \$329.59 and **Decrease** G.8130.400 Waste water treatment plant Contractual by \$329.59. Trustee Colvin made the motion to approve the transfer, Trustee Drew seconded the motion, all in favor, resolution approved.

EXECUTIVE SESSION

PUBLIC COMMENT:

Trustee Colvin asked the board if they would agree to hold a public hearing on the opt out of the cannabis on site consumption and dispensaries. Attorney Klingebiel advised the board that if they were to move forward with opting out of either or both, they will need to pass a local law before the end of the year. That local law is then subject to permissive referendum. Either by petition by the public or the board can send it to permissive referendum on their own. The permissive referendum does not have to happen by the end of the year, the only thing that has to happen before the end of the year is the passing of the local law to opt out. If the village takes no action, the village will automatically opt in and cannot opt out in the future (unless they change the current law.) If the village opts out and someone files a petition for permissive

referendum and they challenge the law and the general public disagrees with passing it, then the village is back in. Or you can opt out and then you can opt back in. Attorney Klingebiel explained the timeline, as the law required that the local laws be passed before the end of the year. After some discussion, the board decided to hold a public hearing on the local law to opt out of cannabis consumption and dispensaries on Tuesday, December 21st at 6pm. Attorney Klingebiel explained that there will be a 45 day period in which the public can present a petition to bring the permissive referendum He stated that he believed that the petition had to be at least 50% of the registered voters that voted in the last gubernatorial election. If there are enough signers on the petition the local law will be brought to a vote at the next village election in March. If no one protests, the local law will stand as is. Attorney Klingebiel will draft up the local law for the board's review.

Wendy Lukas spoke regarding the opting out of cannabis. She stated that she has seen the dispensaries in the state of Massachusetts. There are two in Williamstown. The distribution of licenses and approval of locations is highly regulated. It (cannabis) is very expensive, as the taxes are high. NYS is going to pick and choose where they put in the dispensaries, we may never even get one here. The locating of dispensaries will be managed on a state level. This is not a bad thing, it is a good thing. People are already using it.

She also commended the board on the discussion of the fund balances and the mid-year treasurers report. She also inquired as to the workman's comp payment and if it had gone up. She used the water board issue with the comp case that has been ongoing for years. Trustee Baker stated that the case with the water board was due to the fact that there was no representation at the workman's comp case. Village Clerk Patterson stated that the village had provided representation at the hearing and that the claim had been dismissed.

APPROVAL OF VOUCHERS:

There was an amendment of the abstract from the previous month. The vouchers had all been presented and approved by the board of trustees, it was just an error in the total amount.

The actual amount for the general fund vouchers for November was \$131,011.49 as opposed to the originally approved abstract of \$ 68,102.87

Trustee Baker made the motion to approve the amended A fund voucher from November as well as for the December general fund in the amount of \$19,866.96 and the G fund in the amount of \$4,289.36. Trustee Drew seconded the motion, all in favor, vouchers approved.

ADJOURNMENT

Trustee Drew made the motion to adjourn, Trustee Baker seconded the motion, all in favor, meeting adjourned.