

Village of East Nassau
Regular Meeting of the Board of Trustees
July 10, 2013

The regular Village meeting held at the Hoags Corners Ambulance Building was called to order by Mayor Mitchell Levinn at 7:00 PM.

Present: Mayor Mitchell Levinn presiding, trustees William Davis, Michael Lever, Adam Acquario, and Thomas Kernan. Also present were village treasurer Candace Shannon, village clerk Diane Maguire, and code enforcement officer Richard Babiar. Absent were attorney Joseph Catalano and public works superintendent Michael Dorr. Five members from the public were in the audience.

Additions to the Agenda: None

At this time, trustee Davis asked that the order of business be changed to allow the necessary processing of the James Farrell Minor Subdivision.

In the absence of attorney Catalano, Mayor Levinn read the Environmental Assessment Form (EAF) questions to board members. It was determined that there are no signs of adverse effects associated with this subdivision. A motion to accept the EAF as complete was made by trustee Kernan; seconded by trustee Acquario. **Vote:** Davis – yes, Lever – yes, Acquario – yes, Kernan – yes, Levinn – yes. Motion carried.

A motion to accept the James Farrell Minor Subdivision maps as presented and to authorize the mayor to sign such maps was made by trustee Lever; seconded by trustee Acquario. **Vote:** Davis – yes, Lever – yes, Acquario – yes, Kernan – yes, Levinn – yes. Motion carried. The James Farrell Minor Subdivision is approved.

Correspondence: 1.) Letter from NYSDOT regarding the speed limit on Dunham Hollow Road. This issue will be dealt with later in this meeting by the introduction of a local law.

2.) Letter from the NYS Dept. of State regarding General Municipal Law Sec. 53. A resolution on this issue will be presented later in this meeting.

3.) Letter from NY State Comptroller DiNapoli regarding a seminar on shared services.

Bills/Treasurer's Report: Outstanding bills for the month totaled \$14,284.25 which included payment to Darcy Construction and the usual utility bills. Mayor Levinn explained the reduction in the National Grid bill was due to the village being charged for fewer light poles for public lighting based on a recent count conducted by the village trustees. Trustee Davis made a motion to pay the outstanding bills; seconded by Trustee Lever. **Vote:** Davis – yes, Lever – yes, Acquario – yes, Kernan – yes, Levinn – yes. Motion carried.

Treasurer's Report: The checking account balance as of June 30, 2013 is \$1,505.56 and the Money Market account for the same period shows a balance of \$148,934.21. Budget vs. Actual items are all on line. Sales tax and mortgage tax monies have been received and approximately 80% of village property taxes also have been received. A motion to accept the Treasurer's report as presented was made by mayor Levinn; seconded by trustee Kernan. **Vote:** Davis – yes, Lever – yes, Acquario – yes, Kernan – yes, Levinn – yes. Motion carried.

PUBLIC COMMENT: Mary Hamilton asked about the letter from state comptroller DiNapoli regarding the seminar on shared services. This letter will be passed around for all to read.

Minutes: The minutes of the June 12, 2013 Public Hearing on the Evans Subdivision were reviewed and there were no changes. A motion to accept these minutes as presented was made by trustee Acquario; seconded by trustee Davis. **Vote:** Davis – yes, Lever – yes, Acquario – yes, Kernan – yes, Levinn – yes. Motion carried.

The minutes of the June 12, 2013 regular meeting were reviewed and changes were made. Trustee Acquario made a motion to approve the minutes as amended, seconded by Trustee Lever. **Vote:** Davis – yes, Lever – yes, Acquario – yes, Kernan – yes, Levinn – yes. Motion carried.

Attorney Report: 1.) In the absence of attorney Catalano, mayor Levinn reported that the decision on the Darcy Construction litigation against the village was received and the court's ruling was in favor of the village.

2.) General Municipal Law Sec. 53 – This is a new law that allows attorneys to file a Notice of Claim with the Secretary of State. The cost can be \$250 with half the fee going back to the town/village. A resolution needs to be adopted designating someone to be the recipient at the town/village. Mayor Levinn presented a Notice of Claim Resolution to board members. Questions asked by board members were answered to their satisfaction by mayor Levinn. A motion to adopt the Notice of Claims Resolution was made by trustee Lever; seconded by trustee Davis.

Approved at VBM 8/14/2013

Vote: Davis – yes, Lever – yes, Acquario – no, Kernan – yes, Levinn – yes. Motion carried.

3.) Mayor Levinn read the Introductory to Local Law No. 2 of 2013 to board members. This local law would establish a 30 MPH speed limit on Dunham Hollow Road/County Route 21, in the village of East Nassau. Mayor Levinn then read the Resolution for the Introductory to Local Law No. 2 of 2013 to board members. Trustee Acquario made a motion to adopt this resolution; seconded by trustee Davis. **Vote:** Davis – yes, Lever – yes, Acquario – yes, Kernan – yes, Levinn – yes. Motion carried.

A Public Hearing on Introductory to Local No. 2 of 2013 – the Dunham Hollow Road/County Route 21 speed limit was scheduled for August 14, 2013 at 7 PM. The clerk was instructed to publish the appropriate notice in the Troy Record.

Code Enforcement Officer: Rick Babiari reported: 1.) he had received a phone call from a tenant named “Ellen” who has issues with her landlord. He has not been able to reach her to respond. 2.) He received another call from a realtor regarding subdividing a 25-acre parcel. Realtor was told this information was on the village website. Realtor has not called back. 3.) Three building permits have been issued to: Coburn for a double-wide pre-fab home, Hamilton for a carport, and Fleming for a home addition.

Zoning Board: No report. Another ZBA training session will be held prior to the August meeting beginning at 6 PM. These trainings are open to all interested parties.

Highway Report: Superintendent Michael Dorr was absent due a serious family emergency. Trustee Davis reported that Michael Dorr has made contact with Scott Gallerie from the county and Fred McCagg from the town and he did monitor all the spring maintenance work done on village roads. Both DPW’s superintendent and deputy superintendent are fully engaged in their village duties and a report will be given at the next meeting.

Public Relations: Trustee Acquario gave an update on the Brainard Bell Park. Trustee Acquario thanked trustee Lever for getting the slab project underway. Area is cleared and the project is progressing. The display of flags on the village roads was well received by the residents and more flags are expected to be added in the future.

Treasurer: Nothing further to report.

Clerk: Nothing further to report.

Mayor: Mayor Levinn revisited last month’s public hearing issue on subdivisions that span other municipalities which create problems for the assessors. Sometimes this cannot be avoided. He also addressed the issue of “non-conforming parcels” and advised that the village should try to make parcels conforming, if at all possible, to increase village land values.

Old Business: A.) James Farrell, Jr. minor subdivision: Addressed above.

B.) Village Seal: Trustee Davis presented a newer version of the village seal. The older version could not be scanned or digitized. Should the village residents have a vote or chance to comment on this issue? A lengthy discussion ensued on this issue. Trustee Acquario made a motion to spend up to \$100 for mailing post cards to village residents for their input on the seal; seconded by trustee Lever. **Vote:** Davis – yes, Lever – yes, Acquario – yes, Kernan – yes, Levinn – yes. Motion carried.

New Business: A.) Dunham Hollow Road speed limit: Address under Attorney’s Report above.

Public Comment: Mary Hamilton asked which seals will be presented and was told just the newer version and the old version.

Adjournment: With no further public comments, Trustee Acquario made a motion to adjourn; seconded by Trustee Lever. All in favor, motion carried. Meeting adjourned at 8:35 PM.

Respectfully submitted by:

Diane Maguire, Village Clerk