

Village of East Nassau

Regular Meeting of the Board of Trustees

August 14, 2013

The regular Village meeting held at the Hoags Corners Ambulance Building was called to order by Mayor Mitchell Levinn at 7:17 PM.

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

Additions to the Agenda: None

Correspondence: 1.) Two responses were received to the post card sent by the village regarding the proposed new village seal.

2.) Letter from Rensselaer Co. Tax Services on the property foreclosures in East Nassau. Mayor Levinn read the list of properties coming up for auction in September.

3.) Letter from NY State Comptroller regarding a webinar on “Grant Opportunities for Local Governments.”

4.) Emails from the Lichaks regarding a wood storage complaint.

5.) Two copies of the most recent Town of Nassau Comprehensive Emergency Plan were received.

6.) Notice of an Animal Cruelty Law seminar in October.

Bills/Treasurer’s Report: Outstanding bills for the month totaled \$9,397.04 which includes quarterly payroll, attorney’s fees, and payment to Darcy Construction along with the usual utility bills. Trustee Kernan made a motion to pay the outstanding bills; seconded by Trustee Lever. **Vote:** Davis – yes, Lever – yes, Kernan – yes, Levinn – yes. Motion carried.

Mayor Levinn stated that the credit from National Grid due to the village being charged for more light poles than an actual count revealed, has not been received to date.

Treasurer’s Report: The checking account balance as of July 31, 2013 is \$2,150.69 and the Money Market account for the same period shows a balance of \$149,158.08. Budget vs. Actual items are all on line. Second tax billings have been mailed to those who have not paid villages taxes due June 30, 2013. About 40 delinquent notices were mailed. A motion to accept the Treasurer’s report as presented was made by trustee Lever; seconded by trustee Davis. **Vote:** Davis – yes, Lever – yes, Kernan – yes, Levinn – yes. Motion carried.

PUBLIC COMMENT: Robert Henrickson said he looked for the outstanding bills and other financial report on the village website and could not find them. He also questioned the “Celebrations” line amount on the budget. Mayor Levinn and treasurer Candy Shannon addressed his concerns.

Michael Springer has a question on the shared internet and WIFI services with the Hoags Corners Ambulance.

Linda Dellea said she had received very favorable comments from local village residents on the display of flags along village roads.

Michael Springer said he owns a cottage on Tsatsawassa Lake and voiced his concern about Camp Schodack using the lake for water activities. He asked if the village could follow up and go on record not to allow such activity on this lake. Attorney Catalano explained non-conforming uses and grandfather clauses as it pertains to this issue. A lengthy discussion ensued on the issue of a commercial business e.g. Camp Schodack using the lake. Michael Springer also vented his concern over the village being lax on code enforcement issues throughout the village and not addressing the violators. Mayor Levinn asked Mr. Springer to provide a list of those residents who he feels are in violation and he will forward the list to the code enforcement officer.

Robert Henrickson confirmed the lack of code enforcement even while he was in office as Mayor.

Frank Coluccio said he is a summer resident on the east side of Tsatsawassa Lake and gave his comments on the Camp Schodack issue. He asked if the village has any legal authority on this issue and also had additional questions on non-conforming use which attorney Catalano answered.

Minutes: The minutes of the July 10, 2013 Public Hearing on the James Farrell Minor Subdivision were reviewed and there were no changes. A motion to accept these minutes as presented was made by trustee Lever; seconded by trustee Davis. **Vote:** Davis – yes, Lever – yes, Kernan – yes, Levinn – yes. Motion carried.

The minutes of the June 12, 2013 regular meeting were reviewed and a correction was made. Trustee Lever made a

motion to approve the minutes as amended, seconded by Trustee Kernan. **Vote:** Davis – yes, Lever – yes, Kernan – yes, Levinn – yes. Motion carried.

Attorney Report: 1.) Attorney Catalano reported that the complaining party about the dilapidated barn on the Jensen property does not want to purchase the property as originally planned. Attorney Catalano needs to talk with code enforcement officer Rick Babiar on this issue. The Jensen property has very little value.

2.) Attorney Catalano stated he has prepared the resolution for adoption of Local Law #2 of 2013 for the speed limit on Dunham Hollow Road. In closing, he stated that no notice of appeal has been received from Darcy Construction on the litigation issue with the village and believed the right to do so has expired.

Code Enforcement Officer: No report.

Zoning Board: No report. The ZBA has just completed the fourth of four training sessions.

Highway Report: Superintendent Michael Dorr reported that spring maintenance is completed. He has received dust control prices from both Gorman and Peckham, but rain storms have prevented this application. Two quotes for the chip sealing of Gardner Hill Road were received from Gorman and Peckham for the village portion of this road: Gorman at \$19,404.15 and Peckham at \$13,352.00. The village would be responsible for the stone, the trucking and the traffic control on this road during the process. He has spoken with Fred McCagg from the town highway to coordinate on this project. Darcy Construction does not have chipping bars on their equipment to do this project. Additionally, Michael said he would be meeting with Jeff Kreutziger about the amount and storage of winter materials needed for the village roads.

Public Relations: Trustee Lever stated that the concrete pad is in place at the Brainard Bell Park and the next step is to get the tower and bell in place.

Treasurer: Nothing further to report.

Clerk: Nothing further to report.

Mayor: Mayor Levinn has nothing further to report and said he would not be here for the September meeting.

Old Business: A.) Village Seal: Two comments were received on the seal. It was explained that the seal is only symbolic and not realistic or representing any particular property. Trustee Davis wants to “tweak” the seal and present the revised version at the next meeting.

B.) Dunham Hollow Road Speed Limit: Attorney Catalano presented the resolution to adopt Local Law #2 of 2013 authorizing the reduction of the speed limit to 30 MPH on Dunham Hollow Road/County Route 21. After review by village board members, a motion to adopt Local Law #2 of 2013 was made by trustee Kernan; seconded by trustee Davis. . **Vote:** Davis – yes, Lever – yes, Kernan – yes, Levinn – yes. Motion carried. The village clerk was instructed to sign and place the seal on the filing to be sent to the NYS Dept. of State.

New Business: A.) Treasurer Candy Shannon presented the pluses to the board regarding moving the quarterly payroll to a payroll service. Attorney Catalano highly recommended that the village consider this. The cost would be approximately \$650 per year. This issue was tabled until next meeting.

Public Comment: Michael Springer asked attorney Catalano additional questions regarding non-conforming use if the launching business on Tsatsawassa Lake has not been in operation for many years. His questions were answered by attorney Catalano.

Adjournment: With no further public comments, Trustee Lever made a motion to adjourn; seconded by Trustee Davis. All in favor, motion carried. Meeting adjourned at 9:10 PM.

Respectfully submitted by:

Diane Maguire, Village Clerk