

**Village of East Nassau
Regular Meeting of the Board of Trustees
January 8, 2014**

The regular Village meeting held at the Hoags Corners Ambulance Building was called to order by Mayor Mitchell Levinn at 7:01 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 code enforcement officer Richard Babiar. Absent were trustee Adam Acquario and attorney Joseph Catalano. Six members from the public were in the audience.

Additions to the Agenda: Under “Old Business:” Village bulletin board.

Correspondence: 1.) Letter of resignation from Michael Lever who is resigning as village trustee effective at the close of this meeting and accepting appointment as Deputy Code Enforcement Officer.

2.) Emails from the Lichaks regarding their ongoing smoke issue & expressing concern over the state using fracking brine on the state roads.

3.) A copy of the Stephentown Land Use Regulations was sent to the village since village is an abutter. Board members felt that after reviewing these regulations, we should respond to Stephentown. Trustee Davis made a motion to have Mayor Levinn contact attorney Catalano to draft this letter; seconded by trustee Lever. **Poll Vote:** Davis – yes, Lever – yes, Kernan – yes, Levinn – yes. Motion carried.

4.) Letter from Digital Towpath explaining their email issues in December and what was done to remedy this problem.

5.) An email and letter from interested parties to serve on the Code of Ethics Board. The interested parties were Jeffrey Root and Joselle Gagliano.

6.) Notice from Hoags Corners Fire District #1 regarding their monthly meetings.

Bills/Treasurer’s Report: Outstanding bills for the month totaled \$10,195.87 which includes quarterly tax payments and snow plowing. Trustee Lever made a motion to pay the outstanding bills; seconded by trustee Kernan. **Poll Vote:** Davis – yes, Lever – yes, Kernan – yes, Levinn – yes. Motion carried.

Treasurer’s Report: The checking account balance as of December 31, 2013 is \$1,016.42 and the Money Market account balance for the same period is \$135,689.72. The quarterly sales tax check for \$11,195.36 was received and deposited. Treasurer Shannon checked with the State Comptroller about donations received for the Bell Park and was advised that these monies need to be in General Fund A but to create a sub-fund for these donations. A motion to accept the Treasurer’s report as presented was made by trustee Davis; seconded by trustee Lever. **Poll Vote:** Davis – yes, Lever – yes, Kernan – yes, Levinn – yes. Motion carried.

PUBLIC COMMENT: Lydia Davis said she read the email about the fracking brine and that it was quite upsetting. She asked if the village has done anything regarding banning hydro-fracking. Mayor Levinn assured her that our laws do not permit such extractions.

Mary Hamilton thanked Michael Lever for his service as trustee.

Minutes: The minutes of the December 11, 2013 regular meeting were reviewed and changes made. Trustee Kernan made a motion to approve the minutes as amended; seconded by Trustee Lever. **Poll Vote:** Davis – yes, Lever – yes, Kernan – yes, Levinn – yes. Motion carried.

Attorney Report: In the absence of attorney Catalano, mayor Levinn read the proposed resolution to adopt Local Law #1 Tax Cap to board members. A motion to adopt the resolution was made by mayor Levinn; seconded by trustee Davis. **Poll Vote:** Davis – yes, Lever – yes, Kernan – yes, Levinn – yes. Motion carried.

Code Enforcement Officer: Rick Babiar reported that he and Michael Lever inspected the following: 220 Dunham Hollow Road, the roof leaks and property should be boarded up. Notice of violation has been sent to owner Safeguard Properties, but no response received to date. The next property was 81 Tsatsawassa Lake Road where notice was sent to owner to clean up the property and board up broken basement window. A letter was sent and response was received regarding when the requested work will be done.

The notice of violation was sent to the new owners of 113 Dunham Hollow about the barn falling down

across the road.

An email was received from Amy Haviland regarding the barn on an adjacent property on Route 20 – the Jensen estate. Discussion ensued. The village could condemn the property, demolish the barn and put a lien on the property. Then the county may reimburse the village after a tax auction but his could take many years. Rick Babiar will prepare a letter to send to the estate.

At this time, mayor Levinn made a motion to appoint Michael Lever as Deputy Code Enforcement Officer to work with current CEO Rick Babiar until end of fiscal year at \$25 per incident with such appointment becoming effective at the end of this board meeting; seconded by trustee Davis. **Poll Vote:** Davis – yes, Lever – abstained, Kernan – yes, Levinn – yes. Motion carried.

Zoning Board: The board approved an area variance for the Mary Royce property on Webster Hill Road, allowing her to replace the old single-wide mobile home with a newer single-wide mobile home. The CEO will follow-up with Mrs. Royce regarding installation and cleaning up of property.

Highway Report: Deputy Superintendent Kevin Warner reported on the plowing and road conditions during December and stated things are going well overall. He also gave prices for reflective jackets and revolving lights at \$54 per jacket and \$40 per light. Mr. Warner showed three samples of reflective vests with the cost of \$9 to \$13 per vest. Trustee Davis made a motion to allow the DPW to spend up to \$150 on this safety equipment; seconded by trustee Lever. **Poll Vote:** Davis – yes, Lever – yes, Kernan – yes, Levinn – yes. Motion carried.

Public Relations: No report.

Treasurer: Nothing further to report.

Clerk: The clerk reminded candidates that nominating petitions are due back by February 11, 2014. The Election Resolutions for the March 18, 2014 elections were presented at this time. A motion naming the polling place as Tsatsawassa Fire House was made by mayor Levinn; seconded by trustee Lever. **Poll Vote:** Davis – yes; Lever – yes; Kernan – yes; Levinn – yes. Motion carried.

A motion appointing election inspectors Thomas Carroll and Cheryn Lever, at a pay rate of \$90 for the election day, was made by mayor Levinn; seconded by trustee Davis. **Poll Vote:** Davis – yes, Lever – abstained; Kernan – yes; Levinn – yes. Motion carried.

A motion stating that there shall be no registration day was made by mayor Levinn; seconded by trustee Kernan. **Poll Vote:** Davis – yes; Lever – yes; Kernan – yes; Levinn – yes. Motion carried.

Mayor: In accordance with the new village Code of Ethics, mayor Levinn read his disclosure letter to the board members and believes there are no conflicts of interest. Mayor Levinn reminded all board members and appointees that they need to acknowledge receipt of their copy of the Code of Ethics with the clerk.

At this time, mayor Levinn made a motion to appoint Jeffrey Root to the Board of Ethics; seconded by trustee Lever. **Poll Vote:** Davis – yes, Lever – yes, Kernan – yes, Levinn – yes. Motion carried.

Mayor Levinn stated that Joselle Gagliano, who stated interest in serving on this board, has sold her home and will be moving out of the village and therefore cannot serve.

Old Business: A.) Application of new village seal: Trustee Davis passed out two design options for the road signs and will get pricing for the next meeting.

B.) Village Bulletin Board: Discussion about where to put the board ensued. Perhaps we could put village postings on the Fire Company bulletin board. No decision was reached.

C.) Reminder of the Planning Workshop scheduled for January 15 at 7 PM.

New Business: None

Public Comment: Darlene Noonan commented on plowing of Town Garage Road – the plow needs to plow wider. Mary Hamilton stated the Jensen property is very small, mostly wetland, and of very little value.

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 8:26 PM.

Respectfully submitted by:

Diane Maguire, Village Clerk