

VILLAGE OF TANNERSVILLE  
REGULAR BOARD MEETING  
FEBRUARY 12, 2004

A regular board meeting was held by the Village of Tannersville Board of Trustees on Thursday, February 12, 2004 at 7:00 pm in the Village Hall.

Present: Glenn Weyant, Mayor  
Paul Morra, Trustee  
Edward Legg, Trustee  
Robin L. Castle, Clerk

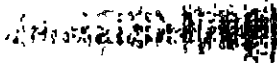
Also Present: Keith Griffin, Village of Tannersville Building Inspector and CEO, Greg Lubow, Esq., representing the Yacht Club, Boris Abromovich of Catskill Development, Jeff Prince, Jim Planck of the Daily Mail, and Steve Fink from the Red Coats Inn.

The Mayor opened the Board Meeting with the Pledge of Allegiance.

Trustee Legg made a motion to approve the minutes from the previous board meeting and public hearing held on January 8, 2004. Trustee Morra seconded. All in favor, motion carried.

Trustee Morra made a motion to approve the General and Water Vouchers for the month of February. Trustee Legg seconded. All in favor, motion carried.

The Mayor then gave his report of activity since the prior board meeting.

- 1/12 photo opportunity with members of the Where It's At Youth Center due to their receiving of a \$10,000 grant from Troy Savings Bank, now called First Niagara.
- 1/14 Met with Paul Engle from the Teamsters for further negotiations on the Union Contract.
- 1/14 Met with Rory from Haines Falls Auto to discuss a possible service contract for towing with the Village.
- 1/14 The Village held their first advisory planning meeting for the Village of Tannersville Master Plan - attendance included those of the Village Staff, Representatives from J. Kenneth Fraser & Associates, The Hunter Foundation, Greene County Planning, as well as community residents.
- 1/21 Met with the Village Attorney, M&D Lease Holding Corp., Brad Grant from Fraser's, in regards to safety concerns for the work being done on the Village of Tannersville Huckleberry Trail Storm Drainage Project.
- 1/26 The Republican's held their caucus for the Village Election in March. - Paul Morra has been nominated for running again.
- 2/4 Attended a Trolley Business Plan Meeting.
- 2/9 The Village held their second advisory meeting for the Master Plan. After the meeting, met with Candace Balmer regarding a Village Income Survey on residential areas for the CDBG Grant.
- 2/11 Met with Scott Cross from A&C Fence to do a walk through on the Fencing along the Bike Path that was inherited from a previous administration's easement.
- 2/11 Met with Jeff Staley from JNS Enterprises in regards to a communications tower in the Village.
- 2/11 Also Met with the clerk and Village accountant to go over our present financial status which are in good shape and look like 
- \*\*\*On February 18th, the Village will be holding a publicity and events committee meeting to discuss upcoming Village Events this year \*\*\*
- We solicited letters to the different departments in the Village for budget request for their operations in the next fiscal year. They are due to the Clerk by March 1st.
- Met with Sean Byrne to see if we could co-op with the Hunter Foundation in some grant writing. They have a full time grant writer.

- Went with Trustee Legg to East Chatham to look at a garbage truck (a 97 International) It is in very good shape and is reasonably priced. It looks as though we may have enough money to purchase it.
- Personally called out on 3 water breaks on Street.
- Met with Thomas Hangarter, architect/Engineer, Tommy's Attorney in regards to the Yacht Club which is now stemmed up since October and is now in the hands of the Village Attorney.
- Water Checking: \$3,000                      Water Money Market: \$40,000
- General Checking: \$5,000                      General M/M: \$47,000
- Garbage Checking: \$150                      Publicity: \$1,500
- Anticipate \$190,000 in revenue before next year's budget.
- This is after all February bills have been paid.

The floor was then turned over to Trustee Morra for the Water & Garbage Department report.

#### Trustee Morra's Report:

- The Men hooked up the heat and water for the Kid's Fishing Derby for Saturday February 7th. On the 10th they turned the heat off and drained the water lines.
- On the 10th the Water Mains were blew out.
- The Men have been digging up curb boxes and lines on Rte. 23C on Hill Street twice now due to frozen lines. The curb box at this residence was broken and needed to be replaced.
- The Men also dug up the curb box and street line at Sharon Leach's Store (the J. Tree) and also at 96 Railroad Avenue.
- The Men are continuing to locate curb boxes for Tim Legg so he can hook up the welder to thaw frozen lines.
- We collected \$495 in revenue from the garbage bags and have \$500 in tipping fees.

The Floor was then turned over to Trustee Legg for his report on the Highway Department.

#### Trustee Legg's Report:

- The Biggest highlight of the month was the delivery of a new Bobcat. It has a hydraulic motor package, snow blower, and next fall we should purchase a high flow chute and a bigger bucket to fit either of the Bobcats.
- The old Ford Truck is being repaired for numerous problems between the storms. Eventually it will need to be replaced. The men also have been repairing the sander for the international plow truck. It seems to be rusting out pretty badly as well.
- The Men are also continuing the routine sanding and plowing, patching potholes, and removing the excess snow from streets, sidewalks, and around the fire hydrants.

Greg Lubow asked if there was anyway of asking the State Highway Department to remove the 1 foot wide excess snow and ice on Main Street. It is narrowing the street and creating parking problems.

The Mayor stated that this winter has been extremely hard on our highway department. Hopefully it will give our guys a little bit of a break.

This is grant season and we have several resolutions which allow the submission of grant applications: #'s 2,3,6,& 7. Resolution #4 will allow the Mayor to enter into agreement with NYS GIS for data sharing in exchange for digital tax maps. Resolution #5 is authorizing the rollover of a Bond Anticipation Note with Key Bank. Resolution #8 is to allow the mayor to ask for tax exemption on a Village owned piece of property located in the Town of Hunter.

The Mayor asked the board if they have acknowledged the resolutions and read them all. Trustees Morra and Legg both stated yes.

Trustee Morra Made a motion to pass the aforementioned resolutions . Trustee Legg seconded. All in favor, motion carried.

Any questions will be entertained when the privilege of the floor is opened.

The Mayor then asked the Building Inspector if there were any sign permits and if they met the specifications.

Mr. Griffin, Village Building Inspector and CEO, stated that the Board will have to review Jeff Prince's Sign. He said that the new sign may be going on the old Healthy food shack. If that is the case then it is a separate building and would be fine. But if that building will be annexed into a larger office space, then there will be issues to discuss.

The Mayor stated that if someone is on the corner of 2 streets (as in Mr. Prince's case), then they are permitted 2 signs.

Mr. Griffin continued stating that Mr. Fink's sign for the Red Coat's Inn is an off premises sign because his business is located outside of the Village. He then asked if there would be a way if there could be an amendment to the Sign Law.

The Mayor stated that he will exempt himself from the voting on this situation because he's friends with Mr. Fink and is in the same type of business.

Trustee Legg asked if there would be controversy in the Village by having outside business signs.

Trustee Morra stated that the Sign Law was specifically stated to protect the Inner Village businesses to avoid cluttering up Main Streets and to keep the Village Clean.

The Mayor restated that the Sign Law states that due to the nature of this location being on a cross way there can be two signs. He suggested contacting Orville Slutzky the owner of the Property. He has two signs that do not belong to him on this piece of his property.

Trustee Morra stated that it had to be for that premises and not someone else's.

The Mayor then stated that Mr. Fink should work with the building inspector to resolve this matter and bring the suggestion to the board.

Trustee Legg stated that he didn't feel comfortable making a decision about this matter without seeing the sign.

Trustee Morra stated that it can't be missed, it's a billboard.

Greg Lubow stated that his interpretation of the law allowed directional signs and not billboards.

Mr. Fink interrupted that his sign is a directional sign. It says "four miles ahead." It doesn't advertise store hours or anything like that.

*Mr. Lubow also suggested a directional sign post. Trustee Morra stated that the issue was being worked on.*

Trustee Legg interjected stating that at the intersection of Railroad and South Main Street, there will be limited sight distance.

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Trustee Legg interjected stating that at the intersection of Railroad and South Main Street, there will be limited sight distance.

Mr. Fink stated that we all need to work together as a town to promote the Businesses off of Main Street or they will die out.

The Mayor then turned over the floor to Greg Lubow, representing TYC Land Corp.

Mr. Lubow stated that he had received a letter from the DOH, specifically Robert Pierce suggesting what could be done to continue the occupancy as long as certain specifications were completed for the structural integrity of the building.

This could be a temporary resolution. He asked that the Village review it, have Keith sign it, so they can keep things moving forward

Trustee Morra stated that the board shouldn't even consider this letter because proper plans were never submitted to the Village Board.

Mr. Griffin stated that he spoke with Mark Anderson, the Director of Codes of New York State, and in his opinion this building should be torn down. The grounds being no permit and no proper plans.

Trustee Morra then commented that if a building was put up illegally, the Village as a municipality had the right to make the owner take it down, submit the proper plans and make them start from scratch.

Trustee Legg thought that we were looking for an answer to resolve this problem.

The Mayor then stated that he is extremely upset at the situation and doesn't want his emotions to take over.

He has been involved in this from the beginning in October. And didn't understand how or why this situation has come to this point. Greg Lubow was at the first public hearing for Mr. Hangarter's Variance request. Then things switched over to Kevin Maldonado, whom we have had 2 other meetings with. We have extended deadlines, in return for promises and never received anything to this date.

The Mayor continued stating that he was saddened by this event.

Today he was in a conference with Keith, Robert Pierce, and the Village Attorney via a conference call, and they went over with these statements that Robert Pierce has suggested.

He then stated that The Village Attorney has agreed to the top section of the letter from Robert Pierce. However, they discussed the top portion being completed by the end of February, not March 12. He suggested that Greg Lubow work with Tal Rappleyea to work out this agreement. He (the Mayor) didn't want any problems or to be involved.

Greg Lubow stated that all that letter is saying is that the top three need to be taken care of to keep occupying for the next month while the bottom three are being worked out. Whether the Village directs Keith, or even Keith at his own direction does not sign the letter, with all of the other agreements between the DOH, the Wolney's and Thomas Hangarter, that the business can not be shut down.

Greg Lubow continued stating that he would forward the letter to the Village Attorney.

The Mayor stated that the Village Attorney is on vacation in Florida and will be back to work on Tuesday.

Greg Lubow continued stating that the DOH recommended 99 for the occupancy because that is the number he comfortable with even though the prior number was 125.

As far as the sprinkler system it would take some time due to the extent, and expense in this matter. If Keith doesn't want to sign and enter in to this agreement with out the village attorney then that is understandable and Mr. Lubow would inform Robert Pierce.

The Mayor asked Greg Lubow if he was the attorney on record for Thomas Hangarter or if Kevin Maldonado would be involved any more.

Trustee Legg commented that he was glad to see something in writing from the Department of Health stating that there had to be enough to get done to get them through the winter season, but this should certainly be resolved before they re-open in the summer.

He continued stating that we never should have allowed (and the building inspector should have known better) them to even start with out the necessary permits. This just points out the problems that occur.

The Mayor stated that Thomas Hangarter committed himself to promises and telling the Village what they wanted to hear and nothing was ever done. He stated that he even tried helping Mr. Hangarter with the Variance by contacting Skip Pratt, and Pugliese in this matter.

Mr. Griffin then interjected stating that the only permission that Mr. Hangarter got from him ahead of time was to pour the footings before the ground froze. At the present time, Mr. Griffin was organizing the calendar of events with this situation.

The Mayor then asked Greg Lubow if he was in fact representing TYC Land Corp, what was to assure the Village that the extensions are no longer going to grow. It seemed as though every time the Carl Zicola (the architect) has submitted a set of plans, they were not up to date due to another addition that he ( the architect )was un aware of. The question is when will the Village be provided with the correct plans?

Greg Lubow stated that the Village should have them because the Department of Health received them a week ago.

Mr. Griffin stated that the most current version of the plans that he has received, are still in-accurate because there is a 200 foot extension that is not included in the plans.

Greg Lubow stated that he would make sure that the Village would get the same set of plans that the DOH has in their possession tomorrow.

The Mayor stated that the Village Attorney is also upset at this situation and recommended going down to Catskill to get an order to shut them down. But the Mayor asked him not to do that as it was not in the best interest. So Bob Pierce from the Health Department came up with this letter.

He continued stating that the deadline on this letter is the deadline. He confirmed with Trustee Legg. Trustee Legg agreed, as did Trustee Morra. All Board Members were in favor of having March 12th, 2004 as the final deadline.

Greg Lubow stated that there are some situations such as the Variance for the sprinkler system, in which the application will not be completed with in a month. It is a long process with the state.

Greg Lubow suggested that the board wait until their meeting in March to see what the progress and compliance levels are before deciding if they can remain in business after the 12th of March.

The Mayor stated that he wants to see a fixed document of what things have to be done and when they will be done by. Basically a schedule.

Trustee Legg asked Greg if they were anticipating everything to be done with out the sprinkler system. Greg Lubow stated that he cant answer that with out the Architect, but would hope so. There are issues with the building, in regards to the fire safety that are grandfathered in.

Trustee Legg continued that they built that building in a very short period in the winter time, and doesn't see why they can't complete everything except the fire sprinkler system.

The Mayor asked Greg Lubow to just resolve this situation and make it go away.

He then asked Mr. Lubow how much time he needed to provide the Village Board with a time line of events. He stated to keep the Variance separate because we may be able to help them with the variance application.

Mr. Lubow stated that he will provide the Village Board a timeline within a week.

He also told Mr. Lubow to get in touch with Tal to talk about the permit fees - a demolition permit, a person who builds with out one pays twice the fee. There is a resolution on the books supporting this.

In regards to the Property Line Variance, a letter from Skip Pratt was provided to the village. One was not obtained by Pugliese, however Jeff Prince had one in his possession that was not notarized.

The Mayor stated that back in October, he walked with Thomas Hangarter to Skip Pratt and Pugliese to get the letters and stated that they had to be notarized upon submitting them.

The Mayor redirected the meeting back to the letter from Robert Pierce of the Department of Health. He said he didn't have a problem with the letter, nor did Trustee Legg. Trustee Morra didn't say, but asked the Building Inspector, Mr. Griffin if he had a problem. Keith stated that yes he did due to the huge liability issue. Trustee Morra stated that if Keith had a problem with this letter he had a problem with it.

The Mayor commented stating there has been a liability issue since October 24 regarding this matter.

Trustee Legg stated that he didn't agree with the statement that Mark Anderson spoke of with Keith regarding the tearing down of the building.

The Mayor continued stating that Mark Anderson will say what he wants and sometimes his boss will have to intervene.

Greg Lubow then cited K101.3 of the building code regarding to modifications on existing structures. He continued to say that he understands our concerns in these matters. He stated to the Board that he will provide them with everything they want within a week. All of the Dates, times, the time frame within a week.

Trustee Legg stated that if all of the items on the DOH's letter can be completed with the exception of the sprinkler system, then he didn't see a problem with signing that agreement.

The Mayor stated that his patience is exhausted.

He asked Keith if he was willing to sign the document. Keith stated that he would feel much better if he had some sort of assurance that the deck was going to stand up.

Greg Lubow stated that he would get that for Keith tomorrow.

Moving on to the next item of the agenda, Jeff Prince was given the privilege of the floor.

Jeff Prince stated that they are giving the board a revised site plan, showing where they could connect in to the systems. It shows all of the interconnected systems that will be involved in this project. He stated that he would like the board to start the review process of this project. They have submitted this packet to the Town planning board for their review.

Trustee Morra stated that in all reality they don't have to do this review because if the land is annexed it is in our hands.

Jeff stated that they are doing this to make recommendations to the board.

Trustee Morra then asked Jeff where the safe yield analysis is that they are supposed to provide.

Jeff stated that there are a lot of reports being asked for. He is starting the process. They hired Fraser's to do a study analysis and recommendations for the possible well drillings. They propose drilling the well by Louie Hyser's Property. If they drill the well and get the flow results that they expect to, they can do flow tests on Manfredi's wells, Cortina's wells, etc.

Trustee Morra stated that they are looking for a report that says the Village needs to produce 10 gallons of water per day, provided by the engineers. Then they will talk about a well.

Jeff stated that he had a letter from the DOH to Fraser's stating that of the 2,3, and 4 units on average will demand about 84000 gallons of water at high peak time.

The Mayor stated that it was agreed that Catskill Development would do a complete safe yield analysis for the Village, stating where we are at today, and where we will need to be if we have this condo project.

Jeff stated that Fraser's is supposed to be handling this matter.

The Mayor also stated that Fraser's were only working on the Safe yield analysis for the condo project and not for the Village.

The Mayor stated that if we don't get a safe yield then they won't get approval.

Jeff stated that the Village will get their safe yield and he will get things cleared up with Fraser's.

He also stated that they are working on different fronts including some issues with the DEP and had a FOIL request for an original agreement map of the Village sewer system.

The Mayor stated that he spoke with Pat Mehan who will forward these letters to the commissioner who is good friends with him. Pat will try to help us with these hook up requests in this process.

Jeff requested that we start the review process tonight.

The Mayor suggested that Mark Hyer be their representative guiding them through the SEQRA Process. Trustee Legg also asked if there had to be an engineering firm and if we used Fraser's would it be a conflict of interest since they are already working with Catskill Development.

The Mayor stated that the Town doesn't have a right to set provisions on Vacant Land for annexation.

Jeff stated that if Fraser's were just guiding the village there really wasn't a conflict of interest at all.

Trustee Morra suggested that we check with the Village Attorney just to make sure.

Jeff continued that the Village should declare themselves as the lead agency in this process, to all interested parties.

Jeff further continued that he provided the updated traffic impact study

The Mayor asked Jeff if they took the suggestion to do a study during a weekend when the skiers leave Hunter Mountain in the evening.

Jeff continued to say that they plan on meeting with the new town board to give a full presentation on the project.

Trustee Legg said to do us a favor and push that water report because that is the most important issue right now.

Jeff said that he would try to have that report by the next meeting.

Trustee Morra made a motion that the meeting be adjourned.

Trustee Legg seconded. All in favor, motion carried.

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Glenn Weyant, Mayor

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Edward Legg, Trustee

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Paul Morra, Trustee