

**Village of Tannersville
Regular Board Meeting
August 12th, 2004**

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

Present: Glenn Weyant, Mayor
Paul Morra, Trustee
Edward Legg, Trustee
Robin L. Castle, Clerk
Tal Rappleyea, Village Attorney
Keith Griffin, Village CEO

Also Present: Jonathan Ment of the Kingston Daily Freeman, Donna Weyant, Fred Haines, Loring "Skip" Pratt, Jeff Prince, Emilia and Boleslaw Wolny, Andrew Wolny, Ellen Wade, Virginia Bowes, John Chambers, Robert Young, Mary Susan Timpson, Cliff Bertrand, Berna Showers, Steve Showers, Joseph Cristino and Jim Planck of the Catskill Daily Mail.

The Mayor opened the board meeting with the Pledge of Allegiance.

Trustee Legg made a motion to approve the previous board meeting minutes for July 8th, 2004 with corrections. Trustee Morra seconded. All in favor, motion carried.

Trustee Legg made a motion to approve the minutes from the public hearing held on July 27th, 2004. Trustee Morra seconded. All in favor, motion carried.

Trustee Legg made a motion to approve the vouchers #70-105 in the general fund, and #32-45 in the water fund. Trustee Morra seconded. All in favor, motion carried.

The Mayor then gave his report.

- 7/10 The Jenson Family held a reunion at the Pavilion.
- 7/12 Met with the Village Accountant regarding year end financials.
- also met with Paulette Barlette from Frasers, Assemblyman Hooker, and WarrenHart regarding the Gooseberry Creek Landslide remediation on the bike path. There is a rails to trails grant to make repairs. Next month the funding is announced and awarded early next year and that would be another \$125,000.
- 7/14 Met with Ray and Sherry from the Fromer Agency to review the Fire Department Insurance Policy.
- 7/19 The DEP held a sewer extension for the Town of Hunter in our Village Hall.
- 7/21 Met with Barbara Sturman regarding Camp status.
- 7/22 Assemblyman Hooker held a town wide meeting in the Village Hall.
- 7/24 There was a 3 on 3 basketball tournaments at the lake complete with live bands performing. It netted \$500 for the Youth Center. It was a very good day although no one beat the VanValkenburgs.
- 7/26 The Mountain Top supervisors held a meeting in the Town of Ashland.
- 7/27 The Village held a public hearing regarding a varianc ans dite plan review for The Yacht Club. We also held a workshop for the adult entertainment committee.
- 7/28 Met with Jonathan Ment regarding contract administration for the grants which we are receiving. Also met with Gerard McNamee regarding a reference for community services and volunteering that he did in the Village. Also met with Erika from 3D Development regarding development opportunities in the Village of Tannersville
- 8/10 The Village Day Camp took a trip to the Zoom Flume Water Park.

Financials after all vouchers paid:

General ck:	\$9600	General MM:	\$193000	Water CK:	\$11000
Water MM:	\$1100	Publicity:	\$3790	Garbage:	\$138

The Mayor then turned the floor over to Trustee Morra to give the reports of the water department and garbage department.

In the garbage department, we sold 442 bags totaling \$667.70 in sales. The tipping fees were received for the pickup week, it cost \$1189.10.

In the water department, the men have tapped 3 mains on Sunset Ave, Baker Court, and June Lodge Road for new water service. They have also tapped into the main at Trailhead Village for a chlorine and pressure test.

Curb boxes were replaced at the HyeLand Hotel on 23C and at Alphie's II next door.

The Hye Land Hotel will be sending us a request in writing for a 6" water line for a sprinkler system and would be used for emergency purposes only. They are outside water customers. The Village Board received 2 quotes from Robotic Observation Ventures and Underwater Solutions for the inspection of the water storage tank at the water plant. Underwater Solutions will clean and inspect the tank. Robotic will only inspect.

The Mayor stated that we will be having a kick off meeting for the FAB grant and said to see if we can cover the cost of this inspection and cleaning by this grant. Trustee Morra made a motion to authorize the expense of Robotic Observation pending the FAB Grant will cover the cost. Trustee Legg seconded. All in favor, motion carried.

The Mayor then turned the floor over to Trustee Legg who then gave his report on the highway department.

The contract for the pick up truck that we proposed to buy at the last board meeting cannot be purchased because the contract was closed in April. We can try to contact individual vendors to see if they will honor the prices on that state contract or wait to see if a new contract will come out in the fall.

Leach Lane has been moved up on the list of roads to repair, due to Spring Street possibly being covered under a grant.

The men have been continuing to change culvert pipes and ditching where needed.

They are doing routine mowing, weed eating, brush trimming along Village Roads.

The men will be grader-patching Spruce Street. Then they can chip seal the road.

The Mayor then turned the floor over to Keith Griffin to give the report of the building department.

5 Certificate of Occupancy Searches were done.

3 building permits were issued.

The application for a sign at Pancho Villa's is being withdrawn from the agenda tonight for further review.

Inspections: Dan Nelson on Raspberry Lane wants to have an addition. He needs to file plans or material list for under twenty thousand – for a two-family residence. Trustee Morra stated that there are no two family homes allowed in the Village. Mr. Griffin stated that there are two-family homes all over the Village but he would look into it.

There was a meeting with Mark Anderson for review of TYC variance for sprinklers on July 16th, 2004. There will be another meeting on August 26th, 2004 with Mr. Anderson, and Ron Slade from Barton and Logiduce.

Tal stated that on this point the new counsel representing The Yacht Club is more realistic. The State will not grant a variance. The New engineering firm will design a sprinkler system to be implemented into the building.

The Mayor stated to Mr. Griffin to get with the Village Attorney regarding the matter with Mr. Nelson.

The Mayor then turned the floor over to the Village Attorney for his report.

The proposed noise law will speak about audible control and is a compilation of the best other noise laws and ordinance put together.

The adult use law committee held a meeting. The attendance was not good but we did move forward. There is a semi final draft with a few things to review and be decided on: hours of operation, location of designation.

With the regards of litigation mentioned last month about the bike path, we won one of the cases that was in Justice Court. Two others are up for action next month. Tal stated that he is hoping to have the transcript of the deposition. There is also an case pending in the Supreme Court with the same individual, which in his opinion doesn't seem like a real cause of action. Its more of a general complaint than a lawsuit. But there have been counter claims made against this individual.

Tal stated that he has also looked at the Village Master Plan and recommends polishing up the laws on the books.

The Mayor stated that the Department of State has awarded us a \$25000 grant with a build-out, and hopefully the build-out will include the polishing up of the laws.

The Mayor then went into a public hearing for Mink Hollow Development.

Tom Polka stated that he is representing Mink Hollow Development which is composed of himself and Matthew Leach. He submitted evidence of proper mailings to the adjacent property owners, submitted the proper plans and forms, etc.

In 1999 Red Barrel (the convenience store and gas station) was looking at the property currently where the bank is and Mr. Leach and himself intercepted and purchased the land themselves. They did a subdivision and made available the front part of the parcel which at this point in time is the section that the Bank Of Greene County now resides. Right now they are asking for simple lot line adjustment creating an additional lot.

Tal stated that this would be a simple subdivision not a lot line adjustment because you are turning 1 parcel into 2.

Mr. Griffin asked what happens with the portion of the land that is in the Town of Hunter. Can we have a coordinated review.

Mr. Polka stated he spoke with Mark Hyer – Town of Hunter Planning Board Chair – and Mr. Hyer told him that the Village would be the lead in this project because the access to the property is a majority within the Village of Tannersville.

Tal stated that we should note that lot 3 on the bottom right hand corner, as a condition of this will be donated to Colonial since it originally did not go to the bank. A lot line change will make lot 3 disappear.

The Mayor opened the floor for public comment.

Fred Haines asked Mr. Polka if he contacted the DEP in regards to this property and connecting to the sewer.

Mr. Polka stated that this is a subdivision and they are not developing the property. This is not a site plan review.

The Mayor also stated that this was a public hearing for a simple subdivision for this property.

Trustee Legg stated that they don't want to develop the property, if they did they would have to contact the DEP when they needed permits.

Mr. Haines stated that he wants to protect the people that are buying land in the Village.

The Mayor stated that whoever buys or builds should have the investigation.

Jim Planck asked what the new sizes of the plots would be. The Mayor replied .66 and 1.5.

Trustee Morra made a motion to permit the subdivision. Trustee Legg seconded. All in favor, motion carried.

The Mayor then signed the MYLAR and 2 copies will be retained for the Village.

The Mayor then closed the public hearing and reopened the board meeting.

On the subject of the Amphitheatre Trustee Legg stated that he asked for it to be put on the agenda because he felt that an amphitheatre at the upper end of the Lake will adversely affect the quality of life of the residents that live in that area on South Main Street and 23A. Mainly noise and traffic pollution is the concern. When we have the Black Bear Festival its like its in your living room, which is only one weekend a year and can be endured. But an outside amphitheatre will create a tremendous amount of noise pollution and can't see where 2000 cars can be parked there. Certainly tonight the issue will be open for public comment, but Trustee Legg is requesting that we hold a public hearing on the amphitheatre. It was disguised under lake improvements with a bunch of other things thrown in there and Trustee Legg said that he wasn't aware of an amphitheatre going in there.

The Mayor stated that he doesn't accept the word 'disguise'. Trustee Legg stated he didn't mean the word 'disguise' but the way this was presented.

The Mayor stated that we didn't need to have a public hearing, the public can express their opinion or concerns at any time and at any board meeting. The need for a public hearing would come about if we were required by State, to put the amphitheatre in. Public Hearings for the public are extremely costly on the tax base. It's basically the same as a regular board meeting. Legally you don't need a public hearing to address these issues when every board meeting is open to the fact for comments on any issues.

Trustee Legg asked the Mayor why would he not want to have a public hearing to hear what the public had to say and what their opinions were.

The Mayor replied that he never said he didn't want to have a public hearing.

Tal asked the board what stage of the project were we at.

Trustee Legg stated that the Village applied for a \$550,000 Grant to build an amphitheatre over at the Lake.

Tal stated that if the Village was awarded the grant, when and if the Village wants to proceed, then they would have to go to SEQRA and the Environmental Review Process. During that entire process, you will have at least 2 possibly 3 public hearings. It will not get a negative declaration which means there will have to be an Environmental Impact Statement. That will be a huge situation.

Trustee Legg asked why would you want to get to that stage before you actually realize if the people want it or not. Why would you go through all of that and then stop.

Trustee Legg then asked how much Village Money was spent on this grant. Trustee Morra replied \$5000. The Mayor added that that was 2 years ago.

Trustee Legg then stated that he was going to call general referendum. He stated that he can call it, any body can call it from the audience can call it, it is in the Village Law which he will review himself on.

The Mayor stated that he didn't have a problem with that and he never said he didn't want to have a public hearing.

The Mayor continued that they put the grant in and he believed they had a public hearing. The Village Master Plan had workshops which included the amphitheatre in the Master Plan and that was well publicized.

Trustee Legg stated that we had a public hearing on the one that was disapproved and now we are putting another one in....

The Mayor stated that it was never disapproved. We wrote a letter of intent saying that if it was disapproved that we were going to resubmit the application. It was never disapproved. The fact of the matter is when we get the applications you [the trustees] always authorize me to sign the contracts for those applications. So at that point in time when we get the contract, we hold our public hearing, take votes, and if nobody authorizes it, he [the Mayor] doesn't sign it. If it makes Trustee Legg feel more comfortable then we can have a public hearing.

Trustee Legg stated that he wanted to have a public hearing and wanted to hear some comments tonight as well.

Mr. Haines stated that when his administration filled out grants, they wanted to know if we had municipal water, sewage, and some kind of site plans and how they were going to handle the project.. He also stated that he had been talking to the DOH, DEP, etc., and they don't want anything near that well house - 100' from it, all the way around it. Mr. Haines also stated that there are more important things in the Village of Tannersville. He understood the Mayor and Trustee Morra's point. We are getting something for nothing. But who is going to maintain it, and who is going to use the amphitheatre.

The Mayor stated that it can be leased out as a commercial space. In the lease, you include the costs of the maintenance. The Leaser is in charge of the maintenance.

Mr. Haines stated that he is against the amphitheatre right off the bat. There are more important things in the Village

Trustee Legg stated that he thinks its ironic that the Village Board is trying to pass a noise law at the same time they are trying to put in an amphitheatre.

The Mayor stated that the amphitheatre is not designed to have concerts at midnight hours. They never have one out late at night.

Steve Showers stated that the one in Saratoga is always having late concerts.

The Mayor stated that he will get documentation from our engineers on how the Saratoga one is run.

Mr. Showers stated that the traffic is so bad on the Upper Lake Road, he can't even hang out his laundry because it gets dirty. He stated that it was his back yard that he was putting this amphitheatre in.

The Mayor stated that the property in which this would go is on land owned by the Village of Tannersville. It belongs to everybody.

The Mayor stated that 2 years ago we had a public hearing on this and it was well publicized. We listened to the people and they even said positively go do it.

Trustee Legg asked Mr. Showers how the noise was from the Black Bear Festival, and Mr. Showers replied that it is terrible, but it is only one weekend.

Berna Showers stated that instead of putting up that amphitheatre, why don we do something with the lake. The Mayor stated that waiting for grant to come in by Hudson Engineering to dredge the Lake.

Mr. Haines stated that the lake is an open septic system. He stated that he took samples there.

John Chambers stated we should wait to see if we even get the grant to see what the Village wants. He thinks that the amphitheatre is a good idea and would make some money in the Village.

Joseph Cristino asked if the Upper Lake Road could be paved.

The Mayor stated that the Village had received some resistance to paving it. We had to use Calcium Chloride twice to cut down on the dust. It was an item to be paved, but we received some resistance and we didn't do it.

Mr. Cristino stated that the gars go fast and asked of the possibility of a speed bump. The Mayor stated that we will look at this.

Berna Showers stated that these are things we should be addressing.

The Mayor stated that we are not spending any money on the amphitheatre. It is a 50-50 Match and we were able to use the Village Property Dollars as the match to what the state will give us.

Ms. Showers stated that we should put sidewalks in the Village.

The Mayor stated that this grant that includes the amphitheatre also includes other things. It includes taking care of the Bike Path and putting appropriate signage there; putting in dock to the island and creating an estuary and picnic lounge. So this is more inclusive than the amphitheatre.

Ms. Showers asked if we are going to have a public hearing on that.

Trustee Legg and Ms. Showers both stated that they don't think the people are aware of what the public hearing was about. Trustee Legg stated that if the people want to have the public hearing we should have it.

Tal stated from a legal standpoint there is no requirement that a public hearing had to be assigned. If the Board wants to have a public hearing or referendum they can certainly have them. At this point there is nothing to have a public hearing on.

Trustee Legg stated that if the people don't want the amphitheatre, then why pursue the grant.

A public hearing is just to listen to what the people say not to do what the people say. A board can decide anyway they want.

Tal stated that even though the money is there, doesn't mean they have to take it.

Trustee Legg stated that he is requesting a public hearing, and he knows he is outvoted 2 to 1 but he is still requesting it.

The Mayor stated to Trustee Legg that that was an unnecessary comment he just made.

Donna Weyant stated that they live right there too and she also hears the noise from the Black Bear Festival. She hears the noise like Trustee Legg hears the noise and she

resents the fact that Trustee Legg is sitting on the board as a professional of the Village attacking (Trustee Morra and the Mayor) as if they had done something wrong.

The Mayor stated that there has always been noise in this Village, sometimes till 6:00 in the morning, and no one has ever complained about it.

Ms. Showers stated that people are always complaining about the noise. She then asked in the proposed noise law, does it cover the Village. Trustee Legg stated that the Village is exempt. The Mayor stated that Village Laws are exempt. WE are not talking about if it comes in, it's apparent that people don't want it at all. But that's not to say that we can't limit the noise or limit the activity. It's easier for people to come up with criticisms and not possible solutions. Where is the possibility of something else.

Ms. Showers stated that she suggested sidewalks.

The Mayor stated that [this administration] inherited 2.2 million dollars worth of debt. We don't have the money to pay for new sidewalks with general money.

Ms. Showers stated that she is surprised that someone at the Synagogue hasn't fallen or broken a leg on these streets.

The Mayor stated that they offered to put in their own sidewalks but he was unaware of the location. The Mayor stated that we don't have the money to spend on new sidewalks unless we find grant opportunities. The only opportunity that we have had is an application to the Governor's Office of Small Cities for Spring Street.

Jim Planck asked the board if they were awarded the grant and they couldn't use it appropriately what would happen to the money. Tal replied that it would go back to the State.

Mary Sue Timpson asked if the application could be changed/modified to remove the amphitheatre or do something else with that spot. Trustee Morra replied that it is locked in to what the grant originally called for. Ms. Timpson also stated that she didn't see the point of going forward if the Tax Payers didn't support the idea. Trustee Morra stated that a few village residents don't control the Village.

Trustee Morra stated that there is a grant that the Village refuses every year. We can still refuse this one after the money is received. Its not going to be too late.

Trustee Legg stated that he was still requesting a public hearing on the amphitheatre project.

The Mayor stated that there is about a \$400 expense to having a public hearing.

Trustee Morra asked if we can put the amphitheatre on the ballot in March at the election.

Fred Haines stated that if the Village depends on grants we will never get anywhere.

The Mayor stated that people find the energy to come in here (to the board meeting) and kill the board over an amphitheatre, but when it comes time to the future of the Village and do a Master Plan, nobody shows up. The Mayor stated that he seconded Trustee Legg's motion for the public hearing on the amphitheatre. He told Trustee Legg to go to town and solicit people to come in, and the Mayor stated that he can handle himself as a professional as anybody.

The Mayor stated that the paperwork for the grant is in and has been for 2 ½ years. This round for our region has not been announced yet. We have submitted a letter of intent to continue, so this project is in motion already. If we have the public hearing and don't get awarded the grant then we wasted money to have this public hearing. If we do get the grant, then we take it to the people and put it on a referendum, and then we will have another election like there was the last time the Mayor was re-elected.

The Mayor seconded Trustee Legg's motion to hold a public hearing. All in favor, motion carried. The Mayor asked the Village Attorney for some dates for the public hearing. Tal asked the board if they wanted to set it for the next board meeting.

Trustee Legg stated that he was a public servant and this is a major development within the Village of Tannersville. He doesn't see how the Mayor can sit there and say that it is a waste of time and motion to have a public hearing about a major development.

Trustee Morra stated that we have done it already. The next time it would have been done is if and when we get the grant.

Trustee Legg asked the Clerk what it cost to have a public hearing. The Clerk replied that it didn't cost that much and they could check the vouchers. It also depended on how big the notices are for, and for how long it runs.

The Mayor stated that the biggest thing that has happened in this village is the Master Plan. It is expensive and goes on for 10 years. It was a major thing that happened in the right direction.

The Mayor stated that 1/3 of the tax base goes to debt service every year.

The Mayor also stated that we will do what we can to try to make everybody happy. If we can't then we will have to make that decision.

Trustee Morra we should take this right to a vote of the people. If the majority don't want it, then we don't do it. He also stated that a few people shouldn't control the best of our abilities.

Trustee Legg stated that a few weeks ago we held a public hearing to see what property owners had to say about adult entertainment in their area. He didn't see what was so different about t this time. Trustee Morra stated that Trustee Legg is looking for his interest and not the interest of the general public. The general public would benefit from the amphitheatre.

Tal asked the board again if they wanted to have the public hearing for the amphitheater at the next board meeting on September 9th, 2004. They agreed.

Trustee Morra excused himself from the meeting for personal reasons.

Moving along with the board meeting, Trustee Legg made a motion to pass resolution number 27 of 2004 authorizing the Mayor to enter into contract with JK Fraser and Associates for engineering on the FAB Grant. The Mayor seconded. Trustee Morra was absent. All in favor, motion carried.

Trustee Legg made a motion to pass resolution number 28 of 2004 authorizing the mayor to enter into contract with JK Fraser and Associates for engineering on the Stormwater Runoff Comprehensive Plan. The Mayor seconded. Trustee Morra was absent. All in favor, motion carried.

Trustee Legg made a motion to pass resolution number 29 of 2004 authorizing the mayor to enter into contract with the City of NY DEP to extend the contract for the Landslide remediation at Gooseberry Creek. The Mayor seconded. Trustee Morra was absent. All in favor, motion carried.

The Mayor moved to discuss the changes to make to the proposed noise law.

Trustee Legg stated that under G he always thought there was a law against shooting in the Village anyway. The Mayor stated that he believes there is an ordinance that needs to be updated because the fine is \$5.00.

Trustee Legg stated that the other comment he had was that 10. noise is noise and he doesn't see why the Village should be exempt. Tal stated that from a standpoint of land use, subdivision and other sorts of rules, the Village is exempt anyway.

We have to keep businesses making money The Mayor stated that he believes that times of operation should cease at 2:00 am on weekends, and 12:00 on weekdays. But leave the possibility of special use permits for events with a substantial cost, for New Year's etc.

Tal stated that the variance procedure was in section 8 of the proposed law and that was covered. He also suggested that the Village Board do that by way of resolution outside of the 4 corners of the law because you can change it by another resolution. If you put it as part of the law, then you have to do a whole new local law. The Mayor replied that he sees that as a potential problem because the next administration could come in and change the resolution. The Mayor stated that a law should be a law and if the people want to change it then they have to go through the proper steps.

Tal said that he will add the change to sub paragraph 6 under section 8.

As far as penalties are concerned, the Mayor suggested that we adhere to the NYS code and set fines up to \$1000 a day for non-compliance He also suggested a \$500 special permit application fee.

John Chambers stated if the Village didn't take a decibel reading, then this may be thrown out in court.

The Mayor stated that the Village Attorney will make the changes and at the next board meeting we will have the new draft of the proposed local law.

The Mayor then turned the floor over to John Chambers who stated he had a house built in the mid 1980s and at the time, the Village had a building inspector. Somewhere between the shuffle between the Village and Town inspectors, his c of o got lost.

The Mayor asked how can we help this man.. Mr. Griffin stated that he was not convinced that the codes will allow him to issue a retro c of o.

The Mayor then asked the Village Attorney to research this situation with the Department of State.

The Mayor then granted privilege of the floor. Mary Sue Timpson was an employee of the Village and is trying to buy back her time for the period of 1988 to 96 for her retirement. She stated that several notices were sent to the clerks and none of them ever responded. She also stated that she did speak with Robin (Present Clerk) and she has been extremely helpful, however she has found that there are no records for the time she is looking for. Mary Sue also said that she found it disturbing that the records were missing.

The Mayor stated that every year they have to certify the payroll to Greene County. We can have the clerk contact Greene County to ask for the payrolls for the missing time periods. The Mayor added that before we got our records retention room, the records were in the attic and the humidity got to some of them and unfortunately were destroyed.

If the records are not in that retention room, it is a shame that we don't have it. We will help you get what you need.

Mary Sue was also wondering about the deck she inquired about in the letter she sent to the board and Mr. Griffin on July 14th. She at this time has not heard from anyone in writing.

Mr. Griffin stated that the walls of the building are noted in the law not the footings of a deck. There is also the issue of the water running off the property on to Ms. Timpson's.

The way it has been raining and the way the property line falls, the water looks like it is on their side of the property line.

The Mayor stated that her issue is that no body responded to her in writing. He stated that we owe Mary Sue a letter with an explanation of the property maintenance or land use ordinance, and what was just said in writing so we can answer her question.

Mary Sue also said that Trailhead had tore up her property and ripped out bushes that have been there for over 100 years.

The Mayor asked Mary Sue to check her schedule and call the clerk to set up a meeting with Mr. Tait next Wednesday or at her convenience to chat about this matter and her concerns.

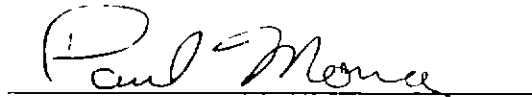
Trustee Legg stated that the issue with the water is between the 2 property owners. The only concern the Village should get involved in is the deck.

Tal stated that the Village can enter as a facilitator.

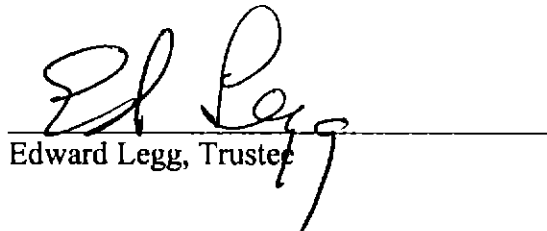
Being there was no further business, Trustee Morra made a motion to close the board meeting. The Mayor seconded, all in favor, motion carried.



Glenn Weyant, Mayor



Paul Morra, Trustee



Edward Legg, Trustee