

Village of Tannersville  
Regular Board Meeting  
And Public Hearings  
September 9<sup>th</sup>, 2004

A regular Board meeting was held on Thursday, September 9<sup>th</sup>, 2004 at 7:00 pm in the Village Hall.

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

Also Present: Fred Haines, Terri Legg, Dennis Schlenker, Clifford Bertrand, Darryl Legg, Ellen Wade, Emilia Wolny, Nancy Solaas, Mark Flynn, Barbara Hamrah, Jim Planck of the Catskill Daily Mail, Joyce Bertodatto, John Bertodatto, Martin Murin, Walter Seifert, Julie and Abe Abramczyk, Harry Poladian Jr., Mary Sue Timpson, Stefanie Jozic, Phil Thorpe, Donna Weyant, Beth Gnozzio.

The Mayor opened the meeting with the pledge of allegiance and welcomed everyone to the meeting.

Trustee Morra made a motion to approve the minutes of the previous board meeting and continued public hearing held on August 12<sup>th</sup>, 2004. Trustee Legg seconded. All in favor, motion carried.

Trustee Morra made a motion to approve the general vouchers\_\_\_ and water vouchers\_\_\_. Trustee Legg seconded. All in favor, motion carried.

The Mayor then gave his report:

8/13 – Last Day of Camp – Barbara Sturman did a fantastic job and with the camp and the Where It's @ Youth Center. The kids had trips to Minekill several times a week so they could be taught to swim.

8/14 – Chinese Auction held in Village Hall

8/16 – DEP and Town of Hunter held a Sewer extension Meeting in the Village Hall

8/25 – Met with Charlene Holdridge from The Hunter Foundation Inc. to discuss a grant application to the New York State Main Street Program for \$200,000. Municipalities cannot apply only not-for-profits.

8/25 – Also had the Kick off Meeting for the FAB Grant (for \$175,000) regarding the Sun View Water Tower. Those in attendance: Jeff Staley from JNS Enterprises, Joe Meyers from Severn Trent, and Brad Grant and Jim Fraser from J. Kenneth Fraser and Associates.

8/28 – Cathrine Romito held a carwash for the Humane Society

8/31 – Mountain Top Health met in the Village Hall – We helped organize the Mountain Top Health to get space at the Mountain Eagle Building at no cost. They are asking for volunteers to help them move, it's for a good cause.

9/2 – The Board of Elections held the custodian and Election Inspector's School in the Village Hall

9/6 – The Democrats held a meeting in the Village Hall.

Financials:

General Ck: 11000	General MM: 182000
Water Ck: 2400	Water MM: 1500
Publicity: 2700	Garbage: 705

Also: Senator Seward issued a press release about the Bill signed by the governor to legalize certain borrowing by the Village in prior years. We will bond the money for 10 years and by 2014 the Village will be debt free.

The Mayor then turned the floor over to Trustee Morra to give his report on the water and garbage departments.

**Report of Trustee Morra – Water & Garbage Department**

We sold 403 Garbage Bags creating \$565.50 in revenue to cover tipping fees.

In the water department the men are continuing to mark and replace curb boxes as well as making maps.

They are also removing the brush from the dikes at all three reservoirs.

Meters are currently being read for the October Water Billing.

On another note, the men replaced some windows and doors at the Village Hall.

The Mayor then turned over the floor to Trustee Legg to provide his report on the Highway Department.

**Report of Trustee Legg – Highway Department**

The Men set up for and took down the Black Bear Festival.

They have been continuing to patch pot holes with blacktop.

We have received 120 tons of #1A stone so the men can chip seal Spruce Street. Recommends that all men be there for this project.

The Men are continuing to cut down brush along and over the roads, as well as usual lawn maintenance throughout the Village.

The men will be fixing drainage pipes on Railroad Avenue.

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The Mayor then turned the floor over to Keith Griffin to report on the Building and Code Enforcement Department.

One building permit was issued for a modular going up on Sunset Avenue – Alexander residence with existing sewer and water hookups.

Held a meeting with Mark Anderson on August 26<sup>th</sup> regarding the Yacht Club.

Mr. Griffin stated that he did not have a written report for the board due to technical difficulties with his computer.

The Mayor stated that anytime there is something wrong with a computer to notify the board so money can be allocated for repairs immediately.

Mr. Griffin continued stating that Key Bank had filed a sign permit application and it is in accordance of the Sign Law and recommends approval.

Trustee Legg made a motion to approve the sign permit application for Key Bank. Trustee Morra seconded. All in favor, motion carried.

The Mayor then turned the floor over to Tal Rappleyea to deliver his report as the Village Attorney.

Tal stated that he will save his comments that relate to 3 of the up coming public hearings this evening.

Regarding current litigation and wrongful denial of the hook up of the sewer project, it is scheduled for trial in November and should have the deposition transcripts with the next week and will be making a motion to have it dismissed before we get to trial.

The Mayor stated to Tal to look over the packet he was just given and contact the Village Resident that was denied a sewer connection. In the 1924 agreement it says that the DEP will bring the connection to 5' from the property line. The Mayor asked him to write a letter for this resident to try to get him compensated for his losses. Tal stated he would do it.

Trustee Legg made a motion to approve resolution number 30 of 2004 supporting the Catskill Mountain Housing and Hunter Foundation's Grant application to the New York Main Streets Program. Trustee Morra seconded. All in favor, motion carried.

The Mayor then described resolution number 31 of 2004 to authorize the filing of a negative declaration for the FAB Grant Water Project.

Tal stated that he had a long conversation with Brad Grant from Fraser's and EFC originally told us when the application went in that we wouldn't have to do SEQR or an Environmental Impact Statement. After that the gentleman in charge changed his mind and suggested that we do at least the short form EAF and a negative declaration. Tal stated that he recommended that the Village do this.

Trustee Morra made a motion to pass resolution number 31 of 2004. Trustee Legg seconded. All in favor, motion carried.

Tal stated that before that the Village should have declared themselves lead agency in the review process. Trustee Morra made a motion to declare the Village of Tannersville as lead agency in the FAB Grant Project Review. Trustee Legg seconded. All in favor, motion carried.

The Mayor then moved on to the next item of the agenda regarding Catskill Development LLC. The Mayor asked the Village Attorney to not expend anymore of Village funds on Catskill Development LLC until in fact we have the MOU and escrow agreement. Tal agreed.

The Mayor then asked the Village Attorney to contact Mr. Schlenker, counsel for TYC and tell him that we will proceed with the 19 violations in court. There is a substantial amount of our tax payer money out there and we don't to spend anymore. Each violation from the date of notification can be fined from \$100 to \$1,000 a day. In parallel to them trying to do a good job, we have the issue of responsibility to follow up and proceed to take them to court.

Tal stated that he is working on converting the violations to a complaint at this present time.

The Mayor stated that at this point in time he was granting privilege of the floor for matters other than the content of the public hearings incorporated into the Village Board Meeting.

Walter Seifert was a Village employee and asked the board if he was entitled to retro pay for June to September of 2002, just as the Village Highway Department had received since the Union agreement was signed.

The Mayor stated that the shop (Highway Department) signed up to be in the Union. There is a union contract and the person that represents the Union is the person Mr. Seifert need to call and talk to.

Mr. Seifert asked what the union had to do with it and the Mayor replied that it was a union shop after he went to arbitration. We have received a message from Paul Engle today and he stated that the union agreement covers only the people that are currently employed.

Mr. Seifert stated that the board doesn't allow it [him to get a retro raise].

The Mayor stated that the workers signed up to be in the union in 2001 or 2002 and at that point in time the union rep...

Mr. Seifert interrupted and stated that the Mayor didn't know who signed and who didn't.

The Mayor replied that he was notified that the majority signed to be with the union and it was from that point forward a union shop.

Mr. Seifert stated that he felt he was being punished for retiring early and not being in the union.

Tal stated that the retro is with the union and that is where the raises come from and apply to those that are current members. Mr. Seifert is not a member of the union and therefore the contract is not with him.

Mr. Seifert stated that legally the Village didn't have to do it and morally they won't either.

Tal stated that he was not speaking morally at all. The contract is with the union and the current members are those that get the raises.

The Mayor added that the contract is with the union. The men are spoken for through the union.

Mr. Seifert stated that we are probably only talking about \$300 and it seems like the board doesn't want to part with that.

The Mayor stated that the Board has no justification to give out any money then what was agreed to in the union contract.

Tal stated that the Village is not authorized to give money legally. That would be considered a gift of public monies. The Village does not have the right to give it to Mr. Seifert even if they wanted to.

The Mayor asked the audience if there were any further comments before the public hearings, no persons replied.

The Mayor then adjourned the meeting for a 5 minute recess.

The Mayor reopened the meeting and went into the public hearing regarding the proposed adult entertainment law.

The Mayor opened the floor for public comment.

The Mayor stated that with out a law in place, adult entertainment can go anywhere. Mr. Nihill volunteered his property (on spruce street down by the old Klondike) to be designated. The Village cannot endorse ways to keep it out.

Abe Abramczyk, owner of the Eggerly Inn, stated that he didn't want adult entertainment near his property (which is near Mr. Nihill's).

Tal then gave some background on the issue at hand.

Tal stated that adult entertainment is protected by the First Amendment and is considered freedom of speech. Therefore it cannot be banned, however it can be regulated. The Village created a committee, and the committee did a study around the Village to see where this could go. We even used GPS mapping creating buffers, and had to keep bring it down until a 200 foot buffer showed 2 possible parcels that are far enough away from a school, church, etc. Mr. Nihill volunteered his property to be designated. It is on a non-heavily populated area on Spruce Street.

The Village cannot endorse him to restrict the property use.

A gentleman from the audience asked if this could be located in the Town of Hunter instead of the Village.

Mr. Abramczyk asked if Mr. Nihill was a last choice to designate his property.

A lady from the audience stated that adult entertainment was Mr. Nihill's business. He had a strip club in Saugherties. How does anyone know that he is not going to put something there himself.

Bob Abrahamsen asked if anyone had ever contacted the Catskill Mountain Foundation to see if they would designate their properties.

Another lady from the audience asked who the people coming in were, and she also stated that she did not comprehend this situation.

The Mayor stated that it is irrelevant who is trying to bring this into the Village. What is relevant is to protect the Village.

Trustee Legg stated that there is nothing in place to regulate this if it did come in now. Right now they can set up shop anywhere they want. In the proposed law it is very restrictive.

Nancy Solaas asked about civil liberties.

Stefanie Jozic, owner of the Washington Irving Inn asked if someone mature was to volunteer their property.

The Mayor stated that if someone did apply it would cost them a bundle of money in permits and fees and probably wouldn't even last.

Fred Haines stated that he didn't see anywhere this business could come in. People need to stick together on this.

Jim Planck of the Catskill Daily Mail stated that the moratorium extension expires in November. Would the board entertain a not for profit organization to designate their property – and would the board talk to the Catskill Mountain Foundation about using one of their sites.

Trustee Morra stated that Mr. Nihill had no objection for his property to be named.

Jim Planck stated that given the sensitivity of the issue, does the board feel the need for any possibility that what [Mr. Abrahamsen] suggested would be an entertainable suggestion.

The Mayor stated that it was a well-taken comment and we can revisit the issue.

Mr. Abrahamsen also suggested contacting The Hunter Foundation Inc. as another possible property donor.

A gentleman asked if the board has approached Colonial or Rosemary for their properties.

The Mayor stated that they were at the meetings.

The Mayor stated that at this time, this public hearing is closed.

The Mayor then opened the public hearing regarding the proposed noise law.

The floor was opened for public comments.

Being there was no public comments, this public hearing was closed.

The Mayor then opened the public hearing regarding the proposed Master Plan. The Mayor stated that once the master plan is adopted, the Village will receive a \$15,000 grant from the State.

The Mayor opened the floor for public comments on the proposed master plan. Being that there were no public comments, the Mayor closed the public hearing.

Trustee Morra made a motion to pass resolution number 32 of 2004 adopting the Village of Tannersville Master Plan. Trustee Legg stated that for the record he is in parallel with the Master Plan with the exception of the amphitheatre portion. With that comment, Trustee Legg seconded the motion. All in favor, motion carried.

The Mayor then opened the public hearing for the proposed amphitheatre at the Rip Van Winkle Lake.

This is a proposal that came about in the EPF Grant application which included lakeside expansion, renovations and clean up. The Mayor stated that he felt this public hearing was premature since the grant has not been awarded yet. We understand Trustee Legg's concerns and is not shoving this down anyone's throat. We need to find additional sources of revenue.

The Mayor asked the public for solutions, he did not admire people that just criticized. Solutions are better than problems.

Tal added that this is not the final public hearing on this matter. There will be more during the Environmental Review and SEQR Process if the grant is received. There is a lot more to be done.

Nancy Solaas submitted a petition to the board in opposition to the amphitheatre.

Cliff Bertrand stated that he was against the amphitheatre and asked if this was a lump sum grant or partial. He asked if this grant can be used for something else.

The Mayor stated that the grant would be a lump sum, but wasn't sure if it could be changed.

Tal added that if it is changed then the Village may be in danger of losing their funding.

Mr. Abramczyk stated that he was against the amphitheatre is because of the size, and what it is etc.

Nancy Solaas stated that for the size and doesn't feel that there is a need.

Mr. Abramczyk asked if the amphitheater could be downsized.

Daryl Legg stated that he was concerned about the parking. A 2000 seat amphitheatre will bring a lot of cars, and busing will create a problem. The right of way to the lake may not be adequate for the traffic. More policing will be needed. Employee Parking will be needed. We will need sewer and water and the quality of life will be an adverse effect.

The Mayor stated that if we got the grant, we will sit down and go through all issues the audience brought up.

Cliff Bertrand asked if we failed the reviews, then the money will be lost.

The Mayor stated that Ben Weinschneider proposed to buy land at the estimated real estate value. He could put houses up or something.

Trustee Morra stated that he would be doing this as a courtesy.

The Mayor asked if anyone had any statistics of the pros and cons of an amphitheatre. He stated that he had statistics that he was willing to share.

A member of the audience asked if the donation of the land could be in the Town for the Village for the amphitheatre.

The amphitheatre can be downsized if possible and we are not saying that this will be at the lake.

Mary Sue Timpson stated that this size amphitheatre seemed rather large for our area.

Trustee Legg stated that he was opposed to it because of the noise. The Black Bear Festival is held once a year and that is bearable. The concept of the amphitheatre is good but not in a residential area.

The Mayor stated that Hunter Mountain is having a 3 day concert over Labor Day next year. The concert of having concerts must be good if Hunter Mountain is considering it.

Greg Lubow stated that the recreational area is need of revitalization. The recreational area at the boat house used to be a vibrant business. The lake is in dyer need of attention as well as the boating area. That should be revitalized. There used to be an ice skating rink there.

The Mayor stated that we have submitted a grant every year to dredge the lake. The Boat house is being fixed up and we have applied for grants for that as well.

The Mayor continued to say that we are aggressively perusing grants. We are limited economically because of our tax base. If you can find us grants, show us and we will apply.

Bob Abrahamsen stated that there is an underutilized cohesion to get these monies.

Trustee Legg stated that if we got the grant to dredge the lake there must not be much room for a work platform for the dredging.

Mark Flynn asked what happens when the Orpheum opens. Then there will be competition for customers.

Dolph Semenza stated that the Village is trying to protect second home owners. There had been zoning regulations and an amphitheatre would not be in a residential area.

Beth Gnozzio stated that this is not a new idea and has been in the works for many years. An amphitheatre is acoustically correct. It contains the sound. She continued to say that grants do not grow on trees and we have to evolve to what types of grants are available. Crowds can be controlled by scheduling different types of events at different times.

Mr. Fink from the Red Coats Inn stated that this Village has been so stagnant for so many years and now it is starting to turn around. The property values may even go up.

Stefanie Jozic stated that she agreed with Beth. People want to have quality and an amphitheatre is acoustically correct.

Nancy Solaas asked if this amphitheatre was downsized would we lose the grant. The Mayor replied that we would have to research this area.

Nancy also asked if we would be able to fill a 2000 seat amphitheatre.

The Mayor stated that he was doing some research on how amphitheatres affected communities and found that a lot of the times, the attendees were mostly locals.

The Mayor also stated that during the evaluation process we will have to go through SEQR if we get the grant. If we don't comply SEQR we won't be able to do the work.

Greg Lubow stated that on Saturdays the attendance at the amphitheatre will conflict with the Synagogue. The Village shouldn't compare themselves with larger towns, because they (the Village) does not have the infrastructure to handle an amphitheatre. He suggested exploring this matter further.

A gentleman from the audience by the name of Chuck stated that we shouldn't form our economic policies around 2 months worth of Saturdays.

Greg stated that we have 2 seasons.

Chuck stated that we should break the seasonal status and make it year round.

Nancy Solaas suggested a baseball field down by the lake – there was nothing for the kids to do.

The Mayor stated that there was just a 3 on 3 basketball tournament. There are several bands that are keeping the kids busy. He also stated that we are slowly but surely fixing the boathouse down at the lake. The Men are picking up trash every day. If we had the resources to dredge the lake, we would do it.

Julie Abramczyk stated that there may be some entertainment for children, but there is not entertainment for adults.

The Mayor stated that we should have a community center. The Youth Center is progressing towards that. They offer different courses as well.

Stefanie Jozic asked if she could donate her property for the amphitheatre.

The Mayor stated that if her property was abutting the Village Boundaries then she would be able to annex the land in then donate it.

The Mayor then closed the public hearing and re-opened the Village Board Meeting.

The Mayor stated that by next week or so, the Village will be going out to bid for the signs. Hopefully, they will be constructed before the winter.

The Mayor then reopened the privilege of the floor.

Mr. Abramczyk asked the Village Board if they notified property owners for the designation prior to the enactment of the law.

Tal stated that as far as the application for a special use permit property owners will be notified. The applicant is required to contact adjacent land owners.

Mr. Abramczyk also asked the board if there will be follow-up public hearings on the adult entertainment law.

The Mayor stated that the Village had followed all of the necessary steps to adopt the law. He also stated that the public hearings are inclusive to all residents.

Jim Planck asked what the time table is for adopting the law.

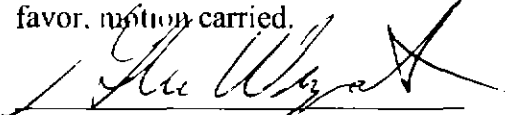
Trustee Morra stated that the board could pass the law if necessary at a special meeting.

The Mayor made a suggestion to extend the public hearing on the adult entertainment proposed law until the next board meeting.

Trustee Morra made a motion to adopt Local Law #2 of 2004 – the Noise Law. Trustee Legg seconded. All in Favor, motion carried.

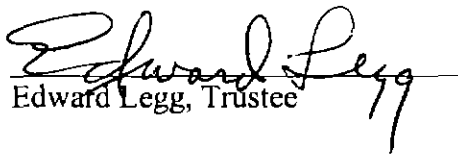
The Mayor asked the Village Attorney to research the flexibility of the EPF Grant.

Trustee Legg made a motion to close the board meeting. Trustee Morra seconded. All in favor. motion carried.



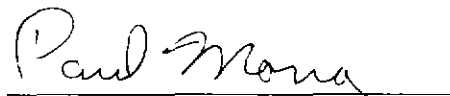
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Glenn Weyant, Mayor



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Edward Legg, Trustee



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Paul Morra, Trustee