

Village of Cleveland Regular Board Meeting September 9, 2008

PRESENT: Mayor Malchoff Davis, Trustee Norm Youmans, Trustee Joseph Domachowske, Trustee Debbie Kite, DPW Superintendent Doug Riggs, Clyde Lewis, Chuck Gilkey, Joseph Carr, John & Joni Hinds, Irv Loock, David Kirk, John Kane, Lance & Lisa Vella, Joe Vella, Jack Ryan, Barb Simanowski, Deborah Gwynn, Nancy Argulski, Nancy James, Katherine Krawczyk, John & Valerie Dziura, Jery Erler, Paul Baxter-Tug Hill Commission.

ABSENT: Trustee Kevin Gribbon

CALLED TO ORDER: by Mayor Davis at 7:30 pm with the Pledge of Allegiance.

APPROVAL OF MINUTES: Mayor Davis made motion to approve minutes as follows: 8/5/08 Board meeting, seconded by Trustee Domachowske, all in favor, motion carried. Mayor stated that Trustee Gribbon's absence is becoming a handicap to the Village. Certified mail regarding his position as Trustee, has been returned due to his refusal to accept it, and regular mail has produced no response.

FISCAL ADVISOR REPORTS: Mayor Davis made motion to approve the financial report from July 31, 2008, seconded by Trustee Kite, all in favor, motion carried.

ADDITIONS TO ABSTRACT # 3A: Mayor made motion to approve additions to Abstract # 3A vouchers # 158-161, second by Trustee Youmans, all in favor, motion carried.

PAY BILLS Abstract #4A: Mayor made motion to approve Abstract # 4A, vouchers # 162-210, seconded by Trustee Domachowske, all in favor, motion carried. Final payment for wastewater tank # 1 painting project is included. Tank #2 –inside still needs to be completed. A 5-year low interest loan may be needed to complete tank #2.

VILLAGE HALL: Mayor noted that the Village will be borrowing \$200,000. instead of \$297,600.

1. The following resolution was offered by Mayor, Malchoff J. Davis who moved its adoption, seconded by Trustee Youmas, to-wit:

RESOLUTION OF THE VILLAGE BOARD, VILLAGE OF CLEVELAND, OSWEGO COUNTY, NEW YORK, ACCEPTING REVISIONS TO THE VILLAGE OF CLEVELAND, COMMUNITY FACILITIES VILLAGE HALL ADMINISTRATIVE BUDGET (CAPITAL PROJECT) AS FUNDED THROUGH USDA CF-RURAL DEVELOPMENT, WRIGHT PARK GRANT, AND LOCAL SOURCES. THE VILLAGE BOARD HEREBY MODIFIES THE FOLLOWING ADMINISTRATIVE BUDGET ITEMS: A-4 FISCAL COORDINATION CURRENT BUDGET OF = \$6,625.00/SAME; A-6 LANDS & RIGHTS OF WAY = \$1,903.60/SAME; A-8 MISCELLANEOUS (INSPECTOR/PRINTING) = \$890.56 AS SHOWN ON FORM E-4, DATED 08/14/2008 (CURRENT EXPENDITURES) INCREASING THE TOTAL ADMINISTRATIVE BUDGET AMOUNT TO = \$20,319.16. THE TECHNICAL SERVICE BUDGET SHALL REMAIN UNCHANGED AT \$12,500.00, AND THE CONSTRUCTION BUDGET IS REVISED AS FOLLOWS: CHANGE ORDER # 1 GENERAL CONSTRUCTION + \$225.00; CHANGE ORDER # 1 PLUMBING + \$350.00; LOCAL SHARE CONTRIBUTIONS FOR EMERGENCY ROOF REPAIRS

\$13,860.00; AND LOCAL SHARE PROJECT TASKS 1-8 TO DATE TOTALING \$17,746.47. THE TOTAL PROJECT BUDGET IS MODIFIED TO \$343,592.02.

WITH CURRENT FUNDING SOURCES AS FOLLOWS:

USDA CF-LOAN	\$200,000.
USDA CF-GRANT	\$ 50,000.
WRIGHT-GRANT	\$ 50,000.

LOCAL SHARE \$ 31,592.02 TASKS 1-8 DESCRIBED ON FORM E-4

BAN PRINCIPAL \$ 12,000.00 PRINCIPAL PAID BY VILLAGE 12/21/07

TOTAL FUNDING \$343,592.02

THESE AMENDMENTS ARE HEREIN APPROVED IN ACCORDANCE WITH THE NEW USDA UNDERWRITING REQUIREMENTS, EFFECTIVE 10/01/2005, AND VILLAGE BOND COUNSEL OPINION DATED: AUGUST 12, 2008 “*VILLAGE BOARD APPROVAL OF REVISED BUDGET FIGURES*”.

NOW, THEREFORE, THE VILLAGE OF CLEVELAND, VILLAGE BOARD OF TRUSTEES HEREBY RESOLVE AS FOLLOWS:

The following vote was taken and recorded in the public or open session of said meeting:

Davis- Yes, Domachowse- Yes, Kite- yes, Youmans- Yes, Gribbon- Absent

The resolution was thereupon declared duly adopted.

2. The following resolution was offered by Mayor, Malchoff J. Davis who moved its adoption, seconded by Trustee, Domachowske, to-wit:

RESOLUTION OF THE VILLAGE OF CLEVELAND, BOARD OF TRUSTEES, CLEVELAND, NEW YORK, ACCEPTING AS COMPLETED THE CONSTRUCTION OF A NEW VILLAGE HALL, LOCATED AT 2 CLAY STREET, AND RECOMMENDING FINAL PAYMENT OF EXPENSES THERETO.

WHEREAS, the Village of Cleveland has completed work on a New Village Hall, located at: 2 Clay Street, Cleveland, N.Y., and

WHEREAS, the Village of Cleveland now wishes to close on a Bond Issue from the US Department of Agriculture, New York Rural Development (Community Facilities).

NOW, THEREFORE, THE VILLAGE OF CLEVELAND, BOARD OF TRUSTEES HEREBY RESOLVES AS FOLLOWS: Davis- Yes, Domachowse- Yes, Kite- yes, Youmans- Yes, Gribbon- Absent

The resolution was thereupon declared duly adopted.

3. Someone will be needed to clean the Village Hall.

4. Captain Pitkin with the NYS Police will be meeting with the Mayor at 9:00am on 9/11/08 for an overview of the Office of Convenience located in the new Village Hall.

5. Phone lines and watertower alarm system needs to be relocated to new building.

6. An open house for the new Cleveland Village Hall is being planned for a Sunday afternoon sometime in early or mid October. Date TBA.

CRONK AGENCY:

1. The main insurance policy premiums for the Village will remain approximately the same as last year (new building and cemetery now included) due to a change in insurance provider. NYMIR (NY

Municipal Insurance Reciprical) will be the provider. It works similar to a co-op. The capitilization fee disappears after 5 years reducing the premium rates even more.

Mayor Davis recomends the change in providers and made a motion to approve the change in insurance providers as presented, second by Trustee Kite, all in favor, motion carried.

2. The following resolution was offered by Mayor, Malchoff J. Davis who moved its adoption, seconded by Trustee Kite to-wit:

WHEREAS, Malchoff J. Davis, of the Village of Cleveland, County of Oswego, New York, has been elected to the office of Mayor of the Village of Cleveland; and

WHEREAS, Deborah Kite, of the Village of Cleveland, County of Oswego, New York, has been elected to the office of Deputy Mayor of the Village of Cleveland; and

WHEREAS, Phyllis Sweeten of the Village of Cleveland, County of Oswego, New York, has been appointed to the office of Village Clerk/Treasurer of the Village of Cleveland; and

WHEREAS, Douglas Riggs of the Village of Cleveland, County of Oswego, New York, has been appointed to the office of Department of Public Works Superintendent of the Village of Cleveland; and

NOW, THEREFORE, we as respective officers above, do hereby undertake with the Village of Cleveland that we will faithfully perform and discharge the duties of our office and will promptly account for and pay over all moneys or property received as a Village Officer in accordance with the law; and

This undertaking of the Village Officers is further conditioned upon that he/she/they will well and truly keep, pay over and account for all moneys and property, including any special district funds, belonging to the Village and coming into their hands as such *Mayor, Deputy Mayor/Trustee, Village Clerk/Treasurer, Trustee/Additional Signer, Department of Public Works Superintendent*.

The Village of Cleveland does and shall maintain insurance coverage, presently with The Hartford Fire Insurance Company as the insurance company and Cronk Agency, Inc. as the insurance agent in the sum of \$100,000.00 for Crime Bond limits less a deductible of \$500.00 to indemnify against losses through the failure of the officers, clerks and employees covered thereunder faithfully to perform their duties or to account properly for all monies or property received by virtue of their positions or employment, and through fraudulent or dishonest acts committed by the officers, clerks and employees covered there under... Limits for the additional signers of elected personnel, which include the Deputy Mayor and a Trustee, are covered under the basic Crime Bond Limits of \$100,000.00.

The following vote was taken and recorded:

Davis- Yes, Domachowse- Yes, Kite- yes, Youmans- Yes, Gribbon- Absent

The resolution was thereupon declared duly adopted.

CODE ENFORCEMENT: Monthly report was read as written: Permits: 1 Mobile Home, 1 addition; 51 Field inspections and complaints; Mileage: 36.5 miles; Fees Collected: \$159.60.

A letter was sent out to all pool owners in the Village regarding the State regulations for pools and wiring requirements. For a copy of the letter and regulations required please contact Code Enforcement Officer John Illingworth at 623-9581.

MANUFACTURED HOUSING:

- The Village Land Use Law needs to be updated regarding manufactured housing. The Village Attorney, Allison Nelson, recommends imposing a 6-month moratorium to give the Village more time to update the law. The moratorium states: Pursuant to the Municipal Home Rule Law of the

State of New York and the statutory powers vested in the Village of Cleveland to regulate and control land use and to protect the health, safety and welfare of its residents, the Village Board of the Village of Cleveland hereby declares a six-month moratorium on any and all manufactured housing in the Village of Cleveland.

A. During the effective period of this Local Law:

1. The Village Board of the Village of Cleveland shall not grant any approvals that would have as the result the commencement of any placement of manufactured housing within the Village of Cleveland.
2. The Village Planning Board shall not grant any preliminary or final approval to a subdivision plat, site plan, special use permit or other permit that would have as a result the placement of manufactured housing in the Village.
3. The Village Zoning Board of Appeals shall not grant any variance or other permit for any use that would result in the placement of any manufactured housing in the Village.
4. Building Inspector/Code Enforcement Officer of the Village shall not issue any permit that would result in the placement of any manufactured housing in the Village.

Mayor Davis made motion to approve the 6-month Moratorium, Local Law #3 of 2008 as written, second by Trustee Youmans, all in favor, motion carried. A public hearing is set for Tuesday September 23, 2008 at 7:00 pm at the Cleveland Fire Station for all interested parties to be heard. A copy of this Local Law will be available for review at the Clerk's Office.

- At this time there is no rule as to how many homes to each grinder pump. DPW Superintendent is in charge of who and how many. Transients often cause problems when the power is shut off.

Mayor Davis made motion to enforce only one grinder pump per manufactured home that is not sitting

on a permanent foundation from this point forward, second by Trustee Kite, all in favor, motion carried.

The Sewer Use Law states that before a building permit is issued for manufactured homes there must be a site plan submitted and grinder pump location sited. The code officer will be informed for future reference.

WATERLINE-WEST END: 10 people currently on line.

- John Kane is not tapped into the privately owned 2" line and will no longer be part of the original "Constantia Twelve". His property's water connection comes directly from the Village's ten-inch main located on the north side of State Rt 49.
- Irv Loock , who is currently not on the 2" line, stated he will only support and share in the cost of a 4" line, not a 2" allowing it to be extended to others.
- The Village's job is to get as many water customers as possible. If 4" line is put in there will be eleven new customers.
- The "Constantia Twelve" wants to move forward with a 2" line if it's still a viable option. Mayor suggested they get a working group together and have one spokes person. DOT requires an engineer. Village will not do the pull under the road. Line will be put in ROW and dedicated back

to the Village.

- Mayor Davis presented a letter to the C/T explaining that if a 4" line is put in, developer Jeff Ballagh has agreed to provide engineering drawings and "up-fronting the cost" with Syracuse Utilities who will be providing the installation of the 4" main approx. 1600 ft. a quoted amount of \$44,300, providing that all property owners pay their share into an escrow account prior to signing contract. (approx. \$12/foot for 2" main and \$24/ft for 4" main). Each customer will be responsible for extending their water lateral to the ROW and for the tapping and installation of the curb stop. The existing 2" main can stay in service until all residents have been connected to the 4" main. If 2" replaced with 2" line, water will be shut off for a while. If 4" line is installed Syracuse utilities will charge \$24.00 per foot to the 4 properties that want to be connected beyond the 1600 ft water line. Water can not be extended further if a 2" line is installed.
- Some feel property owners should get a kick back if others want to tie into line after the line has been completed and paid for.
- A Sewer line will be installed up to the Kessler property.

FIRE DEPARTMENT: Joni Hinds read fire alarm report.

SPIRIT COMMITTEE: 9/11 Rememberance will begin at 3:30pm on 9/11/08 with the reading of names, a silent march begins at 6:30pm at the school, a Memorial Service at Lakeview Park at 7:00pm, and refreshments at the American Legion after the service. There will be a community wide garage sale on Sat Sept 20th and a date for the Open House for the new Village Hall still needs to be determined.

CEMETERY UPDATE: Trustee Domakowske handed out information collected regarding the Cemetery on North Street asking Board members to review and be prepared to discuss at a later date.

MEMORIAL PARK Rules & Regs: Mayor discussed some items that need to be addressed regarding Memorial Parks rules and regulations: 1. Set official open and close dates. 2. Place signs regarding no alcoholic beverages and trash to be carried out. 3. Stamping keys. 4. Boy Scouts are free unless there is a problem after use. 5. Everyone else is charged except for Village business. 6. Contract with softball leagues-season rates plus key deposit. 7. All keys will be returned at the specified time on park use agreement.

BOARD OF APPEALS & PLANNING BOARD: Mayor highly recommends that all members of B/A and P/B fulfill mandatory yearly training by attending seminar being held on October 6th at Oswego High School from 6-8pm. Handouts were given to Board members.

DPW: It was determined at the annual DEC Inspection of the Wastewater Treatment Plant the Village is required to enact, maintain, and enforce an up-to-date and effective sewer use law. The DEC recommends that all municipalities review and revise their sewer use law at a minimum of every ten years. The Village must provide their department with and estimate of when it will revise its law by September 30, 2008. The Board agreed that they will review and revise the Sewer Law in January 2009.

SCHOOL TAXES: Mayor presented a letter to the public regarding his comments about school taxes.

IMPORTANT DATES: - Work Meeting/Public Hearing: Sept. 23, 2008 at 7:00 pm
- Pre-Closing on Village Hall: Sept 23,2008
- Closing on Village Hall: Sept 25, 2008
- Open House: set date

Board Meetings:

- Trustee Domachowske will be absent from Board meeting on October 6th.
- November Board meeting will be changed from Tuesday November 4th to Thursday November 6th at 7:30 pm at the new Village Hall on Clay Street, due to Election Day and Veteran's Day.

Trustee Youmans: Asked everyone to bear with him regarding the removal of the building he owns on Main Street. Legal issues need to be addressed first.

MEETING ADJOURNED: Trustee Youmans made motion to adjourn, second by Trustee Kite, all in favor, motion carried.

Recorded and Submitted by Phyllis Sweeten, Clerk-Treasurer 9/16/08.