

PRESENT: Mayor Malchoff Davis, Trustee Joe Domachowske, Trustee Debbie Kite, Trustee Norm Youmans, Trustee Joseph Carr, DPW Superintendent Doug Riggs, Fire Chief Joni Hinds, Clyde Lewis, Tom Mirizio, John DiLauro, Bonnie McCollough, Jerry Erler, Chuck Gilkey, Paul Baxter-Tug Hill Commission.

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 for 9/22/09 Work Meeting, second by Trustee Carr, Davis-yes, Carr-yes, Youmans-yes, kite and Domakowske abstained as they were not present at the 9/22/09 meeting, motion carried.

FISCAL ADVISOR REPORTS: Mayor Davis made motion to approve the financial report from 8/31/09 as presented, seconded by Trustee Domachowske, all in favor. Trustee Domachowske will review more when he returns from next trip, there may be some future corrections.

PAY BILLS Abstract # 5: Mayor made motion to approve Abstract #5, vouchers # 221-267, seconded by Trustee Kite, all in favor. CHIPS and Burley-Guminiak bills were discussed.

VILLAGE HALL CAPITAL PROJECT: Mayor made motion to leave the left over funds from the Village Hall project as is (\$11,819.26 accrued mostly from interest in the capital fund) and (\$54,170.33 in the Village Hall Reserve Fund). When the Village Hall is completely done then funds will be moved and reserve fund will be slated for another project, second by Trustee Kite, all in favor.

WATERLINE WEST-END: Mayor Davis put forth the following resolution, second by Trustee Youmans, all in favor.

**AUTHORIZING THE MAYOR TO EXECUTE WATER SUPPLY CONTRACTS WITH 22 RESIDENTIAL USERS OUTSIDE THE VILLAGE OF CLEVELAND AND TO ACCEPT DEDICATION OF A THREE INCH RELACEMENT WATER MAIN**

WHEREAS, the Village of Cleveland ("Village") has for many years supplied water to homeowners located along State Route 49 on the Village's western border with the Town of Constantia; and

WHEREAS, the water main outside the Village is a private two inch line that is in such poor condition that it is believed to be leaking substantial volumes of water prompting the Village to require that it be replaced by the homeowners it is currently serving; and

WHEREAS, each of the current users of the private line together with the owners of four additional parcels located at the end of the line have agreed to enter into individual water supply contracts with the Village of Cleveland which provide for the owners to pay for replacement of the existing line with a new three inch HDPE water line to be located in the New York State Highway right of way contiguous to Route 49 and upon completion of the project and payment of all costs including installation of all curb stops and also including final approvals by involved regulatory agencies and the Village, ownership of the line will be transferred to the Village; and

NOW, THEREFORE, BE IT RESOLVED, that the Village of Cleveland Board of Trustees hereby authorizes and directs the Mayor to execute water supply agreements with private homeowners outside the Village in substantially the same form as is on file with the Clerk.

BE IT FURTHER RESOLVED, that the Village shall accept ownership and future maintenance of the new water line upon its completion provided the construction of the line is accepted by the Village Superintendent and approved by the Village Board of Trustees; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

This resolution will allow the residents to obtain the permits necessary from the DEC to work on the line. The water supply agreements will need to be tweaked some what. When the Village accepts the line it will be free and clear. If a water district is ever formed, things will change.

PEOPLE'S CONVENTION TO REFORM NEW YORK ACT: Mayor asked the Board to review the letter received from the Assembly of the State of New York regarding the "People's Convention to Reform New York Act" which will allow for the creation of a more accountable and responsive state government by the people to serve the people. This will be discussed further at the next Board Meeting.

CODE ENFORCEMENT: Mayor read monthly report as follows: Field Inspections: 22. Fees Collected: \$106.70, Complaints: 1, Additions: 1, Mileage: 68

FIRE DEPARTMENT:

1. Fire Chief Joni Hinds read Fire Alarm Report.
2. The Fire Dept's 2010/2011 Budget Proposal for the Towns of Vienna and Constantia were presented. Letters were sent to the Towns stating there would not be a request for an increase from last year's budget from either Town.
3. A list of the Fire Dept's recent activities was sent to the Town of Vienna by Fire Chief Joni Hinds.

SPIRIT COMMITTEE: Joni Hinds gave update. The 9/11 Program was well attended, Garage Sale day went well-donations were requested from those who participated- net profit was \$75.00 to go into the kitty, "Light Up the Park" will be held the Saturday after Thanksgiving, next meeting will be held on Mon. Nov 9<sup>th</sup>.

MITIGATION: Trustee Kite invited all that are interested to attend a meeting where the development of the Oswego County Multi-Jurisdictional, Multi-Hazard Mitigation Plan will be discussed on Wed Oct 28<sup>th</sup> at 7:00 pm at the Town of Hastings Town Hall.

TOM MIRIZIO: Mr. Mirizio asked the Board if they had decided on a rate for meters. He also asked if the Board had specifically singled him out regarding what he was being charged, for water and sewer. Mayor Davis explained that the rates are set the same for everyone according to the Village Law. A rate for meters could not be set without more information from Mr. Mirizio which was asked for by the Board more than a year ago including the cost of his operation, how many washers, how many apartments, how many motel rooms, etc. and that he only has a temporary Certificate of Occupancy for the motel and apartments. The Village was never informed by Mr. Mirizio that the apartments had renters which are to be charged for water and sewer. The Mayor said that discrepancies with others have been found and are being looked into. Mr. Mirizio suggested that the Board look into what Vanderkamp is being charged.

Attorney John DiLauro stated that he represented Tom & Judy Mirizio and admitted he had not reviewed Village Local Law prior to this meeting. He questioned the letter that was sent to the Mirizio's from the Village that according to Village Law corrected the water sewer units the businesses at 30-32 State Route 49 were being billed. The change in billing was determined after the Code Enforcement Officer inventoried the businesses. He asked if the Mayor had the authority to change the number of units being charged without checking with the Board. He demanded that meters be installed at Mr. Mirizio's cost and asked the board when they would know the rate per 1000 gallons.

The Mayor stated that he probably didn't have the authority and may have made a mistake. Clerk Sweeten followed up by stating that theft of water and sewer services for the apartments could be in order. As administrator for the water and sewer billing she is obligated to bill according to Village Law.

Mr. DiLauro asked that the recording for this meeting be preserved and was told to obtain a written FOIL request from the Clerk for copies of documents.

Attorney DiLauro continued, regarding the letter that Mr. Mirizio received from the Code Enforcement Officer that addressed the Junk Car provision of Village Law. He feels there are others in the Village that are in violation including the trailers used for storage at the wire mill. The Mayor assured him that others have received citations as well and invited him to make an appointment with the Code Officer to discuss the situation.

Attorney DiLauro accused the Mayor of having a personal vendetta against Mr. Mirizio. The Mayor suggested that Mr. DiLauro never accuse him of that again, that if he does he could sue for slander.

Mr. Mirizio asked what constitutes a commercial property according to the Water law. He feels he has only one

commercial property - operating several businesses under one corporation.

LOCAL GOV'T FORUM: NYCOM will hold a special forum in Minoa on Oct 22<sup>nd</sup> from 6-8 pm. The Mayor suggested that some of the Trustees plan to go.

CHUCK GILKEY: No update regarding water/sewer at the West End of the Village. Attorney William Buchan will be handling both water and sewer.

Dam: Mayor Davis will be meeting with Kevin Delaney with the DEC on Friday 10/16/09 to further discuss the Dam on the property on Division Street.

TANK PAINTING: Superintendent Doug Riggs reported that Wastewater Tank # 2 is finished being painted. The backwash tank will be completed soon. Weather has been a problem.

PAUL BAXTER-TUG HILL COMMISSION: Paul reminded the Village there will be a meeting to discuss ATV's/Snowmobiles on municipal property and roadways on October 15, 7-9 pm at the Redfield Fire Hall. Also the Tug Hill Commission will hold its monthly meeting at the Cleveland Village Hall on Wed October 28<sup>th</sup> from 4-6pm. Set up will begin at 2pm. The Mayor would like the group to tour Cleveland's water and wastewater facilities during their planned tour.

IMPORTANT DATES: Next regular Board Meeting November 10, 2009 at 7:30 at the Village Hall.

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

Recorded and Submitted by Phyllis Sweeten, Clerk-Treasurer on 10/20/09.