

**Village of Cleveland      Regular Board Meeting      December 10, 2009**

PRESENT: Mayor Malchoff Davis, Trustee Debbie Kite, Trustee Norm Youmans, Trustee Joseph Carr, Trustee Joe Domachowske, DPW Superintendent Doug Riggs, Cathy Kline, Elwood Engelbrekt, Charles Gilkey, Jerry Erler, Bonnie McCollough, Tom Mirizio, 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 11/10/09 Board Meeting and 11/17/09 Work Meeting, second by Trustee Carr, Trustee Domochowkswe abstained, all others in favor, motion carried.

FISCAL ADVISOR REPORTS: The fiscal reports from 10/31/09 have some accountant errors. Will delay approval for 10/31/09 report until January Board Meeting,

ADDITIONS TO ABSTRACT: Mayor made motion to approve addition to abstract # 6 voucher # 311 in order to meet deadline, second by Trustee Carr, all in favor.

PAY BILLS Abstract # 7: Mayor made motion to approve Abstract # 7 vouchers # 312-357 seconded by Trustee Domachowske, all in favor.

The following comments were made regarding some of the bills on abstract:

Retirement- 1 time yearly payment for employees retirement, Water Bond – bill was for principal and interest-bond paid off in 2017, USDA Bond for Village Hall- bill is for Principal & interest-paid off in 11 years.

**VILLAGE HALL:**

1. Form-E: Mayor made motion to approve the final Form-E closeout paperwork for the Village Hall, second Trustee Youmans, all in favor.
2. Capital Project: Mayor made motion to move \$51,731.23 back into the General Fund from the Capital Reserve Fund(Village Hall) to replace the funds borrowed from the General Fund to pay expenses for the Village Hall, and to move the excess funds in the Capital Fund, approx. \$11,100.00 (depending on the amount of interest accumulated at time of transfer) to the Capital Reserve Fund (Village Hall). The new amount in the Capital Reserve Fund for Village Hall should be approx. \$13,500.00, second by Trustee Carr, all in favor.

CODE ENFORCEMENT: Mayor read monthly report as follows: Complaints: 3, Certificate of Occupancy: 1, Field Inspectios: 18, Renewal Permit: 1, HVAC Permit: 1, Fees Collected: \$100. Mayor and Trustee Domachowske will set up a meeting with Code Officer regarding clean-up and the issuing of tickets. The County does not yet own the property at 51 Bridge Street. Due to the high cost of demolition, the Village will board up and secure the structure for safety reasons. The work will be done by the Village DPW and the cost will be billed to the owner. Trustee Carr will try to discuss with owner.

FIRE DEPARTMENT: Fire Chief Joni Hinds read Fire Alarm Report and reported that the Town of Vienna's Fire Protection Contracts need to be approved by the Board before the end of December, there are no changes to the contract from last year. The Board will review and approve at work meeting. Fire Chief Hinds also reported that there was a change in the Fire Dept's line officers, Mayor made motion to approve the changes, second by Trustee Youmans, all in favor.

SPIRIT COMMITTEE: Joni Hinds gave update. The 2<sup>nd</sup> Annual Tree Lighting held on November 28, 2009 went well. The Spirit Committee is pleased to donate \$137.00 to the Village which is a result of a fundraiser conducted to help pay for the lights.

DOG CONTROL OFFICER: Sue Gardinier, Village of Cleveland Dog Control Officer will be retiring as of January 1, 2009. Karen Ashley, Dog Control Officer for Constantia and West Monroe asked to be considered for the position. She is certified and seems very professional and owns kennels that are state approved. The Village will rent kennel space that will be used for the Village only. Mayor Davis motioned to contract with Dog Control Officer Karen Ashley on a per call basis at \$65.00 per call, court appearances will be paid at \$50.00 each, yearly rental for the kennel will be \$450.00, dog food will be purchased by Karen from Vella's

and charged to the Village as needed, mileage will be paid at Village standard rate and vet bills (euthanise and cremate), if necessary, will be billed to the Village, and it is understood by both Karen Ashley and the Village of Cleveland that either party can dissolve the partnership if needed, second by Trustee Carr, all in favor.

HUMANE Association: The Village will no longer contract with the Humane Association of Rome to house stray dogs when picked up by the Dog Control Officer. The new Dog Control Officer will take them to the rented kennel space.

SEWER – WEST END: Developer Jeff Ballagh needs sewer for 7 townhouses on his property outside of the Village. More customers may be added at a later date. The resolution is as follows:

**AUTHORIZING THE MAYOR TO EXECUTE SEWER USE AGREEMENTS WITH RESIDENTIAL USERS OUTSIDE THE VILLAGE OF CLEVELAND AND TO ACCEPT DEDICATION OF A TWO INCH SEWER 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 is desirous of also providing sewer service to homeowners wanting it: and

**WHEREAS**, a privately financed two-inch low pressure sewer line proposed to be installed along the south side of Route 49, and to be connected to Village Sewer Main which is located within Village limits on the south side of Route 49.

**WHEREAS**, each of the homeowners wanting sewer service have agreed to enter into individual Sewer Use Agreements with the Village of Cleveland which requires that the sewer line be privately financed, that Environment One Grinder Pumps will be used and upon completion of the project including final approvals by involved regulatory agencies and the Village, ownership of the line will be transferred to the Village.

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

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

The motion was made by Mayor Davis, seconded by Trustee Carr, and passed unanimously as follows: Davis-yes, Youmans-yes, Kite-yes, Carr-yes, Domachowske-yes.

WATER - WEST END: The line is going in now. It should be finished in 2-3 weeks. Most residents have their laterals in.

THOMA DEVELOPEMENT: Mayor made motion to contract with Thoma Development Consultants for one year at a rate of \$500.00 per month. They will find, write and administer grants for the Village, second by Trustee Domachowske, all in favor.

WATER SYSTEM UPGRADE: Mayor , Clerk, Trustee Domachowske , Doug Riggs and Robert Guminiak met with Rural Development regarding funding for the water system upgrade. Because the Village Customer Water Rates are so low, we do not qualify for a grant through them, however they will provide a loan over a 30 year period. Other funding sources may be available. Engineer Robert Guminiak's report shows an increase in the yearly water rates for upgrades per metered service at approximately \$106.00.

CEMETERY RULES: Mayor made motion to accept and approve the Cemetery Rates and Rules as laid out so far by the Cemetery Committee, second by Trustee Youmans, all in favor. Dimensions for foundations will need to be researched and added to rules.

PARK RULES SIGN: Trustee Kite is working on.

TOM MIRIZIO: Foil request for duplication of tape recordings of several meeting dates will be complied with as soon as possible. A motion made by the Mayor to rescind a motion previously made and approved on June 21, 2007 to reduce the sewer units for the laundry-mat at 30-32 State Route 49 by 2 units was tabled until a later date at the suggestion of Trustees Youmans and Domachowske. The October bill will be adjusted to reflect the 2-unit discount. This motion was made in an attempt to comply with and bill according to the Village Water and Sewer Laws. Mr. Mirizio asked what constitutes a commercial property and an apartment. Mayor stated he would contact the Village Attorney for a legal definition, but the Village has in the past defined a commercial

property as anything other than residential and an apartment as a living unit with cooking, sleeping and bathroom facilities. The Clerk agreed that in the past she has billed according to this definition. Mr. Mirizio feels that the Board has not worked with him. The Clerk added that the Village Board did work with him in the past by reducing his rates until the motel units were remodeled after fire damage. The Mayor closed the discussion.

IMPORTANT DATES: Work Meeting: Tuesday December 15, 2009 at 7:00pm.  
Next regular Board Meeting: January 12, 2009 at 7:30.

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

Recorded and Submitted by Phyllis Sweeten, Clerk-Treasurer on 12/21/09.