

REGULAR SESSION OF THE VILLAGE BOARD OF TRUSTEES ON NOVEMBER 24, 2020 AT VILLAGE HALL 61 FRONT STREET, DEPOSIT NY AT 7:00 P.M.

PRESENT: Mayor Moore, Trustees Durning and Warner, C/T Budine, DC/T Shirkey, EO Hathaway, Chris Zacharias, Alex Hood from IGS, and Bridget Davis.

ABSENT: Trustee Smith, Brown and DPW Supervisor Evans

CODE ENFORCEMENT

CEO Pete Hathaway informed the board that he had one building permit. He was continuing to document the unsafe buildings in the Village, particularly the ones on River Street and Court Street. Trustee Durning commented that the one on River Street was for sale and was quite dilapidated. CEO Hathaway stated that it was just the back and he had gotten pictures of that. Then Trustee Durning asked about whose responsibility it was to initiate site plan reviews. Mayor Moore stated that he was glad that Trustee Durning brought that up since we have been struggling with the issue. Mayor Moore proceeded to read the lawyers opinion on the matter, which stated that:

It is always the Code Enforcement Officer's responsibility to interpret the Village codes in the first instance. The attorney could see how the code enforcement officer reaches his interpretation that a change of ownership of a business, without a change in use or exterior of a structure, does not require a site plan, by looking at two parts of this local law:

- 1) In section 140-9.A, it says that the uses requiring site plan approval are "all new developed land use activities". If Pete doesn't consider something to be a "new developed land use activity", then he wouldn't have to require site plan approval.
- 2) Also, in section 140-9.B(5), one of the exempt uses is interior alterations that do not substantially change the nature or use of a structure.

Based on those two portions of the local law, if the Code enforcement officer determined that a new business was a continuation of an existing business and doesn't change the exterior of the building, then it wouldn't need site plan review. The purpose of site plan review is to review new development as it has an impact on the immediate neighborhood, or on the public in general. If there's no change to the exterior and the business continues as it was, but with a different owner, then it would be hard to see how it would impact the immediate neighborhood or the general public.

Ms. Westfall stated in her correspondence, that if Village Board is concerned about this, the Local Law could be amended to add another exemption, saying that changes of ownership that are continuations of existing uses, with no change to the exterior of the structure, would be exempt from site plan review. That would make it clearer, but the Code Enforcement Officers interpretation is not unreasonable.

Mayor Moore stated that the Code Enforcement officer has the authority to initiate the site plan review and that no one else should be going to businesses and initiating that process. There is a chain of command and it must be followed. If people feel like they cannot follow that chain of command they will be written up.

Trustee Durning stated that he appreciated the lawyers guidance and felt that the Code Enforcement Officer was the only one who had the authority to go to businesses and advise them when to reach out to the planning board. Mayor Moore felt that the situation had become personal and it needs to stop. We cannot have people tell business things

that directly contradict the Code Enforcement Officer. Trustees Durning and Warner agreed. Mayor Moore stated that the new flower shop and the upholstery store had not changed the use of the building, it was still retail. CEO Hathaway agreed if you are renting the space and the use of the building has not changed, the business should not have to jump through hoops. Mayor Moore stated that it was just another layer of bureaucracy that was not needed. Trustee Durning agreed that they business owner should not have to pay a fee, if the use of the space was not changed.

CEO Hathaway recommended that the board consider updating and digitizing the code book. It could cost around \$10,000 but would be well worth the cost. Clerk Treasurer Budine agreed and stated that it could then be made available online and that the company would keep it updated annually for a fee. The board agreed that this was a good idea and something to think about.

MOTION#189/20-21

A motion was made by Trustee Warner and seconded by Trustee Durning to accept for filing the monthly Code Enforcement report. Motion passed unanimously.

Mayor Moore the introduced Alex Hood from Intelligent Green Solutions, solar company. Mr. Hood stated that he had gathered number for Village Hall and we were paying approximately \$167/month in electric costs. He felt that the amount of solar panels needed to cover that cost would only take up about ¼ to 1/3 of the roof. If we chose to cover the whole roof we could bank energy and use that banked energy to reduce the amount owed on electric at other Village properties. He stated that NYSEG had just received a 24 ½% increase. Clerk Treasurer Budine stated that CEO Hathaway and DPW Supervisor Evans had stated some concerns about the added weight to the roof of Village Hall. She asked if the panels could be put in the playground area next to the building. Mr. Hood stated that yes, they could go on the roof or the ground, they do it both ways. Trustee Durning stated that the panels were very light now, Mr. Hood agreed. There was discussion about whether the Village had to pay prevailing wage or not and that would change the amount of the project. Mayor Moore stated that there could be a larger project up on the High Street property. If that project was done we could bank even more energy credits to offset what was billed. Trustee Durning liked the idea of using High Street and banking the credits to offset the bills. Mayor Moore felt that the initial out lay of money would turn into savings later. Mr. Hood stated that components had a 25 year warranty. Trustee Durning felt this would be very good for infrastructure. Mr. Hood stated that our energy grid is very out of date in this country. Mayor Moore asked how long the project would take and Mr. Hood stated about 2 ½-3 months. Trustee Warner asked how long the installation took and Mr. Hood stated 2-3 days. Everyone agreed that this was a good idea. Mayor Moore stated we could even change to electric heat in Village Hall, eventually. The board thanked Mr. Hood for coming and presenting this to the board.

STREETS

FIRE DEPARTMENT

Chris Zacharias stated that the Quint is back from being repaired. Mayor Moore asked if they were going to keep the squad out of service. Mr. Zacharias said that that was the plan, to keep the Quint and replace the squad. They would like to find a mini pumper and run it as an engine. They had decided to hold off on buying the pickup truck for hauling the used turn out gear and might use the money for a mini pumper purchase. They are considering getting rid of the Durango eventually.

PRESIDENT

Mayor Moore wanted to remind everyone that we have more Covid cases in the Village that we ever had. Please remain vigilant.

Mayor Moore stated that we have replaced the Christmas tree in Memorial park with a locally harvested tree. This will work better for the park since they have plans for enlarging and enhancing the existing space.

TRUSTEES

Trustee Warner wanted to wish everyone a Happy Thanksgiving.

Trustee Durning stated that he was going to set up a zoom meeting with the company about the sing by Memorial park. He would like to get a 6 person committee together. He also wanted to wish everyone a Happy Thanksgiving and that people should pace themselves.

FINANCE

MOTION#190/20-21

A motion was made by Trustee Warner and seconded by Trustee Durning to approve for payment the Abstract of Audited #9 audited vouchers as listed:

General Fund	\$197,418.44
Water Fund	\$ 18,098.59
Sewer Fund	<u>\$ 71,695.94</u>
	\$287,212.97

Motion passed unanimously.

MOTION#191/20-21

A motion was made by Trustee Durning and seconded by Trustee Warner to reset the public hearing for the General, Water and Sewer Fund budgets to January 12, 2021. Motion passed unanimously.

MOTION#192/20-21

A motion was made by Trustee Durning and seconded by Trustee Warner to move \$10,721 from police reserves to the General fund to pay for NYS Police retirement invoice. Motion passed unanimously.

Clerk Treasurer Budine reminded everyone we would be closed from 11/25-11/29 and reopen 11/30.

MOTION#193/20-21

A motion was made by Trustee Warner and seconded by Trustee Durning to adjourn at 7:55 PM. Motion passed unanimously.

Respectfully Submitted:

Karen L. Budine
Clerk Treasurer