

Minutes of the regular meeting of the Board of Trustees of the Village of Rouses Point, New York held on Monday, August 3, 2009 at Halstead Hall commencing at 7:00 P.M.

**PRESENT:** George A. Rivers, Mayor  
Brian B. Jefferson, Trustee  
Jean L. Birtz, Trustee  
John L. Cooper, Trustee

**ALSO PRESENT:** Arsene F. Letourneau, Treasurer

**ABSENT:** Francis J. Baker, Trustee  
Brian S. Pelkey, PWS

**RECORDING SECRETARY:** Carol A. Hanfield, Village Clerk

**CALL MEETING TO ORDER:**

Mayor Rivers called the meeting to order and began with the Pledge of Allegiance to the Flag.

**PRESENTATION:** Glen Francis Michaels, Assistant Attorney General, gave a presentation on the website 'www.sunlightny.com' that was started by Attorney General Andrew W. Cuomo. This website links you to information on officials, member items, legislation on local governments, lobbying, laws and other important information.

**COMMENTS FROM THE PUBLIC:**

Chris Young, 8 Beechwood Drive, addressed the Board about the water damage that affected many individuals on his street on July 29, 2009. Mr. Young believes that there are a minimum of three factors that caused the water damage one that the Village has already addressed and that was 1) the cleaning of the turnaround on Pinewood Drive. It virtually created a dam forcing the water to flow down onto Beechwood Drive between the two houses of Tom Deso and Steven Young; 2) in 1984 the Village sent the residents on the north side of Beechwood Drive a letter requesting that they be allowed to access our property and clean the ditch as it was an inadequate source for the storm flow. We did this as they requested and in coming years the school asked that the ditch be filled in and a culvert placed for the safety of the children which made sense. He was told that it was an 18" culvert but somehow a 12" culvert was placed in which cannot handle the flow of an open ditch; 3) the third item that caused the run off was doubling the size of the Wyeth parking lot without providing the additional drainage. In the letter dated July 12, 1984 it stated that the cistern along that edge of the parking lot was restricted in size to limit the flow because the ditch could not hold the water. He stated that he believes that these three factors led to the failure to the Village system and caused damage to at least seven residences. This has only happened twice at his residence in his thirty some years since he has been there and that is since the doubling of the parking lot and the filling in of the ditch and replacing it with a 12" culvert. He stated that he has filed his claim with the Village and they have been most responsive to him but he would like to see what the Village is going to attempt to do. Mayor Rivers stated that our Village Engineer will be here tomorrow to take a look at the situation.

Paul Cloutier, 12 Beechwood Drive stated that he was the Mayor at the time that authorized the letter be sent in 1984 and explained that at the time they would clean the ditch out because it was full of trash and garbage and then the principal of the school was

not happy with the ditch and that is why we got the covered 18' to 12' storm drain. He then explained that he now has water damage coverage and his insurance company will cover the water damage to a certain amount. He was told to call Serv-Pro who was the company that he was told to contact and they installed 3 de-humidifiers and 4 fans in his basement. The cost of this being done will be approximately \$2,000 - \$3,000. Mayor Rivers suggested that if anyone has damage to submit letters to the Village and we will submit them to our insurance company. Discussion followed.

Mr. Young stated that he contacted the Village Insurance company and was told to have his insurance company submit a letter of denial to the Village. At that time the Village insurance company will send out an inspector to do an inspection on it. He explained that he had his foundation shift so she was trying to push it along.

Mr. Robert Guay, 4 Pineview Drive, stated that it was the third time this has happened to him where the water instead of going out of the floor drain was coming in. The pipe is inadequate to take the water downstream. Trustee Birtz explained that he had the same problem and has installed a check valve. The installing of a check valve is the responsibility of the homeowner. Discussion followed.

Gail VanHoesen, 18 Beechwood Drive, stated that this is the fourth time. The first time they thought it was the parking lot because of the drainage and at the time they were told that it was not anyone's fault. The Village then fixed something and they were notified that they the residents were right. The other night they could see the water coming down the street like a river and their street was handling it but when it came from Steve Young's property that did it.

Kiernan Gilroy, 20 Beechwood Drive, explained that the ditch on the north side, when they put the culverts in behind his house it was not done very well because it goes down and the leaves plug it up. Many a time he has cleaned it out himself but that night he noticed that it was flowing like a river and it didn't appear to be doing anything. The next day it was almost all plugged. He was wondering if there is something to be done to eliminate this problem.

Mr. Cloutier explained that most of the drains on Beechwood Drive were handling the water and then a big surge came. In 1984 when he looked at that it had a 55 gallon drum welded to that drain blocking it. In any case he believes that that drain is taking water out of the parking lot and putting it in the school yard and suggested that some dye be ran down that drain and see where it goes. Discussion followed.

Mike Munnik, 3 Pineview Drive, stated that the problem also exist on the south side of Pineview Drive as well where his backyard meets the next yard the water had to be 2' deep flowing like a river through there. This has only happened twice in the past 21 years. He has a floor drain in the middle of his basement and the water comes out. The Mayor explained that it means that the drain is to the maximum.

Trustee Birtz explained to the residents that the Village cannot go on private property to remedy this situation and explained a similar situation that had taken place on Smith St. Mr. Young explained that the north side of Beechwood Drive – the Village has a right of way.

Mr. Cloutier explained that the Village put a drain in the house across the street from him and there is a check valve on that one. He stated that his drain did not back up the water came up from the floor squirting up about 18” and he assumes that a lot of that was due to the fact that there had been so much rain. Mayor Rivers again stated that this issue was going to be the first thing on the agenda for Tuesday.

Mr. Young thanked the Fire Department and the Village Employees for the job they did at his house. Mr. Cloutier thanked the Mayor also for responding so quickly and also thanked the other individuals involved. Discussion followed.

Gail VanHoesen, 18 Beechwood Drive, asked the Mayor what the status was on the Cell Tower. Mayor Rivers explained that we have a contract with JNS Towers. They are dealing with Verizon who want to put their antenna on our water tank. His comment to Verizon was that they have to give the Village a guarantee that there will be no damage to the coating on the inside of the tank because we have a guarantee from Landmark for a certain amount of years. They are dealing with Landmark directly and we are waiting to hear back from Landmark.

**MINUTES OF MEETINGS:**

Trustee Jefferson made a motion to accept the minutes of the regular meeting of July 20, 2009 as presented; Seconded by Trustee Cooper; AYE CARRIED

**BILLS:**

The Treasurer stated that there were no additions or deletions to the list of bills. Trustee Jefferson made a motion to pay the bills as presented; Seconded by Trustee Birtz; AYE CARRIED

**CORRESPONDENCE:**

The Clerk read a letter from Lorraine Bourdeau notifying the Board that she is resigning from her position on the Planning Board effective July 21, 2009. Trustee Jefferson made a motion to accept Lorraine’s resignation with regrets; Seconded by Trustee Cooper; AYE CARRIED

The Clerk read a letter from Andrew Ewart, Dodge Memorial Library notifying the Board of the newly extended Library hours. Beginning September 1, 2009 the library will be open 3 additional hours per week for a total of 35 hours per week. The new schedule is as follows: Monday and Tuesday 11:00 a.m. – 7:00 p.m.; Wednesday, Thursday, Friday 12:00 noon – 5:00 p.m. and Saturday 9:00 a.m. – 1:00 p.m. Closing the library prior to 7:00 p.m. will allow public organizations the opportunity to utilize the library for meetings without the interruption to the public or to the meeting.

The Clerk read a letter to Michael LeBlanc from NYS DEC informing him that the fire company has been granted an award of \$1,000 under the Federal Title IV – Volunteer Fire Assistance Program. The award is intended to assist the company in the purchase of much needed equipment. It is required that we match the \$1,000 and the fire department has already done that.

The Clerk read a letter from Peter A. Baynes, NYCOM honoring public officials who have served a single community for twenty-five years or more by awarding them a “Certificate of Public Service”. NYCOM joins the Village in congratulating the

following: Ernest Barcomb (30 Years); Nelson Barcomb (30 Years); Brian Pelkey (25 Years); Dan MacCallum (25 Years) and Gary Molinski (25 Years).

The Clerk read a letter from MHH & Ladder Co. No.1, Inc. requesting permission to sponsor an Octoberfest, inside the Civic Center on September 19, 2009. The Octoberfest will include German food and if approved German and Domestic Beer. They also requested a waiver of the open container law to sell and serve alcoholic beverage on the premises. Trustee Jefferson made a motion to allow MHH & Ladder to hold the Octoberfest and also grant a waiver of the Open Container Law for this event; Seconded by Trustee Cooper; AYE CARRIED

## **REPORTS FROM THE MAYOR AND BOARD:**

### **MAYOR GEORGE A. RIVERS:**

Mayor Rivers presented the Board with an Easement Agreement with Akrimax/Wyeth. This agreement grants an easement for the repair and maintenance of the pipelines, connections and appurtenances located in a common trench at the old water tank. The Mayor explained that this agreement was previously done with Wyeth only. Trustee Jefferson made a motion to authorize the Mayor to sign this Agreement when we receive approval from our Village Attorney; Seconded by Trustee Birtz; AYE CARRIED (SEE ATTACHED)

Mayor Rivers stated that the Dog Law that was previously amended was published in the newspaper and was incorrect. Residents showed concern thinking that they could not walk their dogs because of the dogs urinating while walking. The Clerk stated that she spoke to the Attorney and he will add some words that will correct this problem that exist with the newly amended law. Residents are allowed to walk their dogs as always.

Mayor Rives explained that Governor Patterson is requesting that the IEEP require the insulation of 113 homes to bring them up to standard. This will be only homes that use electric heat. We have the infra-red camera that can be utilized in determining what homes need to be insulated. We will have to start to do energy audits. A telephone conference will be held this week either the 5<sup>th</sup> or 6<sup>th</sup>. The Board will decide which date they want to sit in on the call.

Mayor Rivers stated that a bid for the police car that was surplus was received in the amount of \$700 from Rick Batchelder. Trustee Cooper made a motion to accept this bid amount of \$700 for this vehicle; Seconded by Trustee Birtz; AYE CARRIED

Mayor Rivers stated that we received the quote for the extra primer paint required for the ceiling at the Civic Center. Trustee Birtz made a motion to accept the quote for the extra paint in the amount of \$4,825; Seconded by Trustee Jefferson; AYE CARRIED

### **TRUSTEE JEFFERSON**

Trustee Jefferson stated that the MEUA is celebrating it's 79<sup>th</sup> Annual Conference in Corning, NY on September 15 – 18, 2009. Trustee Jefferson made a motion authorizing Mayor Rivers and Trustee Birtz to attend this conference; Seconded by Trustee Birtz; AYE CARRIED

Trustee Jefferson presented a Resolution authorizing Mayor Rivers to be designated as the accredited delegate for the MEUA Annual Conference; Seconded by Trustee Birtz; ROLL CALL VOTE All Ayes (SEE ATTACHED)

**TRUSTEE BIRTZ:**

Trustee Birtz made a motion requesting an Executive Session to discuss Electric Personnel; Seconded by Trustee Jefferson; ROLL CALL VOTE All Ayes

**TRUSTEE BAKER:**

Absent

**TRUSTEE COOPER:**

Had nothing to report

**OPEN MEETING TO THE PUBLIC:**

No one chose to address the Board

**RECESS:**

Trustee Birtz made a motion to recess at 8:07 p.m.; Seconded by Trustee Jefferson; AYE CARRIED

**EXECUTIVE SESSION:**

No action was taken during Executive Session regarding Electric Personnel.

**RECONVENE:**

Trustee Birtz made a motion to reconvene at 8:33 p.m.; Seconded by Trustee Jefferson; AYE CARRIED

**ADJOURNMENT:**

Trustee Birtz made a motion to adjourn at 8:33 p.m.; Seconded by Trustee Cooper; AYE CARRIED

Respectfully Submitted,

Carol A. Hanfield  
Village Clerk