

# September 09, 2019: September 9 2019 Regular Monthly Meeting Minutes

Body:

<b>Present:</b>	Mayor	William Peeler
	Trustees	Lynn Dumar, Tim Healey and Wally Boyd
	Clerk Treasurer	Christine Kearns
	Code Enforcer	Stan Waddle
	Public	Stan Mitchell, Fultonville Trustees Steve Helmin & Tim Morford, The Mills Law Firm Attorney Gregory Mills

**Deputy Mayor Healey Called Meeting to Order and Salute to Flag at 6:40 p.m** All financial reports, written correspondence, minutes and Clerk-Treasurer, S & W Commissioner & Code Enforcement reports distributed in Board packet of materials.

**Correspondence:** 8/9 National Grid – List of responsible National Grid representatives to contact in gas emergency

8/9 Frothingham Free Library – Looking for increase in funding – *Board asked clerk to write a letter to the library stating they will consider increase when doing FY 2020-2021 budget*

8/9 Montgomery County Treasurer – 2<sup>nd</sup> Quarter Sales Tax

8/12 Frothingham Free Library – Copy of letter sent to Code Enforcer Waddle

9/3 Montgomery County Industrial Development Agency – Notice of Public Hearing

**Mayor Peeler** took over meeting at 6:47pm

**Public:** **Village of Fultonville Trustee Tim Morford** came to talk about the sewer plant, wants to start doing the quarterly payments the correct way, Both villages send payment to plant, plant deposits in bank, Sewer board approves payments of bills, Pay bill out of sewer plant bank account; **Village of Fultonville Trustee Steve Helmin** asked that the Village of Fonda waits to

make any payments to a company discussed at the sewer board meeting, Believes the risks need to be looked at further,  
Suggesting a more extensive review by the sewer board; 2016 CDBG grant expires on December 31, 2019, Need to show  
substantial progress in order to get extension; **Stan Mitchell** speaking as Town of Mohawk Fire Chief, Will try to keep village  
updated on the fire department, There is a new 3000 gallon tanker ordered, Should be delivered in April 2020, Trying to build a  
new fire station, possibly closer to the village; Has been working with Village Code Enforcer Stan Waddle; **Stan Mitchell**  
speaking as a village property owner, Had previously sent a letter regarding turning lights back on on Midway Alley, Was denied,  
Since that time a house on Main St was broken into, trucks have been broken into; **Mayor Peeler** stated that the village is  
working on getting all the cobra lights turned back on and switching to LED; **Stan Mitchell** is again requesting to have the lights  
turned on, main concern because of the recent vandalism.

Stan Mitchell left the meeting at 7:20pm

**Motion** to enter executive session by Mayor Peeler, Second by Trustee Boyd with all in favor at 7:21 pm for reason of contract negotiations, The Mills Law Firm Attorney Gregory Mills was asked to stay

**Motion** to return to regular meeting by Mayor Peeler, Second by Trustee Dumar with all in favor at 8:45 pm

**Minutes from Previous Meeting(s):**

August 12 Regular Meeting - Motion to approve as written Mayor Peeler, Second by Trustee Healey with all in favor

**Bid Opening:** B19-01 Request for Proposal Architectural and Engineering Services

1 Bid received from Steve E. Smith, PE of \$15,600

**Motion** by Mayor Peeler, Second by Trustee Dumar with all in favor to table the decision on the bid

**Resolution # 37-2019 Transfers needed for payment of Abstract #4**

Offered by Mayor Peeler, Second by Trustee Healey

To:

From:

Water Fund

FX8330.409 Purification waterplant electric repairs \$2,500.00  
Contingent \$2,500.00

FX 1990.4

The question of adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows

Vote by Board of Trustees:

Name	Aye	Nay	Abstained	Absent
Mayor Peeler	X			
Trustee Boyd	X			
Trustee Dumar	X			
Trustee Wellman				X
Trustee Healey	X			

**Resolution #38-2019 A Resolution in Connection with the Village of Fonda Calling for Bids for the Sanitary Sewer System Improvements Contract NO.1 – General Construction, CWSRF Project No. C4-5294-01-00.**

Offered by Mayor Peeler, Seconded by Trustee Boyd

WHEREAS, Prime AE Group of NY, Inc, has prepared plans and specifications for improvements at the Village of Fonda Sanitary Sewer System Improvements; and

WHEREAS, the prepared plans and specifications have been submitted to the New York State Environmental Facilities Corporation (EFC) for review and approval,

NOW THEREFORE, BE IT RESOLVED, that Prime AE Group of NY, Inc be authorized to call for bids for the East Side Pump Village of Fonda Sanitary Sewer System Improvements Contract No.1 – General Construction contingent upon approval from EFC.

The question of adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows

Vote by Board of Trustees:

Name	Aye	Nay	Abstained	Absent
Mayor Peeler	X			
Trustee Boyd	X			
Trustee Dumar	X			
Trustee Wellman				X
Trustee Healey	X			

**Resolution #39-2019 Seeking Ownership and Title to the Wastewater Treatment Facility**

Offered by Mayor Peeler, Second by Trustee Healey

**Whereas**, the Village of Fonda entered into an Intermunicipal Agreement with the Village of Fultonville July 1, 1971 for the joint operation and ownership of the wastewater treatment facilities, and

**Whereas**, Amendment of this Intermunicipal Agreement was made by both Villages May 1, 1997; and

**Whereas**, the Village of Fonda holds title of 57.5% and the Village of Fultonville 42.5% of ownership of the wastewater facility; and

**Whereas**, progress of improvements and maintenance of the wastewater treatment plant has repeatedly been delayed and has suffered from mismanagement and disagreements by the owners of the wastewater treatment facilities; and

**Whereas**, the current amended intermunicipal agreement dated May 1, 1997 does not expire until May 1, 2037, and

**Whereas**, within the amendment dated May 1, 1997 does not provide arbitration or litigation rights and responsibilities overriding the original language in Section 11 of the July 1, 1971 intermunicipal agreement, to which states: All claims, demands, disputes, differences, controversies and misunderstandings arising under, out of, and in connection with, or in relation to, this contract shall be submitted to, and shall be determined by, the resident Supreme Court Justice of Montgomery County, or if there be no resident Supreme Court Justice of Montgomery County, to any Justice of the Supreme Court of the Fourth Judicial District in the State of New York, and

**Whereas**, the Village of Fonda wishes to longer be party to a shared ownership of title or shared management and operation of the wastewater facilities with the Village of Fultonville and wants to sever all current agreements with the Village of Fultonville, and

**Whereas**, the Village of Fonda Board of Trustees wishes to negotiate and create a new intermunicipal agreement with ownership, management and operations of the wastewater facilities with services provided in an agreement to the Village of Fultonville and any other outside users of the facilities;

**NOW THEREFORE, BE IT RESOLVED** that the Board of Trustees of the Village of Fonda hereby authorizes William F. Peeler, Mayor of said village, to act on behalf of the Village of Fonda in proposing change of ownership, operations and management of the wastewater facilities to the Village of Fultonville and seek any legal, adjunction or actions to relieve the Village of Fonda from intermunicipal agreement with the Village of Fultonville.

**BE IT FURTHER RESOLVED** that the Board of Trustees of the Village of Fonda authorizes the Mayor to negotiate agreement for retainer and pursue legal counsel for representation of the Village of Fonda in carrying out the actions stated and as the Mayor feels may be necessary to pursue the goals and wishes of this Resolution.

The question of adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows

Vote by Board of Trustees:

Name	Aye	Nay	Abstained	Absent
Mayor Peeler	X			
Trustee Boyd	X			
Trustee Dumar	X			
Trustee Wellman				X
Trustee Healey	X			

**Mayor’s Report:** Update on Waterfront Park – Met with Jeff Trzeciak of Prime Engineering at park, marked out bathroom, parking lot, memorial and stage areas, DPW should be able to start running the conduit for electrical to these areas; Been looking into programs to help cover the cost of LED lights at park; Met with Fultonville Mayor Linda Petterson-Law, Fultonville Trustee Tim Morford and Nick Zabawsky of Orion Management regarding the 2016 CDBD grant, Village of Fultonville entered into a contract for professional services with Orion Management Company for implementation and administration of the 2016 CDBG grant, also entered into an agreement with Prime AE Group of NY for professional engineering services for the grant without the knowledge of the Village of Fonda; Code Enforcer Stan Waddle has been in contact with Collar City Auctions regarding 30 W Main St., Online auction with no cost to the village, will place contingencies on buyer with a reverter clause stating taxes must remain current, outside hazards must be remedied with in a certain amount of time ( 6 months), and property brought into full code compliance within 12 -18 months.

**Resolution #40-2019 Authorizing Sale of Property Located at 30 W. Main St., Fonda, NY SBL #35.11-2-12**

Offered by Mayor Peeler, Second by Trustee Dumar

Whereas, There is no municipal need for the property located at 30 W Main St. Fonda, NY, SBL #35.11-2-12 and,

Whereas, Collar City Auctions has submitted a proposal to auction the property for no cost to the village,

Now Therefore, Be it Resolved, that the Village of Fonda accepts the proposal from Collar City Auctions to advertise and promote the sale of the property located at 30 W Main St., Fonda, NY, SBL #35.11-2-12

The question of adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows

Vote by Board of Trustees:

Name	Aye	Nay	Abstained	Absent
Mayor Peeler	X			
Trustee Boyd	X			
Trustee Dumar	X			
Trustee Wellman				X
Trustee Healey	X			

**Mayor's Report (cont.):** LED light conversion – Has been talking with NYSERDA regarding a program where the village could own all the lights within the village, estimated 40% savings by this action, no longer have a leasing cost, would be a savings from converting to LED, would need to contract with a light maintenance company to maintain structures; Made payment to Beacon Insurance for sewer plant policy renewal, Co-Chair Petterson-Law was in agreement with making payment, Looking into a flood insurance policy for plant, need to get inventory of all equipment.

**Motion** by Mayor Peeler, Second by Trustee Healey with all in favor to appoint Stan Waddle to the Comprehensive Plan – Steering Committee as Co-Chair #2

**Mayor's Report (cont.):** Halloween activities – Trunk or Treat in the village park on Oct 26, 2019 from 4:00 – 6:00 pm, Trick or Treat in the village from 6:00 – 8:00 pm, Rain date for both activities on Nov 2, 2019; Fall clean-up dates Oct 19 & 26 from 7:00 am to 12:00 pm; Mayor hosting a Public Health & Safety Day – Emphasis on seniors within our community, looking at the last Saturday in October, to be held at St. Cecilia's Hall

**Street & Water Commissioner Report:** 15 Decorative lights are out, possibly \$100 to switch bulb to LED, will call electrician and get pricing; Need a pallet jack at the water plant, current one has rotted, Prices of \$279 + shipping for a 5,500 lb and \$399 + shipping for 7,700 lb jack, Board asked if it could be picked up to save on shipping, Commissioner Weaver stated yes the company is located nearby; Dug test holes on Barber St to locate the water line needed for the Haven of Hope child care center that is to be built; Would like to attend classes that are coming up in October that are needed for water license renewal for Commissioner Weaver and Laborer Gray.

**Sewer Plant Report:** None

**Clerk-Treasurer Report:** Written, attached

**Code Enforcer Report:** Written, Letter from Frothingham Free Library – Called and talked to Judy Kelly and explained the situation to her, Told her the village would be boarding up the windows; No building permits issued, Firework permit issued for the fairgrounds.

**Trustees Report: Trustee Healey** - Parking went well during the fair, Only 2 more races scheduled

**Audit of Bills:** pre-approved, by Motion Mayor Peeler, Second by Trustee Healey, with all in favor

	<b>General</b>	<b>Water</b>	<b>Sewer</b>	<b>Total</b>
Clark Equipment	24,745.68	24,745.68	24,745.69	74,237.05
Pay #2 8/16	4,940.65	3,679.72	102.85	8,723.22
FFJWWTF Beacon Ins		7,183.88		7,183.88
Pay #3 8/30	4,387.29	3,696.26	102.85	8,186.40
National Grid		21.02		21.02
ss med eft 8/31	1,055.79	841.06	23.58	1,920.43
MVP	2,375.55	2,375.55		4,751.10
Spectrum	250.71			250.71
National Grid	297.21	1,467.08		1,764.29

**Abstract #4** Motion by Mayor Peeler, Second by Trustee Boyd, with all in favor

<b>General</b>	<b>Water</b>	<b>Sewer</b>	<b>Total</b>
10,246.87	5,084.86		15,331.73

**FFJWWTF Bills:** Motion by Mayor Peeler, Second by Trustee Dumar with all in favor to approve the payment of bills for the FFJWWTP with a date of September 13, 2019

**Sewer**  
\$6,244.97

**Next meeting(s):** Regular Monthly Meeting: Tuesday, October 15, 2019, 6:30 pm

Fonda Fultonville Joint Waste Water Treatment Board Meeting Tuesday, September 17, 2019 6:00 pm

at the Village of Fultonville Municipal Office

**Adjournment:** Motion by Trustee Dumar, Second by Trustee Boyd with all in favor at 10:17 pm

Respectfully submitted,

Christine Kearns

Clerk Treasurer