

*Village Board Meeting Minutes
January 8, 2013*

The Village of Caledonia Board of Trustees held a meeting on Tuesday, January 8, 2013 at 6:30 p.m. at the Village Office.

Members Present: Mayor Joe Caluorie, Deputy-Mayor Scott DiLiberto, Trustee Steve Polo and Teresa Truman. Scott Shimick, Underberg & Kessler. Absent: Trustee Jerry O'Donoghue.

Public Hearing for Local Law #1-2013 – Discontinuance of a public street on Philmore Avenue. Clerk-Treasurer Ann Marie Grattan read the legal notice posted in the Livingston County Newspaper. A **motion** was made by Trustee Polo at 6:01 p.m. to open the Public Hearing; Deputy-Mayor DiLiberto seconded the motion.

AYE: Mayor Caluorie, Deputy-Mayor DiLiberto, Trustee Polo and Truman

NAY: None

A portion of Philmore Avenue has never been opened, maintained or used as a village street for vehicular or pedestrian traffic. This portion is situated between tax parcel numbers 8.09-3-37 and 8.09-3-35. The Superintendent of Public Works has determined the portion of land does not serve as a right of way by the public. The Village Board will take comments tonight and decide whether or not to discontinue this public street. The land would then be divided evenly by both home owners with the above mentioned tax map numbers.

David Ebersole, Boy Scout Troop leader - discussed with the village board a community service fundraiser in the beginning stages. For an annual fee the scouts will display an American Flag during five remembrance holidays: Memorial Day, Flag Day, Independence Day, Labor Day and Veterans Day. The flags would be mounted on a metal pole and a PVC pipe is set at the curbside of the homeowners' lawn. The Boy Scouts will display the flag in the front of the home in the morning, take it down in the evening and then store it until the next remembrance holiday. The proceeds will go towards scouting camping expenses. The village board was in favor of the fundraiser and directed Mr. Ebersole to continue his plans with DPW Superintendent Chris Buckley.

A **motion** was made by Deputy-Mayor DiLiberto to approve the December 4, 2012 Board Meeting Minutes; Trustee Polo seconded the motion.

AYE: Mayor Caluorie, Deputy-Mayor DiLiberto and Trustee Polo

NAY: None

Abstain: Trustee Truman was not present at the December meeting

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Bills were audited and ordered paid:

Abstract #281-282, Water \$12,492.87

Abstract #432-433, General \$37,056.75, Water \$1,492.79

A **motion** was made by Trustee Truman to approve the bills paid; Deputy-Mayor DiLiberto seconded the motion.

AYE: Deputy-Mayor DiLiberto, Trustee Polo and Truman

NAY: None

A **motion** was made by Trustee Polo to approve the following Budget Transfers & Amendments; Deputy-Mayor DiLiberto seconded the motion.

AYE: Deputy-Mayor DiLiberto, Trustee Polo and Truman

NAY: None

A5410.400 Sidewalks \$69.90/A8560.400 Shade/Trees

A7310.400 Recreation \$11.00/A7310.100 Recreation Personnel

A1325.200 Clerk Equip \$90.00/A9010.800 State Retirement

H5031 Interfund Transfer \$65,000 to H5731 Bond Anticipation Note

H5731 Ban \$31,937.45/H1440.400 Engineering \$556.30 & H5182.200 Streets Lighting \$31,381.15

Clerk-Treasurer Ann Marie Grattan presented the Clerk-Treasurer Report for the month of December. The report included general and water revenues and expenses, Recreation, DPW and Police payroll and contractual budgets. Also submitted were the Water Adjustment Report, Financial Report, balance sheets for General, Water, Capital and Trust & Agency. A **motion** was made by Deputy-Mayor DiLiberto to accept the report; Trustee Truman seconded the motion.

AYE: Deputy-Mayor DiLiberto, Trustee Polo and Truman

NAY: None

Chief Dan Chapman presented the Police Report for the month of December. There were 77 service calls, 20 traffic tickets issued, five town assists, 58 property checks, one accident report, two arrests and one warrant issued. An additional Police Officer was provided to the school and hours have been increased. A **motion** was made by Trustee Polo to accept the report; Deputy-Mayor DiLiberto seconded the motion.

AYE: Deputy-Mayor DiLiberto, Trustee Polo and Truman

NAY: None

A **motion** was made by Deputy-Mayor DiLiberto to approve Officer Salley to attend School Resource Officer class in February at Monroe Community College. The cost is \$315. The school will pay the other half. Trustee Truman seconded the motion.

AYE: Deputy-Mayor DiLiberto, Trustee Polo and Truman

NAY: None

A **motion** was made by Trustee Polo to accept Officer Matt Heneghan's letter of resignation effective January 7, 2013; Deputy-Mayor DiLiberto seconded the motion.

AYE: Deputy-Mayor DiLiberto, Trustee Polo and Truman

NAY: None

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A **motion** was made by Deputy-Mayor DiLiberto to offer P/T Officer Brandon Salley a F/T Police Officer position. Chief Chapman also has permission to move forward searching for additional officers to fill the vacancy if Officer Salley turns down the offer. Trustee Truman seconded the motion.

AYE: Deputy-Mayor DiLiberto, Trustee Polo and Truman

NAY: None

CEO Tom Perkins presented the Code Enforcement Report for the month of December. A permit was issued for the construction of four apartments. A fence was completed on State Street. Violation notices are still outstanding for parking in a front yard, unsafe building, construction on a railroad bed and abandoned vehicles. A **motion** was made by Deputy-Mayor DiLiberto to accept the report; Trustee Truman seconded the motion.

AYE: Deputy-Mayor DiLiberto, Trustee Polo and Truman

NAY: None

Phil Ellinwood, 2929 Main Street – Mr. Ellinwood addressed the village board regarding a fence installed at his next door neighbors. Mr. Ellinwood stated the posts are facing the wrong way; which is against the village code. Mr. Ellinwood stated the fence isn't attractive and numerous people have voiced their opinion the same. Code Enforcement Officer Tom Perkins stated that he has spoken to the neighbor and a contractor was hired to fix the posts to point the correct direction. Also, Mr. Perkins explained that once a permit is issued, the property owner has six months to make it right. The permit is valid until May of 2013 and at that time the fence must be in compliance with the village code. The village code does not specify that a fence has to be attractive to its neighbor. Mayor Caluorie spoke with Mr. Ellinwood in regards to ongoing disputes with him and his neighbor. Mayor Caluorie asked if he could get the two of them together to talk and possibly amend some of the disagreements. Mr. Ellinwood said that would be fine.

Chris Buckley presented the DPW Report for the month of December. 6,381,000 gallons of water pumped in December. Bacteria samples were both negative. Water meters were read and repairs made to water hydrants. 40 tons of salt was used and brush was cleaned up after wind events. Trees were removed on Ellen Place and Philmore Avenue due to storm damage. A **motion** was made by Trustee Polo to accept the report; Deputy-Mayor DiLiberto seconded the motion.

AYE: Deputy-Mayor DiLiberto, Trustee Polo and Truman

NAY: None

A **motion** was made by Trustee Truman to approve attendance of mandatory water school on February 13th for four DPW employees at \$20 each; Deputy-Mayor DiLiberto seconded the motion.

AYE: Deputy-Mayor DiLiberto, Trustee Polo and Truman

NAY: None

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Barry Ganzhorn presented the Matthews-MacKay Park report for the month of December. A coral burst crabapple tree will be purchased and dedicated to a family responsible for volunteering numerous hours at the park. A dedication sign has been ordered. Also, Barry would like to have 10 shrubs planted at the Thomas Overlook with community support. A **motion** was made by Deputy-Mayor DiLiberto to accept the report and the plans for the tree and shrubs; Trustee Truman seconded the motion.
AYE: Deputy-Mayor DiLiberto, Trustee Polo and Truman
NAY: None

Iroquois Road LLC water contract – discussion with Chris Buckley regarding a resident desiring to have village water at a home planned to be built in the town on Iroquois Road. Chris has discussed the matter with the DEC and County Health Department. Chris will address additional issues with village attorney Jim Coniglio.

A **motion** was made by Deputy-Mayor DiLiberto to end Ashley Cumming's leave of absence. Ashley had requested the leave from September to December and now wishes to return to her position as Recreation Director. Trustee Truman seconded the motion.
AYE: Deputy-Mayor DiLiberto, Trustee Polo and Truman
NAY: None

Planning and Zoning Board of Appeals training hours – Ann Marie Grattan requested the board approve cost reimbursements to Planning and ZBA members who sign up to attend training classes. Currently certain classes are paid for by the village. Reservations are made and payments are mailed. Too many times the member does not attend. Therefore, to save tax money, a request was made to have members pay for the class upfront. Once the village office receives the certificate of completion, they will receive a check at the next scheduled board meeting, reimbursing them their costs. A **motion** was made by Trustee Truman to reimburse Planning and ZBA members for their training costs; Trustee Polo seconded the motion.
AYE: Deputy-Mayor DiLiberto, Trustee Polo and Truman
NAY: None

Mayor Caluorie opened up the Public Comment Period for Local Law #1-2013 – discontinuance of a public street on Philmore Avenue.

- 1) King Coles, 3220 Philmore Avenue – owner of tax map 8.09-3-35, which is one of the properties directly next to the vacant land, asked if he could do anything he wants with the land if the village board approves the abandonment and he obtains ½ of the property. Clerk-Treasurer Ann Marie Grattan answered that anything done to the land would have to be permitted in the village code and Tom Perkins, Code Enforcement Officer, would have to give approval. Also, if approved to discontinue this portion of Philmore Avenue, the land would be split in half by both property owners situated between the vacant area.

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- 2) Christy Wilson, 3212 Philmore Avenue – owner of tax map 8.09-3-37, which is the other property on the opposite side of the vacant lot, asked how the garbage that has been dumped there for years by residents would get cleaned up. Chris Buckley, DPW Superintendent, stated that he and his department would clean it up since it is currently village property.

No additional comments or questions were asked. Therefore, Trustee Polo made a motion at 7:35 p.m. to close the Public Hearing; Trustee Truman seconded the motion. AYE: Deputy-Mayor DiLiberto, Trustee Polo and Truman
NAY: None

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF CALEDONIA CONTAINING FINDINGS OF FACT AND A DETERMINATION FOR THE DISCONTINUANCE OF PHILMORE AVENUE AS A VILLAGE STREET

Resolution and order enacting Local Law #1-2013: the following resolution was offered by Trustee Polo; with Deputy-Mayor DiLiberto moving for adoption:

WHEREAS, a resolution was duly adopted by the Board of Trustees of the Village of Caledonia on December 4, 2012 for a public hearing to be held on January 8, 2013 at the Caledonia Village Hall, 3095 Main Street, Caledonia, New York, to hear all interested parties on a proposed Local Law known as Discontinuance of a Village Street.

WHEREAS, notice of said public hearing was duly advertised in the Livingston County Newspaper, the official newspaper of said Village of Caledonia, and

WHEREAS, said public hearing was duly held on January 8, 2013 at the Caledonia Village Hall, 3095 Main Street, Caledonia, New York, and all parties in attendance were permitted an opportunity to speak on behalf or in opposition to the Proposed Local Law, or any part thereof, and

WHEREAS, there is currently depicted on the official Village map a portion of Philmore Avenue which has never been opened, maintained or used as a Village Street for vehicular or pedestrian traffic; and

WHEREAS, the above depicted portion of Philmore Avenue is situated between Village tax parcel numbers 8.09-3-37 and 8.09-3-35; and

WHEREAS, the Village Superintendent of Public Works has determined that the above-referenced portion of Philmore does not serve as a right-of-way used by the general public; and

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WHEREAS, New York State Village Law section 6-612 authorizes the Village to discontinue a street in the event such street no longer serves as a right-of-way to the general public; and

WHEREAS, New York State Village Law section 6-614 requires a public hearing prior to a discontinuance of a public street by the Village Board of Trustees;

WHEREAS, the Board of Trustees previously adopted a Resolution which scheduled a Public Hearing for the 8th day of January, 2013 at 6:30 p.m. on the question of the discontinuance of the portion of Philmore Avenue in question (the "Subject Land"); and

WHEREAS, at the aforesaid hearing evidence was submitted by the Village Department of Public Works in support of said discontinuation; and

WHEREAS, based upon the facts established at the Public Hearing, and otherwise contained in the public record, the Board of Trustees intends hereby to make certain Findings of Fact and Determinations.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

FINDINGS OF FACT

1. The Village Superintendent of Public Works has provided evidence regarding the Subject Lands as follows:
 - A. The Subject Land as depicted on the Village Map was never constructed, paved or otherwise developed as a Village Street;
 - B. The Subject Land is not passable for ingress or egress for vehicular or other public traffic;
 - C. The Subject Land does not connect to any other Village Street and is not otherwise utilized as part of the Village Street System;
 - D. The Subject Land has never been utilized as a public street for vehicular traffic by the general public;
 - E. The Village does not maintain the Subject Land for any public purpose.

BASED UPON THE FOREGOING FACTS, IT IS HEREBY:

1. **RESOLVED**, that the portion of Philmore Avenue situated between Village tax parcel numbers 8.09-3-37 and 8.09-3-35 is not and has never functioned as a Village Street and otherwise serves no Village purpose or function; and it is further
2. **RESOLVED**, that it is the public interest to discontinue the Subject Land as a Village Street; and it is further

3. **RESOLVED**, that the Subject Land is hereby discontinued as a Village Street, and the Village Map shall be amended accordingly
4. **RESOLVED**, that the Village Clerk is hereby directed to enter said Local Law in the minutes of this meeting and in the Local Law Code Book of the Village of Caledonia, and to give due notice of the adoption of said Local Law to the Secretary of State.

AYE: Mayor Caluorie, Deputy-Mayor DiLiberto, Trustee Polo & Truman

NAY: None

There being no further business, a motion to adjourn was made at 7:45 p.m. by Deputy-Mayor DiLiberto; Trustee Polo seconded the motion.

AYE: Deputy-Mayor DiLiberto, Trustee Polo & Truman

NAY: None

Ann Marie Grattan
Village Clerk-Treasurer