

Village of Richmondville
BOARD OF TRUSTEES MEETING MINUTES
September 15, 2015

The meeting was called to order by Mayor Neary at 6:02 p.m. Present: Mayor Neary, Trustee Dave Hostler, Trustee Joan Radliff, and DPW Superintendent Jim Swartout, RPL Superintendent Vince Perry, Fire Chief Dennis Cole, and Village Attorney JR Parshall.

Privilege of the floor:

Mr. and Mrs. Herman Peterson expressed their concerns regarding outdoor burning near their property. They asked the board if any steps have been taken to outlaw open burning in the village. The Mayor stated that nothing had been done to date but once the new Planning Board is in place, he will take the issue to them. Mr. Peterson stated that the fire pit had been moved to the woods which, in his opinion, this location is even more dangerous. The Mayor deferred to the Codes Officer Don Clarke who stated that both he and the Mayor met with the occupants of the apartment and had arrived at an agreement. The Mayor asked Fire Chief Dennis Cole if he had any comment. Chief Cole stated that he had responded to a complaint and asked the residents to extinguish the fire, which they did. He also stated that the residents were very cooperative and readily complied with his request. The Mayor stated that he will continue to work on this issue but had a concern about an outright ban on burning in the village. The Mayor also stated that any regulation would be subject to a public hearing before anything could be done.

The Mayor Neary asked if anyone else wanted to address the board. Mayor Neary prompted Mr. Bob Neid if he wanted to address the concerns as Mr. Neid had been communicating with the Mayor regarding the display of a Confederate flag on Brooker Hollow Road. Mr. Neid stated that the flying of the Confederate flag was disturbing to him because of his personal belief of what it really stands for given the recent events in South Carolina. Mr. Neid stated that the flag offends him and his family and that the flag should be taken down, given the recent tragic events in South Carolina. Mr. Neid also stated that flying this flag was representative of our community's values, to which Mayor Neary immediately disagreed with his characterization of the Village of Richmondville. Mr. Neid stated that he thought that Mayor Neary should go up to the residence flying this flag and ask the property owner to remove the flag, to which Mayor Neary responded that is not within his power as Mayor to do so because he has taken an oath of office to uphold the Constitution of both the United States and the State of New York. Mr. Neid stated that the Mayor, because of his position as a community leader was the appropriate person to make this request, to which the Mayor Neary once again reminded Mr. Neid of his oath of office to uphold the Constitution. Mr. Neid then implied that by Mayor Neary not doing so meant that the Mayor tolerated and supported the use of the flag to which Mayor Neary cautioned Mr. Neid not to put words in his mouth. The Mayor asked Mr. Neid if he confronted his neighbor about flying the flag to which Mr. Neid responded no that it would be more appropriate for the Mayor to do so. Mayor Neary reiterated that he has no right to do so given his oath of office to uphold the constitution. The Mayor went on to remind Mr. Neid that he is on record fighting discrimination and

racial issues, sighting a racial incident that took place at CRCS when he was a school board member and was the only board member to speak out against what happened.

The Mayor once again reminded everyone in attendance that he has taken an oath of office to uphold the United States Constitution that provides for everyone's right to free speech and that provision of our constitution is what has made this country strong and different than other nations.

Fire report: Fire Chief Dennis Cole submitted a written report. He mentioned an issue regarding one of their fire fighters who is battling cancer and asked for everyone's support and prayers. They are still waiting on the final resolution on the repairs to the firehouse. The heating system is of the highest priority.

Motion by Trustee Hotzler, seconded by Trustee Radliff, to accept the Fire Chief's report; motion carried unanimously.

There was a discussion regarding dissolving the Joint Town and Village Planning and Zoning Board, which ended with the recommendation that this matter be tabled until the Town takes action to dissolve these boards. Mayor Neary stated that a public hearing was held by the Village at last meeting and questioned why the Village could not take action on their own. Village Attorney Parshall recommended that the Village wait for action to be taken by the Town Board.

Trustee Hotzler moved to table Resolution 30-15 authorizing appointments to Village Planning Board and Village Zoning Board of Appeals, seconded by Trustee Radliff, and carried unanimously.

Resolution 31-15, authorizing wage increase for Bret Ryder, was offered by Trustee Radliff, seconded by Trustee Hotzler, and carried unanimously.

Resolution 32-15, appointing the Village Clerk-Treasurer and Deputy Clerk-Treasurer, was offered by Trustee Radliff, seconded by Trustee Hotzler, and carried unanimously.

There was a discussion regarding the cell tower contract by Mayor Neary who stated that he spoke to the company and investigated the rental rates. There is very little that we can do as a Village, and Mayor Neary stated that there is lack of oversight of these utilities, which does not protect the consumer. When the Village wants to raise utility rates we must hold a public hearing and demonstrate the need to increase rates while cable and internet service providers are not required to do so, leaving the customer with no way to challenge these rates.

Superintendent Swartout gave the Public Works Report: Streets, Water and Waste Water Departments report. His written report is filed with the Clerk-Treasurer.

Motion by Trustee Hostler to accept DPW Report was seconded by Trustee Radliff, and carried unanimously.

Superintendent Vince Perry gave the Power and Light Report. His written report is filed with the Clerk-Treasurer.

Motion by Trustee Radliff to accept RPL Report seconded by Trustee Hozler and carried unanimously.

Motion by Trustee Radliff to accept the Altec bid of \$175,196.00 for a new bucket truck, seconded by Trustee Hotzler. There was discussion regarding truck specs and "piggyback bids" regulations followed with the recommendation to change tires to winter type. RPL expects to take delivery of the truck in nine months.

Mayor Neary called the motion to accept the Altec bid, passed unanimously.

Codes Enforcement Officer Report: Mr. Clarke reported that the River Street Glove Shop was cited for various property maintenance issues. He reported that the Robert Street duplex is in foreclosure and he will go after the bank for further information on the property. There is a water issue in an apartment on Main Street; he spoke to the landlord and found no issue with the complaint. Mr. Clarke stated that there is a problem with the roof issue at this same house and intends to be in court regarding these issues.

Other CEO information: mandatory training – 10/2015, Main Street Laundromat is open and the beauty parlor will be opening soon with possibly a luncheonette in the future. No news on the King building.

Motion by Trustee Hostler, seconded by Trustee Radliff, to accept the Codes Enforcement Officer Report; motion carried unanimously.

Youth Committee/Beautification Committee: Chairperson Denise Smith provided a written report.

Motion by Trustee Hotzler, seconded by Trustee Radliff, to accept Youth Committee/Beautification Committee Report; carried unanimously.

Mayor Neary's Report: the Mayor reported on various issues and on-going talks with county civil service regarding classification of position and titles. He will request a desk audit to correct the situation.

Motion by Trustee Hostler, seconded by Trustee Radliff, to accept Mayor's Report; motion carried unanimously.

Motion by Trustee Radliff, seconded by Trustee Hotzler to pay the bills; carried unanimously.

The Mayor requested to go into Executive Session to discuss RPL personnel issues regarding the Superintendent.

Motion by Trustee Hotzler, seconded by Trustee Radliff, to go into Executive Session at 7pm and came out of executive session at 7:27pm.

Motion by Trustee Radliff and seconded by Trustee Hostler to advertise bid for fuel oil service in official paper; carried unanimously.

Motion by Trustee Hotzler, seconded by Trustee Radliff, to advertise bids for the replacement heating system at the fire house.

There was a short discussion by Mayor Neary regarding what equipment will be replaced.

Mayor Neary called motion to advertise for replacement of the Fire House Heating system; passed unanimously.

Motion by Trustee Radliff, seconded by Trustee Hostler to adjourn the meeting at 7:30; carried unanimously.

Respectfully submitted,

Trustee Radliff and Mayor Neary.