

**TOWN OF SCHUYLER FALLS**  
**TOWN BOARD**  
**REGULAR MEETING JUNE 23, 2020**

Supervisor Randall called the Regular Meeting of the Town of Schuyler Falls Town Board to order at 6:15 p.m. The Public was invited in house and was open on Zoom. Meeting started late due to internet connection.

<b><u>MEMBER</u></b>	<b><u>Present</u></b>	<b><u>Absent</u></b>
Howard Newton	X	
Martin Perrotte	X	
Vernon Bruno	X	
Reginald Facteau	X	
Kevin Randall	X	
Donna Hamel	X	
Michael McCormick	X	
Michael Snider	X	

**PUBLIC RECOGNITION** Sam Campbell, Mary Sorrell, April Randall, Ricky White, Richard Donah, David Desrocher, Warren Desrocher, Todd Yando

All Board Members were provided with a copy of the Minutes of the Regular Meeting that was held on May 27, 2020

**Mr. Perrotte made a motion to approve and accept the Minutes as presented; Seconded by Mr. Newton.**

**AYES: Mr. Newton, Mr. Perrotte, Mr. Bruno, Mr. Facteau, Mr. Randall**

Mr. Facteau stated that he thought that there should be a transcript from the work session that was held on June 15<sup>th</sup> as he said that this was a requirement when a meeting is held via Zoom.

**COMMUNICATIONS AND PETITIONS** 1. Mr. Randall read a letter received from the Town of Saranac thanking

The Town for the help by providing DCO services when their DCO was Stricken by the COVID-19. Mr. Napper, Town of Saranac Supervisor also wanted to express his thanks to the Secretary for the help given to his new secretary.

**MONTHLY REPORTS** Town Clerk, Supervisor, Codes Officer, Woods Mills Water, Macey Lane Water, Morrisonville Water, Historian

**Mr. Newton made a motion to file the reports; Seconded by Mr. Randall.**

**AYES: Mr. Newton, Mr. Perrotte, Mr. Facteau, Mr. Randall, Mr. Bruno**

**RECEIPTS** Town Clerk/\$1,043.00, Morrisonville Water/\$168.00, Woods Mills Water/\$151.14, Judge Van Nortwick/\$448.00 Judge Barber/\$230.00 Clinton County Treasurer-Mortgage Tax 10/1/2019 through 3/31/2020/\$30,657.88

**Mr. Facteau made a motion to file the receipts; Seconded by Mr. Perrotte.**

**AYES: Mr. Newton, Mr. Perrotte, Mr. Facteau, Mr. Bruno, Mr. Randall**

**DEPARTMENT REPORTS/ Councilman** Mr. Facteau commented on the inoperative time clocks at the Highway Garage. He said that a lot of money has been spent on the time clocks and mentioned the possibility of asking for a refund due to the fact that they are not working properly. He said that there was not a problem with the time clocks that the Highway Department had been using in the past. Mr. Randall said that there are several issues with the time clocks; not recognizing thumb prints, cold weather and issues with the highway crew punching in more than one time in a twelve-hour period due to coming back to work to plow after their regular hours. The bill for the service was terminated a while ago. The time clocks are also not compatible with the Secretary's current software program. Mr. Randall mentioned that usually once one buys electronics, they cannot be returned. After further discussion on the pros and cons of the timeclocks, it was decided that Mr. Newton and Mr. Perrotte will check with the Town of Peru, as they have the same timeclocks and have had no problem with them.

Mr. Facteau thanked Mr. Snider for contacting the UniFirst regarding the charges that the town is being billed for the uniforms. Mr. Snider mentioned that the charges are being reviewed. It was stated that the current contract was signed for five years. Mr. Snider will keep the Board posted on what he finds out.

Mr. Facteau told the Board members that he received a phone call from a resident on Macey Lane regarding a water sample that was taken at their residence. He thought that the resident would address the Board tonight on the matter. When asked if he knew where the water sample was tested, Mr. Facteau replied he did not.

A discussion followed on the installation of natural gas in the Town. Mr. Randall said it was his understanding that NYSEG did not receive a great response on the surveys that were sent out to residents in the hamlet. Even though the school, fire station and the Town Hall would be included, NYSEG did not feel that it would be cost effective at this time to install natural gas. Mr. Facteau said that he would like to see natural gas along the Irish Settlement Road/ Macey Lane area. Some residents expressed to him their interest in that area. A discussion followed on the surveys sent out to the residents. It was mentioned that not every residence was sent a survey. It was discussed if a possibility of the Town sending out another survey would be advantageous. Mr. Donah, a resident of the Town, did not feel that the Town should burden the taxpayers with that expense, as the charge for preparing and mailing out the survey should fall on NYSEG. It was mentioned that possibly a survey could be sent out with the resident's quarterly water bills.

Mr. Facteau told the Board members that he had heard of concerns about the inadequate lighting from residents living at Hilltop Estates. He said that there is sufficient lighting from 32-55 Joyce Avenue. After that, the lighting

ends. He asked what the procedure would be for the residents to express their interest in having the Town install lighting in that area. Mr. Newton thought that at the time that the subdivision was being developed, the contractor should have installed the lighting. After further discussion on this matter, it was mentioned that the residents should put in writing their concerns and submit it to the Town for further review.

**Highway/**Mr. Snider said that the highway department has been finishing up the cleaning of the roadsides and filling in potholes. When asked if the paving on Mason Street was still on the schedule, Mr. Snider said that it was. Mr. Randall mentioned that if the Town were to receive a grant for the Morrisonville water district, there would be a possibility of Mason Street, from Broadwell Road down to the corner, being torn up to install new water pipes. After some discussion, if this were to happen, it was said that that portion of Mason Street would not be repaved as it would be senseless to repave it only to tear it up to replace water lines. The money that would be allotted for that section could be used elsewhere in the Town.

**Codes/** Mr. Randall spoke to Mr. LaCount on the numerous complaints on issues that need to be taken care of in the Town. Mr. LaCount told him that it was hard for him to follow up on a complaint without the Court being opened to take care of a ticket that he would have to issue if the homeowner did not rectify the situation in the time allotted.

Mr. Facteau stated that he was totally against spending money on updating the Town's Zoning law as it would cost the taxpayers anywhere from \$25,000 to \$30,000. He would like to put this matter on the back burner due to the circumstances going on with the pandemic. He said that he did not know why the Codes Officer would have the authority to contact a firm regarding their services to rewrite the Zoning Law. He would like to put this matter on the back burner for this year. Mr. Randall replied that there was no set amount stated by any firm for this service. Mr. Facteau stated that he would like to start hiring Engineer firms from Clinton, Essex and Franklin Counties. He said that there are four attorneys on board at this time working for the Town that are out of Albany. He said that the travel alone coming back and forth to the Town is expensive. Mr. Randall said that the cost to hire a firm to work on rewriting the Zoning Law would depend on what the committee that will be formed to work on the new Zoning Law would be willing to do. The more that the committee is willing to do would lower the cost.

**Attorney/** Mr. McCormick said that he reviewed the paperwork provided to him from the Town regarding the abandonment of the Sadie Morrow Road in connection with a request the Town received from a resident to remove the boulders placed across the entrance to the Sadie Morrow Road. NYS spearheaded an abandonment of the Sadie Morrow Road beginning approximately 6,878 feet (or about 1.5 miles) from the intersection with Shingle street and Turner Road. The NYS order abandoned 11,103.98 feet of the road starting at that point. Then years later in 2011, the Town officially abandoned the remainder of 1.55 miles. He said that the distance is close to the distance of the road that was not abandoned by NYS order between the Turner Road and the prior abandonment by NYS order. Once abandoned, the road is no longer a Town highway and once abandoned, the Town does not expend any monies on the road. Mr. McCormick had also been provided with Section 205 (2) of the Highway Law abandonment statutes to address the Town Board's concern with that statute's language that an abandoned highway under that provision remained a "public easement". Mr. McCormick advised that in that instance the road remains as a public right-of-way not a Town highway. It can be gated, but it cannot be locked, but still, the Town has no responsibility for it. He said that it is his opinion that this issue with the Sadie Morrow Road is not a Town issue. It becomes a private issue and the Town cannot expend any money on it. Mr. Facteau asked if the Town can remove the boulders that are blocking the right-of way. Mr. McCormick said he did not think so. He added that the Town might not necessarily have a deed to the road, as a lot of roads are roads by use. When asked what would give someone the right to block the road, Mr. McCormick said he did not know if anyone had the right to block it. Mr. Facteau said that the boulders have been removed several times, but the other day when he was there, the boulders were back again. He stated that no one wants to spend money on the road, but a lot of people would like to enjoy different activities on that road. He said he would move the boulders himself, but does not want to get into any trouble. When asked who the enforcing entity would be regarding the removal of the boulders, it was said by David Desrocher, a resident of the Town, that the Town would be the enforcing entity as once a Town road, always a Town road. He is just asking that the boulders be removed. Mr. McCormick did not agree with that statement. The consensus of the Town Board was that the Town would refrain from being involved in the removal of the boulders.

**Mr. Newton made a motion to file the minutes of the Planning Board that was held on May 5, 2020. This motion was seconded by Mr. Facteau and was Unanimously Approved.**

#### **RESOLUTION #20-49**

#### **A RESOLUTION DESIGNATING THE TOWN OF SCHUYLER FALLS AS LEAD AGENCY PURSUANT TO PART 617 OF THE STATE OF NEW YORK ENVIRONMENTAL QUALITY REVIEW ACT WITH RESPECT TO THE MORRISONVILLE WATER DISTRICT EXTENSION**

**MOTION BY: Mr. Bruno**

**WHEREAS, a map, plan and report has been prepared in such manner and in such detail as is required by Article 12A of the Town Law of the State of New York, relating to the establishment of the Morrisonville Water District Extension in the Town of Schuyler Falls, County of Clinton and State of New York; and**

**WHEREAS, in connection with the creation of the Morrisonville Water District Extension, the Town of Schuyler Falls will need to review the environmental impact, if any, associated with the creation of the water district extension.**

**NOW, THEREFORE, IT IS:**

**RESOLVED, that the town board of the Town of Schuyler Falls be designated as lead agency with respect to the environmental review associated with the Morrisonville Water District Extension pursuant to Part 617 of the State Environmental Quality Review Act; and it is further**

**RESOLVED, that the town supervisor be authorized to sign any and all documents associated with the environmental review of the creation of the Morrisonville Water District Extension pursuant to Part 617 of the State Environmental Quality Review Act.**

**SECONDED BY: Mr. Newton**

**AYES: Mr. Newton, Mr. Perrotte, Mr. Bruno, Mr. Facteau, Mr. Randall**

#### **RESOLUTION #20-50**

**MOTION BY: Mr. Newton**

**WHEREAS, a map, plan and report has been prepared in such manner and in such detail as is required by Article 12A of the Town Law of the State of New York, relating to the establishment of the Morrisonville Water District Extension in the Town of Schuyler Falls, County of Clinton, State of New York, and has been filed in the Town Clerk's Office; and**

WHEREAS, said map, plan and report was prepared by Laberge Group, Ltd., competent engineers, duly licensed by the State of New York, showing the boundaries of the proposed District Extension and the general plan of the proposed district extension; and

WHEREAS, said map, plan and report shows the location and description of the public works which will be required and the lands or easements to be acquired; and

WHEREAS, the boundaries of the proposed water district extension are as described in Schedule "A" annexed hereto; and

WHEREAS, there are no proposed improvements to be constructed in the water district extension and consequently there is no maximum amount proposed to be expended for the creation of this water district extension; and

WHEREAS, pursuant to Section 209(f) of the Town Law, approval of the New York State Comptroller will not be required for establishing this district extension since debt shall not be issued or assumed by the town for any improvements; and

WHEREAS, the typical property owner shall pay a quarterly flat fee of \$65.00 equating to an annual flat fee of \$260.00 and an ad valorem tax at a rate of \$1.65 per \$1,000 of assessed valuation for user charges during the first year of operation; and

WHEREAS, the first-year cost of full operation for typical properties within the district extension is Two Hundred Sixty and 00/100 Dollars (\$260.00) and an ad valorem tax rate of \$1.65 per \$1,000.00 of assessed value; and

WHEREAS, there are no hook-up fees inasmuch as the improved properties have been previously connected to the water distribution system.

WHEREAS, the Public Hearing scheduled on this matter was cancelled due to the Executive order issued by Governor Cuomo regarding Public Hearings,

NOW, IT IS HEREBY RESOLVED, that the Town Board of the Town of Schuyler Falls, shall meet and hold a public hearing at the Schuyler Falls Town Hall in said Town, on the 28th day of July, 2020, at 5:45p.m., local time, to consider said map, plan and report and to hear all persons interested in the subject thereof as is required or authorized by law.

SECONDED BY: Mr. Randall

AYES: Mr. Newton, Mr. Perrotte, Mr. Bruno, Mr. Facteau, Mr. Randall

#### RESOLUTION #20-51

MOTION BY: Mr. Perrotte

WHEREAS, Sam Campbell received three quotes, attached, for redwood rubber mulch to be used at the park, be it hereby

RESOLVED, that the Town Board of the Town of Schuyler Falls authorizes Mr. Campbell to order the 88,000 pounds of redwood rubber mulch from Perfect Rubber Mulch Company for \$17,688.00.

SECONDED BY: Mr. Newton

DISCUSSION: This material is for the Salmon River Road Park. This will complete all the parks.

AYES: Mr. Newton, Mr. Perrotte, Mr. Bruno, Mr. Facteau, Mr. Randall

#### RESOLUTION #20-52

MOTION BY: Mr. Perrotte

RESOLVED, that the Town Board of the Town of Schuyler Falls approves the following Morrisonville Water Fund Budget Amendment.

INCREASE:	From: WM0909.00 Fund Balance Unreserved	\$10,000.00
	To: WM 8310.400 Administration Cont. Expense	\$10,000.00

To allow for the expenditure for the remaining of the year.

SECONDED BY: Mr. Newton

AYES: Mr. Newton, Mr. Perrotte, Mr. Bruno, Mr. Facteau, Mr. Randall

#### RESOLUTION #20-53

MOTION BY: Mr. Perrotte

RESOLVED, that the Town Board of the Town of Schuyler Falls authorizes the hiring of the LaBerge Group to provide grant development services for the New York Water Infrastructure Improvement of the Morrisonville Water Improvement Project for the fee of \$4,000.00 plus expenses.

SECONDED BY: Mr. Randall

DISCUSSION: Mr. Facteau stated that he would like to see a cap on the money spent on the expenses. It was explained to him that a cap could not be determined as expenses could be mailings, travel, etc.

Mr. Randall said that the Town of Plattsburgh and the Town of Black Brook received grant money last year for the upgrades to their water systems. He said that the residents of the Morrisonville Water District would not be able to afford to do the upgrades needed without trying for this grant.

AYES: Mr. Newton, Mr. Perrotte, Mr. Bruno, Mr. Facteau, Mr. Randall

#### CLAIMS

General Abstract for the Month of June	\$ 11,340.21
Highway Abstract for the Month of June	\$ 17,161.81
Morrisonville Water Abstract for the Month of June	\$ 4,005.15
Woods Mills Water Abstract for the Month of June	\$ 1,363.12
Macey Lane Water Abstract for the Month of June	\$ 474.98
Audit only Abstract for the Month of June	\$ 2,938.51

Vouchers for Claims (#202000740-202000805)

Vouchers for Audit Only (#202000731-202000739)

Payroll Vouchers (#202000704-202000730)

Mr. Newton made a motion to pay the claims. This motion was seconded by Mr. Perrotte.

AYES: Mr. Newton, Mr. Perrotte, Mr. Bruno, Mr. Facteau, Mr. Randall

**PUBLIC FORUM** David Desrocher asked if the Town was going to remove the boulders that are blocking the right of way into the Sadie Morrow Road. He asked to see the documents that prove the abandonment of the road as he thinks that the Town did not go through the proper steps to do so. He mentioned that it would be impossible for any emergency vehicle to have access to the road if necessary if someone were to get hurt on the property. Mr. Randall replied that the fire department and EMS would be able to access the area if need be. Mr. Randall mentioned that he has two Councilman willing to act as a committee to hopefully talk to all private parties involved with the Sadie Morrow Road and possibly reach a mutual understanding or agreement on what the access is to that property and how it possibly could be accessed. The committee was only put in place last month and he has not heard a report back from them. He asked if parties involved could be patient a little while longer. Mr. Bruno asked Mr. Desrocher that if the Town could go in to remove the boulders and someone puts them back again, is it expected that every two weeks or so that the Town remove them again. Mr. Desrocher replied that he only expects the Town to remove them once with the Town equipment. He said that he will take care of the rest. He feels that the public has the right to go back there. Mr. Facteau asked Mr. McCormick who would have the authority to block the road. Mr. Randall stated that he feels the Town has done more than enough researching this issue and does not want to get the Town in a legal battle with whoever is blocking the right of way with the boulders. He said that he received a lot of information from a private citizen on the road that dates way back. Mr. Facteau stated that he would volunteer to remove the boulders with his own equipment if there would be three votes from the board to authorize him to do so. He added that if any court would order that the boulders be put back, which he doubts, he would put them back. Mr. McCormick does not think that the Board could vote on that. He added that it was a private matter. Mr. Randall added that it's the opinion of the Town Attorney that although it may be a public right of way, it is not Town property and the Town has no interest in it. The State of New York and NYS Department of Transportation was notified to that fact. The Town does not receive CHIPS money for the road.

Mary Sutton tried to comment on the Sadie Morrow Road on Zoom but because of poor internet connection, the comments could not be heard. Mr. Randall mentioned that she is reading some of the documents that were sent to him by her earlier. He said that he forwarded the documents to the Town Attorney for review. He told her that on the advice of the Attorney, the Town had no interest in the road as it was abandoned. He asked her to call the office in the morning to further discuss the matter as due to the poor connection, she was not heard.

Todd Yando told the Board members that he thought that it was a good idea for the Town to send out second survey letters to the residents regarding if there would be interest in NYSEG installing natural gas. Mr. Donah expressed his disapproval of using Town money to do this. After a discussion that went back and forth on this subject, Mr. Yando said that he would pay to have the surveys mailed if the Town chose not to do so.

**NEXT MEETING**

<b>Work Sessions (if Needed)</b>	<b>Tuesday</b>	<b>July 7, 2020</b>	<b>6:00 p.m.</b>
	<b>Monday</b>	<b>July 27, 2020</b>	
<b>Regular Meeting</b>	<b>Tuesday</b>	<b>July 28, 2020</b>	<b>6:00 p.m.</b>
<b>Public Hearing</b>	<b>Tuesday</b>	<b>July 28, 2020</b>	<b>5:45 p.m. (MWD Extension)</b>

**ADJOURNMENT** Mr. Newton made a motion to adjourn, which was seconded by Mr. Bruno; and was **UNANIMOUSLY APPROVED.** ADJOURNMENT/8:19 p.m.

**Donna Hamel/Town Clerk**