

**REGULAR BOARD MEETING OF THE VILLAGE OF ANGELICA BOARD OF TRUSTEES
APRIL 16, 2007
HELD AT THE ANGELICA VILLAGE OFFICE**

BOARD PRESENT: Mayor Peter Johnson - Trustees: Dana Guinnip, Roger Baker, Robin Robbins and John Schuler

EMPLOYEES PRESENT: Elwyn Gordon, Jim Brownell and Karen Herdman – also present Attorney Dave Pullen and Special Attorney Daniel Spitzer

VISITORS PRESENT: Ryan McKnight, Sara Geoppner, Terri Ross, Mike Burke, Bob Jones and Paul Robbins

Mayor Johnson called the regular meeting to order at 7:03 pm.

The board reviewed the minutes from the regular meeting and the Public Hearing on the tentative general fund budget on March 19, 2007.

Trustee Schuler motioned to waive the oral reading of the minutes – second Trustee Baker – carried.

Trustee Robbins motioned to approve the minutes from the regular meeting on March 19, 2007 as submitted – second Trustee Schuler – carried.

Trustee Baker motioned to approve the minutes from the public hearing on March 19, 2007 as submitted – second Trustee Guinnip – carried.

VISITORS

STOP DEAD END SIGN - Sara Geoppner inquired about the status of the new signage on White Street that was discussed at the last meeting. Board advised Sara that the sign has been ordered and when it comes in the village will install it at their earliest convenience.

EMPLOYEES REPORT

Kevin Demick – Streets Department

- West Main Street Project – All design work and right-of-way certifications have been approved and we have advertised for bid for the concrete box sections and u-channel sections as of today. At present we are one week behind our latest start date. We will be opening these bids on Monday, May 7th at 10:00 am. Requested that someone from the village be present along with himself at the Allegany Co. DPW office during the bid opening. (Trustee Schuler will attend) Tentative schedule to start construction is on June 18th.
- Serviced and repaired the broom truck and will begin village street cleaning end of week.
- Cut brush on Peavy Road in Village
- Advise department if village spring cleanup will be done this year.

Elwyn Gordon – Electric Department

- No report this month

James Brownell – Electric/Water Department

- No report this month

OLD BUSINESS - no business to discuss.

NEW BUSINESS

HYLAND CO-GENERATION - Village Attorney Dave Pullen and Special Attorney Daniel Spitzer were present to discuss Hyland Co-Generation Plant.

Attorney Dan Spitzer met with Hyland's Attorney and NYPA Engineers and discussed the Co-Generation Plant project. Hyland is asking the village to participate in the transmission phase of this project and nothing with the generation. Therefore the village will not own this and there will no be liability to the village. The village needs to establish a relationship with Hyland to upgrade our lines to reach RG&E. Hyland will pay the village a fee yet to be determined and a transmission fee. NYPA Engineers want to hear before going any further that the village will enter a good faith agreement with Hyland. This does not mean that the village is agreeing to this project just that you would like to discuss this project further. After the environmental issues have been disclosed you then will vote on the project.

Attorney Dan Spitzer advised the village that action needs to be taken that the village will take Lead Agency under the State Environmental Act for this project. Once the village makes a resolution to take lead agency a notice will go out and a 30 day wait time will have to pass assuming nobody disagrees with the village taking lead agency. After that time between 30-50 days you will need to determine if you want to go to bid for engineering and how financing will be done. You will have everything in writing before we determine if you want to go forward with this project.

Hyland agrees to pay for the entire legal fees – will put in an agreed amount of money in an escrow account. Dan Spitzer is requesting Hyland to put \$25,000 in escrow. There will be no up front costs to the village.

Trustee Schuler inquired about running a line to our sub station in case of a terrorist attack the village would get the electric from Hyland. Comments were made that we have to follow the rule of the national grid and that can't be possible.

RESOLUTION – Offered by Trustee Schuler and seconded by Trustee Baker – To authorize the Mayor to sign the letter of intent that was submitted to the board to form a relation with Hyland Landfill on a Gas-to-Energy Electrical Generation Facility.

Roll Call	Aye
	Nay

Before the roll call vote Trustee Robbins mentioned that she would like some time to review this before a vote is made. Trustee Guinnip mentioned that this does not obligate us to anything – just agrees to discuss this project further. Trustee Robbins does not feel that paragraph 6 of the letter of intent should be inserted because they have not even discussed what payments will be made.

After discussion the following Resolution was offered:

RESOLUTION – Offered by Trustee Baker and seconded by Trustee Guinnip – To authorize the Mayor to sign the letter of intent that was submitted to the board with amendments – delete paragraph 6- to form a relation with Hyland Landfill on a Gas-to-Energy Electrical Generation Facility.

Roll Call Vote	Aye	5
	Nays	0

The Mayor therefore declared the resolution to be duly adopted.

RESOLUTION – Offered by Trustee Guinnip and seconded by Trustee Baker – To assume notice of intent to take lead agency on the Gas-to-Energy Electrical Generation Facility.

Roll Call Vote	Aye	5
	Nays	0

The Mayor therefore declared the resolution to be duly adopted.

RESOLUTION – Offered by Trustee Robbins and seconded by Trustee Baker – To open an escrow account for the Hyland Landfill Gas-to-Energy Electrical Generation Facility.

Roll Call Vote	Aye	5
	Nays	0

The Mayor therefore declared the resolution to be duly adopted.

Mayor Johnson recommended the village board form a committee on the development of the Hyland Gas-to-Energy Electrical Generation Facility. He believes this will work efficiently and keep the board updated on the progress. This committee usually has 1 to 2 board members, a public worker and town member on the project. The board gave the Mayor authority to appoint a committee.

MORATORIUM LOCAL LAW – Attorney Dave Pullen advised the board that the 6-month moratorium local law was mailed to the state – he will check his files and get with the clerk as when it took affect. Trustee Robbins inquired if a form is going to be established for residents to fill out asking for a waiver.

The board discussed options on handling waivers and it was decided that anyone in need of a waiver will submit the request in writing and the board will decide if a waiver will be granted.

The board also discussed what exactly “New Construction” represents. Attorney Dave Pullen advised that ”New Construction” would consist of any new structure including additions but not renovations.

CODE ENFORCEMENT ISSUES - The board discussed with Code Enforcement Officer, Clair Beeman property maintenance issues within the village. The Code Officer can give property owners at his discretion a time to comply with village ordinances. His normal practice is first offence– 30 days, second offence 15 days – and so on.

The board received a letter from Bill Beckwith regarding property maintenance issues at 117 Center Street. He owns property next door and is in the process of selling it. He feels this is going to cause a problem for him to sell. Code Officer, Clair Beeman will do a full inspection this week. If property is not brought to code an appearance ticket will be issued.

EXECUTIVE SESSION - Trustee Guinnip motioned to enter executive session to discuss litigation with village counsel at 9:18 pm – second Trustee Baker – carried.

Trustee Baker motioned to exit executive session at 10:12 pm – second Trustee Robbins – carried.

RETAINER AGREEMENT - The board reviewed the Retainer Agreement with Special Attorney Daniel Spitzer – Trustee Robbins motioned to approve the mayor to sign the agreement – second Trustee Guinnip – carried.

JOINT FIRE DISTRICT - A Joint meeting with the Town of Board was set for April 30th at 7:00pm at the Angelica Grange to discuss going to a Fire District.

SPRING CLEAN UP - Trustee Robin motioned to hold Village Clean up the week of May 21st – only white goods and scrap metal will be picked up – second Trustee Guinnip – carried.

ADOPTION OF GENERAL FUND BUDGET – Resolution - Trustee Robbins motioned to adopt the General Fund Budget for fiscal year 2007-2008, which includes estimated appropriations of \$479,339 and estimated revenues of \$120,035 plus \$91,500 from appropriated fund balance for total revenues of \$211,535. The amount of \$267,804 to be raised by taxes, which decreased the tax rate per thousand from last year 17.38% - second Trustee Baker. (see attached)

Roll Call Vote: Ayes 5
 Nays 0

The Mayor therefore declared the resolution duly adopted.

CORRESPONDENCE

- Time Warner Cable
- Judge Schmitt March 07 Report (1715)
- Reviewed the Police Departments March Report and the April 2007 Shut-off list.

CLAIMS

Trustee baker motioned to approve the general fund claims in the amount of \$9,336.13 – second Trustee Robbins – carried.

Trustee Baker motioned to approve the electric fund claims in the amount of \$68,650.99 – second Trustee Robbins – carried.

Trustee Robbins motioned to approve the water fund claims in the amount of \$2,882.36 – second Trustee Guinnip – carried.

Trustee Robbins motioned to approve the Trust and Agency claims in the amount of \$345.00 – second Trustee Guinnip – carried.

With no further business to discuss Trustee Guinnip motioned to adjourn at 10:30 pm second – Trustee Baker– carried.

Respectfully Submitted,

Karen E. Herdman – Clerk-Treasurer