

**REGULAR BOARD MEETING OF THE VILLAGE OF ANGELICA BOARD OF TRUSTEES
MAY 21, 2007
HELD AT THE ANGELICA VILLAGE OFFICE**

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

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

VISITORS PRESENT: Larry Shilling, Representative from NYPA, Sheila Chalifoux, and Bob Jones

Mayor Johnson called the regular meeting to order at 7:10 pm.

The board reviewed the minutes from the regular and organizational minutes from April 16, 2007 and the special minutes from April 30, 2007.

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

Trustee Robbins motioned to approve the minutes from the organizational meeting on April 16, 2007 as submitted – second Trustee Guinnip – carried.

Trustee Robbins motioned to approve the minutes from the regular meeting on April 16, 2007 as submitted – second Trustee Schuler – carried.

Trustee Robbins motioned to approve the minutes from the special meeting on April 30, 2007 as submitted – second Trustee Guinnip – carried.

VISITORS – no business to report.

EMPLOYEES REPORT

Kevin Demick – Streets Department

- West Main Street Project – Public Works bid opening for supply of materials for the culvert replacement over Wickham Creek was opened on May 7, 2007 at 10:05 a.m. - One bid was received by Kistner Concrete Products in the amount of \$257,086.55 – Recommends that the village reject the bid and re-bid the box culvert. Bid opening will be June 11, 2007 and recommends the village hold a special meeting on Wednesday, June 13, 2007 to award the bid. Will be able to start construction on August 13, 2007. This project was put together in 2004 and the State has a cap on this project will have to adjust finances.
- High Street Project – project complete – will claim for money from FEMA.
- Spring Clean Up started this week – not much to be picked up
- Will start drainage project on East Main Street next week
- Installed Stop Dead End Sign on White Street
- In reviewing the project schedule for Geoppner’s property from Soil and Water Conservation that was submitted to the village in 2004 – three items pertain to the street department and are on schedule for this year – Item 1 and 2 are complete – item 3 needs to be done and will touch base with Soil and Water on this – The water department needs to schedule work to be done on their end – streets department will help where needed.
- Looking into selling the little Peterbilt snow plow to the Town of Caneadea and looking into purchasing a 5500 GMC with hook lift on it – recommends this because the little Peterbilt’s sits most of the year and the other would be more beneficial to the village and town. Will update more next moth.
- Stephanie Coombes advised that she has purchased the vacant lot from Griffith Energy and she is willing to work with the village on their plans for the village right-of-way.

Elwyn Gordon – Electric Department

- No report this month

James Brownell – Electric/Water Department

- Water Department – received two (2) quotes to fix creek crossing on Closser Avenue – Jones Specialty Services Group - \$10,000.00 – Upstate Utilities, Inc. - \$18,630.00
 - Recommends the Water Department install 6” water main on Closser Avenue to replace the 4” when this project is done – would need two guys to help with this project for approximately 2 weeks – would need to spend around \$2,000 to \$3,000 for caps and valves – need to send Scholla’s a letter because they will have to cut across their new

driveway since they installed it right to the road. – will be approximately 60 days before project starts

- Working on locating valves for Southern Tier West to add to a GPS system
- Still have some water leaks – about 70,000-80,000 gallons a day – will be going out on Wednesday night to listen – Did locate 3 leaks so far and made repairs –
- Flushed hydrants last week – went well

Robert Brooks – Police Department

- Advised the board that the Sheriff is not allowing any deputies to wear Allegany County uniforms at Watkins Glen this year – would like approval from the board to allow them to wear Angelica Police Department uniforms at Watkins Glen – this will be no cost to the village or liability – the board would like more information therefore they tabled this until next month.
- Mayor Johnson advised the board that Ryan Aylor would like the village to sponsor him to attend the Police Academy – the board would like something in writing from Mr. Aylor; therefore they tabled this until that time.

OLD BUSINESS

HYLAND CO-GENERATION - Attorney Dan Spitzer presented the Agreement for the Payment of Legal Expenses between the Village of Angelica and Casella Waste Management. Trustee Robbins inquired that this covers all attorneys and does not obligate them just to have the one attorney – Dan Spitzer advised that it covers all attorney fees no matter who the attorney is.

Resolution – Offered by Trustee Guinnip and seconded by Trustee Baker to authorize the Mayor to sign the Agreement for the Payment of Legal Expenses between the Village of Angelica and Casella Waste Management. (See attached)

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|----------------|------|---|
| Roll Call Vote | Aye | 5 |
| | Nays | 0 |

The Mayor therefore declared the resolution duly adopted.

NEW BUSINESS

WEST MAIN STREET BOX CULVERT PROJECT – Trustee Baker motioned to reject all bids submitted on the box culvert for West Main Street Project - second by Trustee Schuler – carried.

Trustee Baker motioned to approve Chemung Supply’s bid for materials for the West Main Street culvert replacement over Wickham Creek in the amount of \$8,234.28 – second by Trustee Schuler – carried.

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

Trustee Guinnip motioned to enter executive session for potential contract negotiations with NYPA at 7:18 pm – second Trustee Schuler – carried

Trustee Robbins motioned to exit executive session at 8:00 pm – second Trustee Baker – carried.

The next step will be to retain an engineer at the next board meeting and enter into contract to purchase property on County Road 16 for \$25,000.

CLEAN WATER ACT – Special Village Attorney Scott Lupiani

Trustee Guinnip motioned to enter executive session with counsel to discuss possible litigation at 8:20 pm – second Trustee Schuler – carried.

Trustee Guinnip motioned to exit executive session at 9:23 pm – second Trustee Robbins – carried.

Resolution – Offered by Trustee Guinnip and seconded by Trustee Baker to authorize Special Attorney Scott Lupiani to send a 60 day letter of intent to all appropriate persons.

Roll Call Vote Aye 5
 Nays 0

The Mayor therefore declared the resolution duly adopted.

MORATORIUM LOCAL LAW - Attorney Scott Lupiani inquired if the village would like him to look into hiring an engineering firm to write up the village's local law on sub-division and standard road specs – the village would like him to get those quotes and report back to them.

ADOPTION OF ELECTRIC FUND BUDGET – Resolution - Trustee Baker motioned to adopt the Electric Fund Budget for fiscal year 2007-2008, which includes estimated appropriations of \$592,460 and estimated revenues of \$576,800 plus \$15,660 from appropriated fund balance for total revenues of \$592,460. - second Trustee Schuler. (see attached)

Roll Call Vote: Ayes 5
 Nays 0

The Mayor therefore declared the resolution duly adopted.

ADOPTION OF WATER FUND BUDGET – Resolution – Trustee Robbins motioned to adopt the Water Fund Budget for Fiscal Year 2007-2008, which includes estimated appropriations of \$180,275 and estimated revenues of \$158,450 plus \$21,825 from appropriated fund balance for total revenues of \$180,275 – second Trustee Baker. (see attached)

Roll Call Vote: Ayes 5
 Nays 0

The Mayor therefore declared the resolution duly adopted.

2007-2008 TAX WARRANT – The clerk presented the 2007-2008 tax warrant for approval - Trustee Robbins motioned to authorize the Mayor to sign the 2007-2008 tax warrant – second Trustee Guinnip – carried.

WAIVERS ON MORATORIUM - The clerk submitted request from Marilyn Brant for construction of a 10'6"x40' storage addition to existing pizza shop; Richard Reynolds for a construction of a 14'x20' deck ; Amber Morse for a construction of an 18'x8' deck; and John Werner for construction of a deck. Trustee Robbins motioned to approval all waivers on the moratorium for the above construction – second Trustee Guinnip – carried.

Martha Roberts from the Fair Association requested a waiver on the moratorium for an addition on the museum building and demolition of a existing building – Trustee Baker motioned to approved the waiver on the moratorium – second Trustee Robbins – carried.

Sharon Fuller requested a waiver on the moratorium to sub-divide her property on West Avenue Ext– Trustee Baker approve the waiver on the moratorium – second Trustee Guinnip – abstained Trustee Robbins – carried.

DUG-OUT ROOFS – As discussed in the past all four dug-outs were in need of repair and the Athletic Association received quotes from a couple of contractors to make the repairs. The total cost of the repairs was \$1,700 and the Athletic Association covered this cost. They would like to request from the village any help with paying for the repairs. The board discussed that the dug-outs are the village's responsibility and do not feel the Athletic Association should pay for these. Trustee Baker motioned to pay the Athletic Associations \$1,700 for the repairs to the dug outs – second Trustee Guinnip – carried.

MISCELLANEOUS EXPENDITURES – The village board approved the clerk to pay James Ball \$3,950 that was submitted for payment this evening.

HORNER ROAD REPAIR – Resident Chet Gosper of Town Hill Road submitted a letter to the board requesting road repair to Horner Road (see attached). After discussion with Street Supervisor the village board will look at oil and stoning that road in the 2008-2009 budget year. In the mean time they will hone that road and add some crushed gravel.

CORRESPONDENCE

- Judge Schmitt April 07 Report (2075)
- Reviewed the March 07 Balance Sheets/Operating Stmts and the May 2007 Shut-off list.

CLAIMS

Trustee Robbins motioned to approve the general fund claims in the amount of \$22,134.54 – second Trustee Guinnip – carried.

Trustee Schuler motioned to approve the electric fund claims in the amount of \$35,999.13 – second Trustee Baker – carried.

Trustee Baker motioned to approve the water fund claims in the amount of \$6,428.34 – second Trustee Schuler – carried.

Trustee Robbins motioned to approve the Trust and Agency claims in the amount of \$230.00 – second Trustee Baker – carried.

With no further business to discuss Trustee Robbins motioned to adjourn at 11:25 pm second – Trustee Baker – carried.

Respectfully Submitted,

Karen E. Herdman – Clerk-Treasurer