

Board of Trustees
Village of Black River, New York



Agenda
Regular Meeting
November 7, 2016

- Call to order.
- Pledge of Allegiance.
- Approval of minutes of the 10/3 regular meeting & 10/6 special meeting.
- Public Comment.
- Code Enforcement Report & review of related correspondence.
- Superintendent's Report.
- Clerk-Treasurer's Report.
- Police Department Report.

Correspondence Received:

- | | |
|-----------------------|--------------------------------------|
| A) Mary Louise Hunt | Re: Facilities use request |
| B) Russell Faunce | Re: Storage container |
| C) Robin Ireland | Re: Zoning board of appeals position |
| D) Furgison & Co. CPA | Re: Rt. 3 Sewer Board audit |

Correspondence Sent:

- | | |
|-----------------|-------------------------|
| A) Amanda Slate | Re: Water/sewer penalty |
|-----------------|-------------------------|

New Business:

- A) Relevy of unpaid village taxes to Jefferson County Treasurer.
- B) Elected & Appointed Officials Resolution.
- C) Set public hearing for sewer rate increase.
- D) Send MS4 local law to planning board for review.

Unfinished Business:

- Reports from Standing Committees.
- Reports from Special Meetings.
- Authorize payment of bills; adjournment.

Mayor Carpenter called the meeting to order at 6:00 p.m. and led the Pledge of Allegiance.

Present:

Mayor Leland Carpenter
Trustee Gary McCullough
Trustee Randolph Lake
Trustee Francis Dishaw
Trustee Corey Decillis
Superintendent Steven Lillie
Police Chief Steven Wood
Clerk-Treasurer Kristin Burroughs

A motion was made by Trustee Dishaw, seconded by Trustee Decillis to approve the minutes of the September 12, 2016 meeting. The motion was carried.

Public Comments: Russell Stegemoller, 193 Maple St. discussed his concern regarding loose dogs in the Village. He stated that he rides his bike and runs and has had dogs run after him. Police Chief Wood explained that Mr. Stegemoller could call 911 when the incident occurs and someone will be immediately dispatched. Mayor Carpenter explained that the village doesn't have a dog control officer however, the Town of LeRay has hired a dog control officer who will serve the LeRay side of the village.

Superintendent's Report: Superintendent Lillie stated that the sidewalk project is complete. He stated that he, Les Williams and Matt Leary will be attending a water school in Evans Mills later in the month. Superintendent Lillie also stated that the NYS Department of Transportation has been at the garage paving inside the salt barn and the parking lot. He stated they haven't gotten the approvals for a retention pond yet.

Clerk-Treasurer's Report: Clerk-Treasurer Burroughs stated that water bills were mailed. She stated that it was discovered that when the rates were changed for the towns they were changed to \$2.85 per thousand when it should have been \$2.95 per thousand. Clerk-Treasurer Burroughs stated that the rate has been changed and the towns will be billed for the difference.

Police Department Report: Police Chief Wood stated that September was a quiet month and that the new police vehicle was built September 21, 2016.

Correspondence Received: The Board reviewed a letter from Police Chief Wood regarding his retirement. A motion was made by Trustee Decillis, seconded by Trustee Lake to adopt the following resolution:

Resolved, that the Village Board accepts the resignation of Steven Wood as police chief effective at midnight on November 27, 2016 for a period of twenty four hours at which time he will be reinstated on November 28, 2016 after midnight. The motion was put to a vote as follows:

Mayor Carpenter	Yes
Trustee Decillis	Yes
Trustee Lake	Yes
Trustee Dishaw	Yes
Trustee McCullough	Yes

The motion was carried and the resolution duly adopted.

The Board reviewed a letter received from Amanda Slate requesting that water/sewer penalties be waived on her bill due to the bill being sent to the previous owner instead of her.

A motion was made by Trustee Lake, seconded by Trustee Dishaw to adopt the following resolution,

Resolved, that late charges be waived on the account with the condition that the current bill must be paid on time. If the current bill is unpaid at the end of the collection period, the late charges will remain. The motion was put to a vote as follows:

Mayor Carpenter	Yes
Trustee Lake	Yes
Trustee Dishaw	Yes
Trustee Decillis	Yes
Trustee McCullough	Yes

The motion was carried and the resolution duly adopted.

The Board reviewed a letter written by Police Chief Wood to Ron Taylor, Supervisor for the Town of LeRay requesting funding to help with the purchase of a new laptop for the police vehicle. Mayor Carpenter requested permission from the Board to approach the Town of LeRay to request bed tax money toward the purchase of a new gazebo. The Board agreed.

The Board discussed setting a public hearing regarding a rate increase for fixed and variable sewer charges that were set by the Route 3 Sewer Board but decided that they needed more information first.

A motion was made by Mayor Carpenter, seconded by Trustee Lake to enter executive session to discuss pending litigation. The motion was carried.

The Board exited executive session at 7:48 p.m.

A motion was made by Trustee Decillis, seconded by Trustee McCullough to adopt the following resolution:

Resolved, that the following abstracts of vouchers be approved: interim abstract dated 9/15/16 in the amount of \$5,754.50 (General Fund: \$5,622.69 Trust & Agency: \$131.81) interim abstract dated 9/29/16 in the amount of \$8,177.35 (General Fund: \$487.78 Sewer Fund: \$7557.76 Trust & Agency: \$131.81) and regular monthly abstract dated 10/3/16 in the amount of \$11,574.17 (General Fund: \$10,270.82 Water Fund: \$1,303.35). The motion was put to a vote as follows:

Mayor Carpenter	Yes
Trustee Decillis	Yes
Trustee McCullough	Yes
Trustee Lake	Yes
Trustee Dishaw	Yes

The motion was carried and the resolution duly adopted.

A motion was made by Trustee Dishaw, seconded by Trustee Decillis to adjourn the meeting at 8:11 p.m. The motion was carried.

Respectfully submitted,

Kristin Burroughs
Clerk-Treasurer

Mayor Carpenter called the special meeting to order at 5:30 p.m.

Present:

Mayor Leland Carpenter
Trustee Gary McCullough
Trustee Corey Decillis
Trustee Randy Lake
Code Enforcement Officer Dave Lachenauer
Attorney Mark Gebo
Clerk-Treasurer Kristin Burroughs

Excused:

Trustee Francis Dishaw

A motion was made by Trustee Decillis, seconded by Trustee McCullough to enter into executive session at 5:31 p.m. to discuss pending litigation. The motion was carried.

A motion was made by Trustee Decillis, seconded by Trustee Lake to exit executive session at 5:50 p.m. The motion was carried.

The Board discussed the process for holding a public hearing for the increases to the fixed and variable sewer rates approved by the Route 3 Sewer Board. Attorney Gebo stated that village should hold a public hearing on the rates because the village invoices the residents. Trustee Lake stated that he would like to send a letter to the sewer board expressing concern regarding their public hearing process.

A motion was made by Trustee Lake, seconded by Trustee Decillis to enter into executive session at 6:44 p.m. to discuss pending litigation with the condition that if Mr. Gerald Gerrard arrives he will be asked to enter the session. The motion was carried.

A motion was made by Trustee Decillis, seconded by Trustee Lake to exit executive session at 7:07 p.m. The motion was carried.

A motion was made by Trustee Decillis, seconded by Trustee Lake to adopt the following resolution,

Resolved, that Attorney Mark Gebo will start Supreme Court proceedings against Gerald Gerrard, 119 N. Main St. regarding property maintenance issues. The motion was put to a vote as follows:

Mayor Carpenter	Yes
Trustee Decillis	Yes
Trustee Lake	Yes
Trustee McCullough	Yes
Trustee Dishaw	Excused

The motion was carried and the resolution duly adopted.

A motion was made by Trustee McCullough, seconded by Trustee Lake to adjourn the meeting at 7:08 p.m. The motion was carried.

Respectfully submitted,

Kristin Burroughs
Clerk-Treasurer

Village of Black River
Interoffice memo

To: Mayor and Village Board of Trustees and Black River Zoning Board of Appeals.

From: Dave L.

Date: October 24, 2016

RE: 29190 NYS Rte 3 Ireland property:

Mayor and Boards:

This memo is in regards to the above referred subject of 29190 NYS RTe 3 the Ireland property and a complaint that I received in regards to a storage shed.

I was contacted on October 6, 2016 by Mr. Russell Faunce and Mr. Stephan Kowalick of Stafford Drive, they both expressed concerns regarding a storage trailer that had been placed on the property on the corner of Stafford Drive, and owned by Mr. & Mrs. Grover Ireland, of 29190 NYS Rte. 3. I told both Mr. Faunce and Mr. Kowalcik that I would conduct an inspection on October 11, 2016 when I was to be in the village again.

I conducted an inspection on October 11, 2016 and found a trailer on the Ireland property. I contacted Mrs. Ireland and she told me that she had talked with Mr. Harold Wheeler the Zoning Officer for the Town of Rutland and that he said that it could be placed there and that she did not need a permit. I further asked her what the container was being used for and found out it is being used for a storage shed for motorcycles. I also contacted Mr. Wheeler and expressed my concerns in having him make decisions in regards to the village zoning code and that I find this unacceptable.

I informed Mrs. Ireland that the unit could not be placed where it was located and that she would in fact need a permit and be required to meet the setback requirements of the Village Zoning Code. She told me that she would apply for a permit and did on 10/11/16 for a storage building/ container.

In making my decision in regards to this I cite the following code provisions of the zoning code. In the zoning code 175-3 in definitions part of the code the following is for that of a structure. Structure- Any object constructed, installed, or placed on land to facilitate land use and development or subdivision of land, such as building, sheds, signs, satellite dishes, tanks and any fixtures, addition and alterations thereto. The word "fences" shall not be included in the definition of "structure".

Also in the Code in section 175-9 C the setback requirements for this structure is that of 50 feet from both front lines on this property as well as 5 feet from both the side yard and rear yard of the property. The reason for the 50 foot setback is that this is a corner lot

on ~~two~~ streets and because of this would require that they meet a 50 foot setback from both ~~road~~ frontages. In the definitions part of the Code the following is for a Yard Front - The ~~space~~ within and extending the full width of the lot from the center line of the street to the ~~the~~ part of the principal building which is nearest to such center line. If a lot adjoins two ~~or~~ more streets or highway, it shall be deemed to have a front yard respectively on each.

A ~~perm~~it for this was granted on October 11, 2016 for her to place the shed/
contain~~er~~ on her property.

On October 11, 2016 both Mr. Faunce and Mr. Kowalick were contacted about what I had ~~found~~. Mr. Faunce contacted me again on October 14, 2016 in order to meet with me in regard~~s~~ to this matter. I had a meeting with Mr. Faunce in regards to this matter on October 17, 2016 in which I explained to him why I made the decisions in regards to this permit. I showed Mr. Faunce the sections of the code that apply and told him that if he would ~~like~~ to ask the Village Zoning Board of Appeals for an interpretation in regards to this matter he has the right to do that. I also contacted Village Attorney Gebo in regards to this ~~matter~~ to seek guidance as to the procedure for Mr. Faunce's request for an interpretation. Mark told me that the Board of Appeals would need to have an application made ~~out~~ and sent to them in this regards, and that the Board will need to handle it like a variance request and have two meetings one to declare that the application is complete and the other for a public hearing on this matter. Mr. Faunce was notified of what the procedure would need to be.

CC: Mayor and Village Board of Trustees
Village of Black River Zoning Board of Appeals

**Black River/Evans Mills Police Department
MONTHLY REPORT
OCTOBER 2016**

The time spent has resulted in the following statistics.

	<u>TOTAL</u>	<u>B/R</u>	<u>E/M</u>
Arrests -	0	0	0
Complaints -	21	10	11
Vehicles Stops -	17	3	14
Tickets Issued -	4	2	2
Accident Reports -	0	0	0
Parking Violations -	1	1	0
Motorists Assists -	0	0	0
Assists Other Agency -	9	5	4
Escorts -	0	0	0
Vehicles Towed -	0	0	0
Property Checks -	14	7	7
Incident Reports -	6	0	6
Domestic Reports -	0	0	0
Offense Reports -	1	1	0
Follow up Reports -	0	0	0
Crimes Reported -	1	1	0
Factory St Radar Cks -	2	0	2

Days Worked Per Month - 16/30

Gas Used: 58.7 GALLONS

Hours Worked: 117.5 HOURS

**Extra Details: YEARLY RANGE FOR WOOD/OBRIEN, NYSP TRAINING @ JCISO,
BRFD FIRE PREVENTION ASSIST, LOCKDOWN DRILL @ EM SCHOOL.**

Miles Driven: 657 MILES

Police Chief: Steven C Wood #2701 Steven #2701
Police Department
Village of Black River/Evans Mills N.Y.

UTT Report by Date

From 10/01/2016 to 10/31/2016

Date	Officer Name	Badge	Case Number	Section And Offense	Status	Location	Local Code
10/21/2016	WOOD S	01	C321677TRK	306B UNINSPECTED MOTOR VEHICLE, 10 DAY EXP 9/30	7	WILLOW ST E/M	16BR00437
10/20/2016	WOOD S	01	C3216756GX	37540B INADEQUATE OR NO STOP LAMPS	7	LERAY ST @ HENRY ST E/M	16BR00433
10/04/2016	WOOD S	01	C32165F95J	37540B INADEQUATE OR NO STOP LAMPS	7	SR 3 B/R	16BR00414

Summary

Query returned 3 records.

Board of Trustees
Village of Black River, New York



FACILITIES USE APPLICATION

Name Marylouise Hunt Today's Date Oct. 12, 2016
Organization Sally Ploof Hunter Memorial Library
Telephone # 315 773-5163 Date & Hours Requested Dec. 3, 2016
Sat. Afternoon - 2-8
Check Facility (ies) Requested:

- Municipal Offices Meeting Room () Maple Street Park (✓)
- Maple Street Recreation Building (✓)
- Maple Street Pavilion (✓)

Other () (Please Specify) _____

*Certificate of Insurance provided? () Yes () No

Please give a brief description of planned activity: Cole Yule Celebration

Statement of Responsibility

I/We agree to assume responsibility for the facility/grounds requested above. I/We will ensure that all buildings and/or grounds are clean, neat, and returned to the physical condition in which they were found. No alcoholic beverages or glass containers are allowed on the premises.

Marylouise Hunt
Signature

OFFICE USE ONLY

Approved () at the _____ Village Board Meeting
Disapproved () at the _____ Village Board Meeting
Reason for disapproval _____
Signature _____ Date _____

Any person with a disability who may need to make special arrangements to use the above facility (ies) may do so by calling the Black River Village Office at 773-5721 during business hours at least three days in advance of the planned activity.

Thank you.

107 Jefferson Place
Black River, NY 13612

www.blackriverny.org

(315) 773-5721 phone
(315) 773-5726 fax

Russ & Laurie Faunce
137 Stafford Drive, Black River, NY 13601
315-486-3362 / 315-773-5254
russfaunce@gmail.com / laurie3825@yahoo.com

received
10-17-16

October 17, 2016

Mr. Wonderly,

I had the opportunity to meet with Mr. David Lachenauer this morning regarding the placement of the back half of a tractor trailer in my side yard at 137 Stafford Drive in Black River. It is my understanding the Mr. Lachenauer granted a village permit for this eye sore to be placed on my neighbor's property. I would like to appeal that decision and request that the metal container be removed as soon as possible. At the very least I would ask that the permit be revoked and a final decision on the permit be put on hold until the Village of Black River Board of Trustees can take a careful look at what does and does not belong within the residential sections of the Village of Black River.

My wife and I hold the Village of Black River in high regard, regularly support Black River civic events, contribute generously to our village municipalities and pay a good amount of property taxes to live on Stafford Drive. I'm highly disappointed that Mr. Lachenauer would carelessly grant a permit that is clearly a violation of contemporary residential living.

Mr. Lachenauer in our conversation has indicated to me that the law is not sufficient to prohibit the metal container for being placed in its existing position. If indeed that is the case I find it irresponsible on the part of Mr. Lachenauer to grant a permit that will not only affect my property value, but more importantly, affect my quality of residential life for as long as I choose to live on Stafford Drive in the Village of Black River. If the law is inadequate for present-day 2016 living then I encourage the village of Black River to take the time and effort to correct the problem rather than allowing Mr. Lachenauer to haphazardly grant permits that show lack of judgement and clearly are not in the best interest of the residents of Stafford Drive.

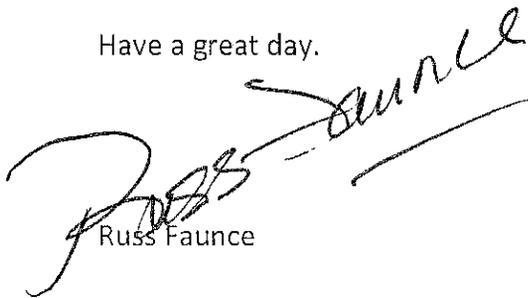
I am requesting that the village of Black River take a careful look at the village codes and determine what direction they would like to move. This decision is critical if Black River is to

remain a community filled with families and professionals. It's also a decision that will affect property owners for decades to come. I am further requesting that I do not become the "grandfathered" example that prompted action to be taken.

I leave you with this final thought. I requested permission to put in a tree line. I was told by Mr. Lachenauer that any tree from the front of my house forward was limited to 3 feet high. I think it's fair to estimate that the metal carrier is a good 10 feet in front of my house and 8 feet tall. Is this really the way Black River wants to do business with their valued citizens ?

I look forward to hearing from you and I encourage you to drive by my home and stop in for a visit. I think we all agree that common sense precludes that moving the storage transporter is in the best interest of maintaining the integrity of residential living on Stafford Drive. It is my hope that the Village of Black River will stand behind what is right and set an example that living in Black River requires consideration of others and doing what is good for ALL rather than SELF.

Have a great day.



Russ Faunce

October 17,2016

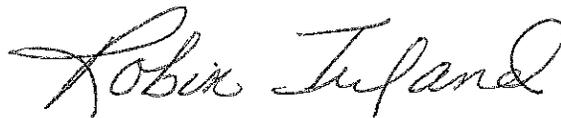
Village Board Of Trustees
107 Jefferson Place
Black River , NY 13612

To Whom It May Concern;

Good afternoon, my name is Robin Ireland and I have been a resident of the Village of Black River New York for over 8 years now. I saw in the Local newspaper today, Monday October 17, that the Village of Black River is seeking a member to join the Zoning Board of Appeals . I am very interested in the position, and would appreciate any consideration for that position. I have a paralegal diploma and am currently a New York State Independent appraiser for theft and collision . I am currently a volunteer for Jefferson County Victims Assistance Program (VAC) and for Jefferson County Court Appointed Special Advocates(CASA).

I am a housewife, married to a retired military soldier that has spent twenty plus years in this area and surrounding areas. At one time I was a business owner of a small business located in the area, so I became aware of the laws and rules of zoning and appeals. I, therefore, find this be very interesting for me to become involved with on a professional level. I also have customer relation skills with dealing with public and the courts.

Thank you for your consideration ,

A handwritten signature in cursive script that reads "Robin Ireland". The signature is written in black ink and is positioned below the typed name.

29190 State Rte 3
Black River, NY 13612

Furgison & Co., CPA, P.C.
Certified Public Accountants

Hammond Office

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sherry@nnycpa.com



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Toll Free: 1-800-695-5871
Fax: (315) 955-6533
jon@nnycpa.com

November 1, 2016

To the Chairman and Members of the
Board of Commissioners
Route 3 Sewer Board of Commissioners
Watertown, NY 13601

We are engaged to audit the financial statements of the Route 3 Sewer Board of Commissioners', a governmental joint venture between the Village of Black River, the Town of Champion, the Town of LeRay, the Town of Pamela, and the Town of Rutland, for the year ended December 31, 2015. Professional standards require that we provide you with the following information related to our audit. We would also appreciate the opportunity to meet with you to discuss this information further since a two-way dialogue can provide valuable information for the audit process.

Our Responsibility under U.S. Generally Accepted Auditing Standards

As stated in our engagement letter dated November 1, 2016, our responsibility, as described by professional standards, is to express opinions about whether the financial statements prepared by management with your oversight are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles. Our audit of the financial statements does not relieve you or management of your responsibilities.

Generally accepted accounting principles provide for certain required supplementary information (RSI) to supplement the basic financial statements. Our responsibility with respect to Management's Discussion and Analysis, and the Statement of Revenues, Expenses, and Changes in Net Position Compared to Budget, which supplement(s) the basic financial statements, is to apply certain limited procedures in accordance with generally accepted auditing standards. However, the RSI will not be audited and, because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance, we will not express an opinion or provide any assurance on the RSI.

We have been engaged to report on the Statement of Administrative Expenses and of Debt Service, which accompany the financial statements but are not RSI. Our responsibility for this supplementary information, as described by professional standards, is to evaluate the presentation of the supplementary information in relation to the financial statements as a whole and to report on whether the supplementary information is fairly stated, in all material respects, in relation to the financial statements as a whole.

We have not been engaged to report on the Statement of Administrative Expenses and of Debt Service, which accompany the financial statements but are not RSI. Our responsibility with respect to this other information in documents containing the audited financial statements and auditor's report does not extend beyond the financial information identified in the report. We have no responsibility for determining whether this other information is properly stated. This other information will not be audited and we will not express an opinion or provide any assurance on it.

Planned Scope, Timing of the Audit, and Other

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested.

Our audit will include obtaining an understanding of the entity and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. Material misstatements may result from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the entity or to acts by management or employees acting on behalf of the entity. We will generally communicate our significant findings at the conclusion of the audit. However, some matters could be communicated sooner, particularly if significant difficulties are encountered during the audit where assistance is needed to overcome the difficulties or if the difficulties may lead to a modified opinion. We will also communicate any internal control related matters that are required to be communicated under professional standards.

We expect to begin our audit on approximately November 7, 2016 and issue our report on approximately December 16, 2016. Sherry A. Furgison, CPA is the engagement partner and is responsible for supervising the engagement and signing the report or authorizing another individual to sign it.

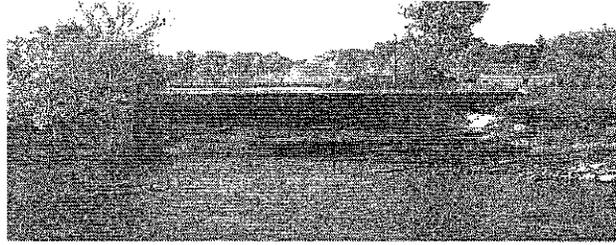
This information is intended solely for the use of the Board of Commissioners' and management of the Route 3 Sewer Board of Commissioners' and is not intended to be, and should not be, used by anyone other than these specified parties.

Very truly yours,

A handwritten signature in cursive script that reads "Furgison & Co, CPA, PC".

Furgison & Co., CPA, P.C.

Board of Trustees
Village of Black River, New York



October 4, 2016

Ms. Slate,

I am writing to inform you that the Village Board has agreed to waive the \$24.14 in water/sewer penalties with the stipulation that the current bill, minus penalties, must be paid in full by the October 31, 2016 due date. If \$233.80 is not paid on or before the due date the penalties will remain.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kristin Burroughs'. The signature is stylized with a large, sweeping flourish.

Kristin Burroughs
Clerk-Treasurer