

**VILLAGE OF COXSACKIE
BOARD MINUTES
August 14, 2023**

Mayor Mark Evans called the Board Meeting to order at 5:30 p.m. Present was Trustee Rebecca Vermilyea. Trustee Katlyn Irwin was present via Zoom Video Conference. Trustee Donald Daoust and Trustee Rodney Levine were absent.

A motion to approve the minutes from the July 6, 2023 Short-Term Rental Application Variance-28 Ely Street Public Hearing was tabled due to a lack of eligible votes.

A motion to approve the minutes from the July 6, 2023 Workshop Meeting was tabled due to a lack of eligible votes.

A motion to approve minutes from the July 10, 2023 Local Law #4 of 2023 Public Hearing was made by Mayor Evans and seconded by Trustee Vermilyea. Mayor Evans voted yes. Trustee Irwin voted yes. Trustee Vermilyea voted yes. The motion carried.

A motion to approve the minutes from the July 10, 2023 Board Meeting was made by Mayor Evans and seconded by Trustee Vermilyea. Mayor Evans voted yes. Trustee Irwin voted yes. Trustee Vermilyea voted yes. The motion carried.

Trustee Rodney Levine arrived at 5:37 p.m.

A motion to approve the minutes from the July 6, 2023 Short-Term Rental Application Variance-28 Ely Street Public Hearing was made by Trustee Levine and seconded by Trustee Vermilyea. Mayor Evans voted yes. Trustee Levine voted yes. Trustee Vermilyea voted yes. Trustee Irwin abstained. The motion carried.

A motion to approve the minutes from the July 6, 2023 Workshop Meeting made by Trustee Levine and seconded by Trustee Vermilyea. Mayor Evans voted yes. Trustee Levine voted yes. Trustee Vermilyea voted yes. Trustee Irwin abstained. The motion carried.

Correspondence Received

A letter was received from New York State Department of Transportation acknowledging the letter sent by Mayor Evans regarding the pavement condition of Route 385 in the village, and stating that the section of Route 385 is scheduled to be resurfaced in the 2025 construction season.

Liaisons & Board Reports

Mayor Evans stated that the Village Board will dispense with the reading of the monthly department head reports, but that all monthly reports are on file with the Village Clerk.

Trustee Irwin asked if the Mayor has heard anything about the park equipment that was ordered.

Mayor Evans stated that the last he had checked, it was supposed to be shipped out the third week in August. He said that he will send another email tomorrow to see if the company can give them another update. For those that don't know, the Village had ordered benches, bike racks, and garbage containers through the Mainstreet Façade grant. The Village was awarded \$15,000.00 two years ago to spend on streetscape improvements. The equipment was ordered this past fall from a company that relocated to a different state, which caused some hiccups, but the last he

spoke with the representative from the company they said that the items should be shipped out the third week in August.

Trustee Irwin stated that the Village has to receive and pay for the equipment by December 1st in order to receive the reimbursement from the grant.

Mayor Evans stated that that is correct. He doesn't want to see the Village lose out on this grant money. So, if the end of September rolls around and nothing has been received yet, they may have to look elsewhere. Mayor Evans stated that the paving of Mansion Street looks very good so far. The company is doing a great job on the side swales. His understanding is that they should be done with the paving tomorrow. Since the same company has also been awarded the bid for the paving of Franklin Street, Hamilton Street, and South Main Street, they may leave their equipment here, to allow them to rollover from one project to the next.

Motions & Resolutions

A motion to approve the request received from Denise Gannon, of 11559 State Route 9W-Unit 20, for a 1-year, penalty free, payment plan, to pay down her water/sewer balance in the amount of \$3,051.48 was made by Mayor Evans and seconded by Trustee Levine. Trustee Irwin voted yes. Trustee Levine voted yes. Trustee Vermilyea voted yes. The motion carried.

A motion to approve accepting the resignation of Police Officer, Matthew Krager was made by Mayor Evans and seconded by Trustee Levine. Trustee Irwin voted yes. Trustee Levine voted yes. Trustee Vermilyea voted yes. The motion carried.

A motion to approve the bid received from A. Colarusso & Son, Inc. in the amount of \$28,420.00 for the paving of Franklin Street, Hamilton Street, and South Main Street was made by Mayor Evans and seconded by Trustee Levine. Trustee Irwin voted yes. Trustee Levine voted yes. Trustee Vermilyea voted yes. The motion carried.

A motion to approve the updated Village of Coxsackie Sexual Harassment Prevention Notice and Sexual Harassment and Discrimination Prevention Policy was made by Mayor Evans and seconded by Trustee Levine. Trustee Irwin voted yes. Trustee Levine voted yes. Trustee Vermilyea voted yes. The motion carried.

A motion to approve the request received from Nikki Berezna to sell back 2 weeks of vacation time was made by Mayor Evans and seconded by Trustee Levine. Trustee Irwin voted yes. Trustee Levine voted yes. Trustee Vermilyea voted yes. The motion carried.

A motion to approve the request received from Scott Martell to sell back 2 weeks of vacation time was made by Mayor Evans and seconded by Trustee Levine. Trustee Irwin voted yes. Trustee Levine voted yes. Trustee Vermilyea voted yes. The motion carried.

A motion to approve shut off of water service to delinquent accounts in the Sunset Vista Mobile Home park was made by Mayor Evans and seconded by Trustee Levine. Trustee Irwin voted yes. Trustee Levine voted yes. Trustee Vermilyea voted yes. The motion carried.

Mayor Evans stated that before the Board votes on Local Law #4 of 2023-Short Term Residential Rentals, the Board will allow for any additional public comments on the Local Law before closing the Public Hearing that was left open from the July 10th Board Meeting.

No public comments were offered.

A motion to close the Public Hearing on Local Law #4 of 2023-Short Term Residential Rentals

was made by Trustee Irwin and seconded by Trustee Vermilyea. Mayor Evans voted yes. Trustee Irwin voted yes. Trustee Levine voted yes. Trustee Vermilyea voted yes. The motion carried.

Mayor Evans stated that this Local Law is classified as a Type I Action for SEQR purposes.

Mayor Evans stated that the Village Board needed to read the FEAF Part 2 questions aloud pertaining to the Local Law. The Board responded with the answers which declared that there were no significant adverse environmental impacts.

Mayor Evans read the Negative Declaration aloud which stated the reasons for supporting the determination.

A motion to approve Local Law #4 of 2023-Short Term Residential Rentals was made by Trustee Irwin and seconded by Trustee Vermilyea. Mayor Evans voted yes. Trustee Irwin voted yes. Trustee Levine voted yes. Trustee Vermilyea voted yes. The motion carried.

A motion to approve water/sewer adjustments from July 1-31, 2023 was made by Trustee Levine and seconded by Trustee Vermilyea. Trustee Irwin voted yes. Trustee Levine voted yes. Trustee Vermilyea voted yes. The motion carried.

A motion to approve the bills on General Fund Abstract #3, vouchers 106-181 totaling \$77,488.42; Water Fund Abstract #3, vouchers 51-86 totaling \$61,894.99; Sewer Fund Abstract #3, vouchers 41-72 totaling \$50,616.40; Heroes Banner Fund Abstract #3, voucher 14 totaling \$86.88; Owl Project Fund Abstract #3, vouchers 6-9 totaling \$576.02; Trust & Agency Fund Abstract #3, vouchers 5-6 totaling \$1,739.18 was made by Trustee Vermilyea and seconded by Trustee Irwin. Trustee Irwin voted yes. Trustee Levine voted yes. Trustee Vermilyea voted yes. The motion carried.

Public Comment Period

Carol Ann Luccio, of 48 Mansion Street, stated that the paving of Mansion Street has been going great and she is thankful for the work being done. The reason she is here tonight is to discuss the water drainage problems her and her neighbors are experiencing. When the Village came in and did public water and sewer years ago, they put in drains to connect to the storm drains, which at that time was likely clay culvert pipes. The clay pipes have collapsed over the years, causing water to flood into her basement on a regular basis. This has been worse since the microburst in 2021. To remedy this, she would have to put a French drain in. She had asked if she could tie into the storm drain, which is where all of the original culverts used to go into. For her to go out back, with the cost of stone, and an excavator, she is looking at a \$10,000.00 cost. That cost is hard to swallow for a problem, that in her mind, is not her problem. The water is coming into her house, but it is coming into her house because the original system that was made is broken, and it needs to be fixed. She is willing to put in the French drain and her own culvert pipe, but to go out back is just astronomical.

Mayor Evans asked if this is water coming into her yard, or is this water coming up into the basement.

Carol Ann Luccio stated that it is water that is coming up out of the ground and has nowhere to go. Those drains that used to go out to the storm drains are not working. So, it is following the path of least resistance. The water is shooting out from the swales, and bursting out of the drains. It runs right down the road and diverts into her basement. The water comes from anywhere above since it is a hill. There is a big ravine in the back.

Mayor Evans stated that that ravine eventually comes down behind the Eagle Hotel Apartments,

which is where the Village needs to fix long-term. When it overflows, that is what brings all of the material, rocks, and gravel out onto the road.

Carol Ann Luccio stated that even if she puts in the French drain, she will be catching all of the water coming from uphill before her house.

Mayor Evans asked if the ravine has ever been cleared out.

Carol Ann Luccio stated that it has not been cleared.

Mayor Evans stated that he is making an assumption that the Village has some sort of drainage Right of Way through there. He said that the first thing to do is to investigate whether the Village has the legal authority to go in there. He thinks that the Village probably does, but he needs to know for sure. If the Village does, the Department of Public Works can go in and clear it out. If the Village doesn't, then technically it is not the Village's, and the DPW cannot go onto her property, or any of the neighbor's properties to do anything. He will have the Village's Counsel look into it. Once cleared, that should at least make the water flow down and away from the houses a little better.

Carol Ann Luccio stated that the problem is due to the Village drainage being broken.

Mayor Evans stated that he knows that she is not going to want to hear this, but it is not the Village's drainage. It is her drainage, because the Village does not have any responsibility for moving water from her yard or basement into the drains. That's not the Village's responsibility.

Carol Ann Luccio stated that she wants to bring the drainage out to the road. She doesn't want to have to go back behind the house.

Mayor Evans stated that the problems is that they just paved the road.

Carol Ann Luccio stated that she would fix the road. It would cost her a whole lot less to fix the road then the extra \$8,000.00 to go behind her house. She could fix the sidewalk.

Rodney Levine asked how the water would flow from the back and enter the storm drain.

Carol Ann Luccio stated that she would have a French drain, that would bring the water into the trench, and then the storm drain. It's just running 15' to the front vs. 80' to the back.

Mayor Evans stated that he would like to come down and take a look at it. He will come down with DPW Superintendent, Scott Martell, and any of the other Board Member that wish to join, and they will take a walk around the property in the next few days to see what can be done. He will try to find out if the Village has an Easement, or a drainage Right of Way, in the meantime. He said that he will give her a call tomorrow to schedule a date and time for the walkthrough.

Arlene Matthews, of 176 Mansion Street, asked if when the water comes down it goes as far as the DPW site of 38 Mansion Street.

Mayor Evans stated that it runs behind there. the Village will have to address it down at the bottom as well. So, clearing the ravine out and getting the water away from the houses up the hill will show the Village how big of a pipe they will need to install at the bottom of the hill. He doesn't want to go ahead and do any work at the bottom of the hill before addressing the work uphill first.

Patricia Sears, of 44 Mansion Street, stated that the area of sidewalk by the manhole cover in

front of her house is kind of dangerous, and there are fumes that emit from the manhole. She doesn't know if there is anything that can be done to address that situation.

Mayor Evans stated that the DPW Superintendent is aware of it and it is on the list of projects to be completed.

Patricia Sears asked if there is going to be a public comment period on the NY Forward grant.

Mayor Evans stated that the public can comment at any time, but if you would like to attend in person the next Public Workshop will be August 30th at 6:00 p.m. at the Coxsackie-Athens High School Cafeteria.

Arlene Matthews asked if the residents who border the American Valve property will get a chance to comment. She understands that one of the projects involves moving the DPW garage to the American Valve property.

Mayor Evans stated that the public can comment on anything. However, the potential moving of the DPW garage is not part of that particular project. It is a thought, but the Village does not have anything concrete yet. That would be quite a ways down the road. The Village doesn't even know if the housing project at the current DPW site will get funded. The Local Planning Committee has to complete its work and come up with a list of projects that gets recommended to the Department of State to be funded by November. So, there is lots of time. These projects are still being flushed out. In November, once the DOS goes through whatever their process is, it gets sent to the Governor's Office. The Governor's Office decides which projects will actually get funded. That process can take until late winter/early spring before the Village hears which projects will actually be funded. None of the projects can really move forward until it gets approved from the State. Once approved, they expect those projects to be completed within a couple of years after the approval. All of those projects still have to go through the normal planning process of going before the Planning Board and Zoning Board of Appeals, if necessary. So, there is nothing that gets skirted. It still goes through the normal process just like any regular project.

No further public comments were offered.

A motion to adjourn the Board meeting was made by Mayor Evans and seconded by Trustee Levine. Trustee Irwin voted yes. Trustee Levine voted yes. Trustee Vermilyea voted yes. The motion carried.

The meeting was adjourned at 6:16 p.m.

Respectfully submitted,



Nikki Berezna
Clerk