

**Regular Monthly Board Meeting
Monday January 9, 2017**

PRESENT: Mayor Clarence Speed; Trustees Brian Johnson, Douglas Cropper, Eilene Morris, Laurence Ostrander; Attorney Robert Fitzsimmons; Clerk/Treasurer Kimberly Simmons.

MOTION: to approve the minutes of the previous meeting was made by Trustee Morris, seconded by Trustee Ostrander. ALL AYES, NO NAYS.

MOTION: to approve the treasurer's report made by Trustee Cropper, seconded by Trustee Morris.
ALL AYES, NO NAYS.

MOTION: to approve payment of bills (General, Water, Sewer, Library, Trust & Agency, & Summit Lake Abstract's # 8, Health Care Deductible Abstract #7,) made by Trustee Ostrander, seconded by Trustee Morris. ALL AYES, NO NAYS

PUBLIC REQUESTS: Monte Jennings announced that Community Day will be held on Saturday, July 8th this year. The Community Day Committee holds their meetings on the first Monday of the month at the Community Center, if anyone is interested in helping with this event they are invited to attend the meetings. He also asked the board if they would earmark \$2,400.00 for the fireworks display as they have done in years past.

MOTION to spend \$2,400.00 on the fireworks display for Community Day; was made by Trustee Cropper, seconded by Trustee Johnson. ALL AYES, NO NAYS

Mr. Jennings then told the board about plans to hold a fundraising spaghetti dinner at the Philmont Rod & Gun Club on Saturday, March 11th from 2-6 pm. Plans are being finalized for this event.

ATTORNEY FITZSIMMONS: He has been working on union negotiation contract follow ups, and the village foreclosures. One parcel remains unpaid and an offer for a payment plan has gone without a response. (See Motions) The village will move forward with the foreclosure on this parcel.

CLERK/TREASURER SIMMONS: All normal office tasks have been completed. The office will be closed on Monday January 16th for the Martin Luther King Jr. Holiday. Water bills were mailed out on December 30th and are due without penalty through January 31st. Work on the transition to the new billing system is ongoing, with some work still to do. We are hopeful that we will be able to start using the new system soon. We have added two accounts to the solar farm and should start receiving credits on these accounts. This should help use the credit balance we have with NYSE&G. Work on the 2017-2018 budget will start soon. All departments should turn in their proposed budgets as soon as possible. Petitions for the village elections must be turned in between February 7th and the 14th for the March 21st elections.

POLICE REPORT: Given by OIC Doyle. A copy of the full report is available for review. He noted that no tickets have yet been issued for overnight parking, although they have issued several warnings. Attorney Fitzsimmons spoke about the Tripp center parking lot being used for patrons at Gabriel's Restaurant during hours the Tripp Center is open for lunch. The lot is intended for the Tripp Center patrons only. The County will be putting new signs up and possible towing violators. The village will ask Gab to remind his customers not to use this parking lot during hours the Tripp Center is open.

LIBRARY REPORT: Given by Trustee Morris. A copy of the full report is available for review. The paint color for the teen room has been chosen and The Friends of the Library will be asked about purchasing new chairs for this room. Adult ESL mentor program and classes will begin later this month or perhaps in early February. More mentors are needed for this program. The teen advisory group would like to join the Battle of the Books; a volunteer is needed to help with this effort. They would like to have a Winter Reading Program for adults with a raffle and prizes. The friends will be asked to purchase the prizes. Soup Sales will continue throughout the month; taking place every Wednesday from 4 - 5:30. The next Trivia Night will take place on January 31st at the Vanderbilt. Sign up your team if you are interested. Plans for the 5k Book - It will be beginning soon. If you are interested in helping please get in touch with director Farley.

COMMUNITY CENTER: Report was read by Trustee Cropper. A copy of the full report is available for review in the village office. The center continues to be used by community members. Gifts from the Hands saw an average of 13.5 participants at each December workshop, meeting their attendance goals. Donations were not great, but better than usual. They saw a different audience attending these workshops, which they found exciting, as more people seem to be partaking in the activities.

MAYOR SPEED: He reported attending the Community Day meeting where he volunteered his wife to be their treasurer, judging holiday lights, signing papers and taking down the banners with the help of Jeff French. He wished all a Happy New Year. He then proclaimed the week of January 22-28th as School Choice Week.

PROCLAMATION
VILLAGE OF PHILMONT SCHOOL CHOICE WEEK

WHEREAS all children in the Village of Philmont should have access to the highest-quality education possible; and,

WHEREAS the Village of Philmont recognizes the important role that an effective education plays in preparing all students in the Village of Philmont to be successful adults; and,

WHEREAS quality education is critically important to the economic vitality of the Village of Philmont; and

WHEREAS Columbia County is home to a variety of high quality public and non public schools from which parents can choose for their children, in addition to families who educate their children in the home; and

WHEREAS educational variety not only helps to diversify our economy, but also enhances the vibrancy of our community; and

WHEREAS the Village of Philmont has high-quality teaching professionals in all types of school settings who are committed to education our children; and,

WHEREAS School Choice Week is celebrated across the country by millions of students, parents, educators, schools and organizations to raise awareness of the need for effective educational options;

NOW, THEREFORE, I, Mayor Clarence V. Speed, do hereby recognize January 22-28, 2017 as the Village of Philmont's School Choice Week and I call this observance to the attention of all our citizens.

TRUSTEE JOHNSON: He gave the DPW/WA/SW reports. A copy of which are available in the office for review.

TRUSTEE OSTRANDER: He gave the fire company report, a copy of which is available in the office for review. They have seen an increase in EMS calls, amounting to almost half of the calls they receive during the month. Trustee Ostrander then reported that LOSAP saw a 5.6% return on investments this year and are projecting growth of 5.5% for next year. He has also received correspondence from PB Inc. regarding the BOA grant.

TRUSTEE CROPPER: He congratulated the winners of the Holiday Lighting Contest, and then he reported attending meetings, checked village properties, and worked with the clerk on a letter to Senator Marchione for the fire company. He also did some research on a "point of sale" credit card system that the village could use to allow residents to pay their bills.

TRUSTEE MORRIS: She reported judging the Holiday Lights and has been working on the removal of the telephone pole on the corner of Church and Main Streets.

CORRESPONDENCE LIST PROVIDED TO THE PUBLIC

MOTIONS AND RESOLUTIONS:

MOTION to identify the Village Meeting Hall, located at the rear of 124 Main Street, Philmont, NY as the polling place for the Village Elections to be held on Tuesday, March 21, 2017 with the polls being opened from 12:00 NOON until 9:00 PM; was made by Trustee Ostrander, seconded by Trustee Johnson. ALL AYES, NO NAYS.

MOTION to appoint Karen Garafalo, Kurt Basl, and Mary Linda Harrington as Election Inspectors for the March 21, 2017 Village Elections to be held in the Village Meeting Hall from 12:00 NOON until 9:00 PM for the daily rate of \$100.00 each; was made by Trustee Morris, seconded by Trustee Johnson. ALL AYES, NO NAYS.

MOTION to move forward with the foreclosure on the Marsh property located at 28 Church Street was made by Trustee Johnson, seconded by Trustee Ostrander. ALL AYES, NO NAYS.

UNFINISHED BUSINESS: Richard Howard again asked the board for a new exhaust fan for the kitchen. Trustee Johnson will handle it this week.

NEW BUSINESS: The mayor announced that the Village is turning 125 this year! He asked Monte Jennings to keep that in mind during plans for Community Day. Trustee Cropper asked if he could meet with Trustee Johnson at the Community Center and see where a stove might be installed.

PUBLIC HEARING REQUEST – HENRY CASIVANT re: 6 Main Street properties, Tax Map Nos: 112.12-1-58 & 59

Village of Philmont Code Enforcement officer Lee Heim had noticed Henry Casivant of code violations existing at his 6 & 10 Main Street properties, and the intent to condemn the properties in the interest of safety. Mr. Casivant had corresponded to the Village requesting a hearing before the Village Board on the condemnation.

At this time Attorney Fitzsimmons read the "Intent to Condemn" letter the building department served upon Mr. Casivant. He then read owner Henry Casivant's response asking for a hearing before the board.

Village Building Inspector Lee Heim gave the history and a detailed account of all the violations on record for the property and provided the board with numerous pictures and notices that are part of the property record. Mr. Heim noted numerous violations going back many years on this property.

Mr. Casivant was issued a legal notice of condemnation dated December 15, 2016. That notice cited the following violations of the New York Property Maintenance Code:

1. Section 302.1 sanitation, there exists garbage in the basement of the building and garbage in the garage on the property.
2. Section 302.7 accessory structures, the detached garage has broken doors, broken windows, missing structural assemblies in a condition to fall down and half full of garbage.
3. Section 304.1 .1 exterior unsafe structures, there is missing siding, gaps in the siding, and the building is open to cold air, water and other contaminants can enter the building; the foundation has open cracks and appears to have frost heave and is not adequately supporting the structure.
4. Section 304.2 exterior painted surfaces must be maintained, it is likely that the structures contain lead paint which must be encapsulated by continual maintenance and painting to not become a health and safety hazard.
5. Section 304.13 windows and doors, don't fit, don't close and the property has broken windows and rotten sashes, doors don't lock or secure properly.
6. Section 304.14 doors and windows must be present for ventilation of all habitable rooms and shall have screens; the property does not have any screens on any windows.
7. Section 304.15 exterior doors shall be maintained in good condition lockable and weather tight; all doors are not lockable some do not close and have gaps.
8. Section 305.3 interior services shall be maintained in good clean and sanitary conditions, as indicated there's the potential for lead paint, there is sheet rock which is down, holes in the walls, there is paint that is peeling and there is significant water damage in all units affecting the flooring and subflooring and subfloor structures, there is evidence of mold in the basement as well as the insulation, the stud framing is deteriorated and cut, the electrical is open and unsecured all of which pose a safety and health hazard.
9. Section 306.1 .1 unsafe component conditions for framing, plumbing leaks and excessive cutting or notching of floor framing in many locations exist. In apartment number 3 there has been a water heater leak where the subfloor has rotted away, at numerous locations in the property you can see from the basement into the 1st floor structure, floor joists are wet have presence of mold and rot and plumbing and electrical systems have been cut through framing that is structural.
10. Section 307.1 there are missing handrails and guardrails, none being located within the building or the property.

11. Section 308.1 accumulation of rubbish and garbage, there is garbage present in the garage building and in the basement of the apartment building; there are many previous orders in relation to this violation.
12. Section 308.2 .2 refrigerators shall not be stored abandoned or discarded without removing the doors, there exists a refrigerator in the basement that is not properly secured.
13. Section 504.1 plumbing fixtures shall be properly installed and maintained in working order, there is a previous issue of cross connections between the buildings to a well and also the municipal water system, while we believe the cross connection to the municipal water system and well has been discontinued, there exists plumbing within the property that needs to be decommissioned and repaired. All sinks and fixtures on the property appear to be leaking, and have caused damage to the structure subfloor and framing. Many units have buckets under the sinks to collect water.
14. Section 504.3 plumbing system hazards, as previously mentioned the plumbing is inadequately connected, has cross connection evidence, and is not installed in a manner to prevent back siphoning a remedy defects.
15. Section 603.1 mechanical appliances shall be installed and maintained in safe working condition, on every hot water heater the electrical connection is exposed and improper, all units show leaking.
16. Section 604.3 electrical system hazards, the basement apartment was decommissioned all stud work is left open, all electrical was left open and present, the ceiling has electrical with plumbing leaking on it, and partially exposed and not properly terminated, the electrical meter on the property is loose and dangerous. The property was subject to an electrical inspection and only one unit was properly powered for testing, numerous deficiencies were noted with electrical wiring.

It is also noted that the mobile home upon the property was condemned in 2008 and is not to be entered. That the roof has been leaking and there exists a significant damage to the home along with numerous other cited violations. In reference to the code of the Village of Philmont, section 61.3 the above property maintenance code violations apply and demonstrate conditions unsafe and dangerous to life, dilapidated, decayed and unsafe and unsanitary conditions. The property has inadequate facilities, inadequate structural systems and is unsafe, unsanitary and dangerous due to the numerous violations of the building code of the State of New York.

Lee Heim referenced the photographs of numerous inspections on the property; he inspected the property with the previous building inspector and also made an inspection recently confirming all conditions continue to exist. Upon the information presented he has issued a condemnation order and would request the Village Board to support and uphold the condemnation order for the general health safety and welfare of residents of the village.

Mr. Casivant was given the opportunity to address and respond to the condemnation notice and issues raised. He stated that the garbage is cleaned up and the refrigerators are gone. He has met with his electrician (Leggett Electric) and agreed there are a few electrical problems, but he's working on them. Power to most of the house is currently off and therefore they were unable to inspect the entire house. He has been working on the structure and apartment 3 has a new door. He fixed the hand rails, broken windows and some of the plumbing and hot water problems. He will be getting an estimate from Robertson's for the foundation work. He noted the place is empty right now and it's the middle of winter, so people don't need screens on the windows. He would like to work with the building department and not have the house condemned. He will hire the proper repair people if needed. Attorney Fitzsimmons reminded Mr. Casivant of the Village law that ALL rentals need to be inspected by the building department before they can be occupied. Mr. Casivant agrees to fix the problems.

Mr. Heim indicated that even assuming all alleged deficiencies indicated by Mr. Casivant were truly corrected, there would still exist upon the property a level of deficiencies that make it unsafe, unsanitary, and dangerous to persons, so that a condemnation order is still appropriate and necessary.

Mr. Heim noted that he would not be comfortable letting anyone move into this property until at least 75% of the repairs were done to initially address the dangerous safety concerns. After both sides spoke, Attorney Fitzsimmons told the board they have two choices; to support the building department in their intent to condemn, or not to support condemnation at this time. Trustee Cropper asked if the building is condemned who could enter. He was told people could enter the premise to fix it, but **no one** would be allowed to live in **any** of the apartments.

Mr. Casivant again stated that it was his intention to make repairs to the property to bring into code compliance; he did not want the property condemned in the interim, and probably should have the opportunity to make the repairs without condemnation.

The Village board was concerned about the ongoing nature of the violations, previous occupancy without inspections and that this property was in a dangerous and unsafe condition and based upon the foregoing made the following motion:

MOTION to support the building inspector and condemn the property located at 6 Main Street was made by Trustee Johnson, seconded by Trustee Cropper. ALL AYES, NO NAYS.

Mr. Riegel came before the board with concerns about his recent water bill being double what the last one was. The board informed him that he has a rental unit and he is being billed the minimum for two units. Attorney Fitzsimmons read him the village law on this matter.

MOTION to adjourn was made by Trustee Johnson, seconded by Trustee Ostrander. ALL AYES, NO NAYS

Respectfully submitted,

Kimberly J. Simmons
Clerk/Treasurer