

**REGULAR BOARD MEETING**

January 15, 2013

**PLEDGE OF ALLEGIANCE**

These are the proceedings of the Regular Board meeting of the Board of Trustees of the Village of Gouverneur held Tuesday, evening, on January 15, 2013 at 7:00 p.m. in the Court Room of the Municipal Building.

**ROLL CALL: PRESENT:**

Mayor Ronald McDougall  
Trustee Charles Newvine  
Trustee Nelson Lawrence  
Trustee Roger LaPierre-Absent  
Trustee Shelly Simons-Washburn

Village Clerk/Treasurer, Jennifer Link  
Deputy Treasurer, Barbara Finnie  
Superintendent of Public Works, Michael Moroz  
Chief of Police, Gordon Ayen  
Code Enforcement Officer, Michael McQuade  
Recreation Director, Casey Canell

Trustee Lawrence made a motion to approve December board meeting minutes. Trustee Newvine seconded the motion and it was carried.

**Old Business**

Trustee Newvine made a motion to rescind June 19, 2012's motion to authorize the Community Renewal Project in the amount of \$2,500 for survey. Trustee Washburn seconded the motion and it was carried.

**New Business**

**WATER/SEWER  
RESOLUTION  
JANUARY 15, 2013**

**WHEREAS**, a portion of the water and sewer use fees may be deductible on taxpayers income tax returns, and

**WHEREAS**, a portion that is deductible is the amount used for maintenance or repair or for the purpose of meeting interest charges with respect to such benefits;

**NOW, THEREFORE, BE IT RESOLVED**, that for the purpose of income tax deduction, 88% of the water fee and 87% of the sewer fee have been allocated for interest and maintenance for the year 2012.

Motion made by Trustee Lawrence, seconded by Trustee Washburn and carried.

**RESOLUTION AUTHORIZING A CONTRACT  
WITH AVALON ASSOCIATES, INC. FOR  
PREPARATION OF AN APPLICATION FOR  
COMMUNITY DEVELOPMENT  
BLOCK GRANT FUNDING**

**RESOLVED**, the Mayor is authorized to execute a contract with Avalon Associates, Inc., Community Development Consultants, for preparation of an application for federal grant funding and administrative services required to complete all activities under the 2013 Community Development Block Grant (CDBG) Program. Compensation for those services will be made in the form of specified lump sum fees and hourly billing rates plus expenses where applicable.

Motion made by Trustee Newvine, seconded by Trustee Lawrence and carried.

**RESOLUTION AUTHORIZING A CONTRACT  
WITH AVALON ASSOCIATES, INC.  
FOR APPLICATION PREPARATION  
AND ADMINISTRATION OF A GRANT  
UNDER THE HOME INVESTMENT PARTNERSHIP PROGRAM**

**RESOLVED**, the Mayor is authorized to execute a contract with Avalon Associates, Inc., Community Development Consultants, for preparation of an application for federal grant funding and administrative services required to complete all activities under the Home Investment Partnership Program. Compensation for those services will be made in the form of specified lump sum fees and hourly billing rates plus expenses where applicable.

Motion made by Trustee Newvine, seconded by Trustee Washburn and carried.

**RESOLUTION AUTHORIZING A CONTRACT  
WITH AVALON ASSOCIATES, INC.  
FOR APPLICATION PREPARATION  
AND ADMINISTRATION OF A GRANT  
UNDER THE NEW YORK MAIN STREET PROGRAM**

**RESOLVED**, the Mayor is authorized to execute a contract with Avalon Associates, Inc., Community Development Consultants, for preparation of an application for state grant funding and administrative services required to complete all activities under the New York Main Street Program. Compensation for those services will be made in the form of specified lump sum fees and hourly billing rates plus expenses where applicable.

Motion made by Trustee Lawrence, seconded by Trustee Washburn and carried.

**CWSRF ENGINEERING PLANNING GRANT  
RESOLUTION  
JANUARY 15, 2013**

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor is authorized to execute a Grant Agreement with the NYS Grant Agreement with the NYS Environmental Facilities Corporation and any and all other contract documents and instruments necessary to bring about the Project and to fulfill the Village of Gouverneur obligations under the CWSRF Engineering Planning Grant Agreement.

Motion made by Shelly Simons-Washburn, seconded by Trustee Nelson Lawrence and carried.

**CWSRF ENGINEERING PLANNING GRANT  
RESOLUTION  
JANUARY 15, 2013**

**NOW, THEREFORE, BE IT RESOLVED** that the Village Board of the Village of Gouverneur authorizes and appropriates a minimum of 20% local match as required by the Engineering Planning Grant Program for the Dorwin Street Sewer Study. Under the Engineering Planning Grant Program, this local match must be at least 20% of the total project cost. The maximum local share appropriated subject to any changes agreed to by the Mayor shall not exceed \$ 6,000.00-based upon 20% of total estimated project costs of \$ 36,000.00

Motion made by Trustee Charles Newvine, seconded by Trustee Shelly Simons-Washburn and carried.

**CWSRF ENGINEERING PLANNING GRANT**

**RESOLUTION**

**JANUARY 15, 2013**

**WHEREAS**, 6 NYCRR Section 617.5 (Title 6 of the New York Code of Rules and Regulations) under the State Environmental Quality Review Act (SEQR) provides that certain actions identified in subdivision C of that section are not subject to environmental review under the Environmental Conservation Law.

**NOW, THEREFORE, BE IT RESOLVED** that the Village Board of the Village of Gouverneur hereby determines that the CWSRF Engineering Planning Grant is a Type II action in accordance with 6 NYCRR Section 617.5 (C) – actions or classes of actions identified in subdivision (c) of this section are not subject to review under this Part. These actions have been determined not to have a significant impact on the environment or are otherwise precluded from environmental review under Environmental Conservation Law, article 8. The actions identified in subdivision (2) of this section apply to all agencies.

Motion made by Trustee Charles Newvine, seconded by Trustee Nelson Lawrence and carried.

**RESOLUTION BY THE VILLAGE OF GOUVERNEUR  
COUNTY OF ST. LAWRENCE  
AUTHORIZING PAYMENT TO THE STATE  
FOR REQUESTED WORK  
JANUARY 15, 2013**

**WHEREAS**, in connection with Contract No. 7143.31, for the construction of U.S. Route 11, Village of Gouverneur, S.H. 5331 and SH 5283 in St. Lawrence County, by a Resolution adopted on November 20, 2012, requested, and authorized the State Department of Transportation to proceed with the necessary arrangement to incorporate a proposed 16 NPS and 10NPS water main in the contact for the reconstruction of U.S. Route 11, S.H. 5331 and S.H. 5283 with the cost of said 16 NPS and 10 NPS water main and necessary work in connection therewith to be borne by the Village of Gouverneur, and

**WHEREAS**, the Village Board desires that the requested 16 NPS and 10 NPS water main construction, the Village share of which based on the “additional cost” method is estimated to cost \$765,200.00, be constructed at the partial expense of the Village of Gouverneur, in connection with the above mentioned State contract, as set forth in the plans for said project.

**NOW, THEREFORE, IT RESOLVED** that pursuant to Subdivision 27 of Section 10, of the New York Highway Law, the sum of \$765,200.00 is hereby appropriated to cover the cost of the 16 NPS and 10 NPS water main construction, and the Village Treasurer is hereby authorized and directed to deposit such sum with the State Comptroller within ten (10) days after letting, and be it

**FURTHER RESOLVED**, that a copy of this resolution be filed with the State Comptroller and with the State Commissioner of Transportation; it being understood that upon completion of said highway project, in the Village of Gouverneur, the Commissioner of Transportation of the State of New York shall transmit to this Village of Gouverneur a statement showing the actual costs and expenses of such work and shall notify the Village Treasurer of the amount due from or to be returned to the Village, as the case may be, and that any sum due the State of New York shall be paid by the Village of Gouverneur within ninety (90) days after the date of transmittal of said statement, and the funds therefore shall be raised according to the statutes in such cases made and provided; and be it

**FURTHER RESOLVED**, that the Village of Gouverneur will maintain said 16 NPS and 10 NPS water main thereof as set forth above and will make ample provision each year for such maintenance after construction; and

**BE IT FURTHER RESOLVED**, that the clerk of the Village of Gouverneur is hereby directed to transmit five (5) certified copies of the foregoing resolution to the following address:  
Brian A. Baxter, P.E. - New York State Department of Transportation  
8<sup>th</sup> Floor, Design Office, 317 Washington Street  
Watertown, NY 13601

Trustee Nelson Lawrence made a motion to approve the above resolution.  
Trustee Shelly Simons-Washburn seconded the motion and it was carried.

**HOLDING HARMLESS  
THE COUNTY OF ST. LAWRENCE  
FOR PROVIDING SERVICE  
FOR VILLAGE OF GOUVERNEUR**

**WHEREAS**, the Village of Gouverneur is desirous of St. Lawrence County Department of Highways providing shared services such as paving, shoulder widening, signage, road stripping, blasting and other routine maintenance activities to the Village, and

**WHEREAS**, both the Village of Gouverneur and the County of St. Lawrence are desirous of promoting partnering efforts for the safety of the traveling public in St. Lawrence County, and

**WHEREAS**, in this joint cooperative endeavor, the Village of Gouverneur and the County of St. Lawrence desires to be reimbursed for their expenditures, and

**WHEREAS**, the Village is aware that the County may incur liability in the providing of the services and wished to indemnify the County in this regard,

**NOW, THEREFORE, BE IT RESOLVED** that the Village of Gouverneur hereby agrees to defend, indemnify and hold harmless the County of St. Lawrence from and against liability, loss, damage, claim or action resulting from the work performed by St. Lawrence County Department of Highways. The Village of Gouverneur does not indemnify and hold harmless the County for any liability, loss, damage, claim, or action

which arises during the actual performance of services by the St. Lawrence County Department of Highways. Said St. Lawrence County Department of Highways and the County of St. Lawrence assumes the liability for losses, damages and claims for the actual physical performance of the work, and

**BE IT FURTHER RESOLVED**, that the following request for General Liability (GL) coverage is as follows:

General Liability Insurance

On an "Occurrence" basis, with the following limits:

\$1,000,000 Each Occurrence

\$2,000,000 General Aggregate

\$1,000,000 Products Aggregate

\$1,000,000 Personal Injury

\$ 50,000 Fire Damage Legal Liability

\$ 5,000 Medical Payment Expense

**BE IT FURTHER RESOLVED**, that St. Lawrence County shall be an additional insured on the GL Policy, via ISO endorsement CG 2026.

Trustee Charles Newvine made a motion to approve the above resolution. Trustee Nelson Lawrence seconded the motion and it was carried.

Trustee Lawrence made a motion to hold a Public Hearing on February 19, 2013 at 6:30 p.m. for proposed parking changes on East Barney Street in front of High School. Trustee Washburn seconded the motion and it was carried.

Trustee Newvine made a motion authorize payment of the January 2013 audited bills in the amount of: General Fund - \$79,004.07, Water Fund - \$36,579.48, Community Development - \$4,799.11, Electric Fund - \$11,084.81, Sewer Fund - \$31,288.73, NYS Home Program - \$3,766.00, Capital Projects - \$1,796.00. Trustee Lawrence seconded the motion and it was carried.

### **Public Participation**

Wayne Lashbrooks, 264 West Main Street, addressed the Board regarding the outcome of the court proceedings between him and his neighbor Lynn Stowell. The Board along with Village Attorney Henry Leader explained to Mr. Lashbrooks that the Village can do nothing more for him regarding this issue. However Trustee Newvine addressed his concerns of a fence not actually being defined in the Village Code Book, with that being said Trustee Newvine made a motion to amend the Village Code Book to define what a fence is. Trustee Lawrence seconded the motion and it was carried.

Dick Hatch, 24 Graves Street, addressed the Board with his concerns of the increase of train speed by CSX from 25-40 mph. Trustee Washburn made a motion to authorize Village Attorney, Henry Leader, to research this to find out what can be done to reduce this speed. Trustee Lawrence seconded the motion and it was carried.

## Announcements

- a. **The next scheduled Village Board Meeting will be held on February 19, 2013 at 7:00 p.m.**
- b. **State of State Address – Wednesday, January 16, 2013 at 10:00 a.m. - Courtroom.**
- c. **This is a reminder to all residents, merchants and landowners to please remove the snow from all sidewalks in a timely basis in order to protect our pedestrians. If sidewalks are unshoveled, properties will be cleaned by the Village and billed to the homeowner.**
- d. **The Village Offices, the Department of Public Works will be closed on February 18, 2013 in observance of Presidents Day.**
- e. **Tug Hill Commission-Local Government Conference-March 28, 2013 at JCC.**

Trustee Newvine made a motion to go into executive session for contractual, personnel and litigation. Trustee Lawrence seconded the motion and it was carried.

Trustee Lawrence made a motion to reconvene the regular board meeting at 9:25 pm. Trustee Newvine seconded the motion and it was carried.

Mayor McDougall announced the following motions that were made in executive session.

Trustee Newvine made a motion to hire Tracey Fuller as Tax Collector/Part-time Key Board Specialist at \$10.89 per hour with a six month probationary period and pending pre-employment protocol effective January 28, 2013 or pending availability. Trustee Lawrence seconded the motion and it was carried.

Trustee Washburn made a motion effective Friday January 18, 2013 to be Kristina Ayen's last day of work. The Board Thanks her for her service during the transition period. Trustee Newvine seconded the motion and it was carried.

Trustee Newvine made a motion to adjourn the regular board meeting. Trustee Lawrence seconded the motion and it was carried.

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VILLAGE CLERK