

TOWN OF SALEM
REGULAR MONTHLY MEETING-TOWN BOARD
JULY 19, 2023

Present: Supervisor Evera Sue Clary; Town Council: Brenda Levey; Howard Law; Laura Dunham; Tom McMorris; Town Clerk-Pat Gilchrist; Clerk to Supervisor-Kathy Chambers (Note: Marcus Blanck resigned from the Board 06/02/2023.)

Others Present: Travis Keys-Highway/Water; Kim Erbe-Planning Bd./Library; Jeanne Smith-Georgi; Rebecca Brown-Water Clerk/Library; Herb Perkins-Courthouse; Jim Carrolan-Sewer Comm.; Tauno Wirkki-Sewer Comm.; Kay Tomasi-Economic Development/Sewer Comm; Wyeth Coburn-Sewer Comm.

Public Present: Joe Wever-Salem Fire Dep't.; Elmer Cary, III-Salem Fire Dep't.

Absent-Eric Rogers-Water Dep't.; Judy Flagg-Historian/ Records Mg'mt.; Moe Patrick-Planning Bd.; Bob Graham-Salem Fire Dep't.; Nancy Quell-DCO

5:00 P.M.-Review of **Warrants #7 & Highway Abstract #7 of 2023** for approval & payment

6:00 P.M.-Regular monthly meeting called to order by Supervisor Clary, followed by Pledge of Allegiance

6:00 P.M.-OPEN PUBLIC HEARING-on amending the Site Plan Law. Supervisor Clary asked if there were any comments or questions the required three times & having received no comments or questions, asked the Board for a Resolution for approval to amend the Site Plan Law as presented: **Resolution #48-Motion made by** Councilman Howard Law, seconded by Councilwoman Brenda Levey, approving the amendments to the Site Plan Law as presented; passed unanimously 5-0.

6:15 P.M.-OPEN PUBLIC HEARING-on amending the Sub-Division Law. Supervisor Clary asked if there were any comments or questions the required three times & having received no comments or questions, asked the Board for a Resolution for approval to amend the Sub-Division Law as presented: **Resolution #49-Motion made by** Councilwoman Brenda Levey, seconded by Councilwoman Laura Dunham, approving the amendments to the Sub-Division Law as presented; passed unanimously 5-0.

6:30 P.M.-OPEN PUBLIC HEARING-on amending the Solar Law. Supervisor Clary asked if there were any comments or questions the required three times & having received no comments or questions, asked the Board for a Resolution for approval to amend the Solar Law as presented: **Resolution #50-Motion made by** Councilwoman Laura Dunham, seconded by Councilwoman Brenda Levey, approving the amended Solar Law as presented; passed unanimously 5-0.

6:45 P.M.-OPEN PUBLIC HEARING-on replacing the prior Local Law on Zoning, including any revisions/amendments that were filed. Supervisor Clary asked if there were any comments or questions the required three times & having received no comments or questions, asked the Board for a Resolution for approval of the new Local Law on Zoning, replacing the prior Local Law & any revisions/amendments that have been filed: **Resolution #51-Motion made by** Councilman Howard Law, seconded by Councilman Tom McMorris, approving the new Local Law on Zoning (which includes the prior revisions/amendments that were filed separately) as presented; passed unanimously 5-0.

Carnival Grounds Lease Agreement w/Salem Volunteer Fire Dep't., Inc.-Final Lease Agreement (w/red highlighted items deleted, replaced w/green highlighted items) has been reviewed. **Motion made by** Councilman Tom McMorris, seconded by Councilman Howard Law, to approve the **final** Lease Agreement presented w/changes made as requested by Salem Volunteer Fire Dep't., Inc.; passed unanimously 5-0.

Elmer Cary, from the Salem Fire Dep't. asked Attorney Klingebiel, in order to simplify things, if the normal procedure would be to have the Fire Department's attorney, Brad Pinsky, & himself, David Klingebiel, as the

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T/O/S attorney, interact w/one another on whatever matters needed to be resolved between the Fire Dep't. & the T/O/S. Attorney Klingebiel responded he would be glad to do that, thus cutting down on the many emails between the Fire Dep't., Town Board members & the attorneys. The attorneys will hash out what needs to be done & present the same to the Salem Town Board & the Salem Fire Department Board of Directors. The Board was in total agreement w/this procedure & thanks Elmer Cary for suggesting the same!

Fire Protection Contract-Attorney Klingebiel responded back to Joe Wever & members of the Salem Fire Dep't., as well as to Supervisor Clary & Town Board members, Town Clerk, & Clerk to Supervisor w/his changes to Attorney Pinsky's comments/changes to this Contract. Both attorneys will deal w/each other from this point forward in order to come up w/a final Contract to be presented to both parties for approval.

Minutes-June 21, 2023- Motion made by Councilman Howard Law, seconded by Councilman Tom McMorris, to approve the regular monthly meeting minutes of 06/21/2023; passed unanimously 5-0.

Approval of Warrants #7 & Highway Abstract #7 for payment-**Motion made by** Councilwoman Laura Dunham, seconded by Councilwoman Brenda Levey, to approve **Warrants #7 & Highway Abstract #7** as presented for payment; passed unanimously 5-0.

Highway-Travis emailed reports to everyone. He also reported that Delury informed him that there were limited trucks available currently & waiting until November of 2023 will not insure the Town a truck delivery for 2025. Need to do a Letter of Intent now to get on their list for a truck for 2025. **Motion made by** Councilman Howard Law, seconded by Councilwoman Laura Dunham, giving approval for Sup't. Travis Keys to send a Letter of Intent to Delury's to get on the list for ordering a truck for 2025; passed unanimously 5-0. Travis has also found three (3) used salt brine tanks: one in Ravena-a 5,000 gal. tank for \$2,000 and two in PA-one is a 1200 gal. tank for \$1,000 & the other is a 1600 gal. tank for \$1,400. **Motion made by** Councilman Howard Law, seconded by Councilwoman Laura Dunham, instructing Sup't. Keys to check out the tanks in Ravena & PA, bringing a check w/him in case he decides to purchase any of the tanks; passed unanimously 5-0.

Almost finished on Juniper Swamp hill project; still need to finish Steele Rd. end in preparation for paving this fall. Hope to get tubes in on Smith Rd. & get it shimmed so that will also be ready for paving next year. Mowing tractor is back in service as of 07/10/2023; need to think about purchasing a new one for 2024 or 2025 at the latest as we are spending too much money repairing current one. Will also be putting the Western Star back in service as the bids were not where Travis thought they would be. Beginning to work on 2024 budget items, getting pricing on a tractor.

Day by day report for the month of June, 2023 & Travis's short report will be filed.

Water- Eric emailed report to everyone. Still 319 meters in service, w/no new water hook-ups for month of June. Did one permanent disconnect for 21 Archibald St. Still looking into a more cost-effective way to read meters & fix the "no or miss" reads. Looking into cell units to fix some of the "no or miss" reads. Regular upkeep/maintenance performed; eye wash & fire extinguisher checks done; had a few dig safe mark-outs; monthly water sample met the bacteriological requirements for a public water supply as set forth in Subpart 5-1.5 of the State Sanitary Code under Public Health Law 225. Replaced old chlorine meter that was almost five years old. Well #1 will need cleaning this year & hope is to be able to get this done in August or Sep't. Did big round of water testing; report will be filed.

Review Union Contract-Councilman Law talked to the Union rep & Eric regarding update of the Union Contract, which is a three-year Contract.

Salem Volunteer Fire Dep't., Inc.- 12 calls for month of June: 6-Salem (2-alarm activation; 1-MVA; 1-good intent; 1-grass & brush; 1-EMS lift assist). 6 Mutual Aid Calls: (1-Cambridge-barn fire; 1-Rupert-MVA; 1-Cossayuna-structure fire; 1-Greenwich-structure fire; 1-Hebron-MVA; 1-Shushan-stand-by)

Training-Station maintenance; driver training & pump training

OSHA Mandates-Gear Inspections

Total hours for year-3,757

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Report will be filed.

Dog Control Report-Someone called about a missing husky from 167 East Broadway; phone contact only & dog was found. Issue on Chamberlain Mills Road--this is Town of Hebron & not Salem. Report will be filed

Georgi-Jeanne Smith e-mailed report. Had an inquiry from a family in Cambridge regarding planting of a memorial tree in memory of Nola; what are the protocols for the Georgi regarding memorials/plantings, etc.

Alternative Sentencing client not doing community service work due to the weather.

Wedding-July 15th wedding moved up to the parking lot due to flooding of the grounds; stopped raining but really wet. Parking was available at the Shushan churches & was also allowed at the playground. No damage was done to the grounds. Family needed more power from the pole outlets, but they were not working. Dan Smith helped w/the issue. Side x sides continue to drive on the grounds; signs have been put up to stay off the grounds.

Assistant Attorney General Cassie Walker's Visit-to the Georgi on Thursday, 07/13/2023 w/Supervisor Clary, Councilwoman Levey & Harold 'Butch' Gilchrest. Had a wonderful tour & she understands the issues w/funding & hopes get us some answers to our questions. Attorney General Letitia James scheduled visit on August 1, 2023, to tour the Museum & check out the grounds has been cancelled. Hope to reschedule for September.

July 22 & July 29, 2023-Comm. Room rental & Park & Comm. Room rental

August 3, 2023-Washington County Band will perform (Andy Erbe will need to get the tent down on Friday morning as the grounds are rented for Saturday.

August 5, 2023-Park & Comm. Room rental

August 12, 2023-Comm. Room rental

Any chance the security deposits can be a pre-pay back to the renters instead of waiting for a Town Board meeting? **Motion made by** Councilwoman Laura Dunham, seconded by Councilwoman Brenda Levey, to add the security deposit return for Georgi rentals as a pre-pay; passed unanimously 5-0.

Report will be filed.

Procedure for Accepting Donations of Live Plant Material at the Georgi Park-Councilwoman Dunham emailed the original policy to all Board members, along w/an updated/amended policy she is submitting for approval.

Motion made by Councilman Howard Law, seconded by Councilman Tom McMorris, approving the new procedures for accepting donations of live plant material at the Georgi Park; passed unanimously 5-0. Copy will be included w/the minutes.

Trust Distribution-Quarterly distribution was rec'd. from the Trust.

Historian's Report-Judy Flagg emailed report from the HPC meeting on July 17, 2023, to all Board members.

Ed Donoghue presented an application for a Certificate of Appropriateness for replacement of three windows in the Bancroft Library lobby, along w/the installation of two electric outlets on the outside of the bldg. The windows will look the same but will have low E glass; the Library is applying for a grant for this work. Correspondence was rec'd. from Julie Adams, Sup't. of Salem School, & from Bill Krattinger & Linda Mackey with SHPO regarding the school's plans to enclose the arches & make changes to other entries of the school. The materials list is not finalized & probably won't be until late fall-early winter, so HSPC & SHPO will not be making any decisions at this time. The prior material list presented at the last meeting for enclosing the archways included metal, vinyl & frosted glass, all of which are not compatible with the existing & original brick facade. Meeting adjourned @ 4:45 pm. **Next meeting** will be 09/18/2023. Report will be filed.

Parks & Recreation-Councilwoman Dunham reported that the family of Howard & Ruby Chapman would like to purchase & have a plaque placed on the bench that sits under the bulletin board by the Library. Howard & Ruby were long-time residents of the former Village & could always be seen sitting on that bench when it

was on the corner in front of the Library, visiting w/everyone that passed & sending a wave to those going by in their vehicles. **Motion made by** Councilwoman Brenda Levey, seconded by Councilman Tom

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McMorris, giving permission to the Chapman family to pay for & have a plaque installed on the 'Chapman Bench'; passed unanimously 5-0.

Courthouse-Herb Perkins that set-up for Al Fresco was continuing on the Courthouse grounds for the event being held on Saturday, 07/22/2023. Herb handed out a 'List of Accomplishments' sheet for 2022. Story Court was new, as well as Trunks & Treats, a Halloween event run by the parents. Treats were offered from trunks of people's vehicles, most in costume. It was also great having Hudson Headwaters in the parking lot for two days/week. Glens Falls Nat'l. Bank sponsored the fraud workshop, as well as the Washington County Bank performance. Cooking classes were held by Rebecca Breese & the Washington County Fair. This year the July 4th parade was hosted by the Courthouse, as well as a very well attended carnival afterwards, all put together by Krista Sullivan. Herb commented on the Adirondack Rural Revitalization Grant application that the Courthouse is applying for, w/a 20% match from the T/O/S, or \$20,000 to be included in the 2024 Budget if the grant is approved.

Insurance Certificates for Battenkill Kitchen-Clerk to Supervisor Chambers reminded Herb that she still needs insurance certificates insuring the T/O/S for \$2 million from the renters of the Battenkill Kitchen who make money selling product from use of the kitchen.

Planning Board-Two Site Plan Applications have been turned in, one for solar & one for a garage.

Economic Development-NYS may put a moratorium on County tax sales for one year. Waiting to hear when & if the Governor has signed the bill; it has passed both houses of the NYS Legislature.

Bancroft Library-Rebecca reported that the new lighting has been installed & the new carpet tiles are down.

Attorney Klingebiel addressed the Board-Sewer Concerns-Dave sent an email to everyone regarding the resolution to adopt the MPR (Map Plan Report) for the proposed sewer district & scheduling a public hearing on the same. He felt he did not have all the information to draft such a resolution in time for the meeting. Information missing, required by law for the resolution:

- 1-Was the MPR provided by Delaware Engineering? If so, when? Has the Board had time to review it?
- 2-Was the MPR filed w/the Town and if so, when?
- 3-When was the resolution authorizing the preparation of the MPR?
- 4-Was there a SEQR determination when that resolution was passed?
- 5-What are the boundaries of the sewer district?
- 6-What are the proposed improvements?
- 7-What is the maximum projected cost of the improvements?
- 8-What are the estimated connection/hook-up costs per property owner?
- 9-What is the cost of the district per property owner on an annual basis?
- 10-What is the proposed financing: how much, how long?

Establishing a sewer district is a complicated process & one that cannot be rushed. Article 12-A of NY Town Law outlines the steps that must be followed exactly, or the entire project could be set aside as invalid. He also explained that a Permissive Referendum would need to be adopted, which would sit for 45 days; then it would get filed w/the Town Clerk. If a vote is required to be held, only those **taxpayers** who comprise the sewer district would vote. Need to appropriate a certain amount of money for the *MPR, which was already done (\$10,000 paid to Delaware that was a donation & grant was approved for \$30,000 but money has not been rec'd. yet). A resolution is needed for a Professional Services Agreement, w/Delaware, to finalize the MPR in the amount of \$55,500.00. Much discussion followed between the Board & Dave & the following was decided:

Motion made by Councilman Howard Law, seconded by Councilwoman Brenda Levey, to have the Town Attorney, David Klingebiel, draft a proposed resolution for the Professional Services Agreement to finalize the MPR in the amount of \$55,500.00 for the August 16th, 2023, Board meeting; passed unanimously 5-0.

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Georgi concerns/questions for Dave-Funding seems to be a major issue w/the Georgi. A 501(c)(3) needs to be created. All the funds could be turned to a separate entity to run the Georgi or the Town could still maintain control of the funds but something like 'Friends of the Georgi' could be created to raise money, hold events, etc., all working together for the betterment of the Georgi. Councilwoman Dunham also asked Attorney Klingebiel why the Trust couldn't provide more principal to the Town as the Will clearly states in Article IV "to my Trustee names herein, in trust, to hold, invest, administer, and apply or use the principal or the proceeds thereof, for the maintenance, repair, management, administration, continuation, preservation, protection, improvement or betterment of the Museum". Dave said he would be happy to contact the Trust person to ask about more principal. **Motion made by** Councilman Howard Law, seconded by Councilwoman Brenda Levey, giving approval for Town Attorney, David Klingebiel, to contact the Trust to see if the Town could receive more principal and how much; passed unanimously 5-0.

Motion also made by Councilwoman Laura Dunham, seconded by Councilman Tom McMorris, giving approval for Supervisor Evera Sue Clary to continue with whatever paperwork is necessary to reinstate the Provisional Charter; passed unanimously 5-0.

Courthouse BAN Interest paid to HSCPA-Clerk to Supervisor Kathy Chambers asked Attorney Klingebiel about the payment of the BAN interest to the HSCPA. The Town paid more in interest than what was earned, so the Town was asking HSCPA to pay back the difference. The Town could put the interest earned from the BAN toward the upkeep of the building but should not have paid any of the interest to the HSCPA; hence, the HSCPA will have to return the interest money back to the Town. Kathy will take care of this issue.

ARPA Funds-Still need clarification on the remaining ARPA funds & if any can be used for the Georgi. Barbara Corrigan, from the NYS Comptroller's Office, seemed to indicate back in July of 2022, that question 1.8 on the Dep't. of the Treasury's website addressed the nonprofit or private organization issue regarding these funds. It would seem per the rule of the U.S. Treasury Dep't. that the Town could give money to a private entity that had experienced loss of revenue as a result of the pandemic & said entity would be considered a 'beneficiary'. Attorney Klingebiel concurred w/this ruling back in July of 2022, but no funds were expended at that time. It seems that now this might not be the case, but clarification on this matter needs to come from Attorney Klingebiel.

SUPERVISOR'S REPORT-Supervisor Clary touched on the Resolution from the T/O/S to the Washington County Board of Supervisors probably back in 2019 regarding the removal of the Archibald Street Bridge to help mitigate flooding. Need to see if work can be done in White Creek to remove debris, etc., working w/DEC to obtain a permit for the same. County is looking for funds to mitigate our flooding problem.

Stephanie Cronin-Washington County Clerk-was introduced by Supervisor Clary. Stephanie announced that Washington County rec'd. the Records Management grant applied for in the amount of \$145,000 for several Towns, Villages, Police Dep't., etc., as well as for some of the County offices. Files will be retrieved from the Town Office, taken to the County to be scanned (records will be stored in a vault in Wash. Co.), & will be available in the Cloud through Wash. Co. Someone will be contacting us shortly to come pick up the records.

NEW BUSINESS

ARPA Funding-Supervisor Clary suggested that the remaining ARPA funds or at least the larger majority of the funds could be used toward the \$55,500 cost of the Professional Services Agreement as one of the major

uses of the money in the beginning was for infrastructure, like sewer or water projects. Councilwoman Levey objected, saying that no money had been allocated for the Georgi & she wants some of those remaining funds to go toward much needed project(s) there. Lots of discussion of the use of the remaining funds, w/no definite decisions being made until Resolution is presented from Attorney Klingebiel.

Camden Valley Bridge-has been red-flagged (just past Bob Thomas' residence) so work will begin in the near future.

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Minutes

2024 Budget Department requests-need to be given to all department heads for them to work on what they want in the 2024 Budget; Kathy will get those out.

Resolution #52 – Motion by, Councilman Howard Law, seconded by Councilwoman Laura Dunham, to increase machinery with insurance proceeds, passed unanimously 5-0

DA510 Estimated Revenues \$3,319.69

DA2850 Insurance Proceeds

DA960 Appropriations \$3,319.69

DA5130.4 Machinery

Resolution #53 – Motion made by Councilman Howard Law, seconded by Councilman Tom McMorris, to take funds from Deferred Revenue (payloader sale) to offset cost of truck, passed unanimously 5-0.

DA691 Deferred Revenues \$66,468.50

DA960 Appropriations \$66,468.50

DA5130.2 Machinery

Resolution #54 – Motion made by Councilwoman Brenda Levey, seconded by Councilman Howard Law, to take funds from ARPA for LED lighting, passed unanimously 5-0.

SL510 Estimated Revenues \$2,790.42

SL4089 ARPA

SL960 Appropriations \$2,790.42

SL5182.4 Lighting District

Resolution #55 – Motion made by Councilman Howard Law, seconded by Councilman Tom McMorris, to take funds from ARPA for LED lighting, passed unanimously 5-0.

SLD510 Estimated Revenues \$9,447.46

SLD4089 ARPA

SLD960 Appropriations \$9,447.46

SLD5182.4 Lighting District

Resolution – #56 – Motion by Councilwoman Laura Dunham, seconded by Councilman Howard Law, to take the funds from HSCPA to pay the BAN payment, unanimously passed 5-0.

A510	Estimated Revenues	\$73,000.00
	A2650 Misc	
A960	Appropriations	\$73,000
	A1620.4 Office	

Resolution - #57 – Motion made by Councilwoman Brenda Levey, seconded by Councilwoman Laura Dunham, to take ARPA funds and pay for the key on h'way fuel tank for Salem Volunteer Fire Dept, passed unanimously.

A510	Estimated Revenues	\$348.17
	A688 ARPA	
A960	Appropriations	\$348.17
	A1620.4-Office ARPA	

NYMIR Insurance Renewal-Melissa Davidson, from Northern Insuring, cannot make a meeting on a Wednesday. Supervisor Clary will try for Monday, 07/31/2023 or Monday, 08/07/2023 @ 6 p.m. @ the Georgi Community Room.

FYI-Kathy Chambers has been in contact w/Capital Financial regarding Health Insurance; hope to hear soon.

Board of Assessment Review-Possibility of having five members instead of the current three. Chairman of the Board of Assessment Review, Tauno Wirkki, was present & said three work really well & can come to a consensus. He felt that five would be too many & nothing would get done so for now, three is the magic number! Thanks, Tauno, for your input.

Union Contract Renewal-Councilman Law has already been in contact w/the Union rep & Eric Rogers.

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JUDGE'S CHAMBERS-There was no phone or fax in the judge's chambers for DA night (& for days before that night). Joe Wever went in & fixed the situation for that night, but he has no insurance. Joe requested that he become a part-time employee in an emergency to deal w/whatever issues might arise regarding computer and/or phone issues @ \$75.00/hour. **Moton made by** Councilman Howard Law, seconded by Councilman Tom McMorris, to approve Joseph Wever as a part-time employee of the Town of Salem @ \$75.00/hour; passed unanimously 5-0.

OLD BUSINESS

Climate Smart Community-Yvette Bordeaux was not present at the meeting, but Clerk Gilchrist though a resolution had to be passed by the Town Board agreeing to becoming a Climate Smart Community, w/the ten (10) points being included in the resolution per NYS. Councilman Law will ask Yvette to check this out.

CORRESPONDENCE-None

PUBLIC COMMENT-None

Motion to Adjourn-**Motion made by** Councilwoman Laura Dunham, seconded by Councilman Howard Law, to adjourn the regular monthly meeting of the Salem Town Board; passed unanimously 5-0; meeting adjourned @ 8:47 pm.

Next Regular Monthly Meeting will be held on Wednesday, August 16, 2023, @ Proudfit Hall; 181 Main St.; Salem, NY, beginning @ 5:00 pm for review of Warrants #8 & Highway Abstract #8 for payment. The regular business meeting will be called to order @ 6:00 pm.

Respectfully Submitted,

Patricia A. Gilchrist-Town Clerk
Town of Salem

*Change MPR to PER; Supervisor Clary requested that this be changed to be correct; done by a motion from Councilman Howard Law, seconded by Councilman Tom McMorris, @ the August 16, 2023 monthly meeting of the Salem Town Board; passed unanimously 5-0.

