

**OFFICIAL MINUTES OF THE BOARD OF TRUSTEES  
FOR THE VILLAGE OF BATH  
PUBLIC HEARING AND  
REGULAR MEETING  
January 17, 2012**

This meeting of the Board of Trustees of the Village of Bath was held on the 17<sup>th</sup> day of January 2012 at the Village of Bath, Village Hall, located at 110 Liberty St., Bath, NY 14810. This meeting was called to order by Mayor Donna Simonson at 5:30 p.m.

**Present:**

Mayor:	Donna Simonson	Code Officer:	Ralph Senese
Deputy Mayor/Trustee:	Jeanne Glass	Police Chief:	David Rouse
Trustee:	John Stranges	Fire Chief:	Mark Conrad
Trustee:	Mark Bardeen	Dog Control:	Carl Tuttle
Trustee:	William von Hagn	Clerk/Treasurer:	Winona Flynn
Utility Commission:	Harold Rodbourn		

**Public Hearing: Local Law #1 – Twelve Month Moratorium:**

Motion made by Trustee Bardeen, seconded by Trustee Glass to open the Public Hearing on Local Law #1 of the year 2012 imposing a twelve month moratorium on the siting and approval of boarding homes within the Village of Bath. All present were in favor and the motion was carried. George Zemak expressed his displeasure with the proposed moratorium.

Motion made by Trustee Stranges, seconded by Trustee Bardeen to close the Public Hearing and open the regular meeting. All present were in favor and the motion was carried.

**Regular Meeting:**

**Visitors:**

**Mark Schlecter – Fracking:**

A presentation was made by Mark Schlecter proposing the Village of Bath not accept wastewater from hydrofracking operations. This will remain an open topic for the February 21, 2012 meeting. The Board would like Street Superintendent Muller to form a committee to work with the Planning Board to write a Road Use Agreement.

**Patrick Monaghan Recognition/Appointment of Maureen Fisher – Housing Authority:**

Mayor Simonson acknowledged the Village's appreciation for Patrick Monahan's service to the Village. He will be missed.

Motion made by Trustee von Hagn, seconded by Trustee Glass to appoint Mr. Monahan's daughter, Maureen Fisher to fulfill his term on the Housing Authority Board. All present were in favor and the motion was carried.

**Bobbi Gunn – Cancer Services Program:**

The Village Board agreed to allow the Steuben County Cancer Services Program to hang a banner on the clock in Pulteney Park between March 2, 2012 and March 30, 2012.

**Audit of Bills:**

Motion made by Trustee Stranges, seconded by Trustee Glass to pay Village bills in the amount of \$87,653.56. All present were in favor and the motion was carried.

Motion made by Trustee Stranges, seconded by Trustee Glass to pay BEGWS Electric Fund bills in the amount of \$66,932.03 and Electric Upgrade bills in the amount of \$999.11. All present were in favor and the motion was carried.

**Department Head Reports:**

**Streets – Lackawanna Ave. Parking:**

**WHEREAS**, it is necessary to modify the no parking regulations on Lackawanna Avenue ;

Now upon motion made by Trustee von Hagn and duly seconded by Trustee Glass, all Trustees and Mayor voting in favor, it is

**RESOLVED**, that Schedule IX of Section 112-49 of the Bath Village Code is modified by the addition of the following:

**No parking on shall be allowed on the west side of Lackawanna Ave from West Morris St. to the end nor on the east side of Lackawanna Ave from appoint beginning 320 feet south of East Morris St. to a point 75 feet south thereof.**

**Dave Rouse, Police Chief – Telephone Vendor Meeting and IT Meeting Scheduled:**

There is a meeting scheduled with a potential telephone system vendor, Paetec for February 7, 2012 at 4:30 p.m. at BEGWS.

There is a meeting scheduled for February 21, 2012 at 3:30 p.m. in the Board Room for Information Technology. Ken Peasley from Steuben County will be there.

**Ralph Senese, Code Enforcement Officer – 204 E. Washington St. House Demolition:**

Motion made by Trustee Bardeen, seconded by Trustee von Hagn authorizing CEO Senese to get a survey from a practical builder verifying the fire damaged house at 204 E. Washington St. is unsafe and needs to be removed. All present were in favor and the motion was carried.

**Mark Conrad, Fire Chief – Letter to Dept. of Health re: Emergency Medical Care:**

Motion made by Trustee von Hagn, seconded by Trustee Bardeen authorizing Mayor Simonson to sign a letter notifying the NYS Department of Health that the Village of Bath has granted the authority to the Bath Volunteer Fire Department to provide emergency medical care to the Village and Town of Bath. All present were in favor and the motion was carried.

**Carl Tuttle, Dog Control – High View Kennels Agreement:**

Motion made by Trustee Bardeen, seconded by Trustee Stranges authorizing Mayor Simonson to sign the agreement with High View Kennels to provide for dog shelter service from January 1, 2012 through December 31, 2012. All present were in favor and the motion was carried.

**Committee Reports:**

**Trustee Stranges – Economic Development Meeting:**

There will be an Economic Development Meeting on March 7, 2012 at 6:00 p.m. at St. Thomas' Episcopal Church.

**Old Business:**

**Peter J. Smith Contract – Mayor's Signature:**

Motion made by Trustee von Hagn, seconded by Trustee Bardeen granting Mayor Simonson permission to sign the agreement with Peter J. Smith and Company, Inc. for professional services for \$5,184.00. All present were in favor and the motion was carried.

**BEGWS – Utility Commission – Expiration Date Change Resolution:**

**WHEREAS**, the Board of Trustees has recently reconstituted the Utility Commission;

**WHEREAS**, the Board of Trustees desires to amend the Bath Village Code with respect to the Utility Commission.

Now upon motion made by Trustee von Hagn and duly seconded by Trustee Bardeen, all Trustees and Mayor voting in favor, it is

**RESOLVED**, that section 28-1 of the Bath Village Code is amended by replacing reference to February 1 with December 1.

**New Business:**

**Budget Transfers:**

Motion made by Trustee von Hagn, seconded by Trustee Bardeen allowing the following budget transfers:

<u>Account ID</u>	<u>Description</u>	<u>Amount</u>	
A1990.4	Contingent Account	Decrease	\$7,500.00
A1990.4	Contingent Account	Decrease	\$28,000.00
A1320.4	Auditing	Increase	\$7,500.00
A8510.4	Community Development	Increase	\$28,000.00

All present were in favor and the motion was carried.

**Property Tax Cap Override Law Public Hearing Date:**

Motion made by Trustee von Hagn, seconded by Trustee Bardeen setting the date for the Public Hearing on the property tax cap override law for February 21, 2012 at 5:30 p.m. All present were in favor and the motion was carried.

**Election Resolution – Village Justice:**

Whereas, the election law for the state of New York, article 15-104, Sub. 3, provides for the conduct of village election, it is herefore in compliance therewith, at a regular meeting of the Board of Trustees of the Village of Bath held on the 17<sup>th</sup> day of January, 2012, moved by Trustee von Hagn, seconded by Trustee Stranges, all Trustees and Mayor voting in favor, resolved that the annual Village election will be held on the 20<sup>th</sup> day of March, 2012 with the following particulars:

The Village of Bath, New York, constitutes one election district, and the polling place of such district is the Municipal Building, Liberty Street, Bath, New York. The hours during which the polls shall be open for voting shall be from 12:00 noon until 9:00 p.m.

Notice is hereby given that the vacancies and their terms of office are as follows:

Village Justice – Four (4) years – April 2, 2012 – April 1, 2016.

**Election Inspectors Resolution:**

Whereas, the Board of Trustees of the Village of Bath pursuant to section 15-116, sub.1, of the election law must appoint inspectors of the General Village Election. Now therefore, moved by Trustee Stranges, seconded by Trustee Glass, all Trustees and Mayor voting in favor, resolved, that the Board of Trustees hereby appoints the following as inspectors for the General Village Election on March 20, 2012:

**Democratic Election Inspectors:**

Cynthia Dimmick, 3 Fairview Drive, Bath, NY 14810

Mary Langendorfer, 10 Allen Street, Bath, NY 14810

Bonnie Parmelee, 7219 Apple Street, Bath, NY 14810

**Republican Election Inspectors:**

Barbara Beekman, 5 East Washington Street, Bath, NY 14810

Florence Mulcahy, 3 Wilson Avenue, Bath, NY 14810

Helen Robinson, 8143 Pleasant Valley Road, Bath, NY 14810.

**Town of Bath Building Lease Agreement – Mayor Signature:**

Motion made by Trustee von Hagn, seconded by Trustee Bardeen authorizing Mayor Simonson to sign the Building Lease Agreement with the Town of Bath for the calendar year 2012 for \$23,000.00. All present were in favor and the motion was carried.

**Town of Bath Fire Contract – Mayor Signature:**

Motion made by Trustee von Hagn, seconded by Trustee Stranges authorizing Mayor Simonson to sign the Fire Contract with the Town of Bath and the Bath Volunteer Fire Department for calendar year 2012 for \$224,599.19. All present were in favor and the motion was carried.

**Local Law #1 – Twelve Month Moratorium:**

Motion made by Trustee von Hagn, seconded by Trustee Bardeen, enacting Local Law 1 of the year 2012 imposing a twelve month moratorium on the siting and approval of boarding homes within the Village of Bath. All present were in favor and the motion was carried.

LOCAL LAW NUMBERED 1 OF THE YEAR 2012:

### Section 1 Title

This Local Law shall be referred to as a local law establishing a twelve (12) month moratorium with respect to siting and approval of boarding and dwelling homes within the Village of Bath.

### Section 2 Purpose and Intent

Pursuant to the statutory powers vested in the Village of Bath (the "VILLAGE") to regulate and control land use and to safeguard and to protect the health, safety and welfare of its residents, the Village Board of the Village hereby declares a twelve (12) month moratorium on the siting, establishment, placement, construction, enlargement and erection of boarding and/or dwelling homes within the Village.

The integration of these homes within the Village's existing pattern of predominantly residential land use, historical preservation, and tourism traffic emphasizes the need for suitable, adequate, and appropriate project siting, land use and zoning standards and controls.

The Village Board desires to address, in a careful manner, the siting, establishment, placement, construction, enlargement and erection of boarding and/or dwelling homes on a comprehensive Village-wide basis, rather than on an ad hoc basis, and to adopt land use and other local law provisions to specifically regulate the same.

### Section 3 Scope of Controls

#### A. During the effective period of this local law:

1. The Village Board of the Village shall not grant any approvals that would have as the result the siting, establishment, placement, construction, enlargement or erection of boarding and/or dwelling homes within the Village.
2. The Village Planning Board shall not grant any preliminary or final approval to a subdivision site plan, special use permit or other permit that would have as the result the siting, establishment, placement, of a boarding and/or dwelling home within the Village.
3. The Village Zoning Board of Appeals shall not grant any variance or other permit for any use that would result in the siting, establishment, placement, construction, enlargement or erection of a boarding and/or dwelling home within the Village.
4. The Building Inspector/Code Enforcement Officer of the Village shall not issue any permit that would result in the siting, establishment, placement, construction, enlargement or erection of a boarding and/or dwelling home within the Village.

B. The Village Board of the Village reserves the right to direct the Village Building Inspector/Code Enforcement Officer to revoke or rescind any building permits or certificates of occupancy issued in violation of this local law.

### Section 4 No Consideration of New Applications

No applications for construction affected by this local law or for approvals for a site plan, subdivision, variance, special use permit or other permits shall be considered by any board officer or agency of the Village while the moratorium imposed by this Local Law is in effect.

### Section 5 Term

The moratorium imposed by this local law shall be in effect for a period of twelve (12) months from the effective date of this local law unless extended by another local law adopted pursuant to the provisions of the Municipal Home Rule Law.

### Section 6 Penalties

Any person, firm or corporation that shall site, establish, place, construct, enlarge or erect any boarding home or dwelling home in violation of the provisions of this local law or shall otherwise violate any of the provisions of this local law shall be subject to:

A. Such penalties as may otherwise be provided by applicable local laws, ordinances, rules, regulations of the Town for violations; and

B. Injunctive relief in favor of the Village to cease any and all such actions which conflict with this local law and, if necessary, to remove any construction that may have taken place in violation of this local law.

### Section 7 Validity

The invalidity of any provision of this local law shall not affect the validity of any other provision of this local law that can be given effect without such invalid provision.

### Section 8 Hardship

A. Should any owner of property affected by this local law suffer an unnecessary hardship in carrying out the strict letter of this local law, then the owner of said property may apply to the Village Board of the Village in writing for a variation from strict compliance with this local law upon submission of proof of such unnecessary hardship. For the purposes of this local law, unnecessary hardship shall not be the mere delay in being permitted to make an application or waiting for a decision on the application for a variance, special permit, site plan, subdivision, or other permit during the period of the moratorium imposed by this local law.

B. Procedure. Upon submission of a written application to the Village Clerk by a property owner seeking a variation of this local law, the Village Board shall, within thirty (30) days of receipt of said application, schedule a public hearing on said application upon five (5) days' written notice in the official newspaper of the Village. At said public hearing, the property owner and any other parties wishing to present evidence with regard to the application shall have an opportunity to be heard, and the Village Board shall, within fifteen (15) days of the close of said public hearing, render its decision either granting or denying the application for a variation from the strict requirements of this local law. If the Village Board determines that a property owner will suffer an unnecessary hardship if this local law is strictly applied to a particular property, then the Village Board may vary the application to this local law to the minimum extent necessary to provide the property owner relief from strict compliance with this local law.

C. The Village Board shall have the power to impose reasonable conditions upon granting a variance from the provisions of this local law to ensure the legislative intent of the Village Board is

maintained.

Section 9 Effective Date

This local law shall take effect immediately.

**Adjourn Regular Meeting/Executive Session:**

Motion made by Trustee von Hagn, seconded by Trustee Glass to adjourn the regular meeting of the Board of Trustees of the Village of Bath at 7:35 p.m. to go into executive session for personnel reasons. All present were in favor and the motion was carried. Police Chief Rouse and Fire Chief Mark Conrad were invited into executive session. Fire Chief Conrad left at 7:40 p.m. and Police Chief Rouse left at 8:25 p.m.

**Return to Regular Session:**

Motion made by Trustee von Hagn, seconded by Trustee Bardeen to return to regular session at 8:35 p.m. All present were in favor and the motion was carried.

**Attorney Corcoran Retainment:**

Motion made by Trustee von Hagn, seconded by Trustee Bardeen authorizing Chief Rouse to retain the services of Attorney John Corcoran to represent the Village in a personnel matter. All present were in favor and the motion was carried.

**Back-up Drive Purchase:**

Motion made by Trustee von Hagn, seconded by Trustee Bardeen authorizing Clerk Flynn to purchase two back-up hard drives for under \$500.00. All present were in favor and the motion was carried.

**Adjournment:**

Motion made by Trustee von Hagn, seconded by Trustee Bardeen to adjourn the regular meeting at 8:40 p.m. All present were in favor and the motion was carried.

Respectfully submitted by:

Winona B. Flynn  
Clerk/Treasurer