

VILLAGE OF ALTAMONT
REGULAR BOARD MEETING

February 1, 2022

Mayor Kerry Dineen
Trustee Nicholas Fahrenkopf
Trustee Michelle Ganance
Trustee Tresa Matulewicz, Absent
Trustee John Scally

Patty Blackwood, Clerk
Catherine Hasbrouck, Treasurer
Jeffrey Moller, Supt. of Public Works, Excused
Paul Miller, Altamont Fire Chief
Jason Johnston, Altamont Police Chief
Allyson Phillips, Legal Counsel

General Public: 14

7:00 p.m.

Mayor Dineen called the meeting to order with the Pledge of Allegiance.

Paul Miller, Chief Altamont Fire Dept., submitted a Chief's report for January. Copy of report included with Official Minutes.

Mayor Dineen reported Department of Public Works has been working on snow removal, getting ready for a possible upcoming storm this week and working on maintenance of equipment. Mayor Dineen reminded the public that Department of Public Works comes through and snow blows the sidewalks after a storm but it's up to the residents to keep it clear of ice.

Jason Johnston, Altamont Police Chief, reported the Village has gotten approval from NYS DOT for flashing lights at the crosswalk on Grand Street and Main Street to assist the kids crossing there. Chief Johnston also welcomed potential hire Jason McCanney to the police department and stated Mr. McCanney will be a great addition to the department.

Mayor Dineen thanked Chief Johnston for all his work with getting the flashing lights at the crosswalk on Grand Street and Main Street. Chief Johnston also worked with a Village resident on this.

Trustee Scally made a motion seconded by Trustee Fahrenkopf to approve the Treasurer's report; Abstract #16 and #17 and transfer of funds as submitted.

Roll Call: All in favor

Public Comment:

John Polk, Bozenkill Rd, stated he is very much in favor of allowing Village residents to have chickens in their backyards. He's come from a town that had a higher density population than Altamont and chickens were allowed there. Mr. Polk submitted to the Board a letter and a petition to allow for chickens. Mr. Polk asked the Village Board to reconsider the issue and change the zoning law to allow for chickens.

Bianca, stated she has chickens and an egg stand and she is asking the Board to say yes to chickens in Altamont.

Harvey Vlahos, Main Street, inquired if there was any thought on reinstating the Zoom meetings. Trustee Fahrenkopf stated the Village Board discussed this and decided they

were comfortable meeting in person spread out in the community room. The Village doesn't have a good solution to do a hybrid meeting with in-person and remote so the Board had to pick one. Mayor Dineen stated the Village doesn't have streaming capability at this time. Mr. Vlahos inquired if the Village received any Covid relief money from the government and what's it going for? Catherine Hasbrouck, Treasurer, stated the Village received \$82,000 and will receive the other half next year. Mayor Dineen stated the money may be used for the sewer department which is an allowed area to use the funds.

Maurice McCormick, Main Street, stated he would support the chickens also.

Village Resident, stated an extra benefit of the chickens would be tick control.

Mayor Dineen stated there is a process about legislation and amendments to the Code. Mr. Polk has recently gone to the ZBA requesting a variance to be able to have chickens on his property. The law doesn't allow for that. Mr. Polk can't get the law changed through the ZBA. The request has to come to the Village Board. If someone from the community wants to request a change in zoning or legislation, there is an application and process that has to be followed which is explained in the Village Code section 355-53. Mayor Dineen asked Mr. Polk to meet with Gary Goss, Building Inspector, to discuss the process and fill out an application for requesting a zone change. The application would then go to the Village Board and they would then set a public hearing.

Public Hearing 7:17 p.m.

Allyson Phillips, Legal Counsel, opened the public hearing with reading of the Legal Notice to consider proposed Local Law No. 1 of 2022 to Abolish the Existing Planning Board and Zoning Board of Appeals and Create a New Zoning Board of Appeals for the Village of Altamont.

Mayor Dineen stated before I open up the mic for public comments on this, just to give a quick summary, because a lot of people that are here that haven't been here when we discussed this last month. This was an idea that came up a little while ago. Looking at some of the applications over the years and how it's gone back and forth. We're looking at ways to streamline the process. Financially it saves the Village money. It uses our members in a way that we're training them and they're retaining the training because they're meeting consistently, where some boards don't do that. We're training every single year but it's hard to put that into practice when the Board isn't meeting. It abolishes both Boards, true, but it uses most of the members. I've spoken to several Planning Board and Zoning Board of Appeals members and before that there was discussion with both Chairs of the Boards who were in favor of doing this for the reasons we've been discussing. There has been input and discussion from both Boards, their Chair people, a couple of members and the Village Board and this would be something we would like to talk to the public about. If you have questions or comments, come on up to the mic and let us know what those are.

Harvey Vlahos, Main Street, stated I think you should keep both Boards. I think they have complimentary functions and like the whole thing with Stewarts, for example, you have two different perspectives on what their jobs are. The thing about streamlining is we don't have a lot of projects.

Mayor Dineen stated the streamlining is for the applicants, not for us.

Harvey Vlahos, Main Street, said that's true, but at the same time, it's not that big of a deal that we've got tons and tons of projects all lined up and everybody's got to get them through. You need to take time and really consider what effect it has. I mean, this goes back to the intent of the Comprehensive Plan. The design to keep the Victorian flavor of the Village is really what's very important. As far as the Comp Plan goes, I would like to ask you, it's way past due when it should have been revised. I was wondering if you had any particular timetable of when you're going to do that, which is required. I'd like to see a revision that because that will help create an atmosphere and give a direction that is current because right now it's based on something that's fairly old. I got online and looked at an aerial shot of the Village and we have this reputation of being a Victorian village but if you look at it and if you take a mental trip down each of the side rows and so forth, we're only looking at about 35% of the Village is really Victorian. Going down Euclid Avenue, there are only one or two houses that are Victorian and the rest are contemporary. You go down to Lincoln, which is pretty good most of the way, but in the middle, on the right, the same thing, like going out on Route 156, there's a few up near the core, but then after that, everything is pretty contemporary. We're really kind of losing that feel. Take a look at the aerial view on Google Earth, I was going to draw a line, but I couldn't get it to work in time, but you'll see that it's really not that extensive. We can't afford to do something and put in place something that is going to kind of restrict keeping that flavor of the Village, which is kind of what makes us. The other thing is, what is the process for reducing it from ten to seven? When we talked earlier, when Maurice wasn't reappointed, the idea was that what I heard from the board is there are a lot of people that want to serve. You're taking ten positions and dropping it down to seven, so it doesn't seem like it reconciles. I would also like to see the process opened up more and by that, I mean that, if there's going to be an appointment, if someone leaves any of the Boards, Village Board, Planning Board, Zoning Board, Referral Committee, anything that will materially impact the Village, that should be put out there as a public announcement so that people can apply for these positions. I know three people, one has a master's in planning, another one works for a department in the State that actually does interface with villages for small projects that we often encounter. Another one was a Planning Board member in another small town. I'd like to see that process codified.

Mr. Vlahos handed out a suggested Village Code change to the Board regarding notification of openings on the Boards.

Mr. Vlahos, Main Street, stated I would like to see this suggestion be made part of the Village laws. It would increase the perception of transparency and openness so that all of these positions are open to anyone in the Village. We do have a lot of very qualified and experienced people that can really help in a lot of these decisions as zoning decisions, planning decisions, things like that. I really do think that the planning function is different than the zoning function.

Dean Whalen, Lincoln Avenue, stated I'm a technical person and I've lived this. I first want to acknowledge that I understand where this is coming from and the concerns that the Boards have had and this Board has had about staffing the two groups, but I have a concern and a question. The concern is, the intent of having those two Boards is a checks and balance just like any government agency, multiple divisions of any government. I'm concerned that there may be potential loss in trying to streamline this of differing opinions, the checks and balances within the Board and within two Boards. I just need the Village Board to consider that if you haven't already, as part of the discussions, about what I think is a potential loss of viewpoint. The question I have, which is kind of a

concern, is I think your timeframe may be a little bit tight to achieve this because unless it's already been put in place, I've only seen the law, not the changing of the ordinance, and they really can't sit in April if that ordinance isn't changed because they don't have a document that's current to work from. That ordinance currently has all sorts of paragraphs all through it, very specifically for the Zoning Board and the Planning Board. I'm not sure how you're going to meld that in a time frame, if you do decide to go forward with that.

Maurice McCormick, Main Street, stated these guys brought up some good points and I would support also to keep the two Boards. It seems like, I guess there's a few reasons for why you want to combine the two, one of the reasons is, you're not able to get people, I guess, to appoint to the Board, you got lack of volunteers or something like that.

Mayor Dineen stated no, we are looking at the function of the Boards. That was the main thing. The function of it, streamlining for applicants and financial savings for the Village. All those are the three main reasons what we've been talking about. We have members of those Boards. We have wonderful people on both, but we're looking at the function of it. Looking at how other municipalities, just a little bigger than us, still villages, have done this as well. It seems to work very well for them. Allyson actually works with another municipality where this is in place. It just seemed like if there are some areas for us that would both help the applicants that come forward, whether it's a business or a subdivision, whatever it is, and we can actually help them and it helps the Village. Training's a big part because, you took place in some of the training at the end, the last couple, we're in our fourth year of formal training for both Boards. I think it's great. We've had different people come in and train the Boards. One Board meets probably about eight times a year and they're using their training and I feel like another Board doesn't get that. It's harder for them when they do have something come in front of them because they were trained one day a year ago type of thing. I think this would help that because we would train them for both functions and they have to look at things differently. Still have to look at the zoning issues with the five questions and then planning has their own set of standards. That's how we are looking at it.

Maurice McCormick, Main Street, stated looking at the history of the Zoning Board and the Planning Board, how much different is it now than it's been in the last 10 years or whatever? As far as the number of applicants that have come forward, I understand the Stewarts was a big deal and they had to go back and forth quite a bit, but I mean, how many more projects are you going to have like that in the village? I know when I was on the Zoning Board there wasn't a lot of times where we had to send somebody back to the Planning Board. Everything seemed to get done at one time. The other question I had is, when you're looking for people to be on the Zoning Board and the Planning Board what is your procedure to get people?

Mayor Dineen stated same as it's always been, even when Harvey was here, basically, if there's a spot, I reach out to the trustees and ask them if they would like to spread the word and do they know anybody that would be interested in doing this. We have some people who have reached out to us. The last person who reached out to us was appointed, and it was somebody who had an interest, they ran for an election and I thought they'd be a great fit then because they really wanted to work with the Village. It's gone both ways. We've had people reach out and then when we have a spot open or I've asked our trustees to see if they know neighbors or friends that would be interested in working with the Village.

Maurice McCormick, Main Street, stated people have come up to me and I've told them if you're interested go over there. Like, Harvey's said, there's a lot of people in the Village that just aren't as connected with maybe some of the Board Members. Would the Village ever consider putting in an advertisement, like some of the nearby towns do, in the Altamont Enterprise? I think that would be a great way to recruit people and probably to end the problem of finding people. I think you would find that many more people that way.

Mayor Dineen stated yeah, I'm not shutting the door on that. I think that's something we can look at in the future. We haven't had an issue, as far as filling the spots.

Maurice McCormick, Main Street, stated I'm getting conflicting stories on that.

Mayor Dineen stated I'm just telling you where I'm coming from. Our Boards are full and they've been full.

Maurice McCormick, Main Street, asked if both Boards are full right now.

Mayor Dineen stated they don't have the alternates because we started talking about this and I did not want to appoint people that might not be part of this, if this was something that we were going to go forward with. We have left those positions open right now just because again, they would be appointed and then if we did move forward with this kind of a move, then they would lose that position. That seems silly for the time that they would be put in. Everything else has been full.

Maurice McCormick, Main Street, stated I think I've seen some of the hill towns put advertisements in the Enterprise in regards to looking for Board members, Zoning Board members, Planning Board members, stuff like that. But you would be open to do something like that, if need be.

Mayor Dineen stated, if need be, sure.

Maurice McCormick, Main Street, stated I support keeping the two Boards, I think at one point I think the Zoning Board handled a lot and was switched under Jim Gaughan's tenure.

Mayor Dineen stated Dean was involved with that. It switched with the Comprehensive Plan and the duties switched when the Zoning was updated.

Dean Whalen, Lincoln Avenue, stated that was specifically done at the time in 2007, or whenever it was, because the Planning Board was not meeting at all, if I remember correctly. So, the intent was to have the Planning Board more informed of some of the potential changes that were not necessarily ZBA items, but they weren't aware when something came before the Planning Board because they didn't realize that had been changed. So contrary to some municipalities is that was a bit of a flip to where the Planning Board took on, special use permits, but that kept them informed of some of the changes in the Village. So, when there was a planning issue, that was the intent, when there was a planning issue, they were already aware of some of the changes that they had made. Maybe not being aware that if the ZBA had made those changes. What's happened is the ZBA tends to not sit as much as they used to.

Mayor Dineen stated right, it literally has flip flopped. So, I almost feel like the

concerns back then are similar now, but on the opposite side. So, again, we were just, looking to, again, find a way to have this work for both applicants, the Village, and Board members. So, it was just an idea. Fiscally it does help us as well. Financially.

Maurice McCormick, Main Street, asked if the board has a number on the amount of money they would save on doing something like this.

Mayor Dineen stated no, not a concrete number.

Maurice McCormick, Main Street, stated that would be helpful. That's all I got. Thank you. I'm still in favor of the chickens.

Harvey Vlahos, Main Street, stated just a couple of quick follow-ups. I mean you've mentioned money. I'm assuming that you have some sort of an idea of what it is. I can't imagine it's very extensive in terms of what you're saying.

Mayor Dineen stated I don't have a number for you right now, Harvey.

Harvey Vlahos, Main Street, asked, why make a decision on something you don't have a number on? The second thing, as far as training goes, if you're going to be trained in ZBA issues, and then you're going to be trained in Planning Board issues. It's the same number of hours to whether you have one Board or two Boards.

Mayor Dineen stated they do the training together. They do a mass training together. Zoning and Planning. It's something we instituted about four years ago to make sure that we had both Boards comfortable with the kind of applications that they were going to be dealing with. And it has gone very well. In feedback from all of the members was that this has been one of the best moves we've made. The training is great and they do it together.

Mayor Dineen asked if anybody else wants to give us a comment or two. I'm seeing no movement right now. As far as the Board goes if we don't have anybody else, I'm just going to talk in public comment right now. I'm actually going to ask us to hold this over to next month. In the law, as it was available, there was one miscommunication with, we had it right and then changed it. The wrong piece got crossed off. It's actually what we were proposing was a five-member, seven-member Board, but two alternates, having someone always prepared to fill in. And if you're on a Planning Board, people could tell you, that definitely alternates do serve. They meet so much. There's generally somebody who can't make something, we have an alternate serve, they give input and things like that. Seven-member Board but five and two. We had the five on there. It got rephrased as seven. It was worded wrong.

Allyson Phillips, Legal Counsel, stated I think it was the miscommunication in drafting the local law that was introduced. In the existing law, the ZBA is a five-member Board with one alternate. The discussion was about increasing that to seven, but the intent was a five-member board with two alternates. But in the local law that I drafted, I changed the voting membership from five to seven. I think what Kerry is saying, you're proposing that would the Board consider, or if you want to make that change to essentially not do the amendment, increasing the voting membership of the ZBA to seven, keeping it at five, but instead of the one alternate that's in the existing law, we would change that to two alternates.

Mayor Dineen stated that was what we discussed at the last meeting. I didn't catch it on here until recently, and the only reason it's a problem and it's not a huge problem, it's a timing, you know, any law that we're considering has to be available for so many days prior to looking at that. So again, it would just be keeping it open for other comments as well, but that, so people can sit and look at that as well. So, I don't know how the Board feels about that.

Dean Whalen, Lincoln Avenue, stated I have to take issue with that. What's been represented in the document posting for the public hearing may have been an error, but when you started the conversation tonight, you talked about a seven-member board. And your intent was to have more people sitting on that Board voting. That's not what you're now talking about.

Mayor Dineen stated then my phrasing was off then, Dean. I didn't even realize I said it that way. It was not intentional.

Dean Whalen, Lincoln Avenue, stated that's a totally different thing.

Allyson Phillips, Legal Counsel, stated I'll just say I read the public hearing notice, which talks about a seven-member Board, which is what is in the local law that was introduced. I think what the Board is talking about now is making a revision to the introductory version of the local law that we would then keep the public hearing open, re-notice it for the public, give additional opportunity for people to comment with the clarification that it would be a five-member voting Board with two alternates.

Mayor Dineen stated that's what I've been reading. If my phrasing was reading, you know, it's from the law. I apologize. I was trying to make it clear. That was my issue with that. This was phrased not how we talked about it last month. That's what I'm asking the board. What do you want to do with that? Because I'm happy to hold that over, so we can have the clarification, the amendment to it so that it's sitting for everyone to see.

Trustee Scally and Trustee Ganance stated they were good with moving this to another month.

Mayor Dineen asked but, are you okay with five and two? Like we had talked about briefly last month, that was my introduction.

Trustee Scally stated that'll be five voting and two alternates.

Mayor Dineen stated right, like we have now, we have five voting.

Trustee Scally stated that's correct.

Trustee Fahrenkopf stated I guess I've never spent that much time thinking about the pros and cons of five versus seven-members. I guess I'm curious, what's wrong with the seven-member Board and two alternates versus a five-member? Does it complicate things like majority or supermajority or getting a quorum or are there drawbacks to a seven-member Board?

Allyson Phillips, Legal Counsel, stated it does change the quorum requirements. You need more people in attendance for a quorum with a seven-member Board than a five.

Trustee Fahrenkopf asked, is it by one person?

Allyson Phillips, Legal Counsel, yeah. It's four-members for quorum on a seven-member Board.

Trustee Fahrenkopf asked if that was the only drawback.

Allyson Phillips, Legal Counsel, stated also the terms would be seven-year staggered terms. It's a longer term than what you had in the existing law. The way we have it written up now, it would be seven voting members each to serve a term of seven years. The way it is in your existing law is five-members to serve a term for five years. So, you know, that's another difference.

Trustee Fahrenkopf stated seven years sounds like a sentence.

Mayor Dineen stated it's tricky. You have to have people that are really committed to the Village and doing that work. I wasn't trying to change the voting, the way we vote for these applications. I wasn't trying to increase it or decrease it either way. I just felt like the extra alternate is just helpful because we do this training. We have them trained. If somebody leaves the Board, you have somebody else also ready to move right into the alternate spot and the other alternate moves right into the Board spot.

Trustee Fahrenkopf stated sorry and my microphone wasn't on. I'll just summarize again. I was just trying to understand if there's a drawback to having seven-members versus five-members. I totally agree. Having more alternates is probably better. Just thinking out loud, that's all.

Mayor Dineen asked Michelle, are you good with five or would you like, or do you want to stay with seven? Would you be okay with the five? I'm happy you served on a Zoning Board. So, I'm going to go with some experience.

Trustee Ganance stated I was happy with the five. I do like the two alternates suggestion instead one.

Trustee Scally stated I said the five and the two alternates.

Mayor Dineen asked Nick, will you be okay if we make the amendment?

Trustee Fahrenkopf stated yeah, I'm the only one that hasn't served on one of those Boards.

Mayor Dineen stated you are the only one. John served as well on Planning Board.

Mayor Dineen stated at this time, I would like, if Allyson, you would be okay with revising the law accordingly.

Allyson Phillips, Legal Counsel, stated yes.

Mayor Dineen stated we will have that out. It'll be out and pushed out. Public hearing will stay open till next month as well. If you have other thoughts that come to you, then bring them to that meeting. Look at it once we have it up for you to see, we'll get that out as soon as we can online. We'll just table the rest until next month.

Trustee Scally stated it sounds good.

Trustee Fahrenkopf made a motion seconded by Trustee Ganance to approve awarding the General Construction Contract for the Altamont Fire Department Repairs Project to AJS Masonry, Inc., at the low bid cost of \$106,100; Accept bid Alternate #2, Canopy Replacement, at a cost of \$8,714; Accept all unit pricing for future consideration; and authorize Mayor Dineen to execute the necessary paperwork (e.g., Notice of Award, Notice to Proceed, Agreement, Change Orders, Certificate of Substantial Completion, checks for contractor payment, etc.) for contract initiation and completion of work, per recommendation of Delaware Engineering, D.P.C. **Roll Call: All in favor**

Trustee Fahrenkopf made a motion seconded by Trustee Scally to approve of applications from Lance Peck, Guilderland, and John-Russell Cochran, Altamont, for Firefighter memberships in the Altamont Fire Department, per request of Paul Miller, Chief.

Roll Call: All in favor

Trustee Ganance made a motion seconded by Trustee Scally to approve authorizing Mayor Dineen to sign RBC Wealth Management letter authorizing RBC Wealth Management to issue payment of \$12,694.89 to Mark J. Huggins, Altamont Fire Department member. Mr. Huggins is withdrawing the 2nd of 2 installments equal to his December 31, 2021 account balance and there is no Village budget impact.

Roll Call: All in favor

Trustee Scally made a motion seconded by Trustee Fahrenkopf to approve appointment of Jason McCanney, Latham, to part-time police officer, not to exceed 20 hours per week at a salary of \$15.00 per hour, per recommendation of Jason Johnston, Chief. Position is probationary for a period of up to one year. After successful completion of probation, salary will be increased to \$16.00 per hour. **Roll Call: All in favor**

Trustee Ganance made a motion seconded by Trustee Fahrenkopf to approve changing Budget Workshop dates to Thursday, February 24th; Thursday, March 3rd; and Thursday, March 24th (if needed) at 6:00 p.m. **Roll Call: All in favor**

Trustee Scally made a motion seconded by Trustee Ganance to approve of Board Minutes for January 4, 2022. **Roll Call: All in favor**

Trustee Fahrenkopf made a motion seconded by Trustee Ganance to adjourn at 7:49 p.m.
All in favor

Respectfully Submitted,

Patty Blackwood
Clerk