

A Regular Meeting of the Village of Potsdam Board of Trustees was held on Monday, July 20, 2020 at 4:30 P.M., in the Civic Center Board Room, Park Street, Potsdam, NY.

PRESENT: Deputy Mayor Warr  
Trustees McKenna & Jacobs-Wilke  
Mayor Tischler via Zoom video

ALSO PRESENT: Lori Queor, Clerk/Treasurer  
Jim Corbett, DPW Superintendent  
Greg Thompson, Administrator  
Lisa Newby, Code Officer  
Andy Silver, Village Attorney

Deputy Mayor Warr opened the meeting at 4:33 P.M and pointed out the exits on the North and East walls of the Board Room.

The Deputy Mayor then stated that all members were present except for Trustee Lee and that Mayor Tischler was participating via Zoom video conferencing.

The Deputy Mayor then stated that the following sets of minutes had been submitted for Board acceptance:

|               |                 |           |
|---------------|-----------------|-----------|
| June 15, 2020 | Public Hearing  | 4:15 p.m. |
| June 15, 2020 | Regular Meeting | 4:28 p.m. |
| June 29, 2020 | Public Hearing  | 4:30 p.m. |

Motion was made by Trustee McKenna and Seconded by Trustee Jacobs-Wilke to accept the minutes as submitted. All were in Favor – None Opposed – Motion Carried.

Deputy Mayor's comments: None at this time.

Trustee's Comments:

Trustee McKenna – None at this time.

Mayor Tischler – Will jump in if/when he can with comments.

Trustee Jacobs-Wilke – spoke regarding the Waddington Back the Blue parade. Shouldn't be a decisive issue, she supports our officers and them being at an event with a Potsdam Police vehicle concerns her especially because it was one political party and was not non-partisan. She stated that other concerns were that the event had permitting issues. Mrs. Jacobs-Wilke stated that the officers likely did not know of these issues and she had heard that this was a graduation parade for the law enforcement cadets graduating from the academy in Canton as they were not able to have a regular graduation. She further stated that she would like everyone in the community to feel loved and respected.

Trustee McKenna then stated that she spent most of yesterday on Facebook and she is exhausted and black people have been exhausted all their life. She apologized for the event personally and that she believes the Back the Blue parade was a response to the Black Lives Matters movement and she did not appreciate it. She then stated that she too wanted the community to feel loved and she is not ok with our police department's participation in the parade. She said she is appalled by the situation, she is not sure if people were deceived, and she will follow through to find out more information. She then asked if we have a list of questions to ask before we participate in an event so that we do our due diligence on what we should do.

Administrator's Comments: Administrator Thompson provided the board with a written report which is on file with the Village Clerk. He then went over his report with the Board.

Museum Director's Report: Director Mimi VanDeusen provided the board with a written report which is on file with the Village Clerk.

DPW Superintendent's Report: Superintendent Jim Corbett provided the board with a written report which is on file with the Village Clerk.

Public Comment:

Kelly Chezum from Clarkson University and Nicole Conant from SUNY Potsdam gave the board an update on the re-opening plans for the colleges due to the Covid 19 pandemic.

Matt Cooper from Barton & Loguidice gave the board an update on the Wastewater Treatment Plant upgrades project.

Jennifer Braxton then addressed the Board. She stated that they are not anti-police, they are anti-police brutality. She stated that there are some good honest law enforcement, that black lives exist and blue lives don't. She stated that the parade on Saturday was a slap in the face. She asked if the Black Lives Matter resolution that the board passed was public. She asked who authorized the Potsdam Police Department and the Potsdam Rescue Squad to participate in the Back the Blue event in Waddington.

Deputy Mayor Warr stated that we have no control over the Potsdam Rescue Squad as they are a volunteer organization. He stated that we are looking into the participation by the police department and that the police cruiser should not have left the village limits and he takes issue with that. He stated that the police should be protecting the people of the Village of Potsdam. He informed Ms. Braxton that once they look into it, someone will respond to her.

Rose Revezzi addressed the board asking for their input/permission to add a metal panel with some animal and plant cut outs on it between the sidewalk and the first bench at the Ives Park Play Space. She also asked for their input/permission to add some spring planting of perhaps currants and goose berries. She stated that she wanted the board to think about the additions and she will be in touch with Greg.

Deputy Mayor Warr thanked the Administrator for reaching out to our elected officials to try and get the 8% sales tax from on-line sales as opposed to the 4% we currently get. He stated that Greg reached out to all the elected officials in Albany and got zero response which is very disappointing.

New Business:

Trustee Jacobs-Wilke Moved and Trustee McKenna Seconded a resolution approving the partial expenditures for the month of July 2020 in the amount of \$117,368.34 chargeable to the following funds:

|                 |                      |
|-----------------|----------------------|
| General Fund    | \$ 67,756.24         |
| Water Fund      | 9,383.35             |
| Sewer Fund      | 13,037.76            |
| Hydro Fund      | 243.05               |
| Trash Fund      | 21,410.96            |
| Recreation Fund | <u>5,536.98</u>      |
| TOTAL           | <u>\$ 117,368.34</u> |

Ayes 4 (Mayor Tischler) Nays 0  
(Deputy Mayor Warr)  
(Trustee McKenna & Jacobs-Wilke)

Trustee Jacobs-Wilke Moved and Trustee McKenna Seconded a resolution approving the additional expenditures for the month of June 2020 in the amount of \$638,979.78 chargeable to the following funds:

|                     |                      |
|---------------------|----------------------|
| General Fund        | \$ 252,486.51        |
| Water Fund          | 89,543.21            |
| Sewer Fund          | 73,927.58            |
| Hydro Fund          | 23,860.66            |
| Trash Fund          | 63.35                |
| Trust & Agency Fund | 15,110.04            |
| Capital Fund        | 13,410.28            |
| Payroll Fund        | 128,408.21           |
| Recreation Fund     | <u>42,169.94</u>     |
| TOTAL               | <u>\$ 638,979.78</u> |

Ayes 4 (Mayor Tischler) Nays 0  
(Deputy Mayor Warr)  
(Trustee McKenna & Jacobs-Wilke)

Trustee Jacobs-Wilke Moved and Trustee McKenna Seconded a resolution authorizing the Treasurer to pay the following invoice:

TO: Development Authority of the North Country in the amount of \$453.00 for professional services rendered through June 2020 for the Waste Water Treatment Plant Technical Services Agreement

Ayes 4 (Mayor Tischler) Nays 0  
(Deputy Mayor Warr)

(Trustee McKenna & Jacobs-Wilke)

Trustee Jacobs-Wilke Moved and Trustee McKenna Seconded a resolution authorizing the Treasurer to pay the following invoice:

TO: Environmental Design & Research in the amount of \$5,000.00 for professional services rendered through May 2020 for the Infiltration and Inflow Study.

Ayes 4 (Mayor Tischler) Nays 0  
(Deputy Mayor Warr)  
(Trustee McKenna & Jacobs-Wilke)

Trustee Jacobs-Wilke Moved and Trustee McKenna Seconded a resolution authorizing the Treasurer to pay the following invoice:

TO: Barton & Loguidice in the amount of \$4,156.00 for professional services rendered through April 2020 for the Water Pollution Control Facility and Pump Station Construction Administration.

Ayes 4 (Mayor Tischler) Nays 0  
(Deputy Mayor Warr)  
(Trustee McKenna & Jacobs-Wilke)

Trustee Jacobs-Wilke Moved and Trustee McKenna Seconded a resolution authorizing the Treasurer to pay the following invoice:

TO: Barton & Loguidice in the amount of \$10,390.00 for professional services rendered through May 2020 for the Water Pollution Control Facility and Pump Station Construction Administration.

Ayes 4 (Mayor Tischler) Nays 0  
(Deputy Mayor Warr)  
(Trustee McKenna & Jacobs-Wilke)

Trustee Jacobs-Wilke Moved and Trustee McKenna Seconded a resolution authorizing the Treasurer to pay the following invoice:

TO: Barton & Loguidice in the amount of \$5,195.00 for professional services rendered through June 2020 for the Water Pollution Control Facility and Pump Station Construction Administration.

Ayes 4 (Mayor Tischler) Nays 0  
(Deputy Mayor Warr)  
(Trustee McKenna & Jacobs-Wilke)

Trustee Jacobs-Wilke Moved and Trustee McKenna Seconded a resolution authorizing the Treasurer to pay the following:

TO: JE Sheehan Contracting Corp in the amount of \$3,895.00 for Pay Application #1 for the Flouride System Improvements Project.

Ayes 4 (Mayor Tischler) Nays 0  
(Deputy Mayor Warr)  
(Trustee McKenna & Jacobs-Wilke)

Trustee Jacobs-Wilke Moved and Trustee McKenna Seconded a resolution authorizing the Mayor to sign Change Order No. 2 with Watson Electric in the amount of \$4,749.87 for labor, time and materials to perform the work required to install an additional ten (10) 120v outlet receptacles and one (1) 208v outlet receptacle in the dewatering and PSP buildings.

Ayes 4 (Mayor Tischler) Nays 0  
(Deputy Mayor Warr)  
(Trustee McKenna & Jacobs-Wilke)

Trustee Jacobs-Wilke Moved and Trustee McKenna Seconded a resolution authorizing the Treasurer to pay the following:

TO: Passero Associates in the amount of \$7,221.00 for professional services rendered through May 2020 for the Land Acquisition at the Potsdam Airport, Damon Field FAA #3-36-0099-35-2019.

Ayes 4 (Mayor Tischler) Nays 0  
(Deputy Mayor Warr)  
(Trustee McKenna & Jacobs-Wilke)

Trustee Jacobs-Wilke Moved and Trustee McKenna Seconded a resolution approving the following Change Orders to the general construction contract with Eaton for the East Dam Hydro-Electric Generating Plant Renovation Project:

- #1. Manufacture and install new switch gear in-lieu of repair of existing breakers: \$115,655.00
- #2. Restart costs associated with COVID-19 pandemic: \$16,626.00
- #3. Extra diver expense related to dewater unit # 2: \$5,500.00



health and safety threat to the residents of the Village and to ensure the humane treatment of domestic poultry.

#### §180-56 Definitions

When used in these regulations, unless otherwise expressly stated or unless the content or subject matter otherwise requires, the following terms shall have the meanings indicated:

**ACCESSORY STRUCTURE** – A structure, the use of which is incidental to that of the residential building and which is located on the same premises.

**CHICKENS OR DOMESTIC POULTRY** – Herein defined as female chickens (*Gallus gallus domesticus*).

**CHICKEN HOUSE/CHICKEN COOP** – A structure designed to provide shelter and protection for chickens.

**CHICKEN RUN** – An enclosed area constructed to provide exercise space for chickens that is attached to a chicken house/coop.

**OWNER –OCCUPANT** – A person or household of related individuals who own and occupy a One or two family residence as their principal, year-round residence.

#### §180-57 Permits

1. Permits may only be granted to owner-occupants of one- and two-family residents situated within the R-1 and R-2 zoning districts.
2. Applications for a permit under this article must be in writing and submitted to the Code Enforcement Office. Included with the request shall be a sketch plan of the property which includes the location of the chicken coop and the chicken run in relation to established set-backs, and a sketch providing proof of a minimum of two square feet of nest space per chicken and at least eight square feet of chicken run per chicken (48 square feet maximum in total).
3. Permits shall be granted upon successful site inspection of the Code Enforcement Office of the Village of Potsdam to verify compliance with this article or any other applicable Local, State or Federal Law or Regulation.
4. Applicants must present a consent form signed by each abutting property owner noting their agreement to allow the applicant to keep poultry within their property boundaries.
5. Set Backs/Building Heights
  - a. No Coops/Runs shall be located in the front yard.
  - b. Set back measurements shall be taken from the residence to the closest edge of the Coop or Run.

- c. Residential set backs – Chicken coops and runs must be located at least twenty feet from the owner-occupant’s residence.
- d. Side set back – Twenty Feet on One Side/Forty Feet Combined from side property lines.
- e. Rear set back – Forty Feet from rear property line.
- f. Building Height – Chicken Coops and runs shall be no greater than eight feet in height measured from the ground to the highest point on the structure.

6. Limitations

- a. Each applicant granted permission to keep chickens, shall be entitled to keep no more than six chickens at any given time. Roosters and castrated males shall not be kept, harbored or maintained.
- b. Chicken manure shall not be composted/stored within the Village of Potsdam.
- c. The slaughtering and processing of chickens is prohibited within the limits of the Village of Potsdam.
- d. Any deceased chickens shall be disposed of in accordance with NYS Agriculture and Market Law.

7. Revocation – Permits to have chickens may be revoked under any one of the following circumstances:

- a. The permit holder, owner or occupant violates the conditions established by the Village of Potsdam to house no more than 6 chickens on said property and/or any other provision of this article or any applicable State or Federal Law or Regulation.
- b. The permit holder, owner or occupant is found to have treated chickens in an inhumane fashion or has been neglectful in their care.
- c. The permit holder’s chickens create an attractive nuisance for rodents or animals which prey upon chickens that might also cause harm to the health, safety and welfare of Village residents.
- d. The permit holder fails to maintain the chicken coop, or the chicken run in a sanitary condition that poses a hazard to human health and welfare and the welfare of the chickens.

**Section 3. Enactment.**

This Local Law shall become effective immediately upon the notification of the filing of same with the Secretary of State.

ROLL CALL VOTE:

Ayes 0

Nays 4

(Mayor Tischler)  
 (Deputy Mayor Warr)  
 (Trustee McKenna & Jacobs-  
 Wilke)



Whereas, the public hearing was requested in writing, dated 6/10/2020, by Mr. Frederick D. Robar Sr. (“Mr. Robar”) pursuant to Section 125-9 of the Local Law;

Whereas, at the hearing the Board of Trustees considered the testimony of and documentary evidence submitted by Code Enforcement Officer Lisa Newby as well as the testimony of members of the public. (A copy of the documentary evidence submitted by Ms. Newby and the Notices to Comply are attached to this Resolution as Exhibit A and made a part hereof.) The Board of Trustees also considered the testimony of Mr. Robar’s attorney, Mark Snider. Mr. Robar did not testify and was not obligated to do so.;

Whereas, the purpose of this resolution is to set forth the determination of the Board of Trustees (“Board”) as to the violations alleged in the seven Notices to Comply set forth in Exhibit A;

It is therefore RESOLVED and determined by the Board of Trustees as follows:

Seven (7) notices to comply were issued by the Code Enforcement Officer Lisa Newby for the properties owned by Mr. Robar and located at 10 Pine Street (64.066-1-14.1), 79 Maple Street (64.066-1-8), 81-83 Maple Street (64.066-1-9), 85 Maple Street (64.065-2-11), 87 Maple Street (64.065-2-10), 82 Market Street (64.058-8-11) and 84 Market Street (64.058-8-12). The notices to comply were personally served on Mr. Robar by an agent of the Village, Mr. Pat Gagnon. The Notices to Comply were in compliance with Section 125-7 E of the Local Law. Furthermore, it is to be noted that Mr. Robar was sent courtesy letters placing him on notice of the passage of the Junk Storage Law on November 7, 2019, December 12, 2019 and on January 20, 2020.

At the hearing, the Code Enforcement Officer, in support of her testimony presented photographs of numerous toilets on each of the subject properties identified in each of the Notices to Comply (See Exhibit A). These photographs were taken personally by the Code Enforcement Officer. The toilets are clearly visible from the public highways or within sight of neighboring properties or business concerns.

Mr. Robar admitted that he was the owner in fee of all 7 of the properties at issue in his written requests for a hearing.

The Board considered the testimony and presentation of Mark Snider, Esq. as the attorney for Mr. Robar. Mr. Snider alleged no facts in contravention of the testimony of the Code Enforcement Officer, the notices to comply at Exhibit A, nor any of the information contained in the Code Enforcement Officer’s evidentiary packets (See Exhibit A). Mr. Robar’s defense alleged only invalidity and unenforceability of the Local Law. It is to be noted that Mr. Snider suggested that there may be a possibility to resolve the dispute between the parties however, to date, neither Mr. Snider nor Mr. Robar has submitted any such proposed resolution to the Village or its attorney.

Based on the uncontroverted testimony and photographic evidence presented by the Code Enforcement Officer, the Board of Trustees finds that with regard to each of the notices to comply and for each of the properties set forth in the 7 notices to comply, Mr. Robar

has violated Section 125-5 of the Local Law due to the deposit, accumulation and display of junk appliances and specifically bathroom fixtures consisting of toilets or toilet parts

as defined in Section 125-4 of the Local Law at the following properties owned by Mr. Robar 10 Pine Street, 79 Maple Street, 81-83 Maple Street, 85 Maple Street, 87 Maple Street, 82 Market Street and 84 Market Street. (“Properties at issue”)

Furthermore, the Board finds that none of the exclusions in Section 125-6 of the Local Law are applicable to any of the violations at any of the properties nor have any such exceptions been alleged to be applicable by Mr. Robar.

In rendering its decision, the Board of Trustees has taken into consideration the rights of the neighbors and the public to be free from the harmful effects of junk as balanced against the utility to Mr. Robar. It is significant to note that at the hearing Mr. Robar offered no stated purpose, necessity nor utility for the toilets to be placed on any of the properties subject to the notices to comply. When weighing these respective rights the Board has considered the excessive number of toilets on the respective properties, the physical and in some instances the deteriorated condition of the toilets, the clear visibility of the toilets on all the properties to neighboring properties and the public view, the absence of any screening whatsoever, the absence of any countervailing, legitimate purpose or utility for the toilets and the presence or absence of malice or retaliatory motivation on the part of Mr. Robar.

Since the Board has determined that a violation of Section 125-5 has occurred with regard to each of the notices to comply at the aforementioned locations without justification, excuse or explanation having been offered by Mr. Robar, the Trustees after due deliberation direct the removal of all the toilets on all the properties at issue on or before September 1<sup>st</sup>, 2020. If the toilets are not fully and completely removed from all the properties at issue the Village Trustees reserve the right to direct entry by the Village upon all the properties at issue to effect the removal and/or abatement at the expense of Mr. Robar and to bring enforcement proceedings in a Court of competent jurisdiction to mandate compliance with this directive and to levy fines in accordance with Section 128-8 of the Local Law along with any other lawful remedies.

Lastly, the accumulation of junk prohibited by Section 125-5 and the Local Law is applicable to conditions on the properties at issue which existed at the time of the law’s enactment in December of 2018.

Ayes 4           (Mayor Tischler)  
                      (Deputy Mayor Warr)  
                      (Trustee McKenna & Jacobs-Wilke)

Nays 0

Trustee Jacobs- Wilke Moved and Trustee McKenna Seconded a resolution to adjourn the Regular Meeting of the Village of Potsdam Board of Trustees of July 20, 2020 at 6:38 p.m.

|        |                                  |        |
|--------|----------------------------------|--------|
| Ayes 4 | (Mayor Tischler)                 | Nays 0 |
|        | (Deputy Mayor Warr)              |        |
|        | (Trustee McKenna & Jacobs-Wilke) |        |

Respectfully submitted,

Lori S. Queor  
Village Clerk