

Minutes of the Interlaken Village Board of Trustees meeting held on Thursday, 14 September 2023 at the Village Hall and via GoTo Meeting.

Members Present: Mayor Richardson, Trustee Del Plato, Trustee Garcia (arrival: 7:29 PM), Trustee Kempf, Trustee Pepper.

Others Present: DPW Supervisor Ahouse, Fire Chief Borden, Chief Dwello, Clerk/Treasurer Swartwood, Deputy Clerk Quan.

Public Present: Grace Guydosh, Beth Strenkoski-Tsuda.

Mayor Richardson called the meeting to order at 6:30 PM with the Pledge of Allegiance.

### **Approval of Minutes:**

Pepper motioned, Del Plato seconded, to accept the minutes from the 10 August 2023 Regular Board Meeting; Garcia absent; carried.

### **Public to be Heard:**

Grace Guydosh spoke about the growing cat population behind a resident's property; in addition to strays, unwanted cats are brought there. Richardson advised monies are budgeted for [the spaying and neutering of] cats. Pepper noted ARC Veterinary Clinic is scheduled out until the end of January. Pepper will contact Cornell College of Veterinary Medicine to determine if they have a program.

### **Library:**

Ahouse reported, in addition to mowing and trimming, DPW repaired a light in one of the new posts.

### **Fire:**

There were 13 calls in August. Del Plato asked about the volume; Borden said it was a bit high, but it's tourist season. He added a lot of calls were accidental with some false alarms.

The new generator is installed and in service. Richardson motioned, Kempf seconded, to declare the old generator surplus; Garcia absent; carried.

Over four nights during the fair, Interlaken Fire worked with Trumansburg Fire, getting good training with pump operations, hoseline advancement, and air pack use. Everybody had a good time and Trumansburg Fire was appreciative for the help.

The Auto show went very well: there were 135 cars; the barbecue sold out. Engine 503 warning light issues need to be addressed before it fails. The costly repair adds to the growing number of expenditures, including the truck cab and chassis and generator, the department is funding.

Letters on the fire house are being replaced.

Discussion about funds remaining from the roof replacement. Borden said the remaining monies could be used to repaint the building.

The final concrete for the flagpole was poured. Gravel will be put in place before it is topped with white marble.

The vandalism damage has been repaired.

Two more people put applications for membership.

The County's Technical Rescue trailer is being used by the Interlaken members and stored at the firehouse. The rope rescue and water rescue equipment can be used at the lake and along the ravines along State Route 89.

Richardson spoke of the Interlaken Community Action Group's Halloween parade and party will be between 5 PM and 7 PM on 28 October.

### **Water:**

Army Corps of Engineers pulled the application for the water project at the lake, advising the Village to reapply once the land is acquired.

A water leak was found in one of the trailers behind the old Pennysaver.

A shut off valve on Railroad Avenue was dug up and replaced.

Reports and samples were sent to Seneca County Health Department.

VanNederynen attended a water class.

Ahouse would like to seek other options for the lake intake, getting appraisals as appropriate.

Moody and Associates cleaned the well. It took longer than they thought, but testing showed there was two feet less of a drawdown than before cleaning.

The new pump and motor were installed in the well. The old motor was nearing failure: the bearing was worn and getting loose, and the motor was drawing high amperage.

Ahouse was thankful for the help from Ovid assisting with the 14 truck loads, with 7000 gallons each, over four days. He said Long Milk Haulers did a great job.

The Flaggs would like to have all equipment not on the well site removed from the property. Ahouse was concerned about removing underground or fixed equipment. Discussion led to the conclusion the removal may be a FEMA violation.

### **Sewer:**

There were three residential plugs: two on Main Street, one on Leroy Street.

Richardson advised he has not heard back from the landowner since the purchase cost agreement was made. He will have Tim Steed (HUNT EAS) speak with them.

Richardson said maps need to be drawn so the amount of land can be determined.

Ahouse spoke of the suggestions made by YAWS Environmental that would provide better functioning and save on construction costs. HUNT EAS would like to meet in the next week to go over final design plans.

Normal operation sampling from YAWS Environmental and pumping from Brewers Septic.

**Streets:**

Stream bank stabilization on Knight Street and Mechanic Street is completed. An additional restoration of some pavement incurred an extra cost, but USDA agreed to help cover the cost for the same percentage as the rest of the project.

Richardson said HUNT EAS provided an inspection report, reporting it appeared everything was completed within the scope of the original design plans.

Milled and paved Mechanic Street; new risers were installed on manholes and water boxes. Several spots around the village, some which had previous water repairs, were also milled and paved.

Seal coated the DPW garage pole barn roof.

Repaired brush hog and zero turn mower.

Pickup truck has been inspected.

Village office ramp rail tightened; awaiting a quote for metal railing.

**Police:**

There were 220 calls for service; 43 traffic citations were issued.

Fire Department Auto Show security detail took place without issue.

Residents around County Road 153 seem pleased with the police presence.

Properties on Clinton Street, Main Street, and Mechanic Street were cited for code violations.

Certificate for SPIDER renewed and updated in NYS TraCS.

FBI's implementation of the Bipartisan Safer Communities Act completed.

Dwello requested funds for the code enforcement officer position be moved to the police patrol fund. Richardson motioned, Del Plato seconded, to approve the transfer of funds; Garcia absent; carried.

Dwello is required to complete a state mandated course to remain the Chief of Police. The 30 October-17 November course costs \$450. Richardson motioned, Kempf seconded, to approve the Dwello taking the course; Garcia absent; carried.

Dwello interviewed a potential candidate for a part-time position.

Dwello, Robertson, and Worrell completed the annual TASER training.

Dwello thanked Kempf and Richardson for repairing the Police Department connection to the Internet.

TraCS reported a static IP address is needed to be able to transmit tickets from the vehicles to the server.

Worrell was fitted for a new bulletproof vest because his was nearing expiration.

A request for \$486 from the Bulletproof Vest Partnership (BVP) Grant to partially cover the cost of a bulletproof vest submitted.

TASER advised they will no longer support the Department's TASERs. Dwello will discuss the status of grant funding for new body cameras and TASERs with District Attorney Sinkiewicz during a 19 September scheduled meeting.

Receipt of ammunition is almost eighteen months after ordering; next year's supply should be ordered.

Dodge Charger: rear radar antenna was repaired and reinstalled; rear anti-sway

bar link requires replacement, estimated to cost approximately \$500; the vehicle requires a jump start after every time it is turned off.

Chevrolet Impala: Borst and Sons Auto Repair is repairing the rear brake and has ordered a heavy-duty blower motor resistor to address the air conditioning unit failures.

Anita Morse, Loan Specialist at USDA Rural Development, is assisting with grant applications for two new police vehicles and equipment.

**Treasurer:** balances of accounts read.

Richardson motioned, Pepper seconded, to remove the Chalifoux Law bill from general funds and pay it using water funds; Garcia absent; carried.

**Approval of Bills:** Pepper motioned, Kempf seconded, to approve vouchers in: General Fund (#91-127: \$163897.15), Water Fund (#27-37: \$8793.18), Sewer Fund (#21-29: \$4016.09) for payment; Garcia absent; carried.

#### **Old Business:**

- ◆ General Code
  - The current plan costs \$995 annually; the premium plan, costing \$1195 annually, would allow for the storage and access of any public digital records, including agendas, budgets, minutes, resolutions.
- ◆ Minutes dated between 1904 and 1991 have been digitized.
- ◆ Joshua Griffin on County Road 150.
  - A signed agreement with the Village stating the separation of the two water lines so each has its own meter will incur a new tap fee if the owner decides to turn the water back on.
- ◆ Seneca Meadows Inc. Resolution, Richardson motioned, Del Plato seconded, to approve the resolution for Seneca Meadows, Inc.; carried.

#### **Executive Session:**

Richardson motioned, Kempf seconded, to enter executive session to discuss a property purchase at 7:34 PM; carried.

Richardson motioned, Del Plato seconded, to exit executive session at 8:00 PM; carried.

Del Plato motioned, Garcia seconded, to adopt:

RESOLUTION AUTHORIZING THE VILLAGE TO SEEK COURT APPROVAL TO ENTER IMMEDIATELY UPON PARCELS OF REAL PROPERTY IN THE TOWN OF COVERT AND DEVOTE THEM TO THE PUBLIC USE

WHEREAS, the Village of Interlaken ("Village") owns and operates a water system that provides potable water and water for fire protection to the entire Village, including the South Seneca Elementary School, and to 46 parcels in the Town of Covert ("System"); and

WHEREAS, the entire water supply for the System is drawn from a single Village Well constructed at 8143 Interlaken Beach Road (SBL# 06-1-26) ("Flagg Property") on a 20' x 20' area and accessed by the Village using a 15' road constructed pursuant to a 1989 Agreement between the Village and the Flaggs; and

WHEREAS, in 2011, in conjunction with a stream embankment project, the Village installed a water line and electric line from the Village Well to the shore of the Cayuga Lake on the Flagg Property ("Lake Line") to enable it to recharge the Village Well when the water levels are low; and

WHEREAS, in 2018, after severe flooding, the Village worked with the landowners in the area to obtain Federal Emergency Management Agency funds to complete another stream embankment project that relocated streams, cleaned the mouth of a stream and replaced a rip rap stone wall to alleviate future flooding in the area and protect the integrity of the Village Well; and

WHEREAS, in 2019 and 2020, as droughts became more severe, the Village made plans to make improvements that included the construction of a pumphouse and a waterline to draw water directly from Cayuga Lake to serve the Village's increased water needs, meet the second-source water requirement imposed by New York State, and cure the issues that have been the subject of violations issued to the Village by the State ("Project"); and

WHEREAS, the Village's engineers have determined that to complete the construction of said improvements, the Village needs to acquire additional land (expanding the 20' x 20' fee parcel containing the Village Well to approximately 82' x 74') and an additional Permanent Easement area (approximately 5' to the South and 10' to the East of the original access road) on the Flagg Property; and

WHEREAS, a 21' x 59' Permanent Easement on property located at 4194 Interlaken Beach Road (SBL# 6-1-27. 1) owned by John A. Majoros and Elizabeth A. Majoros ("Mojeros Property") is also necessary for access to Cayuga Lake and negotiations with John Majoros are ongoing; and

WHEREAS, the Village's water situation has become increasingly worse, the Village Well is not producing sufficient water to keep pace with the demand and the Village is now facing a complete drought; and

WHEREAS, effective June 7, 2023, the Village has been forbidden access by the Flagg's to use the Lake Line, the only method available to recharge the well in emergencies; and

WHEREAS, on September 10, 2023, the Village issued a Mandatory Conservation Order; and

WHEREAS, on September 13, 2023, the Village received a report from James Borden, the Chief of the Interlaken Fire Department raising strong concerns about the risks to firefighter safety and the public given the insufficient supply of water for fire protection; and

WHEREAS, absent the immediate construction of a pumphouse to extract water from Cayuga Lake, the Village will be required to purchase potable water to be delivered by trucks, a solution that would still leave the Village unable to meet the demand for water for fire protection; and

WHEREAS, the Village has obtained loan and grant funding from the NYS Environmental Facilities Corporation, State Drinking Water Fund, for the Project and the Note for the short-term loan in the amount of \$3,328,800 will end in May of 2024 and, although a final extension to June of 2025 may be requested, the Village must provide a realistic schedule for the 18-month final design and construction process in conjunction with that request; and

WHEREAS, without having acquired the necessary Fee and Permanent Easement interests which would provide certainty as to the route, the final design and construction schedule cannot be completed and an extension cannot be requested to extend the Note; and

WHEREAS, the Village initially understood that the Flaggs were willing to grant the necessary interests to the Village and, accordingly, the Village offered to cover the Property owners' fees for planning and possible agreement and paid attorneys' fees in the amount of \$1,500.00 to the Flaggs; and

WHEREAS, the Flaggs then proceeded to incur additional legal fees totaling more than \$17,000 which they seek to collect from the Village; and

WHEREAS, the Flaggs have continuously increased their demand as to the compensation that they would be willing to accept for the Fee interest and Permanent Easement area; and

WHEREAS, the Village has obtained an appraisal valuing these interests at \$64,600, which is less than the annual payments that the Flaggs have received to date from the Village pursuant to the 1989 Agreement; and

WHEREAS, Paul Flagg has twice threatened to remove the Lake Line from his property unless the Village agreed to pay Flagg's legal fees, for which the Village contends that it is not responsible; and

WHEREAS, copies of the proposed Acquisition Maps prepared by the Town's engineer are attached hereto as Exhibit "A" and "B"; and

WHEREAS, the Village is preparing a Final Written Offers; and it is hereby

RESOLVED, that the Village accepts the appraisal of Midland Appraisal Associates dated September 7, 2023; and

RESOLVED that the lack of potable water and water for fire protection has created an emergency situation in the Village and the public interest will be endangered by any delay; and it is

FURTHER RESOLVED that the Village is authorized to commence an action by Order to Show Cause, pursuant to EDPL §402(8)(6) seeking an Order from the Seneca County Supreme Court permitting the Village to enter immediately upon the Flagg Property and, in the event negotiations fail, upon the Majoros property, and take it and devote it temporarily, and thereafter permanently, to public use and to pay a deposit with the Court of a sum to be fixed by the Court; and it is

FURTHER RESOLVED that the Village representatives are directed to continue to work with the owners and to provide a Final Written Offer to the Flaggs and, if necessary, to the Majoros pursuant to EDPL §303.

**Adjournment:** Del Plato motioned, Richardson seconded, to adjourn at 8:02 PM; carried.

Respectfully submitted,  
Brian Quan, Deputy Village Clerk