

Minutes of the Interlaken Village Board of Trustees meeting held on Thursday March 9, 2017 at the Village Hall on Main Street, Interlaken, NY.

MEMBERS PRESENT: Chris Kempf, Rich Richardson, Keith Jay, Bill Maguire

MEMBERS EXCUSED: Nancy Swartwood, Clerk Treasurer

OTHERS PRESENT: Leon Anderson, Chief of Police; Aneta Glover, reporter; Wes Ahouse DPW Supervisor; Diane Bassette Nelson Deputy Clerk, Chelsea Stirlen, Library Manager; Duncan Stirlen, Tony DelPlato, Barry Banfield, Sarah Banfield, Barry Ford, Caroline Peterson and Michael Bergren

Deputy Mayor Rich Richardson called the meeting to order at 7:00 pm, with the Pledge of Allegiance.

APPROVAL OF MINUTES: Motion by Bill McGuire second by Keith Jay to approve the minutes of February 9, 2017; carried

PUBLIC TO BE HEARD

Diane Bassette Nelson: The Town of Covert Bicentennial committee received their STEPS grant for signs and the Barn Dance on October 14th; there are updated schedules for the events relating to the Bicentennial.

COMMITTEE REPORTS:

Library given by Chelsea Stirlen see attached report, note changed hours.

Wes took out a direct vent heater, and wiring, put up siding to cover area.

He removed old DVD cases. He noted the new librarian is very pleasant to work with.

Fire by Keith, training continues, joint training

Banquet is March 25th, let Keith know if you plan to attend.

Water report given by Rich Richardson

New water line for Pine Tree's Lake View at Clinton Street location.

Marked out water line for Chuck Sumner

Submitted monthly report to county health dept.

Working on DEC water withdrawal report.

Working on Annual water quality report/certification

Backflow test certificates

Hubbard Heating and Plumbing assisted at Flagg's with pressure issues, needed new pressure switch

Data failures at pump house due to weather fluctuation.

Sanding and painting at the pump house

Assisted Ovid with cleaning sand filters.

Meeting tomorrow with Hunt engineers re current grant for tower upgrade. Meeting at Tony's

Sewer given by Bill,

Checking the lines regularly

Backed out all debris

Marty good for taking out solids, trying to schedule for every other Thursday.

Ovid came over to check/jet lines behind Ditmars

Still having issues with paper towels

Village grants: I & I, also to upgrade plant. Allowed the reports to be combined.

Reports/paperwork to be submitted, by June, hoping for April. Unknown limit on sewer plant, waiting for DEC.

Streets given by Chris, quiet at this time, we have been lucky with the weather

Wes, minor snow stuff to deal with

Two street lights still needing to be fixed

Equipment: new battery in pick-up which was under warranty

Backhoe has been evaluated, has numerous issues, new quotes for replacing rams (2) upwards of \$1,200. Still have antifreeze leak, possible head gasket issues.

Getting prices for new backhoe and possible pick-up which is five-years old.

Police

Work on the car graphics reported,

Leon and Josh have both completed their SRO certification.

Noted the DEC investigation regarding dumping at Conifer Property prior to Conifer owning.

Monthly report read.

Treasurer Balances in all accounts were reported.

Approval of bills Motion by Bill McGuire, second by Chris Kempf to pay the bills, carried.

Old Business:

Resolution A (going forward)

**RESOLUTION OF THE VILLAGE OF INTERLAKEN
TO APPROVE RESOLUTION TO PROVIDE DEFENSE AND INDEMNIFICATION UNDER PUBLIC
OFFICERS LAW**

WHEREAS, the village of Interlaken ("Village") Board of Trustees believes that it would benefit the taxpayers of the Village if the Village adopts a Resolution to provide certain benefits related to defense and indemnification of the officers and employees of the Village; and,

WHEREAS, Public Officers Law §18 allows a public entity to defend and indemnify the officers and employees of the public entity; and,

WHEREAS, the village of Interlaken is a “public entity” as defined in Public Officers Law §18(1)(a); the members of the Board of Trustees, officers, employees, and any other person holding a position in the village by election are all considered to be an “employee” as defined in Public Officers Law §18(1)(b); the Board of Trustees of the village of Interlaken is the “governing body” of the village of Interlaken, as defined in Public Officers Law §18(1)(c).

NOW THEREFORE, BE IT RESOLVED (upon motion made, seconded and discussion held) BY THE BOARD OF TRUSTEES OF THE VILLAGE OF INTERLAKEN, SENECA COUNTY, STATE OF NEW YORK (by a favorable vote of not less than two thirds of such Board), AS FOLLOWS:

SECTION 1. The governing body of the village of Interlaken hereby agrees by the adoption this Resolution, (i) to confer the benefits of Public Officers Law §18 upon its employees, and (ii) to be held liable for the costs incurred under the provisions of Public Officers Law §18.

SECTION 2. Under this Resolution, the duty to defend and indemnify or save harmless is contingent on the employee complying with the requirements set forth in Public Officers Law §18(5).

SECTION 3. This Resolution was approved by a majority of the Trustees, on the 9th day of March, 2017, and this Resolution shall take effect immediately.

WHEREFORE, the foregoing Resolution was put to a vote of the members of the Board of Trustees of the Village this 9th day of March, 2017, the result of which vote was as follows:

Deputy Mayor Rich Richardson	<u>Aye</u>
Trustee Chris Kempf	Aye
Trustee Keith Jay	<u>Aye</u>
Trustee Bill McGuire	<u>Recused</u>

**RESOLUTION OF THE VILLAGE OF INTERLAKEN
TO APPROVE PROVIDING REASONABLE ATTORNEY’S FEES
FOR DEFENSE UNDER PUBLIC OFFICERS LAW §18**

WHEREAS, the village of Interlaken (“Village”) Board of Trustees (“Board”) Resolved that it will benefit the taxpayers of the Village to provide certain benefits related to defense and indemnification of the officers and employees of the Village; and,

WHEREAS, on March 9, 2017, the Board adopted a resolution permitting the Village to defend and indemnify the officers and employees of the Village, pursuant to the conditions set forth in Public Officers Law §18; and,

WHEREAS, an individual commenced a suit against a member of the Village Board, prior to the Village approving the defense and indemnification resolution pursuant to Public Officers Law §18, thus requiring the member of the Village Board to obtain private counsel to defend against the suit at his own expense; and,

WHEREAS, the member of the Village Board would now be entitled to be defended pursuant to the defense and indemnification resolution, passed by the Village Board on March 9, 2017, because: the member of the Village Board is considered to be an “employee” of the Village and the allegations contained in the suit are arising out of alleged acts and/or omissions which occurred or allegedly occurred while the employee was acting within the scope of his duties as a Trustee; and,

WHEREAS, the Village is permitted to pay reasonable attorneys' fees and litigation expenses to the Trustee's private counsel from time to time during the pendency of the civil action or proceeding, if approved by the Village Board, with the affected Trustee recusing himself from taking part in the discussion and decision related to the payment of reasonable defense fees.

NOW THEREFORE, BE IT RESOLVED (upon motion made, seconded and discussion held) BY THE BOARD OF TRUSTEES OF THE VILLAGE OF INTERLAKEN, SENECA COUNTY, STATE OF NEW YORK (by a favorable vote of not less than two thirds of such Board), AS FOLLOWS:

SECTION 1. The governing body of the village of Interlaken having Resolved, (i) to confer the benefits of Public Officers Law §18 upon its employees, and (ii) to be held liable for the costs incurred under the provisions of Public Officers Law §18 agrees to provide reasonable attorney's fees and litigation expenses on behalf of Trustee Bill McGuire.

SECTION 2. The Village waives its rights to have required strict compliance with the Notice provisions found in Public Officers Law §18(5), as Trustee McGuire was required to obtain counsel to prevent default, prior to the Board's Resolution to provide Public Officers Law §18 benefits.

SECTION 3. The Village shall require that originals of all invoices for legal fees and expenses be provided to the Village for its review and determination regarding the reasonableness of the fees and expenses, prior to payment. The Village acknowledges that any dispute pertaining to the reasonableness of the attorney's fees and litigation expenses shall be resolved by a court of competent jurisdiction upon motion or by way of a special proceeding.

SECTION 4. This Resolution was approved by a majority of the Trustees, on the 9th day of March, 2017, and this Resolution shall take effect immediately.

WHEREFORE, the foregoing Resolution was put to a vote of the members of the Board of Trustees of the Village this 9th day of March, 2017, the result of which vote was as follows:

Deputy Mayor Rich Richardson	<u> Aye </u>
Trustee Chris Kempf	<u> Aye </u>
Trustee Keith Jay	<u> Aye </u>
Trustee Bill McGuire	<u>Recused himself</u>

Dated: March 9, 2017

Two resolution grouped as B (covers past) & A (going forward), this is oversight from past.

Public Officers Law: Resolution **A** Motion by Keith Jay, Second Chris Kempf

Resolution **B** Motion by Chris Kempf Second Keith Jay

Question: Barry regarding if person was trustee or private individual; Answer that would be for judge to decide.

The resolution should have been in place years ago, unknown why it was not.

The acts have to be related to Village actions.

Some discussion from those present. Cost will be small, and should be covered by insurance. Needs to be in place going forward, this board inherited these items, through no fault of others.

New Business:

Budget workshops March 16, 2017 6:00 pm.

March 21st Election notices to be posted.

Getting Quotes for Septic pump outs

Discussion on the issues with the backhoe to be tabled for the budget workshop.

Resolution on health insurance to be looked into before January 1st, when plans can be changed

ADJOURNMENT: Motion by Chris Kempf to adjourn meeting at 7:45 pm seconded by Bill McGuire. Motion approved unanimously.

Respectfully submitted,
Diane Bassette Nelson
Deputy Clerk