

## **Village of Cleveland      Work Meeting      December 15, 2009**

PRESENT: Mayor Malchoff Davis, Trustee Debbie Kite, Trustee Norm Youmans, Trustee Joseph Carr, Trustee Joe Domachowske, DPW Superintendent Doug Riggs, Fire Chief Joni Hinds, Mark Kirkhoff, Tom Mirizio.

CALLED TO ORDER: by Mayor Davis at 7:00 pm with the Pledge of Allegiance.

ADDITIONS TO ABSTRACT: Mayor made motion to approve addition to abstract # 7 voucher # 358, second by Trustee Youmans, all in favor.

SNOWMOBILES IN VILLAGE: Mark Kirkhoff, president of Vanderbuilt Snowmobile Club would like certain Village roads open to snowmobile traffic. The members of the Club have put a lot of money into the trails through the Village bringing business to the Village. He presented a map of the proposed areas.

-- Trustee Debbie Kite attended a meeting in Redfield a few weeks ago regarding ATV's and snowmobiles.

First she wanted to let all know that it wasn't snowmobiles that the Village was having problems with, it was ATV's. However, she doesn't feel it is in the best interest of the Village to designate certain roads for snowmobile traffic due to the additional cost and liability to the Village. To dedicate a road the following would be necessary to provide: a study of the roads, a SEQR, signs made and displayed, maintaining the roads, etc. Legally a snowmobile can travel 550 yards from one trail to another trail. It is 440 yards from the recreation trail to Rt. 49.

--- However, the Mayor pointed out that Rt.49 and Oneida Lake (even when frozen) are NOT legal trails. It is legal to cross Rt. 49, but it's not legal to ride along side of it. He also feels that snowmobiles should have a lower speed limit, 20 mph, excess speed is dangerous. Signs should be posted to obey all traffic signs.

--- Trustee Youmans shared his thoughts stating that a certain percentage of people do not follow rules, but most people are courteous and out for a good time enjoying themselves.

--- Mark Kirkhoff asked if markers could be placed around the Village to flag snowmobilers of hazardous areas. At no cost to the Club, Mark will add the Village as additional insured on their insurance policy.

--- Trustee Domachowske feels no action should be taken, as it does not seem to be illegal to ride along side of the roads in the Village.

--- Trustee Youmans made a motion to take NO action regarding the designation of roads in the Village of Cleveland being open to snowmobile traffic, second by Trustee Carr, Davis-recused himself, Carr-yes, Kite-yes, Youmans-yes, Domachowske-yes, motion carried.

TOM MIRIZIO: Mr. Mirizio asked the Board to define a commercial property. The Village Attorney stated that as long as the village has been consistent in past practices, not discriminating against anyone, then the interpretation of a commercial property being a property that is not a residential property is sufficient. An apartment is not a commercial business, it is residential. Residents and business owners have consistently paid their water-sewer bills in this manner without complaint. An apartment is a residence where there are facilities to cook, sleep and bathe.

SEWER LAW: Mayor asked the Board to review and make correct assessments of the rates for the sewer Law which is in the process of being revised. The rates were originally determined by visiting other Villages and reviewing their laws. The rates include debt and operational costs. Trustee Youmans recommend adjusting the units then determine the rates. When the Sewer Law is done the Water Law will be revised also. The Board was asked to begin their review of the current water law.

### **FIRE DEPARTMENT:**

1. Fire Protection Contract: Mayor made motion to accept the Fire Protection Contract between the Village of Cleveland and Town of Vienna, second by Trustee Carr, all in favor.

2. Fire Chief Joni Hinds reviewed the quarterly report given to the Town of Vienna as per the requirements in the 2009 contract.

IMPORTANT DATES: Next regular Board Meeting: January 12, 2009 at 7:30.

MEETING ADJOURNED: Mayor Davis made motion to adjourn, second by Trustee Carr, all in favor.

Recorded and Submitted by Phyllis Sweeten, Clerk-Treasurer on 12/23/09.