# **AGENDA, September 9, 2020 GENERAL MEETING OF THE BOARD**

# **CALL TO ORDER**

Mayor Harter will call the meeting to order with the Pledge to the Flag at 7:30 p.m.

Board Members Present: Mayor Harter, Trustee Fuller, Trustee Slattery, Trustee Olejniczak, Trustee Barczak

Board Members Absent: none

Also, Present: Clerk Wierzbicki, Treasurer Geller, Attorney Cassidy

Approximate Number in Audience: **25-27 25 Zoom**

**II. MINUTES**

Motion made by Trustee Barczak seconded by Trustee Fuller to approve the minutes of the August 12th General Meeting

##### **VOTE: YES 5 NO 0**

Motion made by Trustee Barczak seconded by Trustee Fuller to approve the minutes of the August 26th Special Meeting

##### **VOTE: YES 5 NO 0**

Motion made by Trustee Fuller seconded by Trustee Barczak to approve the minutes of the September 2nd Special Meeting

##### **VOTE: YES 5 NO 0**

##### **IV. FINANCIAL REPORTS**

1. **Treasurer’s Report**

Motion made by Trustee Slattery seconded by Trustee Fuller to accept the Treasurer’s report as submitted.

**VOTE: YES 5 NO 0**

**2. Payment of Vouchers**

Motion made by Trustee Fuller seconded by Trustee Barczak to approve payment of the vouchers as audited.

**VOTE: YES 5 NO 0**

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|  |  |  |
| Motion made by Trustee Barczak\_\_ seconded by Trustee Slattery to approve transfers as presented  **VOTE: YES 5 NO 0** |  |  |

**V. ANNOUNCEMENTS, CORRESPONDENCE & PRESENTATIONS**

1. **Orange County Board of Elections sent updated information and lists for the September 15th meeting.**
2. **Edward and Linda Dubin of 139 Village Drive sent an email dated August 13, 2020 expressing their objection to the rezoning of Village Drive.**
3. **Fusco Engineering sent a letter calculating the new Capital Improvement costs for new residential and non-residential units.**
4. **NYSDOT sent a letter regarding quarterly 2020-21 CHIPS PAVE and EWR reimbursements scheduled for September 30, 2020. *NYS Association of Town Superintendents of Highways, Inc sent update 9/8 reimbursements being capped at 80 percent.***
5. **Orange County Real Property Service sent notice of increase in tax bill.**
6. **County Clerk Annie Rabbit sent an invitation to LiveonNY the organ donor network for the tri-state area. October 5th-9th is Organ Donor Enrollment week. There are 160 Orange County residents waiting for organs on the transplant list.**
7. **Jan Jehring forwarded a fully signed copy of Police Services with the Florida Union Free School District.**
8. **Justice Peter Barlet sent notice of audit of court records**
9. **NYS Division of Homeland Security and Emergency Services sent the Hazard Mitigation Grant for the Hurricane Isiah**
10. **September 11th, 2020 we will have a 9/11 memorial ceremony in between Village Hall and the Firehouse at 9:00 am at the memorial.**
11. **Confluence Running of 1 Railroad Ave Goshen invited the Mayor and Board of Trustees to their ribbon cutting ceremony on September 10, 2020 at 6:00 pm**
12. **Bulk pickup will be the week of October 18th all items must be curb side by 4:30am Monday am. Please see your October Water/Sewer billing for details. No computers, monitors or TVs will be picked up.**

**VI. REPORTS OF THE TRUSTEES**

1**.** Thomas Fuller – Police, Justice, Emergency Management

2. Craig Olejniczak – Youth Recreation, Animal Control, Building & Planning

3. Brian Slattery – DPW and Parks, Buildings and Grounds

4. John Barczak – Sewer and Water

**VII. PUBLIC COMMENT – AGENDA ITEMS ONLY**

**Resident Patty Rotella** asked whether or not this law could be voted on at a later date.

**Attorney Cassidy** stated that it was up to the Board to make that decision

**Mrs. Dubin** stated that it was a beautiful village and we don’t live here for the convenience. If you take that away for stores and apartment houses in a part of the town that’s rural suburban, you are destroying the reason for living here.

Mayor Harter asked if there went any comments on Zoom and there were none.

Gerald Conlon stated a question regarding the segmenting DEC

Attorney Cassidy Under the State Environmental Review Act the potentials are too remote, under SEQR the project would require site plan approval. The Planning Board would take over the review not the Board.

Gerald Conlon this was turned down for a park does that

Resident Our fire dept is not trained to go into buildings also traffic this weekend 2 kids almost got killed.

An unnamed resident who stated he was a professional fireman stated the building was unsafe

Zoom Questions

What independent studies has the Board done? Done in the past?

The studies have been done by the builder

How many letters of opposition and signatures were there? 318 over 500

That includes the people from Georgia Alaska and Hawaii-Trustee Barczak

Mayor Harter-Every letter received I have on record

Elizabeth-any letter or record on this local low can be received by a Local Law

Resident-318 signatures your residents have spoken. What have you done as a Board to speak to your community. We could have gotten more. What have you done to educate the public.

Once this is put in where will you put the snow, salt, litter. Everything is too slow. Where is the study by the town? People in Village Park were yelling at their kids to get off their bikes. Things need to change now.

**Zoom** What about the transfer tax we paid when we bought our homes? That’s for the Town of Warwick.

Ineligible comment regarding someone living in the Village by a female resident.

**VIII. UNFINISHED BUSINESS**

1. **INTRODUCTORY LOCAL LAW 5 OF 2020**

INTRODUCTORY LOCAL LAW 5 OF 2020

A LOCAL LAW TO AMEND CHAPTER 87, ENTITLED PARKS

**BE IT ENACTED BY THE VILLAGE BOARD OF TRUSTEES as follows:**

**Section 1.        Legislative Intent.**

It is the intent of the Village Board of Trustees to regulate the use of the Village’s public park at Glenmere Park to ensure the health, safety and welfare of Village residents as well as protect the park environment.

**Section 2.        Chapter 87, entitled “Parks” shall be amended to read as follows:**

**§ 87-1 Use of Glenmere Lake Park.**

The use Glenmere Lake Park shall be open to all individuals between the hours of 7 a.m. to 9 p.m. weekdays and 8 a.m. to 9 p.m. on weekends subject to the prohibitions and regulations contained in this chapter.  Park hours may be altered by resolution of the Village Board of Trustees or, in the case of an emergency, the chief of police.

**§ 87-2 Permits.**

            A permit shall be effective May 1st through April 30th of the following year.

            A permit shall be required for the following:

1. Parking at Glenmere Lake Park.
2. Use of the Boat Launch at Glenmere Lake Park.
3. Walking of Dog(s)
4. Use of a park outside of normal hours.
5. Use of the pavilion at Glenmere Lake Park
6. Use of ball fields and refreshment stand at Walter R. Sturr Memorial Park
7. Use of any park facilities by groups in excess of 10 individuals.
8. Camping

Applications for seasonal permits for parking, use of the boat launch and walking of dogs may be obtained by the Village Clerk.

Application for reservations for group events may be secured from the Village Clerk.  The application shall be filed by a responsible person, who represents the group requesting the use of the park.  Applications shall be processed in order they are received by the Village Clerk.  The permit granted entitles the holder to only that portion of the park or building so stated on the permit.

The Application fees for such permits shall be established by the Village Board of Trustees pursuant to Chapter 8 of the Village of Florida Code, entitled “Fees.”

**§ 87-3 Prohibitions.**

The following shall be prohibited in Village Parks:

1. Campfires and fires outside of designated areas
2. Use of glass bottles and glass receptacles
3. Possession of alcoholic beverages
4. Use or possession of snowmobiles, and all-terrain vehicles (ATVs).
5. Camping in Village parks without permission
6. Hunting
7. Swimming in Glenmere Lake
8. Use of gasoline or diesel motors on or within 25 of Glenmere Lake.
9. Horseback riding

**§ 87-4 Dogs**

All dogs must be licensed wearing appropriate identification (CAT).  Dogs must be leashed while in Village parks unless permission is given in writing to organizations using the park for the training and showing of dogs or within any designated dog park enclosure.  Dog owners shall be responsible for the conduct of his/her dog and must pick up and properly dispose of dog feces.  Dogs within the park shall also be subject to regulations contained within Chapter 55 of the Village of Florida Code, entitled, “Dogs and other Animals.”

**§ 87-5 Camping**

No person shall bring into any Village park or be in possession of any tents, nor shall they camp, start or maintain any type of fire without a special issued by the Village of Florida.

**§ 87-6 Trash**

All persons using any Village park shall be responsible for the removal and clean-up of any trash or debris.  All such trash or debris shall be deposited in designated receptacles provided or removed from park property.

**§ 87-7 Vehicles**

1. Vehicles are prohibited on all park property except on designated roadways and parking lots.
2. Overnight parking of vehicles on park property is prohibited.
3. The parking of vehicles, boats or trailers between the shoulder and the roadway at Glenmere Lake is always prohibited.
4. The parking of vehicles, boats, or trailers on the roadways adjoining the park at Glenmere or the Village reservoir (Glenmere Lake) is always prohibited.
5. All vehicles and boats shall display a season permit issued pursuant to § 87-2.

**§ 87-8 Boat Storage**

Leaving boats unattended or stored at Glenmere Lake Park is prohibited.  Owners of such boats violating this provision are subject to the immediate removal of such boats without notice, the cost of storage of such boats and the penalties as provided in § 87-8.

**§ 87-9 Penalties for Offense**

1. Any person committing an offense against any provision of this chapter shall be guilty of a violation punishable by a fine not exceeding $ 250.00 or by imprisonment for a term not exceeding 15 days, or both such fine and imprisonment.  [Tiered punishment].  The continuation of an offense against any provision of this article shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.
2. Should any person or group violate the provisions of this chapter, in addition to the penalties set forth in Subsection A above, the permit for said person or group may be revoked by the Village Board of Trustees, and said person or persons will be asked to leave the park premises and said persons or group may be barred from use of the park for a period of time to be determined by the Village Board.

**Section 3.        Authority.**

            This local law is adopted pursuant to section 10 of the Statute of Local Governments which provides local governments the power “to adopt, amend and repeal ordinances, resolutions and rules and regulations in the exercise of its functions, powers and duties”.

**Section 4.        Severability.**

            If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof , but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

**Section 5.        Effective Date.**

***This local law shall take effect immediately upon filing with the Secretary of State.***

***Motion to Table by Trustee Oleniczak second by-Trustee Fuller***

**VOTE YES 5 NO 0**

1. **Local Law 6**

Village of Florida

Village Board of Trustees

Resolution of Negative Declaration

WHEREAS, the Village Board of Trustees of the Village of Florida introduced Introductory Local Law 6 of 2020, entitled “A LOCAL LAW TO AMEND THE ZONING LAW TO EXPAND THE GENERAL COMMERCIAL DISTRICT” which Introductory Local Law would amend the zoning map of the Village of Florida and add mixed use multiple dwellings as a conditional use permit in the General Commercial Zone;

WHEREAS, the Village Board is the single agency involved and there are no interested and/or involved agencies, such that the Village declared itself to be Lead Agency for purposes of the State Environmental Quality Review Act (SEQR); and

WHEREAS, the Village completed and submitted a Full Environmental Assessment Form and the same has been carefully reviewed and thoroughly considered by the Board; and

WHEREAS, a duly noticed public hearing was held on July 8, 2020 and continued on August 12, 2020. Written comment was accepted until August 26, 2020;

WHEREAS, the Village Board received and reviewed the following documents submitted by the property owner of one of the affected parcels:

1. Ecological Investigation by ERS Consultants dated August 6, 2020
2. Soil test analysis by Lehman & Getz Consulting Engineers dated August 10, 2020
3. Traffic Study by Maser Consulting, dated July 31, 2020.

WHEREAS, the Village Board has received and considered the following correspondence:

1. Public comment as set forth on the annexed list of public comment;
2. Ronald J. Heter, Jr., on behalf of the Florida Fire Department, dated July 29, 2020
3. Chief James S. Coleman, Florida Police Department, dated August 10, 2020
4. Orange County Department of Planning, dated July 8, 2020

NOW, THEREFORE, BE IT RESOLVED that the Village of Florida Village Board hereby determines that the proposed action will not have a significant adverse effect on the environment; that an environmental impact statement shall not be required; and that this resolution shall constitute a negative declaration for purposes of Article 8 of the Environmental Conservation Law, Part 617 of the NYCRR for the reasons contained herein; and

BE IT FURTHER RESOLVED that the reasons supporting the foregoing Negative Declaration are as follows:

1. See responses to the relevant portions of the Full Environmental Assessment Form Part 2 – Identification of Potential Impacts.
2. The proposed local law was intended to allow mixed use projects consistent with the historical character of “downtown” Florida. This character will be enforced through the Planning Board’s application of the conditional use criteria together with existing architectural review requirements.
3. The proposed zoning amendment creates an opportunity for apartment style housing which is often more affordable than conventional single-family home ownership.
4. To the extent, this SEQR review is considered segmented, the Village Board finds that such segmentation is permissible under SEQR because every application will require a full environmental review at the time of application before the Village Planning Board. Such review is no less protective of the environment and no part of any project will evade environmental review.
5. The Village has sufficient water and sewer capacity to serve the sole known project at this time. Future applicants will be required to demonstrate adequate sewer and water capacity at the time of application.

BE IT FURTHER RESOLVED, that this Board adopts the Negative Declaration incorporated herein and instructs the Village attorney to make the required filing and publication.

Motion by: Trustee Slattery

Second by: Trustee Barczak

Mayor Harter: No

Trustee Fuller: Aye

Trustee Barczak: Aye

Trustee Olejniczak: Aye

Trustee Slattery: Aye

VILLAGE OF FLORIDA

VILLAGE BOARD OF TRUSTEES

RESOLUTION TO ADOPT INTRODUCTORY LOCAL LAW 6 OF 2020

WHEREAS, the Village Board of Trustees of the Village of Florida introduced Introductory Local Law 6 of 2020, entitled “A LOCAL LAW TO AMEND THE ZONING LAW TO EXPAND THE GENERAL COMMERCIAL DISTRICT” which Introductory Local Law would amend the zoning map of the Village of Florida and add mixed use multiple dwellings as a conditional use permit use in the General Commercial Zone;

WHEREAS, the Village Board declared itself to be lead agency pursuant to SEQR on May 13, 2020; and after considering and reviewing the record as described therein, the Village Board adopted a Negative Declaration pursuant to SEQR on September 9, 2020 and incorporates those findings as if fully set forth herein; and

WHEREAS, the Village Board held a duly noticed public hearing both in person and by virtual teleconferencing technology (Zoom) on July 8, 2020 and continued on August 12, 2020; and

WHEREAS, the Village Board accepted written comment until August 26, 2020; and

WHEREAS, the Village Board is in receipt of and has considered written comment as set forth on the annexed list of public comments; and

WHEREAS, the Village Board is in receipt of and has considered the following:

1. Public comment as set forth on the annexed list of public comment;
2. Ronald J. Heter, Jr., on behalf of the Florida Fire Department, dated July 29, 2020
3. Chief James S. Coleman, Florida Police Department, dated August 10, 2020
4. Orange County Department of Planning, dated July 8, 2020
5. Village of Florida Ethics Committee – Letter of Findings

WHEREAS, the Village referred the matter to the Orange County Department of Planning as required by General Municipal Law 239 et. seq.; and

WHEREAS, the Orange County Department of Planning by letter dated July 8, 2020 issued a recommendation of approval; and

NOW THEREFORE BE IT RESOLVED, that after consideration and discussion, the Village Board hereby adopts Introductory Local Law 6 of 2020 as Local Law 7 of 2020; and

BE IT FURTHER RESOLVED, that the Village Attorney shall file the local law with the Secretary of State and make any additional filings required by law; and

BE IT FURTHER RESOLVED, that the zoning map shall be amended to reflect this Local Law.

Motion by: Trustee Barczak

Second by: Trustee Slattery

Roll Call Vote:

Trustee Barczak **Ye**s

Trustee Fuller No

Trustee Slattery Yes

Trustee Olejniczak Yes

Mayor Daniel Harter No

VILLAGE OF FLORIDA

VILLAGE BOARD OF TRUSTEES

RESOLUTION TO ADOPT INTRODUCTORY LOCAL LAW 6 OF 2020

WHEREAS, the Village Board of Trustees of the Village of Florida introduced Introductory Local Law 6 of 2020, entitled “A LOCAL LAW TO AMEND THE ZONING LAW TO EXPAND THE GENERAL COMMERCIAL DISTRICT” which Introductory Local Map would amend the zoning map of the Village of Florida and add mixed use multiple dwellings as a conditional use permit use in the General Commercial Zone;

WHEREAS, the Village Board declared itself to be lead agency pursuant to SEQR on May 13, 2020; and after considering and reviewing the record as described therein, the Village Board adopted a Negative Declaration pursuant to SEQR on September 9, 2020 and incorporates those findings as if fully set forth herein; and

WHEREAS, the Village Board held a duly noticed public hearing both in person and by virtual teleconferencing technology (Zoom) on July 8, 2020 and continued on August 12, 2020; and

WHEREAS, the Village Board accepted written comment until August 26, 2020; and

WHEREAS, the Village Board is in receipt of and has considered written comment as set forth on the annexed list of public comments; and

WHEREAS, the Village Board is in receipt of and has considered the following:

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BE IT FURTHER RESOLVED, that the Village Attorney shall file the local law with the Secretary of State and make any additional filings required by law; and

BE IT FURTHER RESOLVED, that the zoning map shall be amended to reflect this Local Law.

Motion by: \_\_\_Trustee Slattery\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Second by: \_\_\_\_Trustee Barczak\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Roll Call Vote:

Trustee Barczak Yes

Trustee Fuller No

Trustee Slattery Yes

Trustee Olejniczak Yes

**Mayor Harter No**

1. **Part-Time Billing Clerk**

Motion made by Trustee Barczak seconded by Trustee Fuller to approve/table/deny the hiring of Lisa Boone at $15.50/ hr. beginning September 8th, 2020.

**VOTE: YES NO**

1. **Meeting Schedule**

September 15, 2020 6:30 PM Work Session Village Election 12pm-9pm

October 5, 2020 6:30 PM Work Session/Reorganization Meeting 7:00pm

October 14, 2020 7:15 Vouchers 7:30 Meeting

October 21, 2020 6:30 PM Work Session

1. **PUBLIC COMMENT**

**Patty Rotella asked what was going on with the Jayne St bridge.**

**Mayor Harter stated that it is on the budget for Warwick**

**Patty Rotella asked for a temporary bridge**

**A brief discussion arose.**

1. **ADJOURNMENT**

Motion made by Trustee Fuller seconded by Trustee Olejniczak to adjourn the meeting at 8:30 \_\_\_\_ PM.

**VOTE: YES 5 NO 0**