

DECEMBER 11, 2019 REGULAR MEETING OF THE BOARD OF TRUSTEES

I. CALL TO ORDER

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

Board Members Present: Mayor Harter, Trustee Fuller Trustee Barczak, Trustee Olejniczak(arrived late),

Also Present : Clerk Wierzbicki, Attorney Cassidy, Treasurer Weaver

Board Members Absent Trustee Slattery

Approximate Number in Audience: **3**

II. PUBLIC HEARING

Mayor Harter opened the Public Hearing at 7 32 pm

Seconded by Trustee Barczak

Attorney Cassidy explained the Law in detail for the audience

No correspondence was received

The clerk will read the affidavit of posting

III. MINUTES

Motion made by Trustee Barczak seconded by Trustee Fuller to approve the minutes of the November 13th Regular meeting

VOTE: YES 3 NO 0 2 ABS

IV. FINANCIAL REPORTS

1. Treasurer's Report

Motion made by Trustee Barczak seconded by Trustee Fuller to accept the Treasurer's report for November 2019 as submitted.

VOTE: YES 3 NO 0 2 ABS

2. Payment of Vouchers

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

VOTE: YES 3 NO 0 2 ABS

3. Transfers

**Transfers for Fiscal Year 2020 -
December**

General Fund Expenditures

<u>Account Description</u>	<u>From</u>	<u>To</u>
Highway Sidewalk Repairs	25,000.00	
Street Oiling Project Expenditures		25,000.00
Employee State Retirement Contributions	5,000.00	
Holiday Lights Expenditures		5,000.00
Snow Removal - Salt Barn Expenditures	5,000.00	
Snow Equipment Maintenance		5,000.00

Motion by Trustee Fuller seconded by Trustee Barczak to approve transfers as presented

VOTE: YES 3 NO 0 2 ABS

IV. ANNOUNCEMENTS, CORRESPONDENCE & PRESENTATIONS

- 1. Mary Lou Sosler Deputy Clerk, officially retired with a send-off brunch after 15 years with the Village. We wish her well.**
- 2. SUNY Orange sent an invitation to their annual Holiday Reception on December 12, 2019.**
- 3. Ms. Ann Zembovictz of 74 Highland Ave sent a letter expressing concern over the speeders on Highland Ave.**
- 4. Pittney Bowes sent a warning about a Malware attack on their system.**
- 5. Orange County Department of Health sent a notification regarding Stage II Byproducts.**
- 6. The Town of Goshen sent notice regarding a Public Hearing on Local Law 2 Wind and Solar System Amendments for consistency and clarity.**
- 7. Orange County Department of Emergency Services sent a revised Interoperability Agreement.**
- 8. The Office of Real Property Services sent a notice that they are going paperless.**
- 9. Ingersoll Rand sent a notice regarding their merger with Gardner Denver Holdings, Inc**

V. REPORTS OF THE TRUSTEES/ASSIGNMENTS

- 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**

VI. PUBLIC COMMENT – AGENDA ITEMS ONLY

This opportunity is provided for members of the audience to comment on **any item listed** on the agenda. Please address the Board and limit your comments to five minutes.

There was a question regarding the aerators on the lake and whether or not they were off.

Mayor Harter addressed it by saying that according to the company that was running them, they are off.

A letter from Ann Zembovitz of Highland Ave was read regarding speeding on Highland Ave.

Trustee Barczak addressed the fact that there is a major speeding problem in the Village and most of the culprits are residents. The Board urges everyone to slow down.

VII. UNFINISHED BUSINESS

1. Beazer Homes

**Village of Florida
Village Board of Trustees
Resolution to Approve Performance Bond – Beazer Homes, Glenview Hills**

WHEREAS, Beazer Homes LLC, a Delaware limited liability company, successor to Beazer Homes Corp. is the developer of Glenview Hills Subdivision – Village of Florida, an approved, phased subdivision and recorded in the Orange County Clerk’s Office as Map 613-2006;

WHEREAS, the public improvements to Phase IB were accepted by the Village of Florida on November 14, 2018;

WHEREAS, the Village is currently holding a performance bond to ensure the completion of Phase IB improvements in the amount of \$ 675,900 plus an additional \$ 75,100 in cash;

WHEREAS, now that improvements are complete is necessary to convert the Phase IB performance bond into a maintenance bond and to establish an appropriate performance bond for Phase II;

WHEREAS, the Planning Board is vested with the authority to determine the amount of the performance bond, subject to the acceptance by the Village Board of Trustees pursuant to Chapter 103 of the Village of Florida Code and New York Village Law § 7-730;

WHEREAS, the Planning Board by resolution dated December 4, 2019 has approved the bonds as to amounts and has recommended such bonds be accepted by the Village Board of Trustees;

WHEREAS, the proposed performance bond has been reviewed by the Village Attorney and Village Engineer and has been found to be acceptable;

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Village Board hereby approves and accepts of the Maintenance Agreement annexed hereto and authorizes the Mayor to sign the same;

2. The Village Board hereby approves a performance bond in the amount of \$ 707,000 to consist of a \$ 176,500 cash deposit and a \$ 530,500 bond for Phase II,

3. The Village Board approves and accepts the Performance and Maintenance Agreement for Phase II annexed hereto and authorizes the Mayor to sign the same;

4. The Village Board hereby authorizes the inspection escrow presently on deposit with the Village in the sum of \$ 57,955.54 (as of November 5, 2019) for Phase IB to be applied to the required inspection escrow for Phase II and no additional inspection escrow is required at this time.

BE IT FURTHER RESOLVED, that the Village Board of Trustees, hereby authorizes, the Village Attorney, Village Engineer and Village Treasurer to take whatever steps are reasonably necessary to effectuate the meaning and intent of the Maintenance Agreement and Performance and Maintenance Agreement.

On a motion by: Trustee Fuller, second: Trustee Barczak

Vote 3 YES-2 ABS

2. Bond Resolution

THE BOARD OF TRUSTEES OF THE VILLAGE OF FLORIDA, IN THE COUNTY OF ORANGE, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Board of Trustees) AS FOLLOWS:

Section 1. The Village of Florida, in the County of Orange, New York (herein called the “Village”), is hereby authorized to acquire a sanitation truck. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$227,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the expenditure of \$27,000 from other available funds to pay a part of said appropriation, the issuance of bonds of the Village in the principal amount of not to exceed \$200,000 to finance the balance of said appropriation, and the levy and collection of taxes on

all the taxable real property in the Village to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the Village in the principal amount of not to exceed \$200,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the “Law”), to finance a part of said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness of the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 28 of the Law, is fifteen (15) years.

(b) The proceeds of the bonds herein authorized, and any bond anticipation notes issued in anticipation of said bonds, may be applied to reimburse the Village for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the Village, payable as to both principal and interest by general tax upon all the taxable real property within the Village. The faith and credit of the Village are hereby irrevocably pledged to the punctual payment of the principal of and interest on said

bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Village by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 of the Law relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Board of Trustees relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to the execution of agreements for credit enhancements, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Village is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to a permissive referendum and the Village Clerk is hereby authorized and directed, within ten (10) days after the adoption hereof, to cause to be published, in full, in the *“Warwick Valley Dispatch,”* a newspaper having a general circulation within said Village and hereby designated the official newspaper of the Village for such publication, and posted in at least six (6) public places and in each polling place in the Village, a Notice in substantially the following form:

VILLAGE OF FLORIDA, NEW YORK

PLEASE TAKE NOTICE that on December 11, 2019, the Board of Trustees of the Village of Florida, in the County of Orange, New York, adopted the bond resolution entitled:

“Bond Resolution of the Village of Florida, New York, adopted December 11, 2019, authorizing the acquisition of a sanitation truck; stating the estimated maximum cost thereof is \$227,000; appropriating said amount for such purpose, including the expenditure of \$27,000 from other available funds to pay a part of said appropriation; and authorizing the issuance of bonds in the principal amount of not to exceed \$200,000 to finance the balance of said appropriation,”

an abstract of such bond resolution concisely stating the purpose and effect thereof, being as follows:

FIRST: AUTHORIZING the Village of Florida to acquire a sanitation truck; STATING the estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$227,000; APPROPRIATING said amount for such purpose; and STATING the plan of financing includes the expenditure of \$27,000 from other available funds to pay a part of said appropriation, the issuance of bonds of the Village in the principal amount of not to exceed \$200,000 to finance the balance of said appropriation, and the levy of a tax upon all the taxable real property within the Village to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$200,000 bonds of the Village pursuant to the Local Finance Law of the State of New York (the “Law”) to finance a part of said appropriation;

THIRD: DETERMINING and STATING that (a) the period of probable usefulness of the object or purpose for which the bonds are authorized is fifteen (15) years; (b) the proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds

may be applied to reimburse the Village for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized; and (c) the proposed maturity of said bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Village payable by general tax upon all the taxable real property within the Village; and PLEDGING to their payment the faith and credit of the Village;

FIFTH: DELEGATING to the Village Treasurer the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof and other powers; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: December 11, 2019

Colleen Wierzbicki

Village Clerk

Section 8. The Village Clerk is hereby authorized and directed to cause a summary of this Bond Resolution to be published after this Bond Resolution shall take effect, in the newspaper referred to in Section 7 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

Motion by Trustee Fuller Second Trustee Barczak

Aye 4
No 0
1 ABS

3. Attorney Cassidy asked approval from the Board for the repair of an automobile struck in the parking lot by a Village vehicle in the amount of \$ 537.27

VOTE YES 3 No 0 2 ABS

VIII. NEW BUSINESS

1. Healthcare 2020 Contract

Motion made by Trustee Fuller seconded by Trustee Barczak to approve the MVP Healthcare contract with a 6.8% rate increase and a Benistar retiree contract with a rate increase of 4.4%.

VOTE: YES 3 NO 0 2 ABS

2. Local Law 8

RESOLUTION TO ADOPT INTRODUCTORY LOCAL LAW 8 OF 2019, A LOCAL LAW TO EXTEND THE TERMS OF MAYOR, TRUSTEES, CLERK AND TREASURER FROM TWO YEARS TO FOUR.

WHEREAS, the Village Board of Trustees desires to extend the terms of the Mayor, Trustees, Village Clerk and Treasurer from two years to four for the purposes of promoting efficiency and eliminating the need to hold an election every year.

WHEREAS, Village Law § 3-302 expressly authorizes four-year terms and the holding of biennial elections;

WHEREAS, a duly noticed public hearing was held on December 11, 2019 at 7:30 p.m. in Village Hall at 33 South Main Street, Florida, NY 10921;

NOW THEREFORE BE IT RESOLVED, that Introductory Local Law 8 of 2019 entitled, A LOCAL LAW TO EXTEND THE TERMS OF MAYOR, TRUSTEES, CLERK AND TREASURER FROM TWO YEARS TO FOUR is hereby adopted as Local Law 8 of 2019 subject to a permissive referendum.

BE IT FURTHER RESOLVED that the Village Clerk shall cause to be published public notice in the official newspaper as is required by law.

Motion by: Trustee Barczak Second: Trustee Fuller
VOTE: YES 3 NO 0 2 ABS

3. Schultz Proclamation

Know All By These Presents:

Whereas, it is the intention of the Village Board of the Village of Florida to recognize those, who by their actions, have brought distinction, honor and glory to the community of Florida, New York; and

Whereas, when such a contribution has been made, it is the policy of the Village Board of the Village of Florida, by special resolution, to publicly and historically make known these significant acts; and

Whereas, this was only made possible by the generous donation of the property by the Schultz Family the owners of the beautiful tree graciously donated to Rockefeller Center and

Whereas, the Village of Florida would once again like to acknowledge the beneficence of the Schultz Family for making the Village enjoy such a rare opportunity;

Now Therefore Be It Resolved that the Board of Trustees of the Village of Florida hereby acknowledges The Schultz Family for their foresight and generosity in donating the property to the Rockefeller Center, and

Be It Further Resolved that November 7, 2019 be declared Schultz family day and a suitable copy of this proclamation be prepared and presented them or their descendants, and that this proclamation is entered upon the official minute book of the Village of Florida for all people to see for all time to come.

By Order of the Board of Trustees

Village of Florida,

4. DPW Jackets

Motion by _____ seconded by _____ to approve the purchase of new jackets for all DPW employees as per contract. TABLED

Motion by: _____ Second: _____

VOTE: YES NO

5. Emergency Staffing TABLED

Motion by _____ seconded by _____ to approve temporary/emergency staffing in any department for short periods of time in the event an employee becomes temporarily ill and there is an immediate need.

Motion by: _____ Second: _____

VOTE: YES NO

6. Partners in Safety Contract

Motion made by Trustee Fuller seconded by Trustee Barczak to approve Mayor Harter to sign contract as presented for the calendar year 2019/2020 with Partners in Safety

VOTE: YES 4 NO 0 1 ABS

IX. Meeting Schedule

December 16 th , 2019	6:30 PM Work Session
January 2 nd , 2020	6:30 PM Work Session
January 8 th , 2020	6:30 PM Meeting 6:15 workshop/vouchers
January 15 th , 2020	6:30 PM Work Session
February 5 th , 2020	6:30 PM Work Session

X. PUBLIC COMMENT

**Greg Kimiceik asked if we were enforcing cleaning sidewalks.
The Board stated that the Code Inspector had written many violations last week.**

XI. ADJOURNMENT

Motion made by Trustee Olejniczak seconded by Trustee Barczak to adjourn the meeting at 8:08 PM

VOTE: YES 4 NO 0 1 ABS