# **May 3, 2023 REGULAR MEETING OF THE BOARD OF TRUSTEES**

# **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 Olejniczak, Trustee Werner, Trustee Roach

Board Members Absent: none

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

Approximate Number in Audience: **8**

**II. MINUTES**

Motion made by ***Trustee Fuller*** seconded by ***Trustee Olejniczak*** to approve the minutes of the April 5th, 2023 meeting.

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

Motion made by ***Trustee Werner*** seconded by ***Trustee Fuller*** to approve the minutes of the General Meeting, April 12th Budget Public Hearing

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

Motion made by ***Trustee Fuller*** seconded by ***Trustee Olejniczak***  to approve the minutes of the April 19th, Special Meeting.

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

##### **III. FINANCIAL REPORTS**

1. **Treasurer’s Report**

Motion made by ***Trustee Roach*** seconded by ***Trustee Werner*** 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 Werner*** to approve payment of t vouchers as audited.

**VOTE: YES 5 NO 0**

1. **Transfers**

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| --- | --- | --- |
| **Transfers** | |  |
|  |  |  |
| **General Fund Expenditures**   |  |  |  |  | | --- | --- | --- | --- | | **General Fund Expenditures** |  |  |  | | **Account Description** | **From** | **To** |  | | Treasurer Edmunds Software Charge | 300.00 |  |  | | Judicial Equipment and Supplies |  | 200.00 |  | | Treasurer Computer Equipment |  | 100.00 |  | | (WB Mason, Fingerprinting - various ) |  |  |  | |  |  |  |  | | Clerk Code Book | 1,300.00 |  |  | | Treasurer Audit Expenditures |  | 1,300.00 |  | | (RBT final invoice ) |  |  |  | |  |  |  |  | | Clerk Equipment | 300.00 |  |  | | Clerk Travel and Conference |  | 300.00 |  | | (Miles Reimb to NYCOM) |  |  |  | |  |  |  |  | | Clerk Advertising | 200.00 |  |  | | Clerk Computer Equipment and Services |  | 200.00 |  | | (Monthly software & Verizen) |  |  |  | |  |  |  |  | | General Fund Contingency | 5,000.00 |  |  | | Engineer Contract Services |  | 5,000.00 |  | | (Hoffman Engineering) |  |  |  | |  |  |  |  | | Election Contractual Services | 200.00 |  |  | | Election Supplies |  | 200.00 |  | | (Ballots and Commissioner of Elections) |  |  |  | |  |  |  |  | | Office Building Maintenance | 100.00 |  |  | | Senior Center Maintenance and Supplies |  | 100.00 |  | | (JM Eletric lamp replacement) |  |  |  | |  |  |  |  | | Building Dept Computer Equipment and Services | 200.00 |  |  | | Building Department Travel and Conference |  | 200.00 |  | | (Reimburse Mileage Building Inspector ) |  |  |  | |  |  |  |  | | Sanitation Salaries | 1,500.00 |  |  | | Park Salaries - DPW |  | 1,500.00 |  | | (Additional Park Maintenance) |  |  |  | |  |  |  |  | | Park Salaries - Other | 500.00 |  |  | | Parks Contract Services |  | 500.00 |  | | (Portable Toilet Rentals) |  |  |  | |  |  |  |  | | Youth Recreation Maintenance | 1,300.00 |  |  | | Youth Recreation Entertainment | 1,000.00 |  |  | | Parks Maintenance |  | 2,300.00 |  | | (Storage Trailer Repair - C. Mitchell ) |  |  |  | |  |  |  |  | | **Water Fund Expenditures** |  |  |  | | **Account Description** | **From** | **To** |  | |  |  |  |  | | Plant Operator Salaries | 1,000.00 |  |  | | Clerk Salaries |  | 1,000.00 |  | | (Higher total clerk salaries including temp.) |  |  |  | |  |  |  |  | | Office Equipment and Supplies | 800.00 |  |  | | Training and Conference Expenditures |  | 800.00 |  | | (3 DPW employees water class miles & lodging) |  |  |  | |  |  |  |  | | Office Renovations and Repairs | 1,500.00 |  |  | | Office Computer Equipment and Services |  | 1,500.00 |  | | (TCG Solutions) |  |  |  | |  |  |  |  | | Plant Maintenance and Repairs | 1,000.00 |  |  | | Sludge Removal Fees |  | 1,000.00 |  | | (TAM Sludge Removal) |  |  |  | |  |  |  |  | | Water Laborer Salaries | 2,500.00 |  |  | | Distribution Equipment |  | 1,000.00 |  | | Distribution Training and Conference |  | 1,500.00 |  | | (Portable Radios & Generator, Licensing Course) |  |  |  | |  |  |  |  | |  |  |  |  | | **Sewer Fund Expenditures** |  |  |  | | **Account Description** | **From** | **To** |  | |  |  |  |  | | Sewer Permits | 1,000.00 |  |  | | Clerk Salaries |  | 1,000.00 |  | | (Higher total clerk salaries including temp.) |  |  |  | |  |  |  |  | | Office Renovations and Repairs | 5,000.00 |  |  | | Office Computer Equipment and Services |  | 5,000.00 |  | | (TCG Solutions Computer System) |  |  |  | |  |  |  |  | | Sewer Plant Professional Fees | 1,000.00 |  |  | | Sewer Plant Equipment and Supplies |  | 1,000.00 |  | |  |  |
|  |  |  |

**Motion to approve transfers as presented by *Trustee Fuller* seconded by *Trustee Olejniczak***

**VOTE: YES 5 NO 0**

**IV. ANNOUNCEMENTS, CORRESPONDENCE & PRESENTATIONS**

1. **Cablevision Systems Corporation submitted the 1stQ franchise fee payment in the amount of $10,944.00.**
2. **Orange County Department of Public Works sent the 2023 tipping rates effective April 1, 2023.**
3. **Florida Chamber of Commerce sent a request for a permit for the Farmers Market.**
4. **Orange County Director of Tourism informing us of a $4999.oo Tourism grant received.**
5. **TS Purta Funeral Home sent a notice regarding their 4thQ water bill.**
6. **NY State Liquor Authority sent a 30 day advance notice for** **Cork New York LLC.**
7. **Orange County Youth Bureau sent a fully executed 2023 contract.**
8. **Steve Hanauer of Stauber Performance Ingredients sent a response to the noise complaints.**
9. **Orange County Office of the Aging sent an invitation for the 50th anniversary of the Nutrition Program.**
10. **Building Inspector Pawliczek sent a Notice of Unsafe Structure regarding 56 Country Club Dr**
11. **Orange County Department of Human Resources sent approval for two requested positions.**
12. **Altice sent a notice of price increase.**
13. **RJB Community management sent notice regarding speeding.**
14. **Orange County Department of General Services sent a notice regarding Youth Bureau funding**
15. **NY State Office of Real Property sent the Equalization rate**
16. **Orange County Clerk’s office submitted May mortgage tax receipts.**

**There was a brief discussion regarding the noise from Stauber and the steps that have begun to help remedy the problem.**

**V. REPORTS OF THE TRUSTEES**

1**.** Thomas Fuller – Police, Justice, Emergency Management, Senior Affairs- FPD issued 41 tickets a 50 percent increase of last month. They are currently participating in the BOCES ride along program for students interested in Criminal Justice.

For the month of April Village PD issued 41 Traffic Tickets and 11 Parking tickets .

2. Craig Olejniczak – Recreation & Parks, Animal Control, Buildings/Grounds

Summer Rec starts 6/26-8/4. Online registration will be available mid-end May. We have plenty of counselor applications. Parks look good all teams have been utilizing Sturr Park. Reminding residents of the Village Code

3. Alyssa Werner – DPW, Sewer/ Water, Chamber of Commerce

4. Matthew Roach – Building & Planning, Historical

**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.

Karen Harrison of 66 Jayne St stated she would like to follow up on Trustee Olejniczak’s discussion on feral cats. She stated that her neighbor is no longer living in the house and her relatives are feeding stray cats in the neighborhood and it has become unsanitary.

She was advised to address the Code Enforcement officer in writing of her complaints.

**VII. UNFINISHED BUSINESS**

1. **2023-2024 Tax Warrant**

Motion made by ***Trustee Werner*** seconded by ***Trustee Olejniczak*** to relevy $ 67,130.82 in sewer rents including penalties, and $ 91,159.71 in water rents, including penalty, and to issue the following tax warrant to the tax collector:

You are hereby commanded to receive and collect from the several persons named in the tax roll hereunto annexed, the several sums stated opposite their respective names, being a total of

for the following purposes:

Current Budget $1,615,000.00

Re-levied Sewer Rents $67,130.82

Re-levied Water $91,159.71

Prorated or Ag Tax Levy $172.83

Special Charges (Mowing) $81.00

**Total: $ 1,773,544.36**

You are further commanded to receive and collect such sums without additional charge between the first day of June 2023 and the first day of July 2023 at the Village Clerk’s Office, 33 S. Main St, Florida, NY between the hours of 8:30 AM and 4:00 PM Monday through Friday, except holidays. Thereafter, an additional charge of five percent for the first month or fraction thereof and one percent for each month or fraction thereof until paid.

You are further commanded to file the tax roll in your office on or before the first day of November 2022 and to deliver to the Board of Trustees at the same time an account of the taxes remaining due and unpaid, and showing the person or persons to whom the parcel is assessed and showing as to each parcel the amount of tax unpaid.

**VOTE: YES 5 NO 0 Absent**

1. **NYS Municipal Workers’ Compensation Alliance**

Motion made by ***Trustee Fuller*** seconded by ***Trustee Olejniczak*** to approve Mayor Harter to sign the renewal contract for policy period June 1, - May 31 2024 in the amount of $55,825.00, a decrease from previous year.

**VOTE: YES 5 NO 0**

1. **Local Law 4 of 2023**

**VILLAGE OF FLORIDA**

**VILLAGE BOARD OF TRUSTEES**

**RESOLUTIONS TO ADOPT THE COMPREHENSIVE PLAN AND**

**ADOPT INTRODUCTORY LOCAL LAW 4 OF 2023, A LOCAL LAW TO REPEAL AND REPLACE CHAPTER 119 OF THE VILLAGE OF FLORIDA CODE, ENTITLED “ZONING”;**

**LOCAL LAW 5 OF 2023, A LOCAL LAW TO REGULATE THE INSTALLATION AND USE OF BATTERY ENERGY STORAGE SYSTEMS AND EQUIPMENT**

**INTRODUCTORY LOCAL LAW 6 OF 2023, A LOCAL LAW TO REGULATE SOLAR ENERGY SYSTEMS**

**WHEREAS, the Village of Florida has undergone a nearly multi - year comprehensive planning process which included the development of a draft comprehensive plan together with a draft zoning law, solar law and battery energy storage law to implement the goals of the comprehensive plan;**

**WHEREAS, the Village Board of Trustees established a Comprehensive Plan Committee (“Committee”) for the purposes identifying the needs of the Village of Florida to develop a Comprehensive Plan pursuant to § 7-722 of New York State Village Law;**

**WHEREAS, the Village retained the services of Nelson Pope and Voorhis (“NPV”) for the purpose of preparing a draft Comprehensive Plan and Comprehensive Zoning amendments; and**

**WHEREAS, the Committee met on numerous occasions evaluating the needs and goals of the Village and solicited public input. The Committee’s efforts were then utilized by Nelson Pope and Voorhis to develop a draft Comprehensive Plan and Zoning Amendments**

**WHEREAS, the Village Board of Trustees introduced a draft Comprehensive Plan on December 7, 2022; and**

**WHEREAS, the Village Board of Trustees declared itself to be lead agency for purposes of the State Environmental Quality Review Act that same evening and further determined that the adoption of the comprehensive plan and the zoning, solar energy and battery energy storage systems local laws were a Type I action under SEQR**

**WHEREAS, the comprehensive plan and zoning, solar energy and battery energy storage systems local laws together with SEQR documents including an expanded Long Environmental Assessment Form have been referred to the Orange County Department of Planning as required by General Municipal Law § 239 et seq. and has been referred to the Village of Florida Planning Board as required by the Village Code;**

**WHEREAS, a duly noticed public hearing was held on March 1, 2023 at 7:30 p.m.; and**

**WHEREAS, the Village Board is in receipt of the following correspondence:**

**1. Letter from Orange County Department of Planning, dated December 29, 2022**

**2. Letter from Village of Florida Planning Board dated, February 1, 2023.**

**WHEREAS, the Village Board, upon receiving public comments, has prepared a written response to comments which is annexed hereto;**

**NOW THEREFORE BE IT RESOLVED, that after consideration of the expanded environmental impact statement, the public comment, the recommendations of the Village of Florida Planning Board and the Comprehensive Plan Committee, the Village Board of Trustees hereby finds that the proposed comprehensive plan and zoning, solar energy and battery energy storage systems local laws, will not have any adverse environmental impacts and hereby declares a “negative declaration” pursuant to SEQR as more fully set forth in the EAF Part 2 and 3 incorporated herein as if set forth at length.**

**Motion by *Trustee Werner* , Second by *Trustee Olejniczak***

**Trustee Roach Aye**

**Trustee Fuller Aye**

**Trustee Olejniczak Aye**

**Trustee Werner Aye**

**Mayor Harter Aye**

1. **Comprehensive Plan Resolution to adopt**

**BE IT FURTHER RESOLVED that the Village of Florida Comprehensive Plan, prepared by Nelson Pope and Voorhis is hereby adopted.**

**Motion by** ***Trustee Fuller*, Second by** ***Trustee Olejniczak***

**Trustee Roach Aye**

**Trustee Fuller Aye**

**Trustee Olejniczak Aye**

**Trustee Werner Aye**

**Mayor Harter Aye**

1. **Local Law 4 Zoning**

**BE IT FURTHER RESOLVED Introductory Local Law 4 of 2022, A LOCAL LAW TO REPEAL AND REPLACE CHAPTER 119 OF THE VILLAGE OF FLORIDA CODE, ENTITLED “ZONING” is hereby adopted as Local Law 1 of 2023.**

**Motion by** ***Trustee Werner* , Second by *Trustee Fuller***

**Trustee Roach Aye**

**Trustee Fuller Aye**

**Trustee Olejniczak Aye**

**Trustee Werner Aye**

**Mayor Harter Aye**

1. **Local Law 5 Battery Storage**

**BE IT FURTHER RESOLVED that Introductory Local Law 5 of 2022, A LOCAL LAW TO REGULATE THE INSTALLATION AND USE OF BATTERY ENERGY STORAGE SYSTEMS AND EQUIPMENT is hereby adopted as Local Law 2 of 2023**

**Motion by *Trustee Fuller***

**Second by *Trustee Roach***

**Trustee Roach Aye**

**Trustee Fuller Aye**

**Trustee Olejniczak Aye**

**Trustee Werner Aye**

**Mayor Harter Aye**

1. **Local Law 6 of 2022**

**BE IT FURTHER RESOLVED that Introductory Local Law 6 of 2022, A LOCAL LAW TO REGULATE SOLAR ENERGY SYSTEMS is hereby adopted as Local Law 3 of 2023**

**Motion by *Trustee Werner* , Second by *Trustee Olejniczak***

**Trustee Roach Aye**

**Trustee Fuller Aye**

**Trustee Olejniczak Aye**

**Trustee Werner Aye**

**Mayor Harter Aye**

1. **Local Law Filing**

**BE IT FURTHER RESOLVED that a copy of the Comprehensive Plan, Zoning, Solar Energy and Battery Energy Storage Systems local laws and Zoning Map shall be filed in the Village Clerk’s Office and shall be transmitted to Orange County Department of Planning together with a report of final action;**

**BE IT FURTHER RESOLVED that the Clerk is hereby directed to file Local Laws 4 of 2023, 5 of 2023 and 6 of 2023 to the Secretary of State and to cause said local laws to be codified in the Village of Florida Village Code.**

**Motion by *Trustee Fuller***

**Second by *Trustee Roach***

**Trustee Roach Aye**

**Trustee Fuller Aye**

**Trustee Olejniczak Aye**

**Trustee Werner Aye**

**Mayor Harter Aye**

**VIII. NEW BUSINESS**

1. **Village Justice**

**Motion by *Trustee Fuller* seconded by** ***Trustee Olejniczak* to approve the appointment of Stephen Hunter as Village Acting Justice.**

**VOTE: YES 5 NO 0**

1. **Fee Waiver Florida Chamber of Commerce**

**Motion made by *Trustee Werner* seconded by *Trustee Olejniczak* to approve the waiving of the fees for the Farmers Market and the Chicken Barbeque**

**VOTE: YES 5 NO 0**

1. **Street Closure William Henry Seward Day 5/13/23**

**Motion by *Trustee Fuller*  second by *Trustee Roach* to approve the closure of Main Street on May 13, 2023 between the hours of**

**VOTE: YES 5 NO 0**

1. **Street Closure Memorial Day 5/29/23**

**Motion by *Trustee Fuller* second by *Trustee Olejniczak* to approve the closure of Main Street on May 29, 2023 between the hours of**

**VOTE: YES 5 NO 0**

1. **30 Day Waiver Cork New York LLC**

**WHEREAS, Cork New York LLC has completed the Standardized Notice Form for Providing 30-Day**

**Advance Notice of Intent to file a new application for an On-Premises Alcoholic Beverage**

**License for liquor, wine, cider and beer to the Village of Florida Board to be sold at**

**20 North Main Street Florida, NY 12484 for an on-premises liquor license; and**

**WHEREAS, pursuant to the applicable provisions of the Alcohol and Beverage Control Law Section 64, Subdivision 2(a), the Village of Florida has been notified of their intent to file an application for a liquor license with the New York State Liquor Authority; and**

**WHEREAS, a thirty (30) day hold before said application can be filed is mandated by New**

**York Alcohol and Beverage Control Law, unless, this time is waived by the municipality, and**

**WHEREAS, the Village of Florida Board wishes to assist the applicant in expediting**

**the application process and sees no objection to the issuance of a Liquor License; now,**

**THEREFORE, BE IT RESOLVED, that to the extent permitted by the New York State Liquor Authority, the Village Board hereby waives the requirement that written notice of the application be given to the Town at least thirty (30) days prior to submitting this application; and**

**BE IT FURTHER RESOLVED that the Village Clerk is hereby authorized to issue a letter to the applicant and to the New York State Liquor Authority to confirm the Village’s receipt of the Notice of Intent to file for the liquor license and a waiver of the thirty (30) day hold on the processing of said application.**

**Motion by *Trustee Werner***

**Second by *Trustee Fuller***

**VOTE: YES 5 NO 0**

1. **Surplus AT& T phones**

**Motion made by *Trustee Fuller* seconded by *Trustee Roach* to surplus remaining cell phones not in use.**

**4 Samsung Galaxy S7**

**1 Samsung Galaxy S6**

**1 Motorola Droid**

**1 LG 4G**

**VOTE: YES 5 NO 0**

1. **Meeting Schedule**

May 17th, 2023 9:30 AM Work Session cancelled

May 24th, 2023 9:30 AM End of Year-meeting and Work Session

June 7th,2023 9:30 AM Work Session/7:30PM General Meeting

June 21st, 2023 9:30 AM Work Session

July 5th, 2023 9:30 AM Work Session/7:30PM General Meeting

1. **PUBLIC COMMENT**

**Mr. Charles Dill of 76 Country Club Dr wanted clarification on the regulations for Solar storage.**

**Mayor Harter stated that we had nothing in the books that’s why it was necessary for the Comprehensive Plan.**

**Mr Greg Kimiecik of Maple Avenue wanted to now what bar was looking to get a liquor license.**

**Mayor Harter stated it was a new location**

1. **ADJOURNMENT**

**Motion made by *Trustee Werner* seconded by *Trustee Olejniczak* to adjourn at 8:35 pm.**

**VOTE: YES 5 NO 0**