

FEBRUARY 7, 2024 GENERAL 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 p.m.

Board Members Present: Mayor Harter, Trustee Fuller, Trustee Werner, Trustee Roach

Board Members Absent: Trustee Olejniczak

Also Present: Clerk Wierzbicki, Attorney Cassidy, Engineer Hoffman

Approximate Number in Audience: 6

Mayor Harter stated that before we get started, he requested a moment of silence to remember Planning Board Member Jeanne Uzenski. She recently passed away, she was a Planning Board member for over 30 years in the Village of Florida and I like to take a moment of silence to acknowledge her passing and everything she has done.

II. MINUTES

Motion made by *Trustee Fuller* seconded by *Trustee Roach* to approve the minutes of the January 3, 2024 Regular meeting.

VOTE: YES 4 NO 0 1 Absent

III. FINANCIAL REPORTS

1. Treasurer's Report

Motion made by *Trustee Werner* seconded by *Trustee Fuller* to accept the January Treasurer's report as submitted.

VOTE: YES 4 NO 0 1 Absent

2. Payment of Vouchers

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

VOTE: YES 4 NO 0 1 Absent

3. Transfers:

General Fund Expenditures

General Fund Expenditures

Account Description

From

To

NONE

Water Fund Expenditures

Account Description

From

To

Plant Equipment and Supplies

400.00

Plant Office Supplies

400.00

(Various)

Sewer Fund Expenditures

Account Description

From

To

NONE

Motion made by *Trustee Werner* seconded by *Trustee Roach* to approve the transfers as presented.

VOTE: YES 4 NO 0 1 Absent

IV. ANNOUNCEMENTS, CORRESPONDENCE & PRESENTATIONS

1. Slack Chemical Company Inc sent a price decrease on Sodium Hypochlorite beginning January 10, 2024.
2. Stauber Performance Ingredients sent a discharge compliance report for S2 2023.
3. Altice USA sent programming and pricing effective February 4, 2024.
4. Goodman Marks Associates Inc sent a retainer notification on behalf of NYSDOT improvement project for 104-1-15 easement.
5. A New York State Liquor Authority 30-day advance notice was received for 27 North Main ST.
6. Orange and Rockland sent a notice regarding the installation of natural gas detectors.
7. Teamsters Local Union 445 sent a letter regarding membership updates.
8. Orange County Department of Human Resources sent an annual training invitation.
9. New York State Department of Transportation sent a CHIPS, PAVENY, EWR and POP reimbursement schedule and balance.
10. Bid received from John Gardiner Construction for emergency repairs at Village Hall in the amount of \$3476.22.
11. Bid received from LJR and Son Construction for emergency repairs at Village Hall in the amount of \$3200.00.
12. Quote received from Robert Green Truck Division in the amount of \$31,238.40 for Swenson MDV1044SS and EV100 Salt and Sand spreader.
13. Orange and Rockland sent a road repair schedule request.
14. Quote for door replacement at Water Department in the amount of \$3050.00 from Roe Brothers.
15. Quote for door replacement at Highway Department in the amount of \$3324.63 from Kuiken Brothers.
16. Village of Florida Planning Board submitted a Negative Declaration for Leuner Realty.
17. 2023 Annual WWTF Certification copy received.
18. Optimum Business sent a rate increase notification effective February 2024.
19. DPW Supervisor requested attendance to Annual Training 5/20/24-5/22/24.

20. Quote received from Toshiba Business Solutions for new copier for the Building/Planning Department.
21. Email from AG Environmental regarding impact fee implementation.
22. Quote from Holly Tree Service for tree removal by Senior Center.
23. Quote from Acorn Tree and Crane for tree removal by Senior Center.
24. Orange and Rockland sent a utility project request schedule and safety kickstart excavator program schedule.
25. H2O sent January reports for water and sewer.
26. Orange County Trust sent a security breach notification.
27. Pitingaro and Doetsch sent a copy of a letter submitted to the USEPA for compliance.
28. Orange County Department of Health sent a Notice of Violation for 1/1/24-3/31/24.
29. Email from Engineer Hoffman regarding emergency repairs.
30. Gross Receipts tax payment in the amount of \$22.60 from Major Energy.
31. Franchise fee payment in the amount of \$10,254.00 from Cablevision.
32. Absolute Auctions submitted the final pricing from our surplus auction.
33. Village of Greenwood Lake sent an invitation to take part in the 100th Anniversary parade on August 17, 2024.

V. REPORTS OF THE TRUSTEES

1. Thomas Fuller – Police, Justice, Emergency Management Senior Affairs
2. Craig Olejniczak – Recreation & Parks, Animal Control, Buildings/Grounds
3. Alyssa Werner – DPW, Sewer/ Water, Chamber of Commerce
4. Matthew Roach – Building & Planning, Historical

Each respective Trustee summarized their department for the month of January and fees collected.

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.

Heather Ubides item number 10 on the Agenda it says the term is 5 years. It says 2028. Mayor Harter that's a typo

Robert Scott I would say I was total shocked when I have to let you know I was paying attention, it says there is a decrease in Sodium Hyper chloride beginning January 10, there's never a decrease.

Trustee Werner all the chemicals raised so high they last couple of years that they are finally starting to decrease.

RS Thank you. I would also like to say that Jeannie was an extremely important part of the Planning Board. She would be the one to question the applicant before the attorney. We are going to miss her.

Mayor Harter she was a very nice lady, very smart anyone else?

VII. UNFINISHED BUSINESS

1. Emergency Repairs Village Hall

**John Gardiner Construction
Florida, NY 10921
\$3476.22**

**LJR & Son Construction
Goshen, NY 10924
\$3200.00**

**Figueroa Construction
(no bid)**

Motion to approve bid in the amount of \$3200.00 by LJR & Son Construction for emergency repairs needed at Village Hall.

Motion by Trustee Fuller

Second by Trustee Roach

VOTE: YES 4 NO 0 1 absent

VIII. NEW BUSINESS

1. Reorganizational Meeting

Motion made by Trustee Werner seconded by Trustee Fuller to hold Reorganizational Meeting on April 1, 2024 at 7:00 PM.

VOTE: YES 4 NO 0 1 Absent

2. Budget Public Hearing

Motion made by Trustee Fuller seconded by Trustee Werner to hold Budget Public Hearing on April 10, 2024 between the hours of 7:00 PM and 8:00 PM.

VOTE: YES 4 NO 0 1 Absent

3. Salter/Sander quote for Highway Department

Motion made by Trustee Fuller seconded by Trustee Werner to approve the quote in the amount of TABLE

VOTE: YES 4 NO 0 1 absent

4. Door Replacement for Water Department

Motion by Trustee Werner second by Trustee Roach to approve the quote in the amount of \$3050.00 from Roe Brothers for door replacement.

Quotes Received

Roe Brothers \$3050.00

Kuiken Brothers \$3324.64

VOTE: YES 4 NO 0 1 Absent

5. 30 Day Waiver Forlex Inc DBA Rookies Restaurant & Pizzeria

WHEREAS, FORLEX INC 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 27 North Main Street Florida, NY 10921 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 Fuller
Second by Trustee Werner

VOTE: YES 4 NO 0 1 Absent

6. INTRODUCTORY LOCAL LAW 1 OF 2024

A LOCAL LAW PROVIDING FOR A PARTIAL EXEMPTION TO IMPLEMENT TAX EXEMPTION PURSUANT TO REAL PROPERTY TAX LAWS § 458-A, § 466-A, § 467

Be it enacted by the Village Board of the Village of Florida, Town of Warwick, County of Orange, State of New York, as follows:

Section 1. Purpose.

This Local Law is enacted for the purpose of providing a partial tax exemption upon real property based upon the owner's membership in the Fire and Ambulance volunteer organizations (collectively, the Districts) of the Village of Florida as permitted by Section 466-a of New York's Real Property Tax Law.

Section 2. Chapter 106, entitled Taxation is amended to read as follows:

Article I Tax Exemption for Members of Volunteer Fire Departments and Ambulance Services

§ 106-1 Legislative Findings.

This article is adopted pursuant to Section 466-a of the New York State Real Property Tax Law to provide a ten-percent real property tax exemption for qualified members of volunteer fire departments and volunteer ambulance services. Members of volunteer fire departments and ambulance services provide valuable services to the people of the Village of Florida. In order to be certified and recertified, such volunteers must undertake numerous hours of training on their own time and frequently at their own expense. The purpose of this exemption is to maintain the ranks of the volunteer corps and encourage volunteers to join.

§ 106-2 Amount of Exemption; conditions.

- A. Real property in the Village of Florida owned and resided in by an enrolled member and/or spouse of a volunteer fire company, fire department or ambulance corp. of any of the Districts shall be exempt from taxation to the extent of ten percent (10%) of the assessed value of such property for Village purposes, exclusive of special assessments.
- B. Such exemption shall be granted to an enrolled member of any of the Districts if:
 - 1. The property is within the Village of Florida and is the primary residence of the applicant; and
 - 2. The property is used exclusively for residential purposes; provided however, that in the event any portion of such is not used exclusively for the applicant's residence but is used for other purposes, the nonresidential portion shall be subject to taxation and the remaining portion shall be entitled to the exemption provided by this section; and
 - 3. The applicant has been certified by the Village Board as an enrolled member of said District having served a minimum of two (2) consecutive years. The Chief of the District, or his/her designee, shall provide a list of eligible members for the exemption established hereunder utilizing the official service records of each applicant. This list will be provided to the Village Board by February 15th of each year.

§ 106-3 Lifetime Partial Exemption Eligibility.

Any enrolled member of any of the District who accrues more than twenty (20) years of active service and is so certified by the Village Board, shall be granted the ten percent (10%) exemption as authorized by this Article on their primary residence in the Village of Florida for the remainder of his or her life.

§ 106-4 Line of Duty Death Partial Exemption Eligibility.

Un-remarried spouses of volunteer firefighters or ambulance corp. members having died in the line of duty shall be entitled to continue the partial exemption granted hereunder; provided, however, that:

- A. Such un-remarried spouse is certified by the Village Board as un-remarried spouse of an enrolled member of any of the Districts who died in the line of duty; and
- B. Such deceased volunteer had been an enrolled member with at least 5 years of service; and
- C. Such deceased volunteer had been receiving the exemption at the time of his or her death.

§ 106-5 Deceased member partial exemption eligibility

Un-remarried spouses of deceased volunteer firefighters or ambulance corp. members who die outside the line of duty shall be entitled to continue the partial exemption granted hereunder; provided, however, that:

- A. Such un-remarried spouse is certified by the Village Board as un-remarried spouse of an enrolled member of any of the Districts who is deceased, and
- B. Such deceased volunteer has been an enrolled member for at least twenty (20) years; and
- C. Such deceased volunteer and un-remarried spouse had been receiving the exemption at the time of his or her death.

§ 106-6 Application Procedure.

- A. A volunteer firefighter or ambulance corp. member or qualifying spouse must annually, on or before the applicable taxable status date, file an application, with a letter from the department or corp. in which they serve indicating length of service, for such property tax exemption with the Village Assessor on a form prescribed by the New York State Commission of Taxation and Finance and acceptable to the Village of Florida.

Article II – Exemption for Elderly Property Owners

§ 106 -7 Partial exemption granted to certain elderly property owners.

Pursuant to § 467 of the New York Real Property Tax Law, as amended, real property owned by one or more persons, each of whom is 65 years of age or over, shall be exempt by the Village of Warwick, New York, to the extent of 50% of the assessed valuation thereof, subject to the following conditions:

- A. Exemption from taxation for school purposes shall not be granted in the case of real property where a child resides, if such child attends a public school within the school district.
- B. Restrictions.

(1) Partial exemption.

(a) Exemption granted; amount; eligibility.

[1] Real property owned by one or more persons, each of whom is 65 years of age or over, or real property owned by husband and wife, one of whom is 65 years of age or over, shall be granted an exemption for a portion of their assessment, to the extent set forth below in Subsection B(1)(a)[2].

[2] The financial limits and percentages of assessed valuation which shall be exempt from taxation within the village are set as follows:

Annual Income Percentage of Assessed Valuation Exempt from Taxation

Up to \$ 18,500.00	50%
\$ 18,500.01-\$19,500.00	45%
\$ 19,500.01 – 20,500.00	40%
\$ 20,500.01 – 21,500.00	35%
\$ 21,500.01 – 22,500.00	30%
\$ 22,500.01 – 23,300.00	25%
\$ 23,300.01 – 24,200.00	20%
\$ 24,200.01 – 25,100.00	15%
\$ 25,100.01 – 26,000.00	10%
\$ 26,000.01-26,900.00	5%

[3] Notwithstanding any other provision of law, any person otherwise qualifying under Real Property Tax Law § 467 or this article shall not be denied the exemption provided for under this section he or she becomes 65 years of age after the appropriate taxable status date and before December 31 of the same year.

(b) Any such exemptions provided by this section shall be computed after all other partial exemptions allowed by law have been subtracted from the total amount assessed.

(c) Where title is vested in either the husband or the wife, their combined income may not exceed such sum. Such income shall include social security and retirement benefits, interest, dividends, rental income, salary or earnings and income from self-employment, but shall not include gifts or inheritances.

(2) No exemption shall be granted:

(a) Unless the title of the property shall have been vested in the owner or all of the owners of the property for at least 60 consecutive months prior to the date of making application for exemption.

(b) Unless the property is used exclusively for residential purposes.

(c) Unless the real property is the legal residence of and is occupied, in whole or in part, by the owner or by all of the owners of the property.

§ 106-8 Application for exemption.

Application for such exemption:

- A. Must be made annually by the owner, or all of the owners of the property, on forms to be furnished by the Assessor's office.
- B. Shall furnish the information and be executed in the manner required or prescribed in such forms.
- C. Shall be filed in the Clerk's office at least 90 days before the day for filing the final assessment roll.

Article III – Exemption for Veteran Property Owners

§ 106-9 – Exemption Allowances

Pursuant to New York State Property Tax Law § 458-a, veterans shall be exempt by the Village of Florida, New York as follows:

Status	Exemption	Maximum Exemption
War veteran	15% of assessed value	\$ 18,000
Combat veteran	10% of assessed value	\$ 12,000
Disabled veteran	Assessed value x 50% of veteran’s disability rating	\$ 60,000

Article IV Penalties for Offenses

§ 106-10 Any conviction of having made any willfully false statement in the application for an exemption as set forth in this chapter shall be punishable by a fine of not more than \$ 100 and shall disqualify the applicant or applicants from further exemption for a period of five (5) years.

Section 3. 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 4. Authority.

This Local Law is enacted pursuant to the Municipal Home Rule Law and Real Property Tax Law §§ 466-a, 467, 458-a

Section 5. Effective Date.

This local law shall become effective upon filing with the office of the New York State Secretary of State.

VILLAGE BOARD OF TRUSTEES
RESOLUTION TO INTRODUCE INTRODUCTORY LOCAL LAW 1 OF 2024, A LOCAL
LAW PROVIDING FOR IMPLEMENTATION OF PARTIAL EXEMPTION TAX
EXEMPTIONS
PURSUANT TO REAL PROPERTY TAX LAWS § 458-A, § 466-A, § 467

WHEREAS, various provisions of the Real Property Tax Law authorize a Village to implement partial exemptions from real property taxes, for the elderly, qualifying veterans and members of volunteer fire departments and ambulance services;

WHEREAS, the Village Board of Trustees desires to reaffirm and enhance the partial exemptions presently available to the elderly and qualifying veterans; and

WHEREAS, § 466-a authorizes a governing body of a city, village, town, school district, fire district or county to adopt a local law exempting real property owned by an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service from taxation of up to ten (10) percent of the assessed value of such property for village purposes exclusive of special assessments.

WHEREAS, the Village of Florida Village Board of Trustees desires to implement such exemptions for the benefit of our residents, particularly our veterans and volunteer first responders; and

NOW THEREFORE BE IT RESOLVED, that Introductory Local Law # 1 of 2024, entitled A LOCAL LAW A LOCAL LAW PROVIDING FOR IMPLEMENTATION OF PARTIAL EXEMPTION TAX EXEMPTIONS PURSUANT TO REAL PROPERTY TAX LAWS § 458-A, § 466-A, § 467, is hereby introduced before the Board of Trustees of the Village of Florida;

BE IT FURTHER RESOLVED those copies of the aforesaid introductory local law be laid upon the desk of each member of the Board, and

BE IT FURTHER RESOLVED that a public hearing shall be held on March 6, 2024 at 7:30 P.M. or as soon thereafter as may be heard at Village of Florida Village Hall, 33 South Main Street, Florida, NY 10921

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: TABLED

Second by:

Ayes:

Noes:

Abstentions:

7. Planning and Zoning Alternates

INTRODUCTORY LOCAL LAW 1 OF 2024

A LOCAL LAW TO AMEND THE ZONING CODE REGULATE THE ORGANIZATION, POWERS AND DUTIES OF THE VILLAGE OF FLORIDA PLANNING BOARD AND TO PROVIDE FOR ALTERNATE MEMBERS OF THE PLANNING BOARD AND ZONING BOARD OF APPEALS.

Be it enacted by the Village Board of the Village of Florida, Town of Warwick, County of Orange, State of New York, as follows:

Section 1. Purpose.

This local law is enacted for the purpose of specifying the powers, organization and duties of the Village of Florida Planning Board.

Section 2. Chapter 119, entitled Zoning, Article XI, entitled Planning Board is hereby adopted to read as follows:

§ 119-33: Establishment

Pursuant to § Village Law 7-712 and 7-718 of the Village Law of the State of New York, there shall be a Planning Board consisting of five members, each appointed for a term of five years by the Board of Trustees. The Chairperson shall be designated by the Board of Trustees, or, in the absence of such designation, may be selected by the Planning Board. The Planning Board already established shall continue to function under the provisions of this chapter and Chapter 7-718 of Village Law, and the members thereof may continue in office until their respective terms expire.

§ 119-32 Residency: Every member of the Planning Board, at the time of his/her appointment and throughout his/her term of office, shall be a resident of the Village and shall serve a term of five years

§ 119-33 Powers and Duties:

The Planning Board shall be empowered to:

- A. Review site plan applications pursuant to Article ___ of this chapter.
- B. Review subdivision applications pursuant to the subdivision regulations of the Village of Florida
- C. Review special use permit applications pursuant to this article.
- D. Recommend, on its own motion or by referral from the Board of Trustees, matters relating to proposed amendments to the Florida Zoning chapter
- E. Make investigations, maps and reports and recommendations in connection therewith relating to the planning and development of the Village.

F. Serve as the Architectural Review Board as set forth in Article XII of this Chapter

§ 119 – 34 Employees and Expenses: The Village Board of Trustees shall have the power and authority to employ legal counsel, an engineer and such other experts and staff, including a secretary or clerk (who is not a member of the Board and whose salary is to be fixed by the Village Board of Trustees), to serve the Planning Board (upon the request and recommendation of that Board), and to pay for their services and such other expenses as may be necessary and proper, not exceeding, in all, the appropriation that may be made for such Board.

§ 119-35 Quorum: No hearing or meeting of the Planning Board shall be held nor any action taken in the absence of a quorum. A quorum shall consist of at least three members of the Planning Board.

§ 119-36 Conflict of Interest: No member of the Planning Board shall sit in a hearing or vote on any matter in which he/she possesses a conflict of interest. Said member shall not be counted by the Board in establishing the quorum for such matters.

§ 119-37 Meeting Requirements: Each member must attend in a calendar year 3/4 of scheduled meetings. In the event that a member misses the number of required meetings, the Chairman shall report such absence to the Village Board of Trustees, who in turn shall review the appointment.

§ 119-38 Alternate Members:

- A. The Village of Florida Village Board of Trustees may appoint, at its discretion, up to two (2) individuals to serve as alternate members to serve on the Planning Board whenever a regular member is unable to participate on an application or matter before the Planning Board.
- B. Alternate Members shall be appointed to one (1) year terms with terms expiring on April 1 of each year.
- C. The chairperson of the Planning Board shall designate an Alternate Member to substitute for a Member when such Member is absent or unable to participate on an application or matter before the Planning Board. When so designated, the Alternate Member shall possess all the powers and responsibilities of such Member. Such designation shall be entered into the minutes of the initial Planning Board meeting at which the substitution is made.
- D. The alternate member's vote shall be based on the alternate member's own volition and familiarity with the subject matter and shall not be subject to the substituted member's voting preference.
- E. Alternate members shall regularly attend scheduled meetings and/or work sessions of the Planning Board so as to be available for designation when required and be familiar with the matters before the Planning Board.

- F. All provisions of state law and the Village of Florida Code relating to Planning Board member eligibility, vacancy in office, removal, compatibility of office and service on other boards, as well as provisions of any state or local law relating to the training and continuing education shall also apply to Alternate Members.

§ 119-39 Vacancies: Vacancies shall be filled by appointment by the Village Board of Trustees. For vacancies occurring prior to the end of a member's term, the filling of such vacancy shall be for the unexpired term.

§ 119-40 Procedure: The Planning Board shall determine its own rules of conduct and procedure consistent with the applicable provisions of the Village Law of the State of New York and this chapter.

Section 3. Chapter 119, entitled "Zoning," Article X, entitled "Zoning Board of Appeals", § 119-30, entitled "Establishment is hereby amended to read as follows:

- A. Pursuant to § Village Law 7-712 and 7-718 of the Village Law of the State of New York, there shall be a Zoning Board of Appeals consisting of five members to be appointed for a term of five years by the Board of Trustees. The Zoning Board of Appeals shall select a Chairperson and a Secretary from its own membership. The Zoning Board of Appeals already established shall continue to function under the provisions of this chapter, and the members thereof may continue in office until their respective terms expire. No member of the Zoning Board of Appeals shall be a member of the Board of Trustees or the Planning Board. Any vacancy occurring during any term shall be filled by the Village Board of Trustees for the unexpired term only.
- B. The Village of Florida Village Board of Trustees may appoint, at its discretion, up to two (2) individuals to serve as alternate members to serve on the Zoning Board of Appeals whenever a regular member is unable to participate on an application or matter before the Zoning Board of Appeals.
 - a. Alternate Members shall be appointed to one (1) year terms with terms expiring on April 1 of each year.
 - b. The chairperson of the Zoning Board of Appeals shall designate an Alternate Member to substitute for a Member when such Member is absent or unable to participate on an application or matter before the Zoning Board of Appeals. When so designated, the Alternate Member shall possess all the powers and responsibilities of such Member. Such designation shall be entered into the minutes of the initial Zoning Board of Appeals meeting at which the substitution is made.
 - c. The alternate member's vote shall be based on the alternate member's own volition and familiarity with the subject matter and shall not be subject to the substituted member's voting preference.
 - d. Alternate members shall regularly attend scheduled meetings and/or work sessions of the Zoning Board of Appeals so as to be available for designation

when required and be familiar with the matters before the Zoning Board of Appeals.

- e. All provisions of state law and the Village of Florida Code relating to Zoning Board of Appeals member eligibility, vacancy in office, removal, compatibility of office and service on other boards, as well as provisions of any state or local law relating to the training and continuing education shall also apply to Alternate Members.

Section 4. Chapter 119, entitled Zoning shall be further amended as follows:

§ 119-33 through and including § 119-44 shall be renumbered as § 119-41 through § 119-52 maintaining the existing sequential order.

Section 5. Supersession of New York State Village Law

This local law is adopted pursuant to the provisions of § 10 of the New York State Municipal Home Rule Law and § 10 of the New York State Statute of Local Governments. It is the intent of the Town Board to supersede any inconsistent provisions of Village Law § 7-712(11)(a) and § 7-718 (16)(a) limiting alternate members to serve only in the event of a conflict of interest. It is the intent of the Village Board that alternate members of the Planning Board and Zoning Board of Appeals to be permitted to serve in the absence of a regular member regardless of the reason for such absence.

Section 6. Severability

If any clause, sentence, phrase, paragraph or any part of this local law shall for any reason be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not effect, impair or invalidate the remainder of this local law, but shall be confined in its operation and effect to the clause, sentence phrase, paragraph or any part thereof, directly involved in the controversy in which said judgment shall have been rendered.

Section 7. Effective Date.

This local law shall become effective upon the filing with the office of the Secretary of State.

VILLAGE OF FLORIDA
VILLAGE BOARD OF TRUSTEES
RESOLUTION TO INTRODUCE INTRODUCTORY LOCAL LAW 1 OF 2024, A LOCAL LAW
TO AMEND THE ZONING CODE TO REGULATE THE ORGANIZATION, POWERS AND
DUTIES OF THE VILLAGE OF FLORIDA PLANNING BOARD AND TO PROVIDE FOR
ALTERNATE MEMBERS OF THE PLANNING BOARD AND ZONING BOARD OF APPEALS

WHEREAS, Village Law § 7-712 and § 7-718 authorize a Village to establish a Planning Board and a Zoning Board of Appeals by local law; and

WHEREAS, said laws further authorize a Village Board to establish alternate members for the purpose of acting where a member has a conflict of interest; and

WHEREAS, the Village Board desires to establish alternate members for both the Planning Board and the Zoning Board of Appeals to act where members are unable to participate in a matter due to a conflict of interest or unavailability;

WHEREAS, the Village Board further desires to set forth the duties of the Planning Board as authorized by Village Law § 7-718 through the adoption of a local law;

NOW THEREFORE BE IT RESOLVED, that INTRODUCTORY LOCAL LAW 1 OF 2024, A LOCAL LAW TO AMEND THE ZONING CODE TO REGULATE THE ORGANIZATION, POWERS AND DUTIES OF THE VILLAGE OF FLORIDA PLANNING BOARD AND TO PROVIDE FOR ALTERNATE MEMBERS OF THE PLANNING BOARD AND ZONING BOARD OF APPEALS is hereby introduced before the Board of Trustees of the Village of Florida;

BE IT FURTHER RESOLVED that copies of the aforesaid introductory local law be laid upon the desk of each member of the Board, and

BE IT FURTHER RESOLVED that a public hearing shall be held on March 6, 2024 at 7:30 P.M. or as soon thereafter as may be heard at Village of Florida Village Hall, 33 South Main Street, Florida, NY 10921. The Village Clerk shall cause to be published public notice in the official newspaper as is required by law.

BE IT FURTHER RESOLVED that this introductory local law shall be referred to the Planning Board in accordance with § 119-40 of the Village of Florida Code and referred to the Orange County Department of Planning, the Town of Goshen, and Town of Warwick in accordance with GML § 239-m.

VILLAGE OF FLORIDA

VILLAGE BOARD OF TRUSTEES

Motion by: Trustee Fuller Second by: Trustee Roach

Ayes: 4

Noes: 0

Trustee Olejniczak absent

Abstentions:

8. Copier Building/Planning Department

Motion to approve copier for the Building/ Planning Department in the amount of \$2858.91 plus \$20.00/month Maintenance contract on NYS bid from Toshiba Business Solutions.

Motion by Trustee Werner Second by Trustee Roach

VOTE Yes 4 No 0 1 Absent

9. Tree Removal

Motion by Trustee Fuller second by Trustee Roach to approve Holly Tree Service in the amount of \$2950.00 for tree removal on Cohen Circle.

Holly Tree Service Greenwood Lake, NY \$2950.00 (no cleanup)	Acorn Tree and Crane Hewitt, NJ \$5400.00 (includes removal)	Whitetail (no bid)	Flanagan (no bid)
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VOTE Yes 4 No 0 1 absent

10. Planning Board Appointment

Motion to approve Craig Grybowski as Planning Board Member effective immediately upon swearing in. Term to expire 5/31/28 to serve out Jeanne Uzenski’s term.

**Motion by Trustee Fuller Second by Trustee Roach
VOTE Yes 4 No 0 1 absent**

IX. Meeting Schedule

February 21, 2024	4:00 – 8:00 PM Grievance and Budget Work Session
March 6, 2024	9:30 AM Work Session 7:30 PM Regular Meeting
March 20, 2024	9:30 AM Work Session
April 1, 2024	7:00 PM Reorganizational Meeting
April 3, 2024	9:30 AM Work Session 7:30 PM Regular Meeting
April 10 th , 2024	7:00 PM Budget Public Hearing

X. PUBLIC COMMENT

Greg Kimiecik page 8 on the tax exemption says 65 years or older shall be exempt by the Village of Warwick, New York is that a misprint?

Mayor Harter we are still working on it. We just keep it in there so people can read it. Not entirely squared away yet.

Trustee Werner we tried to mimic a lot of what they did, instead of reinventing the wheel.

GK are you going to try and replant small trees on Main St.? or that’s out?

Mayor Harter we actually had that discussion this morning. I think this Board is going in the direction of solar powered street lamps

Trustee Werner we are looking into lamp posts

GK How come, I know the trees are a mess but did you find something smaller? Even not in front of the store.

AW they were supposed to stay small. They kept growing into the power lines.

GK you could find other trees

AW I've had several people come to me and say now you can see the other businesses. You couldn't see the smoothie shop.

GK people said you couldn't see the businesses?

AW Yea, you couldn't see anything and they were making a mess and they were growing into the power lines. For the long term, we needed an alternative. We are looking into lampposts like Warwick has, we are exploring options.

GK there are smaller trees that don't grow

Mayor Harter what kind?

AW those were supposed to stay smaller

GK in front of my house, there's a flowering lilac that was planted when they did the sidewalk on Maple Ave, as high as this has flowers in the Spring and smells nice. I think they got them from Jansen's.

MH we are in preliminary discussions. They were taken down because it was getting to the point where they were growing higher and higher

GK I know the leaves they don't fall down

MH The leaves are one thing, it was more when we get heavy snow or we get something with ice those branches do break. I think everybody would be very upset when those limbs took out the fiber optic cables and telephone.

Chris Wheeler 27 Scanlon Ave- I'd also like to talk about this event. I was pretty upset that all of the trees were cut down. With those pear trees they can take a pruning every year.

You can cut them at eight feet every year and never have to worry about them, every other year. You had other options; I don't understand why. I'm not looking for anything, I read your responses online. I can see both sides. I just want to encourage you guys to actually put some thought into keeping Main St looking nice. A municipality loses Main St, the look and the feel, you are setting yourself up for disaster. I would encourage you to check out other municipalities like I was just in Milford over the weekend beautiful street trees. Go to Middletown, no street trees. There is a difference. I'm happy to get involved every year. I think something needs to be done to be put back. I read through the comments. I read some of the suggestions. Certain things you can and can't do. Put in small stuff, all going to die. Put in small trees, we will all be out of here before they (unknown) .

AW do you have a suggestion for a better species? They weren't maintained through the years.

CW the issue with the pears, I've seen them crack in half in a storm. They can rot subject to ants ton of issues. They are not the be all end all. No tree is. If you are going to cut down the walnuts up here, they should be replaced by something. I'm not saying we need an arboretum. (Unintelligible) To answer your question, do I have a better solution. I don't, I haven't given it much thought besides the fact I will be happy to get involved but I think something should be done. Lampposts are beautiful, I am sure they are very expensive if you just get solar.

AW we are exploring solar right now to keep the cost down. I've got quotes from one company, I want to look at the one on state bid. I am looking into other options.

CW ok, it sounds like you guys are on the right path. I would just encourage you to put something back.

AW something is going to go back.

CW If I can get involved, most of you guys have my phone number.

AW let me know if you have other suggestions. We could do plant post, tree, we are open to other suggestions.

CW great thank you.

Heather Ubides Farries Ave To add what he was saying, you could also take into consideration the fact that the state is going to be coming through next year. I am hearing comments about pavers, that may be dug up to try and keep the costs in mind. Something that won't have to be redone when they come through.

AW sidewalk improvements

HU just something to keep in mind, as it is, it is not very welcoming. As you are coming into town crater, crater ugly looking trees.

AW those will grow back, that were pruned, they will grow back, they are not dead. They just look terrible right now.

Mayor Harter five years ago there was a big uproar because they were just posts. They take time, they grow. They grew for so long without being trimmed, it was already the point of no return. As far as Main St goes, there was a lot of factors considering the businesses, the master plan, we did encourage businesses to put those signs that are perpendicular to 94 so people can see it but with the height of the trees, a lot of the signs are blocked certain times of year. So, what's the factor, trim them too much posts anyway. They should have been trimmed 10 years ago much more aggressively. Maybe they would have been more manageable at this point. You still have a 4-foot stump. Then we would have same question, why didn't you finish the job?

AW once one came down, other businesses were requesting to have them taken down. I want my business seen

HU I understand that. I just wanted to mention the upcoming project

AW we don't want to redo things. Do it smarter.

HU Has there been an update on the traffic study that was voted on last month?

AW not yet

HU last one, the Ethics Board has that been established or

MH we have one you're in charge of it (Trustee Fuller) last time it was called in.

HU how many

MH we have to check

Attorney Cassidy there is 5, we have a vacancy. We haven't filled it we haven't had a complaint. Unintelligible

HU when I called and asked, I was told there wasn't.

MH Who did you speak to

HU there are only 2 people in the office

Clerk Wierzbicki it wasn't me

MH She came on after it was formed, how long has she been hired or it could have been an intern

CW a year, little over a year

MH that's if it wasn't the intern

CW could have been the intern

HU Unknown question

MH that was 2021

EC you had an Ethics Board the last time it was called. You appointed new folks it had activity on it. The Board itself has existed before this administration. It's just whether or not it's being used.

XIII. ADJOURNMENT

Motion made by Trustee Werner seconded by Trustee Fuller to adjourn the meeting at 8:10 PM.

VOTE: YES 4 NO 0

Respectfully, Colleen Wierzbicki Village Clerk