# **July 5, 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: **7**

1. **MINUTES**

Motion made by ***Trustee Fuller seconded*** by ***Trustee Roach to*** approve the minutes of the June 7, 2023 Meeting.

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

Motion made by ***Trustee Werner*** seconded by ***Trustee Olejniczak*** to approve the minutes of the June 21st, 2023 Special Meeting.

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

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

1. **Treasurer’s Report**

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

**VOTE: YES 5 NO 0**

1. **Payment of Vouchers**

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

**VOTE: YES 5 NO 0**

**3. Transfers**

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| |  |  |  | | --- | --- | --- | | **Transfers for Fiscal Year 5/31/23 - July 7** |  |  | |  |  |  | | **General Fund Expenditures** |  |  | | **Account Description** | **From** | **To** | | Justice Salaries | 200.00 |  | | Justice Bailiff Salaries | 70.00 |  | | Justice Clerk Salaries |  | 270.00 | | (New Clerks, training) |  |  | |  |  |  | | General Fund Contingency | 3,100.00 |  | | Clerk Salaries |  | 3,100.00 | | (Year End Accrual - Raises, extra help) |  |  | |  |  |  | | State Police Office Utilities | 100.00 |  | | Office Heat and Electric |  | 100.00 | | (O&R Year End Accrual) |  |  | |  |  |  | | Garage Maintenance | 100.00 |  | | Garage Heat & Electric |  | 100.00 | | (O&R Year End Accrual) |  |  | |  |  |  | | Police Computer Equipment Services | 200.00 |  | | Police Station Contract Cleaning |  | 200.00 | | (Additional cleaning due to water leak) |  |  | |  |  |  | | Building Department Supplies | 700.00 |  | | Building Dept. Computer Equipment Services | 100.00 |  | | Building Inspector Contract Services |  | 800.00 | | (Year End Accrual, additional hours) |  |  | |  |  |  | | Highway Oil and Chips Salaries | 2,900.00 |  | | Highway Salaries |  | 2,800.00 | | Highway Salaries - Clerk |  | 100.00 | | (Year End Accrual less allocation to other depts.) |  |  | |  |  |  | | Street Oiling Project Expenditures | 1,000.00 |  | | Highway Fuel - Diesel |  | 1,000.00 | | (Higher Fuel Costs) |  |  | |  |  |  | | Mapes and Seward Property Salaries | 400.00 |  | | Parks Salaries - DPW |  | 400.00 | | (Higher Allocation to Parks) |  |  | |  |  |  | | Parks Telephone and Internet | 500.00 |  | | Parks - Hempstead Pond Aerator | 300.00 |  | | Parks Salaries - Other |  | 800.00 | | (Used in Prior Transfers) |  |  | |  |  |  | | Special Events Salaries | 2,000.00 |  | | Special Events Donations | 500.00 |  | | Special Events Other Expenditures |  | 2,500.00 | | (Fun Fest $4,999 Grant Received, See Revenue) |  |  | |  |  |  | | Sanitation Equipment Expense | 6,000.00 |  | | Sanitation Landfill Charges |  | 6,000.00 | | (Higher Landfill Charges) |  |  | |  |  |  | | Sanitation Equipment | 1,000.00 |  | | Sanitation Fuel - Diesel |  | 1,000.00 | | (Higher Fuel Costs) |  |  | |  |  |  | | Workmen’s Compensation Expenditures | 500.00 |  | | Employer FICA and Medicare Expenditures |  | 200.00 | | Medical Insurance Buyout |  | 300.00 | | (Year End Payroll Accrual) |  |  | |  |  |  | | **Water Fund Expenditures** |  |  | | **Account Description** | **From** | **To** | |  |  |  | | NONE |  |  | |  |  |  | |  |  |  | | **Sewer Fund Expenditures** |  |  | | **Account Description** | **From** | **To** | |  |  |  | | NONE |  |  | |  |  |
|  |  |  |

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

**VOTE: YES 5 NO 0**

**Mayor Harter announced that yellow water restrictions will remain in place until further notice.**

**Mayor Harter stated that we received some bad news from NYSDOT concerning Route 94 project being pushed back into late 2024.**

1. **ANNOUNCEMENTS, CORRESPONDENCE & PRESENTATIONS**
2. **Orange County Department of Civil Service sent a letter regarding a personnel matter.**
3. **Slack Chemical Company sent a price decrease notice for Akali C-250**
4. **Town of Warwick sent information regarding this year’s annual Senior Barbeque at the Warwick Town Park on August 22 from 11:00 am to 3:00 pm**
5. **Orange and Rockland sent a notice regarding road projects.**
6. **Orange County Department of Health sent a notice of violation for the period of 4/1/23-6/30/23.**
7. **NYS DEC sent a notice regarding SPDES permit compliance.**
8. **Legal documents were received regarding 24 Edward J. Lempka Drive**
9. **A complete signed agreement from Florida Union Free School District regarding Summer Recreation use.**
10. **A FOIL request was received from Ms. Rebecca Bank Keller Williams for a ZBA determination.**
11. **Louise Ingrassia of Orange Sullivan Municipal Clerks Association sent notice regarding Town Clerk’s Association.**
12. **State Senator James Skoufis sent notification regarding funding for the basketball and pickleball courts.**
13. **NYSDOT sent a notice regarding the Route 94 roadway project.**
14. **Heather Ubides submitted a FOIL request regarding a police matter.**

**V. REPORTS OF THE TRUSTEES**

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

1. **Craig Olejniczak – Recreation, Parks, Animal Control, Buildings/Grounds**

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

**4. Matthew Roach – Building & Planning, Historical**

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

**Heather Ubides 78 Farries Ave- Public Comment on 4 & 5 on the agenda.**

**Did any of this take into consideration a Public Hearing for the residents?**

**Mayor Harter we are doing that tonight, we are setting the Public Hearing tonight.**

**HB so that’s not getting approval tonight?**

**MH No**

**HB was the weight of a fire truck taken into consideration?**

**MH I believe it was**

**Attorney Cassidy The law does not apply to emergency vehicles, only commercial vehicles**

**HB we will be notified of said hearing?**

**MH we are setting that date tonight here**

1. **UNFINISHED BUSINESS**
2. **Short Term Rental**

**Still in discussion, deal with at work session.**

1. **CDBG**

**A RESOLUTION TO RENEW, RENEW and AMEND, and/or EXECUTE A NEW 3- YEAR COOPERATION AGREEMENT BETWEEN THE COUNTY OF ORANGE AND THE MUNICIPALITY TO PARTICIPATE IN THE ORANGE COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT, HOME INVESTMENT PARTNERSHIPS PROGRAMS, AND EMERGENCY SOLUTIONS GRANT PROGRAM FOR FEDERAL FISCAL YEARS 2024, 2025, AND 2026 (AND SUCCESSIVE THREE-YEAR QUALIFICATION PERIODS), PURSUANT TO TITLE I OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED, THE CRANSTON GONZALEZ NATIONAL AFFORDABLE HOUSING ACT OF 1990, AS AMENDED, AND SUBTITLE B OF TITLE IV OF THE MCKINNEY-VENTO HOMELESS ASSISTANCE ACT OF 1987, AS AMENDED.**

**WHEREAS, the Secretary of Housing and Urban Development of the United States is authorized under Title I of the Housing and Community Act of 1974, as amended, and the Cranston-Gonzalez National Affordable Housing Act of 1990, as amended, and Subtitle B of Title IV of the McKinney-Vento Homeless Assistance Act of 1987, as amended to make grants to states and other units of general local government to help finance Community Development and Affordable Housing Programs; and**

**WHEREAS, Section 99-h of the General Municipal Law of the State of New York grants to any municipal corporation the power, either individually or jointly with one or more other municipal corporations, to apply for, accept, and expend funds made available through the State, pursuant to the provision of any Federal law which is not inconsistent with the statutes or condition of this State, in order to administer, conduct or participate with the Federal Government in programs relating to the general welfare of the inhabitants of such municipal corporation; and;**

**WHEREAS, a number of municipalities have requested participation and the County of Orange had determined that it is desirable and in the public interest that it make application for Community Development Block Grant, HOME Investment Partnerships Program, and Emergency Solutions Grant (ESG) funds as an Urban County; and**

**WHEREAS, participation by the County of Orange as an Urban County in the Community Development, HOME, and ESG Programs requires that municipalities and the County of Orange cooperate to undertake or assist in undertaking essential community housing and development activities that benefit low- and moderate-income people; and**

**WHEREAS, the Municipality agrees to participate in eligible activities to be conducted under the Orange County Urban County Entitlement Community Development Block Grant Program; and**

**WHEREAS, the Mayor/Supervisor/Village Manager of the Municipality is authorized to renew, renew and amend, and/or execute a Cooperation Agreement and send notice of this election to the U.S. Department of Housing and Urban Development at the New York Field Office; and**

**WHEREAS, the aforesaid activities are in the best interest of the Municipality; and**

**NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Municipality that the Mayor is authorized to renew, renew and amend, and/or execute the Urban County CDBG Cooperation Agreement with the County of Orange to participate in the Orange County Urban County Entitlement Community Development Block Grant Program, HOME Investment Partnerships Program, and Emergency Solutions Grant pursuant to the Housing and Community Development Act of 1974, as amended, the Cranston-Gonzalez National Affordable Housing Act of 1990, as amended, and Subtitle B of Title IV of the McKinney-Vento Homeless Assistance Act of 1987, as amended for the program years commencing Federal Fiscal Years 2024, 2025 and 2026 (and successive three-year qualification periods); and**

**BE IT FUTHER RESOLVED, that this resolution shall take effect immediately upon its enactment, as provided by law.**

**Motion by Trustee Fuller**

**Second by Trustee Roach**

**VOTE YES 5 NO 0**

**Date adopted: July 5, 2023**

1. **Pickleball & Basketball Courts**

**Motion to approve quote in the amount of $46,371.00 by Ward Pavements on Orange County Bid for the new courts being completed alongside the Florida Public Library, upon Attorney review**

**Motion by Trustee Werner**

**Second by Trustee Fuller**

**VOTE YES 5 NO 0**

1. **Farries Ave Local Law 1 of 2023**

**Introductory LOCAL LAW 1 OF 2023**

**A LOCAL LAW TO DESIGNATE VILLAGE INTERSECTIONS AS STOP INTERSECTIONS**

**BE IT ENACTED, by the Village of Florida Board of Trustees as follows:**

**Section 1. Legislative Intent.**

**It is the intent of this local law to install traffic control devices for the purpose of regulating traffic on Farries Avenue for the health, safety and welfare of Village Residents.**

**Section 2. Chapter 109-45, entitled “Schedule XVII: Trucks Over Certain Weights Excluded” shall be amended by adding the following:**

**Name of Street Weight Limit Location**

**Farries Avenue 5 (tons) New Street to Kaye Drive**

**Kaye Drive 5 (tons) Farries Avenue to Hill View Drive**

**Section 3. Chapter 109-38, entitled “Schedule X: No Parking at Any Time” shall be amended by adding the following:**

**Name of Street Side Location**

**Farries Avenue North Side New Street to Kaye Drive**

**Farries Avenue South Side New Street to Kaye Drive**

**Section 4. Chapter 109-21, entitled Trucks over certain weights excluded shall be amended to read as follows:**

**§ 109-21 Trucks excluded.**

**A. Trucks in excess of the weights indicated are hereby excluded from the streets or parts of streets described in Schedule XVII (§ 109-45). The regulations established by this section shall not be construed to prevent the delivery or pickup of merchandise or other property along the streets from which such vehicles are otherwise excluded.**

**B. Trucks, commercial vehicles, tractors, tractor-trailer combinations, tractor-semitrailer combinations, or other tractor-trailer-semitrailer combinations are hereby excluded from the streets or parts of streets described in Schedule XVII (§ 109-46). The regulations established by this section shall not be construed to prevent the delivery or pickup of merchandise or other property along the streets from which such vehicles and combinations are otherwise excluded.**

**Section 5. Chapter 109, entitled Vehicles and Traffic is amended by adding § 109-46, Schedule XVIII: Commercial Vehicles Excluded which shall read as follows:**

**Name of Street Location**

**Farries Avenue New Street to Kaye Drive**

**Kaye Drive Farries Avenue to Hill View Drive**

**Section 6. 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” and is further authorized by New York State Vehicle & Traffic Law § 1640.**

**Section 7. 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 8. Effective Date.**

**This local law shall take effect upon filing with the Secretary of State and further upon the posting of signs in accordance with the New York State Uniform Highway Manual.**

**VILLAGE OF FLORIDA**

**VILLAGE BOARD OF TRUSTEES**

**A RESOLUTION TO INTRODUCE A LOCAL LAW TO REGULATE TRAFFIC ON FARRIES AVENUE and KAYE DRIVE**

**WHEREAS, the Village of Florida accepted dedication of Kaye Drive by resolution dated November 14, 2018, and**

**WHEREAS, such dedication resulted in a continuous stretch of Village-owned streets from Route 17A (North Main Street), extending over Farries Avenue, over Kaye Drive to Hill View Drive; and**

**WHEREAS, the Village of Florida desires to regulate traffic traveling from Farries Avenue to Kaye Drive for the protection of the health, safety and welfare of Village residents;**

**NOW THEREFORE BE IT RESOLVED, that Introductory Local Law # 1 of 2023, entitled A LOCAL LAW TO REGULATE TRAFFIC ON FARRIES AVENUE, 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 August 2, 2023 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: Trustee Fuller**

**Second by: Trustee Werner**

**Ayes: 5**

**Noes: 0**

**Abstentions:**

**VIII. NEW BUSINESS**

1. **Part-time Summer Intern Office**

**Motion to hire summer intern at a rate of $15.00/ hour beginning 6/26/23**

**Motion by Trustee Roach seconded by Trustee Olejniczak**

**VOTE: YES 5 NO 0**

1. **Glenmere Park waiver Warwick Republican Committee**

**Motion made by Trustee Fuller seconded by Trustee Olejniczak to approve the waiver of use fees on August 8, 2023 for Glenmere Park.**

**VOTE: YES 3 NO 0**

**Mayor Harter abstain**

**Trustee Werner abstain**

1. **Meeting Schedule**

July 19th, 2023  9:30 AM Work Session

August 2nd, 2023 9:30 AM Work Session/7:30PM General Meeting/Public Hearing

August 16th,2023 9:30 AM Work Session

September 6th, 2023 9:30 AM Work Session/7:30PM General Meeting

1. **PUBLIC COMMENT**

***Chris McGoldrick 85* Farries Ave - I attended the Village Board meeting on June 7th and I referenced my FOIL request (Freedom of information law) in regards to Kaye Drive and Farries Ave. I pointed out numerous discrepancies with the paperwork that was provided to me in that FOIL request, which I believed cause into question the legitimacy of the roadway in altogether. The mayor acknowledged the discrepancies and stated that it would be looked into. I assumed that if the proper paperwork had been located by the village it would have been provided to me as it was clearly part of my FOIL request. However, after not hearing anything for weeks, I reached out to the Village Clerk who sent me back a blank FOIL request form which indicates to me that I have to do a new FOIL request and that just confuses me. I go on here to talk about how the Board stated that they are going to designate no commercial traffic and stop signs but obviously the Public Hearing just announced to address that. I also attended a Village Planning meeting on June 28th and unrelated to the issues I have, there was a proposal for a new building and they discussed using specific language specific my issues I had there was a proposal for a new building and they discussed using specific language in the resolution for specific for use and the applicants were told if they were to later on want renters or residents that would go against the initial for-use terms used in the resolution, they would have to go back to the planning board and get a new resolution. Now the Planning Board later told me during that meeting that there is specific language on the resolution for Kaye Drive that be emergency access closed by chain, specifically a chain, so that, because they were worried it would be used as a thru street for people in the development that want to go down to the village. With that being stated, with that specific language in the resolution, I’m just curious why the Village wouldn’t need to go back to the Planning Board and get a new resolution changing they would use that roadway in the first place. I am further confused now because you are going to hold a Public Hearing to change the parking restrictions, to change the weight of the roadway but you didn’t hold a Public Hearing or anything to just open it up.**

**Mayor Harter - It’s still going to remain open for safety issues, because that’s been stated in the past. As of right now it’s been open for four months and I’ve had officers up there, I’ve had several, the four of you are the only ones upset over it.**

**CM that’s funny, look on your Facebook page.**

**Unknown audience member – (in audible comment) name not stated for the record.**

**MH I understand by the proximity you would be upset but it’s a Village Street, every other Village development in the Village of Florida has two access points that are open, everyone.**

**Unknown audience member – (in audible comment) name not stated for the record.**

**MH That was during the construction phase, I believe.**

**Unknown audience member – so, I think the question is, if you need to make a Public Hearing to put up stop signs, and other signs, why was there no public hearing to take down or to remove the dead-end sign within 24 hours of the last meeting. Just because you wanted to.**

**MH well it was public dedicated road so at that point it changed from when it wasn’t.**

**Kim McGoldrick so you get to make that rule and that’s it, nobody gets any say?**

**MH the Board gets to makes those decisions.**

**CG So, sir with it that being a public dedicated road, going back to the discrepancies in the paperwork, was that proper paperwork located? If so, is it going to be provided to me based on my initial Foil request.**

**Attorney Cassidy *-* Mayor, if I may, the purpose of having an Introductory Local Law is for enforceability with respects to parking if someone were to violate that law if you don’t have as a Local Law, and we merely adopt the resolution it would not be enforceable. If an officer were to, you could say no parking, by adopting a resolution or if an officer were to give a parking ticket, I would not be able to enforce it in a Justice Court. The purpose of the law is to have it codified and filed with the state and so the filing with the state is the legal process to put the public at large on notice of the law as well as make it enforceable. With respects to the chain and dead-end sign, it is not an enforceable issue which is the purpose of having a Local Law for the weight of the thru traffic, what we are proposing because it would be meaningless if we didn’t go through the local law process.**

**CG that doesn’t answer my question about the discrepancies in the paperwork.**

**MH I haven’t seen the paperwork.**

**CG then how can you say it is a dedicated road if you haven’t seen the paperwork.**

**MH because we dedicated the road and the question you asked last month about why the clerk didn’t sign off on it, we don’t have to that is through the County.**

**CG and the lack of a certification of an engineer provided to me with that same FOIL request which as per Village code is mandated to make it a public dedicated road.**

**EC we have as-builts, I don’t know if they were produced but we have as-builts. I reviewed the dedication process, the applicants engineer provided as-builts to our, the applicants engineer provided certified as-builts to the Village. They were reviewed by then engineer Mr. Fusco. We accepted dedication by resolution in November of 2018, I believe it was November 14th. Upon that resolution the applicant provided the deed and the relevant transfer docs that were signed by the applicant and then countersigned the transfer docs and countersigned the deed then recorded in the Orange County land records shortly thereafter in December of 2018 at that point Kaye Drive became a public street.**

**Mayor Harter so when it becomes a public street it goes under the Village of Florida jurisdiction**

**CG and I get that, what I don’t get is why the village failed to meet the request of my FOIL.**

**MH Is that a different FOIL or is it separate.**

**Clerk Wierzbicki - I stated in the email that I need to know specifically what you were requesting.**

**CG well you can review the tape from the last meeting, mam.**

**MH it has to be in writing, doesn’t it.**

**CG the initial request was in writing.**

**Attorney Elizabeth Cassidy, I will review it.**

**Mayor Harter, we will check it and get back to you on it.**

**Heather Ubides, 70 Farrie Ave - At the Village Board Meeting on June 7th, I brought two concerns the water issue at my property and the removal of the chain at the emergency access start point Kaye Drive and Farries Ave. It has continued to remain open, there is a noticeable increase in traffic both commercial and private vehicle both have increased daily. I was requested to send electronic copies of pictures and videos regarding the water issue, which I emailed on June 25th. I asked for the date of the alleged incident which prompted the decision to remove the chain and had not been supplied back to date. After waiting in good faith until June 25th I submitted the request as a FOIL request. At the last meeting Mr. Harter stated this should not poise an increase in traffic however no traffic study was done prior to the removal of the chain. According to the Village of Florida Comprehensive Plan page 10.4**

**Cite Village of Florida Comprehensive Plan**

Most of the traffic in the Village of Florida is along NYS Routes 94, 17A, and Meadow Road. The segment of route NY17A in Florida carries the highest traffic volume at 11,656 vehicles on average daily. A significant volume of traffic averaging between 1,500 and 10,000 vehicles are received by Jayne Street, Roe Street, Wheeler Road, Highland Avenue, and Houston Street. Meadow Road (County Route 25) receives a traffic count of 4,711 vehicles, whereas Randall Street, a part of State Route 94, has a traffic count of 7,896 vehicles. North Main Street has a traffic count of 8,911, and South Main Street (which runs from 17A and Route 94 to Colonial Avenue in the Village of Warwick) has a traffic count of 8,317.

**On June 28th I attended a Village of Florida Planning Board meeting to gain a better understanding of the processes regarding Zoning, roadway designations and signage. 50 percent of the Village Planning Board was unaware the chain had been removed and confirmed this was never to be a through road. I brought with me today a copy of the map filed with Orange County on 7/18/06 which demonstrates the access point between Farries Drive and Kaye Drive was labeled with proposed post and chain post for emergency access. I’m also currently awaiting the SEQR report which I submitted a FOIL request for. As stated at the Village Board meeting on June 7th, Mayor Harter made the decision to remove the chain. This decision was made without the input of the Planning Board or the Village Trustees that have been elected to serve our community. In addition, the residents were stripped of their rights to have our voice heard by the means of a public hearing prior to making such a drastic change impacting the integrity and quality of life in our neighborhood and now attempting to restrict the number of guests and use of our property by limiting the parking on our road. The only change I’ve seen to date was the removal of the dead-end sign on June 8th, which also did not go through the Planning Board and was not decided upon the Trustees or Public Hearing. The new proposed law appears to be a direct attempt to back track the steps that have already been mistakenly taken. I am here again tonight to request a resolution of the drainage issues which are causing damage to my property and to request the chain or comparable gate be installed as the original approved plans indicate.**

**Mayor Harter - for the record, you had between this meeting and the last meeting you have had several minutes to state your case. Your comments have been noted several times, as far as the chain, we are going around in circles again, it’s dedicated. When was that, when is the year of that map?**

**HU This was filed with the county in 2006 as there’s been no amendments, as I FOILED. There have been no change resolutions. There has been no process in place other than one person making the decision at this point is hearsay again going in circles, I’ll agree to that, because there is nothing on record, there is nothing on any of my videos. I have a full view of the frontside property of the incident so that is why I would like to know the date.**

**MH of the?**

**HU the date of the alleged incident that cause**

**MH and that went to the police, correct. The FOIL request is in the police’s hands.**

**HU It was submitted**

**MH - Board, does anyone object to this? Does anyone want the chain back up?**

**Trustee Werner – you can’t put the chain back-up; it doesn’t meet the fire code.**

**HU The chain was an unlocked chain that was established in the county map and it did meet the criteria of an emergency access.**

**AW at the time.**

**Engineer Hoffman - I can comment on that, if you like. The NYS fire code was updated in 2020, presuming it was there in 2020 it would not compliance right now and if I were to see that in the field, I would recommend that you update to meet the current requirements regardless.**

**Engineer Hoffman cited the D103.5 Fire Apparatus Access Road Gates**

**Gates securing the fire apparatus access roads shall comply with all of the following criteria:**

1. **Where a single gate is provided, the gate width shall be not less than 20 feet (6096 mm). Where a fire apparatus road consists of a divided roadway, the gate width shall be not less than 12 feet (3658 mm).**
2. **Gates shall be of the swinging or sliding type.**
3. **Construction of gates shall be of materials that allow manual operation by one person.**
4. **Gate components shall be maintained in an operative condition at all times and replaced or repaired when defective.**
5. **Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be approved by the fire code official.**
6. **Methods of locking shall be submitted for approval by the fire code official.**
7. **Electric gate operators, where provided, shall be listed in accordance with UL 325.**
8. **Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F2200.**

**Engineer Hoffman – so a chain would not meet the current requirements.**

**MH – Trustee Olejniczak do you object to the chain coming down?**

**Trustee Olejniczak – my comments would definitely be at this point in time with continuing to argue what already has happen, what confusing the community members on Farries Ave and/or Beezer Homes, we don’t know the outcome yet, we are going to have a public hearing next month, it will definitely open up a lot more discussion. So, without causing further confusion if we would put anything back up right now a proper gate that fits code to then potentially to have it taken down again, at this point and time I understand everyone’s concern. we have the public hearing set and I think it’s been open since March I believe it was when the chain was removed.**

**MH give or take.**

**TO I’m just saying, I think at this point in time we forward as far as the discussion is concern. we work towards the public hearing and we see what the community members from does neighborhoods have to say about it.**

**Trustee Fuller I agree with Trustee Olejniczak if we put it back up its going to create more of a problem. Someone is going to come down and drive right through it.**

**Trustee Fuller As far as the study goes, we have nothing to based the study on, on Farries Ave.**

**Trustee Fuller the police department hasn’t seen much of increase as of yet.**

**Woman - If they were to sit on (? Drive) out of the view at of the people flying by the would get a better picture.**

**Trustee Fuller – so you are concern that they are speeding than the traffic?**

**Kim McGoldrick– they are getting air off the bump. When we say to slow down, they are hitting the gas and speeding anyway.**

**Kim Mcgoldrick – I have four kids that play there at they have no regards.**

**Trustee Fuller – We can address that**

**Unknown audience member – (did not state name for the record) Mr. Mayor you stated at the last meeting that you have instructed the police to ticket residents/nonresidents my friend lives in the cul-de-sac blew the stop sign got pulled over goodbye.**

**MH Do you know the officer that was there?**

**Unknown audience member – (did not state name for the record) yes, but I am not going to call out, I’m just saying. You can tell them that**

**MH I can’t correct it if I don’t know who it was.**

**HU at the same time it seems the mayor tells the police dept who to ticket and who not to ticket**

**MH, we tell how to enforce the law, correct.**

**CG police officers have discretion on who to ticket and who not to ticket.**

**CO, I know Sean you said we could still get numbers from a traffic study on the Kaye Drive side correct.**

**SH It would be a flawed study at this point**

**Unknown audience member – (did not state name for the record) they can a different type go up; can they base it on a certain type that can go up.**

**MH Based on how that road is right now that chain was not up to fire code.**

**Unknown audience member – (did not state name for the record) but a gate code that one person can operate, that can be put up?**

**EC we would have to alter the hammerhead as well, the hammerhead is not built to code**

**MH we would have to alter the road.**

**CG these are all things that should have gone to the Planning Board, correct, if they were going to change any of this?**

**Sean Hoffman the actions of this Board are the planning board (unintelligible)**

**MH They are their own governing body**

**SH Anything that you do site plan approval, parking lot does not have to go through the Planning Board.**

**MH Trustee Roach do you have anything to add**

**Trustee Roach no I am aligned with Trustee Olejniczak and his comments August 2nd we will have the hearing and will discuss further then. My feeling is that, that road was always built for access not to be an emergency access.**

**CG we were told different things from the Planning Board and the paperwork received; it doesn’t go with that. It seems that this was not done properly and now there’s a let back? That’s just from a resident’s perspective.**

**Mayor Harter, I think the biggest thing is in 2018 we dedicated the roads because the people up there wanted the school buses to be able to go and pick up their kids. Other than that, the kids had to walk needed to be dropped off at the roundabout. Concern was traffic there as well traffic is a Village wide issue no matter where you live. Whether you are in Cedar Crest, Kaye Dr, Farries Ave, Dussenbury they all have traffic issues now. The area has increased tenfold population and there are a lot of bad drivers out there. It’s a constant problem if we could have officers write tickets and be everywhere that would be great. I walk here every day on 94 and I have almost got clipped. As far as Kaye Dr., it was dedicated in 2018 for the kids to have a bus route. When it becomes dedicated it’s a public road aside from safety issue, it’s a maintenance issue, plowing issues there are a lot of things that go into it.**

**Unknown so as far as them wanting it open for the busses, our kids have to walk who do we have to talk to regarding that.**

**CO school district.**

**EC there is a state radius for school districts to provide transportation.**

**AW we recently adopted the Master Plan and with that we wanted a walkable safe community for the kids that is the goal its not an overnight its costly.**

**There was a brief discussion regarding stop signs and the commercial traffic on Farries and possible subdivision.**

1. **ADJOURNMENT**

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

**VOTE: YES 5 NO 0**