#  **June 7, 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 Roach

Board Members Absent: Trustee Werner late

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

Approximate Number in Audience: **5**

**II. MINUTES**

Motion made by ***Trustee Fuller*** seconded by ***Trustee Olejniczak*** to approve the minutes of the May 3th, 2023 General meeting.

##### **VOTE: YES 4 NO 0**

Motion made by ***Trustee Fuller*** seconded by ***Trustee Roach*** to approve the minutes of the May 24th, 2023 End of Year Meeting.

##### **VOTE: YES 4 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 4 NO 0**

 **2. Payment of Vouchers**

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

 **VOTE: YES NO**

1. **Transfers**

 **Transfers for Fiscal Year 5/31/23 - June 7**

 **General Fund Expenditures**

 **Account Description From To**

**A-1410-410 Clerk Code Book 150.00**

**A-1410-411 Clerk Village Website 150.00**

 **(Bowers Web SSL Certificate )**

**A-1930-000 General Fund Contingency 3,000.00**

**A-1440-000 Engineer Contract Services 3,000.00**

 **(Hoffman Engineering Jan-Apr invoices )**

**A-1620-048 Senior Center Utilities 750.00**

**A-1620-404 Office Heat and Electric 750.00**

 **(O&R)**

**A-1620-405 Office Building Maintenance 150.00**

**A-1620-406 Office Supplies 150.00**

 **(Various)**

**A-3120-403 Police Car Expenditures 200.00**

**A-3120-402 Police Telephone and Internet 200.00**

 **(Alteva, Optimum, Momentum)**

**A-3120-406 Police Training Expenditures 750.00**

**A-1450-041 Police Uniforms 750.00**

 **(Alfi's Uniforms - Coleman)**

**A-7110-403 Parks Electric 300.00**

**A-7110-300 Parks Equipment and Supplies 300.00**

 **(Passes, top soil, various)**

**A-7110-504 Mapes and Seward Property Maintenance 1,000.00**

**A-7110-402 Parks Maintenance 1,000.00**

 **(Village of Monroe Boat Rental)**

**A-8020-404 Planning Board Computer Equip and Services 100.00**

**A-8020-405 Planning Board Advertising 100.00**

 **(Warwick Valley Dispatch - Legal)**

 **Water Fund Expenditures**

 **Account Description From To**

**F-8330-040 Capital Plant Equipment 5,000.00**

**F-8330-041 Plant Chemicals 5,000.00**

 **(Slack Chemical)**

**F-8340-010 Water Laborer Salaries 2,000.00**

**F-8340-041 Distribution Maintenance and Repairs 2,000.00**

 **(TAM 5/3 Country Club Dr., Schmidt Wholesale - Gasket)**

 **Sewer Fund Expenditures**

 **Account Description From To**

 **NONE**

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

 **VOTE: YES 4 NO 0**

**IV. ANNOUNCEMENTS, CORRESPONDENCE & PRESENTATIONS**

1. **June 19th All offices will be closed for Juneteenth.**
2. **Received a FOIL request from Christopher McGoldrick regarding Beazer homes.**
3. **Received a FOIL request from Heather Ubides regarding Beazer homes.**
4. **Received an approved amended site plan from the Planning Board for Brach Realty.**
5. **Received payment in the amount of $110.00 for auctioned surplus.**
6. **Town of Warwick sent notice of Public Hearing for LL3 2023 Amending Chapter 164 Solar, Cannabis dispensary overlay district for June 22,2023.**
7. **TankMasters Environmental sent a proposal for tank removal.**
8. **Altice sent a price change notice.**
9. **Comp Allaince sent a safe workplace award.**
10. **H2O sent a notice regarding merger.**
11. **MVP sent a notice of proposed premium change of 9.3% for 2024.**
12. **Florida Fun Fest sent a notice requesting open container waiver for August 13th.**

**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

**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 of Farries Ave asked if she could speak regarding her FOIL request.

Mayor Harter stated it would be addressed with all Public Comment at the end of the meeting.

**VII. UNFINISHED BUSINESS**

1. **Resolution for outside water usage termination Orange County**

**VILLAGE OF FLORIDA**

**VILLAGE BOARD OF TRUSTEES**

**RESOLUTION**

**WHEREAS, the Village of Florida owns and maintains a Publicly Owned Treatment Works (POTW) for the purposes of treating sewage within the Village of Florida; and**

**WHEREAS, the Orange County Jail, located outside of the Village of Florida, is connected to the Wastewater treatment plant (“WWTP”) by virtue of an intermunicipal agreement; and**

**WHEREAS, over the past several years the sewage flow from the Orange County Jail (“OCJ”) has contained large quantities debris consisting of rags, wrappers, utensils, pencils and other trash which have caused damage to the WWTP; and**

**WHEREAS, in January 2023, such debris caused the headworks to break beyond repair. The new headworks is not scheduled to arrive until August 2023. In the interim, the Village has had to pay overtime for the operator to manually rake the bar screen. The cost estimate of the repair and overtime are approximately $ 100,000.00; and**

**WHEREAS, the Village has requested that the County install screen at OCJ to prevent such debris from entering the WWTP on several occasions, but the County has either refused or been unwilling to do so; and**

**WHEREAS, the continued discharge from OCJ causes damage at taxpayer expense and appear to be in violation of Chapter 95 of the Village of Florida Code, entitled “Sewers”; and**

**NOW THEREFORE BE IT RESOLVED that the Village Board of Trustees hereby authorizes the Mayor in conjunction with the Village Attorney, Village Engineer and the Superintendent to:**

 **1. Investigate and, if warranted, prosecute any violation of applicable law on the basis of the discharge from Orange County Jail.**

 **2. Investigate, and if warranted, take the necessary legal action to enjoin Orange County from permitting such discharges or alternatively terminate the use of the POTW by the Orange County Jail.**

**Motion by Trustee Fuller second by Trustee Olejniczak**

**VOTE YES 4 NO 0**

1. **Outside Village water users**

VILLAGE OF FLORIDA

VILLAGE BOARD OF TRUSTEES

RESOLUTION

WHEREAS, the Village of Florida obtains its drinking water from Glenmere Lake which is treated at the water treatment plant located at 315 Glenmere Avenue (hereinafter “Water Supply”); and

WHEREAS, the Water Supply services a population of 2,884 people within the Village and outside users;

WHEREAS, the Water Treatment Plant (“WTP”) was originally constructed in 1995 and expanded in 2002 with the capacity to supply 1,000,000 gallons per water of day. The maximum day demand was 704,000 gallons.[[1]](#footnote-1)

WHEREAS, in 2011, the Orange County Water Authority (OCWA) assembled a Watershed Management Plan for Glenmere Lake (last revised February 2012). That Plan, in part, recognized that Glenmere Lake is the sole source of public water supply for the Village of Florida and recommended that alternate sources of water be considered.

WHEREAS, the Plan further recognized that aquatic plants were becoming more abundant in the lake, affecting the ability to withdraw adequate volumes of water.

WHEREAS, in addition to the natural eutrophication process, the aging WTP and distribution system were not able to produce water that met the maximum contaminant levels for disinfection byproducts, specifically haloacetic acids (HAA5) and total trihalomethanes (TTHM)

WHEREAS, in 2019, the United State Environmental Protection Agency (EPA) issued an Administrative Order (SDWA 02-2019-8027) for failure of the water system to comply with the Stage 2 Disinfection Byproducts Rule (40 C.F.R 141, Subparts U and V); and

WHEREAS, in response, the Village has undertaken numerous short-term repairs to the WTP and is in the process of engineering an overhaul of the WTP; and

WHEREAS, those efforts have cost the Village approximately $ 800,000 to date and it is anticipated that the projected cost of the overhaul of the WTP is approximately 7-8 million dollars; and

WHEREAS, weather has resulted in the need to institute water restrictions in 2022 and again in 2023.

WHEREAS, in light of the on-going difficulties in producing sufficient potable water for Village residents it is becoming increasingly more difficult to provide water to outside users; and

WHEREAS, New York Village Law Article 11 prohibits the Village to sell or permit the use of water outside the district when the water supply for the Village or its inhabitants will be insufficient

NOW THEREFORE BE IT RESOLVED, that the Village Board of Trustees hereby authorizes the Mayor in conjunction with the Village Attorney and the Village Engineer to:

 1. Evaluate means of achieving additional water supply such as the development of well sites.

 2. Evaluate existing contractual relationships with outside users with the objective of eliminating outside water usage within the next five years to ensure adequate supply for Village users.

BE IT FURTHER RESOLVED that the Village Board of Trustees hereby declares that no outside user water agreements shall be entered into until such time as the Village Board determines that there is adequate supply to do so.

Motion by Trustee Fuller second by Trustee Olejniczak

VOTE YES 4 NO 0

1. **Warwick EMS**

**VILLAGE OF FLORIDA**

**BOARD OF TRUSTEES**

**RESOLUTION AS TO ZONING IMMUNITY OF**

**THE WARWICK COMMUNITY AMBULANCE SERVICE, INC.**

**WHEREAS, the Warwick Community Ambulance Service, Inc. is a domestic not-for-profit corporation providing ambulance service within the Town of Warwick pursuant to General Municipal Law § 122-b;**

**WHEREAS, by resolution dated August 12, 2015, the Village of Florida Village Board designated Warwick Community Ambulance Service, Inc. (a/k/a Warwick EMS) as the provider of ambulance services within the Village of Florida pursuant to General Municipal Law § 122-b and Village Law § 4-412; and**

**WHEREAS, Warwick Community Ambulance Service, Inc. desires to construct a new facility located at 163 South Main Street (SBL 113-4-7.2) to better serve the residents of the Village of Florida and the Town of Warwick; and**

**NOW THEREFORE BE IT RESOLVED, that the Village Board of Trustees hereby finds that by virtue of the existing agreement between the Town of Warwick and Warwick Community Ambulance Service, Inc. and the companion designation by the Village of Florida that the proposed ambulance garage is operating on behalf of the Village of Florida and is exempt from the Village of Florida Zoning Code as set forth in § 119-2.1; and**

**BE IT FURTHER RESOLVED that to the extent a Court of competent jurisdiction determines that said proposed ambulance garage is not immune from the Village of Florida’s zoning ordinance by virtue of § 119-2.1, the Village Board hereby finds that the proposed ambulance garage meets the balancing test set forth in the Matter of County of Monroe, 72 N.Y.2d 338 (1988) warranting a determination that proposed ambulance garage be exempt from local zoning.**

**1. The nature and scope of the instrumentality seeking immunity. Warwick Community Ambulance Service, Inc. as a contractor of the Town of Warwick and the Village of Florida seeks immunity.**

**2. The encroaching government’s legislative grant of authority. Warwick Community Ambulance Service, Inc. by virtue of its agreement with the Town of Warwick and the Village of Florida pursuant to Village Law § 4-412 and General Municipal Law § 122-b**

**3. The kind of function or land use involved. Warwick Community Ambulance Service, Inc seeks to construct a new ambulance garage at 163 South Main Street Florida.**

**4. The effect local land use regulation would have upon the enterprise concerned. To the extent it is determined that Warwick Community Ambulance Service, Inc is not operating on behalf of the Village of Florida. The use of a building, structure, lot or land or part thereof which is not listed as a permitted use, special permit use or accessory use is prohibited. Village of Florida Zoning Code. In this case, Village of Florida uses and buildings are permitted but not uses and buildings belonging to third party contractors.**

**5. Alternative locations for the facility in less restrictive zoning areas. The Warwick Community Ambulance Service, Inc is outgrowing its current location at the Florida Fire Department, 19 South Main Street, Florida, NY. Other locations considered in the past included a portion of the site next to current New York State Police Barracks (Meadow Road). The proposed location is centrally located in the Village, on a state highway (Route 94) providing easy access to points north and south.**

**6. The impact upon legitimate local interests. The Village recognizes that ambulance services are critical to the health, safety and welfare of the Village’s residents.**

**7. Alternative methods of providing the proposed improvement. There are no other alternatives.**

**8. The extent of the public interest to be served by the improvements. Residents need responsive ambulance services for their health, safety and well-being.**

**9. Intergovernmental participation in the project development process and an opportunity to be heard. The Village will have the opportunity to review the project as part of the building permit process.**

**BE IT FURTHER RESOLVED, that this determination is limited to the Warwick Community Ambulance Service, Inc and should the site ever be conveyed to an entity that is not providing similar ambulance services or be put to a different use other than that contemplated by this resolution such entity or use shall be the subject to the provisions of the Village of Florida zoning code.**

**BE IT FURTHER RESOLVED, that the proposed project shall undergo environmental review as may be required by the State Environmental Quality Review Act and be subject to the uniform building and fire code.**

**Tabled**

**Motion by Trustee \_\_\_Tabled \_\_\_\_\_\_\_\_\_\_\_Trustee Fuller\_\_**

**Second by Trustee \_\_\_\_Tabled \_\_\_\_\_\_\_\_\_\_Trustee Olejniczak\_\_**

**Aye \_\_\_4 Nay \_\_0\_ Abstain/absent\_\_\_\_\_**

**VIII. NEW BUSINESS**

1. **Florida Chamber of Commerce Farmer’s Market**

**Motion to approve application and waiver of fees for the Chamber of Commerce for the Farmer’s Market from June-October.**

**Motion by Trustee Roach seconded by Trustee Fuller**

 **VOTE: YES 4 NO 0**

1. **Tankmasters quote**

**Motion to approve quote in the amount of $1985.00 for tank removal at DPW from Tankmasters.**

**Motion by Trustee Fuller seconded by Trustee Roach**

 **VOTE: YES 4 NO 0**

1. **Yellow Phase Water Restrictions**

**Motion to approve the authorization of the implementation of yellow phase water restrictions effective immediately.**

**Motion by Trustee Olejniczak seconded by Trustee Fuller**

 **VOTE: YES 4 NO 0**

1. **Sealcoat Bids for Maple Ave, Mapes, and Village Hall-Tabled**

**Received bids from:**

**Sealcoat USA 37,200.00**

**M & S Asphalt $27,570.00**

**Motion to TABLE bid in the amount of by**

 **Motion by *Trustee Olejniczak* seconded by *Trustee Fuller***

 **VOTE: YES 4 NO 0**

**5. Florida Family Fun Fest**

 **Amend open container law for the Fun Fest, Sunday, August 13th, 2023.**

**Motion made by *Trustee Fuller* seconded by *Trustee Olejniczak* to accept to amend the Open Container Law for North Main Street between the hours of 1:00PM and 8:00 PM.**

**VOTE: YES 4 NO 0**

**Motion made by *Trustee Fuller* seconded by *Trustee Olejniczak* to approve the closure for North Main Street between the hours of 12:00PM and 9:00 PM On August 13, 2023.**

**VOTE: YES 4 NO 0**

**6 Summer Recreation Employees**

**Motion to approve the following Recreational employees at 12.00/hour**

**Melissa Cutrona**

**Michael Carpino**

**Blake Lugo**

**Matt Gooler**

**Alec Pawliczak**

**Joey Buchalski**

**Julia Durkin**

**Kaitlyn Stowlowski**

**Kailey Stowlowski**

**Dominick LaBelle**

**Genesis Stymacks**

**New Counselors**

**Nick Campana**

**Will Orlando**

**Antonia Emanuel**

**Ava Kirschke**

**Kiley Grogan**

**Joseph Santiago**

**Joshua Medina**

**Kendall Guerra**

**Raquel Hamling**

**Angelinal Vargas**

**Elianna Forder**

**Motion by  *Trustee Olejniczak* second by *Trustee Fuller***

 **VOTE: YES 4 NO 0**

1. **Meeting Schedule**

 June 21th, 2023 9:30 AM Work Session/Special Meeting

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

 July 19th, 2023 9:30 AM Work Session

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

1. **PUBLIC COMMENT**

**Gerard Conlon of 10 Center Circle asked if the water treatment plant repairs will be affected by the water restrictions.**

**Mayor Harter stated it will not be affected. Either way, 3 units in facility shut down one at a time. The tanks at Beazer will be repaired in the fall.**

**Chris McGoldrick of Farries Ave-comments attached**

**Mayor Harter Does our attorney have any questions?**

**Elizabeth Cassidy I can review the file and review at the next work session**

**Mayor Harter does the clerk have any additional comments regarding the signatures?**

**Clerk Wierzbicki I provided what was in the file**

**McGoldrick the deed was not signed by the Village**

**Mayor Harter we will look into and get the situation rectified. Thank you for bringing that to our attention.**

**Heather Ubides I reside at 70 Farries Ave-comments attached.**

**Mayor Harter we will look into your concerns and we will rectify.**

**Attorney Cassidy Mayor it sounds like folks have prepped remarks if they can provide copies of that citations that they wrote to you could be provided to the Clerk that would be very helpful.**

**Mayor Harter Would you both be so kind?**

**Michele Carpino of 77 Farries I didn’t actually prepare anything. I did prepare an email early in May that I didn’t get a response to. I got a confirmation.**

**I called the Village Clerk and was told it was a safety issue once I noticed the chain was down.**

**MC Who said it was safety issue? For whom. I have children that walk to school at Seward, that road is so dangerous. I have always been told there are only 10 houses above me there was no issue for me. There are 58 occupied homes in Beazer. The amount of traffic that we are seeing now, it started very slow because nobody figured it out but most of them know now, the traffic is ridiculous, it’s too fast. It’s unsafe, there are no sidewalks for the kids who are walking to school. It’s not safe, I looked up the subdivision map approved in 2006 by the Town of Goshen Planning Board. I don’t understand how a change like this gets me without anyone knowing about it until it is already done. Was there Village Planning Board meetings about taking the chain down? I don’t see an amendment to the map. The map clearly says its for emergency access only. I don’t understand how a change like this happens without the residents being aware.**

**Mayor Harter I can answer some of your questions, maybe all of them. We did receive a letter from the Florida Fire Department several months ago regarding their concerns about the blockage on Jayne St. Jayne St has been shut down for several years now and that’s a Town of Warwick bridge which we have no control over. We’ve been petitioning with the Town of Warwick for years to repair it and they are waiting for grants to complete. In the letter Florida Fire Dept states they experience delays because they have to go around on Jayne St for medical issues. We have control over Farries Ave and Kaye Dr, they are dedicated roads.I’m glad that you pointed out that you have to get that finalized, we will make sure that gets resolved. That’s the road that connects to Beazer homes so for the Village purposes its part of the Village of Florida. By opening it, helps Police and Fire to get through. We have had an incident in the past where a police officer did request assistance and two county sheriffs responded and they didn’t know that chain was so they had to turn around and go back. So with that prompted me to make the decision to open that up because for safety issues. What if we have another incident where there is a life at stake and the same incidents happen.**

**MC Understandable, is there a reason it cant be open and posted no thru traffic?**

**MH We are going to**

**MC Strictly for emergency vehicles**

**MH That’s where Im going to follow through, I don’t think we will restrict it to emergency vehicles only but residential traffic only. We want to put weight limits and have enforcements on commercial vehicles going up and down that road. Ive had several officers sit up there and reported multiple times that traffic flow has not become a horrible issue. Speeding has not been an issue.**

**Unknown audience just like the traffic flow and speeding issues on maple?**

**MH We have increased correct Mr. Fuller?**

**Trustee Fuller They have increased**

**MH It doesn’t change there are traffic issues every where**

**TF The sit there and everybody’s doing a couple of miles over the speed limit**

**Heather Ubides if a gate were to be put up that would allow the emergency vehicles access road as it should be as opposed to a chain and as far as my recollection with discussions at several fire department functions, the fire department does not wish to access Kaye Dr or Beazer development through Farries from the inability to make that sharp 90 degree turn, they prefer 94. Do you have a date for the sheriffs officers unable to access that?**

**Mayor Harter I can find out for you.**

**HU I would be interested in seeing the report**

**MH If you can get me a letter from Aaron for the Fire Department that says there’s an issue**

**HU I can go to the fire department myself**

**MH ok either way would be appreciated.**

**Unknown audience The difference between Jayne and Farries is when you are coming from Roe that turn is very difficult for a fire truck so I think that is the concern**

**MH They cant turn around as well**

**We are also looking to put sidewalks there, we want to add sidewalks to Farries**

**Trustee Werner and fix the drainage**

**MH and work on the drainage when we do. We are doing tar and chipping up there this year. Correct?**

**AW Yes we are doing tar and chipping and we are going to do a temporary fix to level out some of those issues. It’s going to be a temporary fix but in the long term once we fix some of our other projects we want to do proper drainage, proper sidewalks but its going to be costly**

**Unknown audience How are you going to put sidewalks on such a narrow road?**

**MH For engineering purposes what is considered narrow (to Sean Hoffman**

**Engineer Hoffman For residential setting, 10 feet lanes**

**MH so 20 feet from end to end?**

**EH yes parking stalls are typically 8-9 feet wide**

**MH Is there any measurements that you have taken to say its narrow?**

**AW We are going to look into it to make sure it is properly engineered**

**Engineer Hoffman briefly discussed the gate possibilities.**

1. **ADJOURNMENT**

**Motion to adjourn at 8:35 PM by Trustee Fuller second by Trustee Roach**

 **VOTE: YES 4 NO 0**

1. Citation [↑](#footnote-ref-1)