# **November 1, 2023 GENERAL MEETING OF THE BOARD**

# **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

Board Members Absent: Trustee Roach

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 Werner*** to approve the minutes of the October 4th General Meeting

##### **VOTE: YES 4 NO 0 1 Absent**

##### **FINANCIAL REPORTS**

1. **Treasurer’s Report**

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

**VOTE: YES** **4 NO 0 1 Absent**

**2. Payment of Vouchers**

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

**VOTE: YES 4 NO 0 1 Absent**

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1. **ANNOUNCEMENTS, CORRESPONDENCE & PRESENTATIONS**
2. **Christmas Tree Lighting will be Saturday December 2rd, 2023 at dusk.**
3. **Town of Warwick submitted a fully executed 2023 Snow and Ice contract.**
4. **NYSDOT sent an updated CHIPS report**
5. **No overnight parking on Village Streets begins November 15th and will be strictly enforced.**
6. **MVP Healthcare submitted the 2024 Rate summary for renewal.**
7. **Orange County Youth Bureau sent a funding approval letter for FY 2024 in the amount of $12,050.00**
8. **Tokio Marine HCC sent the results and suggestions from their risk assessment audit for review**
9. **Pitingaro and Doetsch sent a letter regarding the new UV Disinfection installation.**
10. **First Presbyterian Church sent an agreement for review.**
11. **TAM Enterprises sent a quote for the** **Sewer plant enfluent pump.**
12. **Westar Tech Services Corp sent a quote for the** **Sewer plant enfluent pump.**
13. **Trico Electrical of Goshen sent a quote for the** **Beazer Homes Sewer plant enfluent pump.**
14. **Comp Alliance submitted 2023 Q3 assessment and contribution invoice for payment.**
15. **Mattingly’s LLC submitted a signed Hold Harmless agreement and insurance for event on October 27, 2023.**
16. **Comp Alliance presented the Village of Florida with a Member Loyalty Award check in the amount of $1602.00.**
17. **Vulcan Materials sent a price increase notice on crushed stone and sand.**
18. **Upstate Leak Detection sent a report that no identifiable signs of leakage were found.**
19. **Hoffman Engineering submitted a Glenmere Lake weed harvesting schedule.**
20. **Anonymous letters were received with regard to an event scheduled in the Village and their concern.**
21. **A Stormwater Maintenance Agreement was received for the Lofts.**
22. **A Second Amendment to Tower Lease Agreement was received for approval from Verizon Wireless.**
23. **Cablevision Systems submitted Franchise Fees for the 3rd quarter of 2023 in the amount of $10,713.00**
24. **Zoom Video Communications sent a settlement check in the amount of $ 284.23 for a class action settlement.**
25. **Building Inspector/Code Enforcement Officer Pawliczek submitted a request for lodging for November 15-17th training CTE credits.**
26. **New York State Division of Criminal Justice Services emailed a letter regarding a grant received.**
27. **Temple Beth Shalom sent an invitation to Honor Local Police on December 1, 2023 at 7:00PM**

**VI. 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 -absent**

**There was a brief discussion regarding each respective department and their updates.**

**VII. 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.

**Sue O’Brien Farries Ave -Number 19 on the correspondence, anonymous letters what is that about?**

**Mayor Harter they were concerned about the Headless Horseman on Main St**

**SO I’m assuming the grant on number 25 is going to the Police Department?**

**Trustee Werner that’s for fingerprinting.**

**MH Yes we got a machine for fingerprinting technology**

**SO For the Police Department?**

**MH Yes**

**Gerard Conlon I have a question, the Glenmere Lake weed harvester, so the Village Employees aren’t doing that anymore? Is that being contracted out?**

**Mayor Harter No, we have to supply a report every year that we use it. It’s just more protocol to be prepared for the upcoming year.**

**VIII. UNFINISHED BUSINESS**

1. **Tree Lighting Road Closure**

**Motion made by *Trustee Werner* seconded by** ***Trustee Olejniczak* to authorize the closure of Main Street on Saturday December 2rd, 2023 from 3:00 pm to 6:00 pm for the Village Tree Lighting event.**

**VOTE: YES 4 NO** **0 1 Absent**

1. **Maintenance Agreement Stormwater Lofts**

**Motion to approve Mayor Harter to sign Stormwater Maintenance Agreement as presented**

**Motion by *Trustee Fuller* seconded by *Trustee Werner***

**VOTE: YES 4 NO 0 1 Absent**

1. **Maintenance Agreement Stormwater Village Drive**

**Motion to approve Mayor Harter to sign Stormwater Maintenance Agreement as presented**

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

**VOTE: YES 4 NO 0 1 Absent**

1. **Presbyterian Church annual Agreement for Tree Lighting**

**Motion to approve Mayor Harter to sign agreement with the Presbyterian Church as presented for 2023.**

**Motion by Trustee Werner seconded by Trustee Fuller**

**VOTE: YES 4 NO 0 1 Absent**

**IX. NEW BUSINESS**

1. **Re-levy of 2023 General Taxes to the County**

**Motion made by *Trustee Fuller* seconded by Trustee Olejniczak to authorize the sale of**  $**32,469.06** **in General Taxes plus $2597.50 in penalty totaling $35,066.56**

**to the County of Orange for relevy onto their taxes.**

**VOTE: YES 4 NO 0 1 Absent**

1. **Annual Menorah Lighting**

**Motion made by *Trustee Fuller* seconded by *Trustee Olejniczak* to hold the annual Menorah Lighting Ceremony on December 11, 2023 at 4:30 PM.**

**VOTE: YES 4 NO 01 Absent**

1. **Verizon Wireless Second Amendment to Tower Lease**

**VILLAGE OF FLORIDA**

**VILLAGE BOARD OF TRUSTEES**

**RESOLUTION TO AUTHORIZE THE INSTALLATION OF EQUIPMENT ON VILLAGE OWNED CELL TOWER LOCATED AT 28 MEADOW ROAD, FLORIDA, NY**

**WHEREAS, the Village of Florida owns real property located at 28 Meadow Road, Town of Goshen, County of Orange, State of New York (Town of Goshen Tax Map: SBL 20-1-42) (“Sewer Plant Site);**

**WHEREAS, the Village entered into a Master Management Agreement (“Agreement”) with JNS Enterprises dated November 13, 2001 for the installation of a wireless communications tower to be located on Town of Warwick Tax Map SBL 9-1-6 owned by the Village of Florida (“Water Plant Site”);**

**WHEREAS, the Agreement was modified on October 30, 2002 for the purposes of allowing a temporary cellular tower to be located on 28 Meadow Road (“FIRST AMENDMENT TO THE AGREEMENT”); said modification was ratified by the Village Board of Trustees on November 12, 2002;**

**WHEREAS, the Agreement was further modified on January 13, 2003 for purposes of allowing a permanent wireless communications tower to be constructed at the Sewer Plant Site instead of the Water Plant Site (“Second Amendment to the Agreement); said modification was ratified by the Village Board of Trustees on April 8, 2003;**

**WHEREAS, the Village Board determined by virtue of its ownership of the Sewer Plant Site that the wireless communications tower is not subject to local zoning laws;**

**WHEREAS, said determination may be rendered pursuant to the balancing test as set forth In Re County of Monroe, 72 N.Y.2d 338 (1988) and its progeny;**

**WHEREAS, the applicable statute of limitations to challenge such determination has passed;**

**WHEREAS, the Village Board declared Lead Agency and issued a negative declaration pursuant to the State Environmental Quality Review Act (SEQR) on May 14, 2002;**

**WHEREAS, the wireless communications tower as set forth in the agreement was constructed in 2003;**

**WHEREAS, the Agreement and all Amendments thereto were assigned by JNS Towers, LLC to Crown Communication LLC, pursuant to an Assignment and Assumption Agreement dated May 31, 2011;**

**WHEREAS, the Village Board has received a request from Verizon Wireless of the East LP to replace existing equipment on an existing tower;**

**WHEREAS, such application is a request for a modification of an existing wireless tower that does not substantially change the physical dimensions of such tower and is not subject to planning board review pursuant to § 1455(a) of the Communications Act;**

**NOW THEREFORE BE IT RESOLVED, that the Village Board hereby declares that the current application is immune from zoning after weighing the actors set forth in In re County of Monroe and based upon the prior determination of the Village Board;**

**BE IT FURTHER RESOLVED that the proposed action is a Type II action under SEQR (6 NYCRR 617.5 (c)(2)) and no further environmental review is required;**

**BE IT FURTHER RESOLVED that the Village Board of Trustees authorizes Verizon Wireless of the East LP to install the equipment as per the submitted plans set forth above subject to the following conditions:**

**1. Review and approval of proposed plans by Village Engineer**

**2. Issuance of a building permit by the Village of Florida Building Department**

**3. Approval of the Tower Lease Agreement by the Village Attorney. Upon such approval the Mayor shall be authorized to sign the same.**

**Motion made by *Trustee Olejniczak* seconded by** ***Trustee Fuller* to approve the presented Verizon second amendment to Tower Lease Agreement**

**VOTE: YES 4 NO 0 1 Absent**

1. **Code Inspector**

**Motion to hire Michael Pawliczek for the full-time position of Code Inspector at the salary of $55,000.00/year effective October 9, 2023 per Civil Service reachable list.**

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

**VOTE: YES 4 NO 0 1 Absent**

1. **DPW Laborers**

**Motion by *Trustee Werner* seconded by** ***Trustee Olejniczak* to approve the hiring of Garrett VanOrden as Laborer at the rate of $18.25/hr. per union contract beginning immediately**

**VOTE: YES 4 NO 0 1 Absent**

1. **Orange County Youth Bureau Funding**

**Motion to accept funding in the amount of $12,050.00 for the 2024 Summer Recreation Budget year from Orange County Youth Bureau.**

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

**VOTE: YES 4 NO 0 1 Absent**

1. **Sewer Plant Enfluent Pump Quotes**

**TAM Enterprises Westar Tech Services TriCo Electrical Supply**

**Goshen, NY 10924 Middletown, NY 10940 Goshen, NY 10924**

**$21,240.00 $21,800.00 $22,000.00**

**Motion to approve quote in the amount of $21,240.00 TAM Enterprises by Trustee Werner second by Trustee Fuller**

**VOTE: YES 4 NO 0 1 absent**

1. **CTE Class lodging Building Department**

**Motion to approve lodging in amount not to exceed $500.00 for Continuing Education class November 15th-17th Kingston, NY for the Code Enforcement/Building Inspector**

**Motion by *Trustee Fuller***

**second by *Trustee Olejniczak***

**VOTE: YES 4 NO 0 1 Absent**

1. **Florida Union Free School District Sewer Contract**

**Motion to approve Mayor Harter to execute 2024 Sewer Contract for Golden Hill Sewer in the amount of $35,000.00 for January 1, 2024- December 31, 2024**

**Motion by *Trustee Fuller* second by** ***Trustee Werner***

**VOTE: YES 4 NO 0 1 Absent**

1. **DPW Teamsters contract**

**Motion to authorize Mayor Harter to execute agreed memorandum of agreement between Teamsters 445 and the Village of Florida effective June 1, 2023-May 31, 2026.**

**Motion by *Trustee Werner* second by *Trustee Olejniczak***

**VOTE: YES 4 NO 0 1 Absent**

1. **Meeting Schedule**

November 15th, 2023 9:30 AM Work Session/ Special Meeting

December 6th, 2023 9:30 AM Work Session 7:30 Meeting

December 20th, 2023 9:30 AM Work Session

January 3rd, 2024 9:30 AM Work Session 7:30 Meeting

January 17th, 2024 9:30 AM Work Session

1. **PUBLIC COMMENT**

**Greg Kimiecik Code Inspector is the same as Building Inspector?**

**Mayor Harter correct**

**Sue O’Brien This is in regards to Cablevision in the Village of Florida. You can’t get another provider in the Village?**

**MH I don’t think that’s in our jurisdiction to declare**

**Attorney Cassidy A cable company would approach the Village with a franchise agreement. It would be incumbent on the market for the company.**

**MH Can we send out a request**

**EC we could but if we are all in the same boat**

**Trustee Olejniczak Cable and WiFi**

**SO Both**

**CO It would be nice to know there were other companies that would like to get a better rate and get some business.**

**EC They were installing new lines in Warwick**

**There was a brief conversation regarding service**

**Mayor Harter – I would like to make a quick statement regarding Elizabeth Cassidy. With what has been going on in the paper recently questioning her integrity and whatnot for this Village and its Board. We as a Board can say with most confidence that she has done nothing but show us professionalism, top ethics and great integrity and we’re sorry that you are getting slandered. With that, motion to adjourn**

**Greg Kimiecik I don’t know anything about being a lawyer, but you seem always to be well prepared.**

1. **ADJOURNMENT**

Motion made by Trustee Fuller seconded by Trustee Olejniczak to adjourn the meeting at 8:00 PM.

**VOTE: YES 4 NO 0 1 Absent**

**Respectfully,**

**Colleen Wierzbicki**