

## September 4, 2024 GENERAL MEETING OF THE BOARD

### 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 Olejniczak, Trustee Werner, Trustee Roach

Board Members Absent: none

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

Approximate Number in Audience: 15

### II. MINUTES

Motion made by *Trustee Fuller* seconded by *Trustee Roach* to approve the minutes of the August 19<sup>th</sup>, 2024 General Meeting

**VOTE: YES 5 NO 0**

### III. FINANCIAL REPORTS

#### 1. Treasurer's Report

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

**VOTE: YES 5 NO 0**

#### 2. Payment of Vouchers

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

**VOTE: YES 5 NO 0**

**3. Transfers**

**Transfers for Fiscal Year 5/31/25 - Sep 04**

**General Fund Expenditures**

**Account Description From To**

**Clerk Code Book Update 400.00**  
**Clerk Village Web Site 400.00**  
**(Annual Contract Bowers)**

**Police Uniforms 500.00**  
**Police Supplies 500.00**  
**(Various - AED Pads, No Parking Signs...)**

**Special Events Salaries 2,600.00**  
**Special Events Other Expenditures 2,600.00**  
**(Fun Fest - Trailer)**

**Water Fund Expenditures**  
**Account Description From To**

**NONE**

**Sewer Fund Expenditures**  
**Account Description From To**

**NONE**

Motion made by *Trustee Fuller* seconded by *Trustee Werner*  
to approve transfers as presented

**VOTE: YES 5 NO 0**

#### **IV. ANNOUNCEMENTS, CORRESPONDENCE & PRESENTATIONS**

- 1. Orange County Department of Emergency Services sent an invitation to Kick off meeting and workshop on September 5, 2024.**
- 2. Florida Family FunFest President sent a letter of thanks to the Village Board mentioning recognition to Craig Smith and Chief Coleman.**
- 3. Orange County Department of Human Resources sent a letter regarding NY HELPS program, emergency staffing.**
- 4. Town of Warwick sent a FY2025 budget request.**
- 5. East Tek Security provided a quote for the Court Room.**
- 6. Mitchell Contracting provided a quote for the remainder of the front porch at Village Hall.**
- 7. Building Inspector Pawliczek requests attending Tri-County NYSBOC Conference on 11/12-11/15 in the amount of 400.00.**
- 8. New York State DOT Right of Way Office sent a letter of acquisition for the Maple Ave property.**
- 9. Millenium Strategies provided a proposal for the NY Forward grant.**
- 10. Orange County Department of Human Resources sent a letter approving the creation of a part-time meter reader repair position.**
- 11. Florida Fire Department submitted a request for funding for the Halloween festivities in the amount of \$500.00.**

#### **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, Glenmere watershed**
- 4. Matthew Roach – Building & Planning, Historical**

**A monthly review was presented by each Trustee and their individual departments**

#### **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 70 Farries Ave Good Evening, a couple of questions. I notice there are two Public Hearing this evening, the date for both is October 2<sup>nd</sup>, both of which are less than 30 days' notice in the newspaper, my first observation. Second, couple things left out regarding number 6 the fact that Kaye Drive. The first thing being that it mentions that through March*

2023 the developer of Glenview Hills maintained a chain across connection to prevent through traffic. It leaves out that on July, 2024 there was a ruling of the immediate action of removing that chain is a breach of authority and capricious. The second note I would like to make is that it quotes the Planning Board by saying that if the overlay was not constructed, the Farries Avenue intersection would have to be opened as a through intersection. It's a clear play on words and it left out that Bob Scott mentioned that the current infrastructure couldn't handle the through traffic if that were to open. You may want to research that a little. I also want to note that what provisions will be made to protect the infrastructure and mitigate further water damage on my property. The next note here is to mention that in subsection 1-3-15b, it directs subdivisions to be interconnected. I want to know when that was passed. I attended various Planning Board meetings regarding Village Drive construction. Mr. Knebel's construction going up there where it was mentioned that the subdivisions wouldn't be interconnected. Also, it mentions that the hammerhead doesn't comply with the fire codes, that has been grandfathered. The only time that would have to change is if the roadways were to be changed to a thoroughfare and change the designation of that emergency access only. There is also mention WHERAS the Village of Florida Zoning Code doesn't require approval of the Village of Florida Planning Board. I just want to make note that by putting the WHERAS as quotes, WHERAS clause by municipality do not serve the state (inaudible) laws. Keep that in mind with the Office of Open Government. There's also mention that the SEQR is being declared as an unlisted action. The SEQR that was done for that subsection had a negative impact were being designated as emergency access only. There would actually be a positive impact to the neighborhood and surrounding communities if those changes were to be made. At our last Village Board meeting, there were discussions of Nathaniel Lane where the Village attorney mentioned that if were actually Village code roadways would need a 50-foot width to meet our Village codes. If you are changing the road and creating a new roadway it should be to codes. Also, you were advised at a meeting that discussed that paying for the attorney as well as the engineering firm to conduct studies about the cost to make it an actual accessible thoroughfare that we would be provided with the cost. Clearly, in less than 30 days' notice for a Public Hearing I don't feel that the Village will be properly equipped to make such a vote on those expenses unless you are here to tell us that the costs be provided today. I feel if there are substantial costs upwards of a couple hundred thousand dollars to make that roadway passable, it should be open to a vote by all Village residents. That will cause a significant impact on taxes and if it is something you are going to bond out continuously it's going to bankrupt the Village. I don't know if anyone else here has had the ability to review our infrastructure. However, I saw the pipes.

Mayor Harter you have exceeded your time limit

HU Just checking. Okay I've seen the depth of the pipe so if you continue to allow tractor trailers that pass through there keep in mind that they have an impact.

Mayor Harter thank you for your comments

HU Hopefully the continue of lack of transparency (inaudible)

*MH Thank you for your comments, anyone else?*

*Matthew Rosa 27 Hill View Dr*

*MH Come up we are having issues with audio*

*MR Matthew DeRosa 27 Hill view. I think you guys have done a great job so far communicating with us regarding the chain. I personally find it borderline offensive that this chain still exists. We've heard comments about, there's a person that spoke last time that the ambulance is always at their house and you know we had a situation where we needed to call 911, there was a fire at Jansen's. Emergency vehicles came up the hill, they had to get out of their car take the chain down only to realize obviously they were in the wrong spot. It highlighted a concern that in the event that anyone in Beazer experiences God forbid a cardiac arrest, it's going to delay the response of 911. Any other comment passed that is just ridiculous. Beazer has been quiet, we have been talking as a community as a community we are super frustrated and I think at the next meeting we are going to show up in force because the fact there is a select group of people, a very small group of people that want this chain up for their own personal gain is patently offensive when it comes to the safety of our families in Beazer. That's what I wanted to say, so thank you.*

*(applause)*

*Mayor Harter no applause, all right so a Public Hearing*

*Unknown audience I want to ask a question*

*MH hold on I want to set some ground rules.*

*Unknown I thought you were closing I apologize*

*MH no not yet. For right now for tonight we are not going to do anymore public comments for Beazer or Farries Ave. Everyone's chance will be next month. Correct? (to Attorney Cassidy)*

*Attorney Cassidy Yes, I would recommend that any comments be reserved for the Public Hearing*

*MH Any concerns for the timeline for the Public Hearing(to Attorney Cassidy)*

*EC No*

*MH with that*

*Dottie Ehlers Highview Ave I'm just curious what is the Fun Fest trailer?*

*Mayor Harter FunFest trailer?*

*DH yes*

*MH That was the stage that Jimmy Sturr played on*

*DE I know why does the Village have a FunFest trailer? If they don't do FunFest anymore*

*MH we have used it for 25 years that stage.*

*DE that's a new trailer? Did someone donate*

*MH it was the original trailer and aside from the steel frame everything else deteriorated*

*DE all right*

*Greg Kimiciek Maple Ave on the announcements number eight, NYS DOT right of way offer, what is that relevant to?*

*Mayor Harter that is relevant to Route 94, they are still moving forward with it. What they did was a preemptive eminent domain discussion where they are offering us a financial amount for right of way usage permanent easement. We discussed it this morning. Professionals are still reviewing the paperwork that was submitted by DOT. We are going to have a couple of comments on permanent easement usage before we sign off on that.*

*GK will they close the road?*

*MH No what I think they are going to do with it and I will get confirmation, what they going to end up doing is when they do drainage on 94. Remember where the old ditch was? Between the barn and the Brewery? They filled it in. That little piece of property is the Village's. I guess they want to run a drainage pipe all the way out to the stream to discharge.*

*Elizabeth Cassidy it's a very small triangle, a very small wedge for drainage.*

*MH yes it's like a little sliver*

*Sue O'Brien Farries Ave are you going to be changing the date for the Public Hearing?*

*Mayor Harter as of right now, council says no. We are going to continue with that.*

*SO Did you do anything about a traffic light on Farries?*

*MH yes. It's not going to get any better the more people build which is a blessing and a curse.*

*Trustee Olejniczak if I can be correct in noting that the SEQR that we would be doing will also assist in collecting data for that light.*

*Attorney Cassidy yes*

*CO while it is stated in here that it's connected to the potential opening of Farries and Kaye, it is also going to give us data that we need to move forward to potentially requesting a traffic light from NYS DOT.*

*SO Thank you.*

*Mayor Harter anybody else? All right we will move on.*

**VII. UNFINISHED BUSINESS**

**1. Police vests Amendment to original approval July 3, 2024**

**Federal Eastern                      Starr Uniform**  
**1523 Chafee Road                      207 Center St.**  
**Jacksonville, FL                      Scranton, PA**  
**\$1208.31/each (8458.17)      \$1041.62/each (7291.34)**  
**Prior amount \$1208.31/each (8458.17)      \$720.82/each (5045.74)**  
**Revised motion to approve by Trustee Fuller second by Trustee Olejniczak**

**VOTE:                      YES 5      NO 0**

**VIII. NEW BUSINESS**

**1. Village Hall repair for railing and spindles continuation. Motion to approve quote in the amount of \$6300.00 from Mitchell Contracting**

<b>Mitchell Contracting</b>	<b>Gardiner Construction</b>	<b>Knebel Contracting</b>	<b>Floors and Walls</b>
<b>Chester, NY</b>	<b>No quote</b>	<b>No quote</b>	<b>Florida, NY</b>
<b>\$6300.00</b>			<b>\$9000.00</b>

**Motion by Trustee Roach second by Trustee Fuller**

**VOTE:                      YES 5      NO 0**

**2. Court Room TV and microphone**  
**Motion to approve quote in the amount of \$3450.00 for the purchase and installation of 65" Vizio TV and additional microphone.**

**East-Tek Systems**  
**Rock Hill, NY**

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

**VOTE:                      YES 5      NO 0**

**3. Building Inspector Training Conference**  
**Motion to approve attendance to NYSBOC Conference 11/12/24-11/15/24 in the amount of \$400.00**

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

**VOTE:                      YES 5      NO 0**

**4. Ron Nozkowski Seasonal Laborer- TABLED**  
Motion to approve Ron Nozkowski for Seasonal Labor effective in the amount of /hour. Appointment is approved per Orange County Civil Service.

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

**VOTE: YES 5 NO 0**

**5. Introductory Local Law 2 False Alarm**

Elizabeth Cassidy Just to be clear, the Agenda was a previous iteration. The change that is being made and just summarize for the public. Change that is being made is to Section page 7 8 A and B. The licensing authority for installers has effectively been taken over by the state by the Department of State. The amendment is to reflect that licensing authority. The Clerk will be posting the corrected version first thing in the morning on the Village's website. That was the only change presented in the Agenda.

Mayor Harter just to fill the audience in, this is in response to we have had a couple of tickets issued by the Florida fire Department for false alarms. It does happen, tickets are issued. The question was raised about the procedural process of it. We reviewed it and the law that was passed was back in 1991, we really can't find the relevance to that law so we are updating the law so that the Fire Department can issue those tickets properly. That is the purpose of that.

**VILLAGE OF FLORIDA  
VILLAGE BOARD OF TRUSTEES  
RESOLUTION TO INTRODUCE INTRODUCTORY LOCAL LAW 2 OF 2024,  
A LOCAL LAW TO REGULATE AUTOMATIC ALARMS WITHIN THE  
VILLAGE OF FLORIDA**

**WHEREAS, the Village Board of Trustees desires to regulate alarm systems in the Village of Florida; and**

**WHEREAS, the Village Board of Trustees finds that repeated false alarms for emergency divert precious resources from the Village residents; and**

**NOW THEREFORE BE IT RESOLVED, that INTRODUCTORY LOCAL LAW 2 OF 2024, A LOCAL LAW TO REGULATE AUTOMATIC ALARMS WITHIN THE VILLAGE OF FLORIDA 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 October 2, 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 Village of Florida Police Department, Town of Warwick Police Department, Florida Fire District, and Warwick EMS for review and comment.

**Motion by: Trustee Werner                      Second by: Trustee Fuller**

**Ayes: 5**

**Noes: 0**

**Abstentions: 0**

**6.      Public Hearing Farries Ave and Kaye Drive**

**VILLAGE OF FLORIDA**

**VILLAGE BOARD OF TRUSTEES**

**RESOLUTION TO SCHEDULE PUBLIC HEARING**

**REGARDING THE OPENING OF FARRIES AVENUE AND KAYE DRIVE AS A THROUGH ROAD**

**WHEREAS, Farries Street (n/k/a Farries Avenue) extends from NYS Route 17A (North Main Street) to the boundary of the Glenview Hills subdivision (a/k/a Beazer). The portion of Farries Street that adjoins the Glenview Hills Subdivision was created by a subdivision by Schreibeis Enterprises Inc. approved by the Planning Board May 26, 1981 and recorded in the Orange County Clerk’s Office as Map 5652 on July 16, 1981. Said map contains an irrevocable offer of dedication. In addition, Farries Avenue has long been treated as a “street by use.” (See Village Law § 6-626); and**

**WHEREAS, the Glenview Hill Subdivision is a 93-lot residential subdivision and was approved by the Village of Florida Planning Board in 2006 and filed as Map 613-06 in the Orange County Clerk’s office on July 18, 2006. As part of that subdivision, a series of roadways were created and offered for dedication. One road identified as Kaye Drive leads from Hill View Drive to the end of Farries Avenue. Kaye Drive was constructed in the form of a “hammer head.” Kaye Drive was formally accepted for dedication by the Village Board of Trustees via resolution dated November 14, 2018. The conveyance deed was recorded in the Orange County Clerk’s office on December 21, 2018 in Liber 14504 at page 1698; and**

**WHEREAS, Farries Avenue and Kaye Drive directly about making it possible for vehicles to travel from one to the other without leaving the pavement. From the time of Kaye Drive’s construction to March 2023, the developer of the Glenview Hills subdivision maintained a chain across the connection to prevent through traffic; and**

**WHEREAS, the original Glenview subdivision plat provided for three access points, Randall (Route 94), Robert Drive and Farries Avenue. The access through Robert Drive was to connect to an adjoining subdivision via a proposed street called Wilbur Way; and**

**WHEREAS, the Wilbur Way access was never constructed and the subdivision to which it connected has long been abandoned.**

**WHEREAS, the Planning Board record in connection with the Glenview Hills subdivision make clear that if Wilbur Way was not constructed, the Farries Avenue intersection would have to be opened as a through intersection;**

**WHEREAS, the Village Board of Trustees takes notice of the previous SEQR determination by the Planning Board and its evaluation of Farries Avenue and Kaye Drive as a through intersection; and**

**WHEREAS, leaving Kaye Drive as emergency access only would be in direct contradiction of § 103-15(F) of the Village of Florida subdivision code which requires two points of access for more than 20 lots. In addition, § 103-15(B) directs subdivisions to be interconnected; and**

**WHEREAS, the existing chain and hammerhead turn around do not comply with the Fire Code of the State of New York; and**

**WHEREAS, the Village Board desires to convert the intersection of Farries Avenue and Kaye Drive to a through intersection pursuant to its authority as set forth in Village Law § 6-612 for the health, safety and welfare of Village residents; and**

**WHEREAS, as the owner of the fee of the intersection in question together with its status of a municipality in performance of its governmental activities, the proposed action is not subject to the Village of Florida zoning code and does not require approval by the Village of Florida Planning Board; and**

**NOW THEREFORE BE IT RESOLVED, all of the “Whereas” clauses are hereby incorporated by reference; and**

**BE IT FURTHER RESOLVED, that the Village of Florida Village Board of Trustees, hereby declares itself to be lead agency for purposes of conducting environmental review pursuant to the State Environmental Quality Review Act (SEQR) and further declares that this is an Unlisted Action; and**

**BE IT FURTHER RESOLVED, that the Village of Florida Village Board of Trustees shall hold a public hearing on October 2, 2024 at 7:30 p.m. or as soon thereafter as may be heard at Village Hall, 33 South Main Street, Florida, NY 10921**

**Motion to approve Trustee Fuller**

**Second by Trustee Roach**

**VOTE: YES 5 NO 0**

**7. Part-time Water Meter Installer Creation- TABLED**

**Motion to approve the creation of the position pending Civil Service approval. Salary 40.00/hr. and start date to be determined**

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

**VOTE: YES 5 NO 0**

**8. Millenium Strategies NY Forward proposal**

**Motion to approve proposal in the amount of \$5,400.00 for the assistance with grant preparation and submission of the NY Forward Grant.**

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

**VOTE: YES 5 NO 0**

**9. Water Line Replacement Route 94**

***Engineer Hoffman* in summary we discussed today during the work session. As you know the Village owns the water main along Route 94 and NYS is proposing improvements along there. That water main may be in excess of 100 years old in some portions of it. The Village is looking to replace that water line. In connection with replacement Village Board has to submit SEQR as you have to with any action authorized or approved. What I would like you to do this evening is to declare your intent to be lead agency for the Route 94 watermain replacement project. We will classify this as an unlisted SEQR action.**

**Mayor Harter is there a motion?**

**Trustee Fuller so moved**

**Trustee Olejniczak before I second can you just explain to the audience why we need to jump on this and why it isn't on the Agenda.**

**Mayor Harter bottom line is we tried to but the Clerk has to go home at some point.**

**EH it's my fault that it didn't make it onto the Agenda. I was (inaudible) when the Agenda circulated. I did not have time to brief you this morning on it and I apologize.**

**CO Well even beyond that just the idea we unfortunately have no time to waste.**

**DH how old is that waterline?**

**Trustee Werner it's 1800's when 94 gets paved we want to have the waterline replaced prior to the paving. We want to get this taken care of, it's 1800's and it's full of breaks.**

**Mayor Harter it's inevitable once the road is repaved we will have a water main break and we will be ripping up the new road.**

**CO if we held off another month on this just to make sure it made it into the work session the to an agenda, we are losing valuable time. Ok I second it.**

**VOTE: YES 5 NO 0**

**IX. Meeting Schedule**

September 18, 2024 9:30 AM Work Session  
October 2, 2024 9:30 AM Work Session 7:30 Meeting Public Hearing  
October 16, 2024 9:30 AM Work Session  
November 6, 2024 9:30 AM Work Session 7:30 Meeting

## **X. PUBLIC COMMENT**

***Dottie Ehlers*** couple of things page 5, I think that might have a typo on their number 5 says Town of Florida.

***Elizabeth Cassidy*** Yes that is a typo, good catch

**DE** I was here last meeting, have you looked into Nathaniel Lane? I believe the Attorney was going to look back at the Planning Board minutes.

***Mayor Harter*** did you have a chance to look at the Planning Board minutes?

**EC** I did not

**DE** It's been three months now waiting, I'm handicapped. My deed says I can use that lane. I would like it open like it's been for 50 years. I personally don't understand why when you're not sure what you're going to do, you don't leave it the way it was until you figure out what you are going to do.

**Mayor Harter** Because we have no authority over that paper street, that's the issue.

**DE** You do have authority, my deed says I can use it.

**MH** which is your right

**DE** it's my right and you are letting people that you gave permission to use it and block it.

**MH** as a private property owner it just goes through, it doesn't exist. We didn't dedicate the road, it's not paved. It's a dirt road correct?

**DE** no half dirt half blacktop

**MH** who blacktopped it?

**DE** I honestly don't know for sure. I believe the one neighbor did. I don't know for sure.

**MH** My point is unless anyone feels otherwise, we have discussed this like 7000 times we have no authority between your property disputes and your neighbors.

**DE** the thing is you are letting the Planning Board tell one street over Nathaniel Lane goes to it they can use it but they can't block it. You're telling people in other areas you can use it but can't block it. Why is my street any different?

**MH** I can't speak what the Planning or ZBA did. I'd have to review

**DE** A month ago you were going to check that. I don't know why you couldn't leave it the way it was until it's settled.

**Attorney Cassidy** The Planning Board and ZBA, I can't speak directly because I don't have the minutes, but generally speaking those are listed as easements on the applicant's application. As such, The Planning and Zoning Board must honor those easements. With that said, what Mrs. Ehlers is asking us to do is to clear a private right of way, what we have identified as a private right of way on her behalf. Based on the records of the Orange County Land Records I have searched them. I have pulled every subdivision map in the vicinity many dating back to the 30's. I can't find evidence that we ever owned it,

**maintained it. It's not wide enough to be a public street. It's only 10-15 feet wide in that area. So the Planning Board saying 'no they can't block it' is certainly a condition of site plan approval. However, she has asked the Village to affirmatively remove those who block it.**

**Dottie Ehlers the Village removed them one end of the road that little section they made one section you need to open by order of the police department from the Village Board a year and a half ago. The other end you don't do it, the road is blocked.**

**Mayor Harter wait a minute by order of the Village Board?**

**DE yes the Village Board ordered them to leave that road open. A year and a half ago the police did go and open that road.**

**Mayor Harter to Chief Coleman is that accurate**

**Chief Coleman I do not recall**

**DE yes they did and that road is continuous from Scanlon to Highview one little road.**

**DH was that a community policing issue between two neighbors?**

**DE I presume it did, it's been open fine ever since. No one has ever had a problem.**

**DH That's very different from a Village order. That's more of a community policing.**

**Trying to work within the parameters of neighbors.**

**DE I am not going to argue with you about it because you are the Mayor. However, even the Mayor at that time knew they told them it had to be open because of the deeds we all have a right of way to that street. Now why on the other end because your nephew told them they could park there, let's be honest about it.**

**DH who?**

**DE you know exactly what I said**

**DH my nephew?**

**DE I think it's your nephew**

**DH I have an eight-year-old nephew**

**DE no it's not your nephew, the DPW gentleman not your nephew it's your relative.**

**Excuse me, I don't really care about that. That's not important, the important part is that road should be open for everybody to use like it's been for the past 50 years. Now I'm going to have to go public with this which I don't want to do. There's also at 37 Highview Ave I own land and I'm going to bring this all up. I have a 16-foot right of way that goes from Highview Ave all the way down into Nathaniel Lane and you do plow part of that. I'm going to bring everything up on that whole strip and how you allow people to use that. I don't want to have to do that. It's not right and you know it's not right what you're doing. Letting him park there because his child turned 16 and he has no other place to park. Not my problem. You don't give everyone else in the Village parking spots when their kids turn 16.**

**DH I don't give people parking spots now.**

**DE you certainly have, Board is letting him park there. You never once made an Agenda for the whole Board to vote against it. I can't believe this Board would vote not to make sure that road is left open. Nobody said he can't ever use it; I'm never saying he can't park in it. In the winter time I never say a word it snowed and they park there. I could care less. This is what you're talking about. Fifty something years.**

**Trustee Olejniczak Elizabeth what exactly were you planning on looking into?**

Attorney Cassidy this issue has come up a number of times during my tenure.  
CO I know between the last meeting that you didn't get an opportunity to do so.  
EC review some of the Planning Board history. For purposes of the discussion, this is a private

CO Absolutely I am just asking if

EC I'm happy to take a look

CO can you at least let Mrs. Ehlers know at the earliest convenience you will look through this.

EC I would like to look over Mrs. Ehlers documents that I've searched what I can search

DE I understand that, I am not saying you didn't. You had said part of the discussion which I believe would be that the Planning Board decided that Nathaniel Lane at their last CO we just didn't get that chance.

EC what I am trying to say is I'm happy if the Board so directs me to look at the Planning Board minutes. Will that alter my analysis of the treatment of this portion of the street Nathaniel Lane, no. I am happy to take a look at those minutes.

DE all one street even though we don't all ride through the whole thing. It's still Nathaniel Lane, not Nathaniel Lane one two and three. How come some people not everybody. It doesn't make any sense to me at all Mr. Harter, Mr. Mayor. Everyone sitting up there knows that road has been open for 50 something years. Never been a problem in 50 years. Until people decide to use the parking lots. Unfortunately because people need it. That's ridiculous. You don't give a parking to anyone else in the Village. If I walked up to you and said my kids turning 16, I need a place to park, what would you tell me? It's my problem. DH that's kind of what we are trying to suggest at this point. It's a neighbor-to-neighbor issue.

DE the sad part is if I buy the house a street down I am under contract to buy you are telling me I can park there. That gentleman has no way to his house then. What are you going to do?

Attorney Cassidy Mayor, just to be clear, a Village Board doesn't issue opinions on title. I can't speak to the title rights on any property without doing a title search. To be clear, I want to make sure for the record that 1. The Board hasn't authorized anybody to park anywhere. There's no resolution

DH has the Board authorized anyone to park on that road?

Village Board no

DH has the Police Chief or his employees authorized anyone?

Chief Coleman no

EC to be clear I'm not going to issue a title opinion on that lot and I know which lot she is talking about whether she's committed to park or have rights on.

DE I don't want to park on it that's not what I want to do I just want it open I have on my deed that I have to go through it once a year. I can't go through once a year; I lose a right to that. You know that's the law of the state on the roads you have to do once a year.

Mayor Harter you just said it's not permanently blocked.

DE I wouldn't say he blocks it all the time, no I can do my once a year. Not the point and I don't get it. I never say anything in a snowstorm I don't care if the other people park on it at the other end of the street. I understand that but I do use it in the summertime because

I'm disabled and I need to get to my pool and back. I don't think it's fair after 52 years it's in my deed and you have never issued permission to park there then why are they allowed to park there?

DH you have a right of way which is established based on your deed

DE but I can't get through, I couldn't get through Tuesday.

DH essentially what you are asking us is to go tell them that if they park there they are going to get towed

DE I don't want anybody's car towed; I just want to go on the road like it's always been.

DH you are asking for the Village to enforce that

DE you are enforcing it on one end

MH regarding what?

DE the people on the other end were told they can't park there.

DH which one by Knebel?

DE Scanlon Ave, I'm not saying any names Scanlon Ave people can't park there and if I do (inaudible) it's the truth they received orders they can't park there they can use it but they can't block it. What's the difference?

MH the best we can do is try to get more research done

Attorney Cassidy I will review the Planning Board and Zoning Board minutes

DE if you ignore it, I am going public with it and someone and I am going to (inaudible) the stuff at 37 Highview too. I can't get through there and I have a right to go through there.

We can fight it nicely or we can be nice about the whole thing. I am only asking what was going on for 50 years. I don't want to make any waves up there; I don't care been there for 50 years and nobody bothers it. It's the way it's been, everybody respects it. I don't understand why the other thing can't be done.

Trustee Olejniczak if I may the last time in my notes that we seemed to discuss this was approximately a year ago. I have my notes July 5<sup>th</sup> it was a work session. I believe what was going on was we were recognizing if we were going to do anything to discontinue it being a through street, we needed a resolution to do so. Then in beginning some of our research and findings, we found that we were not able to find anything that gave us the authority or it wasn't a legitimate Village St. We have no grounds we had to sit back and change our pathway we realized we didn't have any authority in that direction.

DE all you had to do was ask the people to nicely leave it open like it should have been forever and I'm sure if you told this gentleman to leave it open he would most of the time. Now you want me to start a fight with somebody.

Mayor Harter Alright Mrs. Ehlers we have to transition to see if anyone else has a comment.

DE I understand that, what are you going to do about this? Are you just going to forget it now

DH we will have to review some more

DE you want me to wait? What would you like me to do about it? I am not going away

DH I didn't think you were

DE I don't care today or tomorrow it's your choice because you are running the show.

CO I would like for the opportunity to do the best we can

DE I am not asking for immediately but I don't want to be ignored.

DH you are not being ignored. We are trying to give you an answer that is sound as we can  
DE yea 50 years it's been open for one end has to be open but the other doesn't it doesn't  
make any sense. Planning Board distinctly made that part of that subdivision. Nathaniel  
Lane can be used but it had to be left open.

DH do you have a copy of that?

DE I don't have the authority to ask for the minutes, I didn't ask them for it, I didn't think  
I had the authority to do it.

DH if you don't have anything to reference then you are going by the subdivision stuff that  
is in the subdivision

DE I was there. Mr. Roach was there he knows I said (inaudible). I am not lying about it.

DH I am not saying you would.

DE ok it's all the same road not Nathaniel Lane one two or three or A, B, and C. It's one  
Nathaniel Lane makes no sense that part have to be opened and parts don't.

DH we will keep digging into it. It takes time, I apologize.

DE so by November maybe I should hear something?

DH hopefully sooner

DE I understand you have other things on the Agenda

DH Hopefully soon. We will do our best to get you an answer as soon as possible.

DE one phone call and you can find out who told him he can park there. It's not a big  
secret who did it. I am sorry I went over my five minutes

Mayor Harter yes Mrs. Ubides

Heather Ubides Farries Ave would it be beneficial if I submitted a FOIL regarding  
Nathaniel Lane

Attorney Cassidy the minutes can be FOILED the documents I am referring to are at  
Orange County.

Mayor Harter Planning Board minutes are online

HU prior to the Public Hearing, will the costs associated with any repairs or changes to the  
infrastructure be provided before the Public Hearing?

DH (to Attorney Cassidy) How do we handle that with Mrs. Ubides? Answering the  
question based on the prior lawsuit.

Trustee Werner she is asking about remediating the road to make it a safe road. Farries is  
currently a road that is safe to drive on.

EC I don't think the cost is that much to report

HU with respects to the width of the road, changes that may be made to the pipes

DH it can be looked into

HU so the next meeting we can anticipate the engineers report on that

DH we will try, all we are doing is having a Public Hearing at the moment.

HU are you saying on October 2<sup>nd</sup> you are not looking to make any decisions or votes.  
Public comments at the Public Hearing?

DH not sure yet we have to discuss it

HU you are not answering the question yes or no. Yes you will provide us with information

DH you can Foil whatever you like. We can provide the information as best that we can.



**Greg Kimiciek I was going to say Florida FUNFEST was a huge success. I would like to thank all volunteers that made that a success because it is a lot of work. Nobody appreciates.**

**Mayor Harter a lot of people put a lot of effort in there.**

**GK I just wanted to make that comment**

**Sue Obrien Farries Ave several months ago I asked about with regard to the only internet company here in the Village of Florida. Have you looked into it?**

**MH I did I gave them a call and we are kind of stuck with it at the moment**

**SO why**

**MH they have territories from what I am told and they are the only one in this area.**

**There was a brief discussion regarding internet companies and franchise agreements Attorney Cassidy we can grant a certain number of franchise agreements. All a franchise agreement does is our authorization to allow them to lay their lines in the Village territory. For the privilege of that, we get a share of the revenue each quarter. That's the only provider that has applied for a franchise agreement**

**MH I will try to reach out to somebody that is more than Customer Service.**

**There was a brief discussion regarding internet carriers**

**Trustee Olejniczak I just have one more quick comment to remind everyone that this Saturday the 7<sup>th</sup> 9:00 AM Florida Youth Soccer program will begin. It will be busy down by Jarocki Park. We will expect 150 plus soccer players, parents, grandparents, fans that should be exciting and it will run for the next 10 weeks. Come down and watch some soccer.**

## **XI. ADJOURNMENT**

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

**VOTE: YES 5 NO 0**

**Respectfully,  
Colleen Wierzbicki**