

## **VILLAGE OF FLEISCHMANN'S**

### **BOARD MEETING**

**March 12, 2018**

The Village of Fleischmann's Board of Trustees held their regular Village Board meeting on Monday, March 12, 2018 at the Skene Memorial Library at 6:00 p.m. Present were: Mayor Donald E. Kearney, Deputy Mayor Fred Woller, Larry Rieley.

#### **Local Law introduction:**

##### **Local Law #1**

A local Law to add two members to the Zoning Board of Appeals and create the position of alternate member.

##### **Local Law #2**

A Local Law to amend the village sewage usage law to provide for annual, instead of quarterly billing.

Be it enacted by the Village Board of the Village of Fleischmann's as follows:

Section 1. Legislative Intent: It is the intent of this local law to change the current practice of sending quarterly bills for sewer usage to sending annual billing on the property tax levy once per year.

Section 2. Section 1206 of the Village Sewer Use Law (Local Law 3 of 2010) is hereby deleted in its entirety and replaced by the following:

“Section 1206 – Adoption of Budget, Establishment of Charges and Billing Period and Procedures.

The Village Board will adopt a budget for the operation of the POTW on the same schedule as the NYC DEP budget year. At the same time it will determine the fixed cost charge for Users and the unit variable cost charge (i.e., the variable cost charge per EDU).

The annual sewer billing will appear as a levy on the real property tax invoice. In the case of non-residential Users, the invoice will be issued in the Total Annual Sewer Charge. In the case of residential Users, the invoice will be issued in the amount of the greater of the Total Annual Sewer Charge or the maximum residential payment as established pursuant to the Operation and Maintenance Agreement between the Village and the City. Invoices will also include the cost of any surcharge for abnormal sewage. Where the sewer user's property is located outside of the geographical boundaries of the Village, the Village will bill the sewer user directly.

Payments must be made for the full amount of the invoice, together with any associated

administrative charge and late fees. The interest applied for sewer late charges will be reduced to conform to the schedule of late charges of the real estate property tax levy. No partial payments will be accepted. Payments that are received will be applied to the most recent outstanding invoice.”

Section 1115 of the Village Sewer Use Law (Local Law 3 of 2010) is hereby deleted in its entirety and replaced by the following:

“Section 1115 – Delinquent Payments

All sewer rents, together with any penalties and interest assessed thereon shall constitute a lien upon the real property served.

Where charges are delinquent and the violator is located outside the geographical boundaries of the Village, then the Village attorney is authorized to seek recovery of charges, including punitive damages, in a court of competent jurisdiction. In any such action, the Village will be entitled to collect reasonable attorney’s fees.”

Section 3. Severability: If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

**Local Law #3**

A Local Law to override the tax levy limit established in General Municipal Law §3-c.

**Board Meeting Opened at 6:13 PM**

**Local Law #1**

Public Comment by Bill Burns, who recommended that the village faces other difficulties and recommended that this law does not go into effect.

Motion made by to table proposed Local Law #1, All aye; Motion Carried.

**Local Law #2**

Motion made by Larry Rielly to adopt Local Law #2, all aye; Motion Carried. As this was the only law to pass, Local Law #2 will change title to Local Law #1.

**Local Law #3**

Larry Reilly expressed concerned about removing cap limit from taxes. Motion Made by Mayor

Kearney to table Proposed Local Law #3, all aye; Motion Carried.

### **Minutes Review at 6:22 PM**

The minutes from the previous Village Board meeting held on February 12, and the Cedarwood Environmental Budget Review Workshop meeting held on February 22, 2018 went into review before the village Board. Motion made by Mayor Kearney to adopt minutes from February Board Meeting, All aye; Motion Carried. Motion made by Mayor Kearney to adopt minutes from Cedarwood Environmental Budget Review Workshop, All aye; Motion Carried.

### **Jim Buchan Wastewater Treatment Plant**

Jim Buchan mentioned Power issues with Depot St. Pump Station during the power outage on the 9th of March. In its current operating state, a power outage would send the operator a call to notify them of the lack of power, and no system is in place to turn the sewage pumps back on once power has been restored.

Issues were also discussed regarding the road to the reservoir. Due to heavy snow, the road appears impassable by vehicular traffic.

Wastewater Treatment plant is working well due to ongoing maintenance.

### **Resolution for Joint Sale of Tax-Acquired Properties**

Delaware County is prepared to foreclose on tax deficient properties now owned by village.

Upon motion made by Don Kearney and seconded by Larry Reilly, the following resolution was duly adopted:

**WHEREAS**, the County of Delaware has proceeded to foreclose on the following properties in the Village of Fleischmanns; and

**WHEREAS**, it is in the best interest of the Village and the County of Delaware to work together to protect the Village tax lien;

**NOW, THEREFORE, BE IT RESOLVED**, that the County of Delaware sell the interest of both municipalities, The proceeds from said sale shall be divided in proportion to the taxes owed each entity for the years 2016-2017 & 2017-2018. Each parcel to be treated individually. The properties effected are listed on the attached page.

Dated: March 12, 2018

State of New York )

)ss:  
County of Delaware )

I, Todd Pascarella, Village Clerk of the Village of Fleischmanns, New York, do hereby certify that the foregoing is a true & correct transcript of a resolution adopted by the Board of Trustees of the Village of Fleischmanns, New York on March 12, 2018 and the whole thereof.

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Todd Pascarella, Village Clerk  
Village of Fleischmanns

**Resolution supporting Theater Grant Application**

MARK Project is giving \$19,400 grant from New York's Main Street Program, Hoping to hear in April if its approved. Village would not be billed any fee.

Upon motion made by Fred Woller and seconded by Larry Reilly, the following resolution was duly adopted:

**WHEREAS**, the MARK Project desires to apply for \$19,000 in financial assistance through the 2018 Consolidated Funding Application (CFA) under the NY Main Street TA program and

**WHEREAS**, the application proposes funding to assist the Village in assessing the existing conditions, proposed uses, and architectural renderings for a downtown “main street” building known locally as the Flesichmanns Theater located at 932 Main Street.

**WHEREAS**, the proposed funding will contribute to ongoing community revitalization efforts; and

**WHEREAS**, the grant application requires that the applicant obtain the approval and endorsement of the governing body of the municipality in which the project will be located.

**NOW, THEREFORE, BE IT RESOLVED**, that the Village of Fleischmanns approves the application to be prepared and to be submitted by the MARK Project inc.

Dated: March 12, 2018

State of New York )  
)ss:  
County of Delaware )

I, Todd Pascarella, Village Clerk of the Village of Fleischmanns, New York, do hereby certify that the foregoing is a true & correct transcript of a resolution adopted by the Board of Trustees of the Village of Fleischmanns, New York on March 12, 2018 and the whole thereof.

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Todd Pascarella, Village Clerk  
Village of Fleischmanns

### **Memorial Day Street Fair Approval**

Fleischmanns First is requesting permission to close Main St from 9 AM to 6 PM on Memorial Day to allow the set up and take downs for the Memorial day Fair. Several items for the Village were requested:

1. Your endorsement and permission for Main Street closure from 9 AM to 6 PM Sunday, May 27th, 2018.
2. The Street fair be insured under the Village's insurance umbrella and viewed as a Village Sanctioned event.
3. That a Village representative be in uniform and be on site during street fair hours to handle traffic safety issues, especially at PO parking lot during setup and vet out emergency situation should one occur.
4. Village assistance and access to Village Garbage bin to dispose of all cleanup material following the street fair event.

Mayor Kearney motioned to approve Fleischmanns Memorial Day street fair, provided that insurance was covered under Villages Insurance program, along with a uniformed traffic controller, All Ayed; Motion Carried.

### **Resolution for Standard Workday and Reporting**

The New York State retirement program

End 44:00

### **Pool Committee**

Discussion about fundraising for pool project, people serving the village capacity shouldn't advocate for fundraising; Therefore, those serving on the pool committee should disband so more fundraising could begin. Motion made by Mayor Kearney to disband the pool committee, All Aye, Motion Carried.

### **Fleischmanns First Role in Pool Fundraising**

Resolution was passed at the monthly Fleischmanns First Meeting to contribute \$2,500 to the cost to grant writing to make up the shortfall for the pool, and to run a fundraising campaign to solicit individual donors provided the Village agrees to cooperate, Fleischmanns First recommends the village use the MARK project to support this effort.

Motion made by Fred Woller to accept contract, All Aye. Motion Carried.

**Treasurer's Report**

<b><u>Total General Fund:</u></b>	<b><u>\$749,330.22</u></b>
<b><u>Total Water Fund:</u></b>	<b><u>\$32,036.51</u></b>
<b><u>Total Sewer Fund:</u></b>	<b><u>\$307,435.20</u></b>
<b><u>Total Capital Fund:</u></b>	<b><u>\$9,882.13</u></b>
<b><u>Total Private Funds:</u></b>	<b><u>\$61,497.09</u></b>
<b><u>Grand Total All Funds:</u></b>	<b><u>\$1,160,181.15</u></b>
<b><u>Total Net Income General Fund:</u></b>	<b><u>\$159,910.40</u></b>
<b><u>Total Net Income Water Fund:</u></b>	<b><u>\$12,459.44</u></b>
<b><u>Total Net Income Sewer Fund:</u></b>	<b><u>\$82,603.16</u></b>

Motion Made by \_\_\_ To accept the March Treasurer's report, All Aye; Motion Carried.

Treasurer's report attached.

**Village Goals**

Treasurer Winefred Zuben recommended decision for board to establish accountability for projects relating to infrastructure and budget.

**Executive Session**

Motion made by Mayor Kearney to go into executive session in regards to village foreclosed properties with back taxes, All Aye, Motion Carried and Executive Session was opened.

Motion Made by Fred Woller to reenter general session, All Aye; Motion Carried.

An offer was made on foreclosed property on Ellsworth Ave, Motion Made by Fred Woller to accept offer, All Aye, Motion Carried.

In regards to Depot St foreclosed Properties, Board decided to gather more information before moving forward on any action as more info is needed. The village is still attempting to enter Depot St Properties so more accurate business propositions by potential bidders.

**Old Business**

Discussion in regard to improvements to Lake Street, By Larry Rielly.

**Vouchers**

Motion by Fred Woller to Pay Vouchers, All ayed.

**Adjourn**

Motion made by Mayor Kearney to adjourn, All Ayed; Motion Carried

Dated: March 12, 2018 -----

Todd Pascarella, Village Clerk Village of Fleischmanns

State of New York )

)ss: County of Delaware)

I, Todd Pascarella, Village Clerk of the Village of Fleischmanns, New York do hereby certify that the foregoing is a true & correct transcript of a resolution adopted by the Board of Trustees of the Village of Fleischmanns, New York on January 9, 2017 and the whole thereof.

----- Todd Pascarella, Village Clerk