

## **VILLAGE OF FLEISCHMANN'S**

### **BOARD MEETING**

**May 14th, 2018**

The Village of Fleischmann's Board of Trustees held their regular Village Board meeting on Monday, May 14th, 2018 at the Skene Memorial Library at 6:00 p.m. Present were: Mayor Donald E. Kearney, Deputy Mayor Fred Woller, Trustee Daniel Halpren, Trustee Larry Reilly, and Trustee John Granito. Also present were Village Treasurer Winifred Zubin, and Village Clerk Max Mann.

#### **Public hearing opened at 6:00 PM.**

#### **Public hearing for Local Law #1**

A public hearing was opened by Trustee Fred Woller, all aye, motion carried to enter public hearing.

#### LOCAL LAW NO. 4 OF 2018

#### A LOCAL LAW TO MAKE PAYMENT OF TAXES A PREREQUISITE FOR A BUILDING PERMIT

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 assure that, prior to being issued a building permit, a resident has paid all taxes, water and sewer charges, and any other charge due to the Village.

Section 2. Authority: This local law is adopted pursuant to Home Rule

Section 3. Subject to Section 5 below, no building permit shall issue to a property owner within the Village who owes the Village any taxes, water or sewer charges or any other debt to the Village.

Section 4. Upon receipt of an application for a Building Permit, the Code Enforcement Officer (or his/her designee) ("CEO") shall determine whether the applicant has any outstanding balance owed to the Village. To assist in this determination, the Village Treasurer or Clerk shall provide the CEO with a monthly list of residents owing money to the Village. In the event that the applicant's name is on the most recent list of residents with an outstanding balance, the CEO shall (1) accept a receipt from the Village Clerk as prima facie evidence that the balance has been paid and issue the requested permit; or (2) contact the Village Treasurer or Clerk to determine the current status of the resident's account. In the event that the balance has been paid, the building permit shall be issued.

Section 5. The requirements of this Local Law shall be suspended for a period of sixty days following the expiration of any state of emergency declared by the Mayor. At other times the requirements of this Local Law may be waived by a majority of the Village Board upon an application from a property owner showing hardship.

Section 6. 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 adjudicated 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 7. This local law shall take effect immediately upon filing with the Secretary of State.

ATTEST:

I hereby certify that the local law annexed hereto, designated as Local Law No. 4 of 2018 of the Village of Fleischmanns was duly passed by the Town Board on \_\_\_\_\_, 2018, in accordance with the applicable provisions of law.

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law as duly adopted.

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Max Mann  
Village Clerk

Date: May 14th, 2018

**Minutes Review**

Minutes from the previous Board Meeting taking place on April 9th, 2018 were read. Motion made by Trustee Fred Woller to accept minutes, all aye, motion carried.

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

**Resolution for the Expansion of ZBA Board Local Law #**

LOCAL LAW NO. ONE FOR THE YEAR 2018

A LOCAL LAW TO ADD TWO MEMBERS TO THE ZONING BOARD OF APPEALS AND CREATE THE POSITION OF ALTERNATE MEMBER

Be it enacted by the Village Board of the Village of Fleischmanns as follows:

Section 1. Legislative Intent: It is the intent of this local law to expand the Village's Zoning Board of Appeals from three members to five and to create the position of Alternate Member.

Section 2. Authority: This local law is adopted pursuant to subdivisions 6 and 11 of Village Law §7-712, which expressly authorize a Village board to (1) increase a three member zoning board of appeals to five members; and (2) create the position of Alternate Member to the Zoning Board of Appeals

Section 3. The Village Board of the Village of Fleischmanns, County of Delaware hereby expands the three member Zoning Board of Appeal to five members and creates the position of Alternate Member.

Section 4. 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 5. This local law shall take effect immediately upon filing with the Secretary of State.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS BY THE VILLAGE BOARD OF FLESICHMANS, DELAWARE COUNTY, NEW YORK:

The Village Law of Fleischmanns to Add Two Members to the Zoning Board of Appeals and Create the Position of Alternate Member, being Local Law No. 1 of 2018, is hereby adopted and the Village Clark is hereby directed to file said Local Law with the Office of the Secretary of State in accordance with State Law.

WHEREUPON, the Resolution was put to a vote and recorded as follows:

Aye    Nay

Mayor Kearney	Aye
Trustee Woller	Aye
Trustee Reilly	Aye
Trustee Granito	Aye
Trustee Halpren	Aye

Signed this 12<sup>th</sup> day of March 2018

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Maxim Mann, Village Clerk

ATTEST:

I hereby certify that the local law annexed hereto, designated as Local Law No.1 of 2018 of the Village of Fleischmanns was duly passed by the Village Board on February 2018, in accordance with the applicable provisions of law.

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law as duly adopted.

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Maxim Mann  
Village Clerk

Date: May 14th, 2018

STATE OF NEW YORK  
COUNTY OF DELAWARE

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

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Carey Wagner

**Executive Session Code Enforcement Contract**

Motion made by Deputy Mayor Fred Woller to enter Executive Session, Trustee Daniel Halpern seconded. All aye, motion carried.

Motion made by Trustee Larry Reilly to exit Executive Session, Trustee John Granito seconded, All aye, motion carried. No action will be taken unless a new Village CEO is appointed.

**Water Shut Off Notices**

In an effort to settle long past due accounts, Delinquent water customers will receive a 30 day notice of delinquency, once that 30 day period is up, a 72 hour notice will be posted on the property before the water is shut off.

**Ball Field**

A discussion was held regarding the installation of LED street lighting in the ballpark in Fleischmanns Park. Daniel Halpern chose to be the point of contact.

**Treasurer's Report**

The Treasurer presented the Treasurer's Report. Treasurer Winifred Zubin also presented a memorandum requesting a raise in hours to increase office efficiency. Fred Motioned to accept increase in treasurers hours retroactively, Trustee Larry Reilly Abstained, Trustee Daniel Halpern seconded, motion carried.

**Vouchers**

Motion made by Mayor Don Kearney to pay vouchers, seconded by Fred Wollor. All aye, motion carried, vouchers signed.

**Adjourn**

Motion made by Mayor Kearney to adjourn, Trustee Daniel Halpern seconded, all aye; motion carried, meeting adjourned.

Dated: May 14th, 2018 -----

Max Mann, Village Clerk Village of Fleischmanns

State of New York )

)ss: County of Delaware)

I, Max Mann, 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 May 14th, 2018 and the whole thereof.

----- Max Mann, Village Clerk