

**Monthly Regular Meeting of the
Village of Fleischmanns Board of Trustees Minutes
March 13, 2023 at 6:00 pm
Skene Library**

AGENDA

1. Call to order
2. Pledge of Allegiance
3. Roll Call - Trustees Stewart Cohen, Sam Gil, and Mayor Zubin present. Yasmin Sarabia, and Aaron Goldring Absent. Public in attendance: Rob Alverson, Christine Panas, Anita Rubin, Marilyn Ringel, Abe Mendlowitz, Roy Todd, Lore Todd, Yvonne Reuter, Randolph Leer, Gloria Zola Mulloy, Justin Kolb, Barbara Kolb, Jon Frank, Todd Pascarella, and Heidi Stonier. Video Attendance: Larry Reilly, Mark Birman, Kenneth Ayers Esq.
4. Announcements:
 - a. The Mayor informed everyone that the Public Health Department is offering a free Rabies vaccine clinic in Arkville on June 17th.
 - b. The Village has signed an extension for the Lake Street retrofit Grant.
5. Motion to Approve February 13, 2023 minutes Trustee Gil, Seconded by Trustee Cohen. All in favor,
6. Motion to Approve February 27, 2023 minutes Trustee Cohen., Seconded by Trustee Gil, All in favor,
7. Motion to approve the
 - a. WWTP/Water monthly reports February 2023
 - b. Code enforcement monthly report of permits February 2023
 - c. Financial report February 28, 2023
 - d. The Mayor introduced a purchase order for a new sander for the village pick up truck to improve timeliness of snowstorm management.
Made by Trustee Gil, seconded by Trustee Cohen. All in favor.
8. Old Business
 - a. Sewer and Water Contract Renewals The mayor discussed meeting with Cedarwood regarding prevailing wage outside of regular service, and confirmed that we were being billed at less than prevailing wage.
9. New

- a. Motion to adopt Tentative Budget made by Trustee Cohen, seconded by Trustee Gil. All in Favor.
- b. Motion to Appoint a Board Audit Review Person- Motion to table by Trustee Gil, seconded by Trustee Cohen all in favor.
- c. Motion to Authorize a grant application for Fleischmanns Heights Culvert Consultation made by Trustee Gil, seconded by Cohen.
- d. Historic Mileage Markers Plan- Trustee Cohen talked about going through the village with Anne Hersch and checking the condition of the street signs. He stated that they were looking to refurbish the signs that were in disrepair, especially the older signs, hoping to beautify the village with these signs. The Mayor brought up that there was discussion regarding ownership of a sign. Mr Cohen responded that there was a question as to ownership of a sign on Anita Rubins property on Paradise Camp Road. Trustee Cohen Said he would like to bring that sign down to the village, and place it near La Cabana restaurant where people can see and feel a bit of history. Ms. Rubin asked that her attorney speak on her behalf. Her attorney stated that Ms. Rubin has had possession of the sign for over 30 years and proof would need to be shown that she doesn't own it. Ms. Rubin's letters to the Mayor and Trustee Cohen have been recorded in the minutes.
- e. Motion to approve Treasurer training webinars-Municipal Finance and Accounting for treasurer Carol Shultis made by Trustee Cohen, seconded by Trustee Gil.
- f. The Mayor discussed the need for a dog warden and how difficult it has been to find anyone in neighboring communities to add Fleischmanns to their list. She stated that she had interviewed three candidates for Dog Warden position and had chosen Adam Breaux. Motion to approve Adam to go to a two day training course for Dog Control, and appoint him as Fleischmanns Dog Control Officer. Trustee Cohen motioned to approve training for and approve Adam Breaux as Dog Control Officer, Trustee Gil seconded. All were in favor.

10. Discussions have taken place between the Mayor and ORTA and a possible Village Collaboration for their summer music festival i.e., possible use of the former Bailey Plant for overflow parking or RV camping. These ideas would need further discussion, and approval from Delaware County, who controls that property. The Mayor said It could be a way to bring more activity into the village.

11. Public Comments:

- a. Anita Rubin: Recommends establishing a dog park in the Village. Gloria Mulloy commented that she advocated for it a year ago, based on the model of the Dog Park in Shandaken, and indicated that utilizing the dog Park was easier than locating a site outside of the floodplain and organizing a volunteer group to oversee it.
- b. Abe Mendlowitz requested clarification on the use of prevailing wage in the Fleischmanns' Contract with Cedarwood. The Mayor commented that Cedarwood is billing the village at less than prevailing wage for work undertaken outside of its basic contract.
- c. Jon Frank advised taking a serious look at offering ORTA the use of the former Baily plant location due to the potential impact and disruption to the village
- d. Todd Pascarella commented on the effect of NY State DOT's creation of route 28, bypassing old route 28 in the village and the resulting abandoning of state oversight of roads, signs, etc. Todd recommends not asserting claims for abandoned infrastructure including signs, and any associated liabilities.
- e. Rob Alverson recommended expanding the role of the Dog Control Officer to include cats, and to coordinate with the various local and regional efforts of cat capture and neutering, and release.
- f. Mark Birman (on zoom) reported on the status of the Tennis Court resurfacing. Contracted work was postponed during the Covid pandemic, and expects Craftco to undertake the power washing in April, resurfacing in May for completion prior to Memorial Day.
- g. Expressions of thank you to outgoing Mayor Zubin were made by Pascarella, Ringel, Rubin, and Panas.

11. Next meeting: regular Village Trustee meeting April 10, 2023

12. Motion to audit vouchers made by trustee Gil, seconded by trustee Cohen.

All in favor

13. Motion to Adjourn meeting made by trustee Gil, seconded by trustee

Cohen. All in favor

Mtg closed 7:25

*document included for board members

Join Zoom Meeting

<https://zoom.us/j/8452545514?pwd=YIJUK0hHOFhqYjhXb1BJelpRMHNVZz09>

Meeting ID: 845 254 5514

Passcode: 12430

One tap mobile

+16465588656,,8452545514#,,,,*12430# US (New York)

Dial by your location +1 646 558 8656 US (New York)





THE AYERS LAW FIRM, PLLC

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Of Counsel
JENNIFER L. CHRISMAN, Esq.

NICOLE HUBAL
Paralegal

March 6, 2023

Via Regular Mail & Email (mayorfleischmanns@gmail.com)

Winifred Zubin, Mayor
Village of Fleischmanns
P.O. Box 339
Fleischmanns, New York 12430-0339

Dear Mayor Zubin,

Our firm represents Anita Rubin, a resident and property owner in the Village of Fleischmanns.

Approximately thirty-five years ago, Ms. Rubin acquired a historic "State Highway" sign (see enclosed Photo) and erected that sign on her private property located at 140 Camp Paradise Road.

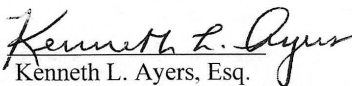
Ms. Rubin has been informed that Trustee Stewart Cohen has expressed an interest in obtaining possession of the sign and removing the sign from her property. The Village has no right, title, or ownership interest in this historic State Highway sign.

Please be advised that Ms. Rubin has no intention of selling or gifting the sign to the Village or any individual.

Please be advised that Ms. Rubin has posted her property against trespass (see attached Photo). Any person who enters and trespasses upon her private property, attempts to remove the sign or damages the sign will be prosecuted for trespass and other applicable offenses and will be held civilly responsible for damage to her property.

Very truly yours,

The Ayers Law Firm, PLLC

By: 
Kenneth L. Ayers, Esq.

Enc.

cc. Stewart Cohen, Trustee (*Via Regular Mail & Email* trusteestewartcohen@gmail.com)
Samuel Gil, Trustee (*Via Regular Mail & Email* trusteesamuelgil@gmail.com)
Yasmin Sarabia, Trustee (*Via Regular Mail & Email* trusteeyasminsarabia@gmail.com)
Aaron Goldring (*Via Regular Mail & Email* aarongoldring1881@gmail.com)
Diane Rossman, Village Clerk (*Via Regular Mail & Email* village39@catskill.net)

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Of Counsel
JENNIFER L. CHRISMAN, Esq.

NICOLE HUBAL
Paralegal

March 9, 2023

Via Regular Mail & Email (trusteestewartcohen@gmail.com)

Stewart Cohen, Trustee
Village of Fleischmanns
P.O. Box 339
Fleischmanns, New York 12430-0339

Dear Mr. Cohen,

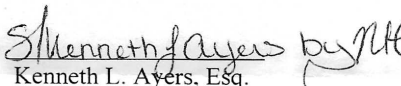
We are in receipt of your email dated March 6, 2023 regarding the old "State Highway" sign located on Ms. Rubin's property.

Ms. Rubin has been in possession of the sign for approximately 35 years.

What is the legal basis for your contention that the sign is the property of the Village of Fleischmanns? We believe there is none.

Accordingly, we demand that the Village desist from claiming that the sign belongs to the Village and cease any efforts to take possession of the sign or remove it from Ms. Rubin's premises. Any attempt by the Village or its agents to enter her property, or to tamper with or remove the sign, will be met with appropriate legal action.

Very truly yours,
The Ayers Law Firm, PLLC

By: 
Kenneth L. Ayers, Esq.

cc. Mayor Winifred Zubin (Via Regular Mail & Email mayorfleischmanns@gmail.com)
Samuel Gil, Trustee (Via Regular Mail & Email trusteesamuelgil@gmail.com)
Yasmin Sarabia, Trustee (Via Regular Mail & Email trusteeyasminsarabia@gmail.com)
Aaron Goldring (Via Regular Mail & Email aarongoldring1881@gmail.com)
Diane Rossman, Village Clerk (Via Regular Mail & Email village39@catskill.net)