

Village of Fleischmanns  
Workshop  
November 28, 2011

The Village of Fleischmanns Board of Trustees held a Workshop Meeting on Tuesday, November 28, 2011 at 4:00 p.m. at the Skene Memorial Library. Present were: Mayor David Morell, Deputy Mayor Todd Pascarella, Harriet L. Grossman, Fred Woller and Benjamin Fenton. Village Attorney, John R. Fairbairn, III also attended the meeting.

#### **Dog Control**

Mayor Morell addressed the issue of dog control in the Village of Fleischmanns with attorney, John R. Fairbairn, Esq. and the Village Board. There has been constant difficulty with one dog belonging to Warren Slavin, Whitey, who appears to be always loose and entering on many residential properties, causing a threat to children coming on & off school busses, etc. Trustee Grossman also complained about two small dogs who reside at the Blish building on the corner of Bridge St. who are always running loose in the Village.

John R. Fairbairn advised of the Comptroller's opinion that if a Village is wholly within the Town and the Town has a dog control officer, & the Village does not receive any licensing fees because they are paid to the Town, that the Town should cover the Village with dog control enforcement. John Fairbairn stressed that this was an *opinion* of either the AG or the Comptroller's office, which provides informational guidance. The Village Attorney will speak with the Town Attorney, Carey Wagner, and a letter should be sent from the Village as to the small dogs running loose.

#### **Audit Response**

Motion made by David Morell to table the issue as to the audit of the State Comptroller's Office. Motion seconded by Benjamin Fenton. David Morell-Aye. Benjamin Fenton-Aye. Todd Pascarella-Aye. Harriet L. Grossman-Aye. Fred Woller-Aye. Motion so carried.

#### **Sidewalks**

Mayor Morell advised the Village Board that the Village must adopt a policy as to snow removal, repair, etc. & sidewalks in general. As a Village we are looking for FEMA to repair sidewalks. According to the Village Attorney, sidewalk repair is usually the 50/50. You get an estimate for what it is going to cost and then the Village covers up to 50% of it. If they opt to use flagstone or blue stone they have to pay the difference & the Village still pays 50% of it. This does not include the clearing of sidewalks and typical maintenance. As to maintenance and repair, attorney Fairbairn advised that was from the curb in; the Village owns and maintains the curb. The curb is the Village. From the inside of the curb to the house is the landowner. The Village can choose to give however much they want to do in terms for reimbursing the homeowner for however much they do for repairs to the sidewalk, but it's still the homeowner's responsibility. The homeowner is responsible. The Village can choose to do a reimbursement, that's an option, but that's at the municipality's discretion. The black & hard burden is on the homeowner. The Village has to pay for the curb, and maybe that's where FEMA might possibly help.

It was noted that no responses were received as to bids for snowplowing in the Village.

Due to extreme budgetary strain due to the on-going flood repairs, the Village will cease and desist in the cleaning of sidewalks unless they are located in front of municipal property or during a state of emergency.

#### **Fire Department**

Motion made by Fred Woller that the Village Board is in favor of consolidating the Fleischmanns Vol. Fire Department with the Middletown-Hardenburgh Fire District and authorizes the Village Attorney, John R. Fairbairn, III, to pursue consolidation with Middletown. Motion seconded by David Morell. Fred Woller-Aye. David Morell-Aye. Todd Pascarella-Aye. Harriet L. Grossman-Aye. Benjamin Fenton-Aye. All in favor. Motion so carried.

**Delaware Engineering/Contracts**

The original contracts received from Delaware Engineering for engineering services were given to attorney, John R. Fairbairn, III, for his review prior to having Mayor Morell sign them.

**Lamont Engineers/1112 Main Street Bldg.**

Discussion was held as to the condition of 1112 Main Street, Fleischmanns, NY. The Fleischmanns' CEO has advised that there are settling issues, and foundation problems, and recommended structural analysis. The Village has had a structural analysis done by Lamont Engineering. The building has been posted unsafe and the owner is going to get six (6) months to repair it or to take it down. The clock has been ticking as of Aug. 29, 2011.

**Antonette Complaint/Fencing**

Mrs. Antonette of 925 Main Street, sent a letter to the Village advising that her fence was damaged by the Village during snow plowing. She advised that the Village's loader smashed the gate and broke it. Attorney, John R. Fairbairn, III will put together letter to be sent to Mr. & Mrs. Harry Antonette as to the condition of their fence.

**Ledwith Property/Storage Sheds/Fence**

Discussion was held as to the erection of a fence at the Main Street property owned by Mary & Robert Ledwith.

**Damage to Stream Bank/Little Red Kill Rd.**

Discussion was held as to property located at the end of Red Kill Road into Main Street. Attorney Fairbairn has a call into a surveyor who may have done a survey on this property & provide clarification. There basically isn't much on public record to look at. Todd Pascarella advised DEC wrote a permit to repair from Main Street 200' up which gets us to Sam Gill's bridge. The road sits on that stream bank as its edge on the eastern side. Do we have the right to go in there & re-shore that edge of the road/stream bank anyway?

Ben Fenton's understanding from FEMA is that the stream bank is eroding away the road even though its on private property, repairing it protects the public infrastructure i.e. the road. It doesn't matter if there is an easement or not. The road has a right of way anyway. They can go in there & repair it anyway.

The red car parked on Little Red Kill is now gone.

**Library/Group Use**

Motion made by Todd Pascarella as to concern raised about a group having a basis in religion having use of a municipal structure that is also a Library. The Village Board and the Library Board are reviewing the situation in light of the short notice. They have the ability to use the Library tonight, Nov. 28<sup>th</sup>, 2011, but not again until the Village receives resolution as to whether or not they can utilize the space. Motion seconded by Fred Woller. Todd Pascarella-Aye. Fred Woller-Aye. David Morell-Aye. Harriet L. Grossman-Abstained.

Donald Kearney addressed the issue of the needed sidewalk repairs at his property located at lower Main Street.

**Executive Session**

Motion made by Todd Pascarella to go into executive session. Motion seconded by Fred Woller. Todd Pascarella-Aye. Fred Woller-Aye. David Morell-Aye. Harriet L. Grossman-Aye. Benjamin Fenton-Aye. All in favor. Motion so carried.

**Open Session**

Motion made by David Morell to go back into open session. Motion seconded by Fred Woller. David Morell-Aye. Fred Woller-Aye. Todd Pascarella-Aye. Harriet L. Grossman-Aye. Benjamin Fenton-Aye. All in favor. Motion so carried.

**Transfer/Old Fire Hall Fund**

Motion made by Benjamin Fenton to transfer \$54,016.49 from the Old Fire Hall fund into the Village of Fleischmanns General Fund. Motion seconded by Todd Pascarella.

Benjamin Fenton-Aye. Todd Pascarella-Aye. David Morell-Aye. Harriet L. Grossman-Aye. Fred Woller-Aye. All in favor. Motion so carried.

**Adjourn**

Motion made by Fred Woller to adjourn. Motion seconded by Harriet L. Grossman.

Fred Woller-Aye. Harriet L. Grossman-Aye. David Morell-Aye. Todd Pascarella-Aye. Benjamin Fenton-Aye. All in favor. Motion so carried.