

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 Reilly.

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.

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 Fleischmann's, 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 Fleischmann's 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 Clerk is hereby directed to file said Local Law with the Office of the Secretary of State in accordance with State Law.

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 Fleischmanns 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.

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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 Fred Woller to table proposed Local Law #1, All aye; Motion Carried.

Local Law #2

Motion made by Larry Reilly 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;

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

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

Motion Made by ___ To accept the March Treasurer's report, All Ayed; 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 Ayed, Motion Carried and Executive Session was opened.

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

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

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 -----

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 January 9, 2017 and the whole thereof.

----- Max Mann, Village Clerk

