

AUGUST 19TH, 2024 GENERAL MEETING OF THE BOARD OF TRUSTEES

I. CALL TO ORDER

Executive Session

Motion to enter into Executive Session by Trustee Roach second by Trustee Olejniczak at 6:30 PM

VOTE: YES 5 NO 0

Motion to close Executive Session at 7:18PM by Trustee Olejniczak second by Trustee Werner

VOTE: YES 5 NO 0

Mayor Harter will call the meeting to order with the Pledge to the Flag at 7:30 p.m.

Board Members Present: Mayor Harter, Trustee Fuller, Trustee Olejniczak, Trustee Werner, Trustee Roach

Board Members Absent: none

Also Present: Clerk Wierzbicki, Attorney Cassidy

Approximate Number in Audience: 16

II. MINUTES

Motion made by Trustee Roach seconded by Trustee Olejniczak to approve the minutes of the July 3rd, 2024 Regular meeting.

VOTE: YES 5 NO 0

IV. FINANCIAL REPORTS

1. Treasurer's Report

Motion made by Trustee Werner seconded by Trustee Fuller to accept the Treasurer's report as submitted.

VOTE: YES 5 NO 0

2. Payment of Vouchers

Motion made by Trustee Roach seconded by Trustee Werner to approve payment of the vouchers as audited.

VOTE: YES 5 NO 0

3. Transfers:

Transfers for Fiscal Year 5/31/24 - Aug 21			
General Fund Expenditures			
Account Description	From	To	
A-1325-600	Treasurer Audit Expenditures	4,500.00	
A-1325-032	Treasurer Edmunds Software Charge (5/31/23 prepaid exp annual contract)		4,500.00
A-1410-401	Clerk Printing and Supplies	1,500.00	
A-1410-405	Clerk Computer Equipment and Services (5/31/23 prepaid exp various)		1,500.00
A-1410-408	Clerk Postage	500.00	
A-1410-410	Clerk Code Book Update (5/31/23 prepaid exp Annual Contract General Code)		500.00
A-1420-403	Legal Fees - Justice Court	850.00	
A-1440-000	Engineer Contract Services (Hoffman Engineering)		850.00
A-1940-000	Judgements and Claims	600.00	
A-1920-000	Municipal Association Dues (Annual Fee NY Conference of Mayors)		600.00
A-3120-405	Police Uniforms	700.00	
A-3120-403	Police Car Expenditures (Leo Kaytes Ford 2023 Explorer Service)		700.00
A-9040-000	Workers Compensation Expenditures	9,200.00	
A-9060-000	Medical Insurance Expenditures (5/31/23 prepaid exp Bestco)		9,200.00
A-9060-001	Medical Insurance Buyout	350.00	
A-9060-010	Disability Insurance Expenditures (5/31/23 prepaid exp Shelter Point)		350.00
Water Fund Expenditures			
Account Description	From	To	
F-8310-145	Office Renovations and Repairs	400.00	
F-8310-046	Training and Conference Expenditures (DPW Supervisor - NY Rural Water Association)		400.00
F-8330-040	Capital Plant Equipment	9,000.00	
F-8330-041	Plant Chemicals (Increase in Amount and Price Slack Chemical)		9,000.00
F-8330-409	Sludge Removal Fees	1,900.00	
F-8330-050	Water Plant Professional Fees (Engeneering P&D)		1,900.00
F-8330-410	Plant Vehicle Maintenance	200.00	
F-8330-411	Plant Vehicle Fuel - Gas (Quikchek Accrual)		200.00
Sewer Fund Expenditures			
Account Description	From	To	
G-8130-046	Sewer Plant Repairs	1,300.00	
G-8130-047	Sewer Plant Professional Fees (Engeneering P&D)		1,300.00
G-8130-049	Sewer Plant Computer Equipment and Services	100.00	
G-8130-048	Sewer Plant Equipment and Supplies (Lubrication Engineers Inc.)		100.00

Transfers for Fiscal Year 5/31/25 - Aug 21			
General Fund Expenditures			
	<u>Account Description</u>	<u>From</u>	<u>To</u>
A-1325-030	Treasurer Office Supplies	320.00	
A-1325-032	Treasurer Edmunds Software Charge (5/31/24 prepaid exp annual contract)		320.00
A-1325-402	Treasurer Travel and Conference	200.00	
A-1325-406	Treasurer Computer Equipment and Services (New computer onsite call service)		200.00
A-1620-483	Senior Center Cleaning Contract Services	250.00	
A-1620-481	Senior Center Maintenance and Supplies (Service AC Unit - Maher Mechanical)		250.00
A-1930-000	General Fund Contingency	7,600.00	
A-1910-000	Unallocated Insurance Expenditures (Larger increase in insurance)		7,600.00
A-3120-403	Police Car Expenditures	100.00	
A-3120-404	Municipal Association Dues (AED Pads, Police Radio Batteries)		100.00
A-5110-001	Highway Salaries	1,500.00	
A-5110-003	Highway Salaries - Greenwood Lake (No budget for allocation, will include in future budgets)		1,500.00
A-7550-010	Special Events Salaries	500.00	
A-7550-402	Special Events Other Expenditures (Fun Fest - Grant Received)		500.00
Water Fund Expenditures			
	<u>Account Description</u>	<u>From</u>	<u>To</u>
	NONE		
Sewer Fund Expenditures			
	<u>Account Description</u>	<u>From</u>	<u>To</u>
	NONE		

Motion made by Trustee Fuller seconded by Trustee Roach to approve the transfers as presented.

VOTE: YES 5 NO 0

V. ANNOUNCEMENTS, CORRESPONDENCE & PRESENTATIONS

- 1. Orange Ulster BOCES provided a ride along contract for 2024-2025**
- 2. A determination for 71 Jayne St was received from the ZBA.**
- 3. Irene Coulon of Maple Ave. sent a note of thanks to the DPW.**
- 4. A determination for a property on Roe St. was received from the ZBA.**
- 5. NYSDOT sent a quarterly CHIPS report.**
- 6. Town of Warwick submitted Introductory LL 5-2024. Request to amend Town Code to include a parcel 8-2-8.2 within AG overlay district for review.**
- 7. Town of Warwick submitted Introductory LL 6-2024. Amendment of Town code pertaining to Affordable Housing.**
- 8. Orange County Department of Human Resources sent a letter regarding a former employee.**
- 9. New York State Unified Court System sent a letter regarding required court audits.**
- 10. James McAteer sent a letter regarding Serenity Ridge.**
- 11. A determination was received for 93 South Main St from the ZBA.**
- 12. Beth VerBlau requested use of the rear parking lot for a garage sale fundraiser for the Florida Food Pantry on August 17, 2024.**
- 13. A notice of coverage was received from AFLAC.**
- 14. MD7 submitted a contract on behalf of Crown Castle lease for the cell tower.**
- 15. A notice of claim was received for an incident at Summer Recreation.**
- 16. A letter of support was received from Karl Brabenec for WQIP grant funding.**
- 17. Comp Alliance sent a revised plan document.**
- 18. CSC Holdings provide 2Q2024 franchise fee in the amount of \$10,188.00**
- 19. Orange County Office For the Aging sent a notification for a Senior Education Series beginning September 10, 2024.**
- 20. A notice of violation was received for 7/1/24-9/30/24 period from Orange County Department of Health.**
- 21. Orange County Department of Human Resources sent a letter regarding Provisional employees.**
- 22. A NYS Liquor license 30-day notice for KAWA Japanese Fusion was received.**
- 23. SS Seward Institute sent a letter for the Homecoming Parade on September 28, 2024 at 9:30 AM**
- 24. NYSDMV sent a notice regarding permanent handicapped permits.**
- 25. Barton & Loguidice sent a proposal for NY Forward Revitalization Initiative Services.**
- 26. A notice regarding 42 North Main St Special Meeting on July 2 was received from the Planning Board.**

27. Raina Abramson, Village of Warwick Clerk submitted a letter of support with resolution for exit 127 on Route 17.
28. A recommendation was received from BoilerRE Risk Control for the Village Hall.
29. Orange and Rockland sent an email announcement for the Village's receipt of the Local EV Infrastructure Award.
30. Ehlers Excavating submitted a quote for 77 Highland Avenue stormwater drain repair.
31. NYSEFC sent a change order approval for the Sewer Plant Disinfection system.
32. Sustainable Warwick for a presentation.
33. A letter of recommendation was received from Lance Klein regarding labor counsel.
34. A letter from NYS DEC regarding chemical requirements.

Sustainable Warwick was represented by Julia Calderon and Kate Leopald. There was a presentation for the Helpsy bins used to collect textiles. The Board will discuss at the next work session and vote on approval at the September General Meeting.

VI. REPORTS OF THE TRUSTEES

1. Thomas Fuller – Police, Justice, Emergency Management, Senior Affairs
2. Craig Olejniczak – Recreation & Parks, Animal Control, Buildings/Grounds,DPW
3. Alyssa Werner – Sewer/ Water, Chamber of Commerce
4. Matthew Roach – Building & Planning, Historical

There was a brief overview of each Trustee's Department

VII. PUBLIC COMMENT – AGENDA ITEMS ONLY

This opportunity is provided for members of the audience to comment on **any item listed** on the agenda. Please address the Board and limit your comments to five minutes.

There were no Public Comment on Agenda items

VIII. UNFINISHED BUSINESS

1. False Alarm Local Law Discussion-to be discussed at 9/4 work session
2. Florida Police Department Bulletproof Vests- to be discussed at 9/4 work session
3. Highland Ave Stormwater Drain Issue- to be discussed at 9/4 work session

IX. NEW BUSINESS

1. Florida Police Department Ride a Long Orange Ulster BOCES

Motion made by Trustee Fuller seconded by Trustee Roach to approve Chief Coleman and Mayor Harter to execute and enter into contract with Orange Ulster BOCES beginning 7/1/2024-6/30/2025 for the Ride a Long Program.

VOTE: YES 5 NO 0

2. Town of Warwick Snow and Ice 2024-2025 contract

VILLAGE OF FLORIDA

VILLAGE BOARD OF TRUSTEES

RESOLUTION TO APPROVE AN INTERMUNICIPAL AGREEMENT BETWEEN THE VILLAGE OF FLORIDA AND THE TOWN OF WARWICK FOR PURPOSES OF SNOW AND ICE REMOVAL FROM GLENMERE ROAD

WHEREAS, General Municipal Law, Article 5-G permits intermunicipal agreements between municipalities for the mutual benefit of the taxpayers of the respective municipalities;

WHEREAS, it is more efficient for the Village of Florida Department of Public Works to snow and salt portions of Glenmere Road described in the proposed agreement;

WHEREAS, the Village Attorney has reviewed the agreement and it is acceptable as to form;

NOW THEREFORE, BE IT RESOLVED, that the Village Board of Trustees hereby approves the intermunicipal agreement for the 2024/2025 winter season and authorizes the Mayor to sign the agreement as presented in the amount of \$5000.00.

Motion by: Trustee Werner

Second by: Trustee Olejniczak

VOTE: YES 5 NO 0

3. 9/11 Ceremony Road Diversion

**Motion to reroute traffic on Main St on 9/11/24 from 6:30 pm -8:00pm for 9/11 ceremony.
Motion by Trustee Fuller seconded by Trustee Olejniczak**

VOTE: YES 5 NO 0

4. Court records audit

Motion to approve September 4, 2024 as the date for Court Audit pursuant to Uniform Justice Court Act 2019-a. Motion by Trustee Roach second by Trustee Olejniczak

VOTE: YES 5 NO 0

5. SS Seward Homecoming

Motion made by Trustee Fuller seconded by Trustee Olejniczak to approve request to hold the annual Homecoming Float Parade on September 28th at 9:30 AM from the Fire House to Farries Ave. and back into the parking lot at S. S. Seward and to request that the Police Dept. provide the necessary personnel for the event.

VOTE: YES 5 NO 0

6. Cell Tower Agreement

VILLAGE OF FLORIDA

VILLAGE BOARD OF TRUSTEES

RESOLUTION TO AUTHORIZE THE LEASE RENEWAL OF THE CELL TOWER LOCATED AT

28 MEADOW ROAD, FLORIDA, NY

WHEREAS, the Village of Florida owns real property located at 28 Meadow Road, Town of Goshen, County of Orange, State of New York (Town of Goshen Tax Map: SBL 20-1-42) (“Sewer Plant Site”);

WHEREAS, the Village entered into a Master Management Agreement (“Agreement”) with JNS Enterprises dated November 13, 2001 for the installation of a wireless communications tower to be located on Town of Warwick Tax Map SBL 9-1-6 owned by the Village of Florida (“Water Plant Site”);

WHEREAS, the Agreement was modified on October 30, 2002 for the purposes of allowing a temporary cellular tower to be located on 28 Meadow Road (“FIRST AMENDMENT TO THE AGREEMENT”); said modification was ratified by the Village Board of Trustees on November 12, 2002;

WHEREAS, the Agreement was further modified on January 13, 2003 for purposes of allowing a permanent wireless communications tower to be constructed at the Sewer Plant

Site instead of the Water Plant Site (“Second Amendment to the Agreement); said modification was ratified by the Village Board of Trustees on April 8, 2003;

WHEREAS, the wireless communications tower as set forth in the agreement was constructed in 2003;

WHEREAS, the Agreement and all Amendments thereto were assigned by JNS Towers, LLC to Crown Communication LLC, pursuant to an Assignment and Assumption Agreement dated May 31, 2011;

WHEREAS, the Parties desire to extend the Agreement as amended and assigned to November 12, 2056 (30 years); and

WHEREAS, the proposed action is a Type II action under SEQR (6 NYCRR 617.5 (c)(2)) and no further environmental review is required

NOW THEREFORE BE IT RESOLVED, that the Village Board hereby approves the proposed renewal as is set forth in the “Third Amendment to Mast Management Agreement” and authorizes the Mayor to sign the same.

Motion by Trustee Roach second by Trustee Olejniczak

VOTE: YES 5 NO 0

7. NYCOM

Motion to approve Clerk Wierzbicki to attend NYCOM Fall Training School September 16-20 in Saratoga, NY not to exceed \$2000.00.

Motion by Trustee Werner second by Trustee Fuller

VOTE: YES 5 NO 0

8. 30 Day Waiver IZUMI Corp dba KAWA Japanese Fusion

WHEREAS, IZUMI Corp has completed the Standardized Notice Form for Providing 30-Day

Advance Notice of Intent to file a new application for an On-Premises Alcoholic Beverage License for liquor, wine, cider and beer to the Village of Florida Board to be sold at 162 North Main Street Florida, NY 10921 for an on-premises liquor license; and

WHEREAS, pursuant to the applicable provisions of the Alcohol and Beverage Control Law Section 64, Subdivision 2(a), the Village of Florida has been notified of their intent to file an application for a liquor license with the New York State Liquor Authority; and

WHEREAS, a thirty (30) day hold before said application can be filed is mandated by New

York Alcohol and Beverage Control Law, unless, this time is waived by the municipality, and

WHEREAS, the Village of Florida Board wishes to assist the applicant in expediting the application process and sees no objection to the issuance of a Liquor License; now, THEREFORE, BE IT RESOLVED, that to the extent permitted by the New York State Liquor Authority, the Village Board hereby waives the requirement that written notice of the application be given to the Village at least thirty (30) days prior to submitting this application; and

BE IT FURTHER RESOLVED that the Village Clerk is hereby authorized to issue a letter to the applicant and to the New York State Liquor Authority to confirm the Village's receipt of the Notice of Intent to file for the liquor license and a waiver of the thirty (30) day hold on the processing of said application.

Motion by Trustee Fuller Second by Trustee Roach

VOTE: YES 5 NO 0

9. Shed Surplus

Motion to approve the listing of surplus structure(shed) at 1 Cohen Circle for the Florida Historical Society Building. To be donated to the Historical Society.

Motion by Trustee Werner second by Trustee Olejniczak

VOTE: YES 5 NO 0

10. Charges against employee 005

Motion to approve charges as presented for employee 005 in Executive Session- TABLED Trustee Werner made a motion, it was not seconded. Discussion, Mayor Harter stated will be discussed at next Work Session

Motion by second by

VOTE: YES NO

11. Hearing Officer Appointment- TABLED

The following were recommended.

- 1) Ken Berstein, Esq. \$195/ hr.
- 2) David Wise, Esq. \$275/hr.
- 3) Ron Longo, Esq. \$275/hr.

Motion to approve _____ at the rate of _____ for representation regarding a personnel matter

VOTE: YES NO

12. Officer Oresto

WHEREAS, Village of Florida Police Officer Felix Oresto serves the Village of Florida as a part-time police officer; and

WHEREAS, Officer Oresto's earnings are capped as a result of his pension with the New York State Retirement System ; and

WHEREAS, the Village desires to apply for a pension waiver pursuant to Section 211 of the New York State Retirement and Social Security Law so that Officer Oresto may continue to serve without the fear of jeopardizing his existing pension.

NOW THEREFORE BE IT RESOLVED, that the Village Attorney, Mayor and Chief of Police are hereby authorized to submit the requisite application to the New York State Civil Service Commission

Motion by Trustee Fuller second by Trustee Olejniczak

VOTE: YES 5 NO 0

X. Meeting Schedule

August 21st, 2024	9:30 AM Work Session-CANCELLED
September 4th, 2024	9:30 AM Work Session 7:30 PM Regular Meeting
September 18th, 2024	9:30 AM Work Session
October 2nd, 2024	9:30 AM Work Session 7:30 PM Regular Meeting

XI. PUBLIC COMMENT

Dorothy Ehlers Highview Ave I've been living at 8 Highview in the Village of Florida for over 50 years. Ever since I have lived there and before that I bought a piece of land, Nathaniel Lane which is one street down has always been a paper road, always been open to everyone. I bought that land from Carl Silling back 53 years ago. Make sure you ride on that road once a week because we always want that road open. For 50 plus years that road has always been open. About a year and a half ago, one neighbor has five children decide they need that for a parking lot. They started blocking the road. So of course, I came to the Village Board and they discussed it and it was stated they could use the road but they had to leave it open. They could not block it. The Police Department went several times had them move it; it's been open ever since. This past May another neighbor on the other end has a son that can drive now and he's decided to make this his private road, private parking road. I called the Police Department and I was told that they would get back to be in few hours or days. They called me back and said they talked to Fuzzy(DPW Supervisor), don't ask me why they had to talk to Fuzzy. Fuzzy told them that the Planning Board gave this (inaudible) the right to use that road for his own personal use. Next morning, I called Fuzzy, 'I said Fuzzy what is this?' . He said well the Planning Board said he can use it and that's the way it is. We're not going to make them move. I was recently at a Public Hearing for the old Jazwinski house, at that meeting you were there Mr. Roach. Part of their agreement was when they got the variance yes, they could have the variance for their shed. They had to leave that section of Nathaniel Lane always open, they could use it but they could not block it. Just recently, I have to think of his name just got a variance up off of Nathaniel Lane there. He was told he can use the road but he has to leave that section open. Now why does the section by me have to be closed by this one individual? I go to them; I came here last month. You don't have to go to the meeting, I'll take care of it. Well, I called the Mayor a few days later he told me, he sent me this ridiculous as far as I'm concerned email. I can't believe a Mayor would send this email to someone. This was his answer to me. 'Good Afternoon Mrs. Ehlers. I discussed your issue with both the engineer and the attorney in the Village. As a paper street, there is nothing the Village can do. We cannot order that area clear from the structures. This is a neighborhood a neighbor-to-neighbor issue that needs to be resolved between yourself. Now anyone that knows the neighbor I'm talking about knows there's a real problem there. Anybody that talks to him, anybody he doesn't like, the next day something mysteriously happens to your house. His kids were playing in my driveway about 3, 4 years ago. I came home and said listen you can't play here. This is private, the next day, my son's vehicle was shot by a high-powered rifle. Then of course he ended up paying for it. You want me to go talk to this neighbor? I don't understand that at all. Mayor Harter Did you file a complaint with police for a high-powered rifle being discharged in the Village of Florida boundaries? DE they worked it out, he paid for it. I don't know the whole outcome. I can't go to him. If I go to him, you can guarantee my pool destroyed. Something else will be destroyed accidentally

somehow. I don't think it's fair that he is the only one to my knowledge the Village of Florida doesn't provide private parking.

MH it's a paper street Mrs. Ehlers

DE so why is it open? Like it's been for 50 years.

MH because it's not paved. It's on paper, it's not a road.

DE But the Village owns it, since when do you give it for someone to use?

MH we don't own it. It's on paper it says Nathaniel Lane, we've discussed it time and again we don't own it. We never dedicated it.

DE okay then, it's just there for him to use as he pleases?

MH like I said, it's a neighbor-to-neighbor issue which you should work out with them.

DE okay the house next to me is for sale, I put a bid on it. He lives on the other end of Nathaniel Lane. Now when I buy that house for my granddaughter, then how is he going to get to his house? Because I'll block it off on that end. Now you've got a house on Nathaniel Lane and you can't get to it. Then what are you going to do? How stupid is that answer.

MH The paper street is an issue. As of right now, it's a neighbor-to-neighbor issue. If you're going to block someone's road, that's on you to hash it out with your neighbor.

DE It's the same thing. If I buy that house and he's in the middle and I'm parked there. That's what you are telling me I can do and cause a war in your Village. And how come over there the guy from Jazwinski's has to leave open by the order of the variance he just received. So did Knebel because of the variance he received.

MH because it went through the ZBA.

DE what is the difference?

MH it's not our road

DE who owns it?

MH it doesn't technically exist outside of paper.

DE it exists, it's been here for over 50 years, it's open for 50 years.

MH you have a right of way based on what you claimed in the email, I haven't read your deed but you said you had a right of way

DE I didn't say I had a right of way, that isn't what I said.

MH what did you say?

DE I said we always used it.

MH so you have no authority or right of way to go through it?

DE I don't actually know for sure but if I buy the other house I will.

Elizabeth Cassidy Mayor if I may. At your request when you received Mrs. Ehler's complaint. I did review, I did pull her deed. There does appear language about a right of way on Nathaniel. With that said, that right of way in my opinion is a private right of way. When that property was originally subdivided, there were several subdivisions up in the Werner subdivision back in the 20's. we pulled several maps from the 20's and 30's and 40's. That road was never offered for dedication. So actually it exists on paper, the title to that, I can't prove we own it. I can't prove who owns it. We have done exhaustive title searches. What I would recommend is that you consult with counsel. I am not saying you don't have rights. I think based on reason that you do have rights, private rights, but you consult with counsel

how you can enforce your rights. Certainly if someone is making threats, the first phone call should be to the Florida Police Department immediately.

DE I didn't say he was making threats what I said was if I went to him something was mysteriously happen in our neighborhood. Every neighbor that lives there will tell you.

MH you did just claim that he fired a rifle at your son's truck

DE that's true

MH that does dictate to go to the police

DE now he did that was an incident that happened yes. No question about it. I have the records to prove it.

MH the point is if that's the case yes, the police should be involved in this

DE You're very much aware of who it is, problems with the child. Had to ride to be transported back and forth to school for 5 years by himself on the school bus. Don't play innocent.

MH I don't know who you are talking about.

DE oh you do so know

MH no I don't who is it? I have no idea

DE you know exactly who it is

MH I don't know

DE How come one end of street can't use it he can't block the road by orders of the Police Department one end of Nathaniel Lane and the other end of Nathaniel Lane you're telling me can be blocked by another neighbor. Is that fair? To two near residents?

MH it's a neighbor-to-neighbor issue

DE no it's not. What about the police department? They can't block that road on Scanlon Ave.

MH I will talk to Chief Coleman about it

DE oh you certainly will because it's right there in writing. They were up there several times about a year and a half ago, must not block road. Now you're saying the other neighbor can block it. What is this? This is completely, it doesn't make any sense. It's the same road goes from Scanlon to Highview. One neighbor can't use it, one can.

MH I can't speak on the Chief's behalf on what his decision for this.

DE wasn't his decision, it was the Village Board's decision

MH you just said the police said it was okay. You just said the Police made that decision.

DE Excuse me

MH you just said the Police made that decision

DE back then, no

MH no in the conversation we just had

DE no Timmy Brunswick made that decision your DPW Chairperson don't ask me why he had the authority to make it, he told the cop he had to move the vehicle. I didn't make that decision, neither did you. Your DPW made that decision to the police officer. You have five Board Members here, our Mayor and five Board members. How can you sit there and allow one neighbor not be able to block that road for his kid to park and another can block the road for his kid to park. That makes no sense at all. An 80-year-old woman can't go through and is handicapped because he doesn't have a place to park his car. That's not my problem. He has

to have a driveway like everybody else does. I can't believe you can sit there and let that happen.

MH we will review it again

DE and you were there when they said Nathaniel Lane had to be open, we would one have to be left open and not the other. That makes no sense to you people.

Trustee Roach I don't know if it was said that Nathaniel Lane had to be left open

DE I asked that question if you remember correctly

MR you asked the question

DE and they answered yes you can use it but it cannot be blocked. All I'm asking is to have it open, they can use it all they want. But why do they have the right to block at one end and the other end can't use it.

EC to clarify the ZBA application for Harold Knebel, that was the application. In order to develop the property, he would have to develop what is currently a paper street as a condition of approval. He has to maintain Nathaniel Lane as an open street as condition of approval. This particular property does not have a conditional approval. It was never deeded out by the original developer in the 20's and 30's. While I believe it was private rights different from public right of way. It's not a right of way, it's not wide enough in that particular area. It's too narrow to be maintained as a Village owned street. So, from our perspective, it's a private matter.

Trustee Olejniczak if I'm allowed to comment, I want to be careful on my comments because I have to go back to notes as to how your specific situation is being dealt with. The only thing I can tell you is that since I've been on the Board, we have had many issues and discussions over paper streets. Am I incorrect in since you've been our Attorney Mrs. Cassidy every time you try to dive into it the conclusion is that Board has very little power and it seems like until we can come up with more clarity unfortunately, we are telling our residents that the onus is on them to go out and deal with it personally with the court system.

EC one of the other difficulties is that parts of Nathaniel Lane which goes from Werner all the way from Scanlon is that they were created by different subdivisions at different times. One area is a wider road which is Village spec in other areas it's narrower. Part of the problem was we don't have consistent treatment different portions of that street were created at different times. We as a Village never got title to it, I can't prove you own it. I've searched multiple times I've reviewed every single subdivision map I can get my hands on at the Orange County Clerk with respect to the rights and obligations of that road. At the Mayor's request I did go in I do have access I was able to pull the deed and there is language to a right of way over Nathaniel Lane. Do I think she has private rights? Absolutely. Whether the Village is in a position to enforce is those private rights is a different issue.

DE I am simply asking that they don't block it. No one cares how often they use it. I never complain in the winter time. We plow part ourselves usually anyway never again.

CO in some instances, I don't know if it's particularly with Nathaniel Lane but I know with other paper streets to add to the confusion we've had our DPW, we've had our police manage some of these roads differently over the years. Most of the time, I'm pretty sure I can speak for Tim Brunswick. Most of the time, he is doing things because he's trying to assist and be good to our community as best he can.

DE how can you tell him that he can't park there.

CO That only adds to the confusion. Specifically to that I don't have a comment, I don't know.

DE how do you think Meg's going to feel when I go home and tell her, you can't use it but they can.

CO Yes

DE she knows I'm here, she's aware of it. We just want it open.

CO I know it's issues that you don't want to happen. I know you don't want to raise issues with your neighbor.

DE No I just want to go over it for 50 plus years.

CO the only thing we can do is like I said we have to go back

MH in those cases if she has a right of way then she calls the police, that's a police matter.

CO as I go back and review specifically what was determined within that ZBA. We need to know what's going on with each neighbor's perspective. What have they done. What's been told to them by the ZBA, Planning Board.

DE I don't know with Knebel, I wasn't there. I only heard from Knebel himself and he was told he has to leave it open. I was there for the one for Slesinski property. I asked a question; can they block the lane.

CO Planning Board or ZBA?

DE this was at the which meeting was it. I can't remember now. It was a Public Hearing.

MR that was the Planning Board

DE they distinctly said you can use it at all times but you can't block it

CO personally I'd ask Matt to get the minutes on that and make sure, I think we need to review.

MH Sounds like we are diving back into Nathaniel Lane again

DE this is part of Nathaniel Lane. If you want to, I own the (inaudible) from 37 Highview Avenue want me to start yelling up there too? You plow the road up there and its bigger road and I never said a word for fifty years but I really don't care.

MH where?

DE off I own 37 Highview Avenue. That's a paper road up there that goes all the way down to Rose St. I don't want to get into that I really don't care what they do up there. It's not my neighbor, I don't care.

MH we will discuss and try

DE I own that one but I never said a word because I don't care. All I want is it open I'm handicapped and I want to get through

MH we will discuss it and try to get you an answer

MR for correction, that was the ZBA that had that discussion and came up with

DE it was between the two meetings

EC I'm happy to take a look at those minutes.

DE Knebel told me that he has to keep it open. He has to maintain it he has to keep it open. That may be a little different. He told me himself. I have to leave it open. I don't know why they don't have to leave it open for you.

MH we will review for you

DE thank you very much and to the Board thank you. I am sorry I was so nasty. I can't enforce it without paying money and that's not fair MH anybody else? Can I get a motion to adjourn?

XII. ADJOURNMENT

Motion made by Trustee Roach seconded by Trustee Fuller to adjourn the meeting at 8:35 PM.

VOTE: YES 5 NO 0

Respectfully Submitted,

Colleen Wierzbicki