

Village of Fleischmanns
Board Meeting
March 12, 2012

The Village of Fleischmanns Board of Trustees held a regular Village Board Meeting on Monday March 12, 2012 at the Skene Memorial Library. Present were: Deputy Mayor Todd Pascarella, Harriet L. Grossman, Fred Woller and Benjamin Fenton.

Deputy Mayor Todd Pascarella opened the meeting advising the public that Mayor David Morell had resigned from office about a month ago and the Board formally accepted his resignation, so moving forward Deputy Mayor Pascarella advised everyone that he will be covering the mayoral duties. The Board did not appoint Deputy Mayor Todd Pascarella as Mayor at their Special Meeting, however, the Deputy Mayor still has the responsibility and advised everyone he will look forward to doing that for the next twelve (12) months; serving the public, hopefully as well as Mayor David Morell did.

Deputy Mayor Todd Pascarella designated Benjamin Fenton as his successor in the event that he is unable to serve. This appointment was made to prevent chaos should Deputy Mayor Todd Pascarella not be able to serve.

Mark Project/Peggy Ellsworth

Peg Ellsworth of the Mark Project advised that the Village of Fleischmanns was awarded a long term recovery grant from the Dept. of State to discuss the long term things that should be in place as the Village gets out of its current situation. Fleischmanns is uniquely situated because Fleischmanns has a Soil & Water Grant to look at the stream component, which could free up some of those funds to use for specific long term planning such as the future of the theatre, or a marketing plan and a business recruitment strategy for the Village. Deputy Mayor Todd Pascarella will be attending the meeting on Thursday with the Department of State which also includes Middletown and Margaretville; those communities were recipients as well. It will include County Planning and Mark is trying to get Graden Dutcher there, someone from FEMA and, of course, the Dept. of State will be represented. This will be to talk about the next steps, to get the work write ups and to gauge the specific needs of those different communities. Clearly, the Middletown grant will be the overarching one and Fleischmanns can gear more about what it wants to focus on. The amount of this grant is \$49,300.00. Fleischmanns will be covered under Middletown; however, we want to be sure there is no duplication of efforts. The meeting will be held at the Town of Middletown Town Hall at 3:30 p.m.

As far as the Main Street Grant is concerned, the funds have been committed. Mark Project has also contracted with Rob Allison to do a survey of the parking lot for the beautification component for the street scape which then will go to Alan Sorensen of Planit Main Street. We will then come up with a street scape plan to put out to bid hopefully sooner rather than later and have the work completed this summer. \$25,000.00 is earmarked for this project.

The Smart Growth money is allocated for the sidewalks and the railing over by the park, obviously doing the sidewalks on Bridge Street until what is determined to happen there, would not be a prudent use of the funds. Lamont will spec out as many lineal feet of sidewalk that we can get done with that money, and DEC is fine with that so if it extends down past the original project area Fleischmanns is in good shape. Graden Dutcher and Peg Ellsworth will be drafting a letter to Parks & Rec about what will be done on that stream planning & then we can submit the new budget for the revised program under that funded amount.

Peggy advised that we have been fortunate to have a private funder to put together the Middletown Small Business Development Fund & to date we have distributed funds amounting to \$83,000.00 in funding to get over post-Irene business issues, building problems, inventory, etc. We have another 10 committed; there are some Fleischmanns' applicants there. We are about to launch a larger program under the same umbrella as per the funder which is up to \$25,000.00 for new or existing businesses to expand or enhance their business, marketing or anything that is applicable. That is being launched this

Wednesday. It requires a 20% owner match and is going to be extremely competitive and to that end we are holding a public information session and workshop on March 24, 2012 at 9:00 a.m. at the Arkville Fire Hall. Peggy suggested that anyone who is considering applying or has any questions as to any of the open programs they have. There will be some members of the review panel, as well as some board members, herself and some staff for information on Mark programs. Applications will be due on the 31st of April, 2012. They are hoping to make this a semi-annual funding round, which is twice a year; the \$5,000.00 program will stay in existence during all of this for smaller business projects.

Delaware Operations/Lou Dibble

Monthly Report/Feb., 2012

Monthly Report for February, 2012 was distributed to the Village Board. At this time the WWTP is running through most of the month at a reduced rate of flow and discharges effluent flow from the facility almost every day of the week.

Purchase Orders/March 2012

Motion made by Harriet L. Grossman to pay the following purchase orders for the month of March, 2012: J.S. Enterprises, custom Aluminum Dock made to fit, total cost of request: \$1050.00, reason for purchase: Often during the winter months the overhead door is not accessible due to snow and ice. During these times, chemicals are brought in through the double doors into the EQ room. There is a three inch lift under the double doors and with the drums weighing seven and eight hundred pounds they will not roll over the three inch lift so a dock plate would solve this problem; Slack Chemical, chlorine bleach, 55 gal. drums, 110 gal. at \$2.55/gal, total cost of request: \$281.00, reason for purchase: chemicals used in the treatment process. Motion seconded by Fred Woller. Harriet L. Grossman-Aye. Fred Woller-Aye. Todd Pascarella-Aye. Benjamin Fenton-Aye. All in favor. Motion so carried.

Laterals

Lou Dibble presented an updated list of laterals which are not connected in the Village:

1. Richard, Ronald, & David Steinberg, 868 Main Street, tax parcel # 287.17-2-3
2. Rivera, Israel, 27 Ellsworth Avenue, Tax Parcel # 287.17-3-9.1
3. Verizon Land Building, tax parcel # 287.17-3-35
4. VWP Inc., 102 Depot St., tax parcel # 287.17-3-30
5. Stefanis, Konstantin & Rose Marie, 124 Ellsworth Ave., tax parcel # 287.17-3-30

Lou Dibble advised that this current listing will be forwarded to the Village's CEO, Carl Patrick Davis.

Public Hearing/Proposed Local Law/Flood Damage Prevention Law

Motion made by Fred Woller to hold a Public Hearing on April 9, 2012 at 6:00 p.m. at the Skene Memorial Library on the proposed Flood Damage Prevention Law. Motion seconded by Harriet L. Grossman. Fred Woller-Aye. Harriet L. Grossman-Aye. Todd Pascarella-Aye. Benjamin Fenton-Aye. All in favor. Motion so carried.

Workshop Meeting

Motion made by Fred Woller to hold a Workshop Meeting on March 22, 2012 at the Skene Memorial Library at 6:00 p.m. Motion seconded by Harriet L. Grossman. Fred Woller-Aye. Harriet L. Grossman-Aye. Todd Pascarella-Aye. Benjamin Fenton-Aye. All in favor. Motion so carried.

Regular Village Board Meetings

Motion made by Benjamin Fenton to hold the regular Village Board Meetings on the 2nd Monday of each month. Motion seconded by Harriet L. Grossman. Benjamin Fenton-Aye. Harriet L. Grossman-Aye. Todd Pascarella-Aye. Fred Woller-Aye. All in favor. Motion so carried.

John Granito/Complaint

Under the Freedom of Information Law I am requesting any and all records of meetings conducted where officials and or representatives of the Village of Fleischmanns participated in discussions, submissions or any other input in the determination of the proposed relocation of the new bridge on Bridge Street. I am also requesting any and all

studies, observations, calculations, drawings and technical research and any information in regard to this proposal.

Mayor Deputy Todd Pascarella addressed the issue of the Bridge Street Bridge. Since Delaware County owns the bridge, the Village has no direct say in that other than informational. A meeting was held by Fleischmanns First at La Cabana last Saturday where the DPW & Soil & Water gave their exhaustive presentations on what is going into their thought process. We are trying to get a copy of the slide show so we can get the all the information out to everyone.

John Granito advised that watching the presentation from professionals from Delaware County, & all of a sudden they drop a bridge on my building; not next to it, not behind it, but literally on my building because that is the best place to relocate the 2.5 million dollar bridge that 25 cars go over; I'm probably 12 of those cars going in & out of my driveway; and they have put it at such an angle that the new street would go through your property (Harriet Grossman's). It's not even aligned with the street & makes no sense at all. Mr. Granito said that the overlays were so far off that its ridiculous. This is an example of the 83 billion dollars that the County is asking for.

John Granito addressed the fact that he & Roxanne had put more money into this Village than anyone & now the county wants to drop a bridge on his building & asked if the Village was aware of that.

Deputy Mayor Todd Pascarella advised that the count in the months leading up to that presentation at LaCabana, was that; is it the best expenditure to put a vehicle bridge where only your 12 cars go over it for the Village, or is that money that is going to be partially recovered through FEMA for that lost bridge, better spent elsewhere on other flood mitigation infrastructure projects. The opinion was that putting a vehicle bridge back here was not the best use of the money. It was not feasible since newer bridges have to comply with new flood plain design regulations that these 60 & 70 year old bridges did not. So, therefore they were essentially of the mind that the best fix for that location would be a foot bridge which would not take up any more property & that the money that was recovered there would be put towards upgrading the other bridge structures. The County is not going to put back a bridge that's going to be destined to fail like the old one. They would have to build it according to the new current flood plan specifications.

Further discussion was held with Mr. Oppenheimer as to the foot bridge up by the Regis Motel.

Village Trustee/Harriet L. Grossman

Village Trustee Harriet L. Grossman requested that the following letter addressed to the voters of Fleischmanns and their elected representatives and dated March 12, 2012 be read aloud into the minutes:

I think it is incumbent upon me to advise the public of the facts concerning a meeting held January 9 by the then-Mayor and members of the Fleischmanns Board of Trustees.

Larry Reilly, head of the Fleischmanns Planning Board, called the meeting in an email sent January 4 to Wayne Reynolds, Commissioner of the Delaware County Department of Public Works, and Graydon Dutcher, Stream Program Coordinator, at Delaware County Soil and Water Commission. Copied on the email or receiving it via other means were Middletown Supervisor Marjorie A. Miller, Senior Delaware County Planning Department Planner Kent Manuel, then-Mayor Dave Morell, Deputy Mayor Todd Pascarella, and Trustee Benjamin Fenton. The email, a copy of which I requested and received from Mr. Manuel and which is attached to this letter, read as follows:

“We would like to have a meeting to continue our discussions regarding the bridge and stream issues in the Village. Specifically, the Vly Creek work at Mill Street, the park wall restoration work, and the former Bridge Street and Lake Switzerland bridges. If possible, this coming Monday, January 9th at 2:00 p.m. works for Mayor Morell and other Village Trustees. Please let me know if this works for your schedules. If this doesn't work, please advise alternate times & dates next week. Thanks. Larry Reilly.”

Mr. Reilly's claim that the time and place of the meeting worked for “other Village Trustees” did not include Fred Woller and me, the other two duly elected

members of the Fleischmanns Board of Trustees. We were not invited to the meeting nor notified that it was taking place.

Neither was the Village Clerk.

Above all, neither was the public.

For all these reasons, that January 9 meeting at the Skene Library was a clear and direct violation of the Open Meetings Law. It was illegal.

By law, any meeting at which a quorum of a public body is present is a public meeting. Three of five voting members of the Fleischmanns Board constitute a quorum, and three were present, thereby constituting, by definition, a public meeting.

By law, notice of such a meeting must be given to the news media and posted conspicuously “not less than 72 hours prior to the meeting.” No prior public notice of the January 9 meeting was given anywhere in any form.

By law, minutes must be taken of the proceedings at such a meeting, and those minutes must be made available to the public. No minutes were taken, and no record of the discussion or of any actions or decisions taken has been forthcoming.

That Trustee Woller and I were deliberately excluded from the meeting is evident. Was this why Reilly and the others kept the meeting under wraps? I have no idea. Nor do I know, since I was excluded from the meeting, precisely what was discussed there. What I do know is that “bridge and stream issues,” as Reilly’s email put it, are issues of profound public importance.

At a subsequent meeting later that same day, a workshop meeting for which prior public notice had been given, I asked the Mayor and the two Trustees if all three had just been attending an earlier meeting. If so, that would have constituted a quorum which in turn would of course have made it a public meeting. In the presence of the Village’s lawyer, John Fairbairn, III, no one denied that they had indeed met as a quorum.

We can all make our own conjectures as to what was discussed and why those calling the meeting wanted to keep the discussion a secret from the Fleischmanns public and two of their elected representatives. Any secret meeting raises the question as to whether private interest rather than the public benefit is being served—and if so, whose?

The facts are not open to conjecture, however. The meeting violated a law essential to any democracy and any free people. It raises a question as to whether or not other secret meetings have been held. When? With what agendas? Leading to what decisions?

I write this letter to remind all elected and appointed Village Officials now and in the future of their obligation to the public to act responsibly and in full compliance with the Open Meeting law.

The email dated Jan. 16, 2012, from Kent Manuel to Trustee Grossman read “Here is the requested meeting notice.”

The email dated Jan. 4, 2012 from Larry Reilly to Wayne Reynolds, Graydon Dutcher, Middletown Supervisor, and earthwalker@catskill.net read as follows:

We would like to have a meeting to continue our discussions regarding the bridge and stream issues in the Village. Specifically, the Vly Creek work at Mill Street, the park wall restoration work, and the former Bridge Street and Lake Switzerland bridges. If possible, this coming Monday, January 9th at 2:00 p.m. at the Skene Library, works for Mayor Morell and other Village Trustees.

Please let me know if this works for your schedules. If this doesn’t work, please advise alternate times/dates next week.

Thanks

Larry Reilly

Benjamin Fenton/Response

Village Trustee Benjamin Fenton apologized to the public & the Board advising a mistake was made & that nothing was sinister. It is Ben’s passion to have this Village recover back to better than it was & he might possibly make mistakes along the way. The meeting was held with good intentions to get the Village moving forward on flood recovery efforts. Ben also announced that there had been no secret quorum meetings held that he was aware of.

Deputy Mayor Todd Pascarella advised that discussions with Wayne Reynolds were being held about the County's take on the Village bridge issues. It was one of countless meetings since the flood to their infrastructure so that we can try and dovetail our efforts in terms of our FEMA reimbursements, etc.; a strictly informational meeting without any sinister intent.

Vouchers

Motion made by Harriet L. Grossman to pay the following vouchers for the month of March, 2012: General Fund, Abstract # 57, Vouchers # 277 through 297 totaling \$9,592.48; General Fund, Abstract # 59, Vouchers # 298 through 299 totaling \$99.84; Water Department Fund, Abstract # 13, Vouchers # 47 through 50 totaling \$249.97; Sewer Department Fund, Abstract # 10, Vouchers # 99 through 111 totaling \$35,085.50; Water Project Fund, Abstract # 7, Vouchers # 12 through 13 totaling \$10,695.38. Motion seconded by Fred Woller. Harriet L. Grossman-Aye. Fred Woller-Aye. Todd Pascarella-Aye. Benjamin Fenton-Aye. All in favor. Motion so carried.

Adjourn

Motion made to adjourn by Todd Pascarella. Motion seconded by Benjamin Fenton. Todd Pascarella-Aye. Benjamin Fenton-Aye. Harriet L. Grossman-Aye. Fred Woller-Aye. All in favor. Motion so carried.