

Village of Fleischmanns
Public Hearing
March 21, 2011

The Village of Fleischmanns Board of Trustees held a Public Hearing on proposed Local Law # 1 of 2011 at 5:45 p.m. at the Skene Memorial Library. The proposed law is intended to repeal Local Law # 2 of 1997 commonly known as the “Village of Fleischmanns Zoning Law,” and replace it with a revised “Village of Fleischmanns Zoning Law.”

Present at the Public Hearing were: Mayor David Morell, Deputy Mayor Todd Pascarella, Harriet L. Grossman and Fred Woller. Village Trustee Benjamin Fenton was absent.

Opening of Public Hearing

Mayor Morell opened the meeting to the public for comment. Village Trustee Harriet L. Grossman advised that she thought only Village residents should be on the Planning Board. Mayor Morell advised that when he took office in 2009, several of the seats on the Planning Board & the ZBA were vacant. Due to the small population in Fleischmanns, the Village needs to open those empty seats to those who have the time and energy for public service. Additionally, the Village needs to meet the requirements for a quorum.

Closing of Public Hearing

Motion made by Fred Woller to close the Public Hearing. Motion seconded by Todd Pascarella. Fred Woller-Aye. Todd Pascarella-Aye. David Morell-Aye. Harriet L. Grossman-Aye. Benjamin Fenton-Absent.

Mayor Morell proceeded to open the regularly scheduled Board Meeting at 6:00 p.m.

ENB – REGION 3 NOTICES
Negative Declaration

The Village of Fleischmanns (Delaware) County - the Village of Fleischmanns Village Board, as Lead Agency, has determined that the adoption of the proposed Local Law No. 1 of 2011 repealing the Village of Fleischmanns' Ordinance No. 57 of 1937 "Signs" and Zoning Law and replacing them in their entirety with Chapter 100 "Zoning," which includes appended Design Guidelines for the new MX-Mixed Use District will not have a significant adverse environmental impact. The Village Board as Lead Agency declares that the Proposed Action will not have an adverse impact on the environment and issues this Negative Declaration.

The determination of non-significance followed one (1) public hearing on Local Law No. 1 of 2011 and the preparation and review of the Full Environmental Assessment Form Parts 1, 2 and 3. Based upon the environmental review, the Village Board determined that the adoption of Local Law No. 1 of 2011 would enhance environmental protection and protect the health, safety and welfare of the Village's residents.

Copies of Local Law No. 1 of 2011 and Full Environmental Assessment Form, Part 1, 2 & 3 were made available at the Skene Memorial Library. To view a printed copy of these documents, please contact:

Contact: Hon. David Morell, Mayor, Village of Fleischmanns, 1017 Main Street, PO Box 339, Fleischmanns, New York 12430.
(845)254-5514.

**Village Board of the Village of Fleischmanns
Negative Declaration Under SEQRA and**

**Adoption of Local Law No. 1 of 2011
Resolution Determining Significance Under SEQRA
With Respect to Adoption of Local Law No. 1 of 2011**

At the Regular Village Board Meeting
Of the Village of Fleischmanns , New York
Held at the Skene Memorial Library on
Monday, March 21, 2011 and

Upon motion made by David Morell and seconded by Todd Pascarella,
the following resolution was duly adopted:

Whereas, the Village Board of the Village of Fleischmanns (“Village Board”) has determined that the adoption of the Local Law No. 1 of 2011 creating a new Zoning Law for the Village of Fleischmanns is desirable and necessary; and

Whereas, upon review of the proposed action, the Village Board, which declared itself to be lead agency under SEQRA by resolution dated November 15, 2010, determined that the project was subject to the State Environmental Quality Review Act (ECL, Article 8) and its implementing regulations (6 NYCRR Part 617) (collectively, “SEQRA”); and

Whereas, the Village Board compared the proposed action to the thresholds for classifying this action as set forth in 6 NYCRR Section 617.4 and determined that the project constitutes a Type 1 action pursuant to SEQRA; and

Whereas, the Village Board subsequently prepared a Full Environmental Assessment Form (“EAF”) Part 1, 2, and 3 for the Proposed Action, which Full EAF has been fully reviewed by the Village Board; and

Whereas, the Village Board held a Public Hearing on the draft Local Law on December 20, 2010 and

Whereas, the Village Board subsequently made minor revisions to the draft Local Law to respond to substantive public comments and recommendations of the Village Board and its staff members; and

Whereas, the Proposed Action was referred to the Delaware County Department of Planning (“County Planning Department”) pursuant to Section 239-m of the General Municipal Law; and

Whereas, the County Planning Board did not provide a written referral

response, but indicated by e-mail the Village Board could proceed with adopting the Local Law; and

Whereas, the Village Board held a Public Hearing on Local Law No. 1 of 2011 on March 8, 2011 and no controversy was raised regarding the Local Law; and

Now, Therefore Be It Resolved that, pursuant to SEQRA, the Village Board of the Village of Fleischmanns, based upon its review of the Full EAF makes the determinations that according to its review of the Full EAF, including the expanded Part 3 thereof, there will be no significant adverse impacts on the environment as measured against the criteria for determining significance under 6NYCRR Section 617.7©; and be it

Further Resolved, this resolution is a Negative Declaration under SEQRA and the information required by 6 NYCRR Section 617.12(a) is attached hereto and incorporated herein; and be it

Further Resolved, the Village Board hereby directs the Secretary of the Board to file a copy of this resolution with (a) the Mayor of the Village of Fleischmanns, (b) the lead agency, (c) all involved agencies, (d) any person who has requested a copy; and be it

Further Resolved, the Village Board hereby adopts Local Law No. 1 of 2011 in accordance with NYS Municipal Home Rule Law and Article 7, Sec. 7-708 of the Village Law of the State of New York.

Further Resolved, that this resolution shall take effect immediately.

Lorraine DeMarfio, Village Clerk
Village of Fleischmanns

Dated: March 21, 2011

State of New York)
)ss
County of Delaware)

I, Lorraine De Marfio, Village Clerk of the Village of Fleischmanns,

New York, do hereby certify that the foregoing is a true and correct transcript of a resolution adopted by the Board of Trustees of the Village of Fleischmanns, New York on March 21, 2011 and the whole thereof.

Lorraine DeMarfio, Village Clerk
Village of Fleischmanns

Motion made by David Morell to adopt the above resolution. Motion seconded by Todd Pascarella. David Morell-Aye. Todd Pascarella-Aye. Harriet L. Grossman-Aye. Fred Woller-Aye. Benjamin Fenton-Absent. Motion so carried.

Delaware County Planning Board/Shelly Johnson

Shelly Johnson answered all questions from the Village Board and the public.

Public Hearing

Motion made by Harriet L. Grossman to hold a Public Hearing on Monday, May 16, 2011 at the Skene Memorial Library at 5:45 p.m. to determine if the Village Board should pass a resolution making a decision as to allowing DEP to purchase certain parcels and place restrictions prohibiting future residential and/or commercial development on parcels that have been identified as important to the long-term sustainability of the Fleischmanns community. Under Special Condition 10, the Village Board has discretion whether to prohibit the City (and/or its agents) from purchasing parcels or conservation easements located in areas denoted as the 1997 Designated Hamlet Area and the 2010 Expanded Designated Area. The Public Hearing will be held to provide the public an opportunity to comment on these determinations. Motion seconded by Fred Woller. Harriet L. Grossman-Aye. Fred Woller-Aye. David Morell-Aye. Todd Pascarella-Aye. Benjamin Fenton-Absent. Motion so carried.

Delaware Engineering

John Brust advised that DOH is in receipt of the plans for replacement of water lines on Old Halcott Road and Switzerland Ave. as well as Schneider Avenue as an alternate, depending on the funding. Village Trustee Harriet L. Grossman asked that her water line on Bridge Street be a priority also since she pays taxes, water, and sewer, but she cannot drink her water. Mayor Morell advised that the Bridge Street water line would be the 1st subject on the agenda at the next Workshop Meeting.

Delaware Operations

Purchase Orders

Motion made by Fred Woller to approve the following purchase orders for the WWTP: Cole-Parmer, replacement effluent sample pump-R-75102-00, 1 at \$425.00, total cost of request \$425.00 plus shipping, reason for purchase: replace broken effluent sampling pump; Reliable Office Supplies, total cost of request: \$164.00, office supplies used at facility. Motion seconded by Harriet L. Grossman. Fred Woller-Aye. Harriet L. Grossman-Aye. David Morell-Aye. Todd Pascarella-Aye. Benjamin Fenton-Absent. Motion so carried.

Monthly Report

Lou Dibble submitted a February 2011 WWTP report which indicated that the daily average flow in Feb. of 2010 was 18,798 and the Feb. 2011 flow is 17,386.

Lou Dibble reported he had the renewal contracts, the first being the service contract with Atlantic Detroit Diesel in the amount of \$1,898.00 for maintenance of good working conditions of on site equipment. This contract is \$19.00 higher than in 2010; the service contract with Hach Control Instruments Yearly contract at a total cost of \$2,035.00 to maintain good working condition of on site equipment. Hach's contract is \$63.00 higher than it was in 2010. Lastly, a service contract with Air Compressor Engineering in the amount of \$1,010.00, to maintain good

working condition of on site equipment. This contract is \$12.00 higher than 2010. We also have a service contract with General Controls. They come in and perform the control work. It's a basic agreement which you pay as you go for \$449.95.

Lou Dibble also presented the Village Board with a list of overdue sewer accounts as of March 15, 2011 totaling \$15,287.54. Discussion was held as to the accounting procedure for re-levied sewer bills. An up-dated listing of delinquent sewer accounts will be presented to the Village Board at the April 2011 Board Meeting.

Lateral Connections

Mr. Dibble advised that the property owner at 27 Ellsworth Avenue picked up the paperwork for the lateral connection.

Mark Project/Peg Ellsworth

There have been six projects approved by the Selection Committee. There are another four (4) preliminary applications on file. Work has begun at Mark Birman's property at 1053 Main Street. Wray Rominger's property is going to have a bid opening on Friday. The Skene Library is getting some work done and their bid opening is on the 1st of April. Special permission was given from the State to use Main Street funding at the Library because it's actually owned by the municipality. Work scopes are still being written based on the owner's input for the other work & there are others who do not respond to correspondence. The next step is to go back to the Selection Committee and pound the pavement one more time in the target district & if we do not have any other takers, we can start to jump target boundaries. It's moving along ahead of schedule & we have two (2) years to complete the project. The Village Board should start thinking about the street-scape component which would mean an appointed member of the Board would work with some other community members on the street-scape component.

Peg Ellsworth answered all questions from the public. Peg advised she could not release names of those for home repair funds. The Home

Repair Program and the Community Development Block Grant is based on income eligibility unlike the Main Street Program and it's strictly for owner occupied housing, but we are working on four Village homes, two of which are working in connection with the Main Street Program.

The park proposal was funded at half the level that was requested so the scope of that needs to be revised so we can get it to the State. Harriet L. Grossman & Todd Pascarella will work with Peggy Ellsworth on the revision to bring back to the Village Board for approval.

Since so much time has gone by the Smart Growth can also be revised to the budgeted level that they funded. The estimates on the sidewalks alone could have gone up substantially.

Peggy Ellsworth explained to everyone how grants work insofar as matching grants where recipients must provide a certain amount of cash or in-kind services to be used in carrying out a grant project. Sometimes a dollar-for-dollar match is required. This means that for every dollar received the recipient must provide a matching dollar in services, cash, or volunteer hours, etc. She answered all questions from the public and the Village Board.

Margaretville Catskill Mountain Youth Soccer

The following letter dated March 17, 2011 from Lanore J. Miller, Asst. Soccer Coach of Margaretville Catskill Mountain Youth Soccer was read aloud:

Good Evening, once again we would like to request the use of the Village field for the Margaretville Catskill Mountain Youth Soccer program. The local soccer program for children in grades kindergarten to 3rd grade at Margaretville Central. Would it be possible to use the field on the following Monday's and Thursday's from 5:15 p.m. until 7:45 p.m. during the month's of April, May, and June? We will provide a current certificate of insurance once we receive the approval of the field. Thank you for letting the community use the field.

The dates would be as follows:

Mondays

May 2nd

May 9th

May 16th

May 23rd

Thursdays

April 28th

May 5th

May 12th

May 19th

May 26th

Tues. May 31st

June 6th

June 2nd

June 9th

Motion made by Harriet L. Grossman to approve the above soccer schedule. Motion seconded by David Morell. Harriet L. Grossman-Aye. David Morell-Aye. Todd Pascarella-Aye. Fred Woller-Aye. Benjamin Fenton-Absent. Motion so carried.

Workshop/Budget

Motion made by Harriet L. Grossman to hold a Workshop on Monday, at 4:00 p.m. Motion seconded by Fred Woller. Harriet L. Grossman-Aye. Fred Woller-Aye. David Morell-Aye. Todd Pascarella-Aye. Benjamin Fenton-Absent. Motion so carried.

Vouchers

Motion made by Fred Woller to pay the following vouchers for the month of March, 2011: General Fund, Abstract # 69, Vouchers # 275 through 295 totaling \$11,874.52, General Fund, Abstract # 70, Vouchers # 296 through 303, totaling \$5,440.97, General Fund, Abstract # 73, Vouchers # 304 through 305 totaling \$1,800.00; Water Department Fund, Abstract # 21, Vouchers # 46 through 50 totaling \$2,251.04; Sewer Department Fund, Abstract # 10, Vouchers # 103 through 114 totaling \$22,678.67; Water Project Fund, Abstract # 18, Vouchers # 38 through 40 totaling \$22,428.08. Motion seconded by David Morell. Fred Woller-Aye. David Morell-Aye. Todd Pascarella-Aye. Harriet L. Grossman-Aye. Benjamin Fenton-Absent.

Adjourn

Motion made by Todd Pascarella to adjourn. Motion seconded by David Morell. Todd Pascarella-Aye. David Morell-Aye. Harriet L. Grossman-Aye. Fred Woller-Aye. Benjamin Fenton-Absent.