

Village of Fleischmanns
Board Meeting
April 25, 2011

The Village of Fleischmanns Board of Trustees held their regular monthly meeting at the Skene Memorial Library at 6:00 p.m. Present were: Mayor David Morell, Deputy Mayor Todd Pascarella, Harriet L. Grossman, Fred Woller and Benjamin Fenton.

Mark Project/Peggy Ellsworth

Peggy Ellsworth advised she had met with Village Trustee Harriet L. Grossman and Todd Pascarella as to a revised scope of work for the park since the Village's request was under-funded.

OPRHP/Revised Scope of Work

Motion made by Todd Pascarella authorizing Mark Project to submit a revised scope of work to the New York State Office of Parks, Recreation and Historic Preservation to include from the watercourse out towards the stream, and deal with the development of the beach area, the restructure of the basketball courts and the playground. Motion seconded by Harriet L. Grossman. Todd Pascarella-Aye. Harriet L. Grossman-Aye. David Morell-Aye. Fred Woller-Aye. Benjamin Fenton-Aye. All in favor. Motion so carried.

Peg Ellsworth discussed options as to the scope of work under the Smart Growth Program for Fleischmanns Sidewalks and Park Improvements.

Smart Growth/Revised Scope

Motion made by Benjamin Fenton to have the Mark Project submit a revised scope of work under the Smart Growth Program for repair of the sidewalks and the retaining wall to New York State DEC. Motion seconded by Harriet L. Grossman. Benjamin Fenton-Aye. Harriet L. Grossman-Aye. David Morell-Aye. Fred Woller-Aye. All in favor. Motion so carried.

Peggy Ellsworth explained the workings of the Main Street Grant Applications, the procedures, and what projects were or were not eligible & procedures for bringing buildings up to code. All questions from the Board and the public were addressed.

Third Annual Ride & Peek/ & Bicycle Race

A “ride” event will be held Sat., Aug. 20th & a “race” Sun., 21st with routes that go through Fleischmanns. Village Trustee Fred Woller will be the liaison to meet with Michael Wentland and his art work will be inter-weaved into the race as well.

Delaware Operations/PO's

Motion made by Harriet L. Grossman to approve the following purchase orders for the month of April, 2011: Slack Chemical, 60% Magnesium Hydroxide, 55 gal. drums. 110gal. at \$3.60/gal, total cost of request: \$396.00, reason for purchase: chemicals used in the treatment process; Slack Chemical, ammonia 19%; in 55 gal. drums, 110 gal. at \$3.17/gal, total cost of request: \$349.00, reason for purchase: chemicals used in the treatment process to augment influent flows to prepare for the change in village population coming in June, 2011.; Slack Chemical, bulk coagulant (PAC), gal., 300 gal. at \$2.49/gal, total cost of request \$747.00, reason for purchase: chemicals used in the treatment process; Dwyer Controls, air flow regulators for dual-sand air cabinets, total cost of request \$200.00 plus shipping, reason for purchase: one regulator has gone bad and one would be for stock; Cole-Parmer, L/S 25 pump tubing S-06404-25, two at \$47.50, total cost of request: \$95.00 plus shipping, reason for purchase: chemical tubing for magnesium hydroxide feed. Motion seconded by Fred Woller. Harriet L. Grossman-Aye. Fred Woller-Aye. David Morell-Aye. Todd Pascarella-Aye. Benjamin Fenton-Aye. All in favor. Motion so carried.

Monthly Report/March 2011

Lou Dibble presented the Village Board with a monthly report for March 2011. He advised that at this time the Wastewater Facility 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.

Unpaid Sewer Accounts

Lou Dibble presented a listing 66 properties of unpaid sewer amounts as of April 15, 2011 totaling \$13,509.40. An up-dated listing will be presented in May, 2011 for unpaid sewer which amounts will be relieved on the June 1, 2011 Village tax bills. Mr. Dibble advised there had been no activity on lateral connections. It was noted that Delaware Operations had reimbursed the Village \$665.64 for the drum pump end purchased through USA Bluebook.

Village Trustee Benjamin Fenton gave an up date on the usage of the Fleischmanns Village website. He advised that Winifred Zubin had signed the Village up for Google Analytics which will provide us with a number of unique visitors & hits. The Fleischmanns Flyer is now available on the Fleischmanns Website.

Organizational Appointments

Motion made by Benjamin Fenton to appoint:

- a) Chief Fiscal Officer-Mayor David Morell
- b) Deputy Mayor-Todd Pascarella
- c) Village Attorney-John R. Fairbairn, III
- d) Bond Counsel-Paul Reichel of Bond, Schoeneck & King
- e) Village Clerk, Village Treasurer, Village Record Keeper, Village Tax Collector, Village Water Rent Collector, and Village Sewer Rent Collector-Lorraine De Marfio
- f) Business Advisory Group Liaison-Benjamin Fenton
- g) Part Time Account Clerk-Russell Schebesta
- h) Highway Superintendent-Todd Pascarella
- i) Deputy Registrar-Harriet L. Grossman
- j) Deputy Registrar-Glenna Herz
- k) Signatories-Mayor David Morell, Deputy Mayor Todd Pascarella & Lorraine DeMarfio, Village Treasurer with checks over \$500.00 requiring two (2) Signatures
- l) Official Bank-Community Bank, N.A.

- m) Official Newspaper-Catskill Mountain News
- n) Village Board Regular Monthly Meeting Dates-3rd Monday of each month
- o) Fire Department Liaison-Fred Woller
- p) Mileage Reimbursement-Current Federal Rate for Reimbursement
- q) Recreation & Parks-Todd Pascarella
- r) Advance Disbursement of Funds Prior to Board Approval for Postage, Utilities, and Grant Funding

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

Eric Preisendorfer, President of DnEP Corp.

A letter dated April 24, 2011, addressed to the Village Clerk, Lorraine DeMarfio, from Eric Preisendorfer, President of DnEP Corp., regarding 684 Wagner Avenue, Fleischmanns was read aloud as follows:

As you know, DnEP Corp. owns the former Fleischmanns School bus garage located at 684 Wagner Avenue. DnEP has recently been contacted regarding possible impending action by the Village of Fleischmanns Code Enforcement Officer concerning alleged non-conforming use of the premises.

The premises at 684 Wagner Avenue were originally constructed by the Fleischmanns Central School District as a school bus garage and repair shop. Upon dissolution of the school district and subsequent merger with Margaretville Central School the property was purchased by Pine Hill Trailways Bus Line and continued to be used as a garage, repair shop and storage facility. In 2004 the property was purchased by Richard Berg who sold it to DnEP Corp. in 2005. During Mr. Berg's ownership V.W. Parts, Inc. used the premises for loading and unloading vehicles, for short term storage, and for minor repairs. Since DnEP's purchase in 2005 the premises have continued to be used as a garage, repair shop and storage facility. In fact, the premises has been used as a garage, automotive repair shop and storage facility continuously in

excess of forty years. DnEP Corp. has consulted with its attorneys and has been advised the premises are clearly “grandfathered” as a garage, automotive repair shop and storage facility. DnEP Corp. requests the Village of Fleischmanns to recognize its legal rights in this regard.

DnEP Corp. purchased the premises with the intent to continue its use as it had been used for decades. DnEP has continued such use since its purchase. Any attempt to deny DnEP Corp. “grandfathered” status would unjustly deprive DnEP Corp. of the benefit of its property and constitute an unlawful taking. DnEP continues to use its premises the same as other businesses engaged in the same activities within the Village of Fleischmanns.

DnEP desires to continue to be an active member of the Fleischmanns business community and welcomes an opportunity to work with the Village regarding any issues Village officials may have concerning 684 Wagner Avenue.

CC: Carl P. Davis, CEO

John R. Fairbairn, III, Esq. Village Attorney

Mayor Morell addressed the public asking if anyone in the audience was present representing DnEP Corp. noting that the above letter was on the agenda and the Board was ready to take & hear any comments DnEP might possibly have.

The Village Board agreed to discuss the above issue in Executive Session.

Biomass Energy Resource/Todd Pascarella

Todd Pascarella advised he had met with Jim Waters of the CFA & had a conference call with people doing a feasibility study for biomass energy in Fleischmanns, which is presently in the gathering stage. A survey has been prepared for the public, and there is a need to hold an informational meeting on biomass energy to introduce it to the public & answer questions so hopefully it will be understood & received in its

potential to have a place in Fleischmanns.

Village Board members will work on possibly advertising for an informational meeting if time allows slated for May 4th at 6:00 p.m.

Trustee Benjamin Fenton also had 40 copies of Biomass District Energy Survey's he wanted to personally distribute to the public.

Museum/Complaint

An e-mail dated Saturday, April 9, 2011 addressed to the Village Board of Trustees from Peggy Kearney was read aloud as follows: Hello all, sorry to have to bring this to your notice just when the weather is getting nice.

Last week three of us, John Duda, Billy from the mark Main Street project, and I, were at the Museum looking over the building regarding some upkeep. I was the first to step off the ramp and into dog poop. I looked around and asked the others to be careful as there was a lot of the poop around. As it turned out all three of us stepped into poop as there was so very very much of it.

I can't imagine where it came from as some of it was very new, but some rather dried up. To me it looked like someone was using the grass at the front of the Museum as a regular place for his/her dog to poop.

It is uncomfortable for those of us who use the Museum to step in the poop, but I would imagine that the Village Crew who take care of the grass might be more unhappy. There is so much poop, or bombs, if you prefer that it is very difficult to walk without getting into it.

Maybe one of you knows who has a dog(s) that would use that grass and you could speak with him/her and ask that he/she clean up after the dog(s)

Thanks.

Tentative Budget/2011-12

Mayor Morell officially presented the tentative budget to the Village Board of Trustees. He advised there might be some small changes, but nothing substantial. The budget will include no tax increases again.

Workshop & Public Hearing

Motion made by Harriet L. Grossman to hold a Workshop Meeting on Monday, May 2, 2011 at 4:00 p.m. and to hold a Public Hearing on the 2011-12 Village fiscal budget on Monday, May 2, 2011 at 5:10 p.m. Motion seconded by Benjamin Fenton. Harriet L. Grossman-Aye. Benjamin Fenton-Aye. David Morell-Aye. Todd Pascarella-Aye. Fred Woller-Aye.

Coalition of Watershed Towns

No nominations were made by the Village Board as to the election of members of the Coalition of Watershed Town's Executive Committee.

LaCabana Mexican Restaurant & Motel Inc.

Rosalba Garcia, Vice President of La Cabana Mexican Restaurant & Motel Inc. formerly notified the Village of Fleischmanns of their intent to file a renewal application for their liquor license with the New York State Liquor Authority.

Village Trustee Fred Woller had some concerns he will put in letter format & will formerly address them at the next Village Workshop meeting to be held on May 2, 2011. In general, the Village Board supported renewal of their application.

Resolution/Joint Sale of Tax Acquired Properties By the Village of Fleischmanns And the County of Delaware

At the Regular Village Board Meeting
Of the Village of Fleischmanns , New York
Held at the Skene Memorial Library on
Monday, April 25, 2011 and

Upon motion made by Benjamin Fenton and seconded by Todd Pascarella 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;

Now, Therefore, Be It Resolved that the County of Delaware sell the interest of both municipalities, the proceeds from said sale shall be divided in proportion to the taxes owed each entity for the years 2009-2010. Each parcel to be treated individually.

287.13-2-31	DLS Enterprises LLC	
\$4,495.75		
286.20-2-3.41	HD Construction	
Inc.		00.00
287.13-2-22	Hrazanek William & Rafael Perez	
\$4,316.79		
287.17-2-3	Isenady	
Wilner		5,915.33
287.18-2-25	Kingsway	
Realty		3,090.34
287.18-7-3	Mami Frank &	
Regina		00.00
287.17-4-8	Morell Barry David & Elizabeth	
1,206.14		
287.18-2-2	Schnitzler Bela &	
Martha		7,695.39
287.18-6-6	Westerfeld,	
Craig		4,659.67

Dated: April 25, 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 & correct transcript of a resolution adopted by the Board of Trustees of the Village of Fleischmanns, New York on April 25, 2011 and the whole thereof.

Lorraine DeMarfio, Village Clerk
Village of Fleischmanns

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

Museum/John Duda

The Following letter addressed to Mayor Morell & the Village Board dated April 14, 2011 from John Duda was read aloud as follows:

I am unable to attend the next couple of Village Meetings, but wanted to update you on some Museum matters.

We are looking forward to opening for our 34th Season on Memorial Day Saturday, in conjunction with the Street Fair, MAC marathon, and all other activities in Fleischmanns that day. We hope to have two new exhibits—one of Fleischmanns base ball history, the other focusing on People of Fleischmanns.

I assume most of you are aware that the Main Street Grant program is underway, thanks to some great work by Peg Ellsworth. (The Library is already well on the road to some needed repairs.) The Museum is also hoping to participate in this program. Because there was some ill-will a while back regarding work done at the Museum, I want to let you know in advance what we are hoping to accomplish, and receive your OK.

For this particular program, it will be the Museum itself applying—apparently New York State has some provisions in this program that municipalities are not to directly participate. (Peg Ellsworth could explain this to you far better than I can.) But because this building is owned by the Village, I am writing to ‘clear this’ with you.

We are hoping to: repair the existing windows, in some cases replacing panes, in other cases additional work. Make minor repairs on the stairs, some of which are somewhat loose. Repair the 2nd floor hatch door so that it closes properly and safely. Wall off the back right corner of the first floor to install a summer-only bathroom and sink for

Museum staff. (When the foundation was redone in 2004, some piping was put in to provide for this; I believe when the sewer was put in a few years later this piping was hooked up to the sewer and water systems.) The rest of the walled-off area would serve as office space. This would also entail some additional electric wiring. And finally repaint the exterior—if you look you can see that there is some paint peeling already, and we would like to address this before it gets worse. With the tough restrictions on dealing with lead paint, the longer paint deteriorates, the worse the clean-up/repair can be.

Again, we are not asking the Village to DO anything on this—we are already working on the scope of work with the MARK Project. For your information, if we cannot secure all the matching funds through donations, some of our funding from the Village may go towards the Main Street match; but again this is not asking anything extra of you. But I just want you all to be aware that this is underway, so there are no questions later or ill-feelings that anything was done ‘behind your backs.’

If you have any questions on this, I would be happy to talk with you/meet with you. But as I said above, I will not be able to attend the next several Village Meetings, so thought it best to send this letter. My fellow Museum Trustee Peggy Kearney is also participating in this, and could also speak on this with you.

Motion made by David Morell to extend the Village’s support to The Greater Fleischmanns Museum of Memories. Motion seconded by Harriet L. Grossman. David Morell-Aye. Harriet L. Grossman-Aye. Todd Pascarella-Aye. Fred Woller-Aye. Benjamin Fenton-Aye. All in favor. Motion so carried.

Health Insurance

Motion made by Todd Pascarella to cancel the Village’s Health Insurance plan with United Health Care and provide coverage effective June 1, 2011 through Excellus Healthy Blue HDHP. Motion seconded by David Morell. Todd Pascarella-Aye. David Morell-Aye. Harriet L. Grossman-Aye. Fred Woller-Aye. Benjamin Fenton-Aye. All in favor. Motion so carried.

Pump Station Rental/Rob Allison

Village Trustee Benjamin Fenton read aloud a letter dated April 16, 2011 from Robert W. Allison, Sr. of the Catskill Region Surveying Services, P.C.:

Dear Ben,

Thanks for your help and thoughtful discussions about the Main Street building. As discussed at our site meeting, our company, Catskill Region Surveying Services, P.C. (CRSS) would like to enter into a one year lease. CRSS is offering the following: \$300.00 per month plus routine lawn and driveway maintenance at the facility. As discussed the Village would be providing all utilities for the structure. This is understood to include sewer, water, electric and heat.

We would like, with the approval from the Village Board, the ability to install a sign, a flagpole, and some flower barrels on the exterior. CRSS would also like to request that parking on the property during the hours of 7 a.m.-5 p.m. is restricted for Village or CRSS business.

We are excited to have our home base in Fleischmanns, and hope to add staff to our team in the future and create a few new jobs. We look forward to further discussion about your facility and thank you for the respect you have shown us to date.

The Village Board addressed different options as to bringing business into the Village, having the Delaware County Sheriff use the Pump Station as a sub-station, increasing the amount of the rental, etc.

Motion made by Benjamin Fenton to accept the above proposal of Robert Allison. Motion seconded by David Morell. Benjamin Fenton-Aye. David Morell-Aye. Fred Woller-Nay. Harriet L. Grossman-Nay. Todd Pascarella-Aye. Motion so carried.

For the record, Village Trustee Harriet L. Grossman, said she was not prepared to vote on this issue and wanted a place in the Village for the Delaware County Sheriff to use as a substation. Village Trustee Fred Woller stated that he was not in favor of renting the pump station at \$300.00.

Vouchers

Motion made by Todd Pascarella to pay the following vouchers for the month of April, 2011: General Fund Abstract # 77, Vouchers # 306 through 325 totaling \$11,550.75; General Fund Abstract # 78, Vouchers # 326 totaling \$916.67; Sewer Department Fund, Abstract # 11, Vouchers # 115 through 122, totaling \$24,601.85; Water Department Fund, Abstract # 23, Vouchers # 51 through 53 totaling \$455.14; Water Project Fund, Abstract # 19, Voucher # 41 totaling \$800.75. 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.

Executive Session/Litigation

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

Open Session

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

Adjourn

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