

VILLAGE OF MAYBROOK BOARD OF TRUSTEES MEETING- APRIL 22, 2019

MEMBERS PRESENT: MAYOR DENNIS K LEAHY, DEPUTY MAYOR ROBERT PRITCHARD, TRUSTEE KEVIN GREANY, TRUSTEE JAMES R BARNETT, TRUSTEE DARYL CAPOZZOLI

ALSO PRESENT: ATTORNEY KELLY NAUGHTON, ENGINEER SEAN HOFFMAN, SERGEANT MICHAEL MARESCA, DPW SUPERINTENDENT MATTHEW THORP, CLERK-TREASURER VALENTINA JOHNSON

PUBLIC PRESENT: BOBBIE SUE CONKLIN, DELLA MIKULSKI, EDWARD WILLIAMS, CHARLIE & JENNIFER WOZNICK, DONNA BARLETTA, LAUREN PALEY, PAT WALCOTT, TOM WALCOTT, MAUREEN WALKEWICZ, MIKE WALKEWICA, LINDA & MICHAEL AMODIO, MARIE LOWN, LAURA FITZGERALD

**APPROVAL OF MINUTES**

Motion by Trustee Greany, seconded by Trustee Pritchard, approving the minutes of the April 8, 2019 meeting as presented. 5 ayes, 0 nays.

**APPROVAL OF BILLS & CLAIMS**

Motion by Trustee Barnett, seconded by Trustee Pritchard, authorizing the following bills and claims as audited by the Board of Trustees:

<b>GENERAL</b>	<b>\$17,186.23</b>
<b>WATER</b>	<b>\$ 5,584.59</b>
<b>SEWER</b>	<b><u>\$23,639.77</u></b>
<b>TOTAL</b>	<b>\$46,410.59</b>

**TRANSFER OF FUNDS**

Motion by Trustee Pritchard, seconded by Trustee Capozzoli, authorizing the following transfer of funds to cover deficit lines in the budget as requested by Clerk-Treasurer:

From: 8989.110A, Reading Room Personal Service- Clerk

To: 8989.400A, Reading Room Contractual

Amount: \$127.14

From: 1410.120A, Training Courses

To: 1410.150A, Special OT

Amount: \$400

**PUBLIC HEARING- 7PM**

**INTRODUCTORY LOCAL LAW #1 OF 2019 OVERRIDING THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW 3-C**

Clerk read the Notice of Hearing and presented the Affidavit of Publication.

Motion by Trustee Barnett, seconded by Trustee Capozzoli, to open the Public Hearing at 7PM. 5 ayes, 0 nays.

Attorney advised on local law which is to allow the intent of the Village of Maybrook to adopt a budget for the fiscal year commencing June 1, 2019 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law 3-c.

Mayor asked if there was any comments from the public.

Tom Walcott advised on past years tax rates, 2017- \$11% increase, 2018- 1% increase, and 2019-9% increase, doesn't think this is reasonable at all.

Mayor advised it would have been 9% last year.

Tom Walcott advised but it wasn't being given it was the Mayoral election.

Mayor advised that has no bearing on it at all, he's running for Town Supervisor this year, why would I think to do it now versus last year? Last year we used fund balance to keep the rate down, that's it.

Tom Walcott advised this is his take on it, that's what he thinks and he's entitled to his opinion. You use \$150,000 assessed home value for an increase of \$190 for the year, not too much concern with that figure. Our population is about 3,300-3500 and our poverty rate is of about 350 individuals on a fixed income surviving on \$750 a month. There are a lot of people hurting here. They don't make a lot of money, residents at the end of Tower Ave, Main Street are working 2-3 jobs.

Mayor advised that the status of a homeowner with an assessed home of \$150,000 home over the last 11 budgets has incurred a \$75 increase a year, which equates to \$800 for the past 11 years, which is pretty reasonable. He doesn't think people are moving out due to the village tax, you have your school tax and town tax which is a lot more than the village taxes.

Tom Walcott advised he thinks it's Valley Central, village, and state taxes is the reason people are leaving.

Board discuss unpaid taxes and explained.

Deputy Mayor advised the County makes us whole, we don't get the money right away, but we do get it.

Tom Walcott advised he doesn't think it's fair.

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Linda Amodio advised that's not the way to do it.

Tom Walcott advised we have zero fund balance and I think it's a problem.

Mayor advised that the Town has 9 million dollars sitting there, that's not a problem? We're not storing you're money away, your tax dollars are at work, if you move Tom and you've paid taxes and I store it away, it's not doing anything for you, what's that money doing for you in there?

Tom Walcott advised you demanded in July for transparency issues and wanted the Town audited for the 9 million dollars in fund balance, we just finished a state audit and this is where we are at.

Mayor advised no we didn't, the state has not audited to date, they came in for an assessment audit and that is when he was told he's under taxing the residents, this is how it came to be with OSC.

Tom Walcott asked how come we can make an observation at the Town and not here at the village?

Mayor advised because their audit also is what pointed out the 9 million they had, and when the State saw our AUD filed it came to their attention, just like the town, it shows when you close the books.

Attorney advised we need to stay focused on the local law.

Mayor advised, hold on he just wants to answer Tom and clarify because that's not what was said. There are three types and we were moderately stressed, and it was by .08%, which sent up a red flag to them, that's where we are at, they saw we are getting a lot done on a small budget and using fund balance to keep the tax rate low, now we need to re-build the fund balance.

Tom Walcott advised there is nothing more he can say.

Linda Amodio asked did you look at the garbage.

Mayor advised the contract is renewed for June 1<sup>st</sup>, we are in contract now, but we will look at it again. When we first started out we did a survey and it came back that most residents were in favor of pick up twice a week, we will put it out there.

Michael Walkewicz asked why do we have recycle they dump it in the same truck?

Mayor advised on truck and will discuss later, anything else on the local law?

James Capach asked about the expenses of the road being built?

Board advised we are way off track tonight.

Mayor advised we are not building a road.

James Capach asked did we annex the property?

Mayor advised no.

Attorney advised the Board to please re-focus on the tax cap.

Motion by Trustee Barnett, seconded by Trustee Pritchard, to close the Public Hearing at 7:15PM. 5 ayes, 0 nays.

Motion by Trustee Pritchard, seconded by Trustee Greany, to adopt local law #1 of 2019 Overriding The Tax Levy Limit Established In General Municipal Law 3-c. 5 ayes, 0 nays.

**ADOPTION OF THE 2019-20 BUDGET**

Motion by Trustee Pritchard, seconded by Mayor Leahy, to adopt the 2019-20 budget as presented.

Trustee Barnett advised he thinks the Board is hesitant because they feel the same way as everyone else, 9% is very high.

Mayor polled the Board:

Trustee Greany- Nay

Trustee Barnett- Nay

Mayor Leahy- Aye

Deputy Mayor Pritchard- Aye

Trustee Capozzoli- Nay

Budget failed on a vote of 3 Nays, 2 Ayes.

Attorney advised the Board must adopt the budget by May 1<sup>st</sup>, and must set a Special Meeting.

Mayor advised we will meet and cut.

**CORRESPONDENCE**

1. AUTHORIZATION, CDBG FY2018 PROJECT BID( MAY 10, 2019, 10AM)- Motion by Trustee Barnett, seconded by Trustee Capozzoli, authoring Engineer to go out to bid project CDBG FY2018, sewer lining, on May 10, 2019 at 10AM. 5 ayes, 0 nays.
2. AUTHORIZATION, REMOVAL OF SIX MONTH PROBATIONARY STATUS FOR POLICE OFFICER CHRISTINE KOHLBERGER- Sergeant Maresca advised Board yes, he recommends removing Officer Kohlberger from probationary status. Motion by Trustee Barnett, seconded by Trustee Greany, authorizing the removal of six month probationary status for Officer Christine Kohlberger effective immediately. 5 ayes, 0 nays.
3. POLICE REPORT, MARCH 2019- Sergeant Maresca advised it was a busy month. Rec. & filed.

**MAYOR'S REPORT**

**TRUSTEES' REPORTS**

**TRUSTEE KEVIN GREANY**-Advised flows were high, issue we had a couple of weeks ago is fixed.

**JAMES R BARNETT**- Advised he rode with Linda, discussed report.

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Advised on Kevin Tuohey's Eagle Scout project at the Danny Meyer Memorial Park, has 130 hours on project with everyone that helped out, Danny was one of our own. Thanked Matt for getting all the supplies, if you get a chance go look at it, he did a wonderful job.

**DEPUTY MAYOR ROBERT PRITCHARD-** Advised he will get together with Sean to talk about the grant for tunnel engineering.

Advised no updates of projects.

**TRUSTEE DARYL CAPOZZOLI-**Advised on Community Center information that was brought up at the last meeting, he has it now.

Advised Matt maybe we can get some work done in the parks and ballfield with the nice weather.

**DEPARTMENT HEADS**

**DPW SUPERINTENDENT MATTHEW THORP-**Advised on work done today in the parks, damage that was done by the tractor-trailer is fixed and we will bill the company for damages.

Advised on storm sewers and catch basins being done.

Advised soccer starts Saturday, VC girls play this week also.

**ENGINEER SEAN HOFFMAN-**

1. **CDBG FY-2020** – In connection with the CDBG FY-2020 application (due this Friday), the Village is required to adopt two (2) resolutions. **Since tonight is the last meeting before the application deadline, these resolutions should be adopted tonight.** I have attached annotated versions (e.g., we have inserted the municipal name, etc.) of the County's sample resolutions. The first resolution authorizes the Mayor to submit the application on behalf of the Village (this resolution is similar to prior resolutions you have adopted). The second resolution affirms the Villages' support of the Federal Fair Housing Law (i.e., Title VIII of the Civil Rights Act of 1968). This is the first time we are aware that the OCD has required adoption of this resolution as a requirement for grant funding. This will require the posting of the Fair Housing Notice on the Village's website which we will coordinate with the Mayor. I have copied Kelly in case there are any provisions of the resolution which you wish to discuss this evening.

The Village of Maybrook is hereby submitting its Application for consideration under the FY-2020 Orange Urban County Consortium Community Development Program and the chief elected official or executive officer is hereby authorized to submit this Application for Sanitary Sewer Lining FY 2020 as described in the proposal. Input from citizens and groups has been received and considered and an application has been prepared which addresses their community concerns. They further certify that they have read and understood the Orange Urban County Consortium Community Development Guidelines for the FY-2020 program year and have met all of its

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applicable requirements and that the information contained in the Application is accurate and true to the best of their knowledge. If awarded CDBG funds, the Village of Maybrook shall implement the activities in a manner to ensure compliance with all applicable federal, state, and local laws and regulations.

_____	_____
Signature of Authorized Representative	April 22, 2019
	Date
Dennis K. Leahy, Mayor	845-427-2717
_____	_____
Printed Name of Authorized Representative	Telephone Number

CERTIFIED TRUE COPY

I, Valentina Johnson, Clerk of the Village of Maybrook, hereby certify that the foregoing is a full, true, and accurate copy of a resolution duly and regularly adopted by the governing body of the municipality, at a meeting duly and regularly held on April 22, 2019, at which quorum was present throughout, and the required majority of the governing body voted in favor of this resolution. I further certify that this resolution is still in full force and effect and has not been revoked or modified.

Dated: \_\_\_\_\_

Signature: \_\_\_\_\_

Motion by Trustee Pritchard, seconded by Trustee Barnett, authorizing Mayor to sign resolution and approving resolution for CDBG FY2020. 5 ayes, 0 nays.

The Village of Maybrook supports Title VIII of the Civil Rights Act of 1968 (Federal Fair Housing Law) and the New York State Human Rights Law. It is the policy of Village of Maybrook (name of municipality) to implement programs to ensure equal opportunity in housing for all persons regardless of race, color, religion, ancestry, sex (including pregnancy), national origin, nationality, familial status, marital or domestic partnership status, affectional or sexual orientation, atypical hereditary cellular or blood trait, genetic information, liability for military service, mental or physical disability, perceived disability, AIDS/HIV status and Lawful Income or Source of Lawful Rent Payment (Section 8). The Village of Maybrook further objects to discrimination in the sale, rental, leasing, financing of housing or land to be used for construction of housing, or in the provision of brokerage services because of race, color, religion, ancestry, sex, national origin, handicap or disability as prohibited by Title VIII of the Civil Rights Act of 1968 (Federal Fair Housing Law) and the New York State Human Rights Law. Therefore, the Municipal Council of Village of Maybrook does hereby approve the following resolution.

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BE IT RESOLVED, that within available resources, the Village of Maybrook will assist all persons who feel they have been discriminated against under one of the aforementioned categories, to seek equity under federal and state laws by filing a complaint with the New York State Human Rights Law and the U.S. Department of Housing and Urban Development, as appropriate.

BE IT FURTHER RESOLVED, that the Village of Maybrook shall publicize this resolution and through this publicity shall cause owners of real estate, developers, and builders to become aware of their respective responsibilities and rights under the Federal Fair Housing Law, the New York State Human Rights Law, and any local laws or ordinances.

BE IT FURTHER RESOLVED, that the municipality will at a minimum include, but not be limited to: (1) the printing and publicizing of this resolution, a fair housing public notice and other applicable fair housing information through local media, community contacts and placement on the Municipal website and in other social media; (2) distribution of posters, flyers, and any other means which will bring to the attention of those affected, the knowledge of their respective responsibilities and rights concerning equal opportunity in housing..

Approved this 22<sup>nd</sup> day of April 2019.

ATTEST:

_____	_____
Signature of Authorized Representative	April 22, 2019 Date
Dennis K. Leahy, Mayor	845-427-2717
_____	_____
Printed Name of Authorized Representative	Telephone Number

Motion by Trustee Pritchard, seconded by Trustee Capozzoli, authorizing the Governing Body Fair Housing Resolution. 5 ayes, 0 nays.

2. **CDBG FY-2018** – You may recall from my last report, in February (2019) OCD revised the requirements for contract documents in response to comments from HUD. We submitted draft contract documents under our March 15, 2019 cover and received comments from OCD’s consultant, Mullin and Lonergan Associates, Inc., on April 11, 2019. We revised the contract documents and resubmitted to OCD on April 18, 2019. I have attached my email to OCD including the revised contract documents which run in excess of 200 pages (you are welcome to review the contract documents, but I attached it here only for your information). Additionally, my email to OCD includes a plan showing the sewers to be lined and a bidding and construction schedule. Depending on bid prices we hope to line approximately 1,180 linear feet of sewer (primarily located south of Oak Street due to eligibility requirements). We are currently scheduled to receive bids May 10, 2019 with the intention to award a contract during your May 13, 2019 meeting and to complete work in July. **As indicated on the agenda previously circulated by Tina, this evening we are asking you to authorize this project to be bid.**

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Motion by Trustee Barnett, seconded by Trustee Capozzoli, authorizing Engineer to go out to bid project CDBG FY2018, and set a Bid Opening date for May 10, 2019 at 10AM. 5 ayes, 0 nays.

**PUBLIC COMMENT**

James Capach asked about the sidewalks getting done in front of his house and he was told that the sidewalks in front of the church are not handicap accessible.

Mayor advised he's not getting sidewalks, it's on the other side of the street.

Marie Lown asked why doesn't the Building Inspector attend these meetings? All of our questions are for him. Where are we at with the deli?

Attorney advised he came in and got a building permit application and has to drop it off, he has until tomorrow at 5PM.

Linda Amodio asked is this for the same violations?

Mayor advised it's incomplete.

Marie Lown asked about 606 Homestead Avenue's tree border, there are mounds of dirt and dead trees.

Mayor advised to come in and fill out a complaint form and the Building Inspector will look at it.

Linda Amodio asked what happens then?

Attorney advised it's investigated by the Building Inspector.

Marie Lown asked if we are getting a Maybrook column again in the newspaper?

Mayor advised no one to volunteer, would you like to do it?

Marie Lown advised she thought about it, but will get back to him, she will think about it.

Marie Lown asked if there is going to be any paving done on Heard Avenue and John Street?

Mayor advised we will see how much we can do when we find out how much CHIPS money we get.

Michael Walkewicz advised on parking issues on the corner of Country Club Drive, who decides on the width and length, it seems quite large, not a good line of sight.

Matt Thorp advised on the NYS law and 20 feet.

Maureen Walkewicz advised that's a serious issue, you can't see a kid or a car.

Matt Thorp advised you'd be taking people's spots away.

Maureen Walkewicz advised to please look at the right turn on Crystal Drive.

Tom Wolcott asked about the crosswalk on Clark Place.



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Engineer advised he spoke to Sean O'Donnell and he advised he's going to develop those lots now, finish the punchlist, sell houses and complete the infrastructure work and said he'd be in this week and including the crosswalk, then wrap everything up. The Village has a bond in place for this.

Deputy Mayor asked if this would be in 4-6 months?

Engineer advised he doesn't control the schedule, Mr. O'Donnell said 2-3 months today.

Tom Wolcott asked if there is a liability issue there?

Engineer advised the signs are up and not a crosswalk, if he doesn't come in by next week, we will follow up from there, they did inspect it last week.

Michael Walkewicz asked when we do have subcontracting work, is it the lowest bid, local?

Mayor advised it is the lowest responsible bid(state bid)

Attorney advised if it's a competitive bid.

Linda Amodio advised on the budget, if you figure your revenues and figure your expenditures, when you do that, do you take that into account?

Mayor advised we did.

Linda Amodio advised she can't understand it, to be off \$100,000.

Deputy Mayor advised it's your best educated guess, throw in two extra snowstorms and your budget's off.

Mayor advised we have a true budget, no fluff and we try to get things done. He's already told the department heads, no spending, and let's hope for some ratables to come in.

Deputy Mayor advised on the tax certs that we've had.

Linda Amodio asked what business?

Deputy Mayor advised Yellow Freight.

Attorney advised the Board can't really know when it's going to happen, the Town's settling them, the village is liable to pay that portion.

Mayor advised there is no overspending, we are the third lowest in the County, advised on comparison.

Linda Amodio advised not what we're spending.

Attorney advised a revenues shortfall also causes a shift in the fund balance.

Deputy Mayor advised on the math and what 2.7% equates to.

Motion by Trustee Barnett, seconded by Trustee Capozzoli, to set a Special Meeting on Monday, April 29, 2019 at 7PM. 5 ayes, 0 nays.

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Motion by Trustee Greany, seconded by Trustee Capozzoli, to enter into executive session for personnel matters and to come out of executive session and adjourn meeting, with no action being taken. 5 ayes, 0 nays. 8PM.

Motion by Trustee Barnett, seconded by Trustee Capozzoli, to exit from executive session at 9:28PM. 4 ayes, 0 nays.

Motion by Trustee Barnett, seconded by Trustee Capozzoli, meeting was adjourned at 9:30PM. 5 ayes, 0 nays.

Respectfully submitted,

Valentina Johnson

Village Clerk-Treasurer