A Village Board Regular Meeting was held on Monday, October 7, 2024 at 7:00 P.M. at Village Hall, 9 Fairlawn Drive, Washingtonville, New York.

PRESENT:

Mayor Thomas DeVinko, Deputy Mayor Donna Jacaruso, Trustee Susan Walski, Trustee Steve Presser and Trustee Vernon Coleman.

ALSO PRESENT:

Village Clerk Christine Shenkman, Village Police Chief Brian Zaccaro and H2O Operations Project Manager Justin Fairbrother.

PLEDGE OF ALLEGIANCE TO THE FLAG:

Mayor Thomas DeVinko led the Pledge of Allegiance to the Flag.

MOMENT OF SILENCE – VICTIMS OF HURRICANE HELENE:

Mayor DeVinko observed a Moment of Silence in memory of the Victims of Hurricane Helene.

PUBLIC COMMENT – AGENDA ITEMS:

Village resident Paul Lang of 10 Patriot Lane expressed the following concerns:

"Will there be discussion regarding financials on the Agenda this evening", and Mayor DeVinko responded "no because there were schedule conflicts with the Auditors."

"It appears that Resolution Numbers may have been used more than once with regard to Agenda matters," and Mayor DeVinko indicated "the numbers are in the process of being corrected."

"Why does the Village have a trailer with equipment in it located on Spindler well property?", and Mayor DeVinko replied "the equipment has been there since installation of the wells occurred and the wells are a necessary water stream if an emergency situation should arise. The Village of Washingtonville has permission from the Orange County Department of Health (O.C. – D.O.H.) to utilize these wells if need be."

"What are the cost of recent repairs that were done on Spindler wells," and the Mayor stated "the cost was approximately \$8,000 but I will verify this fact."

"If the current owner of the wells (Baroda Realty) were to deny the Village use of said wells that could be a problem, and the area where the wells are kept should be fenced in."

"Was the Wastewater Treatment Plant Operations Building Roof Project subject to competitive Bidding and the Mayor responded yes."

"I was hoping the Village Treasurer would be in attendance because I have questions concerning the Village Retirement System billing, and what is the dollar amount that will affect our Budget."

"It is not clear what the Resolution regarding new signage tenant application for approval by the Village Board is about", and Mayor DeVinko stated "the Village Board revised the signage application as well as a new tenant application".

PUBLIC COMMENT - CONTINUED:

Mr. Lang indicated "this is the third time the Village Board revised the application."

Deputy Mayor Jacaruso explained "there have been numerous meetings held for the public, business and landlord owners regarding signage and what the Village's goals are."

Resident Sean Hegarty of 4 Belvoir Drive stated, "I am going to ask questions from the original Agenda I received on Sunday. Two meetings ago it was mentioned that possible raises could be given to the Village Police Department from some of the 4.5 million dollar loan proceeds. Do you truly believe this would be fiscally responsible?"

Mr. Hegarty next indicated "are all employee benefits added in to the \$58.00 amount that was given to me for the cost of a Department of Public Works employee reading water meters?"

Resident Vincent Lang of 9 Plymouth Rock Court questioned "with regard to Resolution Number 137, the LED lighting at the pickleball courts, was that put out to Bid?", and Mayor DeVinko replied, "Yes." Vincent Lang asked "When did that go out to Bid?", and the Mayor commented "a few months ago. There were three (3) price quotations received from RTG Company, Anytime Electric and American Electric and Anytime Electric had the lowest price."

Mr. V. Lang asked "what are the costs to date for the Pickleball Courts including paving, fencing, striping and lighting?" The Mayor replied "approximately \$60,000 for the three (3) Courts. I will provide an exact total at the next Village Board meeting. The funds are expended from the Village Recreation Account which consists of monies from Rieger Homes and Coach U.S.A. Grant monies regarding the New York State Lions Club will be utilized for projects at Firemens Memorial Park."

Mr. Vinny Lang questioned "with regard to Resolution 145 that was tabled at the last Village Board meeting I had asked how many cameras are being purchased for the \$34,500 cost, what type of camera is it, who will be monitoring the camera and is it cloud based or will there be a server?" Mayor DeVinko explained "there are two (2) cameras which will have a server and be housed at the Village Police Department. The cameras will be installed by Route 208 and Route 94 at E.J. McLaughlin Square and by the Village Municipal Lot. We are in the process of installing a camera at Firemens Memorial Park and later on L. Vernon Allen Park and Woodfield Skateboard Park will follow."

Village Police Chief Brian Zaccaro explained "the Village received a State wide Law Enforcement Technology Grant for the purchase of computers, cameras, license plate cameras and any type of technological equipment. I applied for cameras for the Village parks and parking lots and were approved for this Grant."

Mr. Lang continued "there are many downtown cameras in the business areas that the Police Department could access if need be."

Resident Paul Lang of 10 Patriot Lane questioned "with regard to the Bid for the hiring of ABC Roofing for emergency roof replacement work at the Village Wastewater Treatment Plant at a cost not to exceed \$27,500 why did the price increase to \$34,500."

Deputy Mayor Jacaruso stated, "The original estimate remains the same. The increase was due to an additional Warranty."

Resident Paul Lang stated, "I would recommend you vote no on this Resolution and go back to the \$27,500 cost." The Mayor explained "the Village does not have to go with the Warranty but believe it is a good idea to have in place in the event the

PUBLIC COMMENT - CONTINUED:

Company goes out of business for any reason over the next twenty years then the Manufacturer will make the Warranty repairs."

ANNOUNCEMENTS - DISCUSSION:

IN PERSON CREDIT CARD PAYMENT FOR WATER - SEWER AND VILLAGE TAXES:

Mayor Thomas DeVinko announced effective immediately the Village of Washingtonville is now accepting credit cards at the Village Hall payment window with the exception of Building Department Fees. There is a fee for credit card usage implemented by the company. The Village still accepts checks and money orders for payments.

UPDATE - STATUS OF SPINDLER WELLS:

This topic was addressed during the public comment period.

NEW YORK STATE SENATOR JAMES SKOUFIS -- RECEIPT OF DEFICIT FUNDING:

The Village of Washingtonville has received deficit funding in the amount of \$309,000 from New York State Senator James Skoufis's office.

DONATE A TREE PLANTINGS - AHERN BOULEVARD:

The Mayor announced the planting of trees through the Donate A Tree Program is scheduled for Saturday, November 2 at 9:30 A.M. along Ahern Boulevard. The holes for the trees will be pre-dug by the Department of Public Works, and trees will be planted by the families. If anyone is still interested in planting a tree for a loved one or any other particular reason please contact Village Hall at 845-496-3221 to obtain paperwork and cost of each tree.

UPDATE - PAVING - E.J. MCLAUGHLIN SQUARE PARKING LOT:

The D.P.W. has been conducting work on E.J. McLaughlin Square parking lot in the downtown Village business area. Work is being done early in the morning and finished by 11:00 A.M. before the stores are open so that business is not being interfered with. Work consists of skimming of the parking lot, repair of potholes, stump removal and then the Town of Blooming Grove will assist with paving.

UPDATE - LINCOLN DRIVE PAVING PROJECT:

The paving of Lincoln Drive is complete and the residents are satisfied with the results of the Village project.

WASTEWATER TREATMENT PLANT (WWTP) — OPERATIONS BUILDING ROOF REPLACEMENT PROJECT — RECEIPT OF PROPOSALS:

Mayor DeVinko indicated the Village Board has discussed and is prepared to vote this evening regarding the proposals received for the WWTP roof replacement project.

NEW YORK STATE - MS-4 REPORTING:

The initial New York State MS-4 Stormwater Runoff Reporting due in January has been submitted to the New York State — Department of Environmental Conservation (N.Y.S. — D.E.C.) by McGoey, Hauser and Edsall.

ORANGE COUNTY EMERGENCY MANAGEMENT PLAN REVIEW:

The Mayor stated the Village is currently reviewing and updating the Orange County Emergency Management Plan.

WITCHINGTONVILLE AFTER DARK AND WITCHINGTONVILLE BEFORE DARK:

Witchingtonville After Dark will take place on Saturday, October 12 from 5:00 p.m. through 10:00 p.m. in the downtown Village business area, and Witchingtonville Before Dark (Childrens Event) will be held on Sunday, October 13 from 12:00 p.m. through 4:00 p.m. at L. Vernon Allen Park located on Ahern Boulevard.

VILLAGE WELL LEVELS:

The Mayor reported the Village well levels are currently twenty-five feet six inches.

<u>VILLAGE HISTORIAN – GRANT SUBMISSION – WILLIAM G. POMEROY</u> FOUNDATION:

Village Historian Jeanne Versweyveld submitted a Grant application in the amount of \$1,950 through the William G. Pomeroy Foundation; if approved said funds would be utilized towards the purchase of an historical marker.

ORANGE COUNTY DEPARTMENT OF MOTOR VEHICLES MOBILE UNIT:

The Orange County Department of Motor Vehicles Mobile Unit was at Village Hall on Friday, October 4 from 10:00 a.m. through 12:00 p.m., and 1:00 p.m. through 3:30 p.m. Many residents utilized the D.M.V.'s services.

NEW YORK STATE RETIREMENT SYSTEM EMPLOYER CONTRIBUTION RATE:

The Mayor indicated the 2025 – 2026 New York State Retirement System Employer Contribution Rate has increased from 15.2 percentage to 16.5 percentage of Payroll for ERS, and from 31.2 percentage to 33.7 percentage of Payroll for PRS system.

MUNICIPAL AID PAYMENT:

The Village received a Mutual Aid Payment check in the amount of \$13,000.

TREES FOR TRIBS – SEWELL PARK - PLANTING OF ONE-HUNDRED SEVENTEEN (117) TREES AND SHRUBS:

Mayor DeVinko reported there was an excellent turnout regarding the Trees for Tribs planting day at Sewell Park in which one-hundred seventeen (117) trees were planted. The New York State – Department of Environmental Conservation – (N.Y.S. D.E.C.), Washingtonville High School J.R.O.T.C., Girl Scouts, Village Clerk, Department of Public Works and other volunteers were in attendance, and did a fantastic job.

WATER METER READING WEEK:

Trustee Walski reminded the Village that the Department of Public Works (D.P.W.) will begin reading water meters this week.

RESOLUTIONS:

<u>RESOLUTION – 24 – 0162 - BOND RESOLUTION OF THE VILLAGE OF WASHINGTONVILLE:</u>

Trustee Coleman made a motion, seconded by Trustee Walski and adopted to authorize and adopt Bond Resolution of the Village of Washingtonville, New York, adopted on August 7, 2023 and amended on October 7, 2024, authorizing the liquidation of the accumulated deficits of the General Fund, Water Fund, Sewer Fund and Capital Projects Fund, including the remaining principal amount of any outstanding budget, deficiency and/or Revenue Anticipation Notes; stating the estimated cost of liquidating such deficits is \$4,500,000; appropriating \$4,500,000 for such purpose; and authorizing the issuance of not to exceed \$4,500,000 Bonds of the Village for such purpose; said Resolution passed by a unanimous vote of the Village Board. 5 Ayes, 0 Nays, 0 Absent, 0 Abstentions.

RESOLUTION - 24 - 0163 - PKF O'CONNOR - DAVIES - AUDITS FOR FISCAL YEAR ENDING 2021 AND 2022:

Deputy Mayor Jacaruso made a motion, seconded by Trustee Presser and adopted to accept the proposal from PKF O'Connor – Davies Audits for Fiscal Year ending 2021 and 2022; said Resolution passed by a unanimous vote of the Village Board. 5 Ayes, 0 Nays, 0 Absent, 0 Abstentions.

RESOLUTION — 24 — 0164 — INSTALLATION OF LED LIGHTING AT VILLAGE PICKLEBALL COURTS:

Trustee Walski made a motion, seconded by Trustee Presser and adopted to approve the Installation of LED Lighting at the Village Pickleball Courts located at L. Vernon Allen Park at a cost not to exceed \$19,000; said Resolution passed by a unanimous vote of the Village Board. 5 Ayes, 0 Nays, 0 Absent, 0 Abstentions.

<u>RESOLUTION – 24 – 0165 – RESIGNATION OF PART TIME VILLAGE BUILDING INSPECTOR - SCOTT COOPER:</u>

Deputy Mayor Jacaruso made a motion, seconded by Trustee Coleman and adopted to accept the Resignation of Part Time Village Building Inspector Scott Cooper effective Monday, October 4, 2024; said Resolution passed by a unanimous vote of the Village Board. 5 Ayes, 0 Nays, 0 Absent, 0 Abstentions.

RESOLUTION - 24 - 0166 - RESIGNATION OF PART TIME CLERK - EILEEN LOPEZ:

Trustee Walski made a motion, seconded by Trustee Presser and adopted to accept the Resignation of Part Time Clerk Elieen Lopez effective this date, Monday, October 7, 2024; said Resolution passed by a unanimous vote of the Village Board. 5 Ayes, 0 Nays, 0 Absent, 0 Abstentions.

RESOLUTION - 24 - 0167 - REVISED VILLAGE BUILDING DEPARTMENT FEE SCHEDULE AND BUILDING DEPARTMENT APPLICATION/PERMIT:

Deputy Mayor Jacaruso made a motion, seconded by Trustee Presser and adopted to accept the Revised Village Building Department Fee Schedule and Building Department Application/Permit; said Resolution passed by a unanimous vote of the Village Board. 5 Ayes, 0 Nays, 0 Absent, 0 Abstentions.

RESOLUTION - 24 - 0168 - NEW SIGNAGE/NEW TENANT APPLICATION:

Deputy Mayor Jacaruso made a motion, seconded by Trustee Coleman and adopted to accept the New Signage/New Tenant Application as approved by the Village Building Department; said Resolution passed by a unanimous vote of the Village Board. 5 Ayes, 0 Nays, 0 Absent, 0 Abstentions.

<u>RESOLUTION – 24 – 0169 – ARCHITECTURAL REVIEW BOARD (A.R.B.) - APPLICATION FROM GREEK BROTHER'S GRILL:</u>

Deputy Mayor Jacaruso made a motion, seconded by Trustee Presser and adopted to accept the Architectural Review Board (A.R.B.) Application from Greek Brother's Grill; said Resolution passed by a unanimous vote of the Village Board. 5 Ayes, 0 Nays, 0 Absent, 0 Abstentions.

RESOLUTION - 24 - 0170 - ARCHITECTURAL REVIEW BOARD (A.R.B.) APPLICATION FROM PRIZMATICA LLC:

Deputy Mayor Jacaruso made a motion, seconded by Trustee Coleman and adopted to accept the Architectural Review Board (A.R.B.) Application from Prizmatica LLC based on sign revision and mounting which must comply with Village Code and no more than four inch (4") protrusion. A Fire Safety Inspection is scheduled for Wednesday, October 9, 2024; said Resolution passed by a unanimous vote of the Village Board. 5 Ayes, 0 Nays, 0 Absent, 0 Abstentions.

RESOLUTION - 24 - 0171 - SURPLUS - POLICE DEPARTMENT 2001 ATV:

Trustee Presser made a motion, seconded by Trustee Coleman and adopted to declare surplus and of no value to the Village of Washingtonville a Village Police Department 2001 ATV and to place the item on Auction; said Resolution passed by a unanimous vote of the Village Board. 5 Ayes, 0 Nays, 0 Absent, 0 Abstentions.

RESOLUTION - 24 - 0172 - TIME CLOCK PLUS - VILLAGE TIMEKEEPING SYSTEM:

Trustee Presser made a motion, seconded by Trustee Coleman and adopted to authorize approval of a Five (5) Year Extension with Time Clocks Plus at a cost not to exceed \$4,228.33; said Resolution passed by a unanimous vote of the Village Board. 5 Ayes, 0 Nays, 0 Absent, 0 Abstentions.

<u>RESOLUTION – 24 – 0173 – PURCHASE OF HARDWARE AND CAMERA – METRO</u> SOUND PROS:

Trustee Presser made a motion, seconded by Trustee Coleman and adopted to authorize the purchase of Hardware and a Camera for the Village of Washingtonville from Metro Sound Pros at a cost not to exceed \$34,500.00; Funds regarding said purchase were received from the New York State Police Department Grant; said Resolution passed by a unanimous vote of the Village Board. 5 Ayes, 0 Nays, 0 Absent, 0 Abstentions.

<u>RESOLUTION – 24 - 0174 – WASTEWATER TREATMENT PLANT (WWTP)</u> <u>OPERATIONS BUILDING ROOF REPLACEMENT PROJECT:</u>

Trustee Walski made a motion, seconded by Trustee Coleman and adopted to approve the low Bid from ABC Roofing Company at a cost not to exceed \$42,289.00; said Resolution passed by a unanimous vote of the Village Board. 4 Ayes, 0 Nays, 0 Absent, 1 Abstention. (Deputy Mayor Jacaruso abstained from Voting).

RESOLUTION - 24 - 0175 - PAVING OF PICKLEBALL COURT:

Trustee Presser made a motion, seconded by Trustee Coleman and adopted to approve the paving of a Pickleball Court area at L. Vernon Allen Park at a cost not to exceed \$11,900; said Resolution passed by a unanimous vote of the Village Board. 5 Ayes, 0 Nays, 0 Absent, 0 Abstentions.

RESOLUTION - 24 - 0176 - AUTHORIZING SPECIAL COUNSEL TO REPRESENT THE VILLAGE IN LITIGATION:

WHEREAS, the Village Board ("Board"), currently utilizes the Legal services of the Law firm of Feerick, Nugent, MacCartney, PLLC ("Special Counsel"); and

WHEREAS, the Village of Washingtonville and all Village Board members have been named as parties in the pending Litigation commenced on August 22, 2024 entitled 61 East Main Street Associates, LLC v. The Village of Washingtonville, et al., under Orange Country Supreme Court Index Number EF007025 - 2024 (the Litigation"); and

WHEREAS, the Village requires Special Counsel to undertake representation and a defense of the Village of Washingtonville and all Village Board members in said Litigation.

<u>RESOLUTION – 24 – 0176 – AUTHORIZING SPECIAL COUNSEL TO REPRESENT THE VILLAGE IN LITIGATION – (CONTINUED)</u>:

NOW, THEREFORE, it is resolved as follows:

<u>Section 1</u> All "WHEREAS" paragraphs are incorporated herein by reference as though set forth in full herein.

Special Counsel, Feerick, Nugent, MacCartney, PLLC, is hereby authorized to appear on behalf of the Village of Washingtonville and all Village Board members named in the proceeding entitled 61 East Main Street Associates, LLC v. The Village of Washingtonville, et al., under Orange County Supreme Court Index Number EF007025 — 2024 including any appeals if necessary, and shall be compensated for all services performed in this action as set forth in the Village Board Resolution and Agreement appointing Special Counsel.

<u>Section 3</u>. This Resolution shall be effective immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	Yea	Nay	Abstain	Absent
Mayor Thomas DeVinko	[X]	[]	[]	[]
Deputy Mayor Donna Jacaruso	[X]	[]	[]	[]
Trustee Susan Walski	[X]	[]	[]	[]
Trustee Steve Presser	[X]	[]	[]	[]
Trustee Vernon Coleman	[X]	[]	[]	[]

The Resolution was thereupon duly adopted.

Trustee Walski made a motion, seconded by Deputy Mayor Jacaruso and adopted to authorize Special Counsel to represent the Village of Washingtonville in Litigation; said Resolution passed by a unanimous vote of the Village Board. 5 Ayes, 0 Nays, 0 Absent, 0 Abstentions.

RESOLUTION - 24 -0177 -MODIFICATION OF THE 2024 - 2025 VILLAGE BUDGET:

Trustee Presser made a motion, seconded by Trustee Coleman and adopted to modify the 2024 - 2025 Village of Washingtonville Budget by enabling the Village Treasurer, Leslie Tillotson to make necessary transfers within the General Fund; said Resolution passed by a unanimous vote of the Village Board. 5 Ayes, 0 Nays, 0 Absent, 0 Abstentions.

RESOLUTION - 24 - 0178 - AUTHORIZE BUDGET TRANSFERS, AMENDMENTS AND TRANSFER OF FUNDS TO PAY VILLAGE WARRANTS:

Trustee Presser made a motion, seconded by Trustee Coleman and adopted to authorize Budget Transfers and Amendments as necessary to affect necessary Transfer of Funds and to pay Village Warrants; said Resolution passed by a unanimous vote of the Village Board. 5 Ayes, 0 Nays, 0 Absent, 0 Abstentions.

PUBLIC COMMENT:

Audience member Sean Hegarty of 4 Belvoir Drive questioned "when is the pickleball fence going to be taken care of, and the rocks on the pipe by L. Vernon

PUBLIC COMMENT - (CONTINUED):

Allen Park are being tossed back in the water. In addition, the three (3) benches along Ahern Boulevard should be placed on a large cement pad".

Village resident Paul Lang, 10 Patriot Lane "asked the Village Attorney if something is not in the Village Code presently can the Village Architectural Review Board (A.R.B.) mandate a resident to do things in a certain manner?" Village Attorney Christopher Pavlacka stated "yes, Planning Boards do this all the time and set reasonable conditions on applications such as variance conditions, site plan approvals and special use exceptions."

Mr. Lang continued "I sent the Village Board an e-mail today with pictures which clearly show the Spindler hydrant has a meter on one side and not the other as well as the hose from the water hydrant going directly into a truck so the Village is providing free water and there is no accountability for how much and who is taking the water."

Mayor DeVinko responded "the water haulers are paying the Village for said water, and a new meter has been ordered."

Vincent Lang of 9 Plymouth Rock Court commented "the Village Board is not doing anything about this matter and I have been questioning this every meeting and stating there is no accountability for water usage."

The Mayor explained "cameras will be installed by the hydrants in this location."

Mr. Vincent Lang replied "companies should not be able to obtain water unless a Village employee is with the driver, and why does Spindler have his own lock on the Village gate?" Mayor DeVinko explained "the lock does not belong to Spindler. A Contractor is not a Village employee."

Sean Hegarty commented "the water meter has been broken for months so how does the Village know how much water is being taken."

The Mayor explained "a Log Book is kept with all pertinent information regarding water usage. Spindler Bulk is a licensed water hauler and is allowed to access Village property."

Vincent Lang suggested "a rules plaque be put in place at the site so the water haulers know the rules."

Audience member Michael Graziano of 3 Lark Street questioned "are the crosswalks on Ahern Boulevard going to be painted, and crosswalks in other States have yellow flashing lights which improve safety matters."

Mr. Graziano further notified the Village Board "that the buttons on the traffic light crosswalk areas are not marked."

Mr. Paul Lang stated "I would like to see the Village Police Department begin to write tickets regarding the crosswalk by Stewart's in the downtown business area."

Vicent Lang questioned "is there an update with regard to irrigation meters", and Trustee Walski responded "the Village Attorney and Village Board are in the process of working on this subject."

Resident John Donaldson, 4 Emerson Drive asked "is the current Village of Washingtonville Code on the Website", and Deputy Mayor Jacaruso indicated "it is not on the Village Website because it is currently being updated, however Washingtonville's E-Code can be accessed to view said Code."

Patrice Gesner of 7 Puritan Lane informed the Village Board "there is an abandoned vehicle behind the Mexican Restaurant in Fulton Square." Chief Zaccaro will investigate this matter.

PUBLIC COMMENT - (CONTINUED):

Mr. Vincent Lang questioned "is there an update with regard to the Short-Term Rental Local Law?"

Trustee Walski replied "New York State is presently writing Legislation for this Law which will assist Villages in completing one for their Municipality."

Paul Lang commented "I do not see the Audit Budgets on the Village Website", and Mayor DeVinko will check with the Village Webmaster regarding this matter.

RESOLUTION 24 - 0179 - EXECUTIVE SESSION:

Deputy Mayor Jacaruso made a motion, seconded by Trustee Walski and adopted to enter into Executive Session to discuss personnel matters and no decision will be made; said Resolution passed by a unanimous vote of the Village Board. 5 Ayes, 0 Nays, 0 Absent, 0 Abstentions.

RESOLUTION 24 - 0180 - RESUMPTION OF MEETING:

Trustee Presser made a motion, seconded by Deputy Mayor Jacaruso and adopted to adjourn the Executive Session and resume the Village Board Regular Meeting; said Resolution passed by a unanimous vote of the Village Board. 5 Ayes, 0 Nays, 0 Absent, 0 Abstentions.

RESOLUTION 24 - 0181 - ADJOURNMENT:

Trustee Walski made a motion, seconded by Trustee Coleman and adopted to adjourn the October 7, 2024 Village Board Regular Meeting; said Resolution passed by a unanimous vote of the Village Board. 5 Ayes, 0 Nays, 0 Absent, 0 Abstentions.

RESPECTFULLY SUBMITTED,
CHRISTINE SHENKMAN
VILLAGE CLERK