Village of New Berlin

Minutes of January 10, 2023

**Public Hearing # 1 was called to order at 6:00 pm by Mayor, Peter Lennon. Mayor Lennon introduced proposed Local Law 1 of 2023.**

Attendance: Peter Lennon, Dave Smith, Maryellen Canuel, Jim Crawford, Michelle Priola, Kelly Anderson, Jared Kline, Cynthia Steventon, Don Anderson, Brian Pittsley, Carl Foneus, James Finnegan, Chris Gillette, Lisa Serradilla, Michael Wesolowski, Anthony Canuel.

**Local Law No. 1 of the year 2023**

**Village of New Berlin, County of Chenango**

A local law authorizing a property tax levy in excess of the limit established in General Municipal Law §3-c

**Section 1. Legislative Intent**

It is the intent of this local law to allow the Village of New Berlin to adopt a budget for the fiscal year commencing June 1, 2023 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c.

**Section 2. Authority**

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government’s governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

**Section 3. Tax Levy Limit Override**

The Board of Trustees of the Village of New Berlin, County of Chenango, is hereby authorized to adopt a budget for the fiscal year commencing June 1, 2023 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

**Section 4. Severability**

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

**Section 5. Effective date**

This local law shall take effect immediately upon filing with the Secretary of State.

This is a precautionary measure that the board must take annually prior to the start of the budget process. Although there is not an anticipated need to exceed the cap for next fiscal year’s budget, it is necessary to do prior to the budget process if some unknown event prior to the approval of the budget occurs. A budget hearing will occur after the proposed budget is finalized for public comment, if the law is not needed, it will be voided at that time. There was no public comment on proposed law #1 of 2023. The topic was moved to New Business on the Agenda.

Mayor Lennon announced that Robert Starr, Town Supervisor, has resigned his position effective 1/31/2023. The Town is currently working its way through the process of identifying his replacement. Mayor Lennon would like to recognize Mr. Starr’s service at next week's meeting, as he has been a great partner for both the Town and the Village of New Berlin.

**Public Hearing # 2 was called to order at 6:10 pm by Mayor, Peter Lennon. Mayor Lennon introduced proposed Local Law 2 of 2023.**

Mayor Lennon identified a disconnect between the existing NYS recognized trail S77 that runs at the south end of the Village of approximately 150 yards that runs to the south towards Matt Tuller’s property along the dirt and grass area of village owned property. There are no sidewalks in this area and it is away from residential properties. The Villages current law on snowmobiles prohibits snowmobiles on Village owned property. The proposed changes would involve allowing snowmobiles on this stretch of Village property from January 3rd through the 3rd week of April each year and no other motorized vehicles. The snowmobile club will provide a copy of their insurance with the Village listed as an additionally named insured for the S77 segment of the snowmobile trail. They will also supply the Village with the coordinates of the S77 segment to be included in the updates to the local law, which will be reviewed by the attorney and added to the February agenda for board approval.

The topic was opened to public comment.

Maryellen Canuel made a motion to close the public hearing section of the meeting. Dave Smith seconded the motion. VOTE: Priola – yes, Canuel – yes, Crawford – yes, Smith- yes, Lennon – yes. APPROVED

**CALL TO ORDER**

The regular meeting for the Village of New Berlin was called to order at 6:30 PM by Mayor, Peter Lennon.

**ATTENDANCE**

Members Present: Peter Lennon, Mayor

Michelle Priola, Trustee

Maryellen Canuel, Trustee

Dave Smith, Trustee/Deputy Mayor

Jim Crawford, Trustee

Members Absent: n/a

Others Present: Kelly Anderson, Jared Kline, Cynthia Steventon, Don Anderson, Brian Pittsley, Carl Foneus, James Finnegan, Chris Gillette, Lisa Serradilla, Michael Wesolowski, Anthony Canuel, Hayden Crippen, Melissa Hammond, Lori Wilson, Patrick Wright and Sarah Wright

**ROLL CALL**:

Priola – here

Crawford – here

Canuel– here

Smith – here

Lennon – here

**PRIOR MINUTES**

Minutes of the December 13th meeting was approved on motion by Michelle Priola. . The motion was seconded by Maryellen Canuel. VOTE: Priola – yes, Canuel – yes, Crawford – yes, Smith- yes, Lennon – yes. APPROVED

**PUBLIC CONCERNS AND VISITORS**

Cynthia Steventon raised a concern regarding the speed sign coming into the Village via Route 80 from Pittsfield and its visibility. She also raised a concern over the number of speed tracking signs in the Village, as originally there were supposed to be two signs. Mayor Lennon confirmed that the Town of New Berlin purchased two speed tracking signs to be utilized throughout the Town of New Berlin. There is only one in place currently as the second is slated to be placed on South Main Street in the Village which is a state highway and requires state approval. The signs will be transitioned to other roads throughout the Town periodically. Cynthia was referred to the Safer Slower New Berlin Committee as she has valuable ideas and input that could be utilized by the committee.

**FIRE DEPARTMENT**

Don Anderson of the Fire Department was in attendance, reports were submitted for board review. The Fire Department went on 9 calls in December, they have responded to 101 calls in 2022. They recently purchased 3 sets of gear as part of their budget. The order was placed 5 months ago, but they have recently arrived. The board had requested information regarding the bill that was reviewed with the current months bill folders.

**EMS Report**

The EMS Report was submitted prior to the meeting by Randy Brundage, Mayor Lennon made revisions to the numbers as they were in need of adjusting. There was a total of 39 calls for the month. The County has canvased the eligible BLS list to identify candidates interested in working with the Village. One candidate that was canvased is very interested in joining the ambulance service, the Village can look to bringing on a new medic under new business. The new cot and power loader have been delivered; the EMS department is currently working on coordinating installation. Kelly will be sending an invoice to the Town of Columbus for the contracted cost assistance of $40,000 that will be used to reimburse the Village of part of the purchase price.

**DPW**

The DPW contributed to a successful tree lighting in December, while juggling snow removal. With a lack of snow over the last several weeks, they are working on smaller projects and road maintenance. Nate will be taking a water test on the 18th of January. Ryan is scheduled to go to water school in February and Jared would like to have Tanner go to the same class as Ryan. They have started working on fixing the errors with the current meters and or eye readers, Jared believes they have completed half of the corrections needed. Jared has repaired the meter reader; he will provide Kelly will the missing 20 readings on the 11th of January.

**GRANT STATUS**

Maryellen reported that the Restore NY Grant round 7 is due at the end of January. The Vaughn’s think they will be ready for the grant submission. She has not heard from them and will be reaching out to see if in fact they will make the deadline for submission. There have been no announcements as to whether there will be a round 8 of the grants.

Mayor Lennon is working with Senator Oberacker regarding the SAMS grant for the new Firehouse. Although he no longer represents us, he has assured Mayor Lennon that he will continue to work on our behalf to get these funds released. There is $13 million dollars in project funding that is held up in his previous distract, including the Village. After re-districting, Senator Griffo is our new representative.

Kelly provided an update on the Low-Income Household Water Assistance Program. Currently there have not been any applicants for this round of funding. She will be sending out additional information to qualified individuals within the next month. Any water rents unpaid by the 1st of May will be re-levied to the Village tax bills.

Michelle has submitted the Stewarts Holiday Match Grant for the Village Youth Program. The award will not be announced until March 2023.

**COMMITTEE REPORTS**

Tony Canuel presented the board with an updated status report. The committee met last week and reviewed the current threshold of $5,000 for promissory notes vs. liens on the mortgage at Kelly’s request. The original $5,000 threshold originated in 1998. The committee feels that their mission is to get the money out to the community and raising the ceiling to $15,000 for promissory note would alleviate the cost prohibitive-ness of the legal fees that coincide with liens against the property and the risk of increasing the threshold would be limited by the committees due diligence in screening applicants. In regard to the investment of unused funds, the bank that the committee had previously suggested does not do business accounts. Kelly has reached out to the broker that handles the Village’s cemetery account investments and has a presentation for the board about alternate CD’s that the Village can purchase through National Wealth Management in Norwich, that will be reviewed under new business.

The Chobani Community Center Committee will be meeting again later this week. They will be discussing the need for additional members. The Committee is thankful to the Fire Department for the use of the rectangular tables in the center for the last few events.

Sarah Wales Wright updated the board on the Event next meeting, which is next Monday. They have made contact with T’s Diner, who is willing to utilize their food trailer at upcoming events in the Village. The next upcoming event will be Earth Day, which is April 22nd. They will be looking to have other agencies and the school piggyback off the Village’s event. More information will be coming out soon.

The Planning committee will meet again tomorrow evening. They are looking at a survey that will help access the good, the bad, and the ugly to develop a vision for the future. They will also be reviewing the revitalization plan for the Village and working towards the development of a comprehensive plan.

Lori Wilson was in attendance on behalf of the Safer, Slower, New Berlin Committee. They are currently in the organization stage of the committee and developing a mission statement. Mayor Lennon suggested that they also go to the Town meetings as there is a lot of overlap between the Village and Town in relation to the safety of the community with roadways and sidewalks. They are hoping to have more to report next month.

**OLD BUSINESS**

Mayor Lennon is working on a Revitalization/Urbanization Plan for the Village; the planning committee will be reviewing the plan this week. The Village is required to have one prior to the Vaughn’s applying for the Restore NY Grant as the Village Board will have to attest that the Vaughn’s plan follows the Revitalization/Urbanization Plan.

Dave Smith received the site plan review from Chenango County regarding the electronic sign for the fire department. The County has recommended approving the proposed action with the following comments/modifications...

* ***The sign may not be placed within the State right-of-way, and any existing encroaching items must be removed.***
* ***All electronic variable-message signs visible from State highways shall comply with NYSDOT regulations governing the operation of such signs. Specifically, the maximum nighttime luminance shall be no greater than 280 candelas per square meter, no animations are allowed, and transitions between messages must be instantaneous.***

* ***The sign may only display messages related to activity at this site or informational messages specific to the community. Any off-site commercial advertising will subject this sign to NYSDOT’s Outdoor Advertising Permit requirements for controlled routes and will require a department-issued permit prior to the sign’s installation.***

Dave Smith made the motion to approve the sign for the fire department with the recommendations from the state as documented. Maryellen Canuel seconded the motion. VOTE: Priola – yes, Canuel – yes, Crawford – yes, Smith- yes, Lennon – yes. APPROVED

Dave and Maryellen will be getting together in the coming weeks to discuss the keyless entry plans for the Village office and the Community Center.

Dave will be setting up a meeting with the proposed vendor and the Village to review options for the updates suggested to the Village website.

The Planning Committee will be preparing a Comprehensive Plan for the Village; however, this will be after they have received their education on planning rules and guidelines and after they have completed the survey that is being prepared to go out to the community. They will be looking to create something like Guilford’s Comprehensive plan.

Maryellen is working with setting up a meeting with Dave Kaminski regarding cameras in the Village. Dave is currently doing research on viable options.

Maryellen has submitted the documents that she located to the County Clerk’s office for the title search for the old firehouse. The documents should be available within the coming days. The closing has been tentatively scheduled for the 27th of January barring any holdups. The firehouse was inspected and there are a few items that need attention prior to closing. The realtor would like to shorten the 6-month closing date to a shorter time frame, they are hopeful that the Village is prepared to sign a contract at the January meeting.

**Resolution No. 2023 -4 RESOLUTION ACCEPTING THE BID FOR THE SALE AND LEASE BACK OF OLD FIREHOUSE**

WHEREAS, the Board of Trustees of the Village of New Berlin passed resolution 2022-1 on February 8, 2022 determining that the sale of certain real property by the Village of New Berlin and the subsequent lease of a portion of the same real property back from purchasers would be in the best interest of the Village, and

 WHEREAS, that certain real property, located at 4 School Street in the Village of New Berlin and State of New York, is deemed to be surplus property and that the same be sold on such terms as may be both commercially reasonable, and in the best advantage of the Village, and

Whereas, the Village entered into a contract for listing the property for sale with Howard Hanna Real Estate Services for a period of 6 months, which was later extended for a second 6 month period leading to 2 offers to purchase said property, which were reviewed in detail by the Board of Trustees, and

Whereas, the Village resolved to consider all offers for said building, but that as an option, the Village would also solicit offers for a contract of sale that includes a provision that the Village would lease back the rear portion of the building for Village purposes for a specific time period and upon terms as may be negotiated between the Village and the contract purchaser.

NOW, THEREFORE, BE it RESOLVED, upon the final consent of the Board to enter into a contract for the sale of said property for an amount of \_\_$80,000\_\_\_\_\_\_\_, with the option of a leaseback in the amount of $0 per month for a term of one year with the option to renew the lease at the end of the term, up to a five year period, with the option to re-negotiate at the end of the five year period. Furthermore…

BE IT RESOLVED, the Mayor and Village Clerk Treasurer of the Village of New Berlin are hereby authorized to act on behalf of the Village and to execute and deliver such instruments as may be required in connection with the sale and lease back of the above-mentioned real estate and to affix the Village seal of the Village of New Berlin to such documents. Furthermore…

BE IT RESOLVED, that the initial $20,200 from the proceeds of the sale be utilized to reimburse the buildings and grounds funds utilized to cover the roof repairs of the Village office and any remaining proceeds be utilized to increase the current balance in the Village’s unappropriated reserve account within the General Fund after closing cost and survey costs, and legal fees are covered.

 The undersigned, Kelly Anderson certifies that she is the duly appointed Clerk Treasurer of the Village of New Berlin and that the above is a true, accurate, and correct copy of a resolution duly adopted at a meeting of the board of trustees thereof, convened and held in accordance with law and the Bylaws of said Corporation on Village of New Berlin Board of Trustees, and that such resolution is now in full force and effect.

 IN WITNESS THEREOF, I have affixed my name as Village Clerk Treasurer of the Village of New Berlin and have attached the seal of the Village of New Berlin to this resolution.

RESOLUTION INTRODUCED BY: Maryellen Canuel SECONDED BY: Peter Lennon

ROLL CALL VOTE:

PRIOLA: Yes SMITH: Yes CANUEL: Yes CRAWFORD: Yes LENNON: Yes

YES: 5 NO: 0 ABSTENTION: 0 ABSENT: 0

CARRIED: Yes

Jim Crawford is reviewing guidelines for bulk fuel to ensure we are eligible for the Village’s diesel needs, he will be working with Kelly next week to put together bid specs so that it can be put out to bid with bids due before the next meeting.

Maryellen is working on a parking question regarding the parking lot behind the old Mang Insurance building, this will be cleared up once the title for the old firehouse building is resolved. She is keeping the new owners of the old Mang building apprised as things move forward.

Maryellen Canuel made a motion to accept the merchant agreement with Allpaid which will allow the Village to accept credit cards as a payment term for the village. Michelle Priola seconded the motion. VOTE: Priola – yes, Smith: yes, Canuel – yes, Crawford – yes, Lennon – yes. APPROVED

Maryellen Canuel completed the audit of the grant folders on January 9, 2023. She made several recommendations on improvements to the process, including instituting an excel spreadsheet to track the grants. Kelly updated the board that the recommendations and a spreadsheet have been started and that she emailed Maryellen the spreadsheet to see if anything else should be added to the file. Dave Smith is slated to audit the overall function of the office and Jim Crawford is slated to audit the records of the fire department.

Dave Smith made the motion to approve the standalone policy for employees answering fire calls while on duty as an employee of the Village. The policy will be published in the employee manual with revisions later this year. Maryellen Canuel seconded the motion. VOTE: Priola – yes, Smith: yes, Canuel – yes, Crawford – yes, Lennon – yes. APPROVED

Michelle Priola made a motion to amend the investment policy of the village to include National Wealth Management, formerly Wells Fargo, in which the Village currently hold investments for the perpetual care of the cemetery. Maryellen Canuel seconded the motion. VOTE: Priola – yes, Smith: yes, Canuel – yes, Crawford – yes, Lennon – yes. APPROVED

Michelle Priola made the motion to invest $50,000 of the CD Loan Fund’s available balance into two separate CD’s, one with a term of one year, the second with a term between 15-24 months with a bump up if available, and if there are penalties for early withdraw, a term of not more than 24 months with the best rates possible on the two $25,000 CD’s. Maryellen Canuel seconded the motion. VOTE: Priola – yes, Smith: yes, Canuel – yes, Crawford – yes, Lennon – yes. APPROVED

**NEW BUSINESS**

Resolution – 2023-1

Whereas the Village of New Berlin will be starting budget preparation for the 2023/2024 Fiscal year that commences on June 1, 2023...

Whereas, the Village board of trustees may find it necessary to override the property tax cap for the coming fiscal year...

We, the board of trustees of the Village of New Berlin hereby resolve to adopt Local Law 1 of 2023 as follows:

Local Law No. 1 of the year 2023

Village of New Berlin, County of Chenango

**A local law authorizing a property tax levy in excess of the limit established in General Municipal Law §3-c**

**Section 1. Legislative Intent**

It is the intent of this local law to allow the Village of New Berlin to adopt a budget for the fiscal year commencing June 1, 2023 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c.

**Section 2. Authority**

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government’s governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

**Section 3. Tax Levy Limit Override**

The Board of Trustees of the Village of New Berlin, County of Chenango, is hereby authorized to adopt a budget for the fiscal year commencing June 1, 2023 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

**Section 4. Severability**

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

**Section 5. Effective date**

This local law shall take effect immediately upon filing with the Secretary of State.

RESOLUTION INTRODUCED BY: Dave Smith SECONDED BY: Michelle Priola

ROLL CALL VOTE:

PRIOLA: Yes SMITH: Yes CRAWFORD: Yes CANUEL: Yes LENNON: Yes

YES: 5 NO: 0 ABSTENTION: 0 ABSENT: 0

CARRIED: Yes

Kelly Anderson gave the board an update on the 2023 Village Election. Petitions are now available in the Village office as well as on the Village website for the elections. The two year terms of Mayor and two trustee positions will be on the ballot this year. The first day to turn in completed petitions is February 7th and the final day is February 14th at 5pm. The election will be held on March 21st in the Village office from 12 to 9pm.

Maryellen Canuel made the motion to approve the appointment of Kelly Banks, Peggy Finnegan, and Jeff Keller as election inspectors for the 2023 Village election. Kelly will be working all day, and Peggy and Jeff will be splitting the day. Michelle Priola seconded the motion. VOTE: Priola – yes, Smith: yes, Canuel – yes, Crawford – yes, Lennon – yes. APPROVED

Maryellen Canuel made the motion to approve the training contract and expenditure of $2,400 for the EMS medics. Michelle Priola seconded the motion. VOTE: Priola – yes, Smith: yes, Canuel – yes, Crawford – yes, Lennon – yes. APPROVED

Dave Smith made the motion to approve the hiring of Chris Vanderware as a BLS medic for the EMS Staff. Maryellen Canuel seconded the motion. VOTE: Priola – yes, Smith: yes, Canuel – yes, Crawford – yes, Lennon – yes. APPROVED

The board reviewed a request from Kevin Philips to close Moss Street for the Boy Scout Derby on June 17th. As this is also the date of the Community Yard Sale Day, the board has asked Kelly to propose two alternate dates that do not conflict with yard sale day and revisit the request next month.

Michelle Priola made the motion to approve the proposal by the CD Loan committee to raise the threshold for promissory notes from $5,000 to $15,000. Dave Smith seconded the motion. VOTE: Priola – yes, Smith: yes, Canuel – yes, Crawford – yes, Lennon – yes. APPROVED

Michelle Priola made the motion to approve the purchase of a salter/sander and a 10’ Boss V-Blade plow for the new truck for the DPW not to exceed a cost of $17,000 from Charles Stahl. Maryellen Canuel seconded the motion. VOTE: Priola – yes, Smith: yes, Canuel – yes, Crawford – yes, Lennon – yes. APPROVED

Maryellen Canuel made the motion to approve the bids for the sale of DPW equipment that was declared excess at the last meeting for a total of $19,585. Michelle Priola seconded the motion. VOTE: Priola – yes, Smith: yes, Canuel – yes, Crawford – yes, Lennon – yes. APPROVED

RESOLUTION

**Resolution No. 2023-3 “Resolution approving the payment of vouchers”**

Whereas, the Treasurer of the Village has presented the following bills for payment…

General Fund - $49,415.10

Water Fund - $ 7,915.27

EMS Fund - $24,272.18

Total Expenditures - $ 81,602.55

Whereas, The Board of Trustees has audited the claims presented for payment.

Now, therefore…

Be it RESOLVED that the Village of New Berlin Board of Trustees, hereby approves payment of the aforementioned bills for payments.

RESOLUTION INTRODUCED BY: Michelle Priola SECONDED BY: Maryellen Canuel

ROLL CALL VOTE:

PRIOLA: Yes SMITH: Yes CRAWFORD: Yes CANUEL: Yes LENNON: Yes

YES: 5 NO: 0 ABSTENTION: 0 ABSENT: 0

CARRIED: Yes

Michelle Priola made a motion to approve the Treasurer Reports. Maryellen Canuel seconded the motion. VOTE: Priola – yes, Smith: yes, Canuel – yes, Crawford – yes, Lennon – yes. APPROVED

Dave Smith made the motion to adjourn the meeting. Jim seconded the motion. VOTE: Priola – yes, Smith: yes, Canuel – yes, Crawford – yes, Lennon – yes. APPROVED

Adjourned at 8:34 PM - Kelly Anderson, Village Clerk and Treasurer