Village of New Berlin

Minutes of June 20, 2023

**PUBLIC HEARING**

The Public Hearing scheduled for June 20, 2023, was called to order by Mayor Pete Lennon at 6:15 PM. The public hearing was to accept community feedback on the proposed revisions to the water law of 2018, to institute an annual fee for properties with Fire Suppression Systems that are hooked up the Village water lines, and a usage fee for any suppression systems that are activated. Kevin Phillips expressed his concern for not-for-profit organizations in the Village and if they would receive a reduced rate, Mayor Lennon conveyed to Mr. Phillips that water is a utility, and that utilities do not offer a discount to not-for-profits and that all businesses will pay the full utility. A decision has been deferred to a later meeting so that Jared can research charges from other municipalities. Jared shared with the board that the charge is very common within other municipalities from discussions that he has had with other water operators during water school.

Mr. Phillips also announced to the board that the Boy Scouts would be holding a food drive on Saturday, June 24th to benefit the local food pantry. Food should be left on residents’ porches and the Boy Scouts will pick it up. This is within the Village limits only.

**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

 Dave Smith, Trustee/Deputy Mayor

Richard Potter, Trustee

 Maryellen Canuel, Trustee

Members Absent: Jim Crawford, Trustee

Others Present: Jared Kline, Jared Hanslmaier, Randy Brundage, Patrick Wright, Sarah Wales-Wright, Michelle Priola, Renee Priola, Lisa Serradilla, Chris Capitelli, Kevin Phillips, Rebecca Friedman, Tanner Webb, Nate Winton.

**ROLL CALL**:

Canuel– here

Crawford – absent

Lennon – here

Potter – here

Smith – here

**PRIOR MINUTES**

Minutes of the May 9th, May 18thand June 1st meetings were approved on motion by Maryellen Canuel. The motion was seconded by Dave Smith. VOTE: Canuel – yes, Smith – yes, Potter – yes, Lennon – yes. APPROVED.

Minutes of the June 6th meeting approved on a motion made by Maryellen Canuel and seconded by Rich Potter, Mayor Lennon initially abstained from voting but then changed his vote to a yes. VOTE: Canuel – yes, Potter – yes, Lennon – yes. APPROVED.

**PUBLIC CONCERNS AND VISITORS**

Rebecca Friedman addressed the board to request that the garden at her house be declared the “official” community garden of the Village. She envisions her garden, which will include fruits, vegetables, and nut trees, will supply a fresh supply of food to the New Berlin Food Bank, and anyone else in need of fresh food, as well as a location for individuals to gather. It is an opportunity to congregate and learn about gardening, composting and sustainability. She needs historic bricks, food compost and mulch. Mayor Lennon expressed concern over the safety of people congregating, particularly young children, between the sidewalk and the road curb of South Main Street. It was suggested that a sign be placed to have individuals pick from the sidewalk side of the garden. The board would like to have Kelly run it by the Village insurance company to ensure the Village would not incur any liability as it is on her private property.

**FIRE DEPARTMENT**

Jared Hanslmaier submitted the written call volume report to the Village Board of Trustees. The Fire Department went on 8 calls in May, bringing them to 39 calls year to date.

**EMS Report**

The EMS Report was submitted by Randy Brundage. The EMS department went on 28 calls in May, only 16 calls resulted in billable transport. They responded to 6 mutual aid calls and missed 6 calls in May; 2 were no medic on duty, 3 calls after service hours, and 1 missed call while the EMS was responding to another call.

**DPW**

Jared Kline recently attended a Highway Superintendent School in Cornell that he found interesting and useful. He subsequently attended a water seminar. They are working on projects and mowing weekly. The old backhoe broke again, the serpentine belt. It had been sent to Clinton Tractor for evaluation and repairs, and was returned late Tuesday afternoon, he has not had an opportunity to see how it runs as it was delivered after the end of the DPW shift. The DPW is currently operating with their summer hours of 6-2:30 pm.

The inspection by NYMIR of Village-owned buildings was completed on June 19th. Jim Crawford was not in attendance but sent an update on the paving of Academy Street, it has been tentatively scheduled for the week of July 23rd. Academy Street will be closed for portions of several days during the milling and paving. More information will be given when the dates become more concrete.

A hole in the road on Grove Street just off Route 8 has been identified, and a steel plate placed on top as a temporary fix. This will be a necessary Village repair as it stems from a rotted section of 60 foot 12-inch pipe under the road. The repair to the pipe should cost around $1,000.

CHIPS Funds for the truck that was purchased for the DPW in the fall of 2022 have not been received, the reimbursement was processed and approved by CHIPS, but was erroneously sent to the Town of New Berlin instead of the Village. The Town has confirmed and identified the funds as received. They will be refunding the disbursement to CHIPS who will then issue payment to the Village. This should occur within the next few weeks.

A discussion regarding the mowing of Chobani Field may be needed soon. As the Village owns the field, the question was raised as to why the Village does not maintain the field, it is maintained by the baseball league that leases the field from the Village. A request has been made that the village take over the maintenance of the field. Jared did provide that the mower that the village has may not be compatible with the needs of the field. There is a $1.5 million dollar sprinkler system on the field and only a certified grounds person can mow the field.

**GRANT UPDATE**

An application has been submitted by Barton & Loguidice for a USDA grant through USDA Rural Development which is a revolving submission grant and loan program, to be used towards the drinking water improvement project in the Village. A second application was completed by Barton and Loguidice under the NYS Drinking Water State Revolving Fund. Decisions on grants applied for should have results released in late September or early October.

**COMMITTEE REPORTS**

Maryellen Canuel presented the board with an updated status report for the CD Loan committee, as Tony could not attend the meeting. There are currently 4 loans, with no delinquent payments. The investment of $50,000 in funds into 2 CD’s has been completed and is currently earning the Village interest. There is currently $131,139.65 available for lending. There were no new applications since the last board meeting. There is one loan that was approved at the May meeting that is currently in process. The remaining application from last month has been reviewed by the committee and they are recommending that the board deny the requested loan in the amount of $30,000 as they feel that the risk was too large for the Village.

Sarah Wright gave an update on the Community Events Committee and submitted a written report which included a vendor summary, registration graph of paper vs online registrations, and a post event note. Over-all the two-day event was a huge success. Sarah has requested more non-voting members be identified and recruited for the Community Event Committee. There is too much work for the limited number of committee members.

The Chobani Community Center Committee reported that after a light month in May, rentals for the summer are starting to pick up. The courtesy ramp has been removed for adjustments. Maryellen has a call to the Night Owl cleaning service to clean the center, so that a comparison of rates and cleanliness can be made for the Village’s future cleaning needs.

Chris Capitelli was in attendance representing the Planning Committee. He had a question regarding where to begin for a property owner who wishes to convert a commercial building into a residential building. Lisa Serradilla, who used to be on the Village Planning and Zoning Board shared with Chris some suggestions including the recommendation to call the NYS Department of Housing and Commercial Development.

Mayor Lennon contributed that the Planning Committee is looking to appoint an Enforcement Officer for the Village. The Planning Committee will also be looking to review and update Village Zoning documents and laws. Money for the cost has been set aside from a NYSERDA grant that was written by Clerk Treasurer, Kelly Anderson, who obtained the $5,000 grant on behalf of the Village for the purpose of updating zoning laws and including those laws on the new village website. Preparations continue by Mayor Lennon and the Planning Committee intend to proceed with an introductory meeting for the Village’s efforts in creating a comprehensive plan for the Village.

The representative from the Safer Slower New Berlin Committee was not in attendance. Lisa Serradilla brought a concern to the Village board regarding high-speed traffic at 4 am coming through the Village, it shook her house. She is wondering if the Village can have a stop sign installed on the other side of Morabito’s, so that there is a stop sign on both sides of the gas station, to slow traffic coming into the Village. She asked Jared to inquire about the feasibility with the state as it is a State Road. She would also like to know who owns the No Parking sign in front of her property on N. Main Street. She claimed that the New Berlin Police Department are not ticketed everyone in violation of the sign, yet her contractor was ticketed, and she feels like she is being “gaslighted and targeted”. Mayor Lennon stated that he would prefer to address the matter at a future board meeting when Officer in Charge, Dave Kaminski can be invited to attend. The mayor will also invite Josh from the State DOT and representatives from the Town, and a representative of the DEC.

**OLD BUSINESS**

Maryellen will be working with RCR on finalizing the abilities of the keyless entry system, namely what options the Village has with the keyless systems in the event of an emergency. A question was raised to see if the keyless system can be tied to the smoke detectors in the building. The board is in favor of giving access codes to the Village offices to the committee chairs.

Maryellen will be re-grouping with Dave Kaminiski regarding the two estimates that the Village received for installing camera systems throughout the village that will New Berlin Police Department will be able to access.

There are no new updates regarding the discussion regarding Village owned parking spaces behind the Pellegrino building.

Dave Smith is continuing to work on the Audit of the Office, he has had multiple work conflicts that have prevented him from completing the review for the 2022/2023 Fiscal Year. He will work on scheduling a time to complete the review soon. He also updated the board on the status of the new website. Mayor Lennon has asked for a few additional renovations to the site before it goes live. Kelly has asked they also include a page for meeting agenda’s to be uploaded to, as she has received several requests to publish the agenda ahead of the meeting.

Maryellen updated the board that the cost of doors for the entrance to the apartments above the village offices have doubled, if not tripled in price since last year. She must visit the stores again for an actual estimate as they cannot be provided online. She will also be pursuing the option of having the doors installed professionally, as the DPW is very busy.

The oak tree in the park has been cut down. Jessica DeVries from the UV School has been able to obtain growth from two of the acorns that were salvaged from the tree in the fall. Wood has been provided from the tree to make a bench to be placed where the tree was. In addition to the bench, the school will also be making a sign that will be affixed to the bench.

Maryellen noted that a few additional saplings have been obtained and will be planted soon by the DPW in various locations through the village. The saplings that were previously planted are producing green leaves.

Jared Hanslmaier and other members of the Fire Department spoke to the sign representative at the Chief’s show in Harrisburg, PA. The anticipated installation date for the electronic sign at the Firehouse/Chobani Community Center will be in mid-July. The fire department has written a policy for the usage of the sign and what can be advertised on the sign. One option might be using the sign as a fundraiser for the department and will be charging $20 per day for the usage of the sign.

Rich Potter updated the Village Board regarding the Village of New Berlin Summer Youth Program. The program will start on July 31st and run Mondays through Thursdays until the 17th of August. Children will spend the three weeks building and painting signs that can be moved throughout the Village. The signs will not be directional, they will all contain positive thoughts. There will be an exercise period included in the program daily. As in prior years, registration of participation is required, and parents must sign children in and out daily. Breakfast will be served by the school from 8:30 am – 9:00 am and lunch from 11:30-12:00. Andrea Keller will be the activity director for the program this year along with a potential assistant activity director: Local volunteers are also being solicited. The cultural center with be the secondary location in the case of inclement weather. More information will be made available once the plans have been completed.

Maryellen Canuel made the motion to deny the request of Denise Pope to use the Community Center Kitchen as his commissary kitchen for his food truck. Dave Smith seconded the motion. VOTE: Canuel – yes, Smith – yes, Potter – yes, Lennon – yes. APPROVED.

The board opened the discussion of pursuing the purchase of a new backhoe for the DPW. The previously “aborted purchase” of a backhoe is still under investigation by the Village’s insurance company. According to Mayor Lennon “We are still in the process of working through the aborted purchase of the last backhoe, it is an ongoing investigation from multiple angles. The Village police report has been prepared and provided to all who need it, to include the bank and the insurance company. We have not heard back yet but the other party involved has got some activities going on as far as investigation and other levels and there may be another prong to the investigation. But while that is ongoing, we are awaiting some sort of indication from the insurance company as to the reimbursement of the initial portion of the payment made. I have asked Jared to keep his eyes out but not pull the trigger another backhoe yet. But that purchase is one of many that the DPW has, and the others should not be stopped, to include the replacement for the Kubota and the scag mower. Those purchases should be moving forward without any relationship to the backhoe. But we will keep all aware of what is going on, but it is a sensitive issue, we don’t have all the data, but we want to be transparent but we don’t want to stir up rumors because it does need to work through the process of legal review on the other side, on the other parties and investigative review and we need to allow the insurance to work through as well. We will continue to keep pressure on the insurance company to work with us on this. I hope we can come to a rapid resolution on that.”

Lisa Serradilla, asked for the mayor to fill in some of the facts as there were already a lot of rumors floating around the Village. She thinks some cursory facts could help curb the rumor mill. She understands the legality, but it is like a game of telephone tag. She feels that the lack of transparency is creating a very ugly rumor mill.

Mayor Lennon hopes to have some preliminary answers in the coming days and then we will be able to put more out, but he “does not want to jeopardize the investigation, or have people take any inappropriate actions until we are in a position to get that information out to everybody. He understands people want to know, and transparency is the best approach on this, and we will be as transparent as we possibly can as quickly as we possibly can.”

Maryellen and Pete met with an individual on Friday to get an estimate on the encapusulation/abatement of lead paint on the New Berlin Library side of the building. The discussion involved the removal and priming of the existing lead paint. Michelle Priola recommended re-testing the building for lead paint as the addition that was added to the library in 1983 should not include lead paint as it was after lead paint was banned. Maryellen and Pete would like to follow the recommendation that if the village treats it as lead paint now, there will be no questions going forward. There are slots still available in this person’s schedule in September that the job still may be able to be done this year, pending board review of the estimate.

Dave Smith is working on a few additional revisions to the new website for the village prior to its launch. The new website will be thevillageofnewberlin.gov, the current website is thevillageofnewberlin.org.

Mayor Lennon re-stated the previously noted updates to the water improvement project by again stating the recent grants and loans that have been applied for on behalf of the village. Results should come in around late September to early October.

**NEW BUSINESS**

Changes to the water law were tabled until the next regularly scheduled board meeting in July.

Maryellen Canuel made the motion to accept the recommendation of the CD Loan Committee and deny the $30,000 pending loan application. Rich Potter seconded the motion. VOTE: Canuel – yes, Smith – yes, Potter – yes, Lennon – yes. APPROVED.

Rich Potter made a motion to move forward with the ACH Debit/Credit authorization and have Kelly Anderson execute the two authorization forms with NBT bank. Dave Smith seconded the motion. This will allow the Village to offer direct deposit for its employees as well as to direct debit water payments from resident’s accounts if they choose to sign up with the Village for the convenience service. This will not be used to pay vendors as that would create the need for changes to Village procurement policy at the very least. VOTE: Canuel – yes, Smith – yes, Potter – yes, Lennon – yes. APPROVED.

Dave Smith made the motion to adopt remote deposit capture service with NBT Bank and for Kelly Anderson to execute the three documents required to initiate the service through NBT Bank. Maryellen Canuel seconded the motion. VOTE: Canuel – yes, Smith – yes, Potter – yes, Lennon – yes. APPROVED.

Maryellen Canuel made the motion to keep the perpetual care funds invested with Norwich Wealth Management, previously Wells Fargo, in Norwich. Dave Smith seconded the motion. Dave Smith did ask Kelly Anderson to reach out to NYCOM and the State Comptroller’s office to ensure that the funds in the perpetual care fund, that is generated from the sale of cemetery plots, is not considered tax-payer dollars as taxpayer dollars are limited in what type of investments are allowed under NYS State Law. VOTE: Canuel – yes, Smith – yes, Potter – yes, Lennon – yes. APPROVED.

Kelly requested that the board make updates to the procurement policy. There is nothing in the procurement policy that identifies wire transfers, according to Kelly, the village needs to include that in the procurement policy or include in the policy that the village officially bans wire transfers all together moving forward for the Village. Kelly recommended banning wire transfers going forward to prevent similar situations from happening again. If the board wishes to continue to offer wire transfers, she has asked that a form be created that gets signed by the board before the actual wire transfer takes place and that we require a W-9 from vendors for all transactions prior to payment for any payment method from the Village. If we ban wire transfers, then we do not need the form.

Rich Potter posed the question if the board really wants to ban wire transfers. Maryellen Canuel asked “what if we looked at is as, our preference is check? If a vendor requests a wire, then we would go to the form route. But we lead with we will send a check, and we can send the check overnight, and if not then go to this other procedure. But regardless, a W-9 needs to be presented before payment gets issued.” Kelly will make the necessary adjustments, create the wire transfer form, and circulate it prior to the next meeting so that it can be voted on by the board at the next regular board meeting.

The Christmas Tree lighting will be held on December 2, 2023, at 6pm. As the corner lot is currently on the market and we do not know the future of that green space, the board will be looking to move the tree lighting to Hyde Park. There are two large spruce trees in the center of the park. Patrick Wright suggested we plant a third tree to the side of the gazebo, so that the Village has a designated Christmas Tree, and the spruce trees provide for a nice runway to the gazebo. Mayor Lennon said the committee will further investigate it with the committee. Lisa Serradilla has offered to donate decorations for the tree.

The Village board discussed the need to discuss the future home for the EMS. The sale of the old firehouse is moving forward. Part of the sale agreement will include the 5-year lease of the back portion of the space that currently houses the ambulance and medics. The family purchasing the building has long term plans for the back part of the building, and do not anticipate extending the lease term beyond the initial 5 years. Mayor Lennon anticipates calling a special meeting to begin discussion of the future for the EMS in July.

Dave Smith made the motion, pending clarification on the residency requirements, to approve the appointment of Scott Church as an Enforcement Officer for the Village of New Berlin at a rate of $14.50 to $15.00 per hour, approximately 3-4 hours per pay period diverting funds in the amount of $2,000 from the handyman line item in the budget, for an appointment through May 31, 2024. The job description will be reviewed and revised by the planning committee and be returned to the board for approval. Maryellen Canuel seconded the motion. VOTE: Canuel – yes, Smith – yes, Potter – yes, Lennon – yes. APPROVED

Dave Smith made a motion to approve the estimate for the repairs to 251 up to the amount of $17,500. Rich Potter seconded the motion. VOTE: Canuel – yes, Smith – yes, Potter – yes, Lennon – yes. APPROVED

Maryellen Canuel made the motion to have Mayor Lennon execute the ALS Intercept agreement with Chenango County for the New Berlin Ambulance Service. Dave Smith seconded the motion. VOTE: Canuel – yes, Smith – yes, Potter – yes, Lennon – yes. APPROVED

The board discussed the status of the New Berlin Ambulance. The Village has been renting an ambulance from Sidney for $100 per day, while the New Berlin Ambulance is down for service. Mayor Lennon explained that the transmission on New Berlin’s ambulance is not functioning properly and would need $12,000 to $15,000 in repairs if the parts can be obtained. There are now also issues with the air conditioning in the front and back of the rig. Rebuilding the air conditioning would cost approximately $3,000. The Village has budgeted $66,000 for the cost of a new ambulance in 2023/2024 Fiscal Year. Mayor Lennon will be putting together a committee to determine functional requirements and scope the solicitation for bids for the replacement of the ambulance. The purchase of the ambulance will be put out to bid within the upcoming weeks. A special meeting may be held in July to discuss this further.

The board will hold a special meeting on Monday, June 26th at 6pm in the Village Hall to discuss possible uses for a line-item grant that Assemblyman Angelino will be supporting on behalf of the Village. The application deadline for the SAMS Grant is the first week of July. Pete would like to have the application submitted to Assemblyman Angelino’s office by July 1st, so that the Assemblyman’s office can review it and make sure that is a complete application. The grant is valued up to and including a $75,000 expenditure for the Village.

RESOLUTION

**Resolution No. 2023-11 “Resolution approving the payment of vouchers”**

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

General Fund - $67,069.96

Water Fund - $ 22,588.43

EMS Fund - $37,551.34

Total Expenditures - $ 127,209.73

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: Maryellen Canuel SECONDED BY: Dave Smith

ROLL CALL VOTE:

Canuel: YES Crawford: Absent Lennon: YES Potter: YES Smith: YES

YES: 4 NO: 0 ABSTENTION: 0 ABSENT: 1

CARRIED: YES

Dave Smith made the motion to approve the Treasurer reports. Maryellen Canuel seconded the motion. VOTE: Canuel – yes, Smith – yes, Potter – yes, Lennon – yes. APPROVED

Maryellen Canuel made the motion to adjourn the meeting. Rich Potter seconded the motion. VOTE: Canuel – yes, Smith – yes, Potter – yes, Lennon – yes. APPROVED

Adjourned at 9:13 PM - Kelly Anderson, Village Clerk and Treasurer