Village of New Berlin

Minutes of September 12, 2023

**PUBLIC HEARING**

A public hearing to discuss changes to the parking on School Street and South Main Street with the Village’s “Vehicle and Traffic” law was called to order at 6pm. Members of the Board, Clerk Treasurer, Kelly Anderson, Working Supervisor of the DPW, Jared Kline and Rich Anderson, owner of the Nook coffeehouse, walked across the street to ensure that the proposed changes were accurately captured in the revisions to the local law. An additional notation on the parking on the north side of School Street from the Fire hydrant was discussed and agreed upon to be added to the revisions. There were no questions or concerns raised by the public.

**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

Maryellen Canuel, Trustee

Josh Burchill, Trustee

Members Absent: Jim Crawford, Trustee

Others Present: Jared Kline, Brian Skidmore, Scott Church, Lisa Serradilla, Richard Anderson, Tony Canuel, Jared Hanslmaier, Patrick Wright, Joe Phelps, Bob Starr, Brian Burton, Thaddeus Karaman, Dale Barton, Paul Straney, Edna Straney, Kelly Anderson, Elaine Lennon.

**ROLL CALL**:

Burchill– here

Canuel – here

Crawford –absent

Lennon – here

Smith – here

**PRIOR MINUTES**

Minutes of the August 8th and August 21st meetings were approved by a motion by Maryellen Canuel. The motion was seconded by Dave Smith. VOTE: Burchill – yes, Canuel – yes, Smith – yes, Lennon – yes. APPROVED.

**PUBLIC CONCERNS AND VISITORS**

Paul Straney, the President of the Unadilla Railroad Museum, would like a letter of support from the Village of New Berlin. They have been working on several improvements to the building, the grounds and property. They are currently seeking grant funding from the RC Smith Foundation and feel that a letter would increase their chances of being awarded the grant. The building was built in 1869, there are Federal and State mandates regarding the treatment and disposal of lead paint, that stipulate the work must be performed by a certified contractor. The improved facility would be a win for the community and any increase in the chance of obtaining the grant would be appreciated. The board agreed to discuss the letter under new business.

Brian Burton and Thaddeus Karaman from NBT Bank were in attendance to follow up on an investment opportunity that would yield the Village 1.85% higher than the money market accounts that are currently offering the Village a 3% return. With the Intrafi account, NBT bank would remain the depository bank of the Village, but they would farm out the money invested in the account for insured dollars, while keeping the funds liquid while maximizing the return for village taxpayers. The rate is variable but is always higher than a money market account. There is a $250,000 minimum to keep in the account. Clerk/Treasurer, Kelly Anderson had a few additional questions and Thaddeus agreed to contact Kelly with the answers the next day, so the board can decide how they wish to proceed.

Two members of the ambulance procurement team, Robert Starr, and Joe Phelps updated the board on their trip to Pennsylvania to inspect and test drive an ambulance that was under serious consideration by the team. They went to look at a 2018 Rescue Truck. Their assessment was that the rig was too big for the Village’s needs, and not a smooth ride for patients that would be in the back. While there, they looked at other options that were available. The one that caught their interest was a 2013 F550 with a 4x4 Horton back end, with an odometer reading of 139,923. It has a diesel engine and a list price of $89,750. They presented the board with a written estimate and pictures, and advised the board that this ambulance is already set up to fit the current power cot and loader that the village recently purchased in part with funds contributed from the Town of Columbus. Mayor Lennon requested that the board consider re-solicitating the bid request as there were other companies more local that have expressed interest in bidding and may have something in the $32-35,000 range. The rig currently being rented from Sidney Ambulance is showing signs of wear and tear and they would like their back-up ambulance to be returned soon. The board agreed to discuss putting the procurement out to bid again under new business.

Dave Kaminski was unavailable to attend the Village meeting. Mayor Lennon did convey that Dave has discussed parking on North Main Street with the DOT and has a couple of options that can be discussed. We may need to make additional amendments to the Vehicle and Traffic Law regarding those spaces once the options are discussed with the officer in charge.

**FIRE DEPARTMENT**

Jared Hanslmaier submitted the written call volume report to the Village Board of Trustees. The Fire Department went on 8 calls in August, bringing them to 63 calls year to date. 17 members of the department attended a large barn fire last Tuesday out of the current 30 active members. They typically have an average of 8-10 members respond during daytime hours. Resources were contributed by 12 additional departments from neighboring communities. The department is currently looking into accepting other forms of payment for the fundraisers that they hold. After the motocross weekend, it was noticed that many people no longer carry cash, donations to the department would have been much higher had they been able to accept additional forms of payment.

**EMS Report**

The EMS Report was submitted by Mayor Lennon. The EMS department went on 37 calls in August, only 23 calls resulted in billable transport. Josh Burchill asked if the ambulance could be on standby for soccer games and why they hadn’t been in the past, as there have been serious injuries during soccer games. He was informed that the school athletic department could make the request. He asked if they could be available for a tournament being held on the 7th of October from 8-5pm and was told that the New Berlin Ambulance would be in attendance.

**DPW**

Jared and the DPW had a busy month. They have been doing a lot of mowing and trimming and flushing hydrants. The hydrant flushing only took two days, it is normally a three-day process. The hydrants ran clear rather quickly. The backhoe has been put back together; they will be using it soon to ensure it is back in good working order. The department of health may be assisting with annual PFOA samples. These samples are expensive tests and new requirements have taken the testing requirements from 16 to 24 compounds.

**ENFORCEMENT OFFICER**

Scott Church provided a status update on several properties within the Village that he is working with to restore compliance with property maintenance violations. His work involves working with property owners to notify them of the violations and helping them identify viable approaches and opportunities to bring their property back into compliance with village laws and zoning regulations. This work includes garbage removal, grass, and property maintenance, getting them to remove broken down vehicles or dumpsters and other such items that could potentially affect the health and safety of other members of the community as unkept properties and garbage can attract unwanted animals. He has met with the CD Loan committee and can steer people with funding constraints towards the committee to discuss possible loan options that may be able to finance the needed repairs or maintenance with a low interest loan held by the Village.

**GRANT STATUS**

Over the past month, Barton and Loguidice has drafted the WIAA grant, the deadline for submission was extended from July 28th to August 11th. They have drafted DWSRF finance application in anticipation of the Village being awarded hardship financing, a 0% interest loan, in FY 2023-2024. They have received and have addressed several comments and questions from a Rural Development funding application with the assistance of Mayor Lennon and Kelly Anderson. Award notifications should be announced sometime between October and December for the Rural Development and WIAA Grant applications. Additional information and documentation will be supplied to the Grant agencies as is requested. Brian Skidmore reported to the board that the Village in is good shape to get some grant funding for the water improvement project given the hardship rating of the village. In addition to submitting over $5,000,000 in grant applications the engineering firm has requested a hardship loan in the amount of $10,212,000 on behalf of the Village. A complete review of funding options and awards will be available to the board later this fall. According to Brian, the next step would be for the village to hire a firm to act as a fiscal advisor to work with the village on the project. Brian will be contacting two firms that provide Fiscal Advisory Services and putting together a proposal for the board to review.

There are two active SAMS grant applications for the Village, one is the $150,000 grant for the Firehouse and Community Center; there has been no activity on it and there will be no activity on that until the legislature is back in session in January. The second is the SAMS grant that was recently made available from Assemblyman Angelino for $75,000; the board previously determined this grant would be used for the reimbursement of a newer ambulance. The application form and narrative have been submitted to Assemblyman Angelino’s office. Feedback has been received that it looks good. Mayor Lennon is waiting to see if there is any additional documentation or steps needed for the submission. Progress reports will be received and shared with the board as they move through the process. The push for the release of funds has gone public for the 2018 funds that were awarded downstate. Mayor Lennon intends to contribute to the publicity to help show that the holdup in Albany is not only affecting downstate, but also Upstate NY. Mayor Lennon will be meeting with both Senator Oberacker and Assemblyman Angelino in the upcoming week.

**COMMITTEE REPORTS**

Anthony Canuel presented the board with an updated status report for the CD Loan committee. There are currently 5 active loans with an outstanding balance of $44,393.95, with no delinquent payments. There is currently $135,058.12 available for lending. There were no new applications since the last board meeting. They are working on ways to stimulate more interest in the loan program throughout the community.

Patrick Wright was in attendance, on behalf of the Community Events committee. They have started preparations for the Christmas Tree Lighting ceremony in the Village. They are looking at moving the event to Hyde Park this year with the uncertainty of the corner lot used previously, as the lot is currently being listed for sale by the current owners. They are looking into getting a new DJ for the event as the one previously hired relocated out of the area. The committee has been borrowing sandwich boards from NBT bank, they have found a 4 pack of sandwich boards that they are seeking approval from the board to purchase, the four pack is approximately $400 on Amazon.

Mayor Lennon reported on behalf of the planning board that there are several easy fixes that are needed to fix the zoning code that the Village attorney can update for the Village. The zoning map is also in need of updates, the current map has a large portion of the village in the flood zone, while current FEMA maps, which were recently updated, have a much smaller piece of the village in the Flood zone.

Last month Josh Farley took the leadership role of the committee, taking the place of Rebecca Freidman. He was expected to move to Laurens and need to step down from the leadership role, however, he will be staying in the area after all.

**OLD BUSINESS**

There are no new updates regarding the Planning Committee’s creation of a Comprehensive Plan for the Village.

Maryellen will need to have a follow up meeting with Mayor Lennon to compose and give questions and feedback to officer in Charge, Dave Kaminski, of the New Berlin Police Department, 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. Dave has not had availability in his schedule.

Maryellen had a conversation with the attorney for the Pellegrino building and the results of the survey. The Village owns the parking spaces that were marked as private parking for the building. The attorney has not spoken to the owners recently.

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. Jim has not had an opportunity to start the audit of the Fire Department for the 2022/2023 Fiscal Year.

Dave also updated the board on the status of the new website. The website has gone live. Kelly mentioned that she has found a few glitches that need to be addressed but has been in contact with the designer of the page.

Maryellen informed the board that the owners of the blue building on Genesee Street are interested in selling the property. They would also be willing to tear down the carwash if grant funding can be found to pay the expense.

Maryellen also updated the board on the clean-up that was previously put out to bid for the areas logged earlier this year. Mike Holbert, who won the bid, no longer has the equipment or insurance to complete the job. Dan Harrington, who had previously bid $500, re-walked the property with Maryellen and feels that they can increase their bid to at least $1,000. Maryellen Canuel made the motion to move forward with the logging cleanup with the Harringtons, they will remove the trees that were previously marked for removal but left standing by the logging company, clear out the fallen larger trees, and sell cut trees on behalf of the Village. Some of the money from the sale would remain with the Harrington’s for their work. They have only walked Grove Street property. Sandbank Hill will be looked at separately later. Josh Burchill seconded the motion, with the stipulation that they meet the insurance requirements of the Village. VOTE: Burchill – yes, Canuel – yes, Smith – yes, Lennon – yes. APPROVED.

Maryellen is looking into solar lights for Hyde Park. She is looking at lights that can remain on either full time or be scheduled to come on at certain times as well as with variable settings for the brightness of the light. She is going to do more follow-up but at a cost of $125-$200 each. She would like to have two lights for the park. Mayor Lennon has requested that she also investigate lights for the pavilion at Rotary Park.

Maryellen has submitted a letter of intent with NY Forward, which gives her access to seminars and workshops. NY Forward works with small municipalities. We will not make the deadline requirements for this submission. A public meeting with feedback from town or village participation will be held soon to talk about and get input from the community. This can be worked on in conjunction with property owners in the village. She will update the Planning Committee once she has additional information.

Mayor Lennon informed the board that the insurance claim for the failed attempt at purchasing a backhoe from a vendor in Missouri was denied as the insurance claim did not meet the conditions and standards for the policy. Josh Burchill clarified that we (the Village Board) knowingly and willingly sent money to a party, whether they were in business or not, they did not gain access to our accounts or systems. They did not take our money. There was no hacking into the village system. We sent the money, we willingly sent the money, we were not held hostage and therefore do not meet the standards and conditions for a valid insurance claim. According to Mayor Lennon, there are other law enforcement processes still underway as this cross’s state lines and therefore is looked at on a federal level. The NYS Attorney General has passed on the information to the Missouri Attorney General to aid in their investigation of the impersonation claim.

The Village office and library building have been tested to determine where the lead paint is. The report was then sent to Kascon who evaluated the lead report and submitted an estimate to the scraping and encapsulation of lead on the building. The estimate for the work was submitted at $41,200. The building would then be ready for painting and could be done by any paint company as compliance with NYS Laws relating to the lead would already be completed. Mayor Lennon asked if there were any pictures to view that would show a “completed” project from Kascon for review and what the availability of the company is, would it be able to be completed before the winter. As this exceeds the budget for the project and will still need a second coat done later, the Village board will need to look at prioritizing projects, as they will still need to look for ways to cover the cost of a newer ambulance for the EMS. Kelly has offered to start a new report that will identify budgeted projects, what budgeted, what expended so far, all on one paper, and look at budgeted verses actual spend. We also need to look at additional projects that will be coming soon, such as new trucks for the Fire Department.

Jared has determined that the cost of the meters for the metering system for fire suppression systems will be approximately $4,000. Mayor Lennon would like to send a text message alert to the community that a vote will be occurring soon. Kelly asked if there had been any decisions as to the annual cost the board is considering charging for being hooked up to the Village water lines for fire suppression. Mayor Lennon has asked that Jared Kline provide that information. Jared feels that Brian Skidmore would be best to provide that information. He will contact Brian to review for next month’s meeting.

Bulk Diesel usage is going well with bulk fuel. The propane is not up and running yet, there has not been enough propane drained to act. Kelly has asked for diesel usage reports and asked the commissioners to get their departments to submit the reports monthly.

There was a question for the County prior to completing the sale of the old firehouse. Maryellen reached out to Dave Merzig, the village attorney, but he was on vacation. She believes that question is the last step prior to closing being scheduled.

Dave Smith made a motion to accept the revisions to the Community Center rental agreement effective immediately. Maryellen Canuel seconded the motion. VOTE: Burchill – yes, Canuel – yes, Smith – yes, Lennon – yes. APPROVED

Maryellen Canuel made the motion to pass resolution 2023-16 to modify the parking for South Main Street and School Street, with the discussed revisions. Mayor Lennon seconded the motion. VOTE: Burchill – yes, Canuel – yes, Smith – yes, Lennon – yes. APPROVED

**NEW BUSINESS**

Maryellen has received two estimates to fence in the water tower. There is currently no fencing at this time, and it has been recommended that we fence in the water tower during the annual inspection. Maryellen will follow up with the third bid prior to the next meeting. The two estimates received have been reduced, as one of the companies pointed out that the fence does not need to be run along the ridge line now that barb wire has been factored into the fence. One estimate was for $18,500 and the second is $24,250. The original budget for the project was $6,000. If the project is too pricey, the fencing in the water tower may have to remain part of the overall water improvement project. Rich Anderson asked if the village could just fence of the ladder itself. Mayor Lennon conveyed that the fence would eliminate vandalism to the tower and would need to align with other aspects of the upgrades to the water tower. Maryellen will do some additional research and obtain the third bid prior to any decisions or motions made by the board.

Josh Burchill made the motion to solicit new bids for the procurement of the ambulance. Maryellen Canuel seconded the motion. VOTE: Burchill – yes, Canuel – yes, Smith – yes, Lennon – yes. APPROVED Mayor Lennon will meet with the procurement team and get new specs to Kelly for posting early next week.

Maryellen Canuel made the motion to approve the Village Board providing a letter of support to the Railroad Museums grant application. Dave Smith seconded the motion. VOTE: Burchill – yes, Canuel – yes, Smith – yes, Lennon – yes. APPROVED

Maryellen Canuel made the motion to purhcase the 4 sandwich boards as reqested from the Community Events Committee. Josh Burchill seconded the motion. VOTE: Burchill – yes, Canuel – yes, Smith – yes, Lennon – yes. APPROVED

Dave Smith made the motion to approve Mayor Lennon to sign the EMS Agreement with the county. It is a reciprocal agreement that we signed last month with the county where we will bill them $200 if we supply an ALS intercept for one of their calls, last month it was approved if they were to provide ALS support to the Village. Maryellen Canuel seconded the motion. VOTE: Burchill – yes, Canuel – yes, Smith – yes, Lennon – yes. APPROVED

Ray Baker from Sidney has not supplied the rental agreement for the rental of their ambulance to Mayor Lennon. There is currently a verbal agreement for $100 per day. The Village has received one bill for the partial month of May 2023 and made several repairs to the ambulance brakes and air conditioning this summer. Mayor Lennon believes that although they would like their ambulance back soon, that we are okay using it through October.

Dave Smith made the motion to approve the 2024 contracts for Fire Service for the Town of Columbus and the Town of New Berlin, which reflect a 2% increase from 2023. Dave thinks that we will need to do something different moving forward, whether that be bonding or raising contract prices to account for the need for new ambulances. Maryellen Canuel seconded the motion. VOTE: Burchill – yes, Canuel – yes, Smith – yes, Lennon – yes. APPROVED

Josh Burchill made the motion to approve the 2% increase of the 2024 EMS contracts with the Town of New Berlin and the Town of Pittsfield. Dave Smith seconded the motion. VOTE: Burchill – yes, Canuel – yes, Smith – yes, Lennon – yes. APPROVED

Maryellen Canuel made the motion to approve the New Berlin boyscout troup 61 to host their annual Soap Box Derby in the Village on Moss Street in the Village on Friday, June 14th from 4-7pm. Dave Smith seconded the motion. VOTE: Burchill – yes, Canuel – yes, Smith – yes, Lennon – yes. APPROVED

According to Joann Smith, the insurance broker for the Fire and Ambulance Department, the decision of whether volunteer fire department members can drive the New Berlin Ambulance Service’s rig without being on the record as being a volunteer driver of the ambulance service is not a decision for the Insurance Company to make, but for the Village Board of Trustees’. The board discussed whether fire department members can respond to EMS calls and drive the ambulance when a driver is not available, or if they need to be brought onto the Village EMS crew and do the necessary paperwork to obtain Village Board approval to become a driver. Jared Hanslmaier asked if there were age restrictions to drive. They do not allow their members to drive until they reach the age of 18, although they are able to join the Fire Department at the age of 16. If they are going to get paid and go on the schedule, they will need to fill out paperwork and get board approval prior to driving the ambulance, but if they are responding as a fire department member because their tones went out asking for a driver for the ambulance then no paperwork would be required. Mayor Lennon would like to re-instate the requirement that all ambulance drivers go through EVOC training. Kelly has been asked to draft a policy with the aid of Jared Hanslmaier from the Fire Department for Fire Department members wishing to also be available to drive the ambulance. They will be allowed to assist during the period of drafting a policy.

Josh Burchill made the motion to approve Dan Green and Shawn Patrick to drive the ambulance. Shawn will be volunteering his time, primarily on the weekends. His wife is an ALS medic that is in the process of applying to work for the Village and going through the hiring process at the county level. Dave Green is a previous employee in Otsego County and has experience handling large equipment, Mayor Lennon feels they both will be assets to the Village. Maryellen Canuel seconded the motion. VOTE: Burchill – yes, Canuel – yes, Smith – yes, Lennon – yes. APPROVED

Dave Smith approved the purchase of a new AED unit for the Fire Department in the amount of $1,217. They did put in a grant that would pay for four AED units, but they have a need for one to replace an outdated unit now.

Maryellen Canuel approved to split the cost with the department to have bricks landscaped around the new electronic sign by the Fire Department and Community Center property. The work will be performed by the same company that laid the bricks around the flagpole. The total expenditure is $3,600, the Village will pay $1,800 that will be expensed to Buildings and Grounds.

Mayor Lennon asked the Village to suspend the BLS/Driver Policy that was established in 2015 to address pay differences between volunteers’ drivers’ rate and BLS rate for a period of 90-120 days. The New Berlin Ambulance Service has two BLS medics that have been put on the schedule as drivers, their time was submitted and paid at the BLS rate, which has a separate timecard than what the drivers are required to turn in. This has caused overpayment of these two individuals, at an estimated value of $2,500. If someone on the EMS staff is a BLS or ALS medic and is driving, during that time they get driver reimbursement.

According to Mayor Lennon, we are in a situation where we need drivers badly. Currently, the drivers are considered volunteers who receive a stipend of $25 / 8 hr. shift and $15 reimbursement if there is a call that is transported to the hospital. We have cut down a portion of our pool of drivers, individuals will not drive from Norwich for the small stipend that the Village pays its volunteers. According to Mayor Lennon we need some of those BLS to be able to drive and be paid at $18.25 per hour. They are Junior BLS, it is good to have them on the ambulance learning, teaming up with another BLS or ALS medic is good training for them. Until we can make sure they are ready to operate independently as BLS medics and we have confidence with them that they are able to operate independently. The second thing is it mitigates our driver shortage. Mayor Lennon is asking to suspend the policy for 90-120 days and then go from there. Mayor Lennon would like to get to a point where drivers can be brought on as employees. Kelly asked if it would be made retroactive. Per the Village attorney, the Village can not make the suspension of the policy retroactive. Mayor Lennon stated that he is also working with Chenango County Civil Service Department to make the position of ambulance driver an employee position approved through Civil Service and paid at a regular rate of pay and do away with the volunteer stipends.

Rich Anderson and Dale Barton shared their concerns with the board of how such a suspension of policy would affect the other drivers who would not receive the same rate of pay during the suspension of the policy. Dale Barton raised his concern that the board is overlooking giving credit to the other drivers that have been there since day one. He is concerned that this will also allow the BLS individuals who are also driving to be able to get holiday pay like the medic do, but the drivers are not eligible for. Many of the original drivers lost out on the rescue act money that the medics received because of the consideration that they were considered volunteers and not employees of the village and therefore not eligible for the rescue act funds. But they went into the hot houses just like the other medics did. He is not happy that the board is considering bringing in BLS drivers that are going to get $18 an hour on the shifts they work as a driver while the regular drivers get just $25 for an eight-hour shift like they've always gotten. Dale said that he understands how desperately the Village needs more drivers but feels that the board is forgetting about the drivers who have been there all this time.

Rich Anderson suggested that they it may go over better if board created a BLS training position and stipulated that if a driver hasn't been found for the period that they're on shift they can drive, but don't call them a driver.

As it was brought up by Dale Barton that drivers do not get the $15 extra for transporting a patient, Kelly Anderson suggested drivers get paid the $15 transport rate, regardless of whether the ambulance transports to the hospital. Josh Burchill made the motion to pay drivers for every dispatch, for each time the rig leaves the station, as every time they leave the station, they are doing what is asked of them. Dave Smith seconded the motion. VOTE: Burchill – yes, Canuel – yes, Smith – yes, Lennon – yes. APPROVED

Josh Burchill made the motion to suspend the BLS Driver policy until the end of October, and revisit the decision for november at hte October Meeting. Maryellen Canuel seconded the motion. VOTE: Burchill – yes, Canuel – yes, Smith – yes, Lennon – yes. APPROVED

RESOLUTION

**Resolution No. 2023-15 “Resolution approving the payment of vouchers”**

Wherevouchers.Treasurer of the Village has presented the following bills for payment…

General Fund - $61,754.30

Water Fund - $ 4,398.07

EMS Fund - $22,307.46

Total Expenditures - $ 88,459.83

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:

Burchill: Yes- Canuel: Yes Crawford: absent Lennon: Yes Smith: Yes

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

CARRIED: YES

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

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

Adjourned at 9:56 PM - Kelly Anderson, Village Clerk and Treasurer