**Village of New Berlin**

**Minutes of December 12, 2023**

**CALL TO ORDER**

The public hearing to discuss the senior citizen income levels for a partial exemption on property taxes was called to order at 6:00 PM.

**ATTENDANCE**

Members Present: Peter Lennon, Mayor

Dave Smith, Deputy Mayor

Maryellen Canuel, Trustee

Members Absent: Joshua Burchill, Trustee

James Crawford, Trustee

Others Present: Marty Benson, Gary Benson, Elaine Lennon, Anthony Canuel, Michelle Priola.

Mayor Lennon opened the public hearing and opened the floor for any attendees that wanted to comment on the senior citizen income level adjustment. Kelly Anderson clarified for the attendees that the last increase in the income levels was in 2021 that went into effect with the 2022 assessment rolls with the income levels being set at $13,000-$21,400. Changes made now would not be put in place until the 2024 assessment rolls which would impact the 2025 Village taxes. Mayor Lennon looked for confirmation that the increased limits were consistent with what the town just approved. To apply for the Senior Citizen Exemption, residents of the Village can apply with Penny Haddad at the Town of New Berlin offices on North Main Street. She has office hours on Friday mornings. Mayor Lennon closed the public comment on the senior citizen income levels.

**CALL TO ORDER**

The public hearing to discuss the Cold War Exemption on Village property taxes was called to order at 6:15 PM, by Mayor Peter Lennon.

**ATTENDANCE**

Members Present: Peter Lennon, Mayor

Dave Smith, Deputy Mayor

Maryellen Canuel, Trustee

Joshua Burchill, Trustee

Members Absent: James Crawford, Trustee

Others Present: Marty Benson, Gary Benson, Elaine Lennon, Anthony Canuel, Michelle Priola, Jared Kline, Don Anderson, Patrick Wright, Sarah Wales-Wright, Lisa Serradilla.

Mayor Lennon opened the floor to discussion regarding the proposed Cold War Exemption Law that was recently passed at the Town Level, that the board was interested in passing for a cold war exemption to be added to village law. The exemption would allow for a 15% reduction in the assessed value of a property for any person who served on active duty from September 2, 1945, to December 26, 1991, and was discharged or released under honorable conditions.

There was no public comment or discussion. Kelly reminded the board that if any board member stood to benefit from the cold war exemption that they would have to abstain from voting on the resolution to pass the new law.

**CALL TO ORDER**

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

**ATTENDANCE**

Members Present: Peter Lennon, Mayor

Dave Smith, Deputy Mayor

Maryellen Canuel, Trustee

Joshua Burchill, Trustee

Members Absent: James Crawford, Trustee

Others Present: Marty Benson, Gary Benson, Elaine Lennon, Anthony Canuel, Michelle Priola, Jared Kline, Don Anderson, Patrick Wright, Sarah Wales-Wright, Lissa Serradilla.

**ROLL CALL**:

Burchill– here

Canuel – here

Crawford –absent

Lennon – here

Smith – here

**PRIOR MINUTES**

Mayor Lennon suggested that the approval and discussion of the prior minutes from the November 14th regular meeting and the December 4th “Emergency” meeting wait until after the discussion of the minutes by the board under new business. Kelly expressed that any decision by the board to limit the material in future meeting minutes would be for minutes going forward, it would not be retroactive to prior minutes.

Mayor Lennon does not think that the minutes are a fair representation of what the actual discussion was and that there is too much editorializing in the minutes from November 14th. Kelly disagreed as the minutes were taken directly from the transcript that was created from the recording of the November 14th meeting and ran the minutes through spell check and grammar check prior to sending them to the board. Mayor Lennon expressed that he thinks the minutes of the November 14th meeting need a significant amount of proofreading and rework, (Added Note: but failed to see Kelly in her office in the two weeks prior that the minutes were available, nor did he email her with any questions or concerns over the minutes prior to the meeting, as is required under the employee handbook).

The minutes are the work of the clerk, or clerk/treasurer. The Clerk/Treasurer does not have to honor any requests to amend the minutes of the meeting, however, can be directed to change the minutes of the meeting by majority vote. The motion to amend the minutes of the meeting must be specific and concise, they must include what the board member wants removed or changed according to NYCOM (New York Conference of Mayors). Legally, the board does not have to approve the Minutes.

Historically, the board has chosen to approve the minutes, this board can choose not to.   
Maryellen Canuel made the motion to approve the minutes for December 4th, Dave Smith seconded the motion. Josh Burchill abstained from the vote as he was not in attendance on the 4th of December. VOTE: Canuel: yes, Burchill: abstain, Smith: yes, Lennon: yes. APPROVED.

A question arose as to the ability to postpone the approval or motions to revise the minutes or if they had to be done at the next meeting following the meeting that the minutes were written for. Kelly will be following up with NYCOM for clarification, as the board was not prepared to make motions or list any specific challenges to the accuracy of the minutes. Josh Burchill made a motion to table the approval of the minutes of November 14. Maryellen Canuel seconded the motion. VOTE: Canuel: yes, Burchill: yes, Smith: yes, Lennon: yes. APPROVED.

**PUBLIC CONCERNS AND VISITORS**

Lisa Serradilla addressed the board with concerns over the number of special meetings that have been held over the last 18 months. She claims that there have been upwards of twenty special meetings over the last year and a half, and last week there was a meeting which the public got all of eight minutes notice to attend the meeting. It is hard enough getting people here on a Tuesday night once a month, the number of special meetings that go on are so difficult for people to get to. It makes it extremely hard for the public to keep abreast of what is going on, or to have a say in what is going on. She expressed the need for more transparency from the board. She is concerned that directing the minutes to only include what was voted on in a meeting and not having a summary, does not inspire trust. There is a certain exclusion that people are perceiving.

The board explained to Lisa that they are not trying to conduct business with a lack of transparency, but sometimes extra meetings are needed to keep projects moving forward. The board discussed the option of putting a live recording online for people to watch as something that the Village looks at for 2024 when the village puts together the budget for the upcoming fiscal year, as the technology would come at a cost.

At the request of Mayor Lennon, Josh Burchill made a motion to amend the agenda to move the CD Loan report to before the Fire Department’s update to the board. Dave Smith seconded the motion. VOTE: Canuel: yes, Burchill: yes, Smith: yes, Lennon: yes. APPROVED.

Tony Canuel provided the CD loan report to the board. The Village has four active loans representing $39,902.19 in outstanding balance. There were no delinquent payments this month. We currently have no loans in application. Which leaves us $140,865.72 available for lending. We have a $25,000 CD at 4.75% which is going to come due in February 2024 and the second of $25,000 at a 4.9% rate that will come due in May of 2024. The committee will be meeting after the holidays and the topic of discussion will be what to do with the money that is in the CD that will mature in February to reinvest it. They would also like to see if they can stimulate more activity for the loans. Kelly asked Tony to talk to her before they went searching for rates as the board decided earlier this year to stay with our broker at Wells Fargo. So, we will get the information right from our broker about what interest rates she can get for us.

**FIRE DEPARTMENT**

Fire Chief, Don Anderson, provided the report for the Fire Department for the month of November. They responded to six calls. Bringing the year to date to eighty-six calls. There were none in the village, two in the town, two in Columbus and two others. Trucks are all up to date. Last night, the Fire Department had a little family Christmas thing for all our fire department families and had a nice little turn out.  
  
**EMS REPORT**

Mayor Lennon reported that Dale was not present tonight to give the EMS report because he is participating in a Rural New York Ambulance Webinar. The numbers were low in November because of the periods the ambulance was out of service. The new rig is running well. Mayor Lennon acknowledged that the EMS service is not going to meet the budgeted 310 billable transports. He shared that transports are down across the region. We are operating about 65% of what we had planned on. Kelly contributed that the Ambulance Service is currently at a net loss of approximately $33,000 this fiscal year to date.

Mayor Lennon informed the board that the Town of Pittsfield has approved the six-month contract with the village for ambulance service for the first half of 2024. However, after that Otsego County did make a presentation to Pittsfield, as they are considering positioning one of their assets in the area. Otsego County Ambulance Service proposal addressed both county route 49 and 18, which would give them a little bit more comprehensive coverage of the Pittsfield Morris corridor.

Mayor Lennon also reported that the Town of New Berlin has approved the contract for next year as part of their budget approval. He pointed out in the report that there has been a considerable number of calls in the Sherburne area that we are picking up, he believes that there are opportunities for us to relook at the EMS relationship with Columbus. He is hopeful that there is a way that both New Berlin and Sherburne Ambulance Services can work collaboratively and continue to be able to provide viable options for ambulance coverage. Mayor Lennon also reported to the board that Sydney's rig has been returned, and our insurance reflects that return.

**DPW REPORT**

Jared provided an update to the board on the activities of the DPW since the last meeting. They continue to pick up brush and compost weekly. They have taken down the Hometown Hero’s banners throughout the Village and set up the park and decorated trees for the tree lighting ceremony. The DPW crew was called to assist South New Berlin water district with a main break a few weeks ago. All employees have completed their grade C water license and can now evaluate water on the weekends.

The other big project that they are working on is the Lead and Copper rule. Thus far, they have analyzed sixty-eight of approximately 380 connections. The project is due to the State in October 2024, and all service lines must be identified as whether they contain lead. Going through the old Maps of connections, Jared did discover that there is a house that is hooked up to the water service that Kelly and Jared were told was not hooked to Village water that Jared now has a document showing a connection from the house to the water main. There is rumored to have been a deal made by a prior board member with the two homeowners on River Lane when the water lines were put in the ground, to allow for free water if they granted easements for the water lines to run through their property. This would not have been a legal deal, but there is no record of the property being charged for water. The one house on River Lane is being charged for water, the other homeowner had denied the connection. If it is determined that the water service is in fact in use, the Village Board will need to decide on how far back to bill the property, after consultation with the Village Attorney.

Maryellen asked Jared when he would be able to repaint the lines for the old firehouse building as the people purchasing the building would prefer that be done prior to the closing. She has requested that they at least paint the lines in front of the doors on the old Firehouse. Kelly added that it would also be nice if they could have the “No Parking signs removed in front of the Nook on South Main Street and the one on School Street, and then have a ten-minute parking sign placed with the two spots on School Street as approved by the board several months ago. The “No Parking” sign in front of the Nook coffeehouse should be changed to a two-hour parking sign.

Maryellen brought to Jared’s attention that the lights are out on one of the Christmas trees. Jared believes that there may have been a short.

Kelly requested time with Maryellen to review the permit for the bulk storage tank over at the old firehouse, as the permit is due to be renewed in February and this requirement will need to be passed on to new owners after the closing.

**GRANT STATUS**

Mayor Lennon called Brian Skidmore of Barton and Loguidice for an update on the drinking water grant and loan programs and the money that may be coming in with the responses that we are getting from Rural Development and the Bipartisan Infrastructure.

Brian Skidmore recapped for those in attendance that there are two funding agencies that we have applied to, Rural Development and EFC. EFC administers the traditional SRF program which includes hardship funding which can provide 0% interest loans and they have a small amount of grant funding that they distribute. The SRF funding is further supplemented by the bipartisan infrastructure legislation that was passed in 2021. There are additional funds that have doubled the amount of funding under that program and has added quite a bit of grant funding, specifically to that SRF program. EFC, a third pot of money, is the agency that administers the WIA grant program, which is New York State funding. Barton and Loguidice has applied under those programs on behalf of the Village and has an application for funding with Rural Development that is still in the works.

Rural Development is not able to offer funding for projects because they do not have a budget for this current fiscal year that started October 1st. But as of a couple of weeks ago, they are still processing applications and getting those applications to a place where they are either going to be approved or not approved and they are going to look and see what their highest priorities are for the projects that they want to fund. Brian conveyed to the board that Rural Development will put out a limited number of funding estimates and funding awards. If the village of New Berlin is one of their higher priorities, then we might get a funding offer from them, but more likely than not, we are not going to hear anything more from Rural Development until there is a federal budget in place.

The first of the three pots of money that gets announced are the WIIA grants, so Brian spoke with the Department of Health who helps out with the SRF program and they indicated that the WIIA grant award recommendations were sent to the Governor’s Office several weeks ago and they don't send out offer letters for traditional hardship or for the bipartisan legislation funding until we have grants announced and the reason for that is because the Governor’s Office has the authority to veto any of their recommendations. EFC coordinates the awards of the WIIA grants, the bipartisan infrastructure grants, and hardship grants to try to maximize the number of priority projects and the amount of grants that they give out under all three programs. When he spoke to the Department of Health a couple of weeks ago, they gave Brian a heads-up that the Village was not going to receive a WIIA grant. According to Brian, the reason the Village is not going to get a WIIA Grant for the water project is because we are going to get bipartisan infrastructure funding. They cannot give the Village a letter stating that we have been awarded the Bipartisan funding until the WIIA grant awards are published.

The bipartisan infrastructure funding can provide up to 50% grant. The Village has about a $15 million project, which means we could get up to $7.5 million in grants, whereas WIIA grants are capped at $5 million. We will get at least $5 million but could get as much as 50% of the project cost. That program comes with the same 0% interest loan that you would get under the regular program. They are hoping by January 12th to have the bipartisan infrastructure supplemental funding offer in hand.

Brian reported that there may be additional funding that we can get from USDA and Rural Development in addition to the $7.5 million. They will be advised that we have received a bipartisan infrastructure grant prior to making any funding offers themselves, as they typically require a balance between grant and loan funding of 70% to 30%. Brian does not feel that it is highly likely that they are going to pitch in additional grants, but it is possible.

He did say that in addition to the bipartisan infrastructure funding that the Village is eligible for CDBG and that would be a up to $2 million in grants. The only problem that he mentioned with funding from CDBG is that they require the recipient to be under construction within six months of the award. When you apply for a CDBG grant, you need to have a complete design. Any regulatory review and permitting applications with DC and Army Corps and whoever else you need permits from would need to be complete by the time the application is submitted. Application deadlines for the CDBG grant are in July and Brian does not anticipate that the Village would be ready to apply for CDBG grant until 2025, which means that construction would not begin until 2026.

A public information session will be scheduled in the new year as there needs to be a discussion about what level of debt service that the Community would accept. The debt service cost and the annual debt service per household would be a number that would be included in the referendum so that people know what they are voting for.

CDBG doesn't give out loans, so the idea would be that if the referendum passes, Barton and Loguidice would look to design the entire project and get the entire project approved by DO agent permitted, and then they would apply for CDBG during the review period for the plans and specs and the permits and move forward with the project including the $2 million piece for CDBG. If the Village does not get that CDBG piece, Brian told the board that they can carve that piece out of the project and set it aside until such time that the Village is awarded the CDBG grant.

Maryellen requested that Brian compose a timeline for the 2024 calendar year as he had done for the 2023 calendar year. Kelly inquired about future billing or revisions to the contract for services with Barton and Loguidice as according to her records the Village has about $268 left on the current contract for the last amendment for their services. Brian stated that at this point they were not going to send any more invoices until the referendum is approved and then we would look to put together a design agreement. He said that one of the things with the bipartisan infrastructure funding is that the recipient is required to put the engineering services out to bid with an RFQ. Therefore, the Village will have to go through a federally required procurement process for the engineering services.

Mayor Lennon addressed the board on the outstanding grant through the Senate channels from the construction of the new firehouse. He stated that there are multiple options that are being considered, both at the legislative and legal level, but no formal updates that he could provide at the time of the meeting. He has spoken with Senator Overacker and Senator Griffo regarding the grant funding this last week.

The second Sam's type grant is for the ambulance and that program has been renamed Community Resiliency, Economic Stability and Technology program (CREST). Paperwork for the grant was received by the Village and passed on to the Mayor and Deputy Mayor for their authorization prior to submission.

**COMMITTEE REPORTS**

**Community Events Committee**

Sarah Wright reported that the tree lighting went well. Everyone from the public that she has spoken to has said that they really enjoyed it. Mayor Lennon added that he thinks that the committee is at a point where they can do a quick meeting to identify what was harder than they thought it was going to be, what was easier, what relationships that they want to continue next year. He would also like to encourage making sure that we deconflict our events as much as possible so that we do not have four or five different things going on the same weekend. The parade in Norwich and there may be other things that are going to be popping up in in future, not only for the tree lighting, but other events that we have that we need to make sure that we minimize the potential conflicts because we're all going after the same audience and the same supporters.

Sarah Wright followed up her report with a formal resignation from the Community Events Committee effective immediately. She was recruited to the event committee when she was unemployed and had free time. Now she is working more than 40 hours a week plus on the Town of New Berlin board. Her availability to volunteer time is slim to none. Her husband Patrick Wright also announced his resignation from the committee as he is no longer working in the area, which has created time constraints for himself as well. Mayor Lennon thanked them both on behalf of the board and behalf of the committee.

**Planning Committee**

Mayor Lennon reported that the Planning Committee is planning to meet on the 20th of December. At that meeting, they are going to have preliminary discussions with the senior planner from Sullivan and formerly of Otsego County is coming to kind of guide them through a couple of our early priorities. One of those priorities is the review of various documents that we know are outdated and how fill those gaps until we can do a significant rewrite of the planning and zoning documents, the zoning documents, and to solicit input for the structuring of a comprehensive plan.

**Safer/Slower New Berling Committee**

Josh Farley from the Safer Slower New Berlin Committee was not in attendance. Mayor Lennon reported that the committee was out helping to direct traffic and make things a little bit safer during the Christmas tree lighting.

**COMMISIONER REPORTS**

Josh Burchill did not have any updates.

Dave Smith updated that he had worked on the installation of ring thermostat, however the ring thermostat was not compatible with the needs. There are two wires coming through the current thermostat and the smart thermostat needs five wires, it also does not have an option for the fan. Dave reported being back to the drawing board to see if he can get a smart thermostat that is more for a commercial unit. He also reported that the audit of the Village office is complete and extended his thanks to Kelly.

Maryellen updated the board on the sale of the old Firehouse. She believes that all the documentation has been signed regarding the sale and they are going to work up the closing statement. At that point it is just a transfer of the funds to finalize the transaction. She will be reaching out to Dave Merzig and collaborating with him on the lease of the facility. There were two items that came up related to the lease. There is a button in the firehouse that used to be used to turn on the siren, this is not activated at the county level. There is something that needs to be disconnected in that building, and Rich Anderson has been helping her. She needs to get back to him after he left her a voicemail with the who’s who of who worked on the siren. The other thing that came up was a question about water usage. The buyers were concerned about the use of water, as they will be paying for the utilities. There was concern that there is going to be a lot of water used washing the rigs. Because it was a Village owned building the DPW was not reading meters at that location. We do not know how much has been used historically by the EMS or Fire Department while in that building.

The compromise Maryellen offered to Melissa was for the Village to pay the water bills for the first year to be able to monitor the usage. (Added Note: The water usage will be charged to the EMS Fund as the EMS will be the ones utilizing the leased space and legally, the Village cannot waive the fee for any homeowner or business in the Village.)

Melissa has also bought four parking signs to reserve the four spots for the EMS so that nobody else parks there. That gives them free access to get in and out of the garage and to make sure that there is a place for their cars. The last piece Maryellen brought up earlier in the meeting when she asked Jared, so that nobody parks in front of their doors, to get the lines repainted in front of the building prior to the purchase.

The old ambulance is still in the front bay of the building, facing the east. Mayor Lennon stated that it would be moved as soon as possible, but it may involve getting a tow truck.

Maryellen reported that the painting of the gazebo will have no further action until spring, but she wanted to make the board aware that Matt did get the wood repairs done down at the gazebo.

Kelly requested of Maryellen to see if she can do anything with the molding, or more specifically the lack of molding in the stairwell up to the apartment, as there are exposed 2 x 4’s. Maryellen will look, it was not specified as part of the door replacement project, so was not included in the scope of work.

Maryellen went to the town meeting last night to present the proposed camera system to the Town Board. She gave the estimate to them as well, since it is also for the benefit of the Police Department, she asked for their consideration to contribute to the cost of the cameras. She will return to the Town in January to see if they have any questions or if they have had a chance to talk about contributing to the cost.

She also shared with the board that we are also doing further due diligence.  
We learned that Spectrum has the capabilities of having cameras installed, so they have sent information in, but she is unsure if the quality of those cameras matches the Villages’ needs. When she is ready to present her recommendation to the board, she anticipates having three options.

Pete reported that the Village will need to schedule a meeting to update the emergency Operations manual but does not know when that is going to be yet. It may be something that can be done during a regular meeting, or it may require a special session, as the plan involves relationships between the fire department, South New Berlin, UV school and the Town of New Berlin.

Mayor Lennon is still awaiting input from the Railroad Society for their letter of support from Paul Strani.

In the Spring of 2023, Mayor Lennon instituted a hold over period for the clerk/treasurer’s position as it was decided that all job descriptions in the Village needed to be written and that the clerk/treasurer piece would be first and need to come before the current clerk/treasurer could be re-appointed. After the completion of the re-write and the mandate the hours be changed for the position, it was decided that the Full-time medic with administrative duties job description would be written next. The board agreed that they would all be re-written over the summer. To date the clerk/treasurer position has been the only description completed. Mayor Lennon addressed the EMS job description at the meeting. After speaking with Maryellen outside of the meeting, he believes that a date should be scheduled for that discussion. There was a list of duties that was put together the first time that Dale had the position of the EMS person with administrative duties, and it is a comprehensive list. Pete would like to also turn that into something that if Dale does not decide to continue after the six-month period, that Dale has agreed to coming back for, where the village would be able to easily transition the position into a civil service job announcement.

Mayor Lennon took the opportunity to remind Kelly and Dave that the three of them still needed to schedule a time to review the contents of the safe deposit box that is held for the Village at NBT Bank. Kelly did inform them that there was only one of the two keys for the box that had been located. The Village may need to pay for a replacement key, Kelly will discuss the options with Ginny at the bank.

Mayor Lennon asked Kelly if she knew of any updates on the fuel conversions to Broedel in Jim's absence. She had not received an update or any quotes on fuel oil or the generator that Jim was working on having sent to her at the office.

**OLD BUSINESS**

Mayor Lennon re-iterated that the Planning Committee would be taking the next steps on the Comprehensive Plan for the Village at the meeting that will be held on the 20th of December.

Neither Pete nor Jared had an update on the revisions to the water law to include a fee for facilities in the Village that are hooked up to Village water for the fire suppression systems in their buildings. The topic will be moved into a future discussion. The board needs to decide the rate that the Village is going to charge.

There was nothing new on the compensation of ALS and BLS while serving as the driver or the out of service policy for the ambulance crew. Mayor Lennon thinks that those will both be incorporated in the discussion about the EMS Policy manual.

VILLAGE OF NEW BERLIN

Resolution 2023-19

Whereas the Village of New Berlin has received a request to revise the sliding scale that the Village uses to award senior citizen discounts on Village property taxes from a scale of $13,000-$21,400 to an amount higher than said scale to remain consistent with the exemption income limits offered by the Town of New Berlin.

Whereas, the Village of New Berlin does have a local law, Taxation, that addresses discounts offered to Senior Citizens.

Whereas the Village of New Berlin Board agrees that income levels of the Senior Citizen discount should be amended.

Now, therefore,

We the board of trustees of the Village of New Berlin hereby resolve to amend Local Law 10 of 1977 as follows:

LOCAL LAW NO 5 OF THE YEAR 2023

A Local Law to Amend Section 79-3 and 79-6 of the Taxation Law

BE IT ENACTED by the Village Board of the Village of New Berlin:

§ 79-3. Requirements for eligibility.

D. The combined income of all the owners of the property must have been twenty-six thousand three hundred ninety-nine dollars and ninety-nine cents ($26,399.99) ~ or less during the twelve (12) consecutive months immediately preceding the date of making the application for exemption. Where title to the property is vested in either a husband or wife, the combined income of the husband and wife may not exceed twenty-six thousand three hundred ninety-nine dollars and ninety-nine cents ($26,399.99). The term ' income" includes all social security and retirement payments, interest, dividends, net rental income, salaries, or other earnings, including net income for self-employment. "Income" does not include gifts or inheritances. [Amended December 12, 2023]

And

§ 79-6. Amount of exemption.

Upon the determination by the Assessor that the requirement of this Article has been met, the exemption shall be allowed in the amount of up to fifty percent (50%) of the assessed value of the property which so qualifies on a sliding scale of 20% - 50% based on qualifying income levels of $18,000 – 26,399.99 sliding scale. The exemption does not apply to special ad valorem levies or special assessments. [Amended December 12, 2023]

Section 2: This local law shall take effect upon the filing with the Secretary of State of the State of New York.

RESOLUTION

INTRODUCED BY: Maryellen Canuel SECONDED BY: Dave Smith

ROLL CALL VOTE:

BURCHILL: YES CANUEL: YES CRAWFORD: ABSENT SMITH: YES LENNON: YES

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

CARRIED: YES

Resolution – 2023-20

Whereas the Village of New Berlin has received a request from the Town of New Berlin Assessor, Penny Haddad, for the Village to offer a real property tax exemption for cold war veterans,

And

Whereas the Village of New Berlin Board of Trustees would like to include the Cold War Exemption to be added to Local Village Law to offer the property tax exemption to remain consistent with the exemptions offered at the Town of New Berlin level.

We, the board of trustees of the Village of New Berlin hereby resolve to adopt Local Law 6 of 2023 as follows:

**LOCAL LAW NO. \_6\_\_\_ OF 2023**

**VILLAGE OF NEW BERLIN, NEW YORK**

**A LOCAL LAW AUTHORIZING A REAL PROPERTY TAX**

**EXEMPTION FOR COLD WAR VETERANS**

BE IT ENACTED by the Village Board of New Berlin as follows:

**Section 1. Legislative Intent**

The Real Property Tax Law of the State of New York was amended by adding a new section 458-b authorizing a real property tax exemption for Cold War Veterans. It is the intention of this Board of Trustees, by passage of this newly adopted Local Law, to provide the exemptions under Section 458-b of the Real Property Tax Law to eligible persons for purposes of taxes levied by the Village of New Berlin.

**Section 2. Definitions**

a) "Cold War veteran" means a person, male or female, who served on active duty in the United States armed forces during the time-period from September second, nineteen hundred forty-five to December twenty-sixth, nineteen hundred ninety-one, was discharged or released therefrom under honorable conditions.

(b) "Armed forces" means the United States army, navy, marine corps, air force, and coast guard.

(c) "Active duty" means full-time duty in the United States armed forces, other than active duty for training.

d) "Service connected" means, with respect to disability or death, that such disability was incurred or aggravated, or that the death resulted from, a disability incurred or aggravated, in line of duty on active military, naval or air service.

(e) "Qualified owner" means a Cold War veteran, the spouse of a Cold War veteran, or the un-remarried surviving spouse of a deceased Cold War veteran. Where property is owned by more than one qualified owner, the exemption to which each is entitled may be combined. Where a veteran is also the un-remarried surviving spouse of a veteran, such person may also receive any exemption to which the deceased spouse was entitled.

(f) "Qualified residential real property" means property owned by a qualified owner which is used exclusively for residential purposes; provided, however, that in the event that any portion of such property is not used exclusively for residential purposes, but is used for other purposes, such portion shall be subject to taxation, and only the remaining portion used exclusively for residential purposes shall be subject to the exemption provided by this section. Such property shall be the primary residence of the Cold War veteran or the un-remarried surviving spouse of a Cold War veteran unless the Cold War veteran or un-remarried surviving spouse is absent from the property due to medical reasons or institutionalization.

(g) “Latest state equalization rate" means the latest final equalization rate established by the state board pursuant to article twelve of this chapter.

(h) "Latest class ratio" means the latest final class ratio established by the state board pursuant to title one of article twelve of this chapter for use in a special assessing unit as defined in section eighteen hundred one of this chapter.

**Section 3. Exemptions**

(a) The Village Board of New Berlin adopts this local law to provide that qualifying residential real property shall be exempt from taxation to the extent of fifteen percent (15%) of the assessed value of such property; provided however, that such exemption shall not exceed fifteen thousand dollars ($15,000) or the product of fifteen thousand dollars ($15,000) multiplied by the latest state equalization rate of the assessing unit, or, in the case of a special assessing unit, the latest class ratio, whichever is less.

(b) In addition to the exemption provided by paragraph (a) of this subdivision, where the Cold War veteran received a compensation rating from the United States Department of Veterans Affairs or from the United States Department of Defense because of a service connected disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property, multiplied by fifty percent (50%) of the Cold War veteran disability rating; provided, however, that such exemption shall not exceed fifty thousand dollars ($50,000), or the product of fifty thousand dollars ($50,000) multiplied by the latest state equalization rate for the assessing unit, or, in the case of a special assessing unit, the latest class ratio, whichever is less.

**Section 4. Limitations**

(a) The exemption from taxation provided by this subdivision shall be applicable to Village real property taxes, commencing with the 2024 assessment rolls, but shall not be applicable to taxes levied for school purposes.

(b) If a Cold War veteran receives the exemption under section four hundred fifty-eight (458) or four hundred fifty-eight-a (458-a) of Real Property Tax Law, the Cold War veteran shall not be eligible to receive the exemption under this section.

(c) Application for exemption shall be made on a form prescribed by the state board. The owner or owners shall file the completed form in the assessor's office on or before the first appropriate taxable status date. Any applicant convicted of willfully making any false statement in the application for such exemption shall be subject to the penalties prescribed in penal law.

(d) This law shall remain in effect for each taxable year, unless repealed by local law at least ninety days prior to the Village’s taxable status date.

**Section 5. Effective Date**

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

RESOLUTION INTRODUCED BY: Josh Burchill SECONDED BY: Dave Smith

ROLL CALL VOTE:

BURCHILL: YES CANNUEL: YES CRAWFORD: Absent SMITH: YES LENNON: Abstain

YES: 3 NO: 0 ABSTENTION: 1 ABSENT: 1

Mayor Lennon abstained from voting as he could stand to benefit from the passage of this local law.

CARRIED: YES

Maryellen updated the board that the logging on Grove St is still in progress. She asked Jared to obtain something in writing from the person interested in the cherry wood in exchange for the removal of the stumps. She would like clarity on if he is going to do all stumps or just the existing stumps, as Harrington’s will not finish the logging until spring. With it in writing everyone can understand or set expectations.

The board conveyed that they had not had the opportunity to review the employee handbooks for any needed revisions prior to the meeting. Kelly reminded the board that the manuals are supposed to be done before January 1 so that employees have time to change their benefits if they so desire based on the decisions made by the board. The open enrollment period is supposed to be from November 1st to December 31st. Kelly took the liberty of making two changes to the general employees’ policy manual, as the mayor had previously mentioned that the EMS employees’ policy manual needed a more significant overhaul as was done to the general fund policy manual prior to the start of 2023.

Kelly recommended that the table on page 2 be deleted, she feels that the whole section where it discusses starting wages and salary caps because they have not been followed in the last several hires. The other change that was made was to add in, on page 6, compensation for employees responding to fire calls, which was passed after the employee manuals were approved last year.

Josh Burchill, under the knowledge that those are the only two changes, made a motion to approve the changes for 2024 for the general personnel policy. Restating the changes for the record to include the removal of section 2.140 in its entirety and the addition of section 2.692 of the manual to reflect the policy for employees responding to fire calls. Dave Smith seconded the motion.

Mayor Lennon wanted to make sure that the board discussed the pre-approval of overtime and he wanted to see where this was captured in the manual. Kelly confirmed that the section on overtime was added last year to the manual. Mayor Lennon did not feel that the board was upholding the pre-approval process for overtime that is not captured on the list of automatically pre-approved overtime causes. He specifically pointed out that he has not been asked to pre-approve any of the clerk/treasurer’s overtime. Kelly responded to the accusation that she has not seen any violations of the policy and that she had not received a pre-approval email from any board member for their departments, and that any overtime she has claimed or been paid for is on the list of pre-approved (budgeted) overtime for her position. Timecards go to the commissioners for approval prior to each payroll being processed, as part of the board’s due diligence, questions should be brought up at the time of each payroll is processed. Kelly reminded the board that this is only one example of why she feels she is being singled out and discriminated against. She has yet to receive a board approved list of pre-approved overtime for the DPW or the EMS department. Jared will collaborate with his commissioner to create a list for the board to approve. VOTE: Canuel: yes, Burchill: yes, Smith: yes, Lennon: yes. APPROVED.

The board deferred changes to the EMS employee policy manual until 2024 as there are currently no full-time employees that would need to make any benefit selections or changes prior to January 1.

The board discussed making repairs to the old 259 ambulance in the amount of $3,500 prior to listing it for sale with Auctions International. Josh Burchill made a motion to list the old ambulance in its current “as is” status with a minimum bid of $6,500. Maryellen Canuel seconded the motion. VOTE: Canuel: yes, Burchill: yes, Smith: yes, Lennon: yes. APPROVED.

**NEW BUSINESS**

The board decided to move the discussion regarding minutes from board meetings to the end of new business as they felt that it would be the longest discussion.

Josh Burchill made the motion to approve Michelle Priola and Kelly Banks as election inspectors and Chris Capitelli as a backup election inspector for the March election. Dave Smith seconded the motion. VOTE: Canuel: yes, Burchill: yes, Smith: yes, Lennon: yes. APPROVED.

Jim Pierce sent over an initial package offer. What Jim Pierce says via his email is that this $8,930 is special introductory package pricing for the Neptune automated Meter reading system. The price of this is typically $15,846. There is also an annual fee of $1,298 for web hosted software cost which includes the setup of cloud-based software and implementation to the cloud servicing and training file mapper integration tool to allow QuickBooks to interface with Neptune 360 web hosted software and the first-year software subscription. It also includes the belt clip transceiver radio receiver. The Village would need to purchase a tablet to work with the belt clip transceiver, but they can provide recommendations of an iPad or Samsung Droid. The belt click transceiver and software would allow the Village to move forward in the automated meter reading process. Once implemented, it would remove the need to write meter readings in the book. The transceiver can read radios. If the Village chooses to, they can also put radios in hard to read areas to save time. The belt clip transceiver would read the radio when the meter readers pass by the radio while collecting touchpad readers. Cellular radio units can be added to access and report back to the cloud without the need to physically go out and read them. Fix network collectors can be added in the future if desired, using the same software. The only difference is the annual software cost would be slightly higher due to the increased number of daily rates. If the Village moves forward with the full radio read project and purchases a mobile unit, you can still use the belt clip transceiver to go out and do final reads.

Questions were raised by the board regarding if the purchase would be covered by the water meter grant from SRBC and want to be sure that the reading equipment is compatible with what we have and what the price would be for a second device. They would like a written commitment that the readers will work with our existing equipment.

Maryellen would like to get gravel for the Community Center parking lot, so it is not complete mud all winter. She will be working with Jim Crawford on the project. There were no objections from the board, however the expenditure would fall within her approval limits.

Discussion regarding the re-writing of the EMS Supervisor job description has been tabled until Dale can be physically present to make sure they can have his input. According to Mayor Lennon, there are things that Dale may have encountered just in the last few weeks that need to be added or adjusted in the description.

Currently the Village uses Frontier Communications for the bulk of the phone lines in the Village. There are a couple of services that the Village contracts with through Spectrum. Kelly and Maryellen had a zoom meeting with Spectrum, and we talked about the camera needs of the Village as well as bundling the phone, internet, and cable packages that the Village uses. Spectrum has included in the proposal the addition of 3 new cameras for the Village hall, but it would be a monthly recurring charge, but it would allow us to use their cameras and see if they're good enough for what we're looking for throughout the Village that will be used in conjunction with the New Berlin Police Department that is run by the Town of New Berlin. If the Village accepted the proposal as written with the three Spectrum cameras, they are offering monthly savings of a little over $100. Dave has agreed to follow up with the fire department and determine the usage of the fax machine. Pete will follow up with the EMS on the need of a business phone. Kelly will follow up with RCR, to establish upgrading the current DVR to allow for movement on the cameras to be marked for review in the DVR software for ease and convenience of playback searches.

The board returned to the agenda item of board meeting minutes prior to the approval of Treasurer Reports and Abstracts. Mayor Lennon provided introductory background information for the discussion. Minutes fall under the Open Meetings Law. The state requirement for open meetings law requires that the following be captured under board minutes, motions, proposals, resolutions, and any other matter formally voted upon by the board, as well as the actual vote of each Member on the body. NYCOM recommends that a copy of any resolution or local law acted upon or amended or appended to the Minutes. According to Mayor Lennon, there is no requirement to identify all the individuals present. Minutes are not required to be and should not be a verbatim account of the meeting, nor should the Minutes include a reference to each comment made during the meeting. However, the public body may require that an audio or videotape be made of the meetings to ensure accuracy and resolve any disputes. Furthermore, the public body by majority vote of the board can require that a specific statement, text or resolution or agreement etcetera be included verbatim in the Minutes. State law does not require the clerk to record an individual’s remarks made during an open meeting or an executive session merely because the speaker requests so.

Maryellen expressed concern over changing the minutes as somebody who is spent a lot of time looking through archives and knows how invaluable that has been or frustrating that has been reviewing minutes that only include what has been approved or disapproved. It does not leave any historical data as to why decisions were made.

Kelly has made an audio recording of all meetings held for over a year and maintains a copy of the recordings, she has had to use the recordings when someone has questioned the accuracy of her minutes and proved the minutes to be accurate. Starting at the November meeting, in addition to the voice recording she also started video recording the meetings as the TEAMS software offers a transcription option, but only if the meeting is recorded. She used the transcript as a basis for the November meeting minutes, to assess the accuracy of the program, after saving an un-altered copy of the transcript. NYS Law requires that the minutes must be published online and be available for individual on-site requests within 14 days of the meeting. If the Village were to take minutes in an executive session, those must be made available within seven days. The transcript from the TEAMS software is not accurate, without proper identification of speakers and enunciation the transcript contains multiple errors.

The question was asked to the board to know the reasoning behind not having something you were willing to say in a public meeting show up in a transcript, or in the minutes. Mayor Lennon expressed that he felt that prior to using the transcript, it was felt that certain topics got more attention or certain comments from certain individuals got more attention than others.

Maryellen conveyed that on the items that she has had to research in the time she has been on the board, that having detailed minutes has helped, if nothing more than to identify who was involved in a certain project and who could potentially be able to go to and give the board member some guidance.

Kelly conveyed that if in the past minutes that she has put more weight on one person than another, as Mayor Lennon accused her of, it was because that person talks more than everybody else, no insult intended. She also expressed that a transcript cannot be used in place of minutes. Mayor Lennon questioned where the authority to use discretion by the clerk/treasurer to compose the minutes came from, he does not feel that position warrants the discretion to determine what things are put in and what things are taken out.

Kelly disagrees with his assessment, as there are things that the community has a right to know and needs to know, and that is what she includes in the minutes. She conveyed that according to NYCOM the Minutes are a product of the clerk's work and that legally, the board does not have to approve the Minutes. The act of approving minutes is a practice that few municipalities choose to participate in. The minutes are composed at the discretion of the clerk/treasurer so long as there are not specific directives outlined by the majority vote of the board. The proposal was brought up to post a transcript as well as the minutes. Kelly reminded the board they would need to purchase additional software or equipment because the TEAMS software does not capture who says what. If that is the direction the board wants to go then they are going to need to invest in better technology in the Village Hall that has actual voice recognition software that does the transcription, and assigns comments to the actual speaking person, which will need to be built into the budget.

A similar discussion at the Town meeting occurred the night before the Village meeting. Dave Kaminski brought up an owl camera where whoever is speaking, the camera goes to that person's face. The cost was about $1,000. Dave Smith mentioned that they have Owl units at Preferred and that you just plug it into your laptop, it is compatible with teams. We will first need to figure out what software we are going to use and how we are going to get the meeting out to the public. Mayor Lennon asked for a motion, Maryellen felt that more clarification and discussion should be had over whether the Village was going to do a live stream or if it just going to be a post capture video that is made available to the public, and then from there a decision on how this board would like to treat the material moving forward to future meetings. Do we have the right technology and equipment needed to live stream and create accurate transcripts that do not need to be edited? Does our current licensing with Microsoft allow for the livestreaming or would we get a bit of an up charge to be able to have that capability?

Mayor Lennon would like the board to approve the minutes be cut down to essentially just the information that is mandated by the state to be included: motions, proposals, resolutions, and votes in the written portion and make the recording and audio visual publicly available and research ways to do a live stream on this once the research on livestreaming is complete. Maryellen Canuel made the motion that the January meeting will be made available via audio visual with the use of an owl camera that will produce a transcript and a visual and the minutes will capture only the motions, proposals, resolutions and any other formally voted upon item. Dave Smith seconded the motion. VOTE: Canuel: yes, Burchill: yes, Smith: yes, Lennon: yes. APPROVED.

RESOLUTION

**Resolution No. 2023-21 “Resolution approving the payment of vouchers.”**

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

General Fund - $314,351.31

Water Fund - $ 9,908.34

EMS Fund - $102,021.82

Total Expenditures - $ 426,281.47

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

Mayor Lennon had one question on the abstract for the general fund. He wanted to inquire as to what the entries for Edmeston were. Kelly explained that the Edmeston account is the Village’s money market account. It was necessary for her to transfer money from our money market account to the General Fund to cover all the expenditures the board has approved recently. That report captures checks and transfers. The money went from the money market account to the general checking account. Transfers for the month included a transfer of $75,000 and $50,000 within the General Fund money market and checking account, and a $27,500 transfer to the EMS account. The transfer for the EMS account was done to make the second payment of the General Fund budgeted dollars for ambulance coverage for Village residents. The other two transfers were to cover the normal monthly expenses and the recent DPW purchases of the backhoe and Kubota. As Chief Fiscal Officer, Kelly chooses not to keep very much available cash in the General Fund checking account because we earn little interest on it, the interest rate on the money market account is higher which allows us to get the most for our constituents’ taxes. Mayor Lennon followed the discussion with his vote to approve the abstracts.

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

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

Adjourn: 9:49 PM – Kelly Anderson, Clerk/Treasurer