

REGULAR MEETING  
&  
PUBLIC HEARINGS

March 1, 2010

PRESENT: Mayor Treutlein, Trustees Appleton, Benedict, Hollister and Robinson, Superintendent Stearns, Dan Hurlburt and Clerk Hoffmeister

Others Present: Chief of Police William Blythe, Trisha Morris-Kopinski, Matt Surtel from the Batavia Daily, Attorney David DiMatteo, Val Duell, Scott Nichols, Cheryl Miller, David Bradley, George Booth, Ken Potter, Robert White, Shelly White, Tammy Nelson, Coty Nelson and Brandon Bradley

Mayor Treutlein presided.

Meeting was open with a salute to the flag.

Minutes of previous meeting of February 15, 2010 were approved as submitted by photocopy.

Trisha Morris-Kopinski announced that the Historic Warsaw Alive would be held this year in conjunction with the Sidewalk Sales. This year's celebration will be honoring "Warsaw's Old Home Week" a celebration of Community and Business 1910-2010. The event will be held on July 9<sup>th</sup> and 10<sup>th</sup> offering a "Zeches Baby Contest" for those born from 1911-1953 at the old Hospital (Zeches), "Spirits Alive" at the Cemetery, parade, Arts and Crafts, children's activities at the lawn of the United Church and Masonic Temple to include egg toss, potato sac races etc, Mr Scribbles, a magician and music. Trisha asked to have a crosswalk sign placed for pedestrian crossing by the Post Office and benches from the park placed on the sidewalks along Main Street. Also asked if restaurants could have a couple of tables and chairs on the Sidewalks and if some of the vendors could have displays for Friday during the Village Sidewalk Sales. Trisha thanked the Board for their time.

PARK USE – Received a letter from Attorney Jeff Erickson with the new agreement for the use of the Park by Warsaw Central School.

WATER DISTRIBUTION – Received a letter from Eastern Savings Bank requesting fees be waived for a water/sewer bill for foreclosure property located at 1021 W Buffalo Street.

NYCOM – Received a letter from NYCOM updating services offered and the current year membership fee.

WASTEWATER TREATMENT PLANT - Received a letter from New York State Department of Environmental Conservation requesting required certification for the SPDES permit.

BUILDING INSPECTOR – Dan Hurlburt reported that Cornell Cooperative has contacted him about constructing a 30 X 60 Pavilion for the Farmer's Markets. He will discuss with Planning Board.

PUBLIC WORKS PROGRESS REPORT: STREETS – Plowed and sanded streets, plowed sidewalks, equipment maintenance as needed, swept streets, excavated for water main break at Rt 19S across from Karson's, dye tested the sanitary sewers on State St, Rt 19S to Elm Street intersection, checked several sanitary sewer mains, all okay and changing cutting edge on John Deere Loader. WATER DISTRIBUTION – Collected daily chlorine samples at the NWD, Dept of Social Services water main was chlorinated, pressure tested, and bacterial samples were taken, no results have been received, daily checks and stake-outs, final readings as requested, replaced a broken meter at 444 S Main St, repaired 12" main break at Rt 19 S, replaced a water meter at 2150 Saltvale Road, checked the meter reading at 147 Linwood Ave, toilet was leaking, received three backflow reports and plowed snow with the DPW. WASTEWATER FACILITY – WYCO discharged 8,000 gallons of septage, no sludge was drawn off, daily tests and maintenance and monthly samples and reports. INFORMATION – Attended an informal meeting concerning the proposed North Sewer District on February 23, 2010. The Chamber of Commerce has requested the Village keep Liberty Way clear of snow. They

would also like to hang flower baskets from the light poles. WATER TREATMENT PLANTS – Daily tests were performed and all results were recorded, daily maintenance was performed and adjustments made as needed, power generator tested successfully, currently drawing water from the reservoir supply, collected 5 THm & HAA5 samples from around the entire village to complete testing requirements for these tests, there was a water main break on 2/17, estimated the flow at the time of the break was approximately 1900 gallon/minute, we never lost chlorination or had any turbidity problems, no additional samples were required as a result and replaced our security video monitor with a used portable TV and modified the shelf were it is fastened.

STREET LIGHTS – Ed Jordan of the Chamber of Commerce contacted Superintendent Stearns regarding the placement of flower baskets on the light poles and concerns about watering the plants. Superintendent Stearns feels that trying to have the time on a daily basis in the middle of summer may not be possible. Mayor Treutlein asked if the Garden Club could handle this. Trustee Robinson stated that the Chamber normally takes care of this. Ed also asked to have the snow removed from Liberty Way. Superintendent Stearns does have any problem taking care of the snow removal. Will be done when time allows.

BUILDING AND FIRE CODE ENFORCEMENT – 20 Fire Inspections submitted by Ingles

MEETINGS:

Police -Thurs 3/25 – Village Office 4:00 pm  
Fire – Mon 3/29 – Fire Hall 6:00 pm

RESOLUTION #29 of 2010

BUDGET APPROPRIATIONS:

Motion made by Trustee Robinson  
Seconded by Trustee Appleton

RESOLVED – That the following requested budget appropriations be hereby approved:

Water Distribution – replace probe in tank (F8340.400)	\$ 441.00
Waste Water – printer (G8130.400)	59.00
Waste Water – computer (G8130.400)	729.00

CARRIED

RESOLUTION #30 of 2010

USE OF PARK – Warsaw Central School

Motion made by Trustee Robinson  
Seconded by Trustee Appleton

RESOLVED – That contract with Warsaw Central School for the use of Park for the school year 2009-10 at rate of \$4,500.00 be hereby approved.

CARRIED

RESOLUTION #31 of 2010

WASTEWATER TREATMENT PLANT: SPDES permit

Motion made by Trustee Appleton  
Seconded by Trustee Robinson

RESOLVED – That authorize Mayor Treutlein to sign certification required for SPDES permit.

CARRIED

RESOLUTION #32 of 2010

ANNUAL ELECTION:

Motion made by Mayor Treutlein  
Seconded by Trustee Appleton

RESOLVED- NOTICE is hereby given that the Annual Village Election of the Village of Warsaw, New York will be held in the Village Fire Hall at 40 East Buffalo Street, Warsaw, New York on Tuesday, March 16, 2010 between the hours of 12 o'clock noon and 9 o'clock p.m. and at such election the following officers are to be elected:

A Justice - Candidate as follow: James Munger; and 2 Trustees-Candidates as follow: Harvey Granite, Thomas Hollister and James Wagner

A Justice in the place of James Munger for four years, whose term of office will expire on April 1, 2010

A Trustee in the place of James Benedict for two years, whose term of office will expire on April 1, 2010 and

A Trustee in the place of Thomas Hollister for two years, whose term of office will expire on April 1, 2010.

CARRIED

RESOLUTION #33 of 2010

BUDGET: Uncollectable fund – Invoice

Motion made by Trustee Robinson  
Seconded by Trustee Appleton

RESOLVED – That invoice for a sign permit be declared uncollectable and deducted from General Fund Balance in the amount of \$25.00.

CARRIED

RESOLUTION #34 of 2010

TAX-ASSESSMENT/TAX ROLL: Uncollected Funds

Motion made by Trustee Robinson  
Seconded by Trustee Appleton

RESOLVED - That the following issued and unpaid invoices be hereby levied to property tax bills due June 1, 2010:

12 Cottage Court	Invoice #6294	\$51.20
115 Jefferson St	Invoice #5833	50.00
30 W Buffalo St	Invoice #6315	25.00
35 W Buffalo St	Invoice #6240	25.00
20 Genesee St	Invoice #6214	42.00
50 Grove St	Invoice #6357	7.00
12 Genesee St	Invoice #7071	7.00
240 Summit Ave	Invoice #6374	75.00
240 Summit Ave	Invoice #6259	65.00

CARRIED

RESOLUTION #35 of 2010

WATER DISTRIBUTION: Water/Sewer penalty

Motion made by Trustee Robinson  
Seconded by Trustee Hollister

RESOLVED – That request from Eastern Bank to waive late fee in the amount of \$31.60 for property at 1021 W Buffalo Street be hereby approved.

CARRIED

PUBLIC HEARING: As duly advertised the Public Hearing “Termination of Assessing Unit” was called to order at 8:00 p.m.

The Mayor suspended the Village Board meeting to convene the Public Hearing

Mayor Treutlein stated that the proposed Local Law would terminate the Village’s status as an assessing unit.

Asked the forum if there were any questions.

Attorney David DiMatteo stated that this Local Law is subject to 30-Day Permissive Referendum

Close Public Hearing for “Termination of Assessing Unit” at 8:08 p.m.

EXECUTIVE SESSION – Personnel

Adjourn Executive Session at 8:16 p.m.

Reopen Public Hearing at 8:16 p.m.  
Adjourn Public Hearing at 8:16 p.m.

PUBLIC HEARING: As duly advertised the Public Hearing “Sex Offenders” was called to order at 8:16 p.m.

Mayor Treutlein read aloud the proposed Local Law. The Mayor asked that comments be limited to 2 minutes due to number in attendance.

David Bradley stated that he is a level 2-sex offender and has lived in the Village for some time. He asked if those would be grand fathered in. The Mayor stated that those living at current addresses and now affected by the Local Law would not be required to move.

Bob White stated that he feels it is unconstitutional and it will not work because it has not worked in other places.

Cheryl Miller asked why they were restricting now. They have had been sentenced and given their freedom and now are restricted. The Mayor replied that the Village is doing what is best interest for the public. Is known fact that most sex offenders are recurrent risks. We are protecting our children.

Tammy Nelson asked how the restricted places were decided. She stated that her children hang out at Bud’s Deli in the evenings and she wanted them to be safe. The Mayor stated that the Church is across the street with a Day Care and they would not be allowed to live that close.

Chief Blythe stated that if an individual at age 25 offends an individual at age 17 this would not be ruled under this offense. Must be under 16. The Chief stated that he

attended the meeting to help with explanations if needed. The Mayor thanked the Chief for attending.

Attorney David DiMatteo stated that we are waiting for the State legislature to do something. NYCOM is also working on this currently.

The Mayor asked if there were any further comments.

Adjourned Public Hearing at 8:28 p.m.

Reconvened Regular Meeting at 8:28 p.m.

JUSTICE COMMITTEE – Trustee Appleton stated that they need to set committee meeting for the annual audit.

#### RESOLUTION #36 of 2010

##### LOCAL LAW:

Authorizing the adoption of a proposed Local Law entitled, “Amending Chapter 137 of the Code of the Village of Warsaw by specifically adding Article VII-Termination of the Village’s status as an assessing unit for Village Real Property Tax Purposes” subject to permissive referendum

Motion made by Trustee Robinson

Seconded by Trustee Appleton

WHEREAS, all Village Board Members, having due notice of said meeting, and that pursuant to Section 94 of the Public Officers Law (Public Meetings Law), said meeting was open to the general public and due and proper notice of the time and place whereof was given as required by law; and

WHEREAS, in accordance with 1402 of the Real Property Tax Law, the Village Board of the Village of Warsaw is considering a proposed local law that would terminate the Village’s status as an assessing unit for real property tax purposes and thereby levying its tax on a portion of the Town roll; and

WHEREAS, pursuant to part 617 of the implementing regulations pertaining to article 8 State Environmental Quality Review Act (SEQRA), it was determined by the Village Board, after review of the criteria set forth in 6 NYCRR, specifically section 617.5 (20) which lists “routine or continuing agency administration and management...,” as a Type II Action, that the Village has no further responsibilities or obligations under the State Environmental Quality Review Act, also known as SEQRA; and

WHEREAS, a Notice of Public Hearing was duly advertised in the Country Courier, the official newspaper of said Village, advising that a public hearing would be held on the 1<sup>st</sup> day of March 2010 at 8:00 p.m. and all parties in attendance were given an opportunity to be heard; and

WHEREAS, The Village Board of the Village of Warsaw, after due deliberation, finds it in the best interest of the Village of Warsaw to adopt said local law.

NOW ON MOTION of Trustee Robinson, which has been duly seconded by Trustee Appleton, now therefore,

BE IT RESOLVED, that the Village Board of the Village of Warsaw hereby adopts the local law entitled “Amending Chapter 137 of the Code of the Village of Warsaw by specifically Adding Article VII – Termination of the Village’s Status as an Assessing Unit for Village Real Property Tax Purposes;” and be it further

RESOLVED, that the adoption of said local law is contingent upon passage of the permissive referendum period required under local law without a petition for a permissive referendum; and be it further

RESOLVED, that the Clerk be and she hereby is directed to publish an abstract of this resolution concisely stating the purpose and effect thereof in the Village’s official newspaper within 10 days after the date of the adoption; and be it further

RESOLVED, that said resolution shall not take effect until thirty (30) days after its adoption or until approved by the affirmative vote of a majority of the qualified electors of the Village of Warsaw.

Trustee Appleton	Aye
Trustee Benedict	Aye
Trustee Hollister	Aye
Trustee Robinson	Aye
Mayor Treutlein	Aye

CARRIED

STREETLIGHTING – Trisha Morris-Kopinski wanted to inform the Board that if the flower baskets were to be hung from the Streetlights, they would need an additional arm to hang them on and that it would need to be sturdy enough to hold the weight of the baskets. Over the years at other facilities there have been volunteers to handle the watering duties. Trisha feels that watering once a week is usually sufficient.

RESOLUTION #37 of 2010

AUDIT AND PAY BILLS:

Motion made by Trustee Robinson  
Seconded by Trustee Hollister

RESOLVED – That the bills be allowed as read; that checks in payment thereof be issued; that Mayor Treutlein be and hereby is authorized to sign General Abstract #19 in the amount of \$36,267.00, Water Abstract #19 in the amount of \$4,841.11 and Sewer Abstract #19 in the amount of \$8,761.64.

CARRIED

Scott Nichols addressed the Board with questions regarding the proposed North Sewer District. The Mayor stated that the Board is very close to bringing this project to a close. They have been meeting and trying to do the best for everyone. Do not want Village residents to have to pay for sewer in the Town. Trustee Appleton stated that the Board is working hard and have had meetings. Will be done very soon. Mr Nichols asked that when the rate is set, would it be made known to others. The Mayor stated that the Town should inform the Town residents.

Moved and Seconded to adjourn at 8:47 p.m.

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Linda K Hoffmeister, Clerk