

**VILLAGE OF SOUTH BLOOMING
GROVE
PUBLIC HEARING AND REGULAR MEETING
MONDAY
AUGUST 26, 2024
8:00 PM**

➤ **Roll call**

The following persons were present:

- Abraham Weiss – Deputy Mayor
- Asher Guttman - Trustee
- Zalmon Rosner - Trustee
- Al Fusco- Village Engineer
- Kerry Dougherty – Village Clerk
- Joel Stern – Confidential Assistant to the Mayor
- **Absent** – George Kalaj – Mayor
- **Absent** – Yitzchok Feldman – Trustee
- **Absent** – Scott Ugell Esq. – Village Attorney
- **Absent** – Isaac Ekstein – Legislative Aide to Mayor

**PUBLIC HEARING
CHAPTER 150 OF THE VILLAGE CODE
SOLID WASTE (CONTINUED FROM 7/22/24 MEETING)**

➤ **Call to order**

- Deputy Mayor Weiss opened and continued the public hearing at 8:05 PM on August 26, 2024, seconded by the Trustee Rosner, 3 ayes regarding Chapter 150 – Solid Waste.

➤ **Public Comment**

- **Chris Maderia** (see attached comments in writing) – Mr. Maderia stated he is opposed to the amendment of Village Code 150 – Solid Waste, as the members of the board are aware special assessments carry a presumption of validity, placing the burden on landowners to demonstrate any lack of derived benefit from a proposed tax district Nolan v. Bureau of Assessors. In the village code change here it's a tax levy, so you are trying to create a tax district again. Here we have the Village, who is wholly embraced inside the Town of Blooming Grove Town Wide Refuse District for the purpose of the collection of refuse to be paid by Village residents through the town tax levy, proposing the addition of another tax district for the same purpose. An arbitrary and capricious act, with no conceivable rational basis, upon the residents in violation of their equal protection rights. (Village of Willowbrook v. Olech, SCOTUS 528 U.S. 562 (2000) The same case where the New York State Comptroller is still investigating the illegal contract that is a privy to this, so you can't make no moves whatsoever on this village code until at least until that investigation by the New York State Comptroller is completed. The Village receives from the Town starting on January 1, 2023, to December 31, 2027, one weekly collection from all single-family and two-family residences. This includes one recyclable on the same day as the regular garbage collection and shall

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also include bulk items. The Town also provides notice to homeowners and landlords who may require additional trash or recycling containers, that a fair and equitable procedure has been established for the cost of additional containers. The cost for each additional container in 2023 was \$21.75 per month the cost today is \$23.75 per month, through individual homeowner accounts with then Marangi but since it's been bought now its IWES, the town contracted for removal. Additionally, the Village in January 2024 already billed residents \$25.00 per month for its alleged illegal, no bid Garbage Contract with Marangi Waste that is currently still under investigation by the Office of the NY State Comptroller. Residents are provided, an equitable cost, a healthy and sanitary means for the removal of their trash and other refuse based on each individual home's needs under a current code. The current code ensures that individual rights of each property owner from an excessive tax levy put upon them. Especially those residents most vulnerable, who are disabled, the elderly, veterans, low and fixed income, those in one home, those in two home those with up to eight people and more, equitably. The proposal of another tax district for the same purpose, invades on these individual rights to fair and equal protection, has no conceivable rational basis and more importantly, is arbitrary. The Supreme Court held in Willowbrook "Our cases have recognized successful equal protection claims brought by a "class of one," where the plaintiff alleges that she has been intentionally treated differently from others similarly situated and that there is no rational basis for the difference in treatment. Here, Olech's allegations that the Village of Willowbrook, intentionally demanded a 33- foot easement from her when it required only 15 feet, so just like your garbage cans, I only require one can and you can't make me pay for another one. The proposed tax district, as outlined, is irrational and arbitrarily places an additional tax levy on property owners, for an additional trash container that provides no derived benefit. There is no derived benefit from an extra trash collection from the Village of South Blooming Grove. The proposed tax district, as outlined, is irrational and arbitrarily places a notable tax levy on property owners for additional cans. There is no conceivable rational basis that residents who do not require an additional trash container must pay for what can conceivably be described as a subsidy in the form of a tax levy for those that do. The current legal framework as outlined under Village Code and most importantly, the United States Constitution protects us from doing so. Mr. Maderia submitted comments in writing, see attached.

- **Samantha O'Hanlon** – she reiterated her opposition of the subdivision at 363 Lake Shore Drive. The board advised that this part of the meeting is public comment pertaining to Chapter 150.
- **Cheryl Grobstein** – She has lived here 50 years and has had one recyclable, one regular trash once a week and it has been more than enough. It is only two people when her kids were home, it was four and it was sufficient. She sees no reason, if other people need it fine, but they should pay for the extra cans, and it should be imposed on everyone else who doesn't need it and hasn't in fifty years shouldn't have to pay for other people that need it.
- **Christy Johnson** she doesn't live in the village fortunately for you but she will comment on this, she has a large family and she needs two garbage cans and she does not expect her neighbors to pay for it and with the whole scandal of the extra billing and all of that nonsense that you guys just went through it takes a lot of nerve to put this up here right now that you are going to have a new tax district and all this, she would reconsider it there is all this a lot of turmoil in the village and you

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don't need the headache any more than anybody else does. Shut this down, its not worth the headache, that's it.

- **Samantha O'Hanlon** - there is a lot of turmoil in the village and you should be considerate and some of her comments will be very appropriate. First of all, where is the Mayor? The Mayor was missing he recently resurfaced for the last garbage meeting I tried for one year to email him or reach him to get a meeting, where is he? He has been quoted as saying he doesn't need to be here to run this village, then maybe we don't need to use our tax dollars to pay his salary because this village is not running well. What this lady just said is true, look at all the people that have a problem with the way that you are running this village is run and she will refer to her notes because you should be embarrassed. Honestly you should really be embarrassed. Building continues when the Department of Health says there is only enough water for half the village. It is being trucked in. The Department of Environmental Conservation has a problem. Nine violations for Clovewood, the largest fines in recent history, unpermitted dye, look at all the problems this village has, its really sad, there is no reason for this. Building continues from the Department of Transportation said the road work on Route 208 was unauthorized, caused chaos, caused accidents. What happened to the supermarket up on Route 208 we are going to need flying cars. Why is the EPA in the village investigating? This is some record, really, our police and fire departments, this is our emergency services that we should be working with hand in hand, clearly this is not the case, you are endangering all of us by finger pointing. There are things that are not getting taken care of that are great safety concerns. This is not responsible growth, this is wreckless, its lawless, its dangerous and for her last comments the audacity to call it a dog and pony show when people brought in bottles of water at the last meeting, that is a very old expression and to imply that it was a show is insulting to every single resident of this village and if it's a show then this is our water and here are cups who is going to drink this? Where is your integrity? What about the children in this community, how hard is it to get the DOT to reduce the speed limit, I bet if I call and ask them reduce the speed limit for the children of this community. You voted for this construction, you voted for these monstrosities, you blocked the view, young families are paying all that money for those homes, you've blocked the sunlight, this is what you voted for, have you ever considered what the people of this community really want, the people that trusted you with their vote.
- **Tiawana Perez** – she has said this before we also do not need two garbage pick-ups, we have continued to send emails to the Mayor, to Joel Stern, to Isaac Ekstein on her numerous problems, we are receiving no answers. You are arranging for twice a week pick up but you guys are bringing all the garbage with you. She doesn't understand, between the construction sites, the stores, the litter, the people in the road, there are not sidewalks all of the garbage. We didn't have this garbage before the arrival of a million people, please understand what she is saying. There is an irony to this that we now need extra garbage pick-up when we in fact had no garbage before all of this madness has started. They really need to think about what is happening, when we came to earlier meetings on the first part we were told that everyone wanted to come to the community and live in peace but that is not what we are finding. In addition to the garbage situation she has also written to the Mayor and his team numerous complaints regarding the water that is coming from 1 Roanoke Drive across the street from her house, they cannot sleep at night because of the synagogue motor that is outside of

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this building that is not ready for people to use, kids are playing there, its dangerous, its still under construction, she was told that O & R cannot even put that motor/generator inside because that building does not have the correct permits and this village code enforcer she has also emailed and received no response. She is here to took about why this is happening in a place where we are paying for water that we cannot drink. So we are buying water on top of the water, now you want to add an additional bill for this bogus garbage pick-up again that many of us do not need. Again, she said we are educators, they love children, they put children first and their safety first. How the kids are allowed to walk, run, play, ride scooters, do whatever they want through the roads that has no sidewalks for pedestrians and no one is doing anything about this. It is outrageous and she doesn't understand how we are saying we are following any of the principles of religion or just basic humanity by having a neighborhood that has erupted with all of this madness that's going on, something has to give before many people are killed, injured or worse. That's disgusting water, are you putting that on the table for your family, she doesn't think so. Why are we not living in the peace that we were told. We are not selling our house, so we will be at every one of these meetings to talk about this over and over and over

- **Tomato Perez** – He still has an issue with kids throwing rocks at his dogs. He has been to the synagogue and he will continue to interrupt prayers if this continues because its shenanigans, its crazy. He has recorded videos of the garbage not recycling, they are not recycling, he has two videos and he sent them to the Mayor already. Why are we paying these taxes we are recycling they have to recycle. He wastes time, breaking up his boxes and its not being done. Water is running onto his property and he is having trouble with his foundation now. The green area is an issue, he went up with his dogs and the run off water is affecting the trees. There is a fence up there, he takes his dogs for a walk and he sees all these markers up at the green area and this raises an issue like what is going on.
- **Ryan Kitrow** - he understands the frustration of the village with regard to Chapter 150 updates. He thinks it is unfair that the village residents are being asked to pay additional garbage pick up days when the Town already offers that type of service and as previous commenters that mentioned, there are avenues for every single household in the village to individually pay for additional cans if that's what they use and he thinks its wasted money ultimately by the village to pay for trash pick-up that may not happen, its also a waste of tax payer money so not only are tax payers being asked to pay for additional cans but if homes are not using them its just wasted money the village is paying. So its probably the village could have the most effective financial beneficial system if homeowners outside of the town pick-up just do what they do today and individually pay for the cans they use and that way no one would pay for any single trash pick-up more than they use.
- **Barbara Hanley** – She is a single person and she certainly doesn't need the additional garbage pick-up, she has said this before and all the folks are saying that they don't want the additional garbage pick-up. It isn't even a cultural thing, it is not the diverse community vs. the same culture. Folks from that culture as well don't want to when they don't have such large families. She feels what happens here is there are not need assessments done, that if someone wants something or it seems like a good solution to something we haven't established what the need is and if you would have

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come and say that 90% of the village really needed this and then okay she would have to suck it up but as it is she is strongly opposed to it and hopes that it doesn't go through.

- **Donna Mardjonovic** – everything was said well done thank you.
- **Bill Hewlitt** – He developed a nice rapport with his neighbor who has 7 children and he brings out his garbage and many of the times his garbage is not picked up on the first trip, why have a second garbage pick-up if the first one isn't done properly in the first place. It is an unmanned vehicle, just the driver, they pick up the can but quite often boxes are left outside, other non-bulk items that cannot fit into the garbage cans so they get put on the side. If you have a manned garbage, a two man truck, that would most likely alleviate the need for a second pick-up. Do it right the first time. He fully concurs with everyone who has mentioned everything about the garbage pick-up, tax the residents who need it. Spend some money on a survey to say, do you require a second pick-up, have them pay for that second pick-up. This woman here she has been here forever, she doesn't need a second pick-up. It is morally wrong to make her pay for something she doesn't need. His house now only has 3 people he doesn't need that second pick-up, he is not going to pay for that second pick-up, he's sorry, it is unnecessary, it is not needed, it is wrong.
- **John Daly** – he has been hearing a lot of complaints about FOILING, comments reaching out to people and there has been zero response so his question that will go into the minutes hopefully is what mechanism do you actually use or what system are you implementing that will require just a little bit of acknowledgement to the concern of your constituents because the way he sees it and he's been coming to these for many years on and off. The change is it seems like as he mentioned before there would be more response from the signs on the walls and the fact that you are timing this which is new to me for this particular visit, it seems to him that you actual need is not to remedy the concern but more or less to move them on an out of your face by shutting them down while this gentleman over here is counting it down, so he doesn't know if that is a good way to foster any kind of open relationship and the transparency that you have is almost zero in regard to what you will do eventually about all the concerns so he does sign on with all of their needs and concerns regarding the garbage but there are many issues that he has personally witnessed are being ignored there have been gentlemen from planning board who actually are turned to the wall showing incredible disrespect to the constituents of this village so basically when he says you would get more response from the wall with your comments he thinks he is pretty accurate with that so he is going to leave it there but nonetheless he hopes you review some of these concerns at least in respect to the financial end of it. There is no way that you should get away with charging people money that are not necessary and then saying it is part of your ruling without even having a response. His last question was why don't you have a Q&A once in a while? Why is it always the situation where it is only about hearing people? You know as well as anybody else that responding in real time would be much more beneficial in respect to having a positive relationship with government and with constituents.

➤ **Adjournment**

- Motion to close the public hearing at 8:29 pm by Deputy Mayor Weiss, seconded by Trustee Rosner. 3 Ayes, Deputy Mayor Weiss, Trustee Guttman, Trustee Rosner, 2 Absent – Mayor Kalaj, Trustee Feldman.

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VILLAGE BOARD MEETING

➤ **Call to order**

Trustee Guttman motioned to open the regular meeting seconded by Deputy Mayor Weiss, 3 ayses. Deputy Mayor called to order the Village Board Meeting, at 8:30 pm on August 26, 2024, for the Village of South Blooming Grove located at 811 State Route 208, within the Village of South Blooming Grove, and having a mailing address of Monroe, New York.

- The Village Clerk announced and reminded residents that they can sign up for notifications via phone, email or text and asked residents to contact village hall to be added or visit the village website where you can add your information.

➤ **Correspondence** – None

➤ **Public Comment**

- **Chris Maderia** – He has been discouraged lately with the participation by the village board we have had too many people missing meetings. We haven't had the attorney here for 3-4 meetings over the past 4 or 5 months. The Mayor hasn't been to any of these meetings. This is supposed to be a community, right?
- **Samantha O'Hanlon** – Communication and perception is everything. So many things seem so easy to her. Can't there be a letter that goes out about everything, rules of the village, take in the garbage cans. Do you know what the residents want?
- **Cheryl Grobstein** – Buses are speeding down the street her and her husband have called the police maybe 100 times. Someone is going to get killed, she is concerned about the children. The speed should be reduced to 25 mph. The geese are constantly dead. People throw the dead geese in the stream. The water coming from construction is going into the lake. An island is building up and the dirty water is going into the lake. Stop the construction until the wells are working.
- **Christy Johnson** – Where is the traffic study for the traffic light, she bets there isn't one. Maybe going forward assessments should be done. We all sit on the same aquifer. She is concerned about the tanks being open. This village is run by developers and only their interest are being taken, a lot of laws are being broken.
- **Tiawana Perez** – who should she reach out to for responses. There are signs in her neighborhood that are not in English. What is happening with the supermarket? Safety first and wondering if any thing will be done, there are so many unsupervised children playing in the road. The green space should remain green forever and there are missing trees and a fence has been built. Where is the

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respect for all of the village residents. Who to reach out to, who is accountable. What will be done about the generator that runs all the time and through the night. We are not selling our house.

- **Mr. Perez** – What is the law for walking in the middle of the street. If he is driving on the road people walking in the middle of the street act offended when he is driving on the road and he has to wait for them to move out of the way. What is he to do? Kids are playing chicken with him. He asked for respect.
- **Ryan Kitzer** – Prospect Gardens when it was proposed and the site plan was reviewed, Prospect Road was said to be owned by the Village. The Town of Blooming Grove stated that, that part of the road is in the Town. There is now a lawsuit, do you have any updates or estimation of how much this will cost the village. The Village has not responded to the Town. He lives by the creek so anything that comes from the Village, during recent storms the water in the stream is clearly brown, the village should install a water quality monitor/meter to help alleviate pollution. He doesn't believe that parkland funds should be used for dredging the lake it is a fund that should be sourced properly.
- **Barbara Hanley** – her water is worse now than previously, she doesn't know if the giant apartment building is related. The synagogue on Lake Shore is disgusting what is the status? Safety and kids, there are kids all over the place and there are cars and its an open maze and she is concerned about the safety and believe that the children do not understand and it is completely unsafe.
- **Jay Middleton** on behalf of Badger Forms to present to the board and building department/engineer better quality concrete with steel his company offers. He has left his contact information with the clerk and handed out a sample of his material with his contact information.
- **Bill Hewlitt** – he has addressed the board several times regarding Fair Housing and how it will be implemented. He does not see any of the newly constructed homes in the area listed. It is clearly not a market for a broad audience, only for a particular subgroup. Why has no one been notified of the health and safety to the village residents from construction. This is not my board these are my oppressors, he asked that all the board members offer their resignation. He is not selling his home.
- **John Daly** – He feels sad because he has been on this for a long time, and it falls on deaf ears. Because of the lack of rules, the lack of oversight in this area is a contractor's dream. The water situation has been ignored for many years to where it has become a crisis, and you continue to put the cart before the horse. The absence of oversight makes him feel like there is a conspiracy.

➤ **Adoption of Minutes:** Deputy Mayor Weiss made a motion to adopt the July 22, 2024 meeting minutes, seconded by Trustee Rosner. 3 Ayes, Deputy Mayor Weiss, Trustee Guttman, Trustee Rosner, 2 Absent – Mayor Kalaj, Trustee Feldman.

➤ **Business**

- **Resolution No. (53)** – Resolution of the Village Board of the Village of South Blooming Grove setting the date and hours for remembrance at the Village on September 11, 2024. Motion to accept

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by Trustee Rosner, seconded by Deputy Mayor Weiss. *3 Ayes, Deputy Mayor Weiss, Trustee Guttman, Trustee Rosner. 2 Absent – Mayor Kalaj, Trustee Feldman.*

- **Resolution No. (54)** Resolution of the Village Board of the Village of South Blooming Grove authorizing the appropriation of \$100,000 toward Phase I of Sanitary Sewer System capital project and authorizing the Village Engineer to conduct necessary cleaning, camera analysis and flow monitoring. Motion to accept by Trustee Guttman, seconded by Trustee Rosner. *3 Ayes, Deputy Mayor Weiss, Trustee Guttman, Trustee Rosner. 2 Absent – Mayor Kalaj, Trustee Feldman.*
- **Resolution No. (55)** - Resolution of the Village Board of the Village of South Blooming Grove authorizing the appropriation of \$150,000 from parkland funds to improve Merriewold Lake and Dam and authorizing Village Engineer to prepare the necessary documents and NYSDEC applications. Motion to accept by Trustee Rosner, seconded by Trustee Guttman. *3 Ayes, Deputy Mayor Weiss, Trustee Guttman., Trustee Rosner. 2 Absent – Mayor Kalaj, Trustee Feldman.*

➤ **Comments**

- Joel Stern addressed some of the comments and concerns as follows: They was a comment that there was an EPA investigation in the village, that is unbased, there is no investigation in the village. The noise complain on Roanoke Drive, the village has a noise ordinance it would be beneficial, there are certain meters you can buy, he thinks the police department has them as well and if you file a complaint they will come out and measure the noise and will take action and the code enforcement officer will take action as well. There was comments made about safety, kids on the road and sidewalks. While there are no sidewalks in the village there is a lot of work being done to get them and we hope to have great news on that in the next couple of weeks. There was a complaint about rocks/stones being thrown at the dog, that is a 911 matter, you should call the police if something like that happens. It was mentioned about a marker being moved in the woods, if you feel that a surveyor maker or you know that a marker that is supposed to be on your property, you can call a surveyor. Resident advised they are waiting on that. Mr. Stern advised that the property on Pennsylvania and Virginia is village property and there is no construction going on at that property. No one was authorized to go over there, to move any markers and nothing was moved. If you feel that somebody is trespassing feel free to call 911. There was a comment about trash pick up combining recycling with the regular trash, we will look into that. Any correspondence can be sent to clerk@vosbg.com and it will be taken care of promptly. They will also look into additional men on the truck, it was done to save money on the contract but will look into it once again. There was a lot of comment on 2nd pick up and we looked into this extensively for over a year now. Historically, the village had 2 pick ups and had bigger toters, this was before the village was created. It happened to be at a certain time that wasn't necessary and the village scaled down. The fact of the matter is that is necessary based on the complaints and based on the observations of the code enforcement officer. We received a lot of complaints and requests to do it. The proper research was done and the village attorney and village special counsel was involved. So just to say that it only serves this part of the village or that part of the village, we are talking about something that was in the past and was scaled down and it has to be scaled back up due to demands. There was a comment about trash cans being left in the road, that is a legitimate comment and we will have our code enforcement officer

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start enforcing it. There was a comment about speed in the village, he would like to thank the Blooming Grove Police Department, they did a tremendous job surveying speed in the village this past summer, the village tried 2 summers ago by putting down the cones in the middle of the road to help break (slow down) the people and the trial was a failure, people ran over them, so last year we did speed surveys on all of these crucial spots for example, Lake Shore, Dallas, Fort Worth, next to the schools, next to the synagogue, the findings are with the police department and people are not speeding above the limit, there is maybe a minuscule 1 or 2% offenders. Its public information available at the police department. We are looking into a solution to have speed cameras and maybe to lower the speed limit so there can be fines to make them think again before they speed and we are looking into areas that have a limited line of site should have a reduced speed limit with a marker metering the speed. There is a lot of mention about the water quality in the village, some of you may have seen the news, a grant we have been awarded a grant appropriated by Hon. Governor Hochul which is a great friend to the village, 4.7M plus to help us out with digging new wells, upgrading the rusting infrastructure, larger storage tanks so we don't have to truck in water, we have already appropriated these funds November 2022, part of the process is that we have to draw up plans of what you will do with these funds and Mr. Fusco and his team have put in a lot of work to get the plans together and that part of the grant was finalized last week and hopefully we will be getting those funds soon and be able to start the total overhaul of the village's water infrastructure which everyone is going to be thankful we will keep you posted as work gets on the way. There was mention about the traffic light on Route 208 and that no study was done. There was a study done and it was an extensive study, in coordination with the DOT, the traffic light is fully permitted and it was done under the supervision and according to the specs of the DOT and the shoulder that was placed over there will be put back in place in the next couple of weeks in coordination with the DOT, which will in turn ease up a lot of the problems we are seeing since the day that they have removed that shoulder. There was a comment about non-English signs, the village puts out notifications in English and in certain instances in Yiddish as well and if necessary we will put it out in Spanish as well but we are not aware of any signs that were placed by the village in Yiddish, so probably that sign belongs to a private property owner. Someone asked about the Mint Leaf store, we are not involved in that store, apparently it has been closed for the past few weeks, but there is not status update we can provide it is a private establishment. There was a comment about people walking in the middle of the road, especially Saturdays, I am not aware of any Jaywalking clause of the local law in the village, so we will take a note of that. Prospect Road and who owns it, we did respond making it very clear that it is owned by the Village. For the record it is still called Whorley Heights. We will look into the sign but it is a safety hazard and was knocked over and have to look into if it will cause a safety hazard the sign was not removed by the Village. Fair Housing was mentioned and that property is only being sold to certain people. He said there are for sale signs on many of the homes and suggested you call the number on the sign.

➤ **Abstract**

- Motion to adopt the abstract by Deputy Mayor Weiss, seconded by Trustee Guttman. 3 Ayes, Deputy Mayor Weiss, Trustee Guttman, Trustee Rosner. 2 Absent – Mayor Kalaj, Trustee Feldman.

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➤ **Adjournment**

- Motion to close the meeting at 9:20 pm by Trustee Rosner, seconded by Deputy Mayor Weiss. 3 Ayes, Deputy Mayor Weiss, Trustee Guttman, Trustee Rosner. 2 Absent – Mayor Kalaj, Trustee Feldman.

Minutes respectfully submitted by
Kerry Dougherty, Village Clerk

Dear Mayor Kalaj, Board of the Village of South Blooming Grove

I am opposed to the Amendment of Village Code 150, Solid Waste. As you are aware, special assessments carry a presumption of validity, placing the burden on landowners to demonstrate any lack of benefit derived from a proposed tax district (Nolan v Bureau of Assessors, 31 N.Y.2d90, not to amend remittitur granted 31 N.Y.2d 696).

Here, we have the Village, who is wholly embraced inside the Town of Blooming Grove, Town Wide Refuse District for the purpose of the collection of refuse to be paid by Village residents through the Town Tax Levy, proposing the addition of another tax district for the same purpose. An arbitrary and capricious act, with no conceivable rational basis, upon the residents in violation of their individual equal protection rights. (Village of Willowbrook v. Olech, SCOTUS 528 U.S. 562 (2000))

The Village receives from the Town starting on January 1, 2023, to December 31, 2027, one weekly collection from all single-family and two-family residences. This includes one weekly recyclable on the same day as the regular garbage collection and shall also include bulk items collections. The Town also provides notice to all homeowners and landlords who may require additional trash or recycling containers, that a fair and equitable procedure has been established for the cost of additional trash containers.

The cost for each additional trash container in 2023 was \$21.75 per month and today \$23.75 per month, through individual homeowner accounts with Marangi Disposal, the town contractor for solid waste removal.

Additionally, the Village in January 2024 billed residents \$25.00 per month for its alleged illegal, no bid Garbage Contract with Marangi Waste that is currently under investigation by the Office of the NY State Comptroller.

Residents are provided, at equitable cost, a healthy and sanitary means for the removal of their trash and other refuse based on each home's individual needs under the current legal framework, Village Code 150 Solid Waste.

The current legal framework ensures the individual rights of each property owner from an excessive tax levy put upon them. Especially those residents most vulnerable, who are disabled, the elderly, veterans, low and fixed income, those with one in the home, those with two in the home and homes with up to eight people and more, equitably. The proposal of another tax district for the same purpose, invades on

these individual rights to fair and equal protection, has no conceivable rational basis and more importantly, is arbitrary.

The US Supreme court held in Village of Willowbrook v. Olech, 528 U.S. 562 (2000)

“Our cases have recognized successful equal protection claims brought by a “class of one,” where the plaintiff alleges that she has been intentionally treated differently from others similarly situated and that there is no rational basis for the difference in treatment. See *Sioux City Bridge Co. v. Dakota County*, 260 U. S. 441 (1923); *Allegheny Pittsburgh Coal Co. v. Commission of Webster Cty.*, 488 U. S. 336 (1989). In so doing, we have explained that “ ‘[t]he purpose of the equal protection clause of the Fourteenth Amendment is to secure every person within the State’s jurisdiction against intentional and arbitrary discrimination, whether occasioned by express terms of a statute or by its improper execution through duly constituted agents.’ ” *Sioux City Bridge Co.*, supra, at 445 (quoting *Sunday Lake Iron Co. v. Township of Wakefield*, 247 U. S. 350, 352 (1918)).”

Here, Olech's allegations that the Village of Willowbrook, intentionally demanded a 33- foot easement from her when it required only 15 feet from similarly situated property owners, that the demand was irrational and arbitrary, and that the village ultimately connected her property in return for a 15-foot easement apart from the village's subjective motive and the court stated a claim for relief under traditional equal protection analysis. The court did not rule on “ill will” nor did it have to.

The proposed tax district, as outlined, is irrational and arbitrarily places an additional tax levy on property owners, for an additional trash container that provides no derived benefit. There is no conceivable rational basis, that residents who do not require an additional trash container, must pay for what can conceivable be described as a subsidy, in the form of a tax levy for those that do. The current legal framework as outlined under Village Code 150 Solid Waste, and more importantly, the United States Constitution, protects us from doing so.

Semper Fidelis,
Chris Maderia
27 Hawthorne Drive
Monroe NY 10950
845-500-0231

August 26, 2024

Dear Mayor Kalaj, Board of the Village of South Blooming Grove

I am opposed to Amendment of Village Code 150, Solid Waste. As you are aware, special assessments carry a presumption of validity, placing the burden on landowners to demonstrate any lack of benefit derived from a proposed tax district (Nolan v Bureau of Assessors, 31 N.Y.2d90, mot to amend remittitur granted 31 N.Y.2d 696).

Here, we have the Village, who is wholly embraced inside the Town of Blooming Grove, Town Wide Refuse District for the purpose of the collection of refuse to be paid by Village residents through the Town Tax Levy, proposing the addition of another tax district for the same purpose. An arbitrary and capricious act, with no conceivable rational basis, upon the residents in violation of their individual equal protection rights. (Village of Willowbrook v. Olech, SCOTUS 528 U.S. 562 (2000))

The Village receives from the Town starting on January 1, 2023, to December 31, 2027, one weekly collection from all single-family and two-family residences. This includes one weekly recyclable on the same day as the regular garbage collection and shall also include bulk items collections.

The Town also provides notice to all homeowners and landlords who may require additional trash or recycling containers, that a fair and equitable procedure has been established for the cost of additional trash containers. The cost for each additional trash container in 2023 was \$21.75 per month and today \$23.75 per month, through individual homeowner accounts with Marangi Disposal, the town contractor for solid waste removal.

Additionally, the Village in January 2024 billed residents \$25.00 per month for its alleged illegal, no bid Garbage Contract with Marangi Waste that is currently under investigation by the Office of the NY State Comptroller.

Residents are provided, at equitable cost, a healthy and sanitary means for the removal of their trash and other refuse based on each home's individual needs under the current legal framework, Village Code 150 Solid Waste.

The current legal framework ensures the individual rights of each property owner from an excessive tax levy put upon them. Especially those residents most vulnerable, who are disabled, the elderly, veterans, low and fixed income, those with one in the home, those

with two in the home and homes with up to eight people and more, equitably. The proposal of another tax district for the same purpose, invades on these individual rights to fair and equal protection, has no conceivable rational basis and more importantly, is arbitrary.

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