

VILLAGE OF SCOTTSVILLE  
BOARD OF TRUSTEES MEETING

Minutes of Meeting  
Tuesday, January 13, 2009

CALL TO ORDER: Mayor Michael Souers called the meeting to order at 7:00 P.M.

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL:

Present: Mayor Michael Souers, Deputy Mayor Paul Gee, Trustees Rick VenVertloh, Lino Contestabile and Charles Bryant.

Also Present: Treasurer Beverly Martin, DPW Deputy Supt./WWTP Chief Operator Steve Farrell, Attorney Peter Skivington and Resident Sam Carrera.

APPROVAL OF MINUTES

MOTION – Approve Tuesday, December 9, 2008 Minutes

Made by Deputy Mayor Gee seconded by Trustee Contestabile to approve the Tuesday, December 9, 2008 Village Board Meeting minutes as submitted by the Village Clerk.

VOTE: Mayor Souers – yes  
Deputy Mayor Gee - yes  
Trustee VenVertloh – yes  
Trustee Contestabile – yes  
Trustee Bryant – abstained  
Motion Carried 4-0.

MOTION – Approve Tuesday, December 16, 2008 Village Board Special Meeting

Made by Trustee VenVertloh seconded by Deputy Mayor Gee to approve the Tuesday, December 16, 2008 minutes submitted by Trustee Lino Contestabile with a correction on page two, last paragraph, fourth sentence after “the Town budget”, should read: Per Attorney Glavin – there would be clarification as to which Attorney, Town or Village, would attend Planning Board meetings.

VOTE: 5-0. Carried unanimously.

MOTION – Approve Monday, January 12, 2009 Village Board Work Session Minutes

Made by Trustee Contestabile seconded by Trustee VenVertloh to approve the minutes of the Monday, January 12, 2009 work session submitted by Trustee Lino Contestabile with the inclusion of Terry Rech as being present.  
 VOTE: 5-0. Carried unanimously.

PUBLIC HEARING – None

PUBLIC BEFORE THE BOARD

Sam Carrera, 4 Diana Drive questioned the testing, sited in the newspaper recently, that is going on at CooperVision on North Rd./Briarwood Lane. Mayor Souers reviewed: the contaminant at the site is trichloroethane which leaked from storage tanks over a period of years. Per DEC Report: trichloroethane is not high in toxicity. There have been trace amounts in the ground from the shed to the building, but no other sample shows it at this point. They are checking the natural migrating line to the East. DEC dug test wells in various places to monitor, including at the apartments across the street. Coopervision is responsible for any costs accrued. Mayor Souers assured Mr. Carrera that the Board and Code Enforcement Officer are following the testing. There is no immediate danger. Mr. Carrera was told that he was welcome to look at the New York State Department of Environmental (DEC) Fact Sheet that the Village has received as notification of testing, which is on file in the Village Office. DEC is the authority for this project - Site #V00175-8.

REPORTS

ATTORNEY PETER SKIVINGTON reported:

NationalGRID – Attorney Skivington reported on the requests from NationalGRID for refund of overpayment of Utility Tax on Gross Income paid by Niagara Mohawk Power Corporation (NIMO) during the periods of Dec. 25, 2005 through Sept. 30 2007 and Dec. 25, 2007 through Sept. 30, 2008. Treasurer Martin received refund request letters from National Grid dated: December 19, 2008 and December 23, 2008. The amount requested from the Village for over calculated gross utility tax is over \$8,000. Treasurer Martin provided the figures of all the National Grid refund checks that the Village has received from 2003, which varied little. Per Attorney Skivington: Because there are numerous Villages involved, NYCOM is taking the lead to investigate this issue. He advised the Treasurer not to issue these refunds; just hold the bills until further instruction.

Code Enforcement Contract

Per Attorney Skivington: Town Attorney John Glavin informed him via: phone call, the Town has agreed to accept the Village's proposal to pay \$6000. more annually for Code Enforcement but also asks that the Town be entitled to keep money realized for Village permit fees. This would not include Village sewer connection fees. Mayor Souers and Town Supervisor Dobson are to schedule a combined meeting in the near future. Mayor Souers will have the Code Enforcement issue put on the agenda.

Jamie Swann Stop Work Order Violation Court Issue for Scott Crescent property

Per Attorney Skivington: there is no resolution yet to the Swann Stop Work Order Violation for the property on Scott Crescent. There was a recent meeting with Debbie & Jamie Swann, Attorneys, Mayor and Building Inspector to clarify some issues and possibly resolve some. Mrs. Swann has picked up an application for variance which was part of the requirements stemming from the meeting. It was stated if Mr. Swann doesn't bring the structure up to code, charges will have to be brought to demolish the structure. After discussion the consensus of the Board was: Attorney Skivington will inform the Court that the February court date is the last date – no more adjournments or extensions.

Main Street Improvement Study/Downtown Overlay District (DOD)

Copies of the following drafts were previously provided for review:

- 1) Village of Scottsville – Downtown Overlay District (DOD)  
Central Business District – Main Street, aka “CBD”.
- 2) Village of Scottsville Site Development Plan Regulations – Draft 1/3//2009.
- 3) Village of Scottsville – Design Guide Document.

Attorney Skivington explained that the overlay would accomplish the necessary rezoning for Main Street, but stressed it had to be done properly with all the necessary consistencies. He indicated the draft was done well and would make his job of drawing up a “final” draft easier. Mayor Souers gave Attorney Skivington his copy of the Draft Village of Scottsville Main Street Improvement Study done by Stuart I. Brown Associates, Inc., dated: December 2008 to work with as he does the final draft of necessary local laws.

Mayor Souers explained that the Board has talked about Main Street Improvements, Historic Preservation Ordinance, etc. for quite awhile and now they are in a hurry and the DOD is the reasonable solution. Having design guidelines is a nice fit with the long range plans. There would be a site plan review process in place which would give discretionary power to the Planning Board. Example: If someone wanted to come in and tear down a historic bldg, they could be told they can't. He stressed the concern of the limited time frame they have to get the drafts reviewed, have public hearings and get the laws in place. Attorney Skivington agreed to have final drafts of the local laws completed in time to advertise for the public hearings on February 10, 2009. A SEQR, short form, needs to be done and a negative declaration resolution can be done at the Public Hearing before the local law is adopted. The design guide document can be adopted the same time the local law is. Attorney Skivington suggested that the Certified Local Government (CLG) “Historic Preservation Ordinance” local law be adopted as well at the same time. The Site Development Plan Regulations – Draft 1/13/2009 was discussed. Scottsville has a site plan procedure in our code but not regulations. The following actions were taken:

MOTION – Set Public Hearing – Certified Local Government Local Law

Made by Trustee Bryant seconded by Trustee Gee to set a Public Hearing  
to review a law for Certified Local Government on Tuesday, February 10,  
2009 at 6:45 p.m. VOTE: 5-0. Carried unanimously.

MOTION – Set Public Hearing – DOD in CBD

Made by Trustee Contestabile seconded by Trustee Bryant to set a Public Hearing  
to consider a proposed Downtown Overlay District (DOD) in the Central

Business District (CBD) and the adoption of Design Guidelines, on Tuesday,  
February 10, 2009 at 7:00 p.m.

VOTE: 5-0. Carried unanimously.

MOTION – Set Public Hearing – Site Development Plan Regulations

Made by Trustee Bryant seconded by Trustee VenVertloh to set a Public Hearing  
to review Site Development Plan Regulations on Tuesday, February 10,  
2009 at 7:10 p.m.

VOTE: 5-0. Carried unanimously.

Attorney Skivington will do the Final Draft documents and notices for the Public Hearings and provide them to the Village Clerk by January 23, 2009.

BUILDING INSPECTOR

TERRY RECH was not present, but had provided copies of his written report dated: 01/06/2009 with four permits listed (on file).

WASTE WATER TREATMENT PLANT

CHIEF OPERATOR STEVEN FARRELL previously submitted his report dated: 1/13/09 via: email with 8 items listed (on file). He reported:

- The County is still picking up monthly flow reports. They have removed their flow meters.
- The annual sludge report for the County Sludge Hauling permit was done and came back normal.
- There were high flows through much of the month due to the melting snow. The pumps were shut down for couple days; thus using the bypass.
- The Plant had a power outage on Christmas Day.
- GPS Mapping has begun. Per Mayor via: Terry Rech; the equipment needs to be back to County by the end of the Month. Jim Luke has approx. ½ of the Village manholes completed. They will be done by the end of the month with no problem. The Town of Wheatland crew is helping which makes it much easier.
- The Plant has been running great.

DEPARTMENT OF PUBLIC WORKS

DEPUTY SUPT. STEVEN FARRELL previously submitted his written report dated: January 13<sup>th</sup> via: email (on file) with ten items listed. He reported on the following:

- Steve showed a demo film re: a used one arm garbage truck that they are recommending to purchase. It is made by Mack. The cost is \$150,000. It has a walk out cab. With this truck it takes about 8 seconds per stop. It is important to educate the residents to put everything in the toter so the arm can do the work. One man can operate the truck, but easier with two. Trustee Contestabile wants to see return on investment. It would cost less than a new traditional truck. The demo has 10,000 miles on it. It would be certified by Mack with arm maintenance service. More clarification of warranty is needed. This type of truck comes highly recommended by Seneca Falls and the City of Rochester. Maintenance parts are easily available. Per Steve: this truck has the capability

of reducing worker's comp cases. Per Trustee Contestabile: Look at insurance savings; comp, safety, etc. Per Trustee Gee and Steve: The truck would free up manpower for other jobs such as trees, signs, etc. Per Trustee Gee: DEC Recycling Grant may pay 50% of the cost of the truck if it is used 50% of the time for recycling. Steve recommends keeping the old truck to pick up dumpsters, since the armed truck doesn't do them. The old truck could also be used to pick up brush which would be much easier and time saving than with the small truck. The cost of continuing insurance on the old truck needs to be considered. Treasurer Martin reported that there is \$564,000. in the Equipment Replacement Fund. She said a Public Hearing would be necessary and a 30 day permissive referendum. Per Trustee Gee: DPW needs to advertise and get three competitive bids if not buying off State bid. The old truck is at the end of the replacement cycle. There was discussion re: the labor issue; if one person can man the truck, perhaps it will be possible to cut the crew, either full time or not use summer help. DPW Deputy Supt. Farrell said if the crew was cut in number, jobs would not get done. Getting smaller toters for recycling materials that the armed truck could pick up was discussed. It was decided that Steve will write specs for a packer and provide an ad for the Village Clerk to have published. For future review, he will make a list of extra things the crew could be doing with the time saved by having an armed truck. The following action was taken:

MOTION – Advertise for bids for a Garbage Packer

Made by Deputy Mayor Gee seconded by Trustee Bryant to accept bids for the purchase of a replacement garbage packer.

VOTE: 5-0. Carried unanimously.

- Dan Walzer is back to work with no limitations after having a knee surgery.
- DPW has gotten a second delivery of salt. They have used 80-90 tons so far this season.
- Bobcat Purchase Per Steve Farrell: The DPW has tested a Bobcat Skidsteer with a snowblower attachment on Main Street. It worked great and recommends purchasing one. It could be used year round with different attachments for various jobs. Other communities that have this piece of equipment recommend it highly. 16 out of 20 towns & villages that Steve talked to have them. Attachments are available for snow blowing and sweeping. On State Bid the cost is approx. \$25,000. with cab-bucket and snowblower. The sweeper would be extra. It can be driven with wheels, with tracks or moved on a trailer. It travels approx. 12 mph. The following action was taken:

MOTION – Set Public Hearing - \$28,000. to Purchase a Bobcat

Made by Deputy Mayor Gee seconded by Trustee Bryant to set a Public Hearing to consider the appropriation of an amount not to exceed \$28,000. out of the Equipment Reserve for the purchase of a

Bobcat Skidsteer with a snow blower and brush attachment, on  
 Tuesday, February 10, 2009 at 7:30 P.M.

VOTE: 5-0. Carried unanimously.

- Todd Schwasman is training at the WWTP. This will help during vacations times and while the DPW Superintendent is absent.
- Electronic Recycling Days - Per Mayor Souers: Upon request by Monroe County, recycling sites are being set up to collect TV monitors as a result of broadcasting going to digital transmission on Feb 17<sup>th</sup>. It is anticipated that people will have monitors they need to dispose of. The Town of Wheatland will be accepting electronics on Saturday, February 14, 2009 and the Village of Scottsville on Saturday, February 21, 2009 – 9:00 A.M. – 12:00 Noon. Since we will be charged \$5.00 per monitor to dispose of them after collection, we will charge \$5.00 for each monitor as they are brought in. There will be no charge for other electronics. Mayor Souers will decide on appropriate advertising.
- East Genesee Street – Matoes – ROW  
 Mrs. Matoes, who lives in the last house on East Genesee Street near the Greenway, has complained that her property along the right of way is being damaged by Stokoe Farm Equipment who uses it to get to their fields. DPW Deputy Supt. Farrell inspected the site and believes that along with the farm equipment creating ruts, so is the plowing contractor that plows for Mrs. Matoes. The width of the street and right of way is in question. Steve will find out how wide the street and right of way are. Per Attorney Skivington: either way, repairs are not the Village's responsibility. Mayor Souers will write Mrs. Matoes a letter to this effect.

#### TREASURER

BEVERLY MARTIN provided copies of the abstract of Audited Vouchers dated: Dec. '08 – Jan. '09.

#### PAY BILLS

MOTION: made by Trustee Contestabile seconded by Trustee Bryant to approve bills from 12/19/08 – 1/14/09 on abstracts 23 to 26.

VOTE: 5-0. Carried unanimously

#### Trailer ownership/Insurance Coverage

Treasurer Martin questioned a \$100.00 payment that Frank Wunder gave her to pay the insurance premium on a trailer owned by Glen Sickles. She received a notice of insurance cancellation if the bill is not paid. Mayor Souers told her to give the check back to Mr. Wunder and call the Insurance Agent to inform them that the village will not insure the trailer.

#### Third Party Billing Accounts

Treasurer Martin explained the necessity of setting up a revenue account and contractual expense account to handle the Third Party Billing. She is getting guidance from the State Comptroller's Dept. on this issue. Approximately \$1,600. has already been billed out by

MedEx, so the accounts need to be set up soon so proper expenditures can be made. Treasurer Martin asked that the following action be taken:

MOTION–Add line 4540.4 A to the budget for expenditures relating to  
Third Party Billing

A to Made by Trustee Contestabile seconded by Trustee Bryant to add line 4540.4 the budget for expenditures relating to Third Party Billing.

VOTE: 5-0. Carried unanimously.

Gas Usage Control

Deputy Mayor Gee cited a recent article he read re: A ruling on Fire Dept. personnel gas usage, which indicated that Village gas cannot be put into private vehicles. The ruling said that mileage has to be submitted to the Treasurer. Mayor Souers recommended the issue of gas usage control be addressed in depth in the Spring with the Strategic Planning Committee review. One of Deputy Mayor Gee's concerns is that the Village could get into trouble on an audit with lax gas usage control. Per Mayor Souers: Budget meetings will soon be set and this issue should be addressed at that time. Treasurer Martin was asked to contact the State Comptroller RE: gas control requirements. It was pointed out that the past Treasurer, Tom Scantlin, continually urged implementing better control procedures for gas usage. DPW Deputy Supt. Farrell will investigate what types of gas control equipment is available and at what cost.

Villa's at Wheatland Sewer Units

Per Mayor Souers: As the new sewer connections are done at the Villa's at Wheatland, Building Inspector Rech will notify Treasurer Martin to let her know the NESD number of units has increased. These units will be figured into the bill that the Town pays the Village for NESD.

TRUSTEES

TRUSTEE RICK VEN VERTLOH

- No news on Scott Crescent Bridge project. The next step is for DOT to contact us.
- Wheatland Economic Committee has disbanded.

DEPUTY MAYOR PAUL GEE

- Trustee Bryant met with Butch & Brian of Genesee Building Renovation Inc. to do an on site punch list inspection. Most items on the punch list are still undone and he added a few more to do. They are to complete the punch list and call Trustee Bryant to check it out. They need to fix the roof. Part of the roof will be torn off. Trustee Bryant will be checking that job closely. He said the DPW can go ahead with doing the soffits, because the area Genesee Building Restoration Inc. has to repair won't touch them. Genesee Building has requested being paid for part of the roofing. Per Trustee Bryant: We have to consider the cost of demolition to fix the roof and we may have to hire others if Genesee Building Restoration Inc. doesn't finish it appropriately. He also pointed out, per the project manual; the contractor owes the Village \$50.00 per day for every day beginning 30 days after the start date. It is not a penalty. It is important to keep reminding them of that to keep them working.

- Deputy Mayor Gee attended the Community Development Public Hearing & Steering Committee Meeting on Wed., Jan. 7, 2009. He will work on submitting a grant application. He is aiming at asking for funds for engineering & TVing for Browns Ave. sewer work, etc.
- Deputy Mayor Gee will be attending NYS Conference of Mayors February 22 – 24, 2009 in Albany.

#### TRUSTEE LINO CONTESTABILE

- The next Planning Board Meeting will be after the Village Board Meeting. Lino will report to the Planning/Zoning Board re: Downtown overlay district, etc. public hearing results etc.

#### TRUSTEE CHARLES BRYANT

- Trustee Bryant recommended including the Chamber of Commerce into the Historic Planning Committee. Mayor Souers will tell WCCS Superintendent, Mr. Gallagher, that the Chamber should be invited to the upcoming joint School/Town/Village meeting.

#### MAYOR MICHAEL SOUERS

- Mayor Souers reported that Stan Rodwin has informed him that he has written a new lease agreement & signed a 5 year lease with Ameritherm. He has taken a significant reduction in rent, but feels it is better than having an empty building.
- Per Mayor Souers: A Town/Village meeting will be scheduled. Possible dates were considered. He will notify all of the final date. Consensus was that Jeff Adair should be invited.
- Code Enforcement – Sign 2008 Agreement

##### MOTION – Code Enforcement 2008 Agreement

Made by Deputy Mayor Gee seconded by Trustee VenVertloh to authorize the Mayor to sign the Code Enforcement Agreement between the Village of Scottsville and Town of Wheatland for one year, 2008, from

January 1,  
\$23,981.00.

2008 to December 31, 2008 to pay the Town the sum of  
VOTE: 5-0. Carried unanimously.

- Sludge Recycling Steve Farrell and Mayor Souers talked to DEC re: Recycling and available Grants. The Recycle Sludge Program was reviewed. It entails combining Sludge with leaves & wood chips to put back on properties. Grants and opportunities for projects like this will be investigated.
- Budget Work Session dates were considered. Weeknights are possible. Mayor Souers will email the Board with Dates.

#### PARK PERMITS

MOTION – Approve Johnson Park Permits

Made by Trustee Contestabile seconded by Deputy Mayor Gee to approve the following permits:

- 1) Nancy Merritt, 24 Wyvil Ave. – Sunday, June 7, 2009 – Family Picnic
- 2) Kristina Gulnick, 2156 Scottsville Road, Sat., June 27, 2009- Graduation Party

VOTE: 5-0. Carried unanimously.

OLD BUSINESS – None

NEW BUSINESS

Approval of Sewer Connection for Thomas Brown, 88 Scottsville-Henrietta Rd. – 1 unit.

MOTION: made by Trustee Contestabile seconded by Trustee VenVertloh to approve a sewer line connection for 88 Scottsville-Henrietta Rd., into the Village line with the charge of one unit to begin with billing 3/1/09.

VOTE: 5-0. Carried unanimously.

ADJOURNMENT

MOTION: made by Trustee Contestabile seconded by Deputy Mayor Gee to adjourn the meeting at 9:58 p.m.

VOTE: 5-0. Meeting Adjourned.

Submitted by,

Elaine M. Driscoll  
Village Clerk