

VILLAGE OF SCOTTSVILLE  
BOARD OF TRUSTEES MEETING

Minutes of Meeting  
Tuesday, July 8, 2008

CALL TO ORDER: Mayor Michael Souers called the meeting to order at 6:32 P.M.

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL:

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

Absent: Trustee Charles Bryant.

Also Present: Treasurer Beverly Martin, DPW Deputy Supt./WWTP Chief Operator Steve Farrell, Attorney Peter Skivington, Building Inspector Terry Rech(arrived at 6:50 P.M.

APPROVAL OF MINUTES

MOTION – Approve Tues., June 10, 2008 Minutes

Made by Trustee Contestabile seconded by Trustee VenVertloh to approve the minutes of the Village Board meeting held on Tuesday, June 10, 2008 as written.

VOTE: 4-0. Carried unanimously.

REPORTS

ATTORNEY PETER SKIVINGTON reviewed the following issues:

- Flood Damage Prevention - The need to replace & repeal Chapter 90 of the Code of the Village of Scottsville for Flood Damage Prevention as authorized by the New York State Constitution, Article IX, Section 2, and Environmental Conservation law, Article 36. If the new local law is not adopted and received by NYS Dept. of Environmental Conservation by August 28, 2008, FEMA will suspend the Village from the NFIP. As indicated in the letter of May 28, 2008 signed by Jaime Ethier; FEMA will grant no exception to this deadline. This law will bring us into compliance with New York State Law. Peter will provide a clean copy of the necessary law for filing. This is the subject of the Public Hearing that is scheduled for 7:00 P.M. tonight.
- Spring Basin property – Attorney Skivington provided a copy from the title company of the deed for the Village Property known as the “Spring Basin” dated: August of 1937 with a map dated: October 14, 1937. With the age of the map, it is not legible and the

boundries could not be clearly determined. There is a written description of the easement in the deed of August 1937. The original easement was to facilitate access to work on the water lines. The Village easement goes over Mrs. Minster's property. Deputy Mayor Gee will question the Parks people, re: would any grant cover having a survey done. Consensus of the Board was that it would be advantageous to have a clear survey for future use. Attorney Skivington will obtain a quote from a surveyor for the cost of surveying this parcel and any easements.

- Briarwood Builders – Henry Vinciguerra – Per Attorney Skivington: Vinciguerra's application for variance for 69 Diana Drive was granted at the last Zoning Board meeting. Neighbors were supportive. There were no fines imposed and the fee for applying for variance was waived by the Building Inspector. There are two lots left in section VI that Mr. Vinciguerra indicated he is not going to build on. He was made aware that if he does build, he would need to come to the Zoning Board if the structures were too close to the lot lines.
- Swann – Scott Crescent – Per Attorney Skivington: the issue of Jamie Swann re: stop work order on his building on Scott Crescent, is on the Court docket again for next month. Biggest issue is that the first floor of the structure is below flood level and needs to be remedied before any more work can be done.
- Thrush easement – 57 Diana Drive – Attorney Skivington has drafted and sent an easement agreement to Amy & Brad Thrush for their fence at 57 Diana Drive. When completed the agreement will clarify that if the fence ever needs to be removed because the Village needs to do work in the easement area, there will be no cost to the Village.

Building Inspector Terry Rech arrived at the meeting at 6:50 P.M.

Seneca Falls Town/Village – per Mayor Souers: People from the Seneca Falls Municipal Offices are coming to look at the Wheatland Municipal Building tomorrow because they are working toward a joint Town/Village facility as is Wheatland/Scottsville. Copies of Wheatland/Scottsville contracts will be provided to the Mayor to let the Seneca contingent review as example.

#### PUBLIC HEARINGS

“Property Maintenance Law”, Mayor Souers opened the public hearing at 6:49 P.M. by reading the notice that appeared in “the Sentinel” as follows: A Public Hearing will be held at 6:45 P.M. on July 8, 2008 to consider a Local Law entitled “Property Maintenance Law of the Village of Scottsville”, which shall replace and repeal Chapter 158 of the Code of the Village of Scottsville entitled, “Vehicles, Abandoned”. Being no public comment, the public hearing was closed at 6:50 P.M. There was Board discussion re: issue of storing boats, canoes, jet skis, etc. Attorney Skivington will make appropriate wording change to include: “watercrafts subject to a New York motor boat registration” and provide a new clean copy of the property maintenance code with this inclusion. The following action was taken:

MOTION – Property Maintenance Code

Made by Trustee Contestabile seconded by Deputy Mayor Gee to approve the adoption of a local law entitled “Property Maintenance Law of the Village of Scottsville” which will replace and repeal Chapter 158 of the Code of the Village of Scottsville entitled, Vehicles, Abandoned”, subject to final wording from Attorney Skivington and Building Inspector Rech.

VOTE: 4-0. Carried unanimously.

“Flood Damage Prevention” – Mayor Souers opened the public hearing at 7:00 P.M. by reading the public hearing notice which appeared in “the Sentinel” as follows: A Public Hearing will be held at 7:00 P.M. on July 8, 2008 to consider a Local Law entitled, “Flood Damage Prevention” to replace and repeal Chapter 90 of the Code of the Village of Scottsville. Being no public comment, the Public Hearing was closed at 7:02 P.M. This law will bring us into compliance with Federal Regulatory Codes pertaining to flood damage prevention. The building inspector is acceptable to this law being adopted. The following action was taken:

MOTION – “Flood Damage Prevention”

Made by Trustee VenVertloh seconded by Trustee Contestabile to approve the adoption of a Local Law entitled “Flood Damage Prevention” to replace and repeal Chapter 90 of the Code of the Village of Scottsville.

Per Bldg. Insp. Rech: there is a \$100.00 application fee for Flood Development permits which he will be responsible to issue. Any development in the flood zone will be required to apply for this permit. Attorney will provide a copy of the new permit that will need to be used.

VOTE: 4-0. Carried unanimously.

## REPORTS

BUILDING INSPECTOR TERRY RECH previously submitted a written report listing seven permits, dated: 07/08/2008 (on file). Issues discussed were:

- Barn Demo - Bldg. Insp. Rech cited a barn in the rear of the property at 16 Rochester Street that is in the process of falling in and is an unsafe condition. Later this week it will be demolished.
- Recreational Fires – Mayor Souers received a call from a parent on Heather Lane who is an asthmatic. She believes recreational fires in her area are affecting her child. Recently she called 911 because there was a fire about 7 houses away from hers which she believes bothered her child. A Sheriff Deputy and the Scottsville Fire Dept. responded. The Sheriff Deputy made the Fire Dept. put the fire out although it was contained. The parent is waiting for an answer from the Mayor about what he intends to do to solve her problem. Our Fire Dept., via: Jay Coates is looking for direction of how they should respond to this type of call. The Board’s consensus was that they do not want any more control over contained recreational fires than what is already in place. All agreed that residents should be able to enjoy this type of recreation. It is the Deputy’s call to determine the extent of the nuisance and decide if the fire should be put out. Building Inspector Rech indicated this is not an isolated incident, but doesn’t recommend doing a policy. There was discussion about sending out a letter to residents outlining the recreational fire regulations and cautioning residents not to burn noxious materials etc. Mayor Souers will draft a letter.

## PUBLIC HEARING

Amending “Section 63-3, Section 170-16.B, & Section 170-16.C.

Mayor opened the Public Hearing at 7:20 P.M. by reading the public hearing notice that appeared in “the Sentinel” as follows: A Public Hearing will be held at 7:15 P.M. on July 8, 2008, to consider a Local Law amending Section 63-3 of the Code of the Village of Scottsville, adopting New York State Uniform Fire Prevention and Building Code, and including all administrative provisions of 19 NYCRR 1203, and all subsequent amendments thereto; as well as a Local Law amending and replacing provisions regarding Off Street Parking in the Village of Scottsville by amending Section 170-16.B, for residence districts; and Section 170-16.C, in non-residence districts. There was no public comment and the public hearing was closed at 7:17 P.M. After clarification that the intent of these amendments is to control front yard parking and in right of way areas, the following action was taken:

MOTION – Amend “Section 63-3, Section 170-16.B, & Section 170-16.C.”

Made by Trustee Contestabile seconded by Trustee VenVertloh to approve the Local Law amending Section 63-3 of the Code of the Village of Scottsville, adopting New York State Uniform Fire Prevention and Building Code and including all administrative provisions of 19 NYCRR 1203, and all subsequent amendments thereto; as well as a Local Law amending and replacing provisions regarding Off Street Parking in the Village of Scottsville by amending Section 170-16.B, for residence districts; and Section 170-16.C, in non-residence districts.

VOTE: 4-0. Carried unanimously.

CONT'D REPORT

BLDG. INSPECTOR TERRY RECH

- Per Mayor Souers: progress is being made to remedy the unlicensed car issue at 578 North Rd. One van is gone and reseeding has been done to the front entrance of the house. Terry will follow up on further removal of possible unlicensed vehicles from that address.
- Per Bldg. Insp. Rech there has not been any news on the GPS grant submittal.

VILLAGE CLERK

ELAINE DRISCOLL

Correction of Tax Roll

Assessors Jim Murphy and Tom Fess have found a second “Clerical error” in the 2008-2009 tax roll for account #200.05-2-58, 59 West Cavalier Rd., Linda Brown & Ron LaDue.

MOTION: made by Deputy Mayor Gee seconded by Trustee Contestabile to approve a reduction in the Village tax assessment for Tax Account #200.05-2-58 provided by the Town Assessors.

VOTE: 4-0. Carried unanimously.

2008-2009 Tax Collection

Per Elaine Driscoll: the 2008-2009 Tax Collection and 6/1/08 sewer collection went well with the only problems being the Assessor’s exemption corrections. The Office has collected \$463,692.54 in payments – balancing to the penny. The Village Clerk commended her Deputy Julie Kuhn for complete dedication & competency, pointing out that the work load through May & June is a true test.

### NYS Office of Children & Family Services Community Alert Network

The Village Clerk showed the Board a poster with was brought into the Village Office from NYS Office of Children & Family Services Community Alert Network listing the website: [www.ofcs.state.ny.us](http://www.ofcs.state.ny.us). If anyone is interested in receiving an alert when events happen at Industry State School, they can register for notification at the website number; then look for community alert Network Link. The Village Office is registered.

### WASTEWATER TREATMENT PLANT

CHIEF OPERATOR STEVEN FARRELL previously submitted his written report dated July 8<sup>th</sup> (on file). He reported:

- They will be painting the buildings at the Plant this week.
- The County still has their flow meter in place at the Plant. Mayor Souers, Trustee VenVertloh and Carl Schoenthal will meet with MRB Dave Willard Wed., July 9 at 4:00 P.M. to go over flow numbers.
- Gravel Ponds is still dumping at the Plant.
- The carry in – carry out sign and a toter by the bridge at Canawaugus Park will be replaced.
- Jim Luke has not taken his test for certification yet. Dig & Steve will talk to him tomorrow to try to get a timeline and report his intention at the next meeting.

### DEPARTMENT OF PUBLIC WORKS

DEPUTY SUPERINTENDENT STEVEN FARRELL previously provided a written report dated: June 10<sup>th</sup> (date mistake – should have been July 7<sup>th</sup>), submitted by Steve Farrell and Henry Taggart listing 8 items of interest. The following was discussed:

- Church St. sidewalk project is finished with positive feedback from Village residents.
- Flowers on Main St. - Per Jane from Baker Bros: the flowers in the hanging baskets should be cut back for maximum life. Mayor Souers will have Amy Souers advise the DPW on how best to accomplish cutting them back.
- Cold patching has been put down on Oatka Place; it needs leveling and the catch basins need to be adjusted.
- Nick Pearl residence, 17 Maple St. there is a safety hazard of concrete planters on the edge of the pavement (in the easement) going around the curve. DPW Supt. and Deputy Supt. will talk to Mr. Pearl to have him move them back appropriately. This has been an ongoing problem with him putting such items too close to the road.
- Johnson Park paving - Per Deputy Mayor Gee: perhaps with the price of paving escalating, the Johnson Park paving should be done this season rather than next July. Paul will check with the Parks Dept. re: where we stand with the grant.
- Garbage/Trash/Brush Policy – a meeting still needs to be scheduled re: to finalize the brush policy and get the entire garbage/trash/brush policy done professionally as

previously requested by the Mayor. Board members are to review the draft and get comments back to Steve.

- Garbage Truck purchase was discussed. The cost of the truck desired will be \$235,000. and with desired chassis \$280,000. Possible 3-5 yr. leasing of the truck was addressed. Trustee Gee will look into the possibility of using the next cycle of the DEC grant for purchasing a truck. DPW Supt. and Deputy Supt. believe that the truck they have in mind is the way to go for safety & efficiency. Treasurer Martin said the original budget for repurchase was \$185,000.00. Dig and Steve will continue working on pricing of trucks. A meeting will be scheduled with the Mayor, Liaison Contestabile, Dig and Steve to review possibilities for a truck purchase and come up with a recommendation to present to the Board.
- Roller replacement – the 1975 roller is not usable because of transmission problems. With the paving projects going on now it is necessary to purchase or rent a replacement quickly. The price to purchase a used one would be \$4,500. - \$8,000. If under \$10,000, the Village can purchase one with out public hearing under State bid. It needs to be a 1-1/2 – 1-1/4 ton, vibrating roller to use for asphalt & sidewalks. Steve will find out the cost of renting one for a month and tell Treasurer Martin. Mayor Souers told Deputy DPW Supt. Farrell to check on what they can get for trade-in for the old one. If he and DPW Supt. Taggart see a good deal and they can get a good price under \$10,000., off state bid, purchase the roller instead of paying to rent one for a couple months and then purchasing.
- Uniform policy – The DPW workers are not happy with the Unifirst clothes they are now wearing. Deputy DPW Supt. Farrell will research the issue, including cost, and bring recommendation to the Board for approval of a new policy. The Board asked that Deputy DPW Supt. Farrell keep in mind that the original intent of the uniforms was to have the crew all dressed to enhance the Village image instead of all dressing hodge-podge.
- Mulch Pile Sign – Because of a recent sighting of non Village residents taking large truck load amounts of mulch from the village stock piles, Trustee Contestabile recommended there be a sign installed by the Village stock piles of mulch & wood chips indicating “this mulch is paid for and to be used by Village residents ONLY; Violator Will Be Prosecuted”.

#### TREASURER

BEVERLY MARTIN reported:

- Per Treasurer Martin: the last request for payment for Church Street sidewalks was sent in the amount of \$7,500. She is also getting final invoices together to be sent in for Chips paving payment in the amount of \$58,000.
- The annual treasurer’s report will be completed next week. After it is sent in, Tom Scantlin’s village work schedule will be finished until NESD work is due in September.

It was previously agreed that Treasurer Martin is at liberty to request his assistance if needed at any time.

- All Quarterly reports are done.
- Deputy Mayor Gee reviewed with Treasurer Martin, keeping track of bills to be submitted for the NYS Office of Parks, Recreation and Historic Preservation for Johnson Park grant.

### PAY BILLS

MOTION: made by Trustee Contestabile seconded by Deputy Mayor Gee to approve bills from 6/13/2008 – 7/9/2008 on abstracts 1 to 4.

VOTE: 4-0. Carried unanimously.

### TRUSTEES

TRUSTEE VENVERTLOH reported:

- He is overseeing the TEP Grant. It looks very promising that we be named to receive the funds. If anyone wants to look at the application a copy is in the Village Office. On July 17<sup>th</sup> there is an applicant sponsored presentation opportunity to be heard by an evaluation team. Trustee VenVertloh will be in contact with Ed Flynn to decide who will attend to give the village's 10 minute application presentation. It is not required to give the presentation, but believed to be advantageous to participate. Trustee VenVertloh showed concern that even though, in the draft "Town of Wheatland Economic Development Plan", it recommends working with the Village of Scottsville in "Preparing Village Main Streets for Planning"; the Town failed to submit a letter of support, as requested by the Village, for the TEP Main Street Grant. It seems to be an unfortunate indication that Town desires not to work with the Village; however the hope is the grant will still be secured and go forth.

### DEPUTY MAYOR

PAUL GEE reported:

- Phase II Parks Grant – Deputy Mayor Gee has submitted Phase II parks grant application in the amount of approx. \$39,000.00. to include repaving the ice-rink, doing one or two basketball courts and including a skateboard court at one end. Attorney Skivington will check on legalities for having a skateboard court. Per Attorney Skivington: the Village's insurance company should be contacted on this issue.
- Review of Economic Development Plan – Deputy Mayor Gee reviewed the Town of Wheatland meeting which he attended that went over the Draft Town of Wheatland Economic Dev. Plan. The plan is still in the development mode and may take another year to complete. Mayor Souers indicated that the Town has hired a firm to guide them through the process. Trustee VenVertloh is liaison for Economic Development and hopes to participate in the future. Any Village Board comments re: Draft Town of Wheatland Economic Development Plan should be e-mailed to Town Councilperson Henry Williams.

TRUSTEE LINO CONTESTABILE reported:

- The Planning Board submitted a letter of support for the TEP Grant.
- Henry Vinciguerra's application for variance on 69 Diana Drive was granted by the Zoning Board at a special meeting held on July 1, 2008.
- The scheduled Planning/Zoning meetings on July 10<sup>th</sup> have been cancelled. The next meeting will be August 14, 2008.

TRUSTEE CHARLES BRYANT - Via: Mayor Souers

Trustee Bryant was not present; Mayor Souers reported for him:

- Certified Local Gov. - There was a meeting held last Thur., July 3<sup>rd</sup> with State Historic Preservation Officer Julian Adams re: Certified Local Government. Mr. Adams reviewed what the Village has done and indicated it was in good order. The next step is to build an outline for a public hearing that will assure the concept doesn't turn out negative.
- Entrance Sign – Trustee Bryant has done renderings for an entrance sign and will have the Board see soon.

MAYOR MICHAEL SOUERS reported:

- TEP Main Street application is completed; copy is in Village Office for viewing.
- Full Moon Music Series: the second Full Moon Music Series is this Saturday at the Legion. Trustee VenVertloh took the check to be given to the band on that night since the Mayor is unable to attend.
- Notification was received today that the \$15,000.00 Susan John grant is secured for computers for the Senior Center. Mayor Souers will meet with the new Senior Center Director, Michelle Adair, to discuss the grant.

NEW BUSINESSMOTION: Re-appointment of Zoning Board of Appeals members

Made by Trustee VenVertloh seconded by Deputy Mayor Gee to approve the re-appointments of the following Zoning Board of Appeals members for a 5 year term to expire in 2013:

Greg Berl  
 Agostino Ranieri  
 Leslie Wagar  
 Chuck Weir  
 Tim Sands  
 Tim Magill – alternate

VOTE: 4-0. Carried unanimously.

Resource Office – Scott Alberti, Monroe County Sheriff

Mayor Souers met with Officer Alberti. One of the issues discussed re: Community Watch members needing a waiver to participate if under the age of 18.

7 Rochester Street – Loftus Residence – Mayor Souers read the letter from John M. Loftus, 7 Rochester Street re: request to have his sewer units reduced from 2 to 1 because the house is now listed as a single family residence. The following action was taken:

MOTION – Reduction of sewer units from 2 to 1 at 7 Rochester Street

Made by Deputy Mayor Gee seconded by Trustee Contestabile to approve the reduction of sewer units for 7 Rochester St., John Loftus residence to a single family – one unit dwelling beginning with the 9/1/08 billing; subject to inspection and verification by the Building Inspector, Terry Rech.\_

VOTE: 4-0. Carried unanimously.

Johnson Park Roofing

Mayor Souers reported that the Johnson Park pavilion roofing will be delivered this week and staged on the roof. Generally Genesee Building Restoration Inc. will work on the roof from 1:00 – 9:00 P.M. because the Wheatland Recreation program is being held in the morning at the park. Jim Laughlin will do necessary electrical work at the pavilion by Monday.

PARK PERMITS

MOTION: made by Trustee Contestabile seconded by Trustee VenVertloh to approve the Johnson Park Permits as follows:

- 1) Stephanie Parker , 9697 Union St., Sun., July 13, 2008 – Birthday Party
- 2) Lisa Tripodi, 2 Genesee St., Sun., August 17, 2008 – Birthday Party
- 3) Trudy Micchia, 21 Diana Dr., Sat., August 30, 2008 – Family Party
- 4) Jill Elliott, 374 South Rd., SAA, Fri. Aug., 1, 2008 – Soccer Picnic

VOTE: 4-0. Carried unanimously.

ADJOURNMENT

MOTION: made by Trustee Contestabile seconded by Trustee VenVertloh to adjourn the meeting at 9:02 P.M. VOTE: 4-0. Meeting adjourned.

Submitted by,

Elaine M. Driscoll  
Village Clerk