

VILLAGE OF SCOTTSVILLE
BOARD OF TRUSTEES MEETING

Minutes of Meeting
Tuesday, July 13, 2010

CALL TO ORDER: Mayor Paul Gee called the meeting to order at 6:30 P.M.

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL:

Present: Mayor Paul Gee, Deputy Mayor Leslie Wagar, Trustee Elizabeth Murray, Trustee James Clark and Trustee Richard Clark.

<u>Also Present:</u> Treasurer Beverly Martin,	Attorney Peter Skivington, Deputy Village Clerk/Planning-Zoning Bd. Secretary Julie Kuhn,
Communication Operator Steve Farrell,	Director Edie Cornish, DPW Supt/WWTP Chief Planning/Zoning Board members Tom
Knitter & wife Janice and Tim	Magill, Animal Control Officer Gary
Hults, Former Mayor Michael	Souers, Approximately 12 Smith
Warren Post 367 Legion members,	Approximately 15 residents, and
recording secretary Elaine Driscoll	Village Clerk.

APPROVAL OF MINUTES

MOTION – Approval of Tuesday, June 8, 2010 Village Bd. Meeting Minutes

Made by Trustee J. Clark seconded by Deputy Mayor Wagar to approve the minutes of the Tuesday, June 8, 2010 Village Board Meeting with 1 change:

Page 8 – 6th bullet – beginning in second sentence should read: resurfacing project is done this year, improvements can be made to give more shoulder space in front of the Christmas and Beyond Shop.

VOTE: 5-0. Carried unanimously.

MOTION – Approval of Thursday, July 8, 2010

Made by Deputy Mayor Wagar seconded by Trustee Murray to approve the minutes of the Thursday, July 8, 2010 Village Board Meeting as submitted by Trustee Murray.

VOTE: 5-0. Carried unanimously.

PUBLIC BEFORE THE BOARD – None
REPORTS

COMMUNICATION DIRECTOR – EDIE CORNISH reported:

- Website Update - Some updates have been done on the website, but still a work in progress. Some Board Member information is still needed.
- Newsletter – the Fall Newsletter will soon be in the works. The deadline for articles is August 21, 2010.
- Festival and Farmers Market – ads are up on the website.

VILLAGE CLERKELAINE DRISCOLL – No ReportBUILDING INSPECTORTERRY RECH previously provided his written report dated: 6/1/10 – 6/30/10, with nine permits listed (on file). He reported:

- 4 Church Street rezoning request – Owner Mitch Alepoudakis (Mitchell George Associates), has asked Building Inspector Rech to “test the waters” on his behalf re: the possibility of re-zoning his property re: the possibility of changing the zoning of 4 Church Street, which is now in the Central Business District (CBD), to Residential. Mr. Alepoudakis has been trying to sell the property as commercial with no success, but has had interest in it as residential. Mayor Gee indicated that this is not a good time to consider this change. He reviewed that the position of the Boards has been to not take any businesses out of CBD and make them residential, because it is hard to ever get these locations back as businesses. This coincides with the Main Street Development Committee’s vision. Tom Knitter, Zoning Board member, was asked to take the this issue to the next Planning/Zoning Board meeting for recommendation.

TREASURERBEVERLY MARTIN provided copies of Abstract of Audited Vouchers June-July 2010 and reported:

- Pay Bills
MOTION: made by Trustee Murray seconded by Deputy Mayor Wagar to approve bills from 6/18/10 – 7/14/10 on abstracts 1 to 4.
VOTE: 5-0. Carried unanimously.
- Annual Financial Report has been completed and is ready to go to Albany.

TRUSTEE REPORTSDEPUTY MAYOR LESLIE WAGAR reported:

- There was no code enforcement report.
- Planning/Zoning is not working on anything special at this time, just what routinely comes in.

NEW BUSINESS

Monroe County Disaster Mitigation Plan – Mayor Gee explained that the County puts together a Disaster Mitigation Plan for disasters such as floods, fires, snowstorms, hurricanes, etc. They then submit to SEMO (State Emergency Management Office). At this point SEMO has not had time to fully review the County’s mitigation plan and has given the Village permission to continue with the 2005 plan. When SEMO gets back with approval or disapproval, the County committee will rewrite the mitigation plan after which all Villages and Towns will be asked to approve it. Mayor Gee tabled the approval to the August agenda.

PUBLIC HEARING

Local Law – Farm Animals

Mayor Gee opened the public hearing at 6:45 P.M. for Local Law – Farm Animals, by reading the public hearing notice which appeared in “the Sentinel”: to consider a Local Law – Farm Animals, Chapter 54, Article III, to regulate the possession of farm animals in the Village of Scottsville. He then read the proposed law. There were approximately 15 people in attendance to hear this issue. The floor was opened to public comment:

Russ Hogue, 862 North Road presented a written document (on file), “Chicken By-Law”. He is not in favor of enacting restrictive legislation. He feels it would make the village a less desirable place to live. He is in favor of allowing chickens and asked for a “no” vote for the proposed law.

Thomas Knitter, 28 Diana Drive, has lived in Scottsville all his life and was a Planning/Zoning Board member during the “Farm Animal” issue. He explained the reason for considering having a law: to allow control with some means of a standard. The Board did considerable research including being in contact with other Monroe County Villages to see what their laws contained and how they came to their adoption farm animal laws. Most Monroe County Villages surveyed prohibit chickens. He is against having any farm animals (including chickens) in the Village; they should be in appropriate farming area which is Wheatland.

John Loftus, 7 Rochester Street, has lived here 47 years and has always raised farm animals. It is a good experience for children. This was a rural village for many years, not suburban. He is not in favor of more rules, laws & regulations; let this issue die unless there is a real problem.

Tim Magill, 13 Sanhurst, has lived in the Village for 27 years. He is opposed to chickens in the village; if you want to raise farm animals buy a farm. Having farm animals in the village on a small lot in close proximity is not a positive thing.

Chris McKean, 14 E. Genesee Street moved here in 1985 because it was a rural community and liked the environment and is not in favor that there be regulations against that.

Vivian Lawton, 58 Diana Drive is opposed to the no farm animal law. She thinks the laws on the books at present can regulate any problem and we don’t need another law to prevent something that “may” happen. She moved here so she would have the opportunity of having farm animals. She presently has chickens which she considers her pets. She believes the Village is driving people away by wanting to prohibit chickens. She is totally opposed to this law.

Sara Stevens, 60 Diana Drive thanked the Trustees for putting up with chicken talk for months and also to the Planning/Zoning Board for their hard work. She asked that the emails the Mayor has received re: Farm Animal Law, be noted). She asked the Board to consider resistance to new regulations, the right of a property owner and the possibility of forming a chicken committee to monitor chicken ownership/care etc. If the committee was to resolve the issue in favor of chickens, they could monitor the situation for the Village. She would volunteer to be on such a committee. She thinks a conclusion of this issue would be made tonight. She is in favor of chickens with conditions, but no cows, goats, etc.

Jennifer Calnon, 54 Diana Drive lives next to a property with chickens, and she has no problem with them.

Shawn Passmore, 531 North Road is in favor of allowing chickens but not other farm animals. He would trust his neighbors to own chickens responsibly as he would.

Michael Souers Former Mayor, 9 Chili Avenue, was present for an upcoming sign issue, but wanted to weigh in on the chicken issue. He believes banning chickens is extreme and there is a compromise to be worked out. That is what the Attorney, Village Board and Planning/Zoning Board is here to do. There is a compromise between having goats & having chickens. He has 10 acres in the Village and can't imagine not being allowed to have chickens if he wanted them.

Leslie Wagar, Village Board Member stated for clarification that regardless of what happens, there has to be some rule on the books regarding chickens. If the law prohibiting chickens, for the public hearing tonight is not adopted, it will not be the end of the issue; there will be another law brought to the board to consider and ultimately there will be a law on the books.

John Loftus, 7 Rochester Street questioned if the prohibiting law gets a no vote tonight, is there anything further that can be voted on tonight. Attorney Skivington explained that if it is a different law, it would require advertising setting another public hearing and advertising. Mayor Gee indicated however, that some amendments &/editing could be done on tonight's law and changes voted on.

Vivian Lawton, 58 Diana Drive agreed there should be requirements/guidelines to help residents know their limits.

Sara Stevens, 60 Diana Drive asked if there was ever any request for other farm animals in the Village. Mayor Gee recalled that there were issues with turkeys, rabbits, chickens & hens in the past. Because of the small number of issues, the Village has had with farm animals, Ms. Stevens questioned the need for regulation; perhaps it's to reactive. Deputy Mayor Wagar explained why she considers this action proactive.

Chris McKean – even though he doesn't want to have goats etc., he doesn't want any law that prohibits animals and he is not happy to have laws that prohibit his rights. He doesn't think a law is necessary. He feels the Village is using too much time on this issue.

Russ Hogue said he could draw up a list of issues other than farm animals that the Board could be proactive on; can't be proactive on everything.

Tom Knitter reviewed the history of why the Planning/Zoning Board has made the farm animal law recommendation. After the first person came in wanting chickens, the Village board realized there was no law on the books to control chickens; the only control was for the housing structures for them. The Village Board asked the Planning/Zoning Board to review the situation and recommend a solution to regulate having chickens. After the Planning/Zoning Board began working on the issue, more people began to show a desire to have chickens, which only emphasized the fact that there was no law on the books to regulate them. People requested having guidelines. The Planning/Zoning Board researched many other communities and found that they all put some kind of animal regulation on their books so they had something to work from. Based on how the request comes to the Code Enforcement Officer, in some cases, special exception use could be used for control.

Mayor Gee pointed out that the Village has approximately 2,100 people in the Village and there are only about 40 people in the meeting room tonight (about 15 were present for the farm animal public hearing). He stated that it is the Village Board's responsibility to protect the rights of the other 2,060 people that reside in the Village as well as those present. The whole purpose of this is to come up with a fair and equitable law so that everybody is happy and it doesn't infringe on anyone's rights. He is not in favor of having chickens and wouldn't want them next door to him. Growing up his Father had racing pigeons and a neighbor had chickens. There were a lot of problems, including attracting rodents, the fowl being enticing to fox, etc. However, he knows there is a need to have a fair and equitable regulation so people can have chickens, but at the same time protect their neighbors from any hazards. Mayor Gee decided, since so much time has passed since the onset of this issue and still with no decision, to go back to square one and start from the beginning; thus this public hearing tonight. It is his hope that this issue is over tonight and a decision is made of how to proceed.

Gary hults, Wheatland Dog Control Officer said that he does not live in the Village, but travels the Town extensively and sees how chickens are housed differently and some are offensive looking. He cautioned the Board to consider the containers required for chickens to be housed in.

Tom Stevens, 60 Diana Drive is a neighbor of people with chickens and he has no problems with them. In fact, he enjoys them. They are pets. He is concerned about the possibility of banning chickens/animals and not just regulating them. Banning them would be keeping people from enjoying their property rights and segregating one group from another. He doesn't think that is what this community is all about. He urged the Board not to vote in favor of this ban.

Ruth Thompson, 15 Scott Crescent thinks that property size should decide who can have farm animals. When she was a child growing up in this community, they had chickens etc. She bought her property thinking she had the same options of having farm animals/chickens. She is not in favor of this law that prohibits farm animals/chickens.

Mayor Gee read the emails he received from:

- Sara Kloos/Stevens – her message to 24 people to encourage them to attend tonight’s public hearing and/or be in contact via: email, with Mayor Gee on the subject.
- Vivian Lawton is against the proposed “no farm animal” law and in agreement that the Village does not need more laws.
- Camille Anne Martina PhD is in support of Village residents being able to have chickens (3hens per property) and not contingent on property size but more the care and welfare of the animals and adherence to laws. She has a problem with dogs (as told in her email on file).
- Kim LaCelle, Science Educator WCCS, is not a resident of Scottsville, but is in favor of allowing hens to be kept within the Village limits. She pointed out benefits of having chickens. Suggests the Village set up a “Chicken Committee”.
- Maggie Ridge is in favor of chickens in the Village.
- Geoff Woerner is not a village resident but a lifelong resident of Wheatland. He supports the larger issue of people having some right to do what they want on their property, especially with the high property tax burden levied upon them.
- Evelyn Edman favors the controlled ownership of 3 hens within the village boundaries. She would like to see control of the outdoor cat population as well.

All the above emails are on file in their entirety in the Village Office.

Mayor Gee asked for Board opinion:

Trustee Elizabeth Murray stated that she did not vote in favor of this hearing tonight; she is not in favor of prohibiting chickens. She and her family moved here for the family friendly community, great historic integrity, beautiful rural community and the people who lived here loved the environment and are proactive about engaging in sustainable eco friendly practices. The people who have shown interest in raising three chickens are doing it for the right purposes. We are a rural community. She wants to come up with a compromise that doesn’t infringe on people’s rights.

Trustee James Clark thinks the lot size should determine whether chickens are allowed or not. If the lot is big enough and maintained adequately, they should be allowed to have them. They would need to be maintained and kept healthy just as dogs and cats.

Deputy Mayor Wagar has been involved with this issue ever since the Village board charged the Planning/Zoning Board to review it and make recommendation. The Planning/Zoning Board worked on the issue extensively and researched other Villages to see what they had on their books. She supports what the Planning/Zoning Board has done and recommended. She does not believe the village is an appropriate place for chickens.

Trustee Rick Clark being appointed to the Board only a short time ago thanked everyone who spoke on this topic tonight. He appreciated hearing everyone’s opinions to help him get up to

speed on this subject. He is in favor of allowing chickens on properties that are big enough to sustain them and are an appropriate type of property to have them. Example: properties that have apartments would not be appropriate. He is against banning chickens entirely, because there are properties in the Village that can support them. It needs to be determined what that property size is, what number of hens is an appropriate, and what the adequate set backs against the property lines should be to not affect the neighbors negatively.

Michael Souers, Former Mayor stated that he doesn't feel this has been a fruitless endeavor, but rather democracy in action. The fact that the Village Board, Planning/Zoning Board and Public have come together to work on this is what living in America is all about.

Terry Rech, Building Inspector stated that the Village does have current regulations on the books. It doesn't regulate having the chickens, it regulates the shelter for the particular farm animal; mandating 100 ft. from a property line. What we have currently is taking into account that it is not appropriate for small postage sized lots but would be appropriate on larger lots. The application that came before the Zoning Board was to amend that with variance from that lot separation requirement. That variance was approved. In certain instances 3 hens could be harbored on a village lot without the shelter being too close to the lot line. The Village Board charged the Planning/Zoning Board to recommend a way to adequately regulate the harboring of chickens because of a current need.

Jerry Gallo, 50 Main Street recalled that years ago it was not unusual for Scottsville residents to have many kinds of farm animals; chickens, pigs, cows, etc. He grew up having them.

Todd Goodwin, Mumford NY resident grew up with a neighbor having chickens. There were no problems with them; wild ducks are much more of a problem.

Mayor Gee would like chicken harboring done by permit. He wouldn't want the Planning/Zoning Board to have to deal with the issue for any reason. The chicken coop would have to meet all set back regulations and federal guidelines as far as how much space the chickens need etc. After an application was submitted for a permit and the Code Enforcement Officer Terry Rech agrees the coop would fit on the property. Letters would go to neighbors; if not negative response, the resident could have their chickens. If there were complaints in the future, the permit would be revoked and be reviewed again. After that, permit approval would be given by the Village board. There would be a limit of 3 hens and NO roosters.

The proposed draft for "permitted use" done by the Planning/Zoning Board, dated: March 2, 2010 (on file) was reviewed.

Attorney Skivington advised that the proper thing to do is to vote on the law that is on the table prohibiting chickens. If it is turned down, then a new Public Hearing can be scheduled on an amended law.

Trustee Murray read the March 2, 2010 draft for "permitted use" with 7 conditions, done by the Planning/Zoning Board. Lot size was reviewed again. The Board reviewed the breakdown of lot sizes in the Village, provided by Building Inspector Terry Rech. The Board generally agreed that

lots that harbor chickens should be at least a ½ acre. According to the breakdown, there are 152 parcels that are greater than ½ acre.

Tim Magill, Planning Board Member pointed out that, according to the lot size breakdown, 50% of the Village of people can come right in and get their permits; the other 50% have to ask for a variance.

Mayor Gee closed the Public Hearing a 8:05 P.M.

MOTION – Local Law Prohibiting Farm Animals

Made by Deputy Mayor Wagar seconded by Trustee R. Clark to approve the adoption of a Local Law – Farm Animals, Chapter 54, Article III, to regulate the possession of farm animals in the Village of Scottsville – prohibiting farm animals according to 54-23.

VOTE: Mayor Gee – no

Deputy Mayor Wagar – yes

Trustee Murray – no

Trustee J. Clark – no

Trustee R. Clark – no

Motion Denied 1-4.

MOTION – Set a Public Hearing – Farm Animals Local Law – Permitted Use Chickens

Made by Trustee R. Clark seconded by Trustee J. Clark to set a Public Hearing on Tuesday, September 14, 2010 at 6:35 P.M. to discuss a local law re: the draft of March 2, 2009; permitted use with conditions for domestic chickens.

VOTE: 5-0. Carried unanimously.

Attorney Skivington will provide a copy of the law for public viewing and public hearing.

PRESENTATION

Smith-Warren Post 367 Sign Proposal

Darryl Cady, 25 Diana Drive, Member of Smith-Warren American Legion Post – 61 Main Street.

With him were approximately 12 other members of the American Legion Post. He explained that the post members are present to propose the removal of the existing message sign which is not in compliance with the Village Sign Code. They would like to upgrade the sign with a more maintenance free and better looking sign. It would be a combination of both signs; Smith-Warren identification & Logo at the top and message area at the bottom. Mr. Cady provided and reviewed a three page proposal for the new sign to be erected at the Post on Main Street (on file). There are five village code restrictions (see in proposal) for which they are requesting exemption. He reviewed the reasons for the exemption request (listed in the proposal) and explained the Legion's Community Involvement (outlined on proposal). There was a lengthy review and favorable board & audience comments re: the proposed sign and the Legion's commitment to the Community. Some concerns such as visual obstruction issues, plowing issues, sight lines at the road, required state setbacks, etc. were pointed out. All these issues will be worked out with the Building Inspector if the Board gives concept approval.

Building Inspector Terry Rech previously provided copies of a “Village Sign Review 2010”. It is now the end of the five years that businesses had to update their signs to conform to the sign code. The purpose of itemizing all the non-conforming signs on Main Street with pictures, was to allow the board to see all the signage, familiarize themselves with the sign ordinance and be able to make a reasonable decision for the Legion Sign; particularly re: internal lighting of the sign. In the CBC the lighting would be acceptable, but the Legion is in a residential area. In his review, he highlighted some non-conforming aspects of the Legion sign.

Michael Souers, Former Mayor, extended his gratitude to the Legion for letting the Village and community do postings for events on the sign; it is a great benefit to the community. He pointed out that, in the future, there may be a sidewalk installed in front of the Legion which should be taken into consideration while planning the positioning of the sign.

Building Inspector Rech indicated that the Planning/Zoning Board should do a review for the Legion sign because it is non-conforming. Attorney Skivington said if it is sent to the Planning/Zoning Board, they can look at distances, etc. NYS DOT will have to be contacted if doing work in the right-of-way. The issue will be given to the Planning/Zoning Board at their next meeting on Thursday, August 12, 2010 for review.

MOTION – Smith-Warren Post 367 – Sign

Made by Deputy Mayor Wagar seconded by Trustee R. Clark to approve the proposed design of the Smith-Warren Post 367 sign as presented and forward it to the Planning Board for review and recommendation to the Village Board.

VOTE: 5-0. Carried unanimously.

PUBLIC HEARING

Planters and Watering Tank – Main Street

Mayor Gee opened the Public Hearing at 8:30 P.M. by reading the notice that appeared in “the Sentinel”: to consider appropriating an amount not to exceed \$5,000.00 from the Reserve for Main Street Development for Main Street planters and a watering tank, subject to permissive referendum. There was no public comment and the following action was taken:

MOTION - \$5,000.00 for Main Street Planters & Watering Tank

Made by Trustee Murray seconded by Trustee J. Clark to approve appropriating an amount not to exceed \$5,000.00 from the Reserve for Main Street Development to pay for Main Street planters and a watering tank, subject to permissive referendum.

VOTE: 5-0. Carried unanimously.

PUBLIC HEARING

Adopt Local Law for 2010 Retirement Incentive Program Part A

Mayor Gee opened the Public Hearing at 8:40 P.M. by reading the notice that appeared in “the Sentinel”: to consider a local law to adopt the 2010 Retirement Incentive Program as authorized

by Chapter 105, Laws of 2010 for eligible employees of the Village of Scottsville. There was no public comment. Treasurer Martin reviewed a preliminary cost analysis and indicated that a formula for payment to NYS for the incentive needs to be worked out. It was agreed the Village retirement incentive would target only the Village Clerk position and be Part A of Chapter 105 Laws of 2010. Mayor Gee explained that even if approvals are given tonight to adopt the Local Law, it could be cost prohibitive. The following motions were made. Upon recommendation by Attorney Skivington the statement “contingent on financial review from the Village Treasurer” should be included in each motion and the issue be put on the August agenda for financing decisions.

MOTION – Adopt a Local Law – 2010 Retirement Incentive Program - Part A

Made by Deputy Mayor Wagar seconded by Trustee J. Clark to adopt the following:

RESOLUTION: BE IT RESOLVED that the Village Board of Trustees does hereby elect to provide the benefits of Part A of Chapter 105 of the Laws of 2010, commencing on December 1, 2010 for all eligible employees who retire with an effective date of retirement set during the 30 day period beginning with and immediately following the commencement date and who are otherwise eligible as specified by Part A of Chapter 105, Laws of 2010 adopt a Local Law – 2010, contingent upon financial review from the Village Treasurer.

VOTE: 5-0. Carried unanimously.

MOTION – Targeted position for 2010 Retirement Incentive Program – Part A

Made by Deputy Mayor Wagar seconded by Trustee R. Clark to adopt the following:

RESOLUTION: BE IT RESOLVED that in accordance with the early retirement incentive, we hereby target the following position as being eligible: Village Clerk, as specified by Part A of chapter 105, Laws of 2010, contingent upon financial review from the Village Treasurer.

VOTE: 5-0. Carried unanimously.

MOTION – Auth. Mayor to sign Affidavit – 2010 Retirement Incentive Program Part A-Chapter 105

Made by Deputy Mayor Wagar seconded by Trustee Murray to authorize the Mayor to sign the affidavit pursuant to the 2010 Retirement Incentive Program Part A – Chapter 105, Laws of 2010 contingent upon financial review from the Village Treasurer.

VOTE: 5-0. Carried unanimously.

PRESENTATION

Michael Souers, Former Mayor/Main Street Committee Member

Public Parking Sign

Michael Souers presented a quotation and rendering of a “Public Parking” sign done by Reitz Sign Company Inc., dated 7/12/10 (on file). He reviewed that in the first year of his term of Mayor in 2004, \$15,000.00 was transferred into the parks fund for new signage, which to date

has not been used to his knowledge. This sign and the village entrances signs fall into this category.

The village's sign that hung at the Main Street entrance of the parking lot when the village owned the 22 Main Street building, is now on the wall in the Village Office. The Town now owns the property and the pole that a new sign should be installed on. Since the transfer of ownership of the building to the Town and during renovation, the Town has been aware that a plan for a new sign was being considered by the village. They have been very patient, but now it is time to be proactive. Unfortunately the project didn't get completed during his term, but now he would like to get the project accomplished. He recommended the cost be shared by Town and Village.

The wording "Public Parking" –vs- "Municipal Parking" is deliberate to make people feel free to use the parking area, and not think it is just for the people in the Municipal Building.. This is one design to get the project going and encourage comment. Trustee Murray indicated that Main Street Committee is holding a meeting on Thursday, July 22nd with Consultant Bob Boyd and would like to look at this proposal/drawing. She thinks this sign would tie in well with the new Main Street planters and future staining of the benches.

Preferable types of construction materials; wood, lettering etc. were discussed.

Trustee Murray reviewed that the Economic Development Task Force hasn't approved their draft study yet, but the issue of Main Street parking was cited in the draft along with the benefits of having a free "Public Parking" area. When getting approval from the Town for installation of a sign, the Village should point out that the Economic Development Task Force has addressed the parking issue.

Michael Souers will present the Reitz Sign Company Inc. quotation/rendering to the Main Street Committee for review and have them make recommendation to the Village Board for decision. Mayor Gee suggested that they also look at the village entrance signage as well.

PUBLIC BEFORE THE BOARD – None

REPORTS Cont'd

ATTORNEY PETER SKIVINGTON reported:

- Bond Counsel Proposal for Pump Station Project – James A. Coniglio, Esq.
Attorney Skivington requested that approval be given for Bond Counsel in the event that, in the near future, the Village will be going ahead with the bond resolution for the Pump Station Project. This would allow getting him involved early to be prepared; but wouldn't be hired until the actual bond process begins. Mayor Gee reported that on July 8th he attended a meeting re: RDA Funding. RDA Funding has been severely slashed throughout the country. It probably won't affect loans, but RDA will be setting up one on one meetings within a couple weeks. In the meantime, steps can be taken that don't cost anything to be prepared. Per Attorney Skivington: the next step will be to start the bonding process. The following action was taken:

MOTION – Contract for Bond Council for Pump Sta. Project – James A. Coniglio, Esq.

Made by Trustee Murray seconded by Deputy Mayor Wagar to authorize the Mayor to sign the contract proposed by James A. Coniglio to act as Bond Council for the Village of Scottsville for the Pump Station Project as supervised by the Village Attorney.

VOTE: 5-0. Carried unanimously.

- National Grid Gross Utility tax overpayment – Attorney Skivington requested that this issue be tabled to the August meeting for review to allow time for final ruling from the Public Service Commission.
- 21 Scott Crescent – the DPW has mowed the property. There is reportedly an unregistered vehicle & trash on premises. There has been no action with the property. Attorney Skivington is to prepare an affidavit for Building Inspector's signature to be submitted to the court to take the structure down. There would be options, first being that the owner takes the structure down. The second option is that the Village take it down and the cost be added to the property tax.
- NESD Contract – Attorney Skivington reported on the latest negotiations with the Town of Wheatland Attorney John Glavin re: NESD contract. There was discussion re: ½ of what the Town owes the Village for 2009-2010 NESD charges remains unpaid: amount being \$34,000.00. Requiring them to pay 27% for 2009-2010 was discussed. Treasurer Martin showed great concern that the town is receiving services that they aren't paying for at present. This lack of payment has affected the Village's fund balance negatively. Options were reviewed which included discontinuing service, judicial intervention to force payment or setting up an inter-municipal commission. The concept of a commission being set up with Town and Village Board Members, as suggested in the 1975 agreement, was entertained. It would work to remedy concerns of both parties. Mayor Paul Gee and Trustee Rick Clark agreed to serve on such a commission if the concept were to be agreed upon by the Town of Wheatland. The NESD issues were discussed at length after which the following actions were taken:

MOTION – NESD Contract

Made by Trustee R. Clark and seconded by Deputy Mayor Wagar to authorize the Mayor to sign a contract with the Town of Wheatland for NESD payment of 27% for Village year 2009-2010 as prepared by the Village Attorney and to authorize two Village Board members to participate in the negotiations process to discuss future contracts.

VOTE: 5-0. Carried unanimously.

WASTE WATER TREATMENT PLANT

CHIEF OPERATOR STEVE FARRELL previously submitted his report via: email, dated: July 13, 2010 with 6 information items listed (on file). There were no questions from the Board.

DEPARTMENT OF PUBLIC WORKS

SUPERINTENDENT STEVE FARRELL previously submitted his report via: email, dated: July 13, 2010 with 12 information items listed (on file). He also reported:

- Skanex has done sewer lining on Browns Avenue, Wheldon St., Maple to Cavalier and Grove Street. The cost will be approx. \$130,000.00. \$40, 000.00 will be submitted for the block grant and go back into the Reserve Fund.
- Disability Policy – DPW Supt. Farrell had question re: the legality of making a person on disability use his/her new batch of sick days if they are still out when the Village’ new year starts (June1st). Attorney Skivington will research this issue. Mayor Gee, Supt. Farrell and Treasurer Martin will write up a new disability plan to bring to the Board after Attorney Skivington’s review.
- Speeds humps – DPW Supt. Farrell is in the process of acquiring new signage regulations to guide him with the issue of installing the previously requested speed bumps for Race Street & Scott Crescent.

TRUSTEE REPORTS Cont’d

TRUSTEE ELIZABETH MURRAY reported:

- Main Street Committee – On June 24th the committee reviewed the 1st draft study from Consultant Robert Boyd. The next meeting will be on July 22nd at which the final draft will be reviewed. There will be a meeting on July 27th with Tom Wermuth re: fishing derby. Since Andrew Meier from the “Renewal Company” will not be able to attend as planned, there may be a historic renovations site visit done by Carl Schoenthal.
- Farmers Market has been held 3 weeks. Trustee Murray commented that Scottsville Fire Police have done a fantastic job with traffic control. Community groups have signed up for space to fund raise, solicit membership, etc. In August the Fire Dept. will set up a booth for fund raising.
- Full Moon Series – on June 30th the first Full Moon Series was held. Trustee Murray estimated approximately 40 people watching the concert. Future Full Moon dates are July 28th, August 25th and Sept. 29th.
- Main Street Sign Review – Trustee Murray asked what the next step is for Building Inspector Terry Rech’s Village Sign Review 2010. Terry will notify business owners with non-conforming signs that they need to come into total compliance, or they can come to the Village Board with a design that is not within the code to get assistance in changing their signs in an appropriate way to get Board approval. The possibility of a Main Street Committee member being a liaison between new business owners and the Building Inspector for design and code requirement understanding, was generally an acceptable concept to the Board.
- Combined Town/Village Meeting is scheduled for Wednesday, August 11, 2010 at 6:30 P.M. in the Wheatland Senior Center.

TRUSTEE JAMES CLARK reported:

- There is a hold on any discussion for possible purchase of property from Chris Chamot at Canawaugus Park to wait for grant results.

TRUSTEE RICHARD CLARK

- No Report
- Mayor Gee will consider liaison duties to be given to Trustee R. Clark in the future.

MAYOR PAUL GEE reported:

- Stuart Brown Contract – SEQRA (State Environmental Quality Review Act)/NEPA (National Environmental Protection Act).

MOTION: made by Trustee J. Clark seconded by Trustee Murray to authorize the Mayor to sign a professional service contract with Stuart I. Brown to complete the NEPA/SEQRA clearances for the proposed Regional Sanitary Sewer Pump Station project in an amount not to exceeds \$5,000.00

VOTE: 5-0. Carried unanimously.

- Park Master Plan has been updated.

- Summerfest beer sale

MOTION: made by Trustee R. Clark seconded by Trustee Murray to authorize the Mayor to sign, as property owner, for the Scottsville Rotary application for State Liquor Authority, to sell beer during the Scottsville Summerfest on Saturday, August 21, 2010 from 12:00 Noon – 10:00 P.M. under the liquor license of the Scottsville Diner and Rotary's insurance.

VOTE: 5-0. Carried unanimously.

- Contract with Mary Chappell Municipal Solutions Inc. for financial advisement for Pump Station Project – tabled to August Meeting.
- Village Entrance Signs – as was previously stated: the Main Street Committee will review the design of village entrance signs along with the public parking sign.

PARK PERMITS

MOTION: made by Deputy Mayor Wagar seconded by Trustee J. Clark to approve the Johnson Park Permits as listed:

- 1) John M. Kresse, 5 Main St., Sun., July 18, 2010 – Birthday Party.
- 2) Eileen Hansen, 51 W. Cavalier Rd., Sat., August 7, 2010 – Family Picnic.
- 3) Gale Juntunen, 1744 North Rd., Sun., Aug., 8, 2010 – Graduation Party.
- 4) Njyhale Pavati, 220 Bronx Dr. Roch. NY 14623 Sat., Aug., 14, 2010 – Graduation Party (with Parent's signature).

VOTE: 5-0. Carried unanimously.

OLD BUSINESS – None

NEW BUSINESS

- Planning/Zoning Board Member Appointment – Timothy Ozminkowski
Mayor Gee referred to the letter addressed to him dated July, 2, 2010, sent by the Planning Board Chairman – Greg Berl and Zoning Board of Appeals Chairman – Timothy Sands (on file), in which they recommended Timothy Ozminkowski, as a new Planning/Zoning Board member to fill the vacancy left by Leslie Wagar when she was elected to the Village Board.

MOTION – Appoint Timothy Ozminkowski to Planning/Zoning Board

Made by Trustee Murray seconded by Trustee J. Clark to approve the appointment of Tim Ozminkowski as member of the Planning/Zoning Board to fill the seat vacated by Leslie Wagar as recommended by the Planning/Zoning Board, term to expire in 2012.

VOTE: 5-0. Carried unanimously.

- SHAC – Smoking & Health Action Coalition of Monroe County
Per a letter dated: April 12, 2010, signed by Michele Tufano, Coalition Director, and after discussion re: making certain park locations non-smoking ares, the following action was taken:

MOTION – SHAC Non-Smoking Park areas

Made by Deputy Mayor Wagar seconded by Trustee R. Clark to designate the playground, pavilion, ball field and ice-rink areas at Johnson Park as smoke free zones as recommended by SHAC (Smoking & Health Action Coalition) of Monroe County.

VOTE: 5-0. Carried unanimously.

- Johnson Park SEQR
Mayor Gee explained that a SEQR negative declaration must be done as part of the grant process. The following action was taken:

MOTION – Johnson Park improvements SEQR

Made by Deputy Mayor Wagar seconded by Trustee J. Clark to accept a Negative Declaration for SEQR for Johnson Park Ice-Rink improvements.

VOTE: 5-0. Carried unanimously.

ADJOURMENT

MOTION: made by Trustee J. Clark seconded by Deputy Mayor Wagar to adjourn the meeting at 10:50 P.M.

VOTE: 5-0. Carried unanimously.

Submitted by,

Elaine M. Driscoll
Village Clerk