

VILLAGE OF SCOTTSVILLE  
BOARD OF TRUSTEES MEETING

Minutes of Meeting  
Tuesday, June 10, 2008

CALL TO ORDER: Mayor Michael Souers called the meeting to order at 6:41 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, Building Inspector Terry Rech, Planning Board Member Tino Ranieri and residents Amy & Brad Thrust.

APPROVAL OF MINUTES

MOTION – Approve Tues., May 13, 2008 Minutes

minutes Made by Deputy Mayor Gee seconded by Trustee Bryant to approve the minutes of the Village Board meeting held on Tuesday, May 13, 2008 as written.

VOTE: Mayor Souers – yes  
Deputy Mayor Gee – yes  
Trustee Bryant – yes  
Trustee VenVertloh – abstained  
Trustee Contestabile – abstained  
Motion Carried 3-0.

MOTION – Approve Tues., May 27, 2008 Minutes

Made by Trustee Contestabile seconded by Trustee Bryant to approve the minutes of the Year End Village Board Meeting on Tuesday, May 27 2008 as submitted.

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

PUBLIC HEARINGS – None

PUBLIC BEFORE THE BOARD

AMY & BRAD THRUSH – 57 Diana Drive Re: their fence installed on Village drainage right of way. Two letters to the Village from Amy & Brad Thrush dated: May 22, 2008 and June 10, 2008 were reviewed (on file). Their fence was installed without adequate right of way because of misleading information from Building Inspector Rech. The Board reviewed the entire issue. It was pointed out that the fence is not impeding any drainage flow and there are other structures already on that area. Building Inspector Rech agreed his information could have been taken wrong and apologized for the miss communication. Mr. & Mrs. Thrush requested that the Village Board give permission to leave the fence where it is installed. They fully understand that it would be their responsibility to remove, rebuild and pay for any fence cost if the Village ever had to work on the drainage line in the easement area. Consensus of the Board was that the Village Attorney be asked to write up an easement agreement between the Village and Amy & Brad Thrush. All filing costs will be paid by the Thrushs. Building Inspector Rech will contact Attorney Skivington to request an agreement be drawn up. Thrushs were told it would take a couple weeks to get the agreement drawn up for signatures.

#### MONROE COUNTY SHERIFF

DEPUTY SCOTT ALBERTI introduced himself as the Wheatland-Chili Central School Resource Officer. He is at school full time and attends many school events. He is working on scheduling activities during the summer for high school students. He want to get the students involved in all types of community activities and community watch. Items discussed.

- Activities at George Bridge - Deputy DPW Supt. Steve Farrell will work with Officer Alberti.
- Ongoing problems at Johnson Park.
- Officer Alberti's phone number at school is 889-6288, email: [salberti@monroecounty.gov](mailto:salberti@monroecounty.gov). – encourages all communication with concerns & ideas.
- Officer Alberti will be meeting with community watch and will be invited to future meetings of the group.
- Mayor Souers will be scheduling a meeting with Genesee Valley Greenway (George Bridge) people and will include Officer Alberti.
- He is working with the Explorer Post and Youth Court and wants to involve them with community service.
- Mayor Souers suggested Officer Alberti be involved with the Summerfest.
- Officer Alberti was encouraged to contact the Village Board if they can be of help in the future.

#### REPORTS

##### ATTORNEY PETER SKIVINGTON

Attorney Skivington was not present, but Mayor Souers delivered his updates:

- Sutherland, 78 Diana Drive, sewer plug issue: A Notice of claim was delivered to the Village Office on May 7, 2008 for damages to his property from a plug on Feb. 16, 2008. On May 20, 2008 Trident Insurance notified Todd Sutherland that the Village is not liable for his damages due to a sewer back-up. Per Deputy DPW Supt. Farrell, three weeks after that plug, there was another plug which was made up of rags, mop head, screwdriver etc. at the manhole at the end of Mr. Sutherland's driveway.
- Attorney Skivington has reported that C. David Hellaby has signed the license agreement for D&D's. The Board agreed a survey is needed. Attorney Skivington will

inform Attorney Nafus that a survey is required to be an addendum to the agreement. Trustee Bryant will provide a surveying estimate to Attorney Skivington to forward to Attorney Nafus.

#### VILLAGE CLERK

ELAINE DRISCOLL

##### Correction of Tax Roll

Assessors Jim Murphy and Tom Fess have found a “clerical error” in the 2008-2009 tax roll for account #200.09-1-52, 6 Race Street, Howard & Virginia Nelson; per letter from Timothy P. Murphy, Monroe County Real Property dated June 11, 2008. The resident’s aged exemption was not on the roll. The owner is entitled to an “Aged Exemption” in the amount of \$41,120. Their correct taxable value for village purposed is \$61,680. Thus the printed Village Tax bill was incorrect: It is in the amount of \$506.80 and should be \$304.08. The Village Clerk has been instructed to mail the resident a corrected bill and change the 2008-2009 warrant to reflect a \$202.72 reduction. The following action was taken:

##### MOTION – 2008-2009 Tax Roll correction - Nelson

Made by Trustee Contestabile seconded by Trustee Bryant to approve a reduction in the Village tax warrant in the amount of \$202.72 based on a corrected tax assessment for Tax Account #200.09-1-52 provided by the Town Assessors.

VOTE: 5-0. Carried unanimously.

##### Cold War Tax Exemption

Village Clerk Driscoll reported that Assessor Tom Fess has requested that the Village Board review the possible adoption of a local law to accept vets “Cold War Tax Exemption”. The Town of Wheatland has already passed it. He will be providing information to have the Board review in the near future. It would affect the Village of Scottsville 2009-2010 Tax Roll.

#### BUILDING INSPECTOR

TERRY RECH previously submitted his written report dated 6/4/08 with nine permits listed (on file). The following issues were reviewed:

- Property Maintenance - update of proposed property maintenance code for a Local Law should be ready to for Board to review soon. Bldg. Insp. Rech will send to Board via: email. A Review meeting was set up for Wednesday, June 18, 2008, 7:00 A.M. to review and finalize changes. Public Hearing will need to be set up. If the new law is adopted, chapter 158 will need to be repealed.
- New York State Dept. of Environmental Conservation Local Law for Flood Damage Prevention. A local law is needed to comply with the floodplain management requirement of the National Flood Insurance Program contained in 44 CFR 60.3(b,c,&d) and filed with the New York Department of State. This local law needs to be adopted by any municipality in order to be able to apply for FEMA assistance. A Public Hearing needs to be set up on this issue. Deadline for filing is Aug. 28, 2008. If this Flood Damage Prevention law is adopted, the current Chapter 90 of the Code of the Village of Scottsville will need to be repealed and replaced by the new one.

- Local Law to Amendments to Section 63-3 and Section 170-16 of the Code of the Village of Scottsville to incorporate the NYS Building Code and to regulate Off Street Parking was discussed. A Public Hearing will need to be set on this issue.

The following actions were taken:

MOTION – Property Maintenance Code Local Law

Made by Trustee Bryant, seconded by Deputy Mayor Gee to set a Public Hearing to consider adopting a Local Law to revise the Property Maintenance Code on Tuesday, July 8, 2008 at 6:45 P.M.

VOTE: 5-0. Carried unanimously.

MOTION – Flood Damage Local Law – Repeal Chapter 90

Made by Trustee VenVertloh seconded by Trustee Bryant to set a Public Hearing to repeal Chapter 90 of the Code of the Village of Scottsville and to consider the adoption of a new Local Law dealing with flood damage prevention, on Tuesday, July 8, 2008 at 7:00 P.M. The purpose of this Local Law is to implement things to reduce amount of damage if there is a flood.

VOTE: 5-0. Carr. Unan.

MOTION – Amend Sect 63-3 and 170-16 of the Code of the Village of Scottsville

Made by Trustee Contestabile seconded by Deputy Mayor Gee to set a Public Hearing to amend Section 63-3 and 170-16 of the Code of the Village of Scottsville to incorporate the NYS Building Code and to regulate Off Street Parking, on Tuesday, July 8, 2008 at 7:15 P.M.

VOTE: 5-0. Carried unanimously.

Building Inspector Rech indicated he and Attorney Skivington will provide Public Hearing notices so the Clerk can get them published in adequate time.

- Update – Court issue – Stop Work Order - Swann on Scott Crescent - Adjourned Court date is this coming Monday night for disposition. Terry Rech has received a new survey map that conflicts with previous map. Reason for him having to appear in court is the Stop Work Order violation. Terry will be writing overview for court appearance. Per Trustee Gee: history of not going by rules should be included in overview.
- 18 Browns Avenue – There was discussion re: unsafe conditions at 18 Browns Ave. The house is now empty. Building Inspector Rech has gotten permission to inspect the premises. The pool on site should be drained. Neighbor, John Glavin, has been mowing the lawn. Ownership of the house was being questioned. Mayor Souers will talk to the original owner, Diane Jennings, re: getting the pool drained.
- Oatka Hotel – Building Inspector Rech reported there is no road blocks with DEC concerning a bigger deck being built onto the back of the Oatka Hotel. DEC will review any future development with the project. A DEC erosion mitigation inspection done years ago was recalled and Terry has a copy of the report.

### WASTE WATER TREATMENT PLANT

CHIEF OPERATOR STEVE FARRELL previously submitted hi report via: email dated: June 10<sup>th</sup> with 8 report items (on file).

- Koester Asso. did gas cleaning of the fine bubblers systems in both tanks on May 20.
- Jim Luke plans to take his WWTP 2A certification test this summer.
- Gravel Ponds is dumping 4 or 5 loads per month at the plant.
- Flows are down to normal levels for this time of year, about 350,000 gallons daily. The Plant is running well

### DEPARTMENT OF PUBLIC WORKS

DPW DEPUTY SUPT. STEVE FARRELL provided a written report dated, June 10 with ten items listed (on file). Items discussed:

- Church Street sidewalk is almost completed. There will be a double pour tomorrow. Residents are very happy with the job.
- Oatka Place and East Genesee St. have been paved and stoned. Residents are pleased. Drainage issues on Oatka Place need to be addressed in future.
- Price of tipping –vs- dumpster rental was discussed. Steve Farrell will investigate price of dumpsters.
- Brush Policy is still being worked on. When the Garbage/Trash (which includes brush) policy is finally decided on, Mayor Souers wants it professionally done.
- Per DPW Deputy Supt. Farrell: is it acceptable for DPW employees to wear shorts on hot summer days. Steve was advised to investigate the issue by reading the DOT Safety Manual.
- Unifirst DPW uniforms: Crew generally dissatisfied with present clothes. Steve will talk to crew and make a recommendation at a later date.
- Fire in Canawaugus Park in totter discovered by Community Watch Don Brown. The totter by bridge has been removed and only one near parking area. Consensus of the Board was to put another back in bridge/park area.
- View obstructing trees at the corner of Heather Lane/Diana Drive is an issue. DPW will talk to residents to get consent to cut back or have them do it if desired. Also a dead willow needs to be removed in Canawaugus Park where the bench is going to be placed.
- Per Trustee Gee: The \$8,000 matching grant from Re: Municipal Waste Reduction & Recycling State Assistance Program has been secured. Consensus was to wait to get contract before getting the leaf vacuum.

### TREASURER

#### BEVERLY MARTIN

- Was a good week – closing out fiscal year; setting up books for '08-'09.
- Will start annual Treasurer's report next week.
- Tom Scantlin should write a contract for Treasurer consulting.

### PAY BILLS

MOTION: made by Trustee Contestabile seconded by Trustee VenVertloh to approve bills from 5/16/2008 – 6/11/2008 on abstracts 46 to 49.

VOTE: 5-0. Carried unanimously.

## TRUSTEES

### TRUSTEE RICK VENVERTLOH

- Update on NYS Dept. of Transportation – Transportation Enhancement Program (TEP) grant. Village Board has approved authorizing Stuart I. Brown to do a TEP grant application. Trustee VenVertloh showed a planning design for Village of Scottsville Main Street Streetscape Improvements “Request for Letter of Support” and a listing dated 6/10/08 of improvement items that will be included in the grant application. It showed item, quantity, unit, unit cost and total. Total \$1,068,852.00; NYSTEP 2/3 - \$712,560.80 and Scottsville 1/3 - \$356,283.60. Minimum local share is 20%. If the local share is increased, there is a better chance of getting the grant. Different sharing percentages will be looked at. Possible financing of the project was discussed. There was question if Main Street is worth putting a million dollars into. Consensus was that it absolutely is worth it and the chance of getting a huge part of it paid with the grant is an extraordinary opportunity. The project would be nearly identical to Avon. The grant application needs to be in by the end of June. Trustee VenVertloh listed reasons why Scottsville stands a good chance of getting the grant. Reasons such as: we have completed two Main Street studies and we were taken off TIP. The Village office will send out for project letters of support to go with the application. There was discussion about the concept of the Town of Wheatland sharing in the Main Street project by contributing to the local share for such things as landscaping, bike racks, signage etc. at the Municipal Building that they don’t have money for. There was concern of using existing village reserve funds that could be used for I&I, etc. The project would require a permissive referendum. Mayor Souers read the resolution necessary to submit with the TEP grant application (hereto attached); the following action was taken:

#### MOTION – Auth. Mayor to Sign TEP Grant Application

the  
State

Made by Trustee Contestabile seconded by Trustee Bryant to adopt resolution and authorize the Mayor Souers to sign the New York Department of Transportation (NYSDOT) Grant application for the Village of Scottsville Business District Streetscape Improvements (Main Street).

VOTE: Mayor Souers – yes  
Deputy Mayor Gee - yes  
Trustee Contestabile – yes  
Trustee Bryant – yes  
Trustee VenVertloh – abstained

Motion Carried 4-0.

- Waste Water Treatment Plant Project Update  
Per Mayor Souers: Tom Pavone has left MRB and going to a private company. Dave Willard will take over for him as our WWTP engineering representative. Jason Kennedy from the County Monroe County indicated they still have their flow meter in place at the plant. He would like letters from the Village of Scottsville and Town of Wheatland stating what the flows are and that we don’t expect to exceed those numbers. The Town of Wheatland has had their study done by their engineer which

shows what their projected flows are going to be. When the study is formally accepted by the Town Board, it will come to the Mayor. The study was completed in April. Consensus was it is advisable to wait to review town projects before making a decision of whether to proceed with the WWTP transfer or not. Trustee VenVertloh pointed out that the Wheatland Economic Development Commission has not been given the opportunity to review the town study yet; nor has the Commission met in months. Per Trustee VenVertloh: the Commission is an example of a poorly conceived executed idea and the Village is being forgotten as a member of the Commission. Trustee VenVertloh once was a member but is now a liaison.

DEPUTY MAYOR PAUL GEE reported:

- Per Mayor Souers: a meeting will be held tomorrow, Wednesday, with Genesee Building Renovation representative, Mayor Souers, Charles Bryant and Building Inspector Terry Rech; re: to address the list of inadequate work done at Johnson Park and an attempt to remedy.
- Per Deputy Mayor Gee: he has sent in the necessary paperwork for the NYS Dept. of Environmental Conservation Municipal Waste Reduction & Recycling State Assistance Program for the leaf vacuum grant.
- Deputy Mayor Gee requested a resolution be adopted that is necessary when applying for the NYS Office of Park & Recreation & Historic Preservation \$40,000 grant for Phase 2 for Johnson Park Rehabilitation to include: repair of the ice rink, a skateboard park and basketball Court. The following action was taken:

MOTION – Johnson Park Phase 2 Grant

<p>adopt authorized York State accordance with Protection Act of 1993 or Fund Act of 1965, in an upon approval of said request to agreement with the State for such Village of Scottsville for Johnson Park and, if appropriate, a conservation covenant to the deed of the assisted property.</p>	<p>Made by Deputy Mayor Gee seconded by Trustee Contestabile to the resolution that Paul F. Gee of the Village of Scottsville is and directed to file an application for funds from the New Office of Parks, Recreation and Historic Preservation in the provisions of Title 9 of the Environmental the Federal Land and Water Conservation amount not to exceed \$40,000 and enter into and execute a project financial assistance to this Rehabilitation Phase 2 easement/preservation</p>
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VOTE: 5-0. Carried unanimously.

TRUSTEE LINO CONTESTABILE reported:

- He will be at the Planning/Zoning meeting this Thursday and will give the a report on the Main Street Project.

TRUSTEE CHARLES BRYANT reported:

- The meeting with Julian Adam, State Historic Preservation Officer, was cancelled but will be rescheduled. He will email the Board when he gets a date.

MAYOR MICHAEL SOUERS reported:

- The Village has received notification of getting a \$40,000 block grant. Per Deputy Mayor Gee the grant will be used to repair driveway and parking lot by the pavilion, widen the walkway into the park making it ADA accessible and do the sidewalk between the two Race bridges on Main Street. The grant is good for a year August – June so the whole project doesn't have to be done this year.
- Per Mayor Souers: Ameritherm, renters at Rodwin Industrial Center, are investigating ways to expand and lower costs. They have an option to relocate to the old Delphi Plant and save ½ their cost of electric here. The Mayor has talked to Senator Alesi, Assemblywoman John and Laurie Mastin at National Grid to work on possible ways to implement cost reductions for Ameritherm and keep them here. National Grid does not want to loose them to RG&E. There are some State programs that are available for situations like this. The loss of Ameritherm employees would significantly affect our Main Street businesses.
- Mayor Souers extended the invitation to the Renaissance Square Government Update, Friday, June 27, 2008, 2:30 – 3:30 at the Hyatt Regency.

NEW BUSINESS

Youth Court Contract

MOTION – Youth Court 3 year contract

Made by Deputy Mayor Gee seconded by Trustee Contestabile to approve the agreement between the Town of Wheatland, Village of Scottsville, Wheatland-Chili Central School District and Caledonia-Mumford Central School District with the matching contribution of 2008 - \$1,100., 2009 - \$1,130., 2010 - \$1,160., to pay for three years of Youth Court, with the condition that the Town of Wheatland pay their portion out of “Town outside the Village” funds and authorize the Mayor to sign the inter-Municipal Agreement.

VOTE: 5-0. Carried unanimously.

PARK PERMITS

MOTION: made by Deputy Mayor Gee seconded by Trustee VenVertloh to approve the following Johnson Park Permit:

- 1) Jill Elliott – 374 South Road – Friday, July 25, 2008 – Soccer Party – SAA.
- 2) Jane Eadie – 8507 Harris road, Leroy, Saturday, July 29, 2008 Family Picnic

VOTE: 5-0. Carried unanimously.

ADJOURNMENT

MOTION: made by Deputy Mayor Gee seconded by Trustee VenVertloh to adjournment the meeting at 10:30 P.M.

VOTE: 5-0. Carried unanimously.

Respectfully submitted by,

Elaine M. Driscoll  
Village Clerk