

VILLAGE OF SCOTTSVILLE
BOARD OF TRUSTEES MEETING

Minutes of Meeting
Tuesday, March 11, 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 Rick VenVertloh, Trustees Paul Gee, Lino Contestabile and Charles Bryant.

Also Present: Attorney Peter Skivington, Deputy Treasurer Beverly Martin, WWTP Operator Steve Farrell, Communication Director Elizabeth Murray(arrived at 6:45 P.M.), Tom and David Hartley residents.

APPROVAL OF MINUTES

MOTION – Approve Monday, January 7, 2008 WWTP - IMA Minutes

Made by Trustee Gee seconded by Trustee Contestabile to approve the minutes of the Village Board Meeting held on Monday, January 7, 2008 as written. VOTE: Mayor Souers – yes

Deputy Mayor VenVertloh – yes

Trustee Gee – yes

Trustee Contestabile – yes

Trustee Bryant – abstained

Motion Carried 4-0.

MOTION – Approve Tuesday, February 12, 2008 Minutes

Made by Trustee Gee seconded by Deputy Mayor VenVertloh to approve the minutes of the Tuesday, February 12, 2008 Village Board Meeting as written. VOTE: 5-0. Carried unanimously.

MOTION – Approved Tuesday, February 26, 2008 Minutes

Made by Trustee Contestabile seconded by Trustee Bryant to approve the minutes of the Tuesday, February 26, 2008 Village Board Meeting Minutes as written.

VOTE: 5-0. Carried unanimously.

PUBLIC HEARING – None

PUBLIC BEFORE THE BOARD

Todd Sutherland – 78 Diana Drive, Re: Sewer back-up, was on the agenda to speak, but is ill and unable to attend. The Mayor will cover the issue later in the meeting.

Tom Hartley and son David were in attendance to observe the meeting because David was working on a merit badge.

REPORTS

ATTORNEY PETER SKIVINGTON

Sewer Back-ups

Recent sewer back-ups were reviewed. Whether or not it is necessary for the Village to have more defined code in place to cover the liability of sewer back-ups, was discussed at length. Thru investigation of codes in other Villages, Trustee Gee has found that they don't pay for back-up damage. Attorney Skivington said that normally these issues are handled on a case to case basis. Generally laterals are the resident's responsibility and the main is the Villages: Village negligence would have to be proven to make the Village responsible for any lateral problem. The importance of having a good sewer maintenance program in place was discussed. Per Steve Farrell, sewers are flushed every year at present. There will be more investigation into the need to change sewer code/policy. After review of the sewer back-up at Todd Sutherland's residence at 78 Diana Dr., on Feb. 16, 2008, it was decided that Mayor Souers will inform Mr. Sutherland that the Village does not take responsibility for the back-up and will not pay the \$244.25 Mr. Rooter bill.

Property Maintenance Code

Attorney Skivington reported that the Building Inspector is in the process of reviewing the draft Property Maintenance and they will meet when he is finished. Upon completion, Attorney Skivington will share Terry Rech's recommended changes with the Board. A Public Hearing date will be set at the April meeting.

Spring Basin driveway easement

Mayor Souers reported a conversation he recently had with a landowner neighboring the Spring Basin Property, Mrs. Lois Minster. There is question who owns the entrance to the property and does the Village have an easement. Mrs. Minster is in the process of trying to sell her piece of property that the driveway is on for the Village. Mrs. Minster was told by the Town that she doesn't own the driveway, but she has been paying taxes on it. Attorney Skivington will be in contact with Mrs. Minster and look into the easement situation. The Village also needs to have a clear understanding of ownership and easements of the property for the Parks Master Plan.

Village Property - D & Ds Parking Lot

Mayor Souers read a copy of a letter signed by Peter K. Skivington, Attorney dated: March 10, 2008 sent to Matthew D. Nafus, Esq.(on file), re: The Village of Scottsville/Donald Collinge, Client: C. David Hellaby. The letter indicated that the Village requires that Mr. Hellaby sign a license agreement for the Village Property that part of the parking lot is on. The agreement will provide that Mr. Hellaby will hold the Village harmless for any claims arising out of the use of the property and will name the Village as an additional insured on a liability policy of one million dollars. After discussion it was decided that Attorney will pursue the license agreement

issue. Mr. Hellaby will have to come back to the Board if he is still talking about wanting to purchase the land. Trustee Bryant will get costs for having a survey done behind D&Ds.

Frontier Chemical Site PRP Group

Attorney Skivington reviewed the notice received from Frontier Chemical Site PRP Group Re: Settlement and Liability Release dated: January 2008 (on file) and his follow up. The claim says that in January 1992 the Village dumped 110 gallons of hazardous substances at the Treatment, Storage and Disposal Facility (TSDF) in Niagara Falls. Action is now being taken to clean the site up. The Village has the option of taking a “cash out opportunity and paying \$2,000. now to get out of the class action by doing a Settlement Agreement and Liability. Attorney Skivington has written to the Villages’ insurance company for clarification of coverage and will contact Frontier Chemical Site PRP Group to get an extension, since our decision was due by Feb. 29, 2008. Steve Farrell will talk to Gus Schultz, past DPW Supt., to see what he remembers about this deposit in 1992.

Jamie Swann – Scott Crescent house in Violation

Attorney Skivington reported that the Swann Scott Crescent house violations issue is now in the Wheatland Town Court. There will be a court hearing in April. The Building Inspector will keep Attorney Skivington informed of any review of plans, etc., which would move a remedy along.

Fire Marshall Jurisdiction at WCCS

There was discussion re: does Village/Town Fire Marshall Terry Rech have jurisdiction over Wheatland-Chili Central School for reported Fire Code violations. Trustee Bryant will call Department of State for clarification.

Dog Control Proposed Code

Attorney Skivington has talked to Town of Wheatland Attorney Glavin re: proposed dog ordinance. Attorney Glavin will draft an ordinance which will limit the number of dogs residences can have and copy to Attorney Skivington for review and possible Village Board approval. It was generally agreed that the Village and Town have the same code. There was question re: if the Town passed the dog ordinance could it cover the Village as well. Attorney Skivington investigate that possibility.

VILLAGE CLERK

Elaine Driscoll reported that the 2008 United Way Campaign has begun and will end for the Village on March 21. The Village’s goal is to get 100% employee participation.

BUILDING INSPECTOR

Terry Rech was not present but had previously submitted his written reported dated 03/10/2008 with two permits listed (on file). Mayor Souers reported that Terry is back to work full time after his hand injury last month.

WASTEWATER TREATMENT PLANT

OPERATOR STEVEN FARRELL previously submitted his written report dated: March 11th (on file) with six items that he reviewed. There was discussion re:

- Steve is covering both WWTP and DPW while DPW Supt. Taggart is away-both going well.
- Jim Luke will be attending a class May 23-24th to get his WWTP Certificate – he can take his test any time after. Once he passes the test, his job description should be reviewed. Steve will recommend changes.
- Mayor Souers reviewed letter to MRB Group David Willard from Burgh Schoenberger re: recalibrating and installing of flow meters. Mayor Souers has authorized the second flow study to be done. There will be bill generated after testing which will be paid out of sewer plant fund (NESD and Village). The cost listed in the letter dated: February 26, 2008 was \$950.00 per day and \$200.00 per flow meter.

DEPARTMENT OF PUBLIC WORKS

STEVEN FARRELL reviewed his previously submitted written report with nine points of interest listed, dated: March 11th (on file). Other issues discussed were:

- The DPW is enforcing the garbage policy more. Steve asked what action the Board wanted the DPW to take when excessive amounts of trash/garbage is put out for pick-up. It was the consensus of the Board that the DPW Supt. make a judgment call. If there is building materials to be picked up – the Building Inspector should be notified.
- Brush Policy still work in progress. Board made suggestions. When complete and adopted can have separate mailing.
- Terry Tree charges \$3,200 a day for chipping. Chipping should be done during April or May so ground is still firm.
- DPW Employees have been attending Safety Meetings with John Klotz, EM Risk Loss Control Officer.
- When the new loader is delivered in mid April there will be a training session. They will then want to advertise for bids to sell the 1998 Loader.
- There will be demo garbage truck in the Village on next Monday and Tuesday 17th & 18th. Steve will let Trustees know what time so they can observe.
- Pothole patching will be done in about a week.
- Tree stumps need to be ground out at Johnson Park. Steve will check with Terry Tree to get it done before Earth Day April 19th.
- There will be a recycling location at the DPW on Earth Day for electronics from 9:00 A.M. – 12:00 P.M. with two DPW people working. Steve was asked to get bio-degradable trash bags to use on Earth Day – Clear for recyclables.
- Required Monroe County back-flow annual testing has been done by Gotti at the Highway Dept.
- Trustee Gee is working on the \$8000.00 recycling grant. Deadline is March 24, 2008. Resolutions are necessary later in the meeting.

Deputy Mayor VenVertloh temporarily left the meeting.

TREASURER

DEPUTY TREASURER MARTIN was present; Treasurer Scantlin was out of Town.

Pay Bills

MOTION: made by Trustee Gee Seconded by Trustee Bryant to approve bills from 2/15/2008 – 3/12/2008 on abstracts 34 to 37.

VOTE: 4-0. Carried unanimously.

Deputy Mayor VenVertloh returned to the meeting.

Deputy Treasurer Martin requested that a public hearing be set for the 2008-2009 budget.

MOTION – Set Public Hearing to review & Adopt 2008-2009 budget

Made by Trustee Contestabile seconded by Trustee Gee to set a Public Hearing to review and adopt the 2008-2009 Village of Scottsville budget on Tuesday, April 8, 2008 at 6:30 P.M.

VOTE: 5-0. Carried unanimously.

Mayor Souers requested that the Board get copies of the budget via: email when all changes have been made.

COMMUNICATION DIRECTOR

ELIZABETH MURRAY reported:

- Data report for the website doubled over the last month. Tuesdays are most active. The calendar gets 50% of the hits. The Village site is now on the School's and Chamber's sites.
- Board's email links are set up on web. Some want their emails forwarded to them.
- Newsletter (Spring-Summer) is ready to go to print. It will be sent to Board tomorrow for review.
- Ms. Murray's draft letter to Democrat & Chronicle, Mitch Pritchard, Re: invitation to do "Day in the Life" series in Wheatland was reviewed. Consensus was that the letter was well done and should be sent.
- Trustee Bryant did an article to go to "The Sentinel for the "Trustee" series. Draft was given to Ms. Murray for edit. Trustee Gee will do an article re: Johnson Park rehab in April.
- "Color Brighton Green" Task Force Presentation – March 18th at 7:30 P.M. at the Wheatland Municipal Building.
- Earth Day, April 19 framework will be in Newsletter and school District letter.
- Informal Main Street Planning meeting, Sat., May 10, 2008 at 9:00 A.M. – 1:00 P.M. will be put in Spring/Summer newsletter.
- Full Moon Music Series to be in Newsletter: "Blue Sky" – June 14, 2008 and "J.B. Company" – July 12, 2008. Ms. Murray will get permanent posters re-done to advertise.
- Memorial Day Parade is on Monday, May 26, 2008 at 9:30 A.M. – will be in Newsletter.

TRUSTEES

DEPUTY MAYOR VENVERTLOH reported that he attended a meeting re: Transportation Enhancements Program (TEP). He will make a list of possible future projects that the Village could ask for grant funds for. He will also work on a timeline to use when contact is made with

Senator James Alesi and Representative Susan John. It will include information re: past TIP scheduling for Rt. 383 and past projects done in the Village. Applications are due June 27, 2008.

TRUSTEE PAUL GEE asked that the following action be taken so he can complete the paperwork to receive the Municipal Waste Reduction & Recycling Grant:

MOTION – Authorize Trustee Gee to sign Contract for Recycling Grant

Made by Trustee Gee seconded by Deputy Mayor VenVertloh that the Village of Scottsville intends to act as its' own market for use of leaf mulch as compost for our municipal parks and distribution to our residents.

VOTE: 5-0. Carried unanimously.

MOTION – Adopt Resolution – Recycling Grant

Made by Trustee Contestabile seconded by Trustee Bryant to adopt the resolution authorizing the filing of an application for a state grant in aid for a municipal waste reduction & recycling project and signing of the associated State Grant Under appropriate Laws of NY State as submitted.(hereto attached).

VOTE: 5-0. Carried unanimously.

TRUSTEE LINO CONTESTABILE reported:

- He has approached the Planning/Zoning Board re: POD Program. Many are interested in participating.
- Planning/Zoning Board showed interest in being active with the Historic Preservation planning.
- Planning/Zoning Board was not very receptive to proposed Dog Ordinance.
- Mayor passed out copies of a brochure for upcoming NYCOM workshops. Trustee Contestabile will inform Planning/Zoning of sessions.

TRUSTEE CHARLES BRYANT reported:

- He met with Robert Columbus, Roch. St. Historic Adv. Board – he couldn't commit to being part of the Historic Preservation Commission.
- He showed two new re-design photos of a welcome wall for the triangle on Rochester Street. It is a more cost effective design. Mayor Souers will take the pictures to the Main Street Planning meeting to get comments.
- The Historic Preservation Commission is all set up with five members. Trustee Bryant will set up a meeting with them before meeting with State Certified Local Gov. Historic Preservation Program people. A public presentation will be scheduled. Community awareness and buy in is a must to successfully put this program in place. Mayor reviewed what certified Local Gov. Program is. A booth will be set up at the Summerfest to deliver public information. The timeline is dependant on feedback from the State.

MAYOR MICHAEL SOUERS

Mayor Appointments

Mayor Souers requested that the following appointments be approved prior to the Organizational Meeting April 7th, so they can be included in the Newsletter which will go out April 1st:

MOTION – Appt. DPW Supt. part-time - Henry Taggart

Made by Trustee Contestabile seconded by Trustee Gee to approve the appointment of Henry Taggart to the position of Department of Public Works Superintendent part time, effective 4/1/08.

VOTE: 5-0. Carried unanimously.

MOTION – Appt. WWTP Chief Operator - Steven Farrell

Made by Trustee Contestabile seconded by Trustee Bryant to approve the appointment of Steven Farrell to the position of Chief Operator of the Waste Water Treatment Plant, effective 4/1/08.

VOTE: 5-0. Carried unanimously.

MOTION – Appt. Deputy DPW Supt. – Steven Farrell

Made by Trustee Contestabile seconded by Trustee Bryant to approve the appointment of Steven Farrell to the position of Deputy DPW Superintendent, effective 4/1/08.

VOTE: 5-0. Carried unanimously.

American Legion Parade

Mayor Souers reviewed a letter from American Legion Smith-Warren Post 367 dated: Feb. 6, 2008 inviting the Village Board to participate in the Memorial Day parade in Scottsville on Monday, May 26, 2008 at 9:30 A.M. General agreement was to participate.

Earth Day Vendors

Mayor Souers reported that the Earth Day Committee is looking for additional Vendors who would deal with the environment etc. Examples: cooperative farms, hybrid fuel cars, NYSERDA, Environmental Healthy lifestyles etc. Contact Mayor Souers or Ms. Murray with suggestions.

OLD BUSINESS

Bid Award – Johnson Park Pavilion

Carl Schoenthal of MRB was not present but previously provided his summary and recommendation of bid for the Johnson Park Pavilion Rehab. Genesee Building Restoration, Inc., 946 Atlantic Avenue, Rochester, New York 14609 was the lowest bidder. After extensive review of the summary, there were remaining concerns such as:

- What accessories were to be used.
- What grade of asphalt shingle would be used if tin isn't chosen.
- Where will all the funding come from and what Village reserves will be used, etc.

Trustee Gee will set up a meeting with Carl Schoenthal, Mayor Souers, Genesee Building Restoration and himself to get clarification of the summary information. To keep the project in the proper timeframe, which will allow completion of the project in mid May, the following action was taken:

MOTION – Authorize the Mayor to Award Johnson Park Pavilion Bid

Made by Deputy Mayor VenVertloh seconded by Trustee Gee to authorize the Mayor to award the bid for the improvements to the pavilion in Johnson Park,

subject to review and concurrence by Trustee Paul Gee and Engineer Carl Schoenthal and contingent on Board approval.

VOTE: 5-0. Carried unanimously.

After the meeting Mayor Souers will share all information with Board members. After discussion re: financing the project, the following action was taken:

MOTION – Set Public Hearing to Approp. \$50,000.00 from Reserve for Parks

Made by Trustee Gee seconded by Trustee Bryant to set a Public Hearing on Tuesday, April 8, 2008 at 6:45 P.M. to consider appropriating an amount not to exceed \$50,000.00 from the Reserve for Parks for improvements to the Johnson Park Pavilion, subject to permissive referendum.

VOTE: 5-0. Carried unanimously.

NEW BUSINESS

Full Moon Music Series

MOTION – Auth. Mayor to sign contract for “Blue Sky” band (Classic Rock)

Made by Trustee Contestabile seconded by Deputy Mayor VenVertloh to authorize the Mayor to sign the contract for “Blue Sky” to perform at the Full Moon Music Series on Saturday, June 14, 2008 at the cost of \$700.00.

VOTE: 5-0. Carried unanimously.

MOTION – Auth. Mayor to sign contract for “J.B. Company” band (Country)

Mayor to sign the contract for “J.B. & Company” band to perform at the Full Moon Music Series on July 12, 2008 at the cost of \$700.00.

VOTE: 5-0. Carried unanimously.

PARK PERMITS

MOTION: made by Trustee Contestabile seconded by Trustee Gee to approve three Johnson Park permit applications as follows:

- 1) Beth McKlean, WCCS 940 North Rd., Thursday, June 12, 2008, Band Concert.
- 2) Elana Shaffer, 3278 Clover St. (for D&D’s) Tuesday, May 13 – Aug., 2008 Volleyball.
- 3) Elana Shaffer, 3278 Clover St. (for D&D’s) Sunday, August 24, 2008 Volleyball.

VOTE: 5-0. Carried unanimously.

ADJOURNMENT

MOTION; made by Trustee Contestabile seconded by Deputy Mayor VenVertloh to adjourn the meeting at 9:55 P.M.

VOTE: 5-0. Carried unanimously.

Submitted by,

Elaine M. Driscoll
Village Clerk