

VILLAGE OF SCOTTSVILLE  
BOARD OF TRUSTEES MEETING

Minutes of Meeting  
Tuesday, March 10, 2009

CALL TO ORDER: Mayor Michael Souers called the meeting to order at 6:34 P.M.

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL:

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

Also Present: Treasurer Beverly Martin, DPW Deputy Supt./WWTP Chief Operator Steve Farrell, Attorney Peter Skivington, Building Inspector Terry Rech, Elizabeth Murray and Tom Stevens.

APPROVAL OF MINUTES

MOTION – Approve Tuesday, February 10, 2009 Minutes

Made by Deputy Mayor Gee seconded by Trustee VenVertloh to approve the Tuesday, February 10, 2009 Village Board Meeting minutes as submitted.

VOTE: 5-0. Carried unanimously.

PUBLIC HEARING

Tabled from the Feb., 10, 2009 Meeting

To consider Appropriating \$28,000. to purchase a Bobcat Skidster with snow blower and brush attachment.

Mayor Souers explained that at the Feb., 10, 2009 transfer of funding for the purchase of a Bobcat Skidster was tabled to tonight's meeting to get clarification of what the reserve fund it was being taken out of could be used for. Attorney Skivington explained that the Public Hearing was held at the Feb., 10, 2009 meeting. Upon the advice of the State Auditor, Attorney Skivington provided a draft resolution that alleviates the problem with intent and name confusion on the reserve. The following action was taken:

RESOLUTION: made by Trustee VenVertloh seconded by Deputy Mayor Gee:

WHEREAS, the Village of Scottsville has previously created an account entitled "Reserve for Equipment Replacement", and

WHEREAS, this account was established for the purpose of providing equipment for the use by the Department of Public Works, and

WHEREAS, although the account is titled "Equipment Replacement", this account was to allow the Village of Scottsville, to use said funds for the purchase of equipment and not only the replacement of equipment, and

WHEREAS, Village of Scottsville desire to appropriate funds from said account for the purpose of purchasing a Bobcat Skidster with a snow blower and brush attachment for use by the Department of Public Works, and

WHEREAS, this equipment will be used to supplement snow removal in the Village of Scottsville by the Department of Public Works.

THEREFORE, it is now determined that:

1. The appropriation of the funds for the Equipment Replacement Account for the purchase of the Bobcat Skidster with snow blower and brush attachment is for the purpose originally authorized by the creation of the Equipment Replacement Account.
2. The appropriation of said funds is subject to a 30 day permissive referendum.

VOTE: Mayor Souers – aye  
 Deputy Mayor Gee – aye  
 Trustee VenVertloh – aye  
 Trustee Contestabile – aye  
 Trustee Bryant – aye  
 Adopted Unanimously – 3/10/09

Consider Appropriating \$28,000. to purchase a Bobcat Skidster with snow blower and brush attachment:

MOTION: made by Deputy Mayor Gee seconded by Trustee VenVertloh to approve the appropriation of an amount not to exceed \$28,000 out of the Equipment Reserve for the purchase of a Bobcat Skidster with a snow blower and brush attachment, subject to a 30 day permissive referendum.

VOTE: 5-0. Carried unanimously.

DPW Deputy Supt. Farrell understands delivery can't be taken until 30 days from today.

#### PUBLIC BEFORE THE BOARD

James Musshafen, 968 North Road. Trustee on the Wheatland-Chili School Board asked where the WWTP pump station issue stood. It was his understanding it was a Town wide project and could benefit everyone throughout the Town, but now it seems to be back to being a Village sewer system project. The Board reviewed the process that the Village/Town has gone through with the proposed pump station and where it stands now. Points brought up:

- One hurdle that can't be gotten over is the cost. As a multi-municipal project, the way the cost share is set up at present: the Village is at about 75-80% of the cost. Building the pump station would be for the future of the Town outside the Village. It is the Village's stand that the town should take on more of the financial responsibility for this project. There will be more discussion with the County on this issue.
- The time line to decide if we will be going to a County pump station is probably six months or less.

- It is more affordable for the village taxpayers to stay with the plant as it is.
- With the Village keeping the plant and doing expansion work and relining of pipes to correct I & I, capacity of the plant could increase 200 units. It would cost approximately \$800,000. and take up to 5 years. The growth that the Town is projecting now, could be covered with these improvements.
- Trustee VenVertloh cited a letter from the Village to Jason Kennedy, Monroe County Pure Waters, dated: September 30, 2008 re: states our position and where the village stands with the project (on file in the Village Office). Trustee Contestabile also cited the extensive file in the Village Office of WWTP pump station planning information and correspondence that can be viewed.
- Per Mayor Souers: if the pump station doesn't work out, the Village will continue to go the other way by building in extra capacity for the next 10 years anyways, and then see what happens at that point. Trustee VenVertloh added that the growth projections that the Town is using for a twenty year period is within reach of the Village being able to just fix the collection system. If we can prevent water from going into the sewer system, the plant will have more capacity to put houses on. When the pump station concept was started, there was a much higher projection for growth in the Town and now it isn't. It's within our reach to be able to provide that capacity just doing I & I projects on the collection system.
- Per Trustee Gee: he has heard comments that the Village is prohibiting development. He cited that a few years ago the Village came to tentative agreement to allow Mark IV Development enough sewer units to start development on Browns Road/Robert Quigley Drive. The condition was that they installed low flow toilets and shower heads throughout their apartment complex. Per Terry Rech, Building Inspector: it was a concept plan that Mark IV brought before the Town Planning Board at that time and it was Mark IV that walked away and didn't pursue the Plan.

Julie Bower, 24 Scott Crescent

Denise Walzer, 19 Scott Crescent

Tracie Miceli, 16 Caledonia Avenue

Eileen Lawler, 18 Scott Crescent

The four residents listed above were in attendance to object to the unfinished house and lack of property maintenance at a house owned by Jamie Swann on Scott Crescent. The house has a long standing stop work order and variance issues. They attended the Village Planning/Zoning Board meeting on Feb., 12, 2009 where Mr. Swann was asking for an area variance. They weren't able to discuss matters other than the variance issue at that meeting, and didn't get definite answers for their concerns. They came tonight to get information on how this issue can be resolved and encourage a definite time line to a satisfactory end.

Julie Bower wanted to know how long it will be before some action is taken to either get the house completed or taken down, pointing out that this issue has gone on for years already. She indicated there was a house for sale on the street that couldn't sell because of the Swann "eyesore", and it eventually went into foreclosure.

Denise Walzer showed the Board numerous pictures of the Swann house and property as proof of its unsightly condition and asked why the new village property maintenance code is not being implemented for this property (citing Property Maintenance Chapter 121-1). She stated that the partially built house is infested with all kinds of wildlife because there are open doors and windows and is a safety/health hazard. This has been an issue since 2002 – 7 years! Among debris, there are downed trees on the lot creating carpenter ants etc.

Attorney Skivington reviewed what the Boards have gone through with the Swann issue. Most recently, Mr. & Mrs. Swann applied to the Zoning Board for variance of lot line requirements. At present there are discrepancies in the three survey maps that were reviewed at the Zoning meeting. At the upcoming April meeting, proper survey maps are to be provided. If Swanns don't show up with proper maps, the Zoning Board can deny the variance. Depending on the maps, he may or may not need the variance. If they do need a variance and the Zoning Board grants it, he can work toward finishing the house. Construction is not up to code either; so if the variance goes through they will need to have a plan of how he will remediate. If the variance is denied, the Village Board can order the structure be taken down. Attorney Skivington said that the Village Board could order tonight to take the structure down. The court issue is only going to decide if Mr. Swann will be penalized for violating the stop work order. The Village Board can make the decision to have the house demolished, but recommends having the Court and Zoning Board come to their decisions to give the possibility of having the structure built properly. The Board generally agreed.

#### Implementing the property maintenance code

Trustee Bryant indicated that in the past the Code Enforcement Officer has had to order the grass be cut. After lengthy discussion of implementing the property maintenance code, it was agreed that Code Enforcement Officer, Terry Rech, will inspect the property again, to begin the process for property clean up. If the resident doesn't clean it up after ordered to do so, the village can arrange to have cleaned it up and charge it back to the homeowner. The Board generally agreed with Trustee Bryant that the structure needs to be boarded up/secured for safety and health reasons. Attorney Skivington will consult with the Code Enforcement Officer this week re: all maintenance concerns and write a letter to Mr. & Mrs. Swann's Attorney to order the clean-up/board up etc. He asked that copies of the pictures that were shown tonight be provided to the Village Clerk with a letter outlining their concerns of property for additional evidence.

Denise Walzer stated that the residents don't have a problem with the house being there; they just want it taken care of and kept up like every other property. She also said that even though this condition remains on their street and houses can't sell, their assessments are still going up.

Julie Bower asked why Mr. Swann kept working after the stop work order was put on the building. Deputy Mayor Gee told her he did so at owners own peril. Whatever he did after the stop work order was issued might end up costing him. Terry Rech pointed out that there could be considerable fines to Mr. Swann.

Mayor Souers assured the residents that the Board has agonized over this issue and has been very frustrated with the court system's slow handling of the case. He also assured them that the Board

will do what they can with the property maintenance and wait for the Court and Zoning Board decisions. He thanked the residents for attending the meeting and voicing their concerns.

Elizabeth Murray, 9 Church Street – since Ms. Murray was unable to attend the Community Leaders Forum at the school, she questioned: now that the efficiency Study at Wheatland-Chili Central School is complete, what is the Village’s role from this point forward in the process? Per Mayor Souers: the School Board President is putting together a commission, comprised of Town, School, Village and Chamber members, to communicate and address issues that we all have. As the school goes forward with addressing their growth problem, the others can input their suggestions of how they can help. All will be working together with that group to generate promotional activities, ideas for growth, etc. Trustee Contestable commented that there were also attendees at the Community Leaders Forum from surrounding Towns that has a stake in the school such as: Chili and Brighton. The majority of the Town Board was there. Per Mayor Souers: We are all in this together and have a common future and the more we work together towards creating that vision and working towards it – the better.

Tom Stevens, 60 Diana Drive questioned if the joint Town/Village meeting set for tomorrow night, March 11, 2009, is a public meeting. Mayor Souers told him public is absolutely allowed to attend, but there may not be public before the board. This meeting is an opportunity for the Town and Village Boards to discuss some common issues. Re: WWTP Project, Mr. Stevens has talked to Susan John lately and she indicated she has not been approached for funding for neither the Pump Sta. nor any expansion. He recommended pursuing funding from her and offered his services as a facilitator. Trustee Gee said he met with Senator Alesi and Assemblyperson John and went over all the projects the Village has going. Trustee Contestable said that Assemblyperson John was in attendance at the Community Leaders Forum.

Mr. Stevens complained that the Village Board minutes were not up to date on the website. He was told that there is a natural lag in posting because they have to be approved before they can put on the web. The Village Clerk will see that they are as current as possible.

Mr. Stevens thanked the DPW for its rapid response to his call on a snowplowing problem on Diana Drive this winter.

## REPORTS

### ATTORNEY PETER SKIVINGTON

#### “Supplemental Regulations for the Main Street Central Business District and Design Guidelines, Village of Scottsville”

Attorney Skivington indicated that Building Inspector Terry Rech has added his input to the document that all board members have received copies of. After lengthy discussion and suggestions for change, it was clear that it needed more work. All changes were noted and will be corrected by Trustee Bryant. The issue was tabled to the Thursday, March 19, 2009 Village Board meeting for more review.

### Site Development Plan Regulations, Village of Scottsville

Per Mayor Souers: The Site Development Plan Regulations generally tells what you would have to have to go before the Planning Board; no design guidelines are in them. There was discussion

that there needs to be “Standards” in place so they can be referred to in the Site Development Plan Regulations. It was pointed out that Carl Schoenthal – MRB, did a modification to the Town of Wheatland Standards a couple years ago. These standards are mostly for new construction. The Main Street Study said we have no law to advise Site Plan. The Board decided to table the Site Development Plan Regulations, Village of Scottsville until there are standards to attach. Trustee Bryant is to review Town standards and compile a document for review, possibly at the April meeting.

#### VILLAGE CLERK

ELAINE DRISCOLL reported:

#### ABS Approval for Tax Bill Printing (orig. Agreement July 2007-July 2008)

MOTION: made by Trustee Contestabile seconded by Trustee Bryant to approve the Village Clerk to accept article 7 in the Applied Business Systems Inc. agreement that allows the option of ABS to perform the same services at a cost not to exceed that amount previously stated for a period of one additional year with a escalation cost for only paper/printing supplies.

VOTE: 5-0. Carried unanimously.

#### Brown & Brown Insurance – Medical Coverage

The Village Clerk cited a letter received from Brown & Brown Insurance signed by Timothy McNelly, dated: February 20, 2009. This company reviews health coverage plans for many Municipal clients, etc. They investigate all options for health care coverage and helps their clients decide what is best financially and provides the best health coverage for the employees. At present they are working with the Town of Wheatland and Rush. The Town of Wheatland has the same coverage the Village does now. Since a presentation has already been given to the Village for a HSA(Health Savings Account), the Clerk recommends investigating all medical coverage possibilities before making any changes. Brown & Brown Insurance will research whatever coverage their client is interested in, such as: looking at the numerous policies offered by Blue Cross Blue Shield, comparing Blue Cross Blue Shield w/Preferred Care, etc. Treasurer Martin recommended the Village stay with the present coverage – Blue EPO Balance Option 5. It was generally agreed we will see what the Town’s results are from Brown & Brown Insurance and review other options in the future.

#### United Way Campaign

The Village Clerk reported that the 2009 United Way Campaign is to begin. She will be meeting with a United Way representative March 16<sup>th</sup> and receive all necessary supplies. Again this year, we will be striving to get 100% participation which we did last year for the first time ever! All will be receiving information for donating at the end of March.

#### BUILDING INSPECTOR

TERRY RECH previously submitted his written report dated: 03/04/09 with three items listed (on file). Issues discussed:

- Data from the County on the GPS manhole mapping. There are only a few that weren’t completed. More measurements have to be done. It is a good to be able to use the

County's equipment and not pay engineers to do it. Scottsville and Mumford Fire Departments still have to make box books.

- The Village has sidewalk barriers up at 1 Main Street. Per DPW Deputy Supt. Steve Farrell: there is still debris on the porch and possibly debris on the roof area that could blow or fall down. When he sees that everything is cleaned up and should be safe for people passing on the sidewalk, he will take the barriers down.

#### WASTE WATER TREATMENT PLANT

CHIEF OPERATOR STEVE FARRELL provided his report via: e-mail dated: March 10, with six items listed for review (on file). Items discussed:

- All but four GPS of sewer manholes are completed. Jim Luke and Steve Farrell will finish them when they get the equipment to do so.
- The power surge on 2/14/09 caused a 12 hour outage at the WWTP Plant and burnt out the frequency drive for #2 pump. It was replaced on 2/18. Reimbursement from National Grid has been asked for. Steve will investigate getting surge protectors installed.
- A new gas line has been put in by KBH construction because of water in the line.

#### DEPARTMENT OF PUBLIC WORKS

DEPUTY SUPT. STEVE FARRELL provided his report via: e-mail dated: March 10, with seven items listed (on file). Items discussed:

- Johnson Park driveway paving will start next week. They will be a 5' walkway (handicap). Location of dumpster needs to be decided. Update of Johnson Park signs was suggested. They will also be redoing the parking area by the pavilion. Metal for the soffets and fascia have been ordered and will be installed next week.
- The DPW demoed the Jo Johnson truck last week and may demo the Cyncon equipment next week. After demos, decision of which to purchase will be made.
- Three trees have been removed per Terry tree recommendation. A Genesee Street resident took exception to a tree being taken down in front of her house. She has paid for pruning of the tree through the years and didn't agree with it being cut down. She also was not notified of the removal ahead of time. She would have liked to keep some of the wood. Terry Tree reported why it had to be cut down; citing that the tree was hollow 15' up. In the future, notification to residents will be done as it has in the past.
- Another budget meeting is scheduled for the DPW on Thursday, March 19, 2009 at 7:00 P.M. and for the Rescue Squad at 6:00 P.M. at the Fire Facility.
- Per Mayor Souers: He has heard from Wheatland Highway Supt. Hazelton that there is a company interested in taking tree limbs free. They bring chipper. They want as much wood as they can get, but will also leave a supply if so desired. Deputy DPW Supt. Farrell will be getting a call about this process.
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TREASURER

BEVERLY MARTIN provided the Board with copies of the tentative 2009-2010 budget, a budget modification dated 3/10/09 and the abstract sheets from 2/27/2009 – 3/11/2009(on file). Treasurer Martin thanked Attorney Skivington for providing a draft resolution to cover the Reserve for Equipment Replacement issue.

Pay Bills

MOTION: made by Trustee Contestabile seconded by Deputy Mayor Gee to approve bills from 2/27/2009 – 3/11/2009 on abstracts 30 to 32.

VOTE: 5-0. Carried unanimously.

Set a 2009-2010 Budget Public Hearing

MOTION: made by Deputy Mayor Gee seconded by Trustee Contestabile to set a Public Hearing to review and adopt the 2009-2010 Village of Scottsville Budget on April 14, 2009, at 6:45 P.M.

VOTE: 5-0. Carried unanimously.

Budget Modification

MOTION: made by Trustee Contestabile seconded by Deputy Mayor Gee to approve the proposed modification to the current 2008-2009 Village budget dated: 3/10/2009: General Fund, Total increase in Appropriations \$6,128.00; Total increase in Revenues \$6,128.00 as submitted by Treasurer Martin.

VOTE: 5-0. Carried unanimously.

TRUSTEESTRUSTEE RICK VENVERTLOH

North Road Sidewalk Reconstruction MRB proposal dated: March 10, 2009 was reviewed. There needs to be design plan in place to apply for stimulus funding. Deputy Mayor Paul Gee indicated if the Village didn't get the stimulus grant, the portion of sidewalk from Briarwood Lane to the Village line could be covered under the Block Grant next year. Trustee VenVertloh recommended approving the \$6,900.00 proposal now so the application for the stimulus funding can be completed as required in April. There was discussion of what accounts the money would come from to pay for this proposal and the 2009 Sanitary Sewer Collection System Rehabilitation proposal. Treasurer Martin said that the Streets account is already stressed. Paying in cycles was considered. There will be more discussion about the funding at the next budget meeting. The following action was taken:

MOTION – Approve MRB Proposal re: North Road Sidewalk Reconstruction

Made by Trustee VenVertloh seconded by Deputy Mayor Gee to approve the MRB Group proposal dated: March 10, 2009 titled; “North Road Sidewalk Reconstruction”, for an amount not to exceed \$6,900.00, contingent on MRB's acceptance of the payment split – one half before June 1, 2009 and one half after

June 1, 2009.

VOTE: 5-0. Carried unanimously.

### Scott Crescent Bridge

Trustee VenVertloh reported that he has talked to the Dept. of Transportation (DOT) and Jim Stack, Assistant Director of Genesee Transportation Council and found that the Scott Crescent Bridge project has been postponed. There would be no obligation to spend any money on it until after October 2010; it would cost \$8,000. in the first year, \$8,000. in the second year and \$68,000. in the third year. Money for this project will be addressed at budget work session.

### Main Street Project – Transportation Enhancement Grant

Trustee VenVertloh reviewed the possibility of the Village to get enhancement project money for the Main Street Project: the Federal Legislation provides 3% that of all the money for roads & bridges needs to go to enhancement projects. Now what they are looking at is how to spend that three % of \$73 million. What might happen is some of the enhancement projects that were ahead of us on the priority list, might be taken off that list and be funded through the Federal stimulus money – therefore raising our project up above the line. There is a 50/50 chance the Village could move into the Main Street project for a million dollars. Our portion would be \$290,000. Although there is much to do to get ready and in a position to receive the enhancement money, Trustee VenVertloh thinks it is still worth pursuing.

### I & I - MRB proposal

- Per Mayor Souers: Because it is possible that the Village may have to get a bond package to be eligible for stimulus money to do sewer I & I work, he has looked into who could be hired to do the bonding financial services. David Allardice & Associates, Inc. was used in the past for the Fire Dept. etc. Mr. Allardice has since merged with “Municipal Solution Inc” and later retired from the company. Jeff R. Smith, CIPFA President and CEO is now in charge. He has been contacted to see if he would be willing to get a financial package together for the Village if the need arises. “Municipal Solution Inc” is very familiar with what is needed to get stimulus money and willing to work with the Village. If there is a chance that the Village can get the 2% interest rate on the revolving fund, we need to be ready. In order to go forward to qualify for stimulus funding or revolving funds, the Village has to have a financial package in place with approvals completed. Mayor Souers recommends exploring all these opportunities. Time is running out for the Village to capitalize on stimulus money.
- The Board reviewed the MRB group proposal dated: March 9, 2009 Re: 2009 Sanitary Sewer Collection system Rehabilitation:
  - III Engineering Compensation
  - A) CWSRF IUP Update, submittal to NYS Office of Parks Recreation and Historical preservation, and I/I report update - \$2,900.00.
  - B) 209 Sanitary Sewer Rehabilitation – Contract Documents, Specifications, and details - \$13,100.00.
  - Total Compensation - \$16,000.00.

MOTION – 2009 Sanitary Sewer Collection System Rehabilitation

Made by Trustee VenVertloh seconded by Deputy Mayor Gee to accept the MRB Group's proposal dated: March 9, 2009 titled "2009 Sanitary Sewer Collection System Rehabilitation" for an amount not to exceed \$16,000.00, contingent on MRB's acceptance of payment split: one half before June 1, 2009 and one half after June, 2009.

VOTE: Carried unanimously.

- Wheatland Economic Development

Trustee VenVertloh stated that his name has been dropped as a representative on the Wheatland Economic Development committee and the designation of liaison should be removed from the agenda in the future.

DEPUTY MAYOR PAUL GEE

- National Grid gross utility tax overpayment – Per Mayor Souers: NYCOM is taking the lead for the affected Villages in the gross utility tax overpayment issue. There is nothing to do at present but wait for a report. Treasurer Martin is holding the original bill from National Grid until further action.
- Johnson Park pavilion exterior replacement – Deputy Mayor Gee provided copies and reviewed a proposal from dcc Construction Inc. for replacement of exterior material on the Johnson Park Pavilion. He will get two more estimates for review at the next meeting.
- Deputy Mayor Gee talked with Susan John re: 2 grant checks that we haven't received yet. He will supply her with the contract numbers and she will forward an inquiry to DEC and State Parks. He also talked with her re: funding for sidewalks by TJ Connor School (his estimate: \$25,000. us - \$25,000 her), and Fire Department gear.
- Retirement hours for Trustees – Trustee Gee reported: it will soon be required that a resolution be made by the Board to set normal hour work day of Trustees for NYS Retirement. Each Trustee needs to keep a log, beginning April 1, 2009, of hours worked. It must be done for 5 months to determine the fair number of hours reported to NYS Retirement.

TRUSTEE LINO CONTESTABILE reported:

- Scott Crescent Swann house issue was reviewed by the Planning/Zoning Board. Proper maps need to be provided at the next meeting. If there is no map the board can use they can deny approval on the spot.
- Strategic Plan Review Meeting – Per Mayor Souers: There is a meeting scheduled for March 12<sup>th</sup> to review the Fire Dept. Strategic Plan at 7:00 P.M. at the Fire Facility. He encourage all Trustees to attend.

TRUSTEE CHARLES BRYANT reported:

- Genesee Building Restoration – Trustee Bryant recommended meeting with Butch and Brian of Genesee Building Restoration and get tough re: completion of the work at Johnson Park. He will set a meeting up late in the day so Deputy Mayor Gee can attend.

MAYOR MICHAEL SOUERS reported:

- Communication Director – Mayor Souers reported that he has put the Communication Director line item put back on the proposed 2009-2010 budget. With the extra work the newsletter and numerous other jobs require, it would be advantageous to fill the position.
- Climate Smart Community – Mayor Souers briefly said that the State has started up a “Climate Smart Community” program which needs a resolution to sign on. The program deals with energy use etc. More on this issue will be presented at a later date.

PARK PERMITS – None

OLD BUSINESS - Issues addressed previously in this meeting.

NEW BUSINESS – None

ADJOURNMENT

MOTION: made by Deputy Mayor Gee seconded by Trustee Bryant to adjourn the meeting at 10:20 P.M. VOTE: 5-0. Carried Unanimously.

Submitted by,

Elaine M. Driscoll  
Village Clerk