

VILLAGE OF SCOTTSVILLE
BOARD OF TRUSTEES MEETING

Minutes of Meeting
Tuesday, May 13, 2008

CALL TO ORDER: Mayor Michael Souers called the meeting to order at 6:55 P.M.

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL:

Present: Mayor Michael Souers, Deputy Mayor Paul Gee, and
Trustee Charles Bryant.

Absent: Trustee Rick VenVertloh and Trustee Lino Contestabile

Also Present: Attorney Peter Skivington, Treasurer Tom Scantlin, Deputy
Treasurer Beverly Martin, DPW Supt. Henry Taggart, WWTP Operator
Steve Farrell, Communication Director Elizabeth Murray (arrived at
8:15 P.M.), Building Inspector Terry Rech, Dave Sheffield and approx. 6
residents.

APPROVAL OF MINUTES

MOTION – Approve Mon., April 7, 2008 Minutes

Made by Trustee Contestabile seconded by Deputy Mayor Gee to approve the
minutes of the Village Board Organizational Meeting held on Mon.,
April 7, 2008 as written.

VOTE: 3-0. Carried unanimously.

MOTION – Approve Tues., April 8, 2008 Minutes

minutes Made by Trustee Bryant seconded by Deputy Mayor Gee to approve the
of the Village Board meeting held on Tues., April 8, 2008 as written.

VOTE: 3-0. Carried unanimously.

MOTION – Approve Tues., April 9, 2008 Minutes

minutes submitted. Made by Trustee Bryant seconded by Deputy Mayor Gee to approve the
of Emergency Village Board Meeting held on Wed., April 9, 2008 as
submitted.

VOTE: 3-0. Carried unanimously.

PUBLIC HEARINGS

Property Maintenance Law of the Village of Scottsville

Mayor Souers opened the Public Hearing to consider a Local Law entitled “Property Maintenance Law of the Village of Scottsville” at 7:00 P.M. The Public Hearing Notice appeared in The Sentinel. He explained the necessity of adopting the “Property Maintenance Code of New York State” and adding a few items, basically definitions, to end up being able to enforce and charge. A new code would provide the Village with the ability to go onto property, do work and charge back to owner. The Mayor invited public comment:

Chris McKean – 14 E. Genesee St. expressed his concerns:

- New Code may be too controlling
- Questioned storage of motor homes –vs- campers in yard/driveway
- Concerned that his old barn might be in jeopardy with a new code. He was told that code covering that is already in effect with the Property Maintenance Code of New York State so the new code wouldn’t make a difference.
- He is afraid that the “Rural Feeling” that brought him to Scottsville will be lost with a controlling new code.
- He fears that if the new law allows for interpretation, there could be problems in the future when personnel changes.

Comments

Per Mayor Souers: we have to follow State Law “as is”, but want to add provisions to remedy problems we have all the time. He cited the continual complaints of junk vehicles, overgrown lawns etc.

Per Deputy Mayor Gee: biggest reason for him wanting a new property maintenance code is so the Village can physically go onto a property, take care of the problem and charge back to the owner.

Per Terry Rech: some issues are not covered in State Code and we can put in Village Code.

Judy Williams and Kenneth Morusty – 15 W. Cavalier Rd., would like to see a new code passed and enforced. They cited an ongoing problem with junk cars and trash on their neighbor’s property. They complained to the Building Inspector over six months ago and since then the problem has only gotten worse. Bldg. Inspector Rech indicated that he has been aware of the problem and agreed to follow up to get the junk cars removed. The also cited other locations in the Village that have junk cars etc. Per Mayor Souers: It’s important to enact a law to give the Village authority to remedy-but not over police.

There was discussion re: legality of storing cars under a tarp in yard/driveway and also necessity of trailers to be licensed etc. Wording for these issues is being worked on for the new code.

There was no more public comment; therefore the Public Hearing was closed at 7:25 P.M.

Property Maintenance Code Final Draft

Building Inspector Rech will finalize the Property Maintenance Code draft and have final at the meeting next month for approval.

PUBLIC HEARING

Appropriate \$20,000.00 from Reserve for Parks for Johnson Park Pavilion

Mayor Souers read the Public Hearing notice which appeared in “The Sentinel”: to consider appropriating \$20,000.00 out of the Reserve for Parks for add-on improvements to the pavilion and playground equipment in Johnson Park.

Treasurer Scantlin explained the funding for the Johnson Park project and pointed out why it is not necessary to appropriate \$20,000.00 out of the Reserve for Parks at this time. Consensus was to cancel the public hearing at 7:35 P.M.

PUBLIC BEFORE THE BOARD – None

REPORTS

ATTORNEY PETER SKIVINGTON reported on the following issues:

Frontier Chemical Site

Attorney Skivington reviewed what has transpired in the Frontier Chemical Site lawsuit. He cited the claim denial letter from Hartford Insurance. He recommended the Village do nothing at this point. He will send a copy of the Hartford Insurance denial letter to Frontier Chemical Site PRP Group to advise them that our insurance company has denied the claim and that the Village is not doing anything.

D&Ds – license agreement

Attorney Skivington reported that he has prepared a license agreement for the Village property at D&Ds and sent it to Attorney Matthew Nafus for his client C. David Hellaby. He has not heard anything yet on the matter, but will follow up with Attorney Nafus. The necessity of having a survey to define what part of Village property they are actually using was discussed. Trustee Bryant said a survey would cost approximately \$700. Both D&D’s and the Village would benefit from having the survey. The possibility of splitting the cost was discussed. The survey area should be from the Village/D&D line back to the mill race behind D&D’s. A survey should be required to go with the license agreement. The license agreement needs to state that there will be no more expansion of D&D’s. Trustee Bryant will do a memo with requirements outlined. He will give it to Attorney Skivington to forward to Attorney Nafus.

Spring Basin right-of-way

Per Attorney Skivington: Attorney Nafus provided him with copies of abstracts from the title company re: Mrs. Minster’s property on Scottsville-Mumford Rd., which will help define property lines and right of ways of the Village. He will get a copy of the map done by W.S. Lozier Inc. referred to in the abstract. The two Village concerns are the conveyance for pipes and the easement from the road to Village property. The map should clarify exactly who owns what property.

Sutherland Sworn Notice of Claim

Attorney Skivington cited the Sworn Notice of Claim dated: May 2, 2008, that the Village received from Todd W. Sutherland, 78 Diana Drive, Scottsville NY 14546, for damages in the amount of \$500.00 resulting from a sewer back-up. The issue has been sent into the Village's insurance carrier (Trident). Per Attorney Skivington, Mr. Sutherland's next step would be to proceed with a lawsuit.

18 Browns Ave.

Per Attorney Skivington: He received a copy of the foreclosure notice for the property at 18 Browns Ave. There was question of where the ownership now stands. The disrepair of the structures was discussed citing many safety violations. Building Inspector Rech reported that Attorney John Glavin is trying to get a contact at the Bank who may own it, to address the safety/maintenance issues on the property. Bldg. Inspector Rech will be able to enter the property under State Law to inspect. Mayor Souers said that Community Watch and MCSD Resource Officer have been alerted to watch the property to prevent teens from being on premises. Attorney Skivington will write a letter to the Bank and perhaps the original owner to advise that action to remedy safety issues will commence. After research, he will make recommendation to Village of how to proceed.

Swann Property on Scott Crescent

Attorney Skivington reported that Mr. Swann was to be in court last night for the variance issues at the house he is building on Scott Crescent property, but didn't appear. A trial date will be set. Front set back is in violation. There are also flood elevation issues. Attorney Skivington will keep the Board updated.

VILLAGE CLERK

ELAINE DRISCOLL presented a list of unpaid sewer bills for 2007-2008 which need to be relieved to the tax bills (hereto attached). The following action was taken:

MOTION – Sewer bill relevy

Village totaling	Made by Deputy Mayor Gee seconded by trustee Bryant to authorize the Clerk to add the unpaid sewer charges to the 2008-2009 Tax Roll, \$20,513.00. VOTE: 3-0. Carried unanimously.
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BUILDING INSPECTOR

TERRY RECH previously submitted his written report dated: 5/02/2008 with six (6) permits listed (on file).

Vending License

Upon Bldg. Inspector Rech's recommendation; the Town of Wheatland form for "Application for Vending License" has been adapted to a Village of Scottsville form. After discussion the following action was taken:

MOTION – Vending License

Made by Trustee Bryant seconded by Deputy Mayor Gee to adopt the "Scottsville Application for Vending License" form and \$25.00 fee to be issued by the Code Enforcement Officer. VOTE: 3-0. Carried unanimously.

VENDING LICENSE APPROVAL

MOTION – Vending License Approval – Scott Michaels

Made by Deputy Mayor Gee seconded by Trustee Bryant to approve a Vending License for Scott Michaels to have a hotdog vending cart at the West side of Briarwood Lane, 150' back from North Road, between the hours of 10:00 A.M. - 2:00 P.M. License granted for a six month period, from May 13, 2008 to November, 13, 2008. VOTE: 3-0. Carried unanimously.

Swann property on Wyvil Avenue

Mayor Souers questioned the status of the property at 7 Wyvil Avenue owned by Jamie Swann. Building Inspector Rech has not issued a c of o. There is a problem with construction debris being piled at the curb. The DPW picked up the first pile, but per policy, will not pick up any more. DPW Supt. will tell Mr. Swann he needs to get a dumpster.

WASTE WATER TREATMENT PLANT

STEVE FARRELL CHIEF OPERATOR previously submitted his report dated May 11th (on file). He reviewed the eight items on the report.

Continuity Plan – Mayor Souers advised that all department heads will need to complete a continuity plan as part of the Town of Wheatland – Village of Scottsville Pandemic Planning. It needs to list all functions of each department. The Mayor will meet with Dept. heads to explain what is necessary in the plan.

DEPARTMENT OF PUBLIC WORKS

DPW SUPERINTENDENT HENRY TAGGART AND DPW DEPUTY SUPERINTENDENT

STEVE FARRELL submitted their written report dated: May 11th (on file) with eleven items which they reviewed. Items discussed as follows:

- Paving: East Genesee Street and Oatka Place paving projects are to start next Monday. Village Clerk will send notices to residents to prepare them.
- Garbage Truck/Packer: Steve Farrell and Ken Bohn went to Ohio to look at a new garage truck that they are interested in the Village purchasing. Benefits of the truck were discussed. DPW Supt. Taggart strongly advises the purchase of this truck because of its safety features.
- Mulch Deliveries: After discussion Re: a fee for delivery of mulch/wood chips to residents, the following action was taken:

MOTION – Mulch deliveries \$20.00

Made by Deputy Mayor Gee seconded by Trustee Bryant to charge \$20.00 per delivered load of mulch/wood chips to residents.

VOTE: 3-0. Carried unanimously.

The Village Clerk will add the \$20.00 cost to the release form that is presently used that residents must fill out. There will not be a charge if residents pick up mulch/wood chips from the pile themselves. Charging will begin tomorrow. Anyone who has already filled out a form will receive their delivery without cost.

- Brush Policy: Deputy Supt. Farrell reviewed his update of the brush policy. After the Board reviewed and made recommendations for changes, it was agreed Deputy

Supt. Farrell will do a clean copy with changes made and email to the board for review and approval at the June Village Board meeting.

- Release – Truck Delivered to Resident for Brush & Debris: After Board review of the updated release form that was present by DPW Deputy Supt. Farrell, which states there is a fee of \$25.00 plus tipping fee of \$52.00 per ton for debris and no tipping fee for brush, the following action was taken:

MOTION – Release for Truck Delivered to Resident for Brush & Debris

Made by Deputy Mayor Gee seconded by Trustee Bryant to accept the form for Truck Delivered to Residents for Brush & Debris after Skivington revises. VOTE: 3-0. Carried unanimously.

Attorney

- Summer Help: The Village Clerk was instructed to advertise for DPW Summer Help in the Genesee Valley Penny Saver. There are three positions open.
- Scott Crescent Drainage: It was reported that the Village crew pumped standing water from Scott Crescent property for 2 days to avoid a health issue. It is the opinion of the DPW that the filling in of Fingland property on Scott Crescent has caused the standing water problem in that area. Mr. Fingland has been advised of how he can improve the drainage issue.

- Johnson Park Caretaker 2009 rental season

MOTION – Johnson Park Caretaker 2008

Made by Trustee Bryant seconded by Deputy Mayor Gee to approve Todd Schwasman as caretaker of Johnson Park for the 2008 rental season at the rate of \$20.00 per visit. VOTE: 3-0. Carried unanimously.

TREASURER

THOMAS SCANTLIN AND DEPUTY TREASURER MARTIN were both present.

Sales Tax Check Received

Treasurer Scantlin reported that he received the latest Sales Tax check. It is up \$10,573. over last year which is 10.8%. Total received was \$108,665.00.

PAY BILLS

MOTION: made by Deputy Mayor Gee seconded by Trustee Bryant to approve bills from 4/11/2008 – 5/14/2008 on abstracts 41 to 45.

VOTE: 3-0. Carried unanimously.

Other Discussed issues

- Recycling: Treasurer Scantlin reported there was slightly over 13.5 tons of recycling collected for the month of March with a return of a check for \$350.00. Second other benefit is not paying to put it in the landfill which would have cost approx. \$500.00. It ends up being about an \$800.00 turn around for the Village.

- Set Meeting date for year end budget adjustments: Treasurer Scantlin recommended holding a year end meeting the week after Memorial Day to do necessary budget adjustments. The following action was taken:

MOTION – Meeting Set for Tues. May 27, 2008

Village
year end

Made by Trustee Bryant seconded by Deputy Mayor Gee to set a Board Meeting on Tuesday, May 27, 2008 at 5:30 P.M. for budget adjustments.

VOTE: 3-0. Carried unanimously.

- Treasurer Scantlin recommended to the Board:

packer; it

A) Be cautious of spending too much when deciding on the purchase of a packer. He pointed out the ramifications of spending too much on a packer could result in not having finances to replace other equipment and ultimately the need to raise taxes.

over

B) He strongly urged the Board to implement a Gas Policy to have control over usage; especially as the gas prices go higher and higher.

- MRB Review of projects

Carl
hourly

Deputy Mayor Gee reported having a meeting with MRB Carl Schoenthal. Carl will do a review of existing village projects. Any time there will be an charge incurred, they will e-mail the Board to let them be aware.

- Treasurer Scantlin's last formal meeting as Treasurer

meeting,
taking over.

Mayor Souers announced that tonight is Tom Scantlin's last formal meeting since he will be retiring May 31, 2008 and Beverly Martin will be taking over.

tasks
that

Tom has agreed to continue consulting with Beverly since there are many tasks that Beverly has never done before; such as the Treasurer's Annual Report is due in July. Mr. Scantlin and Ms. Martin will bring a working plan to the Board at the May 27th meeting for approval. The Board thanked Mr. Scantlin for his dedicated 40 years of service and gave him congratulatory hand shakes.

COMMUNICATION DIRECTOR

ELIZABETH MURRAY

Mayor Souers cited the letter of resignation from Elizabeth Murray dated: April 30, 2008 (on file), indicating that her resignation will be effective June 1st, 2008. She will stay on in the voluntary capacity of communication person for Emergency Preparedness/POD. Her intentions are to return to school to pursue advanced studies in community & urban planning. Her report tonight included:

- Website update for Board emailing.
- Working on getting linked on County website.
- Matt Jamesson to create web page on Emergency Preparedness – to be added into his contract for Main Street Planning for coverage.
- Full Moon Concert posters will be delivered this Friday – 11" x 17".

- Ms. Murray has stepped down from Summerfest Chairperson. All documents etc. are to be sent to Sharlene Reeves who works at R.J. Schlicker - 889-3391 ext. 20.
- Per Mitch Pritchard via: Ms Murray – D&C “Day in the Life” series, 2008 is already scheduled, but perhaps in 2009 Wheatland/Scottsville could be considered.
- The “Color Brighton Green” Group may want Scottsville to co-host a “Climate Change Café” information meeting in the future.
- Per Mayor Souers: President of Association of Villages, Bob Corby, has asked that each Village contribute to a mission statement on the website. Subject: “Why have a Village”. This is in reaction to the push on consolidation.

Mayor Souers thanked Ms. Murray for the great job done for the Village. She indicated she will do a manual outlining her activities and list all contacts so the next person can carry on.

MOTION – Resignation of Elizabeth Murray as Communication Director

Made by Trustee Bryant seconded by Deputy Mayor Gee to accept the resignation of Elizabeth Murray from the position of Communication Director, effective June 1, 2008. VOTE: 3-0. Carried unanimously.

TRUSTEES

TRUSTEE RICK VENVERTLOH was not present, but Mayor Souers reported on:

- Proposal from Stuart I. Brown Asso. to prepare the grant application on behalf of the Village of Scottsville and submit to the New York State Dept. of Transportation for a Transportation Enhancement Program (TEP) grant for the construction of sidewalks and other pedestrian amenities along Main Street. The grant application would be for \$200,000.00. TEP funds will be available to reimburse eligible project costs up to a maximum of 80% - Village must share in the cost of the project by providing a minimum for matching share of at least 20% of the total project cost. After discussion the following action was taken:

MOTION – Stuart I. Brown Asso. Proposal – TEP Grant Application

Made by Deputy Mayor Gee seconded by Trustee Bryant to approve the Mayor to sign the agreement for services from Stuart I. Brown Asso. to write a Transportation Enhancement Program (TEP) grant application for the fee of \$5,000.00. VOTE: 3-0. Carried unanimously.

DEPUTY MAYOR PAUL GEE reported:

- Senator James Alesi awarded \$10,000.00 to Youth Assets again this year.
- New York State Dept. of Environmental Conservation Grant Re: Municipal Waste Reduction & Recycling (MWR&R) State Assistance Program – inspectors are coming to our facility to look at our process of recycling etc. They will then send recommendation to State to approve the Grant (\$8,433.00).
- Deputy Mayor Gee will be attending a seminar at Brighton Town Hall on May 22-23 Re: Grant Writing.

TRUSTEE CHARLES BRYANT reported:

- A meeting is scheduled with Julian Adam a State Historic Preservation Officer, Re: Certified Local Government. The meeting will outline next steps to be taken.

- Per Trustee Bryant; he is still working on the concept for the Scottsville wall at the triangle on Rochester Street. He will soon have pictures to review. Drainage may be necessary in the area.

MAYOR MICHAEL SOUERS reported:

- Mayor reappointment of Robert Columbus:

MOTION – Reappointment of Robert Columbus to Rochester Street Historic District Advisory Board.

Made by Deputy Mayor Gee seconded by Trustee Bryant to reappoint Robert Columbus to the Rochester Street Historic District Advisory Board for the term of five years. VOTE: 3-0. Carried unanimously.

- Community Surveys for Main Street will be made available on our website. Ed Flynn will set up another meeting Re: Main Street Planning.

- Mayor Souers cited the letter from Tom Knitter resigning as chairman of the Scottsville Zoning Board, after which the following actions were taken:

MOTION – Tom Knitter Resigns as chairman of the Zoning Board of Appeals

Made by Trustee Bryant seconded by Deputy Mayor Gee to accept the resignation of Thomas Knitter as Chairman of the Scottsville Zoning Board of Appeals and reappoint him as Zoning Board of alternate. Term to expire 5/2013.

VOTE: 3-0. Carried unanimously.

MOTION – Zoning Board of Appeals Appointments

Made by Deputy Mayor Gee seconded by Trustee Bryant to approve the Zoning Board of Appeals appointments as follows:

Chairman: Timothy Sands

Vice Chairman: Greg Berl

Alternate Member: Thomas Knitter

VOTE: 3-0. Carried unanimously.

PARK PERMITS

MOTION: Made by Deputy Mayor Gee seconded by Trustee Bryant to approve the following four Johnson Park Permits:

1) Nancy Merritt, 24 Wyvil Ave., Sun., Sept. 7, '08 – Family Picnic

2) Sandra Horr, 9704 Union St., Box 144, Sat., July 5, 2008 - Fundraiser.

3) Wheatland Recreation, Diane Jennings – July 7-Aug. 8, '08 – 9:00 A.M. – 2:00 P.M.

4) Henry Taggart, 30 E. Grenadier Rd., Sat., July 12, 2008 Party

VOTE: 3-0. Carried unanimously.

MOTION: made by Deputy Mayor Gee seconded by Trustee Bryant to cancel the following Johnson Park Permits due to construction work being done in the Park during the week:

- 1) T.J. Conner Elementary, Kris Williams, 3rd Grade Field Days, Fri. June 20, 2008.
- 2) Beth McKlean, WCCS Band Concert, Thur., June 12, '08.

VOTE: 3-0. Carried unanimously.

Village Clerk, Elaine Driscoll will notify applicants of the cancellations.

ADJOURNMENT

MOTION: made by Deputy Mayor Gee seconded by Trustee Bryant to adjourn the meeting at 10:35 P.M. VOTE: 3-0. Carried unanimously.

Submitted by,

Elaine M. Driscoll
Village Clerk