

VILLAGE OF SCOTTSVILLE  
BOARD OF TRUSTEES MEETING

Minutes of Meeting  
Tuesday, May 12, 2009

CALL TO ORDER: Mayor Michael Souers called the meeting to order at 7:15 P.M.

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL:

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

Also Present: Treasurer Beverly Martin, Attorney Peter Skivington, DPW Deputy Supt. Steve Farrell and resident Sara Stephens.

APPROVAL OF MINUTES

MOTION – Approval of Monday, April 6, 2009 Meeting

made by Trustee Contestabile seconded by Deputy Mayor Gee to approve the minutes of the Monday, April 6, 2009 Village Board Organizational Meeting as submitted.

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

MOTION – Approval of Tuesday, April 14, 2009 Meeting

made by Deputy Mayor Gee seconded by Trustee VenVertloh to approve the minutes of the Tuesday, April 14, 2009 Village Board Meeting as submitted.

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

MOTION – Approval of Friday, May 1, 2009 Special Meeting

made by Trustee VenVertloh seconded by Trustee Contestabile to approve the minutes of the Friday, May 1, 2009 Special Village Board Meeting as submitted.

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

PUBLIC HEARING

Appropriation of \$182,000.00 to purchase a 2007 Labrie Packer

Mayor Souers opened the public hearing at 7:22 P.M. by reading the notice that appeared in the Sentinel. There was no public in attendance for this particular issue, but Sara Stephens, 60 Diana Drive commented that the armed truck has been talked about and she values the DPW's importance; adding the truck is a great idea – go for it! Per Mayor Souers: the armed truck is good for safety and a back saver. Mayor Souers explained that the armed truck's cost approx. is \$182,000.00 and a new packer could be as much as \$235,000.00. Public Hearing was closed at 7:23 P.M. and the following action was taken:

MOTION – Appropriate \$182,000.00 to purchase a 2007 Labrie Packer

Made by Trustee Contestabile seconded by Trustee Gee to approve the appropriation of an amount not to exceed \$182,000.00 from the Equipment Replacement Reserve for the purchase of a 2007 Labrie single arm automated packer, subject to a 30 day permissive referendum.

VOTE: 5-0. Carried unanimously.

Appropriation of \$8,500.00 to purchase an X Mark laser zero turn mower

Mayor Souers opened the public hearing at 7:25 P.M. by reading the public hearing notice that appeared in the Sentinel. There was no public comment. The public hearing was closed at 7:25 P.M. and the following action was taken:

MOTION – Appropriate \$8,500.00 to purchase a X Mark Mower

Made by Deputy Mayor Gee seconded by Trustee Contestabile to approve the appropriation of an amount not to exceed \$8,500.00 from the Equipment Replacement Reserve for the purchase of a X Mark laser zero turn mower, subject to a 30 day permissive referendum.

VOTE: 5-0. Carried unanimously.

PUBLIC BEFORE THE BOARD

Sara Stephens, 60 Diana Drive stated that she was simply in attendance doing her civic duty and didn't have a comment.

REPORTS

ATTORNEY PETER SKIVINGTON reported on the following issues:

- Chicken Ordinance - Ordinances from other Villages re: control of farm animals – fowl within the Villages were review as a guideline to consider a Scottsville Ordinance. After

Mayor Souers took a poll of Board Member opinions of whether there should be an ordinance or not; it was determined that Attorney Skivington will draft a law for the Scottsville Code. It will be completed for review at the Friday, May 29, 2009, 5:00 P.M. meeting that will be scheduled later in this meeting and a public hearing can be scheduled.

- Swann Property, 21 Scott Crescent – Stop work order – Per Attorney Skivington: At Mr. Swann’s last court date he pled guilty to two stop work order violations and was fined \$2,000. which can be reduced if he ultimately is granted the variances he needs by the zoning board, gets needed permits and completes construction in a certain period of time. Zoning Board has to decide if they will give a side and front (porch) variance. There is still question of what survey map is accurate. If the variance is not given, the house could be ordered to come down. If the variance is given, there are other corrections he needs to do to the building to get a C of O. The stop work order was lifted to allow Mr. Swann to clean up the property. Nothing has been done at present. It was decided that Attorney Skivington will call Swann’s Attorney tomorrow to tell him it would be in Mr. Swann’s best interest to clean the property up because the Property Maintenance Code process will begin if necessary.
  
- National Grid – Attorney Skivington suggested that, as a matter of record, the refund to National Grid for over payment of gross utility tax be officially denied. At present the issue is in limbo and could be for a couple years, but if the Village denies it, they only have a certain time to challenge it and once that period goes by it’s over. If the board approves, he will do the denial document to be submitted to National Grid. Mayor Souers asked Attorney Skivington to write a brief to this affect to mail to the other villages that are affected. The following action was taken:
  - MOTION – National Grid gross utility tax denial
  - Made by Trustee Contestabile seconded by Trustee VenVertloh to deny the refund to National Grid for over payment of Gross Utility Tax.
  - VOTE: Mayor Souers – yes
  - Deputy Mayor Gee – yes
  - Trustee VenVertloh – yes
  - Trustee Contestabile – yes
  - Trustee Murray – abstained
  - Motion Carried 4-0.
  
- Spring Basin Property – Attorney Skivington provided copies of a bill in the amount of \$250 from Welch & O’Donoghue, Land Surveyors, P.C. for a survey they did of the Village of Scottsville “Spring Basin Property”. He attached a plot map from the Town with revised date: May 5, 2009 and a GIS mapping picture of the property. The deed plot map shows the Village of Scottsville owning all three parcels, but the Minster Family believes they own the top (North) plot. They have been paying taxes on it for 45 years in the amount of \$30.00 per year on 7.4 acres. Attorney Skivington will share the survey with the Town Assessor and keep the Minsters advised. The Minsters would like to own this piece of property. Mayor Souers recalled that several years ago there was a Board decision not to sell the village property in this area and keep it forever wild. There was

question re: size of the plot in question. There is a right of way running from Scottsville-Mumford Road to the Village property. At this point it is a Town of Wheatland function to determine ownership, etc.

TRUSTEE PAUL GEE reported:

- Johnson Park Pavilion Restoration – there will be a final inspection this Wednesday. Genesee Building Restoration was told that work needs to be done because the park is now being rented. DPW Deputy Supt. Farrell found water faucets leaking when he opened the pavilion for the baseball & soccer teams. He called a plumber to do repairs and gave Butch of Genesee Bldg. Restoration, the option to pay the bill or have the amount deducted from their money. He agreed to the deduction. They should have everything out of the building next week except material that should be kept for repairs etc. The roof is now straight. Attorney Skivington recommended that Genesee Bldg. Restoration is made to fix everything before they are paid anything. MRB will be in attendance for the final inspection. Attorney Skivington needs to be advised of the final inspection date. Per Deputy Mayor Gee: if after the final inspection, Genesee Building Restoration has to come back again, the penalties and charge backs will begin.

MAYOR SOUERS

- Mrs. Matoes – East Genesee Street has complained that the farm equipment is doing damage to the area that they travel at the end of E. Genesee St. getting to their fields. Attorney Skivington said the farmers can use right-of-ways, but not damage private property. It was sited that farm equipment is getting larger which could be contributing to damage being done. This is the only way the farmer can get to his field and has used this route for years. DPW will remove the railroad ties and repair right-of-way area. DPW Deputy Supt. will mention the problem to the farmer. Attorney Skivington will write a letter to Mrs. Matoes.
- Swann renovation on Main Street  
Per Mayor Souers after talking with Building Inspector Terry Rech: There was question re: if the Supplemental Regulations for the “Main Street” Central Business District and Design Guidelines was formally filed yet. The Clerk said they are not yet filed by the State. Since they are not filed yet, the renovation of the burned Swann building on Main Street, is not covered by those guidelines and the Building Inspector has to follow the old code (which would allow using vinyl siding).

EXECUTIVE SESSION

MOTION: made by Deputy Mayor Gee seconded by Trustee Murray to enter executive session for a real estate matter at 8:40 P.M.

VOTE: 5-0. Carried unanimously.

MOTION: made by Deputy Mayor Gee seconded by Trustee Murray to adjourn executive session and return to regular session at 8:47 P.M.

VOTE: 5-0. Carried unanimously.

VILLAGE CLERK ELAINE DRISCOLL reported:

- Unpaid Sewer Bill Relevy  
MOTION: made by Trustee Contestabile seconded by Trustee VenVertloh to authorize the Village Clerk to add the unpaid sewer charges to the 2009-2010 Tax Roll. Totaling \$22,509.20 – on 113 Accounts.  
VOTE: 5-0. Carried unanimously.
- United Way – The Village campaign went very well, but we didn't hit our goal of 100% participation. We did, however, exceed last year's grand total. Our grand total for 2009 is \$1,741.92 with 15 people participating (one donation came from a private donation-non employee). It was a very good and willing response.

BUILDING INSPECTOR

TERRY RECH was not present but previously submitted his written report dated: 4/1/09 – 4/30/09, with eight (8) permits listed and a listing of other activities for April 2009 (on file).

- Per Deputy DPW Supt. Farrell: he is meeting tomorrow with the County, Jim Luke, Terry Rech and MRB, re: GIS overlay. There are a couple manholes that haven't been located; one on the greenway and one past the high school.

TREASURER

BEVERLY MARTIN reported:

- Monroe County Sales Tax check came in the amount of \$99,916.10. It is down 2.58% from last Dec. '08 and 8.6% for the year. The anticipation of a reduction was consider during the budgeting process.
- PAY BILLS  
MOTION: made by Trustee Contestabile seconded by Deputy Mayor Gee to approve bills from 4/24/09 – 5/13/09 on abstracts 37 to 40.  
VOTE: 5-0. Carried unanimously.
- Year End Meeting  
MOTION: made by Trustee Contestabile seconded by Deputy Mayor Gee to set a special meeting on Friday, May 29, 2009 at 5:00 P.M. at the Wheatland Municipal Building to approve year end budget modifications.  
VOTE: 5-0. Carried unanimously.
- CHIPS has been approved for \$22,000. by the County. It is down from \$28,000. last year. There is no roll over this year. \$20,000. more may be added to streets for road work.

WASTE WATER TREATMENT PLANT

CHIEF OPERATOR STEVE FARRELL previously submitted his report via: e-mail his dated: May 12, 2009 (on file) with 8 items listed. Reviewed were:

- Surge Protector - All paper work for the electrical outage 2/14/09 has been submitted to National Grid. The surge protector has not been ordered yet. When the paperwork comes back from M&S Controls, there will be a recommendation to include surge protectors. Surge protectors are varied and it is important to get the right type.

#### DEPARTMENT OF PUBLIC WORKS

DEPUTY SUPT. STEVE FARRELL previously submitted his report via: e-mail dated May 12<sup>th</sup> with 12 item listed (on file). Reviewed were:

- Grenadier Drainage project in the Grenadier track is nearly completed. They have to cut two driveways and lower pipe in them. All residents are happy with the progress. There is an open ditch.
- Johnson Park driveway has been paved. There will be markers to separate walkway from the driveway.
- Summer Employment – DPW Deputy Supt. asked to advertise for summer help. Two or three people can be hired depending on how long he wants each of them to work. The problem of summer help filing for unemployment was discussed. Trustee VenVertloh urged that the village get clarification and know what the unemployment law is and what our obligations are before we hire so we can avoid claims against the village. Mayor Souers explained that a person has to work at least six months before being able collect unemployment, but could have worked 5-1/2 months of that time for someone else and then come to us and we are the last employer. Trustee Murray questioned if the village could categorize the position differently; such as an internship, where we would have a partnership like WEMOCO and disqualify the Village from the unemployment issue. Employees need to be over 18 years of age. Deputy DPW Supt. Farrell will screen applications carefully before hiring. The following action was taken:

#### MOTION – Advertise for Summer Employment

Made by Trustee Contestabile seconded by Deputy Mayor Gee to have the Village Clerk advertise for summer employment in the Genesee Valley Penny Saver and the Sentinel.

VOTE: Mayor Souers – yes  
 Deputy Mayor Gee – yes  
 Trustee Contestabile – yes  
 Trustee Murray – yes  
 Trustee VenVertloh – no  
 Motion carried 4-1.

- Garbage Truck – the garbage truck will be delivered next month. DPW Deputy Supt. Farrell said the truck is white and he would like to paint it to match the other village trucks. Also white is a bad color for safety in the winter. Mayor Souers hesitates having the Village paint the truck because of OSHA restrictions. DPW Deputy Supt. Farrell will get prices for having it done. It was agreed that if the truck is painted, it should be done before using it. There will be a meeting set up with the Board and DPW re: Garbage policy and the new truck.

- Highway Supt. School – Steve Farrell and Ken Bohn would like to attend the Annual Highway Supt. School in Ithaca on June 1-3<sup>rd</sup>. Mayor Souers was in favor of both of them attending.
- Recycling at the Garage – Per a residents question; Trustee Murray asked if there was a way residents could personally take recycling to the village garage. Some residents have a large accumulation with every other week collection. It wouldn't affect the normal curbside pick-up of recycling, but would give an option to those who generate a larger amount. Larger recycling totes and single stream recycling were discussed. It was the consensus of the Board to have labeled totes for paper and co-mingles at the garage so residents can drop extra recycling off themselves.

## TRUSTEES

TRUSTEE RICK VENVERTLOH – No report

Wheatland Economic Development Committee – Mayor Souers explained Trustee Murray is on the Economic Development wrap-up committee and Town of Wheatland Supervisor Linda Dobson has asked that people who are on that committee stay on as committee members since it is an active Group. The group was formed to finish the GFLRPC study. Since Trustee Murray is on the committee, the Mayor suggested having her as liaison. Trustee VenVertloh served on that committee previously, but agreed to the change.

DEPUTY MAYOR PAUL GEE reported:

- Johnson Park Site Visit – Trustee Gee cited a letter received from New York State Office of Parks, Recreation and Historic Preservation, Karen Ferguson – Genesee Region Grants Officer, dated: May 1, 2009. She conducted an interim site visit to Johnson Park to assess site conditions. She outlined observations with pictures and suggestions for the Village to end the project. A copy of the outline will be given to the Trustees. Deputy Mayor Gee will examine her letter and respond appropriately.
- Community Block Grant – Notifications has arrived that the Community Block Grant is in the amount of \$40,000. for the I & I project.

TRUSTEE LINO CONTESTABILE

No report – all items were covered previously in this meeting.

TRUSTEE ELIZABETH MURRAY

On recommendation of Mayor Souers, the following action was taken:

MOTION – Liaison designation

Made by Trustee Contestabile seconded by Deputy Mayor Gee to designate Trustee Elizabeth Murray as liaison to the Wheatland Chamber of Commerce and the Wheatland Economic Committee.

VOTE: 5-0. Carried unanimously.

TRUSTEE ELIZABETH MURRAY reported:

- Wheatland Chamber of Commerce is “up and running again”. The next meeting is Monday, May 18<sup>th</sup> at Mill Creek.

- Main Street Committee – On May 2<sup>nd</sup> there was a Main Street Business District meeting with business owners, property owners and landlords in attendance. John McIntosh became a new member. The next meeting will be Thursday, May 14<sup>th</sup>, at 7:00 P.M.
- Wheatland Economic Development Planning Committee – The next meeting is Tues., May 19, 2009 at 7:00 P.M. This is the third meeting with Mr. Zorn and should be the completion of plan review. This last meeting should review the final document from the Planning Council and decisions made for next steps. There is considerable overlap of all the studies done in past years. Per Trustee Murray: “it is critical to continue working together so that people aren’t spinning their wheels. The Committee is a good group of people with representation from the agricultural community, the school district, business owners, chamber of commerce and Main Street Committee.”
- Wellness Day – WCCS Middle School does “Wellness Day” every year. They have nine presentations that the students get to rotate through with 28 minute sessions with nine different speakers. Marcie McCall and Elizabeth Murray will be presenting on Environmental Programs. Mayor Souers and Trustee Murray have decided that this portion will be represented by Wheatland Earth Institute and Village of Scottsville. Ms. McCall will be speaking about the Mill Creek Community Gardening. She is also involved with a company called “Avita” which has a school program where the students collect caps from milk jugs, shampoo bottles, juice containers, etc. “Avita” pays for the caps and shipping and they recycle the caps to make packaging products. Trustee Murray will ask Ms. McCall to come to a Village Board meeting to do a presentation on this subject when they get the program going. They will also be speaking re: what things are being done locally with recycling programs.

MAYOR MICHAEL SOUERS reported:

- Certified Local Government – Mayor Souers has spoken to Charles Bryant who has agreed to continue working with the Certified Local Government Commission. Most of the members of the Rochester Street Historic District Advisory Board will be transferring over to the Certified local Government Commission. Mr. Bryant will organize, get a meeting set and keep the Village Board informed. Mayor Souers told Mr. Bryant that he or whomever becomes the Chairman of that Commission, will have the resources of the Village Office available to them because they are a designated commission from the Village Board.
- Community Garden - Tomorrow night there will be another organizational Community Garden meeting. Then on Wednesday, May 20, at 7:00 P.M. there will be a presentation at the Scottsville Library on “Gardening in a Small Space” by Jan Milliman. – Publisher of The Upstate Gardener’s Journal. At this presentation the plots will be raffled off – lottery style to those who have applied. The garden is at Johnson Park. There will be 24, 10’ x 10’ plots. The garden will be fenced after it is tilled. The wood for the corner posts will be donated and the DPW will put them up. The Village will buy the fencing.
- Rural Development Application – Municipal Solutions Inc. – Mayor Souers met with Mary Chappell from Municipal Solutions Inc. The grant/low interest loan application for

the I & I project is nearly completed. In approximately one month the Village will have an answer from Rural Development for the Federal grant/loan program pre-determination on how much they will grant and how much they will do in low interest loan for the total project which is about 1.2 million dollars.

- Pump Station Project – Mayor Souers reviewed where the Pump Station Project stands and concept of doing a Rural Development pre-determination application for this project too. He is meeting with the Town of Wheatland and County of Monroe this Friday re: the Pump Station Project. Per Mayor Souers: his position at the table is the terms of moving forward are contingent on filling up a 1 ½ million dollar void. Grant money could bridge the gap. It is 1 ½ million dollars more than we need to spend if we want to upgrade our plant and get by with what we have. Going ahead with the Rural Development application opportunity is trying to fill that void. If it doesn't come through, we are still at square one. Right now the project is too expensive to put on village tax payers shoulders. The Mayor invited the Trustees to attend this meeting.
- Master Plan Update – Mayor Souers cited an e-mail from Monroe County – Rochelle B. Bell, Environmental Planner, Monroe County Dept. of Planning and Development re: The County Health Dept. and the County Dept. of Planning and Development are collaborating on a project involving municipal comprehensive plans. They are looking for municipalities that might be interested in incorporating two specific goals into their comprehensive plans and municipal planning process: 1) increasing opportunities for physical activity through land use planning and 2) increasing energy conservation for its economic, environmental and health benefits. They are compiling information on each municipality's comprehensive plan to find out when the last update was, is it on-line and is it in our library, etc. They want to know if we are currently in the process of updating our comprehensive plan. Per Mayor Souers: the Comprehensive Plan is approx. 5 years old and should be updated annually. Trustee Contestabile was given a copy of the e-mail. He will take it to the Planning Board to see how they want to proceed. Per Deputy Mayor Gee: the Parks Master Plan needs to be updated too.
- Emergency Preparedness – Mayor Souers has a meeting scheduled for tomorrow, May 13, 2009 at 2:00 P.M. with Fred Rion, Monroe County Emergency preparedness and Town of Wheatland Highway Supt. Chuck Hazelton re: available grant money for flood mitigation. Mayor Souers cited the Scott Crescent area as one location that could be considered for a flood mitigation application. He will refer to the "Oatka Creek Stream Corridor Trail Study" where there was recommendation to build some berms, etc., along the creek areas.
- Sustainability Summit – Mayor Souers reported on a full-day Sustainable Communities Summit which will be held on Wednesday, June 3<sup>rd</sup>, 8:00 A.M. – 3:30 P.M., at RIT. It is hosted by Audubon International, the Pollution Prevention Institute and the Rochester Institute of Technology Center for Sustainability. It will include seminars and break-out sessions geared to help community leaders implement more sustainable policies, practices and plans and show what other communities are doing. It will examine opportunities and challenges of creating sustainable communities in the Genesee

Valley/Fingerlakes Region of NY State. Mayor Souers will be attending and invited anyone else who may wish to attend. The first municipal official attending will be free and \$10.00 for anyone after that. The Village will pay the cost.

- Climate Smart Communities – Mayor Souers passed out information from Raymond E. Yacuzzo, New York State Department of Environmental Conservation Special Assistant to the Commissioner, Region 8, re: “Climate Smart Communities”. It is a new free program. They are asking support and involvement to combat global warming and climate change. The Climate Smart Communities program encourages local governments to go “Climate Smart” by first signing the Climate Smart Communities Pledge, and then taking some initial steps towards mitigating and adapting to climate change. This program was developed by DEC, the New York State Energy Research and Development Authority (NYSERDA), the New York State Dept. of Public Service (PSC), and the New York State Department of State (DOS). Mayor Souers will be investigating this program and probably pledge the Village of Scottsville to be part of the “Climate Smart” program. If there is a resolution to be done, he will bring it to the next Village Board meeting.

#### PARK PERMITS

MOTION: made by Deputy Mayor Gee seconded by Trustee Murray to approve the Johnson Park permits as listed:

- A) Marcia Major, 510 North Rd., Sat., June 13, 2009 – Graduation Party
- B) Wheatland Recreation Diane Jennings, Summer Program July 6 – Aug. 7, '09.

VOTE: 5-0. Carried unanimously.

#### OLD BUSINESS

Code Update – Chicken issue was previously discussed in this meeting.

#### NEW BUSINESS

Bathrooms at Johnson Park - Via: Deputy Mayor Gee: DPW Deputy Supt. Farrell and DPW Supt. Taggart recommended placing port-a-potties at Johnson Park. With the park constantly being used by SAA, the bathrooms need to be cleaned on a daily basis and is expensive to the Village. It was generally agreed that the DPW should talk to SAA leaders to instruct the bathroom users to keep it clean when they leave.

#### Full Moon Music Series

MOTION – “Smugtown Stompers” Sat., June 6, 2009

Made by Trustee Contestabile seconded by Trustee VenVertloh to authorize the Mayor to sign the contract for “Smugtown Stompers” to perform at the Full Moon Music Series on Saturday, June 6, 2009 at the cost of \$550.00.

VOTE: 5-0. Carried unanimously.

MOTION – “Rawhide” Sat., July 11, 2009

Made by Trustee Murray seconded by Trustee VenVertloh to authorize the Mayor to sign the contract for “Rawhide” to perform at the Full Moon series on Saturday., July 11, 2009 at the cost of \$450.00.

VOTE: 5-0. Carried unanimously.

ADJOURNMENT

MOTION: made by Deputy Mayor Gee seconded by Trustee Contestabile to adjourn the meeting at 10:22 P.M.

VOTE: 5-0. Carried unanimously.

Submitted by,

Elaine M. Driscoll  
Village Clerk