

VILLAGE OF SCOTTSVILLE  
BOARD OF TRUSTEES MEETING

Minutes of Meeting  
Tuesday, October 14, 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 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 & Dave Willard MRB.

APPROVAL OF MINUTES

MOTION – Approve Monday, August 25, 2008 Minutes (tabled from 9/9/08 meeting)

Made by Trustee Contestabile seconded by Deputy Mayor Gee to approve the Monday, August 25, 2008 Village Board meeting minutes as submitted.

VOTE: Mayor Souers – yes

Deputy Mayor Gee - yes

Trustee Lino Contestabile – yes

Trustee VenVertloh – abstained

Trustee Bryant – abstained

Motion Carried: 3-0.

MOTION – Approve Tuesday, September 9, 2008 Village Board Meeting Minutes

Made by Trustee Bryant seconded by Trustee VenVertloh to approve the Tuesday, September 9, 2008 Village Board Meeting minutes as submitted.

VOTE: Deputy Mayor Gee – yes

Trustee VenVertloh – yes

Trustee Contestabile – yes

Trustee Bryant – yes

Mayor Souers – abstained

Motion Carried 4-0.

Monroe County Association of Village Mayors Meeting

Mayor Souers reminded the Board that this Thursday, October 16<sup>th</sup>, is the Monroe County Mayors Association meeting at Crescent Beach Hotel. The Village Planning/Zoning Boards, Rochester Street Historic District Advisory Board and the Village Board of Trustees have been invited. At present only three are able to attend; Mayor Souers, Bldg. Insp. Terry Rech and Deputy Mayor Gee. David Zorn from Genesee Finger Lakes Regional Planning Council will be there to discuss Comprehensive and Main Street plans and historical planning.

PUBLIC HEARINGStreet Roller & Trailer Purchase

Since it was only 6:35 P.M. the Public Hearing was not held because the published time is 6:45 P.M. The hearing was tabled until later in the meeting.

PUBLIC BEFORE THE BOARD

Dave Willard MRB was introduced by the Mayor. Mr. Willard provided three documents as follows:

- Waste Water Treatment Plant Rehabilitation - Planning Proposal for Professional Service, dated: October 13, 2008.
- Sanitary Sewer Collection System Planning – Proposal for Professional Services, dated: October 13, 2008.
- Scottsville Comprehensive Sewer Rehabilitation Approach chart.

The background of the option for decommissioning the WWTP and having Monroe County Department of Environmental Services install a pump station was reviewed. At present that project seems to be cost prohibitive for the Village. The proposals that Mr. Willard presented is MRB's approach to wrapping up and finalizing that option and moving forward. MRB's proposal included:

A) GPS Manhole Data Collection -	\$7,500.00
B) Manhole Invert Elevations and Condition Inspections -	\$4,500.00
C) Collection System Inspection, Analysis, Estimating, and Planning (this figure includes approx. \$4,900. amount presently remaining in the I and I study) -	\$11,000.00

Total Compensation	\$23,000.00
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After a lengthy review of MRB's presentation, it was determined that a meeting will be set up by Mayor Souers to talk about the WWTP Rehabilitation Planning. In the meantime the Board members will have time to think about the proposals.

PUBLIC HEARINGPurchase a Street Roller and Trailer

Mayor Souers re-opened the Public Hearing at 7:45 P.M. by reading the notice that appeared in the Sentinel: to consider appropriating an amount not to exceed \$9,400 out of the Reserve for Equipment Replacement to purchase a street roller and trailer. There was no public comment and the hearing was closed at 7:46 P.M. The following action was made:

MOTION – purchase a street roller and trailer

Made by Deputy Mayor Gee seconded by Trustee Bryant to approve the appropriation of an amount not to exceed \$9,400.00 out of the Reserve for Equipment Replacement to purchase a street roller and trailer, subject to permissive referendum.

VOTE: 5-0. Carried unanimously.

REPORTS

ATTORNEY PETER SKIVINGTON reported on the following issues:

- Jamie Swann – court decision re: Scott Crescent construction – There was a trial scheduled for a week ago but was adjourned again until November 3.
- Frontier Chemical Site Lawsuit – Attorney Skivington recommended that the Village pay the \$2000.00 for Early “De-Minimis” Settlement for the Frontier Chemical Site PRP Group Lawsuit and be over with it. If the Village ignores the settlement offer it may go away or there is a possibility of it costing significantly more if we go through litigation. Our lawsuit is because two 55 Gal. of hazardous materials were dumped at the site in January 1992 which came from of a sewer project being done by a contracted company. Even though the Village didn’t actually landfill it and the contractor did, the material came from our Village. If we pay the \$2000.00, it releases Scottsville from future liability. The possibility of the \$2000.00 being paid out of DPW sewer rehab. funds was discussed. The following decision was made:

MOTION – Frontier Chemical Site Lawsuit “De-Minimis” Settlement

<u>payment -</u>  upon Settlement Chemical Site PRP \$2,000.00.	<u>\$2000.00.</u>  Made by Deputy Mayor Gee seconded by Trustee Contestabile to, the advice of the Attorney, authorize the Mayor to sign the Agreement and Liability Release for the Frontier Group Lawsuit and pay the necessary \$2,000.00.
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VOTE: 5-0. Carried unanimously.

Attorney Skivington will provide the necessary paperwork for the Mayor to sign.

- D&D – Hellaby Survey – Per Attorney Skivington, the survey of the parking lot etc. at D&D is in process and David Hellaby will pay the entire cost.

#### VILLAGE CLERK

ELAINE DRISCOLL reported on the following issues:

- Collect Delinquent Taxes – Per Elaine: on November 1<sup>st</sup> the list of unpaid 2008-2009 taxes will need to go to Monroe County for collection. The following action was taken:

MOTION – Mon. Cty. collect 2008-2009 unpaid taxes

1442. The village Linda Pelusio, Asst.	Made by Trustee Contestabile seconded by Trustee Bryant to authorize Monroe County to collect the Village of Scottsville’s 2008-2009 delinquent taxes under Real Property Tax Law Section Clerk will submit a certified copy of this motion to Treasurer of Monroe County.
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VOTE: 5-0. Carried unanimously.

- Veteran’s Day – Village Board Meeting – after discussion re: whether or not to hold the Fire Commissioners/Village Board November Meeting on Veteran’s Day Nov. 11<sup>th</sup>, the decision was to hold the meeting as scheduled with a moment of silence to recognize the Veterans.

#### BUILDING INSPECTOR

TERRY RECH was not present at the meeting but had submitted his written report(on file) dated: 10/02/08 with two permits listed. Mayor Souers reported for the Building Inspector on the following issues:

- Swann trial re: Scott Crescent construction is tabled to November 3, 2008 as previously reported by Attorney Skivington.
- Unregistered Vehicles – the owners of the unregistered vehicles at 578 North Road now have been summoned to court because they failed to remove the unregistered vehicles from there property. Mayor Souers reviewed past action on the case. He is hopeful that the resident will remedy before the court date.

#### WASTE WATER TREATMENT PLANT

CHIEF OPERATOR STEVE FARRELL previously provided via: email his WWTP written report dated: October 14<sup>th</sup> (on file). The following items were discussed:

- Jim Luked passed his NYS Certification test last month. He is now a 2A certified operator.
- Gravel Ponds is still dumping at the plant – will end this month for the year.
- Monroe County still has meters at the plant.
- The WWTP is running great – no problems.
- Chief Operator Farrell requested being involved with any review of MRB proposals for the sewer projects BEFORE approvals.

#### DEPARTMENT OF PUBLIC WORKS

DEPUTY SUPT. STEVE FARRELL provided his written report dated October 14<sup>th</sup> via: email previously (on file). He verbally reported on the following issues:

- Main Street sidewalk project is completed. There have been great comments from residents about the finished product. Project was done in record time even with having a short staff. The Treasurer will provide numbers of remaining money in the grant to do Johnson Park ADA in the spring. Steve recommends having a contractor with a paver do the driveway if money provides.
- Leaf Collection began yesterday. The new leaf vacuum will arrive soon. Deputy Supt. Farrell would like to keep the old vacuum and purchase a new box. One that comes in a kit could be \$3,000.- \$4,000. It would be a benefit to the Village to have two machines, especially for possible down time on one or the other and the leaves could be collected faster before snowfall.
- Tree Grinding – Terry Tree is to begin grinding leaves & brush at the DPW the beginning of November. Per DPW Deputy Supt. Farrell: the tree budget is \$8000. The grinding costs \$6,500. for two days. We need a larger tree budget. There is considerable tree work to be done in the Village. Terry Tree planted 5 trees on Main Street. Trustee Gee recommended providing the new trees with fertilizer spikes. Adjusting the tree budget will be addressed at budget planning time. Getting a sweep/vac attachment for Main Street clean up was discussed; borrowing Town of Wheatland equipment when possible could be an option.

- Purchase of a new Garbage Truck was again discussed. Mayor Souers and DPW Supt. Henry Taggart went to the County's new fueling station and learned more about how using the new bio-fuel could benefit the Village. For money savings, the existing truck could be kept and buy a new truck with just the side arm pick-up; the old truck could be used for dumpsters and large items. Our present truck could use flex fuel. Deputy Mayor Gee needs numbers for equipment purchase to use for his grant application.
- Brush Policy – the brush policy was cited in the draft of the 2009 Weekly Garbage and Refuse Collection/Recycling Calendar provided by the Village Clerk and reviewed completely. It was agreed that in #6 of the Leaf, Brush and Debris policy, a sentence should be added saying: “If yard waste is generated outside of scheduled general collection period – Please call the DPW to make arrangement for pick-up – Charges may apply. It also was agreed that #11 should read: “Landscape contractors (and similar year-related contractors) performing work for village residents must obtain a permit from the Village and get a signed statement from the homeowner in order to be allowed to use the DPW Brush Recycling Center for the resident's yard clean up. Attorney Skivington will draw up a “Resident Verification of Contractor” document to be used. Consensus of the Board was that with these changes the policy is acceptable.
- Lawnmower damage – a letter and bill from the resident at 76 Main Street was addressed. A metal post was left in the yard down in the grass during the sidewalk project and was hit by the resident's lawnmower as she mowed. DPW Supt. Taggart had previously indicated it was the Villages fault and her bill for repair of her mower should be paid. The Board agreed. Treasurer Martin will write a check for payment.

#### TREASURER

BEVERLY MARTIN provided copies of the Abstract of Audited Vouchers dated Sept. 2008 – Oct. 2008 and a proposed modifications to the current 2008-2009 Village Budget dated: 10/14/2008 (on file). Upon the Treasurer's request, the following actions were taken:

- Pay Bills

MOTION: made by Trustee Contestabile seconded by Trustee Bryant to approve bills from 9/12/2008 to 10/15/2008 on abstracts 13 to

16.

VOTE: 5-0. Carried unanimously.

- Set Public Hearing – Update “The Code of the Village of Scottsville”.

MOTION: made by Trustee Bryant seconded by Trustee Contestabile to set a Public Hearing on Nov. 11, 2008 at 6:45 P.M. to appropriate funds from Reserve for Codification in an amount not to exceed \$2,400.00 to update the Code of the Village of Scottsville. VOTE: 5-0. Carried unanimously.

- Proposed Budget Modification

MOTION: made by Deputy Mayor Gee seconded by Trustee VenVertloh to approve the Modifications to the current 2008-2009 Village Budget as written, dated 10/14/2008, General Fund – Total increase in Appropriations \$29,281.80., Total increase in Revenues \$29,281.80.

VOTE: 5-0. Carried unanimously.

## TRUSTEES

### TRUSTEE RICK VENVERTLOH

- Mayor Souers gave Trustee VenVertloh a grant opportunity letter from Genesee Transportation Council. Applications are due October 24. Ideas for project possibilities were visited. If possible, Trustee VenVertloh will work to get an application done in time.

### DEPUTY MAYOR PAUL GEE

- Johnson Park Pavilion project – Deputy Mayor Gee reported that there has been significant work done on the pavilion this past week. Genesee Building Restoration indicated they will continue to work on it. Deputy Mayor Gee said this project has been a lesson learned; too many assumptions were made about work being done. He suggested that in the future three references from other customers should be required. Paving and brick work will be done at the park in the spring. The Scottsville Lion’s Club will paint the building when the contractors are finished. A ribbon cutting will be scheduled with State Officials invited. There are many items at the pavilion that need to be re-done; such as the water fountain & plumbing and the swing of stall doors to make the bathrooms ADA accessible.
- Recycle Grant – Trustee Gee needs to have preliminary costs for equipment that recycle grants could be applied for. Funds for the loader and garbage truck were possibilities.

### TRUSTEE CHARLES BRYANT

- Signage at 22 Main St. – Trustee Bryant created images of four sign concepts of Village/Town signage at 22 Main St. The four images were looked at by Office Staff unanimously voted that #4 blended well with the building. The images were then given to the Town Board for review. Although the four options were given by Trustee Bryant with any adjustment possible, Supervisor Dobson has indicated that her concept is for “Village of Scottsville Office” and “Town of Wheatland Office” lettering simply be put along the recessed roof lines over each office area on the front of the building.
- Triangle Scottsville Welcome Wall is a work in progress. Costs are mounting with the materials initially chosen, so Trustee Bryant is reworking portions of the plan. In-house work can reduce the cost. Per Mayor Souers: the idea is to have Village entrance signs resemble the welcome wall and Historic District signs. As previously agreed with the DPW Supt., much of the work to install those Village entrance signs can be done by our DPW.

### TRUSTEE LINO CONTESTABILE

- No report

### MAYOR MICHAEL SOUERS

Mayor Souers passed out a sheet with three issues for discussion on it: NESSD, Building Department and Recycle Calendar.

- Code Enforcement contract – Mayor Souers opened discussion on the Town of Wheatland’s request that the Village pay 37% of the cost of the Building Inspector’s Office (which represents the Village having 37% assessed value of the town). Per Attorney Skivington: the Village is now paying approx. \$21,000. which is approx. 40% of the Building Inspectors Salary. The Town is now asking the Village to pay 40% of the overall cost of the Building Inspector’s Office which is approx. \$45,000. When the Village entered into the original idea of having a joint Building Inspector, it was that the village will pay part of his salary and in a few years that will be rolled into the Town wide taxes. After lengthy discussion it was decided that Attorney Skivington will write a letter indicating that:

- The Village Board’s preference of funding the Building Inspector Department is out of Town wide taxes as originally stated by the Town.

- The Village will contract paying \$6,000. more per year beginning June 1, 2009 (from \$21,000 to \$27,000) with the possibility of taking duties back into the Village Office.

secretarial

There will be a meeting set up with the Town Supervisor, Town Attorney, Village Mayor and Village Attorney to review this matter.

- NESSD – Per Mayor Souers: the Town would like to go to being charged 13% of the flow for NESSD instead of on a “per unit” basis. Mayor Souers read and reviewed his brief synopsis of the NESSD, asking that the Board members look at it and send him their thoughts. At a recent meeting, John Glavin, Town Attorney, stated that it was actually illegal to charge per unit, and that, based on Town law that says any inter-municipal agreement must be fair and equitable to both parties. The Town’s position is that the contract is illegal and they are contesting it. Mayor Souers is trying to point out that it has been fair for 40 years and they agreed to that, and now since 2006 they say it is not fair. Mayor Souers read his synopsis(on file). There was discussion and agreement re: if the pump station isn’t built, Pump Station Reserve money that the town put in, will go back to them. After discussion it was decided:

- Attorney Skivington will draw up a draft letter to inform the Town of Wheatland that the 2009 NESD contract will not be changed at this time (will remain at \$64,010.) and the Village will investigate a possible fairer way of charging if they request a comparison be done.

- Full Moon Concert dates are: June 6 and July 11, 2009

- Summer fest 2009 date is: August 15, 2009

- Ameritherm – Mayor Souers cited a letter he sent to Stan Rodwin dated: 9/2008. Mr. Rodwin requested that the Village of Scottsville be listed as lead agency on a SEQR

(Department of Environmental Conservation) because Ameritherm needs to apply for a SPEDES permit. They want to use water directly from Oatka Creek instead of paying unit price for Monroe County water for their cooling process. The water would be exclusively used for cooling through pipes and returned to the creek unchanged. Mayor Souers has agreed to their request over the phone and sent Stan Rodwin necessary information in the 9/30/08 letter (on file).

#### OLD BUSINESS

##### NESD – Town of Wheatland

MOTION: made by Trustee Bryant seconded by Trustee Contestabile to authorize the Mayor to sign the contract with the Town of Wheatland for the NESD coverage from January 1, 2009 – December 31, 2009 in the amount of \$64,010.

VOTE: 5-0. Carried unanimously.

##### Community Gospel Church Sewer hook-up

Mayor Souers reviewed a letter received from Rev. Greg Mullin from the Community Gospel Church, 693 Browns Road, Scottsville, New York 14546 dated Sept. 26, 2008, indicating that the Church is now agreeing to pay MRB \$1,260.00 for a study to determine the feasibility of connecting Community Gospel Church's existing building and the new construction site to the village sewer system. Rev. Mullin will be in contact with MRB.

#### NEW BUSINESS

Mayor asked that the Board please attend the Main Street Public Presentation on Sat., Nov. 1, 2008 at 9:30 A.M. at the Municipal Bldg, Conf. Room A. A presentation will also be given to the Planning/Zoning Board on Wed., Oct. 22, 2008 at 7:00 P.M. Conf. Room B.

#### PARK PERMIT

MOTION: made by Deputy Mayor Gee seconded by Trustee Bryant to approve the park permit from Ann Bayer, T.J. Connor School, Friday Night, October 24, 2008 – School storytelling. VOTE: 5-0. Carried unanimously.

#### ADJOURNMENT

MOTION: made by Deputy Mayor Gee seconded by Trustee VenVertloh to adjourn the meeting at 10:32 P.M. VOTE: 5-0. Carried unanimously.

Submitted by,

Elaine M. Driscoll  
Village Clerk