

VILLAGE OF SCOTTSVILLE
BOARD OF TRUSTEES MEETING

Minutes of Meeting
Tuesday, September 8, 2009

CALL TO ORDER: Mayor Michael Souers called the meeting to order at 6:42 P.M.

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL:

Present: Mayor Michael Souers, Deputy Mayor Paul Gee, Trustee Lino Contestabile, Trustee Rick VenVertloh, Trustee Elizabeth Murray and Recording Secretary Elaine M. Driscoll Village Clerk.

Also Present: Attorney Peter Skivington, Treasurer Beverly Martin, Deputy DPW Supt./Chief Operator WWTP Steve Farrell, Communication Director Edie Cornish, Dave Hellaby D&D's owner, Park Applicant Nicholas Pryor & Gary Wurzer, and residents Sara Kloos and Tom Kakaranatzas

APPROVAL OF MINUTES

MOTION – Approval of Tuesday, August 11, 2009 Meeting

Made by Deputy Mayor Gee seconded Trustee Contestabile to approve the minutes of the Tuesday, August 11, 2009 Village Board Meeting as submitted.

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

PUBLIC HEARING – None

PUBLIC BEFORE THE BOARD

Nicholas Pryor and Gary Wurzer were in attendance to explain their application to rent Johnson Park Pavilion Sat., September 19, 2009 from 3:00 – 9:00 P.M. (last band 8:00 P.M.), for a Memorial Music Festival. Mr. Pryor indicated that the occasion is being planned to benefit the Wurzer family whose father passed away in August. They are planning to have 10 bands play and some vocal acts, each approx. ½ hour. They believe the festival will give a good economic boost to the town and be an overall fun Sat. The application indicates they expect approx 200 people, but not all at one given time. They will set the bands up in the pavilion to deter sound spill and keep the amps down to attempt keeping the noise controlled. There will be no alcohol

allowed. They and the Mayor will inform the Monroe County Sheriff's Dept. of the event to encourage MCSD presence occasionally. Per Mr. Pryor: they will strive to put a good message across about such an event with the hopes of being able to do it again in the future. The Community Watch Group will be notified of the event and some of the Board members indicated they will stop by. Since this was the only Park Permit application, the following action was taken at this point in the meeting:

PARK PERMITS

MOTION: made by Trustee Contestabile seconded by Deputy Mayor Gee to approve the Johnson Park Permit for Nicholas Pryor, 31 W. Grenadier Rd., Saturday, September 19, 2009 – Benefit for the Wurzer – Family-Memorial Music Festival.

VOTE: 5-0. Carried unanimously.

ATTORNEY PETER SKIVINGTON reported on the following issues:

- Hellaby purchase request – Dave Hellaby, owner of D&D's, was present to go over his request to purchase land that is presently owned by the Village of Scottsville. Mr. Hellaby had a survey done of the 26 Caledonia Avenue property at his expense; survey is dated 12/11/08. At present he is operating under license agreement with the Village for parking lot area. The property that Mr. Hellaby is interested in purchasing is about 1/3 of the piece of property the Village owns. Per Attorney Skivington: the neighbors to the South, the Vendeville's, have shown concern re: the accuracy of their Northern boundary line. He will send them a copy of the survey map to compare with their map. In the past the Village had an appraisal done by a realtor for the entire piece of Village owned property; it was valued at \$3,500.00. Deputy Mayor Gee indicated that it is possible that some of the property may fall in the "wetland" area. Building Inspector, Terry Rech, should have a map that would clarify that. For clarification, Attorney Skivington said that a license agreement goes until the Village withdraws. Mayor Souers thanked Mr. Hellaby for attending the meeting and told him the issue would be addressed at executive session later in the meeting.
- Farm Animals Law – Attorney Skivington provided the latest drafted "Farm Animals" local law titled "Farm Animals", Chapter 54, Article III (on file) upon the request of the Village Board. Copies were given to the Board members. The draft was reviewed section by section. The new law says that chickens could be allowed with a Special Use permit granted by the Planning Board. In section 24 there are guidelines for the Planning Board to use. The permit would need to be given on a case by case basis. The Planning Board had previously determined that the first update of the Local Law Farm Animals Chapter 54 Article III, done by Attorney Skivington, should move forward, with no changes to the wording; thus prohibiting all farm animals in the Village of Scottsville. Trustee Contestabile will take this newly drafted law to the Planning Board for review and comment.
- "Family definition" was revisited in conjunction with the use in our code where it says, "single family dwelling", "single family" use etc. A family definition was Amended 2-11-1997 by L.L. No. 1-1997 saying: "One or more persons related by blood, marriage or adoption, living and cooking together, exclusive of household servants; a number of

persons living together as a single housekeeping unit, although not related by blood, adoption or marriage, shall be deemed to constitute a family unit". After lengthy discussion re: different living arrangements; rooming houses, etc., and the intent of any further code change, it was decided that Mayor Souers and Deputy Mayor Gee will meet with Building Inspector Rech to possibly get information to come up with better regulations for college dormitory type living, etc., which would help the Building Inspector control different housing arrangements. The information that is gathered will be relayed to Attorney Skivington.

- Inter-municipal Agreement – Workers’ Comp. Resolution – Attorney Skivington has reviewed the Inter-municipal Agreement for the members of the Upstate NY Municipal Workers Compensation Program and the requested resolution and has determined it is in the best interest of the Village to approve it.
- Swann Property – 21 Scott Crescent variance issue was discussed. The Swann’s have until the end of September to satisfy their variance. The variance that was given for the larger porch will no longer be in effect after that and the Board will have to decide if the building is to come down. There is a court date re: stop work order, in the first part of October where fines will be considered again. The fines of \$2000 - \$2500 were to be taken into account if the building was brought up to specs, etc. before the court date. Attorney Skivington will be in contact with Mr. Swann’s Attorney to remind everyone of possible results if work is not fulfilled.
- License Agreement – Kakarantzas, 77 Diana Drive - Attorney Skivington explained Mr. Kakarantzas’s request is to install fence closer to the easement than required. He clarified that the license agreement conditions would be that if the Village ever needs to use the easement to get into the right of way, it would have the right to remove the fence and if the fence is relocated again it would be outside the easement. Tom Kakarantzas was present and introduced to Attorney Skivington. Mr. Kakarantzas reviewed the concept of redirecting the pedestrian sidewalk that goes through his back yard. The concept of moving the sidewalk was discussed at a meeting that the Mayor had last week with representatives from Pathstones (Briarwood Place), Monroe County Sheriff’s Dept. Captain, and several Diana Drive residents. The meeting was held to talk over problems that have been coming out of Pathstones; such as noise, rock throwing at dogs, etc. At the end of that meeting, there was discussion re: changing the direction of the sidewalk. The residents are very worried that if the sidewalk is made straight, and puts a gateway in the direction of Pathstones, it will direct the flow of pedestrian traffic even more and create added problems. The neighboring residents are not in favor of the sidewalk being straightened. After a lengthy discussion Attorney Skivington recommended that Mr. Kakarantzas have a surveyor or engineer look at the options of moving the sidewalk and present a proposal to the Village for consideration. Mr. Kakarantzas will look into getting a surveyor to check out moving the sidewalk then come back for Board review and/or license agreement approval for the fence.

COMMUNICATION DIRECTOR

EDIE CORNISH was present to do her report on the following issues:

- County & State website listing – Ms. Cornish has accomplished having Monroe County and the State of New York list Scottsville on their websites.
- Full Moon Music Series – advertising is being done in the Sentinel, D&C and Genesee Valley Penny Saver for last Full Moon Music Series on Sat., Sept. 12, 2009. Blue Rock Band will play at the Legion at 7:00 P.M. in conjunction with their “Annual Corn and Sausage Roast”.
- Welcome to Scottsville Tri-Fold – Ms. Cornish will email the proof of the “Welcome to Historic - Village of Scottsville” information tri-fold that she is updating. She welcomes suggestions.
- “Pride in Scottsville” – Per Mayor Souers: at his & Trustee Murray’s initial talk with Ms. Cornish, things to accomplish over the next year were discussed. “Pride in Scottsville” was one of the topics. Having t-shirts and caps with “Village of Scottsville” on them was one of the targets. Another item that needs to be targeted is signage coming into the Village. Mayor Souers set up a meeting with Trustee Murray and Ms Cornish for this Thursday night at 6:00 P.M., at which the “Pride in Scottsville” issues will be discussed and the design of the entrance sign that is planned to be put on the Village property at rt. 383/Grove Street. Attorney Skivington will find out about tax ramifications of selling “Village of Scottsville” apparel, etc.
- Newsletter – Ms. Cornish has a final newsletter that she requested be reviewed before going to press. She will be in contact with EMS Chief Jarrett to possibly get acknowledgement of CPR classes in this issue.

VILLAGE CLERK

ELAINE DRISCOLL reported on National Grid’s trimming of trees policy and recommended Trustee Murray be in touch with Laurie Mastin at National Grid who would be a great source of information for her tree project. Trustee Murray’s next meeting re: trees, will be held on Tuesday, September 22, 2009 at 6:30 P.M.

BUILDING INSPECTOR

TERRY RECH was not present but previously submitted his report dated: 8/1/09, with nine (9) permits listed (on file). Mayor Souers met with Terry Rech yesterday and went through:

- 1 Main is still on a Stop Work Order due to State Workers Comp. issues. There is also an issue re: sprinkler systems.
- 7 Wyvil Ave.–there are no inspections done because work was done and items to be inspected were covered–they need to open to allow inspections. There is no C of O.

WASTE WATER TREATMENT PLANT

CHIEF OPERATOR STEVE FARRELL previously submitted via: email, his written report dated: August 11, 2009 (corrected to Sept. 8, 2009) with seven (7) items of interest listed (on file). The report was reviewed and the following issues were discussed:

- NYSERDA – copies of an email from Brian Vattimo re: sewer plant recommendation for energy conservation and funding through NYPA project, were given to the Board members. The email indicates that energy consumption is very low at the WWTP and the best upgrade has been done by installing fine bubble aeration and addresses funding possibilities. Any decision to work with NYSERDA on these projects will wait until final decisions are made on the Pump Station. The email is on file for future reference.

DEPARTMENT OF PUBLIC WORKS

DEPUTY SUPERINTENDENT STEVE FARRELL previously submitted his report via: email, dated: September 8, 2009 with 13 items listed for review (on file). The following items were discussed:

- Crosswalk Painting and Street Sweeping – All crosswalks in the Village were painted by the Village of Spencerport. The only expense was to purchase the paint. The Village of Caledonia DPW comes in to sweep the streets that have been oiled and stoned. The DPW see that those departments are thanked.
- Sidewalk installation on Beckwith will be completed in approx. 2 weeks. Attorney Skivington will draw up necessary easements for Browns Ave. sidewalk installation after Deputy Supt. Farrell provides him with a map with specs. Building Inspector Rech should be able to provide a GIS map. The sidewalk is to go behind the row of trees on School property.
- Street Light Outages – There was discussion re: How to get street lights replaced. Resident Sara Kloos was told to report the pole number and address closest to the pole to the Village Office and they will report it to National Grid. Many outages on Main Street and elsewhere were reported today.
- Tree inspection – Marty from Terry Tree and DPW Deputy Supt. inspected some trees in the Village that will be trimmed, removed and/or replaced. At the locations where trees will be removed, residents will be notified. Terry Tree will do schedule trimming in sections. There was question if trees could be given to homeowners to plant on their property and not in right-of-way. It was the practice in the Village at one time, but most likely during the time that the Village started sapling at the DPW and the trees cost was minimal.
- Festival went well this year. DPW used its own barricades. There was an after festival meeting on Wed. Sept. 2nd. Sharlene Reeves will be sending out minutes soon.
- Employees – Per Doctor slip: Dan Walzer will return to work on the 21st of September without limitation. The last day for summer help was last Friday. Hiring a person for the

Fall leaf season or early next Spring was discussed since there is money left in the budget.

- DPW Sold Equipment – All the equipment that was sold is now transferred over and removed from the Village.
- One Ton Dump Truck (without plow) replacement will begin soon by getting prices etc.
- Grenadier tract drainage project is completed with good flow. Residents indicate they are pleased with outcome.
- Signs – DPW have and will be replacing various vandalized signs throughout the Village. Most signs have been tipped out with cement base attached and left which the DPW can simply re-install. Monroe County Sheriff have been notified of the problem.
- Armed Garbage Truck is working out great. Some education of residents is yet to be done. The truck, without the use of the automatic arm, is being used for collection of recycling
- Loader bucket is being replaced by Liftech free of charge because there are stress cracks in it. The bucket that came with the loader was different than the one the DPW expected to get. The replacement will be a better bucket.

TREASURER

BEVERLY MARTIN provided copies of the Aug.-Sept. 2009 Abstract of Audited Vouchers.

- PAY BILLS

MOTION: made by Trustee Contestabile seconded by Trustee Murray to approve bills from 8/14/09 – 9/12/09 on abstracts 9 to 12.

VOTE: 5-0. Carried unanimously.

- Workers Comp. Resolutation – Inter-municipal Agreement

MOTION: made by Trustee Contestabile seconded by Trustee VenVertloh to approve the Inter-municipal Agreement for the members of the Upstate NY Municipal Workers Compensation Program of which the Village of Scottsville is a participating Member.

VOTE: 5-0. Carried unanimously.

- NYCOM Seminar - Treasurer Martin will be attending the NYCOM Seminar Sept. 21 – 24th. She will get information on the anticipated increase in the cost of New York State Retirement. The issue of setting up a “Reserve for Retirement” was discussed.

TRUSTEE REPORTS

TRUSTEE RICK VENVERTLOH reported:

- North Road sidewalk update – Trustee VenVertloh will follow up with Monroe County DOT Program Development to get information of where the North Road sidewalk project stands. Upon suggestion from Mayor Souers, he will also try to see where the Rochester Street sidewalks project stands with NYSDOT since there have been surveyors out doing work. He will email the Board with any information he gets.

DEPUTY MAYOR PAUL GEE reported:

- Johnson Park Pavilion – Per Deputy Mayor Gee: Genesee Building Restoration is 99.9% finished with the work. Final contingency payment (approx. \$3,000.) will be made to them minus plumbing bills, when the State paperwork is approved. The Lion's Club of Scottsville is working on the exterior; replacing exterior wall board, painting, etc.
- Parks Master Plan – Deputy Mayor Gee is in the process of doing an update to the Parks Master Plan. He has had much input from residents through the years to consider.

- Contract for 2009 CDBG-R Sewer and Sidewalk Projects

MOTION: made by Deputy Mayor Gee seconded by Trustee Contestabile to pass a resolution to accept the Monroe County Community Development Block Grant (GDBG-R) award number B-09-US-36-0002, award year 2009 in the amount of \$73,361.00, and to authorize the Mayor to sign the contracts and certifications.

VOTE: 5-0. Carried unanimously.

Per Deputy Mayor Gee: this project is for sidewalks from Second Street to Beckwith Avenue and Beckwith Ave. to Rochester Street, and sewers from Second Street to North Road. Part of the project is TVing the sewer line.

TRUSTEE LINO CONTESTABILE reported:

- POD Recruitment - Trustee Contestabile has met with the Communication Director to plan ways of getting recruits for the POD/Emergency Preparedness. People are needed to man stations, traffic control, etc. Information about the POD program and needed staffing will be put on the website. There will be sign-up sheets in various locations. It was suggested that both Town and Village Communication Directors work together to get the information out.
- The next POD meeting will be September 16, 2009 at the Fire Facility at 7:00 P.M.
- CNC – Wireless Broadband – Trustee Contestabile has not heard back from CNC who is doing a proposal for the Village to get a grant for Wireless Broadband Coverage. The next round of funding is November 14th, so our information needs to be in by then. He will pursue the issue with them to make sure we are proceeding.

TRUSTEE ELIZABETH MURRAY reported:

- Forestry Maintenance Committee met for the first time on August 18, 2009. Trustee Murray previously emailed minutes of the August 18th meeting and a tree project flow

chart (on file), to all concerned, which she proceeded to review. Getting an updated tree inventory, possibly using the GIS program, has been discussed. The DPW has done a drive through inventory with Terry Tree recently to schedule work to be done. The Mayor advised that future tree inventory/survey should be coordinated with the DPW and Terry Trees. Terry Tree is to provide a report on their recent tree inventory. Funding to hire an arborist and setting up a budget for the tree maintenance was discussed. The next Forestry Maintenance Committee meeting will be on September 22, 2009.

- Economic Development Committee – The next meeting is scheduled to be on September 17, 2009. Greg from Genesee Regional Fingerlakes Planning Council has sent out a draft form matrix which has incorporated all information that has been collected in past months which is taking it to the final part of phase one which has been a collection of goals, action items and creating implementation schedules. Per clarification of Town Supervisor and Councilperson Ed Shero: the group that is meeting now is considered a task force. The Economic Development Commission is no longer in existence. Supervisor Dobson is hoping that people currently on the task force will stay committed to the process and stay with the task force as they enter into phase two which is more of actual implementation. The large group would meet quarterly with small groups working on tasks of specific items. Trustee Murray has indicated to Supervisor Dobson that she would like to remain involved. When she receives the final matrix she will distribute it to Board.
- Main Street Committee on August 15th and will be meeting again this Thur., Sept. 10th. Issues mentioned were:
 - Planters around trees on Main Street
 - Fall information letter to Main Street people
 - Address businesses re: recycling properly
 - Amy Rose Pizza is now recycling using two toters
 - Met with South Wedge Executive Director Bob Boyce who gave great information. He would be willing to speak at a Main Street Committee meeting
 - Setting up a budget for Main Street should be addressed.
- Chamber of Commerce – Geoff Woerner is President of the Chamber of Commerce this year.

MAYOR

MICHAEL SOUERS reported:

- I&I & Pump Station Applications – both applications are in now with Rural Development. Pump Station was finalized and sent in a week ago. There has been notice on the I&I application from JoAnn Keller of Rural Development. Her letter said the Village was ineligible for money based on the application as submitted. Operation & Maintenance costs and per unit usage total amounts seem to have been mistaken. Mayor Souers is working with Mary Chappell, Municipal Solutions and Dave Willard, MRB to do a revised application. It is imperative to get I & I information right because the pump station review will be next. Per Mayor Souers: if we didn't get an I & I project approval we would just keep doing what we can. But if we don't get RDA approval on the Pump

Station application, we know it's going to be cost prohibitive for a 20 year Bond, instead of a 38 yr. bond from RDA. A County map re: the CGBD Block Grant area will be included in the revised application.

- MRB Proposal – Pump Station Services – Per Mayor Souers: the two applications that the Village has put into Rural Development have taken MRB more time than anticipated and was not allocated in their proposal. Mary Chappell is under contract to do the job whatever work is needed, but it is becoming necessary for MRB to do extra work that wasn't in their proposal. They are proposing a retainer fee of not to exceed \$1,500.00 per month to get through the extra application work that Mary Chappell & Rural Development want done. The Mayor will set up a meeting with MRB after Sept. 21st for discussion.
- NYSDEC Water Quality Improvement Program Grant Application Mayor Souers explained that the issue was tabled from the August Village Board meeting in anticipation of hearing something positive from Rural Development re: the I & G grant application. Because this hasn't happened, it is more important to go for one more grant opportunity for the pump sta. The NYSDEC Water Quality Improvement Program Grant Application would have to be approved tonight being that the due date is before the next meeting. After considerable discussion and many concerns about the possibility of getting this grant, the following action was taken:

MOTION – NYSDEC Water Quality Improvement Grant Application

Made by Trustee Contestabile seconded by Trustee VenVertloh to approve the Mayor to sign the agreement for the NYSDEC Water Quality Improvement Program Grant Application to be written & submitted by MRB Group in the amount of \$1,880.00 per proposal, dated: 8/10/09.

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

- Main Street Planters – Per Mayor Souers: a design is being drawn for planters around trees on Main Street. At present there are seven trees to have planters. Three bids will be requested before the next meeting. The plan is to have them made, but perhaps not put in place until next spring.
- Briarwood Place – Pathstone – Mayor Souers recently had a meeting with Pathstone - Briarwood place, MCSD Captain and neighboring residents to discuss problems coming out of the complex such as neighboring residents dogs being taunted, kids are throwing rocks at houses from the tracks, rocks being thrown into pools, basketball playing & noise long into the night, vulgarity & firecrackers, some drug activity and a sex offender recently living there, etc. The meeting went well. The drug house and the sex offender have been evicted. The basketball net may be moved to the center of

Briarwood Place rather than on the edge toward Diana Drive. The Mayor will meet with Pathstone's Site Manager, Teresa Petisi, tomorrow for a walk through at Briarwood Place and then go into the Village Office to meet the Office Staff. Ms. Petisi has agreed to stop in or call the Village Office once a week to get any reports concerning their complex. The hope is these meetings and continued contact will create better communication and alleviate some of the problems. Housing Opportunities changed to Rural Opportunities a couple years ago, and just recently changed to Pathstone.

- Cool Rochester – Mayor Souers explained that “Cool Rochester” is a new environmental program that a coalition in the city started. Mayor Souers and Trustee Murray met with representatives last week. They are looking for communities to partner with them. He has indicated that Scottsville is a willing partner. There is no monetary obligation. The only legal obligation is to sign saying that you will encourage residents in your community to do the right thing and include information in your newsletter and on your website. There is a meeting Tuesday, September 15, 2009 at 8:00 P.M. The Mayor will keep the Board informed re: the program.

NEW BUSINESS

- Contracts

- MOTION – NESD Contract

- Made by Trustee VenVertloh seconded by Trustee Contestabile to authorize the Mayor to sign the contract with the Town of Wheatland for the NESD coverage from January 1, 2010 – December 31, 2010.

- VOTE: 5-0. Carried unanimously.

- MOTION – Town of Wheatland Fire District

- Made by Deputy Mayor Gee seconded by Trustee Murray to authorize the Mayor to sign the contract for Town of Wheatland Fire District coverage for January 1, 2010 – December 31, 2010 in the amount of \$176,883.00.

- VOTE: 5-0. Carried unanimously.

- MOTION – Town of Chili Fire District

- Made by Deputy Mayor Gee seconded by Trustee Contestabile to authorize the Mayor to sign the contract for the Town of Chili Fire District coverage from January 1, 2010 – December 31, 2010 in the amount of \$22,710.00.

- VOTE: 5-0. Carried unanimously.

MOTION – Code Enforcement – January 1, 2009 – December 31, 2009

Made by Trustee Murray seconded by Deputy Mayor Gee to authorize the Mayor to sign the agreement with the Town of Wheatland for Code Enforcement, Building Inspection, Fire Marshal Services and Zoning and Planning Advisory for the Village for the year, from January 1, 2009 through December 31, 2009 in the sum of \$26,981.00.

VOTE: 5-0. Carried unanimously.

EXECUTIVE SESSION

MOTION: made by Deputy Mayor Gee seconded by Trustee Contestabile to enter into executive session to discuss personnel and real estate matters at 9:46 P.M.

VOTE: 5-0. Carried unanimously.

MOTION: made by Trustee Contestabile seconded by Trustee Murray to adjourn executive session and enter regular session at 10:20 P.M.

VOTE: 5-0. Carried unanimously.

ADJOURNMENT

MOTION: made by Trustee Contestabile seconded by Deputy Mayor Gee to adjourn the meeting at 10:21 P.M.

VOTE: 5-0. Carried unanimously.

Submitted by,

Elaine M. Driscoll
Village Clerk