

PUBLIC HEARING – AUGUST 14, 2014

Mayor Reynolds called the Public Hearing to order at 7:00 p.m. with the Pledge of Allegiance. Also present were Deputy Mayor Lockhart, Trustees Adamson, Comerford and Sutor, Attorney Caserta, DPW Superintendent Muller, Police Chief Salada, Building Inspector Stevens, Engineer Lannon and several residents.

Mayor Reynolds read the proposed Local Law 1-2014, adding Chapter 113, Hunting to the Village Code and states the following:

CHAPTER 113 HUNTING

Section 113-1 HUNTING, FISHING AND INJURING WILDLIFE

No person, unless otherwise authorized by law shall hunt within the limits of the Village. Hunting shall be defined as to pursue, shoot, kill or capture (other than a trap) wildlife and includes all lesser acts that disturb or worry wildlife whether or not they result in taking. Hunting also includes all acts to assist another person in taking wildlife.

Penalties for offenses (from Section 112-2 Firearms)

Any person violating any of the provisions of this chapter shall be guilty of a violation and upon conviction thereof shall be punishable by a maximum fine of \$250. or by a term of imprisonment of not more than 15 days or both.

Mayor Reynolds asked for questions or concerns from the public. An unidentified man asked if the law included the discharge of bows and arrows. Mayor Reynolds stated it did and Attorney Caserta proceeded to read CHAPTER 112 FIREARMS. With no further questions or comments, the Mayor moved on to the public portion of the meeting.

Mayor Reynolds asked for public comment. Donna Huggins of Main St. reported seeing children playing at Falkner Park and that no cross walk signs were in that portion of Main St. for children to cross the street safely suggesting sandwich signs be placed to alert drivers of children in the area. Mayor Reynolds and Trustee Adamson stated there is a crossing area marked out for pedestrians. Superintendent Muller stated the marked area may have been paved over when the County recently did paving work on Main St. Trustee Adamson will work with the Recreation Department on this matter as the summer program is held in Falkner Park.

Kent Frey of 565 Water St. stated he is doing a small project on his property and had received a stop work order. He stated that he thought he was in compliance and asked what his next step should be. A discussion took place regarding the fence replacement and which was moved onto Village property and the additional step added which Mayor Reynolds stated was never mentioned in the plans or was it agreed upon. The fence height was discussed as well as the landscaping. Contractor Dan Tompson stated a backhoe had been brought in to remove approximately 2 feet of dirt which backed up to the old fence. Trustee Adamson stated the old fence was close to the property line but the new fence was moved up the slant of the property. He added that the Board had been advised by Mr. Frey that the new fence would go where the old fence was. Mr. Frey expressed concerns of the tram, the stairs and safety issues. Mr. Bloom, landscaper for the project also added the work was improving the area. Deputy Mayor Lockhart stated that at the May 29, 2014 meeting, the Board had approved a single parking space. He then stated that two railroad ties were removed, a gate was installed but was never mentioned at that meeting and now the stairs and tram are on 1 foot of Village property. The Board had concerns of pedestrian safety and a possible walking path on Water St. may be installed in the future. The Deputy Mayor also stated there were three cars parked at the aforementioned area, jamming up the space. Mr. Frey and his wife stated they had not parked there and the cars were not theirs. Mr. Bloom added it is an improvement from what was there and stated other residents have gone over their property lines. Deputy Mayor Lockhart stated the corner is problematic and there is

encroachment, referring back to the May 29th meeting and stating the solution is to go back to square one, the corner is too jammed up. The discussion continued with Mr. Frey adding the access is not safe and the fence is to alert people there are steps. Trustee Adamson expressed his concerns of safety and the steps. Further discussion took place regarding Village code. Deputy Mayor Lockhart reported the resident living at the property then, came to the Board in 1987 for permission to install a 3 ½ foot fence. The then mayor, Norman Swann and the Village Board approved the site plans. Deputy Mayor Lockhart stated if Mr. Frey had presented site plans, this could have been prevented. Mr. Tompson discussed the matter of a permit. He stated he discussed the project with the Building Inspector in passing at the Village Hall. Also discussed was that of Village liability. Building Inspector Stevens suggested the matter be tabled so that he, Mr. Tompson and Mr. Frey may work on another plan, taking the fence to the height of the gate, taking out some of the stairs and have Mr. Bloom put in drainage. Jack Bush of Third St. added that Building Inspector Stevens suggestion is straight forward and that a plot plan should be presented to the Board. Area resident Mr. Jenoscheck stated the view of the waterfront is now blocked. He suggested a chain link fence should have been installed for view access and for safety. Mayor Reynolds stated no final decision will be made tonight as the matter will be tabled until Building Inspector Stevens works with Mr. Frey for an agreeable solution. The matter will then be brought back to the Village Board. Trustee Adamson was concerned with a hole on the property. Mr. Bloom questioned the filling of the hole if there has been a stop work order issued. When Attorney Caserta was asked about the matter, he stated it was permissible to fill in the hole for safety reasons in light of the stop work order.

Bruce Paepow distributed plans to the Board to convert his motel property into four apartment units. Mayor Reynolds advised him to see Building Inspector Stevens regarding the matter.

Karen Noonan of the Historical Society announced the Youngstown Heritage Tours will continue this coming Saturday night with a walk on Water St. Two more walks will follow in the future with Falkner Park as the gathering spot to start the walks. Mayor Reynolds stated he had participated in the first walk which was very interesting and enjoyable. He then thanked Mrs. Noonan and those involved with the planning.

George Olinski of 235 Main St. expressed concerns that the access road known as Ferry St. to the Niagara River may be closed due to some recent controversy between the Youngstown Yacht Club and the Village. He stated this would affect four properties belonging to Norm O'Brien, Bill Joseph, the Olinski's and the gazebo property. This right of way is listed on the deeds all of the properties named. Mr. Olinski stated any change would affect the property values. He requested attention be directed to this matter. Deputy Mayor Lockhart asked Mr. Olinski to leave his phone number and address with the Clerk before leaving the meeting so he can be reached for further discussion.

Mona Lockhart of Oak St. referred back to the Frey property discussion, stating the fence currently used does not match the landscape, suggesting a split rail fence. Mayor Reynolds stated the Board will discuss the height and type of fence when they meet with Building Inspector Stevens.

Building Inspector Stevens stated he will start giving more detail regarding his monthly report at Board meetings instead of just stating his report has been submitted. He reported the building permit application form has been updated after working with the Assessor and Village Clerk to make it more user friendly. Six permits were issued with an estimated value of \$16,458. for the work and \$210.00 in fees collected. The Building Inspector then added to the previous conversation stating the water district is a sensitive area and must be cared for. He stated he is getting information on ground cover suitable for the riverfront area and will be putting together an information packet together with the waterfront homeowners. Deputy Mayor Lockhart stated a pro-active approach must be taken for bank stabilization and foliage suitable for the area. He stated the first steps are being taken for erosion prevention and our arborist can assist in the appropriate plantings. While talking about foliage, Trustee Adamson asked about a cleaning of the 409 site. DPW Superintendent Muller reported the site has been cleaned.

Police Chief Salada submitted his July report. 230 patrol hours were worked, 670 patrol miles logged, 16 Village calls, 14 Town of Porter calls, 15 calls outside the Village, 4 UTT's were issued, 8 parking tickets issued and no arrests were made. The Chief also reported that Niagara County will provide five new radios at no cost to the Village and a \$500. donation has been made to the Police Department for purchasing a camera. Chief Salada also reported he is looking for grants to purchase a new patrol car.

DPW Superintendent Muller reported street paving has been delayed due to the shared machinery used by area municipalities is broken. Road cuts have been filled in until work can begin. He reported that due to the age of the windows in the DPW building, replacement windows be installed and will bring a savings in heating bills. Costs for windows and a new heating system are estimated at \$8,600.00. Mr. Muller also stated new trees are needed and that he has left a message for National Grid for guidance in tree placement and type of trees for Main St. in regard to the electrical wires. Also, the "Gator" vehicle will be back in use soon after repairs were needed when it was loaned out. Garbage tonnage for July-53.85 tons.

Engineer Lannon reported on plans for a walkway on Water St. as well as the relocation of a pole. A brief update was given regarding the Oak/Elm proposed project and the developer looking at the laterals on site.

Attorney Caserta reported he and Deputy Mayor Lockhart met with the Town of Porter Supervisor regarding figures for sewer costs. In question is the daily inspection of lift stations and costs associated with the same. Mr. Caserta suggested costs be reviewed annually. He will draft a letter to the Town of Porter. The Mayor stated the Village has been overcharged.

The minutes of the July 17, 2014 meeting were approved by motion of Trustee Adamson, seconded by Trustee Comerford and carried.

CORRESPONDENCE

1. Utility taxes received from Vonage-\$5.79, Time Warner Cable-\$90.72, IDT-\$6.42, Choice One-\$18.48, Birch Communications-\$6.33, Accent Energy-\$4.53, AT&T-\$.85 and Niagara County Sales Tax for June-\$44,240.63 down \$2,484.11 from the same time period last year. So noted.
2. The Western New York Chapter of the Alzheimer's Association will sponsor a walk on Saturday, September 27th at Artpark. Individuals and groups are encouraged to register for the walk. For more information call 626-0600. Brochures may be found on the information table and bulletin board in the Village Hall. So noted.
3. Post Office meeting results notice that effective 9/6/14 the Youngstown Post Office will provide 6 hours of window service on weekdays with retail hours from 9:15 a.m.-4:45 p.m. with lunch closing from 12:30 p.m.-2:00 p.m. On Saturday the office will be open from 9:00 a.m.-noon. Customers will have access to their mail receptacles 24 hours a day with pick-up available by 11:00a.m. So noted.

AGENDA

1. Deputy Mayor Lockhart motioned to approve the Abstract of Audited Vouchers for period ending July 31, 2014-General Fund-\$32,459.70, Water Fund-\$918.96, Sewer Fund-\$2,160.35 and Trust Agency-\$700.00 and for period ending August 14, 2014-General Fund-\$47,311.70, Water Fund-\$1,238.64, Sewer Fund-\$34,452.81 and Trust Agency-\$1,400.00. The motion was seconded by Trustee Suitor and carried.
2. Frye property (see minutes above)

3. Youngstown and Town of Porter Clerks scheduled to host the Niagara County Municipal Clerks meeting on Thursday, September 18, 2014. So noted.
4. Close Public Hearing. Deputy Mayor Lockhart motioned to approve Local Law 1-2014, seconded by Trustee Sutor and carried unanimously. Trustee Adamson then motioned to close the Public Hearing, seconded by Trustee Comerford and carried. The Public Hearing portion of the meeting ended at 8:15 p.m.
5. The next Board meeting is scheduled for September 11, 2014 at 7:00 p.m. A return to the two meetings per month schedule will resume. So noted.

OLD BUSINESS

Trustee Adamson asked for an update on the Cold Storage site. Attorney Caserta stated the developer has asked for a 60 day extension. Mr. Pawlak has met with the Assessor. Mr. Caserta was asked to arrange a meeting with Mr. Pawlak, Mr. Burke and the Board.

NEW BUSINESS

Deputy Mayor Lockhart reported replacement of single pane windows at the DPW building will be completed. Also, door replacements will be made at the Village Center. Funds for these projects will come from A1620.2 Village Center Capital Projects-\$3,500. A1640.4 Village Garage Expense and energy savings-\$2,000., proceeds from sale of scrap metal-\$1,000., A7180.2 South Dock Capital Fund-\$1,000. and A7180.4 South Dock Expense-\$1,100. for a total of \$8,600. Deputy Mayor Lockhart then motioned to proceed with the work and use the aforementioned funds to pay for the same, seconded by Trustee Adamson and carried.

REPORTS

Mayor Reynolds reported the Village has been approved for a recycling grant to purchase large recycling totes which will be collected biweekly. He reported that the Village needs to act on it now or must start from square one again. A discussion took place regarding tote size and cost. Trustee Adamson motioned to proceed with the recycling tote grant, seconded by Trustee Comerford and carried. The Mayor also discussed another grant valued at \$350,000. and which may need a change order for work to be done with the funds.

Deputy Mayor Lockhart discussed surplus equipment and the sale of such items as the DPW waste oil burner. Deputy Mayor Lockhart motioned to declare unused items as surplus and sell them, seconded by Trustee Sutor and carried.

Trustee Adamson stated a tree planted in front of the Red Brick School is damaged. He motioned to remove the damaged tree and replace it with a tree to match another tree on site, seconded by Deputy Mayor Lockhart and carried.

Trustee Adamson discussed a sewer line on Elm St. which is a 2" line and which could have obstructions. Further discussion took place and possible flushing was suggested. Deputy Mayor Lockhart will contact four Elm St. homeowners for resolve to their drainage issues.

Deputy Mayor Lockhart reported he is working with the DPW on the ditch on Glenvale Rd. where drainage has been an issue. He also reported a plan for Village-wide drainage is being worked on.

Mayor Reynolds reported the historical walk sponsored by the Historical Society was a success as was the community picnic. He thanked Tina Oddy, Beverly VanDeusen, Trustee Adamson and all others for their help in making the picnic a successful event. There were 36 children participating in the fishing derby. The Mayor stated the turn out and event gets better every year.

The Mayor asked for any further public comment. Hearing none, Deputy Mayor Lockhart motioned to adjourn the meeting, seconded by Trustee Suitor and carried. The meeting ended at 8:45 p.m.

Respectfully submitted,

Barbara J. Castilon
Clerk Treasurer

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