



INCORPORATED:
APRIL 18, 1854

Village of Youngstown

VILLAGE CENTER • 240 LOCKPORT STREET
P. O. BOX 168
YOUNGSTOWN, NEW YORK 14174-0168

TELEPHONE:
(716) 745-7721
FAX:
(716) 745-3400

Village of Youngstown Board of Trustees Work Session Minutes – December 14, 2017 *Approved January 11, 2018*

PRESENT

Mayor Raleigh Reynolds, Deputy Mayor Timothy Lockhart, Trustee Stu Comerford, Trustee Steven Zastrow, Trustee Timothy Adamson, Deputy Clerk Amy Freiermuth.

ADJOURN REGULAR SESSION / ENTER INTO WORK SESSION

A motion was made by Trustee Adamson and seconded by Trustee Comerford to adjourn the regular board meeting and enter into a work session at 7:23 p.m. All in favor, motion carried.

AGENDA

MAIN STREET EASEMENT

Attorney Caserta stated that he would contact both the Andre's at 645 Main Street and the Chretien's at 703 Main Street to determine interest in a lease for the easement between the two properties.

CURRENT OPEN ESTIMATES

AIR CONDITIONER

Superintendent Muller has supplied two estimates for the purchase and installation of air conditioning in the Historical Society and the Board Room:

\$7,800.00 -- Steve's Heating and Cooling:

\$9,365.00 – H.W. Bryk & Sons

The board stated that an additional estimate is required.

BOILER FOR THE VILLAGE CENTER

Superintendent Muller has supplied three estimates for the purchase and installation of a new boiler for the Village Center:

\$53,100.00 – Steve's Heating and Cooling

\$69,250.00 – McGraw Mechanical Inc.

\$64,3000 – John W. Danforth Company

The board stated that at this time, there are not enough finances for this project and therefore it is on hold until further notice.

REMOVAL OF TREES AT 723 MAIN STREET

Superintendent Muller has supplied three estimates for the removal of Ash, Elm, Locust and White Fur trees with flush cut stumps at 723 Main Street.

\$4,730.00 – Arbor Tree & Land Care

\$3,600.00 – Angry Beaver Tree Services

\$3,745.00 – Parkhill Tree & Land Management

Deputy Mayor Lockhart stated that the trees are in a challenging location because they are on the bank (between the gazebo and the Pizzeria on Village property) and almost on top of the walkway. He stated that the

trees are in poor condition, so this does need to be addressed. Trustee Zastrow stated that when the Board enters back into regular session, action can be taken.

GYM DOORS (FROM ENTRANCE OF PARKING LOT)

Superintendent Muller has supplied two estimates for the purchase and installation of new doors for the gym with entrance from the parking lot:
\$3,425.00 – American Glass and Mirror Co.
\$3,655.00 – Sterling Glass, Inc.

The board stated that an additional estimate is required.

ELEVATOR INSPECTION

The Clerk's Office has supplied three estimates for the annual independent inspection of the Village Center elevator:
\$212.00 – ALPS Elevator Inspection Services
\$300.00 – ACE Elevator Inspection Corp.
\$650.00 – DCB Elevator Inspector

Trustee Zastrow stated that because the inspection is not in compliance, the board should enter into contract for this service. He stated that ALPS Elevator does the inspection for the schools, the Fort and other local businesses. Mayor Reynolds stated that when the Board enters back into regular session, action can be taken.

NIAGARA COUNTY WATER DISTRICT GALLONAGE REPORT

Mayor Reynolds stated that the gallonage report for September 2017 shows an increase of 100,000 gallons more than the same period the previous year. He stated that in October 2017 there was an increase of 930,000 gallons more than the same period in 2016. And in November 2017 usage was 1,050,000 gallons were used over the previous year.

Mayor Reynolds stated that DPW Superintendent Muller has been checking for leaks, but has not found any of this significance. Superintendent Muller also checked with the Fort to see if there was increased usage, but the increase was nowhere near the scale that the report is showing. Attorney Caserta stated that he was informed of a resident on Second Street that recently used 100,000 gallons. Deputy Mayor Lockhart stated that although this is a large amount for an individual home, it is not enough to contribute to the large-scale increase trend.

Deputy Mayor Lockhart stated that there are four points where water comes into the Village – three from the Town of Porter (one on Lake Road, one on Lockport Street and one on Church Street). He stated that Superintendent Muller has looked at all three points to see if perhaps the usage had gone down while the fourth location went up, but is not seeing any pattern and the usage is pretty steady. He stated that the fourth feed – the twelve-inch line on River Road as supplied through Niagara County - - is the feed that is taking more water for some reason. He stated that the DPW will probably need to bring in “water wranglers” to determine where the leak is coming from. This testing can be done in the winter.

Trustee Zastrow asked if there were meters on all four points coming into the Village and Deputy Mayor Lockhart stated that each point does have a meter.

Attorney Caserta stated that this looks usage like a breach. Deputy Mayor concurred and stated that for such a high usage, it could be a leak of about 50 gallons a minute. This could happen from a bolt that rusted

causing a significant leak or it could be several spots where there are leaks.

Trustee Zastrow asked about the problem with the large volume water usage for the individual resident. Attorney Caserta stated that house has been foreclosed and it is still owner occupied. Deputy Clerk Freiermuth stated that Superintendent Muller did go into the home, but did not find a leak. The owner did inform Superintendent Muller that the toilet is leaking. The bill will be approx. \$1000 since the last read in June.

Mayor Reynolds stated that Superintendent Muller will continue to look into the River Road water feed to determine the cause of the increase.

COMPLAINT AGAINST CHEMICAL WASTE MANAGEMENT / DEC

Mayor Reynolds explained to the Board that Ms. Amy Witryol sent an email that was forwarded to the Board seeking a resolution from the Board supporting a law suit that she has filed against Chemical Waste Management (CWM) and the New York State Department of Environmental Conservation (DEC). Mayor Reynolds stated that the Village of Lewiston and the Town of Lewiston have already adopted the resolution.

Ms. Witryol stated she is looking for the Board to authorize council to participate in any manner that is deemed appropriate, as there are many no cost options in which the Village can participate. She explained that this lawsuit is about the closure of RMU-1 and making sure that closure is consistent with the 1993 siting board approval. Ms. Witryol stated that the DEC has informed her that the treatment and storage of hazardous waste was approved in 1993 as “ancillary” to RMU-1. RMU-1 stopped taking waste in 2015 and was certified a year and a half later as officially closed. Ms. Witryol stated that this is when she went to the DEC to verify that treatment and storage operations also ceased at that time (which would include wastewater treatment operations). Ms. Witryol stated that once the RMU-2 decision is made (could be up to 5 years from now), if the company (CWM) thinks that they are allowed to continue with treatment and storage of hazardous materials, it would be too late to bring a lawsuit forward to adhere to the 1993 siting board decision. She further stated the monthly DEC reports are loaded with fines for trucks that arrive leaking at the gate and improper storage once onsite.

Ms. Witryol stated that the resolution is only six sentences and the last two sentences state that the Village authorizes council to file papers. She stated that her attorney is more than willing to work with Attorney Caserta with whatever assistance is needed to explain all the options. She apologized that she could not get the information to the Board sooner, but she highly recommends the request because she feels it benefits the residents of the Village long term in both health terms and also from an economic standpoint.

Ms. Witryol requested that she be allowed to further explain information in Executive Session as it is not public information. Attorney Caserta asked where the complaint was filed and Ms. Witryol stated Erie County Supreme Court. Mayor Reynolds stated he had the index number and would forward it to Attorney Caserta. She stated that if the Board waited until January to make a decision, it may be too late to participate with no cost to the Village.

Trustee Adamson stated that if the Board did vote on this resolution this evening he would recuse himself from the vote because of his Councilman Elect status for the Town of Porter.

Attorney Caserta asked who the nameplate was on the complaint. Ms. Witryol stated she is, and the complaint is made against CWM, DEC and Waste Management (as the parent company of CWM).

Mayor Reynolds read the resolution as emailed to him by Ms. Witryol: Whereas the Village of Youngstown Board of Trustees seek to promote the health, safety, and general welfare of the community;

Whereas the Village of Youngstown has long opposed the commercial importation of PCBs and hazardous waste for treatment, storage and disposal activities in the Lewiston-Porter community near schools, farms and homes;

Whereas the commercial importation of PCBs and hazardous waste for disposal in the community ceased in November of 2015 and the associated landfill was certified as closed in June of 2017 by the New York State Department of Environmental Conservation;

Whereas the Village of Lewiston, the Town of Lewiston, the Village of Youngstown, Niagara County, the Lewiston Porter Central School District, the Niagara County Farm Bureau and Residents for Responsible Government, Inc. are intervenors in state regulatory proceedings in opposition to an application to site a massive new PCB and hazardous waste landfill in the community;

And whereas a petition and complaint was filed by area residents on October 19, 2017 in Erie County Supreme Court to prevent any impermissible commercial PCB and hazardous waste treatment and storage activities in the community;

Be it resolved that the Village of Youngstown wishes to file papers with the court to participate in support of the residents' petition, in such form and substance deemed appropriate by counsel to the Village of Youngstown;

Be it further resolved that no expense shall be incurred by the Village unless approved in advance by a meeting of the Village Trustees, and be it further resolved that a copy of this resolution be forwarded to the intervenors.

A brief discussion occurred in response to the resolution and Ms. Witryol stated that she would prefer to discuss more specifics with the board in Executive Session. Trustee Zastrow stated he would not be adverse to further discuss this in Executive Session.

Mayor Reynolds asked if there were other items that needed to be discussed during the work session.

Attorney Caserta stated that he was contacted again regarding the easement for the resident who intends to build a home off of Glenvale Road/Carrollwood Drive. He stated that he was not sure what the Village Board wanted to decide regarding the details of the easement. Trustee Lockhart stated he is looking for further details to determine the width of the driveway, the distance to the house, etc., so that the location of the easement can be determined. Attorney Caserta stated that he thought that perhaps a temporary easement could be granted during construction and a permanent easement could be granted once the plat was finalized. Mayor Reynolds agreed that the Board needs the plans on paper in order move forward with a permanent easement.

ADJOURN WORK SESSION / ENTER INTO EXECUTIVE SESSION

A motion was made by Trustee Adamson and seconded by Trustee Comerford to adjourn the work session and enter into executive session at 8:11 p.m. All in favor, motion carried.

Minutes continued under
Village of Youngstown Board of Trustees
Minutes – December 14, 2017

Submitted by
Amy Freiermuth
Deputy Clerk-Treasurer