



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 Minutes – March 22, 2018

PRESENT:

Mayor Reynolds, Deputy Mayor Lockhart, Trustee Fox, Trustee Zastrow, Trustee Comerford, Attorney Caserta, Chief Schuey, Superintendent Muller, Building Inspector Stevens, Clerk-Treasurer Brown.

ABSENT: Engineer Lannon, Grant Writer Rotella

CALL TO ORDER

The regular meeting of the Village of Youngstown Board of Trustees was called to order at 7:03 p.m. by Mayor Reynolds with the Pledge of Allegiance.

PUBLIC HEARING:

Open Public Hearing:

Mayor Reynolds asked for a motion to open the Public hearing. Motion was made by Trustee Zastrow, seconded by Trustee Comerford and carried. Mayor Reynolds read the public hearing notice.

NOTICE OF PUBLIC HEARING

Time Warner Cable Northeast LLC, locally known as Charter Communications
Franchise Renewal for the Village of Youngstown

Please take notice that the Village of Youngstown will hold a Public Hearing on Thursday, March 22, 2018 at the Village Center, 240 Lockport Street, Youngstown, NY, regarding renewal of the cable television franchise agreement by and between the Village of Youngstown and Time Warner Cable Northeast LLC, locally known as Charter Communications.

A copy of the agreement is available for public inspection during normal business hours at the Clerk's Office, 240 Lockport Street, Youngstown, NY. At such public hearing, all persons will be given an opportunity to be heard. Written and oral statements will be taken at that time. Time limitations may be imposed for each oral statement, if necessary.

Dated: March 4, 2018

By order of the Village Board
Village of Youngstown
Wendy J. Brown, Clerk-Treasurer

Public Comment on Public Hearing:

Mayor Reynolds asked for any public comment. Chief Schuey remarked about the upcoming changes for Time Warner Cable and the requirement of a box to receive the channels beginning in April. Mark Meyerhofer, Director of Government Affairs for Charter Communications spoke expanding on the change that is being implemented. The box will be free of charge for one year, and depending on the customer, there are different costs associated with different packages. With Roku and Smarttv you can get by with one box for your household. Satellite TV subscribers are not affected.

Close Public Hearing:

With no further public comments a motion was made to close the public hearing by Trustee Fox, seconded by Trustee Zastrow and carried.

PUBLIC COMMENT:

Mayor Reynolds then opened the meeting for Public Comments. With no comments the Mayor moved on to Departmental Reports.

DEPARTMENTAL REPORTS

POLICE:

Chief Schuey reported that he has a full grant for \$5,000.00 for body cameras. We have to pay for them and then the grant will reimburse us. He inquired as to how to proceed for the funding. Deputy Mayor Lockhart suggested we could borrow from our NY Class accounts and when the grant comes in, replace the funds. Chief Schuey will follow up with Grant Writer Rotella to see how long it will take for the grant money to be received.

DEPARTMENT OF PUBLIC WORKS

Superintendent Muller reported that they have been readying meters. They received a donation of steel to build the carts for the plow, and will purchase wheels for this. The sewer at 30 Carrollwood Court is being fixed. Samples of the water were taken to Niagara County and the samples were clear, nothing was found in them.

BUILDING INSPECTOR: No report

ENGINEER: Absent

GRANT WRITER: Absent

ATTORNEY: No report

MINUTES

Motion to approve the Board Minutes from March 8, 2018 was made by Trustee Comerford, seconded by Deputy Mayor Lockhart. All in favor, motion was carried.

CORRESPONDENCE: None.

AGENDA

ABSTRACT OF AUDITED VOUCHERS

Abstract of Audited Vouchers for the period of March 9-March 22, 2018 in the amount of \$19,129.64

General:	\$16,706.35
Water:	\$ 1,170.88
Sewer:	\$ 1,252.41
<u>Trust:</u>	<u>\$ 0.00</u>
Total:	\$19,129.64

Motion to approve the abstract of audited vouchers was made by Trustee Zastrow, seconded by Deputy Mayor Lockhart. All in favor, motion was carried.

RESOLUTION

In the Matter of the Granting of a Cable Television Franchise Held by **Time Warner Cable Northeast LLC** in the **Village of Youngstown, County of Niagara**, New York

RESOLUTION

An application has been duly made to the Board of the **Village of Youngstown, County of Niagara**, New York, by **Time Warner Cable Northeast LLC**, 1/k/a Charter Communications, a limited liability company organized and existing in good standing under the laws of State of Delaware doing business at 2604 Seneca Avenue, Niagara Falls, NY 14305, for the approval of a renewal agreement for Time Warner Cable's cable television franchise for ten (10) years

commencing with the date of approval by the Public Service Commission commencing with the date of approval by the Public Service Commission.

The Franchise Renewal Agreement would bring the franchise into conformity with certain provisions of the Federal Cable Communications Policy Act of 1984, as amended, and certain court rulings.

A public hearing was held in the Village of Youngstown, New York on March 22, 2018 at 7:00 P.M. and notice of the hearing was published in the Niagara Gazette on March 4, 2018 and March 11, 2018.

NOW, THEREFORE, the Board of the Village of Youngstown finds that:

1. Time Warner Cable Northeast LLC has substantially complied with the material terms and conditions of its existing franchise and with applicable law; and
2. Time Warner Cable Northeast LLC has the financial, legal and technical ability to provide these services, facilities and equipment as set forth in its proposal attached; and
3. Time Warner Cable Northeast LLC can reasonably meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests.

BE IT FURTHER RESOLVED that the Board of the **Village of Youngstown** hereby grants the cable television franchise of Time Warner Cable Northeast LLC and the **Village of Youngstown** for ten (10) years commencing with the date of approval by the Public Service Commission and expiring ten (10) years hence.

BE IT FURTHER RESOLVED that the Board of the **Village of Youngstown** hereby confirms acceptance of this Franchise Renewal Agreement.

Motion to approve the resolution was made by Trustee Zastrow, seconded by Deputy Mayor Lockhart. All in favor motion was carried.

APPOINTMENTS

Approval to appoint the following Election Inspectors for the May 15, 2018 Village Election:

Lisa Lucas-Democrat J. Anthony Collard-Republican
Sue MacNaughton-Democrat Katherine Collard-Republican

The agenda listed the incorrect parties by each name and they have been amended. Deputy Mayor Lockhart made the motion to approve the election inspectors, seconded by Trustee Fox. All in favor, motion was carried.

Letter from resident Kyle Heath applying for a position on the Recreation Department Commission. Recreation Director Cudmore supports this application.

Motion was made by Trustee Comerford, seconded by Trustee Zastrow. All in favor, motion was carried.

BUILDING USE

Request from Upstate Women's Soccer League to use Veteran's park for Soccer games on Monday nights from May 21-July 31, 2018 at 6:45 pm. Insurance is on file and Recreation Director Cudmore has approved this use.

Motion to approve use was made by Trustee Zastrow, seconded by Deputy Mayor Lockhart. All in favor, motion was carried.

Request from Ryan O'Keefe, Niagara FC Men's League Summer Soccer to use Veteran's Park on the following Sundays: 5/20, 6/17, 6/24, 7/8, 7/22/18 at 6:30 p.m. Insurance is on file and Recreation Director Cudmore has approved this use.

Motion to approve use was made by Trustee Zastrow, seconded by Deputy Mayor Lockhart. All in favor, motion was carried.

LEASE

Authorization for the Mayor to sign the Easement Agreement with Kent and Laurie Frey 565 Water Street Youngstown through 11/7/2018. Insurance has been received.

Trustee Zastrow asked what the easement was for. Attorney Caserta explained the easement. Motion to approve was made by Trustee Zastrow, seconded by Trustee Comerford. All in favor, motion was carried.

SALT BATTERY SIGN

Authorization for the Mayor to sign a letter allowing the Town of Porter Historical Society to pursue a grant for replacement of the Salt Battery Sign. The letter needs to state that The Village of Youngstown owns Constitution Park and gives the Town of Porter Historical Society permission to install a historic marker on the property should they receive funding from the William G. Pomeroy Foundation.

Trustee Zastrow remarked that the William G. Pomeroy funds historic markers all over the state. Motion to approve was made by Deputy Mayor Lockhart, seconded by Trustee Zastrow. All in favor, motion was carried.

SET PUBLIC HEARING

Set Public Hearing date for Thursday April 12, 2018 for the purpose of hearing all interested parties concerning the tentative budget for the 2018-2019 fiscal year.

Motion to set the public hearing for April 12, 2018 at 7:00 p.m. was made by Deputy Mayor Lockhart, seconded by Trustee Zastrow. All in favor, motion was carried.

ANNOUNCEMENT

The next Village Board Meeting will be April 12, 2018 at 7:00 pm. So noted.

The Village Board will enter into Executive session prior to the regular Board Meeting to discuss personnel and litigation matters. So noted.

The Village Board will enter into a work session immediately following the regular Board Meeting. So noted.

OLD BUSINESS: None

NEW BUSINESS:

Deputy Mayor Lockhart presented a letter from New York Rural Water Association (NYRWA) explaining a program similar to CHIPS for water and sewer infrastructure. Deputy Mayor Lockhart made a motion for the Mayor to sign the letter to support the creation of the Safe Water Infrastructure Action Program (SWAP). The Town of Porter is also drafting a letter in support of this. Motion was seconded by Trustee Fox. All in favor, motion was carried.

Mayor Reynolds advised the Board that Rick Lohr has made an inquiry regarding the area beneath his parking lot and converting its use. Mr. Lohr would like to finish the inside of the structure for commercial use. The gym would like to expand to this area. Building Inspector Stevens advised that he would be performing the construction and will have another Building Inspector sign off on the permit. Right now the area is a bare basement; there will be an annex to the gym. There will be yoga and silver sneakers classes there. Attorney Castera advised that the plan did not fall into the Zoning area as the structure is already there, discussion continued regarding the moratorium. The Board felt that this project does not fall under the moratorium as this is an existing structure being finished in a commercial aspect, below grade level. There is no structural construction happening. Mayor Reynolds advised he felt it could be more beneficial in a commercial use. Building Inspector Stevens advised that the old Barber Shop is now being used as office space. Deputy Mayor Lockhart made a motion that the Building Department issue a building permit for this project and certificate of occupancy once completed, being approved by an outside Inspector. Trustee Zastrow seconded the motion. All in favor, motion was carried.

BOARD REPORTS

Trustee Zastrow reported that the Fire Company will be holding a new fundraiser on July 7, 2018. A seafood boil will be held, selling 500 tickets and will be an all-day affair. Trustee Zastrow also reported that he has had positive feedback on how fast and better the minutes are from the Board meetings. Trustee Zastrow also noted that he discovered the new tax tables for withholding this year are significantly different than previous tax tables. Personal exemptions are \$24,000.00 now which makes a difference. People will want to consider their withholding choices.

Trustee Fox reported the NPSL has been in contact with him regarding issues with the former soccer room and use of Veteran's Park. Trustee Fox advised they want to get together and talk about things and work with us regarding use. He feels they have uneasy feelings regarding the changes and is working with them.

Trustee Comerford reported that the Recreation Department will hold their Celebrity Bartending and basket auction event on April 28, 2018 at 6:30 p.m. He also reported that the Lion's Cash Bash was a great success and thanked everyone that participated.

Deputy Mayor Lockhart reported that Titon has been in touch regarding the playground equipment installation. They are supposed to get back in touch with him this week and Deputy Mayor Lockhart will follow up with them. He also advised he spent a few hours working on the budget with the Clerk's Office.

Trustee Fox also reported that Ensol has not updated plans and it has become too late in the season. They will make contact when they are ready to proceed.

PUBLIC COMMENT: No public comment

Motion was made to adjourn the regular Board Meeting and enter into the work session by Trustee Comerford, seconded by Trustee Zastrow. All in favor, motion was carried