

# Village of Youngstown

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## Village of Youngstown Board of Trustees Minutes – June 7, 2018

**PRESENT:** Mayor Reynolds, Deputy Mayor Lockhart, Trustee Comerford, Trustee Zastrow, Trustee Fox, Attorney Caserta, DPW Superintendent Muller, Sergeant Ullery, Engineer Lannon, Building Inspector Lannon, Clerk-Treasurer Brown. **ABSENT:** Grant Writer Rotella

### CALL TO ORDER

The regular meeting of the Village of Youngstown Board of Trustees was called to order at 7:02 p.m. by Mayor Reynolds with the Pledge of Allegiance.

### ANNUAL ORGANIZATIONAL MEETING:

Based on election results from the May 15, 2018 Village election, the Oath of Office has been administered by Clerk-Treasurer Brown to Mayor Reynolds, Trustee Fox and Trustee Comerford for four year terms for each position.

So read and noted.

### MAYORAL APPOINTMENTS:

Mayor Reynolds then moved to Mayoral Appointments and read the following appointments:

Deputy Mayor: Timothy Lockhart

Clerk-Treasurer: Wendy Brown -4 year term

Deputy Clerk-Treasurer: Amy Freiermuth -4 year term

DPW Superintendent: Todd Muller -4 year term

Attorney: Thomas J. Caserta Jr, Esq.

Building Inspector: John Stevens

Village Engineer: GHD Group

Village Grant Writer: Rotella Grant Management

Registrar: Wendy Brown -4 year term

Deputy Registrar: Amy Freiermuth -4 year term

Planning Board: Frederick Braun – 5 year term

Zoning Board of Appeals: Lisa Lucas – 5 year term

Deputy Mayor Lockhart made a motion to accept the nominations as read, seconded by Trustee Comerford with discussion. Attorney Caserta advised he did not believe terms should be listed and that the appointments should be made yearly. Clerk-Treasurer Brown advised that the terms

were noted as per NYCOM. Attorney Caserta felt it was not a best practice to have the terms defined as noted. Attorney Caserta will follow up on clarification regarding this issue. Deputy Mayor Lockhart restated his motion that the nominations be approved as clarification of terms dictates, seconded by Trustee Comerford. All in favor, motion was carried.

**ANNUAL BUSINESS:**

**WHEREAS:** The Board of Trustees hereby authorizes the following:

**Official Newspaper:** Niagara Gazette.

**Ethics Policy:** Chapter XXII of the Village of Youngstown Ordinance Code of Ethics.

**Investment Policy:** in accordance with the Investment Policy adopted June 5, 1995.

**Work Place Violence Policy:** As per policy on file with the Village Clerk-Treasurer as adopted September 13, 2012 by the Village Board of Trustees.

**Unlawful Harassment Policy:** As per policy on file with the Village Clerk-Treasurer as defined in the Village Handbook.

**Bidding Policy:** The Department of Public works is authorized to use the Niagara County group bidding process for Village purposes.

**Petty Cash Expenditures:** up to \$40.00 for the purchase of miscellaneous items.

Mayor Reynolds read the annual business as noted. Motion to approve was made by Trustee Zastrow, seconded by Trustee Fox. All in favor, motion was carried.

**ANNUAL RESOLUTIONS:**

**Mileage Allowance:** WHEREAS, the Board of Trustees has determined to pay a fixed rate for mileage as reimbursement to officers and employees of the Village who use their automobile while performing their official duties on behalf of the Village of Youngstown and WHEREAS: the rate determined by the IRS may change throughout the year, at any point shall the rate of reimbursement change it shall change the reimbursement allowed under Village policy as well. NOW THEREFORE BE IT RESOLVED, 1) that the Board of Trustees shall approve reimbursement to such employees at the rate of .545 cents per mile and 2) that this resolution takes effect immediately.

Motion to approve the resolution as read for mileage was made by Trustee Fox, seconded by Trustee Zastrow. All in favor, motion was carried.

**Procurement Policy:** WHEREAS, the Board of Trustees has passed Village policy as amended November 8, 2012 and is on file with the Village Clerk-Treasurer. NOW THEREFORE BE IT RESOLVED,1) that said Procurement Policy shall be followed by all Village Departments and is on file with the Village Clerk-Treasurer and 2) this resolution takes effect immediately.

Motion to approve the resolution as read for procurement policy was made by Deputy Mayor Lockhart, seconded by Trustee Comerford. All in favor, motion was carried.

**Advance Approval of Claims:** WHEREAS the Board of Trustees has determined to authorize payment in advance of audit of claims for public utility services, postage, petty cash, freight and express charges; and WHEREAS all such claims must be presented at the next regular meeting for audit; and WHEREAS the claimant and the officer incurring or approving the claim are jointly and severally liable for any amount the Board of Trustees disallows. NOW THEREFORE BE IT RESOLVED 1) that the Board of Trustees authorizes payment in advance of audit of claims for public utility services, postage, petty cash, freight and express charges. All such claims must be presented at the next regular meeting for audit and the claimant and the officer incurring or approving the claims are jointly and severally liable for any amount the Board of Trustees disallows and 2) that this resolution takes effect immediately.

Motion to approve the resolution for advance approval of claims as read was made by Trustee Fox, seconded by Deputy Mayor Lockhart. All in favor, motion was carried.

**Attendance at Schools and Conferences:** WHEREAS there is to be held during the coming official year a) NYCOM's Winter Legislative Meeting, b) NYCOM's Annual Meeting and Training School, c) NYCOM's Fall Training School, d) NYCOM's Public Works Training Scholl, and e) the following County association meetings; Niagara County Municipal Clerk's Association Meetings, Niagara County MuSIP Ad Hoc Advisory Committee, Niagara County Association of Town Highway Superintendents, Western New York Water Works Association, NY State Office of the State Comptroller, NYS and Local Retirement System WHEREAS attendance by certain municipal officials and employees at one or more of these meetings, conferences or schools benefits the municipality; and the Mayor has the authorization to approve expenses for Village Officials to attend workshops or other official functions, NOW THEREFORE BE IT RESOLVED: 1) That the Superintendent of Public Works, Clerk-Treasurer, Deputy Clerk-Treasurer, Deputy Clerk, Building Inspector be authorized to attend the previously named meetings and 2) that the resolution takes effect immediately.

Motion to approve the resolution for attendance at schools and conferences as read was made by Trustee Comerford, seconded by Trustee Fox. All in favor, motion was carried.

**Designating Depositories:** WHEREAS the Board of Trustees has determined that Village Law 4-412(3) (2) requires the designation of banks or trust companies for the deposit of all Village monies: NOW THEREFORE BE IT RESOLVED: 1) That the Board of Trustees designates KeyBank and NYCLASS as depositories of all moneys received by the Village treasurer, clerk, and receiver of taxes and 2) that the resolution is effective immediately.

Motion to approve the resolution for designating depositories as read was made by Trustee Zastrow, seconded by Trustee Fox. All in favor, motion was carried.

**Regular meetings of the Board of Trustees/annual organizational meeting:** WHEREAS the Village of Youngstown Board of Trustees meets on a monthly basis; THEREFORE BE IT

RESOLVED that the regular meetings shall be held the second and fourth Thursday of the month, at 7:00 p.m. except in, July, August, November and December, when the meeting shall be held once a month on the second Thursday of the month at 7:00 p.m., THEREFORE BE IT FURTHER RESOLVED that the annual organizational meeting of the Village of Youngstown shall be the first Thursday of June at 7:00 p.m. and shall replace the regular meeting of June.

Motion to approve the resolution as read was made by Trustee Fox, seconded by Trustee Comerford. All in favor, motion was carried.

**Special Meetings:** WHEREAS it is not uncommon for special meetings to be necessary in addition to the regular meetings of the Village of Youngstown Board of Trustees and WHEREAS it is necessary as well to have a procedure for calling such meetings, and WHEREAS it is also necessary to notify the public and the news media of these special meeting, THEREFORE BE IT RESOLVED that these special meetings may be held at the request of the Mayor alone and/or at the request of two or more Trustees and THEREFORE BE IT FURTHER RESOLVED that the Clerk will notify each member and in the absence of the Clerk, the Mayor will provide the notification and that this resolution will take place immediately.

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

Mayor Reynolds announced that the Organization portion of the meeting ended.

**PUBLIC COMMENT:**

Mayor Reynolds opened the meeting to public comment. A resident that lives next to Rennie Sikoski on Lockport Street advised the Board of Rennie's passing. He asked if it was possible for the Board to lower the flag to half- staff and post the information on the LED sign in Rennie's memory as she was an icon in the Village and had received a proclamation for her many years of service to the Village. The Mayor thanked him and the Board will take this under consideration.

Supervisor Duffy Johnston from the Town of Porter spoke regarding the Senior Van. Supervisor Johnston has been working hard on this project and appreciates the input from the Senior Van drivers. Supervisor Johnston advised he took funds from other areas in order to support the purchase and maintenance of the Senior Van program. Supervisor Johnston advised the Cecconi's in Niagara Falls has 2018 Dodge Caravan available for \$23,936.00. He does not feel it will be on the lot long. Supervisor Johnston also inquired as to the budget lines for the van on the Villages current budget. Deputy Mayor Lockhart explained that the funds for the van is in a savings account not listed on what Supervisor Johnston was looking at. Trustee Fox then explained he had been assigned the task of working on the senior van project. He researched many vehicles, viewed and test drove them as well. The best fit seems to be a Chrysler Pacifica. Supervisor Johnston then gave Mayor Reynolds an invitation for a meeting regarding street

lighting and change over to LED. Mayor Reynolds thanked Supervisor Johnston for all the work he has done on the van project and for the information on the meeting for the street lighting project.

### **EAGLE SCOUT PROJECT PRESENTATION:**

Candidate for Eagle Scout Terry Shaughnessy Jr., will present his project to the Village Board for his plans for Lion's Park.

Scout Shaughnessy passed out a diagram of his proposed project with a written description of his plans for the park. The project is to place safety surfacing around the playground equipment at Lion's Park. There will be a safety fall zone and the material will match that used in the Falkner Park project.

Deputy Mayor Lockhart made a motion to approve the project as submitted by Eagle Scout candidate Terry Shaughnessy Jr., seconded by Trustee Comerford. All in favor motion was carried.

### **DEPARTMENTAL REPORTS**

**POLICE:** Chief Schuey turned his report in but was absent from the meeting. Sergeant Ullery reported that the Bike Rodeo was a success.

**DEPARTMENT OF PUBLIC WORKS:** Superintendent Muller reported that he has a list of the tree inventory and there are around 20 trees that need to be taken down. On June 20<sup>th</sup> the Niagara County Sheriff Work Release program will be in the Village to work on the hill near the North Dock. The Village must provide lunch, there will be four people. If they are needed back the following week, they will return on the 27<sup>th</sup>. Falkner Park is up and running. Superintendent Muller reported that there were no applications received for the part time DPW position. Superintendent Muller continued to report that Fort Niagara has filled their pools, and there are leaks and they also have a break. The possible leak on Second Street turned out to be a Spring. Superintendent Muller reported that they have found a location in Falkner Park to mount the camera. Superintendent Muller advised he spoke to Lewiston about paving and the equipment is booked for now, he will recheck with them and advise. Superintendent Muller is still waiting on the pallet of mulch Grant Writer Rotella was working on for him; he has a call into Grant Writer Rotella that has not been returned yet. They may need to purchase another pallet at a cost of approximately \$200.00. Superintendent Muller also added that the brush pile is extremely large. The person that was considering taking part of the pile at no cost advised the job was too large for him. Superintendent Muller advised that we will need to move on this project as soon as possible.

**ENGINEER:** Engineer Lannon passed out a document regarding sewage pollution and reporting requirements. The Village must register with the DEC to become a notifier in

the event of a failure. Engineer Lannon discussed the requirements and reporting that will be necessary to comply with the requirements. Deputy Mayor asked if it was necessary for the Village to register for this. Engineer Lannon confirmed that it is required as it is a publically owned sewer system.

**GRANT WRITER:** Absent, no report turned in.

**BUILDING INSPECTOR:** Building Inspector Stevens advised there was a glitch in printing his report, but everything is recorded and handled. Building Inspector Stevens advised that Niagara Jet Adventure has approached him to advised if the Village provides the material, they will do the work on the retaining wall at the base of the hill. Building Inspector Stevens reported that he has had two vacant homes mowed to keep them in code. Legislator Burmaster advised Building Inspector Stevens that he would try to assist in finding the correct owner of the properties so the Village is able to contact them about mowing and maintenance. Lastly Building Inspector Stevens reported the property on the corner of Church and Third Streets has been cleaned up.

**ATTORNEY:** Attorney Caserta reported that the easement for Brookshire has been completed and the hold harmless agreement for Lewiston Porter Youth Football has also been completed. Attorney Caserta is currently working on the Northfield Drive easements and Lockport Street.

## **MINUTES**

Motion to approve the Board Minutes from May 24, 2018 was made by Trustee Comerford, seconded by Trustee Zastrow and carried.

## **CORRESPONDENCE:**

NYCOM has sent an acknowledgement to Mayor Reynolds and the Village of Youngstown congratulating them on joining the New York Municipal Insurance Reciprocal (NYMIR). Executive Director Peter Banes stated “The Village of Youngstown has shown great foresight in taking control of its liability insurance costs.”

So noted.

Friends of the Youngstown Free Library are sponsoring a free Bike Repair Clinic on Saturday, June 9 from 10:00 a.m.-2:00 p.m. in the parking lot of the Village Center.

So noted.

The Niagara River Region Chamber of Commerce announced there will be a ribbon cutting ceremony, Thursday, June 14, to celebrate the grand opening of Everything Youngstown. There

will be an open house from 4:00 p.m.-7:00 p.m. with the ribbon cutting at 6:00 p.m. RSVP to the Niagara River Region Chamber of Commerce.

So noted.

The YBPA Beginning of Summer Street Dance will be held Thursday June 21 from 6:00 p.m. to 10:00 p.m. on Main Street rain or shine. There will be music, dancing, bounce house, food, classic cars, pony rides and a 50/50 split.

So noted.

St. John's Episcopal Church will hold its Strawberry Fest on Saturday June 23 from 11:30 a.m. to 5:30 p.m. There will be homemade shortcake, the Youngstown Lion's will be grilling food, there are tours, Donuts the Clown, Red House Band and a basket auction that will benefit the Youngstown Senior Van Fund Drive.

It was reported that St. John's has raised \$2,000.00 for the van drive. So noted.

The Village of Youngstown Summer Concert Series for 2018 will begin Friday June 29<sup>th</sup> with the Mackenzie Highlanders Pipes & Drums from 7:00 p.m.-9:00 p.m. at Falkner Park. Bring a chair and enjoy the start of the concert series that will run on Friday's through August 17<sup>th</sup>.

So noted.

## **AGENDA**

### **ABSTRACT OF AUDITED VOUCHERS**

Abstract of Audited Vouchers for the period of June 1-June 7, 2018 in the amount of \$28,645.89

General:	\$ 26,570.89
Water:	\$ 112.50
Sewer:	\$ 112.50
<u>Trust:</u>	<u>\$ 1,200.00</u>
Total:	\$ 28,645.89

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

### **BUILDING USE:**

Request from the YBPA to close Main Street from Lockport Street to Hinman Street for the Street Dance on June 21, 2018 beginning at 4:30 p.m.

Motion to approve the closure was made by Trustee Comerford, seconded by Trustee Fox. Trustee Comerford asked Sergeant Ullery if the Police Dept. was ready to be present. Sergeant Ullery confirmed they have things covered. Trustee Comerford asked about the Fire Department. DPW Superintendent Muller advised the DPW will be using the dump trucks to block the area for a better barricade than just the wooden barricades. All in favor, motion was carried.

### **MOTIONS:**

Authorization for the Mayor to sign the easement agreement for 423 Brookshire, Michael Beam, for installation and maintenance of drainage facilities.

Trustee Zastrow made a motion to approve the Mayor to sign the easement agreement, seconded by Deputy Mayor Lockhart. Discussion occurred that DPW Superintendent Muller will be simply cleaning out the ditch area behind the house. All in favor, motion was carried.

Request from Brian Price, 555 Water Street, for placement of a dumpster to be located across from their facility.

Discussion by the Board regarding the problems with the dumpster where it currently is located commenced. It has to be locked as everyone is throwing things in it, and since it has been locked, people are leaving things around it such as used oil and air conditioners. Trustee Fox indicated he would like to make a motion to deny the request. Deputy Mayor Lockhart made a motion to move the item to the work session for further discussion. Trustee Fox seconded the motion. All in favor motion was carried.

### **ANNOUNCEMENTS**

The July Board meeting will be, July 12, 2018 at 7:00 p.m. The August Board meeting will be, August 9, 2018 at 7:00 p.m.

So noted.

The Village Board will enter into a work session immediately following the regular Board Meeting. The Village Board will enter into Executive session after the work session to discuss personnel and litigation matters.

So noted.

### **OLD BUSINESS:**

Trustee Comerford asked the Board if there has been a decision about taking the facilities out of the bathroom off of the Library Community Room. Mayor Reynolds advised the Board needs to meet with the Library regarding this. Mayor Reynolds stated he would set the meeting up.



**NEW BUSINESS:**

Trustee Fox reported his findings on the senior van. Trustee fox shopped everything available on the local markets. The best solution is the Chrysler Pacifica at approximately \$28,000.00. Trustee Fox will write the RFQ to meet our specifications and take bids on the vehicle.

Deputy Mayor Lockhart made a motion to receive bids on a new van on specification indicated and approved by the Village Attorney and provided to the Village Clerk. Motion was seconded by Trustee Zastrow. All in favor, motion was carried. Deputy Mayor Lockhart thanked Trustee Fox for his thorough efforts.

Deputy Mayor Lockhart reported that the playground equipment is all installed at Falkner Park. The estimated load of chips was not enough and has fallen short. There is not a price at this time; they will be obtaining it from the same business as it meets the safety and health standards.

Deputy Mayor Lockhart made a motion for approval of the additional chips, seconded by Trustee Zastrow. All in favor, motion was carried.

The Board discussed the request to have the flag flown at half-staff for resident Rennie Sikoski. Deputy Mayor Lockhart made a motion to consider lowering the flag. Trustee Comerford seconded the motion for discussion. Deputy Mayor Lockhart discussed that guidelines should be set and it should be confirmed the Village is able to lower the flag for a resident. Attorney Caserta will check the code and advise. The Board came to the conclusion that the request should be made by a resident; the flag should only be lowered for one day. Deputy Mayor Lockhart amended his motion to reflect this and on the contention that Attorney Caserta finds it is acceptable. Seconded by Trustee Comerford. All in favor, motion was carried.

Mayor Reynolds discussed the letter Supervisor Johnston provided him with regarding the meeting for the street lighting. The seminar will be June 27<sup>th</sup> at 6:00 p.m. at the Wheatfield Town Hall. The Clerk's Office will forward the invitation to all the Board members. Trustee Zastrow asked if DPW Superintendent Muller should attend, Mayor Reynolds responded that the invitation is directed towards the Supervisors, mayors and Trustees.

**BOARD REPORTS:**

Trustee Fox reported that he met with National Grid on the utility issues on Main Street. They reviewed the project and will provide budget numbers. Each property will be identified along with the scope of work. To place all the services underground would be very expensive, so they are looking at placing the poles behind the businesses.

Trustee Zastrow reported that there is a new state law that will raise the cost of insurance for Fire Companies. It will require cancer insurance for interior firefighters as a separate insurance policy. The estimate will be \$250.00-\$300.00 an interior firefighter. There approximately 20 interior firefighters with the Youngstown Volunteer Fire Company.

Trustee Comerford reported that the summer program at Falkner Park begins June 25<sup>th</sup>.

Deputy Mayor Lockhart reported that Scott Little from Lock City Supply advised there is a water school for Badger Meter being held at Cornell Cooperative Extension on June 19<sup>th</sup> at no cost. Superintendent Muller and MEO Wieland will be attending from 8:00 a.m-2:30p.m. It was suggested that someone from the Clerk's Office also attend as they handle the billing and reporting.

Deputy Mayor Lockhart reported that the Engineer advised the Water street sidewalk project would come in at approximately \$300,000.00. It could be higher once into the project. In reviewing and discussing the Village finances with the Clerk's Office, it was determined that the Village does not have that amount of money to front for the project and wait for a grant to reimburse it. It seems at this point the funds may be better utilized to fund the National Grid project, moving the utilities on Main Street.

Deputy Mayor Lockhart reported the he and Mayor Reynolds met with Greg Kaiser of GHD. There is a new person working on our LWRP. The LWRP should not have been approved; therefore the updated LWRP should not have happened. The Village needs a comprehensive plan moving forward. A conference call will be scheduled to handle details. Attorney Caserta asked what other changes we are making. Deputy Mayor Lockhart advised it seemed to be more about how it was done with the LWRP versus the way we need to do things now. We can pull the comprehensive plan parts out of the LWRP and use them.

## **PUBLIC COMMENT**

Mayor Reynolds then opened the meeting up to public comment again. Mike Stella from the Mug & Musket spoke regarding the camera on Main Street. Mr. Stella advised that Chief Schuey was speaking with him regarding another matter and spoke to him regarding the camera on Main Street. Mr. Stella stated that he did not feel that there was any reason to have a camera on Main Street. Mr. Stella continued that a cruiser might as well be parked out there at all times. Mr. Stella continued that no one is interested in having the camera and feels it is harmful. Mr. Stella advised he does not feel the camera should be put back up again and that someone sitting at The Jug would not want it. In the future, Mr. Stella advised the Board that they should approach the people affected first before placing something like a camera up on Main Street. He continued that if the Board did this, they (the people) would be there with "torches and pitchforks." Mayor Reynolds asked Mr. Stella how the Village was supposed to control the issues with people running the stop sign. Mr. Stella advised he does not see this happening much and he is on Main Street most of the time. Mr. Stella reported that at the YBPA meeting people were commenting that they are afraid of Youngstown and all head to Bandanas instead of staying in the Village. Mr. Stella stated that the Village is worrying about problems that do not exist and those of them on Main Street all day actual see what's going on and how do cameras look and feel to patrons. Mr. Stella went on about the cameras reducing business on Main Street.

Sergeant Ullery spoke and advised Mr. Stella that it was not true that all the businesses and people on Main Street did not want the cameras. Sergeant Ullery continued that he spoke with the owner of the Youngstown Galley who gave him permission to mount the cameras outside of her business. Mr. Stella and Sergeant Ullery continued in an argument. Mr. Stella shouted obscenities at Sergeant Ullery over Sergeants Ullery's statement that the owner of the Galley did in fact support the camera. Mayor Reynolds then directed both parties to cease yelling at each other and called the meeting back to order.

Sue MacNaughton asked Mayor Reynolds why Fred Braun was being appointed to the Planning Board, and asked if he was taking Chairwoman Hanson's place. Mayor Reynolds advised no, it was time for Mr. Braun's reappointment with his term. Ms. MacNaughton continued asking Attorney Caserta if he had made contact with his contact at Evans Bank to inquire about a bank location here. Attorney Caserta advised he had not been able to reach him as of yet, but would follow up. Ms. MacNaughton then continued with discussion on the lot on Hinman and if there was any progress with the Church about the potential to purchase the property for a municipal lot. Attorney Caserta advised that the Church has to check with the Diocese in Buffalo on everything. An appraisal will probably be needed. Attorney Caserta will look into that aspect further. Ms. MacNaughton advised Trustee Fox that she will look to see if she has any documents to provide him regarding National Grid and the utility project. Ms. MacNaughton then advised Deputy Mayor Lockhart that the training session for the Planning Board she just attended offered information on Comprehensive Plans and she now has the background to help in that area if they needed her to. Deputy Mayor Lockhart thanked her.

Mona Lockhart asked why the Recreation Commission was not publishing calendars this summer. She offered that they should consider doing black and white ones to get the information out there. Sue MacNaughton offered it should be published in the Sentinel. Terry Duffy of the Sentinel advised to send the weekly schedule to them as a press release and they will publish it.

With no further public comment Trustee Zastrow made a motion to adjourn the regular meeting and enter into the work session at 8:45 p.m., seconded by Trustee Comerford. All in favor motion was carried.

Motion to adjourn the work session was made by Deputy Mayor Lockhart and enter into executive session at 9:00 p.m., seconded by Trustee Comerford. All in favor, motion was carried.

Motion to adjourn the executive session was made by Trustee Zastrow at 9:40 p.m., seconded by Trustee Comerford. All in favor motion was carried.