

# Village of Youngstown

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## Village of Youngstown Board of Trustees Minutes – August 9, 2018

**PRESENT:** Mayor Reynolds, Deputy Mayor Lockhart, Trustee Fox, Attorney Caserta, Sergeant Ullery, Clerk-Treasurer Brown, Deputy Clerk-Treasurer Freiermuth.

Mayor Reynolds called the meeting to order with the Pledge of Allegiance. Deputy Mayor Lockhart made a motion to open the public hearing. Trustee Fox seconded the motion. All in favor, motion was carried.

### **PUBLIC HEARING: 6:15 p.m.**

Please take notice that a Public Hearing will be held by the Village Board of Trustees of the Village of Youngstown on August 9, 2018 at 6:15 p.m. in the Village Board Room, 240 Lockport St, Youngstown, for the purpose of considering changes to the following provisions of the Village Zoning code, including but not limited to, Commercial District permitted uses: Sections 250-18, 250-19, 250-21, 250-22, 250-23, 250-25. Copies of the proposed changes may be obtained at the Village Office during regular business hours or online at [www.youngstownnewyork.us](http://www.youngstownnewyork.us).

**Public Comment: all comments shall be kept to 3 mins. and be directed to the Village Board of Trustees.**

### **Discussions/Motions on hearing:**

Trustee Comerford joined the meeting at 6:25 p.m.

Mayor Reynolds opened the meeting to public comment and asked for any questions regarding the proposed changes to the Zoning Codes. Rick Lohr of Main Street spoke. Mr. Lohr offered that he read the proposed changes and saw no problems. Mr. Lohr advised he likes the 40%, he feels it allows flexibility. Mr. Lohr continued that he has tried to preserve the Business District over the years. Mr. Lohr advised that he would like to reinforce the Hinman and Main Street parking. Mr. Lohr described the projects he has for possible future development, one being to re-create the concept of the former El Dorado Hotel at the corner of Water Street and Main Street, with parking across the street off Main. The second project would be the addition of a porch area on the Youngstown Village Diner. Neither project would past the brink, the footers for the Diner project have been there for over 20 years, this would just be continuing the original idea. Mr. Lohr then pointed out a redundant wording in the code as it is written currently under

section F subsection 1. Deputy Mayor Lockhart advised that is the current wording of the code and is correctly printed. Mayor Reynolds thanked Mr. Lohr for his feedback.

Resident Sue MacNaughton of Main Street spoke and conveyed her concern of the 40% Commercial requirement. Ms. MacNaughton has concerns that residents may complain of traffic or noise with the addition of possible residential dwellings. Mayor Reynolds noted that the Village is trying to add flexibility with the change to the code to make things more feasible for property owners in the Commercial District. The Board recognizes what Ms. MacNaughton has noted and feels there will not be an issue moving forward.

With no further public comment, Mayor Reynolds moved into the regular Board meeting.

### **PROCLAMATION**

Mayor Reynolds asked James Donoughe to come forward. Mayor Reynolds proclaimed August 1-7, 2018 as Clown Week and presented a proclamation for James Donoughe, “Donuts The Clown”. Mayor Reynolds noted that “Donuts” started his career with Nancy Price in the Village over 30 years ago and continues to perform and entertain in the Village today.

### **PUBLIC COMMENT-all comments shall be kept to 3mins and directed to the Village Board of Trustees.**

Mayor Reynolds opened the regular meeting to public comment. Sue MacNaughton of Main Street advised the Board that she and Claudia Andres recently took a Comprehensive Planning seminar. Ms. MacNaughton shared a vision for a charrette in the Village. Ms. MacNaughton would be happy to work with the Board on this vision to create this in the Village and provided Mayor Reynolds with some documents. Mayor Reynolds thanked her.

### **DEPARTMENTAL REPORTS**

**POLICE:** Sergeant Ullery in for Chief Schuey advised Police Chief Schuey turned his report in.

**DEPARTMENT OF PUBLIC WORKS:** Mayor Reynolds advised that DPW Superintendent Muller’s report was received. Deputy Mayor Lockhart added that the DPW will be paving, and that the safety zones in Falkner Park are completed with the remaining chips being used in Lion’s Park.

Superintendent Muller joined the meeting at 6:55 p.m. Superintendent Muller reported that the owners of 514 2<sup>nd</sup> St would like pipe put in the whole way for the easement, not just the bottom. The homeowner is willing to pay for the pipe. Deputy Mayor Lockhart motioned for approval for the DPW to obtain the pipe, based on the homeowner’s payment and install pipe the entire way to correct the drainage issue. Motion was seconded by Trustee Zastrow. All in favor, Motion was carried. Paving will begin Tuesday August 14. Trustee Comerford asked if the weed whipping had been completed

near the dug out at Vet's Park. Superintendent Muller conformed it had, and it would be done again soon. Trustee Fox asked about the "hole" in front of his residence. Superintendent Muller advised they had looked at it and will be patching the area.

**ENGINEER:** Engineer Lannon joined the meeting at 7:00 p.m. and reported that the documentation has been entered for the sewer reporting.

**GRANT WRITER:** Absent, no report received.

**BUILDING INSPECTOR:** Building Inspector Steven arrived at 6:50 p.m. His report was turned into the Board. The house on Elm St is in the process of having all the documents finished in order to start the demolition.

**ATTORNEY:** Attorney Caserta advised that the easements have been coming in and once they are all received the DPW can move forward.

Trustee Zastrow joined the meeting at 6:57 p.m.

## **MINUTES**

Motion to approve the Board Minutes from July 12, 2018 was made by Deputy Mayor Lockhart and seconded by Trustee Fox. All in favor, motion was carried.

## **CORRESPONDENCE:**

The Falkner Park Summer Concert series continues on Friday August 10th, with 2<sup>nd</sup> Time Around and Friday August 17<sup>th</sup> with Water Street Quartet. This will conclude the concert series for the summer. Thank you to Dottie Riordan for scheduling another successful year of concerts.

So noted.

The Village of Youngstown Recreation Department will offer fun filled days through August 24, 2018. Please check their posted schedule and our Facebook page for details.

So noted.

Youngstown Labor Day Parade will be held Monday September 3, 2018 at 12:00 noon on Main Street. Details and applications are available on our website: [www.youngstownnewyork.us](http://www.youngstownnewyork.us).

So noted.

## **AGENDA**

## **ABSTRACT OF AUDITED VOUCHERS**

Abstract of Audited Vouchers for the period of July 13-August9, 2018 in the amount of \$112,140.96

General:	\$50,797.95
Water:	\$ 253.50
Sewer:	\$57,289.51
<u>Trust:</u>	<u>\$ 3,800.00</u>
Total	\$112,140.96

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

### **RESOLUTION-Standard work day for the Village of Youngstown**

Be it resolved that the Village of Youngstown, Location 40419, hereby establishes the following standard workdays for these titles and will report the officials to the New York State Retirement System based on their record of activity.

<u>Officials</u>	<u>Standard Work Day Hrs</u>	<u>Name</u>	<u>Term</u>
Mayor	6	Raleigh B. Reynolds	6/1/18-5/31/22
Chief of Police	6	Michael Schuey	6/1/18-5/31/22

Deputy Mayor Lockhart made a motion to adopt the resolution for the standard workday as noted in the Agenda. Trustee Comerford seconded the motion. All in favor, motion was carried.

### **DISCUSSION/POLICY**

Discussion on adoption/enforcement of policy regarding requirement of lunch breaks by part time employees working six hours or more in a given day in any area excluding the Police Department. Discussion of setting of start times for part-time employees, establishing that Department Heads can establish the start time based on needs of the position.

Labor Law Section 162 sets forth the required meal periods for employees in New York State:

*Non-Factory Workers are entitled to a 30-minute lunch break between 11:00 a.m. and 2:00 p.m. for shifts six hours or longer that extend over that period and a 45-minute meal break at the time midway between the beginning and end of the shift for all shifts of more than six hours starting between 1:00 p.m. and 6:00 a.m.*

*Meal periods that meet statutory requirements are not required to be counted as "hours worked" and employees are not required to be paid for such time.*

A motion was made by Deputy Mayor Lockhart and seconded by Trustee Fox that pursuant to labor law 162, all part time employees scheduled to work 6 hours or more are required to take a half hour unpaid lunch break and document the time on their timecard. It was also noted that Departments Heads have the authority to designate start times as needed.

As the toll booths have been removed from the thruway, and it has changed to electronic tolls, request for the DPW to obtain an EZ pass for their Village vehicle. This will eliminate NYS from mailing bills to the Village each time we drive through and processing checks for each of the instances. The cost is \$25.00 for the EZ pass and the amount is credited to our account to use for tolls.

Motion to approve the purchase on EZ pass was made by Trustee Fox, seconded by Trustee Comerford with discussion. The Board feels this is a good solution and would like EZ passes for both DPW trucks and for the Police vehicles. Ability to replenish the pass as needed was added to the motion. All in favor, motion was carried.

Request from the Clerk's Office to obtain a credit card for Village purchases. This would be kept with the Clerk and used for Village purchases as authorized. The card would be obtained through our Amazon account that is already established. The card would be a card that is able to be used anywhere.

Motion was made by Trustee Zastrow, seconded by Deputy Mayor Lockhart to approve obtaining a credit card for the Village through the Clerk's Office. All in favor, motion was carried.

Authorization for the Clerk's Office to pay utility bills via on-line payments. This will enable the Office to meet payment deadlines in a more efficient manner.

Motion to approve on-line bill pay for utility bills was made by Deputy Mayor Lockhart, seconded by Trustee Comerford. All in favor, motion was carried.

## **BUILDING USE**

Request from the Labor Day Parade Committee to have "no parking" signs placed along Main Street and 1 block up Lockport Street for the September 3<sup>rd</sup> parade. Request to close Main Street and have the Police Department enforce the street closure.

Motion was made by Trustee Fox, seconded by Deputy Mayor Lockhart with discussion to Sergeant Ullery regarding the start time and additional personnel and barriers used to block the roads. Sergeant Ullery advised the start time is usually 10:00 a.m. and they will coordinate everything. All in favor, motion was carried.

Request from Girls on the Run, Kymberly Higley- to use the Gym on Monday 4:00 p.m-6:00 p.m., on Wednesday, Friday from 4:00:p.m.- 5:00 p.m. and then from 5:00-6:00 p.m.in the Calvert Room and Saturday's from 10:00a.m.- 12:00 p.m. in the gym, from September 12- November 9, 2018. Insurance has been received. Recreation Director Cudmore has approved this time frame.

Motion to approve the use for Girl's on the Run was made by Trustee Fox, seconded by Trustee Comerford and carried.

Request from Gary and Ryan Myers-Lewiston/Youngstown Baseball to use the gym on Wednesdays 9/15/18-5/15/19 from 6:00 p.m.-7:30 p.m. for baseball conditioning for Lewiston/Youngstown Baseball All-star. Insurance is forthcoming. Recreation Director Cudmore has approved this time frame.

Motion to approve the use for baseball pending receipt of the insurance was made by Deputy Mayor Lockhart, seconded by Trustee Fox. All in favor, motion was carried.

### **BOILER**

Boiler for the Village Center- \$53,100.00 Steve's Heating and Cooling was the lowest bid. Superintendent Muller advised he needs to start the process so the new boiler is in and functional when the cold weather sets in. The HVAC grant is signed and in place for reimbursements to start this process. The HVAC grant is for \$50,000.00, the A/C replacement was \$7,344.00, and has been submitted for reimbursement from the grant. We will need a total of \$10,444.00 to cover expenses after the grant is received (Boiler \$53,100.00, A/C \$7,344.00=\$60,444.00. Grant \$50,000.00, funding from Village \$10,444.00). The funds to cover this amount are available in our NYCLASS saving account for building renovations.

Motion to approve Superintendent Muller moving forward for the process was made by Deputy Mayor Lockhart, seconded by Trustee Fox. All in favor, motion was carried.

### **AUTHORIZATION**

Authorization for Mayor Reynolds to sign the annual standard engagement letter for Brown & Company, LLP to perform the annual audit for the fiscal year ending May 31, 2018.

Motion for the Mayor to sign the agreement was made by Trustee Comerford, seconded by Trustee Zastrow. All in favor. Motion was carried.

### **ANNOUNCEMENTS**

The next Board meeting will be, September 13, 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:** None

**NEW BUSINESS:** None

### **BOARD REPORTS**

Trustee Comerford reported that he attended the NYPA meeting on LED lighting for street lights. He felt there could be a significant savings to the Village. Trustee Comerford asked Trustee Fox if he wished to add anything. Trustee Fox added that Dan Keating from National Grid also has a program that he would like to present. Trustee Fox is working with Mr. Keating to arrange the presentation on the National Grid program.

Trustee Comerford continued with thank you's for the Community Picnic. The attendance was down this year, but it was still a nice time with food, music and fun. Trustee Comerford thanked Tim Adamson for helping again this year, and his co-chair Trustee Zastrow. Trustee Comerford thanked the DPW, Recreation, St. John's Episcopal Church, and the Lion's club for their participation as well.

Trustee Zastrow reported that the corner of Third and Church Streets has been cleaned up and looks much nicer. He thanked the Jet Boat Company for their efforts. Trustee Zastrow echoed Trustee Comerford report on the Community Picnic. Trustee Zastrow wanted the Board to be aware that there was a basement wall collapse in the "project" area of the Village. The Board and Building Inspector Stevens noted they were aware, and there had been previous issues that the home owners must handle privately.

Deputy Mayor Lockhart reported that the Eagle Scout Project at Lion's Park will be moving forward. A work crew is being organized and the project is heading in the right direction. Deputy Mayor Lockhart also reported the he spoke with Bill Joseph of the Engineering firm that requested permission from the Village to load equipment and materials at the North Dock for placement along resident's property along the River to minimize the erosion damage. Mr. Joseph advised his company hoped to move forward with the project this winter and will be in touch with the Village.

Mayor Reynolds reported that the Fishing Derby was a success with 15 children participating. There were many fish caught. Mayor Reynolds thanked the Niagara River Anglers Association for their continued help with the annual derby.

Mayor Reynolds also appointed the Arts & Music Festival committee for 2018. Claudia Andres will be Chairperson, Halley Andres, Maggie Steyn, Adam Zerby and Dave Stayner will be on the Committee.

Trustee Fox inquired about 15 minute parking signs that are outside the Anchor Spirits store. Trustee Fox wondered if others on the Board thought it was appropriate, or if they were outdated. Discussion continued that with the ice cream stand there, it may be more sensible to just have normal parking. There are two spots that were designated 15 minutes parking 15-18 years ago. The Board will add this to the next work session for discussion.

**PUBLIC COMMENT--all comments shall be kept to 3mins and directed to the Village Board of Trustees.**

Mayor Reynolds opened the meeting up for public comment again. Sue MacNaughton from Main Street spoke asking the status of appraisal for the property on Hinman and Main Street that the Church currently owns. Attorney Caserta advised he has contacted the appraisal company and is waiting on their response. The decision to pursue purchase of the property would continue after the appraisal has been received. The decision from the Church will come from the Diocese in Buffalo. Dottie Riordan spoke advising that there was a gas station there years ago and the property in question was donated to the Church. Engineer Lannon added that if there was a gas station there, the Village will want to do a phase I Environmental Assessment test to ensure the status of what is underneath the property. Engineer Lannon added that the Village would not want to own this property if the case proves to be there are still tanks or other issues with the property. The Board noted the discussion.

With no further public comment, motion was made by Deputy Mayor Lockhart to adjourn the public hearing meeting at 7:32 p.m. Motion was seconded by Trustee Zastrow. All in favor, motion was carried.

Deputy Mayor Lockhart made a motion to adopt the changes as noted in the draft for Section 250, Permitted uses in the C District. Motion was seconded by Trustee Zastrow. All in favor, motion was carried.

With no further business, Trustee Comerford made a motion to adjourn the regular meeting at 7:33 p.m. and enter into the work session. Motion was seconded by Trustee Fox. All in favor, motion was carried. See work session minutes under separate cover.

Trustee Zastrow motioned to adjourn the work session and enter into executive session at 7:55 p.m. Motion was seconded by Trustee Fox. All in favor, motion was carried.

Motion to adjourn the executive session was made at 8:32 p.m. by Trustee Zastrow, seconded by Trustee Comerford. All in favor, motion was carried.

Motion to end the regular meeting was made at 8:33 p.m., by Deputy Mayor Lockhart, seconded by Trustee Zastrow. All in favor, motion was carried.



