

# Village of Youngstown

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## Village of Youngstown Board of Trustees Minutes – September 27, 2018

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

**ABSENT:** Grant Writer Rotella, Superintendent Muller, and Engineer Lannon.

### **CALL TO ORDER**

The regular meeting of the Board of Trustees was called to order with the Pledge of Allegiance at 7:00 p.m. by Mayor Reynolds.

**PUBLIC HEARING:** Mayor Reynolds opened the public hearing by reading the Notice:

NOTICE is hereby given that a Public Hearing will be held by the Village Board of Trustees of the Village of Youngstown on September 27, 2018 at 7:00 p.m. in the Village Board Room, 240 Lockport St, Youngstown, NY, for the purpose of amending or repealing the following provisions of the Village Zoning Code:

Village Code 232-12(E) on the south side of Lockport Street commencing 90 feet easterly from the curb line of Main St and then extending for a distance of 50 feet, parking shall be limited to 15 minutes during the hours of 10:00 a.m. to 9:00 p.m. effective 9-25-2003. [Added 9-25-2003 by L.L. No. 3-2003]

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

Mayor Reynolds opened the hearing to public comment asking the public to state their name and address for the record.

Mark Butera, Anchor Spirits, 113 Lockport St addressed the Board. Mr. Butera asked the Board what the problem was, what was prompting the hearing. Mayor Reynolds advised there had been a complaint turned into the Board regarding the parking spaces noted in the hearing notice. Mr. Butera asked if it was a written complaint, Mayor Reynolds advised it was not. Trustee Fox advised someone asked him about the spaces and he brought the matter to the Board for discussion. Discussion regarding the parking occurred at the previous two Board meetings,

August 9, and September 13, 2018. The September Board meeting a motion was made to hold a public hearing on the matter to hear any residents regarding the code. Mr. Butera continued that the space was the US Post Office in 1973 and the spaces were designated 15 minutes at the time. The building then became a liquor store owned by several individuals over the years. In 2003 the spaces were designated as noted by the Village code 232-12(E). Mr. Butera continued stating they do not believe the spots are “theirs”, but that they are for the convenience of all customers. Mr. Butera stated his business is unique in the fact it a come in/go out quickly type store. Mr. Butera continued presenting a petition that was circulated in 2007 to retain the spaces with 38 pages of signatures in support of retaining the spaces. Mr. Butera stated he felt ambushed by the hearing and stated he is working on a current petition containing 3 ½ pages of signatures that he will continue working on obtaining signatures for. Mr. Butera stated that over the years there had been abuse of the space with people parking longer than the designated time, and there was not police enforcement. Mr. Butera also stated that there are no police records of any issues with the space. Mr. Butera continued that as a courtesy, he developed a sign to assist letting people know the spaces are 15 minute parking. Mr. Butera advised he places these under the windshield wipers (see copy below). Mr. Butera concluded his statements advising he hopes the Board will consider this and react favorably.

**PLEASE BE AWARE**  
**YOU ARE PARKED**  
**IN A 15 MINUTE ZONE**

**THAT IS DESIGNATED FOR USE BY LOCAL  
BUSINESS CUSTOMERS, ELDERLY, AND  
HANDICAPPED.**

**THANK YOU!**

**ANCHOR SPIRITS**

**TIME: \_\_\_\_\_ DATE: \_\_\_\_\_**

Mike Stella, Mug & Musket-418 Main St, spoke stating that he would like to piggyback on what Mr. Butera stated. Mr. Stella advised that various customers use the 15 minutes spots for takeout

from the restaurants. Mr. Stella continued that the spaces do not bother him and he has not heard anything about the spaces. Mr. Stella stated he would like to advocate leaving the spaces alone.

Tim Adamson, 510 Church Street. Mr. Adamson stated that he supports keeping the signs to support business. Mr. Adamson stated he recently counted the parking spots in the one block area of Main Street, and found there are 161 spots, not including the lot to the Ontario House. Mr. Adamson stated he felt the businesses give good quality to the Village. Mr. Adamson remarked asking if the Zoning Board saw it as problem. Mr. Adamson also asked the Board when they started acting on verbal complaints and he is surprised the Board would act on a complaint that is not in writing.

Mayor Reynolds responded that the Board trying to fairly support all the businesses equally.

Mr. Butera spoke asking Mayor Reynolds what he meant by his statement. Mr. Butera stated this is not just helping his business, and pointed out that he had 3 pages of signatures today to keep the spots. Mr. Butera asked who was behind the action of removing the spots. Mr. Butera stated that all the business benefit from the spots when customers use them to pick up orders. Mr. Butera stated he was not making a threat but if the Board did not consider this, businesses may leave. Mr. Butera advised the Board they were sending a message of not supporting business.

Connie Heidman, 1042 Lake Road, employee of Anchor Spirits spoke. Ms. Heidman stated many of their customers are elderly and she carries packages to their car for them. Ms. Heidman asked the Board to consider how this would affect these patrons if these spots were returned to regular parking spaces.

Jodee Riordan-130 Elliot Street spoke. Ms. Riordan expressed that she was in favor of keeping the parking spots the way they currently are. Ms. Riordan asked if this had gone through Zoning. Ms. Riordan continued stating she felt there was no reason not to keep the spots as 15 minute spots since they are in an area that are servicing grab and go, run in and out business. Ms. Riordan stated if the parking was not available, and she had to consider somewhere else to park, she would not go into the business. Ms. Riordan continued stating that even if the spots were only helping one business, the Butera's do a lot and she would still be in support of it.

Mr. Adamson addressed the Board again stating that the Butera's bought a commercial building and a commercial business and keeps it up well. Mr. Adamson stated the Butera's are conducting their business the right way and the Village needs to support the business, not make it difficult.

Greg Miller-520 Main Street spoke. Mr. Miller stated that from a business owner standpoint they need the Board on the side of business. Mr. Miller stated if the support is not there from the Village, the business owners could take their business and move it out of the Village. Mr. Miller

continued advising that anything the Board could do to help out, should be done, and they should look at the bigger picture.

Mr. Butera addressed the Board again thanking everyone. Mr. Butera asked the Board what the next steps were in the process. Mayor Reynolds advised they will close the hearing tonight and the item will appear on the Agenda for the next Board meeting. Mayor Reynolds stated the Board would like time to review the information received before rendering a decision.

Mr. Adamson spoke again. Mr. Adamson again asked the Board when they changed their policy on verbal versus written complaints. Trustee Fox remarked that they have not changed their policy, continuing that he brought the matter to the Board after he received a complaint from a resident. Mr. Adamson pushed further stating that the policy was that a complaint had to be in writing to be addressed. Trustee Fox remarked that the Board was discussing an issue that had been brought to their attention.

Mr. Stella addressed the Board again remarking with the nature of the complaint, he felt the Board should have talked to other Businesses, and that no one from the Village Board contacted any of the other Businesses. Mr. Stella advised he was unaware of what the specific complaint was, and who was complaining.

Mr. Butera again spoke, and commented he was out of town and unaware of the hearing; adding that the Village Board needs to show they care about business Mr. Butera emotionally addressed the Board stating that he was aware a notice was in the paper, but felt the public hearing was an ambush as no one from the Board called and spoke to his business about the hearing adding they acted irresponsibly. Mr. Butera added he feels the public hearing on amending or repealing the code is punitive and not a good way for a public Village to do business.

Mr. Stella commented the Board should communicate. Mr. Adamson asked why residents were not notified within 500 feet of the business as they are in Zoning hearings. Mr. Butera commented the Board needs to change.

With no further public comment, Mayor Reynolds continued on to the written correspondence received regarding the public hearing.

**Written correspondence received for comment:**

Deputy Mayor Lockhart read a letter received from Sue MacNaughton, 435 Main Street. See letter below:

Sue A. Mac Naughton  
435 Main Street  
Youngstown, New York 14174  
(716)745-3217

Date: September 26, 2018

TO: The Village Board of Trustees  
Of the Village of Youngstown

RE: Village Code 232-12 (E)

Honorable Mayor and Board Members,

I just saw this posting for a Public Hearing to be held September 27, 2018 and unfortunately I will be out of the country.

As a resident at 435 Main Street and a business owner (Sue MacNaughton DBA Everything Youngstown) I strongly believe that there should not be a time restriction on parking within the Youngstown Business District. A Fifteen minute restriction negatively impacts access by citizens and customers to the businesses ie the Real Estate Office, The Doctor's Office (Many of these patients are handicapped or in need of assistance), The Corner Galley and Ontario House, The Fyfe & Drum and the Youngstown Village Diner to name a few.

This code was a knee jerk reaction, by a previous board to a request from one relatively new business owner, without forethought and consideration for the business district parking needs, in total.

Yes, over the years, I have had customers say that they did not stop at my store because there was not a parking place in front. And yes, as you are well aware, I do see the need for additional municipal parking. But enforcing a 15 minute parking limit, at the request of one business, does not invite customers but drives them away. Also, How do you enforce the 15 minute parking code? Are we going to have police officers parked waiting to ticket someone that has parked there to have lunch and oops has parked for an hour? Over the years, there have been other attempts to limit business district parking. For example, Gary Brennan wanted two hour parking limit on Main Street because he did not want Level Regatta people leaving their cars on the street. These same people who would flood his business every evening of the Regatta. The Police department, at that time, said that they did not have the manpower to enforce the ban, yet the signs went up. Bottomline, I believe Village Code 232-12 (E) should be removed from the books until the Village board is able to sit down with all of the Main/Lockport Street business owners along with Parking Planning Professionals to address "On-Street" parking within the defined business district.

Sincerely



Sue A. Mac Naughton

Mr. Butera commented that Ms. MacNaughton is a landlord advocating for her businesses. Mr. Butera continued that there is 2 hour parking in that area of Main Street. Mayor Reynolds advised Mr. Butera that Ms. MacNaughton has a right for her comments to be heard at the public hearing.

Trustee Comerford read another letter received from Cathy Pasquantino, Village Diner, Main Street. See letter below:

Thank you for taking the time to read this,  
This is Cathy from the Village Diner ...

I have a few thoughts + concerns about parking generally in our small business district. My first concern ~~is~~ has always been the number of Apartment tenants on Main St. Street that ~~having~~ have parking spots available to them behind or near their Residency that continue to park on the Street overnight + during business hours. This needs to be ~~changed~~ <sup>CHANGED</sup> + Enforced Please.

And about one business having two prime parking spots allotted to them might seem unfair to other businesses, I also see both sides. I understand the liquor store is generally ~~an~~ a get in + get out kind of thing but also feel maybe ~~some~~ concessions can be made. I have a very large elderly / people w/ Walkers, on oxygen etc. <sup>CLIENT BASE</sup> Wouldn't I love to have 2 spots in front of my business designated handicapped. I can assure you they would be filled most of the day.

Mr. Butera commented that he did not disagree with Ms. Pasquantino's comments and handicap parking spots on Main Street may be beneficial.

Mayor Reynolds asked for any further public comment on the hearing. With no further comments Mayor Reynolds called for a motion to close the public hearing. Motion was made by Trustee Zastrow, seconded by Trustee Fox. All in favor, motion was carried.

**Regular meeting public comment:**

Mayor Reynolds opened the regular meeting calling for any public comment.

Karran Swayze of the Youngstown Free Library Board thanked the Village Board for their continued financial support and continued support for the new Library programs instituted this last year.

Tim Adamson remarked that he would agree with the letter from Cathy Pasquantino regarding handicap parking spots, and Mr. Adamson feels one on each side of Main Street would be beneficial.

Mike Stella commented that he would support the handicap parking spots as well.

Mr. Butera spoke confirming his support of handicap parking spots.

With no further comments, Mayor Reynolds moved on to Departmental reports.

## **DEPARTMENTAL REPORTS**

### **POLICE:**

Chief Schuey had nothing new to report.

### **DEPARTMENT OF PUBLIC WORKS:**

Superintendent Muller was absent.

### **ENGINEER:**

Engineer Lannon was absent.

### **GRANT WRITER:**

Grant Writer Rotella was absent.

### **BUILDING INSPECTOR:**

Building Inspector Stevens reported that the abandoned vehicle issue is under control. Letters were served and everyone was very responsive. There are three summon that will be issued for non-compliance. Building Inspector Stevens advised the Board that the Clerk's Office was wonderful with help on the letters. Building Inspector Stevens continued that the same process regarding dead or dying trees on properties will be next for him to cover. The Emerald Ash Boar has left many trees dead. Superintendent Muller and Inspector Stevens went through the Village and identified the most dangerous trees. There are twelve trees in question, and Inspector Stevens does not want to saddle any property owners with large bills to have the trees taken down, thus the reason he and Superintendent Muller identified the most dangerous trees. Trustee Zastrow asked if the letters have been sent to the residents yet. Attorney Caserta also asked about the time frame stating he felt there could be issues with the winter weather moving in. Trustee Zastrow asked if there was a list of businesses that remove trees was available at the Village Office. Inspector Stevens advised he could put a list together. Attorney Caserta feels the letter should center on safety and will forward a revised draft of the current letter.

### **ATTORNEY:**

No further comments.

Deputy Mayor Lockhart reported for Superintendent Muller advising they have identified 5 trees in the Village right-of-way that need to be removed. The DPW has been working on sewers. Superintendent Muller discovered that a steel rod from a sign pierced the storm sewer on River Road. Superintendent Muller advised that the water loss rate is acceptable and they continue to monitor the water reads. Sewer cleaning has slowed down as the jet cleaner is out for repairs. Leaf pick up will begin in 2-4 weeks.

## **MINUTES**

Motion to approve the Board Minutes from September 13, 2018 was made by Trustee Zastrow, seconded by Trustee Comerford. All in favor, motion was carried.

## **CORRESPONDENCE:**

Thank you letter received from The Mighty Niagara Half Marathon/Niagara Hospice for the Village of Youngstown's continued support for the Hospice 5K Dash and The Mighty Niagara Half Marathon. Another successful race was held September 15, 2018 with terrific feedback from the runners, community members and local businesses. The committee is considering changing the date to September 14, 21, or 28, 2019 and would like feedback from the Village of Youngstown if these are acceptable dates.

So noted, the Board confirmed any of the dates listed would be fine with them. The Clerk's Office will advise the Marathon Committee of the Boards decision.

Thank you letter received from the Youngstown Free Library Board of Trustees thanking Mayor Reynolds and Deputy Mayor Lockhart for joining their meeting in June to discuss the future path of the library.

So noted.

## **AGENDA**

### **ABSTRACT OF AUDITED VOUCHERS**

Abstract of Audited Vouchers for the period of September 14, - September 27, 2018 in the amount of \$11,414.46

General:	\$ 10,261.33
Water:	\$ 630.34
Sewer:	\$ 422.79
<u>Trust:</u>	<u>\$ 100.00</u>
Total	\$ 11,414.46

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

### **ANNOUNCEMENTS**

The Youngstown Arts and Music Festival will be held Saturday October 6, 2018 from 11:00 a.m. until 6:00 p.m. at Falkner Park. Come out and enjoy the music, and vendors!

So noted.

### **BUILDING USE**

Request from the Youngstown Free Library to use the Cora Gushee Room from 5:00 p.m.-6:00 p.m. on Wednesday October, 3, 10, 17, 24, 2018 for meditation class. Insurance is on file.

Motion to approve the use as noted was made by Trustee Zastrow, seconded by Trustee Comerford. All in favor, motion was carried.

### **ANNOUNCEMENTS**

The next Board meeting will be, October 11, 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:**

Deputy Mayor Lockhart reported that Superintendent Muller has 3 bids for removal of the dead trees in the Village right-of-ways. The lowest bid is from Angry Beaver for \$4,750.00. Deputy Mayor Lockhart motioned to accept this bid. Motion was seconded by Trustee Comerford. All in favor, motion was carried.

### **BOARD REPORTS:**

Trustee Comerford reported that the Recreation Department resumed their meeting on the last Monday of the month. Summer softball was very successful. Recreation Director Cudmore reported to their commission that she would like to compliment her summer staff for a job well done. Open gym will be held Tuesday and Thursday from 6:00 p.m.-9:00 p.m. for grades 2-8 with the addition of crafts being held as a new program. Recreation Director Cudmore will also

be checking with the past instructor for Toddler program to see if there is interest in running that program again. The Halloween parade will be held Saturday, October 27, 2018 from 1:00 p.m.-3:00 p.m. with registration at 12:30 p.m. The Coast Guard will assist in decorating. The new nets at Lions Park need adjusting after the recent wind storm.

Trustee Fox reported that he is still trying to schedule a meeting regarding the street lighting project with the Power Authority.

Trustee Zastrow reported that he attended the dedication of the Salt Battery sign. It was a very nice event and the Historical Society did an excellent job. Trustee Zastrow advised RIT will be photographing Fort Niagara on September 29, and are looking for as many volunteers as they can to show up and assist with holding lights for the event.

Deputy Mayor Lockhart reported that the Eagle Scout project in Lion's Park will get off the ground on Saturday, September 29 with painting and preparing the fall zone.

Mayor Reynolds reported that he received an invitation from the Niagara River Region Chamber of Commerce to attend the Elected Officials Salute and Spotlight on October 18, from 5:00 p.m.-7:00 p.m. The invitation will be forwarded to the Trustees.

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

Mayor Reynolds opened the meeting for public comment again.

Mark Butera spoke stating that Cathy Pasquantino's letter was something that could include all Businesses with working on a plan for parking. Mr. Butera would like the Board to consider the petition from 2007 in support of the spots in front of his business. Mr. Butera thanked the Board and added he hopes to be included as part of the process.

Karran Swayze asked the Board if there had been a decision on removing the fixtures from the small bathroom off of the Community Room on the second floor. The Library is waiting on the decision and is in need of storage. Mayor Reynolds advised that the Board has discussed the issue, but has not made a final decision. The Board is leaning towards not removing the fixtures as it will not create much more space. Additionally, the room used to be a business that required the bathroom, and if a proposal was received for use of that room in the future, it may be needed and the Board does not want to take it out, and put it back in at a later date. Ms. Swayze asked if there was other space the Library could utilize in the building. Trustee Zastrow remarked there is no other additional space. Ms. Swayze remarked that the Library has significantly reduced their collections, but are still in need of extra space. Ms. Swayze feels the bathroom would give them some space, and she would like the Board to look for other spaces in the building for the Library to use. Deputy Mayor Lockhart remarked if there is additional space, it

would be utilized by the Clerk's Office for record retention and needs as there is a space issue in this area as well. The use of space will be an on-going topic of discussion for the Board.

With no further public comment Mayor Reynolds called for a motion to adjourn the regular meeting. Motion was made by Trustee Zastrow, seconded by Trustee Comerford at 7:56 p.m. All in favor, motion was carried.