

Village of Youngstown

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INCORPORATED:
APRIL 18, 1854

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Village of Youngstown Board of Trustees Minutes – October 11, 2018

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

CALL TO ORDER

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

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

Mike Stella of 358 Carrollwood/Mug & Musket 418 Main St spoke. Mr. Stella addressed the Board reading a statement he prepared. Mr. Stella stated he feels that the state of the Village is not going well, and he is not getting a good return on his tax dollars. The Village tax rate is \$7.00/thousand, for a \$100,000.00 home, which equals a \$700.00 a year tax bill. Ransomville's current rate is \$2.00/thousand. Ransomville offers garbage pickup, Library services, water, and fire services with no tangible difference. Mr. Stella went on to say he believes that the Village does not need a Police force. Mr. Stella continued the General fund is \$1.2 million. Fire service is \$106,000 and trash service is \$104,000. Mr. Stella read \$452,000 is sales tax revenue is generated and he believes this will be transferred to the town. Mr. Stella continued saying that the State will award \$211,000.00 a year or 15% of the receipt through dissolution and even with the Village buying in to the Niagara County Water District would save money. Mr. Stella remarked that in 1854 it may have made sense to be a Village; in 2018 there is no justification since the Town can do it. Mr. Stella went on to explain that he has a petition to dissolve the Village that would require 10% of the registered voter's signature. Mr. Stella continued saying the petition is presented to the Clerk for verification and a referendum, must be scheduled 60-90 days after. Mr. Stella continued saying the process could be wrapped up in 18 months if approved. Mr. Stella stated he felt the Village would not lose its identity and life would be fundamentally the same. Mr. Stella stated that the bank and the grocery store relocated and he looks at Ransomville and claims it makes no sense to keep the Village. Mr. Stella concluded by stating he will be circulating a petition-\$9/Thousand or \$2/Thousand-he chooses \$2/Thousand.

Norm Sawnn-372 Brampton Road addressed the Board regarding the sewer dispute between the Town and Village. Mr. Swann stated that for 5 years the Village has been scratching off what the Town says is due and have paid what the Village thinks they owe. Mr. Swann stated he feels this has been going on too long. Mr. Swann continued stating he felt the Attorneys have been going on too long with the dispute resulting in bulging pockets. Mr. Swann stated he has never seen a dispute go on this long. Mr. Swann stated he feels the Village is correct in the fact the Town had been overcharging the Village for Sewer. Mr. Swann continued that this would mean the residents were overcharged he feels somewhere in the \$500,000.00 range. Mr. Swann stated if the dispute was not resolved soon, he would contact the Attorney General, and the State Comptroller. Mr. Swann stated he feels that the attorney and courts fees are being paid for with sewer money. Mr. Swann stated he wanted to know where every nickel and dime was spent and that he expects a rebate check. Mr. Swann stated the sewer rates were raised six months ago.

Mark Butera-113 Main Street, Anchor Spirits spoke regarding the 15 minute parking spots. Mr. Butera stated he saw the item on the Agenda and asked if the discussion would be later on this issue. Mayor Reynolds advised that the public comment is now, and at the end of the Board meeting. Mr. Butera then continued advising he attended the public hearing on 9/27/18 and presented a petition from 2007 and a current petition with 379 signatures when he found out about the hearing. Mr. Butera stated he continued the petition and has over 300 signatures of friends, neighbors, customers, elderly and disabled voters. Mr. Butera stated to the Board he hopes they react favorably for keeping the parking spots.

With no further public comments, Mayor Reynolds continued with Departmental reports.

DEPARTMENTAL REPORTS

POLICE: Chief Schuey turned his monthly report in. Chief Schuey reported that there have been complaints received of people speeding on Lockport and Church Streets coming and going to youth football practice and that the Officers are aware of this and have been patrolling the areas. Trustee Fox stated that they had that issue in the past with the soccer teams practicing and once the director was informed, the situation was better. Chief Schuey confirmed that the President of the youth football had been notified and was also addressing the issue.

DEPARTMENT OF PUBLIC WORKS: Superintendent Muller was absent. Deputy Mayor Lockhart read his report. The DPW has been monitoring water use and loss and it is at an acceptable level. There are approximately a half dozen trees on the Village right of way that need to be removed. Angry Beaver was awarded the bid to remove these trees, and will begin their work at the end of the month. The boiler in the Village Center will be replaced starting the week of October 15. The DPW continues to do sewer work on 2nd Street, and have repaired the post that was put through the sewer on Main St. Leaf pick up will begin soon. The DPW will also be working in Lion's Park.

ENGINEER: Absent

GRANT WRITER: Grant Writer Rotella advised he was not able to complete a report due to family issues. Grant Writer Rotella advised that the water line project grant continues to be held at the State level and he is making calls about it, in addition to the calls made by the Mayor and Trustees to get the grant money delivered. The body camera grant has been received. The HVAC grant is in process. Grant Writer Rotella continued stating that the Police Department has been granted another \$5,000.00 for equipment. The details of the grant are not available yet. Grant Writer Rotella stated that there is a 100% reimbursable grant for safety lighting and he will get with the Clerk to work out the details. The NYS archives grant opens in November and he will also work with the Clerk on this Grant. Grant Writer Rotella advised he is still working on sources to fund a Senior Van for our program. Trustee Fox advised the RFP is out right now for bids. Grant Writer Rotella advised any funding would be good to have for the next van needed. Grant Writer Rotella advised the greenway funding as a use for acquisition of property makes him uncomfortable. Grant Writer Rotella asked the Board for direction for use of these funds. Grant Writer Rotella spoke regarding the tree grant and criteria for the tree survey. Grant Writer Rotella advised that the grant from the DEC [Art Services Initiative] for the Arts & Music Festival was submitted for \$10,000.00, and we would probably receive \$1,000.00 again.

BUILDING INSPECTOR: Building Inspector Stevens turned in his report advising everything was good. Code enforcement for the trees on private property will be finished as soon as Attorney Caserta forwards the wording for the letter. Building Inspector Stevens stated the original time frame was Nov 1st to have the trees down, but feels that is too close now. If the time is extended too far it gets into holiday time which is financially hard and he does not want to strap anyone affected by this. The only trees being targeted now are trees that are, or could become, safety issues. Building Inspector Stevens suggested that a signed contract from affected residents showing a contractor has been obtained would be sufficient as some of the tree removal businesses are a month out on their contract dates. Deputy Mayor Lockhart suggested that a 4 week time frame seems reasonable for the signed contract- for some time in mid-November, and that the letters should be sent as soon as possible. Attorney Caserta advised he is finalizing the wording and will forward it as soon as possible. Building Inspector Stevens advised the fire inspections are going well and there are 4-5 left and will be wrapped up soon.

ATTORNEY: Attorney Caserta advised he would like to address what Mr. Swann stated in the public comments regarding the sewer dispute between the Town and Village. Attorney Caserta stated that Mr. Swann had hired him years ago. Mr. Swann stated that had nothing to do with the sewer statements. Attorney Caserta stated he was not lining his pockets, Mr. Swann asked if he was working for free. Attorney Caserta stated that he

worked with Mr. Swann, saving the Village thousands in workers comp costs. Mr. Swann stated the dispute over the sewer should be figured out and that two attorneys are being paid, and that it was not rocket science. Mr. Swann continued that it was a disgrace to be in front of a Judge and all the costs incurred that go with the litigation. Attorney Caserta stated that he has not billed the Village for anything above his normal retainer fee. Attorney Caserta also stated that there are no court fees as municipalities are exempt from them. Attorney Caserta contained that the working relationship between he Town and the Village is at the best it has been in many years. If the Village had not found this error and stopped paying the town, the residents would be paying very large amounts with no one checking or advocating for them. Mr. Swann asked what the Town was paying their attorney and what costs were involved. Attorney Caserta advised Mr. Swann that he should attend the Town meeting and ask them. Mr. Swann stated he had been to their meeting. Attorney Caserta stated that the Town had also overbilled for the dog catcher and kept the fees the Village was entitled to. Attorney Caserta stated workers comp, dog catcher fees, cemeteries, and the fire contract were all issues the Village had to pursue with the Town in order to get the correct revenues and fees. Mr. Swann stated the Board has a mess and he wants his money back that was overbilled for sewer that the funds should be returned to the homeowners. Attorney Caserta and Mr. Swann continued to debate issues in the Town and Village. Attorney Caserta concluded by stating that the Village is watching out for the residents to make sure they are not paying more that they should. Attorney Caserta stated that the Town was charging the wrong rate and if the Village was not here, that rate would have continued. Attorney Caserta continued stating the tax rate will increase in the Town if the Village is dissolved into the Town and the Village will no longer have a voice.

CLERK’S OFFICE: Clerk-Treasurer Brown stated that the September financial reports were provided to the Board. The Department heads have all been given their reports to review for their codes.

MINUTES

Motion to approve the Board Minutes from September 27, 2018 was made by Trustee Zastrow, seconded by Trustee Comerford. All in favor, motion was carried.

AGENDA:

ABSTRACT OF AUDITED VOUCHERS

Abstract of Audited Vouchers for the period of September 27, - October 11, 2018 in the amount of \$76,723.34

General:	\$50,980.99
Water:	\$24,782.94
Sewer:	\$ 288.20
<u>Trust:</u>	<u>\$ 671.21</u>
Total	\$76,723.34

Motion to approve the abstract of audited vouchers was made by Trustee Fox, seconded by Trustee Zastrow, with a comment that there was a \$25,000 payment included in the abstract for the new dump truck. All in favor, motion was carried.

ANNOUNCEMENTS:

Tire recycle day will be held Saturday, October 27, 2018 from 8:00 a.m.-2:00 p.m. The dumpsters will be located at the Ransomville Fire Hall parking lot, 2521 Youngstown-Lockport Rd, Ransomville. The event is for Village of Youngstown and Town of Porter residents only.

So noted.

The Village of Youngstown Recreation Department will be holding its annual Halloween Party and Parade on Saturday, October 27, 2018 from 1:00 p.m.-3:00 p.m. Registration for the costume contest begins at 12:30 in the gym at the Village Center 240 Lockport Street, with the parade through the Village beginning at 1:00 p.m. There will be treats, games and awards following the parade.

So noted.

ITEMS:

Set date and hours for Trick-or-Treating in the Village of Youngstown.

Mayor Reynolds discussed with the Board that in previous years the Village has set the day and hours to fall on Halloween from 4:00 p.m.-8:00 p.m. and would recommend they continue with these hours and date. Trustee Comerford made a motion to set trick-or-treating hours for Wednesday, October 31, 2018 from 4:00 p.m.-8:00 p.m. Trustee Fox seconded the motion. All in favor, motion was carried.

Motions or discussion on Village Code 232-12(E), 15 minute parking on Lockport Street from 9/27/18 public hearing.

Deputy Mayor Lockhart made a motion to open discussion on Village Code 232-12(E). Trustee Fox seconded the motion. All in favor, motion was carried.

Mayor Reynolds recommended that based on input from the community at the public hearing a motion be made to take no action at this time on the parking spots. Mayor Reynolds continued that they would be looked at further when the entire parking situation in the Village was reviewed.

Deputy Mayor Lockhart stated that he wished to address the previous comment that people were ambushed by the public meeting on the parking spots. Deputy Mayor Lockhart advised the

parking issue for the spots in question had been discussed at several work sessions and Board meetings prior to the announcement of the public hearing. Public notice was published about the meeting as that is what is required by municipalities to hold a public discussion regarding input and feedback from the community on the issue. The notice was published and stated: “for the purpose of amending or repealing the following provisions of the Village Zoning Code.” Deputy Mayor Lockhart stated that this is the language that was required for any type of change to take place with the Village codes. The only part that seemed to be focused on was the 15 minute parking was being taken away, however this was meant for a discussion on the parking issue that was brought to the Board. Deputy Mayor Lockhart stated that as the Board reviews the bigger parking issues including handicapped parking in the Business district, the 15 minute spots will be part of that discussion.

Trustee Fox stated the Board was basically looking for input from everyone. Trustee Fox advised he was the Board member that brought the issue to the Board to consider looking for suggestions that may serve the best interest of everyone. There have been requested for handicapped parking on Main Street and a discussion needs to take place with everyone to address the parking. Trustee Fox stated that everyone is welcome to join in that discussion and the Board is there to listen.

Deputy Mayor Lockhart made a motion for the Board to not take any action tonight on this matter. With no second the motion failed.

Deputy Mayor Lockhart made a motion to continue as a Board to examine the issue as a whole. Attorney Caserta stated the motion was not necessary for the Board to move forward with that action. Deputy Mayor Lockhart withdrew his motion.

BUILDING USE: None

ANNOUNCEMENTS

The next Board meeting will be, October 25, 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 Zastrow asked if the tree letters are all together and the list was the same from the last meeting. Building Inspector Stevens stated it was the same list that had been provided at the last meeting.

Trustee Comerford stated that the library is requesting more space and wondered if any decisions had been made in regards to providing more storage space for them. Mayor Reynolds advised that there is also a space requirement for the Village and the records that are required to be stored. Mayor Reynolds advised the Board will take inventory of the space in the building and decide how to best utilize the spaces for everyone.

NEW BUSINESS: Trustee Zastrow asked about the RFP for the senior van. Trustee Fox advised it was published 10/7/18. Clerk-Treasurer Brown added that it was faxed to all Chrysler dealerships in Erie and Niagara County.

BOARD REPORTS:

Trustee Fox reported that he felt researching parking and codes may be confusing and suggested input from the Engineer to ensure all aspects are being met that would be required. Trustee Fox also reported that he has a meeting on Tuesday 10/16/18 with NYPA regarding the lighting project.

Trustee Comerford reported that the Recreation Department is applying for a grant to redo Veterans Park ball diamonds. The Village DPW and the Lewiston DPW have no issues working together on the park. The Grant Writer will work on this with the committee and it will be applied for on behalf of the Village of Youngstown as they are the owner of the park. Mayor Reynolds stated an agreement would need to be in place with Lewiston on the ball diamond use. Trustee Comerford advised the next meeting for recreation will be October 29th and he will bring this up to the Commission. Trustee Comerford also reported that St. John's Church has collected \$7,600.00 towards the senior van.

Deputy Mayor Lockhart stated he would like to make comments regarding Mr. Stella's statement on dissolution of the Village. Deputy Mayor Lockhart advised there had been a study completed by a NYS grant approximately 7-10 years ago for consolidation between the Village and the Town. The Town did not want the Village and the Village did not want to merge with the Town. If the Village were to be dissolved all the codes would dissolve. Anything on the books would "go away", including contracts the Village currently holds. Deputy Mayor Lockhart continued that the Town could create special districts within the Village for drainage/sewer and water, and other contractual obligations. Joining the Niagara County Water District for the Village would create an additional charge of \$.76/thousand on the tax bill. There are many pluses and minuses and this is not a slam dunk issue, there will be a cost to the Village residents. Mr. Stella spoke stating that there is a State grant for the Town if the Village is dissolved. The Village codes would remain in effect for 2 years after the dissolution. Grant Writer Rotella stated that there are

economics, a cost factor and burden for the Town to take over the Village. Grant Writer Rotella continued that even with assistance from the State it would not be feasible for dissolution. Grant Writer Rotella stated he would share the previous study showing there were little to no cost savings to combine. Mr. Stella remarked that he is speaking of dissolution and not consolidation. Grant Writer Rotella stated they are the same thing when it comes to this process and the outcome was not favorable. Mr. Swann remarked that some Towns made out well and that the Town of Porter is different than Lewiston. Mr. Swann stated people need to get the facts straight and it is important. Grant Writer Rotella discussed dates of the last study with Dotty Riordan and came to the conclusion it was 2011. Grant Writer Rotella will locate the report.

With no further Board reports, Mayor Reynolds opened the meeting to public comment again.

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

Mr. Swann spoke addressing the Board and Mr. Shawn Webber of Main Street expressing that Mr. Webber's building looks beautiful and they can now burry "Larry Q." Mr. Swann continued he would like to publically thank Mr. Webber, a round of applause ensued.

Heather Crumlish of 319 Carrollwood spoke on behalf of the library to ask for further confirmation on the use of storage space in the small bathroom off the Community room. Ms. Yanofsky clamied the bathroom had not been used in 35-40 years and the Board has been working on the issue for several months. Mayor Reynolds advised they would have any answer shortly.

Mark Butera spoke asking if he should continue the petition on the parking spots in front of Anchor Spirits. Mayor Reynolds commented that if he would like to, it is his choice. Deputy Mayor Lockhart commented that the spaces were never being taken away. The public hearing could have created draft language and another comment period which would result in a local law update which would be published in the paper. Deputy Mayor Lockhart continued that the Village has to treat everyone equal. If the Board went to a specific business and not others, it would appear there could be favoritism. This is why everyone is given the same notice in the paper.

Sue MacNaughton of 435 Main Street spoke regarding municipal parking on Main and Hinman. Attorney Castera advised that he had contacted a company to appraise the parcel and the quote was extremely high. Attorney Caserta advised he is trying to negotiate a price to have the property appraised. Ms. MacNaughton asked if the greenway funds could be repurposed for the walkway that runs down the hill to Water St from Main St. Ms. MacNaughton stated the walkway is not in very good shape. Deputy Mayor Lockhart stated the funds would not be enough to cover the cost of the walkway. Deputy Mayor Lockhart stated the boring test and research showed the project to be in the neighborhood of \$500,000.00. Ms. MacNaughton stated

she was only referring to the wooden stairway already in existence down the hill. Grant Writer Rotella advised it would be almost the same type of use for the funds; however the Village does not own the property. An agreement with the Yacht Club would have to be obtained via a permanent easement. Ms. MacNaughton stated that from a Village perspective it would lead down to a beautiful Village Park and that she could visualize the staircase being redone for easier access and safety. Trustee Fox stated Capital Steele was going to provide cost information on a steel staircase. Grant Writer Rotella will check to see if the greenway funds can be redirected to this purchase.

Mark Butera spoke regarding the Municipal parking on Hinman parcel asking for clarification on the discussion. Trustee Zastrow stated the Village was looking at the grassy area on Main and Hinman for purchase to use as municipal parking.

With no further public comment motion to adjourn the regular session and enter into the work session was made by Trustee Zastrow at 8:09 p.m., seconded by Trustee Comerford. All in favor, motion was carried. See work session minutes.

With no further work session items, Trustee Comerford made a motion to adjourn the work session and enter into executive session, seconded by Trustee Fox and carried at 9:00 p.m. All in favor, motion was carried.

Motion to adjourn executive session was made by Deputy Mayor Lockhart at 9:53 p.m., seconded by Trustee Fox and carried. All in favor motion was carried.

Motion to adjourn regular session was made by Trustee Comerford at 9:53 p.m., seconded by Trustee Fox. All in favor, motion was carried.