

VILLAGE BOARD MEETING –SEPTEMBER 27, 2012

Mayor Reynolds called the meeting to order at 7:02 p.m. with the Pledge of Allegiance. Also present were Deputy Mayor Suito, Trustees Adamson, Lockhart and VanDeusen, Attorney Caserta, Building Inspector Stevens and several residents.

Trustee Lockhart stated he would like to amend the agenda to add another item which would be item #9 and had been discussed at the September 13, 2012 Board meeting.

The Mayor then asked for public comment. Lori Adamson of Church St. and owner of 222 Lake St. discussed the drainage problem at the Lake St. property resulting from no storm sewer. A discussion took place regarding property damage which will continue if the drainage problem is not dealt with before the standing water freezes. The improperly draining water is coming from the neighboring home on Brookshire Rd. Building Inspector Stevens stated the best solution is to get an easement to go onto the neighboring property and install drainage pipe. Mrs. Adamson stated approximately six months ago the neighbor had agreed to the easement but has since hired an attorney. Attorney Caserta confirmed the same. He has spoken with the attorney who seems to understand the situation. Mr. Caserta stated that the easement could be issued by the Village if needed but preferred receiving permission from the property owner. Building Inspector Stevens stated there would be less mess if the ground was cut before the middle of October, pipe installed, ground closed up and then re-seeded. He went on to add that the neighbor's downspouts should be tied in also. Mrs. Adamson asked about setting a time limit in which the work would be done. Attorney Caserta stated he will work on the matter tomorrow. Trustee Adamson stated the neighboring home on Brookshire Rd. is up for sale and is currently being rented. He also stated that the drainage issue could hold up the sale of the home and also asked for a deadline in which to expect results. Attorney Caserta stated a ten day time limit might be possible. Mayor Reynolds stated Building Inspector Stevens and DPW Superintendent Muller could visit the owner to discuss the matter for resolve.

Norman Swann of Brampton Rd. asked for an update on the Cold Storage property. Mayor Reynolds stated the Village gave exclusive rights for building proposals to Manguso Development Co. and has not heard from them recently. He added that Attorney Caserta has made calls to the developer. Mr. Swann voiced his opinion on the Village taking over the property from the State along with his concerns for safety at the site. Attorney Caserta clarified the ownership matter which the Village took from the County, not State and that it would be in worse shape than it is now if the Village had not taken possession and proceeded with clean up. Mr. Caserta added that the developer's vision and the Village's vision are not the same as of late. The developer wants the property deeded over to them and they would tear it down. Attorney Caserta stated that a problem could arise if they then walked away. The Village would again be stuck with the property problem. He then stated he has offered different ideas to the developer. Jack Bush of Third St. stated that after the developer's presentation several months ago, he thought they would be at the monthly meetings with updates. Deputy Mayor Suito stated since that presentation, the Village has been back and forth with negotiations. Attorney Caserta reported that it's a practice of developers to want approval of projects prior to having architectural plans to see. Mayor Reynolds stated that we all know what the economy is like and developers are not lining up to build at the site. Mr. Swann asked if the Village was looking into grants for the tear down of the Cold Storage site and Deputy Mayor Suito answered affirmatively. Trustee VanDeusen stated that the Board agrees with many of the points brought up but unfortunately have hit a snag with the developer. Mr. Bush stated that the exclusive rights agreement had a time limit of one year. Mr. Caserta stated that was correct and that we are well into that one year time period.

Building Inspector Stevens reported he has received a call from Alan Hastings stating he has started the clean up of his Main St. property which sits vacant and that he will be replacing windows and doors. Mr. Hastings also wants to continue with the work at his Heritage Auto property. Inspector Stevens gave a brief report on the LaForest property work on Lockport St., discussing the elevations and the berm finding no issue at the site.

Mr. Stevens also discussed the turn buckles which will be ready soon for use in repairing the South Dock site. Trustee Adamson suggested also checking the ramp while working at the area. A brief discussion took place regarding the Lewiston dock where Mr. Stevens has done work. Mayor Reynolds asked that the Building Inspector discuss the ramp issue with Village Engineer Bob Lannon.

Police Chief Salada was absent but had submitted his monthly report at the first meeting of the month.

DPW Superintendent Muller was also absent and had earlier submitted his monthly report.

Attorney Caserta will address items as needed throughout the meeting.

The minutes of the September 13, 2012 meeting were approved by motion of Deputy Mayor Suitor, seconded by Trustee Adamson and carried.

CORRESPONDENCE

1. Utility taxes received from TWC Digital Phone-\$87.90, Granite Telecom-\$1.36, Vonnage - \$6.44, AT&T - \$4.56, National Fuel - \$705.96, Dominion - \$.99 and MCI - \$5.48. Niagara County Sales Tax distribution for August-\$31,094.55 up \$2,922.21 from the same period last year. So noted.
2. Tire Collection Day is scheduled for Saturday, October 27, 2012 from 8:00 a.m.- 2:00 p.m. at the Ransomville Fire Hall parking lot. Village of Youngstown and Town of Porter residents only. Tires are accepted with or without rims. So noted.

AGENDA

1. The Abstract of Audited Vouchers for period ending September 27, 2012 – General Fund-\$38,663.50, Water Fund - \$1,624.12, and Sewer Fund - \$699.84 was approved by motion of Trustee Adamson, seconded by Deputy Mayor Suitor and carried.
2. Trick or Treat hours to be set. (In past years, hours were set on actual day from 5:00 p.m.-7:30 p.m. This year Halloween falls on a Wednesday.) Trustee VanDeusen motioned to set the Trick or Treat hours and date as mentioned, seconded by Trustee Lockhart and carried.
3. Keeping chickens / falcon in the Village. (Addressed at 9/13/12 Board meeting) Attorney Caserta stated that while researching data for a Local Law, he found that more thought needs to be given to the details such as the number of chickens to be allowed and possible square footage issues. Crystal Stevens stated most municipalities allow 4-5 chickens to be kept. Mr. Caserta stated Buffalo allows 5. Mayor Reynolds stated that after Attorney Caserta reviews the issue further, the Board will call a Public Hearing. Connie Gildner of Wingate Place stated her daughter had requested permission to raise a falcon at their home and wanted to know if she could come to the meeting. The Mayor stated the Public Hearing is open to everyone. A discussion took place regarding a special use permit but Attorney Caserta advised that could not be done.
4. Docking at Village waterfront. A discussion took place regarding boats docking for long periods of time and the need for signage with docking time limits clearly marked. Mayor Reynolds stated the matter will be discussed further by the Board in time for spring-time posting.
5. Resolution to accept the negative declaration based upon the SEQR form compiled for Upstate Cellular Network d/b/a Verizon Wireless. Trustee Lockhart motioned to accept the negative declaration, seconded by Deputy Mayor Suitor and carried. (Copy attached.)
6. Resolution to accept the amendment to the Verizon Wireless lease and authorization

for Mayor to sign the same. See attached. Trustee Adamson motioned to accept the Verizon Wireless lease and authorization for Mayor Reynolds to sign, seconded by Trustee Lockhart and carried.

7. Request from Town of Porter Historical Society and the Friends of the Youngstown Free Library to use the Village Hall on Veterans Day, November 12, 2012. Librarian Jan Gilgore has agreed to open and close the building due to its normal holiday closure that day. Deputy Mayor Suitor motioned to approve the request, seconded by Trustee Adamson and carried.
8. Authorization for Deputy Clerk to attend Niagara County Office for the Aging Public Hearing on Tuesday, October 23, 2012 at the John Duke Senior Center in Niagara Falls from 10:00 a.m. - noon was approved by motion of Trustee Adamson, seconded by Trustee VanDeusen and carried.
9. Item added by Trustee Lockhart at the beginning of the meeting. Trustee Lockhart then motioned to correct a typographic error when the building permit fee schedule was changed and adopted by the Village Board of Trustees in 2009. The wording at the end of the fee schedule should read: For over \$50,000.00 at the rate of \$2.00 per \$1,000.00 or fraction thereof, computed on square footage by Building Inspector. Over \$50,000.00 assessment, deduct \$50,000.00 from the total and add \$2.00 for each \$1,000.00 to \$145.00. (\$145.00 reflects the last fee amount shown on the schedule for construction valued at \$50,000.00) The motioned was seconded by Trustee Adamson and carried. (See attached corrected fee schedule)

OLD BUSINESS

Trustee Adamson referred to the September 13, 2012 Board meeting when Mr. Sahota who was in attendance, was informed he had 30 days to rectify the unsafe conditions at his property. Trustee Adamson then motioned to send a letter to Mr. Sahota stating that if the work is not done, by the October 13, 2012 deadline, the Village will have it done, meeting the necessary standards, to be inspected by the Village Building Inspector and the cost would be added to Mr. Sahota's taxes. The motion was seconded by Trustee Lockhart and carried.

Trustee Adamson reported the streets he mentioned at the last meeting have been patched but need a go-over. Trustee Lockhart stated micro-paving will be done on Main St. and Lockport St.

Trustee Lockhart asked if a time-table could be set for the 222 Lake St. property discussed earlier in the meeting. Attorney Caserta stated he could get a letter out regarding the easement matter with a deadline response date of October 10, 2012.

Building Inspector Stevens expressed his concerns of the Sahota property repair work and the mess caused by mud on the street if not done soon. Mayor Reynolds confirmed with Trustee Adamson, the estimate cost for filing in Mr. Sahota's dug basement. Trustee Adamson stated the estimated cost would be approximately \$8,500. for material and to fill.

NEW BUSINESS

No new business was discussed.

REPORTS

Trustee Adamson reported the signs for placement near Fort Niagara have been purchased and stated Mr. Lou Giardino of CEA offered to pay for the signs. He also reported the State will only allow one sign to be installed and that the State will not purchase the 4 X 4 post needed for the sign. It was agreed that the Village will purchase the post. Certain specifications were required when the sign was approved. It had to

display international symbols for visitors unable to read the language which direct traffic into the Village.

Deputy Mayor Sutor confirmed the Village's WiFi equipment is no longer usable and he is investigating WiFi solutions to be ready for spring visitors. He asked the Board to consider if they want to expand or make the coverage area smaller. Deputy Mayor Sutor reported the old system reached from the Village Hall building to Falkner Park and from Main St. to Brennan's Restaurant. When asked for an estimated cost, Deputy Mayor Sutor stated a possible cost of \$2,000. for equipment and \$300.-\$600. for each access point. Mayor Reynolds suggested getting input from the Youngstown Business Association and possibly assisting with the expense. The Mayor suggested the Youngstown Business Association be invited to attend a meeting over the winter months to discuss the issue.

Trustee Lockhart reported he has researched information regarding the water tower and its structural integrity but has found nothing in Village records. He will continue his investigation. Trustee Lockhart then asked if the Board would like to hold an electronic waste pick-up as done in Lewiston. A discussion took place regarding the details for pick up. He also referenced a recent email regarding rebates on appliance purchases stating this might be a good way to get air conditioning for the Library meeting room. Trustee Lockhart stated he will have DPW Superintendent Muller investigate the rebate and the purchasing an air conditioning unit. Trustee Lockhart then motioned to purchase an air conditioning unit not to exceed \$1,000.00, seconded by Trustee Adamson and carried. Mayor Reynolds reported he has spoken with Recreation Director Cudmore to inquire on the condition of appliances in her department. Director Cudmore stated the equipment was working fine and did not need anything at this time.

Trustee Lockhart also reported on a group that municipalities can join for purchasing items and have better prices than that of State bid. Businesses which participate in the program are Home Depot and Car Quest to name just a few. Trustee Lockhart will investigate the matter. Also drainage issues are not detailed in the Village Code Book and Trustee Lockhart would like to see updates. He will draft some items for Attorney Caserta's review.

Trustee VanDeusen reported on a problem the Clerk's Office is experiencing with their accounting system provider and their delayed response time when contacted. She suggested possible inquires to Comptroller DiNapoli's office for service provider recommendations.

Trustee Adamson asked the Mayor if he had received a response to the Village's request for an increased share of the Town of Porter / CWM Waste Tax Agreement funds. Mayor Reynolds stated he had not and that in reviewing the expenses shared by the Village and Town of Porter, the current agreement amount does not cover that shared amount. The Mayor advised the Board that the increase from the current \$20,000. to \$61,000. was requested inasmuch as half the passengers using the senior citizen van service are from the Town, the need to replace the current van, expenses associated with such a service; citing increased gas and maintenance costs, increased requests from the Niagara County Sheriff's Department for the Village Police to respond to calls in the Town and many other expense items listed in said agreement that have increased. Norman Swann stated his concerns if the Village were to ever consider contracting for Police coverage in the Town.

Mayor Reynolds reported he was notified just minutes prior to tonight's Board meeting and was presented pictures of a white van which supposedly had a driver taking pictures of children. The Niagara County Sheriff has been notified but the Mayor wanted the public to be aware of a potentially serious issue. Mayor Reynolds will discuss the matter with Police Chief Salada.

Trustee Lockhart reminded the Board he spoke to the Town of Porter approximately three weeks ago regarding the sewer rates and would like to meet with the Town to further discuss the matter. Mayor Reynolds stated he would like to schedule a meeting with Supervisor Wiepert and the Village and Town Boards. Setting a date that is convenient

to all will be difficult and suggested just picking a date and whoever is available can attend. Trustee Lockhart also stated the Town budget will be finalized next month.

A brief discussion took place regarding the Niagara County Landfill and Recycling and the importance of keeping unused medicines and batteries out of our garbage which would keep those items out of the landfill and would avoid the leeching of toxins from the groundwater into our waterways. Mayor Reynolds advised everyone of the metal collection box placed in the Village Center hallway for dropping off used batteries.

The next Board meeting is scheduled for Thursday, October 11, 2012 at 7:00 p.m. With no further business, Trustee Adamson motioned to adjourn the meeting, seconded by Deputy Mayor Sutor and carried. The meeting ended at 8:47 p.m.

Respectfully submitted,

Barbara J. Castilon
Clerk Treasurer