

PUBLIC HEARING – OCTOBER 11, 2012

Mayor Reynolds called to Public Hearing to order at 7:00 p.m. with the Pledge of Allegiance. Also present were Deputy Mayor Sutor, Trustees Adamson, Lockhart and VanDeusen, Attorney Caserta, Building Inspector Stevens, Engineer Lannon and several interested residents.

The Mayor read the Notice of Public Hearing. NOTICE IS HEREBY GIVEN THAT, PURSUANT TO Village Law, a public hearing will be held by the Board of Trustees of the Village of Youngstown, at the Village Hall, 240 Lockport St., Youngstown, New York, on Thursday, October 11, 2012 at 7:00 p. m. for the purpose of hearing and considering all interested persons concerning the following Local Law:

Proposed Local Law No. 1 of the year 2012 to add Chapter 67, Animals, Article IV regarding raising of fowl and Article V regarding keeping birds of prey to the Village Code of the Village of Youngstown, New York.

Mayor Reynolds asked for public comment regarding the proposed local law. Patricia McGrath of East Oak Terrace stated she is against the law permitting chickens due to disease and that rats and mice would be attracted to the chicken feed. She feared things would get out of control, going from requests to raise chickens to goats and other farm animals possibly. Mrs. McGrath stated if people want chickens then go to Ransomville.

Crystal Stevens of Lockport St. stated the chicken feed is no different than bird feeders or cat and dog food bowls outside. Mayor Reynolds stated the food must be stored in covered containers. James Sharpe of Northfield Dr. stated chickens should not be allowed on a small lot and restrictions need to be made. He also stated the Village is zoned R-11 and R-20 which is residential, not commercial. Mr. Sharpe asked, what would be next, egg stands? Mr. Sharpe voiced his concerns of signage placed in the yards on contractors living on Lockport St.

David Sharpe of Northfield Dr. stated he did not move to Youngstown to live in a rural area. From a quality of life standpoint, he said the idea of chickens in the Village is ridiculous.

Connie Gildner of Wingate Place stated her daughter was the person requesting the kestrel, needing only a small enclosure to house the small bird of prey. Mrs. Gildner stated she home-schools her children. Mayor Reynolds stated there is nothing in the Village code regarding such birds and that the Board had to put parameters in regard to the two separate issues of chickens and birds of prey. Attorney Caserta stated he was asked to create a law for which he took two laws that were on the books elsewhere to draft a law for the Village.

Mrs. McGrath then talked about a horse kept at an Elm St. residence. Dottie Riordan of Second St. stated keeping chickens was allowed in the Village back in the 1950's and asked if and when the law had been removed from Village Code. Mayor Reynolds stated the Village did a re-codification in 1978.

Mrs. Gildner stated the proposed Local Law requires chickens to be housed in back yards. A discussion took place regarding the quality of life issue and a suggestion was made to have neighbors approve keeping chickens in their neighborhood. Mrs. Stevens stated getting permission from neighbors could possibly lead to permission in regard to dogs and cats in neighborhoods. The number of chickens allowed was discussed and Attorney Caserta stated the Local Law would put a limit of five chickens per residence, the coup must be 50 ft. from neighboring properties and a permit must be obtained with yearly inspections required to those housing chickens.

Mrs. McGrath also stated her displeasure in advertising signs placed in the front yards of business / contractor's homes advertising their businesses. She then stated eggs are sold all over the area and some states are now rescinding their laws regarding chickens due to diseases. Mrs. McGrath went on to say she did not see the Local Law publicized. The Clerk stated the Public Hearing notice had been printed in the Gazette legal ads and was

placed in five conspicuous locations throughout the Village as well as on the LED sign in front of the Village Hall. The Clerk also reported that the law is eleven pages which would be cost prohibitive to print in its entirety. Only a brief description is required in the Public Hearing legal notice. Attorney Caserta stated the Buffalo News had published an article regarding the proposed Local Law. Mrs. McGrath stated people don't read the Gazette and only four of her neighbors subscribe to the Buffalo News. Mayor Reynolds stated he will see that she gets a copy of the law.

A discussion took place regarding Devon Gildner's request to house the bird of prey for educational purposes for a possible two year period as well as the fact that the DEC and a master falconer would be inspecting the home. Only one bird at a time would be allowed to be housed. The Mayor asked if there were objections to Ms. Gildner's project. Hearing none, the Mayor discussed the time limitations in getting the bird with Ms. Gildner and her mother. After a brief discussion, Attorney Caserta stated the Local Law would be re-written to become two separate Local Laws, one regarding raising fowl and one for keeping a bird of prey. The Public Hearing legal ad will be re-advertised for the two proposed Local Laws. Mrs. McGrath again expressed her disapproval of raising chickens in the Village.

Trustee Adamson motioned to close the Public Hearing, seconded by Trustee VanDeusen and carried. The Public Hearing portion of the meeting ended at 7:45 p.m.

Mayor Reynolds asked for public comment on other matters. No comments were made.

Building Inspector Stevens submitted his monthly report for September. Three permits were completed for work valued at \$26,600.00 and \$165.00 in fees collected. Inspector Stevens stated the South Dock repair work has been completed. A plate still needs to be put at the North Dock. Grading has also been done. Trustee Adamson asked about DEC and Army Corp of Engineers permits as applicable to ramp repairs. Engineer Lannon stated the possibility of needing stamped drawings for the permits and the need for job specs for submittal. Once the permits are approved, no time limits should apply for work completion although, work during fish spawning may not be permitted. When asked what the cost would be to do the permit applications and specs, Engineer Lannon stated approximately \$2,500. Trustee Adamson then motioned to have Engineer Lannon prepare the aforementioned permit applications and work specifications applicable, seconded by Deputy Mayor Sutor and carried.

Building Inspector Stevens stated work to resolve the unsafe conditions of a dug basement on West Oak Terrace has not been done. Mayor Reynolds stated a letter was sent to the owner, Mr. Sahota with a resolution date of October 13, 2012. The Mayor will meet with Inspector Stevens to obtain bids for the work to be done. Trustee Lockhart motioned to select the low bidder for the West Oak Terrace fill-in work if not done by the property owner by October 13, 2012, seconded by Trustee Adamson and carried.

Inspector Stevens reminded the public to fill out a complaint form which can be obtained at the Village Clerk's Office and submit for the Inspector's follow up if needed. He also stated the owner of 346 Main St. has been updating him in regard to work done at the property. Inspector Stevens discussed the 222 Lake St. storm sewer issue and the neighbor's tie-in of downspouts. Attorney Caserta will speak to the homeowner's attorney and Inspector Stevens will speak to the homeowner for resolve of the water problem stating he prefers to speak directly to people instead of using letters.

Engineer Lannon reported the work at the South Dock went well and that permits for the ramp will be done expeditiously.

Police Chief Salada was absent but submitted his September report. 211 patrol hours were worked, 963 patrol miles logged, 33 Village calls, 17 Town of Porter calls, 19 calls outside the Village, 14 UTT's, 8 parking tickets issued and 5 arrests.

DPW Superintendent Muller was absent but submitted his September report. No overtime hours were worked and 53.72 tons of garbage collected.

Attorney Caserta will address items as needed throughout the meeting.

The minutes of the September 27, 2012 Board meeting were approved by motion of Deputy Mayor Suitor, seconded by Trustee Lockhart and carried.

CORRESPONDENCE

1. Utility taxes received from Niagara Mohawk-\$2,977.25. So noted.
2. Notice of upcoming workshop on Friday, November 2, 2012 from 8:00 a.m.-3:30 p.m. at the Hearthstone Manor in Depew. The event is sponsored by TVGA with registration at \$50. per person before October 24, 2012 / \$60. per person after October 24th. So noted.
3. Niagara County Water District gallonage report for August 31-September 28, 2012- consumption down 16,166 gallons per day and for the period June 29-September 28, 2012 consumption down 65,008 gallons per day. So noted.
4. Homeowner energy workshop & lunch scheduled for Tuesday, October 30, 2012 from 11:30 a.m.-1:00 p.m. at Antonio's Banquet Hall, Niagara Falls Blvd. The event is sponsored by National Fuel, National Grid, NYSERDA and Niagara County and is open to the public. Further details may be found on the bulletin board outside the Library. So noted.

AGENDA

1. The motion to close the Public Hearing was done earlier in the meeting.
2. The Abstract of Audited Vouchers for period ending October 11, 2012-General Fund-\$39,375.01, Water Fund-\$15,976.65, Sewer Fund-\$973.74 and Trust Agency-\$225.00 was approved by motion of Trustee Adamson, seconded by Deputy Mayor Suitor and carried.
3. A response from Colby Smith of Manguso Development Co. regarding the Cold Storage property has been received by email stating they are no longer interested in the project. Attorney Caserta will request a formal letter to this effect. The Board agreed to find another developer. Deputy Mayor Suitor suggested the RFP be sent out again. A brief discussion took place and Trustee Lockhart asked Engineer Lannon to review the RFP last used of which Mr. Lannon agreed to do.
4. Authorization for the Clerk and Deputy Clerk to attend the Niagara County Municipal Clerk's Association meeting on Thursday, October 18, 2012 was approved by motion of Trustee VanDeusen, seconded by Trustee Lockhart and carried.

OLD BUSINESS

Trustee Adamson stated he has talked to some of the Village businesses regarding WiFi and some businesses have WiFi already. Trustee Adamson suggested the Village repair only the Village's WiFi and not the business district in an effort to save taxpayer dollars.

NEW BUSINESS

No new business discussed.

REPORTS

Trustee Adamson reported the Recreation Department has begun their fall activities. The Halloween party and parade are scheduled for Saturday, October 27, 2012 and the Christmas in the Village Celebration will be held on Saturday, December 8, 2012.

Trustee VanDeusen reported inquiries will be made to other municipalities regarding their accounting systems. Also, RRG will be scheduling a meeting soon. Trustee VanDeusen will obtain more information as it becomes available.

Trustee Lockhart reported he has contacted the Town of Porter regarding common issues. He stated the Town Board is in favor of meeting with the Village Board. Trustee Lockhart also reported the DOT has worked on repairs to Lockport St. and will return for completion within the next two weeks. He is continuing research into electronic recycling and should have more details for the next meeting. The NYSERDA program for purchasing an air conditioning unit for the Library meeting room is not funded by the grant. A tree survey to be taken by the Village Arborist and DPW Superintendent Muller was suggested by Trustee Lockhart. It would provide information on Village trees and gather data for a priority list of trees that need attention. A discussion took place regarding the preparation of a list and a stipend for the Arborist for such a project. Trustee Lockhart discussed competitive bids for tree removal work, asking if the Village Arborist could also bid the job as long as three cost estimates were considered. Attorney Caserta stated he would check with the Comptroller on the matter.

Mayor Reynolds reported the Library was going to pursue the air conditioning for the upstairs meeting room due to the hot summer temperatures in the room. The Mayor stated that since this is a Village building, the Village should provide the air conditioning unit. Trustee Lockhart motioned to have DPW Superintendent Muller investigate and procure an air conditioning unit not to exceed \$700., seconded by Trustee Adamson and carried.

Mayor Reynolds announced the next Village Board meeting will be held on October 25, 2012 and will be a Public Hearing regarding Local Law 1 and 2 of 2012.

With no further business, Deputy Mayor Sutor motioned to adjourn the meeting, seconded by Trustee Adamson and carried. The meeting ended at 8:20 p.m.

Respectfully submitted,

Barbara J. Castilon
Clerk Treasurer