



INCORPORATED:
APRIL 18, 1854

Village of Youngstown

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Regular Meeting of the Village of Youngstown Board of Trustees June 13, 2019

PRESENT: Mayor Reynolds, Deputy Mayor Lockhart, Trustee Comerford, Trustee Zastrow, Trustee Fox, Attorney Caserta, Superintendent Muller, Officer Conde, Building Inspector Stevens, Engineer Keiser, Deputy Clerk-Treasurer Freiermuth.

ABSENT: Chief Schuey, Grant Writer Rotella.

CALL TO ORDER:

The meeting was called to order by Mayor Reynolds at 7:01 p.m. with the Pledge of Allegiance.

ANNUAL ORGANIZATIONAL MEETING:

MAYORAL APPOINTMENTS:

Deputy Mayor:	Timothy Lockhart
Attorney:	Thomas J. Caserta Jr, Esq.
Building Inspector:	John Stevens
Village Engineer:	GHD Group
Village Grant Writer:	Rotella Grant Management
Zoning Board of Appeals:	Patrick Howey -5 year term
Planning Board:	Sue MacNaughton- 5 year term, Claudia Andres- 5 year term

Mayor Reynolds read the above Mayoral Appointments into the record.

ANNUAL BUSINESS:

WHEREAS: The Board of Trustees hereby authorizes the following:

Official Newspaper:

Niagara Gazette.

Ethics Policy:

Chapter XXII of the Village of Youngstown Ordinance Code of Ethics.

Investment Policy:

In accordance with the Investment Policy adopted June 5, 1995.

Work Place Violence Policy:

As per policy on file with the Village Clerk-Treasurer as adopted September 13, 2012 by the Village Board of Trustees.

Unlawful Harassment Policy:

As per policy on file with the Village Clerk-Treasurer as defined in the Village Handbook.

Sexual Harassment Policy:

As per policy on file with the Village Clerk-Treasurer as adopted October 25, 2018.

Bidding Policy:

The Department of Public works is authorized to use the Niagara County group bidding process for Village purposes.

Petty Cash Expenditures:

Up to \$40.00 for the purchase of miscellaneous items.

Mayor Reynolds read the above Annual Business into the record. A motion to accept the Annual Business as presented was made by Trustee Zastrow and seconded by Trustee Comerford. With no further discussion, all in favor. Motion carried.

ANNUAL RESOLUTIONS:

Mileage Allowance:

WHEREAS, the Board of Trustees has determined to pay a fixed rate for mileage as reimbursement to officers and employees of the Village who use their automobile while performing their official duties on behalf of the Village of Youngstown and WHEREAS: the rate determined by the IRS may change throughout the year, at any point shall the rate of reimbursement change it shall change the reimbursement allowed under Village policy as well.

NOW THEREFORE BE IT RESOLVED, 1) that the Board of Trustees shall approve reimbursement to such employees at the rate of .58 cents per mile and 2) that this resolution takes effect immediately.

A motion to accept the Mileage Allowance as presented on the agenda was made by Trustee Zastrow and seconded by Trustee Fox. With no further discussion, all in favor. Motion carried.

Procurement Policy:

WHEREAS, the Board of Trustees has passed Village policy as amended November 8, 2012 and is on file with the Village Clerk-Treasurer. NOW THEREFORE BE IT RESOLVED, 1) that said Procurement Policy shall be followed by all Village Departments and is on file with the Village Clerk-Treasurer and 2) this resolution takes effect immediately.

A motion to accept the Procurement Policy as presented on the agenda was made by Trustee Zastrow and seconded by Trustee Fox. With no further discussion, all in favor. Motion carried.

Advance Approval of Claims:

WHEREAS the Board of Trustees has determined to authorize payment in advance of audit of claims for public utility services, postage, petty cash, freight and express charges and insurances; and WHEREAS all such claims must be presented at the next regular meeting for audit; and WHEREAS the claimant and the officer incurring or approving the claim are jointly and severally liable for any amount the Board of Trustees disallows. NOW THEREFORE BE IT RESOLVED 1) that the Board of Trustees authorizes payment in advance of audit of claims for public utility services, postage, petty cash, freight and express charges and insurances. All such claims must be presented at the next regular meeting for audit and the claimant and the officer incurring or approving the claims are jointly and severally liable for any amount the Board of Trustees disallows and 2) that this resolution takes effect immediately.

A motion to accept the Advance Approval of Claims as presented on the agenda was made by Trustee Zastrow and seconded by Trustee Comerford. With no further discussion, all in favor. Motion carried.

Attendance at Schools and Conferences:

WHEREAS there is to be held during the coming official year a) NYCOM's Winter Legislative Meeting, b) NYCOM's Annual Meeting and Training School, c) NYCOM's Fall Training School, d) NYCOM's Public Works Training Scholl, and e) the following

County association meetings; Niagara County Municipal Clerk's Association Meetings, Niagara County MuSIP Ad Hoc Advisory Committee, Niagara County Association of Town Highway Superintendents, Western New York Water Works Association, NY State Office of the State Comptroller, NYS and Local Retirement System WHEREAS attendance by certain municipal officials and employees at one or more of these meetings, conferences or schools benefits the municipality; and the Mayor has the authorization to approve expenses for Village Officials to attend workshops or other official functions, NOW THEREFORE BE IT RESOLVED: 1) That the Superintendent of Public Works, Clerk-Treasurer, Deputy Clerk-Treasurer, Deputy Clerk, Building Inspector be authorized to attend the previously named meetings and 2) that the resolution takes effect immediately.

A motion to accept the Attendance at Schools and Conferences as presented on the agenda was made by Trustee Zastrow and seconded by Trustee Fox. With no further discussion, all in favor. Motion carried.

Designating Depositories:

WHEREAS the Board of Trustees has determined that Village Law 4-412(3) (2) requires the designation of banks or trust companies for the deposit of all Village monies: NOW THEREFORE BE IT RESOLVED: 1) That the Board of Trustees designates KeyBank and NYCLASS as depositories of all moneys received by the Village Clerk-Treasurer, Deputy Clerk-Treasurer, and Receiver of Taxes and 2) that the resolution is effective immediately.

A motion to accept the Designating Depositories as presented on the agenda was made by Trustee Zastrow and seconded by Trustee Comerford. With no further discussion, all in favor. Motion carried.

Regular Meetings of the Board of Trustees:

WHEREAS the Village of Youngstown Board of Trustees meets on a monthly basis; THEREFORE BE IT RESOLVED that the regular meetings shall be held the second Thursday of the month, at 7:00 p.m., THEREFORE BE IT FURTHER RESOLVED that the work session meeting of the Village of Youngstown shall be the fourth Thursday of the month at 7:00 p.m. except in June, July, August, November and December, when the meeting will be held following the regular Board meeting as deemed necessary.

A motion to accept the Regular Meetings of the Board of Trustees as presented on the agenda was made by Trustee Zastrow and seconded by Trustee Fox. With no further discussion, all in favor. Motion carried.

Special Meetings:

WHEREAS it is not uncommon for special meetings to be necessary in addition to the regular meetings of the Village of Youngstown Board of Trustees and WHEREAS it is necessary as well to have a procedure for calling such meetings, and WHEREAS it is also necessary to notify the public and the news media of these special meeting, THEREFORE BE IT RESOLVED that these special meetings may be held at the request of the Mayor alone and/or at the request of two or more Trustees and THEREFORE BE IT FURTHER RESOLVED that the Clerk will notify each member and in the absence of the Clerk, the Mayor will provide the notification and that this resolution will take place immediately.

A motion to accept the Special Meetings as presented on the agenda was made by Trustee Zastrow and seconded by Trustee Fox. With no further discussion, all in favor. Motion carried.

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

No comments from the public.

DEPARTMENTAL REPORTS

POLICE:

Officer Conde said he had nothing to report. Mayor Reynolds stated that Chief Schuey had sent his report previously via email.

DEPARTMENT OF PUBLIC WORKS:

Superintendent Muller stated that the DPW was going to be working on the storm sewers on Glenvale and Cherry once things started to dry up from the rain.

Trustee Zastrow asked how the lift station on Water Street was functioning and Superintendent Muller stated that they had fixed leaks and it was working as expected at this time. Mayor Reynolds added that they had a backup pump available if needed.

ENGINEER:

Engineer Keiser stated he had nothing to report, but stated he was available to answer any questions the board may have of GHD. There were none.

GRANT WRITER:

Absent

BUILDING INSPECTOR:

Building Inspector Stevens submitted his report. He stated that the house being built on Elm Street is almost completed. He continued that things have been quiet with very little complaints.

ATTORNEY:

Attorney Caserta stated that everything he had to report would be during the Work Session or the Executive Committee.

CLERKS OFFICE:

Deputy Clerk-Treasurer Freiermuth stated that the May financials are still being completed because of the end of the year procedures. The auditor has been contacted, but cannot schedule the Village until at least the end of July for the audit and therefore will need to apply for an extension with NYS. Trustee Zastrow asked when the audit needed to be complete without an extension and Deputy Clerk-Treasurer Freiermuth stated she thought it was June 30.

MINUTES:

Approval of, or changes to, the Board Minutes from May 9 (regular board meeting) and 23 (work session), 2019.

Motion to approve the minutes as presented was made by Trustee Comerford and seconded by Trustee Zastrow. With no further discussion, all in favor. Motion carried.

CORRESPONDENCE/ANNOUNCEMENTS:

Letter received from the local Village business owners regarding regulations for food trucks in the Village.

So noted.

Correspondence received from BG Innovations, LLC regarding resource evaluation and information from the NYS Parks historic preservation.

Robert Gallucci was present and explained to the Board that his proposal at the Cold Storage has been dormant for a few months, but that he is recommitted to the project. He stated he has had conversations with Preservation Buffalo Niagara as well as NYS Historic Preservation about the historical status and options for the future if he is allowed to move forward with his proposal. He continued that he would like the Board to respond to his latest proposal as he had not heard anything. Mayor Reynolds stated that the Board advised him of suggested changes when he initially presented his idea. Mr. Gallucci stated he submitted a revised proposal but that he did not remember getting a written response and asked for a documented reply.

The YBPA Beginning of Summer Street Dance will be held Thursday June 20 from 6:00 p.m. to 10:00 p.m. on Main Street rain or shine. There will be music, dancing, bounce house, food, classic cars, pony rides and a 50/50 split.

So noted.

St. John’s Episcopal Church will hold its annual Strawberry Festival on Saturday June 22, 2019 from 11:30 a.m.-5:30 p.m. There will be homemade shortcake, the Youngstown Lion’s will be grilling food, tours of the church, Donuts the Clown, Red House Band and a basket auction that will benefit the Youngstown VFW post 313. Bring a lawn chair for the concert.

So noted.

The Village of Youngstown Summer Concert Series for 2019 will begin Friday June 28 with The Barroom Buzzards from 7:00 -9:00 p.m. at Falkner Park. Bring a chair and enjoy the tart of the concert series that will run every Friday through August 16.

So noted.

AGENDA:

ABSTRACT OF AUDITED VOUCHERS:

Approval of the Abstract of Audited Vouchers for the period from May 24-May 31, 2019 in the amount of \$26,741.63. And from June 1-June 13, 2019 in the amount of \$75,712.82

May 24-31, 2019	June 1-13, 2019
General:\$ 24,789.19	General:\$ 75,327.10
Water: \$ 0.00	Water: \$ 165.37
Sewer: \$ 685.64	Sewer: \$ 220.35
Trust: \$ 1,266.80	Trust: \$ 0.00
Total \$ 26,741.63	Total \$ 75,712.82

Mayor Reynolds explained that there are two abstracts, one to finish the fiscal year and the second to start the new year. A motion to approve the Abstract of Audited Vouchers

as presented was made by Trustee Fox and seconded by Trustee Lockhart. With no further discussion, all in favor. Motion carried.

ITEMS:

Andrew Heath wishes to address the Board regarding his idea of a community vegetable garden. There are two raised beds already established on the grounds of the Village Center that may be able to be utilized.

Mr. Heath, who is 8, addressed the board and explained that he would like to start a community vegetable garden. He suggested that the raised bed at the Village Center would be a good place to start and if it was successful then in the future maybe the garden could be expanded and moved to Falkner Park.

Deputy Mayor Lockhart made the motion to approve Mr. Heath moving forward with a community vegetable garden. Trustee Comerford seconded the motion. With no further discussion, all in favor. Motion carried.

Robert Emerson of Fort Niagara wishes to address the Board regarding upcoming events.

Mr. Emerson explained that he wanted to give the Board an update on a few things happening at Old Fort Niagara. He explained that Old Fort Niagara has been a non-profit organization since 1927 to help protect, preserve and educate on the history of the area. Currently the organization is working on a new branding campaign. He stated that in 2018 the Fort had 237,000 visitors of those 14,000 were school aged children. The most similar, but more famous in the U.S., Fort Ticonderoga had 77,000 visitors in 2018. He continued that in 2018 there were 41,000 volunteer hours calculated which equals approximately 20 full time employees.

Mr. Emerson explained that with the raising Lake levels 2 years ago, the sea wall built in 1840 had significant damage. With the help of New York State, the wall was repaired at that time and even though the levels are now just as high, the wall appears to be in good shape. The intention is for future projects to continue the work on the wall to keep the Fort protected.

Trustee Zastrow asked if the tour busses and trollies have made an impact in the number of visitors at the Fort. Mr. Emerson stated that 30,000 people have visited the Fort since the inception of the Trolley, which is a rolling billboard with the wording "From the Falls to the Fort" on the vehicle. He continued that international bus tours are on a decline nationally but there are still 6-8 busses a day that bring business to the Fort.

Discussion on sidewalk Special Use Permit with Village businesses.

Richard Lohr, Main Street business owner and resident, addressed the board and asked what the initial thoughts were regarding tables and chairs on the sidewalks in the business district. Mayor Reynolds explained that the Board was early in the process and wanted to speak with the business owners to get their ideas so they could better understand the need as well as maintaining control for safety reasons. Mayor Reynolds stated that the Board wants to be business friendly but they must also comply with the ADA (Americans with Disabilities Act) while helping our residents.

Mr. Lohr stated he felt there were two items that the Board needs address and that is 1.) How to handle restaurants that want to offer food and drink outside and 2.) Allowing space for relaxation areas. He continued that he has chairs in front of his property and he often finds people sitting there relaxing which enhances the area. He asked the Board to

not put too many negatives or regulations in the decision and to only charge a nominal fee for the permit if one was required.

Trustee Fox stated that the Board wants to allow chairs, etc., but there are rules that need to be followed and they cannot turn a blind eye to safety. He continued that the sidewalks are only so big and that there needs to be room for movement.

Attorney Caserta stated that he received an email from Planning Board Chairperson Hanson with information on other municipalities in NYS who have instituted a process for the same request. He suggested that the Board setup a meeting with the Planning and Zoning Boards to come up with a common plan. Mr. Lohr stated that once that plan was created, the Board could bring the businesses in to discuss the best way in which to implement the plan.

Mark Butera, co-owner of Anchor Spirits on Lockport Street, thanked the Board for opening the discussion to the business owners and stated that he felt the permit needed to be as minimally invasive as it can be and that the cost needs to be nominal as the cost of tables and chairs can be very expensive.

Deputy Mayor Lockhart stated that the ADA regulations will be the toughest to work around and that a layout will be needed to determine where items can be placed on the sidewalks.

A citizen who did not identify herself stated that she enjoyed seeing visitors and residents utilizing the sidewalks and did not want to see the Board “squash” that. Mayor Reynolds stated that the Board had no intentions of squashing the use of the sidewalks and in fact the Board likes the idea of enhancing the use of the areas.

Cheryl Butera, co-owner of Anchor Spirits on Lockport Street, asked the Board if their decision was a “done deal” or the discussion was on going. Mayor Reynolds stated that they are opening the discussion and they are very early in the planning process. Trustee Fox stated that the Board wanted input from the businesses before the Board moved forward with forming a proposal.

Code Enforcer Stevens stated that all residents within the Village own the sidewalks so they should be made aware and allowed to offer input. Mayor Reynolds agreed.

Discussion on direction for Code Enforcement at 364 Church St. regarding Village sidewalk repair.

Code Enforcer Stevens stated that he was not sure why this was on the agenda because he thought that this situation was being handled. He explained that a water line was replaced 5 years ago and that the sidewalk was never repaired. According to the codebook, it is the responsibility of the resident to repair or replace a sidewalk if damaged. Code Enforcer Stevens was recently informed of this issue and stated that he sent a letter to the resident explaining that it needed to be fixed. There has been no reply. He continued that the Village can replace the sidewalk and invoice the resident for the cost as per the code.

Trustee Lockhart suggested that it be recommend to the Board that the repair be made. Superintendent Muller stated that he recommend that the Board provide notice to the resident. Attorney Caserta stated he would write a letter with the timeframe needed for the repair prior to the Village fixing the sidewalk at the owners expense.

Code Enforcer Stevens asked if the Board needed to be involved in this process in the future as he followed the code as written and didn't understand why the Board was

getting involved. Trustee Fox stated that Attorney Caserta should write the letter to the resident and in 15 days if the sidewalk was not repaired it should be fixed by the Village as per code.

Request received from the Youngstown Yacht Club Can Am Challenge requesting vehicular closure of Water Street from 6:00 a.m. Friday, until Sunday evening on July 26-28, 2019.

A motion to approve the closure of Water Street as requested on the agenda was made by Trustee Zastrow and seconded by Trustee Fox. Trustee Lockhart asked if the Yacht Club had coordinated with Niagara Jet Adventures on this closure and Mr. Lohr stated they had. With no further discussion, all in favor. Motion carried.

Inquiry from Steven Suitor regarding the paper road between 280 Glenvale and 290 Glenvale.

The Board received a letter from Steven Suitor at 280 Glenvale inquiring to purchase the paper road between his property and the property at 290 Glenvale. Attorney Caserta stated that past history has been that if the property is between two landowners, half is offered to each landowner with the condition that it cannot be sold for two years. He stated that this parcel will probably not be used in the future from the Village and selling it would free the Village from liability and enhances the property for the two landowners. He continued that in the past the price was nominal and covered the cost of filing the paperwork.

Trustee Lockhart stated that the property to the east of this paper street is mostly wetlands in this area therefore the ability to develop off of this road and using this property as a road would be unlikely.

Attorney Caserta stated he would draft a letter to both property owners at 280 and 290 Glenvale.

BUILDING USE:

Request from the Youngstown Free Library to use the Gym on Saturday June 22, 2019 from 9:00 a.m.-2:30 p.m. for their “Summer Reading Kickoff”. Insurance is on file and use has been approved by Recreation Director Harrison.

A motion to approve the building use as requested was made by Trustee Zastrow and seconded by Trustee Comerford. With no further discussion, all in favor. Motion carried.

Request from the Youngstown Free Library to use the Gym for Drama Camp-summer reading program on June 27, 6:30 p.m.-7:30 p.m., August 5, 6, 8, 12, & 13 from 2:00 p.m.-4:00 p.m. and August 15, 2019 from 2:00 p.m.-8:00 p.m. Insurance is on file and use has been approved by Recreation Director Harrison.

A motion to approve the building use as requested was made by Trustee Zastrow and seconded by Trustee Comerford. With no further discussion, all in favor. Motion carried.

Request from Friends of the Youngstown Library to use the Gym from November 4-9, 2019 for the fall book sale. Insurance is on file.

A motion to approve the building use as requested was made by Trustee Zastrow and seconded by Trustee Fox. With no further discussion, all in favor. Motion carried.

Request from Friends of the Youngstown Library to use the Gym from April 27- May 20, 2020 for the Spring book sale. Insurance is on file.

Trustee Zastrow corrected the date from May 20 to May 2. A motion to approve the building use with the correction was made by Trustee Zastrow and seconded by Trustee Fox. With no further discussion, all in favor. Motion carried.

Request from Riverview Fitness to hold free fitness classes in Falkner Park on Monday & Wednesday mornings from 10:15-11:00 a.m. Insurance has been received and the schedule has been cleared with Recreation.

A motion to approve the park use as requested was made by Trustee Comerford and seconded by Trustee Fox. With no further discussion, all in favor. Motion carried.

AUTHORIZATIONS:

Authorization to approve hiring new recruit Evan Mathewson and Officer Kenneth Kostek to the Youngstown Police Department.

Trustee Zastrow asked if there was any information available to review for the individuals. Deputy Clerk-Treasurer Freiermuth stated the applications were in the Clerk's Office if any of the Trustees wished to review the information.

A motion to approve the hiring as presented was made by Trustee Zastrow and seconded by Trustee Fox. With no further discussion, all in favor. Motion carried.

ANNOUNCEMENTS:

The Board will enter into a Work Session following the regular meeting. The Board will enter into Executive Session following the work session for Union contract negotiation. The next Village Board meeting and work session will be July 11, 2019.

So noted.

OLD BUSINESS

None.

NEW BUSINESS

Trustee Zastrow asked Trustee Fox what the status was with the parking meters for Water Street. Trustee Fox stated that the meters were discussed at the last Board meeting and at that time, it was decided that because of the high (Lake) water levels, it would not be practical to install them now. Therefore, the plan development will be an agenda item for the winter.

BOARD REPORTS

Trustee Fox stated he was still waiting on the street light proposal from National Grid so he can compare it to the proposal from NYPA (New York Power Authority). Mayor Reynolds stated that the NYPA proposal stated that the study would be free of charge if at the end you choose to use their service, but if you decided to not use NYPA, the Village would be responsible for the cost of the survey. He stated he would not sign anything until a decision was made. Trustee Fox stated that it seems the majority of local

Towns are going with NYPA and will be responsible for the maintenance of the lights once installed. He said with this option the Village would not have to pay a facility charge which runs about \$80 per light with 150 lights. He continued that if the Village were to go with NYPA, they would have to budget for maintenance. Trustee Fox said he should have more information at next month's meeting.

Trustee Zastrow stated he was approached about a complaint from the resident at 295 Glenvale about flooding in their backyard that was occurring because of a ditch from the neighbors behind them on Brookshire. He told this resident that the Village cannot fix the drainage without an easement from all property owners because it is not Village property. Superintendent Muller stated he reviewed this issue last year but could not fix it as it was not Village property. Trustee Zastrow stated that this affects 7 properties and he told the resident that if they got an easement from all property owners, the residents could pay for the equipment to fix the drainage and the Village would complete the work.

Trustee Zastrow asked if anybody had heard further on the status of the waterline grant. With no response, he continued that someone needs to take action to accomplish getting the grant. Mayor Reynolds asked if he would like to volunteer to do so and Trustee Zastrow agreed.

Trustee Comerford stated that the Recreation Commission met on May 20 and the minutes were in each Trustee's folder. He continued that the Nancy Price run was a success with 99 runners even though there were less participants than last year. The Nancy Price Scholarship will be awarded to 3 individuals. The snack bar at Vet's Park has been remodeled and will be open for refreshments during games. New dugout covers were purchased and are being used. Trustee Comerford continued that swings have been ordered for Falkner Park. Tennis and Basketball lessons will be offered during the summer at Vet's Park and the Community Picnic is August 3 from noon to 4:00 p.m. with the fishing tournament from 8:00 a.m. until noon. He continued that the Celebrity Bartending event was moved to August 2 and will include a basket raffle and 50/50 to support the Recreation Department. The next Recreation meeting will be July 15, 2019.

Trustee Lockhart and Mayor Reynolds had nothing further to report.

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

No comments from the public.

With no further discussion, a motion to adjourn the Regular Meeting and enter into a Work Session was made at 8:13 p.m. by Trustee Fox and seconded by Trustee Comerford. With no further discussion, all in favor. Motion carried.