

March 19, 2012

Mayor Skeet opened budget meeting at 6:28 pm.

Members present were Mayor Skeet, Trustees Peterson, Bielec and Graham. Trustee Lauer arrived at 6:40 pm. Also present were Deputy Clerk Denise Beal, Code Enforcement Officer John Good, Zoning Officer Darrell Ward and Planning Board Chairperson Lea Nuwer.

Clerk presented the Board with payroll projections for the 2012-13 budget ranging from no increase in salaries with incremental increases to 3.5% for comparisons.

The question of the sewer grant figures in relation to the budget was raised and it was suggested at present to figure the budget with \$130,000 projected Village expense on the grant. Trustee Peterson questioned if with the upgrades we would be using the same concept of operation as in the past. Trustee Graham explained it would be new technology with new positive displacement pumps and blowers going in. There was a question of whether plant employee Brad Lang should be given extra hours for training. Trustee Peterson asked if the training would be on the equipment or the process. Trustee Graham responded that the equipment was changing but the process would remain the same.

Mayor Skeet mentioned that he and Trustee Graham did a walk through at the plant with the engineers, Maintenance guys and Brad Lang to review the scope of the sewer project and what in-house work the Maintenance department will be able to contribute, etc. He said we should have specs from Paul Chatfield in about a week and then fine tune. It was also agreed that at present to budget the Sewer department the same as last year other than the grant, then hopefully once the new plant is up and running we can lower expenses. Trustee Graham questioned whether plant contractual should be increased for additional hours for Brad Lang. Clerk responded she felt there was enough cushion judging from previous year's contractual expenditures.

Trustee Graham listed what equipment would be replaced at the plant as well as new sludge storage and drying bed, and also listed some of the current equipment we would be keeping. Trustee Peterson questioned if it would cost extra to repair the old equipment we are keeping.

Mayor Skeet opened Public hearing to discuss zoning change at 7:02 pm. Thirty Village residents were in attendance. (See attached list.)

Mayor Skeet introduced the topic and purpose for the public hearing. He also explained expected protocol for public comments.

Jim Rupracht of The Market explained his reasons for the request for rezoning his business's location to commercial. He gave a brief history of their business and he mentioned a desire to expand his business which would create more jobs and more tax dollars. He said in order to expand loans from banks would be more viable if the property is zoned commercial.

He presented the Board with a listing of 277 signatures of patrons in support of the zoning change and a letter of support from Genesee County Economic Development Corporation. He mentioned that the Special Use Permit has enabled what they have so far but limits what they can and can't do. He said they have looked at the most current Town/Village Comprehensive Plan and most of what is in the plan is what they are trying to accomplish. He also mentioned there is no other commercial land in the Village that is affordable.

When questioned by Mayor Skeet what their plans are to move forward, Mr. Rupracht responded that for now they would like to expand the grocery portion of the business and would like to be able to transition into other things or know they could expand the building to accommodate a larger grocery section if needed.

Mayor Skeet interjected that the purpose of the meeting is for the Board to hear what the public has to say and discuss options, but the Board would remain neutral and not override the Planning Board. Mr. Rupracht mentioned that they had taken a location that was previously a mess and had cleaned it up and now

had three businesses in their location all within walking distance for at least half the Village residents as is mentioned in the Comprehensive plan. He said he felt they filled a niche for the Village.

Planning Board Chairperson Lea Nuwer read from the Planning Board report to explain the decision and justification for the Planning Board's decision. She said that both the Village and County Planning Boards disapproved of the rezoning to preserve the integrity of the area and to not set a precedent for spot zoning. She explained that zoning runs with the parcel and rezoning to commercial would open the door to any commercial businesses.

Attorney Mark Boylan arrived at the meeting at 7:40 pm. A few of the residents in attendance expressed their concerns which included the fear of increased traffic (especially trucks) and concern over rezoning leading to no control over what businesses could possibly open in the location if rezoned as commercial. John Good read list of possible businesses that would be allowed use if rezoned and said they could not be denied without risk of the Village being sued under Article 78, while under Special Use businesses could be denied for cause.

A majority of those in attendance spoke in favor of the rezoning, mentioning the previous history of the property as commercial, encouraging business in the community and supporting the owners of The Market's desire for expanding their business. John Good brought up the possibility of establishing that area as a "Neighborhood Business District" which would allow restrictions in the size of businesses. He mentioned this type of rezoning is often used in R-1 districts to put land in compliance with current use. This would require an amendment to the zoning law which would require a public hearing. Mayor Skeet said we will talk to the Village Attorney and look at all the avenues.

Question of conflict of interest was briefly brought up. Attorney Boylan explained Conflict of Interest generally refers to potential financial gain. If proximity to a project may influence a decision he suggests the person recuse themselves from the final decision but it is not mandatory.

Public Hearing closed at 8:25 pm.

Meeting reconvened at 8:35 pm with Attorney Boylan and Lea Nuwer remaining for further discussion. Ms. Nuwer said she felt there has been a communication breakdown and mentioned a couple of emails that she felt were unwarranted, requesting minutes and quoting Municipal law regarding the timeliness of minutes. Further discussion involved the requirement of proper notice being given if not going to hold a meeting, keeping the applicants in the loop at all times and training hours required.

Ms. Nuwer suggested the Board appoint a liaison to the planning board. She also mentioned that Code Enforcement Officer John Good had previously given some training to the Planning Board. Clerk will check if Mr. Good is certified for training and with County planning regarding available training.

Further brief discussion took place regarding plans for the Market location. Attorney Boylan recommended looking at the Comprehensive plan and following proper procedure to deny the rezoning, issue a Negative Declaration on the SEQR and direct the Planning Board to proceed with Neighborhood Commercial Zone if that is what the Board chooses to do.

Lea Nuwer left the meeting at 9:20 pm.

Mayor Skeet updated the Board regarding the viaduct rail situation. He mentioned that about two years ago there were meetings held regarding redoing the viaduct with the Village, Steve Hawley, DOT and CSX. At that time it was again reiterated that the Village is responsible for the sidewalks and railing of the viaduct. With that in mind this past fall the Village had 2/3 of the railing replaced with a material that will not rust or corrode like previous railings had. The work was funded by Chips (NYS DOT) funds at a cost of just over \$15,000.00. The Village has now been informed that while NYS DOT is doing Route 77 rehab they will be replacing all guardrails which includes the rails at the viaduct. Trustee Graham said he has met with DOT and the contractors and explained those rails were just replaced but they said it doesn't matter. They will be replacing the rail and it will be with galvanized rail (which will rust within five years or so). There is also a question of who will take ownership of the removed rail for scrap metal. It was mentioned most often the

contractors have scrap rights. Attorney Boylan suggested going to Steve Hawley on the matter. Trustee Graham also said he had been informed that the State Engineer had said they would not be allowing the sewer line to go through this year. All these matters are being looked into.

At the Board’s request Attorney Boylan again briefly outlined procedure that would have to be followed to proceed with the Neighborhood Commercial Zoning.

Motion made by Trustee Graham and seconded by Trustee Peterson to approve having Attorney Mark Boylan start research and paperwork required to proceed with the Neighborhood Commercial Zoning.

The motion was passed on the following vote:

VOTE	YES	NO	ABSTAIN	ABSENT
Mayor Todd Skeet	X			
Trustee Al Graham	X			
Trustee Ralph Peterson	X			
Trustee Dave Bielec	X			
Trustee Ken Lauer	X			
<b>VOTE TOTAL</b>	<b>5</b>			
<b>RESULTS</b>	<b>PASSED</b>			

Clerk presented Board with request for \$100.00 deposit for Trustee Peterson attend Steve Hawley’s Albany Conference trip.

Motion made by Trustee Lauer and seconded by Trustee Peterson to approve \$100.00 deposit for Trustee Peterson attend Steve Hawley’s Albany Conference trip.

The motion was passed on the following vote:

VOTE	YES	NO	ABSTAIN	ABSENT
Mayor Todd Skeet	X			
Trustee Al Graham		X		
Trustee Ralph Peterson	X			
Trustee Dave Bielec	X			
Trustee Ken Lauer	X			
<b>VOTE TOTAL</b>	<b>4</b>	<b>1</b>		
<b>RESULTS</b>	<b>PASSED</b>			

Clerk presented Board with request for reimbursement for rain gear and boots for Crossing Guard Charlie Lenhard totaling \$229.95.

Motion made by Trustee Graham and seconded by Trustee Peterson to approve reimbursement for rain gear and boots for Crossing Guard Charlie Lenhard totaling \$229.95.

The motion was passed on the following vote:

VOTE	YES	NO	ABSTAIN	ABSENT
Mayor Todd Skeet	X			
Trustee Al Graham	X			
Trustee Ralph Peterson	X			
Trustee Dave Bielec	X			
Trustee Ken Lauer	X			
<b>VOTE TOTAL</b>	<b>5</b>			
<b>RESULTS</b>	<b>PASSED</b>			

Board was informed that 6 month probationary period was up on Court Clerk Pam Yasses. Mayor Skeet and Trustee Graham said they would do the appraisal.

Clerk updated Board on correspondence received from GAM requesting each municipality to send in \$350 for continuation of their Health Insurance study. Board would like more information regarding where they are at on the study and what these funds would cover.

Clerk requested Board to set a date for the Public Hearing for the Budget.

Motion made by Trustee Graham and seconded by Trustee Peterson to set Public Hearing for Budget for April 9, 2012 at 6:30.

The motion was passed on the following vote:

VOTE	YES	NO	ABSTAIN	ABSENT
Mayor Todd Skeet	X			
Trustee Al Graham	X			
Trustee Ralph Peterson	X			
Trustee Dave Bielec	X			
Trustee Ken Lauer	X			
<b>VOTE TOTAL</b>	<b>5</b>			
<b>RESULTS</b>	<b>PASSED</b>			

Clerk will advertise Public Hearing as required.

Board requested clerk to compile numbers for budget using the \$130,000 grant number for Sewer and showing bottom line with salary increase and without for the next meeting.

Motion made by Trustee Peterson and seconded by Mayor Skeet to adjourn meeting.

The motion was passed on the following vote:

VOTE	YES	NO	ABSTAIN	ABSENT
Mayor Todd Skeet	X			
Trustee Al Graham	X			
Trustee Ralph Peterson	X			
Trustee Dave Bielec	X			
Trustee Ken Lauer	X			
<b>VOTE TOTAL</b>	<b>5</b>			
<b>RESULTS</b>	<b>PASSED</b>			

Meeting was adjourned at 9:55 pm.

Sandra Thomas  
Clerk Treasurer