



VILLAGE OF BARKER WORK SESSION MINUTES

October 5, 2015

6:00pm

In **Attendance:** Mayor Aaron Nellist, Deputy Mayor Janice Rider, Trustee Kerth, Trustee Ruffini, Trustee Matheis, DPW Superintendent Mark Remington, Clerk-Treasurer Amanda Detschner, Erin and Greg Goodlander and Robert Wendler

The **meeting was opened at 6:01pm** with the Pledge of Allegiance administered by Mayor Nellist.

East Avenue Property Proposals

Erin and Greg Goodlander Proposal: Mayor Nellist asked the question-How would you go about getting the utilities installed and approximately how much would it cost? The response given was the cost for the gas service would be expensive because the new line would have to be run from the road, the power lines that were severed from our current building could be reconnected and we have spoke with V&B Underground Utilities about installing the water service to the back buildings (Utilizing the same company that installed our new service) and sewer should be okay due to the connections already existing. Mayor Nellist asked about being willing to meet with the Planning Board and the Goodlander's response was absolutely. The Goodlander's expressed their need to expand the current Brewery and need to do it as soon as possible to keep up with demand.

Robert Wendler Proposal: Mayor Nellist asked-How would you go about getting the utilities installed and approximately how much would it cost? Mr. Wendler replied that we would use the same plan, as the Goodlander's, but would not install gas for heating. He would strictly use electric heat and the cost was not known at this time. Mayor Nellist asked about any necessary permits that would be needed to operate a Senior Living Facility. Mr. Wendler's response was that he would operate like the patio homes in Lockport and that permits would not be necessary at the beginning, unless it grew to a point that more units were necessary. He added they are usually filled before they are built. He also added that he would refurbish the current buildings, not demolishing them. Mayor Nellist asked about the clause in his proposal regarding complying with environmental regulations. Mr. Wendler added that he thought a phase I study had already been done and it was cleared, this clause was just added to cover the basis. Mayor Nellist also inquired about the address for JNM Properties; Mr. Wendler stated that he had been using the 1687 East Avenue for the business address. Trustee Kerth inquired about the East Avenue building, Mr. Wendler stated that his son purchased the building to operate a steel fabrication shop, but now he has a job a hundred miles away making the intended use not feasible. So the current intended use for this building is unknown.

Water loss is now 12% for the 3rd QTR

- Down from 33.32%

Mayor Nellist asked for a monetary figure on how much the savings would be.

Veteran's Exemption

- Would affect the taxable levy by \$601,000 over 18 properties
- Which would have to change the tax rate from \$7.25/M to \$7.48/M

Halloween Trick or Treating Hours

Saturday, October 31, 2015

A discussion was ensued about what time the hours should be and a few options like 4-6, 5-7 and 5-8pm. A decision will be made at next week's Board Meeting.

No Public Comment was offered.

Board Comment was offered by:

Mark Remington inquired about getting the 4 stumps ground from the trees that were taken down by National Grid for free and said it's too late to get any sidewalks done this fall.

Mayor Nellist discussed a couple of letters he received from NYSEDA and Barker Central School regarding homecoming week and parade.

A motion for **adjournment** was made by Deputy Mayor Rider and a second was offered by Trustee Kerth. A unanimous vote followed to carry the motion.

Next meeting is the Monthly Board Meeting, Monday, October 12, 2015 @ 7:00pm (Columbus Day)



VILLAGE OF BARKER BOARD OF TRUSTEES

REGULAR MEETING MINUTES

October 12, 2015 7:00PM

Mayor Aaron Nellist
Deputy Mayor Janice M. Rider
Trustee Gregory P. Kerth
Trustee Scott Matheis
Trustee Kimberly Ruffini

In **Attendance:** Police Chief W. Ross Annable, DPW Superintendent Mark Remington, Deputy Clerk-Treasurer Vicky Baker, Robert Longstreet, Herbert Meyer, Kathie and Bill Smith and Phyllis Hildebrant.

At 7:00pm meeting is called to order by Mayor Nellist by administering the Pledge of Allegiance.

The **Sales tax** received for September 2015 was \$10,980.94 an increase of \$233.99 over Sept. 2014.

The **Approval of Minutes** for the monthly board meeting September 14, 2015 was motioned for approval by Deputy Mayor Rider and a second was offered by Trustee Ruffini. A unanimous vote followed to carry the motion.

The **Minutes from the October 7, 2015 Planning Board Meeting** regarding the East Avenue Proposals was presented to the Board of Trustees as their recommendation of Barker Brewing. The minutes were read aloud and the Board of Trustees accepted the recommendation of the Planning Board.

Resolution #23-2015 EAST AVENUE (SBL # 18.10-1-2.111) SALE OF REAL PROPERTY

WHEREAS, the Village owns certain real property which is identified by tax map number 18.10-1-5.211 and is within the F-1 General Industrial zoning district, and

WHEREAS, the parcel that is owned by the Village was part of a larger parcel that was purchased in 2007 by the Village from Bird's Eye Foods, Inc. for \$20,000 (the "Bird's Eye parcel") on which were several buildings in poor condition. After purchasing the Bird's Eye parcel, the Village separated out and sold two smaller parcels, each for \$5,000, and

WHEREAS, the Village is currently using a building that was on the Bird's Eye parcel for its police department and intends to continue to do so, and

WHEREAS, an inquiry was recently made of the Village whether the remaining parcel, which contains 3 buildings in poor condition, was available for purchase. Thereafter the Village solicited offers for purchase of the remaining parcel from any interested purchaser, requiring any interested purchaser to include a plan for how the parcel would be used. In response the Village received two proposals. One from Erin Goodlander, d/b/a Barker Brewing and one from Robert Wendler d/b/a JNM Properties. The Goodlander proposal was for \$10,000 and proposed to use the property for an expansion of their brewery. The Wendler proposal was for \$20,000 or "\$1,000 greater than the highest bid-up to \$20,000 max bid" and proposed to use the property for housing for senior citizens. After receiving the two proposals the Village Board referred the matter to the Planning Board for to make a recommendation.

On October 7, 2015 the Planning Board convened and each of the proposers appeared and answered detailed questions concerning their offer and plan. For the reasons disclosed in its minutes the Planning Board recommended to the Village Board that the parcel be sold to Erin Goodlander d/b/a Barker Brewing for her intended purpose.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1) That the Village Board finds that selling the parcel to Erin Goodlander d/b/a Barker Brewing rather than Robert Wendler d/b/a JNM Properties is in the best interest of the Village for the following reasons:

The proposed use of the property as a brewery is within the uses allowed by the Village Zoning laws (F-1 General Industrial District) while an apartment for lease to senior citizens is not.

Sale of the parcel to Barker Brewing would allow expansion of the brewery, including an increase of production and likely expanded employment opportunities for Village residents. It would also encourage further economic development in the Village.

Sale of the parcel to Barker Brewing would allow a successful business to expand and enable the business to remain in the Village. The brewery is currently located on a parcel too small for expansion and without the ability to expand the business would likely have to re-locate.

The proposer has proven its ability and willingness to re-purpose and renovate dilapidated buildings as its current location is in a formerly dilapidated building.

2) That the proposed purchase price of \$10,000 plus costs associated with the transfer is adequate consideration and reflects the market value of the parcel. The parcel has limited street frontage, contains 3 dilapidated buildings, and requires substantial infrastructure investment before it can be purposefully used (water lines, gas lines, electricity, etc.). The purchase price represents a full return of the Village's initial investment of \$20,000 despite the retention of the police station by the Village.

3) That the parcel is surplus property not currently being used for any Village purpose and not needed for any Village purpose. That sale of the property will serve Village purposes including those outlined above and are in the public interest.

4) That the Village accept Erin Goodlander d/b/a Barker Brewing's offer to purchase the above mentioned parcel for \$10,000 plus costs and authorizes the Mayor to execute a written contract and all other documents necessary to effectuate the sale, subject to approval by the Village's attorney, conditioned on the following: a) the purchaser will be responsible for all closing costs including the cost of a survey and title search, b) the building

containing the police station and the grounds surrounding it are excluded from the sale, c) the Village will retain right of ways and easements as it shall determine, d) property to be sold in “as is” condition.

The Board of Trustees was notified by Mayor Nellist that Robert Wendler had concerns about this decision, as well as the timeframe of the decision being made. Mayor Nellist noted that the Village had met all legal requirements, given more than the time suggested by legal counsel and had 4 weeks to develop and submit a proposal. Trustee Kerth stated that if everything is in order let’s move ahead.

A motion to **adopt resolution #23-2015** was made by Deputy Mayor Rider and seconded by Trustee Kerth. The following votes were cast:

- Mayor Nellist-AYE
- Deputy Mayor Rider-AYE
- Trustee Kerth-AYE
- Trustee Ruffini-AYE
- Trustee Matheis-AYE

Carried. Resolution Adopted.

The establishment of “**Trick or Treating**” **Hours within the Village** was discussed at length. The Board of Trustees felt that since Halloween was on a Saturday it would be allowable for trick or treating hours to be set for 4:00pm-7:00pm. A motion to **approve the 4:00pm-7:00pm trick or treating hours** was made by Trustee Ruffini and seconded by Deputy Mayor Rider. A unanimous vote followed to carry the motion.

The **Clerks Financial Report** was reviewed and accepted by the Board of Trustees.

- ✓ East Avenue Water Main Extension project is going to be closed out this coming month, after the last retainage is paid to V&B Underground Utilities
- ✓ Any unpaid taxes must be paid before October 30th or they will be relieved onto the County/Town tax roll for collection in January

The Fall newsletter will be mailed out by October 16th, would like to go paperless saving the Village \$240 per year on postage and \$20 on paper. After discussion the Board would like to ask residents how they feel about this and get some feedback before a decision is made. For now the newsletter will remain the same being mailed out in the Fall and Spring.

The **Public Works Report** was reviewed and accepted by the Board of Trustees, has been filed with the Clerk.

- ✓ Water loss is down to 12% this quarter, a reduction from 33.32%. Saving the Village \$850.50 this quarter. USDA Rural Development was notified and a water comparison was given.
- ✓ Approval to grind stumps from trees done by National Grid forestry

The **Code Enforcement Report** was reviewed and accepted by the Board of Trustees, has been filed with the Clerk. Trustee Kerth asked Mr. Remington to look into an ongoing situation on Pallister Avenue.

The **Police Report** was reviewed and accepted by the Board of Trustees, has been filed with the Clerk.

- ✓ Would like the \$1,600 put into vehicle maintenance budget line from the sale of the Police Car

The Board of Trustees discussed the need for certain vehicle maintenance needs and saw a small amount remaining.

A motion to **approve the budget transfer A3120.46 Police Vehicle Maintenance \$1,600 from A1990.4 Contingency** was made by Deputy Mayor Rider and seconded by Trustee Ruffini. The following votes were cast:

- Mayor Nellist-NAY
- Deputy Mayor Rider-AYE
- Trustee Kerth-AYE
- Trustee Ruffini-AYE
- Trustee Matheis-AYE

Motion Carried.

Correspondence: Letter from Barker Brewing
Letter from PWT regarding Liquor Licensing
Time Warner Cable Programming Changes-September 2015
Time Warner Cable Programming Changes-October 2015
NCCC-Thurs., Oct. 29, 2015 from 5-9:30pm Planning and Zoning Board Training -RSVP by Oct. 23, 2015
Buffalo Niagara Enterprise-NY Sun solar power initiative
Barker Central School Homecoming letter
The Bank of Greene County
NC Gallonage Report-Great Improvement
American Council of Engineering Companies of NY (ACEC) How to fund your water infrastructure project 10/20 9am-12:30pm
Pipeline public awareness pamphlet
Real Estate Auction-KeyBank

Approval of Claims and Bill Payment: Abstracts 005 Voucher #'s 137-167
General Fund-\$6,653.72 Water Fund-\$3,525.21 T&A-\$1,000.00 TOTAL \$11,178.93
The motion to **approve the claims and bill** payment was made by Deputy Mayor Rider and a second was offered by Trustee Kerth. A unanimous vote followed to carry the motion.

Budget Transfer: A8560.4 Shade Trees \$800.00 from A1990.4 Contingency
A motion to approve the above budget transfer was made by Deputy Mayor Rider and seconded by Trustee Kerth. All voted in favor to carry the motion.

Public Comment was offered by:

Phyllis Hildebrandt: Informed the Board and Chief Annable that her house had been egged Saturday night, along with several others. Mayor Nellist asked Chief Annable if we could talk to Crosby's and ask about prohibiting the sale of eggs, toilet paper and shaving cream to individuals under a certain age. She also stated that she was aware of some graffiti that had been drawn on cars in the Village, as well. Phyllis continued to state how she enjoyed serving at the Planning Board meeting last Wednesday, as well as being able to help make the decision about the East Avenue property and looks forward to doing more with the planning board in the future.

Kathie Smith: Thanked the Board for their confidence in the Goodlander's and stated that they are excited to expand their business.

Herb Meyer: Brought the lack of a Veteran's Exemption on real property in the Village. He stated that he would like the Village Board to consider it because it would affect roughly 34 people in the Village at various levels of exemptions. He feels that it puts a small burden on the rest of the residents for the good of our country and how veteran's put themselves in harm's way while they were separated from their families. Mr. Meyer also stated that he feels it's the honorable thing. Mayor Nellist stated that it would affect the Village revenues raised by taxes to the tune of \$6,500.00. Mayor Nellist also sympathized with the veteran's position and that it is not out of a lack of respect, but it is hard to spread this amount over the small number of taxable parcels we have in the Village. The Mayor also stated that the veteran's exemption has become a controversial issue in other counties and that the taxpayers feel slighted that they're burden is increased without their approval. The Village respects and thanks all Vets and would consider this in the future, revenues permitting. Trustee Kerth stated that he is also a Veteran. Trustee Kerth would love to institute the exemption, but could not put the burden on the small pool of taxpayers we have in the Village. Mr. Kerth also admitted he would like to look at instituting the veteran's exemption if something were to change with the amount of revenues the Village receives, for example a re-evaluation done by the Assessor.

John Hotaling: Stated he supports the exemption for veterans in the Village, but does understand the predicament the Village is in, in regards to revenues. He also stated that the veteran's would like this looked at when the Village feels that it might be feasible; it doesn't have to be this minute. Mr. Hotaling also discussed that a solar project maybe coming to Barker at the former chemical site, it was presented in front of the Town Planning board last month. Amy Fisk at NC IDA could offer more information if needed.

Bob Longstreet: Has the Village Board considered what the Police Department will look like if there is a regime change in the Town? If nothing can be done the Village should look at making some changes.

Board Comment was offered by:

Trustee Matheis: Thanked all the Veteran's in the audience for their participation at our meeting and for bringing it in front of the Board.

Deputy Mayor Rider: Thanked everyone for their attendance.

A motion for **Adjournment** was made at 8:07pm by Deputy Mayor Rider and a second was offered by Trustee Kerth. All voted aye. Motion carried.

Next regularly scheduled work session will be November 2nd, 2015 @ 6:00pm

Next regularly scheduled meeting will be November 9th, 2015 @ 7:00pm

Respectfully Submitted,

Amanda M. Detschner
Clerk-Treasurer