



VILLAGE OF BARKER SPECIAL MEETING MINUTES

October 19, 2015

7:30pm

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

In **Attendance**: Erin and Greg Goodlander. Trustee Matheis was absent.

The **meeting was opened at 7:30pm** with the Pledge of Allegiance administered by Mayor Nellist.

A **review of the SEQRA form** completed on the East Avenue dormitory parcel-SBL #18.10-1-5.211. All the members of the Board of Trustees present read the completed SEQRA form. Trustee Kerth asked several questions about the form and its purpose.

Board Approval of the SEQRA form was motioned by Deputy Mayor Rider and a second was offered by Trustee Kerth. All present members voted aye to carry the motion.

Resolution #24-2015 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 apartments 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 is 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.

A motion to adopt Resolution #24-2015 was made by Trustee Kerth and a second was offered by Trustee Ruffini. A roll call vote was taken and the following votes were cast:

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

Resolution Carried.

Authorization to correct water accounts #119 and #52

When I was away at Cornell, these payments were accepted and deposited using the remote check scanner without being entered into the Waterworks program. Therefore, when bills were issued for the 3rd QTR last week, it was brought to my attention by one of the account owners that he had paid and show proof of his receipt. Upon investigation I was able to find the deposit using the remote check scanner deposit slips, which had the two water tabs attached. I need authorization to reverse these arrear charges, as well as the penalty that was added to each account due to error in our Office.

Account #119- $137.50 + 13.75 = 151.25$ credit

Account #52- $70 + 7.00 = 77.00$ credit

A motion to **authorize the Clerk-Treasurer to adjust water accounts 119 and 52** was made by Deputy Mayor Rider and was seconded by Trustee Kerth. All present members voted aye to carry the motion.

Public Comment was offered by:

Erin and Greg Goodlander: Raised questions about the right of ways (ROW) and easements pertaining to the East Avenue "Birds Eye" dormitory parcel sale. Mayor Nellist stated these questions will be brought to the lawyer for review.

No **Board Comment** was offered.

A motion for **Adjournment at 8:10pm** was made by Deputy Mayor Rider and was seconded by Trustee Kerth. All present members voted aye to carry the motion.

Next Meeting-Work Session-Monday, November 2, 2015 @ 6:00pm

Next Board Meeting-Monday, November 9, 2015 @ 7:00pm

Respectfully Submitted,

Amanda M. Detschner
Clerk-Treasurer