



VILLAGE OF BARKER WORK SESSION MINUTES

December 4, 2017

Mayor Aaron Nellist
Deputy Mayor Gregory P. Kerth
Trustee Seanna Corwin-Bradley
Trustee James Baker
Trustee Kimberly Ruffini

In **Attendance:** All Board members and Clerk-Treasurer Amanda Detschner

The meeting was opened at 6:03pm by Mayor Nellist administering the pledge of allegiance.

- Proposed Water Rate change due to Niagara County increase .75 cents to .90 cents starting January 1, 2018

	Current Rates	Proposed Rates #1	Proposed Rates #2
0-5,000 gallons	\$70.00 (min)	\$71.00 (min)	\$75.00 (min)
5,000-35,000 gallons	\$2.50/1,000	\$2.70/ 1,000	\$2.60/ 1,000
35,001-100,000 gallons	\$1.75/1,000	\$1.95/ 1,000	\$1.85/ 1,000
Over 100,001	\$1.30/ 1,000	\$1.50/ 1,000	\$1.40/ 1,000

Customer Usage Breakdown

0 to 5,000 gallons	Average 67 households/businesses	67/215=32%
5,001-35,000 gallons	Average 139 households/businesses	139/215= 65%
35,001 -over 50,001 gallons	Average 9 households/businesses	9/215= 3%

A discussion about water rates ensued. Rates have not been changed since 2003, except to increase the minimum in order to make payments on the Bond for Phase 2 of the water main replacement project. It was the consensus of the Board to go with proposed Rates #1.

- Grant Updates- SAM & Lake Park

SAM Grant: Final grant agreement has been executed, just waiting on help from the accountant to set up the new bank account for this grant. Once bank account is set up then we can start procuring the rest of the project and playground.

Lake Park Break Wall Grant: Final agreement papers have arrived; need to set up bank account for this grant, as well. Once that is in order I can send back the executed paperwork. This must be done by December 29, 2017.

- Capital Improvement Plan Update

Hard copies, as well as a digital copy were provided for review. This updated plan will help us when looking at budget and grant funds.

- Main Street drainage issue update

Mayor Nellist stated that he spoke with the property owner at 8715 Main Street about the drainage issues face to face and had a constructive conversation. The homeowner had placed top soil around the problem area, which seemed to help. After wards the property owner stated that he would like some cold patch or excess pavement to help alleviate the problem.

- Bolher Engineering Letter regarding Dollar General was discussed and will be placed on the agenda for Monday, December 11th
- Election petitions maybe released on Tuesday, January 2, 2018 and will be due between Tuesday, January 6, 2018 and no later than Tuesday, February 13, 2018 by 5:00pm

No Public Comment.

Board Comment was made by:

Trustee Ruffini: Stated that she would be unable to make Monday's meeting

Trustee Kerth: Stated that Rutland Corwin has closed the funeral home on Pallister and plans to put it on the market with a realtor. A discussion ensued about the zoning of the parcel and that it must be residential use.

Cancel work session for January due to New Year's Holiday

Next meeting is the Monthly Board Meeting, Monday, December 11, 2017 @ 7:00pm

A **motion for adjournment was made at 6:57pm** by Trustee Baker and was seconded by Deputy Mayor Kerth. All voted in favor to carry the motion.

VILLAGE OF BARKER BOARD OF TRUSTEES
REGULAR MEETING MINTUES

December 11, 2017 7:00PM



Mayor Aaron Nellist
Deputy Mayor Gregory P. Kerth
Trustee James Baker
Trustee Kimberly Ruffini-*Absent*
Trustee Seanna Corwin-Bradley

In **Attendance:** DPW Superintendent Mark Remington, Deputy Clerk-Treasurer Victoria Baker, Caryn Mlodzianowski from Bohler Engineering, Richard Hellert, Dale Howard. The following Participation in Government Students: Casey A'Hern, Anthony Leising and Andrew Jenks. Trustee Kimberly Ruffini was absent.

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

The **Sales tax** received for November 2017 was \$9,975.40 a decrease of \$21.84 from November 2016.

The **Approval of Minutes** for the monthly board meeting held November 13, 2017 was motioned for approval by Trustee Corwin-Bradley and a second was offered by Deputy Mayor Kerth. The previous was ADOPTED. AYES 4-Nellist, Kerth, Baker, Corwin-Bradley NAYS-0/None ABSENT 1-Ruffini Motioned Carried.

An Introduction of LL#3-2017 Amendment of Water Rates was read aloud by Mayor Nellist.
A Local Law Amending the Water Rates in the Village of Barker.

Be it enacted by the Board of Trustees of the Village of Barker as follows:

1. Section 201-5(A) of the Code of the Village of Barker is hereby repealed and the replaced with the following:

A. Normal rate, including residential, business, schools and industries, except industries set forth in Subsection B below, and all other users:

(1)The minimum charge shall be \$71.00 charged per three-month period and shall cover the cost of providing the first 5,000 gallons of water consumed.

(2)The next 30,000 gallons per three-month period shall be charged at \$2.70 per 1,000 gallons of water consumed.

(3)The next 65,000 gallons per three-month period shall be charged at \$1.95 per 1,000 gallons of water consumed.

(4)All water consumed over 100,000 gallons per three-month period shall be charged at a rate of \$1.50 per 1,000 gallons consumed.

2. Subsection 201-5(C) is hereby enacted as follows:

C. The Board of Trustees may hereafter amend the water rates from time to time by resolution.

A motion to set the public hearing date for Monday, January 8, 2018 at 7:00pm was made by Trustee Baker and was seconded by Deputy Mayor Kerth.

The previous was ADOPTED. AYES 4-Nellist, Kerth, Baker, Corwin-Bradley NAYS-0/None ABSENT 1-Ruffini Motioned Carried.

Resolution #20-2017 Emergency Declaration for Bicentennial Park, Huntington Beach Road, Barker

WHEREAS, the Lake Ontario shoreline of the Village's park sustained heavy damage and erosion as a result of the unprecedented high water levels and weather conditions in 2017, which conditions caused the County of Niagara and the State of New York to declare a state of emergency, and

WHEREAS, in a letter dated November 21, 2017 Paul R. Chatfield of Chatfield Engineers, P.C., who evaluated the damage for the Village, reported that "additional property will be lost if immediate corrective measures are not taken to protect the shoreline," and further that "[t]he severe erosion has caused a significant threat to the safety and well being of park visitors. There is now a significant drop off (cliff) that is unprotected Immediate measures should be taken to protect the public and restore the shoreline" and

WHEREAS, the Village has identified Richard Truesdell, a reputable contractor who is capable of performing the work needed to remedy the above situation, and Mr. Truesdell has submitted a proposal to the Village to perform such work, now therefore, be it

RESOLVED, that in reliance upon the letter issued by Paul R. Chatfield, P.E., this board finds that a public emergency exists arising out of an unforeseen occurrence or condition and affecting the life, health, and safety of property and residents, which constitutes an emergency situation as defined by General Municipal Law Section 103 (4), requiring immediate repair which cannot await competitive bidding, and be it further

RESOLVED, that the Mayor be and hereby is authorized and directed to enter into a Contract with contractor Richard Truesdell for the repair of the damage to the Village Park shoreline, at a cost not to exceed \$50,000.00, and that competitive bidding for such project be dispensed with.

A motion to adopt Resolution #20-2017 was made by Deputy Mayor Kerth and was seconded by Trustee Baker. The previous was ADOPTED. AYES 4-Nellist, Kerth, Baker, Corwin-Bradley NAYS-0/None ABSENT 1-Ruffini Resolution Adopted. Motioned Carried.

Authorization to execute agreement/contract with Richard Truesdell, contractor Bicentennial Park Break wall Installation Project #77IT203-17 was motioned for approval by Deputy Mayor Kerth and was seconded by Trustee Corwin-Bradley.

The previous was ADOPTED. AYES 4-Nellist, Kerth, Baker, Corwin-Bradley NAYS-0/None ABSENT 1-Ruffini Motioned Carried.

Resolution #21-2017 Authorization to transfer fund for the CDBG Grant-Lake Ontario Imminent Threat/Flood Relief Program, Bicentennial Park Break Wall Installation Project #77IT203-17

WHEREAS, the Village of Barker has been awarded a CDBG Grant for the Lake Ontario Imminent Threat/Flood Relief Program administered by the New York State Office of Community Renewal titled the "Bicentennial Park Break Wall Installation Project", and

WHEREAS, the Village of Barker has been awarded \$49,390 to complete the above referenced project, and

WHEREAS, the scope of the work to be performed is the installation of a break wall that is approximately 190 feet in length of the frontage of the park that borders Lake Ontario, and

WHEREAS, the establishment of a capital checking account and accounting practices is needed to administer the grant, and

NOW THEREFORE BE IT RESOLVED, that the Village of Barker Board of Trustees authorizes the Clerk-Treasurer to establish and account for the CDBG capital funds through necessary actions. As, well as record the budget modification to reflect such authorization.

A **motion to adopt Resolution #21-2017** was made by Deputy Mayor Kerth and was seconded by Trustee Baker.

The previous was ADOPTED. AYES 4-Nellist, Kerth, Baker, Corwin-Bradley NAYS-0/None ABSENT 1-Ruffini Resolution Adopted. Motioned Carried.

Resolution #22-2017 Authorization to transfer funds for SAM Grant- Main Street Rehabilitation Project #7894

WHEREAS, the Village of Barker has been awarded a State and Municipal Facilities Grant (SAM) by Senator Robert Ort for the use of the proposed project titled "Main Street Rehabilitation", and

WHEREAS, the scope of the work to be performed is the milling and paving of Main Street, the milling and paving of the Village Hall/Library Municipal Parking Lot, install drainage and pave the Department of Public Works lot and replace the outdated piece of playground equipment located in David Barker Park on Main Street, and

WHEREAS, the grant has been executed by both the Village of Barker and Dormitory Authority of the State of New York (DASNY) as of November 21, 2017, and

WHEREAS, a transfer of funds is needed to modify the budget to reflect the portion that will be paid out by the Village toward the total SAM grant in the amount of \$17,708.00. The Total amount of the Main Street Rehabilitation project is \$85,882.00; SAM grant awarded \$51,370.00, CHIPS funding \$16,804 and the Village's share of \$17,708.00.

NOW THEREFORE BE IT RESOLVED, that the Village of Barker Board of Trustees grants authority to the Clerk-Treasurer to transfer \$17,708.00 from un-appropriated fund balance to appropriated fund balance and record the budget modification to reflect such authorization.

A **motion to adopt Resolution #22-2017** was made by Trustee Corwin-Bradley and a second was offered by Deputy Mayor Kerth.

The previous was ADOPTED. AYES 4-Nellist, Kerth, Baker, Corwin-Bradley NAYS-0/None ABSENT 1-Ruffini Resolution Adopted. Motioned Carried.

The **Clerk-Treasurer's Financial Reports** were reviewed and accepted by the Board of Trustees.

- ✓ Wednesday, December 13th the Niagara County Veteran's Service Agency is visiting the Village Hall from 9:00am until Noon, appointment slots are available
- ✓ Village Hall will be CLOSED Monday, December 25th and Tuesday, December 26th due to the Christmas Holiday, as well as Monday, January 1st and Tuesday, January 2nd due to the New Year's Holiday
- ✓ Election petitions maybe released on Wednesday, January 3, 2018 and will be due between Tuesday, January 6, 2018 and no later than Tuesday, February 13, 2018 by 5:00pm
- ✓ Friday, March 9th is the last day for residents to register with the county board of elections to be eligible to vote in the Village election Tuesday, March 20, 2017

The **Public Works Report** was reviewed and accepted by the Board of Trustees.

- ✓ The Water systems Emergency Response Plan and Vulnerability Assessments must be updated every 5 years, which now the updates are due. The Vulnerability Assessment must now include a cyber security assessment, which the Clerk-Treasurer has been working on to become complaint
- ✓ Trees were planted in the Main Street park (5 trees: 1 Crimson King Maple, 2 Silver Maple, 1 Greenspire Linden, 1-Tartarian Maple) and Lake Park (1 tree: Aristocrat pear) on December 7, 2017

Mayor Nellist inquired about the tires we had to place on the Police Car, Mr. Remington stated that we do have 4 tires that we can use to replace the current tires.

The **Code Enforcement Report** was reviewed and accepted by the Board of Trustees.

1 permit- 1712 East Ave a roof and 1 inspection- 1641 Quaker Road

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

Correspondence:

Bohler Engineering-formal request to rezone parcel #18.14-1-27.1
NYCOM letter regarding Gross Receipts Tax and NYSEG/RG&E's non-compliance
Niagara County Center for Economic Development newsletter
City of Shaker Heights request for SALT legislation resolution-Coalition against Double Taxation
NC Mortgage Tax Distribution-December 15, 2017
NC Gallonage Report

Approval of Claims and Bill Payment: Abstract 007 Voucher #'s 217-249
General Fund-\$10,746.91 Water Fund-\$9,848.63 T&A Fund-\$1,400.00 TOTAL \$21,995.54

A motion to approve the above claims and bill payment was made by Trustee Baker and was seconded by Deputy Mayor Kerth.

The previous was ADOPTED. AYES 4-Nellist, Kerth, Baker, Corwin-Bradley NAYS-0/None ABSENT 1-Ruffini
Motioned Carried.

Budget Transfer: A1910.4 Insurance \$2,100.00 to A8160.4 Refuse Collection
 A5110.4 Street Maintenance-Contractual \$8,500.00 to A8160.4 Refuse Collection

A motion to approve the above budget transfers was made by Deputy Mayor Kerth and was seconded by Trustee Corwin-Bradley.

The previous was ADOPTED. AYES 4-Nellist, Kerth, Baker, Corwin-Bradley NAYS-0/None ABSENT 1-Ruffini
Motioned Carried.

A Presentation by Caryn Mlodzianowski from Bohler Engineering regarding the proposed Dollar General on Quaker Road began at 7:18pm. The parcel is the wooded lot just south of the Barker Commons, SBL #18.14-1-27.1. Caryn began by explaining that Bohler Engineering was a civil site planner/engineer that works with Primax Development to develop new sites. Bohler Engineering submitted a letter requesting changes to the current local law pertaining to Zoning that would allow the construction of the Dollar General in a parcel that is currently zoned R-2 (More than 2 family residential) to be a B-1 (Business) zoned parcel. Also the letter requested a clause be added to the B-1 definition to allow retail business more specifically than what is currently referred to as wholesale. A display board of the proposed site was set up for reference. As more questions began to flow Caryn showed the Board a more detailed site plan than what had previously been on display to answer the more in depth questions that arose.

Questions:

Mayor Nellist inquired about the hours of operation. Caryn stated that each store has different hours, but it would not be a 24 hour business. He also inquired about the lighting outside and in the parking lot. Caryn explained that it would all be LED downward facing lighting that will be on for one hour before opening and one hour after closing, with some security lighting on the building that remains on all the time. He also inquired about the fencing that would be installed around the premises. Caryn explained that on the north side, a 6 foot shadowbox privacy fence would be installed, with chain link on the other 2 sides. He also inquired about increased litter from the store/customers and would like to see garbage cans at the front door, as well as dumpsters for both refuse and recycling. This is when the more in depth conceptual layout of the proposed site was displayed, which gave a much more detailed look at what the site may look like. Caryn explained that when the developer/engineer has a more conclusive idea of what the outcome maybe they will be more likely to move ahead with the project, Mayor Nellist explained that it's a catch 22 for the Board. If the Board seems to be in favor expends money to change the local law, sets up meetings with the planning and zoning boards before a more detailed scope is presented and the consensus is to move ahead with changing the zoning local law, the final project may not be what the Board of Trustees, Planning Board and Zoning Boards would have approved. Therefore Mayor Nellist stated that it's important for more details to come out before this moves ahead or bring them to the joint meeting of the planning and zoning boards.

Deputy Mayor Kerth inquired about what study was done that made Dollar General initiate a store in Barker. Caryn stated that Dollar General did a Market Research Study that aided in the decision to move forward with a store in Barker. Mr. Kerth also inquired about the increased traffic that would result on Quaker Road due to the store opening. Caryn stated that the NYS DOT will be notified of the potential and they make recommendations if needed. Caryn also stated that 100 trips per hour is the industry standard and Quaker Road was measured at 34 trips per hour, so there is room for some increase.

Mayor Nellist inquired about how far back the lot would be developed, this is where the detailed site plan was helpful because it showed a large wooded area left to the side of the store that would be a buffer for the residential area that abuts the property. Mark Remington inquired about where the sewer would be hooked up. Caryn stated that the sewer would hook up from Pallister Avenue, Mr. Remington stated that a pump maybe needed because of the distance to the hook up. Mr. Remington also stated it would be Town of Somerset water because the Village's pit is in front of the Commons, past the parcel that is being considered.

Richard Hellert spoke regarding Primax and Bohler Engineering is currently completing a project in Kendall that will be similar to this proposed project. This proposed project is 9,100 square feet and would be constructed in about 3 months. They are built from pre-constructed metal buildings.

Dale Howard inquired about if this would be a standalone store or would it have room for other businesses to operate, as well. Caryn explained it is just a standalone store.

Caryn asked the Board if they had a feeling of comfort with the proposed zoning amendments/changes. Mayor Nellist stated that so far everything looks to be in line with something that the Village may want to utilize, but this proposal will be placed in front of the planning and zoning boards. There recommendations will be taken into account when making the final decision.

Trustee Corwin-Bradley inquired about what sort of trucking would be delivering goods. Caryn explained that twice a week tractor trailers will deliver goods to the store and smaller vendors will deliver fresh goods more often in smaller trucks.

Deputy Mayor Kerth inquires about the use of a recycling dumpster because other local stores use carts to place their cardboard in until it's collected, which tends to blow around and be messy. Caryn showed where the dumpsters will be placed on site.

Caryn stated that the earliest construction would begin if the project is to go through is spring 2018.

Richard Hellert inquired about any new developments from residents either positive or negative. Mayor Nellist stated that he most of the people are intrigued and some had said they are not in favor of the Store. Mostly people who will be directly impacted by the placement of the store.

Trustee Corwin-Bradley stated that most people will inquire about why it can't be in the business district, especially when we have many vacant buildings available. The main reason is because our entire business district is located within a flood plain.

The presentation and questions ended at 7:46pm.

No Public Comment was offered.

No **Board Comment** was offered.

A motion for **Adjournment was made at 7:46pm** by Deputy Mayor Kerth and was seconded by Trustee Corwin-Bradley.

The previous was ADOPTED. AYES 4-Nellist, Kerth, Baker, Corwin-Bradley NAYS-0/None ABSENT 1-Ruffini Motioned Carried.

Next Work Session meeting is CANCELLED for January due to the New Year's Holiday.

Next **regularly scheduled meeting will be Monday, January 8, 2018 at 7:00pm**, at which time the public hearing on the proposed changes to the water rates will be held.

Respectfully Submitted,

Amanda M. Detschner
Clerk-Treasurer