

Village of Scottsville
Board of Trustees Meeting
Tuesday, December 14, 2021 6:30 pm
Wheatland Municipal Building
Meeting Minutes

Call to Order Mayor Eileen Hansen called the December 14, 2021 Village of Scottsville Board of Trustees to order at 6:30 pm.

Pledge of Allegiance to the Flag

Roll Call

Present: Eileen Hansen, Mayor
Leslie Wagar, Deputy Mayor
Kathie Carl, Trustee
Andy Fraser, Trustee
Nikki Whitmarsh, Trustee arrived at 6:32pm

Also Present: Katie Garner, Treasurer
Tom Rzepka, Attorney via phone
Anne Hartman, Village Clerk
Approx. 8 residents

Approval of Minutes

Village Board Meeting Minutes

Tuesday, November 9, 2021

Motion made by Deputy Mayor Leslie Wagar and seconded by Trustee Kathie Carl to approve the minutes of the *Tuesday, November 9, 2021* Village Board Meeting as submitted.

Vote: *Carried (4-0)*

| | | | |
|---------------------|-----|---------------------------|--------|
| Mayor Eileen Hansen | AYE | Deputy Mayor Leslie Wagar | AYE |
| Trustee Kathie Carl | AYE | Trustee Nikki Whitmarsh | ABSENT |
| Trustee Andy Fraser | AYE | | |

Public Before the Board

GUIDELINES FOR PUBLIC COMMENT:

The public may speak only during the Public Comment period of the meeting (limited to a total of thirty (30) minutes) and during any public hearing public comment section, or at such other time as a majority of the Board allows.

Speakers must step to the front of the room.

Speakers must give their name, address and organization, if any.

Speakers must be recognized by the presiding officer.

Speakers must limit their remarks to three minutes on a given topic.

Speakers may not yield any remaining time they may have to another speaker.

Board members may, with the permission of the Mayor, interrupt a speaker during their remarks, but only for the purpose of clarification or information.

All remarks must be addressed to the Board as a body and not to any member thereof.

Speakers must observe the commonly accepted rules of courtesy, decorum, dignity and good taste.

Interested parties or their representatives may address the Board by written communications.

Public Hearing

Sanitary Sewer Reserve

Mayor Hansen opened the public hearing by reading the notice from the Sentinel at 7:00pm.

**Village of Scottsville
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that the Scottsville Village Board will be holding a Public Hearing at the Wheatland Municipal Building, 22 Main Street, Scottsville, New York 14546 on December 14, 2021 at 7:00 pm to consider release monies already on deposit in the Sanitary Sewer Reserve to pay a portion of the 2021 F450 1-ton truck in an amount not to exceed \$17,416.93.

All interested persons will be given an opportunity to speak for or against the above proposed legislation at the time and location set herein. Comments may also be sent via email to villageclerk@scottsvilleny.org.

Public Comment opened at 7:01pm.

Public Comment:

No public comment

Public Comment closed and Board Comment opened at 7:01pm.

Board Comment:

No Board comment

Public Hearing closed at 7:02pm.

Motion made by Trustee Kathie Carl and seconded by Deputy Mayor Leslie Wagar to release monies already on deposit in the Sanitary Sewer Reserve to pay a portion of the 2021 F450 1-ton truck in an amount not to exceed \$17,416.93.

Vote: *Carried (5-0)*

| | | | |
|---------------------|-----|---------------------------|-----|
| Mayor Eileen Hansen | AYE | Deputy Mayor Leslie Wagar | AYE |
| Trustee Kathie Carl | AYE | Trustee Nikki Whitmarsh | AYE |
| Trustee Andy Fraser | AYE | | |

Equipment Reserve

Mayor Hansen opened the public hearing by reading the notice from the Sentinel at 7:15pm.

**Village of Scottsville
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that the Scottsville Village Board will be holding a Public Hearing at the Wheatland Municipal Building, 22 Main Street, Scottsville, New York 14546 on December 14, 2021 at 7:15 pm to consider release monies already on deposit in the Equipment Reserve to pay a portion of the 2021 F450 1-ton truck in an amount not to exceed \$17,416.93.

All interested persons will be given an opportunity to speak for or against the above proposed legislation at the time and location set herein. Comments may also be sent via email to villageclerk@scottsvilleny.org.

Public Comment opened at 7:16pm.

Public Comment:

No public comment

Public Comment closed and Board Comment opened at 7:16pm.

Board Comment:

No public comment

Public Hearing closed at 7:16pm.

Motion made by Deputy Mayor Leslie Wagar and seconded by Trustee Kathie Carl to release monies already on deposit in the Equipment Reserve to pay a portion of the 2021 F450 1-ton truck in an amount not to exceed \$17,416.93.

Vote: *Carried (5-0)*

| | | | |
|---------------------|-----|---------------------------|-----|
| Mayor Eileen Hansen | AYE | Deputy Mayor Leslie Wagar | AYE |
| Trustee Kathie Carl | AYE | Trustee Nikki Whitmarsh | AYE |
| Trustee Andy Fraser | AYE | | |

Local Law 8-2021 Opt out marijuana dispensary.

Mayor Hansen opened the public hearing by reading the notice from the Sentinel at 7:30 pm.

Village of Scottsville NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Scottsville Village Board will be holding a Public Hearing at the Wheatland Municipal Building, 22 Main Street, Scottsville, New York 14546 on December 14, 2021 at 7:30 pm to consider Local Law 8-2021 to opt out of marijuana dispensary, action subject to a permissive referendum.

All interested persons will be given an opportunity to speak for or against the above proposed legislation at the time and location set herein. Comments may also be sent via email to villageclerk@scottsvilleny.org.

Section 1. Legislative Intent

It is the intent of this local law to opt the Village of Scottsville out of hosting retail cannabis dispensaries within its boundaries.

Section 2. Authority

This local law is adopted pursuant to Cannabis Law § 131, which expressly authorizes cities and villages to opt-out of allowing retail cannabis dispensaries and/or on-site cannabis consumption establishments to locate and operate within their boundaries.

Section 3. Local Cannabis Retail Dispensary Opt-Out

The Board of Trustees of the Village of Scottsville, County of Monroe hereby opts-out of allowing retail cannabis dispensaries from locating and operating within the boundaries of the Village of Scottsville.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date

This local law shall take effect immediately upon filing with the Secretary of State. Pursuant to Cannabis Law § 131, this local law is subject to a permissive referendum and thus may not be

filed with the Secretary of State until the applicable time period has elapsed to file a petition or a referendum has been conducted approving this local law.

Public Comment opened at 7:42pm and started by reading a summary of the law and process.

Public Comment:

Lisa VenVertloh, 4 Beckwith Ave: In favor of shops not on-site locations, been to out of state shops and they are clean, require ID and no riff raff loitering outside the shops

Steve Ely, 22 Diana Dr: in favor of both retail and onsite, benefits include medical use, tax revenue, bars are open late, this should be no different

Andrew Perez, 850 Wheatland Center Rd, in favor of both, do not take a “wait and see” if other towns get in first, that’s where the potential owners will be looking to set up shop, Scottsville will miss out on an opportunity. If it is close to home locals won’t drive under the influence.

Public Comment closed and Board Comment opened at 7:48pm.

Board Comment:

Trustee Fraser: In favor of a dispensary, it would make it safer than illegal marijuana, if the Board cannot vote to opt in, at least put it to a vote of the residents. Local entrepreneurs are already investigating locations. 11-24 states have already legalized marijuana, NY can learn from them.

Trustee Carl: Even if we opt-in, there is no guarantee Scottsville will be picked for a location. What about parking? And concerned about the unknown regulations. Would like to see it on the ballot

Trustee Wagar: Agree that the state is slow to get the regulations set, would like to see how this plays out.

Trustee Whitmarsh: In favor of opting in for a dispensary but not the on-site establishment

Mayor Hansen: Appreciate those who spoke, concerned about the unknow, if we opt-in we may not get one, Chili and Henrietta are much bigger, we have not heard from a lot of residents, would prefer to place this on the ballot.

Attorney Rzepka: The Board must wait til after January 1 to make the resolution to place it on the ballot.

Public Hearing closed at 8:03pm.

SEQR Determination Local Law 8-2021

Motion made by Trustee Kathie Carl and seconded by Deputy Mayor Leslie Wagar that Local Law 8-2021, opting out of licensing and establishing retail cannabis dispensaries within the Village of Scottsville will make no significant impact on the environment in accordance with SEQRA.

Roll Call Vote: Carried (5-0)

| | | | |
|---------------------|-----|---------------------------|-----|
| Mayor Eileen Hansen | AYE | Deputy Mayor Leslie Wagar | AYE |
| Trustee Kathie Carl | AYE | Trustee Nikki Whitmarsh | AYE |
| Trustee Andy Fraser | AYE | | |

Local Law 8-2021

Motion made by Deputy Mayor Leslie Wagar and seconded by Trustee Nikki Whitmarsh to adopt Local Law 8-2021 pursuant to Cannabis Law § 131 opting out of licensing and establishing retail cannabis dispensaries within the Village of Scottsville.

Roll Call Vote: Carried (3-2)

| | | | |
|---------------------|-----|---------------------------|-----|
| Mayor Eileen Hansen | AYE | Deputy Mayor Leslie Wagar | AYE |
| Trustee Kathie Carl | AYE | Trustee Nikki Whitmarsh | NAY |
| Trustee Andy Fraser | NAY | | |

Local Law 9-2021 Opt out marijuana on-site consumption sites.

Mayor Hansen opened the public hearing by reading the notice from the Sentinel at 8:10pm.

**Village of Scottsville
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that the Scottsville Village Board will be holding a Public Hearing at the Wheatland Municipal Building, 22 Main Street, Scottsville, New York 14546 on December 14, 2021 at 7:45 pm to consider Local Law 9-2021 to opt out of marijuana on-site consumption locations, action subject to a permissive referendum.

All interested persons will be given an opportunity to speak for or against the above proposed legislation at the time and location set herein. Comments may also be sent via email to villageclerk@scottsvilleny.org.

Section 1. Legislative Intent

It is the intent of this local law to opt the Village of Scottsville out of hosting on-site cannabis consumption establishments within its boundaries.

Section 2. Authority

This local law is adopted pursuant to Cannabis Law § 131, which expressly authorizes cities and villages to opt-out of allowing retail cannabis dispensaries and/or on-site cannabis consumption establishments to locate and operate within their boundaries.

Section 3. Local Cannabis On-Site Consumption Opt-Out

The Board of Trustees of the Village of Scottsville, County of Monroe hereby opts-out of allowing on-site cannabis consumption establishments from locating and operating within the boundaries of the Village of Scottsville.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date

This local law shall take effect immediately upon filing with the Secretary of State. Pursuant to Cannabis Law § 131, this local law is subject to a permissive referendum and thus may not be filed with the Secretary of State until the applicable time period has elapsed to file a petition or a referendum has been conducted approving this local law.

Public Comment opened at 8:13pm.

Public Comment:

No public comment

Public Comment closed and Board Comment opened at 8:13pm.

Board Comment:
No Board comment

Public Hearing closed at 8:14pm.

SEQR Determination Local Law 9-2021

Motion made by Deputy Mayor Leslie Wagar and seconded by Trustee Kathie Carl that Local Law 9-2021, opting out of licensing and establishing on-site cannabis consumption establishments within the Village of Scottsville will make no significant impact on the environment in accordance with SEQRA.

Roll Call Vote: *Carried (5-0)*

| | | | |
|---------------------|-----|---------------------------|-----|
| Mayor Eileen Hansen | AYE | Deputy Mayor Leslie Wagar | AYE |
| Trustee Kathie Carl | AYE | Trustee Nikki Whitmarsh | AYE |
| Trustee Andy Fraser | AYE | | |

Local Law 9-2021

Motion made by Trustee Kathie Carl and seconded by Deputy Mayor Leslie Wagar to adopt Local Law 9-2021 adopted pursuant to Cannabis Law § 131 opting out of licensing and establishing on-site cannabis consumption establishments within the Village of Scottsville.

Roll Call Vote: *Carried (5-0)*

| | | | |
|---------------------|-----|---------------------------|-----|
| Mayor Eileen Hansen | AYE | Deputy Mayor Leslie Wagar | AYE |
| Trustee Kathie Carl | AYE | Trustee Nikki Whitmarsh | AYE |
| Trustee Andy Fraser | AYE | | |

Reports - Attorney Thomas Rzepka

No report

Department Reports

Building Inspector/Code Enforcement Officer

Building Department:

35 Main Street has been approved for a special use permit by the Planning /Zoning Board. The property will be used for office purposes on the main floor, second floor will be short term rental /Air BNB. Will be working with the new owner on required building permits.

Plans sent over to the Planning Board for January for 711 North Rd, 5,000sqft warehouse expansion.

Working on closing out permits for the year and sending my annual report to the Assessors office, for tax purposes.

Fire Marshal:

Fire Department referrals for two properties in the village regarding the unsafe use of a residential generator. Another for a hoarding condition. Working with the homeowners on a safe resolution to these Matters. (left out addresses do to the Homeowners privacy.)

Fire damaged building located in Briarwood Place Apts has been torn down and the new construction is well underway.

Code Enforcement:

Sending letters to repeat violations of parking in the lawns within the Village.

Numerous complaints from residents regarding, the noise/smell issues from Heany Industries. Working with the site manager to see if any manufacturing processes have changed lately.

DPW – Ken Bohn & Todd Schwasman

- Storm assessment and cleanup
- Will do one more leaf pick up because of the winds, then both leafers will be off the trucks
- Johnson Park floor was started this week
- Plows are ready
- Shop clean up
- Shop cleanup

Treasurer – Katie Garner

Pay Bills:

Motion made by Trustee Kathie Carl and seconded by Deputy Mayor Leslie Wagar to approve payables on the AP Check Register Report through December 14, 2021 and prepaid bills with General Payables totaling \$72,244.96.

Vote: Carried (5-0)

| | | | |
|---------------------|-----|---------------------------|-----|
| Mayor Eileen Hansen | AYE | Deputy Mayor Leslie Wagar | AYE |
| Trustee Kathie Carl | AYE | Trustee Nikki Whitmarsh | AYE |
| Trustee Andy Fraser | AYE | | |

Treasurers Report:

Expenses:

| | <u>Overspent Lines</u> | <u>Why?</u> |
|----------|---------------------------|----------------------------|
| A.5110.2 | Street Maint Equipment | 1-ton submitting for CHIPs |
| G.8120.2 | Sanitary Sewers Equipment | 1-ton (Public Hearing) |

Updates:

Received 3rd Quarter Monroe County Sales Tax for an amount of \$154,995.13 compared to Q3 2020 - \$138,788.98 on track to exceed budgeted revenue

Starting 2022-23 Budget Prep

Budget Item - KVS Cloud Conversion \$75K - KVS Server Migration \$3K

| <u>ARPA Expenses</u> | <u>Planned Expenses</u> | <u>Paid to date</u> |
|-------------------------------|-------------------------|---------------------|
| Phone System Cloud Conversion | \$ 1,080.00 | 1,080.00 |
| Johnson Park Flooring | 11,200.00 | - |
| Johnson Park Furnishings | | - |
| Chairs | 1,269.12 | 1,269.12 |
| Tables | 1,340.00 | 537.08 |
| Racks | 575.68 | 575.68 |
| | \$ 15,464.80 | \$ 3,461.88 |

Budget Workshop Dates

January 18, 2022

February 15, 2022

February 22, 2022

Clerk – Anne Hartman

IT Support

SkyPort and PinPoint Group giving us quotes for IT service contract to offer more protection

Office Copier

Motion made by Deputy Mayor Leslie Wagar and seconded by Trustee Nikki Whitmarsh to allow the mayor to sign the Xerox AltaLink 8035 Color Printer/Scanner/Copier 60 month lease agreement with BXI Consultants, Inc.

Vote: Carried (5-0)

| | | | |
|---------------------|-----|---------------------------|-----|
| Mayor Eileen Hansen | AYE | Deputy Mayor Leslie Wagar | AYE |
| Trustee Kathie Carl | AYE | Trustee Nikki Whitmarsh | AYE |
| Trustee Andy Fraser | AYE | | |

Sexual Harassment Training

Trustee Reports:

Deputy Mayor Leslie Wagar – Communications

COVID test kit dispersal went well, thank you to the Town and Supervisor Dobson for there work

Trustee Andy Fraser – Grants

No report

Trustee Nikki Whitmarsh – Planning Board/Zoning Board of Appeals

2 Genesee St looking for a zoning variance

35 Main St. was issued a special use permit for offices on the first floor and Air BnB on the second with off street parking

Trustee Kathie Carl - Finance

Will be working with Katie on the budget

Mayor's Reports - Eileen Hansen

Banners and flags are down and snowflakes are up.

Governor Hochul implemented a mask mandate

Old Business

No old business

New Business

National Neighborhood Watch: MCSO Deputy Chambry will attend the January meeting to give information to the residents, a Neighborhood Watch is supported by residents

COVID plan for garbage and recycling and snowplowing if the DPW is out with COVID and cannot cover the services. The Town of Wheatland will help with the plowing and the Town of Caledonia will help with garbage. We need to work on a policy for the employees.

Schedule Public Hearing Local Law 1-2022

Motion made by Trustee Andy Fraser and seconded by Trustee Kathie Carl to set a Public Hearing for Tuesday, January 11, 2022, at 7:00 pm to consider Local Law 1-2022 to amend Chapter 162-13 B(1) Article III, Stopping, standing and parking as follows:

One-hour parking on the south side of Beckwith Avenue from a point 100 feet west of the west wall of the Thomas J. Connor School to a point 100 feet east of the east wall of such school.

Vote: Carried (5-0)

| | | | |
|---------------------|-----|---------------------------|-----|
| Mayor Eileen Hansen | AYE | Deputy Mayor Leslie Wagar | AYE |
|---------------------|-----|---------------------------|-----|

| | | | |
|---------------------|-----|-------------------------|-----|
| Trustee Kathie Carl | AYE | Trustee Nikki Whitmarsh | AYE |
| Trustee Andy Fraser | AYE | | |

Genesee Valley Trail Town Initiative

Motion made by Trustee Kathie Carl and seconded by Trustee Nikki Whitmarsh to contribute \$1,000.00 per year for 3 years from the ARPA funds to the Genesee Valley Trail Towns Initiative to support local businesses affected by the COVID pandemic, and to promote outdoor recreation for residents.

Vote: *Carried (5-0)*

| | | | |
|---------------------|-----|---------------------------|-----|
| Mayor Eileen Hansen | AYE | Deputy Mayor Leslie Wagar | AYE |
| Trustee Kathie Carl | AYE | Trustee Nikki Whitmarsh | AYE |
| Trustee Andy Fraser | AYE | | |

Adjournment

Motion made by Trustee Kathie Carl and seconded by Deputy Mayor Leslie Wagar to adjourn the Village Board meeting at 8:30 pm.

Vote: *Carried (5-0)*

| | | | |
|---------------------|-----|---------------------------|-----|
| Mayor Eileen Hansen | AYE | Deputy Mayor Leslie Wagar | AYE |
| Trustee Kathie Carl | AYE | Trustee Nikki Whitmarsh | AYE |
| Trustee Andy Fraser | AYE | | |

Respectfully submitted by,



Anne Hartman
Village Clerk