

Village of Bloomfield Board of Trustees Meeting of October 22, 2014

Present were Mayor Mark Falsone, Trustees Scott Kimball (arrived at 6:00 p.m.) , Francis Coleman, and Clayton Barnard and CEO Andy Hall. Excused were Trustees Dave Conklin and Public Works Supervisor Brian Rayburn. Guests included Michael Midey, David Poole, Karl Smith, John O'Mara, Kenneth Perelli, Peter Bruckel, Jay Mills, Roy Rotenberg, and Yvonne Chavez.

The meeting was opened at 5:30 p.m. with the pledge to the flag.

The discussions in the minutes to follow are not presented in chronological order for easier reading.

**5:30 Privilege of the floor:** Michael Midey, Superintendent of the Bloomfield Central Schools, gave a presentation on the proposed capital project for 2016 as follows:

1. The vote is scheduled for Nov. 18, 2014

2. There will be 2 propositions:

A. #1 is for interior and exterior repairs, replacements, and upgrades to the elementary and middle schools and includes athletic fields and parking

(i) athletic field work will include bleachers, lights, ADA compliant parking at the fields, and a regulations size track.

B. #2 is for synthetic turf for the soccer fields

**6:00 p.m. public hearing for LL#2 of 2014 Incentive Zoning**

The public hearing was opened and the reading of the legal notice which appeared in the Daily Messenger was waived. Yvonne Chavez spoke in favor of the law as it will encourage amenities that will enhance the aesthetics and quality of life of the Village. Examples of applications were discussed. As there were no other members of the public in attendance to speak about the law and no further questions of the trustees, the public hearing was closed at 6:45 p.m.

The Environmental Assessment Form (EAF) for the proposed local law was reviewed. All questions in part 2 were answered in the negative. The discussion included the following:

1. The intent of the law is to protect the ecological resources, environmentally sensitive areas, and geological features

2. The law is intended to promote goals in the comprehensive plan and the Rte. 444 Improvements Report

3. Incentive zoning will be applied on a case-by case basis with an environmental review of each specific proposal; therefore enacting this law by itself does not change any existing zoning in the community.

Trustee Coleman motioned, Trustee Kimball seconded and it was unanimously carried to make a negative declaration of environmental impact for the adoption of Local Law #2 of 2014 to provide for incentive zoning as it will result in no significant adverse impacts upon the environment.

Trustee Barnard motioned and Mayor Falsone seconded that Local Law #2 of 2014 to provide incentive zoning be adopted and the roll call vote was: Trustee Coleman – yes, Trustee Kimball – yes, Trustee Barnard – yes, Mayor Falsone –yes and Trustee Conklin-excused, and the law was duly adopted.

**Minutes:** the minutes of the September meeting were accepted as submitted.

**Mayor's report: application and short form EAF for a demolition permit for 5 Main St.**

1. The building at 5 Main St. has been declared unsafe by the CEO

2. Pursuant to Article IX Section 913 I-6 of the Zoning Law, the board of trustees may waive the requirement of a site plan approval prior to demolition of the existing building if it is deemed unsafe

3. The following conditions of the site were discussed:

A. No hazardous materials on site

B. No issues with any infrastructure underground of the existing building

C. Following demolition, the area will be filled to ground level and made secure

4. The short form SEQR was discussed. Trustee Barnard motioned, Trustee Coleman seconded and it was unanimously carried to make a negative declaration of environmental impact as an unsafe building will be removed pursuant to the conditions described in the demolition application.

5. Trustee Barnard motioned, Mayor Falsone seconded and it was unanimously carried to authorize the CEO to approve the demolition permit application for 5 Main St. and to grant said permit to remove the existing unsafe building.

6. Outstanding fines for building code violations were discussed. It is and has been the intention of the board of trustees and the CEO to have the property at 5 Main St. come into compliance with the codes. The fines were an incentive for the property owner to act. Since the demolition of the building will accomplish the desired intent, the actual collection of fines is not a goal of the board.

**Clerk's report:**

1. Board reviewed monthly financial statements for September.
2. Abstract #5 (vouchers 137-172, HG20) was audited and approved in the following amounts: General Fund \$14,538.16, Water Fund \$28,008.54, Sewer Fund \$2,024.35, Sewer capital Fund \$799.80 and Trust and Agency 6802.60. The Clerk declared that all services have been rendered and all goods have been received. Trustee Barnard motioned, Trustee Kimball seconded and it was unanimously carried to pay the bills as presented.

**CEO report:** the board reviewed the monthly report. Andy reported:

1. Presentation of a draft amendment to the official zoning map. One more layer, depicting the NWI federal wetlands, will be added before a final draft is presented for adoption.
2. NYS DOT reviewed the site plan for the Dollar General to be built on Rtes. 5&20 to the west of the Village boundary. It was suggested by DOT that the applicant extend the sidewalk from the store to the existing village sidewalk. It was noted that the Town of east Bloomfield has no sidewalks to date and maintenance of a new sidewalk would be difficult. Very little or no foot traffic is anticipated.

**Standing committees/Special Committees:**

Cable TV Committee – Trustee Kimball will review the proposed contract from Time-Warner.

Audit committee – the audit was completed by Trustees Conklin and Kimball on September 18. The report was tabled until the October meeting in the absence of Trustee Conklin. The Clerk reported that the trustees used the Annual Audit Process for Villages, made available through the Office of the State Comptroller, and the written report is available for review in the village office. Records for the fiscal year 2014/14 through September 18 were reviewed and found to be in order. There were no concerns expressed and the report of the audit committee was accepted.

**Unfinished business:**

1. David Poole and Karl Smith addressed the board with a request to demolish an old garage and construct a new enlarged garage in the same location at 75 Main St. The existing garage was constructed prior to the sewer system. The easement excludes the garage but it lies within the sewer easement pathway. The expanded portion of the garage would lie directly in the sewer easement. The following points were discussed:
  - A. The home owner is willing to relocate the new garage a total of 3 ft. further behind the sewer line.
  - B. According to the DPW Supervisor, an easement of 15 feet is needed to properly work on the sewer line as the sewer line is approximately 7-8 ft. deep. A picture of a typical sewer line excavation at a depth of 7-8 ft. was available for review. The 15 ft. is needed to allow for sloping of the trench.
  - C. The village attorney recommends that the village board may entertain a modification of the sewer easement as long as the functionality of the easement is not compromised such that the sewer line may be accessed for maintenance, repair or replacement. The homeowner should be responsible for a new written easement agreement, a waiver acknowledging no responsibility on the part of the village if the building is damaged in the process of working on the sewer line and an instrument survey of the as-built improvement.
  - D. David Poole, the home owner, explained that if he is not granted permission to construct the larger garage, he will rebuild the new garage on the existing footprint, which he is permitted to do by law. This will deprive the village of an additional 3 ft. of work space for the sewer line.
  - E. It was unanimously decided by the board to direct David Poole to meet with Brian Rayburn to determine if a compromise on the easement could be reached.
2. The new gas station/convenience store will provide ample off-street parking. Removal of the two on-street parking spots on Main St. in front of the new facility would improve safety and site line visibility, especially with cars turning right-on red. One parking space may be gained in front of the easement to the west of the new facility so that the net loss of parking spots would be reduced to one. Trustee Barnard motioned, Trustee Coleman seconded and it was unanimously carried to direct the DPW to stripe out the two parking spaces on Main St. in front of Quicklees and to order a street sign saying "No parking from here to the corner".
3. Peddlers permits – there has been an increase in peddlers in the village and the fee has remained flat for many years. Mayor Falsone motioned, trustee Coleman seconded and it was unanimously carried to amend the fee schedule as follows: \$5/day up to 10 days, \$50 for 1-6 months, and \$100 for 6-12 months. The policy will also be amended to add that obtaining a permit does not guarantee the granting of future permits.

**Adjournment:** The meeting for November will be changed from the fourth Wednesday to the third Wednesday, Nov. 19, to accommodate the holiday. The December meeting will be changed to Tuesday Dec. 30 upon approval of all of the trustees.

Mayor Falsone motioned, Trustee Kimball seconded and it was unanimously carried to adjourn the meeting at 7:10 p.m.

Respectfully submitted,  
Kathleen Conradt

