Present: Mayor Andrew Matviak, Trustee Steve Crawford Trustee Sheri Youngs, Trustee Tom Ford, and Trustee (Deputy Mayor) Vic Tartaglia

Village Clerk Sheena Felzak

Staff: Deputy Clerk – Jaclyn Roth, John Redente – Grants Administrator, Christi Turtur – Deputy Treasurer, Jan Gorshack – Chief of Police

Guests: Beth Westfall – Village Attorney, Sue Kimmel and Pete Wilson – 2 PLUS 4 Construction, Lori DuBord – Governor’s Office of Storm Recovery, Gene & Therese Walsh, Denise & Joe Singlar, Fran, John Woodyshek, Sugi Dewey, Roma Haag, Jacqi Rose, Brenda Philpott & Harold Wicks

Before calling the Public Hearing to order Mayor Matviak went over a few guidelines for the audience and the board to follow during the public hearing and the regular portions of the meeting.

1. Tonight we are holding a public hearing regarding Local Law #2-2017, to rezone two parcels located at 139 West Main Street and 995 Circle Drive from R-1 (Residential) to R-2 (Residential).

2. The proposed rezoning is to rezone these two parcels from R-1 (single-family dwellings) to R-2 (two-

family dwellings). These two parcels were annexed into the Village in 2008, but the rezoning was never completed, so we need to do that now.

3. The notice of this public hearing was advertised in the Tri-Town News on August 3, 2017.

4. Before I open the public hearing, just a few comments:

a. We have a lot of people here tonight and we want to give everyone a chance to speak. This is your chance to make your comments. It is not a debate or dialogue between you and the Board. If you have questions, the Board will look into your questions and try its best to answer them after this meeting, but the Board will not be debating your questions tonight; we will just be listening to your comments.

b. Each speaker will be limited to one presentation of up to three minutes. If you are not able to complete your comments in three minutes, you are welcome to submit your remaining comments to the Board in writing. If everyone does not get a chance to speak tonight, we will be continuing this public hearing at a later Village Board meeting.

c. When you speak, please give your name and address for the minutes.

d. Please direct your comments to the Board and not to others in the audience.

e. Please be courteous in your comments and try not to be repetitive.

5. This proposed rezoning of two parcels is part of a larger project known as the Circle Drive Neighborhood Development. The Village is working with the Governor’s Office of Storm Recovery on the entire project. For tonight’s public hearing, please try to focus your comments on the *rezoning*.

6. GOSR is working on the environmental review for the Circle Drive Development Project. GOSR has already conducted its federal environmental review, called NEPA. The state-level review is called SEQRA (the State Environmental Quality Review Act). That state review is in progress, but has not yet been completed. For that reason, I will be asking the Board to keep this public hearing open at the end of tonight’s meeting and to continue the public hearing at a later Village Board meeting.

7. Now I would like to turn the hearing over to Sue Kimmel of Two Plus Four Development, who will give a brief summary of the project as it relates to the rezoning.

Sue Kimmel of 2 PLUS 4 Development explains the proposed project for the parcels subject to the rezoning and Local Law Amendment #2-2017. There is already commitment from the Governor’s office of Storm Recovery for the financing part of the project and it is in place. There is currently an option with the Lutheran Church to subdivide and purchase a portion of their property. The proposed project will consist of twenty (20) units configured in ten (10) two-family homes, each unit will have their own driveways, there will be eleven (11) two bedroom units and nine (9) three bedroom units. 2 PLUS 4 will continue ownership of the units and be responsible for all the property maintenance. Property will be taxed under the Real Property Tax Law 581a, estimated amount is $48,000 in taxes. The proposed road will be maintained by the Village of Sidney DPW Crew as it will be a public road. Priority will be given to the applicants who have FEMA Claim numbers. HUD restrictions have to be followed due to this being funded through the Governor’s Office of Storm Recovery, the tenants will have to have an income below 80% the area median income, ie: a four person home maximum income would be $47,120, no rental subsidies will be given so the applicant must be able to afford the rent. After the rezoning part of this project there is a subdivision approval and site plan approval that will need to be done in the near future.

Mayor Matviak called the Public Hearing to order at 7:05 pm.

Brenda Philpott, 2200 Cty Rte 4, Sidney, NY stated that she objects to the Public Hearing being held today on August 14th on moving forward based on Local Law #2017-2 being inconsistent to the advertisement in the Tri-Town News and the July 24, 2017 Village of Sidney minutes wherein Mr. Gene Walsh asked why the proposed rezoning was an R-3 instead of an R-2 wherein Clerk Felzak advised him to ask that question at the next meeting during the public hearing. She added that meeting was to be rezoned as an R-3 with the paperwork that was given (Local Law #2017-2 Zoning code Amendment introduction was read {introduction provided on 7/24/17}) Brenda explained that based on the ad in the July 20th edition of the Tri-Town News that stated – Sidney Board of Trustees to meet July 24, the Village of Sidney Board of Trustees will hold a special meeting on July 24, 2017 at 7 PM at the Civic Center located at 21 Liberty Street in Sidney. The board will consider rezoning two parcels located at 139 West Main Street and 995 Circle Drive from R-1 to R-3 as well as any other Village Business that comes before the board. A public hearing for the proposed rezoning will be scheduled at a later date. Brenda submitted an acknowledgement of her objection which she asked the board to sign. Beth Westfall advised the Mayor that he was not required to sign anything. The Mayor declined Brenda’s request to sign. Upon the Mayor’s refusal to sign she presented another acknowledgement that her objection was not accepted by the board and again asked the board to sign which was also declined. Both acknowledgements were submitted to the board for records.

Gene Walsh, owner of property on Smith Street, wanted to confirm that everything Brenda Philpott commented on was true pertaining to what happened at that meeting.

Fran Duguay, 1 Siver Street, wanted to mention to the Village about considering the traffic flow at the corner of Circle Drive and West Main Street.

John Woodyshek, 17 Bridge Street, is representing the people in the Town of Sidney and added for the record that when the annexation took place there was no pre-determination and no commitment to rezone the parcels which remained as R-1. He stated that this project cannot be segmented from the Environmental Review that is currently taking place for the whole overall project proposed in that area. A letter was submitted to on June 27, 2017 and address to Lori Shirley and GOSR, John reads the letter written by the Town of Sidney about the issues of the Public Notice for No Significant Impact and Notice of Intent to Request Release of Funds published by Governor’s Office of Storm Recovery on June 15, 2017. A copy of the letter was submitted to the board for records.

Sugi Dewey, Manatee Ave., stated she didn’t understand the rush or need for the apartment dwelling when she sees many apartments down Circle Drive empty as well as houses that are empty and a lack of jobs in the community.

Marian Ireland, member of St. Luke’s Church and resident of Bainbridge, is questioning the forms the signatures were collected on as to exactly what was said to the individuals that signed their names. She was told by a member of the Village that the big objection was because the housing was for low income families which it is not and she would like to have that clarified.

Roma Haag, member of St. Luke’s Church and resident of Sidney, explained that she has been very active in the role of helping the Church make the right decisions. She asked to have a questions answered before she continues on, she was told that the zoning was going to be changing from an R-1 to an R-2 and she keeps hearing R-3. Beth Westfall, Village Attorney, explained the proposal is from and R-1 to R-2, initially the board was considering rezoning to an R-3 because there was an understanding of a 3-family dwelling but there is not, they will only be 2 family dwellings. She stated that it was less of a zoning change to change to an R-2. Beth adds in that it was advertised correctly in the paper.

Denise Singlar, Cobbles East, commented that making the zone an R-2 will make that area more congested by the school and a narrow street.

Jacqi Rose, 10 Siver Street, applauds Sue Kimmel for doing a wonderful job on her other projects in the Village. With all the meetings that are required for a project like this is just holding up people in the flood zone from moving out and there are many other locations in the Village that would be much easier to develop with water and sewer already available and suggested the board look at those locations for possibilities.

Gene Walsh, Sidney, reads aloud something he found regarding Spot Zoning which states a zoning change should benefit the neighborhood and the community as a whole, the amendment needs to be made in accordance with the Comprehensive Plan or it is illegal, spot zoning only benefits the owner of the property whether there is or is no Comprehensive Plan and must be avoided.

Beth Westfall announced to the board that she will put together a summary regarding spot zoning and outline all the factors to consider.

Brenda Philpott asked to read something that would take less than 3 minutes. She doesn’t want to see our local zone, environmental assessments and regulations superseded by other agencies of any form regarding rezoning. Brenda hopes this would not trample on the rights of the local citizens to make their own determination on what’s best for the community she lives in. The issue is extremely important and the zoning change has caused great concern among the neighbors in the vicinity of the land. She adds in that she is unaware of another meeting or another law that was introduced proposing the change from an R-1 to an R-2. The petition she submitted to Shelly with Delaware County which has 136 signatures, was supposed to be sent to the Village and if not Brenda stated she would provide copies to the board. She does not understand the need for new housing when there are so many single family homes for sale, maybe 90 or more, outside the flooded areas within the Village limits. She has not seen a thorough traffic study anywhere and would like to see it. Brenda feels there is more of a need for a parking lot in that area, not more housing.

Trustee Tartaglia moved, Trustee Youngs seconded the motion to keep the public hearing open and to re-advertise it for the September 11, 2017 meeting. All Ayes, Carried.

Mayor Matviak opened the regular meeting at 7:27 PM.

Trustee Youngs moved, Trustee Ford seconded the motion to approve the minutes from July 24, 2017 as presented. All Ayes, Carried.

Mayor Matviak thanked Trustee Tartaglia, the Village employees and the rest of the board for covering for him during his absence.

There isn’t usually a second meeting in August but the Mayor points out there will be business to conduct so a Special meeting will be scheduled for August 28th.

The motion for Judge Skrobanski and Clerk Skrobanski was on the table and Trustee Crawford asked what the lodging cost included due to only a $91 reimbursement for one night. Trustee Tartaglia thinks the $1090 also includes training costs but Trustee Crawford then questions what the registration fee is for. Mayor Matviak suggests the motion be tabled until next meeting since there is time before the registration cut off.

Trustee Tartaglia brings the board up to date on the issue with the generator quote that was received regarding the Getman Building Electric separation project from the Civic Center. Tom Redmond, Special Projects Manager, spoke with Trustee Tartaglia about the initial generator quoted was not adequate to handle the load. A 50 KW generator is needed now and that is what the new quote shows as being required. Trustee Crawford asked who gave the original quote for a 20 KW generator, Clerk Felzak said there were two quotes received at the beginning of the project one from Diekow Electric and the other from A. Treffeisen & Son.

Trustee Youngs moved, Trustee Ford seconded the motion to approve the quote submitted by Diekow Electric in the amount of $49,500.00 which has increased by $15,000 from the original quote given due to an issue with the wattage capacity of the generator. 3 Ayes, 1 Nay – Trustee Crawford, motion Carried.

Treasurer Clark provided a budget amendment to the board for the Fiscal Year Ending 5/31/17 which needs to be done to close out the year. Deputy Treasurer, Christi Turtur, explained that the amendments were showing the line items that had unspent funds where money was coming from to be put against a line where the funds were lacking.

Trustee Tartaglia moved, Trustee Crawford seconded the budget amendments FYE 5/31/2017 for the General, Water and Sewer Funds as presented below. All Ayes, Carried.

(*insert budget amendments)*

Chief Gorshack mentioned the Cops on Top fundraising event they were apart of at the Dunkin Donuts at the Speedway in Sidney for the Special Olympics. As far as the Chief knows Sidney is in third place for most money raised in the Southern Tier. He added it was a very fun and successful event. This was the second year the Village participated so he is looking forward to next year.

The Police Department, Animal Control, and Public Works Monthly reports were received and accepted by the board.

Trustee Crawford moved, Trustee Tartaglia seconded the motion to approve the purchase of a 2018 Chevrolet Silverado 1500 from Hoselton Chevrolet in East Rochester, NY for $25,786.57. This truck will replace the Superintendent's current truck, 2006 Dodge Dakota with 94,500 miles. The purchase was budgeted for the current fiscal year ending May 31, 2018 and was the lowest of 7 bids on the NY State OGS Mini- bid. All Ayes, Carried.

Trustee Crawford brought up the PD has two cars that need to be surplused very soon as well as the Civic Center Green truck which will be replaced by the old DPW Superintendents truck.

Trustee Tartaglia mentioned Adult Softball league is finishing up, the new dugouts are in over at the softball fields of Keith Clark Park closest to the river. There are 145 kids signed up for the youth soccer program, practices start this week and games start after Labor Day at Keith Clark Park and Willow Street. Pool will close as of August 28th.

Gene Walsh announced he had a question on old business that was discussed at the June 26th meeting where Margeret Irwin gave a presentation on the Main Street Revitalization Project for the 2nd Phase and mentioned the public rain garden on Main Street, a pocket park on the corner of Main Street and Division Street but said there was never any mention of a dog park on Smith Street but it was mentioned in the minutes. Trustee Tartaglia commented that the grant being submitted for that project is more of a thought at this point. Mayor Matviak said the board would get a clarification.

Jacqi Rose asked the board if they could look into something the County may have provided incorrect information about a program provided to home buyers who have been flooded and are looking at homes in the Village to purchase but are lacking improvements to bring the home up to Code.

Trustee Tartaglia moved, Trustee Youngs seconded a motion authoring the Treasurer to pay the August 14, 2017 audit from the following funds:

Fund

Audit

General

97,382.07

$

Water

19,336.61

$

Sewer

27,119.99

$

Community Develop

189,725.40

$

T&A

121.87

$

Capital

53.20

$

**Totals**

330,739.14

$

All Ayes, Carried.

Trustee Tartaglia moved, Trustee Crawford seconded the motion to go into executive session at 7:58 PM on a personnel matter and real estate; the full board and Clerk, John Redente and Beth Westfall were invited to stay. All Ayes, Carried.

Trustee Ford made a motion to leave executive session at 9:52.  Trustee Crawford seconded.  All ayes, carried.

Trustee Crawford, Trustee Tartaglia made a motion to change the status of Denise Singlar from contractor to part-time temporary employee.  All ayes, carried.

Trustee Youngs made a motion to appoint Christi Turtur as Village Treasurer at the entry level 29 at $23.08 per hour effective August 31, 2017 to complete the remainder of the two-year term of the incumbent Village Treasurer to be reviewed at six months.  Trustee Ford seconded.  Four ayes, one nay.  Motion carried.

Trustee Tartaglia made a motion to close the regular meeting at 9:59.  Trustee Ford seconded.  All ayes, carried.

Respectfully Submitted,

Sheena N. Felzak, Village Clerk