

## VILLAGE BOARD MEETING

June 5, 2002

**CALL TO ORDER:** 7:00 PM

The Pledge of Allegiance was led by Deputy Mayor Rauber.

### **BOARD MEMBERS PRESENT**

Theodore E. Walker, Mayor  
Theodore E. Rauber, Deputy Mayor  
Steven T. Russell, Trustee  
Glenn C. Granger, Trustee  
Timothy M. Peer, Trustee

### **BOARD MEMBERS ABSENT**

### **OTHERS PRESENT**

Alan R. Scheg, Village Administrator  
Donna M. Stassen, Administrative Assistance  
Thomas M. West, Superintendent of Public Works  
Richard J. Olson, Village Attorney

Joan Quigley  
Joe Peworchik, Walker Brothers Funeral Home  
Bill Barlow, Walker Brothers Funeral Home

### **APPROVAL OF MINUTES**

Motion was made by Trustee Rauber, seconded by Trustee Russell and carried unanimously that the minutes of the regular meeting held May 1, 2002 be approved as read.

Motion was made by Trustee Rauber, seconded by Trustee Peer and carried unanimously that the minutes of the meeting held May 8, 2002 be approved as read.

Motion was made by Trustee Rauber, seconded by Trustee Russell and carried unanimously that the minutes of the meeting held May 15, 2002 be approved as read.

### **PRIVILEGE OF FLOOR**

Joe Peworchik – Walker Brothers Funeral Home Flooding.

Mr. Peworchik: First let me start by thanking the Mayor and Tom West. Two or three years ago I did send a letter to the Village Board and at that time I was much more upset than I am now. We are unfortunately getting used to this. I would like to work with the board rather than against them. I would like to help you in any way I can. I know that Ted told me this morning that there have been some initiatives on the Villages behalf and I would like to here more about them.

At this time Mr. Peworchik passed around some pictures.

Mr. Peworchik: For those of you who weren't in town, there was probably three or four inches of water going across Route 259. We had a police car on Route 259 crossways with the water up to the hubcaps. That's a state highway. Maybe, this involves the state somehow. My personal

Mr. Peworchik continue: opinion is that this has occurred in the last five years and I think of the major construction that has developed in these last five years, for example, Route 531. Again, my opinion is that this water over the years used to take its time to get down to the village. Well with the project at Route 531 they put a couple overpasses over the stream. The Brockport Road creek was cleared and fixed. I feel that the water is getting down here to quick. The tube that runs under the telephone parking lot, under Route 259, and under the Plaza just won't accommodate the water. Tom and his crew were in the area of the outflow last fall and dug out which I believed helped. I feel that this is affecting the entire village.

Mayor Walker: For the record, could you state how much water was in your basement?

Mr. Peworchik: The first flood we had, about four and a half years ago, we had 10-12 inches. Two years ago in May we had 24-25 inches. This latest occasion we had 24-25 inches. It can't go any higher than that because it out flows across Route 259 into the Plaza where eventually we become one big pond. As far as damage, I have suffered a financial loss, just Bill Hill alone was \$450.00 dollars. I don't have flood insurance because it is very expensive with a very high deductible. We did spend three or four fifteen-hour days cleaning up and we are still not done. Bill, do you have anything to add that I missed.

Mr. Barlow: One thing I am amazed that the two businesses in the plaza aren't here. In the deepest part of our basement the water was close to three foot.

Mr. Peworchik: The bottom line is that we need some help. From the Village, Town and I think because the water was over the highway, the state. Because cars were traveling, hitting this water and I was grateful that two cars were not coming at it at the same time because we would have had a major accident. I just would like to thank you for your time tonight and if anyone has any questions give us a call.

Mayor Walker: The board is not aware of what we talked about because most of it happened yesterday. We are looking for a formal report that documents what happened with this flood, so we asked MRB/group to go ahead and do this. They also did this in May of 2000. Superintendent West is also going around to the other business's that didn't come tonight. So we are getting documentation. Even with the last report it is trying to illustrate what the situation was. Amount of water that was over the road, where it went and the ponding. We pulled out the last flood report that MRB/group did and looked at their suggestions/recommendations. What I have asked MRB/group to do is put a proposal together to look for more causes from the village and the town (Colby Street). We are looking for short term and long term fixes. We are looking for funding. I have talked to our State Senator and Assemblyman offices about this issue to get some funding to move forward with this study. With respect to the State we are looking at going to the DOT with this study and photos because they maintain Route 259 and Route 531. I have had offers from Assemblyman Nesbitt's office to help us with going to the DOT and talking with them. The main thing right now is collecting the information and get a cost for the study and find the funding for this study. Once we get this information we will be sharing it with those involved.

Trustee Russell: Is MRB/group going to be making suggestions to structural changes to the building effected?

Administrator Scheg: What we thought would be useful is to have a probable cause and then a probable solution with a prioritization relative to short term vs. long term solutions.

Mr. Peworchik: I am looking at watertight doors and let the parking lot fill up. We need to protect the main building. If the garages flood, it is not a big deal, we can hose them out. I do

Mr. Peworchik continue: have about eighty sandbags, but to get them moved in time is the issue and I don't think eighty is enough.

Mayor Walker: We are also looking for creative things like that. One of the issues we talked about with MRB/group is there a way to have a sensor to warn us that it is coming.

Mr. Peworchik: I do have the Ogden Police Department doing night shift watch for me. It works, but can't do anything to actually stop the water.

Mayor Walker: I think one of the things we learn from this is when it happens again, we must observe and document while it is occurring.

Mr. Barlow: I would like to add one more thing to give you an idea how fast this happened. At 10:30 PM I called Joe and told him that I think we're past the danger point. It was very quiet. Within an hour it started raining and we only got a half an inch of rain. The next thing I know I got a telephone call and I looked out the window and there was the water. There was a surge of water that came.

Mayor Walker: These are the types of things that were looking at getting in this report so that it will be good to capture that. Right now it is hard to gauge because the weather service does not keep track of inches per hour to know when things are coming.

Attorney Olson: Meteorologist, Kevin Williams has a service where he analysis' radar patterns and other information looking at historical information. So you can try and contact him.

Mayor Walker: You will be contacted in the near future to get more information from you.

Mr. Peworchik: I want to thank you for the invite here tonight.

**Sewers Committee** – Trustee Rauber, Chairman

1. May 2002 Sewer Flow Report.

Trustee Rauber reported the average sewer flows at the wastewater treatment plant for the month of May 2002 was 1.2 million gallons. Although we did exceed the month average of 1 million if you put together the entire year the goal is to fall under a million gallons per year.

2. Joint Meeting.

Trustee Rauber updated the board on the joint meeting with Monroe County Pure Waters, and Towns of Ogden, Parma, and Greece. The discussion was around the potential of our Wastewater Treatment Plant going off line some day. The reason that would occur is the cost of an upgrade to a treatment plant our size could be any where from two million to three and half million dollars. Based on those numbers we wanted to investigate the cost to take our plant off line and run lines directly to Pure Waters and not treat the water. We would still be responsible for the underground collection system. The result of this meeting is that Greece and Parma are leaning towards going with the contractors developing out their two towns vs. a tie-in-to our plant to upgrade our plant because of capacity issues. If we came on line they would lose any potential opportunity for growth because the pipeline can only hold so much water. The village is now stepping back and taking a look at what we could do if we don't go with a gravity line but with a forced main line. We will be having a series of meetings with Pure Water and our Engineer MRB/group and the Village Administrator to put together a study to find out what the cost would be to put in a forced main line. This is the path we need to follow to determine if we need to upgrade the plant or go off line. The cost of a potential study could range from ten to fifteen thousand dollars.

Trustee Russell: Do you have a time frame established for this?

Trustee Rauber: We are hoping to have a decision with in the next twelve weeks as to do a study or not.

Trustee Russell: Is the cost of this study going to be shared with the Town's of Greece and Parma?

Trustee Rauber: No they would not contribute.

Trustee Russell: If Pure Waters gets actively involved, is there any potential for grant money?

Administrator Scheg: Usually grant money comes from the Federal Government and their criteria for funding projects of this nature are really tough.

At this time in the meeting a discussion ensued about the joint study that was done previously.

**Planning/Zoning/Building Control** - Trustee Rauber, Chairman

A. Planning

Trustee Rauber stated that the Planning Board met last night and they are in the process of wrapping up the Comprehensive Plan. With a potential Public Meeting in July 2002 and presenting it to the Village Board in August 2002.

B. Zoning

Nothing requiring board action.

C. Building Control

1. New Rate (Fee) Structure.

Trustee Rauber informed the board that the new rate structure should be ready for review and approval by the July 2002 meeting.

2. Update NYS new codes.

Trustee Rauber stated that the new modified New York State Building Codes would be formally adopted in July 2002.

Attorney Olson informed the board that sometime in the near future he needs to sit down and review these new codes and compare them to our Zoning Codes. Attorney Olson also suggested that we look into get our CodeBook on a CD disk. This makes the access to the codes easier.

D. Code Review

Nothing requiring Board action.

E. Architectural Review

Nothing requiring Board action.

**Finance Committee** – Trustee Russell, Chairman

1. Monthly Investment.

The Board unanimously acknowledges receipt of monthly investment of consolidated Village funds, Insured Municipal Money Market, HSBC, 2.17%. It is down .33% from prior month.

2. 1<sup>st</sup> QTR. Sales Tax Distribution.

The Board unanimously acknowledges receipt of Sales Tax Distribution: 1<sup>st</sup> Qtr 2002, \$172,120.59. This is up 2.7% from 2001.

3. Bond Renewal.

Trustee Russell acknowledged the \$1,315,000 Bond Anticipation Notes, 2002. The sale was awarded to Troy Savings Bank at a one-year interest rate of 2.08% effective May 30, 2002.

4. Electric Write-offs.

**RESOLUTION 1 6/02**

Introduced by Trustee Russell  
Seconded by Trustee Peer

Resolved, that the Village Treasurer is hereby directed to write-off electric accounts in the amount of \$8,459.33 for the Village fiscal year ending May 31, 2002.

Vote of Board:	Theodore E. Rauber, Trustee	Aye
	Steven T. Russell, Trustee	Aye
	Glenn C. Granger, Trustee	Aye
	Timothy M. Peer, Trustee	Aye

Note: Mayor Walker was absent for this resolution.

**Facilities Committee** – Trustee Russell, Chairman

A. Electric

Trustee Russell updated the board on the MEUA meeting that he, Superintendent Linder, and Village Treasurer Harissis attended in May 2002. Will Reynolds from Bollam & Sheedy introduced the Annual Report. As a result of demand falling off this year the association is running in the red. There is no real alarm here. The village has also had low demand and as a result our revenue have fallen off. As a follow-up conversation we had with Will and Mark Cadario (who does the demand forecast), we provided them our trial balance of our franchise and asked them to take a look at the prior assumptions that were presented to the PSC. We are trying to be more pro-active, in terms of insuring our franchise is financially healthy. Mark will be pulling our last PSC study. If you recall, Bollam & Sheedy made a recommendation of a 10% increase and the PSC lowered it to 7%. So the questions is why the difference of 3%.

B. Water

Administrator Scheg updated the board on a meeting with the Monroe County Water Authority. The meeting was their Annual Wholesalers Meeting. Monroe County Water Authority is proposing to upgrade their water line that runs through the village. Monroe County hopes to

install a new 16 inch watermain starting at Ogden Parma TL Road heading north on Route 259 to Route 31 then heading west on Route 31 to Brockport. Construction to begin next year.

C. Other ( Drainage, Franchise)

Nothing requiring Board action.

**Public Works Committee** – Trustee Granger, Chairman

A. Highways/Garage

Nothing requiring Board action.

B. Public Services (Refuse, Recycling, Parks)

Nothing requiring Board action.

**Public Safety Committee** – Trustee Granger, Chairman

A. Fire Department

1. Consolidation.

Trustee Granger stated that the status of the Fire Consolidation status is the same. One board has approved it and we are just waiting for it to pass the other and get signed by the governor. Everything on our end is ready.

B. Police

Nothing requiring Board action.

**Human Resources Committee** – Trustee Granger, Chairman

Nothing requiring Board action.

**Economic Development Committee** – Trustee Peer, Chairman

1. Main Street NYCOM Conference.

Trustee Peer updated the board on the Main Street NYCOM conference that he and Administrator Scheg attend at West Point, New York. The title this year was “Creating the Future Downtown”. Unfortunately, there is no local funding available for Main Street Improvements. Trustee Peer and Administrator Scheg will be meeting soon to put together a Main Street Management Team. The team will consist of four to seven people.

2. Gazebo Concerts.

Trustee Peer stated that the Gazebo Concerts started this past Sunday. Looking forward to another great year. We will doing something different with the Skycoasters concert this year. We will be placing them on a stand only stage.

3. New Business.

Trustee Peer informed the board that a new sports card and collectible shop opened up just recently. The owner says he loves Spencerport. He came from Hilton.

4. Canal Trek.

Administrator Scheg stated that the Canal Trek is scheduled to come through Spencerport July 24-26, 2002. Trustee Peer will be working with Spencerport Chamber representative Fred Holbrook to work out the final details.

**Village Administrator** – Alan R. Scheg

1. Farrell Consultants.

Administrator Scheg stated that Bob Farrell's project is about 90% complete. To date the job descriptions are complete and the skills inventory has been completed by the employees, reviewed by department heads and forwarded to Bob Farrell. The performance measures are 80% complete.

2. Web site Update.

Administrator Scheg informed the board that the public access to our Web site should be ready within the next two weeks.

3. Update on GIS.

Administrator Scheg updated the board that Bergman's efforts are complete with just the final report needed. MRB/group is completing the street inventory. The entire project will be complete by June 30, 2002.

4. Resolution on Sprint Tower.

**RESOLUTION 2 6/02**

At a regular meeting of the Village Board of the Village of Spencerport held at the Village Office, 27 West Avenue, Spencerport, New York on June 5, 2002

Introduced by Mayor Walker  
Seconded by Trustee Peer

**RESOLUTION AUTHORIZING  
SPRINT SPECTRUM REALTY COMPANY  
TO NEGOTIATE FOR ADDITIONAL LEASE AREA  
AT THE  
WEST AVENUE CELL TOWER LOCATION**

**Whereas**, the Village of Spencerport has a lease agreement with Sprint Site USA (Sprint) to locate and maintain a cell tower on property owned by the Village, said property located on West Avenue adjacent to the Department of Public Works; and

**Whereas**, SPRINT may wish to co-locate additional tenants upon said cell tower and may need additional lease area to accommodate ground based infrastructure for these co-locations; and

**Whereas**, a letter was received from SPRINT, dated June 4, 2002, in which a request is made by SPRINT for the Village of Spencerport to enter into future negotiations with Sprint Spectrum Realty Company (SSRC) for additional lease area at the West Avenue location for at least two additional co-locators. A request is also made to have the Mayor affix his signature to said letter authorizing these future negotiations; and

**Whereas**, any future negotiations with SPRINT may net the Village additional lease/rental fees if the co-location request is found appropriate.

**Now, therefore, be it resolved**

**Section 1.** The Village Board hereby authorizes the Mayor to sign the June 4, 2002 SPRINT Letter agreeing to negotiate for additional lease area for at least two additional co-locators, contingent upon review and approval by the Village Attorney.

**Section 2.** That this resolution shall take effect immediately.

Vote of Board:	Theodore E. Rauber, Trustee	Aye
	Steven T. Russell, Trustee	Aye
	Glenn C. Granger, Trustee	Nay
	Timothy M. Peer, Trustee	Aye
	Theodore E. Walker, Mayor	Aye

Motion carried.

**Village Clerk** - Pamela J. Cunningham

Administrative Assistant Donna Stassen reported that the new temp to hire Glenda started this past Monday, June 2, 2002.

**Superintendent of Public Works** - Thomas M. West

Superintendent West updated the board regarding the following:

1. Hired three summer help for the DPW.
2. Ballard Avenue project should be complete by June 7, 2002. Will be adding another sewer manhole. The water loop is complete, tested and in service. The contractor has installed the new sidewalks on Clark Street.
3. G.T. Booth is in the final stages of restoration work on the Prospect Street Project.
4. N. Union Street Project is complete. Randsco Pipeline did a great job. The customers in the area were very happy with the project.
5. This year's Sidewalk Project is complete.
6. Hazardous Waste Pick-up is Saturday, June 8, 2002.

**Attorney** - Richard J. Olson

Attorney Olson updated the board on the Draft Proposal for the Local Law on the Electric Moratorium. Attorney Olson stated that he could have it finalized for Public Hearing at the July 10, 2002 meeting.



1. Resolution Refunding Sewer Use Fees.

**RESOLUTION 3 06/02**

At the regular meeting of the Village Board of the Village of Spencerport held at the Village Hall, 27 West Avenue, Spencerport, New York on June 5, 2002

Introduced by Mayor Walker  
Seconded by Trustee Granger

**RESOLUTION REFUNDING SEWER USE FEES**

**Whereas**, Gary Penders (Penders) is the owner of property (the primary parcel) commonly known as 84 Highview Drive (tax account number 086.16-2-001); and

**Whereas**, Penders is also the owner of a small parcel which adjoins the above parcel, said smaller parcel being approximately 286 square fee (tax account number 086.16-1-052); and

**Whereas**, Under to the provisions of the Chapter 104 of the Spencerport Code, both the primary parcel and the smaller parcel are assessed a sewer use tax; and

**Whereas**, Penders has requested that the sewer use fee due for 2002 for the smaller parcel be removed from his 2002-2003 tax bill; and

**Whereas**, The Village Planning Board has approved the combination of the two parcels pending the recording of a utility easement to the Village;

**Now therefore, be it resolved:**

**Section 1.** That the sewer tax charged on the small parcel of land owned by Penders for 2002 in the amount of \$82.50 be removed form the tax bill of Penders.

**Section 2.** That this resolution shall take effect immediately.

Vote of the Board:	Theodore E. Rauber, Trustee	Aye
	Steven T. Russell, Trustee	Aye
	Glenn C. Granger, Trustee	Aye
	Timothy M. Peer, Trustee	Aye
	Theodore E. Walker, Mayor	Aye

Attorney asked to meet with the board in Executive Session to discuss a matter in litigation.

At this time in the meeting a lengthy discussion ensued between the Board and Attorney regarding Abbott's ARB violation. It was decided that upon the return of the Building Inspector a meeting is to be held to determine the status of the Abbott's ARB violation.

**Administration Committee** – Mayor Walker, Chairman

1. Authorization to close street for Canal Days, July 27-28, 2002.

**RESOLUTION 4 6/02**

Introduced by Mayor Walker  
Seconded by Trustee Peer

Resolved, that the Village Board hereby authorizes the restriction of traffic on S. Union Street between West Avenue and Amity Street on July 27-28, 2002 between the hours of 7:30 AM and 7:30 PM to accommodate the Annual Canal Days festivities, such restrictions excepting emergency vehicles.

Vote of Board:	Theodore E. Rauber, Trustee	Aye
	Steven T. Russell, Trustee	Aye
	Glenn C. Granger, Trustee	Aye
	Timothy M. Peer, Trustee	Aye
	Theodore E. Walker, Mayor	Aye

2. Resolution- Canal Trail Sponsorship.

**RESOLUTION 5 06/02**

Introduced by Mayor Walker  
Seconded by Trustee Granger

**WHEREAS**, there is a need to maintain the Canalway Trail, and

**WHEREAS**, a Regional Canalway Trail Group of Monroe County has been formed, and

**WHEREAS**, Denny Marra, 134 Coolidge Avenue, Spencerport, NY 14559, has expressed his desire to be considered as a candidate for appointment to the Regional Canalway Trail Group.

**NOW, THEREFORE BE IT RESOLVED:**

**SECTION 1:** That Denny Marra, 134 Coolidge Avenue, Spencerport, NY 14559 be hereby is appointed to represent the Village of Spencerport on the Canalway Trail Group of Monroe County Committee.

**SECTION 2:** That said appointment shall become effective immediately.

Vote of the Board:	Theodore E. Rauber, Trustee	Aye
	Steven T. Russell, Trustee	Aye
	Glenn C. Granger, Trustee	Aye
	Timothy M. Peer, Trustee	Aye
	Theodore E. Walker, Mayor	Aye

**Unfinished Business**

1. Letter regarding Annual Boy Scout Christmas Tree Sale.

Mayor Walker read a letter from Boy Scout Troop 92 regarding the change of location for their Annual Boy Scout Christmas Tree Sale.

2. Letter from Guiding Eyes for the Blind.

Mayor Walker read a letter form the Guiding Eyes for the Blind which states that it would like permission to use the Gazebo to conduct their quarterly evaluations of the dogs. Their first session will be June 24, 2002 from 1 to 9 PM.

**New Business**

Trustee Peer stated that he received a phone call from Dan Dollinger who stated that his mother, Peg Dollinger apparently lost her purse. He wanted me to pass along to the rest of the board how impressed he was with one of our employees, Jim Gilbert, found her purse and returned it to the Village Office. She was very glad to get her purse back and his kindness.

**Bills**

Motion was made by Trustee Granger, seconded by Trustee Peer and carried unanimously that the monthly bills be paid as audited in the following amounts:

General Fund	\$37,559.92
Electric Fund	\$2,872.46
Water Fund	\$98,579.00
Sewer Fund	\$5,680.70
<b>TOTAL:</b>	<b>\$144,692.08</b>
Voucher Nos. 1-48	

Motion was made by Mayor Walker, seconded by Trustee Peer and carried unanimously that the cash disbursements for the General, Electric, Water, Sewer, and Trust Funds, May 2002 be approved as audited.

**Adjournment**

Motion was made by Mayor Walker, seconded by Trustee Rauber and carried unanimously that the regular meeting be adjourned 10:10 P.M. to go into Executive Session to discuss matters in litigation.

Motion was made by Mayor Walker, and seconded by Trustee Peer and carried unanimously that the Executive session be adjourned at 10:35 PM.

**RESOLUTION 6 6/02**

At a regular meeting of the Village Board of the Village of Spencerport held at the Village Hall, 27 West Avenue, Spencerport, New York on June 5, 2002

Introduced by Mayor Walker  
Seconded by Trustee Peer

**MOTION TO PAY CLAIM IN REGARDS TO  
LOIS HOTCHKISS' MEDICAL COSTS**

**Whereas**, the Village of Spencerport received a letter signed by Patrick Hotchkiss and dated May 16, 2002 requesting the Village submit two (2) invoices to its insurance company to reimburse the Hotchkiss family for incurred medical costs totaling \$40.00. The invoices specifically noted as:

- Invoice #1: \$25.00, dated April 15, 2002, Dr. Milton Shulman
- Invoice #2: \$15.00, dated April 15, 2002, Spencerport Family Medical

These invoices reflecting medical explorations arising from an apparent fall by Lois Hotchkiss on a sidewalk on Lyell Avenue in the Village of Spencerport; and

**Whereas**, the Village of Spencerport would prefer to pay said claim as a cash transaction instead of routing through its insurance company as deductible limits exceed the \$40.00 claim and

**Whereas**, payment for claims of this nature will require a general release of claim from Patrick and Lois Hotchkiss to the Village of Spencerport.

**Now, therefore, be it resolved**

**Section 1.** The Village Board hereby authorizes payment of \$40.00 to the Hotchkiss family for incurred medical costs, as detailed above.

**Section 2.** A condition of payment shall be a general release of claim signed by Patrick and Lois Hotchkiss to the benefit of the Village of Spencerport.

**Section 3.** That this resolution shall take effect immediately.

Vote of the Board:	Theodore E. Rauber, Trustee	Nay
	Steven T. Russell, Trustee	Nay
	Glenn C. Granger, Trustee	Nay
	Timothy M. Peer, Trustee	Aye
	Theodore E. Walker, Mayor	Aye

**Motion denied**

Motion was made by Trustee Rauber, seconded by Trustee Granger and carried unanimously that the regular meeting be adjourned 10:40 P.M