

**VILLAGE BOARD MEETING**  
**August 7, 2002**

**CALL TO ORDER:** 7:02 PM

The Pledge of Allegiance was led by Mayor Walker.

**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  
Pamela J. Cunningham, Village Clerk  
Thomas M. West, Superintendent of Public Works  
Richard J. Olson, Village Attorney

Joan Quigley  
Nancy & Terry Traugh  
Janice Hicks  
Bob Collins  
Pat Lydick  
Tom & Val Bopp  
Diana Powell-Keery  
Jim Powell

**APPROVAL OF MINUTES**

Motion was made by Mayor Walker, seconded by Trustee Russell and carried unanimously that the minutes of the regular meeting held June 5, 2002 be approved as read.

Motion was made by Mayor Walker, seconded by Trustee Russell and carried unanimously that the minutes of the meeting held June 19, 2002 be approved as read.

Motion was made by Mayor Walker, seconded by Trustee Russell and carried unanimously that the minutes of the regular meeting held July 10, 2002 be approved as read.

**PRIVILEGE OF FLOOR**

1. Lorie Coleman – Ridge Meadow – Wastewater Treatment Plant Odors.

Ms. Coleman was scheduled for privilege of the floor but did not attend.

2. Jan Hicks – 141 Coleman Avenue – Request for Cat Ordinance.

Jan Hicks – I have been at 141 Coleman Avenue for 39 years and Parkhurst Drive for ten years before that. I am a retiree from the Spencerport School District. I enjoy sitting in my flower garden with my Boston terrier watching the birds. I have to contain my dog, a household pet to its yard and on a leash because the village ordinance says so. When I take her for a walk I have to take a plastic bag with me to clean up after her, which I am not complaining about, which I think everybody should do and I buy a yearly license for her. So why do I have to put up with cats in my yard? They are a household pet, they don't have to be licensed, and they can roam at will. They stalk my bird feeders and use my garden for a litter box, which is really, really perturbing, I have put up with this for years but last week when I stepped out my back door, the smell of cat poop was unbearable. I would like to see cats put on the same restraints as dogs. I have spent \$50.00 on a machine that attaches to the side of my garage that discourages them from the side yard which helps a little bit. I have spent money on moth balls, sprays. Why should I have to keep spending money to keep other peoples pets out of my yard when I have to keep my dog in my yard where she belongs. Their cats belong in there yard, not mine.

Mayor Walker: Per the note then your request is?

Jan Hicks: To license cats and keep them on restraints the same as dogs. I know I am not going to get anywhere with it because they did it before and they didn't get anywhere with it. They need to be contained the same as dogs. They are four legged pets the same as dogs so why should they roam at will. I have at least one cat in my yard every single day and if I catch it I will take it to Lollipop Farm.

Mayor Walker: I think there has been some discussion in the past because our animal ordinance is the same as the Town of Ogden. We use their animal control. I believe that in the past there have been discussions, and our attorney may have more on this, on looking at doing some thing on cats. As I recall the reality of this has been that it would be very difficult to enforce.

Attorney Olson: The Town of Ogden has one of the few Cat Ordinances in existence in New York State. The Town's ordinance does not apply to the Village of Spencerport. For a few years I prosecuted cases for the Town of Ogden which included dog cases, zoning violations I did one cat case. It is very difficult as you said to identify the cat. It is much more difficult for the animal control person to catch the cat. There is an Opinion from the NYS Attorney General from 1994 that says the Village Board can enact a local law providing for license and control of cats. However, the village's local law can not regulate cats that are lost, strayed, and homeless or abandoned because those have been preempted by provisions of the Agriculture and Market Law so we are not going to get much if we do it. You could check with the town's animal control to see about enforcement. We have to license dogs because it is mandated by the State Law, to set up something to license cats and try to enforce it could be something that is extremely expensive.

Mayor Walker: Thank you Dick, typically the problem gets to be the enforcement to catch them in the act. I think we all appreciate what you are saying, no matter what, if you have a cat it can be nuisance for the neighbors and in you own yard. We sympathize with you for your problem.

Attorney Olson: You might want to contact Lollipop Farm to see if they have any ideas because if some of these cats don't have homes they might be able to do something.

Nancy Traugh: I don't have any pets but I do have moles and chipmunks and the cats go after them. That is all I care about.

Jan Hicks: I have cats in my yard and I still have moles.

Mayor Walker: I assume some of you are here about the speed on Coleman Avenue. What I had originally planned was to cover that under one of our committee reports but maybe we could discuss it now.

Trustee Granger: I talked to the chief of police in Ogden and basically really got nothing. They are limited and they try to watch areas like that. It was a non-answer, answer.

Mayor Walker: What we are looking at doing is that we understand the situation on Coleman but we think there is also a problem on Prospect and some other streets.

Nancy Traugh: On Prospect they have a three-way sign which is what we are asking for. I just about visited every single house on Coleman. With school coming it is going to get worse than what it is know. I'll tell you what that if somebody gets hurt on my street or we have an accident I'll be the first one to point fingers because I have gone through the proper channels. As far as the police coming down, forget it.

Mayor Walker: You came to us really looking for a solution to the speeding on Coleman Avenue with a suggestion as this may be a method to resolve that with a stop sign. What we are looking at trying to do is there someway that may be better, be more effective then just putting stop sign as you have talked about and that is one of the investigations that we are looking at getting into. What other places have tried to minimize speeding other than stop signs.

Val Bopp: Have you found anything?

Mayor Walker: I don't think so.

Nancy Traugh: How long will that take?

Mayor Walker: Hopefully it is only a few weeks.

Nancy Traugh: Ok, but we had a meeting on July 10<sup>th</sup> and now it is August 7<sup>th</sup> so you have had basically almost a month to check out other avenue. In a month's time you could have had some idea, you should have heard something.

Trustee Granger: We did talk about a flashing sign that says "School Zone" I don't know what you have to do to go about get a sign like that. I would suggest try something like that if it can be done right away. If that doesn't work then we go on.

Nancy Traugh: Why couldn't we have a stop sign put up until we decided what way we are going to go?

Mayor Walker: A stop sign requires a change in our law. It would require a public hearing so there is a process that we need to go through before that can happen.

Nancy Traugh: I went through the process of getting the signatures of the neighborhood. Now the people on the streets are the people who live their. Why would you have somebody who lives on Union Street come in an object because there is a stop sign?

Mayor Walker: It doesn't matter, the process is that it has to go in our ordinance that there is a new stop sign added to that. The procedure for changing our law forces us to go to public hearing. What we were looking at is a better solution that may fix the problem, better than stop signs.

Val Bopp: So what you are telling us is that you haven't found any information since the last meeting. We were told the process and we were hoping to start that process tonight. Speeding is an issue on our street and it has been for years. If there hasn't been a chance to investigate different areas than why can't we as intelligent adults just say that we will start the process with the school zone or the stop signs. What other alternatives are there?

Trustee Granger: Is there something we have to go through to install "Children Crossing" signs? How fast can we get signs?

Superintendent West: Within two weeks.

Tom Bopp: We have a "Slow Children" sign that is about fifty years old and we have at least thirty kids walking to school on sunny days. They have to cross either at Maplewood or in between Maplewood and Barrett. The crosswalk I understand is at Maplewood. On the west side of Coleman, the crosswalk ends at a driveway and the corner is up two houses so maybe we need a crosswalk painted across their. I would like to see a school zone 20mph. I have seen cars pass cars in front of my house.

Trustee Granger: People who do that kind of stuff are still going to.

Val Bopp: We understand that but we want some kind of help.

Trustee Granger: Could we get some yield signs and the appropriate signs to mark that crosswalk.

Trustee Peer: Where were you suggesting the stop signs?

Val Bopp: Coleman and Barrett, Coleman and Maplewood going north. We understand that going south is a big hill. We would be just happy to get anything we can get.

Tom Bopp: Coleman is a straight cut through from Lyell Avenue to Rt. 31. We have fifteen buses that come up our street because they don't want to have to try and get out on Union Street. It is a problem I have almost backed into cars that are coming down the street. Because of the big trees you have to position yourself to watch getting out of the driveway.

Trustee Peer: I'm not sure about Coleman and Barrett but Coleman and Maplewood you think having one there going north bound would do something?

Val Bopp: We really do.

Jan Hicks: I agree and I think that we need one at Coleman and Barrett because by the time they get to my house they are going 40 or 50 mph and I have yelled at them.

Val Bopp: If we only had one at Coleman and Maplewood that is only a third of the street at the far north end. There is another two thirds of the street where they can really get going. We are really hoping to get sign at both locations.

Trustee Granger: For an immediate fix how many signs would it take to cover the areas your most concerned about?

Val Bopp: Three signs.

Trustee Granger: Tom can you get custom made signs or signs that say pedestrian crossing? This is just something temporary while we look at the process for the stop signs. Maybe people will see a new sign and get used to it. Would you take that as a starting step?

Val Bopp: I would like to know how much of a starting step are we talking five months from now or are we talking a couple of weeks?

Trustee Granger: It is a week of two to get the "Caution Children at Play", "Pedestrian Crossing" signs.

Mayor Walker: We could have a public hearing on the stop signs at our next meeting.

Val Bopp: I guess that is what we were hoping for.

Nancy Traugh: We need something.

Trustee Granger: If you think three would cover it then we just come up with the language and get them ordered.

Bob Collins: Just a comment, we live near Village Walk Circle and we went through this a few years ago and got the stop signs put up. Forget it, they don't stop. You need to think out of the box and come up with something different. Stop signs won't do it, I guarantee it.

Mayor Walker: That is what we were going to get into and look at what other people have done.

Superintendent West: A perfect example is if you come up to the Domus Track at Village Trail. We put a four-way stop there and I bet you that every third car doesn't stop.

Joan Quigley: I have had the troopers and we have clocked the kids at 60 mph down Maplewood.

Jim Powell: I live on Nichols Street. Why don't you set up radar detection for about a week when school opens?

Superintendent West: The Village of Hilton has a sign that clocks the speed and tells you what your speed is. I can contact them to see if we could borrow it.

Jim Powell: Why not just use the radar. If you arrest them a couple of times they will get the message.

Trustee Granger: The Ogden Police Department is limited.

Joan Quigley: Contact the state troopers or sheriffs. If they know that Ogden is unavailable they will come.

Diane Powell-Keery: I live on Deerborne Lane and they don't stop on Prospect Street either. Tom Brighton has one of those clock signs also.

Mayor Walker: Ultimately, we look at what's the real problem. The real problem is the intersection of Lyell Avenue and Union Street. It is very difficult for people to get out. We have been after the state and had studies done about putting a light in. Unfortunately, we have been unsuccessful at getting the state to put in a light.

Trustee Granger: Do we have some type of sign to go up immediately?

Superintendent West: No, we would have to order it but it could be in within a few days.

Trustee Peer: I would just like to comment on what Mr. Powell said. This problem is not unique for Coleman Avenue. There are problems up in Village Hill really any place in the village there is speeding problems. We have sat here month after month listening to people complaining about speeding. We go to the Ogden Police and they say they can't do anything. I think we need to start pressuring the Ogden Police that they have to start doing something, radar traps or what ever. If you put a car up there two or three different times I think you will have some success from it. People are not going to know when the police are going to be there. I'm tired of the Ogden Police saying they can't do it. These people are tax payers. We pay for a police department we should be able to get the service we want.

Val Bopp: Thank you.

Superintendent West: I do have one more comment. We put signs up at Laurelcrest and Kirkgate, Luther Jacobs Way and Coventry, Sableridge and Coventry. People go right through the signs, they don't even slow down.

Trustee Granger: How about a sign in the middle of the road? In Brockport they have several signs in the middle of the streets.

Superintendent West: You would have to put them out every day.

Trustee Granger: You might get the neighborhood to take care of that.

Mayor Walker: Let me summarize, Trustee Granger will be working with Superintendent West to come up with some proposals for signs. He will contact you for your input. Also, within the next two weeks we will look at other out of the box options. If we don't find something else we could then prepare for public hearing at the September board meeting with the stop signs.

Diana Powell-Keery: I would suggest that one of the Village Board Members come to the next School Board meeting to address this concern.

Mayor Walker: We will call the school and get on the agenda for August 13, 2002

3. Robert Collins - 346 Village Walk Circle - Pool Drainage Ordinance.

Robert Collins: I have a problem with my yard turning into a swamp occasionally because people drain there pool in there back yard which drains down to me. I also have a twenty foot easement in my back yard that is washed out. We really need an ordinance to drain you pool to the gutters, street.

Pat Lydick: I am Mr. Collins neighbor and I have the same problem and ended up with water in my basement. By going through the process of calling the police and town inspector learned that my only recourse was to file legal action.

Attorney Olson: We did have a provision in our code book already for pool drainage.

Pat Lydick: No one told me before that there is an ordinance.

Attorney Olson read such ordinance and stated: You need to contact the Code Enforcement Officer and tell him who it is but you will have to sign a complaint.

Pat Lydick: I am currently filing legal action on my own. But when I went to the Code Enforcement Officer he stated that he had no ability to deal with it. I went to my neighbor first and he stated that he had a right to drain their pool where ever they wanted to and refused to stop. That was when I had the building inspector down and they were able to make him stop but it has happened since then. I had six inches of water in my backyard, and damage in my basement.

Attorney Olson: We can't get you restitution for damage. That would have to be done through a civil law suit. But we do have a provision with respect to the pool and what the requirements are and what the violations are.

Mayor Walker: I'll ask the Village Clerk to call the Building Inspector tomorrow to address this issue.

**Sewers Committee** – Trustee Rauber, Chairman

1. Resolution – Authorization formal bid for Sanitary Sewer Relining -Brockport Road/Parkhurst Drive.

**RESOLUTION 21 8/02**

Introduced by Trustee Rauber

Seconded by Trustee Russell

WHEREAS, the Village Board recognizes the need to continually address infiltration problems throughout the sanitary sewer system, AND

WHEREAS, sections of sanitary sewers on Brockport Road and Parkhurst Drive require immediate repairs to control infiltration, AND

WHEREAS, the Village's engineers, MRB/group prepared plans and details to reline sections of sanitary sewer on Brockport Road and Parkhurst Drive, AND

THEREFORE BE IT RESOLVED, the Village Board directs the Village Clerk to receive bids for the Sanitary Sewer Relining Project – Brockport Road and Parkhurst Drive.

This RESOLUTION being effective immediately.

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

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

A. Planning

Trustee Rauber informed the board that on August 6, 2002 the Planning Board had a site plan review for the Read property on Clark Street. Trustee Rauber also stated that they are planning on having the Public Hearing for the Comprehensive Plan at the October 2002 meeting.

Trustee Rauber gave brief update on a \$30,000 grant that the Town of Ogden received for boat rental or purchases for on the canal.

B. Zoning

Trustee Rauber informed the board that at the September board meeting we will have a Public Hearing on the Local Law Zoning Ordinance change on mailing procedures.

C. Building Control

1. New Rate (Fee) Structure.

Trustee Rauber updated on the proposal for the new rate structure. Resolution for this new rate structure will be at the September meeting.

D. Code Review

1. Code Review Committee.

Trustee Rauber stated that new members for the Code Review Committee are Donna Stassen, Diana Powell-Keery, Jack Crooks, Bob Garlick, Keith O'Tool, and himself. This committee plans on hold their first meeting in September 2002.

E. Architectural Review

Trustee Rauber gave a brief update on the status of Abbott's/Marello ARB non-compliance issues and a meeting held earlier this evening on the ESL proposal.

**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, 1.90 %. It is down .09 % from prior month.

2. Monroe County Sales Tax.

The Board unanimously acknowledges receipt of Sales Tax Distribution: 2nd Qtr, \$177,116.55. It is up approximately 8% from previous year.

**Facilities Committee** – Trustee Russell, Chairman

A. Electric

1. APPA Line Worker's School.

Trustee Russell addressed the board about Superintendent Linder's request to send Walter Rypma to Line Workers School in Minnesota. After brief discussion it was determined that before the board can act on this they need more information.

2. Street Lights /Central Business District.

Trustee Russell stated that the street lights are in the process of being put up.



B. Water

1. Update on Trimmer Road/West Avenue/Evergreen Watermain Project.

Trustee Russell read a letter from Dave Willard of MRB/group. Total cost for this project is about \$478,000.00.

Administrator Scheg stated that he just received today the advance finals for this project. Those will be reviewed by Superintendent West and Administrator Scheg. Administrator Scheg stated that he also is planning on having a meeting with Monroe County Water Authority to discuss cost sharing and logistical issues.

C. Other ( Drainage, Franchise)

1. Resolution for engineering services, MRB/group, for Drainage Improvement.

**RESOLUTION 22 8/02**

Introduced by Trustee Russell  
Seconded by Trustee Rauber

WHEREAS, the Village Board recognizes the need to address the drainage concerns in the Central Business District along the west branch of Northrup Creek; AND

WHEREAS, the Village Board has received a proposal dated June 18, 2002 from project manager, James Peet of MRB/group to study the issue and make recommendations for improvements;

THEREFORE BE IT RESOLVED, the Village Board authorizes MRB/group to proceed with the work outlined in the referenced proposal for the not to exceed fee of \$ 7,500.00. Further be it resolved, this project shall be completed by October 31, 2002.

This RESOLUTION being effective immediately.

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

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

A. Highways/Garage

Trustee Granger complimented Superintendent West and his crew for all their hard work on the many projects that have been done this summer.

B. Public Services (Refuse, Recycling, Parks)

Trustee Granger thanked Joan Quigley for her assistance with the Union Street flowers.

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

A. Fire Department

1. Consolidation.

Trustee Granger stated that the Fire Consolidation legislation has been signed by the Governor and the consolidation became effective August 1, 2002. The consolidation committee is in the process of putting together a ceremony for September 3, 2002.

B. Police

Trustee Granger mentioned that the police department is really short handed. Trustee will be addressing this issue with the Ogden Police Chief.

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

Nothing requiring Board action.

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

1. ESL – Animal Scramble.

Trustee Peer mentioned to the board that ESL is putting together an animal scramble. This is similar to the “Horses on Parade”. Patty Uttaro, Ogden Library, contacted Trustee Peer to see if the village might be interested in participating. Ms. Uttaro will also be contacting the Spencerport Chamber and the Town of Ogden to see if they might be interested to make this a joint venture. Further information to follow.

2. Gazebo Concerts.

Trustee Peer stated that the Skycoasters will be performing August 11, 2002 from 7 PM to 10 PM. Trustee Peer thanked the office staff, the DPW crew, and electric crew for all their work to get this concert off without any problems.

Clerk Cunningham: This concert is the “Event of the Week” in this weeks Our Town section of the newspaper.

Trustee Peer also thanked Joan Quigley for her assistance with the Union Street flowers.

**Village Administrator** – Alan R. Scheg

1. Main Street Transportation Tools Project.

Administrator Scheg stated that the Genesee Finger Lakes Regional Planning Council is planning a meeting with in the next couple of weeks to get their Main Street Transportation Tools Project started.

**Village Clerk** - Pamela J. Cunningham

1. Software Update.

Clerk Cunningham updated the board on the Financial Software training and implementation schedule. On September 11-13, 2002 four members of the office will be going to Syracuse for off-site training.

2. Web Site.

Clerk Cunningham stated that she and Administrator Scheg are currently working on the Web site news article.

3. Water Survey Letter.

Clerk Cunningham informed the board that the water survey letter for the Prospect/Maplewood Water Project was mailed August 5, 2002.

Trustee Peer asked if we could get a news article together about our new street lights.

Clerk Cunningham stated that we are working on one currently.

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

Superintendent West updated the board regarding the following:

1. Signed the new three year contract with Waste Management for dumping our refuse at the landfills. Cost is \$42.00 per ton.
2. New curbs on West Avenue have been completed and the new curbing for Hawthorne and Kirkgate Drives will start on August 14, 2002.
3. Mill of Streets will be on August 29 & 30, 2002. We will be milling the edges of Bauers Cove, Kirkgate, Hillcrest, and part of Hawthorne.
4. Truck seven is permanently out of service. The new truck should be in within the next few weeks.

**Attorney** – Richard J. Olson

Nothing requiring Board Action.

**Administration Committee** – Mayor Walker, Chairman

1. Authorization to attend 47<sup>th</sup> NYCOM/OCC Fall Training.

**RESOLUTION NO 23 8/02**

Introduced by Mayor Walker  
Seconded by Trustee Russell

Resolved, that two village office personnel and village trustee are hereby authorized to attend the 47<sup>th</sup> NYCOM/OCS Fall Training School to be held September 23-27, 2002, Saratoga Springs, New York. Cost not to exceed \$ 1,100 per person.

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. Authorization to attend Monroe County Department of Planning and Development – Land Use Decision- Making Training Program.

**RESOLUTION 24 8/02**

Introduced by Mayor Walker  
Seconded by Trustee Peer

Resolved, that any Zoning, Planning and Village Board Member is hereby authorized to attend the Monroe County Department of Planning and Development – Land Use Decision-Making Training Programs.

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

3. Proclamation.

**RESOLUTION 25 8/02**

Introduced by Mayor Walker  
Seconded by Trustee Russell

Copy attached.

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

Administrator Scheg mentioned that apparently there is also a Presidential Proclamation tapping the 9/11 as "Patriots Day".

Mayor Walker also stated that a local church group is putting together at the gazebo a ceremony/service on 9/11/02.

**Unfinished Business**

Nothing requiring Board action.

**New Business**

Mayor Walker read a letter from Barb Watkins, Chuck Watkins, and Glenn Goodridge in regards to the Gate at the end of West Avenue. (Copy attached)

Mayor Walker informed the board that the Monroe County Committee that Margie Peet has been working on one of the committees that is slated to be cut. One of the items that we had done through her efforts was Intermunicipal agreements. Mayor Walker will be sending the County Legislator informing him of the great services that they have provided to us that will be missed but hope that someone else will be picking up the ball.

**Bills**

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

General Fund	\$46,643.30
Electric Fund	\$26,279.24
Water Fund	\$5,550.53
Sewer Fund	\$25,063.95
Capital Fund	\$13,869.73
<b>TOTAL:</b>	<b>\$117,406.75</b>
Voucher Nos. 223-384	

Motion was made by Mayor Walker, seconded by Trustee Granger and carried unanimously that the cash disbursements for the General, Electric, Water, Sewer, and Trust Funds, July 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 at 9:00 P.M.