

VILLAGE BOARD MEETING
October 2, 2002

CALL TO ORDER: 7:00 p.m.

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
Tom & Val Bopp
Nancy & Terry Traugh
Michele Jenco
Jim Marasco
Bonita Caton
Richard Costine
Pat & Mike Walker

22 Students from Participation in Government

APPROVAL OF MINUTES

Motion was made by Mayor Walker, seconded by Trustee Russell and carried unanimously that the minutes of the regular meeting held August 7, 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 September 4, 2002 be approved as read.

Motion was made by Mayor Walker, seconded by Trustee Peer and carried unanimously that the minutes of the meeting held September 18, 2002 be approved as read.

PUBLIC HEARING

Proposed Local Law 103/2002 - Local Law to Establish Stop Signs on Coleman Avenue.

Mayor Walker opened the Public Hearing on Proposed Local Law 103/2002 at 7:03 p.m.

Mayor Walker read the Local Law and opened the Public Hearing for audience and Village Board comments.

Val Bopp (105 Coleman Avenue): I have been a resident since I was seven years old. I am a small representative of the people of Coleman Avenue and I bring to you again a copy of the petition signed by everyone on our street except for one. That family wasn't opposed but wanted to stay neutral. There are a lot of people who walk to school from where we live and with the speeding on that street it is a real concern of ours. While going around with this petition we received many comments and a lot of support for this. I really looked forward to this meeting with great anticipation and thought many nights on what I was going to say. No matter what I say, it doesn't take a rocket scientist to come up with a speech as to why we want to be safe here. These people's time is valuable and we all have children to get home to. That is the whole reason we are here, we do have families and care about our neighborhood. We are trying to make it a safer place. So I don't have a speech, in fact what I decided to do was put the ball in your court and say you tell me why we can't have it and we go from there. It is pretty obvious why we want it.

Mike Walker (110 Coleman Avenue): We have lived on Coleman Avenue for almost 30 years and raised four children on that street. Traffic has always been an issue but in the last ten years it has gotten much worse. This is due primarily to the growth of the village, town, and the extension of Rt 531. Now we have grandchildren and certainly we still have a concern for our family, but also in the neighborhood there are more young families coming up once again. So I think this is an important measure to consider. Thank you.

Dick Costine (99 Coleman Avenue): We have lived here for 47 years and I have seen our kids grow up, our grandchildren grow up. I think this is the worst it's ever been. You can't get any cooperation for speeding. I have asked the Ogden Police to come down and do something and one night they sent an officer down. He parked in our driveway and in three minutes he had some lady doing 45 mph then he had to leave for an ambulance call. We have never been able to get somebody to come back since. If this doesn't work, we are going to have to think about putting in speed bumps. Even the school buses go down like a bat out of you know what and the cars go twice as fast as the school buses. It doesn't do any good to take down their license plate because you can't prove anything. These guys have kids that are going to get killed. Mine are pasted that stage, thank goodness, but all the young ones are coming back in again.

Bonita Caton (111 Coleman Avenue): The problem is actually two fold. One is children who go to school and cross Barrett Avenue or wherever. Number two is that there are a lot of huge trees on Coleman Avenue; kids can dart out from behind the trees. Visibility is poor. The trees are wonderful, we love to have them but because of poor visibility I feel that these stop signs very definitely should be introduced. Also, people backing out of driveways on Coleman Avenue have a very difficult time seeing. Therefore, if cars come down really fast it could cause an accident. As a matter of fact I think it has in some situations. I am in favor of stop signs.

Tom Bopp (105 Coleman Avenue): I am in favor. I don't need to add anymore, every thing has been said.

Mayor Walker: We appreciate the support, we knew it was there and if nothing else it shows the students that are here from the Participation in Government class the process that we go through to pass a new law and the support from the community. Normally, if it is controversial there might be conversation both ways. But with all the signatures that you received we weren't expecting any one opposing it. Also, so you're aware that this board went to the School Board and talked to them about the issues that were presented to us. They have spoken to all of their employees and bus drivers to make them aware of the issue. With the new design of the new campus they should be able to exit on Lyell or on Rt. 31 so they won't have to use Coleman or Prospect as through streets for the buses. The speeding on Coleman Avenue is not

Mayor Walker continue: the only location in the village that we have speeding. The main issue with Coleman is the number of children that are walking to school-to insure their safety.

Mayor Walker closed the Public Hearing on Proposed Local Law 103/2002 at 7:11 p.m.

RESOLUTION 38 10/02

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 October 2, 2002

Introduced by Mayor Walker
Seconded by Trustee Peer

RESOLUTION ADOPTING LOCAL LAW

Whereas, the Village Board has before it a Local Law entitled “**A LOCAL LAW TO ESTABLISH STOP SIGNS ON COLEMAN AVENUE IN THE VILLAGE OF SPENCERPORT**” which, if adopted will amend Section 130-44 of the Village Code “STOP SIGNS” and establish stop signs on Coleman Avenue, Northbound and Southbound at Barrett and Northbound at Maplewood Avenue; and

Whereas, the Village Board has, on this date, held a public hearing to consider said proposed Local Law; and

Whereas, this action is a “Type II” action under the State Environmental Quality Review Act and 6NYSCR615.5(c)(16) and not subject to review pursuant to SEQRA; and

Whereas, the notice of this hearing was duly published and post as required by law;

Now, therefore, be it resolved:

Section 1. That the Village Board of the Village of Spencerport hereby enacts Local Law #3/2002. “A LOCAL LAW TO ESTABLISH STOP SIGNS ON COLEMAN AVENUE IN THE VILLAGE OF SPENCERPORT”.

Section 2. That the Village Clerk is ordered to publish a legal notice indicating the adoption of this Local Law as required by law and to file a copy of this Local Law with New York State as required by law.

Section 3. That this Local Law shall take effect as provided by law.

Section 4. 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

Proposed Local Law 104/2002 - Local Law to amend the Sewer Law to eliminate annual Charges for Vacant land.

Mayor Walker opened the Public Hearing on Proposed Local Law 104/2002 at 7:14 p.m.

Mayor Walker read the Local Law and opened the Public Hearing for audience and Village Board comments.

Mayor Walker: Our proposal is to actually remove the sewer user fee for 53 vacant properties. Right now we charge them half a sewer user fee. What this means then that for those 53 properties they bring in revenue of about \$ 4,300. With eliminating this on next year's taxes that money will be divided amongst the remaining village properties. Our sewer fee currently is \$165.00 per unit it, will actually increase by two dollars to \$167.00 per unit.

Trustee Peer: I may have been involved to bringing this to light. About a year ago I was asked by a village resident why he was assessed a \$75.00 sewer user fee for his vacant lot. At the time I didn't have an answer for him. The board then reviewed and discussed this fee and really never had a clear philosophy was to why we charge that fee. It was thought that there was a potential for sewer use but we don't charge people a water or electric fee. I would be in agreement that perhaps is there really any need to charge someone for something they are not using. We call it a Sewer Usage Fee but in reality anybody that has this type of situation is really not using it. Correct me if I am wrong, but some of these 53 properties aren't even able to have homes built on them.

Mayor Walker closed the Public Hearing on Proposed Local Law 104/2002 at 7:18 p.m.

RESOLUTION 39 10/02

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 October 2, 2002

Introduced by Mayor Walker
Seconded by Trustee Rauber

RESOLUTION ADOPTING LOCAL LAW

Whereas, the Village Board has before it a Local Law entitled "**A LOCAL LAW TO AMEND THE SEWER LAW TO ELIMINATE ANNUAL CHARGES FOR VACANT LOTS IN THE VILLAGE OF SPENCERPORT**", which, if adopted, will amend Section 104-3A(2)(c) of the Village Code to eliminate sewer taxes for vacant lots; and

Whereas, the Village Board has, on this date, held a public hearing to consider said proposed Local Law; and

Whereas, this action is a "Type II" action under the State Environmental Quality Review Act and 6NYSCR615.5(c)(16) and not subject to review pursuant to SEQRA; and

Whereas, the notice of this hearing was duly published and post as required by law;

Now, therefore, be it resolved:

Section 1. That the Village Board of the Village of Spencerport hereby enacts Local Law #4/2002. "**A LOCAL LAW TO AMEND THE SEWER LAW TO ELIMINATE ANNUAL CHARGES FOR VACANT LOTS IN THE VILLAGE OF SPENCERPORT**".

Section 2. That the Village Clerk is ordered to publish a legal notice indicating the adoption of this Local Law as required by law and to file a copy of this Local Law with New York State as required by law.

Section 3. That this Local Law shall take effect as provided by law.

Section 4. 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

PRIVILEGE OF FLOOR

James Marasco 9 Canalside Drive – Request for “No Parking” on Ballard Avenue and Canalside Drive.

James Marasco: We are here because we handed in a petition signed by the neighbors of Ballard Avenue and Canalside Drive asking the Village Board to consider to pass a law because we need to have “No Parking” signs on Ballard Avenue at least during school hours. We are asking this because we have been trying to get the buses to come down Ballard Avenue and up to this point they have rejected this request; the transportation department will not come down our street. I’m not sure what the requirements are whether it is 500 feet or 1000 feet from a bus stop. We are at least a quarter mile from the bus stop and from where we live you can’t see the bus stop at all. We have four kids on the street that are either in kindergarten or elementary school. We are trying to get the bus to come down at least to the corner of Ballard Avenue and Canalside Drive. We have convinced them that they can make a proper turn around for a bus at the corner of Ballard and Canalside Drive. But they threw another road block; they are worried because the street is narrow and if there were cars parked on that street it would pose obstacles. So they stated that they will not come down that street unless it is posted with “No Parking” signs. They have given us a verbal agreement with a hard copy to follow to the Village Clerk. They did state that this will be only for the grammar school kids not for the Junior High or High School students. The neighbors who we got to sign the petition have no problem with it. I don’t know what else you need but we are hoping to get a bus down there.

Superintendent West: Just to give you a little more history on this. I have had three meetings with Mike from the Transportation Department; one prior to the new homes on Ballard Avenue, one during construction on Ballard Avenue, and one after. Every time he came it was a no, but I told him that we need to do something. Mike’s concern is when he has a sub bus driver. So if we post it “No Parking” he will bring a bus down for the grammar school children. Even a sub driver can do the turn a round.

James Marasco: I consider it a victory to get him to give a written ok. We just need to clear this last hurdle and we are hoping that can move this along quicker with winter coming along.

Michelle Jenco (8 Canalside Drive): We are almost 700 feet from the bus stop and I would just like to back up what Jim has said. When I went around getting signatures most neighbors were very much in favor and supported the kids. One other thing is I heard it takes time to get the signs so you may want to order them before.

Mayor Walker: The issue really gets to be, like we did with the stop signs, that we need to pass a local law to say that there is no parking on the streets. There is a process that we go through, and this is not the first time we have heard about this and we appreciate you coming forward with a petition and everything. My expectation is that we would publish the notice and have a public hearing at the November meeting. So that would be the earliest that we could do anything and my expectation is that it would pass, so we could have the signs available so that after the November meeting the signs could be posted. We can also be in communication with the school district to let them know our intentions. That would be our process and thank you again for all your hard work. It's great when the whole neighborhood gets involved in these actions.

Ryan Hess - 122 S. Union Street

Ryan Hess: I am the new owner of the Erie Canal Bar and Grill. As required by law I have to apply for a liquor license and the liquor board requires a 30 day waiting period to get such license to notify you that I have applied for such license. There is a waiver of notification that the village board can send to the liquor board stating that the village agrees that they were notified that I have applied for a liquor license then I can have immediate occupancy. That is why I am here asking for tonight.

Mayor Walker: Our only follow up would be with our attorney.

Attorney Olson: This is the first I have heard of this. Is there something that the liquor board gave you, any forms?

Ryan Hess: Just a copy of a standard letter.

Mayor Walker: I don't think that this is something that we need to act on tonight. We could review things and let you know. Welcome to the village.

Ryan Hess: Thank you

Sewers Committee - Trustee Rauber, Chairman

1. September 2002 Sewer Flow Report.

Trustee Rauber reported the average sewer flows at the wastewater treatment plant for the month of September 2002 was 672,000 thousand gallons.

Planning/Zoning/Building Control - Trustee Rauber, Chairman

- A. Planning

1. Resolution - Authorization to attend Genesee/Finger Lakes Regional Planning Council Workshop.

RESOLUTION 40 10/02

Introduced by Trustee Rauber
Seconded by Trustee Peer

Resolved, that any Zoning, Planning and Village Board Member is hereby authorized to attend the Genesee/Finger Lakes Regional Planning Council Fall 2002 Regional Local Government Workshop, November 15, 2002, Mt. Morris, New York. Cost to attend Workshop is \$40.00.

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

2. Comprehensive Plan.

Trustee Rauber informed the board that the Planning Board will be holding a Public Hearing on the Comprehensive Plan on November 5, 2002. The Village Board will hold their Public Hearing on the same November 6, 2002.

B. Zoning

Trustee Rauber updated the board on the following Zoning Board actions taken on September 19, 2002:

1. Approved the variances for ESL - 41 Nichols Street.
2. Approved the variances for Reid property on Clark Street.
3. Approved the fence at 42 Hillside Drive.
4. Approved the addition at 111 Coleman Avenue.

Jim Marasco: I missed the Zoning meeting two weeks ago, but did the Reid Property get approved?

Trustee Rauber: Yes, it was approved. It is going back to the Planning Board for final approval.

Jim Marasco: What will it have to go back to the Planning Board for?

Trustee Rauber: Drainage issues.

Jim Marasco: But they did get the variance approval for the width of 48 feet from the Zoning Board.

Attorney Olson: The frontage, not the width. There is a difference. The lot is wide enough it is just the frontage on the road.

Jim Marasco: The width of the frontage?

Attorney Olson: It would have helped if you would have been at the meeting. If you look at the map the lot dimensionally is fine. It is just the length of the road it is odd shaped. The width of the lot is fine, it is just the frontage.

Jim Marasco: It was listed in the paper as 48 foot width, when 80 feet is required.

Attorney Olson: If you look at the map you would understand.

Jim Marasco: So now it is just a drainage issue?

Trustee Rauber: Correct.

C. Building Control

Nothing requiring Board action.

D. Code Review

Trustee Rauber stated that the Code Review Committee has met twice in September 2002. They are discussing what codes they want to pursue first.

E. Architectural Review

Trustee Rauber updated the actions taken on the following applications from the September 18, 2002 ARB meeting:

1. Approved the sign for Cruise One - 6 West Avenue.
2. Approved the signs, landscaping, lighting, and building structure for ESL - 41 Nichols Street.

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, 2.00 %. It is unchanged from prior month.

2. NYS Audit.

Trustee Russell stated that NYS Office of the Comptroller has completed the audit of our books.

Mayor Walker: I would like to praise our village personnel who were involved with the NYS Audit that was done. We received no written findings and we also received many compliments back from the auditors. In previous years we have had a few written findings. My appreciation to everyone for raising the bar a little higher.

Facilities Committee - Trustee Russell, Chairman

A. Electric

Trustee Russell stated that the Central Business District Lighting Project is in Phase III. We are just awaiting some easements.

Superintendent Linder stated that what is nice about Phase III is that we are taking old wooden poles and replacing them with the new lighting theme.

B. Water

Trustee Russell thanked Administrator Scheg for the very nice analysis he did on the Village's Water system.

C. Other (Drainage, Franchise)

Trustee Russell informed the board that he and Superintendent West had the opportunity to walk down through Ballard Avenue/Canalside Drive to review drainage complaints from the residents. We did assess the situation and found one drainage line that needed to be cleared and I believe that was already taken care of. However, there are still issues with drainage in that area. Obviously, New York State Canal Authority has that responsibility for clearing debris along the canal side as well as the contractor. Superintendent West has been in contact with the contractor to address the issue. Some of the residents down there, however in order to fix the problem will need to build up their back yard with dirt.

Michele Jenco: I am one of the property owners and I just want to say thank you for sending a backhoe to clean it up. We appreciate it greatly. I had heard a rumor that they might be putting curbs in?

Superintendent West: No curbs.

Trustee Rauber: The Planning Board will be putting together a request of the Village Board to set aside some money to do a study to address the drainage issue on Ballard Avenue and Canalside Drive.

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

Mayor Walker stated that the new Spencerport Fire District has come up with their new budget for next year and their tax rate will be \$.68 per thousand with their operations being \$.34. Because they are looking at increasing their reserves, that is the other \$.34. When we looked at this consolidation we were at \$.40, \$.42 per thousand for operations. So actually this budget appears to be less than what we anticipated for the operations, which is good news.

B. Police

Nothing requiring Board action.

Human Resources Committee – Trustee Granger, Chairman

Trustee Granger stated that the Human Resource Committee is in the process of developing a staff satisfaction survey with hopes to present it to the board by the November 2002 board meeting.

Economic Development Committee – Trustee Peer, Chairman

Trustee Peer updated the Board on a few informational items.

1. Trustee Peer and Administrator Scheg will be meeting with Walt Horylev, Trustee from the Village of Hilton. We will be discussing things that Hilton has done to open up communications between the Village Board, business owners, and residents.
2. Trustee Peer and Superintendent West met with Mr. Bill Hill from Hi-Qual Heating & Cooling. Mr. Hill has a concern in regards to the cars coming in the parking lot entrance next to his building and that his business entrance is in the entrance. Mr. Hill was wondering if we could do some stripping to veer the cars away from his building. Superintendent West was able to strip a crosswalk.
3. Trustee Peer has met with Patty Uttaro from the Ogden Farmers Library in regards to a proposal for a walking tour of historic Spencerport. Further information to follow.

Village Administrator – Alan R. Scheg

Nothing requiring Board action.

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 and September 20, 2002 members of the office went for training in Syracuse. We are awaiting the final software product to be installed on our computers. At this point we are about two weeks behind schedule.

2. Thank you letter.

Clerk Cunningham read a letter from Patty Uttaro, Library Director from the Ogden Farmers Library thanking the village for the use of the Gazebo for there summer reading program. They had a total of 8 programs and had an attendance of 208 children and parents.

3. Executive Session.

Clerk Cunningham requested executive session to discuss a matter in litigation.

4. Resolution Authorizing the letting of Bids for Interior Renovations for the Spencerport Village Hall.

RESOLUTION 41 10/02

Introduced by Mayor Walker
Seconded by Trustee Rauber

Whereas, the Village Board recognizes the need to update ground floor interiors and make ADA compliant workstations and public access spaces at the Village Hall; and

Whereas, the Village had commissioned Barkstrom & LaCroix Architects to prepare Construction Documents for the project entitled "Interior Renovation for Spencerport Village Hall"; and

Whereas, the Village has reviewed and approves said Construction Documents; and

Whereas, it is the intent of the Village to have such renovation work completed during the winter of 2002/2003; and

Whereas, it is a type II action under SEQR and is not subject to further review pursuant to SEQR;

Now, therefore, be it resolved:

Section 1. That the Village Clerk is authorized to receive bids for Renovations at the Village Office based on Construction Documents prepared by Barkstrom and LaCroix.

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	Abstain
	Timothy M. Peer, Trustee	Aye
	Theodore E. Walker, Mayor	Aye

Superintendent of Public Works – Thomas M. West

Superintendent West updated the Board on the following:

1. Paving for this year is complete and it went very well. Superintendent West extended a thank you to the Electric Department and the villages and town that helped out. (Villages of Bergen, Brockport, Churchville and the Town of Ogden).
2. Re-stripping has been done on the newly paved streets.
3. New Dump Truck should be here by October 4, 2002.
4. Sewer slip lining of Parkhurst Drive is complete. Brockport Road is currently being worked on.
5. Prospect Street/Maplewood Avenue Water Survey's have been returned. We didn't receive any negative comments other than some residents haven't seen much of a pressure difference in their water. It was stated to these residents that it is most likely due to the fact that they have half inch services going into their homes.

Trustee Rauber I would like to complimented Superintendent West and Superintendent Linder on all the work they have accomplished this summer.

Mayor Walker stated that he received a phone call from a resident on Kirkgate Drive. He complimented Superintendent West and the crew for doing an excellent job on the curbs and gutters in that whole area.

Superintendent West: I would just like to say that this summer there has been some great team work with the guys. Everybody knew what was going on, our crew is young but getting experience. That is why we did a little extra because it went so well.

Attorney – Richard J. Olson

Attorney Olson stated that he will draft a proposal for the boards review on a Local Law change for the Ballard Avenue “No Parking” sign request. Attorney Olson suggests that we also send his proposal to the school for comments.

Administration Committee – Mayor Walker, Chairman

Nothing requiring Board action.

Unfinished Business

Nothing requiring Board action.

New Business

Trustee Rauber stated that Chris Schultz would like to attend the Village Board’s Workshop meeting on October 16, 2002 at 7PM to discuss the Conceptual Review of Village Pines(Next Phase).

Mayor Walker informed the board that this years Christmas on the Canal is scheduled for December 8, 2002.

Bills

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

General Fund	\$81,279.28
Electric Fund	\$9,392.16
Water Fund	\$1,723.82
Sewer Fund	\$16,772.55
Capital Fund	\$1,254.00
Trust Fund	\$556.00

TOTAL: \$110,977.81

Voucher Nos. 138 - 244

(Please note that due to software error the vouchers numbers begin with 138 instead of 131)

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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, September 2002 be approved as audited.

Adjournment

Motion was made by Mayor Walker, seconded by Trustee Russell and carried unanimously that the regular meeting be adjourned 8:21 P.M to go into Executive Session to discuss items in litigation.

Motion was made by Mayor Walker, and seconded by Trustee Russell and carried unanimously that the Executive session be adjourned at 8:40 PM.

Motion was made by Mayor Walker, seconded by Trustee Peer and carried unanimously that the regular meeting be adjourned 8:41 P.M