

**VILLAGE BOARD MEETING**  
**June 2, 2004**

**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, Trustee  
Steven T. Russell, Trustee  
Glenn C. Granger, Trustee  
Timothy M. Peer, Trustee

**BOARD MEMBERS ABSENT**

**OTHERS PRESENT**

Alan R. Scheg, Village Administrator  
Thomas M. West, Superintendent of Public Works  
Jack E. Linder, Superintendent of Electric  
Richard J. Olson, Village Attorney

Jim Barton  
John & Mary Lou Volkmuth  
Joan Quigley

**APPROVAL OF MINUTES**

Motion was made by Mayor Walker, seconded by Trustee Russell and carried that the minutes of the regular meeting held May 5, 2004 be approved as read.

Motion was made by Mayor Walker, seconded by Trustee Peer and carried that the minutes of the meeting held May 19, 2004 be approved as read.

**PRIVILEGE OF FLOOR**

John Volkmuth - 123 S. Union Street

John Volkmuth - First I would like to thank the board for having me here as I know your time is very valuable. I am here to ask the board a few questions and voice some of my opinions. Hopefully the board will take some of these opinions and look into some of these issues. I love Spencerport and I have been here twenty-five plus years. But as a merchant in Spencerport I am starting to feel like a one leg Indian in a kick boxing episode. I e-mailed Al Scheg on a few of the issues and I would like some clarification:

- Piping music outside. I just want to know where the Village Board stands on this.
- Lighted signs, when I first came to the ARB it was stated "don't even go there John" as far as lighted signs. But it appears that within the village this has changed. The merchants that do have lighted signs attract people to them. Again, I ask where the Village Board stands on this. If lighted signs are allowed then we should all have lighted signs. We all know that there is problem with the trees and being able to see the signs. I think I am one of the worst cases because it is very hard to see my sign. If it is agreed upon that we can light signs then I would like to light my sign.
- Two hour parking restriction. Yet no traffic tickets are written. I have merchants parking in front of my business for 12 to 14 hours a day. I have an impulse business and if someone driving bye wants to buy a cup of coffee and there is no place to park they are going to drive on bye.
- Village vehicles parked in the alley way.
- Delivery trucks for other merchants parked in front of my business for an hour.
- No access from back parking lot for own delivery trucks to get to his business. They have to walk the deliveries to the store.

- What is a Municipal Parking Lot? My vision was that it was for people to come and visit Spencerport. Not just for the merchants to park there. So between the merchants, tenants, and postal employees there is no parking left for customers. (Suggestion is we need to designate public parking areas for merchants, owners and their employees.)
- Deck. Wants to put a deck on back of property but was told that I couldn't because of the fire lane. It was explained that if it was a true fire lane it can't be on the tax roll. Is this true? The area which I wanted to put the deck would not interfere with them running hoses. So if I were to extend a deck out to this "L" shape that does not go into the alley why can't I put a deck on?
- Cleanliness of alley way. It is not very clean and I clean it about once a month.
- A-frame sign for Hats Etc. was not approved by the ARB. I went to the ARB to get my sign approved. Does it apply to all or not?
- Hats Etc. Business. Concerned about the people who run the business. A lot of loitering. It takes away from customers coming into my business.
- Loitering of upstairs renters in front of business on weekends. They are loud, drink, and do drugs.

This is what drove me to come to the Village Board. When it affects my employees and my customers I have a great concern. This is why I am here tonight and presenting this to the board and say I have a problem.

Mayor Walker: Have you spoken with your landlord about this?

John Volkmuth: We have spoken to both of them. Also just a note about the merchants and Chamber of Commerce; I did not join them this year do to the fact I feel that they were deceitful in stating that if you join you would get a discount when you advertise in the Suburban News. However, you have to ask for the discount which I was not made aware of when I first opened my business. For that reason I did not join them this year.

Mayor Walker: Did you send them a letter about this?

John Volkmuth: I just stopped advertising. Last and most important and Jim I am glad you are here. Jim has operated an outdoor hotdog stand for a number of years. He was here way before me and does a heck of a business. But, I know that has to be approved through the village board. Jim your now inside also in Abbott's; all year long merchants who serve food strive to survive. Upon the approval of his hotdog stand has the board members ever ask if the hotdog stand hinders our business. I have gone around and asked does this affect your business. My other question is why does the village promote this? I would think the revenue of inside eateries would bring more into the village then a seasonal outside can and hurts the others. What I am asking for is a level planning field. Has the board actually gone to other eateries and asked if this affects their business?

Trustee Granger: Why would we? When the jewelry store opened up we didn't go around. We can't control what a man puts in his business.

John Volkmuth: But this is outside. The village has to approve it. Now let's get into logistics here if the village were to contend the hotdog stand stays. What if Stuey's closed, Diehl's closed, Java John's closed, Subway closed, and the Spencerport Family Restaurant closed would that be advantageous to have a hotdog stand out there?

Trustee Granger: I think you are reaching a hotdog stand closing down five businesses.

May Lou Volkmuth: What happens is that in the summer where paying winters. When summer time comes and the hotdog stand goes out doors we need to make our lease payment.

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It draws a tremendous amount from all of us. At this point is it inside or outside? Our perspective is we need to survive. It is either inside or outside.

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Jim Barton: Can I ask a question I wasn't outside today but how much did your business increase?

Mary Lou Volkmuth: We did a great business. We are effective tremendously as we know the other businesses are. For us it makes a difference in making our lease payment. It comes down to that nitty-gritty. It is scary because you need to look at the long term picture and can we afford to do this.

John Volkmuth: I am asking the village was that ever considered?

Joan Quigley: Jim, how long have you been outside?

Jim Barton: 12 years.

Joan Quigley: Ok, those people who are just coming in, they new that.

Trustee Granger: What you are saying John is that we should have talked to Jim when you went into business.

John Volkmuth: That would have been ok.

Trustee Granger: John, I had a business here and another guy came in and drove me out.

John Volkmuth: Let me tell you the marketing strategy and Jim, correct me if I am wrong. If you are driving along and see an outside cart you stop. It is impulse driven. Is that affecting other businesses that have been in Spencerport? Those people have strived to survive during the winter months. Now if you go to the other businesses and they say it doesn't then that is ok. Again, has the Village Board ever considered ramifications of other businesses that are there during the winter?

Trustee Peer: Actually John, I kind of view it the other way around. Say you take resort places or even Park Avenue in downtown Rochester. It has always been my opinion that variety is what drives people to these areas. We can have a sub today or tomorrow a steak dinner. I think that people come to the village from other areas for the variety. I would assume that would be good for the village as a whole. Maybe not today for you because they are having a hotdog.

Mayor Walker: I think the point that you are alluding to is how much involvement have we had with some things that are going on. Quite honestly, we haven't been directly involved. With the outside vendor like Jim it really is a vendor permit and this was started years ago. Honestly, if things seem to be going fine and we have lots of other thing to tend to. So we don't tend to focus on those. This may be a change in plan. Maybe there are more issues that we might be able to do something about. Here again we have to take a look as Trustee Granger is alluding to that people start a business have the right to open up. Competition may be good, may be bad and there are only certain things at this point in time we can do. We really generate laws and try to enforce them. So from our position what we've tried to do for our business community is what you might call "street-scape". We tried to make the streets and sidewalks conducive to businesses and people coming in and try to make it a pleasant area for you. We hope that the business tend to work together, complement each other. As Trustee Peer saying that sometimes three shoes stores are better than one only because you have variety. From some of the classes that we take or reading that we do that is where we are at. It is only when we start hearing some of these exceptions that we say maybe there is another approach to this and take a look at it.

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John Volkmuth: I guess what I am asking for is maybe I should look in to the direction of applying for an outside permit. I am asking the board is that the direction I should be going in?

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Mayor Walker: Because you feel if you had an outside cart then you would be drawing business?

John Volkmuth: Should I be doing that, should Stuey's be doing that. That is all I am looking for. Because I was an electrical engineer I look at the businesses around town in the summer time and Jim congratulations. My lunches drop off 50-60%. So should I be looking to do an outside cart?

Trustee Granger: Where are you going to put it?

John Volkmuth: Maybe the Fire Lane in the alley.

Trustee Granger: That is not your call.

John Volkmuth: Maybe it would be good for you to go to the other businesses during sub-zero weather trying to survive. Then we finally get warm weather and then there is a big drop. I am looking at my business and should I stay in Spencerport or shouldn't I stay in Spencerport. What are the plus' and minus'. I'm not saying that the hot dog stand is a minus.

Mayor Walker: Actually, some of the trends that we have gotten into are issues like the outside tables. In the past we have said no way do we want any of that. But realizing that there is competition and those types of things then appear to be attracting people to the village. Not to your store but to the village. That is why last year we made some changes and said ok let's try this. Put some legislation in so that we permit these things to go on under some guidelines. So that was a change that we got involved with because of some response from the community and businesses. What we could do with the situation your talking about I'm not sure we have an answer for you tonight. But it may be something we could think about and come back with, or get a merchants group together.

Mary Lou Volkmuth: That is our point. We would have never brought this up if we did not find interest in staying in Spencerport. Glenn I appreciate your opinion but from a business perspective it hurts us terribly.

Trustee Granger: What's that?

Mary Lou Volkmuth: Your opinion about it's their right, it's their land. But we are talking from a business perspective that it hurts us. We are looking long term is this where we want to stay because we need to survive. I'm sure there are other business people that are looking at that also and what you said that they have been here for 12 years and we should have seen that I accept your opinion also. Absolutely, but it also an area that we have heard through the grapevine that nobody would ever approach. It is an unapproachable area; don't go there. So we are here because we love Spencerport and we would like to keep our business here. But we also have to be reasonable and say can we do it.

John Volkmuth: The pressure is on us whether or not to stay in Spencerport. I am voicing my opinion to the board and hopefully you can come back and say here are some of the answers. Then I can make a decision.

Mayor Walker: We appreciate the list and if we can go back to the first couple and make quick comments on them. A lot of these I think it will be just getting back to you. You talked about the piped music and we do have noise ordinance in the village. The piped music has been asked to stop. That is why Jim is here tonight. There are boundaries for the piped music and the code says there is a limit to what you can do. We get into the lighted signs. I'm not sure where the direction came from to you about "don't go there" for a lighted sign. But lighted

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signs are permitted. They are part of the ARB process that we go through. It really says that with what direction you are looking for it just needs to follow certain guidelines (the lights have

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Mayor Walker continues: to shine on the sign and follow your hours of business). I apologize for the direction you received first off that you shouldn't have a light "don't go there".

John Volkmuth: So I can light my sign?

Mayor Walker: You would need to go through the ARB to do that. You present your plan and they look at it and if it matches our intentions and they make the decisions on that.

Mary Lou Volkmuth: Was there something that was recently changed?

Mayor Walker: No.

Mary Lou Volkmuth: So, two and half years ago it was allowed.

Trustee Peer: This is for lights shining down on the sign not a back lit sign.

Jim Barton: Wasn't there a problem with neon signs?

Mayor Walker: We don't like plastic back lit signs. I apologize for who ever gave you the miss information or direction. For the parking and the two hour issue again our intent is two hour and hopefully people were going to do it by themselves. As we have noticed that the only way this is going to work is enforcement. We have been trying to come up with a more effective enforcement plan and to date it really hasn't been all that effective. We are still continuing with that not only for parking but other issues on local code enforcement. We will keep you posted on our endeavor to increase the enforcement in whose areas. As we have found that the police have other important things to due so we are looking at what we might due internally for this enforcement.

John Volkmuth: Do you have a time frame or a goal?

Mayor Walker: We haven't gotten to that. We hope within a month we would have better handle on it. We can get back to you and let you know what our status is. When we get into the parking lots we have been trying to talk with the merchants and have asked them to ask their employees and yourself to please park away from your store. But that hasn't worked either. I'm not sure what the best solution is for that.

Attorney Olson: Unfortunately, and I agree with John as I am as guilty as he, in my office alone we have five or six people and it is there god given right to park this far from the door. Some of it is municipal lot and some it is Gary's lot. I don't have a lot of complaints from my clients because they can find something on West Avenue. We tried to do it voluntarily five or ten years ago and the general consensus among the merchants was that if he is not going to do it then I'm not going to do it. The other way to do this is with two hour parking or four hour parking and enforce it.

Mayor Walker: So I think that would probably be the consideration that we are looking at for the parking lot.

Attorney Olson: I don't think the intent of the over night parking was 24/7 and that is what we are getting at least on the weekends.

Mayor Walker: We can take a look at what we already have on our books about the parking and come up with some other options. The other items like the deck, fire lane I don't know the answer so we will have to find out and let you know. In regards to the signs at Hats Etc. if that has not gone in front of ARB we can address that with our Code Enforcement Officer. I am not

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sure what to do with the issue of the kids and the tenants above but we will start asking to see what we can do within our power.

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John Volkmuth: I mainly wanted to note that because Spencerport is near and dear to my heart. I am sure that I am not the first one to come and say "You need to do something about this". It makes it very frustrating when you have worked a 17 hour day leave your business and find a mess on your deck that you need to clean.

Mayor Walker: I'm not sure we know what we can do about it either. Since you didn't, I will talk to the chamber about the discount issue. Lastly, our position on the business selection and the impact that is going on in the village it really gets to be that we are trying to provide a street-scape and allowing it for businesses. With the exception of the hotdog stand they get a vendor permit but otherwise it is pretty much is what ever business wants to come can use their property they can do that. Hopefully ever body exceeds and complements each other. One thing we keep talking about is a merchants association or someway to get the local merchants together to talk about some of the issues that your bring up.

Mary Lou Volkmuth: We attempted that last year and it was not successful. But it doesn't mean we can't give it another shot.

Mayor Walker: Sometimes it is the sharing of the issues and concerns. You either have common problems and you may come up with common solutions or you have some thing unique that someone else may help you on.

John Volkmuth: Has it ever been tried before.

Mayor Walker: Yes, we tried it with the Economic Development Committee when Mayor Carter was here. It turned out to be the easiest thing was beautification and that was what really took off. To promote businesses it was like pulling teeth and it really never got any where. The merchants didn't necessarily embrace it. It was tried once without much success.

John Volkmuth: It is probably one of the most needed items I think in the village.

Mayor Walker: That is my response I don't know if anyone else would like to comment?

Trustee Peer: Just one final comment John I had a similar conversation with Kathy Stuey with in the last year about the same thing. How do you allow this business to open up? My response was "We really can't control if a Subway comes in". I also commented to her that competition could be good for everybody. You need to be the best at what you're doing. Think out of the box and not worry about the competition. We want everyone to be successful. Unfortunately, our hands are tied on some of the things we can do and can't do.

John Volkmuth: One of my main issues is can I depend on the village. I know that when I went to the ARB to put out the chairs it was suggested by the board to put tables out there and placing them on the side. I then mentioned the deck. Can I depend on the village board to say yes you can put a section in?

Mayor Walker: That is not this board. We have he codes that are set up and if it is within the code then you are able to do that. But it would be through the Building Inspector. Through the appropriate Planning, Zoning, and ARB board to get those done. The issue that happens like the table and chairs on the sidewalk we got involved because we had and ordinance that said you can't do that. So we had to change that.

John Volkmuth: So who should I go to?

Mayor Walker: Jack Crooks.

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John Volkmuth: Back in March or April when I got the letter stating that I could put tables there I had the deck builder approach him and said no you can't do that because it is a fire lane. Now I am being told by other people that if it is private property it can't be a fire lane. So do I have to approach Jack on this?

Mayor Walker: Yes. Jack is person to see and he would come up with his resolution for those items. If you have issues with it you can come back to this board as you are now for some clarifications. Jack would be the first line to say yes you can or no you can't and why not.

Trustee Peer: Something to keep in your back pocket if for what ever reason the deck doesn't fly. How about a patio? In other words removing the asphalt and putting down some fancy brick. Maybe that would be a compromise but Jack would also have to approve that as well.

Mayor Walker: We appreciate you coming and sharing your experiences and we will be getting back to you on a couple of your issues.

Jim Barton - 138 S. Union Street

Jim Barton - I am here from Barton's Parkside Hots and Costello Hots which is inside Abbott's. I only have 37 items and we should probably be done about 9:30. "I 'm sorry, just joking". Honestly, John I do feel your pain. I do know how hard it is to start up a business and get things going. I do believe that you have to look at the freedom of enterprise. If four people want to put in a coffee shop right across the street from you and go with fifty cents cups of coffee there is nothing anybody can do against that. I think you just started ice cream didn't you?

John Volkmuth: I most certainly did.

Jim Barton: So you want to sit there and say you shouldn't have a vending cart out there because you're hurting everybody. But you can go ahead and start up ice cream. Which is fine, I don't have a problem with it at all. So to get why I am here the music we at Abbott's and Costello's were piping out music. My wife in particular made mentioned to me that when you pull up to the signal light you are hearing that music. I think it's too loud and do something about it. Unfortunately, in our all busy schedule we didn't do anything about it and got turned in for it. Just so you know that I am not partners in Abbott's but John Marello is a partner in Costello Hots. So if people want to know what is going on between the two of us. I am not hiding anything and would be glad to talk to anyone about it. I did have the hot dog stand outside and John had first of all came up with his Christian music which honestly the Christian music wasn't bad but it was like channel 21. Every time they went to a commercial they started asking for money and other stuff. That is where the bad part came into play and I talked him into switching the oldies channel. That didn't hurt anybody as far as I was concerned. Things went along fine we had people waiting in line to get a hot dog and dancing on the street corner. It was all very fun it was all done in good taste. I do understand know from the letter that it was against the code and we did stop it immediately. I am here tonight to try and find out and I did talk to your lawyer and everybody else. They just say "no you can't do it". I don't understand why there isn't an appeal someplace or some way to get the law changed. I am asking the board to look at this. I don't know how to set this up any different. We would like to have some music out there for our customers. We truly did not turn the music on to try to get someone who was maybe heading into Java John's and here the music then see the hotdog stand and say I'll get a hog dog instead. It truly was not done for that reason. The people enjoy it. The customers enjoy it and we would like to continue it if it can be regulated. If the board can look at this and see what they could do about it. That was my only purpose for being here tonight. If there are any questions feel free. I think you would have a stampede if you took the hotdog stand out of the village. The other thing is when the

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hot dog stand is there and we have 15 people standing in line I will say that you can walk inside and get the same hotdog cooked it on the grill for you. That last guy in

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Jim Barton continues: line will not get out and go inside and get a hot dog. He wants to stand there and wait. It's a meeting place; it's a place for people to talk while they wait for their sandwich.

Mayor Walker: Yes, the Village Board is the ones that would make the law change. Our normal process is that when a request comes up we ask the Code Review Committee to take a look at this. That is what we can do with this. It is not an immediate process. The review committee is working on a variety of things and it would be asking them when it might fit into their schedule and we can let you know.

Jim Barton: Ok. Thank you.

**Sewers Committee** – Trustee Rauber, Chairman

1. May 2004 Sewer Flow Report.

Trustee Rauber reported the average sewer flows at the wastewater treatment plant for the month of May 2004 was 924 thousand gallons. Total rainfall for May 2004 was 5.76 inches.

Trustee Rauber stated that we did have one odor complaint during the month of April 2004. This was due to fact that we changed our cover.

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

A. Planning

Trustee Rauber stated that the Trolley Depot committee came before the Planning Board last night to present their Conceptual Plan. The Planning Board did grant them Conceptual Plan approval. The Trolley Committee will be presenting the same presentation to the Village Board on July 7, 2004.

B. Zoning

Trustee Rauber informed the Village Board that at the last Zoning Board meeting they approved a minor home occupation at 53 Amity Street. The type of business will be consoling and therapy.

C. Building Control

Trustee Rauber informed the board that we have started contract renewal discussions with the Town of Ogden.

D. Code Review

Nothing requiring Board action.

E. Architectural Review



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Trustee Rauber stated that we have now transferred the powers and responsibilities of the ARB to the Planning Board.

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**Finance Committee** – Trustee Russell, Chairman

The Board unanimously acknowledges receipt of monthly investment of consolidated Village funds, Insured Municipal Money Market, HSBC, 1.29%. No change from prior month.

Trustee Russell acknowledges receipt of the Sales Tax Revenue share for the 1<sup>st</sup> QTR 2004 in the amount of \$171,820.05. This is up slightly from last year.

**Facilities Committee** – Trustee Russell, Chairman

A. Electric

Nothing requiring Board action.

B. Other ( Drainage, Franchise)

Trustee Russell informed the board regarding a meeting held with Netsville. Netsville wanted to know if the village has any interest in putting in a wireless service for the community. This could be a potential revenue source for the village. Will schedule a meeting between Netsville and the Village Board in the near future.

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

A. Highways/Garage

1. Resolution- Authorize Bid for Construction of DPW/Electric Department Building

**RESOLUTION NO 1 6/2004**

Introduced by Trustee Granger  
Seconded by Trustee Russell

**RESOLUTION TO AUTHORIZE BID  
For  
CONSTRUCTION OF DPW/ELECTRIC DEPT BUILDING**

**WHEREAS**, the Village Board recognizes the need to upgrade the DPW/Electric Department facilities; and

**WHEREAS**, the Village has committed to fund this necessary construction with monies designated for a BAN borrowing; and

**WHEREAS**, this project is a Type II action under 6 NYCRR PART 617, Section 617.2, paragraph (c) of the State Environmental Quality Review Act and no further action is required.

**NOW THEREFORE BE IT RESOLVED:**

**SECTION 1:** The village's engineer, MRB/group is hereby authorized to prepare plans and specifications under an engineering services term contract for the purpose of receiving bids for the construction of DPW/Electric Dept Building at an additional cost not to exceed \$700.00 over the existing services term contract.

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**SECTION 2:** The Village Board authorizes the Village Clerk to advertise and receive bids for the "Construction of DPW/Electric Department Building" with the intent of awarding a contract to facilitate its construction during the Summer and Fall of CY2004.

**SECTION 3:** This RESOLUTION is 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	Nay
	Theodore E. Walker, Mayor	Aye

2. SEQR - DPW/Electric Building

**RESOLUTION 2 6/2004**

Introduced by Trustee Granger  
Seconded by Mayor Walker

**RESOLUTION  
SEQRA DETERMINATION- CONSTRUCTION OF DPW/ELECTRIC BUILDING**

**WHEREAS**, the Village of Spencerport wishes to upgrade the DPW/Electric facilities in the Village of Spencerport and Town of Ogden, Monroe County, New York, and

**WHEREAS**, the proposed project involves:

1. Demolition of existing 1300 square foot metal structure.
2. Construction of a New 3200 square foot metal building on a concrete slab which includes two(2) bays and office space.
3. Removal of existing asphalt in order to construct the building.
4. Relocation of existing power poles and utilities to service the new building.

and

**WHEREAS**, upon review of the project plans it is determined that construction of this project is a "Type II" action under the State Environmental Quality Review Act and 6NYCRR617.2(c), and therefore is not subject to further review pursuant to SEQRA.

**THEREFORE, BE IT RESOLVED,**

**Section 1.** That based upon the State Environmental Quality Review Act this project is a Type II action and is not subject to further SEQRA review.

**Section 2.** That this resolution is 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	abstain
	Theodore E. Walker, Mayor	Aye

3. Resolution of Award Construction Contract for CY2004 Street Improvement Project.

**RESOLUTION 3 6/2004**

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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 2, 2004

Introduced by Trustee Granger  
Seconded by Trustee Rauber  
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**RESOLUTION TO AWARD CONSTRUCTION CONTRACT AND APPROPRIATE FUNDS  
FOR THE  
CY 2004 STREET IMPROVEMENT PROJECT**

**Whereas**, on May 28, 2004 bids were received to construct the:

<b><u>CY 2004 STREET IMPROVEMENT PROJECT</u></b> <b>Village Walk and Brittain Circle</b>		
<b><u>Bidder:</u></b>	<b><u>Base Bid- Village Walk</u></b>	<b><u>Add-Alternate Bid- Brittain Circle</u></b>
Villager Construction, Inc.	\$318,969.50	\$50,954.00
Babcock Enterprises Ltd.	\$329,590.00	\$41,494.00
Seneca Roadways, Inc.	\$342,974.00	\$61,850.00
Macedon Landscaping, Inc.	\$355,824.92	\$52,566.49
DiFiore Construction	\$372,964.00	\$52,509.00
Keeler Construction Co., Inc.	\$401,975.00	\$58,652.00
G.T. Booth, Inc.	\$415,195.00	\$51,888.00

and

**Whereas**, MRB/group, engineer for this project, has reviewed all Bids and "Statements of Bidders Qualifications" and finds the low Bid in the amount of \$318,969.50 from Villager Construction, Inc. for Base Bid work on Village Walk to be appropriate for the work scheduled on Village Walk; and further finds all Add-Alternate Bids far exceed expected values for work scheduled on Brittain Circle; and

**Whereas**, work on Brittain Circle can be performed by others at a later date, and

**Whereas**, it is prudent for the Village to award the construction contract to the low bidder, Villager Construction, Inc. of Fairport, N.Y. for Base Bid work on Village Walk for the estimated cost of \$318,969.50, and

**Whereas**, it is also prudent to appropriate contingency funds to allow for unforeseen costs which may arise during construction- an appropriate value equal to about 10% of the Base Bid amount; and

**Whereas**, construction costs could total \$350,000 with contingency work, and

**Whereas**, award of a construction contract to Villager Construction, Inc. must be contingent upon receipt of acceptable Bonds and Insurances and approval by the Village's Attorney, and

**Whereas**, engineering services during construction have been contracted for under separate agreement, and

**Whereas**, funds are available in the "Streets and Pavements Reserve Fund" to fund both engineering and contractor costs for this, and other projects,

**Now, therefore, be it resolved:**

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**Section 1.** The Village Board hereby awards the construction contract for Base Bid work on Village Walk to Villager Construction, Inc. in the estimated amount of \$318,969.50, contingent upon receipt of acceptable Bonds and Insurances and approval by the Village's Attorney.

**Section 2.** The Mayor or Village Administrator is hereby authorized to sign the Agreement with Villager Construction, Inc. on behalf of the Village of Spencerport.  
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**Section 3.** The Village Board further appropriates \$31,030.50 for construction contingencies.

**Section 4.** The "Streets and Pavements Reserve Fund" pay all expenses due the contractor and engineer for work performed during the CY 2004 Street Improvement Project.

**Section 5.** 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

B. Public Services (Refuse, Recycling, Parks)

Nothing requiring Board action.

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

A. Fire Department

Nothing requiring Board action.

B. Police

Superintendent West stated that we have had numerous amounts of damage at Merz Park. The police have staked the place out and they feel that cameras are not going to stop the vandalism. The police have found while putting extra effort to do surveillance of the park that most of the damage is occurring around 5- 7 p.m. We need catch them in the act. This is an on going problem that we will continue to address.

Discussion ensued regarding suggestions on how to stop the vandalism.

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

Nothing requiring Board action.

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

Trustee Peer thanked Joan Quigley for her maintaining our geranium's on Union Street.

Trustee Peer informed the board on the following:

- Concerts start this Sunday, June 6, 2004.
- Tentative start date for the Walking tours is June 21, 2004.

Village Board Meeting  
June 2, 2004

**Village Administrator** – Al Scheg

Nothing requiring Board action.

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**Village Clerk** – Pamela J. Gilbert

Clerk Gilbert is not present tonight.

1. Resolution – Amending 2004 Village Tax Roll.

**RESOLUTION 4 6/2004**

Introduced by Mayor Walker  
Seconded by Trustee Granger

Resolved, that the following correction on the 2004 Village Tax roll be hereby approved and, Further resolved, that the Village Clerk is hereby ordered to amend the 2004 tax roll to reflect such changes and present corrected property tax bill.

Name	Account Number	Adjusted Amount
County of Monroe	086.16-1-52	-1.13
Village of Spencerport	086.16-5-21.2	-230.00

This amendment is required due to this bill was for a new tax parcel created in 2002 but should have not charges as it is vacant land.

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

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

Superintendent West updated the board on the following:

- We are borrowing the Village of Brockport's Drott excavator. This will be used for the road work that we are doing this year.
- Kevin Kelly would like to join the Finger Lakes Building Officials Association with Board approval. Further information to follow.
- The new dam that was installed seems to be working with all the rain we have had this spring.
- June 17, 2004 Superintendent West will be doing a power point presentation to the Stormwater Coalition.

**Superintendent of Electric** – John E. Linder

Superintendent Linder updated the board on the following:

- Tree trimming will be completed this month.
- Thistlewood upgrades continue.
- Hickory Hollow installations continue
- Phase III Street Lighting project should begin this summer.

**Attorney** – Richard J. Olson

Attorney Olson informed the board that we received \$4,500.00 in the Sullivan settlement.

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Mayor Walker stated that we are currently working on the Local Law for the Parking Law Change. This is in conjunction with the Union Street Bridge closing this July.

Mayor Walker also informed the board that the Barnard Fire Department request has been denied. This request was for them to use our property for training.

**Administration Committee** – Mayor Walker, Chairman

1. Resolution – Intermunicipal Agreement – Federal Phase II StormWater Regulation.

**RESOLUTION 5 6/2004**

Introduced by Mayor Walker  
Seconded by Trustee Peer

Resolved, that the Village Board of the Village of Spencerport by this Resolution hereby approves an Intermunicipal Agreement between Monroe County and the Village of Spencerport. Such agreement pertains to the Federal Phase II StormWater Regulation for the Period of March 11, 2004 through March 10, 2009. (Copy of Agreement is attached)

This RESOLUTION is 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**

Nothing requiring Board action.

**New Business**

Mayor Walker stated that at the June 16, 2004 workshop meeting we will be reviewing the Purchase Policy Manual.

**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	\$41,813.33
Electric Fund	\$18,332.36
Water Fund	\$0
Sewer Fund	\$4,132.65
Trust Fund	\$0
<b>TOTAL:</b>	<b>\$64,278.34</b>
Voucher Nos. 1-33	

Village Board Meeting

June 2, 2004

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, April 2004 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 10:00 p.m.