

VILLAGE BOARD MEETING
November 3, 2004

CALL TO ORDER: 7:05 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
Timothy M. Peer, Trustee

BOARD MEMBERS ABSENT

Glenn C. Granger, Trustee

OTHERS PRESENT

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

Joan Quigley
Andrew Decker

APPROVAL OF MINUTES

Motion was made by Trustee Peer, seconded by Trustee Russell and carried that the minutes of the regular meeting held October 6, 2004 be approved as read. Trustee Rauber abstained from the vote as he was not at the October 6, 2004 meeting.

Motion was made by Trustee Rauber, seconded by Trustee Russell and carried that the minutes of the meeting held October 20, 2004 be approved as read.

PRIVILEGE OF FLOOR

Joan Quigley: The corn stalks on Union Street look lovely.

Trustee Peer: Thank you to the responsible parties at Spencerport Insurance.

Trustee Rauber: The corn stalks were donated by Colby Farms.

Sewers Committee – Trustee Rauber, Chairman

Trustee Rauber mentioned that on October 27, 2004, we had a Public Informational meeting regarding taking our Wastewater Treatment Plant Off-line while installing a force main to Monroe County Pure Waters facilities. I think it was well received, a lot of good questions were asked, and I think the public walked away with a better understanding on why we are moving ahead to take the plant off-line. Trustee Rauber thanked Administrator Scheg and MRB/group for putting together a very good presentation.

Planning/Zoning/Building Control – Trustee Rauber, Chairman

A. Planning

Trustee Rauber stated that at the November Planning Board Meeting granted Preliminary and final approval with contingencies for a new house on Pinecrest Drive.

B. Zoning

Trustee Rauber informed the board that at the next Zoning Board meeting veterinarian Dr. Dean Snyder will come before the board for a special use permit at Dr. McKinney's old veterinary business at 370 S. Union Street.

C. Building Control

Trustee Rauber stated that effective January 1, 2004 Kevin Kelly will assume the Fire Marshalling responsibilities for the village.

D. Code Review

Nothing requiring Board action.

E. Architectural Review

Trustee Rauber stated that at the November ARB meeting they tabled the application of Chilango's until they here back from the NYS Liquor Authority. The ARB is asking the plaza owner to appear before the board to discuss changes they made to the plaza without prior approval from the ARB. The ARB also approved a sign for Buckman's Carwash, 40 Nichols Street.

Trustee Rauber mentioned that he, Mayor Walker, and Administrative Assistant Donna Stassen visited Natale Signs. This visit was to help with the sign code.

Trustee Rauber thanked Administrative Assistant Donna Stassen for her great efforts and fine letter in getting the business who have been before the ARB to submit there final photo.

Finance Committee - Trustee Russell, Chairman

The Board unanimously acknowledges receipt of monthly investment of consolidated Village funds, Insured Municipal Money Market, HSBC, 1.54%. This is up .20% from prior month.

Facilities Committee - Trustee Russell, Chairman

A. Electric

Trustee Russell read an update on the new technology on Broadband over power lines.

B. Other (Drainage, Franchise)

Nothing requiring Board action.

Public Works Committee - Trustee Granger, Chairman

A. Highways/Garage

Administrator Scheg stated that if we go forward with the Coleman, Coolidge, and Barrett Project that will require a borrowing. So we need to make a declaration for the record on SEQR. The Coleman, Coolidge, Barrett Street Improvement Project is a Type II Action under SEQR and requiring no further action.

B. Public Services (Refuse, Recycling, Parks)

Mayor Walker mentioned that on October 23, 2004 we held "Make A Difference Day". This was a very successful event with many volunteers. Four different park areas were tended to. Thank you to Pat Chapman, Donna Stassen for organizing this event. Thank you to Paul Robinson for coordinating the DPW workers on the day of the event.

Superintendent West stated that everything we wanted to do was completed.

Public Safety Committee – Trustee Granger, Chairman

A. Fire Department

Nothing requiring Board action.

B. Police

Trustee Rauber stated that he thinks it great to see the police out on foot patrol in the village.

Human Resources Committee – Trustee Granger, Chairman

Nothing requiring Board action.

Economic Development Committee – Trustee Peer, Chairman

Trustee Peer informed the board on the following:

- The Walking Tour has been taken down for the season. We received word that the police have made an arrest in the vandalism of two of our walking tour signs.
- New benches for Union Street. Will be getting information for the Village of Brockport who just recently purchased new benches.

Mayor Walker mentioned that this year's Christmas on the Canal will be December 5, 2004 starting at 1 p.m.

Village Administrator – Al Scheg

Mayor Walker acknowledges the great effort by Administrator Scheg on the Street Improvement Program and Sanitary Force Main Public Information Program. It really showed in the presentation that was given.

Village Clerk – Pamela J. Gilbert

Clerk Gilbert gave a progress report on our search for a new software vendor.

Clerk Gilbert gave an update on the FEMA meeting she attended regarding the September 9, 2004 flood. Clerk Gilbert also hand delivered an update from the village to the businesses involved in the flooding.

1. Resolution – Surrender of Village Taxes to County for collection.

RESOLUTION 48 11/2004

Introduced by Mayor Walker
Seconded by Trustee Russell

Resolved, that the Village Board of Trustees hereby certifies that 2004/2005 Village Tax Surrender in the amount of \$33,819.59.

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

2. Resolution – Opposing Retirement System Mandate.

RESOLUTION 49 11/2004

Introduced by Mayor Walker
Seconded by Trustee Peer

Resolution in Opposition to the State Comptroller's Position on the Accounting Treatment for the Change in the Pension Payment Due Date

WHEREAS, Chapter 260 of the Laws of 2004 changes the annual payment due date for employers who participate in the New York State and Local Employees' Retirement System and the New York State and Local Police and Fire Retirement System; and

WHEREAS, no payment will be due and payable on December 15, 2004 and the next payment will be due and payable on February 1, 2005; and

WHEREAS, it is the position of the Office of the State Comptroller that a local government with a calendar fiscal year would not have to recognize a fund expenditure or accrue a fund liability in its governmental funds at fiscal year-end December 31, 2004 for its retirement contribution since that payment will not be contractually due and payable to the Systems until February 1, 2005; and

WHEREAS, the Village of Spencerport has a fiscal year on a basis other than a calendar year and will receive no benefit from the change in payment dates and that said date change will in fact result in increased payments and higher expense, due to the reduced discount; and

WHEREAS, Generally Accepted Accounting Principals require that both expenses and liabilities be recognized when incurred; and

WHEREAS, the informal advice from the Government Accounting Standards Board supports this accounting principal and this accounting treatment with respect to the retirement contribution:

NOW THEREFORE BE IT RESOLVED that the Village of Spencerport Board of Trustees disagrees with the view expressed by the Office of the State Comptroller that calendar year-end local governments would not have to recognize a fund level expenditure or accrued liability at year end December 31, 2004, and

BE IT FURTHER RESOLVED, that The Village views the change in due date to be an unfunded mandate in that the change would increase expenditures of The Village, and

BE IT FURTHER RESOLVED, that as an alternative local governments should be given the option to make retirement payments as originally scheduled each year on December 15, and at the originally published rates, (which include a discount), and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the New York State Office of the State Comptroller, the Governmental Accounting Standards Board, the New York

State Conference of Mayors, the New York State Government Finance Officers Association, Senator George D. Maziarz and Representative William D. Reilich.

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

Clerk Gilbert requested executive session to discuss a litigation matter.

Superintendent of Public Works – Thomas M. West

Superintendent West updated the board on the following:

- NYCOM Public Works Training he attended.
- Village Walk Project has been closed out.
- Sewer project is still underway and will be complete by the end of week.
- Will be moving the Welcome to Spencerport sign to Pineway Ponds Park.

Superintendent of Electric – John E. Linder

Superintendent Linder updated the board on the following:

- IEEP – Energy Star Appliance Program.
- Assisted Village of Bergen last Sunday with a voltage conversion.
- Testing another demo bucket truck.
- Christmas lights will be going up soon.

Superintendent Linder thanked Administrator Scheg for providing him with scaled drawings for the potential street lighting on Union Street from Brockport Road to Rt. 31 and from Canal to Big Ridge Road.

Attorney – Richard J. Olson

1. Resolution – Authorizing Mayor to Sign Release

RESOLUTION 50 11/2004

Introduced by Mayor Walker
Seconded by Trustee Rauber

**VILLAGE OF SPENCERPORT, MONROE COUNTY
RESOLUTION AUTHORIZING MAYOR TO SIGN RELEASE**

WHEREAS, in or around August 10, 2004 an oil spill in a home located at 30 Big Ridge Road, in this Village, resulted in oil entering the Village Sanitary Sewer System; and

WHEREAS, as a result of this incident, and to meet the requirements of the New York State Department of Environmental Conservation, the Village expended \$5,000.00 to incinerate the contents of the sludge tank; and

WHEREAS, the property owners insurance company has indicated that upon receipt of a properly executed release, it will pay the Village the sum of \$5,000.00 to make it whole; and

NOW, THEREFORE, BE IT RESOLVED:

SECTION 1. That the Mayor is hereby authorized to sign the RELEASE OF ALL CLAIMS, a copy of which is appended to this Resolution;

SECTION 2. That this Resolution will take effect immediately.

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

Attorney Olson requested executive session to discuss matters in litigation.

Administration Committee – Mayor Walker, Chairman

1. Resolution – Adoption of Monroe County Pre-Disaster Mitigation Plan.

RESOLUTION 51 11/2004

Introduced by Mayor Walker
Seconded by Trustee Peer

Village of Spencerport
Resolution No. 51 of 2004

ADOPTION OF MONROE COUNTY PRE-DISASTER MITIGATION PLAN

WHEREAS, the federal Disaster Mitigation Act of 2000 requires that all local governments have an approved disaster mitigation plan in place in order to be eligible for federal Hazard Mitigation Grant Program (HMGP) project funding.

WHEREAS, representatives of the County, the City of Rochester, the Towns of Brighton, Chili, Clarkson, Gates, Greece, Hamlin, Henrietta, Irondequoit, Mendon, Ogden, Parma, Penfield, Perinton, Pittsford, Riga, Rush, Sweden, Webster and Wheatland, and the Village of Brockport, Churchville, East Rochester, Fairport, Hilton, Honeoye Falls, Pittsford, Scottsville, Spencerport and Webster, have actively participated in the design and the writing of the Monroe County Pre-Disaster Mitigation Plan (“the Plan”).

WHEREAS, the federal regulations implementing the Disaster Mitigation Act of 2000, (44 CFR 201.6(c) (5)) require the Plan be formally adopted by each jurisdiction requesting approval of the Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE BOARD OF THE VILLAGE OF SPENCERPORT, as follows:

SECTION 1. The Village Board hereby approves and adopts the Monroe County Pre-Disaster Mitigation Plan.

SECTION 2. The Monroe County Executive, or her designee, is hereby authorized and directed to submit the Monroe County Pre-Disaster Mitigation Plan to the New York State Emergency Management Office for review.

SECTION 3. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

ADOPTION: Date: November 3, 2004

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

Mayor
Village of Spencerport

S E A L

Village Clerk

Mayor Walker: The Village of Spencerport was presented a Certificate of Achievement Award at the last mayor's dinner. I would now like to present this to Clerk Gilbert for all her efforts as our coordinator.

Unfinished Business

Nothing requiring Board action.

New Business

Nothing requiring Board action.

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	\$82,504.37
Electric Fund	\$39,082.31
Sewer Fund	\$71,402.46
Trust Fund	\$327.31
TOTAL:	\$193,316.45

Voucher Nos. 570-693

Motion was made by Mayor Walker, seconded by Trustee Russell and carried unanimously that the cash disbursements for the General, Electric, Sewer, and Trust Funds, October 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 to Executive Session at 7:56 p.m.

Motion was made by Mayor Walker, seconded by Trustee Russell and carried unanimously that Executive Session be adjourned to the regular meeting at 8:43 p.m.

Motion was made by Mayor Walker, seconded by Trustee Peer and carried unanimously that the regular meeting be adjourned at 8:44 p.m.