

VILLAGE BOARD MEETING
July 13, 2005

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
John R. Marello, Trustee

BOARD MEMBERS ABSENT

Glenn C. Granger, Trustee

OTHERS PRESENT

Jacqueline Sullivan, Village Clerk
Thomas M. West, Superintendent of Public Works
Keith O'Toole, Village Attorney
John E. Linder, Superintendent of Electric

Joanne French, 25 Holly Circle
David R. Lynch, 11 Big Ridge Road
Joan Quigley, 151 Maplewood Avenue
Bill Barlow, Sr., 15 West Avenue

APPROVAL OF MINUTES

Motion was made by Mayor Walker, seconded by Trustee Marello and carried that the minutes of the year end meeting held May 31, 2005 be approved as read.

Motion was made by Mayor Walker, seconded by Trustee Russell and carried that the minutes of the regular meeting held June 1, 2005 be approved as read.

Motion was made by Mayor Walker, seconded by Trustee Russell and carried that the minutes of the meeting held on June 22, 2005 be approved as read

PUBLIC HEARING

Mayor Walker opened the Public Hearing on the Proposed Local Law 102/2005 at 7:02 p.m.

At this time Trustee Rauber gave a brief explanation on this Local Law.

Joan Quigley – Does this law pertain to garage/yard sale signs.

Mayor Walker and Trustee Rauber responded that there are provisions within the law regarding garage/yard sale signs, however they do not require a permit.

Joan Quigley continued that she finds the Sunkist Soda sign attached to the pillar in front of Cordello's Pizza, located in the Village Plaza, to be tacky and was inquiring as to whether the sign had been approved.

Trustee Rauber responded that the sign had not been approved.

Trustee Rauber continued by explaining that other business within the Village have been approached as to the placement of their signs.

Trustee Russell inquired as to whether the Village Board or office had received any written or verbal comments from merchants regarding the proposed sign law.

Trustee Rauber commented that this law is a working document and will be amended as needed.

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Joan Quigley inquired if sandwich signs are approved.

Trustee Rauber responded sandwich signs are permitted and provisions regarding sandwich signs are in this law.

Trustee Marello questioned if there are content restrictions pertaining to the signs, specifically telephone numbers being included on the sign.

Trustee Rauber stated that telephone numbers would be approved under the discretion of the Architectural Review Board.

Trustee Marello stated that he did not feel that the placement of a telephone number on a sign should be left to the discretion of the ARB. He continued that the law should either state that telephone numbers are allowed or prohibited.

Discussion ensued regarding the placement of telephone numbers on signs.

Mayor Walker closed the Public Hearing at 7:15 p.m.

Mayor Walker opened the Public Hearing on the Proposed Local Law 103/2005 at 7:16 p.m.

At this time Trustee Rauber gave a brief explanation of this Local Law.

Mayor Walker explained that this project was piloted in 2004 to assess how the sidewalk café would fare within the “main street” area of the village.

Joan Quigley asked if there were any complaints.

Mayor Walker responded no.

Joan Quigley inquired as to whether this law would pertain to the businesses in Village Woods Commons.

Trustee Rauber responded that this law only pertains to sidewalk cafes on public sidewalks. Village Woods Commons is privately owned.

David Lynch asked how this law will govern businesses that serve alcohol.

Mayor Walker responded that the Village of Spencerport does not have an open container law and that alcohol can not be consumed in a public area.

Trustee Marello inquired as to what areas are governed by the sidewalk café law.

Attorney O’Toole responded that a café can only be located in front of an existing business, located on a public sidewalk that serves food.

Trustee Rauber commented that Village Woods Commons is being governed by the ARB regarding outside dining. He continued that the ARB is working within the limits of the liquor authority as to whether outside seating should be approved.

Joanne French – How do Park Avenue establishments serve alcohol on the sidewalks?

Trustee Rauber – Possible City Ordinance.

Trustee Rauber continued that any business having a sidewalk café will be required to submit a certificate of insurance when filing their permit at the Village Office.

Trustee Russell questioned if this law allows businesses to sell merchandise.

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Attorney O'Toole responded that this law pertains to businesses that serve food.

Mayor Walker closed the Public Hearing at 7:26 p.m.

Mayor Walker opened the Public Hearing on the Proposed Local Law 104/2005 at 7:27 p.m.

At this time Mayor Walker gave a brief explanation of the Law. Mayor Walker continued that the law should be changed to "Trailer Ordinance".

David Lynch – Commented that he is relieved that the 10 foot set back is from the road, not from the side lot lines. He continued that this would be problem due to the size of the lots in the village.

Mayor Walker stated that this law will be tabled for a vote later due to inaccuracies in the legal notice submitted to the Suburban News. Mayor Walker continued that he wanted opened the public hearing to allow for discussion regarding the law.

Discussion ensued regarding the placement of trailers.

Joan Quigley asked if the 72 hours of habitation of a trailer could be raised to 1 week of habitation.

Mayor Walker stated that per this law habitation could only take place for 72 hours.

Joan Quigley responded that there are no local campgrounds.

Trustee Rauber responded that if you have a good relationship with your neighbors a once a year, week long visit should not be a problem. However if calls are being received by the Village office the law will have to be enforced.

Trustee Marelo commented that the law must be clear for the residents who do not have good relationships with their neighbors.

Mayor Walker commented that the reasons for these laws are for the 2% of the population that do not comply with the laws.

Joan Quigley inquired if the Village has received complaints regarding trailers.

Mayor Walker responded that the Village office has received complaints regarding trailers thus requiring the creation of this law. He continued that the purpose of this law is to create a compromise that residents are allowed one trailer. He stated that this law also pertains to work trailers and will be reviewed at the upcoming workshop meeting.

Bill Barlow – Does the law state one trailer per household? If I have a double house can I have 2 trailers?

Attorney O'Toole – The law states that one trailer per residential lot. Should a resident have 2 lots they would be allowed 2 trailers.

Discussion ensued clarifying the definition on one lot.

Mayor Walker closed the Public Hearing at 7:36 p.m.

PRIVILEGE OF FLOOR

Joanne French requested privilege of the floor to update the board on the status of a bike/walking trail project to connect local establishments throughout the Village of Spencerport. Joanne stated she has discussed this project with the Town of Ogden Open Space Committee and is forming a steering committee to develop this project further. Joanne has met with people from Victor and Webster as well as the Genesee Region Trail Coalition to discuss future plans for the trail project in Spencerport. She continued that the advice that she received is to gain the support of the Village and Town regarding this project, start small, and use global imaging to construct this trail system. The

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committee's ideas are to connect all of the schools and the village with a trail system. Joanne continued that she will be applying to Parks and Trails New York, Healthy Trails/Healthy People program to receive the manpower necessary to get this project off the ground.

Mayor Walker commented that the Village is currently studying the potential to expand East Avenue toward Lyell Avenue and possibly incorporating a bike trail provision in the project.

Trustee Rauber offered to Joanne the concept plan for the East Avenue extension to aid her in the trail system project.

Trustee Russell questioned if the committee was going to address how to control motorized vehicles on the trail system?

Joanne responded that motorized vehicles would be prohibited and policed by volunteers.

Mayor Walker thanked Joanne for attending the meeting.

Sewers Committee – Trustee Rauber, Chairman

Trustee Rauber stated that he did not have anything need board action at this time. Trustee Rauber continued that sewage treatment plant roof is in need of repair prior to the plant being taken off line. He continued that a bid package will be created for the roof replacement project and that asbestos removal will be part of the project.

Planning/Zoning/Building Control – Trustee Rauber, Chairman

A. Planning

Nothing requiring board action.

B. Zoning

Nothing requiring board action

C. Building Control

Nothing requiring board action

Trustee Rauber introduced Bill Barlow and commented that Mr. Barlow developed a pictorial documentary regarding drainage in our area. He continued that the planning board will use this information for future development within the Village.

Discussion ensued regarding Mr. Barlow's project.

D. Code Review

1. Local Law 102/2005 – “Sign Law”

RESOLUTION 20 7/2005

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 July 13, 2005

Introduced by: Mayor Walker
Seconded by: Trustee Mareello

**RESOLUTION ADOPTING LOCAL LAW 102/2005
“Sign Law”**

Copy Attached

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Vote of Board:	Theodore E. Rauber, Trustee	Aye
	John R. Mareello, Trustee	Aye
	Steven T. Russell, Trustee	Aye
	Theodore E. Walker, Mayor	Aye

2. SEQR – Local Law 102/2005 – “Sign Law”

RESOLUTION 21 7/2005

Introduced by: Trustee Rauber
Seconded by: Trustee Mareello

Copy Attached

3. Local Law 103/2005 – “Sidewalk Café Law”

RESOLUTION 22 7/2005

Introduced by: Trustee Rauber
Seconded by: Trustee Russell

**RESOLUTION ADOPTING LOCAL LAW 103/2005
“Sidewalk Café Law”**

Copy Attached

Vote of Board:	Theodore E. Rauber, Trustee	Aye
	John R. Mareello, Trustee	Aye
	Steven T. Russell, Trustee	Aye
	Theodore E. Walker, Mayor	Aye

RESOLUTION 23 7/2005

4. SEQR – Local Law 103/2005 – “Sidewalk Café Law”

Introduced by: Trustee Rauber
Seconded by: Trustee Mareello

Copy Attached

Vote of Board:	Theodore E. Rauber, Trustee	Aye
	John R. Mareello, Trustee	Aye
	Steven T. Russell, Trustee	Aye
	Theodore E. Walker, Mayor	Aye

E. Architectural Review

Finance Committee – Trustee Russell, Chairman

1. The board unanimously acknowledged the receipt of monthly-consolidated investment; HSBC Insured Municipal Money Market 2.78% (up .11).

2. The board unanimously acknowledged the receipt of the Village’s she of Mortgage Tax Distribution on money collected from October 1, 2004-March 31, 2005 in the amount of \$16,622.10. This down \$8,267.84 from last year.

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3. Resolution authorizing the Village Treasurer to perform the following budget amendment and transfers.

RESOLUTION 24/2005

Introduced by: Trustee Russell
Seconded by: Trustee Marelo

Resolved, that the Village Board hereby authorizes the Village Treasurer to perform the following budget amendment and transfers:

MRB Contract \$10,575, approved at the 6/22/05 meeting, transferred from General Fund Contingency A1990.4 to Account A5110.403 Paver 2005 Update.

Vote of the Board:	Theodore E. Rauber, Trustee	(excused from room prior to vote)
	Steven T. Russell, Trustee	Aye
	John R. Marelo, Trustee	Aye
	Theodore E. Walker, Mayor	Aye

4. Resolution authorizing the Village Treasurer to perform budget transfer requests for fiscal year end 2005

RESOLUTION 25/2005

Introduced by: Trustee Russell
Seconded by: Trustee Marelo

Resolved, that the Village Board hereby authorizes the Village Treasurer to perform the following budget amendment and transfers: Copy of transfer accounts attached.

Budget transfer requests for fiscal year end 2005 in the amount of \$42,345.

Vote of the Board:	Theodore E. Rauber, Trustee	Aye
	Steven T. Russell, Trustee	Aye
	John R. Marelo, Trustee	Aye
	Theodore E. Walker, Mayor	Aye

Facilities Committee – Trustee Russell, Chairman

A. Electric

1. Resolution – Use of IEEP Funds to complete South Union Street phase IV lighting Project.

RESOLUTION 26/2005

Introduced by: Trustee Russell
Seconded by: Trustee Marelo

Resolved, that the Board of Trustees of the Village of Spencerport hereby authorizes the use of IEEP funds to purchase materials for the South Union Street phase IV lighting project.

Trustee Russell asked Jack Linder the amount of the project.

Mr. Linder responded that the cost is approximate \$70,000. This would complete the lighting project from Brockport Spencerport Road South to Rt. 31 and from the Canal Bridge North to Canal Road. Mr. Linder added that while the Village is working on this lighting project the Town of Ogden will be adding fiber optic cable to the underground conduit.

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Trustee Russell asked the balance of the IEEP fund.

Mr. Linder responded that he did not know at this time.

Vote of the Board:	Theodore E. Rauber, Trustee	Aye
	Steven T. Russell, Trustee	Aye
	John R. Mareello, Trustee	Aye
	Theodore E. Walker, Mayor	Aye

2. Resolution - Authorizing the Village Treasurer to write-off electric accounts in the amount of \$415.43 for fiscal year end May 31, 2005.

RESOLUTION 27/2005

Introduced by: Trustee Russell

Seconded by: Trustee Mareello

Discussion ensued regarding the appearance of the new bills.

Trustee Mareello requested information as to why Alvin Bauer is on the write-off list when he has not owned the residence at 133 Canal Road in 3 years.

Resolved, that the Village Treasurer is hereby directed to write-off electric accounts in the amount of \$415.43 for the Village fiscal year ending May 31, 2005.

Vote of the Board:	Theodore E. Rauber, Trustee	Aye
	Steven T. Russell, Trustee	Aye
	John R. Mareello, Trustee	Aye
	Theodore E. Walker, Mayor	Aye

- B. Other (Drainage, Franchise)

Nothing requiring Board action.

Public Works Committee – Trustee Granger, Chairman

- A. Highways/Garage

Nothing requiring Board action.

- B. Public Services (Refuse, Recycling, Parks)

Nothing requiring Board action.

Public Safety Committee – Trustee Mareello, Chairman

- A. Fire Department

Nothing requiring Board action.

- B. Police

Nothing requiring Board action.

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Discussion ensued regarding skating boarding and garbage can fires at Merz Park.

Trustee Marelo commented about the excellent service he received from the Spencerport Volunteer Ambulance.

Mayor Walker requested that links to the Volunteer Fire Department and Ambulance should be added to the Village website.

Mayor Walker asked if there were any incidents during the Fireman's Carnival.

Trustee Marelo commented that there was one small altercation on the first night and that he felt that there were too many vendors.

Discussion ensued regarding peddling permits and the amount of vendors at the Carnival.

Mayor Walker inquired about the closing of the bridge during Canal Days celebration. He asked Trustee Marelo to inquire with the Chief Police as to the status of the bridge during Canal Days.

Human Resources Committee – Trustee Granger, Chairman

Mayor Walker stated that the Health Insurance Committee would be meeting July 26, 2005 to discuss future health care plans.

Economic Development Committee – Trustee Granger, Chairman

Mayor Walker stated that the Walking Tour plaques are up.

Village Administrator –

Position is currently vacant.

Village Clerk – Jacqueline Sullivan

1. Update on Financial Software.

Clerk Sullivan stated that the office staff is currently using the new Harris Software system and becoming familiar with the system. Overall the system is working well and the Village is receiving excellent support from Harris.

Trustee Russell inquired as to whether the Village would accept credit card and/or electronic payments in the future.

Mayor Walker stated that the Village will be looking into that process in the future.

Superintendent of Public Works – Thomas M. West

1. Resolution – Authorizing the reimbursement of Electric Class tuition to Greg Dorgan.

RESOLUTION 26/2005

Introduced by: Mayor Walker

Seconded by: Trustee Rauber

Resolved, that the Board of Trustees of the Village of Spencerport hereby authorizes the reimbursement of \$295 to Greg Dorgan for a completed electric training class. Copy of invoice is on file at the Village Office.

Trustee Russell asked if the Village will see a return on this investment, is there a need for Greg to be trained in electric.

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Tom West stated that yes there is a need for this training. He continued that all employees should be allowed to expand their education through training classes.

Trustee Marelo asked Greg's grade.

Tom West stated that the class was based on pass/fail only.

Discussion ensued regarding allowing staff to continue their education.

Vote of Board:	Theodore E. Rauber, Trustee	Aye
	Steven T. Russell, Trustee	Aye
	John R. Marelo, Trustee	Aye
	Theodore E. Walker, Mayor	Aye

Tom West continued to report that the scale of refuse truck 18 is not working and too costly to update the scale. Mr. West continued by stating that truck #18 is scheduled to be replaced in two years. At this time the Village can use truck 12 to weigh and remove commercial customers refuse.

Discussion ensued regarding the weighing of commercial refuse.

Tom West announced that the Village applied for a grant to pay 75% of the costs to replace the pump at the pump out station. The application has been received and we are waiting for approval.

Tom continued that smoke testing for the sewers will begin in August for approximately one week.

Tom reported that the fuel consumption system is approximately 90% installed with the remaining 10% being programming of the system for Village use.

Trustee Russell questioned who uses the gas pumps.

Tom replied that the Village, Fire, Police and Ambulance Department obtain their fuel at the Village Garage.

Discussion ensued regarding the reporting and tracking of each organization's fuel consumption.

Tom assured the Board that currently there is no misuse of this fuel station by any organization.

Tom stated that he and Jack Linder will be meeting with Bud Nichols regarding scheduling projects at the Trolley Station. He continued that all Village road projects are on budget and on time. 200 feet of sidewalks will be replaced on Coleman Avenue to aid with drainage. Coolidge, Barrett and Coleman Avenues will be top coated in August.

Trustee Russell asked if the sidewalk work is costing extra.

Tom responded that it will cost approximately \$5,700 and will be included in the contingency.

Tom commented that the creek on Village Walk Circle has been modified to allow for better drainage. He continued that 14 catch basins will be replaced throughout the Village Walk neighborhoods with repaving done in late August or early September.

Discussion ensued regarding the replacement schedule of roads and sidewalks throughout the village.

Superintendent of Electric – John E. Linder

Nothing requiring Board action.

Jack requested an executive session after the Board meeting adjourns.

Jack gave a brief overview of the status of the electric department.

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Mayor Walker inquired as to when the next scheduled outage will take place.

Jack responded that he is planning for August and is coordinating the teams to work on the repairs during the outage.

Jack stated that the electric car is working well.

Mayor Walker requested that Jack submit articles regarding the electric car and gator and inquired about the replacement of the light pole banners.

Jack will be following up on the status of the funding of the banners in coordination with the celebration committee.

Trustee Russell inquired about Jack's relationship with Mr. LoPresti?

Jack responded that the relationship is where it needs to be.

Attorney – Richard J. Olson

Keith O'Toole attended meeting for Richard Olson and had nothing to report.

Administration Committee – Mayor Walker, Chairman

1. Resolution – Authorizing Ad in 2006 Chamber Calendar

RESOLUTION 27/2005

Introduced by: Mayor Walker

Seconded by: Trustee Russell

Resolved, that the Village Board authorizes the Village Clerk to place an ad in the Year 2006 Chamber Calendar, cost of the ad not to exceed \$250.00.

Vote of Board:	Theodore E. Rauber, Trustee	Aye
	Steven T. Russell, Trustee	Aye
	John R. Marello, Trustee	Aye
	Theodore E. Walker, Mayor	Aye

2. Resolution – Canal Days - Street Closing

RESOLUTION 28/2005

Introduced by: Mayor Walker

Seconded by: Trustee Rauber

Resolved, that the Village Board hereby authorizes the restriction of traffic on S. Union Street between West Avenue and Amity Street on July 30-31, 2005 between the hours of 7:30 AM and 7:30 PM to accommodate the Annual Canal Days festivities, such restrictions excepting emergency vehicles.

Vote of Board:	Theodore E. Rauber, Trustee	Aye
	Steven T. Russell, Trustee	Aye
	John R. Marello, Trustee	Aye
	Theodore E. Walker, Mayor	Aye

3. Resolution – Spencerport Firemen's Association - 2005 Red Onions Drill Team Tournament

RESOLUTION 29/2005

Introduced by: Mayor Walker

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Seconded by: Trustee Rauber

Resolved, that the application of Spencerport Volunteer Fireman's Association to conduct its annual Red Onion Tournament on August, 6, 2005 at 1:00 p.m. be hereby approved with the following safety stipulations:

1. Placement of snow fence to be placed 10 feet from guardrails.
2. Hazard cones to be placed up to 75 feet east from the arch.
3. **NO ONE** on the track between the guardrails during any motorized events.
4. **NO ONE** to cross road during any motorized events and placement of a person is required to monitor at the arch area.

Discussion ensued regarding track safety.

Vote of Board:	Theodore E. Rauber, Trustee	Aye
	Steven T. Russell, Trustee	Aye
	John R. Mareello, Trustee	Aye
	Theodore E. Walker, Mayor	Aye

4. Resolution – Approve \$1,000 donation to the 2005 Canal Days Committee

RESOLUTION 30/2005

Resolved, that the Village Board hereby authorizes Treasurer Harissis to release funds in the amount of \$1,000 in support of the Annual Canal Days.

Vote of Board:	Theodore E. Rauber, Trustee	Aye
	Steven T. Russell, Trustee	Aye
	John R. Mareello, Trustee	Aye
	Theodore E. Walker, Mayor	Aye

5. Resolution – Approve the rehire of Pamela Gilbert as part-time employee.

RESOLUTION 31/2005

Resolved, that the Board of Trustees of the Village of Spencerport hereby authorizes the hiring of Pamela Gilbert part-time for 1 year. This hiring is to aid in the training of the current Village Clerk as needed. Pamela Gilbert's hourly rate is being set at \$22.00 per hour.

Trustee Mareello inquired as to how the hourly rate was arrived at.

Mayor Walker stated that \$22 per hour was Mrs. Gilbert's hourly rate when she resigned. Mayor Walker continued that he felt that it was only fair that Mrs. Gilbert be paid for helping in the training of Jackie.

Vote of Board:	Theodore E. Rauber, Trustee	Aye
	Steven T. Russell, Trustee	Aye
	John R. Mareello, Trustee	Aye
	Theodore E. Walker, Mayor	Aye

Unfinished Business

Nothing requiring Board action.

Mayor Walker read a letter from a resident regarding their displeasure with the increase in their tax bill. Mayor Walker continued by reading another letter from a resident commending our Village DPW staff. He announced the ribbon cutting ceremony for Expressions of Dance by Lisa next Tuesday 7/19 and that all are welcome to attend, reviewed the Canal Conference Meeting and literature that was received. He continued by reminding the Board of the Public Hearing regarding the Village Pines Development and the sewer system permit process.

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Trustee Rauber stated that the bid opening for the waterfront development will be at 4:00 pm on 7/15.

Jack Linder stated that the bid opening for the street lighting project will be at 11:00 am on 7/15.

New Business

Trustee Rauber stated that the Lions, Rotary and Kiwanis are working on a co-project. The organizations will be pooling their revenues from the Canal Days event to fund a community project. At this time the organizations are looking for project suggestions.

Mayor Walker added that if anyone has project suggestions to email them to him.

Trustee Rauber asked Tom West to attend a meeting on 7/15 with the Water Authority regarding the water concept for new developments throughout the Village.

Trustee Rauber asked the Board to consider sending Carol Coburn to a seminar in Pittsburg, PA. Trustee Rauber continued that further discussion of this matter can be done at July's workshop meeting.

Mayor Walker asked for volunteers from the Board for the Town of Ogden Open Space Committee.

Trustee Marelo stated he would check his schedule.

Bills

Trustee Russell questioned why the Village still orders premium fuel.

Tom West replied that the equipment operates better with premium fuel.

Motion was made by Trustee Russell, seconded by Trustee Marelo and carried unanimously that the monthly bills be paid.

General Fund	\$42,274.09
Electric Fund	\$34,248.95
Sewer Fund	\$31,011.97
Trust Fund	\$0
Capital Fund	\$391,528.61
TOTAL:	\$499,063.62

Adjournment

Motion was made by Mayor Walker, seconded by Trustee Russell and carried unanimously that the regular meeting be adjourned to executive session at 9:30 p.m.