

VILLAGE BOARD MEETING
May 3, 2006

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

Richard J. Olson, Village Attorney
Jacqueline Sullivan, Village Clerk
Thomas M. West, Superintendent of Public Works

Dan Schum, Esq.
Russ Hurlbut, 1st Congressional Church
Joan Quigley

APPROVAL OF MINUTES

Motion was made by Trustee Russell, seconded by Trustee Marello and carried that the minutes of the regular meeting held April 4, 2006 be approved as read.

PRIVILEGE OF FLOOR

Dan Schum, Esq. attorney for the Town of Ogden addressed the board regarding a meeting that was conducted with Mayor Walker and Trustee Rauber and members of the Ogden Town Board including Mr. Schum regarding three specific areas in the town that due to their failing septic systems would be considered to connect to the village sewer system. The areas include seven houses on the north side of Spencerport road between Glenn Haven Drive and the Village line; west side of Rt. 259 south of Rt. 31 North of the expressway; west side of Rt. 259 between Pineway Ponds Park and the village line.

Mr. Schum requested that the board consider establishing a policy regarding the above mentioned areas to allow them to attach to the village sewer system with the area on Spencerport Road needing immediate attention. Mr. Schum stated that the town would like to have an informational meeting with these residents, on Spencerport Road, regarding establishing a sewer district. Mr. Schum requested that the board consider a reduced entrance fee and one application fee for the district, the annual treatment and tap fee would remain consistent with current village fees.

Discussion ensued regarding fees and town and village sewer system.

Trustee Russell questioned if the Monroe County health department report is available for the Spencerport Road houses.

Mr. Schum responded that Monroe County will be dye testing all of the homes in the next few weeks.

Trustee Russell questioned the impact of these failing septic systems on the adjacent property and developer.

Mr. Schum stated that the developer is concerned regarding the septic system problems and will install the mainline and dedicate the line to the sewer district and the sewer district will reimburse the developer for the improvements.

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Trustee Russell questioned the approximate cost to the resident for upgrades to their septic system to attach to the municipal sewer system.

Mr. Schum responded that the approximate cost of a plumber would be \$750.

Trustee Marelo questioned the possibility of the other homes on Spencerport Road connecting to the municipal sewer system.

Mr. Schum stated that those homes would be able to attach to the town's sewer system.

Discussion ensued regarding sewer systems and future plans.

Russ Hurlbut of the historic White Church requested permission to play bell chimes for various occasions at the church. Mr. Hurlbut explained that the church had a chime system in the past but the chimes had failed. The church is currently testing a new system, prior to buying the system they wanted to confirm with the Village Board that permission would be granted for playing of the chimes.

Mayor Walker stated that Jack Crooks, Building Inspector, submitted a letter regarding the chimes and that the village noise ordinance would allow the playing of the chimes as long as volume is not an issue.

Trustee Rauber stated that during the testing period monitor residents' complaints regarding volume.

Sewers Committee – Trustee Rauber, Chairman

1. March 2005 Sewer Flow Report.

Trustee Rauber reported that he did not have a flow report for April.

Trustee Rauber requested the Sewer Committee to convene during work session.

Trustee Rauber requested Attorney Richard Olson to comment on the resolution.

Attorney Olson explained the Negative Declaration and confirmed that the WWTP project does not negatively impact the environment.

1. Negative Declaration SEQR Resolution for WWTP Project

RESOLUTION 112 5/2006

Introduced by: Trustee Rauber

Seconded by: Trustee Russell

**RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF SPENCERPORT
SEQR NEGATIVE DECLARATION**

**MONROE COUNTY REGIONAL SEWERAGE PLAN
PHASE 1 SPENCERPORT PUMP STATION AND FORCE MAIN**

WHEREAS, The Village of Spencerport intends to construct a regional duplex sewage pump station and 5.5 miles of force main, which will serve the Village of Spencerport, a portion of the Town of Ogden.

This regional pump station will be constructed at the existing Village of Spencerport WWTP site on Village property. The proposed force main will be installed along an existing Monroe County Right of Way (an existing abandoned Trolley line). This force main will cross Gillett, Manitou, Elmgrove, and Long pond Roads in the Town of Ogden, Greece, and Gates.

Also as part of this project, a portion of the Village collection system will be reconstructed and,

WHEREAS, the Village of Spencerport, Board of Trustees has determined that this is a Type 1 Action under the State Environmental Quality Review (SEQR) therefore requiring a coordinated review and,

WHEREAS, the Village of Spencerport, Board of Trustees declared its intent to be lead agency for the **Monroe County Regional Sewerage Plan, Phase 1 - Spencerport Pump Station and Force main** project and,

WHEREAS, the Board of Trustees of the Village of Spencerport, Monroe County, New York, directed, the Village of Spencerport Clerk to perform a coordinated SEQR reviews and requested a formal response from all Involved Agencies by 4:00 p.m. on Friday, March 17, 2006 and,

WHEREAS, there was no objection by any Involved Agency by said date and,

WHEREAS, On April 5, 2006 the Village Board declared themselves Lead Agency for the purposes of SEQRA review concerning the **Monroe County Regional Sewerage Plan, Phase 1 Spencerport Pump Station and Force main** project and all actions related thereto and,

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Village of Spencerport, Monroe County, New York, as follows:

1. Based upon its review and consideration of the environmental record including a Full Environmental Assessment Form (EAF) under the State Environmental Quality Review (SEQRA) and other necessary criteria, the Village Board of Trustees hereby finds that (a) the proposed Project constitutes an "Type 1 Action" under SEQRA and that (b) the object of the above-referenced Action will result in no major adverse impacts and, therefore, is not an Action which "may have a significant effect on the environment" and that since said Action will not have a "significant effect on the environment", no "environmental impact statement" need be prepared, as such quoted terms are defined in the applicable SEQRA Regulations.
2. By reason of the foregoing, the Village Board hereby authorizes and directs the Village Mayor to execute and file a Negative Declaration in the form attached hereto and to sign and date the Full Environmental Assessment Form (EAF) submitted by the Project Engineer, confirming that the Project and all actions related thereto will not have a significant impact on the environment.
3. The Village Board hereby authorizes and directs the Village Mayor and the Village Clerk to forward copies of this Resolution and the Negative Declaration to the appropriate agency.
4. The Village Clerk is hereby directed to maintain for public inspection a file containing a copy of this Resolution, the Negative Declaration and all submissions to date concerning the Environmental Review of this Project and all Actions related thereto.
5. This Resolution shall take effect immediately.

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

2. Resolution to approve additional surveying for WWTP project.

RESOLUTION 113 5/2006

Introduced by: Trustee Rauber

Seconded by: Trustee Mareello

Resolved, that the Board of Trustees of the Village of Spencerport hereby authorizes \$28,000 to be spent for additional surveying of the land associated with the WWTP off line project.

Vote of Board:	Theodore E. Rauber, Trustee	Aye
	Steven T. Russell, Trustee	Aye

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Glenn C. Granger, Trustee	Absent
John R. Marelo, Trustee	Aye
Theodore E. Walker, Mayor	Aye

Mayor Walker commented on the meetings taking place with MRB Group, MCPW and the Village regarding the WWTP project. Progress continues developing the overall project.

Planning/Zoning/Building Control – Trustee Rauber, Chairman

A. Planning

Nothing requiring Board action. Trustee Rauber stated work continues on the Gollel project and an application for subdivision of a lot located on the NW corner of Union Street was tabled.

Trustee Marelo questioned the status of the Hogan Development.

Trustee Rauber responded that phase 1 has been approved and should start soon.

B. Zoning

Nothing requiring Board action.

C. Building Control

Nothing requiring Board action.

D. Code Review

Nothing requiring Board action.

E. Architectural Review

Nothing requiring Board action. Trustee Rauber commented that approval was granted for the plaza façade upgrade; Eddy's restaurant application was denied due to nonconformity; Canal Port sign will be erected on the Merz Park side of the canal.

Finance Committee – Trustee Russell, Chairman

The Board unanimously acknowledges receipt of monthly investment of consolidated Village funds, Insured Municipal Money Market, HSBC, 4.26%. It is up .16% from prior month.

Facilities Committee – Trustee Russell, Chairman

A. Electric

Nothing requiring Board action. Trustee Russell commented on the IEEP report stating that all participating municipalities received a savings of \$14 million. Trustee Russell noted Spencerport's savings and benefits.

B. Other (Drainage, Franchise)

Nothing requiring Board action.

Public Works Committee – Trustee Granger, Chairman

A. Highways/Garage

1. Resolution to approve borrowing for various vehicles.

RESOLUTION 114 5/2006

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Introduced by: Mayor Walker
Seconded by: Trustee Marelo

A RESOLUTION AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, 2006 EQUIPMENT PURCHASES FOR THE VILLAGE OF SPENCERPORT, MONROE COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$255,000 AND AUTHORIZING THE ISSUANCE OF \$255,000 BONDS OF SAID VILLAGE TO PAY THE COST THEREOF.

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Board of Trustees of the Village of Spencerport, Monroe County, New York, as follows:

Section 1. 2006 equipment purchases, for the Village of Spencerport, Monroe County, New York, is hereby authorized, **SUBJECT TO PERMISSIVE REFERENDUM**, at a maximum estimated cost of \$255,000. Such purchases shall be allocated as follows: \$165,000 for a new street sweeper and \$90,000 for dump trucks, the cost of which shall not exceed \$45,000 each.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$255,000 bonds of said Village, hereby authorized, **SUBJECT TO PERMISSIVE REFERENDUM**, to be issued there for pursuant to the provisions of the Local Finance Law, to be allocated as set forth in Section 1 above.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen years, pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Village of Spencerport, Monroe County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Village, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Village Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Village Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Village Treasurer, the chief fiscal officer of such Village. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Village Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably

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expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. Upon this resolution taking effect, the same shall be published in full or in summary form in the ***Suburban News***, which is hereby designated as the official newspaper of said Village for such purpose, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. **THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.**

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Trustee Rauber VOTING Aye
Trustee Granger VOTING Absent
Trustee Russell VOTING Aye
Trustee Marelo VOTING Aye
Mayor Walker VOTING Aye

The resolution was thereupon declared duly adopted.

B. Public Services (Refuse, Recycling, Parks)

Nothing requiring Board action.

Public Safety Committee – Trustee Marelo, Chairman

A. Fire Department

Nothing requiring Board action. Trustee Marelo commented that he continues to meet monthly with fire department.

B. Police

Nothing requiring Board action. Trustee Marelo commented that he continues to meet with the chief of police weekly.

Human Resources Committee – Trustee Granger, Chairman

Nothing requiring Board action. Mayor Walker commented that the handbook revisions will be reviewed at the May workshop meeting.

Economic Development Committee – Trustee Granger, Chairman

Nothing requiring Board action. Mayor Walker requested a status report of the banner committee.

Clerk Sullivan responded that the banner committee will be meeting on May 16th and should be able to decide on a design and order the banners.

Clerk Sullivan commented that all bands have been booked and concerts will start in June.

Village Administrator

Position is currently vacant.

Village Clerk – Jacqueline Sullivan

1. Resolution to approve Memorial Day Parade

RESOLUTION 115 5/2006

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Introduced by: Mayor Walker
Seconded by: Trustee Rauber

Resolved, that the Board of Trustees of the Village of Spencerport hereby approves the annual Memorial Day Parade on Monday, May 29, 2006 at 9:00 a.m.

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

2. Resolution to approve unpaid refuse accounts to be added to residents 2006 tax bill.

RESOLUTION 116 5/2006

Introduced by: Mayor Walker
Seconded by: Trustee Russell

Resolved, that unpaid refuse accounts in the amounts of:

Michael Brado	67 Parkhurst Drive	087.17-5-7	\$ 110.70
Richard Diehl	122 S. Union Street	087.09-11-8	\$ 76.13
Cynthia Dodge	109 Lyell Avenue	087.13-6-4	\$ 43.90
Katy Jividen	66 Nichols Street	086.20-3-15	\$ 634.08
Jim & Kathy Stewey	94 S. Union Street	087.09-11-4	<u>\$1,398.06</u>
	TOTAL		\$2,262.87

be, and are hereby certified by the Board of Trustees and,

Further Resolved, that such amounts hereby constitute a lien on the subject property and shall be relieved on June, 2006 Village tax bill.

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

3. Resolution to approve 2006 Tax Levy

RESOLUTION 117 5/2006

Introduced by: Mayor Walker
Seconded by: Trustee Russell

A resolution levying the total taxes and other charges extended and levied against each parcel of real property shown on the roll prepared and verified by the assessor for the 2006/2007 fiscal year.

RESOLVED, that there be levied and assessed against the real property of the Village of Spencerport the following sums for Village government and other charges for the fiscal year 2006/2007 with a tax rate of \$3.30 per thousand assessed valuation – General Fund tax levy and \$270.00 per unit – Sewer User Fee.

TAX RATE CALCULATION

<u>General Fund Tax Levy X \$ 1000</u>	<u>\$548,131.97</u>
Assessed Valuation	\$166,100,597
General Fund Tax Levy	\$548,131.97

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Prior Years' Taxes	\$1036.27
Delinquent Refuse	\$2,262.87
Recycling User Fee	\$43,380.00

GENERAL FUND TOTAL LEVY: \$594,811.11

1685.00 Sewer Units X \$270.00 \$454,950.00

Sewer User Fee Levy	\$454,950.00
Prior Years' Taxes	\$615.83
Sewer User Fee (Churches)	\$250.00

SEWER FUND TOTAL LEVY: \$455,815.83

TOTAL LEVY: \$1,050,626.94

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

Clerk Sullivan commented on the following:

Harris Conference was very informative
United Way Campaign is over and \$2,815 approximately 15% above 2005.
April 19th meeting with Carmella Mantello from the Canal Corp. Ms. Mantello was impressed and pleased with the condition of our village.
Year end meeting Wednesday, May 31, 2006 at 5:30 p.m.
Paperwork has been completed for possible funding for the recycling truck for the 2007-2008 budget years.

1. Resolution to approve purchase of fiber optic cable.

RESOLUTION 118 5/2005

Introduced by: Mayor Walker
Seconded by: Trustee Rauber

Resolved, that the Board of Trustees of the Village of Spencerport hereby authorizes the purchase of fiber optic cable not to exceed \$5,000.

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

Superintendent of Public Works – Thomas M. West

Superintendent West updated the board on the following:

VOS has received new dump truck until #6.
Camber of Commerce will be contributing \$2000 toward the renovation of the alley between the Galley Restaurant and Gary Inzana's property.

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Roads projects are starting.

Storm water grants committee is actively pursuing funding for the upcoming year. In 2005 \$300,000 was received and \$494,000 will be received in 2006 and an additional \$300,000 in 2008 . A local Girl Scout troop will be monitoring the streams in Spencerport.

Day of Caring was very successful about 80 people. Harry Writer from Monroe County was amazed by the number of participants.

Sidewalk by Galley Restaurant is being replaced.

Superintendent of Electric – John E. Linder - Absent

Attorney – Richard J. Olson

Attorney Olson requested executive session to discuss legal matters.

Administration Committee – Mayor Walker, Chairman

Unfinished Business

New Business

Bills

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

General Fund	\$111,845.29
Electric Fund	\$ 95,936.33
Sewer Fund	\$ 46,188.90
Trust Fund	\$0
Capital Fund	<u>\$ 21,938.25</u>
TOTAL:	\$275,908.77

Motion was made by Mayor Walker, seconded by Trustee Rauber and carried unanimously that the cash disbursements for the General, Electric, Sewer, and Trust Funds, April 2005 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 8:37 p.m. and moved into executive session.

Motion was made by Mayor Walker, seconded by Trustee Rauber and carried unanimously that the executive session be adjourned at 8:53 and moved into workshop session.