

**VILLAGE BOARD MEETING
November 1, 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
Steven T. Russell, Trustee
Glenn C. Granger, Trustee
John R. Marello, Trustee

BOARD MEMBERS ABSENT

OTHERS PRESENT

Jack Linder, Superintendent of Electric Department
Tom West, Superintendent of DPW
Dick Olson, Esq.
David Gibbardo, 110 Ogden Center Road
(3) Participation in government students
Joan Quigley

APPROVAL OF MINUTES

Minutes from the October 4, 2006 board meeting were approved as read by Trustee Russell, seconded by Trustee Rauber. Trustee Granger abstained. Minutes from the October 18, 2006 meeting were approved as read by Trustee Russell, seconded by Trustee Rauber. Trustee Granger and Marello abstained.

PUBLIC HEARING – Local 3/2006 Recreation Fee

Mayor Walker opened the public hearing at 7:03 p.m.

Trustee Rauber explained the intent of Local Law 3/2006 Recreation Fee.

Trustee Granger questioned how this fee would affect current development projects.

Trustee Rauber stated that current development project would be assessed based on the point of completion of homes.

Trustee Granger stated that he is against any Village money going to the town of Ogden. Trustee Granger continued that he does not feel that the Village is getting full value for the taxes that are paid to the Town. Trustee Granger also stated that he does not feel it is fair to charge a fee to development that has already started.

There being no other comments Mayor Walker closed the public hearing at 7:08 p.m.

PRIVILEGE OF FLOOR

Sewers Committee – Trustee Rauber, Chairman

Trustee Rauber stated that he did not have a monthly flow report.

Trustee Rauber stated that progress continues toward taking the WWTP off line in 2008. Bids will be received early 2007 regarding the dual boars under the Erie Canal for this project.

Mayor Walker commented that the Town of Ogden was considering becoming part of this project however decided that it was not feasible at this time.

Trustee Rauber stated that the village has met with Morgan Management regarding drainage in the village plaza.

Planning/Zoning/Building Control – Trustee Rauber, Chairman

A. Planning

Nothing requiring board action.

B. Zoning

Nothing requiring board action. A six (6) foot fence was approved on Maplewood Avenue.

C. Building Control

Nothing requiring board action.

D. Code Review

Nothing requiring board action.

E. Architectural Review

Nothing requiring board action.

Finance Committee – Trustee Russell, Chairman

The Board unanimously acknowledges receipt of monthly investment of consolidated Village funds, Insured Municipal Money Market, HSBC, 4.96% (up .22%)

Facilities Committee – Trustee Russell, Chairman

A. Electric

Nothing requiring board action. Trustee Russell commented that the IEEP is continuing the appliance rebate program. Trustee Russell made additional comments regarding the IEEP and what projects it funds.

B. Other (Drainage, Franchise)

Nothing requiring board action. Trustee Russell commented that the Town of Ogden has only budgeted funds for town wide drainage. Nothing has been budgeted for town drainage that would help Village drainage.

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 Marello, Chairman

A. Fire Department

Nothing requiring board action. The fire department has moved their fire trucks from the electric department's storage building to the garage located at the Frontier Communications site.

B. Police

Nothing requiring board action. Trustee Marello commented that he has noticed that the vandalism has decreased to some extent. However, Trustee Russell commented that vandalism continues.

Mayor Walker commented that lights have been installed at the Mertz Pavilion and progress continues regarding the no parking on Canal Street.

Trustee Russell commented that the Town of Ogden has a healthy amount of money budgeted for law enforcement.

Human Resources Committee – Trustee Granger, Chairman

Nothing requiring board action.

Economic Development Committee – Trustee Granger, Chairman

Nothing requiring board action.

Village Administrator

Position is currently vacant.

Village Clerk – Jacqueline Sullivan

Clerk Sullivan commented that she had attended the NYCOM conference in October.

General Village Election, Tuesday, March 20, 2007

RESOLUTION 44 11/2006

Introduced by: Mayor Walker

Seconded by: Trustee Russell

Whereas, Section 15-104, Subsection 3 of the Election Law requires the adoption of a resolution prior to every general Village election designating the items as set forth in this resolution,

Now, Therefore, Be It Resolved:

The place of holding the general Village election in the Village of Spencerport, County of Monroe, State of New York, shall be at the United Methodist Church, 32 Amity Street, Spencerport, New York.

The hours of opening and closing the polls shall be the hours from 12:00 Noon until 9:00 PM on the 20th day of March 2007.

Vote of the Board:

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| Theodore E. Rauber, Trustee | Aye |
| Steven T. Russell, Trustee | Aye |
| Glenn C. Granger, Trustee | Aye |

John R. Marelo, Trustee Aye
Theodore E. Walker, Mayor Aye

1. Resolution to advertise for 2007 Village Elections

RESOLUTION NO 45 11/2006

Introduced by: Mayor Walker
Seconded by: Trustee Russell

Resolved, that the Board of Trustees of the Village of Spencerport hereby authorizes the advertising of the legal notice informing the public of vacant offices to be filled by the Village election to be held March 20, 2007

Trustee (2) – 4 year term

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

1. Resolution for employees to attend NYCOM Conference

RESOLUTION NO 46 11/2006

Introduced by: Mayor Walker
Seconded by: Trustee Russell

Resolved, that the Board of Trustees of the Village of Spencerport hereby authorizes any staff, municipal or support board member to attend the NYCOM Community Development Workshop Thursday, November 9, 2006 in Buffalo, NY

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

Superintendent of Public Works – Thomas M. West

Superintendent West updated the board on the following:

- WWTP fence has been cleared.
- Water service to be installed at Trolley Building.
- Swarthout's easement has been signed.
- Leaf pick up continues.
- Electric Department pick-up truck has been retired; back hoe, loader and leafer broke down and are now fixed.
- Evergreen road work and drainage work continues.
- Make a Difference Day was a huge success and special thanks to Donna Stassen and Pat Chapman for all of their efforts.
- Storm Water Coalition will be collecting fees for upcoming projects from communities that have sewers to continue operating.

Mayor Walker commented on Nate Johnson's outstanding performance with the volunteers for Make a Difference Day.

Superintendent of Electric – John E. Linder

Superintendent Linder updated the board on the following:

- Attended NYMPA meeting.
- Shut down at Hickory Hollow done and was a success.
- Crews went to Akron for mutual aid for the snow storm.
- Recent storm caused some damage but significant power was not lost.

Attorney – Richard J. Olson

Nothing requiring board action. Attorney Olson requested executive session to discuss legal issues.

Administration Committee – Mayor Walker, Chairman

1. SEQR RESOLUTION

RESOLUTION 47 11/2006

Introduced by: Mayor Walker
Seconded by: Trustee Russell

SEQR status for adoption of Introductory Local Law #_3_ of 2006 to amend Chapter 140 of the Code of the Village of Spencerport entitled "Zoning Ordinance of the Village of Spencerport" which would establish a recreation fee on a per unit basis.

BE IT RESOLVED, that the Town Board classifies the adoption of Introductory Local Law #_3_ of 2006 to be a Type II Action under Section 617.5(c)(20) of the SEQR regulations; and be it further

RESOLVED, that a Type II classification concludes the Town Board's obligations under SEQR.

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

2. Local Law 3/2006 Resolution

RESOLUTION 48 11/2006

Introduced by: Mayor Walker
Seconded by: Trustee Rauber

Adoption of Introductory Local Law #_3_ of 2006 to amend Chapter 140 of the Code of the Village of Spencerport entitled "Zoning Ordinance of the Village of Spencerport" which would establish a recreation fee on a per unit basis.

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WHEREAS, Introductory Local Law #_3_ of 2006 to amend Chapter 140 of the Code of the Village of Spencerport entitled "Zoning Ordinance of the Village of Spencerport" which would establish a recreation

WHEREAS, at a meeting of the Village Board of Trustees held at the Village Hall in the Village of Spencerport, New York on November 1, 2006, a public hearing was held at 7:00 p.m. to consider adoption of Introductory Local Law #_3_ of 2006 to amend Chapter 140 of the Code of the Village of Spencerport entitled "Zoning Ordinance of the Village of Spencerport" which would establish a recreation fee on a per unit basis.

NOW THEREFORE, Local Law #_3_ of 2006 is hereby enacted by the Village Board of Trustees of the Village of Spencerport.

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| Vote of the Board: | Theodore E. Rauber, Trustee | Aye |
| | Steven T. Russell, Trustee | Aye |
| | Glenn C. Granger, Trustee | Nay, vehemently |
| | John R. Marello, Trustee | Nay |
| | Theodore E. Walker, Mayor | Aye |

3. Resolution to continue to retain Pete Skivington regarding the Monroe County sales tax law suit.

RESOLUTION 49 11/2006

Introduced by: Mayor Walker
Seconded by: Trustee Granger

Resolved, the Village Board authorizes retaining attorney Pete Skivington at a rate of \$175 to represent the interest of the Village of Spencerport regarding Monroe County v City of Rochester, et al (Lawsuit regarding Sales Tax and Intercept Program). The Village of Spencerport will share above hourly rate equally among 9 additional villages.

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

4. Resolution to approve Village Tax Surrender

RESOLUTION 50 11/2006

Introduced by: Mayor Walker
Seconded by: Trustee Russell

Resolved, that the Village Board of Trustees hereby certifies that the 2006/2007 Village Tax Surrender in the amount of \$44,426.19.

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

5. Resolution to approve draw statement #3 for Erie View Landing Section 1

RESOLUTION NO 51 11/2006

Introduced by: Mayor Walker
Seconded by: Trustee Marello

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Resolved, that the Board of Trustees of the Village of Spencerport hereby authorizes draw statement #3 for the Erie View Landing Section 1 letter of credit in the amount of \$50,009.71. This approval is contingent on said letter of credit being approved by the Planning Board Chair, Village Engineer, Building Inspector, Superintendent of Public Works and Village Clerk.

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

Mayor Walker commented on the following items

- Attendance at the medication disbursement workshop with the Town of Ogden.
- Attended the school board recognition program.
- Cornstalks on the light pole throughout the business district were proved by Spencerport Insurance and Colby Farms.
- Attended Village of Churchville's future plan meeting.
- Acknowledged thank you letter that was received regarding making the canal path and bridge handicap accessible.
- Community chorus presentation.
- Ogden Presbyterian Church has a new pastor.
- Will be attending Eagle Scout ceremonies on 11/25/2006.
- Reminded board of Garden Club House Tour on December 3, 2006.

Unfinished Business

New Business

Bills

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

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|---------------|---------------------|
| General Fund | \$109,321.18 |
| Electric Fund | \$ 74,534.39 |
| Sewer Fund | \$ 50,390.87 |
| Trust Fund | \$ 0 |
| Capital Fund | <u>\$ 25,234.80</u> |
| TOTAL: | \$259,481.24 |

Motion was made by Mayor Walker, seconded by Trustee Granger and carried unanimously that the cash disbursements for the General, Electric, Sewer, and Trust Funds, October 2006 be approved as audited.

Adjournment

Motion was made by Mayor Walker, seconded by Trustee Granger and carried unanimously that the regular meeting be adjourned at 8:15 p.m. and moved into executive session to discuss legal issues.

Motion was made by Mayor Walker, seconded by Trustee Rauber and carried unanimously that the executive session be adjourned and moved into regular session at 9:15 p.m.

Motion was made by Mayor Walker, seconded by Trustee Rauber and carried unanimously that the regular session be adjourned at 9:15 p.m.