

## **VILLAGE BOARD WORKSHOP MEETING**

**March 21, 2007**

**CALL TO ORDER:** 5:30 p.m.

The purpose of this meeting was to conduct any business brought before the Village Board as deemed necessary.

### **BOARD MEMBERS PRESENT**

Theodore Walker, Mayor  
Theodore E. Rauber, Trustee  
Steven T. Russell, Trustee  
Glenn C. Granger, Trustee  
John R. Marello, Trustee

### **BOARD MEMBERS ABSENT**

### **Others Present**

Richard Olson, Esq. Village Attorney  
Tom Pavone, MRB Group  
Jeff Kosmala, MRB Group  
Tom West, DPW Superintendent  
Kevin Kelly, Code Enforcement Officer

### **Building Inspections/Fire Marshal/Code Enforcement**

Kevin Kelly submitted monthly report.

### **Attorney**

Richard Olson, Esq., submitted his monthly report and requested the board to enter into executive session to discuss litigation issues.

Motion was made by Mayor Walker, seconded by Trustee Rauber and carried unanimously that the meeting be adjourned to executive session at 6:00 p.m.

Motion was made by Mayor Walker, seconded by Trustee Rauber and carried unanimously that the meeting be adjourned to workshop session at 7:00 p.m.

### **Engineer (s)**

Tom Pavone and Jeff Kosmala submitted the monthly engineering report.

The following items were highlighted:

- 2006 Sanitary sewer relining
- Sanitary sewer I&I study
- Village zoning map
- Village development regulations
- Storm sewer mapping update
- Davison property, Hogan Development and Gollel Development
- Trolley building
- WWTP Project
- East Avenue Study

### **General**

The following official action took place:

1. Resolution to award 2007 Sanitary Sewer Relining Bid.

**RESOLUTION NO 111 3/2007**

Introduced by: Mayor Walker

Seconded by: Trustee Rauber

Resolved, that the Board of Trustees of the Village of Spencerport hereby awards the 2007 Sanitary Sewer Relining to Skanex Pipe Services Inc., of Victor, NY in the amount of \$81,270.00 and authorizes the Mayor to sign the contract and any amendments necessary to complete the project within the total budgeted appropriation.

Two bids were received for this project.

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

2. Resolution to advertise for Pump Station General Contracting bids.

**RESOLUTION NO 112 3/2007**

Introduced by: Mayor Walker

Seconded by: Trustee Mareello

Resolved, that the Board of Trustees of the Village of Spencerport hereby approves advertising for Pump Station General Contracting bids

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

3. Resolution to advertise for Pump Station HVAC bids.

**RESOLUTION NO 113 3/2007**

Introduced by: Mayor Walker

Seconded by: Trustee Mareello

Resolved, that the Board of Trustees of the Village of Spencerport hereby approves advertising for Pump Station HVAC bids.

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

4. Resolution to advertise for Pump Station Electrical bids.

**RESOLUTION NO 114 3/2007**

Introduced by: Mayor Walker  
Seconded by: Trustee Marello

Resolved, that the Board of Trustees of the Village of Spencerport hereby approves advertising for Pump Station Electrical bids.

Vote of the 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 advertise for Pump Station Integration bids.

**RESOLUTION NO 115 3/2007**

Introduced by: Mayor Walker  
Seconded by: Trustee Marello

Resolved, that the Board of Trustees of the Village of Spencerport hereby approves advertising for Pump Station Integration bids.

Vote of the 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

6. Resolution to authorizing Mayor to sign MRB Proposal for East Avenue Extension Project.

**RESOLUTION NO 116 3/2007**

Introduced by: Mayor Walker  
Seconded by: Trustee Marello

Resolved, that the Board of Trustees of the Village of Spencerport hereby authorizes mayor to sign Proposal for Professional Services regarding East Avenue Extension Project Sketch Plan Development in the amount up to \$49,600.

Through discussion the board of trustees requested that MRB Group revise the proposal to indicate that the services will be done in phases. Phase one will not exceed \$12,000. Upon board review of phase one the board will then determine if the project is feasible to continue with additional phases up to \$49,600.

A motion was introduced by Mayor Walker, seconded by Trustee Marello authorizing the mayor to sign Proposal for Professional Services regarding the East Avenue Extension Project Sketch Plan Development Phase 1 in the amount not to exceed \$12,000.

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

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

7. Resolution to approve attendance at Spring 2007 Regional Local Government Workshop.

**RESOLUTION NO 117 3/2007**

Introduced by: Mayor Walker  
Seconded by: Trustee Mareello

Resolved, that the Board of Trustees of the Village of Spencerport hereby approves municipal, planning, zoning boards and staff to attend Spring 2007 Regional Local Government Workshop at a cost of \$40 per person.

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

8. Resolution to approve IT Consulting Services.

**RESOLUTION NO 118 3/2007**

Introduced by: Mayor Walker  
Seconded by: Trustee Mareello

Resolved, that the Board of Trustees of the Village of Spencerport hereby approves IT consulting services from Pin Point Group not to exceed \$800.00.

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

9. Resolution to award Odor Control Unit Material Bid.

**RESOLUTION NO 119 3/2007**

Introduced by: Mayor Walker  
Seconded by: Trustee Mareello

Resolved, that the Board of Trustees of the Village of Spencerport hereby awards the Odor Control Unit Material Bid (Contract PS-Odor) to Koester Associates of Canastota, NY in the amount of \$117,800 and authorizes the Mayor to sign the contract and any amendments necessary to complete the project within the total budgeted appropriation.

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

10. Resolution to award Force Main Installation Project.

**RESOLUTION NO 120 3/2007**

Introduced by: Mayor Walker  
Seconded by: Trustee Rauber

Resolved, that the Board of Trustees of the Village of Spencerport hereby awards the Force Main Installation Project (FM-GEN) to Villager Construction, Inc. of Fairport, NY in the amount of \$1,622,969.00 and authorizes the Mayor to sign the contract and any amendments necessary to complete the project within the total budgeted appropriation.

Vote of the 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

11. Resolution to approve attendance at MEUA Semi-Annual Conference.

**RESOLUTION NO 121 3/2007**

Introduced by: Mayor Walker  
Seconded by: Trustee Marello

Resolved, that the Board of Trustees of the Village of Spencerport hereby approves John Linder's attendance at the MEUA Semi Annual Meeting April 25 and 26, 2007. Cost not to exceed \$250.00

Vote of the 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

11. Resolution to assign delegate for MEUA Semi-Annual Meeting.

**RESOLUTION NO 122 3/2007**

Introduced by: Mayor Walker  
Seconded by: Trustee Marello

Whereas, the Village of Spencerport, New York, is a municipal member of the Municipal Electric Utilities Association of New York State, and

Whereas, the Semi-Annual Meeting of the Municipal Electric Utilities Association of New York State has been called on April 25 and April 26, 2007 to be held at the Holiday Inn, 441 Electronics Parkway, Liverpool, New York and,

Whereas, in accordance with the bylaws of the Municipal Electric Utilities Association of New York State, each municipal member may cast one vote on each transaction properly brought before this meeting,

Now therefore be it resolved, that John Linder be and is hereby designated as the accredited delegate of the Village of Spencerport, New York.

Vote of the Board:	Theodore E. Rauber, Trustee	Aye
	Steven T. Russell, Trustee	Aye
	Glenn C. Granger, Trustee	Aye

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

12. Resolution to approve and authorize Mayor to sign construction safety support contract.

**RESOLUTION NO 123 3/2007**

Introduced by: Mayor Walker  
Seconded by: Trustee Mareello

Resolved, that the Board of Trustees of the Village of Spencerport hereby approves and authorizes the Mayor to sign the construction safety support contract from Rogers Enterprises in the amount of \$75.00 per hour for services pertaining to the WWTP Project. This contract is not to exceed 25 hours per week for services and will last the duration of the project.

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

13. Resolution to authorize Mayor to sign inter-municipal agreement with the Town of Ogden.

**RESOLUTION NO 124 3/2007**

Introduced by: Mayor Walker  
Seconded by: Trustee Rauber

Resolved, that the Board of Trustees of the Village of Spencerport hereby authorizes the Mayor to sign the inter-municipal agreement with the Town of Ogden contracting Building Inspector services for the remainder of 2007 not to exceed \$41,205.00.

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

14. Resolution to advertise for Local Law 1-2007.

**RESOLUTION NO 125 3/2007**

Introduced by: Mayor Walker  
Seconded by: Trustee Rauber

**LOCAL LAW #1-2007  
VILLAGE OF SPENCERPORT, MONROE COUNTY**

**“A LOCAL LAW GOVERNING THE USE AND ACCESS TO UTILITY EASEMENTS”**

**WHEREAS**, the Village Board has before it a proposed Local Law to govern the access to utility easements; and

**WHEREAS**, in order to make said change, the Village Board of the Village of Spencerport is required to hold and conduct a public hearing thereon;

**NOW, THEREFORE, BE IT RESOLVED:**

**SECTION 1.** That the Village Board of the Village of Spencerport shall hold and conduct a Public Hearing on the 4th day of April, 2007, at 7:00 p.m. at the Village Hall, 27 West Avenue, Village of Spencerport, New York, 14559 to consider to the attached Local Law; at which Public Hearing all interested persons will be heard concerning the subject matter thereof.

**SECTION 2.** That the Village Clerk shall cause due notice of such public hearing to be published as required by law. Copies of the proposed law are available for inspection in the office of the Village Clerk, 27 West Avenue between the hours of 9 a.m. – 4:30 p.m.

Vote of the 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

15. Resolution to approve charging a recreation fee of \$600 for new development.

**RESOLUTION NO 126 3/2007**

Introduced by: Trustee Rauber  
Seconded by: Mayor Walker

Resolved, that the Board of Trustees of the Village of Spencerport hereby approves instituting a recreation fee of \$600 to be charged to residential new development to be paid at issuance of the Certificate of Occupancy. This fee is to be allocated as follows: 70% to be received by the Village of Spencerport and 30% to be received by the Town of Ogden.

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

16. Resolution to approve recreation fee.

**RESOLUTION 127 3/2007**

Introduced by: Trustee Marello  
Seconded by: Trustee Rauber

Resolved, that the Board of Trustees of the Village of Spencerport hereby approves a recreation fee of \$600 to be charged to residential new development to be paid at the issuance of the Certificate of Occupancy. Village of Spencerport would receive 100% of the recreation fee.

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

17. Resolution Approving Compromise and Settlement of Action against Village

**RESOLUTION 128 3/2007**

Introduced by: Mayor Walker

Seconded by: Trustee Rauber

**WHEREAS**, Todd Passmore ("Plaintiff") and the Village of Spencerport, New York (the "Village") are desirous of having certain employment in litigation now pending in the United States District Court Western District known as Todd Passmore, Plaintiff v. Village of Spencerport and Thomas West as Aider and Abettor; and

**WHEREAS**, as the result of Mediation a settlement proposal resolving this litigation was recommended by Harter, Secrest and Emery, trial counsel to the Village and reviewed by the Village Board at its regular monthly workshop meeting; and

**WHEREAS**, such a proposed settlement allows the parties to settle their differences and avoid the uncertainties that would occur should this matter proceed to trial and would eliminate a distraction in the workplace; and

**WHEREAS**, the details of the Confidential Settlement Agreement are set forth in the Agreement attached hereto; and

**WHEREAS**, the details of the responsibility for payment are set forth in the letter from attached hereto; and

**WHEREAS**, the Village Board has determined that the proposed settlement is in the best interests of the Village; now

**THEREFORE BE IT RESOLVED,**

**SECTION 1:** That the Village Board does hereby accept a proposed settlement on the terms and conditions contained therein with the Villages responsibility to make payment set forth in

**SECTION 2:** That the Village Board does hereby adopt this resolution to end the litigation between Plaintiff and the Village as to the above referenced litigation.

**SECTION 3:** That the Mayor is hereby authorized to execute said settlement agreement and any and all forms necessary to complete this settlement in accordance with the terms and conditions set forth therein.

Ayes 3, Nays 2

Motion Carried.

**Adjournment**

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