

**VILLAGE BOARD MEETING
May 2, 2007**

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

Charles R. Hopson, Trustee

BOARD MEMBERS ABSENT

Carol J. Nellis-Ewell, Trustee

John R. Marello, Trustee

OTHERS PRESENT

Jack Linder, Superintendent of Electric Department
Tom West, Superintendent of DPW
Jackie Sullivan, Village Clerk
Dick Olson, Esq., Village Attorney
Joan Quigley, Maplewood Avenue
Patti & Mark Unvericht, 36 Pinecrest Drive
Andy & Cathi Squires, 26 Pinecrest Drive
Ed Egenlauf, 353 Ogden Parma TL RD
Dick Costine, 99 Coleman Avenue

APPROVAL OF MINUTES

Approval of the minutes from March 28, April 4, April 9, April 18 and April 27, 2007 board meetings were approved unanimously as read.

PUBLIC HEARING – Local Law 1/2007 Governing the Use and Access to Utility Easements

Mayor Walker explained the process of the public hearing and requested Trustee Rauber to review the details of the public hearing.

Trustee Rauber stated that the public hearing regarding the local law for use and access to utility easements was opened on April 4, 2007 and has remained open to gather information from various village, town employees as well as residents regarding the proposed law.

Trustee Rauber continued that based on the comments that have been received it is necessary at this time to close the public hearing to disseminate the information and develop and advertise a revised law in the near future.

There being no further comments or questions Mayor Walker closed the public hearing from April 4, 2007 at 7:06 p.m.

Mayor Walker reaffirmed Trustee Rauber's comments that there was enough information received from the public to revise the proposed law and possibly schedule another public hearing. Mayor Walker continued that the board will not take action on this law at tonight's meeting

PRIVILEGE OF FLOOR

Mr. Costine addressed the Board regarding his electric bills while he and his wife are in Florida. Mr. Costine explained the past he has prepaid the Village for his electric service prior to going to Florida and there has never been a problem. However the past two years Mr. Costine feels that the cost of his electric during the winter months is excessive.

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Mr. Costine feels that the meter needs to be changed and refuses to pay the bill. Mr. Costine further explained that nobody is in his house while they are in Florida. Mr. Costine questioned the board as to what the outcome is to this problem.

Mayor Walker questioned what action the Village has taken thus far regarding the issue.

Mr. Costine responded none.

Mayor Walker stated that the general practice is that if a resident has an issue with their electric bill, the Village administers re-read on that meter and adjustments are made accordingly.

Mayor Walker responded that if the meter was re-read and determined to be correct Mr. Costine was billed for that amount.

Discussion ensued regarding the integrity of Mr. Costine's meter.

Superintendent Linder commented that the Village will complete a three year review and determine the possible factors of the high electric bills.

Superintendent West questioned if there was an outside outlet on his house.

Mr. Costine responded that there is an outside outlet.

Superintendent West further commented that it may be possible that someone is using that outlet while he is in Florida.

Discussion further ensued regarding the electric meter.

Mr. Ed Egenlauf addressed the Board requesting the status of his request for power at his 353 Ogden Parma TL Road property.

Mayor Walker responded that the Board is in receipt of his request and that the Village of Spencerport will be working with RG&E to determine a resolution to this request.

Mr. Egenlauf commented that the information that he had received from RG&E was that they would not receive permission from the PSC to extend their service area to include him in their franchise.

Sewers Committee – Trustee Rauber, Chairman

Trustee Rauber commented that he did not have a monthly flow report and deferred comments regarding the WWTP project to the Mayor.

Mayor Walker commented that approximately ten bids have been awarded at this time and three more bids are to be awarded at the June 6, 2007 board meeting. Mayor Walker continued that the gravity sewer boring under the canal was postponed until the fall of 2007 due to an obstruction and the early watering of the canal. Progress on that contract will resume when the canal is dewatered. With this delay the gravity sewer phase of the project will be rescheduled. At this time the force main phase of the project is starting. The force main phase of this project contains (2) 14" pipes to be installed from the WWTP to the intersection of the Trolley Blvd. and Jordan Ave in the town of Gates these pipes are to follow the CSX railroad tracks, installed in the abandoned trolley bed. All of this force main project should be completed by the end of 2007. Bids have been awarded for the equipment pertaining to the pump station. The project is on schedule and within budget. The job trailers will be located at the WWTP.

RESOLUTION NO 140 5/2007

Introduced by: Mayor Walker
Seconded by: Trustee Rauber

Resolved, that the Board of Trustees of the Village of Spencerport hereby awards the purchase of an all terrain vehicle to be used for the WWTP offline project from Hollink Honda, not to exceed \$5,300.00.

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Bids were received from: Precision Power and Brodner Equipment.

Vote of the Board:	Theodore E. Rauber, Trustee	Aye
	Carol J. Nellis-Ewell, Trustee	Absent
	Charles R. Hopson, Trustee	Aye
	John R. Mareello, Trustee	Absent
	Theodore E. Walker, Mayor	Aye

Planning/Zoning/Building Control – Trustee Rauber, Chairman

A. Planning

Nothing requiring board action. Trustee Rauber commented that members of the planning and zoning boards will be attending regional training and local training to be compliant with New York State requirements for planning and zoning board members.

Trustee Rauber continued that the Planning Board granted contingent and final approval to the Spencerport Firemen's Association for the building for the new firehouse to be located on Lyell Avenue. Trustee Rauber complimented the Planning Board on the excellent job they did expediting this project.

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 the sign for Taste of Texas BBQ was approved for the South side of the building. The ARB did request Taste of Texas to reconfigure their sign for the front of the building. Trustee Rauber continued that Morgan Management presented to the ARB committee a second plan for the plaza in the event that a large grocery store does not choose to locate into the plaza.

Finance Committee – Trustee Hopson, Chairman

Acknowledged receipt of monthly-consolidated investment; HSBC Insured Municipal Money Market 5.06% (down .08 from March 2007).

Facilities Committee – Trustee Hopson, Chairman

A. Electric

Nothing requiring board action.

B. Other (Drainage, Franchise)

Nothing requiring board action.

Public Works Committee – Trustee Hopson, Chairman

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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.

B. Police

Nothing requiring board action. Mayor Walker commented that vandalism has decreased and that the Town of Ogden skateboarding park will be closed during the month of May for repairs.

Human Resources Committee – Trustee Nellis-Ewell, Chairman

Nothing requiring board action.

Economic Development Committee – Trustee Nellis-Ewell, Chairman

Nothing requiring board action.

Village Administrator

Position is currently vacant.

Village Clerk – Jacqueline Sullivan

RESOLUTION NO 141 5/2007

Introduced by: Mayor Walker
Seconded by: Trustee Hopson

Resolved, that the Village of Spencerport is committed to providing its employees a work environment that is safe, secure, and free of harassment, threats, intimidation and Violence. "Violence" includes physically harming another, fighting, shoving, pushing, harassing, intimidating, coercing, brandishing weapons, and threatening or talking of engaging in those activities. The Village also considers the safety of its residents, vendors, contractors, and the general public ("visitors") to be of paramount importance and strives to provide them the same type of protections while on Village property.

Whereas, the Village will not tolerate any acts of violence and will take all reasonable and practical measures to prevent violence and protect employees and visitors from acts of violence. This includes threatening or violent actions by:

1. Employees directed against other employees or Village property.
2. Employees directed against residents.
3. Visitors directed against Village employees or Village property or facilities.
4. Individuals who are conducting Village business in an off-property location.

Whereas, employees are prohibited from possessing firearms or weapons of any kind while on Village premises; in Village vehicles while conducting business for the Village; or at work sites, or any other location during working hours or while representing the Village, regardless of whether the person is licensed to carry the weapon. Weapons

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include guns, knives, except when used as a tool, explosives, and other items with the potential to inflict harm.

The only exceptions are law enforcement personnel and security personnel. If any employee has knowledge of another employee's possession of a weapon, that knowledge should be reported to a supervisor or Department Head as soon as possible.

Whereas, any and all incidents of workplace violence must be promptly reported in accordance with the reporting procedure outlined in Section 2 (Employee Responsibility) of this manual.

Whereas, enforcement of this policy will be accomplished through the implementation of a Workplace Violence Prevention Program, and by complying with the requirements of the NYS Workplace Violence Prevention Act, as set forth in NYS Labor Law Section 27-b. A copy of the Village's Program can be obtained from the Supervisor's office. A general review of this program will be conducted every year, upon a workplace violent incident reported or change in operations or physical structure of any building evaluated.

Whereas, violations of this policy will result in appropriate remedial, disciplinary, and/or legal action, according to the circumstances.

Vote of the Board:	Theodore E. Rauber, Trustee	Aye
	Carol J. Nellis-Ewell, Trustee	Absent
	Charles R. Hopson, Trustee	Aye
	John R. Mareello, Trustee	Absent
	Theodore E. Walker, Mayor	Aye

RESOLUTION NO 142 5/2007

Introduced by: Mayor Walker
Seconded by: Trustee Hopson

Resolved, that the Board of Trustees of the Village of Spencerport hereby approves the Ferris Goodrich American Legion Post's application for their Memorial Day Parade, Monday, May 28, 2007.

Vote of the Board:	Theodore E. Rauber, Trustee	Aye
	Carol J. Nellis-Ewell, Trustee	Absent
	Charles R. Hopson, Trustee	Aye
	John R. Mareello, Trustee	Absent
	Theodore E. Walker, Mayor	Aye

Clerk Sullivan updated the board on the following"

- The purple ribbons on the trees in the business district are in support of the American Cancer Society Relay for Life event June 1st and 2nd at the school track.
- Thanked Donna Stassen, Pat Chapman and all of the staff that helped with Day of Caring on Saturday, April 28, 2007. Specifically Donna in her ability to maintain the integrity of the event with a smaller volunteer staff.
- Trolley Depot grand opening is Saturday, May 12th at 11 a.m. Thanks to all of the Village crews for all of their help on this project.
- Brian Baty will be attending the May 16th workshop meeting to review the workers compensation bids and to review what he has done for us to date.
- United Way presentation was done on April 27th.

Superintendent of Public Works – Thomas M. West

Superintendent West updated the board on the following:

- Complemented his staff has done all of the blacktopping and sidewalks for the Trolley Depot.
- Thanked electric crew for running the conduit for the Trolley Depot.
- Renewal of the Village's storm water permit is due and will be completed.
- Thanked all that participated in Day of Caring and commented that in the future there will only be one Day of Caring event in the spring 2008.
- Timber Ridge drainage work has begun, this should help with the flooding in this area.
- Handicap ramp is being installed at the lift bridge.
- Bike pad at pavilion is being installed
- Catch basin work on Rt. 259 North of the bridge and in Domus track.
- MCWA will be submitting a notice to the Suburban News regarding their entire Village of Spencerport project.
- Offered to meet with Trustee Hopson to review DPW processes and work.
- Bulk pick up first full week of May.

Trustee Rauber commented and thanked the DPW staff installed the floating dock near the Gazebo along the canal. Trustee Rauber continued that resident Dave Connors will be using this dock in conjunction with his canoe and kayak rental business from this area.

Mayor Walker thanked Ted Rauber for completing the dock project and securing the money from Assemblyman Reilich's office.

Superintendent of Electric – John E. Linder

Superintendent Linder updated the board on the following:

- Hogan project is 80% complete, will be done when easements are obtained
- Attended MEUA semi-annual meeting
- Funds are building in the IEEP fund, a determination will be made on how to give those funds back to the community in the form of a project.

Attorney – Richard J. Olson

Attorney Olson commented on the lease agreement with MRB regarding the use of the ATV's. Mr. Olson continued that MRB will be responsible for the maintenance and care of the vehicles as well as securing insurance for the vehicles holding the Village harmless and providing \$5 million in insurance.

RESOLUTION NO 143 5/2007

Introduced by: Mayor Walker

Seconded by: Trustee Rauber

Resolved, that the Board of Trustees of the Village of Spencerport hereby approves and authorizes the Mayor to sign the agreement with MRB Group that is attached here to.

Vote of the Board:	Theodore E. Rauber, Trustee	Aye
	Carol J. Nellis-Ewell, Trustee	Absent
	Charles R. Hopson, Trustee	Aye
	John R. Mareello, Trustee	Absent
	Theodore E. Walker, Mayor	Aye

Mr. Olson requested executive session to discuss litigation and land purchase.

Mayor Walker thanked Mr. Olson for his hard work on the recent legal issues regarding the WWTP.

Administrative Committee – Mayor Walker, Chairman

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RESOLUTION NO 144 5/2007

Introduced by: Mayor Walker
Seconded by: Trustee Rauber

Resolved, that the Board of Trustees of the Village of Spencerport hereby approves attendance for any municipal board member or village clerk to attend the NYCOM Annual, June 10-13, 2007 in Saratoga Springs, New York. Cost not to exceed \$740.00 per person.

Vote of the Board:	Theodore E. Rauber, Trustee	Aye
	Carol J. Nellis-Ewell, Trustee	Absent
	Charles R. Hopson, Trustee	Aye
	John R. Marelllo, Trustee	Absent
	Theodore E. Walker, Mayor	Aye

RESOLUTION NO 145 5/2007

Introduced by: Mayor Walker
Seconded by: Trustee Rauber

**RESOLUTION OF APPRECIATION
STEVEN RUSSELL**

WHEREAS, Steven Russell served on the Village Board of the Village of Spencerport from November 1998 until April 2007 and

WHEREAS, Steven Russell devoted time to the construction and success of Merz Park and

WHEREAS, Steven Russell's dedicated role as Finance and Facilities liaison has contributed greatly to maintaining the infrastructure of the Village of Spencerport

THEREFORE BE IT RESOLVED, that the Spencerport Village Board, on behalf of the residents of Spencerport and the employees of the Village of Spencerport extends it appreciation to Steven Russell for his dedicated years of service to the community.

Vote of the Board:	Theodore E. Rauber, Trustee	Aye
	Carol J. Nellis-Ewell, Trustee	Absent
	Charles R. Hopson, Trustee	Aye
	John R. Marelllo, Trustee	Absent
	Theodore E. Walker, Mayor	Aye

RESOLUTION NO 146 5/2007

Introduced by: Mayor Walker
Seconded by: Trustee Hopson

**RESOLUTION OF APPRECIATION
Floyd E. Seeley, Seal the Clown**

WHEREAS, Floyd Seeley generously shared of himself his personal time in his role as Seal the Clown making weekly trips to local hospitals and nursing homes, delighting patients with this balloon creation and presenting many with stuffed animals or dolls.

WHEREAS, Floyd Seeley coordinated special education children to enjoy an afternoon at the Spencerport Firemen's Carnival and entertained children afflicted with Spina Bifida at their Christmas party.

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WHEREAS, Floyd Seeley's dedication to the sick, handicapped, elderly, firemen and for his willingness to teach others the art of clowning has enabled Spencerport to be Someplace Special.

THEREFORE BE IT RESOLVED, that the Spencerport Village Board, on behalf of the residents of Spencerport and the employees of the Village of Spencerport extends it appreciation to Floyd Seeley for his dedicated years of service to the community.

Vote of the Board:	Theodore E. Rauber, Trustee	Aye
	Carol J. Nellis-Ewell, Trustee	Absent
	Charles R. Hopson, Trustee	Aye
	John R. Mareello, Trustee	Absent
	Theodore E. Walker, Mayor	Aye

RESOLUTION 147 5/2007

Introduced by: Mayor Walker
Seconded by: Trustee Rauber

WHEREAS, the Spencerport Fire Department Ladies Auxiliary has achieved their 60th anniversary and

WHEREAS, the members of Ladies Auxiliary who dedicate their personal time without question to assist and aid the fire department and the community during emergency situations and

WHEREAS, the members of the Ladies Auxiliary generously share themselves to the community for the Firemen's Carnival, Red Onions Dinner, Kid's Christmas Party, Scholarship Program, DARE Program, Spencerport Senior Bash, and Spencerport Canal Days.

THEREFORE BE IT RESOLVED, that the Spencerport Village Board, on behalf of the residents of Spencerport and the employees of the Village of Spencerport extends it appreciation to the Spencerport Fire Department Ladies Auxiliary for their dedicated years of services to the community.

Vote of the Board:	Theodore E. Rauber, Trustee	Aye
	Carol J. Nellis-Ewell, Trustee	Absent
	Charles R. Hopson, Trustee	Aye
	John R. Mareello, Trustee	Absent
	Theodore E. Walker, Mayor	Aye

Mayor Walker commented that the Spencerport Area Chamber of Commerce Youth Hall of Fame program will be Wednesday, May 9th at the Ogden Town Hall at 5:30 p.m.; NYS Canal Corporation will be waiving the canal fees for 2007; progress continues on the Lyell Avenue road work project and will not take place until 2009; Monroe County sales tax intercept program was dismissed by the court and will not be enforced at this time; End of year meeting will take place May 31, 2007, 4:15 p.m. at the Village of Spencerport office; Taste of Texas grand opening will be Friday, May 11th; Great effort from everyone for Day of Caring.

Trustee Hopson commented that he attended the NYCOM training for new trustees and that he picked up a few pointers but was disappointed in the program.

Mayor Walker commented that NYCOM is very receptive to comments regarding their trainings and advised Trustee Hopson to convey his comments to NYCOM.

Unfinished Business

New Business

Bills

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

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General Fund	\$ 43,270.01
Electric Fund	\$ 30,021.22
Sewer Fund	\$ 26,558.46
Trust Fund	\$ 0
Capital Fund	\$ 67,901.99
TOTAL:	\$167,751.68

Motion was made by Mayor Walker, seconded by Trustee Rauber and carried unanimously that the cash disbursements for the General, Electric, Sewer, Trust and Capital Funds, March 2007 be approved as audited.

Adjournment

Motion was made by Mayor Walker, seconded by Trustee Hopson and carried unanimously that the regular meeting be adjourned at 8:27 p.m. and moved into executive session to discuss possible litigation and land purchase.

Motion was made by Mayor Walker, seconded by Trustee Rauber and carried unanimously that the executive session be adjourned to workshop session at 9:47 p.m.

Motion was made by Mayor Walker, seconded by Trustee Rauber and carried unanimously that the workshop session be adjourned 9:47 p.m.