

VILLAGE BOARD WORKSHOP MEETING
May 16, 2007

CALL TO ORDER: 5:30 p.m.

BOARD MEMBERS PRESENT

Theodore Walker, Mayor
Theodore E. Rauber, Trustee
Carol J. Nellis-Ewell, Trustee
Charles R. Hopson, Trustee
John R. Mareello, Trustee

BOARD MEMBERS ABSENT

Others Present

Jack Crooks, Building Inspector
Kevin Kelly, Code Enforcement Officer
Doug Nordquist, Chief of Police
Ken Olson
Dick Olson Esq., Village Attorney
Jack Linder, Electric Superintendent
Jack Sullivan, Village Clerk
Tom West, DPW Superintendent

Building inspector, Jack Crooks submitted his monthly report.

Mr. Crooks continued that he, Kevin Kelly and Jim McKinney inspected the Trolley Depot and developed a punch list with Clerk Sullivan to determine the items that need to be completed prior to the issuance of the C of O. Mr. Crooks continued that the main focus is the mechanical room.

Mr. Crooks continued that the Gollel project is at a stand still pending water flow results from the water main re-linings. Electric poles will be set for this project and the Hogan project as soon as easements are received by Electric Superintendent Linder. The Collichio project is on hold.

The Kravetz Reality issue continues. They have obtained an engineer and have communicated with Mr. Crooks that a plan is completed and Kravetz is ready to present the plan to the Pages and Village personnel and MRB.

Ross Gates from the Galley Restaurant has an application into the Planning Board for the June 5, 2007 meeting regarding an upper level to their current deck. Mr. Crooks indicated that there maybe some issues with this deck; electric lines and sanitary sewers.

Meetings bi-monthly have been set up for Mr. Crooks, Kevin Kelly and Tom West to discuss village activities.

Dance studio on Martha Street would like to pave their parking lot. The owners are working with Tom West to develop a drainage plan for the parking lot.

Fire department will have an application for the June 5, 2007 Planning Board meeting for the construction of storage buildings at the carnival grounds. These buildings may have public restrooms and possibly a department museum.

Masonic lodge is exploring the idea of having an internal elevator. Mr. Crooks is reviewing the codes that would or would not allow this elevator.

Discussion ensued regarding the village plaza.

Mr. Crooks commented that the International Codes Conference will be in Rochester next week and he and Kevin Kelly will be participating.

Discussion ensued regarding this conference.

Kevin Kelly commented on the following:

Discussions have ensued with Mr. Billings regarding his mother's house. Mr. Billings confirmed that the roof will be replaced, interior room will be remodeled, the dilapidated porch will be removed, and windows will be replaced and repaired during this summer.

Various lawn signs have been addressed with the owners and removed where necessary.

An issue regarding a dump truck on a property in Jacobs track has been addressed.

Fire safety inspections are underway for 2007.

Lawn mower repair business located in a home in Domus track has been address and the resident will be speaking to Jack Crooks to obtain the proper permits.

The abundance of golden rod at Mr. Helfrig's property on Brockport Spencerport Road will be addressed. Mr. Kelly indicated that noxious weeds or grass are not permitted over 10 inches.

Mr. Kelly informed the Village Board that any pool that can hold more than 24" of water must have a fence and proper electrical connections this includes the inflatable pools. Mr. Kelly continued that he will be sending a letter to the residents that had inflatable pools last year indicating the rules that they must follow.

Mr. Kelly commented that a resident submitted photographs of properties that are in violation of various codes pertaining to property maintenance.

Trustee Rauber informed the new board members that approximately a year ago residents informed the board about vandalism at the Gazebo, Pavilion and Trolley Depot. During the budgeting process \$5,000 was appropriated for a security guard. Requirements of this security guard were that the Ogden Police Department was to approve of the security guard. During conversation with Chief Nordquist former officer Ken Olson was recommended for the position.

Trustee Rauber stated that Mr. Olson is currently a security guard at Spencerport High School. Trustee Rauber continued that someone in Mr. Olson's position could benefit from the information that he could obtain at the school and apply it to the events throughout the village.

Chief Nordquist commented about the complaints at the pavilion area and Mr. Olson's abilities and that the Ogden Police Department would work in conjunction with Mr. Olson.

Discussion ensued regarding the expectations of the residents and the activity patterns of the local youth.

Tom West informed the board regarding a possible summer help hire.

Brian Baty, Village of Spencerport insurance consultant, presented to the board the bids that were received for Workers compensation insurance and reviewed the expiring liability insurance.

Brian explained the details of the liability insurance explaining the past year's coverage is more extensive than previous year's coverage for less cost. For the upcoming fiscal year 2007/2008 the liability insurance will only be increasing approximately \$1,000 from the previous year.

Brian recommended that the village solicit bids about every 2-3 years. Brian continued that he will advocate for the Village of Spencerport to require the current insurance agency to continually provide competitive rates.

Brain explained to the board the details of the workers compensation proposals that were received. Proposals were received from State Insurance Fund, Perma and Comp Alliance. Brian continued that Geoff Feltner, Feltner Agency does not think his agency will be able to bid the workers compensation insurance due to the size and types of insurance he provides.

Brian reviewed that the Village's current plan is \$53,885 including the 8% Lovell fee. The renewal amount is \$59,206 including 8% Lovell Fee. Perma's is \$43,114 and NYS Comp Alliance is \$44,620.

Brain covered the following points of each insurance company:

NYSIF – Dividend of 20% is assumed and reflective of claims 18 months prior to this fiscal year; other programs do not offer dividend payments. 20% is not a guarantee.

Perma – Offer's a dividend but historically does not claim a dividend.

Lovell indicated that the 20% NYSIF may realize a higher dividend. Brian will be exploring the possibility of receiving a higher dividend.

NYSIF and Perma – Policies are auditable based on the VOS payroll amount. Rates directly relate to payroll.

Perma – One time entry fee of \$1256.

NYS Comp Alliance – Policy is not auditable, rates are taken directly from fiscal budget wages.

Discussion ensued regarding various aspects of insurance.

Village Attorney, Richard Olson submitted his monthly report.

The following official action took place:

RESOLUTION NO 148 5/2007

The following resolution was offered by Mayor Walker who moved its adoption, seconded by Trustee Marelo, to-wit: BOND RESOLUTION DATED MAY 16, 2007.

A BOND RESOLUTION SUBJECT TO PERMISSIVE REFERENDUM, AUTHORIZING THE ISSUANCE OF \$250,000 BONDS OF THE VILLAGE OF SPENCERPORT, MONROE COUNTY, NEW YORK, TO PAY THE COST OF THE ACQUISITION OF EQUIPMENT AND RECONSTRUCTION OF ELECTRIC FACILITES IN AND FOR SAID VILLAGE.

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed;

NOW, THEREFORE, 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. The acquisition of equipment for the Electric Department and reconstruction of electric facilities, in and for the Village of Spencerport, Monroe County, New York, including

transformers and infrastructure work, as well as street lighting and incidental expenses in connection therewith, is hereby authorized, subject to permissive referendum, at a maximum estimated cost of \$250,000.

Section 2. It is hereby determined that the plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$250,000 serial bonds of the Village hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is at least fifteen years, pursuant to subdivision 91 (subdivisions 5 and 35) of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial 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 serial 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 serial 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 serial 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 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 summary form in 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. Pursuant to the provisions of Section 36.00 of the Local Finance Law, 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:

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

The resolution was thereupon declared duly adopted.

RESOLUTION 149 5/2007

The following resolution was offered by Mayor Walker who moved its adoption, seconded by Trustee Rauber, to-wit: BOND RESOLUTION DATED MAY 16, 2007.

A BOND RESOLUTION SUBJECT TO PERMISSIVE REFERENDUM, AUTHORIZING THE ISSUANCE OF \$320,000 BONDS OF THE VILLAGE OF SPENCERPORT, MONROE COUNTY, NEW YORK, TO PAY PART OF THE COST OF THE PURCHASE OF HEAVY EQUIPMENT IN AND FOR SAID VILLAGE.

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. The purchase of heavy equipment for construction and maintenance purposes, each item of which exceeds \$30,000, in and for the Village of Spencerport, Monroe County, New York, including incidental expenses in connection therewith, is hereby authorized, subject to permissive referendum, at a maximum estimated cost of \$360,000.

Section 2. It is hereby determined that the plan for the financing of the aforesaid \$360,000 maximum estimated cost is as follows:

- a) by the issuance of \$320,000 serial bonds of the Village hereby authorized to be issued therefor, pursuant to the provisions of the Local Finance Law; and
- b) by the application and expenditure of \$40,000 sewer funds, which monies of said Village are hereby authorized therefore.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes 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 serial 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 serial 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 serial 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 serial 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 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 summary form in 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. Pursuant to the provisions of Section 36.00 of the Local Finance Law, 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:

Vote of the Board:

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| Theodore E. Rauber, Trustee | Aye |
| Carol J. Nellis-Ewell, Trustee | Aye |
| Charles R. Hopson, Trustee | Aye |
| John R. Marello, Trustee | Aye |
| Theodore E. Walker, Mayor | Aye |

The resolution was thereupon declared duly adopted.

RESOLUTION 150 5/2007

Introduced by: Mayor Walker
Seconded by: Trustee Hopson

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 6th day of June, 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.

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

RESOLUTION 151 5/2007

Introduced by: Trustee Rauber
Seconded by: Trustee Marello

LOCAL LAW #2/2007

VILLAGE OF SPENCERPORT, MONROE COUNTY

“VILLAGE OF SPENCERPORT OUTDOOR FURNACE LOCAL LAW”

WHEREAS, the Village Board has before it a proposed Local Law to prohibit outdoor furnaces;
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 6th day of June, 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.

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

RESOLUTION 152 5/2007

Introduced by: Mayor Walker
Seconded by: Trustee Rauber

LOCAL LAW #3/2007

VILLAGE OF SPENCERPORT, MONROE COUNTY

“A LOCAL LAW TO AMEND THE ZONING CODE TO PROVIDE FOR DRIVE THROUGH SERVICE FACILITIES AT RESTAURANTS IN THE VILLAGE OF SPENCERPORT”

WHEREAS, the Village Board has before it a proposed Local Law to remove the prohibition for drive through service facilities a restaurants; 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 ____ day of June, 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.

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

RESOLUTION NO 153 5/2007

Introduced by: Mayor Walker
Seconded by: Trustee Hopson

Resolved, that the Board of Trustees of the Village of Spencerport hereby authorizes advertising fiscal year end meeting; Thursday, May 31, 2007 at 4:15 p.m. at the Village Office.

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

RESOLUTION NO 154 5/2007

Introduced by: Mayor Walker
Seconded by: Trustee Marello

Resolved, that the Board of Trustees of the Village of Spencerport hereby authorizes advertising the 2007/2008 Village Board Meetings.

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

RESOLUTION NO 155 5/2007

Introduced by: Mayor Walker
Seconded by: Trustee Rauber

Resolved, that the Board of Trustees of the Village of Spencerport hereby authorizes advertising the 2007/2008 Tax Roll.

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

Adjournment

Motion was made by Mayor Walker, seconded by Trustee Hopson and carried unanimously that the meeting be adjourned at 9:35 p.m.