

VILLAGE BOARD MEETING
June 6, 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
Carol J. Nellis-Ewell, Trustee
Charles R. Hopson, Trustee
John R. Marello, Trustee

BOARD MEMBERS ABSENT

OTHERS PRESENT

Jack Linder, Superintendent of Electric Department
Tom West, Superintendent of DPW
Jackie Sullivan, Village Clerk
Dick Olson, Esq., Village Attorney
Patti & Mark Unvericht, 36 Pinecrest Drive
Robert Garlick, 2824 Nichols Street
Bernard Cubitt, 84 Maplewood Avenue
Michelle Soldi, 2425 S. Union Street
Douglas Brown, 14 Big Ridge Road
Jim Powell, Nichols Street

APPROVAL OF MINUTES

Approval of the minutes from May 2, May 16 and May 31, 2007 board meetings were approved unanimously with the following correction in the May 16, 2007. Within the borrowing resolutions the date of action should be May 16, 2007 not May 2, 2007.

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

Mayor Walker opened the public hearing at 7:04 p.m. and explained the process of the public hearing and the details of Local Law 1/2007.

Mr. Robert Garlick noted that the law does not indicate a time frame within the Village Board needs to act on a request for use and/or access to the utility easement

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

PUBLIC HEARING – Local Law 2/2007 Governing Outdoor Furnaces

Mayor Walker opened the public hearing at 7:07 p.m. and explained the purpose of the law and details that constitute an outdoor furnace. Mayor Walker confirmed that this law would ban outdoor furnaces in the Village of Spencerport limits.

Mayor Walker closed the public hearing at 7:08 p.m.

PUBLIC HEARING – Local Law 3/2007 Amending the zoning code to provide for drive through services facilities at restaurants in the Village of Spencerport

Mayor Walker opened the public hearing at 7:09 p.m. and deferred to Trustee Rauber for explanation.

Trustee Rauber stated that since the development of McDonalds in the late 1980's drive through services were not allowed on restaurants in the Village of Spencerport. This enactment of this amendment would

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allow for restaurants to have drive through facilities along with interior dining facilities in the Village of Spencerport.

Mayor Walker closed the public hearing at 7:11 p.m.

PRIVILEGE OF FLOOR

Mr. Jim Powell addressed the board as to the status of the sidewalks.

Mayor Walker responded indicating that the new fiscal year started on June 1, 2007 and that the scope of work and details of the sidewalk committee are being developed.

Discussion ensued regarding sidewalks.

Mr. Powell also addressed the continuation of A-Frame signs being left out over night.

Trustee Rauber commented on the A-Frame sign policy. Discussion ensued regarding A-Frame signs.

Michelle Soldi addressed the board regarding the parking of cars and building of driveways on Union Street "Main Street" in the front yards and across the sidewalks. Mrs. Soldi commented that there were ordinances prohibiting driveways in front of the homes.

Mrs. Soldi submitted photos and a petition attached to the minutes.

Discussion ensued regarding parking and driveways

Mrs. Patti Unvericht addressed the board regarding the need of their second catch basin that appears to have been graded to not conduct water at this time. Mrs. Unvericht continued to explain the history surrounding the installation of the two catch basins. Mrs. Unvericht is questioning whether the 2nd catch basin was required.

Mayor Walker indicated that the retention pond was upgraded to contain more water.

Discussion ensued regarding the re-grading of the swale and the function of the catch basins.

Sewers Committee – Trustee Rauber, Chairman

Trustee Rauber commented that 713, 000 gallons flowed through the WWTP during the month of May. Trustee Rauber deferred comments regarding the WWTP project to the Mayor.

Mayor Walker commented the final 3 bids for the pump station have been received; they are within budgeted amounts and will be awarded during this meeting. Construction of the pump station could start during the month of June. Final easements are being completed and work on the force main lines continue.

Planning/Zoning/Building Control – Trustee Rauber, Chairman

A. Planning

Nothing requiring board action. Trustee Rauber commented that Mr. Gollel received final conditional approval for the Canaltown Landing Project located on Evergreen Street. Spencerport Fire Department presented a plan for a storage building with bathrooms to be located on the south side of the Fireman's Park. Work continues on the development of the Fallon property on Union Street and Ross Gates from the Galley Restaurant presented a concept plan for a two story deck at the Galley Restaurant. This deck would infringe on Canal Property and cover Village sewers.

B. Zoning

Nothing requiring board action.

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C. Building Control

Nothing requiring board action.

D. Code Review

Nothing requiring board action.

E. Architectural Review

Nothing requiring board action. Trustee Rauber commented a sign for the Matheos building directory was approved.

Finance Committee – Trustee Hopson, Chairman

Trustee Hopson was unable to acknowledge receipt of monthly-consolidated investment; HSBC Insured Municipal Money Market due to Treasurer Harissis' absence.

Facilities Committee – Trustee Marello, Chairman

A. Electric

Nothing requiring board action. Trustee Marello acknowledged Superintendent Linder's memo indicating that the IEEP fund balance is approximately \$39,000 and that with those funds the Village of Spencerport could administer free distribution of compact energy efficient light bulbs or electric water heater blanket program.

B. Other (Drainage, Franchise)

Nothing requiring board action.

Public Works Committee – Trustee Hopson, 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.

B. Police

Trustee Marello commented that the new security guard will be monitoring the various parks and keeping adolescent traffic moving around the village. He continued that the security camera is having a positive effect at Merz Park.

Human Resources Committee – Trustee Nellis-Ewell, Chairman

Nothing requiring board action. Trustee Nellis-Ewell commented that she has an appointment with Clerk Sullivan to review currently office policies and procedures.

Economic Development Committee – Trustee Nellis-Ewell, Chairman

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Nothing requiring board action. Trustee Nellis-Ewell commented that in her position as Public Relations Chair, Board of Directors for the Spencerport Area Chamber of Commerce and Village Trustee is to continually promote the Village of Spencerport and all of its features. Trustee Nellis-Ewell continued that she hopes that we will continue to promote the positives of the Village of Spencerport.

Trustee Nellis-Ewell commented that the NYCOM Main Street conference was very informative and an excellent resource. However it was noted that "big box" stores will work with communities to adapt the look of their store to work with the theme to a village.

Trustee Rauber noted the article that Trustee Nellis-Ewell wrote highlighting the Village of Spencerport. This article was featured in the *Touring New York* magazine, an I Love New York publication.

Trustee Nellis-Ewell stated that she is also working with the *NY Canal Times* to publish a similar article highlighting the Village of Spencerport.

Mayor Walker commented that the Trolley Depot is open and is receiving an abundance of traffic.

Michelle Soldi commented about the need for more village sidewalks.

Mayor Walker responded that work is being done to development the priorities for the installation of sidewalks.

Village Administrator

Position is currently vacant.

Village Clerk – Jacqueline Sullivan

1. Resolution to approve PERMA as workers compensation insurance carrier

RESOLUTION NO 1 6/2007

Introduced by: Mayor Walker
Seconded by: Trustee Marelo

Resolved, that the Board of Trustees of the Village of Spencerport hereby approves PERMA as the workers compensation insurance provider.

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

RESOLUTION NO 2 6/2007

Introduced by: Trustee Rauber
Seconded by: Trustee Hopson

Resolved, that the Board of Trustees of the Village of Spencerport hereby approves attendance at the NYCOM Planning and Zoning Schools July 26, 2007 at SUNY Geneseo for Village, Planning and Zoning Board members as well as support staff.

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

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Clerk Sullivan updated the board on the following:

- Tax bills are out and questions are being answered

Clerk Sullivan requested that a board member be present for the Sunday summer concerts.

Discussion ensued regarding board member attendance at the Sunday summer concerts.

Superintendent of Public Works – Thomas M. West

Superintendent West updated the board on the following:

- Skanex is relining sewers and approximately 90% completed with project. They will be submitting pricing for additional work to be done on Big Ridge Road.
- Specs for the refuse truck are out and the bid opening 6/11/07 at 11:00 a.m.
- Work continues obtaining easements for the fiber optic connection from the town offices to the village offices.
- The cost of bulk pick-up for the month of May was \$3,800.
- Road work and drainage has started on Parkhurst Drive crews will also be working throughout the season on additional roads in the village.
- MCWA rehab work continues and nearing completion of the West Avenue and Amity Street project.

Superintendent of Electric – John E. Linder

Superintendent Linder updated the board on the following:

- Regional MEUA meeting will be hosted by Bergen, NY this year
- Employee Matt Gartz is carrying a 97.3% GPA in line school and #1 in his outside program. Employee Mike Meyers will be completing line school this year and he is #1 in NYS
- IEEP fund has significant balance; proposal for use of funds has been submitted to the village board.
- Work on the Hogan project continues.
- Bucket truck was not sold at the auction; it is being advertised in the trade journals.

Discussion ensued regarding the use of electric through out the village.

Attorney – Richard J. Olson

Nothing requiring board action.

Administrative Committee – Mayor Walker, Chairman

RESOLUTION 3 6/2007

Introduced by: Mayor Walker

Seconded by: Trustee Rauber

Resolved, that the Board of Trustees of the Village of Spencerport hereby awards the Pump Station General Contract to Villager Construction, Inc. In the amount of \$1,796,000.00 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 |
| | Carol J. Nellis-Ewell, Trustee | Aye |
| | Charles R. Hopson, Trustee | Aye |

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

RESOLUTION 4 6/2007

Introduced by: Mayor Walker
Seconded by: Trustee Rauber

Resolved, that the Board of Trustees of the Village of Spencerport hereby awards the Pump Station Electrical Contract to Schuler Haas Electrical Corp. in the amount of \$1,024,000.00 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
 Carol J. Nellis-Ewell, Trustee Aye
 Charles R. Hopson, Trustee Aye
 John R. Marelo, Trustee Aye
 Theodore E. Walker, Mayor Aye

RESOLUTION 5 6/2007

Introduced by: Mayor Walker
Seconded by: Trustee Rauber

Resolved, that the Board of Trustees of the Village of Spencerport hereby awards the Pump Station HVAC Contract to LeClaire-Fleming Mechanical Corporation in the amount of \$83,173.00 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
 Carol J. Nellis-Ewell, Trustee Aye
 Charles R. Hopson, Trustee Aye
 John R. Marelo, Trustee Aye
 Theodore E. Walker, Mayor Aye

RESOLUTION 6 6/2007

VILLAGE OF SPENCERPORT
June 6, 2007
New York State Environmental Quality Review Act ("SEQRA")-
Determination of Nonsignificance
(Negative Declaration)

Local Law #1-2007
"A Local Law Governing the Use of, and Access to, Utility Easements"

WHEREAS, the Village Board of the Village of Spencerport proposes to amend the Village Code to regulate the use of land burdened by utility easements; and

WHEREAS, the Village Board has determined that the proposed local law is an **unlisted action** pursuant to SEQRA regulations; and

WHEREAS, the board has reviewed the Short Environment Assessment Form on file in the Village Office; and

WHEREAS, on this date, June 6, 2007, at a regular meeting, the Village Board conducted the required SEQRA review process by reviewing said Short Environment Assessment Form

NOW THEREFORE, BE IT RESOLVED:

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1. Based on its review of all of the evidence submitted and reviewed, and based upon the Village Board's deliberations and its review of the short Environmental Assessment Form for the proposed local law, it is hereby determined that the proposed local law will not have a significant impact on the environment and that a negative declaration is hereby issued.

2. This notice of this determination of non-significance shall be filed as required by SEQRA.

The foregoing resolution was approved 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 |

At a regular meeting of the Village Board of the Village of Spencerport held at the Village Hall, 27 West Avenue, Spencerport, New York on June 6, 2007.

RESOLUTION 7 6/2007

Introduced by: Mayor Walker
Seconded by: Trustee Mareello

RESOLUTION ADOPTING LOCAL LAW

Whereas, the Village Board has before it a Local Law entitled Local Law #1-2007 "A Local Law Governing the Use of, and Access to, Utility Easements" which, if adopted, set rules and procedures for land burdened by utility easements; and

Whereas, the Village Board has, on this date, held a public hearing to consider said proposed Local Law; and

Whereas, the Village Board has considered any public input; and

Whereas, this action is an unlisted action under the State Environmental Quality Review Act and the Village Board has adopted a Negative Declaration; and

Whereas, the notice of this hearing was duly published and posted as required by law;

Now, therefore, be it resolved:

Section 1. That the Village Board of the Village of Spencerport hereby enacts Local Law #1-2007 "A Local Law Governing the Use of, and Access to, Utility Easements"

Section 2. That the Village Clerk is ordered to publish a legal notice indicating the adoption of this Local Law and to file a copy of this Local Law with New York State.

Section 3. That this Local Law shall take effect upon filing with the Secretary of State.

Section 4. That this resolution shall take effect immediately.

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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 |

RESOLUTION 8 6/2007

At a regular meeting of the Village Board of the Village of Spencerport held at the Village Hall, 27 West Avenue, Spencerport, New York on June 6, 2007.

VILLAGE OF SPENCERPORT
June 6, 2007
New York State Environmental Quality Review Act ("SEQRA")-
Determination of Nonsignificance
(Negative Declaration)

Local Law #2-2007
"VILLAGE OF SPENCERPORT OUTDOOR FURNACE A LOCAL LAW"

WHEREAS, the Village Board of the Village of Spencerport proposes to amend the Village Code to prohibit outdoor furnaces; and

WHEREAS, the Village Board has determined that the proposed local law is an **unlisted action** pursuant to SEQRA regulations; and

WHEREAS, the board has reviewed the Short Environment Assessment Form on file in the Village Office; and

WHEREAS, on this date, June 6, 2007, at a regular meeting, the Village Board conducted the required SEQRA review process by reviewing said Short Environment Assessment Form

NOW THEREFORE, BE IT RESOLVED:

1. Based on its review of all of the evidence submitted and reviewed, and based upon the Village Board's deliberations and its review of the short Environmental Assessment Form for the proposed local law, it is hereby determined that the proposed local law will not have a significant impact on the environment and that a negative declaration is hereby issued.

2. This notice of this determination of non-significance shall be filed as required by SEQRA.

The foregoing resolution was approved as follows:

| | | |
|--------------------|--------------------------------|-----|
| 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 |

At a regular meeting of the Village Board of the Village of Spencerport held at the Village Hall, 27 West Avenue, Spencerport, New York on June 6, 2007.

RESOLUTION 9 6/2007

Introduced by: Mayor Walker
Seconded by: Trustee Rauber

Whereas, the Village Board has before it a Local Law entitled Local Law #2-2007 "Village of Spencerport Outdoor Furnace Local Law" which, if adopted, will prohibit outdoor furnaces in the Village; and

Whereas, the Village Board has, on this date, held a public hearing to consider said proposed Local Law; and

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Whereas, the Village Board has considered any public input; and

Whereas, this action is an unlisted action under the State Environmental Quality Review Act and the Village Board has adopted a Negative Declaration; and

Whereas, the notice of this hearing was duly published and posted as required by law;

Now, therefore, be it resolved:

Section 1. That the Village Board of the Village of Spencerport hereby enacts Local Law #2-2007 "Village of Spencerport Outdoor Furnace Local Law".

Section 2. That the Village Clerk is ordered to publish a legal notice indicating the adoption of this Local Law and to file a copy of this Local Law with New York State.

Section 3. That this Local Law shall take effect upon filing with the Secretary of State.

Section 4. That this resolution shall take effect immediately.

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

At a regular meeting of the Village Board of the Village of Spencerport held at the Village Hall, 27 West Avenue, Spencerport, New York on June 6, 2007.

RESOLUTION 10 6/2007

VILLAGE OF SPENCERPORT

June 6, 2007

New York State Environmental Quality Review Act ("SEQRA")-
Determination of Nonsignificance
(Negative Declaration)

Local Law #3-2007

"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 of the Village of Spencerport proposes to amend the Village Code to allow drive in and drive through facilities as an accessory use with a special use permit from the Zoning Board of Appeals; and

WHEREAS, the Village Board has determined that the proposed local law is an **unlisted action** pursuant to SEQRA regulations; and

WHEREAS, the board has reviewed the Short Environment Assessment Form on file in the Village Office; and

WHEREAS, on this date, June 6, 2007, at a regular meeting, the Village Board conducted the required SEQRA review process by reviewing said Short Environment Assessment Form

NOW THEREFORE, BE IT RESOLVED:

1. Based on its review of all of the evidence submitted and reviewed, and based upon the Village Board's deliberations and its review of the short Environmental Assessment Form for the proposed local law, it is hereby determined that the proposed local law will not have a significant impact on the environment and that a negative declaration is hereby issued.

2. This notice of this determination of non-significance shall be filed as required by SEQRA.

The foregoing resolution was approved as follows:

| | | |
|--------------------|--------------------------------|-----|
| 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 |

At a regular meeting of the Village Board of the Village of Spencerport held at the Village Hall, 27 West Avenue, Spencerport, New York on June 6, 2007.

RESOLUTION 11 6/2007

Introduced by: Mayor Walker
Seconded by: Trustee Rauber

RESOLUTION ADOPTING LOCAL LAW

Whereas, the Village Board has before it a Local Law entitled Local Law #3-2007 "A Local Law to Amend the Zoning Code to Provide for Drive Through Service Facilities at Restaurants in the Village of Spencerport" which, if adopted, will require a special use permit for these facilities; and

Whereas, the Village Board has, on this date, held a public hearing to consider said proposed Local Law; and

Whereas, the Village Board has considered any public input; and

Whereas, this action is an unlisted action under the State Environmental Quality Review Act and the Village Board has adopted a Negative Declaration; and

Whereas, the notice of this hearing was duly published and posted as required by law;

Now, therefore, be it resolved:

Section 1. That the Village Board of the Village of Spencerport hereby enacts Local Law #3-2007 "A Local Law to Amend the Zoning Code to Provide for Drive Through Service Facilities at Restaurants in the Village of Spencerport"

Section 2. That the Village Clerk is ordered to publish a legal notice indicating the adoption of this Local Law and to file a copy of this Local Law with New York State.

Section 3. That this Local Law shall take effect upon filing with the Secretary of State.

Section 4. That this resolution shall take effect immediately.

| | | |
|--------------------|--------------------------------|-----|
| 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 |

RESOLUTION NO 12 6/2007

Introduced by: Mayor Walker
Seconded by: Trustee Rauber

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Resolved, that the Board of Trustees of the Village of Spencerport hereby approves hiring Ken Olson as Village of Spencerport part-time seasonal security guard. Hourly wage will be \$18.00 per hour. Not to exceed \$5,000 per fiscal year.

Attorney Olson requested that the Village insurance consultant to review the contract.

Motion was amended to include approval contingent upon consultant's review.

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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 |

Unfinished Business

New Business

Bills

Motion was made by Trustee Marello, seconded by Trustee Nellis-Ewell and carried unanimously that the monthly bills be paid as audited in the following amounts:

| | |
|---------------|----------------------|
| General Fund | \$ 42,228.68 |
| Electric Fund | \$ 19,422.24 |
| Sewer Fund | \$ 32,797.39 |
| Trust Fund | \$ 0 |
| Capital Fund | <u>\$ 388,950.52</u> |
| TOTAL: | \$483,398.80 |

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

Adjournment

Motion was made by Mayor Walker, seconded by Trustee Marello and carried unanimously that the regular meeting be adjourned at 10:15 p.m.