

VILLAGE BOARD MEETING
July 11, 2007

CALL TO ORDER: 7:00 p.m.

The Pledge of Allegiance was led by Trustee Rauber.

BOARD MEMBERS PRESENT

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

BOARD MEMBERS ABSENT

Theodore E. Walker, Mayor

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
John Tabbitas, 210 Hilltop Lane
Skip McDuffy, 212 Hilltop Lane
Vincent Trillio, 214 Hilltop Lane
Joanie and Shawn Rogers, 49 Village Walk
Ed Egenlauf, 670 Ogden Parma TL Rd
Mr. Costanza, Brockport/Spencerport Harold
Mr. Jim Powell, Nichols Street

APPROVAL OF MINUTES

Motion was made by Trustee Hopson, seconded by Trustee Nellis-Ewell and carried that the minutes of the regular meeting held June 6, 2007 be approved as read.

Motion was made by Trustee Nellis-Ewell, seconded by Trustee Hopson and carried that the minutes of the workshop meeting held March 16, 2005 be approved as read.

PRIVILEGE OF FLOOR

Mr. John Tabbitas, 210 Hilltop Lane is concerned with drainage and the forever wild area behind his home. Mr. Tabbitas indicated that the land behind his property has many downed trees and has issues with flooding and damming of water. He indicated that the property needs to be opened up to allow for drainage.

Mr. Skip McDuffy, 212 Hilltop Lane added that he has lived in there since 1991 and thanked the Village and Tom West for making an effort to help alleviate the standing water issues. His concern is that how long this would help the problem. Mr. McDuffy affirmed that in his opinion the water needs to drain more efficiently. Mr. McDuffy stated that he does not like the standing water near and around his property.

Mr. Vincent Trillio, 214 Hilltop Lane stated that he has noticed that the area in question floods more due to the new roads and drainage.

Mrs. Joanie Rogers, 49 Village Walk indicated that their lawn and the neighbor's lawn flood due to the overgrowth in the drainage ditch and creek bed. She indicated that the lawns are flooded until June of each year. Mrs. Rogers requested that that the area is cleaned out to help with this problem.

Mr. Tabbitas submitted aerial photos of the area in question to the Village Board for review. Mr. Tabbitas further explained the photos.

Village Board Meeting
July 11, 2007

Mr. Shawn Rogers, 49 Village Walk stated that when he arrived home today, during the brief rain storm, his yard had about 1 ½ inches of standing water.

Trustee Rauber stated that the Village of Spencerport along with MRB Group studied that area approximately five years ago to determine the impact of the flow of water during storm event.

Trustee Rauber continued that the Village of Spencerport will work to determine a solution to this problem however Trustee Rauber confirmed that the Village of Spencerport does not own that property in question and cannot enter private property.

Mr. John Tabbitas submitted photos and a map of the area to Clerk Sullivan, requesting that they be returned after the Village's is done with them.

Mr. Ed Egenlauf, 670 Ogden Parma TL RD was requesting a status update regarding the borderline electric service requested.

Attorney Olson commented that a letter has been faxed and mailed to RG&E earlier in the week asking for specific action on this matter. At this time no response has been received.

Mr. Egenlauf commented that ever time he speaks to RG&E their demands change.

Attorney Olson stated that there have been no changes. Attorney Olson continued that RG&E sent the Village of Spencerport a proposal that was vague. RG&E indicated that they would agree to talk to the Village of Spencerport. Attorney Olson stated that the Village would like specifics. The Village has supplied RG&E with names of specific individuals to talk to regarding this situation. Information was given to Jeff Clark, RG&E regarding a gentleman in Massachusetts who specializes in this type of agreement.

Mr. Egenlauf indicated that when he speaks with Jeff Clark or Jeff Fisk at RG&E they are continually baffled as to why electric service to Mr. Egenlauf's residence is an issue. Mr. Egenlauf continued asking why the Village of Spencerport continues to services Rock Ridge Circle.

Attorney Olson explained that the Village of Spencerport is required to service Rock Ridge Circle due to previous agreements entered into with RG&E.

Attorney Olson stated that Superintendent Linder spoke to Mr. Egenlauf indicating that before he proceeds with the building of his home he needs to confirm that RG&E will service his lot.

Mr. Egenlauf confirmed that the meeting did take place with Superintendent Linder in his driveway after the permits had been issued prior to construction of the home. Mr. Egenlauf indicated that Superintendent Linder informed him about confirming service for the lot from RG&E.

Attorney Olson confirmed with Mr. Egenlauf that Superintendent Linder informed him that he would need to seek electric service from RG&E.

Mr. Egenlauf stated that he was told he was outside the franchise. Mr. Egenlauf stated that he then contacted RG&E and was told how properties outside the franchise gain electric service.

Discussion ensued regarding Rock Ridge Circle properties and preexisting service agreements.

Trustee Rauber stated that work is in progress.

Mr. Egenlauf indicated that when he spoke to RG&E they indicated that everything has been given to the Village of Spencerport.

Attorney Olson asked if Mr. Egenlauf spoke to RG&E this week.

Mr. Egenlauf said no.

Village Board Meeting
July 11, 2007

Attorney Olson stated that currently RG&E has a number of items to address to accomplish this agreement. Attorney Olson stated that RG&E has had our proposal for the last four weeks.

Mr. Egenlauf asked if RG&E responded to the Village's requests how long would it take the Village to take action.

Attorney Olson stated that the Village Board would take action at the next available meeting.

Mr. Egenlauf indicated that this situation is becoming very costly.

Trustee Marelo asked the current situation with Mr. Egenlauf's home.

Mr. Egenlauf explained that the home is complete however final payments to contractors cannot be made since the home does not have an established electric service and the construction mortgage cannot be converted to a conventional mortgage thus additional penalties and fee are accumulating.

Discussion ensued regarding Mr. Egenlauf's financial situation.

Trustee Marelo asked Superintendent Linder to explain the Village of Spencerport's franchise policy.

Superintendent Linder explained that the Village of Spencerport is required to supply electric service in that area 200' from the center line of Ogden Parma TL RD. Superintendent Linder continued that Mr. Egenlauf's house is at least 700' from the center line of Ogden Parma TL RD.

Trustee Marelo stated that service could be provided at an additional charge for the extra 500'?

Superintendent Linder responded that electrically speaking service could be provided to this residence the issue is that the residence is not in the Village of Spencerport's franchise.

Discussion ensued regarding out of franchise services.

Sewers Committee – Trustee Rauber, Chairman

Trustee Rauber reported that the WWTP realized 596 thousand gallons of flow. Precipitation at the WWTP was 2.09".

WWTP status report was deferred to Tom West to report later in the agenda.

Mr. Jim Peet, Engineer from MRB Group indicated that studies have shown that the sewer pipe from Bauer's Cove down Cottage Street to Big Ridge Road is compromised and needs replacement. Mr. Peet further explained the details of the change order.

Discussion ensued regarding how common are large change orders.

Resolution to approve change order #1 from Randsco Pipeline in regards to Cottage Street gravity sewer line.

RESOLUTION NO 13 7/2007

Introduced by: Trustee Rauber

Seconded by: Trustee Hopson

Resolved, that the Village of Spencerport Board of Trustees approves change order #1 from Randsco Pipeline in the amount of \$129,640. Villager Construction submitted a bid as well.

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	Absent

Resolution to approve payment application #2 – Villager Construction

RESOLUTION NO 14 7/2007

Introduced by: Trustee Rauber
Seconded by: Trustee Marello

Resolved, that the Village of Spencerport Board of Trustees approves payment application #2 from Villager Construction – Contract FM-Gen Force Main in the amount of \$168,038.38.

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	Absent

Resolution to approve payment application #2 – Skanex Pipe Services, Inc.

RESOLUTION NO 15 7/2007

Introduced by: Trustee Rauber
Seconded by: Trustee Marello

Resolved, that the Village of Spencerport Board of Trustees approves payment application #2 from Skanex Pipe Services, Inc. – Sanitary Sewer Relining in the amount of \$52,003.00.

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	Absent

Planning/Zoning/Building Control – Trustee Rauber, Chairman

A. Planning

Nothing requiring board action.

Trustee Rauber commented that the Planning Board approved SEQR documentation for 148 S. Union Street. Trustee Rauber indicated that further discussion regarding 148 S. Union Street would take place at tonight's workshop session.

Trustee Rauber stated that he has talked to the Spencerport Fire Department Commissioners regarding the 80' antenna proposal to be located at the new firehouse.

Trustee Hopson questioned they type of service the fire department is currently using.

Trustee Rauber indicated the fire department is currently using other means and the fire department does not have a base radio.

Trustee Nellis-Ewell clarified that originally the fire department requested a 100' pole and now they are requesting an 80' pole.

Trustee Rauber explained that the FCC will only allow an 80' pole.

Trustee Nellis-Ewell was under the impression there was a potential for fiber optic lines.

Village Board Meeting
July 11, 2007

Tom West explained that fiber optic is not for radio communications.

Trustee Rauber continued that the proposed building located on the Carnival Grounds was tabled. A small work group will meet to help the Fire Department address the issues raised by the ARB regarding the style of the proposed building.

Trustee Hopson commented that the Fire Department was unhappy with the fact that the ARB would not allow the building to be constructed due to the fact that the proposed building does not meet the minimum standards.

Discussion ensued regarding the potential building.

Trustee Nellis-Ewell commented that as a former member of the Planning Board work was done on the Village of Spencerport Comprehensive Plan and that possibly the new Planning Board may want to consider a revision to the current plan.

B. Zoning

Nothing requiring board action.

Trustee Rauber stated that a zoning variance was give to a resident for a home occupation.

C. Building Control

Nothing requiring board action.

D. Code Review

Nothing requiring board action.

Trustee Nellis-Ewell commented that review of the sign code maybe necessary in light of the previous meeting comments regarding A-Frame signs.

Trustee Rauber stated that review of this code can be an agenda item for a workshop meeting.

Trustee Rauber continued that Kevin Kelly, Code Enforcement Officer, is researching the state code regarding parking across sidewalks and will be reporting at the next workshop meeting.

E. Architectural Review

Nothing requiring board action. Trustee Rauber commented a sign for "Options" in the Village Plaza was approved.

Finance Committee – Trustee Hopson, Chairman

Trustee Hopson acknowledged receipt of monthly-consolidated investment; HSBC Insured Municipal Money Market rate of 5.06%

Resolution to approve attached fiscal year end 2007 budget transfers

RESOLUTION NO 16 7/2007

Introduced by: Trustee Hopson

Seconded by: Trustee Carol Nellis-Ewell

Resolved, that the Village of Spencerport Board of Trustees approves attached year end 2007 budget transfers.

Vote of the Board: Theodore E. Rauber, Trustee Aye
Carol J. Nellis-Ewell, Trustee Aye

Village Board Meeting
July 11, 2007

Charles R. Hopson, Trustee	Aye
John R. Mareello, Trustee	Aye
Theodore E. Walker, Mayor	Absent

Facilities Committee – Trustee Mareello, Chairman

A. Electric

Nothing requiring board action.

Trustee Hopson commented that Treasurer Harissis has completed an itemized timeline in regards to the rate increase study taking place. Trustee Hopson continued that a five year forecast for the electric department has been submitted by Superintendent Linder.

Resolution to approve attached year end 2006 and 2007 electric account write-offs

RESOLUTION NO 17 7/2007

Introduced by: Trustee Rauber

Seconded by: Trustee Carol Nellis-Ewell

Resolved, that the Village of Spencerport Board of Trustees approves attached year end 2006 and 2007 electric account write-offs totaling \$16,452.26.

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	Absent

B. Other (Drainage, Franchise)

Nothing requiring board action.

Public Works Committee – Trustee Hopson, Chairman

A. Highways/Garage

Nothing requiring board action.

Trustee Hopson commented that Superintendent West will be purchasing a truck chassis to be used for a dump truck.

Superintendent West explained that there is a considerable savings to purchasing the chassis now and then purchasing the dump body in the future pending borrowing of funds.

Trustee Nellis-Ewell commented that Dominic Agostenelli commented that the lack of sidewalks on Union Street to Nichols Street (Rt. 31) is dangerous situation.

Superintendent West informed the board that the Village is actively pursuing grants to install sidewalks.

B. Public Services (Refuse, Recycling, Parks)

Nothing requiring board action.

Public Safety Committee – Trustee Mareello, Chairman

A. Fire Department

Village Board Meeting
July 11, 2007

Nothing requiring board action.

B. Police

Nothing requiring board action.

Trustee Nellis-Ewell commented that the waterline rehabilitation project has caused the fire hydrant in front of 200 Lyell Avenue was moved to the opposite side of the street and had the local fire department been informed of this change.

Superintendent West responded that the local fire marshal has been informed of the change.

Human Resources Committee – Trustee Nellis-Ewell, Chairman

Nothing requiring board action.

Trustee Nellis-Ewell commented that she would like to review at budget time this fall and increase to the compensation received by the planning and zoning boards.

Trustee Nellis-Ewell informed the board that it would be appropriate to review the Village of Spencerport code of ethics on a yearly basis.

Economic Development Committee – Trustee Nellis-Ewell, Chairman

Nothing requiring board action.

Trustee Nellis-Ewell commented that she submitted articles to the Canal Times about the opening of the Trolley Depot, Canal Days and Canal Splash.

Trustee Nellis-Ewell continued that she and the Mayor have joined a committee of the Chamber of Commerce focusing on economic development for the area. The committee will be entertaining the option of allowing a grad student from an area university to study the community and recommend the types of businesses that would flourish in the area.

Trustee Nellis-Ewell has developed a top ten list to have a successful business in Spencerport. The list contains items as the medium income is approximately \$60,000; preferred power rates etc.

Village Administrator

Position is currently vacant.

Village Clerk – Jacqueline Sullivan

Clerk Sullivan updated the board on the following:

- Tax bills are out and questions are being answered; currently 81% of the taxes have been collected

Superintendent of Public Works – Thomas M. West

Superintendent West updated the board on the following:

- Bulk pick-up is this week.
- Parkhurst Drive drainage is complete and black topping will be starting.
- Harwood Drive drainage work is starting approximately 500'.
- Easement for Martha Street (dance studio) to be used for drainage is being obtained.
- Easement for Fairfield Cemetery for sidewalks is being obtained.
- Research is being done for the repaving of Prospect Street to be done in house at a significant cost savings.

Village Board Meeting
July 11, 2007

- Decommissioning of WWTP is being coordinated with MRB and Mark Elliott.
- Striping of the streets is almost completed.
- Cross walk signs are being installed on the light poles along Main Street.
- Many calls have been made to MCWA for the holes on Lyell Avenue.

Superintendent of Electric – John E. Linder

Superintendent Linder updated the board on the following:

- Hogan and Gollel project continues, power is available in the area.
- OSHA has directed electric companies to purchase safety suits to protect workers from arc flash injuries.
- Replacement flags have been secured for the light poles

Resolution to authorize John Linder, Electric Superintendent to sign JJ Kane contract

RESOLUTION NO 18 7/2007

Introduced by: Trustee Rauber

Secoded by: Trustee Carol Nellis-Ewell

Resolved, that the Village of Spencerport Board of Trustees herby authorizes John Linder, Electric Superintendent to sign agreement with JJ Kane Auctioneers to sell the 1991 Ford Bucket Truck.

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	Absent

Attorney – Richard J. Olson

Nothing requiring board action.

Attorney Olson commented that easements for the dance studio on Martha Street and Fairfield Cemetery are being obtained. Work is in process to help the police department to understand the parking in the municipal lot located behind the business located on the West Side of Main Street.

Attorney Olson requested executive session to discuss an insurance claim and possible litigation.

Administrative Committee – Mayor Walker, Chairman

Resolution to award 2007 Refuse Truck Bid

RESOLUTION NO 18 7/2007

Introduced by: Trustee Rauber

Secoded by: Trustee Hopson

Resolved, that the Village of Spencerport Board of Trustees award the 2007 refuse truck bid to Cyncon Equipment, 7494 West Henrietta Road, Rush, NY 14543 in the amount of 86,894.00. No other bids were received.

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	Absent

Village Board Meeting
July 11, 2007

Resolution to award 2007 Parks Truck Bid

RESOLUTION NO 19 7/2007

Introduced by: Trustee Rauber
Seconded by: Trustee Marello

Resolved, that the Village of Spencerport Board of Trustees award the 2007 parks truck bid to Doan Buick GMC, 4477 W. Ridge Road, Rochester, NY 14626 in the amount of \$27,876.41. No other bids were received.

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	Absent

Trustee Rauber commented on the letter received from Gary Inzana regarding tree trimming on Main Street.

Unfinished Business

New Business

Bills

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

General Fund	\$ 102,782.79
Electric Fund	\$ 26,439.37
Sewer Fund	\$ 111,932.25
Trust Fund	\$ 0
Capital Fund	\$ 235,308.69
TOTAL:	\$476,463.10

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

Adjournment

Motion was made by Trustee Rauber, seconded by Trustee Hopson and carried unanimously that the regular meeting be adjourned to executive session at 8:51 p.m.

Motion was made by Trustee Rauber, seconded by Trustee Marello and carried unanimously that the executive session be adjourned to workshop session at 9:25 p.m.

Motion was made by Trustee Rauber, seconded by Trustee Hopson and carried unanimously that the workshop session be adjourned at 10:25 p.m.