

VILLAGE BOARD MEETING
November 7, 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
Andy & Cathi Squires, Pinecrest Drive
Jim & Betsy Converse, Trimmer Road
Bob Garlick, Nichols Street
Jim Powell, Nichols Street
Jeffrey Martin, Esq., Holly, NY

APPROVAL OF MINUTES

Motion was made by Trustee Rauber, seconded by Trustee Hopson and carried that the minutes of the regular meeting held October 3, 2007 be approved as read.

Motion was made by Trustee Rauber, seconded by Trustee Nellis-Ewell and carried that the minutes of the workshop meeting held October 17, 2007 be approved as read.

PRIVILEGE OF FLOOR

Mr. Powell addressed the Board by thanking Tom West for the installation of the sidewalks in front of Fairfield Cemetery on Union Street.

Mr. Powell continued by referring the article in the most recent Suburban News regarding to the sidewalks in Churchville. Mr. Powell asked why this Village cannot do the same thing.

Discussion ensued regarding sidewalks and cost.

Andrew and Cathi Squires appeal to Spencerport Village Board

Mr. Martin, attorney for Mr. and Mrs. Squires addressed the board by distributing a packet of information including the following: Instrument survey map of the Squires property, a map of the subdivision, easement agreements, text of Village law 1 of 2007, Squires' building permit application, August 2007 letter from Jack Linder, Tom West and Jack Crooks, Squires' September 2007 response letter, September 2007 response letter from Linder, West and Crooks, Squires September 2007 letter appealing the denial.

Mr. Martin explained to the board that Mr. and Mrs. Squires are appealing the denial to their request for a building permit for a fence.

Mr. Martin continued by explaining the intention of the easement that the Village owns on their property. Mr. Martin explained that the Fence Law indicates that the Village discourages the placement of fences in easements but does not prohibit them.

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Mr. Martin explained the dimensions of the Squires' lot and indicated that the easement is approximately 33% of area of their rear yard. This area is to confine the Squires' two Labrador retrievers.

Mr. Martin explained that the Squires' application was denied due to the absence of a full mechanical drawing of the property illustrating the addition of the fence. Mr. and Mrs. Squires do not feel that a full mechanical drawing is necessary for the fence application thus the need for the appeal.

Mayor Walker commented that the intent of the request of additional information was to get a feel of the construction of the fence and possible weight of the removable panels as well as a reference of what was to be built to compare to the finished product.

Mr. Martin indicated that the request for more information also included letters from the other utilities (Frontier Telephone and Time Warner Cable) indicating permission for the fence. Mr. Martin continued that those requested were not part of the law.

Mayor Walker commented that he does not feel that the request for permission from Frontier Telephone and Time Warner Cable were necessary.

Mr. Squires added that it is difficult to establish the weight of the fence prior to construction. Mr. Squires added that 10' panels will be installed on pins to allow adequate access to the utility easements.

Trustee Marelo questioned the size of the removal panels.

Mr. Squires indicated that there will be (2) 10' removable panels allowing access to the 20' easement.

Mayor Walker indicated that this was the flavor of the request for more information.

Mr. Martin inquired as to whether the Village Board was receptive to a fence in the outlined location based on the previously submitted design?

Trustee Nellis-Ewell questioned if there is a list of required information.

Trustee Marelo questioned if the fence would be chain link?

Mr. Squires indicated that it would be.

Discussion ensued regarding previously requested information and conversations.

Trustee Marelo offered his apologies that this issue could not be worked out prior to the need for this appeal.

RESOLUTION 62 11/2007

Introduced by: Trustee Rauber

Seconded by: Trustee Marelo

Resolved, that the Village of Spencerport Board of Trustees approves the application of Andrew and Cathi Squires, 26 Pinecrest Drive for the installation of a 4' high chain link fence with removable panels not to exceed 75 lbs with removable center post and no locks and with 4" clearance of ground at the lowest point through the easement on said property. Removable panels will allow full access to the 20' easement located at the north lot line of their property.

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

Sewers Committee – Trustee Rauber, Chairman

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Trustee Rauber indicated that during the month of September 2007 the WWTP had flows of 446 thousand gallons with 2.27" of precipitation and October 2007 had flows of 536 thousand gallons with 3.89" of precipitation. Trustee Rauber deferred comments regarding the WWTP project to Mayor Walker.

Trustee Rauber indicated that he, Superintendent West and Trustee Hopson met with the Town of Ogden officials to determine a course of action for shared services when the WWTP is offline.

Mayor Walker explained that the crossing of Long Pond Road will be open cut and completed in about two days. The construction of the pump station continues and completion and restoration of Cottage Street continues and will be completed by Thanksgiving. Mayor Walker further explained that exploratory drilling is being completed to determine the size of the obstacle hindering the gravity sewer bore under the canal.

Resolution to approve payment application #1 Siewert Equipment Co. PS-Pumps

RESOLUTION NO 63 11/2007

Introduced by: Mayor Walker
Seconded by: Trustee Rauber

Resolved, that the Village of Spencerport Board of Trustees approves payment application #1 from Siewert Equipment Co. PS-Pumps in the amount of \$204,855.00

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

Resolution to approve payment application #5 ISCO Industries, LLC – FM Pipe

RESOLUTION NO 64 11/2007

Introduced by: Mayor Walker
Seconded by: Trustee Hopson

Resolved, that the Village of Spencerport Board of Trustees approves payment application #5 from ISCO Industries, LLC in the amount of \$8,219.41

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

Resolution to approve payment application #3 Villager Construction, Inc. – PS Gen Pump Station

RESOLUTION NO 65 11/2007

Introduced by: Mayor Walker
Seconded by: Trustee Nellis-Ewell

Resolved, that the Village of Spencerport Board of Trustees approves payment application #3 from Villager Construction, Inc. in the amount of \$213,717.52 for PS Gen Pump Station.

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

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Resolution to approve payment application #6 Villager Construction, Inc. FM-Gen Force Main

RESOLUTION NO 66 11/2007

Introduced by: Mayor Walker
Seconded by: Trustee Nellis-Ewell

Resolved, that the Village of Spencerport Board of Trustees approves payment application #6 from Villager Construction, Inc. in the amount of \$4,499.68 for FM Gen Force Main.

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 to approve payment application #3 Randsco Pipeline Inc., GS Gravity Sewer

RESOLUTION NO 67 11/2007

Introduced by: Mayor Walker
Seconded by: Trustee Rauber

Resolved, that the Village of Spencerport Board of Trustees approves payment application #3 from Randsco Pipeline, Inc. in the amount of \$102,041.40 for GS Gravity Sewer.

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 to authorize the Mayor to sign bill of sale documentation

RESOLUTION NO 68 11/2007

Introduced by: Mayor Walker
Seconded by: Trustee Hopson

Resolved, that the Village of Spencerport Board of Trustees hereby authorizes Theodore E. Walker, Mayor to sign the bill of sale with Monroe County Water Authority approving the transfer of ownership of the 4" water main located on the WWPT Road.

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

Planning/Zoning/Building Control – Trustee Rauber, Chairman

A. Planning

Trustee Rauber updated the board on the reconfiguration of the Station #1 Firehouse. Approval was given to the Fireman's Association for the construction of a museum at Fireman's Field.

In addition Trustee Rauber indicated that 148 S. Union Street received preliminary and final approval of the proposed site plan for the building. Final review by ARB is necessary prior to construction.

Prusha subdivision was tabled at this time due to additional information needed on drainage.

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Resolution to approve Letter of Credit Release Estimate #1 – Canal Landing

RESOLUTION NO 69 11/2007

Introduced by: Mayor Walker
Seconded by: Trustee Nellis-Ewell

Resolved, that the Village of Spencerport Board of Trustees hereby approves Letter of Credit Release Estimate #1 for Canal Landing as submitted by MRB Group in the amount of \$8,265.00.

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	Aye

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. Spencerport Physical Therapy requested approval for a new sign.

Finance Committee – Trustee Hopson, Chairman

Trustee Hopson acknowledged receipt of monthly-consolidated investment; HSBC Insured Municipal Money Market rate of 5.06% (no change from October 2007)

RESOLUTION 70 11/2007

Introduced by: Trustee Hopson
Seconded by: Trustee Nellis-Ewell

Resolved, that the Village of Spencerport Board of Trustees hereby approves the following budget transfers for November 2007.

Amount	To Account	From Account
\$2,000	A5650.100 Off Street Parking – Salary	A5650.400 Off Street Parking-Contractual
\$1,250	A7110.200 Parks – Equipment/Contractual	A7110.400 Parks – Contractual
\$4,000	A 8540.100 Drainage-Salary	A5110.400 Highways – Contractual
Contingency Balances	A1990.4 General Fund Contingency November Balance = \$67,163.00	
	G 1990.4 Sewer Fund Contingency November Balance = \$45,000	

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

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

Facilities Committee – Trustee Mareello, Chairman

A. Electric

Nothing requiring board action.

B. Other (Drainage, Franchise)

Nothing requiring board action.

Public Works Committee – Trustee Hopson, Chairman

A. Highways/Garage

Nothing requiring board action. Trustee Hopson commented on the installation of the sidewalk at Fairfield Cemetery.

B. Public Services (Refuse, Recycling, Parks)

Nothing requiring board action.

Public Safety Committee – Trustee Mareello, Chairman

A. Fire Department

Nothing requiring board action.

B. Police

Nothing requiring board action.

Human Resources Committee – Trustee Nellis-Ewell, Chairman

Nothing requiring board action.

Economic Development Committee – Trustee Nellis-Ewell, Chairman

Nothing requiring board action.

Trustee Nellis-Ewell commented on the economic development work that the RIT Grad. students are performing.

Mayor Walker commented on the Chamber of Commerce networking event in October. In addition Scott Winter spoke regarding economic development and that December 2nd is Christmas on the Canal.

Village Administrator

Position is currently vacant.

Village Clerk – Jacqueline Sullivan

Resolution to surrender 2007/2008 unpaid taxes to Monroe County

RESOLUTION NO 71 11/2007

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Introduced by: Mayor Walker
Seconded by: Trustee Nellis-Ewell

Resolved, that the Village of Spencerport Board of Trustees hereby surrenders the attached unpaid Village taxes to Monroe County in the amount of \$52,138.30 for collection.

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 to approve Annual Boy Scout Troop 92 Annual Christmas Tree Sale

RESOLUTION NO 72 11/2007

Introduced by: Mayor Walker
Seconded by: Trustee Hopson

Resolved, that the Village of Spencerport Board of Trustees approves Boy Scout Troop 92's application for their annual Christmas Tree Sale from November 24-December 25, 2007.

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 to approve update to Controlled Substance and Alcohol Testing Policy

RESOLUTION NO 73 11/2007

Introduced by: Mayor Walker
Seconded by: Trustee Rauber

Resolved, that the Village of Spencerport Board of Trustees approves updating the current controlled substance and alcohol testing policy and staff training on this policy. The update will be crafted by Public Sector HR Consultants LLC in the amount not to exceed \$1,100.

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

Clerk Sullivan updated the board on the following:

- Informed board that the town will be administering a property reassessment. Clerk Sullivan will invite Assessor Bob Criddle to speak to the Board at the December workshop regarding the reassessment.
- Reviewed Excellus Medicare changes.
- Updated Board that 5 employees have participated in the medical reimbursement program costing approximately \$500.
- Village of Webster will be looking at our cash receipting program.

Superintendent of Public Works – Thomas M. West

Superintendent West updated the board on the following:

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- Updated board on NYCOM Conference.
- Work on Toter program continues.
- The small 4 wheeler will be sold by sealed bid on November 21st at 1:00 p.m.
- Leaf pick up continues.
- WWTP decommissioning planning continues.
- Negotiations with John Graham, Monroe County continue regarding placing employees.
- Storm Water codes revisions continue with Attorney, Dick Olson.
- Work continues with Town of Ogden for shared sewer services and grant opportunities.
- Village is in receipt of the FEMA Flood maps. Review of these maps is on going.

Superintendent of Electric – John E. Linder

Superintendent Linder updated the board on the following:

- Hogan and Gollel project are on track.
- Christmas lighting is starting and should be complete my Thanksgiving.
- Setting transformer vault for WWTP project next week.
- Street light shafts should be in house soon.

Attorney – Richard J. Olson

Nothing requiring board action.

Attorney Olson updated the board on the following:

- Work continues with parking lot settlement.
- RG&E is working on a wheeling agreement.
- Work continues on fiber optic easement.
- Work continues with Cricket Communications.

Administrative Committee – Mayor Walker, Chairman

Resolution to approve forwarding all PILOT program proceeds to Spencerport Central Schools

RESOLUTION NO 74 11/2007

Introduced by: Mayor Walker

Seconded by: Trustee Rauber

Resolved, that the Village of Spencerport Board of Trustees approves forwarding all payments received from the Morgan Management/Village Plaza PILOT Program to Spencerport Central Schools.

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

Resolution to authorize the Mayor to act on all matters related to the waterfront revitalization program

RESOLUTION NO 75 11/2007

Introduced by: Mayor Walker

Seconded by: Trustee Rauber

Resolved, that the Village of Spencerport Board of Trustees authorizes the Mayor to act on all matters related to the NYS DOS Local Waterfront Revitalization Program.

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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. Marelllo, Trustee Aye
Theodore E. Walker, Mayor Aye

Mayor Walker informed the board about the Veterans' Day event at the Spencerport American Legion on Sunday, November 11, 2007.

Attorney Olson informed the Board about the introduction of the Cold War Veterans exemption being passed by Monroe County.

Mayor Walker informed the Board about the upcoming interviews for the Electric Superintendent position.

Mayor Walker indicated that the Canal Days Committee is giving \$2,000 to the Village for the purchase of benches and bicycle racks for the "main street".

Unfinished Business

New Business

Workshop will be November 14th at 5:00 p.m.

Mayor Walker acknowledged the letter to the Suburban News from Mr. and Mrs. Conners thanking everyone for their help with the installation of the floating dock.

Bills

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

General Fund	\$ 86,509.12
Electric Fund	\$ 45,756.39
Sewer Fund	\$ 21,294.43
Trust Fund	\$ 281.48
Capital Fund	<u>\$608,799.51</u>
TOTAL:	\$762,640.93

Motion was made by Mayor Walker, seconded by Trustee Marelllo and carried unanimously that the cash disbursements for the General, Electric, Sewer, Trust and Capital Funds, November 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 to executive session at 9:07 p.m.

Motion was made by Mayor Walker, seconded by Trustee Marelllo and carried unanimously that the executive session be adjourned to workshop session at 9:30 p.m.

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