

VILLAGE BOARD MEETING
May 7, 2008

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, Trustee
Carol J. Nellis-Ewell, Trustee

John R. Marello, Trustee

BOARD MEMBERS ABSENT

Charles R. Hopson, Trustee

OTHERS PRESENT

Richard Olson, Village Attorney
Owen McIntee, Superintendent of Electric Department
Jackie Sullivan, Village Clerk
Tom West, DPW Superintendent

Joan Quigley, Maplewood Avenue
Craig Byham, Luther Jacobs Way
Thomas McCall, Crosby Lane
Mike Linder, Luther Jacobs Way
Greg Yahn, Big Ridge Road
Kay Hadlock, North Avenue
Sue Yahn, Big Ridge Road
Robert Hadlock, North Avenue
Randy Hill, Duffern Drive
Lori Hill, Duffern Drive
George Rice, Gallup Road
Gloria Rice, Gallup Road
Bruce Miles, Stone Fence Road
Vic & Rosemarie Corey, Byron, NY
Ross & Gail Gates, Gallup Road

APPROVAL OF MINUTES

Motion was made by Mayor Walker, seconded by Trustee Rauber and carried that the minutes of the regular meeting held April 2, 2008 be approved as read.

Motion was made by Mayor Walker, seconded by Trustee Rauber and carried that the minutes of the workshop meeting held April 16, 2008 be approved with the following additions: Resolution 180 5/2008 to read Resolved, that the Village of Spencerport Board of Trustees accepts MRB Group's recommendation regarding the Canal Landing Subdivision letter of credit release #5 in the amount of \$50,573.36 and Resolution 181 5/2008 to read Resolved, that the Village of Spencerport Board of Trustees accepts MRB Group's recommendations regarding the Erie View Landing Subdivision letter of credit release #5 in the amount of \$69,202.01.

A motion was made by Mayor Walker, seconded by Trustee Marello and carried that the minutes of the workshop meeting held April 30, 2008 be approved as read.

PRIVILEGE OF FLOOR

Mr. Powell requested the Board to explain the PPA Rate on the electric bills.

Electric Superintendent McIntee explained that when the Village exceeds their allotment of hydroelectric power it is necessary for the Village to purchase supplemental power at a higher cost. During the months of January, February and March 2008 the cost of supplemental power and ancillary charges through NY Municipal Power Authority was extremely high due to transmission problems through the state electric grid. The cause of the transmission problems was a state

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wide problem and could not be controlled by the Village of Spencerport. Superintendent McIntee further explained that meetings have been ongoing with the electric providers to explain these increased costs.

Mr. Powell continued, that the rate has gone from .006 in 1994 to .025 in 2008 which has more than doubled. Mr. Powell further questioned why the rate is not included on the bill.

Superintendent McIntee responded that he and Clerk Sullivan are working on getting those rates onto the bills.

Discussion ensued regarding the Krebs Farm development, electricity, taxes and sewer usage.

Craig Byham, Luther Jacobs Way brought to the Board's attention that he was informed that the Canal Landing Subdivision has found a loop-hole in that amount that the property will be assessed and will be paying lower property taxes. Mr. Byham indicated that the Canal Landing Subdivision will be paying approximately \$2000 in property taxes compared to a residential property paying about \$11,000 in property taxes.

Trustee Rauber asked Mr. Byham where he obtained his information.

Mr. Byham responded that he had a fact sheet on the property.

Mayor Walker indicated that he would follow up on this issue.

Mrs. Quigley asked Superintendent West to install a 3 way sign for the stop sign on Maplewood Avenue and Prospect Street to avoid driver confusion.

Mr. Greg Yahn addressed the Village Board regarding the docking situation for the Rose Lummis. Mr. Yahn further explained to the Board that the dock space at the Village Port is limited and the boaters as a group are concerned about not being able to dock in Spencerport.

Mayor Walker responded that the Rose Lummis will be docked at the most eastern end of the public docks on the west side on the lift bridge.

Mr. Yahn questioned if any consideration was given to docking the boat at the wooden dock near the Trolley Depot. This area would work better for parking.

Mayor Walker indicated that the wooden dock by the Trolley Depot would not be adequate for the Rose Lummis. Mayor Walker further explained that the Village of Spencerport has a grant request in to NYS Division of Costal Resources for the construction of docks comparable to the existing docks at the Trolley Depot.

Mr. Yahn questioned if any consideration had been given to docking the Rose Lummis at the west end of the dock at the Gazebo.

Trustee Rauber explained that the owners of the Rose Lummis indicated that they would like to be at the west end of the dock for better maneuverability. Trustee Rauber added that he has identified areas on the existing dock where additional tie-up space can be made to accommodate more boats.

General discussion ensued regarding the dock space and boater amenities.

Mr. Ross Gates from the Galley Restaurant asked if the Village can do anything about the barges and tug boats in front of the north east wall during busy times.

Superintendent West explained that the concrete wall is a designated area for New York State but he will talk to them regarding scheduling.

Sewers Committee – Trustee Rauber, Chairman

Trustee Rauber deferred to Mayor Walker

Mayor Walker explained that the pump station is ready to be start up in late May early June of this year. A visual inspection has been done on the force main and a punch list has been developed. Progress continues on the project with

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the gravity portion installed south of the canal during the months of June, July and August of this year with the completion of the boring under the canal scheduled for the fall/winter of this year.

RESOLUTION NO 186 5/2008

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

Resolved, that the Board of Trustees of the Village of Spencerport hereby approves payment request #11 from Villager Construction, Inc. in the amount of \$52,722.86 for the FM-General Contract.

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

RESOLUTION NO 187 5/2008

Introduced by: Mayor Walker
Seconded by: Trustee Mareello

Resolved, that the Board of Trustees of the Village of Spencerport hereby approves payment request #3 from Schuler-Haas Electric Corp in the amount of \$154,719.73 for the PS-Electric Contract.

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

RESOLUTION NO 188 5/2008

Introduced by: Mayor Walker
Seconded by: Trustee Rauber

Resolved, that the Board of Trustees of the Village of Spencerport hereby approves payment request #4 from Schuler Haas Electric in the amount of \$369,404.72 for the PS-Electric Contract.

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

RESOLUTION NO 189 5/2008

Introduced by: Mayor Walker
Seconded by: Trustee Mareello

Resolved, that the Board of Trustees of the Village of Spencerport hereby approves payment request #3 from LeClaire-Fleming Mechanical in the amount of \$7,296.00 for the PS-HVAC Contract.

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

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RESOLUTION NO 190 5/2008

Introduced by: Mayor Walker
Seconded by: Trustee Marello

Resolved, that the Board of Trustees of the Village of Spencerport hereby approves payment request #9 from Villager Construction, Inc. in the amount of \$54,812.81 for the PS-General Contract.

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

Planning/Zoning/Building Control – Trustee Rauber, Chairman

A. Planning

No board action required.

Trustee Rauber commented that Morgan Management requested a material change to the façade renovations to the plaza.

B. Zoning

No board action required.

Trustee Rauber indicated that both the zoning and planning boards are fully staffed including alternates. Trustee Rauber asked Clerk Sullivan to remove the advertisement from the website.

C. Building Control

No board action required.

D. Code Review

No board action required.

Trustee Rauber indicated that the Code Review Committee will not be issuing permits for the CSX railroad bridge. Trustee Rauber further explained that if the banner is unsafe the Village of Spencerport will remove a banner and that Kevin Kelly and Jackie Sullivan are working with CSX to find a means to put temporary banners on the railroad bridge.

E. Architectural Review

No board action required.

Trustee Rauber commented that the ARB entertained a concept plan for a Tim Horton's Restaurant located at 403 S. Union Street. Trustee Rauber continued that the ARB did think that the concept plan would work, there were some concerns regarding deliveries, drainage and screening.

Trustee Nellis-Ewell questioned if the picture circulated is what the sign would look like.

Superintendent McIntee responded that the sign pictured was from Fairport's restaurant.

Finance Committee – Trustee Hopson, Chairman

Mayor Walker acknowledged receipt of monthly-consolidated investment; HSBC Insured Municipal Money Market rate of 2.36% (dropped from 3.99% and 2.94% during March and April)

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RESOLUTION 191 5/2008

Attached

Mayor Walker commented that the Village received Monroe County's 1st quarter 2008 sales tax distribution. The distribution totaled \$20,000 more than one year ago at this time and overall the total distribution from Monroe County for Village fiscal year 07/08 is \$51,000 more than the previous fiscal year and \$21,000 more than what was budgeted for fiscal year 07/08.

RESOLUTION NO 192 5/2008

Introduced by: Mayor Walker
Seconded by: Trustee Rauber

Resolved, that the Village of Spencerport Board of Trustees hereby approves the transfer of the Trolley Depot savings account (56-62424-6) balance to the General Fund Reserve account (568-57882-1) as partial payment of loan from General Fund Reserves to complete the Trolley Depot Capital Project. The Village Board of Trustees also approves an amendment of the 2007-2008 Budget to increase the Appropriations of General Fund by \$3,500 in account A9950.900 (Transfer to Capital Projects). The increase is required to close the Trolley Depot Capital Project as the State Grant did not fund the entire project.

NOW THEREFORE BE IT RESOLVED:

That the Village Treasurer be and is hereby resolved to transfer the Trolley Depot savings account balance to the General Fund Reserve account. It is also resolved to amend the 2007-2008 budget, increasing the Appropriations of General Fund by \$3,500 in account A9950.900 to close out the Trolley Depot Capital Project.

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

Facilities Committee – Trustee Mareello, Chairman

A. Electric

RESOLUTION NO 193 5/2008

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

Resolved, that the Village of Spencerport Board of Trustees approves entering into the "Operation Save New York" program sponsored by the Energy Curtailment Specialists.

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

Superintendent McIntee explained to the Board that the "Operation Save New York" program would pay the Village a fee to enter into a voltage reduction phase to allow more power to be redirected to areas of New York State that have higher demand. Superintendent McIntee continued that voltage reduction is done regularly throughout the year and the customers are unaware of this reduction.

RESOLUTION NO 194 5/2008

Introduced by: Trustee Mareello
Seconded by: Trustee Rauber

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Resolved, that the Village of Spencerport Board of Trustees approves entering into a mutual aid assistance program with Rochester Gas & Electric.

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

Superintendent McIntee explained that by working with RG&E as a contractor during storm events would be another resource for SME to gain revenue. Superintendent McIntee indicated that SME would be charging \$450 per hour for a mutual aid crew.

Trustee Nellis-Ewell asked how the \$450 figure was arrived at.

Superintendent McIntee indicated that the figure was negotiated with RG&E. Superintendent McIntee additionally explained that this program generates revenue and being a good neighbor.

Mayor Walked added that by being a part of this program it allows the SME Crew to gain additional knowledge and hone their storm event skills.

Trustee Marelllo inquired about the length of this contract.

Superintendent McIntee explained that this program would be renewed annually.

RESOLUTION NO 195 5/2008

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

At a regular meeting of the Village Board of Trustees of the Village of Spencerport, New York, held on May 7, 2008, the following resolution was adopted:

WHEREAS, the Village Board of Trustees of the Village of Spencerport, New York, is a municipal member of the New York Municipal Power Agency of New York State, and

WHEREAS, in accordance with the bylaws of the New York Municipal Power Agency of New York State, each municipal member may cast one vote on each transaction properly brought before any meeting,

NOW THEREFORE BE IT RESOLVED, that Owen McIntee be and is hereby designated as the accredited delegate of the Village of Spencerport, New York.

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

B. Other (Drainage, Franchise)

No board action required.

Public Works Committee – Trustee Hopson, Chairman

A. Highways/Garage

No board action required.

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Mayor Walker commented that all of the pot holes have been fixed and top coats have been added to some streets to make them more passable.

B. Public Services (Refuse, Recycling, Parks)

No board action required.

Public Safety Committee – Trustee Marelo, Chairman

A. Fire Department

No board action required.

B. Police

No board action required.

Trustee Marelo commented that he witnessed several groups youths fighting on Canal Street.

Trustee Rauber added that starting in mid June Ken Olson, PT Security Guard will be starting.

Trustee Marelo announced the Ogden Police Department's open house on Sunday, June 1st between 1-4 p.m.

Human Resources Committee – Trustee Nellis-Ewell, Chairman

No board action required.

Trustee Nellis-Ewell commented that she and Clerk Sullivan have met with Brian Baty regarding health care and will be meeting with the health care committee to further discuss opportunities.

Economic Development Committee – Trustee Nellis-Ewell, Chairman

No board action required.

Trustee Nellis-Ewell announced that she and the Mayor attended and reshaping Rochester seminar and found that is was very insightful and useful information. Trustee Nellis-Ewell added that she also attended a bicycling informational meeting at the Seymour Library describing business that bicyclists bring to the community.

Trustee Nellis-Ewell showed the Board members and public the marketing that was received in the Canal Times News regarding the Village of Spencerport.

Trustee Nellis-Ewell indicated that the Kiwanis maybe donating a flag pole to the Trolley Depot. Trustee Nellis-Ewell added that this weekend is the opening of the Trolley Depot and the maiden voyage of the Rose Lummis tour boat.

Village Administrator

Position is currently vacant.

Village Clerk – Jacqueline Sullivan

RESOLUTION 196 5/2008

Introduced by: Mayor Walker
Seconded by: Trustee Marelo

Resolved, that unpaid refuse accounts in the amounts of:

Larry McCarthy 087.13-6-4 \$93.40
James Turner 087.09-2-3 \$114.40
Abraham Hernandez 086.19-5-44 \$121.40

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Donna Billings 087.13-1-2 \$486.00

Be, and are hereby certified by the Board of Trustees and,

Further Resolved, that such amounts plus a 25% administrative fee hereby constitute a lien on the subject property and shall be re-levied on June, 2008 Village tax bill.

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

RESOLUTION NO 197 5/2008

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

Resolved, that the Village of Spencerport Board of Trustees authorizes Mayor Walker to sign the Adopt a Trail Program contract.

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

RESOLUTION NO 198 5/2008

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

Resolved, that the Village of Spencerport Board of Trustees approves issuing a 120 notice of termination to Brown and Brown for broker of record services.

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

Clerk Sullivan updated the Board on the following items:

- Acknowledged receipt of the liquor license renewal for Taste of Texas BBQ
- Explained hand out to board regarding meeting with ProAcct Collection agency for past due electric accounts.

Superintendent of Public Works – Thomas M. West

RESOLUTION NO 199 5/2008

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

Resolved, that the Village of Spencerport Board of Trustees approves increasing the purchase price of recycling boxes from \$5.00 to \$6.50.

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

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

RESOLUTION NO 200 5/2008

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

Resolved, that the Board of Trustees of the Village of Spencerport hereby approves hiring Calvin Zimmerman as a seasonal employee at a rate of \$10.00 per hour.

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

Superintendent West updated the Board on the following items:

- Day of Caring was extremely successful
- Bulk pick up is currently being done
- Jim Reddick and Nate Johnson will be trained for hazardous waste pick up in Hamlin on June 21st
- Cross walk signs will be up
- Cracks will be filled during the month of May
- Fiber optic cable installation will continue on Church Street
- The jack hammer and road saw have been received for the back hoe
- WWTP decommissioning regarding the electric services is being completed
- Water project continues with MCWA
- The grant submission for the shared sewer truck with the town of Ogden was not approved

Mayor Walker acknowledged Donna Stassen and Pat Chapman for the excellent job done for Day Caring. Mayor Walker continued that the potential grant for the recycling truck has been postponed.

Superintendent of Electric – Owen McIntee

Superintendent McIntee updated the Board on the following items:

- Small outage was experienced due to the storm on April 26th
- Street lights have installed on West Avenue and Church Street
- Banners and flags have been installed on the street lights
- Meeting with Spencerport Fire Department regarding the construction of the new firehouse
- Met with Ogden Planning board regarding the electric services for the Krebs project.

Attorney – Richard J. Olson

No board action required.

Attorney Olson requested executive session to discuss litigation items.

Administrative Committee – Mayor Walker, Chairman

RESOLUTION NO 201 5/2008

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

Resolved, that the Board of Trustees of the Village of Spencerport hereby approves the youth parade permit for the Spencerport Fireman's Association. The date of the parade is Wednesday, June 11, 2008 at 7:00 p.m.

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

RESOLUTION NO 202 5/2008

Introduced by: Mayor Walker
Seconded by: Trustee Mareello

Resolved, that the Board of Trustees of the Village of Spencerport hereby approves the Ferris Goodrich American Legion Post 330 Memorial Day Parade Monday, May 26, 2008 at 9:00 a.m.

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

RESOLUTION NO 203 5/2008

Introduced by: Mayor Walker
Seconded by: Trustee Rauber

Resolved, that the Board of Trustees of the Village of Spencerport hereby approves any Village, Planning, Zoning Board member or Staff member to attend the NYCOM 2008 Annual Meeting, June 8-11, 2008 in Saratoga Springs, NY.

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

RESOLUTION NO 204 5/2008

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

Resolved, that the Board of Trustees of the Village of Spencerport hereby approves Tom West, Jim Reddick, Mike Meyers, and Owen McIntee to attend Managing Multiple Priorities and Projects training June 3, 2008. Cost not to exceed \$850.00.

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

RESOLUTION NO 205 5/2008

Introduced by: Mayor Walker
Seconded by: Trustee Rauber

Resolved, that the Village of Spencerport Board of Trustees accepts MRB Group's recommendation regarding the Erie View Landing Subdivision letter of credit release #6 in the amount of \$74,864.37.

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

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

Unfinished Business

New Business

Bills

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

General Fund	\$ 78,934.14
Electric Fund	\$ 51,325.70
Sewer Fund	\$ 23,612.75
Trust Fund	\$ 0
Capital Fund	<u>\$645,736.12</u>
TOTAL:	\$799,608.71

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, April 2008 be approved as audited.

Adjournment

Motion was made by Mayor Walker, seconded by Trustee Nellis-Ewell and carried unanimously that the regular meeting be adjourned to executive session to discuss litigation issues at 9:10 p.m.

Motion was made by Mayor Walker, seconded by Trustee Rauber 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 9:35 p.m.