

VILLAGE BOARD MEETING
April 1, 2009

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
Charles R. Hopson, Trustee

BOARD MEMBERS ABSENT

John R. Marello, 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
Joyce Lobene, Hillcrest
Fritz Gunther, Big Ridge Road
Jim and Dorothy Green, Coleman Avenue
Jim Powell, Nichols Street
Keith O'Toole, Planning Board Attorney
Participation in Government Students (9)

APPROVAL OF MINUTES

A motion was made by Mayor Walker, seconded by Trustee Nellis-Ewell and carried that the minutes of the March 4, 2009, Village Board meeting be accepted as read. Trustee Rauber abstained

A motion was made by Mayor Walker, seconded by Trustee Hopson and carried that the minutes of the March 11, 2009 workshop meeting be accepted as read. Trustee Rauber abstained

PRIVILEGE OF FLOOR

Mrs. Quigley questioned if the DPW was still considering Dish TV in the break room?

Superintendent West responded that they are not.

Mayor Walker acknowledged the new Mayor Joyce Lobene and Trustee Fritz Gunther in the audience.

PUBLIC HEARING

Mayor Walker opened the public hearing at 7:03 p.m. for the 2009/2010 Budget

Mayor Walker explained that the Village Budget is broken into three funds: General in the amount of \$2.3 million, Sewer in the amount of \$1.2 million and Electric in the amount of \$3.2 million in operating funds.

Mayor Walker further explained that the General Fund is the only portion of the budget that is funded by taxes. Mayor Walker added that the amount to be raised by taxes is \$577,338 and that this is the same amount that was raised last year. The remainder of the budget will be taken from appropriated fund balance and reserve fund balance.

Mayor Walker continued by explaining the fees associated with Recycling and the Sewer Budget. In addition Mayor Walker explained the basis of the Electric Budget. Mayor Walker further explained details relating to the budget and various expenses associated with each budget.

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Mayor Walker concluded that the complete budget is available in the Village Office for review during normal business hours.

Mayor Walker closed the public hearing at 8:00 p.m.

Sewers Committee – Trustee Rauber, Chairman

Mayor Walker explained that the project is nearly complete except for the boring under the canal.

Planning/Zoning/Building Control – Trustee Rauber, Chairman

A. Planning

Attorney O'Toole explained to the Village Board that the Village is being sued by the property owners of 48 Bauers Cove due to the plans to subdivide their lot being not approved by the planning board because of the need for a full environmental review. Attorney O'Toole further explained that an agreement has been reached that if the Village Board agreed to allow the owners to build one new house on one new lot rather than two new houses on two new lots.

RESOLUTION 118 4/2009

Introduced by: Trustee Rauber

Seconded by: Trustee Nellis-Ewell

Whereas, the Village of Spencerport, its Planning Board and the Village Clerk were made respondents-defendants in litigation involving petitioner-plaintiffs who are the reputed owners of 48 Bauers Cove; and

Whereas, a settlement offer has been presented to the Board of Trustees to settle the claims of the parties;

Be it resolved, that the Board of Trustees, upon due deliberation accepts the settlement offer in the matter of Prusha v Village of Spencerport et al (Monroe County Index #2008/10603); and be it further

Resolved, that the Mayor is authorized to execute the stipulation of settlement and all pleadings or other documents in furtherance of this resolution of settlement.

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

B. Zoning

C. Building Control

D. Code Review

No board action required.

E. Architectural Review

No board action required.

Finance Committee – Trustee Hopson, Chairman

Trustee Hopson acknowledged receipt of monthly-consolidated investment; HSBC Insured Municipal Money Market rate of .91% (down from March 2009).

Facilities Committee – Trustee Marelo, Chairman

A. Electric

No board action required.

Superintendent McIntee explained to the Board that the Public Service Commission is considering changing the law that allows the PSC to charge a fee against the gross revenue of an electric provider. MEUA has asked each municipality to write to their local representative opposing this law change. Superintendent McIntee indicated that the letters have been written and sent to our local representatives.

B. Other (Drainage, Franchise)

No board action required.

Public Works Committee – Trustee Hopson, Chairman

A. Highways/Garage

RESOLUTION NO 119 4/2009

Introduced by: Trustee Hopson

Seconded by: Trustee Nellis-Ewell

Resolved, that the Board of Trustees of the Village of Spencerport hereby approves Niagara Generation, LLC to be contracted to perform chipping services to the Village of Spencerport contingent on Niagara Generation, LLC answering legal questions from Village Attorney.

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

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.

Human Resources Committee – Trustee Nellis-Ewell, Chairman

RESOLUTION NO 120 4/2009

Introduced by: Trustee Nellis-Ewell

Seconded by: Trustee Hopson

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Resolved, that the Board of Trustees of the Village of Spencerport hereby approves hiring the follow individuals as summer help with an hourly wage of \$9.00/hr effective May 11, 2009.

Michael SanFilipo
445 Ogden Parma TL RD
Spencerport, NY 14559

Brian Kabat
45 Barbie Circle
Rochester, NY 14626

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

Economic Development Committee – Trustee Nellis-Ewell, Chairman

No board action required.

Green Initiatives (trails, trees, misc.)– Trustee Nellis-Ewell

Position is currently vacant.

Village Clerk – Jacqueline Sullivan

Clerk Sullivan commented on the following items:

- Attended Harris Software Users Group Meeting.
- Work continues on insurance proposals for RFPs.
- Working with Superintendent McIntee on Itron Implementation.
- Working with IT Consultant regarding computer initiatives.

Superintendent of Public Works – Thomas M. West

Superintendent West commented on the following items:

- Fixing lawns from snow plowing.
- Picking up brush from wind and winter damage.
- Cleaning catch basins as part of the storm water regulations.
- Coordinating with Fire Department construction to complete Prospect Street drainage and paving.
- Meeting with Kravetz and Jack Crooks regarding drainage. NYS is in the process of approving the connection to the NYS drainage system on Union Street.
- Make a Difference day is May 2nd and many thanks to Donna Stassen and Pat Chapman for all of their help.
- Jim Reddick and Nate Johnson will be attending hazardous waste training.
- Work continues on a street tree planting contract.
- Update on Advocacy Day in Albany to impress upon State Legislators the need for CHIPS Funds not to decrease. The event was positive and an excellent experience.
- Issues with manholes in the plaza with debris being thrown in the sewer. Locking manholes have been installed.
- Work continues on the installation of sidewalks from Brockport Road to the potential Tim Horton's site north of Page Appliances.

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RESOLUTION NO 121 4/2009

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

Resolved, that the Board of Trustees of the Village of Spencerport hereby authorizes the Superintendent of Public Works to accept a bid of \$8,000 or more from the online auction for the 1999 Recycling 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	Absent
	Theodore E. Walker, Mayor	Aye

Superintendent of Electric – Owen McIntee

- Work continues with the implementation of the Itron Meters installation.
- No system outages in the last month.
- Training for line workers start in April
- Lakeside Memorial Hospital will have an office at 42 Nichols Street and work is in place to upgrade the system for their x-ray lab.
- Unity Health project continues. Potential NYPA increase in hydro power maybe available to SME for the Unity Health Office.
- Routine work continues.
- Energy audit at the BOCES building on Big Ridge Road is underway.
- NY Power Authority had a meeting regarding an increase in the cost of hydro power which was declined.
- RFP for new clothing for the electric crew is complete and proposals are being received.
- Continued work with residents.

Attorney – Richard J. Olson

RESOLUTION 122 4/2009

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

VILLAGE OF SPENCERPORT, MONROE COUNTY

**RESOLUTION AUTHORIZING MAYOR TO SIGN EASEMENT
AGREEMENT FOR TRAIL**

WHEREAS, the Village together with the Town of Ogden is creating a trail to provide public access to the former trolley right of way located south of the Erie Canal; and

WHEREAS, in order to complete this project it will be necessary to obtain and easements from Morgan Spencerport, LLC, the owner of the property at the west end of the proposed access; and

WHEREAS, Morgan Spencerport, LLC has indicated its desire to permit an access easement providing that it be indemnified from any and all loss and/or injury occurring on said property as a result of said easement; and

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WHEREAS, Morgan Spencerport, LLC has also indicated that it will require that the Village carry liability insurance naming it as additional insured so long as the easement is effective; and

WHEREAS, the easement will be able to be terminated by any party by 12 months notice to the other;

NOW, THEREFORE, BE IT RESOLVED:

SECTION 1. That completion and review of the final documents in accordance with the provisions set forth above, the Mayor is hereby authorized to sign said easement agreement on behalf of the Village.

SECTION 2. That the appropriate insurance certificates shall be provided.

SECTION 3. 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	Absent
	Theodore E. Walker, Mayor	Aye

RESOLUTION 123 4/2009

Introduced by: Mayor Walker

Seconded by: Trustee Nellis-Ewell

VILLAGE OF SPENCERPORT, MONROE COUNTY

RESOLUTION AUTHORIZING MAYOR TO SIGN RELEASE OF EASEMENT

WHEREAS, the Village of Spencerport, Spencerport Municipal Electric was granted an easement for premises commonly known as 117 South Union Street, which easement was recorded in the Monroe County Clerk's Office on October 21, 2002 in Liber 9693 of Deeds at Page; and

WHEREAS, the need for this easement has been reviewed by the Village Electric Superintendent and he has determined that it is not necessary; and

WHEREAS, the easement is an unnecessary encumbrance on the title to the property; and

WHEREAS, the owner of said property, through attorney Daniel Schum, Esq., has requested that the easement be released.

NOW, THEREFORE, BE IT RESOLVED:

SECTION 1. That the Mayor is hereby authorized to sign the RELEASE OF EASEMENT releasing the easement;

SECTION 2. That this Resolution will 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	Absent
	Theodore E. Walker, Mayor	Aye

Administrative Committee – Mayor Walker, Chairman

RESOLUTION NO 124 4/2009

Introduced by: Mayor Walker
Seconded by: Trustee Hopson

Resolved, that the Board of Trustees of the Village of Spencerport hereby approves attendance by a Village, Planning, Zoning Board or support staff member to attend the GFLRPC Spring 2009 Regional Local Government Workshop, Friday, May 15th at the Burgundy Basin Inn. Cost not to exceed \$40 per attendee.

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

RESOLUTION NO 125 4/2009

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

Resolved, that the Board of Trustees of the Village of Spencerport hereby approves attendance at the NYCOM New Officials Workshop, Friday, May 1st at the Craftsman Inn, Fayetteville, NY. Cost not to exceed \$85 per attendee.

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

RESOLUTION NO 126 4/2009

Introduced by: Mayor Walker
Seconded by: Trustee Rauber

Resolved, that the Village of Spencerport Board of Trustees hereby approves vacation carry over in excess of the forty (40) hours allowable as noted in the employee handbook for Linda Harissis in the amount of one hundred twenty-eight (128) hours. These hours will be consumed by December 2010.

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

RESOLUTION NO 127 4/2009

Introduced by: Mayor Walker

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Seconded by: Trustee Rauber

Resolved, that the Village Board hereby adopts the "Tentative 2009-2010 General, Sewer, and Electric Fund Budgets" as the Final Budgets for the Village Fiscal year ending May 31, 2010. The amount for the General Fund to be raised from taxes is \$577,388 with a tax rate of \$3.20 per thousand assessed valuation; a Recycling fee of \$41.78 per unit; and a Sewer User Fees of \$2.70/1k gallons of water used for operation and maintenance costs and \$162 per unit for capital costs.

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

Unfinished Business

Mayor Walker commented that communication with Senator Schumer's office continues regarding the FEMA map. A number of residents have been successful in received waivers from being in a flood plane.

Mayor Walker commented that the community participation open house on March 16th was well attended regarding the Reshaping the Central Business District East Avenue project. Work continues on this project with a final meeting scheduled for June 2009.

Trustee Rauber publically thanked Mayor Walker and Trustee Mareello for their service to the Village of Spencerport. Trustee Rauber read the following tribute to Mayor Walker.

In appreciation of

Theodore Walker

Who has generously shared of himself in his roles as Planning Board Member, Zoning Board of Appeals Member, Village Trustee and Village Mayor from 1988 though 2009.

You have demonstrated a high level of professional knowledge and civic responsibility to the Village of Spencerport in the development and implementation of projects, the development of reasonable budgets and the practical resolution of important issues.

Your display of tact sensibility and diplomacy in the fulfillment of your duties has continued to make Spencerport Someplace Special.

The Spencerport Village Board, on behalf of the residents of Spencerport, extends its appreciation to your for your professional performance, dedicated years of service and devotion to the Village of Spencerport.

New Business

Mayor Walker commented that the transition between administrations is taking place.

Bills

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

General Fund	\$ 45,308.67
Electric Fund	\$ 19,374.80
Sewer Fund	\$ 8078.36

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Trust Fund	\$ 0
Capital Fund	<u>\$ 9136.74</u>
TOTAL:	\$81,898.57

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 2009 be approved as audited.

Adjournment

Motion was made by Mayor Walker, seconded by Trustee Rauber and carried unanimously that the regular meeting be adjourned to workshop at 9:10 p.m.