

**VILLAGE BOARD MEETING  
May 6 2009**

**CALL TO ORDER:** 7:00 p.m.

The Pledge of Allegiance was led by Mayor Lobene

**BOARD MEMBERS PRESENT**

Joyce A. Lobene, Mayor  
Theodore E. Rauber, Trustee  
Carol J. Nellis-Ewell, Trustee  
Charles R. Hopson, Trustee  
Fritz Gunther, Trustee

**BOARD MEMBERS ABSENT**

**OTHERS PRESENT**

Richard Olson, Village Attorney  
Owen McIntee, Superintendent of Electric Department  
Jackie Sullivan, Village Clerk  
Tom West, DPW Superintendent  
Joan Quigley, Maplewood Avenue  
Participation in Government Students (3)

Mayor Lobene acknowledged Municipal Clerks week May 3-9, 2009 by reading the following proclamation.

WHEREAS, The Office of the Municipal Clerk, a time honored and vital part of local government exists throughout the world, and

WHEREAS, The Office of the Municipal Clerk is the oldest among public servants, and

WHEREAS, The Office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels, and

WHEREAS, Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all.

WHEREAS, The Municipal Clerk serves as the information center on functions of local government and community.

WHEREAS, Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, province, county and international professional organizations.

WHEREAS, It is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk.

NOW, THEREFORE, I, Joyce Lobene, Mayor of the Village of Spencerport, do recognize the week of May 3 through May 9, 2009, as Municipal Clerks Week, and further extend appreciation to our Municipal Clerk, Jackie Sullivan, and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent 6<sup>th</sup> of May 2009.

Clerk Sullivan thanked Mayor Lobene and added that it is definitely not a one person show in the Village Office and is a team effort.

**APPROVAL OF MINUTES**

A motion was made by Trustee Rauber, seconded by Trustee Nellis-Ewell and carried that the minutes of the April 1, 2009, Village Board meeting be accepted as read. Trustee Rauber abstained

A motion was made by Trustee Hopson, seconded by Trustee Rauber and carried that the minutes of the April 22, 2009 workshop meeting be accepted as read. Trustee Nellis-Ewell abstained

**PRIVILEGE OF FLOOR**

Mrs. Quigley questioned if there was a code prohibiting overstuffed furniture on porches in the Village.

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Mayor Lobene indicated that she would check with Code Enforcement Officer Kevin Kelly.

Discussion ensued regarding furniture on porches.

**Sewers Committee** – Trustee Rauber, Chairman

Trustee Rauber commented that the gravity sewer work will be taking place in June and July and testing of the pump station and transfer of ownership are in process.

**RESOLUTION NO 139 5/2009**

Introduced by: Trustee Rauber

Seconded by: Trustee Nellis-Ewell

Be it Resolved, that the Board of Trustees of the Village of Spencerport approves payment application #8 in the amount of \$30,811.44 to Schuler-Haas Electric Corp. for contract Pump Station-Electric.

Vote of the Board:	Theodore E. Rauber, Trustee	Aye
	Carol J. Nellis-Ewell, Trustee	Aye
	Charles R. Hopson, Trustee	Aye
	Fritz Gunther, Trustee	Aye
	Joyce Lobene, Mayor	Aye

**Planning/Zoning/Building Control** – Trustee Nellis-Ewell, Chairman

A. Planning

B. Zoning

Mayor Lobene commented that she and Donna Stassen met with one candidate to fill a vacancy on the zoning board. Trustee Rauber offered a potential to speak to a potential candidate as well.

C. Building Control

D. Code Review

Comments were made that a Code Review Committee Meeting is scheduled for May 12<sup>th</sup> at 1:30 p.m.

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 .50% (down from April 2009).

**RESOLUTION NO 140 5/2009**

Introduced by: Trustee Hopson

Seconded by: Mayor Lobene

Be it Resolved, that the Board of Trustees of the Village of Spencerport approves the attached budget transfers for April 2009.

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Vote of the Board:	Theodore E. Rauber, Trustee	Aye
	Carol J. Nellis-Ewell, Trustee	Aye
	Charles R. Hopson, Trustee	Aye
	Fritz Gunther, Trustee	Aye
	Joyce Lobene, Mayor	Aye

**RESOLUTION NO 141 5/2009**

Introduced by: Trustee Hopson  
Seconded by: Trustee Rauber

Whereas, the Village of Spencerport previously established a capital reserve fund know as "General Fund Capital Reserve" on April 3, 1984 pursuant to the provisions of Section 6-c of the General Municipal Law for the purpose of financing the cost of reconstruction or betterment of any Village owned assets and also to finance the cost of construction or acquisition of any buildings, equipment or other items deemed necessary by the Village Board and

Whereas, the Village Board of Trustees of the Village of Spencerport deems it necessary to expend an amount not to exceed \$40,000 for the purpose of Preliminary Engineering Design of East Avenue.

NOW THEREFORE BE IT RESOLVED:

That the Village Clerk Treasurer be and is hereby directed to remove from the General Fund Capital Reserve Fund an amount not to exceed \$40,000 for payments of costs of such Preliminary Engineering Design of East Avenue.

This resolution is adopted subject to permissive referendum.

Vote of the Board:	Theodore E. Rauber, Trustee	Aye
	Carol J. Nellis-Ewell, Trustee	Aye
	Charles R. Hopson, Trustee	Aye
	Fritz Gunther, Trustee	Aye
	Joyce Lobene, Mayor	Aye

**RESOLUTION NO 142 5/2009**

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

Whereas, the Village of Spencerport previously established a capital reserve fund know as "General Fund Capital Reserve" on April 3, 1984 pursuant to the provisions of Section 6-c of the General Municipal Law for the purpose of financing the cost of reconstruction or betterment of any Village owned assets and also to finance the cost of construction or acquisition of any buildings, equipment or other items deemed necessary by the Village Board and

Whereas, the Village Board of Trustees of the Village of Spencerport deems it necessary to expend an amount not to exceed \$7,988 for the purpose of repairing and re-skinning a DPW Building.

NOW THEREFORE BE IT RESOLVED:

That the Village Clerk Treasurer be and is hereby directed to remove from the General Fund Capital Reserve Fund an amount not to exceed \$7,988 for payments of costs of such repair and re-skinning of a DPW Building.

This resolution is adopted subject to permissive referendum.

Vote of the Board:	Theodore E. Rauber, Trustee	Aye
	Carol J. Nellis-Ewell, Trustee	Aye
	Charles R. Hopson, Trustee	Aye
	Fritz Gunther, Trustee	Aye
	Joyce Lobene, Mayor	Aye

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**RESOLUTION NO 143 5/2009**

Introduced by: Trustee Hopson  
Seconded by: Trustee Rauber

Whereas, the Village of Spencerport previously established a capital reserve fund know as "General Fund Capital Reserve" on April 3, 1984 pursuant to the provisions of Section 6-c of the General Municipal Law for the purpose of financing the cost of reconstruction or betterment of any Village owned assets and also to finance the cost of construction or acquisition of any buildings, equipment or other items deemed necessary by the Village Board and

Whereas, the Village Board of Trustees of the Village of Spencerport deems it necessary to expend an amount not to exceed \$10,500 for the purpose of installing a metal roof on a DPW Building.

NOW THEREFORE BE IT RESOLVED:

That the Village Clerk Treasurer be and is hereby directed to remove from the General Fund Capital Reserve Fund an amount not to exceed \$10,500 for payments of costs of such metal roof.

This resolution is adopted subject to permissive referendum.

Vote of the Board:	Theodore E. Rauber, Trustee	Aye
	Carol J. Nellis-Ewell, Trustee	Aye
	Charles R. Hopson, Trustee	Aye
	Fritz Gunther, Trustee	Aye
	Joyce Lobene, Mayor	Aye

**RESOLUTION NO 144 5/2009**

Introduced by: Trustee Hopson  
Seconded by: Trustee Rauber

Whereas, the Village of Spencerport previously established a capital reserve fund know as "General Fund Capital Reserve" on April 3, 1984 pursuant to the provisions of Section 6-c of the General Municipal Law for the purpose of financing the cost of reconstruction or betterment of any Village owned assets and also to finance the cost of construction or acquisition of any buildings, equipment or other items deemed necessary by the Village Board and

Whereas, the Village Board of Trustees of the Village of Spencerport deems it necessary to expend an amount not to exceed \$28,000 for the purpose of purchasing a 1-ton dump truck.

NOW THEREFORE BE IT RESOLVED:

That the Village Clerk Treasurer be and is hereby directed to remove from the General Fund Capital Reserve Fund an amount not to exceed \$28,000 for payments of costs of 2009 1-ton dump truck.

This resolution is adopted subject to permissive referendum.

Vote of the Board:	Theodore E. Rauber, Trustee	Aye
	Carol J. Nellis-Ewell, Trustee	Aye
	Charles R. Hopson, Trustee	Aye
	Fritz Gunther, Trustee	Aye
	Joyce Lobene, Mayor	Aye

**RESOLUTION NO 145 5/2009**

Introduced by: Trustee Hopson  
Seconded by: Mayor Lobene

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Whereas, the Village of Spencerport previously established a capital reserve fund know as "General Fund Capital Reserve" on April 3, 1984 pursuant to the provisions of Section 6-c of the General Municipal Law for the purpose of financing the cost of reconstruction or betterment of any Village owned assets and also to finance the cost of construction or acquisition of any buildings, equipment or other items deemed necessary by the Village Board and

Whereas, the Village Board of Trustees of the Village of Spencerport deems it necessary to expend an amount not to exceed \$65,000 for the purpose of purchasing a loader.

NOW THEREFORE BE IT RESOLVED:

That the Village Clerk Treasurer be and is hereby directed to remove from the General Fund Capital Reserve Fund an amount not to exceed \$65,000 for payments of costs of a loader.

This resolution is adopted subject to permissive referendum.

Vote of the Board:	Theodore E. Rauber, Trustee	Aye
	Carol J. Nellis-Ewell, Trustee	Aye
	Charles R. Hopson, Trustee	Aye
	Fritz Gunther, Trustee	Aye
	Joyce Lobene, Mayor	Aye

**Facilities Committee** – Trustee Hopson, Chairman

A. Electric

**RESOLUTION NO 146 5/2009**

Introduced by: Trustee Hopson  
Seconded by: Trustee Gunther

Be it Resolved, that the Board of Trustees of the Village of Spencerport approves the Superintendent of Electric's attendance at the NYMPA Annual Meeting May 21-22, 2009 in Syracuse, NY cost not to exceed \$160.00

Vote of the Board:	Theodore E. Rauber, Trustee	Aye
	Carol J. Nellis-Ewell, Trustee	Aye
	Charles R. Hopson, Trustee	Aye
	Fritz Gunther, Trustee	Aye
	Joyce Lobene, Mayor	Aye

**RESOLUTION 147 5/2009**

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

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

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

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

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Vote of the Board:	Theodore E. Rauber, Trustee	Aye
	Carol J. Nellis-Ewell, Trustee	Aye
	Charles R. Hopson, Trustee	Aye
	Fritz Gunther, Trustee	Aye
	Joyce Lobene, Mayor	Aye

**RESOLUTION NO 148 5/2009**

Introduced by: Trustee Hopson  
Seconded by: Trustee Rauber

Be it Resolved, that the Board of Trustees of the Village of Spencerport approves awarding SME's Fire Retardant Clothing Bid to Riverside Manufacturing Company, 6080 Laramie Lane, Cicero New York 13039 in the amount of \$3,939.45.

Vote of the Board:	Theodore E. Rauber, Trustee	Aye
	Carol J. Nellis-Ewell, Trustee	Aye
	Charles R. Hopson, Trustee	Aye
	Fritz Gunther, Trustee	Aye
	Joyce Lobene, Mayor	Aye

B. Other ( Drainage, Franchise)

No board action required.

**Public Works Committee** – Trustee Rauber, Chairman

A. Highways/Garage

Trustee Rauber commented that he has met with Superintendent West and that the former WWTP is in great shape.

Trustee Hopson requested a new handicap sign in the Village Office parking lot

B. Public Services (Refuse, Recycling, Parks)

Trustee Rauber commented that this month's bulk pick-up was the best organized and that the bike racks look great.

Mayor Lobene complimented Tom West and his staff for a great job on bulk pick-up.

**Public Safety Committee** – Trustee Gunther, Chairman

A. Fire Department

No board action required.

B. Police

No board action required.

**Human Resources Committee** – Trustee Gunther, Chairman

No board action required.

**Economic Development Committee** – Mayor Lobene, Chairman

No board action required.

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Mayor Lobene commented that Countryside Builders are moving into the old Eckerd building on Union Street, a meeting is scheduled with Morgan Management on May 8<sup>th</sup> and that she attended a ribbon cutting ceremony for Philosophies and Eclipse Café.

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

Trustee Nellis-Ewell reminded the group of the Sustainable Communities Summit – Wednesday, June 3, 2009 at RIT.

**Village Clerk** – Jacqueline Sullivan

**RESOLUTION NO 149 5/2009**

Introduced by: Trustee Lobene  
Seconded by: Trustee Hopson

Be it Resolved, that the Board of Trustees of the Village of Spencerport approves the 2009 Ferris-Goodridge American Legion Post Memorial Day Parade Monday, May 25, 2009 at 9:00 a.m.

Vote of the Board:	Theodore E. Rauber, Trustee	Aye
	Carol J. Nellis-Ewell, Trustee	Aye
	Charles R. Hopson, Trustee	Aye
	Fritz Gunther, Trustee	Aye
	Joyce Lobene, Mayor	Aye

**RESOLUTION NO 150 5/2009**

Introduced by: Mayor Lobene  
Seconded by: Trustee Gunther

Be it Resolved, that the Board of Trustees of the Village of Spencerport approves the 2009 Spencerport Volunteer Firemen's Association Youth Parade Wednesday, June 10, 2009 at 6:00 p.m.

Vote of the Board:	Theodore E. Rauber, Trustee	Aye
	Carol J. Nellis-Ewell, Trustee	Aye
	Charles R. Hopson, Trustee	Aye
	Fritz Gunther, Trustee	Aye
	Joyce Lobene, Mayor	Aye

**RESOLUTION NO 151 5/2009**

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

Be it Resolved, that the Board of Trustees of the Village of Spencerport approves the 2009 Spencerport Volunteer Firemen's Association Parade Thursday, June 11, 2009 at 7:00 p.m.

Vote of the Board:	Theodore E. Rauber, Trustee	Aye
	Carol J. Nellis-Ewell, Trustee	Aye
	Charles R. Hopson, Trustee	Aye
	Fritz Gunther, Trustee	Aye
	Joyce Lobene, Mayor	Aye

**RESOLUTION NO 152 5/2009**

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

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Be it Resolved, that the Board of Trustees of the Village of Spencerport approves the 2009 German Fest, sponsored by the Federation of German-American Societies August 7, 8 and 9, 2009 at the Spencerport Firemen's Field.

Vote of the Board:	Theodore E. Rauber, Trustee	Aye
	Carol J. Nellis-Ewell, Trustee	Aye
	Charles R. Hopson, Trustee	Aye
	Fritz Gunther, Trustee	Aye
	Joyce Lobene, Mayor	Aye

**RESOLUTION NO 153 5/2009**

Introduced by: Mayor Lobene  
Seconded by: Trustee Gunther

Be it Resolved, that the Board of Trustees of the Village of Spencerport acknowledges the renewal application notice form from Taste of Texas for their liquor license.

Vote of the Board:	Theodore E. Rauber, Trustee	Aye
	Carol J. Nellis-Ewell, Trustee	Aye
	Charles R. Hopson, Trustee	Aye
	Fritz Gunther, Trustee	Aye
	Joyce Lobene, Mayor	Aye

Clerk Sullivan publically thanked Donna Stassen for all of her hard work with the Day of Caring Event and her continued consistent support during our transition between treasurers. Clerk Sullivan continued that the all of the general ledgers associated with all Village funds have not been reconciled since January 2009 and that it will be necessary for an outside bookkeeper to be contracted to update the general ledger and ensure that the accounts are correct. Clerk Sullivan indicated that she will have additional information at the workshop session.

Mayor Lobene commended Donna Stassen and Jackie Sullivan for all of their hard work during these transitions.

Clerk Sullivan indicated that the Village is Red Flag Policy compliant based on our cyber security policy in place.

Clerk Sullivan continued that Untied Way is wrapping up and Village staff donated about \$2200.

**Superintendent of Public Works** – Thomas M. West

Superintendent West indicated that the fire department wants to borrow the Gator for the parade.

Village Board had no issue with the fire department using our Gator.

Superintendent West thanked the Village Office Staff and Liz Venezky for all of the hard work and patience with bulk pick up. Superintendent West explained bulk pick-up to the group.

Superintendent West explained about the auction process of used vehicles and has been reviewing all of the Village projects with the Mayor.

Superintendent West commented on the fiber optic cable project with Monroe County.

Superintendent West indicated that testing of the Pump Station will take place on May 18 and that cross walk signs are in and will be installed.



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Superintendent West commented that this was one of the best Day of Caring events. Over 100 kids participated in this year's event.

Discussion ensued regarding Day of Caring.

Superintendent West updated the Board on drainage along Union Street specific to 42 Nichols Street and Tim Horton's.

**Superintendent of Electric** – Owen McIntee

Superintendent McIntee updated the Board on his MEUA meeting letting them know that \$11 million additional funds to municipalities for energy conservation items. Also discussed at the meeting was increased assessments on electric utilities by NYS could be changing from ½% to 2% as information is received it will be communicated to the Board. The IEEP annual report was distributed to Trustee Hopson and Trustee Gunther. No major outages were reported and work continues with Lakeside Hospital and Unity Health. Flags and banners will be up by Memorial Day.

**Attorney** – Richard J. Olson

Attorney Olson requested executive session to discuss litigation.

**Administrative Committee** – Mayor Lobene, Chairman

Mayor Lobene acknowledged a thank you letter from the Spencerport Kawians Club for the donation of the energy kit for their silent auction.

Mayor Lobene further commented that she attended the Main Street Conference. She and Trustee Gunter attended New Officials Workshop.

Mayor Lobene explained that Kevin Kelly, CEO has been in contact with CSX and is obtaining information regarding the removal of the RR Bridge by CSX.

**Unfinished Business**

**New Business**

Mayor Lobene announced the Reshaping Rochester Seminar Series – Last Event- Wednesday, May 13<sup>th</sup> from 7-9 p.m. at the Coptic Monastery of St. Shenouda, 720 West Main Street.

Reminded Board about the Memorial Day Parade and asked all to attend and summer concerts asking Board Members to be present.

**Bills**

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

General Fund	\$ 40,508.04
Electric Fund	\$ 20,654.71
Sewer Fund	\$ 8,784.59
Trust Fund	\$ 0
Capital Fund	\$ 40,969.49
<b>TOTAL:</b>	<b>\$110,916.83</b>

Motion was made by Trustee Nellis-Ewell, seconded by Mayor Lobene and carried unanimously that the cash disbursements for the General, Electric, Sewer, Trust and Capital Funds, May 2009 be approved as audited.

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**Adjournment**

Motion was made by Mayor Lobene, seconded by Trustee Rauber and carried unanimously that the regular meeting be adjourned to executive session at 8:55 p.m.

Motion was made by Trustee Rauber, seconded by trustee Nellis-Ewell and carried unanimously that the executive session be adjourned to regular meeting at 10:00 p.m.

Motion was made by Trustee Rauber, seconded by Trustee Gunther and carried unanimously that the executive session be adjourned at 10:05 p.m.