

VILLAGE BOARD MEETING
June 3, 2009

CALL TO ORDER: 7:00 p.m.

The Pledge of Allegiance was led by Mayor Lobene

BOARD MEMBERS PRESENT

Joyce 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
Doug Case, Coleman Avenue

APPROVAL OF MINUTES

A motion was made by Trustee Gunther, seconded by Trustee Rauber and carried that the minutes of the regular meeting held May 6, 2009 be approved as read.

A motion was made by Trustee Rauber, seconded by Trustee Gunther and carried that the minutes of the workshop meeting held May 20, 2009 be approve as read.

A motion was made by Mayor Lobene, seconded by Trustee Hopson and carried that the minutes form the year end meeting held May 29, 2009 be approved as read.

Public Hearings

Mayor Lobene opened the public hearing for Local Law 2/2009 at 7:05 p.m.

Mayor Lobene began by describing the proposed law indicating that it will update the regulation of on-street parking during the snow season.

There being no comments the public hearing was closed at 7:06 p.m.

Trustee Rauber commented that he supports this law based on information provided by Superintendent West.

RESOLUTION 1 6/2009

Introduced by: Mayor Lobene
Seconded by: Trustee Rauber

Whereas, the Village Board has before it a Local Law 2-2009 entitled "A Local Law Providing for the Regulation of On-Street Parking During the Snow Season" which, if adopted, will replace the existing Section 130-49 Schedule XIV of the Village Code "Parking Prohibited During Certain Hours " with an updated list of locations; and

Whereas, the Village Board has, on this date, held a public hearing to consider said proposed Local Law; and

Whereas, this action is a "Type II" action under the State Environmental Quality Review Act and 6NYCRR615.5(c)(16) and not subject to review pursuant to SEQRA; and

Whereas, the notice of this hearing was duly published and posted as required by law;

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Now, therefore, be it resolved:

Section 1. That the Village Board of the Village of Spencerport hereby enacts Local Law #2/2009, "A Local Law Providing for the Regulation of On-Street Parking During the Snow Season"

Section 2. That the Village Clerk is ordered to publish a legal notice indicating the adoption of this Local Law as required by law and to file a copy of this Local Law with New York State as required by law.

Section 3. That this Local Law shall take effect as provided by law.

Section 4. 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
	Fritz Gunther, Trustee	Aye
	Joyce Lobene, Mayor	Aye

RESOLUTION 2 6/2009

Introduced by: Mayor Lobene
Seconded by: Trustee Rauber

Mayor Lobene opened the public hearing regarding local law 3/2009 at 7:10 p.m.

Mayor Lobene explained that this local law would change the process for dealing with the repair or removal of dangerous buildings and collapsed structures in the village.

Mayor Lobene closed the public hearing at 7:15 p.m.

Trustee Rauber indicated that this law will bring more detail to the current law.

Mayor Lobene agreed.

Trustee Gunther indicated he felt that the law was very detailed but that he had some problems with the wording of the local law and that he felt that in 45-4 "own opinion" should be changed to "professional opinion" Trustee Gunther added that in 45-4 he did not understand the use of the term "morals".

Discussion ensued regarding the term morals.

Trustee Hopson indicated that the law should remain as is.

RESOLUTION 3 6/2009

Introduced by: Mayor Lobene
Seconded by: Trustee Rauber

New York State Environmental Quality Review Act ("SEQRA")-
Determination of Nonsignificance
(Negative Declaration)

Local Law #3-2009
"A LOCAL LAW PROVIDING FOR THE REPAIR OR REMOVAL OF
DANGEROUS BUILDINGS AND COLLAPSED STRUCTURES"

WHEREAS, the Village Board of the Village of Spencerport proposes to change the Village Code with respect to unsafe and dangerous buildings; and

WHEREAS, the Village Board has determined that the proposed local law is an **unlisted action** pursuant to SEQRA regulations; and

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WHEREAS, the board has reviewed the Short Environment Assessment Form on file in the Village Office; and

WHEREAS, on this date, June 3, 2009, at a regular meeting, the Village Board conducted the required SEQRA review process by reviewing said Short Environment Assessment Form

NOW THEREFORE, BE IT RESOLVED:

1. Based on its review of all of the evidence submitted and reviewed, and based upon the Village Board's deliberations and its review of the short Environmental Assessment Form for the proposed local law, it is hereby determined that the proposed local law will not have a significant impact on the environment and that a negative declaration is hereby issued.

2. This notice of this determination of non-significance shall be filed as required by SEQRA.

The foregoing resolution was approved as follows:

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 4 6/2009

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

Whereas, the Village Board has before it a Local Law entitled Local Law #3-2009 "A Local Law Providing for the Repair or Removal of Dangerous Buildings and Collapsed Structures" which, if adopted, will change the process for dealing with dangerous buildings and collapsed structures in the Village; and

Whereas, the Village Board has, on this date, held a public hearing to consider said proposed Local Law; and

Whereas, the Village Board has considered any public input; and

Whereas, this action is an unlisted action under the State Environmental Quality Review Act and the Village Board has adopted a Negative Declaration; and

Whereas, the notice of this hearing was duly published and posted as required by law;

Now, therefore, be it resolved:

Section 1. That the Village Board of the Village of Spencerport hereby enacts Local Law #3-2009 "A Local Law Providing for the Repair or Removal of Dangerous Buildings and Collapsed Structures".

Section 2. That the Village Clerk is ordered to publish a legal notice indicating the adoption of this Local Law and to file a copy of this Local Law with New York State.

Section 3. That this Local Law shall take effect upon filing with the Secretary of State.

Section 4. 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
	Fritz Gunther, Trustee	Aye
	Joyce Lobene, Mayor	Aye

Mayor Lobene opened the public hearing for local law 4/2009 at 7:21 p.m.

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Mayor Lobene identified the local law will provide the regulation of garage sales and casual sales of personal property.

Mrs. Quigley and Mr. Case asked for more detail of the proposed law.

Mayor Lobene read the law in its entirety.

Mr. Case and Mrs. Quigley asked the purpose of a permit.

Mayor Lobene stated that the purpose of a permit is to confirm that residents are not continually having sales and going over the twice a year; 3 day limit.

Mrs. Quigley asked if a fee will be charged.

Mayor Lobene responded yes.

Mrs. Quigley and Mr. Case asked how much the fee would be.

Mayor Lobene indicated approximately \$10.

Mrs. Quigley, Mr. Case and Mr. Powel did not think a fee was necessary.

Mayor Lobene closed the public hearing at 7:29 p.m.

Trustee Nellis-Ewell commented that fees were discussed but an amount was not determined.

Trustee Rauber commented that if the regulation on garage sales was too restrictive there would be a possibility that the amount of items put out for bulk pick up would increase thus costing the Village more in landfill tipping fees.

Trustee Gunther commented that a fee for the permit should not be charged and that if a resident is having a continual garage sale zoning laws should apply.

Discussion ensued regarding sales and zoning laws.

RESOLUTION 5 6/2009

Introduced by: Trustee Gunther

Seconded by: Trustee Rauber

Resolved, that the Village of Spencerport Board of Trustees hereby tables local law 4/2009 to make revisions.

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

PRIVILEGE OF FLOOR

Sewers Committee – Trustee Rauber, Chair

Trustee Rauber commented that he and Superintendent West met to review the condition of the sewers on Prospect Street and the necessary repairs. Trustee Rauber continued that the pump vibration analysis has been completed and the results have been submitted to Monroe County. The HVAC system does need to be completed and a new contractor may be selected due to the inattentiveness of the selected HVAC contractor.

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

A. Planning

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Trustee Nellis-Ewell commented that a site plan was presented for 117 S. Union Street. The proposed plan is to demolish the existing building and rebuild a new building with commercial on the 1st floor and (2) two bedroom apartments on the second floor.

B. Zoning

Trustee Nellis-Ewell indicated that approval of a fence at 200 Prospect Street and improvements at 130 Martha Street were received.

C. Building Control

D. Code Review

Mayor Lobene indicated that if an issue is raised regarding local law information should be conveyed by the Board prior to the public hearing.

Trustee Rauber commented that the purpose of the code review is to present a law for public hearing and that if the entire Village Board will be commenting and making revisions to the local law what would be the purpose of the committee.

Discussion ensued regarding the purpose of the code review committee.

E. Architectural Review

Trustee Nellis-Ewell indicated that Curt Kenyon of Countryside Cabinets presented and received approval for his sign to be located at his business on Union Street.

Finance Committee – Trustee Hopson, Chairman

Trustee Hopson indicated that he did not have the interest rate for June at the time of the meeting.

Facilities Committee – Trustee Hopson, Chairman

A. Electric

RESOLUTION NO 6 6/2009

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

Resolved, that the Board of Trustees of the Village of Spencerport hereby approves \$300 to be taken from the IEEP fund to purchase CFL bulbs for the Power to Save Program.

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 7 6/2009

Introduced by: Trustee Hopson
Seconded by: Trustee Rauber

Resolved, that the Board of Trustees of the Village of Spencerport hereby approves purchasing New York Municipal Power Agency's recommended amount of TCCs (Transmission Congestion Contracts) in the amount of \$3,866 from ISO (NY Independent System Operator).

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

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Charles R. Hopson, Trustee	Aye
Fritz Gunther, Trustee	Aye
Joyce Lobene, Mayor	Aye

Superintendent McIntee explained that this fee is an insurance policy to prevent against excessive distribution charges from the electric grid system.

B. Other (Drainage, Franchise)

No board action required.

Public Works Committee – Trustee Rauber, Chairman

A. Highways/Garage

Superintendent West explained the Milton Cat lease program to the Village Board

RESOLUTION NO 8 6/2009

Introduced by: Trustee Rauber

Seconded by: Trustee Hopson

Resolved, that the Board of Trustees of the Village of Spencerport hereby accepts the bid from Milton CAT, 4610 E. Saile Drive, Batavia, NY 14020 in the amount of \$94,500 for a New 2009 Front Loader. This amount reflects a trade allowance of \$30,215.00.

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

B. Public Services (Refuse, Recycling, Parks)

Public Safety Committee – Trustee Gunther, Chairman

A. Fire Department

No board action required. Trustee Gunther indicated that he has not met with the fire department but the building is nearly complete.

Mr. Case who is an Assistant Chief explained that the building is nearly complete with a move in date of June 27th. Dedication will take place in October to coincide with the dedication of the prior building.

B. Police

No board action required.

Human Resources Committee – Trustee Gunther, Chairman

No board action required.

Trustee Gunther welcomed Karen Kimbler as the new Village Treasurer.

Economic Development Committee – Mayor Lobene, Chairman

No board action required.

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Mayor Lobene announced that a new barber shop is coming to the Methoes Building. Mayor Lobene also indicated that the plaza owner is closer to bringing in a hardware store.

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

Trustee Nellis-Ewell indicated that she attended the Sustaining Communities Seminar today at RIT. Trustee Nellis-Ewell summarized the program and that she had taken several notes and met many people who represent facilities that are progressively going green.

Village Clerk– Jacqueline Sullivan

RESOLUTION NO 9 6/2009

Introduced by: Mayor Lobene
Seconded by: Trustee Rauber

Resolved, that the Board of Trustees of the Village of Spencerport hereby approves Aurora House 5 mile Race with Pace on July 26, 2009.

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

RESOLUTION NO 10 6/2009

Introduced by: Mayor Lobene
Seconded by: Trustee Rauber

Resolved, that the Board of Trustees of the Village of Spencerport hereby approves conducting a public hearing on Wednesday, July 1, 2009 at 7:00 p.m. to amend Village Code Chapter 130-12 stop intersections to include a 3 way stop sign at the intersection of Parkhurst Drive and Prospect Street.

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 11 6/2009

Introduced by: Mayor Lobene
Seconded by: Trustee Hopson

Resolved, that the Board of Trustees of the Village of Spencerport hereby authorizes Karen Kimbler, Treasurer check signing authority for all Village Banking Accounts.

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 commented that tax bills have gone out and that some adjustments need to be made to a few capital charges and that Karen has started and that she has a great attitude and a ton of enthusiasm. In addition Clerk Sullivan

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was happy to announce that Pam Gilbert will be starting on June 8th. Tax bills are out and that some adjustments need to be made to a few sewer capital charges.

Superintendent of Public Works – Thomas M. West

Superintendent West requested executive session to discuss litigation.

Superintendent West commented that Skanex will be developing a report for the sewers on Prospect Street. At this time the sewers are filled with water. Superintendent West continued that work on the rebuilding of Prospect Street will be commencing after the carnival. On June 8th Parkhurst Drive will be resurfaced. Tree trimming will be taking place in Domus Trac. A meeting with all parties involved with the drainage problem on Nichols and Union Street will be addressed in the next week. The fire department will be using the Village forklift.

Superintendent of Electric – Owen McIntee

Superintendent McIntee commented that an outage was experienced in the Coleman Avenue area. Routine line work continues. Unity Health project is to start on Monday, June 8th and the Village will participate in the ground breaking ceremony on June 19th. Safety and training continues. SME will be participating in Canal Days again. Planning has begun with the German Federation for their celebration in August.

Attorney – Richard J. Olson

Attorney Olson requested executive session to discuss litigation.

Administrative Committee – Mayor Lobene, Chairman

RESOLUTION NO 12 6/2009

Introduced by: Mayor Lobene
Seconded by: Trustee Gunther

Resolved, that the Board of Trustees of the Village of Spencerport hereby designates Time Warner Cable to administer the playback of programming on PEG access channels 12 and 15 on its system serving our community.

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

Unfinished Business

New Business

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	\$ 13,745.76
Electric Fund	\$ 3,722.29
Sewer Fund	\$ 131,798.77
Trust Fund	\$ 0
Capital Fund	<u>\$ 6,920.93</u>
TOTAL:	\$ 156,187.75

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, June 2009 be approved as audited.

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Adjournment

Motion was made by Trustee Rauber, seconded by Trustee Gunther and carried unanimously that the regular meeting be adjourned to executive session to discuss litigation issues at 8:48 p.m.

Motion was made by Trustee Rauber, seconded by Trustee Hopson and carried unanimously that the executive session be adjourned to workshop session at 10:23 p.m.

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