

VILLAGE BOARD MEETING
August 5, 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
Fred Holbrook
Mike LoPresti
Scott DeHollander

APPROVAL OF MINUTES

A motion was made by Trustee Rauber, seconded by Trustee Nellis-Ewell and carried that the minutes of the regular meeting held July 1, 2009 be approved as read. Trustee Hopson abstained.

A motion was made by Trustee Nellis-Ewell, seconded by Trustee Hopson and carried that the minutes of the workshop meeting held July 15, 2009 be approve as read.

Public Hearings

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

Mayor Lobene indicated that introductory Local Law 7/2009 was established to repeal Local Law 3/2009 providing for the repair or removal of dangerous building and collapsed structures due to a clerical error.

Mayor Lobene further explained that the intention of the law had not changed however errors needed to be corrected.

There being no further comments Mayor Lobene closed the public hearing for Local Law 7/2009 at 7:06 p.m.

SEQR RESOLUTION: Introductory Local Law 7/2009

RESOLUTION #31 8/2009

Offered by: Trustee Rauber

Seconded by: Trustee Nellis-Ewell

WHEREAS, the Village Board, by authority of 6 NYCRR 617.5(b) has the authority to expand its own list of Type II actions beyond the list of Type II actions presently found in 6 NYCRR 617.5(c).

WHEREAS, the Village Board finds that Introductory Local Law #7:

- a) Does not have a significant adverse impact on the environment based on the criteria contained in 6 NYCRR 6173.7(c) and
- b) Is not a Type I action

NOW THEREFORE, BE IT RESOLVED, that the Village Board classifies the adoption of proposed Local Law #7 of 2009 to be a Type II Action under the SEQR regulations; and be it further

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RESOLVED, that a Type II classification concludes the Village Board's obligations under SEQR.

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 #32 8/2009

Offered by: Mayor Lobene
Seconded by: Trustee Rauber

WHEREAS, Local Law #_3_ of the year 2009 entitled "A local law providing for the repair or removal of dangerous buildings and collapsed structures." was previously adopted by the Village Board of the Village of Spencerport on or about the 3rd day of June, 2009; and

WHEREAS, it was subsequently discovered after Local Law #3's adoption that, by clerical error, an earlier draft of said Local Law was inadvertently filed with the New York Secretary of State and the Village Board wishes to correct the error;

WHEREAS, it is the intent of the Village Board to repeal Local Law #3 as now on file with the New York Secretary of State and replace it with the corrected draft of a local law providing for the repair or removal of dangerous buildings and collapsed structures.

NOW THEREFORE, Local Law #_5_ of 2009 as attached hereto is hereby enacted by the Village Board of the Village of Spencerport and the Clerk is instructed to file same with the Secretary of State.

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 introductory LL 5/2009 providing for the regulation of certain animals in the Village of Spencerport 7:07 p.m.

There being no comments from the public Mayor Lobene closed the public hearing for introductory LL 5/2009 at 7:10 p.m.

Trustee Hopson questioned if animals specifically dogs were an issue throughout the Village.

Trustee Nellis-Ewell responded that reptiles and animals have been an issue throughout the Village and the code review committee modeled their law after the City of Rochester.

SEQR RESOLUTION: Introductory Local Law 5/2009

RESOLUTION #33 8/2009

Offered by: Trustee Gunther
Seconded by: Trustee Rauber

WHEREAS, the Village Board, by authority of 6 NYCRR 617.5(b) has the authority to expand its own list of Type II actions beyond the list of Type II actions presently found in 6 NYCRR 617.5(c).

WHEREAS, the Village Board finds that Introductory Local Law #5:

- a) Does not have a significant adverse impact on the environment based on the criteria contained in 6 NYCRR 6173.7(c) and
- b) Is not a Type I action

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NOW THEREFORE, BE IT RESOLVED, that the Village Board classifies the adoption of, proposed Local Law #5 of 2009 to be a Type II Action under the SEQR regulations; and be it further

RESOLVED, that a Type II classification concludes the Village Board's obligations under SEQR.

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 #34 8/2009

Offered by: Trustee Rauber

Seconded by: Trustee Nellis-Ewell

WHEREAS, a proposed Local Law #_5_ of the year 2009 entitled "A local law providing for the regulation of certain animals in the Village of Spencerport" was introduced to the Village Board of the Village of Spencerport by Trustee Rauber on the 5th day of August, 2009; and

WHEREAS, at a meeting of the Village Board held at the Village Hall in the Village of Spencerport, New York on the 5th day of August, 2009, a public hearing was held at 7:00 p.m. to consider adoption of the proposed Local Law #_5_ of the year 2009 entitled "A local law providing for the regulation of certain animals in the Village of Spencerport";

NOW THEREFORE, Local Law #_6_ of 2009 is hereby enacted by the Village Board of the Village of Spencerport.

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

Trustee Hopson indicated that the proposed law is too restrictive to dogs that are leased.

Mayor Lobene explained that recently there have been issues with people bringing inappropriate animals to events within the Village.

Trustee Nellis-Ewell indicated that this code was modeled after the City of Rochester code and has been reviewed by the Code Committee.

Trustee Rauber commented that this law will allow the Code Enforcement Officer grounds to take action on someone who is not acting responsible with their animal.

Trustee Hopson responded that it appears that we are restricting people.

Trustee Gunther further commented that he feels it is too restrictive as well.

Trustee Rauber opened the public hearing for the potential rezoning of 57/59 West Avenue from R2 to R3 at 7:20 p.m.

Mr. Fred Holbrook addressed the Board as legal representation for Mr. and Mrs. LoPresti owners of the property who would like to have the property rezoned from R2 to R3. Mr. Holbrook explained that the area of this property is a mixed use area and that Mr. LoPresti would like to change the current building from a two unit to a four unit. Mr. Holbrook further explained that the property directly to the south of the property is a seven unit building and that other properties throughout the area are at a minimum two unit properties. Mr. Holbrook indicated that the proposal does not radically depart from the character of the neighborhood.

Mr. Holbrook further explained that if this Board acts favorably to this proposal Mr. LoPresti would need four variances from the Zoning Board and would need further approval from the Planning Board.

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Attorney Olson indicated that Mr. LoPresti will need to submit an EAF to the various Boards.

Trustee Rauber closed the public hearing at 7:29 p.m.

Trustee Rauber explained that he was approached by Zoning Board Chair John Dole regarding Mr. LoPresti's potential project and that Trustee Rauber directed Mr. LoPresti to formally address the Village Board regarding his project and the need for rezoning.

Attorney Olson indicated that this rezoning must be in accordance with the current Village Comprehensive Plan and that the current comprehensive plan does not indicate plans for future zoning.

Attorney Olson indicated that if the comprehensive plan had provisions for future planning and zoning Mr. LoPresti would not need an EAF.

Trustee Nellis-Ewell indicated that no action would be taken at this time since an EAF needs to be completed. Trustee Nellis-Ewell continued that there are no R3 areas in the Village at this time and that our zoning has some holes in it. Trustee Nellis-Ewell asked Mr. LoPresti if he could make the building three units instead of four.

Mr. LoPresti indicated that it would not be economically feasible to reduce the size of the proposed building.

PRIVILEGE OF FLOOR

Sewers Committee – Trustee Rauber, Chair

Trustee Rauber introduced Scott DeHollander from MRB Group to discuss specifically the Canal Bore.

Mr. DeHollander indicated that the design package was forwarded to the contractor and a response is expected by August 10th and work will start the second or third week of November. Mr. DeHollander suggested that the Village Board take action at the September Board Meeting.

Trustee Rauber confirmed that the Village Board will be able to take action at the September 2nd meeting.

Mayor Lobene indicated that she met with Dwight from Angelica Boring and that he seems like a good contractor.

Trustee Rauber indicated that the engineer will be reviewing why the bore stopped, and if it is was due to means and methods or a large obstruction within the bed of the canal.

Discussion ensued regarding various aspects of the project.

Mr. DeHollander explained, at the request of the Mayor, pricing was obtained from the contractor to drive the canal deck piers in while the equipment is on site.

Mayor Lobene indicated that money is not available to complete this process.

Mr. DeHollander explained that the sewer pump station on Ballard Avenue needs to be rebuilt to handle the increased capacity from the Gollel Development. This pump station was to be rebuilt by Gollel however at this time Gollel has not rebuilt the pump station and that the funds for the rebuild will be taken from the Gollel letter of credit.

Superintendent West explained the process and savings that will be reflected with Village crews doing some of the work along with the contractors. Superintendent West further explained that enhancements will be done to the pump station at the expense of the Village to make the whole area better and safer.

Attorney Olson confirmed that the components that were outlined the letter of credit will be the same components that will be used for the proposed pump station.

Superintendent West and Scott DeHollander responded yes.

Mayor Lobene asked if the project will be done by November 2009.

Superintendent West and Mr. DeHollander indicated that it will be.

RESOLUTION NO 35 8/2009

Introduced by: Trustee Rauber
Seconded by: Trustee Hopson

Resolved, that the Board of Trustees of the Village of Spencerport hereby approves MRB Group's proposal for professional services for the Ballard Avenue Pump Station Rehabilitation not to exceed \$3,000.

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 36 8/2009

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

Resolved, that the Board of Trustees of the Village of Spencerport hereby authorized the Mayor to sign Change Order No. B-05 to allow for the 3rd boring attempt across the Erie Canal by Angelica Boring Company, Inc. based on positive recommendation from MRB Group and Village Attorney.

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

No Board action required. Trustee Nellis-Ewell indicated that the Planning Board met to approve July's meeting minutes following the adjournment the Planning Board conducted a workshop meeting regarding 117 South Union Street application.

B. Architectural Review

No Board action required. Signs were approved for Serenity Salon and the Village Plaza monument sign. Mr. Rauber applicant for 117 South Union Street indicated that he would be making his building look more like the Spencer Landing Building.

C. Zoning

No Board action required. Next meeting is August 20th for Mr. Rauber's 117 South Union Street property.

D. Building Control

No Board action required.

E. Code Review

No Board action required. Meeting is scheduled for Thursday, August 13th. Topics will include the restriction of pawn shops in the Village.

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Finance Committee – Trustee Hopson, Chairman

Trustee Hopson acknowledged that the June interest rate for the HSBC Insured Municipal Money Market to be at .6% up from the previous month.

Trustee Hopson indicated that Treasurer Kimbler will be attending the September 2nd meeting.

Facilities Committee – Trustee Hopson, Chairman

A. Electric

RESOLUTION NO 37 8/2009

Introduced by: Trustee Hopson

Seconded by: Trustee Rauber

Resolved, that the Board of Trustees of the Village of Spencerport hereby approves the Electric Superintendent's attendance at the MEUA Annual Conference September 15, 16, 17, and 18, 2009, to be held at the Radisson Hotel, Corning, New York.

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 38 8/2009

At a regular meeting of the Board of Trustees of the Village of Spencerport, New York held on August 5, 2009, the following resolution was adopted:

Moved by: Trustee Hopson

Seconded by: Mayor Lobene

WHEREAS, the Board of Trustees of the Village of Spencerport, New York, is a municipal member of the Municipal Electric Utilities Association of New York State, and

WHEREAS, the Annual Conference of the Municipal Electric Utilities Association of New York State has been called on September 15, 16, 17, and 18, 2009, to be held at the Radisson Hotel, Corning, New York, and,

WHEREAS, in accordance with the bylaws of the Municipal Electric Utilities Association of New York State, each municipal member may cast one vote on each transaction properly brought before this 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	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 indicated that he toured Prospect Street and Noble Drive and excellent work has been done to improve the drainage the roadways.

RESOLUTION NO 39 8/2009

Introduced by: Trustee Rauber
Seconded by: Trustee Hopson

Resolved, that the Board of Trustees of the Village of Spencerport hereby awards the materials bid to re-roof the 70'x80' metal building located at 500 West Avenue to Genesee Lumber Co., 76 Franklin Street, Batavia, NY in the amount of \$7097.32. Only one bid was received.

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 40 8/2009

Introduced by: Trustee Rauber
Seconded by: Trustee Hopson

Resolved, that the Board of Trustees of the Village of Spencerport hereby awards the materials bid to re-skin the 30'x50' metal building located at 500 West Avenue to Genesee Lumber Co., 76 Franklin Street, Batavia, NY in the amount of \$5,287.50. Only one bid was received.

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)

No Board action required.

Public Safety Committee – Trustee Gunther, Chairman

A. Fire Department

No Board action required. Trustee Gunther commented that he is attending the monthly commissioners meetings.

B. Police

No Board action required.

Human Resources Committee – Trustee Gunther, Chairman

Economic Development Committee – Mayor Lobene, Chairman

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No Board action required. Mayor Lobene commented that Canal Days was successful. Mayor Lobene continued that she and John Steinmetz will be meeting with Morgan Management to discuss funding to go forward with East Avenue suggestions.

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

No Board action required. Trustee Nellis-Ewell indicated that she attended an open house at SunKing Recycling in Brockport.

Trustee Nellis-Ewell commented that she has been working with the trails committee to place a trail head in the plaza at this time we are at a stand still and will not go forward until more time can be spent on the project.

Trustee Nellis-Ewell indicated that she has suggested using recycled paper and envelopes for electric invoices and general office correspondence.

Village Clerk – Jacqueline Sullivan

RESOLUTION NO 41 8/2009

Introduced by: Mayor Lobene

Seconded by: Trustee Nellis-Ewell

Resolved, that the Board of Trustees of the Village of Spencerport hereby approves implementing an Identity Theft Prevention Program to comply with the Red Flag Policy required by the Federal Trade Commission. The above program will be administered and maintained by the Village Clerk.

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 42 8/2009

Introduced by: Trustee Rauber

Seconded by: Mayor Lobene

Resolved, that the Board of Trustees of the Village of Spencerport hereby approves the attached electric account write-offs in the amount of \$19,977.43.

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

Superintendent of Public Works – Thomas M. West

Superintendent West commented on the following items:

- Slurry Sealing was completed throughout the Village.
- Gutters are being installed on Prospect Street. Staff is doing an excellent job and 90% of our roads are being done by Village Staff.
- Skanex has been working on relining sewers on Prospect Street.
- Recycling of Prospect Street and Noble Drive is to take place on August 27th and all paving should be done by the end of September.

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- A resident of Prospect Street is moving and complemented the village staff and that they will miss the Village.
- A letter has been send to Gollel regarding punch list items and no c of o's will be issued until these items are addressed.
- 26 new trees have been installed.
- Recycling truck broke down and was brought in for repair.

Trustee Nellis-Ewell indicated that the sidewalks look to be in disrepair in front of the Subway Restaurant on South Union Street.

Superintendent West indicated he would take a look at it on Thursday.

Superintendent of Electric – Owen McIntee

Superintendent McIntee commented on the following items:

- Working with Deputy Clerk Gilbert to resolve many billing and reading issues.
- Mike Plucknett had gall bladder surgery and we will be reading the routes with two meter readers.
- Power to Save booth at Canal Days was well received.
- Electric service has been established for the German Festival.
- Working with Clerk Sullivan for website redesign.
- Attending Kawians Bide Rodeo on Thursday, August 6th.
- Public Power week is October 4-10, and SME will be preparing a program for that week.
- Working with Trustee Nellis-Ewell for the Village Green Plan.
- NYMPA is requiring SME to offer two solar systems to customers.

Attorney – Richard J. Olson

No Board action required. Attorney Olson commented that he has made contact with Bond Counsel and a conference call is scheduled for tomorrow to discuss a path forward. Letters have been issued to 670 OPTL Rd to take action to make the properties code compliant regarding electric service.

Administrative Committee – Mayor Lobene, Chairman

RESOLUTION NO 43 8/2009

Introduced by: Mayor Lobene

Seconded by: Trustee Rauber

Resolved, that the Board of Trustees of the Village of Spencerport hereby approves attendance at the NYCOM Annual Fall Training School for City and Village Officials September 21-24 2009 by any Village Board Member, Department Head or Support Staff Member.

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

Trustee Nellis-Ewell attended Marilyn Burley's 80th birthday party and the seniors indicated that they would like to have visitors anytime not just at election time.

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Bills

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

General Fund	\$ 74,020.95
Electric Fund	\$ 30,717.23
Sewer Fund	\$ 10,252.37
Trust Fund	\$ 0
Capital Fund	\$ <u>6,829.50</u>
TOTAL:	\$ 121,820.13

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

Adjournment

Motion was made by Mayor Lobene, seconded by Trustee Rauber and carried unanimously that the regular meeting be adjourned to workshop session at 9:25 p.m.

Motion was made by Mayor Lobene, seconded by Trustee Rauber and carried unanimously that the workshop session be adjourned at 10:15 p.m.