

VILLAGE BOARD WORKSHOP MEETING
September 16, 2009

CALL TO ORDER: 4:30 p.m.

BOARD MEMBERS PRESENT

Joyce Lobene, Mayor
Theodore E. Rauber, Trustee
Carol J. Nellis-Ewell, Trustee

Fritz Gunther, Trustee

BOARD MEMBERS ABSENT

Charles R. Hopson, Trustee

Others Present

Kevin Kelly, Code Enforcement Officer
Owen McIntee, Electric Superintendent
Jackie Sullivan, Village Clerk
Tom West, DPW Superintendent
Richard Olson, Attorney

BI/FM/CE – Monthly Report

Mr. Kevin Kelly, Code Enforcement Officer updated the Village Board on the following items:

- There will be no haunted house located in the Village Plaza.
- Inspections have been done at the Canal Landing Subdivision and the property is now secured; letters have been sent to the owner regarding storm water measures.
- 51 West Avenue – Letter has been sent to the property owner asking for permission to have an architect inspect the porch to determine if it is a safety hazard.
- Work continues with Ballard Avenue residents regarding debris from the recent development of various lots.
- 5 appearance tickets have been issued to the Zarpentine Family regarding their Amity Street property; Mr. Kelly attended Ogden Town court and the case was adjourned until 9/21 allowing the family to clean up the property; to date nothing has changed.
- Basketball hoop located in the Canalside Drive right of way has been removed.
- Met with Police Chief and Jack Crooks regarding congregating kids on West Avenue.
- Letter has been sent to Morgan Management to replace fire lanes at plaza.
- DPW has requested that tree limbs to be cut behind the plaza so that the garbage truck can get through.
- Inspections continue at St. Johns regarding the relocation of their religious shop.
- Jack Crooks reviewed the Tim Horton's plan and an additional exit is needed.
- Attended POD meeting.

Mayor Lobene questioned what the next steps are with the 51 West Avenue property.

Mr. Kelly responded that the findings will be presented to the Village Board.

Attorney – Monthly Report

Attorney Olson commented on the following items:

- Work continues to settle discrepancies regarding the Erie View Landing Project. Superintendent West asked if Slayton Avenue would be deeded to Morgan with

easements back to the Village, this can be done and that Morgan should be asked if they are interested in Slayton Avenue

The following official action took place:

RESOLUTION NO 48 9/2009

Introduced by: Trustee Rauber
Seconded by: Trustee Gunther

Resolved, that the Board of Trustees of the Village of Spencerport hereby authorizes the Mayor to sign Change Order No. GS-GEN 5. The aforementioned change order provides that a credit be applied to the contract of \$3,000 for an incorrectly installed sidewalk and that the Village will provide corrective action to the sidewalk.

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

RESOLUTION NO 49 9/2009

Introduced by: Mayor Lobene
Seconded by: Trustee Rauber

Resolved, that the Board of Trustees of the Village of Spencerport hereby authorizes the Mayor to sign the Certificate of Substantial Completion document for the Gravity Sewer General Contract performed by Randsco Pipeline, Inc.

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

RESOLUTION NO 50 9/2009

Introduced by: Trustee Rauber
Seconded by: Trustee Gunther

Resolved, that the Board of Trustees of the Village of Spencerport hereby approves attendance to the NYCOM Public Works Training October 19th – 22nd by the DPW Superintendent and/or his designee.

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

RESOLUTION 51 9/2009

Introduced by: Trustee Rauber
Seconded by: Trustee Gunther

Resolution of Celebration
Helen Schuth
100th Birthday

BE IT RESOLVED, this governing body extends congratulations on behalf of the Spencerport Community to Helen Schuth on reaching such a wonderful mile stone of 100 years of age, September 27, 2009

BE IT FURTHER RESOLVED, the Spencerport Village Board enter this Resolution of Celebration into the official minutes of the September 16, 2009 Village Board Meeting.

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

RESOLUTION NO 52 9/2009

Introduced by: Trustee Rauber
Seconded by: Mayor Lobene

Resolved, that the Board of Trustees of the Village of Spencerport hereby approves attendance to the fall 2009 Regional Local Government Workshop, Friday, November 20 at the Holiday Inn, Batavia by any Village, Planning or Zoning Board member including support staff.

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

At a meeting of the Village of Spencerport held on September 16, 2009 at the Village Hall, 27 West Avenue, Spencerport, New York

Introduced by: Mayor Lobene
Seconded by: Trustee Rauber

VILLAGE OF SPENCERPORT, MONROE COUNTY

RESOLUTION AUTHORIZING MAYOR TO SIGN DRAFT

WHEREAS, the Spencerport Development, LLC is the developer of the Canal Landing Subdivision; and

WHEREAS, according to a report from the MRB Group, the Village's Consulting

Engineer, Spencerport Development, LLC has failed to perform the work required for this subdivision. A copy of the MRB report is attached hereto; and

WHEREAS, in accordance with the Spencerport Code and Section 7-730 of the New York Village Law, Spencerport Development, LLC posted a Letter of Credit from M&T Bank guaranteeing the work to be completed; and

WHEREAS, section 7-730(e) of the New York Village Law provides:

(e) Default of security agreement. In the event that any required improvements have not been installed as provided in this section within the term of such security agreement, the village board of trustees may thereupon declare the said performance bond or security agreement to be in default and collect the sum remaining payable thereunder; and upon the receipt of the proceeds thereof, the village shall install such improvements as are covered by such security and as commensurate with the extent of building development that has taken place in the subdivision but not exceeding in cost the amount of such proceeds.

; and

WHEREAS, the balance remaining in the Letter of Credit is \$\$126,369.12

; and

WHEREAS, the Village Board of Trustees finds that Spencerport Development, LLC has failed to perform work at Canal Landing Subdivision as per agreed upon terms and conditions and as set forth in the Village of Spencerport Code and said Letter of Credit is in default.

NOW, THEREFORE, BE IT RESOLVED:

SECTION 1. That the Mayor is hereby authorized to sign a Draft Drawn Under M&T Bank Letter of Credit sb-910713-2000 in the amount of \$ 79,906.60 and to transmit said Draft to M&T Bank for collection;

SECTION 2. That upon receipt of the funds, the Treasurer is directed to account for said funds separately and the funds shall be paid out only upon further resolution(s) of this Board authorizing said payment(s).

SECTION 3. That this Resolution will take effect immediately.

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

Joyce Lobene, Mayor

Aye

Adjournment

Motion was made by Mayor Lobene, seconded by Trustee Rauber and carried unanimously that the meeting be adjourned at 7:20 p.m.