

VILLAGE BOARD MEETING
Minutes
October 7, 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
Kevin Kelly, Code Enforcement Officer
Joan Quigley, Maplewood Avenue
Lawrence Hart, Big Ridge Road

Pledge of Allegiance

Approval of Minutes

A motion was made by Trustee Rauber, seconded by Trustee Hopson and carried unanimously that the minutes of the regular meeting held September 2, 2009 be approved as read.

A motion was made by Trustee Nellis-Ewell, seconded by Trustee Gunther and carried unanimously that the minutes of the workshop meeting held September 16, 2009 be approved as read. Trustee Hopson abstained.

Public Hearing - Introductory Local Law 8-2009

Mayor Lobene opened the public hearing at 7:03 p.m.

Mayor Lobene read the proposed local law.

Mayor Lobene asked if the public had any comments.

Mayor Lobene explained that the Ogden Police Chief suggested that the Village consider prohibiting pawn shops due to the increase in thefts throughout the town and village.

There being no comments Mayor Lobene closed the public hearing at 7:05 p.m.

SEQR RESOLUTION:

RESOLUTION 53 10/2009

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 #8:

- 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 #8 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 54 10/2009

Introduced by: Trustee Nellis-Ewell

Seconded by: Trustee Hopson

Whereas, the Village Board has before it a Local Law entitled Local Law #8-2009 "A Local Law Providing for the prohibition of pawnshops and collateral loan brokerages in certain zoning districts in the Village of Spencerport" which, if adopted, will amend chapter 140-19 of the Code of the Village of Spencerport by prohibiting pawnshops and collateral loan brokerages in all B district categories.

Whereas, the Village Board has, on October 7, 2009, held a public hearing to consider said proposed Local Law; and

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

Whereas, the Village Board has determined this action to be a Type II Action under the SEQR regulations

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 #7-2009 "A Local Law Providing for the prohibition of pawnshops and collateral loan brokerages in certain zoning district in the Village of Spencerport".

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

Privilege of the floor

Lawrence Hart of Big Ridge Road addressed the Village Board regarding the access road to the former Village waste water treatment plant. Mr. Hart's concern is that people are using that area as parking for soccer games at the Terry Taylor

School. Mr. Hart continued that he counted approximately 85 cars on a given night in and out of that area and that his concern is that his house is close to that driveway and that many kids walk and bicycle in that area.

Superintendent West comment that this is a public access road jointly owned by the Village of Spencerport and Monroe County.

Trustee Rauber recommended that discussion regarding this road should be taken to workshop session.

Discussion ensued regarding the road.

Mr. Hart suggested that no parking signs could be posted.

Attorney Olson asked how wide the right of way is.

Mr. Hart commented that the right of way is 40' per the Town of Ogden Board Meeting minutes.

Mayor Lobene indicated to Mr. Hart that the Village Board will look into this situation and his concerns.

Sewers Committee – Trustee Rauber, Chair

Trustee Rauber commented that the sewers on Prospect Street and Nobel Drive have been completed and bi-weekly meetings have been coordinated to discuss Ballard Avenue and the canal bore.

Attorney Olson commented that documentation regarding the ownership of the pump station has been received by bond counsel and work is being done on the transfer of ownership.

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

- A. Planning
- B. Architectural Review

Trustee Nellis-Ewell indicated that the ARB approved a sign for Renne Reschenold photography.

- C. Zoning
- D. Building Control

Attorney Olson commented that a letter has been received from building inspector Jack Crooks and architect Larry Fenity indicating that the main support above the front porch is rotted and broken at the property of 51 West Avenue. Per our village code a resolution is necessary to require the homeowner to make the repairs. In addition an opportunity for the home owner to make comments to the full Board must be made available. The following documentation will be hand delivered to the homeowner by the Village Code Enforcement Officer: the notice of determination, resolution, letters from Larry Fenity, Jack Crooks and a copy of the law.

RESOLUTION and ORDER 55 10/2009

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

Whereas, the Village Board has before it a written recommendation from Jack Crooks, Village Building Inspector dated September 29, 2009 and a letter from Lawrence Fenity, RA of Fenity Associates, Architects, dated September 2, 2009 (“the reports”) indicating that the structural integrity supporting the roof as it adjoins the house at the front entrance has been severely compromised at the property located at 51 West Avenue (Tax Acct. #087.13-1-2) and that any heavy snow load or even significant rain event will cause complete failure of said structure and that immediate repair or removal is required; and

Whereas, pursuant to Chapter 45 of the Code of the Village of Spencerport, this Board is authorized after receipt and review of said reports to make a determination that the building is unsafe and to order the necessary repairs of said building; and

Whereas, after review of the reports, the Village Board finds that said building is unsafe within the meaning of Chapter 45 of the Code of the Village of Spencerport; and

Whereas, the Village Board wishes to proceed pursuant to Chapter 45;

Now, therefore, be it resolved:

Section 1. It is hereby **ORDERED** that Donna Billings, the owner of 51 West Avenue, Spencerport, New York (Tax Acct. #087.13-1-2) correct the deficiencies shown on the reports within the time limits specified in Chapter 45 of the Village Code;

Section 2. It is further **ORDERED** that a hearing shall be held before the Board of Trustees in relation to such dangerous or unsafe building at 6:00 PM on October 21, 2009 at the Village Hall, 27 West Avenue, Spencerport, New York at which time Donna Billings or her representative(s) will have the opportunity to be heard with respect to this matter.

Section 3. In the event of neglect or refusal to comply with the order to secure or demolish and remove the building, the Board of Trustees is authorized to provide for its repair or demolition and removal, to assess all expenses thereof against the land on which it is located and to institute a special proceeding to collect the costs of demolition, including legal expenses.

Section 4. That a copy of this Resolution, the Notice Pursuant to §45-6 of the Village Code (attached) and the reports of Crooks and Fenity and a copy of Chapter 45 of the Spencerport Code shall be served upon the property owner as set forth in §45-7 of the Village Code.

Section 5. 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

E. Code Review

Trustee Nellis-Ewell commented that the code review committee met today and reviewed dumpsters and amending the current local law to require fencing around the dumpsters. Trustee Nellis-Ewell indicated that discussion at the meeting included the possibility of charging a fee for sign permits.

Mayor Lobene commented that the code review committee needs to be careful of charging fees to applicants requesting signs within the business district and that if we want economic development charging fees may not be appropriate.

Finance Committee – Trustee Hopson, Chair

Trustee Hopson acknowledge receipt of monthly-consolidated investment; HSBC Insured Municipal Money Market at .6 % no change from the previous month.

Facilities Committee – Trustee Hopson, Chair

A. Electric

RESOLUTION 56 10/2009

Introduced by: Trustee Hopson
Seconded by: Trustee Gunther

Now, therefore, be it resolved:

That the Village of Spencerport Board of Trustees hereby approves the Superintendent of Electric’s attendance at the NYMPA Semi-Annual Meeting Friday, October 23, 2009 at the Embassy Suites Hotel, East Syracuse, NY. Cost not to exceed \$45.

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

RESOLUTION 57 10/2009

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

Now, therefore, be it resolved:

That the Village of Spencerport Board of Trustees hereby approves attendance at the MEUA Engineering Workshop on November 4th and 5th, 2009 for the Electric Superintendent and two designees. Cost not to exceed \$600.00.

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

B. Other (Drainage, Franchise)

Public Works Committee – Trustee Rauber, Chair

A. Highways/Garage

RESOLUTION 58 10/2009

Introduced by: Trustee Rauber
Seconded by: Trustee Hopson

Now, therefore, be it resolved:

That the Village of Spencerport Board of Trustees hereby approves Greg Dorgan’s attendance at the Developing a Pedestrian Safety Action Plan workshop Thursday and Friday November 19th and 20th, 2009 from 8:30 – 4:30 p.m. cost not to exceed \$40 for meals.

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

B. Public Services (Refuse, Recycling, Parks)

Public Safety Committee – Trustee Gunther, Chair

A. Fire Department

Trustee Gunther indicated that the Fire Department Commissioners are conducting their annual budget review.

B. Police

Trustee Gunther has been approached by many Village residents regarding the graffiti on the rail road bridge.

Mrs. Quigley of Maplewood Avenue commented that she asked the police department to do something about the delivery trucks and patrons of the A-Plus Sunco gas station parking on the sidewalk.

Trustee Nellis-Ewell commented that a neighborhood watch group is being coordinated for the Laurelcreech neighborhood and that a Village Board Member on that neighborhood watch group would be a good idea.

Human Resources Committee – Trustee Gunther, Chair

Trustee Gunther indicated that the health care committee has met and that further discussion will take place at the October 21st workshop meeting.

Economic Development Committee – Mayor Lobene, Chair

Mayor Lobene commented that work continues at the future site of Tim Horton's and we continue to wait for news about a possible grocery store in the plaza.

Trustee Nellis-Ewell commented that the buildings in the plaza is dirty and that profanity has been written in the dust on the yellow buildings Trustee Nellis-Ewell requested that the plaza owner be contacted and asked to wash the building.

Mayor Lobene responded that she will forward this request to Mr. Morgan.

Green Initiatives – Trustee Nellis-Ewell, Chair

Trustee Nellis-Ewell commented that the Village green initiative plan is completed and has been emailed to all Board members and various village staff.

Village Clerk – Jackie Sullivan

RESOLUTION 59 10/2009

Introduced by: Trustee Rauber

Seconded by: Trustee Gunther

Now, therefore, be it resolved:

That the Village of Spencerport Board of Trustees hereby authorizes the Mayor to sign agreement #C006881 – Southside Waterfront Dock Construction and East Avenue Extension Preliminary Engineering.

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

Superintendent of Public Works – Thomas M. West

Superintendent West commented on the following items:

- Paving is completed and Prospect Street, Noble Drive and Hillside Drive were all recycled and repaved final budget figures are not complete at this time.
- West Avenue and Amity Street has been micro-paved and Bowery and Canal Street has been slurry sealed
- Re-roofing and re-skinning of the buildings at the DPW will be completed in the next month
- Drainage work has been completed on Martha Street at the corner of Amity has been completed
- Additional parking has been created in the parking lot off Amity Street
- Working with NYS on the drainage issue at the corner of West Avenue and Union Street
- Leaf pick-up has started
- Work continues on the Ballard Avenue pump station and the project will take about 3 days

Superintendent of Electric – Owen McIntee

RESOLUTION 60 10/2009

Introduced by: Trustee Hopson

Seconded by: Trustee Nellis-Ewell

Now, therefore, be it resolved:

That the Village of Spencerport Board of Trustees hereby authorizes the Mayor to sign the agreement between the Spencerport Municipal Electric and the New York Power Authority to receive funds from the New York Power Authority to offset costs associated with the residential attic and crawl space insulation program.

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

Superintendent McIntee commented on the following items:

- Outage today on Lyell Ave east of Prospect Street; the outage was limited to the Hickory Hollow area and the schools
- Unity Health building continues and SME work is complete until the transformer needs to be set
- Work continues at the Tim Horton's site
- Mat Gartz will in line school next week
- Class room safety presentations will be taking place this week for Public Power Week
- The Village Office foyer has been updated with green initiatives and public information displays

Attorney – Richard J. Olson

Attorney Olson commented that the letter of credit for the Gollel property has been received and the funds will be wired to the Village and should cover most of the items for the paving and Ballard Avenue pump station.

Administrative Committee – Mayor Lobene, Chair

PROCLAMATION

WHEREAS, the citizens of the Village of Spencerport embrace the opportunity to support the observance of School Board Recognition Week; this annual event is celebrated in school districts throughout New York State, and

WHEREAS, the members of the Spencerport School Board are an invaluable resource as local decision makers; they respond to the respective needs of their communities, serving the interests of school children and preparing them for the future, and

WHEREAS, the men and women serving the people of Spencerport as members of the School Board devote many hours of service to public education and continually strive for improvement, quality and progress in education, and

WHEREAS, members of local boards of education throughout New York State merit recognition and commendation for their dedicated service to the people and children of our community, it is fitting to support this annual celebration

NOW, THEREFORE, we the Spencerport Village Board do hereby proclaim official recognition of October 19-23, 2009 as

SCHOOL BOARD RECOGNITION WEEK

Dated this 7th day of October, 2009

Spencerport Village Board

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

Mayor Lobene commented that she attended the 100th birthday for Helen Schulth and that it was an excellent event.

Mayor Lobene indicated that the Village Hall meeting was well attended and another meeting will be scheduled for the spring. Mayor Lobene continued asking the Board to consider a moratorium on rezoning any areas of the Village until the Village comprehensive plan is complete.

Attorney Olson commented that the moratorium must follow a certain plan.

Mayor Lobene indicated that she is only asking the board to consider this action.

Discussion ensued regarding how rezoning takes place and purpose of a moratorium.

Mayor Lobene asked if any board member would like to attend the Mayor's meeting next Thursday, October 15th.

Trustee Gunther responded that he will be going to the Mayor' meeting on October 15th in Joyce's absence.

Mayor Lobene acknowledged a letter that was received from Mr. White of Upton Avenue regarding the 200 anniversary of the town in 2017.

Mayor Lobene commented on an article in the NYCOM news letter regarding town and village taxes. Mayor Lobene continued that an information meeting will be conducted in Syracuse regarding village dissolution. The Mayor of Scottsville is working with NYCOM to have a seminar in the Rochester area.

Unfinished Business

Trustee Nellis-Ewell requested a motion light behind the village office for safety.

New Business

Bills

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

General Fund	\$ 199,799.50
Electric Fund	\$ 24,423.09
Sewer Fund	\$ 38,509.53
Trust Fund	\$ 0
Capital Fund	\$ <u>8,925.66</u>
TOTAL	\$ 271,657.78

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

Adjournment

Motion was made by Trustee Rauber, seconded by Trustee Hopson and carried unanimously that the regular meeting be adjourned at 8:37 p.m.