

**VILLAGE BOARD WORKSHOP MEETING
December 16, 2009**

CALL TO ORDER: 4:30 p.m.

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

Jack Crooks, Building Inspector
Kevin Kelly, CEO
Owen McIntee, DPW Superintendent
Richard Olson, Attorney
Jackie Sullivan, Village Clerk
Tom West, DPW Superintendent
Robert Garlick, Nichols Street
Andy Squier, Pinecrest Drive
Cathi Squier, Pinecrest Drive

Mr. Garlick addressed the Board regarding a request for information regarding the sewer lateral of the neighbor's, Mr. and Mrs. Unvericht, to the west of the Squier's property that is located in the utility easement located on the Squier's property. Mr. Garlick further explained that if the work needed to be done on the sewer lateral located in the Squier's property the Unvericht's or any of their contractors would be trespassing.

Attorney Olson responded that this described situation has come up in various other municipalities and that the process that takes place is that the municipality will take corrective measures to any equipment within the easement and bill back any costs to the resident.

Mr. Garlick continued that his neighbor across the street from him had an issue with their sewer line going across Hillside Drive. Mr. Garlick further explained that the Village provided the crush and run backfill and black top for the road and the Village also paid \$2000 toward the project.

Attorney Olson asked when this took place.

Mr. Garlick responded during November 2008 and that the FOIL request was dated January of this year.

Mayor Lobene commented that before the Board continues with the sewer project on Hillside Drive she wanted to finish up on the previous Pinecrest Drive issue. Mayor Lobene asked Mr. Garlick if he was acting as the Squier's attorney.

Mr. Garlick responded: "No I am not".

Mayor Lobene confirmed that the Unvericht's are not allowed on the Squier's property and that she has explained this to Mr. Unvericht. Mayor Lobene indicated that there is no more that the Village Board can do.

Mr. Garlick responded that he did not know that a ruling had been made.

Attorney Olson commented that there had been no ruling.

Mr. Garlick responded: "Let's call it a policy."

Mr. Garlick continued to explain that when he was talking to his neighbor regarding the items that the Village tax payers provided him he was befuddled as to why the Village would provide those items.

Superintendent West responded that at the time of the sewer problem he had conversations with former Mayor Walker and that because of the size of the sewer lines and old sewer maps associated with the property it was unclear as to who owned the larger sewer lines. Superintendent West further explained that it was decided that the Village would pay for the materials for the sewer pipe that would go across the road and the homeowner would pay for all of the labor and the rest of the project. The cost of the sewer pipe was \$2,000. In addition Superintendent West explained that he provides backfill materials and black top for all residents that have to dig up the road for a sewer project to be assured as to what materials are being put into or onto our Village roads.

Mayor Lobene confirmed with Superintendent West that the Village paid for was what we thought was ours.

Superintendent West responded yes.

Mr. Garlick commented that Village Code indicates that the homeowner is responsible for their sewer up to the connection to the sewer main.

Superintendent West further explained that in this situation there were 4" and 6" lines. Traditionally 6" lines indicate that it is a sewer main.

Mr. Garlick continued to question why the Village did not know who owned the sewer lines.

Mayor Lobene asked Attorney Olson for guidance.

Attorney Olson indicated that he would have to research the situation.

Mayor Lobene responded to Mr. Garlick that the Village would need to look into the situation.

Superintendent West further explained that the homeowner put a cleanout in the easement for future use.

Mayor Lobene asked if the sewer that is being discussed is in the road or on a private lot.

Superintendent West responded that it is in the road.

Mayor Lobene asked Mr. Garlick as to what he would like the Village to do about the situation.

Mr. Garlick responded that he would just like to know the why and wherefore since it appeared on the surface that tax dollars were being used to enhance private property. Mr. Garlick continued that Mr. Gonyea built a fence opposite the Squier's driveway and that the fence encroaches on the right away of Pinecrest Drive. Mr. Garlick further explained that the maps that were available to him illustrate the encroachment.

Mayor Lobene asked if the Gonyea family received a permit for the fence.

Mr. Garlick responded that they did and followed the Zoning Board of Appeals process.

Mr. Andy Squier commented that when he put his fence up everybody was on his case as to where the fence would be placed and that it can't go across the property easement and that you can't do this or that yet this resident puts a fence up in the road right of way.

Discussion ensued regarding the location of Mr. Gonyea's house.

Mr. Squier further explained that he was required to put specific types of gates in his fence to allow access to the utility easements. Mr. Squier further commented that something is not right here.

Discussion ensued regarding survey maps.

Mayor Lobene thanked Mr. Garlick and Mr. and Mrs. Squier for coming to the meeting

Mr. Garlick thanked the Board for the information.

BI/FM/CE – Monthly Report

Jack Crooks commented on the following items:

- Tim Horton's is wrapping up and could be open soon.
- Number of fires within the Village; Cordellos Pizza in the Plaza, a garage fire at 81 Mill Street and 15 Upton Avenue resident; the Mill Street house had extensive electrical issues and was determined not to be occupied; the Upton Avenue fire was contained to the garage and was caused by kerosene. The property owner indicated that he would like to rebuild the garage.
- Work continues at 117 S. Union Street.
- Contact has been made with Morgan Management and the flood calculations for the new restaurant building have some inconsistencies; until this information is received and correct no building permits will be issued. Possible opening date for the restaurant would be around Memorial Day.
- Work continues on the addition to the property at 55 Amity.
- Ongoing issues with 42 Nichols Street drainage continue.

Kevin Kelly commented on the following items:

- Mr. Larry Fennity was at 51 West Avenue to determine a plan to remove the dilapidated front porch. Mr. Fennity indicated that he did not have time to complete the plan.
- Resident of 3091 Brockport Spencerport Road asked for a designated handicapped parking space. Mr. Kelly contacted the property owner to make the request and the property owner obliged.
- Attended a seminar in November
- Continue to monitor Kirkgate Drive property to keep them from selling cars in their front yard.
- The owner of 86 S. Union Street property is using the ground floor for residential apartments and Mr. Kelly is continuing to monitor this issue.

Trustee Nellis-Ewell asked what precipitated the Brownfield Clean up on the corner of Union Street and Nichols Street.

Mayor Lobene responded that the property owners have been approached to sell the property and that an environmental assessment of the property must be done.

Attorney – Monthly Report

Attorney Olson explained the proposed local law to clean up the existing the local law regarding property tax exemptions for senior citizens based on their income. By adopting the proposed method the Village would be inline with the Town of Ogden.

Attorney Olson further explained Business Improvement District (BID) exemption that the Village of Spencerport does not have. Attorney Olson explained that the Village Board could repeal the exemption. This is a tool for economic development.

Attorney Olson continued to explain the current Veterans Tax Exemption and that the Village's limits are 1/6th of the Town of Ogden limits. As the exemption amounts are increased the property assessments go down thus possibly resulting in an increase in the tax rate.

Mayor Lobene questioned if the group wants to change the Veterans Exemptions?

Clerk Sullivan explained that any changes to the Veterans Exemptions will not be realized until fiscal year 2011/2012 since the tax rolls that are used for the upcoming fiscal year 2010/2011 are set.

Discussion ensued regarding Veterans Exemptions determining that Clerk Sullivan would review and prepare for the Village Board the assessment impact if the Veterans Exemptions are increased and Cold War Veterans are acknowledged.

Trustee Nellis-Ewell advised that the Village Board had been provided data/assessment information in each of the two years prior, at the time the annual budget was being prepared. Board members had commented that the number of veterans continues to increase, thereby changing the numbers. Ultimately no decision was made.

Mayor Lobene asked the Board members to again review the assessment impact information and be prepared to render a decision at the next/February Board meeting.

Attorney Olson explained to the Board that the Village could institute a 1% Gross Utility Tax to Time Warner, Frontier Communications and RG&E for the utility commodities that they sell in the Village.

Mayor Lobene asked if then the utility company would back charge the customers.

Attorney Olson responded that the utility cannot back charge the customer.

Engineering

Trustee Rauber explained that the open cut of the canal to complete the boring is underway and that the contractor, Dwight Cartwright, was correct in that the boring was stalled due to a wood road made of rail road ties in the bed of the canal called a "corduroy road". As the road is removed the head of the bore will be rescued and the bore will be complete. The contractor is on schedule and budget and will be meeting all contract milestones.

Superintendent West commented that work continues on the Ballard Avenue pump station and that the Hogan/Gollel pump station will be winterized and the pumps will be removed.

The following official action took place:

RESOLUTION 76 12/2009

Introduced by: Mayor Lobene

Seconded by: Trustee Rauber

Now, therefore, be it resolved:

Resolved, that the Village of Spencerport Board of Trustees hereby awards the 2010 Hybrid SUV bid to Vision Automotive Group, 4545 Ridge Road W, Rochester, NY 14626 in the amount of \$28,789.00. There were no other bids received.

Trustee Rauber commented that he thinks it is a good deal and that Superintendent McIntee has figured out how to leverage with the utility on how to get financing for the hybrid vehicle by using NYPA funds to purchase the vehicle with a no interest loan that will be repaid through the PPAC rate by the customers.

Superintendent McIntee further explained that prior to putting the bid specifications together for the hybrid the approximate cost of the vehicle was figured into rate payers usage and it was determined that the average cost for the vehicle to the rate payers would be about \$.30 per month.

Superintendent McIntee's current vehicle will be transferred to the mechanic's shop and the current mechanic's aged vehicle will be sent to auction.

Trustee Gunther questioned that he does not understand how the new vehicle is not going to cost the Village money.

Superintendent McIntee explained that it is a 0% loan from NYPA that will be paid by the rate payers over 36 months through the PPAC.

Trustee Gunther confirmed that the Village will be paying for the vehicle.

Superintendent McIntee confirmed that yes the rate payers will be paying for it, but he reiterated that because it is an interest free loan it is more beneficial to the rate payers.

Trustee Nellis-Ewell commented that while this is an unusual time of year to purchase a vehicle the Village is doing so because of the financing incentive through NYPA.

Superintendent West further explained that the purchase of the Electric Superintendent's vehicle has been postponed for 2 years due to budget constraints and that because of the financing incentive now is a good time to purchase the hybrid vehicle.

Mayor Lobene commented that the Electric Superintendent's hybrid will be getting better mileage resulting in a cost savings.

Trustee Gunther commented that maybe the Electric Superintendent shouldn't take his vehicle home. Trustee Gunther further questioned if the Electric Superintendent needs to take his vehicle home considering that there is a lot of wear and tear on the vehicle traveling to Webster everyday.

Trustee Nellis-Ewell added that this is a consistent, continuing condition of employment for Department Superintendents, and that it is in the job descriptions as "part of the package", specifically requiring that they be able to respond within 30 minutes driving time.

Superintendent McIntee explained that the purchase of a vehicle has been postponed due to budget constraints and that the window to purchase a hybrid vehicle is limited and that now is the time to order the hybrid vehicle.

Superintendent West added that if vehicles continue to be postponed all of the vehicles will need to be replaced at one time.

Trustee Gunther asked if the office hybrid vehicle could be given to the Electric Superintendent.

Clerk Sullivan explained that the office vehicle was purchased through the same financing plan and that it is used by the Code Enforcement Officer and the electric office staff. Clerk Sullivan further explained that since the officer hybrid vehicle is paid and the electric fund has improved

now is the time to purchase the Superintendent's vehicle with the NYPA incentive. Clerk Sullivan added that both Superintendents are on call 24 hours a day and need to be back in the Village at a moments notice and that if the Superintendents don't have a vehicle the Village would have to pay them mileage.

Trustee Gunther asked how many emergencies Superintendent McIntee needed to come back to the office for.

Clerk Sullivan responded that the Village has had 3 outages in the last 3 weeks.

Superintendent McIntee explained that he attends training in Syracuse and that if he had to drive to the Village and back to Syracuse the mileage costs would far exceed having a company vehicle and Superintendent McIntee does not make unnecessary trips with the village vehicle.

Trustee Gunther thinks that it would be reasonable for trucks to be taken home within a radius of 10 miles. He further explained that he thinks it is a far distance.

Discussion ensued regarding the policy of Superintendent McIntee taking his vehicle home.

Trustee Gunther commented that the Electric Superintendent mentioned that it had to be within 20 minutes of the Village.

Clerk Sullivan responded within 30 minutes.

Superintendent McIntee commented that all of the Municipal Electric Superintendents in NYS take home their vehicles.

Trustee Gunther commented that it would be unlikely that all of the Superintendents would live in the Village but Superintendent West lives sort of in the Village.

Discussion ensued regarding vehicle mileage and usage.

Trustee Gunther indicated that he thinks it is a great car but now is not the best time to buy a car and that the Village only received 1 bid.

Comments were made that, as required, a formal bid invitation was published in the local newspaper, the Suburban News, and there was only one bid response. No others/bidders responded.

Mayor Lobene redirected the meeting and called for a vote for the resolution on the table.

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

Clerk Sullivan requested executive session to discuss an employee.

Superintendent West explained to the group about the collaboration with Monroe County to have a fiber optic cable from Monroe County connected to our Village Office. This would allow the Village to work directly with Monroe County computer system and their GIS system.

Clerk Sullivan commented that she has received liquor license renewals letters from Grandpa Sams, Galley Restaurant and Spencerport Bowl.

Adjournment

A motion was made by Mayor Lobene, seconded by Trustee Rauber and carried unanimously that the meeting be adjourned at 7:10 p.m. to executive session to discuss employee issues.

A motion was made by Trustee Rauber, seconded by Trustee Hopson and carried unanimously that the executive session be adjourned at 8:30 p.m. to workshop session.

A motion was made by Trustee Rauber, seconded by Trustee Hopson and carried unanimously that the workshop session be adjourned at 8:30 p.m.