

**VILLAGE BOARD WORKSHOP MEETING
March 17, 2010**

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

Karen Kimbler, Treasurer
Owen McIntee, DPW Superintendent
Richard Olson, Attorney
Jackie Sullivan, Village Clerk
Tom West, DPW Superintendent

Attorney Olson explained the concept of the proposed local law prohibiting the favorable taxation for the conversion residential properties to condominiums. Attorney Olson further explained the law passed in the Town of Ogden prohibiting the construction of condominiums. Attorney Olson indicated that the zoning law could be changed to restrict the square footage of condominiums.

Discussion ensued regarding condominiums and townhouses.

The following official action took place:

Notice of Public Hearing

Resolution 108 3/2010

Introduced by: Mayor Lobene
Seconded by: Trustee Gunther

**INTRODUCTORY LOCAL LAW #3-2010
VILLAGE OF SPENCERPORT, MONROE COUNTY**

“A Local Law to require converted condominiums to be assessed in the same manner as other residential units”

WHEREAS, the Village Board has before it a proposed Local Law to add article V to Chapter 114 “Taxation”

WHEREAS, in order to consider said change, the Village Board of the Village of Spencerport is required to hold and conduct a public hearing thereon;

NOW, THEREFORE, BE IT RESOLVED:

SECTION 1. That the Village Board of the Village of Spencerport shall hold and conduct a Public Hearing on the 7th day of April, 2010, at 7:00 p.m. at the Spencerport Fire Department, 175 Lyell Avenue, Village of Spencerport, New York, 14559 to consider to the attached Local Law; at which Public Hearing all interested persons will be heard concerning the subject matter thereof.

SECTION 2. That the Village Clerk shall cause due notice of such public hearing to be published as required by law.

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

Attorney Olson continued by explaining the concept and details of the proposed Gross Utility Tax local law.

Trustee Gunther indicated that he feels it is a good idea and should include the cell phones.

Mayor Lobene indicated that that the Board is going to have to realize ways to increase revenue or cut spending more.

Attorney Olson suggested to have the public hearing and determine from the meeting based on public input whether to implement or not.

Notice of Public Hearing

Resolution 109 3/2010

Introduced by: Mayor Lobene

Seconded by: Trustee Gunther

INTRODUCTORY LOCAL LAW #4-2010 VILLAGE OF SPENCERPORT, MONROE COUNTY

“A Local Law to establish a provision to asses a Gross Utility Tax in the amount of 1%”

WHEREAS, the Village Board has before it a proposed Local Law to add article VI to Chapter 114 “Taxation”

WHEREAS, in order to consider said change, the Village Board of the Village of Spencerport is required to hold and conduct a public hearing thereon;

NOW, THEREFORE, BE IT RESOLVED:

SECTION 1. That the Village Board of the Village of Spencerport shall hold and conduct a Public Hearing on the 7th day of April, 2010, at 7:00 p.m. at the Spencerport Fire Department, 175 Lyell Avenue, Spencerport, New York, 14559 to consider to the attached Local Law; at which Public Hearing all interested persons will be heard concerning the subject matter thereof.

SECTION 2. That the Village Clerk shall cause due notice of such public hearing to be published as required by law.

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

Attorney Olson commented that he continues to work on the snow plowing contract with Spencerport Fire Department, EFC transfer of ownership documentation for the WW Pump Station and Ogden Parma Townline Road property.

Trustee Nellis-Ewell asked attorney Olson to explain the role of the liaison to the planning, zoning and architectural review boards. Trustee Nellis-Ewell continued by asking if it was appropriate to answer questions from board members and the public.

Attorney Olson responded that the liaison can respond to questions but responses should be limited to the person asking the question.

Trustee Nellis-Ewell confirmed that her role is as an observer.

Attorney Olson responded that her role is as an observer and helper. Attorney Olson continued that the intention of support boards is that members are appointed by the Mayor subject to board approval and then the support boards act independent of the Village Board.

Trustee Nellis-Ewell gave the example of the board misusing the term of condominium and would it be appropriate for her to correct the board.

Attorney Olson confirmed that it would be appropriate for her to correct the board for clarification.

Treasurer Kimbler presented to the Board the final copy of the 2010/2011 tentative budget.

Clerk Sullivan explained to the Village Board that the document before them reflects corrections to all errors that were discovered and explained to the Board prior to tonight, now is the time for the Board members to discuss any unsettling issues they may have with the proposed budget. Clerk Sullivan indicated that Trustee Hopson raised some concern regarding the proposed budget. Clerk Sullivan further explained that it is the Village Board's responsibility to adopt the proposed budget and that the department heads are responsible for implementing the approved budget.

Discussion ensued regarding the budget and the proposed road work and it was determined that road work would be reduced. Superintendent West was requested to formulate a revised road work plan reducing costs by approximately 50%.

Further discussion ensued regarding future strategies for budget planning.

Resolution 110 3/2010

Introduced By: Trustee Rauber

Seconded By: Mayor Lobene

Now, therefore, be it resolved:

That the Village of Spencerport Board of Trustees approves the tentative fiscal year 2010/2011 budget as presented.

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 111 3/2010

Introduced By: Mayor Lobene

Seconded By: Trustee Rauber

Now, therefore, be it resolved:

That the Village of Spencerport Board of Trustees approves attendance of any Village, Planning or Zoning Board Member to attend the NYCOM Main Street Economic Development Workshop Thursday, April 15, 2010 in Utica, NY. Cost not to exceed \$180 per person.

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 112 3/2010

Introduced By: Trustee Rauber

Seconded By: Trustee Hopson

WHEREAS, According to the most recent United States decennial census there were fifty-four million disabled Americans, over two hundred thousand of whom reside in nursing homes or other institutions; and

WHEREAS, In New York there are one hundred twenty-three thousand one hundred and eighty-two person with disabilities, over eleven thousand one hundred and eight-four of whom reside in nursing homes or other institutions, primarily due to the lack of community home-based attendant services; and

WHEREAS, the United States Supreme Court ruled in its 1999 decision in the Olmstead case that people with disabilities have the civil right under Title II of the Americans With Disabilities Act to receive any state funded long term care services in the most integrated setting appropriate to their needs; and

WHEREAS, the vast majority of America's people with disabilities, including seniors with disabilities, want to live independently wand with dignity, free form the restrictions of institutional settings; and

WHEREAS, disabilities are a natural part of human experience that do not diminish an individual's right to live independently and to enjoy self-determination and full inclusion in American society; and

WHEREAS, The average yearly cost of residing in a nursing home is higher then the average yearly cost of providing community home-based attendant services and in-home and community based services have consistently proven to be less costly than institutional care; and

WHEREAS, the Community Choice Act of 2009 (CCA) would expand the range of services available to persons with disabilities of all ages and give them a greater ability to choose services; and

WHEREAS, The New York Legislature was one of the first state legislatures to enact laws to establish community home-based attendant services, and many states still do not have viable alternatives to nursing or institutional care for persons with disabilities and

WHEREAS, Adoption of CCA would help to ensure that community home-based attendant services programs are truly responsive to the needs of person with disabilities, especially those residing in rural areas where choice of services is currently more limited; and

WHEREAS, Under CCA, an individual who is currently eligible for nursing facility services or intermediate care facility services for people with developmental disabilities may apply the funding received through these program to purchase qualified community home-based attendant services and thereby receive care in the most integrated and least restrictive setting possible; and

WHEREAS, the CCA would enable people with disabilities and the elderly real options to live in the community and create the infrastructure needed to develop the high-quality, community based long-term care of the future; now, therefore,

Be It Resolved by the Village of Spencerport, New York Board of Trustees:

That the Village of Spencerport Board of Trustees urges Congress to pass the Community Choice Act of 2009.

Be it further resolved, that a copy of this resolution be sent to the Speaker of the House of Representatives, the House Minority Leader, the Senate Majority Leader, the Senate Minority Leader, and to each member of the New York Congressional Delegation.

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 113 3/2010

Introduced By: Trustee Gunther

Seconded By: Trustee Rauber

Now, therefore, be it resolved:

That the Village of Spencerport Board of Trustees approves attendance of Owen McIntee at the Semi-Annual Meeting of the Municipal Electric Utilities Association of New York State has been called on April 28 and April 29, 2010 to be held at the Embassy Suites Hotel, 6646 Old Collamer Rd., East Syracuse, New York, 13057. Cost not to exceed \$225.00

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

Resolution 114 3/2010

Introduced By: Trustee Rauber

Seconded By: Trustee Hopson

At a regular meeting of the Board of Trustees of the Village of Spencerport, New York, held on March 17, 2010, the following resolution was adopted:

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 Semi-Annual Meeting of the Municipal Electric Utilities Association of New York State has been called on April 28 and April 29, 2010 to be held at the Embassy Suites Hotel, 6646 Old Collamer Rd., East Syracuse, New York, 13057 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

Resolution 115 3/2010

Introduced By: Trustee Rauber
Seconded By: Trustee Gunther

Now, therefore, be it resolved:

That the Village of Spencerport Board of Trustees approves attendance of any member of the Village, Planning, Zoning Board or Comprehensive Plan Revision Committee to attend the 2010 Landmark Society Annual Preservation Conference Saturday, April 24, 2010. Cost not to exceed \$80 per person.

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 116 3/2010

Introduced By: Trustee Rauber
Seconded By: Mayor Lobene

Now, therefore, be it resolved:

That the Village of Spencerport Board of Trustees approves waiving the 30 day waiting period for the seasonal vessel liquor license for the Rose Lummis Tour Boat for the 2010 summer season.

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

Trustee Hopson suggested that an equipment reserve fund be established for future equipment purchases.

Treasurer Kimbler indicated that she would look into developing a plan to establish the equipment reserve fund.

A motion was made by Trustee Rauber, seconded by Trustee Hopson and carried unanimously that the workshop session be adjourned at 7:30 p.m.