

**VILLAGE BOARD MEETING**  
**April 7, 2010**

**CALL TO ORDER:** 7:00 p.m.

The Pledge of Allegiance was led by Trustee Hopson

**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**

Craig Byham, Luther Jacobs Way  
Owen McIntee, SME Superintendent  
Roy McMasters, CMA Financial  
Rich McQuilkin, Prospect Street  
Frank Nichols, Coventry Drive  
Richard Olson, Village Attorney  
Jim Powell, Nichols Street  
Joan Quigley, Maplewood Avenue  
David Spencer, West Avenue  
Jackie Sullivan, Village Clerk  
Tom West, DPW Superintendent

**APPROVAL OF MINUTES**

A motion was made by Trustee Rauber, seconded by Trustee Hopson and carried that the minutes of the regular meeting held March 3, 2010 be approved as read.

A motion was made by Trustee Gunther, seconded by Trustee Nellis Ewell and carried that the minutes of the workshop meeting held March 17, 2010, 2010 be approved as read.

**PRIVILEGE OF THE FLOOR**

Mr. Jim Powell addressed the Board by asking for the electric rates for residential and commercial customers.

Superintendent McIntee responded that he would have to get back to Mr. Powell since he does not have the exact rates with him.

Mr. Powell continued by asking if the new medical building on Big Ridge Road is part of the electric franchise.

Superintendent McIntee responded that the Unity Health facility is in our franchise and is charged the commercial rate for electricity.

Mr. Powell questioned if a request has been made to increase the hydro-electric allotment to the Village of Spencerport.

Superintendent McIntee responded that while our contracted allotment cannot be increased but the hydro-electric contracts have been extended to 2024.

Mr. Powell mentioned that he had questions regarding sidewalk committee.

Mayor Lobene commented that she could answer his questions regarding sidewalks. Mayor Lobene continued by explaining that the Village will be installing sidewalks from Tim Horton's to Rt. 31 and that Superintendent West is working on the permits.

Superintendent West asked Mr. Powell what his specific questions were in regards to the sidewalk committee.

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Mr. Powell indicated that he was under the impression that the Village was holding off on sidewalks until the Tim Horton's building was completed and then extend the sidewalks to Rt. 31 and wanted to know that status of the sidewalks.

Superintendent West responded that Tim Horton's has purchased drainage and sidewalk for in front of their building and that the Village is waiting for permits from New York and approval of the 2010/2011 Village Budget to fund the installation of sidewalks prior to having another committee meeting.

Mr. Powell requested that the sidewalk committee have a meeting.

Superintendent West responded that he will get the committee together.

Mayor Lobene responded that she was unaware that there was a sidewalk committee and that she and Superintendent West will take care of getting the committee together.

Mr. Craig Byham commented to the Village Board that in the past there was information in the Suburban News regarding the budget prior to the public hearing and in addition to the required legal notices. Mr. Byham continued that without the printed information residents would need to come down to the Village Office to look at the budget thus not allowing residents the opportunity to participate in the budget process. Mr. Byham concluded that he would like to see more printed information on the annual budget in the future.

#### **PUBLIC HEARING – 2010/2011 Tentative Budget**

Mayor Lobene opened the public hearing at 7:10 p.m.

Mayor Lobene summarized that the General Fund appropriations for the upcoming year are \$2,097,617 with an additional \$80,278 in recycle costs; projected revenues other than taxes are \$967,102; and appropriated fund balance is \$508,143 with the remaining \$622,372 to be raised by taxes.

Mayor Lobene continued that based on our current assessed valuation the tax levy per \$1,000 of assessed value is \$3.43 up from \$3.20. In addition the increase associated with the recycle costs is because of the repayment of the debt incurred to purchase the recycle truck in 2008.

Mayor Lobene explained that general fund revenues excluding property taxes are down while expenses for day to day operations continue to increase and that the Village Board of Trustees and staff have worked to maintain expenses with the least amount of increases. New equipment and vehicle purchases have been reduced. The sidewalk program to install new sidewalks from the Tim Horton's building on Union Street to Route 31 and preliminary work to develop a new dock on the southeast side of the canal has been included in this budget. In addition the Public Service Commission recommended that the general fund contribute towards the cost of power for street lighting, the manpower from the Electric Department used to install and remove the flags and banners on the street light poles and electric maintenance of our shared building. Impacts that reduced expenses were reduced salaries caused by reduced headcount and reorganization of workload initiated in 2009 and that the Village would borrow monies to continue with a financially reduced streets program.

Mayor Lobene continued by explaining the revenues and expenses associated with the sewer budget indicating that the Village is able to provide sewer service at the same overall cost per average household as in 2009/2010.

Mayor Lobene summarized the Electric Fund indicating that their \$3,087,949 budget will be funded primarily with utility sales, miscellaneous revenues and fund balance with a projected income of \$8,334 in the coming year.

Mayor Lobene opened the floor for comments.

Mr. Craig Byham questioned when the Village Board will realize that the residents cannot support tax increases every year. This year the increase is 7% and over the last five years the increases have been 20%, 22%, 27%, 27%, 20%. Mr. Byham indicated that "it has to stop" and "what is going on". The Village got rid of the water and WWTP and made them additional line items on my tax bill. My tax bill is up 61%.

Mayor Lobene asked if his tax bill for the Village is up 61%.

Mr. Byham responded yes.

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Mr. Byham asked to go through some line items.

Mayor Lobene responded "yes"

Mr. Byham indicated that in the proposed budget the Clerk/Treasurer account is up from \$26,000 to \$51,000.

Clerk Sullivan explained that this account is used for general operating expenses to include consultants, day to day operations, and cell phones.

Mr. Byham questioned what "shared buildings" are?

Mayor Lobene responded that shared buildings are buildings that the office, electric department and DPW share.

Mr. Byham questioned why the increase in the "shared building salary"

Mr. McMasters responded that a percentage of all staff salaries are charged to this account for annual work that is done by employees on the buildings.

Superintendent West indicated that every DPW employee has time charged to the shared buildings salary account.

Mr. Byham questioned central communications budget increase.

Clerk Sullivan responded that the current budget amounts are understated in the presented budget and that increases do account for unexpected repairs.

Mr. Byham questioned why deicing has increased if the Village is going to decrease the amount of deicing materials used.

Superintendent West responded that the Village has 300 ton of salt at the town but will be selling back 200 ton of salt to offset the amount needed to be spent in the proposed budget.

Superintendent West commented that when he budgets for snow removal and deicing materials he does budget for the worse case.

Mr. Byham questioned the equipment purchase under the parks account.

Superintendent West indicated that the increase is for tree grates, new tractor, small equipment and preliminary engineering for the new docks on the southeast side of the canal.

Mr. Byham questioned the increase in the retirement line.

Clerk Sullivan explained that the increase is due to increased assessments from the NYS Retirement System.

Mr. Byham questioned if the Village has increased what the employees pay for medical insurance.

Clerk Sullivan responded that the employees do pay for health care and the Village changed plans to help offset the increases.

Discussion ensued regarding health care.

Mr. Byham questioned if the contract for building inspector services has been adjusted due to the decrease in development in the Village.

Mayor Lobene responded that the contract was reviewed and decreased the cost by limiting the hours that Jack Crooks spends in the Village.

Mr. Byham asked for clarification of the decrease in head count.

Clerk Sullivan responded that the mechanic was not replaced when he retired and that the treasurer's position was reduced from full time to part time and that our meter reader staff is being reorganized.

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Superintendent West made additional comments regarding the reorganization of his staff members.

Mr. Byham questioned how many positions were eliminated when the village got rid of water and sewage treatment.

Superintendent West indicated that one position from the water and sewage treatment was eliminated.

Discussion ensued regarding various positions.

Superintendent West invited Mr. Byham to review all of his budgets and cost savings over the last five years.

Mr. Byham reiterated that taxes continue to increase and cannot understand why.

General discussion ensued regarding tax costs.

Mr. Byham commented that he feels that the Village Board should have sharpened their pencils better.

Mr. Nichols questioned as to when the hydroelectric contracts end.

Superintendent McIntee responded 2025.

Mr. Nichols made various comments and that if the Village Board's philosophy is that they will accept a 4% increase per year in expenses then all activities must fall within that 4% accepted increase.

Mr. Nichols continued that the General Government Support line increased 57% and questioned that if they amount included the new costs of street lighting and installation and removal of flags and banners.

Mr. McMaster commented that a portion of that increase does include the contingency fund and further explained the contingency fund.

Treasurer Kimbler explained that the forecast figures for the end of 2009/2010 are understated.

Discussion ensued regarding various expenses.

Mr. Nichols asked when the bond for the sewer project will be paid off.

Clerk Sullivan responded that we are in year 2 of a 20 year term.

Discussion ensued regarding the sewers, WWTP decommissioning and electric rates.

Mayor Lobene closed the public hearing at 8:31 p.m.

**Public Hearing – Proposed Local Law 3/2010 “A Local Law to require converted condominiums to be assessed in the same manner as other residential units”**

Mayor Lobene opened the public hearing at 8:31 p.m.

Attorney Olson reviewed the proposed law.

Mr. Spencer asked if the Gollel property would be assessed the same as his home.

Attorney Olson responded that current properties would not change but residential properties could not be changed to condominiums and receive the favorable tax rate.

Mayor Lobene closed the public hearing at 8:32 p.m.

**Public Hearing – Proposed Local Law 4/2010 “A Local Law to establish a provision to assess a Gross Utility Tax in the amount of 1%”**

Mayor Lobene opened the public hearing at 8:33 p.m. by reviewing the proposed law.

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Mr. Nichols indicated that the advertisement in the newspaper did not explain the proposed law clearly.

Mayor Lobene responded that it would be a tax on the telephone and gas.

Attorney Olson indicated that most villages and cities do impose this tax. Spencerport cannot charge this tax on the electric since we provide electric and that the proposed revenue would be about \$25,000 and that it is not in the budget because the local law has not been approved at this time.

Clerk Sullivan commented that this tax is charged to the utility company not directly to the resident.

Mr. Nichols responded of course they will pass it along. Mr. Nichols responded that it is a nice story but it still will be added onto my bill.

Attorney Olson commented that NYCOM is recommending an increase to 3% and that the City of Rochester already charges 3%.

Mr. Nichols asked what the board's opinion is on this proposed law.

Mayor Lobene asked the board members their opinion of the proposed law.

Trustee Hopson and Nellis-Ewell indicated that they were opposed to the local law.

Trustee Gunther commented that he is for the local law and a good way to generate additional revenues.

Trustee Rauber commented that this is an example of good government and that this idea was conceived during the budget process and the Board decided to bring it to the public for comment as a proposed law. Trustee Rauber continued that he feels that this is an example of how government assesses additional taxes on their residents and only adds to the current problem of over taxation.

Mayor Lobene commented that she is against the proposed law and would rather pay the additional monies through property tax.

Trustee Gunther added that this tax would be only being assessed on the usage of the utility and that the consumer would have control of how much they used.

Mr. Nichols commented that he can write off his taxes on his income taxes and that he cannot write off his utility bills.

Mayor Lobene closed the public hearing at 8:44 p.m.

Mr. Byham added that there needs to be more information communicated to the community.

Trustee Nellis-Ewell indicated that the Village presents their local laws and budget no different than the other municipalities.

**Sewers Committee** – Trustee Rauber, Chair

Trustee Rauber indicated that no Board action is required.

**Planning/Zoning/Building Control** – Trustee Nellis-Ewell, Chairman

A. Planning  
No Board action required.

Trustee Nellis-Ewell reported that the planning board reviewed conceptual plans for townhouses on Brockport Spencerport Road from LoPresti Development. This is a change from single family homes. Various comments were made regarding the project including zoning of the area, storm water, drainage, sanitary sewers and sidewalks.

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Trustee Nellis-Ewell continued that an application from Land-Tech was presented to the planning board for approval of townhouses on Big Ridge Road and Land-Re Way. Comments were made regarding the placement of the townhouses and sidewalks. This application was tabled until the various comments are addressed.

- B. Zoning  
No Board action required.

Trustee Nellis-Ewell indicated that the zoning board approved a special use permit for St. John's religious shop for sign placement on Amity and Martha Street.

- C. Building Control  
No Board action required.

- D. Code Review  
No Board action required.

- E. Architectural Review  
No Board action required.

Trustee Nellis-Ewell reported that the architectural review board met last night to review an application from Lakeside Urgent Care for signage. The ARB approved the application from Lakeside Urgent Care. The ARB reviewed building renovations submitted by the Galley Restaurant and suggestions were made.

**Finance Committee** – Trustee Hopson, Chairman

Trustee Hopson acknowledged that the HSBC Money Market interest rate dropped from .6% to .5%.

**Facilities Committee** – Trustee Hopson, Chairman

- A. Electric  
No Board action required.

Trustee Hopson reported that the electric department has been very busy in the plaza area.

- B. Other ( Drainage, Franchise)  
No Board action required.

**Public Works Committee** – Trustee Rauber, Chairman

- A. Highways/Garage

**RESOLUTION NO 117 4/2010**

Introduced by: Trustee Rauber  
Seconded by: Trustee Hopson

Resolved that the Village Board hereby awards the two (2) year street tree removal and trimming bid to Westside Tree & Landscaping, Inc., 12673 Ridge Road W, Albion, NY 14411 per the attached rates.

Bids were received from Terry Tree Service, LLC, 225 Ballantyne Road, Rochester, NY 14623.

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 118 4/2010**

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

Resolved, that the Village Board hereby approves the hiring of Kathleen Belmont as a part-time DPW employee starting April 12, 2010 at an hourly wage of \$12.00.

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 NO 119 4/2010**

Introduced by: Trustee Rauber  
Seconded by: Mayor Lobene

Resolved, that the Village Board hereby approves the hiring of Andrew Brower as a Summer Seasonal Employee starting May 17, 2010 at an hourly wage of \$9.00

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 NO 120 4/2010**

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

Resolved, that the Village Board hereby approves the hiring of Wyatt LeBeau as a Summer Seasonal Employee starting May 17, 2010 at an hourly wage of \$9.00

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 NO 121 4/2010**

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

Resolved, that the Village Board hereby approves the hiring of Kathy Richenberg as a Summer Seasonal Employee starting May 3, 2010 at an hourly rate of \$9.00.

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

B. Public Services (Refuse, Recycling, Parks)  
No Board action required.

**Public Safety Committee** – Trustee Gunther, Chairman

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- A. Fire Department  
No Board action required.
- B. Police  
No Board action required.

**Human Resources Committee** – Trustee Gunther, Chairman

No Board action required.

**Economic Development Committee** – Mayor Lobene, Chairman

No Board action required.

Mayor Lobene reported that Tim Horton's, Incognito Men's Shop and Slayton Place are now open and work continues on the plaza.

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

No Board action required.

Trustee Nellis-Ewell commented that the comprehensive plan committee continues to meet and progress is being made on updating the plan and that she and planning board member Craig Byham will be attending a comprehensive plan workshop in the Village of Bergen next week.

Trustee Nellis-Ewell updated the Village Board that the battery collection initiative done by Mrs. Patti Unvericht's Brownie Troop was very successful.

**Village Clerk** – Jacqueline Sullivan

Clerk Sullivan commented on the following items:

- Work continues to develop a plan to update the website.
- Development of a scope of work for the engineering portion of the south side waterfront dock continues.

**Superintendent of Public Works** – Thomas M. West

Superintendent West commented on the following items:

- Thanked the Board for approving the summer help hires.
- The permit application for the sidewalks has been submitted and NYS has requested that additional work be done including handicap accessible ramps and railings.
- The crosswalk application has been approved for Union Street at Brockport Spencerport Road as requested by Trustee Hopson along with the sign application to move the Welcome to Spencerport sign from the Westside of Union Street to the Eastside at the corner of Union Street and Rt.31
- Plaza work continues with the electric department and contractor sewer work continues in the plaza and roof gutters have been disconnected from the sanitary sewers at this time.
- Work has started on the parks and staff is currently working to get them in shape for the season.
- May 1<sup>st</sup> is the annual "Day of Caring Event" – public is encouraged to attend.

**Superintendent of Electric** – Owen McIntee

Superintendent McIntee commented on the following items:

- Work continues at the plaza.
- Work has started with the Top's store.
- Additional shipment of Itron electronic meters have been received and ready to be installed.



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**Attorney** – Richard J. Olson

Attorney Olson commented on the following items:

- Brockport Spencerport Road development needs careful review and the interpretation of the PRD zoning in that area to determine the best outcome for the project.
- Big Ridge Road project will be reviewed as well with potential need for applications to the zoning board of appeals.

**Administrative Committee** – Mayor Lobene, Chairman

**RESOLUTION NO 122 4/2010**

Introduced by: Trustee Rauber

Seconded by: Trustee Nellis-Ewell

Resolved, that the Village Board hereby adopts the “Tentative 2010-2011 General, Sewer, and Electric Fund Budgets” as the Final Budgets for the Village Fiscal year ending May 31, 2011. The amount for the General Fund to be raised from taxes is \$622,372 with a tax rate of \$3.43 per thousand assessed valuation; a Recycling fee of \$61.47 per unit; and a Sewer User Fees of \$2.80/1000 gallons of water used for operation and maintenance costs and \$156.39 per unit for capital costs.

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

**RESOLUTION NO 123 4/2010**

Introduced by: Mayor Lobene

Seconded by: Trustee Rauber

**VILLAGE OF SPENCERPORT**

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New York State Environmental Quality Review Act ("SEQRA")-  
Determination of Nonsignificance  
(Negative Declaration)

**Local Law #3-2010**

**" A LOCAL LAW TO REQUIRE CONVERTED CONDOMINIUMS TO BE ASSESSED IN THE SAME MANNER AS OTHER RESIDENTIAL UNITS"**

**WHEREAS**, the Village Board of the Village of Spencerport proposes to prevent converted condominiums from having their assessments changed solely because of their change to condominium ownership; and

**WHEREAS**, the Village Board has determined that the proposed local law is an **unlisted action** pursuant to SEQRA regulations; and

**WHEREAS**, the board has reviewed the Short Environment Assessment Form on file in the Village Office; and

**WHEREAS**, on this date, April 7, 2010, at a regular meeting, the Village Board conducted the required SEQRA review process by reviewing said Short Environment Assessment Form

**NOW THEREFORE, BE IT RESOLVED:**

**1.** Based on its review of all of the evidence submitted and reviewed, and based upon the Village Board's deliberations and its review of the short Environmental Assessment Form for the proposed local law, it is hereby determined that the proposed local law will not have a significant impact on the environment and that a negative declaration is hereby issued.

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**2.** This notice of this determination of non-significance shall be filed as required by SEQRA.

The foregoing resolution was approved as follows:

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 124 4/2010**

At a regular meeting of the Village Board of the Village of Spencerport held at the Spencerport Fire Hall, 175 Lyell Avenue, Spencerport, New York on April 7, 2010

Present: Mayor Lobene, Trustees Rauber, Hopson, Nellis-Ewell and Gunther

Introduced by: Trustee Rauber  
Seconded by: Trustee Hopson

#### **RESOLUTION ADOPTING LOCAL LAW**

**Whereas**, the Village Board has before it a Local Law entitled Local Law #3-2010 "A local law to require converted condominiums to be assessed in the same manner as other residential units" which, if adopted, will require converted condominiums to be assessed the same as other residential units; and

**Whereas**, the Village Board has, on this date, held a public hearing to consider said proposed Local Law; and

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

**Whereas**, this action is an unlisted action under the State Environmental Quality Review Act and the Village Board has adopted a Negative Declaration; and

**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 #3-2010 "A local law to require converted condominiums to be assessed in the same manner as other residential units".

**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

#### **RESOLUTION NO 125 4/2010**

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

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**Whereas**, the Village Board has before it a Local Law entitled Local Law #4-2010 “A local law to impose a gross utility tax” and

**Whereas**, The Village Board has, on this date, held a public hearing to consider said proposed Local Law; and

**Whereas**, the Village board has consider any public input; and

**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 does not adopt Local Law 4-2010 “A local law to impose a gross utility tax”

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**

### **Bills**

Motion was made by Trustee Hopson, seconded by Trustee Nellis-Ewell and carried unanimously that the monthly bills be paid as audited in the following amounts:

General Fund	\$ 49,123.74
Electric Fund	\$ 54,063.38
Sewer Fund	\$ 11,170.09
Trust Fund	\$ 0
Capital Fund	\$ 26,418.74
<b>TOTAL:</b>	<b>\$140,775.95</b>

Motion was made by Trustee Nellis-Ewell, seconded by Trustee Rauber and carried unanimously that the cash disbursements for the General, Electric, Sewer, Trust and Capital Funds, April 2010 be approved as audited.

### **Adjournment**

Motion was made by Mayor Lobene, seconded by Trustee Nellis-Ewell and carried unanimously that the regular meeting be adjourned at 9:25 p.m.