

VILLAGE BOARD WORKSHOP MEETING
April 21, 2010

CALL TO ORDER: 4:30 p.m.

BOARD MEMBERS PRESENT

Joyce Lobene, Mayor
Theodore E. Rauber, Trustee

Charles R. Hopson, Trustee
Fritz Gunther, Trustee

BOARD MEMBERS ABSENT

Carol J. Nellis-Ewell, Trustee

Others Present

Jack Crooks, Building Inspector
Kevin Kelly, Code Enforcement Officer
Karen Kimbler, Treasurer
Owen McIntee, DPW Superintendent
Richard Olson, Attorney
Jackie Sullivan, Village Clerk
Tom West, DPW Superintendent

Building Inspector/Fire Marshall/Code Enforcement

Jack Crooks, Building Inspector made the following comments:

- The week of April 2, 2010 4 commercial certificate of occupancies were issued for Spencerport Insurance (117 S. Union Street); Tim Horton's (43 S. Union Street); Slayton Place Restaurant (44 Slayton Avenue) and Lakeside Hospital Urgent Care Facility (42 Nichols Street) and have been working with Spencerport Bowl (45 Nichols Street) for a new C of O for the new lessee of the bar problems are associated with the alarm system.
- Top's building is moving along and the stress tests for the floor in the building failed and has been removed and being rebuilt. While this is being done an issue with the sanitary sewer system was discovered and repaired. In addition it was discovered that the rain gutters were being drained into the sanitary sewers; all problems are being corrected.

Mayor Lobene questioned who is doing the plans; is it Top's or Morgan Management?

Mr. Crooks responded who is doing the plans or who is paying for it?

Mayor Lobene responded "both".

Mr. Crooks responded that the plans are coming out of Buffalo which is Top's; FSI is doing the work which is Morgan Management; and it is unknown who is paying the bill. Mr. Crooks further explained some different methods the lease could be written.

Superintendent McIntee added that the electric work is being bid out.

Superintendent West added that Baker Mechanical is working with Top's.

General discussion ensued regarding the plaza project.

Mayor Lobene questioned that Mr. Crooks would be issuing a separate C of O for the restaurant at the bowling alley.

Mr. Crooks responded yes.

General discussion ensued regarding the bowling alley.

Mayor Lobene questioned when they plan on opening.

Mr. Crooks responded when they get their C of O since they cannot apply for a liquor license without it.

Mr. Cooks continued with the following comments:

- 66 Bowery Street is putting on a 1st floor bedroom.
- 123 Martha Street is putting on a sun room.
- 144 West Avenue is putting on an addition on the back of the building.
- A fire at the new Slayton Place and Cordello's Pizza.
- New sign for veterinary clinic; Grandpa Sams, Unity Health; Galley Restaurant
- Planning Board is looking at townhouse proposals for Union Street and Brockport Spencerport Road.

Kevin Kelly, Code Enforcement Officer and Fire Marshall made the following comments:

- 81 Mill Street had a garage fire and letter has been issued to the property owner to clean up the property.
- The canopy at the Kwik Fill Gas Station has been inspected by an engineer and is structurally sound.
- A letter will be sent to a Highview Terrace resident regarding bulk garbage.
- Attended a seminar on storm water management.
- Donated signs from Monroe County will be installed reminding pet owners to clean up after their pets.
- All records regarding CSX were FOIL by Mr. Bob Garlick.
- Established occupancy load for Tim Horton's and Slayton Place.
- Pool inspection was done on Prospect Street.
- Starting fire inspections next week and have made contact with SFD Chief Terry Brown to get his input on what should be looked for during the inspection.
- 9 Kirkgate has unregistered cars and has been asked to remove them.
- Continue to remove unapproved signs.
- Thornecliff and Rt. 31 property is requesting to plant a row of trees over the VOS sewer line; Mr. Kelly and Superintendent West are working on this.

Mayor Lobene added that she has received a call from Attorney General Cuomo's office regarding the CSX Bridge and that they have found nearly 100 bridges in NYS in the same condition and it could become a class action suit and a call was received from M&T Bank and that they have 2 very interested parties in the Gollel property. One of the interested parties is the Kartes Brothers.

Mr. Crooks commented that Mike LoPresti is set to build another professional building on his property located on Spencerport Road.

Mayor Lobene asked about the property to be built on North Union Street.

Mr. Crooks responded that it is just a concept plan and a lot of work needs to be done including rezoning and drainage.

Trustee Rauber commented that Tom Fairbrother approached him asking him about the drainage issues at the corner of Big Ridge Road and N. Union Street.

Mr. Crooks responded that it has been inspected and is correct but work is being done to correct and/or help the drainage.

Discussion ensued regarding drainage and the properties surrounding the area.

Attorney

Attorney Olson commented

- 51 West Avenue tax records were reviewed and there are outstanding property taxes due and have not been paid the past 2 years for approximately \$14,000. However any costs to make the building safe would be re-levied on their taxes and the Village would be paid via Monroe County. The property owner will need to be given ample notice as to when the work will be done on their property to make it safe.

Mayor Lobene questioned if the letter to the property owner would need to be registered.

Attorney Olson responded that the letter should be hand delivered and sent regular and registered mail.

Mr. Crooks asked whether the property owner has made payment towards the taxes.

Attorney Olson indicated that as of today no payments have been made.

General discussion ensued regarding the property and tax payments.

Mayor Lobene offered to accompany Kevin Kelly to deliver the letter to 51 West Avenue.

Clerk Sullivan commented that the Village has received two bids one from Donald Hibsich in the amount of \$3,488.00 and another from Ogden Center Development in the amount of \$6,250.

RESOLUTION NO 130 4/2010

Introduced by: Mayor Lobene

Seconded by: Trustee Hopson

Resolved, that the Village Board hereby awards the contract to repair the porch structure on house located on 51 West Avenue to Donald Hibsich Contractor LLC, 7131 Fourth Section Road Brockport, NY 14420 in the amount of \$3,488.00.

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

Attorney Olson commented that a service limiter electric meter could be installed on the customer's residence. Whom we are having a difficult time collecting from.

Superintendent McIntee explained that the purpose would limit the amount of electricity that the resident could use. This would be installed because the customers owes over \$2,000 in back bills and is not paying their account.

Mayor Lobene indicated that she knows some back ground on the customer and asked if there are leans against the house?

Clerk Sullivan responded that the customer was in today and indicated that she is filing for bankruptcy and not paying any of her bills.

Attorney Olson indicated that there are no bankruptcy filings in the customers name at this time.

Discussion ensued regarding FOIL requests.

Mayor Lobene opened the Annual Organizational Meeting at 5:30 p.m.

Mayor Lobene closed the Annual Organization Meeting at 5:43 p.m.

Village Treasurer Karen Kimbler commented on the independent audit performed by Freed, Maxick and Battaglia. Village Treasurer Kimbler indicated that the auditor commented that the Village was performing all accounting processes within the parameters of general accepted accounting principals and that the following comments were made in areas that need improvement.

- Fixed asset review of the electric fund is incomplete at this time and a general fund fixed asset review does not need to be done at this time. The electric fund fixed asset review is in process of being completed now.
- The audited adjustments were related to the debt that the electric fund owes the general fund. The adjustment will reduce the unreserved fund balance until the debt is paid. The Village will also have to recognize the cost of compensated time off for the employees however, this cost does not need to be funded just recognized.

Mayor Lobene questioned if a policy is in place limiting the amount of comp time an employee can accrue.

Trustee Rauber indicated that the Village does have a limit on comp. time accruals and should an employee leave the Village would be responsible for paying the comp. time. Trustee Rauber further commented that it is the responsibility of the supervisor to manage the employees' comp. time.

Mayor Lobene questioned what would happen if a supervisor did not turn in their comp. time accruals.

Clerk Sullivan responded that it is not an issue all other employees except for the department heads are paid hourly and must account for every hour they work or take off on their daily time sheets.

Mayor Lobene questioned how long it will take the electric fund to become up to date.

Clerk Sullivan responded that the fixed assets will be up to date by May 31st of this year. As far as the loan repayment to the general fund from the electric fund will depend on the payments to the electric fund for outside services such as hanging the banners, flags and Christmas decorations and construction projects.

Treasurer Kimbler continued with the following comments:

- The auditor commented that the journal entries that the Village Treasurer initiates are not approved by senior management or someone with an accounting background. The auditor recommended that the entries be approved by a Mayor or Board Member. Treasurer Kimbler explained that she felt that it was an unreasonable request made by the auditor based on the volume of journal entries that are made in a month.

Mayor Lobene commented that it is up to the Board to decide how the journal entries would be reviewed.

Treasurer Kimbler responded that it is why these recommendations are being presented to the Village Board and that if the Village Board has a different recommendation it will be implemented.

Treasurer Kimbler continued that the response to the auditor was that all journal entries are logged monthly and available for review anytime. Treasurer Kimbler indicated that if there are different recommendations for this process they can be submitted to the auditor as well.

Mayor Lobene indicated that the Board will come back to this recommendation when Treasurer Kimbler's presentation is complete.

Treasurer Kimbler continued that the auditors observed that access to the drop box key is available to anyone and could cause an issue with receiving and accounting for cash payments. The auditors' suggestion was that the Village reviews their process of control of cash receipts. Treasurer Kimbler indicated that the Village is currently reviewing their control of cash receipts and that the cash is verified by two employees and the treasurer daily and that customers' can obtain receipts for cash payments at any time. The Village has not received any calls indicating that customers' payments are not being applied correctly and that cash shortages and overages have been minimal at this time. Treasurer Kimbler indicated that since the responses were written the Village has experienced two cash overages one that has been found and one remains.

Treasurer Kimbler indicated that the auditors commented that the electric rates are not reviewed by any other staff member. Treasurer Kimbler indicated that the Village will now have another person review the electric rates on a monthly basis and initial that the rates have been reviewed. In addition the auditors commented that the Deputy Clerk who maintains the receivables also reconciles the receivables. Treasurer Kimbler indicated that she will now review the Deputy Clerk's receivables. The auditors recommended that the Treasurer review all bank reconciliations and that the Village Clerk review all bank reconciliations. The auditors indicated that purchase orders are not forwarded to accounting to encumber funds for the purchase. At this time the Village does not have an automated purchase order system which would allow us to encumber funds but department heads do turn their purchase orders into accounting to ensure that funds are available.

Treasurer Kimbler explained the process for reviewing journal entries and indicated to the Board that she would be willing to review any and all of the journal entries as the Board deems appropriate.

Mayor Lobene responded that she feels that is why they get elected is to oversee financial matters. Mayor Lobene continued that she feels that a motion should be made that the Board members take turns reviewing the journal entries like they review the payment vouchers.

Trustee Rauber responded that he is ok with the checks and balance process and the auditors review that the staff is following procedures. Trustee Rauber's concern is that Board members may just sign off on the journal entries without fully understanding the process and then be held accountable for inaccuracies in that journal.

Attorney Olson questioned if random sampling is allowed in this process.

Treasurer Kimbler responded yes random samples could be done.

Trustee Rauber questioned that if a treasurer wanted to abscond with funds would this be the place that it could happen.

Treasurer Kimbler indicated that it could.

Trustee Rauber confirmed that he felt having an outside audit done annually would be appropriate to check this.

Attorney Olson commented that taking a random sample of high entries and low entries to look for inconsistencies.

Treasurer Kimbler confirmed that these adjustments are not connected to checks or banking accounts.

Trustee Gunther questioned how often an independent audit is done.

Trustee Rauber commented that it is the Board's discretion but was done in the past when treasurers have changed.

Trustee Hopson questioned how much time the Board members are going to spend with Treasurer Kimbler to understand the process.

Mayor Lobene responded that she likes Attorney Olson's idea of taking random samples to review. Mayor Lobene continued that she feels that the people are expecting a certain something from us when they elect us and this is one of them.

Trustee Hopson commented that when there is not an issue and the Village is performing an audit every 2-4 years where are we placing the trust, it is the treasurer's job and that is what she is supposed to do.

Mayor Lobene commented that it is a double check to the public.

Attorney Olson asked what is the Village's risk of loss.

Clerk Sullivan responded that the Village is insured for any losses by an employee.

Treasurer Kimbler suggested that the Board take an opportunity to review the journal entries and then decide what the monthly process should be.

Treasurer Kimbler commented that the electric fund paid back the small loan that was taken from the general fund during the heating months to pay the power bills. Superintendent McIntee continues to monitor and control cash flow and the group continues to prepare for a rate case study.

Trustee Rauber asked what the cost of a rate case study is.

Clerk Sullivan commented that this staff can take a larger roll in completing the rate case study resulting in a cost savings.

Superintendent McIntee added that Mr. Freitag from BST indicated that SME is ahead of about 75% of most municipalities and headed in the right direction.

General discussion ensued regarding the electric fund and the budget process.

Mayor Lobene asked if Treasurer Kimbler would be able to do the budget process without Roy McMasters next year.

Treasurer Kimbler responded that she should be able to do some parts of the budget.

Clerk Sullivan added that we would still need Mr. McMasters to guide us with the borrowings and legal matters.

Trustee Gunther asked who owns the budgeting program.

Treasurer Kimbler and Clerk Sullivan responded that Mr. McMaster's company does.

Mayor Lobene added that she had heard that the former clerk/treasurer Gina Tojek came up with that program.

Clerk Sullivan and Superintendent West were not sure of that since the former administrator Al Scheg had his own budgeting spread sheet.

Mayor Lobene commented that a few of the merchants are coordinating a "Neighbors Helping Neighbors Sidewalk Sale" to be held Saturday, May 22nd at this time it is unsure if there will be enough participation to have the event; she and Clerk Sullivan met with Randy Campbell and Dan DiSalvo regarding the future of the Spencerport Volunteer Ambulance.

Trustee Gunther indicated that he attended a neighborhood watch meeting for the residents of Jacobs Track (Thornclyff, Kirkgate area) and that it is a great program and good idea for the area.

Mayor Lobene indicated that she would like to see more of these neighborhood watch groups in other areas of the Village.

Mayor Lobene commented that all of the Board members received a copy of a proposal from MRB Group for additional engineering services to review the drainage issues with the village central business district. Mayor Lobene indicated that the cost of the study would be approximately \$45,000.

The Village board members agreed that this would not be an appropriate time to undertake this project.

Clerk Sullivan commented that a local resident John Bauer would like to rent the Gazebo to conduct a church without walls gathering and that the Village will be treating this event like any other event and will be charging his group the fee of \$25.

Attorney Olson commented that we must charge everyone the same to use the Gazebo.

Clerk Sullivan commented that the liquor license renewal application has been received from Taste of Texas Restaurant; information was received from NYS DEC regarding Brownfield Cleanup Program at 500 S. Union Street and that information was received from Educable Communications Corp to requesting the Village contract with them to televise Village meetings and Educable will receive approximately 5% of our cable franchising fees. Clerk Sullivan indicated that she could see no reason to share our franchising fees with anyone since we can send Time Warner Cable tapes of our meetings for free.

Attorney Olson indicated that he agrees with Clerk Sullivan.

Superintendent West commented that it had been discussed in the past that implementing a sewer inspection fee for residents who replace their sewer lines on their properties. This process would allow for the Village to have information on when the resident's sewer laterals were serviced or replaced this would include storm and sanitary sewers.

Discussion ensued regarding sewers.

Mayor Lobene indicated that she thought it is a good idea.

Trustee Gunther agreed.

Superintendent West and Clerk Sullivan will work to put a program together.

Superintendent West commented that the parking lot at the Exempts Club needs to be rebuilt. The officers of the Exempts Club approached Superintendent West asking if the Village would be will to replace the parking lot. Superintendent West suggested that with Board approval the Exempts would have the parking lot rebuilt and then the Village lease the parking lot and maintain it. This would add to municipal parking.

Superintendent West added that this proposal would have to be approved by the Exempts Board and then the Village Board.

Discussion ensued regarding the parking lot.

Mayor Lobene congratulated Tom West for completing his Dale Carnegie Training and that he did very well at his graduation.

Clerk Sullivan commented that the Village applied for a grant to pay for handicap access doors on the Village Office through Monroe County and has received confirmation that the grant has been added to the approval list to be presented to the County Legislature and County Executive.

Mayor Lobene commented that she attended the NYCOM Main Street conference in Utica, NY and that the Main Street Grant program is looking for more second story living projects.

Mayor Lobene indicated that there are some buildings that remain in the Village that could enhance their second story apartments.

RESOLUTION NO 131 4/2010

Introduced by: Trustee Rauber

Seconded by: Trustee Hopson

Resolved, that the Village Board hereby authorizes the attendance of any Village Board, Support Board or Staff member to attend the 101st NYCOM Annual Meeting and Training School May 16-18, 2010 in Saratoga Springs, NY. Cost not to exceed \$550.00 per person.

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

RESOLUTION NO 132 4/2010

Introduced by: Mayor Lobene

Seconded by: Trustee Rauber

Whereas, the Village of Spencerport has always honored the sacrifice of the men and women in the Armed Forces and

Whereas, The Silver Star Families of America was formed to make sure we remember the blood sacrifice of our wounded and ill by designing and manufacturing a Silver Star Banner and Flag and

Whereas, to date The Silver Star Families of America has freely given thousands of Silver Star Banners to the wounded and their families, and

Whereas, the members of The Silver Star Families of America have worked tirelessly to provide the wounded of this Village and Country with Silver Star Banners, Flags and care packages, and

Whereas, the Silver Star Families of America's sole mission is that every time someone sees a Silver Star Banner in a window or a Silver Star Flag flying, that people remember the sacrifices for this Village, State and Nation and

Whereas, the people and Mayor of the Village of Spencerport wish that the sacrifice of so many in our Armed Forces never be forgotten

Now therefore, I Joyce Lobene, mayor of the Village of Spencerport hereby proclaim my appreciation of The Silver Star Families of America and honor their commitment to our wounded Armed Forces members. I hereby declare May 1st "Silver Star Banner Day" the permanent and official day to honor the wounded and ill Soldiers of the Village of Spencerport.

In testimony whereof, I have hereunto set my hand and caused to be affixed the great seal of the village of Spencerport in the State of New York April 21, 2010

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

RESOLUTION NO 133 4/2010

Introduced by: Trustee Hopson
Seconded by: Trustee Gunther

Resolved, that the Village Board hereby approves Aurora House 5 mile Race with Pace on Saturday, May 22, 2010 starting at 8:00 a.m. located at 500 West Avenue.

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

RESOLUTION NO 134 4/2010

Introduced by: Trustee Gunther
Seconded by: Trustee Hopson

Resolved, that the Village Board hereby approves hosting the annual MEUA Western Regional Meeting.

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

RESOLUTION NO 135 4/2010

Introduced by: Mayor Lobene
Seconded by: Trustee Rauber

Resolved, that the Village Board hereby approves the attached budget transfers.

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

Motion was made by Trustee Rauber, seconded by Mayor Lobene and carried unanimously that the workshop meeting be adjourned at 7:45 p.m.