

**VILLAGE BOARD WORKSHOP MEETING**  
**May 19, 2010**

**CALL TO ORDER:** 4:30 p.m.

**BOARD MEMBERS PRESENT**

Joyce Lobene, Mayor

Carol J. Nellis-Ewell, Trustee

Charles R. Hopson, Trustee

Fritz Gunther, Trustee

**BOARD MEMBERS ABSENT**

Theodore E. Rauber, Trustee

**Others Present**

Jim Bonsignore, Attorney

Karen Kimbler, Treasurer

Owen McIntee, DPW Superintendent

Richard Olson, Attorney

Jackie Sullivan, Village Clerk

Tom West, DPW Superintendent

Treasurer Kimbler presented to the Village Board the current financial status of the Village. She indicated in her presentation that the general, electric and sewer funds are all with budget forecasts and expenses in all funds will be either at the forecasts or below.

Treasurer Kimbler continued by suggesting to the Village Board that the electric fund should begin to pay back their short term general fund borrow starting this fiscal year (09/10) and continue as planned in the upcoming fiscal years until the borrowing is repaid. She further commented that electric fund revenues are down 6.7% however the cost of electricity is down 14.5% during the same period.

Discussion ensued regarding cost saving measures that the electric department implemented during this fiscal year and the process for the repayment of the general fund short term borrowing.

**RESOLUTION 140 5/2010**

Introduced by: Mayor Lobene

Seconded by: Trustee Hopson

BOND RESOLUTION DATED MAY 19<sup>th</sup>, 2010.

A RESOLUTION AUTHORIZING THE RECONSTRUCTION OF ROADS IN AND FOR THE VILLAGE OF SPENCERPORT, MONROE COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$145,000 AND AUTHORIZING THE ISSUANCE OF \$145,000 SERIAL BONDS OF SAID VILLAGE TO PAY THE COST THEREOF.

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Board of Trustees of the Village of Spencerport, Monroe County, New York, as follows:

Section 1. The reconstruction of roads in and for the Village of Spencerport, Monroe County, New York, including sidewalks, gutters, drainage, landscaping, grading or improving

rights-of-way and other improvements and costs incidental thereto, is hereby authorized at a maximum estimated cost of \$145,000.

Section 2. It is hereby determined that the aforesaid class of objects or purposes constitutes a Type II action as defined under the regulations of the State of New York, promulgated under the State Environmental Quality Review Act which, by definition, will not have a significant adverse impact upon the environment.

Section 3. It is hereby determined that the plan for the financing of the aforesaid maximum estimated cost shall be by the issuance of \$145,000 serial bonds of said Village hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 4. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is at least five years, pursuant to subdivision 20 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will not exceed five years.

Section 5. The faith and credit of said Village of Spencerport, Monroe County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Village, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 6. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Village Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Village Treasurer, consistent with the provisions of the Local Finance Law.

Section 7. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the

consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Village Treasurer, the chief fiscal officer of such Village. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Village Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 8. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 9. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper of said Village for such purpose, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Local Finance Law. The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

\_\_\_\_\_ Carol Nellis-Ewell \_\_\_\_\_ VOTING \_\_\_\_ Aye \_\_\_\_\_

\_\_\_\_\_ Charles Hopson \_\_\_\_\_ VOTING \_\_\_\_ Aye \_\_\_\_\_

\_\_\_\_\_ Fritz Gunther \_\_\_\_\_ VOTING \_\_\_\_ Aye \_\_\_\_\_

\_\_\_\_\_ Joyce Lobene \_\_\_\_\_ VOTING \_\_\_\_ Aye \_\_\_\_\_

The resolution was thereupon declared duly adopted.

**Attorney**

Attorney Olson and Attorney Bonsignore explained to the Village Board that it is necessary for the Village to take dedication of an easement of 44 square feet at the intersection of Slayton Avenue and Union Street from Morgan Management for sidewalks and signage as requested by NYS DOT. Attorney Olson confirmed that the easement will follow the property should the owners of the property change.

**RESOLUTION NO 141 5/2010**

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

**Resolved**, that the Village accepts from Morgan Spencerport, LLC, the transfer of a 44 sq. ft. parcel of land at the intersection of Slayton Avenue and Union Street; and it is further

**Resolved**, that the Village accepts from Morgan Spencerport, LLC, a Sidewalk and Signage easement over property at the intersection of Slayton Avenue and Union Street; and it is further

**Resolved**, that the Mayor is hereby authorized to sign the following documents with respect to above:

1. The Sidewalk and Signage Easement
2. The Subordination Agreement
3. Any document required to allow the deed and/or easement to be recorded provided that such document does not alter the terms contained in the documents presented to the Board which are attached hereto.

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

Attorney Olson further commented that work continues on the transfer of ownership of the Sewer Pump Station and the status of the repairs of the recycling truck.

The following official action took place:

**RESOLUTION NO 142 5/2010**

Introduced by: Mayor Lobene  
Seconded by: Trustee Hopson

Be it Resolved, that the Board of Trustees of the Village of Spencerport approves the participation of any Village of Spencerport employee to participate in the MEUA Regional Meeting activities on Thursday, June 24, 2010 at their cost. The Village of Spencerport will pay for their attendance at the closing dinner.

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

**RESOLUTION 143 5/2010**

Introduced by: Trustee Gunther

Seconded by: Trustee Nellis-Ewell

Be it Resolved, that the Board of Trustees of the Village of Spencerport approves the closing of the Village Office, 27 West Avenue on Thursday, June 24, 2010 at Noon for the MEUA Regional Meeting activities.

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

**RESOLUTION NO 144 5/2010**

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

Be it Resolved, that the Board of Trustees of the Village of Spencerport approves the closing of the Village of Spencerport operations at Noon on Friday, August 27, 2010 for an employee appreciation activity.

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

**RESOLUTION NO 145 5/2010**

Introduced by: Mayor Lobene  
Seconded by: Trustee Hopson

Be it Resolved, that the Board of Trustees of the Village of Spencerport approves the 2009-2010 year end meeting to be held on Friday, May 28, 2010 at 11:00 a.m.

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

**RESOLUTION NO 146 5/2010**

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

Be it Resolved, that the Board of Trustees of the Village of Spencerport approves the parade application from the Spencerport Fireman's Association for the youth parade Wednesday, June 16<sup>th</sup> and fireman's parade Thursday, June 17, 2010 starting at 7:00 p.m.

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

**RESOLUTION NO 147 5/2010**

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

Be it Resolved, that the Board of Trustees of the Village of Spencerport approves payment application #8 from Angelica Boring Company, Inc in the amount \$330,069.03 for contract B-Bore Canal Boring.

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

**RESOLUTION NO 148 5/2010**

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

NAME: Acceptance of the Stormwater Coalition of Monroe County 2009-2010 Shared Annual Report for Compliance with the Phase II Stormwater Regulations

WHEREAS, the Village of Spencerport has been identified as a Municipal Separate Storm Sewer System (MS4) under the EPA’s Phase II Stormwater Regulations under the Clean Water Act of 1999, and

WHEREAS, the Phase II Program requires each MS4 to prepare an Annual Report, or contribute to a Shared Annual Report, on the Village of Spencerport efforts to protect and improve the water quality of our streams and waterbodies, and

WHEREAS, the public is invited to review the Shared Annual Report and provide input, and

WHEREAS, a Shared Annual Report has been prepared in conformance with the Phase II Regulations by the Stormwater Coalition of Monroe County, and

WHEREAS, the Shared Annual Report must be submitted to the New York State Department of Environmental Conservation offices in Albany, NY by June 1, 2010,

NOW, THEREFORE, BE IT RESOLVED, that the Shared Annual Report is accepted by the Village of Spencerport Board and that said Shared Annual Report is available for public review at [www.thestormwatercoalition.org](http://www.thestormwatercoalition.org) and the Village of Spencerport Village Hall,

BE IT FURTHER RESOLVED, that all comments on the Shared Annual Report will be incorporated into the 2009-2010 or the 2010-2011 Annual Reports to the NYSDEC.

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

**RESOLUTION NO 149 5/2010**

Introduced by: Mayor Lobene  
Seconded by: Trustee Gunther

Be it Resolved, that the Board of Trustees of the Village of Spencerport approves hiring Elizabeth Barton for the position of Seasonal Summer Help at an hourly rate of \$9.00.

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

**RESOLUTION NO 150 5/2010**

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

Be it Resolved, that the Board of Trustees of the Village of Spencerport approves MRB Group's proposal for the engineering of 300' of municipal docks to be located on the south bank of the Erie Canal near the Village Trolley Depot. Cost not to exceed \$39,900.00.

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

Discussion ensued regarding the Village receiving two like proposals from Schultz and Associates with different prices with no additional details regarding the engineering process and the possibility of receiving a third quote from another engineering firm.

The Village Board agreed that Schultz and Associates would be requested to expand their quote to have further detail, MRB Group will be requested to re-price their proposal and that Mayor Lobene will let Clerk Sullivan know what firm engineered the municipal docks in the Village of Fairport and a proposal will be received from that firm.

Clerk Sullivan explained to the Village Board that Dave Spencer from the Spencerport Fire Department asked if a recruiting flier for firemen could be put into the electric bills. The Village Board agreed that it would be acceptable for the fire department to submit a flier for the electric bills.

Continued discussion ensued regarding Trustee Nellis-Ewell's request to purchase a television and DVD player to be installed in the Village Office to help promote and display various Village activities.

Trustee Gunther commented that he feels that enhancing the website would be more important and a better use of funds to promote and display various Village activities.

Trustee Hopson did not feel that the purchase of the television and DVD player is necessary to promote and display various Village activities.

Motion was made by Trustee Nellis-Ewell, seconded by Trustee Gunther and carried unanimously that the workshop meeting be adjourned at 7:30 p.m.