

VILLAGE BOARD MEETING
June 2, 2010

CALL TO ORDER: 7:00 p.m.

The Pledge of Allegiance was led by Mayor Lobene

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

Carol Coburn, Town/Village Historian
Bob Garlick, Nichols Street
Fred Holbrook, Coventry Drive
Mike LoPresti, Ogden Center Development
Owen McIntee, Electric Superintendent
Richard Olson, Village Attorney
Joan Quigley, Maplewood Avenue
Glynn Schultz, S. Union Street
Kris Schultz, Schultz and Associates
Jackie Sullivan, Village Clerk
Herman Unvericht, Coventry Drive
Mark Unvericht, Zoning Board Member
Elizabeth West, Colby Street
Tom West, DPW Superintendent

APPROVAL OF MINUTES

A motion was made by Trustee Rauber, seconded by Trustee Gunther and carried that the minutes of the regular meeting held May 5, 2010 be approved as read. Trustees Hopson and Nellis-Ewell abstained.

A motion was made by Trustee Gunther, seconded by Trustee Hopson and carried that the minutes of the workshop meeting held May 19, 2010 be approved as read. Trustee Rauber abstained.

SPECIAL PRESENTATION

Historian Coburn reviewed her role as Town/Village historian and her annual report that she submitted to the Village Board.

PRIVILEGE OF THE FLOOR

Mr. Bob Garlick of Nichols Street requested privilege of the floor to discuss a fence on Pinecrest Drive and the sanitary sewer work that was done on Hillcrest Drive.

Mr. Garlick described the situation indicating that the fence on the Pinecrest Drive property is encroaching on the Village right of way. Mr. Garlick questioned as to why the resident was allowed to install the fence in the Village ROW.

Attorney Olson responded that the Village does not have any documentation indicating that the fence is in the Village ROW nor does the Village require an "as built" drawing from residents after a fence is installed.

Mr. Garlick asked for clarification on Attorney Olson's comment. Mr. Garlick further commented that he thinks the fence is in the ROW.

Attorney Olson questioned if Mr. Garlick wanted the fence removed.

Mr. Garlick responded "yes"

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Attorney Olson further commented that he does not feel that there is adequate proof that the fence is in the ROW. Attorney continued that he does not know if the resident is right or wrong because he is not a surveyor and neither is Mr. Garlick.

Mr. Garlick responded that he could get a surveyor.

Attorney Olson responded "if that is how you want to spend your money"

Mr. Garlick indicated that he did not want to get argumentative but that Attorney Olson brought up a point that if the fence was not installed where it should be the resident should be required to move the fence.

Attorney Olson indicated that he does not believe that when a fence is installed the Village is in the practice of inspecting every fence installation.

Mr. Garlick responded that then there is an inequity.

Attorney Olson responded that he is not sure if there is an inequity or not but from a practical point of view there is not a need to spend the tax payers money on this kind of stuff and that typically certificate of compliance are not issued for a fence.

Mayor Lobene asked if there were any rules that require the inspection of a fence.

Discussion ensued regarding fence inspections.

Mr. Garlick questioned if a permit was necessary for a fence.

Attorney Olson responded that a permit is necessary. But we do not usually check the final installation. In addition Attorney Olson commented that we accept the tape location maps for the permitting process and that at times the tape location maps are incorrect for exact measurements and that instrument survey maps should be required however the burden to the tax payer is too high.

Mr. Garlick asked that in this situation how is it addressed and prevented from happening in the future.

Attorney Olson responded that it is not clear that the Village needs to address this issue and what harm is being done.

Mr. Garlick responded that the fence is in the ROW.

Attorney Olson further commented that people use the Village ROWs constantly.

Trustee Gunther commented that he would have a problem and request the structure to be removed if a resident constructed a structure not according to their submitted plan however, if the fence was installed correctly and was on the Village ROW the resident would have to be aware that if the Village need to obtain access to that ROW the fence or structure would be removed.

Further discussion ensued regarding the placement of structures in the ROW.

Trustee Nellis-Ewell indicated that she does not want to burden the tax payer with costly surveys to install a fence on their property.

Trustee Rauber commented that the Village would work with any resident who may have a structure in a ROW in the event that access to the ROW was necessary.

Trustee Gunther reiterated his prior comment regarding structures in the ROW.

Trustee Gunther made a motion to send the Village Building Inspector to the Pinecrest Drive property to review the situation. The motion was not seconded.

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Mr. Garlick further explained his submitted documentation regarding the reimbursement given to the property owners at 2828 Nichols Street and that the Village does not have adequate documentation for the \$2,000 reimbursement to the property owner.

Superintendent West explained that he became aware of this sewer problem as it was underway and the resident's contractor brought to his attention that the sewer pipe crossing Hillcrest Drive was 6" in diameter. Based on his experience Mr. West felt that the 6" pipe indicated that they had dug up a sewer main and that the Village is responsible for all sewer mains. Superintendent West brought that information to the sitting Village Board suggesting that a reimbursement of \$2,000 would be adequate to the resident since the cost for the Village to complete the repair would be higher. The Village Board agreed with Mr. West's suggestion and approved the payment to the resident.

Discussion ensued regarding this project.

Mr. Kris Schultz, engineer for Ogden Center Development described to the Village Board the concept proposal to build townhomes on his client's Brockport Road Property.

Mayor Lobene removed herself from the discussion due to her previous business dealings with Ogden Center Development.

Mr. Schultz explained that property is zoned PRD however it is necessary for the Village Board to approve the density plan for the property prior to the developer submitting application for approval to the Village Planning Board.

Attorney Olson further explained that this area is zoned Planned Residential Development and that when the Domus track was built it was brought before the Village Board for approval however this property while zoned PRD was not part of the Domus approval for density.

Mr. Schultz indicated that the original concept plan was for 11 townhome units and at this time it has been reduced to 9 units for larger back yard and decks. Mr. Schultz further described details of the projects.

Trustee Hopson commented that he feels that the project is too dense and the buildings are crowded and close to the lot lines.

Mr. Schultz responded that he would like to take the comments into consideration and resubmit a new plan to the Board as soon as possible to meet the Planning Board Application deadline for the July meeting.

Trustee Gunther indicated that he liked the project with Trustee Hopson's suggestions.

Trustee Nellis-Ewell also indicated that she liked the project with Trustee Hopson's suggestions.

Discussion ensued as to how the buildings could be reconfigured.

Attorney Olson asked how this development would change the adjacent Village property.

Mr. Schultz responded that it would be best for project if an agreement could be made so that the storm water could be contained on the Village property.

Attorney Olson clarified that the developer would get a pond to store their storm water on Village property and in exchange the Village would get a pond to store storm water in addition to what runs off of the development.

Mr. Schultz responded "yes" and that his developer would be able to use the spoils from the pond as fill for his project.

Discussion ensued regarding the details of the pond.

Attorney Olson advised that the developer would need to present the benefits to the Village for the design of the pond.

Mr. Schultz indicated that the approval for the density for the Planning Board process can take place and then the benefits to the Village for the pond can be developed.

Trustee Rauber commented that the benefit to the Village would be that the new pond would hold back the storm water from the central business district to the "flash flooding" situation could be avoided.

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Superintendent West indicated that other property owners in the area are interested in helping to contain storm water run off.

Mayor Lobene commented that this project is a great opportunity for the Village to improve their drainage issues.

Attorney Olson indicated that the next step is that Mr. Schultz brings back to the Board a revised density place for approval.

Trustee Nellis-Ewell indicated that she recalled that weirs were discussed and that it is the responsibility of the Village to contain excessive water during a storm event.

Attorney Holbrook commented that the density of this project is well within the allowable limits of the Village.

Sewers Committee – Trustee Rauber, Chair

No Board action required.

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

A. Planning
No Board action required.

B. Architectural Review
No Board action required.

Trustee Nellis-Ewell commented that at the previous night's meeting there were five (5) applications for ARB.

C. Zoning
No Board action required.

Trustee Nellis-Ewell commented that the Zoning Board approved an application for a swimming pool.

D. Building Control
No Board action required.

E. Code Review
No Board action required.

Finance Committee – Trustee Hopson, Chairman

Trustee Hopson commented that the interest rate for the money market account remains flat at .5%.

Facilities Committee – Trustee Hopson, Chairman

A. Electric
No Board action required.

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

Public Works Committee – Trustee Rauber, Chairman

A. Highways/Garage
No Board action required.

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.

Trustee Gunther commented that he, Trustee Hopson and Mayor Lobene attended a meeting regarding the potential closing of the town skate park.

Human Resources Committee – Trustee Gunther, Chairman

No Board action required.

Economic Development Committee – Mayor Lobene, Chairman

No Board action required.

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

No Board action required.

Trustee Nellis-Ewell acknowledged the Chamber of Commerce's donation of \$1,000 to the Village's summer concert series. In addition the Chamber will be awarding a Green award to a business that shows energy efficient improvements.

Village Clerk – Jacqueline Sullivan

RESOLUTION NO 1 6/2010

Introduced by: Mayor Lobene

Seconded by: Trustee Rauber

Be it Resolved, that the Board of Trustees of the Village of Spencerport authorized the Mayor to sign the purchase agreement with General Code for Code Revitalization Services in the amount of \$7,680.

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

Superintendent of Public Works – Thomas M. West

Superintendent West commented on the following items:

- Brush pick up continues due to the recent wind storm
- Thorncliff Drive drainage project continues and is going well; road may only need to be milled and filled not recycled if the base of the road is in good condition
- Work continues in the Village parks and the summer help staff is working out well
- The no trespassing sign is up at the former WWTP
- Hydraulic problems with the garbage truck continue and work is being done to correct the problem
- NYS DOT work permits have been submitted for sidewalks and welcome sign

Superintendent of Electric – Owen McIntee

Superintendent McIntee commented on the following items:

- Plaza work continues
- Working with Karen regarding cash flow
- Meter replacements continue and the Village is nearly 100% complete
- Lyell Avenue lighting project preliminary design is underway
- Attended NYMPA meeting

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Attorney – Richard J. Olson

Attorney Olson requested executive session to discuss litigation.

Administrative Committee – Mayor Lobene, Chairman

Unfinished Business

Trustee Hopson asked the status of the Billings Property on West Avenue.

Mayor Lobene indicated that she would check into it.

Mrs. Quigley asked to the status of the former veterinary office on S. Union Street.

Mayor Lobene responded that the current owner is making progress on the interior of the building and continues to intend on opening it as a veterinary clinic.

New Business

Bills

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

General Fund	\$ 26,838.10
Electric Fund	\$ 34,278.55
Sewer Fund	\$ 6,227.36
Trust Fund	\$ 0.00
Capital Fund	\$ 0.00
TOTAL:	\$ 67,344.01

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

Adjournment

Motion was made by Trustee Rauber, seconded by Trustee Gunther and carried unanimously that the regular meeting be adjourned at 8:48 p.m. to executive session to discuss litigation.

Motion was made by Trustee Rauber, seconded by Trustee Hopson and carried that the executive session be adjourned at 9:10 p.m. to workshop session.

Motion was made by Trustee Rauber, seconded by Trustee Hopson and carried that the workshop session be adjourned at 9:10 p.m.