

VILLAGE BOARD MEETING
July 7, 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

Scott DeHollander, Village Engineer
Owen McIntee, Electric Superintendent
Richard Olson, Village Attorney
John Sciarabba, LandTech
Jackie Sullivan, Village Clerk
Tom West, DPW Superintendent

APPROVAL OF MINUTES

A motion was made by Trustee Hopson, seconded by Trustee Rauber and carried that the minutes of the fiscal year ending 2010 meeting held May 28, 2010 be approved as read.

A motion was made by Trustee Hopson, seconded by Trustee Nellis-Ewell and carried that the minutes of the regular meeting held June 2, 2010 be approved as read.

A motion was made by Mayor Lobene, seconded by Trustee Gunther and carried that the minutes of the workshop meeting held June 9, 2010 be approved as read.

PRIVILEGE OF THE FLOOR

Mr. Sciarabba presented and described the Parkview Center plans formally the Krebs Farm Project that is the development of approximately 55 acres that has been re-zoned to allow commercial and senior residential properties. Mr. Sciarabba further explained that at this time his clients are seeking preliminary approval for the development from the town of Ogden and that his clients would like permission from the Village of Spencerport to connect to Northrup Creek Drive as an entrance and exit to the development. Mr. Sciarabba indicated that he would like to be able to give the Town of Ogden information that the Village of Spencerport will look favorable on the connection to Northrup Creek Drive. Mr. Sciarabba further explained that his clients would be upgrading approximately 450' of Northrup Creek Drive to accommodate estimated traffic flows for the development and that the home owners' association would be responsible for snow removal from the entrance to the development south to Big Ridge Road.

Trustee Rauber explained the historical relationship with the Village of Spencerport and LandTech.

Mayor Lobene confirmed that access is needed to the Monroe County Pump Station located on Northrup Creek Drive.

Superintendent West indicated that Monroe County Pure Water needs to be informed of the project.

Attorney Olson questioned what would happen if a water main broke under the road would the Village have to repair the road to LandTech's standards.

Mr. Sciarabba responded that they would be building the road to the Village of Spencerport's standards.

Attorney Olson asked the width of the right of way.

Scott DeHollander, Village Engineer responded 40 feet.

Village Board
June 7, 2010

Attorney Olson indicated that the property contains several easements and that it is difficult to determine ownership of the area. Attorney Olson further asked what will happen to the radius on Big Ridge Road.

Mr. Sciarabba and Mr. DeHollander both indicated that it is in the right of way.

Mr. Sciarabba described the layout of the road.

Attorney Olson questioned that if the Village of Spencerport does not allow you to attach to Northrup Creek Drive what will happen.

Mr. Sciarabba responded that traffic studies have been done and that there are other options but none as favorable as the existing Northrup Creek Drive.

Trustee Rauber indicated that there may be some conflict with the existing neighbors.

Mayor Lobene explained that currently some of the neighbors are not happy with people parking on Northrup Creek Drive to watch the soccer games at the near by school.

Mr. Sciarabba explained that they would be willing to work with the neighbors and would be planting bushes and trees to screen the roadway.

Trustee Rauber commented that the Village of Spencerport contacted Land Re regarding the use of Northrup Creek Drive as an access to their development and who would be in charge of maintaining that road as it pertains to snow removal.

Superintendent West commented that at this time Northrup Creek Drive is failing.

Attorney Olson commented that this proposal is of value to everyone however it maybe not be adequate compensation to the Village with just the reconstruction of 420' of road.

Attorney Olson further commented that if the Village Board feels that the proposal is adequate then they need to vote on it however before they do more research should be done.

Discussion ensued regarding the future of the area in general.

Mayor Lobene summarized the intention of the project.

Attorney Olson commented that the Village should determine the total cost to replace the entire road and if the portion that the developer is willing to do is adequate.

Mr. DeHollander asked for the volumes of the traffic studies for that entrance.

Mr. Sciarabba indicated that he does not have the information with him at this time but will forward the information to the Village Board and staff.

Mr. DeHollander indicated that if it was possible could this roadway would be used for emergency access the traffic on this road would be less.

Mr. Sciarabba indicated that the Town of Ogden is requiring the additional road.

Mr. DeHollander indicated that the size of the access at 40' is smaller than indicated in our design regulations of 60' in addition the design regulations indicated the need for minimum set backs for corner lots of 50' and that this project would create two corner lots that would have minimum set backs of 10'.

Mr. DeHollander further explained that Lawrence Hart is the owner of the property directly to the west of Northrup Creek Drive and that the sidewalk is within one foot of his property.

Discussion ensued regarding the project.

Attorney Olson commented that he does not recommend a board resolution at this time until the Village knows how much it would cost to rebuild the road themselves and determine if they are being compensated adequately.

Superintendent West commented that Monroe County may help financially to upgrade the entire road along with Land Re.

Attorney Olson commented that what the Village is looking for is a road that is built within the Village's needs.

Trustee Nellis-Ewell summarized the action items to be: clarification of the easement issues, road maintenance issues and assess the value of the improvement including input from Monroe County Pure Waters - documentation from Jason Kennedy; Clarification of easements; Satisfaction of road maintenance issues; Actual traffic flow study information; Assess value of improvements as suggested by Atty. Olson (i.e., driveway/road in place saves developer from starting from zero)

Superintendent McIntee commented that if the upgrade to Northrup Creek Drive takes place it would allow for easier access to the development to provide an additional three phase circuit.

Sewers Committee – Trustee Rauber, Chair

No Board action required.

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

A. Planning

No Board action required. Trustee Nellis-Ewell indicated that the Planning Board entertained a conceptual presentation from Patrick Laber of Schultz and Associates representing Ogden Center Development for the project located on Brockport Spencerport Road. Trustee Nellis-Ewell further commented that there was mention of condominiums along with townhouses.

Attorney Olson commented that the scope of the project has changed significantly since the first meeting regarding this project in the winter when Kris Schultz indicated that this project was going to look like Bauer's Cove. Since that meeting ten townhouses/condominiums have been presented. Attorney Olson further explained that the difference between townhouses and condominiums are that townhouses are normally connected and that you own the land underneath it; condominiums are not usually connected and you do not own the land underneath the dwelling just a fraction of the entire parcel.

Attorney Olson commented that the local law regarding condominiums that was just passed prohibited the conversation of residential properties to condominiums but the building of new condominiums is allowed. Attorney Olson further commented that the Village Board could enact a condominium floating district that would only allow the development of condominiums with Board approval.

Attorney Olson was tasked with developing a moratorium restricting the development of condominiums.

Trustee Nellis-Ewell indicated that there were several comments from Planning Board Members regarding drainage, turn arounds, etc. that the developer was receptive to.

B. Architectural Review

No Board action required. Trustee Nellis-Ewell commented that the Nurses Station Store received their certificate of appropriateness.

C. Zoning

RESOLUTION NO 5 7/2010

Introduced by: Trustee Nellis-Ewell

Seconded by: Trustee Rauber

Be it Resolved, that the Board of Trustees of the Village of Spencerport approves the Mayor's reappointment of Mark Unvericht, 36 Pinecrest Drive to the Zoning Board of Appeals. His term is to expire on July 31, 2014.

Vote of the Board:	Theodore E. Rauber, Trustee	Aye
	Carol J. Nellis-Ewell, Trustee	Aye
	Charles R. Hopson, Trustee	Aye

Village Board
June 7, 2010

Fritz Gunther, Trustee	Aye
Joyce Lobene, Mayor	Aye

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%.

RESOLUTION NO 6 7/2010

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

Be it Resolved, that the Board of Trustees of the Village of Spencerport approves the attached budget transfers for fiscal year ending 2010

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

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

Trustee Gunther indicated that he as been participating in the process of updating the Monroe County Disaster Management program and that the final documentation should be completed soon.

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

Village Board
June 7, 2010

No Board action required.

Mayor Lobene commented that Tops and the gas kiosks are coming along. The new manager is Roger Couch is in place. Mayor Lobene continued that new liquor store is being opened in the Matheos Building by Kathy Christ.

Trustee Hopson asked if she has applied for her liquor license.

Clerk Sullivan responded that she has talked with Ms. Christ at length and she has applied for the license and the liquor store in the plaza has been notified.

Mayor Lobene informed the Board that a consignment shop is opening in Spencerport Insurance's former location on Union Street.

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

Trustee Nellis-Ewell indicated that she would like to resurrect the resolution presented in February 2010 regarding the purchase of a television and DVD player for the Village Office. Trustee Nellis-Ewell continued that she feels that it is a way to communicate information to the residents and show the value that they are receiving for their tax dollars.

RESOLUTION 7 7/2010

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

Now, therefore, be it resolved:

That the Village of Spencerport Board of Trustees hereby approves the purchase of a television and DVD player, for installation in the Village Office, to display current projects and information to residents. Cost not to exceed \$900.

Vote of the Board:

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

Trustee Rauber indicated that he realizes that there are people who are not on the internet and it is a good way to communicate with the residents.

Village Clerk – Jacqueline Sullivan

RESOLUTION NO 8 7/2010

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

Be it Resolved, that the Board of Trustees of the Village of Spencerport approves attendance by the Planning and Zoning Board Members and support staff to the NYCOM Planning and Zoning Summer School in Geneseo, NY, Thursday, July 22, 2010. Cost not to exceed \$70 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 NO 9 7/2010

Village Board
June 7, 2010

Introduced by: Mayor Lobene
Seconded by: Trustee Rauber

Be it Resolved, that the Board of Trustees of the Village of Spencerport approves two day attendance by any Village Board member at the 2010 World Canals Conference cost not to exceed \$300 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 NO 10 7/2010

Introduced by: Trustee Gunther
Seconded by: Trustee Hopson

Be it Resolved, that the Board of Trustees of the Village of Spencerport approves the Spencerport High School Homecoming Parade; Saturday, September 18, 2010 starting at Noon.

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 11 7/2010

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

Be it Resolved, that the Board of Trustees of the Village of Spencerport approves the closing of Union Street between West Avenue and Amity Street starting at 6:30 a.m. Saturday, July 24, 2010 and reopening at 6:30 p.m. Sunday, July 25, 2010 for Canal Days.

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 12 7/2010

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

Be it Resolved, that the Board of Trustees of the Village of Spencerport authorizes the Mayor to sign the inter-municipal agreement with Monroe County regarding cooperation to reduce storm-water pollution and protect water quality in Monroe County.

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

Village Board
June 7, 2010

Clerk Sullivan indicated that it is necessary for the Village Board to assign an engineering firm for the Southside Waterfront Dock project that is being funded by the NYS Division of Coastal Resources.

Clerk Sullivan further explained that three proposals were submitted from our current engineer MRB Group in the amount of \$39,900; Schultz and Associates in the amount of \$29,900 and BME Associates, who is the engineering firm for the Village of Fairport in the amount of \$40,200.

Clerk Sullivan explained that BME Associates and MRB Group were similar in the services; their prices were comparable with each other within \$300 of each other; BME and MRB have worked with the Canal Corp. and Army Corps of Engineers. In addition BME has worked with Fairport's canal grants. Clerk Sullivan explained that while cost is a factor having an agency that has worked with the canal before is very important in this situation. Clerk Sullivan further explained that while administering the grant for the Trolley Depot MRB Group helped to ensure that the Village received their reimbursements. Clerk Sullivan indicated that it is the Board decision to assign the engineering firm but her opinion is that MRB Group would be the right choice.

Mayor Lobene asked Clerk Sullivan why she thinks the quote from Schultz is so much lower.

Clerk Sullivan responded that her personal opinion is that Kris Schultz is not aware of all that goes into working with these agencies. Clerk Sullivan continued that her past experience working with MRB Group there are not a lot of change orders and would expect the same out of BME.

Mayor Lobene commented that she contacted the Fairport and Pittsford Mayor's and that they recommended BME Associates.

Trustee Nellis-Ewell commented that she reviewed all of the proposals and looked through the hourly rates and all of the firms charge about \$100 per hour and that two of the three proposals had a lot more detail (BME and MRB) and following the best value principal and reading the proposals twice MRB Group would be the best choice.

Trustee Rauber commented that he has worked with Kris Schultz on planning and zoning projects and that Kris wants the job and is lowering his price extremely to get the job and that he would support Schultz doing the project with a not to exceed \$29,900 clause in the resolution. Trustee Rauber continued that putting in a dock is a lot of permitting but not an overly sophisticated project.

Trustee Hopson commented that he agrees with Trustee Rauber to an extent but that MRB Group has the experience to do the job and he is unsure that Kris Schultz would be able to do the job.

Trustee Gunther commented that he liked that three quotes were received and that he would like to keep business local and that a not to exceed clause to go with Schultz proposal would be appropriate.

Superintendent West commented that he does not feel that Schultz has the expertise to do this job and that it is an involved job.

Superintendent McIntee commented that he has not worked with Kris Schultz but does think that it was a good idea to get three quotes for the project.

Attorney Olson commented that he has worked many times with Kris Schultz and indicated that he does have the experience to complete the project and has worked with many state agencies.

Mayor Lobene commented that she likes what BME did out in Fairport.

A motion was made by Mayor Lobene to award the Southside Waterfront Dock engineering services to BME Associates.

The motion was not seconded.

RESOLUTION NO 13 7/2010

Introduced by: Mayor Lobene

Seconded by: Trustee Nellis-Ewell

Village Board
June 7, 2010

Be it Resolved, that the Board of Trustees of the Village of Spencerport awards the Southside Waterfront Dock engineering services to MRB Group in the amount not to exceed \$39,900.

Vote of the Board:

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

Clerk Sullivan presented to the Board information regarding the NYS Retirement Incentive and asked the Board to review the items and that discussion would take place at the July workshop meeting.

Discussion ensued regarding the incentive program.

Superintendent of Public Works – Thomas M. West

Superintendent West commented on the following items:

- Recycling truck is working well.
- Gutters and drainage is complete on Thorncliff Drive.
- Next week is bulk pick up.
- Mechanical issues with the refuse truck continue.
- Sidewalks on rt. 259 are approved.
- Welcome sign permit has been approved and will be moved.

Superintendent of Electric – Owen McIntee

Superintendent McIntee commented on the following items:

- Various outages due to overloads.
- Underground cable will be pulled in the plaza this week and next week.
- Will be attending Town of Ogden Planning Board meeting for Parkview Development.
- Requested executive session to discuss employee issues.

Attorney – Richard J. Olson

Attorney Olson requested executive session to discuss litigation.

Administrative Committee – Mayor Lobene, Chairman

Mayor Lobene commented that she has had conversations with Supervisor Lenhard regarding Fairfield Cemetery and will be asking the cemetery board to attend a Village Board meeting to discuss the future of Fairfield Cemetery.

Unfinished Business

Trustee Hopson asked if a crosswalk sign could be installed at the intersection of Lyell Avenue and Union Street.

New Business

Bills

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

General Fund	\$ 51,345.13
Electric Fund	\$ 75,356.98
Sewer Fund	\$ 8,256.91
Trust Fund	\$ 0.00
Capital Fund	<u>\$ 11,983.61</u>
TOTAL:	\$146,942.63

Village Board
June 7, 2010

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

Adjournment

Motion was made by Trustee Gunther, seconded by Trustee Rauber and carried unanimously that the regular meeting be adjourned at 9:25 p.m. to executive session to discuss employee and litigation issues.

Motion was made by Trustee Rauber, seconded by Trustee Hopson and carried that the executive session be adjourned at 10:15 p.m. to the regular meeting.

Motion was made by Trustee Rauber, seconded by Trustee Hopson and carried that the regular meeting be adjourned at 10:20 p.m.