

VILLAGE BOARD MEETING
August 4, 2010

CALL TO ORDER: 7:00 p.m.

The Pledge of Allegiance was led by Trustee Nellis-Ewell

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

James R. Grassi, Coventry Drive
Patrick Hotchkiss, West Avenue
Owen McIntee, Electric Superintendent
Richard Olson, Village Attorney
Glynne & Kris Schultz, Black Forest Drive
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 July 7, 2010 regular meeting be approved as read.

A motion was made by Trustee Nellis-Ewell, seconded by Trustee Gunther and carried that the minutes of the workshop meeting held July 21, 2010 be approved as read. Trustee Rauber abstained.

PUBLIC HEARING

Mayor Lobene opened the public hearing for Introductory Local Law 5/2010 A Local Law electing a retirement incentive program Part A – Chapter 105, Laws of 2010 at 7:00 p.m. by reading the local law.

Trustee Rauber commented that this program was developed by the New York State retirement system to help to retire higher paid employees thus reducing the cost of the workforce.

Mayor Lobene asked Clerk Sullivan as to how many employees would be eligible for the incentive.

Clerk Sullivan responded that 4 or 5 employees are eligible for part A and one employee for part B.

Mr. Grassi questioned as to how much of a savings would the Village realize if staff members took this incentive.

Superintendent McIntee responded that he put together a department plan to illustrate cost saving should members of his staff take the incentive and could potentially save \$100,000 year one.

Superintendent West responded that he does not have a plan because there is not anyone on his staff interested in taking the incentive. However, if someone did take the incentive Superintendent West would have to work with Superintendent McIntee's plan for coverage and the potential savings would be approximately \$45,000.

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

RESOLUTION NO 21 8/2010

Introduced by: Mayor Lobene
Seconded by: Trustee Rauber

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Introductory Local Law 5-2010 A Local Law electing a retirement incentive program Part A – Chapter 105, Laws of 2010

A LOCAL LAW electing a retirement incentive program as authorized by Chapter 105, Laws of 2010 for the eligible employees of the Village of Spencerport.

BE IT ENACTED by the Village Board of Trustees of the Village of Spencerport, as follows:

1. The Village of Spencerport hereby elects to provide all of its eligible employees with a retirement incentive program authorized by Chapter 105, Laws of 2010.
2. The commencement date of the retirement incentive program shall be September 1, 2010
3. The open period during which eligible employees may retire and receive the additional retirement benefits, shall be 60 days in length.
4. The actuarial present value of the additional retirement benefits payable pursuant to the provisions of this local law shall be paid as one lump sum, or in five annual installments. The amount of the annual payment shall be determined by the Actuary of the New York State and Local Employees' Retirement System, and it shall be paid by the Village of Spencerport as directed by the New York State and Local Employees' Retirement System for each employee who received the retirement benefits payable under this local law.
5. This act shall take effect August 4, 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

Mayor Lobene opened the public hearing for Introductory Local Law 6/2010 A Local Law electing a retirement incentive program Part B – Chapter 105, Laws of 2010 at 7:10 p.m. by reading the local law.

Mayor Lobene closed the public hearing at 7:15 p.m.

RESOLUTION NO 22 8/2010

Introduced by: Mayor Lobene
Seconded by: Trustee Hopson

Introductory Local Law 6-2010 A Local Law electing a retirement incentive program Part B – Chapter 105, Laws of 2010

A LOCAL LAW electing a retirement incentive program as authorized by Chapter 105, Laws of 2010 for the eligible employees of the Village of Spencerport.

BE IT ENACTED by the Village Board of Trustee of the Village of Spencerport, as follows:

1. The Village of Spencerport hereby elects to provide all of its eligible employees with a retirement incentive program authorized by Chapter 105, Laws of 2010.
2. The commencement date of the retirement incentive program shall be October 1, 2010.
3. The open period, during which eligible employees may retire and received the additional retirement benefits, shall be 90 days in length and shall end of December 29, 2010.
4. The actuarial present value of the additional retirement benefits payable pursuant to the provisions of this local law shall be paid as one lump sum, or in five annual installments. The amount of the annual payment shall be determined by the Actuary of the New York State and Local Employees' Retirement System, and it shall be paid by

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the Village of Spencerport as directed by the New York State and Local Employees' Retirement System for each employee who receives the retirement benefits payable under this local law.

5. This act shall take effect August 4, 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

PRIVILEGE OF THE FLOOR

Mr. Powell questioned Superintendent West as to when the sidewalks north on Union Street to Spencerport Road will be completed.

Superintendent West responded that he needs to get roadwork projects completed prior to the sidewalks however, the permits have been received and he will have a sidewalk committee meeting prior to the installation of the sidewalks.

Mr. Powell thanked Superintendent McIntee for information regarding the electric bills.

Mr. Patrick Hotchkiss addressed the Village Board regarding the condition of the Billings Property at 51 West Avenue. Mr. Hotchkiss continued by asking Mayor Lobene if she had shared his letter regarding the West Avenue property with the other Board members.

Mayor Lobene responded that she did not, but she shared it with the Village Code Enforcement Officer.

Mr. Hotchkiss continued that in 2005 he sent a letter to Jack Crooks, Town/Village Building Inspector regarding the condition of 51 West Avenue. Mr. Crooks responded that action is being taking to help the homeowner improve the property specifically the roof to be replaced however currently the front porch is falling down and the house has not been painted in years.

Mr. Hotchkiss indicated that he is frustrated that it appears that nothing is being done by the Village to force the homeowner to fix the property and his concern is that it is forcing property values on West Avenue to decrease. Mr. Hotchkiss continued by describing the areas on the 51 West Avenue property that need to be fixed.

Mr. Hotchkiss questioned the process of code enforcement in the Village.

Mayor Lobene responded that the Village has their own code enforcement officer, Kevin Kelly and that he is in, on a daily basis, citing property owners for code infractions and working with property owners to find resolutions to the infractions.

Mayor Lobene continued that she has been working closely with the Village attorney and code enforcement officer to legally require Mrs. Billings to bring her property to comply with the code.

Attorney Olson commented that one process was followed to bring in an outside contractor to the property to complete the work on the front porch. Mrs. Billings threw the contractor off her property and at that point the contractor was not willing to complete the work. Attorney Olson continued that it is rare that the municipality will take these measures on a home that is occupied however, the Village could take this resident to State Supreme Court but it is a costly venture.

Mr. Hotchkiss asked what the Village going to do about this property.

Trustee Rauber indicated that the Village tried to help the property owner yet she continues to refuse the help.

Discussion ensued regarding the code enforcement process.

Mayor Lobene will be coordinating a meeting with Mr. Hotchkiss, herself, Kevin Kelly, and Jack Crooks to better respond to Mr. Hotchkiss' concerns.

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Mrs. Quigley asked who will be putting the stop sign up at the corner of Slayton Avenue and Union Street.

Superintendent West responded that the State DOT will install the stop sign.

Mrs. Quigley suggested that the sign not be in the island since it will be knocked down by the snow plows.

Superintendent West indicated that he would let the State DOT know.

Sewers Committee – Trustee Rauber, Chair

No Board action required. Trustee Rauber indicated that he is working with Village Attorney, staff and Monroe County regarding the transfer of ownership of the pump station.

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

- A. Planning
No Board action required.
- B. Architectural Review
No Board action required. Trustee Nellis-Ewell indicated that Second Chances Consignment Shop was granted a sign permit and Spencerport Bowl was granted a certificate of appropriateness for an awning to define the entrance to CJ's Pub.
- C. Zoning
No Board action required.
- D. Building Control
No Board action required.
- E. Code Review
No Board action required. Trustee Nellis-Ewell indicated that the Code Review Committee is back in session and that discussions include vending machines that are back lit, zoning issues and green initiatives.

Finance Committee – Trustee Hopson, Chairman

Trustee Hopson commented that the interest rate for the money market account remains flat at .5%. Trustee Hopson continued that he has a meeting scheduled with Clerk Sullivan and Treasurer Kimbler.

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 indicated that he continues to work with Monroe County on a county wide disaster management plan and that a public meeting will be required in the near future.

Human Resources Committee – Trustee Gunther, Chairman

No Board action required.

Economic Development Committee – Mayor Lobene, Chairman

No Board action required. Mayor Lobene indicated that Tops and the plaza work continue to come along and that the grand opening will be August 18, 2010. Mayor Lobene continued that a new consignment shop has opened on Union Street and that the men's clothing store will be expanding to include tailor and dry cleaning services.

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

Trustee Nellis-Ewell indicated that she and Clerk Sullivan met regarding the Village website and that a team will be put together to include department heads to update the website. In addition Trustee Nellis-Ewell will be submitting an update to the Suburban News regarding Village green initiatives.

Village Clerk – Jacqueline Sullivan

RESOLUTION NO 23 8/2010

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

Be it Resolved, that the Village of Spencerport Board of Trustees hereby approves attendance of the Village Clerk, one (1) support staff member and any Village Board member to attend the NYCOM Annual Fall Training School September 20-24, 2010 in Lake Placid, NY. Cost not to exceed \$1,330.00.

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 24 8/2010

Introduced by: Mayor Lobene
Seconded by: Trustee Hopson

Be it Resolved, that the Village of Spencerport Board of Trustees hereby approves the attendance of the Electric Superintendent and one (1) support staff member to attend the MEUA Annual Conference September 14-17, 2010 in Lake Placid, NY. Cost not to exceed \$860.00 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

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RESOLUTION NO 25 8/2010

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

At a regular meeting of the Village of Spencerport Board of Trustees of the Village of Spencerport, NY, held on August 4, 2010, the following resolution was adopted:

WHEREAS, the Village of Spencerport Board of Trustees of the Village of Spencerport, NY, is a municipal member of the Municipal Electric Utilities Association of New York State, and

WHEREAS, the Annual Conference of the Municipal Electric Utilities Association of New York State has been called on September 14, 15, 16, and 17, 2010 to be held at the Crowne Plaza, Lake Placid, New York, and,

WHEREAS, in accordance with the bylaws of the Municipal Electric Utilities Association of New York State, each municipal member may cast one vote on each transaction properly brought before this meeting,

NOW THEREFORE BE IT RESOLVED, that Owen McIntee be and is hereby designated as the accredited delegate of the Village of Spencerport, NY

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 26 8/2010

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

Be is Resolved, that the Village of Spencerport Board of Trustees will be conducting a public hearing on Wednesday, September 1, 2010 at 7:00 p.m. for Introductory Local Law 7/2010 "A Local Law to establish a stop sign southbound on Northrup Creek Drive at Big Ridge Road".

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 27 8/2010

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

**INTRODUCTORY LOCAL LAW #_7_-2010
VILLAGE OF SPENCERPORT, MONROE COUNTY**

**A LOCAL LAW TO MAKE EAST AVENUE AND SLAYTON AVENUE
TWO WAY STREETS; TO RESTRICT WESTBOUND TRAFFIC ON SLAYTON AVENUE FROM TURNING
LEFT ON TO UNION STREET
AND TO ELIMINATE THE NO RIGHT TURN RESTRICTION
ON SOUTH UNION STREET AND WEST AVENUE**

WHEREAS, the Village Board has before it a proposed Local Law to eliminate one one-way status of Slayton Avenue and East Avenue, to prohibit turns westbound from Slayton Avenue from turning south and to eliminate the provision for "no right turn on red" at the intersection of South Union Street and West Avenue; and

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WHEREAS, in order to make said change, the Village Board of the Village of Spencerport is required to hold and conduct a public hearing thereon;

NOW, THEREFORE, BE IT RESOLVED:

SECTION 1. That the Village Board of the Village of Spencerport shall hold and conduct a Public Hearing on the 18th day of August, 2010, at 5:30 p.m. at the Village Hall, 27 West Avenue, Village of Spencerport, New York, 14559 to consider to the attached Local Law; at which Public Hearing all interested persons will be heard concerning the subject matter thereof.

SECTION 2. That the Village Clerk shall cause due notice of such public hearing to be published as required by law.

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

Clerk Sullivan commented on the following:

- Property taxes continue to be collected approximately \$54,000 continues to be outstanding.
- Work continues with the IT consultant and Monroe County to get us online and the new work order system has been installed and training with take place with electric staff in late August.
- Complimented Deputy Clerk Gilbert and Treasurer Kimbler and Liz Venezky for a great job done of the electric department audit and that it is amazing what can be done in a year when the right people are in place.

Discussion ensued regarding GIS.

Trustee Nellis-Ewell indicated that she had met the auditors regarding the electric department and the auditors commented that the Village of Spencerport employees: Deputy Clerk Gilbert, Treasurer Kimbler and Superintendent McIntee are among the best municipal electric employees in the State.

Trustee Nellis-Ewell commented that the Health insurance bump up incentive was missed.

Clerk Sullivan indicated that it could be discussed at workshop.

Superintendent of Public Works – Thomas M. West

Superintendent West commented on the following items:

- New copier is working well.
- Work continues on Thorncliff and it has been delayed because the job is small
- Milling will be done on August 23rd on Thorncliff, Ballard and Upton and paving to be done the second week in September
- The refuse truck is now being fixed.
- Root control work is being done on the sewers throughout the Village.
- Painting of the railroad bridge will be a significant cost.

Attorney Olson explained that the Village cannot expend funds to paint the CSX railroad bridge due to the fact that the painting would benefit a private entity.

Trustee Nellis-Ewell asked if the sewer root control was done Village wide or in one area at a time.

Superintendent West explained that areas are done annually throughout the Village and residents have asked if they could have the same process done to their lateral sewer lines.

Superintendent West explained that he had read a letter at the last Board meeting regarding Schultz and Associates and that he took the opportunity to meet with Kris Schultz to discuss the services that could be offered to the Village and the various experiences that Schultz and Associates has had in the past.

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Discussion ensued regarding the Golle property and potential buyers of the development.

Attorney Olson indicated that any builder that buys the Golle property buys it at their own risk.

Superintendent of Electric – Owen McIntee

Superintendent McIntee commented on the following items:

- Underground work at the plaza is complete except for Frontier.
- Street lights on Slayton Avenue are done.
- Participated in Canal Days and Bike Rodeo.
- Funding for the attic insulation program is still pending.

Attorney – Richard J. Olson

At a regular meeting of the Village Board of the Village of Spencerport, Monroe County, New York, held at the Village Hall, 27 West Avenue in said Village, on the 4th day of August 2010, at 8:25 P.M., there were:

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

ABSENT: none

I

In the Matter of
RESOLUTION 28 8/2010
APPROVING STATEMENT
TO STATE COMPTROLLER

The Application to the New York
State Environmental
Facilities Corporation (EFC)
For Permission to transfer certain
Sewer Treatment Property and Equipment
To the Monroe County Pure Waters
Northwest Quadrant

WHEREAS, the Village of Spencerport (hereinafter "Village") by an Intermunicipal Agreement with the County of Monroe Northwest Quadrant Pure Waters District (hereinafter "Pure Waters"), agreed that upon completion of the construction of a pumping station and forcemain to service the Village's sewer system that ownership of the same would be transferred to Pure Waters and that Pure Waters would operate it and maintain it; and

WHEREAS, that to finance the construction of the pumping station and forcemain the Village borrowed money from EFC; and

WHEREAS, as a condition of EFC financing the Village covenanted not to sell or transfer any of the assets financed without authorization from the Commissioner; and

WHEREAS, the Village has made application to EFC to allow this transfer; and

WHEREAS, the application was referred to the Office of the State Comptroller for review and comment; and

WHEREAS, the State Comptroller has requested that the Village provide certain information; and

WHEREAS, the Board has on this date reviewed the verified letter to the Office of the State Comptroller dated August 4, 2010 together with all attachments and exhibits thereto; and

NOW, upon review said application and fully discussing the contents thereof, and upon the motion of Mayor Lobene, seconded by Trustee Rauber, it is

RESOLVED AND DETERMINED that:

- A.** The Application was prepared at the direction of this Board;
- B.** That this Board by prior execution of the Intermunicipal Agreement and Amendments thereto has authorized the transfer of the ownership of the system to the Northwest Quadrant Pure Waters District.
- C.** That the Board believes the contents of the Application, including all exhibits and attachments thereto to be accurate;
- D.** That the Board has determined that the permission sought is in the public interest and will not constitute and be an undue burden on the property which will bear the cost thereof;
- E.** That the Board has determined that should the request not be granted the costs to the property owners will increase significantly;
- F.** That the Mayor is hereby authorized to execute the application on behalf of the Village of Spencerport

Dated: August 4, 2010

JOYCE LOBENE	Aye
THEODORE E. RAUBER	Aye
CAROL J. NELLIS-EWELL	Aye
CHARLES R. HOPSON	Aye
FREDERICK GUNTHER	Aye

Members of the Village Board of
the Village of Spencerport, Monroe
County, New York.

Attorney Olson suggested that a six month moratorium regarding rezoning be passed until the comprehensive plan is complete.

Mayor Lobene and Trustee Nellis-Ewell indicated that the comprehensive plan should be done in six months.

Attorney Olson continued that no decision has been made regarding the Hogan litigation.

Administrative Committee – Mayor Lobene, Chairman

Mayor Lobene indicated that discussion on the preservation district would be moved to the August workshop session.

Unfinished Business

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	\$ 67,773.50
Electric Fund	\$ 41,189.68
Sewer Fund	\$ 24,769.85
Trust Fund	\$ 0.00
Capital Fund	<u>\$ 22,470.41</u>
TOTAL:	\$156,203.44

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Motion was made by Trustee Gunther, seconded by Trustee Rauber and carried unanimously that the cash disbursements for the General, Electric, Sewer, Trust and Capital Funds, August 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.