

VILLAGE BOARD WORKSHOP MEETING
September 15, 2010

CALL TO ORDER: 4:30 p.m.

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, MRB
Mike LoPresti, Ogden Center Development
Richard Olson, Attorney
Kris Schultz, Schultz and Associates
Jackie Sullivan, Village Clerk
Tom West, DPW Superintendent

BI/FM/CE

No Report.

Attorney

Attorney Olson commented that it was brought to his attention that the development of the Krebs Farm located on Big Ridge Road in the Village was omitted as exclusion to the moratorium that was approved regarding the development of multifamily developments. Attorney Olson explained that the Board could amend the moratorium to exclude the development or leave the moratorium as it stands.

Mayor Lobene commented that the developer did come in and it was recommended that the size of the development be reduced. Mayor Lobene asked what the rest of the Board thought.

Village Board members determined that the Developer had been to the Village Planning Board prior to the moratorium.

Attorney Olson advised that the standard in these situations is that the developer has made substantial progress on the project.

Trustee Nellis-Ewell questioned if subsequent plans have been submitted to the Planning Board.

Attorney Olson responded that plans have been submitted today.

Trustee Gunther commented that this project would be covered by the moratorium.

Trustee Nellis-Ewell commented that if we have a moratorium and we already have several exceptions or exclusions if we keep making more exceptions or exclusions it does not make sense to have the moratorium.

Mayor Lobene commented that the developer has spent money. Mayor Lobene questioned if the developer knew that the Village enacted a moratorium.

Attorney Olson responded "legally yes".

Trustee Rauber commented that previous discussions regarding the project pertained to the comprehensive plan more than the zoning. Trustee Rauber continued by indicating that the developer has spent money and addressing some of the concerns.

Attorney Olson suggested that the Village Board take a look at what was submitted before and make a determination from there.

Trustee Hopson commented that the previous plans should be reviewed prior to making a determination.

Attorney Olson indicated that he would take a look at the plans prior to the Village Board Meeting on October 6, 2010.

Attorney Olson commented that he has not heard from the NYS Comptroller or EFC regarding the transfer of ownership of the WW Pump Station from the Village to Monroe County. Approval should be forthcoming.

Mayor Lobene questioned if any work has been done regarding the vibration issues with the pumps.

Trustee Rauber indicated that MRB and the pump vendor are working on a solution.

Attorney Olson commented that he will be attending the World Canal Conference for continuing legal education credits and he will be attending the municipal law annual meeting in Washington, DC.

Attorney Olson requested executive session to give the Village Board legal advice when Village Engineer, Scott DeHollander arrives.

Trustee Rauber commented that he had a conversation with Town of Ogden Superintendent regarding Monroe County charging for sewer inspection fees in addition to any town or village inspection fees. Trustee Rauber continued that any inspection fees collected by the Village would not be forwarded to Monroe County.

Trustee Rauber further explained that inspection fees stay with the municipality that does the inspection either Town or Village.

Trustee Nellis-Ewell clarified that Trustee Rauber's position would be to challenge Monroe County's charge for sewer inspection.

Trustee Rauber indicated yes.

Mayor Lobene questioned if this challenge to Monroe County would have an effect on the transfer of ownership of the WW Pump Station.

Attorney Olson indicated that not at this time.

Trustee Rauber explained the Inflow and Infiltration fees.

Trustee Nellis-Ewell questioned if a reactive approach is appropriate when the Village received official notice from Monroe County Pure Waters.

Attorney Olson indicated that at this time it is appropriate.

Kris Schultz commented that he is working on a project that involves Monroe County Pure Waters and they do require the tap fee prior to receiving approvals to go to the health department.

RESOLUTION 39 9/2010

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

INTRODUCTORY LOCAL LAW #10-2010

A Local Law to Establish a No Parking Zone on the East Side of Union Street, North Of East Avenue

Whereas, the Village board has before it a proposed Local Law to establish a no parking zone on the east side of Union Street, North of East Avenue.

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 6th day of October, 2010 at 7:00 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 of 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

RESOLUTION 40 9/2010

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

INTRODUCTORY LOCAL LAW #11-2010

A Local Law to Establish a Stop Sign at the Intersection of Slayton Avenue and Union Street in the Village of Spencerport

Whereas, the Village board has before it a proposed Local Law to establish a stop sign at the intersection of Slayton Avenue and Union Street in the Village of Spencerport

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 6th day of October, 2010 at 7:00 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 of 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

RESOLUTION 41 9/2010

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

INTRODUCTORY LOCAL LAW #12-2010

A Local Law to Rezone 115 Clark Street from B-2 Commercial to R-3 Residential

Whereas, the Village board has before it a proposed Local Law to rezone 115 Clark Street from B-2 Commercial to R-3 Residential

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 6th day of October, 2010 at 7:00 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 of 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	Recues

A motion to adjourn the workshop session to executive session for the Board to receive legal advice from Village Attorney Olson was made by Mayor Lobene, seconded by Trustee Hopson and carried unanimously at 5:04 p.m.

A motion to adjourn the executive session to workshop session at 5:25 p.m. was made by Trustee Rauber, seconded by Trustee Hopson.

Trustee Rauber commented that the Village is willing have the value of the Village owned property on Village Walk that is adjacent to the property owned by Ogden Center Development. The value will be determined by an independent appraiser at the cost of Ogden Center Development for the purpose of determining the sale price of the property to Ogden Center Development.

Mr. LoPresti of Ogden Center Development confirmed that the Village would expect his company to purchase the property.

Trustee Rauber indicated yes.

Clerk Sullivan commented that Frank Gollel, Jr. requested a certificate of occupancy for one of the condominiums located on Evergreen Street on behalf of Richard Gollel. Jack Crooks, Building Inspector has not issued the c of o at this time and has requested that the village attorney confirm that the c of o can be issued.

Clerk Sullivan confirmed that all of the outstanding invoices and draws from the letter of credit are up to date.

Attorney Olson responded that if the condominium passes inspection then the c of o should be issued.

Clerk Sullivan questioned if the potential foreclosure issue on the property has any impact.

Attorney Olson responded that it is not a concern of the Village.

Mayor Lobene commented that M&T Bank are in the process of foreclosing on the property.

Attorney Olson indicated that foreclosure is not an issue of the Village.

Mayor Lobene added that M&T Bank questioned if the Village would allow the condominium section to be owned by one entity and rented.

Superintendent West commented that the Planning Board approved the development to have each unit owned independently because of the HOA.

Trustee Nellis-Ewell questioned how long an HOA application is valid.

Attorney Olson indicated he could look into the status of the HOA.

Trustee Nellis-Ewell confirmed that she would like Attorney Olson to follow up on the status of the HOA.

Attorney Olson commented on the Crown Castle offer to purchase a permanent easement or longer term lease for the cell tower property located at 500 West Avenue. Attorney Olson requested that the Village Treasurer determine the current net value of the offer to better illustrate to the Village Board the best offer.

Mayor Lobene indicated that for 2200 sq ft of property the offer equates to about \$148 per sq ft. which is not a bad price for vacant land.

Trustee Nellis-Ewell questioned if the \$326,000 offer is coming from Crown Castle.

Attorney Olson indicated yes.

Attorney Olson will talk to an appraiser for the cell tower property as well.

Mayor Lobene informed the Board that Paul Lane could no longer serve on the Zoning Board of Appeals due to him moving out of the Village. Mayor Lobene recommended that Dale Kellerson of Thorncliff Drive be appointed at a member of the Zoning Board of Appeals.

RESOLUTION NO 42 9/2010

Introduced by: Trustee Rauber

Seconded by: Trustee Hopson

Be it resolved that the Village of Spencerport Board of Trustees hereby approves the Mayor's appointment of Dale Kellerson, 58 Thorncliff Drive as a member of the Zoning Board of Appeals.

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

Trustee Nellis-Ewell questioned if there were any other applicants.

Mayor Lobene responded not at this time.

RESOLUTION NO 43 9/2010

Introduced by: Trustee Rauber

Seconded by: Mayor Lobene

Be it resolved that the Village of Spencerport Board of Trustees hereby approves the DPW Superintendent to attend the 2010 Public Works Training Conference October 18 – 20, 2010 in Lake Placid, NY. Cost not to exceed \$1,200.00.

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

Mayor Lobene indicated that the Big Ridge Road development is on hold at this time.

Village Engineer, Scott DeHollander, MRB Group explained the SEQR process for the design and development of the new municipal docks and that the Village will be the lead agency for this project among the involved agencies.

Mr. DeHollander further explained that this process will set up for the negative declaration for SEQR at the November Village Board Meeting.

Mayor Lobene questioned if any costs estimates for the project are complete.

Mr. DeHollander responded that some design work is complete and topography surveys are forthcoming from Schultz and Associates.

Mr. DeHollander indicated that the project does include water to be run to the docks and an upgrade to the water service.

Mayor Lobene confirmed that the dock will be handicap accessible.

Mr. DeHollander indicated that the docks can be made handicap accessible.

RESOLUTION NO 44 9/2010

SEQR RESOLUTION

***DECLARING THE INTENT TO BE LEAD AGENCY
FOR THE***

VILLAGE OF SPENCERPORT CANAL BOAT DOCK PROJECT

WHEREAS, the Village of Spencerport Village Board (hereinafter referred to as Village Board) has reviewed the Long Environmental Assessment Form (SEQR EAF Part 1), prepared by the Village Engineer, MRB Group, P.C. for the construction boat docks on the Erie Canal (hereinafter referred to as Action); and

WHEREAS, the Village Board determines that said Action is classified as an Unlisted Action under the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the Village Board determines that said Action is also subject to review and approval by other involved agencies under SEQR Regulations; and

WHEREAS, the Village Board determines that it is the most appropriate agency to insure the coordination of this Action and will provide written notifications to involved agencies, for the purposes of conducting a coordinated review and making the determination of significance thereon under the SEQR Regulations.

NOW, THEREFORE BE IT RESOLVED that the Village Board does hereby declare its' intent to be designated as the lead agency for the Action.

BE IT FURTHER RESOLVED, that the Village Engineer, MRB Group, P.C. is directed to provide notice hereof to the involved and interested agencies, seeking their agreement (or objection thereto) in writing on or before noon on October 21, 2010.

BE IT FINALLY RESOLVED, that the Village Board declares its' intent to be designated as the Lead Agency, under SEQR, on November 3, 2010.

Motion made by Member Mayor Lobene: Seconded by Member Trustee Hopson

Dated: September 15, 2010

The above Resolution was duly adopted on September 15, 2010 by the Village of Spencerport Village Board.

RESOLUTION NO 45 9/2010

Introduced by: Trustee Rauber

Seconded by: Trustee Gunther

Be it resolved that the Village of Spencerport Board of Trustees hereby approves a public informational meeting regarding the Village of Spencerport Canal Boat Dock Project on Wednesday, October 20th at 6:00 p.m.

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 commented that Tops had offered to support a large Village initiative and that she would talk to Tops when the time is right and that the potential payment for the Cell Tower lease could be used to pay for the dock.

Trustee Nellis-Ewell commented that the dock will compliment the section of the comprehensive plan indicating future development of the canal.

Trustee Rauber commented that there will be some sidewalk work to be done in front of Spencerport Insurance on Union Street.

Superintendent West explained that there are some sections of the sidewalk need to be replaced by Spencerport Insurance and some sections need to be replaced by the Village of Spencerport. Superintendent West continued that the Village and Spencerport Insurance will be completing this project together and Spencerport Insurance and the Village of Spencerport will be invoiced separately for materials and labor. The Village of Spencerport will be hauling the waste concrete material off site.

Trustee Nellis-Ewell commented that the DPW Superintendent will have a paper trail to support the separate billings for the project.

Mayor Lobene confirmed that Superintendent West will have an invoice for Spencerport Insurance for the trucking of the waste concrete materials.

Superintendent West indicated yes.

Trustee Nellis-Ewell questioned if this process is available to every resident.

Superintendent West responded yes and it has been done in the past.

Trustee Nellis-Ewell indicated that she will be attending a seminar on clean drinking water.

Superintendent West commented that he and Mayor Lobene attended a meeting in the past on storm-water regulations and that he, Trustee Nellis-Ewell and staff member Donna Stassen will be attending a seminar on September 22nd to view storm-water structures and how they work.

Superintendent West indicated that Liza Barton the seasonal parks worker has resigned from the Village and that it would be helpful to be able to transfer Rich McQuilkin from the electric department to the DPW to work in the parks with Mike Bianchi.

Superintendent West indicated that the DPW will be working with the SFD contractors on the rebuilding of the parking lot at the exempts club and municipal parking lot.

Mayor Lobene asked Clerk Sullivan if MRB Group had been working on the design of East Avenue.

Clerk Sullivan indicated they have not since the Village has not authorized that portion of the grant.

Trustee Rauber indicated that the Village does have shovel ready project and it is covering the culvert located behind the electric substation.

Superintendent West indicated that Schultz and Associates will be completing some engineering for the rebuild of Brockport Spencerport Road.

Clerk Sullivan questioned if approval was received for the flier that Spencerport Fire Department dropped off to the Village Office to be inserted into the electric bills.

Village Board members discussed what level of approval was given for the flier from SFD in the electric bills.

Mayor Lobene indicated she would follow-up with SFD.

Mayor Lobene acknowledged a letter received from Richard Davies, from Thorncliff regarding Time Warner abandoning a cable in the back of his yard needing to be removed. Mayor Lobene

indicated that she contacted Time Warner on the resident's behalf however the cable has not been removed at this time.

RESOLUTION NO 46 9/2010

Introduced by: Mayor Lobene
Seconded by: Trustee Rauber

Be it resolved that the Village of Spencerport Board of Trustees hereby approves the transfer of Richard McQuilkin from the Municipal Electric Department to the Department of Public Works as a laborer on a part-time basis at a rate of \$13.00/hr.

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

A motion to adjourn the workshop session was made by Mayor Lobene, seconded by Trustee Rauber and carried unanimously at 7:09 p.m.