

VILLAGE BOARD MEETING
February 2, 2011

CALL TO ORDER: 7:00 p.m.

The Pledge of Allegiance was led by Trustee Gunther

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

Owen McIntee, Electric Superintendent
Richard Olson, Village Attorney
Jackie Sullivan, Village Clerk
Tom West, DPW Superintendent
Dan Dollinger, Parkhurst Drive
Alice Dollinger, Parkhurst Drive
Kris Schultz, Schultz and Associates
Joan Quigley, Maplewood Avenue
Joe Baretta, Thorncliff Road
Glenn Granger, Village Walk Circle
Elizabeth West, Colby Street
Gary Penders, Highview Drive

APPROVAL OF MINUTES

A motion was made by Trustee Rauber, seconded by Trustee Hopson and carried that the minutes of the January 5, 2011 Board Meeting be approved as read.

A motion was made by Trustee Hopson, seconded by Trustee Gunther and carried that the minutes of the January 19, 2011 Workshop Meeting be approved as read.

A motion was made by Trustee Gunther, to approve the minutes of the January 24, 2011 Workshop Meeting be approved as read. There being no seconded Trustee Rauber indicated that these minutes could be discussed during workshop session tonight.

Mr. Glenn Granger commented that he would like to go on record that the minutes of the January 24, 2011 should be corrected to reflect that Mayor Lobene's verbal confirmation that she is in favor of employing two foremen as suggested by Mr. Byham at the January 24th meeting.

Mayor Lobene responded that she does not remember saying that she is in favor of two foremen but that if Mr. Granger says she said it she must have.

PRIVILEGE OF FLOOR

Mr. Dan Dollinger, 72 Parkhurst Drive addressed the Village Board by congratulating the Village and that it looks great; the streets get plowed; the garbage gets picked up; and the military banners are wonderful; it's a great place to live.

Mr. Dollinger continued indicating that he has met with all of the Board members including Joyce and that he would like to publically ask if a supervisor assessment survey was given to employees to assess their supervisors.

Mayor Lobene responded “yes”

Mr. Dollinger asked if the survey received Board approval.

Mayor Lobene responded that it was decided to do the survey during a department head meeting along with Trustee Nellis-Ewell and the three department heads agreed that they would participate in this survey. Mayor Lobene continued that she does not recall if the Board was informed of the survey.

Trustee Gunther responded that he did not recall and Trustee Nellis-Ewell responded that it was not discussed with the Board.

Mr. Dollinger commented that the survey did not receive board approval.

Mr. Dollinger polled the Board asking if the survey should have received Village Board approval. Trustee Hopson, and Gunther indicated yes; Trustee Rauber indicated yes and explained that he has had experience with peer surveys and the structure of the process should have discussed and received Board approval; Trustee Nellis-Ewell responded yes.

Mr. Dollinger asked if the Board will work together in the future to ensure that any future surveys receive Board approval.

Mayor Lobene responded absolutely.

Mr. Dollinger asked each Board member for their response; Trustee Hopson, Gunther, Rauber and Nellis-Ewell indicated yes.

Mayor Lobene added that since the surveys were done more information has been gathered and this type of survey will not be done in the future.

Mr. Dollinger responded that he does not think the surveys are worth the paper they are written on.

Mr. Dollinger questioned that as a result of the survey an employee received a letter; is that true

Mayor Lobene responded “yes”

Mr. Dollinger questioned if the letter should have received Board approval?

Mayor Lobene responded that the letter was discussed with the Board however it did not receive Board approval.

Mr. Dollinger polled the Board asking if the letter should have received Board approval. Trustee Hopson, Gunther, Rauber and Nellis-Ewell indicated yes.

Mr. Dollinger asked if the Board will work together so that all future letters that go to employees will receive Board approval.

Mayor Lobene commented that she was only following procedures that were done in the past.

Attorney Olson clarified that the Board is not voting on anything and that these affirmative comments are not resolutions. Attorney Olson continued that there are going to be situations that everyone is not going to agree but the Mayor being the appointing authority is going to have to put letters out to employees and the Board does not have to agree on the content of the letter.

Mr. Dollinger clarified that the Mayor would only be allowed to send a letter to an appointed employee.

Attorney Olson indicated yes and that a roll is not being called and these are not policy statements and that this process is a little out of line.

Mr. Dollinger indicated that it is the Boards responsibility to set the policies not his.

Attorney Olson continued to clarify that these statements are not resolutions or new policies.

Mayor Lobene added that when she became Mayor she was told by a couple of people currently on the Board that an employee needed to be replaced and that the previous Mayor was unwilling to make the change. Because of the Board members information and through her own observations the employee was terminated. Mayor Lobene further commented that if the Board gives the Mayor the discretion to do the job of supervising the department heads they better let the Mayor do their job.

Mr. Dollinger commented that the Board members should have equal say in employee matters.

Attorney commented that if the Mayor is the supervisor they can put a letter in someone's file and has the right to put a letter in the file and does not have to have Board approval because they are the supervisor.

Trustee Nellis-Ewell stated that there was a discussion and path forward for this employee's situation and it had changed.

Attorney Olson commented that his point is that the supervisor has the right to put a letter in the employee's file and it does not have to have Board approval.

Mr. Dollinger responded that he was unaware of that information.

Mr. Dollinger questioned if the employee who received the letter should have received another letter rescinding the prior letter.

Mayor Lobene responded that the letter was written with a place for the employee to sign and the employee did not accept or sign the letter. Mayor Lobene further explained that she felt that because the employee didn't sign or accept the letter another letter was not necessary however, if the Board members would like her to send out another letter she would.

Mr. Dollinger indicated that he was not aware of the appointed situations and other legalities surrounding this issue and that he is used to corporate America.

Mr. Dollinger questioned the current process of completing employee reviews.

Mayor Lobene responded that the Mayor does department heads and the department heads do the employees' review.

Trustee Gunther clarified Mr. Dollinger's question as to who writes the questions or who does the reviews.

Mr. Dollinger responded that who approves the employees' reviews

Trustee Rauber commented that the Mayor is correct that the department heads do the employees' review and the Mayor does the department heads.

Mr. Dollinger questioned the process if an employee does not agree with their review.

Mayor Lobene questioned if the Village's process was any different then what is done at Kodak.

Mr. Dollinger responded that it absolutely is and that three levels of the management sign his review before he sees it. Mr. Dollinger continued that based on the size of Village that it is not unreasonable that the Village Board sign off on everyone's review.

Mayor Lobene indicated that they would take his suggestions under advisement. Mayor Lobene further explained that each Board member is assigned as a liaison to various departments within the Village and participates on various levels with the review process.

Mr. Dollinger questioned if the Village has a human resources consultant and that they can be of services for these various situations. Mr. Dollinger further commented that if he doesn't hear that some of these issues are getting better and that people can't talk to me because they are afraid of getting fired which sounds like employee intimidation, and that the board is not operating correctly and he could not possibly vote for an incumbent in this election or future elections. Mr. Dollinger thanked the Board for their time.

Mr. Granger apologized for how he acted towards the board at the previous meeting. Mr. Granger thanked Dan for his presentation. Mr. Granger asked if the Village is under some obligation to inform the residents because of the lead paint on the bridge since it a health hazard.

Mayor Lobene responded that many organizations have asked to paint the bridge and they have been turned away because of the lead paint.

Attorney Olson responded that we are working with the Monroe County Health Department and other government agencies and it is not the Village's call to inform the residents and we are relying on the Monroe County Health Department.

Mr. West responded that Monroe County indicated that it is not a health hazard.

Mr. Granger commented that what appears to be an imminent staffing realignment and that when Owen moves up will he have the right to spend more than \$250.

Mayor Lobene responded that the amount has been raised.

Mr. Granger commented that the rule indicates that you do not trust the employees.

Mayor Lobene responded that it shows fiscal responsibility.

Administrative Committee – Mayor Lobene, Chair

Mayor Lobene commented that a grant was obtained to pay for the construction of the new docks and to develop the design plan for East Avenue.

Clerk Sullivan commented that based on the grant documents the docks need to be completed by year end 2011 and the design plans for East Avenue need to be completed by year end 2012.

Mayor Lobene commented that the amount needed to complete both parts of the project is \$242,000.

Trustee Gunther questioned if it also includes in kind services.

Clerk Sullivan responded that in kind services are included in the total cost.

Mayor Lobene added that the proceeds from the sale of the Cell Tower easement could be used to pay for this project but it would be the decision of the Village Board.

Trustee Rauber questioned if the 2012 date was firm for the East Avenue portion.

Clerk Sullivan responded that the date is firm and the deliverable on the East Avenue portion of the grant is the basis of design report and preliminary engineering identifying the path forward and identifying the areas of concern such as the CSX crossing.

Trustee Rauber raised concerns regarding spending funds on the engineering of East Avenue if the CSX crossing cannot be obtained and that possibly spending funds to establish with CSX the steps to confirm the crossing might be better spent.

Trustee Nellis-Ewell questioned how the in kind services are valued.

Clerk Sullivan responded that the in kind services total about \$15,000 and are determined based on the wages of the employees contributing to the project.

Trustee Nellis-Ewell asked Attorney Olson if it has been determined whether public funds can be spent on private property.

Attorney Olson indicated that the Village could spend public funds and the action would be subject to public referendum.

Trustee Gunther questioned whether the graffiti law could be used and the Village could back bill CSX.

Attorney Olson indicated that he didn't think that would work with CSX and would need to deal with state and federal court since CSX is in Florida.

Trustee Gunther questioned if a bridge in Ogden is being removed.

Attorney Olson responded that the bridge on Trimmer Road is being removed and has a much shorter span than the Union Street Bridge.

Mr. Kris Schultz commented that CSX granted a temporary easement to remove the bridge and complete the grading.

Sewers Committee – Trustee Rauber, Chair

Trustee Rauber indicated that he is continues to work with Superintendent West on budgets and a new sewer line repair process for the sewer system.

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

- A. Planning – no meeting this month
- B. Architectural Review – no meeting this month
- C. Zoning – no meeting in January
- D. Building Control
- E. Code Review – Trustee Nellis-Ewell indicated that the committee continues to meet and next meeting is Feb 10th and thanked Attorney Olson for his guidance.

Finance Committee – Trustee Hopson, Chair

RESOLUTION 102 2/2011

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

Now, therefore, be it resolved that the Village of Spencerport Board of Trustees hereby approves the revised Purchasing and Procurement Policy dated January 2011.

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 103 2/2011

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

Now, therefore, be it resolved that the Village of Spencerport Board of Trustees hereby approves the revised Investment Policy dated January 2011.

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 104 2/2011

Introduced by: Trustee Hopson
 Seconded by: Trustee Rauber

Now, therefore, be it resolved that the Village of Spencerport Board of Trustees hereby approves the attached budget revisions.

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, Chair

- A. Electric
- B. Other (Drainage, Franchise)

Public Works Committee – Trustee Rauber, Chair

- A. Highways/Garage – Trustee Rauber commented that a door track at DPW was damaged by vehicle
- B. Public Services (Refuse, Recycling, Parks) – Trustee Rauber commented that employee meetings continue at DPW and are going well.
- C. Trolley Depot Update – Trustee Rauber commented that work is starting on 5 year capital plan and that the 2011 season plan is for the Depot to be open 7 days a week with 83 volunteers.

Public Safety Committee – Trustee Gunther, Chair

- A. Fire Department
- B. Police

Human Resources Committee – Trustee Gunther, Chair

Trustee Gunther commented that he is organizing information for employees to better clarify handbook policies.

Economic Development Committee – Mayor Lobene, Chair

Trustee Nellis-Ewell questioned the status of the local merchants committee.

Mayor Lobene responded that it could be restarted.

Green Initiatives – Trustee Nellis-Ewell, Chair

Trustee Nellis-Ewell indicated that the Village is hearing from suppliers and that they have green policies and thanked Clerk Sullivan and Treasurer Kimbler for adding the green policies to the purchasing policy.

Village Clerk – Jackie Sullivan

RESOLUTION 105 2/2011

Introduced by: Trustee Nellis-Ewell

Seconded by: Trustee Hopson

Now, therefore, be it resolved that the Village of Spencerport Board of Trustees hereby acknowledges the Liquor License renewal for Grandpa Sam’s Restaurant.

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 106 2/2011

Introduced by: Mayor Lobene

Seconded by: Trustee Nellis-Ewell

Now, therefore, be it resolved that the Village of Spencerport Board of Trustees hereby authorizes the Mayor to sign the renewal contract with BMA Consulting Services, Inc. to provide insurance coverage consulting services. Annual cost: \$5000 (no change from 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

Trustee Gunther requested clarification regarding BMA’s contract and whether the consultant receives commission.

Clerk Sullivan explained that BMA is not a broker of record and does not have relationship with any insurance companies.

RESOLUTION 107 2/2011

Introduced by: Trustee Rauber

Seconded by: Trustee Nellis-Ewell

Now, therefore, be it resolved that the Village of Spencerport Board of Trustees hereby approves attendance by any Village, Planning and Zoning Board members or support staff to attend the Monroe County Spring 2011 Land Use Decision Making Training Program. Cost not to exceed \$200 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 108 2/2011

Introduced by: Trustee Nellis-Ewell

Seconded by: Trustee Rauber

Now, therefore, be it resolved that the Village of Spencerport Board of Trustees hereby approves vacation carry-over of 2 hours for Greg Dorgan.

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

RESOLUTION 109 2/2011

Introduced by: Trustee Rauber

Seconded by: Trustee Hopson

Now, therefore, be it resolved that the Village of Spencerport Board of Trustees hereby approves vacation carry-over of 2 hours for Jim Gilbert.

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

RESOLUTION 110 2/2011

Introduced by: Mayor Lobene

Seconded by: Trustee Rauber

Now, therefore, be it resolved that the Village of Spencerport Board of Trustees hereby approves vacation carry-over of 18.5 hours for Jim Redick.

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

RESOLUTION 111 2/2011

Introduced by: Trustee Gunther

Seconded by: Trustee Rauber

Now, therefore, be it resolved that the Village of Spencerport Board of Trustees hereby approves vacation carry-over of 1.5 hours for Dean Toates.

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

RESOLUTION 112 2/2011

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

Now, therefore, be it resolved that the Village of Spencerport Board of Trustees hereby approves vacation carry-over of 20.75 hours for Margaret Gioia.

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

RESOLUTION 113 2/2011

Introduced by: Mayor Lobene
Seconded by: Trustee Rauber

Now, therefore, be it resolved that the Village of Spencerport Board of Trustees hereby approves advertising to accept bids for the construction of canal docks to be publicly opened on Tuesday, February 15, 2011.

Trustee Hopson indicated that he thinks that more review should be done on the specifications of the docks and that the dock is being over built.

A motion was made by Trustee Rauber seconded by Trustee Hopson to table the resolution until workshop on February 16, 2011 after the Village Board reviews plans with MRB Group.

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	Nye

RESOLUTION 114 2/2011

Introduced by: Mayor Lobene
Seconded by: Trustee Rauber

Now, therefore, be it resolved that the Village of Spencerport Board of Trustees hereby approves amending Resolution 99 1/2011 increasing the not to exceed amount to \$800 for the NYCOM Winter Legislative Meeting.

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 115 2/2011

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

Now, therefore, be it resolved that the Village of Spencerport Board of Trustees hereby approves the Village Clerk to attend training March 7 and 8, 2011 at the Office of Real Property Services in Batavia, NY. There is no cost for this training.

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 116 2/2011

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

Now, therefore, be it resolved that the Village of Spencerport Board of Trustees hereby approves advertising to conduct public hearings for Introductory Local Laws 2/2011; 3/2011 and 4/2011 on March 2, 2011 at 7:00 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

RESOLUTION 117 2/2011

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

Now, therefore, be it resolved that the Village of Spencerport Board of Trustees hereby authorizes the Mayor to sign the contract with Official Payment Corporation for the acceptance of credit/debit cards for electric and tax bills. All transaction fees will be passed to the customer in the following amounts: Tax: 2.75% with a minimum fee of \$3.95 and Electric: A flat fee of \$3.95, with a maximum payment per transaction of \$150.00.

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

Superintendent of Public Works – Thomas M. West

RESOLUTION 118 2/2011

Introduced by: Trustee Rauber

Seconded by: Trustee Nellis-Ewell

Now, therefore, be it resolved that the Village of Spencerport Board of Trustees hereby authorizes the DPW Superintendent to attend Advocacy Day in Albany, NY March 7 & 8, 2011.

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 West made the following comments:

- Snow plowing continues.
- WWTP decommissioning continues.
- Village Office sewer line repaired.
- Attended management classes will have a full report at the February Workshop.
- Will be coordinating a Furnco Pipe patch demonstration in the near future.
- Coordinating February 11th OSHA training.

Superintendent of Electric – Owen McIntee

Superintendent McIntee made the following comments:

- New employee is doing well.
- Pole and primary relocation completed on Clark Street.
- Work continues on Lyell Avenue project regarding lighting.
- Meter replacements continue for residential customers and commercial meter replacements are being introduced.
- Modifications to be suggested in the near future for the appliance rebate program.
- Attic insulation program continues.
- Heater in ladies room has been moved to heat the draft.

Attorney – Richard J. Olson

Attorney Olson commented that work continues on Pump Station transfer and the Cell tower work continues and the abstract has arrived.

Unfinished Business

Mayor Lobene commented that department head meetings take place once a week and only Trustee Nellis-Ewell has participated and that other Board Members are welcome to come to the meetings.

Trustee Hopson commented that he signed up for one and it was cancelled and that a rotation should be set up.

Trustee Rauber commented that only 2 board members are to be at department head meetings.

Trustee Hopson indicated that that should be the same for the Friday DPW meetings.

Attorney Olson responded that there should only be two Trustees at any meeting.

Trustee Rauber indicated that he disagrees.

New Business

Bills

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

General Fund	\$ 73,340.01
Electric Fund	\$ 22,656.11
Sewer Fund	\$ 7,539.12
Trust Fund	\$ 79.78
Capital Fund	<u>\$ 3,153.00</u>
TOTAL:	\$106,768.02

Motion was made by Trustee Hopson, seconded by Trustee Nellis-Ewell and carried unanimously that the cash disbursements for the General, Electric, Sewer, Trust and Capital Funds, February 2011 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 8:51 p.m.