

VILLAGE BOARD MEETING
March 2, 2011

CALL TO ORDER: 7:00 p.m.

The Pledge of Allegiance was led by Trustee Hopson

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

Tony Alonci, Grandpa Sams
Trista Corey, Holly Circle
Dan Goodson, Café Machiccio
Dave Gibbardo, Abbots Frozen Custard
Jesse Guthrie, Big Ridge Road
Dale Kellerson, Thorncliff Road
Keshmar and Robin Maharaj, Village Hill
Adam March, Firestone Drive
Owen McIntee, Electric Superintendent
Rich Mogab, Taste of Texas
Richard Olson, Village Attorney
Kris Schultz, Schultz Associates
Phil Sperandio, Harwood Road
Jackie Sullivan, Village Clerk
Gary and Ginny Swarthout, Unique Shop
Tom West, DPW Superintendent
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 February 2, 2011 Board Meeting be approved as read.

A motion was made by Mayor Lobene seconded by Trustee Nellis-Ewell and carried that the minutes of the February 9, 2011 Workshop Meeting be approved as read.

A motion was made by Trustee Rauber, seconded by Trustee Gunther and carried that the minutes of the February 16, 2011 Workshop Meeting be approved as read.

PRIVILEGE OF FLOOR

Mrs. Ginny Swarthout addressed the Village Board regarding the parking on Union Street. Mrs. Swarthout expressed concerns regarding why the parking spaces on the east side of Union Street from East Avenue to the Unique Shop and the parking spaces on the north side of Prudential Discover were removed. Mrs. Swarthout questioned why the spaces were removed without input from the business owners and what is being done to make more parking spaces in other areas to make up for the loss of these spaces.

Mrs. Swarthout added that in the evening from Wednesday to Saturday it is difficult to find parking on the east side of Union Street and behind the buildings on the east side of Union Street. In addition customers

and clients have commented on the lack of parking and possibly taking their business elsewhere if the parking does not improve. Mrs. Swarthout indicated that she has observed that since the street parking was removed the speed of the traffic through that area has increase significantly and with the construction of the new docks on the south east side of the canal parking will be more congested.

Mr. Tony Alonci, Grandpa Sam's Italian Kitchen indicated that patrons load and unload their cars in front of the restaurant and that the cars traveling north bound on Union Street are driving extremely fast and that it appears that when one steps off the curb they are in the line of traffic. Customers indicated that it is inconvenient to walk around the buildings. Could the sidewalk be reduced in half to make parking spaces?

Mrs. Swarthout suggested that the street parking spaces be reinstated, the culverts behind the east side buildings be covered to add parking, reconfigure the area directly in front of Dori's Music Studio and reconfigure the area in front of the Gazebo to add parking.

Trustee Gunther commented he believes that reducing the size of the sidewalk was an original option and that at the time business owners indicated that a wide sidewalk were more important than parking.

Mrs. Swarthout questioned who was the business was.

Trustee Gunther responded that he recalled that it was a beauty salon owner.

Mayor Lobene indicated that NYS DOT required the layout of the street and that the Villages does not have a say as to how the street is used.

Trustee Gunther confirmed to the present business owners that parking is more important than sidewalk.

Mrs. Swarthout and Mr. Alonci indicated that parking is more important than the sidewalk.

Mr. Alonci added that he had applied for a sidewalk café permit a number of years ago. However did not have outside dining because alcohol cannot be served on the sidewalk.

Mr. Gibbardo indicated that parking behind the building is used by his employees and that he would encourage his employees to park off site to free up about four spaces.

Mr. Dennis Levendowski, Prudential Real Estate indicated that the NYS DOT did make parking spots available and then removed them. The ingress and egress for large trucks is still difficult for the plaza and the Slayton Avenue entrance has a median that is intended to be driven on. Mr. Levendowski identified various areas for parking coinciding with Mrs. Swarthout's suggestions within the Village and that speed is an issue on Union Street.

Mayor Lobene commented that the NYS DOT is not going to bend on the Union Street parking. Mayor Lobene added that she sent letters to the business owners regarding the parking

Trustee Rauber indicated that research regarding the covering of culvers has been done and was not economically feasible but will be revisited at this time.

Mr. Dan Goodison of Café Macchiato commented that parking for all of the businesses is extremely important and can appreciate the concern from his fellow business owners.

Mr. Levendowski indicated that parking is always an issue and it appears that the parking is decreasing instead of increasing.

Mayor Lobene indicated that there is a lot less parking in Pittsford compared to Spencerport and that the Board will take your comments into consideration.

Mrs. Quigley suggested that the business owners park further away from their business thus opening up parking for customers.

Mr. Goodison indicated that it is difficult at times for an owner to park away from their businesses.

Mrs. Quigley asked Superintendent West if he has considered using beet juice with the salt applications in an effort conserve salt. Mrs. Quigley continued by asking if all wages are to be frozen for the upcoming year and if Satch's position to be filled when he retires.

Superintendent West responded that he is looking into a more green method of salting.

Mayor Lobene responded that the Board is currently working on the budget.

PUBLIC HEARING

Mayor Lobene opened the public hearing at 7:36 p.m. for Introductory Local Law #2/2011 "A Local Law to Amend the Zoning Code of the Village of Spencerport with respect to Privacy Fences".

Attorney Olson indicated that the current law indicated that fences needed to be set back from the property line, the proposed law will allow fences to be installed on the property line and that the decorative side of the fence needs to face out towards the neighbors.

Mr. Maharaj of Village Hill questioned if there was a restriction on the height of the fence.

Attorney Olson responded 6 feet and that provision has not changed.

Mayor Lobene closed the public hearing at 7:38 p.m.

Mayor Lobene opened the public hearing at 7:38 for Introductory Local Law #3/2011 "A Local Law to Amend the Zoning Code of the Village of Spencerport with respect to Variance Procedure"

Attorney Olson commented that surveys will need to be done when variances are issued for secondary buildings on resident's properties.

Mayor Lobene closed the public hearing at 7:40 p.m.

Mayor Lobene opened the public hearing at 7:42 p.m. for Introductory Local Law #4/2011 "A Local Law to Provide for the repair inspection of sanitary sewers"

Mayor Lobene closed the public hearing at 7:43 p.m.

Administrative Committee – Mayor Lobene, Chair

RESOLUTION 125 3/2011

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

RESOLUTION ADOPTING LOCAL LAW

Whereas, the Village Board has before it a proposed Local Law which, if enacted, will be Local Law #2-2011 "A Local Law to Amend the Zoning Code of the Village of Spencerport with respect to Privacy Fences"; and

Whereas, the Village Board has, on this date, held a public hearing to consider said proposed Local Law; and

Whereas, the Village Board has considered any public input; and

Whereas, this action is a Type II action under the State Environmental Quality Review Act and therefore, NOT subject to review; and

Whereas, the notice of this hearing was duly published and posted as required by law;

Now, therefore, be it resolved:

Section 1. That the Village Board of the Village of Spencerport hereby enacts Local Law #2-2011 “A Local Law to Amend the Zoning Code of the Village of Spencerport with respect to Privacy Fences”.

Section 2. That the Village Clerk is ordered to publish a legal notice indicating the adoption of this Local Law and to file a copy of this Local Law with New York State.

Section 3. That this Local Law shall take effect upon filing with the Secretary of State.

Section 4. That this resolution shall take effect immediately.

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 126 3/2011

Introduced by: Trustee Gunther

Seconded by: Trustee Hopson

RESOLUTION ADOPTING LOCAL LAW

Whereas, the Village Board has before it a proposed Local Law which, if enacted, will be Local Law #3-2011 “A Local Law to Amend the Zoning Code of the Village of Spencerport with respect to Variance Procedure”; and

Whereas, the Village Board has, on this date, held a public hearing to consider said proposed Local Law; and

Whereas, the Village Board has considered any public input; and

Whereas, this action is a Type II action under the State Environmental Quality Review Act and therefore, NOT subject to review; and

Whereas, the notice of this hearing was duly published and posted as required by law;

Now, therefore, be it resolved:

Section 1. That the Village Board of the Village of Spencerport hereby enacts Local Law #3-2011 “A Local Law to Amend the Zoning Code of the Village of Spencerport with respect to Variance Procedure”.

Section 2. That the Village Clerk is ordered to publish a legal notice indicating the adoption of this Local Law and to file a copy of this Local Law with New York State.

Section 3. That this Local Law shall take effect upon filing with the Secretary of State.

Section 4. That this resolution shall take effect immediately.

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 127 3/2011

Introduced by: Trustee Gunther
Seconded by: Trustee Rauber

RESOLUTION ADOPTING LOCAL LAW

Whereas, the Village Board has before it a proposed Local Law which, if enacted, will be Local Law #4-2011 “A Local Law to Provide for the repair inspection of sanitary sewers”; and

Whereas, the Village Board has, on this date, held a public hearing to consider said proposed Local Law; and

Whereas, the Village Board has considered any public input; and

Whereas, this action is a Type II action under the State Environmental Quality Review Act and therefore, NOT subject to review; and

Whereas, the notice of this hearing was duly published and posted as required by law;

Now, therefore, be it resolved:

Section 1. That the Village Board of the Village of Spencerport hereby enacts Local Law #4-2011 “A Local Law to Provide for the repair inspection of sanitary sewers”.

Section 2. That the Village Clerk is ordered to publish a legal notice indicating the adoption of this Local Law and to file a copy of this Local Law with New York State.

Section 3. That this Local Law shall take effect upon filing with the Secretary of State.

Section 4. That this resolution shall take effect immediately.

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 128 3/2011

Introduced by: Mayor Lobene
Seconded by: Trustee Hopson

Now, therefore, be it resolved that the Village of Spencerport Board of Trustees hereby approves the proposal from Environmental Resources, LLC for the Field Wetlands Delineation and Data Collection and the Preparation of Wetland Delineation Report in the amount of \$2,200.00.

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

Trustee Nellis-Ewell commented that this pertains to the development of the park area near the DPW that was previously surveyed.

Sewers Committee – Trustee Rauber, Chair

Trustee Rauber commented that drainage is being done at the WWTP and snow removal continue additional comments were deferred to Superintendent West's report.

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

A. Planning

Trustee Nellis-Ewell indicated that the Planning Board met last night to discuss the LoPresti project on Clark Street and Parkview Center on Big Ridge Road. Parkview Center's engineer addressed the board with the project details including a sidewalk on LandRe Way. The townhouses will be rented and that the Planning Board gave approval to the Parkview Center project on Big Ridge Road to proceed.

Trustee Nellis-Ewell continued that Mr. LoPresti's Clark Street project was discussed including the density and that the Village Engineer had points to be addressed. The Planning Board indicated that the project needed to be less than 6 units possibly 4 maybe 5 units. The developer indicated that he will be reconfiguring the project and returning to the Planning Board for the April 2011 meeting.

B. Architectural Review

C. Zoning

Trustee Nellis-Ewell commented that the public hearing regarding the LoPresti Clark Street project will remain open due to the need for variances and Planning Board input.

D. Building Control

E. Code Review

Trustee Nellis-Ewell thanked Attorney Olson for his guidance with the Code Review Committee's initiatives.

Finance Committee – Trustee Hopson, Chair

Trustee Hopson commented that the Board is working on the budget and that this year's approach is much better than in previous years.

Facilities Committee – Trustee Hopson, Chair

A. Electric

B. Other (Drainage, Franchise)

Public Works Committee – Trustee Rauber, Chair

A. Highways/Garage

B. Public Services (Refuse, Recycling, Parks)

C. Trolley Depot Update

Public Safety Committee – Trustee Gunther, Chair

Trustee Gunther indicated that he is addressing parking issues and cars being illegally parked during snow events.

A. Fire Department

B. Police

Human Resources Committee – Trustee Gunther, Chair

Trustee Gunther requested executive session to discuss personnel.

Economic Development Committee – Mayor Lobene, Chair

Mayor Lobene indicated that sales tax revenue is up and that it is a good sign that business is looking up.

Green Initiatives – Trustee Nellis-Ewell, Chair

Trustee Nellis-Ewell commented that she attended RRDC series on green places, the Comprehensive Plan Committees continues to meet and assignments are done, requests for proposals have been sent out for copy editing services and a draft of the updated plan with SEQR will be presented at the April Village Board Meeting for possible adoption in June 2011.

Village Clerk – Jackie Sullivan

RESOLUTION 129 3/2011

Introduced by: Mayor Lobene
Seconded by: Trustee Hopson

Now, therefore, be it resolved that the Village of Spencerport Board of Trustees hereby approves the 2011 Aurora House 5 Mile Race with Pace, Friday, June 10, 2011 at 6:30 p.m. starting at the DPW Shop, 500 West Avenue.

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 130 3/2011

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 Village Clerk to take Brittany Sobb to small claims court for the amount of \$2,549.46.

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 131 3/2011

Introduced by: Trustee Hopson
Seconded by: Trustee Rauber

Now, therefore, be it resolved that the Village of Spencerport Board of Trustees hereby awards the General Contract for the Canal Boat Dock Project to low bidder Crane Hogan Structural Systems, Inc. in the amount of \$154,850.00. This amount includes the base bid of \$147,350.00 and an allowance of \$7,500.00 for as necessary field changes.

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 132 3/2011

Introduced by: Mayor Lobene
Seconded by: Trustee Rauber

Now, therefore, be it resolved that the Village of Spencerport Board of Trustees hereby authorizes Alternate B – Provide Decorative Railing to the Canal Boat Dock Project in the amount of \$4,400.00 as provided by Crane Hogan Structural Systems, Inc.

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

RESOLUTION 133 3/2011

Introduced by: Mayor Lobene
Seconded by: Trustee Hopson

Now, therefore, be it resolved that the Village of Spencerport Board of Trustees hereby awards the Electrical Contract for the Canal Boat Dock Project to low bidder Connors Haas in the amount of \$20,500.00. This amount includes the base bid of \$15,500.00 and an allowance of \$5,000.00 for as necessary field changes.

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 134 3/2011

Introduced by: Trustee Rauber
Seconded by: Trustee Gunther

Now, therefore, be it resolved that the Village of Spencerport Board of Trustees hereby authorizes the Mayor to sign the Notice of Award Documents for the General Contract and Electric Contract for the Canal Boat Dock Project.

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 indicated that he will be working with Churchville to possibly provide GIS mapping services for the sidewalks.

Superintendent West made the following comments:

- Snow plowing and clean up continues; excellent job done by all; many compliments from the business owners.
- Will be attending advocacy day in Albany, NY.
- Will be attending green infrastructure seminar on March 22nd with Trustee Nellis-Ewell and Donna Stassen.
- Rain barrels were picked up from Genesee Brewery.
- Town of Ogden to assist with the installation storm drainage system at WWTP.

Superintendent of Electric – Owen McIntee

Superintendent McIntee made the following comments:

- Routine pole replacement on Meadow Drive.
- Crews working in Churchville.
- Meter replacement continues; Hickory Hollow is being completed.
- Inventory is being completed for commercial demand meters.
- Lyell Avenue continues in regards to street lighting.

Attorney – Richard J. Olson

Requested executive session.

Attorney Olson indicated that work continues with Crown Castle.

Unfinished Business

Trustee Hopson indicated that he will have a summary for the Board regarding the NYCOM Winter Legislative meeting at the March Workshop.

New Business

Adjournment

Motion was made by Trustee Rauber, seconded by Trustee Gunther and carried unanimously that the regular meeting be adjourned at 8:36 p.m. to executive session to discuss litigation and employee issues.

Motion was made by Trustee Rauber, seconded by Trustee Gunther and carried unanimously that the executive session be adjourned at 8:45 p.m. to workshop session.

RESOLUTION 135 3/2011

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

Now, therefore, be it resolved that the Village of Spencerport Board of Trustees hereby approves appointing Michael Vickery to the position of DPW Foreman effective March 3, 3011 with a minimum six month probationary period that could be extended based on performance up to twelve months.

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 136 3/2011

Introduced by: Trustee Rauber
Seconded by: Trustee Hopson

Now, therefore, be it resolved that in the matter of Spencerport Development, LLC, Plaintiff, vs. M&T Bank, Village of Spencerport, and MRB Group, Engineering , Architecture & Surveying, P.C., now pending in Monroe County Supreme Court, that the Village's Answer also contain a Cross-Claim against M&T Bank and a Cross Claim against MRB Group, Engineering Architecture & Surveying, P.C.

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

Motion was made by Trustee Rauber, seconded by Trustee Gunther and carried unanimously that the workshop session be adjourned at 9:30 p.m.