

VILLAGE BOARD WORKSHOP MEETING
March 16, 2011

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

Karen Kimbler, Village Treasurer
Owen McIntee, Electric Superintendent
Richard Olson, Attorney
Kris Schultz, Shultz and Associates
Jackie Sullivan, Village Clerk
Tom West, DPW Superintendent

Attorney Olson requested an executive session to discuss Village litigation.

A motion was made by Trustee Rauber, Seconded by Trustee Nellis-Ewell and carried unanimously that the workshop meeting be adjourned to executive session to discuss litigation at 4:30 p.m.

A motion was made by Trustee Rauber, Seconded by Trustee Hopson and carried unanimously that the executive session be adjourned to workshop session at 4:45 p.m.

Attorney Olson updated the Board on the following items:

- Crown Castle easement
 - Easement and survey have been reviewed.
 - Provision being added to the contract to not remove salt storage shed; Crown Castle is required to construct and maintain the fence; remove that Crown Castle is the legal counsel for the Village; Crown Castle has the right to terminate and the property reverts back to the Village and the Village can terminate easement if the cell tower is not in use; general public will be able to use the area around the cell tower; Crown Castle continues to receive a Village tax bill.
 - Letter will be sent out next week to the Surface Transportation Board regarding the CSX Bridge
 - Pump Station title documents due to be completed by Monroe County next week.

Trustee Nellis-Ewell confirmed that the Crown Castle easement process will conform to all applicable New York State Laws.

Attorney Olson indicated that it does confirm to New York State Laws.

Treasurer Kimbler reviewed the 2011/2012 Tentative Budget. Treasurer Kimbler commented that the tax, sewer o&m and capital rates are decreasing. The opening fund balance will be strong if the Crown Castle easement revenues are received.

Trustee Rauber clarified that because the proposed budget is considering the Crown Castle payment it is in a favorable position and if Crown Castle determined not to further the easement contract the proposed budget would not be as favorable financially.

Trustee Kimbler confirmed Trustee Rauber's comment to be correct and that the opening fund balance would be about a million dollars and the budget would use about seven hundred thousand of that opening fund balance. Opening fund balance will be used to balance general expenses over expected revenues in an amount of \$176,000. In addition the opening fund balance will be used to pay off BAN debt in an amount of \$138,000, \$100,000 to be added to the equipment reserve and the project list including the dock project, streets, sidewalks, leaf machine, engineering services for Brockport Spencerport Road, computer and telephone system, gazebo, canal park research, comprehensive plan printing and binding, bathroom renovations, planting to screen the electric substation.

Trustee Rauber questioned where the \$326,000 is for the 2012/2013 budget.

Treasurer Kimbler responded that the starting fund balance for 2012/2013 would be \$655,000 and that the Crown Castle is a one-time income and it will be spent on the 2011/2012 projects.

Trustee Rauber continued that in his mind that the Crown Castle money should not be spent on the annual projects and should be kept for a one time project outside of the annual projects.

Mayor Lobene indicated that some of the Crown Castle money would pay for the docks and that the remainder would be put aside for other projects not put towards the annual projects. Mayor Lobene questioned if Crown Castle money was only spent on the docks what would be the change to the budget.

Trustee Gunther responded that the Crown Castle money is being used to do some projects, reduce debt and fund equipment reserve.

Mayor Lobene commented that she is nervous counting on money that the Village has not received. Trustee Rauber agreed.

Treasurer Kimbler responded that if the Crown Castle funds are not received the Village Board must determine which projects would not be completed.

Mayor Lobene responded that the equipment reserve would not be funded.

Trustee Gunther commented that both BANs would not be paid off.

Trustee Nellis-Ewell commented that these scenarios were discussed at the budget sessions and that the \$27,000 annual payment is gone forever.

Mayor Lobene indicated that she is concerned that the Crown Castle money will be used for day to day operations.

Trustee Gunther responded that he does not think that paying off the BANs for funding the equipment reserves are day to day operations.

Treasurer Kimbler indicated that if the funds are not received from Crown Castle the projects should not be done.

Mayor Lobene commented that she wanted to make sure that the Village was not hurting financially day to day operations.

Treasurer Kimbler responded that day to day cannot be cut any more until programs and projects are cut.

Trustee Rauber indicated that it is a strategy to pay off the BANs. Trustee Rauber continued that he feels good about funding the equipment reserve but feels that past history indicates that short term debt will return.

Trustee Nellis-Ewell commented that is why revenue sources are being looked at and that the retirement of the debt services was a priority of the group.

Treasurer Kimbler continued that the sewer o&m rate was reduced and the capital rate will decrease as it matures.

Treasurer Kimbler indicated that the rate case has been presented to the PSC and preliminary comments have been received by the Village and responses have been returned to the PSC at this time.

Trustee Nellis-Ewell commented that the questions from the PSC this time are more for clarification than areas of concern.

Superintendent McIntee indicated that he had met with a representative from the PSC. The representative indicated that the application looks good and that it appears that VOS has made significant progress on their bookkeeping.

Trustee Kimbler indicated that Bill Freitag has capped his invoice and that any additional assistance will be at an additional charge.

The following official action took place:

Resolution 137 3/2011

Introduced by: Mayor Lobene

Seconded by: Trustee Nellis-Ewell

Now, therefore, be it resolved:

That the Village of Spencerport Board of Trustees approves the tentative fiscal year 2011/2012 budget as presented.

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 138 3/2011

Introduced by: Trustee Gunther

Seconded by: Trustee Nellis-Ewell

Now, therefore, be it resolved:

That the Village of Spencerport Board of Trustees approves conducting a public hearing regarding the Tentative Budget for fiscal year 2011/2012 on Wednesday, April 6, 2011, 7:00 p.m. at Spencerport Fire Department Station 1, 175 Lyell 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 139 3/2011

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

Now, therefore, be it resolved:

That the Village of Spencerport Board of Trustees approves contracting with Karen vanMeenen for copy editing services associated with the Village of Spencerport Comprehensive Plan. Total cost not to exceed \$510.00.

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

Trustee Nellis-Ewell commented that four (4) request for proposals were sent out to various copy editors. Two editors declined and one did not respond.

Resolution 140 3/2011

Introduced by: Trustee Rauber
Seconded by: Trustee Hopson

Now, therefore, be it resolved:

That the Village of Spencerport Board of Trustees acknowledges the renewal application from Chilango's Restaurant's for their liquor license.

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 141 3/2011

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

Now, therefore, be it resolved:

That the Village of Spencerport Board of Trustees approves the final payment application for Contract B-Bore from Angelica Boring in the amount of \$76,945.76.

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 142 3/2011

Introduced by: Mayor Lobene
Seconded by: Trustee Hopson

Now, therefore, be it resolved:

That the Village of Spencerport Board of Trustees approves attendance at the MEUA Semi-Annual Meeting April 27 and 28, 2011 for the Electric Superintendent and Deputy Clerk. Cost not to exceed \$230.00 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

Resolution 143 3/2011

Introduced by: Trustee Gunther
Seconded by: Trustee Hopson

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

WHEREAS, the Semi-Annual Meeting of the Municipal Electric Utilities Association of New York State has been called on April 27 and April 28, 2011 to be held at the Embassy Suites Hotel, 6646 Old Collamer Rd., East Syracuse, New York, 13057 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, New York.

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 144 3/2011

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

Now, therefore, be it resolved:

That the Village of Spencerport Board of Trustees approves the attached electric write-offs in the amount of \$43,205.97.

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 she checked with Owen and Pam and Pam explained that these write offs are from 2006 and are not from right now.

Clerk Sullivan commented that the write off accounts were placed with Pro-Acct Collection Service and at this time they are no longer doing business; in addition Bill Freitag from BST recommended that we do not carry uncollectible debt for more than a year.

Trustee Nellis-Ewell indicated that a response should be given to the business members that raised the issue of parking in the business district.

Mayor Lobene indicated that she has a letter that is ready to be sent to the business owners.

Trustee Nellis-Ewell questioned what was being conveyed to the business owners.

Mayor Lobene responded that as the Mayor she is doing a letter telling them they did a good job and that everything will be taken under consideration and see what can be done.

Trustee Gunther added that the Mayor should feel free to put his name in the letter because he is actively looking at solutions to the parking issues presented.

Mayor Lobene commented that she could not find a parking space in the west side municipal lot however those business owners are not complaining. People do not like to walk.

Mayor Lobene added that the only way of addressing this is to fill in the two culverts at a cost of about \$20,000 each.

Superintendent West explained the process of filling in the culverts and that it would add approximately 14-22 new parking spots.

The group discussed the idea of a drop off zone or parking spaces in front of the Grandpa Sams building.

Mayor Lobene indicated that Village should own the vacant lot at the corner of East Avenue and Union Street and that Tony Alonci of Grandpa Sams would purchase 1/3 of the lot.

Trustee Gunther indicated that the corner lot would add approximately seven parking spaces.

Mayor Lobene indicated that Roger Brown the consultant to the comprehensive plan explained how diagonal parking could be done on Church Street.

Trustee Nellis-Ewell indicated that she has a listing of all of the studies that have been done for the Village including the traffic study.

Mr. Schultz added that putting a municipal parking sign for the west side lot would be helpful.

Trustee Nellis-Ewell questioned if additional equipment is necessary for the TV/DVD in the Village Office lobby to be useful.

Clerk Sullivan indicated that she needs new material and that the DVD that Trustee Gunther submitted would not loop.

Superintendent West invited the Village Board members to attend the Day of Caring activities on Saturday, April 30th to help with the various groups that will be attending.

Mayor Lobene suggested that if the number of volunteers is high should it be done over two days.

Superintendent West responded no.

Mayor Lobene indicated that it would be nice if the Village Board Members be in attendance to show their support.

Trustee Hopson commented that in the past two years he has taken a group and the adults with the kids take over.

Trustee Gunther questioned if the Day of Caring is an overtime event for staff and should something different be done with staff to be more cost efficient.

Superintendent West responded that for the amount of work that gets completed the cost of the overtime is worth it.

Trustee Gunther suggested that staff take of a Wednesday to work the Saturday for Day of Caring.

Trustee Rauber indicated that he does not think that method would work.

Superintendent McIntee indicated that his staff is completing pole replacements, meter reading and meter replacements. Staff attended the Dig Safely seminar today. Superintendent McIntee commented that he is waiting for confirmation that 1st year apprentice line school will be starting in the fall.

Superintendent West commented that staff has been working with the Town of Ogden installing drainage at the WWTP, the bike rack was thrown in the creek by Bauer's Cove, a risk survey will be done in addition to the tree survey for the Ash trees and tree trimming is being done. Superintendent West added that CHIPs funds were discussed at Advocacy Day and that with the recent elections more money should be added to CHIPs and that the unfunded mandates for sidewalks needs to be reformed.

Trustee Gunther asked about the large amount of dead fish in the canal.

Superintendent West indicated that he will be calling the DEC about the dead fish.

Mayor Lobene asked where the rain barrels are going to be.

Superintendent West indicated that one will be at the Village Office and at residents' homes.

Trustee Nellis-Ewell questioned if Hilton was the only place that was having the Hazardous Waste Drop Off.

Clerk Sullivan indicated yes and that advertising for the event is being split with the Town of Ogden.

Clerk Sullivan commented that the Time Warner franchise fees were received for the first quarter in the amount of \$25,000.

Trustee Nellis-Ewell questioned if any applications were received for the Zoning Board of Appeals.

Clerk Sullivan indicated no.

Trustee Gunther asked if the ad for the seasonal DPW help could be put on Craigs List.

Clerk Sullivan indicated that she would put it on Craigs List.

Trustee Rauber commented that the Rose Lummis will not be returning to Spencerport and going to Seneca Lake.

Trustee Rauber requested an executive session to discuss employee issues.

Trustee Gunther congratulated Trustee Nellis-Ewell for her recent reelection and thanked Trustee Hopson for his service to the Village.

Trustee Hopson commented that he felt the group has done a good job and that he was disappointed.

A motion to adjourn the executive session was made by Trustee Rauber, seconded by Trustee Nellis-Ewell and carried unanimously at 6:15 p.m.

A motion to adjourn the executive session to workshop was made by Trustee Rauber, seconded by Trustee Nellis-Ewell and carried unanimously at 7:15 p.m.

A motion to adjourn the workshop meeting was made by Trustee Rauber, seconded by Trustee Gunther and carried unanimously at 7:16 p.m.