

**VILLAGE BOARD MEETING**  
**April 6, 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  
Gary Penders, Trustee  
Fritz Gunther, Trustee

**BOARD MEMBERS ABSENT**

**OTHERS PRESENT**

Shannon DeLarme, Canal Road  
Sandy Bennett, Ogden Parma TL RD  
Craig Byham, Luther Jacobs Way  
Dorothy Green, Coleman Avenue  
Jim Green, Coleman Avenue  
MaryAnn Gunther, Big Ridge Road  
C. Gunther, Big Ridge Road  
David Havens, Deerborne Lane  
Joe Inzana, Gillett Road  
Dale Kellerson, Thorncliff Road  
Owen McIntee, Electric Superintendent  
Rich McQuilkin, Prospect Street  
Richard Olson, Village Attorney  
David Sankel, Lyell Avenue  
Kris & Glynn Schultz, Schultz Associates  
Dave Spencer, West Avenue  
Jackie Sullivan, Village Clerk  
Tom West, DPW Superintendent  
Dave Wieme, Amity Street  
David Wohlers, Clark Street

**APPROVAL OF MINUTES**

A motion was made by Mayor Lobene, seconded by Trustee Rauber and carried that the minutes of the March 2, 2011 Board Meeting be approved as read. Trustee Penders abstained.

A motion was made by Trustee Rauber seconded by Trustee Nellis-Ewell and carried that the minutes of the March 5, 2011 Workshop Meeting be approved as read. Trustee Penders abstained.

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

**PRIVILEGE OF FLOOR**

Mr. Ted Walker, Maplewood Avenue questioned if Monroe County was still scheduled to begin rebuilding Lyell Avenue.

Mayor Lobene responded that they were and the project was delayed because of the federal stimulus funds that are being used.

Mrs. Joan Quigley questioned if a left hand turning lane would be added at the intersection of Lyell Avenue and Union Street.

Mayor Lobene responded that there would not be one added.

## **PUBLIC HEARING**

Mayor Lobene opened the public hearing at 7:02 p.m. for Tentative Budget 2011/2012.

Treasurer Kimbler made the following comments regarding the tentative 2011/2012 budget.

- **General Fund** is budgeted to spend \$2,324,952 on all municipal areas, including recycle, for the 2011-12 fiscal year. This year we have streamlined the budget to eliminate any budgeted contingencies, and to keep the tax rate as low as possible.
- The spending will be sourced by just over one million dollars of outside revenues, \$700 thousand of our existing or expected fund balance, and the balance of \$690 thousand in taxes and recycle charges.
- **Sewer Fund** will have continuing debt service costs for the loan to cover the transfer of the waste processing to Monroe County.
- Sewer will also have operating costs associated with the collection and transportation of the waste to the county. This year we have planned to take advantage of opportunistic access to privately owned areas of the village to slip line an extended section of the sewer system. This work is part of our agreement with the county to do continuous maintenance and improvement.
- To cover these costs, we will use \$50,135 from our existing bank balance and the rest will be covered by user charges, \$155.73 per unit for debt service and \$2.50 per gallon for operating charges.
- **Electric** costs are primarily the cost of power, system maintenance, and system extension costs. We expect to do some system extensions with new building developments in the franchise area this year. The Electric Fund will use \$197,215 of their fund balance to finance their costs. Since the Utility is currently under-funded, and has been for some time, we have requested a rate increase from the Public Service Commission, and are waiting on their decision.
- **Administration costs, for both the office and the Public Works** departments, make up just less than one quarter of the budget. They include the costs of Village Board, office and supervisory personnel, less departmental income such as fees. Also: Insurance, Accounting, News Publications, Communications expense, Legal, Engineering, Data Processing, Government reporting. This year's budget proposes to replace badly outdated computer and telephone systems out of reserve funds set aside in the past for this purpose.

The other three quarters of the budget supports services, as follows:

- **Highways:** The largest spending of our service cost area, covers: paving, road repairs, vehicles, materials, labor, less NYS CHIPs funding. Our streets program includes completion of the work on Thorncliff Drive and a joint project with Frontier, as well as ongoing slurry seal and maintenance work on other streets. In the upcoming year we will also be defining the scope and potential expense associated with a future major project to repave Brockport Road.
- **Drainage** partners with our Highway budget, and includes materials, contracting and labor for the streets program and for routine and emergency drainage maintenance and repairs.
- **Sidewalks:** we will finish our sidewalk program by completing new sidewalks from Rt. 259 to Harwood Road.

- **Refuse** includes the cost of Labor, vehicles & disposal fees for regular and periodic bulk pickup, less any fees charged out.
- **Recycling** will continue to be handled by village staff and equipment and is mostly funded by a separate user fee on your tax bill.
- **Snow Removal, Street Cleaning and Leaf Pickup** are services provided by village staff, and make up approximately 8% of the budget. In the coming year we propose to replace one of our two aging leaf machines to improve service efficiency.
- **Parks:** In addition to existing park maintenance, we are planning repairs and painting for our Gazebo and our Pavilion. The budget includes completion of 300 ft. of new docking with electric and lighting on the southeast bank of the canal. This project is funded in part by NYS grants, and should be completed by year end 2011. The budget also provides for the initial research and planning for a nature preserve further west on the south bank of the canal.
- **Other**  
The budget supports the central garage that keeps our vehicles in order at a lower cost than outside services, and the cost of celebrations such as our Canal Days, Christmas on the Canal, as well as our flags, Home Town Heroes banners and holiday decorations. The balance of the budget is made up of smaller but important services including the maintenance of shade trees, street lighting, off street parking, zoning, planning, our historian, public safety and health, economic development, and joint youth projects.

Also included in the budget is:

- The pay-off of our debt for two Bond Anticipation Notes to avoid interest and management fees, and the increase of our equipment reserve for the future purchase of vehicles that we have determined can be run a few more years.
- The major sources of funding are, and have been, Sales Tax, followed by Property Taxes. This year property taxes pay for less than 1/3 of the total budgeted spending. Other funding sources are franchise payments and state aid.
- These have all remained fairly flat over the past few years, with the biggest swing being in sales tax, something totally outside the control of the village.
- The only flexible source of funding we have at this time, other than tax rate, is the use of our fund balance, or our Village savings account. We expect to end Fiscal Year 2011 with a healthy fund balance which will help to support the projects we are proposing to do in 2011-12. However, this draw-down of our assets cannot continue indefinitely. We must find other solutions.
- The Village Board is very much aware of the difficult financial situation the residents, Monroe County and New York State are having. We have worked to reduce the budget in many areas. But we are seeing the future with its rising costs of services and materials and imposed state and federal mandates.
- A major outcome of our budgeting process was to begin to seriously look at ways to reduce costs and increase revenues other than by increasing taxes. We have lots of ideas, but will need to work on them and come up with others in order to stay fiscally viable in the coming years.

Mr. Craig Byham questioned where the largest increase in expenses is compared to 2010/2011 budget.

Treasurer Kimbler responded that the largest increases are found in health care, retirement and unemployment.

Mr. Byham inquired as to amount the employees contribute to health care premiums.

Clerk Sullivan responded that employees hired prior to 2010 contribute 5% and employees hired after 2010 contribute 10%.

Mr. Byham commented that in most private businesses employees share in approximately 50% the increases.

Mayor Lobene indicated that it will be taken into consideration.

Treasurer Kimbler indicated that the other area of expense increase is the streets program with the repayment of debts.

Mayor Lobene commented that by doing some of the things we are doing this year we will be saving money in the future.

Mr. David Sankel commented that although the taxes are a bit lower the amount of spending is higher and covered by fund balance. Mr. Sankel continued by questioning as to how much of the increase is due to our investment or to actual expenses.

Treasurer Kimbler responded that approximately \$100,000 of the increase is the repayment of debt the remainder of the increase is to pay for expenses.

Mr. Byham commented that \$176,000 is budgeted in highways compared to \$28,000 in the current budget.

Treasurer Kimbler responded that the proposed budget includes drainage and the rebuilding of Thorncliff and Brockport Road. The current budget did not include road work expenses because the funds were borrowed.

Mr. Byham questioned as to the number of employees when the Village had the sewer plant, water department, public works and electric and how many are employed today.

Mayor Lobene responded that the sewer department went from 2 employees to 1 employee because the Village is required to have one person dedicated to the sewers.

Superintendent West commented that it is a storm water regulation to have an employee dedicated to sewers. Superintendent West continued that when the Village mechanic retired the position was filled with a current employee and his position was not filled however is supplemented with seasonal help during the busier summer months.

Mr. Byham commented that the 1% salary increase to the employees sends the wrong signal to the tax payers since other areas such as social security have not received an increase.

Mr. Ted Walker commented that he appreciates the Boards efforts to keep the tax rate low, the availability of the budget materials on the website and the assumptions page for the budget. Mr. Walker requested clarification on the Crown Castle sale.

Mayor Lobene responded that Crown Castle was leasing land at the DPW for their cell tower and made the Village an offer of \$300,000 to purchase a long term lease for the property.

Mr. Walker commented that there is no equipment being replaced in the proposed budget.

Mayor Lobene responded that a reserve is being set up for equipment in the proposed budget.

Mr. Walker clarified that no equipment is being purchased in the proposed budget.

Superintendent West responded that a leaf machine is being purchased.

Mr. Walker commented that the proposed budget has no funding for engineering and that there is no planning for future projects or initiatives.

Mayor Lobene responded not at this time.

Mr. Walker inquired about the canal park.

Mayor Lobene responded that the proposed park is to be in the DPW area to be preserved as a nature walk/park and will be a considered a passive park with contributions from local Boy Scout Troops.

Mr. Walker asked for a cost break down for the dock project.

Clerk Sullivan responded that the total grant is for \$400,000 with a 50% match. These funds are for two projects the engineering of the extension of East Avenue and the construction of 300' of docks. The cash/in kind cost of the dock project to the Village is \$121,000.

Mr. Walker questioned that status of the NYS 2% proposed tax cap.

Treasurer Kimbler responded that it was passed in the Senate but has not gone any further because of the uncertainty of unfunded mandates.

Mr. Jim Green indicated that the unreserved fund is decreasing.

Treasurer Kimbler explained that in past years and this year the Village will end the year spending less than what was budgeted however in 2011/2012 the Village will not realize such a significant increase in fund balance.

Mrs. Quigley commented that it appears you are robbing to Peter to pay Paul by lowering the taxes and taking from the reserves to fund the budget. In addition Mrs. Quigley indicated that she feels the 1% salary increase is sending the same message as well.

Mr. Rich McQuilkin commented that he appreciates the Board's efforts to lowers taxes and that he has experience with budgets through the fire department and that there are so many unknowns that everyone could be blindsided in the near future because of rising costs and that he feels that it might have been better if the Board held the tax rate instead of lowering it so that the reserve fund could be increased to avoid the peaks and valleys of raising and lowering taxes.

Mr. McQuilkin further commented that he has been a Village employee for the past ten years and that a 1% increase is not a large amount of money but it means a lot to the guys. He further commented that the employees work hard for the Village and they do an excellent job. They don't make large salaries, as in the private sector, and that the total benefits make a huge impact and that if the staff is forced to pay more for their benefits they may look elsewhere to work.

Mr. Dave Spencer commented that he does appreciate a reduction in his Village taxes but is concerned about possible upcoming fiscal havoc.

Mr. Walker commented that while the percentage increase in taxes appears to be large the funds that are generated from the increase are small.

Mayor Lobene thanked Treasurer Kimbler for her hard work on the budget.

Mayor Lobene closed the public hearing at 7:51 p.m.

Trustee Rauber commented that this is a good budget however, he lobbied for an approximate 2% tax increase to help to maintain costs and he feels that looking out to the future the Village Board maybe faced with double digit tax increases.

### **Resolution 150 4/2011**

Introduced By: Mayor Lobene

Seconded By: Trustee Nellis-Ewell

Now, therefore, be it resolved:

That the Village Board hereby adopts the “Tentative 2011-2012 General, Sewer, and Electric Fund Budgets” as the Final Budgets for the Village Fiscal year ending May 31, 2012. The amount for the General Fund to be raised from taxes is \$616,019 with a tax rate of \$3.39 per thousand assessed valuation; a Recycling fee of \$52.74 per unit; and a Sewer User Fees of \$2.50/1000 gallons of water used for operation and maintenance costs and \$155.73 per unit for capital costs.

Vote of the Board:	Theodore E. Rauber, Trustee	Aye
	Carol J. Nellis-Ewell, Trustee	Aye
	Gary Penders, Trustee	Abstain
	Fritz Gunther, Trustee	Aye
	Joyce Lobene, Mayor	Aye

### **Annual Meeting**

Mayor Lobene opened the annual meeting at 7:51 p.m.

Mayor Lobene closed the annual meeting at 8:05 p.m.

### **Administrative Committee** – Mayor Lobene, Chair

Mayor Lobene explained that prices are being obtained from Stassen’s Metal Fabricators and should be available for the Workshop Meeting for donation boxes to be placed at the Gazebo and Trolley depot.

Trustee Rauber indicated that talk of donation boxes has been discussed in the past and is a good idea going forward. Trustee Rauber continued that the Depot will be open seven days a week for the upcoming season.

Mayor Lobene further indicated that Ginny Swarouth will be attending the Workshop Meeting to discuss the Canal Days committee sponsoring a dumpster painting initiative.

### **Sewers Committee** – Trustee Rauber, Chair

Trustee Rauber commented that as debt associated with the WWTP project will continue to decrease as it matures. Trustee Rauber continued that the group will be meeting to continue to plan the operation and maintenance of the infrastructure.

### **Trolley Depot** – Trustee Rauber, Chair

Trustee Rauber commented that the group has met to start planning a five year capital plan and that the Depot is realizing over 2500 visitors a season and expanding the facility with a meeting room or a bigger library maybe an option along with adding parking.

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

#### A. Planning

Trustee Nellis-Ewell commented that the LoPresti Clark Street project will not be supported by the Planning Board because their opinion is that there are too many units and communication regarding this will be forwarded to the Zoning Board of Appeals.

#### B. Architectural Review

#### C. Zoning

#### D. Building Control

E. Code Review

Trustee Nellis-Ewell indicated that the Village Code continues to have inconsistencies and that the group will continue to meet as needed.

Mayor Lobene indicated that Pit Bull dogs are going to be discussed at the next code review meeting.

**Finance Committee** – Trustee Penders, Chair

Trustee Penders indicated that he has talked with Treasurer Kimbler and Clerk Sullivan and will be working with them to address the concerns of the Village Board and the community.

**Facilities Committee** – Mayor Lobene, Chair

A. Electric

**Resolution 151 4/2011**

Introduced By: Trustee Rauber

Seconded By: Mayor Lobene

Now, therefore, be it resolved:

That the Village Board hereby approves payment of \$965 to BST Co. for additional consulting associated with the current SME Rate Case submission to the PSC.

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

B. Other ( Drainage, Franchise)

**Public Works Committee** – Trustee Gunther, Chair

A. Highways/Garage

**Resolution 152 4/2011**

Introduced By: Trustee Gunther

Seconded By: Trustee Rauber

Now, therefore, be it resolved:

That the Village Board hereby approves hiring Beau Bilinski and Justin DeWaal as seasonal laborers at a rate of \$10.00 per hour starting April 11 through December 2, 2011.

Vote of the Board:	Theodore E. Rauber, Trustee	Aye
	Carol J. Nellis-Ewell, Trustee	Aye
	Gary Penders, Trustee	Aye
	Fritz Gunther, Trustee	Aye
	Joyce Lobene, Mayor	Abstain

Trustee Gunther commented that he has worked with Nate Johnson and visited the land fill and will be working closely with the refuse department to communicate with the residents regarding refuse and recycling.

- B. Public Services (Refuse, Recycling, Parks)

**Public Safety Committee** – Trustee Rauber, Chair

Trustee Rauber commented that he will be working with the Fire and Police Department to provide monthly report to the Village Board.

- A. Fire Department
- B. Police

**Human Resources Committee** – Trustee Gunther, Chair

Trustee Gunther commented that the weekly meetings at the DPW are continuing and going well and the lines of communication are open and the electric department will be incorporated into these meetings as well.

**Economic Development Committee** – Mayor Lobene, Chair

Mayor Lobene commented that the plaza is in negotiations regarding a potential sale.

**Green Initiatives** – Trustee Nellis-Ewell, Chair

Trustee Nellis-Ewell indicated that the comprehensive plan chapters are complete and being edited at this time.

Mayor Lobene indicated that Donna Stassen, Liz Venezky, Craig Byham and many other committee members have worked very hard to complete this comprehensive plan project.

Mr. Walker questioned if a public hearing will be part of the comprehensive plan process.

Trustee Nellis-Ewell indicated that a public hearing will be conducted.

**Village Clerk** – Jackie Sullivan

Clerk Sullivan commented that there will not be a PSC audit for the rate case and she congratulated all of the staff involved with the process for a job well done.

**Resolution 153 4/2011**

Introduced By: Trustee Rauber  
Seconded By: Trustee Gunther

Now, therefore, be it resolved:

That the Village Board hereby approves Trustee Pender's attendance at the NYCOM New Officials' Workshop Friday, May 5, 2011 in Fayetteville, NY. Cost not to exceed \$100.00.

Vote of the Board:	Theodore E. Rauber, Trustee	Aye
	Carol J. Nellis-Ewell, Trustee	Aye
	Gary Penders, Trustee	Aye
	Fritz Gunther, Trustee	Aye

Joyce Lobene, Mayor                      Aye

**Resolution 154 4/2011**

Introduced By: Trustee Nellis-Ewell

Seconded By: Trustee Rauber

Now, therefore, be it resolved:

That the Village Board hereby approves contracting with Outsource Receivable Management, Inc. to provide collection services for unpaid electric invoices.

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

**Resolution 155 4/2011**

Introduced By: Trustee Penders

Seconded By: Trustee Rauber

Now, therefore, be it resolved:

That the Village Board hereby approves attendance at the PERMA Annual Conference 2011 Thursday and Friday, May 26 & 27, 2011 in Lake George, NY for Jacqueline Sullivan, Village Clerk and Donna Stassen, Administrative Assistant. Cost not to exceed 150.00.

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

**Resolution 156 4/2011**

Introduced By: Trustee Gunther

Seconded By: Trustee Nellis-Ewell

Now, therefore, be it resolved:

That the Village Board hereby approves attendance at the Spring 2011 Regional Local Government Workshop Friday, May 13, 2011 at the Burgundy Basin Inn for any Village, Planning, Zoning Board or Support Staff Member. Cost not to exceed \$50.00 per person.

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

**Resolution 157 4/2011**

Introduced By: Mayor Lobene

Seconded By: Trustee Penders

Now, therefore, be it resolved:

That the Village Board hereby approves Greg Dorgan's attendance at Basic PC/Windows & Email training through Monroe County BOCES cost not to exceed \$185.00.

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

**Superintendent of Public Works** – Thomas M. West

Superintendent West made the following comments:

- Collaboration with the Town of Ogden continues and will be continuing with surrounding municipalities.
- Catch basins are being repaired.
- Brockport Spencerport Road work will be starting.
- Will be attending rain barrel training.

**Superintendent of Electric** – Owen McIntee

Superintendent McIntee made the following comments:

- The department continues to operate daily/weekly/monthly without any vehicle accidents, property damage or employee injuries.
- Electric crew has been working on line construction rebuilds in the Town of Ogden in the Meadow Drive and Big Ridge Rd areas. These projects consist of pole replacements, transformer upgrades and rebuilding lines to proper clearances and OSHA standards. As a result SME crews have had, and will continue to have several night time customer shutdowns to relocate and transfer our electric facilities to new poles.

The Itron Meter replacement program continues as employees will convert the last residential street on Tuesday, April 5<sup>th</sup>. This initiative marks a significant milestone completion as all of our electric franchise residential meters have been upgraded to the new solid state radio frequency meters. We now are in the process of replacing the old non demand meters on small commercial customers.

The department continues to work closely each day with the VO Staff. Itron Meter replacements, customer outages and routine collection and electric requests are all coordinated in advance with VO Staff, making all this, a joint effort and success.

Recently our bucket trucks and corner mount truck went through the annual inspection and dielectric testing. Only minor follow up repairs are necessary.

Gary has assisted the Villages of Bergen and Churchville with meter testing services as requested.

Chris continues with his progress of linework. The MEUA has rescheduled his line-school to October as they did not have enough 1<sup>st</sup> year participants to make the class beneficial.

Our new AUTOCAD mapping on our truck laptop computers and the electronic work order system continue to provide us efficiencies with current up to date technologies. A final version

PDF copy of SME primary circuits now resides on the shared drive for VO Staff to research in the event of a major electric outage.

- I received notice from Monroe County that the guidelines for a Federally aided project requires the owner to provide multiple manufacturer types of lighting equipment within the bid package. It is very likely that we might not have the exact decorative lighting product that currently exists within the Village. As a result we would have to accept an equal type decorative pole and fixture. As requested by the county last Friday, I will be submitting two other manufacturer's similar product that will be included within the bid package. More information shall be forthcoming.
- Work continues with Karen, Pam and I trading email correspondence with the PSC Staff members. Last week we received notice that the PSC staff **will not** be making a site visit to Spencerport. Make no mistake about it; this is a very significant accomplishment as it demonstrates what a remarkable job Karen and Pam have done getting the electric books and records in accurate shape. Great job ladies!! The process is still on target as previously discussed.
- MIG has completed 10 attic installations, another 10 are pending. The IEEP recently sent out a second mailing which has generated additional customer calls. Our goal is to complete 36 home this year.
- The department is on the upswing of taking in additional cash as we have paid back 100k towards the short-term borrowing from the GF. This was a result of the recent high monthly energy bills from NYPA & NYMPA creating a negative cash flow during the peak winter heating months. This trend replicates last year's pattern as well.

**Attorney** – Richard J. Olson

**Resolution 158 4/2011**

Introduced by: Trustee Rauber

Seconded by: Trustee Penders

**VILLAGE OF SPENCERPORT, MONROE COUNTY**

**RESOLUTION AUTHORIZING MAYOR TO SIGN DOCUMENTS FOR A  
GRANT OF EASEMENT TO GLOBAL SIGNAL ACQUISITIONS IV  
FOR PROPERTY LOCATED AT WEST AVENUE**

**WHEREAS**, that the Village of Spencerport (“the Village”) and the Global Signal Acquisitions IV (“Global”) entered into an understand where the Village would grant an easement to Global covering 3200 Square Feet of land on West Avenue, directly to the west of the salt storage shed for use as a communications site; and also grant an option to obtain, for additional consideration, an adjoining parcel consisting; and

**WHEREAS**, the consideration to be paid for the easement is \$326,310.00; and

**WHEREAS**, counsel for Global has prepared the necessary documents to grant this easement and

the documents have been reviewed by the Village Attorney and subsequently revised by Global;

**NOW, THEREFORE, BE IT RESOLVED:**

**SECTION 1.** That the Mayor is hereby authorized to execute the following documents and deliver them to Global for recording upon the Village's receipt of the consideration agreed to:

- a. Grant of Easement;
- b. Assignment Agreement;
- c. Seller's Statement;
- d. Escrow Agreement;
- e. Information for 1099 Report Filing;
- f. W-9 Request for Taxpayer ID Number and Certification;
- g. FIRPTA – Non-Foreign Status Certification;
- h. Seller Certification;
- i. Affidavit of Improvement and Owner Affidavit;
- j. Certificate of Proof of Identity (to be completed by Notary);
- k. Name/identity Affidavit;
- l. Seller Proceeds and Funds Deposit Authorization;
- m. Old Republic National Title Privacy Policy notice;
- n. TP-584 – Real Estate Transfer Tax Return; and
- o. Any other documents necessary to complete the transaction.

**SECTION 2.** That this resolution shall take effect immediately.

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

**Resolution 159 4/2011**

Introduced by: Trustee Rauber  
Seconded by: Trustee Gunther

**WHEREAS**, the Village Board has before it a resolution to authorize the Mayor to sign documents to grant a perpetual easement to Global Signal Acquisitions IV for property located on the Village's DPW site on West Avenue in the Village; and

**WHEREAS**, said easement is for 2,200 square feet of property and contains a provision for an additional 1,000 square feet of property upon payment of additional consideration; and

**WHEREAS**, this Board is at present the only involved Agency as any further development on this site would be subject to review and approval by the Planning Board; and

**WHEREAS**, there is no current plan for expansion or modification of the facilities on the site which have previously been reviewed and approved by the Village Board and/or the Village Planning Board; and

**WHEREAS**, the perpetual easement provides that the applicable review boards for communications facilities continue to have jurisdiction over any modification or expansion; and

**WHEREAS**, the perpetual easement further provides for the property to revert to the Village of Spencerport should said property not be used for a telecommunications facility for five consecutive years; and

**WHEREAS**, this project is an Unlisted Action for the purposes of SEQRA; and

**WHEREAS**, the Village Attorney has prepared and submitted Part 1 "Project Information" of the (short) Environmental Assessment Form; and

**WHEREAS**, this Board having thoroughly reviewed the Environmental Assessment Form and considered each an every impact in accordance with SEQRA

**BE IT RESOLVED**

1. That the granting of this perpetual easement for 2,200 square feet and the granting of an option for an additional 1,000 square feet will not have a negative impact on the environment
2. That the Village Board adopts a Negative Declaration.
3. That this resolution shall take effect immediately.

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

**Unfinished Business**

**New Business**

**Bills**

Motion was made by Mayor Lobene, seconded by Trustee Rauber and carried unanimously that the monthly bills be paid as audited in the following amounts:

General Fund	\$ 56,937.97
Electric Fund	\$ 35,704.35
Sewer Fund	\$ 12,705.80
Trust Fund	\$ 361.26

Capital Fund	<u>\$ 80,054.56</u>
<b>TOTAL:</b>	<b>\$185,763.94</b>

Motion was made by Mayor Lobene, seconded by Trustee Rauber and carried unanimously that the cash disbursements for the General, Electric, Sewer, Trust and Capital Funds, April 2011 be approved as audited.

**Adjournment**

Motion was made by Trustee Rauber, seconded by Trustee Nellis-Ewell and carried unanimously that the regular meeting be adjourned at 9:15 p.m.