

**VILLAGE BOARD MEETING  
AGENDA  
June 1, 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**

Craig Byham, Luther Jacobs Way  
Larry Hart, Big Ridge Road  
Jack & Christy Klein, Hawthorne Drive  
Kate Lowenguth, Hawthorne Drive  
Greg Lowenguth, DDS, Hawthorne Drive  
Owen McIntee, Electric Superintendent  
Bud Moran, Hawthorne Drive  
Kris & Glynn Schultz, Schultz Associates  
Joan Quigley, Maplewood Avenue  
Chuck Stage, Hawthorne Drive  
Mary Lou Stage, Hawthorne Drive  
Bob Sudlow, Hawthorne Drive  
Jackie Sullivan, Village Clerk  
David Travis, Hawthorne Drive  
Tom West, DPW Superintendent

**APPROVAL OF MINUTES**

A motion was made by Trustee Rauber, seconded by Trustee Gunther and carried that the minutes of the regular meeting May 4, 2011 be approved as read. Trustee Nellis-Ewell abstained.

A motion was made by Trustee Penders, seconded by Trustee Rauber and carried that the minutes of the workshop meeting May 18, 2011 be approved as read. Trustee Nellis-Ewell abstained.

A motion was made by Trustee Rauber, seconded by Trustee Penders and carried that the minutes of the workshop meeting May 26, 2011 be approved as read. Trustee Nellis-Ewell abstained

**PUBLIC HEARING** – Local Law 6/2011 “A Local Law to establish stop signs on Hawthorne Drive at the intersection of Morningside Drive in the Village of Spencerport”

Mayor Lobene opened public hearing at 7:02 p.m.

Mayor Lobene read two letters submitted by Tom and Angie Calandra and John and Christy Klein regarding the proposed stop sign.

Dr. Robert Sudlow commented that there are large number of young children that live within a three house radius of Hawthorne and Morningside Drive and that last summer there was a concern regarding speeding cars on Hawthorne. Dr. Sudlow continued that earlier this year he was talking with one of the neighbors and a car was going so fast on Hawthorne Drive that he could not see the car and it was going at least 45 MPH and that something needed to be done. Dr. Sudlow indicated that he took the petition around the neighborhood for the stop sign to help to protect the young children.

Mr. Ben Bruton commented that he lives on Hawthorne Drive and is the father of three kids and that he is in favor of the stop sign. He acknowledged that it is the responsibility of the parents to teach kids to be safe in the street however he realizes that it is impossible to police the kids all of the time. Mr. Bruton continued that even if people are not stopping at the sign, the sign will slow down the traffic in the area.

Dr. Greg Lowengouth of Hawthorne Dr. commented that he drove around the neighborhood looking at stop signs and that the area has seen a lot of growth resulting in an increase traffic volume. Dr. Lowengouth continued that when you look at the other streets in the area there is a three way stop at Coventry Drive and Luther Jacobs Way and Luther Jacobs Way is a dead end; also at Coventry and Laurelcrest there is a three way stop and Laurelcrest is a dead end. Dr Lowengouth continued that at Kirkgate and Morningside there is no stop sign and a neighbor indicated that cars speed all the time in that area and at Kirkgate and Hawthorne there should be a stop sign there as well in addition to the proposed stop sign at Hawthorne and Morningside. Dr. Lowengouth added that Hawthorne is the longest and straightest street in the area and that it is the responsibility of the Village Board along with the parents to protect the citizens of the Village. Dr. Lowengouth continued that he would like to see the Village Board consider adding the additional stop signs at Kirkgate and Morningside and Kirkgate and Hawthorne.

Mr. Craig Byham of Luther Jacobs Way commented that he agrees with all of what the neighbors say and that we need to keep our children safe and stops signs do slow traffic down but they are only good if they are policed. Mr. Byham suggested to the Village Board that they approach Ogden Police Department to enforce the stop signs during rush hour traffic and on the weekends.

Mayor Lobene commented that the area has an active neighborhood watch program.

Mr. Bruton indicated that very rarely a police car is in the area.

Mayor Lobene closed public hearing at 7:16 p.m.

### **PRIVILEGE OF FLOOR**

Mr. Larry Hart of Big Ridge Road indicated that he is inquiring about plans for policing people parking on Northrup Creek Drive during the summer for activities at the Terry Taylor School and that the no trespassing sign that was put up last year was not enforced.

Superintendent West commented that Monroe County will not entertain a gate on Northrup Creek Drive.

Mayor Lobene indicated that she would be contacting the County for possible solutions.

Mr. Hart commented that the Village should contact the town recreation department to let them know it is a private drive and not to park on the property.

Mayor Lobene indicated that she would address the situation and give Mr. Hart a call.

Mr. Patrick Hotchkiss of 105 West Avenue commented that he has lived in the Village of Spencerport since 1944 and has been married for 51 years and has lived on West Avenue in three different houses for 51 years. Mr. Hotchkiss continued that he is a volunteer, activist, and works to make Spencerport someplace special, he has worked on the Canal Days committee for over ten year and has conducted village tours over the years. Mr. Hotchkiss indicated that he does not enjoy confrontation and does not like to have to address this issue continually and that he has plenty of other things to do with his time than this but after six years the Village Board needs to step up and address the Billings property at 51 West Avenue. Six years ago on August 24<sup>th</sup> a letter was sent to Jack Crooks regarding the Billings property. It is three doors down from the Village Offices I have attended many meetings asking for action regarding this property with a lot of excuses and not much action. Mr. Hotchkiss asked the Board if they know what house is being described and that if they lived next to the house would it be in the same condition.

Mayor Lobene responded that she would not like it to look like that if she lived next door however the Village has taken the legal process as far as it can be taken and the case needs to go to state Supreme Court to have something more done to the house. Mayor Lobene continued that the Village Board needs to decide whether or not to take the property owner to Supreme Court and that to date \$5000 has been spent regarding this property. Mayor Lobene added that the contractors that were hired by the Village to take down the porch were not allowed on the property to do the work but were required to be paid.

Mr. Hotchkiss commented that there was nothing that the Village could do and that this woman is controlling the destiny of my street. There is woman across the street is selling her house and has reduced the price of her house twice and cannot sell her house because of the Billings property Mr. Hotchkiss added that when he is ready he will not be able to sell his house because of the Billings Property and nothing can be done to force Mrs. Billings to fix her house. There are unlicensed vehicles and dumpsters on the property place looks horrible and cannot believe that I am paying taxes and you people and cannot have her at the very least paint her house or enforce the Village Code. Mr. Hotchkiss questioned as to what happened to the court appearance associated with the painting of the house.

Mayor Lobene responded that Mr. Billings did not show up to court.

Mr. Hotchkiss responded that there is nothing that can be done.

Mayor Lobene responded that we need to take her to Supreme Court.

Mr. Hotchkiss indicated that he is not leaving until the Board tells him what they are going to do about the Billings Property.

Trustee Gunther responded that he understands Mr. Hotchkiss' concerns and the Village's power is limited and that the Village cannot go into her house and demolish her home.

Mr. Hotchkiss questioned as to why the Village has building codes if they are not enforced. The problem needs to be solved and that this has been going on for six damn years and I continually address this board for action. I see decline in this Village.

Trustee Gunther commented that the Village is taking action by working the legal steps however we cannot force her to fix the house.

Mr. Hotchkiss thanked that Board for the time however he is not happy with their responses and asked that they keep him informed of the progress of the property.

Mr. Hotchkiss questioned the process regarding back taxes.

Mayor Lobene responded that she contacted the County and that they are following the process for foreclosing on the property of nonpayment of taxes and would keep her posted on the progress.

Mrs. Quigley commented that the driveway in the plaza leading to the Senior Center needs to be dug up and repaved by the Town. Also Mrs. Quigley asked what is done with the old utility poles.

Superintendent McIntee responded that the old pole poles are recycled and are sometimes given out based on condition of pole. Usually they are left for the telephone company to remove.

Trustee Nellis-Ewell indicated that she would to look into parking lot repaving at Senior Center.

Trustee Byham indicated that the time printed in the Suburban News regarding the Village Board Workshop Sessions needs to be changed from 4:00 p.m. to 4:30 p.m. for workshops and questioned if there is any update on SVA.

Mayor Lobene responded that Trustee Penders will be commenting on SVA.

**Administrative Committee** – Mayor Lobene, Chair

**RESOLUTION 1 6/2011**

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

**RESOLUTION ADOPTING  
LOCAL LAW #6-2011**

**Whereas**, the Village Board has before it a Local Law entitled "**A Local Law to Establish Stop Signs on Hawthorne Drive at the intersection of Morningside Drive in the Village of Spencerport**" which, if adopted, will amend Section 310-46 of the Village Code "STOP SIGNS" and establish stop signs on Hawthorne Drive, East and Westbound at Morningside Drive; and

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

**Whereas**, this action is a "Type II" action under the State Environmental Quality Review Act and 6NYCRR615.5(c)(16) and not subject to review pursuant to SEQRA; 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 6-2011 "A Local Law to Establish Stop Signs Hawthorne Drive at Morningside Drive in The Village of Spencerport"

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

**Section 3.** That this Local Law shall take effect as provided by law.

**Section 4.** 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

Trustee Rauber commended the residents for asking for the Village Board to take action and the stop signs will slow the people down.

Trustee Nellis-Ewell indicated that there might be a need for more stop signs and the whole area may need to be looked at through the Code Review Committee.

Trustee Gunther thanked residents for coming in and bringing the situation to the Boards attention.

Trustee Penders indicated that a stop sign is a device that must be abided by and can be enforced.

Superintendent West indicated that the stop sign will be up by end of next week.

Mayor Lobene indicated that there will be no June 15<sup>th</sup> workshop because of the annual carnival. Mayor Lobene continued that over the last two years we have not had Ken Olson patrolling the Village. The Village is having a lot of problems with skateboarding on the new dock and a huge amount of kids at Merz Park swearing and the kids are climbing the clock and that something needs to be done.

Superintendent West commented that police have been trying and that 40 plus kids are hanging around various areas of the Village and the police have been attempting to move the kids out of the areas.

Trustee Rauber indicated that the Village had the same problem about five years ago and that was when Ken Olson was employed by the Village on a temporary basis and he would vary his time around the Village and was able to keep the kids moving and the problems got better. Due to budget cuts Ken has not been in the Village for the past two years and the problems have begun again. Trustee Rauber continued by describing the type of service Ken Olson provided and that it was successful.

Trustee Gunther indicated that kids are not threat and that the Ogden Police Department needs to step up and if Tops is having a problem they should hire security guards. Trustee Gunther asked Superintendent West if he is able to move the kids out of the area.

Superintendent West responded that he has asked the kids to move along and has called the police.

Trustee Nellis-Ewell questioned that if the police can't correct the situation how will Ken Olson be able to help.

Superintendent West indicated that he doesn't have an answer and is just reporting what is happening.

Trustee Nellis-Ewell indicated that when Ken Olson was employed by the Village she never saw him.

Trustee Gunther indicated that if Ogden Police cannot cover the Village Monroe County Sherriff's Department should be able to cover the Village.

Superintendent West indicated that there were at least 30 kids in the area when the concrete was poured for the docks and the police had to watch the area so that the kids did not go into the construction zone.

Trustee Gunther added that he is not threatened by kids.

Trustee Rauber added that having Ken Olson helped the problem with the kids and that we can see if the Village Board can get the police department to step up but what is the next course of action if the police department cannot.

Trustee Gunther indicated the Sherriff's Department.

Mr. Byham commented that we pay for Ogden Police Department and the County Sherriff's Department and the Village wants to hire a private citizen to patrol the Village, it is just not right.

Mayor Lobene responded that the Ogden Police Department is small and they have the entire Village and Town to cover and at night only one police officer is on duty.

Superintendent West indicated that the damages are cause between 4 and 8 PM.

Superintendent McIntee commented that there were a dozen kids in the Village at 3 AM.

Trustee Gunther indicated that conversations with Ogden Police Department need to take place for more coverage in the Village.

General discussion ensued regarding various forms of security within the Village.

Mayor Lobene asked Clerk Sullivan if a resolution needed to be made to employ Ken Olson.

Clerk Sullivan responded that yes a resolution would need to be done but that position was not budgeted so how would the Village fund the position.

Mayor Lobene responded that the Village would find a way to pay for the position.

Clerk Sullivan suggested that funding should be secured prior to making the resolution.

**Sewers Committee** – Trustee Rauber, Chair

Trustee Rauber commented that annual sewer flushing has begun throughout the Village

**Trolley Depot** – Trustee Rauber, President

Trustee Rauber indicated that the Trolley Depot is open fulltime hours 7 days a week and that the annual Chicken BBQ tomorrow.

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

A. Planning

Trustee Nellis-Ewell commented that Parkview Center's project was tabled.

B. Architectural Review

C. Zoning

Trustee Nellis-Ewell commented that Mr. LoPresti presented his Clark Street project and reduced the number of units to 4.

D. Building Control

Trustee Nellis-Ewell commented that the stop signs will be reviewed in the Hawthorne Drive area with input from the neighbors and Superintendent West.

E. Code Review

**Finance Committee** – Trustee Penders, Chair

Trustee Penders reported that the electric rate increase was approved at 10.5%.

**Facilities Committee** – Mayor Lobene, Chair

A. Electric

**Resolution 2 6/2011**

Introduced By: Mayor

Seconded By: Trustee Nellis-Ewell

Now, therefore, be it resolved:

That the Village Board hereby approves to renew the 9 fixed price TCCs currently held for the next 10 years in an amount of \$429.58 per TCC.

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

1. Other ( Drainage, Franchise)

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

A. Highways/Garage

Trustee Gunther commented that Brockport Spencerport Road and the new docks look good.

Mayor Lobene commented that Lyell Avenue will not take place until August and will take two years.

B. Public Services (Refuse, Recycling, Parks)

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

A. Fire Department

Trustee Penders commented that he would be attending the June 8<sup>th</sup> commissioners meeting.

B. Police

Trustee Penders talked to the Chief regarding one of his officers and resolution has been made.

C. Ambulance

Trustee Penders indicated that he has received an email from SVA and that SVA has retained legal counsel with Nixon Peabody and will be attending a meeting on June 6<sup>th</sup>. Trustee Penders explained the process of developing a district vs. an area that SVA is currently covering.

Mr. Byham confirmed that even if SVA dissolved as tax payers we would still have to pay an independent company for ambulance coverage.

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

Trustee Gunther commented that he had just received new information from Clerk Sullivan regarding health care costs and would like to review the new information and not make any decisions at this time to extend the health care plan another two years.

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

Mayor Lobene reported that the Village Plaza is under new ownership; gift basket shop and earring and scarf shop is opening this weekend.

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

**Village Clerk** – Jackie Sullivan

**Resolution 3 6/2011**

Introduced By: Trustee Rauber

Seconded By: Trustee Nellis-Ewell

Now, therefore, be it resolved:

That the Village Board hereby acknowledges the receipt of Taste of Texas Bar-b-q, Inc's. alteration application notice for beer and wine to be served on an outside deck per approval from the Village of Spencerport Architectural Review Board.

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 4 6/2011**

Introduced By: Trustee Rauber  
Seconded By: Trustee Penders

Now, therefore, be it resolved:

That the Village Board hereby acknowledges the receipt of the Lighthouse Diner, LLC's liquor license renewal application.

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 5 6/2011**

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

Now, therefore, be it resolved:

That the Village Board hereby acknowledges the receipt of Slayton Place's/Cond Enterprises, Inc. liquor license renewal application.

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

Mayor Lobene questioned if Donna was paid for that day.

Trustee Gunther commented that his position is that it is a day of caring an happens on a Saturday and employees are paid overtime and that the staff did what the day is meant to do and that the residents are kind enough to pay the staff for their efforts and that it is excessive to cherry pick someone for an extra day of vacation.

Trustee Penders commented that he has to disagree with Trustee Gunther and that Village staff are necessary to participate in this event with the community volunteers and a lot of work got done that day. Donna did get paid for that day but Donna did put in a lot of her time to make sure the event went off and that this year was an extenuating circumstance and she deserves to be recognized with the additional day of vacation.

Superintendent West indicated that the Day of Caring is a mandatory event through the storm water agreements.

Trustee Gunther commented that he thinks the event could possibly be done during the week.



Mayor Lobene indicated that Donna always works hard on the event but she went way out of her way this year.

Trustee Rauber commented that he does not have any problem with it.

Trustee Nellis-Ewell indicated that she feels that it may set precedence.

Trustee Penders asked why it would set precedence and are you saying that none of the employees go above and beyond.

Trustee Nellis-Ewell responded no.

Trustee Gunther indicated that then we would give another employee a day of vacation for going above and beyond.

Trustee Penders indicated that would be okay and that Donna went way above.

**Resolution 6 6/2011**

Introduced By: Mayor Lobene

Seconded By: Trustee Penders

Now, therefore, be it resolved:

That the Village Board hereby approves extending one additional day of vacation to Donna Stassen as recognition for exceptional service to the 2011 Day of Caring Event.

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

Clerk Sullivan commented that she had email out her monthly report to the Village Board and that the new website is up and running; tax bills have been mailed out; a new exterminating company has been contracted; credit cards can now be accepted for electric bills and the Village was successful at small claims court.

Trustee Gunther indicated that it looks good and there are a few linking issues.

Clerk Sullivan responded that the website was up and down today but any comments and suggestion are welcomed.

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

Superintendent West commented that the Docks are complete and thanked Brockport, Churchville and the Town of Ogden; Day of Caring was a huge success; explained the street tree survey.

Trustee Gunther questioned if cutting trees down is the only solution.

Trustee Rauber commented that the process of cutting down trees and replacing them is good forestry.

Superintendent West described to the group what is done with the removed trees and the new trees will grow to be as big as the existing trees.

Superintendent West continued that street signs are being replaced; Village roads are being repaved at this time and Brockport Road will have a thin coat of black-top on it; work continues on the refuse truck scales system; cracks are being sealed; brush from the wind storm is being picked up; Ogden Police asked if the picnic table can be removed from the steps in the Tops Plaza.

Mayor Lobene commented that it is too bad that it would need to be removed but maybe it should be taken out to keep the kids from loitering.

Trustee Gunther indicated that he has no issue removing the table.

Trustee Rauber and Nellis-Ewell commented that we should keep taking things away.

Trustee Nellis-Ewell questioned if the sign replacement program included Upton Avenue and the status of the rain barrel at the Village Office and has any decision been made about the use of the WWTP.

**Superintendent of Electric** – Owen McIntee

Superintendent McIntee commented that he submitted his monthly report via email to the Village Board; Memorial Day storm damage completed, transformer changed at Tops with the WWTP transformer; rate increase has been posted in the Suburban News and will go into effect on June 15<sup>th</sup> and congratulated Trustee Penders on his retirement and thanked him for his service.

**Attorney** – Richard J. Olson

**Unfinished Business**

**New Business**

Trustee Gunther requested an executive session to discuss employee issues.

**Bills**

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

General Fund	\$ 9,742.82
Electric Fund	\$ 2,910.19
Sewer Fund	\$ 525.00
Trust Fund	\$ 0.00
Capital Fund	\$ 0.00
<b>TOTAL:</b>	<b>\$13,178.01</b>

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

**Adjournment**

Motion was made by Mayor Lobene, seconded by Trustee Rauber and carried unanimously that the regular meeting be adjourned to executive session to discuss employee issues at 9:07 p.m.

Motion was made by Trustee Gunther, seconded by Trustee Rauber and carried unanimously that the executive session be adjourned at 10:05 p.m.