

VILLAGE BOARD MEETING
July 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

Tom Bopp, Coleman Avenue
Craig Byham, Luther Jacobs Way
Rick Chick, Sableridge Court
Mary Guinan, Maplewood Avenue
Eric McGraw, Coleman Avenue
Beth McNall, Parkhurst Drive
Joan Quigley, Maplewood Avenue
Patti Quigley, Maplewood Avenue
Paul Sirianni, Coleman Avenue
Betty Spencer, S. Union Street
David Spencer, West Avenue
Jackie Sullivan, Village Clerk
Rod VanHorn, Coleman Avenue
Lisa Watson, Maplewood Avenue
Tom West, DPW Superintendent
Shelia Wohlers, Clark Street

APPROVAL OF MINUTES

A motion was made by Trustee Rauber, seconded by Trustee Nellis-Ewell and carried that the minutes of the regular meeting June 1, 2011 be approved as read.

A motion was made by Trustee Penders, seconded by Trustee Nellis-Ewell and carried that the minutes of the workshop meeting June 22, 2011 be approved as read.

PRIVILEGE OF FLOOR

Mr. Paul Sirianni, Coleman Avenue, indicated that he would like to address resolutions #6 and #8. Mr. Sirianni indicated that he had just found out about these resolutions from another neighbor and was informed by the Village Office that the proposal was discussed at a prior Board Meetings and the agenda for tonight's meeting is on the website. Mr. Sirianni continued that he feels not a lot of people attend the Board meetings or look at the website. Mr. Sirianni indicated that he is addressing the resolutions to discontinue bulk pick-up and add a residential bulk pick up fee schedule because these are some of the amenities that we enjoy and make this Village some place special. Mr. Sirianni continued that he is aware of the financial strains of the Village however he feels that the residents were not properly notified of this change in a service we depend on.

Mr. Craig Byham, Luther Jacobs Way, commented that he agrees with Mr. Sirianni's comments. Mr. Byham further commented that when he moved into the Village residents were receiving a monthly bulk pick-up and that service was reduced to five times a year because of the cost and now the entire program is to be dissolved. Mr. Byham continued that there was no publication of this service change and I think it is a disservice of our elected officials to participate in government of this fashion.

Mr. Dave Spencer, West Avenue, indicated that he agrees with the previous residents' comments. Mr. Spencer added that the Village will be putting a bigger burden on the commercial businesses as they will have to police their dumpsters in regards to illegal dumping. In addition, Mr. Spencer indicated that he has spoken to several residents and the group commented that the changes were not publicized properly. Mr. Spencer commented that he has spoken to Trustee Penders and Superintendent West and understands that people are bringing trash into the Village and the burden it puts on the Village however those situations should be policed on an individual basis and not addressed as a whole Village. Mr. Spencer indicated that a fee schedule for bulk trash on off months is a good idea but as a Village resident bulk pick-up is a selling point of the Village.

Mayor Lobene questioned if Mr. Spencer and the others were in favor of charging for bulk trash items outside of the regular pick-up dates.

Mr. Spencer indicated that they should be charged if a pick-up is necessary outside of the normal pick-up.

Mr. Spencer commented that the Town of Gates sent out a questionnaire to determine what services should be kept or cut and the Village should do the same thing.

Mr. Tom Bopp, Coleman Avenue, commented that this service is part of the budget and if it is taken away will taxes be lowered?

Ms. Beth McNall, Parkhurst Drive expressed that everyone is dependent and looks forward to bulk pick-up and that the theme of this town is "Spencerport Someplace Special" and that that this is a basic thing that the town needs and should not be paying for the services and it should be kept.

Mr. Rick Chick, Sableridge Court, commented that he agrees with all that has been said tonight and questions what caused this process to be changed and what will this do to our tax rates in the future and what services are we going to get.

Mr. Geoff Feltner, Amity Street, suggested that the Board consider a different idea before this is passed tonight to avoid a lot of discontented residents and that Spencerport is special and this would make it less special.

Mrs. Joan Quigley, Maplewood Avenue, questioned what is the amount of the fees to be charged.

Mayor Lobene responded that the fees would be addressed later in the meeting.

Mrs. Betty Spencer, S. Union Street, indicated that her objection to this proposal is that it was not publicized and not everyone is computer literate.

Mrs. Joan Quigley, Maplewood Avenue, commented that she is not computer literate either.

Craig Byham, Luther Jacobs Way, indicated that he attended previous Board meeting and at those meetings there was discussion that the Village was considering hiring a security guard. Mr. Byham further expressed that the residents of the village need to know what this Board is proposing and that we have NYS Police, Monroe County Sherriff's Department with a sub-station in Ogden and Ogden Police Department protecting this area and this Board is looking at hiring an outside agency to police this Village. I would not like to see this resolution slipped through without public participation.

Mayor Lobene responded that we have talked about it at other meetings and will be discussing it later tonight.

Ms. Mary Guinan, Maplewood Avenue, expressed that her property is next to property that Village owns and because the Village is not maintaining their property her property is becoming a swamp. Mayor Lobene asked Mrs. Guinan if she had reported the situation to anyone in the Village.

Ms. Guinan responded that about five or six years ago a trench was dug but not maintained and now there are cattails in my back yard.

Mayor Lobene indicated that the Village will take a look at her property.

Ms. Lisa Watson, Maplewood Avenue, indicated that she lost a decent part of her property in the past four years and thinks that if it is maintained the issue would be resolved.

Mayor Lobene asked if Ms. Watson has spoken to anyone from the Village.

Ms. Patti Quigley, Maplewood Avenue, agreed that the area on Maplewood Avenue is a problem with being wet and that the area is loaded with cattails

Mayor Lobene recalled that some work was done in the 90's and that we will be taking a look at the area.

Superintendent West indicated that he is aware of the area and that he has done work in the area however it is a pond area that has underground springs that keep feeding the area with water. A catch basin was installed.

Joan Quigley, Maplewood Avenue, indicated that it was a pond that was not restored properly and it is the Village's responsibility.

Mrs. Shelia Wohlers, Clark Street, questioned what damage is being done by the kids.

Mayor Lobene responded that there is an abundance of graffiti.

Superintendent West commented that the kids damage the electrical outlets and lights at Mertz Park, Gazebo, etc. Superintendent West continued that he has been in contact with Ogden PD and they have indicated to him that at any one time there are about 40 to 50 kids in the Village and that when the groups are approached they scatter and cannot be apprehended.

Mr. Byham asked if Ogden PD has been approached about this problem and what is their response.

Mayor Lobene indicated that there is open communication with Ogden PD and it is difficult for the police to be everywhere since they do cover the Town of Ogden as well.

Mr. Byham and Mrs. Wohlers questioned if the Sherriff's Department had been approached.

Mayor Lobene indicated they had not.

Mr. Byham responded that he has spoken with Capitan Inzana and he has assured Mr. Byham that they would cover the Village if Ogden PD could not.

Mrs. Wohlers indicated that she owns a campground in Orleans County and that they were having trouble with kids and she approach the Orleans County Sherriff's Department and they were more than willing to do regular patrols of the camp ground and the problems stopped.

Mr. Byham suggested that would it possible for Ogden PD to put another person on during the peak problem hours.

Mayor Lobene responded that putting another person on will cost significantly more than a part-time security guard.

Mrs. Wohlers asked what a part-time security guard is going to do.

Mayor Lobene responded that a security guard was hired a few years ago because of the same types of problems and because of his random schedule the problems decreased.

Mrs. Wohlers asked who the security guard is.

Mayor Lobene responded Ken Olson.

Mr. Spencer commented that he deals with the police and that the number one problem that the Village has is that the Village is a dumping ground for the kids from surrounding areas. Mr. Spencer continued to explain an incident that he called Ogden PD because a number of kids were walking back into the landfill and the police reported that they arrested a number of kids and that they were from Gates and Greece not from Ogden.

Mayor Lobene commented that an incident occurred last Sunday and that person was not from Ogden.

Mr. Spencer indicated there were problems during the carnival with kids. Mr. Spencer continued that the kids seem to scatter and meet up at another site and the police cannot apprehend them.

Trustee Rauber commented that he was on the Board when the Village first hired Ken and because he works at SCS he was able to identify the kids causing the problems and disburse the kids prior to problems occurring.

Mrs. Wohlers commented as to how one person will be able to control 50 kids.

Mr. Spencer responded that Ken Olson did a better job doing security than having a police officer on duty in the Village all night long.

Mrs. Wohlers asked "where are the parents of these kids?"

Trustee Rauber commented that this concept is the same as the local malls the Village has their own security to break up the bad cells and calls the police when needed.

Mayor Lobene explained an incident that some visiting boaters had with kids, swearing and being disrespectful. The boaters indicated that they were not comfortable staying overnight in Spencerport and moved onto another community.

Ms. Watson commented that she lived in the Cornhill Area and was a part of PACTAC which was a citizens group that patrolled the area in conjunction with Rochester PD to decrease crime in the area. Ms. Watson indicated that possibly the same type of group could be formed specifically the business district.

Mr. Sirianni commented that if a security guard is hired Ken Olson is the best guy.

Mayor Lobene responded that she would probably not be as supportive of this initiative if Ken Olson was not being considered.

Mrs. Spencer commented that she loves children especially teen agers but a large groups of kids is intimidating to an older person.

Mrs. Wohlers questioned if the security guard was going to be available 24 hours.

Mayor Lobene responded that the Village does not need him 24 hours.

Trustee Rauber commented that Ken Olson will randomly patrol the business district and introduce himself to the business owners and the volunteers at the Trolley Depot to let them know that he is on patrol and take any information they might have regarding various incidents.

Trustee Nellis-Ewell submitted the following statement:

First, let me thank the Ogden Police Department (OPD), Chief Nordquist and the officers, who serve our community daily. I appreciate their dedicated service.

Law enforcement is a profession not without risk. It can be dangerous and frustrating.

Police are visible. Examples:

1. On Spencerport Fire Department parade night (June 16), the Chief and Sergeant Mears were on the corner of West Avenue and Union Street.
2. Last Friday afternoon (July 1) police officers walked the Erie Canal area by Spencer's Landing.
3. Later on, year-round, a patrol car drives around the gazebo area.
4. Two evenings last week (of June) a patrol car was in the Spencerport Village Plaza.
This seems a proactive attempt to curb potential issues of some groups of youths causing issues, including vandalism.
5. OPD is available 24/7; of course, there are limitations and priorities.
6. With the nearby substation, Monroe County Sheriff cars are noticeable on Route 259.
7. Last night (July 5) Officer Plouffe stopped a car in the Village Square Management lot.

Locations:

- OPD publishes its police "blotter"/activity weekly in the *Suburban News*
- Issues are not only in the Village, though its Central Business District area can draw criminal and mischievous activity
- Isolated areas increase such activity
- For activity recurring on private property; seek collaboration from owners (example: owner employs private security)

Keys to protection of Village of Spencerport and Town of Ogden:

- Awareness and education (community support; another potential Neighborhood Watch Group?)
- * Good lighting
- * Police presence
- Tough policy – Zero tolerance: authoritative enforcement of consequences / penalties
- Concerned parental control and involvement, especially for minors
- Create/publicize a popular kids' program like DARE – See it, Report it

Comments:

- This is a growing community issue, not just here, but in most communities. Boaters have made comments about safety in Branchport, Holley, Medina, and Weedsport.
- Further cost (beyond Public Safety taxes) should not be borne by all citizens
- If a few youths are disrespectful to the bridge tender, residents and tourists, how would one security person Part-Time Seasonal be effective? How are results measured?
- From patterns, this seems to be local youth; a curfew restricts everyone, good and bad

Administrative Committee – Mayor Lobene, Chair

Mayor Lobene informed the Trustees of an invitation to the new flag pole dedication donated by Spencerport Rotary at Fairfield cemetery on this Saturday.

RESOLUTION 12 7/2011

Introduced by: Mayor Lobene
Seconded by: Trustee Rauber

Now therefore be it resolved that the Village of Spencerport Board of Trustees hereby approves hiring Ken Olson in the position of temporary security guard for the Village of Spencerport at an hourly rate of \$18.00/hr from July 15, 2011 to September 15, 2011 not to exceed over 100 hours.

Trustee Gunther commented that he is not comfortable with the open endedness of the resolution and that the Village/Town has an excellent police force and other agencies county and state will cover for them and all current agencies should be involved in this discussion and does not find hiring someone instead of using their services is not a good idea.

Mayor Lobene commented that the PACTAC idea is good for next year but we need Ken Olson for this year.

Trustee Rauber amended the resolution to have Ken Olson's hours to be from July 15, 2011 – September 15, 2011; not to exceed over 100 hours. Mayor Lobene seconded the amendment.

Trustee Nellis-Ewell commented that she thought OPD was going to come to tonight's meeting.

Trustee Gunther agreed that he thought that as well and that they should be at a meeting.

Mayor Lobene responded that the Chief was willing to come in and that there were a lot of other things tonight.

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

Mayor Lobene commented that the Board will still have a meeting with OPD.

Sewers Committee – Trustee Rauber, Chair

Trolley Depot – Trustee Rauber, President

Trustee Rauber commented that operations are up and running some vandalism has occurred and over 800 visitors have been at the Depot including school tours.

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

- A. Planning
- B. Architectural Review
Trustee Nellis-Ewell commented that the ARB met last night and approved several sign permits: Delicious Bouquets; Galley Restaurant's additional signage; Taste of Texas for a deck; BeeBas Boutique sign permit.
- C. Zoning
- D. Building Control
- E. Code Review
Trustee Nellis-Ewell indicated that the committee will be reconvening next week

Mayor Lobene commented that the committee should look at the in-law apartment situations.

Finance Committee – Trustee Penders, Chair

RESOLUTION 13 7/2011

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

Now therefore be it resolved that the Village of Spencerport Board of Trustees hereby approves the Village Treasurer to make all financial transactions including opening an account with Chase Bank per the Village of Spencerport Investment Policy dated January 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	Aye

RESOLUTION 14 7/2011

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

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

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

Facilities Committee – Mayor Lobene, Chair

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

Public Works Committee – Trustee Gunther, Chair

- A. Highways/Garage
Trustee Gunther commented that everything is going smoothly.
- B. Public Services (Refuse, Recycling, Parks)

Public Safety Committee – Trustee Penders, Chair

- A. Fire Department
Trustee Penders commented that he will be attending the commissioners meeting to discuss the siren issue of blowing too frequently.
- B. Police
Trustee Penders commented that he has spoken with Chief Nordquist on several occasions and supports the police department. Trustee Penders added that there is only one officer on from midnight to 7 am and most of the night calls are for domestic.

C. Ambulance

Trustee Penders commented that he will be attending the next SVA meeting and that they have retained legal counsel, Nixon Peabody, to form an ambulance district and will have a report after the meeting next week.

Human Resources Committee – Trustee Gunther, Chair

Trustee Gunther requested executive session to discuss employee issues.

Economic Development Committee – Mayor Lobene, Chair

Mayor Lobene commented that she is happy that the deck for Taste of Texas was approved and will go a long way.

Mr. Byham commented that the dumpster will be enclosed.

Mayor Lobene added that a Dollar Tree will be opening in the Village Plaza. Mayor Lobene added that the Erie Canal Bike Tour will be the week of July 18th.

Green Initiatives – Trustee Nellis-Ewell, Chair

Trustee Nellis-Ewell indicated that a comprehensive review plan committee meeting is scheduled for July 14th at 5:30 p.m. that will address finalizing the comp-plan and the next step will be public hearing.

Village Clerk – Jackie Sullivan

Clerk Sullivan requested executive session to discuss employee issues

RESOLUTION 15 7/2011

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

Now therefore be it resolved that the Village of Spencerport Board of Trustees hereby approves conducting the national Safety Council Defensive Driver Course for Village Staff and family members. The Village of Spencerport will pay the course fee of \$35 for Village Full Time and Regular Part-Time Employees.

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 16 7/2011

Introduced by: Trustee Rauber
Seconded by: Mayor Lobene

Now therefore be it resolved that the Village of Spencerport Board of Trustees hereby approves attendance at the 2011 NYCOM Planning and Zoning Summer Schools in either Syracuse or Amherst, NY cost not to exceed \$70/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

RESOLUION 17 7/2011

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

Now therefore be it resolved that the Village of Spencerport Board of Trustees hereby approves the application for corrected village tax roll for the year 2010-2011f or 170 Prospect Avenue tax ID# 087.17-2-43.

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

RESOLUION 18 7/2011

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

Now therefore be it resolved that the Village of Spencerport Board of Trustees hereby approves the Parade and Assembly Application from Spencerport Central Schools for the 2011 Homecoming Parade Saturday, September 17, 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	Aye

RESOLUION 19 7/2011

Introduced by: Trustee Rauber
Seconded by: Trustee Penders

Now therefore be it resolved that the Village of Spencerport Board of Trustees hereby approves final payment to Connors-Haas, Inc. in the amount of \$775.00 for Village of Spencerport – Canal Boat Dock Project Electric Contract.

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

RESOLUION 20 7/2011

Introduced by:
Seconded by:

Now therefore be it resolved that the Village of Spencerport Board of Trustees hereby approves that proposed resolutions regarding the discontinuance of Bulk Pick-Up; contracting with Sunnking

Electronics Recycling, Residential Bulk Pick-Up fee schedule, Commercial Refuse Policy and Fee Schedule be tabled at the advice of Attorney Olson.

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 commented that work on Brockport Road is underway and 54 cuts have been made to install under drainage at this time; upon completion of Brockport Road crews will start work on Thorncliff Drive; work continues on the refuse truck scales; pumps at the Village Walk pump station are being serviced at this time; the detention pond on Pinecrest Drive is being cleaned at this time; and the Storm-water Coalition will be working with Mark Elliott on storm-water fall out inspections.

Superintendent of Electric – Owen McIntee

Not in attendance

Attorney – Richard J. Olson

Attorney Olson requested executive session to discuss potential litigation issues.

Unfinished Business

New Business

Trustee Nellis-Ewell read letter of appreciation from Canal Director, Brian Stratton for the dock project and the Spencerport Depot and Canal Museum.

Trustee Gunther questioned if the Village owns the lot next to Abbotts Custard.

Mayor Lobene explained that the lot is owned by Dr. Fallone and a builder out in Webster.

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	\$ 94,221.16
Electric Fund	\$ 35,166.92
Sewer Fund	\$ 9,193.79
Trust Fund	\$ 206.18
Capital Fund	\$ 775.00
TOTAL:	\$139,563.05

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, July 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 matters of personnel and possible litigation. issues at 8:34 p.m.

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

RESOLUTION 20 7/2011

Introduced by:

Seconded by:

Now therefore be it resolved that the Village of Spencerport Board of Trustees hereby approves Mayor Lobene's recommendation to reappoint Margaret Gioia to the position of Secretary to Mayor for the remainder of her term ending April 2013.

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

Motion was made by Trustee Gunther, seconded by Trustee Rauber and carried unanimously that the workshop session at 10:07 p.m.