

VILLAGE BOARD WORKSHOP MEETING
June 22, 2011

CALL TO ORDER: 4:30 p.m.

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
Jack Crooks, Building Inspector
Kevin Kelly, Code Enforcement Officer
Owen McIntee, SME Superintendent
Richard Olson, Village Attorney
Kris Schultz, Schultz and Associates
Jackie Sullivan, Village Clerk
Tom West, DPW Superintendent

BI/CE/FM

Mr. Kevin Kelly reported that he has represented the Village in court regarding four (4) properties throughout the Village for code violations. Village properties that are foreclosed on are being maintained by mortgage companies that represent them. Mr. Kelly continued that he continues to work with two properties on Village Walk Circle and Highview Drive because the residents park their trucks and construction equipment on their front lawns.

Trustee Gunther asked if there was a code about having a paved area for a vehicle.

Mr. Kelly indicated that there is no code regarding paved areas.

Mayor Lobene indicated that she would like to see something done at Code Review to address this situation.

Mr. Kelly indicated that he continues to remove unpermitted signs throughout the Village.

Trustee Gunther questioned how long the realtor sign could be up at the lot on the corner of Union Street and Canal Street.

Mr. Kelly responded realtor signs are permitted signs.

Mr. Kelly continued that clean up on the Maplewood Avenue property continues, working with one property to ascertain proper permits for their home, responded to complaint of overflowing dumpster at the Galley Restaurant, many boats are docking at the new dock, 67 Evergreen Street has a CofO, inspected the Lighthouse Restaurant due to a small fire and a letter was received by a Brockport Road resident indicating that nothing was done to mitigate the water issue and that the letter was highly offensive.

Trustee Nellis-Ewell questioned what is done to developers who have unsightly properties specifically the LoPresti and Hollink properties.

Mr. Kelly indicated that he would follow up on those properties.

Mayor Lobene indicated that the Zarpentine property is unsightly as well and needs to be cleaned up.

Mr. Kelly responded that he has previously taken these owners to court and will follow up.

Attorney

Attorney Olson commented that there is no change in the pending litigation.

Attorney Olson commented that Clerk Sullivan sent the information regarding the logging of the Village Pines and that in his experience the loggers leave the property a mess and that it is important to have enough of a deposit for clean up and that the contractors have good references.

Mayor Lobene asked how close they would be to homes.

Attorney Olson responded that the Village does not have a survey of the property and buffers would need to be indicated for the areas that back up to homes and for the wetlands to the south. If a private tree is cut down the resident can receive triple damages.

Mayor Lobene questioned if Attorney Olson was suggesting that we do not do it.

Attorney Olson responded that he feels better now that he knows Kris Schultz has done the surveying of the surrounding properties.

Mr. Kris Schultz commented that there is high value wetlands located on the property and DEC will stake the wetlands.

Trustee Nellis-Ewell indicated that the Planning Board mentioned that the wetlands are in that area during the building of the remainder of the housing track to the east.

Mr. Schultz indicated that the wetlands take up about 1/3 of the property.

Trustee Gunther questioned if this information will change the loggers estimate of value.

Clerk Sullivan and Attorney Olson indicated yes.

Attorney Olson questioned if this plan is for revenue or conservation.

Trustee Gunther responded he thought it was long term conservation.

Clerk Sullivan responded both.

Mayor Lobene commented that we need to know how close this logging will be to the residents.

Attorney Olson indicated that he has the inter-municipal agreement with Monroe County for the lighting plan on Lyell Avenue and can be sent out. The County will not guarantee the lighting fixtures.

Superintendent McIntee indicated that he will be allowed to inspect the suggested lighting fixtures.

RESOLUTION 21 7/2011

Introduced by: Mayor Lobene

Seconded by: Trustee Penders

Whereas, the Village has been informed by the [New York State Department of Transportation] [New York State Canal Authority] that the bridge on Union Street which crosses the Erie Canal will have a 20 ton vehicle weight limit from July 25, 2011 until September 2, 2011; and

Whereas, due to the abandoned railroad overpass which crosses Union Street, and weight limits on other streets and bridges which carry traffic into the center of the Village deliveries to areas between the abandoned railroad overpass and the canal bridge would be severely restricted; and

Whereas, §310-33 of the Spencerport Code authorizes the Village Board to alter the weight limits on Village Streets during times when the board deems it necessary due to repairs or other special circumstances; and

Whereas, the Village Board finds that the weight limit of the Union Street Bridge is one of the circumstances set forth in §310-33 of the Spencerport Code; and

Whereas, this action is a "Type II" action under the State Environmental Quality Review Act and 6NYCRR617.5(c)(16) and not subject to review pursuant to SEQRA;

Now, therefore, be it resolved:

Section 1. That from July 25, 2011 to September 2, 2011 the weight restrictions on the following village streets shall be removed: West Avenue

Section 2. That the Superintendent of the Department of Public Works is hereby directed to remove, cover or modify the weight limit signs or to post special signs to notify drivers of the changes.

Section 3. That, the Village Clerk shall transmit a copy of this Order to the Ogden Police Department, the Monroe County Sheriff and the New York State Police.

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 22 7/2011

Introduced by: Trustee Rauber
Seconded by: Trustee Penders

Whereas, the Village has been informed by the [New York State Department of Transportation] [New York State Canal Authority] that the bridge on Union Street which crosses the Erie Canal will have a 20 ton vehicle weight limit from July 25, 2011 until September 2, 2011; and

Whereas, §310-33 of the Spencerport Code authorizes the Village Board to alter the parking on Village Streets during times when the board deems it necessary due to repairs or other special circumstances; and

Whereas, the Village Board finds that the weight limit of the Union Street Bridge is one of the circumstances set forth in §310-33 of the Spencerport Code; and

Whereas, this action is a "Type II" action under the State Environmental Quality Review Act and 6NYCRR617.5(c)(16) and not subject to review pursuant to SEQRA;

Now, therefore, be it resolved:

Section 1. That from July 25, 2011 to September 2, 2011, parking on West Avenue shall be modified as follows: No Parking on West Avenue from Union Street to Evergreen Street.

Section 3. That the Superintendent of the Department of Public Works is hereby directed to post the signs necessary to advise motorists of the change in allowable parking.

Section 4. That, the Village Clerk shall transmit a copy of this Order to the Ogden Police Department, the Monroe County Sheriff and the New York State Police.

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 23 7/2011

Introduced by: Mayor Lobene
Seconded by: Trustee Penders

Now therefore be it resolved, that the Village of Spencerport Board of Trustees authorizes the Department of Public Works and Electric Superintendents to purchase smart phones not to exceed \$150.

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

Clerk Sullivan explained that as technology evolves the Smart phones would allow the two superintendents to be able to send and receive emails, view website, maps, etc. and be in constant communication. Clerk Sullivan further explained the proposal to allow for an annual \$200 stipend to "key employees" who are required to carry a Village cell phone that would want to upgrade to a Smart phone. If an employee took advantage of the stipend they would be allowed to choose their own Smart phone and would be responsible for the cost of the phone, calling plan and continue to be "on call" to the Village. The Village would pay them the annual stipend in June. The amount of the stipend was determined as the average amount that is paid for "key employees" cell phone plans.

Trustee Gunther confirmed that the "key employees" would have their own plan.

Clerk Sullivan confirmed that the "key employees" would have their own plan and further explained the purpose of the stipend and the responsibilities of the employee if they choose to have a Smart phone.

Mayor Lobene questioned if the Smart phone would be used instead of the laptops.

Superintendents McIntee and West explained that the laptops house data and maps however do not have internet capabilities.

Trustee Nellis-Ewell commented that the information indicated that the Village would no longer need to monitor the cell phone usages and questioned how that is done.

Clerk Sullivan responded that the cell phone invoices break down the usages per telephone number and are reviewed by Donna Stassen every month.

Trustee Nellis-Ewell confirmed that there is a cell phone policy that employees are to follow.

Clerk Sullivan indicated that there is a policy and staff adheres to the policy however the bills are reviewed and on an occasion when there have been overages they have been addressed by the responsible staff member and corrected.

Trustee Penders questioned if the DPW have enough assigned phones.

Superintendent West responded that as of right now four people including him have phones.

Trustee Nellis-Ewell questioned why there were inadvertent infractions to the policy and if the staff were properly trained.

Superintendent West responded that one particular incident occurred because a phone was malfunctioning.

RESOLUION 24 7/2011

Introduced by: Trustee Nellis-Ewell

Seconded by: Trustee Rauber

Now therefore be it resolved, that the Village of Spencerport Board of Trustees authorizes the payment of \$200 annually to the following key employees who choose to use their personal cell phone in lieu of a Village supplied cell phone:

Code Enforcement Officer (1)

SME Linemen (4)

DPW Foreman (1)

DPW Lead Person (1)

DPW Mechanic (1)

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 McIntee explained the need for additional lineman because at this time the Village only has two Class 1 linemen, 1 apprentice and 1 ground-man. Superintendent McIntee continued that with the current configuration the crew is too thin to allow for one Class 1 lineman to be off and still maintain OSHA requirements.

Mayor Lobene questioned if Superintendent McIntee was properly trained to act as a Class 1 lineman if necessary.

Superintendent McIntee responded that he has some of the training but cannot act as a Class 1 lineman.

Mayor Lobene question if another lineman is hired with the ground man still be needed.

Superintendent McIntee responded that the crew is still thin even with the new apprentice lineman but if projects are properly scheduled there will not be a problem.

Trustee Penders added that while the linemen are working the ground man is coordinating all of the supplies and tools for the linemen so that the project runs smoothly.

RESOLUTION 25 7/2011

Introduced by: Trustee Gunther

Seconded by: Trustee Nellis-Ewell

Now therefore be it resolved, that the Village of Spencerport Board of Trustees approves advertising for the position of Spencerport Municipal Electric Apprentice Lineman at a starting rate of \$17.52/hr

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 26 7/2011

Introduced by: Mayor Lobene

Seconded by: Trustee Rauber

Now therefore be it resolved, that the Village of Spencerport Board of Trustees acknowledges the receipt of the liquor license renewal from the Spencerport Volunteer Exempt Firemen's Benevolent Association.

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

Clerk Sullivan indicated to the Village Board that she has received three quotes for a Mitel telephone system. An onsite demonstration was done and Superintendent West, Deputy Clerk Gilbert and I attended a demonstration at Frontier. Clerk Sullivan continued that the budget for the new telephone system is \$13,000 and that Frontier is closest to the budget at \$13,934.50 and that she will be talking to Frontier to determine if the system can be modified to be within budget figures. Clerk Sullivan explained some of the features of the new telephone system and that in the future the Village should be able to reduce the number of telephone lines over a few years to reduce costs.

Mayor Lobene led the discussion regarding bulk pick-up by passing out the proposed fee schedule for additional bulk pick-up on the months that the pick-up is not available.

Trustee Penders commented that he does not feel that the public had an issue with the fee schedule for bulk pick-up outside of the scheduled bulk dates and that the public had the issue with discontinuing bulk pick-up.

Mayor Lobene commented that she thinks that the Village should pick up five times a year.

Trustee Nellis-Ewell indicated that the benchmarking with other Villages was not mentioned at the last meeting and that this plan was a 2012 initiative and the brush pick-up was going to remain might have made the plan more palatable to the public.

Trustee Penders indicated that he feels the public would still be against it.

Trustee Nellis-Ewell responded that the public did not have all of the information.

Trustee Penders agreed that they did not get all of the information but the public still would have been against discontinuing bulk pick-up.

Mayor Lobene commented that all of this information should have been in the newspaper ahead of time.

Trustee Rauber commented that he would like to see the fee schedule for the off bulk pick-up times and determine if five pick-ups a year is a good number.

Mayor Lobene agreed.

Trustee Penders indicated that only a couple of months are really heavy.

Superintendent West commented that May and July are the heaviest months but it appears that every month a resident puts out a couch or a rug.

Trustee Penders questioned how billing will be done for the off bulk months.

Clerk Sullivan responded that if the Village takes the bulk the resident will be back billed for the service to eliminate refunding fees to residents for bulk that is not taken by the Village.

Trustee Nellis-Ewell questioned how the Board determines what gets put in the newspaper.

Clerk Sullivan responded that all five of the Board members can put information in the newspaper at any time.

Trustee Penders commented that the information was on the website.

Mayor Lobene commented that not everyone is computer literate.

Clerk Sullivan commented that this bulk pick-up plan was discussed at other meetings.

Trustee Gunther commented that he didn't think any had an issue with the fee schedule it was the cancellation of bulk pick-up that was the issue.

Trustee Rauber commented that even if the information was hand delivered people would still claim they did not get the information.

Trustee Gunther questioned how the Village would bill a renter.

Clerk Sullivan responded that the property owner would be billed for the pick-up.

Mayor Lobene summarized that the Board feels that we do not want to discontinue bulk pick-up but the fee schedule should be approved for nonscheduled bulk pick-up. Mayor Lobene indicated that she would put something in the newspaper.

Mayor Lobene explained that the Canal Corporation will be releasing \$100,000,000 in grant money for canal development. Mayor Lobene distributed a potential list of projects that could be considered and asked the Board to think about other project that could be added to the list. Projects included the walking path and lighting on the canal east to Hickory Hollow and a parking expansion in the plaza area.

Mr. Schultz commented that the Town recreation director is looking to expand the walking trails and could be interested in the path project.

Trustee Penders commented that there is still money available from the dock grant to further the East Avenue path project. Trustee Penders added that screening the substation needs to be addressed carefully because screening the substation could hinder the safety of the workers. Trustee Penders further explained that the transformers at the substation have oil in them and could contaminate the creek if a leak should occur and that before the substation is screened it would make more sense to replace the current oil with non-hazardous oil to protect the environment in the event of a spill.

Trustee Nellis-Ewell explained that the request that was made was painting the door and adding a pot of flowers and that the screening of the substation would need to be discussed. Trustee Nellis-Ewell indicated that the building needed some cosmetic repairs.

Trustee Rauber commented that he would like to see more lighting along the south side of the canal heading east and have the underbrush removed in that area as well.

Mayor Lobene commented that the new owner of the plaza is eager to continue to expand the plaza.

Trustee Gunther asked who maintains the concrete wall on the north east side of the canal.

Mayor Lobene reminded the Board that last year when the Historic Preservation idea it was discussed it was tabled until more information was received. Mayor Lobene continued that there are some buildings that are going to be in need of repair and how the Board feels about bringing in the Genesee Regional Transportation Council to discuss a preservation initiative.

Trustee Rauber questioned if the Board can determine what they would like to see and then tell the consultant what program best matches.

Mayor Lobene commented that having the program in place will allow for potential grants.

Trustee Gunther commented that there was a program for barns and something similar could be appropriate for the Village.

Mayor Lobene indicated that she would invite Mayor May and a representative from Genesee Regional Transportation Council to the August workshop.

Trustee Gunther led a discussion regarding the method of presenting resolutions. Trustee Gunther continued that he feels that the resolutions should be sponsored by a Trustee.

Trustee Rauber responded that in the past the Department Heads request resolutions for changes to day to day operations and that it would be possible to tie those resolutions to their liaison. Board initiatives are usually introduced and seconded by Trustees who support the initiatives however the Trustee's vote determines if they support the initiative or not.

Trustee Gunther further explained that he feels that because he reads the resolution that it is on the record that he is in support of that resolution.

Further discussion ensued regarding the resolution process and it was determined that discussion about the resolution would take place prior to the reading of the resolution and if a Trustee is not comfortable reading the resolution they can defer reading the resolution.

Trustee Gunther suggested that a letter be crafted to put on the windshields of the cars that park on the WWTP Road during the soccer games at Terry Taylor School explaining to them that they are not allowed to park there. The area neighbors would be willing to put the letters on the cars. Trustee Gunther feels that it would stop the parking on that road.

Superintendent McIntee commented that the system loads are at about 80% of capacity and under the supplemental allotment. Junk meters have been recycled at \$.30/lb and a check has been received for \$600. Chris Drzewiecki has completed his 6 months probation and is doing an excellent job.

Superintendent West commented that the shop road is ready for the bridge detour and all neighbors have been notified. Crews have done additional work for Monroe County, work continues on Brockport Road and Town of Ogden crews will be helping, work continues on the refuse truck scales, Town of Ogden is helping with drainage on Village Walk Circle, Village Walk pump station is up and running. Superintendent West indicated that the Village has been continuously working on the water issues in the backyards on Maplewood Avenue and has asked for help from the Town of Ogden but it may be necessary for an engineer to assess the situation. The cause of the water is mainly from underground springs.

Superintendent West informed the Board that he would like to extend the time for Calvin Zimmerman because of the amount of work that needs to be completed and will have a resolution at the August Meeting.

Trustee Nellis-Ewell commented that Nate Johnson and the SME Crew did an excellent job at the Rotary Bike Rodeo and thanked Superintendent West for getting the Upton Avenue sign up.

Superintendent West continued that he will be having a contractor make the repairs to the Merz Park Pavilion and the retaining wall in that area needs repair.

Trustee Nellis-Ewell commented that the rain barrel program is on the back burner.

Superintendent West responded that the program is on hold and the barrels are at Monroe County.

Trustee Nellis-Ewell questioned if the dumpster painting is going to take place.

Mayor Lobene responded that she does not think that it is going to be taking place.

Clerk Sullivan commented that she will be returning to small claims court on the 28th for Adam Widger.

Trustee Rauber indicated that he will not be at the August workshop and will be meeting with Ken Olson with Trustee Penders. Trustee Rauber continued that Walker Brothers funeral home, Dr. Cellura and Feltner Insurance is talking about combining their parking lots to create more parking for their businesses and some utility work will need to be done. Trustee Rauber commented that he is communicating with a resident regarding privatizing trash pick-up and will be providing him with some figures regarding the cost of trash pick-up to the residents.

Trustee Nellis-Ewell commented that the draft of the updated Comprehensive Plan is complete and available for review. A public hearing will be scheduled for the September Board Meeting and will be further discussed at the August Board Meetings.

Trustee Rauber questioned the process for changes to the document.

Trustee Nellis-Ewell indicated that no changes will be made to the document.

Trustee Penders commented that SVA continues to work on establishing an ambulance district and the average cost to a household for about 85% of the district will be about \$35, new ambulance is being built at this time and the SFD decided to discontinue talks with the Town of Sweden regarding first responder fire protection coverage.

Motion was made by Mayor Lobene, seconded by Trustee Rauber and carried unanimously that the workshop meeting be adjourned at 7:35 p.m.