

**VILLAGE BOARD MEETING**  
**August 3, 2011**

**CALL TO ORDER:** 7:00 p.m.

The Pledge of Allegiance was led by Trustee Nellis-Ewell

**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  
Owen McIntee, SME Superintendent  
Richard Olson, Village Attorney  
Jackie Sullivan, Village Clerk  
Ginny Swarthout, S. Union Street  
Dennis & Kathy Tianello, Deerborne Lane  
Mike Vickery, DPW Foreman

**APPROVAL OF MINUTES**

A motion was made by Trustee Rauber, seconded by Trustee Nellis-Ewell and carried that the minutes of the regular meeting July 6, 2011 be approved as read.

A motion was made by Trustee Gunther, seconded by Trustee Penders and carried that the minutes of the workshop meeting July 20, 2011 be approved as read.

**PRIVILEGE OF FLOOR**

Mrs. Ginny Swarthout, S. Union Street and Canal Days Committee Chair addressed the Village Board by thanking all of the Board Members and Village Staff that supported the recent Canal Days Event. Mrs. Swarthout added that the event costs \$32,000. Mrs. Swarthout continued by explaining the confusion regarding receiving garbage containers from Suburban Disposal and the Village of Spencerport and that in the future she will double check with the Village of Spencerport to determine if garbage containers are available for Canal Days. Mrs. Swarthout added that some parking tickets were issued by the police department along West Avenue and that Mayor Lobene and Chief Nordquist are working on resolving this issue and the parking signs should have been bagged.

Mayor Lobene thanked Mrs. Swarthout for chairing this event for the last 30 years.

Mrs. Swarthout responded by thanking the entire committee for all of their hard work.

**Administrative Committee** – Mayor Lobene, Chair

Mayor Lobene commented that the bulk fee schedule will need to be looked at by the Code Review Committee and will be reviewed at the August 17<sup>th</sup> Workshop Meeting and that Mr. Wieme has not interviewed with the members of the Zoning Board of Appeals and his appointment will take place at the September 4<sup>th</sup> Board Meeting.

**RESOLUTION 27 8/2011**

Introduced by: Trustee Rauber

Seconded by: Trustee Penders

Now therefore be it resolved, that the Village of Spencerport Board of Trustees approves attendance for Village Trustees, Clerk, Treasurer and (1) support staff member at the 2011 NYCOM Fall Training School for City and Village Officials September 19-22, 2011 in Saratoga Springs, NY. Cost not to exceed \$1375.00 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

Mayor Lobene explained that she, Trustee Rauber, Clerk Sullivan, Kris Schultz and the new owners of the plaza met yesterday to discuss the potential of the East Avenue trail and plaza configuration.

**Sewers Committee** – Trustee Rauber, Chair

Trustee Rauber commented that there is nothing requiring Board action and defers all comments to Mike Vickery.

**Trolley Depot** – Trustee Rauber, President

Trustee Rauber commented that over 1200 people have visited the depot, canal heritage books are being sold and programs are set up for the month of August and the new dock is being well received.

Trustee Gunther questioned if the dock had been modified to accommodate the rowers.

Clerk Sullivan responded that it was the floating dock that was modified.

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

A. Planning

**RESOLUTION 28 8/2011**

Introduced by: Trustee Nellis-Ewell

Seconded by: Trustee Penders

Now therefore be it resolved, that the Village of Spencerport Board of Trustees approves attendance for Village Trustees, Planning & Zoning Board Members and (1) support staff member at the fall 2011 Monroe County Land Use Decision-Making Training Program. Cost not to exceed \$100.00 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

B. Architectural Review

Trustee Nellis-Ewell indicated that the sign application for Bad Apples Bistro was approved and will be similar to the signs located at 42 Nichols Street.

C. Zoning

Trustee Nellis-Ewell reported that there was no meeting during the month of July and that the appointment of David Wieme has been tabled until the Zoning Board has an opportunity to conduct an interview.

D. Building Control

E. Code Review

Trustee Nellis-Ewell commented that a code review committee meeting is scheduled for tomorrow at 1:30 p.m. regarding dumpster enclosures, in-law apartments, residential parking and fee schedule.

**Finance Committee** – Trustee Penders, Chair

Trustee Penders reported that he had met with Treasurer Kimbler and that \$2.25 million of Village funds have been transferred to Chase Bank at this time due to better interest rates. Bill Freitag from BST will be in the office next week to start the annual electric fund audit; Jen Talbut will be here in October to conduct the annual audit of the general, sewer, capital and trust funds and notification that the Village now accepts credit cards for electric payments was included in this month's electric bill.

Trustee Penders explained the attached budget transfer. Trustee Penders continued that he did meet with Ken Olson and that Mr. Olson will be providing services to the Village when school reopens in September, during spring break or when

the weather gets warmer and when school lets out as that appears to be the times when the issues are prevalent in the Village.

**RESOLUTION 29 8/2011**

Introduced by: Trustee Penders  
Seconded by: Trustee Rauber

Now therefore be it resolved, that the Village of Spencerport Board of Trustees 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

**RESOLUTION 30 8/2011**

Introduced by: Mayor Lobene  
Seconded by: Trustee Rauber

Now therefore be it resolved, that the Village of Spencerport Board of Trustees approves attendance for SME Superintendent, Deputy Clerk and Treasurer to the MEUA Annual Conference September 13 – 16, 2011 in Saratoga Springs, NY. Cost not to exceed \$742.00 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 31 8/2011**

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

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

WHEREAS, the Annual Conference of the Municipal Electric Utilities Association of New York State has been called on September 13, 14, 15 and 16, 2011, to be held at the Holiday Inn, Saratoga Springs, New York, and,

WHEREAS, in accordance with the bylaws of the Municipal Electric Utilities Association of New York State, each municipal member may cast one vote on each transaction properly brought before this meeting,

NOW THEREFORE BE IT RESOLVED, that Owen McIntee be and is hereby designated as the accredited delegate of the Village of Spencerport, New York.

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

**RESOLUTION 32 /2011**

Introduced by: Mayor Lobene  
Seconded by: Trustee Penders

Now therefore be it resolved, that the Village of Spencerport Board of Trustees approves the attached Electric Account Write-Offs in the amount of \$399.49.

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

B. Public Services (Refuse, Recycling, Parks)

Trustee Gunther commented that the bulk refuse fee schedule has been forwarded to the Code Review Committee for further review at this time.

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

A. Fire Department

Trustee Penders indicated that he attended the Fire Commissioners meeting to address an email that was received from Mr. Gilbert at 72 Clark Street indicating that the fire siren was keeping his son up all hours of the night. Trustee Penders confirmed and communicated to the resident that the siren only sounds between the hours of 7 am and 9 pm and is still used to alert the volunteer firemen and that if he would like the times to be shortened he should approach the Fire Commissioners.

Trustee Penders continued that the Firemen's Exempt Club will be constructing a memorial monument at Station 1 and are working towards retaining a contractor to complete the work. Trustee Penders continued that SFD attended a meeting in the Town of Sweden regarding fire protection services and are not comfortable entering into a contract for fire protection with Sweden because of the potential inability to provide services to the residents of the Town of Ogden however mutual aid will continue between SFD and the Town of Sweden and that further talks regarding first responder fire coverage by SFD will be discontinued.

B. Police

C. Ambulance

Trustee Penders indicated that he attended the SVA monthly meeting and that SVA provided 55 advance life situations and 42 basic life situations, a new ambulance is being built and the old ambulance will be traded in, personnel changes were reported, repairs to the existing ambulance were reviewed and EMS Charts was purchased to house medical information that is gathered on a patient. Trustee Penders indicated that SVA is in positive financial position at this time and that the proposed ambulance tax would be approximately \$1-\$46 annually to a resident.

Mayor Lobene indicated that she has talked with Chief Nordquist regarding a PACTAC team to patrol the business district and that the Chief was in favor of a PACTAC team and would like to talk to the Board further.

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

Trustee Gunther requested executive session to discuss personnel issues.

## **RESOLUTION 33 8/2011**

Introduced by: Trustee Gunther  
Seconded by: Trustee Rauber

Now therefore be it resolved, that the Village of Spencerport Board of Trustees approves extending Calvin Zimmerman's employment to 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	Aye

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

Mayor Lobene commented that she has met with the new owners of the plaza and that this is their 13<sup>th</sup> plaza that they own. Their names are Albert and David Pelusio.

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

Trustee Nellis-Ewell indicated that she and Superintendent McIntee will be compiling a final report on the IEEP Attic insulation program and the reduction in the use of electric.

Trustee Nellis-Ewell indicated that the revised comprehensive plan is being reviewed by the Village Attorney and a public hearing could be held during the month of September.

**Village Clerk** – Jackie Sullivan

Clerk Sullivan commented that she had submitted her monthly report electronically to the Village Board and that the small claims case was dismissed and an insurance claim has been made, only one quote for the renovations of the ladies room was received in the amount of \$14,000 and other contractors will be contacted for quotes, a revised budget was received by Frontier for the telephone system and is under budget, specifications have been received for the two new computers servers and will be ordered in the next week, the two superintendents have their smart phones, taxes continue to be collected and will be meeting with a new vendor for our banners.

Clerk Sullivan indicated that she submitted to the Board an outline regarding Kris Schultz's proposal to make East Avenue a walking path instead of a roadway in June 2011. Clerk Sullivan asked the Village Board to determine if they would like to proceed with this project, how it will be funded and who will engineer the project. Clerk Sullivan reminded the Board that there are several ideas that the Board has about how engineering firms are assigned and that needs to be determined so that the project can go forward. Clerk Sullivan continued that the grant needs to be spent by the end of 2012 and that the Village cannot do work outside of the Village and that the current grant would provide for contractors to construct the potential path.

Mayor Lobene indicated that she would talk to the Town Supervisor to determine if the path could come out on the town property located in Hickory Hollow.

Clerk Sullivan indicated that this grant money cannot be used for projects outside the Village.

Mayor Lobene asked how everyone feels about going ahead with this project.

Trustee Rauber commented that it appears that it could be a viable project and questioned if the Village in kind funds have been spent.

Clerk Sullivan responded that they have and that it would be most appropriate to have a contractor construct the path.

Trustee Nellis-Ewell indicated that it would support health communities.

Trustee Gunther indicated that it is a good fit.

Clerk Sullivan commented that the next step in this project based on the philosophy that the Village Board adopted is that the Village Board needs to receive bids from engineering firms to provide the engineering design and construction of the path even though this does not follow the Village procurement policy and the Village Board has to determine how they will pay for 50% of the project approximately \$100,000.

Trustee Rauber indicated that he needs to think about this project.

Kris Schultz indicated that he can go no further with any of this project because he is not on retainer by the Village.

Trustee Nellis-Ewell confirmed that they key issues are whether or not the Village is going to bid out engineering services and how the project will be funded and that it will be discussed at the August workshop meeting.

Mayor Lobene indicated that is correct.

Trustee Gunther commented that there was an article in the editorial section of the newspaper praising the Hometown Hero Banners.

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

Mr. Mike Vickery, DPW Foreman commented that the crews have been working on Brockport Road making road cuts and under drainage is being connected at this time; brush was picked up last week; work has been done on the Maplewood Avenue culvert; drainage work was done on the Village Walk and Thorncliff Road; catch basins are being cleaned out by Mark Elliot and Calvin Zimmerman; Village Walk Circle pump station had issues due to debris being in the pump and the pump is being fixed and replaced by the end of the week; Pinecrest drainage will be done in the fall with help from the Town of Ogden; fuel pumps will need to be inspected monthly and the donation boxes are compete and the signs have not arrived.

Mr. Vickery continued that Thorncliff Road drainage will be completed by the end of the week along with the road being boxed out for the installation of gutters; during the week of August 8<sup>th</sup> Brockport Road will be trued and leveled with the help from the Town of Ogden; Westside Tree will be in the Village completing tree trimming.

Mayor Lobene commented that work will start the third week in August on Lyell Avenue.

**Superintendent of Electric** – Owen McIntee

Superintendent McIntee indicated that his department report was emailed to the Board yesterday. Crews continue to operate safely; underground work will be taking place at Cross Roads apartments and will be working with tree crews for the Lyell Avenue project and that the inter-municipal agreement with Monroe County and the street light fixtures selection are still at the County level. Superintendent McIntee continued that interviews are taking place at this time for an apprentice lineman and that electric service will be available for the German Festival. Superintendent McIntee commented that the boater had his extension cord wired incorrectly causing the electrical problem at the dock.

**Attorney** – Richard J. Olson

Attorney Olson requested an executive session to discuss litigation.

**Unfinished Business**

**New Business**

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

General Fund	\$ 72,103.14
Electric Fund	\$ 59,097.30
Sewer Fund	\$ 9,719.85
Trust Fund	\$ 326.52
Capital Fund	\$ 0.00
<b>TOTAL:</b>	<b>\$141,246.81</b>

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

**Adjournment**

Motion was made by Trustee Rauber, seconded by Trustee Gunther and carried unanimously that the regular meeting be adjourned to executive session to discuss matters of personnel and possible litigation issues at 8:30 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 9:30 p.m.