

**VILLAGE BOARD MEETING**  
**September 14, 2011**

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

The Pledge of Allegiance was led by Trustee Penders

**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**

Nancy Henneman, Lyell Avenue  
Ray Kuntz, Jr., Coolidge Avenue  
Susan and Frank Nichols, Coventry Drive  
Richard Olson, Village Attorney  
Jackie Sullivan, Village Clerk  
Tom West, DPW Superintendent  
David Wieme, Amity Street  
Shelia Wohlers, Clark Street

**APPROVAL OF MINUTES**

A motion was made by Trustee Gunther, seconded by Trustee Rauber and carried that the minutes of the regular meeting August 3, 2011 be approved as read.

A motion was made by Trustee Gunther, seconded by Trustee Nellis-Ewell and carried that the minutes of the workshop meeting August 17, 2011 be approved as read.

**PRIVILEGE OF FLOOR**

Mr. Frank Nichols, Coventry Drive expressed his opinion regarding the 2% tax cap restriction imposed by the State Legislature. Mr. Nichols indicated that he is concerned that Village residents' maybe paying for town services that he is not receiving because he lives in the Village. Mr. Nichols indicated that while reviewing the Village budget \$22,000 is budgeted for law and monies are budgeted for parks and recreation. Mr. Nichols questioned if those monies were allotted for the police department and for parks and recreation operations outside of the Village, because those items are paid for in the Town taxes.

Mayor Lobene responded that the police department is paid for through our Town taxes and that parks and recreation is solely for the Village park areas.

Trustee Rauber indicated that the tax cap is on the tax levy not the tax rate and that a 2% increase on the levy only raises \$12,000 in tax revenues for the Village. Trustee Rauber commented further that in emergency situations, like the recent flooding, small Villages are expending funds for clean up and will receive some FEMA monies but will not be fully compensated for clean up expenses and then facing the tax cap restrictions will find that they will have significant financial strains.

Mayor Lobene further commented that the second quarter sales tax figures received by the Village were \$194,000.

Superintendent West commented that he is willing to review his budgets with Mr. Nichols.

**Administrative Committee** – Mayor Lobene, Chair

Mayor Lobene appointed David Wieme to the Zoning Board of Appeals. Mayor Lobene continued by explaining to the Board that the Clerk Sullivan will be reviewing the NYS Canalway potential grant submission and project process.

Mayor continued that the Board will be moving into budget season. Mayor Lobene asked the Board members if they would like to come in once a month on Saturdays to discuss the budget.

Board Members responded that they would like to further discuss it at the workshop meeting next week.

**Sewers Committee** – Trustee Rauber, Chair

Trustee Rauber deferred to Attorney Olson for an item that needs Board action.

**Trolley Depot** – Trustee Rauber, President

Trustee Rauber commented that this was a fantastic season with over 80 volunteers helping to keep the depot open all season, 143 boats have tied up at the new dock and over 2700 visitors at the Trolley Depot. Trustee Rauber continued that the graffiti incident on the Trolley Depot sign was fixed by Natalie Signs at no charge and quotes are being received for lighting of the sign and motion lights.

Mayor Lobene added that security cameras should be looked into being installed at the parks and that Churchville spent about \$1700 for each camera they have purchased.

Trustee Gunther asked how the donation boxes are working.

Trustee Rauber indicated that they appear to be working well but people are now donating to the boxes and not to the Trolley Depot however all funds are going to the community.

Clerk Sullivan indicated about \$200 has been received in the donation boxes.

Trustee Nellis-Ewell commented that she was under the impression that the security cameras in Churchville cost \$12,000.

Clerk Sullivan commented that Churchville has installed five cameras linked by fiber optic cabling and the software associated with the equipment.

Trustee Penders further commented that Churchville needed to link the cameras by fiber optic cabling because of the distance between the cameras and that Churchville received a public safety grant for this project.

Trustee Nellis-Ewell commented that she was not questioning the need for the cameras just the cost.

Mrs. Quigley commented that fiber optic gives the best resolution and that is what is needed for prosecution.

Trustee Penders indicated that the grant is not specifically for cameras but that is how Churchville chose to use it.

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

A. Planning

Trustee Nellis-Ewell indicated that the 3028 Brockport Road LoPresti project was addressed with the SEQR uncoordinated review process was completed and it received a negative declaration. With this process being completed this project can begin moving forward with the appropriate approvals from the Monroe County Health Department, Army Corps of Engineers and DEC.

B. Architectural Review

Trustee Nellis-Ewell commented that there were three applicants: Bad Apples Bistro, 42 Nichols Street and a Certificate of Appropriateness were issued; Dollar Tree no action was taken and applicant will be sent a letter explaining the process and the Masonic Temple's Lodge with new signage with their insignia to affix to their building and were granted a certificate of appropriateness.

C. Zoning –

Trustee Nellis-Ewell commented that there is a Zoning Board of Appeals meeting scheduled for September 15, 2011 with one item on their agenda regarding a porch at Mr. John Dole's Maplewood Avenue property.

**RESOLUTION 39 9/2011**

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

Now therefore be it resolved, that the Village of Spencerport Board of Trustees approves the Mayor's appointment of David Wieme, 113 Amity Street, Spencerport, NY as a member of the Zoning Board of Appeals.

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 thanked Mr. Wieme for volunteering.

Trustee Gunther questioned if the Zoning Board of Appeals was able to interview Mr. Wieme.

Trustee Nellis-Ewell indicated that the Zoning Board of Appeals received Mr. Wieme's letter of interest and were able to interview Mr. Wieme and felt that he would be a good fit to the Board.

D. Building Control

Trustee Nellis-Ewell commented that this is the area of building inspector services.

**RESOLUTION 40 9/2011**

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

Now therefore be it resolved, that the Village of Spencerport Board of Trustees approves 2012 Town of Ogden Inter-municipal Agreement for Building Department Inspector Services and Code Enforcement in the amount of \$31,565.25.

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

Mrs. Sheila Wohlers questioned if this was one of the items that Village residents are paying twice for.

Mayor Lobene indicated that this is a shared services contract with the Town to provide Building Department Services to the Village so that the Village does not have to hire their own Building Inspector.

E. Code Review

Trustee Nellis-Ewell commented that the Code Review Committee met in August to discuss bulk pick up and the fee schedule to be developed for additional pick-ups; parking on lawns and charges for dumpsters. The next meeting is scheduled for October 22<sup>nd</sup> at 1:30 p.m.

**Finance Committee** – Trustee Penders, Chair

Trustee Penders commented that the audit for the Electric Fund fiscal year ending May 31, 2011 was completed by Bollam, Sheedy, Torani & Company, LLC and results indicated that the Village accounting staff did an excellent job thanking Pam, Karen and Owen for all of their efforts. Trustee Penders continued that the electric fund recognizes a \$39,000 loss due to upgrades to the system and cost of materials and fuel; residential sales were up due to the rate increase; however the use of electric is down. Write offs are down and collection days have also decreased from 43 days to 34 days; line loss of 2.4% is low and indicates that all equipment is working well.

Trustee Gunther questioned if the Village now accepts credit cards for electric or just taxes.

Clerk Sullivan responded that the Village accepts credit cards for electric only not taxes.

Trustee Penders further commented that the department does a great job and should be applauded.

Trustee Penders indicated that in speaking with Clerk Sullivan it would be appropriate to change the name of the trust account “Memorial Gifts/Carter” to “Memorial Gifts/Park” due to the Village now receiving donations in the collection boxes along the canal.

Mayor Lobene commented that it is a good idea however, should the Village contact the Carter family indicating the change.

Trustee Gunther commented that his concern would be the Village spending money on parks that is specifically for the Gazebo.

Mrs. Wohlers commented that that fund was established for the upkeep of the Gazebo.

Clerk Sullivan responded that the funds that were in the “Memorial Gifts/Carter” fund were spent this year on the repairs that were done to the Gazebo. Clerk Sullivan further commented that two accounts can be established and would be a better way to account for the donations that are now being received from the donation boxes.

Mayor Lobene suggested that the resolution be tabled until a letter is sent to the Carter family.

**RESOLUTION 41 9/2011**

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

Now therefore be it resolved, that the Village of Spencerport Board of Trustees will table the resolution to approve renaming Trust Account “Memorial Gifts/Carter” to “Memorial Gifts/Parks” to allow donations made to the Village to be used for all of the park areas not only the Clyde Carter Memorial Gazebo.

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

Mayor Lobene commented that the Electric Crew has been working on upgrading the Cross Roads Apartment electric system.

B. Other ( Drainage, Franchise)

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

A. Highways/Garage

Superintendent West explained the type of vacuum leaf collector that was in the specification and that the bid that was received was \$10,000 lower than what was budgeted.

Trustee Nellis-Ewell expressed her surprise that only one bid was received for the leaf collector.

**RESOLUION 42 9/2011**

Introduced by: Trustee Gunther  
Seconded by: Trustee Penders

Now therefore be it resolved, that the Village of Spencerport Board of Trustees awards the Trailer Mounted Vacuum Leaf Collector Bid to the OBD Company, 5118 Glen Alden Drive, Richmond, VA 23231 in the amount of \$21,193.00.

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

B. Public Services (Refuse, Recycling, Parks)

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

A. Fire Department

B. Police

C. Ambulance

Trustee Penders commented that there is an ambulance meeting next Monday and the Fire Department meeting is scheduled for tonight. Trustee Penders continued that the SVA continues to work towards establishing an ambulance district and that SVA would have to fall under the 2% tax cap law and would need to establish a board of commissioners.

Mr. Nichols questioned if the ambulance would consider merging with the fire department.

Trustee Penders indicated that it would never happen and that the SFD does not want the responsibility of an ambulance service and would require SFD to take on paid staff and that would cost the taxpayers a significant amount of money due to the paid staff need to be trained as fire personnel and EMS personnel.

Discussion ensued between the Trustees and the audience regarding the hiring of paid personnel and the referendum process.

Trustee Nellis-Ewell indicated that never is a strong term and that it is important to remain open minded.

Mrs. Wohlers commented what about the private ambulance companies.

Mayor Lobene responded that contracting with a private ambulance company may happen.

Trustee Penders indicated that work continues on the fire department memorial and that the past presidents and chiefs portion is in place and a bronze helmet is being received to honor firefighter Bob Fowler who was killed in the line of duty. In addition a beam from the World Trade Center and information regarding the memorial and two flag poles need to be installed along with a walkway with all of the names of the current and past life members of the fire department. The memorial is being funded by 2% monies that are received by the Spencerport Exempts Club from NYS for insurance sold in NYS by companies outside of NYS.

Mayor Lobene commented that the Village had an excellent showing from Fire Department, Police Department and the Legion at the 9/11 ceremony.

Mrs. Quigley commented that everyone did a good job at the 9/11 ceremony.

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

Trustee Gunther commented that the 6 month probationary period has been met by Michael Vickery in the position of DPW Foreman and that formal action needs to be made to make Mr. Vickery the DPW Foreman.

Attorney Olson indicated that if performance is going to be discussed it needs to be done in executive session.

Trustee Nellis-Ewell indicated that a resolution needs to be made.

Mayor Lobene indicated that the Village Board will be going into executive to discuss employee performance.

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

Mayor Lobene indicated that a Dollar Store is coming to the plaza and that she has met with owners of plaza and they are full of enthusiasm for expansion of the plaza and currently working with Kris Schultz for plaza improvements.

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

Trustee Nellis-Ewell indicated that work continues on Village comprehensive plan and attorney review has been received and will be circulated to the Planning Board, Zoning Board of Appeals and the Village Board prior to the public hearing.

#### **Village Clerk** – Jackie Sullivan

Clerk Sullivan commented that she forwarded her monthly office report via email to the Village Board.

Clerk Sullivan continued by reviewing the below outline regarding the grant process for the NYS Canalway Grant Program.

#### **NYS Canal Corp. Canalway Grants Program Details**

##### **I. Who is eligible for funding**

- a. Municipalities – Village of Spencerport
- b. Not for Profits – Spencerport Depot and Canal Museum
- c. State Agencies
- d. Public Authorities

## **II. Funding Priorities**

- a. Development & Tourism Promotion
  - i. Canal public parks
  - ii. Park improvements
  - iii. Parking facilities
  - iv. Improvements or restoration of historic canal structures
  - v. Interpretive, informational kiosks
  - vi. Signage
- b. Canalway Land Trail
  - i. Construct and/or enhance the Canalway Trail or linkages
- c. Canal Community Infrastructure Projects
  - i. Improved amenities for cyclist and boaters
  - ii. Wi-Fi amenities
  - iii. Repair or rehabilitation of existing docks

## **III. Funding Dollars – Matching Grant Program**

- a. Minimum \$50,000
- b. Maximum \$150,000

## **Village of Spencerport Projects and how do they relate to the NYS Canalway Grants Program**

### **I. Village Priorities**

- a. Municipal Parking Lot Expansion
  - i. Development & Tourism Promotion
- b. East Avenue Heritage Trail Project
  - i. Development & Tourism Promotion
- c. DPW Park
  - i. Development & Tourism Promotion
- d. Community Wi-Fi
  - i. Canal Community Infrastructure Projects

### **II. Current Village Project**

- a. East Avenue/Force Main Restoration Project
  - i. 50% funded by NYS DOS DCR Grant
  - ii. 50% to be funded by the Sewer Reserve Fund(subject to permissive referendum timeline)
  - iii. Scope of this project would need to be amended to only include the design and construction of the pathway and restoration of the area. Landscaping, amenities and lighting would need to be developed in the East Avenue Heritage Trail Project.

### **III. Miscellaneous Details**

- a. Schultz and Associates has cost/design details for:
  - i. Municipal Parking Lot expansion
  - ii. East Avenue Heritage Trail Project
  - iii. DPW Park
- b. Community Wi-Fi
  - i. Village Clerk has plan potential cost \$60,000
- c. Village could apply for the follow projects for max funding totaling \$300,000 (50% grant \$150,000/50% VOS \$150,000)
  - i. Municipal Parking lot expansion

- ii. East Avenue Heritage Trail Project
- iii. Community Wi-Fi
- d. Spencerport Depot and Canal Museum
  - i. Can apply for funding to bring the bridge tenders building into the Village.

**IV. Action Items**

- a. Does the Village submit a project(s) for funding (October 31, 2011 deadline)
- b. What project(s) are submitted
  - i. Municipal Parking Lot expansion
  - ii. East Avenue Heritage Trail Project
  - iii. DPW Park
  - iv. Community Wi-Fi
- c. Assign an engineer to the East Avenue/Force Main Restoration Project
- d. Contract with an engineer to assist in the grant submission process

Clerk Sullivan indicated that action on these items would need to take place at the workshop session on September 21<sup>st</sup>.

Mayor Lobene added most of the engineering has been completed for the parking lot expansion by another party and would lower the cost to the Village. Mayor Lobene indicated that she feels that the DPW Park should be put on hold at this time to apply for this grant and complete the East Avenue walking trail.

Trustee Nellis-Ewell commented that at the last Waterfront Development Committee meeting the consensus of the group was to put the DPW Park on hold to focus efforts on the East Avenue Heritage Trail.

Trustee Rauber indicated that he is comfortable taking action tonight to assign engineers.

Clerk Sullivan indicated that the action items can be completed at the workshop session next week.

Mayor Lobene commented that some of the Village's part can be "in kind labor" and additional help from Eagle Scouts.

Mrs. Wohlers commented that she was under the impression that an engineer was hired to do the project for East Avenue

Mayor Lobene indicated that an engineer was hired to complete a study for the area but this would be for design and implementation.

Trustee Nellis-Ewell indicated that the scope has changed from a street to a walking trail.

Mrs. Wohlers commented that the Village now has to hire an engineer to complete a study for this portion of the project.

Trustee Nellis-Ewell indicated the engineer would not be completing a study they would be completing the plan for design and construction including construction management services.

Clerk Sullivan commented that the current grant was to finish the docks and preliminary engineering for East Avenue as a roadway. MRB Group helped the Village to apply for the current grant because they were the engineering firm that completed the study regarding East Avenue however, the current grant was for the design and preliminary engineering of East Avenue to make the project shovel ready it was never intended for construction. Clerk Sullivan continued that this Board determined to change the use of East Avenue from vehicular traffic to pedestrian traffic with the trail following the intended route of East Avenue to Hickory Hollow. Funding of the project will be coming from the Sewer Fund because of the need to restore the route from the installation of the force main sewer line. Clerk Sullivan added that it is necessary to work with an engineer to establish the cost estimates for the project.



Mrs. Wohlers responded that the Village has to pay for the engineer to complete that portion of the project.

Trustee Nellis-Ewell indicated that the road project was estimated to cost \$1 million dollars a mile and that this pedestrian trail will not cost nearly as much and will have a greater impact on the community and supports the comprehensive plan.

Mrs. Wohlers commented that this trail is going to Hickory Hollow.

Mayor Lobene responded that yes the trail will go to Hickory Hollow but needs to stop at the Village line and the Town would complete the rest to Hickory Hollow and eventually to Gillett Road.

Mrs. Henneman commented that she feels that that there is already a path across the canal and why do we need one on both sides.

Mayor Lobene responded that it would be nice to have one on this side of the canal as well with more and more people of the community walking and riding bikes.

Trustee Nellis-Ewell indicated that the responses to the comprehensive plan survey were that enhancements to the canal area are necessary to include walking trails and bicycle trails.

Mrs. Wohlers questioned who would maintain the trail.

Mayor Lobene responded that the Village would maintain their portion and the Town would maintain their portion and possibly the plaza owners.

Mrs. Wohlers confirmed that the maintenance would need to come out of Village taxes.

Mayor Lobene responded correct.

Mrs. Quigley questioned if this was part of the project Nancy Wolk was working on.

Trustee Nellis-Ewell responded that it was a portion of it.

Mrs. Quigley added that she would rather walk on the south side of the canal east than the north side because the north side is too closed in and over grown.

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

Superintendent West commented that the gutters are in on Thorncliff Drive and milling will be done on Thursday and paving being done the following Thursday weather permitting and Thorncliff Drive should be complete. Cost data continues to be collected for bulk pick-up. Work continues on Lyell Avenue with the installation of drainage and during the Columbus Day weekend the culvert will be replaced for Northrup Creek.

Superintendent West indicated that he will be sending staff to an upcoming pump station seminar and the Town of Ogden will be borrowing a dump truck and driver throughout the next two weeks. Work continues on the repairs to the Pavillion.

**Superintendent of Electric** – Owen McIntee

Not in attendance

**Attorney** – Richard J. Olson

Attorney Olson requested executive session to discuss litigation issues.

**RESOLUION 43 9/2011**

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

**Whereas**, the Board of Trustees has heretofore created a Sewer Fund Capital Reserve pursuant to §6-c of the General Municipal Law; and

**Whereas**, the current balance in said fund is \$ 280,810.15 ; and

**Whereas**, the construction of the pumping station and force lines conveying waste to the Monroe County Pure Waters facility on Trolley Boulevard in the Town of Gates caused areas in and near the trolley right-of-way, which in and under the force main is located, to be disturbed and damaged; and

**Whereas**, this board wishes to apply \$100,000.00 from the Sewer Fund Capital Reserve for repair and upgrade of the sewer easement area located in and near the trolley right-of-way.

**Now, therefore, be it resolved**

1. That \$100,000.00 be transferred from the Sewer Fund Capital Reserve to the Sewer Fund for repair and upgrade of the sewer easement area located in and near the trolley right-of-way.
2. That this resolution is subject to a permissive referendum as provided by Article 9 of the Village Law.

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 commented that this would restore the area that was used to install the force main sewer lines for the WWTP Offline project. This area has experienced some settling since the project completion and man holes are above acceptable grade.

Attorney Olson commented that the Trolley Depot agreement will be forth coming regarding the operating agreement and that he has completed his review of the proposed comprehensive plan and submitted his comments to the committee.

**Unfinished Business**

Trustee Rauber indicated that everyone did a nice job on 9/11 event.

**New Business**

**Bills**

Motion was made by Trustee Nellis-Ewell, seconded by Trustee Rauber 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 Mayor Lobene and carried unanimously that the cash disbursements for the General, Electric, Sewer, Trust and Capital Funds, September 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 Rauber, seconded by Trustee Gunther and carried unanimously that the executive session be adjourned to workshop session at 8:55 p.m.

**RESOLUTION 44 9/2011**

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

Now therefore be it resolved, that the Village of Spencerport Board of Trustees approves promoting Michael Vickery to the position of DPW Foreman after successful completion of a 6 month probationary period. Mr. Vickery's salary will be adjusted to the 2011/2012 budgeted hourly salary for the DPW Foreman.

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 Penders, seconded by Trustee Gunther and carried unanimously that the executive session be adjourned to workshop session at 9:00 p.m.