

VILLAGE BOARD MEETING
Minutes
December 7, 2011

CALL TO ORDER: 7:00 p.m.

The Pledge of Allegiance was led by Trustee Rauber

BOARD MEMBERS PRESENT

Theodore E. Rauber, Trustee
Carol J. Nellis-Ewell, Trustee
Gary Penders, Trustee
Fritz Gunther, Trustee

BOARD MEMBERS ABSENT

Joyce Lobene, Mayor

OTHERS PRESENT

Jerry Cellura, West Avenue
Dale Kellerson, Thorncliff Road
Elaine Lockhart, Union Street
Owen McIntee, SME Superintendent
Richard Olson, Village Attorney
David Perotto, West Avenue
Joan Quigley, Maplewood Avenue
Kris Schultz, Schultz Associates
Jackie Sullivan, Village Clerk
Dave Wieme, Amity Street
Mike Vickery, DPW Foreman
Participation in Government Students (1)

APPROVAL OF MINUTES

A motion was made by Trustee Gunther, seconded by Trustee Nellis-Ewell and carried that the minutes from the November 2, 2011, regular meeting be approved as read.

A motion was made by Trustee Penders, seconded by Trustee Nellis-Ewell and carried that the minutes from the Workshop November 16, 2011 workshop meeting be approved as read.

PUBLIC HEARING

Trustee Rauber opened the public hearing for Introductory Local Law 7-2011 "A Local Law to Provide for In-Law Apartments in the R-1 and PRD Districts at 7:04 p.m. Trustee Rauber continued by reading the local law.

There being no comments from the public Trustee Rauber closed the public hearing at 7:05 p.m.

Property Issue – Kevin Kelly, Code Enforcement Officer

Mr. Kelly explained to the Village Board the condition of 1 Glen Carin Court indicating that the most of the windows have been broken out at the abandon property building and that based on Mr. Kelly's investigation the buildings are currently unsafe and is requesting the Village Board approval to have the buildings enclosed and secured by Emergency Enclosures.

Resolution 68 12/2011

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

Whereas, Code Enforcement Officer Kevin Kelly has, at the request of the Town of Ogden Police, inspected property at 1 Glen Cairn Court, also known as lots 28, 29 and 30 of the Canal Landing Subdivision, tax account number 086.12.1.10 and provided a written report to this Board; and

Whereas, upon review of said written report, this Board finds that said property is dangerous and unsafe within the meaning of Chapter 129 of the Village Code; and

Whereas, a review of the SEQRA Regulations shows that this is a Type II action under §617.5 (c) (1) and (33)

Whereas, as a result of said finding it is Resolved;

1. That the Code Enforcement Officer Kelly is directed to have said building repaired, secured and enclosed so that is no longer a threat to the general public;
2. That in accordance with Chapter 129 of the Village Code the expense of the work shall be a charge against the land on which it is located and shall be assessed, levied and collected as provided in Chapter 129.
3. That this resolution shall take effect immediately.

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

PRIVILEGE OF FLOOR

Mr. Dave Perrotto, of Walker Brothers Funeral Home, addressed the Board indicating that they will be taking down their garage in the rear of the parking lot and potentially combining the funeral home's , Dr. Cellura's and Feltner Insurance's parking lot to increase parking and to aid in drainage. Mr. Perrotto asked the Board to consider taking a look at drainage higher on the creek to help to reduce the flooding specifically to the aforementioned properties.

Dr. Cellura questioned if a retention pond has ever been considered up stream.

Trustee Rauber agreed with Dr. Cellura and that areas within Village Walk/Domus have been considered and work has been done on the culverts and current drainage to help mitigate potential flooding.

Trustee Penders agreed that work upstream would aid in the flooding issues associated with the general area.

Mr. Kris Schultz, Schultz Associates indicated that he has all of the data associated with establishing a preliminary design and budget to help the Village develop plans for upstream changes.

Trustee Nellis-Ewell questioned if FEMA made specific recommendations.

Mr. Schultz responded that FEMA did made recommendations and some needs have been determined.

Trustee Gunther questioned if the garage at the funeral home is creating an obstruction and causing the flooding.

Mr. Perrotto responded that removing the garage will increase parking and it is a bit of an eyesore but it is not an obstruction.

Mrs. Joan Quigley, Maplewood Avenue requested that the speed limits on Village residential streets be reduced. Mrs. Quigley continued that vehicles continually speed on Lyell and Maplewood Avenues and that the police should be running radar on the Village streets.

Trustee Penders indicated that the police have set up radar in work zones in the past.

Mr. Dave Wieme, Amity Street questioned if a two way sign could be added under stop signs on Martha and Amity streets and three way at Maplewood Avenue and Prospect Street because people treat the areas as a four way stop.

Ms. Elaine Lockhart – Union Street indicated that the skateboarding code needs to be clarified to narrow it down as to what the Village Board really want from the kids and to post signs as to where and when they are allowed to skate board.

Trustee Rauber asked Trustee Nellis-Ewell if the Code Review Committee will take a look at the Skateboarding Code.

Trustee Nellis-Ewell indicated that the committee will take a look at the Skateboarding code.

Ms. Lockhart questioned if some of the skateboarders would be allowed to participate in the review.

Trustee Rauber indicated that at this time it will be turned over to the Code Review Committee and they will take it from there and that we could keep Mrs. Lockhart informed of the progress of the revision.

Attorney Olson indicated that he does not think it would be a bad idea for a few skateboarders to participate in the revision of the code by presenting what they want of the code. In addition Attorney Olson indicated that he would donate his time for this exercise.

Trustee Gunther indicated that he is working on a map for the skateboarders.

Ms. Lockhart commented that the current code is confusing.

Trustee Gunther indicated that having the kids participate is a good idea.

Administrative Committee – Mayor Lobene, Chair

Resolution 69 12/2011

At a meeting of the Village Board of the Village of Spencerport, Monroe County, New York, held at the Village Hall, 27 West Avenue in said Village, on the 7th day of December, 2011, at 7:00 P .M. there were:

PRESENT: Trustees Rauber, Nellis-Ewell, Gunther and Penders

ABSENT: Mayor Lobene

RESOLUTION ADOPTING NEGATIVE DECLARATION

WHEREAS, the Village Board has before it the following local law:

LOCAL LAW # 7-2011 “A Local Law to Provide For In-Law Apartments in R-1 and PRD Districts”; and

WHEREAS, this Board is the only involved Agency and has determined that it is the Lead Agency; and

WHEREAS, this project is an Unlisted Action for the purposes of SEQRA; and

WHEREAS, the Mayor has prepared and submitted Part 1 "Project Information" of the (short) Environmental Assessment Form; and

WHEREAS, this Board having thoroughly reviewed the Environmental Assessment Form and considered each and every impact in accordance with SEQRA

NOW, upon consideration of the above and all of the previous documents, discussion and debate, upon the motion of Trustee Rauber, seconded by Trustee Gunther.

BE IT RESOLVED

1. That the adoption of this local law will not have a negative impact on the environment
2. That the Village Board adopts a Negative Declaration.
3. That this resolution shall take effect immediately.

Upon a roll call vote, the votes were cast as follows:

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	Absent

Whereupon the resolution was declared adopted

Resolution 70 12/2011

At a regular meeting of the Village Board of the Village of Spencerport held at the Spencerport Village Hall, 27 West Avenue, Spencerport, New York at 7:00 PM on December 7, 2011

Present: Trustees Rauber, Nellis-Ewell, Gunther and Penders

Introduced by: Trustee Rauber
Seconded by: Trustee Penders

RESOLUTION ADOPTING LOCAL LAW

Whereas, the Village Board has before it a proposed Local Law which, if enacted, will be Local Law #7-2011 “A Local Law to Provide for In-Law Apartments in the R-1 and PRD Districts”; and

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

Whereas, the Village Board has considered any public input; and

Whereas, this action is an Unlisted Action under the State Environmental Quality Review Act and the board has issued a Negative Declaration; and

Whereas, the notice of this hearing was duly published and posted as required by law; and

Whereas, pursuant to General Municipal Law §239-m the proposed Local Law was submitted to the Monroe County Planning Department and more than thirty (30) days has expired; and

Now, therefore, be it resolved:

Section 1. That the Village Board of the Village of Spencerport hereby enacts Local Law #7-2011 “A Local Law to Provide for In-Law Apartments in the R-1 and PRD Districts”.

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

Section 3. That this Local Law shall take effect upon filing with the Secretary of State.

Section 4. That this resolution shall take effect immediately.

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

Sewers Committee – Trustee Rauber, Chair

Trustee Rauber commented regarding the plaque that was received for an engineering award for our WWTP Pump Station and formally thanked MRB Group for the plaque.

Trolley Depot – Trustee Rauber, President

Trustee Rauber commented that an event will be held this weekend acknowledging the contributions from all of the volunteers that helped with the construction and renovations of the Trolley Depot.

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

- A. Planning - Trustee Nellis-Ewell indicated that there was a meeting on 12/16/2011
- B. Architectural Review - Trustee Nellis-Ewell commented that the proposed project from Mr. Perrotto’s Walker Bros. Funeral Home parking lot was given preliminary and final approval for the project contingent upon completion of various suggestions from the Village Engineer.

Architectural Review/Planning Board Attorney Mr. Stowe, Village Engineer Mr. Willard, Spencerport DPW Superintendent West and Spencerport Municipal Electric Superintendent McIntee citing the opportunity for energy-efficient, safer (use of bollards), upgraded lighting that follows Dark Sky recommendations, Architectural Review/Planning Board members’ comments and Monroe County Planning review. Project Engineer Mr. Schultz agreed to 10-ft. parking spaces, adding that removal of the garage building will result in 21 parking spaces. Mr.

Feltner, business neighbor, supports the project as an improvement to the shared area. Related to SEQRA/Type 1 Action, a short EAF was completed for an unlisted declaration.

1. Previously tabled for November meeting - Grandpa Sam's Mr. Anthony Alonci received a certificate of appropriateness for the renovations that are being completed at his building. Renovations began as repairs to address ice and snow issues related to safety, but became more extensive. The Code Enforcement Officer had issued a stop work order pending application to, and appearance before, the Architectural Review Board.
 2. Previously tabled from November meeting – After addressing comments and concerns from the Architectural Review Board regarding compliance with Village Code as related to size and theme of the other signage on the building at 500 South Union Street, Pontillos Pizza, Mr. Brian Harding, received a certificate of appropriateness for his modified sign.
- C. Zoning – Meeting 11/17/2011 Trustee Nellis-Ewell indicated that an application for a 6ft privacy fence by Robin Sterling, Village Hill Drive, was tabled due to issues with the easements in that area. The property has been visited by ZBA member Mike Flavin and Superintendent West to assess the situation further.
- D. Building Control
- E. Code Review –Trustee Nellis-Ewell commented that the usage codes in the plaza are being reviewed along with the skateboarding issue and the solid waste introductory local law.

Finance Committee – Trustee Penders, Chair

Resolution 71 12/2011

Introduced by: Trustee Penders

Seconded by: Trustee Gunther

Be it resolved that the Village of Spencerport Board of Trustees approves the below budget transfers for fiscal year end 5/31/2011.

<u>Amount</u>	<u>To Account</u>	<u>From Account</u>
\$7,000	A9950.900 Inter-fund Transfers to Capital Fund <i>East Avenue Heritage Trail</i>	A9950.900 Inter-Fund Transfers <i>Dock Project</i>
\$100,000	G9950.900 Inter-fund Transfers to Capital Fund <i>East Avenue Heritage Trail Phase 1 – Path Restoration</i>	Increase Appropriations out of Sewer Reserve – Per VB Resolution 10/19/11
\$3,000	A1440.400 Engineering Contractual <i>East Avenue Heritage Trail Phase II & Parking Expansion – Engineering for Grant Writing</i>	A5410.200 Sidewalks Capital
\$2,840	A5410.100 Sidewalks Salary	A5110.100 Highways Salary

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	Absent

Trustee Penders indicated that the electric fund borrowing has been paid off to the general fund.

Facilities Committee – Mayor Lobene, Chair

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

Public Works Committee – Trustee Gunther, Chair

- A. Highways/Garage

B. Public Services (Refuse, Recycling, Parks)

Public Safety Committee – Trustee Penders, Chair

- A. Fire Department – Trustee Penders indicated that district elections are next Tuesday, December 13th.
- B. Police – Trustee Penders indicated that he will talk to Chief Nordquist regarding speeding issues on Village streets.
- C. Ambulance – Trustee Penders commented that SVA had closed meeting with attorneys this month, in addition the Village and towns of Ogden and Parma met with Monroe Ambulance to discuss options.

Human Resources Committee – Trustee Gunther, Chair

Trustee Gunther indicated that he wanted to table the resolution regarding the hiring of Calvin Zimmerman.

Economic Development Committee – Mayor Lobene, Chair

Green Initiatives – Trustee Nellis-Ewell, Chair

Trustee Nellis-Ewell indicated that Superintendent McIntee has talked to Shawn Lessord, Renewal Rochester and will report.

Village Clerk – Jackie Sullivan

Resolution 72 12/2011

Introduced by: Trustee Gunther
Seconded by: Trustee Rauber

Be it resolved that the Village of Spencerport Board of Trustees approves changing health care plans from Excellus Healthy Blue High Deductible Health Plan to Excellus Simply Blue High Deductible Health Plan effective January 1, 2012.

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	Absent

Resolution 73 12/2011

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

Be it resolved that the Village of Spencerport Board of Trustees approves terminating the insurance consulting contract with Commercial Insurance Consultants Incorporated effective January 1, 2012.

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	Absent

Resolution 74 12/2011

Introduced by: Trustee Rauber
Seconded by: Trustee Penders

Be it resolved that the Village of Spencerport Board of Trustees approves the quote from MRB Group in the amount not to exceed \$4,900 for the completion of Sanitary Sewer GIS Mapping, Pavement Condition Mapping and Ballard Avenue Pump Station Equipment Manual.

Vote of the Board:	Theodore E. Rauber, Trustee	Aye
	Carol J. Nellis-Ewell, Trustee	Aye

Gary Penders, Trustee
Fritz Gunther, Trustee
Joyce Lobene, Mayor

Aye
Aye
Absent

Superintendent of Public Works – Thomas M. West

Mike Vickery reported that crews have been completing storm sewer work; and that he, Mark Elliott, Jim Redick and Greg Dorgan attended a storm water containment seminar and that Nate Johnson and Mike Bianchi will attend at a later date, catch basin work and sewer tile work are being complete and leaves will be done this week. Plans for cleaning of the shop areas, street sign inventory and vehicle maintenance are being completed.

Superintendent of Electric – Owen McIntee

Electric Department Bi-weekly Status Report

To: VB Members
Submitted By: Owen McIntee
Date: December 6, 2011

Safety: The department continues to operate daily/weekly/monthly without any vehicle accidents, property damage or employee injuries. **Great safe job guys!!**

Electric Crew attended Meter testing training in Castile, Tuesday 12/06/11 and has Line School Safety Meeting in Fairport 12/09/11.

Operations: Electric Crew has completed replacing padmount transformers and converting primary cable and secondary services within the Crossroad Apartments. Rebuild and construction on Phase II which is the southern loop shall commence next year.

Electric Crew is replacing defective poles in rear of 500 South Union Street.

Employees continue to work closely with VO staff on various types of customer billing and operational requests.

Norb and Mike Vickery planted the Austrian pines along the freshly painted sub station fence. Further landscaping shall take place in the spring.

Owen started on the preliminary development of our Electric Emergency Restoration Plan, more details to follow.

Energy Efficiency: SME has funds available to re-insulate two more homes. Next spring we shall consider a similar program for our customers.

I spoke with Shawn Lessord from Renewable Rochester with regard to our Capital Project, (Alternative Energy at the DPW/Electric Shop). We will meet within the next week to discuss at a high level some of the following;

1. Different types of Solar Power technology and associated equipment.
2. Potential Funding guidelines.
3. Solar KWH support, battery systems, transfer switches, etc, necessary equipment that could be used in place of a standby generator during electrical outages.

Other: Electric Fund has paid back ALL the money it owes the General Fund and currently has a positive cash flow going into December. Understanding, that there will most likely be seasonal short term borrowing in the upcoming months.

Holiday decorations were completed prior to Thanksgiving and the X-mas on the Canal event was a success for the community.

Superintendent McIntee requested executive session to discuss personnel.

Attorney – Richard J. Olson

Resolution 75 12/2011

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

**INTRODUCTORY LOCAL LAW #1-2012
VILLAGE OF SPENCERPORT, MONROE COUNTY**

**A LOCAL LAW TO AMEND CHAPTER 271
OF THE VILLAGE CODE “SOLID WASTE”**

WHEREAS, the Village Board has before it a proposed Local Law to amend the Solid Waste Law to bring it into conformance with changes which have occurred within the village and outside of the Village with respect to the pick up and disposal of solid waste; and

WHEREAS, in order to make said change, the Village Board of the Village of Spencerport is required to hold and conduct a public hearing thereon;

NOW, THEREFORE, BE IT RESOLVED:

SECTION 1. That the Village Board of the Village of Spencerport shall hold and conduct a Public Hearing on the 4th day of January, 2012, at 7:00 p.m. at the Village Hall, 27 West Avenue, Village of Spencerport, New York, 14559 to consider to the attached Local Law; at which Public Hearing all interested persons will be heard concerning the subject matter thereof.

SECTION 2. That the Village Clerk shall cause due notice of such public hearing to be published as required by 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	Absent

Unfinished Business

Trustee Nellis-Ewell commented that identification badges are being designed for planning and zoning board members.

New Business

Bills

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

General Fund	\$ 160,417.75
Electric Fund	\$ 153,326.94
Sewer Fund	\$ 26,213.86
Trust Fund	\$ 190.27
Capital Fund	\$ 15,893.11
TOTAL:	\$ 356,041.93

Motion was made by Trustee Penders, seconded by Trustee Gunther and carried unanimously that the cash disbursements for the General, Electric, Sewer, Trust and Capital Funds, December 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 at 8:20 p.m.

Motion was made by Trustee Rauber, seconded by Trustee Penders and carried unanimously that the executive session be adjourned to regular meeting at 8:45 p.m.

Motion was made by Trustee Rauber, seconded by Trustee Gunther and carried unanimously that the regular meeting be adjourned at 8:46 p.m.