

VILLAGE BOARD MEETING
Minutes
January 4, 2012

CALL TO ORDER: 7:00 p.m.

The Pledge of Allegiance was led by Trustee

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
Zelma Kostyshek, Thistlewood Lane
Ray Kuntz, Jr., Coolidge Avenue
Owen McIntee, SME Superintendent
Richard Olson, Village Attorney
Joan Quigley, Maplewood Avenue
Kris Schultz, Schultz Associates
Jackie Sullivan, Village Clerk
Tom West, DPW Superintendent
Ron White, Hawthorne Drive
Dave Wohlers, Clark Street
Dave Wieme, Amity Street
Participation in Government Students (2)

APPROVAL OF MINUTES

A motion was made by Trustee Rauber, seconded by Trustee Nellis-Ewell and carried that the minutes from the December 7, 2011, regular meeting be approved as read.

A motion was made by Trustee Penders, seconded by Trustee Gunther and carried that the minutes from the Workshop December 14, 2011 workshop meeting be approved as read.

PUBLIC HEARING

Mayor Lobene opened the public hearing for Introductory Local Law 1-2012 "A Local Law to Amend Chapter 271 of the Village Code "Solid Waste" at 7:02 p.m. Mayor Lobene continued by reading the local law.

Mr. Craig Byham asked for an explanation of the local law in layman's terms and the effect it will have on the residents and the tax rate.

Trustee Rauber explained to Mr. Byham that the local law will add better rules and regulations and/or guidelines for refuse. Trustee Rauber continued that no services will be eliminated however it provides clearer guidelines for the residents.

Mr. Byham confirmed that it will not affect residential refuse pick-up.

Trustee Gunther added that is not only for the abusers but it also adds an additional serve to residents to put out bulk items on not bulk months for a fee.

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

PRIVILEGE OF FLOOR

Mr. Kuntz, indicated that the way people drive is rediculas and that people constantly speed and can anything can be done about it.

Mayor Lobene responded that she spoke to the Chief of police and he would look into it.

Trustee Penders indicated that he spoke to the Chief as well and that he would look into it and be more visible.

Mrs. Quigley indicated that everyone speeds in the Village and that she has talked to the Chief as well.

Mr. Kuntz said the three way stop signs are great at Maplewood Avenue and Prospect Street.

Mr. Quigley asked Superintendent West, why there are no cross walk lines on the east side across West Avenue at Church Street.

Superintendent West responded that a cross walk cannot go into a drive way.

Mr. David Wieme asked if any progress has been made with putting two way stop signs at Martha Street and West Avenue.

Superintendent West responded that he will get them ordered.

Mr. Craig Byham asked what the resolution to approve the \$9,000 payment under the attorney's section of the agenda is for.

Mayor Lobene responded that she will explain the payment further down the agenda.

Mr. Byham asked for an update on the Spencerport Ambulance.

Trustee Penders responded that the Village and Town met with Monroe Ambulance for coverage in the event that SVA dissolves. The Towns of Ogden and Parma have unofficially determined that they do not want another tax line for an ambulance district. SVA has a new ambulance in service and has retained legal counsel at this time and looking into their options. Currently the Ambulance is working with the funds that they have and continue to respond to calls. They are going to address their billing structure and there is a meeting scheduled for next Monday.

Mayor Lobene indicated that the meeting with Monroe Ambulance was informative however staying with Spencerport Ambulance would have the best interest of the Village in mind.

Trustee Penders added that Monroe Ambulance may not be able to give the same services as Spencerport Ambulance.

Trustee Rauber commented that preserving the Ambulance would better service the taxpayer in the event that the fire department would need to absorb the ambulance the cost to the tax payer would increase significantly.

Trustee Penders added that the revenues from the Hilton Carnival mostly support the Ambulance and that a fire district cannot charge for ambulance service and if the fire department absorbed the ambulance the tax rate would increase.

Attorney Olson added that the state laws associated with this situation are in need of revision.

Administrative Committee – Mayor Lobene, Chair

Resolution 79 1/2012

Introduced by: Mayor Lobene
Seconded by: Trustee Rauber

RESOLUTION ADOPTING LOCAL LAW

Whereas, the Village Board has before it a proposed Local Law which, if enacted, will be Local Law #1-2012 “A Local Law to Amend Chapter 271 of the Village Code “Solid Waste”; 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 Type II Action under the State Environmental Quality Review Act Regulation §617.5(c) (20) and not subject to further review under said regulations;

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

Now, therefore, be it resolved:

Section 1. That the Village Board of the Village of Spencerport hereby enacts Local Law #1-2012 “A Local Law to Amend Chapter 271 of the Village Code “Solid Waste””

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	Aye

Resolution 80 1/2012

Introduced by: Trustee Rauber
Seconded by: Trustee Penders

Be it resolved that the Village of Spencerport Board of Trustees approves attendance of the Village Board and up to three (3) support staff at the NYS GFOA Elected Officials Training Seminar Thursday, January 19, 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	Aye

Sewers Committee – Trustee Rauber, Chair

Trustee Rauber commented that he would defer comments to Superintendent West.

Trolley Depot – Trustee Rauber, President

Trustee Rauber indicated that the Depot is closed for the season and will be working with the Trolley Board to be looking at grant funds for an expansion of the Depot.

Mayor Lobene indicated that she will be sending a note to Doreen Castano, Depot Director thanking her for all her hard work.

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

- A. Planning - Trustee Nellis-Ewell commented that a meeting for Architectural or Planning Board meeting was not held this month.
- B. Architectural Review
- C. Zoning – meeting was held 12/15/11 on the tabled application from Ms. Sterling’s 6’ privacy fence a variance was granted for the fence.
- D. Building Control
- E. Code Review - meeting was held on 12/15/11 and the solid waste local law was completed and the skating boarding law was reviewed per Mrs. Lockhart’s suggestions and modifications are needed; Trustee Gunther is working on a map. Mayor Lobene will be contacting the school district for student input. Parking on front lawns and Village Plaza usage was also discussed. Next meeting is scheduled for 1/12/12.

Finance Committee – Trustee Penders, Chair

Trustee Penders indicated that he spoke with Treasurer Kimbler and the findings from the annual fiscal audit needs to be reviewed with the Board.

Facilities Committee – Mayor Lobene, Chair

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

Public Works Committee – Trustee Gunther, Chair

- A. Highways/Garage

Trustee Gunther commented that the DPW has done an excellent job keeping the snow off the roads.

Mayor Lobene thanked Superintendent West and Mike and Mat for working on Christmas Eve and New Year’s Eve.

- B. Public Services (Refuse, Recycling, Parks)

Public Safety Committee – Trustee Penders, Chair

- A. Fire Department – Trustee Penders indicated that he will be attending the commissioners meeting this month.
- B. Police – Trustee Penders commented that he has spoke to the Chief regarding speeding.
- C. Ambulance

Trustee Rauber commented that Trustee Penders has been a great addition to the Public Safety Committee and the Village Board.

Human Resources Committee – Trustee Gunther, Chair

Trustee Gunther requested executive session to discuss personnel issues.

Economic Development Committee – Mayor Lobene, Chair

Mayor Lobene informed the public of the Spencerport Area Chamber of Commerce Award Winners; Helen Moore, Citizen of the Year; Spencerport Insurance/360 Financial, Civic Beautification Award and Steve Enos, Kroney’s Pizza, Business of the Year.

Green Initiatives – Trustee Nellis-Ewell, Chair

Trustee Nellis-Ewell indicated that work continues on the comprehensive plan and it will be approved in 2012.

Village Clerk – Jackie Sullivan

Resolution 81 1/2012

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

Be it resolved that the Village of Spencerport Board of Trustees authorizes the Mayor to sign the 2012 Employee Assistance Program Agreement with Concentra.

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 82 1/2012

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

Be it resolved that the Village of Spencerport Board of Trustees approves per MRB Group’s recommendation the retainage payment of \$11,380.85 to Siewert Equipment Company for Contract PS Pumps.

Vote of the Board:

Theodore E. Rauber, Trustee	Aye
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Carol J. Nellis-Ewell, Trustee	Aye
Gary Penders, Trustee	Aye
Fritz Gunther, Trustee	Aye
Joyce Lobene, Mayor	Aye

Resolution 83 1/2012

Introduced by: Trustee Penders
Seconded by: Trustee Rauber

Be it resolved that the Village of Spencerport Board of Trustees authorizes the Mayor to sign the 2012 Monroe County Amendatory Agreement to the All Seasons County/Town Work Agreement.

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 84 1/2012

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

Be it resolved that the Village of Spencerport Board of Trustees approves the attached Solid Waste Fee Schedule.

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 commented on the following:

- New servers have been implemented and are running, fine tuning is being completed. Clerk Sullivan commended Pam Gilbert and Donna Stassen for all of their hard work while the system was down for an entire day. All of the electric accounts were updated properly and all invoices were processed and paid.
- Staff reviews have been completed and being finalized for presentation on 1/18/2012.
- Schedules are being coordinated for sexual harassment and prevailing wage training.
- Plans have been received from Kris Schultz regarding the trail design and work permit submission to NYS Canal Corp will be in process and SEQRA information has been mail to Monroe County.
- The second payment in the amount of \$109,651.52 from NYSDOS has been received for the dock project one more payment is pending. Submission for reimbursement for the trail project will take place mid-month.

Superintendent of Public Works – Thomas M. West

Superintendent West indicated that Mr. Powell of Nichols Street is in the audience and is requesting that a healthy Village tree be removed from in front of his house because the roots of the tree have grown into

his sewer lateral pipe coming from his house to the sewer main. Superintendent West commented that he did explain to Mr. Powell that the Village does not remove healthy trees but would bring the issue to the Village Board.

Mayor Lobene indicated that the Village Board would review this issue and take a look at the tree prior to making a decision.

Trustee Penders asked how big the tree is.

Superintendent West responded about two feet in diameter.

Superintendent West commented that historically speaking the Village does not cut down healthy trees.

Mr. Powell commented that he does not see why this tree could not be taken out and that Village planted this tree a while back and that it is not a healthy tree because it is over his sewer.

Trustee Nellis-Ewell questioned the cost to remove the tree.

Superintendent West responded that it would cost approximately \$600 to \$700 to remove the tree.

Mr. Powell commented that he does not agree with the cost and that the Village crews should be equipped to take the tree down.

Superintendent West responded that the Village would need to have a tree service remove the tree.

Mr. Powell indicated that if the Village does not take the tree down he will send a bill to the Village.

Trustee Nellis-Ewell questioned if this tree was on the tree survey.

Superintendent West responded that it is not on the survey but the owner of Westside Tree took a look at the tree and indicated that is healthy.

Superintendent West continued that slip lining of the sewers will be done next week; work is being done on the construction of the East Avenue Heritage Trail by removing brush; as of December 26, 2010 155 OT hours were expended for snow removal and as of December 26, 2011 6 hours of OT were expended for snow removal and the entire department has been saving significant OT dollars.

Superintendent West referred to the below emailed report.

- Finished up Leaf pick up.
- Fixed Storm Sewer on Rt. 259 and Upton Ave. Replaced 10' of pipe.
- Storm Water Erosion Control Class 4 hour training, was completed. Vickery, Gilbert, Redick, Dorgan, and Elliott. Went to the class. The end of January, Johnson, Bianchi and Zimmerman are going to the same training.
- Fixed 2 Catch Basin tops on Rt. 259 at Amity St. and at West Ave.
- Completed our Storm Water out fall inspections for our storm water permit.
- Repaired and replaced some Street Signs.
- Started some clearing brush for the Heritage Trail.
- Skanex Pipe is going to start lining the Sewer Lines on Friday. They are going to start at Martha St.

- Flushed the Sewer Line on Rt. 259 from Rt.31 to Lyell Ave. We also flushed other sewers around the Village.
- We worked on a sewer issue at the Cosgrove School and we will be sending a bill soon for our time.
- I am getting bids for clearing brush on the Heritage Trail and our sewer line off of Brockport Rd. Town Houses.

Superintendent West explained that he will be getting pricing from the contractor that will be clearing the LoPresti property on Brockport Road to clear the Village owned drainage area located West of Village Walk behind Mr. LoPresti's property. Superintendent West continued that this will aid in drainage and will help to make the property shovel ready in the event that grant funds become available.

Trustee Nellis-Ewell questioned if this project would fit into some kind of drainage plan.

Trustee Rauber responded that this project would coincide with the entire drainage plan for the Village that was started in 1998 by MRB Group.

Superintendent of Electric – Owen McIntee

Superintendent McIntee commented on the following:

- Commended his work group for a zero accident, injury and property damage year.
- Safety training in Fairport this month.
- Minor outages during the holiday weekends.
- Poles to be replaced and holiday decorations to be removed.
- Mat Gartz and Pam Gilbert have been working on demand meter replacements.
- Contacting Shawn Lessord regarding alternative energy supply to the DPW Shop.
- MEUA Engineering Workshop February 7th and 8th.

Trustee Penders asked if the primary metering issues have been addressed.

Superintendent McIntee indicated that they have.

Attorney – Richard J. Olson

Attorney Olson requested executive session to discuss litigation. Attorney Olson continued by explaining the SEQRA process for the updated comprehensive plan.

Resolution 85 1/2012

Introduced by: Trustee Nellis-Ewell

Seconded by: Trustee Penders

VILLAGE OF SPENCERPORT, MONROE COUNTY

COMPREHENSIVE PLAN

WHEREAS, in accordance with §7-722 of the Village Law, the Village Board has heretofore authorized a committee to review and revise the Village's Comprehensive Plan; and

WHEREAS, in accordance said authorization, a draft of the Comprehensive Plan has been prepared and submitted for review; and

WHEREAS, a Full Environmental Assessment Form (FAF) list has been prepared and presented to this board by Richard J. Olson, Attorney and

WHEREAS, the Village Board determines that The Project is subject to the State Environmental Quality Review Act (SEQRA); and

WHEREAS, The Project is classified as a Type I action pursuant to SEQRA; and

WHEREAS, the EAF lists potentially involved and interested agencies; and

WHEREAS, the Village Board of the Village of Spencerport wishes to act as SEQRA Lead Agency for the project, therefore, be it

RESOLVED that:

- 1.** The Village Board of the Village of Spencerport hereby declares its intent to act as SEQRA Lead Agency for The Project;
- 2.** The Board hereby authorizes and directs the Mayor to execute the “Notice to Establish Lead Agency” in the form presented to this meeting.
- 3.** The Notice to Establish Lead Agency and appropriate attachments shall be promptly forwarded by the Village Clerk to the involved agencies on the Agency List and appropriate correspondence shall be forwarded to all interested agencies.

THE FOREGOING RESOLUTION, was put to vote 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	Aye

Unfinished Business

New Business

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	\$ 44,984.82
Electric Fund	\$ 32,760.37
Sewer Fund	\$ 2,607.65
Trust Fund	\$ 610.12
Capital Fund	\$ 18,610.49
TOTAL:	\$ 99,573.45

Motion was made by Trustee Rauber, seconded by Trustee Penders and carried unanimously that the cash disbursements for the General, Electric, Sewer, Trust and Capital Funds, January 2012 be approved as audited.

Adjournment

Motion was made by Trustee Rauber, seconded by Trustee Penders and carried unanimously that the regular meeting be adjourned to executive session to discuss personnel and litigation issues at 8:15 p.m.

Motion was made by Trustee Rauber, seconded by Trustee Guther and carried unanimously that the executive session be adjourned to regular meeting at 9:07 p.m.

Resolution 86 1/2012

Introduced by:

Seconded by:

Be it resolved that the Village of Spencerport Board of Trustees approves the payment of \$9,627.50 to Gallo & Iacovangelo LLP for the Clairol Development and Daniel Hogan litigation case.

Vote of the Board:

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

Motion was made by Mayor Lobene, seconded by Trustee Gunther and carried unanimously that the regular meeting be adjourned at 9:14 p.m.