

VILLAGE BOARD WORKSHOP MEETING
April 18, 2012

CALL TO ORDER: 4:30 p.m.

BOARD MEMBERS PRESENT

Joyce Lobene, Mayor
Theodore E. Rauber, Trustee

Gary Penders, Trustee
Fritz Gunther, Trustee

BOARD MEMBERS ABSENT

Carol J. Nellis-Ewell, Trustee

Others Present

Craig Byham, Luther Jacobs Way
Jack Crooks, Building Inspector
Kevin Kelly, Code Enforcement Officer
Owen McIntee, SME Superintendent
Kris Schultz, Schultz Associates
Jackie Sullivan, Village Clerk
Mike Vickery, DPW Foreman

Mayor Lobene called the meeting to order at 4:30 p.m.

Mayor Lobene opened the public hearing regarding 3028 Brockport Road and asked if anyone was present to represent the property owner.

There was no one in attendance representing the property owner.

Mr. Kevin Kelly, Code Enforcement Officer commented that he reported to the Village Board on April 4, 2012 that the aforementioned property has been in a state of disrepair for several years and that numerous attempts have been made to have the property owner to correct the property issues to no avail. Mr. Kelly continued that he completed an investigation and submitted a written report stating the opinion of the property and that the barn is open and accessible to the public and poses a threat to the general public and the police have been called to the property several times and that the Village Board by Resolution ordered Mr. Kelly to serve the property owner with a Resolution and Order directing repairs to, or the demolition of, a structure located on real property located at 3028 Brockport Road and a copy of the Notice of Determination of Unsafe or Dangerous Building. Mr. Kelly served the property owner on April 5, 2012. Mr. Kelly commented that is this time the property owner has begun to remove trees from the property.

Mayor Lobene then turned the meeting over to Deputy Mayor Rauber.

Trustee Rauber closed the comment portion of the public hearing at 4:35 p.m.

Trustee Rauber commented that he contacted the property owner Mr. Mike LoPresti. Mr. LoPresti indicated that he is waiting for approval of the Home Owners' Association for the property to begin the project so that he does not have to mobilize his equipment and crews twice. Trustee Rauber continued that Mr. LoPresti's intent is to demolish the structures as soon as the HOA is approved and that Mr. LoPresti should be able to correct the issues within the sixty (60) day time limit.

Attorney Olson indicated that the Board should approve a confirming order acknowledging the sixty (60) day time limit to correct the issues.

Mr. Jack Crooks, Building Inspector if the Village requires a demolition permit.

Attorney Olson added that if the demolition of the buildings is not started by the property owner by May 5, 2012 the Village can complete the demolition of the buildings and charge the expense to the property owner.

Trustee Gunther questioned if the property owner has not done anything by May 5th the Village will be taking action.

Attorney Olson responded that the Village will take action only if it is not started.

Trustee Gunther questioned if cutting trees qualified as starting.

Attorney Olson responded no.

Resolution 127 4/2012 CONFIRMING ORDER

Introduced by: Trustee Rauber
Seconded by: Trustee Penders

Whereas, on April 4, 2012 this Board passed a Resolution and Order directing repairs to, or the demolition of, a structure located on real property located at 3028 Brockport Road in the Village (Tax Acct. #086.16-5-21.1); and

Whereas, pursuant to said Resolution and Order, the owner was personally served with a copy of the Notice of Determination of Unsafe or Dangerous Building, the Resolution and Order and the reports on which it was based, such personal service having been made on April 5, 2012;

Whereas, pursuant to that Resolution and Order, a hearing held before the Village Board in relation to such dangerous or unsafe building at 4:30 PM on April 18, 2012 at the Village Hall, 27 West Avenue, Spencerport, New York; and

Whereas, no one appeared on behalf of the property owner and

Whereas, Kevin Kelly, Code Enforcement Officer confirmed his prior written opinion as to the unsafe nature of the structure; and

Whereas, this action is a Type II Action under the State Environmental Quality Review Act and not subject to review thereunder.

Now, therefore, be it resolved:

Section 1. That based on the information set forth above, the prior Order and Resolution of this Board made on April 4, 2012 is ratified and confirmed;

Section 2. That in the event of neglect or refusal by the owner to commence work to comply with the order to secure or demolish and remove the building before May 5, 2012 and, if commenced, failure to complete said work on or before June 5, 2012 the Building Inspector and/or Code Enforcement Officer is/are directed to have said done in accordance with the provisions of Chapter 129 of the Village Code, and the expenses there of shall be assessed against the land on which it is located and, in addition thereto, may institute a special proceeding to collect the costs of demolition, including legal expenses.

Section 3. That a copy of this Resolution shall be mailed to the property owner via first class mail within five (5) days.

Section 4. That this resolution shall take effect immediately.

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

Trustee Rauber commented that Trustee Nellis-Ewell was absent from tonight's meeting.

Mr. Crooks commented that the Parkview Apartments project has started and building permits have been issued; the Gollel property has had to be boarded up again.

Mayor Lobene questioned if the Board should be taking action to have those buildings demolished.

Mr. Crooks indicated that the building is not unsafe as long as it is boarded up.

Trustee Gunther questioned if it is the same traffic in the Gollel building or new traffic.

Mr. Crooks responded that he thinks it is new traffic and there has been an arrest in conjunction with the graffiti.

Mr. Crooks continued that he has been working with 208 Coleman Avenue regarding an addition and HUD, 118 Coleman Avenue is coming in front of ZBA regarding the construction of new garage, a four family on Martha Street needs a CofO for a transfer of title and a letter to the Canal Corp that the trail meets building inspector's standards was issued.

Mr. Kelly commented that he contacted the attached commercial property owners that would like to be included in the revision of the Skateboard Local Law prohibiting skateboarding on their properties. Mr. Kelly continued that Jeffers and Bernie and Trowbridge Court Apartments indicated that they did not want to be included in the revision. Mr. Kelly commented that he continues to work with the Ziegler property clean up.

Trustee Gunther questioned if the sign frame on the Big Ridge Road property has been addressed.

Mr. Crooks responded that a stop work order has been put on the sign and it is owned by Unity Health and on private property.

Trustee Gunther continued by asking if any action has been taken at the Atlas Gym regarding drainage and the pumping of water onto Union Street.

Mr. Crooks responded that letters have been sent to the property manager and NYS DOT indicating that the pumping above ground to Union Street is unacceptable and property drainage needs to be designed and installed.

Attorney Olson commented that he has reviewed the contract from the Canal Corp regarding phase two of the Heritage Trail and it appears to be in order; the Comprehensive Plan will be ready for adoption at the May 2nd meeting unless the Board wanted to wait for Trustee Nellis-Ewell to return.

Trustee Gunther indicated that Trustee Nellis-Ewell would want it to move forward and to have it on the May agenda.

Mayor Lobene agreed.

The Board agreed to have it on the May 2nd agenda.

Resolution 128 4/2012

Introduced by: Mayor Lobene

Seconded by: Trustee Rauber

WHEREAS, the Village of Spencerport Board of Trustees of the Village of Spencerport, New York, is a municipal member of the New York Municipal Power Agency, and

WHEREAS, in accordance with the bylaws of New York Municipal Power Agency, 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	Absent
	Gary Penders, Trustee	Aye
	Fritz Gunther, Trustee	Aye
	Joyce Lobene, Mayor	Aye

Resolution 129 4/2012

Introduced by: Mayor Lobene

Seconded by: Trustee Rauber

Now therefore be it resolved, that the Village of Spencerport Board of Trustees hereby approves attendance at the NYCOM Annual Meeting Sunday, May 6 thru Tuesday, May 8, 2012 at the Gideon Putnam Hotel, Saratoga Springs, NY by any Village Board Member. Cost not to exceed \$750 per person.

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

Resolution 130 4/2012

Introduced by: Mayor Lobene

Seconded by: Trustee Penders

Now therefore be it resolved, that the Village of Spencerport Board of Trustees hereby approves the Spencerport Volunteer Firemen's Association Youth Parade Wednesday, June 6, 2012 at 6:30 p.m.

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

Resolution 131 4/2012

Introduced by: Mayor Lobene
Seconded by: Trustee Penders

Now therefore be it resolved, that the Village of Spencerport Board of Trustees hereby approves the Spencerport Volunteer Firemen's Association Parade Thursday, June 7, 2012 at 7:00 p.m.

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

Resolution 132 4/2012

Introduced by: Mayor Lobene
Seconded by: Trustee Rauber

Be it resolved that the Village of Spencerport Board of Trustees approves Kevin Kelly, Code Enforcement Officer to attend the NYS Department of State Code Enforcement in Service training seminar April 24 & 25, 2012 at SUNY Binghamton, Binghamton, NY. Cost not to exceed \$100.00.

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

Resolution 133 4/2012

Introduced by: Trustee Rauber
Seconded by: Trustee Penders

Be it resolved that the Village of Spencerport Board of Trustees authorizes the Mayor to sign contract C010101 NYS Canal Corporation and Village of Spencerport VOS Southside Enhancement Project (Heritage Trail Phase II) documents in the amount of \$74,992.

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

Resolution 134 4/2012

Introduced by: Mayor Lobene
Seconded by: Trustee Rauber

Be it resolved that the Village of Spencerport Board of Trustees hereby approves hiring Tim Rauber as a seasonal employee starting April 23, 2012 – December 7, 2012 at a rate of \$10.00/hr.

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

Fritz Gunther, Trustee	Aye
Joyce Lobene, Mayor	Aye

Trustee Rauber indicated that the depot board is looking into the potential expansion of the sight with in addition of the Bridge Tenders Tower that is currently located at the Pulver House on Colby Street. Trustee Rauber continued that Trustee Gunther, Superintendent West and Matthews Movers took a look at the building to determine the cost of moving the building. Trustee Rauber added that he and Clerk Sullivan are working on identifying funding sources for the relocation and restoration of the building.

Trustee Rauber commented that the Village will need to take ownership of the building from Monroe County and lease the property to complete the restoration of the building.

Trustee Penders commented that the auditors recommended that the general ledger be reviewed monthly and that he as the Finance Committee Chair would review the general ledger.

Trustee Gunther commented that he was under the impression that the trustee that approved the monthly bills would review the general ledger.

Trustee Penders commented that was discussed however Treasurer Kimbler indicated that it would be best if it was done during business hours allowing her to be present for any questions that might come up.

Trustee Gunther commented that he expected to review the general ledger last month when he reviewed the bills.

Clerk Sullivan commented that it needs to be done during business hours.

Trustee Penders agreed and a schedule will be worked out.

Mayor Lobene confirmed with the Trustees that the year-end meeting will be held May 31, 2012 at 9:00 a.m.; June 6th Board meeting will be moved to June 13th at 7:00 p.m. and the July 4th meeting will be moved to July 11th at 7:00 p.m.

Trustee Rauber indicated that he will not be available for the July 11th meeting.

Mayor Lobene indicated that she has spoken to Dave Grey from the Thruway Authority and the canal bridge will be done by the end of the month.

Mayor Lobene continued indicating that Heritage Day is May 19th and activities are being determined at this time and more details will be discussed at the next meeting; Board members are invited to the annual Memorial Day Parade on Monday, May 28th.; a walking tour of the village historical homes is being created and the Landmark Society will be helping with the collection of the pictures and the booklet and educating the Board on the importance of establishing a preservation district.

Trustee Penders commented that the mesh garbage cans on Main Street are unsightly when they are full with garbage and the liquids leak out onto the side walk.

Mr. Mike Vickery, DPW Foreman responded that replacement garbage cans will be placed on Main Street with liners in them.

Trustee Rauber commented that the Heritage Trail looks good.

Trustee Gunther commented that he has had several residents approach him about changing the time of the workshop meetings to be later than 4:30 p.m. possibly to 6:00 or 7:00 p.m. Mayor Lobene questioned if the staff are paid overtime for attending the meetings.

Clerk Sullivan responded that they are required to attend two meetings a month.

Trustee Rauber commented that when the meetings were later the public did not attend.

Trustee Gunther commented that the time change may not increase public attendance however repeated that he has had several residents requested that the meeting times be changed and by making them later it shows that community that the Board is available to the public and taking care of the needs of the residents.

Trustee Rauber commented that in the past the Board met just prior to the business meeting at 6:00 p.m. for a workshop and then went into the business meeting at 7:00 p.m. and that he would entertain trying that to see how it goes.

Mayor Lobene responded that she thinks it is important to have the additional meeting during the month.

Trustee Gunther indicated that he has sat in on several other municipalities' board meetings and they have workshop meeting just prior to the monthly business meeting.

Mayor Lobene commented that then there are no meetings the rest of the month to discuss village matters.

Trustee Gunter responded that he has only been to a few other boards' meetings and that he does not know the exact workings of their meetings but adjusting the time of the Village meetings would be a good idea.

Trustee Rauber commented that in the past work sessions were adjourned for the summer (July and August)

Clerk Sullivan commented that previously resolutions were not done at work session and the work sessions were for mainly for discussion of various village initiatives.

Mayor Lobene polled the Board and no one had a problem with changing the times however Trustee Penders commented that we should check with Jack Crooks', Kevin Kelly's and Dick Olson's schedules.

Mayor Lobene indicated that she would talk to Jack Crooks, Kevin Kelly and Dick Olson regarding the time change and their schedules.

Trustee Gunther questioned the status of the cross training of the payroll as indicated in the auditor's report and that he still has questions he would like answered and in the past approaching the troops on the ground did not work out very well and is there a Board member that is addressing that issue and can answer his questions.

Mayor Lobene responded that she has checked into it and the staff can cross do the payroll.

Clerk Sullivan commented that cross training was done earlier in the week.

Trustee Gunther questioned if someone else has done payroll.

Clerk Sullivan responded it has been done this week.

Trustee Gunther questioned who he should direct questions regarding payroll to the Mayor.

Mayor Lobene responded that she does not review payroll but the staff has cross done payroll and that she cannot answer questions about payroll.

Trustee Gunther inquired who he should direct his questions to regarding payroll, finance.

Mayor Lobene responded yes.

Clerk Sullivan clarified that payroll questions should be directed to the Mayor and asked Trustee Gunther what his questions were.

Trustee Gunther responded that he has a few questions that don't have to be dealt with now but one specifically was cross doing of payroll and that it was done successfully.

Clerk Sullivan responded yes.

Motion was made by Mayor Lobene, seconded by Trustee Penders and carried unanimously that the workshop session be adjourned at 6:05 p.m.