

**VILLAGE BOARD WORKSHOP MEETING**  
**June 20, 2012**

**CALL TO ORDER:** 4:30 p.m.

**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**

Kevin Kelly, Code Enforcement Officer  
Owen McIntee, SME Superintendent  
Kris Schultz, Schultz Associates  
Jackie Sullivan, Village Clerk

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

Mr. Brian Baty of First Niagara Insurance explained that the Village's Workers Comp insurance policy renews on July 1<sup>st</sup>. Mr. Baty continued that the rate of the expiring PERMA policy is \$53,839 and that the renewal quote is \$59,937. A competitive bid was received from NYS Comp Alliance in the amount of \$57,887.

Mr. Baty continued that the amount of increase is not excessive and is due to NYS assessments and fees. Mr. Baty further explained that PERMA quote is based on a payroll figure of \$1, 265,598 and will be audited resulting in a refund; NYS Comp Alliance based their quote on a payroll figure of \$1,207,109 and is not auditable. Budgeted payroll is \$1,242,871 and through the PERMA payroll audit an approximate \$2,000 rebate should be realized. Mr. Baty added that he does not feel that NYS Comp Alliance provides the same level of customer service as PERMA and the quote does not justify a move from PERMA.

Attorney Olson commented that the sister company to NYS Comp Alliance does not practice sound judgment in settling claims and that the Board should take the advice of Mr. Baty.

Mayor Lobene commented that the individuals that were arrested for the graffiti in the Village appeared in court and were fined and ordered to pay restitution.

Attorney Olson commented that the Village should consider an update to the Village's property maintenance code and suggested that the Code Review Committee reconvene and review the Town of Brighton's code as a template. Attorney Olson added that the Village should consider certificates of occupancy for rental properties.

Attorney Olson indicated that he would put some material together for the Code Review Committee to review and then the committee can reconvene.

Mr. Kevin Kelly, Code Enforcement Officer commented that the rentals that have more than five units can be inspected however the bigger building such as Trowbridge the hallways and common areas are inspected. Mr. Kelly added that it would be helpful to be able to inspect the rental properties.

Trustee Rauber inquired as to the transfer of the Pump Station.

Attorney Olson indicated that he has been in contact with Monroe County and it should be completed in the next couple weeks.

Trustee Nellis-Ewell requested clarification of what can be subpoenaed/ FOIL(ed) in regards to email.

Attorney Olson responded that all email can be subpoenaed in the event of legal action however a lawyer would review all of the emails to determine what would be appropriate to the legal action.

Clerk Sullivan added that Netsville is the Village's email service provider and that email addresses were established for the Board members in an effort to separate their Village business from their personal business in the event of legal action or a FOIL request.

Trustee Nellis-Ewell questioned that if we use our personal email to conduct Village business does that negate the need for Netsville.

Clerk Sullivan responded that the Village will always have Netsville because the staff's email is housed on that program.

Trustee Nellis-Ewell added that she is trying to understand the guidelines.

Clerk Sullivan commented that Joyce is the only one who does not use Netsville.

Trustee Penders explained the restoration of his emails due to his computer's hard drive crashing.

Trustee Nellis-Ewell questioned that if an AOL email is received and responded it can be FOIL(ed)

Clerk Sullivan responded that is correct and offered to set up email on Trustee Nellis-Ewell's smartphone.

Trustee Nellis-Ewell commented that she felt there is a lack of communication among the Board members via email.

Attorney Olson commented that if there is a topic that may be FOIL(ed) it should be talked about in person or via telephone.

Trustee Gunther asked the status on the Brockport Road property.

Mr. Kevin Kelly indicated that the buildings have been demolished.

Mr. Kevin Kelly commented to the Board that he had discussions with Mr. LoPresti regarding his buildings and they have been demolished; work continues on the Hollink property; the bulldozer is gone from the Zigler property; Highview Drive property will be ticketed for construction equipment on the front lawn; working with Slayton Place restaurant regarding their grease dumpster and an enclosure; met with Carl Ayers and Bill Donahue regarding docking times; fire safety inspection was done at Two Ton Tonys Pizza; addressed camp fire issues at a West Avenue property; work continues regarding public parking and the post office; talks with CSX continue regarding the removal of the bridges and that the work will start sometime in July.

Trustee Rauber indicated that the post office lease indicates parking arrangements and areas assigned for postal vehicles.

### **Resolution 3 6/2012**

Introduced by: Trustee Rauber

Seconded by: Trustee Penders

Now therefore be it resolved that the Village of Spencerport Board of Trustees approves the below budget transfers for fiscal year ending 5/31/2012:

<b><u>Amount</u></b>	<b><u>To Account</u></b>	<b><u>From Account</u></b>
\$600	A5142.400 Snow Removal Contractual	A5142.402 Snow Removal Deicing Material
\$270	A5650.400 Off-Street Parking – Contractual	A5140.400 Sidewalks – Contractual

*Signage for detours*

\$660	A7110.402 Parks – Plants & Flowers	A7110.400 Parks - Contractual
\$1,181	A7520.400 Historical/Trolley – Contractual	A7110.400 Parks – Contractual
\$1,518	G9060.800 Hospital/Medical – Dental	A8120.404 Safety – Contractual
\$14	G9189.803 CDL/EAP Programs	G9189.802 Small Medical Claims

Note: These transfers resulted from invoices accrued from June 14, 2012 Abstract

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 4 6/2012**

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

Now therefore be it resolved that the Village of Spencerport Board of Trustees approves the Purchasing & Procurement Policy as presented.

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 5 6/2012**

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

Now therefore be it resolved that the Village of Spencerport Board of Trustees approves the Investment Policy as presented.

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 Penders commented that the handbook revision of initialing the timesheets was added based on the auditors recommendation. Trustee Penders continued that originally the Village was going to follow the NYS Comptrollers guidelines regarding credit cards however they are lengthy and a policy specifically for the Village was developed. Trustee Penders added that the handbook had no policy addressing credit card use.

Trustee Nellis-Ewell commented that the last sentence of the policy regarding failure to comply does not clarify what type of action will be taken if the misuse is inadvertent or deliberate.

Trustee Gunther commented that he does not see a reason to allow the employees to carry the credit card.

Trustee Penders responded that at times when employees are away from the office they need the card to make a purchase and having at the office would not be feasible.

Trustee Gunther commented to the Mayor that she indicated that she does not use it.

Mayor Lobene responded that she could leave her card in the office but the department heads cannot.

Trustee Nellis-Ewell added that this does fill the need for a policy.

Trustee Penders explained the fatigue time policy to be that if an employee is required to work between the hours of 12:00 a.m. and the start of their shift the employee would be granted 50% of the time worked to be taken off at the end of their shift as fatigue time. This would allow the employee time off for fatigue without the employee having to use their vacation, personal or sick time.

Mayor Lobene commented that their concern is the safety of the employees who have worked extended hours due to an emergency.

Discussion ensued regarding various emergency situations and the length of the emergency.

Trustee Nellis-Ewell added that the Village cannot preclude an employee from having another job that may cause fatigue.

Clerk Sullivan responded that there is a policy regarding employment outside of the Village of Spencerport.

Trustee Nellis-Ewell asked if other municipalities have fatigue time policies.

Superintendent McIntee responded that the surrounding municipalities use a common sense method that the employees were not doing highly safety sensitive jobs (i.e. primary work) and that after lunch the employees are excused for the day. This presents a problem for the employee perjuring themselves by signing the time book thus necessitating a policy to be created.

Trustee Penders added that based on his experience there are only about five emergency calls a year.

Trustee Gunther indicated that the prior policy excluded fatigue time covering a scheduled event and now the policy does cover scheduled events; also the full effect of this policy is unknown because we are focusing on the electric department but we have not considered the DPW and snowplowing events that will be significant.

Trustee Penders responded that the electric department was not the only department considered.

Trustee Gunther indicated that the policy should be reworked in regards to the amount of time off for fatigue.

Trustee Penders responded that you would then force the employee to use vacation time.

Trustee Gunther continued that the policy can be worked so that fatigue time is not necessary if employees come in between midnight and start of shift. Trustee Gunther indicated that he does not feel the Board is looking at the big picture.

Trustee Nellis-Ewell indicated that the time worked between midnight and start of shift would help to understand the potential cost of this policy if implemented.

Trustee Gunther indicated that his argument is that the employees are being paid overtime and that this policy would essentially pay the employee double time. He continued that more data is necessary.

Mayor Lobene stressed that this policy ensures the safety of the Village employees.

Trustee Gunther indicated that this policy is important however cannot cost the tax payers an exorbitant amount of money.

Trustee Rauber indicated that he would like to see the potential cost of the policy.

Trustee Penders commented that the update to the bereavement leave policy was to include same sex committed partner.

Trustee Gunther questioned if the same sex committed partner policy covers casual relationships.

Clerk Sullivan responded that the committed partners need to prove that they cohabitate and share a financial account together similar to the domestic partners.

Superintendent McIntee commented that the IMA for Lyell Avenue lighting outlines that the fixture and pole will be the same as the Village's decorative lighting and the final cost is \$23,269.25.

### **Resolution 6 6/2012**

Introduced by: Trustee Rauber

Seconded by: Trustee Penders

Now therefore be it resolved, that the Village of Spencerport Board of Trustees authorizes the Mayor to sign the inter-municipal agreement with Monroe County Department of Transportation for the Village of Spencerport's contribution to the street lighting project on Lyell Avenue in the amount not to exceed \$23,269.25.

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

Clerk Sullivan explained to the Board that Margaret Gioia is out of the office on sick leave due to a hip condition and it is unknown at this time when she will be returning. The suggestion is that Jamie Gilbert, Pam and Jim Gilbert's daughter be hired for the summer to fill in for Margaret's absence until September 1<sup>st</sup>. This would allow the office to determine the length of Margaret's absence and is less expensive than a temporary service. June is the busiest month of the year and the help is needed.

Trustee Rauber indicated that it is good that there is someone available on short notice until Margaret gets back on her feet.

Trustee Penders commented that it is better than using temporary services.

Clerk Sullivan added that temporary agencies charge double the hourly wage in fees.

Trustee Gunther commented that Clerk Sullivan stated before that office staff can cover absences.

Clerk Sullivan responded that short term absences can be covered such as vacations, sick time, bereavement time and it is unknown at this time how long Margaret will be out.

Trustee Gunther commented that it is a good time to put some feelers out for other potential temporary employees.

Clerk Sullivan responded that the staff has been covering for Margaret due to her limitations for months.

Trustee Nellis-Ewell commented that there is a potential that her incapacitation may extend longer than August and that a person going back to school may not be the best choice and that having just taking the ethics class having a family member maybe considered nepotism.

Trustee Penders commented that Liz's daughter worked here and other family members as well.

Trustee Gunther agreed with Trustee Nellis-Ewell and that the Village should see what other candidates are available.

Trustee Penders commented that Jackie was unable to attend a meeting regarding the security cameras today because she had to cover the front desk.

Trustee Gunther responded that the meeting was not a priority at this time.

Trustee Penders responded that it was a scheduled meeting and that the lack of coverage interrupted the office operation.

Superintendent West commented we have had family members employed as summer help and that his understanding of the ethics program was for full time employees.

Trustee Gunther commented that the process that is taking place is that this person is perfect and it is a done deal and position should be opened up to other potential candidates.

Clerk Sullivan commented that the office staff has been covering for Margaret for months even though she has been coming to work and that as of yesterday Margaret can no longer come to work due to her physical limitations and that if she is in the office the Village runs the risk of her getting hurt while on the job creating a potential workers comp claim.

#### **Resolution 7 6/2012**

Introduced by: Trustee Rauber

Seconded by: Trustee Penders

Now therefore be it resolved that the Village of Spencerport Board of Trustees approves hiring Jamie Gilbert as a temporary employee at a rate of \$10/hr. effective June 25, 2012 – August 31, 2012.

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

Motion was made by Trustee Rauber, seconded by Mayor Lobene that the workshop session be adjourned at 6:30 p.m.