

Village Board Workshop Meeting
July 18, 2012
Minutes

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

Jack Crooks, Building Inspector
Kevin Kelly, Code Enforcement Officer
Owen McIntee, SME Superintendent
Kris Schultz, Schultz Associates
Jackie Sullivan, Village Clerk
Tom West, DPW Superintendent

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

BI/CE/FM – J. Crooks & K. Kelly 4:30 p.m.

Mr. Jack Crooks commented that he has contacted Dawn Jindra at NYS DOT regarding the drainage at Village Woods Plaza specifically Atlas Gym and this time DOT is not pursuing the drainage problems. Mr. Crooks continued that at this time Village Woods is not pumping water and that DOT has the application to connect to the state drainage system however the time has expired and the owners of Village Woods Plaza would need to resubmit their application. Mr. Crooks added that the drainage problem at the plaza and their pumping of excess water into Union Street does not have an effect on the drainage system/parking lot of Page Appliances.

Mayor Lobene indicated that she has talked with Mr. John Page and Mr. Page indicated that there are significant issues with their drainage system.

Mr. Crooks indicated that none of these other properties are causing the problems to Mr. Page's drainage system and that it is possible that there is an underground spring or a breach in Mr. Page's system causing the earth to fill the drainage pipes.

Attorney Olson indicated that the only recourse that the Village has with the property owners of Village Woods Plaza is to write tickets to them for obstructing the sidewalk when they are pumping water into Union Street and that the police department can issue tickets when they are pumping water into the street in the winter for unsafe road conditions. Attorney Olson continued that it does not solve the problem but may make the property owners want to correct the problems.

Mr. Crooks continued that the Visca project on Big Ridge Road continues and is going well; Cakes by Karen is open however she is waiting for her permit for the County Health Department; met with Rob from McDonalds regarding a renovation to the exterior façade of the building including expanding their drive through to accommodate more customers. Mr. Crooks added that the restaurant will be completely ADA accessible and compliant in adding the renovation will be presented to the ARB.

Mr. Kelly commented the he made two court appearances; for 6 Kirkgate Drive and she has 6 months to correct the issues; 87 Highview Drive to remove construction equipment. The resident has removed the back hoe however the trailer remains and fines will be assessed to him; working with Mr. Alonci regarding the Grandpa Sam's building to fix the south side of the building; Billings property has been inspected by the Health Department for rats and they did not find any rats; met with Bill Hollink of Hollink Motor Sports, Attorney Olson, Jack Crooks, David Wohlers and Mayor Lobene regarding the future of the house that has been boarded up. Mr. Hollink indicated that he would like to demolish it however is concerned that he will not be allowed to put another building up for future expansion. Mr. Kelly continued that Attorney Olson is looking into the building codes regarding potential future expansion of the buildings on Mr. Hollink's property.

Mr. Kelly indicated that he continues to work on signage issues; is working with CSX, the contractor and the Town of Ogden and Village of Spencerport to schedule a meeting so that all issues can be discussed and solutions can be determined.

Mayor Lobene indicated that she and Mr. Crooks met with Mr. Peter Landers regarding developing the Gollel property at the end of West Avenue and Amity Street. Mayor Lobene continued that Mr. Landers only interested in building townhomes for rent and that Mr. David Wohlers is interested in building single family homes.

Mr. Crooks indicated that Mr. Landers is allowed to have rental properties however if he is interested in changing the density he would need to go back to the Planning Board. Mr. Crooks added that he did meet with Superintendent West and the infrastructure does need some work prior to the Village taking dedication of it, in addition the binder on the roads is breaking down and may need to be redone prior to the Village taking dedication of the roads. Mr. Crooks continued that the Gollel's will not sign off on the property and the project continues to be delayed and that Mr. Landers is backing off of the project a bit.

Trustee Nellis-Ewell questioned the disposition of the Davidson property.

Mayor Lobene responded that the bids that were received were too low and under the minimum and that a couple additional offers have been received.

Attorney – R. Olson 5:00 p.m.

Attorney Olson suggested that the Property Maintenance Code 232 from 1953 be repealed via public hearing and the current 2008 code remain and in general refers to the NYS Property Maintenance Code. Attorney Olson explained that the Village has the code to address properties that are in disrepair and that the Code Enforcement Officer does have the authority to issue tickets to the property owners and each ticket has a fine of \$200. In addition the court can order to have the needed work done to a property. Attorney Olson added that pursuing property maintenance issues can bring publicity that the Village Board may not wish to have. Attorney Olson continued that the Billings property in particular the Village has tried to help the owner in addressing the maintenance issues with the property.

Mayor Lobene questioned if the CSX property could be taken by eminent domain.

Attorney Olson responded that the Village must pay for the property and would not be worth it.

Trustee Nellis-Ewell questioned that if a property is taken by eminent domain a need must be established similar to annexation.

Attorney Olson indicated that it is correct that a need must be established.

General – The following official action took place:

Trustee Gunther indicated that the fatigue time policy is going to cost the Village over \$3,000 and is an added expense that is going to be costly to the Village.

Trustee Penders indicated that the cost is the same to the Village.

Trustee Gunther indicated that the Village will receive less labor.

Trustee Gunther added that this policy now includes planned outages and initially planned outages were not included.

Trustee Penders responded that planned outages was included.

Mayor Lobene commented that the policy may have a cost but safety is most important.

Trustee Penders indicated that this should be reviewed after one year.

Trustee Rauber commented that it shows good ethics in place that employees are given fatigue time off if an incident occurs.

Trustee Gunther indicated that he feels the Village is entering into uncharted waters with this policy and that employees are being paid double time for overtime and that they can take fatigue time without pay and work outside of normal hours could be planned.

Trustee Penders indicated that the incidents cannot be planned.

Trustee Gunther commented that the policy is fiscally irresponsible.

Resolution 8 7/2012

Introduced by: Mayor Lobene
Seconded by: Trustee Penders

Now therefore be it resolved that the Village of Spencerport Board of Trustees approves the fatigue time policy as presented for a period of one year. After one year the expenses associated with the policy will be reviewed and presented to the Village Board for approval for future years.

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

Mayor Lobene asked Clerk Sullivan to explain the financing of the security camera system.

Clerk Sullivan responded that the Computer Reserve fund and can be done through the permissive referendum process.

Trustee Penders explained the locations of the cameras.

Trustee Rauber questioned if the project can be phased in to verify the system.

Trustee Penders indicated that the costly components need to be purchased for one or six cameras and would not be feasible.

Trustee Gunther questioned if ongoing maintenance costs have been considered or damage costs, or cost to review the videos.

Trustee Rauber indicated that the cameras would be helpful.

Trustee Penders indicated that the cameras are tamper resistant.

Trustee Nellis-Ewell indicated the cost of repairs would still exists but the cameras may help to deter but the Village will still bear the cost.

Resolution 9 7/2012

Introduced by: Mayor Lobene
Seconded by: Trustee Rauber

Now therefore be it resolved that the Village of Spencerport Board of Trustees approves the purchase of a security camera system to be purchased from Graybar in an amount not to exceed \$41,308.00.

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

Resolution 10 7/2012

Introduced by: Trustee Rauber
Seconded by: Trustee Penders

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

Whereas, the current balance in said fund is \$50,420.58; and

Whereas, this board wishes to apply \$41,308.00 from the Computer Reserve for the purchase of a security camera system

Now, therefore, be it resolved

1. That \$\$41,308.00 be transferred from the Computer Reserve to the General Fund for the purchase of a security camera system.
2. That this resolution is subject to a permissive referendum as provided by Article 9 of the Village Law.
3. That the Village Clerk is directed to publish the required legal notice of this resolution in the Suburban News.

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 Penders, seconded by Trustee Rauber that the workshop session be adjourned at 6:04 p.m.