

**VILLAGE BOARD MEETING**  
**Minutes**  
**September 5, 2012**

**CALL TO ORDER:** 7:00 p.m.

The Pledge of Allegiance was led by Mayor Lobene.

**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  
Ray and Barb Kuntz, Coolidge Avenue  
Owen McIntee, Electric Superintendent  
Richard Olson, Village Attorney  
Joan Quigley, Maplewood Avenue  
Kris Schultz, Schultz Associates  
Jacqueline Sullivan, Village Clerk  
Tom West, DPW Superintendent

**APPROVAL OF MINUTES**

A motion was made by Trustee Rauber, seconded by Trustee Nellis-Ewell and carried that the minutes of the regular meeting August 1, 2012 be approved as read.

**PRIVILEGE OF FLOOR**

Mrs. Quigley questioned the status of the street sign for Waterside Lane; what was the blip in the power last week.

Superintendent West responded the signs arrived this week and will be installed.

Superintendent McIntee responded that his understanding is that the shovel from the Thruway Authority got too close or hit electric lines causing the interruption in power.

Mr. Kris Schultz, Schultz Associates indicated that in an effort to elevate the congested parking issues in the municipal lot located on West Avenue the bus stop be moved from Church Street to Amity Street near the HiQual building and remove the two hour parking limit in the municipal lot located on Amity Street so that the park and ride patrons could park there.

Mayor Lobene questioned if that part of the Amity Street parking lot belongs to the Village.

Superintendent West confirmed that it does belong to the Village.

Trustee Rauber commented that he participated in the parking study from 1996 and the intentions of that study was for the Board to create different sections of the municipal lots to post at the Board's discretion and that he uses the HiQual lot because it is underutilized. Trustee Rauber continued that he does not know how many cars are for the park and ride service.

Mr. Schultz responded that it is approximately four or five cars and a few more in the winter.

Trustee Rauber indicated that he would talk with Bill Hill of HiQual as to the overall use of that parking lot by his building.

Attorney Olson indicated that the parking code Chapter 310 needs to be reviewed in regards to the time limits and various other restrictions and that the last major revision to this code was in 1998 and that Mr. Schultz's idea is a good one.

Mayor Lobene added that during the comprehensive plan update consultant, Roger Brown suggested that diagonal parking be installed on Church Street to add additional parking spaces.

Mr. Schultz added that the increased congestion is a result of the closing of the North Chili post office and the employees being relocated to the Spencerport post office. Mr. Schultz continued that he has had conversations with the postmaster asking if the employees could park in the lot where the mail vehicles are when they are out on the routes or park in the lot on Amity Street however that has not worked out. Mr. Schultz added that he did lose a potential tenant because of the congested parking situation.

Mayor Lobene asked if a board member wanted to work with Mr. Schultz regarding parking.

Trustee Rauber indicated that the process should start in code review.

Attorney Olson responded that it could start in code review or a parking committee.

Trustee Nellis-Ewell questioned if backing out into a roadway was illegal.

Attorney Olson indicated that it was untrue.

General discussion regarding parking ensued.

Mr. Schultz added that the process of changing a bus stop is lengthy and Rochester Regional Transportation would be contacting the Board regarding Mr. Schultz's request.

Trustee Rauber indicated that he would work with Kris on the parking issues.

## **PUBLIC HEARING**

Mayor Lobene opened the public hearing at 7:15 p.m.

By reading Introductory Local Law 2-2012 "A Local Law to Repeal Chapter 232 of the Spencerport Code"

There being no comments Mayor Lobene closed the public hearing at 7:16 p.m.

**Administrative Committee** – Mayor Lobene, Chair

### **Resolution 18 9/2012**

Introduced by: Trustee Rauber

Seconded by: Trustee Nellis-Ewell

### **RESOLUTION ADOPTING LOCAL LAW**

**Whereas**, the Village Board has before it a proposed Local Law which, if enacted, will be Local Law #2-2012 "A Local Law to Repeal Chapter 232 of the Spencerport Code "Property Maintenance"; 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 #2-2012 "A Local Law to Repeal Chapter 232 of the Spencerport Code "Property Maintenance".

**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

Mayor Lobene commented that the annual tree lighting is usually the first Sunday of December during the Christmas on the Canal and that the Trolley Depot is going to do Christmas activities and wanted to know which day to light the village tree.

Trustee Rauber indicated that the Depot is still determining the dates and activities.

**Sewers Committee** – Trustee Rauber, Chair

Trustee Rauber indicated that he would defer comments to Superintendent West

**Trolley Depot** – Trustee Rauber, President

Trustee Rauber commented that approximately 262 boats have used the dock and approximately 2400 visitors; upcoming events are Pumpkin Fest in October and Christmas events during December.

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

- A. Planning – Trustee Nellis-Ewell commented that a public hearing was held 9/4 regarding a secondary road for the Big Ridge Road senior development at 22 Big Ridge Road; approximately 30 residents attended and some spoke not in favor of the road. Prior Village Board minutes indicated that the developer had 3 options, WWTP Road, private drive and road off of 259 with a boulevard design (more costly to developer). Ed Martin sited a traffic study for the area and that the development does not have a significant impact to the traffic of that area and that Monroe County agreed with the study and that Mr. Martin is to submit the study to the Planning Board. The Planning Board tabled the decision until the traffic study is reviewed. Trustee Nellis-Ewell commended Chair David Wohler’s on a job well done conducting the meeting.

Mayor Lobene added the use of the WWTP Road was turned down by the Village Board at a prior meeting.

- B. Architectural Review – Trustee Nellis-Ewell indicated that McDonald’s attended the meeting with revisions to the façade renovation to the restaurant; the renovations were discussed at length and a certificate of appropriateness was issued.
- C. Zoning
- D. Building Control – Trustee Nellis-Ewell indicated that Kevin Kelly, CEO is attending tonight’s meeting regarding parking on front lawns.

Mr. Kelly addressed the Board explaining that the Village Code has information regarding storage of vehicles however it does not address how long a vehicle can be stored on the front lawn. Mr. Kelly continued that there are approximately five properties in the Village that consistently store vehicles on their front lawn especially on Village Walk Circle and it diminishes property values and causes environmental issues should the vehicles be leaking fluids.

Discussion ensued with the group regarding wording of legislation, time limits and percentages of impermeable and permeable and surfaces.

Mayor Lobene indicated that this issue will be discussed at the workshop meeting on September 19<sup>th</sup>.

Trustee Nellis-Ewell thanked Mr. Kelly for his efforts and that she support his suggestions.

Mayor Lobene added that she thinks it’s a good idea and she just wants to make sure that we do not cause a problem with families who have parents and in-laws who spend extended time at those houses.

Trustee Penders commented that he lives on Highview Drive and the house across the street from him has had significant construction equipment in the yard and that Mr. Kelly had done a good job of trying to get them to move the equipment.

E. Code Review

Trustee Rauber questioned if the Planning Board has the ability to change a County decision in regards to the entrance to the Big Ridge Road development on a county road.

Attorney Olson responded that the Planning Board needs to take a look at all developments and this is an unusual situation because of the project being on the line of a couple jurisdictions.

Trustee Gunther commented that the Planning Board invited the residents to the meeting.

**Finance Committee** – Trustee Penders, Chair

**Resolution 19 9/2012**

Introduced by: Trustee Penders

Seconded by: Trustee Rauber

Now therefore be it resolved that the Village of Spencerport Board of Trustees approves the attached budget transfers for Fiscal Year Ending May 31, 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

Trustee Penders commented that the budget transfer resolution is to budget funds for the security cameras. Trustee Penders added that an email was sent to the Board members regarding contracting with PinPoint Group for the installation of the security cameras.

Trustee Gunther indicated that it does not seem fair since we are taking their bid after the fact and that they did have a service problem and will we have problems with them regarding the cameras.

Attorney Olson suggested that the project be advertised and rebid.

Further discussion ensued regarding the necessity of the budge transfer.

Trustee Rauber commented that this process is just transferring the funds to the proper budgets for the project.

**Resolution 20 9/2012**

Introduced by: Trustee Penders

Seconded by: Trustee Rauber

Now therefore be it resolved that the Village of Spencerport Board of Trustees approves the attached budget transfers for Fiscal Year Ending May 31, 2013.

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

Motion denied

**Resolution 21 9/2012**

Introduced by: Trustee Penders

Seconded by: Trustee Nellis-Ewell

Now therefore be it resolved that the Village of Spencerport Board of Trustees approves Key Bank to be a designated depository for the Village of Spencerport and that Karen Kimbler, Village Treasurer of the Village of Spencerport is authorized to open and close accounts and to designate authorized transaction signers for accounts opened with Key Bank.

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 indicated that he did review the ledgers and everything is in order.

**Facilities Committee** – Trustee Penders, Chair

- A. Electric – Trustee Penders deferred comments to Superintendent McIntee
- B. Other ( Drainage, Franchise)

**Public Works Committee** – Mayor Lobene, Chair

- A. Highways/Garage
- B. Public Services (Refuse, Recycling, Parks)

CSX bridge meeting – Mayor Lobene commented that the result of the meeting was that Monroe County has the right of first refusal to use the CSX property for a trail system.

**Public Safety Committee** – Trustee Penders, Chair

Trustee Penders indicated that he attended SFD monthly meeting and that the ISO information indicating that the fire department insurance rating for fire protection is a 4/9. Trustee Penders further explained the process of receiving the ISO insurance rating and that between a rates of 1-6 or 7 the rates stay the same and it is a good insurance rate however the rate of 9 is because there are areas within the district that still do not have water/hydrant systems and the 200 hours of suggested training is not always attainable by a volunteer fire district however the district has a high score for maintaining records and standard mandatory training.

**Human Resources Committee** – Mayor Lobene, Chair

Trustee Penders commented that the health care committee met a couple weeks ago to review presentations on various health care plans and cannot move forward until the health care rates are received in October which is projected to be a 16% increase.

**Economic Development Committee** – Mayor Lobene, Chair

Mayor Lobene indicated that six new businesses have opened in the Village during the summer Cakes by Karen, Bonnie's Chocolate World, Two Ton Tony's and Salvatore's Pizza and the Jewelry and Coin exchange.

**Green Initiatives** – Trustee Nellis-Ewell, Chair

Trustee Nellis-Ewell commented that she does not have a report but deferred comments to Superintendent McIntee regarding potential green projects.

**Village Clerk** – Jackie Sullivan

Clerk Sullivan reported that delinquent tax notices have gone out to residents and will be surrendered to Monroe County if they are not paid by October 31, 2012.

Trustee Nellis-Ewell asked if there was any progress on paying taxes with credit cards.

Clerk Sullivan responded that the current vendor allows deposits only to one bank account and tax payments need to be deposited the general and sewer accounts in addition the current vendor limits the amount that can be charged on one transaction.

**Superintendent of Public Works** – Thomas M. West

Superintendent West commented that Hawthorne drive has been recycled and repaving will begin on September 10th; work continues on the Heritage trail and will be hydro-seeded this week.

**Superintendent of Electric** – Owen McIntee

Superintendent McIntee commented that he emailed a report to the Board and highlighted the following:

Superintendent McIntee commented that the Prospect Street capital project continues and that the Mike LoPresti's Brockport Road project will be starting in the next week; SME did work for BOCES and it was a billable job netting approximately \$2600; BST completed annual audit; PSC report will be forthcoming and the results were favorable.

Mayor Lobene indicated that the Electric fund is in good shape.

Superintendent McIntee indicated that the electric fund is in the black thanks to Karen Kimbler and Pam Gilbert's hard work. Superintendent McIntee added that he attended the MEUA annual conference and will be sending a summary report to the Board in the next week.

**Attorney** – Richard J. Olson

Attorney Olson requested executive session to discuss litigation issues.

WWTP transfer to Monroe County continues; Monroe County has requested two additional documents that have been received from Kris Schultz.

**Unfinished Business**

Trustee Gunther requested that information regarding agendas and notices for public hearings be added to the website to offer and additional outlet for information.

Mayor Lobene indicated that this request will be taken under consideration.

Trustee Nellis-Ewell indicated that planning and zoning notices in surrounding towns are posted on the property in sign form.

**New Business**

**Bills**

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

General Fund	\$ 98,121.54
Electric Fund	\$ 61,936.56
Sewer Fund	\$ 9,106.21
Trust Fund	\$ 436.23
Capital Fund	<u>\$ 9,118.72</u>
<b>TOTAL:</b>	<b><u>\$178,719.26</u></b>

Motion was made by Mayor Lobene, seconded by Trustee Gunther and carried unanimously that the cash disbursements for the General, Electric, Sewer, Trust and Capital Funds, September 2012 be approved as audited.

**Adjournment**

Motion was made by Trustee Rauber seconded by Trustee Nellis-Ewell and carried unanimously that the regular meeting be adjourned 8:38 p.m. to executive session to discuss litigation.

Motion was made by Trustee Rauber seconded by Trustee Penders and carried unanimously that the executive session be adjourned at 8:42 p.m.