

**VILLAGE BOARD MEETING**  
**Minutes**  
**October 3, 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**

Tom Burgio, Mill Street  
Craig Byham, Luther Jacobs Way  
Doug Foster, Big Ridge Road  
Glenn Granger, Village Walk Circle  
Charles Hopson, Maplewood Avenue  
Ray and Barb Kuntz, Coolidge Avenue  
Rick Lynch, Big Ridge Road  
Owen McIntee, Electric Superintendent  
Richard Olson, Village Attorney  
Joan Quigley, Maplewood Avenue  
Kris Schultz, Schultz Associates  
Dave Spencer, West Avenue  
Jacqueline Sullivan, Village Clerk  
Tom West, DPW Superintendent  
Dave Wieme, Amity Street  
Participation in Government Students (7)

**APPROVAL OF MINUTES**

A motion was made by Trustee Rauber, seconded by Trustee Penders and carried that the minutes of the regular meeting September 5, 2012 be approved as read.

A motion was made by Trustee Rauber, seconded by Trustee Nellis-Ewell and carried that the minutes of the workshop meeting September 19, 2012 be approved as read.

**PRIVILEGE OF FLOOR**

Mr. Tom Burgio, Mill Street commented to the Village Board that the lot on Big Ridge Road that is being considered for the construction of a private drive for the residential development in that area was not discussed at the previous night's Planning Board Meeting. Mr. Burgio continued that he feels that the decision to put a road on a residential lot should be the Village Board's not the Planning Boards.

Mayor Lobene responded that the Planning Board Attorney or the Village Engineer were not present because there was not anything on the agenda that needed their attention.

Attorney Olson commented that the Planning Board's role is that it is the development of a Village lot. Attorney Olson continued that this is a unique project because it covers several jurisdictions and that the Planning Board and Attorney are looking at it closely because this is not an easy decision. One of the issues the Planning Board faces is that Monroe County has already given approval for the curb cut for the private drive.

Mr. Burgio indicated that a road would decrease his property values.

Attorney Olson responded that the Planning Board will look at screening and layout to help the residents as much as they can and if a judge decides to allow the road all of those items will not be reviewed. Attorney Olson added that the Village Board does not have a say in this because the Village has a Planning Board.

Mr. Burgio confirmed that when the decision is made the meeting will be made public.

Attorney Olson responded that the meeting will be open to the public but it will not be advertised in the newspaper. The agenda will be on the website and all Planning Board meetings are the first Tuesday of each month.

Mr. Doug Foster confirmed that the project has preliminary approval.

Attorney Olson responded affirmative and deferred additional explanation to the Planning Board attorney.

Trustee Nellis-Ewell commented that it was on the agenda however the applicant and their engineer were unable to attend last night's meeting. Trustee Nellis-Ewell indicated that the Planning Board requested the traffic study and a boulevard design.

Trustee Gunther requested clarification regarding the code wording that indicates that the Mayor grants approval for sidewalks and roadways in the Village.

Attorney Olson responded that it is not really a Village Road because of the multiple jurisdictions associated with this project.

Trustee Gunther indicated that he spoke with a representative from Monroe County DOT and their approval is subject to Village approval.

Attorney Olson indicated that it is possible however it is the Planning Board's decision.

Attorney Olson explained the application process to the Planning Board.

Mr. Rick Lynch, Big Ridge Road commented that a few of the area residents attended the last night's Planning Board meeting and that in his opinion they were not welcome at the meeting.

Mr. Craig Byham indicated that this item was not on the agenda for discussion.

Trustee Nellis-Ewell commented that development needed two means of ingress and egress and that the residents need to participate in the process.

Doug Foster indicated that he was embarrassed by how he was treated.

Discussion ensued regarding the ownership of the lot.

Mr. Glenn Granger, Village Walk Circle questioned if this is a driveway the Village has newly adopted codes regarding dimensions of driveways.

Mr. Craig Byham responded that in 2008 the Village Board adopted developmental regulations that indicated that the Village Board approves all driveway accesses and that this decision would be the Village Boards.

Attorney Olson responded that the Planning Board Attorney would have to address that question.

**Administrative Committee** – Mayor Lobene, Chair

## **PROCLAMATION**

**WHEREAS**, the citizens of the Village of Spencerport embrace the opportunity to support the observance of School Board Recognition Week; this annual event is celebrated in school districts throughout New York State, and

**WHEREAS**, the members of the Spencerport School Board are an invaluable resource as local decision makers; they respond to the respective needs of their communities, serving the interests of school children and preparing them for the future, and

**WHEREAS**, the men and women serving the people of Spencerport as members of the School Board devote many hours of service to public education and continually strive for improvement, quality and progress in education, and

**WHEREAS**, members of local boards of education throughout New York State merit recognition and commendation for their dedicated service to the people and children of our community, it is fitting to support this annual celebration

**NOW, THEREFORE**, we the Spencerport Village Board do hereby proclaim official recognition of October 29 – November 2, 2012 as

**SCHOOL BOARD RECOGNITION WEEK**

Dated this 3<sup>rd</sup> day of October, 2012

Spencerport Village Board

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

**Resolution 24 10/2012**

Introduced by: Trustee Rauber  
Seconded by: Trustee Penders

Be it resolved that the Village of Spencerport Board of Trustees hereby approves submitting a grant application to The Erie Canalway Grant Program in the amount of \$5,000 for the purposes of development and production of marketing brochure for the Village of Spencerport. The Village of Spencerport will be responsible for providing the financial match to the grant in the amount of \$2,500.

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

Trustee Nellis-Ewell commented that this is a significant expenditure even with the match and that the Village was working with the Chamber of Commerce for a marketing brochure.

Mayor Lobene responded that this a pictorial brochure for a walking tour of the Village

Trustee Nellis-Ewell questioned if the project was included in this year's budget.

Clerk Sullivan responded that it was not budgeted but funds will be made available to do the project.

**Sewers Committee** – Trustee Rauber, Chair

Trustee Rauber indicated that he met with Superintendent West to review the sewer flow report that was completed by Monroe County and that the DPW will be metering the sewers to determine areas of high flows.

**Trolley Depot** – Trustee Rauber, President

Trustee Rauber commented that the Depot will be hosting Halloween and Winter Events this year.

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

- A. Planning – Trustee Nellis-Ewell reported that the ARB approved two sign applications for Hometown Barber Shop and Sunco, Inc. Trustee Nellis-Ewell added that the Sunco, Inc. property will be changing their sign to LED to be more energy efficient and have more accurate gas pricing.
- B. Architectural Review –
- C. Zoning - Trustee Nellis-Ewell indicated that the next Zoning meeting, pending any applications will be on October 18<sup>th</sup> at 7:00 p.m.
- D. Building Control –

- E. Code Review – Trustee Nellis-Ewell commented that COE Kevin Kelly presented information regarding limited parking on front lawns and it was tabled pending Village Attorney review.

**Finance Committee** – Trustee Penders, Chair

**Facilities Committee** – Trustee Penders, Chair

- A. Electric

**Resolution 25 10/2012**

Introduced by: Trustee Penders

Seconded by: Trustee Nellis-Ewell

Be it resolved that the Village of Spencerport Board of Trustees hereby approves the SME Superintendent's attendance at the NYMPA Semi-Annual Meeting Wednesday, October 31, 2012, Embassy Suite Hotel, 6646 Old Collamer Road, East Syracuse, NY. Cost not to exceed \$55.00.

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 26 10/2012**

Introduced by: Trustee Penders

Seconded by: Trustee Rauber

Be it resolved that the Village of Spencerport Board of Trustees hereby approves the attendance of SME Superintendent and three (3) SME Linemen to the MEUA Fall Engineering Workshop Wednesday & Thursday, November 7 & 8, 2012 Embassy Suite Hotel, 6646 Old Collamer Road, East Syracuse, NY. Cost not to exceed \$201.00 per person.

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 27 10/2012**

Introduced by: Trustee Penders

Seconded by: Trustee Rauber

Be it resolved that the Village of Spencerport Board of Trustees hereby approves the attendance of the SME Superintendent, Village Treasurer and Deputy Clerk to attend the MEUA Accounting and Finance Workshop Thursday & Friday, November 15 & 16, 2012 Embassy Suite Hotel, 6646 Old Collamer Road, East Syracuse, NY. Cost not to exceed \$201 per person.

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

- B. Other ( Drainage, Franchise)

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

- A. Highways/Garage

B. Public Services (Refuse, Recycling, Parks)

**Resolution 28 10/2012**

Introduced by: Trustee Rauber

Seconded by: Mayor Lobene

Be it resolved that the Village of Spencerport Board of Trustees hereby approves the DPW Superintendent's attendance at the NYCOM 2012 Public Works Training School Monday – Thursday, October 22 – 25, 2012, Canandaigua Inn on the Lake, 770 South Main Street, Canandaigua, NY. Cost not to exceed \$955.00.

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

Trustee Nellis-Ewell inquired to Superintendent West as to the topics on the agenda for this year's training school.

Superintendent West questioned Clerk Sullivan if the agenda was in the resolutions.

Clerk Sullivan responded that agendas do not go in the resolution packets.

Superintendent West continued that there are lots of topics on the agenda.

Mayor Lobene commented that she would put the agenda in their boxes tomorrow.

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

- A. Fire Department – Trustee Penders commented that he attended the monthly meeting and forwarded the treasurer's report to the Village Board. The final inspection of the new rescue truck will be done on October 18<sup>th</sup> and delivered October 21<sup>st</sup>. The old rescue truck has been sold to a fire department in Muci, MI in the amount of \$94,000. SFD has had 582 calls as of today and graduated three (3) people from first responders' course through Monroe County and some key fobs are being repaired; an audit has been done on the department funds and October 13<sup>th</sup> is the dedication of the firemen's memorial at Station 1 and SFD Open House is Sunday, October 7<sup>th</sup>.

B. Police

**Resolution 29 10/2012**

Introduced by: Trustee Penders

Seconded by: Trustee Rauber

Be it resolved that the Village of Spencerport Board of Trustees hereby awards the security camera bid to The PinPoint Group, Churchville, NY in the amount of \$23,316.12. Bids were received from Colacino Industries, Newark, NY; Doyle Security, Rochester, NY; and Technical Systems Group.

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 30 10/2012**

Introduced by: Trustee Penders

Seconded by: Trustee Rauber

Be it resolved that the Village of Spencerport Board of Trustees hereby approves the following budget transfers for fiscal year ending May 31, 2013.

Amount	To Account	From Account
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Transfer:	A1680.200 Data Processing Equipment/Capital	A1680.213 Data Processing – GIS Capital
\$10,000		
Revision:	A1680.200 Data processing Equipment/Capital	Increase Budget – Fund from Capital Reserve
\$30,294		

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	Nay

- C. Ambulance – Trustee Penders reported that he forwarded the SVA meeting minutes to the Village Board and that since the meeting the Village Plaza owner has purchased a portion of the CSX property behind the ambulance station and will be working with the ambulance to donate property to them for parking and a private drive across from Coolidge Avenue for an expansion of the Village Plaza.

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

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

Mayor Lobene reported that the new Toy Shop on Amity has opened; and the Village Plaza owner has purchased the CSX property and is planning a Plaza expansion.

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

**Village Clerk** – Jackie Sullivan

Clerk Sullivan commented that she forwarded her NYCOM Fall Training report to the Village Board and if any questions arise to please contact her. Clerk Sullivan continued that she attended a Health Care reform informational meeting presented by First Niagara and that the only upcoming item is that Excellus will need to provide “statement of benefits” to our participating employees upon contract renewal in December 2012.

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

Superintendent West commented that work is nearly complete on the Heritage Trail and the final stone layer needs to be applied and compacted.

**Superintendent of Electric** – Owen McIntee

Superintendent McIntee indicated that he forwarded the Circuit change out report to the Village Board and that completion of this project has been extended from October 1 to November 1. Superintendent McIntee indicated that he and the staff have used this project for training sessions for the two apprentices. Superintendent McIntee added that the street lighting of Lyell Avenue should start near the end of October beginning of November; substation relay testing to be scheduled; NYSERTA grant program is available for office type equipment and LED fixtures and lamps. There being no need for office equipment the Trolley Building, Gazebo and Village Office will have fixtures and bulbs changed and LED lamps will be purchased for customer giveaways for public power week.

Superintendent McIntee updated the Village Board regarding the fire at the Village of Castile and that he has offered the Village of Castile any help they may need.

**Attorney** – Richard J. Olson

Attorney Olson requested executive session to discuss litigation.

**Unfinished Business**

Mr. Burgio questioned that status of the townhomes on Evergreen Street.

Mayor Lobene indicated that the property is in foreclosure and in litigation.

Trustee Rauber commented as to how nice the Heritage Trail looks and that Spencerport has the eye of the Canal Corp and that between Martha Street Bridge and Trimmer Road Bridge south side will have some clearing done by the Canal Corp and will open up a space for the newly formed Spencerport Rowing Club.

Trustee Gunther requested executive session for employee issues and that the drop down menus on the website does not work on an ipad.

Trustee Nellis-Ewell indicated that she will be traveling October 10<sup>th</sup> through October 31<sup>st</sup>, 2012.

### **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	\$111,533.08
Electric Fund	\$ 42,438.68
Sewer Fund	\$ 5,296.38
Trust Fund	\$ 733.17
Capital Fund	<u>\$ 21,675.70</u>
<b>TOTAL:</b>	<b>\$181,717.01</b>

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

#### **Adjournment**

Motion was made by Trustee Rauber seconded by Trustee Gunther and carried unanimously that the regular meeting be adjourned 8:34 p.m. to executive session to discuss litigation and potential employee discipline action.

Motion was made by Trustee Rauber seconded by Trustee Penders and carried unanimously that the executive session be adjourned at 9:15 p.m.