

**Village Board Special Meeting
December 19, 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

Craig Byham, Luther Jacobs Way
David Hanlon, Hanlon Architects
Kevin Kelly, Code Enforcement Officer
Jared Koon, Hanlon Architects
Owen McIntee, SME Superintendent
Richard Olson, Village Attorney
Kris Schultz, Schultz Associates
Jacqueline Sullivan, Village Clerk
Tom West, DPW Superintendent

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

Mr. Kevin Kelly reported on behalf of Jack Crooks, Building Inspector that the Masonic Lodge has submitted plans for a kitchen renovation, the White Church has submitted plans for an elevator installation, Visca will be breaking ground for three new buildings on Big Ridge Road, renovations at McDonalds are nearing completion, new bottle recycling center opened in the plaza and that the Planning Board may be proposing possible zoning changes to the Village Board regarding the plaza development.

Mr. Kelly continued that he met with Tom West and Mike Vickery regarding best practices for storm water retention, thanked Bill Hollink for removing the vacant house on Union Street, notice has been sent to the Billings Property, West Avenue regarding debris and the debris have been removed, letters have been sent to residents who are storing boats in their yards, Gina Keys, 42 Nichols Street has been cited for stretching a drainage hose across the sidewalk during rain events and attended court, found guilty and fined \$250 and that the judge indicated that she will be fined if this continues, vacant properties on Evergreen Street have been secured.

Mayor Lobene questioned if action should be taken to demolish those buildings.

Attorney Olson indicated that there is a legal process to be followed and that he would determine a path forward for action.

Mr. Kelly continued that he inspect the Eagle Star Housing building on Union Street (formally the DePaul Home) and indicated that the house meets all codes and forwarded a list of contacts to the fire and police department, false alarm issues have been addressed at Tim Hortons, meeting was held to determine a path forward for connecting with NYS drainage for 42 Nichols Street it was determined that the permits are still good and there is no reason for the owners not to connect to the drainage, and attended a bid meeting regarding the removal of the CSX bridges with potential contractors. The following contractors attended the meeting: ABC Scope Environmental, Canastota, NY; Apollo Dismantling, Niagara Falls, NY; CP Ward, Rochester, NY; Carrier Salvage, Branchport, NY; Federico Construction, Rochester, NY; NASTI Demolition, Staten Island, NY; Midco Marine, Buffalo, NY; OCS Demolition, Buffalo, NY; RJ Korman, Casey, IL; National Services, Bloomington, ID; 127 Equipment, Glencoe, KY. Bids will be due January 18,

2013 and will be awarded within five business days, all permits must be obtained in thirty days and work must start with the Union Street Bridge within forty days of award any undocumented delays will result in a fine to the contractor. All debris will be removed, all paint will be removed from the concrete abutments and grading and barriers will be installed above the abutments.

Trustee Gunther inquired the status of the code for parking on the lawns.

Mr. Kelly responded that he forwarded information to the Code Review Committee for review.

Attorney Olson added that he has made some comments for review and will forward it to Kevin Kelly.

Mr. Kris Schultz and David Hanlon reviewed the Plaza project with added information on the design of the buildings presented by the architect Mr. Hanlon.

Mr. Schultz indicated that he will be presenting the concept to the Planning Board at the January 8th meeting.

Trustee Rauber indicated that he and Clerk Sullivan took a look at the sewer charges based on Mr. Byham's suggestion of taking an average of water usage to calculate the annual sewer charges to accommodate for residents who water their lawn and fill their pools.

Clerk Sullivan responded that she reviewed how the Village of Churchville and Bergen calculate for sewer charges. Clerk Sullivan continued that Churchville uses a unit charge for residents and a unit charge derived from water usage for commercial customers and Bergen uses water usage. While both Churchville and Bergen's sewer charges were higher than Spencerport neither Village took into account the watering of lawns or filling of pools. Clerk Sullivan further explained that each year the operation and maintenance budget needs to be funded by revenues and that if revenues are decrease because an average of water usage was used the rate charged for usage would be to be increased.

Trustee Nellis-Ewell confirmed that there will be no changes to the method of calculating sewer taxes at this time.

Mr. Byham thanked the Board for the information.

Resolution 45 12/2012

Introduced by: Trustee Rauber

Seconded by: Trustee Nellis-Ewell

Be it resolved that the Village of Spencerport Board of Trustees hereby authorizes the Mayor to sign 2013 Concentra Services Agreement for the Village's employee assistance program.

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 46 12/2012

Introduced by: Trustee Nellis-Ewell

Seconded by: Trustee Penders

Be it resolved that the Village of Spencerport Board of Trustees hereby approves 2012 vacation carry-over for Margaret Gioia in the amount of 68.13 hours (8.5 days).

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 Village Board that the reason for Miss Gioia's carry-over is due to Miss Gioia being out of the office for nearly four months due to surgery.

Trustee Penders indicated that he feels that the Employee Handbook in some areas is vague that he would like to have the handbook review and change the vague areas.

Attorney Olson responded that there are law firms that specialize in handbooks and recommends that one of them review the handbook for revisions.

Trustee Penders and Clerk Sullivan will be working on this initiative.

Resolution 47 12/2012

Introduced by: Mayor Lobene
Seconded by: Trustee Rauber

Whereas, Section 108(3) of the Public Officers Law exempts "any matter made confidential by federal or state law" as being exempt from the provisions of the Open Meetings Law; and

Whereas, Section 4503 of the New York State Civil Practice Law and Rules provides for confidential and privileged communications between an attorney and his client in the course of professional employment; and

Whereas, the Village Attorney has requested the opportunity to discuss legal matters with his client, the Village Board of Trustees

Now, therefore, be it resolved

That the Village Board enter into a private session with its attorney to discuss legal matters and that in addition to the Village Board of Trustees and the Attorney the following individuals shall be included:

1. Village Clerk
2. DPW Superintendent
3. SME Superintendent

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

Discussion ensued regarding the lease agreement regarding the parking lot and ownership of the fencing at the post office. Attorney Olson indicated that there is not a signed lease agreement regarding the parking lot or fence and suggested that a letter be written to the post master indicating that the fence be

fixed by April 1, 2013 if it is not fixed then action can take place by the Village to repair the fence and take ownership of the parking lot.

Motion was made by Mayor Lobene, seconded by Trustee Rauber and carried that the workshop meeting be adjourned at 6:45 p.m.