

VILLAGE BOARD MEETING
Minutes
July 10, 2013

CALL TO ORDER: 7:00 p.m.

The Pledge of Allegiance was led by Mayor Lobene.

BOARD MEMBERS PRESENT

Joyce Lobene, Mayor
Glenn Granger, Trustee
Carol J. Nellis-Ewell, Trustee
Gary Penders, Trustee
Charles Hopson, Trustee

BOARD MEMBERS ABSENT

OTHERS PRESENT

Craig Byham, Luther Jacobs Way
Ray Kuntz, Coolidge Avenue
Joan Quigley, Maplewood Avenue
Jacqueline Sullivan, Village Clerk
Mike Vickery, DPW Foreman

APPROVAL OF MINUTES

A motion was made by Trustee Granger, seconded by Trustee Hopson and carried that the minutes of the fiscal year end meeting May 31, 2013 be approved as read.

A motion was made by Trustee Granger, seconded by Trustee Penders and carried that the minutes of the regular board meeting June 5, 2013 be approved as read.

A motion was made by Trustee Hopson, seconded by Trustee Penders and carried that the minutes of the special board meeting June 6, 2013 be approved as read.

A motion was made by Trustee Penders, seconded by Trustee Nellis-Ewell and carried that the minutes of the workshop meeting June 19, 2013 be approved with corrections to the Village Board Members names.

Public Hearing – Introductory Local Law 2-2013 “A Local Law to Increase Veterans Tax Exemption”

Mayor Lobene opened the public hearing at 7:02 p.m. by reading the local law.

Mr. Craig Byham, Luther Jacobs Way thanked the entire Board specifically Trustee Nellis-Ewell for bringing the increase to fruition.

Mayor Lobene closed the public hearing at 7:03 p.m.

Administrative Committee – Mayor Lobene, Chair

Mayor Lobene acknowledged Mr. David Wieme’s resignation from the Zoning Board of Appeals due to his relocation to Texas.

Mayor Lobene indicated that the 2013 assessment for the Village is down approximately \$97,000.

Resolution 19 7/2013

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

Whereas, the Village Board has before it a proposed Local Law which, if enacted, will be Local Law #2-2013 “A Local Law to Increase Veterans Tax Exemptions for Real Property” ; 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) & (27) 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 #2-2013 “A Local Law to Increase Veterans Tax Exemptions for Real Property”.

Section 2. That as set forth in said law this change shall apply to assessment rolls prepared for use on the village tax bills used for 2015-2016 and thereafter.

Section 3. 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 4. That this Local Law shall take effect upon filing with the Secretary of State.

Section 5. That this resolution shall take effect immediately.

| | | |
|--------------------|--------------------------------|-----|
| Vote of the Board: | Glenn C. Granger, Trustee | Aye |
| | Carol J. Nellis-Ewell, Trustee | Aye |
| | Gary Penders, Trustee | Aye |
| | Charles R. Hopson, Trustee | Aye |
| | Joyce Lobene, Mayor | Aye |

Trustee Granger questioned how the exemption amounts were determined.

Clerk Sullivan responded that the amounts are set by the State of New York as minimums.

Resolution 20 7/2013

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

Be it resolved that the Village of Spencerport Board of Trustees hereby approves the assembly permit from Spencerport Volunteer Firemen’s Association for the Annual Red Onions Drill Team Competition Saturday, August 3, 2013 (rain date Sunday, August 4, 2013) from 11:00 a.m. – 7:00 p.m. at 500 West Avenue, Spencerport, NY.

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|--------------------|--------------------------------|-----|
| Vote of the Board: | Glenn C. Granger, Trustee | Aye |
| | Carol J. Nellis-Ewell, Trustee | Aye |
| | Gary Penders, Trustee | Aye |
| | Charles R. Hopson, Trustee | Aye |
| | Joyce Lobene, Mayor | Aye |

Resolution 21 7/2013

Introduced by: Trustee Granger
Seconded by: Trustee Penders

Be it resolved that the Village of Spencerport Board of Trustees hereby approves the assembly permit from Spencerport Volunteer Firemen’s Association for the NYS Drill Team Captains Association – Old Fashion Drill Saturday, August 10, 2013 8:00 a.m. – Midnight at 500 West Avenue, Spencerport, NY.

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|--------------------|--------------------------------|-----|
| Vote of the Board: | Glenn C. Granger, Trustee | Aye |
| | Carol J. Nellis-Ewell, Trustee | Aye |
| | Gary Penders, Trustee | Aye |
| | Charles R. Hopson, Trustee | Aye |
| | Joyce Lobene, Mayor | Aye |

Resolution 22 7/2013

Introduced by: Trustee Granger
Seconded by: Trustee Hopson

Be it resolved that the Village of Spencerport Board of Trustees hereby approves the assembly permit from Spencerport Central Schools for the Annual Homecoming Parade, Saturday, September 28, 2013 from 12:30 p.m. – 2:00 p.m. West Avenue west to Union Street south to Lyell Avenue to Spencerport High School will be closed for the duration of the parade.

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| Vote of the Board: | Glenn C. Granger, Trustee | Aye |
| | Carol J. Nellis-Ewell, Trustee | Aye |
| | Gary Penders, Trustee | Aye |
| | Charles R. Hopson, Trustee | Aye |
| | Joyce Lobene, Mayor | Aye |

Sewers Committee – Trustee Hopson, Chair

Trolley Depot Report

Mayor Lobene indicated that they are up and running and things are going well.

Trustee Penders commented that they will reach 1000 visitors earlier than any previous year.

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

- A. Planning
- B. Architectural Review – Trustee Nellis-Ewell reviewed the applicants from the previous night’s meeting. Jewel Design’s sign was approved as installed; Whylic Chayote applied for an outside dining area and received a contingent approval based on the Building Inspector’s inspection and approval; McColley’s pub was a no show; LB Nails was a no show; Pontillo’s Pizza was a no show and Rancho Viejo received approval for their existing signage.
- C. Zoning
- D. Building Control
- E. Code Review

Finance Committee – Trustee Penders, Chair

Resolution 23 7/2013

Introduced by: Trustee Penders

Seconded by: Trustee Granger

Be it resolved that the Village of Spencerport Board of Trustees hereby approves the below budget transfer for fiscal year ending May 31, 2014.

July 10, 2013 BUDGET TRANSFER & REVISION Fiscal Year End 5/31/2014

| AMOUNT | | TO ACCOUNT | FROM ACCOUNT | |
|---|-----------|-----------------------|---------------------|-----------------------------|
| \$2,500 | A7510.400 | Historian | A1325.400 | Clerk/Treasurer Contractual |
| \$2,500 | A7510.400 | Historian | A3089.000 | State Aid - Other (Grants) |
| <i>For "A Walk Thru History" Brochure Project</i> | | | | |
| \$8,935 | A1490.100 | Public Works Salaries | A1325.100 | Administration Salaries |

To put Salary for Liz Venezky in proper department

| | | | | |
|---------|-----------|------------------------|-----------|---------------------|
| \$1,010 | A7110.402 | Parks Plants & Flowers | A1990.400 | Contingency |
| \$1,000 | A7110.402 | Parks Plants & Flowers | A2705.000 | Gifts and Donations |

To fund plants for Area around old RR Bridge

| | | | | |
|---------|-----------|---------------------------|-----------|-------------------|
| \$2,400 | A1620.100 | Shared Buildings - Salary | A5110.100 | Highways - Salary |
|---------|-----------|---------------------------|-----------|-------------------|

To fund extra work on drainage at 27 West Avenue

| | | | | |
|-----------|-----------|----------------------|-----------|------------------------|
| \$200 | G9055.800 | Disability Insurance | G9050.800 | Unemployment Insurance |
| \$134,337 | A5110.200 | Highway - Capital | A2665.000 | Sale of Equipment |

To recognize sale of old Loader and full value of purchase of new loader

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|--------------------|--------------------------------|-----|
| Vote of the Board: | Glenn C. Granger, Trustee | Aye |
| | Carol J. Nellis-Ewell, Trustee | Aye |
| | Gary Penders, Trustee | Aye |
| | Charles R. Hopson, Trustee | Aye |
| | Joyce Lobene, Mayor | Aye |

Trustee Nellis-Ewell commented that she is not in favor of the transfer for the project for the railroad bridge abutments that is associated with the budget transfer for account A7110.402 Parks Plants & flowers because a more cost effective alternative has been identified.

Resolution 24 7/2013

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

Whereas, the Board of Trustees of the Village of Spencerport has heretofore created a General Fund Equipment Reserve pursuant to 6-C of the General Municipal Law, and

Whereas, the current balance of said fund is \$154,224; and

Whereas, this board wished to apply \$120,000 from the General Fund Equipment Reserve for the purchase of a refuse truck.

Now, therefore, be it resolved

1. That \$120,000 be transferred from the General Fund Equipment Reserve to the General Fund for the purchase of a refuse truck.
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.

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|--------------------|--------------------------------|-----|
| Vote of the Board: | Glenn C. Granger, Trustee | Aye |
| | Carol J. Nellis-Ewell, Trustee | Aye |
| | Gary Penders, Trustee | Aye |
| | Charles R. Hopson, Trustee | Aye |
| | Joyce Lobene, Mayor | Aye |

Facilities Committee – Trustee Hopson, Chair

A. Electric

Resolution 25 7/2013

Introduced by: Trustee Hopson
Seconded by: Trustee Granger

Be it resolved that the Village of Spencerport hereby approves the SME Superintendent and Deputy Clerk to attend the MEUA Annual Conference August 20-23 in Ellicottville, NY. Cost not to exceed \$707 per person.

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|--------------------|--------------------------------|-----|
| Vote of the Board: | Glenn C. Granger, Trustee | Aye |
| | Carol J. Nellis-Ewell, Trustee | Aye |
| | Gary Penders, Trustee | Aye |
| | Charles R. Hopson, Trustee | Aye |
| | Joyce Lobene, Mayor | Aye |

Resolution 26 7/2013

Introduced by: Trustee Hopson
Seconded by: Trustee Penders

Whereas, Spencerport Municipal Electric of the Village of Spencerport, New York is a municipal member of the Municipal Electric Utilities Association of New York State, and

Whereas, the Annual Conference of the Municipal Electric Utilities Association of New York State has been called on August 20, 21, 22 and 23, 2013, to be held at the Holiday Valley, Ellicottville, New York, and,

Whereas, in accordance with the bylaws of the Municipal Electric Utilities Associations of New York State, each municipal member may cast one vote on each transaction properly brought before this meeting.

Now therefore be it resolved, that Owen McIntee be and is hereby designated as the accredited delegate of the Village of Spencerport New York

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| Vote of the Board: | Glenn C. Granger, Trustee | Aye |
| | Carol J. Nellis-Ewell, Trustee | Aye |
| | Gary Penders, Trustee | Aye |
| | Charles R. Hopson, Trustee | Aye |
| | Joyce Lobene, Mayor | Aye |

B. Other (Drainage, Franchise)

Public Works Committee – Trustee Granger, Chair

A. Highways/Garage

Resolution 27 7/2013

Introduced by: Trustee Granger
Seconded by: Trustee Hopson

Be it resolved that the Village of Spencerport Board of Trustees accepts the bid from Milton Caterpillar, 4610 East Saile Drive, Batavia, NY for the 2012 Caterpillar 930K wheel loader for \$132,662.00. Milton Caterpillar was the only bidder.

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| Vote of the Board: | Glenn C. Granger, Trustee | Aye |
| | Carol J. Nellis-Ewell, Trustee | Aye |
| | Gary Penders, Trustee | Aye |
| | Charles R. Hopson, Trustee | Aye |
| | Joyce Lobene, Mayor | Aye |

Resolution 28 7/2013

Introduced by: Trustee Granger

Seconded by: Trustee Penders

Be it resolved that the Village of Spencerport Board of Trustees authorizes the purchase of a 2014 Cat Loader 930K in the amount of \$139,012.00 plus usage fee of \$10.00/hour for 300 hours totaling \$3,000.

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| Vote of the Board: | Glenn C. Granger, Trustee | Aye |
| | Carol J. Nellis-Ewell, Trustee | Aye |
| | Gary Penders, Trustee | Aye |
| | Charles R. Hopson, Trustee | Aye |
| | Joyce Lobene, Mayor | Aye |

Resolution 29 7/2013

Introduced by: Trustee Granger
Seconded by: Trustee Hopson

Be it resolved that the Village of Spencerport Board of Trustees accepts the bid for curbing, gutter and catch basins as follows from Sunshine Concrete:

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|--------------------------|--------------|
| Concrete Curb 18" per LF | \$23.50 |
| Gutters 30" per LF | \$20.00 |
| Catch Basin | \$300.00 ea. |

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| Vote of the Board: | Glenn C. Granger, Trustee | Aye |
| | Carol J. Nellis-Ewell, Trustee | Aye |
| | Gary Penders, Trustee | Aye |
| | Charles R. Hopson, Trustee | Aye |
| | Joyce Lobene, Mayor | Aye |

B. Public Services (Refuse, Recycling, Parks)

Trustee Penders indicated that the picnic tables for the trail have been removed and returned due to them being substandard in construction.

Trustee Penders added that he continues to look into the traffic patterns on East Avenue and the Plaza.

Public Safety Committee – Trustee Penders, Chair

- A. Fire Department
- B. Police
- C. Ambulance

Human Resources Committee – Trustee Granger, Chair

Resolution 30 7/2013

Introduced by: Trustee Granger
Seconded by: Trustee Penders

Be it resolved, that the Village of Spencerport Location code 40290 hereby establishes the follow as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the time keeping system records or the record of activities maintained and submitted by these officials to the clerk of this body:

Trustee Carol Nellis-Ewell

standard work day = 6 hours

For her term beginning April 1, 2011 – March 31, 2015

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| Vote of the Board: | Glenn C. Granger, Trustee | Aye |
| | Carol J. Nellis-Ewell, Trustee | Aye |
| | Gary Penders, Trustee | Aye |
| | Charles R. Hopson, Trustee | Aye |
| | Joyce Lobene, Mayor | Aye |

Trustee Granger and Trustee Penders questioned the standard work day being six (6), and if it meant eligibility for health care.

Clerk Sullivan stated no, this resolution is to comply with the NYS Retirement System's requirement of standard work days for all elected and appointed officials that was brought to her attention during Office of State Comptroller audit. The NYS Retirement System requested time-keeping systems or records of activities to be maintained and submitted consistently.

Trustee Nellis-Ewell explained she is in the New York State and Local Employees Retirement System. For records purposes, she has tracked and reported Village of Spencerport activities in an excel spreadsheet format, annually submitted to Village Clerk Sullivan.

Economic Development Committee – Mayor Lobene, Chair

Green Initiatives – Trustee Nellis-Ewell, Chair

Village Clerk – Jacqueline Sullivan

Residential electrical inspectors

Resolution 31 7/2013

Introduced by: Trustee Granger

Seconded by: Trustee Penders

Be it resolved that the Village of Spencerport Board of Trustees hereby acknowledges the receipt of a copy of a letter from the Town of Ogden to New York Electrical Inspection Agency indicating that the Town of Ogden would be taking no action pertaining to New York Electrical Inspection Agency's request.

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| Vote of the Board: | Glenn C. Granger, Trustee | Aye |
| | Carol J. Nellis-Ewell, Trustee | Aye |
| | Gary Penders, Trustee | Aye |
| | Charles R. Hopson, Trustee | Aye |
| | Joyce Lobene, Mayor | Aye |

Resolution 32 7/2013

Introduced by: Mayor Lobene

Seconded by: Trustee Granger

Be it resolved that the Village of Spencerport Board of Trustees acknowledges only accepting electrical service related inspections from Middle Department Inspection Agency, Inc. and Commonwealth to be consistent with the Town of Ogden.

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|--------------------|--------------------------------|--------|
| Vote of the Board: | Glenn C. Granger, Trustee | Aye |
| | Carol J. Nellis-Ewell, Trustee | Recuse |
| | Gary Penders, Trustee | Aye |
| | Charles R. Hopson, Trustee | Aye |
| | Joyce Lobene, Mayor | Aye |

Superintendent of Public Works – Thomas M. West - Absent

Foreman Vickery reviewed the various projects that the DPW are currently working on including the Heritage Trail, Pine Crest Drive and Kirkgate and Coventry Drives.

Superintendent of Electric – Owen McIntee - Absent

In Superintendent McIntee’s absence Trustee Hopson read SME’s monthly report including completion of the substation switch project, new conduit on Kirkgate Drive and easements have been complete for the rear parking lot of the 15 West Avenue.

Attorney – Richard J. Olson (absent)

Resolution 33 7/2013

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

**Village of Spencerport
Uniform Notice of Claim**

WHEREAS, General Municipal Law, §53 requires Villages to file a certificate with the Secretary of State designating the Secretary of State as an agent for service of a notice of claim; and

WHEREAS, General Municipal Law, §53 requires the certificate to include the applicable time limit for filing the notice of claim and the name, post office address and electronic mail address, if available, of an officer, person, for the transmittal of notices of claim served upon the Secretary as the Village’s agent; and

WHEREAS, pursuant to General Municipal Law, §50-e(1)(a), the applicable time limit for the filing of a notice of claim upon a Village is 90 days after the claim arises, or in the case of a wrongful death action, 90 days from the appointment of a representative of the decedent’s estate;

NOW, THEREFORE, BE IT RESOLVED, that the Village Board of the Village of Spencerport, County of Monroe hereby designates the Secretary of State as the agent for the service of a notice of claim upon the Village, with any such notice of claim served upon the Secretary of State to be mailed to the Village of Spencerport, Attn: Village Clerk , 27 West Avenue, Spencerport, New York 14559.

BE IT FURTHER RESOLVED, that the Village Board hereby directs the Village Clerk to file the required certificate with the Secretary of State informing him or her of the Village’s designation and applicable time limitation for filing a notice of claim with the Village on or before July 14, 2013, with a copy of same to be retained as a matter of record and filed with the Village Mayor and Village Attorney.

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| Vote of the Board: | Glenn C. Granger, Trustee | Aye |
| | Carol J. Nellis-Ewell, Trustee | Aye |
| | Gary Penders, Trustee | Aye |
| | Charles R. Hopson, Trustee | Aye |
| | Joyce Lobene, Mayor | Aye |

Unfinished Business

New Business

Bills

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

| | |
|---------------|----------------------|
| General Fund | \$ 112,791.23 |
| Electric Fund | \$ 100,769.35 |
| Sewer Fund | \$ 19,430.40 |
| Trust Fund | \$ 2,076.82 |
| Capital Fund | \$ <u>9,328.28</u> |
| TOTAL: | \$ 244,396.08 |

Motion was made by Mayor Lobene, seconded by Trustee Penders and carried unanimously that the cash disbursements for the General, Electric, Sewer, Trust and Capital Funds, July 2013 be approved as audited.

Adjournment

Motion was made by Mayor Lobene, seconded by Trustee Granger and carried unanimously that the regular meeting be adjourned at 8:10 p.m.