

REGULAR TOWN BOARD MEETING

February 10, 2010

PLEDGE OF ALLEGIANCE:

I. CALL TO ORDER: (7:00 P.M.)

Board Members Present

Gay H. Lenhard, Supervisor
David F. Feeney, Councilman
Thomas J. Cole, Councilman
Malcolm E. Perry, Councilman
Thomas J. Uschold, Councilman

Others Present

Lynn A. Bianchi, Town Clerk
Daniel Schum, Town Attorney
Dan Filipek
Nicole Filipek
Frank & Karen Rakoski

Purpose of the Meeting

To audit claims, act on monthly reports and remittances, and to transact such other business which may legally come before said meeting.

DEPARTMENT HEAD REPORTS:

Jennifer Magee, Director, Ogden Farmers' Library: I gave everyone a copy of everything I have to report. Most things happened prior to me coming here on December 1, 2009. I would like to thank you all very much for the beautiful library. I included my Director's goals for 2010, which I shared with the Library Board of Trustees. They were very agreeable with it.

- Initiate an emergent literacy story time group for infants and toddlers
- Initiate a patron/staff book discussion blog
- Introduce a staff community service day on October 11
- Introduce a KIND FINE week in November
- Secure 1-2 grants (romance collection, Build-A-Bear?)
- Coordinate genealogy section
 - Signage
 - Staff training for basic questions
 - Weeding/reshelving
 - Replace Brockport microfilm and microfilm lens
 - Research status of genealogy monies
- Prepare/consolidate Library policy and procedure manual
- Revise Library mission statement
- Advertise the Library's presence with improved signage

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Councilman Perry: Have you seen more people coming in since the renovation?
Jen: Yes, I think so. I have never worked in a library that is this busy. Our average is over 500 people a day. Next week is Spring Break for kids, and we will have two live wolves to show along with a movie, Boondoggle for a camp theme. The Big Rochester Reads book this year is "Call of the Wild."

Supervisor Lenhard: Jen has been very exciting to have here. She has new ideas, is creative and very appreciative. How do you feel when the patrons come in and see the library for the first time? Are we getting positive feedback?

Jen: Absolutely. Everyone who comes in who hasn't seen it yet, will say it is amazing and great. I say thank you because we could not have done it without them. I tell them where the money came from if they ask. They think it is so bright, cheerful and contemporary looking. The parents appreciate the children's section. We may need to get a screen door to keep the bugs out. The Library Trustees asked me before they hired me how I felt about the birds. I am fine with the birds and I have a bird at home. I really like it when the kids get excited about the birds.

Supervisor Lenhard: It is great to have you here, and we welcome you.

Jen: I am so appreciative to have this position and be part of the Spencerport community. Everyone has welcomed me and everyone has been very kind.

Supervisor Lenhard: Thank you so much.

Lynn Bianchi, Town Clerk: This is a brief overview of the projects and activities that I accomplished over the past year:

- Completed Cornell Municipal Clerks Institute and received my certification as Master Municipal Clerk
- Researched over 100 archive requests from Building Department for permits, street files, house plans and subdivisions
- Researched 65 FOIL requests from May – December
- Issued 102 marriage licenses, 1,730 dog licenses, 383 handicap parking permits
- Processed 720 passports - revenues are up due to an increase in passport services
- Worked with Department Heads to eliminate duplication of files
- Worked with the officers of the Ogden Historical Society to apply for a Provisional Charter with NYS Department of Education
- Continue reorganizing the files in the Archives as per NYS MU-1 Guidelines
- Attended NYS Town Clerk Association Conference
- Attended NYS Archives Workshops
- Attended Monroe County Town Clerks & Receivers meetings
- Continue to represent the Town of Ogden as a Junior Achievement volunteer teaching a third grade class at the Leo Bernabi School
- Continue to assist in the local update for 2010 Census

My goals for the year 2010 are as follows:

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- Continue to provide the residents of the Town of Ogden with excellent customer service
- Continue to attend conferences, workshops and association meetings to keep apprised of changing legislation and new legislation
- Continue working with Department Heads on Records Retention issues
- Attend all Census 2010 workshops to assist in the local update of Census addresses program (LUCA)
- Work with my staff to cross train
- Continue to educate my staff through State and County workshops

Councilman Perry: How do you issue handicap parking permits?

Lynn: A doctor gives an individual an application, which states that they have a medical condition, and based upon the doctor's recommendation, we issue the handicap parking permit.

Councilman Feeney: Are most of those temporary?

Lynn: No. Most are permanent.

Councilman Perry: Who follows up on these? It bothers me when I see someone with a handicap tag pull into a handicap parking space and they do not look sick.

Lynn: Sometimes people look like they are healthy, but they are not. But there is a lot of abuse with handicap parking permits. The State has recognized that, and for the last two years we have had to put the last 3 digits of the individual's driver's license number on the hang tag. If there is someone abusing it, and a police officer asks to see their identification, the driver's license numbers have to coincide. A lot of hang tags get stolen, also.

Supervisor Lenhard: Is it going OK in your department after the down sizing?

Lynn: The last four or five days have been real hectic. But I think that with the residents having to wait a little longer and the stress on the staff, we are working with it.

Supervisor Lenhard: I felt that the people were very reasonable, and they understand.

Lynn: It is an issue when you are alone and you get a passport. But people are pretty good because we get them in and out in 10 or 15 minutes. It is through word of mouth, and we get people from all over who think our office is very efficient. It is better now with the new option for partial payments.

Supervisor Lenhard: I applaud you, especially for the passports. You are getting a great reputation. Thanks for making your department work.

II. APPROVAL OF THE MINUTES:

Resolution #82-2/10

Introduced by Councilman Uschold

Seconded by Councilman Perry

BE IT RESOLVED, that the minutes of the Regular Meetings of January 13 and January 27, 2010, there being no errors or omissions, stand approved as submitted.

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Vote of the Board:

Ayes: Cole, Feeney, Lenhard, Perry, Uschold

Nays: None

III. PRIVILEGE OF THE FLOOR:

Frank Rakoski, 501 Washington St.: I am here to talk about Blackwater Crossing. I sent an e-mail letter to all of you a few weeks ago. [**Supervisor Lenhard**] did not receive it. I was surprised when I saw the legal notice in the Suburban News for a public hearing on rezoning in two weeks on the Blackwater Crossing. You had a public hearing on this two years ago. Why is this happening?

Dan Schum: The size or scope of the project has changed. The Board felt that because of the age of the public hearing and in fairness to the applicant and the residents, that it would be appropriate to have another public hearing. If you look at the minutes of the last meeting, there was a resolution, with respect to the prior application, to withdraw without prejudice. This application can be considered anew. **Supervisor Lenhard:** The other application included a lot more land. This application considers less than 25 acres, and we will do the SEQR process.

Dan: We are starting anew and one of the discussions you had before the Town Board some meetings ago, was the bifurcated issue of who was doing the environmental review as opposed to who was doing the rezoning. In order to address that more accurately, the Board felt that it would be appropriate, because there is substantial change in the size of the project, that they would readvertise it and that they would consider acting as Lead Agency for SEQR review because they are the agency being asked to grant a permit or approval. That is consistent with your comments a couple of months ago before this Board.

Frank: As I have mentioned in the past, why does that extra 8 acres that would not be used, need to be rezoned commercial? Apparently, someone has taken action on that. The only difference I noticed is that this proposal is for 18 acres, not 25. Are you referring to the meeting or work session a couple weeks ago when you passed resolutions . . .

Supervisor Lenhard: We discussed things that you brought up and decided what would be best, and sought the advice of our Planning Board attorney because he is very well versed in the SEQR process. His advice was for the Town Board to do the SEQR process for rezoning. We used to do that all the time. We changed that process because we thought it was better left in the hands of the Planning Board, but then we revisited it, and decided that this is where we should do it.

Frank: I understand. **Supervisor Lenhard:** We listened to you and we are trying to do it right.

Frank: The SEQR sounds like the main reason. Does that mean that when Mr. Iacovangelo was at the Work Session three weeks ago, he submitted the smaller 18-acre map or did he submit it later? **Supervisor Lenhard:** It is the same map. It is just redefined. **Dan Schum:** The application on file now looks substantially the same as before, but if you look at the boundaries of the proposed site for rezoning, the acres are less. **Frank:** I didn't think that the maps they had at the Work Session showed that. **Dan:** There is a legal description because he said they were going to shrink the size of it to just this site and not the off-site. Then he

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furnished us the legal description which you saw in the legal notice and the map that conforms to it.

Frank: I saw the application and have copies of it. **Supervisor Lenhard:** You will be able to pick up those minutes tomorrow. **Frank:** I was guessing that it was resubmitted because of the change in size. Thank you for telling me that you are considering the Town Board doing the SEQR. Will this be the only map at the hearing two weeks from now? **Supervisor Lenhard:** We can get the detailed maps. I thought you had one? **Frank:** The original plans. **Councilman Uschold:** It is possible that that would be the only map that really moves with the rezoning application because it is not an application for planning. **Frank:** Right. **Councilman Cole:** We will just be looking at SEQR for rezoning. **Frank:** Ok. This map may be supported by the original map or maps that show more detail on the 18 acres, but that isn't an issue in a sense. You are rezoning the 18 acres, and it doesn't matter. Were there any other resolutions passed at the meeting two weeks ago about rescinding . . . you said he withdrew his application. I have a copy of your letter, Mr. Schum, recommending rescinding the resolutions about the SEQR that the Town Board and/or Planning Board passed. That's not necessary? **Dan Schum:** No, the Town Board cannot act on anything that the Planning Board did or didn't do. All we did was to undo the prior public hearing so that we could have a new public hearing. You will see that in the minutes. **Frank:** Your letter suggested that perhaps they rescind the resolutions that were approving the Planning Board's SEQR recommendation last year. **Councilman Uschold:** I believe we did rescind those. We also essentially cleared the table. **Dan:** The one that had been tabled for a couple of years.

Frank: A lot of my questions are about process right now. After the hearing next week, you could vote, but it sounds like, because the process is starting over, you need to have the SEQR action done before you vote. **Dan:** At that meeting the Board is going to consider the SEQR short form that is on file and also consider appointing itself Lead Agency. Presuming the Town Board appoints itself as Lead Agency, it could act on SEQR at any time after that.

Frank: My understanding has been that, typically, if someone wants to rezone they would do a concept plan with the Planning Board and the Planning Board would then decide whether to forward it to the Town Board for rezoning consideration. Given that everything is starting over, should this new plan go to the Planning Board for a concept approval, whether it's exactly the same maps of the development, or different for them to go over the same issues and make a determination? **Supervisor Lenhard:** The last letter I got from them (Spring 2009) was to recommend that we go forward with rezoning. I don't think I would ask them to redo that. **Frank:** As it seems, someone could come before the Board to ask to rezone 18 acres, and it really doesn't matter what is going in there. It is the worst case or maximum build-out development that that new zoning or RB would allow. If that is what is going to happen this time, that seems to conflict with the idea that before we consider rezoning, we sort of want to know what the developer is going to do. That is why a developer . . .

Dan: If they considered all of those things with a 25-acre site, and now it is an 18-acre site, I don't know that less is more or more is less. I think it would be a waste of the Planning Board's time. Again, a worse case scenario, a worse case build out, they have already reviewed essentially that same issue, in all of the same issues you just brought forward. I think you have probably answered your own

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question. **Frank:** Probably, but I sometimes do rhetorical questions just to be sure I've got it straight.

Frank: So there will be the hearing in two weeks; then consideration for who should do the SEQR, which could be the Town Board. Does there have to be a hearing for that? **Dan:** No. Any action that the Board takes has to be at a public meeting, but it doesn't have to be advertised separately. There is no separate requirement for legal notice, other than the one that we've already given.

I understand better what is going on now. I appreciate that. Gay, if you have any questions, let me know.

Karen Rakoski: One of the things that is in the plan is that any consideration of change to the Comprehensive Plan requires a written justification by Monroe County. In looking through the files, this is not in there. Has that been done by the Board? **Dan:** The Board hasn't acted yet. If the Board acts positive in rezoning it, they should address that issue in written form to the County. **Karen:** I would have anticipated that that would have been done in the other order – that it would be appropriate to change Comprehensive Plan before you would consider specifics. **Dan:** You don't change the Comprehensive Plan every time you take action that may be different than what the plan states. The County says that if you vary from the Comprehensive Plan you have to state in writing what circumstances have changed that would support your decision. If the Board decides to rezone it, they would have to state in their rezoning resolution the reasons why, if it doesn't comply with the present Comprehensive Plan, they find the circumstances have changed such that it is not out of keeping. But that doesn't need to be done ahead of time. It is done if the Board were to act. If the Board expresses it at the public meeting, it is going to be in the minutes.

Karen: The way I read that, I anticipated that Monroe County would then take a look and that they have some say-so. **Dan:** No, they don't. They are a reviewing board, and they make comments under General Municipal Law. The General Municipal Law says that any of these actions have to go to the County Planning Board for review and comment. They don't vote or have a right to overturn. If they recommended denial or that it be disapproved, the Board would have to vote a "super majority," which would be 4 out of the 5 members. If they recommend it is a local matter, then it is a normal majority. Their comments are there, and the Board generally tries to address those comments, good or bad.

IV. REPORTS AND REMITTANCES FROM TOWN OFFICERS:

Resolution #83-2/10

Introduced by Councilman Feeney
Seconded by Councilman Cole

BE IT RESOLVED, that the Reports and Remittances from Town Officers in detail for the month of January 2010, showing receipts and disbursements as submitted by the Town Clerk, be accepted as read, monies and fees to be acknowledged by the Supervisor and copies of the same filed with the

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Town Clerk.

Vote of the Board:

Ayes: Cole, Feeney, Lenhard, Perry, Uschold
Nays: None

V. TOWN AUDITS:

Resolution #84-2/10

Introduced by Councilman Cole
Seconded by Councilman Uschold

BE IT RESOLVED, that the General Fund, Part-Town Fund, Highway Fund, Drainage Fund, Lighting District Funds and Sewer District Funds being vouchered and submitted for audit, chargeable to the respective funds be approved:

General Fund	\$ 1,652,295.75
Part-Town Fund	13,492.73
Highway Fund	22,357.98
Capital	15,446.98
Sewer Funds	175,319.97
Lighting	7,570.62
Drainage	28.00
TOTAL.....	\$ 1,886,512.03

Vote of the Board:

Ayes: Cole, Feeney, Lenhard, Perry, Uschold
Nays: None

VI. CORRESPONDENCE RECEIVED AND FILED:

1. Copy of a letter to Honorable Chris Lee from Supervisor Lenhard in support of the request by Monroe County Executive Maggie Brooks for 2011 Federal Transportation appropriation funding for highway project in the Town of Ogden.
2. Letter To Supervisor Lenhard from Russell Schell, American Building Inspection & Training Co., Inc., thanking her for allowing use of Ogden Town Hall for Code Enforcement Officer Continuing Education training.
3. Letter to Supervisor Lenhard from Anthony Belsito, State of New York Department of Public Service, regarding Niagara Mohawk Power Corp.'s reconstruction of transmission line from Lockport to Mortimer, NY.

VII. REPORTS FROM TOWN OFFICERS:

Gay H. Lenhard, Supervisor

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1. Chief Nordquist and I attended the swearing-in ceremony for Todd Baxter, the new Police Chief in Greece. Todd lives in Ogden but will be moving to the Town of Greece.
2. Marcia Davis, Personnel Director, and I attended a meeting yesterday on a potential health insurance consortium. Some of the Supervisors are getting tired of spending double-digit increases in health insurance. There is a move afoot to develop a consortium of all the towns that have 50 or more employees. The idea is good, but it is a complex issue with complicated parts to it. I think we should at least look into it. We have been very happy with Relph Benefits, and have not heard any complaints from the employees.
3. I had a meeting today with the CEO of Unity Health off of Big Ridge Road and Union Street. It opened on Monday, and we are having a ribbon cutting on February 25. It is a beautiful facility.

Thomas J. Cole, Councilman

No report.

David F. Feeney, Councilman

No report.

Malcolm E. Perry, Councilman

No report.

Thomas J. Uschold, Councilman

No report.

David H. Widger, Highway Superintendent

Absent.

Lynn A. Bianchi, Town Clerk

1. I would like to thank my staff for a job well done. We have been extremely busy collecting taxes, and Valorie and Donna have done an excellent job doing more due to a reduction in staff.

Supervisor Lenhard: I applaud them. I was amazed at how quickly people got in and out.

Daniel G. Schum, Town Attorney

No report.

VIII. UNFINISHED BUSINESS:

None

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IX. NEW BUSINESS:

Resolution #85-2/10

Introduced by Councilman Perry
Seconded by Councilman Uschold

WHEREAS, there is a need for limited part-time help in the Recreation Department.

NOW, THEREFORE BE IT RESOLVED:

SECTION I: That the Town Board of the Town of Ogden does hereby approve hiring the following:

Angkana Bulkley	\$8.91/hour	Recreation Attendant (Cleaner/Desk Attendant)	Effective 2/2/10
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Vote of the Board:

Ayes: Cole, Feeney, Lenhard, Perry, Uschold
Nays: None

Resolution #86-2/10

Introduced by Councilman Feeney
Seconded by Councilman Cole

WHEREAS, David Widger, Highway Superintendent, has noted the need for one (1) used tracked hydraulic excavator for use by the Highway Department, and

WHEREAS, pursuant to the provisions of General Municipal Law, the advertising for bids for the furnishing of such used tracked hydraulic excavator is required, and

WHEREAS, the Highway Superintendent has requested a bid for the furnishing of such used tracked hydraulic excavator in accordance with the specifications on file in the Town Clerk's Office.

NOW, THEREFORE BE IT RESOLVED by the Town Board of the Town of Ogden, as follows:

SECTION I: That the Town Clerk shall cause due legal notice to be given, advertising for the furnishing of bids for one (1) used tracked hydraulic excavator for use by the Highway Department in accordance with the specifications on file in the Town Clerk's Office.

SECTION II: That all bids so received shall be publicly opened and read aloud on the **23rd day of February 2010 at 10:00 a.m.** in the Town Clerk's Office at the Ogden Community Center, 269 Ogden Center Rd., Spencerport, NY.

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SECTION III: That the Town Board, along with the approval of the Highway Superintendent and the Town Attorney, shall award the bid to the lowest responsible bidder meeting all bid specifications and reserves the right to accept or reject all bids so submitted.

Vote of the Board:

Ayes: Cole, Feeney, Lenhard, Perry, Uschold

Nays: None

Resolution #87-2/10

Introduced by Councilman Feeney

Seconded by Councilman Cole

WHEREAS, David Widger, Highway Superintendent, has noted the need for dump body and spreader to be mounted on a 2003 International 7300 for use by the Highway Department, and

WHEREAS, pursuant to the provisions of General Municipal Law, the advertising for bids for the furnishing of such dump body and spreader is required, and

WHEREAS, the Highway Superintendent has requested a bid for the furnishing of such dump body and spreader in accordance with the specifications on file in the Town Clerk's Office.

NOW, THEREFORE BE IT RESOLVED by the Town Board of the Town of Ogden, as follows:

SECTION I: That the Town Clerk shall cause due legal notice to be given, advertising for the furnishing of bids for dump body and spreader to be mounted on a 2003 International 7300 for use by the Highway Department in accordance with the specifications on file in the Town Clerk's Office.

SECTION II: That all bids so received shall be publicly opened and read aloud on the **23rd day of February 2010 at 10:00 a.m.** in the Town Clerk's Office at the Ogden Community Center, 269 Ogden Center Rd., Spencerport, NY.

SECTION III: That the Town Board, along with the approval of the Highway Superintendent and the Town Attorney, shall award the bid to the lowest responsible bidder meeting all bid specifications and reserves the right to accept or reject all bids so submitted.

Vote of the Board:

Ayes: Cole, Feeney, Lenhard, Perry, Uschold

Nays: None

Resolution #88-2/10

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Introduced by Councilman Perry

Seconded by Councilman Cole

WHEREAS, it is necessary to extend the existing contract with Wolfie's Westside Lawn and Snowplowing Service for a period of one year to cover lawn mowing services required for the 2010 mowing season; and

WHEREAS, this agreement requires the signature of the Supervisor.

NOW, THEREFORE BE IT RESOLVED:

SECTION I: That the Supervisor, Gay H. Lenhard, be and hereby is authorized to sign the Extension of Contract for Mowing Services with Wolfie's Westside Lawn and Snowplowing Service.

Supervisor Lenhard commented that the Parks & Recreation Director has been very satisfied with the service from Wolfie's Westside Lawn & Snowplowing. They are reasonably priced.

Vote of the Board:

Ayes: Cole, Feeney, Lenhard, Perry, Uschold

Nays: None

X. ADJOURNMENT:

Resolution #89-2/10

Introduced by Councilman Feeney

Seconded by Councilman Uschold

RESOLVED, that the Regular Meeting of the Town Board of the Town of Ogden be and hereby is adjourned to Work Session at 7:49 p.m., at which time the public was invited to attend, and hereby is adjourned at 8:16 p.m.

Vote of the Board:

Ayes: Cole, Feeney, Lenhard, Perry, Uschold

Nays: None

Respectfully submitted,

LAB/dmk

Lynn A. Bianchi, Town Clerk