

VILLAGE BOARD MEETING
September 1, 2010

CALL TO ORDER: 7:00 p.m.

The Pledge of Allegiance was led by Trustee Hopson

BOARD MEMBERS PRESENT

Joyce Lobene, Mayor
Theodore E. Rauber, Trustee
Carol J. Nellis-Ewell, Trustee
Charles R. Hopson, Trustee
Fritz Gunther, Trustee

BOARD MEMBERS ABSENT

OTHERS PRESENT

Rick Lynch, Big Ridge Road
Jim Ushold, Big Ridge Road
Doug and Sue Brown, Big Ridge Road
Barb DiVincenzo, Big Ridge Road
Larry Hart, Big Ridge Road
Fred Holbrook, Coventry Drive
Michael LoPresti, Spencerport Road
Joan Quigley, Maplewood Avenue
Richard Olson, Village Attorney
Glynne & Kris Schultz, Black Forest Drive
Jackie Sullivan, Village Clerk
Tom West, DPW Superintendent

APPROVAL OF MINUTES

A motion was made by Trustee Rauber, seconded by Trustee Hopson and carried that the minutes of the August 4, 2010 regular meeting 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 held August 18, 2010 be approved as read. Trustee Gunther requested that in future minutes the term "discussion ensued" not be used.

PUBLIC HEARING

Mayor Lobene opened the public hearing for Introductory Local Law 8/2010 A Local Law to establish a Stop Sign at the intersection of Northrup Creek Drive and Big Ridge Road by reading the proposed law at 7:00 p.m.

Mr. Doug Brown questioned the location of Northrup Creek Drive.

Mayor Lobene responded that it is the old WWTP road.

Mr. Hart indicated that the stop sign is already there and has been there for about two or three weeks.

Superintendent West and Mayor Lobene responded that Monroe County put the sign in however the Village needed to approve the placement.

There being no further questions Mayor Lobene closed the public hearing at 7:05 p.m.

RESOLUTION NO 35 9/2010

Introduced by: Trustee Rauber
Seconded by: Trustee Hopson

RESOLUTION ADOPTING
LOCAL LAW #8/2010

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Whereas, the Village Board has before it a Local Law entitled "**A Local Law to Establish A Stop Sign on Northrup Creek Drive @ Big Ridge Road in The Village of Spencerport**" which, if adopted, will amend Section 130-44 of the Village Code "STOP SIGN" and establish a stop sign on Northrup Creek Drive Southbound at Big Ridge Road; and

Whereas, the Village Board has, on this date, held a public hearing to consider said proposed Local Law; and

Whereas, this action is a "Type II" action under the State Environmental Quality Review Act and 6NYCRR615.5(c)(16) and not subject to review pursuant to SEQRA; and

Whereas, the notice of this hearing was duly published and posted as required by law;

Now, therefore, be it resolved:

Section 1. That the Village Board of the Village of Spencerport hereby enacts Local Law # __7__ /2010 "A Local Law to Establish a Stop Sign on Northrup Creek Drive in The Village of Spencerport"

Section 2. That the Village Clerk is ordered to publish a legal notice indicating the adoption of this Local Law as required by law and to file a copy of this Local Law with New York State as required by law.

Section 3. That this Local Law shall take effect as provided by law.

Section 4. That this resolution shall take effect immediately.

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

Mayor Lobene opened the public hearing for Introductory Local Law 9/2010 A Local Law to establish a moratorium on the construction of, use variance or site plan for, or the conversion to, multifamily dwellings in the Village of Spencerport by reading the proposed local law at 7:05 p.m.

RESOLUTION NO 36 9/2010

Introduced by: Trustee Gunther

Seconded by: Trustee Hopson

RESOLUTION ADOPTING LOCAL LAW 9/2010

Whereas, the Village Board has before it a proposed Local Law which, if enacted, will be Local Law #9-2010 "A Local Law to Establish a Moratorium on the Construction of, Use Variance or Site Plan For, or the Conversion to, Multifamily Dwellings in the Village of Spencerport"; 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 a Type II action under the State Environmental Quality Review Act and therefore, NOT subject to review; and

Whereas, the notice of this hearing was duly published and posted as required by law;

Now, therefore, be it resolved:

Section 1. That the Village Board of the Village of Spencerport hereby enacts Local Law #8-2010 "A Local Law to Establish a Moratorium on the Construction of, Use Variance or Site Plan For, or the Conversion to, Multifamily Dwellings in the Village of Spencerport".

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
	Charles R. Hopson, Trustee	Aye
	Fritz Gunther, Trustee	Aye
	Joyce Lobene, Mayor	Aye

PRIVILEGE OF THE FLOOR

Mr. Doug Brown of Big Ridge Road indicated that Big Ridge Road is becoming a thoroughfare and that he counted over 100 cars and only three of them were local people. Mr. Brown continued that he thinks there are approximately 500 to 600 residents on Big Ridge Road and that the traffic is horrendous now and he cannot imagine having the roadway installed at Northrup Creek Drive resulting in an increase in traffic.

Mr. Rick Lynch of Big Ridge Road commented about the entrance to the proposed project on the Northrup Creek Drive and that it was brought to his attention by a past board member that perhaps members of the current board gave permission for the developer to use Northrup Creek Drive as their development roadway almost two years ago. Mr. Lynch further commented that he views that as a renegade act of one or two people or the Board as a whole throwing the neighbors of Big Ridge road under the bus. Making the current discussion all a formality and that it has already been decided that the road for the development will be on Northrup Creek Drive. Mr. Lynch indicated that he has an issue with that decision and that it does not breed any trust in the Board. Mr. Lynch suggested that the Village Board get on the same page regarding this decision and that he has talked to three different current Board members and has gotten three different opinions about the project. Mr. Lynch indicated that the entire decision making process surrounding this project is very unsettling.

Mr. Kris Schultz questioned if the lighted sign located on the Tops sign advertising gasoline prices was approved by the Architectural Review Board since it is not typically allowed.

Mayor Lobene responded that she will have to look into it and that Mr. Schultz is not the first person to inquire about the sign.

Mr. Schultz commented that the parallel parking along the north side of the Prudential Building along East Avenue appears to be tight and could be a potential safety hazard for people loading and unloading.

Mayor Lobene commented that she thought Mr. Schultz was correct in his observation.

Mr. Schultz continued that the parking spaces in the Tops parking lot are only 9 feet wide and the Village Code specifies that parking spaces should be 10 feet wide and questioned if the Planning Board gave special permission for the spaces to be nonconforming.

Attorney Olson commented that it may have been based on the preexisting.

Mr. Lynch questioned if there are any rules about street signs and big sunflowers growing up on them. Mr. Lynch continued that the flowers are blocking the visibility of the signs.

Superintendent West commented that he would contact the County for them to remove the sunflowers.

Mayor Lobene commented that it is time to harvest them.

Attorney Fred Holbrook explained that his client Mr. Mike LoPresti purchased 115 Clark Street the former Marcin Heating Company earlier this year and is considering renovating the building into a six unit residential. Attorney Holbrook explained the dimensions of the property and the building. Mr. LoPresti presented to the Village Board preliminary drawings of the building. Attorney Holbrook further commented Mr. LoPresti is seeking the Village Board to conduct a

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public hearing to change the zoning at 115 Clark Street from commercial to multi-family at an early date. Attorney Holbrook further explained that if the Village Board approves the changing of the zoning then Mr. LoPresti would be submitting application for the project to the Planning Board for approval and start working on his project. Attorney Holbrook explained that this property has access to West Avenue and the owner will be using the West Avenue access.

Mayor Lobene indicated that she has to reclude herself from discussions regarding this project.

Mr. Hart commented that the Board just approved a moratorium prohibiting the development of multifamily dwellings.

Attorney Olson responded that three properties were excluded from the moratorium since they were already in process and 115 Clark Street was one of them.

Attorney Holbrook indicated that if this property was developed as proposed the assessed value of the property would increase.

Trustee Nellis-Ewell questioned if the parking spaces for the proposed project would be code compliant.

Attorney Holbrook responded that they have to be.

Trustee Gunther questioned if Mr. LoPresti will be taking the building down and putting a new one up.

Mr. LoPresti responded that the building is in great shape and will be utilizing all of the building and adding garages and a second floor.

Attorney Holbrook commented that the building is solid.

Mayor Lobene commented that parking was underneath the building.

Mr. LoPresti indicated that the walk out basement would be removed and garages would be built.

Trustee Gunther questioned if proposed parking included the garages.

Mr. LoPresti indicated yes.

Trustee Rauber explained that the Village Board will review the project and determine the setting of a public hearing for the process of rezoning. From that point if the rezoning is approved the project would then move to the Planning Board for public hearing and approvals.

Attorney Holbrook further explained that the public would get two opportunities to comment on this project once at the rezoning public hearing and then again at the Planning Board public hearing.

Attorney Olson commented that it is possible that the project would need to go before the Zoning Board of Appeals.

Attorney Holbrook commented that that would be another public hearing.

Trustee Rauber indicated that at this time the Village Board needs to determine if this project warrants rezoning however no decision will be made tonight.

Trustee Nellis-Ewell indicated that generally in principal that when the Village Board considers a rezoning action the project must show benefit to the Village and this project would contribute to additional tax revenues and additional municipal electric customers.

Trustee Rauber indicated that this project would contribute to additional sewer units.

Attorney Holbrook commented that this is not a senior project.

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Administrative Committee – Mayor Lobene, Chairman

Mayor Lobene commented that she has been in touch with Mayor May of Fairport and that he is willing to talk to the entire board about the preservation district that worked for Fairport. Mayor Lobene invited Mayor May to the October meeting.

Mayor Lobene commented that a letter was received from Big Ridge Road residents. Mayor Lobene commented that this project has been discussed at great length and it is just not wanted by the residents. Mayor Lobene further commented that she had read the Ogden Planning Board meeting minutes and that Mr. Martin indicated that if the Village did not approve the roadway at Northrup Creek Drive or 22 Big Ridge Road that there was another alternative. Mayor Lobene's concern about the third alternative after speaking with members of the fire and ambulance departments is that safety is a concern.

Trustee Gunther commented that it is not a concern of the Village Board as to the placement of a roadway and the safety issues that might arise for emergency vehicles. Trustee Gunther continued that the development of the project is not this Board's concern.

Trustee Rauber commented regarding the historical discussions with the developer and that the discussions included the potential of the project entering into the Village sewer system and the potential of using Northrup Creek Drive as an access road to the development to limit the number of curb cuts on Big Ridge Road. Trustee Rauber indicated that a meeting with the Town Planning Board Members may help the group to understand exactly what the developer is looking for.

Attorney Olson indicated that the use of Northrup Creek Drive comes before this Board because the Village owns the property and that the granting of the easement is a conveyance of property that the Village must receive fair and adequate consideration. Attorney Olson continued that if the developer chooses to use lot 22 the developer would need to go before the Village Planning Board and could create substandard lots and may need to go before the Village Zoning Board of Appeals.

Mr. Hart commented that the Town Planning Board highlighted in their approval that if the Village did now allow for the development of a roadway the developer would devise a plan for an alternative.

Trustee Rauber commented that if the developer cannot use Northrup Creek Drive they will attempt to use lot 22.

Mayor Lobene read the Town of Ogden Planning Board minutes.

Trustee Rauber commented that he is not in favor of another curb cut on Big Ridge Road.

Trustee Gunther commented that it is not the speed of the traffic; the problem is that the developer is indicating that it is a limited use road for emergencies however when asked at the Village workshop meeting on August 18th the developer's engineer indicated that it was going to be a full use road. Trustee Gunther indicated that he does not have a problem with the developer using Northrup Creek Drive if it is for emergencies only and it has a locked gate on it but if it is for the main access it is a problem.

Trustee Hopson added that he does not like the idea of Northrup Creek Drive being used a haul road for the construction of the homes.

Trustee Rauber commented that if the Village says no to Northrup Creek Drive and the developer uses lot 22 it will affect more of the residents negatively.

Trustee Gunther indicated that he has been on the Village Board for a year and a half and has been to every board meeting and workshop and that this is the first issue that has had such a large amount of resident outcry and that if this project goes to the planning or zoning board there will be just as much of an outcry. Trustee Gunther continued that he has not heard one resident indicate that they are in favor of the project.

Mr. Lynch commented that he observed that there was not much traffic in the Hickory Hollow senior community however all of the construction traffic will be huge.

Mayor Lobene indicated that the road would be used for emergency only.

Mr. Lynch indicated that he would have no issue with the road if it was for emergency only.

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Trustee Gunther commented that right now there is a no trespassing sign there now and nothing can be done. Trustee Gunther further stated that he spoke to various Ogden Police officers and they have indicated that there is nothing they can do either.

Mayor Lobene commented that she did not know it was not being enforced.

Trustee Gunther commented that there should be gates at both the pump station and senior development.

Superintendent West indicated that the road as it is built now could not handle construction traffic.

Mayor Lobene responded that the condition of the road has no bearing now because the developer would have to rebuild the road.

Mr. Kris Schultz indicated that the developer wanted to use Northrup Creek Drive as the marketing road and that a secondary road would be built later on in the project.

Mayor Lobene confirmed that the developer did initially make that comment but changed it when they met with the Ogden Planning Board.

Trustee Gunther commented that he wanted both Ed Martin and John Sciarabba at this meeting tonight to address these questions.

Mayor Lobene responded that they are not here because they were not asked to be here.

Trustee Gunther responded that he wanted to hear from the person that was talking to the Ogden Planning Board and that on Monday he asked via email to contact Mr. Martin and Mr. Sciarabba to attend tonight's meeting.

Clerk Sullivan commented that Mayor Lobene indicated that she would contact Mr. Martin and Mr. Sciarabba.

Mayor Lobene responded that she did talk to them and they decided not to come.

Trustee Gunther commented "how important is this project it to them."

Trustee Nellis-Ewell commented that there was an agreement between the residents and the Mayor.

Mr. Hart responded that the letter that was submitted indicates that the residents will accept the Northrup Creek Drive roadway but they would like specific measures taken to shield their properties from the roadway.

Mr. Lynch commented that since becoming aware of the agreement that was reached with the developer his mind has changed about the use of Northrup Creek Drive.

Attorney Olson responded that all decisions are made in public and three of the Board Members must vote in favor of the decision and that if the developer makes decisions based on comments from one board member are not a good way to do business.

Trustee Gunther indicated that he was at the Ogden Planning Board Meeting a few months ago and that Mr. Martin indicated that the Village Board Members from two or three years ago promised them the road.

Mr. Lynch commented that if the road has to be there it has to have some major stipulations.

Mayor Lobene questioned if there was any reason why we could not have a motion at this time.

Trustee Rauber responded that he does not think they have enough information.

Mayor Lobene asked what kind of information Trustee Rauber needs.

Trustee Rauber responded that he received a document tonight.

Mayor Lobene indicated that the document that was received tonight by the board members was made by her.

Trustee Nellis-Ewell asked if what the Mayor prepared was another option.

Mayor Lobene read the document as follows:

“If the Village Board of Spencerport should approve the use of the Village Sewage treatment Road for exit from Senior Patio Homes at Parkview Center, it should be with the following stipulations:

1. This road must be for emergency road only. I.e. catastrophe such as fire, accident, etc. where they are unable to use the main exit up to Union Street.
2. There will be a stipulation that no construction vehicles are to use this road.
3. A locked gate will be placed at the entrance to the sewage plant.
4. A 6’ high white vinyl fence will be built from front to back of the Hart’s lot line.
5. A row of arborvitae will be planted west side of the said fence at 8’ intervals.
6. If road must be widened to east, it shall not in any way hamper proper drainage for DiVincenzo’s property and some type of screening added which meets the approval of Dr. Dominic and Barbara DiVincenzo.”

Trustee Rauber commented that this project is several months away the developer has received preliminary approval and the board does not have to make a decision tonight.

Trustee Hopson indicated that if this Board does not approve Northrup Creek Drive they developer will want to use lot 22.

Trustee Nellis-Ewell questioned if it would be appropriate for the developers to attend the next workshop.

Trustee Rauber responded that if the developers attend a meeting what additional information they would provide.

Attorney Olson commented that he agrees with Trustee Rauber and that there should not be a motion at this time.

Mayor Lobene indicated that she had been contacted by residents who wanted additional handicap parking stops in the municipal parking lot located at 24 West Avenue.

Mr. Kris Schultz commented that there are six handicap spots in that parking lot and they are never full.

Attorney Olson commented that the spots fill up when people who do not have permits park there to go to the funeral home.

It was determined that additional parking spaced is not needed.

Sewers Committee – Trustee Rauber, Chair

No Board action required.

Trustee Rauber commented that the Village has received a letter from Monroe County regarding the vibration issues at the pump station and that discussion regarding the letter will be deferred to the workshop meeting.

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

- A. Planning
No Board action required.

Trustee Nellis-Ewell commented that the Planning and ARB have not met yet for the month of September.

- B. Architectural Review
No Board action required.

- C. Zoning
No Board action required.

Trustee Nellis-Ewell commented that there was not a Zoning Board meeting in August.

- D. Building Control
No Board action required.
- E. Code Review
No Board action required.

Trustee Nellis-Ewell indicated that the code review committee met on August 25th and that there are several codes that are being considered: storage of commercial vehicles and geothermal/wind energy codes.

Finance Committee – Trustee Hopson, Chairman

Trustee Hopson indicated that no board action is required.

Facilities Committee – Trustee Hopson, Chairman

- A. Electric
No Board action required.

Trustee Hopson commented that line work is being done to complete the plaza project and that numerous pole replacements are being completed and a new switch gear will be energized in the plaza and meter replacements continue.

- B. Other (Drainage, Franchise)
No Board action required.

Public Works Committee – Trustee Rauber, Chairman

- A. Highways/Garage
No Board action required.
- B. Public Services (Refuse, Recycling, Parks)
No Board action required.

Public Safety Committee – Trustee Gunther, Chairman

- A. Fire Department
No Board action required.
- B. Police
No Board action required.

Human Resources Committee – Trustee Gunther, Chairman

No Board action required.

Economic Development Committee – Mayor Lobene, Chairman

Mayor Lobene commented that Tops is open and that approximately 2500 Tops Bonus Cards were given out the first week and that two new consignment shops are open on Union Street and Amity Street. In addition a new liquor store will be opening in the Mathoes Building.

Trustee Gunther commented that he heard Clerk Sullivan's interview on the radio today for the Hometown Hero Banners and that it was very good. Trustee Gunther further commented that he thinks it is a great program.

Trustee Rauber added that Clerk Sullivan was also on YNN News a couple of weeks ago regarding the banners.

Green Initiatives (trails, trees, misc.)– Trustee Nellis-Ewell, Chairman

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Trustee Nellis-Ewell commented that a green initiatives letter was submitted to the Suburban News and published and thanked everyone who responded to the Village survey that was mailed out in last month's electric bill.

Mayor Lobene commented that the green initiatives letter was excellent.

Village Clerk – Jacqueline Sullivan

RESOLUTION NO 37 9/2010

Introduced by: Mayor Lobene
Seconded by: Trustee Rauber

Be it Resolved, that the Village of Spencerport Board of Trustees hereby authorizes the Mayor to sign the Monroe County Water Authority and Clearwire US LLC lease for the antennas on the Village Water Tower.

Vote of the Board:	Theodore E. Rauber, Trustee	Aye
	Carol J. Nellis-Ewell, Trustee	Aye
	Charles R. Hopson, Trustee	Aye
	Fritz Gunther, Trustee	Aye
	Joyce Lobene, Mayor	Aye

Clerk Sullivan commented on the following:

- MRB is working on the engineering of the new docks; Schultz and Associates have been contracted by MRB to provide the topographical survey work and permit issuing agencies have been contacted regarding the permitting process.
- Plans will be reviewed with the Village Planning Board in October and public informational meeting will take place during the October Board meeting and the SEQRA process will begin.
- Information regarding the Crown Castle Lease agreement was discussed.
- Reminder notices will be sent to residents who have not paid their property taxes.
- Sewer invoices were sent to Spencerport Central Schools.
- A small fund transfer of approximately \$50,000 from the general fund to the electric fund was done to cover expenses incurred during the month of August.
- Butch Rypma will be retiring effective September 13, 2010.
- Electric department had training last week on a new work order system to be online by November 1st.
- Village has connected with Monroe County's computer system and hopefully will be up and running with GIS by November 1st.

Attorney Olson requested that we ask Crown Castle for their standard lease agreement to be reviewed.

Trustee Nellis-Ewell indicated that the Board has not addressed the health insurance bump up incentive.

RESOLUTION NO 38 9/2010

Introduced by: Mayor Lobene
Seconded by: Trustee Rauber

Be it Resolved, that the Village of Spencerport Board of Trustees hereby approves the retiree health care incentive "bump up" program that would allow any employee retiring under the NYS Retirement incentive program Local Laws 4 and 5 to be moved up one grade for retiree healthcare benefits.

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

Motion denied

Mr. Kris Schultz commented that is the increase in the health care going to make a difference in taking the early retirement, when the reality is that healthcare benefits are being cut.

Superintendent of Public Works – Thomas M. West

Superintendent West commented on the following items:

- Paving of Thorncliff Drive and Upton Avenue are complete; Thanked Bergen, Churchville, Hilton, Scottsville and Brockport for their help with hauling and Dave Widger for postponing his paving project and the use of their roller.
- Sidewalk project will begin this month
- Village sign is in and a landscaping plan needs to be done with the Mayor.
- Skanex has completed planned sewer relining and work was done on manhole covers.

Superintendent West requested an executive session to discuss a personnel issue.

Superintendent of Electric – Owen McIntee

Superintendent McIntee was absent.

Attorney – Richard J. Olson

Attorney Olson commented that the EFC Application for the transfer of ownership of the Pump Station from the Village to Monroe County is moving along.

Unfinished Business

New Business

Bills

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

General Fund	\$ 36,443.61
Electric Fund	\$ 54,694.38
Sewer Fund	\$ 1,275.12
Trust Fund	\$ 0.00
Capital Fund	<u>\$ 48,208.74</u>
TOTAL:	\$140,621.85

Motion was made by Trustee Rauber, seconded by Trustee Nellis Ewell and carried unanimously that the cash disbursements for the General, Electric, Sewer, Trust and Capital Funds, September 2010 be approved as audited.

Adjournment

Motion was made by Trustee Rauber, seconded by Trustee Gunther and carried unanimously that the regular meeting be adjourned at 8:36 p.m. to executive session to discuss personnel issues.

Motion was made by Trustee Rauber, seconded by Trustee Gunther and carried that the executive session be adjourned at 8:45 p.m. to the regular meeting.

Motion was made by Trustee Rauber, seconded by Trustee Hopson and carried that the regular meeting be adjourned at 8:46 p.m.