

**VILLAGE BOARD MEETING  
October 6, 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**

Susan DeJohn, McLain Drive  
Fred Holbrook, Coventry Drive  
Patrick Hotchkiss, West Avenue  
Michael LoPresti, Spencerport Road  
Joan Quigley, Maplewood Avenue  
Richard Olson, Village Attorney  
James Powell, Nichols Street  
Kris Schultz, Black Forest Drive  
Jackie Sullivan, Village Clerk  
Val Visca, Land-Re  
Tom West, DPW Superintendent

(5) Participation in Government Students

**APPROVAL OF MINUTES**

A motion was made by Trustee Rauber, seconded by Trustee Hopson and carried that the minutes of the September 1, 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 September 15, 2010 be approved as read.

**PUBLIC HEARING**

Mayor Lobene opened the public hearing for Introductory Local Law 10/2010 A Local Law to establish a No Parking Zone on the East Side of Union Street, North of East Avenue by reading the proposed law at 7:02 p.m.

There being no questions Mayor Lobene closed the public hearing at 7:03 p.m.

Mayor Lobene opened the public hearing for Introductory Local Law 11/2010 A Local Law to establish a Stop Sign at the Intersection of Slayton Avenue and Union Street in the Village of Spencerport by reading the proposed local law at 7:03 p.m.

There being no questions Mayor Lobene closed the public hearing at 7:04 p.m.

Mayor Lobene recues herself from the following proceedings regarding local law 12/2010.

Trustee Rauber opened the public hearing for Introductory Local Law 12/2010 A Local Law to rezone 115 Clark Street from B-2 Commercial to R-3 Residential by reading the proposed local law at 7:05 p.m.

Attorney Fred Holbrook indicated that he represents Ogden Rentals for the 155 Clark Street property. Attorney Holbrook further described the property and its location. Attorney Holbrook explained that this property zoned commercial however it is surrounded by residential properties comprising of single and multi family dwellings. Attorney Holbrook continued that his client is seeking to have the property to be rezoned from commercial to residential. Attorney Holbrook indicated that the Village Board has the power to rezone this property. Attorney Holbrook explained that this zoning

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change would be appropriate for the character of the neighborhood and that his client would need to go before the Planning and Zoning Boards for approval of his proposed project. Attorney Holbrook further explained that this project would increase the assessed value of the building thus resulting in an increased tax base. Attorney Holbrook commented that Mr. LoPresti's reputation is exceptional and that he has been in business for nearly twenty years and has done several local housing projects.

Trustee Rauber asked if any members of the public had any comments regarding the project.

There being no comments Trustee Rauber closed the public hearing at 7:15 p.m.

Trustee Rauber commented that he supports the proposal to rezone the area because the area is residential and that commercial belongs on the Main Street.

Trustee Hopson indicated that he does not have any questions and does not foresee any reasons why the property should not be changed.

Trustee Gunther indicated that he does not have any questions and rezoning makes sense.

Trustee Nellis-Ewell indicated that rezoning the area makes sense and that she welcomes the new development and an ongoing revenue stream for the Village and Municipal Electric.

### **PRIVILEGE OF THE FLOOR**

Mr. Patrick Hotchkiss requested an update on the Billings property on West Avenue.

Mayor Lobene indicated that the Village's Code Enforcement Officer has been out of the office due to knee replacement surgery and that the Town's Building Inspector has been filling in and some progress has been made. Mayor Lobene continued that she has talked with the Village Attorney and that the next steps would be eviction of Mrs. Billings and Mayor Lobene indicated that she is not comfortable with that process.

Attorney Olson confirmed that eviction is the next step.

Mr. Hotchkiss indicated that in two months nothing has been done.

Mr. Hotchkiss commented that the issues surrounding the unregistered car, porch and painting have not been addressed.

Mr. Hotchkiss asked how long the Village is going to wait before taking action.

Mayor Lobene responded that the Village will continue to work with Mrs. Billings and that she is not going to put her (Mrs. Billings) out into the street.

Mr. Val Visca of Land-Re Development asked the Village Board for an exemption from the moratorium on multifamily dwellings. Mr. Visca continued that this project has been in process since 2008 and concept plans have been brought before the Village Planning Board twice. Mr. Visa continued by explaining the project.

Attorney Olson commented that the moratorium was enacted in September and two projects were exempt from the moratorium at that time. Following the September meeting an application was received by the Planning Board for the Land-Re Big Ridge Road Project and it was determined that this project needed to be included in the exemptions from the moratorium. Attorney Olson continued that the Village Board will be determining at this meeting whether to have a public hearing at the October 20<sup>th</sup> workshop meeting to entertain a local law to amend the moratorium local law to include the Big Ridge Road project.

Attorney Olson further explained that the current zoning code does not allow a four unit dwelling in an R-2 zone.

Discussion between Mr. Visca and Attorney Olson ensued regarding the proposed project and the interpretation of the current zoning code. Attorney Olson commented that he would be in touch with Mr. Visca as to the path forward for this project.

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Mrs. Quigley questioned if something could be done to keep the delivery trucks from parking on the sidewalk at A-Plus, could the signs that are under the railroad bridge and in front of 147 Union Street be picked up and could something be done to improve Canal Days.

Mayor Lobene responded that she would talk to the manager at A-Plus and get the signs picked up but that Mrs. Quigley should speak to Mrs. Ginny Swarthout about Canal Days.

Mayor Lobene explained to the participation in government students the meaning of privilege of the floor.

**Administrative Committee** – Mayor Lobene, Chairman

Mayor Lobene commented that prior to tonight's meeting a photo was taken by Westside News highlighting the new businesses that have opened or are opening in the Village. At this time two consignment shops have opened, a men's clothing store, new coffee shop and a liquor store will be opening in late October.

Mayor Lobene continued that stop signs have been ordered for the plaza for entrance onto East Avenue out of the parking lot. Work continues on the comprehensive plan and updating the Village Code.

Mayor Lobene indicated that the Mayor of Fairport will be attending an upcoming meeting to discuss the importance of a preservation board.

**RESOLUTION NO 47 10/2010**

Introduced by: Trustee Rauber

Seconded by: Trustee Gunther

Be it resolved, that the Village of Spencerport, Board of Trustees authorizes the mayor to sign the 2011 inter-municipal agreement providing Building Department Services from the Town of Ogden in the amount of \$30,354.00.

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

Trustee Nellis-Ewell asked the amount of the increase.

Mayor Lobene responded that the cost in up about \$1,000 and that the town has been asked for a more detailed monthly report.

**Sewers Committee** – Trustee Rauber, Chair

No Board action required.

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

A. Planning  
No Board action required.

Trustee Nellis-Ewell commented that both the Architectural and Planning Board met the previous night and two signs were approved for Serenity Hair Salon and Fowler's Canaltown Wine and Spirits in addition the Planning Board reviewed revised concept plans for Parkview Apartments from Land Tech for the Big Ridge Road project.

B. Architectural Review  
No Board action required.

C. Zoning  
No Board action required.

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

Trustee Nellis-Ewell indicated that the Code Review Committee will be meeting tomorrow

**Finance Committee** – Trustee Hopson, Chairman

Trustee Hopson indicated that no board action is required.

**Facilities Committee** – Trustee Hopson, Chairman

- A. Electric

**RESOLUTION NO 48 10/2010**

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

Be it resolved, that the Village of Spencerport, Board of Trustees authorizes the Village Clerk to advertise the position of Municipal Line Worker in the official news paper of the Village of Spencerport and with the MEUA.

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

**RESOLUTION NO 49 10/2010**

Introduced by: Trustee Hopson  
Seconded by: Trustee Rauber

Be it resolved, that the Village of Spencerport, Board of Trustees approves the SME Superintendent to attend the NYMPA Semi-Annual Meeting on October 27, 2010 in Syracuse, NY.

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

**RESOLUTION NO 50 10/2010**

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

Be it resolved, that the Village of Spencerport, Board of Trustees approves the attendance of SME Superintendent and one designee to attend the MEUA Engineering Workshop on November 3 & 4, 2010 in Syracuse, NY. Cost not to exceed \$300/person.

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

**RESOLUTION NO 51 10/2010**

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

Be it resolved, that the Village of Spencerport, Board of Trustees approves the attendance of SME Superintendent, Village Treasurer and Deputy Clerk to attend the MEUA Accounting Workshop November 17 & 18, 2010 in Syracuse, NY. Cost not to exceed \$300/person.

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

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

**Public Works Committee** – Trustee Rauber, Chairman

A. Highways/Garage

**RESOLUTION NO 52 10/2010**

Introduced by: Trustee Rauber  
Seconded by: Trustee Hopson

Be it resolved, that the Village of Spencerport, Board of Trustees approves contracting with Schultz and Associates to provide topographic survey, sidewalk design and permit plan for 5' concrete sidewalk along the north side of Nichols Street west of the driveway entrance to the Kwik-fill gas station to Harwood Drive. Cost not to exceed \$1,950.00.

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

**RESOLUTION NO 53 10/2010**

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

Be it resolved, that the Village of Spencerport, Board of Trustees authorizes the mayor to sign the inter-municipal agreement providing for the installation of pavement marking and signs with Monroe County Department of Transportation.

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

**RESOLUTION NO 54 10/2010**

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

Be it resolved, that the Village of Spencerport, Board of Trustees authorizes the mayor to sign the inter-municipal agreement providing for fleet services machinery, tools, equipment and services sharing access and sale of alternative fuels

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with Monroe County Department of Transportation.

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

B. Public Services (Refuse, Recycling, Parks)  
No Board action required.

**Public Safety Committee** – Trustee Gunther, Chairman

A. Fire Department  
No Board action required.

Trustee Gunther indicated that the Fire Department is working on their budget and their public hearing will be coming up shortly.

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 she reported earlier on the new businesses.

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

Trustee Nellis-Ewell indicated that on September 21<sup>st</sup> she attended a session sponsored by the NYS Environmental Facilities Corporation regarding the services that their agency could provide. Trustee Nellis-Ewell indicated that she attended another session in September sponsored by the Monroe County Storm Water Coalition that included a tour of various sites throughout the county that have employed various methods to improve storm water run off.

**Village Clerk** – Jacqueline Sullivan

**RESOLUTION NO 55 10/2010**

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

Be it resolved, that the Village of Spencerport, Board of Trustees authorizes the attendance of any Village, Planning or Zoning Board Member and support staff member at the Genesee/Finger Lakes Regional Planning Council 2010 Fall Regional Local Government Workshop Friday, November 19, 2010 in Mount Morris, NY.

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

**RESOLUTION NO 56 10/2010**

Introduced by: Mayor Lobene  
Seconded by: Trustee Gunther

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Be it resolved, that the Village of Spencerport, Board of Trustees accepts the Monroe County 2010 CDBG Grant for the installation of ADA access doors in the Village Office in the amount of \$10,000 and authorized the Mayor to sign the required contract.

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

Mayor Lobene read the following proclamation.

### **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 18-22, 2010  
as

### **SCHOOL BOARD RECOGNITION WEEK**

Dated this 6<sup>th</sup> day of October, 2010

Spencerport Village Board

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

Clerk Sullivan commented on the following:

- Work continues on the engineering of the new docks with a public informational meeting scheduled for October 20<sup>th</sup> at 6 p.m.
- Notice was received for the Reshaping Rochester Series and one ticket will be bought for the Village Board.
- Health care meeting will be next Wednesday at 9:00 a.m.

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

Trustee Rauber made the following comments for Superintendent West:

- Sidewalk installation continues on Union Street south to Rt. 31.
- Additional sidewalk permits are pending for continuation to Harwood Drive.
- Working with Schultz and Associations for plans to rebuild Brockport Road.
- Sewer relining is complete.
- Leaf pick-up has started and will continue to December 1<sup>st</sup>.
- Parking lot at Gazebo and Exempts Club is being replaced at this time.
- Crack filling on the streets will begin next week.

**Superintendent of Electric** – Owen McIntee

Superintendent McIntee commented on the following:

- Work continues on the meter replacement program.
- Plaza work continues.
- Monroe County transferred the fiber line in the substation from overhead to underground.
- General maintenance work continues.
- Attended annual MEUA and IEEP business meetings and submitted detailed summary reports to the Board Members
- Butch Rypma's retirement party is next Friday, please purchase tickets by next week.
- This week is public power week and CFL light bulbs are available in the Village Office.
- Waiting for funding for the NYPA Attic Insulation Program however work will continue to go forward with the program.
- Potential thermo-imaging program to be reintroduced for this winter.

Trustee Gunther questioned if the program focused on insulation and ventilation or just insulation.

Superintendent McIntee responded both.

Trustee Nellis-Ewell questioned if the thermo-imaging program would be for residential customers only.

Superintendent McIntee responded that it would be for all customers including those that heat with gas.

Trustee Hopson commented that a door hanger indicating that the house was photographed would be helpful to avoid confusion with foot prints around resident's homes.

**Attorney** – Richard J. Olson

Attorney Olson commented that EFC has granted permission to transfer the ownership of the wastewater pump station to Monroe County.

Attorney Olson indicated that at the September workshop the Village Board had an executive session without the Mayor present to discuss the Village owned property located adjacent to Mr. LoPresti's property on Brockport Spencerport Road. Attorney Olson suggested that the Village consider selling the property to Mr. LoPresti so that his proposed project for Brockport Spencerport Road would be able to have the drainage pond on his property. The parcel has been appraised to have a value of \$13, 400. An offer has been received from Mr. LoPresti's attorney in the amount of \$13, 400 and a counter offer has been prepared to include that Mr. LoPresti pays all closing costs and that if his project is not approved the offer is null and void.

**RESOLUTION NO 57 10/2010**

**VILLAGE OF SPENCERPORT**

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New York State Environmental Quality Review Act ("SEQRA")-  
Determination of Nonsignificance  
(Negative Declaration)

SALE OF 1.032 ACRES OF VACANT LAND TO OGDEN CENTER DEVELOPMENT CORP.

**WHEREAS**, Ogden Center Development Corp has submitted an offer to purchase 1.032 acres of vacant land from the Village; and

**WHEREAS**, the Village Board has reviewed the offer and has prepared a Counter Offer; and

**WHEREAS**, the sale of this property as proposed by the Offer and the Counter Offer is an **unlisted action** pursuant to SEQRA regulations; and

**WHEREAS**, the board has reviewed the Short Environment Assessment Form prepared by Schultz Associates, PC on file in the Village Office; and



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**WHEREAS**, on this date, October 6, 2010, at a regular meeting, the Village Board conducted the required SEQRA review process by reviewing said Short Environment Assessment Form

**NOW THEREFORE, BE IT RESOLVED:**

**1.** Based on its review of all of the evidence submitted and reviewed, and based upon the Village Board's deliberations and its review of the short Environmental Assessment Form for the proposed contract, sale and transfer of the 1.032 acres of vacant land, it is hereby determined that the proposal will not have a significant impact on the environment and that a negative declaration is hereby issued.

**2.** This notice of this determination of non-significance shall be filed as required by SEQRA. The foregoing resolution was approved as follows:

AYES: Trustees Rauber, Hopson, Nellis-Ewell, Gunther

NAYS:

ABSTAIN: Mayor Lobene

**RESOLUTION NO 58 10/2010**

Introduced by: Trustee Rauber

Seconded by: Trustee Hopson

**VILLAGE OF SPENCERPORT, MONROE COUNTY  
RESOLUTION AUTHORIZING DEPUTY MAYOR TO  
COUNTEROFFER FOR SALE OF REAL PROPERTY**

**WHEREAS**, the Village Board has received a purchase and sale contract from Ogden Center Development for a parcel of land situated north of Brockport Board and West of Village Walk being part of tax account number 086.16-02-025, being 1.032 acres in area as shown on a map prepared by Schultz Associates, PC; and

**WHEREAS**, the Village Board has reviewed this offer together with the appraisal submitted by Allen Fitzpatrick of Metro Appraisal Associates dated September 22, 2010; and

**WHEREAS**, the Village Board wishes to sell said parcel to the Ogden Center Development for the appraised value of thirteen thousand four hundred dollars (\$13,400.00), but wishes to modify the terms and conditions so that all costs of said transaction shall be paid by the purchaser; and

**WHEREAS**, this action is an unlisted action under the State Environmental Quality Review Act and the Village Board has adopted a Negative Declaration; and

**WHEREAS**, the Mayor had recues herself from this matter do to a potential conflict of interest.

**NOW, THEREFORE, BE IT RESOLVED:**

**SECTION 1.** That the Deputy Mayor is hereby authorized to sign the counteroffer to the purchase offer, a copy of which agreement is attached hereto and made a part hereof.

**SECTION 2.** That upon the contingencies in the Purchase and Sale Contract and the Counter Offer being met, the Deputy Mayor is hereby authorized to sign the deed and any other documents necessary to convey the property to the purchaser.

**SECTION 3.** That this resolution shall take effect immediately.

**VOTE OF THE BOARD**

AYES: Trustee Rauber, Hopson, Nellis-Ewell, Gunther

NAYS:

ABSTAIN: Mayor Lobene

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**RESOLUTION NO 59 10/2010**

Introduced by: Mayor Lobene  
Seconded by: Trustee Gunther

**RESOLUTION ADOPTING LOCAL LAW**

**Whereas**, the Village Board has before it a Local Law entitled " A Local Law to Establish a No Parking Zone on the East Side of Union Street, North of East Avenue" which, if adopted, will amend Chapter 130 of the Village Code; and

**Whereas**, the Village Board did on October 6, 2010, hold a public hearing to consider said proposed Local Law; and

**Whereas**, the New York State Department of Transportation which has jurisdiction over parking regulations relating to state highways has given it's approval of this 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 #9-2010 "A Local Law to Establish a No Parking Zone on the East Side of Union Street, North of East Avenue"

**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

Ayes: Mayor Lobene, Trustees Rauber, Hopson, Nellis-Ewell, Gunther

Nays:

**RESOLUTION NO 60 10/2010**

Introduced by: Trustee Gunther  
Seconded by: Trustee Rauber

**Whereas**, the Village Board has before it a Local Law entitled "**A Local Law to Establish a Stop Sign at the intersection of Slayton Avenue and Union Street in the Village of Spencerport**" which, if adopted, will amend Section 130-44 of the Village Code "STOP SIGNS" and establish a stop sign on Slayton, Westbound at Union Street; 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 #\_\_10\_\_/2010 "**A Local Law to Establish a Stop Sign at the intersection of Slayton Avenue and Union Street 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

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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	Aye
	Joyce Lobene, Mayor	Aye

### **RESOLUTION NO 61 10/2010**

Introduced by: Trustee Rauber

Seconded by: Trustee Nellis-Ewell

### **VILLAGE OF SPENCERPORT**

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New York State Environmental Quality Review Act ("SEQRA")-  
Determination of Nonsignificance  
(Negative Declaration)

### **Local Law #11-2010**

### **" A Local Law to Rezone 115 Clark Street from B-2 Commercial to R-3 Residential"**

**WHEREAS**, the Village Board of the Village of Spencerport proposes to Rezone 115 Clark Street from B-2 Commercial to R-3 Residential; and

**WHEREAS**, the Village Board has determined that the proposed local law is an **unlisted action** pursuant to SEQRA regulations; and

**WHEREAS**, the board has reviewed the Short Environment Assessment Form prepared by Schultz Associates, PC on file in the Village Office; and

**WHEREAS**, on this date, October 6, 2010, at a regular meeting, the Village Board conducted the required SEQRA review process by reviewing said Short Environment Assessment Form

### **NOW THEREFORE, BE IT RESOLVED:**

- 1.** Based on its review of all of the evidence submitted and reviewed, and based upon the Village Board's deliberations and its review of the short Environmental Assessment Form for the proposed local law, it is hereby determined that the proposed local law will not have a significant impact on the environment and that a negative declaration is hereby issued.
- 2.** This notice of this determination of non-significance shall be filed as required by SEQRA.

The foregoing resolution was approved as follows:

AYES: Trustees Rauber, Hopson, Nellis-Ewell, Gunther

NAYS:

ABSTAIN: Mayor Lobene

### **RESOLUTION NO 62 10/2010**

At a regular meeting of the Village Board of the Village of Spencerport  
held at the Village Hall, 27 West Avenue, Spencerport, New York on  
October 6, 2010

Present: Mayor Lobene, Trustees Rauber, Hopson, Nellis-Ewell and Gunther

Introduced by: Trustee Rauber

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Seconded by: Trustee Hopson

### **RESOLUTION ADOPTING LOCAL LAW**

**Whereas**, the Village Board has before it a Local Law entitled Introductory Local Law #12-2010 "A Local Law to Rezone 115 Clark Street from B-2 Commercial to R-3 Residential"; 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 unlisted action under the State Environmental Quality Review Act and the Village Board has adopted a Negative Declaration; 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 #11-2010 "A Local Law to Rezone 115 Clark Street from B-2 Commercial to R-3 Residential".

**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 the Village Clerk is ordered to cause the zoning map to be amended to reflect this change.

**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

Ayes: Trustees Rauber, Hopson, Nellis-Ewell, Gunther

Nays:

Abstain: Mayor Lobene

Mayor Lobene explained why she had to recuse herself from the resolutions associated with Mr. LoPresti.

Attorney Olson explained why it is necessary to amend the moratorium local law to exempt the Big Ridge Road property presented by Land Tech and Land-Re development.

### **RESOLUTION NO 63 10/2010**

#### **RESOLUTION SETTING PUBLIC HEARING**

At a Village Board Meeting at the Village Hall, October 6, 2010

Introduced by: Mayor Lobene

Seconded by: Trustee Hopson

### **INTRODUCTORY LOCAL LAW #13-2010 VILLAGE OF SPENCERPORT, MONROE COUNTY**

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**A LOCAL LAW TO REVISE THE MORATORIUM ON THE CONSTRUCTION OF, USE VARIANCE OR SITE PLAN FOR, OR THE CONVERSION TO, MULTIFAMILY DWELLINGS IN THE VILLAGE OF SPENCERPORT**

**WHEREAS**, the Village Board has before it a proposed Local Law to revise the moratorium on the construction of, use variance or site plan for, or the conversion to, multifamily dwellings in the Village of Spencerport; and

**WHEREAS**, in order to make said change, the Village Board of the Village of Spencerport is required to hold and conduct a public hearing thereon;

**NOW, THEREFORE, BE IT RESOLVED:**

**SECTION 1.** That the Village Board of the Village of Spencerport shall hold and conduct a Public Hearing on the 20<sup>th</sup> day of October, 2010, at 7:00 p.m. at the Village Hall, 27 West Avenue, Village of Spencerport, New York, 14559 to consider to the attached Local Law; at which Public Hearing all interested persons will be heard concerning the subject matter thereof.

**SECTION 2.** That the Village Clerk shall cause due notice of such public hearing to be published as required by law.

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

Attorney Olson thanked Clerk Sullivan for keeping all of the paperwork in order for this meeting.

Clerk Sullivan explained that Trustee Kimbler completed some net present value calculations and it was determined that the perpetual easement offer from Crown Castle would be most profitable for the Village Board to consider. Clerk Sullivan further explained that it would be an option for the Village Board to consider a counter offer.

**Unfinished Business**

Trustee Rauber commented that he attended the World Canal Conference and took the East Side tour and will be working with Clerk Sullivan to better communicate with the residents regarding their responsibility for paying their taxes on time to avoid penalties.

**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	\$ 102,906.07
Electric Fund	\$ 38,292.58
Sewer Fund	\$ 63,301.96
Trust Fund	\$ 0.00
Capital Fund	\$ 43,526.80
<b>TOTAL:</b>	<b>\$248,027.41</b>

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, October 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 9:00 p.m.