

**VILLAGE BOARD WORKSHOP MEETING
November 17, 2010**

CALL TO ORDER: 4:30 p.m.

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

Karen Kimbler, Village Treasurer
Owen McIntee, Electric Superintendent
Richard Olson, Attorney
Kris Schultz, Schultz and Associates
Jackie Sullivan, Village Clerk
Tom West, DPW Superintendent

Budget Presentation

Treasurer Kimbler led the Village Board in an exercise to establish the Mayor and Trustees initiatives for the up-coming fiscal year.

BI/FM/CE

Jack Crooks, Building Inspector submitted a written report with Clerk Sullivan.

Public Hearing

Mayor Lobene opened the public hearing for Local Law 14-2010 "A Local Law to Amend the Zoning Law of the Village Spencerport" and the continuation of the open public hearing for Local Law 13-2010 from October 20, 2010 "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" at 6:00 p.m.

Attorney Olson indicated that on Local Law 14-2010 minor grammatical changes have been made that do not require a new public hearing. The changes were as follows:

- H. 1. The term "a" was deleted and changed to "no more than a".
 - H. 2. The term "unit" was deleted and changed to "building".
- Section 140-15 A – The letter "b" was changed to "c".

Attorney Olson further explained that the Village received a letter from Land Tech addressed to the Mayor suggesting that the law be changed to "no more than a two family dwelling" which was done and that the square footage is too restrictive. Attorney Olson explained that the square footage is comfortable for the Village and the Building Inspector and limits the size of the building to not become overly massive and if a building exceeds the limits the applicant can go before the Zoning Board of Appeals for a variance. Additionally there was some confusion on studio units and that they are not allowed in this district just 1, 2 and 3 unit dwellings and that parking is too restrictive however no changes were made. Attorney Olson added that the Building Inspector, Jack Crooks insisted that 4 parking spaces are necessary per unit and that the developer can ask the Zoning Board of Appeals for a variance for parking.

Mayor Lobene indicated that she thought that the Village was not going to allow three bedrooms.

Attorney Olson responded that the minimum will be 2 bedrooms and that 3 bedrooms will be allowed.

Trustee Hopson requested clarification regarding studio apartments.

Attorney Olson explained that studio apartments are allowed in two family dwellings but not allowed in three or more family dwellings.

Mayor Lobene closed the public hearings for Local Law 13 and 14 at 6:10 p.m.

RESOLUTION NO 71 11/2010

RESOLUTION ADOPTING NEGATIVE DECLARATION

WHEREAS, the Village Board has before it the following local law:

LOCAL LAW #14-2010 “A Local Law to Amend the Zoning Law of the Village of Spencerport”; and

WHEREAS, this Board is the only involved Agency and has determined that it is the Lead Agency; and

WHEREAS, this project is an Unlisted Action for the purposes of SEQRA; and

WHEREAS, the Mayor has prepared and submitted Part 1 "Project Information" of the (short) Environmental Assessment Form; and

WHEREAS, this Board having thoroughly reviewed the Environmental Assessment Form and considered each an every impact in accordance with SEQRA

NOW, upon consideration of the above and all of the previous documents, discussion and debate, upon the motion of Trustee Rauber seconded by Trustee Hopson.

BE IT RESOLVED

- 1.** That the adoption of this local laws will not have a negative impact on the environment
- 2.** That the Village Board adopts a Negative Declaration.
- 3.** That this resolution shall take effect immediately.

Upon a roll call vote, the votes were cast as follows:

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

Whereupon the resolution was declared adopted

RESOLUTION NO 72 11/2010

Introduced by: Mayor Lobene
Seconded by: Trustee Rauber

RESOLUTION ADOPTING LOCAL LAW

Whereas, the Village Board has before it a Local Law entitled Local Law #14-2010 “A Local Law to Amend the Zoning Law of the Village of Spencerport” which, if adopted, will resolve inconsistencies in the Village’s Zoning Code and establish standards for 4-family residential dwellings in R2 Zones; 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 #12-2010 “A Local Law to Amend the Zoning Law of 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

RESOLUTION NO 73 11/2010

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

RESOLUTION ADOPTING LOCAL LAW

Whereas, the Village Board has before it a proposed Local Law which, if enacted, will be Local Law #13-2010 “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”; and

Whereas, the Village Board did, on October 20, 2010, hold a public hearing to consider said proposed Local Law; and

Whereas, the public hearing was left open until November 17, 2010 at which time there was further input and consideration; 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 #13-2010 "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".

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

Attorney

Attorney Olson commented that he continues to work on the transfer of the Pump Station to Monroe County and no action has taken place with litigation issues.

Attorney Olson explained the quote received from Metro Appraisal not to exceed \$1,400. Attorney Olson continued that this is not a typical appraisal and that it should look similar to the report that Treasurer Kimbler submitted however a second opinion is helpful.

Trustee Rauber questioned if there is a separate set of metrics to appraise this type of lease.

Attorney Olson commented that \$1,400 is a small percentage of the potential payment in an effort to be well informed.

RESOLUTION NO 74 11/2010

Introduced by: Trustee Hopson

Seconded by: Trustee Nellis-Ewell

Be it Resolved, that the Board of Trustees of the Village of Spencerport approves the Cell Tower Appraisal Proposal from Metro Appraisal Associates in the amount not to exceed \$1,400.

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 indicated that she would like to appoint Bridget Field to the position of Planning and Zoning Board Attorney.

Trustee Rauber commented that he would like the appointment to be limited to approximately six months to be able to review Attorney Field's performance and receive input from the Planning and Zoning Boards.

Attorney Olson commented that he has not met Attorney Field however he has heard nothing but positive reviews of her work.

Trustee Nellis-Ewell questioned how Attorney Field's compensation was determined.

Mayor Lobene indicated that she reviewed Attorney Olson's compensation and made an offer to Attorney Field based on the received information and Attorney Field accepted the offer.

RESOLUTION NO 75 11/2010

Introduced by: Mayor Lobene
Seconded by: Trustee Gunther

Be it Resolved, that the Board of Trustees of the Village of Spencerport approves the Mayor's appointment of Bridget Field as the Zoning and Planning Board's Attorney for the term ending March 31, 2011. Her hourly compensation will be \$110/hr.

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 explained that the Health Care Committee will be meeting to discuss the possibility of the Village self insuring dental. Clerk Sullivan further explained that the Village of Hilton manages this method of dental insurance and it works well and saves approximately \$5,000 per year in premiums.

RESOLUTION NO 76 11/2010

Introduced by: Mayor Lobene
Seconded by: Trustee Gunther

Be it Resolved, that the Board of Trustees of the Village of Spencerport recognizes the Spencerport Central School's Boys Varsity Soccer Team for the Section V Championship.

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

Electric Superintendent Owen McIntee commented that the new computerized work order system is working excellent and saves time in balancing the time sheets, inventory and updating pole records. Superintendent McIntee thanked Deputy Gilbert and Clerk Sullivan for bringing the system together and that the program is exceeding expectations and money well spent.

Mayor Lobene commented that this system will continue to improve the electric department's record keeping.

Superintendent McIntee indicated that the lineman interview team consisting of myself, Clerk Sullivan, Trustee Hopson and Mike Meyers continues to interview candidates and that there are some excellent applicants.

Mayor Lobene questioned how many applicants would go to round two.

Clerk Sullivan responded about three.

Superintendent West commented Christmas on the Canal requests are complete, Gazebo Christmas Tree will be delivered to the shop the day after Thanksgiving and will be installed at the Gazebo on Monday and leaf pick up continues.

Treasurer Kimbler distributed to the Village Board information regarding the Board's fiscal responsibilities and the Village's fiscal status at this time.

Mayor Lobene acknowledged that sales tax has been received and is up from last year at this time. Mayor Lobene continued that she, Trustee Gunther and Clerk Sullivan will be working with the school district to foster a better relationship. Mayor Lobene indicated that the Waterfront Development Committee continues to work to develop a plan for a future park at the DPW.

Mayor Lobene asked the Board if they would think about adding Martin Luther King and Veterans Day to Village holidays.

Trustee Rauber explained the history of Village holidays.

Trustee Nellis-Ewell questioned who she should talk to about the Village Plaza sign.

Mayor Lobene responded Morgan Management.

A motion to adjourn the workshop session was made by Trustee Nellis-Ewell, seconded by Trustee Rauber and carried unanimously at 7:00 p.m.