

**VILLAGE BOARD WORKSHOP MEETING**  
**May 18, 2011**

**CALL TO ORDER:** 4:30 p.m.

**BOARD MEMBERS PRESENT**

Joyce Lobene, Mayor

Gary Penders, Trustee

Fritz Gunther, Trustee

**Others Present**

Jack Crooks, Building Inspector

Kevin Kelly, Code Enforcement Officer

Richard Olson, Attorney

Kris Schultz, Schultz and Associates

Jackie Sullivan, Village Clerk

Tom West, DPW Superintendent

**BOARD MEMBERS ABSENT**

Theodore E. Rauber, Trustee

Carol J. Nellis-Ewell, Trustee

**BI/FM/CE**

Mr. Jack Crooks submitted his monthly building permit report. Mr. Crooks continued that an application has been received to add an "in-law apartment" and that the current Village Code does not offer a path for a resident in an R-1 district to add an in-law apartment to their home and that a provision might be a good idea for the Village Board to consider.

Trustee Penders clarified that "in-law apartments" are allowed in R-2 districts.

Mr. Crooks indicated that they were.

Trustee Gunther questioned what qualifies an addition as an "in-law apartment"

Mr. Crooks replied that it needs to have separate sanitary, entrance, and sleeping area per NYS Code.

Mr. Crooks indicated that the Galley Restaurant will be applying for a new sign and Taste of Texas will be applying to build a new deck on the back of their building.

Trustee Gunther questioned if any action is being taken for more information to be put on the Tops' marquee sign.

Mayor Lobene indicated that the plaza has new owners and they would need to be approached to improve the sign.

Mr. Crooks clarified that the plaza owners did receive approval for the illuminated gas pricing sign.

Mr. Crooks continued that the Clark Street apartment project has been rejected by the Planning Board and has been sent to the Zoning Board of Appeals.

Mr. Kevin Kelly reported that the sign at Curves has been changed to the permanent sign and that the property on Prospect Street is completely code compliant. Mr. Kelly continued that he continues to work with Village property issues and will be representing the Village in court for various property maintenance issues.

Mr. Kelly acknowledged a letter that was received regarding neighborhood drainage issues on Brae Road. Mr. Kelly indicated that there are not any significant drainage issues and it is just elevations of the area.

### **Attorney**

Attorney Olson requested an executive session to discuss litigation

A motion to adjourn the workshop session to executive session to discuss litigation was made by Trustee Gunther, seconded by Mayor Lobene and carried unanimously at 5:05 p.m.

A motion to adjourn the executive session to workshop session was made by Trustee Gunther, seconded by Trustee Penders and carried unanimously at 5:15 p.m.

Trustee Penders reviewed the bike route proposal at Washington Street that was presented the previous night.

### **Public Hearing**

Mayor Lobene opened the public hearing for Local Law 5/2011 "A Local Law to amend the Dock Usage Law of the village of Spencerport to include the Trolley Depot Dock" at 6:00 p.m.

There being no comments from the public, Mayor Lobene closed the public hearing at 6:05 p.m.

### **Resolution 181 5/2011**

Introduced by: Mayor Lobene  
Seconded by: Trustee Penders

**Whereas**, the Village Board has before it a Local Law entitled "A Local Law to Amend the Dock Usage Law of the Village of Spencerport to include the Trolley Depot Dock"

**Whereas**, the Village Board did on May 18, 2011, hold 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 #5/2011 "A Local Law to Amend the Dock Usage Law of the Village of Spencerport to include the Trolley Depot Dock"

**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	Absent
	Carol J. Nellis-Ewell, Trustee	Absent

Gary Penders, Trustee	Aye
Fritz Gunther, Trustee	Aye
Joyce Lobene, Mayor	Aye

**Resolution 182 5/2011**

Introduced by: Trustee Penders  
Seconded by: Trustee Gunther

**INTRODUCTORY LOCAL LAW #6-2011  
VILLAGE OF SPENCERPORT, MONROE COUNTY**

**A LOCAL LAW TO ESTABLISH STOP SIGNS ON HAWTHORNE DRIVE AT THE  
INTERSECTION OF MORNINGSIDE DRIVE IN THE VILLAGE OF SPENCERPORT**

**WHEREAS**, the Village Board has before it a proposed Local Law to amend the Vehicles and Traffic Law to include stop signs on Hawthorne Drive at the intersection of Morningside Drive in the Village of Spencerport

**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 1<sup>st</sup> day of June, 2011, 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	Absent
	Carol J. Nellis-Ewell, Trustee	Absent
	Gary Penders, Trustee	Aye
	Fritz Gunther, Trustee	Aye
	Joyce Lobene, Mayor	Aye

**Resolution 183 5/2011**

Introduced By: Trustee Penders  
Seconded By: Trustee Gunther

Now, therefore, be it resolved:

That the Village Board hereby acknowledges receiving Taste of Texas Bar-B-Q, Inc. liquor license renewal application.

Vote of the Board:	Theodore E. Rauber, Trustee	Absent
	Carol J. Nellis-Ewell, Trustee	Absent
	Gary Penders, Trustee	Aye
	Fritz Gunther, Trustee	Aye
	Joyce Lobene, Mayor	Aye

**Resolution 184 5/2011**

Introduced By: Trustee Penders  
Seconded By: Trustee Gunther

WHEREAS, the Board of Trustees of the Village of Spencerport, New York, is a municipal member of the New York Municipal Power Agency, and

WHEREAS, in accordance with the bylaws of New York Municipal Power Agency, each municipal member may cast one vote on each transaction properly brought before this meeting,

NOW THEREFORE BE IT RESOLVED, that Owen McIntee, Electric Superintendent be and is hereby designated as the accredited delegate of the Village of Spencerport, New York.

Vote of the Board:	Theodore E. Rauber, Trustee	Absent
	Carol J. Nellis-Ewell, Trustee	Absent
	Gary Penders, Trustee	Aye
	Fritz Gunther, Trustee	Aye
	Joyce Lobene, Mayor	Aye

**Resolution 185 5/2011**

Introduced By: Trustee Penders  
Seconded By: Trustee Gunther

Now, therefore, be it resolved:

That the Village Board hereby authorizes the Village Clerk to take Mr. Adam Widger to small claims court for damages associated with a light pole struck at 174 S. Union Street in the amount of \$2675.69.

Vote of the Board:	Theodore E. Rauber, Trustee	Absent
	Carol J. Nellis-Ewell, Trustee	Absent
	Gary Penders, Trustee	Aye
	Fritz Gunther, Trustee	Aye
	Joyce Lobene, Mayor	Aye

Clerk Sullivan publically thanked Donna Stassen for her exceptional work for this year's Day of Caring event. Clerk Sullivan requested an additional day of vacation be extended to Mrs. Stassen as recognition for her work.

Trustee Gunther questioned if it was legal to give additional days of vacation and would the Village be setting precedence.

Clerk Sullivan responded that it is legal to give staff additional days of vacation and it has been done in the past and that it is important to recognize staff when they extend themselves to do an exceptional job.

Clerk Sullivan and Superintendent West presented a revised fee schedule for commercial refuse and bulk pick up.

Trustee Gunther indicated that he has no objections to increasing the commercial refuse fees however did not think that eliminating bulk refuse would be a good idea.

Clerk Sullivan asked the Board to take some time to review the proposal and that a fee schedule will be presented and discussed at the June workshop for implementation in July.

Trustee Gunther requested that his decision be tabled until a full Board is available. A motion to adjourn the workshop session was made by Mayor Lobene, seconded by Trustee Penders and carried unanimously at 6:40 p.m.