

VILLAGE BOARD MEETING
November 2, 2011
Minutes

CALL TO ORDER: 7:00 p.m.

The Pledge of Allegiance was led by Trustee Gunther

BOARD MEMBERS PRESENT

Joyce Lobene, Mayor

Carol J. Nellis-Ewell, Trustee

Gary Penders, Trustee

Fritz Gunther, Trustee

BOARD MEMBERS ABSENT

Theodore E. Rauber, Trustee

OTHERS PRESENT

Craig Byham, Luther Jacobs Way

Owen McIntee, SME Superintendent

Richard Olson, Village Attorney

Joan Quigley, Maplewood Avenue

Kris Schultz, Schultz Associates

Jackie Sullivan, Village Clerk

Thomas West, DPW Superintendent

Participation in Government Students (4)

APPROVAL OF MINUTES

A motion was made by Trustee Gunther, seconded by Trustee Penders and carried that the minutes from the October 5, 2011 regular meeting be approved as read. Trustee Nellis-Ewell abstained.

A motion was made by Trustee Penders, seconded by Trustee Nellis-Ewell and carried that the minutes from the Workshop October 19, 2011 workshop meeting be approved as read. Trustee Nellis-Ewell abstained.

PRIVILEGE OF FLOOR

Mrs. Quigley, Maplewood Avenue indicated that the drivers for Villager Construction are doing an excellent job observing the speed limit on Maplewood Avenue and being respectful to the residents.

Administrative Committee – Mayor Lobene, Chair

Mayor Lobene commented that the Village has experienced several incidents involving youth and most recently there was graffiti painted on the new Dollar Store in the plaza. Mayor Lobene continued that it was suggested that a neighborhood watch group for the business district might be appropriate.

Ogden Police Chief Nordquist addressed the Village Board regarding the types and amount of crime within the Town of Ogden and Village of Spencerport. Chief Nordquist summarized that this area does not experience a high amount of serious crime but experiences more quality of life incidents including graffiti, youth issues, traffic violations, etc. Chief Nordquist added that he is in contact with the business owners weekly to address any issues or concerns and that his officers are directed to walk the business district at least once per shift.

Chief Nordquist continued that there are several neighborhood watch groups throughout the Town and Village and that the police department fully supports all of the neighborhood watch groups. Chief Nordquist indicated that the Manitou Road neighborhood watch group has an internet news letter and residents submit information on goings on the town and crime prevention services.

Mayor Lobene indicated that the north end of the plaza will need to be rezoned from industrial to commercial to allow for the plaza owners to design and build additional multi-use buildings for commercial and residential occupancy.

Attorney Olson commented that he will be working with the code review committee to make changes to allow for mixed use of commercial and residential. Attorney Olson indicated that NYS Court of Appeals requires municipalities to provide for areas to be for adult uses and that a portion of the plaza needs remain zoned industrial for this purpose.

Mayor Lobene commented that the area Towns and Villages are being approached by a snowmobile club for permission to snowmobile along the canal within the Village limits.

Trustee Gunther commented that he thinks the Village should allow snowmobiling and see how it goes.

Trustee Nellis-Ewell commented that the club should present their request to the Village Board.

Trustee Penders indicated that the Town of Sweden allows snowmobiling along the canal.

Mayor Lobene indicated that she would contact the club and invite them to present to the Village Board.

Sewers Committee – Trustee Rauber, Chair

Trolley Depot – Trustee Rauber, President

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

- A. Planning
- B. Architectural Review

Trustee Nellis-Ewell reported that two applications were presented to the ARB. Approval of the Pontillo's sign was tabled because the sign is too large and it was suggested to make sign smaller. Trustee Nellis-Ewell continued that the Grandpa Sam's application for renovations was tabled as well until architectural renderings are submitted for approval.

- C. Zoning
- D. Building Control
- E. Code Review

Trustee Nellis-Ewell indicated that the group is meeting to discuss the rezoning of the plaza, dumpster enclosures has been tabled and a new refuse fee schedule is being reviewed and a code revision for in-law apartments in residential areas is going to a public hearing

Resolution 59 11/2011

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

INTRODUCTORY LOCAL LAW #7-2011

**VILLAGE OF SPENCERPORT, MONROE COUNTY
A LOCAL LAW TO PROVIDE FOR IN-LAW
APARTMENTS IN THE R-1 AND PRD DISTRICTS**

WHEREAS, the Village Board has before it a proposed Local Law to amend the zoning code to allow for In-Law Apartments in R-1 and PRD Districts upon the issuance of a temporary Special Permit by the Zoning Board of Appeals; 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 7th day of December, 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.

SECTION 3. That the Village Clerk is directed to transmit a copy of the notice of the public hearing together with the proposed Local Law to the Town of Ogden and the Town of Parma.

SECTION 4. That the Village Clerk is directed to notify the Monroe County Planning

Vote of the Board:

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

Finance Committee – Trustee Penders, Chair

Resolution 60 11/2011

Introduced by: Trustee Penders

Seconded by: Trustee Nellis-Ewell

Be it resolved that the Village of Spencerport Board of Trustees hereby approve the following budget transfers for fiscal year ending May 31, 2012.

Amount	To Account	From Account	
\$21,200	A8170.200 Street Cleaning	A8160.200	Refuse Capital
\$13,300	A1990.400 Contingency	A8160.200	Refuse Capital

Vote of the Board:

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

Trustee Penders indicated that the audit has been completed and a time will be scheduled for the Board to review it at an upcoming workshop.

Facilities Committee – Mayor Lobene, Chair

- A. Electric
- B. Other (Drainage, Franchise)

Public Works Committee – Trustee Gunther, Chair

- A. Highways/Garage

Trustee Gunther commented that he received a listing of day to day operations from DPW Foreman Mike Vickery

- B. Public Services (Refuse, Recycling, Parks)

Public Safety Committee – Trustee Penders, Chair

- A. Fire Department

Trustee Penders indicated that he did not attend the public hearing for the SFD Budget however they stayed within the 2% limit.

Trustee Nellis-Ewell commented that she attended meeting and found that SFD is fiscally responsible and that their reserve funds will pay for the purchase of new equipment.

Mayor Lobene added that the Town of Ogden approve their 2012 fiscal budget and also remained with the 2% tax cap.

Trustee Gunther indicated that he needed to call fire department for an electrical issue and that the response time was great.

- B. Police
- C. Ambulance

Trustee Penders indicated that questions were presented to SVA's attorney and the result is that business will be taxed the same as residents; it is necessary to have a board of commissioners for the ambulance district and it can be run by the local government or an independent board of commissioners; what happens if a municipality does not want to participate, any municipality can choose to use a different service for ambulance coverage. The new ambulance is in route and will be paid for with a combination of cash on hand and a loan from Spencerport Federal Credit Union.

Human Resources Committee – Trustee Gunther, Chair

Trustee Gunther commented that he will be presenting potential changes to the employee handbook at the November workshop meeting.

Economic Development Committee – Mayor Lobene, Chair

Mayor Lobene reported that the Dollar Tree is open and the machine shop located on Union Street has been sold. The Chamber of Commerce announced their Citizen of the Year to be Helen Moore; Business of the Year to be Kronney's and the Civic Beautification award to Spencerport Insurance.

Green Initiatives – Trustee Nellis-Ewell, Chair

Trustee Nellis-Ewell indicated that the draft comprehensive plan has been reviewed and is ready for public hearing and thanked Superintendent McIntee for insulating the Village Office.

Trustee Gunther asked if the work is being done in house.

Superintendent McIntee responded that it will be part of the NYPA incentive program.

Village Clerk – Jackie Sullivan

Resolution 61 11/2011

Introduced by: Mayor Lobene
Seconded by: Trustee Nellis-Ewell

Be it Resolved, that the Board of Trustees of the Village of Spencerport here by approves the annual Christmas on the Canal assembly permit and the closing of S. Union Street from Amity Street to West Avenue on Sunday, December 4, 2011 from 12:30 – 6:30 p.m.

Vote of the Board:

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

Resolution 62 11/2011

Introduced by:
Seconded by:

Be it Resolved, that the Board of Trustees of the Village of Spencerport here by approves the surrender of unpaid village taxes to Monroe County in the amount of \$31,084.32

Vote of the Board:

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

Clerk Sullivan commented that health care rates are up 19% in premium costs however the Village’s overall cost is only up 7% due to attrition.

Superintendent of Public Works – Thomas M. West

Superintendent West commented he submitted his monthly report via email and highlighted the following:

- November 14th will be working with the Town of Ogden.
- Detention pond at the end of Pine Crest Drive.

Superintendent of Electric – Owen McIntee

Superintendent McIntee commented that he submitted his monthly report via email and highlighted the following:

- Crews continue to work safely.
- Cross Roads Apartments rebuild continues.
- Village Office will be insulated on Monday, November 7th costing \$2500.00.
- Work continues with Spencerport Schools.

Attorney – Richard J. Olson

Resolution 63 11/2011

Introduced by: Mayor Lobene
 Seconded by: Trustee Gunther

VILLAGE OF SPENCERPORT, MONROE COUNTY
HERITAGE TRAIL & PARK PHASE I
TRAIL & PARK CONSTRUCTION

WHEREAS, the Village Board has heretofore authorized Schultz Associates - Engineers and Land Surveyors, P.C. to prepare preliminary plans for Heritage Trail and Park Phase I – Trail and Park Construction in an area of the village east of the Spencerport Depot and south of the Erie Canal (“The Project”); and

WHEREAS, in accordance said authorization, a preliminary plan has been prepared and submitted to the Village Board; and

WHEREAS, an Environmental Assessment Form (EAF) list has been prepared and presented to this board by Schultz Associates - Engineers and Land Surveyors, P.C.; and

WHEREAS, the Village Board determines that The Project is subject to the State Environmental Quality Review Act (SEQRA); and

WHEREAS, this project is classified as a Type I action pursuant to SEQRA; and

WHEREAS, the EAF lists potentially involved and interested agencies; and

WHEREAS, the Village Board of the Village of Spencerport wishes to act as SEQRA Lead Agency for the project, therefore, be it

RESOLVED that:

1. The Village Board of the Village of Spencerport hereby declares its intent to act as SEQRA Lead Agency for The Project;
2. The Board hereby authorizes and directs the Mayor to execute the “Intent to Act as Lead Agency Letter in the form presented to this meeting.

3. The Intent to Act as Lead Agency Letter and appropriate attachments shall be promptly forwarded by the Village Clerk to the involved agencies on the Agency List and appropriate correspondence shall be forwarded to all interested agencies.

THE FOREGOING RESOLUTION, was put to vote as follows:

Vote of the Board:

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

Resolution 64 11/2011

Introduced by: Trustee Penders
Seconded by: Trustee Gunther

VILLAGE OF SPENCERPORT, MONROE COUNTY

**HERITAGE TRAIL & PARK PHASE 2
TRAIL & PARK ENHANCEMENTS**

WHEREAS, the Village Board has heretofore authorized Schultz Associates - Engineers and Land Surveyors, P.C. to prepare preliminary plans for Trail and Park Enhancements in an area of the village east of the Spencerport Depot and south of the Erie Canal (“The Project”); and

WHEREAS, in accordance said authorization, a preliminary plan has been prepared and submitted to the Village Board; and

WHEREAS, an Environmental Assessment Form (EAF) list has been prepared and presented to this board by Schultz Associates - Engineers and Land Surveyors, P.C.; and

WHEREAS, the Village Board determines that The Project is subject to the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the EAF lists potentially involved and interested agencies; and

WHEREAS, the Village Board of the Village of Spencerport wishes to act as SEQRA Lead Agency for the project, therefore, be it

RESOLVED that:

1. The Village Board of the Village of Spencerport hereby declares its intent to act as SEQRA Lead Agency for The Project;
2. The Board hereby authorizes and directs the Mayor to execute the “Notice to Establish Lead Agency” in the form presented to this meeting.
3. The Notice to Establish Lead Agency and appropriate attachments shall be promptly forwarded by the Village Clerk to the involved agencies on the Agency List and appropriate correspondence shall be forwarded to all interested agencies.

THE FOREGOING RESOLUTION, was put to vote as follows:

Vote of the Board:

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

Resolution 65 11/2011

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

VILLAGE OF SPENCERPORT, MONROE COUNTY

**HERITAGE TRAIL & PARK PHASE 3
TRAIL & PARK ENHANCEMENTS**

WHEREAS, the Village Board has heretofore authorized Schultz Associates - Engineers and Land Surveyors, P.C. to prepare preliminary plans for parking lot expansion in an area of the village east of Union Street adjacent to East Avenue ("The Project"); and

WHEREAS, in accordance said authorization, a preliminary plan has been prepared and submitted to the Village Board; and

WHEREAS, an Environmental Assessment Form (EAF) list has been prepared and presented to this board by Schultz Associates - Engineers and Land Surveyors, P.C.; and

WHEREAS, the Village Board determines that The Project is subject to the State Environmental Quality Review Act (SEQRA); and

WHEREAS, this project is classified as a Type I action pursuant to SEQRA; and

WHEREAS, the EAF lists potentially involved and interested agencies; and

WHEREAS, the Village Board of the Village of Spencerport wishes to act as SEQRA Lead Agency for the project, therefore, be it

RESOLVED that:

- 1.** The Village Board of the Village of Spencerport hereby declares its intent to act as SEQRA Lead Agency for The Project;
- 2.** The Board hereby authorizes and directs the Mayor to execute the "Intent to Act as Lead Agency Letter in the form presented to this meeting.
- 3.** The Intent to Act as Lead Agency Letter and appropriate attachments shall be promptly forwarded by the Village Clerk to the involved agencies on the Agency List and appropriate correspondence shall be forwarded to all interested agencies.

THE FOREGOING RESOLUTION, was put to vote as follows:

Vote of the Board:

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

Attorney Olson commented that he is working on SEQR for the comprehensive plan.

Unfinished Business

New Business

Trustee Nellis-Ewell reminded everyone to vote on Tuesday, November 8, 2011 and questioned if there were any ceremonies at the Ferris Goodridge American Legion Post.

Mayor Lobene responded that there will be at 11:00 a.m. and everyone is invited.

Bills

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

General Fund	\$ 58,384.26
Electric Fund	\$ 10,171.99
Sewer Fund	\$ 7,263.34
Trust Fund	\$ 123.48
Capital Fund	<u>\$ 3,420.00</u>
TOTAL:	\$ 79,363.07

Motion was made by Trustee Penders, seconded by Mayor Lobene and carried unanimously that the cash disbursements for the General, Electric, Sewer, Trust and Capital Funds, November 2011 be approved as audited.

Adjournment

Motion was made by Trustee Penders, seconded by Trustee Gunther and carried unanimously that the regular meeting be adjourned at 8:26 p.m.