

**Village Board Special Meeting  
January 16, 2013  
Minutes**

CALL TO ORDER: 4:30 p.m.

**BOARD MEMBERS PRESENT**

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

**BOARD MEMBERS ABSENT**

**Others Present**

Craig Byham, Luther Jacobs Way  
Greg Dorgan, Nichols Street  
Owen McIntee, SME Superintendent  
Richard Olson, Village Attorney  
David Pelusio, Owner Village Plaza  
Kris Schultz, Schultz Associates  
Jacqueline Sullivan, Village Clerk  
Tom West, DPW Superintendent  
David Wohlers, Clark Street

Mayor Lobene called the meeting to order at 4:30 p.m.

Mr. Jack Crooks, Building Inspector reported work continues on the Big Ridge Road project; work has begun on the former Spencerport Dry Cleaners as it pertains to having an Irish Pub in the building and the owner does need to go in front of the Planning Board for that change of use. An application has been received for the installation of an antenna on the cell tower located at 500 West Avenue and must be approved by the Village Board. Working on the merger of two lots on Waterside Lane and relocating the building of the house on those lots and the project will need to go in front of the Planning Board. Potential building of additional building for garages and apartments at 203-205 Lyell Avenue current codes do not support this type of building so the lot may have to be subdivided. Mr. Crooks added that Attorney Eric Stowe is doing a great job as the Planning Board attorney. Mr. Crooks continued that he has reviewed the incentive zoning law and suggested that a fee schedule be determined prior to passing of the local law. Mr. Crooks talked with Dr. Dean Snyder and that Dr. Snyder has determined to take the building down on Union Street and replace it with a new vet's office. Mr. Crooks gave kudos to Trustee Penders for reporting the vehicle that struck Deputy Town Clerk Valorie Thomas.

Trustee Nellis-Ewell asked Mr. Crooks to elaborate on the need for handicap parking spaces at Spencer's Landing.

Mr. Crooks responded that he did take a look at the parking lot and that there are no handicap parking spaces and suggested Superintendent West to stripe one handicap space and add signage for the spot.

Attorney Olson distributed revisions to the incentive zoning code to the Village Board. Attorney Olson indicated that he changed page three to indicate that any necessary upgrades to the utilities caused by the project will be at the cost of the developer and the bottom of page five and top of page six the addition of deposit fees associated with the application process to be considered for incentive zoning.

Trustee Nellis-Ewell questioned if the wording should be concept application.

Attorney Olson indicated that it doesn't matter what it is called and that any fee should be nominal and not a deterrent to the project.

Trustee Rauber commented that other utilities would be reviewing plans as well and the cost would be borne by the developer.

Superintendent McIntee indicated that when a project is proposed and joint utility work is required SME partners with RG&E to obtain easement at a nominal cost approximately \$300.

Attorney Olson indicated that he will be drafting a resolution to set a public hearing for a proposed incentive zoning local law.

Trustee Nellis-Ewell indicated that this incentive zoning does not just pertain to this project but the entire Village.

Trustee Penders questioned if the SME tariff supersedes the incentive zoning code.

Attorney Olson responded that all tariff rules would be in conjunction with the incentive zoning code.

Attorney Olson was asked to write a letter to the Spencerport Postmaster regarding the fence at the post office.

Attorney Olson indicated that he has the parking on lawns code completed and Kevin Kelly is taking a look at it and making comments.

Trustee Nellis-Ewell indicated that Kevin Kelly presented the suggestion regarding parking on front lawns at the September 5, 2012 meeting and it was discussed again at the September 19, 2012 workshop and it was discussed again and Attorney Olson was to move forward with the creation of the code. At the December 19, 2012 workshop meeting the code had been forwarded to the code review committee and comments had been forwarded to Mr. Kelly from Attorney Olson.

Attorney Olson responded that the code review committee discussed this code in depth and it was determined that the code review committee was not going to act on the code. Mr. Kelly then brought the issue up to the Village Board and the code was rewritten and submitted to the Village Board and Mr. Kelly for review. Attorney Olson questioned who will enforce this code.

Mayor Lobene indicated that Kevin Kelly would enforce the code and believes that it is more prevalent when he is here in the summer.

Trustee Penders questioned what the fines will be for this code.

Attorney Olson responded that the fines are outlined in the current zoning codes.

Mayor Lobene indicated to the Village Board that the Village of Spencerport does not acknowledge, by closing the office, Martin Luther King Day and Veterans Day and that the other villages in Monroe County do and suggested that Board consider acknowledging those holidays.

Trustee Gunther responded that this topic was discussed previously and cannot always compare apples to oranges they are another Village but not the same and we do allow a provision for Veterans Day in the handbook. We offer holidays that are not federal holidays such as Good Friday, 1/2 day on Christmas Eve and New Year's Eve and we have fatigue time and Trustee Gunther thinks that this is a great Village to work for with good benefits, and wages. Trustee Gunther indicated that if those holidays are important to the employees they can take them by using paid time off. Trustee Gunther questioned what is driving this request.

Mayor Lobene indicated that it is to be consistent with the other Villages.

Trustee Nellis-Ewell added that if these two holidays are approved it would cost the Village tax payers approximately \$5000 in benefits. Trustee Nellis-Ewell added that she feels that this request is not coming

from the employees and that the employees care most about health care and wages and she does not think that the employees requested this.

Trustee Gunther added that it is possible due to the dates of the requested holidays they could fall on snow days.

Trustee Rauber commented that some of this in the past has come from the bottom up from the employees and that he would have to think about the financial impact of this request.

Trustee Penders commented that fatigue time would not apply to this request, and that he would like to see Martin Luther King Day granted and that the current provision for Veterans Day is acceptable.

Mayor Lobene asked for the department heads comments.

Superintendent West indicated that he had not talked with his guys about these holidays.

Superintendent McIntee also indicated that he had not talked about this topic with his crew either.

Clerk Sullivan responded that it is difficult to conduct business on those holidays due to the banks, post office, other municipal offices and software support being closed.

Mayor Lobene requested the Board to think about this topic and the department heads to discuss it with their staff.

Trustee Penders indicated that he is not in favor of this request if it has any impact on 2013/2014 salary increases.

Ms. Roxanne Kise and Joseph Eicheldinger of Western Erie Canal Alliance presented the Main Street Program and what their services could provide to the Village of Spencerport.

Motion was made by Trustee Rauber, seconded by Trustee Gunther and carried that the workshop meeting be adjourned to executive session at 6:35 p.m. to discuss employees, performance reviews.

Motion was made by Trustee Rauber, seconded by Trustee Penders and carried that the executive session be adjourned at 8:15 p.m.