

**Village Board Workshop Meeting
March 20, 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

Michael Baroody, Auburn, NY
Craig Byham, Luther Jacobs Way
Owen McIntee, Electric Superintendent
Kris Schultz, Schultz Associates
Jacqueline Sullivan, Village Clerk
Tom West, DPW Superintendent

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

Mr. Michael Baroody, Sprint explained that there will be antenna modifications to the cell tower located at 500 West Avenue to expand Sprint's cell coverage from 3G to 4G

The following official action took place:

Resolution 68 3/2013

Introduced by: Trustee Rauber
Seconded by: Trustee Penders

WHEREAS, the Village Board has before it an application from Crown Caste, the operator of a telecommunications facility on the property at 500/501 West Avenue in the Village intending to upgrade its communications tower for 4G coverage; and

WHEREAS, the height of the existing tower is not changing

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 and every impact in accordance with SEQRA

BE IT RESOLVED

1. That the adoption of this resolution 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.

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

Resolution 69 3/2013

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

Whereas, Crown Caste, the operator of a telecommunications facility on the property at 500/501 West Avenue in the Village intends to upgrade its communications tower for 4G coverage; and

Whereas, the height of the existing tower is not changing; and

Whereas, the this action is a Type II Action and the Village Board of Trustees has adopted a Negative Declaration pursuant to SEQRA (§617.5 [C](1) of the regulations); and

Whereas, Section 6409 of the Middle Class Tax Relief and Jobs Creations Act of 2012 codifies how local municipalities must handle certain requests for modification of existing wireless facilities and requires approval if a proposed modification if there is no substantial change; and

Whereas, this board has reviewed the application to determine if there are any substantial changes proposed.

Now, therefore, be it resolved:

Section 1. That the Village Board of the Village of Spencerport determines that the changes proposed to the Crown Castle Telecommunication facility located at 500/501 West Avenue Village of Spencerport are not substantial.

Section 2. That in accordance with Section 6409 of the Middle Class Tax Relief and Jobs Creations Act of 2012, the application is hereby approved.

Section 3. That this resolution shall take effect immediately.

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

Resolution 70 3/2013

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

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

LOCAL LAW #1-2013 “The Incentive 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 and every impact in accordance with SEQRA

BE IT RESOLVED

1. That the adoption of this local law 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.

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

Resolution 71 3/2013

Introduced by: Trustee Gunther

Seconded by: Trustee Rauber

Whereas, the Village Board has before it a Local Law entitled Local Law #1-2013 “The Incentive Zoning Law of the Village of Spencerport” which, if adopted, will allow flexibility in development in consideration for incentives or bonuses provided to the village; and

Whereas, the Village Board did, on February 6, 2013, hold 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 #1-2013 “The Incentive 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

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

Resolution 72 3/2013

Introduced by: Trustee Penders

Seconded by: Trustee Rauber

Be it resolved that the Village of Spencerport Board of Trustees hereby approves attendance by the Mayor and Village Historian to the 2013 Preservation Conference, Friday, April 19 – Saturday, April 20, 2013 in Brockport, NY. Cost not to exceed \$70 per person.

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

Resolution 73 3/2013

Introduced by: Trustee Gunther

Seconded by: Trustee Penders

Be it resolved that the Village of Spencerport Board of Trustees hereby approves Superintendent West's attendance to the 2013 PERMA Annual Conference, May 23 & 24, 2013 at The Sagamore Hotel & Resort, Bolton Landing, Lake George, NY. There is no cost to the Village of Spencerport for this conference.

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

Resolution 74 3/2013

Introduced by: Mayor Lobene

Seconded by: Trustee Penders

Be it resolved that the Village of Spencerport Board of Trustees hereby approves the annual fee for a Sidewalk Café to be \$100.00 with a maintenance escrow to be \$250.00

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

Resolution 75 3/2013

Introduced by: Trustee Rauber
Seconded by:

Be it resolved that the Village of Spencerport Board of Trustees awards the Street Tree Trimming/Removal 2 Year Contract to Westside Tree & Landscaping, Inc, 12673 Albion, NY 14411 per the attached rate schedule and submission of appropriate liability, automobile and workers compensation insurance.

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

There being no second motion not passed

Resolution 76 3/2013

Introduced by: Trustee Rauber
Seconded by: Trustee Penders

Be it resolved that the Village of Spencerport Board of Trustees approves re-hiring Bill Faul, 198 Ogden Center Road, Spencerport, NY 14559 as a seasonal laborer from April 1, 2013 through November 29, 2013; hourly wage to be \$12.50.

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

Resolution 77 3/2013

Introduced by: Trustee Rauber
Seconded by: Trustee Penders

Be it resolved that the Village of Spencerport Board of Trustees authorizes the Mayor to sign the license agreement between the Village of Spencerport and The Spencerport Depot and Canal Museum contingent on approval from the Village Attorney.

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

Resolution 78 3/2013

Introduced by: Mayor Lobene

Seconded by: Trustee Rauber

Be it resolved that the Village of Spencerport Board of Trustees acknowledges the corrections to Shanachie's LLC/McColley's liquor license application and hereby waives the 30 day advance notice.

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

There being no further comments or questions a motion was made by Trustee Rauber, seconded by Trustee Penders and carried that the workshop session be adjourned at 5:48 p.m.