

VILLAGE BOARD MEETING
Minutes
August 7, 2013

CALL TO ORDER: 7:00 p.m.

The Pledge of Allegiance was led by Mayor Lobene.

BOARD MEMBERS PRESENT

Joyce Lobene, Mayor
Glenn Granger, Trustee
Carol J. Nellis-Ewell, Trustee
Gary Penders, Trustee
Charles Hopson, Trustee

BOARD MEMBERS ABSENT

OTHERS PRESENT

Matt Brooks, MGB
Owen McIntee, SME Superintendent
Joan Quigley, Maplewood Avenue
Kris Schultz, Schultz & Associate
Jacqueline Sullivan, Village Clerk
Tom West, DPW Superintendent

APPROVAL OF MINUTES

A motion was made by Trustee Granger, seconded by Trustee Penders and carried that the minutes of the regular board meeting July 10, 2013 be approved as read.

A motion was made by Trustee Penders, seconded by Trustee Granger and carried that the minutes of the special board meeting July 17, 2013 be approved as read.

Privilege of the Floor

Mrs. Quigley, Maplewood Avenue commented that the RR Bridge abutments look nice and inquired if anything is going to be done between the curb and the sidewalk.

Mayor Lobene responded that it needs to be discussed.

Trustee Penders questioned the area of the easement.

Superintendent West responded that he would need to check into it.

Administrative Committee – Mayor Lobene, Chair

Mayor Lobene commented that the Village was approached by the chair of the Canal Days Car Show regarding locating the car show at the DPW site. Mayor Lobene asked the Village Board to come up with ideas for the DPW site for improvements such as a park or boat launch.

Mayor Lobene continued that if an event is sponsored by the Town and our electric or DPW crews participate it is necessary to have something signed by the Town for the use of our employees because our employees are working on it but being paid by the Village.

Trustee Nellis-Ewell made the following comments regarding the Dick Smith Kiwanis Memorial – Ogden Parks & Recreation Bicycle and Safety Rodeo;

Thank you to DPW & SME employees and superintendents for their participation on July 30 during regular working hours. As in the past five years, the Kiwanis Club of Spencerport sponsored the Kiwanis Bicycle & Safety Rodeo, for the Ogden Parks & Recreation and community kids.

The rodeo focuses on the healthy activity of bicycle riding and importantly, safety education. The kids are interested in DPW & SME equipment, and Village employees explain how to be safe in dangerous situations. For example, one girl did not know not to touch any fallen wires after a storm; she actually thought she could move them out of way!

It is an occasion for Village employees to be recognized, and is currently the only interactive community outreach opportunity for these departments.

Also, it is positive Public Relations for the Village, alongside the Monroe County Sheriff and Ogden Police & Special Police Departments, Sugar's Bicycle Shop, with the Spencerport Fire Department and Spencerport Volunteer Ambulance when available. Their presence is sincerely appreciated.

The Village Board was advised of the event in department head and trustee reports as documented in the minutes.

Trustee Granger stated that the rodeo is a Kiwanis-sponsored.

Mayor Lobene wants the Village prominent in publicity.

Trustee Nellis-Ewell will advise the Kiwanis club at the next Kiwanis meeting.

Resolution 34 8/2013

Introduced by: Trustee Hopson

Seconded by: Trustee Nellis-Ewell

Be it resolved that the Village of Spencerport Board of Trustees hereby acknowledges the application by VT Pizza Group LLC; Salvatore's Pizzeria Spencerport to the State Liquor Authority for a Wine and Beer License.

Vote of the Board:	Glenn C. Granger, Trustee	Aye
	Carol J. Nellis-Ewell, Trustee	Aye
	Gary Penders, Trustee	Aye
	Charles R. Hopson, Trustee	Aye
	Joyce Lobene, Mayor	Aye

Resolution 35 8/2013

Introduced by: Trustee Granger

Seconded by: Trustee Penders

Be it resolved that the Village of Spencerport Board of Trustees hereby approves the Assembly Permit from the Federation of German American Societies for the 2013 Annual German Fest. August 9th 3:00 p.m. – 11:00 p.m. & 10th 11:00 a.m. – 11:00 p.m.

Vote of the Board:	Glenn C. Granger, Trustee	Aye
	Carol J. Nellis-Ewell, Trustee	Aye
	Gary Penders, Trustee	Aye
	Charles R. Hopson, Trustee	Aye
	Joyce Lobene, Mayor	Aye

Resolution 36 8/2013

Introduced by: Trustee Penders

Seconded by: Trustee Granger

Be it resolved that the Village of Spencerport approves attendance at the 2013 NYCOM Fall Training School; September 9 – 13, 2013 for up to 4 people. Cost not to exceed \$1408 per person.

Vote of the Board:	Glenn C. Granger, Trustee	Aye
	Carol J. Nellis-Ewell, Trustee	Aye
	Gary Penders, Trustee	Aye
	Charles R. Hopson, Trustee	Aye
	Joyce Lobene, Mayor	Aye

Sewers Committee – Trustee Hopson, Chair

Trolley Depot Report

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

Trustee Nellis-Ewell reviewed the submitted the report below:

VOS Architectural Review Board/Planning (ARB/PB) Board Meeting of August 6, 2013

No Planning Board business on the agenda.

Architectural Review Board (ARB)

All applications are related to signage.

- 1) The Stowe Law Firm
Eric Stowe
52 Nichols Street, Spencerport

Eric Stowe stated that the name of the applicant is actually 52 Nichols Street LLC.
Changes to be made to the existing sign, primarily the letterhead; colors to remain blue and white.
Cedar posts need updating; to be painted white, with adornments on post caps/tops (requested by ARB).
Material to be two-sided vinyl to reduce maintenance.
Two tenants rent office space in the building; sign will have flexibility for related changes.
Sign to be unlit. It will be made by Natale Signs.
Disposition: Certificate of Appropriateness

- 2) McColley's
Matthew Brooks
89 South Union Street, Spencerport

Matt Brooks requested 48" x 48", two-sided hanging sign for Irish pub.
Material to be two-sided polymer dense foam; colors: forest green, black & gold.
To be hung on upper left of building; later plans to mimic pub sign by hanging MGB Building sign on upper right.
(requires another application).
Mr. Brooks stated he did not know he needed to appear in person last month.
Disposition: Certificate of Appropriateness

- 3) Page /Countryside Appliance
Curt Kenyon
415 South Union Street, Spencerport.

Curt Kenyon explained new design reflects merger of two companies: Countryside & Page's.
Same size sign to be lit by three white gooseneck lights.
Sign is already on the building.

Vice Chair Craig Byham asked about using LED's, Spencerport Municipal Electric (SME) preference; Mr. Kenyon stated they are more expensive, but he will check with SME Superintendent McIntee.
Discussion ensued regarded hours for lighting: Member Denny Marra suggested lighting hours be consistent with other businesses, as approved by the ARB. Final agreement that instead of dusk to dawn, hours would be hours of operation + 1 (hour).

Mr. Kenyon mentioned posts of the monument sign need painting. ARB advised he does not need another application because that is considered part of normal maintenance, a condition of monument sign original application approval.
Disposition: Certificate of Appropriateness

- 4) URM – University of Rochester
Bill Wayne
42 Nichols Street, Spencerport

Bill Wayne did not appear.

- 5) Butterfly Kisses Sweet Shoppe
Michael & Elizabeth Caputo
12 Amity Street, Spencerport

Michael Caputo stated they will use existing sign, therefore it is the same size as The Toy Shoppe sign, previous business occupant.

Lettering will change.

Sign is already lit, although this is not an issue because hours of operation are daylight hours.

Disposition: Certificate of Appropriateness

- 6) LB Nails
 Bao-Tran-V
 26 Slayton Avenue, Spencerport

Applicant was represented by a colleague who served as translator.

Code Enforcement Officer Kevin Kelly, sent letter to Village Plaza owner, Mr. David Pelusio, stating that existing sign is not in compliance; business owner had until August 6 meeting date to appear and resolve the issue or pay a fine and/or have sign removed.

Existing sign size is smaller than others in Village Plaza (some signs grandfathered).

ARB supports a consistent theme, meaning colors, sizes, etc. for signage in Village Plaza.

LB Nails existing sign is smaller than standard plaza signs.

ARB requested LB Nails sign be same size (28" x 84") as previous business Curves sign, with dark green color to match others, and white lettering

Sign to be unlit.

Disposition: Certificate of Appropriateness

Zoning – Trustee Nellis-Ewell indicated that there have been no applications to date for the ZBA meeting to be held if necessary the third Thursday of August.

A. Building Control

B. Code Review – Trustee Nellis-Ewell commented that the code review committee we resume meetings in August.

Finance Committee – Trustee Penders, Chair

Resolution 37 8/2013

Introduced by: Trustee Penders

Seconded by: Trustee Granger

Be it resolved that the Village of Spencerport Board of Trustees hereby approves the final budget transfers for fiscal year ending May 31, 2013.

Final BUDGET TRANSFER & REVISION Fiscal Year End 5/31/2013

AMOUNT	TO ACCOUNT		FROM ACCOUNT
\$65 Contractual	A1490.401	Public Works Safety Program	A1490.400 Public Works
\$446	A1640.400	Central Garage - Contractual	A1640.401 Central Garage - Hardware
\$44	A1640.403	Central Garage - Utilities	A1640.401 Central Garage - Hardware
\$52	A7520.400	Historical - Trolley	A7510.400 Historian Contractual
\$1,440	A8560.400	Shade Trees - Contractual	A8540.400 Drainage Contractual
\$66	A9060.801	Dental Plan	A9060.800 Hospital/Medical
\$18	G9060.801	Dental Plan	G9060.800 Hospital/Medical

Vote of the Board:	Glenn C. Granger, Trustee	Aye
	Carol J. Nellis-Ewell, Trustee	Aye
	Gary Penders, Trustee	Aye
	Charles R. Hopson, Trustee	Aye
	Joyce Lobene, Mayor	Aye

Facilities Committee – Trustee Hopson, Chair

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

Public Works Committee – Trustee Granger, Chair

- A. Highways/Garage
- B. Public Services (Refuse, Recycling, Parks)

Public Safety Committee – Trustee Penders, Chair

- A. Fire Department
- B. Police
- C. Ambulance

Trustee Penders indicated that Spencerport Ambulance is seeking board members due to resignations of board members. Trustee Penders made the following comments regarding overall operations:

132 calls for service – 650 year-to-date (-11.68% from last year)
108 covered by SVA – 544 year-to-date (-13.38% from last year)
83.69% overall SVA call coverage
92 transports (32 BLS, 58 ALS) – 458 year-to-date
60 residents transported vs. 32 non-residents transported

Human Resources Committee – Trustee Granger, Chair

Trustee Granger apologized for missing the last meeting and deferred further comments to Trustee Penders.

Trustee Penders commented that the group is working on new procedures for position classifications and step increases. Trustee Penders indicated that there will be a presentation at the next workshop regarding the proposed changes.

Economic Development Committee – Mayor Lobene, Chair

Mayor Lobene commented that the consignment shop in the Masonic Temple has closed; Members of the Masonic Temple were the office to take a look at paint colors for their door.

Mayor Lobene continued that Mr. Pelusio had met with BOCES regarding their lease with the Plaza.

Mr. Schultz added that the meeting with BOCES was positive and it looks like they will renew their lease. Mr. Schultz continued that the project will be of the same scope and will be looking to make formal application to the Village Board for incentive zoning consideration. Mr. Schultz indicated that Mr. Pelusio has application into RG&E for power line design, prepared to close with CSX for railroad property and COMIDA issues have been addressed.

Mr. Brooks addressed the board describing the area in front of 89 S. Union Street to be a 5'x 16' area directly in front of his building to have three tables on the sidewalk with the front interior opened up to the street during the summer months. This area will be surrounded by wrought iron fencing anchored into the sidewalk to be removable. Mr. Brooks added that he is looking for a café type atmosphere for the entire pub. Mr. Brooks continued that NYS Liquor Authority indicated that they just need the area fenced however Mr. Brooks is looking at more decorative fencing for the outside seating.

Trustee Penders questioned if Mr. Brooks checked out the Village Code. Trustee Penders continued by reading a portion of the code indicating that no portion of the sidewalk is on private property and that no alcohol shall be consumed on a public sidewalk.

Trustee Nellis-Ewell questioned what was the disposition of the application for a sidewalk café from the ARB/Planning Board?

Mr. Brooks responded that it was suggested that he appeal to the Village Board.

Attorney Olson commented that a sidewalk café application is reviewed by the building inspector and the license is issued by the Village Clerk. The question at this time is the definition of a public sidewalk.

Attorney Olson continued that the issue here is whether alcohol can be consumed on the sidewalk in Mr. Brooks's sidewalk café.

Mayor Lobene indicated that the area in question is on private property.

Trustee Penders commented that per the law the sidewalk starts at the façade of the building.

Attorney Olson questioned what part of the sidewalk is public or private considering the installation of the wrought iron fencing.

Mr. Schultz added that the façade of the building would be considered the wrought iron fencing.

Trustee Nellis-Ewell commented that the code review committee met in May and June 2013 to discuss sidewalk café and the consumption of alcohol and it was determined that due to the proximity of the roadway, sidewalk and café area that a sidewalk café would not be appropriate. Because of this your appeal is now in front of the Village Board tonight.

Trustee Granger commented that in his opinion this café is on private property.

Mr. Brooks added that this project has been approved to have the wrought iron fencing installed 5'x16' and that in the building the façade has been moved out five (5) additional feet in front of the building and that the liquor authority needs the Village to acknowledge that the building is opened up and a barrier has been established and a sidewalk café permit is granted.

Attorney Olson commented that a sidewalk café can be on this property per the current code and definition of a sidewalk café. The question remains is the consumption of alcoholic beverages on a public sidewalk and whether the area in question is a public sidewalk.

Trustee Nellis-Ewell commented that this Board is the venue for appeal to these questions.

Mr. Brooks indicated that he has 14' in front of his building that he owns.

Mayor Lobene commented that the consignment shop brings out cloths racks onto the sidewalk; the pizza place and Taste of Texas has tables on the sidewalk with no problems and that now this café will bring an economic boost to the Village.

Mr. Brooks added that he has spent additional funds to purchase antique doors for the front of building to make is visually appealing.

Trustee Hopson commented that he is surprised that the Board is having this much conversation regarding someone's private property.

Mayor Lobene called for a vote on this issue.

Trustee Granger and Nellis-Ewell questioned why the Board voting on private property.

Attorney Olson responded that there is an established permit process and this portion of it is necessary.

Trustee Granger questioned what the process will be if Taste of Texas approaches this Board for a sidewalk café.

Attorney Olson indicated that they will not be able to serve alcohol because the area they are using is a public sidewalk.

Resolution 38 8/2013

Introduced by: Mayor Lobene
Seconded by: Trustee Hopson

Be it resolved, that the Village of Spencerport Board of Trustees hereby approves the license application of Matthew Brooks; DBA: McColley's; 89 S. Union Street for a Sidewalk Café until October 31, 2013 in front of the building in an area not to exceed 5' x 16' allowing food and alcohol to be served on private property. Required fencing will be removable. Proof of insurance naming the Village of Spencerport as additionally insured is required. License may be renewed annually by the filing of an application and appropriate fees.

Vote of the Board:	Glenn C. Granger, Trustee	Aye
	Carol J. Nellis-Ewell, Trustee	Nay
	Gary Penders, Trustee	Aye
	Charles R. Hopson, Trustee	Aye
	Joyce Lobene, Mayor	Aye

Green Initiatives – Trustee Nellis-Ewell, Chair

Village Clerk – Jacqueline Sullivan

Clerk Sullivan commented that she submitted her monthly report to the Village Board and asked if there were any questions regarding the surrender of unclaimed funds to the state comptroller.

Superintendent of Public Works – Thomas M. West

Superintendent West commented that people are using the trail regularly and all of the garbage cans, paving and drainage work continues throughout the Village. Three people fell during Canal Days on sidewalks on Main Street and assessments are being done at this time regarding sidewalk repairs.

Superintendent of Electric – Owen McIntee

Superintendent McIntee indicated that he submitted and crews continue to complete service work and the installation of new infrastructure in Cross Road Apartments.

Attorney – Richard J. Olson

Attorney Olson requested consideration for executive session to discuss litigation.

Unfinished Business

Trustee Granger questioned the status of David Wohlers project and annexation.

Attorney Olson responded that he and Attorney Schum are working on the annexation.

Trustee Granger questioned if the Gollel property can be mowed at the end of West Avenue.

Attorney Olson responded that the Village can have it mowed and that he would look into the process to have it mowed.

New Business

Bills

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

General Fund	\$ 104,865.87
Electric Fund	\$ 133,144.67
Sewer Fund	\$ 11,797.77
Trust Fund	\$ 1,828.83
Capital Fund	\$ 7,235.20
TOTAL:	\$ 258,872.34

Motion was made by Trustee Granger, seconded by Mayor Lobene and carried unanimously that the cash disbursements for the General, Electric, Sewer, Trust and Capital Funds, August 2013 be approved as audited.

Adjournment

Motion was made by Trustee Penders, seconded by Trustee Granger and carried unanimously that the regular meeting be adjourned to executive session to discuss litigation at 8:12 p.m.

Motion was made by Trustee Penders, seconded by Trustee Granger and carried unanimously that the executive session be adjourned to regular meeting at 8:24 p.m.

Motion was made by Trustee Granger, seconded by Trustee Penders and carried unanimously that the regular meeting be adjourned at 8:25 p.m.