

VILLAGE BOARD MEETING
Minutes
September 4, 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

Craig Byham, Luther Jacobs Way
Ray Kuntz, Jr, Coolidge Avenue
Owen McIntee, SME Superintendent
Joan Quigley, Maplewood Avenue
Kris Schultz, Schultz Associates
Jacqueline Sullivan, Village Clerk
Tom West, DPW Superintendent
David Wohlers, Clark Street

APPROVAL OF MINUTES

A motion was made by Trustee Hopson, seconded by Trustee Nellis-Ewell and carried that the minutes of the regular board meeting August 7, 2013 be approved as read.

Privilege of the Floor

Mr. Ray Kuntz, Coolidge Avenue thanked SME for getting the power back on quickly today.

Mr. Craig Byham, Luther Jacobs Way questioned what the Board is considering doing for code enforcement when Mr. Kevin Kelly resigns at the end of the year and have they considered having the Ogden Police Department do code enforcement since residents pay upward of \$3 million dollars for the department.

Mayor Lobene responded that the Board has not discussed how to approach filling Mr. Kelly's vacancy and will be doing so in the near future.

Mr. Byham asked if using the police department is a consideration.

Mayor Lobene responded that they will take that into consideration.

Mr. Byham added that he knows of other communities that utilize the police to administer code enforcement.

Trustee Penders indicated that the police department also has the entire Town of 20,000 people to cover.

Trustee Nellis-Ewell added that it is a total of 38 square miles.

Administrative Committee – Mayor Lobene, Chair

Mayor Lobene indicated that the Workshop Meeting will be on September 18, 2013 as planned. Mayor Lobene continued that she would like the Board to think about potentially renting boats and bicycles next year along the canal based on a recommendation made by a boater named Captain Jeff. Mayor Lobene continued that second quarter sales tax have been received and is \$4000 more than last year, the 9/11 ceremony will be taking place next Wednesday at 7:00 p.m., there were 2500 visitors at the depot and 127 boats that passed though, boat numbers are down due to the reduced bridge hours along the canal. The Depot continues to be manned by 79 volunteers.

Resolution 39 9/2013

Introduced by: Mayor Lobene

Seconded by: Trustee Nellis-Ewell

Be it resolved that the Village of Spencerport Board of Trustees hereby acknowledges the receipt of the Spencerport volunteer Exempt Firemen's Benevolent Association's notification for their liquor license renewal.

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 40 9/2013

Introduced by: Trustee Hopson
Seconded by: Trustee Granger

Be it resolved that the Village of Spencerport Board of Trustees hereby approves the assembly permit from Jamie Wilson; Spencerport Girl Scouts to conduct a twenty-four (24) hour food drive for a Guinness World Record September 14 -15, 2013 at the Spencerport Firemen's Carnival Grounds.

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 41 9/2013

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

Be it resolved that the Village of Spencerport Board of Trustees hereby approves the assembly permit from Randy Hope, 53 Evergreen Street, Spencerport, NY for a Neighborhood Gathering and Live Music (block party) Saturday, September 7, 2013 from 1 p.m. – 5 p.m. Closing Evergreen north from Amity to Glenn Cairn Court.

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

A. Planning

VOS Board Meeting: September 4, 2013

From: Trustee Carol J. Nellis-Ewell

Planning/Zoning/Building Control

Architectural Review Board / Planning Board (ARB/PB) – meeting September 3, 2013

TWO PUBLIC HEARINGS – PLANNING BOARD

Chair David Wohlers opened the Public Hearing by advising attendees of the process:

Opening of Public Hearing, Owner Presentation, Expert Comments, Public Comments, Board Comments, Disposition

1) Perrotto Holdings LLC

Preliminary and final site plan approval for 15 & 17 West Avenue and 181 South Union Street, requesting to remove the detached garage – regrade, pave and combine all parking areas at same.

Represented by Kris Schultz, Schultz Associates, 129 South Union Street, Spencerport

- Mr. Schultz explained the project is a resubmission of the same plans previously approved about two years ago.

- He continued that reconfiguration of the existing parking areas for Walker Brothers and Feltner Insurance businesses is expected to result in 21 additional parking spaces.

- In his conversation with Mr. Feltner on September 3, Mr. Schultz confirmed the damaged pavement with plywood over it is to be repaired (cost borne by Mr. Feltner) along with the rest of the deteriorated pavement. In addition, Mr. Feltner agreed to cut up, excavate, and repair around the culvert.
- DPW Superintendent Tom West requested details related to excavation be added to the plans.
- Vice Chair Byham asked about agreement among the property owners, particularly regarding snow removal, and was assured all is amenable. If necessary, snow can be hauled away.
- Mr. Marra asked about drainage, and was assured there would be regrading for run off; Superintendent West stated draining water with chemicals and/or salt into a creek is prohibited.
- Spencerport Municipal Electric (SME) Superintendent Owen McIntee discussed overhead lighting, shoeboxed for better uniformity. He will check on cost since it might have changed over two years. Lighting is the responsibility of the customer, Mr. Perrotta.
- Discussion ensued regarding fencing, with standard wooden split rail suggested by the applicant; Chair Wohlers emphasized logistics favor a sturdier material, or at least metal-reinforced posts.
- Mr. Schultz advised Planning Board Liaison Nellis-Ewell the entire project would be completed in one week.
- Mrs. Quigley asked that the misalignment of the driveway pavement versus the sidewalk be fixed. Mr. Schultz said the issue will be taken care of by the project.
- Vice Chair Byham said it is likely residents (those not patronizing applicants' businesses) might use the parking. Mr. Schultz advised there should be room; there will be no enforcement of parking regulations.
- From Village Planning Board Attorney Stowe, letter of August 27, 2013:
 - 1 Proposed easements to SME should be labeled on plan
 - 2 Proposed descriptions of easements are subject to review and approval by Village Engineer
 - 3 Any approval subject to easement language approval by Village Attorney
 - 4 Any approval contingent upon issuance of Certificate of Appropriateness for demolition from the Architectural Review Board (removal of garage)

Disposition: Final Approval of Subdivision

2) 205 Lyell Avenue – Stu Chait, Chait Studios

Stu Chait for property located at 205 Lyell Avenue for preliminary and final site plan approval to construct a 3-car detached garage that will include a 920 sq. ft. apartment.

*** Current Zoning is R-2, residential**

Represented by Mr. Chait (architect), Owner Mr. D'Angelo (also 201 & 203 Lyell Avenue)

- Mr. Chait explained there is an existing duplex (203 & 205 Lyell Avenue) in front of the proposed 3-car garage with 920 square foot apartment above.
 - The west side setback is within allowance by code; rear setback not provided
 - Mr. Chait advised the proposed project is 19 ½ square feet short of 6,500 square feet required by code; therefore they must appear before the Zoning Board of Appeals (ZBA) for an area variance for this and also special use. Four parking spaces are needed.
 - Village Engineer David Willard commented contours, utility or water details are not shown on the submission. His comments were listed in his August 28, 2013 letter to the applicant. He also stated the submission is not a site plan, and needs site design. As is; it is a concept.
 - Building Inspector Patrick Smith stated he and the applicant “worked to get here”, and would like to get the project built this season, preferably in October. He continued the deadline for submission to the ZBA was September 3, 2013, but can be extended one day. He added the applicant can go on his own to the ZBA, and there is no requirement from the ZBA to have PB comments.
 - The Board asked about the number of units at 201 Lyell Avenue. Mr. D'Angelo advised the main house has 3 -1 bedroom apartments + 1 studio = 4, and the separate building behind it has 2 apartments above 2 garages. Total of 6 units + duplex = 8 units. He commented current tenants do not want to pay extra for garages, so he might use one.
 - Chair Wohlers asked if the existing driveway is the only means of ingress/egress. Mr. D'Angelo replied it is.
 - Mr. D'Angelo advised he put a catch basin behind the duplex, to be moved if construction occurs. Furthermore, he did plumbing work when the road was redone by Monroe County, resulting in the driveway area being dry.
 - Joyce Lobene asked about drainage in the back yards/Maplewood Avenue corridor. Mr. D'Angelo reiterated the changes he has made.
 - DPW Superintendent Tom West said a new 6 “ sanitary sewer tap is preferred.
 - SME Superintendent Owen McIntee met with Mr. D'Angelo to discuss exterior lighting, overhead electric wires, and gas heat, finding the electric involvement “pretty straightforward”.
 - Mr. Marra asked about a sprinkler system for the apartment. Mr. Chait and Building Inspector Smith answered system is not required, but other code requirements will be met (drywall).
 - From Village Planning Board Attorney Stowe, letter of August 27, 2013:
Any approval should be contingent upon necessary approvals from Spencerport Zoning Board of Appeals.
 - Mr. Chait stated he was advised to appear before the Planning Board prior to the Zoning Board of Appeals. It was confirmed application could have been made to the Zoning Board of Appeals first.
- Disposition: Chair Wohlers closed the Public Hearing (applicant would need to reapply)**

ARB applications for signage

**- David Haines – Spencerport Area Chamber of Commerce
16 East Avenue, Spencerport**

Mr. Haines stated he serves on the Chamber and Trolley Depot Boards.

Application for updated sign to replace existing signs in Erie Canal area; another sign near Spencerport Depot & Trolley Museum

Sign size and details to be as existing signs

Informational update for residents and visitors

Various Board comments were made regarding inclusion/exclusion of certain businesses, but they are not within ARB domain

Disposition: Certificate of Appropriateness issued

After approval by the respective Boards, meeting minutes to be posted on VOS Web Site: www.vil.spencerport.ny.us

Trustee Granger questioned that sprinklers are not required even though the apartments are above a garage.

Trustee Nellis-Ewell responded that the Building Inspector indicated that there is a thickness of drywall that acts as a firewall.

B. Architectural Review

ARB applications for signage

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16 East Avenue, Spencerport**

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Disposition: Certificate of Appropriateness issued

C. Zoning

Schultz Associates – Kris Schultz – Village Plaza, Incentive Zoning Application

Mr. Schultz presented a preliminary timeline for the incentive zoning application process for the Village Plaza. He indicated his client, Mr. Pelusio plaza owner is planning to go forward with the expansion of the plaza to include additional retail space and apartments. At this time the plaza is zoned industrial and it would need to be rezoned to be able to include mixed occupancy.

Discussion ensued regarding the timeline and that the Building Department will coordinate the pre-application conference to include the Mayor, one Trustee, Mr. Pelusio, Mr. Schultz, Planning Board Chair, DPW Superintendent, SME Superintendent, Village Attorney, Planning Board Attorney, Building Inspector, and MRB Group.

Trustee Granger questioned that Trustee Nellis-Ewell would be the trustee involved in this process.

Mayor Lobene responded that she will be talking with Attorney Olson for direction on the process.

Trustee Nellis-Ewell commented that she will be in away until October 3rd however would like to continue to be involved in the process.

Resolution 42 9/2013

Introduced by: Trustee Penders

Seconded by: Trustee Nellis-Ewell

Be it resolved that the Village of Spencerport Board of Trustees hereby approves the Mayor's appointment of Diana Powell-Kerry, 60 Deerborne Lane to the Zoning Board of Appeals. Term to expire March 31, 2016.

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

D. Building Control

E. Code Review

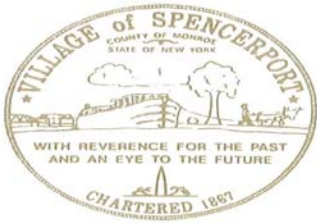
Finance Committee – Trustee Penders, Chair

Trustee Penders indicated that the independent audit by Raymond F Wager, CPA was completed however only preliminary comments have been made, once final comments are submitted they will be presented to the Village Board.

Trustee Penders continued by summarizing the results of the Office of State Comptroller's audit. Trustee Penders commented that the three issues that need to be addressed per the audit are to adopt policies and procedures regarding budgeting practices and acceptable fund balances to be maintained by each fund; adopt budgets with realistic amounts of revenues, expenditures and use of fund balance; the Board should develop and implement a long term financial plan to guide its budgeting decisions and effective use and reduce fund balances in the general and sewer funds that benefits the tax payer to include paying off debt, increasing established reserves, financing onetime expenses or reducing the property taxes. The Board should monitor and update the financial plan as needed.

Trustee Penders indicated that the Village Board does practice some of the aforementioned policies however the OSC would like they policies be more stringent and that the unreserved fund balance is too high. 25% of the operating fund is an acceptable amount for the unreserved fund balance currently the Village is at about 41%. A plan needs to be implemented to reduce the fund balance.

Trustee Penders read the response letter to the OSC for the Mayor's signature.



Village of Spencerport

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JOYCE A. LOBENE, Mayor
RICHARD J. OLSON, Attorney
OWEN McINTEE, Electric Supt.

THOMAS WEST, Supt. of Public Works
JACQUELINE SULLIVAN, Village Clerk
KAREN KIMBLER, Treasurer

GLENN C. GRANGER
GARY PENDERS

TRUSTEES

CAROL J. NELLIS-EWELL
CHARLES R. HOPSON

September 5, 2013

Edward V. Grant, Jr., Chief Examiner
Rochester Regional Office
Office of the State Comptroller
Division of Local Government and School Accountability
16 West Main Street, Suite 522
Rochester, New York 14614-1608

Dear Mr. Grant:

This letter will serve as the required response to the Comptroller's draft audit report entitled "Financial Management" for the period June 1, 2011 – April 25, 2013.

The Village Board generally agrees with the recommendations listed in the audit, and will formulate a Corrective Action Plan (CAP) to address these issues in the upcoming weeks. The intention of our Board is to apply the OSC recommendations to supplement our existing planning documents by developing a more formalized, comprehensive long term capital and operating expense strategic plan, and by considering the recommendations and the resulting strategic plan in the 2014-2015 and future budgeting process.

The Village Board thanks the OSC audit team for their recommendations and assistance through this process, and for their concern for the interests of the taxpayers of the Village of Spencerport.

Sincerely,

Joyce Lobene
Mayor

Resolution 43 9/2013

Introduced by: Trustee Penders
Seconded by: Trustee Hopson

Be it resolved that the Village of Spencerport Board of Trustees authorizes the Mayor or her designee to sign the attached response letter addressed to Chief Examiner of the OSC regional office in Rochester, NY.

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

A meeting regarding establishing a corrective action plan to be submitted to the OSC is scheduled for Wednesday, October 30, 2013 at 4:30 p.m.

Facilities Committee – Trustee Hopson, Chair

A. Electric

Resolution 44 9/2013

Introduced by: Trustee Hopson

Seconded by: Trustee Granger

Be it resolved that the Village of Spencerport Board of Trustees hereby approves Owen McIntee SME Superintendent's attendance at the IEEP Annual Business Meeting; Embassy Suite Hotel, 6646 Old Collamir Road, East Syracuse, NY. Cost not to exceed \$125.00

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

Superintendent McIntee commented that the annual audit performed by BST was positive. The annual revenues have increased, uncollectable accounts have decreased and consumption is up. Significant amount of money has been spent on capital projects to increase reliability.

B. Other (Drainage, Franchise)

Public Works Committee – Trustee Granger, Chair

A. Highways/Garage

B. Public Services (Refuse, Recycling, Parks)

Trustee Granger indicated that he took a look at some of the projects and everything seems to be going along smoothly.

Public Safety Committee – Trustee Penders, Chair

A. Fire Department

Trustee Penders commented that bids were received for structural renovations to fire station #3 with costs totaling \$385,920.

B. Police

C. Ambulance

Trustee Penders reported that the ambulance continues to be solvent and that they have three new volunteers to date.

Human Resources Committee – Trustee Granger, Chair

Trustee Granger indicated that the human resources committee will be meeting during the month of September and will be reporting at a September 18th workshop.

Economic Development Committee – Mayor Lobene, Chair

Mayor Lobene indicated that she got a tour of the new Irish Pub from Mr. Matt Brooks.

Trustee Granger questioned the status of the railing

Mayor Lobene responded that the railing is on his property.

Trustee Granger added that the fence supposed to be removed in the winter.

Mayor Lobene said that it is supposed to be removed in the winter.

Trustee Granger indicated that it looks fixed to the sidewalk.

Mayor Lobene said that Mr. Brooks is going to take it down.

Superintendent West indicated that he had a conversation with Mr. Brooks and Mr. Brooks indicated that he is not going to take down the railing in the winter.

Mayor Lobene indicated that she would talk with Mr. Brooks.

On August 26, 2013 the Village of Spencerport hosted the Canal NY meeting at the historic Spencerport Depot & Canal Museum. Mayor Lobene is Secretary of the organization. Trustee Nellis-Ewell also attended. Members reported on experiences and provided information on canal usage in their communities, marketing plans, and advocacy efforts. The cutback in bridge tender hours has had impact, measured by a decline in boat traffic. Next meeting is in Little Falls.

Green Initiatives – Trustee Nellis-Ewell, Chair

Village Clerk – Jacqueline Sullivan

Clerk Sullivan commented that she and Donna Stassen will be at NYCOM Clerks Training next week, September 9-13, 2013

Superintendent of Public Works – Thomas M. West

Superintendent West commented that the paving projects are nearing completion and have gone well. Superintendent West added that he will be getting together with Trustee Nellis-Ewell to review possible ecofriendly trucks for future purchases.

Superintendent of Electric – Owen McIntee

Superintendent McIntee commented that he attended MEUA and forwarded the presentation to the Board. Superintendent McIntee added that the cause of the brief outage was a cable fault under the parking lot in the plaza.

Attorney – Richard J. Olson

Unfinished Business

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	\$ 83,253.34
Electric Fund	\$ 74,863.94
Sewer Fund	\$ 4,326.84
Trust Fund	\$ 1,715.30
Capital Fund	\$ <u>1227.00</u>
TOTAL:	\$ 165,386.42

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

Adjournment

Motion was made by Trustee Penders, seconded by Trustee Nellis-Ewell and carried unanimously that the regular meeting be adjourned to executive session to discuss personnel at 8:27 p.m.

Motion was made by Trustee Granger, seconded by Mayor Lobene and carried unanimously that the executive session be adjourned to regular meeting at 8:30 p.m.

Motion was made by Mayor Lobene, seconded by Trustee Granger and carried unanimously that the regular meeting be adjourned at 8:30 p.m.