

VILLAGE BOARD MEETING
December 4, 2013
Minutes

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

Jake Avege, Whittier Road
Renee Baker, Village Walk Circle
Matt Brooks, Union Street
Craig Byham, Luther Jacobs Way
Jill Cordts, Amity Street
Kristina Gabalski, Suburban News
Dan Goodison, Café Macchiato, Union Street
Judy Kampf, Big Ridge Road
Kevin Kelly, Code Enforcement Officer
Kurt Kenyon, Union Street
Ray Kuntz, Jr, Coolidge Avenue
Steve Lingard, Crossgates Road
Denny Marra, Coolidge Avenue
Owen McIntee, SME Superintendent
Rich McQuilkin, Code Enforcement Officer
Thomas Michielsen, West Avenue
Richard Mogab, Union Street
Tina Mogab, Union Street
Joan Quigley, Maplewood Avenue
Glynne & Kris Schultz, Schultz Associates
Jacqueline Sullivan, Village Clerk
Gary Thompson, Village Walk Circle
Tom West, DPW Superintendent
Ron White, Hawthorne Drive
David Wohlers, Clark Street

APPROVAL OF MINUTES

A motion was made by Trustee Hopson, seconded by Trustee Penders and carried that the minutes of the workshop meeting October 30, 2013 be approved as read.

A motion was made by Trustee Granger, seconded by Trustee Nellis-Ewell and carried that the minutes of the regular board meeting November 6, 2013 be approved as read.

A motion was made by Trustee Penders, seconded by Trustee Nellis-Ewell and carried that the minutes of the workshop meeting November 13, 2013 be approved as read.

A motion was made by Trustee Granger, seconded by Trustee Hopson and carried that the minutes of the workshop meeting November 20, 2013 be approved as read.

Public Hearing - Mayor Lobene opened the public hearing at 7:03 p.m.

Introductory Local Law 3-2013 "A Local Law to Limit Parking the Part of the Village Parking Lot East of Church Street and North of West Avenue to Two Hours"

Mr. Thomas Michielsen, Union Street commented that he has an office at the rear of 133 S. Union Street; he further confirmed that the part limited to 2 hour parking is in the area at the fence between the municipal lot and the post office. Mr. Michielsen continued that people who work in the offices surrounding the parking lot park in those spaces and that they will need to park elsewhere.

Mayor Lobene and Attorney Olson indicated that people who work in those surrounding offices would need to park elsewhere.

There being no further comments Mayor Lobene closed the public hearing at 7:05 p.m.

Resolution 74 12/2013

Introduced by: Trustee Nellis-Ewell

Seconded by: Trustee Penders

Whereas, the Village Board has before it a Local Law entitled "A Local Law to Limit Parking In part of the Village Parking Lot East of Church Street and North of West Avenue to Two Hours".

Whereas, the Village Board has, on this date, held a public hearing to consider said proposed Local Law; and

Whereas, this action is a "Type II" action under the State Environmental Quality Review Act and 6NYCRR615.5(c)(16, 20 & 27)) and not subject to review pursuant to SEQRA; 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 #3 - 2013, "A Local Law to Limit Parking In part of the Village Parking Lot East of Church Street and North of West Avenue to Two Hours".

Section 2. That the Village Clerk is ordered to publish a legal notice indicating the adoption of this Local Law as required by law and to file a copy of this Local Law with New York State as required by law.

Section 3. That this Local Law shall take effect as provided by law.

Section 4. That this resolution shall take effect immediately.

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

Privilege of the Floor

Jill Cordts, President, Spencerport Area Chamber of Commerce read the following statement:

"Spencerport Area Chamber of Commerce merchants statement to the Town of Ogden Supervisor and Town Board and Village of Spencerport Mayor and Board of Trustees in conjunction with the chamber membership and Village/Town merchants the Chamber's leadership is upbeat about the direction of the local economy and its future prospects as a destination Village for visiting, shopping and dining. Recently the Spencerport Area Chamber of Commerce board of directors made a motion to develop its role as an advocate for the business community. The board is committed to developing advocacy role under its strategic plan for 2014. Based on this motion we the Spencerport Area Chamber of Commerce and a group of village businesses would like to invite the Village Board to partner in creating, establishing and recognizing a business liaison whose role is to represent and advocate on behalf of the local businesses to the Village and Town Governments to be developed over the next six months."

Trustee Penders questioned if the Chamber of Commerce is looking for a Trustee to be a liaison.

Ms. Cordts responded that the Chamber would appoint a liaison from their membership to work with the Village and Town Boards.

Trustee Granger indicated that he supported the liaison role.

Trustee Nellis-Ewell commented that she thought that this liaison role was part of the strategy that she presented in May and questioned if that is where this suggestion was coming from.

Ms. Cordts responded that is where this suggestion is coming from and from the strategic planning session and is a role of the chamber of commerce.

Trustee Penders questioned when the Chamber meeting

Ms. Cordts responded that they meet the first Wednesday of the month at noon.

Mayor Lobene commented that former Mayor Carter began a campaign to bring business together with local government to better serve our residents and promote economic growth.

Mayor Lobene continued by making the following statement.

“It is time to get rid of the moth balls and start over to create a better place for our families to live and our businesses to serve and grow and we must listen and provide our people with more information; this does not mean that government will lay down and let everyone walk all over them; we will strive to serve and the business community must work on attitude and efficiency and must realize that there are rules and regulations that they must adhere to. Tonight I ask the village board to take what was presented to them and think about it.”

Ms. Cordts questioned who she should be hearing from.

Mayor Lobene responded that she could not tell her until the Board has discussed it.

Trustee Nellis-Ewell questioned when the chamber approved the liaison role.

Ms. Cordts responded that the motion was presented at this month's meeting.

Mayor Lobene just wanted to ensure that everyone is on the same page.

Ms. Cordts agreed and commented that business and commerce is the life blood of our economy and if we somehow subvert that or stunt that we stunt our community and that is not something that the Chamber can be okay with.

Trustee Nellis-Ewell commented that she does not think the Village is doing that.

Ms. Cordts responded that she does not think the Village is doing that either and that she was just making a personal statement.

Mr. Dan Goodison, Café Macchiato, Union Street commented that the statement that the Chamber allowed Jill to prepare is a bit soft and that hard words are what is needed and that the public needs to understand and that many people are represented here mean business about business many of which who have participated in many meetings that have taken place. Mr. Goodison continued that what the Chamber is trying to do is out of a growing frustration and should not be sugar coated that this is just a good idea, harsh words are in place. So whether the Chamber wants to address that in a way that they feel is effective the people sitting here today representing business that are here for this meeting want the public to know that it has not been easy doing business in this Village, so sugar coating that is not the answer. They mean business, they want to be involved; they are a primary source of revenue for this Village in sales tax.

Trustee Penders requested examples as to when the Village has been a hindrance to business.

Mr. Goodison responded that several examples came up in the previous meeting regarding different business owners and policy.

Trustee Penders responded that a resolution was passed.

Mr. Goodison indicated that he understands that but a resolution delayed is not efficient; in the business world things get done and they get done efficiently; sometimes in the political world things get delayed and take more time than they should. Mr. Goodison continued that the vast majority of the business owners have a story to tell about a difficulty that they have had getting something accomplished in the Village; and that the Board is well aware of the some of the issues regarding getting things done in the Village. The business owners are not politicians they get things done and it is frustrating when the process is not efficient, it is frustrating when they have conversations with officials and they hear something different when they show up to their meeting; so there is some duplicity there; I met with some of you after the last meeting and you were my biggest cheerleader four weeks ago but you wouldn't know that because everyone is on guard. You are all well aware, so no one needs to pretend that they are not; the ARB and the issue with Architectural Review all of that stuff is no secret and the business community is ready to get things done efficiently and that the liaison is a reasonable approach to get you to be sensitive to what is going on; on main street.

Trustee Nellis-Ewell questioned how Mr. Goodison chose which merchants to include in you meetings.

Mr. Goodison responded that they were personal contacts with various business owners.

Trustee Nellis-Ewell commented that Mr. Goodison chose to include some business owners and exclude others and that she is a business owner and was not invited to the meetings.

Mr. Goodison responded that these were conversations on main street.

Trustee Nellis-Ewell responded that they were merchants meetings.

Mr. Goodison responded that they were not official merchants meetings.

Trustee Nellis-Ewell responded that she one was mentioned to be held in November.

Mr. Goodison responded that he has met with several people individually and in groups.

Mayor Lobene commented that unless he is speaking for everyone he cannot say the business community.

Mr. Goodison responded that the people he is talking to are frustrated.

Trustee Penders commented that there are not a lot of empty businesses on main street.

Mr. Goodison responded that there is a revolving door on main street.

Trustee Nellis-Ewell commented that everyone works in the spirit of continuous improvement and appreciates your comments and that they are not taken lightly and that as the liaison to ARB/Planning/Zoning Boards there have been between 4/2011 – 4/2013 27 applications all have received certificates of appropriateness and that there has not been one zoning board application denied.

Mr. Goodison responded “we should pretend that Curt Kenyon does not exist and the BS that he went through” Mr. Goodison added that Mr. Kenyon did get his approval only after another meeting where Mr. Goodison watched a guy sitting on the ARB question Mr. Kenyon and call him a liar. Mr. Goodison continued that Trustee Nellis-Ewell was at the meeting that night and that it was an embarrassment.

Mayor Lobene agreed that it was an embarrassment.

Mr. Goodison continued that the process was less than efficient and overly meticulous and that the gentleman who put Mr. Kenyon through the ringer was out of line and no one on that table put him in his place.

Trustee Nellis-Ewell commented that as liaison to the ARB it is not the place for me to correct him and that the role of liaison is to observe and take the information to someone else.

Mr. Goodison responded that he is not indicating that Trustee Nellis-Ewell did anything wrong however the person in the center, Dave Wohlers, who seemed to be controlling the discussion should have said “that’s enough” and that it was embarrassing.

Trustee Nellis-Ewell responded that the incident has been addressed.

Mr. Goodison responded that that is the behavior that he is referring to and that Mr. Kenyon received his approval but he was made to feel like a jack ass in front of the public.

Trustee Granger commented that he is wondering why the people who are having these issues are not coming to us and you are and that he does not know Mr. Kenyon.

Mr. Goodison commented that Trustee Granger has not been to any ARB meetings to see what is going on.

Trustee Granger responded that when he was on the Board years ago when they established the ARB and it was the Village Board and he quit because he would not take part in it and does not agree with it. However Trustee Granger does not know if it has changed since he was on the Board.

Mr. Goodison commented that not everyone is a spokesman and that is what is coming out now. Mr. Goodison indicated that he reached out to Mr. Kenyon after the meeting and Mr. Kenyon indicated that he felt that he was all alone and thought no one else was there to say “hey what is going on” and that after speaking with Mr. Kenyon Mr. Goodison thought why someone in the business community is not standing up.

Mayor Lobene commented that she believes that what she read before indicates that she is addressing it and that she told him before she is addressing it.

Mr. Goodison responded that the Mayor met with Jill and me individually and reviewed the list of items that was not approved at the Chamber meeting that included a specific approach that addressed the things that seem to be the problems and that when we met personally you were on board with everything I said and that now it is softened and not quite as alarming now that it is in the public and that you were cheerleading the frustration so that is why I am saying in a public meeting there is frustration and that it is duplicity and not right that you to share with me and someone else and get on board and then there is no meat to it.

Mayor Lobene commented that she has found that the biggest problem since she became Mayor is that when people come into the office and maybe they are going to open a business or put a garage onto their house and they are not given a list of what they need to do; they are told what they need to do by a certain time and people tend to forget so the best thing to do is organize and that is what I am trying to do. The employee that is in charge of that department has been out ill and will be back next week and we will be sitting down to write up information so that when someone comes in and says they are opening a business they will have the information.

Mr. Goodison responded that nobody intends to come into a community and not have rules the issue is efficiency, support and acknowledgement that main street is important and that when it works the Village works.

Mayor Lobene responded that it takes some time to put things together, sorry it is not as fast as you would like, but we will do the best we can.

Trustee Granger questioned if it is true that if he came to open a business there is no written information, how long as that been going on.

Mayor Lobene responded all the time and that they are right about that.

Trustee Granger questioned how do we not know about that.

Trustee Nellis-Ewell commented that generally there are not a lot of business people who own their buildings so the landlord takes care of communicating that information to the tenants. What the Mayor is talking about is a handout perhaps when you get your electric service; a tip sheet would be handed to you so that you have some guidance. As Dan said we all live within rules and that I think that most people would feel it is reasonable to check with a Town Office or Village Office when starting a business to see what one needed to do and that there are times and opportunity to meet in front of a board as needed and that those pieces of information are shared routinely.

Trustee Granger responded that it is not written anywhere.

Attorney Olson commented that there is a Village Code and it is accessible to anyone online or at the library and that it is not always easy to follow but it is available and that is the process.

Mayor Lobene commented that there are guidelines that the ARB has with suggestions for colors and sign designs and it has been communicated not to order signs prior to appearing before the ARB.

Trustee Granger commented that it seems that that type of information should be available to businesses.

Trustee Nellis-Ewell commented that there are design guidelines available.

Trustee Granger commented that they include colors, shapes and sizes.

Trustee Nellis-Ewell commented that a book was designed for them to look at.

Trustee Granger responded that he can understand how it can be frustrating.

Mr. Goodison commented that it should not be that hard to get a sign and could just use the cheat sheet to design a sign and that a Board would not have to oversee that so that it does not become subjective for a board to decide.

Trustee Nellis-Ewell asked for clarification as to the support you seem expect this board to do.

Mr. Goodison responded that he is putting an exclamation point on the development of a chamber liaison to work with this Board and going forward with that and that the liaison will work with the Village Board on various suggestions in the future.

Trustee Nellis-Ewell indicated that there are 100 business in the Chamber how many have come to you (Mr. Goodison) so that the Village Board can get a flavor as to how significant the problem is.

Mr. Goodison responded that it is safe to say that he represents the majority of main street however in conversations with someone from Suburban News who sells advertising indicated to him that this is a common problem. Mr. Goodison added that it is time for government and the businesses to come together. The Village provides no business incentives to develop main street. However businesses bring in nearly \$1 million in sales tax more than property taxes and there is not long term or short term plans for business development or parking and it makes no sense not to work with the businesses.

Trustee Nellis-Ewell commented that application was made for a Main Street Grant and it was denied.

Mayor Lobene added that the reason the grant was denied because there is not enough low income housing in the area.

Trustee Nellis-Ewell commented that some of the people here tonight were part of that grant application, Taste of Texas and Shultz Associates.

Mrs. Tina Mogab, Taste of Texas commented that she has tried in the past to expand and have not gotten anywhere and it is frustrating and would like some guidance as to how to expand their building.

Mr. Richard Mogab commented that instead of filling out an application, paying money and getting denied is frustrating coming in and leaving empty handed. Mr. Mogab added that the interpretation of the law is the hard part. The applicant comes in with the sign and you interpret the law and how the sign should look making ARB a hindrance instead of one person looking at the sign and making sure the guidelines are met and approving the sign making the process easier. Mr. Mogab added that they want to grow here and would like to know what needs to be done prior to making application.

Mr. Curt Kenyon commented that he would like to address what had transpired and that he commented to Dan that he did feel alone but he was going to follow the process; we did follow the process and what transpired was a tipping point and one event has cause many things to come to a head. Mr. Kenyon continue that there is a problem in this community, he is not sure what it is but I can say I am observing something here that is more than an issue with red lights and that there have been many people approaching me including Dan that there is frustration and that a chamber liaison is a good approach. Mr. Kenyon continued that the businesses could be better at reaching out into the public and that something has to happen and that the frustrations are much greater than my situation and that here needs to be a harmonious approach to advancing business. Mr. Kenyon continue that when you go to the Town for the sign permits what has happened is that you are not even given a copy of the ARB guidelines, there is a broken system there and I never had a copy of the ARB guidelines, just general guidelines. I never received those guidelines until after the last ARB meeting I was at and that there was a one line reference to a section of the code that took 45 minutes to find in the planning department at the Town.

Trustee Nellis-Ewell gave Mr. Kenyon a copy of a letter regarding working together harmoniously from the Chamber meeting in May.

Trustee Granger commented that appreciates the merchants he knows as well as Curt and thinks it is a good idea and will support it any way he can.

Administrative Committee – Mayor Lobene, Chair

Mayor Lobene thanked Kevin Kelly for his service as the Code Enforcement Officer and welcomed Rich McQuilkin as the new Code Enforcement Officer.

Sewers Committee – Trustee Hopson, Chair

Trolley Depot Report

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

- A. Planning
- B. Architectural Review
- C. Zoning

Trustee Nellis-Ewell indicated that there will be a ZBA meeting in December to continue the application from Mr. and Mrs. Redman of Village Hill Drive for an in-law addition

- D. Building Control
- E. Code Review

Finance Committee – Trustee Penders, Chair

Resolution 75 12/2013

Introduced by: Trustee Penders
 Seconded by: Trustee Granger
 December 4, 2013 BUDGET TRANSFER & REVISION Fiscal Year End 5/31/2014

AMOUNT	TO ACCOUNT	FROM ACCOUNT
\$6,000	A8160.403	Refuse Equip/Vehicle Repairs Unexpected repair costs and tires on Truck #18
		A8540.400 Drainage Contractual
\$2,800	A1620.100	Shared Buildings Salary Record Retention project - renovation of records areas
		A8540.100 Drainage Salary

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 76 12/2013

Introduced by: Trustee Penders
 Seconded by: Trustee Hopson

Be it resolved that the Village of Spencerport Board of Trustees hereby approves contracting with the Burke Group, 80 Linden Oaks, Suite 210, Rochester, NY 14625 for actuarial services to complete the required GASB #45 report to update the post-employment benefit obligations other than pensions in the amount of \$3,100. An additional quote was received from Armory Associates, LLC, 120 Walton Street, Suite 601, Syracuse, NY 13202 in the amount of \$3,900.00

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

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)

Resolution 77 12/2013

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

Be it resolved that the Village of Spencerport Board of Trustees hereby awards the High Compaction Rear Loading Refuse Collection Truck Body received by sealed bid on Wednesday, November 12, 2013 to Joe Johnson Equipment (USA) Inc., 62 LaGrange Avenue, Rochester, NY 14613 in the amount of \$68,142.00. An additional bid was received by Cyncon Equipment, Inc., 7494 West Henrietta Road, Rush, NY 14543 in the amount of \$88,862.00.

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

Public Safety Committee – Trustee Penders, Chair

- A. Fire Department – Trustee Penders commented that district election is next Tuesday the 10th at station 1 from 3-9 p.m.
- B. Police
- C. Ambulance – Trustee Penders indicated that he attended the meeting last week and total calls for the month were 417 over

Human Resources Committee – Trustee Granger, Chair

Economic Development Committee – Mayor Lobene, Chair

Mayor Lobene commented that McColley's is off to a fine start and Matt Brooks did a fine job on the place and the yoga studio has opened and has done a nice job fixing it up.

Trustee Nellis-Ewell commented that she and the Mayor attended the Canal NY meeting on November 25th in Brockport and met with John Callahan from the Canal Corp regarding the upcoming 2014 season.

Mayor Lobene added that the Canal Corp is considering revising and publishing the "Canal Times" to communicate Erie Canal information along the region.

Green Initiatives – Trustee Nellis-Ewell, Chair

Trustee Nellis-Ewell commented that extensive renovations have been done in the apartment at the Senior Center and thanked Superintendent McIntee for his assistance identifying rebates for the renovations.

Village Clerk – Jacqueline Sullivan

Clerk Sullivan thanked Jim Redick, Mark Elliott, Dean Toates and the entire DPW staff as well as Mat Gartz and the electric crew for their work renovating the records retention room at the shop and Village Office.

Clerk Sullivan commented that she pulled out the Village's ARB packet and that they could use some revisions there is information for businesses in our office and does not know what the disconnect was with the Town but will take a look at that but the packets due refer back to the Village code for different changes or signs or awnings that happen the business corridor on Union Street. Clerk Sullivan continued that as an office we may not know who is coming or going because of the landlord situation but there are resources here in the office for new businesses. Clerk Sullivan added that based on information from other villages usually the president of the chamber is the liaison to the government but once that role is established we can be a resource here at the Village Office. Clerk Sullivan added that the current ARB information is on the website.

Superintendent of Public Works – Thomas M. West

Superintendent West commented that crews assisted Spencerport Schools with drainage issues and will be working on drainage after the first of the year in the Hawthorn, Kirkgate, and Morningside neighborhood. Work continues planning the sewer line construction at the DPW shop.

Superintendent of Electric – Owen McIntee

Superintendent McIntee commented that there have been weather and tree related trouble jobs, work continues on capital projects on Union Street and Rt. 31 to increase capacity.

Superintendent McIntee explained a rebate that was received from NYMPA and that is was a federally mandated refund from electric generators for overcharging customers.

Discussion ensued with Superintendent McIntee and Richard Mogab regarding electric service at his building

Attorney – Richard J. Olson

Unfinished Business

New Business

Village Board Meetings

December 11, 2013 – Strategic Planning

December 18, 2013 – Workshop Meeting

January 8, 2014 – Regular Board Meeting

Bills

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

General Fund	\$ 161,218.47
Electric Fund	\$ 146,645.85
Sewer Fund	\$ 27,406.68
Trust Fund	\$ 1,658.88
Capital Fund	<u>\$ 21,205.75</u>
TOTAL:	\$358,135.63

Motion was made by Trustee Granger, seconded by Trustee Penders and carried unanimously that the cash disbursements for the General, Electric, Sewer, Trust and Capital Funds, November 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 8:26 p.m. executive session to discuss legal issues.

Motion was made by Trustee Granger, seconded by Trustee Penders and carried unanimously that the executive session be adjourned at 9:00 p.m.