

**VILLAGE BOARD MEETING**  
**January 8, 2014**  
**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**

Joanna Alberti, Philosophies'  
Craig Byham, Luther Jacobs Way  
Kristina Gabalski, Suburban News  
Dan Goodison, Café Macchiato, Union Street  
Ray Kuntz, Jr, Coolidge Avenue  
Chris McEntee, Splatters  
Owen McIntee, SME Superintendent  
Rich McQuilkin, Code Enforcement Officer  
Thomas Michielsen, West Avenue  
Richard Mogab, Union Street  
Joan Quigley, Maplewood Avenue  
Kris Schultz, Schultz Associates  
John Soldi, 131 South Union Street  
Jacqueline Sullivan, Village Clerk  
Ginny Swarthout, 130 S. Union Street  
Tom West, DPW Superintendent  
David Wohlers, Clark Street

**Approval of Minutes**

A motion was made by Trustee Hopson, seconded by Trustee Penders and carried that the meeting minutes from the Village Board meeting on December 4, 2013 be approved as read.

A motion was made by Trustee Nellis-Ewell, seconded by Mayor Lobene and carried that the meeting minutes from the Village Board workshop meeting on December 11, 2013 be approved as read.

A motion was made by Trustee Granger, seconded by Trustee Penders and carried that the meeting minutes from the Village Board workshop meeting on December 18, 2013 be approved as read.

**Privilege of the Floor**

Mrs. Ginny Swarthout made the following comments during the meeting and submitted them to the Village Clerk to be included in the meeting minutes.

**Purpose for Presentation:** Businesses have concerns regarding the designated 2 hour parking spaces

**Presentation:**

- We are concerned that more parking spaces have been designated as 2 hour parking only – specifically this time in the municipal parking lot east of Church Street
- We're concerned this will be the perceived fix for any other parking issues that are brought forward in the future
- We do not want parking tickets issued to our customers as that is a sure way to guarantee they will not return and they will have negative views of the Police Department and the Village of Spencerport

**Scenarios:**

Let me paint some scenarios for you:

- We have 4 Beauty Salons between West Avenue and the Canal Bridge. They have people that make appointments for a color, a cut, a style and maybe a manicure or pedicure. That is not an uncommon occurrence for them. They cannot accomplish all those features in 2 hours and probably not even in 3 hours. Their customers have a good chance of getting a parking ticket as they may decide to park on Union Street or in the parking lot east of Church Street where 2 hour parking is in force.

- Picture our summer season – Our canal is a great place to ride your bike or take a walk so you drive in from Chili, park over in the parking lot east of Church Street as you first want to go to the Post Office, take your walk, decide to do a little shopping, and then you decide to eat lunch. After lunch you need a battery for your watch so you decide to do that before going home. Your watch is fixed, you've had a wonderfully refreshing walk, sat by the canal, did some shopping, ate lunch and got back to your car only to find you have a parking ticket. How eager will that person be willing to come back to Spencerport? What about the Firemen's parade, Canal Days, the German Fest or Christmas on the Canal?
- The suggestion has been made that business owners and employees could park behind these Village Offices to free up some spaces for customers. What if a good share of the owners and employees did park here? Now your parking lot is full. Where will you or your customers' park?
- And finally, the police department is given the job of issuing the tickets and I'm assuming, the job of collecting the fines that go with the ticket. How are they going to be perceived by those being given tickets? Do we really want our police department spending their time issuing tickets and listening to the unhappy complaints from those receiving tickets? We understand some tickets have already been issued and those people were not happy receiving the tickets.

### **Solutions:**

With every problem there is a solution but sometimes finding the right solution takes many people working together to make sure the fix implemented covers all the bases.

It would appear to us that a better fix to the parking in the lot east of Church Street is to approach the Postmaster at the Post Office. I do understand that attempt has already been made more than once. There are approximately 18 jeeps parked at the post office. More than likely some of those jeep drivers have a car parked in the municipal lot. Their jeep spaces are empty all day long while they are out on the road. As I recall, when the post office was where Subway now is, the jeeps were parked just behind the building. The postal people would pull their jeep out of the space and put their own vehicle in the space as that was the only way they could make sure their jeep got back where it belonged. Wasn't the original agreement with this new post office something about they were given a little extra land with the idea their employees would park on post office property? Can we find a way to refresh their memories as to that agreement? I have the feeling they are not parking in the designated 2 hour spaces but have simply moved to another area of the parking lot instead of their property. So, the signs probably did not accomplished what was hoped for. It just pushed the problem to a new area.

We businesses need to start talking to our colleagues and encourage them to not park in front of another business, leaving the spaces closest to the businesses free for any and all customers, even if it means parking farther away from their own business and walking. Some business owners have been walking to work as they realize the need for customer parking.

One business has assured their customers that any tickets received will be taken care of by the business as the business does not want customers leaving because they fear they will get a ticket. This should not have to happen to retain customers.

It would be wonderful if we could find spaces where we can add parking spots, even if it's only one or two per lot. That's not as impossible as it sounds. Kris Schultz is great at designing parking lots, etc. Let's work with him to see if existing lots can be refigured. He tells me he has researched and knows several villages, on the east side of the city and on the west side of the city that have changed their parking space sizes from 10' x 20' to 9' x 20'. Does that sound too small? Have you parked in the village plaza lately? Those spaces are 9' x 20'. For every 10 spaces we could gain 1 extra one by going to the new size. When are the lots due to be repainted? Can this be part of the plan?

My husband and I were on a village committee at least 16 or 17 years ago, where we addressed these same issues. Plans were put in place to cover the culvert in the parking lot behind Abbotts and Grandpa Sam's and to cover the creek by the electric station. I believe that was when the 2 hour signs put up on Union Street and various other areas. Now we've added more 2 hour signs and assigned another task to our police force.

And so again I say, we are concerned more spaces will eventually be designated 2 hour parking spaces and we do not feel this is a fix for parking issues. In the end, we feel it will deter customers and cause others to not come at all. We have watched the parking spaces continue to disappear on Union Street and do not want the 2 hour parking to multiply. We all believe Spencerport is "Someplace Special" and we work hard to make sure that our customers realize the same.

We are asking you to not enforce the 2 hour parking limitation but instead let us work with you to come up with solutions that will be agreeable to all. We'll need to listen to all suggestions and then decide together what is best for all involved, not just a select few. We have to look at the forest, not just the trees.

Thank you for taking the time to listen to us. We look forward to working with you to fix our parking issues.

**Administrative Committee** – Mayor Lobene, Chair

1. Possible new sites for handicapped accessible Village Office
2. Combined meeting for Planning, Zoning and Village Boards
3. Annual Village Meeting (April 2, 2014)

**Resolution 83 1/2014**

Introduced by: Mayor Lobene

Seconded by: Trustee Nellis-Ewell

Be it resolved that the Village of Spencerport Board of Trustees hereby approves the attendance of any Village, Planning or Zoning Board Member to attend the NYCOM Winter Legislative Meeting February 9 &10, 2014. Cost not to exceed \$425.00 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 submitted the following report:

VOS Zoning Board of Appeals (ZBA) meeting December 19, 2013

**Public Hearing**

Application of Tony and Debbie Redden, 125 Village Hill Drive, Spencerport, NY 14559

- Temporary special permit and an area variance for an in-law addition (960 square feet)
  - Permitted subject to the issuance of a temporary special permit by the ZBA;
  - Where all new construction or addition to existing residential structures shall not exceed 700 square feet.
  - Where the gross floor area of the in-law apartment shall not exceed 900 square feet;
  - Pursuant to Chapter 340-9-J (2) and 340-9-J (2) (e) in a PRD District

Continuation of November 21 ZBA meeting at which discussions had occurred regarding drainage, structure height, and property line setbacks. In attendance were VOS DPW Superintendent West and Spencerport Municipal Electric Superintendent McIntee and Building Inspector Smith.

Chair Dole re-opened the Public Hearing (re-noticed)

Architect Larry Fennity represented the applicants and presented the revision.

Discussion ensued with the neighbors who reiterated concerns from November meeting.

It was explained drainage actually might be improved by the (different) manner of directing water.

In answer to a question, Mr. Fennity stated it is not possible to determine how property values would be affected in the future. He added the applicant is trying to do more than is necessary proactively and mitigate upfront.

Chair Dole closed the public Hearing at 7:25 p.m.

ZBA Member Powell-Kerry stated size is the issue, i.e., 960 square feet.

A motion was prepared, noting landscaping/shrubbery is to be a consideration.

It was determined that the variance would not be a detriment, nor is it too substantial

Motion passed: 3 to 1 (4 ZBA member in attendance)

**New Business**

Extension of Major Home Business Occupation

Reference: VOS Code Chapter 340-49-A

Marianne Spennacchio

377 Village Walk Circle, Spencerport, NY

Type: Dog grooming business

Follow up to December 13, 2013 letter from VOS Code Enforcement Officer Kevin Kelly who completed an inspection; no written complaints or code violations

Recommendation to ZBA to extend home occupation permit for a period of not more than five years

Motion passed unanimously

**Finance Committee** – Trustee Penders, Chair

**Facilities Committee** – Trustee Hopson, Chair

A. Electric

B. Other ( Drainage, Franchise)

**Public Works Committee** – Trustee Granger, Chair

A. Highways/Garage

**Resolution 84 1/2014**

Introduced by: Trustee Granger

Seconded by: Trustee Penders

Be it resolved that the Village of Spencerport Board of Trustees hereby awards the bid to sell the 2000 Ford F150 Extended Cab 4x4 short box pick-up to Chris Cubiotti, Spencerport Auto Sales & Service, 2438 S. Union Street, Spencerport, NY in the amount of \$852.00. One other bid was received from Dean Toates in the amount of \$555.00.

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

B. Public Services (Refuse, Recycling, Parks)

**Public Safety Committee** – Trustee Penders, Chair

A. Fire Department

B. Police

C. Ambulance

**Human Resources Committee** – Trustee Granger, Chair

**Resolution 85 1/2014**

Introduced by: Trustee Granger

Seconded by: Trustee Penders

Be it resolved, that the Village of Spencerport Location code 40290 hereby establishes the follow as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the time keeping system records or the record of activities maintained and submitted by these officials to the clerk of this body:

Trustee Carol Nellis-Ewell

standard work day = 6 hours

For her term beginning April 1, 2011 – March 31, 2015

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 86 1/2014**

Introduced by: Trustee Granger  
Seconded by: Trustee Hopson

Be it resolved, that the Village of Spencerport Board of Trustees hereby approves Gregory Dorgan to carry over 16 hours of vacation from 2013 to 2014 due to weather events.

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 87 1/2014**

Introduced by: Trustee Granger  
Seconded by: Trustee Hopson

Be it resolved, that the Village of Spencerport Board of Trustees hereby approves Dean Toates to carry over 5 hours of vacation from 2013 to 2014 due to weather events.

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 88 1/2014**

Introduced by: Trustee Granger  
Seconded by: Trustee Hopson

Be it resolved, that the Village of Spencerport Board of Trustees hereby approves James Redick to carry over 8 hours of vacation from 2013 to 2014 due to weather events.

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

Trustee Granger and Penders complemented that DPW and Electric departments for all of their work during the recent snow events.

**Economic Development Committee** – Mayor Lobene, Chair

**Green Initiatives** – Trustee Nellis-Ewell, Chair

Trustee Nellis-Ewell commented that Superintendent McIntee is meeting with Sean Lessord regarding Renewal Rochester initiatives.

**Village Clerk** – Jacqueline Sullivan

**Superintendent of Public Works** – Thomas M. West

Superintendent West commented that the as of January 4, 2014 the current year's snow budget has exceeded the entire snow budget for the previous year. Superintendent West recognized all of the hard work that the DPW and Electric crews have done during the snow events.

Superintendent West continued that design plans are completed for the expansion of the parking lot behind the Abbotts building to be added to the list of incentives for the Village Plaza and DPW crews would partner with the developer to complete the project.

**Superintendent of Electric** – Owen McIntee

Superintendent McIntee commented that crews worked on outages from the 12/22 & 23 ice storm; 1/6 outage due to an underground primary cable problem on Maida Drive; 1/7 outages on Pinecrest drive and circuit 11 due to high loads.

**Attorney** – Richard J. Olson

**Resolution 89 1/2014**

Introduced by: Mayor Lobene  
Seconded by: Trustee Granger

Be it resolved, that the Village of Spencerport Board of Trustees shall require any applicant for annexation of property into the Village to agree to pay all costs incurred by the Village relative to the annexation including, but not limited to, legal notices, special clerical fees, legal fees, engineering fees, code update fees, and be it further

Resolved, that the application shall include a deposit in the amount of \$1,500 to be applied to hose fees with the balance to be billed on a periodic basis as the costs are incurred.

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

**Unfinished Business**

**New Business**

**Bills**

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

General Fund	\$ 75,204.83
Electric Fund	\$ 53,112.78
Sewer Fund	\$ 9,514.44
Trust Fund	\$ 2,922.42
Capital Fund	\$ 0
<b>TOTAL:</b>	<b>\$140,754.47</b>

Motion was made by Trustee Nellis-Ewell, seconded by Trustee Granger and carried unanimously that the cash disbursements for the General, Electric, Sewer, Trust and Capital Funds, January 2014 be approved as audited.

**Adjournment**

**Resolution 90 1/2014**

Introduced by: Trustee Penders  
Seconded by: Trustee Hopson

Whereas, Section 108(3) of the Public Officers Law exempts “any matter made confidential by federal or state law” from the provisions of the Open Meetings Law; and

Whereas, Section 4503 of the New York State Civil Practice Law and Rules provides for confidential and privileged communications between an attorney and his or her client in the course of professional employment; and

Whereas, the Village Attorney has requested the opportunity to discuss legal matters with his client, the Village Board of Trustees

Now, therefore, be it resolved

That the Village Board enters into a private session with its attorney to discuss legal matters and that in addition to the Village Board of Trustees and the Attorney at 8:20 p.m., the following individuals shall be included:

1. Village Clerk

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

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

Motion was made by Trustee Hopson, seconded by Trustee Granger and carried unanimously that the Village Board meeting be adjourned at 9:00 p.m.