

VILLAGE BOARD MEETING
May 7, 2014
Minutes

CALL TO ORDER: 7:00 p.m.

The Pledge of Allegiance was led by Trustee Granger

BOARD MEMBERS PRESENT

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

BOARD MEMBERS ABSENT

Joyce Lobene, Mayor

OTHERS PRESENT

Craig Byham, Luther Jacobs Way
Jill Cordts, Amity Street
Harry Ewell, Lyell Avenue
Ray Kuntz, Coolidge Avenue
Owen McIntee, SME Superintendent
Richard McQuilkin, Prospect Street
Richard Mogab, Union Street
Joan Quigley, Maplewood Avenue
Don Sisson, Commander Ferris Goodridge American Legion Post #330
Jacqueline Sullivan, Village Clerk
Thomas West, DPW Superintendent
David Wohlers, Clark Street

Approval of Minutes

A motion was made by Trustee Penders, seconded by Trustee Hopson and carried that the meeting minutes from the Village Board meeting on April 2, 2014 be approved as read.

Public Hearing

Trustee Granger opened the public meeting regarding Introductory Local Law #3-2014 "A Local Law to Repeal Section 239-4 of the Code of the Village of Spencerport" at 7:00 p.m.; there being no questions or comments from the public Trustee Granger closed the public meeting at 7:01 p.m.

Privilege of the Floor

Don Sisson, Commander Ferris Goodridge Legion Post 330 introduced himself and reminded the Village Board of the annual Memorial Day Parade on May, 26th and indicated that the Legion would like to be more involved in various Village events.

Administrative Committee – Mayor Lobene, Chair

Appointment of Planning and Zoning Board Members

David Wohlers, Planning Board Chairman
Denny Marra, Planning Board Member
Joseph Slominski, Planning Board Member
John Dole, Zoning Board of Appeals Chairman

Resolution 119 5/2014

Introduced by: Trustee Granger

Seconded by: Trustee Penders

Be it resolved that the Village of Spencerport Board of Trustee hereby approves the Mayor or Deputy Mayor's appointment of David Wohlers as the Planning Board Chairman for a five (5) year term commencing May 7, 2014 through May 30, 2019.

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 Absent

Resolution 120 5/2014

Introduced by: Trustee Granger
Seconded by: Trustee Penders

Be it resolved that the Village of Spencerport Board of Trustee hereby approves the Mayor or Deputy Mayor's appointment of Denny Marra as the Planning Board Member for a five (5) year term commencing May 7, 2014 through May 30, 2019.

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	Absent

Resolution 121 5/2014

Introduced by: Trustee Granger
Seconded by: Trustee Penders

Be it resolved that the Village of Spencerport Board of Trustee hereby approves the Mayor or Deputy Mayor's appointment of Joseph Slominski as the Planning Board Member for a five (5) year term commencing May 7, 2014 through May 30, 2019.

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	Absent

Resolution 122 5/2014

Introduced by: Trustee Granger
Seconded by: Trustee Penders

Be it resolved that the Village of Spencerport Board of Trustee hereby approves the Mayor or Deputy Mayor's appointment of John Dole as the Zoning Board of Appeals Chairman for a five (5) year term commencing May 7, 2014 through May 30, 2019.

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	Absent

Resolution 123 5/2014

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

RESOLUTION ADOPTING INTRODUCTORY LOCAL LAW 3-2014

Whereas, the Village Board has before it a proposed Local Law which, if enacted, will be Local Law #3-2014 "A Local Law to Repeal Section 239-4 of the Code of the Village of Spencerport"

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

Whereas, the Village Board has considered any public input; and

Whereas, this action is a Type II Action under the State Environmental Quality Review Act Regulation §617.5(c)(20)&(27) and not subject to further review under said regulations;

Whereas, the notice of this hearing was duly published and posted as required by law; and

Now, therefore, be it resolved:

Section 1. That the Village Board of the Village of Spencerport hereby enacts Local Law #3-2014 "A Local Law to Repeal Section 239-4 of the Code 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	Glenn C. Granger, Trustee	Aye
	Carol J. Nellis-Ewell, Trustee	Aye
	Gary Penders, Trustee	Aye
	Charles R. Hopson, Trustee	Aye
	Joyce Lobene, Mayor	Absent

Resolution 124 5/2014

Introduced by: Trustee Granger
Seconded by: Trustee Hopson

Be it resolved that the Village of Spencerport Board of Trustees will conduct a public hearing on Wednesday, June 4, 2014 at 7:00 p.m. at the Village Office, 27 West Avenue, Spencerport, NY regarding the renewal of the cable television franchise agreement by and between the Village of Spencerport and Time Warner Cable.

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	Absent

Resolution 125 5/2014

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

Be it resolved that the Village of Spencerport Board of Trustees hereby approves the Ferris Goodridge American Legion Post #330, 691 Trimmer Road, Spencerport, NY Annual Memorial Day Parade Monday, May 26, 2014 from 9:00 a.m. – 11:00 a.m. The following streets will be closed during the parade West Avenue from Union Street west to Martha Street; Martha Street north to Amity Street; Amity Street east to Union Street; and Union Street south to Brockport Road.

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	Absent

Resolution 126 5/2014

Introduced by: Trustee Granger
Seconded by: Trustee Penders

Be it resolved that the Village of Spencerport Board of Trustees hereby authorizes the Mayor or Deputy Mayor to sign the Storm Water Coalition 2014 Joint Annual Report.

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	Absent

Resolution 127 5/2014

Introduced by: Trustee Granger

Seconded by: Trustee Nellis-Ewell

Be it resolved that the Village of Spencerport Board of Trustees hereby accepts the resignation of Richard Olson, Esq. as the Village Attorney effective May 7, 2014.

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	Absent

Resolution 128 5/2014

Introduced by: Trustee Granger

Seconded by: Trustee Hopson

Be it resolved that the Village of Spencerport Board of Trustees hereby approves the Mayor or Deputy Mayor's appointment of Eric Stowe as the Village Attorney.

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	Absent

Sewers Committee – Trustee Hopson, Chair

Trustee Hopson commented that the sewer line is partially installed at the DPW.

Trolley Depot Report

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

Below comments submitted by Trustee Nellis-Ewell

From: Trustee Carol J. Nellis-Ewell

Subject: Reports: Highlights of April & May meetings

VOS Zoning Board of Appeals (ZBA) meeting

Date: April 17, 2014

Public Hearings

Legal Notices published in *Suburban News* April 6, 2014

1) Appeal of Kris Oaks for a special permit to convert 2nd floor of an existing commercial building, property at 147 South Union Street, Spencerport, NY 14559

- Conversion to 2 residential apartments

- Such use to be permitted in B District subject to granting of a special permit by the ZBA
- Pursuant to Chapter 340-19.B (6) in a Commercial B-1 District
- Public commented regarding occupancy and parking

ZBA made Resolution 239 contingent on site plan review/approval by the Planning Board.

2) Appeal of Richard Mogab for a temporary and conditional use permit to install a proposed 10 ft x 10 ft accessory building, property at 122 South Union Street, Spencerport, NY 14559

- After Public Hearing and due notice, ZBA may grant special exceptions to regulations

- Subject to appropriate conditions and safeguards
- Pursuant to Chapter 340-64 in a Commercial B-1 District
- Accessory building/shed purpose, storage of equipment and tools

ZBA passed Resolution 240 contingent on Building Inspector inspection every two years.

3) Appeal of Jamie Lynn Rich to open an indoor recreation (cheerleading practice facility), property at 14 Slayton Avenue, Spencerport, NY 14559

- Such use to be permitted in district subject to granting of special permit by ZBA;
- Pursuant to Chapter 340-24 and 340-19.B (7) in an Industrial District
- Hours to be 5:00 PM to 9:30 PM

ZBA passed Resolution 241

VOS Architectural Review Board (ARB)/Planning Board (PB) meeting

Date: May 6, 2014

Public Hearing

Legal Notice published in *Suburban News* April 27, 2014

1) Application of Kris Oaks for site plan approval to renovate 2nd floor to apartments, whereas such 2nd floor presently commercial space, property located at 147 South Union Street, Spencerport, NY 14559

- Mr. Oaks sought to obtain approval prior to incurring the cost of preliminary drawings. He plans 2 – 3 brdm, 1-1/2 bath apartments; interior renovation only; no exterior changes.
- Building Inspector Patrick Smith has reviewed the proposal. He stated New York State Building Code requires sprinklers and windows of size that allows egress.
- VOS DPW Supt. West sent comments: no issues with the project, though the west end area must be kept clear for winter plowing and there can be no designated spaces for tenants.
- Spencerport Municipal Electric Supt. McIntee (by letter) requested each unit must have its own meter, and the common area its own. He added gas heat should be used in the building. Mr. Oaks advised electric heat exists; it was suggested he contact Supt. McIntee to discuss the matter. Supt. McIntee concluded renovations should achieve the highest level of energy efficiency.
- Discussion ensued regarding distance between buildings (for fire safety, garbage and recycling, green space for children, number of bedrooms, occupancy, parking (not in municipal lots) and traffic flow).
Per applicant, size of apartments estimated at 1200-1300 sq ft
Planning Board approved final site/subdivision plan contingent on the off-street parking variance being granted by the ZBA (Mr. Oaks to appear at the May ZBA meeting)

ARB Application for signage

1) Spencerport Apothecary LLC

Eric Schladebeck

42 Nichols Street, Suite 11, Village Woods Plaza, Spencerport

Mr. Schladebeck stated his intention is to operate an old-fashioned, traditional apothecary/pharmacy.

Sign drawings of various sizes totaled more square footage than allowed by code.

Applicant sought to be code-compliant, but explained visibility is key to his business.

Discussion ensued about the number of signs and total square footage.

Colors (primarily gold and black) and design (textured) of the signs determined acceptable.

Attorney Stowe advised ARB has authority to waive requirements, i.e., approve size larger than code.

Lighting and monument signage would be another, new application.

Board agreed to allow signage of 1 - 2 ft x 16 ft sign (east side) and 2 – 5 ft x 7 ft signs (south side).

* Applicant will need to provide details of exact material.

Disposition: Certificate of Appropriateness

Next VOS ZBA meeting May 15, 2014

1) Application of Kris Oaks for variance to permit off-street parking spaces, property at 147 South Union Street, Spencerport, NY 14559

- Variance required for off-street parking
- Pursuant to Chapter 340-29 (A) and 340-29.B (7) in a B-1 District

* Return after Planning Board appearance/approval on May 6, 2014

Note: From the experiences of the applicant, the VOS Code Review Committee will review the steps in the related processes in order to streamline them.

2) Application of Anthony Polito for special permit for an existing 6 ft high privacy fence, 22 ft in length, property at 103 Village Hill Drive, Spencerport, NY 14559

- Pursuant to Chapter 340-32.A(4)(a) in a Residential District
- Such property located in Planned Residential Development (PRD) District

Clerk Sullivan commented that she made the entry for sidewalk cafes on the agenda and that she was suggesting that the code review committee take a look at the code so that the Village Office has a consistent message for applicants.

Discussion ensued regarding sidewalk café criteria.

Finance Committee – Trustee Penders, Chair

Resolution 129 5/2014

Introduced by: Trustee Penders

Seconded by: Trustee Hopson

Be it resolved that the Village of Spencerport Board of Trustees hereby approves the below Budget Transfers.

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	Absent

May 7, 2014 BUDGET TRANSFER & REVISION Fiscal Year End 5/31/2014

<u>AMOUNT</u>	<u>TO ACCOUNT</u>		<u>FROM ACCOUNT</u>	
\$5,500	A1325.403	Records Retention Contractual <i>Village Portion of Records Retention Project -</i>	A1440.400	Engineering Contractual <i>Construction Costs</i>
\$1	A1010.100	Board of Trustees Salary	A1010.400	Board of Trustees Contractual
\$4,500	A1640.403	Central Garage Utilities	A5110.400	Highways Contractual
\$1,500	A1940.400	Land Purchase Right of Way <i>Appraisal of corner lot</i>	A1440.400	Engineering Contractual
\$5,000	A1989.100	Vacation/Sick/Holiday	A8540.100	Drainage Salary
\$18,000	A5142.100	Snow Removal - Salary	A5110.100	Highways Salary
\$3,305	A5142.400	Snow Removal Contractual	A5142.401	Snow Removal Equip Repair
\$1,377	A8160.403	Refuse - Equipment/Vehicle Repair	A8160.400	Refuse - Contractual
\$278	A5110.401	Highways - Equipment/Vehicle Repair	A51110.400	Highways Contractual
\$18,420	G8120.100	Sanitary Sewer Salary <i>Low budgeting for Sewer salaries, offset by return of Unspent \$ from EAHT Phase I</i>	G5031.000	Transfer from Capital
\$297	G9040.800	Workers Compensation	G9050.800	Unemployment Insurance
\$57	G9055.800	Disability Insurance	G9050.800	Unemployment Insurance
\$72	G9189.803	CDL/EAP Programs	G9050.800	Unemployment Insurance

Facilities Committee – Trustee Hopson, Chair

A. Electric

Resolution 130 5/2014

Introduced by: Trustee Hopson

Seconded by: Trustee Nellis-Ewell

Be it resolved that the Village of Spencerport Board of Trustees hereby approves Superintendent Owen McIntee's attendance at the NYMPA 17th Annual Meeting Wednesday, May 21, 2014 at the Embassy Suites Hotel, 6646 Old Collamer Road, East Syracuse, NY cost not to exceed \$60.00.

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	Absent

Resolution 131 5/2014

Introduced by: Trustee Hopson
Seconded by: Trustee Penders

WHEREAS, the Village of Spencerport Municipal Electric of the Village of Spencerport, New York, is a municipal member of the New York Municipal Power Agency, and

WHEREAS, in accordance with the bylaws of New York Municipal Power Agency, each municipal member may cast one vote on each transaction properly brought before this meeting,

NOW THEREFORE BE IT RESOLVED, that Superintendent Owen McIntee be and is hereby designated as the accredited delegate of the Village of Spencerport, New York.

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	Absent

Resolution 132 5/2014

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

Be it resolved that the Village of Spencerport Board of Trustees hereby approves the write off of uncollectible electric accounts in the amount of \$5,233.13.

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	Absent

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

Trustee Penders commented that the Fire Department 125th anniversary is next year and they are working on a larger celebration; 9 people are on the waiting list to join the fire department; commissioners are going to have their own uniforms; Mave McQuilkin is receiving a scholarship from the New York State District Officers Association.

- B. Police
- C. Ambulance

Fire department ambulance calls have decreased and SVA is now working with Gates Volunteer Ambulance and an IMA for fueling services with the Village of Spencerport is being created at this time.

Human Resources Committee – Trustee Granger, Chair

Resolution 133 5/204

Introduced by:
 Secoded by:

Bit resolved that the Village of Spencerport/Location Code 40290 hereby established the following standard work days for these titles and will report the officials to the New York State and Local Retirement System based on time keeping system records or their record of activities:

- Treasurer 8 hours/day
- Department of Public Works 8 hours/day
- Village Clerk 8 hours/day
- Superintendent of Electric 8 hours/day

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	Absent

Economic Development Committee – Mayor Lobene, Chair

Green Initiatives – Trustee Nellis-Ewell, Chair

Trustee Nellis-Ewell commented that a consultant has been hired to explore various Village solar projects.

Village Clerk – Jacqueline Sullivan

Clerk Sullivan reminded the Village board that the Day of Caring – Saturday, 10, 2014 at 8:30 a.m. Spencerport Exempts Club and that Mrs. Donna Stassen has organized the entire event and that it will go off as planned due to her hard work. Clerk Sullivan added that work continues on creating the Village tax bills to be sent out at the end of May.

Superintendent of Public Works – Thomas M. West

Superintendent West commented that that snow removal overtime hours from 2012 to 2013 were up over 300 hours; Monroe County is going to a single stream method of collecting recycling and it is saving a considerable amount of time during daily pick up. May bulk pick up was lighter than other years. Tom West commented Donna Stassen continues to do a great job organizing the Day of Caring event.

Superintendent of Electric – Owen McIntee

Superintendent McIntee commented that he continues to work with Shawn Lessord regarding potential solar projects with Village buildings. In addition Superintendent McIntee is working with another vendor regarding an electric charging station in the Village Office parking lot.

Attorney – Eric Stowe

Attorney Stowe thanked the Village Board for the appointment as Village attorney. Attorney Stowe continued that the Gollel property maybe headed to an auction sale in the next six weeks and will keep the Village Board informed as details become available.

Discussion ensued regarding the Gollel project, approvals and its potential sale.

Attorney Stowe requested executive session to discuss litigation.

Unfinished Business

Mr. David Wohlers questioned if any information has been exchanged regarding the Village Pines annexation process.

Mr. Quigley asked if Rich McQuilkin could contact the plaza owner to remove the holiday banners. Tom West indicated that he would take care of it.

New Business

Year-end meeting: May 30, 2014 @ 1:00 p.m.

Bills

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

General Fund	\$ 63,302.18
Electric Fund	\$ 56,529.06
Sewer Fund	\$ 40,650.04
Trust Fund	\$ 2,420.56
Capital Fund	\$ 0
TOTAL:	\$162,901.84

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

Adjournment

A motion was made by Trustee Hopson, seconded by Trustee Penders and carried that the regular meeting be adjourned to executive session to discuss litigation at 7:54 p.m.

A motion was made by Trustee Penders, seconded by Trustee Hopson and carried that the executive session be adjourned to the regular meeting at 8:11 p.m.

A motion was made by Trustee Hopson, seconded by Trustee Penders and carried that the regular meeting be adjourned at 8:12 p.m.