

**VILLAGE BOARD MEETING**  
**June 4, 2014**  
**Minutes**

Trustee Granger called the meeting to order at 7:00 p.m. followed by the pledge of allegiance.

**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  
Jennifer Dougherty, Attorney for Pelusio Spencerport LLC  
Geoff Feltner, Amity Street  
Mary Guinan, Maplewood Avenue  
Owen McIntee, SME Superintendent  
Joan Quigley, Maplewood Avenue  
Jacqueline Sullivan, Village Clerk  
Kevin Watson, Maplewood Avenue  
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 meetings on May 7, 14, 21, & 30, 2014 be approved as read.

**Public Hearing**

Trustee Granger opened the public meeting regarding the Time Warner Cable Franchise Renewal at 7:00 p.m.

Mr. Eric Stowe, Village Attorney commented that there were a few items within the renewal that should be addressed with Time Warner. The resolution that was provided indicates that the renewal will be for ten (10) years but the contract indicates fifteen (15) years which is the max allowed; the current renewal contract limits the municipality's ability to audit Time Warner to ensure that the Village is receiving appropriate revenues to no more than once every three years and cannot hire a company to do the audit for free unless additional revenues are received. Wording to allow approval from the Village should the franchise be transferred to another company is not included in the current renewal and it should be added.

Trustee Nellis-Ewell questioned if this should be tabled at this time.

Mr. Stowe suggested that the Village Board complete the public hearing however not take action on this renewal at tonight's meeting until resolution is made to the mentioned items.

Trustee Granger closed the public hearing at 7:06 p.m.

**Privilege of the Floor**

Mr. Geoff Feltner, 191 S. Union Street addressed the Village Board regarding the parking lot that is located at Feltner Insurance 191 S. Union Street. Mr. Feltner indicated that the piping that allows Northrup Creek to pass under his parking lot is rotting and needs to be replaced. Mr. Feltner indicated that the replacement of the pipe is a project that he cannot afford and that it is not his creek and would like to start discussions with the Village regarding the pipe replacement and a solution to the problem.

Mr. Kris Schultz, Engineer for Mr. Feltner indicated that the best solution to replace the three (3) pipes that are located under Mr. Feltner's parking lot would be a concrete box culvert. The cost to complete this project would be approximately \$125,000. Mr. Schultz added that this issue with the rotting pipe not only impacts Mr. Feltner's property but also impacts the potential flooding of business area of the Village.

Superintendent West indicated that the former owner replaced the single pipe with three pipes and that it is on private property and that it is a bottle neck within the Village of Spencerport's drainage study and that it would be a board decision to take on the project with Village funds.

Trustee Nellis-Ewell questioned if the project could be done in phases.

Mr. Schultz indicated that it could be done in phases.

Trustee Hopson questioned if the Village had ever been involved prior.

Superintendent West responded that the Village does not have an easement over that area.

Trustee Granger questioned if there is a temporary fix.

Superintendent West indicated that Mr. Feltner encased part of the pipe in concrete and if that was done for the entire pipe would be a good temporary fix. Superintendent West continued that the pipe should be inspected and that he could video the pipe with the sewer camera to check the condition.

Trustee Hopson questioned if there are legal issues working on private property.

Attorney Stowe indicated that there are legal issues but they can be addressed and the project could move forward.

Mrs. Mary Guinan of 146 Maplewood Avenue and Mr. Kevin Watson, 150 Maplewood Avenue addressed the Village Board indicating that since the Village completed drainage work on Village property behind their houses last year to attempt to alleviate the water issues caused by the natural springs in the area is worse. Mrs. Guinan indicated that the water problem is causing issues maintaining her property and driving her property values down.

Superintendent West responded that the natural springs are not only on Village property but also on private property and that all of the drainage that was installed is not improving the area or the water issues. At this point an opinion from an environmentalist might be necessary. Superintendent West indicated that the properties are draining but continue to be wet.

Discussion ensued regarding the drainage of the area and possible solutions.

Trustee Granger indicated that Superintendent West will obtain quotes from environmental engineers to take a look at the area.

Mr. Kris Schultz presented to the Village Board the potential grant items to further the development in the plaza by Pelusio Spencerport LLC coupled with the incentive zoning part of the project as well.

Mr. Schultz indicated that the grant application would include the filling in of the open culvert located in the Village parking lot on East Avenue and Union Street, the construction of canal docks east of the Trolley Depot docks and parking lots located at the east end of the Village Plaza property to allow access to the Heritage Trail Park.

Mr. Schultz is requesting access to the grant application that needs to be opened by the Village of Spencerport.

Mr. Schultz indicated that this project and application are to be at no risk to the Village and if the application is accepted and funded and the plaza project did not go through the Village could withdraw from the grant program.

Attorney Stowe indicated that his concern is using the grant application with the incentive zoning process along with the Village's reputation with the grant maker and applying for grants then rescinding the need for the grant.

The Village Board agreed to meet on June 11<sup>th</sup> to review the grant application.

Trustee Granger questioned if the Village receives the grant however cannot use it how does the Village look.

Mr. Schultz responded that the Village has successfully repurposed grants in the past.

Trustee Hopson questioned what would be included in the grant.

Mr. Schultz responded that close to \$750,000 worth of projects would be included in the grant application.

Trustee Nellis-Ewell indicated that she feels that the short timeline on this grant application may be causing a rubber stamp situation with the process.

Clerk Sullivan commented that the repurposing of the funds for the Heritage Trail project was a Board decision and that the grant funds were obtained by the Village for the study of expanding East Avenue. If incentive zoning negotiations fall

thought there will not be any projects and the Village does not have the funds to build the docks or develop the parking lot on Union Street and East Avenue.

Trustee Nellis-Ewell indicated that she is concerned that applying for the grant may give indirect approval to the incentive zoning portion of the project.

Mr. Craig Byham, Luther Jacobs Way commented that the developer walked away from this project approximately six months ago and the developer is holding the Village Board's feet to the fire to complete this grant application.

Trustee Penders indicated that this grant application does not approve the incentive zoning application.

### **Resolution 1 6/2014**

Introduced by: Trustee Penders

Seconded by: Trustee Hopson

Be it resolved that the Village of Spencerport Board of Trustees approves the Village Clerk to open the NYS Consolidated Funding Application to allow Mr. Schultz, Schultz Associates and contracted engineer to Pelusio Spencerport LLC access to create the grant application for parking lot, waterfront and property improvements for final approval by the Village Board for final submission at the Village Workshop meeting scheduled for Wednesday, June 11, 2014 at 4:00 p.m.

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	Absent

**Administrative Committee** – Mayor Lobene, Chair

**Sewers Committee** – Trustee Hopson, Chair

### **Trolley Depot Report**

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

A. Planning

### **Resolution 2 6/2014**

Introduced by: Trustee Nellis-Ewell

Seconded by: Trustee Penders

Be it resolved that the Village of Spencerport Board of Trustees hereby approves paying Elizabeth Venezky \$100 for her service at the Planning Board Alternate for the 2013/2014 fiscal year.

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. Architectural Review

Trustee Nellis-Ewell commented that there was one item on the Planning Board agenda for architectural review an application was submitted by Sergei Rosen, new owner of the Village Woods Plaza, 42 Nichols Street for the renovation of the façade and signage at the plaza. Items that would be done are:

- Redo existing posts, front of the building, to include partial brick/stone work.
- Reconstruct the monument sign (by street) to match the building theme; existing posts to be wrapped with veneer stone.
- Planning Board requested decorative features like corbels to be kept; also lighting be consistent (suggested LED).
- Mr. Rosen will address landscaping and any storm sewer issues; working with Building Inspector.

- Expected tenants: apothecary, chiropractor; potential florist.
- New property manager: Alexandra Evans.

Trustee Nellis-Ewell indicated that the deposition of the application was a Certificate of Appropriateness.

C. Zoning

Trustee Nellis-Ewell indicated that the Zoning Board would be meeting on June 19<sup>th</sup>.

D. Building Control

E. Code Review

Trustee Nellis-Ewell indicated that Code Review Committee would be meeting on June 18<sup>th</sup> and that an email has been sent to the Village Board regarding fees for dockage and since no comments were made the code review committee will move forward with changes to the docking code.

**Finance Committee** – Trustee Penders, Chair

**Facilities Committee** – Trustee Hopson, Chair

A. Electric

**RESOLUTION – 3 6/2014**

Introduced by: Trustee Hopson

Seconded by: Trustee Granger

Be it resolved that the Village of Spencerport Board of Trustees hereby authorizes the Mayor or Deputy Mayor to sign the renewal letter regarding the Fixed Price TCC agreement for a quantity of 9 TCCs expiring June 4, 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	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

B. Police

C. Ambulance

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

Trustee Penders reported that he will have policy changes for the upcoming workshop meeting on June 18<sup>th</sup>.

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

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

Trustee Nellis-Ewell indicated that Superintendent McIntee will explain upcoming solar projects.

**Village Clerk** – Jacqueline Sullivan

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

Superintendent West commented that 95 Lyell Avenue is requesting to move their driveway from Lyell Avenue to Coolidge Avenue and Monroe County will be working with the Village on this project.

Attorney Stowe will look into the process of moving the driveway.

Superintendent West indicated that we can help fix the catch basin for the ambulance and Attorney Stowe will look into the legal process to do this work.

**Superintendent of Electric** – Owen McIntee

Superintendent McIntee reported that work continues on developing an LED light bulb program for the business owners, solar project at the Village Office and an electric vehicle charging station at the Village Office.

**Attorney** – Eric Stowe

Attorney Stowe reported that he continues to work with the banks associated with the Spencerport Development project on West Avenue. A petition has been received for Village Pines Annexation and a joint public hearing is tentatively scheduled for July 9<sup>th</sup> at 7:00 p.m. at the Town Hall. Attorney Stowe explained the annexation process. Attorney Stowe indicated that since a new incentive list has been received and moving forward lead agency has been established to be the Village of Spencerport and moving forward the Planning Board will receive and review the plans and submit comments to the Village Board and plans will be forwarded to the Monroe County Planning Board.

**Unfinished Business**

**New Business**

**Bills**

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

General Fund	\$ 149,633.52
Electric Fund	\$ 34,053.68
Sewer Fund	\$ 7,039.24
Trust Fund	\$ 1,787.63
Capital Fund	\$ <u>0</u>
<b>TOTAL:</b>	<b>\$192,514.07</b>

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

**Adjournment**

A motion was made by Trustee Penders, seconded by Trustee Granger and carried that the regular meeting be adjourned at 8:35 p.m.