

**Joint Meeting
Town and Village Boards**

July 9, 2014

PLEDGE OF ALLEGIANCE:

I. CALL TO ORDER: (7:00 P.M.)

Board Members Present

Gay H. Lenhard, Supervisor
Thomas J. Cole, Councilman
David F. Feeney, Councilman
Malcolm E. Perry, Councilman
Thomas J. Uschold, Councilman

Village Board of Trustees

Glenn Granger
Charles R. Hopson
Carol Nellis-Ewell
Gary Penders

Others Present

Lynn A. Bianchi, Town Clerk
Dan Schum, Town Attorney
David Widger, Highway Superintendent
Jackie Sullivan, Village Clerk
Tom West, Village DPW
Eric Stowe, Village Attorney
Joanne Feeney
John Berg
Ken & Fran Meyers
Angie & Jack Weave
Ron & Johanna White
Terry & Roberta West
Karen & Frank Rakoski
Jill Cordts
Alan & Barb Pittman
Mark & Melody Roberge
Dave & Mary Hodder
Dennis & Diane Dupree
Craig Byham
John Peck
Jack Klein
Mark Howard
Linda & Eric Johnson
Robert Scalia
Angie & Tom Calandra
Liz Venezky
Betty Kelley
James Grassi
Dale Kellerson
Rosanne & Fred Holbrook
Tom Hull

Purpose of the Meeting

To audit claims, act on monthly reports and remittances, and to transact such other business which may legally come before said meeting.

7:00 p.m. - Joint Public Hearing on the Petition for Annexation of Territory in the Town of Ogden to the Village of Spencerport

Lynn Bianchi, Town Clerk, read the Legal Notice.

Supervisor Lenhard: Thank you, Lynn. We welcome the Village Board here this evening. I am now opening the Public Hearing. The Public Hearing is just all it is, we are here to hear the public about this situation and we will entertain questions. When you have questions, we ask that you would raise your hand and I will recognize you. You will come to the podium; state your name and address, and then you can state whatever it is you are interested in stating. However we are going to go through the process first, so you understand the scope of what we are trying to do tonight. I am going to turn this meeting over to our Town Attorney, Dan Schum.

Dan Schum, Town Attorney: Thanks, Madam Supervisor. As the Supervisor has mentioned, the purpose of this meeting is to hear the public about the petition to annex certain portions of the land of the Town of Ogden into the Village of Spencerport. It is not necessarily about the development of that property; obviously development of the property is probably a major concern for most of the people that are here. That matter was previously before the Planning Board of the Town of Ogden. The developer and his representative will present what was reviewed and approved by the Planning Board of the Town of Ogden. That has little or no bearing on this Public Hearing. If both of the boards by a majority vote elect to approve the annexation, then the development of the property will be in the hands of the Village Planning Board, not the Town. If on the other hand either of the two boards do not have a majority vote in favor of the annexation, it will not occur. The standard of proof for the annexation is if it is in the overall best interest of both municipalities that the process occur. That is a very broad topic, what is in the best interest is purely subjective. The Board is here tonight to listen to all of you and your concerns, either pro or con concerning the proposal to annex part of the property from the Town of Ogden to the Village of Spencerport. That does not mean that the property will somehow leave the Town. The property will still be taxable in the Town, as well as it will be taxable in the Village. The question becomes whether or not there are benefits to be derived from the property that can be more properly furnished by the Village than from the Town or vice versa. The development of the property is obviously important to almost everyone that is here. The developer will present what he has approved and will try to answer the questions you may have. If they have to do with drainage, or development, or the number of units proposed to be developed, it is really not a proper topic for discussion this evening. Although I'm sure that most of you are going to want to discuss it anyway. I must disclose that year's ago, my client Luther Jacobs owned this property and upon his passing, his son Paul Jacobs and I bought the property from his estate. We sold it to the present owners David Wohlers and Paul Kroll who own Village Pines, LLC. Paul Jacobs and I hold a mortgage on this property. I'm disclosing that because it is a potential conflict of interest, if someone thinks that I have some influence on the people who vote on this Board. I am telling you that I do not vote and that I hold a mortgage on this property. It is public record, anybody could find it if they wanted to go look at it. I disclosed that in the interest of sincerity to everyone who is here.

Supervisor Lenhard: Dan, I failed to say one thing. When we have a Public Hearing of this sort we do not vote on the subject tonight. It gives us an opportunity to be open minded, to listen to you and then discuss it between now and the next meeting or when it is appropriate. We are here to hear you; we take copious notes when we are at a Public Hearing so that we know just what the issues are that are coming forth.

Dan Schum, Town Attorney: I just want to welcome the Village Board. This is a historic meeting. The last time the Town Board and the Village Board met, was when Luther Jacobs annexed a portion of this subdivision into the Village from the Town. It was property that was located east of the Pines, which is now developed as Village

property. It has been 25 almost 30 years, since a joint meeting of the Village Board and the Town Board has taken place. We welcome all the members of the Village Board and the Village Attorney as well. Lastly, a very good friend of mine and also the Mayor of the Village of Spencerport tendered her resignation this week. Joyce Lobene tendered her resignation earlier this week. Joyce has been a supporter of the Village her whole life and we are going to miss her as the Village Mayor. I am sure the Board of Trustees misses her guidance. She is not here this evening and that's the reason why. For myself and for the members of the community, I wanted to express with gratitude her service to the Village. I would like to turn the presentation over to the petitioner and his representative. They are here to make a presentation about what the proposal is. Again it is a proposal for the development and the benefits that the petitioner believes the property can derive from the proposal.

Mr. Dick Olson, 43 Nichols St, Spencerport, N.Y.: As long as we have started on the topic of legal ethics, there is a rule. Special conflicts of interest for former and current government officers and employees, it says an attorney who has formally served a Public Officer and employee of the government shall not represent a client in connection with a matter in which the lawyer participated personally and substantially as a Public Officer or employee. Up until May 7th of this year, I was the Village Attorney for Spencerport for 15 or 16 years. Before my resigning, I prepared this petition on behalf of Mr. Wohlers and Mr. Kroll, who I have known a long length of time. I represented Mr. Kroll for many years when he was here. That being said, I looked at my records and while there was some discussion when I was the Village Attorney about potential annexation, I do not believe I participated substantially in conflict. If anybody has any opposition to that, let me know. This is a Public Hearing under Article 17 of the General Municipal Law to annex approximately 34 acres of land from the Town of Ogden to the Village of Spencerport. This is the outline map which is what is required by the statute of the property we annexed. (Mr. Olson pointed to the map.) We have the outlying map that is required. Route 531 is here and we have Coventry Drive coming into the property here. The property if developed, gas and electric would be provided by RG&E. This is not a Spencerport Electric project, this is RG&E. It is not in the Spencerport Electric franchise. Water would be from the Monroe County Water Authority. Sewers would be provided by the Village of Spencerport and under the Village of Spencerport Code as is currently exists the property is zoned as R-1. Like anything else, zoning can change. We believe that the annexation is in the overall public interest. There was a development approved for this project in 2006. The first section that was approved was Senior Housing and that market has changed. There was a proposal to change the zoning, as far as I know it never went any further. Had that been developed in the Town of Ogden snow plows would have had to go down Village streets, go up Coventry Drive, go all the way through that property, to go up and plow the Town roads. There would be at least one extra garbage truck, maybe as many as three because there are three separate providers. It would be extra environmental issues, extra wear and tear on the roads; any maintenance the Town would have to provide would have the trucks and the people going across the Village road. There would be a lot of coordination issues. Village tax base will increase by this, the Town tax base will increase when it is developed and the impact of the annexation on the Fire Districts, Sewers and Schools will be the same whether it is developed in the Town or the Village. I am limiting my comments to just the annexation portion, Mr. Wohlers may wish to speak about the development.

Mr. David Wohlers, Villge Pines, LLC: Our proposal is same as what was proposed with the town back in 2006. We are taking the same proposal and changing from Town to Village ownership. RG&E will service for gas and electric. We have a division of 38 town homes and 42 single family homes, the single family homes are along Hawthorne Drive, there is a 40 foot buffer zone that has been approved. Housing is to

be single family, mostly ranches and the town homes are one and two stories, most of them are just duplexes as a single story. Phase 1 was approved in 2006. Other than that I have nothing else I can add to the development portion at this time.

Supervisor Lenhard: Would the Village Board like to say anything or are you ready for listening? (Village Board responds to proceed to listening portion) Anyone that would like to address the boards, would you please raise your hand and I will call on you.

Ron White: I have a series of questions, some given to me, some I have on my own. Some of it has been addressed already, I will not repeat those. Is the property going to be turned over to another developer? That is a concern for some of the neighbors in that neighborhood. Will the approval of the annexation and any further approvals that the Village might provide then be packaged and sold to another developer? Is it in the benefits of both boards, both Village and Town to have some kind of owner binding agreement before the annexation is approved to provide assurance that the development will occur as proposed? I know there is no guarantee that anything like that can be changed. Regarding any storage of materials, spoils or equipment prior to any development and/or construction occurring from now going forward, what will be the recourse for damages to neighborhood properties? Storm water is a main concern. Anytime impervious surfaces are added, it concerns people because then what is going to happen? If there has been a storm water plan developed during Phase 1 approval, it would be interesting to review. If not, I would think one should be provided early on in the process. That is it.

Supervisor Lenhard: Ron, many of those questions are very pertinent for the Planning Board process. Next?

Tom Calandra: I just have one issue and I think the gentleman who just spoke hit the nail on the head from my perspective. That is; the property being turned over to another developer and the situation if the roads change. To be quite honest with you there has been some talk that in addition to Coventry that there is a house for sale that is in foreclosure and that would harm many residents on Hawthorne Drive. If that is an issue or something that is not being discussed, that is a problem for me and others that live in or around Hawthorne Drive. I think there needs to be some type of binding agreement as it relates to that particular issue, so that our property values are protected. I think that is important, especially if you cut in another road. That is an utmost concern to me and my wife.

Supervisor Lenhard: Thank you. Just so you all know, we the two Boards will get the minutes of the meeting and that helps us a lot. We go back and we read everything that you said and everything that Ron said so we can put it together.

Angie Calandra: In addition to Ron and Tom's comments, I know it has already been approved since 2006, we would like to know the value of the single family homes. That is the only other thing I wanted to add, we would like to know what the actual value would be on those properties.

Tom Hull: The question I have is, the electric is going to be supplied by RG&E. I've heard over the years that there has been a lot of haggling back and forth of Mr. Wohlers trying to get the Spencerport Electric and it failed. Once he annexes this property to the Village, what is to prevent that from happening?

Supervisor Lenhard: I can tell you and I think the Village Board can tell you, they won't extend the franchise anyplace.

Tom Hull: Ok, good. I was also concerned about the starting price of these homes. The other thing is when we approved this before, there was going to be Senior Living and now you are saying that there will not be any Senior Living, it is not going to be restricted to 55 and older. That means there could be more children, we have just put up a new stop sign not too long ago on Hawthorne. At that time the traffic study said that there would not be a backup of traffic. With that stop sign, what is to prevent there from being a backup of traffic, especially the other families moving in there now? The whole thing has changed, it is not going to be Senior Living anymore.

Supervisor Lenhard: Again, these are Planning Board issues. When it comes to that either in the Town or in the Village, those are the issues that will come up and you will get your answers. The developer will be listening to what your concerns are.

Jim Grassi: Back in 2006, when there was discussion about going from R-1 to Senior Citizen it was about how it would not increase traffic flow. Now they are worried about wear and tear on the road and how we would not have too many garbage trucks coming into the Village. I think it is kind of funny how they are flip-flopping now from a couple years ago. The town homes, are they rental properties or will they be privately owned? The Town trucks driving up here, I can understand that but I am sure the Village would not mind plowing for them for an extra fee. The original development called for sidewalks. There are no sidewalks on Coventry, no sidewalks on Hawthorne but if you have sidewalks in the new development, now you have to have a sidewalk plow going where he was not going before. Sidewalk maintenance, the Village said they were going to take it from the homeowners and bring it to the Village. Is the Village taking sidewalk maintenance into consideration? I did not know that once we go back to R-1, we would have to worry about parking lots in the senior area, community area, who plows and who does not. Those are some concerns I had about that. What are the pluses for the Town and what are the drawbacks for the Town? What are the pluses for the Village and what are the drawbacks for the Village? You are saying you will get more in Town tax revenues, very good but now there will be additional burdens and the Village will get more taxes but the extra taxes that we pick up will it offset the additional responsibilities of having 34 acres in the Village?

Supervisor Lenhard: That is something that we all have to think about, whether it is in our Town or in the Village. The developer can come in and ask to develop something. That is not what we are here for tonight. I know you know that.

Jim Grassi: I know that. I am just trying to state pros and cons, benefits, drawbacks, checks and balances.

Supervisor Lenhard: I think the developer is trying to make a case tonight; that he feels it is more advantageous for everyone if it is in the Village. The kinds of things that Mr. Olson brought up were the reasons for doing this. I do not think we have any bias about this, frankly. One way or the other it is probably going to go, if it is us running it or the Village running it. It is just a matter of how do you all feel about it being part of the Village or would you like to keep it apart of the Town? It is not going to change if you have it either place.

Jim Grassi: Well, sure it will because you are selling homes in the delightful Village of Spencerport and I am sorry but we have little more clout than Ogden.

Supervisor Lenhard: Ok, thank you.

Tom Hull: You kept referring to the fact that we bring these issues up to the Planning

Board, does that mean that this plan has to be reapproved?

Dan Schum: If the property were annexed to the Village of Spencerport it would go to the Village Planning Board for review for development within the Village.

Tom Hull: Ok, so that gets started all over again.

Dan Schum: The Town approval would be nullified because it is no longer in the Town. It obviously would carry some weight because the developer has a plan that was approved. The Planning Board and the Town would not carry any weight to the Village Planning Board and the Village people.

Tom Hull: That was not made clear but it does make sense.

Supervisor Lenhard: Anyone else?

Frank Rakoski: From a geographic perspective, it would seem to make sense to annex the Village when you look at the map and consider the issues that were brought up about the plowing and such things. I know we are not supposed to talk about development but I want to refer you to a couple things. On October 14, 2010 there was an Ogden Planning Board meeting held, I was there, they held a concept review for a proposal to change this from Senior Citizen to R-1. I will submit the minutes from that just so it is in the record. It is about 10 pages I printed out from those minutes. The proposal was mainly around rezoning it from Senior Citizen to R-1 as well as making it a Section 278, which is a higher density type of housing that is allowed. Basically the Planning Board and Keith O'Toole's comments were very appropriate. They said we really should go back to the drawing board if you want to make this not senior and make it with this density. Many issues were discussed in ways that that could be handled, calculations needed to be done and such. So it is a very good discussion that is in the minutes, I encourage all these boards to read them and in the future if it comes to that Village Planning Boards and Zoning Board to read them also. As I said about the density of housing on the project, I understand from what was just said that basically because the Ogden Planning Board would not recommend that this be rezoned R-1, through this annexation it does make it R-1 starting in the Village. The Village does allow higher density on their properties so maybe the way it is currently planned it would meet the Village Codes or maybe it would need less houses? I am not sure. Those are the observations I make about this. Once again, most of it is about the development which I think a lot of the residents are concerned about. The Village Planning Board would have to do a good job at being sure that both have met the Code for the Village and satisfy all issues that the neighbors that live in the streets adjoining would have. I think that is all I have. I will submit these minutes and encourage you to read them.

Supervisor Lenhard: Thank you. Anyone else?

Ron White: It was mentioned by Trustee Penders in regards to RG&E that they would probably not give up that property to service. Do they have current right-of-way to the property? If they do, where is it? Would it be underground, aerial to that point, then underground? How would it be manufactured? The other point is that if it does reach the point of the Village Planning Board and because Mr. Wohlers is the chair of that Planning Board would he recuse himself and then someone else then take the chair?

Tom Calandra: I just have one further situation that I would like to mention. I do not know the answer to it. Those plans as presently constituted, are they timely for now or do they have to be redone if this gets approved? Those plans I think are back in 2006.

Dan Schum: If both boards were to vote in favor of annexation, it would go back to the Village Planning Board at square one.

Tom Calandra: Square one and those plans could be amended.

Dan Schum: The developer I am sure has spent a lot of money on engineering plans and would present a plan that is very similar, if not the same and it would be up to the Village Planning Board to say whether they like it, the public, whether they like it or not.

Tom Calandra: Yes, but those plans could be amended.

Dan Schum: There is no jurisdiction in the Village of Spencerport. None at all.

Tom Calandra: Ok, thank you.

Eric Johnson: I am possibly one of the newest neighbors in the neighborhood and I have heard that this is not the time to talk development issues. I just want to give some consideration to the social side of this, simply because we have talked about economics and RG&E, power, lighting and things like that, I would submit to you by way of a quick story. We just had our neighborhood garage sale and for 8 hours on Friday and 6 hours Saturday, you had better watch where you walked in the street. We had a lot of folks here that do not drive these streets and they were looking for deals. I almost got ran over mowing my lawn. I normally do not see traffic like that and I thought to myself, it will be good when this is over. That is point one. Point two, and this might be for the Development Board, we are talking about a significant change in the neighborhood if we do this, if we come in to Coventry. Rush hour traffic is like electricity and water, it is going to find a path of least resistance. We are going to have cars all over the place finding their way to the one spot. I am just by this conversation voicing my concern about all the small children, elderly folks and soon to be elderly folks that live in the neighborhood. They are going to have to pay more attention than they ever did to walking out in the street, walking their dogs, playing with their kids. Thank you.

Supervisor Lenhard: Thank you. The developer is sitting here, so I am sure he is listening to all of these comments also. Is there anyone else?

Frank Rakoski: I want to comment about that map. That is just the plot map from 1995, which is all I see, it is not the buildings. At the meeting in 2010 there was much more detail, I am sure the approved 2006 plan show all the houses and everything so you could see the layout. There was just one entrance road but it had all the specific detail of where the houses and streets are.

Supervisor Lenhard: But again, we are just looking at the piece of property. Annexing or not. Anybody else? (No response) I am going to close the Public Hearing. Ok, the Public Hearing is closed. If you all want to sneak out, you are welcome to, we have the whole agenda to go through; however you are also welcome to stay.

II. APPROVAL OF THE MINUTES:

Resolution #169-7/14

Introduced by Councilman Uschold
Seconded by Councilman Feeney

BE IT RESOLVED, that the minutes of the Regular Meetings of June 11, 2014 and June 25, 2014 there being no errors or omissions, stand approved as submitted.

Vote of the Board:

Ayes: Cole, Feeney, Lenhard, Perry, Uschold

Nays: None

III. PRIVILEGE OF THE FLOOR:

Supervisor Lenhard: Is there anyone that would like to address the Board for some other reason?

Frank Rakoski: That was a good hearing. I thought a lot of good issues were brought up. My question is about the agenda. Resolution #172-7/14 to set the date for a Public Hearing for Introductory Local Law #4, I read it online, there is more information there, to add definition of indoor/outdoor recreational use. Could you talk a little more about that? It says people have approached the Town about developing indoor/outdoor recreational uses.

Dan Schum: The proposed Code is on file at the Town Clerks office. Since we only have one meeting a month in both July and August, it was discussed in June and I was asked to draft a proposed Local Law for consideration in August. Since this is the only Public Hearing in July, that is the impatience for the resolution to schedule the hearing. The proposal comes from requests in a Light Industrial District, for recreational use. Unfortunately, as you know in our Code, if it is not a listed use, it is prohibited. In order to address that need, we are proposing to define indoor/outdoor recreational uses and in a Light Industrial District provide for indoor uses, also in an R-1 district, to provide as a conditional use, indoor/outdoor uses. They would not be permitted uses but would be conditional uses. We have defined both of them, they run the gambit from everything from outdoor exercise, to aerobics, to outdoor uses, then outdoor, everything from paintball to disc golf and things of that nature because we have had requests. We are trying to address those and it is subject to a Public Hearing.

Frank Rakoski: I read that online but recreational uses could be a lot of things. Some people would consider a casino a recreational use. I do not know if that is going to be a part of our Code. I will come in tomorrow to get the information.

Supervisor Lenhard: Would anyone else like to speak to the Board?

John Berg: I am here to complain about the Town Pump store I live near. I have never had any real issues with the people or the owners but everyone else in my neighborhood has, until just recently. They have reported them, you can tell who my neighbors are, and two of them work for this town. One lives across the street from me and one lives next door to me. They have all made complaints. I have not had an issue with them, so I have not said much or called or anything. Now their dogs are running through my garage, into my backyard. Next thing you know I have those morons running through my garage, into my backyard and they are not exactly people I want in my garage. I know you should keep your garage door closed but I should not have to. These dogs are not licensed, so I do not know who is taking care of them. The dog license person from what my neighbor says, who I would think knows some of the laws since he works for the town.

Supervisor Lenhard: Has the Animal Control Officer been called about this?

John Berg: I believe that he has talked to them. He has told me he has. Personally, I do not care if they have a license or not. The dog will be outside near our bushes, because they sit on top of their deck drinking until 2:00 a.m., then the dog gets loose and you hear them outside your window. They come through my garage, then another guy comes through my garage.

Dan Schum: Let me suggest to you, as the Town Prosecutor for dog violations, it is my job to prosecute but I cannot enforce the law if we do not have written complaints from people who believe the Code has been violated. That would be up to the citizenry, including you. If you ask the dog warden to go talk to them, he will go talk to them but that is not a written complaint. That is not a violation of the law unless he is violating the Leash Law. We have a Leash Law in the Town of Ogden; your dog has to be on a leash or under your control.

John Berg: The other issue is I know that when the store was supposed to be opened, they were given a permit for two years and if the store was not opened within two years, the permit was in violation.

Dan Schum: This has nothing to do with the dogs.

John Berg: No, this has to do with the owner that is renting the property right now. Renting that property is in violation.

Dan Schum: I think you should come to the Building Department, file a complaint, find out what is true and what is false. That is not appropriate for us to respond to. If you believe someone is operating a business without a valid permit in the Town of Ogden you need to come to the Building Department.

John Berg: So renting that property is a violation if the permit is expired?

Dan Schum: I did not say that. I do not know the terms of approval. You are saying that your neighbor told you it was approved but that it had to be opened within two years. I do not know that to be true, if it was true and it has been more than two years, you may well have a valid complaint.

John Berg: It has had to have been 3 years because they said that store was going to open a long time ago. They have been there for a while. Police are there constantly, they always have people living with them at different times. Next thing you know the police are there because there is a fight or something is going on. It does not bother me that the police are there but this kind of stuff just keeps going on.

Supervisor Lenhard: The attorney is right, you have to go to the Building Department because they can look up the history, what was decided, when it was decided. Ok? You might also want to contact the Animal Control Officer.

Dan Schum: You can file a written complaint for violation of the Town Code for the violation of the dog license. It will come to the Town Court before the Town Judge and they will be prosecuted. You will be called as a witness if you are the complainant.

John Berg: Ok, thanks.

IV. REPORTS AND REMITTANCES FROM TOWN OFFICERS:

Resolution #170-7/14

Introduced by Councilman Uschold
Seconded by Councilman Perry

BE IT RESOLVED, that the Reports and Remittances from Town Officers in detail for the month of June 2014, showing receipts and disbursements as submitted by the Town Clerk, be accepted as read, monies and fees to be acknowledged by the Supervisor and copies of the same filed with the Town Clerk.

Vote of the Board:

Ayes: Cole, Feeney, Lenhard, Perry, Uschold
Nays: None

V. TOWN AUDITS:

Resolution #171-7/14

Introduced by Councilman Cole
Seconded by Councilman Feeney

BE IT RESOLVED, that the General Fund, Part-Town Fund, Highway Fund, Trust & Agency Fund, Capital Fund, Drainage Fund, Sewer District Funds, Water District Fund, and Lighting District Funds and being vouchered and submitted for audit, chargeable to the respective funds be approved:

General Fund	\$133,892.02
Part-Town Fund	41,001.99
Highway Fund	254,439.16
Trust & Agency Fund	7,705.82
Capital Fund:	
Heritage Trail & Park	6,431.00
Boetcher Lodge	<u>33.11</u>
Total Capital Fund	6,464.11
Drainage Fund	5,218.60
Sewer Funds	1,854.30
Lighting Funds	8,030.17
TOTAL	\$458,606.17

Prepaid Expenses:

General Fund	21,410.00
Trust & Agency Fund	132,724.81
TOTAL	\$154,134.81

Vote of the Board:

Ayes: Cole, Feeney, Lenhard, Perry, Uschold

Nays: None

VI. CORRESPONDENCE RECEIVED AND FILED:

1. Letter to Supervisor Lenhard from Michael J. Garland, P.E, and Director of Environmental Services thanking the Town of Ogden for hosting the regional Household Hazardous Waste Collection on June 14, 2014.

VII. REPORTS FROM TOWN OFFICERS:

Gay H. Lenhard, Supervisor

1. Last Tuesday the Chief and I greeted two of the bike riders from the Our Ability Organization. Two of them that are very handicapped went all the way from Buffalo to Albany. It was amazing to see these men do what they do.
2. We are starting to work on the Parks and Recreation budget with Mal, Andrea, our Finance Director and Tony. Things are coming along and we are going to have something to talk about in Work Session about one issue in their budget.
3. I met with Dave Widger and John Gauthier and a representative from a company that is going to oversee the decontamination process where the gas tanks were at the Highway Complex.
4. I met with Mark IV Construction about their development off of Whittier Road. This has been in the works since 1991 and they have finally found a way to get the drainage off of their property. They are really coming along and have a nice looking layout. It is already zoned Multi-Family, our Board has no say about it. They will go before the Planning Board so they can present their new design.

Thomas J. Cole, Councilman

No report.

David F. Feeney, Councilman

No report.

Malcolm E. Perry, Councilman

No report.

Thomas J. Uschold, Councilman

No report.

David H. Widger, Highway Superintendent

1. The Canal Authority has completed the restoration of the Canal Bank. It is 90 percent completed. They are not going to do the last hundred feet to the west at the Village line because it is too close to the lines for the large excavator. They requested we do it with our smaller excavator so that it will not be so close to the power lines. They are dropping off all the stone, we are just going to finish that up within the next couple weeks so that the erosion will be taken care of.
2. Working on Spencerport Road by the school, milled it today. Hopefully we can spend the next two days working on it. If it goes well with the weather, we will be paving on Monday and Tuesday next week. We should be done by the middle of

next week then we will move down to the park.

3. I met with the environmental people, we just have to probe and find out where the contamination is on the ground so we can move forward with mitigation. We do not know approximately where it is but we will find out by doing geo-probing.

Lynn A. Bianchi, Town Clerk

1. I would like to welcome Sarah Gramling, our new team member for the Town Clerk office. This is officially her first Agenda that she did today and she will have the pleasure of doing the minutes.

Daniel G. Schum, Town Attorney

1. As Frank mentioned, we have had some requests for uses in districts that we did not have in our Code. There is a proposal to have a Public Hearing next month to reconsider recreational uses both indoor and outdoor.
2. Working with the Building Department, we have two structures in particular that have been abandoned in town. These are residences that are in sad states of disrepair. I did a research of the records of the County Clerk's office to determine record ownership and have our structural engineer furnish a report. The next step would be to put the landowner on notice that these structures are unsafe. If they are not attended to the town will be commencing condemnation proceedings in Supreme Court to get an order of condemnation. That does not mean that we will bulldoze them down, but it does mean that we can post them as unsafe structures and do whatever is necessary to protect the public, fire and police department from harm on the properties. It is unfortunate but the economics of the times, people are walking away from their houses. Not only in the city but in the town as well. One house is on 259, almost opposite of Cherry Hill subdivision on the south-side of the road and there is one way down Colby Street on the south-side almost to the town line.
3. We had a Public Hearing tonight on the annexation; both the Village Board and the Town Board have ninety days from today's date within which to act upon the annexation, either positive or negative. The statute provides that if no action is taken then the annexation is deemed approved. I think both boards will act on it one way or another. I do not know what their outcome will be, but I would encourage both boards to act.
4. There is a resolution tonight to appoint the Village Board as the lead agency for SEQR for the environmental review of the annexation.

VIII. UNFINISHED BUSINESS:

None

IX. NEW BUSINESS:

Resolution #172-7/14

Introduced by Councilman Uschold
Seconded by Councilman Perry

WHEREAS, the Town of Ogden has had request for development within the Town of Ogden for both indoor and outdoor recreational uses; and

WHEREAS, a review of the existing zoning code provisions of the Town of Ogden Code severally restrict or prohibit indoor or outdoor recreational uses; and

WHEREAS, the Town Board has reviewed the existing code provisions and believes that certain amendments to Chapter 210 of the Code of the Town of Ogden would be appropriate so as to provide for a vehicle for development within the Town of both indoor and outdoor recreational uses; and

WHEREAS, it is necessary for the Town Board of the Town of Ogden to hold and conduct a public hearing to consider such code amendments;

NOT, THEREFORE BE IT RESOLVED by the Town Board of the Town of Ogden, Monroe County, New York, as follows:

SECTION I: That the Town Board shall hold and conduct a public hearing to consider enactment of the Introductory Local Law #4-2014 which a public hearing will be held and conducted at the Ogden Community Center, 269 Ogden Center Road, Spencerport, NY on the 13th day of August, 2014 at 7:00 p.m. and at which hearing all interested persons shall be heard concerning the subject matter thereof.

SECTION II: That the proposed Local Law proposes to add a definition of indoor recreational uses, a definition of outdoor recreational uses and to provide for indoor recreational uses as a permitted principal use in a Light Industrial District and indoor/outdoor recreational uses to be a conditional use in a R-1 Single Family Residential District.

SECTION III: That the Town Clerk shall give legal notice of this public hearing as required by law.

Vote of the Board:

Ayes: Cole, Feeney, Lenhard, Perry, Uschold
Nays: None

Resolution #173-7/14

Introduced by Councilman Uschold
Seconded by Councilman Feeney

WHEREAS, Village Pines, LLC has made application to the Town Board of the Town of Ogden and the Village Board of Trustees of the Village of Spencerport pursuant to Article 17 of the General Municipal Law seeking to annex to the Village of Spencerport certain lands owned by Village Pines, LLC and presently located within the jurisdictional boundaries of the Town of Ogden; and

WHEREAS, the Town Board of the Town of Ogden and the Village Board of the Village of Spencerport have held and conducted a joint

public hearing upon such petition and at which hearing all interested persons were heard concerning the subject matter thereof; and

WHEREAS, the Town Board of the Town of Ogden and the Village Board of Trustees of the Village of Spencerport are the only two (2) interested agencies involved in this application; and

WHEREAS, it is necessary for one of the Boards to be designated as lead agency for the purposes of SEQR; and

WHEREAS, the Village Board of Trustees of the Village of Spencerport would, if such annexation is approved, be the Board most directly involved with the future uses and development of the property and accordingly, would be more appropriately designated as lead agency for purposes of SEQR;

NOW, THEREFORE BE IT RESOLVED by the Town Board of the Town of Ogden, Monroe County, New York, as follows:

SECTION I: That by the adoption of this resolution the Town Board does hereby request that the Village Board of Trustees of the Village of Spencerport accept its designation as lead agency for the purposes of SEQR both with respect to the proposed annexation and all future development or uses of the subject property.

Vote of the Board:

Ayes: Cole, Feeney, Lenhard, Perry, Uschold

Nays: None

Resolution #174-7/14

Introduced by Councilman Perry

Seconded by Councilman Feeney

WHEREAS, the Town Board of the Town of Ogden did heretofore establish the Part-Town Capital Projects (Restricted) Reserve Fund, and

WHEREAS, the Town Board desires to withdraw from the above-referenced reserve fund the sum of not-to-exceed \$50,000.00 for roofing/siding projects at Pineway Ponds Park and Little Red Schoolhouse.

NOW, THEREFORE BE IT RESOLVED by the Town Board of the Town of Ogden, Monroe County, New York, as follows:

SECTION I: That, by the adoption of this resolution, the Town Board does hereby authorize the withdrawal from the Part-Town Capital Projects (Restricted) Reserve Fund the sum of not-to-exceed \$50,000.00 to be used for the roofing/siding projects at Pineway Ponds Park and Little Red Schoolhouse.

SECTION II: That the adoption of this resolution shall be subject to a permissive referendum as required by law and the Town Clerk shall give due legal notice of the adoption of this resolution as required by law.

Vote of the Board:

Ayes: Cole, Feeney, Lenhard, Perry, Uschold
Nays: None

Resolution #175-7/14

Introduced by Councilman Cole
Seconded by Councilman Uschold

WHEREAS, invoices and claims for the Town of Ogden are generally audited and approved for payment at the Town of Ogden Town Board meeting held on the second Wednesday of each month; and

WHEREAS, there may be times when invoices and claims are not received timely enough to be processed and paid at the first Town Board meeting of each month; and

WHEREAS, these invoices and claims may generate late fees/charges or prevent the Town of Ogden from taking advantage of timely payment discounts;

NOW THEREFORE BE IT RESOLVED, that The Town of Ogden Town Board hereby authorizes and approves that the following claims related to payroll expenses (such as but not limited to Federal and State tax deposits, NYS Retirement deposits, Deferred Compensation deposits and other such dues, garnishments and benefit deductions), Employee Health Insurance premiums, utility invoices, and any other invoice with early payment discounts may be paid when received or due; and be it

FURTHER RESOLVED, that all such pre-audit claims must be approved by the appropriate department head and the Town of Ogden Supervisor and will be audited by the audit committee at the next regularly held Town Board Meeting.

Vote of the Board:

Ayes: Cole, Feeney, Lenhard, Perry, Uschold
Nays: None

Resolution #176-7/14

Introduced by Councilman Perry
Seconded by Councilman Feeney

WHEREAS, the Town Clerk did give due legal notice requesting the furnishing of sealed bids for multiple contracts for the development of the Town of Ogden Heritage Trail Park; and

WHEREAS, the Town Board has rejected all submitted bids.

NOW, THEREFORE BE IT RESOLVED by the Town Board of the Town of Ogden, Monroe County, New York, as follows:

SECTION I: That the contractors be reimbursed for payment received for copies of bid specifications.

Vote of the Board:

Ayes: Cole, Feeney, Lenhard, Perry, Uschold

Nays: None

Resolution #177-7/14

Introduced by Councilman Perry

Seconded by Councilman Feeney

WHEREAS, the Town of Ogden is presently in the process of developing the Town of Ogden Heritage Trail Park; and

WHEREAS, it is necessary that the Town Board request bids for the furnishing of water main in conjunction with the development of the park; and

WHEREAS, the Town of Ogden has caused bid solicitation documents to be prepared.

NOW, THEREFORE BE IT RESOLVED by the Town Board of the Town of Ogden, Monroe County, New York, as follows:

SECTION I: That the Town Board give due legal notice requesting the furnishing of sealed bids for the development of the Town of Ogden Heritage Trail Park, such contract to be for the installation of water main in accordance with the bid documents presently on file at the Town Clerk's Office.

SECTION II: Sealed bids shall be received by the Town Clerk of the Town of Ogden to and through 4:00 p.m. on the 30TH day of July 2014, at which time all bids so received shall be publicly opened and read aloud.

Vote of the Board:

Ayes: Cole, Feeney, Lenhard, Perry, Uschold

Nays: None

X. ADJOURNMENT:

Resolution #178-7/14

Introduced by Councilman Feeney
Seconded by Councilman Uschold

RESOLVED, that the Regular Meeting of the Town Board of the Town of Ogden be and hereby is adjourned to Work Session at 8:07 p.m., at which time the public was invited to attend, and hereby moved to Executive Session at 8:26 p.m. to discuss town property and hereby is adjourned at 8:40 p.m.

Vote of the Board:

Ayes: Cole, Feeney, Lenhard, Perry, Uschold
Nays: None