

VILLAGE BOARD MEETING
September 3, 2014
Minutes

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

BOARD MEMBERS PRESENT

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

BOARD MEMBERS ABSENT

OTHERS PRESENT

Bill Armstrong, 51 Luther Jacobs Way
Bev Baker, 350 Village Walk Circle
Phyllis & Terry Bruton, 153 Coleman Avenue
Craig & Pat Byham, 50 Luther Jacobs Way
Angie & Tom Calandra, 116 Hawthorne Drive
Doug Case, 62 Coleman Avenue
Debbie & Rick Chick, 63 Sableridge Court
Jill Cordts, 114 Amity Street
Terry Guarino, 34 Hillcrest Drive
Mary Guinan, Maplewood Avenue
Lavina Kay, 307 Village Walk Circle
Dale Kellerson, 58 Thorncliff Road
Betty Kelley, 25 Coventry Drive
Barb Kuntz, 47 Coolidge Avenue
Owen McIntee, SME Superintendent
Richard McQuilkin, 34 Prospect Street
Carl Meizner, 49 Laurelcrest Drive
Ken & Fran Meyers, 53 Laurelcrest Drive
Joan Quigley, 151 Maplewood Avenue
Ben & Michelle Peers, 248 Union Street
Barbra Pittman, 21 Laurelcrest Drive
Mark & Melody Roberge, 8 Coventry Drive
Marcie Rush, 166 Maplewood Avenue
Phyllis Rutter, 57 Laurelcrest Drive
Eric Stowe, Village Attorney
Jacqueline Sullivan, Village Clerk
Karen & Rich Vargo, 138 Nichols Street
Tom Vickery, 16 Hillcrest Drive
Terry & Robbie West, 32 Coventry Drive
Kevin Watson, 150 Maplewood Avenue
Thomas West, DPW Superintendent
James White, 20 Laurelcrest Drive
Ron White, 123 Hawthorne Drive
David Wohlers, 49 Clark Street

Mayor Granger appointed and swore in Mr. Raymond Kuntz, 47 Coolidge Avenue to fulfill the Trustee vacancy from Mayor Granger's appointment to Mayor. Trustee Kuntz will serve in that position until the special election in March 2015.

Mayor Granger opened the public hearing at 7:00 p.m. for Introductory Local Law 4-12014 "A Local Law to create a new chapter in the Village Code "Parking and Storage of Recreational and Commercial Vehicles"

Mr. Rick Chick, 63 Sableridge Court – Mr. Chick introduced himself and his wife Debbie. He indicated that when they built their house they looked for a lot that would be wide enough to accommodate a home with a side loading garage to create some storage space along the side of the garage behind the setback of the house which we were able to accomplish with that lot. So in 1999 my boat sat in that spot off behind the garage, then in 2004 we bought a 5th wheel RV and that sits there as well. Both of those vehicles have been sitting there since 2004. I have 14ft. high arborvitaes to the east of the garage and the house on the west side and unless you are sitting directly at the foot of my driveway you cannot see either one of these vehicles from any direction except for directly in-front of the driveway. Now if this law should be adopted I have to make one of those go away and I am not really happy about that. They are out of site; they are out of mind, like I said you cannot see them from any direction with the exception of sitting directly at the head of my driveway looking down the driveway that is the only way you can see them. Mr. Chick indicated that he is curious as to what propagated this consideration for this law.

Trustee Nellis-Ewell responded that excessive storage of these kinds of vehicles were causing complaints to our Code Enforcement Officer we tried to balance whatever we do with the need and improvements in the Village and that's what we attempted to do with this local law. If there was no governing or if there was too much restriction there would be an issue. So we tried to find a happy medium based on comments and complaints.

Mr. Chick questioned comments from?

Trustee Nells-Ewell responded it would be complaints I guess if you want to say that, I don't like to always use that word but issues from folks and some were reoccurring.

Ms. Dee Kay, 307 Village Walk Circle – She indicated that she has a neighbor and have noticed a lot around Village Walk, Hilltop and all that and I am a complainer. I own a 37ft. motorhome I don't leave it parked in my driveway, I have it in storage. I have a neighbor who lives next door to me who has 21ft boat parked right in his front yard and if the boat's not there his camping trailer is there and if his camping trailer not there his truck is there. So he is using his front yard as a driveway. He has a 21ft. boat sitting there now, he has a camping trailer on the side of his garage, plus a utility trailer behind that (the camping trailer). I walked around Village Walk, have lived there for almost 40 years, and I can see where there's another guy on Hilltop he's got a hot dog stand that he must take into the city its' got propane tanks, he parks that right in his yard. I have no problem with someone parking it parallel back along the side of the garage if they have room but when it is sitting in the front yard or sitting in the drive way it makes the whole house, it blocks your view, it looks trashy and I am not happy with it and my home is a nice home, I keep it nice, I lost my husband three years ago and I try to keep it nice and if I put my house on the market and they walk up and look at my house then look at my neighbor okay that is going to bring down the value of my home, so I do have a complaint and that's why I would like to see something done about it.

Mr. Jim White 20 Laurelcrest Drive – I think that the introductory paragraph kind of summarizes why we should not be having these vehicles come beyond the property setback itself. It talks about preserving the esthetic beauty and residential character of the community, it talks about enhancing the values of the

properties, talks about derogating the values of properties which having contacted three separate real estate agencies having a general conversation about their experience in selling properties in neighborhood where this type of up front storage of recreational vehicles or boats in the driveway or general storage of vehicles that degrade the appearance of the neighborhood, it is a negative, it's difficult to sell a house when you got a for sale sign on a house skirted by 2 RVs sitting next to the house even though they are not up to the front of the properties as this is proposing to do by allowing them to be in the driveways. So safety is another thing, my house used to have some arborvitaes on one side of the house that really made it kind of difficult for anyone looking down the street to see any negative activities going on; on our street. My neighbor nice was enough to allow me to remove those to open up the property to make is more visible for the neighborhood in general. It makes my family and my neighbors more comfortable about the safety aspect of it. The last thing I want to mention, just so I don't take up a lot of time here, is that we have a tendency that when we become owners of a piece of property is though it is some sort of an island in which can do pretty much anything we want be we really have a responsibility to the rest of our neighbors in this community that goes far beyond that I look at a neighborhood more like a honeycomb that bees create where your neighbor is part of your responsibility as well as you are to them we should not be having these recreational vehicles or other types of vehicles whether they be boats or anything else sitting in driveways without that sensitivity that we should have to the rest of our neighbors. We should always be asking ourselves the question "is this the right thing for me to be doing to my neighbor or our neighborhood" so I propose that we do not change having these vehicles come any farther into the front of the property than they do today. Thank you.

Ms. Phyllis Bruton 153 Coleman Avenue – Mrs. Bruton indicated that it would be impossible for them to park their trailer on the side lot-line; they have Village owned trees, our neighbor's shrubs. When we parked our trailer there this summer we didn't even know we weren't supposed to. So I would be more in favor of this law. When we parked our trailer there we asked our neighbors "do you have a problem with it" "no not at all" it sits back from the road, you could probably pull a tractor trailer out of our driveway and still see it doesn't block the view coming down the street either way. The neighbor on the other side of us, she has shrubs that are almost out the road that are taller than our trailer, bigger than our trailer. It is a registered, licensed, neat looking vehicle I don't have a problem with that. At one time we had five vehicles in our driveway, two pick-up trucks all of our kids lived there and drove. It is neater looking now than it ever was with five vehicles in it, I have no problem with changing it. Mrs. Bruton also had one question it says "a vehicle carrying one or more persons and intended for use on the water" so you would not be able to put a canoe or kayak and a trailer on your property the way it is proposed.

Attorney Stowe responded that the way it is proposed based on what code review committee suggested yes that is how it reads currently.

Mayor Granger commented that just so you folks know I have a 30ft mobile home and I don't have any side yard it is pie shaped and I know of what Mrs. Kay speaks because we are right down there so I am not un-sympathy to you but I store mine.

Mrs. Debbie Chick 63 Sableridge Court – You know you talk about the storage and we do store ours in the winter also but our RV comes home the first of March because we take spring break and go to Myrtle Beach.

Mayor Granger commented we do too.

Mrs. Chick continued that according to this law we cannot even bring it home to load it to go to Myrtle Beach.

Mayor Granger responded that I would assume that there are a certain amount of dates that you can bring it home, I hope so or I'm not going.

Mrs. Chick – I have another question and too the best of my knowledge there is already is a law on the books that has never been enforced, why are we starting a new law when there is already one on the books that has never been enforced.

Mr. Rich McQuilkin, Code Enforcement Officer – In my opinion I am trying to be fair to everybody. I think in my opinion you should be able to have a trailer in your driveway and that's why we chose the seasonal time frame, April 1st to October 31st I think that's fair to people they should be able to have their trailers there whether it be a boat, a camper or whatever, I can't see a whole load of different trailers but I'm in favor of one trailer for people who are fortunate enough to own one.

Mrs. Chick – What about people who have snowmobiles?

Mr. McQuilkin – That is going to have to be another thing to be discussed, there is talk about; Eric can touch on the Zoning Board portion of it.

Attorney Stowe – There is a relief mechanism to go to the Zoning Board to get relief from the ordinance.

Mr. Tom Calandra, 116 Hawthorne Drive – I would just like to point out that you have deed restrictions in certain areas of the Village and the deed restrictions themselves don't allow it and it also opens people up specifically, I think it is #15 or #17 to damages if they do that regardless of what is passed here as far as Village ordinance. When people move in to those properties those deed restrictions were there to protect the other members of the community and I think that it's a little bit disingenuous to have an ordinance that sort of violates the covenants that were made between the people who bought and built homes in certain areas and I can tell you I lived 30 years in Brockport and that's the wild west of zoning and that's why I moved to Spencerport because nobody paid any attention to the zoning laws and I'm sorry but once it starts it never seems to stop and that's my objection to trailers and things like that in the driveways that violate the law that apparently and I'm sure when you brought the property your lawyer told you or you asked about a mobile home and you were told that the deed restrictions in certain areas did not allow that. Yet you choose to buy and you have to live with the consequences.

Mayor Granger – Not for nothing when I bought both of my houses I didn't own a RV and no one said anything to me.

Attorney Stowe – Could I make a comment to the Board with respect to the deed covenants? Deed covenants are between property owners and the development they are not enforceable by the Village they provide for civil damages and remedies but we cannot as code enforcement or we cannot enforce basically contracts between property owners. That is not within our area of control so it may be supplemental to any deed restrictions in certain neighborhoods, but then there will be neighborhoods with no deed restrictions so this would provide uniformity for the Village and provide a method of enforcement for whatever the Board chooses to do.

Mr. Ron White, 123 Hawthorne Drive – If I may address on this covenant issue where there is a conflict a more liberal let's say less restrictive ordinance by the Village and a more conservative, more restrictive covenant provision which one controls.

Attorney Stowe – With respect to that question where are you seeking relief? If you're, as Mr. Calandra said, civil damages, there is no provision in any deed covenants, that I'm aware of, that would say there are penalties that the government can enforce.

Mr. Ron White – and no one would ask the government to do it.

Mr. Calandra – There are civil damages in the covenants

Attorney Stowe – As Mr. Calandra is aware that would be through a court and a law suit to enforce your rights. You could not come to the Village and say enforce my covenant.

Mr. Ron White – I understand that.

Attorney Stowe – So where are you seeking relief? Which one controls but which one are you seeking relief from.

Mr. Ron White – Which one does control?

Attorney Stowe – They control in in different arenas. One has penalties mimicking a criminal ordinance that are enforceable as a police power reserved to local government. The other is a civil remedy. So you can't say which one controls it depends on where you are seeking your relief.

Mr. Ron White – If I have a neighbor that says the Village ordinance allows me to keep my RV in my driveway and the covenants say no you're not, which controls?

Attorney Stowe – Now you are getting me into giving legal advice to someone other than the Board, but if I were talking to the Board about that one I would be led to believe that the more strict restriction that is a covenant between property owners would control. We couldn't enforce it, you couldn't come to the Village and say your restriction is not strict enough to I am going to go here using the covenant and Village you go enforce this the Village would not be able to. Any remedies reserved to you.

Mr. Ron White – But collectively we could enforce it, as a neighborhood.

Attorney Stowe – They are covenants between you.

Mr. Ron White – As a neighborhood we could enforce it.

Attorney Stowe – You would potentially have an issue with respect that it is not illegal under the zoning ordinance but it doesn't trump. The covenant was entered into between the developer and the residents who purchased and it runs with the land.

Mr. Ron White – That's right and a future owner is also compliant

Attorney Stowe – One party that was not part of that covenant, that agreement was the Village.

Mr. Ron White – I have no disagreement with that and I understand that.

Attorney Stowe – I cannot answer who would control, because at the end of the day if you are seeking civil relief a judge would determine who controls.

Mr. Jim White – You could file a law suit and try to get it resolved in court.

Attorney Stowe – As you can today.

Mr. Jim White – You could not come to the Village obviously for support.

Attorney Stowe – Not to enforce a private covenant.

Trustee Nellis-Ewell – If I may just add, that when the code review committee considered this issue we did it carefully over months and what we did was gather like ordinances from like municipalities those namely being Brockport, Hilton and Pittsford. Pittsford has probably one of the toughest ones we considered.

Mayor Granger – If you have something to say please say it out loud.

Trustee Nellis-Ewell – Right, we welcome your comments.

Mr. Ron White – Just an additional question, I thought I understood at some other point, previous conversation that the current ordinance is difficult to enforce, am I understanding that correctly or not?

Mr. McQuilkin – In my opinion it was just not enforced when I came on board.

Mr. Ron White – There were enforcement provisions within the ordinance, it's just it wasn't?

Mr. McQuilkin – Yes some of them are there like you can't park in the front lawn.

Mr. Ron White – Are they just weak?

Mr. McQuilkin – In my opinion I just wanted clarification and a direction to go in.

Mrs. Kay – Why wasn't the previous enforced?

Trustee Penders – A lot of that had to do with definition of driveways; some people were saying “we will make our whole front yard a driveway”.

Mr. Craig Byham, 50 Luther Jacobs Way – It was the front set back, not the driveway.

Trustee Penders – Well okay.

Mr. Byham – You're not allowed to park in the front set back; that's not been enforced.

Trustee Penders – Well I thought it was driveway had something to do with it too.

Mr. Byham – There was nothing said, read the code, there is nothing about driveways, front setback.

Mayor Granger – So you can't park your cars there either.

Mrs. Joan Quigley, 151 Maplewood Avenue – George Vincent told me years ago and Magin's and even my Tim were illegally parked because they were parked in front of their houses but they were in their driveways it was illegal and George used to be a Trustee.

Attorney Stowe – The way the code is currently written with respect to trailers under 291 article 2 says no trailers are allowed in the corporate Village within the limits whatsoever except non-paying guests and it doesn't refer to front setbacks with respect to the home and camping trailers provision.

A member of the audience asked Attorney Stowe to repeat his statement.

Attorney Stowe – Section 291 of our code the way it's currently written says no trailers anywhere in the corporate limits of the Village of Spencerport except not more than one house trailer of a non-paying guest of a resident may park on the property of said resident for a period not exceeding 72 hours in a month. Provided it's not used for living quarters

Unidentified Resident – So does that mean that if I have a trailer in the Village I am already in violation of the law?

Attorney Stowe – The way it is currently written; yes.

Unidentified Residents – Is this going to change it?

Attorney Stowe – The way it is written; yes.

Mr. Jim White – I would suggest that original law may be far too restrictive. This deviation from it, in my opinion, has gone far the other way. There is probably a balance between the original law as stated and this. This is 180 degrees from that as to where they are to be parked.

Mrs. Kay – It doesn't matter if I'm standing between the two it is a safety thing and no one can see the front of your house.

Mr. McQuilkin – I guess that is your opinion, not mine. From all of the ones I've seen now there are no real issues as far as safety goes with what are currently in place.

Mrs. Kay – We don't have the law yet, how would you know?

Mr. McQuilkin – I said in my opinion from what I see parked there now. There is over 80 trailers in the Village right now not all campers; landscape, cargo, car trailers, jet skis, boats.

Mrs. Kay – Some people may follow the current law and store them and now if you tell them (inaudible) then you could have a lot more.

Mr. Jim White – Mayor Granger mentioned that he has an RV vehicle and rather than park it in his driveway due to his obvious sensitivity to the neighborhood that you store it even in the summer time.

Mayor Granger – I got to admit it's not sensitivity to the neighborhood, my next door neighbor has a trailer, it's mostly that if I got it in the driveway I can't get my cars in. So I don't want to seem more.

Mr. Jim White – It is just another compounder.

Mayor Granger – For me; yes but I am not going to tell my neighbor that he should or shouldn't do anything.

Ms. Karen Vargo, 138 Nichols Street – I have a question about one of the definitions. Where it says ancillary vehicle “any type of trailer or similar equipment used to transport all-terrain vehicles, commercial equipment, snowmobiles, boats, personal watercraft and/or recreations vehicles as hereinafter defined.” We have a trailer that we don't use for any of that, does that mean I can keep it in my driveway again.

Trustee Penders – What do you use it for?

Mr. McQuilkin – You have a tractor? Is that what you are saying that you pull the trailer with?

Ms. Vargo – No our regular trailer that we use for his racing we leave it in our drive way, well not right now, but in the winter it does come home to our driveway.

Mr. McQuilkin – Is it a cargo trailer, is that what you are saying?

Ms. Vargo – it is an enclosed trailer but it is doesn't hold any of these things.

Mr. McQuilkin – It's covered under a trailer pulled by a motor vehicle.

Ms. Vargo – That's not what this says here, it says used to transport, blah, blah, blah, that's what the definition says right here so.

Trustee Penders – I think it would come under the snowmobile.

Ms. Vargo – It's not a snowmobile.

Trustee Penders – I understand that but it is hauling racing equipment, it's a recreational type vehicle hauler.

Ms. Vargo – It's a recreational vehicle type hauler but that is not the purpose we use it for.

Trustee Penders - You use it to haul your kids racing equipment.

Ms. Vargo – My son races, it's not recreation.

Trustee Penders – its recreation then

Ms. Vargo – It's not recreation

Trustee Penders – It's not? He makes money for it.

Ms. Vargo – He can and he has yes

Trustee Penders – He makes money for it, he makes a living at it.

Ms. Vargo – At age 9, no he doesn't make a living, we support our son.

Trustee Penders – Okay. Then there you go its recreation.

Ms. Vargo – But, I'm saying we also have a snowmobile trailer; we do have a Volvo tractor that we haul our camper with because we are RV owners. We live on a state road within the Village of Spencerport. On a state road there is no esthetics on a state road when people are zooming past your house at 55 miles an hour when it is a 45 mile an hour speed zone so there is no esthetics there.

Mayor Granger – Well we could correct it if we have to redo it.

Ms. Vargo – If that what you got to do.

Mayor Granger – Well I think you are kind of playing games.

Ms. Vargo – No, I am just reading the definition.

Mayor Granger – Well okay by that right I give every one of these people 3 days of ownership to my trailer. I'll take your three days tomorrow, then Joan's.

Ms. Vargo – I don't understand what you are saying.

Mayor Granger – I give him right now under the present law Rich was saying I can have a trailer in my driveway for three days.

Ms. Vargo – So you are going to move it around your neighborhood, is that what you are saying?

Mayor Granger – No I'm saying you are all my friends and I give you three days ownership and I'll take all my three days in a row. That's what I mean, it's stupid and I'm not saying you are but I am saying my example might be but it is still playing games.

Mrs. Kay – But they are not enforcing the law and you can just leave it there.

Mayor Granger – I understand that but like I said before, I store it for an entirely different reason.

Ms. Vargo – We are not playing games if that is how it works.

Mayor Granger - But there are people playing games, the guy who has 6 trailers in his yard.

Ms. Vargo – That's different.

Mr. Craig Byham – I still don't understand why this hasn't been enforced, I'm not talking since Rich came on. But in years previously, this has been on the books for years. I've made calls to Village Trustees and complained about trailers and boats and RVs and stuff and it goes nowhere. It's on the books why is it not enforced now.

Mayor Granger – Do you really want us to haul trailers out of driveways; our present law says they can't be there.

Mrs. Kay – But they are.

Mayor Granger – But I am saying is that the solution you want when you call, you said why isn't the law being enforced.

Mr. Byham – Right

Mayor Granger – You pull one trailer out of someone's driveway and you are going to hear about it, that's the only law we got.

Mr. Jim White – I would guess that you probably would not just blatantly go in and pull a trailer out of someone's driveway you would have an open line of communication with them from the enforcement office that says here's the situation please respond by x before you just go in and take the trailer out of someone's driveway.

Mayor Granger – That’s the only thing we have and Craig how do you know who you talked to didn’t address it.

Mr. Byham – Because I come to most of the meetings.

Mayor Granger – We don’t discuss everything at the meetings.

Trustee Penders – Then you know our code enforcement officer Mr. Kelly handled a lot of those.

Mr. Byham – Correct and I also know that Mr. Kelly’s hands were being tied.

Mayor Granger – By who?

Trustee Penders – By who?

Mr. Byham – The Village Board.

Mayor Granger – Where did you get that from?

Trustee Penders – Where did you get that deal from?

Mr. Byham – A good source.

Mayor Granger – Unless it was from one of the five of us.

Trustee Penders – Name them.

Mr. Byham – People were saying.

Trustee Penders – Who?

Trustee Granger – Who?

Mr. Byham – I am not going to name names.

Mayor Granger – Then you don’t have a complaint.

Trustee Penders – Then you don’t have a complaint.

Mr. Byham – If that’s how you want it.

Mayor Granger - It’s not the way I want it, it’s the way I want it, yes. If somebody can’t stand up and make their complaint screw them.

Trustee Penders – Kevin Kelly addressed a lot of those he sent letters to people.

Mr. Byham – I know he did.

Trustee Penders – Well now you just said that it wasn’t enforced. It was for cars parked in front yards that were there for a long time without plates on them. He sent out letters to residents in the Domus tract, I know he did.

Mrs. Chick – I am just very, very curious because I remember quite well and that it's obvious that a number of other people do to that a few years back and I can't bring to tell you when there was a huge discussion and there was a law put into place that says these vehicles had to be beyond the setback of the house, am I nuts?

Audience – No you are exactly right.

Mr. Terry Bruton, 153 Coleman Avenue – Our house is situated that we have Northrup Creek on one side, our driveway and our house goes almost to the lot line within 6 or 8 feet of the lot line. Our back set to our garage and it might be 20 feet from the front of the house to the back of the house to the front of the garage. We have a 28 ft. trailer we have and no place else to put it but the driveway is there going to be some kind of way where this stuff can be looked at and you can go in and get like variance or something like that to make it okay to park the trailer there. Are you guys considering anything like that where you have to look at the individual situation and make a judgment or is it going to be above board everybody and no way to solve some of these problems. This is my wife and my retirement we bought the trailer last year, we are going on the road, we need the trailer in the driveway a lot of the time because we are loading and unloading whatever we have no place else to put it.

Attorney Stowe – The way it is currently written there is a zoning board provision may grant an exception by issuing a special permit consider the terrain of the property of the applicant, the surrounding neighborhood conditions and the effect on adjacent properties that may result from the parking any relief granted shall include mitigating measures that that minimize the visibility of the vehicle by considering the location and the use of screening.

Mr. Jim White – And another alternative is consider some sort of storage facility until you need to load it and unload it to go on your trips. You know you don't need to let it sit in your yard all summer long if you are making trips that's fine loading and unloading is perfectly acceptable long term storage would not be.

Mrs. Bruton – We go away every weekend we go away for long weekends and you get home and you are like I left the pan in the trailer I don't want to drive to Scottsville to go pick up my pan.

Mr. Michael Schmitt, 58 Luther Jacobs Way – I own a boat, I understand that I like to come out the morning and look at my boat but maybe my neighbors don't so I store it someplace very close by West Ridge Storage it is 25 bucks a month for outside storage if you can afford thousands and thousands of dollars for these RVs and your boats and trailers you can afford 25 bucks a month which is not even the cost of a good meal these days.

Mr. Bruton – It's our property and we taxes every year on it to be restricted like this, I understand that people will get carried away and they will just make a mess of things and the whole thing.

Mr. Schmitt – So just spend 25 bucks a month and take care of the whole problem.

Mrs. Bruton – We don't want to drive to West Ridge Road to get our trailer.

Mr. Bruton – It's our property, we pay our taxes, it's not unsightly.

Mr. Schmitt – I want to build the Statue of Liberty on my property, is that okay too?

Mrs. Chick – You're being ridiculous.

Mr. Schmitt – I think you're being ridiculous wanting to make your front yard a parking lot.

Mr. Bruton – I am not talking about junk cars all over the place. I'm talking about a trailer at a nice house neatly kept in the driveway and if you people have a problem looking at it, it goes over my head, just leave us alone.

Mrs. Bruton – We don't have a deed restriction on Coleman Avenue, you have a deed restriction on Luther Jacobs Way that you can't have them.

Mr. Jim White – I just go back to the comment I made before about neighborhood sensitivity. In my opinion you may not have enough of that, parking these vehicles in the neighborhood that someday somebody is going to be wanting to buy houses and driving up and down that street and looking at homes they are not going to be attracted to that neighborhood with that vehicle sitting there.

Mrs. Bruton – Well houses on Coleman Ave sell just like that.

Mrs. Chick – I have to disagree with this gentleman. Because we had an incidence in our neighborhood where people wanted to purchase a house and couldn't put their camper there, they didn't buy.

Mr. Jim White – I suggest that is rare circumstance.

Mrs. Chick – No it's not, no it's not

Mrs. Bev Baker, 350 Village Walk Circle – I live on Village Walk Circle, I have a camper and it is on the side of my house and that is part of my driveway, it goes along the side of my garage. Our neighbors sold their house three months ago, it sold in two days, I have a camper it sits there all year long. It's on the side but you can see it, it's next to my garage.

Mr. Jim White – That is fine and I respect that you've got that on the side of your garage back from the front of the house. All I'm saying that having spoken to three different real estate agencies in town the general feedback is that having these vehicles more visible on a piece of property is generally a negative. Those people have a lot of statistics that are beyond your two individuals examples which I think are great. Statistically neighborhoods decrease in value, homeowners are driven away by the visibility of these vehicles and it's not my opinion its statistics that I got from talking to three different real estate agencies.

Mrs. Kay – If you have time go over to 309 Village Walk Circle and look at that house next door to mine and I know that every one of you in here would be very upset. There's a boat parked on the front yard, he knows it, there's no grass in the front yard, he parks boats there, he parks trailers there. Glenn knows it and when you got a house like that you don't want to live next door to that.

Mr. Mark Epping, 44 Mill Street – But people don't have trailers beyond the front of their house?

Mrs. Kay – No we do have that over there and they do a nice job.

Mr. Epping – So do some of the other people sitting in here.

Mrs. Kay – They have their trailers along the side of their garage and they're very neat. I have no problem with that, but when you have your boat; a 21ft boat sitting in the front yard; 21ft trailer sitting on the other side of the house.

Mr. Epping – The he can do something about that and if he is not then he is not doing his job.

Mrs. Kay – I talked to him about that.

Mr. Epping – Then you're not doing your job.

Mayor Granger – Do you know his job description?

Mr. Epping – No but I have gotten a letter asking me to remove a trailer

Mayor Granger – Well then I think that was uncalled for.

Mr. McQuilkin – I talked to the gentleman yesterday and he addressed me with the “F” word and said he can have a carnival in his front yard if he wants to.

Mr. Epping – I don't know who you are talking about.

Mr. McQuilkin – I guy with boat in his front yard. Believe me it's not easy doing my job, I would love it if you come along with me for a day.

Mr. Epping – So the letter that Kelly sent me...

Mr. McQuilkin – I'm not Kelly, I didn't send you any letters yet.

Mr. Epping – I didn't say you did, I said he did

Mr. McQuilkin – He's doing his job and you're complaining about that too?

Mr. Epping – No

Mr. McQuilkin – Yea, you are.

Mr. Epping – I wasn't complaining about it.

Mr. Jim White – When you get that sort of response from an individual what's your next step, is your next step to go and get the Ogden Police involved or what's typically next thing you do.

Mr. McQuilkin – My next step, once I have firm direction on which way to go if my letter to him doesn't work, I send him a second letter and final warning then there would be an appearance ticket in front of a town court.

Mr. Jim White – So in theory, that would be the potential next step.

Mr. McQuilkin – As long as I don't get shot the first time I'm there.

Mr. Jim White – I am certainly very sensitive to the challenge that it is.

Mr. McQuilkin – You have no idea.

Mr. Jim White – You are significantly sensitive about having the discussion.

Mr. McQuilkin - From one end of the spectrum to the other, nicest people in the world and people who hate me.

Mrs. Pat Byham, 50 Luther Jacobs Way – I want to say that I wouldn't want your job for a million dollars, I would also like to say that Kevin Kelly was also very helpful in resolving the situation in our neighborhood. What I understand, how difficult position you are in but what is changing the law going to do because you are going to have this same individual who flagrantly ignores any laws any rules you can take him to court, you can take him wherever but it's not going to change and just like this gentleman said there's 80.

Mr. McQuilkin – There's 84 different types of trailers.

Mrs. Pat Byham - How many total residents do we have in the Village?

Trustee Nellis-Ewell – 3593.

Mrs. Byham – So now we're changing a law for 80 and again after the law there maybe 180. Maybe Glenn will bring his home.

Mr. McQuilkin – Once winter time rolls around out comes the snowmobile trailers, ATV trailers and all the other stuff.

Mrs. Byham – Right

Mr. McQuilkin – As the season changes so do recreation.

Mrs. Byham – I guess I am being naïve in saying I wouldn't do it to my neighbor, I really wouldn't. I just me, I wouldn't do it, if was going to buy a vehicle that was that big and it bothered my neighbor and I would ask them first I would store it. If I can buy that vehicle, then unfortunately part of it is storing it. We have a vehicle, a car that we have to store in the winter. It's part of ownership and it's part of respect for your neighbor for your community for yourself and putting someone like you in a position to take all of that from someone else that is not fair to you and any law that you put on these books right now you still are going to struggle because it is the person that will defy the law so I don't think you are going to fix it.

Mr. McQuilkin – I just want consistency and I want to have something in hand to follow up with. Once it goes to the court there going to oblige no matter which way it goes if they don't the penalties are awful severe. I'm sure the judge will get their attention whether they like it or not.

Mrs. Byham – But if I had a vehicle, a motorhome I'd want it parked in my driveway, I don't have one so I'm against it. So how are you going to please everybody, you can't.

Mr. McQuilkin – I guess you got to be fair.

Mrs. Byham – But I feel right now the people that I know in our neighborhood that have stored them behind the property line have you had complaints about them? The people who are doing it the right way?

Mr. McQuilkin - No

Mrs. Byham – That's my point, they are doing it, they are complying with the law, there're discrete in what there're storing so what's wrong with the law.

Mr. McQuilkin – I guess the problem with that is people do not have the space to store them next to their garage all the time.

Mrs. Byham – Then don't buy it.

Mr. McQuilkin – In my opinion if people want to have a trailer during the season they should be allowed to have a trailer. I don't have a trailer so don't shoot me.

Resident – I would like you to explain the procedure, you are talking about a letter, first notice, second notice and so many days please explain the whole procedure. How many days do you wait for the second notices and how many days until a summons to go to court?

Mr. McQuilkin – That will really be up to me to decide I haven't had to do that yet.

Resident – You haven't done it yet.

Mr. McQuilkin – No.

Resident – So we don't know if you wait 10 days, 14 days.

Mr. McQuilkin – It would probably be a couple weeks to be practical.

Resident – Ok

Mrs. Kay – That is not true, I have been complaining about my neighbor for 3 years.

Mr. McQuilkin – What did I tell you the other day in the middle of the road.

Mrs. Kay – You said something about the law.

Mr. McQuilkin – I said we are in the middle of code review and we not doing anything at this point because I need some direction and once I get direction I will have a place to go with it and I will start following up on it. I can't pick on one person and then somebody on another street drives around and says "how come he's got one".

Mrs. Kay – Apparently there's no procedure.

Mr. Jim White – That doesn't seem like a fair position for you to be taking. Regardless whether there's a code review, regardless of the feedback that the Board gets here, regardless whether this is amended or not. There's still existing codes on the book and as far as guidance is concerned I would guess that those existing codes are your guidance until the day that something changes and to use reviewing the code as an excuse not to continue to follow up I don't think is a fair reaction.

Mr. McQuilkin – When I came on board here back in November I felt like I was behind the eight ball with trailers and stuff that were already in place and I asked these kind people for some guidance and I think they are doing it the right way. They are looking at both directions, trying to be fair that's why they are having this public forum here for people to speak their mind and hopefully that something can become of it that is fair and practical to everybody. Obviously you see 50% have trailers that want it and 50% don't. What are they supposed to do?

Mr. Jim White – I don't think it is 50%.

Mr. McQuilkin – Turn around I'll bet you there are quite a few people that have trailers here.

Mr. Doug Case, 62 Coleman Avenue - In section E it says it needs to be stored parallel to and within 10 feet of the principal structure. So that would mean that I need to park it against my house. Because now I have a double wide driveway and my garage sits back so I'm behind the front set back but the way this reads and where I park it away from my house so my wife can get in the garage and walk to the house.

Mr. McQuilkin – Doug don't you park your trailer at your Dad's house in the winter.

Mr. Case – yes

Mr. McQuilkin – Then there is not an issue, you can park in your driveway anytime, that is for if you are storing it, you are okay.

Discussion ensued between Mr. Case and Mr. McQuilkin about driveway, setbacks and side yards.

Mr. Ben Peer, 243 S. Union Street – What if my only side yard is my driveway.

Mr. McQuilkin – That's fine.

Mr. Peer – Then I can park all year long?

Mr. McQuilkin – No, you would have to be behind the front setback.

Discussion ensued regarding yards and setbacks and driveways

Ms. Vargo – Rich you know where my house is and in between my house and the neighbor's house maybe 15 feet between our two houses so for us to put anything, I guess Eric was saying something about that we could get a variance maybe.

Mr. McQuilkin – It all depends on how wide is this trailer.

Ms. Vargo – 8 ft.

Mr. McQuilkin - You can park it right up next to your garage that would still give you enough room between the edge of your trailer and the lot line to be able to do that.

Ms. Vargo – I don't think so, I don't think there's that much space between our two houses.

Mr. McQuilkin – If you said 15feet there is.

Ms. Vargo – Maybe if the trailer is 8 feet then you are looking at 7 ½ feet.

Mr. McQuilkin - But the side set back is only a percentage of the width of your lot.

Ms. Vargo – Okay

Mr. McQuilkin – It's like 8% I think if I'm correct of the total width.

Ms. Vargo – So we can go right up to our lot line.

Mr. McQuilkin - No, you have to be off 8% percent of the total width of the lot line

Ms. Chick – I am totally confused now, so now what you are saying is as long it is sitting on your driveway, stone, concrete, blacktop you're fine. If you are beyond the setback of your house, which we are, both the boat and the RV are on blacktop we can leave it there?

Mr. McQuilkin – You can leave one there and you have to get a variance for the second one.

Ms. Chick – That's all year long?

Mr. McQuilkin – Yes

Ms. Chick – Okay

Mr. Terry Guarino, 34 Hillcrest Drive – I leave mine there all year round.

Mr. McQuilkin – No, It got to be in the driveway.

Mr. Guarino – But it's on the side of the house, I've got to put a driveway there?

Mr. McQuilkin – If you are behind the set back and fall within the limit of the lot line from your neighbor then you're okay.

Mr. Jim White – That is under the new law?

Mr. McQuilkin – Correct

Mr. Jim White – Existing law says you got to maintain that back behind the set back. If you lucky enough to have driveway there like that lady does, that's great. Otherwise you can park it on your grass as long it is no farther than your set back.

Mr. Byham – Is there a restriction on size, I didn't see that in here.
Discussion ensued regarding size.

Resident Question – When you have workshop is it open to the public?

Mayor Granger – Yes

Mayor Grange – Thank you all, you've all been heard and we are going to have to relook at this, we will discuss it.

Mr. Byham suggested that we keep the public hearing open so that you can have public input when you discuss it again.

Attorney Stowe commented that any changes to the law, even minor, would be subject to another public hearing.

Mayor Granger closed the public hearing at 7:55 p.m.

Approval of Minutes

Trustee Penders moved that the minutes from the Village Board Meeting on August 6, 2014, and Workshop Meeting on August 20, 2014 be approved with corrections submitted to the Village Clerk by Trustee Nellis-Ewell. Trustee Hopson seconded the motion. Motion carried.

Privilege of the Floor

Resolution 27 9/2014

Introduced by: Mayor Granger

Seconded by: Trustee Penders

Be it resolved that the Village of Spencerport Board of Trustees hereby approves conducting National Safety Council's Six hour Point and Insurance reduction program for Village employees. Cost not to exceed \$40 per employee; \$920 total.

Vote of the Board:	Carol J. Nellis-Ewell, Trustee	Aye
	Gary Penders, Trustee	Aye
	Charles R. Hopson, Trustee	Aye
	Ray Kuntz, Trustee	Aye
	Glenn C Granger, Mayor	Abstain

Sewers Committee – Trustee Hopson, Chair

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

Trustee Nellis-Ewell – There was no Architectural Review/Planning Board meeting last evening, we expect there will be an agenda for the Zoning Board meeting on September 18th. For building control that's the domain of Mr. McQuilkin and Mr. Smith who report to us regularly. Code Review, I'm not going there, we just spent time on code review. Just to talk a little bit about the 9/11 remembrance service that is being scheduled we are working with the Spencerport Fire Department and the Spencerport Volunteer Firemen's Association. There will be a 9/11 service at 7:00 pm at the Gazebo and we will remember those who lost their lives on September 11th and were injured on the attacks on the World Trade Center, the Pentagon and also United Flight 93. We'll also salute our First Responders and our Hometown Heroes, so I hope you all can attend.

Trustee Nellis-Ewell – We have a resolution, the Code Review Committee did recognize the need for a complete review of our code, some of our laws are mismatched and we feel that we need to have a complete analysis of that so that is what this resolution pertains to.

Mr. Jim White – At the end of this activity what will be the net result of all of this review, all of the codes and ordinances will all be in alignment they won't be in conflict.

Trustee Nellis-Ewell – That is our intent, because as you add laws and code over time obviously some is from even before I was here and our attorney and code enforcement officer and building inspector often find mismatches and it's difficult to make it work the way it needs to, so we will also ask for some input and suggestions on perhaps on how to reword and streamlined.

Resident comment – You say at the end there will be hard copy.

Trustee Nellis-Ewell – The hard copy would be for each of the Board members.

Resident comment – What would the cost of those hard copy be?

Trustee Nellis-Ewell – I think they are \$65 each we also have it online for you all.

Resident comment – For free.

Trustee Nellis-Ewell – Right, so you can look on the website and look at code.

Resident comment – Well I just wonder if there is any savings if you all have it electronic as well.

Trustee Nellis-Ewell – We do but often it's a bit difficult to actually use it online in a quick manner we do often use it online when we have meetings.

Attorney Stowe – It's a lot cheaper \$65 is a lot cheaper than an iPad or a laptop.

Trustee Nellis-Ewell – Thank you, so the base price was \$9,100 and the extra is for the books, you make a good point.

Mr. Terry West, 32 Coventry Drive – Was that a budgeted item, that \$11,000.

Trustee Nellis-Ewell – Yes, actually we budgeted more for it so we hope to come in under budget.

Resolution 28 9/2014

Introduced by: Trustee Nellis-Ewell

Seconded by: Trustee Hopson

Be it resolved that the Village of Spencerport Board of Trustees hereby approves the enclosed proposal from General Code for Codification Services and Editorial Review of the Village Code of the Village of Spencerport for a total cost of \$11,050. Pricing includes the Codification Services and Editorial Review and 30 new code books at the completion of the project.

Vote of the Board:	Carol J. Nellis-Ewell, Trustee	Aye
	Gary Penders, Trustee	Aye
	Charles R. Hopson, Trustee	Aye
	Ray Kuntz, Trustee	Aye
	Glenn C Granger, Mayor	Abstain

Finance Committee – Trustee Penders, Chair

Trustee Penders – A bank representative from Chase stopped to explain a new Federal Regulation - basil 3 that is going into effect later this year and it's forcing banks to hold full coverage of any municipal savings accounts in collateral, so in other words they can't use any of our savings account monies as municipal to invest as a bank and since they're also paying interest to us, which is very little, they're in a position of losing money on savings accounts because of this federal law that is going into place later this year. This has had an effect at our banks, Key bank previously we were informed that Key bank would be charging us to collateralizing our savings with them. We recently moved our savings other than small amounts which is \$118,000 from Key Bank to M&T Bank to get away from paying this fee. An account

is being kept open at Key Bank to continue the relationship with Key in case it is needed in the future and corporate credit cards are issued through Key Bank. However Chase Bank advised that they can no longer support municipal accounts that are savings only and the Chase Bank representative asked us to move our deposits to M&T Bank. The original purpose for banking with Chase was to establish a relationship with Chase in case we wanted to issue debt and wanted Chase Bank to bid on the debt and now Chase Bank is not even interested in doing that because they do not want to lose money on any money we have stored there because they have to have cash to cover that money. M&T Bank did say that they are willing to take that savings money but they at this point do not have constrictions because of this law the M&T Bank representative is not sure down the road if they will have his constriction so it behooves us to get the money over there as soon as we can in case this restriction comes up with them. The banks don't want to take our money because they can't make any money on it because of this federal regulation it's a catch 22 situation.

Facilities Committee – Trustee Hopson, Chair

A. Electric

Trustee Nellis-Ewell – I know we talked about this before and Trustee Hopson and I have seen a presentation actually Renewable Rochester assessed all of the Village Buildings and this seemed to be the best fit for an adjustment to solar.

Trustee Penders – The only issue I have if you take \$36,000, I'm not against it I'm for it. The issue I have is if you divide our saving which is \$720 roughly an \$800 a year savings it's going to take 45 years to realize that \$36,000 recovery. That's the only thing I have however, I understand lowering the kW and kilowatts and that kind of thing. Like I say I'm not against it.

Trustee Hopson – We are not really paying \$36,000.

Trustee Penders – I know we aren't it but somebody is paying \$36,000 the total cost is \$36,000 so to realize that savings at \$800 it's going to be 45 years, if my math is correct. I'm not talking against it I just wanted to point that out.

Trustee Nellis-Ewell – We are very fortunate to be a municipal electric and if we were RG&E the payback would be in 8 years and I think that is pretty standard for an installation of this size so we did try to follow the lessening of consumption and it is the right thing to do philosophy.

Trustee Penders – I just wanted to bring that point up.

Mr. Jim White – Was there more than one bidder on the project.

Superintendent McIntee – No we went with an engineer consultant we feel is the best in the industry here, he is local to Webster. He came in and did an entire assessment of all the Village properties and came up with this location to be the best regarding the payback. The point that Trustee Penders is making anyone that looks at a solar system you look at it a little different than strictly payback for example here we re-lamped this building in LED lights interior; exterior it is almost the case that you are putting something else in your energy efficiency portfolio so it's just a demonstration of trying to offer or demonstrate to the public and community that there is another type of alternative energy.

Mr. Jim White - So the Village is going to invest \$26,000 in this project the return on investment comment is still an insightful tool. These panels what's the turnover rate on these panels.

Superintendent McIntee – They are a 40 to 50 year life span.

Mr. Jim White – So basically based on his 45 year number at the end of that you will need to replace the panels and start all over.

Superintendent McIntee – They lose their efficiency. When municipalities or any types of customers look at these types of systems you really look at it from a different perspective you look at that a particular foot print of the east side of the building would produce how much kw and you really go about it in that method rather than I am going to put in a solar system and it's going to offset utility bills by 20%.

Mr. Jim White – What you would hope that if you are going to invest in that type of technology that your return on investment is short enough so that you will have made money prior to having to turn over the system without investing new money. From you're telling me you are gaining nothing, so from a business perspective it is not the type of ROI that is positive. It is a neutral ROI

Superintendent McIntee – I wouldn't disagree with that, the challenges that we have at these municipal rates we're buying hydropower at \$.02. So we do it just as a demonstration and a lot of the municipalities have done it. The Town of Clarkson's highway garage is total solar. We have energy efficiency dollars that we use for multiple types of programs like the residential LED bulb giveaway program that we have started this week, we have a small business program and then we have an electric vehicle charging station, someone could debate that. But we try to put these things in a portfolio that says the Village of Spencerport, even though there is cost and the math might not always work out, is trying to put an effort to save electric and we have dollars to spend anyways.

Mr. Jim White – From a tax payers stand point this is a bad investment in my opinion, a corporation wouldn't do it.

Superintendent McIntee – They are not tax payer dollars they are out of your rates.

Mr. Jim White – Where is the \$26,000 coming from?

Superintendent McIntee – That comes from an energy efficiency fund called IEEP Funds and so for an example the electric department last year had gross sales of \$3.7 million. Every year we have in this fund about \$75,000, so you never even saw that fraction of a penny that came out of your electric bill towards IEEP funds. So we budget different activities, when you by your energy efficient dehumidifier the rebate comes out of this fund.

Trustee Nellis-Ewell – Renewable Rochester is an established company we're starting to see solar companies popping up everywhere but these people are long established, they are the experts in it and we have opted for the panels made in the USA.

Superintendent McIntee – Somebody could argue the fact that we put in an electric vehicle charging station. The station costs \$1,800 to buy the unit subsidized by a \$1000 grant so we spent \$800 in labor to put it in, yes we would because it comes out of that energy efficiency fund and now we are part of a network of electric vehicle operators that will put this into some kind of map quest and that location out there is part of that.

Mr. Jim White – That is actually justifiable because they just might come here and have something to eat. You can build logic in some of these things that are potentially revenue generating because of the good will involved.

Superintendent McIntee – We are giving the electric away.

Trustee Hopson – The rate of return on this is subject to change because the rates for electric will change over time.

Resolution 29 9/2014

Introduced by: Trustee Hopson
Seconded by: Trustee Penders

Be it resolved that the Village of Spencerport Board of Trustees hereby approves the installation of a 10.2 kW (PV) solar system at the Village Office, 27 West Avenue, Spencerport, NY by Renewable Rochester, 780 Ridge Road, Webster, NY. The total cost of the project is \$36,200. \$10,200 will be paid by a NYS Cash Incentive and \$26,000 paid by the Village of Spencerport’s IEEP Funds.

Vote of the Board:	Carol J. Nellis-Ewell, Trustee	Aye
	Gary Penders, Trustee	Nay
	Charles R. Hopson, Trustee	Aye
	Ray Kuntz, Trustee	Aye
	Glenn C Granger, Mayor	Abstain

Resolution 30 9/2014

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

Be it resolved that the Village of Spencerport Board of Trustees hereby authorizes Owen McIntee, SME Superintendent to sign the contract with Renewal Rochester, 780 Ridge Road, Webster to install a 10.2 kW (PV) solar system at the Village Office, 27 West Avenue, Spencerport, NY.

Vote of the Board:	Carol J. Nellis-Ewell, Trustee	Aye
	Gary Penders, Trustee	Aye
	Charles R. Hopson, Trustee	Aye
	Ray Kuntz, Trustee	Aye
	Glenn C Granger, Mayor	Abstain

B. Other (Drainage, Franchise)

Trustee Penders – Who owns it now?

Superintendent West – We own the storm sewer, but we have to take ownership of the new pipe for 42 Nichols Street. The only way they will give them the permit is if we take over that 6” pipe which is 22’.

Trustee Penders – It’s a privately owned pipe now?

Superintendent West – There is no pipe there, they haven’t done anything, they haven’t installed the drainage pipe yet.

Trustee Penders – How do we take over a pipe that’s not there?

Superintendent West – They have to have the resolution before they give them the permit. The state won't give them the permit until we give them the resolution.

Trustee Penders – We are taking over a state pipe, is that what you are telling me?

Superintendent West – Back in 1972 the Village took over the state drainage within the Village boundaries. We are responsible for the pipes on Union Street, this new pipe the state doesn't want to maintain it so we have to add that to our drainage which is on the state road for them to get the permit.

Trustee Penders – Is there a catch basin installation involved too here?

Superintendent West – Yes they are going to put a 30" pipe so it holds water back.

Trustee Penders – Who's putting the pipe in?

Superintendent West – The contractor for 42 Nichols Street, Gatti Plumbing.

Trustee Penders – Is he installing the catch basin also?

Superintendent West – Everything, we are not doing anything, all's were doing is taking it over maintenance of it which will be hardly any maintenance.

Trustee Penders – The one spot where it drains to is low and we are taking it higher.

Superintendent West – We are not taking it higher, It's lower they are changing the drainage from the dry wells because they are packed with mud.

Resolution 31 9/2014

Introduced by: Trustee Hopson

Seconded by: Trustee Nellis-Ewell

Be it resolved that the Village of Spencerport Board of Trustees hereby approves taking ownership of the existing catch basin and connected 22 LF 6" storm drainage pipe from the catch basin located on 421 Union Street (rt 259) west within the ROW. As per attached drawing.

Vote of the Board:	Carol J. Nellis-Ewell, Trustee	Aye
	Gary Penders, Trustee	Aye
	Charles R. Hopson, Trustee	Aye
	Ray Kuntz, Trustee	Aye
	Glenn C Granger, Mayor	Abstain

Public Works Committee – Trustee Kuntz, Chair

A. Highways/Garage

Superintendent West – What we do is replace our Cat loader every year. We pay \$10/hr., but we have to do per state requirements is bid the loader out instead of trading it in, so if someone else comes and will

pay more money for it we will get more money for it which is a benefit for the Village. This program has been a benefit for the Village, we have been getting new loaders each year for the last 4 to 5 years and only costing us around \$4,000. This program will be ending after next year.

Mr. Terry West – Is this common to only get one bid.

Superintendent West – We advertise it and it goes in the Suburban News and I contact potential bidders.

Resolution 32 9/2014

Introduced by: Trustee Granger

Seconded by: Trustee Hopson

Be it resolved that the Village of Spencerport Board of Trustees hereby approves the bid received from Milton CAT, 4610 East Saile Drive, Batavia, NY in the amount of \$131,337.00 for the 2013 Caterpillar 930K wheel loader. No other bids were received.

Vote of the Board:	Carol J. Nellis-Ewell, Trustee	Aye
	Gary Penders, Trustee	Aye
	Charles R. Hopson, Trustee	Aye
	Ray Kuntz, Trustee	Aye
	Glenn C Granger, Mayor	Abstain

B. Public Services (Refuse, Recycling, Parks)

Public Safety Committee – Trustee Penders, Chair

A. Fire Department

Trustee Penders – The fire department meeting is tomorrow night so I will be attending that and we have not heard anything about our cross walk move and the ambulance will not be having any more directors meetings.

B. Police

C. Ambulance

Human Resources Committee – Mayor Granger, Chair

Economic Development Committee – Mayor Granger, Chair

Green Initiatives – Trustee Nellis-Ewell, Chair

Trustee Nellis-Ewell – If you are Spencerport Municipal Electric residential customer you are welcome to take 2 LED light bulbs and Superintendent McIntee’s plan for the residential and commercial customers is online.

Village Clerk – Jacqueline Sullivan

Clerk Sullivan – I just want to thank the Village staff it's been a busy week with the light bulbs and questions about the local laws and annexation and stuff they continue to do a great job and thank you Carol for Mrs. Green's comments regarding the Village office staff and DPW and Electric.

Superintendent of Public Works – Thomas M. West

Superintendent of Electric – Owen McIntee

Superintendent McIntee – The electric crew is in the process of setting and installing the new 115 kV circuit switcher at the substation so that process will go on through the month of September. The other thing is our program of replacing high pressure sodium street lights with LED street lights we recently did a section of Maplewood which raised some concern with neighbors. So some of the residents near Joan complained about the LED street lights and that they were too bright. It is a different type of light. You are going from a soft high pressure sodium to a harsh white light. But we've done about 80 of these lights in the Village with all of Prospect Street nearly 2 years ago and I never had a complaint till this week so we have done 20% of our street lights to LED. We do have some elevation issues on Maplewood Avenue and some lights have been tipped down and there is some work that we can do and I have been working with the neighbors to address concerns.

Trustee Hopson – I thought that it seemed like a lot softer light on the street.

Superintendent McIntee – With the installation of the LED street lights we have reduced the overall street lighting energy bill paid by the tax payers by 9%. Almost 60% savings for each light that is put up.

Resident Question – What percentage of the Village Streets have street lights, I live on a street without street lights, I live on Laurelcrest.

Superintendent McIntee – So when those developments took place street lights were not required, now in our development regulations street lights are required in any new development.

Discussion ensued regarding installing street lighting in unlighted areas.

Mayor Granger – Where are we with Maplewood Avenue?

Superintendent West – We talked to the residents and that we were not going to do any more and it is not caused by the Village that it is caused by the ground water or a crack in the shale.

Attorney – Eric Stowe

Attorney Stowe – The public hearing on the annexation was closed so we should not necessarily be taking public comment only for because it would be at the exclusion of others on a hearing that was not noticed. We didn't notice any public hearing or that we were taking public comment so we would be excluding those who were not noticed.

Resident – So we can't ask a question about the annexation?

Attorney Stowe – A hearing was not publically noticed that means, well we did have a public hearing, you guys are going to do what you would like, my advice would be that you didn't notice a public hearing with respect to it. Do as you see fit but I was going to talk first about the receipt and release for Ms. Moore. We received a letter from Foster, Foster and Zambito John Foster is the attorney for the estate of Helen Moore who left the Village 10% of her residuary estate to be used for canal improvements within the Village boundaries. Part of how a typical estate proceeding would work is that we would receive a receipt and release that releases the executor from any obligations and acknowledges receipt in advance of a payment. The payment works out to \$22,000 and some change \$22,871.37. I did do some looking, I received a phone call from another beneficiary with some questions about the accounting as part of the stuff that was raised I looked at the surrogate's court and all of the filings to see if some of the requirements were complied with because Mr. Foster is an attorney also the executor he can and for lack of a better term double dip. But they complied with all of the regulations all the rules with respect to that and the necessary disclosures were signed. I also talked to Audrey Cooper the assistant attorney general in the Rochester office who is a necessary party to all surrogate court actions where any charity is a beneficiary and the attorney general is signing off and approving the accounting that was provided. So the attorney general has approved it on behalf of the charities that are beneficiaries, I went through and looked at the surrogate's court and I feel comfortable with what was presented to us.

Discussion ensued between the audience members regarding the liquidity of the potential developer for the Village Pines property.

Resolution 33 9/2014

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

**RESOLUTION AND NEGATIVE DECLARATION
OF
ENVIRONMENTAL SIGNIFICANCE
VILLAGE PINES, SECTION 3
ANNEXATION**

INTRODUCED BY:
SECONDED BY:

WHEREAS, Village Pines, LLC has heretofore made application to the Town Board of the Town of Ogden and the Village Board of the Village of Spencerport, upon Petition, to annex to the Village of Spencerport, certain lands owned by Village Pines, LLC and presently located within the Town of Ogden and in conjunction therewith, the applicant has prepared a full Environmental Assessment Form with respect to the proposed annexation; and

WHEREAS, the Village Board of the Village of Spencerport has accepted its designation as lead agency for the purposes of review of the environmental impact, if any, of the proposed legislative action upon the environment; and

WHEREAS, the proposed annexation is not a Type I activity in that it is an annexation of less than 100 or more contiguous acres of land by a local governmental agency; and

WHEREAS, the only proposed action to be undertaken by the Village Board and Town Board involves the adoption of a local legislative decision concerning the proposed annexation, which legislative action is the only approval which must be granted to enable the proposed annexation to proceed; and

WHEREAS, the adoption of local legislative decisions is a listed Type II action, an action which is designated as an action not to have a significant adverse impact upon the environment and an action which is otherwise precluded from environmental review by the involved agencies;

NOW, THEREFORE, be it resolved by the Village Board of the Village of Spencerport, Monroe County, New York, as follows:

Section 1. That the Village Board of the Village of Spencerport does hereby find and determine that the proposed activity is not a Type I action under SEQR in that it involves the proposed annexation of less than 100 acres of contiguous land. Further, the Village Board does further find and determine that its adoption of a resolution, acting upon the petition, is a local legislative decision, a listed Type II action under SEQR.

Section 2. That as the proposed action involves only the legislative adoption of a resolution relating to the decision of this Board as to the proposed annexation, the provisions of SEQR do not require the Village Board to review in detail the various

components of potential environmental impact as set forth in the full environmental assessment form Parts D and E.

Section 3. Based on the foregoing, the Village Board does find and determine that the proposed action concerning the adoption of a resolution acting upon the petition for annexation will not have any significant adverse environmental impact and the Village Board does further declare that this resolution shall be deemed a Negative Declaration of environmental significance for the purposes of SEQR, and that the proposed action and legislative decision upon the petition for annexation may proceed without further regard to SEQR

VOTE OF THE BOARD

Carol J. Nellis-Ewell, Trustee	Aye
Gary Penders, Trustee	Aye
Charles R. Hopson, Trustee	Aye
Ray Kuntz, Trustee	Aye
Glenn C Granger, Mayor	Abstain

Resolution 34 9/2014

Introduced by: Trustee Penders
Seconded by: Trustee Hopson

**RESOLUTION, FINDINGS AND ORDER
OF THE VILLAGE BOARD OF THE VILLAGE OF SPENCERPORT
APPROVING THE PETITION FOR ANNEXATION**

INTRODUCED BY:
SECONDED BY:

WHEREAS, a Petition pursuant to Article 17 of the General Municipal Law was presented to the Village Board of the Village of Spencerport, dated on May 29, 2014, for the annexation of certain territory in the Town of Ogden, Monroe County, New York to the Village of Spencerport, Monroe County, New York, said territory being described in said petition which is annexed hereto as Exhibit "A"; and

WHEREAS, a joint hearing of the Town Board of the Town of Ogden and the Village of Board of Trustees of the Village of Spencerport was duly held on said petition for annexation, according to the law in such cases made and provided, at the Ogden Community Center, 269 Ogden Center Road, Spencerport, New York on the 9th day of July, 2014 at 7:00 p.m. at which time all parties interested in the matter were heard and all objections presented; and

WHEREAS, the Village Board of Trustees of the Village of Spencerport has duly considered said Petition and the evidence presented at such hearing;

NOW, THEREFORE, be it Resolved, that the Village Board of Trustees of the Village of Spencerport finds as follows:

1. That the aforesaid Petition for Annexation substantially complies in form and content with Article 17 of the General Municipal Law.
2. That the proposed annexation of certain territory in the Town of Ogden to the Village of Spencerport, as described in the aforesaid petition is in the overall public interest in that:
 - (a) The subject land became landlocked as a result of the extension of Rte. 531 expressway, cutting off all access of the subject land to Colby Street, upon which street the land previously fronted.
 - (b) That the only ingress and egress available to the land presently is from the public roadways located within the Village of Spencerport.
 - (c) That if the land remained within the Town of Ogden, it would be necessary for the Town of Ogden to ingress and egress the parcel through the Village Subdivision streets for the purposes of garbage pickups, snowplowing, road maintenance, storm water maintenance and all other municipal services to which the property would be entitled in the event that it remained within the geographical boundaries of the Town of Ogden.

- (d) That conversely, if the property were annexed to the Village of Spencerport all village municipal services could be furnished from existing village streets by village highway equipment already traveling the roadways within the subdivision adjacent to the proposed land access.
- (e) That any subsequent development of the subject premises would be subject to review and approval by the Planning Board of the Village of Spencerport, a duly constituted Planning Board with authority and decision making power over land development within the boundaries of the village of Spencerport, which Board could best assess potential development of the subject premises as it impacts immediately adjoining residential village of Spencerport properties.

NOW, THEREFORE, it is Ordered that the consent and approval of the Village Board of the Village of Spencerport is hereby given to the annexation of the territory now situated in the Town of Ogden and described in the aforesaid petition Exhibit "A" to the Village of Spencerport.

VOTE OF THE BOARD

Carol J. Nellis-Ewell, Trustee	Aye
Gary Penders, Trustee	Aye
Charles R. Hopson, Trustee	Aye
Ray Kuntz, Trustee	Aye
Glenn C Granger, Mayor	Abstain

Trustee Nellis-Ewell – Mr. Grassi had suggested doing a financial analysis and our Treasurer did do that there some assumptions made the assessment over time and the net amount would be \$75,000 per year in revenue.

Resolution 35 9/2014

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

WHEREAS, the Village of Spencerport Board of Trustees is in receipt of an inter-municipal agreement from the Town of Ogden that proposes a fee payable form the Village of Spencerport to the Town of Ogden for the transmission of sewage over property belonging to the Town of Ogden; and

WHEREAS, the Village Board of Trustees has designated themselves as lead agency for the purpose of review of the environmental impact, if any, of the proposed legislative action upon the environment ; and

WHEREAS, the only proposed action to be undertaken by the Village Board of Trustees involves the adoption of local legislative decision concerning the proposed agreement, which legislative action is the only approval which must be granted to allow the proposed agreement to be signed; and

WHEREAS, the adoption of local legislative decisions is a listed TYPE II action, an action which is designated as an action not to have a significant adverse impact upon the environment and an action which is otherwise precluded from environmental review by the involved agencies;

NOW, THEREFORE, be it resolved by the Village Board of Trustees of the Village of Spencerport, Monroe County, New York, as follows:

Section 1. That the Village board of Trustees of the Village of Spencerport does hereby find and determine that the adoption of a resolution to become a signatory to an inter-municipal agreement is a local legislative decision, a listed Type II action under SEQR.

Section 2. That the proposed action only involves the legislative adoption of a resolution relating to the decision of this Board as to the proposed agreement, the provisions of SEQR do not require the Village Board to review, in detail, the various components of potential environmental impact as set forth in the environmental assessment forms(s).

Section 3. Based on the foregoing, the Village board of Trustees does find and determine that the proposed action concerning the adoption of a resolution authorizing the Village to become a signatory to an inter-municipal agreement will not have any significant adverse environmental impact and the Village board of Trustees does further declare that this resolution shall be deemed a Negative Declaration of environmental significance for the purposes of SEQR, and that the proposed action and legislative decision upon the inter-municipal agreement may proceed without further regard to SEQR.

Vote of the Board:	Carol J. Nellis-Ewell, Trustee	Aye
	Gary Penders, Trustee	Aye
	Charles R. Hopson, Trustee	Aye
	Ray Kuntz, Trustee	Aye
	Glenn C Granger, Mayor	Abstain

Resolution 36 9/2014

Introduced by: Mayor Granger

Seconded by: Trustee Hopson

BE IT RESOLVED that the Village of Spencerport Board of Trustees hereby authorizes the Mayor to sign the inter-municipal agreement with the Town of Ogden regarding the transmission of sewage during any development of lands approved to be annexed to the Village of Spencerport, currently known as Village Pines.

Vote of the Board:	Carol J. Nellis-Ewell, Trustee	Aye
	Gary Penders, Trustee	Aye
	Charles R. Hopson, Trustee	Aye
	Ray Kuntz, Trustee	Aye
	Glenn C Granger, Mayor	Abstain

Resolution 37 9/2014

Introduced by:

Seconded by:

Be it resolved that the Village of Spencerport Board of Trustees hereby authorizes the Mayor to sign the Receipt and Release regarding the Helen C. Moore Estate.

Vote of the Board:	Carol J. Nellis-Ewell, Trustee	Aye
	Gary Penders, Trustee	Aye
	Charles R. Hopson, Trustee	Aye
	Ray Kuntz	Aye
	Glenn C Granger, Mayor	Abstain

Unfinished Business

New Business

Administrative Committee – Mayor Granger, Chair

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	\$ 132,245.30
Electric Fund	\$ 76,607.89
Sewer Fund	\$ 59,590.10
Trust Fund	\$ 1,946.55
Capital Fund	\$ 0
TOTAL:	\$ 267,389.84

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

Adjournment

A motion was made to enter into executive session to discuss personnel and legal matters by Mayor Granger, seconded by Trustee Nellis-Ewell and carried at 9:20 p.m.

A motion was made by Trustee Hopson, seconded by Mayor Granger and carried that the executive session be adjourned at 9:40 p.m.

A motion was made by Trustee Hopson, seconded by Trustee Nellis-Ewell that the meeting be adjourned at 9:44 p.m.