

VILLAGE BOARD MEETING

November 5, 2014

Minutes

Mayor Granger called the meeting to order at 7:00 p.m. followed by the pledge of allegiance and a moment of silence to honor the passing of former Mayor Joyce Lobene.

A motion was made by Trustee Penders and carried unanimously that page be set aside in the minutes as a memorial to remember Joyce Lobene as Village Trustee from November 1994 – January 1998 and Mayor from March 2009 – July 2014 and her passing on November 2, 2014.

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

Craig Byham, Luther Jacobs Way
Joan Quigley, Maplewood Avenue
Eric Stowe, Village Attorney
Joshua Silver, Crown Castle
Jacqueline Sullivan, Village Clerk
David Wohlers, Clark Street
Participation in Government Students (12)

Approval of Minutes

A motion was made by Mayor Granger, seconded by Trustee Penders and carried that the meeting minutes from the October 1, 2014 Village Board Meeting be approved as read.

A motion was made by Mayor Granger, seconded by Trustee Penders and carried that the meeting minutes from the October 15, 2014 Village Workshop Meeting be approved as read.

Privilege of the Floor

Attorney Joshua Silver representing Crown Castle regarding the application for cell tower improvements located at 500 West Avenue. Mr. Silver acknowledged the regulations in question and that the building code specifies two revisions G and F that pertain to the construction and improvements to cell towers and that the only regulation that is supported by the building codes is revision F and revision G is not in the codes. Mr. Silver continued that contact was made with the Department of State and that revision F is the correct and current revision and Crown Castle is seeking Village Board approval for the cell tower improvements.

Village Attorney Stowe commented that TIA is a standard not a regulation and that the most recent revision of the standard is G however New York State has not adopted revision G at this time and that the Village is bound to revision F.

Resolution 55 11/2014

Introduced by: Trustee Penders
Seconded by: Trustee Kuntz

Be it resolved that the Village of Spencerport Board of Trustees approves that the Village of Spencerport is the lead agency to proceed with SEQR and that that it is an unlisted action requiring no further action as it pertains to the application from Crown Castle for cell tower improvements at 500 West Avenue.

Vote of the Board:	Carol J. Nellis-Ewell, Trustee	Aye
	Gary Penders, Trustee	Aye
	Charles R. Hopson, Trustee	Aye

Resolution 58 11/2014

Introduced by: Mayor Granger

Seconded by: Trustee Hopson

Be it resolved that the Village of Spencerport Board of Trustees hereby approves to surrender the 2014/2015 unpaid village taxes to Monroe County in the amount of \$\$56,394.11.

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	Aye

Trustee Nellis-Ewell questioned if there was a list associated with the surrender.

Clerk Sullivan confirmed that there is a list and explained to the audience why the Village taxes are surrendered to Monroe County for collection.

Sewers Committee – Trustee Hopson, Chair

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

VOS Board Meeting: November 5, 2014

From: Trustee Carol J. Nellis-Ewell

Planning/Zoning/Building Control

Liaison Notes

ARB/PB

Architectural Review Board (ARB) met November 4

- Application of Tim Aanne, Spencerport Physical Therapy, 37 South Union Street, Spencerport, NY 14559 For building renovations including reconfiguration of walls and windows for better use of equipment, reorientation of doors for better use of overall space; also casements for ventilation
After interior renovations, siding and (same) roofing to be approved colors (ARB discussed colors based on samples presented)
 - Building Inspector Patrick Smith requested applicant submit plan for review/permits
 - Spencerport Municipal Electric Superintendent Owen McIntee reviewed cut sheets; lighting to be approved energy-efficient CFL or LED, gooseneck style and Dark-Sky compliant
 - Chairman David Wohlrs commented since the building needs some renovation, this should be a big improvement
 - Application for new signage to be made at a later date

Disposition: Certificate of Appropriateness

Planning Board (PB) also met last evening – unfinished business from October 7 meeting

- Application of Pelusio Spencerport LLC, 26 Slayton Avenue, Spencerport, NY 14559, Mavis Tire Center site plan

Richard Holtzberg, Esq. appeared for applicant. Mr. Holtzberg stated he was not there (at the meeting) to cause issues; rather to ask what, if anything, we can do to get the building in place.

Presentation by Attorney Holtzberg (summary of his comments):

- 2007 approval for expansion of Dollar (Tree) store; 10,000 square feet with parking approval; therefore Mavis Tire store of 6,700 square feet should be satisfactory.

- Lengthy discussion about parking with Board reviewing several color-coded maps. VOS code requires parking spaces of 10 x 20 feet; existing Village Plaza spaces are 9 x 20 feet.
- Landscaping satisfactory
- East Avenue study shows 4 alternatives, all costly; none disturbed by proposed Mavis Tire project
- Flow of traffic addressed by Stop sign/s
- Shopping center parking often necessitates backing out of spaces
- No loading dock at Mavis Tire (expected unloading of tires inside a bay); brakes/parts hand-delivered
- Potentially occasional battery help for boaters
- Recognizing noise issue, like noise from existing nearby repair shops
- Concluded it is an excellent location for Mavis Tire business.

PB asked hours of operation: Patrick Laber/Schultz Associates checked: 7 days, start time and end times vary.

Kris Schultz stated Stop sign addresses hazard corner.

Extensive discussion of road and perimeter road and traffic followed.

Kris Schultz stated building might not be a tire store forever; building lends itself to other retail uses.

Architect Larry Fennity addressed the Board regarding the look of the building (ARB issues).
 Building Inspector Patrick Smith – no issues. No issues from VOS DPW or SME Superintendents.
 MRB Engineer Dave Willard stated East Avenue study alternatives conflict with Mavis Tire building.
 Letter received November 3, related/responded to his issues, including parking.

Kris Schultz stated previous need for East Avenue extension no longer exists. Also cited SRF traffic study.

Discussion ensued regarding walking distances.

Board member Liz Venezky stated she had been to Village Plaza parking area (west of Tops) by restaurants, Laundromat, and bank – not 32 spaces, only 26 (6 short).

Board commented canal property should be for recreational purposes.

Kris Schultz commented preference is to not destroy green space, but spaces could be added behind BOCES building.

Board member Denny Marra questioned the orientation of Mavis Tire building, and referred to the submitted examples of tire businesses in other Villages, concluding a Mavis Tire building does not belong in the center of the Village of Spencerport.

Resolution made to make the VOS Planning Board the lead agency for SEQR.

Planning Board went through short EAF questions, answering no, small, moderate or large impact.

VOS Attorney Eric Stowe advised that for a determination, a draft EIF (Environmental Impact Statement) must be dealt with prior to any approval. He reviewed the procedure for the Board, referring to the 60- day time frame (letter date September 9). Action/s up to the Planning Board only.

Attorney Holtzberg suggested the Board rely on experts/expertise. Also a positive declaration is a costly, lengthy and tedious process. He and Kris Schultz stated that since noise seems to be the significant issue, they could provide a “sound study”.

Rather than revisit the levels of impact, the Board will await and review the sound study. The Board requested that the study be submitted sooner than the last response.

Attorney Holtzberg had prepared a waiver to the 60 days.

Disposition: Application tabled with consent of the applicant until 5 days after December meeting (12/9)

* Thank you to Planning Board Secretary Donna Stassen for thorough minutes of the October 7 meeting.

ZBA

No Zoning Board of Appeals (ZBA) on agenda October 16, 2014

Next ZBA meeting would be November 20, 2014; ZBA business Legal Notice published in *Suburban News*

Building Control

Reports presented by Building Inspector Patrick Smith and Code Enforcement Officer Rich McQuilkin at VOS workshops

Code Review

1) Ongoing task of reviewing and updating code as well as the complete code review project

Project group met with General Code who is reviewing VOS code; draft expected December 22

* Thank you to Village Clerk Jackie Sullivan for arranging the time line.

2) Code Review Committee met October 29: Agenda Item 1: discussion of comments from the Public Hearing related to the previously proposed Local Law regarding Parking of Commercial & Recreational Vehicles; Item 2: introduction of new item – VOS refuse totes for safety and efficiency (gathering stats). Regarding Item 1, we acknowledge receipt of September 25, 2014 letter from Mr. Randy Spurr, Laurelcrest Drive.

Discussion ensued regarding the process of the Mavis application and Planning Board discussions and determinations.

Finance Committee – Trustee Penders, Chair

Facilities Committee – Trustee Hopson, Chair

A. Electric

B. Other (Drainage, Franchise)

Public Works Committee – Trustee Kuntz, Chair

A. Highways/Garage

B. Public Services (Refuse, Recycling, Parks)

Public Safety Committee – Trustee Penders, Chair

A. Fire Department – Trustee Penders commented that the ladder truck is out of service

B. Police

C. Ambulance

Human Resources Committee – Mayor Granger, Chair

Economic Development Committee – Mayor Trustee Nellis-Ewell, Chair

Update on recent events

- **Saturday, November 1** – Village of Spencerport and Town of Ogden officials and Spencerport Area Chamber of Commerce members cut the ribbon for Harmony Health, Cindy & Randy Fiege, 85 South Union Street, 2nd Floor, Spencer's Landing
- **Saturday, November 8** – Local officials, Spencerport Area Chamber of Commerce members, and community guests to be welcomed by the new Erie Canal Animal Hospital, South Union Street, at an Open House, 4-6 PM
- **Sunday, November 9** – Official ribbon cutting for Erie Canal Animal Hospital at noon

- Tuesday, November 18 – Ribbon-cutting scheduled for 4 PM at Positive Impact Personal Training & Fitness, Cheryl Rommes, 85 South Union Street, 2nd Floor, Spencer’s Landing
- Thursday, October 17 – I attended the Monroe County Mayors’ Association of Villages dinner meeting in East Rochester

Highlights: Prior to the meeting, the group toured the new multi-million East Rochester Town/Village complex in East Rochester. Located in the business core of East Rochester, the 67,000 square foot, multi-story building includes the public library, DPW, Public Safety/police and Court, Records Retention rooms, and the Mayor’s, Trustees, Clerk’s, Staff and Village Administrator offices. Energy efficient and state-of-the-art, the building includes revenue-producing space to be rented to an outside tenant.

Later the mayors discussed common issues: development, employee benefits, overlay districts/zoning, shared services and local events – and the favorite – mandates. *Next meeting: December 18.*

Note: Annual dinner to be held January 17, 2015 at Burgundy Basin Inn

* Thank you to Mayor Granger for allowing me to attend in his place

* Thank you to Village Clerk Jackie Sullivan for putting the “Welcome to the Village of Spencerport”

A Great Place for Business – Helpful Hints information on the Village Website.

Check out www.vil.spencerport.ny.us for meeting agendas, minutes and more.

Green Initiatives – Trustee Nellis-Ewell, Chair

DPW Supt. Tom West has information on two green grants.

(also Public Safety) In response to residents’ concerns (and an accident), solar speed sign placed on Harwood Road to obtain data re: speed, times, etc. If data is appropriate, speed limit could be reduced. OPD is aware of this project.

* Thank you to Village Clerk Jackie Sullivan and Liz Venezky for calibrating/programming the sign.

Village Clerk – Jacqueline Sullivan

Resolution 59 11/2014

Introduced by: Trustee Penders

Seconded by: Trustee Nellis-Ewell

Be it resolved that the Village of Spencerport Board of Trustees hereby authorizes the Village Clerk to sign a contract with IMS, Inc., 245 Commerce Blvd, Liverpool, NY 13088-4541 to provide mail services at a rate of \$.435 for 1 and 2 ounce first class letter mail, contingent upon review by the Village Attorney.

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	Aye

Clerk Sullivan explained that the health care committee will be meeting again to review an additional health care policy prior to the Village Board taking action on a policy.

Trustee Penders requested that the Village Board table the below resolution until more information is reviewed.

Resolution 11/2014

Introduced by:

Seconded by:

Be it resolved that the Village of Spencerport Board of Trustees hereby approves to continue with the Excellus Simply Blue+Gold 6 health care plan with a Village contribution of \$5200/\$2600 to family/single employee HSA accounts.

Vote of the Board:	Carol J. Nellis-Ewell, Trustee
	Gary Penders, Trustee

Charles R. Hopson, Trustee
Ray Kuntz, Trustee
Glenn C Granger, Mayor

Clerk Sullivan explained the results gathered from the speed sign located on Harwood Road. At this time over 2000 vehicles passed the speed sign and only two of the vehicles were speeding. Superintendent West will be moving the sign to the opposite side of the road and data will be gathered.

Clerk Sullivan explained the need for the increased fees below and that resolutions for these increases will be in the workshop packet for November 19th.

2015 Fee schedule changes for refuse:

Garbage Totes from \$60.00 to \$65.00
Recycling Bins from \$8.75 to \$9.00
CRT Televisions/Monitors - \$10.00 or choose not to accept

Discussion ensued regarding small claims court for an outstanding electric account and no further action will be taken on the outstanding account.

Discussion ensued regarding the metering of sewer flows in the Coleman Avenue area by Monroe County to determine capacity in the event of the property located in the Town of Ogden on the south side of Nichols Street.

Superintendent of Public Works – Thomas M. West

Superintendent West commented that he will be sending 5 employees to Penfield for a 7 hour snow plow training course and the sidewalks on Canal Road will be completed after a tree is removed.

Superintendent of Electric – Owen McIntee

Trustee Hopson reviewed Superintendent McIntee's monthly report highlighting that Chris and Keith have completed line school and staff attended safety training; Mat and Chris will be attending the MEUA Engineering Workshop in Syracuse; the Brockport Road capital project is nearing completion; make ready work continues at the substation; ancillary revenues that were received were \$1,000 reimbursement for the electric vehicle charging station; \$1,000 engineering fee from Fibertech and \$48,000 for make ready work from Fibertech for Brockport Road make ready work. Work continues to secure funds for the Village Office solar project and the SME small business LED program continues.

Attorney – Eric Stowe

Attorney Stowe explained the petition process and the differences between the PRD zoning and incentive zoning. The applicant prefers the PRD zoning and the applicant will request that type of zoning. The benefits of both zonings have been reviewed with the applicant and his engineer and any variances that may be needed will need to go before the ZBA; incentive zoning would not need any variances. Benefits of incentive zoning to the Village would be a mechanism to collect fees from the applicant to recoup fees that will be passed to the Town of Ogden due to the inter-municipal agreement regarding the transmission of sewage.

Unfinished Business

New Business

Strategic Planning meeting; Wednesday, November 12, 2014 at 4:30 p.m.

Bills

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

General Fund	\$ 69,986.55
Electric Fund	\$ 75,382.10
Sewer Fund	\$ 34,227.31
Trust Fund	\$ 1,908.42
Capital Fund	\$ <u>0</u>
TOTAL:	\$ 181,504.38

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

Adjournment

A motion was made to enter into executive session to discuss legal matters by Trustee Penders, seconded by Trustee Nellis-Ewell and carried at 8:05 p.m.

A motion was made by Trustee Hopson, seconded by Trustee Penders and carried that the executive session be adjourned at 8:51 p.m.

A motion was made by Trustee Penders, seconded by Trustee Kuntz that the meeting be adjourned at 8:51 p.m.