

**VILLAGE BOARD MEETING**  
**March 4, 2015**  
**Minutes**

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

**BOARD MEMBERS PRESENT**

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

**BOARD MEMBERS ABSENT**

Glenn Granger, Mayor

**OTHERS PRESENT**

Jill Cords, Amity Street  
Ryan Hickey, Maida Drive  
Sean Maloney, Lyell Road  
Owen McIntee, SME Superintendent  
Joan Quigley, Maplewood Avenue  
Eric Stowe, Village Attorney  
Jacqueline Sullivan, Village Clerk  
Terry West, Coventry Drive

**Approval of Minutes**

A motion was made by Trustee Penders, seconded by Trustee Hopson and carried that the meeting minutes from the February 4, 2015 Village Board Meeting be approved as read.

A motion was made by Trustee Kuntz, seconded by Trustee Nellis-Ewell and carried that the meeting minutes from the February 18, 2015 Village Workshop Meeting be approved as read.

**Public Hearing**

Introductory Local Law 2-2015 “A Local Law to legislate the storage and removal of solid waste”

Trustee Penders opened the public hearing at 7:01 p.m.

Mr. Terry West, Coventry Drive questioned what the law was all about.

Trustee Penders responded that the revision to the code was to standardize and have a neater process, more efficient, and all residents to have a toter.

Mr. West questioned if there was any information in the Suburban News regarding this proposal.

Trustee Nellis-Ewell responded that there was a public hearing previously; this is a second one after we tweaked some of the criteria; we listened to the public and put a twenty four hour retrieval limit; some phrasing regarding bulk pick was changed and ashes have to be in a metal container and do not need a sticker. Trustee Nellis-Ewell reiterated that the proposal was made for efficiency, uniformity and also the safety of our employees and that using a toter is safer for them.

Attorney Stowe added that the requirement to have a toter does not apply until June 2016 so that there is time to inform the residents of this change.

Mrs. Quigley, Maplewood Avenue questioned if only one size would be available.

Trustee Nellis-Ewell responded that she researched other waste haulers (Suburban Disposal, Boon and Son, Waste Management) and all offer 96 gallon toters only; Suburban Disposal offers the option to purchase garbage bags. In addition Heberle, Lilac and Youngblood also offer 96 gallon toters. Toter.com was reviewed and does offer multiple size toters however generally the Village gets a better price for a larger order and for toters of all one size.

Mr. West questioned how much the Village makes on the toters.

Trustee Nellis-Ewell responded that the Village does not make a profit the price of the totter covers the cost and shipping.

Mrs. Quigley questioned the price of the totter.

Attorney Stowe responded \$65.

Mr. West commented that he thinks they are good investment and that one of the garbage men suggested it to him and he came down to the office and purchased one.

Mrs. Cordts, Amity Street commented that the totters are squirrel proof as well.

Trustee Penders added that they are bird proof as well to keep garbage from being spread around and a lot neater process.

Mr. West questioned how many of the residents have the totters.

Trustee Nellis-Ewell responded approximately 42% of the residents have totters.

Discussion ensued regarding the efficiency of the totters and possibly reducing the number of days that garbage is picked up.

Mr. West questioned if the Board can mandate totters.

Attorney Stowe responded that this is what the law does.

Mr. West added that there should be more dialogue in the Suburban News about this code.

Trustee Nellis-Ewell responded that there is cost to advertising in the Suburban News and the text of the local law is available in the Village Office.

Clerk Sullivan stated that the required public hearing notice was advertised both times and confirmed that she thought Mr. West was suggesting more of an article in the Suburban News.

Mr. West responded affirmative and what the savings are and that the totters are sold at cost to the residents.

Trustee Nellis-Ewell responded that communication would be done in the annual DPW related newsletter.

Trustee Penders closed the public hearing at 7:10 p.m.

### **Privilege of the Floor**

Mrs. Quigley commented that she thinks the DPW have been doing a great job removing the snow.

Mr. West commented that the DPW is doing a good job keeping that pothole filled on Union Street.

Trustee Penders responded that MCWA is maintaining that pothole due to a water main break earlier in the month.

### **Administrative Committee** – Mayor Granger

Attorney Stowe indicated that a letter was received from Myron Fox, Treasurer of the Ogden Senior Center indicating that one of the beneficiaries of Helen Moore's estate has not signed the release permitting funds to be distributed and traditionally the executor will not authorize the release of any funds until all beneficiaries have signed off. Attorney Stowe commented that there is a rumor that part of the strategy for the delay by one of the beneficiaries was to force the executor of the estate into court.

Attorney Stowe continued that one of the representatives of one of the beneficiaries has asked that all of the beneficiaries get together and say that if there are any court proceedings that decrease the size of the estate thus decreasing the amount

available to the beneficiaries to ask the court to assign all of those costs to the beneficiary wishing to fight. Attorney Stowe added that signing this letter does not benefit the Village in any way; the Village has already signed releasing any liability and that there is already a provision in the law allowing the judge to assign the cost to the beneficiary wishing to fight the distribution.

Attorney Stowe indicated that there is no benefit to the Village for signing the letter from Mr. Fox and we are in good shape without signing the letter.

Trustee Nellis-Ewell mentioned that she is the president of the Ogden Senior Center Board and that they are aware of this matter however it is the SAHARO Board which stands for Senior Adult Housing and Recreation in Ogden. Trustee Nellis-Ewell explained that it is a collaboration of two entities of the Senior Center. The Town runs the nutrition program and social programs the SAHARO Board does the budgeting, manages money and operations of the house out of a trust.

Attorney Stowe added that if the Village had decided to fight the distribution of the estate prior to signing the release the increase benefit to the Village would have been approximately \$3500 and it would cost more than that to fight it.

### **Resolution 93 3/2015**

Introduced by: Trustee Penders

Seconded by: Trustee Hopson

**Whereas**, the Village Board has before it a Local Law entitled “A Local Law to legislate the storage and removal of solid waste”.

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

**Whereas**, this action is a "Type II" action under the State Environmental Quality Review Act and 6NYCRR615.5(c)(16, 20 & 27)) and not subject to review pursuant to SEQRA; and

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

**Now, therefore, be it resolved:**

**Section 1.** That the Village Board of the Village of Spencerport hereby enacts Local Law 2-2015 “A Local Law to legislate the storage and removal of solid waste”.

**Section 2.** That the Village Clerk is ordered to publish a legal notice indicating the adoption of this Local Law as required by law and to file a copy of this Local Law with New York State as required by law.

**Section 3.** That this Local Law shall take effect as provided by law.

**Section 4.** That this resolution shall take effect immediately.

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	Absent

### **Resolution 94 3/2015**

Introduced by: Trustee Penders

Seconded by: Trustee Nellis-Ewell

Be it resolved that the Village of Spencerport Board of Trustees hereby approves Mayor Granger’s appointment of William Rutter, 57 Laurelcrest Drive, Spencerport, NY to the Planning Board for a five year term ending March 2020.

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	Absent

**Resolution 95 3/2015**

Introduced by: Trustee Penders

Seconded by: Trustee Nellis-Ewell

Be it resolved that the Village of Spencerport Board of Trustees hereby approves Mayor Granger's appointment of Mark Unvericht, 36 Pinecrest Drive, Spencerport, NY to the Zoning Board of Appeals for a five year term ending March 2020.

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	Absent

**Sewers Committee** – Trustee Hopson, Chair

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

Comments submitted by Trustee Nellis-Ewell

Liaison Notes

**Architectural Review Board (ARB) / Planning Board (PB) met March 3, 2015**

**Architectural Review Board**

**Berkshire Hathaway Home Services**

**Discover Real Estate**

Dennis Levandowski

162 South Union Street, Spencerport, NY

Signage at same location

Mr. Levandowski stated he replaced the deteriorated Prudential sign on the front of the building about two years ago. Also he was unaware he needed to apply/appear prior to the installation of the Berkshire Hathaway sign. Sign colors cream and eggplant (same size sign, 34" x 43") were submitted to the ARB.

**Disposition: Certificate of Appropriateness (passed unanimously)**

Unfinished Planning Board business

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

Yesterday evening the Planning Board met. Under the matter of unfinished business, the site plan and subdivision review for the Mavis Discount Tire Store resumed. After a lengthy discussion and input from the applicant, applicant's representatives, and the Planning Board, the issue of SEQR was addressed. The Planning Board completed Part 2 & 3 of the long Environmental Assessment Form. Upon completing the Form, several areas were indicated that may have a moderate to large environmental impact. Accordingly, a positive declaration was issued. The Planning Board will meet again on this matter on April 7, 2015, at which time the next step in the DRQR process, scoping, will commence.

Public Hearing, Village of Spencerport Village Office, 27 West Avenue, Spencerport, NY, 14559, 7 PM.

Application of Thomas and Mary Jo Weckesser, 32 Martha Street, Spencerport, NY, 14559 for an area variance for a proposed second Class II structure, whereas only one Class II structure shall be allowed per lot pursuant to Chapter 340-14D. This is an R-2 Residential District.

Mr. Weckesser and his architect, Clint Battisti, attended. Mr. Weckesser stated the low ceiling of the existing garage does not allow for SUV's and additional storage is needed. The design is intended to be pleasing for the neighborhood, and does not block canal views.

Chair John Dole then closed the Public Hearing. ZBA Member Mark Unvericht introduced the Motion: Type II SEQR; no further review.

Chair Dole, ZBA Members Flavin, Kellerson, Powell-Kerry and Unvericht all in favor.  
**Special Use Permit granted (passed unanimously).**

ZBA minutes with complete details posted on the VOS website (after approval).

#### *Building Control*

Building Inspector Patrick Smith and Code Enforcement Officer Rich McQuilkin report at VOS workshops.

#### *Code Review*

Latest revision to Introductory Local Law 2-2015, "A Local Law to legislate the storage and removal of solid waste"; revisions reflect input from February 4 Public Hearing

- Research showed Westside companies Boon & Son, Suburban Disposal & Waste Management offer one size 96-gallon totes; also checked Heberle, Lilac & Youngblood who provide only 96-gallon totes. \* Suburban Disposal has a blue-bag option; bags to be purchased from them.
- Toters.com Web Site shows various retail outlets have smaller-sized totes; for greater quantity, price is lower for one size vs. for lesser quantity, price is higher for two or multiple sizes.

#### **Finance Committee** – Trustee Penders, Chair

Trustee Penders commented that there is a budget workshop this Saturday.

#### **Facilities Committee** – Trustee Hopson, Chair

- A. Electric
  
- B. Other ( Drainage, Franchise)

#### **Public Works Committee** – Trustee Kuntz, Chair

Trustee Kuntz commented that Superintendent West is at a conference in Albany and crews have been plowing, salting and moving snow. The Town of Gates had a problem with one of their plows and they borrowed our wing plow. The Town of Gates will be replacing the plow blade with a carbide blade upon return.

- 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 back in service and the full fleet is operational.

B. Police

Trustee Penders commented that Chief Nordquist sent an email indicated that Jon Eckhout will be recognized for his service at the next Town Board Meeting and that all are welcome to attend the meeting.

C. Ambulance

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

**Economic Development Committee** – Trustee Nellis-Ewell, Chair

**Comments submitted by: Trustee Nellis-Ewell**

*Update/Highlights*

- **Tuesday, February 24 – Spencerport Board of Education Meeting**
- **Continuation of the Urban-Suburban (U-S) Program proposal**

Privilege-of-the-Floor included input from 9 speakers. A petition was presented requesting the U-S issue be brought to a referendum, a public vote. After review of the petition and legal consultation in Executive Session, the Board President stated: the decision rested with the Board of Education, adding a public referendum would be purely advisory, having no legal binding on a Board decision. During discussion prior to the Board vote, a Board member made a motion to table the vote until after a public referendum could be held during the May budget vote. Being no second, the motion failed.

The Spencerport School Superintendent recommended implementation in the 2015-16 school year. Modifications considered for program mission statement; participants evaluated; opt-out option.

**School Board voted unanimously to join the Urban-Suburban Program.**

- Previously school enrollment reported as 1600 students; update at this meeting – 3600 students. U-S Program begins with 18 students, increasing to 72; Grades 1, 2 & 6.

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

**Village Clerk** – Jacqueline Sullivan

Clerk Sullivan commented that the Town of Ogden recreation department will be doing a 5K race in September and Andrea Hansen requested information regarding the permitting process and the use of the DPW as part of the course. Clerk Sullivan continued that she submitted a request to code review to amend the current peddling code. Clerk Sullivan explained that most of the applicants are from out of town and that the background check provided by OPD to the Village is only for the Town of Ogden. The Town updated their code to include that if the applicant is not from the Town of Ogden they need to provide a current background check from their last known address to the Town upon application. Clerk Sullivan indicated that she would like the Village code to be changed to include the background check request like the Town of Ogden's.

Clerk Sullivan added that she and Mr. Joe Muniz, President of the Firemen's Association have had conversations and Mr. Muniz requested that the Village not issue peddling permits to the vendors that are associated with the Firemen's annual parade due to the vendors not respecting the SFD's wishes for them not to sell particular items such as silly string and poppers. Clerk Sullivan indicated that she will not issue the permits as long as the Village Board is agreeable.

Mrs. Quigley questioned how this potential change would affect the school kids.

Clerk Sullivan responded that the Village does not require peddling permits of school kids, Boy Scouts and similar organizations. It is only for commercial peddlers.

Trustee Nellis-Ewell commented that someone will have a code review committee meeting in a couple weeks.

Discussion ensued regarding the peddling permits.

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

**Superintendent of Electric** – Owen McIntee

Superintendent McIntee commented that OSHA training has been completed; electric crew is still working on their capital project on Kirkgate Drive and less than a week is needed to complete the project. Superintendent McIntee indicated that he will be analyzing the loads compared to last year at this time however currently the delivery and supplemental costs have been lower than last year.

Mr. West questioned how the electric meters are read.

Superintendent McIntee responded that it is done remotely.

**Attorney** – Eric Stowe

Attorney Stowe commented that Planning Board items have been taking most of his time and that Village Board items have been quite. Attorney Stowe indicated that he will be following up on pending litigation issues to report at the next meeting.

**Unfinished Business**

Trustee Penders announced that the Village Election is Wednesday, March 18<sup>th</sup> at the Spencerport Fire Department, 175 Lyell Avenue, polls will be open from Noon till 9:00 p.m.

**New Business**

Budget workshop meeting Saturday, 3/7/2015 at 8:30 a.m.

Village Board Workshop Meeting Wednesday, 3/11/2015 at 4:30 p.m.

Village Board Workshop Meeting Wednesday, 3/18/2015 at 4:30 p.m. cancelled due to Village Elections

Village Board Workshop Meeting Wednesday, 3/25/2015 at 4:30 p.m. if necessary

Public Hearing for the 2015-2016 Budget will be 4/1/2015 at 7:00 p.m. at the Firehouse

Trustee Nellis-Ewell asked if the budget meeting on Saturday open to the public.

Trustee Penders responded that they all are.

Mr. West questioned if they are fairly well attended.

Trustee Penders responded that it is up to you if you want to attend and it basically workshop meeting

Discussion ensued regarding the State Comptroller and Sales Tax.

**Bills**

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

General Fund	\$ 48,213.07
Electric Fund	\$ 33,266.12
Sewer Fund	\$ 5,239.05
Trust Fund	\$ 2,100.19
Capital Fund	\$ <u>0</u>
<b>TOTAL:</b>	<b>\$ 88,818.43</b>

Motion was made by Trustee Kuntz, seconded by Trustee Hopson and carried unanimously that the cash disbursements for the General, Electric, Sewer, Trust and Capital Funds, March 2015 be approved as audited.

### **Adjournment**

A motion was made by Trustee Kuntz, seconded by Trustee Nellis-Ewell that the meeting be adjourned 7:42 p.m.