

VILLAGE BOARD MEETING
September 2, 2015
Minutes

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

BOARD MEMBERS PRESENT

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

BOARD MEMBERS ABSENT

OTHERS PRESENT

Craig Byham, Luther Jacobs Way
Curt Kenyon, S. Union Street
Owen McIntee, SME Superintendent
Jack Meritt, Senator Robert Ort's Office
Frank Nichols, Coventry Drive
Joan Quigley, Maplewood Avenue
Eric Stowe, Village Attorney
Jacqueline Sullivan, Village Clerk
Tom West, DPW Superintendent
Ron White, Hawthorn Drive

Approval of Minutes

A motion was made by Mayor Penders, seconded by Trustee Hopson and carried that the minutes from the August 5, 2015 Village Board Meeting be approved as read.

A motion was made by Mayor Penders, seconded by Trustee Wohlers and carried that the minutes from the August 19, 2015 Village Workshop Meeting be approved as read.

Public Hearing – Introductory Local Law 4-2015 “A Local Law to impose a Gross Utility Tax”

Mayor Penders opened the public hearing at 7:01 p.m. by reading the local law.

Mr. Frank Nichols, Coventry Drive – commented that the Gross Utility Tax was brought to a public hearing a few years ago and that he was the only one to speak about it indicating at that time it would affect the churches and fire department. Mr. Nichols continued that he was at the Village Hall and they indicated that the law was the same as the previous law. Mr. Nichols questioned what utilities would be included in this tax.

Mayor Penders responded Vontage, Time Warner Digital, Frontier, RG&E gas and electric.

Mr. Nichols responded not Village Electric and will anyone be exempt from this tax.

Mayor Penders responded that Village Electric is exempt and no one will be exempt from the tax.

Mr. Nichols indicated that last time someone said that it almost adds 2% to the utility bill and that all businesses and not for profits will be effected by this tax since they use gas for heat making it inequitable and that anyone in the Village that heats with electric is exempt from the tax. Mr. Nichols continued that he does not have a land line and does not understand how Vontage would apply the tax. Mr. Nichols continued by explaining how churches are taxed and pay utilities and the inequities of the tax.

Mr. Nichols questioned the anticipated revenue from this tax.

Mayor Penders responded that he does not know at this time however it was determined that approximately \$25,000 could be realized from this tax.

Discussion ensued regarding the revenue realized, the inequities and the 2% tax cap.

Mr. Curt Kenyon, S. Union Street indicated that he understands the need for the Village to raise revenues and that through his research he found that the disadvantages of this is that fixed income residents may not have the extra income to afford the tax in addition to their current bills; also a business that may have several telephone lines however sells an item that has a lower profit margin will be adversely affected by the tax, thus the tax is discriminatory based on income and usage.

Mr. Kenyon added that he did some research on his own expenses at his business and he figured he would realize an 8% increase in expenses if this tax was enacted along with increased taxes due to reassessment raising the amount to about 24% over the last two years.

Mr. Ron White, Hawthorn Drive commented he feels that the businesses would have an additional cost burden as well as residents if this tax is passes. Mr. White confirmed that water is not included in this tax.

Attorney Stowe responded that water is exempt.

Discussion ensued regarding included and exempt utilities under this tax.

Mayor Penders closed the public hearing at 7:20 p.m.

Privilege of the Floor

Administrative Committee – Mayor Penders

Mayor Penders commented that the Monroe County Association of Mayors are looking into reducing the minimum speed limit in villages from 30 MPH to 25 MPH. This initiative is being brought forward to legislatures in Albany by Mayor Corby of Pittsford. This thought behind this to help clam traffic for safety purposes.

Trustee Nellis-Ewell questioned if Mayor Corby had any data regarding the reduction in speed as it pertains to safety and lowering fuel consumption.

Resolution 42 9/2015

Introduced by: Mayor Penders

Seconded by: Trustee Nellis-Ewell

SEQR Lead Agency Determination for Adoption of Introductory Local Law# 4 of 2015 to add and amend the Code of the Village of Spencerport “Chapter 114, Taxation.

WHEREAS, the Village of Spencerport Board of Trustees on September 2, 2015 did declare its intent to be designated the lead agency in regards to SEQR for Adoption of Introductory Local Law#4 of 2015 to add and amend the Code of the Village of Spencerport “Chapter 114, Taxation” (hereinafter referred to as Action); and

WHEREAS, the Village of Spencerport Board of Trustees (hereinafter referred to as Village Board) has reviewed the Short Environmental Assessment Form, prepared by Attorney Stowe for the Action pursuant to the New York Environmental Conservation Law, Article 8 (State Environmental Quality Review Act) and regulations promulgated pursuant thereto in 6 NYCRR Part 617 (SEQRA Regulations); and

WHEREAS, the Village Board determines that said Action is classified as an Unlisted Action under the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the Village Board determined that said Action is also subject to review and approval by other involved agencies under the SEQR Regulations; and

WHEREAS, the Village Board determines that it is the most appropriate agency to insure the coordination of this Action and did provide written notifications to involved agencies, for the purposes of conducting a coordinated review and making the determination of significance thereon under the SEQR Regulations; and

WHEREAS, the Village Clerk has submitted a memo to the Village Mayor indicating that the Village did not receive any correspondences from the involved agencies indicating an objection to the Village Board of the Village of Spencerport acting as Lead Agency; and

NOW, THEREFORE, BE IT RESOLVED, that the Village Board does hereby designate itself as the lead agency for the Action.

Vote of the Board:	Carol J. Nellis-Ewell, Trustee	Aye
	Charles R. Hopson, Trustee	Aye
	Ray Kuntz, Trustee	Aye
	David Wohlers, Trustee	Aye
	Gary Penders, Mayor	Aye

Resolution 43 9/2015

Introduced by: Mayor Penders

Seconded by: Trustee Nellis-Ewell

SEQR Status for Adoption of Introductory Local Law#4 of 2015 to add and amend the Code of the Village of Spencerport “Chapter 114, Taxation

WHEREAS, that the Village Board classifies the adoption of Introductory Local Law #4 of 2015 to add and amend the Code of the Village of Spencerport “Chapter 114, taxation” (hereinafter referred to as Action) to be an Unlisted Action under the provisions of State Environmental Quality Review Act (SEQRA) and the regulations promulgated thereunder; and

WHEREAS, the Village Board has duly reviewed and considered the Short Environmental Assessment Form as well as all the evidence and information obtained at public hearing held on September 2, 2015 at 7:00 p.m. and has given consideration to any comments received from Involved and Interested Agencies and the Board has duly considered the impacts which reasonably may be expected to result from the proposed Action by using the criteria set forth in Article 8 of the Environmental Conservation Law, the State Environmental Quality Review Act, and applicable regulations promulgated thereunder ("SEQRA"); and

NOW, THEREFORE, BE IT RESOLVED, that the Village Board hereby confirms its status as lead agency and makes a determination that the above-referenced action will not result in any significant adverse environmental impact.

Vote of the Board:	Carol J. Nellis-Ewell, Trustee	Aye
	Charles R. Hopson, Trustee	Aye
	Ray Kuntz, Trustee	Aye
	David Wohlers, Trustee	Aye
	Gary Penders, Mayor	Aye

Resolution 44 9/2015

Introduced by: Mayor Penders

Seconded by:

WHEREAS, a Introductory Local Law #4 of the year 2015 to add and amend the Code of the Village of Spencerport “Chapter 144, Taxation” was introduced to the Village Board of Trustees of the Village of Spencerport on the 2nd day of September, 2015; and

WHEREAS, at a meeting of the Village of Spencerport Board of Trustees held at the Village Hall in the Village of Spencerport, New York on the 2nd day of September, 2015, a public hearing was held at 7:00 p.m. to consider the adoption of a Introductory Local Law #4 of the year 2015 to add and amend the Code of the Village of Spencerport “Chapter 114,

Taxation”; and

NOW, THEREFORE, BE IT RESOLVED, that Local Law # 4 of 2015 is hereby enacted by the Village Board of Trustees of the Village of Spencerport.

Vote of the Board: Carol J. Nellis-Ewell, Trustee
Charles R. Hopson, Trustee
Ray Kuntz, Trustee
David Wohlers, Trustee
Gary Penders, Mayor

Resolution 45 9/2015

Introduced by: Mayor Penders

Seconded by: Trustee Hopson

Be it resolved that the Village of Spencerport Board of Trustees hereby approves returning the owner’s guarantee deposit from Ogden Center Development, 2500 Spencerport Road, St. A5, Spencerport, NY 14559 for the Brockport Road Townhouses in the amount of \$3030.47.

Vote of the Board: Carol J. Nellis-Ewell, Trustee
Charles R. Hopson, Trustee
Ray Kuntz, Trustee
David Wohlers, Trustee
Gary Penders, Mayor

Trustee Wohlers questioned if the stone walking trail was installed and to his knowledge it has not been installed.

Mayor Penders suggested tabling the resolution until the September 16th workshop.

Sewers Committee – Trustee Wohlers, Chair

Mayor Penders asked Trustee Wohlers to provide a quarterly report with sewer flows included in it to confirm that the I & I work is having a positive effect on the system.

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

The following was submitted by Trustee Nellis-Ewell

Liaison Notes

These general notes serve to inform the Village Board members and staff.
Complete details and minutes will be available on www.vil.spencerport.ny.us

Architectural Review Board (ARB) / Planning Board (PB) – meeting September 1, 2015

Architectural Review Board
Port Trading Company
Stephanie Sharpe
86 South Union Street
Spencerport, NY 14559

Signage on building

Applicant stated the Port Trading business opened in 2014.

Currently using a sandwich sign; a permanent sign on the building requested.

- Existing sign colors ivory and forest green; dimensions 24 inches high by 84 inches long

- To match the neighboring signage for consistency

**Disposition: Certificate of Appropriateness (passed unanimously)
No Planning Board business.**

Zoning Board of Appeals (ZBA) – meeting August 20, 2015

Public Hearing, Village of Spencerport Village Office, 27 West Avenue, Spencerport, NY, 14559, 7 PM
Agenda included 2 applications related to “trailer law”

1) Application of James West, 97 Coolidge Avenue, Spencerport, NY 14559

Resolution 260

Special Permit to allow a second ancillary vehicle to be parked at 97 Coolidge Avenue in the Village of Spencerport, is an **Unlisted Action pursuant to the New York State Environmental Quality Review Act, and based upon the EAF and the information obtained at the Public Hearing, is a Negative Declaration requiring no further action.**

Resolution 261

Special Permit to allow a second ancillary vehicle to be parked at 97 Coolidge Avenue in the Village of Spencerport, whereas a maximum of one ancillary vehicle may be stored outside on any residential parcel, pursuant to Chapter 340, Article IX, Section 4(E) be **approved with the following conditions:**

- 1. The third ancillary vehicle to be removed within 10 days**
- 2. Permit is granted for 5 years expiring August 20, 2020**

Resolution 262

To allow one ancillary vehicle to be parked in the side setback, whereas an ancillary vehicle cannot be stored within the side setback, pursuant to Chapter 340, Article IX, Section 4(d)(1) in a Residential District, is a **Type II Action under the New York State Environmental Quality Review Act requiring no further action.**

Resolution 263

This Resolution details considerations and findings of fact made by the Zoning Board of Appeals related to allowing one ancillary vehicle to be parked in the side setback at the property aforementioned.

Application for the area variance GRANTED.

2) Application of James & Jacqueline Lobene, 89 Harwood Road, Spencerport, NY 14559

Resolution 264

Special Permit to allow a second ancillary vehicle to be parked at 89 Harwood Drive in the Village of Spencerport, whereas, a maximum of one ancillary vehicle be stored outside on any residential parcel, pursuant to Chapter 340, Article IX, Section 4(E) and an **Area Variance** to allow this ancillary vehicle to be parked in the side setback, whereas, an ancillary vehicle cannot be stored within the side setback, pursuant to Chapter 340, Article IX, Section 4(d)(1) in a Residential District.

TABLED until which time the applicant/s can be present.

Application of Alfred Hindman, 3054 Brockport Road, Spencerport, NY 14559

Privacy Fence

Resolution 265

Special Permit for an existing privacy fence, 11 feet long and 6 feet high, is an **Unlisted Action pursuant to the New York State Environmental Quality Review Act, and is a Negative Declaration requiring no further action.**

Resolution 266

Special Permit for an existing privacy fence, 11 feet long and 6 feet high, on property located at 3054 Brockport Road, Village of Spencerport, pursuant to Chapter 342-32 A (4)(a) in a Residential District be **approved with the following condition:**

- 1. That the application gets a Building Permit and C of O for the fence.**

In conversation, Mr. Hindman, having relocated from another area community, complimented the services provided by the Village of Spencerport, adding that the DPW, SME and Office Staff are courteous, efficient and helpful. Mr. Hindman also appreciates the assistance provided by Building Inspector Smith with the ZBA application.

Building Control

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

Code Review

No Code Review Committee meeting in August; awaiting Organizational Analysis from General Code.

Finance Committee – Mayor Penders, Chair

Resolution 46 9/2015

Introduced by: Mayor Penders

Seconded by: Trustee Wohlers

Be it resolved that the Village of Spencerport Board of Trustees hereby approves the below budget transfer.

September 2, 2015 BUDGET TRANSFER & REVISION Fiscal Year End 5/31/2016						
AMOUNT	TO ACCOUNT			FROM ACCOUNT		
\$7,000	A5410.400	Sidewalks Contractual		A5110.400	Highways Contractual	

Vote of the Board:

Carol J. Nellis-Ewell, Trustee	Aye
Charles R. Hopson, Trustee	Aye
Ray Kuntz, Trustee	Aye
David Wohlers, Trustee	Aye
Gary Penders, Mayor	Aye

Facilities Committee – Trustee Hopson, Chair

A. Electric

Resolution 47 9/2015

Introduced by: Trustee Hopson

Seconded by: Trustee Kuntz

Be it resolved that the Village of Spencerport Board of Trustees hereby approves Superintendent McIntee's attendance at the IEEP Annual Business Meeting, Thursday, September 24, 2015, Embassy Suites Syracuse, East Syracuse, NY cost not to exceed \$125.00.

Vote of the Board:	Carol J. Nellis-Ewell, Trustee	Aye
	Charles R. Hopson, Trustee	Aye
	Ray Kuntz, Trustee	Aye
	David Wohlers, Trustee	Aye
	Gary Penders, Mayor	Aye

B. Other (Drainage, Franchise)

Public Works Committee – Trustee Kuntz, Chair

- A. Highways/Garage
- B. Public Services (Refuse, Recycling, Parks)

Resolution 48 9/2015

Introduced by: Trustee Kuntz

Seconded by: Trustee Nellis-Ewell

Be it resolved that the Village of Spencerport Board of Trustees hereby approves Superintendent West's attendance at the NYCOM 2015 Public Works Training Conference Sunday, October 25 – Wednesday, October 28, 2015 at The Otesega Resort Hotel, Cooperstown, NY. Cost not to exceed \$1,100.

Vote of the Board:	Carol J. Nellis-Ewell, Trustee	Aye
	Charles R. Hopson, Trustee	Aye
	Ray Kuntz, Trustee	Aye
	David Wohlers, Trustee	Aye
	Gary Penders, Mayor	Aye

Public Safety Committee – Trustee Penders, Chair

- A. Fire Department – Mayor Penders commented that the fire department approved the purchase of a new pumper for station #3.
- B. Police
- C. Ambulance

Human Resources Committee – Mayor Penders, Chair

Economic Development Committee – Trustee Wohlers, Chair

Green Initiatives – Trustee Nellis-Ewell, Chair

Trustee Nellis-Ewell commented that there was nothing requiring Board action.

Village Clerk – Jacqueline Sullivan

Clerk Sullivan indicated that the preconstruction meeting regarding the Trolley Depot decking project has been scheduled and will take place on Tuesday, September 15th with a potential start date of mid-October.

Clerk Sullivan commented that there were 42,000 vehicle passes at the speed sign located on West Avenue from July 23rd through September 2nd. 8.8% of those vehicles were speeding; most violations were during the work day and the maximum speed was 50 MPH.

Work continues on the installation of a new fire/security system at the shop.

The Village's information pertaining to the Monroe County Hazard Mitigation Plan has been submitted to be included in the plan.

Mayor Penders commented that the plan is quite involved and will be a plan for the entire county and will be filed under the WebEoc website.

Superintendent of Public Works – Thomas M. West

Superintendent West indicated that he is using a top soil machine from Monroe County to convert the Village's leaf/compost pile into top soil pile. This process will save the Village the expense of purchasing top soil for various projects.

Trustee Hopson commented that the repaving of Brockport Road is the smoothest road he has been on in a long time.

Mayor Penders thanked Trustee Hopson for his comments indicating that lately there have been some very rude people in our office berating our staff as to how the Brockport Road project was handled. Mayor Penders continued that Brockport Road is unique because it has concrete underneath the black top compared to a traditional road.

Discussion ensued regarding various area projects.

Superintendent of Electric – Owen McIntee

Superintendent McIntee commented that work continues on various projects and that August loads are way below limits.

Attorney – Eric Stowe

Unfinished Business

Trustee Nellis-Ewell submitted the following comments.

Village Activities

- **August 6, 2015 New York State Canal Corporation Recreationway Meeting, Seymour Library, Brockport New York State Canal Corporation Director Brian Stratton, Deputy Director John Callaghan & John DiMura, Trails Director, were in attendance.**

This was a public informational meeting attended by local officials and residents.

<http://www.canals.ny.gov/news/crc/plan.html> Canal 2025: Canal Recreationway Plan Update

As the Erie Canal approaches its bicentennial, the New York State Canal Corporation is inviting New Yorkers to share their ideas for the future of the Canal system.

Individuals and groups wishing to submit comments should complete the survey at

<https://mysidewalk.com/organizations/289668/canal-2025>.

Public input will play a central role in updating the Canal Recreationway Plan, a long-term framework for development of recreational opportunities throughout the Canal system, adopted in 1995.

Canal 2025 will summarize completed accomplishments and recommend new projects and initiatives going forward.

According to recent studies, the Canal system helps support \$6.2 billion in annual economic activity, plus \$380 million in tourism-based spending. Parks & Trails NY established that the Erie Canalway Trail – which parallels the Erie Canal from the Hudson River to Lake Erie -- has an economic impact of about \$253 million annually and supports 3,440 jobs in the trail corridor.

- **September 11th Commemoration Ceremony**

For several years, the Village of Spencerport, Spencerport Fire Department and Rotary Club have coordinated a Remembrance Ceremony to recognize and remember the Victims, the Survivors, the First Responders and our Hometown Heroes and Veterans. This year, in 2015, it has been a mutual decision to commemorate only on “anniversary years”. That means no formal event this year.

In your own way, please take time to reflect and remember on Friday, September 11th. Appreciate your family, friends, freedom – and safety. **God Bless America!**

New Business

Bills

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

General Fund	\$ 106,514.94
Electric Fund	\$ 64,186.99
Sewer Fund	\$ 9,422.96
Trust Fund	\$ 2,395.97
Capital Fund	<u>\$ 0</u>
TOTAL:	\$182,520.86

Motion was made by Mayor Penders, seconded by Trustee Nellis-Ewell and carried unanimously that the cash disbursements for the General, Electric, Sewer, Trust and Capital Funds, September 2015 be approved as audited.

Adjournment

A motion was made by Mayor Penders, seconded by Trustee Wohlers and carried unanimously that the regular meeting be adjourned at 8:04 p.m.