

**VILLAGE BOARD MEETING**  
**February 3, 2016**  
**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**

Owen McIntee, SME Superintendent  
Joan Quigley, Maplewood Avenue  
William Stone, Crown Castle  
Eric Stowe, Village Attorney  
Jacqueline Sullivan, Village Clerk  
Terry & Roberta West, Coventry Drive  
Tom West, DPW Superintendent

**Approval of Minutes**

A motion was made by Mayor Penders, seconded by Trustee Hopson and carried that the minutes from the January 6, 2016 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 January 20, 2016 Village Workshop Meeting be approved as read.

**Privilege of the Floor**

Mrs. Quigley thanked the Village for taking care of the conduit on Big Ridge Road and indicated that it looks much better. Mrs. Quigley inquired if more winter banners would be purchased to continue them on Union Street.

Mayor Penders responded that the Village was not planning on extending the winter banners due to costs.

Mrs. Quigley commented that could the Village possibly find some funds to purchase more banners, the light poles look naked with nothing on them.

Mr. Stone commented that he thought the Village looked nice.

Mr. William Stone, representing the cell tower owner Crown Castle located at 501 West Avenue, described that they will be removing 6 T-Mobile cell tower antennas and associated control cabinets and replacing them with 6 T-Mobile new cell tower antennas and control cabinets. Mr. Stone indicated that the foot print of the facility would not change with the replacements. The antenna swap is due to the purchase of 700 MHz by T-Mobile from the FCC.

**Administrative Committee** – Mayor Penders

**Resolution 93 2/2016**

Introduced by: Mayor Penders

Seconded by: Trustee Nellis-Ewell

Be it resolved that the Village of Spencerport Board of Trustees hereby approves the Mayor's appointment of Dale Kellerson, 58 Thorncliff Road to the Zoning Board of Appeals for a term of five (5) years expiring March 31, 2021

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 94 2/2016**

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

Be it resolved that the Village of Spencerport Board of Trustees hereby approves the Mayor's appointment of Diana Powell-Keery, 60 Deerborne Lane to the Zoning Board of Appeals for a term of five (5) years expiring March 31, 2021.

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 95 2/2016**

Introduced by: Mayor Penders  
Seconded by: Trustee Kuntz

Be it resolved that the Village of Spencerport Board of Trustees hereby approves the Mayor's appointment of Craig Byham, 50 Luther Jacobs Way to the ARB/Planning Board for a term of five (5) years expiring March 31, 2021.

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 96 2/2016**

Introduced by: Mayor Penders  
Seconded by: Trustee Wohlers

Be it resolved that the Village of Spencerport Board of Trustees hereby approves the Parade/Assembly application from the Spencerport Volunteer Firemen's Association, 175 Lyell Avenue for the Annual Youth Parade; Wednesday, June 8, 2016 starting at 7:00 p.m. Rt. 259 (Union Street) will be closed from Brockport Road to 1 Firemen's Park.

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 97 2/2016**

Introduced by: Mayor Penders  
Seconded by: Trustee Hopson

Be it resolved that the Village of Spencerport Board of Trustees hereby approves the Parade/Assembly application from the Spencerport Volunteer firemen's Association, 175 Lyell Avenue for the Annual Grand Parade; Thursday, June 9, 2016 starting at 7:00 p.m. Lyell Avenue from Spencerport Schools west, Union Street north to Amity Street and Amity Street to Firemen's Park will be closed for the duration of the parade.

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 98 2/2016**

Introduced by: Mayor Penders  
Seconded by: Trustee Kuntz

Be it resolved that the Village of Spencerport Board of Trustees hereby approves the Parade/Assembly application from the Spencerport Volunteer firemen's Association, 175 Lyell Avenue for the Annual Carnival; Wednesday, Thursday, Friday and Saturday, June 8,9,10 and 11, 2016.

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 99 2/2016**

Introduced by: Mayor Penders  
Seconded by: Trustee Hopson

Be it resolved that the Village of Spencerport Board of Trustees hereby approves the Parade/Assembly application from the Spencerport Volunteer Firemen's Association, 175 Lyell Avenue for the Annual Red Onions Tournament; Saturday, August 6, 2016 from 11:00 a.m. to 5:00 p.m. 500 West Avenue.

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 100 2/2016**

Introduced by: Mayor Penders  
Seconded by: Trustee Hopson

Be it resolved that the Village of Spencerport Board of Trustees hereby approves the application from Global Signal Acquisitions IV, LLC – Crown Castle to replace six (6) existing antennas with six (6) proposed antennas at the 501 West Avenue site.

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

**Sewers Committee** – Trustee Wohlers, Chair

Trustee Wohlers indicated that Monroe County will be providing sewer flows on a quarterly basis and that the application process for out of village sewer connection by the developer of the property located on the south east corner of Rt. 31 and Rt. 259 has begun.

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

A. Planning

**Resolution 101 2/2016**

Introduced by: Trustee Nellis-Ewell

Seconded by: Trustee Wohlers

Be it resolved that the Village of Spencerport Board of Trustees hereby approves attendance at the New York Planning Federation Conference April 17<sup>th</sup> – 19<sup>th</sup>, 2016 for any Planning or Zoning Board Member and secretary. Cost not to exceed \$415 per person.

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

**Notes submitted by: Deputy Mayor Carol J. Nellis-Ewell**

**Planning/Zoning/Building Control**

**Liaison Notes**

**Architectural Review Board (ARB) / Planning Board (PB) – No meeting February 2, 2016**

No business / no applications

**Zoning Board of Appeals (ZBA) – Meeting January 21, 2016**

ZBA meeting/Public Hearing held at Village Office, 27 West Avenue, Spencerport, NY 14459 @ 7 PM

**Application of Steve Soja representing the University of Rochester, for a Special Permit** to operate a Health Care Facility in a Business-3 District located at 42 Nichols Street, Suite 10, Spencerport, NY 14459, for a minimum of eleven (11) years, whereas, this use shall be permitted in all B District categories, subject in each case to the granting of a Special Permit by the Zoning Board of Appeals after a Public Hearing as provided in Article IX pursuant to Chapter 340-19 B(8) in a B-3 District.

**Disposition: Special Use Permit granted, passed unanimously**

**Application of Steve Soja representing the University of Rochester, for a Special Permit** to operate a Health Care Facility in a Business-3 District located at 42 Nichols Street, Suites 1 & 2, Spencerport, NY 14459, for a minimum of eleven (11) years, whereas, this use shall be permitted in all B District categories, subject in each case to the granting of a Special Permit by the Zoning Board of Appeals after a Public Hearing as provided in Article IX pursuant to Chapter 340-19 B(8) in a B-3 District.

**Disposition: Special Use Permit granted, passed unanimously**

**Application of Benjamin Race, Race Storage Sheds LLC, for a Special Permit and one (1) area variance.** A Special Permit to display two (2) sheds for advertising Race Storage Sheds to be located at 45 Nichols Street, Spencerport, NY 14459, whereas any other business or commercial uses not specifically enumerated herein, and which are substantially the same as those enumerated herein, and not specifically prohibited in **Chapter 340-20** upon a Special Permit by the Zoning Board of Appeals, after notice and a Public Hearing as provided in **Article IX** of this chapter and in accordance with the standards and safeguards set forth in **Article IX** of this chapter, pursuant to Chapter 340-19 B(9) in a B-3 District; one area variance to display a 21-square foot monument sign, whereas, monument signs shall not exceed nine (9) square feet, pursuant to Chapter 259-5 K (2) (b) in a B-3 District.

**Note: Benjamin Race, Race Storage Sheds LLC, withdrew his application prior to the Public Hearing.**

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



**Facilities Committee** – Trustee Hopson, Chair

Trustee Hopson updated the Village Board on the refuse carts program. Trustee Hopson indicated that the Village has 1139 refuse stops and 950 carts have been put into service. At this time there are 259 stops without refuse carts. 43 stops on the north side of the canal route; 110 stops on the Lyell/Coleman Avenue route; 54 stops on the Harwood/Laurelcrest route and 52 in the Village Walk/Brockport route. Trustee Hopson continued that 77% of stops have refuse carts and that reminder letters are being mailed by area to stops that do not have refuse carts with most recently being the Village Walk/Brockport route and there have been no additional purchase of refuse carts. Inventory will be restocked by mid-February.

Trustee Nellis-Ewell questioned if these totals included rentals or is it just single family homes.

Superintendent West responded that they are mostly single family homes.

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

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

- A. Highways/Garage

**Resolution 103 2/2016**

Introduced by: Trustee Kuntz

Seconded by: Trustee Hopson

Be it resolved that the Village of Spencerport Board of Trustees hereby approves the attendance of DPW Superintendent Tom West at the 2016 Local Roads Matter Campaign March 8 and 9, 2016 in Albany, NY. The cost of attendance to this event is paid by the Village Superintendents Association.

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. Public Services (Refuse, Recycling, Parks)

**Public Safety Committee** – Trustee Penders, Chair

Mayor Penders commented to the Village Board that he and Clerk Sullivan have completed their participation on the 2016 Monroe County Hazard Mitigation Plan Update Planning Committee. At this time the Village's Annex that identifies all of the Village's potential hazards is complete and has been accepted by Monroe County. Mayor Penders added that the grant application for the generators is part of the hazard mitigation plan. Mayor Penders added that more information will be communicated to the public as it becomes available.

- A. Fire Department
- B. Police
- C. Ambulance

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

**Resolution 104 2/2016**

Introduced by: Mayor Penders

Seconded by: Trustee Wohlers

Be it resolved that the Village of Spencerport Board of Trustees hereby approves the hiring of Danielle Kruger, 7 Strussenberg Drive, Hilton, NY as a regular part-time office clerk at a rate of \$22.00 per hour with a six (6) month probationary period. Hours not to exceed twenty-five 25 hours per week.

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

**Economic Development Committee** – Trustee Wohlers, Chair

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

Nothing requiring Board action.

**Village Clerk** – Jacqueline Sullivan

Clerk Sullivan explained that there are an excess of funds associated with the Spencerport Development, LLC letter of credit for the Canal Landing Subdivision and that Attorney Stowe suggested that the Village attempt to contact Spencerport Development, LLC at the last known address on file with the NYS Department of State in an attempt to return the excess funds.

Mayor Penders agreed with the suggested process.

**Resolution 105 2/2016**

Introduced by: Mayor Penders

Seconded by: Trustee Nellis-Ewell

Be it resolved that the Village of Spencerport Board of Trustees hereby authorizes the Mayor to sign a letter of inquiry to the last known address of Spencerport Development, LLC in an effort to return excess funds associated with the letter of credit for the Canal Landing Subdivision project.

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

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

Superintendent West commented that the Village still has their first 140 ton of salt and has only had 6 plow runs, 15 salt runs, and cleaned Union Street once. Household hazardous waste is Saturday, June 18<sup>th</sup> in the Village of Hilton.

**Superintendent of Electric** – Owen McIntee

Superintendent McIntee commented that annual substation maintenance is being completed; routine pole replacement and \$11,000 payment has been received from Home Pride Builders for the Canal Gate street lighting located at the end of West Avenue.

**Attorney** – Eric Stowe

Attorney Stowe indicated that he has been answering calls regarding obtaining easements in the Coleman Avenue/Prospect Street area.

**Unfinished Business**

Community Activities – submitted by Deputy Mayor Carol Nellis-Ewell

**Upcoming events**

Wednesday, February 17 – **Spencerport Area Chamber of Commerce General Membership Meeting**  
Pinewood Golf & Country Club. Mayor Gary Penders to present the State of the Village

Monday, March 7 – **Town of Ogden Bicentennial/Village of Spencerport Sesquicentennial Planning Committee**

Town of Ogden Community Room. Plans continue for monthly celebration events in 2016 and 2017.

From February 1 meeting: Committee agreed to publicize events in *Suburban News* quarterly; ad details being finalized

**New Business**

**Bills**

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

General Fund	\$ 49,387.41
Electric Fund	\$ 56,871.36
Sewer Fund	\$ 6,145.30
Trust Fund	\$ 2,998.73
Capital Fund	<u>\$ 0</u>
<b>TOTAL:</b>	<b>\$115,401.80</b>

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, February 2016 be approved as audited.

**Adjournment**

A motion was made by Mayor Penders, seconded by Trustee Nellis-Ewell and carried unanimously that the regular meeting be adjourned to executive session to discuss employee matters at 7:40 p.m.

A motion was made by Mayor Penders, seconded by Trustee Kuntz and carried unanimously that the executive session and regular meeting be adjourned 8:00 p.m.