

VILLAGE BOARD MEETING
September 7, 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

BOARD MEMBERS ABSENT

Ray Kuntz, Trustee

OTHERS PRESENT

Evelyn Dow, Coleman Avenue
Owen McIntee, SME Superintendent
Joan Quigley, Maplewood Avenue
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 approved that the minutes from the August 3, 2016 Village Board meeting be approved as read.

Privilege of the Floor

Mrs. Evelyn Dow thanked SME for their work in the heat removing a tree from her back yard and restoring power.

Mrs. Joan Quigley asked if something could be done about the weeds in the alley to the south of the Masonic Lodge.

Superintendent West indicated that he would follow up on it.

Administrative Committee – Mayor Penders

Resolution 36 9/2016

Proclamation
Spencerport Lion's Club 60th Anniversary

WHEREAS, the Spencerport Lions Club was chartered on March 8, 1956 and is celebrating its 60th Anniversary; and,

WHEREAS, the Spencerport Lions Club has served the Spencerport Community in these 40 years through their sponsorship of eye examinations for the needy, purchase of eyeglasses, glaucoma clinics, donations to the Batavia School for the Blind, trophies for high school sporting events; co-sponsorship of the annual children's Christmas Party and the annual Cartons for Christmas program; and

WHEREAS, the Spencerport Lions Club in 1957 initiated a medical loan closet making available through loan medical apparatus to which countless items have been loaned out to many grateful area residents; and

WHEREAS, the Spencerport Lions Club in 1965 built the housing for the Spencerport Volunteer Ambulance Service entirely with volunteer help from Lions and non-Lions; and

WHEREAS, the Spencerport Lions Club constructed the Owen's Lodge located in Pineway Park; and

NOW, THEREFORE, I, Gary Penders, Mayor of the Village of Spencerport, on behalf of the Village Trustees, do hereby proclaim the Spencerport Lions Club's 60th Anniversary and commends the Spencerport Lions Club for its service work for the past 60 years.

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

Resolution 37 9/2016

Introduced by: Mayor Penders

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 NYCOM Public Working Training Conference, October 16 – 19, 2016 at the Ramada Inn, Geneva, NY. Cost not to exceed \$1,120.00

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

Resolution 38 9/2016

Introduced by: Mayor Penders

Seconded by: Trustee Wohlers

Be it resolved that the Village of Spencerport Board of Trustees hereby approves SME Superintendent McIntee's attendance at the IEEP Annual Meeting on September 22, 2016 at the Embassy Suites, East Syracuse, NY.

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

Resolution 39 9/2016

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

Be it resolved that the Village of Spencerport Board of Trustees hereby approves the Spencerport Volunteer Firemen’s Association Assembly Permit for the 9/11 Remembrance Ceremony Sunday, September 11, 2016 located at the Clyde Carter Memorial Gazebo.

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

Resolution 40 9/2016

Introduced by: Mayor Penders
Seconded by: Trustee Hopson

Be it resolved that the Village of Spencerport Board of Trustees hereby acknowledges the receipt of the 30 Day Advanced Notice for the application of a liquor license from Gorpon Enterprises, Inc. DBA Pin Chasers Sports Bar and Grill, located at 45 Nichols Street, Spencerport, NY.

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

Resolution 41 9/2016

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

WHEREAS the Village of Spencerport Approved on June 20, 2016 Resolution #15/2016 as lead agency a negative SEQR declaration as an unlisted action that will not result in a negative impact to the environment with the installation of a natural gas line and purchase of a back-up generator.

Now therefore be it resolved that the Village of Spencerport Board of Trustees hereby authorizes the Mayor and Deputy Mayor to sign Grantee Certification and Questionnaire for the SAM Grant ID #7751 administered by DASNY (Dormitory Authority State of New York).

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

Sewers Committee – Trustee Wohlers, Chair

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

Comments submitted by Trustee Nellis-Ewell

A. Planning

Resolution 42 9/2016

Introduced by: Trustee Nellis-Ewell

Seconded by: Trustee Wohlers

Be it resolved that the Village of Spencerport Board of Trustees hereby approves the attendance by any Village of Spencerport Planning, Zoning, Village Board Member or support staff member to the fall 2016 Land Use Decision-Making Training Program. These trainings will be held Tuesday, September 27th and Thursday, October 13th from 4:30 – 9:00 p.m. at Monroe County College. Cost not to exceed \$80 per person.

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

B. Architectural Review

Application of William Hollink, Hollink Motor Sports, 380 South Union Street, Spencerport, New York 14559

- Signage for Napa Auto Parts
- Metal roofing for building located at same address

Mr. Hollink explained Napa Corporate is updating area signage. For consistency with other existing signs, the Board requested a white background (instead of blue) with white gooseneck lighting.

Mr. Hollink presented a sample of metal roofing to be black on entire (both) buildings. Gutters to be replaced also.

Disposition: Certificate of Appropriateness granted by Board unanimously.

C. Zoning

Zoning Board of Appeals (ZBA) Meeting of August 18, 2016

Unfinished business

Previously tabled Application of Dominic Agostini, State Farm Insurance, 409 South Union Street, Spencerport, New York 14559 (garage behind existing building)

Applicant presented instrument survey map. Superintendents McIntee and West reviewed the project.

Since the proposed garage would be underneath a wire, the applicant agreed to cover the billable cost to move/relocate the pole.

General discussion regarding the garage location, size, storage (classic cars), neighborhood compatibility.

Comments: garage would not block the view of apartments to the rear; vegetation tends to provide some natural barrier.

Comments: access (hours and time); lighting; non-mechanical activity; security.

Attorney stated reasonable conditions/restrictions related to the variance could be part of a resolution – to minimize impact.

Disposition: Variance approved with conditions: hours of access 7 AM – 11 PM; purpose of storage only.

New business

Application of George and Gloria Rice for property located at 49 Upton Avenue, Spencerport, New York 14559 for an area variance.

Such requested variance is for a proposed rear setback of zero (0) feet, whereas, the minimum rear setback is 5% of the depth of the lot, which for this lot is 4.3 feet pursuant to Chapter 340-12 B-(1) and an area variance for lot occupancy of approximately 35%, whereas, the percentage of lot occupancy (including residential and accessory structures) in a residential district lot shall not exceed 25% of the area of such lot pursuant to Chapter 340-11. This is in a Residential R-2 District.

Applicants purchasing house from owners. Survey map shows .9 of a foot setback.

Applicants like the Erie Canal location and as such are adding two porches to enjoy its waterfront.

Disposition: Variance approved unanimously.

Next Zoning Board of Appeals meeting September 15, 2016

D. Building Control

E. Code Review

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

September 6, 9 AM – 12:30 PM To better understand code-related duties and situations, I accompanied CEO McQuilkin around the Village. We saw brush and bulk issues, and followed up on works-in-progress. It was a pleasurable learning experience. CEO McQuilkin is knowledgeable, organized, prepared and fair.

Clerk Jackie Sullivan and Admin/Planning Board Secretary Donna Stassen have taken the initiative to compare and review Permit Fees. This fits well with the Code Review Analysis Project pending from General Code. Future Code Review meetings will be scheduled.

Finance Committee – Mayor Penders, Chair

Resolution 43 9/2016

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

Be it resolved that the Village of Spencerport Board of Trustees hereby approves that the NYS Department of Public Service bi-annual assessment be paid as part of the advance approval of claims due to the due date of the assessment.

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

Resolution 44 9/2016

Introduced by: Mayor Penders
 Seconded by: Trustee Hopson

Be it resolved that the Village of Spencerport Board of Trustees hereby approves the below budget transfers for fiscal year ending May 31, 2016.

September 7, 2016 BUDGET TRANSFER & REVISION Fiscal Year End 5/31/2016					
AMOUNT	TO ACCOUNT			FROM ACCOUNT	
\$280	A7520.400	Historical/Trolley - Contractual		A7510.400	Historian - Contractual
\$1,192	G8120.400	Sanitary Sewer - Contractual		G8120.200	Sanitary Sewer - Capital/Equip
\$887	A1640.400	Central Garage - Contractual		A1640.401	Central Garage - Tools/Hardware

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

Facilities Committee – Trustee Hopson, Chair

A. Electric

Resolution 45 9/2016

Introduced by: Trustee Hopson
Seconded by: Trustee Wohlers

Be it resolved that the Village of Spencerport Board of Trustees hereby approves writing off the invoice for Rasulverdi Rakhmanberdiev in the amount of \$3855.29 for the street light hit claim at 317 S. Union Street on November 19, 2013.

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

Resolution 46 9/2016

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

WHEREAS the Village of Spencerport Approved on June 20, 2016 Resolution #15/2016 as lead agency a negative SEQR declaration as an unlisted action that will not result in a negative impact to the environment with the installation of a natural gas line and purchase of a back-up generator.

Be it resolved that the Village of Spencerport Board of Trustees authorizes the Mayor to Sign the Monroe County Permit Agreement allowing the Village permission to enter upon County property to excavate for the installation of a gas line located on the vacant land formerly known as the R.L. & B Trolley Line located in the Town of Ogden and Village of Spencerport.

Vote of the Board:	Carol J. Nellis-Ewell, Trustee	Aye
	Charles R. Hopson, Trustee	Aye
	Ray Kuntz, Trustee	Absent
	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)

Public Safety Committee – Trustee Penders, Chair

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

Human Resources Committee – Mayor Penders, Chair

Resolution 47 9/2016

Introduced by: Mayor Penders
 Seconded by: Trustee Wohlers

Be it resolved that the Village of Spencerport accepts with regret the resignation of Christopher Drzewiecki effective September 10, 2016.

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

Economic Development Committee – Trustee Wohlers, Chair

Trustee Wohlers comments that the DOT Canal Bridge meeting would be taking place on Tuesday, September 13th at the firehouse; Trustee Nellis-Ewell will be attending.

Green Initiatives – Trustee Nellis-Ewell, Chair

Village Clerk – Jacqueline Sullivan

Clerk Sullivan commented that she, Danielle Kruger and Donna Stassen will be attending the annual NYCOM Conference next week; the Workers Comp steering committee meeting is tomorrow and hosted by the Village of Spencerport; the auditor from Ray Wager will be in the office the week of September 19th and 35 late notices for Village Taxes were mailed out.

Superintendent of Public Works – Thomas M. West

Superintendent of Electric – Owen McIntee

Attorney – Eric Stowe

Attorney Stowe requested an executive session to discuss pending litigation and that he would be drafting a letter to the Coleman Avenue resident who has not responded to the sewer easement purchase offer.

Resolution 48 9/2016

Introduced by: Mayor Penders

Seconded by: Trustee Nellis-Ewell

Be it resolved that the Village of Spencerport Board of Trustee hereby authorizes Attorney Stowe to send correspondence to the Coleman Avenue resident who has not responded to the sewer easement purchase offer.

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

Unfinished Business

New Business

Current Events – Trustee Nellis-Ewell

August 10 – With Mayor Penders, Superintendents McIntee and West, I attended Emergency Preparedness meeting facilitated by OPD Officer Brett

August 20 – Yarn Bash at RLB Depot

Note: 8! Midlakes Navigation wooden tour boats docked for the afternoon; these New Jersey visitors enjoyed the event and restocked groceries from Tops ~ They said: “Thank you, Spencerport!”

August 24 – With the Town of Ogden, Mayor Penders and I attended the Foreclosure/Zombie meeting, at which Town of Greece Attorney Brian Marianetti presented details about the New York State Registry and its related process

** Reminder: September 11 Memorial Ceremony ~ Remembering 15 years later... Never Forget*

September 12 – Bicentennial/Sesquicentennial meeting, 7 PM, Colby-Pulver House, 568 Colby Street

September 13 AM – Lift Bridge Update meeting: NYSDOT, Public Officials, Emergency Personnel, Interested/Invited Parties - to be continued...

September 24 – Pineway Ponds 5K Run/Walk, sponsored by Kiwanis Club & Ogden Parks & Rec, 8:30 AM \$25 registration fee, Kids Run FREE, Certified course, Prizes ~ Check out Facebook <https://runsignup.com/Race/NY/Spencerport/PinewayPondsPark5KRunWalk> or 617-6174

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	\$ 90,994.65
Electric Fund	\$ 71,143.17
Sewer Fund	\$ 12,212.63
Trust Fund	\$ 3,131.77
Capital Fund	<u>\$ 0</u>
TOTAL:	\$177,982.22

Motion was made by Mayor Penders, seconded by Trustee Hopson and carried unanimously that the cash disbursements for the General, Electric, Sewer, Trust and Capital Funds, September 2016 be approved as audited.

A motion was made by Mayor Penders, seconded by Trustee Wohlers and carried that the Village Board Meeting be adjourned at 8:00 p.m. to executive session to discuss pending litigation.

A motion was made by Mayor Penders, seconded by Trustee Wohlers and carried that the executive session be adjourned to the regular meeting at 8:50 p.m.

A motion was made by Mayor Penders, seconded by Trustee Wohlers and carried that the regular meeting be adjourned at 8:50 p.m.