

**VILLAGE BOARD MEETING**  
**October 5, 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, Deputy Mayor  
David Wohlers, Trustee  
Charles Hopson, Trustee  
Ray Kuntz, Trustee

**BOARD MEMBERS ABSENT**

**OTHERS PRESENT**

Craig Byham, Luther Jacobs Way  
Evelyn Dow, Coleman Avenue  
Mike Meyers, SME Foreman  
Joan Quigley, Maplewood Avenue  
Eric Stowe, Village Attorney  
Jacqueline Sullivan, Village Clerk  
Terry & Roberta West, Coventry Drive  
Tom West, DPW Superintendent  
Participation in Government Students (2)

**Approval of Minutes**

A motion was made by Mayor Penders, seconded by Trustee Wohlers and carried that the meeting minutes from September 7, 2016 be approved as read.

A motion was made by Mayor Penders, seconded by Trustee Kuntz and carried that the meeting minutes from September 21, 2016 be approved as read.

**Privilege of the Floor**

Mr. Craig Byham asked for clarification of the hiring back of Karen Kimbler for consulting services in Treasurer Kruger's maternity leave.

Mr. Byham questioned if the Village would be paying Treasurer Kruger during her time off.

Clerk Sullivan explained the Village policies regarding this situation.

Discussion ensued regarding four way stop signs at the corner of Amity and Martha Street during the closure of the canal bridge on Union Street.

**Administrative Committee** – Mayor Penders

**PROCLAMATION**  
**SCHOOL BOARD RECOGNITION WEEK**

**WHEREAS**, Governor Andrew M. Cuomo has declared the week of October 24– October 28, 2016 to be School Board Recognition Week; and

**WHEREAS**, the Village of Spencerport Board of Trustees would also like to pay tribute to the Spencerport Central School Board members who set the direction and policy for their school and do their dedication to the children in this area; and

**WHEREAS**, the Village of Spencerport Board of Trustees ask that citizens in the area join them in demonstrating their gratitude to these dedicated individuals.

**NOW, THEREFORE BE IT RESOLVED** that the Village of Spencerport Board of Trustees does hereby recognizes the week of October 24 – October 28, 2016 to be School Board Recognition Week and does recognize the dedication of school board members in the Spencerport Central School District to the children in this area.

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

**Resolution 54 10/2016**

Introduced by: Mayor Penders

Seconded by: Trustee Hopson

Be it resolved that the Village of Spencerport Board of Trustees hereby approves the assembly permit from the Christmas on the Canal Committee to hold their annual holiday event Sunday December 4, 2016 from 12:00 p.m. to 7:00 p.m. Union Street to be closed West Avenue north to the Amity Street for the duration of the event.

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

**Sewers Committee** – Trustee Wohlers, Chair

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

Comments submitted by Deputy Mayor Nellis-Ewell

**Architectural Review/Planning Boards (ARB/PB) *No Meeting October 4, 2016***

No Architectural Review Board or Planning Board business

**Zoning Board of Appeals (ZBA) Meeting of September 15, 2016**

New business

Pursuant to Chapter 340 of the Village of Spencerport, three Public Hearings:

Application of Colleen & Joseph Wilkowski, 32 Evergreen Street, Spencerport, New York 14559

Two area variances: for a detached accessory building located in front of the principal building, and a second

Class 2 accessory building on the lot.

Requested variances pursuant to Chapter 340-14 F and 340-14 D. This is in a Residential R-2 District. Applicants explained second garage requested because of the orientation of their house on the lot; to keep boat and trailer out of site. Principal garage is attached. Property is bordered by five neighbors. Neighbors from Waterside Drive and Glen Cairn Drive addressed Board members. Neighbors comments: Size of the building; too close, too tall; blocks sun; property values impacted. Board comments: Building height and pitch; no other place on property; neighborhood character; drainage.

Board Chair reviewed questions:

Is an undesirable character produced?  
Is another method available?  
Is the change substantial?  
Is the environmental impact adverse?  
Is the condition/situation self-created?

Resolutions: 315-2016 (SEQR, Type 2) – done for any action.  
316-2016 for 2nd class two accessory building

*Disposition: Variances denied unanimously.*

1) Application of James Schroeder, 110 Coleman Avenue, Spencerport, New York 14559 for an area variance to allow an existing fence taller than 4 feet in height on property located at same, whereas, fences shall not exceed 4 feet in height, pursuant to Chapter 340-32 A (1) in a Residential District.

2) Application of Carol A. Bell, 111 Coolidge Avenue, Spencerport, New York 14559 for an area variance to allow an existing fence taller than 4 feet in height on property located at same, whereas, fences shall not exceed 4 feet in height, pursuant to Chapter 340-32 A (1) in a Residential District.

These applications/variances are connected in that the yards of the properties on Coleman and Coolidge are back-to-back. Coleman Avenue applicant replaced a chain link fence; its purpose is to contain children and dogs.

Because of the configuration of the land, some sections are 5-1/2 feet. Applicant explained that as a Chili resident previously, he was unaware a permit was required.

A Coleman Avenue neighbor commented: no permit was obtained by the Coleman Avenue applicant; the fence came to the attention of the Code Enforcement Officer/Building Inspector after-the-fact. Further, “build it now, comply later” does not follow Village Code and sets a precedent.

Board Chair and members followed the same five questions as the previous application.

Resolutions:

1) Application Coleman/Schroeder 317-2016 SEQR

318-2016 for fence

*Disposition: Variance approved with one abstention (Board member also a neighbor).*

2) Application Coolidge/Bell 319-2016 SEQR

320-2016 for fence

*Disposition: Variance approved with one abstention (Board member also a neighbor).*

Next Zoning Board of Appeals meeting October 20, 2016

**Building Control/Code Review**

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

The Code Review Analysis is expected to be returned from General Code around the end of October, after which Code Review meetings will be scheduled.

**Finance Committee** – Mayor Penders, Chair

**Resolution 55 10/2016**

Introduced by: Mayor Penders

Seconded by: Trustee Wohlers

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

October 5, 2016 BUDGET TRANSFER & REVISION Fiscal Year End 5/31/2016					
AMOUNT	TO ACCOUNT			FROM ACCOUNT	
\$6	A1490.400	Public Works - Contractual		A1490.401	Public Works - Safety Program
\$3,279	G8120.100	Sanitary Sewer - Salary		G8120.400	Sanitary Sewer - Contractual

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

**Resolution 56 10/2016**

Introduced by: Mayor Penders

Seconded by: Trustee Kuntz

Be it resolved that the Village of Spencerport Board of Trustees hereby approves the below budget transfer for fiscal year ending May 31, 2017.

October 5, 2016 BUDGET TRANSFER & REVISION Fiscal Year End 5/31/2017					
SPECIAL TRANSFER TO FUND NEW DPW GAS LINE CAPITAL PROJECT					
AMOUNT	TO ACCOUNT			FROM ACCOUNT	
\$500	G1940.400	Land Purchase (Right of Way)		G8110.401	Administration - office supplies

Vote of the Board: Carol J. Nellis-Ewell, Deputy Mayor     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 57 10/2016**

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

Be it resolved that the Village of Spencerport Board of Trustees hereby approves the attendance of the SME Superintendent and two (2) linemen at the MEUA Engineering Workshop; Wednesday and Thursday November 9 & 10, 2016 at the Embassy Suites Hotel, East Syracuse, NY. Cost not to exceed \$210.00 per person.

Vote of the Board:	Carol J. Nellis-Ewell, Deputy Mayor	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

**Resolution 58 10/2016**

Introduced by: Trustee Kuntz

Seconded by: Trustee Nellis-Ewell

Be it resolved that the Village of Spencerport Board of Trustees hereby approves the proposal for professional services from MRB Group for GIS Mapping and Highway Inventory Update in the amount not to exceed \$3440.00.

Vote of the Board:	Carol J. Nellis-Ewell, Deputy Mayor	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

A. Fire Department

B. Police

C. Ambulance

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

**Resolution 59 10/2016**

Introduced by: Mayor Penders

Seconded by: Trustee Nellis-Ewell

Be it resolved that the Village of Spencerport Board of Trustee hereby approves contracting with Karen Kimbler for treasurer duties and 2017/2018 budget preparation during the maternity leave for Treasurer Danielle Kruger in the amount of \$35.00 per hour. Duration of the contract will be December 2016 through March 2017 with attendance at the April 5, 2017 Village Board Meeting. Cost to be approximately \$6,300.00.

Vote of the Board:	Carol J. Nellis-Ewell, Deputy Mayor	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** – Deputy Mayor Nellis-Ewell, Chair

**Village Clerk** – Jacqueline Sullivan

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

**Superintendent of Electric** – Owen McIntee

**Attorney** – Eric Stowe

**Unfinished Business**

**New Business**

**Current Events** – Deputy Mayor Nellis-Ewell

Submitted by Deputy Mayor Nellis-Ewell

*\* September 11 Memorial Ceremony ~ Remembering 15 years later... Never Forget  
A poignant commemoration honored First Responders, Hometown Heroes, and of course, the tragic victims of  
the Trade Center, the Pentagon and Shanksville, Pennsylvania.*

Thank you to Mayor Gary Penders, Clerk Jackie Sullivan, DPW Superintendent Tom West and Greg Dorgan for their participation and support.

September 13 – With DPW Superintendent West, I attended the Lift Bridge Update meeting: NYSDOT, Public

Officials, Emergency Personnel, Interested/Invited Parties – Covered by *Suburban News*, September 25, 2016,

“Stakeholders preparing for Route 259 lift bridge reconstruction in Spencerport”, Page 1

October 14 & 15 – Spirit of Spencerport Ghost Walk ~ \$5 pp (cash) Guided scary walks !

Meet at Village Gazebo – A Bicentennial/Sesquicentennial EVENT Contact: David Haines Tel: 490-4751

October 29 – 2 – 4 PM Town/Village Halloween Trick ‘n Treat, Wear your Costume \* Safe FUN !

Start at the Spencerport Trolley Depot, pick up Map; Follow it to Participating Businesses for Treats

\* Adults MUST accompany children into businesses \* 3:30 PM ~ Costume Contest @ Ogden Senior Center

November 4 – 6 – 9 PM Historical Vignette Dinner Theater \$25 pp ~ Whittier Party House

A Bicentennial/Sesquicentennial EVENT Contact: Jill Tel: 797-7247

**Bills**

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

General Fund	\$ 68,961.77
Electric Fund	\$ 52,457.37
Sewer Fund	\$ 9,241.22
Trust Fund	\$ 6,733.42
Capital Fund	<u>\$ 0</u>
<b>TOTAL:</b>	<b>\$137,393.78</b>

Motion was made by Trustee Kuntz, seconded by Trustee Wohlers and carried unanimously that the cash disbursements for the General, Electric, Sewer, Trust and Capital Funds, October 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 7:45 p.m. to executive session to discuss pending litigation.

A motion was made by Mayor Penders, seconded by Trustee Hopson and carried that the executive session be adjourned to the regular meeting at 8:05 p.m.

A motion was made by Mayor Penders, seconded by Trustee Wohlers and carried that the regular meeting be adjourned at 8:05 p.m.