

VILLAGE BOARD MEETING
July 12, 2017
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
Jordyn Czerw, Washington Street
Lisa Czerw, Washington Street
Raymond Lally, Lyell Road
Owen McIntee, SME Superintendent
Joan Quigley, Maplewood Avenue
Eric Stowe, Village Attorney
Jacqueline Sullivan, Village Clerk
Tom West, DPW Superintendent

Approval of Minutes

A motion was made by Mayor Penders, seconded by Trustee Hopson and carried that the meeting minutes from June 14, 2017 be approved as read.

A motion was made by Mayor Penders, seconded by Trustee Kuntz and carried that the meeting minutes from June 21, 2017 be approved as read.

Mayor Penders opened the Public Hearing regarding Introductory Local Law 4-2017 A Local Law to add Section to the Village of Spencerport code to be known as "Tobacco, Vaping and E-Cigarettes" at 7:00 p.m.

Mr. Raymond Lally addressed the Village Board indicating that he feels that Vaping should be removed from the proposed local law due to the health risks associated with Vaping are unknown and that from personal experience it can be a useful item to stop smoking.

Mayor Penders responded that a representative from the American Lung Association presented the health risks associated with smoking and the litter that is caused from smoking. The Village modeled their local law after the Town of Ogden's and Vaping is including in theirs.

Deputy Mayor Nellis-Ewell congratulated Mr. Lally on his cessation of smoking and added by reading the April 19, 2017 workshop meeting minutes:

Special Presentation

Lexi Popovici of the American Lung Association and Dr. Ryan Pestena, U of R Medical Center, presented information to the Village Board regarding the health and environmental impacts, and benefits, of adopting a policy to make all Village-owned properties "tobacco free and no vaping, no e-cigs".

Discussion ensued regarding the enforcement of this local law and vaping.

There being no further questions Mayor Penders closed the public hearing at 7:12 p.m.

Privilege of the Floor

Miss Jordyn Czrew, Girl Scout explained to the Village Board her proposed Erie Canal Travel Journal project to obtain her Girl Scout's Silver Award. Miss Czrew continued that the journal would be housed in a structure similar to the "Little Lending Library" currently along the Canal at the Trolley Depot.

Miss Czrew indicated that the project would be fully funded and maintained by her. She requested a spot along the Canal to install the structure and a mentor.

DPW Superintendent Tom West commented that he would install the structure when it is completed and Trustee Nellis-Ewell volunteered to be Miss Czrew's mentor.

Resolution 15 7/2017

Introduced by: Mayor Penders

Seconded by: Trustee Kuntz

Be it resolved that the Village of Spencerport Board of Trustees hereby approves installing the Erie Canal Travel Journal structured to be built and maintained by Jordyn Czrew near the Trolley Depot. Miss Czrew will coordinate the installation of the structure with DPW Superintendent Tom West.

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

Administrative Committee – Mayor Penders

Resolution 16 7/2017

Introduced by: Mayor Penders

Seconded by: Trustee Hopson

WHEREAS: The Western New York Children's Psychiatric Center opened in West Seneca in 1970. The center takes seriously emotionally disturbed children between the ages of 4 to 18 years old from 19 Western New York counties. The 19 different counties in New York State include: Allegany, Cattaraugus, Cayuga, Chautauqua, Chemung, Erie, Genesee, Herkimer, Livingston, Monroe, Niagara, Ontario, Orange, Orleans, Oswego, Schuyler, Seneca, Steuben, Tioga, Tompkins, Wayne, Wyoming and Yates; and

WHEREAS: Despite the significant volume from these 19 counties the Western New York Children's Psychiatric Center has the lowest 30 day and 90 day reinstatement or re-institutionalization rate of any

facility in New York State. The costs of long term hospitalization and institutionalization are drastically reduced and eliminated when the readmission rates are low; and

WHEREAS: Governor Cuomo in his 2017 Budget proposed that the West Seneca Children’s Psychiatric Center be moved to the Buffalo Psychiatric Center, an adult facility and campus. Moving these children into an adult setting would not be therapeutically beneficial and may in fact be detrimental to the psyches of many of these children; and

WHEREAS: The medicinal and therapeutic benefits of treating and counseling children with mental illnesses in both rural and school settings have been documented in many medical journals and academic papers. The Governor’s proposal to place these children in a lock down facility with adults runs counter to science, logic and common sense; and

WHEREAS: The New York State Assembly and Senate unanimously passed A6505 / S4630 which prohibit the collocation of certain children's facilities with adult facilities in Erie County; and

WHEREAS: Governor Cuomo needs to sign this bill and save WNY Children’s Psychiatric Center in West Seneca.

NOW THEREFORE BE IT RESOLVED: The Village of Spencerport Board of Trustees supports the passage of the above bills in the New York State Legislature and also strongly encourages Governor Cuomo to immediately sign this necessary legislation into law.

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 17 7/2017

Introduced by: Mayor Penders

Seconded by: Trustee Kuntz

Be it resolved that the Village of Spencerport approves the Assembly Permit from Spencerport Canal Days for their Annual Community Festival, July 29 and 30, 2017 from 7:00 a.m. – 7:00 p.m. to be located on Union Street from West Avenue to Amity Street.

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 18 7/2017

Introduced by: Mayor Penders

Seconded by: Trustee Wohlers

Be it resolved that the Village of Spencerport Board of Trustees hereby approves the attendance of any Village Board Member or Support Staff Member to attend the 2017 NYCOM Fall Training School; September 11 – 15, 2017; located at the Hilton, Saratoga Springs, NY. Cost not to exceed \$800.00 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

Resolution 19 7/2017

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

WHEREAS, the Village of Spencerport Board of Trustees has before it introductory Local Law 4-2017 to add a section of the Village code of the Village of Spencerport.

WHEREAS, this revision to the Village Code is an unlisted action, requiring review under SEQRA;

NOW THEREFORE BE IT RESOLVED, that the Village of Spencerport Board of Trustees declares that introductory local law 4-2017 is an Unlisted Action, further, that the Board of Trustees declares their status as lead agency, and based upon the information contained in the Short Form Environmental Assessment Form and having considered the comments from the public hearing, the Board of Trustees makes a finding that the application will have no significant environmental impact and issues a Negative Declaration.

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 20 7/2017

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

WHEREAS notice of public hearing was duly given and said hearing duly held on the 12th day of July, 2017 to consider the enactment of the local law described below;

Whereas, this is an unlisted action under the State Environmental Quality Review Act Regulation §617.5(c)(20)&(27) and does not have any significant environmental impacts a negative declaration having been issued;

WHEREAS all interested persons were given an opportunity to be heard with respect to the enactment of said local law;

NOW, THEREFORE, BE IT RESOLVED, that Local Law No. 4-2017 be enacted as follows:

A Local Law to add a Section to the Village code of the Village of Spencerport to be entitled Tobacco, Vaping and E-Cigarettes to prohibit the use in all Village buildings and on all Village property.

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 21 7/2017

Introduced by: Mayor Penders

Seconded by: Trustee Kunz

Be it resolved that the Village of Spencerport Board of Trustees hereby approves the Spirit of Spencerport Ghost Walk: October 13 and 14, 2017 at 6:00 – 10:00 p.m. located in the Village Business District. Insurance will be provided by the Village of Spencerport

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 22 7/2017

Introduced by: Mayor Penders

Seconded by: Trustee Wohlers

Be it resolved that the Village of Spencerport hereby authorizes the Mayor to sign the Inter-Municipal Agreement for Emergency and General Ambulance Services Between the Town of Ogden, The Town of Parma, The Village of Spencerport and Gates Volunteer Ambulance Service Inc. The agreement has been amended on page 4 section 6 (A). Limitation of Liability to read: “GVAS will hold the Municipalities harmless and indemnify from any and all...”

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 23 7/2017

Introduced by: Mayor Penders

Seconded by: Trustee Hopson

Be it resolved that the Village of Spencerport Board of Trustees here by authorizes the Mayor to sign the DASNY Grant Disbursement Agreement for the Project ID 7751, State and Municipal Facilities Program (SAM) Grant purchase and installation of a back-up generator including natural gas upgrade.

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

Discussion ensued regarding the formation of sewer district in the Town of Ogden for the property located at the southeast corner of Nichols Street (Rt. 31) and Union Street (Rt. 259) and the impact this district may have on the Village of Spencerport’s sewer system and/or the future applications from this sewer district for out of district entrance in the Village of Spencerport’s conveyance system.

Attorney Stowe commented that the formation of the district in the Town of Ogden will not supersede any regulations that the Village of Spencerport has regarding out of district sewer entrance procedures and fees.

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

Submitted by: Deputy Mayor Nellis-Ewell

Architectural Review/Planning Boards (ARB/PB) Meeting July 11,
2017 ARB business only

Signage application

Application of Howard Hanna Company, 85 South Union Street, Spencerport, NY 14559

Applicant Karen Leonardi stated the Howard Hanna Company bought Nothnagle Realty about two years ago; replacement/revised signage will be similar to existing Nothnagle Realty sign. Chairman Byham requested replacement sign have some curvature and rounded corners.

Karen Leonardi stated the Howard Hanna Company is replacing signs in several other Village locations with signs that fit Board recommendations. Replacement signs must accommodate the Howard Hanna logo. After discussion, Karen Leonardi provided an updated graphic and paperwork. Color scheme remains dark green with gold.

Chairman Byham stated the ARB is looking for this updated design, (scalloped corners, etc.) and same colors.

Certificate of Appropriateness issued

Final approval granted with the following conditions:

- Sign shall be 30 inches x 48 inches, double-sided, HDU material, affixed to pre-existing mast arm.
- Colors and design shall be as depicted on application (gold and green).
- Signage shall be installed in a safe and secure method.
- Signage to be kept in good condition as determined by the VOS ARB.
- After signage is installed, the applicant shall submit a photograph of such to the Village Clerk for filing.

Re-Application of Pin Chasers, 45 Nichols Street, Spencerport, NY 14559

Applicant Brian Davies, Pin Chasers manager, reappeared.

Chairman Byham stated this submitted application is complete with details as required.

Discussion ensued regarding:

Sign posts – unpainted, to be painted with attractive caps.

Existing A-frame sign – Signage on fence, etc.

Chairman Byham reiterated: there is to be 1 free-standing A-frame sign to be brought in & out each day/night.

Conditions noted by Code Enforcement Office verbally and by letter are to be corrected/followed.

ARB/PB Secretary Stassen provided an application for a temporary sign (for events, specials, etc.).

Further discussion occurred re: general code and requirements; for other situations, specifics need to be checked.

Certificate of Appropriateness issued

Final approval granted with the following conditions:

- Sign shall be 45 ½ inches x 60 inches, double-sided, aluminum composite material, with graphics as submitted.- Colors and design shall be as depicted on application (maroon and tan).
- Signage to be unlit, with landscaping at base.
- Signage shall be installed in a safe and secure method.
- Signage to be kept in good condition as determined by the VOS ARB.
- After signage is installed, the applicant shall submit a photograph of such to the Village Clerk for filing.

Unfinished Business

JVN Associates, 500 South Union Street, Spencerport, NY 14559 (Spencerport Hots)
Pergola/Patio area

- Applicant Mr. Nucci stated white gooseneck lighting requested by ARB in June is in place. He stated significant investment made in the business/building; his intention is to work with the ARB and Village of Spencerport.
- Corrected lighting acknowledged by the ARB.
- Mr. Nucci handed out new copies/drawings/photos with the original pergola, stating now, no canopy is to be used. He explained: previously the pergola was out of stock, resulting in the canopy option. Concrete pad is brushed concrete, not stamped.
- Chairman Byham stated: concrete was poured right after the June meeting.
- Mr. Nucci stated with landscaping removed, the area was unsafe and unsightly. To be no seating; only two freezers for ice cream and a trash receptacle.

Discussion ensued about post-June meeting communication and instruction.

Chairman Byham stated business/building are in ARB District; therefore, changes/updates such as those related to colors, landscaping must come before the ARB.

It was stated the applicant needs to obtain a Building Permit from Patrick Smith, Town of Ogden office.

Certificate of Appropriateness issued

Final approval granted with the following conditions:

- Installation of pergola as indicated in this application.
- Building Permit to be obtained.
- Pergola to be secured on said patio (pad) in safe manner.
- Following the process to obtain Building Permit, Inspection by Building Inspector.
- Signage to be kept in good condition as determined by the VOS ARB.
- After approved installation, the applicant shall submit a photograph of such to the Village Clerk for filing.

Zoning Board of Appeals (ZBA) Meeting July 20, 2017

Two applications

- 1) Request for variances for garage / height and size
- 2) Request for special permit / conversion single- to two-family house in R-2 District

Building Control – Building Inspector Smith meets with Mayor Penders as scheduled.

Code Review – No meetings

Code Enforcement Officer McQuilkin submits regular reports; May/June report submitted for review.

Planning Board Chairman Craig Byham addressed the Village Board indicating that the Planning Board wants to be on the same page as the Village Board pertaining to businesses who seem to think it is better to ask for forgiveness rather than ask for permission before doing things. An example would be the Spencerport Hots. They pulled out all of the landscaping as part of a site plan, left a big hole and filled it with concrete without permission after being told not to do it and Mangia Mangia has banners on his vehicles without permission and their sign that was never granted permission, the bowling alley has painted the exterior of the building, changed the color scheme of the patio including bright lights and now Feltner is painting his building.

Chairman Byham continued that he thinks we need to softly let these folks know that they are in an Architectural Review District and that if we are going to have this district there needs to be consistency and he does not want the Planning Board to get a bad name of being hard-nosed on things, but we try to enforce the rules and regulations as they are given to us and I wanted to make sure that the Planning Board and Village Board are on the same page for these things and what the procedure should be going forward on these types of things.

Mayor Penders responded that the Village Board did instruct the Code Enforcement Officer and Building Inspector to issue a “stop work order” if anything more than the concrete pad was done at Spencerport Hots. Mayor Penders continued that the owners of the Spencerport Hots came into my office on the day the concrete pad was poured asking for the Village Board for help with this issue. Mayor Penders indicated that he supported the Planning Board’s decision on the project at that time. Mayor Penders added that somehow we need to get to the businesses to let them know they are in an ARB District.

Chairman Byham agreed and indicated that there is a fast track process for things like painting the building. In addition, Mr. Progno was instructed to take the Karaoke sign down off the fence and he will be given permission to put the sign out front. Mr. Progno took the Karaoke sign off the fence and put it in the window.

Discussion ensued about the bowling alley.

Mayor Penders added that our Code Enforcement Officer has been very diligent in trying to take care of the bowling alley’s issues and sometimes people keep pushing the envelope. Mayor Penders suggested that maybe we can work with the Chamber of Commerce to bring awareness to the ARB District.

Chairman Byham added that you don’t have to come down hard on people just to let them know that the Village does not want any wild colors.

Discussion ensued regarding the Spencerport Hots plan and various other properties.

Chairman Byham confirmed that the Planning Board and the Village Board are on the same page and that the Planning Board is following the intentions of the Village Board.

Mayor Penders responded that the Planning Board is following the intentions of the Village Board.

Deputy Mayor Nellis-Ewell added that there is information on the Village Website regarding business in the Village of Spencerport and that what we want is consistency and we don't want a reputation of being difficult.

Finance Committee – Mayor Penders, Chair

Resolution 24 7/2017

Introduced by: Mayor Penders

Seconded by: Trustee Kuntz

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

July 12, 2017 BUDGET TRANSFER & REVISION Fiscal Year End 5/31/2017						
AMOUNT	TO ACCOUNT			FROM ACCOUNT		
\$4,300	A1325.400	Clerk/Treasurer - Contractual		A1325.100	Clerk/Treasurer - Salary	
\$182	A3620.400	Safety Inspection - Contractual		A3620.401	Safety Inspection - Vehicle Repair	
\$289	A5142.400	Snow Removal - Contractual		A5110.400	Highways - Contractual	
\$192	A7520.400	Historical/Trolley - Contractual		A7510.400	Historian - Contractual	
\$1,300	A8160.401	Refuse - Resid Tipping Fees		A8161.400	Recycling - Contractual	
\$2	G8110.401	Administration - Office Supplies		G8110.400	Administration - 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

Facilities Committee – Trustee Hopson, Chair

- A. Electric
- 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

Economic Development Committee – Trustee Wohlers, Chair

Green Initiatives – Deputy Mayor Nellis-Ewell, Chair

Finger Lakes Regional Economic Development Committee (FLREDC), Sustainability Workgroup met July 10 @ RIT; efforts continue regarding exchange information on evaluations and progress of projects
July 11 - Clerk Sullivan & SME Superintendent McIntee meeting with G/FLRPC contact David Zorn to collaborate on NYSERDA grant submission

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

6/21 – CBS Sunday Morning Spencerport Depot Museum / Visitor's Center ~ 3:30 to 5 PM Interview with Erie Canal folksinger Dick Ruch by Richard Schlesinger and crew – AIRED July 9

6/23 – Rotary Installation dinner – attended With Mayor Penders and Harry Ewell

6/27 – Special meeting with Mayor Penders, Senator Ortt, & Legislator Mike Zale @ Brockport

6/28 – Monroe County Legislature casual meeting ~ Community Office Hours with Legislators Mike Zale & Frank Allkofer @ Vic's

July 6 – Fyi, meeting with Spencerport Depot Museum / Visitor’s Center with Interim Director Simon Devenish and Board President Ted Rauber re: Strategic Plan and Processes

To represent Village Liaison/Board member at 2nd Monday, 9 AM meetings beginning in August

July 10 – 700 + ! **Erie Canal Bicyclists passed through Spencerport on the Annual Erie Canal Trek** - Water distributed – 10 AM to 2 PM

Thank you Krony’s, Tops & Spencerport Area Chamber of Commerce for donations

Thank you Mayor Penders, Don Fernberg, David Haines and Johanna & Ron White;

also OPD Sgt. Fitzgerald and Officer Campbell for volunteering with me to “meet & greet”

bicyclists/visitors from Far & Near - *Many stopped at Village-vicinity businesses/restaurants, etc. and the Spencerport Depot Museum/Visitor’s Center*

- *Positive comments about our charming Village of Spencerport, Erie Canal Trail and New York State*

July 29 & 30 * SAVE the DATES * 36th Annual Spencerport Canal Days 10 AM to 5 PM **SATURDAY July 29 – DUSK – !!! Fireworks by Cosgrove School !!!** Community Bicentennial/Sesquicentennial monthly **EVENT SUNDAY July 30 – 4:30 PM – !!! Great Canalligator Race**
www.spencerportcanaldays.org

August 5 – Spencerport Fire Department Red Onions Tournament, Village Garage, 500 West Avenue, 12 to 5 PM Saturday www.spencerportfire.org

August 7 – Schooner *Lois McClure* Legacy Tour ~Stopping at various ports on the Champlain & Erie Canals

Monday Spencerport Depot Museum / Visitor’s Center ~ 9 AM to 4 PM
www.lcmm.org

August 19 – Heritage Days, Spencerport Depot Museum / Visitor’s Center ~ 10 AM to 2/3 PM
Saturday 16 East Avenue FREE Volunteers needed – Contact Simon 352-0942
www.spencerportdepot.com/heritageday.html

Tastival: Sip, Sample, Savor Ogden, Town of Ogden Building Complex ~ 10 AM to 6 PM

Joint fundraiser. Spencerport Area Chamber of Commerce & Ogden Farmers' Library

Tickets available at entry Contact: Dacy dshute@ogdenlibrary.com

www.spencerportchamber.org

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	\$ 108,852.00
Electric Fund	\$ 52,581.84
Sewer Fund	\$ 18,185.12
Trust Fund	\$ 3,774.17
Capital Fund	\$ <u>0</u>
TOTAL:	\$177,393.13

Motion was made by Trustee Kuntz, seconded by Trustee Nellis-Ewell and carried unanimously that the cash disbursements for the General, Electric, Sewer, Trust and Capital Funds, for July 2017 be approved as audited.

A motion was made by Mayor Penders and carried that the Village Board meeting be adjourned at 8:37 p.m.