

VILLAGE BOARD MEETING
January 2, 2019
Agenda

Call to Order

Pledge of Allegiance

Approval of Minutes

Village Board Meeting – December 5, 2018
Village Board Workshop Meeting – December 19, 2018

Public Hearing

Introductory Local Law #1-2019 “A Local Law entitled Animal Control”

Introductory Local Law #2-2019 “A Local Law to Amend Section 258-8 of the Code of the Village of Spencerport”

Privilege of the Floor

Administrative Committee – Mayor Penders

Resolution 1/2019

Introduced by:
Seconded by:

Whereas, the Village Board has before it a Local Law entitled Introductory Local Law #1-2019 “A Local Law entitled Animal Control” which, if adopted, will restrict the keeping of animals in the Village of Spencerport; and

Whereas, the Village Board has, on this date, held a public hearing to consider said proposed Local Law; and

Whereas, the Village Board has considered any public input; and

Whereas, this action is an unlisted action under the State Environmental Quality Review Act and the Village Board has adopted a Negative Declaration; and

Whereas, the notice of this hearing was duly published and posted as required by law;

Now, therefore, be it resolved:

Section 1. That the Village Board of the Village of Spencerport hereby enacts Local Law #1-2019 “A Local Law entitled Animal Control”

Section 2. That the Village Clerk is ordered to publish a legal notice indicating the adoption of this Local Law and to file a copy of this Local Law with New York State.

Section 3. That this Local Law shall take effect upon filing with the Secretary of State.

Section 4. That this resolution shall take effect immediately.

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

Resolution 1/2019

Introduced by:

Seconded by:

Whereas, the Village Board has before it a Local Law entitled Introductory Local Law #2-2019 “A Local Law to Amend Section 258-8 of the Code of the Village of Spencerport”

Whereas, the Village Board has, on this date, held a public hearing to consider said proposed Local Law; and

Whereas, the Village Board has considered any public input; and

Whereas, this action is an unlisted action under the State Environmental Quality Review Act and the Village Board has adopted a Negative Declaration; and

Whereas, the notice of this hearing was duly published and posted as required by law;

Now, therefore, be it resolved:

Section 1. That the Village Board of the Village of Spencerport hereby enacts Local Law #2-2019 “A Local Law to Amend Section 258-8 of the Code of the Village of Spencerport.”

Section 2. That the Village Clerk is ordered to publish a legal notice indicating the adoption of this Local Law and to file a copy of this Local Law with New York State.

Section 3. That this Local Law shall take effect upon filing with the Secretary of State.

Section 4. That this resolution shall take effect immediately.

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

Resolution 1/2019

Introduced by:
Seconded by:

Be it resolved that the Village of Spencerport Board of Trustees will not be providing a village voter registration day.

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

Resolution 1/2019

Introduced by:
Seconded by:

Be it resolved that the Village of Spencerport Board of Trustees hereby approves the polling location of the Village of Spencerport Elections on Tuesday, March 19, 2019 to be at the Spencerport Fire Department Station 1, 175 Lyell Avenue, Spencerport from 12:00 Noon – 9:00 p.m.

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

Resolution 1/2019

Introduced by:
Seconded by:

Be it resolved that the Village of Spencerport hereby approves Mayor Penders recommendation to appoint G. Scott Clyde to the Architectural Review/Planning Board for a term ending May 31, 2019.

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

Sewers Committee – Trustee Wohlers, Chair

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

- A. Planning
- B. Architectural Review

- C. Zoning
- D. Building Control
- E. Code Review

Finance Committee – Mayor Penders, Chair

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

Village Clerk – Jacqueline Sullivan

Superintendent of Public Works – Thomas M. West

Superintendent of Electric – Owen McIntee

Attorney – Eric Stowe

Unfinished Business

New Business

Past, Current and Future Events – Deputy Mayor Nellis-Ewell

Bills

Post Audit

January 2019

Village of Spencerport, Monroe County, State of New York
Introductory Local Law 1-2019
“A Local Law entitled Animal Control”

Be it enacted by the Village Board of The Village of Spencerport as follows:

ARTICLE I Animal Control [Adopted at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

§ 115-1. Definitions.

As used in this article, the following terms shall have the meanings indicated:

DOMESTICATED PET — Any animal, bird, insect, reptile, or fish, customarily kept in the home or place of residence, which are not vicious, dangerous or otherwise obnoxious, objectionable or offensive.

FAMILY — One or more persons occupying a dwelling unit as a single, nonprofit housekeeping unit, who are living together as a bona fide, stable and committed living unit, being a traditional family unit or the functional equivalent thereof, exhibiting the generic character of a traditional family.

OWNER — Every person having a right of property in the subject insect, animal, reptile, fish or fowl and every person who has an insect, animal, reptile, fish or fowl in his keeping or who harbors the same. An insect, animal, reptile, fish or fowl owned by one or more minors shall be deemed to be in the custody and control of the minor's parents or other head of the household where the minor resides.

PERSON — An individual, firm, partnership, corporation or association of persons.

PRIVATE PROPERTY — All property within Village boundaries which is not owned by the Village, including but not limited to all residential and commercial property, private streets and sidewalks and the grassy areas located adjacent to such streets and sidewalks, rights-of-way and any common area of a condominium or cooperative.

PUBLIC PROPERTY — Any property owned, occupied or controlled by the Village of Spencerport or other governmental entity, including but not limited to parks, streets, sidewalks and grassy areas adjacent to streets and sidewalks.

§ 115-2. Keeping of animals restricted.

No person shall keep, pasture, breed, raise, harbor, stable or maintain any bees, poultry, chickens, turkeys, ducks, geese or any other fowl or reptiles or any swine, horses, cows, mules, sheep, goats or any other animals, except domesticated pets, within the Village unless conducted on a lot/parcel of five acres in size, or larger. This section shall not apply to any public pound or animal hospital operated by a New York licensed veterinarian located within the Village.

§ 340-28. Animals.

In addition to the provisions of Chapter 115 of the Code of the Village of Spencerport, in all districts, no lot/parcel may be used or occupied and no structure may be erected, maintained or used for the raising or harboring of pigeons, swine, goats, rabbits, cows, horses, poultry, foxes, mink, skunks or other fur-bearing animals, unless said lot/parcel is larger than five acres in size. Further, no structure used or occupied for these purposes shall be closer than two hundred feet from any lot line.

Village of Spencerport, Monroe County, State of New York
Introductory Local Law 1-2019
“A Local Law entitled Animal Control”

Be it enacted by the Village Board of The Village of Spencerport as follows:

ARTICLE I Animal Control [Adopted at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

§ 115-1. Definitions.

As used in this article, the following terms shall have the meanings indicated:

DOMESTICATED PET — Any animal, bird, insect, reptile, or fish, customarily kept in the home or place of residence, which are not vicious, dangerous or otherwise obnoxious, objectionable or offensive.

FAMILY — One or more persons occupying a dwelling unit as a single, nonprofit housekeeping unit, who are living together as a bona fide, stable and committed living unit, being a traditional family unit or the functional equivalent thereof, exhibiting the generic character of a traditional family.

OWNER — Every person having a right of property in the subject insect, animal, reptile, fish or fowl and every person who has an insect, animal, reptile, fish or fowl in his keeping or who harbors the same. An insect, animal, reptile, fish or fowl owned by one or more minors shall be deemed to be in the custody and control of the minor's parents or other head of the household where the minor resides.

PERSON — An individual, firm, partnership, corporation or association of persons.

PRIVATE PROPERTY — All property within Village boundaries which is not owned by the Village, including but not limited to all residential and commercial property, private streets and sidewalks and the grassy areas located adjacent to such streets and sidewalks, rights-of-way and any common area of a condominium or cooperative.

PUBLIC PROPERTY — Any property owned, occupied or controlled by the Village of Spencerport or other governmental entity, including but not limited to parks, streets, sidewalks and grassy areas adjacent to streets and sidewalks.

§ 115-2. Keeping of animals restricted.

No person shall keep, pasture, breed, raise, harbor, stable or maintain any bees, poultry, chickens, turkeys, ducks, geese or any other fowl or reptiles or any swine, horses, cows, mules, sheep, goats or any other animals, except domesticated pets, within the Village unless conducted on a lot/parcel of five acres in size, or larger. This section shall not apply to any public pound or animal hospital operated by a New York licensed veterinarian located within the Village.

§ 115-3. Animals at large prohibited.

No person who owns, keeps, harbors, has the care/custody/control of or has a property right in a permitted animal shall suffer the same to be at large within the Village.

§ 115-4. Noise disturbance.

No person owning, harboring or keeping any animal, bird, insect or reptile shall suffer, permit or allow such creature to disturb the peace and quiet of the neighborhood or other persons by yowling, howling or making other loud or unusual noises for an unreasonable period of time or at any unreasonable time or in an unreasonable manner, nor shall such person suffer, allow or permit such creature to conduct itself in

such a manner as to habitually annoy any other person.

§ 115-5. Nuisances.

No person owning, keeping, harboring or having the care, custody and/or control of any animal, bird, insect or reptile shall suffer, permit or allow such creature to commit any nuisance or cause damage or destruction to, or soil, defile, or defecate on (unless the soil waste is promptly picked up and removed by the aforesaid person) any public street, building or park or any private property except with the consent of the owner thereof.

§ 115-6. Penalties for offenses.

Any person, firm or corporation who violates any provisions of this article or who shall omit, neglect or refuse to do any act required by this article shall, for each and every such violation and noncompliance, respectively, forfeit and pay a penalty of not exceeding \$250 or be imprisoned for a period of time not exceeding 15 days, or both.

§ 340-28. Animals.

In addition to the provisions of Chapter 115 of the Code of the Village of Spencerport, in all districts, no lot/parcel may be used or occupied and no structure may be erected, maintained or used for the raising or harboring of pigeons, swine, goats, rabbits, cows, horses, poultry, foxes, mink, skunks or other fur-bearing animals, unless said lot/parcel is larger than five acres in size. Further, no structure used or occupied for these purposes shall be closer than two hundred feet from any lot line.

Village of Spencerport, Monroe County, State of New York
Introductory Local Law 2-2019
A Local Law to Amend Section 285-8 of the Code of the Village of Spencerport

Be it enacted by the Village Board of the Village of Spencerport as follows:

Section 1. Title.

This Local Law shall be known as Local Law 2-2019 “A Local Law to Amend Section 285-8 of the Code of the Village of Spencerport”.

Section 2. Purpose.

The purpose of this local law is to increase the exemptions from real property tax allowed under the Real Property Tax Law of the State of New York relating to real property of eligible veterans located in the Village of Spencerport.

Section 3. Authority.

This Local Law is adopted pursuant to Article 4 of the Real Property Tax Law of the State of New York and the Municipal Home Rule Law of the State of New York.

Section 4. Amendments to Code.

§285-8. “Exemption granted” is amended to read as follows

A.

Qualifying residential real property qualifying for exemption under § 485-a of the Real Property Tax Law of the State of New York shall be exempt from taxation to the extent of 15% of the assessed value of such property; provided, however, that such exemption shall not exceed the lesser of \$36,000 or the product of \$36,000 multiplied by the latest state equalization rate of the Village of Spencerport.

B.

In addition to the exemption provided by Subsection A of this section, where the veteran served in a combat theatre or combat zone of operations, as documented by the award of a United States campaign ribbon or service medal, qualifying residential real property also shall be exempt from taxation to the extent of 10% of the assessed value of such property; provided, however, that such exemption shall not exceed the lesser of \$24,000 or the product of \$24,000 multiplied by the latest state equalization rate of the Village of Spencerport.

C.

In addition to the exemptions provided by Subsections A and B of this section, where the veteran received a compensation rating from the United States Veterans' Administration because of a service-connected disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property multiplied by 50% of the veteran's disability rating; provided, however, that such exemption shall not exceed the lesser of \$120,000 or the product of \$120,000 multiplied by the latest state equalization rate of the Village of Spencerport.

Section 5. If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgement shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgement shall have been ordered.

Section 6:

This local law shall take effect immediately upon filing with the Secretary of State.