Village Board Workshop Meeting
July 16, 2014
4:30 p.m.

Minutes

BOARD MEMBERS PRESENT **BOARD MEMBERS ABSENT**

Glenn Granger, Mayor
Carol J. Nellis-Ewell, Trustee
Gary Penders, Trustee
Charles Hopson, Trustee

OTHERS PRESENT

Joyce Lobene, Big Ridge Road
Owen McIntee, SME Superintendent
Rich McQuilkin, Code Enforcement Officer
Eric Stowe, Village Attorney
Patrick Smith, Building Inspector
Jacqueline Sullivan, Village Clerk
Kevin Watson, Maplewood Avenue
Tom West, DPW Superintendent
David Wohlers, Clark Street

Trustee Granger called the meeting to order at 4:30 p.m.

Trustee Penders commented that he would like to appoint Trustee Granger to the office of Mayor. Trustee Penders continued that Trustee Granger has been fulfilling the Mayor's duties as Deputy Mayor and that he has been doing a good job.

Resolution 15 7/2014

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

Be it resolved that the Village of Spencerport Board of Trustees hereby appoints Glenn C. Granger to the position of Mayor. This term ends April 5, 2015 at 11:59 p.m.

Vote of the Board:	Glenn C. Granger, Mayor	Abstain
	Carol J. Nellis-Ewell, Trustee	Aye

Gary Penders, Trustee	Aye
Charles R. Hopson, Trustee	Aye

BI/CE/FM - (4:30-5:00 p.m.) – P. Smith/R. McQuilkin

Mr. Smith updated the Village Board that the home on Coventry Drive that sustained a fire has been remodeled and a C of O has been issued so that the home can be sold; progress continues on Clark Street townhomes insulation inspections have been completed and the units have been dry walled; Dr. Snyder's building on Union Street continues to be built; received a call from Alex Suress from Pyramid brokerage regarding the property at 21 Union Hill Drive and that he represents 5 out of the 6 owners and would like the zoning changed from B3 to residential.

Discussion ensued regarding property logistics and how the potential applicant should proceed for rezoning with the result indicating that the potential applicant should present a plan for rezoning to the Village Board.

Trustee Nellis-Ewell commented that she has some reluctance to doing anything without a plan so that the applicant does not get caught between other Boards as we have heard other folks say they have been and suggesting that he have some real specifics to show us.

Mayor Granger questioned who the Zoning Board Chair is and would it be beneficial for him to attend the meeting.

Trustee Nellis-Ewell responded John Dole and that it would not be necessary for him to attend a meeting.

Mayor Granger indicated to Mr. Smith that the Village Board would like to see plans for the project prior to considering rezoning the area.

Trustee Nellis-Ewell asked Code Enforcement Officer, McQuilkin the nature of the code violations in the plaza.

Mr. McQuilkin responded that there were several: the back door to the alley at the bottle and can return store would not close and latch securely and has been taken care of; the book store has two potential entrances but only uses one, however, the unused door has an exit sign above it in the store with a thumb latch lock on it, that type of lock is illegal it has to be a panic bar latch on it. The book store owner and landlord are disputing as to who should pay for the new lock. At this time the book store owner is keeping both doors unlocked during business hours; and parking in fire lanes and the need for signs to be posted.

Mr. McQuilkin indicated that he spoke to Trustee Penders about this and that Carl Ayers, volunteer dock master, has been trying to get in contact with Mr. McQuilkin to discuss what goes on with the docks. Mr. McQuilkin spoke with the other volunteer dock master Bill

Donahue about a meeting and Mr. Donahue indicated and a few other people that Mr. Ayers can be harsh with the visitors and that in speaking with Trustee Penders regarding this situation the Village would be served with just one dock master.

Joyce Lobene commented that she had spoken to Mr. Ayers regarding his harshness prior to her absence and that the Village would only be using one dock master.

Mayor Granger indicated that he would send a letter to Mr. Ayers.

Mr. McQuilkin indicated that he received a call from a cell carrier who needed to work at the cell tower.

Attorney Stowe responded that there is a federal law that indicates that municipalities cannot interfere with any cell town maintenance.

Mr. Smith responded that permits are issued, fees are collected and the application is forwarded to the Village Board if it is on Village property or to the Planning Board if the property is privately owned. In this case the application would be forwarded to the Planning Board since the tower leased from the Village of Spencerport to the cell carrier.

Attorney – (5:00 p.m.) – E. Stowe

Attorney Stowe commented that Time Warner Cable has agreed to all of the Village's requests and that an audit can be done annually and that the term of the lease is ten (10) years. Audits can only go back six (6).

Trustee Penders questioned that if Time Warner is sold or transferred would these agreements become null and void or would they go to the new corporation.

Attorney Stowe responded that the agreements would go with the transfer.

Trustee Nellis-Ewell questioned if the six (6) year audit does not put the Village at risk.

Attorney Stowe indicated that it would not.

Attorney Stowe was directed to request a revised franchise agreement for Board approval.

Attorney Stowe commented that he forwarded a draft IMA regarding Spencerport Fire District and fueling of their vehicles at the Village DPW site. The Fire Commissioners are meeting tomorrow night to discuss the IMA and the Village should have something to approve and sign at the next meeting; an appraiser contact Attorney Stowe questions about the West Avenue property (Gollel) specifically questioning if there is any provision terminating any site plan approval or anything else. Attorney Stowe responded to the appraiser that no terminations have been made in relation to the property. Attorney Stowe advised the Board that they have

90 days from the date of the public hearing to take action on the annexation application. Attorney Stowe and Attorney Schum have been discussing the collection of recreation fees. The Town's fees are $750 and the Village's are $600.

Trustee Nellis-Ewell questioned the status of the IMA with Gates Ambulance.

Clerk Sullivan indicated that we have not received a signed IMA.

Mr. Smith questioned the recreation fee and that he thought the Village's is $750.

Trustee Nellis-Ewell commented that the storm water agreement indicated that a representative needs to be assigned via resolution.

Mr. West responded that the representative is the Mayor.

Attorney Stowe further explained that he was questioning if our insurance agent was aware of our agreements.

Clerk Sullivan responded that they are aware.

Superintendent West further explained that the Mayor is the representative assigned however he attends the meetings.

Joyce Lobene commented that she attended tonight's meeting for moral support and thanked the Village Board and staff for their support to her over the last 6 years.

Mayor Granger responded to Mrs. Lobene that the Village Board returns the thank you for your dedicated service.

Trustee Nellis-Ewell commented that she wanted to bring to the Village Board's attention the guidelines for businesses in the community to include in the Chamber's welcome packet and help new businesses with codes and resources to help them and that should be sharing this information with the Chamber and having copies of this document at the Village Office and is an action to help to support businesses.

Mayor Granger questioned if the information will be distributed to all of the businesses or just member businesses.

Trustee Nellis-Ewell responded no businesses will be listed on this document.

Mayor Granger added that years ago the Chamber was going to do signage for the businesses but were only going to include member businesses.

Trustee Nellis-Ewell responded that the Chamber recently did not signage and listed all of the businesses.

Mayor Granger also asked if the Chamber does exit interviews with business that close like Bonnie's Chocolates.

Trustee Nellis-Ewell responded that from what she was told that there were a couple of visits to Bonnie's with suggestions however there is not an exit interview but she would bring that suggestion to their attention.

Joyce Lobene commented that she had a conversation with Bonnie and that Bonnie felt that it was the Village's fault for allowing another chocolate shop. Mrs. Lobene indicated that the Village cannot limit the number of businesses.

Trustee Nellis-Ewell commented that both businesses had the same landlord.

1. Resolution to approve Red Knights Assembly Permit

   Resolution 16 7/2014

   Introduced by: Mayor Lobene
   Seconded by: Trustee Penders

   Be it resolved that the Village of Spencerport Board of Trustees hereby approves the Assembly Permit for the Red Knights Motorcycle Club Chapter 22 Fundraiser August 3, 2014 from 9:00 a.m. – 6:00 p.m. at the Spencerport Exempt Club, 75 S. Union Street, Spencerport, NY.

Vote of the Board:	Glenn C. Granger, Mayor	Aye
	Carol J. Nellis-Ewell, Trustee	Aye
	Gary Penders, Trustee	Aye
	Charles R. Hopson, Trustee	Aye

2. Resolution to approve the Spencerport Central School Homecoming Parade

   Resolution 17 7/2014

   Introduced by: Mayor Granger

Seconded by: Trustee Hopson

Be it resolved that the Village of Spencerport Board of Trustees hereby approves the annual Spencerport Central School's Homecoming Parade Saturday, October 4, 2014 from 12:30 – 2:30 p.m. West Avenue, Union Street and Lyell Avenue will be closed for the duration of the parade.

Vote of the Board:	Glenn C. Granger, Mayor	Aye
	Carol J. Nellis-Ewell, Trustee	Aye
	Gary Penders, Trustee	Aye
	Charles R. Hopson, Trustee	Aye

Trustee Nellis-Ewell commented that the revised agreement included the following revisions:

- Perma must give 60 days written notice to the member if it intends not to renew.
- Perma has the right to audit payroll records and will annually
- If a member terminates membership and returns within one year a new entry fee is not required if a member returns after a year the member will be required to pay an entry fee unless the PERMA Board of Directors directs otherwise.

3. Resolution to authorize the Deputy Mayor to sign the revised PERMA Program Agreement for Workers' Compensation insurance.

Resolution 18 7/2014

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

Be it resolved that the Village of Spencerport Board of Trustees hereby authorizes the Deputy Mayor to sign the revised PERMA Program Agreement for Workers' Compensation Insurance.

Vote of the Board:	Glenn C. Granger, Mayor	Aye
	Carol J. Nellis-Ewell, Trustee	Aye
	Gary Penders, Trustee	Aye
	Charles R. Hopson, Trustee	Aye

Discussion ensued regarding the scope of the proposal, costs and the steps to be taken.

Resolution 19 7/2014

Introduced by: Trustee Penders
Seconded by: Trustee Hopson

Be it resolved that the Village of Spencerport Board of Trustees hereby approves contracting with Foundation Design, PC, 335 Colfax Street, Rochester, NY to complete the following activities included in Phase 1 Study of their below proposal. Cost not to exceed $1,500.

Vote of the Board:	Glenn C. Granger, Mayor	Aye
	Carol J. Nellis-Ewell, Trustee	Aye
	Gary Penders, Trustee	Aye
	Charles R. Hopson, Trustee	Aye

Foundation Design, P.C.
SOIL • BEDROCK • GROUNDWATER

July 9, 2014

Village of Spencerport
Department of Public Works
27 West Avenue
Spencerport, New York 14559

Attention: Mr. Thomas West

Reference: Maplewood Avenue Drainage
Geotechnical Services Proposal, P3357.0

Dear Mr. West:

Foundation Design, P.C. would be pleased to provide geotechnical consultation on the referenced project. We understand that the Village of Spencerport owns a land-locked parcel north of Maplewood Avenue. Cattails have formed on the parcel; the four neighboring property owners (No. 132, No. 138, No. 146, and No. 150) have wet lawn areas abutting your parcel. Recently, drainage has been installed to improve site conditions behind No. 138 and 146 Maplewood. While the drainage installed has helped in some areas, wet areas persist.

Our services would consist of consulting on potential sources of the groundwater issues and developing approaches to help the neighbors in drying their backyards. Outlined below is the phased approach we propose to follow under this agreement. With completion of each Phase, we will submit a summary of the work performed and our findings. We will not proceed with the next phase of study without your prior approval.

Specifically, we propose the following:

Phase 1

1. Review available soils, bedrock, and groundwater mapping.

A motion was made by Trustee Penders, seconded by Trustee Hopson and carried that the workshop meeting be adjourned to executive session to discuss potential litigation at 5:35 p.m.

A motion was made by Trustee Hopson, seconded by Trustee Nellis-Ewell and carried that the executive session be adjourned at 5:56 p.m.

A motion was made by Trustee Hopson, seconded by Trustee Penders and carried that the meeting be adjourned at 6:02 p.m.