VILLAGE BOARD MEETING
August 5, 2015
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
Ray Kuntz, Trustee

BOARD MEMBERS ABSENT

OTHERS PRESENT
Jean Colby, Nichols Street
Craig Byham, Luther Jacobs Way
Mary Guinan, Maplewood Avenue
Owen McIntee, SME Superintendent
Jack Meritt, Senator Robert Ortt's Office
Joan Quigley, Maplewood Avenue
Eric Stowe, Village Attorney
Jacqueline Sullivan, Village Clerk
Tom West, DPW Superintendent
David Willard, MRB Group

Approval of Minutes

A motion was made by Mayor Penders, seconded by Trustee Hopson and carried that the minutes from the July 1, 2015 Village Board Meeting be approved as read.

A motion was made by Mayor Penders, seconded by Trustee Kuntz and carried that the minutes from the July 15, 2015 Village Workshop Meeting be approved as read.

Privilege of the Floor

Mr. Steve Liccardello, Home Pride Builders addressed the Village Board by updating them on the status of the Canal Landing housing project located at the end of West Avenue and Amity Street and explained that the recently enacted sewer hookup fee increase from $500 - $1500 is an unanticipated expense to his project and would like the Village Board to consider grandfathering his project in at the previous rate of $500 since at this time he is the only developer actively building in the Village of Spencerport.

Mr. Liccardello added that he was required to upgrade the sewer pump station located within the project prior to any issuance of C of O's at a cost of approximately $20,000. Mr. Liccardello indicated that the pump station did not need to be upgraded and submitted letters from Seiwert Equipment and LaDue Engineers indicating that the pump station would have worked as designed. This pump station is shared with the adjoining property to be developed.

Mayor Penders acknowledged his request and indicated that the Village Board would discuss this request at the August 19th workshop meeting.

Ms. Mary Guinan, Maplewood Avenue commented that she received a letter indicating that she has to purchase a refuse container. Ms. Guinan added that she was not able to attend the meeting and March and would like to know why this law was enacted. Ms. Guinan further explained that she does not need or have the room for a rolling refuse container and only has one small bag of trash.

Mayor Penders responded that the law was enacted to make trash pickup uniform and more efficient.

Ms. Guinan questioned the financial input to the Village for this program.

Mayor Penders and Trustee Nellis-Ewell responded that the Village is not making a profit on this program. Residents are charged the cost of the refuse cart.

Mr. Jones, Coleman Avenue added that he was unaware of the change and it is not necessary, he too only has a small amount of trash and does not want the large rolling refuse cart. Mr. Jones added that he would like to see it repealed.

Discussion ensued regarding the size of trash cans and various refuse situations.

Trustee Nells-Ewell explained to Mr. Jones the code review committee process and it was determined that the change to this particular law was determined to increase efficiencies for future additional units and make for a safer work environment for the employees. Trustee Nellis-Ewell added that there were two public hearings and are advertised the Suburban News the Village's official newspaper.

Trustee Kuntz added that he was happy to purchase a refuse cart when he moved to the Village and this week he only had one bag of garbage in his cart.

Discussion ensued regarding offering smaller rolling refuse carts at a reduced costs and incentives to reduce trash.

Ms. Jean Colby, Nichols Street explained to the Village Board that the Bicentennial/Sesquicentennial committee would like to paint murals on each side of the CSX bridge abutments highlighting the Town and Village's anniversaries with the official flower (day lilies) and would like the Village's permission or if they are not the permitting agency a letter of support for the project. Ms. Colby continued by describing the paintings.

Trustee Nellis-Ewell asked if this project had been brought up to the committee.

Ms. Colby responded that it had been brought up to the committee a couple meetings ago.

Discussion ensued regarding the condition of the bridge and methods of painting.

Ms. Colby indicated that they would be approaching CSX for permission.

Administrative Committee – Mayor Penders

Resolution 30 8/2015

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

NEGATIVE SEQR DECLARATION – VILLAGE PINES SECTION 3

WHEREAS, the Village Board of Trustees of the Village of Spencerport ("Village Board") received an application for rezoning, dated November 10, 2014, and has received additions and modifications to the application throughout the pendency of the application. Said application is from BME Associates, representing the landowner, Village Pines LLC, ("Applicant") and requests the rezoning of Parcel #101.02.-1-1.1; 34.4 acres of land from R1-Residental to PRD (Planned Residential Development) .

WHEREAS, by resolution adopted January 21, 2015, the Village Board determined that the Proposed Action is subject to the State Environmental Quality Review Act under the New York State Environmental Conservation Law, Article 8 ("SEQRA") and declared its intention to act as Lead Agency for the purpose of reviewing the environmental impacts of the Proposed Action under SEQRA ("Lead Agency"); and

WHEREAS, the Village Board has reviewed the attached Environmental Assessment Form, Part 1, prepared on the Proposed Action on behalf of Petitioner with the Environmental Assessment Form, Parts 2 and 3, prepared on the Proposed Action by the Village Board; and

WHEREAS, the Village Board has concluded that the Proposed Action will not have a significant impact on the environment if it is approved and built; and

NOW, THEREFORE, be it hereby

RESOLVED, that the Village Board, declares themselves as Lead Agency, hereby determines that the Proposed Action is a Type I Action pursuant to SEQRA; and be it further

RESOLVED, that based upon the Village Board's review of the Proposed Action, the materials provided by the Applicant and the comments received from the public on January 7, 2015 and all other materials submitted in connection with the application, the Village Board hereby determines that the proposed action will not result in significant adverse environmental impacts and hereby issues a negative declaration as to the Proposed Action pursuant to SEQRA.

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

Resolution 31 8/2015

Introduced by: Mayor Penders
Seconded by: Trustee Hopson

WHEREAS, the Village Board of Trustees of the Village of Spencerport ("Village Board") received an application for rezoning, dated November 10, 2014, and has received additions and modifications to the application throughout the pendency of the application. Said application is from BME Associates, representing the landowner, Village Pines LLC, ("Applicant") and requests the rezoning of Parcel #101.02.-1-1.1; 34.4 acres of land from R1-Residental to PRD (Planned Residential Development) .

WHEREAS, the Village Board has considered the proposed action, the materials provided by the Applicant and the comments received from the public on January 7, 2015 and all other materials submitted in connection with the application;

NOW, THEREFORE BE it resolved that the Village of Spencerport Board of Trustees hereby approves the rezoning of Village Pines Section 3 parcel id# Parcel #101.02.-1-1.1; 34.4 acres of land from R1-Residental to PRD (Planned Residential Development) and directs the official zoning map of the Village of Spencerport to be amended accordingly.

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

Resolution 32 8/2015

Introduced by: Mayor Penders
Seconded by: Trustee Kuntz

Be it resolved that the Village of Spencerport Board of Trustees hereby approves the parade permit from Spencerport High School Student Government for the Spencerport Homecoming Parade starting on West Avenue, South on Union Street to Lyell Avenue to the High School; Saturday October 3, 2015 from 12:15 – 2:30 p.m. Parade route roads will be closed during the parade.

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

Resolution 33 8/2015

Introduced by: Mayor Penders
Seconded by: Trustee Wohlers

Be it resolved that the Village of Spencerport Board of Trustees hereby approves the attendance of the Jackie Sullivan and Donna Stassen at the 2015 NYCOM Fall Training School for City and Village Officials; Monday, September 28 – Friday, October 2, 2015; Crowne Plaza, Lake Placid, NY. Cost not to exceed $2,900.00.

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

Resolution 34 8/2015

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

Be it resolved that the Village of Spencerport Board of Trustees hereby approves the receipt of the Assembly Permit from the Federation of German American Societies, Inc. for the German Festival to be held August 7 – August 8, 2015.

Vote of the Board:	Carol J. Nellis-Ewell, Trustee	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 – Trustee Nellis-Ewell, Chair

Comments submitted by Trustee Nellis-Ewell

Planning/Zoning/Building Control

Architectural Review Board (ARB) / Planning Board (PB) – No meeting August 4, 2015

Zoning Board of Appeals (ZBA) – No meeting July 18, 2015

Meeting scheduled for August 20, 2015
Public Hearing, Village of Spencerport Village Office, 27 West Avenue, Spencerport, NY, 14559, 7 PM
Agenda includes applications related to "trailer law"

Building Control

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

Code Review

No Code Review Committee meetings July and August. Organizational Analysis from General Code expected in September after which the Code Review Committee will review it.

Resolution 35 8/2015

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

Be it resolved that the Village of Spencerport Board of Trustees hereby approves attendance by any Village Board, Planning Board, Zoning Board, and Support Staff member to attending the Fall 2015 Land Use Decision Making Training Program offer by the Monroe County Department of Planning and Development. The program runs weekly from September 28 – October 26, 2015 at Monroe Community College. Cost not to exceed $160 per person.

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

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

Resolution 36 8/2015

Introduced by: Trustee Kuntz
Seconded by: Trustee Hopson

Be it resolved that the Village of Spencerport Board of Trustees hereby awards the sale of the 2014 Caterpillar 930K Wheel Loader to Milton CAT 4610 East Saile Drive, Batavia, NY in the amount of $130,107.00.

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

Superintendent West explained that the Village participates in a trade in program for the loaders resulting in lower costs of operations to the Village.

B. Public Services (Refuse, Recycling, Parks)

Resolution 37 8/2015

Introduced by: Trustee Kuntz
Seconded by: Trustee Wohlers

Be it resolved that the Village of Spencerport hereby awards the Trolley Depot Deck Rehabilitation project to DioGuardi Construction, Inc.; 5481 Upper Mt. Morris Road; Mt. Morris, NY in the amount of $37,760.00.

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

Trustee Wohlers questioned how change orders will be addressed.

Superintendent West responded that all change orders would need board approval.

Public Safety Committee – Trustee Penders, Chair

A. Fire Department – Mayor Penders commented that their 175th celebration was a success.

B. Police

C. Ambulance

Human Resources Committee – Mayor Penders, Chair

Economic Development Committee – Trustee Wohlers, Chair

Green Initiatives – Trustee Nellis-Ewell, Chair

Trustee Nellis-Ewell commented that there was nothing requiring Board action

Village Clerk – Jacqueline Sullivan

Clerk Sullivan commented that the results of the speed sign on Maplewood Avenue from June 16 – July 23, 2015 indicated that there were over 4,000 vehicle passes and that 445 of those vehicle passes were speeding. Speeds were not over 40 MPH. Clerk Sullivan added that there are 40 properties that have not paid their taxes totaling $55,000 before interest and penalties.

Superintendent of Public Works – Thomas M. West

Superintendent West commented that road work continues on Brockport Road, sidewalk and gutter work has been done throughout the Village; a top soil machine from Monroe County will be loaned to the Village to make top soil out of the leaf pile at the shop; storm water outfall inspections are being completed at this time and scheduling is taking place for the Gazebo roof replacement.

Superintendent of Electric – Owen McIntee

Superintendent McIntee addressed the annual Electric Fund audit indicating that net income is lower because of weather and income is made from base rates prior to supplemental power. Loads continue to be low due to weather at this time as well.

Discussion ensued regarding rates.

Attorney – Eric Stowe

Introductory Local Law 4-2015 "A Local Law to Impose a Gross Utility Tax"

Attorney Stowe indicated that this local law would largely effect gas customers and electric but not municipal electric and would include telephone customers but not cell phone customers.

Discussion ensued regarding whether the price would change to the Village customers.

Resolution 38 8/2015

Introduced by: Mayor Penders
Seconded by: Trustee Wohlers

Be it resolved that the Village of Spencerport Board of Trustees herby approves holding a public hearing on Wednesday, September 2, 2015 at 7:00 p.m. regarding Introductory Local Law 4-2015 "A Local Law to Impose a Gross Utility Tax"

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

Unfinished Business

Update/Highlights – Submitted by Trustee Nellis-Ewell

- **Saturday, July 11 – 1st Heritage Day 2015 at the Spencerport Depot Museum & Visitor's Center**

Adult and children's activities began at 11 AM, including lace-making, spinning, and weaving demonstrations, Erie Canal history and information, games and storytelling, and a morning dulcimer concert followed by another by Dave Ruch in the afternoon. Mayor Penders and friends and I attended.

- **Monday, June 13 – Erie Canal Bicycle Trek passes through the Village of Spencerport**

This year the annual event attracted 600 + riders! 433! bottles of water and ice were distributed free to appreciative participants from 10 AM – 2 PM. The Spencerport Area Chamber of Commerce sponsors the event with volunteer greeters who suggest business places to explore and linger, refresh and relax. Thank you to Krony's Pizza and Tops Grocery who donated cases of water and to Mayor Penders for baling us out when we ran short! Thank you to great volunteers: Don Fernberg, David Haines, Johanna and Ron White, and Mayor Penders who worked with me to make this event a success.

- **Friday, Saturday & Sunday, July 24-26 – Spencerport Canal Days with music, vendors, and popular food trucks**

The traditional event ended on Sunday with lots of Canaligators dumped into the Erie Canal for a swim at 4:30 PM. Prizes made for happy winners. Thank you to the volunteer Canal Days Committee for their efforts.

- **Saturday, August 1 – 125th Year Spencerport Fire Department Commemorative Celebration**

Special activities began at 11 AM with various firematics team competitions. Later the all-volunteer Spencerport Fire Department provided free food and a Nik & the Nice Guys concert as their thank you to the community.

New Business

Bills

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

General Fund	$ 59,003.27
Electric Fund	$ 37,821.47
Sewer Fund	$ 9,598.76
Trust Fund	$ 2,462.23
Capital Fund	$ 0
TOTAL:	**$108,885.73**

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, August 2015 be approved as audited.

Adjournment

A motion was made by Mayor Penders, seconded by Trustee Wohlers and carried unanimously that the regular meeting be adjourned at 8:26 p.m.