Village Board Workshop Meeting
August 20, 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

Sandra Mitchell, Village Historian
Owen McIntee, SME Superintendent
Rich McQuilkin, Code Enforcement Officer
Jeff Netzband, Foundation Design
Eric Stowe, Village Attorney
Patrick Smith, Building Inspector
Jacqueline Sullivan, Village Clerk
Tom West, DPW Superintendent
David Wohlers, Clark Street

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

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

Mr. Rich McQuilkin, Code Enforcement Officer commented that there were sign issues at Salvatore's with the addition of the Arthur Treacher's sign and the owner agreed to comply with the code; the sign at the bottle return center at the bowling alley is out of compliance and they were on the ARB agenda for approval however the applicant did not attend the meeting. Contacted landlords regarding property maintenance issues, Prospect Street resident has been contacted regarding property clean up including Hog Weed plants and Mr. McQuilkin contacted the DEC for removal however it is believed that the resident removed the Hog Weed plant; DEC was contacted about another Hog Weed plant on Trimmer Road and it has been removed. Water leak at the Dollar Store causing a malfunction in the alarm system; letter has been sent to Mr. Plusio, Village Plaza Owner requesting no parking/fire lane behind the Tops building; noise complaint on Lyell Avenue from a resident because the school was mowing their lawn before 7:00 a.m.

Trustee Hopson questioned if Mr. McQuilkin has been at the bottle and can redemption center in the plaza and that it becomes very full in the front.

Mr. McQuilkin indicated that he has and that the bottles and cans are picked up weekly.

Mr. Patrick Smith, Building Inspector commented that 24 inspections were performed in July which totals 87 for the year. Texas BBQ Joint has made an application to enclose the stairway leading to the apartment upstairs, in addition Mr. Mogab is starting the process by completing his survey map for the

parcel; inspections continue at the animal hospital building; inspections continue at the Clark Street project; inspection at the Apothecary and there were issues, however the contractor is working on them.

Attorney – (5:00 p.m.) – E. Stowe

Attorney Stowe commented that toters can be required for the potential Village Pines development. Attorney Stowe distributed and reviewed the proposed commercial and recreational vehicle code.

Trustee Nellis-Ewell summarized that the code review committee have been reviewing similar codes in other municipalities and have developed the proposed local law.

Attorney Stowe continued that excessive storage of these types of vehicles -were causing complaints and that there was not a Village code to address these issues. The committee attempted to take the positives from other village codes and is flexible that it allows one vehicle per property and also a resident can go to the ZBA to store two vehicles.

Discussion ensued regarding the definitions of driveways, setbacks and time limits.

Trustee Nellis-Ewell commented that this code was developed to create consistency and as a tool to address complaints as needed.

Attorney Stowe described that if the code is too vague it cannot be enforced and if it is too restrictive residents will complain. Attorney Stowe confirmed that any commercial or recreational vehicles cannot be stored on a property in the Village from November 1st – April 1st.

Resolution 26 8/2014

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

Be it resolved that the Village of Spencerport Board of Trustees hereby approves conducting a public hearing Wednesday, September 3, 2014 at 7:00 p.m. to consider Introductory Local Law 4-2014 A Local Law to create a new chapter in the Village Code "Parking and Storage of Recreational and Commercial Vehicles"

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

Attorney Stowe commented that the he, the Mayor, Town Attorney Schum and Supervisor Lenhard met regarding the recreation fee that the Town will be losing due to annexation. Attorney Stowe referred to the cost analysis that was completed by Treasurer Kimbler showing that if annexation occurs the Village would lose "out of Village" sewer hook-up fees. Attorney Stowe continued that although Attorney Schum indicated that the current approvals on the property would not follow the property, Attorney Stowe conducted research and determined that the current approvals on the property would follow the property into the Village; however if the developer wanted to change the project, the project would need to be

resubmitted to the Village Planning and/or Zoning Boards for approval. The Town requested an inter-municipal agreement for a fee of $750 per unit for the use of Town sewers during construction. In an effort to make the Village financially whole, incentive zoning of the property could be pursued by the Village Board.

Trustee Penders confirmed that the Village will forego the $3000 fee per unit if the property comes into the Village.

Attorney Stowe indicated that was correct and that the Town was not interested in seeking a reduction in the recreation fee that they will be losing through annexation.

Attorney Stowe indicated that the Village would need to rezone the property to allow for the approved development and it could be done through incentive zoning.

Mr. Wohlers questioned what the tax revenue will be to the Village.

Clerk Sullivan responded that the Village's assessment will increase by $16 million when the project is completed. Clerk Sullivan continued that the increase revenue at the completion of the project will be $92,000.

Mr. Wohlers questioned what the cost to the Village would be for snow and garbage removal etc.

Clerk Sullivan responded that over the 5- year building process, the cost would be approximately $45,000 and then future years would be about $15,000 per year.

Mr. Wohlers summarized that the Village would net about $75,000 per year in revenues.

Attorney Stowe commented that the Town wants an additional $60,000 for the use of sewers.

Discussion ensued regarding recreation fees.

Trustee Penders commented that he doesn't mind giving it to them, but he does not like giving the Town the full amount in the event that the project does not go to completion.

Discussion ensued regarding the collection of the Town's fees.

The Board requested that Attorney Stowe send a letter to the Town indicating that the Village is interested in pursuing an IMA with phased- in payments.

General

Superintendent McIntee summarized the annual electric fund audit done by SAX/BST indicating that overall fiscal condition of the electric fund is a net income of $167,000, net revenues increased $95,000, consumption increased 5%, operating expense increased due to the increase in incremental power (open market power) costs, $750,000 of capital improvements have been made without incurring any additional debt. Operating cash balances have increased, however remain below the recommended two months of

operating expenses, collection efforts continue to be on track and the auditors continue to be impressed with the condition of the accounting and other financial records of the electric fund.

Superintendent McIntee updated the Village Board about the solar project at the Village Office and will have a proposal to the Village Board at the September meeting and it will be supplemented by 30% with grant funds.

Superintendent West introduced Jeff Netzband, from Foundation Designs to interpret the report that has been submitted to the Village regarding the ground water issues on Maplewood Avenue. Mr. Netzband indicated that there is not a specific indicator as to why the water table is rising in the area and does not think the Village is doing anything to cause the drainage issues. Mr. Netzband continued that he looked at historical maps and aerial photographs and did not find any wet conditions in the area. Currently there are cattails in the area and there is standing water in residents' yards. Mr. Netzband indicated that the catch basins were inspected and there were no dams and water was not being held back. It is possible that the spring on Rt 31 could be a factor, but it seems to be unlikely. At this time it is inconclusive as to why the area is wet, however none of the work that the Village has done is adding to the problem. The exposure of bed rock in the nearby creek could be causing some issues.

Trustee Penders questioned if the newly installed drainage is causing the problem.

Mr. Netzband responded that the installed drainage has constant flow and is drawing the water out of the ground.

Trustee Nellis-Ewell questioned if the water table consistently changes.

Tom West responded that Mr. Weido's yard was always wet, but now you can barely walk in it.

Mr. Netzband added that with all of the rain this year the water table is high and usually wet yards are even wetter this year.

Mr. Netzband added that it appears that based on the volume of water that is flowing in the area, that it is a ground water issue of large proportions throughout the underlying bedrock.

Discussion ensued regarding seasonal snowfall and rain events and general topography of the area.

Trustee Penders commented that he feels the Village has done their due diligence by adding the drainage, completing the study and determining that the water is not caused by a municipal source. Trustee Penders continued that the residents have been informed and rather than continuing with the studies he feels that possibly more drainage on Village property could be added.

Mr. Netzband added that filling some of the yards with dirt could help the problem.

Mayor Granger asked if we could do that.

Superintendent West responded that we cannot do work on private property.

Attorney Stowe agreed that we cannot do work on private property.

Mr. Netzband inquired if a formal letter was needed for the additional findings.

Superintendent West indicated that he would like a letter.

Mrs. Sandy Mitchell, Village Historian commented that she has joined the Town of Ogden and Village of Spencerport 2017 bicentennial and sesquicentennial committee. Mrs. Mitchell continued that the group has just begun meeting and consists of about 25 people and continue to look for participation from the fire department and service organizations including BOCES. BOCES indicated that they would help with public relations for the events. At this time the co-chairs are David Haines and Glynn Schultz representing the Town of Ogden and Joyce Lobene and Ted Rauber representing the Village of Spencerport along with her and the Town Historian, Carol Coburn. Mrs. Mitchell indicated that participation from a member of the Village Board would be helpful. At this point the committee is looking into fundraising opportunities and is not requesting funds from either municipality, however liability insurance will be necessary as events progress and some funds may be needed in the future.

Truste Nellis-Ewell commented that the Spencerport Area Chamber of Commerce has an on-line Donation Request form, and suggested the committee finalize a budget prior to application. Mrs. Mitchell advised that the committee is preparing a budget.

A motion was made by Trustee Nellis-Ewell, seconded by Trustee Hopson and carried that the Workshop Meeting be adjourned to executive session at 6:26 p.m. to discuss litigation.

A motion was made by Trustee Penders, seconded by Trustee Hopson and carried that the Executive Session be adjourned at 6:44 p.m.

A motion was made by Trustee Penders, seconded by Trustee Hopson and carried that the Workshop Session be adjourned at 6:45 p.m.