

**VILLAGE BOARD MEETING**  
**December 7, 2016**  
**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  
Jill Cordts, Amity Street  
Mark Geringer, Ogden Center Road  
Owen McIntee, SME Superintendent  
Joan Quigley, Maplewood Avenue  
Eric Stowe, Village Attorney  
Jacqueline Sullivan, Village Clerk  
Terry West, Coventry Drive  
Tom West, DPW Superintendent  
Jim White, Laurelcrest Drive

**Approval of Minutes**

A motion was made by Mayor Penders, seconded by Trustee Hopson and carried that the meeting minutes from November 2, 2016 be approved as read.

A motion was made by Mayor Penders, seconded by Trustee Hopson and carried that the meeting minutes from November 16, 2016 be approved as read.

**Public Hearing**

Mayor Penders opened the public hearing regarding Proposed Local Law 1-2016 "A Local Law authorizing a property tax levy in excess of the limit established in General Municipal Law 3-c" at 7:00 p.m.

Mr. Jim White, Laurelcrest Drive addressed the Village Board regarding the importance of controlling costs and to review potential services that could possibly cut or reconfigured.

Mr. Terry Smith, Coventry Drive also addressed the Village Board reiterating the importance of controlling costs and that it is the responsibility of the Village Board.

Discussion ensued regarding the Village services, unfunded mandates and various state and village programs.

Mayor Penders closed the public hearing at 7:37 p.m.

**Privilege of the Floor**

Mr. Mark Gerringer indicated to the Village Board that he is looking for space in the Village of Spencerport to locate a church. The location that he was interested in is located in the business district of the Village and what would be needed to locate a church in that district.

The Village Board and attorney indicated that a variance from the Zoning Board of Appeals would be necessary to locate a church in the Village business district. They further explained to Mr. Gerringer the process of appearing in front of the Zoning Board of Appeals.

**Administrative Committee** – Mayor Penders

**Resolution 73 12/2016**

Introduced by: Mayor Penders

Seconded by: Deputy Mayor Nellis-Ewell

RESOLUTION ADOPTING LOCAL LAW

Whereas, the Village Board has before it a proposed Local Law which, if enacted, will be Local Law #1-2016 **“A local law authorizing a property tax levy in excess of the limit established in General Municipal Law §3-c”**.

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 a Type II Action under the State Environmental Quality Review Act Regulation §617.5(c)(20)&(27) and not subject to further review under said regulations;

Whereas, the notice of this hearing was duly published and posted as required by law; and  
Now, therefore, be it resolved:

Section 1. That the Village Board of the Village of Spencerport hereby enacts Local Law #1-2016 “A local law authorizing a property tax levy in excess of the limit established in General Municipal Law §3-c”

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	Aye
	Charles R. Hopson, Trustee	Aye
	Ray Kuntz, Trustee	Aye
	David Wohlers, Trustee	Aye
	Gary Penders, Mayor	Aye

**Resolution 74 12/2016**

Introduced by: Mayor Penders  
Seconded by: Trustee Kuntz

Be it resolved that the Village of Spencerport Board of Trustees hereby approves Jacqueline Sullivan, Village Clerk as a voting member of Upstate New York Municipal Workers Comp Program; Thomas West, DPW Superintendent as an alternate voting member and safety facilitator.

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 75 12/2016**

Introduced by: Mayor Penders  
Seconded by: Trustee Hopson

Be it resolved that the Village of Spencerport Board of Trustees hereby authorizes the Mayor to sign the All Season County/Municipality Inter-municipal Work Agreement. The term of the agreement is 10 years from January 1, 2017 through December 31, 2026.

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 76 12/2016**

Introduced by: Mayor Penders  
Seconded by: Trustee Wohlers

Be it resolved that the Village of Spencerport hereby acknowledges the 30 day Advanced Notice from Mangiare Mangiare Corporation DBA Mangia Mangia for their Liquor License application.

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 77 12/2016**

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

Be it resolved that the Village of Spencerport Board of Trustees hereby authorizes the Mayor to sign all dedication documentation pertaining to the Canalgate, LLC project and Amity Street and Glenn Carin Court.

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 78 12/2016**

Introduced by: Mayor Penders  
Seconded by: Trustee Kuntz

Be it resolved that the Village of Spencerport Board of Trustees hereby approves Deputy Clerk Pamela Gilbert's appointment to the MEUA Budget and Audit Committee.

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

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

Comments submitted by Deputy Mayor Nellis-Ewell

Architectural Review/Planning Boards (ARB/PB) No Meeting December 6, 2016  
No Architectural Review Board or Planning Board business

Zoning Board of Appeals (ZBA) No Meeting November 17, 2016  
No Zoning Board of Appeals Board business

Per the published Legal Notice, a Zoning Board of Appeals Board meeting is scheduled December 15, 2016.

**Building Control**

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

**Code Review**

November 17 – Core Code Review Committee met to clarify and finalize some questions for the *Draft* Code Review Legal Analysis (revised code). Following that meeting, the final *Draft* was made available for review, with return of the edited book to meet the deadline of November 30, 2016 as requested by General Code.

**Resolution 79 12/2016**

Introduced by: Deputy Mayor Nellis-Ewell  
Seconded by: Trustee Wohlers

Be it resolved that the Village of Spencerport Board of Trustees hereby approves the proposed fee schedule to be effective January 1, 2017.

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

**Finance Committee** – Mayor Penders, Chair

**Facilities Committee** – Trustee Hopson, Chair

A. Electric

**Resolution 80 12/2016**

Introduced by: Trustee Hopson

Seconded by: Deputy Mayor Nellis-Ewell

Be it resolved that the Village of Spencerport Board of Trustees hereby approves the proposed electric deposit amounts for new customers to be \$225.00 for electric heat customers and \$80.00 for gas heat customers. Effective January 1, 2017.

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 81 12/2016**

Introduced by: Trustee Hopson

Seconded by: Trustee Kuntz

Be it resolved that the Village of Spencerport Board of Trustees hereby approves requesting a Customer Financial Status to be completed by electric customers requesting a deferred payment agreement for their outstanding electric account. Effective January 1, 2017.

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

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

No further action by the Finger Lakes Regional Economic Development Council, Sustainability Committee at this time.

**Village Clerk** – Jacqueline Sullivan

**Resolution 82 12/2016**

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

Be it resolved that the Village of Spencerport Board of Trustees hereby determines that they will not enact the Alternative Veterans Credit for Operation Graphic Hand per the recommendation of the Town of Ogden Assessor.

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

Rescheduling the January Village Board Meeting from January 4<sup>th</sup> to January 11<sup>th</sup> at 7:00 p.m.

**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

Comments submitted by Deputy Mayor Nellis-Ewell

December 7 – Today is the 75<sup>th</sup> anniversary of the attack by the Japanese on Pearl Harbor, Honolulu, Hawaii. It is time to reflect on the sacrifices made by the United States on that memorable day.

The attack claimed the lives of 2,403 Americans, most on ships bombed at the Pearl Harbor naval base. 1,177 crewmen were killed on the USS Arizona.

Today only a handful of Pearl Harbor survivors still live in Hawaii; indeed, most survivors are in their 90's. A volunteer-staffed museum exists on Ford Island.

To quote President Franklin D. Roosevelt: “Yesterday, December 7, 1941 – a date which will live in infamy –

the United States of America was suddenly and deliberately attacked by naval and air forces of the Empire of Japan.” President Roosevelt further stated Japanese forces attacked Malaya, Hong Kong, Guam, the Phillipine Islands and Midway and Wake Islands.

The President concluded: “As Commander-in-Chief of the Army and Navy, I have directed that all measures be taken for our defense. But always will our whole Nation remember the character of the onslaught against us...”

*Excerpted from: Franklin D. Roosevelt Library, Hyde Park, New York*

November 7 – Acknowledge the passing of Mayor Theodore “Ted” E. Walker. Mayor Walker left an infrastructure legacy (wastewater treatment plant to Monroe County) and Canal bore to prepare for future development, plus co-ordination of the Tops Market project. A gentleman always. At his funeral service, good friends spoke after which they had a party. Ted left us with this reminder: “Have you maximized your 401K?”

November 21 – Recognition of Troop 04 Member Jeffrey Page for attaining the prestigious Eagle Scout honor. Eagle Scout is the highest achievement/rank in the Boy Scouting program of the Boy Scouts of America. Congratulations to Eagle Scout Jeffrey Page, his parents, Mr. & Mrs. Jeffrey & Tracy Page, his grandparents and Troop 04 for this accomplishment. Only four per cent of Boy Scouts are granted this rank after a lengthy review process.

December 4 – Annual Christmas on the Canal with entertainment, horse-drawn carriage and wagon rides, traditional caroling and lighting of the Christmas tree in the Village of Spencerport

#### FUTURE Events

##### Ongoing

~ SHOP SMALL ~ SHOP LOCALLY

Small Business Saturday (November 26) is a National Movement sponsored annually by American Express. Continue to help Small Businesses thrive by dining and shopping in our community!

#### **Throughout 2017 –**

Support the Community Bicentennial/Sesquicentennial monthly EVENTS

To be listed on the Spencerport Chamber of Commerce Web Site

**Bills**

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

General Fund	\$ 159,977.93
Electric Fund	\$ 106,928.65
Sewer Fund	\$ 29,830.51
Trust Fund	\$ 2,798.26
Capital Fund	<u>\$ 0</u>
<b>TOTAL:</b>	<b>\$ 299,535.35</b>

Motion was made by Mayor Penders, seconded by Deputy Mayor Nellis-Ewell and carried unanimously that the cash disbursements for the General, Electric, Sewer, Trust and Capital Funds, December 2016 be approved as audited.

A motion was made by Mayor Penders and carried that the Village Board meeting be adjourned at 8:14 p.m.