

VILLAGE BOARD MEETING
March 1, 2017
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

Charles Hopson, Trustee
Ray Kuntz, Trustee

OTHERS PRESENT

Owen McIntee, SME Superintendent
Joan Quigley, Maplewood Avenue
Eric Stowe, Village Attorney
Jacqueline Sullivan, Village Clerk
Tom West, DPW Superintendent

BOARD MEMBERS ABSENT

David Wohlers, Trustee

Approval of Minutes

A motion was made by Mayor Penders, seconded by Trustee Hopson and carried that the meeting minutes from February 1, 2017 be approved as read.

A motion was made by Mayor Penders, seconded by Trustee Kuntz and carried that the meeting minutes from February 15, 2017 be approved as read.

Privilege of the Floor

Administrative Committee – Mayor Penders

Resolution 104 3/2017

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

Be it resolved that the Village of Spencerport Board of Trustees hereby approves the Parade Permit for the Spencerport Volunteer Firemen's Association Youth Parade Wednesday, June 7, 2017 starting at 7:00 p.m.

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

Resolution 105 3/2017

Introduced by: Mayor Penders
Seconded by: Trustee Hopson

Be it resolved that the Village of Spencerport Board of Trustees hereby approves the Parade Permit for the Spencerport Volunteer Firemen's Association Grand Parade Thursday, June 8, 2017 starting at 7:00 p.m.

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

Resolution 106 3/2017

Introduced by: Mayor Penders

Seconded by: Trustee Kuntz

Be it resolved that the Village of Spencerport Board of Trustees hereby approves the Assembly Permit for the Spencerport Volunteer Firemen's Association Annual Carnival Wednesday – Saturday, June 7- 10, 2017 starting at 5:00 p.m.- Midnight.

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

Resolution 107 3/2017

Introduced by: Mayor Penders

Seconded by: Trustee Hopson

Be it resolved that the Village of Spencerport Board of Trustees hereby approves the Assembly Permit for the Spencerport Volunteer Firemen's Association Red Onions Firematic Drill Saturday, August 5, 2017 located at 500 West Avenue from 1:00 p.m. – 5:00 p.m.

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

Resolution 108 3/2017

Introduced by: Mayor Penders

Seconded by: Deputy Mayor Nellis-Ewell

Be it resolved that the Village of Spencerport Board of Trustees hereby approves the Assembly Permit for the Spencerport Volunteer Firemen's Association Annual Antique Fire Muster August 26, 2017 from 1:00 p.m. – 6:00 p.m. located at Spencerport Carnival Grounds.

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

Resolution 109 3/2017

Introduced by: Mayor Penders

Seconded by: Deputy Mayor Nellis-Ewell

Be it resolved that the Village of Spencerport Board of Trustees shall conduct a public hearing on Introductory Local Law #2-2014 “A Local Law to Amend Section 310-48 of the Village Code of the Village of Spencerport to prohibit parking on the east side of Martha Street, from Amity Street north to the Erie Canal” on Wednesday, April 5, 2017 at 7:00 p.m.

Be it further resolved, that the Village Clerk is directed to post and publish the required notices as required by law.

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

Sewers Committee – Trustee Wohlers, Chair

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

Comments submitted by - Deputy Mayor Carol J. Nellis-Ewell

Architectural Review/Planning Boards (ARB/PB) Next Meeting March 7, 2017

Dependent on ARB/PB business

Zoning Board of Appeals (ZBA) Meeting of February 16, 2017

Application of John Boothe of Brindle Haus Brewing Company, for a Special Permit to operate a micro-brewery in a Commercial B-3 District located at 377 South Union Street, Spencerport, New York 14559, whereas, this use may be permitted after a public hearing as provided in Article VI, Chapter 340-23 B (1). John Boothe, Bullies Entertainment Group, 499 Peck Road, Spencerport, New York 14559
 Applicant stated: General business plans to establish a micro-brewery production room of about 1400 square feet with a tasting room of about 1200 square feet. Hours of operation to be Weds & Thurs 5-9 PM, Fri 12-10 PM and Sat & Sun 12-5 PM. It is expected to be a family environment overall with a kids’ corner. Food is be brought in from “off premises”. Architectural plans are conceptual; renovations to keep the look of the original building with two large doors to open in pleasant weather. Fermentation tanks to be on site with grain deliveries as needed.

Applicant responded to Board member questions about 1) odor - “smells like bread since yeast is used” and 2) noise - “sounds like a boiler running”. The chemical process is “clean”; brewing results in an acid solution in a balance tank that is recycled. Parking to be shared with Bob’s Pool & Garden and Fowler’s Canaltown Wine & Liquor (same landlord).

Building Inspector Patrick Smith stated a building permit will be needed.

Applicant stated municipal approval is needed prior to Federal, State and Monroe County permits. This process means a prospective opening time in six months, more likely Spring 2018.

Resolutions: 327-2017 (SEQR)

Short Environmental Assessment Form, no significant environmental impact – Negative Declaration

328-2017 for Special Use Permit

Disposition: Special Permit granted unanimously.

Building Control/Code Review

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

Code Analysis Project is a success, completed under budget. Revised Code Books available.

- A. Planning
- B. Architectural Review
- C. Zoning

Resolution 110 3/2017

Introduced by: Deputy Mayor Nellis-Ewell

Seconded by: Trustee Kuntz

Be it resolved that the Village of Spencerport Board of Trustees hereby approves Michael Flavin’s appointment to the Zoning Board of Appeals for a five year term expiring on March 31, 2022.

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

Finance Committee – Mayor Penders, Chair

Facilities Committee – Trustee Hopson, Chair

A. Electric

Resolution 111 3/2017

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

Be it resolved that the Village of Spencerport Board of Trustees hereby authorizes the attendance of SME Superintendent Owen McIntee to attend the APPA Mutual Aid Meeting March 29-30 at American Public Power Association, 2451 Crystal Drive, Suite 1000 (10th Floor), Arlington, VA 22202. MEUA will be sponsoring all travel and meeting costs.

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

Resolution 112 3/2017

Introduced by: Trustee Hopson
Seconded by: Trustee Kuntz

Be it resolved that the Village of Spencerport Board of Trustees hereby approves the attendance of SME Superintendent, Deputy Clerk Pam Gilbert and SME Foreman Mike Meyers to attend the MEUA Semi-Annual Meeting April 12 and 13, 2017 located at the Embassy Suites, East Syracuse, NY cost not to exceed \$800.00 total.

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

Resolution 113 3/2017

Introduced by: Trustee Hopson
Seconded by: Trustee Kuntz

WHEREAS, the Village of Spencerport Board of Trustees of the Village of Spencerport, New York, is a municipal member of the Municipal Electric Utilities Association of New York State, and

WHEREAS, the Semi-Annual Meeting of the Municipal Electric Utilities Association of New York State has been called on April 12 and April 13, 2017 to be held at the Embassy Suites Hotel, 6646 Old Collamer Rd., East Syracuse, New York, 13057 and,

WHEREAS, in accordance with the bylaws of the Municipal Electric Utilities Association of New York State, each municipal member may cast one vote on each transaction properly brought before this meeting,

NOW THEREFORE BE IT RESOLVED, that SME Superintendent Owen McIntee be and is hereby designated as the accredited delegate of the Village of Spencerport, New York.

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

Resolution 114 3/2017

Introduced by: Mayor Penders
Seconded by: Trustee Kuntz

Be it resolved that the Village of Spencerport Board of Trustees hereby approves the hiring of Timothy Weit, 83 Moul Road, Hilton, NY for the position of DPW Laborer at a rate of \$13.77 per hour starting March 6, 2017 contingent on passing the pre-employment drug test. This position will have a one year (1) probationary period starting March 6, 2017.

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

Economic Development Committee – Trustee Wohlers, Chair

Green Initiatives – Deputy Mayor Nellis-Ewell, Chair

Comments submitted by – Deputy Mayor Nellis-Ewell

- Solar companies offering leases, seeking beneficial, profitable community locations for solar farms. Town of Ogden Public Hearing February 8: Attorney Schum clarified/explained proposed Local Laws #1 - 2017 Solar, Wind Energy and Farm Waste Energy Systems – to NOT ALLOW EXEMPTIONS for assessment and/or taxation #2 - 2017 Regulating Solar Energy Systems – related to PROCESS/STEPS TO APPROVAL OR NOT; requirements formal plans, bond/money, etc. Several members of the public spoke. Public Hearing remains open. Darin Ramsay, Genesee/Finger Lakes Regional Economic Council Clean Energy Community Co-ordinator, attended the February 15, 2017 VOS workshop. Mr. Ramsay presented criteria for accreditation as a Clean Energy Community and basic requirements for grant money. Later he e-mailed standard forms and templates for local laws and/or resolutions. The Village of Spencerport has implemented an EV charging station and LED lighting, installed solar panels and purchased a hybrid bucket truck – four of ten criteria. This supports the New York State 50/30 Plan: Reduce Municipal Energy Consumption 50% by 2030. After our planning meeting February 22, Superintendent McIntee collected and prepared the required documentation; Clerk Sullivan finessed and included the related Resolutions in this Agenda.

Resolution 115 3/2017

Introduced by: Deputy Mayor Nellis-Ewell

Seconded by: Trustee Hopson

Be it resolved that the Village of Spencerport Board of Trustees hereby approves the NYS Unified Solar Permit for SME customers interested in installing solar panels. This permit will be administered by the SME Superintendent with a copy of the permit to be located in the office of the Village Clerk.

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

Resolution 116 3/2017

Introduced by: Deputy Mayor Nellis-Ewell

Seconded by: Trustee Kuntz

The Village of Spencerport Board of the Trustees located in the Village of Spencerport in the County of Monroe, State of New York, met in regular session at the Municipal Building, located at 27 West Avenue in the Village of Spencerport, County of Monroe State of New York, on the March 1, 2017 at 7:00 p.m.

WHEREAS, buildings are the single largest user of energy in the State of New York; the poorest performing buildings typically use several times the energy of the highest performing buildings—for the exact same building use; and

WHEREAS, collecting, reporting, and sharing building energy data on a regular basis allows municipal officials and the public to understand the energy performance of municipal buildings relative to similar buildings nationwide, and equipped with this information the Village of Spencerport is able to

make smarter, more cost-effective operational and capital investment decisions, reward efficiency, and drive widespread, continuous improvement; and

WHEREAS, the Village of Spencerport Board of Trustees desires to use Building Energy Benchmarking, a process of measuring a building's energy use, tracking that use over time, and comparing performance to similar buildings, to promote the public health, safety, and welfare by making available good, actionable information on municipal building energy use to help identify opportunities to cut costs and reduce pollution in the Village of Spencerport and

WHEREAS, as such the Village of Spencerport Board of Trustees desires to establish procedure or guideline for the Village of Spencerport staff to conduct such Building Energy Benchmarking; and

NOW THEREFORE, IT IS HEREBY RESOLVED AND DETERMINED, that the following specific policies and procedures are hereby adopted and imposed as active and affirmative financial internal control procedures of the Village of Spencerport;

BUILDING ENERGY BENCHMARKING POLICY/PROCEDURES

§1. DEFINITIONS

(A) "Benchmarking Information" shall mean information generated by the Village of Spencerport, as herein defined including descriptive information about the physical building and its operational characteristics.

(B) "Building Energy Benchmarking" shall mean the process of measuring a building's Energy use, tracking that use over time, and comparing performance to similar buildings.

(C) "Commissioner" shall mean the SME Superintendent.

(4) "Covered Municipal Building" shall mean a building or facility that is owned or occupied by the Village of Spencerport that is 1,000 square feet or larger in size.

(5) "Department" shall mean the Village of Spencerport Clerk's Office.

(6) "Energy" shall mean electricity, natural gas, steam, hot or chilled water, fuel oil, or other product for use in a building, or renewable on-site electricity generation, for purposes of providing heating, cooling, lighting, water heating, or for powering or fueling other end-uses in the building and related facilities, as reflected in Utility bills or other documentation of actual Energy use.

(7) "Energy Performance Score" shall mean the numeric rating generated by Village of Spencerport that compares the Energy usage of the building to that of similar buildings.

(8) "Gross Floor Area" shall mean the total number of enclosed square feet measured between the exterior surfaces of the fixed walls within any structure used or intended for supporting or sheltering any use or occupancy.

(9) "Portfolio Manager" shall mean ENERGY STAR Portfolio Manager, the internet-based tool developed and maintained by the United States Environmental Protection Agency to track and assess the relative Energy performance of buildings nationwide, or successor.

(10) "Utility" shall mean an entity that distributes and sells Energy to Covered Municipal Buildings.

(11) “Weather Normalized Site EUI” shall mean the amount of Energy that would have been used by a property under 30-year average temperatures, accounting for the difference between average temperatures and yearly fluctuations.

§2. APPLICABILITY

(1) This policy is applicable to all Covered Municipal Buildings as defined in Section 2 of this policy.

(2) The Commissioner may exempt a particular Covered Municipal Building from the benchmarking requirement if the Commissioner determines that it has characteristics that make benchmarking impractical.

§3. BENCHMARKING REQUIRED FOR COVERED MUNICIPAL BUILDINGS

(1) No later than December 31, 2017 and no later than May 1 every year thereafter, the Commissioner or his or her designee from the Department shall enter into Portfolio Manager the total Energy consumed by each Covered Municipal Building, along with all other descriptive information required by Portfolio Manager for the previous calendar year.

(2) For new Covered Municipal Buildings that have not accumulated 12 months of Energy use data by the first applicable date following occupancy for inputting Energy use into Portfolio Manager, the Commissioner or his or her designee from the Department shall begin inputting data in the following year.

§4. DISCLOSURE AND PUBLICATION OF BENCHMARKING INFORMATION

(1) The Department shall make available to the public on the internet Benchmarking Information for the previous calendar year:

(a) no later than December 31, 2017 and by September 1 of each year thereafter for Covered Municipal Buildings; and

(2) The Department shall make available to the public on the internet and update at least annually, the following Benchmarking Information:

(a) Summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information; and

(b) For each Covered Municipal Building individually:

(i) The status of compliance with the requirements of this Policy; and

(ii) The building address, primary use type, and gross floor area; and

(iii) Annual summary statistics, including site EUI, Weather Normalized Source EUI, annual GHG emissions, and an Energy Performance Score where available; and

(iv) A comparison of the annual summary statistics (as required by Section 5(2)(b)(iii) of this Policy) across calendar years for all years since annual reporting under this Policy has been required for said building.

§5. MAINTENANCE OF RECORDS

The Department shall maintain records as necessary for carrying out the purposes of this Policy, including but not limited to Energy bills and other documents received from tenants and/or Utilities. Such records shall be preserved by the Department for a period of three (3) years.

§6. ENFORCEMENT AND ADMINISTRATION

(1) The Commissioner or his or her designee from the Department shall be the Chief Enforcement Officer of this Policy.

(2) The Chief Enforcement Officer of this Policy may promulgate regulations necessary for the administration of the requirements of this Policy.

(3) Within thirty days after each anniversary date of the effective date of this Policy, the Chief Enforcement Officer shall submit a report to the Village of Spencerport including but not limited to summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information, a list of all Covered Municipal Buildings identifying each Covered Municipal Building that the Commissioner determined to be exempt from the benchmarking requirement and the reason for the exemption, and the status of compliance with the requirements of this Policy.

FURTHER RESOLVED, the Village of Spencerport Board of Trustees, in regular session duly convened, does hereby authorize and direct the Clerk of the Village of Spencerport to execute such other and additional documents as may be required for to perfect the resolutions herein;

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

Village Clerk – Jacqueline Sullivan

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

CURRENT & FUTURE Events

February 15 – Mayor Penders delivered the State of the Village of Spencerport address at the Spencerport Area Chamber of Commerce General Meeting. Excellent speech, Mayor!

February 28 – Community/School Focus Group 2017

Session III Agenda included: HIGHLIGHTS

- Property Tax Cap – Explanation, Formula, Historical Data, PILOT list and Capital Exclusions
- Tax Base Growth Factor – provided by New York State Department of Finance (compilation of four towns: Ogden, Parma, Gates & Greece)
- Expenditures: General Support Budget – Board of Education, Administrator, Finance, Staff, Central Services and Special Items
- Transportation: \$850K for buses, significant New York State reimbursement expected
- District studied options: Decision: Returning to buses using unleaded gas (from diesel); improvements (new

buses) should result in better gas mileage

- SCSD has a Vehicle Replacement Plan

Green question: No to bus hybrids; researched propane; CNG (compressed natural gas) expensive; fueling station @ Suburban Disposal

- No smaller hybrids in use

• Health Care costs – Increase of about 7%; Greater (double-digit) increase expected next year

- Participates in consortium with other districts

- Current Share = Employer 85%/Employee 15%

• School lunch program still challenging

- Mandate Example: apple on tray, uneaten cannot be returned = waste

- Meals cannot include items for which first ingredient is sugar; Snacks can

- 30% subsidized meals

- SCSD staff prepare meals

- Seniors may eat lunch off-site

• BOCES shared services – ex: legal

• Refinanced two serial bonds to save interest

FUTURE

Community Bicentennial/Sesquicentennial monthly EVENTS

Elaine Berner advised Mayor Penders that 100 entries have been received in the Student Contest

INVITATION to the Community SAVE THE DATE ~ Saturday, April 29, An Historic Evening

Location: Spencerport High School

6:30 PM – Art/Essays/Videos available for review in Cafeteria

7:00 PM – Award presentations in High School Auditorium

Mayor Gary J. Penders ~ Reading of Village Incorporation/Charter of 1867

Original deed document provided by the Spencer family

MARCH 21, 2017 Village of Spencerport VOTE * Exercise your right to vote *

Spencerport Fire Department – Station # 1 – 175 Lyell Avenue – Noon till 9 PM

Mayor Penders, Trustees Hopson & Kuntz (2); all uncontested per Monroe County Board of Elections

Bills

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

General Fund	\$ 65,399.57
Electric Fund	\$ 32,302.15
Sewer Fund	\$ 5,175.77
Trust Fund	\$ 3,327.37
Capital Fund	\$ <u>0</u>
TOTAL:	\$ 106,204.86

Motion was made by Deputy Mayor Nellis-Ewell, seconded by Trustee Kuntz and carried unanimously that the cash disbursements for the General, Electric, Sewer, Trust and Capital Funds, March 2017 be approved as audited.

A motion was made by Mayor Penders and carried that the Village Board meeting be adjourned to executive session to discuss litigation at 7:54 p.m.

A motion was made by Mayor Penders and carried that the executive session be adjourned to regular meeting at 8:00 p.m.

A motion was made by Mayor Penders and carried that the regular meeting be adjourned at 8:00 p.m.