

**VILLAGE BOARD MEETING**  
**June 5, 2019**  
**Minutes**

Mayor Penders called the meeting to order 7:00 p.m. followed by the Pledge of Allegiance.

**Board Members Present**

Gary Penders, Mayor  
Carol Nellis-Ewell, Deputy Mayor  
Charles Hopson, Trustee  
Ray Kuntz, Trustee  
David Wohlers, Trustee

**Others Present**

Craig Byham, Luther Jacobs Way  
Owen McIntee, Electric Superintendent  
Caitlyn Nowak, Forest Creek Drive  
Joan Quigley, Maplewood Avenue  
Eric Stowe, Village Attorney  
Jacqueline Sullivan, Village Clerk  
Tom West, DPW Superintendent  
Madison Zara, Gates Greece Townline Road

Mayor Penders called the annual meeting to order at 7:02 p.m.

**Annual Meeting**

**ANNUAL ORGANIZATIONAL MEETING**  
**Minutes**  
**June 5, 2019**

**SWEARING IN**

Carol Nellis-Ewell, Trustee  
David Wohlers, Trustee

**APPOINTMENTS**

The following individuals are appointed for a two-year term expiring March 31, 2021

DEPUTY MAYOR	Carol Nellis-Ewell
VILLAGE CLERK	Jacqueline Sullivan
VILLAGE TREASURER	Danielle Kruger
DEPUTY CLERK	Pamela Gilbert
DEPUTY TREASURER	Kimberly Sawyer
SECRETARY TO THE MAYOR	Margaret Gioia
ATTORNEY	Eric Stowe
PLANNING BOARD ATTORNEY	Eric Stowe
ZONING BOARD OF APPEALS ATTORNEY	Eric Stowe
BANK DEPOSITORIES	Chase Bank

OFFICIAL NEWSPAPERS

Key Bank  
M & T Bank  
Canandigua National Bank & Trust  
Suburban News  
Democrat & Chronicle

**RESOLUTION 1 6/2019**

Introduced by: Mayor Penders  
Seconded by: Trustee Wohlers

Be it resolved that the Village of Spencerport Board of Trustees hereby approves the Mayor's Appointments

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

**CHECK SIGNING AUTHORIZATION**

**RESOLUTION 2 6/2019**

Introduced by: Trustee Penders  
Seconded by: Trustee Hopson

Be it resolved that the Village of Spencerport Board of Trustees approves the following individuals to have check signing authority for the Village of Spencerport:

Gary Penders, Mayor  
Carol Nellis-Ewell, Deputy Mayor  
Danielle Kruger, Treasurer

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

**VILLAGE BOARD MEETINGS**

Regular meetings of the Board of Trustees will be held on the first Wednesday of each month at the Village Office, 27 West Avenue, Spencerport, New York at 7:00 p.m.

Workshop meetings of the Board of Trustees will be held the second, third, fourth and fifth Wednesday of each month at the Village Office, 27 West Avenue, Spencerport, New York at 4:30 P.M.

Alternate facility to accommodate disabled persons shall be the Spencerport Fire Department, 175 Lyell Avenue, Spencerport, NY.

### **PURCHASING POLICY**

The Village of Spencerport Purchasing Policy will be reviewed on June 5, 2019

### **ADVANCE APPROVAL OF CLAIMS**

#### **RESOLUTION 3 6/2019**

Introduced by: Mayor Penders

Seconded by: Deputy Mayor Nellis-Ewell

Whereas, the Board of Trustees has determined to authorize payment in advance of audit of claims for public utility services, postage, freight and express charges and others as may be deemed appropriate by the Board, and

Whereas, all such claims shall be presented at the next regular meeting for audit, and

Whereas, the claimant and officer incurring or approving the same shall be jointly and severally liable for any amount disallowed by the Board of Trustees,

Now Therefore Be It Resolved:

Section 1: That the Board of Trustees authorizes payment in advance of audit of claims for public utility services, postage, freight and express charges and others as may be deemed appropriate by the Board and all such claims shall be presented at the next regular meeting for audit and the claimant and officer incurring or approving the same shall be jointly and severally liable for any amount disallowed by the Board of Trustees.

Section 2: That this resolution shall take effect immediately.

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

### **ATTENDANCE AT SCHOOLS & CONFERENCES**

#### **RESOLUTION 4 6/2019**

Introduced by: Mayor Penders

Seconded by: Trustee Kuntz

Be it resolved that the Village of Spencerport Board of Trustees hereby approves attendance at all schools and conferences for the Village fiscal year 2019-2020 that do not exceed \$200 and one day in duration, provided such schools and conferences are included in the respective Department budget as so approved by the Village Board. Attendance at all schools and conferences must be acknowledged to the Village Board at a Regular meeting of the Village Board.

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

A motion was made by Mayor Penders and carried unanimously that the annual meeting be adjourned to the regular meeting at 7:08 p.m.

**Approval of Minutes**

A motion was made by Mayor Penders, seconded by Trustee Hopson and carried that the minutes from the Village Board Meeting – May 1, 2019 be approved as read.

A motion was made by Mayor Penders, seconded by Trustee Wohlers and carried that the minutes from the Village Board Workshop Meeting – May 15, 2019 be approved as read

A motion was made by Mayor Penders, seconded by Deputy Mayor Nellis-Ewell and carried that the minutes from Village Board Year End Meeting – May 31, 2019 be approved as read.

**Privilege of the Floor**

**Administrative Committee** – Mayor Penders

**Resolution 5 6/2019**

Introduced by: Mayor Penders

Seconded by: Deputy Mayor Nellis-Ewell

Be it resolved that the Village of Spencerport Board of Trustees hereby approves the amended wording to the CSX Maintenance Agreement and will be forwarding it to CSX for approval.

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 6 6/2019**

Introduced by: Mayor Penders

Seconded by: Deputy Mayor Nellis-Ewell

Be it resolved that the Village of Spencerport Board of Trustees hereby authorizes Village Clerk, Jacqueline Sullivan to be a voting member of the Upstate New York Municipal Workers Compensation Program.

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 7 6/2019**

Introduced by: Mayor Penders  
Seconded by: Trustee Kuntz

Be it resolved that the Village of Spencerport Board of Trustees hereby authorizes DPW Superintendent Tom West to be the Alternate Voting Member and Facilitator of the Upstate New York Municipal Workers Compensation Program.

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

**Resolution 8 6/2019**

Introduced by: Trustee Wohlers  
Seconded by: Trustee Hopson

Be it resolved that the Village of Spencerport Board of Trustees hereby accepts MRB Group’s recommendation to award the Village Walk Sanitary Pump Station Improvements contract to Connors Haas Inc.; 6337 Dean Parkway; Ontario, NY in the amount of \$74,494.00 and authorizes the Mayor to sign the Notice of Award.

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

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

**Submitted by: Deputy Mayor Carol J. Nellis-Ewell**

**Architectural Review/Planning Board (ARB/PB) ~ No meeting June 4, 2019**

**ARB/Planning Board Meeting ~ April 2, 2019**

**Planning: Linda Gibbardo, 194 South Union Street, Spencerport, NY ~ VIC's Site Plan ~**  
Commercial to Residential. Discussion re: Renovation plans: location of dumpster, parking spaces and tables, (covered) stairway and safety.

**ARB: Linda Gibbardo**, Alteration or repair: Door, windows, external covered stairway, railing, paved area for two parking spaces, etc.

Disposition: Resolutions with contingencies ~ ongoing

**Zoning Board of Appeals (ZBA) Meeting ~ April 18, 2019 Minutes are 18 pages**

**1) Alanna Dalby, Furry Paws Pet Salon: Special Permit to operate a pet grooming/dog day care business in an Industrial District, 42 Slayton Avenue, Spencerport, NY 14559**, whereas this use shall be permitted when a Special Permit is obtained from the Zoning Board of Appeals pursuant to Chapter 340-R.

Disposition: Resolution passed unanimously

**2) Benjamin Bruton, Bruton Guitars: Major Home Occupation Permit to operate a custom guitar building and repair business in an R-1 Residential District located at 63 Kirkgate Drive, Spencerport, NY 14559**, whereas this use may be permitted when a Home Occupation Permit shall be obtained from the Zoning Board of Appeals pursuant to Chapter 340-46.

Disposition: Application denied (business established already; parking and sign comments)

**3) John Hale, 2800 Nichols Street, Spencerport, NY 14559: Special Permit and three (3) Area Variances to install approximately 233 feet of privacy fence on the property lot line**, on property located at same, whereas a Special Permit shall be obtained from the Zoning Board of Appeals for a privacy fence; and whereas, any privacy fence shall not exceed a total length of 65 feet on one lot, and shall not be nearer to side lot line or rear lot line than the required setback, respectively pursuant to 340-32 (4) in a Residential District.

Disposition: Resolutions passed unanimously

\*\*\*\*\*

**Zoning Board of Appeals (ZBA) Meeting ~ May 16, 2019**

**1) Kevin Denton & Mandy Behe, 105 Coolidge Avenue, Spencerport, NY 14559: Special Permit and one (1) Area Variance to install approximately 164 feet of 6 feet tall privacy fence**, on property located at same, whereas a special permit from the Zoning Board of Appeals shall be required for a privacy fence; and whereas, any privacy fence shall not exceed a total length of 65 feet on one lot, and shall not be line than respectively pursuant to 340-32 A (4)(a) and 340-32 A (4)(b) in a Residential District.

Disposition: Resolutions passed unanimously

**2) Linda Gibbardo 194 South Union Street – Vic's Ice Cream Shop Special Permit: Allow residential use of second floor, secondary to primary commercial use of building in Commercial B-2 District / 340-19 (B)**

**- Also existing ramp to exist within one (1) foot of property line**

Disposition: Resolutions with contingencies

\* Applicant continues to address contingencies as requested

**Building Control** – Building Inspector Smith meets with Mayor Penders as scheduled.

Code Enforcement Officer McQuilkin reports at workshop meetings.

**Code Review** – Continuing review of Food Trucks, Peddling, related fees; process improvements

**Finance Committee** – Mayor Penders, Chair

**Resolution 9 6/2019**

Introduced by: Mayor Penders  
Seconded by: Trustee Wohlers

Be it resolved that the Village of Spencerport Board of Trustees hereby acknowledges the receipt and review of the Village of Spencerport Procurement Policy as presented

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 10 6/2019**

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

Be it resolved that the Village of Spencerport Board of Trustees hereby acknowledges the receipt and review of the Village of Spencerport Investment Policy as presented

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 11 6/2019**

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

Be it resolved that the Village of Spencerport Board of Trustees hereby authorizes the Village Treasurer to invest \$960,000 of the General and Sewer Reserve Funds in a three (3) month US Treasury Bill with M&T Bank at an interest rate of 2.23%.

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 12 6/2019**

Introduced by: Mayor Penders  
Seconded by: Trustee Kuntz

Be it resolved that the Village of Spencerport Board of Trustees hereby authorizes the Village Treasurer to invest \$235,000 of the General and Sewer Reserve Funds in a three (3) month Certificate of Deposit with Canandaigua National Bank and Trust at an interest rate of 2.1%.

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

**Facilities Committee** – Trustee Hopson, Chair

A. Electric

**Resolution 13 6/2019**

Introduced by: Trustee Hopson

Seconded by: Trustee Wohlers

Be it resolved that the Village of Spencerport Board of Trustees hereby approves the attendance of SME Superintendent at the APPA National Conference; June 9-12, 2019 at the Austin Convention Center; Austin, Texas. All travel and conference costs to be paid by MEUA.

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 14 6/2019**

Introduced by: Trustee Hopson

Seconded by: Trustee Kuntz

Be it resolved that the Village of Spencerport Board of Trustees hereby approves the attendance of three (3) SME Employees to attend MEUA Meter School June 17-18, 2019 in Fairport, NY. Cost to be \$25.00 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

B. Other (Drainage, Franchise)

**Public Works Committee** – Trustee Kuntz, Chair

A. Highways/Garage



**Resolution 15 6/2019**

Introduced by: Trustee Kuntz  
Seconded by: Trustee Hopson

Be it resolved that the Village of Spencerport Board of Trustees hereby approves hiring Paige Lincourt as Summer Help at a rate of \$12.00 per hour; starting Monday, June 10, 2019.

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

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

**Village Clerk** – Jacqueline Sullivan

**Superintendent of Public Works** – Thomas M. West

**Superintendent of Electric** – Owen McIntee

**Attorney** – Eric Stowe

**Unfinished Business**

**New Business**

**Past, Current and Future Events** – Deputy Mayor Nellis-Ewell

**Wednesday, May 8 – 5:30 PM Dennis Pelletier Youth Hall of Fame Awards**

Sponsored by: Spencerport Area Chamber of Commerce, Spencerport Federal Credit Union, Spencerport Central School District & Monroe County Legislator Mike Zale

**Congratulations! Victoria Caton ~ Hunter Charron ~ Mary Daley**

**Tuesday, May 21 – 8:30 AM Spencerport Depot/Museum & Visitors Center Board Meeting**

Director Simon Devenish reported on activities, plans and various statistics (50 volunteers currently);  
2019 focus on history and museum  
Completed working lift bridge model on display

School Budget and Proposition passed, about 800 votes total; Gary Bracken and Greg Kincaid re-elected Board members.

**Wednesday, May 22 –**

**11:00 AM Older American Celebration for Older American Month @ Ogden Senior Center**

Display of artistic, creative talents – carvings, handicrafts, photography and more

**12:45 PM Monroe 2-Orleans BOCES WE-MO-CO Showcase of Skills**

Tour with demonstrations by Building Trades, Food Services @ Nourish Bistro & Personnel Services ~  
NEW dental training area  
Careers and life-skills taught by dedicated teachers

**Monday, May 27 – 9:00 AM Village of Spencerport Annual Memorial Day Parade**

Followed by commemorative ceremony led by Ferris-Goodridge American Legion Post @ Memorial Park

With gratitude, we honor those who gave the ultimate sacrifice for their country

**June 5 – 8 – Spencerport Volunteer Firemen’s Carnival**

Wednesday – Kiddie Parade; *Thursday – THE BIG PARADE 7 PM*

FOOD, FUN, RIDES & MUSIC at the Carnival Grounds by the Erie Canal, day & night as scheduled

**June 16 – August 25 – 2019 Village of Spencerport “Music on the Canal” CONCERT Series**

Sundays 6:30-8:30 PM at the Clyde W. Carter Memorial Gazebo (no concerts July 28 or August 11)

Complete details on [www.vil.spencerport.ny.us](http://www.vil.spencerport.ny.us)

**Monday, June 17 – 9:30 AM Bernabi students visit Spencerport Depot/Museum & Visitors Center**

to learn about the Village of Spencerport

**Wednesday, June 19 – 4:30 -6:30 PM (prior to Village Board Meeting)**

**NOTE: Location, Spencerport Fire Station #1, 175 Lyell Avenue**

**259 Lift bridge OPEN HOUSE / INFORMATIONAL MEETING**

~ hosted by NYS DOT & Village Board ~ PUBLIC invited to discuss upcoming bridge closing starting July 9th

**Bills**

A motion was made by Deputy Mayor Nellis-Ewell, seconded by Trustee Kuntz and carried that the bills for the Month of June 2019 be paid as presented in the amounts of:

General	\$46,898.36
Electric	\$38,327.75
Sewer	\$10,571.73
Trust	\$ 2,091.20
Capital	\$ 0.00
Total	\$97,889.04

### **Post Audit**

A motion was made by Deputy Mayor Nellis-Ewell, seconded by Trustee Wohlers and carried that the post audit be approved for June 2019.

A motion was made by Mayor Penders, seconded by Trustee Kuntz and carried that the regular meeting be adjourned to executive session to discuss real estate negotiations and acquisition at 7:43 p.m.

A motion was made by Mayor Penders, seconded by Trustee Wohlers and carried that the executive session be adjourned at 7:55 p.m. to the regular meeting.

A motion was made by Mayor Penders, seconded by Deputy Mayor Nellis-Ewell and carried that the regular meeting be adjourned at 7:56 p.m.