

VILLAGE BOARD MEETING
June 5, 2019
Agenda

Call to Order

Pledge of Allegiance

Annual Meeting

ANNUAL ORGANIZATIONAL MEETING
Agenda
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
BANK DEPOSITORIES	Chase Bank
	Key Bank
	M & T Bank
	Canandigua National Bank & Trust
OFFICIAL NEWSPAPERS	Suburban News
	Democrat & Chronicle

RESOLUTION 6/2019

Introduced by:
Seconded by:

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
Charles R. Hopson, Trustee
Ray Kuntz, Trustee
David Wohlers, Trustee

Gary Penders, Mayor

CHECK SIGNING AUTHORIZATION

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

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 6/2019

Introduced by:
Seconded by:

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

ATTENDANCE AT SCHOOLS & CONFERENCES

RESOLUTION 6/2019

Introduced by:

Seconded by:

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

Adjournment

Approval of Minutes

Village Board Meeting – May 1, 2019

Village Board Workshop Meeting – May 15, 2019

Village Board Year End Meeting – May 31, 2019

Privilege of the Floor

Administrative Committee – Mayor Penders

CSX Maintenance Agreement

Resolution 6/2019

Introduced by:

Seconded by:

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

Resolution 6/2019

Introduced by:

Seconded by:

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

Sewers Committee – Trustee Wohlers, Chair

Resolution 6/2019

Introduced by:

Seconded by:

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
Charles R. Hopson, Trustee

Ray Kuntz, Trustee
David Wohlers, Trustee
Gary Penders, Mayor

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

- A. Planning
- B. Architectural Review
- C. Zoning
- D. Building Control
- E. Code Review

Finance Committee – Mayor Penders, Chair

Resolution 6/2019

Introduced by:
Seconded by:

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

Resolution 6/2019

Introduced by:
Seconded by:

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

Resolution 6/2019

Introduced by:

Seconded by:

Be it resolved that the Village of Spencerport Board of Trustees herby 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 2.26%.

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

Resolution 6/2019

Introduced by:

Seconded by:

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 Band and Trust at an interest rate of 2.1%.

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

Facilities Committee – Trustee Hopson, Chair

A. Electric

Resolution 6/2019

Introduced by:

Seconded by:

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

Resolution 6/2019

Introduced by:

Seconded by:

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

B. Other (Drainage, Franchise)

Public Works Committee – Trustee Kuntz, Chair

A. Highways/Garage

Resolution 6/2019

Introduced by:

Seconded by:

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

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

Bills

Post Audit

June 2019



Sherry Millard-Johnston
Property Management Specialist

Date:

Name: _____

Address: _____

Re: Permissive License Agreement

Thank you for giving me an opportunity to discuss the recent inspection of property owned or controlled by CSX Transportation, Inc. (CSXT) at or near Rt. 250 (Union Street [identifier] located in Spencerport, New York, Monroe County [city, state, county] (the "CSXT Property"). As discussed, the inspection revealed that certain personal items, greenery and/or roadway materials are encroaching onto the CSXT Property.

We understand that you desire continued use of a portion of the CSXT Property for the location of greenery, parking, and/or a driveway. As such, CSXT hereby grants you a permissive license to continue to use a portion of the CSXT Property, as shown on the attached Exhibit (the "Licensed Area") for the location of the existing greenery, parking, or a driveway (Permitted Use). In exchange for the permission to use the Licensed Area, you hereby agree to the following:

- (i) the Permitted Use shall remain within the Licensed Area and no other CSXT right-of-way or property shall be used or disturbed;
- (ii) assume all risk of of the Licensed Area for the Permitted Use and any related loss or damage;

**** (VOS requested wording)**

The Village of Spencerport shall be responsible for any loss or damage associated with the negligent acts of its employees, contractors and/or assigns, and shall indemnify and hold harmless CSX from any such loss. The Village of Spencerport shall not be responsible for any loss or damage associated with the acts of any individuals and/or entities not associated with the Village and shall not indemnify, nor hold harmless, CSX for any loss and/or damage caused by any individual and/or entity other than previously set forth.

- (iii) maintain any greenery within the Licensed Area at a height not to exceed twenty-four (24) inches;



Sherry Millard-Johnston
Property Management Specialist

- (iv) keep Licensed Area free of trash, ice debris, stored items and non-operable motorized vehicles or machines;
- (v) contact CSXT at 1-877-TELL-CSX or visit www.csx.com if you desire to make any changes to the Permitted Use or Licensed Area.

In the event you no longer require use of the Licensed Area for the Permitted Use, you must immediately contact a CSXT representative at 1-877-TELL-CSX or visit www.csx.com, in order to coordinate the safe removal of the items related to the Permitted Use at your sole risk, cost and expense. Please be advised that the permissions granted in this permissive license are solely for your benefit. This permissive license will inure to the benefit of and be binding upon your heirs; however, should you transfer or assign any of your interest in items related to the Permitted Use or your property, you must contact CSXT directly at 1-877-TELL-CSX or visit www.csx.com prior to any such transfer or assignment.

Although the Permitted Use may not presently interfere with railroad operation or create a sight clearance issue, CSXT reserves the right to require you to modify, relocate or remove the items related to the Permitted Use or terminate this permissive license upon thirty (30) days written notice.

We greatly appreciate your cooperation in this important safety matter.

Sincerely,

CSX Real Property, Inc.,
signing as agent on behalf of
CSX Transportation, Inc.

Agreed and Accepted By:

Printed Name

Signature



Sherry Millard-Johnston
Property Management Specialist

Phone Number

May 30, 2019

Hon. Gary Penders, Mayor
Village of Spencerport
27 West Avenue
Spencerport, New York, 14559

**RE: BID EVALUATION FOR THE VILLAGE WALK PUMP STATION IMPROVEMENTS
MRB PROJECT NO. 1980.19001**

Dear Mayor Penders and Village Trustees:

Two (2) bids for the Village Walk Circle Pump Station Improvements were received at the Village Office on May 30, 2019, at 2:00 PM. The low bidder is Connors-Haas, Inc. from Ontario, NY. The following is a summary of bids received:

Connor-Haas, Inc.:	\$ 74,494.00
Hewitt Young Electric, Inc.:	\$ 96,800.00

MRB Group's Electrical sub consultant, Turner Engineering, has worked with Connor-Haas on past projects and have found their work to be satisfactory regarding professionalism, supervision, and contract submittals. We have discussed the project scope and the bid amount with Connor-Haas to confirm that they understand the intent of the project. We have found no reason to deny a contract award of \$74,494.00 to Connor-Haas for the Village Walk Pump Station Improvements.

Attached you will find a copy of the Notice of Award for the contract. After the Village Board authorizes the award of contract, the Notice of Award must be signed as an original and returned to MRB Group. We will then forward the appropriate agreement forms to the contractor. The contractor will then have fifteen (15) days to return the signed agreements, bonds, and insurance certificates.

If you should have any questions, please feel free to contact me.

Sincerely,



David R. Willard, P.E.
Project Manager

NOTICE OF AWARD

Date of Issuance:

Owner: Village of Spencerport Owner's Contract No.: 1980.18001

Engineer: MRB Group Engineer's Project No.: 1980.18001

Project: Village Walk Sanitary Pump Station Contract Name:
Improvements

Bidder: Connor-Haas, Inc

Bidder's Address: 6337 Dean Parkway, Ontario, NY 14519

TO BIDDER:

You are notified that Owner has accepted your Bid dated May 30, 2019 for the above Contract, and that you are the Successful Bidder and are awarded a Contract for the Village of Spencerport, Village Walk Pump Station Improvements.

The Contract Price of the awarded Contract is: \$74,494.00

[3] unexecuted counterparts of the Agreement accompany this Notice of Award, and one copy of the Contract Documents accompanies this Notice of Award, or has been transmitted or made available to Bidder electronically.

You must comply with the following conditions precedent within 15 days of the date of this Notice of Award:

1. Deliver to Owner [_____]counterparts of the Agreement, fully executed by Bidder.
2. Deliver with the executed Agreement(s) the Contract security [e.g., performance and payment bonds] and insurance documentation as specified in the Instructions to Bidders and General Conditions, Articles 2 and 6.
3. Other conditions precedent (if any):

Failure to comply with these conditions within the time specified will entitle Owner to consider you in default, annul this Notice of Award, and declare your Bid security forfeited.

Within ten days after you comply with the above conditions, Owner will return to you one fully executed counterpart of the Agreement, together with any additional copies of the Contract Documents as indicated in Paragraph 2.02 of the General Conditions.

Owner: Village of Spencerport

Authorized Signature: _____

By: Mayor Gary Penders

Title: Village Mayor

Copy: Engineer

~~ THIS PAGE WAS INTENTIONALLY LEFT BLANK ~~