

Village Board Workshop Meeting
June 17, 2015
4:30 p.m.

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

Attorney – (5:00 p.m.) – E. Stowe

Cohen Law Group Letter – Comments

Introductory Local Law 3-2015 “A Local law to Amend Chapter 227 of the Code of the Village of Spencerport regarding “Peddling and Soliciting”

General Discussion

1. Stipend for Village Historian
2. Union Street Crosswalk
3. Red Knights Motorcycle Club NY Chapter 22 Fundraiser - Assembly Permit
4. Spencerport Bowl – Trailer
5. Upcoming Meetings/Dress Code

Resolution 6/2015

Introduced by:

Seconded by:

Be it resolved that the Village of Spencerport Board of Trustees hereby approves holding a public hearing to consider the adoption of Introductory Local Law 3-2015 “A Local Law to Amend Chapter 227 of the Code of the Village of Spencerport regarding “Peddling and Soliciting” to be held Wednesday, July 1, 2015 at 7:00 p.m. located at the Village of Spencerport, 27 West Avenue, Spencerport, NY.

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

Resolution 6/2015

Introduced by:

Seconded by:

Be it resolved that the Village of Spencerport Board of Trustees hereby authorizes the payment of \$250 to the Village Historian Sandra Mitchell as an annual stipend for her services.

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

Resolution 6/2015

Introduced by:
Seconded by:

Be it resolved that the Village of Spencerport Board of Trustees hereby approves the quotation from Schultz Associates to complete the topographic survey, crosswalk design and permit plan associated with the relocation of the crosswalk on Union Street at Amity Street. Cost not to exceed \$2,850.00

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

Resolution 6/2015

Introduced by:
Seconded by:

Be it resolved that the Village of Spencerport Board of Trustees hereby approves the assembly permit from the Red Knights Motorcycle Club NY Chapter 22 to conduct a fundraiser to benefit the Finger Lakes Regional Burn Association's Children's Camp on Sunday, July 12, 2015 from 10:00 a.m. – 5:00 p.m. at the Spencerport Exempts Club, 75 S. Union Street.

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

ACTION ALERT

TO: Firm Clients and Other Interested Municipalities

FROM: Daniel S. Cohen, Attorney
Cohen Law Group

SUBJECT: *Bid by Charter Communications to Acquire Time Warner Cable:
How It Will Impact Your Municipality*

DATE: June 3, 2015

Last week, Charter Communications (“Charter”) and Time Warner Cable (“Time Warner”) announced that they entered into an agreement for Charter to acquire Time Warner. The combined cable company, including Charter’s acquisition of a smaller cable company called Bright House, would serve approximately 17 million cable subscribers. It would become second only to Comcast, which currently has approximately 22 million cable subscribers.

The Charter-Time Warner announcement comes only 15 months after Comcast announced that it was acquiring Time Warner. That transaction did not succeed, because Comcast ran into regulatory resistance at the Federal Communications Commission and the Justice Department. It is too early to predict whether the Charter deal will face the same regulatory obstacles that sunk Comcast’s earlier bid, but we expect that the federal government will give the Charter transaction close scrutiny. Before the federal government makes its decision, however, Charter and Time Warner will be asking local governments to approve the transfer of their cable franchises.

Municipal Franchise Transfer Process

Federal law grants municipalities the right to approve or deny the transfer of their cable franchise if their franchise agreement or ordinance includes specific transfer approval language. By acting on the transfer of their franchise, municipalities may require Time Warner to correct any past non-compliance issues and ensure that Charter addresses any issues that become known after the transfer occurs. These may include unpaid franchise fees, unpaid PEG channel financial support, customer service violations, or cable system extensions that have not been completed.

Charter will begin the transfer process by deciding whether to send you a binder, known as an FCC Form 394, which requests approval of the transfer and includes financial and legal information. The decision on whether to send you a Form 394 depends on the transfer language in your agreement/ordinance and on how the cable operator defines the transaction. During the Comcast-Time Warner transfer, we advocated for a number of clients that did not receive 394's initially and persuaded Comcast to send 394's to them. We expect Charter to send its 394's within the next several weeks.

The federal Cable Act grants municipalities 120 days from the receipt of the 394 to act upon the transfer request. If you need additional information to make an informed decision, you must notify Charter within 30 days of receipt of the 394. If your municipality fails to act within the 120-day time period, the transfer of your franchise from Time Warner to Charter is deemed approved under federal law. Due to the short timeframes involved, we recommend that you prepare for the transfer process now.

Free Legal Assessment

We are offering a **free legal assessment** of your current franchise agreement and/or cable ordinance. We will assess whether your municipality is eligible to receive a 394. We will also determine whether there are additional benefits you could receive as part of the transfer. Finally, if your franchise is expired or due to expire soon, we will also advise you of the financial and in-kind benefits that would be available to your municipality upon franchise renewal.

To take advantage of this free legal assessment, please email or send me your franchise agreement and, if applicable, your cable ordinance. My email is dcohen@cohenlawgroup.org and our mailing address and phone number are on the first page of this Action Alert. Upon receipt, we will review your documents quickly and contact you with our free assessment.

For over 17 years, the Cohen Law Group has specialized exclusively in representing municipalities in cable, telecommunications, broadband, and wireless matters. Our attorneys have assisted over 400 municipalities in Pennsylvania, New York, Maryland, and Delaware in cable franchise renewals, franchise fee audits, franchise transfers, and related matters. We would appreciate the opportunity to assist your municipality. Thank you for your consideration.

Be it enacted by the Board of Trustees, of the Village of Spencerport:

Section 1. Title.

This Local Law shall be known as Local Law #3-2015 "A Local Law to Amend Chapter 227 of the Code of the Village of Spencerport regarding "Peddling and Soliciting".

Section 2. Purpose.

The purpose of this Local Law is to require a criminal background check for all persons applying for a license to peddle and/or solicit within the Village of Spencerport.

Section 3. Authority.

This Local Law is adopted pursuant to §10 of the Municipal Home Rule Law of the State of New York.

Section 4. Changes to Code.

A. Section 227-5 is amended to add the following as sub-section "E":

Each person applying for a peddling or soliciting license shall, with such application, provide a government-issued criminal background check for each such applicant that has been issued no more than thirty (30) days from the date said application is received.

Section 5. Repealer.

All local laws or parts of local laws inconsistent or in conflict with this local law are hereby repealed to the extent of such conflict or inconsistency.

Section 6. Severability.

If any clause, sentence, phrase, subdivision, paragraph, section or any part of this section shall for any reason be adjudicated finally by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this section, but shall be confined in its operation to the clause, sentence, subdivision, paragraph, section or part thereof directly involved in the controversy or action in which said judgment shall have been rendered. It is hereby declared to be the legislative intent that the remainder of this section would have been adopted had any such provision been excluded.

Section 7. When effective.

This Local Law Chapter shall become effective upon its adoption and upon filing with the New York Secretary of State.

SCHULTZ ASSOCIATES

ENGINEERS & LAND SURVEYORS, P.C.

129 SOUTH UNION STREET
PO BOX 89
SPENCERPORT, NY 14559
OFFICE:(585) 349-3750
FAX:(585) 349-3751

January 13, 2014

Mr. Thomas West, DPW Superintendent
Village of Spencerport
27 West Avenue
Spencerport, New York 14559

Dear Tom,

As requested, we can provide the NYSDOT improvement permit plan for the relocation of the existing crosswalk on South Union Street at Amity Street, see attached sketch.

The cost to complete the topographic survey, crosswalk design and permit plan will be at a not to exceed price of \$ 2,850.00 with invoices provided with hourly charges for work completed.

Thank you for the opportunity to bid on this project.

Very truly yours,



Kris Schultz, P.E., L.S.

I accept and hereby engage your services in accordance with the forgoing.

BY: _____ DATED _____



Dice Run and Chicken Barbeque

GO TO WWW.CYBERSPOKES.COM TODAY!
CYBERSPACE FOR BIKERS



Sunday July 12, 2015
Registration 10am-12am; bikes in 3pm -5pm

Benefiting the
Finger Lakes Regional Burn Association's
Children's Camp



**FIREMAN'S
CHICKEN BARBEQUE**

**Spencerport Fireman's
Exempt Club**

Union Street Route 259 at the Erie Canal
Spencerport, New York

\$20 / Rider

\$10 / Passenger

Ride Price Includes Food

**Chicken Barbeque Open to
the Public Starting at 2pm**

Chicken Barbeque \$8.

www.redknightsny22.com

Ride For a Great Cause!
Help Burned Children



Red Knights
MotorCycle Club