

**VILLAGE BOARD MEETING**  
**April 6, 2016**  
**Agenda**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**Approval of Minutes**

Village Board Meeting: February 3, 2016  
Village Workshop Meeting: February 17, 2016

**Public Hearing** – 2016/2017 Budget Presentation

**Privilege of the Floor**

**Administrative Committee** – Mayor Penders

**Resolution 4/2016**

Introduced by:  
Seconded by:

Be it resolved that the Village of Spencerport Board of Trustees hereby approves increasing the recreation fee from \$650.00 to \$750.00 effective June 1, 2016.

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

**Resolution 4/2016**

Introduced by:  
Seconded by:

Be it resolved that the Village of Spencerport Board of Trustees approves calling in the Letter of Credit posted by Canal Gate, LLC, 30 forest Creek Drive, Spencerport, NY 14559 for Subdivision: Canal Landing, LLC for unfinished letter of credit items if said letter of credit is not renewed on or prior to May 12, 2016.

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

**Resolution 4/2016**

Introduced by:  
Seconded by:

Be it resolved that the Village of Spencerport authorizes the Mayor to execute an offer to purchase a utility easement from Lily & Kenneth Tanner, 158 Prospect Street, Spencerport NY; Tax account no. 087.170-2-45 in the amount of \$1,300.00

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

#### **Resolution 4/2016**

Introduced by:  
Seconded by:

Be it resolved that the Village of Spencerport authorizes the Mayor to execute an offer to purchase a utility easement from Joseph & Nicole Rivers, 164 Prospect Street, Spencerport NY; Tax account no. 087.170-2-44 in the amount of \$1,000.00

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

#### **Resolution 4/2016**

Introduced by:  
Seconded by:

Be it resolved that the Village of Spencerport authorizes the Mayor to execute an offer to purchase a utility easement from Julie A. Clark, 159 Coleman Avenue Spencerport NY; Tax account no. 087.170-2-28 in the amount of \$1,600.00

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

#### **Resolution 4/2016**

Introduced by:  
Seconded by:

Be it resolved that the Village of Spencerport authorizes the Mayor to execute an offer to purchase a utility easement from Georgia and Eric Withey, 165 Coleman Avenue, Spencerport NY; Tax account no. 087.170-2-29 in the amount of \$500.00

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

**Resolution 4/2016**

Introduced by:  
Seconded by:

Be it resolved that the Village of Spencerport/Location Code 40290 hereby established the following standard work days for these titles and will report the officials to the New York State and Local Retirement System based on time keeping system records or their record of activities:

Trustee Carol-Nellis-Ewell standard work day = 6 hours

For her term beginning April 6, 2015 – March 31, 2019

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

**Resolution 4/2016**

Introduced by:  
Seconded by:

Be it resolved that the Village of Spencerport Board of Trustees hereby approves attendance by any Village Board, Support Board or staff member to attend the Genesee/Finger Lakes Regional Planning Council Spring 2016 Regional Local Government Workshop to be held Thursday, May 16, 2016 at the Burgundy Basin Inn, Pittsford, NY. Cost not to exceed \$75.00 per person.

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

**Resolution 4/2016**

Introduced by:  
Seconded by:

Be it resolved that the Village of Spencerport Board of Trustees hereby approves the Assembly permit application from Spencerport Volunteer Firemen's Association for an Antique Fire Muster Saturday, June 4, 2016 from 11:00 a.m. – 8:00 p.m.

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

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

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

**Finance Committee** – Mayor Penders, Chair

**Resolution 4/2016**

Introduced by:

Seconded by:

Be it resolved that the Village of Spencerport Board of Trustees hereby adopts the “Tentative 2016-2017 General, Sewer, and Electric Fund Budgets” as the Final Budgets for the Village Fiscal year ending May 31, 2017. The amount for the General Fund to be raised from taxes is \$685,393.00 with a tax rate of \$3.63 per thousand assessed valuation; a Recycling fee of \$50.22 per unit; and a Sewer User Fees of \$2.94/1000 gallons of water used for operation and maintenance costs and \$139.96 per unit for capital costs.

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

**Resolution 4/2016**

Introduced by:

Seconded by:

Be it resolved that the Village of Spencerport Board of Trustees hereby approves the Mayor's appointment of Danielle Kruger to the position of Village Treasurer effective April 10, 2016 with an annual salary of \$28,600.00.

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

**Resolution 4/2016**

Introduced by:  
Seconded by:

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

**Resolution 4/2016**

Introduced by:  
Seconded by:

Be it resolved that the Village of Spencerport Board of Trustees hereby approves the below Certificate of Treasurer Management Resolution.



**CLIENT RESOLUTION**  
**(CERTIFICATE OF TREASURY MANAGEMENT RESOLUTION)**

Name of Client: Village of Spencerport ("Client")

Date: \_\_\_\_\_

I, Jacqueline Sullivan, Village Clerk [specify name of person signing this Client Resolution], the duly appointed Secretary or other officer, partner, member, proprietor or representative of Client being duly authorized to certify the approved actions of the above-named Client, a  corporation,  limited liability company (LLC),  general partnership,  limited partnership,  governmental entity or agency,  sole proprietorship,  other: \_\_\_\_\_ [if other, specify type of entity] organized or operating under the laws of the State or Commonwealth of NY \_\_\_\_\_ [specify State or jurisdiction], hereby certify that at a meeting of the Client's board of directors or other governing body (the "Board") duly called and held, or by unanimous written consent or by other method provided by applicable law or governing document, the following resolutions were duly adopted; are in full force and effect and have not been rescinded, revoked or modified in any way; and that none of the resolutions nor any action taken or to be taken pursuant to any of the resolutions violates, or will result in any violation of, any statute, regulation or other law applicable to Client or the governing documents applicable to Client, or any instrument, agreement or document to which Client is a party, or by which Client or any of its assets is bound.

1. RESOLVED: That each person designated below ("Client's TM Signer(s)") (i) has been duly elected or appointed to and qualified for any title/position noted below and that, on the date of this Client Resolution, such person holds such title/position, (ii) each signature appearing below is a true and correct specimen of the signature of the person whose signature it purports to be and (iii) the contact information appearing below is true and correct for such person.

Name of TM Signers	Title or Position of TM Signers	Specimen Signature	Contact Information
Gary Penders	MAYOR		Cell No.: Home No.: Office No.: 585-352-4771 Facsimile: E-mail (1): gpenders@vil.spencerport.ny.us E-mail (2):
Carol Nellis-Ewell	Deputy Mayor, Trustee		Cell No.: Home No.: 585-352-3476 Office No.: Facsimile: E-mail (1): cne@vil.spencerport.ny.us E-mail (2):
Danielle Kruger	Treasurer		Cell No.: Home No.: Office No.: 585-352-4771 Facsimile: 585-352-3484 E-mail (1): treasurer@vil.spencerport.ny.us E-mail (2):

Check box if more TM Signer blocks needed. Attach additional sheet to this Client Resolution.

**M&T Bank Internal Use**

Alt/Neg

ENTER PROFILE NUMBER 0000093797



2. RESOLVED: That, from time to time, Client may obtain any Treasury Management services ("**Services**") from M&T Bank with respect to any of Client's deposit accounts at M&T Bank or other accounts at M&T Bank (including, without limitation, loan and line of credit accounts) over which Client has authority (together, "**Accounts**");
3. RESOLVED: That, except as may be elected by Client in Section 6 below, any one of Client's TM Signers may enter into and deliver to M&T Bank, on behalf of Client for its own affairs or with respect to the affairs of any entity on behalf of which Client is authorized to act, any agreements (including, but not limited to, the M&T Master Treasury Management Services Agreement), instruments, and other documents which relate to the Services provided or to be provided by M&T Bank with respect to any Accounts;
4. RESOLVED: That, except as may be elected by Client in Section 6 below:
  - (a) any one of Client's TM Signers may enter into and deliver to M&T Bank, on behalf of Client for its own affairs or with respect to the affairs of any entity on behalf of which Client is authorized to act, any agreements which relate to the Credit Manager Service provided or to be provided by M&T Bank with respect to any Account, including the Credit Manager Product Terms & Conditions ("**Credit Manager Agreement**"); and
  - (b) any one of Client's TM Signers is authorized to: (i) give notices, certifications, directions, and instructions under the Credit Manager Agreement, (ii) execute or otherwise approve any related documents for the Credit Manager Service with respect of any Account and (iii) delegate authority to any other person or entity, including any user of WebInfoPLUS and other Authorized Representative (as defined in the M&T Master Treasury Management Services Agreement), to act on Client's behalf in any way with respect to the Credit Manager Service with respect of any Account, which persons and entities may or may not be signatories on one or more of the Accounts and may or may not have the ability to delegate authority to others. It is understood that such authority may include, at the discretion of M&T Bank, the authority to access certain loan and line of credit accounts and related information, and to initiate funding draws, direct funds transfers and make payments with respect to such Accounts. M&T Bank is not obligated to inquire into the circumstances or propriety of any such action, notice, certification, direction, instruction or delegation;
5. RESOLVED: That, except as may be elected by Client in Section 6 below, any one of Client's TM Signers is authorized to: (a) give notices, certifications, directions, and instructions under any such agreement, instrument, or document, (b) execute or otherwise approve any related documents, and (c) delegate authority to any other person or entity to act on Client's behalf in any way with respect to any Services or Accounts, which persons and entities may or may not be signatories on one or more of the Accounts and may or may not have the ability to delegate authority to others. M&T Bank is not obligated to inquire into the circumstances or propriety of any such, notice, certification, direction, instruction or delegation;
6. RESOLVED: That, if elected by Client below:
 

**OPTIONAL ELECTION FOR MULTIPLE TM SIGNERS.** *(This option is only for Clients who require two or more signers on each legal agreement and Client Election Form.)*

PLEASE CHECK THE BOX BELOW AND INDICATE THE APPROPRIATE NUMBER IF CLIENT WISHES TO REQUIRE MULTIPLE TM SIGNERS TO (1) EXECUTE LEGAL AGREEMENTS AND (2) SIGN CLIENT ELECTION FORMS:

Notwithstanding the above, at least   1   of any of Client's TM Signers listed above, must execute each legal agreement and Client Election Form governing the Services and Accounts. Notwithstanding that this Section 6 is checked, any one (1) of Client's FX Signers is authorized as provided in Exhibit A hereto.
7. RESOLVED: That, if elected by Client below, the resolutions attached as Exhibit A hereto (the "**FX Resolutions**") apply as if written out in full here;
 

The FX Resolutions attached as Exhibit A apply (and Client hereby acknowledges receipt thereof). Each person designated in Section 1 above as a TM Signer also shall be a FX Signer ("**FX Signer**") for purposes of the FX Resolutions.

8. RESOLVED: That, notwithstanding the terms of any prior resolutions adopted by Client, M&T Bank be and hereby is authorized to rely on this Client Resolution and the resolutions herein and the actual or purported signatures of any of Client's TM Signers until M&T Bank's relationship manager for the Accounts (and, if Section 7 above is checked, M&T's FX Group) has actually received and had a reasonable time to act on written notice from Client revoking these Client Resolutions or such authority;
9. RESOLVED: That Client hereby ratifies and confirms all: (a) actions taken, (b) notices, certifications, directions and instructions given, and (c) all agreements, instruments, and other documents entered into, which relate to the Services provided or to be provided by M&T Bank with respect to any Accounts, that were given, taken or entered into prior to the date hereof.
10. RESOLVED: That Client is duly organized, validly existing and in good standing under the laws of the State, Commonwealth or other jurisdiction as set forth above. No petition for dissolution has been filed or is pending. Client has, and at the time of adoption of the resolutions in this Client Resolution had, full power and lawful authority to adopt the resolutions herein and to confer the powers granted in them to the persons named above including any delegation of powers; and any person named above shall have full power and lawful authority to exercise those powers. No other action or consent of any other person or entity is necessary in order for this Client Resolution and the resolutions herein to be effective.

IN WITNESS WHEREOF, I have executed this Client Resolution on behalf of the Client on the date set forth above, and hereby certify that that I have the power and authority to execute and deliver this Client Resolution to M&T Bank.

<b>CLIENT:</b>		
_____ Signature of Secretary (or other authorized officer) of Client	<u>JACQUELINE SULLIVAN</u> Name	<u>Village Clerk</u> Title
Date: _____		

<b>CLIENT:</b>		
_____ Signature of Second authorized officer of Client (if applicable)	_____ Name	_____ Title
Date: _____		

**M&T Internal Use Only:**

Reviewed by (name): \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Vote of the Board:

- Carol J. Nellis-Ewell, Trustee
- Charles R. Hopson, Trustee
- Ray Kuntz, Trustee
- David Wohlers, Trustee
- Gary Penders, Mayor



**Resolution 4/2016**

Introduced by:  
Seconded by:

April 6, 2016 BUDGET TRANSFER & REVISION Fiscal Year End 5/31/2016					
AMOUNT	TO ACCOUNT			FROM ACCOUNT	
\$5,000	A1989.100	Gov't Support/Vac/Sick/Holiday		A1325.100	Salaries - Clerk/Treasurer
\$2,701	A5142.100	Snow Removal - Salary		A5410.100	Sidewalks - Salary

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

**Resolution 4/2016**

Introduced by:  
Seconded by:

Be it resolved that the Village of Spencerport Board of Trustees hereby authorizes the Mayor to sign the below resolution:

I certify that Depositor named above has duly authorized the opening of a deposit account pursuant to the agreement on M&T Bank's Commercial Deposit Account Opening Request, and that I am duly authorized to act on behalf of Depositor; that Depositor is:

- an agency or department of the United States,
- an agency, division or department of the State of \_\_\_\_\_
- a State of New York local government entity (county, town, village)
- a school district,
- a fire district, or
- other \_\_\_\_\_

duly organized and validly existing under the laws of the State of New York; and, if applicable, that the resolutions set forth below or provided separately to M&T Bank have been duly adopted by the Board of Depositor, at a meeting duly called and held on April 6, 2016; that each of such resolutions is in full force and effect and none has been rescinded, revoked, or modified; and that none of such resolutions nor any action pursuant thereto will violate any law, rule, regulation, charter, by-law or agreement by which Depositor is governed, constituted or bound.

RESOLVED, that:

1. Manufacturers and Traders Trust Company ("M&T Bank"), a New York banking corporation, is hereby designated a depository for this entity (the "Depositor") and the officers or employees named herein or on a Rider hereto are hereby authorized to open one or more deposit accounts from time to time (each an "Account") on behalf of Depositor.
2. M&T Bank may purchase, give credit for, cash, accept, certify and pay from funds on deposit in the Account, without inquiry, all items signed, drawn, accepted or endorsed on behalf of Depositor, whether under a title, the words "Authorized Signature" or otherwise, with the actual or purported facsimile signature of any one of the officials whose names, capacities and specimen signatures appear above or on a Rider hereto, or his or her successor in office (each an "Authorized Signer"), regardless of the circumstances under which the signature shall have become affixed so long as the signature is the actual signature of an Authorized Signer or resembles the facsimile signature of an Authorized Signer previously certified to M&T Bank. Depositor shall indemnify M&T Bank against all claims, damages, liabilities, costs and expenses (including, but not limited to, attorneys' fees and disbursements) incurred by M&T Bank in connection with honoring any signature of any Authorized Signer (including any facsimile signature that resembles the facsimile signature of an Authorized Signer previously certified to M&T Bank) or any refusal to honor the signature of any person who is not an Authorized Signer. Depositor acknowledges and agrees that any requirement of Depositor that any item or other instrument for the payment of money signed, drawn, accepted or endorsed on behalf of Depositor bear the signature of more than one Authorized Signer is solely an internal requirement of Depositor and imposes no duty of enforcement on M&T Bank.
3. Any Authorized Signer may, on behalf of Depositor, transact with and through M&T Bank all such business as he or she deems advisable upon such terms as he or she deems proper, including, but not limited to, obtaining an undertaking and pledge of collateral for uninsured balances in the Account, entering into custodial agreements concerning such collateral, obtaining such loans and other extensions of credit as may be consistent with applicable law, discounting, selling, assigning, delivering and negotiating items, guaranteeing the obligations of others pursuant to applicable law, applying for letters of credit, electronic funds transfers, capital markets products, automated clearing house ("ACH") payments, cash management, trust and investment products and any other services or transactions, and, in compliance with all applicable law and procedures, pledging, hypothecating, assigning, mortgaging, encumbering, granting security interests in and otherwise creating liens upon Depositor's property, whether real or personal, tangible or intangible ("Property"), as security for loans and other extensions of credit, and in connection with any such transaction of business do all acts or other things as he or she shall deem proper including, but not limited to, signing, drawing, accepting, executing and delivering items, guarantees, assignments, pledges, hypothecations, receipts, waivers, releases and other instruments, agreements and documents, making and receiving delivery of Property, accepting, receiving, withdrawing and waiving demands and notices and incurring and paying liabilities, costs and expenses.
4. In the event an Authorized Signer acting on behalf of Depositor shall apply to or contract with M&T Bank for any electronic funds transfer service that M&T Bank may make available to Depositor, including, but not limited to, any service that contemplates M&T Bank's execution of payment orders initiated by Depositor for the wire or ACH transfer of funds to or from an Account of Depositor, such Authorized Signer shall be empowered on behalf of Depositor to designate one or more persons (who may, but need not be, Authorized Signers), each of whom, acting alone, shall be authorized on behalf of Depositor to transmit payment orders to M&T Bank for the transfer of funds to or from Depositor's Account.
5. Each person identified as an Authorized Signer, and each person or persons designated by an Authorized Signer to act on behalf of Depositor (who may, but need not be, Authorized Signers), shall have the power and authority to transact business and bind Depositor through electronic medium (e.g., the Internet) and M&T Bank may rely on any of the following to the same extent as the actual signature and proof of identity of each such person to bind Depositor: any electronic signature or digital signature, under applicable law, of such person; any identifier issued by M&T Bank, its affiliates or any other party (e.g., Personal Identification Number associated with ATM or other card or any access device) to such person; or any other criteria that M&T Bank may reasonably rely on which may serve as an indicator of authentication for such person.

I further certify that each person whose name appears above or on a Rider hereto opposite an office has been duly elected or appointed to and now holds such office of Depositor; that each other person whose name thus appears is acting for Depositor in the capacity opposite such other person's name; and that each signature on this certification or a Rider hereto is a true specimen of the signature of the person whose signature it purports to be.

	<b>X</b>	
Date	Authorized Signature	Title

Original - Account Services; Copy - Branch

PA.049B (3/14)

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
- 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 4/2016**

Introduced by:  
Seconded by:

Be it resolved that the Village of Spencerport Board of Trustees hereby approves the hiring of William Faul in the position of part-time laborer at a rate of \$13.40 per hour starting April 18, 2016.

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

**Resolution 4/2016**

Introduced by:  
Seconded by:

Be it resolved that the Village of Spencerport Board of Trustees hereby approves the hiring of Norman Lessord in the position of part-time laborer at a rate of \$12.37 per hour starting April 18, 2016.

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

Gary Penders, Mayor

**Economic Development Committee** – Trustee Wohlers, Chair

**Green Initiatives** – Trustee 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**

**Bills**

**Post Audit**

April 2016

**Adjournment**