

**VILLAGE BOARD MEETING**  
**June 3, 2015**  
**Agenda**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

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

**Approval of Minutes**

Village Board Meeting: June 3, 2015  
Village Workshop Meeting: June 17, 2015

**Privilege of the Floor**

**Administrative Committee** – Mayor Penders

**Resolution 7/2015**

Introduced by:  
Seconded by:

**Whereas**, the Village Board has before it a Local Law entitled Local Law #3-2015 “A Local Law to Amend Chapter 227 of the Code of the Village of Spencerport regarding “Peddling and Soliciting”

**Whereas**, the Village Board has, on this date, held a public hearing to consider said proposed Local Law; and

**Whereas**, the Village Board has considered any public input; and

**Whereas**, this action is an unlisted action under the State Environmental Quality Review Act and the Village Board has adopted a Negative Declaration; and

**Whereas**, the notice of this hearing was duly published and posted as required by law;

**Now, therefore, be it resolved:**

**Section 1.** That the Village Board of the Village of Spencerport hereby enacts 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.** That the Village Clerk is ordered to publish a legal notice indicating the adoption of this Local Law and to file a copy of this Local Law with New York State.

**Section 3.** That this Local Law shall take effect upon filing with the Secretary of State.

**Section 4.** 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

**Resolution 7/2015**

Introduced by:  
Seconded by:

**A RESOLUTION OF THE VILLAGE OF SPENCERPORT IN SUPPORT OF MODIFICATIONS TO THE NEW YORK STATE REAL PROPERTY TAX CAP**

**WHEREAS**, on June 24, 2011, New York State (NYS) instituted the Real Property Tax Cap (Tax Cap); and

**WHEREAS**, the Tax Cap law established a limit on the annual growth of property taxes levied by local governments and school districts to two percent (2%) or the rate of inflation, whichever is less; and

**WHEREAS**, the Tax Cap applies to all independent school districts and local governments including counties, cities, towns, villages and special districts outside of New York City; and

**WHEREAS**, exceptions to the tax cap are limited to narrow exclusions arising from significant judgements of tort claims and unusually large year-to-year increases in pension contribution rates; and

**WHEREAS**, the current Tax Cap legislation is set to expire on June 15, 2016; and

**WHEREAS**, the Governor's Office would like to extend the Tax Cap for a significant period of time, if not indefinitely; and

**WHEREAS**, due to the fiscal constraints the Tax Cap places on local governments and the on-going and mandated costs that burden communities throughout NYS, the Village of Spencerport would appreciate the opportunity suggest potential modifications to the Tax Cap; and

**WHEREAS**, modifications to the current law include capital budget appropriations for any project for which a period of probable usefulness is established through §11.00 of the New York State Local Finance Law should be exempt from the property tax calculation; the amount of any year-to-year health insurance premium increases in excess of the property tax cap calculation, or 2%, should be exempt from the property tax cap calculation; and

**WHEREAS**, changes in the assessed value for each property on the exempt side of the tax rolls under Payment in Lieu of Taxes (PILOT) agreements be included when the State Commissioner of Taxation and Finance calculates the quantity change factor for each local government and school district. The quantity change factor is a component of the formula which determines a local government or school district's real property tax levy cap.

**NOW, THEREFORE, BE IT RESOLVED**, that the Village of Spencerport is in support of modifying the New York State Real Property Tax Cap by proposing to include capital budget appropriations for any project for which a period of probable usefulness is established through §11.00 of the New York State Local Finance Law should be exempt from the property tax calculation as well as the amount of any year-to-year health insurance premium increases in excess of the property tax cap calculation, or 2%, should be exempt from the property tax cap calculation; and

**BE IT FURTHER RESOLVED** that the change in assessed value for each property on the exempt side of the tax rolls under Payment in Lieu of Taxes (PILOT) agreements be included when the State Commissioner of Taxation and Finance calculates the quantity change factor for each local government and school district. The quantity change factor is a component of the formula which determines a local government or school district's real property tax levy cap.

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

**Resolution 7/2015**

Introduced by:

Seconded by:

**A RESOLUTION OF THE VILLAGE OF SPENCERPORT IN SUPPORT OF THE PRESERVATION OF THE MUNICIPAL BOND TAX EXEMPTION**

**WHEREAS**, the Village of Spencerport, a local government doing business and providing essential services in New York State, relies heavily on the acquisition and use of municipal bonds, and

**WHEREAS**, the Village of Spencerport is concerned about the provisions in the White House FY 2016 budget that seeks to end the long-standing tax exempt status of municipal bond interest, and

**WHEREAS**, the tax exemption has been a successful cornerstone of state and local infrastructure development for over 100 years, and has been effectively used to finance the vast majority of the nation's infrastructure and capital projects; and

**WHEREAS**, any proposal to reduce or repeal the tax exemption of municipal bonds would have a severely detrimental impact on local and national infrastructure development and the municipal bond market, thereby increasing the borrowing costs of state and local governments and creating uncertainty for potential investors; and

**WHEREAS**, through this critical financing tool, state and local governments are able to save approximately two-percentage (2%) points on their borrowing costs to finance public infrastructure improvements; and

**WHEREAS**, eliminating or limiting the exclusion of interest on municipal bonds will increase the costs borne by taxpayers for critical infrastructure projects,

**NOW THEREFORE, BE IT RESOLVED**, that the Village Board of the Village of Spencerport is in support of the preservation of the municipal bond tax exemption and adamantly opposes eliminating or limiting the exclusion of interest on municipal bonds.

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 7/2015**

Introduced by:  
Seconded by:

Whereas, the Village of Spencerport previously established a capital reserve fund known as “General Fund Capital Reserve” on April 3, 1984 pursuant to the provisions of Section 6-c of the General Municipal Law for the purpose of financing the cost of reconstruction or betterment of any Village owned assets and also to finance the cost of construction or acquisition of any buildings, equipment or other items deemed necessary by the Village Board and

Whereas, the Village Board of Trustees of the Village of Spencerport deems it necessary to expend an amount not to exceed \$58,000 for the purpose of Trolley Depot Decking.

NOW THEREFORE BE IT RESOLVED:

That the Village Clerk Treasurer be and is hereby directed to remove from the General Fund Capital Reserve Fund an amount not to exceed \$58,000 for payments of costs of such Trolley Depot Decking.

This resolution is adopted subject to permissive referendum.

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

### **Resolution 7/2015**

Introduced by:

Seconded by:

Whereas, the Village of Spencerport previously established a capital reserve fund known as “General Fund Capital Reserve” on April 3, 1984 pursuant to the provisions of Section 6-c of the General Municipal Law for the purpose of financing the cost of reconstruction or betterment of any Village owned assets and also to finance the cost of construction or acquisition of any buildings, equipment or other items deemed necessary by the Village Board and

Whereas, the Village Board of Trustees of the Village of Spencerport deems it necessary to expend an amount not to exceed \$21,640,000 for the purpose of Natural Gas Service to the DPW.

NOW THEREFORE BE IT RESOLVED:

That the Village Clerk Treasurer be and is hereby directed to remove from the General Fund Capital Reserve Fund an amount not to exceed \$21,640 for payments of costs of such Natural Gas Service to the DPW.

This resolution is adopted subject to permissive referendum.

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

### **Resolution 7/2015**

Introduced by:

Seconded by:

Whereas, the Village of Spencerport previously established a capital reserve fund known as “Sewer Fund Equipment Reserve” on May 15, 2010 pursuant to the provisions of Section 6-c of the General Municipal Law for the purpose of financing the cost of reconstruction or betterment of any Village owned assets and also to finance the cost of construction or acquisition of any buildings, equipment or other items deemed necessary by the Village Board and

Whereas, the Village Board of Trustees of the Village of Spencerport deems it necessary to expend an amount not to exceed \$9,560 for the purpose of Natural Gas Service to the DPW.

NOW THEREFORE BE IT RESOLVED:

That the Village Clerk Treasurer be and is hereby directed to remove from the Sewer Fund Equipment Reserve Fund an amount not to exceed \$9,560 for payments of costs of such Natural Gas Service to the DPW.

This resolution is adopted subject to permissive referendum.

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

### **Resolution 7/2015**

Introduced by:

Seconded by:

Whereas, the Village of Spencerport previously established a capital reserve fund known as "Streets and Pavements Capital Reserve Fund" on April 7, 2004 pursuant to the provisions of Section 6-c of the General Municipal Law for the purpose of financing the cost of reconstruction or betterment of any Village owned assets and also to finance the cost of construction or acquisition of any buildings, equipment or other items deemed necessary by the Village Board and

Whereas, the Village Board of Trustees of the Village of Spencerport deems it necessary to expend an amount not to exceed \$120,000 for the purpose of Brockport Road Rebuild Phase I.

NOW THEREFORE BE IT RESOLVED:

That the Village Clerk Treasurer be and is hereby directed to remove from the Streets and Pavements Capital Reserve Fund an amount not to exceed \$120,000 for payments of costs of such Brockport Road Rebuild Phase I.

This resolution is adopted subject to permissive referendum.

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

### **Resolution 7/2015**

Introduced by:

Seconded by:

Whereas, the Village of Spencerport previously established a capital reserve fund known as "Computers Reserve Fund" on April 7, 1999 pursuant to the provisions of Section 6-c of the General Municipal Law for the purpose of financing the cost of reconstruction or betterment of any Village owned assets and also to finance the cost of construction or acquisition of any buildings, equipment or other items deemed necessary by the Village Board and

Whereas, the Village Board of Trustees of the Village of Spencerport deems it necessary to expend an amount not to exceed \$7,000 for the purpose of Server Upgrades.

NOW THEREFORE BE IT RESOLVED:

That the Village Clerk Treasurer be and is hereby directed to remove from the Computer Reserve Fund an amount not to exceed \$7,000 for payments of costs of such Server Upgrades.

This resolution is adopted subject to permissive referendum.

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

**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**

July 2015

## Adjournment