**VILLAGE BOARD MEETING**
**April 3, 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**

Ryan Baker, Pinewood Drive
Matt Brooks, S. Union Street
Craig Byham, Luther Jacobs Way
Jill Cordts, Amity Street
Danielle Kruger, Village Treasurer
Gary Inzana, West Avenue
Daniel McCollester, S. Union Street
Joyce and John McGrath, S. Union Street
Owen McIntee, Electric Superintendent
Rich McQuilkin, Code Enforcement Officer
Joan Quigley, Maplewood Avenue
Eric Stowe, Village Attorney
Kim Sawyer, Deputy Treasurer
Jacqueline Sullivan, Village Clerk
Terry West, Coventry Drive
Tom West, DPW Superintendent

**Public Hearing**

Mayor Penders opened the public hearing for the 2019/2020 Budget at 7:00 p.m.

Mayor Penders explained the details of 2019/2020 Tentative Budget.

Mayor Penders thanked everyone who worked on the tentative budget. Mayor Penders commented that in past years the Village enacted the local law to exceed the 2% tax cap in the event of an error or unrealized expense. This year the Board felt that it was not necessary to enact that local law and that the 2% tax cap is now permanent.

Mayor Penders explained the difference between the reserved and unreserved fund balance. Mayor Penders continued that the unreserved fund balances in the general fund and sewer fund are funds that were not spent in previous budgets. The funds can be used to lower taxes in futures budget, special project or equipment purchases or in emergency situations. Mayor Penders indicated that the State Comptroller suggests that Villages keep 35% of their expenses in their unreserved fund balances.

Mr. Terry West, Coventry Drive asked where cash for the unreserved fund balance is invested.

Treasurer Kruger responded that the money is in a money market account.

Mayor Penders also indicated that the Village is looking into investing in US Treasury bills to increase their interest income.

Mr. West asked if the Village was limited as to how the funds could be used.

Mayor Penders responded that there are guidelines for the use of those funds.

Mayor Penders further explained that the reserve fund balance in the general and sewer funds are funds that are used for specific equipment and projects.

Mayor Penders further explained that this budget continues to provide all services to the residents with no changes; included in the budget are replacement of vehicles and equipment; road work, repairs and improvements to the gazebo, exterior improvements to the village office and replacement of sidewalks on main street.

Mr. West asked based on the cost of the new sewer truck could the flushing of sewers be contracted out.

Superintendent West explained that despite the cost of the truck it would be too costly to contract the work out and in addition the village does sewer work for Monroe County and the schools.

Mayor Penders and Electric Superintendent McIntee explained that electric department budget highlighting that no tax dollars go to the electric fund and that equipment and materials for projects are purchased as income is realized from the sale of service.

Mayor Penders continued to explain that the tax rate has gone down approximately 8% to offset the 8% increase in the Village assessments. Mayor Penders further explained the sewer operating fund, debt fund, tax levy and 2% tax cap calculations.

Discussion ensued regarding future refuse rates at landfills to the Village.

There being no further questions Mayor Penders closed the public hearing at 7:43 p.m.

**Approval of Minutes**

The minutes from the Village Board Meeting March 6, 2019 were approved as presented by Mayor Penders, seconded by Trustee Hopson and carried unanimously.

The minutes from the Village Board Workshop Meeting March 20, 2019 were approved as presented by Mayor Penders, seconded by Trustee Wohlers and carried unanimously.

**Privilege of the Floor**

Jill Cordts, Amity Street indicated that she is here on behalf of the Spencerport Area Chamber of Commerce and Chair of the Bridge Committee and requested that the temporary sign permit approval be waived during the bridge closure to allow for businesses to advertise more during this closure .

Eric Stowe, Village Attorney indicated that a it would need a local law change.

Mayor Penders indicated that the Village Board and the Village Attorney will work to make the local law change.

Deputy Mayor Nellis-Ewell asked Ms. Cordts to forward her suggestion to her.

**Administrative Committee** – Mayor Penders

**Resolution 119 4/2019**

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

WHEREAS, The Village Board of Trustees of the Village of Spencerport has previously executed a quit claim deed conveying whatever interest they may have in real property located on vacant land referred to as Ballard Avenue to Christopher Nyiri and Heather M. Heale (Grantees); and

WHEREAS, in exchange for the execution of the deed, the Grantees executed an easement in favor of the Village of Spencerport on a neighboring parcel owned by the Grantees; and

WHEREAS, the above-referenced deed was recorded in the Monroe County Clerk's Office in Liber 12149 of Deeds at Page 484 and the above-referenced easement was recorded in Liber 12149 of Deeds at Page 478;

WHEREAS, subsequent to the recording of the deed in the Monroe County Clerk's Office, the Monroe County Real Property Department indicated the County records show the land in question may have been a highway, based upon a recorded subdivision map; and

WHEREAS, the Village of Spencerport has no record of an offer of dedication for said parcel, no record of accepting dedication of said roadway, the parcel has no improvements indicative of a highway and the parcel has never been used as a highway or a public right-of-way; and

WHEREAS, Monroe County Real Property has indicated the tax map identification number to be assigned to the parcel upon a confirming resolution pursuant to New York State Highway Law §205(1) will be the same as the Grantee's parcel; and

WHEREAS, pursuant to New York State Highway Law §205(1) a highway that shall not have been opened and worked within six years from the time it shall have been dedicated to the use of the public, or laid out, shall cease to be a highway; and

WHEREAS, upon the written consent of the Village Board of Trustees the Village Superintendent may file and cause to be recorded in the Village Clerk's Office a written description of the purported highway to be abandoned;

NOW THEREFORE

BE IT RESOLVED that the Board of Trustees of the Village of Spencerport does hereby consent to the Superintendent of the Department of Public Works of the Village of Spencerport filing the annexed description of purported highway to be abandoned, pursuant to New York State Highway Law §205(1); be it further

RESOLVED that the Mayor of the Village of Spencerport is authorized to execute any documentation necessary to confirm, in writing, the Board of Trustee's consent to this action.

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

**Sewers Committee** – Trustee Wohlers, Chair

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

Comments from: Deputy Mayor Carol J. Nellis-Ewell

* Thank You to the People of the Village of Spencerport *
* Election: March 19, 2019 *
It is my honor to serve on the Village Board for another term.
I will continue to do my best for all of us.
Please: Reduce, Reuse, recycle ~ Thank you, ~Carol~
*****
Complete minutes on **www.vil.spencerport.ny.us** after approval.

**Architectural Review/Planning Board (ARB/PB) ~ April 2, 2019**
Application: Sign, Village Plaza (previous Book Centre location), replacing name only: Dog Grooming & Day Care Disposition: Certificate of Appropriateness

**March Applications/Planning:**

**Linda Gibbardo, 194 South Union Street, Spencerport, NY ~ VIC's** Site Plan ~ Commercial to Residential

**Union Spencerport LLC, 148 South Union Street, Spencerport, NY**
Kris Schultz: site plan - three-story, multi-use building, space for retail and residential apartment uses.

**ARB Application: Linda Gibbardo,** Alteration or repair: Door, windows, external covered stairway, railing, paved area for two parking spaces
**ARB Application: Union Spencerport LLC,** Larry Fennity: concept/drawing and materials. three-story building exterior, and streetscape.
Disposition: All applications tabled with consent of applicants.
*****
**Zoning Board of Appeals (ZBA) ~ Meeting March 21, 2019**

- 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) 6 *Tabled*
- Edward Hurzy: Sign Permit: 1 non-illuminated 2 ft x 8 ft wall sign in R-2 Residential District located at 21 Union Hill Drive / Ch 259-3 B *Approved/granted*
- Mauricio Hernandez, Itacate, Inc. & HD Food products, Special Permit: Commercial use, not specifically permitted in Commercial B-3 District, located at 409 South Union Street / Ch 340-19 B (9) *Approved/granted*

- Yousif Hanna 73 Amity Street, Special Permit: remodel, convert existing single-family dwelling to two-family dwelling in R-2 District / Ch 340-9 G *Tabled*

For applications, helpful resources anyone can access:
**1) ecode360.com/SP0233 Village of Spencerport**
**Part II; General Legislation**
- Chapter 310-Vehicles and Traffic, Article III – Parking, Standing and Stopping
- Chapter 340 Article III B Districts: Commercial, Article XIII Architectural Review, Article XIV Architectural Design Standards
- Chapter 340-9 G, Article II A Districts: Residential
- Article IX Special Permits, Chapter 340-58, -59 & -60

**2) 2012 Comprehensive Plan, Goals & Smart Growth www.spencerport.ny.us**

**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; ARB process improvement

**Finance Committee** – Mayor Penders, Chair

**Resolution 120 4/2019**

Introduced by: Mayor Penders
Seconded by: Trustee Kuntz

Be it resolved that the Village of Spencerport Board of Trustees hereby adopts the "Tentative 2019-2020 General, Sewer, and Electric Fund Budgets" as the Final Budgets for the Village Fiscal year ending May 31, 2020. The amount for the General Fund to be raised from taxes is $686802.00 with a tax rate of $3.28 per thousand assessed valuation; a Recycling fee of $42.09 per unit; and a Sewer User Fees of $2.85/1000 gallons of water used for operation and maintenance costs and $144.07 per unit for capital costs.

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

**Resolution 121 4/2019**

Introduced by: Mayor Penders
Seconded by: Trustee Hopson

Be it resolved that the Village of Spencerport Board of Trustees hereby approves the below budget transfers for fiscal year ending May 31. 2019

| AMOUNT | TO ACCOUNT | | FROM ACCOUNT | |
|---|---|---|---|---|
| $640 | A1325.402 | Clerk/Treasurer - Advertising | A1325.403 | Clerk/Treasurer - Records Management |
| $28 | A1450.400 | Election - Contractual | A1325.403 | Clerk/Treasurer - Records Management |
| $1,000 | A3620.400 | Safety Inspection - Contractual | A7510.400 | Historian - Contractual |
| $1,000 | A3620.400 | Safety Inspection - Contractual | A1010.400 | Board of Trustees - Contractual |
| $8,000 | A5110.100 | Highways - Salary | A8540.100 | Drainage - Salary |
| $10,000 | A8160.100 | Refuse - Salary | A8540.100 | Drainage - Salary |
| $15,000 | A8160.402 | Refuse - Comm Tipping Fees | A8540.400 | Drainage - Contractual |
| $8,000 | A8161.100 | Recycling - Salary | A5110.402 | Highways - Road Materials |
| $1 | G1989.101 | Longevity Pay | G8120.200 | Sanitary Sewer - Equip/Capital |
| $17,000 | G8120.400 | Sanitary Sewer - Contractual | G8120.200 | Sanitary Sewer - Equip/Capital |

| | | |
|---|---|---|
| Vote of the Board: | Carol J. Nellis-Ewell, Deputy Mayor | 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

B. Other (Drainage, Franchise)

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

A. Highways/Garage

**Resolution 122 4/2019**

Introduced by: Trustee Kuntz
Seconded by: Trustee Wohlers

Be it resolved that the Village of Spencerport Board of Trustees hereby approves the hiring of Samuel Lobene as a seasonal laborer at a rate of $11.50 per hour starting April 8, 2019.

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

**Resolution 123 4/2019**

Introduced by: Trustee Kuntz
Seconded by: Trustee Hopson

Be it resolved that the Village of Spencerport Board of Trustees hereby approves the hiring of Norm Lessord as a seasonal laborer at a rate of $13.15 per hour starting April 8, 2019.

| | | |
|---|---|---|
| Vote of the Board: | Carol J. Nellis-Ewell, Deputy Mayor | 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

**Resolution 124 4/2019**

Introduced by: Mayor Penders
Seconded by: Trustee Kuntz

Be it resolved that the Village of Spencerport Board of Trustees hereby approves the Mayor's appointment of Kimberly Sawyer to the position of Deputy Treasurer.

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

**Resolution 125 4/2019**

Introduced by: Mayor Penders
Seconded by: Trustee Wohlers

Be it resolved that is the Village of Spencerport Board of Trustees hereby approves hiring Donna Stassen as a consultant as needed for additional training at a rate of $38.00 per hour under the discretion of the Village Clerk.

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

**Resolution 126 4/2019**

Introduced by: Mayor Penders
Seconded by: Trustee Kuntz

BE IT RESOLVED, that the Village of Spencerport, Location code 40290, hereby establishes the following as standard work days for its employees and will report days worked to the New York State and Local Employees' Retirement System based on the time keeping system or the record of activities maintained and submitted by these members to the clerk of this body:

Trustee Carol Nellis-Ewell 5 hours a day

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

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

**Green Initiatives** – Deputy Mayor Nellis-Ewell, Chair

Nothing requiring Board action ~ Single-use plastic bags at grocery stores, retail – ban "partial"

**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

Comments from Deputy Mayor Nellis-Ewell

**Thursday, March 21 Spencerport Area Chamber of Commerce Annual AWARDS Dinner**
**Civic Beautification – Spencerport Firemen's Exempt Association – Memorial Dock & Patio**
**Member of the Year – Diana Coleman**

**Business Person of the Year – Carol Nellis-Ewell**
**Congratulations! *JIM BARTON & MAYOR GARY PENDERS CITIZEN/S of the Year 2018***

**Tuesday, March 26** – 6:00 PM Checkpoint V – Budget Focus Group, Asst. Supt. For Business Rick Wood presented revised proposed Budget. Within cap, $83.3M to **$82.48M**

**Meeting Highlights:**

- After multiple comparisons, duplicates identified, resulting in salary reduction.
- Increased cost of summer school.
- BOCES: Increased enrollment, BOCES cost + 620K
- Health Care consortium only 1 % increase.
- 3 retirements (Administration); 1 cleaner, I grounds keeper to be hired.
- Budget components: **Programs/Instruction (emphasis) 73.4 %**, Capital projects 16.6 %, Administration 10 %
- Revenues: 90% from tax levy + state aid (indefinite, pending New York State budget approval)
- Survey: Majority supported 1.56 % increase, $24.05 /1,000

Also Proposition 2: $150K for 21st Century Classroom – classroom furniture and technology
Future: Long-range strategic plan; Line-by-line item review during budget preparation
Checkpoint VI April 6, 7:00 PM Board of Education meeting – Superintendent's proposal for 2019-20 Budget

**Tuesday, April 2** – 1:00-3:00 PM 2019 Introductory meeting
Finger Lakes Regional Economic Development Council (FLREDC): Public Meeting @ Monroe Community College ~ Welcome by Anne Kress & Bob Duffy; branded as United for Success: Finger Lakes Forward / FLX

**Meeting Highlights:**

- Finger Lakes Region/Wine Country: global destination, tourism increasing.
- Millennials moving to every county in the Finger Lakes, 15.4% increase.
- People Staying/Returning (first-class health care, stable housing, 2% rise in cost of living)!
- 4.5% unemployment
- Eastman Tech Park – from tenuous to 100 occupants
- Pitch the positive – (forget) ~~Sea of Negativity~~

About the Money:
Downtown Revitalization: Cities, Towns & Villages benefited
Batavia, Geneva & Penn Yan
*What about us? Spencerport demographics different*
CFA Round 8, 47 Monroe County projects (the most), received 33% of the money
CFA Round 9, announcement May 1 www.regionalcouncils.ny.gov
CFA portal, also Strategic Plans & Reports
2019 Focus: 1) Child Care 2) Environmental Justice – to be defined and clarified
Upstate Revitalization Initiative (URI) - $500M to 100 projects
Familiar themes: Reduce poverty ~ Grow jobs
Key: Commitment, Performance-based grants Must attain milestones prior to monetary awards
My 2 cents: Attended by 100-150 people, maybe 3 or 4 elected officials
Glaring omission senior population – no mention even in "quality of life"
Statements about local, regional... yet Boston Consulting Group (BCG) did FL Economic Development study
Study compiled measured data from "Peer Regions", including Buffalo, Grand Rapids, Omaha, Rochester, Springfield… Rochester just above Buffalo (last) for poverty
Q. How were "Peer Regions" determined, selected and by whom? Variants among selections

**Friday, April 5 –** 7:30 AM Willow Domestic Violence /Legislative Breakfast Consortium
www.willowcenterny.com All services are FREE and CONFIDENTIAL.
Mission: Prevent domestic violence and ensure every survivor has access to services and support needed along the journey to a safe and empowered life.
Vision: Community free from domestic violence, where healthy relationships thrive.
Everyone has the right to be safe. ***If you are hurt or in imminent danger, call 911.***
Willow's 24/7 Hotline is (585) 222-SAFE 24/7 Hotline – anytime, day or night for support

**Bills**

Motion was made by Mayor Penders, seconded by Trustee Wohlers, and carried unanimously that the monthly bills be paid as audited in the following amounts:

| | | |
|---|---|---|
| General Fund | $ | 45,734.85 |
| Electric Fund | $ | 37,105.17 |
| Sewer Fund | $ | 12,322.60 |
| Trust Fund | $ | 3,096.73 |
| Capital Fund | $ | 0 |
| **TOTAL:** | **$** | **98,259.35** |

**Post Audit**

Motion was made by Mayor Penders, seconded by Deputy Mayor Nellis-Ewell carried unanimously that the cash disbursements for the General, Electric, Sewer, Trust and Capital Funds, April 2019 be approved as audited.

A motion was made by Mayor Penders, Seconded by Deputy Mayor Nellis- Ewell and carried that the meeting be adjourned at 8:22 p.m.