

January 14, 2013

A regular meeting of the Village Board held on the above date was called to order at 7:00 p.m at the Village Hall, 1 West Main Street, Clifton Springs, NY 14432.

Presiding: William A. Hunter, Mayor

Board Members Present: Earl Lincoln, Melissa Kumkey, Jeff Linsner, Dan Blondell

Board Members Absent: None

Minutes: The minutes of the meeting of December 10, 2013 were approved upon motion by Trustee Lincoln 2nd by Trustee Linsner. All members present voted AYE. Carried.

Vouchers: General, Water and Sewer Vouchers #597 through #670, and Broad Street Vouchers #0 - #0 were approved for payment by Trustee Lincoln 2nd by Trustee Blondell. All members present voting AYE. Carried.

General Fund =	\$26,479.79
Water Fund =	\$ 6,377.75
Sewer Fund =	\$ 9,640.27
Broad Street =	\$ -0-

PRIVILEGE OF THE FLOOR TO PERSONS ATTENDING THIS MEETING

No persons appeared before the Board. Eugene VanOpdorp, 1724 Silver Street Clifton Springs, was present for this meeting.

CORRESPONDENCES

Eagley – Unsafe Home 31 South Street

Copy of Chapter 42 of the Village Code pertaining to Unsafe Buildings.

Reviewed.

Eagley – Unsafe Home 31 South Street

Letter from Code Enforcement Officer Steve DeHond regarding the home at 31 South Street. Mr. DeHond has determined the home to be unsafe and uninhabitable.

Reviewed and accepted by the Village Board. The "Report" reads as follows and is attached to the resolution below:

January 3, 2013

Mayor William A. Hunter and the Village of Clifton Springs Board of Trustees
1 West Main Street
Clifton Springs, NY 14432

Re: 31 South Street – Home of Melissa and Steven Eagley Jr.

Dear Mayor Hunter and Village Board of Trustees:

As per the Village of Clifton Springs Code, Section 42-2, Report of unsafe structure, I have inspected the home at 31 South Street in the Village of Clifton Springs. I inspected this home from the exterior and I have determined the home to be unsafe and uninhabitable.

The roof structure has totally failed due to fire damage. The home is a public hazard and a public eyesore as well.

It would be my opinion that the home is beyond repair and my recommendation that the structure should be removed immediately.

Should you have any questions, please call me at 315-462-6224 ext. 107.

Respectfully, Steve DeHond, Code Enforcement Officer

Meeting of January 14, 2013 continued:

Eagley – Unsafe Home – 31 South Street

Email, resolution and notice from Attorney Jeff Graff regarding the home at 31 South Street.

Trustee Blondell offered the following resolution 2nd by Trustee Kumkey

RESOLUTION

WHEREAS, Village Code Enforcement Officer, Steven DeHond, prepared a written report to this Village Board dated January 3, 2013 (attached hereto and made a part hereof and hereafter referred to as the “Report”) which Report detailed his findings from his inspection of the property located at 31 South Street, Village of Clifton Springs and the house located thereon (hereinafter referred to as the “Property”) for purposes of complying with Chapter 42 of the Code of the Village of Clifton Springs – Unsafe Buildings; and

WHEREAS, CEO DeHond’s Report details the following:

1. That he performed an inspection of the Property on January 3, 2013;
2. That he personally witnessed the following conditions affecting the house on the Property:
 - a. The roof structure has totally failed due to fire damage.
3. That, based on these personal observations during the inspection, he has formed the following opinion:
 - a. That the house on the Property is unsafe and uninhabitable.
 - b. That the house is a public hazard.
4. That, based on his observations and opinions, it is his recommendation, pursuant to Section 42-2 of the Village Code, that the house on the Property be demolished and removed from the Property; and

WHEREAS, this Village Board has fully considered the Report and the opinions and finding of CEO DeHond contained in his Report.

NOW, THEREFORE, BE IT RESOLVED, that this Board concurs with CEO DeHond’s recommendation in his Report and finds that the house on the Property is unsafe and dangerous to the health and safety of the public and unfit for human occupancy; and be it further

RESOLVED, that the house on the Property is hereby ORDERED to be demolished and removed from the Property; and be it further

RESOLVED, that a hearing be scheduled before this Village Board on February 11, 2013 at 7:00 p.m. at the Clifton Springs Village Hall, 1 West Main Street, Clifton Springs, New York, in relation to such dangerous and unsafe building; and be it further

RESOLVED, that a notice, containing

- (i) the location of the structure,
- (ii) a statement setting forth that the house on the Property is unsafe and dangerous for the reasons contained in CEO DeHond’s Report,
- (iii) an Order that the house on the Property be demolished and removed within thirty (30) days of receipt of the notice, and

Meeting of January 14, 2013 continued:

- (iv) the date, time and place of the hearing.

be served upon the persons and in the manner provided in Chapter 42 of the Code of the Village of Clifton Springs – Unsafe Buildings.

I, Lori Reals, Village Clerk of the Village of Clifton Springs do hereby certify that the aforementioned resolution was adopted by the Board of Trustees of the Village of Clifton Springs on January 14, 2013, by the following vote:

	Aye	Nay
William Hunter	X	
Earl Lincoln	X	
Daniel Blondell	X	
Melissa Kumkey	X	
Jeffrey Linsner	X	

Dated: January 15, 2013

Lori Reals, Village Clerk

SEAL

Fire Department – radios and pagers

From Clifton Springs Fire Department, estimated cost to the Village for radios and pagers.

Reviewed.

Fire Department – donation check applied to radios and pagers

Copy of the check from Clifton Springs Fire Department. The department is making a donation from there fund drive. The Village needs to decide if they want to place this money into the fire department certificate of deposit or if they want to use it pay toward the cost of pagers and radios. The Department has informed the Village the cost to the Village is approximately \$25,302.06.

Motion was made by Trustee Lincoln 2nd by Trustee Linsner to use the donation check to pay for the purchase of the radio's and pagers. All members present voting AYE. Carried. The grant now requires that the radios and pagers be purchased together and this was unexpected.

Water – 1777 requests water turn off

Letter from Chris Santy, 1777 Pearl Street. Mr. Santy is requesting to terminate his public water supply and return to use of his well.

Reviewed. The Board has no objection to the water turn off. The Village will not hold Mr. Santy to the 90 day notice. The water can be turned off anytime that is convenient for Mr. Santy and Craig Reed, Water Maintenance Technician.

Frankenfield vs Village of Clifton Springs

Letter from Lippmann and O'Connor indicating the 50-h hearing was held in the Frankenfield v Village of Clifton Springs and at this time our attorney has closed the legal file.

Reviewed.

Meeting of January 14, 2013 continued:

Historical Society Agreement

Copy of the annual agreement between the Village and the Clifton Springs Historical Society.

Trustee Lincoln offered the following resolution 2nd by Trustee Linsner:

WHEREAS, the Village desires to enter into a contract with the Historical Society whereby the Historical Society will furnish such historical privileges to the people of the Village, and

WHEREAS, the Historical Society desires to enter into a contract with the Village to furnish such Historical Society privileges to the people of the Village,

NOW THEREFORE BE IT AGREED AS FOLLOWS:

1. The Historical Society agrees to furnish Historical Society privileges to the people of the Village for a sum of \$3,000 for the year commencing on the 1st day of June 2012, such sum to be paid to the Historical Society after the first day of July 2012 and before the last day of May 2013.
2. In consideration of the furnishings of such Historical Society privileges by the Historical Society, the Village agrees to pay the Historical Society the sum specified in paragraph one at the time so specified.

All members present voting AYE. Carried.

Village Hall Inspection Report

Copy of the inspection report on the Village Hall, completed by Jamie Kincaid.

Reviewed.

Meeting Minutes from ZBA & Planning from 12-17-12

Copy of the meeting minutes from the joint meeting of the ZBA and Planning Board that was held on December 17, 2012.

Reviewed.

ZBA & Planning updated membership roll

Updated list of the membership roll for the Planning Board and Zoning Board.

Reviewed.

Al Loson – Plaza owner requests sewer reduction

Letter from Al Loson regarding the number of bathrooms at the Countryside Restaurant. They have reduced the number of bathrooms.

The Board agreed to grant a sewer rent reduction by one unit.

Eagley – Unsafe House – 31 South Street

From Attorney Jeff Graff – revised resolution and notice to the Eagles, containing a provision calling for a hearing before the Village Board on February 11, 2013.

Reviewed. The Village local law does not call for a hearing in this process, but Attorney Graff recommends the Eagles be offered a hearing before the Village Board. The Village Board agreed with this recommendation and set the hearing date of February 11, 2013 at 7:00 pm.

Meeting of January 14, 2013

Resignation of Sherry Zehr

Letter of resignation from Police Typist, Sherry Zehr.

Reviewed and accepted with regrets. The Board appreciates the efforts of Sherry Zehr for the past 12 years. At this time the Board has agree to not fill this position.

Copy of a resolution from First Niagara for the lease agreement for a new loader. The interest rate on this is 2.662% for three years.

Trustee Kumkey offered the following resolution 2nd by Trustee Blondell. All members present voting AYE. Mayor Hunter declared the resolution Carried.

RESOLUTION DECLARATION OF OFFICIAL INTENT

Lessee: Village of Clifton Springs

Principal Amount Expected To Be Financed: \$111,550.91

WHEREAS, the above Lessee is a political subdivision of the state in which Lessee is located (the "State") and is duly organized and existing pursuant to the Constitution and laws of the State.

WHEREAS, pursuant to applicable law, the governing body of the Lessee ("Governing Body") is authorized to acquire, dispose of and encumber real and personal property, including, without limitation, rights and interests in property, leases and easements necessary to the functions or operations of the Lessee.

WHEREAS, the Governing Body hereby finds and determines the execution of one or more lease-purchase agreements ("Equipment Leases") in the principal amount not exceeding the amount stated above ("Principal Amount") for the purpose of acquiring the property generally described below ("Property") and to be described more specifically in the Equipment Leases is appropriate and necessary to the functions and operations of the Lessee.

Brief Description of Property: Case IC 621F Loader

WHEREAS, First Niagara Leasing Inc. ("Lessor") is expected to act as the Lessor under the Equipment Leases.

WHEREAS, the Lessee may pay certain capital expenditures in connection with the property prior to its receipt of proceeds of the Equipment Leases ("Lease Purchase Proceeds") for such expenditures and such expenditures are not expected to exceed Principal Amount.

WHEREAS, the U.S. Treasury Department regulations do not allow the proceeds of a tax exempt borrowing to be spent on working capital and the Lessee shall hereby declare its official intent to be reimbursed for any capital expenditures for Property from the Lease Purchase Proceeds.

NOW, THEREFORE, Be It Resolved by the Governing Body of the Lessee:

Section 1. The Lessee hereby determines that it has critically evaluated the financing alternatives available to it pursuant to 2NYCRR Section 39.2 and that entering into Equipment Leases and financing the acquisition of the Property is in the best interest of the Lessee. Such evaluation shall be available as public record.

Meeting of January 14, 2013 continued:

The specific reason for such determination is that entering into such Equipment Leases results in a lower overall costs to the Lessee. Execution of Equipment Leases will not cause the Lessee to be in violation of the limits contained in paragraph c of subdivision 6 of Section 109-b of the General Municipal Law.

Meeting of January 14, 2013 continued:

Section 2. The Lessee is hereby authorized to acquire and install the Property (The "Project") and is hereby authorized to finance the Project by entering into the Equipment Leases. Any action taken by the Lessee in connection therewith is hereby ratified and confirmed.

Section 3. Either one of the Mayor or the NA (each an "Authorized Representative") acting on behalf of the Lessee is hereby authorized to negotiate, enter into, execute, and deliver one or more Equipment Leases in substantially the form set forth in the document presently before the Governing Body, which document is available for public inspection at the office of the Lessee. Each Authorized Representative acting on behalf of the Lessee is hereby authorized to negotiate, enter into execute, and deliver such other documents relating to the Equipment Lease (including, but not limited to, escrow agreements) as the Authorized Representative deems necessary and appropriate. All other related contracts and agreements necessary and incidental to the Equipment Leases are hereby authorized.

Section 4. By a written instrument signed by an Authorized Representative, said Authorized Representative specifically identified officers or employees of the Lessee to execute and deliver agreements and documents relating to the Equipment Leases on behalf of the Lessee.

Section 5. The aggregate original principal amount of the Equipment Leases shall not exceed the Principal Amount and shall bear interest as set forth in the Equipment Leases and the Equipment Leases shall contain such options to purchase by the Lessee as set forth therein.

Section 6. The Lessee's obligations under the Equipment Leases shall be subject to annual appropriation or renewal by the Governing Body as set forth in each Equipment Lease and the Lessee's obligations under the Equipment Leases shall not constitute general obligations of the lessee or indebtedness under the Constitution of the law of the State.

Section 7. It is hereby determined that the purpose of the Project is an object or purpose described in subdivision 32 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is 10 years.

Section 8. It is hereby determined the term of the Equipment Leases authorized by this resolution will not exceed 3 years.

Section 9. The Governmental Body has determined that the Project is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQR") is required.

Section 10. The Governing Body of Lessee anticipates that the Lessee may pay certain capital expenditures in connection with the Property prior to the receipt of the Lease Purchase Proceeds for the Property. The Governing Body of Lessee hereby declares the Lessee's official intent to use the Lease Purchase Proceeds to reimburse itself for Property expenditures. This section of the Resolution is adopted by the Governing Body of Lessee for the purpose of establishing compliance with the requirements of Section 1.150-2 of Treasury Regulations. This section of the Resolution does not bind the Lessee to make any expenditure, incur any indebtedness, or proceed with the purchase of the Property.

Meeting of January 14, 2013 continued:

Section 11. BANK QUALIFIED: LESSEE CERTIFIES THAT IT HAS DESIGNATED THIS LEASE AS QUALIFIED TAX-EXEMPT OBLIGATION IN ACCORDANCE WITH SECTION 265 (b) (3) OF THE CODE, THAT IT HAS NOT DESIGNATED MORE THAN \$10,000,000 OF IT'S OBLIGATIONS AS QUALIFIED TAX-EXEMPT OBLIGATIONS IN ACCORDANCE WITH SUCH SECTION FOR THE CURRENT CALENDER YEAR AND THAT IT REASONABLY ANTICIAPTES THAT THE TOTAL AMOUNT OF TAX-EXEMPT OBLIGATIONS TO BE ISSUED BY LESSEE DURING THE CURRENT CALENDER YEAR WILL NOT EXCEED \$10,000,000.

Section 12. The Authorized Representative is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the Equipment Leases authorized by this resolution as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Code.

Section 13. This resolution is not subject to any mandatory or permissive referendum pursuant to the Local Finance Law or Section 109-b of the General Municipal Law.

Section 14. This Resolution shall take effect immediately upon its adoption and approval.

ADOPTED AND APPROVED this 14th day of January, 2013.

The undersigned **Secretary/Clerk** of the above names Lessee hereby certifies and attests that (i) the undersigned has access to the official records of the Governing Body of the Lessee, (ii) the foregoing resolutions were duly adopted by the favorable vote of not less than [two-thirds/three-fifths] of all the members of said Governing Body of the Lessee at a [regular/special] meeting of said Governing Body duly called, regularly convened and attended throughout by the requisite quorum of the members thereof, (iii) such resolutions have not been amended or altered and are in full force and effect on the date stated below and (iv) such meeting of the Governing Body relating to the authorization and delivery of the Equipment Lease has been (a) held within the geographic boundaries of the Lessee; (b) open to the public, allowing all people to attend (c) conducted in accordance with internal procedures of the Governing Body and (d) conducted in accordance with the charter of the Lessee, if any, and laws of the State.

Signature of the Secretary/Clerk of Lessee

Print Name: Lori A. Reals

Official Title: Village Clerk/Treasurer

STREET DEPARTMENT: Trustee Kumkey reported the following:

Snow

Between Christmas and New Years the area was hit with a snowstorm. The crew had overtime, but they did an outstanding job keeping the streets and sidewalks clear.

Supervisor Lannon is going to look into a snow blower for the sidewalk plow that goes forward. Currently the Village plows the sidewalks going forward but in heavy snow when the sidewalks need to be blown off the plow has to drive backwards for the unit to work.

SEWER DEPARTMENT: Mayor Hunter reported the following:

Wages

The Board reviewed a list of area wages for personnel working in sewer plants.

WATER DEPARTMENT: Trustee Blondell reported the following:

Meeting of January 14, 2013 continued:

Meter replacement – possible grant

Trustee Blondell stated that in the 2014-2015 budget the Village will need to budget to replace water meters. Clerk Reals informed the Board that Wayne Holtz, Town of Manchester Highway Supervisor, informed her the Town is looking into a possible grant for meter replacement and the Town would like the Village of Clifton Springs and the Village of Manchester to go in on the grant together. More information will follow.

Schroo Road – possible water district

The Town of Phelps is exploring the possibility of a Schroo Road water district. The Town of considering coming off from the Village water line on Pearl Street. This is very early in the discussion phase, and would require approval from the Department of Health and Department of Environmental Conservation.

ZONING & PLANNING DEPARTMENTS: This report was covered under correspondences.

FIRE DEPARTMENT: Trustee Linsner reported the following:

Trucks going for inspection

Three fire trucks will be going one at a time for inspection. Two pumper trucks and one rescue truck. The ladder truck has been done. The department is still working on the next truck purchase and the Department hopes to appear before the Village Board soon to discuss the next truck purchase.

Town of Phelps Fire Contract

Mayor Hunter asked Trustee Linsner to set up a meeting with the Town of Phelps, Village of Clifton Springs, Village of Phelps and Oaks Corners Fire Department to discuss the fire contracts.

PARK – YOUTH DEPARTMENT: Clerk Reals had nothing to report.

POLICE DEPARTMENT: Mayor Hunter reported the following:

Stipend pay for Chief Upchurch

Mayor Hunter asked the Board to consider a stipend for Police Chief Scott Upchurch. Chief Upchurch has been working many extra hours and because he is salaried he does not get paid overtime. Motion was made by Trustee Kumkey 2nd by Trustee Lincoln to pay Scott Upchurch \$3,000 net pay for these numerous extra hours. All members present voting AYE. Carried. The Board appreciates all the extra effort Chief Upchurch has been doing to provide coverage to the people in Clifton Springs.

MAYOR HUNTER REPORT: Mayor Hunter reported the following:

Mayors Hunters report was covered thru out the meeting.

CLERK REALS REPORT: Clerk Reals had nothing to report.

**Resolution designating the polling place, date
And time for the annual Village Election**

Trustee Linsner offered the following resolution 2nd by Trustee Lincoln:

NOW THEREFORE BE IT RESOLVED, that the Annual Village Election shall be held Tuesday, March 19, 2013 and the polling place will be the Clifton Springs Fire House, 39 Kendall Street, Clifton Springs, New York. The hours the polls shall be open will be 12:00 p.m. (noon) to 9:00 p.m. (Sec. 15-104, (3) Election Law). All members present voting AYE. Carried.

There was no need to discuss registration day as the Village decided in January 1999 to no longer hold Village registration day.

Meeting of January 14, 2013 continued:

Appointment of Election Inspectors and Poll Clerks

Trustee Linsner moved that Esther Swimley (R) and Doris Hunter (D) be appointed to the position of Election Inspectors for Election Day on March 19, 2013 and further that Minnie DeSchepper (R) and Gladys Simons (D) be appointed to the positions of Poll Clerks for the Election Inspectors. There was no need to appoint an Election Custodian as voters will be voting by paper ballot. Trustee Lincoln 2nd this motion. All members present voting AYE. Carried. (Sec. 154-116 (1) Election Law). As per the 2012-2013 budget the election inspectors and the election poll clerks will be paid \$9.50 per hour.

OTHER BUSINESS

Motion was made by Trustee Kumkey 2nd by Trustee Linsner to enter into executive session at 7:35 p.m. to discuss a matter leading to the possible discipline of a particular employee. All members present voting AYE. Carried.

Motion was made by Trustee Kumkey 2nd by Trustee Linsner to exit executive session and resume the regular meeting at 7:50 p.m. All members present voting AYE. Carried.

Transfer of Funds

Motion was made by Trustee Lincoln 2nd by Trustee Linsner that Clerk Reals be and she is hereby authorized to transfer funds between the following appropriations as follows:

From A1990.4 to A6410.4	\$1,304.28
From A9010.8 to A9040.8	\$ 608.00
From F1420.4 to F1440.4	\$ 252.81
From F1420.4 to F8340.4	\$ 749.19
From F8320.2 to F8320.4	\$ 400.00
From F1910.4 to F8340.4	\$1,000.00
From F8340.1 to F8340.4	\$2,000.00
From F8340.2 to F8340.4	\$2,500.00
From F8330.4 to F8320.4	\$ 500.00
From F9055.4 to F8340.4	\$ 45.52
From G81301. To G8130.4	\$20,000.00

All members present voting AYE. Carried.

Adjournment

There being no further business to come before the Board, motion made by Trustee Lincoln 2nd by Trustee Kumkey to adjourn. All members present voting AYE. Meeting adjourned at 8:28 p.m.

Respectfully submitted,

Lori A. Reals
Clerk/Treasurer