

August 11, 2014

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: Bill Hunter, Mayor

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

Board Members Absent: Jeff Linsner

Minutes: The minutes of the meeting of July 14, 2014 were approved upon motion by Trustee Lincoln 2<sup>nd</sup> by Trustee Blondell. All members present voted AYE. Carried.

Vouchers: General, Water and Sewer Vouchers #146 through #221, and Broad Street Vouchers #0-#0 were approved for payment by Trustee Lincoln 2<sup>nd</sup> by Trustee Kumkey. All members present voting AYE. Carried.

General Fund =	\$ 87,703.74
Water Fund =	\$ 7,701.61
Sewer Fund =	\$ 29,481.76
Broad Street =	\$ -0-

#### **PRIVILEGE OF THE FLOOR TO PERSONS ATTENDING THIS MEETING**

No persons appeared before the Board.

#### **CORRESPONDENCES**

##### **Spa Apartments PILOT**

Copy of the signed PILOT with the new buyer of the Spa Apartments.

Reviewed. This PILOT (payment in lieu of taxes) is for 32 years. The Board truly appreciates all the effort the Town of Manchester put into making this an agreement all parties are satisfied with.

##### **Comptroller's Audit Report-response letter**

Copy of the letter Mayor Hunter sent to the Comptroller's office in response to the recent draft audit report.

Reviewed. All Board members had previously received the audit report, (both draft and final). The Board was pleased with this report. The Comptroller's report indicated that the Village could improve in Board oversight and long term planning.

##### **Ashton Place – lift station**

Letter and payment from Ashton Place, for work pertaining to the lift station. Ashton Place paid this payment in protest.

Reviewed.

##### **Riley and Graff**

Letter from Attorney's Riley and Graff, with a price increase.

Reviewed. The Board understands the increase, the first in nine years, and still finds the rates reasonable.

##### **Festival of Lights**

Letter from the Chamber of Commerce requesting assistance for the Festival of Lights on December 5, 2014.

Meeting of August 11, 2014 continued:

Reviewed. The Village will provide the same assistance for this event as in the past. This includes police protection and trash pickup.

**Clifton Commons lawsuit over assessment**

Copy of the lawsuit – Clifton Commons vs. Assessor Town of Manchester.

Reviewed. This will be handled by the Town of Manchester.

**Exit 42 – park and ride**

Letter from the State of New York regarding the exit 42, park and ride facility.

Reviewed.

**Planning Board minutes 8-6-14**

Copy of the Planning Board minutes from August 6, 2014.

Reviewed. The Planning Board approved the signs for TOPS.

**ZBA minutes 7-21-14**

Copy of the Zoning Board meeting minutes from July 21, 2014.

Reviewed. The Zoning Board approved the signs for TOPS.

**Time Warner franchise agreement**

Copy of the proposed franchise agreement with Time Warner Cable.

Reviewed. At the Board's request the Clerk will schedule a public hearing to proceed with accepting the franchise agreement.

**Haunted House insurance**

Copy of the quote for insurance for the proposed haunted house.

Reviewed. The Board previously agreed that the Village is not paying for insurance for a haunted house that Coby Reals has proposed for charity. Trustee Blondell informed the Board that he is willing to privately pay for the insurance if the Board is agreeable to allow the haunted house on the 3<sup>rd</sup> floor. The Board discussed this and had no objections, as long as the Village is not paying the premium. Trustee Blondell will be the liaison for this with Coby Reals.

**STREET DEPARTMENT:** Trustee Kumkey reported the following:

**Miscellaneous work**

The crew is finishing up sidewalk work, they will begin catch basin work and hot patching. Trustee Lincoln asked Trustee Kumkey to have the crew trim the shrubs by the Clifton Springs sign on Kendall Street.

**Mini-Excavator**

Trustee Kumkey reported that Supervisor Lannon has received a new mini-excavator. This was purchased thru state bid. This will be financed thru First Niagara. The cost is approximately \$70,000. Trustee Kumkey and Trustee Blondell have agreed that this will be paid for over four years, with the water fund paying \$10,000 per year and the street fund paying \$8,000 per year.

Meeting of August 11, 2014 continued:

**RESOLUTION DECLARATION OF OFFICIAL INTENT**

Lessee: Village of Clifton Springs

Principal Amount Expected To Be Financed: 69,096.00

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: IC CX55B Mini Excavator including all accessories and attachments

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.

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.

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

Meeting of August 11, 2014 continued:

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 4 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.

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.

Meeting of August 11, 2014 continued:

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

ADOPTED AND APPROVED this 11<sup>th</sup> day of August, 2014.

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.

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Signature of the Secretary/Clerk of Lessee

Print Name: Lori A. Reals

Official Title: Village Clerk/Treasurer

**POLICE DEPARTMENT:** Trustee Lincoln had the police schedule for the month of August, with coverage while the Chief is on vacation.

**PARK – YOUTH DEPARTMENT:** Trustee Lincoln had nothing to report.

**WATER DEPARTMENT:** Trustee Blondell reported the following:

**Water Meters**

Supervisor Lannon is working on getting quotes on water meter replacement. Trustee Blondell is looking at a ten year plan. The reason Supervisor Lannon is obtaining quotes is because “Badger” is no longer making the type of water meter the village uses. Mayor Hunter informed the Board that the Village has looked into remote read meters before and it does not make sense to switch to this type of system, due to cost. The system that is in place is not labor intensive. More discussion will be held on this when Supervisor Lannon attends the October Board meeting.

**Water Service**

The crew will be installed new water services at four locations. Two are on Teft Avenue, where the valve is broke, one on Prospect Street and one on South Street.

**Weekend Water Duty**

Discussion was held on weekend water duty. Currently an employee is coming in for one hour on Saturday and Sunday and reading a couple water meters, including the meter at the tanks. This is being done to in an effort find a water leak quickly, if one should occur. The Board is agreeable with this for a short period of time, not longer than six months, while the Supervisor is getting comfortable with the duties of the water department. The Village had previously eliminated this expense and does not want to start paying a person for weekend duty again.

Meeting of August 11, 2014 continued:

**SEWER DEPARTMENT:** Mayor Hunter reported the following:

**Concrete work**

Bob Raeman, Hunt Engineer, has been to the sewer plant. The sewer department has budgeted to do some work on the clarifier. Mr. Raeman has suggested that the sewer plant complete some major concrete work and painting of some tanks this year, and the clarifier work next year. Mr. Raeman will supply an estimate. Mayor Hunter explained the concrete work and the painting work have really become a priority. This project will be put out to bid.

**ZONING AND PLANNING:** See correspondences.

**FIRE DEPARTMENT:** Clerk Reals reported the following:

**Elimination of 1988 Ford rescue van from fleet**

At the request of the Board Clerk Reals contacted Sandy Hook regarding giving them the rescue van. Clerk Reals spoke with a person from Sandy Hook who informed her that someone would get back to Clifton Springs, but no one has contacted Clifton Springs.

**Jr. Firefighter**

A Junior Firefighter was hurt while training at the Ontario County Training Facility. The Junior Firefighter is fine and had no major injury.

**CLERK REALS REPORT:** Clerk Reals had nothing to report.

**MAYOR HUNTER REPORT:** Mayor Hunter reported the following:

**Solar Energy**

Bob Raeman, Hunt Engineers, will be attending a meeting soon to discuss Solar Energy. The Village has been looking into this as a possible way to save money, especially at the sewer plant.

**OTHER BUSINESS:**

**Health Insurance**

Trustee Blondell checked into health insurance thru New York State. He informed the Board this insurance is as expensive if not more expensive than what the Village is currently paying.

**Transfer of Funds**

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

From A1990.4 to A1420.4	\$4,000.00
From A1990.4 to A3510.4	\$175.35
From A5112.2 to A5110.2	\$2,000.00
From A5142.4 to A5110.2	\$2,466.00

All members present voting AYE. Carried.

**Adjournment**

There being no further business to come before the Board, motion made by Trustee Lincoln 2<sup>nd</sup> by Trustee Kumkey to adjourn. All members present voting AYE. Meeting adjourned at 7:50 p.m.

Respectfully submitted,

Lori A. Reals  
Clerk/Treasurer