

February 8, 2016

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: Jeff Linsner, Dan Blondell, Melissa Kumkey

Board Members Absent: Earl Lincoln

Minutes: The minutes of the meeting of January 11, 2016 were approved upon motion by Trustee Kumkey 2nd by Trustee Linsner. All members present voted AYE. Carried.

Vouchers: General, Water and Sewer Vouchers #614 through #689, were approved for payment by Trustee Blondell 2nd by Trustee Linsner. All members present voting AYE. Carried.

General Fund =	\$ 31,435.44
Water Fund =	\$ 2,788.88
Sewer Fund =	\$ 9,689.09

PRIVILEGE OF THE FLOOR TO PERSONS ATTENDING THIS MEETING

No persons appeared before the Board.

CORRESPONDENCES

Street Sweeper

Copy of the price estimate for a new sweeper. Mayor Hunter informed the Board the cost a new sweeper is \$240,206. This is the price thru state bid. The Village has sold the 1999 sweeper for \$37,500. The Village would like to borrow \$175,000 over a five year period and use \$28,706 from the fund balance. The payment would be made by savings from not replacing a part time employee for five years, plus an agreement with the Village of Phelps, paying \$10,000 per year x 7 years for the Village of Clifton Springs to sweep there streets.

Street Sweeper

Copy of three financing options with First Niagara.

Reviewed. The Village has done previous short term borrowings with First Niagara for equipment purchases. The Board agreed the borrowing should be for \$175,000 over a five year period.

**RESOLUTION AND
DECLARATION OF OFFICIAL INTENT**

Lessee: Village of Clifton Springs

Principal Amount Expected To Be Financed: \$175,000.00

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.

Meeting of February 8, 2016 continued:

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:

One (1) Johnson VT-651S Vacuum Street Sweeper including all attachment and accessories mounted on 2016 Freightliner M2 Chassis Vin: 1FVACXDT2GHGR7120

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 the 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 2 NYCRR Section 39.2 and that entering into the Equipment Leases and financing the acquisition of the Property thereby is in the best interests of the Lessee. Such evaluation shall be available as a public record.

The specific reason for such determination is that entering into such Equipment Leases results in a lower overall cost to the Lessee. Execution of the 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 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 any Authorized Representative, said Authorized Representative may designate 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.

Meeting of February 8, 2016 continued:

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 or laws 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] (2) years.

Section 8. It is hereby determined the term of the Equipment Leases authorized by this resolution will not be in excess of (5) 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 A 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 ITS OBLIGATIONS AS QUALLIFIED TAX-EXEMPT OBLIGATIONS IN ACCORDANCE WITH SUCH SECTION FOR THE CURRENT CALENDER YEAR AND THAT IT REASONABLY ANTICIPATES 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 on this 8th day of February, 2016.

Meeting of February 8, 2016 continued:

The undersigned Secretary/Clerk of the above-named 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 Secretary/Clerk of Lessee

Lori A. Reals, Village Clerk /Treasurer, February 9, 2016

Morphys – 32 Broad Street – noise concern

Email from Denise Morphy, 32 Broad Street, with a concern regarding noise coming from G.W. Lisk.

Reviewed. Mayor Hunter has spoken with Charlie Morphy and has gone to the property to listen. The sound is a constant hum. Mr. Morphy is going to talk to Bob Woodhouse at G.W. Lisk Company and if Mr. Morphy isn't satisfied he will re-contact Mayor Hunter. At this time this is an issue between the neighbors. Trustee Blondell suggest reaching a compromise and possibly having G.W. Lisk do some plantings. The Board will wait and see if the concern can be resolved between the neighbors.

All Hazard Mitigation

Approximately every five years, all entities in the county have to update the "All Hazard Mitigation Plan". Clerk Reals has submitted the action worksheets and the Board reviewed the action sheets.

Trustee Linsner offered the following resolution 2nd by Trustee Kumkey

WHEREAS, the Village of Clifton Springs is participating in the update of the Ontario County Multi-Jurisdictional All Hazard Mitigation Plan, and

WHEREAS, said update shall include steps for implementation to occur in the Village of Clifton Springs as described in the draft action worksheets presented to the Clifton Springs Village Board, and

WHEREAS, the Village of Clifton Springs has reviewed the draft action worksheets and has determined that the described actions are necessary to reduce the potential for negative impacts from future flooding and other likely disasters, and now therefore be it,

RESOLVED, that the Village of Clifton Springs Village Board hereby accepts the draft action sheets and determines that they are suitable for inclusion in the updated Ontario County Multi-Jurisdictional All Hazard Mitigation Plan.

All members present voting AYE. Carried.

Meeting of February 8, 2016 continued:

Russell – fence for dogs

Follow up from the January Board meeting, letter to Robin and Garrett Russell, 15 Hibbard Avenue, regarding the dogs.

Reviewed. The Russell's need to comply by February 16, 2016. Chief Upchurch will follow up on this.

Planning Board minutes 1-13-2016

Copy of the Planning Board meeting minutes. Mr. Scott Ditzell is pursuing building a home behind existing houses on Hillside Drive.

Mr. Ditzell will gather more information and appear before the Board on February 10, 2016. The Village Board does want a street built on the section of this parcel that is a street and does want proper water and sewer lines installed. Trustee Blondell will speak with the Planning Board Chairman regarding this.

ZBA minutes 1-18-2016

Copy of the Zoning Board meeting minutes.

The Board approved a fence one foot from the property line at 20 Broad Street, Bruce and Jane Wilson's.

Possible code changes

Copy of an email pertaining to possible code changes, questions and answers.

Reviewed. Trustee Blondell has been involved in this process and has been reading the proposed codes

Proposed zoning code

Copy of the proposed zoning code.

Clerk Reals supplied all Board members with the proposed codes. Trustee Blondell has been involved in this process and has been reading the proposed codes. In the near future a meeting will be held with the Village Board, the Planning Board and the Zoning Board to discuss the proposed changes.

Steve Backer – chickens requested

Letter from Steve Backer, 86 West Main Street, requesting chickens.

- 1) The permit is for no more than six (6) chickens, and no roosters.
- 2) The chickens are to be housed behind your home in a shed/chicken coop. No free range chickens are allowed.
- 3) The permit is good for one year from February 2016 until February 2017. As a reminder the Village code reads as follows: Section 49.1A, of the Village Code "Such special permit may be granted for a period of one year unless it shall appear from complaints of neighbors or otherwise that the keeping of the animal in question is objectionable or offensive by reason of noise, smell or other cause. Such a special permit shall be revocable at any time by the Board of Trustees."
- 4) After a one-year period, should the permit still be in effect, you are responsible to appear or write to the Board for the permit to continue.

Meeting of February 8, 2016 continued:

Inter-municipal agreement with Phelps – sweeper use

Possible agreement for use of the street sweeper with the Village of Phelps.

Reviewed. The Board is in agreement with the proposed agreement. Motion was made by Trustee Linsner 2nd by Trustee Kumkey to authorize Mayor Hunter to sign the agreement. All members present voting AYE. Carried. A change may be made to reference the section of general municipal law and executive law, but the rest of the agreement is acceptable.

Village of Clifton Springs and Village of Phelps

Intermunicipal Agreement for Use of DPW Equipment

- Agreement made March 1, 2016, by and between the Village of Clifton Springs, hereinafter called the “Clifton Springs” and the Village of Phelps, hereinafter called the “Phelps”;

-- WHEREAS, the Board of Trustees of the Village of Phelps and the Board of Trustees of the Village of Clifton Springs, both located in the County of Ontario, New York, deem it in the best interest of the residents of the respective governments to share the use of certain equipment; and,

-- WHEREAS, the Village of Clifton Springs owns a street sweeper to maintain the appearance of its Village; and,

-- WHEREAS, General Municipal Law and Executive Law of the State of New York provides that municipalities may enter into agreements for shared services; now

-- THEREFORE, Clifton Springs agrees to provide a street sweeper and an operator to clean Phelps streets in the same manner provided to its Village, or as directed by the Phelps Department of Public Works Superintendent, at least once per month from April until October each year; or less frequently, as mutually agreed to by the respective Department of Public Works Superintendents; and,

-- THEREFORE, Phelps will annually pay \$10,000 for such services, and,

-- Phelps hereby agrees to save the Clifton Springs harmless from any claim or cause of action which may arise out of this Agreement and Clifton Springs in like manner agrees to hold Phelps harmless; and,

-- This agreement will be in effect until December 31, 2022, and will renew annually on January 1 unless either party provides notification by November 1 of its intent not to renew for the following year. The amount provided annually towards the cost of the program by Phelps may be adjusted by written mutual agreement after December 31, 2022.

This agreement was signed by Mayor Hunter. Mayor Cheney from the Village of Phelps drafted this agreement, the agreement will be sent back to Phelps for the Village of Phelps to sign as well.

Historical Society Agreement

Annual financial agreement between the Village and the Clifton Springs Historical Society.

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

Annual resolution to provide financial support to Clifton Springs Historical Society.

Meeting of February 8, 2016 continued:

AGREEMENT PROVIDING FINANCIAL SUPPORT TO THE CLIFTON SPRINGS HISTORICAL SOCIETY FROM MONEY RAISED BY TAXATION IN THE VILLAGE OF CLIFTON SPRINGS DURING THE FISCAL YEAR BEGINNING JUNE 1, 2015 AND ENDING MAY 31, 2016.

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 2015, such sum to be paid to the Historical Society after the first day of July 2015 and before the last day of May 2016.
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.

STREET DEPARTMENT: Trustee Kumkey reported the following:

Damage to DPW building

A Village employee accidentally hit the corner of the DPW building with the wing from a plow on January 28, 2016. This did damage to the corner of the building, no damage to the plow. This has been turned into the insurance company. The Village will be getting estimates to repair the damage, once the insurance company has approved the claim.

2016 Dump truck

As per the street equipment replacement schedule a new dump truck was previously ordered. The truck has arrived, but the truck came with 3,000 miles on it. The Village finds this unacceptable for a new truck and will ask for a reduction in pricing, or will ask for permission to cancel the order and place another order for a new truck. The Village has saved money for several years for this purchase.

New furnace at DPW barns

Recently the Village barn was in need of a new furnace. A new furnace was installed.

SEWER DEPARTMENT: Mayor Hunter reported the following:

Sewer clarifier work

The Village will be opening bids on the re-build of the sewer clarifier on March 8, 2016 at 8AM.

WATER DEPARTMENT: Trustee Blondell reported the following:

The Village will be opening bids on the re-bid of water main replacement on Kendall Street. The bid opening will be March 14, 2016 at 8AM.

ZONING & PLANNING DEPARTMENTS: See correspondences.

FIRE DEPARTMENT: Trustee Linsner reported the following:

Meeting of February 8, 2016 continued:

Ladder truck repairs

The ladder truck has had a problem with the charging unit. The estimate to repair this is \$2,000. The truck will be getting repaired.

Monthly Report

Fire Captain Steve DeCook submitted the monthly report.

PARK – YOUTH DEPARTMENT: Nothing was reported.

POLICE DEPARTMENT: Trustee Lincoln was not present.

The work schedule for the month of March was submitted.

MAYOR HUNTER REPORT: Mayor Hunter's report was covered throughout the meeting.

CLERK REALS REPORT: Clerk Reals provided the Board with the bank statements for December 2015 and January 2015, along with the trial balances, payroll information, the justice court report, the fire department report, copies of zoning violation letters, and a detailed listing of revenues and expenses thru January 31, 2016.

OTHER BUSINESS:

Reminder – Special Village Election

A Special Village Election will be held Tuesday, March 15, 2016 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.

The purpose of the special election is to fill the remainder of the Village Justice term that was vacated by Randy Brooks. The term of office will be for one year.

Adjournment

There being no further business to come before the Board, motion made by Trustee Blondell 2nd by Trustee Linsner to adjourn. All members present voting AYE. Meeting adjourned at 8:25 p.m.

Respectfully submitted,

Lori A. Reals
Clerk/Treasurer