

June 1, 2011

A special meeting of the Village Board held on the above date was called to order at 8:00 am at the Village Hall, 1 West Main Street, Clifton Springs, NY 14432.

Presiding: William A. Hunter, Mayor

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

Board Members Absent: None

This meeting was properly advertised in THE DAILY MESSENGER on May 26, 2011 and posted on the sign board at the Village Hall.

Mayor Hunter reviewed the purpose of this meeting with the Board members and discussion was held on the SEQR and the bond resolution for a rebuild of Broad Street.

Mayor Hunter reviewed with the Board a draft schedule with the time line for this project. Board members indicated concern with this time line, due to the late start and concern with weather. The Board agreed to proceed with the SEQR, borrowing process and bid process at this time.

#### EXTRACT OF MINUTES OF MEETING OF THE VILLAGE BOARD

#### MAKING ENVIRONMENTAL DETERMINATION

At a special meeting of the Board of Trustees of the Village of Clifton Springs, Ontario County, New York, held at the Village Offices in Clifton Springs, New York, on the 1<sup>st</sup> day of June, 2011:

PRESENT: William A. Hunter, Mayor, Trustees Melissa Kumkey, Dan Blondell, Jeff Linsner, Earl Lincoln

ABSENT: None

Trustee Earl Lincoln presented the following resolution and duly moved that it be adopted and was seconded by Trustee Jeff Linsner:

WHEREAS, the Board of Trustees of the Village of Clifton Springs, New York shall consider a bond resolution authorizing general obligation serial bonds (and bond anticipation notes in anticipation thereof) to finance certain capital improvements consisting of the construction of road improvements; and

WHEREAS, the Board has duly considered the nature and scope of the proposed project and financing and the other proposed actions of the Village in connection therewith (the "action");

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF CLIFTON SPRINGS, NEW YORK:

Meeting of June 1, 2011 continued:

1. The Board of Trustees of the Village of Clifton Springs hereby declares itself lead agency to the extent necessary for this purpose and therefore responsible for determining whether an environmental impact statement is required under the State Environmental Quality Review Act and the regulations of the Department of Environmental Conservation of the State of New York (6 NYCRR Part 617, as amended) promulgated thereunder ("SEQRA").

2. Based upon the review by the Board of Trustees of the proposed project, the Board hereby finds that the proposed action constitutes a "type II action" as such quoted term is defined in SEQRA and, therefore, is not subject to any further review by the Village under SEQRA. A listing of such type II actions is attached hereto. The action consists of no contemplated expansion of the existing facilities and the improvements to such facilities will be in the nature of replacement, rehabilitation or reconstruction of the facilities in kind, on the same site.

3. A copy of this resolution shall be placed on file in the office of the Village Clerk where the same shall be available for public inspection during business hours.

This resolution shall take effect immediately.

The motion having been duly seconded, it was adopted and the following votes were cast:

|                        | <u>AYES</u> | <u>NAYS</u> |
|------------------------|-------------|-------------|
| Mayor William Hunter   | X           | None        |
| Trustee Earl Lincoln   | X           |             |
| Trustee Jeff Linsner   | X           |             |
| Trustee Dan Blondell   | X           |             |
| Trustee Melissa Kumkey | X           |             |

TYPE II LIST

**617.5 TYPE II ACTIONS .**

- (a) Actions or classes of actions identified in subdivision (c) of this section are not subject to review under this Part. These actions have been determined not to have a significant impact on the environment or are otherwise precluded from environmental review under Environmental Conservation Law, article 8. The actions identified in subdivision (c) of this section apply to all agencies.
- (b) Each agency may adopt its own list of Type II actions to supplement the actions in subdivision (c) of this section. No agency is bound by an action on another agency's Type II list. An agency that identifies an action as not requiring any determination or procedure under this Part is not an involved agency. Each of the actions on an agency Type II list must:
  - (1) in no case, have a significant adverse impact on the environment based on the criteria contained in subdivision 617.7(c) of this Part; and
  - (2) not be a Type I action as defined in section 617.4 of this Part.
- (c) The following actions are not subject to review under this Part:
  - (1) maintenance or repair involving no substantial changes in an existing structure or facility;

Meeting of June 1, 2011 continued:

- (2) replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes, unless such action meets or exceeds any of the thresholds in section 617.4 of this Part;
- (3) agricultural farm management practices, including construction, maintenance and repair of farm buildings and structures, and land use changes consistent with generally accepted principles of farming;
- (4) repaving of existing highways not involving the addition of new travel lanes;
- (5) street openings and right-of-way openings for the purpose of repair or maintenance of existing utility facilities;
- (6) maintenance of existing landscaping or natural growth;
- (7) construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities;
- (8) routine activities of educational institutions, including expansion of existing facilities by less than 10,000 square feet of gross floor area and school closings, but not changes in use related to such closings;
- (9) construction or expansion of a single-family, a two-family or a three-family residence on an approved lot including provision of necessary utility connections as provided in paragraph (11) and the installation, maintenance and/or upgrade of a drinking water well and a septic system;
- (10) construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings not changing land use or density;
- (11) extension of utility distribution facilities, including gas, electric, telephone, cable, water and sewer connections to render service in approved subdivisions or in connection with any action on this list;
- (12) granting of individual setback and lot line variances;
- (13) granting of an area variance(s) for a single-family, two-family or three-family residence;
- (14) public or private best forest management (silvicultural) practices on less than 10 acres of land, but not including waste disposal, land clearing not directly related to forest management, clear-cutting or the application of herbicides or pesticides;
- (15) minor temporary uses of land having negligible or no permanent impact on the environment;
- (16) installation of traffic control devices on existing streets, roads and highways;
- (17) mapping of existing roads, streets, highways, natural resources, land uses and ownership patterns;
- (18) information collection including basic data collection and research, water quality and pollution studies, traffic counts, engineering studies, surveys, subsurface investigations and soils studies that do not commit the agency to undertake, fund or approve any Type I or Unlisted action;

Meeting of June 1, 2011 continued:

- (19) official acts of a ministerial nature involving no exercise of discretion, including building permits and historic preservation permits where issuance is predicated solely on the applicant's compliance or noncompliance with the relevant local building or preservation code(s);
- (20) routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment;
- (21) conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action;
- (22) collective bargaining activities;
- (23) investments by or on behalf of agencies or pension or retirement systems, or refinancing existing debt;
- (24) inspections and licensing activities relating to the qualifications of individuals or businesses to engage in their business or profession;
- (25) purchase or sale of furnishings, equipment or supplies, including surplus government property, other than the following: land, radioactive material, pesticides, herbicides, or other hazardous materials;
- (26) license, lease and permit renewals, or transfers of ownership thereof, where there will be no material change in permit conditions or the scope of permitted activities;
- (27) adoption of regulations, policies, procedures and local legislative decisions in connection with any action on this list;
- (28) engaging in review of any part of an application to determine compliance with technical requirements, provided that no such determination entitles or permits the project sponsor to commence the action unless and until all requirements of this Part have been fulfilled;
- (29) civil or criminal enforcement proceedings, whether administrative or judicial, including a particular course of action specifically required to be undertaken pursuant to a judgment or order, or the exercise of prosecutorial discretion;
- (30) adoption of a moratorium on land development or construction;
- (31) interpreting an existing code, rule or regulation;
- (32) designation of local landmarks or their inclusion within historic districts;
- (33) emergency actions that are immediately necessary on a limited and temporary basis for the protection or preservation of life, health, property or natural resources, provided that such actions are directly related to the emergency and are performed to cause the least change or disturbance, practicable under the circumstances, to the environment. Any decision to fund, approve or directly undertake other activities after the emergency has expired is fully subject to the review procedures of this Part;

Meeting of June 1, 2011 continued:

- (34) actions undertaken, funded or approved prior to the effective dates set forth in SEQR (see chapters 228 of the Laws of 1976, 253 of the Laws of 1977 and 460 of the Laws of 1978), except in the case of an action where it is still practicable either to modify the action in such a way as to mitigate potentially adverse environmental impacts, or to choose a feasible or less environmentally damaging alternative, the commissioner may, at the request of any person, or on his own motion, require the preparation of an environmental impact statement; or, in the case of an action where the responsible agency proposed a modification of the action and the modification may result in a significant adverse impact on the environment, an environmental impact statement must be prepared with respect to such modification;
- (35) actions requiring a certificate of environmental compatibility and public need under articles VII, VIII or X of the Public Service Law and the consideration of, granting or denial of any such certificate;
- (36) actions subject to the class A or class B regional project jurisdiction of the Adirondack Park Agency or a local government pursuant to section 807, 808 and 809 of the Executive Law, except class B regional projects subject to review by local government pursuant to section 807 of the Executive Law located within the Lake George Park as defined by subdivision one of section 43-0103 of the Environmental Conservation Law; and
- (37) actions of the Legislature and the Governor of the State of New York or of any court, but not actions of local legislative bodies except those local legislative decisions such as rezoning where the local legislative body determines the action will not be entertained.

<http://www.dec.state.ny.us/website/regs/part617.html>

#### EXTRACT OF MINUTES OF MEETING OF THE VILLAGE BOARD

#### ADOPTING BOND RESOLUTION

At a special meeting of the Board of Trustees of the Village of Clifton Springs, Ontario County, New York, held at the Village Offices in Clifton Springs, New York, on the 1<sup>st</sup> day of June, 2011:

PRESENT: William A. Hunter, Mayor, Trustees Melissa Kumkey, Dan Blondell, Jeff Linsner, Earl Lincoln

ABSENT: None

Trustee Melissa Kumkey presented the following resolution and duly moved that it be adopted and was seconded by Trustee Earl Lincoln:

BOND RESOLUTION DATED JUNE 1, 2011 OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF CLIFTON SPRINGS, NEW YORK, AUTHORIZING GENERAL OBLIGATION SERIAL BONDS TO FINANCE ROAD IMPROVEMENTS WITHIN THE VILLAGE, AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION NOTES IN CONTEMPLATION THEREOF, THE EXPENDITURE OF SUMS FOR SUCH PURPOSE, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.

Meeting of June 1, 2011 continued:

WHEREAS, the purpose hereinafter described consists of road improvements authorized to be undertaken by the Village Board of Trustees pursuant to the Village Law;

WHEREAS, the Village has heretofore duly determined that the purpose hereinafter described constitutes a "type II" action under the State Environmental Quality Review Act of the State of New York and the applicable regulations thereunder ("SEQRA") which will not result in any significant adverse environmental impacts and such finding is hereby confirmed and such purpose is not subject to any further environmental review under SEQRA; now therefor, be it

RESOLVED BY THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF CLIFTON SPRINGS, NEW YORK (hereinafter referred to as the "Village"), by the favorable vote of not less than two-thirds of all of the members of such Board, as follows:

Section 1. The Village of Clifton Springs shall undertake the construction of road improvements at Broad Street from East Main Street south to South Street approximately 1000', including, without limitation, replacement or improvement of the storm sewer system with catch basins and manholes with a water quality unit installed before discharging, water mains and appurtenances to be replaced due to grade changes in the new street reconstruction and possible damage during street construction, new granite curbing along both street edges, new road foundation course with a heavy duty asphalt pavement section to accommodate heavy truck traffic to local industry at the end of Broad Street, replacement of sidewalks along the entire project on both sides of the street, and other incidental improvements that may be required in connection therewith for such construction and Village use (hereinafter referred to as "purpose"), and general obligation serial bonds in an aggregate principal amount not to exceed \$900,000 and bond anticipation notes in anticipation thereof (and renewals thereof) of the Village are hereby authorized to be issued to finance said purpose.

Section 2. The estimated aggregate maximum cost of said purpose, including preliminary costs and costs incidental thereto and costs of the financing thereof, is estimated to be \$900,000 and said amount is hereby appropriated therefor. The plan for financing of said purpose is to provide all of such maximum cost by issuance of obligations as herein authorized, to be offset and reduced, dollar for dollar, by the amount of business contributions received.

Section 3. It is hereby determined and declared that (a) said purpose is one of the class of objects or purposes described in Subdivision 20 (c) of Paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is fifteen (15) years, (b) the proposed maximum maturity of said bonds authorized by this resolution will be in excess of five years, (c) current funds required to be provided prior to the issuance of the bonds or notes herein authorized, pursuant to Section 107.00 of the Local Finance Law, to the extent applicable, if any, will be provided, (d) the notes herein authorized are not issued in anticipation of bonds for an assessable improvement, and (e) there are presently no outstanding bond anticipation notes issued in anticipation of the sale of said bonds.

Section 4. The bonds and notes authorized by this resolution shall contain the recital of validity prescribed in Section 52.00 of the Local Finance Law and such bonds and notes shall be general obligations of the Village and all the taxable real property in the Village is subject to the levy of *ad valorem* taxes to pay the principal thereof, and interest thereon, without limitation as to rate or amount.

Section 5. It is hereby determined and declared that the Village reasonably expects to reimburse the general fund, or such other fund as may be utilized, not to exceed the maximum amount authorized herein, from the proceeds of the obligations authorized hereby for expenditures, if any, from such fund that may be made for the purpose prior to the date of the issuance of such obligations. This is a declaration of official intent under Treasury Regulation §1.150-2.

Section 6. The power to further authorize the sale, issuance and delivery of said bonds and notes and to prescribe the terms, form and contents of said bonds and notes, including, without limitation, the consolidation with other issues, the determination to issue bonds with substantially level or declining annual debt service, all contracts for, and determinations with respect to, credit or liquidity enhancements, if any, and to sell and deliver said bonds and notes, subject to the provisions of this resolution and the provisions of the Local Finance Law, is hereby delegated to the Village Treasurer, the Village's chief fiscal officer. The Village Treasurer and the Village Clerk or Deputy Clerk are hereby authorized to sign by manual or facsimile signature and attest any bonds and notes issued pursuant to this resolution, and are hereby authorized to affix to such bonds and notes the corporate seal of the Village of Clifton Springs.

Section 7. The faith and credit of the Village of Clifton Springs, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds and notes as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year.

Section 8. After compliance with Section 9 hereof, this resolution shall be published in full by the Village Clerk of the Village of Clifton Springs together with a notice in substantially the form prescribed by Section 81.00 of said Local Finance Law, and such publication shall be in each official newspaper of the Village, in the manner prescribed by law. The validity of said bonds and bond anticipation notes issued in anticipation of the sale of said serial bonds, may be contested only if such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or the provisions of law which should be complied with, at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution.

Section 9. This resolution is subject to a permissive referendum of the qualified electors of the Village of Clifton Springs, pursuant to Section 36.00 of the Local Finance Law.

The motion having been duly seconded, it was adopted and the following votes were cast:

| <u>AYES</u>            |   | <u>NAYS</u> |
|------------------------|---|-------------|
| Mayor William Hunter   | X | None        |
| Trustee Earl Lincoln   | X |             |
| Trustee Jeff Linsner   | X |             |
| Trustee Dan Blondell   | X |             |
| Trustee Melissa Kumkey | X |             |

Meeting of June 1, 2011 continued:

**Adjournment**

There being no further business to come before the Board, motion made by Trustee Blondell 2<sup>nd</sup> by Trustee Linsner to adjourn. All members present voting AYE. Meeting adjourned at 8:20 a.m.

Respectfully submitted,

Lori A. Reals  
Clerk/Treasurer

