

**MINUTES**  
 VILLAGE OF HOLLEY  
 72 Public Square  
 Board of Trustees  
 March 11, 2014

Present: Mayor Kenney, Trustees Dill, Penna, and Sorochty

Excused: Attorney Sansone, Trustee Carpenter

Public Present: Legislator E. John DeFilippis, Sandy Shaw, Shelby Kunker, Emily Radford, Dan Seeler, and Monica Seeler

Motion by Trustee Dill and seconded by Trustee Penna to begin the board meeting at 7:11pm and accept the agenda as presented.

**Motion carried**

Motion by Trustee Dill and seconded by Trustee Sorochty to approve minutes of Board Meeting held on 02/11/14, 2/18/2014, & 2/25/2014.

**Motion carried**

OLD BUSINESS:

- Meter Charge \$150.00 (Town of Murray monthly invoice)

DISCUSSION:

- Wine Tasting – Community Free Library, Sandy Shaw
  - **Tickets available for sale 4/1/2014, \$15.00 each**
- Personnel Issue (Police Dept. Electric)
- ~~Camden Group – Solar Power Presentation~~
- New Proposed Zoning – schedule public hearing
  - **Public Hearing scheduled 3/27/2014 @ 5:30pm**

Motion by Trustee Dill and seconded by Trustee Penna to approve voucher summary totals as indicated below:

FUND	PRE-PAID	ABSTRACT	TOTALS
TREASURER' ACCOUNT	\$ 9,391.95	\$51,699.59	\$61,091.54
TOTAL			\$
E (ELECTRIC)	\$253,432.67	\$ 22,741.20	\$ 276,173.87
<b>MONTHLY TOTALS</b>			<b>\$ 337,265.41</b>

**Motion carried**

Motion by Trustee Dill and seconded by Trustee Sorochty to approve purchasing a new door for the DPW building, cost not to exceed \$1,000.00 Penna Construction will do the installation. Door installation will be scheduled in new fiscal year 2014-2015.

**Motion carried 3/0/2**

Kenney-aye, Carpenter-absent, Dill-aye, Penna-abstain, Sorochty-aye

Motion by Trustee Penna and seconded by Trustee Dill to approve payout for five (5) days of unused vacation for John Bartlett. Anniversary date 4/3/2014.

**Motion carried**

Motion by Trustee Dill and seconded by Trustee Sorochty to approve PO#0187, VP Supply, new elongated toilet for Village office. Not to exceed \$100.00

**Motion carried**

Motion by Trustee Dill and seconded by Trustee Sorochty to table the purchase orders/invoices for the Electric/Water department:

- Elec. Dept. PO# 0138 Altec Supply, safety gloves, \$160.51 + shipping
- Elec. Dept. PO# 0139 Altec Supply, rubber gloves, \$255.12 + shipping
- Elec/Water PO# 0142, Inv. 281770, \$174.33
- Elec Dept. PO#0143, Gotto GO, base meter, \$173.75
- Elec Dept. PO#0144, Linemen Supply, (Dylon's Equip) \$1674.27
- Elec/Water PO#0145, Vanderhoof, xformer, \$37.92
- Water dept. PO#0146, Inv. H20952, Albion Hardware, \$17.00
- Water Dept. PO#0147, Blair Supply, socket, \$44.00
- Elec/Water PO#0149, panel/breakers, \$376.93
- Water Dept. PO#0150, Inv. 281906, \$30.65
- Elec Dept. PO0188, Inv.232627, \$256.34
- Elec/Water PO#0189, Inv. S1396401.001, \$175.59

Total \$3,376.41 + shipping

**Motion tabled**

At a regular meeting of the Board of Trustees of the Village of Holley, New York, held on March 11, 2014, the following resolution, Resolution 2014-03 was adopted:

Moved by Trustee Dill, seconded by Trustee Sorochty.

**RESOLUTION 2014-03**

WHEREAS, the Board of Trustees of the Village of Holley, New York, is a municipal member of the Municipal Electric Utilities Association of New York State, and

WHEREAS, the Semi-Annual Meeting of the Municipal Electric Utilities Association of New York State has been called on April 16 and April 17, 2014 to be held at the Embassy Suites Hotel, 6646 Old Collamer Rd., East Syracuse, New York, 13057 and,

WHEREAS, in accordance with the bylaws of the Municipal Electric Utilities Association of New York State, each municipal member may cast one vote on each transaction properly brought before this meeting,

NOW THEREFORE BE IT RESOLVED, that Matthew Campbell be and is hereby designated as the accredited delegate of the Village of Holley, New York.

On roll call: Affirmative: 4 Negative: 0 Abstain: 1  
Kenney – aye, Dill – aye, Penna- aye, Sorochty – aye, Carpenter - abstain

I certify that this resolution was adopted by the Board of Trustees Village of Holley, New York on the 11<sup>th</sup> day of March, 2014.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Mayor  
Title

**RESOLUTION** (with proxy)

At a regular meeting of the \_\_\_\_\_ of the Village of Holley, New York, held on ~~March 11, 2014~~, the following resolution was adopted:

Moved by Trustee \_\_\_\_\_, seconded by Trustee \_\_\_\_\_.

~~WHEREAS, the Board of Trustee of the Village of Holley, New York, is a municipal member of the Municipal Electric Utilities Association of New York State, and~~

~~WHEREAS, the Semi-Annual Conference of the Municipal Electric Utilities Association of New York State has been called on April 16, and April 17, 2014 to be held at the Embassy Suites Hotel, 6646 Old Collamer Rd., East Syracuse, New York, 13057 and~~

~~WHEREAS, in accordance with the bylaws of the Municipal Electric Utilities Association of New York State, each municipal member may cast one vote on each transaction properly brought before this meeting,~~

~~NOW THEREFORE BE IT RESOLVED, that (the MEUA Executive Committee or another delegate as the municipal may desire) \_\_\_\_\_ be and is hereby designated as the accredited delegate of the Village of Holley, New York.~~

On roll call: Affirmative: \_\_\_\_\_ Negative: \_\_\_\_\_

~~I certify that this resolution was adopted by the Board of Trustees of the Village of Holley, New York on the 11th day of March, 2014.~~

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

Motion carried \_\_\_\_\_

Motion by Trustee \_\_\_\_\_ and seconded by Trustee \_\_\_\_\_ to approve spending \$800.00-\$1000.00 for a wide lens for the Infrared camera.

**Motion tabled**

Motion by Trustee Penna and seconded by Trustee Dill to approve MEUA Engineering Workshop, March 19<sup>th</sup> - 20<sup>th</sup>, 2014 in E. Syracuse, New York, for Matt Campbell, David Simpson, Don Wharram, Lamont McMillian, and Dylon Love. Cost for Workshop not to exceed \$700.00. Provided Superintendent Campbell provide the board a backup plan in case of emergencies.

**Motion carried**

Motion by Trustee Penna and seconded by Trustee Sorochty to approve estimate ID 44506b38 for repairs of 2010 Police Dodge Charger at DK Auto Body, LLC, Albion New York, \$1,585.40. Village deductible is \$1,000.00

**Motion carried**

Motion by Trustee \_\_\_\_\_ and seconded by Trustee \_\_\_\_\_ to approve Biometrics4All, Inc. annual maintenance estimate for Live LS Scan (fingerprint machine), \$2,289.24

**Motion tabled until 6/10/2014 Board meeting**

Motion by Trustee Dill and seconded by Trustee Penna to approve RESOLUTION 2014-05 for the lease purchase through First Niagara Bank for the 2014 Ford Explorer SUV for the Holley Police Department.

**RESOLUTION 2014-05**

RESOLUTION AND  
DECLARATION OF OFFICIAL INTENT

Lessee: Village of Holley

Principal Amount Expected To Be Financed: \$29,788.13

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:

2014 Ford Utility Interceptor AWD

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. Clerk Treasurer (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.

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] (5) years.

Section 8. It is hereby determined the term of the Equipment Leases authorized by this resolution will not be in excess of ( 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 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 QUALIFIED 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 March 11, 2014

The undersigned **Clerk Treasurer** 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.

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Signature of Clerk Treasurer of Lessee

Print Name: Jane Murray

Official Title: Village Clerk Treasurer

Date: March 11, 2014

Motion by Trustee Dill and seconded by Trustee Penna to move into Executive Session at 7:37 p.m.

**Motion carried**

Motion by Trustee Penna and seconded by Trustee Dill to close Executive Session at 9:10 pm.

**Motion carried**

Motion by Trustee Dill and seconded by Trustee Penna to approve purchase order for new pump for WWTP, cost not to exceed \$255.75

**Motion carried**

Motion by Trustee Dill and seconded by Trustee Penna to approve David Nenni attending Animal Control School at Alfred University on April 25, 2014. \$40.00 per student registration

**Motion carried.**

Motion by Trustee Penna and seconded by Trustee Dill to approve Officer Lloyd Christ attending Field Officer Training (FTO) class beginning on March 17-21, 2014 at Monroe Community College, cost not to exceed \$400.00

**Motion carried**

Motion by Trustee Dill and seconded by Trustee Penna to accept the letter of resignation from Officer Jennifer Lloyd effective February 24, 2014.

**Motion carried**

Motion by Trustee Penna and seconded by Trustee Dill to approve the pay increase of part-time police officer David E. Nenni to \$15.22/hr. effective 3/12/2014.

**Motion carried**

Motion by Trustee Sorochty and seconded by Trustee Penna to change the status of Chief William Murphy from non-exempt to exempt effective 3/12/2014.

**Motion carried**

Motion by Trustee Penna and seconded by Trustee Dill to adjourn Village of Holley Board of Trustee meeting at 9:10 p.m.

**Motion carried**

**Respectfully submitted by:**

**Jane Murray**

**Clerk Treasurer**