

MINUTES

VILLAGE OF HOLLEY

72 Public Square

Board of Trustees

April 9, 2013

Present: Mayor Kenney, Trustees Dill, Gaylord, Penna, Sorochty, Code Enforcer Vendetti, Attorney Sansone

Supervisors: Lang, Hendrickson, Nenni, Campbell, and Murphy

Absent: none

Public Present: Joyce Potote, Dan Seeler, Monica Seeler, Mattie Zarpentine, Rick Catlin, Pete Hendrickson, Gregory S. Lang, Ingrid Lestorti, Amy Goodrich, Brian Goodrich, Trista Mosier, Jim Krencik, Gia Arnold, Emily DeGennaro, and Debbi Mignano

Pledge of Allegiance

Motion by Trustee Penna and seconded by Trustee Dill to begin the board meeting at 6:02 p.m. and to approve minutes of Board Meeting held on 3/12/2013, as presented.

Motion carried

Discussion:

- Introduction of Brian Sorochty – New Trustee
- Amy Goodrich – Benefit walk- Saturday, June 15, 2013 @ 11:00 a.m.
 - Goodrich family is interested in holding a benefit walk for their child. They would like to walk on the NYS Canal. Trustee Dill informed the Goodrich's that they would need to contact the NYS Canal Authority to obtain a permit to walk on the Canal. They would be required to have a Perm 33B if walking in the Village of Holley and crossing or walking on NYS Route 31 or NYS Route 237. They would be required by law to have a five (5) million rider on their personal insurance policy; it was recommended that each participant sign a waiver per the suggestion of Attorney Sansone. The Board of Trustees suggested the participants use the sidewalk instead of going through the State to close roads.
- Supervisor Meeting change time
 - Meeting is now scheduled for the second Tuesday of the Month at 6:00 p.m.
- Holley Garden Club – Debbi Mignano
 - Ms. Mignano wanted to clarify the amount in the budget for the 2013-2014 planting season for the village. The Mayor informed Ms. Mignano that there is a spending freeze in process for all departments of the Village; however, the Board appreciates the wonderful job the Garden Club does and does not want to diminish their contribution to the beautification of Holley. DPW Superintendent Nenni will assist with planting on a limited basis. Ms. Mignano husband will assist with watering the flowers.
- Discussion of PB Sign vs. Ron Vendetti's sign law proposal
 - Planning Board and Code Enforcer Vendetti will have to come to some agreement on the three issues (scrolling/illuminated signs, size of signs, political signs) that are keeping the sign law from being put in front of the Board for final approval. It was agreed that a meeting will be held to discuss and come to a resolution on this issue before the next Board of Trustee meeting on May 14, 2013.
- Dan Seeler to discuss Parking issues in the Village
 - Mr. Seeler will do further investigation on the municipal owned property behind his current establishment and the feasibility of using this for future parking
- Personnel issue
- Invitation to Annual Historical Society Meeting and Potluck Dinner on 4/23/2013

- The Mayor encourages all trustees to attend this upcoming event
 - Landlord Rick Catlin, 87 Crestview Drive, Brockport (not originally scheduled on Agenda to speak) was given permission from Mayor Kenney to speak briefly concerning a notice he received regarding a past due water bill that will be re-levied on his property taxes if not paid by April 25, 2013. Mr. Catlin expressed his frustration in not being notified sooner by the Village; he stated he would have taken the money from his former tenant's security deposit.
 - The following information is found the Holley NY General Code book regarding Water Re-levy.
 - § 270-8
- Rates as appropriate and in effect.
 - **B.** In the case of delinquent payment or nonpayment after 60 days, a shut-off notice will be sent to the owner and consumer by certified mail, return receipt requested, or by personal service upon the owner and consumer. If the unpaid water bill is not paid within 15 days after such service, the water supply to the premises of the delinquent user will be terminated. Wherever a water supply is terminated for nonpayment of water bills, an additional charge will be assessed as appropriate from § **A270-6B**. The turn-on fee is payable in advance before a water service to the premises supplied will be restored.
 - **C.** Large water consumers may be billed monthly.
 - **D.** All water bills shall be chargeable to the consumer and/or owner of the property where a water service is furnished. In each instance, all water rentals shall be a lien against the real property upon which the water is used, and such bills shall be due and payable as dated.
 - **E.** *In all cases where water bills remain due and unpaid at the time the annual tax roll of the Village is made out, the same shall be included therein and levied against the real property on which the water had been billed against, and shall be collected with and in the manner as other Village taxes, with additional charges, fees and penalties incident to the collection of such taxes.*
- Support for the following Orleans County Resolutions
 - RESOLUTION 119-313 Opposing the Passage of Legislation to allow Early voting
 - RESOLUTION 135-313 Support NYS Senate bill S.0211 Income Tax credit to Volunteer Fire Fighters
 - RESOLUTION 99-313 Opposing the Governor's Proposal to Limit Industrial Development
 - RESOLUTION 93-213 Privacy of NYS Pistol License & Concealed carry permit holders

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

FUND	PRE-PAID	ABSTRACT	TOTALS
TREASURER' ACCOUNT	\$4,537.26	\$39,701.27	\$44,238.53
TOTAL			
E (ELECTRIC)	\$103,938.16	\$82,335.26	\$186,273.42
MONTHLY TOTALS			\$230,511.95

Motion carried

Motion by Trustee Penna and seconded by Trustee Dill to approve carrying over five (5) days of unused vacation for Superintendent Matt Campbell into next anniversary year, effective 4/7/2013. Verbal agreement was made on 3/14/2013 by Mayor John Kenney, Trustees Gaylord and Penna.

Motion carried

Motion by Trustee Penna and seconded by Trustee Gaylord to approve payment of the appointed Election Inspectors at a rate of \$9.00 per hour for the Village Election on June 18, 2013.

Motion carried

Motion by Trustee Dill and seconded by Trustee Penna to approve payment for five (5) days of unused vacation for DPW employee, Peter Surowy, total expenditure \$572.80

Motion carried

Motion by Trustee _____ and seconded by Trustee _____ to approve Milton Cat Generator maintenance service contract 1216E01468, 03/1/2013-10/31/2013 for \$662.00. Subject to Attorney approval.

Motion tabled

Motion by Trustee _____ and seconded by Trustee _____ to approve Milton Cat Generator maintenance service contract 1216E01469, 3/1/2013-10/31/2013 for \$514.00. Subject to Attorney approval.

Motion tabled

~~8. Motion by Trustee _____ and seconded by Trustee _____ to approve _____ version of the Village of Holley Sign Law.~~

~~Motion carried _____~~

Motion by Trustee Dill and seconded by Trustee Penna to approve Resolution 2013-06

Motion carried

RESOLUTION 2013-06

A RESOLUTION REQUESTING OUR STATE LEGISLATORS LEND ASSISTANCE TO IMPROVE THE FINANCIAL STABILITY OF LAKESIDE HEALTH SYSTEM IN BROCKPORT

WHEREAS, Lakeside Health System in Brockport has provided quality health treatment services to Orleans County residents for many years; and,

WHEREAS, oftentimes, it is more convenient and faster for residents of Eastern and central Orleans County and Western Monroe County to seek medical care from Lakeside Health System in Brockport; and,

WHEREAS, on February 14, 2013, it was announced that Lakeside Health System was closing its emergency room and eliminating 61 outpatient beds due to financial restraints; and,

WHEREAS, these closures and reductions in services will most certainly negatively impact on the quality of medical services available to Orleans County residents and Western Monroe County residents, and the ability for them to satisfactorily meet their health care needs.

NOW, BE IT RESOLVED that the Village of Holley Board of Trustees asks its local and state representatives to exert their best efforts to assist in securing funds to help restore the financial stability of Lakeside Health System in Brockport; and,

FURTHER BE IT RESOLVED that a copy of this resolution be sent to Governor Andrew Cuomo, Senator Charles Schumer, Senator Kirsten Gillibrand, Congressman Chris Collins, New York State Senator George Maziarz, Assembly Speaker Sheldon Silver, New York State Assembly member Steve Hawley, and all other individuals and/or entities deemed necessary and proper.

VILLAGE OF HOLLEY STATE OF NEW YORK

I hereby certify that the foregoing is a true and correct transcript of a resolution duly adopted by Village of Holley on the 9th day of April, 2013.

John W. Kenney, Jr.
Mayor
Village of Holley

Motion by Trustee Sorochty and seconded by Trustee Penna to approve Resolution 2013-07

Motion carried

RESOLUTION 2013-07

RESOLUTION OF THE VILLAGE OF HOLLEY OPPOSING THE PROCESS OF ENACTMENT AND REQUESTING REPEALING OF THE NEW YORK SECURE AMMUNITION AND FIREARMS ENFORCEMENT (SAFE) ACT

WHEREAS, the right of the people to keep and bear arms is guaranteed as an individual right under the Second Amendment to the United States Constitution; and,

WHEREAS, the right of the people to keep and bear arms for defense of life, liberty, and property is regarded as an inalienable right by the people of Village of Holley; and,

WHEREAS, the lawful ownership of firearms is, and has been, a valued tradition in Holley, and the rights protected by the Second Amendment to the United States Constitution are exercised by many of our residents; and,

WHEREAS, the people of the Village of Holley and the State of New York derive economic and environmental benefits from all safe forms of recreation involving firearms, including, but not limited to, hunting and target shooting while utilizing all types of firearms available under the Constitution of the United States; and,

WHEREAS, the enactment of the NY SAFE Act (Chapter 1 of Laws of 2013) has prompted significant debate over both the process by which it was enacted and certain provisions contained within it; and,

WHEREAS, having reviewed the legislation and severely restrictive time constraints under which it was passed, it is our conclusion that there is no possible way any individual could read the entire bill and understand its full implications prior to voting on it; and,

WHEREAS, our state legislators most certainly did not have the time to request, and receive, the input of their constituents regarding this matter; and,

WHEREAS, there will be a significant financial impact due to the permits that will have to be renewed requiring additional manpower and computer systems their associated expense; and,

WHEREAS, Governor Cuomo has proposed spending \$36 million dollars in his 2013-2014 Executive Budget for the implementation of the NY SAFE Act at a time when New York State residents are crying out for tax relief; and,

WHEREAS, this legislation severely impacts the possession and use of firearms now employed for defense of life, liberty, and property; and,

WHEREAS, this legislation severely impacts the possession and use of firearms now employed for forms of recreation including, but not limited to, hunting and target shooting; and,

WHEREAS, we find the legislation does little more than negatively impact lawful gun ownership.

NOW, BE IT RESOLVED, that, the Village of Holley does hereby oppose, and request the repeal of any legislation, including the sections within the NY SAFE Act (Chapter 1 of the Laws of 2013), which infringe upon the right of the people to keep and bear arms;

BE IT FURTHER RESOLVED, that the Village of Holley requests the members of New York State Senate and Assembly who represent all, or part of, Orleans County to reply, in writing, with their views on, and actions taken, in support of, or opposition to, the NY SAFE Act;

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to president Barack Obama, Vice President Joseph Biden, Governor Andrew Cuomo, Senator Charles Schumer, Senator Kirsten Gillibrand, Congressman Chris Collins, New York State Senator George Maziarz, Assembly Speaker Sheldon Silver, New York State Assembly member Steve Hawley, and all other individuals and/or entities deemed necessary and proper.

**VILLAGE OF HOLLEY
STATE OF NEW YORK**

I hereby certify that the foregoing is a true and correct transcript of a resolution duly adopted by Village of Holley on the 9th day of April, 2013.

John W. Kenney, Jr.
Mayor
Village of Holley

Motion by Trustee Dill and seconded by Trustee Gaylord to approve Resolution 2013-08

Motion carried

RESOLUTION 2013-08

RESOLUTION APPROVING A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW SECTION 3-C

WHEREAS, the governor and legislature of the State of New York have enacted a tax levy limit of 2% increase over the preceding year levy, and

WHEREAS, the budget of the Village of Holley is subject to audit by Comptroller of the State of New York for compliance with the tax levy limit, and

WHEREAS, definitive guidelines and rules as to how to calculate the 2% tax limit are lacking and are subject to interpretation, and

WHEREAS, under the above circumstances, there could be inadvertent and unintentional noncompliance subjecting the Village to adverse consequences, and

WHEREAS, to avoid the aforementioned adverse consequences it is prudent to adopt the within local law, and

WHEREAS, a public hearing was duly held on April 9, 2013, at 5:30 o'clock wherein all interested parties in attendance were heard.

NOW, BE IT RESOLVED, that the Village of Holley Board of Trustees hereby adopts proposed Local Law tentatively No.01 of the Year 2013 for the Village of Holley as follows:

Local Law No. 01 of the Year 2013 to Override The Tax Levy Limit Established in General Municipal Law Section 3-C;

Section 1. Legislative Intent

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Village of Holley in the County of Orleans, pursuant to General Municipal Law § 3-c, and to allow the Village of Holley, County of Orleans to adopt a village budget for the fiscal year 2013 that requires a real property tax levy in excess of "tax levy limit" as defined by General Municipal Law § 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law § 3-c, which expressly authorizes a village board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the village board of trustees.

Section 3. Tax Levy Limit Override – Budget Authorization

The Village of Holley Board of Trustees, in Orleans County, is hereby authorized to adopt a budget for the fiscal year of 2013 that requires a real property tax levy in excess of the limit specified in General Municipal, §3-c.

Section 4. Severability

If any clause, sentence, paragraph, subdivision, or part of this local law, or the application thereof to any person, firm, or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid, or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law, or in its application, to the person, individual, firm or corporation, or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective Date

This local law shall take effect immediately upon the filing with the secretary of state.

FURTHER, BE IT RESOLVED that the Village of Holley Board of Trustees approves said local law to override the tax levy limit established in General Municipal Law § 3-c

**VILLAGE OF HOLLEY
STATE OF NEW YORK**

I hereby certify that the foregoing is a true and correct transcript of a resolution duly adopted by Village of Holley on the 9th day of April, 2013.

John W. Kenney, Jr.

**Mayor
Village of Holley**

Motion by Trustee Dill and seconded by Trustee Penna to approve Resolution 2013-09
Motion carried 5 ayes, 0 nays
Kenney- aye, Dill – aye, Gaylord – aye, Penna – aye, Sorochty - aye

**RESOLUTION 2013-09
RESOLUTION TO HOLD A JOINT MEETING WITH TOWN OF MURRAY BOARD**

At a meeting of the Board of Trustees of the Village of Holley, in the County of Orleans, New York, held at Holley, New York on April 9, 2013

PRESENT: John W. Kenney Jr., Mayor
Ross Gaylord, Village Trustee
David Dill, Village Trustee
Brian Sorochty, Village Trustee
Donald Penna, Village Trustee

In the Matter

of the

RESOLUTION TO HOLD A
JOINT MEETING WITH
TOWN OF MURRAY BOARD

Establishment of the HOLLEY
JOINT FIRE DISTRICT, in the Town of Murray
and Village of Holley, County of Orleans,
State of New York.

WHEREAS, the Board of Trustees of the Village of Holley having duly convened this date for the purpose of considering the formation of a joint fire district pursuant to the provisions of section 189-a of the Town Law and section 22-2210 of the Village Law, and

WHEREAS, such joint district would include all parcels of land within the incorporated limits of the Village of Holley and all parcels of land in the Town of Murray currently within the Town of Murray Fire Protection District #1, and

WHEREAS, the majority of the members of the Board of Trustees deem it in the public interest to hold a joint meeting with the Town of Murray Town Board to consider the question of the formation of a joint fire district for the Village of Holley and the Town of Murray, exclusive of the existing Fancher Hulberton Murray fire district;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Murray and the Board of Trustees of the Village of Holley will hold a joint meeting on April 24, 2013 at 6:30 p.m. at the Town of Murray Town Hall, 3840 Fancher Road, Holley, New York, to consider the formation of said joint fire district, and for such other and further action on the part of said Boards with relation thereto as may be authorized and prescribed by law.

John W. Kenney Jr., Mayor

Ross Gaylord, Village Trustee

David Dill, Village Trustee

Brian Sorochty, Village Trustee

Donald Penna, Village Trustee

BY ORDER OF THE BOARD OF TRUSTEES OF THE VILLAGE OF HOLLEY

Dated: April 9, 2013

Motion by Trustee Dill and seconded by Trustee Gaylord to approve the Preliminary 2013-2014 Village of Holley Budget as presented.

Motion carried

**Kenney – aye, Dill – aye, Gaylord – aye, Penna – aye, Sorochty - abstain
4/0/1**

Motion by Trustee Dill and seconded by Trustee Sorochty to approve J. O'Connell & Associates contract for 04/01/2013 – 3/31/2014 for Grant writing services in the amount of \$28,000.00. Subject to attorney approval.

Motion carried

Motion by Trustee Penna and seconded by Trustee Sorochty to approve the appointment of Monica Seeler to Vice-Chairman of the Village of Holley Planning Board effective 5/7/2013 due to the resignation of Brian Sorochty, who was appointed to the Village Board of Trustees.

Motion carried

Motion by Trustee Dill and seconded by Trustee Penna to approve purchase orders for basement work at the Police dept. PO# 012663 & 012667 totaling \$2,290.00.

Motion carried

Motion by Trustee Penna and seconded by Trustee Dill to approve Night Owl LTE-168500 Camera System for Village of Holley Police Department. Purchase from TigerDirect for \$399.99. **Motion amended to include one additional purchase for the Village of Holley Clerk Treasurer office. Units to be installed by Holley Electric**

Motion carried

Motion by Trustee Penna and seconded by Trustee Dill to approve payment to the Holley Volunteer Fire Company on voucher 012921 in the amount of \$1,680.54

Motion carried

Motion by Trustee Penna and seconded by Trustee Gaylord to approve the following purchase order for the Holley Fire Dept.:

1. PO#20130401 – Bail-out Equipment - \$5,400.00
 - **Board approved \$2,200.00 at Trustee Meeting on 3/12/2013, PO 20130401 as amended to \$3,200.00**
2. PO#20130402 – Game 6 in 1 HiVis Jacket - \$1,920.00
3. PO#20130403 – Fire Fighter Turnout - \$5000.00
4. PO#20130404 – Emergency Radio Installation - \$450.00
5. PO#20130405 – Emergency Lights & Siren XN - \$850.00
6. PO#012923 – Strobes-n-more - \$385.00

Motion carried

Motion by Trustee Dill and seconded by Trustee Gaylord to approve invoicing the Holley Central School District from the Village of Holley Electric department for labor and equipment for HCSD School Project in the amount of \$2,017.62

Motion carried

**Kenney – aye, Dill – aye, Gaylord – aye, Penna – abstain, Sorochty – aye
4/0/1**

Motion by Trustee Dill and seconded by Trustee Sorochty to approve Blair Supply Corp. PO#012436, \$835.00 for Holley Water Dept. for pipe repair clamps

Motion carried

Motion by Trustee Penna and seconded by Trustee Gaylord to approve PO#012764 Monroe County Water Authority to remove sludge. Amount not to exceed \$4,000.00.

Motion carried

Motion by Trustee Dill and seconded by Trustee Penna to approve PO# 012735 AD Call to haul 12 loads of sludge. Amount not to exceed \$3,800.00.

Motion carried

Motion by Trustee Penna and seconded by Trustee Dill to approve determination that bikes stored in the Holley Police Department basement as surplus inventory.

Motion carried

Motion by Trustee Sorochty and seconded by Trustee Penna to move into Executive session at 8:19p.m.

Motion carried

Motion by Trustee Penna and seconded by Trustee Penna to close Executive session at 8:54 p.m.

Motion carried

Motion by Trustee Penna and seconded by Trustee Dill to adjourn Village of Holley Board of Trustee meeting at 9:04 p.m.

Motion carried

Respectfully submitted by:

Jane Murray
Village Clerk Treasurer