

Present: Mayor Kenney, Trustee Carpenter, Trustee Lynch, Trustee Nenni, and Trustee Sorochty. Attorney Sansone

Excused: none

Absent: none

Public Present: Fran Gaylord, Dan & Monica Seeler, Diana Pathammavong, Deb Rothmund, Officer Edwin Bower

Motion by Trustee Lynch and seconded by Trustee Nenni to begin the board meeting at 7:03 pm and accept the agenda as presented.

Motion carried

Motion by Trustee Carpenter and seconded by Trustee Sorochty to approve minutes of Board Meeting held on 6/10/2014, 7/8/2014, 7/22/2014

Motion carried 4/0/1

Kenney –aye, Carpenter – aye, Sorochty – aye, Nenni – abstain, Lynch - aye

OLD BUSINESS:

- Frisbee Terrace
 - **Trustee Sorochty passed out revised map of the area, property will need to be put up for bid to sell. Atty. Sansone to coordinate with property owners to arrange transfer of land. Trustee Sorochty to coordinate with DPW Dave Nenni on R.O.W. traffic control.**
- 89 Pubic Square
 - **On agenda for board to consider R. Joseph Foltz, Esq.**
- Collection Company
 - **Atty. Sansone sent follow up letter to Outsource Receivable Management, Inc. on 8/11/2014**
- Consolidation of Services
 - Executive session – employee personal issue
- Safe Routes to School
 - No discussion at this meeting on this issue
- Permit Process
 - No discussion at this meeting on this issue
- Water meter charge
 - No discussion at this meeting on this issue
- Renting Police Dept. upstairs
 - **Resident and Holley Fire Company Chairperson, Fran Gaylord addressed his concerns of having these rooms available to use; it was decided that the meters for the electric utilities need to be separated from the Police department and the electric utility be billed directly to the Joint Holley Fire District if they want to have the rooms for use. Mr. Gaylord would speak with Danny Mawn, Fire Commissioner Joint Holley Fire District, and Matt Campbell, Holley Electric Supervisor about changing meters out. Village will cover the cost of the new meters.**
- Firearms Law
 - **No discussion at this meeting on this issue**
- Veterans/Cold War tax exemption
 - **Public Hearing scheduled for 9/9/2014**
- Senior Citizen tax exemption
 - **Mayor will call Assessor Woods to discuss this and set up possible meeting with the board to discuss the ramifications of the exemption and how this will affect the Village revenues.**

DISCUSSION:

- Ms. Diana Pathammavong – Concerns about a local business in Holley
 - Ms. Pathammavong read a letter (**included in minutes**). Mayor would like this letter mailed to Mr. Tuohey, Upstate Properties owner of the property at 30 Public Square that houses the liquor store and nail salon.

My name is Diana Pathammavong, I've worked in Holley for Dr. Steve Thompson for the last 10 years. As most of you know, Dr. Thompson has served this community for 30 years and has enjoyed doing so. It has been a great pleasure to be a part of his practice and even though I live in Batavia, I have come to feel like I belong here as well. I've enjoyed the rural charm that Holley has to offer, I believe that the charm and character here is evident largely due to the friendly, professional, caring business owners who not only provide goods and services to their community, but who also contribute to the future of this community, and that's exactly what we need. With the long standing businesses and the beautiful new restaurant renovation being completed, Holley's future looks bright.

But as we witness each day, there is also a negative element in town, the Holley Hotel and the 2 new businesses housed in the same building. Since the liquor store and the nail salon have been in business, we have received numerous complaints and comments from our patients and suppliers about how trashy the corner looks. People are intimidated by the groups of people who hang outside on the sidewalk and behave unprofessionally and whose appearance is certainly not that of caring business owners. Many have said that they are uncomfortable or unwilling to walk past the new businesses; we also now have problems with lack of parking, cigarette butts in front of our building and sometimes people just loitering out front. We have many elderly patients who have a difficult time walking and don't want to park very far away. I spoke with Chief Murphy and he did speak with them and things have improved somewhat, our thanks for his efforts. It just seems like good decent people have to suffer because of the poor actions of a few disrespectful, very unprofessional persons who have shown no regard for anyone else other than themselves.

I unfortunately realize that the village may be limited in what can be done, however I ask that whatever legal resources the village has at its disposal be utilized to the fullest to keep the new “business” owners in as much compliance with the town codes and laws as possible. I request that parking tickets continue to be issued and that code enforcement keeps a close watch on the owners. I will assist in any way I can, please let me know what I can do.

Dr. Thompson provides what I define as “Uncompromising Quality” dental Services to his home town residents and has served the Village of Holley with integrity and great professionalism. I know he doesn’t deserve to have the success of his business suffer because people are uncomfortable coming to our end of the block. This statement is also true for the other businesses in the village, no one should be subject to loss of income or patronage because of the actions of a few. My worst fear is that one or more of our businesses may even close at some point if we lose too much business. I don’t want any of us to lose our jobs. As we are aware, it takes very little time for a neighborhood to become rundown once negative elements take over. Holley has a promising new business opening soon, thanks to Mr. Seeler, and his business and all others need to be protected by every possible means. The community owes them every advantage for success, the success of the individual is a victory for the whole. Thank you for allowing me to speak and for your attention to this matter.

- Penalty fees for Holley Central School District utility bills for July
 - **It was the Village board decision not to waive the late fee. Due to standard protocol of not waiving fees. Letter will be written to Ms. Saville at the HCSD.**
- Amending Chapter 218 Streets & Sidewalks
 - **Scheduled Public Hearing on 9/9/2014**
- Schedule Public Hearing - Law regarding Village Right-of-Ways and Sewer line Ownership
 - **Scheduled Public Hearing on 9/9/2014**
- Community Center – Deb Rothmund, Sidewalk Sale
 - **Community Center will host sidewalk sale, the sidewalk will not be blocked per Ms. Rothmund. She also indicated the sidewalk in front of the Community Center is being replaced due to safety issues. DPW Nenni will inspect the sidewalk before they pour the cement on 8/13/2014.**
 - **Expressed interest in applying for money from Main Street Grant, Ms. Rothmund was instructed to contact Mary Ellen Ridley in the Village office for an application if interested.**
- ~~Mr. Daly Block Party~~
- Senator Chuck Schumer visit
 - **8/14/2014 @ 12:45 PM at Diaz Site**

3. Motion by Trustee _____ and seconded by Trustee _____ to approve voucher summary totals as indicated below:

FUND	PRE-PAID	ABSTRACT	TOTALS
TREASURER’ ACCOUNT	\$ 7,731.19	\$ 41,741.79	\$ 49,472.98
WATER ACCOUNT	\$ 7,607.72	\$ 8,395.59	\$ 16,003.31
SEWER	\$ 502.26	\$ 4,733.71	\$ 5,235.97
TOTAL	\$15,841.17	\$54,871.09	\$ 70,712.26
E (ELECTRIC)	\$75,466.85	\$55,967.45	\$ 131,434.30
MONTHLY TOTALS	\$91,308.02	\$110,838.54	\$ 202,146.56

Motion carried

Motion by Trustee Carpenter and seconded by Trustee Nenni to accept the resignation of Police Officer Jason M. Converse effective August 4, 2014, with regrets.

Motion carried

Motion by Trustee Nenni and seconded by Trustee Carpenter to accept the resignation of DPW laborer, William Quaranto effective immediately due to relocation of family, with regrets.

Motion carried

Motion by Trustee Sorochty and seconded by Trustee Lynch to approve changing employment status of Police Officer Edwin Bower from part-time to fulltime effective August 13, 2014, subject to a one year probationary period. Pay rate of \$12.50/hrly effective 8/13, 2014.

Motion carried

Motion by Trustee Nenni and seconded by Trustee Carpenter to approve the purchase of a SSL certificate through Deeley IT for the secure connection from outside the VOH office to the server for email and remote access. Two year certificate with install - \$150.00

Motion carried

Motion by Trustee Sorochty and seconded by Trustee Nenni to approve Voucher 0237, S.D. Myers for annual oil testing on both sub stations, \$4967.00 – Electric Dept.

Motion carried

Motion by Trustee Nenni and seconded by Trustee Carpenter to approve purchase of more trail lights to replace stock, cost not to exceed \$650.00

Motion carried

Motion by Trustee Lynch and seconded by Trustee Sorochty to approve paving the back lot of the Electric Department, cost between \$7,740.00 – 8,385.00.

Motion carried

Motion by Trustee Lynch and seconded by Trustee Sorochty to approve the payout of David G. Simpson’s vacation payout, \$8,037.60 (240 hrs. x \$33.49), sick payout, \$5,931.08 (20% of 885.5 hrs. x \$33.49). Payment to be made on last day of employment, - 8/29/2014. Actual figure can be less if employee uses sick or vacation prior to 8/29/2014 end of employment.

Motion carried 4/0/1

Kenney – aye, Carpenter – abstain, Lynch – aye, Nenni – aye, Sorochty - aye

Motion by Trustee Sorochty and seconded by Trustee Lynch to approve billing Seeler Construction, Invoice 101, \$4,353.73 for work done by the Holley Electric/Water department on 1 Public Square property.

Motion carried

Motion by Trustee _____ and seconded by Trustee _____ to approve Standard Work Day Resolution for Employees, RS 2418 **Resolution 2014-22** as indicated below:

BE IT RESOLVED, that the Village of Holley, Location code 40192, hereby establishes the following as standard work days for its employees and will report days worked to the New York State and Local Employee’s Retirement System based on the time keeping system or the record of activities maintained and submitted by these members to the clerk of this body:

TITLE	STANDARD WORK DAY (Hrs. /day)
MAYOR	6.0/Hrs.
TRUSTEE	6.0/Hrs.
CLERK-TREASURER	7.5/Hrs.
DEPUTY CLERK-TREASURER	7.5/Hrs.
HISTORIAN	6.0/Hrs.
CODE ENFORCEMENT CODE	6.0/Hrs.
POLICE OFFICER	8.0/Hrs.
WATER/ELECTRIC SUPERVISOR	8.0/Hrs.
WATER/ELECTRIC LABORER	8.0/Hrs.
WATER/ELECTRIC CLERK	8.0/Hrs.
DEPT. OF STREETS & SEWERS SUPT.	8.0/Hrs.
MOTOR EQUIPMENT OPERATOR	8.0/Hrs.
DPW LABORER	8.0/Hrs.
CLERK PART-TIME	6.0/Hrs.
MAINTENANCE CLEANER PART-TIME	6.0/Hrs.

On this 12th day August, 2014

Signature of Clerk

Date enacted: _____

I, Jane Murray, clerk of the governing board of the Village of Holley of the State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by the such board, at a legally convened meeting held on the 12th day of August, 2014 on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

I further certify that the full board, consists of 5 members, and that _____ of such members were present at such meeting and _____ of such members voted in favor of the above resolutions.

IN WITNESS WHEREOF, I have hereunto
Set my hand and the seal of the
Village of Holley

SEAL

MOTION TABLED

Motion by Trustee Carpenter and seconded by Trustee Sorochty to approve **RESOLUTION 2014-23 FOR THE LEASE PURCHASE OF THE 2015 FORD EXPLORER POLICE VEHICLE**

RESOLUTION AND
DECLARATION OF OFFICIAL INTENT

Lessee: Village of Holley

Principal Amount Expected To Be Financed: \$28,272.00 – 2015 Ford Explorer Police Vehicle

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: 2015 Ford Explorer Police Vehicle

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. The Board of Trustees 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] (four) years.

Section 8. It is hereby determined the term of the Equipment Leases authorized by this resolution will not be in excess of (four) 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 12th of August, 2014.

ROLL CALL:

KENNEY -aye, CARPENTER- aye, LYNCH – aye, NENNI- aye, SOROCHTY-aye

Aye ___5___, Nay ___0___, Abstain ___0___, Absent ___0___

Motion carried ___X___

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

Print Name: _____

Official Title: _____

Date: _____

Motion by Trustee Nenni and seconded by Trustee Lynch to enter into Executive Session at 8:44p.m.
Motion carried

Motion by Trustee Carpenter and seconded by Trustee Lynch to close Executive Session at 9:23 p.m.
Motion carried NO Action taken

Motion by Trustee Nenni and seconded Trustee Carpenter to approve sending Clerk Treasurer Jane Murray to the GFOA Accounting workshop in Manlius NY from October 7-9, 2014 at a cost not exceed \$400.00
Motion carried

Motion by Trustee Nenni and seconded by Trustee Lynch hiring R. Joseph Foltz, Esq. to provide legal services related to local in rem proceedings and authorizing Mayor John W. Kenney, Jr. to sign any agreement for legal services associated herewith subject Village Attorney approval.
Motion carried

Motion by Trustee Carpenter and seconded by Trustee Lynch to adjourn Village of Holley Board of Trustee meeting at 9:26 p.m.

Motion carried