

TOWN OF CLARKSON
TOWN BOARD MEETING
September 8, 2015

The Town Board of the Town of Clarkson held a special meeting on Tuesday, September 8, 2015 at the Clarkson Town Hall, 3710 Lake Road, Clarkson, NY at 6:00 PM.

PRESENT:

Paul Kimball	Supervisor
Allan Hoy	Councilperson
Christa Filipowicz	Councilperson
Patrick Didas	Councilperson
Jackie Smith	Councilperson
Sharon Mattison	Town Clerk
Robert Viscardi	Highway Superintendent
Richard Olson	Attorney for the Town

ALSO:

Kristin Coon	Ass't to Supervisor
Chad Fabry	Building Inspector/Code Enforcement Officer
**excused	

Supervisor Kimball opened the meeting, and Sharon Mattison, Town Clerk led all those present in the Pledge of Allegiance. A moment of silence was observed for those serving in the military.

OPEN FORUM

No one spoke.

FEE SCHEDULE

C. Fabry, Building Inspector recommended a review of the current fee schedule. We currently charge \$25 for a commercial certificate of occupancy; other towns in the area charge \$100. The fee for barns is currently \$80 which is not adequate for the work/time required to follow and approve the project. On researching other municipalities in the area, he found that above a certain size (1,200 sq. ft.) they charge \$.10/sq. ft. Chad will put together a revised fee schedule and present it to the Board for approval.

INCENTIVE ZONING APPLICATION; EXPRESS MART

Attorney Olson commented on this application. SEQRA does not appear to be complete. He will review the remainder of the application and report back to the Board at the September 22nd meeting.

PROPOSED WATER EXTENSION; CLARKSON PARMA TOWN LINE ROAD

Attorney Olson reported that the petition is now available for signatures. Letters will be mailed to the Clarkson residents tomorrow.

RESOLUTION AND DECLARATION OF OFFICIAL INTENT TO LEASE
2015 FORD PICKUP TRUCK

PRESENT: Supervisor Kimball, Councilpersons Hoy, Filipowicz, Didas and Smith

ABSENT: None

Introduced by: Councilperson Hoy

Seconded by: Councilperson Smith

Lessee: Town of Clarkson

Principal Amount Expected to be Financed: **\$25,448.70**

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.

09.08.15

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 purposes 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 Model F-150 Extended Cab Four Wheel Drive Ford Pickup Truck

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 Town Supervisor or the Deputy Supervisor (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 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.

09.08.15

Section 7. It is hereby determined that the purpose of this Project is an object or purpose described in subdivision 29 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is five (5) years.

Section 8. It is hereby determined the term of the Equipment Leases authorized by this resolution will not be in excess of five (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. BAK 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 \$10,000,000.00 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 \$10,000,000.00.

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 September, 2015.

VOTE OF THE BOARD

AYES: Supervisor Kimball, Councilpersons Hoy, Filipowicz, Didas and Smith

NAYS: None

SUPERVISOR REPORTS

Supervisor Kimball commented that Tender Loving Family Care is ready to move into their new offices at the renovated nursing home.

MOTION ACKNOWLEDGING RECEIPT OF SUPERVISOR’S FINANCIAL REPORT

Motion by Councilperson Hoy

Seconded by Councilperson Smith

Acknowledging receipt of Supervisor’s Financial Report.

Unanimously carried

TOWN CLERK REPORTS

S. Mattison had nothing to report.

BUILDING INSPECTOR REPORTS

C. Fabry had nothing to report.

09.08.15**HIGHWAY SUPT. REPORTS**

Bob Viscardi reported that the new pump station has arrived and he is just waiting for parts. He estimates that it will take approximately one month for this work to be completed. Concrete balusters will be installed in an effort to protect the pump station. Supervisor Kimball reiterated that all expenses incurred from this accident should be recorded for insurance purposes.

Superintendent Viscardi distributed a report of total billed revenue year-to-date for scheduled work. He is hoping that the County will have more work before the end of the season to bring us up over the \$120,000 mark. They chip-sealed Hafner Park and surrounding parking lots. Next week they will be milling Bev Lane and half of Stag Creek.

MOTION ALLOWING HIGHWAY SUPERINTENDENT TO HOLD AUCTION ON TOWN PROPERTIES

Motion by Councilperson Smith

Seconded by Councilperson Didas

To allow the Highway Superintendent to hold auction on town property.

Unanimously carried

Discussion: Highway Superintendent Viscardi met with Cindy Wolcott from Teitsworth who indicated they are in need of a location for their Monroe County Auction next year. She will come out to visualize the location and then make a decision. Revenue would be a percentage of sales.

MINUTES

Motion by Councilperson Hoy

Seconded by Councilperson Filipowicz

To approve August 11, 2015 minutes.

VOTE OF THE BOARD

AYES: Supervisor Kimball, Councilpersons Hoy, Filipowicz and Didas

NAYS: None

ABSTAIN: Councilperson Smith

MINUTES

Motion by Councilperson Smith

Seconded by Councilperson Filipowicz

To approve August 25, 2015 minutes.

VOTE OF THE BOARD

AYES: Supervisor Kimball, Councilpersons Hoy, Filipowicz and Smith

NAYS: None

ABSTAIN: Councilperson Didas

AUDIT—09-01-2015

Motion by Councilperson Hoy

Seconded by Councilperson Didas

To authorize payment of audit 09-01-2015 to include the following:

Vouchers 20150738-20150766; Total \$65,658.36; Gen. \$5,540.96; Hwy. \$5,840.41;

SL \$3,391.30; SS \$50,885.69

For distribution checks from 30472 - 30500

Unanimously carried

EXECUTIVE SESSION

Motion by Councilperson Smith

Seconded by Councilperson Hoy

To enter executive session at 6:25 P.M. to discuss a personnel matter.

Unanimously carried

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RETURN TO REGULAR SESSION

Motion by Councilperson Hoy
Seconded by Councilperson Smith
To return to regular session at 7:25 P.M.
Unanimously carried

MOTION TO ADVERTISE FOR SOLE ASSESSOR POSITION

Motion by Councilperson Smith
Seconded by Councilperson Didas
To advertise for the Sole Assessor position. All interested persons need to reply by
September 22nd, 2015.

MOTION TO ADJOURN

Motion to adjourn at 7:30 P.M. by Councilperson Smith
Seconded by Councilperson Hoy
Unanimously carried

Respectfully submitted,

Sharon S. Mattison
Town Clerk

Approved 09-22-2015