

VILLAGE OF HEUVELTON
Regular Board Meeting
July 11, 2018

At 6:00 pm, Mayor Lashua called the meeting to order. Mayor Lashua opened the meeting with the pledge of allegiance. Trustees in attendance were W. Knowlton; C. Basford; A. Guardino and E. Wood. Also in attendance were T. Murray, DPW Superintendent; Scott McConnell, DANC and T. Wood, HVFD Chief. G. Bullock arrived with her children at 6:05pm and J. Lightfoot, SLC legislator arrived at 6:35pm.

HVFD Report They have 2 new interior firemen. The new HVFD truck purchase was discussed. A resolution to withdraw the funds from the Fire Capital Reserve Fund would be subject to permissive referendum and a legal notice would be published as soon as possible. They can to move forward after the required thirty days from the publish date. Once they receive the new truck, R-050 will be put out to bid. The Mayor also asked the HVFD not fill any more pools until the dry spell is over. A Certificate of Liability naming the Village and the HVFD from the Boy Scouts on the trailer was strongly suggested by the insurance agent. They are in the process of obtaining.

RESOLUTION 18-058**RESERVE FUND EXPENDITURE**

Offered by Tr. Knowlton, seconded by Tr. Guardino. Tr. Basford, Tr. Wood and Mayor Lashua - Aye.

Resolution to withdraw from the Fire Equipment Capital Reserve Fund a sum not to exceed \$110,000.00 to be used to fund the purchase new truck and cap.

Public Forum Ms. Bullock and her children requested that the Board allow them to put a Blessing box and a Library box in a common area in the Village. They discussed the best places to put them, signage and weather related issues. Ms. Bullock will have them built. She will keep the Village updated on the progress. The Board had no objections to her request. Ms. Bullock and her children left at 6:15pm. Mr. Lightfoot updated the Board on current issues in the County. He discussed the Indian land claim settlement progress, the DEC cleanup of the J & L site, recyclables and workers compensation.

Sewer/Water The sewer plant is in good shape. Manhole inspections start soon. There was an issue with an alarm for excessive heat in the lab. An air conditioner was put in to solve the problem. Losurdo flows are down this month. The Mayor discussed some issues the Village had with the DEC concerning land applying. The DEC made some suggestions about changing how the sampling is done. Mr. Murray said that United Helpers staff cleaned out the basket and he notified them if the issue persists a separate manhole would be installed on their property at their expense. Mr. Murray said the motors on the mixers were good. The quotes to repair the mixers would be \$8,800.00 each. He recommended they be repaired.

RESOLUTION 18-059**APPROVAL OF MIXERS REPAIR**

Offered by Mayor Lashua, seconded by Tr. Guardino. Tr. Knowlton, Tr. Wood and Tr. Basford - Aye.

Resolution to approve the repairs of the mixers for the WWTP, not to exceed \$20,000.00.

Mayor's Report The Mayor advised the Board of the hiring of a deputy clerk. The Mayor gave the Board an update on the Water Tower Project funding. The Village was able to get a better interest rate of 2.29% for the EQ Tank Project BAN from the Bank of Greene County as opposed to the 3.25% that Community Bank offered. The proposal from the engineer for the wastewater decommissioning was postponed for a later date. The proposed size for the pavilion at the boat launch was discussed. Tr. Wood is waiting on quotes for materials and Mr Murray will be getting estimates on paving costs. The Village is still waiting on DASNY for the property acquisition project. The funding from other sources is in place.

The purchase will be made once DASNY approves the grant. The Mayor advised the Board that a section of Lisbon Street from York to State streets will be closed for the Labor Day activities. She has dropped flyers off at Losurdo's so that truck drivers are aware. Anyone with information to go in the Village newsletter must get the information to the Clerk by July 18th. The Mayor asked that the DPW clean State Street more often. The electrician is looking into the bridge light problem. Thanks to Ken Cole for pruning the bushes in the park. The Mayor announced that the Republican Caucus will be held August 8, 2018 @ 5:30pm. Trustees Wood and Basford are both running for re-election.

RESOLUTION 18-060 **APPOINTMENT OF DEPUTY CLERK/TREASURER**

Offered by Mayor Lashua, seconded by Tr. Basford. Tr. Knowlton, Tr. Wood and Tr. Guardino - Aye.

Resolution to appoint Rebecca Donnelly as Deputy Clerk/Treasurer, effective June 18, 2018, at a pay rate of \$ 12.36 per hour. The Deputy Clerk/Treasurer position will be part time and consist of an approximate 16 hour work week.

RESOLUTION 18-061 **AMMEND USDA LOAN RESOLUTION 18-052**

Offered by Tr. Wood, seconded by Tr. Knowlton. Tr. Basford, Tr. Guardino and Mayor Lashua - Aye.

Resolution to amend resolution 18-052 to meet the required wording mandated by USDA to read as follows:

A RESOLUTION OF THE VILLAGE TRUSTEES OF THE VILLAGE OF HEUVELTON AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS WATER DISTRICT IMPROVEMENTS FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE.

WHEREAS, it is necessary for the Village of Heuvelton (herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of Three Million Three Hundred Forty- One Thousand & 00/100 pursuant to the provisions of Subject to NYS Finance Law; and

WHEREAS, the Association intends to obtain assistance from the United States Department of Agriculture, (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association:

NOW THEREFORE, in consideration of the premises the Association hereby resolves:

- 1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.**
- 2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U.S.C. 1983(c)).**
- 3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$10,000.**
- 4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legally permissible source.**

- 5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.**
- 6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so, without the prior written consent of the Government.**
- 7. Not to defease the bonds, or to borrow money, enter into any contractor agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.**
- 8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.**
- 9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.**
- 10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by USDA. No free service or use of the facility will be permitted.**
- 11. To acquire and maintain such insurance and fidelity bond coverage as may be required by the Government.**
- 12. To establish and maintain such books and records relating to the operation of the facility and its financial affairs and to provide for required audit thereof as required by the Government, to provide the Government a copy of each such audit without its request, and to forward to the Government such additional information and reports as it may from time to time require.**
- 13. To provide the Government at all reasonable times access to all books and records relating to the facility and access to the property of the system so that the Government may ascertain that the Association is complying with the provisions hereof and of the instruments incident to the making or insuring of the loan.**
- 14. That if the Government requires that a reserve account be established, disbursements from that account(s) may be used when necessary for payments due on the bond if sufficient funds are not otherwise available and prior approval of the Government is obtained. Also, with the prior written approval of the Government, funds may be withdrawn and used for such things as emergency maintenance, extensions to facilities and replacement of short lived assets.**
- 15. To provide adequate service to all persons within the service area who can feasibly and legally be served and to obtain USDA's concurrence prior to refusing new or adequate services to such persons. Upon failure to provide services which are feasible and legal, such person shall have a direct right of action against the Association or public body.**

16. To comply with the measures identified in the Government's environmental impact analysis for this facility for the purpose of avoiding or reducing the adverse environmental impacts of the facility's construction or operation.

17. To accept a grant in an amount not to exceed \$ under the terms offered by the Government; that the and of the Association are hereby authorized and empowered to take all action necessary or appropriate in the execution of all written instruments as may be required in regard to or as evidence of such grant; and to operate the facility under the terms offered in said grant agreement(s).

The provisions hereof and the provisions of all instruments incident to the making or the insuring of the loan, unless otherwise specifically provided by the terms of such instrument, shall be binding upon the Association as long as the bonds are held or insured by the Government or assignee. The provisions of sections 6 through 17 hereof may be provided for in more specific detail in the bond resolution or ordinance; to the extent that the provisions contained in such bond resolution or ordinance should be found to be inconsistent with the provisions hereof, these provisions shall be construed as controlling between the Association and the Government or assignee.

RESOLUTION 18-062

WATER TOWER BANK ACCOUNT

Offered by Tr. Guardino, seconded by Tr. Basford. Tr. Wood, Tr. Knowlton and Mayor Lashua - Aye.

Resolution to authorize the Clerk/Treasurer, as Chief Fiscal Officer of the Village of Heuvelton, to open an additional bank account for the Water Tower Project with signing authorization for the Mayor and Clerk/Treasurer.

Streets/Sidewalks Mr. Murray said the DPW crew is currently working on the sidewalks on Washington Street. He expects to move on to another area in the Village for sidewalk repair next week. He is waiting on a quote from Sheehan's for paving. He would like to widen the road in the boat launch area.

RESOLUTION 18-063

APPROVAL OF MINUTES

Offered by TR. Knowlton, seconded by Tr. Guardino. Tr. Wood, Tr. Basford and Mayor Lashua - Aye.

Resolution to accept the minutes of the 06/13/18 meeting.

RESOLUTION 18-064

VOUCHER APPROVALS

Offered by Tr. Wood, seconded by Tr. Basford. Tr. Knowlton, Tr. Guardino and Mayor Lashua - Aye.

General	001-042	\$ 64,471.21
Sewer	001-042	\$ 42,328.01
Water	001-042	<u>\$ 261.00</u>
Total		\$ 107,060.22

Other Disbursements: \$ 32,024.91

At 7:20pm, with no further business before the Board, the meeting was adjourned on a motion by Tr. Knowlton. All were in agreement.

Respectfully submitted,

Michele Smithers
Village Clerk