

VILLAGE OF HEUVELTON

Regular Board Meeting

August 10, 2022

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 Trustee E. Wood, Trustee A. Guardino, Trustee C. Basford, and Trustee M. Hebert. Also, in attendance were T. Murray, DPW Supervisor; T. Wood, HVFD Chief; B. Nutting, DANC; A. McAbee, Village Resident, Girl Scout Troop 50223 Parents Ellen Tyo, Josh Forsythe, Becky Phillips, Amanda Fenton and members Molly Tyo, Isabelle Forsythe, Kenzie Phillips, and Lia Fenton. J. Lightfoot, SLC Legislator; arrived at 6:11.

Public Forum The Girl Scouts presented the Board with a proposal to build a little library to encourage reading in the community. They would like to put one in Murdock Park. The Girl Scouts left at 6:07.

Ms. McAbee addressed the Board with concerns about Water and Rensselaer Street conditions. Mr. Murray informed everyone the section from the Y down Rensselaer to the Village limits is scheduled to be paved this year. Ms. McAbee left at 6:13.

Mr. Lightfoot updated the Board on county matters.

HVFD Report Mr. Wood gave the Board a report on the fire department. TA- 80 will be put out to bid when they have the specs ready. He left at 6:17.

Sewer/Water Mr. Nutting reported on Village water and wastewater. Discussion was held about WWTP issues and expenses. Mr. Nutting left at 6:33.

The Mayor gave a report on the water, sewer and solar projects.

RESOLUTION 22-068

WATER PROJECT BUDGET MODIFICATION

Offered by Tr. Guardino, seconded by Tr. Basford. All in favor.

Resolution to modify the Water Project Budget increasing the amount for internment by \$1,587.04 and decreasing the contingency.

Mayors Report

RESOLUTION 22-069

SET PUBLIC HEARING

Offered by Mayor Lashua, seconded by Tr. Wood. All in favor.

Resolution to set a public hearing for Livestock law -local law 1 of 2022, for October 12th at 6:00.

The Board discussed the employee handbook and employee insurance.

The Mayor informed the Board the parking lot issues have been assigned to an engineer.

The Mayor reported to the Board about Forward NY grants, a big factor for applying to a grant like that is a comprehensive plan. The Village needs to update their comprehensive plan she has reached out to county planning and get an update on our next steps.

The Mayor described the Summer recreation program and plans for next year will be revisited during budget time.

RESOLUTION 22-070

DONATION TO HERMON FIRE DEPARTMENT

Offered by Mayor Lashua, seconded by Tr. Hebert. All in favor.

Motion to donate \$150 to Hermon fire department for their help with the youth recreation.

Streets/Sidewalks Mr. Murray gave a DPW report. He will help with a dig request when the Girl Scouts are ready to put up the little library in Murdock Park.

RESOLUTION 22-071

DUMP TRUCK LOAN

Offered by Tr. Hebert, seconded by Tr. Wood. All in favor.

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 DUMP TRUCK 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 \$50,000 pursuant to the provisions of NYS LOCAL FINANCE LAWS; and WHEREAS, the Association intends to obtain assistance from the Rural Housing Service, Rural Business - Cooperative Service, Rural Utilities Service, or their successor Agencies with 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 legal 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 contract or 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 the Government. 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 and maintained, disbursements from that account may be used when necessary for payments due on the bond if sufficient funds are not otherwise available. With the prior written approval of the Government, funds may be withdrawn for: (a) Paying the cost of repairing or replacing any damage to the facility caused by catastrophe. (b) Repairing or replacing short-lived assets. (c) Making extensions or improvements to the facility. Any time funds are disbursed from the reserve account, additional deposits will be required until the reserve account has reached the required funded level.**
15. **To provide adequate service to all persons within the service area who can feasibly and legally be served and to obtain the Government'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 \$27,000 under the terms offered by the Government; that the Village Mayor and Village Clerk 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

The vote was: Yeas 5 Nays 0 Absent 0

RESOLUTION 22-072

APPROVAL OF MINUTES

Offered by Tr. Guardino, seconded by Tr. Basford. All in favor
Resolution to accept the minutes of the 7/13/22 meeting.

RESOLUTION 22-073

VOUCHER APPROVALS

Offered by Tr. Wood, seconded by Tr. Hebert. All in favor
Approval of Vouchers 0822-1-0822-43

General	\$ 34,623.58
Sewer	\$56,086.89
Water	\$ 2,326.91
Water Projec	\$21,077.37
Sewer Projec	\$ 473,857.23
Total	\$ 587,971.98

Other Disbursements \$33,204.52

RESOLUTION 22-074

BUDGET MODIFICATION

Offered by Tr. Guardino, seconded by Tr. Basford. All in favor.

Budget Modifications -Pay for half of HVFD sign per resolution 22-010

Increase

Decrease

34104.1 HVFD CE \$12,424.00

71804.1 Rec Facilities \$12,424.00

At 7:55 pm, with no further business before the Board, the meeting was adjourned on a motion by Mayor Lashua. All agreed.

Respectfully submitted,

Rebecca Donnelly
Village Clerk