

**REGULAR MEETING OF THE VILLAGE BOARD OF TRUSTEES
MAY 2, 2016**

A REGULAR MEETING OF THE VILLAGE BOARD OF TRUSTEES WAS HELD ON WEDNESDAY, MAY 2, 2016, BOARD ROOM, VILLAGE HALL.

PRESENT: Mayor Gregory Rogers; Trustees James Bonacquisti, William Kettle, Robert D. Taylor, Jr, Ray Yacuzzo; Clerk-Treasurer Sharon Jeary; DPW Supervisor Bob Lathan; STP Supervisor Steve Carroll; 2 citizens.

Mayor Rogers called the meeting to order at 7:00 pm and asked everyone stand and recite the Pledge of Allegiance.

STATUS OF SEWER TREATMENT PLANT – Mayor Rogers gave an explanation of the status of the Sewer Treatment Plant. Due to the age of the plant and the treatment that goes on there pumps and parts are deteriorating.

Engineer Rick Henry:

- Sludge processing needs to be upgraded as soon as possible.
- Funding – State Water Grant Program was due June 20, program has been extended.
- Consolidated Funding Application – applications are out on the website and due July 29.
- EFC (Environmental Facilities Corporation) – loans through the corporation were discussed.

RESOLUTION SEQR TYPE II DETERMINATION MAIN STREET SIDEWALKS

MOTION BY Trustee Yacuzzo

WHEREAS, 6 NYCRR Section 617.5 of the New York Code of Rules and Regulations) under the State Environmental Quality Review Act (SEQR) provides that certain actions identified in the subdivision (c) of that section are not subject to environmental review under the Environmental Conservation Law.

RESOLVED, that the Village of LeRoy hereby determines that the proposed Main Street Sidewalk Rehabilitation is a Type II action in accordance with the following: 6 NYCRR Section 617.5 (c) which constitutes the:

(2) “replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes, unless such action meets or exceeds any of the thresholds in the section 617.4 of this Part;”

And is therefore not subject to further review under 6 NYCRR Part 617.

SECONDED BY Trustee Taylor and on a call of votes Trustee Bonacquisti – Aye, Trustee Kettle – Aye, Trustee Taylor – Aye, Trustee Yacuzzo – Aye, Mayor Rogers – Aye, carried.

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**BOND RESOLUTION (SUBJECT TO PERMISSIVE REFERENDUM)
WASTEWATER TREATMENT PLANT IMPROVEMENTS –**

A RESOLUTION AUTHORIZING CONSTRUCTION, RECONSTRUCTION, OR ADDITIONS TO THE WASTEWATER TREATMENT PLANT IN AND FOR THE VILLE OF LEROY, GENESEE COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$9,000,000 AND AUTHORIZING THE ISSUANCE OF \$9,000,000 SERIAL BONDS OF SAID VILLAGE TO PAY THE COST THEREOF.

MOTION BY MAYOR ROGERS

WHEREAS, the capital project hereinafter described has been determined to be a Type II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act (“SEQRA”), the implementation of which as proposed, it has been determined will not have a significant adverse impact on the environment and does not meet the requirements of a Type I action, particularly because of the improvements involve the replacement, rehabilitation, or reconstruction, of an existing facility, and the project will not result in the treatment of additional flow beyond the existing permitted limits; NOW THEREFORE, BE IT:

RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Village Board of the Village of LeRoy, Genesee County, New York (the “Village”), as follows:

Section 1. The construction, reconstruction, or additions to the Village Wastewater Treatment Plant in and for the Village of LeRoy, Genesee County, New York, defined as the replacement of the influent structure, replacement of a primary clarifier, addition of a final clarifier, sludge handling system improvements, and improvements to the existing facilities such as roofs, driveways, lighting, electrical, pumps, blowers, etc..., including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, is hereby authorized, SUBJECT TO PERMISSIVE REFERENDUM, at a maximum estimated cost of \$9,000,000.

Section 2. It is hereby determined that the plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$9,000,000 serial bonds of said Village, hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law; provided, however, that the amount of serial bonds ultimately to be issued shall be reduced dollar for dollar by the amount of any state, federal, or other grant monies received therefor.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

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Section 4. The faith and credit of said Village of LeRoy, Genesee County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from other sources, there shall annually be levied on all the taxable real property of said Village, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Village Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, with the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issuances, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Village Treasurer, the chief fiscal officer of such Village. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Village Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 7. The Village Treasurer is hereby further authorized, at her sole discretion, to execute a project finance and /or loan agreement, and any other agreements with the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the object or purpose described in Section 1 hereof, or a portion thereof, by a bond or note issue of said Village in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 8. The validity of such bonds and bond anticipation notes may be contested only if: 1) Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or

2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 9. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no

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monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. Upon this resolution taking effect, the same shall be published in summary form in the official newspaper of said Village for such purpose, together with the notice of the Village Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 11. THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.

The question of the adoption of the foregoing resolution was duly put to a vote on a roll call, which resulted as follows:

Mayor Greg Rogers – Aye
Trustee Bill Kettle – Aye
Trustee Ray Yacuzzo – Aye
Trustee Jim Bonacquisti- Aye
Trustee Bob Taylor – Aye

The resolution was thereupon declared duly adopted.

AUTHORIZATION TO PAY BILLS – A motion was offered by Trustee Taylor to pay bills as presented, seconded by Trustee Bonacquisti and on a call of votes Trustee Bonacquisti – Aye, Trustee Kettle – Aye, Trustee Taylor – Aye, Trustee Yacuzzo – Aye, Mayor Rogers - Aye, carried. Payment is as follows:

General Fund – check number 19500 – 19595: \$228,874.84

ADJOURN – There being no further business a motion was offered by Trustee Kettle to adjourn, seconded by Trustee Bonacquisti and on a call of votes Trustee Bonacquisti – Aye, Trustee Kettle – Aye, Trustee Taylor – Aye, Trustee Yacuzzo – Aye, Mayor Rogers – Aye, carried. Meeting adjourned at 7:26 pm.

Respectfully submitted,

Sharon M. Jeary,
Clerk-Treasurer

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