**VILLAGE OF MINOA**

**BOARD OF TRUSTEES**

**July 5, 2016**

**PRESENT:** Mayor William F. Brazill
Trustee Abbott
Trustee Champagne
Trustee Christensen
Trustee Rinaldi
Clerk Treasurer Lisa DeVona
Attorney Courtney Hills, Primo & Hills Law Firm

**ALSO PRESENT**: Chief Erich Schepp, Deputy Chief Jeremy Erard, Lt. Matthew McGarrity, Alan Archer, Tom Czajak, Mike Macko

Mayor Brazill opened the village board meeting at 7:00pm and Trustee Eric Christensen led those present with the Pledge of Allegiance.

**PUBLIC HEARING – TIME WARNER FRANCHISE AGREEMENT**

Trustee Christensen made a motion, seconded by Trustee Champagne to waive the reading of legal notice and open the public hearing. All in favor; motion carried.

Mayor Brazill opened the public hearing at 7:00pm. Attorney Hills reviewed the franchise agreement with the board and those present. She indicated the proposed term of the franchise is fifteen (15), which is usually case as it is the maximum term permitted by law, and suggested this be a negotiating point to reduce the term to ten (10) years or less. She further advised maximum franchise fees permitted to be collected is 5% gross revenue (also sometimes referred to as gross receipts). She stated the issue is how the term "gross revenue" is defined in the agreement – it is ambiguous. It should include revenue received from all subscriber fees (fees charged directly to the customer) and non-subscriber fees (revenue from advertising, installation charges, late fees, pay-per-view, home shopping, and the like). As proposed, it appears the Village could only collect its franchise fee from revenue received from subscriber fees only. Another issue regarding the proposed renewal agreement raised by Attorney Hills was the language regarding non-exclusivity and most favored nation clauses. She advised if the Village were to grant a franchise to another company and those terms are better than the Time Warner terms, then the Time Warner Franchise Agreement would be deemed automatically modified so Time Warner would be afforded those same terms and conditions, and such modification would be retroactive as of the original execution date of the Time Warner Franchise Agreement. Attorney Hills stated she has other municipal clients that haven't renewed their franchise agreements with Time Warner Cable due to negotiations with Time Warner Cable having lasted for years, and in such cases Time Warner Cable continued to provide services within the municipality. She suggested rather than renewing the agreement at this time (and it was pointed out the existing agreement has not yet expired), the Village Board consider establishing a local law implementing a gross receipt tax for telephone and utility company gross receipts raised within the Village's borders. She would advised this would eliminating extensive negotiations and create a unified scheme for all utility providers.

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With no further questions from the board or the public, Trustee Champagne made a motion, seconded by Trustee Christensen to close the public hearing. All in favor; motion carried.

Mayor Brazill closed the public hearing at 7:11pm.

**PUBLIC HEARING – HOUSTON GALVESTON AREA COUNCIL (HGAC BUY) COOPERATIVE PURCHASING AGREEMENT**

Trustee Christensen made a motion, seconded by Trustee Champagne to waive the reading of the legal notice and open the public hearing. All in favor; motion carried.

Mayor Brazill opened the public hearing at 7:11pm.

Attorney Hills reviewed the Interlocal Contract for Cooperative Purchasing with Houston-Galveston Area Council also known as "H-GAC" and the process to become a member of the purchasing group. She advised the Village was authorized under General Municipal Law Section 462 to enter into interlocal agreements for the purchase of certain equipment, such as fire apparatuses. She explained the concept behind this provision is similar to that of piggybacking, whereby local government agencies may make purchases using another agency's purchasing contract. This interlocal agreement would save the Village time and resources and allow the Village to obtain better prices and terms than it might be able to do on its own through the competitive bidding process. Attorney Hills advised this interlocal agreement should be in place prior to the approval/award of any purchasing contracts under same. She further advised the statute requires a public hearing to be held prior to any such adoption of an interlocal agreement, same having been previously duly scheduled and advertised/posted for this evening.

With no further questions from the board of public, Trustee Christensen made a motion, seconded by Trustee Abbott to close the public hearing. All in favor; motion carried.

Mayor Brazill closed the public hearing at 7:18pm.

Trustee Champagne made a motion, seconded by Trustee Christensen to enter into Contract for Cooperative Purchasing with Houston-Galveston Area Council and authorize the Mayor to execute the agreement. All in favor; motion carried.

**USE OF FACILITIES DISCUSSION**

Mayor Brazill thanked John Crowley, Crowley Insurance for attending the meeting to discuss the insurance requirements and coverage needed to protect the village against any liabilities for renting municipal rooms and buildings to the public. A discussion ensued regarding the following topics:

- Types of events that would be permissible
- Fees for use of facilities
- Applications and insurance requirements
- Restricting alcohol use
- Use of village equipment

Mayor Brazill thanked Mr. Crowley for his time and for the information he presented.

**CLERK-TREASURER**

***MEETING MINUTES – JUNE 20, 2016***

Trustee Abbott made a motion, seconded by Trustee Champagne to approve the June 20, 20167 meeting minutes as submitted. All in favor; motion carried.

***HONEYWELL 3YR SERVICE AGREEMENT***

Tabled until August 1, 2016 meeting. Mayor Brazill asked that a Honeywell representative attend to go over the agreement and options available.

**DPW**

**BOND RESOLUTION DATED JULY 5, 2016 AUTHORIZING THE ISSUANCE OF $175,000 SERIAL BONDS OF THE VILLAGE OF MINOA, NEW YORK, TO PAY THE COST OF THE ACQUSITION OF A SOLID WASTE MANAGEMENT-RESOURCE RECOVERY VEHICLE FOR SAID VILLAGE.**

**WHEREAS,** Section 4-412 of the Village Law of the State of New York empowers the Board of Trustees of the Village of Minoa (the "Village") to take all measures and do all acts desirable for the good government of the Village and the preservation and protection of public works; and

**WHEREAS**, the Board of Trustees of the Village has determined that it is necessary for the Village to acquire a solid waste management-resource recovery vehicle for Village purposes (collectively, the "Project"); and

**WHEREAS**, the Village is a local agency pursuant to the New York State Environmental Quality Review Act ("SEQRA"), ECL Section 8-0101, *et seq.*, and implementing regulations, 6 NYCRR Part 617 (the "Regulations") and is required to make a determination with respect to the environmental impact of any "action" (as defined by SEQRA) to be taken by the Village and the approval of the Project and this bond resolution constitutes such an action; and

**WHEREAS**, the Board of Trustees of the Village now desires to authorize the Project and the financing of the cost thereof.

NOW, THEREFORE BE IT RESOLVED ON JULY 5, 2016 BY THE BOARD OF TRUSTEES OF THE VILLAGE OF MINOA, NEW YORK (by favorable vote of not less than two thirds of said Board), AS FOLLOWS: Section 1. The Village Board of Trustees hereby determines that the Project constitutes a "Type II Action" under Section 617.5(c)(25) of the Regulations and is not subject to review under SEQRA. Section 2.

The acquisition of a solid waste management-resource recovery vehicle with rear load packer and all other appurtenant equipment, machinery, apparatus and other improvements incidental thereto, all as required for the purpose for which such vehicle is to be used, at a maximum estimated cost of $175,000, including all legal and professional costs and other necessary appurtenances and all other necessary costs incidental to such project, which is estimated to be the total cost thereof, is hereby approved. Section 3. To pay the cost of the acquisition of a solid waste management-resource recovery vehicle, including incidental equipment and expenses in connection therewith, there are hereby authorized to be issued $175,000 serial bonds of the Village pursuant to the provisions of the Local Finance Law. Section 4. It is hereby determined that the aggregate maximum estimated cost of the aforesaid objects or purposes described in Section 3 hereof is $175,000, and that the plan for the financing thereof is the issuance of up to $175,000 serial bonds herein authorized, subject to permissive referendum, to be issued therefore pursuant to the provisions of the Local Finance Law. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is ten (10) years, pursuant to subdivision 6 of paragraph a of Section 11.00 of the Local Finance Law. 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 Village Treasurer, consistent with the provisions of the Local Finance Law. Section 6. The full faith and credit of said Village of Minoa, New York, is 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. 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 7. Such bonds shall be in fully registered form and shall be signed in the name of the Village of Minoa, New York, by the manual or facsimile signature of the Village Treasurer and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the

Village Clerk.

Section 8. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Village Treasurer, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as she shall deem best for the interests of the Village; provided, however, that in the exercise of these delegated powers, she shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Village Treasurer shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money. Section 9. All other matters, except as provided herein relating to such bonds including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Village by the facsimile signature of the Village Treasurer, providing for the manual countersignature of a fiscal agent or of a designated official of the Village), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Village Treasurer. It is hereby determined that it is to the financial advantage of the Village not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. 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 52.00 of the Local Finance Law, as the Village Treasurer shall determine.

Section 10. The proposed maturity of the bonds authorized by this resolution may exceed five (5) years. Section 11. The Village reasonably expects to reimburse itself for expenditures made for the Project out of the Village's General Fund from the proceeds of the bonds or notes herein authorized. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2.

Section 12. Other than as specified in this resolution, no 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. Current funds are not required by the Local Finance Law to be provided prior to the issuance of the bonds and any notes issued in anticipation thereof authorized by this resolution.

Section 13. 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 14. The law firm of Trespasz & Marquardt, LLP is hereby appointed bond counsel to the Village in relation to the issuance of the bonds and notes authorized hereunder.

Section 15. This resolution shall be subject to permissive referendum and a summary hereof shall be published by the Village Clerk as provided by Village Law Section 9-900. This resolution shall become effective 30 days after its adoption. Following such effective date, in the event that no petition for a referendum was timely submitted and filed, the Village Clerk shall cause the publishing and posting of a notice in substantially the form provided in Section 81.00 of the Local Finance Law together with a summary of this Bond Resolution.

**WHEREFORE**, the foregoing Resolution was put to a vote of the members of the Board of Trustees of the Village on July 5, 2016, the result of which vote was as follows:

| TRUSTEE | VOTE |
|---|---|
| Trustee John M. Abbott | Aye |
| Trustee John H. Champagne | Aye |
| Trustee Eric S. Christensen | Aye |
| Trustee Gregory A. Rinaldi | Aye |

The resolution was thereupon declared duly adopted.

**MS4** ***RESOLUTION – SUPPORTING PARTICIPATION IN CNY STORMWATER COALITION STAFF SERVICES AND EDUCATION COMPLIANCE ASSISTANCE PROGRAM***

Trustee Champagne made a motion, seconded by Trustee Christensen to adopt the following resolution Supporting Participation in the CNY Stormwater Coalition Staff Services and Education Compliance Assistance Program.

Resolution authorizing the items listed below pursuant to requirements of the New York State Pollutant Discharge Elimination System Municipal Separate Storm Sewer System General Permit.

WHEREAS, **Village of Minoa** herein called the "Municipality", after thorough consideration of the various aspects of the problem and consideration of available information, has hereby determined that certain work, as described in Attachment A, herein called the "Project", is desirable, is in the public interest, and is required in order to implement the Project; and

WHEREAS, the Central New York Regional Planning & Development Board, herein called the "Board", has provided program planning and implementation assistance pertaining to the requirements of the New York State Pollutant Discharge Elimination System (SPDES) Stormwater Phase II General Permit for Municipal Separate Storm Sewer System (MS4) operators since 2002, and

WHEREAS, the Board has proposed staff and education assistance services in support of sustaining the CNY Stormwater Coalition and to provide a regional public education, outreach and training compliance program to reduce municipal staff burdens, ensure consistency, provide widespread priority audience targeting the most efficient use of limited municipal funds by distributing total program costs over a number of entities within a twelve month timeframe as outlined in Attachment B;

NOW, THEREFORE, BE IT RESOLVED BY **Village of Minoa Board of Trustees**

1.That **William F. Brazill, Mayor** or such person's successor in office is the representative authorized to act in behalf of the Municipality's governing body in all matters related the Project;

2. That the Municipality agrees that it will fund its portion of the program cost in the amount of $3,600, and that those funds will be made available to the Board upon receipt of invoice.

3. That one (1) certified copy of this Resolution will be prepared and sent to the Board upon adoption.

4.That this Resolution take effect immediately.

Resolution was adopted.

**WTP / CERF** ***CONTRACT WITH LOUIS DEMARIO, HAULERS AND SEPTIC***

Mayor Brazill stated Louis DeMario owner of Haulers and Septic operates a commercial hauling business under contract with Chittenango Central School District in which he transports and disposes of wastewater produced from the school districts bus garage and is in need of a disposal site to dump the waste. Mayor Brazill stated if we allowed him to dispose of the material here he would be charged a fee of $0.06 per gallon of wastewater. The

material is within the parameters of our SPDES permit issued by NYSDEC. Mayor Brazill stated Attorney Hills would draft the contract and he will execute with the board approval.

Trustee Champagne made a motion, seconded by Trustee Christensen authorizing Attorney Hills to draft a one-year hauler permit contract with Louis DeMario for disposal of wastewater from Chittenango Central School District with established fee of $0.06 per gallon and authorize the Mayor to execute contract. All in favor; motion carried.

***PERMISSION TO TAKE OPERATOR'S PERMIT TEST / JULY 12TH***

Trustee Christensen made a motion, seconded by Trustee Champagne authorizing Eric Cushing to take Operator's Permit test, July 12, 2016 at GoAMP, Utica NY; test fee $114.00. All in favor; motion carried.

***SURPLUS EQUIPMENT – REVOLVING SLUDGE THICKENER (AKA RST)***

Trustee Champagne made a motion, seconded by Trustee Abbott to declare one (1) Revolving Sludge Thickener (aka RST) as surplus equipment and sell. All in favor; motion carried.

***PURCHASE OFFER – REVOLVING SLUDGE THICKENER - ALRICK PRESS CO***

Trustee Champagne made a motion, seconded by Trustee Christensen to accept a $7,000 purchase offer from Alrick Press Co., for one (1) Revolving Sludge Thickener as is. All in favor; motion carried.

**FIRE DEPARTMENT**

***CHANGE IN MEMBERSHIP***

Trustee Abbott made a motion, seconded by Trustee Champagne to approve the change in membership for Jess Brown, Active Life to Life. All in favor; motion carried.

Trustee Christensen made a motion, seconded by Trustee Abbott to remove from rolls, Devin Kiehle. All in favor; motion carried.

***DECLARE EQUIPMENT SURPLUS – ADULT & CHILD CPR MANIKINS***

Trustee Champagne made a motion, seconded by Trustee Christensen to declare the following equipment as surplus and prepare to sell: 2 adult Anne-CPR manikins, 4 infant Anne-CPR manikins and one (1) Zoll AED trainer. All in favor; motion carried.

***PURCHASE OFFER – MANIKINS & AED TRAINER – NESFIRE TRAINING & CONSULTING ASSOCIATES***

Trustee Christensen made a motion, seconded by Trustee Champagne to accept the $100.00 purchase offer for two (2) adult Anne-CPR manikins, four (4) infant Anne-CPR manikins and one (1) Zoll AED trainer from NesFire Training & Consulting Associates. All in favor; motion carried.

***MVFD BY-LAW CHANGES***

Trustee Champagne made a motion, seconded by Trustee Abbott to approve the following changes: ***page 17, Section 3(C) If a vacancy is not or cannot be filled because of ineligibility AND lack of interest in candidacy by Members, an election will be held when eligibility requirements AND INTEREST have been met.***

All in favor; motion carried.

***NEW MEMBERSHIP – BRUCE BENNETT, 131 E. DAUENHAUER STREET***

Trustee Champagne made a motion, seconded by Trustee Christensen to approve the new membership application for Bruce Bennett, 131 E. Dauenhauer Street, E. Syracuse NY 13057 All in favor; motion carried.

***REQUEST TO USE LEWIS PARK AND POLE PARK***

Trustee Abbott made a motion, seconded by Trustee Christensen to approve the request for the Minoa Volunteer Fire Department to use Lewis Park and Pole Barn on October 1, 2016, 10am to 10pm for their 1st Annual Community Day for Fire Prevention and Recruitment. All in favor; motion carried.

***PERMISSION TO ENTER INTO PURCHASE AGREEMENT WITH E-ONE FOR TYPHOON CHASSIS HP78' AERIAL***

Trustee Champagne made a motion, seconded by Trustee Abbott to enter into agreement to purchase a Typhoon HP78' Aerial, per apparatus specifications and authorize Mayor to execute agreement in the amount of $724,844.00 and purchase through the HGAC membership (Model HA-02). All in favor; motion carried.

Delivery of the apparatus is expected no earlier than April 2017.

**ATTORNEY'S REPORT**

Nothing new to report.

**TRUSTEES' REPORT**

Trustee Abbott thanked everyone who helped out with the Annual Field Days; another successful year.

Trustee Rinaldi asked for clarification on the "normal hours" work week.

Trustee Christensen reported the next Hope for Heather meeting is scheduled for July 14, 2016 and August 17th Trappers II will host a celebrity bartending night for Hope for Heather.

Trustee Champagne – nothing new to report.

**MAYOR'S REPORT**

Nothing new to report

**AUDIT OF CLAIMS ABSTRACT 003**

A motion was made by Trustee Champagne and seconded by Trustee Christensen that the claims on Abstract #003 in the amounts of General Fund - $45,763.97 (Vouchers 069 - 113), Sewer Fund - $5,389.64(Vouchers 029 - 048), for a total of $51,153.61 audited and paid. All in favor; motion carried.

**PUBLIC COMMENT**

No comments.

**ADJOURNMENT**

With no further business before the board, a motion was made by Trustee Champagne and seconded by Trustee Christensen to adjourn the village board meeting at 8:23pm. All in favor. Motion carried.

Respectfully submitted,

*Lisa L. DeVona*

Lisa L. DeVona
Clerk-Treasurer