

**VILLAGE OF PALMYRA BOARD OF TRUSTEES
SPECIAL MEETING**

August 28, 2001 6:30 p.m.

CALL TO ORDER: Mayor Gunkler called the meeting to order at 6:30 p.m.

PRESENT: Mayor Gunkler, Trustees DeVogelaere, Salomon, and Celentano.

PLEDGE OF ALLEGIANCE

APPROVAL OF ABSTRACT: Motion by Trustee Celentano, second by Trustee DeVogelaere to approve payment of vouchers 142 & 143 of 8/15/01 for \$948.65, Abstract #3, vouchers 144-226 OF 8/20/01 for \$113,757.80 and voucher 227 of 8/28/01 for \$2,398.94. Vote, 4 ayes. CARRIED.

FIRE DEPARTMENT CANDIDATE: Mayor Gunkler moved that Matthew Bender be accepted for membership in the Fire Department subject to a satisfactory physical and completion of the appropriate training. Second was made Trustee Celentano. Vote, 4 ayes. CARRIED.

BONDED 2001 PROJECTS: Bob Raeman of Sniedze Associates reviewed the bids and provided the Board with a tabulation. The low bid for work to Cuyler, Howell and the Cuyler St. parking lot was submitted by All County Construction of Williamson, NY in the amount of \$225,480. Mr. Raeman contacted the references and received favorable responses concerning their work. Sniedze Associates recommended that the Village award the contract to All County Construction.

At the June 7th Board meeting, bond resolutions were passed, one for the street paving and one for the parking lot. In view of the bid results, these bond resolutions will need to be increased. Furthermore, when the bond resolutions were initially passed, engineering costs were not included in any of the calculations or estimates. The Board discussed if indeed the streets chosen were the best choice. It was decided that this round of street repairs would include Cuyler, Holmes and Division and to eliminate Howell in light of the cost.

Only one bid came in for the reconstruction of Clinton Street. The bid was submitted by Village Construction for \$156,570.00. Bob Raeman, Sniedze Associates recommended that the Village re-bid this project at another time possibly in the winter. The bidding atmosphere during the winter may be conducive to the Village receiving more than one bid, resulting in more competitive bids. This may also work out better with the proposed NYS Route 31 construction scheduled for 2002. Motion by Mayor Gunkler, second by Trustee Celentano, to reject the bid for the Clinton Street project. Vote, 4 ayes. CARRIED.

The bond resolution for the renovations to Village Hall was not preceded by a SEQR or negative declaration and will have to be re-published. Since, there is no solid plan in place for the specific renovations for this project, it was decided to postpone this project until which time a plan can put in place.

According to bond counsel, Douglas Goodfriend, Orrick, Herrington and Sutcliffe, increases to the bond amounts will need to be published again but are not subject to permissive referendum. There will be a estoppel period of 20 days. In the meantime, the contract can be awarded and preliminary work started.

Therefore, the following resolution were offered by Mayor Gunkler, who moved the adoption, seconded by Trustee Celentano, to-wit:

BOND RESOLUTION

A RESOLUTION AUTHORIZING, **THE MILLING AND RESURFACING RECONSTRUCTION OF THE SOUTH MAIN STREET PARKING LOT** IN AND FOR THE VILLAGE OF PALMYRA, WAYNE COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$100,000 AND AUTHORIZING THE ISSUANCE OF \$100,000 BONDS OF SAID VILLAGE TO PAY THE COST THEREOF.

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Board of Trustees of the Village of Palmyra, Wayne County, New York, as follows:

Section 1. The milling and resurfacing reconstruction of the South Main Street parking lot in and for the Village of Palmyra, Wayne County, New York, is hereby authorized, **SUBJECT TO PERMISSIVE REFERENDUM**, at a maximum estimate cost of \$100,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$100,000 bonds of the Village hereby authorized, to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is ten years, pursuant to subdivision 20(f) of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of said bonds **will not exceed five years**.

Section 4. The faith and credit of said Village of Palmyra, Wayne 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. 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 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. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue 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 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 8. 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 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 9. This resolution, which takes effect immediately, shall be published in full or in summary thereof in the *Palmyra Courier Journal*, which is hereby designated as the official newspaper of said Village for such purpose, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

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

Mayor Gunkler Voting aye
Trustee DeVogelaere Voting aye
Trustee Celentano Voting aye
Trustee Salomon Voting aye

Additionally, the following resolution was offered by Mayor Gunkler, who moved the adoption, seconded by Trustee Celentano, to-wit:

BOND RESOLUTION

A RESOLUTION AUTHORIZING, THE MILLING AND RESURFACING, RECONSTRUCTION OF HOLMES, DIVISION AND CUYLER STREETS IN AND FOR THE VILLAGE OF PALMYRA, WAYNE COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$200,000 AND AUTHORIZING THE ISSUANCE OF \$200,000 BONDS OF SAID VILLAGE TO PAY THE COST THEREOF.

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; NOW THEREFORE BE IT

RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Board of Trustees of the Village of Palmyra, Wayne County, New York, as follows:

Section 1. The milling and resurfacing reconstruction of Holmes, Division and Cuyler Streets in and for the Village of Palmyra, Wayne County, New York, are hereby authorized, **SUBJECT TO PERMISSIVE REFERENDUM**, at a maximum estimate cost of \$200,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$200,000 bonds of the Village hereby authorized, to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen years, pursuant to subdivision 20(c) paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of said bonds **will not exceed five years**.

Section 4. The faith and credit of said Village of Palmyra, Wayne 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. 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 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. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue 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 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 8. 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 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 9. Upon this resolution taking effect, the same shall be published in full or in summary thereof in the *Palmyra Courier Journal*, which is hereby designated as the official newspaper of said Village for such purpose, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

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

Mayor Gunkler	Voting aye
Trustee DeVogelaere	Voting aye
Trustee Celentano	Voting aye
Trustee Salomon	Voting aye

REMOVAL OF MARINA FILL: A brief discussion took place regarding removal of the fill from the marina. Nelson Cook, Highway Superintendent has solicited bids for the work. Swartz Excavating was the low bidder at \$7,100.00. Motion by Mayor Gunkler, second by Trustee Celentano to accept the quote from Swartz for hauling the excess dirt from Canal Street marina to Johnson Street including grading at pick up site and at cemetery site, said funds to be transferred from A1990.4 - Contingency to A5110 - Street maintenance misc. Vote, 4 ayes. CARRIED

CONTRACT AWARD: According to the bid tabulation, bid amounts for Cuyler, Holmes, Division and the Cuyler Street parking lot totals are as follows:

All County Construction:	\$172,080.00
Villager Construction :	\$175,151.00

Mayor Gunkler moved to award the contract for the street and parking lot projects to the low bidder, All County Construction. Second by Trustee Celentano. Mayor Gunkler instructed the clerk to notify Bob Raeman to amend the Notice of Award. Vote: 4 ayes. CARRIED.

LIFT TRUCK FOR BUILDINGS AND GROUNDS: Only one bid was received for the lift truck for the buildings and grounds department. It was from Dueco for \$64,990.00 which was under the estimated budget amount. Motion was made by Trustee DeVogelaere to award the contract to Dueco, Inc. for \$64,990.00 for the lift truck. Second by Trustee Celentano. Vote, 4 ayes. CARRIED.

ADJOURNMENT: Motion to adjourn at 7:10 p.m. by Trustee Celentano, second by Trustee DeVogelaere. Vote, 4 ayes. CARRIED.

Respectfully submitted,

Alicia M. Lynch
Village Clerk

