

**MINUTES OF A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF WELLSVILLE HELD ON SEPTEMBER 8, 2008 AT 7:00 PM IN THE TRUSTEES ROOM OF THE MUNICIPAL BUILDING, 156 NORTH MAIN ST WELLSVILLE, ALLEGANY COUNTY, NEW YORK.**

**PRESENT:** Mayor: James Cretekos  
Trustees: Laurie Hennessy, Judy Lynch, Jamie Herman, and Tink LaForge  
Police Chief: Steven Mattison  
DPW Dir: William Whitfield  
Village Atty.: Dan Synakowski

**ABSENT:** None

**VISITORS:** Brian Quinn.

Mayor Cretekos called the meeting to order and announced the first order of business would be the approval of the minutes of the previous regular meeting held on August 25, 2008. **Motion made to accept the minutes by Trustee Herman with a second by Trustee LaForge the minutes were approved as presented.**

The Mayor opened the meeting for public comments; None presented

**MAYOR'S BUSINESS:**

1. Mayor Cretekos informed the board that the Village was in receipt of a certified letter received on August 27, 2008 from E.B. Goodtimes Inc. d/b/a JB's Night Club of Wellsville, 24 East Dyke St. stating their intent to renew their two liquor licenses.
2. Mayor Cretekos presented the following Bond Resolution for consideration by the board;

**A BOND RESOLUTION, DATED SEPTEMBER 8, 2008, OF THE VILLAGE OF WELLSVILLE, ALLEGANY COUNTY, NEW YORK (THE "VILLAGE"), AUTHORIZING RECONSTRUCTION OF AND CONSTRUCTION OF IMPROVEMENTS TO SIDEWALKS WITHIN THE VILLAGE, IN AN AMOUNT NOT TO EXCEED \$200,000, AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$200,000 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, SAID AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE VILLAGE TREASURER.**

**WHEREAS,** the Village Board of Trustees (the "Board") adopted Local Law No. 1 of the year 2008, which amended Local Law No. 1 of the year 1989, to allow for the financing of the reconstruction of and the construction of improvements to sidewalks within the Village;

**NOW, THEREFORE,**

**BE IT RESOLVED**, the Board (by the favorable vote of not less than two-thirds of all the members of the Board of Trustees) as follows:

SECTION 1. The specific purpose (hereinafter referred to as "Purpose") to be financed pursuant to this resolution is the reconstruction of and construction of improvements to sidewalks within the Village and any necessary site work, acquisition of apparatus, equipment and other improvements and preliminary costs and costs incidental thereto. The maximum cost of said Purpose will not exceed \$200,000, offset by the receipt of any federal, state, county and/or local funds.

SECTION 2. The Village Board of Trustees plans to finance the maximum estimated cost of said purpose by the issuance of serial bonds in an amount not to exceed \$200,000 of the Village, hereby authorized to be issued therefore pursuant to the Local Finance Law, said amount to be offset by any federal, state, county and/or local funds received. The cost of such improvements is to be paid by the issuance of serial bonds, and by the assessment, levy and collection of assessments from the several lots and parcels of land within the Village which the Village Board of Trustees shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and the interest on such bonds as the same become due and payable, except as provided by law. In the event that any assessments or other special charges imposed by the Village upon benefitted real property is insufficient to pay principal of and interest on such bonds, 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 3. It is hereby determined that said purpose is an object or purpose described in subdivision 24 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is 10 years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of said bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will exceed five years.

SECTION 6. The faith and credit of the Village 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 be the assessment, levy and collection of assessments from the several lots and parcels of land within the Village which the Village Board of Trustees shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on such bonds as the same become due and payable, except as provided by law. In the event that any assessments or other special charges imposed by the Village upon benefitted real property is insufficient to pay principal of and interest on such bonds, 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. Subject to the provisions of this resolution and of the Local Finance Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said notes and of Section 21.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00 and Section 63.00 of the Local Finance Law, the powers and duties of the Village Board of Trustees pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village.

SECTION 8. The temporary use of available funds of the Village, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in Section 1 of this resolution. The Village then reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the date hereof) with the proceeds of the bonds authorized by Section 2 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds). This resolution shall constitute the declaration of the Village's "official intent" to reimburse the expenditures authorized by Section 2 hereof with such bond or note proceeds, as required by United States Treasury Regulations Section 1.150-2.

SECTION 9. The Village Treasurer is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 10. The Village Treasurer is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c12-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The Village has complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act ("SEQRA"), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly determined that the project is a Type II Action, and therefore, no further action under the State Environmental Quality Review Act is necessary.

SECTION 12. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

1. (a) such obligations were authorized for an object or purpose for which the Village is not authorized to expend money, or
- (b) if the provisions of the law which should be complied with as of the date of publication of this notice were not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication of this notice; or

2. such obligations were authorized in violation of the provisions of the Constitution of New York..

SECTION 13. The Village Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in a newspaper having a general circulation in the Village and hereby designated as the official newspaper of the Village for such publication.

SECTION 14. This Resolution is effective immediately pursuant to the provisions of Section 36.00(a)(2) of the Local Finance Law.

**On a motion made by Mayor Cretekos and second by Trustee LaForge the resolution was accepted by a unanimous vote.**

3. Mayor Cretekos requested that the trustees provide him with recommendation for filling the vacant Acting Village Justice position.
4. Mayor Cretekos requested approval to change the regularly scheduled Trustee meetings from the second and fourth Mondays of each month to just the fourth Monday of each month at 7:00pm. It was stated that the payment of bills would continue to be done on the second and fourth Mondays to ensure that the Village does not fall delinquent on any obligations. **On a motion made by Trustee LaForge and second by Trustee Lynch the change was approved. Trustee Herman was the one dissenting vote.**
5. Mayor Cretekos informed the trustees that Jesse Case respectfully declined the appointed to the Zoning Board. He asked that they consider alternative names and submitted them to him at their earliest convenience.

### **TRUSTEES BUSINESS:**

**HERMAN:** 1) Has personnel issue to discuss in Executive Session.

**HENNESSY:** 1) Nothing at this time.

**LYNCH:** 1) Has personnel issue to discuss in Executive Session.

**LAFORGE:** 1) Is waiting to hear back from an outside consultant regarding the cost estimates of renovating the old Citizens National Bank building for use as the Municipal Building.

### **DEPARTMENT REPORTS:**

#### **FIRE DEPARTMENT:**

1. No new business to present.

#### **POLICE:**

1. No new business to present

**DPW:**

1. Director Whitfield indicated he had a legal issue to discuss in Executive Session.

**CLERK TREASURER:**

1. Treasurer Caldwell requested approval for the following current vouchers listed in Abstract #6 dated September 8, 2008 to be paid as reviewed by the Trustees.  
**Motion made by Trustee Lynch seconded by Trustee Hennessy to pay bills in the total amount as follows ;**

<u>Abstract #6:</u>			
Fund A	\$ 48,426.24	Vouchers	274 to 309
Fund EE	8,004.43		141 to 149
Fund F	4,363.68		132 to 150
Fund G	7,309.30		136 to 150
Fund R	54.61		36 to 39
Fund TA	<u>1,164.59</u>		6 to 6
Total	<u>\$ 69,322.85</u>		

Mayor Cretekos requested that the Board move into Executive Session to discuss a personnel and legal matter. **On a motion by Trustee Herman and second by Trustee LaForge the Board moved into Executive Session at 7:08pm.**

Mayor Cretekos requested that the Board move from Executive Session to Regular Session. **On a motion by Trustee LaForge and second by Trustee Herman the Board moved back into Regular Session at 8:15pm.**

**With no further business the meeting was adjourned on a call by Mayor Cretekos at 8:15 pm.**

Respectfully submitted,

Darrell Caldwell  
Village Clerk/Treasurer