

**VILLAGE OF PAINTED POST
REGULAR BOARD MEETING
August 8, 2016**

The Regular Meeting of the Board of Trustees for the Village of Painted Post was called to order with the Pledge of Allegiance by Mayor Foster at 7:00PM.

PRESENT: Mayor Foster, Deputy Mayor Scheidweiler, Trustee Lewis, Trustee Smith, Trustee Francis, Police Chief Mullen, Fire Chief Button, DPW Superintendent Smith, Attorney Sauro and Clerk Names

ABSENT: **None**

REGULAR BOARD

MINUTES: of July 11 and July 21, 2016 were approved with a motion made by Trustee Lewis, seconded by Trustee Smith and carried.

POLICE REPORT: submitted by Police Chief Mullen as follows:

Traffic Arrests: Total of 59 -14 Radar, 10 Moving Violations, 2 DWI Violations and 33 All other Violations.

Complaints: Total of 51 – 4 Felony, 12 Misdemeanors, 11 Violations, 5 Vehicle & Traffic, 1 CPPWHS, 6 Animal, 0 Domestic, 5 Local Law Violation, 3 Stolen Property Cases, 2 Found Property Case and 2 Miscellaneous.

Assistance/Services Rendered: Total of 88
11 Citizen/Motorist, 8 Rural-Metro Amb., 4 PP Fire Dept., 1 E.I.D. Alarms, 11 VPP Justice Court, 0 Open Door ,2 Mental Health Transports, 2 Escorts/Jail Run, 23 Vacation Property Checks, 4 Steuben Co. Sheriff, 8 NY State Police, 0 Corning Police, 1 Other Agencies, 2 DA Office, 4 Dept. of Public/Works, 0 US Government, 7 Other agencies.

Parking Tickets: Total of 40: 40 - 2A-5A Parking Enforcement, 0 Other.

Cases Adopted/Closed: Total of 34 -2 Felony, 10 Misdemeanors, 4 Drug Interdictions, 11 Violations, 3 Mental Hygiene, 4 Warrant/FOA.

Accidents: Total of 4 – 1 Personal Injury, 3 Property Damage, 0 Other.

5N01 REPAIRS: New Tires, Refrigerant added, oil change, spot light repaired, kill switch.

5N01 MILEAGE: 87,218

5N02 REPAIRS: None

5N02 MILEAGE: 97,943

5N03 REPAIRS: None

5N03 MILEAGE: 112,723

During July of 2016 the painted Post Police Department answered 279 calls for service. The **police department affected two DWI arrest bringing our yearly total to 16. There were four (4) drug interdiction arrest. Three Mental Hygiene Case where three separate people were taken** into custody for Mental Health issues. One of these individuals attempted suicide by overdosing on medication. Six animal complaints were handled by the Police Department, two concerned animal cruelty. In one case the Police Department investigated a case of animal Cruelty and neglect. After interviewing concerned neighbors and a Steuben County Adult Protective Services Case worker, a search warrant was obtained for the residence. The investigation revealed that the resident was suffering from significant mental disease and defect, and that her eight year old full size poodle had not been properly cared for to the point it was suffering from extreme malnutrition. The dog should have weighed approximately 80 pounds and was down to 25 pounds, it had lost most of its hair, and had become partially blind. The investigation revealed a residence that was not fit for human habitation. The residence was condemned by the Town of Erwin Code Enforcement Office. The adult Female resident who was suffering from dehydration, and numerous other maladies was transported to Saint Joseph's hospital in Elmira New York for treatment for both her mental health issues and her deteriorated physical health. The dog was turned over to Tanner's Paws animal rescue out of Corning New York. The dog ultimately was transported to the Cornell Veterinary Hospital for treatment, and is expected to make a full recovery. The dogs care was provided for and for paid through Tanner's Paw.

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**FIRE DEPT.
REPORT:**

submitted by Assistant Fire Chief Smith as follows:

Total number of calls for the month were 26 – 3 MVA/Rescues, 8 Service Call, 0 Vehicle Fire, 0 Chimney Fire, 0 Structure Fire, 1 Grass/Brush Fires, 0 Hazardous Conditions, 0 Vehicles Leaking Gas, 0 Storm Flooding, 2 C.O./Fire Alarm Activation, 7 Mutual Aid Fires, 3 Mutual Aid MVA, 0 Searches, 2 Mutual Aid Medical and 0 Mutual Aid Rural Metro.

Total in Service Hours: 239
Average Fire Fighters Per Call: 10
Training Hours – 28
Training Course Hours - 0
Training Certifications: 2
Total in Service Hours to Date: 1137
Total Number of Calls to date for the Year – 91

Major repairs to the Fire equipment – None Reported
Injuries - None Reported

Chief 2800 – Button responded to 69 % of the calls for the month.
Chief 2801 – Smith responded to 54% of the calls for the month.
Chief 2802 – McCarthy responded to 58% of the calls for the month.

The three chiefs obtained fuel in the amount of 53.9 gallons.

Fire Department Activities/Community Services:

Monthly department training consisted of Personal Rope Rescue/RIT Training

The Department attended the monthly Town of Erwin Fire Council meeting.

The Department attended the Corning Area Chief's Meeting held at Thurston FD.

DPW REPORT: submitted by Superintendent Smith as follows:

Water Treatment and Distribution System

Water levels at wells are good: Well # 4 – 41', Well # 3 – 25' & Well # 2 – 42' of water above the pump.
month.

Crew flushed water service @ 310 W. High St.

Crew repaired broken curb boxes throughout the Village.

Crew located water services and mains for Corning Natural Gas main replacement project.

Crew assisted Village of Riverside with leaking water service abandonment on Hart St.

Crew assisted Village of Riverside with water leak on N. Buffalo St.

Sanitary Sewer Treatment and Collection System

Continued sludge pressing operations @ the WWTP.

Crew completed monthly jet cleaning of problem areas of the sanitary sewer collection system.

Crew located manhole covers and main for Corning Natural Gas main replacement project.

Submitted grant application for Engineering Planning Grant for disinfection system installation @ WWTP.

Village Streets and Walkways

Crew hauled asphalt milling from CHIP's street repairs throughout the Village.

Town of Erwin assisted in hauling millings under the CHIP's paving project.

Crew assisted Bothar Construction during the milling and paving operation.

Bothar competed milling and paving of 7 street under the CHIP's repaving program.

Village received \$14,000 in additional funding from the State under the PAVENY program.

Crew continued weekly pick up of leaves and brush.

Crew swept streets throughout the Village on several occasions.

Buildings and Grounds

Hauled weekly trash from Village facilities.

Crew continued mowing and trimming operations.

Crew held weekly safety meetings and equipment checks

P & J Mechanical Contractors serviced and cleaning AC unit @ the FD/Court Room.

Crew removed and trimmed trees throughout the Village.

Crew placed wood chips, repaired roof and modified wood timbers around equipment in Rand Ave. Park.

Crew cleaned Pavilion of 7 occasions for rentals.

Pushed back Village compost area above the cemetery several times.

Crew weeded flower beds on several occasions.

Crew began stump grinding throughout the Village. Equipment provided by the City of Corning.

Equipment Maintenance

Performed maintenance and repairs on DPW, FD and PD equipment.

Village Cemeteries

Five burials for the month.

Community Service

10 hours of Painted Post Court ordered community service was received for the month.

Superintendent Smith also stated that the Governor has issued a drought warning but there are no mandatory restrictions at this time.

FINANCIAL/BUDGET

REPORT: All books are balanced with our accounting.

CLERKS REPORT: submitted by Clerk Names as follows:

All checkbooks have been reconciled and balance to our accounting program. Monthly reports have not been provided to the mayor, board members and department heads as yet as I am waiting for bank statements to arrive.

I am continuing to work on the Annual Financial Report for the State Comptroller's office and with our auditors from the State.

The State and Federal quarterly tax reports for the 2nd quarter have been completed and sent in, as well as the Workers' Comp report to PERMA.

As of August 1, 2016, approximately 94% of the Village taxes in the amount of \$945,512 have been collected. The remaining taxes of \$61,362, if paid by August 31, 2016, will have a six percent (6%) penalty added to the original amount. Late notices for the Village taxes will be sent out as of August 1, 2016.

The second quarter water and sewer bills were processed and mailed on July 21, 2016 and are steadily coming in.

I completed the "Quarterly Survey of Property Tax Collections" for the US Department of Commerce and sent it in via email.

I received notice from Steuben County on July 21 that our second quarter sales tax revenue will be deposited into our GF account in the amount of \$63,322.38, which is approximately \$1104 less than this same time last year.

I would like to thank Martha Tober once again for her assistance in helping to process and record the tax bills as they came in this past month.

**PLANNING
BOARD:**

No meeting was held in July

OLD BUSINESS: A special meeting was held on July 21, 2016 with regards to appointing Officer Robert Hoffman as our second full time patrol officer.

NEW BUSINESS: 1. Justice Thorne has asked permission to apply for the upcoming JCAP Grant.

Permission granted on a motion made by Deputy Mayor Scheidweiler, seconded by Trustee Lewis and carried by all.

2. A motion to authorize the transfer of funds from the deputy clerk account code in the water fund to the clerks account code to adjust for budgeting error was approved on a motion made by Trustee Lewis, seconded by Trustee Smith and carried by all.

3. Authorization to give Tom Pierr permission to place a sign for his restaurant on Village owned property which faces N. Hamilton St., once a proper building permit is issued, was made on a motion by Trustee Lewis, seconded by Trustee Francis and carried by all.

4. The Village Board has approved a budget modification to increase revenue in the water fund from the bulk water sales account and to create a new account code (F8310.4) to allow for the payment of legal fees that the Village incurred on the bulk water sales lawsuit.

Motion made by Trustee Smith, seconded by Trustee Lewis and carried by all.

5. The Village Board of Trustees has approved authorized for Mayor Foster to sign and submit the Section 211 waiver for Police Chief Mullen.

Motion made by Deputy Mayor Scheidweiler, seconded by Trustee Lewis and carried.

6. The following resolution was offered by Trustee Lewis, who moved its adoption, seconded by Trustee Francis, to-wit:

**BOND RESOLUTION OF THE BOARD OF TRUSTEES OF
THE VILLAGE OF PAINTED POST, STEUBEN COUNTY,
NEW YORK (THE “VILLAGE”), AUTHORIZING THE
ACQUISITION OF STREET MAINTENANCE**

EQUIPMENT; STATING THE MAXIMUM ESTIMATED COST THEREOF IS \$152,000; APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF UP TO \$60,200 IN SERIAL BONDS OF THE VILLAGE TO FINANCE A PORTION OF SAID APPROPRIATION

WHEREAS, the Board of Trustees (the “Board”) the Village of Painted Post, Steuben County, New York (the “Village”) proposes to undertake the acquisition of street maintenance equipment for use by the Village’s Highway Department, consisting of one back hoe and one utility tractor with plow, all at an estimated maximum cost of \$152,000 (collectively, the “Project”) and to finance a portion of the cost thereof through the issuance of up to \$60,200 in serial bonds of the Village; and

WHEREAS, the Board now wishes to appropriate funds for the Project and to authorize the issuance of the Village’s serial bonds and bond anticipation notes to be issued to finance a portion of the cost of the aforementioned specific objects or purposes.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Trustees (the “Board of Trustees”) of the Village of Painted Post, Steuben County, New York (the “Issuer” or the “Village”) (by the favorable vote of not less than two-thirds of all the members of such body), as follows:

SECTION 1. The Village is hereby authorized to finance the acquisition of street maintenance equipment for use by the Village’s Highway Department, consisting of one back hoe and one utility tractor with plow. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$152,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the expenditure of \$39,800 in current funds of the Village, (ii) the application of up to \$52,000 in grant monies expected to be received by the Village from the United States Department of Agriculture, Office of Rural Development (“Rural Development”) with respect to the Project, (iii) the issuance of up to \$60,200 in serial bonds of the Village authorized to be issued pursuant to this resolution, or bond anticipation notes issued in anticipation of such serial bonds, and (iv) the levy and collection of taxes on all the taxable real property in the Village to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

SECTION 2. Serial bonds of the Village in the principal amount of \$60,200 are hereby authorized to be issued pursuant to provisions of Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of

the State of New York (the “Law”) to finance the aforementioned class of objects or purposes.

SECTION 3. It is hereby determined that the period of probable usefulness of the aforementioned specific objects or purposes is fifteen (15) years, pursuant to subdivision 28. of paragraph a. of Section 11.00 of the Law.

SECTION 4. 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 Law, for the capital purposes described in this resolution. The Village shall reimburse such expenditures with the proceeds of the bonds or bond anticipation notes authorized by this resolution. This resolution shall constitute a declaration of official intent to reimburse the expenditures authorized herein with the proceeds of the bonds and bond anticipation notes authorized herein, as required by United States Treasury Regulations Section 1.150-2.

SECTION 5. The final maturity of the bonds herein authorized to be issued shall be in excess of five (5) years measured from the date of issuance of the first serial bond or bond anticipation note issued pursuant to this resolution.

SECTION 6. Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said serial bonds and any bond anticipation notes issued in anticipation of said bonds shall be general obligations of the Village, payable as to both principal and interest by a general tax upon all the real property within the Village subject to applicable statutory limits, if any. The faith and credit of the Village are hereby irrevocably pledged to the punctual payment of the principal and interest on said serial bonds and bond anticipation notes and provisions shall be made annually in the budget of the Village by appropriation for (a) the amortization and redemption of the bonds and bond anticipation notes to mature in such year and (b) the payment of interest to be due and payable in such year.

SECTION 7. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of serial bonds and bond anticipation notes or the renewals of said obligations and of Sections 21.00, 50.00, 54.90, 56.00 through 60.00, 62.10 and 63.00 of the Law, the powers and duties of the Board of Trustees relative to authorizing serial bonds and bond anticipation notes and prescribing terms, form and contents as to the sale and issuance of bonds herein authorized, including without limitation the

determination of whether to issue bonds having substantially level or declining debt service and all matters related thereto, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Village Treasurer, as the chief fiscal officer of the Village (the “Village Treasurer”). Further, pursuant to paragraph b. of Section 11.00 of the Law, in the event that bonds to be issued for any of the specific objects or purposes authorized by this resolution are combined for sale, pursuant to paragraph c. of Section 57.00 of the Law, with bonds to be issued for one or more objects or purposes authorized by other resolutions of the Board, then the power of the Board to determine the “weighted average period of probable usefulness” (within the meaning of paragraph a. of Section 11.00 of the Law) for such combined objects or purposes is hereby delegated to the Treasurer, as the chief fiscal officer of the Village.

SECTION 8. The Village Treasurer is hereby 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, if applicable, as “qualified tax-exempt bonds” in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 9. The Village Treasurer is hereby further authorized to enter into a continuing disclosure undertaking with or for the benefit of the initial purchasers of the bonds or notes in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 10. The Board of Trustees hereby determines that the Project constitutes a “Type II” action within the meaning of the State Environmental Quality Review Act and the regulations of the New York State Department of Environmental Conservation thereunder (collectively, “SEQRA”) and that no further action under SEQRA with respect to the Project need be taken by the Board of Trustees as a condition precedent to the adoption of this resolution.

SECTION 11. The intent of this resolution is to give the Village Treasurer sufficient authority to execute those applications, agreements and instruments, or to do any similar acts necessary to affect the issuance of the aforesaid serial bonds or bond anticipation notes without resorting to further action of the Board.

SECTION 12. In accordance with Section 36.00 of the Law, this resolution is subject to a permissive referendum in the manner prescribed by Article Nine of the Village Law of the State of New York (the “Village Law”). The Village Clerk is authorized and directed, within fifteen (15) days after the date of adoption of this resolution by the Board of Trustees, to post and publish a notice with respect to this resolution satisfying the requirements of Section 9-900 of the Village Law, which shall set forth the date of adoption of this resolution, shall contain an abstract hereof, and shall specify that this resolution was adopted subject to a permissive referendum. Such notice shall be published in the official newspaper of the Village for such purposes.

SECTION 13. In accordance with the Village Law, this resolution will take effect thirty (30) days after the date of its adoption, unless prior to the close of such thirty-day period there is filed with the Village Clerk a petition, subscribed and acknowledged by at least twenty percent (20%) of the qualified electors of the Village, as shown on the Village’s register of electors for the last general Village election, protesting against this resolution and requesting that it be submitted for approval or disapproval by the qualified electors of the Village. If such a qualifying petition is filed, a proposition for approval of this resolution shall be submitted at a regular election held not less than fifteen (15) and not more than sixty (60) days after the filing of such petition.

SECTION 14. The validity of the bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of said bonds may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Village is not authorized to expend money; or

(b) the provisions of law which should be complied with at the date of the publication of such resolution are 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; or

(c) such obligations are authorized in violation of the provisions of the constitution.

SECTION 15. As soon as reasonably possible after the date that this resolution takes effect, the Village Clerk is hereby authorized and directed to cause a copy of this resolution, or a summary thereof, to be published in full in the official newspaper of the Village for such

purposes, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Law.

The following vote was taken and recorded in the public or open session of said meeting: 5 AYE -0- NAY

SUSPEND ORDER

OF BUSINESS: Motion made by Trustee Smith, seconded by Trustee Lewis and carried.

PUBLIC

COMMENTS:

Karen Babcock of 465 W. High – Thank the Village Board for hiring Robert Hoffman as our second full time police officer.

Emily Northrup of 582 W. High asked what the 211 waiver for Chief Mullen was all about.

Wally Marribitt of 440 W. High took this opportunity to thank all departments in the village for the great job they did, in working together, during the recent storm.

RESUME ORDER

OF BUSINESS:

Motion made by Trustee Lewis, seconded by Trustee Smith and carried.

TRUSTEE

COMMENTS:

Deputy Mayor Scheidweiler also commented on the great job everyone did during the recent storm.

AUTHORIZATION: to pay audited bills for the Village on a motion made by Deputy Mayor Scheidweiler, seconded by Trustee Francis and carried.

General Fund:	\$ 29,889.36
Water:	\$ 49,776.12
Sewer:	<u>\$ 25,637.16</u>
TOTAL:	\$ 105,302.65

MOTION TO ADJOURN: was made by Trustee Lewis, seconded by Deputy Mayor Scheidweiler and carried at 7:23pm.

Respectfully submitted by
Anne Names

August 8, 2016

Clerk-Treasurer