

## REGULAR MEETING, FEBRUARY 18, 2010

A regular meeting of the Mayfield Town Board was held on Thursday, February 18, 2010 at the Municipal Complex 28 North School Street, Mayfield. The meeting was called to order at 7:00 PM and opened with the Pledge of Allegiance led by Supervisor Richard Argotsinger.

PRESENT: Supervisor Richard Argotsinger  
Councilman Vincent Coletti  
Councilman Thomas Ruliffson  
Councilman Steve Van Allen

Others Present: Jane Potts DCO, Dave Potts, Mel Dopp Highway Superintendent, Emory Chase, Douglas Kampfer, Betty Tabor Historian, Myrna Hallenbeck, Jack Putman, Mike Stewart CEO

Absent: Councilman Humphrey

PUBLIC- No one spoke at this time.

### DEPARTMENT REPORTS

HIGHWAY- Mel Dopp Highway Superintendent submitted his monthly report which included he had met with Hudson River regarding bridge at School Street, furnace at the highway department has been serviced, recommended posting of roads, large trucks cutting across Nine Mile Tree Rd, questioned on limits of his budget.

### RES# 37 AUTHORIZE TO ADVERTISE FOR POSTING OF ROADS

On motion by Councilman Ruliffson seconded by Councilman Van Allen the following resolution was ADOPTED 4 AYES (Argotsinger, Coletti, Ruliffson, Van Allen) 0 NAY 1 ABSENT (Humphrey)

RESOLVED that the Town Board of the Town of Mayfield authorizes to advertise the posting of all town roads to a five ton limit upon erection of signs and will remain so until the signs are removed.

CEO- Mike Stewart CEO submitted his monthly report which included that no building permits were issued for the month of January also highlighted his annual report for 2009, burning permits are now available from the town clerk's office, and website has new pictures on the history section.

SUPERVISOR- Rick Argotsinger Supervisor reported he had attended all required county meetings, the 4<sup>th</sup> quarter sales tax down; town court now has set hours, received letter from Embree's wine & liquor that they are expanding their shop. DOT roundabout will be accepting bids June 1<sup>st</sup> with work to begin approximately August 1<sup>st</sup>., received a letter that Andy Mott was being recognized for being a top 10 youth

### COMMITTEE REPORTS

ANIMAL CONTROL- Councilman Van Allen reported on a recent meeting with the District Attorney, Sherriff's Department, Dog Control Officer, Town Attorney, Village

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Clerk, and CEO regarding the town's responsibility if dogs are seized. We are also looking for people to foster dogs if needed.

BEACH- Supervisor Argotsinger reported he would like to have lifeguards hired and paperwork in earlier this year.

HIGHWAY COMMITTEE- Councilman Coletti reported the the Highway Superintendent took measurements of the area needed for the turn around on Third Ave. A small discussion followed on the subject. Supervisor Argotsinger will have Attorney Greco draft a letter to the homeowner.

### OLD BUSINESS

Supervisor Argotsinger reported on the recent meeting with the fire district. Councilman Coletti reported that one bid had been received for the grall and it was the recommendation of the highway committee to purchase the gradall from Vantage Equipment.

### RES# 38 APPROVE PURCHASE OF GRADALL

On motion by Councilman Coletti seconded by Councilman Van Allen the following resolution was ADOPTED 4 AYES (Argotsinger, Coletti, Ruliffson, Van Allen) 0 NAY 1 ABSENT (Humphrey)

RESOLVED that the Mayfield Town Board approves to purchase a 2009 gradall XL3100111S/N #3120000156 from Vantage Equipment for the sum of \$235,000.00

### RES# 39 APPROVAL OF DECLARATION OF OFFICIAL INTENT

On motion by Councilman Coletti seconded by Councilman Ruliffson the following resolution was ADOPTED 4 AYES (Argotsinger, Coletti, Ruliffson, Van Allen) 1 ABSENT (Humphrey)

RESOLVED that the Town of Mayfield being referred to as the lesser and the principal amount expected to be financed is \$235,000.00

WHEREAS, the above Lessee is a political subdivision of the state in which Lessee is located (the "State") and is duly organized and existing pursuant to the Constitution and laws of the State.

WHEREAS, the Governing Body hereby finds and determines the execution of one or more lease- purchase agreements ("Equipment Leases") in the principal amount not exceeding the amount stated above ("Principal Amount") for the purpose of acquiring the property generally described below ("Property") and to be described more specifically in the Equipment Leases is appropriate and necessary to the functions and operations of the Lessee.

### Brief Description of Property:

(1) New Gradall XL- 3100111 S/N #3120000156 (1) 30" Digging (1) 66" Ditching

WHEREAS, FIRST NIAGARA BANK ("Lessor") is expected to act as the Lessor under the Equipment Leases.

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WHEREAS, the Lessee may pay certain expenditures in connection with the property prior to its receipt of proceeds of the Equipment Leases ("Lease Purchase Proceeds") for such expenditures and such expenditures are not expected to exceed the Principal Amount.

WHEREAS, the US Treasury department regulations do not allow the proceeds of a tax- exempt borrowing to be spent on working capital and the Lessee shall hereby declare its official intent to be reimbursed for any capital expenditures for Property from the lease Purchase Proceeds.

NOW, THEREFORE, Be it Resolved by the Governing Body of the Lessee:

Section 1. The lessee hereby determines that it has critically evaluated the financing alternatives available to it pursuant to 2 NYCRR Section 39.2 and that entering into the Equipment Leases and financing the acquisition of the Property thereby is in the best interests of the Lessee. Such evaluation shall be available as a public record.

The specific reason for such determination is that entering into such Equipment Leases results in a lower overall cost to the Lessee. Execution of the Equipment Leases will not cause the Lessee to be in violation of the limits contained in paragraph c of subdivision 6 of Section 109-b of the General Municipal Law.

Section 2. The lessee is hereby authorized to acquire and install the Property (the "project") and is hereby authorized to finance the project by entering into the Equipment Leases. Any action taken by the Lessee in connection is hereby ratified and confirmed.

Section 3. Either one of the Town Supervisor or the Deputy Town Supervisor (each an "Authorized Representative") acting on behalf of the Lessee is hereby authorized to negotiate, enter into, execute, and deliver one or more Equipment Leases in substantially the form set forth in the document presently before the Governing Body, which document is available for public inspection at the office of the Lessee. Each Authorized Representative acting on behalf of the Lessee is hereby authorized to negotiate, enter into, execute, and deliver such other documents relating to the Equipment lease (including, but not limited to, escrow agreements) as the Authorized Representative deems necessary and appropriate. All other related contracts and agreements necessary and incidental to the Equipment Leases are hereby authorized.

Section 4. By a written instrument signed by any Authorized Representative said Authorized Representative may designate specifically identified officers or employees of the Lessee to execute and deliver agreements and documents relating to the Equipment Leases on behalf of the Lessee.

Section 5. The aggregate original principal amount of the Equipment Leases shall not exceed the Principal Amount and shall bear interest as set forth in the Equipment

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Leases and the Equipment Leases shall contain such options to purchase by the Lessee as set forth therein.

Section 6. The Lessee's obligations under the Equipment Leases shall be subject to annual appropriation or renewal by the Governing Body as set forth in each Equipment Lease and the Lessee's obligation under the Equipment Leases shall not constitute general obligations of the lessee or indebtedness under the Constitution or laws of the State.

Section 7. It is hereby determined that the purpose of the Project is an object or purpose described in subdivision 32 of paragraph (a) of section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is (5) years.

Section 8. It is hereby determined the term of the Equipment Leases authorized by this resolution will not be in excess of 5 years.

Section 9. The Governmental Body has determined that the Project is a Type II action that will not have a significant effect on the environment and , therefore, no other determination or procedures under the State Environmental Quality Review Act (SEQR) is required.

Section 10. The Governing Body of Lessee anticipates that the Lessee may pay certain capital expenditures in connection with the Property prior to the receipt of the Lease Purchase Proceeds for the property. The Governing Body of the Lessee hereby declares the Lessee's official intent to use the Lease Purchase Proceeds to reimburse itself for property expenditures. This section of the Resolution is adopted by the Governing Body of Lessee for the purpose of establishing compliance with the requirements of Section 1.150-2 of treasury Regulations. This section of the Resolution does not bind the Lessee to make any expenditure, incur any indebtedness, or proceed with the purchase of the Property.

Section 11. BANK QUALIFIED: LESSEE CERTIFIES THAT IT HAS DESIGNATED THIS LEASE AS A QUALIFIED TAX- EXEMPT OBLIGATION IN ACCORDANCE WITH SECTION 265(3) OF THE CODE, T HAT IT HAS NOT DESIGNATED MORE THAN \$30,000,000 OF ITS OBLIGATIONS AS QUALIFIED TAX- EXEMPT OBLIGATIONS IN ACCORDANCE WIT HSUCH SECTION FOR THE CURRENT CALENDAR YEAR AND THAT IT REASONABLY ANTICIPATES THAT THE TOTAL AMOUNT OF TAX- EXEMPT OBLIGATIONS TO BE ISSUED BY LESSEE DURING THE CURRENT CALENDAR YEAR WILL NOT EXCEED \$30,000,000.

Section 12. The Authorized representative authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the Equipment Leases authorized by this resolution as excludable from gross income for federal income tax purposes pursuant to Section 103 of the General Municipal Law.

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Section 14. This Resolution shall take effect immediately upon its adoption and approval.

RES# 40 TRANSFER OF MONEY

ON MOTION BY Councilman Ruliffson seconded by Councilman Coletti the following resolution was ADOPTED 4 AYES (Argotsinger, Coletti, Ruliffson, Van Allen) 1 ABSENT (Humphrey)

RESOLVED that the Mayfield Town Board approves the transfer of \$9,747.71 from account DB5130.2 to account DB9720.6

RES # 41 AUTHORIZE SUPERVISOR TO SIGN LEASE AGREEMENT

On motion by Councilman Ruliffson seconded by Councilman Van Allen the following resolution was ADOPTED 4 AYES (Argotsinger, Coletti, Ruliffson, Van Allen) 1 ABSENT (Humphrey)

RESOLVED that the Mayfield Town Board approves to authorize Supervisor Argotsinger to sign the lease agreement with First Niagara Bank.

A discussion was held on the village highway department moving to the town Highway Department Village Trustee Emory Chase stated he felt it would be great if the 2 highway departments could be centrally located. The board agreed that the town has room for the village and will be open to talk.

The insurance policy and the truck equipment titles policy was tabled until the workshop meeting on March 4<sup>th</sup> along with any and all business that may come forth.

The job description for the assessor position was tabled until the March 4<sup>th</sup> meeting.

NEW BUSINESS

Gloversville Water Works- Supervisor Argotsinger reported that he had received a letter from the Gloversville Water Works and they are going to place a hydro generator on the Rice Reservoir. The Town had no comment.

The Town Clerk will be out of the office March 2- approximately March 5<sup>th</sup> as she is having surgery. Deputy Clerk Virginia Hall will be covering the office.

RES# 42 APPROVAL TO ATTEND CONFERENCE

On motion by Councilman Ruliffson seconded by Councilman Coletti the following resolution was ADOPTED 4 AYES (Argotsinger, Coletti, Ruliffson, Van Allen) 1 ABSENT (Humphrey)

RESOLVED that the Mayfield Town Board approves to allow Robert Phillips to attend the APA Conference in Lake Placid on March 23-24 at \$89.00 for hotel accommodations and 143.00 for meals.

RES# 43 APPROVE CONTRACT WITH DR. BLUVAS

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On motion by Councilman Ruliffson seconded by Councilman Van Allen the following resolution was ADOPTED 4 AYES (Argotsinger, Coletti, Ruliffson, Van Allen) 1 ABSENT (Humphrey)

RESOLVED that the Mayfield Town Board approves the contract with Dr. Bluvast at Adirondack Animal Hospital for shelter services.

FINANCIAL

The Town Clerk's report was submitted with fees collected in the A account 1086.15  
decals account 6.40

RES# 44 APPROVAL OF VOUCHERS

On motion by Councilman Coletti seconded by Councilman Van Allen the following resolution was ADOPTED 4 AYES (Argotsinger, Coletti, Ruliffson, Van Allen) 1 ABSENT (Humphrey)

RESOLVED that the Mayfield Town Board approves the payment of vouchers in the following accounts

General Townwide	vouchers 36-62	\$13,352.37
General Outside	vouchers 8- 20	\$3458.71
Highway Townwide	vouchers 6-11	\$15,108.31

REMINDERS

WORKSHOP MEETING MARCH 4<sup>TH</sup>

On motion by Councilman Van Allen seconded by Councilman Coletti the meeting was adjourned at 8:20PM 4 AYES (Argotsinger, Coletti, Ruliffson, Van Allen) 1 ABSENT (Humphrey)

Respectfully Submitted,

Dorothy Hart, Town Clerk RMC