

TOWN OF CAMBRIA TOWN BOARD

May 15, 2013

At a special meeting of the Town of Cambria Town Board held at 1:00 pm on the 15th day of May 2013 at the Town Hall, 4160 Upper Mountain Road, Town of Cambria, New York

BOARD MEMBERS PRESENT:

Wright H. Ellis, Supervisor

Robert E. Blackman, Councilman

Joseph Ohol, Councilman

Randy M. Roberts, Councilman

Matthew P. Foe, Councilman

ALSO PRESENT:

Lou Ann Murawski, Town Clerk

Robert Roberson, Attorney

Supervisor Ellis called the meeting to order. He explained the purpose of the special meeting relates to the finalization of documents for the lease/purchase agreement between the Town and Real Lease, Inc. for the purchase of the Kubota Tractor.

Attorney Roberson reviewed the lease documents with the Board, indicating it is necessary for the Board to adopt a Resolution which references the original resolution adopted by the Board on April 11th authorizing the lease/purchase agreement.

The following resolution was presented for the Board's consideration:

Whereas, Town of Cambria (the "Lessee"), a duly organized and existing as a political subdivision, municipal corporation of the State of New York, is authorized by the laws of the State of New York to purchase, acquire and lease personal property for the benefit of the Lessee and its inhabitants and to enter into contracts with respect thereto; and

Whereas, the Lessee desires to purchase, acquire and lease certain equipment constituting personal property necessary for the Lessee to perform essential governmental functions; and

Whereas, at a regular Town Board meeting held April 11, 2013, the Town of Cambria Town Board, by duly adopted Resolution, authorized the purchase of one Kubota Terrain King-Terrain Master at the price of \$70,500.00 to be funded by a Lease Agreement with Real Lease, Inc.

Whereas, in order to acquire such equipment, the Lessee proposes to enter into that certain Equipment Lease Purchase Agreement (the "Agreement") with Real Lease, Inc. (the "Lessor"); and

Whereas, the governing body of the Lessee deems it for the benefit of the Lessee and for the efficient and effective administration thereof to enter into the Agreement for the purchase, acquisition and leasing of the equipment therein described on the terms and conditions therein provided;

Now, Therefore, Be It and It Is Hereby Resolved;

Section 1 – The Town Board of the Town of Cambria hereby reaffirms and confirms its authority to make this purchase and enter the Lease Agreement with Real Lease, Inc. pursuant to the duly adopted Resolution of April 11, 2013.

Section 2 – Approval of Documents. The form, terms and provisions of the Agreement are hereby approved by the Town of Cambria Town Board and the Town Supervisor is authorized to execute the same.

Section 3 – Other Actions Authorized. The officers and employees of the Lessee shall take all action necessary or reasonably required by the parties to the Agreement to carry out, give effect to and consummate the transactions contemplated thereby and to take all action necessary in conformity therewith, including, without limitation, the execution and delivery of any closing and other documents required to be delivered in connection with the Agreement.

Section 4 – No General Liability. Nothing contained in this Resolution, the Agreement nor any other instrument shall be construed with respect to the Lessee as incurring a pecuniary liability or charge upon the general credit of the Lessee or against its taxing power, now shall the breach of any agreement contained in this Resolution, the Agreement or any other instrument or document executed in connection therewith impose any pecuniary liability upon the Lessee or any charge upon its general credit or against its taxing power, except to the extent that the Rental Payments payable under the Agreement are special limited obligations of the Lessee as provided in the Agreement.

Section 5 – Section 265 (b) (3) Designation. Lessee hereby designates the Agreement as a qualified tax-exempt obligation: for the purposes and within the meaning of Section 265 (b) (3) of the Internal Revenue Code of 1986, as amended. Lessee further represents that Lessee reasonably anticipates that Lessee and other entities that Lessee controls will not issue tax-exempt obligations (including the Agreement) that exceed the aggregate principal amount of \$10,000.00 during the calendar year in which the Agreement is executed and delivered.

Section 6 – Severability. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

Section 7. Effective Date. This Resolution shall be effective immediately upon its adoption.

Upon a motion duly made by Councilman Foe and seconded by Councilman Ohol, it was resolved to approve the foregoing Resolution authorizing Lease/Purchase Agreement with Real Lease, Inc.

Ayes: Blackman, Ellis, Foe, Ohol, Roberts -Motion Carried-

AMENDMENT OF STANDARD WORK DAY AND REPORTING RESOLUTION

The Clerk indicated that the Standard Work Day and Reporting Resolution adopted at the May 9th Town Board Meeting did not include certain employees. She requested the Board amend the resolution to include the following individuals and setting forth the following information:

Tax Collector, Littere, Debra A.	Standard Work Day 6	Term: 1/1/10 - 12/31/2013
Deputy Tax Collector, Kroening, Janelle L.	Standard Work Day 6	Term: 1/1/13 to 12/21/2013
Baseball Director, Hogg, Rodney J.	Standard Work Day 6	Term: 1/1/13 to 12/31/2013
Dpty. Reg. Vital Statistics, Cooper, Tamara J.	Standard Work Day 6	Term: 1/1/13 to 12/31/2013

Upon a motion duly made by Councilman Ohol and seconded by Councilman Blackman, it was resolved to amend the Standard Work Day and Reporting Resolution adopted May 9, 2013 to include the names and information as presented by the Clerk.

Ayes: Blackman, Ellis, Foe, Ohol, Roberts -Motion Carried-

ADJOURNMENT

As there was no further business, the meeting was adjourned by motion made by Councilman Ohol and seconded by Councilman Foe. Time: 1:15 pm.

Respectfully submitted,

Lou Ann Murawski,

Town Clerk

