

November 18, 2020

REGULAR MEETING

The regular meeting of the Martinsburg Town Board was held Wednesday, November 18, 2020 at the Municipal Offices on Cemetery Road and called to order at 7:00 PM. Present were: Supervisor Terrence Thisse; Councilmen Brad Allen; Janusz Karelus and Darren Jantzi; Highway Superintendent Tyler Jones; Attorney Joseph Russell; Town Clerk Mary Kelley; Tax Collector Deanna Doviak; Lewis County Legislator Greg Kulzer; CTHC circuit rider Beth Steria; Wind Power Contractors Greg Manzer and Mike Delaney. Absent: Board member Michael McGrath.

MINUTES

The minutes of the last meeting(s) were emailed to the board prior to the meeting. Councilman Karelus made a motion, seconded by Councilman Jantzi to approve the minutes as presented. All were in favor. Motion carried.

BILLS Abstract 11-2020

General:	Voucher #229-248	\$ 6,625.42
Highway:	Voucher #180-200	\$23,336.51
Glenfield Water:	Voucher #96-100	\$11,076.19
Glenfield Sewer:	Voucher #55-61	\$19,426.19
Martinsburg Water #1:	Voucher #60-64	\$ 1,645.84
Martinsburg Water #2:	Voucher #10-12	\$ 3,953.11
Street Lighting:	Voucher #19-20	\$ 821.89

After discussion and questions about various bills, Councilman Jantzi made a motion, seconded by Councilman Allen to approve payment of the bills as presented. All were in favor. Motion carried.

PRIVILEGE OF THE FLOOR

Mr. Manzer and Mr. Delaney were present to request temporarily plowing certain hill roads (as needed) for work on wind towers. Option #1 -Request to plow Flat Rock to Carey Road from December 14 to January 1 (2 miles) or Option #2 – Request to plow Flat Rock Road to site road from December 14 until January 1 (3.2 miles). The board has already approved the plowing of Poor Road from January 1 to January 31. One reason for the request is to get their crane out before Spring. Supervisor Thisse asked if they had any other alternate route in mind and reminded them that Flat Rock Road is an important sled trail. Sledding is a large industry for the County. Discussion was held on how wide the plowed road would need to be. Councilman Allen made a motion, seconded by Councilman Jantzi allowing Avangrid to plow as requested in Option #1. Flagger will be located on the road for recreational traffic. Supervisor Thisse stated that they should talk with Valley Sno Travelers Club and Gordon Yancey regarding the request and report back at the next meeting. The motion is subject to the developers providing a certificate of insurance. All were in favor. Motion carried. They are also allowed to plow .4 of a mile between the site road and Poor Road from January 1 to January 31.

TOWN CLERK REPORT

Councilman Allen made a motion, seconded by Councilman Karelus to accept the Town Clerk report for October as submitted. Total State and Local revenues totaled \$2,618.50. All were in favor. Motion carried.

COOPERATIVE TUG HILL COUNCIL

Ms. Steria reported on upcoming workshops/webinars:

- Tug Hill Commission has a YouTube channel which has training webinars, etc.
- As a result of the Covid pandemic, all public employers must create contingency operation plans to protect public workers
- NYS DEC has a proposal to issue statewide general permits for various activities in state-regulated streams, navigable waters and wetlands.
- Tug Hill Commission provides mapping services to all Tug Hill communities, free of charge.
- Cornell Local Roads Program's powers and duties manual can be found online.

- Laird Petrie is holding a budget workshop and is available to view online.

LEWIS COUNTY LEGISLATOR REPORT

Mr. Kulzer said the County budget increase will be .86%. He gave an update on Covid numbers in the County. He reported that Lewis County Planning has a new board member.

GLENFIELD WATER

Anthony Young emailed an update of the water project:

- Awaiting Badger to provide 13 new transmitters that use more cell providers to get service to the transmitters that do not currently get service in Glenfield
- Final payment to be made to Contractor once these transmitters are replaced
- 3-G well was video scoped and tested for water quality and quantity
- Void in bedrock at 42-45 feet which could lead to contamination
- Obstruction (rock) in the well at 120 feet
- Artesian water discharge line not constructed to DOH requirements
- Estimated water yield is 50 gpm
- Water had high turbidity and iron; it is likely increased levels were seen due to lack of well use and pumping at the obstruction level depth. Elevated iron levels can be treated.
- The engineers recommendations are to drill two new production wells. If one of the wells looks favorable while drilling, complete step test and preliminary water quality samples. Upon positive results of initial tests, complete all testing and sampling required per DOH. If both wells look favorable, complete all testing required per DOH on both new wells. Testing the additional well will increase the budget by approximately \$20,000 but could potentially lead to a back-up production well.
- Estimated well construction costs = \$100,000

Councilman Karelus made a motion, seconded by Councilman Allen for Barton and Loguidice to proceed with the well investigations. All were in favor. Motion carried.

One more requirement for CDBG funding is that the board watch a webinar. The Clerk will arrange this.

MARTINSBURG WATER #1

Demko Farms is in the process of laying water line to connect to line on Alger Road. Discussion was held on whether or not the board can limit use of water consumption. An outside users agreement will need to be in place. Discussion was held on hook up fee that is currently charged. Attorney Russell will review and update our current local law.

MARTINSBURG WATER #2

Discussion was held on cistern installation and water rates in Martinsburg Water District #2. Discussion was also held on taking out a \$25,000 loan. To cover current costs in Martinsburg Water District #2, Councilman Allen made a motion, seconded by Councilman Karelus to do an interfund transfer of \$40,000 from General Fund to Martinsburg Water #2. All were in favor. Motion carried.

Councilmember Allen presented the following resolution and moved that it be adopted:

BOND RESOLUTION DATED NOVEMBER 18, 2020 AUTHORIZING THE ISSUANCE OF SERIAL BONDS OR A STATUTORY INSTALLMENT BOND OF THE TOWN OF MARTINSBURG, LEWIS COUNTY, NEW YORK IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$30,000 FOR THE REPLACEMENT OF WATERLINE MADE OF 3 INCH DIAMETER PVC PIPE, INSTALL 1,700 LINEAR FEET OF 6 INCH DIAMETER HDP PIPE, AND INSTALLATION OF A FIRE HYDRANT FOR 7 USERS WITHIN THE TOWN OF MARTINSBURG WATER DISTRICT #2 THAT ARE NOT CURRENTLY ON THE SYSTEM, THE EXPENDITURE OF SUCH SUM FOR SUCH PURPOSE, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, pursuant to a resolution duly adopted by the Town Board of the Town of Martinsburg, Lewis County, New York (the "Town") on November 18, 2020, the Town Board determined that the Purpose (as herein defined) is an "Unlisted" under the New York State Environmental Quality Review Act and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York and further determined that the Purpose will not have a significant adverse effect on the environment and issued a negative declaration with respect to the Purpose; and

NOW THEREFORE BE IT RESOLVED, by the Town Board of the Town (by the favorable vote of not less than two-thirds of all of the members of the Board) as follows: Section 1. The Town is hereby authorized to issue its serial general obligation bonds (the "Bonds") in the aggregate principal amount of not to exceed \$30,000 pursuant to the Local Finance Law of New York, in order to finance the class of objects or purposes described herein.

Section 2. The class of objects or purposes (herein referred to as "Purpose") to be financed pursuant to this resolution is the replacement of waterline made of 3 inch diameter PVC pipe, install 1,700 linear feet of 6 inch diameter HDP pipe, and installation of a fire hydrant for 7 users within the Town of Martinsburg Water District #2 that are not currently on the system.

Section 3. It is hereby determined and declared that (a) the maximum cost of the Purpose, as estimated by the Town Board, is \$30,000, and (b) the Town plans to finance the cost of the Purpose entirely from funds raised by the issuance of the Bonds and bond anticipation notes hereinafter referred to.

Section 4. It is hereby determined that the Purpose is one of the class of objects or purposes described in Section 11.00 (a)(1) of the Local Finance Law, and that the period of probable usefulness of the Purpose is forty (40) years. The cost of the Purpose is chargeable primarily to benefited real property. The proposed maturity of the Bonds authorized herein will be in excess of five (5) years.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of bond anticipation notes issued in anticipation of the sale of the Bonds (including renewals thereof) is hereby delegated to the Supervisor of the Town, the chief fiscal officer.

Section 6. The power to prescribe the terms, form and contents of the Bonds and bond anticipation notes, including the use of substantially level debt service and consolidation with other issues, subject to the provisions of this Resolution and the Local Finance Law, and to sell and deliver the Bonds and bond anticipation notes, is hereby delegated to the Supervisor of the Town. The Supervisor of the Town is hereby authorized to sign and the Town Clerk is hereby authorized to attest any Bonds and bond anticipation notes issued pursuant to this Resolution, and to affix to such Bonds and bond anticipation notes the corporate seal of the Town.

Section 7. The faith and credit of the Town of Martinsburg, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such Bonds and bond anticipation notes 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 obligations becoming due and payable in such year, to the extent the necessary funds are not provided from other sources. There shall at least annually be levied water rents on properties serviced by the water system sufficient to pay the principal of and interest on such Bonds and bond anticipation notes as the same become due and payable.

Section 8. The Supervisor of the Town 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 bond anticipation notes issued in anticipation thereof, as excluded 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 bond anticipation notes issued in anticipation thereof, as “qualified tax-exempt obligations” in accordance with Section 265(b)(3) of the Code.

Section 9. Pending the sale of Bonds herein authorized, the temporary use of funds from the Town’s general fund, pursuant to the provisions of Section 165.10 of the New York Local Finance Law, is hereby authorized. The Town reasonably expects to reimburse itself from the proceeds of Bonds or bond anticipation notes herein authorized for expenditures made for the purpose to be financed by this Resolution prior to the issuance of such Bonds or bond anticipation notes, and this Resolution shall constitute the declaration of the Town’s “official intent” to reimburse expenditures authorized by Section 1 with proceeds of the Bonds and notes, as required by United States Treasury Regulation Section 1.150-2.

Section 10. A summary of this Resolution shall be published by the Town Clerk together with a notice in substantially the form prescribed by Section 81.00 of said Local Finance Law, in the Watertown Daily Times, a newspaper having a general circulation in said Town and hereby designated as the official newspaper of said Town for publication. The validity of the Bonds or of any bond anticipation notes issued in anticipation of the sale of the Bonds may be contested only if such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or 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 (20) days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution.

Section 12. The firm Barclay Damon, LLP is hereby appointed to serve as Bond Counsel to the Town in connection with the bonds and notes herein authorized.

The Motion having been duly seconded by Councilmember Jantzi, it was adopted and the following votes were cast:

Supervisor, Terrence Thisse Voting aye

Councilmember, Brad Allen Voting aye

Councilmember, Darren Jantzi Voting aye

Councilmember, Janusz Karelus Voting aye

Councilmember, Michael McGrath Absent

The foregoing resolution was thereupon declared duly adopted.

A Public Hearing to discuss water rates in Martinsburg Water #2 will be held on Wednesday, December 16, 2020 at 7:15 PM.

TAX COLLECTION

Discussion was held on hours, etc. that the Tax Collector will be available for collection of taxes in January. Because of the Covid pandemic, there is concern about people coming into the collectors home and contact with numerous people. They have the option of paying online by credit card and e check. There is a drop box at the Municipal Offices that can be used and checks can also be mailed.

Ms. Doviak reported that she has no water pressure at her house since they put the new line in. Mr. Jones said he would check it out.

The historian has reported that the front door sticks at the old Town Hall and she would like an electrical outlet out front.

Discussed modifications to Land Use Law. Discussed PILOT's for solar development.

Councilman Allen made a motion, seconded by Councilman Karelus to go into executive session at 9:15 PM to discuss personnel issues. All were in favor. Motion carried.

Councilman Karelus made a motion, seconded by Councilman Jantzi to leave executive session at 9:30 PM and return to the regular meeting. All were in favor. Motion carried.

Some amendments have been made to the employee handbook. Councilman Allen made a motion, seconded by Councilman Karelus to approve the amendments to the employee handbook as presented. All were in favor. Motion carried.

The Clerk gave the board two quotes for updating the telephone system in the building for them to review.

Councilman Jantzi made a motion, seconded by Councilman Karelus, to adjourn at 9:35 PM. All were in favor. Motion carried.

Respectfully submitted,

Mary Kelley, Town Clerk