

The regular meeting of the Martinsburg Town Board was held on Wednesday September 16, 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, Darren Jantzi and Michael McGrath; Highway Superintendent Tyler Jones; Town Clerk Mary Kelley; Attorney Joseph Russell; County Legislator Greg Kulzer; Tax Collector Deanna Doviak; CTHC Circuit Rider Beth Steria; Bev Swiernik; Peter and Delite Stanford; Matt Cooper from Barton and Loguidice; and John Schwartzentruber from Martinsburg Volunteer Fire Department.

#### MINUTES

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

#### BILLS – Abstract 09-2020

General:	Voucher #183-204	\$10,955.90
Highway:	Voucher #142-159	\$16,171.92
Glenfield Water:	Voucher #79-87	\$ 4,595.14
Glenfield Sewer:	Voucher #38-46	\$ 2,015.55
Martinsburg Water #1:	Voucher #49-52	\$ 953.46
Martinsburg Water #2:	Voucher #7	\$ 27.79
Street Lighting:	Voucher #15-16	\$ 673.93
Whitaker Park:	Voucher #37-48	\$ 2,547.82

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

#### PRIVILEGE OF THE FLOOR

Mr. and Mrs. Stanford were present again to let the board know that delivery trucks and Keystone Lumber equipment continue to block their driveway on Widmeyer Street. They have spoken to the Sheriff about the problem. Attorney Russell said this is a civil matter and the Town can't do anything about it. Supervisor Thisse suggested they ask the Sheriff to patrol regularly.

John Schwartzentruber, representing the Martinsburg Volunteer Fire Department, stated that members of the fire department would like to meet with the board to discuss how the wind power PILOT money is distributed over the town. Mr. Thisse said he hasn't gotten any figures yet and is working with the Tug Hill Commission to do an overlay map.

7:15 PM Supervisor Thisse opened a Public Hearing for the purpose of hearing public comments on the Town of Martinsburg's current Community Development Grant (CDBG) Project – Glenfield Water Distribution System Improvements in the hamlet of Glenfield. There being no public comment, Mr. Thisse held the hearing open and went on to other business.

#### TOWN CLERKS REPORT

Councilman Karelus made a motion, seconded by Councilman Allen to accept the Town Clerk's report for August. State and Local revenues totaled \$6,223.63. All were in favor. Motion carried.

#### COOPERATIVE TUG HILL COMMISSION

Ms. Steria reported on the following:

- Planning and ZBA workshops
- Floodplain Management FEMA Checklist
- Financial Management and Archives Webinars
- Grants for museums, etc.
- Fall foliage report is available

#### COUNTY LEGISLATORS REPORT

Mr. Kulzer reported that the County is focusing on the 2021 budget. They are hoping for a zero increase in the budget. Discussion was held on the distribution of judicial fees, in regards to Bail Reform legislation.

There being no comments from the public, Councilman Allen made a motion, seconded by Councilman Jantzi to close the Public Hearing at 7:30 PM. All were in favor. Motion carried.

#### HIGHWAY

Mr. Jones would like to do an interfund transfer of funds for some road work. Councilman Karelus made a motion, seconded by Councilman Jantzi to transfer a minimum of \$18,000 and up to \$25,000 from General Fund to Highway Fund for additional work on the Gardner Road. All were in favor. Motion carried.

Discussion was held on a quote from Hyde-Stone for maintenance to the cooling/heating system in the building.

#### GLENFIELD WATER PROJECT

We are still awaiting a few meter replacements and software for reading the new meters. Supervisor Thisse reported that the purchase agreement with 3-G Volunteer Fire Department has been signed. The agreement is to purchase land they own, field day grounds.

A request for remaining CDBG funds has been submitted for the Glenfield Water Improvement Project.

Engineers from Barton and Loguidice have requested an amendment to their engineering services agreement for the project. This amendment will increase the Funding Assistance fee by \$10,000 and decrease the ROW Assistance Fee by \$10,000 to reflect the anticipated cost of these hourly services to be performed. There is no net change to the total Agreement amount. Councilman Allen made a motion, seconded by Councilman Karelus authorizing the Supervisor sign the amendment. All were in favor. Motion carried.

#### GLENFIELD SEWER INFILTRATION PROJECT

Project funding for the project was discussed. The final income survey was approved by CDBG.

Attorney Russell went over Part II of SEQRA for the Glenfield Sewer System Improvement Project with the board.

Councilman McGrath made a motion, seconded by Councilman Allen for the following resolution:

WHEREAS, the Town of Martinsburg has undertaken a sewer improvements project of the Glenfield Sewer District in said Town (the "Project"), and

WHEREAS, at a regular meeting of this Board held on July 28, 2020, Part I of a long form Environmental Assessment Form ("EAF") was duly accepted for filing by this Board as prepared by the Town Engineer, a Resolution was duly adopted by which this Board declared itself lead agency, and directed the Town Attorney to circulate Part I of the EAF to the involved agencies identified in Part I of the EAF and attached to this Resolution, and

WHEREAS, on or about July 29, 2020, the Engineers for the Project forwarded a copy of Part I of the EAF to the involved agencies as identified by this Board and notified said agencies that this Board desires to serve as lead agency for the Environmental Review of the Project, and

WHEREAS, this Board has received the consent of each of the other identified involved agencies that this Board act as the lead agency for the Project pursuant to the New York State Environmental Quality Review Act and the regulations promulgated thereunder ("SEQR"), has received comments from certain of the involved agencies, and has thoroughly reviewed those comments in connection with its obligations under SEQR, and

WHEREAS, pursuant to 6 NYCRR Part 617, this Board has reviewed Part I of the EAF to determine whether the project will have a significant effect on the environment, and WHEREAS, pursuant to Article VIII of the Environmental Conservation Law and the regulations adopted pursuant thereto by the Department of Environmental Conservation, to wit: 6 NYCRR Part 617, this Board has determined that the action will not have a significant affect on the environment, and will not cause a significant impact on the environment, and therefore, the preparation of an environmental impact statement is not required.

NOW, THEREFORE, be it resolved by the Town Board of the Town of Martinsburg as follows:

1. Based upon the examination of the EAF and the criteria set forth in 6 NYCRR Part 617, the Board makes the following findings.
  - A. The proposed action constitutes a Type I action pursuant to 6 NYCRR Part 617 and this Board has previously determined that a coordinated review is appropriate.
    - B. This Board has received the concurrence from the other involved agencies that this Board act as lead agency for this project, and has received and considered the comments, if any, submitted by the other involved agencies.

- C. No potentially significant adverse impacts on the environment are noted on the EAF, none are identified by any of the involved agencies, and none are known to this Board.
  - D. There will be no substantial adverse change in existing air or water quality.
  - E. There will be no hazard created to human health.
  - F. There will be no substantial change in the use or the intensity of the use on the land.
  - G. There will not be created a material conflict with the community’s current plans or goals as officially adopted.
  - H. None of the criteria listed in 6 NYCRR Section 617.11 will be present in the proposed project and no similar criteria will be present which will adversely impact on the environment.
  - I. The Negative Declaration attached to this Resolution is hereby adopted, and the Town Clerk for the Town of Martinsburg is hereby directed to file in the Town Clerks Office in a file readily accessible to the public, the negative declaration.
2. The Town Attorney is directed to mail a copy of the Negative Declaration to each of the involved agencies as identified.
  3. The Town Attorney is directed to publish the Negative Declaration in the Environmental Notice Bulletin.
  4. All subsequent notices concerning this project shall note that this Board has issued a negative declaration.
  5. This Resolution shall take effect immediately.

The Motion having been duly seconded by Councilmember Allen, 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	Voting Aye

**BOND RESOLUTION**

*Councilman Jantzi presented the following resolution and moved that it be adopted:*

***BOND RESOLUTION DATED SEPTEMBER 16, 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 \$2,000,000 TO FINANCE THE EXPANSION OF THE EXISTING WASTEWATER TREATMENT PLANT FACILITIES BY ADDING A 20,000 GALLON SEPTIC TANK AND TWO (2) SAND BED FILTERS, TO ACCOMMODATE STORMWATER FLOWS, ULTRAVIOLET (UV) DISINFECTION EQUIPMENT, REHABILITATION OF THE OF EXISTING SEWER COLLECTION SYSTEM INFRASTRUCTURE AND REPLACEMENT OF MANHOLES, 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 September 16, 2020, the Town Board determined that the Purpose (as herein defined) is a “Type I Action” 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 \$2,000,000 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 expansion of the existing Wastewater Treatment Plant facilities by adding a 20,000 gallon septic tank and two (2) sand bed filters, to accommodate stormwater flows, ultraviolet (UV) disinfection equipment, rehabilitation of the of existing sewer collection system infrastructure and replacement of manholes.*

*Section 3. It is hereby determined and declared that (a) the maximum cost of the Purpose, as estimated by the Town Board, is \$2,000,000, 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)(4) 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. In connection with the financing of the Purpose, the Town is hereby authorized to participate in the Clean Water State Revolving Fund program (the "DWSRF Program") administered by the New York State Environmental Facilities Corporation. The Supervisor of the Town is hereby authorized to execute and deliver such documents as may be necessary to effect the participation of the Town in such CWSRF Program.*

*Section 13. 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 Allen, it was adopted and the following votes were cast:*

<i>Supervisor, Terrence Thisse</i>	<i>Voting aye</i>
<i>Councilmember, Brad Allen</i>	<i>Voting aye</i>
<i>Councilmember, Darren Jantzi</i>	<i>Voting aye</i>
<i>Councilmember, Janusz Karelus</i>	<i>Voting aye</i>
<i>Councilmember, Michael McGrath</i>	<i>Voting aye</i>

The following resolution was thereupon declared duly adopted.

#### LEGAL SERVICES AGREEMENT

Councilman McGrath made a motion, seconded by Councilman Karelus authorizing the Supervisor sign a Legal Service Agreement and Bond Counsel Agreement with Joseph Russell from Barclay and Damon. All were in favor. Motion carried.

#### MARTINSBURG WATER #2 – State Route 26

Discussion was held on the water pressure in Martinsburg Water #2 for homeowners on St Rt 26. Councilman Allen made a motion, seconded by Councilman Karelus authorizing the Highway Superintendent purchase four pressure tanks with reservoirs and pumps to be installed at the residences of Dean Beyer, Ron Rockwood, Joe Hill and Larry Woodhouse. Once the installment is done, any other expense will be the homeowners. Mr. Russell will draw up temporary easements. All were in favor. Motion carried.

#### WHITAKER PARK

Supervisor Thisse has discussed a recreation agreement with Insurance Agent Kevin Townsend.

#### NATURAL GAS

Supervisor Thisse will send a map to NYSEG showing areas that want natural gas in the Town of Martinsburg.

#### JUSTICE AUDIT

The Supervisor audited the Justice records for 2019. Councilman Allen made a motion, seconded by Councilman McGrath, accepting the Supervisors findings of the Justice Audit and that all the fines that were collected by the Court for 2019 have been turned over to the proper officials. All were in favor. Motion carried.

#### JCAP GRANT

#### RESOLUTION WITH REFERENCE TO THE JUSTICE COURT ASSISTANCE GRANT PROGRAM

The following resolution was introduced by Councilman Allen:

This Town Board is aware of the 2021 Justice Court Assistance Program Grant that is available to the Courts and we wish to give authority to our Justice to submit such grant.

Now, therefore, BE IT RESOLVED as follows:

Section 1. The Town Board of the Town of Martinsburg hereby authorizes Kevin McArdle, Justice of Town of Martinsburg to submit an application for the 2021 Justice Court Assistance Program Grant for the respective items he deems necessary for his Court.

Section 2. That the Supervisor of the Town be and hereby is authorized to sign the Certification of such grant once the form has been properly completed.

Section 3. The within resolution shall take effect immediately.

Such resolution was seconded by Councilman McGrath and unanimously carried by members of the Town Board present.

#### STRADER CEMETERY

The Martinsburg Historical Society got a quote of \$850 from Bent Birch Tree Service to remove a tree in Strader Cemetery and wondered if the town board would help with the cost. Councilman Karelus made a motion, seconded by Councilman Allen to pay half of the fee. All were in favor. Motion carried.

Councilman McGrath made a motion, seconded by Councilman Allen to go into executive session to discuss personnel issues. All were in favor. Motion carried.

Councilman Allen made a motion, seconded by Councilman Karelus to leave executive session at 9:10 PM and return to the regular meeting. All were in favor. Motion carried.

Discussion was held on the waterline Demko Farms is going to put in to connect to Martinsburg Water District #1 on the Alger Road. They need a connection permit.

Councilman Allen made a motion, seconded by Councilman Karelus to adjourn at 9:20 PM. All were in favor. Motion carried.

Respectfully submitted,

Mary Kelley, Town Clerk

