

May 2, 2019

SPECIAL MEETING

A Special Meeting of the Martinsburg Town Board was held May 2, 2019 at the Municipal Offices on Cemetery Road and called to order at 9:00 AM. The purpose of the meeting was to discuss the Glenfield Water Improvement Project. Present were: Supervisor Terrence Thisse; Councilmen Brad Allen, Douglas Dietrich, Janusz Karelus and Michael McGrath; Town Clerk Mary Kelley and Anthony Young from Barton and Loguidice.

Mr. Young reviewed Part II and Part III of the SEQR with the board. Councilman Karelus made a motion, seconded by Councilman McGrath approving Part II of the Full Environmental Assessment Form – that the Glenfield Water Improvement Project will have no environmental impact. All were in favor. Motion carried.

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

WHEREAS, the Town Board of the Town of Martinsburg, acting on behalf of the Town of Martinsburg Glenfield Water District, is in the process of planning and implementing improvements to its water distribution system which includes the establishment of a secondary water source (the "Project"), and

WHEREAS, the Project was initially undertaken in the Spring of 2018, and the Town Board was duly established as the lead agency for the environmental review pursuant to the New York State Environmental Quality Review Act, and the regulations promulgated thereunder at 6 NYCRR, part 617 ("SEQRA"), and

WHEREAS, the previously reviewed Project scope under the SEQRA review included the rehabilitation of an existing but abandoned well located at the BOCES facility in Lewis County, and following the completion of its SEQRA or review, a Negative Declaration was duly adopted on May 22, 2018, and

WHEREAS, subsequent to the adoption of the Negative Declaration, it was determined that the BOCES well was not adequate to satisfy the requirements of a secondary water source, and the Town's engineers have proposed alternative sites for a secondary water source requiring the Town Board to amend and modify its previously issued Negative Declaration, and

WHEREAS, the alternative sites include an existing well located at the 3G Fire Department property with the Water District, a new well to be drilled in close proximity to that well, or in an area adjacent to the Water District boundary, and

WHEREAS, at a regular meeting of this Board held on April 17, 2019, and amended part 1 of a long form environmental assessment form ("EAF") was duly accepted for filing as prepared by the Town Engineer, and copies thereof have been forwarded to each of the other involved agencies, and

WHEREAS, this Board has reviewed part 2 of the EAF as it pertains to the modifications of the Project scope regarding the location of the secondary water source.

NOW, THEREFORE, BE RESOLVED by the Town Board of the Town of Martinsburg as follows:

- 1. The foregoing recitations are incorporated herein and made a part hereof as if fully set forth hereafter.*
- 2. This Board recognizes that 6 NYCRR section 617.7 (e) (1) provides that at any time prior to making a decision to undertake, fund, or approve an action, the lead agency may amend a negative declaration if changes are proposed for a project or new information is discovered or changes in circumstances arise that were not previously considered.*
- 3. The change in the location of the proposed secondary water source from the BOCES well to the existing well located at the 3 GE Fire Department property or in the alternative, a new well to be drilled in close proximity to that*

existing well or in an area adjacent to the Glenfield water District boundary is such a change requiring an amendment to the previously issued Negative Declaration.

4. *Upon review of part 2 of the amended EAF as it pertains to the alternatively proposed sites for the secondary water source this Board finds that no moderate to large impacts may occur as a result of such change in the project scope.*

5. *Except as modified by this resolution and the Amended Negative Declaration, this Board hereby determines that the findings and determinations made on May 22, 2018, when this Board issued its Negative Declaration are hereby confirmed, and the Amended Negative Declaration attached to this resolution is hereby adopted and the Town Clerk for the Town of Martinsburg is hereby directed to file the same in the Town Clerk's office in a file readily accessible to the public.*

6. *The Town Clerk is directed to mail, by return receipt requested, a copy of the Amended Negative Declaration to each of the involved agencies*

7. *The Town Clerk is directed to publish the Amended Negative Declaration the Environmental News Bulletin.*

8. *All subsequent notices concerning this project shall note that this Board has issued an Amended Negative Declaration.*

9. *This resolution shall take effect immediately.*

All were in favor. Motion carried.

Councilman Dietrich made a motion, seconded by Councilman Karelus for the following resolution:

WHEREAS, a bond resolution was duly adopted on May 22, 2018 for an authorized issuance of up to \$4,000,000 of serial bonds or a statutory installment bond for the specific object and purpose consisting of improvements to the water distribution system of the Glenfield Water District including Blue Street, Main Street, Oliver Place, DeForest Avenue, Widmeyer Street and Railroad Street. The improvements included, but were not limited to, replacement of water distribution main piping and service laterals, installation of new meters for all users, and connection of the emergency well located at the BOCES site on NYS Rte 12, construction of a New Water Treatment Plant at the BOCES site and improvements to the existing water treatment building located on Railroad Street; and

WHEREAS, it has been determined that the existing well at the BOCES site is no longer usable; and

WHEREAS, the Town Board finds it necessary to amend the Bond Resolution dated May 22, 2018 to remove any references relative the BOCES site and replace the same with alternative sites for a secondary water source.

Now, Therefore Be It Resolved that the following resolution was offered by Councilman Dietrich, who moved its adoption, seconded by Councilman Karelus, to wit:

AMENDED BOND RESOLUTION DATED MAY 2, 2019

A RESOLUTION AUTHORIZING THE ISSUANCE OF SERIAL BONDS OR A STATUTORY INSTALLMENT BOND, OF THE TOWN OF MARTINSBURG IN AN AMOUNT NOT TO EXCEED \$4,000,000 THE PROCEEDS OF WHICH ARE TO BE USED FOR THE IMPROVEMENTS TO THE WATER DISTRIBUTION SYSTEM OF THE GLENFIELD WATER DISTRICT INCLUDING BLUE STREET, MAIN STREET, OLIVER PLACE, DEFOREST AVENUE, WIDMEYER STREET AND RAILROAD STREET. THE IMPROVEMENTS INCLUDE, BUT ARE NOT LIMITED TO REPLACEMENT OF WATER DISTRIBUTION MAIN PIPING AND SERVICE LATERALS, INSTALLATION OF NEW METERS FOR ALL USERS AND UPGRADES TO AN EXISTING WELL LOCATED WITHIN THE DISTRICT AT THE 3G FIRE DEPARTMENT PROPERTY OR THE DRILLING OF A NEW WELL IN CLOSE PROXIMITY TO SUCH WELL OR OTHER SUCH AREAS IN AND ADJACENT TO THE GLENFIELD WATER DISTRICT BOUNDARY TOGETHER WITH IMPROVEMENTS TO THE EXISTING WATER TREATMENT BUILDING LOCATED ON RAILROAD STREET.

BE IT RESOLVED, by the Town Board of the Town of Martinsburg, Lewis County, New York, as follows:

Section 1. The Town is hereby authorized to issue up to \$4,000,000 of serial bonds for the specific object and purpose consisting of improvements to the water distribution system of the Glenfield Water District including Blue Street, Main Street, Oliver Place, DeForest Avenue, Widmeyer Street and Railroad Street. The improvements include, but are not limited to, replacement of water distribution main piping and service laterals, installation of new meters for all users, and upgrades to an existing well located within the District at the 3G Fire Department property or the drilling of a new well in close proximity to such well or other such areas in and adjacent to the Glenfield Water district boundary together with improvements to the Water Treatment Building located on Railroad Street. The maximum cost of such specific object or purpose as determined by the engineers hired by the Town is \$4,000,000.

Section 2. It is hereby determined that the period of probable usefulness of the aforesaid construction is forty (40) years, pursuant to subdivision 1 of paragraph (a) of section 11.00 of the Local Finance Law. It is further determined that no down payment is required pursuant to Section 107.00 of the Local Finance Law.

Section 3. The plan for the financing of such maximum estimated cost of such specific object and purpose of \$4,000,000 is by the issuance of Serial Bonds or a Statutory Installment Bond not exceeding \$4,000,000. It is anticipated that such Serial Bonds or Statutory Installment Bond will be offset by the receipt of USDA-RD loans and grants and/or EFC-DWSRF loans and grants and/or NYS Water Grants for such object or purpose of said Town, is hereby authorized to be issued therefore, pursuant to the Local Finance Law, for a period in excess of five (5) years.

Section 4. The faith and credit of said Town of Martinsburg, Lewis County, New York are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall become due and payable. Annual water rents shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year.

Section 5. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether to manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bond are to be executed in the name of the Town by the facsimile signature of its Town Supervisor), including the consolidation with other issues, shall be determined by the Town Supervisor. It is hereby determined that it is to the financial advantage of the Town not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the Town Supervisor shall determine.

Section 6. The validity of such bonds and bond anticipation notes may be contested only if:

- (1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- (2) 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
- (3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 7. Upon this resolution taking effect, the same be published in full in the Lowville Journal, the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 8. This resolution is subject to permissive referendum, pursuant to Section 35.00 of the Local Finance Law.

Section 9. This resolution shall constitute a statement of official intent for the purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Terrence Thisse	Voting	___	Aye
Brad Allen	Voting	___	Aye
Douglas Dietrich	Voting	___	Aye
Janusz Karelus	Voting	___	Aye
Michael McGrath	Voting		Aye

The resolution was thereupon declared duly adopted.

Councilman Dietrich made a motion, seconded by Councilman Karlus for the following resolution:

*RESOLUTION ESTABLISHING TOWN OF MARTINSBURG SUPERVISOR
AS ENVIRONMENTAL CERTIFYING OFFICER FOR THE HAMLET OF GLENFIELD WATER DISTRICT
SYSTEM IMPROVMENTS ENVIRONMENTAL REVIEW RECORD*

WHEREAS, the Town of Martinsburg (the "Town") is proposing upgrades and improvements to the Hamlet of Glenfield Water District in the Town of Martinsburg, Lewis County, New York (the "Project"); and

WHEREAS, the Town must prepare an Environmental Review Record (ERR) in accordance with regulations governing the CDBG Small Cities, Towns and Villages Program; and

WHEREAS, the Town must appoint an Environmental Certifying Officer to be responsible for the activities associated with the preparation of the ERR;

NOW, THEREFORE, BE IT RESOLVED, that Terrence Thisse, Supervisor of the Town of Martinsburg, is hereby designated Environmental Certifying Officer for the Town; and be it further

BE IT FURTHER RESOLVED, that Supervisor Thisse is authorized to sign off on any and all appropriate and necessary certifications leading to the completion of the ERR.

5 Ayes

0 Nays Motion carried

Supervisor Thisse discussed hydrogeologists report regarding well at 3-G Fire Department. He reported that the cloudy water in Glenfield is coming from cracks in bedrock and also reported that the wells in Glenfield have been cleaned.

Discussed meetings with Blair Supply and Core & Main regarding the purchase of new meters for the Glenfield Water Improvement Project. Mr. Young, Highway Superintendent Jones and Town Clerk attended these meetings.

There being no further business, Councilman McGrath made a motion, seconded by Councilman Karelus, to adjourn at 10:00 AM. All were in favor. Motion carried.

Respectfully submitted,

Mary Kelley, Town Clerk