

May 22, 2018

SPECIAL MEETING

The Town Board of Martinsburg held a Special Meeting on Tuesday, May 22, 2018 at 7:00 PM to review the Full Environmental Assessment Form for the Glenfield Water Improvement Project and any other matter that may come before the board. Present were: Supervisor Terrence Thisse; Councilmen Douglas Dietrich, Janusz Karelus, Brad Allen and Michael McGrath; Attorney Mark Gebo; Town Clerk Mary Kelley; Anthony Young and McKenzie Lyndaker from Bernier and Carr.

GLENFIELD WATER DISTRICT IMPROVEMENT PROJECT

Mr. Gebo reviewed Part II (Identification of Potential Project Impacts) and Part III (Determination of Significance) of the Environmental Assessment Form with the board. It was determined that the Glenfield Water Project will not result in any significant adverse impacts on the government and a negative declaration is issued. Councilman McGrath made a motion, seconded by Councilman Dietrich authorizing Supervisor Thisse sign the document. All were in favor. Motion carried.

BOND RESOLUTION

The following resolution was offered by Councilman Karelus and seconded by Councilman McGrath, who moved its adoption:

BOND RESOLUTION DATED MAY 22, 2018

A RESOLUTION AUTHORIZING THE ISSUANCE OF SERIAL BONDS OR A STATUTORY INSTALLMENT BOND, IN 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 CONNECTION OF THE EMERGENCY WELL LOCATED AT THE BOCES SITE ON NYS Route 12, CONSTRUCTION OF A NEW WATER TREATMENT PLANT AT THE BOCES SITE AND 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 connection of the emergency well located at the BOCES site and improvements to the existing 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 Watertown Daily Times, 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:

Supervisor Thisse - aye
Councilman Dietrich - aye
Councilman Karelus - aye
Councilman Allen - aye
Councilman McGrath - aye

The resolution was thereupon declared duly adopted.

Discussion was held on private wells on 3-G Volunteer Fire Department property and BOCES property.

A bill was submitted for payment:

General Fund – Playground \$102.98 Voucher #140

Councilman Dietrich made a motion, seconded by Councilman McGrath authorizing payment of the bill All were in favor. Motion carried.

More discussion was held on the sale of a dump box that had been declared surplus highway property. Because there might be a public need for the dump box, Councilman Allen made a motion, seconded by Councilman Karelus to rescind a motion made at the March 21, 2018 meeting to declare the dump box on the dog control truck as surplus property. All were in favor. Motion carried.

Councilman McGrath made a motion, seconded by Councilman Karelus to reject bids received at the May 16, 2018 meeting on the dump box. All were in favor. Motion carried.

Whitaker Park has a use for the dump box, will put it to use and will compensate the Highway fund.

Councilman Allen made a motion, seconded by Councilman Dietrich to adjourn at 7:50 PM. All were in favor. Motion carried.

Respectfully submitted,

Mary Kelley, Town Clerk

I, Mary Kelley, the duly qualified and acting Clerk of the Town of Martinsburg, New York, do hereby certify that this a true, accurate and complete copy of the town board meeting minutes for May 20, 2018.

Mary Kelley, Town Clerk

Dated: July 18, 2018

