

TOWN OF CARROLLTON

MONTHLY MEETING

February 17, 2015

6:00PM

MUNICIPAL COMPLEX

640 MAIN STREET

LIMESTONE, NY 14753

Present: Supervisor Bruce Hudson, Councilman Ralph Bottone, Councilman Jim Rounsville, Councilman Jim Stoddard, Town Clerk Julie Carlson, Water/Sewer/Rental Clerk Rosemary Fowler. **Not Present:** Councilman Brian Jacoby.

Supervisor Hudson called the Meeting to order following with the Pledge of Allegiance at 6:00PM.

Motion made by Councilman Bottone, 2nd by Councilman Stoddard to pay bills presented. All voting yes, Motion carried.

- **2014 Bills presented**
- General \$ 10,666.00 v#371-373
- Sewer 1 \$ 1,792.41 v#19
- **Total \$ 12,458.41**
- **2015 Bills presented**
- General \$ 14,074.48 v#20-41
- Highway \$ 6,596.08 v#2-11
- Sewer 1 \$ 137.55 v#2
- Sewer 2 \$ 3,107.66 v#1-2
- Water \$ 975.31 v#4-11
- **Total \$ 24,891.08**

Motion made by Councilman Bottone, 2nd by Councilman Stoddard to approve January 20th, 2015 Minutes and the February 3rd Public Hearing Minutes as written. All voting yes, Motion carried.

Checks Received:

\$ 52.75 Town Clerk's Acct-Sporting, Mar. Licenses/bldg. permits-January
38,693.00 Justice-Joseph Crowley-Fines Collected for January
31,712.00 Justice Michael Soper-Fines Collected for January
461,548.09 Tax collections-Town share for 2015
157.00 William Songer-Bill's Barber Shop Rm 100 Rent-February 2015
680.00 Ellicottville-Gym rental- January
50.00 Gym Rental-Birthday Party-2/15/2015
1,056.00 Atlantic Broadband-Franchise Fees
142.50 Restitution Surcharge

Total \$534,091.34

Bond Resolution:

Motion made by Councilman Bottone, 2nd by Councilman Rounsville to Adopt the **Bond Resolution**, dated February 17, 2015, of The Town Board of the Town of Carrollton, Cattaraugus County, New York (The 'Town'), authorizing a Sewer System Capital Improvements Project for the Town of Carrollton Limestone Sewer District and Sewer District No. 1 at an estimated maximum cost of \$1,116,000, and authorizing the issuance of serial bonds in an aggregate principal amount not to exceed \$1,116,000, pursuant to the local finance law to finance said purpose, said amount to be offset by any federal, state, county

and/or local funds received, and delegating the power to issue bond anticipation notes in the anticipation of the sale of such bonds to the Town Supervisor. All voting yes, Motion carried. AYES-Councilman Ralph Bottone, Councilman James Rounsville, Councilman James Stoddard, Supervisor Bruce Hudson. NOES-None. ABSENT: Councilman Brian Jacoby. Complete Resolution attached.

Reports: Highway Supervisor, Town Clerk, Building Permits & Zoning Permits, Town Justice Michael Soper, Town Justice Joseph Crowley, Water/Sewer/Rental Reports, and Town Supervisor Reports were all distributed and reviewed by the Town Board and Supervisor Hudson.

Councilman Bottone stated he thinks Highway Superintendent Jim Hicks should attend the meetings, and so should Ricky Dixon and Lance Jobe. He feels that a lot of the questions need to be referred or answered by them and they aren't here. Supervisor Hudson stated last year they had made the decision they didn't have to come to the meetings unless requested. Councilman Stoddard stated to put them near the top of the Agenda so they can leave when they are finished. Supervisor Hudson said he would inform them.

Open Forum: None

The Limestone Cemetery Association:

Guest: Joe Griswold-Town Resident and President of the Limestone Cemetery Association, informed the Board that the Limestone Cemetery located off of Rt. 219, will be working to turn the Cemetery over to the Town of Carrollton. He and Joyce Lucco-Treasurer are ready to retire from it. He stated he would help whomever they appoint with finding the grave sites until they understand how to do it. He stated it is non-paying positions for the Association and the only ones that are paid at this time are the lawn services, and the excavating services. The Board discussed the work that it would consist of and said they would speak to Ricky Dixon as far as looking up grave sites and preparing for a burial, etc. The Board suggested \$30.00 per time for Ricky to do this extra work load. Joe said he didn't want any pay for helping out. They said they would speak to the Highway Supervisor about helping to keep the cemetery access road cleared during the winter and in shape, as well as the road between Main Street and Rt. 219. This is a Town of Carrollton right- a-way, not private property. Supervisor Hudson and the Board said they would talk to the assessor and take a look at the maps. Supervisor Hudson and the Board will have Ricky Dixon take care of the road going around the Cemetery with the help of the Town.

O & M Sewer 1:

Rosemary Fowler distributed and reported information on O & M Sewer 1 as requested by Supervisor Bruce Hudson. She explained the agreement is 37% of expenses from Sewer 2 is paid by Sewer 1. She noted that in the past few years budget the amount has not changed. These figures should be used when the budget is prepared. The figures include utilities, payroll, and operating expenses.

Correspondence: 1) Board of Elections contract to use the Municipal Complex for a polling site for the upcoming elections. 2) Cattaraugus County Health Department inquiring if Carrollton wants to participate in the Catt. County Mosquito Surveillance Program for aerial spraying. 3) Reply from Attorney Erik Firkel on the sale of 641 Main Street. 4) NYS Dept. of Agriculture & Markets.

Supervisor Hudson stated he would fill out the contract for the Board of Elections.

The Board agreed to participate in the Catt. County Mosquito Surveillance Program for 2015, Supervisor Hudson said he would contact the County.

Town Attorney- Erik Firkel had replied to e-mail from Clerk Julie Carlson on 02/11/2015 as to the progress on the sale of 641 Main Street and if any money had been exchanged. Attorney Firkel's stated he had spoken to the lawyer for the buyer 2wks before and he was working on the deal. Attorney Firkel said he would keep us posted.

NYS Dept. of Agriculture and Markets sent the Dog Control Inspection Report completed on 01/29/2015. The report indicated DCO services were rated "Satisfactory".

Old Business:

Supervisor Hudson asked to set the dates for the Town Clerk's Account Audit and the Town Justice's Audit for 2014. Councilman Stoddard agreed to Tuesday, February 24th, 2015 @6PM at the Complex. Supervisor Hudson will contact Kriss Edwards with the date.

New Business:

Supervisor Hudson informed the Board he would be writing a letter to NYS Comptroller asking for an extension on the 2014 AUD. He said we are just now finishing up paying all the bills for 2014 during this meeting.

Supervisor Hudson informed the Board that Ellicottville School is interested in using the gym for starting up their softball season taking it into March, until the weather breaks and they can get outside.

Room 203 will be rented out to Matt Zurat for band practice, which will only occur on Tuesday nights at this time. The Board will charge \$100.00 per month.

Room 207 will be rented out by a company Tim Hewitt works for. They want to plug in a charger for a truck used for hauling brine water. The Board discussed this and decided this will be an issue due the size of the truck. It is long and will take up most of the space behind the Complex. Supervisor Hudson will tell him they will be able to use 2 parking spots.

Parts R Us- Rosemary Fowler reported they will not pay the new rental fee, due to the contract not being signed by Supervisor Hudson. Supervisor Hudson said he would talk to John Smith about this issue, being they haven't given the contract back to the town.

The sign board behind the old municipal building now has a sign on it for Foxy's pet store. To the Town's knowledge this is still the Town's to use and permission wasn't given to them to use it. It was questioned as to if they asked Shamus who is the possible buyer for the building. Supervisor Hudson said he would call Shams and question him about it.

Councilman Bottone drew up a sign for Councilman Stoddard to have made to place on the sign board behind the old Municipal building with Rental information for the Municipal Complex.

Supervisor Hudson read a letter from the Office of the State Comptroller, NYS and Local Retirement System. The letter indicated they are looking for a resolution of standard workdays for Town employees. Supervisor Hudson said he would respond and that Mary would place a letter in each participant's paycheck asking for record of activities for 90 days.

Supervisor Hudson discussed the Youth Recreation Department. He asked for recommendations as to what to do. Supervisor Hudson stated he had spoken to head Youth Rec. assistant to set up a schedule of events for kids earlier in the summer that it wasn't closed for good, just wanted to gear away from every day after school care. The Board suggested asking for letters of resignation from Aleesha Hatch, and Ashley Campbell.

Motion made by Councilman Bottone, 2nd by Councilman Stoddard to Adjourn at 7:48 PM. All voting yes, Motion carried.

The next scheduled Regular Monthly Meeting is Tuesday, March 17th, 2015 @6PM.

Respectfully Submitted,

Julie Carlson –Town Clerk

CERTIFICATE OF RECORDING OFFICER

The undersigned hereby certifies that:

(1) She is the duly qualified and acting Clerk of the Town of Carrollton, New York (hereinafter called the "Town") and the custodian of the records of the Town, including the minutes of the proceedings of the Town Board; and is duly authorized to execute this certificate.

(2) Attached hereto is a true and correct copy of a resolution duly adopted at a meeting of the Town Board held on February 17, 2015 and entitled:


A BOND RESOLUTION, DATED FEBRUARY 17, 2015, OF THE TOWN BOARD OF THE TOWN OF CARROLLTON, CATTARAUGUS COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING A SEWER SYSTEM CAPITAL IMPROVEMENTS PROJECT FOR THE TOWN OF CARROLLTON LIMESTONE SEWER DISTRICT AND SEWER DISTRICT NO. 1 AT AN ESTIMATED MAXIMUM COST OF \$1,116,000, AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$1,116,000, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, SAID AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.

(3) Said meeting was duly convened and held and said resolution was duly adopted in all respects in accordance with law and the regulations of the Town. To the extent required by law or said regulations, due and proper notice of said meeting was given. A legal quorum of members of the Town Board was present throughout said meeting, and a legally sufficient number of members (2/3 of the Town Board) voted in the proper manner for the adoption of the resolution. All other requirements and proceedings under law, said regulations, or otherwise, incident to said meeting and the adoption of the resolution, including any publication, if required by law, have been duly fulfilled, carried out and otherwise observed.

(4) The seal appearing below constitutes the official seal of the Town and was duly affixed by the undersigned at the time this certificate was signed.

IN WITNESS WHEREOF, the undersigned has hereunto set her hand this 17th day of February, 2015.




Town Clerk

A BOND RESOLUTION, DATED FEBRUARY 17, 2015, OF THE TOWN BOARD OF THE TOWN OF CARROLLTON, CATTARAUGUS COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING A SEWER SYSTEM CAPITAL IMPROVEMENTS PROJECT FOR THE TOWN OF CARROLLTON LIMESTONE SEWER DISTRICT AND SEWER DISTRICT NO. 1 AT AN ESTIMATED MAXIMUM COST OF \$1,116,000, AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$1,116,000, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, SAID AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.

WHEREAS, the Town Board of the Town of Carrollton (herein called "Town Board" and "Town", respectively), in the County of Cattaraugus, New York, has, pursuant to Town Law, created the Limestone Sewer District and Sewer District No. 1 (collectively, the "Districts"); and

WHEREAS, the Town Board of the Town has determined to proceed with a certain sewer system capital improvements project for the Districts; and

WHEREAS, the Town Board took the following actions with respect to such project: (a) received maps and plans for such project, (b) held a public hearing with respect to such project, (c) determined that such project would not have a significant adverse effect on the environment under Article 8 of the Environmental Conservation Law, (d) determined that the requirements of Article 12 of the Town Law had been satisfied with respect to such project and (e) determined to undertake such project; and

WHEREAS, the Town Board desires to issue obligations of the Town to finance the costs of such project.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1. The specific purpose (hereinafter referred to as "purpose") to be financed pursuant to this resolution is a sewer system capital improvements project generally consisting of the implementation of a sludge removal plan consisting of the removal, testing and disposal of sludge from the primary and secondary lagoons and various improvements to the wastewater treatment plant including, but not limited to, roof replacement, exterior improvements to pump stations and out buildings, replacement and/or repair of blower line to lagoons, installation of a new standby generator, repair of security fencing surrounding plant, bank stabilization improvements to primary and secondary lagoons, electrical improvements to

valve vault, improvements to various pump stations, as well as other such improvements as more fully identified in such map, plan and report prepared by MDA Consulting Engineers, PLLC in connection with such project, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto and in connection with the financing thereof. The estimated maximum cost of said purpose is \$1,116,000.

SECTION 2. The Town plans to finance the estimated maximum cost of said purpose by the issuance of serial bonds in an aggregate amount not to exceed \$1,116,000 of the Town, hereby authorized to be issued therefore pursuant to the Local Finance Law, said amount to be offset by any federal, state, county and/or local funds received, and unless paid from other sources or charges, the costs of said improvements shall be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the Districts, which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable, except as provided by law.

SECTION 3. It is hereby determined that said purpose is an object or purpose described in subdivision 4 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is 40 years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of said bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

SECTION 6. The faith and credit of the Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) 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 bonds or notes becoming due and payable in such year. Such costs will annually be apportioned among the Districts by the Town Board and unless paid from other sources or charges, there shall be the assessment, levy and collection of special assessments from the several lots and parcels of land within the Districts which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on such bonds as the same become due and payable, except as provided by law. Should the assessments upon benefited real property be insufficient to pay the principal of and interest on such bonds, there shall annually be levied on all taxable real property of the Town a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of such notes and of Section 21.00, Section

50.00, Sections 56.00 to 60.00, Section 62.00 and Section 63.00 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of such bonds, and the renewals of such notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town. Without in any way limiting the scope of the foregoing delegation of powers, the Town Supervisor, to the extent permitted by Section 58.00(f) of the Local Finance Law, is specifically authorized to accept bids submitted in electronic format for any bonds or notes of the Town.

SECTION 8. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in Section 1 of this resolution. The Town then reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the date hereof) with the proceeds of the bonds authorized by Section 2 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds). This resolution shall constitute the declaration of the Town's "official intent" to reimburse the expenditures authorized by Section 2 hereof with such bond or note proceeds, as required by United States Treasury Regulations Section 1.150-2.

SECTION 9. The Town Supervisor 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 notes issued in anticipation thereof, as excludable 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 notes issued in anticipation thereof as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 10. The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The Town has complied with applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act ("SEQRA"), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, and therefore, no further action under the State Environmental Quality Review Act is necessary.

SECTION 12. The Town Supervisor is hereby authorized to execute and deliver in the name and on behalf of the Town a project financing agreement prepared by the New York State Environmental Facilities Corporation ("EFC") (the "SRF Project Financing Agreement"). The Town Supervisor and all other officers, employees and agents of the Town are hereby

authorized and directed for and on behalf of the Town to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby, including, but not limited to, the SRF Project Financing Agreement.

SECTION 13. In the absence or unavailability of the Town Supervisor, the Deputy Town Supervisor is hereby specifically authorized to exercise the powers delegated to the Town Supervisor in this resolution.

SECTION 14. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

(1) (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) if 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 20 days after the date of such publication; or

(2) such obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 15. The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in a newspaper having a general circulation in the Town and hereby designated as the official newspaper of the Town for such publication.

SECTION 16. This Resolution is effective immediately.

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

AYES: Supervisor Bruce Hudson, Councilman Ralph Bottone, Councilman James Rounsville, Councilman James Stoddard

NOES: NONE

ABSENT: Councilman Brian Jacoby

The foregoing resolution was thereupon declared duly adopted.