

Town of Barre
Board Meeting
April 10, 2019

Present: Supervisor Sean Pogue
Councilman Richard Bennett
Councilman Lynn Hill
Councilman Larry Gaylard
Councilman Tom McCabe

Others present: Maureen Beach; Town Clerk, Dale Brooks; Highway Superintendent, Lance Mark, Esq., Bill Eick, Orleans County Legislator, Eli Pask, Karl Driesel, Bradley Driesel, Margaret Swan, Chris Loss, Matthew Rowcliff, Alex Nacca, Richard Cox, John Metzler, Robin Nacca, Iva McKenna, George McKenna, Kerri Richardson, Alice Mathes, Kirk Mathes, George Kingston, Mary Jo Kingston, Cynthia Van Lieshout, Michael Van Lieshout, Karl White, Thomas Bentley, Frank Moyer, Janice Grabowski, LuAnn Tierney, Jerry Solazzo, Gary Palmer, Brittany Maxwell, Maura Curtis Moy, Chad Ebbs, Laura Bomyea, Jessica Walsh.

Meeting was called to order at 7:08pm by Supervisor Pogue with the salute to the flag.

Minutes

The minutes for the March, 2019 Town Board meeting were submitted and approved.

SUPERVISOR'S FINACIAL REPORT

REVENUES: Major receipts were:

Town Clerk Fees	706.00
Justice Fees (Feb)	1,965.00
Franchise Fees-Charter	14,798.11
Town/Albion Cost Share-Bal	441.15
Town/Albion Cost Share-Ins	764.59
Bulk Water	1,723.03
Metered Sales	3,454.64
Maintenance Fees	931.75
Water Penalty Fees	334.76
Other Revenues	<u>441.49</u>

Total receipts for the month were: \$ 25,820.52

EXPENSES:

General Fund Townwide: Year to date expenses are \$134,551.41
Highway Townwide: Year to date expenses are \$235,739.83

HIGHWAY SUPERINTENDENT REPORT

Stake out request completed, equipment repair and maintenance completed as needed, sign and mailbox repairs in process, water samples and readings completed, snow and ice operations in affect and (ending soon?). Shared services with Orleans County Highway and Town of Albion. Cleaning up branches from cemeteries, hauled grit for mixing with salt, LED lighting completed in Green storage barn, submission of 284 agreements.

RESOLUTION #14 Highway Agreement/Section 284, Hwy Law
Lynn Hill made a motion to allow the Highway Superintendent, Dale Brooks, to sign and submit to Orleans County, the Agreement for the Expenditure of Highway Moneys, pursuant to provisions of Section 284 of the Highway Law. The motion was seconded by Larry Gaylard, Vote 5-0. Passed.

TOWN CLERK'S REPORT

The monthly report was submitted to Supervisor Pogue at the meeting, along with the check for the local share. Water bills were mailed out last week, seconded notices for unpaid taxes were mailed out this week, taxes will be returned to the county at the end of this month.

ASSESSOR'S REPORT

No Report

ZONING OFFICER'S REPORT

There was 1 Building Permit issued in the month of March.

BILLS

General Funds	\$ 68,769.13
Highway - Town Wide	\$ 82,500.29
Special District-Water	<u>1,472.73</u>
Total Outflow	152,742.15

PAY BILLS

RESOLUTION #15 Pay Bills
Larry Gaylard made a motion to approve and pay the bills, seconded by Lynn Hill. Vote 5-0, passed.

BOOKKEEPER'S REPORT

Account	Ending Balance
General Fund	\$569,100.84
Highway Fund	844,072.74
Highway Equip.	195,908.43
Water Dist. #1 Oper,	267,668.57
Water Dist. #2 Oper,	17,203.82
Water Dist. #3 Oper,	14,903.22
Water Dist. #4 Oper,	42,078.83
Water Dist. #5 Oper	47,915.25
Water Dist. #6 Oper.	24,232.19
Water Dist. #7 Oper.	15,547.82
Water Dist. #8 Oper.	45,914.12

Planning Board

The Town of Barre Planning Board had another meeting with Mr. Whittier regarding drainage issues, Mr. Whittier will withdrawal his application for a Special Use Permit at this time. There will be a Public Hearing by the Planning Board for Zosh Baird on April 15, 2019 at 7pm. The Planning Board submitted a Local Law on Solar for review by the Town Board.

Park Committee

Supervisor Pogue and Councilman Hill met with Jason Foote and Greg Bennett. They have reviewed the park regulations and put usage forms on the Town of Barre's Website. There will be an under 10 baseball tournament and soccer will be back.

OLD BUSINESS

Water District WD #9

RESOLUTION #16 WD #9/FINAL ORDER ESTABLISHING WD NO.9
A petition dated May 3, 2017 has been duly presented to the Town Board of the Town of Barre, New York (the "Town"), with the necessary map and plan attached thereto according to law, requesting that a water district, as hereinafter described, be established in the Town, and A resolution having been previously and duly adopted by the Town Board of the Town of Barre (the "Town"), on June 14, 2017, directing the Town Engineer to supervise the preparation of a map, plan and report for providing the facilities, improvements or services in a portion of the Town

wherein a water district, hereinafter described, was proposed to be established, and said map, plan and report having duly been filed in the office of the Town Clerk on January 16, 2017, and an order having been duly adopted by said Town Board on June 14, 2017, reciting the description of the boundaries of the proposed district, the maximum amount proposed to be expended for the improvement, the proposed method of financing to be employed, the fact that a plan, map and report describing the same are on file in the Town Clerk's office for public inspection, and specifying that said Town Board shall meet at the Town Hall, 14317 West Barre Road, Albion, New York, on the June 29, 2017, for the purpose of conducting a public hearing on such proposal to establish the water district with the specified improvements and to hear all persons interested in the subject thereof concerning the same, and a hearing having been duly held by said Board at such time and place, and it having been duly resolved and determined following such hearing that the notice of hearing was published and posted as required by law and otherwise sufficient, that all the property and property owners within the proposed district were benefitted thereby, that all property and property owners benefitted were included within the limits of the proposed district, and that it was in the public interest to grant in whole the relief sought, and it having been then and there further duly resolved that the establishment of such district as proposed be approved, and application having been thereafter and on July 17, 2018, duly made in duplicate to the State Department of Audit and Control at Albany, New York, for permission to create such district as more fully provided for by Town Law §209-e, and the State Comptroller having duly made an order in duplicate dated April 10, 2019, granting permission for the creation of the district in all respects as petitioned for and approved by the Town Board as aforesaid; and one copy of such order having been duly filed in the office of the State Department of Audit and Control at Albany, New York, and the other in the office of the Town Clerk of this Town, and the Town Clerk having duly presented such order to this Board at this meeting, being its first meeting held after the said order was filed with her; it is hereby **ORDERED**, that a Water District be established in the said Town as described in the order of the State Comptroller, to be designated as Water District No. 9 of the Town and to be of the following description and boundaries, to wit: **DESCRIPTION ATTACHED**; and it is further **ORDERED**, that the following improvements in said district be constructed upon the required funds being made available or provided for: installation of approximately 27,000 linear feet of 8" water main, valves, hydrants, and appurtenances along the various roads set forth above. The proposed Water District will connect to the existing water mains in the Town of Barre Water District No.5 on Hemlock Ridge Road west of Eagle Harbor Road and at the intersection of Gray Road and Eagle Harbor Road, as well as Water District No.8 at the intersection of Mix Road and Kams Road. The Town of Barre receives its water from the Village of Albion. The source of the water for the Village of Albion is Lake Ontario. The cost of water charged to the Town of Barre by the Village of Albion is currently \$2.94 per 1,000 gallons. It is anticipated that the Town of Barre will charge property owners and residents of Water District No.9. the amount on 5.00 per 1,000 gallons to cover the cost of purchasing water and associated operation and maintenance of the system, and \$ 60.00 per year per benefitted parcel to cover future water storage tank painting; and it is further **ORDERED**, that the proposed improvements, including costs of rights of way, construction costs, legal fees and other expenses, which shall be a maximum on 1,201,000.00, shall be financed as follows: \$ 493,000.00 to be derived from a United States Department of Agriculture (USDA) Rural Development Direct Grant. The approximate balance on 708,000.00 would be financed in the form of loans from the USDA Rural Development Agency or the New York State Drinking

OLD BUSINESS Con't

Water District WD #9

RESOLUTION #16 **WD #9/FINAL ORDER ESTABLISHING WD NO.9 (Con't)**

bonds required to be issued by the Town for construction of the project would carry a 38-year repayment term, and it is further **ORDERED**, that the Town Clerk is hereby authorized and directed to cause a certified copy of this order to be duly recorded in the office of the Clerk of Orleans County in which the Town is located, within ten (10) days after the adoption of this Order, and it is further **ORDERED**, that the Town Clerk is hereby authorized and directed to file a certified copy of this Order in the Office of the State Department of Audit and Control, Albany, New York, within ten (10) days after the adoption of this Order.

Councilman McCabe made a motion to approve the foregoing resolution, seconded by Larry Gaylard. Vote 5-0, passed.

RESOLUTION #17 **WD #9/USDA RURAL DEV. PROJECT MANAGEMENT SERVICES**

The Project Management Services consists of two phases. Phase I Includes the compilation and submittal of the documentation, forms and certifications specified in the Letter of Conditions and Prior to Bid letter issued by Rural Development for this project Phase 2 includes activities relating to bidding, construction, compliance and reporting once the Town has satisfied the requirements of the Letter of Conditions and Prior to Bid letter. A. Phase 1: Address Letter of Conditions and prior to Bid Requirements In order to assist the Town of Barre in satisfying the requirements specified in the Letter of Conditions and Prior to Bid letter issued by USDA Rural Development for the construction of Town of Barre Water District No.9, the Consultant will compile and submit the required documents and other materials. These include documentation of district formation, budget forms, service agreements, certifications and other documents that may be requested. B. Phase 2: Project Management Services In order to assist the Town of Barre In the Implementation of the project to be assisted with funding from the USDA Rural Development for the construction of Town of Barre Water District No.9, Improvements, the Consultant will carry out the following administrative activities. 1. Assist the Town in developing and maintaining the financial management system required to carry out the project 2. Assist the Town in complying with all applicable Federal and State rules and regulations in carrying out the project 3. Review all requests for payment and prepare monthly Form Es for submission to Rural Development. 4. Coordinate all project activities in accordance with program guidelines and provide reports to the Town throughout the project. 5. Serve as the agent of the Town in dealing with the Project Engineer, contractors and other project participants. 6. Advise the Town regarding procurement procedures, including the selection of the firm to prepare the single audit and the purchase of materials and contractual services. 7. Attend pre-construction meetings, define Federal and State requirements and define the contractor's responsibilities. 8. Maintain contact with representatives of USDA Rural Development to insure the effective administration of the project. 9. Assist the Town to prepare the necessary documents to obtain long term financing from Rural Development . 10. Assist the Town to prepare closing documents for submission to USDA

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Water District WD #9

RESOLUTION #17 WD #9/USDA RURAL DEV. PROJECT MANAGEMENT (Con't)

Rural Development . C. General Provisions – 1. If the Town cancels the project for any reason, the Consultant will cease work immediately and bill for work completed to date based on an hourly rate of \$100/ hour for professional staff not to exceed a total of \$3,500 for Phase 1 and \$12,000 for Phase 2. 2. Under no circumstances shall the Town be obligated to pay for any services that may be performed under B. Phase 2 above until such time as USDA Rural Development has obligated funds for the project improvements and the Town has authorized the consultant, in writing to provide these services. 3. The Consultant shall maintain the necessary staff to insure the orderly and efficient administration of the program. 4. The Consultant shall submit periodic progress reports to the Town summarizing the status of the program. Problem areas will be identified and actions taken to resolve these problems reported. 5. The Town shall pay the Consultant the not to exceed sum of \$12,000 for the completion of B. Phase 2 Project Management Services. Progress payments for the completion of these tasks shall be made in five equal installments consistent with the schedule of milestones appended hereto as Attachment A and incorporated into this agreement. 6. The Consultant acknowledges and agrees that the fee for Its services indicated in Paragraphs C.1 and C. 5 above shall not be increased for any reason without the prior written consent of the Town.7. This contract shall terminate upon the acceptance by Rural Development of the final closeout report or upon thirty (30) days written notice from one party to the other. Within thirty (30) days of the termination of the contract, the Consultant shall receive compensation for those project milestones which have been completed by the end of the thirty (30) day notice period. .

Councilman Hill made a motion to approve the foregoing resolution, seconded by Councilman McCabe. Vote 5-0, passed.

RESOLUTION #18 WD #9/Loan Resolution

A RESOLUTION OF THE Town Board of the Town of Barre AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS Water FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE. WHEREAS, it is necessary for the Town of Barre (herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of **Seven Hundred Eight Thousand & 00/100** pursuant to the provisions of Subject to NYS Municipal Finance Law ; and WHEREAS. the Association intends to obtain assistance from the United States Department of Agriculture, (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing, and

supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association: NOW THEREFORE, in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U.S.C. 1983(c)).
3. To provide for, execute, and comply with Form RD 4004, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$10,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legally permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.
6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so, without the prior written consent of the Government.

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Water District WD #9

RESOLUTION #18 WD #9/Loan Resolution Con't

7. Not to defease the bonds, or to borrow money, enter into any contractor agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds,

8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.

9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.

10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by USDA. No free service or use of the facility will be permitted.

11. To acquire and maintain such insurance and fidelity bond coverage as may be required by the Government.

12. To establish and maintain such books and records relating to the operation of the facility and its financial affairs and to provide for required audit there of as required by the Government, to provide the Government a copy of each such audit without its request, and to forward to the Government such additional information and reports as it may from time to time require.

13. To provide the Government at all reasonable times access to all books and records relating to the facility and access to the property of the system so that the Government may ascertain that the Association is complying with the provisions hereof and of the instruments incident to the making or insuring of the loan.

14. That if the Government requires that a reserve account be established. disbursements from that account(s) may be used when necessary for payments due on the bond if sufficient funds are not otherwise available and prior approval of the Government is obtained. Also, with the prior written approval of the Government, funds may be withdrawn and used for such things as emergency maintenance, extensions to facilities and replacement of short lived assets.

15. To provide adequate service to all persons within the service area who can feasibly and legally be served and to obtain USDA's concurrence prior to refusing new or adequate services to such persons. Upon failure to provide services which are feasible and legal, such person shall have a direct right of action against the Association or public body.

16. To comply with the measures identified in the Government's environmental impact analysis for this facility for the purpose of avoiding or reducing the adverse environmental impacts of the facility's construction or operation.

17. To accept a grant in an amount not to exceed \$493,000.00 under the terms offered by the Government; that the Town Supervisor and Town Board of the Association are hereby authorized and empowered to take all action necessary or appropriate in the execution of all written instruments as may be required in regard to or as evidence of such grant; and to operate the facility under the terms offered in said grant agreement(s).

The provisions hereof and the provisions of all instruments incident to the making or the insuring of the loan, unless otherwise specifically provided by the terms of such instrument, shall be binding upon the Association as long as the bonds are held or insured by the Government or assignee. The provisions of sections 6 through 17 hereof may be provided for in more specific detail in the bond resolution or ordinance; to the extent that the provisions contained in such bond resolution or ordinance should be found to be inconsistent with the provisions hereof, these provisions shall be construed as controlling between the Association and the Government or assignee. Tom McCabe made a motion to accept the foregoing resolution, seconded by Larry Gaylard. Vote 5-0, passed.

NEW BUSINESS

The Town Board of the Town of Barre recognized Eli Nicholas Pask, a member of Boy Scout troop 175 in the Town of Barre, and of the Iroquois Trail Council in Batavia, for receiving his Eagle Scout Rank on March 14, 2019. The board presented Mr. Pask with a plaque and a Certificate of Achievement.

Amherst Alarms - The Amherst Alarm Company has been working on the new alarm system for the past three days

RESOLUTION #19 Special Town Board Workshop/Solar Law
Richard Bennett made a motion to hold a Special Town Board Workshop on May 7, 2019 at 6:00pm, for the purpose of discussing the proposed Solar Law, submitted by the Town of Barre Planning Board. This is for discussion only, no actions will be taken by the Town Board members. Larry Gaylard seconded the motion. Vote 5-0, passed.

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NEW BUSINESS Con't

RESOLUTION #20 Audit of Court Records
Councilman Gaylard reported that an audit of all court records have been completed and everything appears to be in order.
Tom McCabe made a motion to accept the report given by Councilman Gaylard, seconded by Richard Bennett. Vote 5-0, passed.

CORRESPONDENCE/DISCUSSION

Association of Municipalities Meeting

The April meeting of the Orleans County Association of Municipalities will be April 23, 2019 at the Tillman's Village Inn at 6:30pm. The guest speaker will be Paul Gister from National Grid. Paul will be speaking about: Current National Grid Municipal Light Options, LED Conversion, Asset Sale/Purchase, Opt In, Energy Efficiency Incentives – Streets lights, Insight into future Light Opportunities, National Grid 3 Year approved Rate Plan.

PUBLIC COMMENTS

The Barre Betterment Committee had a meeting on March 28th. They are planning to put flowers at the Welcome to Barre signs and the flag pole at the park. There will be teams of people to help care for the flowers. June 1, 2019 there will be a community garage sale at the Barre Center Presb. Church and a square dance at the park. The next meeting will be April 25 at VanLeishouts.

Jessica Welse – discussed the Visual Impact of Barre Sessions. There will be a tour of a Wind Farm on April 29, 2019. Sign up is necessary.

Karl White – read a letter in support of Wind Farms and listed several advantages and benefits of such.

Mike VanLieshout – spoke in favor of signing the Professional Fee Reimbursement with Apex.

Kerri Richardson – spoke about concerns with the Professional Fee Reimbursement, (PFR) conflict of interests, and she refuted some statements made by Karl White.

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Robin Nacca – She reported on the Rural Home Owner Committee, they need more members and sponsors to help with gift baskets for residents. They will have a meeting on April 13 at 2pm at Dunkin Dounuts.

Dr. George McKenna – He spoke on the new solar law, and the PFR and other issues regarding the Wind Turbines.

Iva McKenna – spoke on better communication, thanked the group “Know Your Facts” for the video taping of meetings. She asked Supervisor Pogue and Attorney Lance Mark to contact her. Also spoke about proper maps and property values.

Richard Cox – had questions on the solar law, zoning public hearing minutes and a survey done by Apex.

Maura Moy – she spoke on behalf of a focus group of citizens of Barre regarding issues with Wind Turbines; decommissioning, percentage for the Town of Barre.

John Metzler – spoke on Wind Turbine people, destruction of personal property. He submitted photos of damage.

Kirk Mathes – asked the town board members to reconsider signing the PFR.

Meeting Adjourned at 9:00pm

Respectfully submitted,

Maureen Beach, Town Clerk