

Town of Barre
Board Meeting
April 14, 2021

Present: Supervisor Sean Pogue
Councilman Lynn Hill
Councilman Tom McCabe
Councilman Kerri Richardson
Councilman Margaret Swan

Others present: Maureen Beach, Town Clerk, Kevin Pask, Gideon Pask, Tom Rivers, Mark Lindberg, Charles McAllister, Josh Baird, Jake Monacelli, Kirk Mathes.

Others by Phone: Dale Brooks, Hwy Superintendent; Lance Mark, Esq.,
Teresa Bakner, Attorney for AES, Adam Wingard.
Dwight Kanyuck.

Meeting was called to order at 7:05pm by Supervisor Pogue with the salute to the flag.

Minutes

The minutes for the March, 2021 Town Board meetings were submitted and approved.

SUPERVISOR'S FINANCIAL REPORT

REVENUES: Major receipts were:

| | |
|--------------------|---------------|
| Town Clerk Fees | 367.00 |
| Justice Fees | 1,145.00 |
| Cyclical State Aid | 1,027.35 |
| Intervenor Funds | 30,866.75 |
| Refinancing BOND | 327,500.00 |
| Metered Sales | 3,362.29 |
| Maintenance Fees | 1,077.50 |
| Water Penalty Fees | 330.21 |
| Other Revenues | <u>514.15</u> |

Total receipts for the month were: \$366,190.25

EXPENSES:

General Fund Townwide: Year to date expenses are \$152,966.34
Highway Townwide: Year to date expenses are \$143,846.43

HIGHWAY SUPERINTENDENT REPORT

Snow and Ice control operations continued, salt hauled in and mixed with grit. Water: Samples taken, readings completed, exercising hydrants, Cold patching, equipment repairs completed as needed. York raking and topsoil repairs from winter damage, shared services with Towns of Elba and Clarendon, and Orleans County DPW. Sign repairs completed as needed. Summer help has been hired and will start around May 10th.

TOWN CLERK'S REPORT

The monthly report was submitted to Supervisor Pogue at the meeting, along with the check for the local share.

ASSESSOR'S REPORT

No Report.

ZONING OFFICER'S REPORT

There were two building permits for March.

BILLS

| | |
|------------------------|---------------------|
| General Funds | \$ 24,290.66 |
| Highway - Town Wide | \$142,240.50 |
| Capital Projects | \$ 703.50 |
| Special District-Water | \$ <u>13,865.42</u> |
| Total Outflow | 181,100.08 |

PAY BILLS

RESOLUTION #25 Pay Bills

Lynn Hill made a motion to approve and pay the bills, seconded by Tom McCabe. Vote 5-1, passed.

BOOKKEEPER'S REPORT

| Account | Ending Balance |
|----------------------|----------------|
| General Fund | \$262,408.34 |
| Highway Fund | 1,027,359.28 |
| Highway Equip. | 98,064.43 |
| Water Dist. #1 Oper, | 276,485.53 |
| Water Dist. #2 Oper, | 23,733.67 |
| Water Dist. #3 Oper, | 17,406.45 |
| Water Dist. #4 Oper, | 52,231.10 |
| Water Dist. #5 Oper | 51,501.08 |
| Water Dist. #6 Oper. | 30,681.39 |
| Water Dist. #7 Oper. | 17,782.66 |
| Water Dist. #8 Oper. | 36,376.54 |
| Water Dist. #9 Oper. | 26,691.87 |

OLD BUSINESS

Water District #11

Jay Grasso, Income Survey. Supervisor Pogue went over the possible map for the proposed Water District #11, water pressure was discussed, a new 2nd tank on Pine Hill Road vs, new larger pumps or a larger tank in Barre Center.

Water District #10

RESOLUTION #26 WD #10 - Loan Resolution

Lynn Hill made a motion to pass the following resolution, seconded by Tom McCabe. Vote 4-0-1, (Councilwoman Richardson abstains). Motion passed.

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 to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of \$500,000.00 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, and to accept a grant in an amount not to exceed \$601,000.00.

Water District #10 Con't

RESOLUTION #27 WD #10 - BOND Council Billing & Services
Tom McCabe made a motion to approve the following resolution for BOND Council billing & services arrangements, RESOLVED, that Hodgson Russ LLP is hereby appointed Bond Counsel for the Town's Water District No. 10 project, as authorized by a bond resolution scheduled for adoption on April 14, 2021, pursuant to the terms set forth in the engagement letter as presented. Motion seconded by Lynn Hill. Vote 5-0, passed.

RESOLUTION #28 WD #10 - BOND Resolution

A BOND RESOLUTION, DATED APRIL 14, 2021, OF THE TOWN BOARD OF THE TOWN OF BARRE, ORLEANS COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING A CAPITAL IMPROVEMENTS PROJECT WITHIN THE TOWN OF BARRE WATER DISTRICT NO. 10 IN THE TOWN AND THE CONSTRUCTION OF IMPROVEMENTS THEREIN, AT AN ESTIMATED MAXIMUM COST OF \$1,101,000 AND AUTHORIZING (A) THE APPLICATION OF APPROXIMATELY \$601,000 IN GRANT FUNDS FROM THE USDA - RURAL DEVELOPMENT AGENCY AND (B) THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$500,000 SUCH AMOUNT OF BONDS TO BE OFFSET BY ANY ADDITIONAL FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED BY THE TOWN, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE 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 Barre, Orleans County, New York (the "Town"), pursuant to Article 12 of the Town Law, created a water district designated and known as Water District No. 10 (the "District"); and WHEREAS, the Town Board has determined to undertake a water system capital improvements project (the "Project") generally consisting of the construction of the infrastructure for the District; and WHEREAS, the Town received an estimate for a grant in the amount of \$601,000 from the United States Department of Agriculture - Rural Development Agency for the Project; and WHEREAS, by Resolutions the Town Board took the following actions with respect to the Project: (a) prepared maps, plans and reports and identified the boundaries for the District and the Project, (b) held public hearings with respect to the Project, (c) determined that the Project would not have a significant adverse effect on the environment under Article 8 of the Environmental Conservation Law and (d) determined that the requirements of Article 12 of the Town Law had been satisfied with respect to the Project and further determined to undertake the Project; and WHEREAS, the Town Board desires to issue obligations of the Town to finance the costs of the 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 Town is hereby authorized to undertake a certain capital improvements project generally consisting of (but not limited to) the construction and installation of approximately 23,350 linear feet of watermain and including land or rights in land, road crossings, furnishings, valves, hydrants, fittings, connections, fill, services, appurtenances and related site work and other ancillary work, as well as other such improvements as more fully identified in (or contemplated by) such map, plan and

report prepared in connection with such Project, all of the forgoing to include preliminary costs and all necessary equipment, apparatus and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the "Purpose"). The estimated maximum cost of the Purpose is \$1,101,000. SECTION 2. The Town Board plans to finance the estimated maximum cost of said purpose by a) the application of approximately \$601,000 of grant money from the United States of America, Department of Agriculture – Rural Development Agency and b) the issuance of serial bonds in an aggregate principal amount not to exceed \$500,000, said amount to be offset by the receipt of any additional federal, state, county and/or local funds received. Unless paid from other sources or charges, the costs for the establishment of the District will be by the assessment, levy and collection of special assessments from the several lots and parcels of land within the District, which the Town Board shall determine to be especially benefited by said District, so much upon and from each as shall be in just proportion to the amount of benefit which the District shall confer 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 1 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. Unless paid from other sources or charges, the costs of said establishment of the District shall be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the District 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 or notes as the same shall 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 the taxable real property of said 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, and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00, Sections 56.00 to 60.00, Section 62.00, Section 62.10, Section 63.00, and Section 164.00 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 details as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said 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 this resolution. SECTION 9. This resolution shall constitute the declaration (or reaffirmation) of the Town's "official intent" to reimburse the expenditures authorized in this resolution with the proceeds of the bonds, notes or other obligations authorized herein, as required by United States Treasury Regulations Section 1.150-2. SECTION 10. 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 may 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) of the Code. SECTION 11. 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 12. The Town Supervisor is further authorized to call in and redeem any outstanding obligations that were authorized hereunder (at such times and in such amounts and maturities as may be deemed appropriate after consultation with Town officials and the Town's municipal advisor), to approve any related notice of redemption, and to take such actions and execute such documents as may be necessary to effectuate any such calls for redemption pursuant to Section 53.00 of the Local Finance Law, with the understanding that no such call for redemption will be made unless such notice of redemption shall have first been filed with the Town Clerk. SECTION 13. 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 SEQRA is necessary. SECTION 14. 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 15. 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) 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 16. 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 17. This resolution is effective immediately.

Councilwoman Richardson left the meeting.

NEW BUSINESS

RESOLUTION #29 Solar Law - SEQR
Tom McCabe made a motion to accept the SEQR results for the Solar Law changes, seconded by Margaret Swan. Vote 4-0, passed.

RESOLUTION #30 Referral to County Planning Board
Lynn Hill made a motion to send to the Orleans County Planning Board the proposed changes of Town of Barre Solar Law. The motion was seconded by Margaret Swan. Vote 4-0, passed

MET Towers (Root Rd & Angevine Rd)

A company hired by Apex inspected the towers, everything appeared good.

RESOLUTION #31 MET Towers (Root Rd & Angevine Rd)
Lynn Hill made a motion to approve the Special Use Permit (SUP) for the MET Towers on Root Road and Angevine Road, seconded by Tom McCabe. Vote 4-0, passed.

COMMITTEES

Planning Board

The Town of Barre Planning Board has worked on the Special Use Permit, (SUP) for Joe Quill, they approved 10 unregistered cars, 50 cars total. They also went over the Solar Law, they will be working on Battery Storage Units, there will be a workshop on April 26, 2021 at 6:30pm.

Barre Town Park

The park committee had a meeting, discussed electricity to the park as a priority. They will meet again on Monday at the park.

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Councilmen McCabe thanked everyone that came to the Public Hearing and the Town Board meeting tonight.

COMMUNICATIONS

Barre Town Board Workshop

The Town of Barre Town Board will hold their next monthly workshop on May 3, 2021 at 5:00pm. Topics for the workshop will include: Solar Law changes and the AES projects.

Tom McCabe made a motion to adjourn the Town Board meeting, seconded by Margaret Swan.

Meeting Adjourned at 8:10pm.

Respectfully submitted,

Maureen Beach, Town Clerk

**NOTICE OF BOND RESOLUTION
TOWN OF BARRE**

NOTICE IS HEREBY GIVEN that a bond resolution, a summary of which is published herewith, has been adopted by the Town Board of the Town of Barre, County of Orleans, New York (the “Town”) on April 14, 2021 and the validity of the obligations authorized by such resolution may be hereafter contested only if:

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

(b) 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 were authorized in violation of the provisions of the Constitution of New York.

SUMMARY OF BOND RESOLUTION

The following is a summary of a bond resolution adopted by the Town Board of the Town of Barre on April 14, 2021. The proceeds from the sale of the obligations authorized in such bond resolution shall be used to finance a certain capital improvements project in Water District No. 10. Such project to generally consist of (but not be limited to) the construction and installation of approximately 23,350 linear feet of watermain and including land or rights in land, road crossings, furnishings, valves, hydrants, fittings, connections, fill, services, appurtenances and related site work and other ancillary work, as well as other such improvements as more fully identified in (or contemplated by) such map, plan and report prepared in connection with such Project, all of the forgoing to include preliminary costs and all necessary equipment, apparatus and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the “Purpose”), at an estimated maximum amount of \$1,101,000. Said bond resolution authorizes a) the application of approximately \$601,000 of grant money from the United States of America, Department of Agriculture – Rural Development Agency and b) the issuance of serial bonds in an aggregate principal amount not to exceed \$500,000 said amount to be offset by the receipt of any additional federal, state, county and/or local funds received. The period of probable usefulness for said purpose is 40 years. A copy of the resolution summarized herein is available for public inspection during normal business hours at the Office of the Town Clerk, located in the Town Hall, 14317 West Barre Road, Albion, New York.