

Town of Hamilton Special Board Meeting Minutes
Thursday, August 28, 2017 at 6:30 p.m.
Held at the Town Office, 40 Milford Street, Hamilton, NY

Present: Peter Darby, David Holcomb, Suzanne Collins, Chris Rossi, Eve Ann Shwartz.

Others Present: Sue Reymers, Town Clerk.

Public: Jody Palmer – Candidate for Town Council.

Call to order: Supervisor Shwartz called the meeting to order at 6:43 p.m.

Supervisor Shwartz explained that the town board is having an emergency meeting with all of the board members because of change of events. A few things that was found out to share with the whole board. Also invited were the two candidates for town council, Jodi Palmer and Mary Lee Dinski. Mary was unable to attend. The board does need to go into executive session because of advice of counsel due to the situation and there is potential for liability. Mr. Darby explained to Jody Palmer what is meant by executive session. The town board is allowed to go into executive session for a couple of different reasons, real estate, legal counsel, or personnel. The purpose of that is so the board can have a private discussion, and talk to each other honestly and play with ideas. The board is also obligated that the public does not have access to that or the board is obligated to not speak about it outside in public. Ms. Palmer was asked if she agreed to those terms and she agreed. Mr. Darby continued that when he started on the board on January 1, he had no idea what was going on. He wants the candidates to be prepared and have an idea of what's been going on and that's why they have been invited. Mary will have to be brought up to speed later.

RESOLUTION 2017-94: Executive Session

On a motion Councilmember Darby, seconded by Councilmember Rossi, the following resolution was: ADOPTED: Ayes: 5 Nays: 0

Resolved that this Board move into an Executive Session for the purposes of legal counsel and real estate at 6:45 p.m.

RESOLUTION 2017-95: Return to Regular Session

On a motion Councilmember Darby, seconded by Councilmember Collins, the following resolution was: ADOPTED: Ayes: 5 Nays: 0

Resolved that the Board return to regular session at 8:35 p.m.

The town board reviewed the updated SEQR Short form due to the estimated cost of the town hall project has increased. Clerk Reymers reviewed the changes with the board, including the Brief Description of Proposed Action and #2 went from a yes to a no as we now understand that the Town is a higher authority over the Village and therefore does not require a building permit from the Village. Under # 4, Residential was added to list of land uses.

RESOLUTION 2017-96: APPROVAL OF UPDATED SEQR FORM

On a motion of Councilmember Holcomb, seconded by Councilmember Darby, the following resolution was: ADOPTED: Ayes: 5, Nays: 0

Resolved that the updated SEQR form be accepted with the updates.

RESOLUTION 2017-97: SEQR RESOLUTION - NEGATIVE DECLARATION ON AMENDED SEQR

WHEREAS, the Town Board of the Town of Hamilton, New York (the "Town") is undertaking a project consisting of the acquisition of the existing building and lot located at 38 Milford St., Hamilton, NY, demolition/removal of the existing building, and construction of a new Town Hall including site improvements, original furnishings, fixtures and equipment incidental thereto as well as architectural, legal and engineering fees, and all other necessary costs incidental to such work (the "Project"); and

WHEREAS, the State Environmental Quality Review Act ("SEQRA") and the regulations thereunder require the Town to undertake a review of the potential environmental impacts, if any, associated with the action; and

WHEREAS, the Town has received and carefully considered the Short Environmental Assessment Form, as well as the nature and scope of the action to assess the environmental impact of the Project; and

WHEREAS, 6 NYCRR Section 617.7 requires a lead agency to issue a written determination of significance with respect to any proposed Unlisted Action; and

NOW, THEREFORE, BE IT RESOLVED, that the Town finds and concludes as follows:

RESOLVED that the proposed action is an Unlisted Action within the meaning of 6 NYCRR Part 617; and it is further

RESOLVED that the Town hereby declares itself lead agency with respect to the environmental review of the proposed Project; and it is further

RESOLVED, that upon consideration of the foregoing, the Board finds and concludes that the proposed action will not result in any significant adverse impacts to the environment; and it is further

RESOLVED, that the Town hereby issues a Negative Declaration with respect to the proposed action.

WHEREFORE, the foregoing Resolution was put to a vote of the members of the Town Board of the Town on August 28, 2017, the result of which vote was as follows:

On a motion of Councilmember Collins, seconded by Councilmember Darby, the resolution was ADOPTED: AYES 5, NAYS 0

Eve Ann Shwartz, Supervisor	Yes
Peter Darby, Deputy Supervisor	Yes
David Holcomb, Councilmember	Yes
Chris Rossi, Councilmember	Yes
Suzanne Collins, Councilmember	Yes

RESOLUTION 2017-98: AMENDED AND RESTATED BOND RESOLUTION OF THE TOWN OF HAMILTON, MADISON COUNTY, NEW YORK, ADOPTED ON AUGUST 28, 2017, AMENDING THE BOND RESOLUTION ADOPTED DECEMBER 11, 2014 AUTHORIZING ADDITIONAL PROJECT COSTS TO PAY THE COSTS OF ACQUIRING A PARCEL OF LAND, DEMOLISHING THE STRUCTURE LOCATED THEREON AND CONSTRUCTING AND EQUIPPING A NEW TOWN HALL

WHEREAS, the Town Board of the town of Hamilton, New York (the "Town") has undertaken a project consisting of the acquisition of a parcel of land located at 38 Milford Street in the Village of Hamilton, New York, demolition of the structure located thereon and the construction and equipping a new Town Hall on the same site, including site improvements, original furnishings, fixtures and equipment incidental thereto, architectural, legal and engineering fees, and all other necessary costs incidental to such work (the "Project"); and

WHEREAS, due to unexpected construction costs, the maximum estimated cost of the Project has increased by \$600,000 from \$500,000 to \$1,100,000; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law of the State of New York, as amended, and the regulations of the Department of Environmental Conservation of the State of New York promulgated thereunder (collectively referred to hereinafter as "SEQRA"), the Town is required to make a determination with respect to the environmental impact of any "action" (as defined by SEQRA) to be taken by the Town; and

WHEREAS, the Town intends to issue its indebtedness (notes/bonds) to finance all or a portion of the costs of the Project.

NOW, THEREFORE BE IT RESOLVED ON AUGUST 28, 2017 BY THE TOWN BOARD OF THE TOWN OF HAMILTON, MADISON COUNTY, NEW YORK (by favorable vote of not less than two thirds of said Board), AS FOLLOWS:

Section 1. The Bond Resolution adopted by the Town Board on December 11, 2014 is hereby amended and restated as follows.

Section 2. The Town as "lead agency" (as defined by SEQRA) has reviewed the Project and determined by resolution adopted December 11, 2014 as amended and supplemented by resolution adopted August 28, 2017 that the Project is an Unlisted Action under SEQRA that will not result in any significant adverse impacts to the environment.

Section 3. The maximum estimated cost of the Project is \$1,100,000. For the specific object or purpose of financing the cost of undertaking the Project there are hereby authorized to be issued up to \$400,000 of serial bonds or any bond anticipation notes, including renewals of such notes, in anticipation of the issuance and sale of the bonds of said Town, pursuant to the provisions of the Local Finance Law and the levy of a tax to pay principal and interest on said obligations, and the application, if and when available, of state and/or federal assistance available or to any revenues available for such purpose from any other source. Undertaking the Project is hereby approved. The bonds and notes authorized hereby may be issued to any purchaser, including the United States Department of Agriculture, Office of Rural Development, or any of its related offices or agencies, the New York State Environmental Facilities Corporation under any of its revolving fund programs or any purchaser in accordance with the provisions of the Local Finance Law.

Section 4. The plan for the financing of the cost of the Project shall be as follows:

- (a) By using \$700,000 of available Town funds,

- (b) By the issuance of up to \$400,000 of serial bonds or any bond anticipation notes, including renewals of such notes, of said Town herein authorized; and
- (c) By the application of state, federal or charitable assistance available or any revenues available for such purpose from any other source.

Section 5. The full faith and credit of the Town, is hereby irrevocable 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 be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such years and such debt service payments may be made in substantially level or declining amounts as may be authorized by law. All the taxable real property within said Town shall be subject to the levy of ad valorem taxes without limitation as to rate or amount sufficient to pay the principal of and interest on said bonds.

Section 6. Subject to the provisions of the Local Finance Law and this bond resolution, the power to authorize the issuance of and to sell serial bonds and any bond anticipation notes in anticipation thereof, including renewals of such notes, is hereby delegated to the Town Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Town Supervisor, consistent with the provisions of the Local Finance Law.

Section 7. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Town Supervisor, the chief fiscal officer of such Town. 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 51.00 of the Local Finance Law, as the Town Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 8. Such bonds shall be in fully registered form and shall be signed in the name of the Town of Hamilton, New York, by the manual or facsimile signature of the Town Supervisor and a facsimile of its corporate seal shall be imprinted or impressed thereon and maybe attested to by the manual or facsimile signature of the Town Clerk. 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.

Section 9. The Town Supervisor is hereby further authorized, at her sole discretion, to execute such documents and certificates as are necessary and proper to the financing of the Project. The intent of this resolution is to give the Town Supervisor sufficient authority to execute those applications, agreements and instruments or to do any similar acts necessary to effect the issuance of the aforesaid bonds and/or notes without resorting to further action of this Town Board.

Section 10. The Town hereby covenants and agrees with the holders from time to time of the Bonds and any bond anticipation notes issued in anticipation of the sale of the Bonds, that the Town will faithfully observe and comply with all provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and any proposed or final regulations issued pursuant thereto unless, in the opinion of bond counsel, such compliance is not required by the Code and

regulations to maintain the exclusion from gross income of interest on said obligations for federal income tax purposes.

Section 11. The following additional matters are hereby determined and declared:

- (a) Pursuant to subdivision 11(b) of paragraph a of Section 11.00 of the Local Finance Law, the period of probable usefulness of the acquisition portion of the Project is twenty-five years;
- (b) Current funds are not required by the Local Finance Law to be provided prior to the issuance of the bonds and any notes issued in anticipation thereof authorized by this resolution; and
- (c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 11. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the capital purposes described in Section 1 of this resolution. The reasonably expected source of funds to be used to initially pay for the expenditures authorized by Section 1 of this resolution shall be from the Town's General Fund. It is intended that the Town shall then reimburse expenditures from the General Fund with the proceeds of the bonds and bond anticipation notes authorized by this resolution and that the interest payable on the bonds and any bond anticipation notes issued in anticipation of such bonds shall be excludable from gross income for federal income tax purposes. This resolution is intended to constitute the declaration of the Town's "official intent" within the meaning of Treasury Regulation Section 1.150-2 to reimburse the expenditures authorized by this resolution with the proceeds of the bonds and bond anticipation notes authorized herein. Other than as specified in this resolution, no monies are reasonably expected to be, received, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the objects or purposes described herein.

Section 12. 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 days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 13. 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.

Section 14. The law firm of Trespasz & Marquardt, LLP is hereby appointed bond counsel to the Town in relation to the Project.

Section 15. This resolution shall be subject to permissive referendum and a summary hereof (attached as **NOTICE I**) shall be published by the Town Clerk as provided by Town Law Section 90. This resolution shall become effective 30 days after its adoption pursuant to Section 91 of the Town Law. Following such effective date, in the event that no petition for a referendum was timely submitted and filed, the Town Clerk shall cause the publishing and posting of a notice in substantially the form provided in Section 81.00 of the Local Finance Law together with a summary of this Bond Resolution (attached as **NOTICE II**).

WHEREFORE, the foregoing Resolution was put to a vote of the members of the Town Board of the Town on August 28, 2017, the result of which vote was as follows:

On a motion of Councilmember Rossi, seconded by Councilmember Darby, the resolution was ADOPTED: AYES 5, NAYS 0

Eve Ann Shwartz, Supervisor	Yes
Peter Darby, Deputy Supervisor	Yes
David Holcomb, Councilmember	Yes
Chris Rossi, Councilmember	Yes
Suzanne Collins, Councilmember	Yes

After a brief discussion it was agreed that the bid due date needs to be postponed. Doug Arena from Bell & Spina will need to be contacted. This will delay the project and there were concerns about starting this late in the fall or pushing it off to the spring. Discussion included if there should be a plan be if a petition is filed and it does not go through. The board decided to wait and see as this stage.

With no further business, on a motion of Councilmember Collins, seconded by Councilmember Holcomb, the meeting was adjourned at 8:54 p.m. Carried unanimously.

Respectfully submitted,
Suzanne K. Reymers
Town Clerk