

Town of Hamilton Regular Board Meeting Minutes
Thursday, DECEMBER 11, 2014, 7:00 p.m.
Held at the Town Office, 16 Broad Street, Hamilton, NY

Present: Eve Ann Shwartz, Peter Darby, Suzanne Collins, Chris Rossi, Sue Reymers.

Absent: David Holcomb, Bert Glazier. Late: Brynley Wilcox.

Others Present: James Leach, Margaret Miller-Mayor, Village of Hamilton; Jerry Hayes-Village of Earlville, Regina Silvestri, Robert G. Johnson, Nick French.

Call to order & Welcome: Eve Ann Shwartz called the meeting to order at 7:01 p.m.

Public Comment:

Regina Silvestri inquired about Spring Street being annexed into the Village.

Councilmember Darby and Mayor Miller explained about the corner property of Spring and Payne and the potential development that may include a request for annexation into the Village for the purposes of water and sewer. Ms. Miller further explained that the properties need to be within the Village to gain those kind of services. Jerry Hayes shared that they have a new Codes Officer, Lloyd Sutton and that it is going well. On December 20 @ 3 p.m. there will be a first annual shared services training seminar for the Highway. It's at the Huff Brau. RSVP needed. They invited Village of Hamilton, Towns of Lebanon, Hamilton, and Sherburne. Snacks and beverages will be served. Mayor Miller shared that today they found out that Colgate's art center received \$750,000 in the Central NY Regional Economic Development Council grant money as well as Good Natured for \$350,000.

GENERAL:

Minutes Approval:

RESOLUTION 2014-82: Approval of October 30, 2014 Minutes

On a motion of Councilmember Collins, seconded by Councilmember Rossi, the following resolution was: ADOPTED: Ayes: 4 Nays: 0.

Resolved that the minutes from October 30, 2014 be approved.

RESOLUTION 2014-83: Approval of November 13, 2014 Minutes

On a motion of Councilmember Rossi, seconded by Councilmember Darby, the following resolution was: ADOPTED: Ayes: 4 Nays: 0.

Resolved that the minutes from November 13, 2014 be approved.

Claims for Payment:

RESOLUTION 2014-84: Audit of Claims

On a motion of Councilmember Darby, seconded by Councilmember Collins, the following resolution was: ADOPTED: Ayes: 4 Nays: 0

Resolved that the bills contained on Abstract #12 have been reviewed by the Town Board and are authorized for payment in the following amounts:

General Fund A	No 336 through 372	\$ 14,073.28
General Fund B	No 48 through 50	\$ 3,310.17
Highway Fund DA	No 123 through 135	\$ 15,539.53
Highway Fund DB	none	
Lighting Funds	No 26 through 27	\$ 356.53

TOWN REPORTS:**Highway Superintendent: Bert Glazier**

In Mr. Glazier's absence, Clerk Reymers shared a report on highway activities from the Superintendent. The highway crew plowed six times on Wednesday and worked through the night because a plow truck broke down. They bought a new used pick-up truck from the Village of Hamilton and sold the older pick-up truck previously purchased from the Village. Also preparing to trade in the pick-up truck per the capital plan. Mr. Darby explained that it was a good opportunity for us to get a newer vehicle for only a couple of thousand dollars.

Town Clerk Report: Sue Reymers

Clerk Reymers gave her monthly report on financial activity for clerk's office. The numbers are as follows:

Financial Report	Sept	Oct	Nov	Dec
Total Monthly Fees Collected	\$8,076.74	\$2,752.00	\$2,301.68	
Disbursements:				
Town Revenues	\$1,271.06	\$1,093.77	\$ 789.58	
NYS DEC Hunting & Fishing	\$6,030.78	\$1,000.58	\$1,012.97	
NYS Dept of Health	\$ 90.00	\$ 67.50	\$ 22.50	
NYS Ag & Markets	\$ 80.00	\$ 51.00	\$ 26.00	
Mad Co Treasurer (Landfill Tix)	\$ 604.90	\$ 539.15	\$ 433.95	
MISC: HCSD Tax Collector			\$ 16.68	
# of Licenses & Permits	Sept	Oct	Nov	Dec
Hunt/Fish Licenses	112	33	50	
Marriage Licenses	4	3	1	
Marriage Copies	5	3	1	
Dog Licenses	54	31	22	
Landfill Tickets	46	41	33	
Birth Certificates/Copies	1	1	0	
Death Certificates/Copies	0	3	0	
Building Permits	1	0	4	
Plan/Zone Applications	1	0	0	

Clerk Reymers updated the board on communications with FEMA representatives on the status of our application from the 2013 storm. Ms. Reymers spoke with Steve Eidt and he found out that our application is now considered complete and approved. It should go through the final process to get obligated. Once it gets obligated it will go to the State for payout. It was recommended that we do not call continuously to find out when we will receive the check as no one will have that answer. The check should be coming in the mail. The bottom line is that we are in the final stages.

Clerk Reymers provided a two page destruction log for the board to approve for records destruction. (Attachment A)

RESOLUTION 2014- 85: Records Retention Destruction Log Approval

On a motion of Councilmember Collins, seconded by Councilmember Rossi, the following resolution was: ADOPTED: Ayes: 4 Nays: 0

Resolved that the Town Clerk be authorized to destroy the records/ documents listed on the two page Records Retention Destruction Log as provided.

TAX COLLECTION

RESOLUTION 2014-86: Tax Bill Supplemental

On a motion of Councilmember Rossi, seconded by Councilmember Darby, the following resolution was: ADOPTED: Ayes: 4 Nays: 0

Resolved that the Tax Bill Supplemental document be approved as presented to include with the 2015 property tax bills that Madison County will mail out to taxpayers. (Attachment B)

Mr. Darby asked if any other towns are joining in shared services for tax collection this year. Ms. Shwartz stated that the Town of Lincoln has decided to sign an agreement with Madison County.

RESOLUTION 2014-87: Tax Collector's Cash Drawer \$100 for Tax Collection

On a motion of Councilmember Darby, seconded by Councilmember Collins, the following resolution was: ADOPTED: Ayes: 4 Nays: 0

Resolved that a cash drawer be created in the amount of \$100 for the purposes of tax collection.

Codes Enforcement Officer Report:

A report was provided by Donald Forth for activity during November. There were two demo permits requested, one for renovations and one for storm damage repairs. Clerk Reymers shared that things seem to be going well with the codes department. It is slowing down for new applications, which is providing time to organize the files. A purchase just went through for office supplies for the purposes of reorganizing all of the old building permit files. All of the records will become active and pulled out of records storage and organized by tax map number, rather than by year and who owned the property/building at the time. That way, if someone purchases a house and wants to know the work done on it or is doing new work, the file on the property can be easily pulled with all of the records pertaining to it. Brynley, Sue and Don will be working on the project together which will take a little time. Volunteers are welcome!

Supervisor/Bookkeeper's Finance Report:

A narrative report along with the Profit & Loss and Balance Sheet was provided by Brynley Wilcox, who will be arriving late tonight.

From the narrative:

Court Report: November (\$2,222), State Comptroller payment (\$1,612), Town Share (\$610).

Financial Updates:

- Second and final mortgage tax check arrived on the 11/19 totaling \$20,542.71 bringing the total amount we'll be receiving in 2014 to \$32,912.60. This is \$2,087.40 short of the budgeted \$35,000.
- We received \$500 for the sale of the 1998 Chevy pickup truck and \$1,000 for the sale of two fuel tanks and an electric gasoline pump
- The 3rd quarter Franchise Fees check from Time Warner Cable arrived. It totaled \$2,607.15 thus bringing the overall Franchise Fee revenue amount to \$10,473.70 for the 2014 year. Budgeted was \$10,800.
- Bank Reconciliations–Petty Cash, Payroll, Money Market and General Fund have all been reconciled through October.

Several resolutions are needed. The first is for authorization for the fire tax distribution. Clerk Reymers explained that in June, the annual tax distribution of the 2% Fire Insurance Premium went out to the 3 fire districts: Earlville, Hamilton and Hubbardsville. The amount is received directly into our bank account via electronic transfer. Unfortunately, the total amount was misread and this was not realized until September. The amount of \$3,248.96 was distributed, but should have been \$2,633.98, a difference of \$614.98. According to our auditors, we can approve by board resolution coverage of the overage of \$614.98 to come from another fund to cover it. Another option was to explain the error and request the funds back. Which would be: Hamilton-\$332.09, Hubbardsville \$215.25 and Earlville \$67.64. These funds are typically used for the fire-fighters for jackets, banquets, etc. per the guidance of the County for its distribution. Concern over asking for it refunded stems from the duration that they had the funds and the burden should they have already spent the funds. Approval is requested for transfer of funds from A to cover the \$614.98.

RESOLUTION 2014-88: Funds Transfer Authorization for Fire Districts

On a motion of Councilmember Darby, seconded by Councilmember Collins, the following resolution was: ADOPTED: Ayes: 4 Nays: 0

Resolved that funds in the amount of \$614.98 be transferred from General A fund to the Fire Districts fund to cover the overpayment made in June from the fire tax distribution.

The board requested that letters be sent to the fire districts explaining what happened and letting them know of the extra funds. The board continued to review the Profit and Loss and Balance Sheet.

RESOLUTION 2014-89: 2014 Budget Amendments

On a motion of Councilmember Darby, seconded by Councilmember Collins, the following resolution was: ADOPTED: Ayes: 4 Nays: 0

Resolved that the 2014 budget be modified according to the following:

A - General - Budget Line	Increase	Decrease
A1620.4 - Buildings Contractual	\$ 2,100.00	
A5132.4 - Garage Contractual	11,300.00	
A6410.4 - Publicity Contractual	150.00	
A9060.8 - Hospital/Medical Insur.	1,044.51	
A1990.4 - Contingent Acct.		\$ 14,594.51
A9060.8 - Hospital/Medical Insur.	\$ 1,475.00	
A9030.8 - Social Security	6,075.00	
A1355.4 - Assessor Contractual		\$ 7,550.00
A5132.2 - Garage Equipment	\$ 4,550.00	
A9010.8 - State Retirement	4,650.00	
A1010.4 - Town Board Contractual		\$ 1,000.00
A1110.4 - Justices Contractual		1,000.00
A1310.4 - Dir. Of Fin. Contractual		2,600.00
A1330.4 - Tax Collection Contractual		3,000.00
A1650.4 - Central Communication		1,000.00
A3310.4 - Traffic Control Contractual		600.00
A1310.1 - Dir of Fin, Pers Svcs	\$ 8,000.00	
A1410.1 - Deputy Clerk	\$ 3,300.00	
A1220.4 - Supervisor Contractual		\$ 850.00
A1320.4 - Indep. Auditing/Acctg		\$ 900.00
A1330.2 - Tax Collection Eqmt		\$ 400.00
A1340.4 - Budget Contractual		\$ 175.00
A1410.4 - Clerk Contractual		\$ 800.00
A1460.4 - Records Mgmnt Contr.		\$ 2,900.00
A3510.2 - Dog Control Equipment		\$ 100.00
A3510.4 - Dog Control Contractual		\$ 300.00
A5010.4 - Superintendent Cont.		\$ 600.00
A7510.4 - Historian Contractual		\$ 200.00
A1420.4 - Attorney Contractual		\$ 4,075.00
TOTAL:	\$ 42,644.51	\$ 42,644.51
DA - Hwy Townwide - Budget Line	Increase	Decrease
DA5130.1 - Machinery, Pers. Svcs	\$ 5,510.00	
DA9060.8 - Hospital/Medical Ins.		\$ 5,510.00
DA5130.2 - Machinery Equipment	\$200,000.00	
DA5130.4 - Machinery Cont	\$ 600.00	
DA9010.8 - State Retirement	\$ 7,700.00	

	DA909 - Unapp. Fund Balance		\$ 8,300.00
	DA878- Appropriated Fund Balance		\$200,000.00
	TOTAL:	\$213,810.00	\$213,810.00
B - Town Outside - Budget Line		Increase	Decrease
B3620.4 - Safety Inspection Cont		\$ 150.00	
B8010.4 - Zoning Contractual		\$ 150.00	
	B1990.4 - Contingent Account		\$ 255.87
	B8020.1.1 Clerk-Planning Board		\$ 44.13
	TOTAL:	\$ 300.00	\$ 300.00
DB - Hwy Outside - Budget Line		Increase	Decrease
DB5112.2 - Capital Outlay		\$ 28,072.33	
	DB5110.1 - Gen Repairs Wages		\$ 977.33
	DB9055.8 - Disability Insurance		\$ 145.00
	DB9060.8 - Hospital/Medical Ins		\$ 9,525.00
	DB9030.8 - Social Security		\$ 1,675.00
	DB9050.8 - Unemployment Ins.		\$ 850.00
	DB5140.4 - Brush & Weeds Cont		\$ 6,900.00
	B1990.4 - Contingent Account		\$ 8,000.00
DB5110.4 - Gen Rprs Cont		\$ 25,100.00	
DB9010.8 - State Retirement		\$ 10,800.00	
	DB599 - Unapp. Fund Balance		\$ 35,900.00
	TOTAL:	\$ 63,972.33	\$ 63,972.33

RESOLUTION 2014-90: Approval of Contracting with Cwynar for Annual Audit

On a motion of Councilmember Collins, seconded by Councilmember Rossi, the following resolution was: ADOPTED: Ayes: 4 Nays: 0

Resolved that the Town of Hamilton contract with Cwynar & Co. to perform an annual audit for financial statements for 2014 for the bookkeeper, town clerk and justice accounts.

Credit Card: Brynley has done some research and found an option for municipalities to get credit cards through Citibank. Citibank and New York State have a contract – NYS Purchase Card Program, which enables the town to gain access to their program. Collectively, a group of municipalities, schools, churches, etc. are combined to maximize total purchase volume and cash rebates. There is no cost to use the program. We can have as many cardholders as we want (i.e. – Town of Hamilton Highway Department or Town of Hamilton Main Office). We are able to set single purchase/credit limits and able to restrict the number of transactions per day or per month. This card is not set up in anyone's name, but instead, under the Town of Hamilton. It will not appear on any employee's credit history. Statements are billed monthly and will be included on the abstract. There are cash rebates (like an individual's cardholder's point or cash reward system) are direct deposited quarterly

and based on the Town's portion of the group sales. Other benefits include: Training sessions available to better understand/stay current with the program. They also have a Travel & Entertainment card that we could use solely for travel expenses, training sessions, etc.

The board can authorize the creation of the account and once we have the account and the limits, the board can then decide how to divide up the limit.

RESOLUTION 2014-91: Establishment of a Credit Card Account

On a motion of Councilmember Rossi, seconded by Councilmember Darby, the following resolution was: ADOPTED: Ayes: 4 Nays: 0

Resolved that the approval and establishment of a credit card account with Citibank's New York State Purchase and Travel Card Program for municipalities, non-profits and universities be approved.

The board requested that the Bookkeeper and Clerk provide a suggested list of how many credit cards the Town should receive and what employees should be accountable for them and what the limits will be for each.

RESOLUTION 2014-92: Approval of Health Insurance for 2015 and Buyout

On a motion of Councilmember Darby, seconded by Councilmember Collins, the following resolution was: ADOPTED: Ayes: 4 Nays: 0

Resolved that the health insurance plan for 2015 with Excellus - Simply Blue Plus Silver 2 plan be approved and the buyout option for 2015 remain at 45% of the annual cost of the premium for those staff who are eligible for health insurance from the town, but who can secure insurance from other means, such as a spouse.

RESOLUTION 2014-93: Funds Transfer Authorization

On a motion of Councilmember Collins, seconded by Councilmember Rossi, the following resolution was: ADOPTED: Ayes: 4 Nays: 0

Resolved that the funds in the amount of \$15,000 be transferred from the Money Market account to the checking account in the General A Fund for upcoming payroll.

COMMITTEE REPORTS:

SOMAC:

In Mr. Holcomb's absence, Mayor Miller shared that there are two full-time employees working. They will continue to fill other full-time positions.

Comprehensive Plan Committee: Chris Rossi

We are continuing to work on goals and actions and meeting with Nan. They are considering maps and getting closer to the end, but working along.

PCD Housing/Village Development: Peter Darby

No current development.

Joint Village/Town Projects: Suzanne Collins & Peter Darby

Nothing to report. Mayor Miller shared the Village sent out an RFP to 4 or 5 structural engineering firms for the Village building.

Deer Management Task Force: Peter Darby

We are making progress. There is a meeting next Monday with Colgate. The Village is working to be on board. We have the beginning of a plan and some reasonable options.

OLD BUSINESS:

SOMAC Taxing District:

We are working on it for the January meeting. There is a meeting scheduled next week with Colgate to discuss their support in the coming year.

ROAD USE LAW:

The board reviewed the Short Environmental Assessment Form. There is a training on December 18 with all three towns: Hamilton, Lebanon and Brookfield.

RESOLUTION 2014-94: Town Board SEQRA Resolution and Negative Declaration Regarding Proposed Local Law #2 of 2014

WHEREAS, proposed Local Law #2 of 2014, entitled "LOCAL ROAD USE AND PRESERVATION LAW", was introduced at the September 11, 2014 meeting of this board; and

WHEREAS, said proposed Local Law would establish a procedure by which the developers of large construction projects and other high-impact projects which are likely to damage Town highways, will be required to pay for the upgrade or repair of those highways; and

WHEREAS, the Town Board recognizes that Volume 6 N.Y.C.R.R. Part 617 et seq. of the Regulations relating to Article 8 of the New York State Environmental Conservation Law (SEQRA) requires that the Board, as an involved agency, make a determination whether a given action is subject to the aforementioned law; and

WHEREAS, on September 11, 2014 the Board declared itself to be the lead agency, determined that there were no other interested or involved agencies, and determined this action to be an unlisted action, all for purposes of SEQRA; and

WHEREAS, the lead agency has completed its review and has carefully and fully discussed the potential environmental impacts of the proposed action.

NOW THEREFORE, BE IT RESOLVED that the Town Board hereby determines the proposed action will not have a significant adverse effect on the environment and this resolution hereby adopts the Short Environmental Assessment Form which constitutes a negative declaration attached hereto for the purposes of Article 8 of the Environmental Conservation Law, Volume 6 of the N.Y.C.R.R. Part 617 et seq..

On a motion of Councilmember Peter Darby, seconded by Councilmember Chris Rossi the following resolution was:

ADOPTED: Ayes: 4 Darby, Rossi, Collins, Shwartz
 Nays: 0
 Absent: 1 Holcomb

RESOLUTION 2014-95: Resolution Authorizing Adoption of "Proposed Local Law #2 of 2014 and Designating it as "LOCAL LAW #2 of 2014"

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Hamilton introducing Proposed Local Law #2 of 2014 entitled "LOCAL ROAD USE AND PRESERVATION LAW" and scheduling a public hearing on said proposed local law for October 9, 2014, at 7:30 p.m. at the Town of Hamilton Office, 16 Broad Street, Hamilton, NY to hear all interested parties on said proposed local law, and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town, at least 10 days prior to said public hearing, and

WHEREAS, notice of said public hearing was posted in the Town Clerk's office, and

WHEREAS, each member of the Town Board received a copy of said proposed local law in final form in accord with the Municipal Home Rule Law, and

WHEREAS, the Town Board completed the required review under SEQRA, determined that the proposed action would not have a significant adverse affect on the environment and adopted a Negative Declaration, and

WHEREAS, the Town Board after due deliberation finds it in the best interest of the Town to adopt said Local Law;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Hamilton hereby adopts, by roll call vote, said Proposed Local Law #2 of 2014 entitled "LOCAL ROAD USE AND PRESERVATION LAW", and designates it as "Local Law #2 of 2014" a copy of which is attached hereto and made a part of this Resolution, and

BE IT FURTHER RESOLVED, that the Town Clerk be and hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town, to give due public notice of its adoption, and to give due notice of the adoption of said Local Law to the Secretary of State.

On a motion of Councilmember Chris Rossi, seconded by Councilmember Peter Darby the following resolution was:

ADOPTED: Ayes: 4 Darby, Rossi, Collins, Shwartz
 Nays: 0
 Absent: 1 Holcomb

NEW BUSINESS:

TOWN HALL - Milford Street Building

The town is looking to purchase 38 Milford Street for \$125,000. It's the old depot built in 1870, but is not on the historic registry. The building was inspected by

John Foley. There needs to be an asbestos assessment. The building will need to be renovated.

Supervisor Shwartz shared that she has been in contact with Ted Trespasz, Bond Counsel, Trespasz & Marquardt, LLP out of Syracuse. The town needs a bond counsel in order to issue a bond. The purchase of the property has to be done subjective to permissive referendum of the voters and in order to do that there needs to be a resolution. We have many steps and the first one is to retain legal counsel.

RESOLUTION 2014-96: Authorization to retain Legal Counsel for Bonds

On a motion of Councilmember Darby, seconded by Councilmember Collins, the following resolution was: ADOPTED: Ayes: 4 Nays: 0

Resolved that the Town Board be authorized to retain Trespasz & Marquardt, LLP for legal services for a flat fee of \$2,500 if any bonds are issued, additional \$1,500 for Bond Anticipation Note and \$325 per hour if no bonds are issued.

Second step is to retain an architectural firm to do preliminary assessment. They will help us thoroughly evaluate the building and work with us to come up with a design and how we want the building laid out. They worked with the town in the past with the PCD for façade work downtown.

RESOLUTION 2014-97: Authorization to retain Crawford & Stearns, Architects

On a motion of Councilmember Rossi, seconded by Councilmember Darby, the following resolution was: ADOPTED: Ayes: 4 Nays: 0

Resolved that the Town Board be authorized to hire architects, Crawford & Stearns for the amount of \$6,000, which is not to be exceeded, for preliminary design work.

The board reviewed the Short Environmental Assessment Form. This is an unlisted action.

RESOLUTION 2014-98: Town Board SEQRA Resolution Regarding 38 Milford Street

WHEREAS, the Town Board of the Town of Hamilton, New York (the "Town") seeks to undertake a project consisting of the acquisition of and the construction of renovations and improvements to a building located at 38 Milford Street in the Village of Hamilton, New York, for use as a new Town Hall 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, the State Environmental Quality Review Act ("SEQRA") and the regulations thereunder require the Board to undertake a review of the potential environmental impacts, if any, associated with the action; and

WHEREAS, the Board of Education has received and carefully considered the 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 Board 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 Board 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 Board 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 December 11, 2014, the result of which vote was as follows:

On a motion of Councilmember Darby, seconded by Councilmember Collins, the following resolution was:

ADOPTED: Ayes: 4 Darby, Rossi, Collins, Shwartz
 Nays: 0
 Absent: 1 Holcomb

The town board discussed the purchasing and costs of the renovations in preparation for the Bond Resolution. Crawford and Stearns came up with an initial cost of \$120 per square feet at an estimated budget of \$275,000 to renovate the building. According to Crawford and Stearns, we are obligated to pay the prevailing wage because it is a public works project. Due to the prevailing wage, we need to add 20-30% to the \$275,000. They could not be more precise. By including the purchase price of \$125,000, that brings the estimated total to \$400,000-500,000.

Steve Jones concurred that we are obligated to use prevailing wage, but he also said that we can use our own labor. So we can utilize the highway guys for demo work once the asbestos assessment has been done to save funds.

The board discussed options. Municipalities cannot borrow money from a bank, they can only get bonds. Because this is a wood structure, NYS only allows you to bond for 10 years for renovation and 15 years for the purchase of the building. The town board reviewed numbers prepared by Mr. Darby for bonding at various terms for the amounts of \$400,000 and \$500,000, including reviewing the fund balance and the impact on taxes if we bond. Discussion continued with how our fund balance is earning low interest while bond interest rates range from 4-5+%. The advantage of bonds is locking an interest rate. The town has explored the USDA loan program but it has lots of extra costs with engineers and architects and

adds difficulty and can drag the project out. The board decided the best course of action is to go through the procedure for bond resolution which will satisfy the requirements for having a bond and purchasing the building.

RESOLUTION 2014-99: BOND RESOLUTION OF THE TOWN OF HAMILTON, MADISON COUNTY, NEW YORK, ADOPTED ON DECEMBER 11, 2014, AUTHORIZING ISSUANCE OF \$400,000 OF BONDS OF THE TOWN OF HAMILTON TO PAY THE COSTS OF ACQUIRING, RENOVATING AND IMPROVING A NEW TOWN HALL

WHEREAS, the Town Board of the town of Hamilton, New York (the "Town") intends to undertake a project consisting of the acquisition of and the construction of renovations and improvements to a building located at 38 Milford Street in the Village of Hamilton, New York, for use as a new Town Hall 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, 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 the costs of the Project.

NOW, THEREFORE BE IT RESOLVED ON DECEMBER 11, 2014 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 Town as "lead agency" (as defined by SEQRA) has reviewed the Project and determined by resolution adopted December 11, 2014 that the Project is an Unlisted Action under SEQRA that will not result in any significant adverse impacts to the environment.

Section 2. The maximum estimated cost of the Project is \$ 500,000. 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 3. The plan for the financing of the cost of the Project shall be as follows:

- (a) By using \$100,000 of available Town funds,
- (b) By the issuance of up \$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 4. 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 5. 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 6. 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 7. 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 8. The Town Supervisor is hereby further authorized, at his 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, 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 9. 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 10. 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 fifteen (15) years;
- (b) Pursuant to subdivision 12(a)(2) of paragraph a of Section 11.00 of the Local Finance Law, the period of probable usefulness of the renovation and improvement portion of the Project is ten (10) years;
- (c) 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
- (d) 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 December 11, 2014, the result of which vote was as follows:

On a motion of Councilmember Darby, seconded by Councilmember Collins, the following resolution was:

ADOPTED: Ayes: 4 Darby, Rossi, Collins, Shwartz

Nays: 0

Absent: 1 Holcomb

NEW BUSINESS:

Concerns of the Town Board: None

Supervisor's Report:

The County passed the budget with an 8 - 9% increase. If they had raised taxes 2-3% each year in the past, this would not be such a large increase. Also if they had maintained the cop cars and highway equipment. There was a salary study of management employees. Plus they added one 1 position - an emergency manager.

Also voted to increase the Madison County Cooperative Extension by \$50,000 to hire a farm business manager. There were some non-profit increases and there is a new committee to review non-profit budgets.

RESOLUTION 2014-100: EXECUTIVE SESSION

On a motion of Councilmember Darby, seconded by Councilmember Collins, the following resolution was ADOPTED: Ayes: 4 Nays: 0

Resolved that this Board move into an Executive Session for the purposes of real estate at 8:36 p.m.

RESOLUTION 2014-101: RETURN TO REGULAR SESSION

On a motion of Councilmember Darby, seconded by Councilmember Collins, the following resolution was ADOPTED: Ayes: 4 Nays: 0

Resolved that the Board return to regular session at 9:19 p.m.

RESOLUTION 2014-102: Authorize the Town Board to retain Chris Kendall

On a motion of Councilmember Collins, seconded by Councilmember Rossi, the following resolution was ADOPTED: Ayes: 4 Nays: 0

Resolved that the Town Board be authorized to retain Chris Kendall to handle the real estate title for 38 Milford Street.

RESOLUTION 2014-103: Authorize the Town to Purchase 38 Milford

On a motion of Councilmember Darby, seconded by Councilmember Collins, the following resolution was ADOPTED: Ayes: 4 Nays: 0

Resolved that the Town Board be authorized to purchase 38 Milford Street in Hamilton, NY for \$125,000 contingent upon permissive referendum.

With no further business, on a motion of Councilmember Darby, seconded by Councilmember Rossi, the meeting was adjourned at 9:25 p.m. Carried unanimously.

Respectfully submitted by
Town Clerk Suzanne Reymers