

MINUTES – TOWN OF ALLEGANY
REGULAR BOARD MEETING
TUESDAY APRIL 23, 2019 7:00 PM TOWN HALL

PRESENT WERE:

Supervisor Martin	Councilman Hitchcock
Councilman Koebelin	Councilman Parker
Councilman Maguire	Town Clerk D. Pinney
Comptroller D. Piccioli	Hwy. Superintendent Moshier

ABSENT:-

Attorney Tuttle

ALSO PRESENT:

Helen Larson, Don Sue & Frank DeFiore

Salute to the Flag at 7:00PM opened the meeting

#102-MOTION TO ACCEPT MINUTES FROM THE APRIL 9, 2019 REGULAR BOARD MEETING

Motion by Councilman Parker to accept the minutes from the April 9, 2019 Regular Board meeting as written. 2nd by Councilman Koebelin. Martin-aye, Koebelin-aye, Hitchcock-aye, Maguire -aye, Parker-aye. CARRIED

Review first quarter financials – reviewed by all board members

CORRESPONDENCE

1. Mosquito Spraying Contract – Cattaraugus County

NEW BUSINESS

1. BAN renewal

#103 BOND RESOLUTION

(Effective Immediately)

At a regular meeting of the Town Board of the Town of Allegany, Cattaraugus County, New York, held at Town Hall, in Allegany, New York, in said Town, on the 23rd day of April, 2019, at 7:00 o'clock P.M., Prevailing Time.

The meeting was called to order by Supervisor Martin, and upon roll being called, there were

PRESENT: Supervisor Martin, Councilman Hitchcock, Councilman Koebelin
Councilman Parker and Councilman Maguire

ABSENT: - none

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The following resolution was offered by Supervisor Martin, who moved its adoption, seconded by Councilman Parker, to-wit:

BOND RESOLUTION DATED APRIL 23, 2019.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$217,000 BONDS OF THE TOWN OF ALLEGANY, CATTARAUGUS COUNTY, NEW YORK, TO PAY THE COST OF THE PURCHASE OF EQUIPMENT FOR CONSTRUCTION AND MAINTENANCE, EACH ITEM OF WHICH COSTS \$30,000 OR OVER IN AND FOR SAID TOWN.

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; and

WHEREAS, it is now desired to authorize the financing thereof; NOW, THEREFORE,

BE IT RESOLVED, by the affirmative vote of **not less than two-thirds of the total voting strength** of the Town Board of the Town of Allegany, Cattaraugus County, New York, as follows:

Section 1. To pay the cost of the purchase of equipment for construction and maintenance, each item of which costs \$30,000 or over in and for the Town of Allegany, Cattaraugus County, New York, including incidental expenses in connection therewith, there are hereby authorized to be issued \$217,000 bonds of said Town pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the aggregate maximum estimated cost of said class of objects or purposes is \$217,000, which class of objects or purposes is hereby authorized at said maximum estimated cost, and that the plan for the financing thereof is by the issuance of the \$217,000 of bonds of the Town authorized to be issued therefor pursuant to the provisions of Section 1 hereof.

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Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen years, pursuant to subdivision 28 of paragraph a of Section 11.00

of the Local Finance Law based upon the cost of each item of equipment. It is hereby further determined that the maximum maturity of the bonds herein authorized will not exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the 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 Supervisor, consistent with the provisions of the Local Finance Law.

Section 5. All other matters except as provided herein relating to the 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 bonds with substantially level or declining annual debt service, shall be determined by the 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 Supervisor shall determine consistent with the provisions of the Local Finance Law.

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Section 6. The faith and credit of said Town of Allegany, Cattaraugus County, New York, are hereby irrevocably 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 bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property in said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 7. 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 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. 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 9. This resolution shall take effect immediately and the same shall be published in summary form in the official newspaper of the Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

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

Supervisor Martin	VOTING - aye
Councilman Hitchcock	VOTING - aye
Councilman Koebelin	VOTING - aye
Councilman Maguire	VOTING - aye
Councilman Parker	VOTING - aye

The resolution was thereupon declared duly adopted.

* * * * *

CERTIFICATION FORM

STATE OF NEW YORK)
) ss.:
COUNTY OF CATTARAUGUS)

I, the undersigned Clerk of the Town of Allegany, in the County of Cattaraugus, New York (the "Issuer"), DO HEREBY CERTIFY:

- 1) That a meeting of the Issuer was duly called, held and conducted on the 23rd day of April, 2019.
- 2) That such meeting was a **regular** meeting.
- 3) That attached hereto is a proceeding of the Issuer which was duly adopted at such meeting by the Board of the Issuer.
- 4) That such attachment constitutes a true and correct copy of the entirety of such proceeding as so adopted by said Board.

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- 5) That all members of the Board of the Issuer had due notice of said meeting.
- 6) That said meeting was open to the general public in accordance with Section 103 of the Public Officers Law, commonly referred to as the "Open Meetings Law".
- 7) That notice of said meeting (the meeting at which the proceeding was adopted) was given PRIOR THERETO in the following manner:

PUBLICATION Olean Times Herald 4/25/2019

POSTING - Town Hall Bulletin Board

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Issuer this 23rd day of April, 2019.

Deryle L. Pinney
Town Clerk

(CORPORATE SEAL)

LEGAL NOTICE OF ESTOPPEL

The bond resolution, a summary of which is published herewith, has been adopted on April 23, 2019, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the Town of Allegany, Cattaraugus County, New York, is not authorized to expend money, or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the Constitution.

A complete copy of the resolution summarized herewith is available for public inspection during regular business hours at the Office of the Town Clerk for a period of twenty days from the date of publication of this Notice.

Dated: Allegany, New York,
April 23, 2019.

Deryle L. Pinney
Town Clerk

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Class of objects or purposes	Purchase of equipment for construction and maintenance, each item of which costs \$30,000
Period of probable usefulness:	15 years, limited to 5 years
Maximum estimated cost:	\$217,000 bonds
Amount of obligations to be issued:	\$217,000 bonds
SEQRA Status:	Type II Action

2. Discuss Moratorium on Solar

#104-MOTION TO SET A PUBLIC HEARING FOR SOLAR MORATORIUM

Motion by Councilman Hitchcock to set a public hearing to discuss establishing a 6-month solar moratorium in the Town of Allegany on Tuesday May 14th at 7:00 pm in the Town Board Conference Room. 2nd by Councilman Parker. Martin-aye, Koebelin-aye, Hitchcock-aye, Maguire -aye, Parker-aye. CARRIED

- This would be local law #1 of 2019

3. Notice of Adoption of Resolution#105-Subject to Permissive Referendum

NOTICE IS HEREBY GIVEN, that at a regular meeting held by the Town Board of the Town of Allegany, New York on April 22, 2019, the Town Board duly adopted a Resolution, a copy of which follows, which Resolution is subject to permissive referendum

Pursuant to Town Law:

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RESOLUTION AUTHORIZING THE PREPARATION OF A MAP, PLAN AND REPORT FOR A PROPOSED SEWER DISTRICT ON 7th STREET AND PROPERTIES ON MICHAEL’S WAY IN THE TOWN OF ALLEGANY, NEW YORK (list of properties to be included attached hereto)

WHEREAS, the Town of Allegany wishes to consider whether or not a sewer district should be created in the Town of Allegany on North 7th Street and including Michael’s Way properties to provide the targeted properties with access to the public sewer system;

WHEREAS, the Town Board of the Town of Allegany has determined that CPL Engineering should proceed to prepare a map, plan and report pursuant to the requirements of Article 12-a and Section 209-b and 209-c of the Town Law; and

WHEREAS, the cost of said preparation of the map, plan and report is projected to be \$2,500.00; and

NOW, THEREFORE, BE IT RESOLVED, that the sum of \$2,500.00 is hereby appropriated to pay the cost of preparing a general map, plan and report for providing sewer facilities, improvements and/or services to properties 7th Street and Michael’s Way, as described in the list of properties attached hereto; and

BE IT FURTHER RESOLVED, that Clark Patterson Lee Engineering is hereby authorized and directed to prepare such map, plan and report; and

BE IT FURTHER RESOLVED, that this resolution is subject to permissive referendum as required by Section 209-b of the Town Law in the manner provided in Article 7 of the Town Law; and

BE IT FURTHER RESOLVED, that the expense incurred for the preparation of such map, plan and report shall be a Town charge and shall be assessed,

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levied and collected in the same manner as other Town charges, and if the Town Board shall thereafter establish such district and construct the improvements pursuant to the provisions of Town Law Article 12-A, the expense incurred by the Town for the preparation of the map, plan and report may be deemed to be part of the cost of such improvements, and the Town may be reimbursed in the amount therefore, or such portion of that amount, which the Town Board at a public hearing held pursuant to Section 209-d of the Town Law may allocate against such district.

MOTION; Councilman Maguire

SECOND; Councilman Parker

VOTE; Martin-aye, Koebelin-aye, Hitchcock-aye, Maguire -aye, Parker-aye. CARRIED

OLD BUSINESS

1. Supervisor Martin reported that John Moshier has been working to locate the water loss on the Rte. 417 water line. EJP will be here on May 16, 2019 at 10:00 am will be the 3rd attempt at this.
2. Supervisor Martin stated that John Moshier would like a water analysis done by Rural Water.

OTHER BUSINESS – none

COMMITTEE REPORT

1. Councilman Parker updated the board on the dedication sign at Brick Park for Mr. Higgins.

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#105-MOTION TO PURCHASE THE SIGN FOR BRICK PARK

Motion by Councilman Koebelin to purchase the sign dedicated to Joe Higgins recognizing his contributions to the community at a cost of \$1275.00 plus the cost of posts. 2nd by Councilman Parker. Martin-aye, Koebelin-aye, Hitchcock-aye, Maguire -aye, Parker-aye. CARRIED

- There was a discussion about a water fountain at brick park. Options are being researched.
- 2. Councilman Hitchcock reported that the 3-yr old Trail mower is down and we are waiting on the cost of repair and parts.
- 3. Supervisor Martin reported that there are no updates on the Trail maintenance agreement at this time.

FROM THE FLOOR

1. Frank DeFiore reported that the Planning Board should finalize the proposal for the Solar Policy at the May meeting.

Exective Session for Personnel Reasons

#106-MOTION TO ADJOURN TO EXECUTIVE SESSION FOR LEGAL REASONS.

Motion by Councilman Hitchcock to adjourn to executive session at 7:32 pm for legal reasons. 2nd by Councilman Maguire. Martin-aye, Koebelin-aye, Hitchcock-aye, Maguire -aye, Parker-aye. CARRIED

#107- MOTION TO RETURN TO REGULAR SESSION.

Motion by Councilman Parker to return to regular session at 8:35 pm. 2nd by Councilman Hitchcock. Martin-aye, Koebelin-aye, Hitchcock-aye, Maguire -aye, Parker-aye. CARRIED

#108- MOTION TO ADJOURN THE MEETING.

Motion by Councilman Maguire to adjourn the meeting at 8:36 pm. 2nd by Councilman Parker. Martin-aye, Koebelin-aye, Hitchcock-aye, Maguire -aye, Parker-aye. CARRIED

Respectfully submitted,

Deryle L. Pinney, Town Clerk
4/23/2019