

**TOWN OF CARROLLTON**  
**MONTHLY MEETING**  
**August 18, 2020 4:30PM**

**MUNICIPAL COMPLEX**

**640 MAIN STREET**

**LIMESTONE, NY 14753**

**Present:** Supervisor Bob Rinfrette, Councilman James Rounsville, Councilman Ralph Bottone, Councilman Jay Little, Councilman Dan Newbury, Town Clerk Julie Carlson, CEO Lance Jobe, W/S/Maintenance Ricky Dixon, Hwy Superintendent Mike Fox and Town Attorney Eric Firkel.

**Guests:** Bob Giardini, Lisa Giardini, Bob Burkett.

Supervisor Rinfrette called the Meeting to order at 4:30PM directly followed by the Pledge of Allegiance.

**Motion** made by Councilman Bottone, seconded by Councilman Newbury to accept July Monthly Minutes as written. All voting yes, Motion carried.

**Motion** made by Councilman Rounsville, seconded by Councilman Newbury to pay bills presented. All voting yes, Motion carried.

**2020 Bills Presented**

- General \$40,504.31 v#148-166
- Highway \$11,993.40 v#79-96
- Sewer 1 \$ 105.37 v#11
- Sewer 2 \$1,414.06 v#66-72
- Water \$ 812.13 v#57-63
- Capital \$ 460.81 v#6-7

**Total \$55,290.08**

**Checks Received 07/22-08/18/2020:**

\$ 1806.88 Town Clerk's Acct-July Sales  
1654.00 Rental Income for July/Aug

**Total \$3,460.88**

**Monthly Reports:** The Town Clerk, Hwy Superintendents, and Supervisor Reports were all reviewed.

Dog Report: Deputy Dog Control/Councilman Bottone reported that the dog that was taken to Town of Olean and then to SPCA still had not been picked up as of 8/10/2020. Town Clerk stated that SPCA had contacted her and said that there was a family interested in adopting the dog. At that time no payment had been reimbursed to the Town of Olean from the owner or to us for kenneling services for the first 4 days, and SPCA still had not received payment from owner for fees accumulated there. Town Clerk said the owner did come in and renew his expired license right after the episode with the dog happened.

**Resolution** introduced by Councilman Bottone, seconded by Councilman Little to amend the Bond Resolution estimating the cost of the Capital Improvements to install the UV Disinfectant System from \$233,500 to \$300,000. A Public Hearing was held on August 6<sup>th</sup>, 2020 for the amended Bond increase. AYES: Supervisor Rinfrette, Councilmen Bottone, Little, Newbury and Rounsville. NOES: N/A. ABSENT: ALL PRESENT. The Resolution was adopted. (See attached Resolution).

Supervisor Rinfrette updated the Board Members on the avenues he checked into about the WQIP Grant we were awarded. The Town still has not received a Contract to sign, or any money released by the State. He has checked with Assemblyman Giglio, DEC, and Senator's office and they all agree it is just a risk at this point to take on the project without the grant funds released. The Board closed the discussion with still no answer as to move on the project without Grant monies released to the Town.

Supervisor Rinfrette requested authorization to sign contract from Municipal Solution, Inc. to extend the contract for the WWTP Capital Lagoon Project originally dated 12/14/2014 for an additional 8 months for fiscal services with an increase of \$12,000. This fee was changed due to the unanticipated changes with the project plans, scope of timeline.

**Motion** made by Councilman Bottone, seconded by Councilman Little to authorize Supervisor Rinfrette so sign the Municipal Solutions, Inc. Contract increase of \$12,000.00 for unanticipated changes that have already been serviced. All voting yes, Motion carried.

**Highway Dept.** – Hwy Superintendent Mike Fox reviewed his monthly report with the Board. Councilman Little asked Fox if we always purchase steel sluice pipes. Fox replied yes with explanation. Councilman Bottone praised Fox for the good job they did on Loney Hollow.

**Open Forum:** Bob Giardini questioned the South Nine Mile property that had started a demo, but has stopped almost 2 years ago. Wanted to know the status and expressed it is a hazard at this point. CEO Jobe stated he followed up with The Town Court to see where everything stands due to when he came back to work for the Town, he found the file left by previous CEO John Helgager. The Court did say the person that appeared for the issue was not the property owner that was issued the appearance ticket and there was a \$300.00 fine issued. At this time payment has not been received and Courts have been closed due to COVID-19.

Raptors Football- Little returned the key to the Locker Room Storage Unit that was being used. He is no longer involved with the league.

#### **New Business: Planning Board/ ZBA Members**

Resignation of Planning Board Member Wendy Johnston.

**Motion** made by Councilman Newbury, seconded by Councilman Bottone to accept the Resignation of Planning Board Member Wendy Johnston. All voting yes, Motion carried.

**Motion** made by Councilman Newbury, seconded by Councilman Rounsville to appoint Mike Rogozinki to the Planning Board. All voting yes, Motion carried.

**Motion** made by Councilman Newbury, seconded by Councilman Little to appoint the following members to the Zoning Board of Appeals: Robert Burkett, Wendy Johnston, Toby Colley, Curtis Peters, and Robin Rider. The Terms for each member will end on 12/31/ 2020. At that time each member will be appointed to staggered year terms, up to 5-year appointments. All voting yes, Motion carried.

**Motion** made by Supervisor Rinfrette, seconded by Councilman Newbury to appoint Robert Burkett as Chairman of the ZBA effective immediately.

#### **Executive Session:**

**Motion** made by Supervisor Rinfrette, seconded by Councilman Little to enter Executive Session to discuss Litigation Matters with Attorney Eric Firkel, Hwy Superintendent Mike Fox. All voting yes, Motion carried.

**Motion** made by Supervisor Rinfrette, seconded by Councilman Bottone to exit Executive Session at 5:45PM. All voting yes, Motion carried.

**Old Business:** Councilman Newbury updated the Board on the Complex, stating he is still waiting to hear back from Johnson Controls for the estimate to replace the fire alarm system. He is requesting more detail on the estimate.

**Motion** made by Councilman Bottone, seconded by Councilman Newbury to adjourn meeting at 6:00PM. All voting yes, Motion carried.

Respectfully submitted,

*Julie Carlson, Town Clerk*

**AN AMENDING AND RESTATING BOND RESOLUTION, DATED AUGUST 18, 2020, OF THE TOWN BOARD OF THE TOWN OF CARROLLTON, CATTARAUGUS COUNTY, NEW YORK (THE "TOWN"), AMENDING THE BOND RESOLUTION THAT WAS ADOPTED ON JUNE 16, 2020, AND AUTHORIZING A CAPITAL IMPROVEMENTS PROJECT WITHIN THE TOWN OF CARROLLTON LIMESTONE SEWER DISTRICT AND SEWER DISTRICT NO. 1 AT AN ESTIMATED MAXIMUM COST OF \$300,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$300,000 OF THE TOWN, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, SAID AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.**

WHEREAS, on June 16, 2020, the Town Board of the Town of Carrollton, Cattaraugus County, New York (the "Town") adopted a certain bond resolution (the "Original Bond Resolution") entitled:

A BOND RESOLUTION, DATED JUNE 16, 2020, OF THE TOWN BOARD OF THE TOWN OF CARROLLTON, CATTARAUGUS COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING A CAPITAL IMPROVEMENTS PROJECT WITHIN THE TOWN OF CARROLLTON LIMESTONE SEWER DISTRICT AND SEWER DISTRICT NO. 1 AT AN ESTIMATED MAXIMUM COST OF \$233,500 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$233,500 OF THE TOWN, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, SAID AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, 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 has been advised that the cost of the proposed capital improvements project has increased due to construction bids coming in higher than expected for such project; and

WHEREAS, the Town Board now wishes to modify the Original Bond Resolution for the purposes of: (a) increasing the estimated maximum cost of the project from \$233,500 to \$300,000 and (b) increasing the aggregate principal amount of serial bonds authorized to be issued from \$233,500 to \$300,000 and to make other modifications in the Original Bond Resolution as may be consistent with law; and

WHEREAS, the Town Board now wishes to amend and restate the Original Bond Resolution for the purposes identified above, and to make other modifications in the Original Bond Resolution as may be consistent with law; and

WHEREAS, the Original Bond Resolution is being modified to increase the estimated maximum cost as previously described, and is otherwise being reaffirmed and ratified in all respects; and

WHEREAS, the Town Board has determined to proceed with the project; and

WHEREAS, the Town Board desires to issue obligations of the Town to finance the costs of the project.

WHEREAS, the Town has not previously issued bond anticipation notes pursuant to the Original Bond Resolution and has not yet entered into permanent financing arrangements thereunder (i.e., the issuance of long-term serial bonds); and

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 capital improvements to the Limestone Wastewater Treatment Plant, such work to include, but not be limited to, the construction of a UV light disinfection system and the installation of associated equipment and new electrical service, as well as other such improvements as more fully identified in (or contemplated by) such revised map, plan and report prepared in connection with such project, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the "Project"). The estimated maximum cost of the Project is \$300,000.

SECTION 2. The Town Board plans to finance the estimated maximum cost of the Project by the issuance of serial bonds in an aggregate principal amount not to exceed \$300,000 of the Town, hereby authorized to be issued therefore pursuant to the Local Finance Law, said amount to be offset by any federal, state, county and/or local funds received. Unless paid from other sources or charges, (including, but not limited to, sewer rents) the cost of such improvement is to be paid by the issuance of serial bonds and by the assessment, levy and collection of special assessments from the several lots and parcels of land within the Districts 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 as the same become due and payable, except as provided by law.

SECTION 3. It is hereby determined that the Project is an object or purpose described in subdivision 4 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 said 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. Such costs will be annually apportioned among the Districts by the Town Board and unless paid from other sources or charges, (including, but not limited to, sewer rents) the cost of the Project shall be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the Districts 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 as the same 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 the 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 Section 1 of this resolution. The Town then reasonably expects to reimburse any such expenditures (to the extent made after June 16, 2020 or within 60 days prior to the earlier of (a) June 16, 2020 or (b) the date of any earlier expression by the Town of its intent to reimburse such expenditures) with the proceeds of the bonds authorized by Section 2 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds). This resolution shall constitute the declaration (or reaffirmation) of the Town's original declaration of its "official intent" to reimburse the expenditures authorized by Section 2 hereof with such bond or note proceeds, as required by United States Treasury Regulations Section 1.150-2.

SECTION 9. 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 10. 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 11. 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 12. 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 13. To the extent applicable, the Town Supervisor is hereby authorized to execute and deliver in the name and on behalf of the Town a project financing agreement prepared by the New York State Environmental Facilities Corporation ("EFC") (the "SRF Project Financing Agreement"). To the extent applicable, the Town Supervisor and the Town Clerk and all other officers, employees and agents of the Town are hereby authorized and directed for and on behalf of the Town to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby, including, but not limited to, the SRF Project Financing Agreement.

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) Said 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 designated as the official newspaper of the Town for such publication.

SECTION 17. Nothing in this amendment shall affect the validity of the original June 16, 2020 bond resolution or any action taken thereunder, and any such actions are hereby ratified.

SECTION 18. This Resolution is effective immediately.

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

AYES: Robert Rinfrette, Supervisor  
Councilpersons: Ralph Bottone  
Jay Little  
Dan Newbury  
Jim Rounsville

NOES: N/A

ABSENT: ALL PRESENT

The foregoing resolution was thereupon declared duly adopted.

