REGULAR MEETING

VOLNEY TOWN BOARD MEETING

VOLNEY MUNICIPAL CENTER

JULY 15, 2021 at 5:00PM

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Supervisor G Hartranft opened the meeting at 5:04 PM asking everyone to stand to salute the flag and then asked for roll call

**Roll Call**: Councilor G Stanard Here; Councilor E Wavle Absent;

Councilor M Rusaw Here; Councilor A Hamblin-Smith Here; Supervisor G Hartranft Here

**Announcements:**

August 17th special election for CR6/Maple Ave water district, Noon to 7pm.

**Department Reports:**

**Volney VFC: NO REPORT PROVIDED**

**Assessor: NO REPORT PROVIDED**

**Building Inspector/Fire Marshall:** was submitted John Parrish and reported by William Hamacher

Code Office Monthly System Report stated Don Ryan did 3 Building Permit Inspections, William Hamacher did 1 Annual Fire inspection.

**Dog Control:** was submitted by Don & Pam Mason and reported by Councilor M Rusaw

35 calls received, 1 dog housed at the kennel, 6 dogs reported lost, 1 dog redeemed, and, 1 appearance ticket issued. 29.6 miles reported, kennel walls need to be painted and bottoms need to be put onto the bottom of the door to protect the dogs from getting hurt.

Councilor A Hamblin-Smith said she could get us some information the door bottoms.

**Highway:** submitted and reported by Roger Dunsmoor

Supplies & maintenance-$105,632.77 Payroll-$37,919.11 for a total of 143,551.88.

Machinery Repair-60 hours,

Mowing-170 hours

Paving-210 hours,

Drainage & Culverts-495 hours

Hauling-15 hours,

Tree Work-20 hours,

 1,260 gallons of diesel fuel and 200 gallons of gas were used.

**Historian:** was submitted by Debra Allen and reported by Councilor A Hamblin-Smith

I have transferred all files that were on floppy disks to the hard drive and am in the process of converting the VHS tapes to digital. I have received a few call and emails from people looking for more information on people I have posted on Find-A-Grave. I would like to thank the town for having the Bell cemetery cleaned up.

**Recreation:** was submitted and reported by Karen Kio

Our next event will be a magic show with Magician, Chris Wheel and games before the performance provided by the youth bureaus summer staff on Friday July 16th from 5-7. The event will be held here at the town hall, indoors. The games may take place outdoors if weather permits. Our next event will be at Scoops Ice Cream and Mini-golf on July 27th from 12-2pm.

**Planning:** was submitted by Karen Ridgeway and reported by Brad Chesbro

July 6, 2021

Attending: Chairperson Brad Chesbro, Victor Runeare, Jim LaDue, Jerry Seguin and Vicki Leroux.

The Planning Board Meeting was opened at 6:30 PM.

 New Business:

The first item discussed was an application submitted by Lock Stock and Barrel for their property located at 2298 County Route 6. Lock Stock and Barrel would like a lot line adjustment on their property in order to sell 3 acres to their neighbor.  Said neighbor would then add the 3 acre parcel to his current property.

Victor Runeare made a motion to accept the packet submitted by Lock Stock and Barrel as complete.

 Jerry Seguin seconded the motion. Vote was held as follows: Brad Chesbro-aye; Jim LaDue-aye; Vicki Leroux-aye; Jerry Seguin-aye and Victor Runeare-aye.  Motion carried.

Brad Chesbro made a motion to grant Lock Stock and Barrel a lot line adjustment as depicted on map file number 19223B-3 by Russell Getman license #040298. After careful consideration the Planning Board has determined that this does not cross the threshold of a type one action under SEQR and will be considered an unlisted action.

Jim LaDue seconded the motion.  Vote was held as follows: Brad Chesbro-aye; Jim LaDue-aye; Vicki Leroux-aye; Jerry Seguin-aye and Victor Runeare-aye.  Motion carried.

The second item discussed was an application submitted by Ann Marie Grela (Sawyer) for her property located at 361 Kingdom Road.  Ms. Grela (Sawyer)  would like a lot line adjustment in order to sell .443 acres to Gary and Pamela Sheffied, who will add the parcel to their current property.

Jerry Seguin made a motion to accept the packet submitted by Ann Marie Grela (Sawyer) as complete.

 Jim LaDue seconded the motion. Vote was held as follows: Brad Chesbro-aye; Jim LaDue-aye; Vicki Leroux-aye; Jerry Seguin-aye and Victor Runeare-aye.  Motion carried.

Brad Chesbro made a motion to grant Ann Maria Grela (Sawyer) a lot line adjustment of a .443 acre parcel to be added to Garry and Pamela Sheffield‘s property as depicted on map number 149- 19 2021055 by license surveyor John Damiano license # 050283. After careful consideration the planning board has determined that this does not cross the threshold of a type one action under SEQR and will be considered an unlisted action.

Victor Runeare seconded the motion. Vote was held as follows: Brad Chesbro-aye; Jim LaDue-aye; Vicki Leroux-aye; Jerry Seguin-aye and Victor Runeare-aye.  Motion carried.

Old Business:

Brad Chesbro stated that the public hearing, with The Zoning Board, for George Zwolinski  ( property owner) and Tillman Infrastructure LLC would be postponed until August 3, 2021 at 6:30PM if the DEC has made a determination.

Minutes:

Jim LaDue made a motion to accept the June 2021 minutes as written with the correction that the meeting was opened at 6:30PM not at 6:00PM.

Vicki Leroux seconded the motion.  Vote was held as follows: Brad Chesbro-aye; Jim LaDue-aye; Vicki Leroux-aye; Jerry Seguin-aye and Victor Runeare-aye.  Motion carried.

Brad Chesbro made a motion to close the meeting at 6:51 PM.

Jim LaDue seconded the motion.  Vote was held as follows: Brad Chesbro-aye; Jim LaDue-aye; Vicki Leroux-aye; Jerry Seguin-aye and Victor Runeare-aye.  Motion carried.

The next Planning Board Meeting with be held on Tuesday August 3, 2021 at 6:30 PM.

**Zoning:** was submitted by Karen Ridgeway and reported by Supervisor G Hartranft

July 6, 2021

Attending: Chairperson Greg Hartranft, Gary Roik, Richard Forbes, Holly Carpenter and Jared Bellinger.

The Public Hearing, for Michelle Hearton for her property located at 1245 County Route 9 Fulton, NY 13069, for a 7’ side yard variance to improve access to the basement was opened at 6:35PM.

Russ Hearton attended the hearing on behalf of his wife Michelle, to answer any questions.

Mr. Hearton said that when the house was purchased, there was not a good way to get in and out of the basement,  He said it was a hazard.  Mr. Hearton said that the opening was very heavy and was made of two pieces of plywood with broken hinges.  Mr. Hearton stated that he was fixing up the property and decided to fix the basement exit/entrance.  He said that he did not think there would be an issue because the entrance into the basement was pre-existing.  Mr. Hearton said that he had added steps that were 7 inches to replace the hazardous steps, he added a cover over the steps to keep off snow and ice, and a door to get to the steps.  He stated that the new structure only added one and a half feet to the existing structure.

Neighbors Tracy and Greg Rudes attended the hearing to voice their concerns. Mrs. Rudes stated that the sign for the public hearing could not be seen from the road and many of the neighbors did not even know that it was there. She said that the structure came out a lot more than what had previously existed and that they would not be able to put up a fence on their property because the steel roof would unload snow into their yard. The Rudes wanted to know why the Heartons were not required to have a building permit. Greg Hartranft stated that the structure was less than 10’ x 10‘ so a building permit was not needed.  Mr. Hearton reiterated that the size of the structure was increasing from 6 1/2 feet to 8 feet and that very little snow would unload onto the Rudes property. Mr. Hearton said that he would like to put up a fence of his own right on the property line.  The Rudes stated that a fence had to be 1 foot from the property line in order to maintain both sides of it. Town Board Supervisor Greg Hartranft stated that was correct.

Gary Roik wanted to know if the Rudes biggest concern about the structure was the way it looked and the proximity to the property line. The Rudes stated that was correct. Gary Roik asked if a billfold door could be used for the structure. Mr. Hearton stated that his wife would not be able to lift it. He stated that the structure was not completed and that he still needed to paint it. The neighbors stated that they wanted a better look to the structure. Mr. Hearton stated that once the fence was up they would not be able to see the structure. Jared Bellinger wanted to know if the neighbors would be ok with the structure if the fence blocked its view. Mr. Rudes stated that the fence would not stop the snow and just painting the structure would not make it look any better. Mike Thurlow, another neighbor who attended the hearing, stated that the current structure looked like an outhouse. Chairperson Hartranft stated that Mr. Heaton was trying to make the house safer by providing easier access to the cellar but he agreed the metal structure did not look good.

Mrs. Rudes wanted to know if the structure could be placed on the other side. Mr. Hearton stated that there was a well to contend with and it would have to be dug out in order to do that. Chairperson Hartranft stated that vinyl siding and a new door would improve the structure. He stated that if approved the board the variance, they could add a stipulation that the structure appear like a shed that belonged there.  Mr. Hearton stated that after fixing up the house he intends to sell it and that the neighbors cannot really see it most of the year because of the trees. Mrs. Rudes stated that she had written many letters about said property for years and could see the property the majority of the year.  She stated that she would have purchased the property had she known it was up for sale. Mr. Thurlow wanted to know if the structure was attached to the house. Chairperson Greg Hartranft said that he would get the code enforcer to inspect the property.

Greg Hartranft made a motion to table the public hearing until August in order to have the code enforcer look at the property to make sure that everything was up to code and to see if a permit was needed.  He said that if the code enforcer gave the OK then the board would put stipulations on the shed to make sure it looked  like it should be there.

 Gary Roik seconded the motion. Vote was held as follows; Greg Hartranft-aye; Gary Roik-aye; Holly Carpenter-aye; Jared Bellinger-aye; and Richard Forbes-aye.  Motion carried.

The Zoning Board Meeting was opened.

New Business:

The first item discussed was an application submitted by David Victory for his property located at 2683 State Route 3 Fulton, NY 13069. Mr. Victory would like to split the property into two separate parcels; one parcel for his business and the other for his home.  Chairperson Greg Hartranft said that the parcel was 6.1 acres and that it was being split almost in half with approximately 3 acres per each parcel. Gary Roik stated that the current  total road frontage was only 90’ not the required 150’. He said that by splitting the property each parcel would only have 45’ of road frontage and would need a 105’ variance for each parcel. Gary Roik stated that would be considered a large variance.  Chairperson Greg Hartranft said that there was no good way to split the parcel. He said that since all structures currently existed he did not have a problem with the variance. Jared Bellinger and Holly Carpenter also said they would be OK with it.

Greg Hartranft made a motion for a public hearing, for David Victory for his property located at 2683 County Rte 3, Fulton, NY 13069, for a 105’ road frontage variance for each parcel in order to split the parcels.

Jared Bellinger seconded the motion.  Vote was held as follows; Greg Hartranft-aye; Gary Roik-aye; Holly Carpenter-aye; Jared Bellinger-aye; and Richard Forbes-aye.  Motion carried.

Chairperson Hartranft discussed the possibility of moving the Zoning Board Meeting to Tuesday night at 6 o’clock. Due to the possible overlap of the Planning Board Meeting the board decided that the Zoning meeting would remain on Monday night but be held at six o’clock instead of seven .

Old Business:

Chairperson Greg Hartranft stated that the public hearing, for George L Zwolinski, would again be tabled until next month due to the DEC.  The public hearing is scheduled for Tuesday August 3, 2021 along with the public hearing being held by the Planning Board.

Chairperson Hartranft informed the board that  Town Attorney Rebekah Prosachik was waiting to receive information, from the state, before scheduling another training class.

Minutes:

Richard Forbes made a motion to accept the June 2021 minutes as written.

 Holly Carpenter second the motion. Vote was held as follows; Greg Hartranft-aye; Gary Roik-aye; Holly Carpenter-aye; Jared Bellinger-aye; and Richard Forbes-aye.  Motion carried.

Greg Hartranft made a motion to close the Zoning Board Meeting at 7:34 PM.

Gary Roik seconded the motion.  Vote was held as follows: Greg Hartranft-aye; Gary Roik-aye; Holly Carpenter-aye; Jared Bellinger-aye and Richard Forbes-aye. Motion carried.

The next Zoning Board Meeting is scheduled for August 3, 2021 at 6:30 PM

**Town Clerk:** was submitted and reported by Sandra Austin

 30 Certified Copies for $300.00

 1 Public Hearing for $65.00

 9 BINGO Proceeds for $128.74

 65 Dog Licenses for $815.00

 3 Marriage License for $120.00

 13 Code Transactions for $868.00

 1 Redemption for $55.00

**Total Revenue** in June 2021 was $2,351.74

Paid out to NYS Dept. of Ag. & Markets (Dog Licenses) $90.00

Paid out to State Health Dept for Marriage License $67.50

Total Revenue for the Town of Volney $2,194.24

**Resolutions:**

**RESOLUTION #2021-77-APPROVAL OF MINUTES**

**RESOLVE to approve the Regular Meeting minutes of June 20, 2021 and special meeting of July 13, 2021 (Increase in amount expended for Mt. Pleasant, Batman, Distin Rd Service Area), as presented to the town board**.

Moved by Councilor G Stanard Seconded by Supervisor G Hartranft

Roll Call: Councilor E Wavle \_A\_ Councilor G Stanard \_Y\_ Councilor M Rusaw \_Y\_

Councilor A Hamblin-Smith \_Y\_ Supervisor G Hartranft \_Y\_

**Motion Carried** \_\_4\_\_\_\_to\_\_\_0\_ **Absent** \_\_\_1\_\_\_\_

**RESOLUTION #2021-78-PAYMENT OF VOUCHERS**

**RESOLVE to pay the following vouchers from the appropriate accounts as presented**

**to and verified by the town board on July 13, 2021.**

Vouchers # 157-182, General Fund in the amount of $26,588.40;

Vouchers # 099-120, Highway Fund in the amount of $114,329.97;

Vouchers # 009-010, SS01 Seneca Hill Sewer in the amount of $11,606.25;

Vouchers # 009, SW05 Oswego Health Water in the amount of $75.11;

Vouchers # 004, SW12 Airport Water in the amount of $133,381.00;

Vouchers # 005-007, SW20 Mt Pleasant/Bateman/Distin Rd in the amount of $1,009.27;

Vouchers # 063-075, Trust & Agency in the amount of $21,872.42

 **Monthly Payroll Totals for May 2021**

Highway Gross $31,651.84 Net $23,271.29

General Gross $31,386.14 Net $25,371.39

Moved by Councilor M Rusaw Seconded by Councilor A Hamblin-Smith

Roll Call: Councilor E Wavle \_A\_ Councilor G Stanard \_Y\_ Councilor M Rusaw \_Y\_

Councilor A Hamblin-Smith \_Y\_ Supervisor G Hartranft \_Y\_

**Motion Carried** \_\_4\_\_\_\_to\_\_\_0\_ **Absent** \_\_\_1\_\_\_\_

**RESOLUTION #2021-79- BONADINO PROJECT AUDIT DRAFT ACCEPTED AS FINAL AUDIT**

**RESOLVE** **to accept the draft audit report as the final audit as it has more detailed information listed within it.**

Volney Town Board accepts the project audit draft as the final audit performed for the end of year 2020

Moved by Councilor A Hamblin-Smith Seconded by Councilor M Rusaw

Roll Call: Councilor E Wavle \_A\_ Councilor G Stanard \_Y\_ Councilor M Rusaw \_Y\_

Councilor A Hamblin-Smith \_Y\_ Supervisor G Hartranft \_Y\_

**Motion Carried** \_\_4\_\_\_\_to\_\_\_0\_ **Absent** \_\_\_1\_\_\_\_

**RESOLUTION #2021-80-APPOINTMENT OF ELECTION INSPECTORS FOR CR 6/MAPLE AVE. WATER SERVICE AREA**

**RESOLVE TO APPOINT ELECTION INSPECTORS RELATIVE TO THE FORMATION OF THE CR 6/ MAPLE AVE WATER SERVICE AREA TOWN OF VOLNEY**

 **WHEREAS,** the Town Board of the Town of Volney duly adopted on May 18, 2021, a Resolution approving the establishment of County Route 6/ Maple Avenue Road Water Service Area in the Town of Volney, subject to a mandatory referendum to be held August 17, 2021, setting the hours of the election from 12:00 noon to 7:00 pm; and

 **WHEREAS,** the Town Board desires to appoint election inspectors relative to said mandatory referendum.

 1. The following persons whose names are included on the list of election inspectors and ballot clerks previously designated for general election purposes pursuant to the Election Law are hereby appointed to act as Election Inspectors and Ballot Clerks at such Special Town Election and to perform all duties and undertakings in relation thereto, as prescribed by the Town Law and the Election Law:

Janine Weldon

 Election Inspectors

Sandra Bomgren and

 Ballot Clerks

Moved by Councilor G Stanard Seconded by Councilor A Hamblin-Smith

Roll Call: Councilor E Wavle \_A\_ Councilor G Stanard \_Y\_ Councilor M Rusaw \_Y\_

Councilor A Hamblin-Smith \_Y\_ Supervisor G Hartranft \_Y\_

**Motion Carried** \_\_4\_\_\_\_to\_\_\_0\_ **Absent** \_\_\_1\_\_\_\_

**RESOLUTION #2021-81-TRANSFER OF FUNDS**

**RESOLVE** **to Transfer funds from the following accounts:**

Transfer:

From General Fund line A68989.4, Other Uses to General Fund line A61010.4 Board Contractual to cover the expense of the project audit performed by Bonadio Group year ending 2020

Moved by Councilor M Rusaw Seconded by Supervisor G Hartranft

Roll Call: Councilor E Wavle \_A\_ Councilor G Stanard \_Y\_ Councilor M Rusaw \_Y\_

Councilor A Hamblin-Smith \_Y\_ Supervisor G Hartranft \_Y\_

**Motion Carried** \_\_4\_\_\_\_to\_\_\_0\_ **Absent** \_\_\_1\_\_\_\_

**RESOLUTION #2021-82-RICHARD COLE RESIGNATION**

**RESOLVE:** to Accept the resignation of Assistant Constable Richard Cole effective as of June 30, 2021.

Moved by Supervisor G Hartranft Seconded by Councilor A Hamblin-Smith

Roll Call: Councilor E Wavle \_A\_ Councilor G Stanard \_Y\_ Councilor M Rusaw \_Y\_

Councilor A Hamblin-Smith \_Y\_ Supervisor G Hartranft \_Y\_

**Motion Carried** \_\_4\_\_\_\_to\_\_\_0\_ **Absent** \_\_\_1\_\_\_\_

**RESOLUTION #2021-83-TOWN HALL PROJECT TO GO FORWARD**

**RESOLVE:** to go forward with the procedures and processes of building a new town hall building.

Moved by Councilor A Hamblin-Smith Seconded by Supervisor G Hartranft

Roll Call: Councilor E Wavle \_A\_ Councilor G Stanard \_Y\_ Councilor M Rusaw \_Y\_

Councilor A Hamblin-Smith \_Y\_ Supervisor G Hartranft \_Y\_

**Motion Carried** \_\_4\_\_\_\_to\_\_\_0\_ **Absent** \_\_\_1\_\_\_\_

**RESOLUTION #2021-84- TOWN OF VOLNEY COMPUTER, NETWORK AND INTERNET USAGE POLICY**

**RESOLVE** **to put in place the following policy pertain to town owned computers, network and internet services.**

Use for official business; prohibited uses.

The Town of Volney; has adopted the following Town of Volney Computer, Network Resource and Internet Usage Policy:

A. Town computers, Town network resources, and Internet access lines within the Town Hall, Town Highway Garage, and Community Center and within any other Town buildings are to be used only for official business of the Town. This does not apply to computers set up in the Community Center for use by the public.

B. In no event are those computers, network resources or internet access lines to be used for the purpose of:

(1) Personal activities. However, personal use of the systems is authorized within reasonable limits as long as it does not interfere with or conflict with business use. Employees are responsible for exercising good judgment regarding the reasonableness of personal use. This restriction shall not apply to people using computers set up for the use of the general public in the Community Center but it does apply to Town employees using computers that are set up for Town business work,

 (2) Creating, sending, posting, displaying or receiving any pornographic or obscene pictures, text, graphics, images, or materials,

(3) Accessing any Web sites that contain sexually explicit images and/or related materials, advocate illegal activity, and/or advocate intolerance of others,

(4) Creating, sending, posting, or displaying any sexually explicit images,

(5) Advocating or promoting any illegal activity, and/or advocating or promoting intolerance of others,

(6) Creating, sending, posting, displaying or receiving any offensive, abusive, slanderous, libelous, defamatory, vulgar, harassing or intimidating messages, text, graphics, images or materials,

(7) Creating or sending any viruses, worms, hoaxes or chain letters,

(8) Engaging in any unwarranted invasion of the personal privacy of any individual,

(9) Engaging in any unauthorized disclosure of sensitive or confidential information belonging to the Town of Volney

(10) Violating any licensing or copyright restrictions,

(11) Engaging in sexual and other illegal types of harassment,

(12) Connecting unauthorized equipment to the network or computers for any purpose (before any additional device is attached to the Town issued network or computer, prior authorizations should be received from the Town Supervisor or IT manager),

(13) Running or installing unauthorized software unrelated to job duties on the Town computers,

(14) Using the Town’s network to gain unauthorized access to any computer system, And

(15) The Town’s systems may not be used to solicit for personal gain or for the advancement of a political or religious belief.

**Privacy rules regarding use of the internet by Town employees or officer:**

Consistent with applicable federal and state law, the time an employee spends on the Internet while on Town property may be tracked through activity logs or other devices and software by the Town in order to monitor computer usage for business purposes. All abnormal or inappropriate usage will be investigated. For business purposes, the Town reserves the right to search and/or monitor internet usage and the files/transmissions of any employee on Town owned equipment or devices without advance notice and consistent with applicable state and federal laws.

All email passwords must be made available to the Town Clerk and the IT manager at all times and, otherwise, shall be guarded from the use of by others. Passwords for Administrative control that must be shared (such as main server, routers, general admin log-in) and external authentications, e.g. the Town of Volney; website are to be given to the Town Clerk and IT manager and are accessible only by the Clerk and the IT manager. employees shall not use unauthorized codes or passwords to gain access to others’ files. Administration shall schedule overall password changes intermittently. The period between such changes shall not exceed 18 months.

Employees should expect that communications that they send and receive by the Town’s email system will be disclosed to management. Employees should know that any email sent from Town computers using Outlook is archived and thus accessible by anyone. Employees should not assume that communications that they send and receive by the Town’s email system are private or confidential. Use your assigned Town e-mail for all Town business not your personal e-mail address; however usage of personal email address from Town owned computers has no privacy and may be accessed by the Town. Again all Town business related e-mails whether on Town e-mail or personal email are F.O.I.L. able (Freedom of Information Law). It is highly suggested that you keep your personal e-mail account separate from your Town account.

Employees learning of any misuse of the internet shall notify a department head. Electronic communications on Town owned equipment include, among other things, messages, images, data or any other information used in email, instant messages, voice mail, fax machines, computers, personal digital assistants, cell phones, text

messages, pagers, telephones, cellular and mobile phones including those with cameras, Intranet, Internet, back-up storage, information on a memory or flash key or card, jump or zip drive or any other type of internal or external removable storage drives. Should an officer or employee lose a storage device with Town documents etc. thereon or lose a Town issued computer including “smart phones” or tablet devices or lose personal devices that contain information regarding Town business, this loss should be reported to the Town Clerk as soon as possible.

Town officers and employees must be careful to not open suspicious email or responding to spam emails or opening any suspicious attachments. It is preferable to notify the Town Supervisor or IT manager that you have received something suspicious but you suspect may be harmless and contains Town related material. Obtain their approval before opening such. Dangerous emails generally contain wording conveying something that is “too good to be true” and/or contain sentences with bad spelling and grammar and misuse words.

**Misuse.**

Any misuse of a Town computer, network resource, or Internet access line, or noncompliance with the Town’s written computer and internet usage policies, may result in one or more of the following consequences:

A. Temporary loss of privileges and/or deactivation of computer/network access/Internet access,

B. Permanent loss of privileges and/or deactivation of computer/network access/Internet access,

C. Disciplinary actions (including proceedings for removal from office) by the appropriate Town Board or Town officials and/or state boards or state officials, D. Subpoena of data files and/or the application for and execution of a search warrant,

E. Legal prosecution under applicable United States, New York State, and/or Town statutes, local laws, ordinances, codes, rules and/or regulations (hereinafter “ laws”;), and

F. Possible penalties under applicable laws, including fines and/or imprisonment.

Moved by Councilor G Stanard Seconded by Supervisor G Hartranft

Roll Call: Councilor E Wavle \_A\_ Councilor G Stanard \_Y\_ Councilor M Rusaw \_Y\_

Councilor A Hamblin-Smith \_Y\_ Supervisor G Hartranft \_Y\_

**Motion Carried** \_\_4\_\_\_\_to\_\_\_0\_ **Absent** \_\_\_1\_\_\_\_

**RESOLUTION #2021-85 CONSOLIDATION/REFUNDING OF 5 OLDER BONDS FOR LESS INTEREST TO THE PUBLIC**

**RESOLVE The Town of Volney authorizes the refunding of all or a portion of certain outstanding serial bonds, stating the plan of refunding, authorizing the issuance of not to exceed $3,377,000 refunding bonds and determining other matters in connection therewith**

WHEREAS, the Town of Volney, Oswego County, New York (the “Town”) has heretofore duly issued (a) $1,031,000 aggregate principal amount of Public Improvement (Serial) Bonds, 2009, such bonds being dated April 16, 2009 and maturing in annual installments in each of the years 2010 to 2028, both inclusive (the “2009 Rural Development Bonds”), (b) $449,000 aggregate principal amount of Public Improvement (Serial) Bonds, 2011, such bonds being dated January 28, 2011 and maturing in annual installments in each of the years 2012 to 2030, both inclusive (the “2011A Rural Development Bonds”), (c) $839,000 aggregate principal amount of Public Improvement (Serial) Bonds, 2011, such bonds being dated August 4, 2011 and maturing in annual installments in each of the years 2012 to 2030, both inclusive (the “2011B Rural Development Bonds”), (d) $620,000 aggregate principal amount of Public Improvement (Serial)

Bonds, 2011, such bonds being dated August 4, 2011 and maturing in annual installments in each of the years 2012 to 2030, both inclusive (the “2011C Rural Development Bonds”), and (e) $630,000 aggregate principal amount of Public Improvement (Serial) Bonds, 2011, such bonds being dated September 29, 2011 and maturing in annual installments in each of the years 2012 to 2030, both inclusive (the “2011D Rural Development Bonds”), as more fully described therein; and

WHEREAS, the 2009 Rural Development Bonds were authorized pursuant to a bond resolution dated April 12, 2007 and were issued to finance the costs of the construction of a water distribution system comprised of installation of waterline and water storage facilities within the Town of Volney Kingdom Road Water District; and

WHEREAS, the 2011A Rural Development Bonds were authorized pursuant to a bond resolution dated May 14, 2009 and were issued to finance the costs of the construction of a water distribution system comprised of installation of waterline and water storage facilities within the Town of Volney Airport Road Water District Extension No. 1; and

WHEREAS, the 2011B Rural Development Bonds were authorized pursuant to a bond resolution dated November 12, 2009 and were issued to finance the costs of the construction of a water distribution system comprised of installation of waterline and water storage facilities within the Town of Volney County Route 176/45 Water District; and

WHEREAS, the 2011C Rural Development Bonds were authorized pursuant to a bond resolution dated May 14, 2009 and were issued to finance the costs of the construction of a water distribution system comprised of installation of waterline and water storage facilities within the Town of Volney Kingdom Road Water District Extension No. 1; and

WHEREAS, the 2011D Rural Development Bonds were authorized pursuant to a bond resolution dated February 11, 2010 and were issued to finance the costs of the construction of a water distribution system comprised of installation of waterline and water storage facilities within the Town of Volney Silk Road Water District; and

WHEREAS, Section 90.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York, permits the Town to refund all or a portion of the outstanding principal balance of the 2009 Rural Development Bonds, 2011A Rural Development Bonds, 2011B Rural Development, 2011C Rural Development and 2011D Rural Development Bonds maturing on or after September 15, 2021 (collectively, the “Rural Development Bonds”) by the issuance of new bonds provided such issuance will result in present value debt service savings for the Town; and

WHEREAS, the Town Board has determined that the refunding of the Rural Development Bonds is a Type II action for purposes of the State Environmental Quality Review Act (“SEQRA”) and requires no further action under SEQRA; and

WHEREAS, the Town Board deems it in the public interest to refund the Rural Development Bonds as described below by the issuance of refunding bonds pursuant to the Local Finance Law and now desires to authorize the issuance of bonds to achieve such refunding;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF VOLNEY, NEW YORK, AS FOLLOWS:

1. The Town Board of the Town hereby authorizes to be issued refunding bonds of the Town in the aggregate principal amount not to exceed $3,377,000 (the “Refunding Bonds”) pursuant to Section 90.00 of the Local Finance Law, a portion of which will be used by the Town to refund the Rural Development Bonds and to pay costs associated with the issuance of the Refunding Bonds. The Refunding Bonds shall be designated “Town of Volney $3,377,000 Public Improvement (Refunding) Bonds, Series 2021” or as the Town Supervisor, as the chief fiscal officer of the Town, shall otherwise determine. The Refunding Bonds may be issued as serial bonds and/or term bonds, and the authority to determine whether serial bonds or term bonds, or a combination of serial bonds and term bonds shall be issued is hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.
2. Attached hereto as Appendix “A” and incorporated herein by reference is the estimated plan of financing for the refunding of the Rural Development Bonds which includes the issuance of the Refunding Bonds by the Town for purchase by the New York State Environmental Facilities Corporation or its designee (“NYSEFC”) under the clean/drinking water state revolving fund program (the “CWSRF/DWSRF Program”), and the levy and collection of a tax upon all the taxable real property within the Town to pay the principal of and interest on said Refunding Bonds as the same shall become due and payable. The Rural Development Bonds shall be paid and retired upon the receipt of the proceeds of the sale of the Refunding Bonds. The Town Supervisor, the chief fiscal officer of the Town, is hereby authorized to approve all details of the refunding financing plan not contained herein.
3. The maximum period of probable usefulness (“PPU”) permitted pursuant to subdivisions 21(a) and (b) of paragraph (a) of Section 11.00 of the Local Finance Law for the object or purpose of class of objects of purposes financed with the proceeds of the Rural Development Bonds at the time of issuance of the Rural Development Bonds was 40 years, measured from the date of issuance of the first Bond Anticipation Notes issued in anticipation thereof. The Refunding Bonds will mature not later than the expiration of the blended PPU of the objects or purposes for which the Refunding Bonds were issued, in accordance with the Local Finance Law.
4. It is estimated that the present value of the total debt service anticipated for the Refunding Bonds in comparison with the Rural Development Bonds, after factoring in the expected subsidy provided under the CWSRF/DWSRF Program and computed in accordance with the provisions of the Local Finance Law, will result in savings for the Town. The refunding financing plan has been prepared based upon the assumption that the Refunding Bonds will be issued in the aggregate principal amount of $3,377,000, and will mature on a date to be specified by the Town Supervisor as Chief Financial Officer in each of the years 2022 through 2050.

The Town Board recognizes the principal amount of the Refunding Bonds, the provisions, if any, for the redemption thereof prior to maturity, and the resulting present value savings, may vary from those assumptions and the final refunding financial plan may vary from that described herein and in the preliminary financial plan. The Town Supervisor is hereby authorized and directed to determine the amount of Refunding Bonds to be issued, the date of such Refunding Bonds and the date of issue, maturity and terms thereof, the provisions relating to the redemption of Refunding Bonds prior to maturity, if any, whether the Refunding Bonds shall be sold at a discount in the manner authorized by paragraph (e) of Section 57.00 of the Local Finance Law, and the other matters relating to the Refunding Bonds referred to in Section 7 of this Resolution.

1. (a) The Refunding Bonds shall be sold at private sale, and the Town Supervisor, the chief fiscal officer of the Town, is hereby authorized to execute an agreement or agreements with the NYSEFC on behalf of the Town for the sale of said Refunding Bonds, provided (1) the terms and conditions of such sale shall be approved by the State Comptroller, to the extent required by the Local Finance law,; (b) the Town Supervisor and his designees are hereby authorized and directed to take any and all actions necessary to accomplish the refunding, and the Town Supervisor is hereby authorized to execute any contracts and agreements for the purchase of and payment for services rendered or to be rendered the Town in connection with the refunding.
2. Each of the Refunding Bonds authorized by this resolution shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law and said Refunding Bonds shall be general obligations of the Town payable as to both principal and interest, if any, by a general tax upon all the taxable real property within the Town without limitation as to rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest, if any, on the Refunding Bonds and provision shall be made annually in the budget of the Town for (a) the amortization and redemption of the Refunding Bonds to mature in such year and (b) the payment of interest, if any, to be due and payable in such year.
3. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Section 21.00 of the Local Finance Law with respect to the issuance of bonds having substantially level or declining annual debt service, and Sections 50.00, 56.00 to 60.00, 90.10 and 168.00 of the Local Finance Law, the Town Board hereby delegates to the Town Supervisor, as chief fiscal officer of the Town, (1) the power to prescribe the terms, form and content of the Refunding Bonds, (2) the power to sell and deliver the Refunding Bonds, (3) the power to issue the Refunding Bonds providing for substantially level or declining annual debt service, (4) the power to enter into any agreements for credit enhancements for the Refunding Bonds, (5) the power to enter into an agreement or agreements with one or more banks or trust companies to act as the fiscal agent for the Town in connection with the Refunding Bonds, and (6) the authority to take such other actions, and to execute and deliver on behalf of the Town such instruments, agreements and other documents, as the Town Supervisor, in his discretion, deems necessary or appropriate to carry out the refunding of the Rural Development Bonds in accordance with the intent of this resolution.
4. The validity of the Refunding Bonds authorized by this resolution may be contested only if:
5. such obligations are authorized for an object or purpose for which the

Town is not authorized to expend money, or

1. the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, 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
2. such obligations are authorized in violation of the provisions of the Constitution of the State of New York.
3. This resolution, or a summary thereof, shall be published in summary form by the Town Clerk together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law, and such publication shall be in each of the official newspapers of the Town. The validity of the Refunding Bonds may be contested only if such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or the provisions of law which should be complied with at the date of publication of the summary of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution.
4. The law firm of Barclay Damon LLP is hereby appointed to serve as bond counsel to the Town in connection with the issuance of the Refunding Bonds.

The Motion having been duly seconded by, it was adopted and the following votes were cast:

Moved by Supervisor G Hartranft Seconded by Councilor M Rusaw

Roll Call: Councilor E Wavle \_A\_ Councilor G Stanard \_Y\_ Councilor M Rusaw \_Y\_

Councilor A Hamblin-Smith \_Y\_ Supervisor G Hartranft \_Y\_

**Motion Carried** \_\_4\_\_\_\_to\_\_\_0\_ **Absent** \_\_\_1\_\_\_\_

**RESOLUTION #2021-86-DOG CONTROL DEPARTMENT CELL PHONE**

**RESOLVE:** to get and maintain a cell phone in the Town of Volney name for dog control department.

**Supervisor G Hartranft made the choice to table this resoultuion until there was a full board to vote.**

Moved to table by Supervisor G Hartranft Seconded by Councilor M Rusaw

Roll Call: Councilor E Wavle \_A\_ Councilor G Stanard \_Y\_ Councilor M Rusaw \_Y\_

Councilor A Hamblin-Smith \_Y\_ Supervisor G Hartranft \_Y\_

**Motion Carried** \_\_4\_\_\_\_to\_\_\_0\_ **Absent** \_\_\_1\_\_\_\_

**PUBLIC COMMENTS:**

Linda Lockwood (Legislator)spoke with David Turner (Oswego County Department of Community Development, Tourism & Planning) in regards to the new town hall project, D Turner will look into grants available for such projects, also spoke to Terry Wilbur (Legislator) who will relay information to William Barclay (Assemblyman)

**Future Meetings:**

AUGUST 3, 2021---Zoning Board Meeting -6:30 PM

AUGUST 3, 2021---Planning Board Meeting -6:30 PM

AUGUST 17, 2021--- Bill Signing Meeting - 2 PM

AUGUST 19, 2021--- Town Board Meeting- 5 PM

Having no more business, Supervisor G Hartranft asked for a motion to adjourn.

Motion to Adjourn by Councilor G Stanard Seconded by Councilor A Hamblin-Smith

**Motion Carried** \_\_\_4\_\_\_\_to\_\_\_\_0\_\_\_ **Absent** \_\_1\_\_\_\_

The meeting was adjourned at 5:27 PM

Respectfully submitted,

Sandra L Austin

Volney Town Clerk