REGULAR MEETING

VOLNEY TOWN BOARD MEETING

VOLNEY MUNICIPAL CENTER

AUGUST 19, 2021 at 5:00PM

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Supervisor G Hartranft opened the meeting at 5:00 PM asking everyone to stand to salute the flag and then asked for roll call

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

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

**Announcements:**

**Department Reports:**

**Volney VFC: NO REPORT PROVIDED**

**Assessor: NO REPORT PROVIDED**

**Building Inspector/Fire Marshall:** was submitted by John Parrish and reported by Don Ryan

Code Office Monthly System Report stated, William Hamacher did 6 Inspections due to complaints: Verbal report was different from written: Don Ryan stated, he did 16 Building permit inspections, 2 inspections due to complaints, 2 inspections due notified by fire department and 2 water hook ups and William Hamacher did 6 inspections due to complaints.

**Dog Control:** was submitted by Don & Pam Mason and reported by Councilor E Wavle

35 calls received, 2 dogs housed at the kennel, 6 dogs reported lost, 1 dog redeemed,1 dog transferred, 2 dog bites reported and, 7 appearance ticket issued. 209.6 miles reported, some pens still need painting.

**Highway:** submitted by Roger Dunsmoor and reported by Councilor M Rusaw

Supplies & maintenance-$32,936.27 Payroll-$29,659.46 for a total of $62,595.73.

Machinery Repair-40 hours,

Mowing-160 hours

Paving-460 hours,

Drainage & Culverts-240 hours

Signs & Guardrails-80 hours,

1,016 gallons of diesel fuel and 146 gallons of gas were used.

**Historian:** was submitted by Debra Allen and reported by Councilor G Stanard

I have taken pictures of all the stones in Bell Cemetery. I could only find 2 obituaries for this cemetery. Everything I have is on Find A Grave. I also took pictures of all the stones in 16th Cemetery but haven’t gotten to doing anything with them. Animals have dug some holes in this cemetery which have compromised some of the stones. I have personally purchased a book scanner and will be scanning the scrapbooks (there are quite a few) and some other items. I am planning a couple small in person events for the next couple of months. The display this month is on the Old Oswego Canal. I am working on ongoing projects.

**Recreation:** was submitted by Karen Kio and reported by Councilor A Hamblin-Smith

Our trip to Thunder Island was cancelled due to circumstances beyond the management’s control. The park will remain closed for the remainder of the season. I met with the Town Board at their bill signing meeting. We discussed other options for a water park trip this year. It was general consensus to wait and possibly do a trip in the new Oswego indoor water park, opening in December 2021. Possible trips for the remainder of the year include: Abbotts Farms for a fall festival, Lakeview Lanes for bowling & pizza and a Christmas movie at the Oswego Theater.

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

August 3, 2021

Attending: Chairperson Brad Chesbro, 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 Jacob Reynolds for his property located at 291 Rowlee Rd., Fulton, NY.  Mr. Reynolds would like a single split subdivision of a 2.51 acre parcel as depicted on the survey map presented to the board.

Jim LaDue made a motion to accept the packet submitted by Jacob Reynolds as complete.

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

Brad Chesbro made a motion to grant Jacob Reynolds a single split subdivision of a 2.51 acre parcel as depicted on the survey map presented to the board.  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; and Jerry Seguin-aye. Motion carried.

The second 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 his property into two separate parcels; the first parcel, 2681 containing several storage units and the second parcel, 2683 containing a living residence. Chairperson Chesbro asked what variances had been approved by the Zoning Board. Mr. Victory stated that a variance for 155’ of road frontage, per parcel, an 18’ side yard variance for storage building A on parcel 2681 and a 7’ side yard variance for the house on parcel 2683 were approved to bring everything into compliance. Chairperson Chesbro also wanted to know if a side yard variance was granted from storage building B, which was only 18’ but was told that due to the curve on the property the Zoning Board did not feel that a variance was needed. Brad Chesbro also mentioned that there was a fence between 2 - 4’ from the property line and wondered if a variance was needed.  After conferring with Zoning Board Chairperson Greg Hartranft, Chairperson Chesbro stated that he did not believe a variance was needed for the location of the fence. Chairperson Chesbro stated that as far as zoning was concerned, everything needed to make both parcels compliant had been approved.  Chairperson Chesbro asked Mr. Victory if he was going to sell one of the parcels. Mr. Victory stated that he was not going to sell at the present time but was considering the possibly of selling in the future. Chairperson Chesbro informed Mr. Victory that the board would need a survey map and a Mylar map was needed for the county.

Jerry Seguin made a motion to accept the packet submitted by David Victory as complete.

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

Brad Chesbro made a motion to grant David Victory a single split subdivision for his property located at 2683 State Route 3, Fulton, NY 13069 contingent upon receiving a surveyors map meeting the criteria of the variances that the Zoning Board approved.  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; and Jerry Seguin-aye. Motion carried.

Old Business:

Chairperson Chesbro stated that the Tillman project to build a cell tower had been canceled. He said that the town attorney was waiting on a letter from the company stating that they were no longer going to pursue the project.

 Minutes:

Jerry Seguin made a motion to accept the July 2021 minutes as written.

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

Brad Chesbro made a motion to close the meeting at 7:09 PM.

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

The next Planning Board Meeting with be held on Tuesday September 7 at 6:30 PM

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

August 3, 2021

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

Holly Carpenter was excused from the meeting.

The Public Hearing, for David Victory for his property located at 2683 County Rte 3, Fulton, NY 13069, was opened at 6:30 PM.  Chairperson Greg Hartranft stated that said property was zoned industrial, not agricultural, which would change the needed road frontage variance from 105’ to 155’ per parcel.  Hartranft also stated that variances would be needed for the existing house and storage building A because they were less than 20’ from the property line. Since Mr. Victory was unsure of the distance between storage building A and the property line, Chairperson Hartranft said that the board could approve an 18’ side yard variance to ensure compliance. Greg Hartranft stated that if the property were to be sold, any new storage buildings would need to be placed in the way back due to there not being enough room at the front of the property.  Jared Bellinger wanted to know if a variance would also be needed for storage building B due to the curve in the property. Chairperson Greg Hartranft stated that due to the curve of the property, it would be difficult to get an exact measurement and was probably not needed.  Chairperson  Hartranft stated that he did not have a problem with the size of the variances due to the fact that everything was already existing. Gary Roik stated that the variances were substantial but because parcel 2681 was a nonliving parcel that it would be all right.  There was no one from the public in attendance for the hearing.

Greg Hartranft made a motion to close the public hearing.

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

The Zoning Board meeting was open at 6:42 PM.

New Business:

The New York State criteria was reviewed and approved for David Victory for his property located at 2683 State Route 3, Fulton, NY 13069.

Jared Bellinger made a motion to grant a David Victory a 155’ road frontage variance to parcel 2681 and 2683 to meet the required 200’ road frontage needed in an industrial zone. In addition, an 18’ side yard variance was approved for parcel 2681 to bring the location of storage building A into compliance.  Parcel 2683 was also given a side yard variance of 7’  to bring the house into compliance.

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

Old Business:

Chairperson Greg Hartranft stated that the public hearing, for George L Zwolinski, was canceled because the company had decided that they were going to find a different location for the cell tower. He said that the town was waiting for the final paperwork to be filed.

Chairperson Hartranft informed the board members that Michelle and Russ Hearton decided to cancel their project due to the fact that Code Enforcement Officer Don Ryan found that it did not meet the required specs and told them that it would need to be redone or approved by an engineer.  Mr. Hearton stated that he would remove the structure and just put on a new set of doors.

Chairperson Hartranft informed the board that he did not have any new information about when the next training session would occur.

Minutes:

Jared Bellinger made a motion to accept the July 2021 minutes as written.

Gary Roik 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 6:54 PM.

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

The next Zoning Board Meeting is scheduled for September 6, 2021 at 6:00 PM

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

48 Certified Copies for $480.00

2 Park Rentals for $60.00

1 Public Hearing for $65.00

1 Wagering License for $468.75

8 BINGO Proceeds for $100.02

68 Dog Licenses for $855.00

2 Marriage License for $80.00

7 Code Transactions for $408.00

1 Redemption for $15.00

**Total Revenue** in July 2021 was $2,531.77

Paid out to NYS Dept. of Ag. & Markets (Dog Licenses) $94.00

Paid out to State Health Dept for Marriage License $45.00

Paid out to State Comptroller BINGO License $281.25

Total Revenue for the Town of Volney $2,111.52

**Resolutions:**

**RESOLUTION #2021-87-APPROVAL OF MINUTES**

**RESOLVE to approve the Regular Meeting minutes of July 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 A Hamblin-Smith Seconded by Councilor G Stanard

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

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

**Motion Carried** \_\_5\_\_\_\_to\_\_0\_\_ **Absent** \_\_\_0\_\_\_\_

**RESOLUTION #2021-88-PAYMENT OF VOUCHERS**

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

**to and verified by the town board on August 17, 2021.**

Vouchers # 183-216, General Fund in the amount of $35,459.11;

Vouchers # 121-139, Highway Fund in the amount of $41,579.91;

Vouchers # 011, SS01 Seneca Hill Sewer in the amount of $114.38;

Vouchers # 010, SW05 Oswego Health Water in the amount of $78.03;

Vouchers # 004, SW08 Airport Ext Water in the amount of $27,200.62;

Vouchers # 004, SW09 Kingdom Rd Ext Water in the amount of $20,028.12;

Vouchers # 003, SW10 176/45 Water in the amount of $5,663.13;

Vouchers # 008-009, SW20 Mt Pleasant/Bateman/Distin Rd in the amount of $10,477.10;

Vouchers # 076-092, Trust & Agency in the amount of $21,442.71

**Monthly Payroll Totals for July 2021**

**Highway Gross $not provided Net $not provided**

**General Gross $not provided Net $not provided**

Moved by Councilor G Stanard Seconded by Supervisor G Hartranft

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

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

**Motion Carried** \_\_5\_\_\_\_to\_\_0\_\_ **Absent** \_\_\_0\_\_\_\_

**RESOLUTION #2021-89-TO SET UP PHONE SYSTEM WITH ITS ZULTYS**

**RESOLVE:** to enter into an agreement with International Telecommunication Systems, Inc to update current phone system.

Moved to table by Councilor M Rusaw Seconded by Councilor\_G Stanard

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

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

**Motion Carried** \_\_5\_\_\_\_to\_\_0\_\_ **Absent** \_\_\_0\_\_\_\_

**RESOLUTION #2021-90-AUTHORIZING THE REFUNDING OF ALL OR A PORTION OF CERTAIN OUTSTANDING SERIAL BONDS**

**RESOLVE TO AUTHORIZE 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 or 90.10 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;

WHEREAS, the Town Board duly adopted a resolution on July 15, 2021 (the “Original Refunding Resolution”); and

WHEREAS, the Town Board desires to amend and restate the Original Refunding Resolution to delete any references to the 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”);

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF VOLNEY, NEW YORK, THE ORIGINAL REFUNDING RESOLUTION SHALL BE AMENDED AND RESTATED TO READ AS FOLLOWS:

Section 1. The Town is hereby authorized to refund all or a portion of the outstanding principal balance of the Rural Development Bonds.

Section 2. Attached hereto as Appendix “A” and incorporated herein by reference is the estimated financial plan for the refunding of the Rural Development Bonds (the “Refunding Financial Plan”) showing the sources and amounts of all amounts of moneys required to accomplish the Refunding Financial Plan. The Refunding Financial plan has been prepared based upon the assumption that the Refunding Bonds (as defined herein) will be issued in a single series to refund all or a portion of the Rural Development Bonds. This Town Board recognizes that the Refunding Bonds may be issued in series, and for only one or more of the series of the Bonds, or portions thereof, and that the Refunding Financial Plan also will most probably be different from that attached hereto. The Town Supervisor, the Chief Fiscal Officer of the Town, is hereby authorized and directed to determine which of the Rural Development Bonds will be refunded and the timing thereof. The Bonds to be refunded shall be hereinafter referred to as the “Refunded Bonds”.

Section 3. Subject only to the issuance of the Refunding Bonds as herein authorized, the Town hereby elects to redeem all of the Refunded Bonds that are callable at a present value savings, if any. Upon the issuance of the Refunding Bonds, the election to redeem such callable Refunded Bonds shall become irrevocable. The Escrow Agent (as defined herein) for the Refunding Bonds is hereby authorized and directed to cause notice of such call for redemption to be given in the name of the Town in the manner and within the time provided in the Refunded

Bonds and in Section 53 of the Local Finance Law. Upon the issuance of the Refunded Bonds, the election to call in and redeem the callable Refunded Bonds and the direction to the Escrow Agent to cause notice thereof to be given as provided in this Section 3 shall become irrevocable, provided that this Section may be amended from time to time as may be necessary in order to comply with the publication requirements of paragraph a of Section 53.00 of the Local Finance Law, or any successor law thereto.

Section 4. The Town is hereby authorized to issue its serial general obligation refunding bonds (the “Refunding Bonds”) in the aggregate principal amount of not to exceed $3,377,000 in order to refund (including a current refunding for federal income tax purposes) all or a portion of the Refunded Bonds. The Refunding Bonds described herein are hereby authorized to be consolidated for purposes of sale in one or more refunding serial bond issues. The Refunding Bonds shall each be designated substantially “PUBLIC IMPROVEMENT REFUNDING (SERIAL) BOND” together with such series designation and year as is appropriate on the date of sale thereof, shall be of the denomination of $5,000 or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity, shall be dated on such dates, and shall mature on such dates in such years, bearing interest on such dates, at the rate or rates of interest per annum, as may be necessary to sell the same, all as shall be determined by the Supervisor of the Town pursuant to Sections 5 and 10 hereof. It is hereby further determined that such Refunding Bonds may be issued to refund all or a portion of the Refunded Bonds.

Section 5. The Supervisor of the Town is hereby authorized and directed to determine the amount of the Refunding Bonds to be issued, the maturities and terms thereof, the provisions relating to the redemption of Refunding Bonds prior to maturity, if any, whether the Refunding Bonds will be insured by a policy or policies of municipal bond insurance or otherwise enhanced by a credit enhancement facility or facilities, whether the Refunding Bonds shall be sold at a discount in the manner authorized by paragraph c of Section 57.00 of the Local Finance Law, and the rate or rates of interest to be borne thereby, whether the Refunding Bonds shall be issued having substantially level or declining annual debt service and all matters related thereto, and to prepare, or cause to be provided, a final Refunding Financial Plan and, in accordance herewith, all powers in connection therewith are hereby delegated to the Supervisor of the Town, provided that the terms of the Refunding Bonds to be issued, including the rate or rates of interest borne thereby, shall comply with the requirements of Section 90 of the Local Finance Law.

The Refunding Bonds may be subject to redemption prior to maturity upon such terms as the Supervisor of the Town shall prescribe, which terms shall be in compliance with the requirements of Section 53.00 (b) of the Local Finance Law. If less than all of the Refunding Bonds of any maturity are to be redeemed, the particular Refunding Bonds of such maturity to be redeemed shall be selected by the Town by lot in any customary manner of selection as determined by the Supervisor of the Town. Notice of such call for redemption shall be given by mailing such notice to the registered owners not less than thirty (30) days prior to such date and as otherwise provided in Securities and Exchange Commission Release No. 34-26856, as the same may be amended from time to time. Notice of redemption having been given as aforesaid, the bonds so called for redemption shall, on the date for redemption set forth in such call for redemption, become due and payable, together with interest to such redemption date, and interest shall cease to be paid thereon after such redemption date.

The Refunding Bonds shall be issued in registered form and shall not be registrable to bearer or convertible into bearer coupon form. In the event said Refunding Bonds are issued in non-certificated form, such bonds, when issued, shall be issued initially in registered form in denominations such that one bond shall be issued for each maturity of bonds and shall be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York (“DTC”), which will act as securities depository for the bonds in accordance with the book-entry-only system of DTC. In the event that either DTC shall discontinue the book-entry- only system, or the Town shall terminate its participation in such book-entry-only system, such bonds shall thereafter be issued in certificated form of the denomination of $5,000 each or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity. In the case of non-certificated Refunding Bonds, principal of and interest on the bonds shall be payable by check or draft mailed by the Fiscal Agent (as defined herein) to the Depository Trust Company, New York, New York, or to its nominee, Cede & Co., while the Refunding Bonds are registered in the name of Cede & Co. in accordance with such book-entry-only system. Principal shall be payable only upon surrender of the bonds at the principal corporate trust office of such Fiscal Agent (or at the office of the Town Clerk as Fiscal Agent as hereinafter provided).

In the event said Refunding Bonds are issued in certificated form, principal of and interest on the Refunding Bonds shall be payable by check or draft mailed by the Fiscal Agent to the registered owners of the Refunding Bonds as shown on the registration books of the Town maintained by the Fiscal Agent, as of the close of business on the fifteenth day of the calendar month or last business day of the calendar month preceding each interest payment date as appropriate and as provided in a certificate of the Supervisor of the Town providing for the details of the Refunding Bonds. Principal shall be payable only upon surrender of bonds at the principal corporate trust office of a bank or trust company or banks or trust companies located or authorized to do business in the State of New York, as shall hereafter be designated by the Supervisor of the Town as fiscal agent of the Town for the Refunding Bonds (collectively, the “Fiscal Agent”). Refunding Bonds in certificated form may be transferred or exchanged at any time prior to maturity at the principal corporate trust office of the Fiscal Agent for bonds of the same maturity of any authorized denomination or denominations in the same aggregate principal amount. Principal and interest on the Refunding Bonds shall be payable in lawful money of the United States of America.

The Supervisor of the Town, as chief fiscal officer of the Town, is hereby authorized and directed to enter into an agreement or agreements containing such terms and conditions as he/she shall deem proper with the Fiscal Agent, for the purpose of having such bank or trust company or banks or trust companies act in connection with the Refunding Bonds as the Fiscal Agent for said Town, to perform the services described in Section 70.00 of the Local Finance Law, and to execute such agreement or agreements on behalf of the Town, regardless of whether the Refunding Bonds are initially issued in certificated or non-certificated form; provided, however, that the Supervisor of the Town is hereby authorized to name the Town Clerk as the Fiscal Agent in connection with the Refunding Bonds if said Refunding Bonds are issued in non-certificated form.

The Supervisor of the Town is hereby further delegated all powers of this Town Board with respect to agreements for credit enhancement, derived from and pursuant to Section 168.00 of the Local Finance Law, for said Refunding Bonds, including, but not limited to the determination of the provider of such credit enhancement facility or facilities and the terms and contents of any agreement or agreements related thereto.

Section 6. The maximum amount of Refunding Bonds authorized to be issued does not exceed the amount sufficient to pay the sum of (a) the principal amount of the Refunded Bonds, which will be outstanding as of the date of issue of the Refunding Bonds, (b) the aggregate amount of unmatured interest payable on the Refunded Bonds to and including either the dates the Refunded Bonds mature or, if such Refunded Bonds are to be called for redemption prior to their maturities, the dates set for such redemption in accordance with the Refunding Financial Plan, (c) redemption premiums, if any, payable on the Refunded Bonds as of such redemption dates and (d) costs and expenses incident to the issuance of the Refunding Bonds, including the development of the Refunding Financial Plan, and of executing and performing the terms and conditions of the escrow contract and all fees and charges of the Escrow Holder.

Section 7. 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.

Section 8. The Supervisor of the Town is hereby authorized, in his discretion, to contract on behalf of the Town with a bank or trust company located and authorized to do business in the State of New York for the purpose of having such bank or trust company act as the escrow holder (the “Escrow Holder”) of the proceeds, inclusive of any premium, from the sale of the Refunding Bonds, together with all income derived from the investment of such proceeds, and

any other moneys provided by the Town to accomplish the Refunding Financial Plan. The contract with the Escrow Holder shall comply in all respects with Section 90.10 of the Local Finance Law.

Section 9. If the Refunding Bonds are issued on a date other than the redemption date of the Refunded Bonds and the Town Supervisor determines that it is in the best interest of the Town to contract with the Escrow Holder, that portion of the proceeds of the sale of the Refunding Bonds, together with interest earned thereon, which shall be required for the payment of the principal of and interest on, the Refunded Bonds to be refunded, including any redemption premiums, in accordance with the Refunding Financial Plan, shall be irrevocably committed and pledged to such purpose and the holders of the Refunded Bonds to be refunded shall have a lien upon such moneys and the investments thereof held by the Escrow Holder. All interest earned from the investment of the proceeds of the sale of the Refunding Bonds not required for such payments on the Refunded Bonds to be refunded, shall be irrevocably committed and pledged to the payment of the principal of and interest on the Refunding Bonds and the holders of the Refunding Bonds shall have a lien upon such moneys held by the Escrow Holder. The pledges and liens provided for in this Section shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder shall immediately be subject thereto without any further act.

Section 9. That portion of the proceeds of the sale of the Refunding Bonds, together with interest earned thereon, which shall be required for the payment of the principal of and interest on, the Refunded Bonds to be refunded, including any redemption premiums, in accordance with the Refunding Financial Plan, shall be irrevocably committed and pledged to such purpose and the holders of the Refunded Bonds to be refunded shall have a lien upon such moneys and the

investments thereof held by the Escrow Holder. All interest earned from the investment of the proceeds of the sale of the Refunding Bonds not required for such payments on the Refunded Bonds to be refunded, shall be irrevocably committed and pledged to the payment of the principal of and interest on the Refunding Bonds and the holders of the Refunding Bonds shall have a lien upon such moneys held by the Escrow Holder. The pledges and liens provided for in this Section shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder shall immediately be subject thereto without any further act.

Section 10. Subject to the provisions of the Local Finance Law and this Resolution, the power to determine the final Refunding Financial Plan, to prescribe the terms, form and contents of the Refunding Bonds and to sell (including the power to sell the Refunding Bonds at a discount and pursuant to a private sale), issue and deliver the Refunding Bonds is hereby delegated to the Supervisor of the Town, the chief fiscal officer of the Town. The Refunding Bonds shall be sold at private sale to Robert W. Baird & Co. (or any successor thereto) (the “Underwriter”) for purchase prices to be determined by the Supervisor of the Town, plus accrued interest from the date or dates of the Refunding Bonds to the date or dates of delivery of payment for the Refunding Bonds. After the Refunding Bonds have been duly executed, they shall be delivered by the Supervisor of the Town to the Underwriter or its designee upon the receipt by the Town of said purchase price, including accrued interest.

Section 11. The Supervisor of the Town is hereby authorized to execute and the Town Clerk is hereby authorized to attest any Refunding Bonds issued pursuant to this Resolution, and the Town Clerk is hereby authorized to affix to such Refunding Bonds the corporate seal of the Town. The Supervisor of Town Board 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.

Section 12. The faith and credit of the Town of Volney, New York are hereby irrevocably pledged for the payment of the principal of and interest on such Refunding Bonds as the same become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on the Refunding Bonds becoming due and payable in such year. There shall be levied annually on all taxable real property of the Town, a tax sufficient to pay the principal of and interest on such Refunding Bonds as the same becomes due and payable.

Section 13. 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.

Section 14. 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.

Moved by Councilor E Wavle\_ Seconded by Councilor A Hamblin-Smith

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

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

**Motion Carried** \_\_5\_\_\_\_to\_\_0\_\_ **Absent** \_\_\_0\_\_\_\_

**PUBLIC COMMENTS:**

**Future Meetings:**

SEPTEMBER 6, 2021---Zoning Board Meeting -6:00 PM

SEPTEMBER 7, 2021---Planning Board Meeting -6:30 PM

SEPTEMBER 14, 2021--- Bill Signing Meeting - 2 PM

SEPTEMBER 16, 2021--- Town Board Meeting- 5 PM

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

Motion to Adjourn by Superviosr G Hartranft Seconded by Councilor M Rusaw

**Motion Carried** \_\_\_5\_\_\_\_to\_\_\_\_0\_\_\_ **Absent** \_\_0\_\_\_\_

The meeting was adjourned at 5:19 PM

Respectfully submitted,

Sandra L Austin

Volney Town Clerk