

ORWELL TOWN BOARD
Regular Meeting
Orwell Town Hall
December 28th, 2023
7:00PM

Members Present:
Supervisor William Potter
Council members: William Garvin, David Lake, Ryan Jones
Also Present:
Highway Superintendent-Doug Henry
Town Clerk-Amber Wilson
Public present-Shirley Downes, Jim Condon

Supervisor Potter opened the regular meeting at 7:00 PM with the Pledge of Allegiance.

DISCUSSION:

A. Frontier Lease Agreement- Supervisor William Potter read the lease agreement as written. The Lease will be extended for five years from January 1st, 2024, to December 31st, 2028, for the amount of \$1,164.00 per year. In five years, the lease may be renewed again and the rate will increase to \$ 1,397.00 per year.

- A motion was made by Councilman Ryan Jones and seconded by Councilman David Lake to approve the Supervisor to sign the lease agreement with Frontier. (4 ayes) Motion carries.

B. Supplemental Bond Resolution- At the October 10th, 2023, Public Hearing David Powers from Barton & Loguidice went over the benefits of increasing the Supplemental Bond Resolution. A motion was made by Councilman William Garvin and seconded by Councilman David Lake to approve Resolution # 11-2023 Authorizing Increase in cost of the construction of improvements and expansion of the Orwell water district. (4 ayes, 1 absent) motion carries. This Resolution was subject to permissive referendum, and the time period for it has passed.

-A motion was made by Councilman William Garvin and seconded by Councilman Ryan Jones to approve the final passing of the Supplemental Bond Resolution. (4 ayes) Motion carries.

EXTRACT OF MINUTES OF MEETING OF THE TOWN BOARD ADOPTING A SUPPLEMENTAL BOND RESOLUTION #21-2023

At a meeting of the Town Board of the Town of Orwell, in the County of Oswego, in the State of New York on the 28th day of December 2023:

PRESENT: Councilman Ryan Jones
Councilman William Garvin
Councilman David Lake
Supervisor William Potter

ABSENT: Councilwoman Jessica Steele

Councilman William Garvin presented the following resolution and moved that it be adopted:

SUPPLEMENTAL BOND RESOLUTION DATED DECEMBER 28, 2023, OF THE TOWN BOARD OF THE TOWN OF ORWELL AUTHORIZING AN INCREASE IN THE TOTAL ESTIMATED COST OF \$900,000 FOR AN AGGREGATE ESTIMATED MAXIMUM COST OF \$3,900,000 OF A CERTAIN PROJECT FOR THE TOWN OF ORWELL WATER DISTRICT, AND THE AMENDMENT TO THE PLAN OF FINANCING THEREOF.

WHEREAS, the Town Board of the Town of Orwell (the “Town”) caused a Map, Plan and Report (the “Report”) to be prepared outlining all aspects of a proposed water system improvements for the Orwell Water District (the “Water District”), together with an estimate of the cost thereof, to be prepared by Barton & Loguidice, D.P.C., competent engineers duly licensed by the State of New York (the “Engineer”); and

WHEREAS, upon completion of the Report and the filing thereof in the office of the Town Clerk, the Town Board of said Town adopted an order calling a public hearing thereon and caused a notice of such hearing to be published and posted in the manner provided in section 193 of the Town Law of the State of New York (the “Town Law”); and

WHEREAS, the order adopted described the estimated expense of the proposed improvements to be **Three Million Dollars (\$3,000,000.00)** and stated that the Town Board would meet to hear all persons interested in the subject matter thereof on the 10th day of November, 2020, at 6:45 p.m. at the Town Hall, 1999 County Route 2, in the Town; and

WHEREAS, a public hearing was held at the time and place aforesaid in the manner described at which time all persons interested in the subject matter were given an opportunity to be heard and the proposed improvements, the estimated costs of the improvements, and the estimated annual cost to the typical property/typical home were discussed; and

WHEREAS, at a regular meeting of the Town Board held on November 10, 2020, the Town Board as lead agency adopted a resolution determining that the Purpose (as herein defined) is a “Type 1 Action” under the New York State Environmental Quality Review Act and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York and further determined that the Purpose will not have a significant effect on the environment, and that a negative declaration be issued for the Purpose; and

WHEREAS, at a regular meeting of the Town Board held on November 10, 2020, the Town Board adopted a resolution (the “Original Order”) determining that the evaluation and construction of the improvements described in the Report are in the public interest and, the preparatory to solicitation of competitive bids relative to such construction, directing the Town’s Engineer to prepare definite plans and specifications and to make a careful estimate of the expense of the aforesaid improvements and, with the assistance of the Town Attorney, to prepare a proposed contract for the execution of the work; and

WHEREAS, the Town Clerk recorded a copy of the Original Order in the office of the County Clerk of the County of Oswego as required under Section 195 of the Town Law; and

WHEREAS, the resolution was adopted subject to permissive referendum; and

WHEREAS, notice of the adoption of the Original Order (the “Original Permissive Referendum Notice”) was published in the official newspaper of the Town and posted on the Town bulletin board pursuant to the Town Law; and

WHEREAS, no petition requesting a vote on the Original Order was received by the Town within thirty days of the date of the publication of the Original Permissive Referendum Notice; and

WHEREAS, the Town Board of the Town, by resolution duly adopted on February 9, 2021 (the “Original Bond Resolution”), authorized a certain project for Town of Orwell Water District, consisting of the construction, reconstruction and additions to the District’s water supply system, including land, rights in land, the acquisition of equipment, machinery or apparatus and the payment of costs incidental thereto (the “Purpose”) at a maximum estimated cost of \$3,000,000 to be financed by the issuance of bonds and/or bond anticipation notes in a principal amount not to exceed \$3,000,000 and available grants; and

WHEREAS, the Town Board determined that the maximum estimated cost of the Purpose has increased by \$900,000 (the “Additional Cost”) to an aggregate estimated cost of \$3,900,000; and

WHEREAS, at a regular meeting of the Town Board held on September 12, 2023, the Town Board adopted a resolution describing the estimated expense of the proposed Additional Cost to be Nine Hundred Thousand (**\$900,000.00**) and stated that the Town Board would meet to hear all persons interested in the subject matter thereof on the 10th day of October, 2023, at 7:00 p.m. at the Town Hall, 1999 County Route 2, in the Town; and

WHEREAS, a public hearing was held at the time and place aforesaid in the manner described at which time all persons interested in the subject matter were given an opportunity to be heard and the proposed increase of the maximum cost of the improvements; and

WHEREAS, at a regular meeting of the Town Board held on October 10, 2023, , the Town Board adopted a resolution (the “2023 Order”) authorizing the increase in cost of the construction of improvements and expansion of the Orwell Water District pursuant to Article 12 Section 202-b of the Town Law; and

WHEREAS, the resolution was adopted subject to permissive referendum; and

WHEREAS, notice of the adoption of the 2023 Order (the “2023 Permissive Referendum Notice”) was published in the official newspaper of the Town and posted on the Town bulletin board pursuant to the Town Law; and

WHEREAS, no petition requesting a vote on the 2023 Order was received by the Town within thirty days of the date of the publication of the 2023 Permissive Referendum Notice; and

WHEREAS, the prior to the date hereof the Town has complied with the applicable requirements of Article 12-a of the Town Law; and

WHEREAS, the Town Board desires to adopt this Supplemental Bond Resolution so as to approve the expenditure of the Additional Cost and the increase in the maximum cost of the Purpose;

NOW THEREFORE BE IT RESOLVED, by the Town Board of the Town (by favorable vote of not less than two-thirds of all the members of the Board) as follows:

Section 1. The Town Board hereby approves (1) an increase in the maximum estimated cost of the Purpose by \$900,000 to a total aggregate maximum estimated cost of \$3,900,000; and the expenditure of an additional \$900,000 to finance the Additional Cost of the Purpose.

Section 2. It is hereby determined and declared that (a) the maximum Additional Cost of the Purpose, as estimated by the Town Board, is \$900,000 and the maximum aggregate cost of the Purpose, as estimated by the Town Board, is \$3,900,000, (b) pursuant to the Original Bond Resolution, \$3,000,000 has heretofore been authorized to be applied to the payment of the cost of the Purpose, and (c) the Town plans to finance the cost of the Purpose entirely from funds raised by the issuance of the Bonds and bond anticipation notes authorized pursuant to the Original Bond Resolution and proceeds of available grants.

Section 3. It is hereby determined that the Purpose is one of the class of objects or purposes described in Paragraph 1 of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of the Purpose is forty (40) years. The proposed maturity of the Bonds authorized herein will be in excess of five (5) years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the sale of the Bonds, including renewals of such notes, is hereby delegated to the Supervisor of the Town, the chief fiscal officer.

Section 5. The power to further authorize the issuance of the Bonds and bond anticipation notes and to prescribe the terms, form and contents of the Bonds and bond anticipation notes, including the consolidation with other issues and the use of substantially level debt service, subject to the provisions of this Resolution and the Local Finance Law, and to sell and deliver the Bonds and bond anticipation notes, is hereby delegated to the Supervisor of the Town. The Supervisor of the Town is hereby authorized to sign, and the Town Clerk is hereby authorized to attest any Bonds and bond anticipation notes issued pursuant to this Resolution, and to affix to such Bonds and bond anticipation notes the corporate seal of the Town.

Section 6. The faith and credit of the Town are hereby irrevocably pledged for the payment of the principal of and interest on such Bonds and bond anticipation notes as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year, to the extent the necessary funds are not provided from other sources. There shall be levied annually on all taxable real property in the Town, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable, to the extent the necessary funds are not provided from other sources.

Section 7. This Resolution shall constitute the declaration of the Town's "official intent" to reimburse expenditures authorized by Section 1 with proceeds of the Bonds and notes, as required by United States Treasury Regulation Section 1.150-2. The Town shall not reimburse itself from the proceeds of the Bonds or notes for any expenditures paid more than sixty days prior to the date hereof, unless specifically authorized by Section 1.150-2 of the Treasury Regulations.

Section 8. It is hereby determined that, due to the fact that the Bonds or bond anticipation notes are for a special improvement authorized by Article 12-a of the Town Law and the Town has complied with the requirements of Article 12-a of the Town Law, this bond resolution is **not** subject to permissive referendum, pursuant to paragraph b.1(2) of Local Finance Law § 35.00.

Section 9. This Resolution, or a summary hereof, shall be published by the Town Clerk together with a notice in substantially the form prescribed by Section 81.00 of said Local Finance Law, and such publication shall be in each official newspaper of the Town. The validity of the Bonds or of any bond anticipation notes issued in anticipation of the sale of the 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 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 10. The firm of Barclay Damon LLP is hereby appointed Bond Counsel of the Town in connection with the bonds and notes herein authorized.

Section 11. This Resolution is not subject to a permissive referendum pursuant to Section 35.00 of the Local Finance Law and shall take effect immediately.

The question of the adoption of the foregoing resolution was seconded by Councilman Ryan Jones, and duly put to vote on a roll call, which resulted as follows:

<u>AYE</u>	<u>NAY</u>
Councilman Ryan Jones	
Councilman William Potter	
Councilman David Lake	
Supervisor William Potter	

The foregoing resolution was thereupon declared duly adopted.

STATE OF NEW YORK)
) SS.:
COUNTY OF OSWEGO)

I, the undersigned Clerk of the Town of Orwell of the State of New York, do hereby certify as follows:

1. A Regular Meeting of the Town Board of the Town of Orwell, State of New York, was duly held on December 28, 2023, and Minutes of said meeting have been duly recorded in the Minute Book kept by me in accordance with law for the purpose of recording the Minutes of meeting of said Board. I have compared the attached Extract with said Minutes so recorded and said Extract is a true copy of said Minutes and of the whole thereof insofar as said Minutes relate to matters referred to in said Extracts.

2. Said Minutes correctly state the time when said Meeting was convened and the place where such meeting was held and the members of said Board who attended said Meeting.

3. Public Notice of the time and place of said Meeting was duly given to the public and the news media in accordance with Article 7 of the Public Officers Law (the “Open Meetings Law”), and that the members of said Board had due notice of said Meeting and that the Meeting was in all respects duly held and a quorum was present and acted throughout.

IN WITNESS WHEREOF, I have hereunto set my hand have hereunto affixed the corporate seal of the Town of Orwell, State of New York this 28 day of December 2023.

Amber Wilson
Town Clerk

C. Water rate increase delay- A discussion was had about postponing the water rate increase until the second billing July 1st, 2024. A letter explaining the rate increase will be mailed in May with the Annual Drinking Water Quality report.

-A motion was made by Councilman David Lake and seconded by Councilman William Garvin to delay the water rate increase until July 1st, 2024. (4 ayes) Motion carries.

D. Part Time Highway pay increase- With minimum wage going up \$.80 in NY State Supervisor William Potter proposed that the rate for Part Time Highway employees should also increase. The current rate is \$16.15 per hour with no CDL and \$ 17.50 with a CDL. The proposed increase will go up \$.80, bringing the rate to \$16.95 with no CDL and \$ 18.30 with a CDL.

- A motion was made by Councilman Ryan Jones and seconded by Councilman William Garvin to approve the Part Time Highway pay increase of \$.80. (4 ayes) Motion carries.

PUBLIC COMMENTS: None

CORRESPONDENCE: Tug Hill Times

Approval of Minutes, Monthly Reports, Budget Adjustments, and Payment of Claims: all are on file in the Town Clerk's Office.

-A motion was made by Councilman David Lake and seconded by Councilman William Garvin to approve payment of the following claims. (4 Ayes) Motion carries.

General Fund Abstract #13	Claims # 213-222	\$ 3,576.13
Highway Fund Abstract #13	Claims # 127-129	\$ 12,834.65
Water Fund Abstract #13	Claims # 69	\$ 1,676.00

-A motion was made by Councilman Ryan Jones and seconded by Councilman William Garvin to adjourn the meeting at 7:21PM. (4 Ayes) Motion carries.
Submitted January 9th, 2024.