

**Town of Morristown
Regular Monthly Meeting
September 11, 2012**

Present: Gary Turner, David VanArnam, Howard Warren, Frank Putman

Absent: David Stout III

Also present: Michael Bogart, Kay Davis, Joe Lightfoot, Andy Mason, Jay Berkman, Kevin Crosby, Cheryl Shatraw

Supervisor Putman opened a public hearing at 7 PM to take public comment for or against the Code of Ethics Policy. There was no public comment. Supervisor Putman closed the hearing at 7:03 PM.

Supervisor Putman opened the regular meeting at 7:03 PM.

Approval of Minutes: A Motion was made by Councilman Warren, and seconded by Councilman VanArnam to approve the minutes of August 14, 2012 as presented.

Vote: G. Turner-Aye. D. VanArnam-Aye, H. Warren-Aye, F. Putman-Aye

Correspondence - Letter received from the Macomb Supervisor regarding the County Budget.

Public Comment Period- Richard Fishel spoke regarding the Highway Superintendents position changing from elected to appointed. He stated that he was not clear what the intent of the law was and was not in favor of making it appointed.

Old Business

- 1. River Road East Sewer Project** – Supervisor Putman stated that he finds River Road East to be in much better condition than before the project. Councilman Warren stated that the contractor and engineer did a great job developing innovative solutions to the problems that arose during the construction. David Van Arnam stated that the construction observer, Andy Mason, did a great job. Jay Berkman stated that he has a meeting with a representative from Jean Thornhill on the safety issue at her camp. He is also waiting for information from the well driller who looked at Charles Alford's well before making a recommendation. Superintendent Bogart distributed the paving budget for the project. The Board briefly discussed the required extra funding.

The following resolution was offered by Frank Putman, who moved its adoption, seconded by Gary Turner, to wit:

WHEREAS, the Town of Morristown has previously adopted two bond resolutions on January 20, 2010, authorizing an aggregating issuance not to exceed of \$3,250,000.00, serial bonds, relative to Wastewater Treatment and to provide Sanitary Collection in area of the Town that do not currently have Municipal Wastewater available, and

WHEREAS, the project is nearing completion, and

WHEREAS, it appears that due to certain project changes during construction, the project costs have increased to an amount not to exceed of \$3,825,000.00,

WHEREAS, to provide additional clarity, it is necessary to also amend such resolution to clarify the following:

A) To authorize for substantial level or declining annual debt service pursuant to Section 21.00 of the Local Finance Law in Section 5 of the January 20, 2010 Bond Resolutions,

B) To add a new Section 9 for a statement of official intent to conform with Treasury Regulations Section 1.150-2

NOW, THEREFORE, BE IT RESOLVED, that the bond resolution for this project as previously adopted on January 20, 2010 are hereby amended and the following resolution supersedes the previous bond resolutions adopted January 20, 2012

BOND RESOLUTION DATED SEPTEMBER 11, 2012

A RESOLUTION AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN THE TOWN OF MORRISTOWN IN AN AMOUNT NOT TO EXCEED \$3,825,000.00 THE PROCEEDS OF WHICH ARE TO BE USED FOR WASTEWATER TREATMENT AND TO PROVIDE SANITARY COLLECTION IN AREAS OF THE TOWN THAT DO NOT CURRENTLY HAVE MUNICIPAL WASTEWATER AVAILABLE.

BE IT RESOLVED, by the Town Board of the Town of Morristown, St. Lawrence County, New York, as follows:

Section 1. The wastewater treatment and sanitary collection in areas of the Town that do not currently have municipal wastewater available, in the Town of Morristown is in the interest of the citizens of the Town of Morristown. The estimated cost of the sewer system improvements as determined by the engineers hired by the Town for such purposes is \$3,825,000.00. This is an increase of \$575,000.00 from a previous bond resolution adopted January 20, 2010.

Section 2. It is hereby determined that the period of probable usefulness of the aforesaid renovations is forty (40) years; pursuant to subdivision (a) (4) of Section 11.00 of the Local Finance Law. It is further determined that no down payment is required pursuant to Section 107(d) (3) (a) of the Local Finance Law.

Section 3. The plan for the financing of such estimated cost is by the issuance of a serial bonds not exceeding \$3,825,000.00 of said Town hereby authorized to be issued therefore, pursuant to the Local Finance Law in a period in excess of five (5) years.

Section 4. The faith and credit of said Town of Morristown, St. Lawrence, County New York are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall become due and payable. Annual sewer rents shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year.

Section 5. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether to

manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bond are to be executed in the name of the Town by the facsimile signature of its Town Supervisor), including the consolidation with other issues, shall be determined by the Town Supervisor. It is hereby determined that it is to the financial advantage of the Town not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the Town Supervisor shall determine.

Section 6. The validity of such bonds and bond anticipation notes may be contested only if:

(1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or

(2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit, or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or

(3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 7. Upon this resolution taking effect, a summary of the same shall be published in the Ogdensburg Journal, the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 8. This resolution is not subject to permissive referendum, pursuant to Section 35.00 of the Local Finance Law.

Section 9. This resolution shall constitute a statement of official intent for the purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

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

<u>Frank Putman</u>	Voting <u>AYE</u>
<u>Howard Warren</u>	Voting <u>AYE</u>
<u>Gary Turner</u>	Voting <u>AYE</u>
<u>David VanArnam</u>	Voting <u>AYE</u>
<u>David Stout III</u>	Absent

The resolution was thereupon declared duly adopted.

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2. Wind Law- Supervisor Putman Polled the Board members on the SEQR and all stated that they felt the result of the study was a Negative Declaration. Supervisor Putman then made a motion, and was seconded by Councilman Turner, to adopt resolution # 10 of 2012 as follows:

Town of Morristown

Wind Energy Facility Law

State Environment Quality Review (SEQR)
Resolution – Determination of Significance
Negative Declaration
-Draft Documentary for Review-

WHEREAS, the Town and various Town Committees have devoted considerable effort and time to considering the potential need for and development of local requirements governing the construction and operation of wind energy facilities within the Town, including, but not limited to, the potential review, approval and development of utility scale wind energy facilities; and,

WHEREAS, the Town has determined that it will be in the best interests of the community and the environment to set forth a clear and explicit set of guidelines and requirements governing the review, approval and development of such facilities; and

WHEREAS, after much deliberation and review a proposed Local Law has been submitted to the Town Board for consideration; and,

WHEREAS, the proposed draft reflects input and comments from many sources, including a review by the County Planning Board pursuant to Section 239 of the General Municipal Law; and,

WHEREAS, in this Action the Town Board is now considering adoption of the proposed Local Law entitled the Wind Energy Facility Law of the Town of Morristown, NY; and,

WHEREAS, the Local Law now under consideration specifies in detail the information to be submitted when proposing such a project for approval and makes most such proposals subject to issuance of a Special Use Permit according to a number of carefully considered criteria and conditions imposed to protect the community and the environment from adverse consequences; and

WHEREAS, the Town Board has reviewed a SEQR Full Environmental Assessment Form (EAF) describing the potential environmental effects of adopting the proposed Local Law; and

WHEREAS, the EAF goes beyond a narrow consideration of the direct effects of this Action to also consider reasonably related long-term, short-term, direct, indirect and cumulative impacts, including those of subsequent actions likely to be undertaken as a result of or in dependence upon this Action;

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Morristown hereby establishes itself as the Lead Agency responsible for completing a review of this Action under the State Environmental Quality Review Act (SEQRA); and

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BE IT FURTHER RESOLVED that the preliminary classification of this Action as a Type 1 action under SEQRA is hereby confirmed; and,
BE IT FURTHER RESOLVED that the Town Board hereby affirms that it has: 1) considered this action as defined in subdivisions 617.2(b) and 617.3(g) of 6 NYCRR Part 617; 2) reviewed the EAF, the criteria contained in subdivision 617.7(c) of 6 NYCRR Part 617, and other supporting information to identify the relevant areas of environmental concern; 3) thoroughly analyzed the identified relevant areas of environmental concern to determine if this action may have a significant adverse impact on the environment; and, 4) set forth its determination of significance in a written form containing a reasoned elaboration, which reasoned elaboration is provided in EAF Parts 1 and 2 and in the attachment to EAF Part 2, each of which is hereby incorporated by reference into this determination of significance; and,
BE IT FURTHER RESOLVED that the Town Board hereby finds that identified adverse environmental impacts will not be significant and that an EIS will therefore not be required for this Action; and,
BE IT FURTHER RESOLVED that the Town Board hereby directs the Town Code Enforcement Officer to coordinate with Town consultants to ensure that a SEQR Negative Declaration is prepared and filed in a manner consistent with the requirements of 6 NYCRR 617.

<u>Frank Putman</u>	Voting <u>AYE</u>
<u>Howard Warren</u>	Voting <u>AYE</u>
<u>Gary Turner</u>	Voting <u>AYE</u>
<u>David VanArnam</u>	Voting <u>AYE</u>
<u>David Stout III</u>	Absent

The resolution was thereupon declared duly adopted.

Supervisor Putman then asked for a resolution on Local Law #5 of 2012.

A motion was made by Councilman VanArnam, and seconded by Councilman Warren, to adopt and file Local Law # 5 of 2012, Wind Energy Law.

Vote: G. Turner-Aye. D. VanArnam-Aye, H. Warren-Aye, F. Putman-Aye

The Local Law was officially adopted.

3. Code of Ethics- Supervisor Putman made a motion, and was seconded by Councilman VanArnam, to adopt the Code of Ethics Policy as presented to the Board previously.

Vote: G. Turner-Aye. D. VanArnam-Aye, H. Warren-Aye, F. Putman-Aye

4. Local Law #4 – Highway Superintendent Position- A motion was made by Councilman Van Arnam, and seconded by Councilman Warren to adopt Local Law #4 of 2012 a Law to change the position of Highway Superintendent from Elected to Appointed.

Vote: G. Turner-Aye. D. VanArnam-Aye, H. Warren-Aye, F. Putman-Aye

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5. Cemeteries –The Board set up a committee to establish rules for the proposed indigent plots in the Town cemeteries. The committee consists of R. B. Lawrence, Howard Warren, Wayne Sardullo. The Board also directed that the damaged fence in Brier Hill be repaired with the part damaged by dogs broken out in the repair quote and bill.

6. 2013 Budget- A budget work session was set for September 24th at 6:30 PM.

7. JCAP Grant- A motion was made by Councilman VanArnam, and seconded by Councilman Turner, to move Resolution # 9 of 2012 Judicial Court Administration Grant as follows:

WHEREAS, the Town of Morristown shall make application to the Justice Court Assistance Program for 2013; and

NOW, THERFORE, BE IT RESOLVED, the Town Board shall seek financial assistance from the Justice Court Assistance Program, grant request not to exceed the sum of \$30,000.00, for needed modifications and upgrades to the Town of Morristown Justice Court ; and

BE IT FURTHER RESOLVED, that the Town Board shall authorize the Supervisor to make all necessary applications to the Justice Court Assistance Program.

Vote: G. Turner-Aye. D. VanArnam-Aye, H. Warren-Aye, F. Putman-Aye

New Business

1. 2012-2013 Fuel Oil Bid-A motion was made by Councilman Turner, and seconded by Councilman Warren, to authorize the advertisement for bids for fuel oil for the Town Barn and the Town Hall.

Vote: G. Turner-Aye. D. VanArnam-Aye, H. Warren-Aye, F. Putman-Aye

2. Town Kennel Contract-The Board was updated on the search for a new kennel provider.

3. Budget Mods- A motion was made by Councilman Warren, and seconded by Councilman VanArnam, to approve the following budget modifications:

General A

From: 1990.4-Contingent Account To: 5132.2 – Garage Equipment - \$60.00

General B

From: 1990.4 Contingent Account To: 4010.4 Board of Health - \$395.00

Highway DA

From: 5142.1 Machinery Personnel To: 5130.4 Machinery Contractual - \$81.00

Vote: G. Turner-Aye. D. VanArnam-Aye, H. Warren-Aye, F. Putman-Aye

4. Speed Zone County Route 6- Councilman Turner proposed to the Board a change in the speed zone on County Route 6 from the Hammond Town Line to the start of the 35 mph zone. He proposed a season change from May 1st to October 1st from 55 mph down to 45 mph. After a discussion the Board instructed the clerk to contact the County Highway Department to request a feasibility study of the proposed change.

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5. Local Law # 6 of 2012- Tax Cap Override – Supervisor Putman introduced a local law to override the tax cap. He explained that while the Board was not considering exceeding the tax cap limit in the 2013 budget having a law in place was a precaution. Councilman Turner stated that he was opposed to enacting this law. A motion was made by Supervisor Putman, and seconded by Councilman Warren, to hold a public hearing on Tuesday, October 9, 2012 at 7 PM, before the regular meeting.

Vote: G. Turner-Nay. D. VanArnam-Aye, H. Warren-Aye, F. Putman-Aye

6. Snow Removal Contract- Superintendent Bogart had no new information to report.

Department Reports

1. Code Enforcement –The Code Officer handed out and reviewed the monthly report.

2. Highway - The Highway Superintendent passed out the monthly report and filed the annual equipment inventory with the Town Clerk. The Superintendent also stated that he has hired two part time employees, pending testing.

3. Sewer Department- the DPW Superintendent reported that there have been some reported odor problems with the new districts buffer tanks. The engineer is aware of the problem and is working on it.

County Legislator Joe Lightfoot addressed the Board on several pending issues with the County. The County is working on bargaining unit contracts, will be holding a redistricting public hearing, and will have the 2013 budget on September 24th.

Executive Session- A motion was made by Supervisor Putman, and seconded by Councilman VanArnam, to enter into executive session to discuss matters relating to ongoing contract negotiations under provisions of the Taylor Law.

Vote: G. Turner-Aye. D. VanArnam-Aye, H. Warren-Aye, F. Putman-Aye

The Board entered into executive session at 8:15 PM. The Board left executive session at 9:03 PM. Supervisor Putman reported that no action was taken while in executive session.

The meeting was adjourned upon motion at 9:05 PM

Meeting minutes prepared and respectfully submitted by David Murray-Town Clerk.