

**THE REGULAR MONTHLY MEETING OF THE TOWN BOARD OF THE TOWN OF NORTH COLLINS WAS HELD ON WEDNESDAY, APRIL 12th, 2017, AT 7:00PM IN THE NORTH COLLINS TOWN HALL, 10569 MAIN STREET, NORTH COLLINS, NEW YORK.**

<b>PRESENT:</b>	Supervisor	John M. Tobia
	Councilmen:	Ellen M. Mathis- Excused Michael W. Perry William R. Moritz Peter D. Robbins
	Town Clerk	Lynn M. DiVincenzo
	Highway Superintendent	David Winter
	Town Attorney	Richard M. Schaus

Item 1 Supervisor John Tobia called the meeting to order, led the Pledge to the Flag, short prayer after pledge

Item 2. **MINUTES.** Mike Perry moved to approve the March Regular minutes as previously presented: . Second: Peter Robbins.

ROLL CALL: Ayes: Robbins, Moritz, Perry. Noes Tobia. Motion carried.

Motion by John Tobia seconded by Mike Perry to amend February Meeting minutes currently it says John Mrozek and it should say William Moritz for motion about Highway Motor Fuel. Carried.

Item 3. **AUDIT OF BILLS** Mike Perry moved:

BE IT RESOLVED as set forth in Abstract #4 in the amount \$335,529.46 were approved for payment by the Town Board, Seconded by Peter Robbins

ROLL CALL: Ayes: Perry, Robbins, Mortiz, Tobia. Noes 0. Motion carried.

Item 4. **VISITORS:**

**Grant Writers-** Handed out Grant Status Reports, We were rewarded \$1,272 sponsorship agreement package with Dick's Sporting Goods for the Town recreation program. Dicks will provide two hundred dollars store credit and sets of soccer balls, pinnies, cone, whistles and mesh bag and more; Lawton's IUP submitted scored 185 high on the heart ship application 80% funded grant – Report filed in the Town Clerks office.

**Richard Schaus:** there will be a Special Public hearing May 2<sup>nd</sup> 7pm to form a water district in Lawton's.

**Mr. Vacco:** Judge Ricotta implemented a driving program for her court. Vincent Vacco will be conducting the class on the last Saturday of each month from 8:45 am – 11:45am, there will be a \$35.00 charge for a class - \$20.00 goes to municipality and \$ 15 goes to the instructor.

**Dave Schiffman:** Lives across from Dan's Kennels and he wanted to make sure that he was following the special use permit. Richard explained the minutes of the special use permit and also will call Phil Tremblay to look at the new addition to make sure that he is following the special use permit.

**George Jablonski:** President of the seniors gave an update on events that have happened: the AARP class on 4/4, on 8/2 Seniors Annual Town Wide at 5pm, Thanksgiving Dinner 11/15/2017. He will be coming to the meetings to give an update.

**Jim Lint:** Gave an update on the Spaghetti Dinner, they made \$2,500.00. They will be starting to dig the center soon.

Item 5. **HIGHWAY-** Luther Gulf Update- waiting for weather to be nice to start.  
Mr. Winter asked to go into executive session.

Motion by John Tobia seconded by William Moritz to close Regular Business meeting and go into executive session to discuss employment history and to invite Mr. Winter, Eric Witt and Crystal Cocca into executive session at 7:27pm. Carried

Motion by Mike Perry seconded by John Tobia to close executive session and open Regular Business Meeting at 7:55pm . Carried

Item 6. **DEPARTMENTAL REPORTS**

**Code Enforcement:** Two permits for house were submitted

**Library:** Everything looks good and they will have summer reading

**Historian:** Turned in her annual report and needs a motion to accept her report so she can turn it into the state.

Motion by John Tobia, seconded by Mike Perry to accept the Historians annual report. Carried.  
The lights at the Historical building need to be looked at.

Also their neighbor has branches that are encroaching on Historical Building property and would like it cleaned up. They will talk with Phil Tremblay to talk with the neighbors.

**Recreation:** New Aerobics Session at the end of the Month, Mothers Day Breakfast at 3 star. 5/14/2017 from 9-11:00am, Fish w/out a License for Father's Day Sunday 6/5/2017. Skwooshaball –Softball League Starts May 23<sup>rd</sup> at new Oregon Town Park, Concerts at New Oregon Park 7/5,7/12,7/19,7/26,8/3, They are accepting applications for summer recreation.

**Dog Warden:** No Report submitted at this time

**Item 7. Supervisor:**

Moved John Tobia

BE IT RESOLVED , the Town Board acknowledges receipt of the Ketchum Road Landfill Quarterly report and further directs the attorney to file a copy of the report with the New York State Department of Environment & Conservation.

Seconded Peter Robbins

ROLL CALL: Ayes: Robbins, Mortiz, Perry, Tobia. Noes 0. Motion carried.

**Health Care**

Moved: John

BE IT RESOLVED , the Town Board of North Collins, NY adopts the Blue Cross and Blue Shield Platinum Align Plan as our Town Insurance effective May 01,2017 through April 30, 2018. Town will continue to pay 100% of the premium through December 31<sup>st</sup>, 2017 for those employees currently on fully paid insurance. Employees that currently required to pay 25% of premium will pay 25% of the new premium effective May 01, 2017.

Effective Jan 1<sup>st</sup>, 2018 all town employees who chose to be enrolled in the Town Of North Collins Health Insurance plan will contribute 25%of the premium through payroll deduction.

Seconded Mike Perry

ROLL CALL: Ayes: Robbins, Mortiz, Perry, Tobia. Noes 0. Motion carried.

**Sick Time Policy:**

Moved: John

BE IT RESOLVED, the Town Board of North Collins, NY will implement a sick policy effective April 15, 2017 for all Town of North Collins employees. Sick time will be available to all Full Time appointed Town Of North Collins Employees. Accrued sick time is to be used for personal illness or disability only. Any employee who absents him/herself for three (3) consecutive days or more than six(6) days in any one calendar month, shall present a written report from his/her physician certifying the absence. Employees must call their supervisor no less than 2 hours prior to the start of their shift to report their absence.

Seconded Peter Robbins

ROLL CALL: Ayes: Robbins, Mortiz , Perry and Tobia. Noes 0. Motion carried.

Judge Stevens gave notification that his records and docket are open for review and audit.

Motions by John Tobia, seconded by Peter Robbins to acknowledge letter was submitted by Judge Stevens and open for review and audit. Carried.

Correspondence:

Lawton's Progressors 4 H: 75th Celebration on 4/23 at 1:00pm @ Epiphany

Lawton's Water: there is a public hearing on forming a district.

Seniors Annual Town Wide: 8/2 at 5:00pm@ Senior Center/ Thanksgiving 11/15

American Towers update:

Some options that: 1. extension \$25,000.00 by signing 8 more years

2. \$154,000.00 easement one-time payment

3. 10 annual payments \$17,900 with easement options for total amount

\$179,000.00.

This will be tabled for another month.

Public Hearing Chiacchia

Motion by John Tobia seconded by Mike Perry to have public hearing on May 2nd at 7pm and instructed the Town Clerk to advertise in the Dunkirk Observer. Carried

### **Application for Fire Works**

Young Explosives has requested approval for a **Fireworks display** at Dankner Park on May 6<sup>th</sup> 2017 . John Tobia moved:

BE IT RESOLVED that Town Clerk DiVincenzo is authorized to provide a Fireworks permit to Young Explosives for a show on May 6<sup>th</sup> 2017 at Dankner Park, provided that Young Explosives provides the Town with a certificate of liability insurance, naming the town of North Collins as the insured for two million dollars. Second: Peter Robbins .

ROLL CALL: Ayes: Robbins, Mortiz, Tobia, Perry . Noes 0. Motion carried.

### **Item 8. TOWN CLERK:**

#### **TOWN CLERK:**

Monthly Report has been submitted to the Town Supervisor

Total amount \$3577.75

Supervisor amount- \$3480.13

Spay and Neuter- \$74.00

NYS conservation \$23.62

### **National fuel gave an update list of emergency contact numbers**

### **Item 9. Councilmen Reports:**

**Mathis**-Excused

**Perry**- Roof on the Building John says it was approved for \$7,500.00, he said that he only had one bid. Water at the block building will be turned on at the end of the month. Toilets will be in May 1<sup>st</sup> – Nov 1<sup>st</sup>.

**Robbins**- Parks damage is slowly coming together. Pete brought up taking inventory on equipment. Peter Robbins or John Tobia will look into this. Question was asked about the Parks Committee: if there were meetings and are they open to the public? Peter Robbins is waiting to talk to Ellen Mathis.

**Moritz** – Judge Ricotta’s books were audited and completed. Stated the books look great. Camera system is up and running.

Motion by William Moritz seconded by Peter Robbins to give Vincent Vacco a set of keys to the building and court room. Carried

Item 10. **TOWN ATTORNEY**

Final resolutions will be emailed for Lawton’s, also bond resolution in the amount of \$675,000.00 will be decided on May 2<sup>nd</sup>. Also finalizing Chiacchia , windmill and noise ordinance .

Mr. Winter asked for the board to approve training and a piece of equipment for \$15,000.00.

Motion by John Tobia, seconded by William Moritz to approve Highway Superintendant to attend trainings at Houghton College and in Ithaca NY. Carried.

Discussion took place about the mini excavator from the Town of Eden.

Motion by John Tobia seconded by William Mortiz to approve the purchase of a mini excavator from the Town of EDEN. Carried

Judge Ricotta asked the board to go into executive session to discuss employment history.

Motion by John Tobia seconded by William Moritz to close Regular Business meeting and go into executive session and invite Judge Ricotta to come into the session to discuss employment history at 8:45pm. Carried

Motion by John Tobia seconded by Mike Perry to close executive session and return to regular business meeting at 9:09pm.

Item 11. **ADJOURNMENT**. Motion by John Tobia seconded by William Moritz to continue this regular Business meeting on May 2<sup>nd</sup> 2017 at 7:30pm for civil service and any other town business at 9:09pm. Carried

Respectfully submitted,

Lynn DiVincenzo  
North Collins Town Clerk

**PUBLIC HEARING MEETING OF THE TOWN BOARD OF THE TOWN OF NORTH COLLINS WAS HELD ON TUESDAY, MAY 2ND, 2017, AT 7:00PM IN THE NORTH COLLINS TOWN HALL, 10569 MAIN STREET, NORTH COLLINS, NEW YORK.**

<b>PRESENT:</b>	Supervisor	John M. Tobia
	Councilmen:	Ellen M. Mathis- Michael W. Perry William Mortiz Peter Robbins
	Town Clerk	Lynn M. DiVincenzo
	Highway Superintendent	David Winter
	Town Attorney	Richard M. Schaus

Item 1 Supervisor John Tobia called the meeting to order, led the Pledge to the Flag, short prayer after pledge 7:00PM.

**1ST Public Hearing for Darren Chiacchia:**

Proof of publication was given by Town Clerk

SEQRA part 2 was completed

Minutes were turned in by the Planning Board

Tyler Palmer was Present to answer any questions

Questions opened up to the Public:

How big in size is the windmill- Mr. Palmer explained. No Other questions were asked

**TOWN BOARD OF THE TOWN OF NORTH COLLINS**

**RESOLUTION**

Moved: Mike Perry

May 2, 2017

**RE: Application by Darren Chiacchia for permission to construct a 10kW wind energy conversion system at 5195 Genesee Road, North Collins, NY 14111  
SBL # 304.00-4-3**

WHEREAS, the Town Board of the Town of North Collins (hereinafter ATown Board@) has before it an application dated February 17, 2017, submitted by Darren Chiaccia (the AApplicant@) seeking a permit allowing Applicant to construct a 10kW wind turbine at 5195 Genesee Road, North Collins, NY; and

WHEREAS, North Collins Town Law, and in particular, Local Law # 1 of 2015 (AWind Energy Conversion Systems@) permits the Town Board to issue a Wind Energy Permit subject to the provisions therein; and

WHEREAS, the above referenced applications were both previously referred to the Town Planning Board for a site plan review and report and recommendation thereon to the Town Board; and

WHEREAS, the Planning Board has submitted a recommendation in favor of granting a WECS permit approving the Application; and

WHEREAS, a public hearing was held by the Town Board on May 2, 2017 at 7:30 p.m., and the Town Board has had time to deliberate and review the application; and

WHEREAS, the Town Board has reviewed and considered the Short Form Environmental Assessment Forms submitted by Applicant and the Town Board has completed its review under the State Environmental Quality Review Act (ASEQRA) and has issued a Negative Declaration on the Project;

NOW THEREFORE, upon consideration by this Town Board of all written and oral submissions in the Application and upon the completion of a public hearing and having given this matter careful consideration, this Board makes the following findings:

1. The Town has in place a law governing Wind Energy Conversion Systems (WECS) of the type proposed by Applicant.
2. The project consists of a proposed wind energy turbine to be constructed at the Applicants property at 5195 Genesee Road, North Collins, NY. The proposed wind turbine is a 10kW wind turbine.
3. The Applicant has submitted all required and requested documentation and has conferred with the North Collins Planning Board.
4. The North Collins Planning Board recommended approval of the Application on April 7th, 2017.

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby grants a Wind Energy Permit to construct a 10kW wind turbine at the Applicant's property at 5195 Genesee Road, North Collins, NY, in according with the terms of the Application and in accordance with the terms and provisions of the towns Planning Board's findings and recommendations of the proposed Wind Energy Permit Use Permit. The final WECS Permit is to be drafted and issued by the town clerk.

SECONDED BY : Peter Robbins

ROLL CALL: Ayes: Robbins, Mortiz, Tobia, Perry , Mathis . Noes 0. Motion carried.

## **2<sup>nd</sup> Public Hearing forming a Lawton's Water District**

Open to the Public for Discussion:

Ann Converso: What is the water source? Mark, the engineer, explained that the first option is to connect into the Seneca Nation Water. North Collins is waiting to hear back from the Seneca Nation. There are three options Plan A is to go with the Seneca Nation, Plan B – To go with a water filtration system; Plan C is to connect with the Village of North Collins.

Rose Segee: Why are we forming a district now if we don't have a commitment with the Seneca Nation? Mark, the engineer, explained that grant money will be available in June and we need a district to move forward. The total cost will be \$695,000.00.

Town Clerk showed proof of publication

Motion by Supervisor Tobia, seconded by William Mortiz, to adopt the following "Order Establishing the Lawtons Water District"

ROLL CALL: Ayes: Robbins, Mortiz Tobia Perry Mathis . Noes 0. Motion carried.

### **ORDER ESTABLISHING WATER DISTRICT**

Establishment of the Lawtons Water District  
in the Town of North Collins, County of  
Erie, State of New York

WHEREAS, a Petition seeking the creation of a new water district to be known as the Lawtons Water District under Article 12 of the Town Law has been presented to and filed with the Town Board of the Town of North Collins and said Petition containing the necessary signatures required by law; and

WHEREAS, a map, plan and report relating to the proposed establishment of the Lawtons Water District in the Town of North Collins, was duly prepared by MDA Consulting Engineers, PLLC, in a manner and in such detail as has been determined by this Town Board to be in compliance with law, and has been duly filed with the Town Clerk, all in accordance with the requirements of Article 12 of the Town Law; and

WHEREAS, an Order was duly adopted by this Town Board on the 7<sup>th</sup> day of April,



2017, reciting the filing of said map, plan and report, the improvements proposed, the boundaries of the proposed district, the proposed method of financing, the fact that the map, plan and report describing the same were on file in the Town Clerks Office for public inspection, and stating all other matters required by law to be stated, and specifying May 2, 2017 at 7:00 p.m. as the date and time where this Town Board would meet and consider said map, plan and report, and to hear all persons interested in the subject matter thereof, concerning the same, and to take such action thereon as is required or authorized by law; and

WHEREAS, as stated in such map, plan and report, the project has an estimated maximum cost of \$675,000 which amount is to be financed by the issuance of serial bonds in an aggregate amount not to exceed \$675,000, such amount to be offset by any federal, state, county and/or local funds received, and unless paid from other sources or charges, the cost of the water improvement will be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the proposed Lawtons Water District which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of the benefit conferred upon the same, to pay the principal of and interest on said bounds as the same shall become due and payable, except as provided by law; and

WHEREAS, the expected average annual cost to the Typical Property (as defined by Town Law) in the proposed Lawtons Water District (which is a single family home) during the first year will be approximately \$841.46; and

WHEREAS, the Town has heretofore complied with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act ("SEQRA"), comprising Article 8 of the Environmental Conservation Law, and in connection therewith, the Town has determined that this project is a Type 1 Action under SEQRA and has issued a Negative Declaration as defined under SEQRA and therefore, no further action under SEQRA is required; and

WHEREAS, legal notice of the aforesaid Order was duly published and posted as required by law; and

WHEREAS, a Public Hearing on said matter was duly held by the Town Board on the 2<sup>nd</sup> day of May, 2017, commencing at 7:00 p.m. in the North Collins Town Hall, 10569 Main Street, North Collins, New York, at which all interested persons desiring to be heard were heard, including those in favor of and those opposed to, the establishment of said Lawtons Water District;

NOW THEREFORE, upon the evidence adduced at such public hearing; be it

RESOLVED AND DETERMINED, that (i) the petition aforesaid is signed and acknowledged or proved as required by law and it duly complies with the requirements of

Section 191 of the Town Law; (ii) that all property and property owners within the proposed water district are benefitted thereby; (iii) that all property and property owners benefitted are included within the limits of the proposed district; and (iv) that it is in the public interest to establish said water district; and be it further

RESOLVED AND DETERMINED, that the Notice of Public Hearing was legally published and posted as required by law, and is otherwise sufficient; and be it further

RESOLVED AND DETERMINED, that the establishment of the proposed Lawtons Water District, as set forth in said map, plan and report, be and the same is hereby approved; and such water district shall hereafter be known and designated as the Lawtons Water District of the Town of North Collins; and said district shall be bounded and described as set forth in Exhibit A attached hereto and made part hereof; and be it further

RESOLVED, that the proposed improvements, including costs of rights of way, construction costs and all other reasonable expenses therein, shall be constructed and the service therein described shall be provided for upon the required funds being made available or provided in order to pay for such improvements; and be it further

RESOLVED, that the Town Clerk, is hereby authorized and directed to file a certified copy of this Resolution in the Office of the Clerk of the County of Erie, which is the County in which the said Town of North Collins is located, and also in the Office of the State Department of Audit and Control, within ten days after the adoption of this Resolution, pursuant to the provisions of Section 195 of the Town Law.

Adopting Bond Resolution:

TOWN OF NORTH COLLINS,  
ERIE COUNTY,  
NEW YORK

May 2, 2017

A meeting of the Town Board of the Town of North Collins, Erie County, New York was convened in public session at the Town Hall located at 10569 Main Street, in the Town of North Collins, New York on May 2, 2017, at 7:00 o'clock p.m., local time.

The meeting was called to order by the Town Supervisor and, upon roll being called, the following members were:

PRESENT: John M. Tobia, Town Supervisor, Town Councilmen Ellen M. Mathis, Michael W. Perry, Peter D. Robbins and William Ross Moritz;

ABSENT: None

ALSO PRESENT: Lynn DiVincenzo, Town Clerk

The following resolution was offered by John Tobia and seconded by Ellen Mathis, to wit;

**A BOND RESOLUTION, DATED MAY 2, 2017, OF THE TOWN BOARD OF THE TOWN OF NORTH COLLINS, ERIE COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING A CAPITAL IMPROVEMENTS PROJECT WITHIN LAWTONS WATER DISTRICT IN THE TOWN, AT AN ESTIMATED MAXIMUM COST OF \$675,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$675,000 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, SAID AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR**

WHEREAS, the Town Board of the Town of North Collins, Erie County, New York (the "Town"), has determined to proceed with a certain capital improvements project in the Town of North Collins Lawton's Water District (the "District"); and

WHEREAS, the Town Board took the following actions with respect to such project: (a) received maps and plans for such project, (b) received a petition pursuant to Section 191 of the Town Law, (c) held a public hearing with respect to such project, (d) determined that such project would not have a significant adverse effect on the environment under Article 8 of the Environmental Conservation Law, (e) determined that the requirements of Article 12 of the Town Law had been satisfied with respect to such project and (f) determined to undertake such project; and

WHEREAS, the Town Board desires to undertake a capital improvements project generally consisting of, but not limited to, the purchase of water from the Cattaraugus Indian Reservation Community Water Supply operated by the Seneca Nation of Indians, the installation of approximately 2,300 feet of 4-inch water main along Seneca Road in the Town and the upgrading of the existing water system in Lawton's including the installation of water lines, new water meters and hydrants, as well as other such improvements as more fully identified in (or

contemplated by) such map, plan and report prepared in connection with such project, including all related right-of-way costs, new service installation, site work and other ancillary work, valves, appurtenances, preliminary costs and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the “Project”); and

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

WHEREAS, the Town Board desires to issue obligations of the Town to finance a portion of the costs of the Project;

NOW, THEREFORE,

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

SECTION 1. The Town is hereby authorized to undertake a capital improvements project generally consisting of, but not limited to, the purchase of water from the Cattaraugus Indian Reservation Community Water Supply operated by the Seneca Nation of Indians, the installation of approximately 2,300 feet of 4-inch water main along Seneca Road in the Town and the upgrading of the existing water system in Lawtons including the installation of water lines, new water meters and hydrants, as well as other such improvements as more fully identified in (or contemplated by) such map, plan and report prepared in connection with such project, including all related right-of-way costs, new service installation, site work and other ancillary work, valves, appurtenances, preliminary costs and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the “Purpose”). The estimated maximum cost of the Purpose is \$695,000.

SECTION 2. The Town Board plans to finance the estimated maximum cost of said purpose by the issuance of serial bonds in an aggregate principal amount not to exceed \$675,000 of the Town, said amount to be offset by the receipt of any federal, state, county and/or local funds received. Unless paid from other sources or charges, the cost of the Project will be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the District, which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable, except as provided by law.

SECTION 3. It is hereby determined that said purpose is an object or purpose described in subdivision 1 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is 40 years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of said bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

SECTION 6. The faith and credit of the Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds or notes becoming due and payable in such year. Unless paid from other sources or charges, the cost of the Project will be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the District, which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable, except as provided by law. Should the assessments upon benefited real property be insufficient to pay the principal of and interest on such bonds, there shall annually be levied on all the taxable real property of the Town a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00, Sections 56.00 to 60.00, Section 62.00, Section 62.10, Section 63.00, and Section 164.00 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and details as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town. Without in any way limiting the scope of the foregoing delegation of powers, the Town Supervisor, to the extent permitted by Section 58.00(f) of the Local Finance Law, is specifically authorized to accept bids submitted in electronic format for any bonds or notes of the Town.

SECTION 8. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in Section 1 of this resolution. The Town then reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the earlier of (a) the date hereof or (b) the date of any earlier expression by the Town of its intent to reimburse such expenditures) with the proceeds of the bonds authorized by Section 2 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds). This resolution shall constitute the declaration (or reaffirmation) of the Town's "official intent" to reimburse the expenditures authorized by

Section 2 hereof with such bond or note proceeds, as required by United States Treasury Regulations Section 1.150-2.

SECTION 9. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and may designate the bonds authorized by this resolution, and any notes issued in anticipation thereof, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3) of the Code.

SECTION 10. The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The Town has complied with applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act ("SEQRA"), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, and therefore, no further action under the State Environmental Quality Review Act is necessary.

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

SECTION 13. In the absence or unavailability of the Town Supervisor, the Deputy Town Supervisor is hereby specifically authorized to exercise the powers delegated to the Town Supervisor in this resolution.

SECTION 14. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

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

(b) the provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and

an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication; or

2. Such obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 15. The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in a newspaper having a general circulation in the Town and hereby designated as the official newspaper of the Town for such publication.

SECTION 16. This resolution is effective immediately.

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

AYES: John M. Tobia, Town Supervisor, Town Councilmen Ellen M. Mathis, Michael W. Perry, Peter D. Robbins and William Ross Moritz;

NOES: None

ABSENT: None

The foregoing resolution was thereupon declared duly adopted.

**ADJOURNMENT.** Motion by John Tobia seconded by Mike Perry to close public hearing. Carried

Respectfully submitted,

Lynn DiVincenzo  
North Collins Town Clerk

**THE CONTINUATION OF REGUALR MONTHLY MEETING OF THE TOWN BOARD OF THE TOWN OF NORTH COLLINS WAS HELD ON TUESDAY, MAY 2ND, 2017, AT 7:30PM IN THE NORTH COLLINS TOWN HALL, 10569 MAIN STREET, NORTH COLLINS, NEW YORK.**

<b>PRESENT:</b>	Supervisor	John M. Tobia
	Councilmen:	Ellen M. Mathis Michael W. Perry William Mortiz Peter Robbins
	Town Clerk	Lynn M. DiVincenzo
	Highway Superintendent	David Winter
	Town Attorney	Richard M. Schaus

Item 1: Motion by John Tobia, seconded by Peter Robbins to open the Regular Business Meeting that was a continuation from April 12<sup>th</sup> at 7:30pm. Carried

John Tobia- Next Town Board meeting will be May 10<sup>th</sup> at the North Collins Elementary School. We have a couple of speakers

On May 10th the Parks and Recreation Committee will be having a meeting at 6:15 at the Elementary School. Public is invited to attend.

Peter Robbins

Has a list of items that will be going to Auction Internationals. It will be about 10 days before they are moved. His list is 4 Bleachers, Chain Link Fence w/pipe, Water Tubs, Swing Sets, and the White old dog control van was added.

Moved Peter Robbins

BE IT RESOLVED, the Town Board gives permission to Councilmen Peter Robbins to sell the following items as surplus and to sell on Auction International - 4 Bleachers, Chain Link Fence w/pipe, Water Tubs, Swing Sets.

Seconded Ellen Mathis

ROLL CALL: Ayes: Mathis, Perry, Robbins, Mortiz, Tobia. Noes 0. Motion carried.

Mike Perry: Water turned on at the park, and a toilet blew over in the park.

Ellen Mathis: Forms that the Town will be using for play ground safety has been handed in with maintenance sheets. Also the Town will be paying the Firemen and softball teams and Skwooshaball will be paid to keep up the fields that they use. New Oregon Park needs 25 ton base ball dirt.



Town Clerk:

Discussed emails for councilmen and will check with our IT to see if we can get them on the server. Discussed cell phone numbers being on our web page.

Also discussed having a calendar on our Town website for the parks and senior center when they are available and rented.

Some discussion took place that the senior center is not be used fairly. John Tobia will look in the last resolution that was made about the senior center.

Motion by John Tobia seconded by Mike Perry to close regular meeting and go into executive session to discuss employment history. The Board would like to invite Crystal Cocca bookkeeper and Mr. Winter Highway Superintendent at 7:48pm. Carried.

Motion by Ellen Mathis seconded by Mike Perry to close executive session and open regular meeting at 8:51pm. Carried

### **Highway- Mr. Winter**

Eric Witt has resigned from the Highway Department and wanted to appoint Raymond Fintack as Deputy Highway Superintended.

Motion by John Tobia and Seconded by Ellen Mathis to approve Raymond Fintack as Deputy Highway Superintended. No Vote Motion was withdrawn by Supervisor Tobia

Before vote could be taken Supervisor John Tobia asked Mr. Winter if Eric Witt turned in resignation letter- Mr. Winter said no he turned in all his uniforms on May 1<sup>st</sup>, 2017 so that is his last day.

Supervisor Tobia asked again what day was Eric Witt's last day and if he is going to write a resignation letter. Mr. Winter stated again that he doesn't have a letter and his last day was May 1<sup>st</sup> 2017.

Mr. Winter: stated that Eric Witt has resigned as May 1<sup>st</sup> 2017 as a North Collins Highway Employee.

Motion by John Tobia, Seconded by Ellen Mathis to eliminate one full time position at the highway department. Carried.

Motion by John Tobia, Seconded by Ellen Mathis to eliminate one part time position at the highway department. Carried.

Motion by John Tobia, Seconded by Ellen Mathis to create a part time Machine Equipment Operator (MEO) position for 19 hours per week at the pay of \$18.03. Carried.

Mr. Winter – Highway Superintendent was upset about losing a full time position. He discussed the liability issues, safety concerns. Discussion took place.

Motion by John Tobia, seconded by William Mortiz to add the Dog Control Vehicle to Auction International with the rest of the equipment. Carried.

**ADJOURNMENT.** Motion to adjourn at 9:25pm by John Tobia. Second: Ellen Perry. Carried.

Respectfully submitted,

Lynn DiVincenzo  
North Collins Town Clerk





