

Town of Enfield
Special Town Board Meeting Minutes
Enfield Community Building
Wednesday, July 28, 2010
6:00 p.m.

Present: Town Supervisor Roy Barriere, Town Councilperson Stephanie Gaynor, Town Councilperson Chris Hern, Town Councilperson Jean Owens, Town Councilperson Debbie Teeter, Town Highway Superintendent Barry Rollins, Town Clerk Alice Linton, Town Attorney Guy Krogh, Municipal Solutions, Inc., financial advisor Bob Ranger

Town Supervisor Barriere opened the meeting at 6:00 p.m. by leading the assemblage in the Pledge of Allegiance to the Flag.

Bond Resolution for the proposed Highway Facility:

Supervisor Barriere recapped the process for the proposed highway facility. In March, 2010 a public hearing on the bond resolution was held. The board's intention then was for all board members to be present before holding a vote. The current bond resolution is the same as at the public hearing, except the dates have been changed. The amount is the same – \$1.1 million.

Bob Ranger stated Municipal Solutions, Inc. is ready to move forward with the next steps. Rates are very favorable right now.

The following resolution was offered by Supervisor Barriere, who moved its adoption, with a second by Councilperson Teeter to wit:

Resolution #2010-38

BOND RESOLUTION OF THE TOWN OF ENFIELD, TOMPKINS COUNTY, NEW YORK, ADOPTED ON JULY 28, 2010, AUTHORIZING THE CONSTRUCTION OF A 14,000 SQUARE FOOT, POLE FRAME HIGHWAY GARAGE, ACCESS ROAD, PARKING AREA AND ASSOCIATED SALT STORAGE BUILDING, AREAS FOR GRAVEL STORAGE, STORM WATER TREATMENT SYSTEM, AND SEPTIC SYSTEM AT AN ESTIMATED MAXIMUM COST OF \$1,604,000, APPROPRIATING SAID AMOUNT THEREFORE, AND AUTHORIZING THE USE OF \$504,000 FROM THE TOWN'S CAPITAL IMPROVEMENT RESERVE FUND AND THE ISSUANCE OF UP TO \$1,100,000 OF BOND ANTICIPATION NOTES AND SERIAL BONDS OF THE TOWN TO PAY THE COST OF THE PROJECT

WHEREAS, Section 64(3) of the Town Law of the State of New York empowers the Town Board of the Town of Enfield, Tompkins County, State of New York (the "Town") to manage maintain and control Town properties as the purposes of the Town may require; and

WHEREAS, the Town Board of the Town has determined that it is necessary for the Town to construct and equip a new Town Highway Garage to be built upon Town-owned land along Bostwick Road and Enfield Main Road (S.R. 327), being located upon a southwesterly portion of Town of Enfield Tax Map Parcel Number 14.-2-2.8 (the "Project"); and

WHEREAS, the Town, as a local agency pursuant to the New York State Environmental Quality Review Act (“SEQRA”), ECL Section 8-0101, *et seq.*, and implementing regulations, 6 NYCRR Part 617 (the “Regulations”), having reviewed the impact of the Project upon the environment and by resolution adopted February 10, 2010 has made a negative determination of environmental significance (“Negative Declaration”) in accordance with SEQRA for the Project; and

WHEREAS, the Town Board now desires to authorize the Project and the financing of the cost thereof.

NOW, THEREFORE BE IT RESOLVED ON JULY 28, 2010 BY THE TOWN BOARD OF THE TOWN OF ENFIELD, TOMPKINS COUNTY, NEW YORK (by favorable vote of not less than two thirds of said Board), AS FOLLOWS:

Section 1. The construction of the Town’s Highway Garage, together with appurtenant equipment, machinery apparatus and other improvements incidental thereto, all as required for the purpose for which such Highway Garage is to be used, at a maximum estimated cost of \$1,604,000, including all professional costs, including legal advertising and legal services, equipment, machinery and other necessary appurtenances and all other necessary costs incidental to such work, which is estimated to be the total cost thereof, is hereby approved.

Section 2. The plan for the financing of the aforesaid specific object or purpose is by (i) using \$504,000 from the Town’s Capital Improvement Reserve Fund and (ii) the issuance of up to \$1,100,000 of serial bonds, or any bond anticipation notes in anticipation of the issuance and sale of the bonds of said Town, which are hereby authorized to be issued pursuant to the Local Finance Law, and the levy of a tax to pay interest on said obligations.

Section 3. The full faith and credit of the Town is hereby irrevocably pledged for the payment of the principal of and interest on the 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 obligations becoming due and payable in such years and such debt service payments may be made in substantially level or declining amounts as may be authorized by law.

Section 4. Pursuant to Sections 30.00, 50.00 and 56.00 to 60.00, inclusive, of the Local Finance Law, the power to authorize the issuance of and to sell the serial bonds and any bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Town Supervisor, the chief fiscal officer. Such bonds or notes shall be of such form and contents, and shall be sold in such manner, as may be prescribed by said Town Supervisor, consistent with the provisions of the Local Finance Law.

Section 5. The Town Supervisor is hereby further authorized, at his sole discretion, to execute all agreements and instruments in order to effect the financing or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a bond, and/or note issue of said Town.

Section 6. The intent of this resolution is to give the Town Supervisor sufficient authority to execute those applications, agreements, instruments or to do any similar acts necessary to effect the issuance of the aforesaid bonds and/or notes without resorting to further action of this Town Board.

Section 7. The following additional matters are hereby determined and declared:

- (a) Pursuant to paragraph 11(c) of Section 11.00 of the Local Finance Law, the period of probable usefulness of the Project is fifteen (15) years; and
- (b) Current funds are not required by the Local Finance Law to be provided prior to the issuance of the bonds and any notes issued in anticipation thereof authorized by this resolution; and
- (c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years; and
- (d) The Town reasonably expects to reimburse itself for expenditures made for the Project from the Town's General Fund from the proceeds of the bonds or notes herein authorized; and
- (e) This resolution is a declaration of official intent to reimburse for purposes of Treasury Regulation Section 1.150-2.

Section 8. Such bonds shall be in fully registered form and shall be signed in the name of the Town, by the manual or facsimile signature of the Town Supervisor and a facsimile of its corporate seal shall be imprinted or impressed thereon and maybe attested to by the manual or facsimile signature of the Town Clerk.

Section 9. The Town hereby covenants and agrees with the holders from time to time of the Bonds and any bond anticipation notes issued in anticipation of the sale of the Bonds, that the Town will faithfully observe and comply with all provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and any proposed or final regulations issued pursuant thereto, including, without limitation the Post Issuance Compliance requirements promulgated by the United States Department of Treasury unless, in the opinion of bond counsel, such compliance is not required by the Code and regulations to maintain the exclusion from gross income of interest on said obligations for federal income tax purposes.

Section 10. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds with a schedule of substantially level or declining annual debt service and all matters related thereto, prescribing whether 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 bonds are to be executed in the name of the Town by the facsimile signature of its Town Supervisor, providing for the manual countersignature of a fiscal agent or of a designated Official of the Town), the date, denominations, maturities and interest payment dates, place or places of payment, and also 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 Treasurer shall determine.

Section 11. The law firm of Trespasz & Marquardt, LLP is hereby appointed bond counsel to the Town in relation to the issuance of the Bonds and Notes issued for the Project.

Section 12. 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 days after the date of publication, or
- (3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 13. This resolution shall be subject to permissive referendum and a summary hereof (attached hereto as **FORM OF NOTICE I**) shall be published and posted within ten (10) days of adoption by the Town Clerk as provided by Section 90 of the Town Law. This Resolution shall become effective 30 days after publication of **FORM OF NOTICE I**. Following such effective date, in the event that no petition for a referendum was timely submitted and filed, the Town Clerk shall cause the publishing and posting of a notice in substantially the form provided in Section 81.00 of the Local Finance Law together with a summary of this Bond Resolution (attached hereto as **FORM OF NOTICE II**).

WHEREFORE, the foregoing Resolution was put to a vote of the members of the Town Board of the Town this 28th day of July, 2010, the result of which vote was as follows:

Councilperson Gaynor aye, Councilperson Hern no, Councilperson Owens aye, Councilperson Teeter aye, Supervisor Barriere, aye. Carried.

(FORM OF NOTICE I – See Resolution Section 13)

NOTICE OF BOND RESOLUTION SUBJECT TO PERMISSIVE REFERENDUM

The resolution, a summary of which is published herewith, was adopted on July 28, 2010 and is subject to permissive referendum in accordance with Section 90 of the Town Law.

SUMMARY OF BOND RESOLUTION SUBJECT TO PERMISSIVE REFERENDUM

A Resolution adopted by the Town Board of the Town of Enfield, Tompkins County, New York (the "Town") on July 28, 2010 authorizes the construction of the Town's Highway Garage and the issuance of bonds and other obligations to finance the cost thereof, together with appurtenant equipment, machinery apparatus and other improvements incidental thereto, all as required for the purpose for which such Highway Garage is to be used, at a maximum estimated cost of \$1,604,000, including all professional costs, including legal advertising and legal services, equipment, machinery and other necessary appurtenances and all other necessary costs incidental to such work (the "Project"), and to pay for such Project by (i) using \$504,000 from the Town's Capital Improvement Reserve Fund and (ii) the levy of a tax in an amount not to exceed \$1,100,000, which shall be levied and collected in annual installments in such years and in such amounts as may be determined by the Town Board and that in anticipation of the collection of such tax, bonds and notes of the Town are authorized to be issued at one time, or from time to time, in the principal amount not to exceed \$1,100,000 and a tax is authorized to pay the interest on said obligations when due. Under the Local Finance Law, the Project has a period of probable usefulness of fifteen (15) years.

(FORM OF NOTICE II – See Resolution Section 14)**NOTICE OF BOND RESOLUTION**

The resolution, a summary of which is published herewith, was adopted on July 28, 2010. The validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the Town of Enfield, Tompkins County, New York (the "Town") is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the constitution.

SUMMARY OF BOND RESOLUTION

A Resolution adopted by the Town Board of the Town of Enfield, New York on July 28, 2010 authorizes the construction of the Town's Highway Garage and the issuance of bonds and other obligations to finance the cost thereof, together with appurtenant equipment, machinery apparatus and other improvements incidental thereto, all as required for the purpose for which such Highway Garage is to be used, at a maximum estimated cost of \$1,604,000, including all professional costs, including legal advertising and legal services, equipment, machinery and other necessary appurtenances and all other necessary costs incidental to such work (the "Project"), and to pay for such Project by(i) using \$504,000 from the Town's capital Improvement Reserve Fund and (ii) the levy of a tax for the foregoing object or purpose in an amount not to exceed \$1,100,000, which shall be levied and collected in annual installments in such years and in such amounts as may be determined by the Town Board and that in anticipation of the collection of such tax, bonds and notes of the Town are authorized to be issued at one time, or from time to time, in the principal amount not to exceed \$1,100,000 and a tax is authorized to pay the interest on said obligations when due. Under the Local Finance Law, the Project has a period of probable usefulness of fifteen (15) years. Such resolution shall be kept available for public inspection in the Town Clerk's Office during regular business hours for twenty days following this publication.

Discussion:

Guy Krogh explained the Notice of Referendum must be published within 10 days of the date of the adoption of the resolution and that triggers a 30 day window for someone to submit a qualifying petition. If no qualifying petition is submitted, the board must publish an estoppel certificate which basically closes the door on any claim not made within 20 days. The purpose of that is to provide certainty to municipal financing. If a qualifying petition occurs, a special election will be held and the forms will be filed, either by the town clerk or by the county board of elections. If the resolution passes at the special election, then the town would file the estoppel certificate. If the resolution does not pass at the special election, the Board would have to start over and submit another resolution.

Councilperson Hern stated he is not comfortable asking tax payers to borrow \$1.1 million since he feels, the way the facility is currently planned, there is some waste and extravagance in it. He understands we need a new facility and is not opposed to borrowing some money, but feels \$1.1 million is too much. He feels the amount needed to be budgeted to make the payments will be more than what is now budgeted for savings towards the highway facility and that we could borrow half as much money, not put up the salt structure or the wash bay and do some more tweaking to cut costs.

Councilperson Gaynor asked how the highway department would be affected if there is no wash bay in the building. Councilperson Hern replied there is no wash bay now – the trucks could be sprayed with a hose.

Councilperson Hern is concerned that if the money is available it might be spent, instead of planning now where to make cuts.

Attorney Guy Krogh reiterated that by approving the resolution the town does not have to spend the entire \$1.1 million if it is not needed. This would authorize the board to spend up to \$1.1 million, but it does not commit the board to spend that much.

Bob Grainger stated that currently there are a lot of good contractors looking for work, so the bids may come in lower than expected.

Councilperson Teeter mentioned that since rates are so low, the town might also consider a new town hall. If others are like-minded, the board should at least begin talking about this.

At this time the vote was taken with results as follows:

Councilperson Gaynor aye, Councilperson Hern no, Councilperson Owens aye, Councilperson Teeter aye, Supervisor Barriere, aye. Carried.

Bob Ranger left the meeting at this time.

Councilperson Hern asked if it would be better for the town to consider a mandatory referendum in the interest of saving time. Supervisor Barriere responded that if the board chooses the mandatory referendum they are basically deciding to spend the taxpayer's money, whereas a permissive referendum allows the public to tell the board to spend the money.

Guy Krogh noted that if the town has questions on changing the project, on what happens if the town runs under the amount or goes over the amount, or how it can affect what the town spends and what the interest rates are, he can be called or Municipal Solutions can be consulted.

Councilperson Owens shared her feeling that it is time to move on with this project. She would like the highway superintendent to be consulted with what changes he would like to see made and how costs can be reduced. She would also like to see a new town hall built without encumbering residents with higher tax rates.

Councilperson Teeter added that she hopes the next step will be to meet with the architect and the facility committee again to talk about what changes should be made. It seemed like the footprint would stay the same.

Guy Korgh left the meeting at this time.

Budget Amendment #16 - 2010

WHEREAS, the Town of Enfield's Beautification Committee was awarded a total of \$1,800 from the Tompkins County Celebration Committee, to include expenses towards related labor and materials, and

WHEREAS, expenses will be incurred by the Town before reimbursements from the County are made, and

WHEREAS, the anticipated expenses will exceed the amount budgeted for in the General Fund Account, line items A7550.1, titled "Celebrations Personnel" and A7550.4, titled "Celebrations Contractual", now therefore be it

RESOLVED, that the General Fund Account A1990.4, titled "Contingent Account", be decreased by \$1,300.00; General Fund Account A7550.1, titled "Celebrations Personnel" be increased by \$1,000.00; and General Fund Account A7550.4, titled "Celebrations Contractual", be increased by \$300.00.

A motion was made by Supervisor Barriere and seconded by Councilperson Owens to accept Budget Amendment #16-2010.

Discussion: This is fully reimbursable.

Vote: Councilperson Gaynor aye, Councilperson Hern aye, Councilperson Owens aye, Councilperson Teeter aye, Supervisor Barriere, aye. Carried.

Budget Amendment #17 - 2010

WHEREAS, expenses are anticipated to exceed the budget in the General Fund Account, line item A1110.4, titled "Justice Contractual", now therefore be it

RESOLVED, that the General Fund Account A1110.21, titled "Justice Equipment", be decreased by \$100.00; and General Fund Account A1110.4, titled "Justice Contractual", be increased by \$100.00.

A motion was made by Supervisor Barriere and seconded by Councilperson Owens to accept Budget Amendment #17-2010.

Vote: Councilperson Gaynor aye, Councilperson Hern aye, Councilperson Owens aye, Councilperson Teeter aye, Supervisor Barriere, aye. Carried.

Resolution #2010-39

RESOLUTION TO APPOINT A CELEBRATIONS COMMITTEE EMPLOYEE

WHEREAS, grant money up to the total amount of \$1,800, from the Tompkins County Celebration was awarded to the Town of Enfield for Beautification, and

WHEREAS, these funds can be used for related labor and materials, now therefore it be

RESOLVED, that Trent Lucas is hired to work with the Beautification Committee, during the summer of 2010, at the rate of \$10.00/hour, not to exceed 100 hours.

A motion was made by Supervisor Barriere and seconded by Councilperson Hern to accept Resolution #2010-39.

Vote: Councilperson Gaynor aye, Councilperson Hern aye, Councilperson Owens aye, Councilperson Teeter aye, Supervisor Barriere, aye. Carried.

Health Insurance Consortium:

Supervisor Barriere reported everything is moving along very well. October 1 is a possible start date. Enfield's portion of the reserve fund will be \$2,520.00.

Resolution #2010-40

Authorization to Contribute to the Reserves of the Greater Tompkins County Municipal Health Insurance Consortium

WHEREAS, the Town of Enfield shall join the Greater Tompkins County Municipal Health Insurance Consortium for the purpose of providing employee health insurance and prescription drug coverage, and

WHEREAS, the Consortium, as required by the New York State Insurance Department, must establish sufficient financial reserves to begin working as a consortium, now therefore be it

RESOLVED, that the Town of Enfield shall contribute \$2,520.00 as estimated initial capitalization and

RESOLVED FURTHER, that the fiscal officer of the Town of Enfield is authorized to make payment immediately to the Consortium.

A motion was made by Supervisor Barriere and seconded by Councilperson Teeter to accept Resolution #2010-40.

Discussion: If the consortium doesn't go through, the town will get its money back. If this is approved, the town will pay a pro-rated premium for 2010.

Vote: Councilperson Gaynor aye, Councilperson Hern aye, Councilperson Owens aye, Councilperson Teeter aye, Supervisor Barriere, aye. Carried.

Sales Taxes v. Property Tax Resolution:

Councilperson Owens reported the town needs to make the wording a little clearer on this resolution in the fifth paragraph.

Councilperson Owens moved to rescind Resolution #2010-35 as passed at the July 14, 2010 regular town board meeting. Motion seconded by Supervisor Barriere.

Vote: Councilperson Gaynor aye, Councilperson Hern aye, Councilperson Owens aye, Councilperson Teeter aye, Supervisor Barriere, aye. Carried.

Resolution #2010-41

WHEREAS, sales tax revenues in the present economic climate are not increasing and potentially may suffer continued decreases, and

WHEREAS, sales tax revenues because of the present economic climate are unstable and unpredictable, and

WHEREAS, this places basic services provided by the Town of Enfield to its residents in an insecure position, and

WHEREAS, the Town of Enfield is presently unable to realize property taxes on State of New York property located within the Town because of taking the Sales Tax Credit, NOW THEREFORE

BE IT RESOLVED, the Town of Enfield opts to no longer take the Sales Tax Directly and authorizes it to be applied as a credit to the Tompkins County Tax Distribution, and

BE IT FURTHER RESOLVED, the Enfield Town Clerk will provide Tompkins County Finance and any other involved parties a copy of this resolution as approved by the Enfield Town Board at the regular meeting on July 28, 2010, and

BE IT FURTHER RESOLVED, the Enfield Town Supervisor will include an explanation of the impact on their tax bill as a result of this resolution in the local newsletter and the Enfield Town Clerk will include an explanation in the 2011 tax bills.

A motion was made by Councilperson Owens and seconded by Councilperson Teeter to accept Resolution #2010-41.

Vote: Councilperson Gaynor aye, Councilperson Hern aye, Councilperson Owens aye, Councilperson Teeter aye, Supervisor Barriere, aye. Carried.

Announcements:

Cornell Cooperative Extension and other organizations are sponsoring the thirteenth annual Tompkins County Farm City Day on Saturday, August 14 from 11 a.m. to 4 p.m. hosted by Sweyolakan Farm, 380 Bostwick Road, Ithaca.

County Legislator, Dave McKenna stated all departments have been asked to make a 7% cut in their budget. TCAT submitted their budget as flat. Dave felt TCAT services are being used more and more and knows this is an important service to Enfield.

Highway supervisor Rollins reported that Gabe Newhart will be starting in two weeks as a seasonal, temporary employee.

Alan Teeter, code enforcement officer, announced that Musefest will not be held this year, and probably not again, due to financial issues.

Adjournment: Councilperson Owens moved with a second by Councilperson Teeter to adjourn at 6:55 p.m.

Respectfully submitted,

Alice M. Linton
Enfield Town Clerk