

A budget meeting was held on August 9, 2018 at 6:00 pm. Members present were Councilman Leahy, Wilson and Patterson, Councilwoman Lemire, Supervisor Onufer, Town Clerk Prue.

Supervisor Onufer went over the budget line item by line item. The board was only able to go through part of the budget and at 7:00 pm, on a motion by Councilwoman Lemire and seconded by Councilman Patterson the budget workshop was closed.

The regular monthly meeting for the Town of Constable was held on August 9, 2018 at 7:00 pm. Members present were Councilman Leahy, Wilson and Patterson, Councilwoman Lemire, Supervisor Onufer, Town Clerk Prue, Highway Superintendent Martin, and Code Officer Halley.

Guests present were Derrick Brown, Joe Lewis and Darrin FeFee with the Constable Fire Dept., and Frank DiFiore, Malone Telegram.

A motion was made by Councilman Patterson, seconded by Councilwoman Lemire to accept minutes from the July 12, 2018 meeting, motion carried.

A motion was made by Councilwoman Lemire, seconded by Councilman Wilson to accept minutes from the July 23, 2018 special meeting, motion carried.

CODE OFFICER

Code Office Halley reported that there has been no change in the cleanup done on the Taylor Rd. He also reported that he had checked into a complaint about property at 449 Miller Rd. and that he is trying to find out who is actually living there.

Code Officer Halley gave his report for July 12, 2018 – August 6, 2018

A motion was made by Councilman Wilson and seconded by Councilman Leahy to accept the Code Officer's report, motion carried.

FIRE DEPARTMENT

Derrick Brown, Joe Lewis and Darrin FeFee answered questions about the 2019 Budget increase of 2% and answered questions about the Cancer Insurance and who has to pay for it. The board reported that the proposed 2% increase seems fair and reasonable but they need to find out who has to pay for the Cancer Insurance.

REC PARK

NYS-DOH Safety plan updated:

1. Ladder closest to the road – still loose.
2. Pool water – clarity – poor
Disinfecting
Testing kit
3. Chemical feed equipment
4. Lifeguards must take CPR training every year

Park Director/Handyman, Joe Lewis, has agreed to come back next Summer.

Discussion on a CPO (Certified Pool Operation) course being offered For \$325.00. A motion was made by Councilman Wilson and seconded by Councilwoman Lemire for Joe to take this course, which the Town will Pay for, if he will sign a 3 year contract, motion carried.

HIGHWAY

Nothing new to report on the Internet at the Highway Garage.

The metal dumpster is at the Highway Garage till end of September.

Henry Rd., nothing new to report.

The new pickup truck is in and there was discussion on oiling the truck and a bed liner. All board members had a discussion on purchasing a bed liner for the New pickup, a motion was made by Councilwoman Lemire and seconded by Councilman Leahy to purchase a new bed liner, motion carried.

Fountain Road Bridge completed.

Coveytown Road Bridge is behind schedule and should be done by the middle of October.

Highway Superintendent Martin has not heard anything on the Grants for culvert replacement.

Chips paving was done on the Taylor Road.

Mining permit is being worked on.

Gutter guards at the Town Hall have been installed.

Supervisor Onufer reported receipt of \$28,482.00 for the 2017-2018 County Snow Plowing contract 2nd payment.

Supervisor Onufer reported receipt of \$683.54 from Storm Stella relief fund.

Highway Superintendent Martin gave his report for fuel usage for July 2018. Motion made by Councilman Leahy, seconded by Councilman Patterson to accept the Highway Superintendent's report, Motion carried.

Highway Superintendent Martin reported he sent in vouchers in the amount of \$18,268.22 for work done on the Stebbins Road.

A motion was made by Councilwoman Lemire and seconded by Councilman Wilson for Budget Amendment #2-2018 for the Highway Fund, motion carried.

\$38,000.00 from Account #DA909 – Fund Balance
\$38,000.00 to Account #DA5132.2 – Equipment

A motion was made by Councilman Patterson and seconded by Councilman Leahy for Budget Amendment #3-2018 for the Highway Fund, motion carried.

\$26,892.32 from Account #DA909 – Fund Balance
\$26,892.32 to Account #DA5132.2 - Equipment

A motion was made by Councilwoman Lemire and seconded by Councilman Leahy for Budget Amendment #4-2018 for the Highway Fund, motion carried.

\$1547.20 from Account #DA5110.1 Gen Repairs Pers. Serv.
\$1547.20 to Account #DA5130.1 Machinery Pers. Serv.

Highway bills were audited and approved #91 – #104.

Motion made by Councilman Patterson, seconded by Councilman Wilson to accept the Supervisor's Report Highway Fund, motion carried.

CAPITAL IMPROVEMENTS

A motion was made by Councilwoman Lemire and seconded by Councilman Wilson for Resolution #22-2018, Loan Resolution, which reads as follows, motion

A Resolution of the Town Council of the Town of Constable authorizing and providing for purpose of providing a portion of the Cost of acquiring, constructing, enlarging, improving and/or extending its New Town Hall Facility to serve an area lawfully within its jurisdiction to serve.

Whereas, it is necessary for the Town of Constable (herein after called the Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of \$373,000.00, pursuant to the provisions of NYS Statutes and Local Finance Law.

Whereas, the Association intends to obtain assistance from the Rural Housing Service, Rural Business – Cooperative Service, Rural Utilities Service, or their successor Agencies with the United States Department of Agriculture, (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (17 U.S.C. 1921 et seq.) in the planning, financing, And supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchases for such bonds is found by the Association.

Now Therefore Be It Resolved:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance in whole or in part, of its bonds upon the request of the Government it at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333 (c) of said Consolidated Farm and Rural Development Act (7 U.S.C. 1983 (c)).
3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$10,000.00.

4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bond or any other legal permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government as its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making of insuring of the loans may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.
6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so without the prior written consent of the Government.
7. Not to defease the bonds, or to borrow money, enter into any contract or agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed

to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by the Government. No free service or use of the facility will be permitted.

11. To acquire and maintain such insurance and fidelity bond coverage as may be required by the Government.
12. To establish and maintain such books and records relating to the operation of the facility and its financial affairs and to provide for required audit thereof as required by the Government, to provide the Government a copy of each such audit with its request, and to forward to the Government such additional information and reports as it may from time to time require.
13. To provide the Government at all reasonable times access to all books and records relating to the facility and access to the property of the system so that the Government may ascertain that the Association is complying with the provisions hereof and of the instruments incident to the making or insuring of the loan.
14. That if the Government requires that a reserve account be established and maintained, disbursements from that account may be used when necessary for payments due on the bond if sufficient funds are not otherwise available. With the prior written approval of the Government, funds may be withdrawn for:
 - (a) Paying the cost of repairing or replacing any damage to the facility caused by catastrophe.
 - (b) Repairing or replacing short-lived assets.
 - (c) Making extensions of improvements to the facility.

Any time funds are disburse from the reserve account, additional deposits will be required until the reserve account has reached the required funded level.
15. To provide adequate service to all persons within the service area who can feasibly and legally be served and to obtain the Government's concurrence prior to refusing new or adequate services to such persons. Upon failure to provide services which are feasible and legal, such person shall have a direct right of action against the Association or public body.
16. To comply with the measures identified in the Government's environmental impact analysis for this facility for the purpose of avoiding or reducing the adverse environmental impacts of the facility's construction or operation.

17. To accept a grant in an amount not to exceed \$100,000.00 under the terms offered by the Government; that the Town Supervisor and Town Clerk of the Association are hereby authorized and empowered to take all action necessary or appropriate in the execution of all written instruments as may be required in regard to or as evidence of such grant; and to operate the facility under the terms offered in said grant agreement(s).

The provisions hereof and the provisions of all instruments incident to the making or the insuring of the loan, unless otherwise specifically provided by the terms of such instruments, shall be binding upon the Association as long as the bonds are held or insured by the Government or assignee. The provisions of section 6 through 17 hereof may be provided for in more specific detail in the bond resolution or ordinance, to the extent that the provisions contained in such bond resolution or ordinance should be found to be inconsistent with the provisions hereof, these provisions shall be construed as controlling between the Association and the Government or assignee.

The vote was Yes 4 Nays 0 Absent 0

In Witness Whereof, the Town Council of the Town of Constable has duly adopted this resolution and caused it to be executed by the officer's below in duplicate on this 9th day of August, 2018

Town Justice

Supervisor Onufer reported Justice Wisnesky court fees for July were, \$348.00. A voucher from the State Comptroller's Office has been received and \$243.00 was sent to the State Comptroller's Office with the town keeping \$105.00.

HUD

At a regular Meeting of the Town Board of the Town of Constable, a Municipality with offices at 15897 State Route 30, Constable, New York, duly called (a quorum being present) and held at the Town Hall, located in the Town of Constable, County of Franklin, State of New York, on August 9, 2018, the following resolution was duly adopted and is now in full force and effect:

A motion was made by Councilwoman Lemire and seconded by Councilman Leahy, for Resolution #23-2018 to authorize an additional capital expenditure of \$2,400.00 plus administrative, project delivery, and other soft costs, in accordance with the Town of Constable Housing Rehabilitation Program, for project #CON-16-04, (MV)

In Witness Whereof, I have hereunto set my hand as Town Clerk of the Town of Constable, on this 9th day of August, in the year 2018.

Change order in the amount of \$3500.00 work on roof, tabled.

Discharge of mortgage received on L.L. project.

Town Clerk

Motion made by Councilman Patterson seconded by Councilwoman Lemire, to accept the Town Clerk's Report, motion carried.

Town Clerk asked to have a \$25.00 court surcharge placed on any dog owner who is turned over to the Court for licensing their dog and collection of this surcharge and the dog licensing fee. A motion was made by Councilwoman Lemire and seconded by Councilman Patterson to approve the \$25.00 Court Surcharge, motion carried.

GENERAL

A motion was made by Councilwoman Lemire and seconded by Councilman Leahy to approve appointing Matthew McArdle with Fisher, Bessette, Muldowney and McArdle LLP, Attorneys At Law, as the new Town Attorney to replace Paul Cantwell, who is scaling back his practice as of January 1, 2019.

A motion was made by Councilman Patterson and seconded by Councilwoman Lemire for Budget Amendment #5-2018 for the General Fund, motion carried.

\$191.26 from Account #A1220.4 Supervisor - Cont. Exp.
\$191.26 to Account # A1410.4 Town Clerk Cont. Exp.

Code of Ethics – tabled

NY Class Account for July presented for all board members to review.

Trial Balance for July presented for all board members to review.

Supervisors Report for the General Fund presented for all board members to review. A motion was made by Councilwoman Lemire and seconded by Councilman Leahy to approve the July Supervisors Report, motion carried.

General Fund bills were audited and approved. #126 - #145

Motion to adjourn was made by Councilwoman Lemire at 9:30 P.M., seconded by Councilman Leahy, motion carried.

