

TOWN OF SCHUYLER FALLS
TOWN BOARD
REGULAR MEETING NOVEMBER 16, 2021

Supervisor Randall called the Regular Meeting of the Town of Schuyler Falls Town Board to order at 6:00 p.m.

<u>MEMBER</u>	<u>Present</u>
Howard Newton	X
Martin Perrotte	X
Vernon Bruno	X
Reginald Facteau	X
Kevin Randall	X
Donna Hamel	X
Michael McCormick	X
Michael Snider	X

PUBLIC RECOGNITION Richard Donah, Richard Dabrowski, David Souliere and Lila Souliere, Larry Whalen, Jason Bruno, Barb Benkwitt, Sam Campbell

All Board Members were provided with a copy of the Minutes of the Regular Meeting that was held on October 26, 2021.

Mr. Facteau made a motion to approve and accept the Minutes as presented; Seconded by Mr. Bruno
AYES: Mr. Newton, Mr. Perrotte, Mr. Bruno, Mr. Facteau, Mr. Randall

All Board Members were provided with a copy of the Minutes of the Public Hearing that was held on November 4, 2021.

Mr. Newton made a motion to approve and accept the Minutes as presented; Seconded by Mr. Perrotte.
AYES: Mr. Newton, Mr. Perrotte, Mr. Bruno, Mr. Facteau, Mr. Randall

All Board Members were provided with a copy of the Minutes of the Special Meeting that was held on November 4, 2021.

Mr. Bruno made a motion to approve and accept the Minutes as presented; Seconded by Mr. Randall.
AYES: Mr. Newton, Mr. Perrotte, Mr. Bruno, Mr. Facteau, Mr. Randall

COMMUNICATIONS 1. Received an outline of events for the December 5th Town wide Holiday Festival. There will be a fire truck parade, tree lighting crafts for the children, sleigh rides and if the weather permits, possibly ice skating at the River Street park. Light refreshments will be served.

2. letter from CJ Madonna regarding the annexation of lands between the City of Plattsburgh and the Towns of Plattsburgh and Schuyler Falls.

3. Received the satisfactory Municipal Shelter Inspection report completed on 10/14/21.

4. Correspondence from Malana Tamer regarding a grant from the NYSDOH. Mr. Snider, Mr. Randall and Ms. Tamer walked the village to get an idea of benefits and ways to use the grant would be.

MONTHLY REPORTS Town Clerk, Supervisor, Woods Mills Water, Morrisonville Water, Macey Lane, Historian, Codes Enforcement

Mr. Newton made a motion to file the reports; Seconded by Mr. Facteau.
AYES: Mr. Newton, Mr. Perrotte, Mr. Bruno, Mr. Facteau, Mr. Randall

RECEIPTS Town Clerk/\$607.00, Morrisonville Water/\$4,275.80, Macey Lane Water/\$195.30, Woods Mills Water/\$1,059.82 Judge Van Nortwick/1,134.75, Judge Barber/\$3,579.00, PERMA-Worker's comp refund/\$1,792.06

Mr. Bruno made a motion to file the receipts; Seconded by Mr. Newton.
AYES: Mr. Newton, Mr. Perrotte, Mr. Bruno, Mr. Facteau, Mr. Randall

DEPARTMENT REPORTS **Councilman/** Mr. Perrotte met with Mike Snider regarding the project that is being sought at the Highway Garage. A discussion was held on the pros and cons of starting this project in the winter months. Mr. Randall said that he was told that one bay at a time could be worked on so the trucks could still be in the garage for the winter. He mentioned that Barton and Lougudice was ready to proceed with the bidding process. Mr. Snider thought it best to wait until the spring when the trucks could be kept outdoor. After some further discussion, it was decided to hold off to spring to start the project.

Mr. Facteau mentioned that he has received several complaints regarding the shoulders on Mason Street and Shingle Street. He said that there were some steep drop offs on the roads. Mr. Snider replied that he is aware of this and his crew has been working on the issue. He said that they just finished the Kelly Road.

Mr. Facteau mentioned that the road that goes down to the sand pit should have a name for 911 identification purposes. It was discussed that it would have to be a way; not a street or road. It was mentioned that Mr. Connors should be contacted regarding this as he is the landowner.

Mr. Facteau stated that he did not feel that the bids received tonight should be opened and acted upon. He said that the bid process should be extended. He checked with the State Comptroller's office regarding the advertisements on the bidding. Although, the five- day notice is legal, Mr. Facteau said that the office was closed for Veteran's Day and

is closed on Friday. He did not think that it gave sufficient time for anyone to look at the project and place a bid. Mr. Randall stated that he had been working on this with the insurance company for about nine months. The insurance company could not find someone to come up to look at the playgrounds. Mr. Facteau said that he did go to check out the damage at both parks. He said that Mr. Perrotte did as well. He did not feel that there was much damage. Mr. Randall said that his vote would be to take care of the bids tonight. It was said that there are obscenities written on the equipment. Due to the time and the weather, fading has occurred, but the obscenities are still there.

Highway/ Mr. Snider reported that all the salt has been put up for the winter. His crew is working to get the trucks ready for the winter months. He stated that a new truck is needed and hopefully all the equipment that he has will last the winter.

Assessor/ Mr. Randall said that Mr. Drollette thinks that the Town should hold off with a reassessment. Right now, the Town is at about 78% assessed value. This is right about in the middle of other Towns.

Attorney/ Mr. McCormick told the Board members that he received the e-mails containing the Bond resolutions being acted on tonight. They did come in late, but he reviewed them and found them to be satisfactory.

Supervisor/ Mr. Randall asked Mr. Snider if he has heard from U-First regarding the uniform contract. Mr. Snider replied that he has not heard back from them.

Mr. Randall has received the new CVPH ambulance contract for 2022-2024. There was an increase of 3%. This contract will be acted upon in the January meeting.

UNFINISHED BUSINESS Opening of bid for playground damage. Mr. McCormick suggested to poll if the bids received should be opened if the Board decided not to act upon them tonight. He said that if the bids were opened and for some reason voted to rebid, it would give an unfair advantage for further bid process. After some discussion, all were in favor with the exception of Mr. Facteau. Bid received from PM Leary LLC. In the amount of \$57,211.67. **Mr. Newton made a motion to accept PM Leary's bid in the amount of \$57,211.67. This motion was seconded by Mr. Bruno with all in favor with the exception of Mr. Facteau voting no.**

RESOLUTIONS

RESOLUTION #21-70

MOTION BY: Mr. Facteau

RESOLVED, that the Town Board acknowledges that the 2021 total reley water bills in the amount of \$10,081.50 for the Morrisonville Water District, \$4,121.33 for the Woods Mills Water District and \$1,504.73 for the Macey Lane Water District be sent to the County for collection in the 2022 land taxes.

SECONDED BY: Mr. Perrotte

AYES: Mr. Newton, Mr. Perrotte, Mr. Bruno, Mr. Randall, Mr. Facteau

RESOLUTION #21-71

MOTION BY: Mr. Newton

WHEREAS, the Town is proposing to undertake improvements to the existing Morrisonville Water District, hereafter referred to as the "Project"; and

WHEREAS, should the project be successfully funded, the project shall be subject to NEPA 24 CFR § 58.35 (National Environmental Protection Agency, Code of Federal Regulations) and shall require a coordinated review; and

WHEREAS, pursuant to 6 NYCRR 617.6 the Town Board Declared its Intent to be Lead Agency as part of undertaking a coordinated review of this action with the Involved and Interested Agencies; and

WHEREAS, the Town Board considers the proposed Project to be a Type I action, pursuant to the New York State Environmental Quality Review Act (SEQRA) 6 NYCRR Part 617, and

WHEREAS, the Town Board prepared the Full Environmental Assessment Form (FEAF) in accordance with SEQR, and circulated a Notice of Intent to be Lead Agency (Notice) to all Involved and Interested Agencies regarding the Town Board taking on the Lead Agency role; and

WHEREAS, none of the Involved or Interested Agencies had any objection to the Town of Schuyler Falls assuming Lead Agency status for this project.

NOW, THEREFORE, BE IT RESOLVED that the Town Board does hereby establish itself as the Lead Agency and declare the Project as a Type 1 Action; and

BE IT RESOLVED that the Town Board has evaluated the Project in accordance with the SEQRA regulations 6 NYCRR § 617.7(b) to determine significance as evidenced by the attached Exhibit A Negative Declaration; and

BE IT RESOLVED for the reasons discussed in the attached Exhibit A Negative Declaration, the Town Board concludes that the project will not have any significant adverse environmental impacts; and

AND BE IT FURTHER RESOLVED THAT, the Town Board authorizes the Town Clerk to file the Negative Declaration in accordance with the applicable provisions of State law.

SECONDED BY: Mr. Perrotte

AYES: Mr. Newton, Mr. Perrotte, Mr. Bruno, Mr. Randall, Mr. Facteau

RESOLUTION #21-72

**MORRISONVILLE WATER DISTRICT IMPROVEMENTS PROJECT
RESOLUTION TO AUTHORIZE SUPERVISOR TO SUBMIT AN APPLICATION TO THE NYS
ENVIRONMENTAL FACILITIES CORPORATION (NYSEFC) WATER INFRASTRUCTURE
IMPROVEMENT ACT (NYWIIA) GRANT PROGRAM**

MOTION BY: Mr. Perrotte

WHEREAS, the Town of Schuyler Falls, via the Morrisonville Water District, provides water service to its residents and businesses inside the Town boundary; and

WHEREAS, in order to maintain the service provided by the water system, improvements are required to correct current deficiencies and continue reliable service in the future; and

WHEREAS, the Town of Schuyler Falls has commissioned the development of a Preliminary Engineering Report to identify the deficiencies in the water system and the requisite improvements that are required to rectify same; and

WHEREAS, the Schuyler Falls Town Board has authorized the Supervisor to develop and submit an application for funding for up to 60% of the project cost through the New York State Water Infrastructure Improvement Act (NYWIIA); and

WHEREAS, the program requests that the application contain and/or show evidence of project readiness including of a plan of finance and bond resolution, engineering report, engineering contract and legal contract for services.

NOW, THEREFORE, BE IT RESOLVED that the Supervisor is authorized to enter into separate agreements with the Laberge Group and legal counsel for the provision of engineering and legal services associated with the water improvement project upon award of the NYWIIA grant; and

BE IT FURTHER RESOLVED, that a copy of the separate engineering and legal contract be submitted with

SECONDED BY: Mr. Newton
AYES: Mr. Newton, Mr. Perrotte, Mr. Bruno, Mr. Randall, Mr. Facteau

RESOLUTION #21-73

MOTION BY: Mr. Facteau

RESOLVED, that the Town Board of the Town of Schuyler Falls approves the following Highway Fund Budget Transfers.

From: DA.5110.420 General Repairs Culverts	\$300.00
To: DA.5110.410 General Repairs Signs	\$300.00

To cover the cost of expenses for 2021.

SECONDED BY: Mr. Perrotte

AYES: Mr. Newton, Mr. Perrotte, Mr. Bruno, Mr. Randall, Mr. Facteau

RESOLUTION #21-74

MOTION BY: Mr. Bruno

RESOLVED, that the Town Board of the Town of Schuyler Falls approves the following General Fund Budget Transfers.

From: WML.0909.000 Fund Balance Unreserved	\$1,243.00
To: WML.8310.400 Administration Cont. Exp.	\$1,243.00

To cover the cost of expenses for 2021.

SECONDED BY: Mr. Randall

AYES: Mr. Newton, Mr. Perrotte, Mr. Bruno, Mr. Randall, Mr. Facteau

RESOLUTION #21-75

MOTION BY: Mr. Newton

WHEREAS, at the meeting on August 24, 2021, Resolution #21-46 was carried regarding New York State Uniform Fire Prevention and Building Code Regulations and

WHEREAS, a template for a NYS Unified Solar Permit was required as part of the New York State Uniform Solar Permit be it therefore

RESOLVED, the Town of Schuyler Falls approves the NYS unified solar permit application with the fees outlined in the application.

SECONDED BY: Mr. Bruno

AYES: Mr. Newton, Mr. Perrotte, Mr. Bruno, Mr. Randall, Mr. Facteau

RESOLUTION #21-76

MOTION BY: Mr. Newton

WHEREAS, the Town Board of the Town of Schuyler Falls, Clinton County, New York, has duly caused to be prepared a map, plan and report including an estimate of cost, pursuant to Section 202-b of the Town Law, relating to the proposed increase and improvement of the facilities of Morrisonville Water District, in the Town of Schuyler Falls, Clinton County, New York, consisting of costs related to the reconstruction of the water mains throughout and in and for the Morrisonville Water District, including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$8,100,000; and

WHEREAS, at meetings of said Town Board duly called and held said Town Board did meet to consider the increase and improvement of facilities of Morrisonville Water District in said Town at a maximum estimated cost of \$8,100,000, and to hear all persons interested in the subject thereof concerning the same at the Town Hall, in Morrisonville, New York, in said Town; and

WHEREAS, notice of said meetings were published and posted as required by law; and

WHEREAS, public hearings were duly held at which all persons desiring to be heard were duly heard; NOW, THEREFORE, BE IT

ORDERED, by the Town Board of the Town of Schuyler Falls, Clinton County, New York, as follows:

Section 1. Upon the evidence given at the aforesaid public meetings and hearings, it is hereby found and determined that it is in the public interest to make the increase and improvement of the facilities of Morrisonville Water District, in the Town of Schuyler Falls, Clinton County, New York, consisting of costs related to the reconstruction of the water mains throughout and in and for the Morrisonville Water District, including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$8,100,000.

Section 2. This Order shall take effect immediately.

SECONDED BY: Mr. Perrotte

AYES: Mr. Newton, Mr. Perrotte, Mr. Bruno, Mr. Facticeau, Mr. Randall

RESOLUTION #21-77

BOND RESOLUTION

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$8,100,000 BONDS OF THE TOWN OF SCHUYLER FALLS, CLINTON COUNTY, NEW YORK, TO PAY THE COST OF THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE MORRISONVILLE WATER DISTRICT, IN THE TOWN OF SCHUYLER FALLS, CLINTON COUNTY, NEW YORK.

MOTION BY: Mr. Perrotte

WHEREAS, pursuant to the provisions heretofore duly had and taken in accordance with the provisions of Section 202-b of the Town Law, said Town Board has determined it to be in the public interest to improve the facilities of Morrisonville Water District, in the Town of Schuyler Falls, Clinton County, New York, at a maximum estimated cost of \$8,100,000; and

WHEREAS, the capital project hereinafter described, as proposed, has been determined to be a Type I Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, which it has been determined will not have any significant adverse impact on the environment; NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Schuyler Falls, Clinton County, New York, as follows:

Section 1. For the specific object or purpose of paying the cost of the increase and improvement of Morrisonville Water District, in the Town of Schuyler Falls, Clinton County, New York, consisting of costs related to the reconstruction of the water mains throughout and in and for the Morrisonville Water District, including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, there are hereby authorized to be issued \$8,100,000 bonds of said Town pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific object or purpose is \$8,100,000, which specific object or purpose is hereby authorized at said maximum estimated cost, and that the plan for the financing thereof is by the issuance of the \$8,100,000 bonds of said Town authorized to be issued pursuant to this bond resolution; PROVIDED, HOWEVER, that to the extent that any grants-in-aid are received for such specific object or purpose or the Town Board shall appropriate other monies of the Town therefor, the amount of bonds to be issued pursuant to this resolution shall be reduced dollar-for-dollar.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years pursuant to subdivision 1 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Town of Schuyler Falls, Clinton 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 be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from monies raised from said Morrisonville Water District as applicable in the manner provided by law, there shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as the Supervisor shall deem best for the interests of said Town, including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, the Supervisor shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Supervisor shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 7. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. 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 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 8. The Supervisor is hereby further authorized, at the Supervisor's sole discretion, to execute a project finance and/or loan agreement, and any other agreements with the New York State Department of Health and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the class of objects or purposes described in Section 1 hereof, or a portion thereof, by a bond, and/or note issue of said Town in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 9. The power to issue and sell notes to the New York State Environmental Facilities corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the Supervisor. Such notes shall be of such terms, form and contents as may be prescribed by said Supervisor consistent with the provisions of the Local Finance Law.

Section 10. 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 such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. This resolution shall constitute a statement of official intent for 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.

Section 12. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

SECONDED BY: Mr. Newton

AYES: Mr. Newton, Mr. Perrotte, Mr. Bruno, Mr. Facticeau, Mr. Randall

CLAIMS

General Abstract for the Month of November	\$ 17,361.36
Highway Abstract for the Month of November	\$ 16,314.95
Morrisonville Water Abstract for the Month of November	\$ 4,725.38
Woods Mills Water Abstract for the Month of November	\$ 331.35
Macey Lane Water Abstract for November	\$ 1,792.06
Audit only Abstract for the Month of November	\$ NONE

Vouchers for Claims (#202101543-202101626)
Payroll Vouchers (#202101529-202101542)

Mr. Newton made a motion to pay the claims, which was seconded by Mr. Facteau
AYES: Mr. Newton, Mr. Perrotte, Mr. Bruno, Mr. Facteau, Mr. Randall

Mr. Newton made a motion to enter into Executive Session to discuss a personnel issue. This motion was seconded by Mr. Randall with all in favor. Executive Session entered at 7:35 p.m.

Mr. Newton made a motion to reconvene the meeting at 7:55 p.m. This motion was seconded by Mr. Randall with all Councilmembers present. Meeting reconvened at 7:55 p.m. Mr. Randall stated that no decisions were made in the Executive Session.

PUBLIC FORUM Mr. Dabrowski asked if there had been any resolution to the problems in the Macey Lane Water District. Mr. Randall replied that he has not heard from the Town of Plattsburgh water department. He will check with them and get back to Mr. Dabrowski.

Mr. Dabrowski thanked Mr. Snider for straightening up the sign on Macey Lane and taking care of the problem with the culvert not draining properly.

Mr. Souliere stated that most Town Supervisor's terms are four years. He said that this makes sense with what the Supervisors duties are and the limited time, (2- year term), that they have to complete projects. It was said that the Town Clerk and the Highway Superintendent terms have been changed many years ago to four- year terms. He asked that changing the term of the Supervisor to a four- year term be looked into.

NEXT MEETING

Work Sessions (if Needed)	Monday	December 6, 2021	6:00 p.m.
	Monday	December 20, 2021	6:00 p.m.
Regular Meeting	Tuesday	December 21, 2021	6:00 p.m.

ADJOURNMENT Mr. Newton made a motion to adjourn, which was seconded by Mr. Perrotte; and was UNANIMOUSLY APPROVED. ADJOURNMENT/ 8:02 p. m.

Donna Hamel/Town Clerk