

PROCEEDINGS OF A TOWN BOARD MEETING HELD AT THE TOWN MUNICIPAL OFFICE ON June 10, 2021.

The meeting was called to order by Supervisor Taylor at 4:00 p.m. with the following present:

Ronald C. Taylor, Supervisor	Lee Shimel, ZEO
Mary C. Smith, Town Clerk	Nathan Toutant, Ck to Supervisor
Samuel Biondolillo, Councilman	Joseph Russell, Atty
Michael Gracey, Councilman	Jessica Jenack, Planner
John Eisenhauer, Councilman	William Vargulick, Assessor
Lee Carpenter, Councilman	Mike Altieri, Engineer

A motion was made by Biondolillo and seconded by Gracey to adopt the minutes of the regular meeting held on May 13, 2021. Carried Ayes 5 Nay 0.

A motion was made by Eisenhauer and seconded by Carpenter that the board pass a resolution in support of Tug Hill Tomorrow applying for a grant under the Farmland Protection Implementation Grants Program for the Gerald Thompson Farm located on County Route 46. Carried Ayes 5 Nay 0.

Dan Young, Highway Superintendent gave his monthly report on work that the highway department has done this month.

Mike Altieri, BCA reported on the bid opening for the new water tower. Total of bids is \$2,670,017.00.

Statewide Aquastore, Inc. \$2,578,767.00 and TEL Inc. for the electrical is \$91,250.00. Will be applying for another grant for SD#1. Highway Building project will be starting constructions sometime next month.

A motion was made by Gracey and seconded by Carpenter that the board award bids as presented contingent that all Insurance and bonds are in place. Carried Ayes 5 Nay 0.

A motion was made by Gracey and seconded by Biondolillo that the board set a special Town Board meeting for June 21, 2021, at 4:00 p.m. to approve the extension of the Consolidated Water District.

Carried Ayes 5 Nay 0.

Lee Shimel, ZEO gave his monthly report. He has one issue on a certain parcel where he has sent several notifications to remedy. Town Counsel stated that it would probably have to go to the Supreme Court.

A motion was made by Eisenhauer and seconded by Biondolillo to have Town Counsel to reevaluate our Town Zoning Law pertaining to property located at 27246 NYS Route 342, Calcium, NY and to make a recommendation to the Board. Carried Ayes 5 Nay 0.

Steve Marshall, DANC gave monthly report. Still waiting on some parts for the panel repairs.

A motion was made by Gracey and seconded by Carpenter that Abstract #6 vouchers 810-932 in the amount of \$247,537.67 be paid from the following accounts.

Cash Balances as of

Current Month

May 30, 2021

Abstract 6

\$ 1,450,845.18	General Fund	\$76,599.19
\$ 583,064.96	Highway Fund-Townwide	\$ 2,956.37
\$ 823,807.43	Highway Fund-Town Outside	\$59,264.37
\$ 787.30	Expendable Trust	\$
\$ 1,521,331.64	Consolidated Water District	\$12,298.61
\$ 12,287.40	Water District # 3	\$ 571.67
\$ 284,136.76	Sewer District # 1	\$ 8,587.00
\$ 30,122.20	Sewer District # 2	\$ 921.14
\$ 30,384.90	Sewer District # 3	\$13,258.43
\$ 266,519.33	Sewer District # 4	\$ 354.42
\$ 168,328.49	Capital Project # 1 (Taylor Rd)	\$52,412.99
\$ 8,574.04	Capital Project # 2 (Water Dist 4)	\$
\$ 119,131.10	Capital Project # 3 (Sewer Dist 1)	\$
\$ 74.23	Capital Project # 3A (Sewer Dist 4)	\$
\$ -3,682.84	Capital Project # 4W (Water 2 Imp)	\$14,633.92
\$ 2,063,265.95	Capital Project # 5 (Highway Fac.)	\$ 2,011.00
\$ 22,397.00	Trust & Agency	\$ 3,668.56

Carried Ayes 5 Nay 0.

A motion was made by Eisenhauer and seconded by Biondolillo to authorize Town Counsel to accept stipulation of discontinuance with Rest Easy LLC for hotel on Fort Drum. Carried Ayes 5 Nay 0.

A motion was made by Eisenhauer and seconded by Biondolillo that the board request RFPs for town Auditing Service and to approve that the alternate should be for 5 years and to publish notice. Carried Ayes 5 Nay 0.

A motion was made by Biondolillo and seconded by Carpenter to approve the amended wording in the Town Handbook pertaining to the use of marijuana products. Carried Ayes 5 Nay 0.

A motion was made by Eisenhauer and seconded by Carpenter to pass a financial resolution to modify the 2021 Town Budget as follows:

1. Authorize the Supervisor to transfer \$41,377.50 from 233.82 Cash-Consolidated Water District to 233.82.1 Cash Reserve-Consolidated Water District-Debt Reserve Water District #2.
2. Authorize the Supervisor to transfer \$65,076.28 from 233.82 Cash-Consolidated Water District to 233.82.2 Cash Reserve-Consolidated Water District-Debt Reserve Water District #4

Carried Ayes 5 Nay 0.

A motion was made by Eisenhauer and seconded by Gracey that the board approve Municipal Solutions Agreement the amount does not exceed \$8,500 for the refunding of Town of LeRay \$2,390,000 Public Improvement Serial Bonds. Carried Ayes 5 Nay 0.

A motion was made by Eisenhauer and seconded by Gracey that the board approve Barclay Damon as bond counsel for the refinancing of serial bonds for Water District #2 and Sewer District #1 not to exceed \$4,000. Carried Ayes 5 Nay 0.

A motion was made by Biondolillo and seconded by Carpenter that the board approve the Certificate of Chief Fiscal Officer and to authorize Supervisor to sign. Carried Ayes 5 Nay 0.

A motion was made by Carpenter and seconded by Gracey that the board approve the following Bond Resolution.

Supervisor Taylor presented the following resolution and moved that it be adopted:

REFUNDING BOND RESOLUTION OF THE TOWN BOARD OF THE TOWN OF LERAY DATED JUNE 10, 2021 AUTHORIZING THE REFUNDING OF ALL OR A PORTION OF CERTAIN OUTSTANDING SERIAL BONDS, STATING THE PLAN OF REFUNDING, AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$895,000 PLUS COSTS OF ISSUANCE OF \$25,000 REFUNDING BONDS AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, the Town Board of the Town of LeRay, New York (the “Town”) has heretofore duly issued \$895,000 aggregate principal amount of Town of LeRay (Serial) Bonds, 2021, such bonds being dated December 15, 2010 and maturing in annual installments in each of the years 2011 to 2028 and 2011 through 2023, both inclusive (the “Refunded Bonds”), as more fully described therein; and

WHEREAS, the Refunded Bonds were authorized pursuant to bond resolutions dated A) December 14, 2006 and was issued to finance the cost of Construction of A Sanitary Sewer and Wastewater Collection Facility including a Pump Station, Force Mains and other Appurtenant Devices for the Town of LeRay Sewer District #1; and B) October 11, 2007 and was issued to for the Acquisition of Property for a New Production Well and the Construction of Facilities for the Town of LeRay known as Water District #2 ; and

WHEREAS, it would be in the public interest to refund all or a portion of the outstanding principal balance of the Refunded Bonds by the issuance of refunding bonds pursuant to Section 90.00 of the Local Finance Law; and

WHEREAS, such refunding will result in present value savings in debt service as required by Section 90.00 of the Local Finance Law;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

Section 1. The Town is hereby authorized to refund all or a portion of the outstanding principal balance of the Refunded Bonds.

Section 2. Attached hereto as Appendix A and incorporated herein by reference is the estimated financial plan for the refunding of the Refunded Bonds (the “Refunding Financial Plan”) showing the sources and amounts of all amounts of moneys required to accomplish the Refunding Financial Plan. The Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds (as defined herein) will be issued in a single series to refund all of the Refunded Bonds. This Town Board recognizes that the Refunding Bonds may be issued in series, and for portions of the Refunded Bonds, and that the Refunding Financial Plan also will most probably be different from that attached hereto. The Supervisor of the Town Board is hereby authorized and directed to determine which of the Refunded Bonds will be refunded and the timing thereof.

Section 3. Subject only to the issuance of the Refunding Bonds as herein authorized, the Town hereby elects to redeem all of the Refunded Bonds that are callable at a present value savings, if any. Upon the issuance of the Refunding Bonds, the election to redeem such callable Refunded Bonds shall become irrevocable. The Escrow Agent (as defined herein) or other such designated agent for the Refunding Bonds is hereby authorized and directed to cause notice of such call for redemption to be given in the name of the Town in the manner and within the time provided in the Refunded Bonds and in Section 53 of the Local Finance Law. Upon the issuance of the Refunded Bonds, the election to call in and redeem the callable Refunded Bonds and the direction to the Escrow Agent to cause notice thereof to be given as provided in this Section 3 shall become irrevocable, provided that this Section may be amended from time to time as may be necessary in order to comply with the publication requirements of paragraph a of Section 53.00 of the Local Finance Law, or any successor law thereto.

Section 4. The Town is hereby authorized to issue its serial general obligation refunding bonds (the “Refunding Bonds”) in the aggregate principal amount of not to exceed \$920,000, in order to refund all or a portion of the Refunded Bonds. The Refunding Bonds shall each be designated substantially “TOWN OF LERAY REFUNDING (SERIAL) BOND, 2021” together with such series designation and year as is appropriate on the date of sale thereof, shall be of the denomination of \$5,000 or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity, shall be dated on such dates, and shall mature on such dates in such years, bearing interest on such dates, at the rate or rates of interest per annum, as may be necessary to sell the same, all as shall be determined by the Supervisor of the Town Board pursuant to Sections 5 and 10 hereof. It is hereby further determined that such Refunding Bonds may be issued to refund all or a portion of the Refunded Bonds.

Section 5. The Supervisor of the Town Board is hereby authorized and directed to determine the amount of the Refunding Bonds to be issued, the maturities and terms thereof, the provisions relating to the redemption of Refunding Bonds prior to maturity, if any, whether the Refunding Bonds will be insured by a policy or policies of municipal bond insurance or otherwise enhanced by a credit enhancement facility or facilities, whether the Refunding Bonds shall be sold at a discount in the manner authorized by paragraph c of Section 57.00 of the Local Finance Law, and the rate or rates of interest to be borne thereby, whether the Refunding Bonds shall be issued having substantially level or declining annual debt service and all matters related thereto, and to prepare, or cause to be provided, a final Refunding Financial Plan and, in accordance herewith, all powers in connection therewith are hereby delegated to the Supervisor of the Town Board, provided that the terms of the Refunding Bonds to be issued, including the rate or rates of interest borne thereby, shall comply with the requirements of Section 90.00 of the Local Finance Law.

The Refunding Bonds may be subject to redemption prior to maturity upon such terms as the Supervisor of the Town Board shall prescribe, which terms shall be in compliance with the requirements of Section 53.00 (b) of the Local Finance Law. If less than all of the Refunding Bonds of any maturity are to be redeemed, the particular Refunding Bonds of such maturity to be redeemed shall be selected by the Town by lot in any customary manner of selection as determined by the Supervisor of the Town Board. Notice of such call for redemption shall be given by mailing such notice to the registered owners not less than thirty (30) days prior to such date and as otherwise provided in Securities and Exchange Commission Release No. 34-26856, as the same may be amended from time to time. Notice of redemption having been given as aforesaid, the bonds so called for redemption shall, on the date for redemption set forth in such call for redemption, become due and payable, together with interest to such redemption date, and interest shall cease to be paid thereon after such redemption date.

The Refunding Bonds shall be issued in registered form and shall not be registrable to bearer or convertible into bearer coupon form. In the event said Refunding Bonds are issued in non-certificated form, such bonds, when issued, shall be issued initially in registered form in denominations such that one bond shall be issued for each maturity of bonds and shall be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York (“DTC”), which will act as securities depository for the bonds in accordance with the book-entry-only system of DTC. In the event that either DTC shall discontinue the book-entry-only system, or the Town shall terminate its participation in such book-entry-only system, such bonds shall thereafter be issued in certificated form of the denomination of \$5,000 each or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity. In the case of non-certificated Refunding Bonds, principal of and interest on the bonds shall be payable by check or draft mailed by the Fiscal Agent (as defined herein) to the Depository Trust Company, New York, New York, or to its nominee, Cede & Co., while the Refunding Bonds are registered in the name of Cede & Co. in accordance with such book-entry-only system. Principal shall be payable only upon surrender of the bonds at the principal corporate trust office of such Fiscal Agent (or at the office of the Town Clerk as Fiscal Agent as hereinafter provided).

In the event said Refunding Bonds are issued in certificated form, principal of and interest on the Refunding Bonds shall be payable by check or draft mailed by the Fiscal Agent to the registered owners of the Refunding Bonds as shown on the registration books of the Town maintained by the Fiscal Agent, as of the close of business on the fifteenth day of the calendar month or last business day of the calendar month preceding each interest payment date as appropriate and as provided in a certificate of the Supervisor of the Town Board providing for the details of the Refunding Bonds. Principal shall be payable only upon surrender of bonds at the principal corporate trust office of a bank or trust company or banks or trust companies located or authorized to do business in the State of New York, as shall hereafter be designated by the Supervisor of the Town Board as fiscal agent of the Town for the Refunding Bonds (collectively, the “Fiscal Agent”). Refunding Bonds in certificated form may be transferred or exchanged at any time prior to maturity at the principal corporate trust office of the Fiscal Agent for bonds of the same maturity of any authorized denomination or denominations in the same aggregate principal amount. Principal and interest on the Refunding Bonds shall be payable in lawful money of the United States of America.

The Supervisor of the Town Board, as chief fiscal officer of the Town, is hereby authorized and directed to enter into an agreement or agreements containing such terms and conditions as he/she shall deem proper with the Fiscal Agent, for the purpose of having such bank or trust company or banks or trust companies act in connection with the Refunding Bonds as the Fiscal Agent for said Town, to perform the services described in Section 70.00 of the Local Finance Law, and to execute such agreement or agreements on behalf of the Town, regardless of whether the Refunding Bonds are initially issued in certificated or non-certificated form; provided, however, that the Supervisor of the Town Board is hereby authorized to name the Town Clerk as the Fiscal Agent in connection with the Refunding Bonds if said Refunding Bonds are issued in non-certificated form.

The Supervisor of the Town Board is hereby further delegated all powers of this Town Board with respect to agreements for credit enhancement, derived from and pursuant to Section 168.00 of the Local Finance Law, for said Refunding Bonds, including, but not limited to the determination of the provider of such credit enhancement facility or facilities and the terms and contents of any agreement or agreements related thereto.

Section 6. The maximum amount of Refunding Bonds authorized to be issued does not exceed the amount sufficient to pay the sum of (a) the principal amount of the Refunded Bonds, which will be outstanding as of the date of issue of the Refunding Bonds, (b) the aggregate amount of unmatured interest payable on the Refunded Bonds to and including either the dates

the Refunded Bonds mature or, if such Refunded Bonds are to be called for redemption prior to their maturities, the dates set for such redemption in accordance with the Refunding Financial Plan, (c) redemption premiums, if any, payable on the Refunded Bonds as of such redemption dates and (d) costs and expenses incident to the issuance of the Refunding Bonds, including the development of the Refunding Financial Plan, and of executing and performing the terms and conditions of the escrow contract and all fees and charges of the Escrow Holder, if any.

Section 7. The maximum period of probable usefulness permitted by law at the time of issuance of the Refunded Bonds for the object or purpose or objects or purposes for which each of the Refunded Bonds were issued is forty (40) years.

Section 8. If determined to be necessary, the Supervisor of the Town Board is hereby authorized and directed to contract on behalf of the Town with a bank or trust company located and authorized to do business in the State of New York for the purpose of having such bank or trust company act as the escrow holder (the "Escrow Holder") of the proceeds, inclusive of any premium, from the sale of the Refunding Bonds, together with all income derived from the investment of such proceeds, and any other moneys provided by the Town to accomplish the Refunding Financial Plan. The contract with the Escrow Holder shall comply in all respects with Section 90.00 of the Local Finance Law.

Section 9. If an Escrow Account is established, that portion of the proceeds of the sale of the Refunding Bonds, together with interest earned thereon, which shall be required for the payment of the principal of and interest on, the Refunded Bonds to be refunded, including any redemption premiums, in accordance with the Refunding Financial Plan, shall be irrevocably committed and pledged to such purpose and the holders of the Refunded Bonds to be refunded shall have a lien upon such moneys and the investments thereof held by the Escrow Holder. All interest earned from the investment of the proceeds of the sale of the Refunding Bonds not required for such payments on the Refunded Bonds to be refunded, shall be irrevocably committed, and pledged to the payment of the principal of and interest on the Refunding Bonds and the holders of the Refunding Bonds shall have a lien upon such moneys held by the Escrow Holder. The pledges and liens provided for in this Section shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder shall immediately be subject thereto without any further act.

Section 10. Subject to the provisions of the Local Finance Law and this Resolution, the power to determine the final Refunding Financial Plan, to prescribe the terms, form, and contents of the Refunding Bonds and to sell (including the power to sell the Refunding Bonds at a discount and pursuant to a private sale), issue and deliver the Refunding Bonds is hereby delegated to the Supervisor of the Town Board, the chief fiscal officer of the Town. The Refunding Bonds shall be sold at private sale or competitive sale as may be determined by the Supervisor of the Town Board for purchase prices to be determined by the Supervisor of the Town Board, plus accrued interest from the date or dates of the Refunding Bonds to the date or dates of delivery of payment for the Refunding Bonds. If the Refunding Bonds are sold at private sale, the Supervisor of the Town Board is hereby authorized to execute and deliver a purchase contract for the Refunding Bonds in the name and on behalf of the Town providing the terms and conditions for the sale and delivery of the Refunding Bonds to the underwriter. If the Refunding Bonds are sold at private sale, after the Refunding Bonds have been duly executed, they shall be delivered by the Supervisor of the Town Board to the Underwriter in accordance with said purchase contract upon the receipt by the Town of said purchase price, including accrued interest. If the Refunding Bonds are sold at competitive sale, after the Refunding Bonds have been duly executed, they shall be delivered by the Supervisor of the Town Board to the purchaser or its designee upon the receipt by the Town of said purchase price, including accrued interest.

Section 11. The Supervisor of the Town Board is hereby authorized to execute and the Town Clerk is hereby authorized to attest any Refunding Bonds issued pursuant to this

Resolution, and the Town Clerk is hereby authorized to affix to such Refunding Bonds the corporate seal of the Town. The Supervisor of Town Board 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.

Section 12. The faith and credit of the Town of LeRay, New York are hereby irrevocably pledged for the payment of the principal of and interest on such Refunding Bonds as the same become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on the Refunding Bonds becoming due and payable in such year. There shall be levied annually on all taxable real property of the Town, a tax sufficient to pay the principal of and interest on such Refunding Bonds as the same becomes due and payable.

Section 13. This Resolution shall be published in summary form by the District Clerk together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law, and such publication shall be in each of the official newspapers of the Town. The validity of the Refunding Bonds may be contested only if such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or the provisions of law which should be complied with at the date of publication of the summary of this Resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution.

Section 14. The law firm of Barclay Damon LLP is hereby appointed to serve as bond counsel to the Town in connection with the issuance of the Refunding Bonds.

The Motion having been duly seconded by Gracey, it was adopted and the following votes were cast:

A motion to adopt the foregoing Resolution was made by Carpenter and seconded by Councilmember Gracey, and upon a roll call vote of the Board was duly adopted as follows:

Supervisor Ronald C. Taylor	yes <u>x</u>	no ___
Councilmember Samuel J. Biondolillo	yes x	no ___
Councilmember Leland J. Carpenter	yes <u>x</u>	no ___
Councilmember John W. Eisenhauer	yes <u>x</u>	no ___
Councilmember Michael J. Gracey	yes <u>x</u>	no ___

Dated: June 10, 2021

Discussion on refunding money to a resident that requested a ZBA hearing. No one made a motion.

Supervisor Taylor made a request to have the Town Parking Lot resealed. A motion was made by Taylor and seconded by Eisenhauer to solicit quotes from paving companies and present at the next town board meeting. Carried Ayes 5 Nay 0.

A motion was made by Gracey and seconded by Biondolillo that the board goes into executive session at 6:15 p.m. to discuss contract negotiations. Carried Ayes 5 Nay 0.

A motion was made by Gracey and seconded by Carpenter that the board return to regular session at 6:30 p.m. Carried Ayes 5 Nay 0.

A motion was made by Biondolillo and seconded by Gracey that the board authorize Supervisor Taylor to sign a one year contract with the Village of Evans Mills for water service. Carried Ayes 5 Nay 0.

A motion was made by Carpenter and seconded by Gracey that the board adjourns meeting at 6:35 p.m. Carried Ayes 5 Nay 0.

Respectfully given:

Mary C. Smith, RMC
Town Clerk