

The regular monthly meeting for the Town of Constable was held on March 12, 2020 at 7:00 pm. Members present were Councilman Leahy, Patterson and Wilson, Councilwoman Lemire, Supervisor Onufer, Town Clerk Prue, Code Officer Halley and Highway Superintendent Martin.

Guests present were Dalton Patterson, Tech Support, Darren FeFee Constable Fire Dept. and James Snyder Assessor from Malone,

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A motion was made by Councilwoman Lemire and seconded by Councilman Patterson to accept the February 13, 2020 Regular meeting minutes, motion carried.

### **Assessor**

Supervisor Onufer read a letter of resignation from Laurie Marshall, Town Assessor. A motion was made by Councilman Wilson and seconded by Councilman Patterson to accept Laurie's resignation, motion carried. Supervisor Onufer introduced James Snyder from St. Lawrence County who is the Malone Assessor, as a potential assessor for the Town of Constable. Mr. Snyder explained all his experience and that if appointed by the Town to fill the assessor position he would accept the position and he would accept the salary that Laurie Marshall would have received.

A motion was made by Councilman Wilson and seconded by Councilwoman Lemire to appoint Mr. Snyder to the sole assessor position for the Town of Constable, with the term expiring 12/31/2020. At which time he will then be appointed to fill the unexpired term, motion carried.

It was also explained that Grievance Day would have to be moved. Supervisor Onufer explained that it would have to be done with a Local Law. A motion was made by Councilman Wilson and seconded by Councilwoman Lemire to approve changing Grievance Day from the 4<sup>th</sup> Tuesday in May to the 1<sup>st</sup> Wednesday in June, motion carried with an all yes vote.

Supervisor Onufer explained that Local Law #1-2019 making the Assessor Position an elected position will have to be rescinded and a new local law will have to be drafted changing from Elected to Appointed.

A motion was made by Councilman Wilson and seconded by Councilwoman Lemire for Budget Amendment #11-2019, motion carried.

\$549.99 from CDA200 – Cash HUD  
\$549.99 to A1355.4 Assessor cont.

A motion was made by Councilwoman Lemire and seconded by Councilman Wilson to accept the assessor's report, motion carried.

### **Code Officer**

Code Officer Halley gave his report for 02/09/2020 – 3/11/2020.

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

### **Fire Dept.**

Darren reported that the Fire Dept. Board would like to have a meeting with the Town Supervisor on April 6, 2020 at 7:00 PM. They have questions about the records to be stored in the New Town Hall Archives Room.

There is a new form from the County Ins. #209-I – Shared Services Contract with the Fire Dept.

### **Solar**

OYA – nothing new to report  
Helios - nothing new to report

### **Highway**

Supervisor Onufer reported receipt of \$29,487.63 for ½ of the 2019/2020 Franklin County snow plowing contract.

Highway Superintendent Martin gave his fuel usage report for February.

Supervisor Onufer reported that the paperwork for the financing of the new Snow Plow Truck was signed on March 4, 2020 and returned to Rural Development.

A motion was made by Councilwoman Lemire and seconded by Councilman Wilson to have special meeting on Monday March 16, 2020 at 5:15 pm in the Town Hall to adopt the Bond Resolution for the purchase of the new snow plow truck, motion carried.

A motion was made by Councilman Patterson and seconded by Councilman Leahy to forgo reading the Bond Resolution at this meeting. A copy of presented to each board member, motion carried. The Bond Resolution reads as follows:

A motion was made by Councilman Wilson and seconded by Councilwoman Lemire to approve Resolution #6-2020, Loan Resolution for the purchase of a new 2020 Highway Plow Truck, motion carried by an all yes vote.

Councilwoman Lemire	Yes
Councilman Leahy	Yes
Councilman Patterson	Yes
Councilman Wilson	Yes

The Loan Resolution reads as follows:

A RESOLUTION FOR THE Town Council of the Town of Constable authorizing and providing for the incurrence of indebtedness for the purpose of providing a portion of the cost of acquiring , constructing, enlarging, improving and/or extending its facility to serve an area lawfully within its jurisdiction to serve. 2020 Highway Plow Truck.

WHEREAS, it is necessary for the Town of Constable (herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of \$159,000.00 pursuant to the provisions of Subject to NYS Local Finance Law and

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 (7 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 purchaser for such bonds is found by the Association.

NOW THEREFORE, in consideration of the premises the Association hereby resolves:

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 the bonds upon the request of the Government if 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 17 (U.S.C. 1983 (c)).
3. To provide for, execute, and comply with Form RD 400-4, "Assistance 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 bonds or any other legal permissible source.
5. That upon default in the payments of any principle 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 at 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 provision of this resolution or any instrument incident to the making or insuring of the loan 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. Revenues accumulated over and above that needed to pay operating and maintenance, debt services 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 without 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 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 or improvements to the facility.

Any time funds are disbursed from the reserve account, additional deposits will be required until the reserve account has reached the required funded level.

15. To provide adequate services 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 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 impact of the facility's construction or operation.
17. To accept a grant in an amount not to exceed \_\_\_\_\_ 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 provision of all instruments incident to the making or the insuring of the loan, unless otherwise specifically provided by the terms of such instrument, shall be binding upon the Association as long as the bonds are held or insured by the Government or assignee. The provisions of sections 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.

In witness whereof, the Town Council of the Town of Constable has duly adopted this resolution and caused it to be executed by the officers below in duplicate on this 16<sup>th</sup> day of March, 2020.

Richard Onufer, Supervisor   Susan Prue, Town Clerk

Motion made by Councilwoman Lemire seconded by Councilman Wilson to accept the Highway Superintendent's report, motion carried.

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

Highway bills were audited and approved. 9-24

### **TECHNICAL SUPPORT**

Dalton reported that the Website is working well and the Facebook page is also up and running.

A motion was made by Councilwoman Lemire and seconded by Councilman Wilson to accept Dalton's report, motion carried with Councilman Patterson abstaining from the vote.

### **CAPITAL PROJECTS**

It was decided to get the Office Chairs with vinyl covering instead of cloth.

Nothing new to report on the DASNY Grant Application or the Archive Grant.

A motion was made by Councilman Wilson and seconded by Councilwoman Lemire to reimburse Bookkeeper, Karen Ritchie, for the purchase of a \$50.00 gift card for Candy Charland. Candy has been an integral part in helping Karen with the Capital Projects work. Motion carried.

A motion was made by Councilman Patterson and seconded by Councilman Wilson for Budget Amendment #1-2020, Capital Projects, motion carried.

\$225,000.00 from Account #H-909 Fund Balance – Capital Projects  
\$225,000.00 to Account #H1620.2 Building and Capital Outlay

A motion was made by Councilman Patterson and seconded by Councilman Wilson for Budget Amendment #2-2020, Capital Projects, motion carried.

\$18,589.37 from Account #H-909 Fund Balance – Capital Projects  
\$18,589.37 to Account #H3197.4 Law Enforcement Equip. and Capital Outlay

A motion was made by Councilman Patterson and seconded by Councilwoman Lemire to approve the Capital Projects Report, motion carried.

A motion was made by Councilwoman Lemire and seconded by Councilman Wilson to approve the Capital Projects Monthly Supervisor's Statement, motion carried.

### **Rec Park**

Supervisor Onufer reported that we have received the \$1,000.00 from the Franklin County DSS for the park expenses for the 2019 summer season.

Supervisor Onufer reported that the Sexual Abuse/Harassment Training needs to be done again this year. Tabled.

### **Town Justice**

Supervisor Onufer reported Justice Wisnesky turned in \$543.00 for January 2020, a voucher was received in the amount of \$306.00 which was sent to the

Justice Court Fund with the town keeping \$237.00. Justice Wisnesky turned in \$707.00 for February 2020, no voucher has been received yet.

### **Supervisor**

Supervisor Onufer reported that the Annual Financial Report for the year ending 2019 was submitted and a copy is on file in the Town Clerk's Office.

Supervisor Onufer reported the 2020 Contract from Tisdale & Assoc. has been received. This is for the monitoring of the old landfill. Motion made by Councilman Wilson and seconded by Councilman Patterson to approve signing and returning the contract to Tisdale & Assoc., motion carried.

Supervisor Onufer reported that the window has been replaced in the Adult Center bathroom.

Savings statement for February 2020 was reviewed by all board members present.

Trial Balance for February 2020 was reviewed by all board members present.

Supervisor's Report, General Fund presented and reviewed by all board members present, a motion was made by Councilman Patterson, seconded by Councilwoman Lemire to accept, motion carried.

A motion was made by Councilwoman Lemire and seconded by Councilman Patterson to void previous Budget Amendment #1-2020 in the amount of \$31,240.00, motion carried.

A motion was made by Councilwoman Lemire and seconded by Councilman Patterson for Budget Amendment #2-2020, motion carried.

\$28,350.00 from Account #A909 – Fund Balance  
\$28,350.00 to Account #A9901.9 - Inter fund Transfer to Capital Projects.

A motion was made by Councilwoman Lemire and seconded by Councilman Patterson for Budget Amendment #3-2020, motion carried.

\$78,400.00 from Account #A909 – Fund Balance  
\$78,400.00 to Account #A9901.0 - Inter fund Transfer to Capital Projects.

General bills were audited and approved. 27-48

Motion to adjourn was made by Councilwoman Lemire at 8:50 P.M., seconded by Councilman Patterson, motion carried.



