

**MINUTES OF THE SPECIAL TOWN BOARD MEETING HELD ON WEDNESDAY, June 20 2024, AT 9:00 A.M.
AT THE FORT ANN TOWN HALL**

PRESENT: Supervisor Samuel J. Hall
Councilman George F. Smith
Councilwoman Gretchen Stark

ABSENT: Councilman Michael Sexton
Councilwoman Deborah Witherell

OTHERS PRESENT: Miranda Herringshaw-Town Clerk, Paul Winchell- Highway Superintendent

Meeting was called to order at 9:00 a.m. with the Pledge of Allegiance to the Flag.

This meeting was posted in the post office, town hall, and the town website.

Highway Superintendent Paul Winchell stated that they have removed debris and about 600 tons of blacktop from under the roadway on Dewy’s Bridge Road, and they have hauled in stone and compacted it and will plan to leave the road dirt until at least fall to make sure the problem is fixed and to give the road time to settle before blacktopping. He also stated that the traffic lights that have been rented have been a big help, with this project.

RESOLUTION 64-2024

BOND RESOLUTION AUTHORIZING THE ISSUANCE OF \$240,757.75 AGGREGATE PRINCIPAL AMOUNT OF SERIAL BONDS OR A STATUTORY INSTALLMENT BOND OF THE TOWN OF FORT ANN TO PAY THE COSTS FOR THE PURCHASE OF A NEW 2024 WESTERN STAR 47X TRUCK AND VIKING EQUIPMENT PACKAGE FOR THE HIGHWAY DEPARTMENT OF THE TOWN OF FORT ANN AND AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION NOTES OF THE TOWN OF FORT ANN FOR THE AFORESAID PURPOSES AND IN CONNECTION THEREWITH

On motion of Councilwoman Stark, seconded by Councilman Smith to accept resolution entitled “Bond resolution authorizing the issuance of \$240,757.75 aggregate principal amount of serial bonds or a statutory installment bond of the Town of Fort Ann to pay the costs for the purchase of a new 2024 Western Star 47x truck and viking equipment package for the highway department of the Town of Fort Ann and authorizing the issuance of bond anticipation notes of the Town of Fort Ann for the aforesaid purposes and in connection therewith”

ADOPTED AYES 3 Smith, Stark, Hall
 EXCUSED 2 Witherell, Sexton

RESOLVED by the Board of the Town as follows:

Section 1. The specific object and/or purpose of the Project for which the obligations authorized by this Resolution is the purchase a new 2024 Western Star 47X Truck with Viking Equipment Package to replace an existing truck for the Highway Department for the total sum of Two Hundred Forty Thousand Seven Hundred Fifty Seven and 75/100 Dollars (\$240,757.75).

Section 2. The financing of the Project shall be undertaken by the Town through the issuance of a bond anticipation note or notes in accordance with and pursuant to the Local Finance Law of the State of New York in an amount not to exceed Two Hundred Forty Thousand Seven Hundred Fifty Seven and 75/100 Dollars (\$240,757.75). The Town hereby authorizes any bonds, including a statutory installment bond, in lieu of serial bonds, to be issues for this Project in an amount not to exceed Two Hundred Forty Thousand Seven Hundred Fifty Seven and 75/100 Dollars (\$240,757.75).

Section 3. The Town hereby authorizes the Supervisor of the Town (the "Supervisor") to utilize funds held within the Fund and within the Budget for the purpose of physical public betterment or improvement and the payment of services rendered in connection with the Project and further authorizes the Supervisor to repay any funds expended from the Fund with funds borrowed in connection with any bond anticipation note or bonds, including statutory installment bonds, issued pursuant to and authorized by and through this bond resolution.

Section 4. There are hereby authorized to be issued bond anticipation notes ("Notes"), including the renewal of such Notes, for the aforesaid specific objects or purposes in amounts up to but not exceeding the maximum amount of the Bonds herein authorized. Any such Notes issued shall be approved as to form and executed by the Supervisor and issued in anticipation of the sale of the Bonds herein authorized.

Section 5. It is hereby determined that the period of probable usefulness of the aforesaid specific objects or purposes is five (5) years pursuant to Section 11.00(a)(32) of the Local Finance Law.

Section 6. The full faith and credit of the Town is hereby irrevocably pledged for the payment of the principal of and interest on any Bonds or Notes issued in connection with this bond resolution, as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of, and any interest, if applicable, on the Bonds or Notes becoming due and payable in such years.

Section 7. The maximum maturity of the Bonds shall not exceed the periods of probable usefulness set forth above and shall mature on or before the date of the expiration of the aforesaid periods of probable usefulness as measured from the date of the Bonds or from the date of the first bond anticipation note issued in anticipation of the sale of such bonds, whichever date is earlier. If deemed necessary by the Supervisor, the Bonds or Notes to be issued hereunder may be issued in two or more separate series.

Section 8. Any Notes or Bonds issued hereunder shall be payable from the proceeds derived from the issuance and or sale of the Bonds authorized herein or otherwise redeemed in the manner provided by Section 23.00 or Section 62.10 of the Local Finance Law.

Section 9. There are no bond anticipation notes or Bonds outstanding which have been previously issued in anticipation of the sale of the Bonds authorized herein.

Section 10. Subject to the provisions of the Local Finance Law, the power to issue and sell the Bonds and/or Notes, including all powers and duties pertaining or incidental thereto, is hereby delegated to the Supervisor of the Town, except as herein provided. The Bonds and/or Notes shall be of such terms, form and content, and shall be sold in such manner, whether by public or private sale, as may be

determined by the Supervisor, pursuant to Local Finance Law, this resolution and any further resolution which the Board may hereafter adopt. The Supervisor is authorized to execute and deliver any documents and to take such other action as may be necessary and proper to carry out the intent of the provisions of this resolution, including any resolutions, contracts or authorizations necessary to secure any Federal or State issued grant(s) or loan(s).

Section 11. The exact date of issue of the Bonds and/or Notes and the exact date upon which the same shall become due and payable shall be fixed and determined by the Supervisor, provided however, that the maturity of said Notes or renewals thereof shall not exceed one year from the Note's or renewal's date of issue except as permitted by the Local Finance Law.

Section 12. The Supervisor shall prepare, or cause to be prepared, such Bonds and/or Notes and sell the same in accordance with the applicable provisions of the Local Finance Law, and at such sale shall determine the interest rate to be borne by such Bonds and/or Notes, whether fixed or variable.

Section 13. The proceeds of the sale of the Bonds and/or Notes shall be deposited and/or invested as required by Section 165.00 of the Local Finance Law, and the power to invest the proceeds of sale is hereby delegated to the Supervisor and the power to invest in any instruments described in the said Section 165.00 is expressly granted.

Section 14. To the extent that it is permitted to do so under the Internal Revenue Code of 1986, as amended (the "Code"), the Issuer hereby designates the Bonds and/or notes as "qualified tax-exempt obligations" under Section 265(b)(3) of the Code. The Issuer hereby covenants that it will (i) take all actions on its part necessary to cause interest on the Bonds and/or Notes be excluded from gross income for purposes of Federal income taxes and (ii) refrain from taking any action which would cause interest on the Bonds and/or notes to be included in gross income for purposes of Federal income taxes.

Section 15. The validity of such Bonds and/or Notes (collectively "Obligations") may be contested only if:

- (1) Such Obligations are authorized for an object or purpose for which the 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 with twenty (20) days after the date of such publication, or
- (3) Such Obligations are authorized in violation of the provisions of the constitution.

Section 16. This resolution, or a summary hereof, shall be published in full in the *Post Star*, which has been designated as the official newspaper of the Town for such purpose, together with a notice of the Clerk of the Town in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 17. The adoption of this Resolution is considered an action under the New York State Environmental Quality Review Act (SEQRA). The Town hereby declares that this action is a Type II action pursuant to 6 NYCRR 617.5(27), and hereby declares that the action does not have a significant impact on the environment and the action is hereby precluded from further environmental review.

Section 18. This resolution shall take effect immediately.

RESOLUTION 65-2024

AUTHORIZATION APPROVING CORONAVIRUS STATE AND LOCAL RECOVERY FUND DISBURSEMENT

On motion of Councilwoman Stark, seconded by Councilman Smith to accept resolution entitled "Authorization approving coronavirus state and local recovery fund disbursement"

ADOPTED AYES 3 Smith, Stark, Hall
 EXCUSED 2 Witherell, Sexton

RESOLVED, the Town Board hereby approves the disbursement in the sum of Four Thousand and 00/100 Dollars (\$4,000.00) as a one-time payment under the SLRF in accordance with the terms contained herein.

Discussion:

Supervisor Hall stated that he has been dealing with an ongoing issue with the Fort Ann EMS and has been in contact with Captain Tom Noble and has directed Captain Noble that the Pilot Knob area is no longer the responsibility of the Fort Ann EMS, and the signed contract states that. Attorney Meyers has written and sent Captain Noble a letter explaining this.

Councilman Smith stated that the harvester was on Hadlock on Tuesday and that they did not harvest much for weeds, that they are not tall enough and they have parked the harvester and will try again next week.

Supervisor Hall stated that he is in the process of surveying the property that the Town owns on Hadlock Pond and once the property has been surveyed, we will have the fence installed around the property.

No additional comments were made.

9:32 a.m. motion was introduced by Councilman Smith, seconded by Councilwoman Stark to adjourn.

Motion was carried unanimously.

Dated: June 20, 2024

Respectfully submitted,

Miranda Herringshaw, Town Clerk
Town of Fort Ann, New York