

Regular Town Board Meeting held November 23, 2015 at 6:15 P.M. at the Town Hall

in Schroon Lake N.Y.

Present:

Town Supervisor: Michael Marnell

Councilpersons: Roger Friedman, Clara Phibbs, Don Sage and Meg Wood

Town Clerk: Patricia Savarie

Town Attorney: Robert Hafner

Also Present: Albert May, Rosemarie Ritson, Jim and Marcia Hartnett , Dick
Newell and Paul McCann

Supervisor Marnell called the meeting to order at 6:15 P.M. with a salute to the Flag

Resolution #207 Approving Dissolution of Town of Schroon Fire Protection District

Councilman Friedman moved a resolution approving dissolution of the Town of Schroon Fire Protection District, seconded by Councilman Sage; carried.

**RESOLUTION APPROVING DISSOLUTION OF
TOWN OF SCHROON FIRE PROTECTION DISTRICT**

WHEREAS, the Town of Schroon Fire Protection District (“FPD”) was duly established by the Town Board to serve a portion of the Town of Schroon; and

WHEREAS, the Town of Schroon Fire District (“FD”) was duly established by the Town Board to serve other areas of the Town of Schroon; and

WHEREAS, the Town Board studied whether it would be to the mutual benefit, and in the best interests of the Town, to consolidate the FPD and the FD, and determined that such a combination would create greater operating efficiencies, provide better service to the public served by each District, and generate cost savings by avoiding duplication in administrative services; and

WHEREAS, in order to consolidate the FPD and the FD the Town Board must dissolve the FPD and extend the FD; and

WHEREAS, New York General Municipal Law Article 17-A provides that a local government entity (other than a town) may be dissolved and terminated by the procedure described therein; and

WHEREAS, pursuant to General Municipal Law §773, the Town Board endorsed a proposed Plan of Dissolution (“Dissolution Plan”) for the FPD for the purpose of commencing dissolution proceedings under Article 17-A of the General Municipal Law; and

WHEREAS, the Town Board conducted a Public Hearing on November 23, 2015 at 6:00 p.m. at the Schroon Town Hall, 15 Leland Avenue, Schroon Lake, New York, for the purpose of considering the proposed Dissolution Plan of the FPD, and notice thereof was given by the Town Clerk as required by law;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby finds and determines as follows:

1. A proceeding for the dissolution of the FPD pursuant to GML §773(2)(a) was commenced on October 14, 2015 by Resolution of the Town Board endorsing a proposed Plan of

Dissolution (“Dissolution Plan”).

2. A copy of the proposed Dissolution Plan, along with a descriptive summary thereof, was displayed and readily accessible to the public for inspection in a public place within the FPD as required by General Municipal Law.
3. The proposed Dissolution Plan, along with a descriptive summary thereof and a reference to the public place or places within the FPD where a copy thereof could be examined, was displayed on the website maintained by the Town.
4. A descriptive summary of the proposed Dissolution Plan and a reference to the public place or places within the FPD where a copy of the proposed Dissolution Plan could be examined, was published at least once each week for four successive weeks in a newspaper having a general circulation within the FPD.
5. The Town Board duly convened and conducted a Public Hearing on November 23, 2015 at 6:00 p.m. at Schroon Town Hall, 15 Leland Avenue, Schroon Lake, New York, for the purpose of considering the proposed Dissolution Plan and notice thereof was given by the Town Clerk as required by law.
6. The Public Hearing was held not less than 35 days and not more than 90 days after commencement of dissolution proceedings pursuant to GML §776.
7. All interested persons were given a reasonable opportunity to be heard on any aspect of the proposed dissolution of the FPD at the Public Hearing.
8. The proposed Dissolution Plan was considered by the Town Board after all persons were heard at the Public Hearing as aforesaid.

and be it further

RESOLVED, that the proposed Dissolution Plan dated October 14, 2015 is hereby adopted as the Plan of Dissolution for the Schroon FPD; and be it further

RESOLVED, that the FPD shall be hereby dissolved effective upon the extension of the FD to include the area previously in the FPD, which is expected to be December 31, 2015, pursuant to the Dissolution Plan; and be it further

RESOLVED, that upon the successful completion of these dissolution proceedings the Town Board shall take such actions as may be necessary and appropriate to wind down the affairs of the FPD pursuant to GML §787; and be it further

RESOLVED, that the Town Clerk is hereby authorized and directed to cause a certified copy of this Resolution to be duly recorded in the office of the Essex County Clerk and, within 10 days, to cause a certified copy hereof to be filed with the State Department of Audit and Control at Albany, New York, all pursuant to Town Law §173(1).

Resolution #208 Approving Extension of Town of Schroon Fire District

Councilman Friedman moved a resolution to approve the extension of the Town of Schroon Fire District, seconded by Councilman Sage; carried.

RESOLUTION APPROVING EXTENSION OF TOWN OF SCHROON FIRE DISTRICT

WHEREAS, the Town of Schroon Fire District (“FD”) was duly established by the Town Board to serve certain areas of the Town of Schroon; and

WHEREAS, the Town of Schroon Fire Protection District (“FPD”) was duly established by the Town Board to serve other areas of the Town of Schroon; and

WHEREAS, the Town Board has studied whether it would be to the mutual benefit, and in the best interests of the Town, to consolidate the FPD and the FD, and has determined that such a combination would create greater operating efficiencies, provide better service to the public served by each District, and generate cost savings by avoiding duplication in administrative services; and

WHEREAS, in order to consolidate the FPD and the FD the Town Board must dissolve the FPD and extend the FD to include the current area of the FPD; and

WHEREAS, the Town Board deems it advisable that the Town of Schroon Fire District be extended to encompass the area of the Town currently designated as the Town of Schroon Fire Protection District concurrently with the dissolution of the Fire Protection District (the “Fire District extension”); and

WHEREAS, on October 14, 2015 the Town Board adopted an Order (the “Public Hearing Order”) reciting the time and place of a public hearing on the proposed Fire District extension; and

WHEREAS, Notice of the Public Hearing was duly published and posted as required by law; and

WHEREAS, a public hearing on the proposed Fire District extension was duly held on November 23, 2015 and the Town Board has considered the evidence given thereat together with other information; and

WHEREAS, the Fire District Board of Fire Commissioners has consented to the Fire District extension, which consent has been duly filed in the Office of the Schroon Town Clerk;

WHEREAS, the Town Board wishes to extend the Fire District as described in the Public Hearing Order in accordance with Town Law Article 11;

NOW, THEREFORE, BE IT

RESOLVED, that the Schroon Town Board hereby determines that:

1. The Fire District extension as described in the Public Hearing Order is in the public interest;
2. Notice of the Public Hearing was published and posted as required by law and is otherwise sufficient;
3. All property and property owners within the Fire District extension are benefited thereby;
4. All property and property owners benefited are included within the limits of the Fire District extension;

and be it further

RESOLVED, that the Town Board hereby approves and authorizes the Fire District extension in accordance with the boundaries and descriptions set forth above and in the previously described Public Hearing Order, and fire protection service shall be provided; and be it further

RESOLVED, that the Fire District shall be extended into the entire area of the Town of Schroon currently designated as the Town of Schroon Fire Protection District concurrently with the dissolution of the Fire Protection District effective 11:59 p.m., December 31, 2015; and it is further

RESOLVED, that the Town Clerk is hereby authorized and directed to cause a certified copy of this Order to be duly recorded in the office of the Clerk of Essex County and, within 10 days after its adoption, cause a certified copy of this Order to be filed with the State Department of Audit and Control at Albany, New York, all pursuant to [Town Law 173\(1\)](#).

Duly adopted this 23rd day of November, 2015, by the following vote:

AYES : 5

NOES : 0

ABSENT: 0

Resolution #209 To Accept Warren County Sheriff Boat Patrol Report for Summer of 2015

Councilwoman Phibbs moved a resolution to accept the Warren County Sheriff Boat Patrol Report for Summer of 2015 and since we did not get the full coverage in July we should request a reduction for next year, and have it applied to the 2016 bill, seconded by Councilman Sage; carried.

Update on Tennis Courts

Supervisor Marnell stated that the fence had been removed and the net post are out and ready for spring to start work on the Tennis Courts.

Old Sewer Truck

Supervisor Marnell stated that he had talked to Jim Roblee and offered him \$1500.00 for the old Sewer Truck and Jim felt it was worth \$2500.00 and would like to put it up on the auction block at the County.

Resolution #210 Purchase of Snow Pusher for Backhoe at Transfer Station

Councilman Sage moved a resolution to purchase a Snow Pusher for the Backhoe at the Transfer Station, not to exceed \$3500.00, seconded by Councilwoman Phibbs; carried.

Bond Resolution

Robert Hafner, the Town Attorney, handed out the Bond Resolution for the Board to look over and went over it with them. The Board had many questions and will get back to him on any changes.

RESOLUTION AUTHORIZING THE ISSUANCE OF UP TO \$1,700,000 IN SERIAL BONDS OF THE TOWN OF SCHROON TO PAY THE COST OF AN ADDITION TO TOWN HALL; AND AUTHORIZING THE ISSUANCE OF UP TO \$1,700,000 IN BOND ANTICIPATION NOTES OF THE TOWN FOR THE SAME PURPOSE

WHEREAS, the Town Board has determined that additional space is needed for the Town Library, Town Court and other purposes properly located within Town Hall; and

WHEREAS, SD Atelier Architecture L.L.C. has provided proposed options for design of the Town Hall addition and the Town Board has chosen Option B as the preferred design;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF SCHROON, ESSEX COUNTY, NEW YORK, AS FOLLOWS:

Section 1. The Town Hall addition described in Option B of the SD Atelier proposal is hereby authorized and approved.

Section 2. The specific object or purpose for which the obligations authorized by this Resolution (the "Bond Resolution") are to be issued is construction of an addition to Town Hall to provide space for the Town Library, Town Court and other Town Hall purposes, including related preliminary and incidental costs (the "Project"), and such specific object or purpose is hereby authorized at a maximum estimated cost of One Million Seven Hundred Thousand and 00/100 Dollars (\$1,700,000.00).

Section 3. The plan for the financing of such maximum estimated cost is issuance of up to \$1,700,000 in serial bonds and/or bond anticipation notes of said Town, hereby authorized to be issued pursuant to the Local Finance Law. The proceeds of the bonds or bond anticipation notes may be used to reimburse expenditures paid by the Town from other funds or otherwise on or after the date of adoption of this Bond Resolution. Pursuant to Local Finance Law Section 107.00(d)(9), a down payment from current funds is not required.

Section 4. The Town Board anticipates that the Town may pay certain capital expenditures in connection with the Project prior to the receipt of the proceeds of the Bonds. The Town Board hereby declares its official intent to use Bond proceeds to reimburse the Town for such Project expenditures. This section of the Resolution is adopted solely for the purpose of establishing compliance with the requirements of Section 1.150-2 of the Treasury Regulations and does not bind the Town to make any expenditure, incur any indebtedness or proceed with the acquisition, construction and installation of the Project.

Section 5. It is hereby determined that the period of probable usefulness of the specific object or purpose is fifteen (15) years, pursuant to Section 11.00[a](12)(a)(2) of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five (5) years.

Section 6. The faith and credit of the Town of Schroon, Essex County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as they become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such years. There shall annually be levied on all the taxable real property in the Town of Schroon a tax sufficient to pay the principal of and interest on such obligations as they become due and payable.

Section 7. For the purpose of paying the cost of the Project, there are hereby authorized to be issued serial bonds of the Town up to a maximum amount of \$1,700,000 the maximum maturity of which shall not exceed the fifteen (15) year period of probable usefulness set forth above and which shall mature on or before such date 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. The bonds may be issued in the form of a statutory installment bond.

Section 8. There are hereby authorized to be issued bond anticipation notes for the specific object or purpose in an amount up to but not exceeding the \$1,700,000 maximum amount of serial bonds authorized to be issued, in anticipation of the issuance and sale of the serial bonds authorized, including renewals of such bond anticipation notes.

Section 9. Any bond anticipation notes shall be payable from the proceeds derived from the sale of the bonds or otherwise redeemed in the manner provided by Section 23.00 of the Local Finance Law. The faith and credit of the Town are hereby irrevocably pledged for the payment of the bond anticipation notes and the interest on them.

Section 10. There are no bond anticipation notes outstanding which have been previously issued in anticipation of the sale of these bonds. Neither are the bond anticipation notes hereby authorized renewal notes. These bond anticipation notes will not be issued in anticipation of bonds for an assessable improvement. These notes shall mature at such time as the Town may determine and may be renewed from time to time, provided that in no event shall such notes or renewals extend more than one (1) year beyond the original date of issue except as permitted in the Local Finance Law.

Section 11. Subject to the terms and conditions of this Resolution and of the Local Finance Law, and pursuant to the provisions of Sections 30.00, 50.00 and 56.00 to 60.00, inclusive, of the Local Finance Law, the power to authorize bond anticipation notes in anticipation of the issuance of the serial bonds authorized by this Resolution and the renewal of these notes, and the power to prescribe the terms, form and contents of the serial bonds and bond anticipation notes and the power to sell and deliver the serial bonds and bond anticipation notes issued in anticipation of the issuance of the bonds is hereby delegated to the Town Supervisor, the Chief Fiscal Officer of the Town. The Town Supervisor is hereby authorized to sign any serial bonds and bond anticipation notes issued in anticipation of the issuance of the serial bonds and bond anticipation notes issued pursuant to this Resolution by manual or facsimile signature, and the Town Clerk is hereby authorized to affix or impress or imprint a facsimile of the seal of the Town to any of the serial bonds or bond anticipation notes and to attest such seal by manual or facsimile signature. If executed by facsimile signature, such obligation shall be authenticated by the manual countersignature of the Town Supervisor or a designated fiscal agent. The Town Supervisor, as Chief Fiscal Officer of the Town, 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.

Section 12. The exact date of issuance of the bonds and/or notes and the exact date upon which they shall become due and payable shall be fixed and determined by the Chief Fiscal Officer, provided, however, that the maturity of the notes or renewals shall not exceed one (1) year from the date of issue except as permitted by the Local Finance Law.

Section 13. The Chief Fiscal Officer shall prepare the bonds and/or notes and sell them at public or private sale and in accordance with the provisions of the Local Finance Law including, but not limited to, the provisions of Section 169.00, if applicable, and at such sale shall determine the interest rate to be borne by such bonds and/or notes, and whether fixed or variable. The Town Board authorizes the Chief Fiscal Officer to establish substantially level annual debt service or a declining annual balance for the repayment of such Bonds if the Chief Fiscal Officer believes it is in the best interests of the Town. The Town Board authorizes the Chief Fiscal Officer to issue such serial bonds in the form of a statutory installment bond.

Section 14. The bonds and/or notes may be sold at public or private sale in accordance with the provisions of the Local Finance Law. If the bonds and/or notes are to be sold at public sale, the Chief Fiscal Officer is hereby authorized to engage the services of a qualified fiscal advisor to assist the District in matters relating to such public sale.

Section 15. If issued, the bonds and/or notes shall be in registered form, and shall bear interest at the determined rate.

Section 16. The Chief Fiscal Officer shall deliver the bonds and/or notes to the purchaser only against a certified check or other immediately available funds. 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 Chief Fiscal Officer and the power to invest in any instruments described in Section 165.00 is expressly granted.

Section 17. To the extent that it is permitted to do so under the Internal Revenue Code of 1986, as amended (the "Code"), the Town hereby designates the bonds and/or notes as "qualified tax-exempt obligations" under Section 265(b)(3) of the Code. The Town hereby covenants that, to the extent permitted under the Code in effect as of the date of issuance of any bonds and/or notes, it will (i) take all actions on its part necessary to cause interest on the bonds and/or notes to 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 18. The Town of Schroon is a town wholly within the Adirondack Park. However, State lands subject to taxation within the Town's boundaries are assessed at less than thirty percent (30%) of the total taxable assessed valuation of the Town, so permission of the State Comptroller to issue the bonds and/or notes is not required under Local Finance Law Section 104.10(3).

Section 19. This Resolution is subject to permissive referendum pursuant to Article 7 of New York Town Law and Section 35.00 of New York Local Finance Law, and shall not take effect until such time as provided. The Town Clerk is hereby authorized and directed to post and publish the notice required for Resolutions subject to permissive referendum.

Section 20. Miller, Mannix, Schachner & Hafner, LLC, Glens Falls, New York, is hereby designated bond counsel.

Section 21. The validity of these serial bonds and bond anticipation notes may be contested only if:

- (A) These obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (B) 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 (20) days after the date of such publication, or
- (C) Such obligations are authorized in violation of the provisions of the State Constitution.

Section 22. This Resolution or a summary thereof shall be published in the *Post Star*, which has been designated as the official newspaper of the Town, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 23. This Resolution shall take effect immediately.

Section 24. The question of the adoption of this Resolution was duly put to a vote on roll call which resulted as follows:

AYES: _____ NAYS: _____ ABSENT: _____

ROLL CALL

AYES:
NAYS:
ABSENT:

The Resolution was declared duly adopted by a vote of not less than two-thirds (2/3) of the full membership of the Town Board.

Billing for Ambulance Service

Councilman Friedman asked Robert Hafner, the Town Attorney, if the Ambulance Squad could charge for services? Robert stated if the Ambulance Squad belongs to the Fire District it can not bill. In order to bill they would have to be on their own, with their own 501C3 and would have to get their own certificate of need and would have to disentangle it self from the Fire District, if it did that the Town must authorize it for billing and set the amount for service. Some Towns receive the payment and do their own billing and sometimes the Ambulance Squad will do the billing. Councilman Friedman asked Robert Hafner to find out if the Ambulance Squad was going to separate from the Fire District are they mandated to vacate the premises where they are? Robert stated he did not know and would have to find that out for the Board.

Councilwoman Wood moved to adjourn at 7:05 P.M., seconded by Councilman Sage; carried.

I, Patricia J. Savarie, do hereby certify the foregoing to be a true and correct transcript from the minutes now on file in my office and of the whole such original minutes.

Dated: November 24, 2015

_____ Town Clerk