

The Town of Moriah Town Board held a special Town Board Meeting on Monday, March 4, 2024 at 1:00pm at the Town of Moriah Town Hall, 38 Park Place, Port Henry, NY.

Present: Matthew Brassard Supervisor
 Paul Salerno Councilman
 Tom Anderson Councilman
 Nathan Gilbo Councilman

Others Present: Rose French-Town Clerk

The Supervisor opened the meeting at 1:00pm by saluting the flag.

Resolutions:

69. **ON MOTION** by Councilman Salerno, seconded by Councilman Anderson, the following resolution was

APPROVED	Ayes	Brassard, Salerno, Anderson, Gilbo
	Nays	0
	Absent	0

RESOLVED a Public Interest Order regarding the Increase and Improvement of Facilities of Sewer District #1 in the Town of Moriah, Essex County, New York

WHEREAS, the Town Board of the Town of Moriah, Essex County, New York, has duly caused to be prepared a map, plan and report including an estimate of cost, pursuant to Section 202b of the Town Law, relating to the proposed increase and improvement of the facilities of Sewer District #1, in the Town of Moriah, Essex County, New York, consisting of the replacement of a box culvert, including incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$750,000; and

WHEREAS, at a meeting of said Town Board duly called and held on February 15, 2024, an Order was duly adopted by it and entered in the minutes specifying the said Town Board would meet to consider the increase and improvement of facilities of Sewer District #1 in said Town at a maximum estimated cost of \$750,000, and to hear all persons interested in the subject thereof concerning the same at the Court House, 42 Park Place, in Port Henry, New York, in said Town, on February 28, 2024, at 6:00 o'clock P.M., Prevailing Time; and

WHEREAS, said Order duly certified by the Town Clerk was duly published and posted as required by law; and

WHEREAS, a public hearing was duly held at the time and place set forth in said notice, at which all persons desiring to be heard were duly heard; NOW, THEREFORE, BE IT

ORDERED, by the Town Board of the Town of Moriah, Essex County, New York, as follows:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to make the increase and improvement of the facilities of Sewer District #1, in the Town of Moriah, Essex County, New York, consisting of the replacement of a box culvert, including incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$750,000.

Section 2. This Order shall take effect immediately.

70. **ON MOTION** by Councilman Anderson, seconded by Councilman Salerno, the following resolution was

APPROVED	Ayes	Brassard, Salerno, Anderson, Gilbo
	Nays	0
	Absent	0

RESOLVED A RESOLUTION AUTHORIZING THE ISSUANCE OF \$750,000 BONDS OF THE TOWN OF MORIAH, ESSEX COUNTY, NEW YORK, TO PAY THE

COST OF THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF
SEWER DISTRICT #1, IN THE TOWN OF MORIAH, ESSEX COUNTY,
NEW YORK.

WHEREAS, pursuant to the provisions heretofore duly had and taken in accordance with the provisions of Section 202b of the Town Law, and more particularly an Order dated the date hereof, said Town Board has determined it to be in the public interest to improve the facilities of Sewer District #1, in the Town of Moriah, Essex County, New York, at a maximum estimated cost of \$750,000; and

WHEREAS, the capital project hereinafter described, as proposed, has been determined to be a Type II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, which regulations state that Type II Actions will not have any significant adverse impact on the environment; and

RESOLVED, by the Town Board of the Town of Moriah, Essex County, New York, as follows:

Section 1. For the specific object or purpose of paying the cost of the increase and improvement of Sewer District #1, in the Town of Moriah, Essex County, New York, consisting of the replacement of a box culvert, including incidental improvements and expenses in connection therewith, there are hereby authorized to be issued \$750,000 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 \$750,000, 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 \$750,000 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 4 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 Moriah, Essex 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 Sewer District #1 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 he 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 Environmental Conservation 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 specific object or purpose 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 longterm 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.

Discussion: Councilman Salerno stated we are borrowing \$750,000; what Hutchins bills us could be more or it could be less; the Supervisor stated FEMA is reimbursing 75% of the bid which was \$990,000; he also stated that the State is reimbursing the Town 12 ½ %, which means the Town only has to pay 12 ½%. Councilman Anderson asked if the Town gets to keep the rest of the money and the Supervisor said yes; it will go in to the General Fund. Councilman Salerno asked when we would get the FEMA money, could it take a year and the Supervisor stated we should have it within 6 months. Councilman Anderson stated then we would just pay ourselves back and the Supervisor said yes.

71. **ON MOTION** by Councilman Anderson, seconded by Councilman Gilbo, the following resolution was

APPROVED	Ayes	Brassard, Salerno, Anderson, Gilbo
	Nays	0
	Absent	0

RESOLVED hire Chet and Sandy Woods as Campground Managers at Bulwagga Bay Campsite for the 2024 season.

Discussion: Councilman Salerno stated that Wayne & Ruth Plunkett did not want to clean the bathrooms and had no interest in doing any of the bookwork by computer; Councilman Salerno stated we cannot go backwards. He also stated that Chet Woods cleans the bathrooms at Bulwagga Bay and they are hoping he will clean the bathrooms at Champ RV Park this year also.

The meeting adjourned at 1:07pm.

Town Clerk