REGULAR MEETING

January 17, 2024

The regular meeting of the Martinsburg Town Board was held on Wednesday. January 17, 2024, at the Municipal Offices, Cemetery Road, and called to order at 7:02 PM.
Present: Supervisor Terrence Thisse; Councilmen Janusz Karelus, Brad Allen, Darren Jantzi; Highway Superintendent Tyler Jones; Town Clerk Deanna Doviak; Legislator Josh Leviker; and Bob Dening. Absent Councilman Michael McGrath.

MINUTES

The minutes of the December meeting were emailed to the board members prior to the meeting. Councilman Jantzi made a motion, seconded by Councilman Karelus to approve the minutes as presented. All were in favor. Motion carried.

Bills Abstract 01-2024

General:	Voucher # 1-29
Highway:	Voucher # 1-16
Glenfield Water:	Voucher # 1-7
Glenfield Sewer:	Voucher # 1-6
Martinsburg Water # 1:	Voucher # 1-6
Street Lighting:	Voucher # 1
Whitaker Park:	Voucher # 1- 3

Discussion was held on the bills one correction was added by Supervisor Thisse to add Voucher # 30 to the General Vouchers to pay NYS Retirement. Councilmen Karelus made a motion, seconded by Councilman Jantzi to approve the bills presented and add the retirement voucher. All were in favor, Motion carried.

Councilman made a motion, seconded by Councilman Allen to open the Public Hearing @ 7:10 PM to hear comments on the proposed Glenfield Wastewater Treatment Resolution.

Supervisor Thisse held the Public Hearing open and went on with other business.

TOWN CLERK REPORT

The Town Clerk report was presented to the board. Councilman Karelus made a motion, seconded by Councilman Jantzi accepting the Town Clerk report for December. All were in favor. Motion carried.

COOPERATIVE TUG HILL COMMISSION Absent

COUNTY LEGISLATOR REPORT

Mr. Leviker reported on the following:

- The Board of Elections has moved into the new building.
- New Highway garage and old garage
- The hospital is planning on opening the maternity ward in the next 9 weeks. • Drafting resolution for Fire and EMS to be paid $50.00 to be on call. Up to $5,000.
- Solar and Wind poll agreements down the KV lines • Solar infrastructure for NYS Green 3-5 years • Solar needs new Transmission lines.
- Tug Hill Commission for solar laws. • Glenfield paving project

Councilman Jantzi made a motion, seconded by Councilman Allen to close the public hearing and return to regular meeting at 7:25. All were in favor. Motion carried.

Councilman Jantzi made a motion, seconded by Councilman Allen to open a Public Hearing at 7:24 PM to hear comments on the plowing of Minimum Maintenance Roads. Supervisor Thisse held the Public Hearing open and went on with other business.

HIGHWAY

The 2010 Ford F350 was sold to Bob Dening, who will be working on our Cyber Security and upgrades as payment.
A discussion was held on Unifirst uniforms weather to give the Guys a $500.00 Stipend and buy their own clothes. Deanna will check on the contract,

LED STREET LIGHTING

Supervisor Thisse stated that this project was started on May 1 Ith, 2023, River Road had a light pole brake during the windstorm, and it is still not back up.

MARTINSBURG WATER #2

Timber needs to be cut as it is in the
waterworks! Tabled Alger Road Extension

Councilman Karelus made the motion to close the Public Hearing at 7:40 PM seconded by Councilman Jantzi . All were in favor. Motion carried.

ARPA

Attended Zoom Webinar. Yearly report due by April 30th Possible
ways to use money.

- Playgrounds
- Cameras for the sewer system,
- Improvement hiking trails at Whitaker Park & Kiosk viewers • Bleachers

A motion was made by Councilman Karelus, seconded by Councilman Jantzi to pass the Resolution for the Wastewater Treatment.

RESOLUTION OF THE TOWN OF MARTINSBURG, NEW YORK, APPROVING THE ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE IMPROVEMENTS TO THE TOWN OF MARTINSBURG WASTEWATER TREATMENT PLANT.

Whereas, pursuant to Town Law Section 202-b, the Town of Martinsburg (the "Town") Proposes the undertake the acquisition, constructor building section of or additions to the Town's Wastewater Treatment Plant, including but not limited to, the expansion of the existing Wastewater Treatment Plant facilities adding an approximately 20,000 gallons septic tank and sand bed filters, to accommodate stormwaters flows, ultraviolet (UV) disinfection equipment rehabilitation of existing sewer collection infrastructure and replacement of manholes, whether or not including purification or disposal plants or buildings, improvements, land or rights in land, or original furnishings, equipment, machinery or apparatus in connection therewith (the "improvements"); and

WHEREAS the total estimated maximum cost of the Improvements is $2,000.000 and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, Chapter 43-b of the Consolidated Laws of New York, as amended (the " SEQR Act") and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York, being 6 NYCRR Part 617, as amended (the "Regulations") by resolution adopted on September 16, 2020, the Town Board determined that the acquisition, construction and installation of the Improvements (the "Project") will not have any significant adverse environmental impacts and

WHEREAS, on January 17 j 2024, prior, to adopting this Resolution, the Town Board held a public hearing regarding the Project, as required by Town Law Section 202-b; and

WHEREAS the Town Board now desires to authorize the Project in accordance with Town Law Section 202-b.

NOW, THEREFORE, BE IT RESOLVED that the Town Board hereby determines it is in the public interest to acquire, construct and install the Improvements; and be it further,

RESOLVED, that the Town Board hereby authorizes the Town Supervisor and other proper officers of the Town to proceed with the Improvements; provided, however, that the financing of the Improvements shall not occur until the Town Board has Adopted a Bond Resolution in accordance with the New York Local Finance Law.

The question of adoption of the foregoing resolution was duly put to a vote, which resulted as follows:

COUNCILMAN BRAD ALLEN	aye
COUNCILMAN DARREN JANTZI	aye
COUNCILMAN JANUSZ KARELUS	aye
SUPERVISOR TERRENCE THISSE	aye
COUNCILMAN MICHAEL MCGRATH	absent

The resolution was thereupon declared duly adopted.

A motion was made by Councilman Jantzi and seconded by Councilman Karelus to pass the Bond Resolution All were in favor, motion carried.

BOND RESOLUTION OF THE TOWN OF MARTINSBURG, NEW YORK, AUTHORIZING THE ISSUANCE OF $ 2,000,000 SERIAL BONDS TO FINANCE THE COST OF TOWN OF MARTINSBURG WASTEWATER TREATMENT PLANT IMPROVEMENTS.

BE IT RESOLVED by the Town Board of the Town of Martinsburg, Lewis County, New York, as follows:

Section 1. The Town of Martinsburg, New York (the "Town") hereby approves the acquisition, construction reconstruction of or addition to the Town's Wastewater Treatment Plant, including but not limited to, the expansion of the existing Wastewater Treatment Plant facilities by adding an approximately 20,000 gallon septic tank and sand bed filters, to accommodate stormwater flows, ultraviolet (UV) disinfection equipment, rehabilitation of existing sewer collection infrastructure and replacement of manholes, whether or not including purification or disposal plants or buildings, land or rights in land, or original furnishings, equipment, machinery or apparatus in connection therewith is hereby authorized at an estimated maximum coast of $2,000.00.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific object or purpose to be financed by the Town is $2,000,000. Said amount is of $2,000,000 is serial bonds (the "Bonds") of the Town which are hereby authorized to be issued pursuant to this resolution and the provisions of the Local Finance Law; PROVIDED, HOWEVER, that to the extent that any Federal or State grants are received for such specific objects' purposes, 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 (40) years pursuant to subparagraph 4 of Section 11.00 (a) of the Local Finance Law. The proposed maturity of the Bonds will be in excess of five years.

Section 4. Pursuant to Section 107.00(d) (3) (1) of the Local Finance Law, current funds are not required to be provided prior to issuance of the Bonds or any bond anticipation notes issued and anticipation of issuance of the Bonds.

Section 5. The temporary use of available funds of the Town not immediately required for the purposes for which the same were borrowed, raised, or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the capital purposes described in Section 1 of this resolution.

Section 6. The Bonds and any bond anticipation notes issued in anticipation of the Bonds, shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law and the Bonds, and any bond anticipation notes issued in anticipation of the Bonds, shall be general obligations of the Town, payable as to both principal and interest by general tax upon all

the real property within the Town without legal or constitutional limitation as to rate or amount. 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 year. There shall annually be apportioned and assessed upon the several lots and parcels of land within the Town of Martinsburg Wastewater Treatment Plant, which the Town Board shall determine and specify to be especially benefited by the capital purpose described in Section 1 of the resolution, and amount sufficient to pay the principal of and interest on the Bonds, and any bond anticipation notes issued in anticipation of the Bonds, as the same becomes due and payable , but if not paid from such source, all the taxable real property in the Town shall be subject to the levy of ad valorem taxes without limitation as to rate or amount sufficient to pay the principal of and interest on such obligations.

Section 7. Subject to the provisions of the resolution and of the Local Finance Law, and pursuant to the provisions of Sections 21.00,30.00,50.00, and 56.00 to 63.00 inclusive 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 Bonds herein authorized, including renewals of such notes, and the power to prescribe the terms, form and contents of the Bonds, and any bond anticipation notes, and the power to sell and deliver the Bonds, and any bond anticipation notes issued in anticipation of the issuance of the Bonds, and the power to sell and deliver the Bonds,

and any bond anticipation notes providing for substantially level or declining annual debt service, is hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

Section 8. The reasonable expected source of funds to be used to initially pay for the expenditure authorized by Section 1 of this resolution shall be from the Town's General Fund. It is intended that the Town shall reimburse such expenditures with the proceeds of the Bonds and bond anticipation notes authorized by this resolution and that the interest payable on the Bonds and any bond anticipation notes issued in anticipation of the Bonds shall be excludable from gross income for federal income tax purposes. This resolution is intended to constitute the declaration of the Town's "official intent" to reimburse the expenditures authorized by this resolution with the proceeds of the Bonds and bond anticipation notes authorized herein, as required by United States Treasury Department Regulation 1.150-2.

Section 9. The serial bonds and bond anticipation notes authorized to be issued by this resolution are hereby authorized to be consolidated, at the option of the Town Supervisor, the chief fiscal officer, with the serial bonds and bond anticipation notes authorized by other bond resolutions previously or heretofore adopted by the Town Board for purposes of sale in one or more bond or note issues aggregation an amount not to exceed the amount authorized in such resolutions. All matter s regarding the sale of the bonds, including the dated date of the bond, the consolidation of the serial bonds and bond anticipation notes with other issues of the Town and the serial maturities of the bonds are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

Section 10. The Town is hereby authorized to execute and deliver in the name and on behalf of the Town a project financing agreement prepared by the New York State Environmental Facilities Corporation ("EFC") (the "SRF Project Financing Agreement"). The

Supervisor and the Town Clerk 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 thereby, including, but not limited to, actions related to the transaction with the SRF Project Financing Agreement.

Section 1 1. The validity of the Bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of the Bonds may be contested only

(a) Such 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 the 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 Constitution.

Section 12. This resolution, or a summary thereof, shall be published in the official newspapers of the Town for this purpose, together with a notice of the Clerk of the Town in substantially the form provided om Section 81.00 of the Local Finance Law.

Section 13. This resolution is not subject to a permissive referendum in accordance with Section 35.00(b) (2) of the Local Finance Law.

Section 14. The Town Supervisor, as chief fiscal officer of the Town, is hereby authorized to enter into an undertaking for benefit of the holders of the Bonds from time to time, and any bond anticipation notes issued in anticipation of the sale of the Bonds, requiring the
Town to provide secondary market disclosure as required by Securities and Exchange Commission Rule 15c2-12.

Section 15. The Town Board hereby determines that the provisions of the State Environmental Quality Review Act and the regulations thereunder have previously been satisfied with respect to the expenditures authorized by this resolution.

Section 16. This resolution shall take effect immediately.

GLENFIELD WATER

Barton and Loguidice say things look good.

MISCELLANEOUS

575 B Change Pilot for wind and solar

Houck property needs the fence fixed before there is a transfer of property.
Have $25,000 insurance policy for Cyber Security.
Tyler spoke about the trailer on 26 wanting water, the town doesn't own the line, Check what the billing rate would be.
The Comprehension plan is outdated.
A public hearing will be held at the February meeting to discuss PROPERTY TAX AGE EXEMPTION
Council Allen made a motion, seconded by Councilman Karelus at 8:36 PM to go into executive session All were in favor, motion carried.
Councilman Allen made a motion seconded by Councilman Jantzi to return to the regular meeting at 8:53 All were in favor, motion carried.

There being no further business, Councilman Jantzi made a motion, Seconded by Councilman Allen to Adjourn the meeting at 8:54 PM all were in favor, motion carried.

Respectfully Submitted,
Deanna Doviak, Town Clerk