

REGULAR MEETING – ATHENS TOWN BOARD – July 5, 2017

A regular meeting of the Athens Town Board was called to order by Supervisor Robert F. Butler, Jr., at 7:00 p.m., on July 5, 2017 with the Pledge of Allegiance to the Flag.

The following people were present: Supervisor Butler; Councilwoman Mary H. Brandow; Councilman Michael Ragaini; Councilman Anthony Paluch; Councilman Richard M. Surrano, Jr. Highway Superintendent John J. Farrell and Town Clerk Linda M. Stacey.

These people were also present; Attorney Benedict; Bookkeeper Michael Strenka; assessor Carol McBride; Code Enforcement Officer Albert Gasparini; Phyllis Dinkelacker; Kurt Andernach; Angelo Rakitzis; Barbara Trembacz; Theresa Cardinale; Fran McCusker; Roger C. Albright; Larry Styles; Fredrick Dedrick 2<sup>nd</sup>; Susy Graf; Janet Paluch; Eugene Paluch; Mike Campbell; Melissa Ragaini; Village Trustee Marla Butler; and reporter Daniel Zuckerman.

The following bills were audited by the Board and ordered paid.

General Abstract #12, vouchers #372 through #373 inclusive for \$15,968.29.

Highway Abstract #12, vouchers #128 through #135 inclusive for \$65,828.71.

**Phyllis Dinkelacker** reported on the Greene County Emergency Medical Services Inc. projected fees for 2018. She said that as far as it stands now the budget for 2018 will remain the same as this year, \$1,563,458. She handed out copies of the proposed budget to the Board members.

**Assessor Carol McBride** reported that there is a conference on July 31, 2017. After the conference we will know if the APO is filing a motion.

The Final roll for 2017 has been completed and the notice has been published for July 1, 2017. The Board of Review will meet in august pending corrections made to the final roll.

	2017	2016	Difference
Parcel Count	3035	3059	24
Town Av	1,838,901,019	1,810,893,129	28,007,890
Town Taxable	511,423,075	486,590,306	24,832,769
Town Vil Taxable	160,557,809	152,891,255	7,666,554
Parcel Count	1089	1102	13
Village Av	215,304,654	206,451,599	8,853,055
Village Taxable	160,557,809	152,891,255	7,666,554

Assessor McBride has scheduled training for July 17-21 in Ithaca, NY. The Office will be closed.

**Temporary Code Enforcement Officer Albert Gasparini** reported that Hudson River Bulk has dumped more than 1000 yard of fill material at their parcel on Route 9W.

Supervisor Butler suggested pulling out the original site plan.

**Mr. Gasparini** also reported that the owner of the Dollar Store location is coming in for an asbestos removal and demolition permit of the existing house on the property. (9718 Rt. 9W)

Site manager for Sandhu Industries on Valley Road, visited the Code Enforcement office for a Special Fill Permit. He was told that the requests from the *Stop Work Order* have not been addressed, and additional invoices for fill delivered have not been given to this office. The fill is being pushed over trees and vegetation.

TJ Patel of Sandhu Industries stated to Mr. Gasparini that the use of the land was for housing; however a plan has not been submitted to this office of intended use of the property.

Mr. Gasparini feels that due to the wet area on the land, George Casey from the US Army Corp of Engineering needs to be contacted.

6 building permits were issued; 4 building inspections; 2 title searches and 2 Certificates of Occupancy.

**Mary DiStefano**, owner of 15 Hidden Drive has filed new complaints due to the new zoning amendment-short term rentals for Air BnB's.

8544 Rt. 9W Garage is being worked on by Mr. Gasparini. He can't find certification for the garage, or a list with a limited number of cars that can be allowed on the property. To get information from the County he needs to file a form.

**Highway Superintendent John J. Farrell** reported the Highway Department changed pipes and grad all on River Road, Cold Springs Road, and Dallas Road.

They cut the grass at the park 2 times. They have been mowing the sides of the roads.

Grader patched Fox Lane and Potic Mountain Road.

They did sweeping of Village streets for Street Festival. They are helping the Village dig up Brick Row Road next week and putting a new base under it.

They are oil and stoning the week of July 17<sup>th</sup>.

**Highway Superintendent Farrell** asked to the Board to amend the Highway Agreement by removing oil and stone from Bambi Lane; Sager Lane; Cold Springs Road; Park Avenue; River Road; and Dallas Road which adds up to a total of \$8600.00. This money would be used for getting roads ready for next year.

**Mr. Farrell would like to surplus** the Ford 555b backhoe and run it on Auction International, rather than see it sit.

**Supervisor Butler informed the Board** that he and Highway Superintendent John J. Farrell were going to meet with Senator George Amedore and NYS DOT regarding the intersection of Howard Hall Road and State Route 385.

**Bookkeeper/Budget Officer Michael Strenka** went over the Supervisor's Report with the Board.

**Councilwoman Mary H. Brandow** made a motion seconded by Councilman Michael Ragaini to *approve the Supervisor's Report as presented*. Ayes-5 (Butler; Brandow; Ragaini; Paluch; Surrano) Noes-0 Absent-0 Abstentions-0

**Continuation of Public Hearing on Solar:**

Discussion held on Town Planning Board findings and Greene County Planning Board Findings.

As there were no questions from the audience or the Board, Councilman Michael Ragaini made a motion seconded by Councilwoman Mary H. Brandow to close the public hearing on solar.

Ayes-5 (Butler; Brandow; Ragaini; Paluch; Surrano) Noes-0 Absent-0 Abstentions-0

**RESOLUTION #2017-40**

**WHEREAS**, the Town Law of the State of New York, authorizes the Town of Athens to adopt zoning provisions that advance and protect the health, safety, and welfare of the community, and "to make provision for, so far as conditions may permit, the accommodation of solar energy systems and equipment and access to sunlight necessary therefor"; and

**WHEREAS**, the Town Board of the Town of Athens wishes to promote the creation of solar photovoltaic installations by providing standards for the placement, design, construction, operation, monitoring, and removal of such installations that address public safety, minimize impacts on residential, scenic, and natural resources and to provide adequate financial assurance for the eventual decommissioning of large-scale installations;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town of Athens adopts the “Local Law Revising Chapter 180 of the Code of the Town of Athens to Regulate Solar Energy” as provided in the annexed Local Law.

**Introduced by: Richard M. Surrano, Jr.**

**Seconded By: Mary H. Brandow**

Upon the question of the adoption of this Resolution, the following Board members voted “Aye” in favor of the Resolution:

Robert F. Butler, Jr.  
Mary H. Brandow

Richard M. Surrano, Jr.  
Michael Ragaini

The following Board members voted “No” in opposition of the Resolution:  
Anthony Paluch

The proposed Resolution having been approved by a majority of the Board, the same was declared duly adopted by the Athens Town Board.

Dated: July 5, 2017

**Local Law No. 2 of 2017**

**A LOCAL LAW REVISING CHAPTER 180 OF THE CODE OF THE TOWN OF ATHENS TO  
REGULATE SOLAR ENERGY**

**BE IT ENACTED** by the Town Board of the Town of Athens as follows

**SECTION 1. TITLE.**

This Local Law shall be referred to as: “Local Law to Regulate Solar Energy.”

**SECTION 2. AUTHORITY.**

This Local Law to regulate Solar Energy is adopted pursuant to sections 261-263 of the Town Law of the State of New York, which authorize the Town of Athens to adopt zoning provisions that advance and protect the health, safety, and welfare of the community, and “to make provision for, so far as conditions may permit, the accommodation of solar energy systems and equipment and access to sunlight necessary therefor.”

**SECTION 3. PURPOSE.**

The purpose of this Local Law is to promote the creation of solar photovoltaic installations by providing standards for the placement, design, construction, operation, monitoring, and removal of such installations that address public safety, minimize impacts on residential, scenic, and natural resources and to provide adequate financial assurance for the eventual decommissioning of large-scale installations.

**SECTION 4. THE CODE OF THE TOWN OF ATHENS IS HEREBY REVISED BY ADDING  
SECTION 52 TO ARTICLE III OF CHAPTER 180 AND AMENDING TABLE 1 PERMITTED  
USE, TO READ AS FOLLOWS:**

**CHAPTER 180. ZONING  
ARTICLE III. General Standards**

**§ 180-52. Solar Energy**

**A. Definitions.**

As used in this section, the following terms shall have the meanings indicated. The definitions contained in § 180-3 shall also apply to this section.

**BUILDING INTEGRATED PHOTOVOLTAIC SYSTEM**

A combination of photovoltaic building components integrated into any building structure, such as vertical facades including glass and other facade material, semitransparent skylight systems, roofing materials, and shading over windows, that maintain a uniform profile or surface of vertical walls, window openings, and roofing.

**GROUND-MOUNTED SOLAR ENERGY SYSTEM**

A Solar Energy System that is anchored to the ground, attached to a pole or other mounting system, and detached from any other structure, and which produces energy primarily [or solely] for the purpose of onsite consumption.

**LARGE-SCALE SOLAR ENERGY SYSTEM**

A Solar Energy System that is ground-mounted and produces energy primarily for the purpose of offsite sale of consumption.

**ROOF-MOUNTED SOLAR ENERGY SYSTEM**

A Solar Energy System in which solar panels are mounted on the roof of any legally permitted building either as a flush-mounted system or as modules fixed to frames which can be tilted toward the south at an optimal angle.

**SOLAR ENERGY EQUIPMENT**

Electrical energy storage devices, material, hardware, utility interconnection, inverters, or other electrical equipment and conduit of photovoltaic devices associated with the production of electrical energy.

**SOLAR ENERGY SYSTEM**

An electrical generating system composed of a combination of both Solar Panels and Solar Energy Equipment. Solar Energy Systems are not considered “agricultural structures” as defined and used in this Chapter.

**SOLAR PANEL**

A photovoltaic device capable of collecting and converting solar energy into electrical energy.

**B. Applicability.** This section applies to all Solar Energy Systems proposed to be constructed after the effective date of this section, excluding Building-Integrated Photovoltaic Systems and general maintenance and repair of existing Solar Energy Systems. This section also applies to physical modifications that materially alter the type, configuration, or size of a Solar Energy System or related equipment.

**C. Solar as an Accessory Use or Structure.**

**(1) Roof-Mounted Solar Energy Systems**

(a) Roof-Mounted Solar Energy Systems that use the Electricity onsite or offsite are permitted as an accessory use in all zoning districts when attached to any lawfully permitted building, subject to the following requirements:

- [1] Building permits shall be required for installation of all Roof-Mounted Solar Energy Systems.
- [2] Roof-Mounted Solar Energy Systems shall not exceed the maximum height restrictions contained in Table 2, Density and Dimensions.
- [3] When feasible, Solar Panels facing the front yard must be mounted at the same angle as the roof’s surface with a maximum distance of 18 inches between the roof and the highest edge of the Solar Panels at maximum tilt.
- [4] Roof-Mounted Solar Energy Systems shall be constructed and operated in compliance with New York State Uniform Fire Prevention and Building Code.

(b) Roof-Mounted Solar Energy Systems that use the energy onsite or offsite shall be exempt from site plan review under the local zoning code or other land use regulations.

**(2) Ground-Mounted Solar Energy Systems**

(a) Ground-Mounted Solar Energy Systems that use the electricity primarily onsite are permitted as accessory structures in all zoning districts, subject to the following requirements:

- [1] Building permits shall be required for installation of all Ground-Mounted Solar Energy Systems.
- [2] Ground-Mounted Solar Energy Systems shall adhere to the height, setback, and maximum percent parcel coverage of the underlying zoning district, as shown in Table 2, Density and Dimensions. In determining the maximum percent parcel coverage, the total square footage of the solar panels, along with the impervious footprint of the

Solar Energy Systems shall be included.

- [3] In residential districts, no Ground-Mounted Solar Energy Systems shall be installed in front yards.
  - [4] Ground-Mounted Solar Energy Systems shall be screened when possible and practicable from adjoining lots and street right-of-way through the use of architectural features, earth berms, landscaping, fencing or other screening which harmonizes with the character of the property and the surrounding area to the extent the screening does not interfere with normal operation of the Solar Energy Systems.
  - [5] Ground-Mounted Solar Energy Systems shall be sited within any Required buffer area.
  - [6] Ground-Mounted Solar Energy Systems shall be constructed and operated in compliance with the New York State Uniform Fire Prevention and Building Code.
- (b) Ground-Mounted Solar Energy Systems that use the electricity primarily onsite shall be exempt from site plan review under the local zoning code or other land use regulations.

**D. Approval Standards for Large-Scale Solar Energy Systems as a Special Use.**

- (1) Large-Scale Solar Energy Systems are permitted within MUC, LI-1, and LI-2. subject to site plan review pursuant to § 180-55 by the Planning Board and the following supplementary regulations contained in this section.
- (2) Building permits shall be required for installation of all Large-Scale Solar Energy Systems.
- (3) Site Plan Application Requirement. Any application under this section shall meet any substantive provisions contained in § 180-55(E) that, in the judgement of the Planning Board, are applicable to the Solar Energy Systems being proposed. In addition, the following documentation, as applicable, shall be submitted for any Large-Scale Solar Energy System:
  - (a) If the property of the proposed project is to be leased, documentation of legal consent between all parties, specifying the use of the land for the duration of the project, including easements and other agreements;
  - (b) blueprints showing the layouts of the Solar Energy System signed by a Professional Engineer or Registered Architect;
  - (c) equipment specification sheets for all Solar Panels, and significant components, mounting systems, and inverters that are to be installed;
  - (d) a property operation and maintenance plan that describes how the Solar Energy System and property on which it is located will be maintained, including measures for maintaining safe access to the system and a description of how ground cover and screening plantings will be maintained (i.e. mowing and trimming);
  - (e) a decommissioning plan that meets the requirements of § 180-52 (D) (5);
  - (f) documentation detailing the available capacity of the region’s existing electric infrastructure and the effect the proposed facility will have on this infrastructure; and
  - (g) A site plan, showing the following elements, in addition to the elements listed in § 180-55(E) (7) as applicable to the project:
    - [1] the location of proposed and existing overhead and underground utility and transmission lines;
    - [2] the location of any proposed or existing substation, inverter, transformer or equipment enclosures;
    - [3] a description of any necessary upgrades or modifications to existing Substations or the necessity for a new substation;
    - [4] a description of how the Solar Energy System’s generated energy will connect to the electrical distribution or transmission system or the intended user’s electrical system;
    - [5] the location and elevations of all transmission lines, support structures, and attachments to the substation(s); and
    - [6] proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures.

**(4) Site Plan Review Standards.**

- (a) Large-Scale Solar Energy Systems shall adhere to the height, setback, and maximum percent parcel coverage of the underlying zoning district, as shown in Table 2, Density and Dimensions. In determining the maximum percent parcel coverage, the total square footage of the solar panels, along with the impervious footprint of the Solar Energy Systems shall be included.
- (b) Large-Scale Solar Energy Systems shall be enclosed by perimeter fencing 8 ½ feet tall to restrict unauthorized access. Clearly visible warning signs with the owner’s contact information shall be posted at the entrance and perimeter of the fencing.
- (c) Solar Energy Equipment and accessory structures shall, to the extent reasonably possible, use materials, colors, and textures that will blend the Solar Energy System with the existing environment.
- (d) Appropriate landscaping and/or screening materials may be required to mitigate adverse aesthetic impacts and help screen the Solar Energy System and accessory structures from roadways and adjacent properties.
- (e) Reasonable efforts, as determined by the Planning Board, shall be made to place all on site power lines underground, depending on the approximate soil conditions, shape, and topography of the site and any requirements of the utility provider. Onsite transformers and the utility interconnection equipment shall, to maximum extent practicable, be placed on the ground and not on utility poles. The location of all proposed equipment, including the proposed utility interconnection shall be shown on the site plan. If at the time of the site plan approval the final utility interconnection has not been designed and/or approved by the utility company, the Planning Board may conditionally approve the site plan with the condition that the applicant return for final site plan review once the interconnection has been designed.
- (f) The Planning Board may impose conditions on its approval of any site plan under this section in order to enforce the standards referred to in this section or in order to discharge its obligations under the State Environmental Quality Review Act (SEQRA).

**(5) Decommissioning Plan.** To ensure the proper removal of Large-Scale Solar Energy Systems, a decommissioning plan that meets the following requirements shall be Required for all Large-Scale Solar Energy Systems:

- (a) Compliance with plan shall be made a condition of site plan approval.
- (b) Decommissioning requires removal of the Solar Energy System, including but not limited to removal of Solar Panels, Solar Energy Equipment, associated buildings, cabling, electrical components, and any other associated facilities below grade as described in the approved decommissioning plan.
- (c) The decommissioning plan must:
  - [1] specify that after the Large-Scale Solar Energy System has been abandoned or can no longer be used, it shall be removed by the applicant or any subsequent owner;
  - [2] describe how the removal of all infrastructure and the remediation of soil and vegetation shall be conducted to return the site to its original state prior to construction. For purposes of this section, “original state” requires restoration of vegetation cover;
  - [3] provide for the removal of all hazardous materials from the property and disposition of hazardous material in accordance with federal and state law;
  - [4] describe the anticipated life of the Large-Scale Solar Energy System;
  - [5] include a cost estimate, which takes into account inflation, prepared by a Professional Engineer detailing the projected cost of executing the decommissioning plan; and
  - [6] include a timeline for execution, not to exceed one (1) year.
- (d) Prior to the issuance of a certificate of compliance from the Code Enforcement Officer, the applicant must provide the Town with a performance guarantee as provided below. The amount of the guarantee shall be 1.25 times the estimated decommissioning cost minus the salvageable value or \$50,000.00, whichever is greater.
  - [1] The following types of performance guarantees are permitted:
    - a. A surety or performance bond that renews automatically, includes a minimum 60-day

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notice to the Town prior to cancellation, is approved by the Town attorney, and is from a company on the U.S. Department of Treasury's Listing of Certified Companies.

- b. A certified check deposited with the Town to be deposited by the Town in an interest bearing account, with all interest accruing to the applicant. The Town shall be permitted to draw from the account in the event that the applicant fails to carry out the decommissioning plan. Funds deposited with the county finance director will be returned when the system is decommissioned and any required site restoration is completed.
  - c. A no-contest irrevocable letter of credit issued by a banking corporation licensed to do business in the State of New York. The terms of the letter must include the absolute right of the Town to withdraw funds from the bank upon certification by the Code Enforcement Officer that the terms of the performance guarantee have been breached. The letter of credit must be valid up to 12 months from the date the performance guarantee was approved and shall be continuously renewed or extended until the decommissioning plan is carried out.
- [2] The full amount of the surety or bond, certified check, or letter of credit must remain in full force and effect until the Large-Scale Solar Energy System is decommissioned and the necessary site restoration is complete.

**(6) Modifications.** All material modifications to a Large-Scale Solar Energy System made after initial site plan review approval and the issuance of the required building permit shall require approval by the Planning Board.

**(7) Abandonment and Decommissioning.** Large-Scale Solar Energy Systems are considered abandoned after one (1) year without active and continuous electrical generation and shall be decommissioned and removed from the property at the owner's or operator's expense pursuant to the decommissioning plan submitted with the applicant's site plan application. If the Large-Scale Solar Energy System is not decommissioned after being considered abandoned, the Town may, in addition to the Town's other available remedies, remove the system, restore the property, and impose a lien on the property to cover these costs to the Town.

**(8) Safety.** The Large-Scale Solar Energy System owner or operator shall provide a copy of the blueprints and site plan to the local fire chief(s). Upon request, the owner or operator shall cooperate with local emergency services to develop an emergency response plan. All means of shutting down the Solar Energy System shall be clearly marked.

**(9) Compliance with Law, Ordinances, and Regulations.** The construction and operation of all Large-Scale Solar Energy Systems shall be in compliance with all applicable local, state, and federal laws, ordinances, and regulations, including but not limited to all applicable safety, construction, electrical, and communications requirements.

**SECTION 5. SEVERABILITY.**

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision or phrase, which shall remain in full force and effect.

**SECTION 6. EFFECTIVE DATE.**

This Local Law shall take effect immediately upon passage and filing with the Secretary of State.

*The above Local Law No. 2 of 2017* was adopted as follows: Ayes-4 (Butler; Brandow; Ragaini; Surrano) Noes-1(Paluch) Absent-0 Abstentions- 0

**Resident Larry Styles** asked the Board about the status of Code Enforcement Officer George Holsopple, who he felt has been out on sick leave far too long. More than twelve weeks which is what the handbook states. Discussion followed.

**Supervisor Robert F. Butler, Jr. made** a motion seconded by Councilman Richard M. Surrano, Jr. *to appoint Albert Gasparini as the number one (1) Code Enforcement Officer.* Ayes-3 (Butler; Ragaini; Surrano) Noes-2 (Brandow; Paluch) Absent-0 Abstention-0

**Councilman Richard M. Surrano, Jr.** made a motion seconded by Councilman Michael Ragaini *to relieve George Holsopple of his duties as Code Enforcement Officer.* Carried: Ayes-3 (Butler; Ragaini; Surrano) Noes-2 (Brandow; Paluch) Absent-0 Abstentions-0

Discussion followed on staffing in the Assessor's Office.  
(Assessor McBride has asked for someone to help her with the filing.)

**Councilwoman Mary H. Brandow** made a motion seconded by Councilman Richard M. Surrano, Jr. authorizing the Assessor to hire someone to help her with the filing. (There is only \$500 in the budget for this.) Ayes-5 (Butler; Brandow; Ragaini; Paluch; Surrano) Noes-0 Absent-0 Abstentions-0

Attorney Virginia Benedict read the Bond Resolution to be adopted.

**BOND RESOLUTION DATED JULY 5, 2017.**

A RESOLUTION AUTHORIZING THE RECONSTRUCTION OF THE EXISTING HIGHWAY GARAGE AND CONSTRUCTION OF AN ADDITION TO THE HIGHWAY GARAGE IN THE TOWN OF ATHENS, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$1,600,000, AUTHORIZING THE ISSUANCE OF SERIAL BONDS OF THE TOWN OF ATHENS, GREENE COUNTY, NEW YORK IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$800,000 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE A PORTION OF SUCH COST, PROVIDING THAT THIS RESOLUTION SHALL BE SUBJECT TO A PERMISSIVE REFERENDUM, AND DELEGATING CERTAIN POWERS IN CONNECTION THEREIN TO THE TOWN SUPERVISOR.

**On the motion on Councilman Michael Ragaini seconded by Councilwoman Mary H. Brandow the following RESOLUTION #2017-41- BOND RESOLUTION** was adopted as follows: **BE IT RESOLVED**, by the Town Board of the Town of Athens, Greene County, New York (the "Town") (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

**SECTION 1.** The specific purpose (hereinafter referred to as "purpose") to be financed pursuant to the resolution is the reconstruction of the existing 4,900 square foot highway garage located at 79 Old Kings Road and construction of an approximately 5,200 square foot addition to include four new apparatus bays and administrative support space, including relating worksite work, original furnishings, equipment and machinery or apparatus required for such purpose. The estimated maximum cost of said purpose is \$1,600,000 and said amount is hereby appropriated therefor.

**SECTION 2.** It is hereby determined that said purpose is an object or purpose described in subdivision 12(a) of paragraph a of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is twenty-five years.

**SECTION 3.** It is hereby determined that the aforesaid purpose constitutes an unlisted action as defined under the State Environmental Quality Review Regulations, 6 NYCRR Part 617, which has been determined in accordance with SEQR not to have a significant impact on the environment.

**SECTION 4.** The Town Board plans to finance a portion of the total cost of said purpose by the issuance of serial bonds of the Town in an amount not to exceed \$800,000, hereby authorized to be issued therefor pursuant to the Local Finance Law. The remaining portion of the cost is to be paid from unrestricted fund balance, hereby appropriated for such purpose.

**SECTION 5.** The proposed maturity of the serial bonds authorized hereby is in excess of five years.

**SECTION 6.** Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of said bonds.

**SECTION 7.** The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized.

**SECTION 8.** Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds, shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law. The faith and credit of the Town are hereby irrevocably pledged for the payment of the principal of and interest on said 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 said bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of the Town a tax sufficient to pay the principal of and interest on said bonds as the same become due and payable.

**SECTION 9.** Subject to the terms and contents of this resolution and the Local Finance Law, and pursuant to the provisions of Sections 30.00, 50.00, and 56.00 to 63.00, inclusive, of said Law, the power to authorize bond anticipation notes in anticipation of the issuance of the serial bonds authorized by this resolution and the renewals of said notes and the power to prescribe the terms, form and contents of said serial bonds, and said anticipation notes (including without limitation the date, denominations, maturities, interest payment dates, consolidation with other issues, and redemption rights), the power to determine to issue said bonds in the form of a statutory installment bond, the power to determine to issue said bonds providing for substantially level or declining debt service, and the power to sell and deliver said serial bonds and any bond anticipation notes issued in anticipation of the issuance of such serial bonds, is hereby delegated to the Town Supervisor, the Chief Fiscal Officer of the Town. The Supervisor is hereby authorized to sign any serial bonds issued pursuant to this resolution and any bond anticipation notes issued in anticipation of the issuance of said serial bonds, and the Town Clerk is hereby authorized to affix the corporate seal of the Town to any of said serial bonds or any bond anticipation notes and to attest such seal.

**SECTION 10.** The Town Supervisor is further authorized to take actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the “Code”) and to designate the bonds authorized by this resolution and any notes issued in anticipation thereof as “qualified tax-exempt bonds” for purposes of Section 265 (b) (3) (B)(i) of the Code.

**SECTION 11.** Within ten days after the adoption of this resolution, the Town Clerk is hereby authorized and directed to cause to be published at least once in The Daily Mail, a newspaper having a general circulation in the Town and hereby designated as the official newspaper of the Town, and to be posted on the sign board of the Town maintained pursuant to the Town Law a notice which shall set forth the date of adoption of this resolution and contain an abstract thereof, concisely stating its purpose and effect and specifying that this resolution was adopted subject to a permissive referendum.

**SECTION 12.** This resolution shall take effect thirty days after adoption, unless there shall be filed with the Town Clerk a petition signed and acknowledged by the electors of the Town qualified to vote upon a proposition to raise and expend money, in number equal to at least five percentum of the total vote cast for governor in the Town at the last general election held for the election of State offices, protesting against this resolution and requesting that the matter be submitted to the qualified electors of the Town at a referendum in the manner provided by Article Seven of the Town Law.

**SECTION 13.** The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds 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 the publication of this resolution are not substantially complied with; and
- (3) An action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or
- (4) Such obligations are authorized in violation of the provisions of the Constitution of New York.

**SECTION 14.** Following the effective date of this resolution, the Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of the Local Finance Law, in The Daily Mail, a newspaper having a general circulation in the Town and hereby designated as the official newspaper of the Town for such publication.

**SECTION 15.** This resolution supersedes that certain Bond Resolution dated June 19, 2017.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows: Robert F. Butler, Jr. Voting yes

Mary H. Brandow Voting yes

Anthony Paluch Voting yes

Michael Ragaini Voting yes

Richard M. Surrano, Jr. Voting Yes

The foregoing resolution was thereupon declared duly adopted.

After reviewing the *Town Clerk Report*, **Councilman Anthony Paluch made a motion to accept it as presented** seconded by Councilman Michael Ragaini. Ayes-5 (Butler; Brandow; Ragaini; Paluch; Surrano) Noes-0 Absent-0 Abstentions-0

**Councilman Anthony Paluch made a motion** seconded by Councilman Michael Ragaini *to approve the minutes of June 19, 2017 as read.* Ayes-5 (Butler; Brandow; Ragaini; Paluch; Surrano) Noes-0 Absent-0 Abstentions-0

**The residents of Quarry Road** came in with new complaints regarding an Air-B & B. The complaints were turned over to Code Enforcement. Attorney Benedict said that if there was an advertisement in the paper showing the house in questions as an air-B&B they should bring it in. Discussion followed.

**Mr. Gasparini** said he go out and take a look, and Mr. Campbell said he would take him.

**On the motion of Councilwoman Mary H. Brandow** seconded by Councilman Michael Ragaini the following **RESOLUTION #2017-42 to Amend the 2017 Highway Agreement as follows**, was adopted: *To remove oil and stone treatment from Bambi Lane; Sager Lane; Cold Springs Road; Park Avenue; River Road; and Dallas Road. This adds up to a total of \$8600. This money will be used for getting roads ready next year.* Ayes-5 (Butler; Brandow; Ragaini; Paluch; Surrano) Noes-0 Absent-0 Abstentions-0

**Councilman Michael Ragaini made a motion** seconded by Councilman Richard M. Surrano, Jr. *to surplus the Ford 555b backhoe and authorizes the Highway Superintendent to advertise it on Auction International.* Ayes-5 (Butler; Brandow; Ragaini; Paluch; Surrano) Noes-0 Absent-0 Abstentions-0

As there was no further business to come before the meeting, a motion to adjourn was made by Councilman Anthony Paluch seconded by Councilman Richard M. Surrano, Jr. Ayes-5 (Butler; Brandow; Ragaini; Paluch; Surrano) Noes-0 Absent-0 Abstentions-0

Meeting was adjourned at 8:20 pm.

