

Present at the regular meeting were Supr. Robert Briggs, J Baciуска, C Tallmadge, M Long, J Lawrence Superintendent L Shultis, Assessor Stafford.

Visitors: K Colley, E Colley, A Leggett, A Steinberg, R Tallmadge, W Leidecker, P Wylubski.

Bills were audited and ordered paid as follows:

General Fund claims Nos.165-172 totaling \$4760.33 as listed in General Fund Abstract No.12 dated December 8, 2011 and

Highway claims Nos.159-172 totaling \$9358.62 as listed on Highway Abstract No.12 dated December 8, 2011.

The regular monthly meeting was called to order at 7:00 p.m. with the salute to the flag. Regular meeting minutes of November 10, 2011 were read. J Lawrence made motion to accept minutes as read seconded by C Tallmadge. Approved.

Recognition of Visitors

Communications

1. Chenango County Comprehensive plan is available for viewing at Town Clerks office.
2. Letter from Attorney Downey was read. Resolutions were passed as follows.

**Resolution Subject to Mandatory Referendum  
Authorizing construction of a Combination  
Town Hall/Town Highway Department Garage Bulding**

At a regular meeting of the town board of the Town of Afton, New York held on the 8<sup>th</sup> day of December, 2011, at 7:45 P.M., at the town hall, 169 Main Street, Afton, New York and said meeting having been publicly noticed and publicly held, at which a quorum was present and participating thereat throughout, there were:

Present:	Supervisor Robert Briggs	John Lawrence
	Mary Jo Long	Jamie Baciуска
	Calvin Tallmadge	
Absent:	None	

M John Lawrence moved the following resolution for adoption:

**WHEREAS**, due to the eligibility for the receipt of flood damage monies from FEM A in the amount of \$515,000.00 and a building capital reserve fund balance in excess of \$200,000.00, the town is in a position to construct a combination town hall and highway department garage building upon lands owned by the town without the incurring of indebtedness in an amount the repayment of which would cause a material increase in the town real property tax levy; and

**WHEREAS**, Town Law sections 220 (3) and 81 (c) authorizes the town board by the adoption of a resolution to construct a town hall or any other necessary bulding for town purposes, subject to a permissive referendum: and

**WHEREAS**, Town Law 94 authorizes the town board upon its own motion to hold a special election for purposes of submitting thereat a proposition for voter approval, which is otherwise subject only to a permissive referendum: and

**WHEREAS**, the town board upon its own motion wishes to submit to the electors of the town at special election a proposition for the construction of a combination town hall and highway department garage and a plan for paying the cost of constructing same.

**NOW THEREFORE BE IT RESOLVED AS FOLLOWS:**

1. The town board does hereby authorize the construction of a combination town hall and highway department garage building upon 3.47 acres +/- of land owned by the town, located within the town on the southerly side of NYS Route 7, being Chenango County tax map parcel #285-1-32.32, at an estimated cost of \$1,081,000.00.
2. The plan of financing the said cost of said building is as follows:
  - a. The expenditure of flood damage funds to be received by the town from FEMA in the amount of \$515,000.00, and
  - b. The expenditure of a sum of money not to exceed \$215,000.00 from the town's building capital reserve fund; and
  - c. The borrowing of a sum of money not to exceed \$400,000.00 by the issuance and private sale to NBT Bank, N.A. pursuant to the Local Finance Law of a statutory installment bond to be repaid with a fixed rate of interest not in excess of 3.9% over a period of 20 years.
3. This resolution shall be subject to a mandatory referendum and shall not be effective unless nor until approved by the electors of the town at a special election to be held for purposes of voting upon a proposition for the construction of said building and the said plan for the financing of the costs of constructing same.

Seconded by M C Tallmadge and following discussion was put to a vote with the following results:

Ayes	Supervisor R Briggs	C Tallmadge
	J Bacuiska	J Lawrence

Noes M Long

Abstentions: none

The foregoing resolution having received at least a majority approving vote was declared by the Supervisor to be adopted.

**CERTIFICATION**

I, Rosemarie A Klatz, Town Clerk of the Town of Afton, New York do hereby Certify that the foregoing is a true and correct copy of a resolution duly adopted by the town board of the Town of Afton, New York at a regular meeting thereof duly called, publicly noticed and publicly held on the 8<sup>th</sup> day of December, 2011, and at which a quorum was present and participated therat throughout, and of the whole of such resolution; and that said resolution has not been rescinded or amended in any manner and is in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand as Clerk this 8<sup>th</sup> day of December, 2011.

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Rosemarie A Klatz, Town Clerk  
Town of Afton

**RESOLUTION PROVIDING FOR SUBMISSION OF PROPOSITION TO VOTE  
NOTICE OF SPECIAL ELECTION, ETC.  
CONSTRUCTION OF TOWN HALL/  
HIGHWAY DEPARTMENT GARAGE BUILDING**

At a regular meeting of the town board of the Town of Afton, New York, held on the 8<sup>th</sup> day of December, 2011, at 7:45 P.M., at the town hall, 169 Main Street, Afton, New York, and said meeting having been publicly noticed and publicly held, and there being a quorum present and participating thereat throughout, there were:

Present: Supervisor R Briggs J Baciуска  
M Long J Lawrence  
C Tallmadge

Absent: none

M J Lawrence moved the following resolution for adoption:

**WHEREAS**, the town board heretofore at this meeting has adopted a resolution subject to a mandatory referendum authorizing the construction of a new building to serve as the town hall and highway department garage, upon 3.47 +/- acres of land owned by the town located on the southerly side of NYS Route 7, in the Town of Afton, tax map parcel #285-1-32.32; and

**WHEREAS**, the town board heretofore at this meeting has adopted a resolution subject to mandatory referendum providing for a plan for the financing of the costs associated with the construction of said building by;

- (a) *The expenditure from the town's building capital reserve fund a sum of money not to exceed \$215,000.00; and*
- (b) *The issuance and private sale pursuant to the Local Finance Law of the town's statutory installment bond in an amount to exceed \$400,000.00, to be repaid over a term of 20 years with interest at a fixed rate of 3.9% per annum; and*
- (c) *The expenditure of flood damage repair funds to be paid to the town by the Federal Emergency Management Agency (FEMA) in an amount not to exceed \$515,000.00; and*

**WHEREAS**, prior to the solicitation of bids for the performance of said construction work the town board pursuant to Town Law Sections 81 and 94 is desirous of submitting a proposition to the electors of the town for approval of the construction of said building and approval for the payment of the costs associated therewith in accordance with the aforesaid financial plan.

**NOW THEREFORE BE IT RESOLVED AS FOLLOWS:**

1. Pursuant to Articles 6 and 7 of the Town Law a special election for the approval of the construction of a combination town hall, town highway department garage building; the expenditure of capital reserve funds; the issuance and private sale of a statutory installment bond pursuant to the Local Finance Law; and the expenditure for FEMA flood damage repair funds, for the purpose of paying the costs for constructing said building, shall be held on the 7<sup>th</sup> day of February, 2012, which date pursuant to Town Law #94 and #91 is not less than 60 days nor more than 75 days from the date hereof.
2. Said special election shall be held on said date at the Afton Fire Department Fire Station building located at 15 Spring Street, Village of Afton, New York, commencing 8:00 A.M. of the morning thereof and continuing to 8:00 P.M. of the evening thereof, which hours are hereby designated pursuant to Town Law #82 as the hours of voting at such special election.
3. The proposition to be voted upon at such election shall be:

"Proposition"

"Shall the Town of Afton construct a new building to serve as a combination town hall and highway department garage upon 3.47 +/- acres of land owned by the town located within the town on the southerly side of NYS Route 7, tax map parcel No. 285-1-32.32 and to pay the costs of construction by: the expenditure of \$515,000.00 received by the Town as compensation for flood damage from the Federal Emergency Management Agency (FEMA Funds); the expenditure of a sum of money not in excess of \$215,000.00 from the town's building capital reserve fund (Building Reserve Funds); and the borrowing of a sum of money not to exceed \$400,000.00 by the issuance and private sale pursuant to the Local Finance Law of a statutory installment bond to be repaid over a term of 20 years with interest at a fixed rate of 3.9% per annum (Borrowed Funds)?"

4. Pursuant to Town Law # 83 the following persons selected from the list of election inspectors and ballot clerks previously designated for general election purposes pursuant to the election law are

hereby designated as chairperson of election inspectors and ballot clerks and election inspectors and ballot clerks to perform the duties of such at said special election, to wit:

Joan Terranna  
Name, to also serve as  
Chairperson of election  
Inspectors and ballot clerks

Anne Briggs  
Name, to serve as an election  
inspector and ballot clerk

Helen Patton  
Name, to serve as election  
Inspector and ballot clerk

Thomas Patton  
Name, to serve as election  
inspector and ballot clerk

5. Pursuant to Town Law # 82 the town clerk shall prepare or cause to be prepared a notice of such special election and to cause same to be posted upon the town's official bulletin board and published four times in each of the following publications; the *Tri Town News*, the town's official publication, and *The Evening Sun*, a newspaper published daily within the county having circulation within the town. The first such publication shall be on or about 15 days from the date hereof. The second publication shall be on or about 30 days from the date hereof. The third said publication shall be on or about 45 days from the date hereof. The fourth said publication shall be more than 45 days from the date hereof but at least 10 days prior to the date of such special election.  
Said notice of special election shall specify the purpose of the special election, the date, time and place for the election, the voting hours, the proposition to be voted upon and the qualifications of the voters.
6. Balloting shall be by paper balloting and the town clerk shall prepare or cause to be prepared official paper ballots for use by voters at such special election. Such paper ballots shall be in a number sufficient for the number of voters the town clerk estimates shall be voting at such special election.

The paper ballot shall set forth in full the proposition to be voted upon, with instructions for use of the ballot, and in such form that any voter may simply indicate his/her approval of the proposition as "YES" or his/her disapproval of the proposition as "NO". Generally the form shall be as specified in the Election Law. Such paper ballots shall be delivered by the town clerk to the election inspectors and ballot clerks in sufficient time prior to the commencement of the hours of voting. All unused paper ballots shall be returned to the town clerk in like manner after the vote and canvassing. Void and spoiled ballots shall be returned to the town clerk in like manner after execution of the canvass certificate described in Town Law # 83.

7. Every person who upon the date of such special election is a citizen of the U.S.A.; is at least 18 years of age; and who has resided in the Town of Afton for a period of at least 30 days next preceding such date of election shall be eligible to vote in such special election.
8. The election inspectors and ballot clerks shall compile a list of the names, signatures and addresses of residence of each elector voting at such special election and to file same with the town clerk at the time of filing the canvass certificate with the town clerk.
9. The town supervisor and the town clerk are authorized and empowered to take such action and do such things, at the expense of the town, as they or counsel for the town shall deem necessary and proper in the and about the holding of such special election.

Seconded by J Baciuska and following discussion was put to a vote with the following results:

AYES:           Supervisor R Briggs                               J Lawrence  
                  C Tallmadge                                       J Baciuska

NOES:           M Long

Abstentions:   none

The foregoing resolution having received at least a majority approving vote was declared by the supervisor to be adopted.

CERTIFICATION

I, Rosemarie A Klatz, Town Clerk of the Town of Afton, New York do hereby Certify that the foregoing is a true and correct copy of a resolution duly adopted by the town board of the Town of Afton, New York at a regular meeting thereof duly called, publicly noticed and publicly held on the 8<sup>th</sup> day of December, 2011, and at which a quorum was present and participated thereat throughout, and of the whole of such resolution; and that said resolution has not been rescinded or amended in any manner and is in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand as Clerk this 8<sup>th</sup> day of December, 2011

Rosemarie A Klatz  
Town Clerk  
Town of Afton

**STATUTORY INSTALLMENT BOND RESOLUTION  
SUBJECT TO MANDATORY REFERENDUM  
CONSTRUCTION OF TOWN HALL/HIGHWAY DEPARTMENT GARAGE BUILDING**

At a regular meeting of the town board of the Town of Afton, New York held at the town hall, 169 Main Street, Village of Afton, New York, on the 8<sup>th</sup> day of December 2011, at 7:45 P.M., and said meeting having been publicly noticed and publicly held and there being a quorum present and participating thereat throughout there were:

Present:	Supervisor R Briggs	J Baciуска
	M Long	C Tallmadge
	J Lawrence	
Absent:	none	

M J Lawrence moved the following resolution for adoption:

**WHEREAS**, due to the eligibility for the receipt of flood damage monies from FEMA in the amount of \$515,000.00 and a building capital reserve fund balance in excess of \$200,000.00, the town is in a position to construct a combination town hall and highway department garage building upon lands owned by the town without the incurring of indebtedness in an amount the repayment of which would cause a material increase in the town real property tax levy; and

**WHEREAS**, hereuntofore at this meeting the town board has adopted a resolution subject to mandatory referendum authorizing the construction of a combination town hall and highway department garage building upon 3.47 +/- acres of land owned by the town located within the town on the southerly side of NYS Rt. 7, being tax map parcel no. 285-1-32.32, at a estimated cost of \$1,081,000.00; and

**WHEREAS**, by means of this resolution the town board intends to adopt a plan for the financing of the cost of constructing said town hall, highway department garage building.

**NOW THEREFORE**, on motion of M J Lawrence, seconded by M C Tallmadge, following discussion, **BE IT RESOLVED AS FOLLOWS**;

Section 1. The borrowing of a sum of money not to exceed FOUR HUNDRED THOUSAND DOLLARS (\$400,000.00) is hereby authorized pursuant to and subject to the provisions hereof.

Section 2. The plan for the financing of the construction of said town hall, highway department garage building upon said lands owned by the town located as aforesaid within the town is as follows:

- (a) The expenditure of money not in excess of TWO HUNDRED FIFTEEN THOUSAND DOLLARS (\$215,000.00) from the town's building capital reserve fund (**BUILDING RESERVE FUNDS**); and
- (b) The issuance and private sale to NBT Bank, N.A., 52 South Broad Street, Norwich, New York, 13815, of a statutory installment bond by the Town of Afton, New York pursuant to the Local Finance Law of the State of New York, in a principal amount not in excess of four hundred thousand dollars (\$400,000.00) which bond is hereby authorized for the payment of the cost of constructing a new combination town hall and highway department garage building upon said lands owned by the town located within the town as aforesaid (**BORROWED FUNDS**); and
- (c) The expenditure of FEMA monies when received as follows:
  - (1) Utilizing same as available to the town to pay then outstanding construction costs and/or costs incurred in the preparation of plans and specifications; soliciting bids and bid award; and
  - (2) To prepay or redeem, in whole or in part, the statutory bond, or bond anticipation note issued by the town pursuant to the Local Finance Law for the borrowing of monies to pay the costs associated with constructing said building (**FEMA FUNDS**); and
  - (3) Applying a portion of same to the highway department budget to replace monies expended from the department's budget for work by the department in connection with construction of the said building.

Section 3. The period of probable usefulness of the aforesaid building for which such bond is to be issued, pursuant to Section 11.00(a) subdivision 11 (a) (1) of the Local Finance Law is hereby determined to be 30 years.

Section 4. It is hereby determined that the proposed maturity of the obligation authorized hereby shall be 20 years.

Section 5. It is hereby determined that the issuance and sale of said bond shall be within every debt ceiling and spending limitation imposed by law upon the town for the borrowing of monies and the contracting of indebtedness.

Section 6. The bond shall be a registered bond and the bond designated as a "Qualified Tax Exempt Obligation" pursuant to Internal Revenue Code Section 265 (b)(3)(B)(ii).

Section 7. The faith and credit of the Town of Afton, New York are pledged to the payment of principal and said bond and interest thereon when due.

Section 8. The Town of Afton, New York shall issue a statutory installment bond in a amount not in excess of Four Hundred Thousand Dollars (\$400,000.00) to finance paying the costs of constructing a combination town hall, highway department garage building in accordance with the financial plan set forth above.

Section 9. The statutory installment bond authorized by this statutory installment bond resolution shall total the principal amount not in excess of Four Hundred Thousand Dollars (\$400,000.00). It shall mature in twenty (20) equal annual installments of principal. The power to determine the date upon which such installments shall become due and payable and the amount thereof is hereby delegated to the town supervisor as the chief fiscal officer of the town. The bond shall be issued in statutory form with coupons as provided in Section 62.10 of the Local Finance Law, and shall be in registered form. The bond shall bear interest at a fixed annual rate not exceeding 3.90% and the authority to set such rate within said limit is hereby delegated to the town supervisor as the chief fiscal officer of the town. Payment of such principal and interest shall be evidenced by notation thereof on the bond at time of payment. The town shall have the privilege of paying any or all of such installments of principal prior to maturity without penalty or premium upon ten (10) days written notice to the holder thereof.

Section 10. The town supervisor as the town's chief fiscal officer is hereby delegated the authority to cause to be prepared such bond and all other required documents in connection therewith; to execute same on behalf of the town; and to sell such bond at private sale to NBT Bank, N.A., at not less than par and accrued interest and at such sale to fix the interest to be borne by such bond within the limitation set

forth in this resolution. The town clerk shall attest the signature of the town supervisor to the bond. The town supervisor shall deliver such bond to the purchaser thereof, NBT Bank, N.A., only against cash or a certified check. The proceeds of sale shall be deposited in a special bank account as required by Section 165.00 of the Local Finance Law. The power delegated to the town supervisor in this resolution shall be exercised in conformity with the provisions of the Local Finance Law of the State of New York.

Section 11. Pursuant to Town Law Sections 81 and 94 this resolution shall be subject to a mandatory referendum and shall not be effective unless not until approved by the electors of the town voting upon a proposition therfor at a special election to be held.

Upon the question of adoption of the foregoing resolution the following each voted "AYE" in favor of the resolution

M Supervisor R Briggs	M C Tallmadge
M J Lawrence	M J Baciуска

The following voted "NO" in opposition to the resolution:

M M Long

The following abstained from voting on the resolution

None

The resolution having received at least a two-thirds (4) vote of the members of the town board was declared by the supervisor to be adopted.

#### CERTIFICATION

I, Rosemarie A. Klatz, Town Clerk of the Town of Afton, New York do certify that the foregoing is a true and correct and complete copy of a resolution duly adopted at a meeting of the town board of the Town of Afton, New York regularly held on the 8<sup>th</sup> day of December, 2011, and at which a quorum was present and participated thereat throughout, and of the whole of such resolution and such resolution has not been amended or rescinded in any manner and is in full force and effect. That such resolution was adopted by the affirmative vote of at least a two-third (4) vote.

**IN WITNESS WHEREOF**, I have hereunto set my hand as town clerk of the Town of Afton, New York, the 8<sup>th</sup> day of December, 2011.

Town of Afton, New York

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Rosemarie A Klatz  
Town Clerk

#### Committee Reports

1. Financial reports for December were distributed.
2. Justice reports were received for December.

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3. Code enforcement report for December was not available

4. December Assessor reports were presented by J Stafford as well as information on assessments. Also a motion made by M Long to allow Assessor to purchase new laptop and printer with amounts not to exceed \$1000.00 from county grant, seconded by J Baciуска. Approved.

5. Highway report given by Superintendent Shultis Requested to encumber the money that is in DA 5130.2 Machinery in the amount of \$24667.00 for purchase of a new box for the Stirling in the spring. Motion made by J Lawrence to encumber the funds in the amount of \$24667.00 in account DA 5130.2 for purchase of a new box for Stirling truck Seconded by M Long. Approved. Also Mr Shultis will be looking for a new wood chipper or a new motor as the present wood chipper is using large quantities of oil due to wear and age of equipment. New light has been put up at the red shed and a new nozzle has been put on the fuel tank.

6. Animal Control report for December was not available..

7. Buildings and Grounds Report nothing at this time.

Old Business

Motion made by J Baciуска to transfer \$50000.00 from A201 General to Building Reserve account A 230 and a Transfer of \$50000.00 from DB Highway Outside to Equipment Reserve DA230. Seconded by J Lawrence and approved.

New Business

Date set for Audit of Clerk, Justices and Supervisor for January 10<sup>th</sup> 2011 at 7 pm at the Town Hall 169 Main Street, Afton.

Motion to adjourn meeting made at 8:45 pm by J Baciуска and seconded by J Lawrence. Approved.

Supervisor \_\_\_\_\_ Town Clerk \_\_\_\_\_

Town Council \_\_\_\_\_  
\_\_\_\_\_