Town of Manheim Regular Board Meeting November 14, 2022 @ 7:00pm

MEMBERS PRESENTOTHERS PRESENTSupervisor HaughtonLloyd HallCouncilman DoerrerRaymond SmithCouncilman JaikinCouncilman Snell

MEMBERS ABSENT

Councilwoman Gressler

Supervisor Haughton called the Meeting to order at 7:20 pm, roll call was taken and the pledge of allegiance recited.

A Motion was made by Councilman Jaikin and was seconded by Councilman Doerrer to approve the minutes of the October 10, 2022 board meeting. Ayes All

A Motion was made by Councilman Doerrer and seconded by Councilman Snell to approve the minutes of the October 10, 2022 Public Hearing on the 2023 Budget. Ayes All

A Motion was made by Councilman Doerrer and was seconded by Councilman Jaikin to approve Abstract #11 of 2022 as audited. Ayes All

A Motion was made by Councilman Snell and was seconded by Councilman Doerrer to approve Payroll #21 & #22 of 2022 as audited. Ayes All

A Motion was made by Councilman Jaikin and seconded by Councilman Doerrer to approve the Supervisors Report for September 2022. Ayes All

A Motion was made by Councilman Snell and was seconded by Councilman Jaikin to approve the Clerk report for October 2022. Ayes All

Superintendent's Report

Lloyd Hall, Superintendent of Highways gave the Board Members a detailed report, which is on file in the Town Clerk's Office. Additional information that was not included in the report is as follows:

- The Volvo needs clutch break and will be down for a while so it will be fixed in the Spring.
- Lloyd has talked with Councilman Snell and Supervisor Haughton about putting a set of sprockets in so the chain will last a little longer and not rust. The guys completed that today.
- Lloyd Hall has purchased re-capped tires for the Volvo. The State contract was \$666.00 per tire and he went through Tallman Tire and they were \$380.00 per tire.
- The guys put all new LED light bulbs in the garage and what a huge difference that makes.
- They highway guys have been taking back the scrap metal from the Transfer Station and received \$3,523.00 in scrap metal.

Supervisor Haughton- The welder at the Highway Garage is starting to go, so the Town is going to have to make an investment in it soon.

Old Business

The following Bond and Resolution were passed at the Board Meeting

BOND RESOLUTION NO. _1_ OF 2022

BOND RESOLUTION DATED NOVEMBER 14, 2022 OF THE TOWN OF MANHEIM, NEW YORK, AUTHORIZING THE ISSUANCE OF \$500,000 SERIAL BONDS TO FINANCE THE PURCHASE OF VARIOUS MACHINERY, EQUIPMENT AND APPARATUS FOR CONSTRUCTION AND MAINTENANCE

Councilor	Introduced by Councilor Peter Jaikin Frederick Doerrer .	, w	noved	its a	adoption,	secon	ded	by
follows:	BE IT RESOLVED by the Town Board of the Town	of Ma	anheim, He	rkime	r County,	New `	York	as
	0 4							

<u>Section 1</u>. The Town of Manheim, New York (the "Town") is hereby authorized to undertake the various capital projects described below (each, a "Project") at an aggregate estimated maximum cost not to exceed \$500,000, the estimated maximum cost of each Project being as follows:

- a. <u>Machinery and Apparatus for Construction and Maintenance Costing \$30,000 or more Volvo Loader</u>. The purchase of machinery and apparatus to be used for constructing, reconstructing, repairing, maintaining or removing the snow and ice from any physical public betterment or improvement, the cost of which is \$30,000 or over, including a Volvo Loader and related apparatus to be attached thereto, at an aggregate estimated maximum cost not to exceed \$256,000;
- b. Machinery and Apparatus for Construction and Maintenance Costing \$30,000 or more John Deere Cab Tractor with Boom Mower. The purchase of machinery and apparatus to be used for constructing, reconstructing, repairing, maintaining or removing the snow and ice from any physical public betterment or improvement, the cost of which is \$30,000 or over, including a John Deer Cab Tractor with Boom Mower and related apparatus to be attached thereto, at an aggregate estimated maximum cost not to exceed \$206,500;

- c. <u>Equipment, Machinery, Apparatus or Furnishings Lamar Deck Over Trailer</u>. The acquisition of original equipment, machinery, apparatus or furnishings for any physical public betterment or required for the purposes for which the physical public better or improvement is used, including a Lamar Deck Over Trailer and related apparatus to be attached thereto, at an aggregate estimated maximum cost not to exceed \$13,500;
- d. Equipment, Machinery, Apparatus or Furnishings Generac Generator with Automatic Transfer Switch. The acquisition of original equipment, machinery, apparatus or furnishings for any physical public betterment or improvement or required for the purposes for which the physical public better or improvement is used, including a Generac Generator with Automatic Transfer Switch and related apparatus to be attached thereto, at an aggregate estimated maximum cost not to exceed \$12,000; and
- e. Machinery and Apparatus for Construction and Maintenance Costing \$15,000 or less Ferris Zero Turn Mower. The purchase of machinery and apparatus to be used for constructing, reconstructing, repairing, maintaining or removing the snow and ice from any physical public betterment or improvement, the cost of which is \$30,000 or over, including a Ferris Zero Turn Mower and related apparatus to be attached thereto, at an aggregate estimated maximum cost not to exceed \$12,000.

<u>Section 2</u>. The plan for the financing such estimated maximum cost shall be by the issuance of \$500,000 in 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.

<u>Section 3</u>.It is hereby determined that the periods of probable usefulness of the aforesaid specific objects or purposes pursuant to paragraph (a) of Section 11.00 of the Local Finance Law are as follows:

	Period of Probable Usefulness (Years)	Local Finance Law Section 11.00(a) Paragraph
Section 1 Subparagraph:		
a. Machinery and Apparatus for Construction and	15	28
Maintenance Costing \$30,000 or more – Volvo Loader		
b. Machinery and Apparatus for Construction and	15	28
Maintenance Costing \$30,000 or more – John Deere Cab		
Tractor with Boom Mower		
c. Equipment, Machinery, Apparatus or Furnishings – Lamar	5	32
Deck Over Trailer		
d. Equipment, Machinery, Apparatus or Furnishings –	5	32
Generac Generator with Automatic Transfer Switch		
e. Machinery and Apparatus for Construction and	5	28
Maintenance Costing \$15,000 or less – Ferris Zero Turn Mower		

Section 4. The maturity of the Bonds authorized by this resolution shall not be in excess of five years measured from the date of the Bonds or the date of the Bonds or the date of the Bonds, whichever date is earlier.

Section 5. Pursuant to Section 107.00(d)(9) 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 in anticipation of issuance of the Bonds.

<u>Section 6</u>. The temporary use of available funds of the Town, not immediately required for the purpose or 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 7. 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 a 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.

Section 8. Subject to the provisions of this 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 9. The reasonably expected source of funds to be used to initially pay for the expenditures authorized by Section 1 of this resolution shall be from the Town's General Fund. It is intended that the Town shall then 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 Regulation Section 1.150-2.

Section 10. 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 of the Town, with the serial bonds and bond anticipation notes authorized by other bond resolutions adopted by the Town Board for purposes of sale in one or more bond or note issues aggregating an amount not to exceed the amount authorized in such resolution. All matters relating to the sale of the Bonds, including the date of the Bonds, the use of electronic bidding, the consolidation of the Bonds and bond anticipation notes with other issues of the Town, and the serial maturity of the Bonds, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

Section 11. 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 if:

- (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 or a summary thereof 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 such purpose, together with a notice of the Clerk of the Town in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 13. This resolution is not subject to permissive referendum pursuant to Section 35.00 (b)(1) 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 the 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 upon its adoption. **ROLL CALL VOTE** Aves: Noes: 1 Absent: STATE OF NEW YORK)) SS.: COUNTY OF HERKIMER I, the undersigned, Clerk of the Town of Manheim, Herkimer County, New York (the "Town"), DO HEREBY CERTIFY: That I have compared the annexed abstract of the minutes of the meeting of the Town Board of the Town, held on the 14th day of November, 2022, including the resolution contained therein, with the original thereof on file in my office, and the same is a true and correct copy of said original and of the whole of said original so far as the same relates to the subject matters therein referred to. I FURTHER CERTIFY that the full Board of the Town consists of five (5) members; that Four $(\underline{4})$ members of the Board were present at such meeting; and that four (4_) of such members voted in favor of the above resolution. I FURTHER CERTIFY that (i) all members of the Board had due notice of the meeting, (ii) pursuant to Article 7 of the Public Officers Law (Open Meetings Law), such meeting was open to the general public, and due notice of the time and place of such meeting was duly given in accordance with Article 7 of the Public Officers Law, and (iii) the meeting was in all respects duly held. IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town this 14th day of November, 2022. Carrie Rockwell, Clerk Town of Manheim, Herkimer County, New York

RESOLUTION DETERMINING THAT PROPOSED ACTIONS ARE TYPE II ACTIONS FOR PURPOSES OF THE NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT

By Councilor Peter Jaikin and seconded by Councilor Kevin Snell, November 14, 2022

(SEAL)

WHEREAS, the Town Board of the Town of Manheim, Herkimer County, New York (the "Town") is considering financing the purchase of equipment, machinery apparatus or furnishings to be used for constructing, reconstructing, repairing, maintaining or removing the snow and ice from, any physical public betterment or improvement, as described on Exhibit A to this resolution (the "Type II Projects"); and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, 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"), the Town desires to comply with the SEQR Act and the Regulations with respect to each of the Type II Projects;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE TOWN BOARD OF THE TOWN OF MANHEIM, NEW YORK AS FOLLOWS:

1. Each of the Type II Projects constitute a "Type II Action" (as defined in the Regulations) and no further action under the SEQR Act and the Regulations is required.

2. This Resolution shall take effect immediately.	This Resolution shall take effect immediately.					
The foregoing Resolution was thereupon declared duly adoption	oted.					
ROLL CALL VOTE						
Ayes: <u>4</u>						
Noes:						
Absent: _1						
DECLARED ADOPTED November 14, 2022						
Town	Clerk					
STATE OF NEW YORK)						
) SS.: COUNTY OF HERKIMER)						
I, the undersigned, Clerk of the Town of Manhe CERTIFY:	im, Herkimer County, New York (the "Town"), DO HEREBY					
That I have compared the annexed abstract of the minutes of the meeting of the Town Board of the Town, held on the 14 th day of November, 2022, including the resolution contained therein, with the original thereof on file in my office, and the same is a true and correct copy of said original and of the whole of said original so far as the same relates to the subject matters therein referred to.						
I FURTHER CERTIFY that the full Board of the Town consists of five (5) members; that four $(\underline{4})$ members of the Board were present at such meeting; and that four $(\underline{4})$ of such members voted in favor of the above resolution.						
I FURTHER CERTIFY that (i) all members of the Board had due notice of the meeting, (ii) pursuant to Article 7 of the Public Officers Law (Open Meetings Law), such meeting was open to the general public, and due notice of the time and place of such meeting was duly given in accordance with Article 7 of the Public Officers Law, and (iii) the meeting was in all respects duly held.						
IN WITNESS WHEREOF, I have hereunto set my November, 2022.	y hand and affixed the seal of the Town this <u>14th</u> day of					
	Carrie Rockwell, Clerk Town of Manheim, Herkimer County, New York					
(SEAL)						

EXHIBIT A

TYPE II PROJECTS

- a. <u>Machinery and Apparatus for Construction and Maintenance Costing \$30,000 or more Volvo Loader</u>. The purchase of machinery and apparatus to be used for constructing, reconstructing, repairing, maintaining or removing the snow and ice from any physical public betterment or improvement, the cost of which is \$30,000 or over, including a Volvo Loader and related apparatus to be attached thereto. Type II action under 6 NYCRR 617.5(c)(31).
- b. Machinery and Apparatus for Construction and Maintenance Costing \$30,000 or more John Deere Cab Tractor with Boom Mower. The purchase of machinery and apparatus to be used for constructing, reconstructing, repairing, maintaining or removing the snow and ice from any physical public betterment or improvement, the cost of which is \$30,000 or over, including a John Deer Cab Tractor with Boom Mower and related apparatus to be attached thereto. Type II action under 6 NYCRR 617.5(c)(31).
- c. <u>Equipment, Machinery, Apparatus or Furnishings Lamar Deck Over Trailer</u>. The acquisition of original equipment, machinery, apparatus or furnishings for any physical public betterment or improvement or required for the purposes for which the physical public better or improvement is used, including a Lamar Deck Over Trailer and related apparatus to be attached thereto. Type II action under 6 NYCRR 617.5(c)(31).
- d. Equipment, Machinery, Apparatus or Furnishings Generac Generator with Automatic Transfer Switch. The acquisition of original equipment, machinery, apparatus or furnishings for any physical public betterment or improvement or required for the purposes for which the physical public better or improvement is used, including a Generac Generator with Automatic Transfer Switch and related apparatus to be attached thereto. Type II action under 6 NYCRR 617.5(c)(31).
- e. Machinery and Apparatus for Construction and Maintenance Costing \$15,000 or less Ferris Zero Turn Mower. The purchase of machinery and apparatus to be used for constructing, reconstructing, repairing, maintaining or removing the snow and ice from any physical public betterment or improvement, the cost of

which is 15,000 or less, including a Ferris Zero Turn Mower and related apparatus to be attached thereto. Type II action under 6 NYCRR 617.5(c)(31).

New Business:

Sales Tax:

Received \$83,770.83 Owed General \$8,845.87

Balance \$74,934.96 (Balance put into Capitol to pay the 12.5% FEMA Obligation on

Bond)

The Following Transfer Station Resolution was made and passed as follows:

Town of Manheim Town Board RESOLUTION NO. 27 of 2022 Dated: November 14, 2022

RESOLUTION THAT THE TOWN OF MANHEIM AMEND THE TRANSFER STATION FEES

MOTION made by Peter Jaikin, so	econded by <u>Fred Doerre</u>	<u> </u>
WHEREAS, the Town of Manheim has re	viewed the existing fee	schedule for the Transfer Station from January 1, 2019; and
WHEREAS , the Town of Manheim Town increase in said disposal fees; and	Board have reviewed th	e cost of the disposal fees for the Transfer Station and note the cos
fees to the following: 2-year sticker fee \$10.00 Tire Disposal: Car Tires, 16" and under \$5.00per tire w Larger truck tires \$35.00 each ANY TIRE WITH RIM WILL BE AN EXTRA \$ Refrigerator \$40.00 each Other appliances \$5.00 each NOW Therefore, Be It Resolved, that the	ithout rim \$2.00	is in the best interest of the Town to increase the Transfer Station
change of the Transfer Station. Roll Call Vote: John Haughton, Supervisor Frederick Doerrer, Councilman Marie Gressler, Councilwoman Peter Jaikin, Councilman Kevin Snell, Councilman IN WITNESS WHEREOF, I have affixed m	AyeX Nay AyeX Nay AyeX_ Nay AyeX_ Nay y name as clerk on the 1	Absent X
Carrie Rockwell, Town Clerk		

PUBLIC HEARING scheduled for November 28, 2022 with regard to the Local Law 2 of 2022 Amending the Code of the Town of Manheim, Repealing and Replacing Flood Damage Prevention Local Law 1 of 1987.

Councilman Snell just wanted to say that he is surprised that we are not purchasing a chipper/shredder instead of the mower.

Correspondence:

Public Comment Period

Motion to adjourn was made by Councilman Doerrer and seconded by Councilman Jaikin at 8:18 p.m. Ayes All

Respectfully Submitted,

Carrie Rockwell
Town Clerk