

**Town of Charlton
Saratoga County
Town Board Agenda Meeting**

February 24, 2014

The Agenda meeting of the Town Board of the Town of Charlton, Saratoga County, New York was held at the Charlton Town Hall and called to order by Supervisor Grattidge at 7:32 p.m. to set the agenda for the March 10th Town Board Meeting.

Present: Supervisor Grattidge, Councilman Grasso, Councilman Hodgkins, Councilman Lippiello, Councilman Verola, Town Clerk Brenda Mills, Attorney Van Vranken

RESOLUTION #68

Abstract of Claims

Motion by Councilman Verola

Seconded by Councilman Grasso

BE IT RESOLVED that the Town Board has approved the payment of bills as presented in Abstract No. 104, vouchers number 90 - 121 in the amount of \$32,533.69 and Abstract No.2, voucher number 64 in the amount of \$3,760.72.

Vote: All Ayes, No Nays. **CARRIED**

RESOLUTION #69

Approval of Minutes

Motion by Councilman Verola

Seconded by Councilman Hodgkins

BE IT RESOLVED that the Town Board has approved the Town Board minutes from February 10, 2014.

Vote: All Ayes, No Nays. **CARRIED**

DISCUSSION

The Sales Tax for the month was \$90,025.00. The Mortgage Tax report has not been received yet.

Supervisor Grattidge said that the Board has received the close out documents for the month of January, including the Supervisor's report and the Key Bank Custodial Statement.

Supervisor Grattidge has asked the Parks Committee to notify the Town Board of the funds that will be needed to complete the projects that they have planned for this year. Last year, the Board established a Parks Reserve Fund that requires a Public Referendum in order to withdraw funds. The balance in the Reserve Fund is approximately \$85,000, which includes the 2013 funds received. The Public Referendum will be scheduled once the needed funds are established.

The Board discussed the request from Mr. Myers, a resident on Charlton Road, who requested that the speed limit on the west end of Charlton Road be reduced. Supervisor Grattidge said that a request was made to New York State about 8 years ago and the request was denied because the State did not find a problem with the current speed limit. Councilman Hodgkins said that he lives on the end of the Road and he does not see a problem with the current speed limit. He pointed out the sight distance on the road seems to be adequate. Councilman Grasso said that he feels that 45 mph would be better, but he also feels that the Board should check with the Constables and Highway Superintendent to see if there are problems on that stretch of the road. He also feels that the public should be aware that the Town is thinking of lowering the speed limit, so that they are not disappointed after it is done, if they felt it was fine at 55 m.p.h. Supervisor Grattidge said that he will ask

the Constables and the Highway Superintendent for information to be considered before the Board moves forward.

Supervisor Grattidge said that the Assessors gave the Board a letter requesting compensation for extra work and hours while there is a vacancy in the 3rd Assessor position. Councilman Grasso said that he would like to meet with the Assessors to determine what the hours and workload are before addressing the letter. He asked that another Board member join him when he meets with the Assessors.

Supervisor Grattidge said that he has spoken with County Waste about Bulk Item Pick-up for this year, and they can do it the week of May 5th through the 9th for a cost not to exceed \$4,800.00. Part of the agreement is for County Waste to collect metal to offset the cost of the total pick-up. A container for metal would be put at the Highway Garage, and the Highway Department will also pick-up metal before the pick-up. The Board had no objection to the Supervisor moving forward with the date and plans as mentioned.

Supervisor Grattidge said, on a disappointing note, that he contacted the company that had previously provided free electronics recycling to the Town and was informed that they can no longer do it for free. The company stated that they are charged to dispose of the old tube televisions, so they must charge for their service. They estimated a cost of approximately \$2,000., which the Town has not budgeted for.

Supervisor Grattidge asked Attorney Van Vranken to prepare the resolution for posting weight limits on roads for the next meeting.

Supervisor Grattidge said that the AUD – Annual Financial Report is done for 2013. He will get a copy to the Town Clerk to email to the Board, and put on the Town's website.

Councilman Lippiello said that Brush Pick-up has been scheduled for the week of April 28th.

The articles for the Spring Newsletter are due by March 18th.

Councilman Lippiello said that the Water Clerk needs to order new meter reading cards. She is currently using a 3-part folded card, which residents return 2-parts of. The Town puts a \$.49 stamp on the outgoing and return sides so it costs the Town \$.98 per card in postage. The Clerk wondered if the Board thought she should order a 2 part card, so that the return postage would be a postcard stamp of \$.33. Councilman Lippiello said that he thought in the past there was a problem with the postcard getting lost, so his opinion is to leave it as a 2-part card. He did not feel that the money that would be saved was worth it. The Board agreed to keep the card as is.

Councilman Hodgkins said that he has left messages for Cummings to discuss the repair bill for the generator at the pump house. Cummings is not responding to him, so he feels that the Town does not need to pay the bill at this time.

MOTIONS, RESOLUTIONS, PROCLAMATIONS AND AUTHORIZATIONS

RESOLUTION #70

Budget amendment for 2014 for Highway Surplus Items

Motion by Councilman Verola

Seconded by Councilman Lippiello

Be it resolved that the Supervisor is authorized to make the following budget amendment:

For Budget Year 2014

Amend 2014 budget to appropriate the sale of surplus equipment in the amount of \$4,962.50 to revenue account DA2770-Unclassified Revenue and by same amount to expenditure account DA 5130.2 Machinery-Equipment.

Roll Call: Councilman Grasso: Aye, Councilman Hodgkins: Aye, Councilman Lippiello: Aye, Councilman Verola: Aye, Supervisor Grattidge: Aye. CARRIED.

RESOLUTION #71

A bond resolution of the Town of Charlton, Saratoga County, New York, Adopted February 24, 2014 authorizing the issuance of a \$270,000 Serial Bond of the Town of Charlton for general construction services, phase 2, for the new Town Hall located at 758 Charlton Road, Town of Charlton, Saratoga County, New York

Motion by Councilman Verola

Seconded by Councilman Grasso

Discussion: Supervisor Grattidge stated that the interest on the BAN has already been paid for this year. We still need to make a principle payment of \$30,000.00 to bring the new Bond amount down to \$270,000.00.

Roll Call: Councilman Grasso: Aye, Councilman Hodgkins: Aye, Councilman Lippiello: Aye, Councilman Verola: Aye, Supervisor Grattidge: Aye. CARRIED.

TOWN OF CHARLTON
COUNTY OF SARATOGA
STATE OF NEW YORK

February 24, 2014

Resolution No. 71

**BOND RESOLUTION OF THE TOWN OF CHARLTON,
SARATOGA COUNTY, NEW YORK, ADOPTED FEBRUARY 24, 2014 AUTHORIZING THE
ISSUANCE OF A \$270,000 SERIAL BOND OF THE TOWN OF CHARLTON
FOR GENERAL CONSTRUCTION SERVICES, PHASE 2, FOR THE NEW TOWN HALL
LOCATED AT 758 CHARLTON ROAD, TOWN OF CHARLTON,
SARATOGA COUNTY, NEW YORK**

WHEREAS, on December 29, 2008, the Town Board approved two bond resolutions, the first in the sum of \$600,000 for general construction services, Phase 2, New Town Hall and the second in the sum of \$100,000 for the purchase of a 2009 International 7600 6x4 truck with hoist, and

WHEREAS, on February 18, 2009, and pursuant to the aforementioned two resolutions, the Town Board issued a bond anticipation note to Ballston Spa National Bank in the sum of \$700,000, the sum of \$100,000 in order to purchase a truck for the Town Highway Department and \$600,000 for general construction services to the New Town Hall, and

WHEREAS, the sum of \$101,675.00 was paid to Ballston Spa National Bank on November 9, 2009 to pay off the \$100,000 obligation allocated to the purchase of a Town of Charlton Highway Department truck, which payment included principal and interest to the date of payment, and

WHEREAS, the sum of \$13,481.25 was paid to Ballston Spa National Bank on November 13, 2009 to pay the interest owed on the \$600,000 obligation for general construction services to the New Town Hall, and

WHEREAS, the Town Board did approve on February 22, 2010 by Resolution No. 61 authorization to the Supervisor to execute a renewal bond anticipation note in the sum of \$600,000 for general construction services to the New Town Hall, and

WHEREAS, the Supervisor did execute a Bond Anticipation Note as so authorized, said Note dated February 22, 2010 in the sum of \$600,000 and bearing interest at the rate of 2.15% per annum,

which Note was payable to Ballston Spa National Bank, 87 Front Street, Ballston Spa, NY 12020 on or before February 21, 2011, and

WHEREAS, the sum of \$113,014.16 was paid to Ballston Spa National Bank on February 25, 2011, and

WHEREAS, the Town Board of the Town of Charlton did execute a Bond Anticipation Note as so authorized and dated February 21, 2011 in the sum of \$500,000 and bearing interest at the rate of 2.0% per annum, which Note is payable to Ballston Spa National Bank, 87 Front Street, Ballston Spa, NY 12020 on or before February 20, 2012, and

WHEREAS, the sum of \$110,000.00 was paid to Ballston Spa National Bank on February 21, 2012, and

WHEREAS, the Town Board of the Town of Charlton did execute a Bond Anticipation Note as so authorized and dated February 21, 2012 in the sum of \$400,000 and bearing interest at the rate of 1.85% per annum, which Note is payable to Ballston Spa National Bank, 87 Front Street, Ballston Spa, NY 12020 on or before February 20, 2013, and

WHEREAS, the Town Board of the Town of Charlton did execute a Bond Anticipation Note as so authorized and dated February 21, 2013 in the sum of \$300,000 and bearing interest at the rate of 1.25% per annum, which Note is payable to Ballston Spa National Bank, 900 State Route 67, Ballston Spa, NY 12020 on or before February 20, 2014.

NOW THEREFORE, BE IT RESOLVED by the Town Board of the Town of Charlton in the County of Saratoga, State of New York, as follows:

Section 1. The Town Board hereby determines that it is in the best interest for the residents of the Town of Charlton to pay the sum of \$30,000 with respect to the existing Bond Anticipation Note currently in the sum of \$300,000, plus accrued interest to February 20, 2014. The Town Board further determines that it is in the best interest of the residents of the Town of Charlton to terminate the Bond Anticipation Note and issue a serial bond in the sum of \$270,000 and with an interest rate of 2.25%.

Section 2. The Town Board hereby authorizes the issuance of such serial bond in the sum of \$270,000 bearing interest at the rate of 2.25% per annum. The issuance of this bond was authorized by the Town Board resolution of December 29, 2008.

Section 3. The Town Board further authorizes a payment to Ballston Spa National Bank in the sum of \$30,000, representing a payment of principal, and interest of \$3,750.00 on the renewal Bond Anticipation Note of \$300,000 as herein described.

Section 4. It is hereby determined that the period of probable usefulness of the aforementioned object or purpose is 15 years, pursuant to subdivision 11(c) of paragraph (a) of Section 11.00 of the Local Finance Law. It is determined that the maximum maturity of the serial bonds herein authorized will not exceed nine (9) years.

Section 5. The faith and credit of said Town of Charlton are hereby irrevocably pledged to the payment of the principal of and interest on such bonds as the same respectively, become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year.

Section 6. Subject to the provisions of Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Town Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner as may be prescribed by said Town Supervisor, consistent with the provisions of Local Finance Law.

Section 7. The validity of such bonds may be contested only if:

- a. Such bonds are authorized for an object or purpose for which said Town of Charlton is not authorized to expend money, or
- b. The provisions of law, which should be complied with at the date of publication of this resolution, are not substantially complied with, and an action, suit or proceedings contesting such validity is commenced within twenty (20) days after the date of publication, or
- c. Such bonds are authorized in violation of the provisions of the Constitution.

Section 8. A Resolution Authorizing the Issuance and Sale of Serial Bonds for the Construction of a Town Hall and Authorizing the Expenditure of Funds from the Town Capital Reserve (the "Bond Resolution") duly adopted by said Town Board on September 12, 2005, which delegation of powers is still in full force and effect and has not been modified, amended or revoked, and subject to the terms and conditions of the Bond Resolution and the provisions of the Local Finance Law, constituting Chapter 33-1 of the Consolidated Laws of the State of New York (the "Law"):

- a. No act authorized by this certificate shall be performed and the bond herein authorized shall not be issued unless this certificate shall have first been filed with the Town Board of the Town.
- b. Pursuant to Sections 62.10 of the Law and the Bond Resolution, the Town (Statutory Installment) Bond, Series 2014A in the principal amount of \$270,000 (the "Bond") is hereby authorized to be issued for the specific object or purpose or class of objects or purposes described in the Bond Resolution.
- c. The total amount of bonds authorized to be issued for the specific object or purpose or class of objects or purposes described in the Bond Resolution is \$1,255,000.00.
- d. Bond anticipation notes have previously been issued by the Town in anticipation of the sale of such bonds.
- e. The Bond shall mature on February 20, 2023.
- f. The Bond is not issued for an assessable improvement.
- g. The terms, form and contents of the Bond hereby authorized to be issued shall be as follows:

Principal Amount:	\$270,000
Interest Rate:	2.25% per annum
Registration:	Issuable in registered form

Form of Bond	See attached Schedule "A"
Principal Installments:	Each February 20 th in the years and amounts listed on Schedule "B", attached hereto
Interest Payment Dates:	February 20, 2015 and each February 20 in the years 2016 through 2023, both inclusive.

Section 9. The Bond shall be executed in the name of the Town by the Town Supervisor, as chief fiscal officer of the Town, and the seal of the Town shall be impressed thereon and attested by the Town Clerk.

The motion to adopt the foregoing resolution was introduced by Councilman Verola, seconded by Councilman Grasso and was put to vote upon roll call, which resulted as follows:

Councilman Grasso - Aye
Councilman Hodgkins - Aye
Councilman Lippiello - Aye
Councilman Verola - Aye
Supervisor Grattidge - Aye

The resolution was thereupon duly declared adopted.

I certify that this is a true and exact copy of this original as passed by the Town Board of the Town of Charlton on

Dated: February 24, 2014

Brenda Mills, Town Clerk

RESOLUTION #72

Motion to enter into Executive Session with Legal Counsel to discuss pending litigation

Motion by Councilman Lippiello
Seconded by Councilman Verola

BE IT RESOLVED that the Town Board will now enter into Executive Session to discuss pending litigation with Attorney Van Vranken.

Vote: All Ayes, No Nays. **CARRIED**

The meeting adjourned at 8:17 p.m. and the Board went into Executive Session.

Following the completion of the Executive Session, the Town Board returned to its regularly scheduled Town Board meeting for February 24, presented and approved the attached resolution entitled, A Resolution Authorizing the issuance of serial bonds for the payment of a settlement agreement obligation between the Town of Charlton and Schmidt & Schmidt, Inc. This resolution was unanimously approved.

RESOLUTION #73

A Resolution Authorizing the issuance of serial bonds for the payment of a settlement agreement obligation between the Town of Charlton and Schmidt & Schmidt, Inc.

Motion by Councilman Verola
Seconded by Councilman Grasso

Roll Call: Councilman Grasso: Aye, Councilman Hodgkins: Aye, Councilman Lippiello: Aye, Councilman Verola: Aye, Supervisor Grattidge: Aye. CARRIED.

TOWN OF CHARLTON
COUNTY OF SARATOGA
STATE OF NEW YORK

February 24, 2014

Resolution No. 73

A RESOLUTION AUTHORIZING THE ISSUANCE OF
SERIAL BONDS FOR THE PAYMENT OF A SETTLEMENT AGREEMENT
OBLIGATION BETWEEN THE TOWN OF CHARLTON AND
SCHMIDT & SCHMIDT, INC.

WHEREAS, the Town of Charlton Town Board has entered into a Settlement Agreement with Schmidt & Schmidt, Inc. dated February 24, 2014 and related to litigation between Schmidt & Schmidt, Inc. and the Town of Charlton with respect to a construction contract for the construction of a New Town Hall for the Town of Charlton and located at 758 Charlton Road, Charlton, New York 12019, and

WHEREAS, pursuant to certain terms and conditions of said Settlement Agreement, the Town of Charlton has agreed to pay to Schmidt & Schmidt, Inc. the sum of \$1,170,000.00, said sum to be delivered to the office of Laurence I. Fox, Esq., Fox & Kowalewski, LLP, 4 Old Route 146, Clifton Park, New York 12065, on or before the 60th day following the execution of the Settlement Agreement, and

WHEREAS, the Town intends to issue a single bond in the sum of \$1,170,000.00 to pay for the cost set forth in the Settlement Agreement and as stated in this resolution, and

WHEREAS, Section 62.10 of the New York State Local Finance Law authorizes such single bonds, to be known as a statutory installment bond, in the event the bond does not exceed five million dollars, and

WHEREAS, Section 63.00 of the New York State Local Finance Law authorizes bonds of an issue not exceeding five million dollars to be sold at private sale, which is the intention of the Town of Charlton with respect to this matter, and

WHEREAS, the Town’s Chief Fiscal Officer, Supervisor Grattidge, has contacted several financial services providers and banks regarding options with respect to the funding of the repayment of the subject Town of Charlton obligation described in this resolution, and

WHEREAS, in order to effect the actions specified in this resolution, the Town Board hereby approves the following:

RESOLUTION AUTHORIZING THE ISSUANCE
OF A SERIAL BOND FOR THE PAYMENT OF A JUDGMENT
AGREED UPON BY SETTLEMENT IN THE SUM OF \$1,170,000.00

BE IT RESOLVED by the Town Board of the Town of Charlton, Saratoga County, New York, as follows:

Section 1. For the object or purpose of payment of the Settlement Agreement judgment amount, and to provide funds to defray the cost thereof, \$1,170,000.00 of the General Obligation Serial Bonds of the Town of Charlton shall be issued pursuant to the provisions of New York Local Finance Law.

Section 2. \$1,170,000.00, plus accrued interest, is the maximum cost to the Town of Charlton for the settlement of this matter.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid settlement amount (judgment) is 5 years, pursuant to subdivision 33(a)(2) of paragraph (a) of section 11.00 of the New York State Local Finance Law. It is further determined that the maximum maturity of the Serial Bonds herein authorized will not exceed 5 years.

Section 4. The faith and credit of said Town of Charlton are hereby irrevocably pledged to the payment of the principal of and interest on such bonds as the same respectively, become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year.

Section 5. The validity of such bonds may be contested only if:

a. Such bonds are authorized for an object or purpose for which said Town of Charlton is not authorized to expend money, or

b. The provisions of law, particularly as specified in the New York State Local Finance Law are not substantially complied with, and an action, suit or proceedings contesting such validity is commenced within twenty (20) days after the date of publication, or

c. Such bonds are authorized in violation of the provisions of the Constitution.

Section 6. Local Finance Law Section 35 exempts the requirement for this resolution to be subject to a permissive referendum, due to the fact that the proposed maturity of the bonds is not more than five (5) years.

Moved by - Councilman Verola

Voting:

Councilman Grasso - Aye

Councilman Lippiello - Aye

Seconded by - Councilman Grasso

Councilman Hodgkins - Aye

Councilman Verola - Aye

Supervisor Grattidge - Aye

I certify that this is a true and exact copy of this original as passed by the Town Board of the Town of Charlton on

Dated: February 24, 2014

Brenda Mills, Town Clerk

The meeting adjourned at 9:30 p.m.

Respectfully submitted,

Brenda Mills
Town Clerk