

March 9, 2016

MINUTES

**REGULAR MEETING – EDEN TOWN BOARD
2795 EAST CHURCH STREET
EDEN, NEW YORK
MARCH 9, 2016
5:30 P.M.**

TOWN BOARD MEMBERS PRESENT:

MELISSA HARTMAN	-	SUPERVISOR
RICHARD S. VENTRY	-	COUNCILMAN
MARY LOU PEW		COUNCILWOMAN (<i>Arrived at 7:30</i>)
SUSAN WILHELM	-	COUNCILWOMAN
MICHAEL BYRNES	-	COUNCILMAN

DEPARTMENT HEADS PRESENT:

Ronald C. Maggs	-	Superintendent of Highways
Michael J. Felschow	-	Chief of Police
Scott Hunter	-	East Eden Fire Chief
Robert Pietrocarlo	-	Chairman Board of Assessors
Ray Zabron	-	Dog Control Officer

OTHERS PRESENT:

William Trask	-	Town Attorney
Mary Jo Hultquist	-	Town Clerk
Lisa Winter	-	Bookkeeper

Call to Order:

Supervisor Hartman called the Regular Meeting of the Eden Town Board to order at 5:30 P.M.

Pledge of Allegiance:

Supervisor Hartman led the assembly in the Pledge of Allegiance to the flag.

MOTION was made by Councilwoman Wilhelm to adjourn the Regular Meeting of the Eden Town Board to Executive Session at 5:30 p.m.; seconded by Councilman Byrnes; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

MOTION was made by Councilman Byrnes to return to the Regular Meeting of the Eden Town Board at 7:30 p.m.; seconded by Councilman Ventry; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

Supervisor Hartman asked for a moment of silence for the deceased members of the community for the month of February, 2016.

Approval of Minutes:

Supervisor Hartman asked if there were any additions or corrections to the Town Board Minutes of February 10, 2016; there were none.

MOTION was made by Councilman Ventry to approve the Town Board Minutes of February 10, 2016 as presented; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Hartman asked if there were any additions or corrections to the Town Board Minutes of February 24, 2016; there were none.

MOTION was made by Councilman Ventry to approve the Town Board Minutes of February 24, 2016 as presented; seconded by Councilman Byrnes; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Petitions:

There were none.

Budget Transfers/Amendments:

Supervisor Hartman read the following Budget Transfers/Amendments:

From Account	To Account	Reason for Amendment	Amount
A3021 Court Facilities	A1110.4 Court-Contractual	Use of JCAP grant for Court Room Updates	\$9,295.00
A2705 Gift & Donations	A1620.4 Town Hall-Contractual	Apply grant from Community Foundation towards cost of Croops Mill Roof Support & Floor Project	\$950.00
SW2140 Wepax Road Revenue	SW8320.401 Maintenance-Wepax Road	Establish budget lines for Wepax Road	\$2,300.00
SW2140 Wepax Road Revenue	SW8320.402 Water Contractual Farnham	Establish Budget Lines for Wepax Road	\$1,600.00
SW8320.4 Water-Contractual	SW9710.6 Water-Bond Principal	WD #4 Portion of Consolidated Debt Principal	\$1,583.38
SW8320.4 Water-Contractual	SW9710.7 Water-Bond Interest	WD #4 Portion of Consolidated Debt Interest	\$1,543.59
SW9710.6 Water – Bond Principal	SW9950.9 Transfer to Capital	Reclassify consolidated water bond principal as BAN principal	\$35,000.00
SW9710.651 Water Dist. #5A&B Bond Principal	SW9950.9 Transfer to Capital	Reclassify Water District 5 Bond Principal as BAN Principal	\$55,000.00
SW9710.7 Water-Bond Interest	SW9730.7 Water-BAN Interest	Reclassify Water Bond Interest budgeted as BAN interest	\$20,075.35

MOTION was made by Councilman Ventry to approve the Budget Transfers/Amendments as presented; seconded by Councilman Byrnes; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

Audit Bills:

Supervisor Hartman asked if there were any changes or additions to the “Audit of Bills” which are on file in the Town Clerk’s office. There were none.

2015 Payables

General Fund

383-384

\$271.41

2016 Vouchers

DESCRIPTION	VOUCHER NUMBERS	\$0.00
General Fund	88-169	\$94,350.63
Highway Dept. Fund	36-60	\$38,444.34
Fire Dept. Fund	22-45	\$9,668.79
Recreation Dept. Fund	9-22	\$33,012.65
Refuse and Garbage Fund	3	\$38,527.09
Street Lights Fund	2-4	\$5,080.14
Water Fund	1-6	\$73,586.52
Trust & Agency Fund	--	--
Capital Fund H3410.405	1	\$47,980.00
Community Development	--	--

MOTION was made by Councilman Ventry to approve the Audit of Bills as presented; seconded by Councilwoman Wilhelm; All “Ayes”? Opposed? – None; Abstain? – None; Motion carried.

Departmental Reports:

Department reports for the month of January 2016 were presented by Supervisor Hartman for Matthew Colvin, Eden Fire Chief; Scott Hunter, East Eden Fire Chief; Michael Felschow, Eden Police Chief; Ray Zabron, Dog Control Officer; Ronald Maggs, Superintendent of Highways; William Trask, Town Attorney; Mary Jo Hultquist, Town Clerk; Supervisor Hartman for Mark Clark, Zoning Code Enforcement Officer; Supervisor Hartman for Susan Brass, Recreation Director; and Robert Pietrocarlo, Chairman Board of Assessors. All reports are on file in the Town Clerk’s office.

Scott Hunter, East Fire Chief requested permission to form a truck committee to start the specification process for a new tanker that is due to be replaced in 2017.

MOTION was made by Councilman Ventry to give permission to Scott Hunter, East Eden Fire Chief to form a truck committee to start the specification process for a new tanker that is due to be replaced in 2017; seconded by Councilwoman Pew; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

Supervisor Hartman, at the request of Matthew Colvin, Eden Fire Chief requested permission to send Captain Mike Hart to the State Fire Academy at Montour Falls, NY to attend the Fire Service Instructor 1 course on June 23-26 and July 9-10, 2016.

MOTION was made by Councilwoman Pew to approve the request of Matthew Colvin, Eden Fire Chief to send Captain Mike Hart to the State Fire Academy at Montour Falls, NY to attend the Fire Service Instructor 1 course on June 23-26 and July 9-10, 2016; seconded by Councilwoman Wilhelm; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

New and Unfinished Business:

1. Resolution: Refinance of Rural Development Debt

Supervisor Hartman read the following resolution:

March 9, 2016

ERIE COUNTY, NEW YORK

EXTRACT OF MINUTES

A meeting of the Town Board of the Town of Eden, Erie County, New York (the “Town”) was convened in public session at the Town Hall on March 9, 2016 a 7:30 o’clock p.m., local time.

The meeting was called to order by Supervisor Hartman and, upon roll being called, the following members were:

PRESENT:

Melissa Hartman	Supervisor
Richard Ventry	Councilman
Mary Lou Pew	Councilwoman
Susan Wilhelm	Councilwoman
Michael Byrnes	Councilman

ABSENT:

None

ALSO PRESENT:

Mary Jo Hultquist	Town Clerk
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The following resolution was offered by Councilman Ventry and seconded by Councilman Byrnes to wit:

A REFUNDING BOND RESOLUTION, DATED MARCH 9, 2016, AUTHORIZING THE ISSUANCE OF REFUNDING BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$7,715,000 OF THE TOWN OF EDEN, ERIE COUNTY, NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW AND PROVIDING FOR OTHER MATTERS IN RELATION THERETO.

WHEREAS, the Town of Eden, Erie County, New York (the “Town”) heretofore issued its Water System Serial Bonds-1996 in the original aggregate principal amount of \$223,700, with \$159,600 of such bonds being scheduled to mature in the years 2016 through 2034, inclusive (the “1996 Bonds”); and

WHEREAS, the Town heretofore issued its Eden Consolidated Water District, Extension No. 3 and 3A Serial Bonds-2000 in the original aggregate principal amount of \$347,200, with \$276,300 of such bonds being scheduled to mature in the years 2016 through 2038, inclusive (the “2000 Bonds”); and

WHEREAS, the Town heretofore issued its General Obligation Serial Bonds, Series 2003A in the original aggregate principal amount of \$1,160,000, with \$965,500 of

such bonds being scheduled to mature in the years 2016 through 2041, inclusive (the “2003A Bonds”); and

WHEREAS, the Town heretofore issued its General Obligation Serial Bonds, Series 2003B in the original aggregate principal amount of \$84,300, with \$71,000 of such bonds being scheduled to mature in the years 2016 through 2041, inclusive (the “2003B Bonds”); and

WHEREAS, the Town heretofore issued its General Obligation Serial Bonds, Series 2003C in the original aggregate principal amount of \$100,000, with \$83,100 of such bonds being scheduled to mature in the years 2016 through 2041, inclusive (the “2003C Bonds”); and

WHEREAS, the Town heretofore issued its General Obligation Serial Bonds, 2006 in the original aggregate principal amount of \$443,600, with \$391,400 of such bonds being scheduled to mature in the years 2016 through 2044, inclusive (the “2006 Bonds”); and

WHEREAS, the Town heretofore issued its General Obligation Statutory Installment Bond, 2012 Series A in the original aggregate principal amount of \$3,801,000, with \$3,585,000 of such bonds being scheduled to mature in the years 2017 through 2048, inclusive (the “2012 Series A Bond”); and

WHEREAS, the Town heretofore issued its General Obligation Statutory Installment Bond, 2012 Series B in the original aggregate principal amount of \$990,000, with \$934,000 of such bonds being scheduled to mature in the years 2017 through 2048, inclusive (the “2012 Series B Bond”); and

WHEREAS, the Town heretofore issued its General Obligation Statutory Installment Bond, 2012 Series C in the original aggregate principal amount of \$1,017,000, with \$959,000 of such bonds being scheduled to mature in the years 2017 through 2048, inclusive (the “2012 Series C Bond”); and

WHEREAS, the 1996 Bonds, the 2000 Bonds, the 2003A Bonds, the 2003B Bonds, the 2003C Bonds, the 2006 Bonds, the 2012 Series A Bond, the 2012 Series B Bond and the 2012 Series C Bond are hereinafter sometimes referred to collectively as the “Refunded Bonds”; and

WHEREAS, in order for the Town to realize the potential for certain long-term debt service savings with respect to the Refunded Bonds, the Town Board has determined, after consultation with the Town’s Supervisor, the Town Attorney and the financial advisory and bond counsel firms retained by the Town, that it would be in the public interest for the Town to refund the Refunded Bonds by the issuance of refunding bonds of the Town pursuant to Section 90.00 and/or Section 90.10 of the Local Finance Law (collectively, the “Refunding Law”); and

WHEREAS, the Refunded Bonds are subject to the possibility of call for redemption prior to their stated maturity dates, and the Town has determined to conduct such a call; and

WHEREAS, the 1996 Bonds were issued pursuant to a bond resolution that was adopted by the Town Board on January 11, 1995, authorizing the issuance of bonds to finance the establishment of extension No. 2 to the Eden Consolidated Water District and the construction of a water system therein (the “1995 Bond Resolution”); and

WHEREAS, the 2000 Bonds were issued pursuant to two bond resolutions that were adopted by the Town Board on August 12, 1998 and August 11, 1999, authorizing the issuance of bonds to finance the establishment of Extension No. 3 and the establishment of Extension No. 3A, respectively, to Eden Consolidated Water District, in the Town, and the construction of improvements therein (the “1998 Bond Resolution” and “1999 Bond Resolution, respectively”); and

WHEREAS, the 2003A Bonds were issued pursuant to a bond resolution adopted on May 9, 2001 and amended on September 11, 2002, authorizing the issuance of bonds

March 9, 2016

to finance the establishment of Water District No. 4 and the construction of improvements therein (as so amended, the “2002 Bond Resolution”); and

WHEREAS, the 2003B Bonds were issued pursuant to the 2002 Bond Resolution and a bond resolution that was adopted by the Town Board on May 28, 2003, authorizing the issuance of bonds to finance the construction of water improvements in the Gary Drive/Water System Area 4 (the “2003 Bond Resolution”); and

WHEREAS, the 2003C Bonds were issued pursuant to the 2003 Bond Resolution; and

WHEREAS, the 2006 Bonds were issued pursuant to a bond resolution that was adopted by the Town Board on June 9, 2004, authorizing the issuance of bonds to finance the joint increase and improvement of facilities of the Consolidated Water District and Water District No. 4 (the “2004 Bond Resolution”); and

WHEREAS, the 2012 Series A Bond was issued pursuant to a bond resolution that was adopted by the Town Board on January 9, 2008, amended on June 25, 2008 and further amended on June 9, 2010 and June 9, 2011, authorizing the issuance of bonds to finance the joint increase and improvement of facilities of the Town of Eden Consolidated Water District and Water Districts Nos. 1, 2, 3, 3A and 4 (as so further amended, the “2011 Bond Resolution”); and

WHEREAS, the 2012 Series B Bond was issued pursuant to the 2011 Bond Resolution; and

WHEREAS, the 2012 Series C Bond was issued pursuant to the 2011 Bond Resolution; and

WHEREAS, the 1995 Bond Resolution, the 1998 Bond Resolution, the 1999 Bond Resolution, the 2002 Bond Resolution, the 2003 Bond Resolution, the 2004 Bond Resolution and the 2011 Bond Resolution are hereinafter sometimes referred to collectively as the “Refunded Bond Resolutions”; and

WHEREAS, the terms of the Refunded Bond Resolutions are incorporated herein by this reference; and

WHEREAS, the Town has the power and authority to issue refunding bonds of the Town for the purpose of refunding and thereby refinancing the Refunded Bonds at more favorable rates of interest, including provision for incidental costs of issuance in connection therewith, pursuant to the provisions of the Refunding Law; and

WHEREAS, the Town has received a draft refunding financial plan, dated as of February 26, 2016 (the “Refunding Financial Plan”), from Roosevelt & Cross Incorporated (the “Underwriter”) in connection with the proposed refunding of the Refunded Bonds and such Refunding Financial Plan is attached hereto as Exhibit A; and

WHEREAS, the Town Board has reviewed and considered the Refunding Financial Plan in consultation with the Town Supervisor and the financial advisory and bond counsel firms retained by the Town; and

WHEREAS, the Town now desires to refund (i.e., refinance) the Refunded Bonds by issuing certain new refunding bonds and selling such bonds at private sale to the Underwriter; and

WHEREAS, the Refunding Law requires that the Town adopt a refunding bond resolution which includes a refunding financial plan setting forth all of the pertinent details in connection with the proposed refunding transaction;

NOW, THEREFORE, BE IT RESOLVED, by the Town Board (by the favorable vote of not less than two-thirds of all the members of the Town Board) as follows:

Based on the recommendation of the financial advisory firm retained by the Town, the Town Board hereby determines to undertake a refunding of the Refunded Bonds, through the issuance of refunding bonds of the Town, such refunding bonds to be offered and sold at private sale.

For the object or purpose of refunding the Refunded Bonds, including providing moneys which, together with the interest earned from the investment of certain of the proceeds of the refunding bonds herein authorized, shall be sufficient to pay (A) the outstanding principal amount of the Refunded Bonds, (B) the aggregate amount of unmatured interest payable on the Refunded Bonds to and including the date(s) on which the Refunded Bonds mature or are to be redeemed in accordance with the Refunding Financial Plan, (C) redemption premiums, if any, payable on the Refunded Bonds as of such redemption date(s), (D) the costs and expenses incidental to the issuance of the refunding bonds herein authorized, including, but not limited to, the development of the Refunding Financial Plan, the fees and costs of the financial advisor to the Town, the fees and costs of the bond counsel to the Town, the fees and costs of the Underwriter, the costs and expenses of executing and performing the terms and conditions of the escrow contract, as hereinafter defined, and the fees and charges of the escrow holder, as hereinafter defined and (E) the premium or premiums for the policy or policies of municipal bond insurance or other form of credit enhancement facility or facilities for the refunding bonds herein authorized, or any portion thereof, there are hereby authorized to be issued the Refunding Serial Bonds, 2016 of the Town in an aggregate principal amount not to exceed \$7,715,000 (the "Refunding Bonds") pursuant to the provisions of the Refunding Law, it being anticipated that the principal amount of Refunding Bonds actually to be issued will be approximately \$7,285,000 as described in the Refunding Financial Plan and in Section 5 hereof. The Refunding Bonds shall be dated such date as shall hereafter be determined by the Town Supervisor pursuant to Section 5 hereof, shall be of the denominations of \$5,000 or any integral multiple thereof not exceeding the principal amount of each respective maturity (unless a bond of an odd denomination is required), and shall mature annually and shall bear interest semi-annually thereafter on such dates as shall be determined by the Town Supervisor pursuant to Section 5 hereof, at the rate or rates of interest per annum as may be necessary to sell the same, all as shall be determined by the Town Supervisor.

The Refunding Bonds shall be executed in the name of the Town by the manual or facsimile signature of the Town Supervisor, and its corporate seal (or a facsimile thereof) shall be imprinted thereon and attested by the Town Clerk. The Refunding Bonds shall contain the recital(s) required by the Refunding Law, as well as the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form, and contain such recitals, as the Town Supervisor shall determine.

It is hereby determined that:

The maximum amount of the Refunding Bonds authorized to be issued pursuant to this resolution does not exceed the limitation imposed by the Local Finance Law; and

The maximum period of probable usefulness permitted by law at the time of the issuance of the Refunded Bonds for each of the objects or purposes for which the Refunded Bonds were issued is as shown upon Exhibit B; and

The last installment of the Refunding Bonds will mature not later than the expiration of the maximum period of probable usefulness of each of the objects or purposes for which the Refunded Bonds were issued, or in the alternative, the weighted average remaining period of probable usefulness of the objects or purposes (or classes of objects or purposes) financed with the Refunded Bonds or the weighted average remaining period of probable usefulness of the objects or purposes (or classes of objects or purposes) financed with the Refunded Bonds, in accordance with the provisions of the Refunding Law; and

The estimated present value of the total debt service savings anticipated as a result of the issuance of the Refunding Bonds, computed in accordance with the Refunding Law, is as shown in the Refunding Financial Plan described in Section 5 hereof.

The Refunding Financial Plan, showing the sources and amounts of all moneys required to accomplish such refunding, the estimated present value of the total debt service savings and the basis for the computation of the aforesaid estimated present value of total debt service savings, is set forth in Exhibit A attached hereto and made a part of this resolution. The Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in the aggregate principal amount of \$7,285,000 and that the Refunding Bonds will mature, be of such terms, and bear interest as set forth in Exhibit A. This Town Board recognizes that the amount of the Refunding Bonds, and the maturities, terms, and interest rate or rates borne by the Refunding Bonds to be issued by the Town will most probably be different from such assumptions and that the final Refunding Financial Plan will also most probably be different from that attached hereto as Exhibit A. The Town Supervisor is hereby authorized and directed to determine the amount of the Refunded Bonds to be refunded, the details as to the redemption of the Refunded Bonds, including the date and amount of such redemption or redemptions and the terms of any directive to the Escrow Holder described in Section 6 to cause notice of such redemption to be given, the amount of the Refunding Bonds to be issued, the date of such bonds and the date of issue, maturities and terms thereof, the provisions relating to any redemption of the Refunding Bonds prior to maturity, whether the Refunding Bonds will be insured by a policy or policies of municipal bond insurance or otherwise enhanced by a credit enhancement facility or facilities, the escrow arrangements (if any) to be entered into with respect to the proceeds of the Refunding Bonds, the terms of the private sale of the Refunding Bonds to the Underwriter, the amount of the annual installments of the Refunding Bonds to be paid pursuant to the Refunding Law, whether the Refunding Bonds shall be sold at a discount in the manner authorized by Section 57.00(e) of the Local Finance Law, and the rate or rates of interest to be borne thereby, and the terms of a final Refunding Financial Plan for the Refunding Bonds, whether the Refunding Bonds are sold in conjunction with or consolidated with the issuance of certain other refunding bonds to be issued by the Town to refund any other general obligation bonds issued by the Town (including, but not limited to, the structuring of the annual installments of a consolidated issue), and all powers in connection therewith are hereby delegated to the Town Supervisor; provided, that the terms of the Refunding Bonds to be issued, including the rate or rates of interest borne thereby, shall comply with the requirements of the Refunding Law. The Town Supervisor shall file a copy of his or her certificate determining the details of the Refunding Bonds and the final Refunding Financial Plan with the Town Clerk not later than ten (10) days after the delivery of the Refunding Bonds, as herein provided.

The Town Supervisor is hereby authorized and directed to enter into an escrow contract (the "Escrow Contract") with a bank or trust company located and authorized to do business in this State as he or she shall designate (the "Escrow Holder") for the purpose of having the Escrow Holder act, in connection with some or all of the Refunded Bonds, as the escrow holder to perform the services described in the Refunding Law.

The Town Supervisor is hereby delegated all powers of this Town Board with respect to agreements for credit enhancement, derived from and pursuant to Section 168.00 of the Local Finance Law, for such Refunding Bonds, including, but not limited to the determination of the provider of such credit enhancement facility or facilities and the terms and contents of any agreement or agreements related thereto.

The faith and credit of the Town are hereby irrevocably pledged for the payment of the principal of and interest on the Refunding 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 Refunding 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 such Refunding Bonds as the same become due and payable.

All of the proceeds from the sale of the Refunding Bonds, including the premium, if any, but excluding accrued interest thereon, shall immediately upon receipt thereof be placed in escrow with the Escrow Holder for the Refunded Bonds. Accrued interest, if any, on the Refunding Bonds shall be paid to the Town to be expended to pay interest on the Refunding Bonds on the next bond payment date of such Refunding Bonds. Such proceeds as are deposited in the escrow deposit fund to be created and established pursuant to the Escrow Contract, whether in the form of cash or investments, or both, inclusive of any interest earned from the investment thereof, shall be irrevocably committed and pledged to the payment of the principal of and interest on the Refunded Bonds in accordance with the Refunding Law, and the holders, from time to time, of the Refunded Bonds shall have a lien upon such moneys held by the Escrow Holder. Such pledge and lien shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder for the Refunded Bonds in the escrow deposit fund shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the Town irrespective of whether such parties have notice thereof.

The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the Refunding Bonds authorized by this resolution 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 may designate the Refunding Bonds authorized by this resolution as "qualified tax-exempt bonds" in accordance with Section 265(b)(3) of the Code.

The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the Refunding Bonds authorized by this resolution, if required, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

The Town hereby determines that the issuance of the Refunding Bonds is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQRA") is required.

In accordance with the provisions of Section 53.00 and the Refunding Law, subject to the determination by the Town Supervisor regarding the redemption of the Refunded Bonds described in Section 5 above, the Town hereby elects to redeem the Refunded Bonds with the proceeds of the Refunding Bonds prior to their stated maturity dates on the date or dates provided in the Refunding Financial Plan. The sum to be paid therefor on such redemption date or dates shall be the par value thereof plus the required redemption premium, if any, and the accrued interest to such redemption date or dates. To the extent applicable, the Escrow Holder is hereby authorized and directed to cause notice of such call for redemption to be given in the name of the Town in the manner and within the times provided in the Refunded Bonds and in the Refunding Financial Plan. Upon the issuance of the Refunding Bonds, the election to call in and redeem the Refunded Bonds and the direction to cause notice thereof to be given as provided in this section shall become irrevocable, provided that this section may be amended from time to time as may be necessary in order to comply with the publication requirements of Section 53.00(a) of the Local Finance Law, or any successor law thereto.

Subject to compliance with the provisions of the Refunding Law, the Refunding Bonds shall be sold at private sale to the Underwriter and the Town Supervisor is hereby authorized to negotiate for such private sale. The Town Supervisor is hereby authorized to execute and deliver a bond purchase agreement with the Underwriter for the Refunding Bonds in the name and on behalf of the Town providing the terms and conditions for the sale and delivery of the Refunding Bonds to the Underwriter. After the Refunding Bonds have been duly executed, they shall be delivered by the Town Supervisor in accordance with such bond purchase agreement upon the receipt by the Town of such purchase price, including interest.

The Town Supervisor and Town Clerk and all other officers, employees and agents of the Town are hereby authorized and directed for and on behalf of the Town to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby, including, but not limited to, the bond purchase agreement.

All other matters pertaining to the terms and issuance of the Refunding Bonds shall be determined by the Town Supervisor and all powers in connection therewith are hereby delegated to the Town Supervisor.

In the event of the absence or unavailability of the Town Supervisor, the Deputy Supervisor is hereby specifically authorized to exercise the powers delegated to the Town Supervisor in this resolution.

The validity of the Refunding Bonds may be contested only if:

Such obligations are authorized for an object or purpose for which such Town is not authorized to expend money, or

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 proceeding contesting such validity is commenced within 20 days after the date of such publication; or

- (2) Such obligations are authorized in violation of the provisions of the Constitution of New York.**

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 such Local Finance Law, in the official newspaper(s) of the Town for such publications.

This resolution shall take effect immediately upon its adoption.

EXHIBIT A

REFUNDING FINANCIAL PLAN

PREPARED BY ROOSEVELT & CROSS INCORPORATED

– FEBRUARY 26, 2016

EXHIBIT B

DESCRIPTION OF CAPITAL IMPROVEMENTS

FINANCED WITH PROCEEDS OF THE REFUNDED BONDS

<u>Purpose</u>	<u>Original Amount</u>	<u>Proposed Amount to be Refunded</u>	<u>Period of Probable Usefulness</u>
<u>\$223,700 Water System Serial Bonds-1996</u> The establishment of Extension No. 2 to the Eden Consolidated Water District and the construction of improvements therein	\$223,700	\$159,600	40 years
<u>\$347,200 Eden Consolidated Water District, Extension No. 3 and 3A Serial Bonds-2000</u> The establishment of Extension Nos. 3 and 3A to the Eden Consolidated Water District and the construction of improvements therein	\$347,200	\$276,300	40 years
<u>\$1,160,000 General Obligation Serial Bonds, Series 2003A</u> The establishment of Water District No. 4 and the construction of improvements therein	\$1,160,000	\$965,500	40 years
<u>\$84,300 General Obligation Serial Bonds, Series 2003B</u> The establishment of Water District No. 4 and the construction of improvements therein, and water improvements in the Gary Drive/Water System Area 4	\$84,300	\$71,000	40 years
<u>\$100,000 General Obligation Serial Bonds, Series 2003C</u> The establishment of Water District No. 4 and the construction of improvements therein, and water improvements in the Gary Drive/Water System Area 4	\$100,000	\$83,100	40 years
<u>\$443,600 General Obligation Serial Bonds, 2006</u> The joint increase and improvement of facilities of the Consolidated Water District and Water District No. 4	\$443,600	\$391,400	40 years
<u>\$3,801,000 General Obligation Statutory Installment Bond, 2012 Series A</u> The joint increase and improvement of facilities of the Town of Eden Consolidated Water District and Water District Nos. 1, 2, 3, 3A and 4	\$3,801,000	\$3,585,000	40 years
<u>\$990,000 General Obligation Statutory Installment Bond, 2012 Series B</u> The joint increase and improvement of facilities of the Town of Eden Consolidated Water District and Water District Nos. 1, 2, 3, 3A and 4	\$990,000	\$934,000	40 years
<u>\$1,017,000 General Obligation Statutory Installment Bond, 2012 Series C</u> The joint increase and improvement of facilities of the Town of Eden Consolidated Water District and Water District Nos. 1, 2, 3, 3A and 4	\$1,017,000	\$959,000	40 years

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

- AYES: Melissa Hartman, Supervisor
 Richard Ventry, Councilman
 Mary Lou Pew, Councilwoman
 Susan Wilhelm, Councilwoman
 Michael Byrnes, Councilman

NOES: None

ABSENT: None

The foregoing resolution was thereupon declared duly adopted.

2. **Chief of Police, Michael Felschow would like to request permission for a new 2016 Police Car Purchase/Trade In of 2010 Ford Crown Victoria**

Supervisor Hartman read the following correspondence from Michael Felschow, Chief of Police:

“I would like to ask permission of the Town Board to purchase a new patrol car. The new vehicle would be a 2016 Ford Explorer Police Interceptor. The cost of the vehicle is \$28,417.00 less trade in of the 2010 Ford Crown Victoria Police Interceptor. At this time, a trade in value is not known. However, per Delacy Ford, the cost of a 2016 Ford is about \$2,000.00 less than waiting for a 2017 model.

Also, the above cost does not include graphics and cost of transferring equipment. The additional cost is approximately \$3,000.00.”

MOTION was made by Councilman Ventry to approve the purchase of a new patrol car, a 2016 Ford Explorer Police Interceptor, with a cost of \$28,417.00, which is the county bid price from Delacy Ford; seconded by Councilman Byrnes; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

NOTE: Chief Felschow will get a total price for the graphics and cost of transferring equipment.

3. **Approve appointments for the Eden Planning board selected by the Town Board**

Supervisor Hartman read the following appointments:

Anthony Weiss, effective immediately to 12/31/2022 (7-year term)
Dave Johnson, effective immediately to 12/31/2016 (1-year term)(alt)
Brian Reed, effective immediately to 12/31/2016 (1-year term)(alt)

MOTION was made by Councilwoman Pew to approve the appointments to the Planning Board effective immediately; seconded by Supervisor Hartman; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

4. **Highway Superintendent Ron Maggs would like to request funds for Highway Department Pick Up Truck subject to permissive referendum**

Supervisor read the following resolution:

**LEGAL NOTICE
TOWN OF EDEN**

RESOLUTION AUTHORIZING SUPERVISOR MELISSA M. HARTMAN TO EXPEND FUNDS FROM THE HIGHWAY EQUIPEMNT RESERVE FUND OF THE TOWN OF EDEN, SUBJECT TO PERMISSIVE REFERENDUM.

The Town Board of the Town of Eden, duly convened in regular session, does hereby resolve pursuant to the provisions of Section 6-c of the General

Municipal Law of the State of New York that the Town Supervisor of the Town of Eden be and is hereby authorized and directed to transfer from the Highway Equipment Reserve a sum not to exceed \$33,000.00 from said Reserve Fund to purchase a New and Unused Pickup Truck.

This resolution shall be subject to a permissive referendum, as permitted by law.

BY ORDER OF THE GOVERNING BODY OF THE TOWN OF EDEN,
NEW YORK.

Councilwoman Wilhelm asked what the new pickup truck would be used for and Superintendent Ron Maggs stated it is used for patching, towing and patrolling the roads.

MOTION was made by Supervisor Hartman to approve the request by Ron Maggs, Highway Superintendent to purchase a new and unused pickup truck, subject to the permissive referendum; seconded by Councilman Ventry; All "Ayes"; Opposed? -None; Abstain? - None; Motion carried.

5. Highway Superintendent Ron Maggs recommend to award Fuel Bid

Ron Maggs, Highway Superintendent recommended awarding the Motor Fuels and Related Services bid to Superior Plus Energy, d/b/a Griffith Energy, being the only bidder. The bid results are as follows:

No-Lead Gas	\$1.4106
Diesel Fuel	\$1.3750
Winter Mix	\$1.5254
Hourly Rate	\$50.00/per hour

MOTION was made by Councilwoman Pew to award the fuel bid to Superior Plus Energy, d/b/a Griffith Energy, based on the recommendation of Ron Maggs, Highway Superintendent; seconded by Councilman Byrnes; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

6. Update Contract with Hodgson Russ

MOTION was made by Councilman Ventry to authorize Supervisor Hartman to sign the contract for Bond Counsel Services with Hodgson Russ; seconded by Councilman Byrnes; All "Ayes"; Opposed? - None; Abstain? - None; Motion carried.

7. Training for Mark Clark – Building Inspector

Supervisor Hartman read correspondence from Mark Clark regarding required NYS Code Enforcement Basic Training Program Course, all to be held in Monroe County. Six courses are required to complete the certification process, 9A through 9F. 9A was completed in October 2015 and 9B is scheduled for March 29th – 31st, 2016. The following schedule for the remaining classes are: 9C – May 3rd -5th, 9D – May 31st – June 1, 9E – June 21st – 23rd, 9F – July 26th – 28th.

Mr. Clark stated that his original budget set aside for a new I-PAD (connected to for inspection pictures and documentation) related software and training was approved at \$1,750. Foregoing this year the I-PAD in place of an updated PC and training, there should be adequate money for such reimbursement, to attend the above-mentioned courses.

MOTION was made by Supervisor Hartman to approve the training schedule for Mark Clark, Building Inspector as stated above, with a \$.45/per mile rate as set in the Re-organizational Meeting for 2016; seconded by Councilwoman Pew; All "Ayes"; Opposed? - None; Abstain? - None; Motion carried.

8. Contract with Municipal Solutions

MOTION was made by Councilwoman Pew to authorize Supervisor Hartman to sign the 2-year contract renewal with Municipal Solutions Inc., Financial Advisors in connection with the Town of Eden's general financial services, subject to insurance requirements reviewed by Evans Agency, if any; seconded by Councilwoman Wilhelm; All "Ayes"; Opposed? - None; Abstain? - None; Motion carried.

Supervisor's Report:

- Supervisor Hartman acknowledged that Mitch from Senator Gallivan's office was present to answer questions residents may have.
- Supervisor Hartman received correspondence from NYS Department of Transportation regarding the request for reduced speed limits on Route 75 (Sisson Highway), Hickman Road and North Boston Road in the Town of Eden.

Sisson Hwy. Between Route 62 and Hardt Road will not be reduced.
Hickman road from North Boston to Sisson Highway will be 35 mph.
North Boston Road from Eden Valley Road to the Eden/Boston town line will be 45 mph.

- Supervisor Hartman thanked the Eden Police Department for their assistance with the recent burglaries.
- Councilman Ventry requested Executive Session for a contractual issue.

Hearing of Visitors:

Phil Muck asked if interviews or appointments were made to various town committees. Supervisor Hartman stated that appointments were made tonight to the Planning Board and other appointments had been made at previous town board meetings.

Adjournment:

MOTION was made by Councilman Ventry to adjourn the Regular Meeting of the Eden Town Board; seconded by Councilman Byrnes; All – "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Hartman adjourned the Regular Meeting of the Eden Town Board at 8:50 P.M.

Executive Session:

Supervisor Hartman adjourned the Executive Session of the Eden Town Board Meeting at 10:05 P.M.

Respectfully submitted by,

Mary Jo Hultquist
Town Clerk