

## Regular Meeting

The Regular Meeting of the Ephratah Town Board was held 6 PM July 11, 2012 at the Ephratah Town Hall.

Roll Call found the following people present:

Supervisor	Todd Bradt
Councilman	Ivan Duesler
Councilman	George Cosselman
Councilman	Thomas Miles
Councilman	Andrew Chorlton -- Absent
Clerk	Eleanor Smith
Hwy Superintendent	James Berry
Code Enforcement Officer	David Rackmyre, Jr.--Absent
Attorney	Michael Albanese

The meeting was opened with Salute to the Flag led by Supervisor Todd Bradt.

Ivan Duesler made a motion to accept the minutes from June 13, 2012 Regular meeting. 2<sup>nd</sup> by George Cosselman. 4 Ayes. Carried.

Ivan Duesler made a motion to pay General bills, Abstract 7, Claim # 99 thru 107 for the amount of \$ 3,679.42. 2<sup>nd</sup> by Thomas Miles. 4 Ayes. Carried.

Ivan Duesler made a motion to pay Highway bills, Abstract 7, Claim # 117 thru 123 for the amount of \$ 138,096.75. Late vouchers were not included in this amount. 2<sup>nd</sup> by George Cosselman. 4 Ayes. Carried.

**Communication:** None.

**Public Input:** None

### **Reports:**

Code Enforcement Officer: Report was submitted.

- 2 Certificate of Compliance Issued

### Planning Board:

- The APA sent a statement that Carver Sand & Gravel were in compliance with their permits.
- Rose Wooley and Judy Townsend volunteered for the position on the Comprehensive Planning & Zoning Committee.
- Town directory, business listing application, visions 2020 survey; comprehensive planning fact sheet will be handed out at the Youth car show on August 4<sup>th</sup>.

Highway Superintendent: M-Shaw audited and inspected the pit, also putting 2 monitors on 2 employees.

The new truck is being built at the factory.

Jim requested permission to purchase a plate tamper.

### **Resolution 66**

George Cosselman offered Resolution 66 authorizing Jim Berry to purchase a MBW 20 inch 2475# Asphalt Plate Tamper for the amount of \$1,681.00 from McQuade & Bannigan Inc. 2<sup>nd</sup> by Ivan Duesler. 4 Ayes. Carried.

Youth: Opening day for softball found to have a normal turn-out.  
The Car show will be held August 4, 2012; 11 a.m. to 3 p.m.

Assessors: Report was submitted.

- Attended an informational session at the Fulton County Office building regarding the central data base system.
- Attended ethics class held in Syracuse granting compliance with the State regulations.
- Final role has been filed with the Town Clerk.

Supervisor: Report was submitted.

Historian: Would like the stone looked at in the Dempster Cemetery and a base for it so the monument place can erect the stone.

## **New Business**

### **Resolution 67**

Thomas Miles offered Resolution 67 to amend the 2012 Budget. The CHIPS monies now is \$81,184.53 and to be amended to \$81,233.23. 2<sup>nd</sup> by Ivan Duesler. 4 Ayes. Carried.

The clerk received an application for the Comprehensive Planning & Zoning Committee from Beverly Alves, 268 Murray Hill Road, St. Johnsville, NY 13452.

George Cosselman made a motion to accept Beverly Alves to be an Alternate serving on the Comprehensive Planning & Zoning Committee. 2<sup>nd</sup> by Thomas Miles. 4 Ayes. Carried.

Supervisor Bradt had a conversation with David Slojack regarding a moratorium on micro-wave cell towers and hydrofracking. There cannot be a moratorium on micro-wave cell towers because they are State regulated; but can do a moratorium on hydrofracking. Mike Albanese will look into this matter for the next monthly meeting.

RGL Volunteer Fire Company presented a request for an increase in the new contract as follows:

- Year One (2013)                      \$63,000 (Increase of \$1,000)
- Year Two (2014)                      \$64,000 (Increase of \$1,000)
- Year Three (2015)                      \$65,000 (Increase of \$1,000)

### **Resolution 68**

Thomas Miles offered Resolution 68 to advertise for a Public Hearing on the RGL Volunteer Fire Dept. contract for the next 3 years. The Public Hearing will be the September 12, 2012 meeting at 6:15 p.m. 2<sup>nd</sup> by Ivan Duesler. 4 Ayes. Carried.

George Cosselman inquired why the big trucks are going over the Old State bridge. Answer: no weight limit on the bridge; county owned bridge.

### **Resolution 69**

Ivan Duesler offered Resolution 69

Thomas Miles seconded

4 Ayes. Carried

## **Resolution 69**

### **RESOLUTION NO. 69 OF 2012 AUTHORIZING ISSUANCE OF STATUTORY INSTALLMENT BOND OF TOWN OF EPHRATAH, FULTON COUNTY, NEW YORK IN THE AMOUNT OF \$80,000.00 DOLLARS**

WHEREAS, the Town Board of the Town of Ephratah, New York, by Resolution No. 69 of 2012, duly adopted the 11<sup>th</sup> day of July, 2012, authorized the Town of Ephratah to solicit bids for the truck described as 2013 International Model 7600 Plow Truck (VIN 1HTGPSHR8DJ174992); and

WHEREAS, following the solicitation and advertising for bids, and having selected the lowest bid of \$80,000.00; and

WHEREAS, it is desired that \$80,000.00 of such cost be paid from the proceeds of obligations to be issued pursuant to the Local Finance Law.

#### **NOW, THEREFORE, BE IT RESOLVED:**

SECTION I: The specific object or purpose for which obligations are to be issued pursuant to this resolution is to finance the purchase of said truck described as 2013 International Model 7600 Plow Truck.

SECTION II: The maximum cost of such purchase is \$80,000.00, and the plan of financing such cost is as follows: \$80,000.00 is to be provided by the issuance of an installment bond in the amount of \$80,000.00 pursuant to this resolution.

SECTION III: The following determinations are hereby made:

(a) The period of probable usefulness of such truck described as 2013 International Model 7600 Plow Truck is determined to be in excess of five (5) years.

(b) The subdivision of paragraph (a) of Section 11.00 of the Local Finance Law which is applicable in the circumstances of Subdivision "29".

(c) The proposed maturity of the obligations authorized by this resolution will not be in excess of five (5) years.

SECTION IV: The Town of Ephratah shall issue its installment bond in the amount of \$80,000.00 to finance such cost in accordance with the financial plan set forth above. Such bond shall be dated approximately as of the date of Closing in this matter, and the power to fix and determine the exact date of such bond is hereby delegated to the Town Supervisor.

SECTION V: The TOWN OF EPHRATAH, County of Fulton, State of New York, hereby acknowledges itself indebted and for value received promises to pay to National Bank and Trust of Norwich, NY, the principal sum of Eighty Thousand Dollars and 00/100 (\$80,000.00) in four

(4) equal installments of Twenty Thousand Dollars (\$20,000.00) on the first day of June in the years 2013, 2014, 2015 and 2016, and to pay interest on the unpaid balance of such principal sum at the rate of 3.05% annually on the first day of June until this bond matures at NBT Bank, N.A., Gloversville Branch, Gloversville, New York.

SECTION VI: This Board expressly reserves the power on any interest payment date prior to maturity to call in and redeem said bond by payment of all interest due to that date plus the remaining unpaid balance of the principal.

SECTION VII: Said installment bond shall be issued in substantially the following form, to wit:

SECTION VIII: When said bond shall have been duly sold, the same shall be delivered by the Town of Ephratah Town Clerk to the purchaser upon payment to it of the purchase price including accrued interest, and the receipt of the Town of Ephratah shall be a full acquittance to said purchaser who shall not be obligated to see to the application of the purchase money.

SECTION IX: The faith and credit of said Town of Ephratah are hereby pledged to the payment of the principal of said bond and interest thereon when due. An amount sufficient to pay the principal and interest on said bond as the same becomes due each year shall be included in the annual budget of such Town of Ephratah for the year, and the said bond shall not be renewed.

SECTION X: The validity of the bond herein authorized may be contested only if (1) such obligation is authorized for an object or purpose for which the Town of Ephratah is not authorized to expend money, or (2) the provisions of law which should be complied with at the date of publication of this resolution or 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 issuance or (3) such obligations are authorized in violation of the provisions of the Constitution.

SECTION XI: Pursuant to the provisions of the Tax Reform Act of 1986, this Board expressly represents that the Town will not issue more than ten million dollars of tax exempt obligations in any calendar year and directs that a copy of this Resolution be furnished to the bond purchaser.

SECTION XII: This resolution shall take effect immediately.

I hereby certify the above to be a true and exact copy of the resolution which was duly adopted at a meeting of the Town Board of the Town of Ephratah, New York on July 11, 2012.

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Eleanor M. Smith  
CLERK OF THE TOWN OF EPHRATAH

THE resolution having received at least two-thirds vote of the members of the Town Board of the Town of Ephratah was declared by the Chairman to be duly adopted by the following votes:

	ABSENT	AYE	NAY
Supervisor Todd Bradt	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilman Thomas Miles	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilman Andrew Chorlton	X		<input type="checkbox"/>
Councilman George Cosselman	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilman Ivan Duesler	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Resolution 70**

Thomas Miles offered Resolution 70 authorizing Supervisor Bradt to pay 3 Late Vouchers for the General Abstract in the amount of \$188.24. 2<sup>nd</sup> by George Cosselman. 4 Ayes. Carried.

**Resolution 71**

Ivan Duesler offered Resolution 71 authorizing Supervisor Bradt to pay 11 Late Vouchers for the Highway Abstract in the amount of \$3,478.46. 2<sup>nd</sup> by Thomas Miles. 4 Ayes. Carried.

**Public Input:** Carolyn Honeywell inquired about the mowing of the Town Cemeteries. Was told all cemeteries have been mowed and Mr Fairchild is still under contract to mow them.

Ivan Duesler made a motion to take a five minute recess. 2<sup>nd</sup> by George Cosselman. 4 Ayes. Carried. Time: 6:35 p.m.

Thomas Miles made a motion to return to Regular Session. 2<sup>nd</sup> by Ivan Duesler. 4 Ayes. Carried. Time: 6:48 p.m.

The Town Board audited the Tax Collector’s books.

**Resolution 72**

Thomas Miles offered Resolution 72 concluding that after an audit of Tax Collector, Deborah Hofmann’s 2012 books, they were found that a good job was done. 2<sup>nd</sup> by George Cosselman. 4 Ayes. Carried.

George Cosselman made a motion to adjourn. 2<sup>nd</sup> by Thomas Miles. 4 Ayes. Carried.

Time: 7:00 P.M.

Eleanor Smith  
Clerk