

MINUTES

Public Hearing & Special Town Council Meeting, Town of Massena

Date/Time: Wednesday January 27, 2021 4:00 PM

Location: Massena Town Hall

LIVE-STREAMED ON FACEBOOK

ATTENDANCE:

MEMBER	PRESENT	ABSENT
Supervisor Steve O’Shaughnessy	X	
Councilman Albert Nicola	X	
Councilman Robert Elsner	X	
Councilman Samuel Carbone, Jr.	X	
Councilwoman Susan Bellor	X	

ALSO PRESENT:

Jeannine Brouse, Town Clerk; Brenda Mossow, Secretary/Bookkeeper; Frank Diagostino, Highway and Airport Supervisor; Austyn Allen, Audio Support; Eric Gustafson, Town Attorney; Aaron Jarvis, Tisdale Associates

The Supervisor opened the meeting with the **Pledge of Allegiance**.

The meeting was called to order at 4:02 PM

Public Hearing: Councilwoman Bellor and Councilman Carbone motioned to open the Public Hearing. The hearing opened at 4:10 PM. Supervisor O’Shaughnessy read the following:

NOTICE IS HEREBY GIVEN that the Town of Massena, St. Lawrence County, New York will hold a Public Hearing on Wednesday, January 27, 2021, at 4:00 PM in the Massena Town Hall, 60 Main Street, Massena, New York for the purpose of considering the Town of Massena’s repair and replacement of greater than 28,700 linear feet of ductile iron water mains in the East Massena Consolidated Water District, pursuant to the Preliminary Engineering Report dated March 22, 2019 and revised August 15, 2019 of Tisdale Associates, Aaron B. Jarvis, P.E., on file with Town Clerk of the Town of Massena which plans are available for public inspection. The total cost of this improvement, which is not to exceed the sum of \$4,020,000.00, is estimated cost to the average residential user in the District an additional \$433.62 per year for a total cost of \$793.02. The replaced water mains have a probable useful life of Forty (40) years.

Due to the Covid-19 pandemic and pursuant to Governor Andrew Cuomo’s Executive Orders, this hearing will be held via Facebook Live at: <https://www.facebook.com/pages/category/Town-Hall/The-Town-of-Massena-100326078280241/>

 Jeannine L. Brouse, TOWN CLERK
 TOWN OF MASSENA

Announcements / Notifications

Presentations / Discussions.

- Aaron Jarvis from Tisdale Associates gave a talk and answered questions from the Board Members regarding the East Massena Water District Project.

Resolution 40 - 2021					
Authorizing Legal Services Agreement with Eric J. Gustafson					
<p>WHEREAS, the Town is upgrading, or intends to complete the “East Massena Consolidated Water District Water Main Replacement Project”, in an improvement district located in the Town of Massena, County of St. Lawrence, County of St. Lawrence, under the provisions of the Town Law and Local Finance Law of the State of New York;</p> <p>WHEREAS, the Town wishes to retain the Attorney in connection with various legal matters related to said improvement district, excluding bond-related or financing matters; and</p> <p>WHEREAS, the Attorney has been selected to provide the desired legal services on the terms and conditions set forth herein;</p> <p>NOW, THEREFORE, in consideration of the promises and mutual covenants contained herein, the parties do hereby agree as follows:</p> <p>Section 1. Authorization to Proceed as the Attorney. The Town shall by appropriate resolution adopt and ratify this Agreement, and the Attorney is hereby authorized to provide legal services as described in this Agreement and for the professional fees specified herein.</p> <p>Section 2. Legal Services. The Attorney agrees to provide its professional services in connection with the Town’s improvement district subject to the conditions and in consideration of the payment of fees set forth herein. The Attorney agrees, at the request of the Town, to:</p> <p>(A) Prepare and file the resolutions and notices for district improvements, and supervise and assist in the taking of such other actions as may be necessary or incidental to cause the Town to become duly organized and incorporated and to be authorized to undertake the proposed improvement district;</p> <p>(B) Advise and assist the Town in connection with (i) the notice and conduct of meetings; (ii) the preparation of minutes of meetings; (iii) the preparation and enactment of such resolutions as may be necessary in connection with the authorization, construction, and initial operation of the improvement district; (iv) entering into construction contracts; (v) preparation and adoption of by-laws, rules and regulations, and rate schedules; and (vi) such other corporate actions as may be necessary in connection with the construction and initial operation of the improvement district;</p> <p>(C) Review construction contracts, bid-letting procedures, and surety and contractual bonds in connection therewith;</p> <p>(D) Prepare, negotiate, and review any contract with another town or other source of water supply when necessary;</p> <p>(E) Prepare, where necessary, and review deeds, easements and other rights-of-way documents and other instruments for sites for source of water supply, pumping stations, treatment plants, and other facilities necessary to the improvement district, provide continuous rights-of-way therefore, render title opinions with reference thereto, and provide for the recordation thereof;</p> <p>(F) Obtain necessary permits and certificates from county and municipal bodies, State regulatory agencies, and from other public or private sources with respect to the approval of the improvement district, the construction and operation thereof, pipeline crossings, and the like; and</p> <p>(G) Cooperate with the engineer employed by the Town in connection with preparation of tract sheets, easements, and other necessary title documents, construction contracts, water supply contracts, health permits, crossing permits, and other such instruments.</p> <p>Section 3. Professional Fees and Expenses. The Town shall pay to the Attorney for professional services rendered hereunder the following fees: \$150.00 per hour with a \$7,500.00 maximum. Reimbursement of expenses shall be made by the Town for reasonable out-of-pocket expenses including, but not limited to, photocopying, postage, court costs, and travel costs incurred by the Attorney in the performance of the duties hereunder. Said fees and expenses shall be payable monthly as billed.</p> <p>Section 4. Construction and Amendments. This Agreement shall be governed and construed in accordance with the laws of the State of New York. This Agreement may be amended only by a writing duly entered into by the Town and the Attorney.</p>					
Motion by	Councilwoman Bellor	Vote:			
Second by:	Councilman Elsner	Aye	Nay	Abstain	Absent
	Steve O’Shaughnessy	X			
	Albert Nicola	X			
	Susan Bellor	X			
	Samuel Carbone, Jr.	X			
	Robert Elsner	X			
Motion is Carried.					

Resolution 41 - 2021					
Authorizing Preparation of Plans, Specifications, Estimate Contract and Bid Work for the East Massena Water District Project as Described in the Public Hearing Notice					
<p>WHEREAS, the Town Board of the Town of Massena has given due notice the Board will hold a Public Hearing on Wednesday, January 27th, 2021, at 4:00 PM in the Massena Town Hall, 60 Main Street, Massena, New York for the purpose of considering the Town of Massena’s repair and replacement of greater than 28,700 linear feet of ductile iron water mains in the East Massena Consolidated Water District, pursuant to the Preliminary Engineering Report dated March 22nd, 2019 and revised August 15th, 2019 of Tisdale Associates, Aaron B. Jarvis, P.E., on file with Town Clerk of the Town of Massena which plans are available for public inspection; and</p> <p>WHEREAS, the total cost of this improvement, which is not to exceed the sum of \$4,020,000.00, is estimated to cost to the average residential user in the District an additional \$433.62 per year for a total cost of \$793.02; and</p> <p>WHEREAS, the replaced water mains have a probable useful life of Forty (40) years; and</p> <p>WHEREAS, the Board has conducted such hearing and taken the comments of those who are interested in the project, and considered the testimony and Preliminary Engineering Report from Aaron B. Jarvis, P.E., now therefore, be it hereby</p> <p>RESOLVED, after such hearing and upon the evidence given thereat, that it is in the public interest to repair and replace greater than 28,700 linear feet of ductile iron water mains in the East Massena Consolidated Water District, pursuant to the Preliminary Engineering Report dated March 22nd, 2019 and revised August 15th, 2019 of Tisdale Associates, Aaron B. Jarvis, P.E., on file with Town Clerk of the Town of Massena, and it is further</p> <p>RESOLVED, that Tisdale Associates, Aaron B. Jarvis, P.E., shall prepare definite plans and specifications, and make a careful estimate of the expense, and, with the assistance of the town attorney or an attorney employed for that purpose, to prepare a proposed contract for the execution of the work, and that the same be put out to bid, upon confirmation of the funding thereof through the United States Department of Agriculture, Rural Development.</p> <p>By order of the Town Board of the Town of Massena the 27th day of January, 2021.</p>					
Motion by	Councilwoman Bellor	Vote:			
Second by:	Councilman Nicola	Aye	Nay	Abstain	Absent
	Steve O’Shaughnessy	X			
	Albert Nicola	X			
	Susan Bellor	X			
	Samuel Carbone, Jr.	X			
	Robert Elsner	X			
Motion is Carried.					

Resolution 42 - 2021

**SERIAL BOND AND BOND ANTICIPATION NOTE RESOLUTION
OF THE TOWN OF MASSENA
DATED: January 27, 2021**

A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF SERIAL BONDS IN A PRINCIPAL AMOUNT NOT TO EXCEED \$4,020,000.00 OF THE TOWN OF MASSENA, COUNTY OF ST. LAWRENCE AND STATE OF NEW YORK PURSUANT TO THE LOCAL FINANCE LAW OF THE STATE OF NEW YORK FOR THE PURPOSE OF FINANCING THE REPLACEMENT OF DETERIORATED WATER MAINS FOR THE EAST MASSENA CONSOLIDATED WATER DISTRICT, WATER SYSTEM IN THE VICINITY OF RACQUETTE, HAVERSTOCK, TRIPPANY AND SMITH ROADS AND NYS RTE 131 IN THE TOWN OF MASSENA, INCLUDING REPLACEMENT OF APPROXIMATELY 28,700 LINEAR FEET OF DUCTILE IRON PIPE, INLINE WATER VALVES, FIRE HYDRANT ASSEMBLIES, CORPORATION AND CURB STOPS, COPPER SERVICE LINES AND APPURTENANCES, INCLUDING ROADWAY, LAWN AND SIDEWALK REPAIRS ASSOCIATES WITH THE REPLACEMENT WORK.

WHEREAS, the Town Board has decided it is necessary to finance the improvements to the Town's water system, including replacement of deteriorated water mains for the East Massena Consolidated Water District, Water System in the vicinity of Racquette, Haverstock, Trippany and Smith Roads and NYS Rte 131 in the Town of Massena, including replacement of approximately 28,700 linear feet of ductile iron pipe, inline water valves, fire hydrant assemblies, corporation and curb stops, copper service lines and appurtenances, including roadway, lawn and sidewalk repairs associated with the replacement work (the "Project") at a total estimated maximum cost of \$4,020,000.00, and the issuance of serial bonds in a principal amount not to exceed FOUR MILLION TWENTY THOUSAND DOLLARS AND 00/100 DOLLARS (\$4,020,000.00); provided, however, that to the extent grants from the United States Department of Agriculture, Rural Development Agency, and/or other agencies for such specific object or purpose, the amount of said Serial Bonds shall be reduced dollar for dollar by the amount of such grants; and

WHEREAS, the East Massena Consolidated Water District is a water district described in Article 12 of the Town Law and Section 35 of the Local Finance Law, for which the cost of the improvement thereof is generally assessed upon the benefited real property located within such district.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE Town of Massena, County of St. Lawrence, State of New York, as follows:

1. There are hereby authorized to be issued Serial Bonds of the Town of Massena, County of St. Lawrence, State of New York, pursuant to the Local Finance Law of the State of New York, said Serial Bonds to be in an amount not exceeding the principal amount of \$4,020,000.00, for the specific object or purpose of funding the Project; provided, however, that to the extent that the Town of Massena receives grants from the United States Department of Agriculture, Rural Development Agency, and/or other agencies for such specific object or purpose, the amount of said Serial Bonds shall be reduced dollar for dollar by the amount of such grants.
2. It is hereby determined that the issuance of the Serial Bonds constitutes an Unlisted Action as defined by the SEQR regulations of the State of New York and a Negative Declaration has been issued.
3. The total maximum estimated cost of the aforesaid objects or purposes is \$4,020,000.00. The plan for financing thereof is through the issuance of serial bonds of the Town, as authorized hereunder, in an amount not to exceed \$4,020,000; provided, however, that to the extent that the Town of Massena receives grants from the United States Department of Agriculture, Rural Development Agency, and/or other agencies for such specific object or purpose, the amount of said Serial Bonds shall be reduced dollar for dollar by the amount of such grants. The Serial Bonds authorized hereunder are to be payable from amounts which shall annually be levied upon all of the taxable real property within the Town, and the full faith and credit of the Town of Massena, County of St. Lawrence, State of New York, are hereby pledged for the payment of said Serial Bonds and the interest thereupon.
4. It is hereby determined that the aforesaid specific object or purpose falls within Section 11.00(a)(1) of the Local Finance Law of the State of New York and that the period of probable usefulness of such object or purpose is forty (40) years.
5. Subject to the relevant provisions of the Local Finance Law, the power to authorize the issuance and to sell bond anticipation notes, in anticipation of the issuance and sale of the serial bonds authorized herein, including the renewal of such notes, is hereby delegated to the Supervisor of the Town of Massena. The bond anticipation notes authorized herein shall be of such terms, form and content, and shall be sold in such manner as may be prescribed

by said Supervisor of the Town of Massena, consistent with the relevant provisions of the Local Finance Law, and shall be in a principal amount not to exceed \$4,020,000.00. The serial bonds authorized herein, and the bond anticipation notes issued in anticipation thereof, shall contain substantially 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, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor of the Town of Massena shall determine.

- 6. The validity of the bonds and the bond anticipation notes authorized hereunder may be contested only if:
 - 1) such obligations are authorized for an object or purpose for which the Town of Massena is not authorized to spend money; or
 - 2) the provisions of the law which should be complied with as of the date of publication of this resolution 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
 - 3) such obligations are authorized in violation of the provisions of the Constitution of the State of New York.
- 7. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Sections 1.150-2(d) and (e). Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.
- 8. There are no bond anticipation notes currently outstanding which have been previously issued in anticipation of the serial bonds.
- 9. The bond anticipation notes authorized hereunder are not renewal bond anticipation notes and are not issued in anticipation of the sale of serial bonds for an assessable improvement.
- 10. A summary of this resolution shall be published in the official newspaper or newspapers of the Town, together with a notice from the Town Clerk, substantially in the form provided in Section 81.00 of the Local Finance Law.
- 11. The bond anticipation notes authorized hereunder shall mature one year from the date of issue.
- 12. The firm of Hancock Estabrook, LLP is hereby retained as Bond Counsel in connection with all obligations to be issued hereunder.
- 13. This resolution shall take effect immediately.

Motion by	Councilman Nicola	Vote:			
Second by:	Councilman Elsner	Aye	Nay	Abstain	Absent
	Steve O'Shaughnessy	X			
	Albert Nicola	X			
	Susan Bellor	X			
	Samuel Carbone, Jr.	X			
	Robert Elsner	X			
Motion is Carried.					

Resolution Tabled - 2021				
Adopting Resolution 1780-27. Tabled to the February 17, 2021 Regular Board Meeting				
Motion by	Councilman Nicola	Vote:		
Second by:	Councilman Elsner	Aye	Nay	Abstain
	Steve O'Shaughnessy	X		
	Albert Nicola	X		
	Susan Bellor	X		
	Samuel Carbone, Jr.	X		
	Robert Elsner	X		
Motion is Carried.				

Discussion:

- Eric Gustafson Town Attorney gave the Board Members the Pros and Cons of the Proposed Solar Energy Project. He will be meeting with Code Enforcement and The Town Planning Board for further discussions as how to best proceed. He will keep the Board Members and Town Clerk's Office updated.

Next Regular Board Meeting (February 17, 2021 at 5:30 PM.)
Closing 15-Minute Comment Period
<ul style="list-style-type: none"> • No public Comments
Closing Remarks
<p>Executive Session Motion by Councilman Nicola, Second by Councilman Carbone to conduct an Executive Session to discuss the employment history of a particular individual. Motion carried unanimously. The Board went into Executive Session at 4:48 PM.</p> <p>Returned to Open Session at 5:18 PM</p> <p>Meeting Adjourned at 5:19 PM by unanimous consent.</p>