

REGULAR TOWN BOARD MEETING

MAY 9, 2013

7PM

Present: Sup Tarbell  
Coun Hurst  
Coun Monteleone  
Coun Vitagliano  
Coun Klein

Also Present: M. Hotchkiss, R. Uptegrove, D. Nourse, D. DiPietro, D. Gierlinger, C. Gierlinger, J. Koch, M. Hanzly, R. Fish (late)

Sup Tarbell called the meeting to order at 7PM.

The following vouchers were audited:

GENERAL FUND – TOWNWIDE	\$8,714.55
GENERAL FUND – OUTSIDE VILLAGE	129.00
HIGHWAY FUND – TOWNWIDE	3,901.67
HIGHWAY FUND – OUTSIDE VILLAGE	4,226.51
SILVER LAKE SEWER DISTRICT	8,884.15
GARDEAU WATER DISTRICT	20.50
SILVER LAKE INSTITUTE WATER DISTRICT	20.50
SILVER LAKE LIGHTING DISTRICT	466.90
TOTAL	\$26,363.78

A motion was made by Coun Monteleone, seconded by Coun Hurst to approve the vouchers totaling \$26,363.78.

Polled: Ayes: Monteleone, Hurst, Vitagliano, Klein, Tarbell  
Noes: None Carried

There were no Public Comments

Sup Tarbell awarded Cody Lapaglia of Castile a free week at 4H Camp Wyomoco.

A motion was made by Coun Vitagliano, seconded by Coun Monteleone to approve the Supervisors report.

Polled: Ayes: Monteleone, Hurst, Vitagliano, Klein, Tarbell  
Noes: None Carried

A motion was made by Coun Klein, seconded by Coun Hurst to approve the 4/11/13 minutes.

Polled: Ayes: Monteleone, Hurst, Vitagliano, Klein, Tarbell  
Noes: None Carried

A motion was made by Coun Vitagliano, seconded by Coun Monteleone approving the SEQRA Resolution as follows:

Polled: Ayes: Monteleone, Hurst, Vitagliano, Klein, Tarbell  
Noes: None Carried

DETERMINING THE ACTION OF RECONSTRUCTION OF THE TOWN AND VILLAGE OF CASTILE JOINT MUNICIPAL AND COURT FACILITIES PROPOSAL IN THE VILLAGE OF CASTILE, AND DIRECTING THAT THE PROPOSAL IS IDENTIFIED AS A TYPE II ACTION IN ACCORDANCE WITH THE REQUIREMENTS OF SEQRA.

**Whereas**, the existing Town and Village of Castile Municipal and Court Facilities were destroyed by fire and the Town and Village of Castile have agreed to reconstruct a Joint Municipal and Court Facility on the same site, and

**Whereas**, the Town of Castile Board is Lead Applicant for the purpose of applying for the New York State, Department of State, 2013 Local Government Efficiency Grant Application with the respect to implementing the above referenced project in a partnership with the Village of Castile, and

**Whereas**, The Town of Castile Board is acting as the Project Sponsor in regards to the New York State Environmental Quality Review Act, and

**Whereas**, the Town of Castile Board has identified the action as listed in NYCRR 617.5(c)(2) as a reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet build current building and fire codes, and

**Whereas**, the action does not meet or exceed any of the other thresholds in NYCRR section 617.4 now therefore be it,

**Resolved**, based upon the review of the requirements of the New York State Environmental Quality Review Act and subsequent identification of the action of as a Type II action and is not subject to further environmental review under the Environmental Conservation Law, article 8, the Town of Castile Board hereby directs that no further action is required for per the requirements of SEQRA.

A motion was made by Coun Klein, seconded by Coun Hurst approving the BOND Resolution as follows:

Polled: Ayes: Monteleone, Hurst, Vitagliano, Klein, Tarbell  
Noes: None Carried

**A BOND RESOLUTION, DATED MAY \_\_, 2013, AUTHORIZING THE RECONSTRUCTION OF THE TOWN OF CASTILE AND VILLAGE OF CASTILE MUNICIPAL FACILITIES FOR USE BY THE TOWN OF CASTILE AND VILLAGE OF CASTILE, AT AN ESTIMATED MAXIMUM COST OF \$1,400,000, AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$1,400,000, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, SAID AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY, FIRE INSURANCE PROCEEDS RECEIVED BY THE TOWN OF CASTILE AND VILLAGE OF CASTILE AND/OR OTHER LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.**

WHEREAS, the Town and Village of Castile have been working diligently to undertake the reconstruction of the Town of Castile and Village of Castile Town and Village Halls by the construction of a joint Town and Village Municipal Facility, said original facilities having been lost by fire.

WHEREAS, it is now desired to authorize such capital project and its financing;  
NOW,

THEREFORE, BE IT

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

SECTION 1. The specific purpose (hereinafter referred to as "Purpose") to be financed pursuant to this resolution is the construction of a joint Town and Village Municipal Facility for general municipal purposes, in and for said Town and Village (located at 51-53 North Main Street, in the Town and Village of Castile, Castile, New York) for use by the Town and Village, and to make renovations and other improvements to such buildings, including all preliminary assessment work and related site work, the installation of necessary furnishings and equipment and all preliminary costs and costs incidental thereto, at an estimated maximum cost of \$1,400,000.

SECTION 2. The Town Board plans to finance the estimated maximum cost of said purpose by the issuance of serial bonds in an amount not to exceed \$1,400,000 of the Town, hereby authorized to be issued therefore pursuant to the Local Finance Law, said amount to be offset by any federal, state, county and/or local funds received.

SECTION 3. It is hereby determined that said purpose is an object or purpose described in subdivision 11 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is 30 years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of such bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

SECTION 6. The faith and credit of the Town are hereby irrevocably pledged for 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. Unless paid from other sources, 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 bonds as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of such notes and of Section 21.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00 and Section 63.00 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of such bonds, and the renewals of such notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

SECTION 8. 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 re-affirmed pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in Section 1 of this resolution. The Town then reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the date of this Bond Resolution with the proceeds of the bonds authorized by Section 2 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds). This resolution shall constitute the Town's "official intent" to reimburse the expenditures authorized by Section 2 hereof with such bond or note proceeds, as required by United States Treasury Regulations Section 1.150-2.

SECTION 9. 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 bonds authorized by this resolution, and any notes issued in anticipation thereof, 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 to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 10. The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, 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.

SECTION 11. The Town has complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act ("SEQRA"), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, and therefore, no further action under the State Environmental Quality Review Act is necessary.

SECTION 12. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

(1) (a) such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or

(b) if the provisions of the 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 twenty (20) days after the date of such publication; or

(2) Said obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 13. This Resolution is subject to permissive referendum pursuant to 36.00 of the Local Finance Law. The Town Clerk is hereby authorized and directed to publish (one time) and post (in at least six (6) conspicuous public places within the Town and at each polling place), this resolution, or a summary thereof, together with a notice of adoption of this resolution subject to permissive referendum, within ten (10) days after the date of adoption of this resolution.

SECTION 14. If no petitions are filed in the referendum period, 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 said Local Finance Law, in a newspaper having a general circulation in said Town and hereby designated as the official newspaper of said Town for such publication.

A motion was made by Coun Vitagliano, seconded by Coun Monteleone authorizing the architectural firm Clark Patterson Lee to start bid process.

Polled: Ayes: Monteleone, Hurst, Vitagliano, Klein, Tarbell  
Noes: None Carried

The following sealed bids were opened at the Highway Department on 4/25/13 at 2PM for the 2014 10 wheeler:

Peterbilt - \$123,488  
Kenworth - \$129,062  
International - \$123,920

A motion was made by Coun Klein, seconded by Coun Monteleone accepting the bid by Peterbilt in the amount of \$123,488.

Polled: Ayes: Monteleone, Hurst, Vitagliano, Klein, Tarbell  
Noes: None Carried

A motion was made by Coun Hurst, seconded by Coun Monteleone allowing the Town of Castile to hire Osborn, Reed & Burke to negotiate the Highway Union Contract at the rate of \$165.00 an hour plus mileage.

Polled: Ayes: Monteleone, Hurst, Vitagliano, Klein, Tarbell  
Noes: None Carried

The following sealed bid was received for the 2005 Sterling Plow Truck that was declared surplus by the Town of Castile:

Caledonia Diesel - \$22,159.00

A motion was made by Coun Monteleone, seconded by Coun Klein to reject the bid from Caledonia Diesel.

Polled: Ayes: Monteleone, Hurst, Vitagliano, Klein, Tarbell  
Noes: None Carried

Assemblyman David DiPietro was present and discussed several topics including Article X and NY Safe Act.

The Water/Sewer Report was reviewed.

Sup Tarbell stated that he received a letter from Terry Murphy from Perry regarding Inflow and Infiltration within the sewer lines and they don't know when the State will be coming in so they feel they should get things together to see what has been done since 2007. Sup Tarbell stated that he would rather spend \$15,000-\$25,000 now rather than double that later.

D. Nourse stated that Pump Station 6 has a problem and needs to be rebuilt.

The Highway Report was reviewed.

The Zoning Report was reviewed.

The Assessors Report was reviewed.

R. Fish was present and stated that he spoke with the residents on Club Road and that all are in favor of having a street light placed at the intersection of Club Road and West Lake Road.

Coun Vitagliano stated that he has spoke with some of the neighbors and they were very much in favor of the street light.

A motion was made by Coun Vitagliano, seconded by Coun Monteleone to make a request to NYSEG to have a street light installed on the corner of West Lake Road and Club Road.

Polled: Ayes: Monteleone, Hurst, Vitagliano, Tarbell  
Noes: Klein Carried

Coun Hurst stated that the Town Planning Board is still working on the Comp Plan and Road Use Law. He thinks that the survey for the Comp Plan should be ready to mail in July or August.

A motion was made by Coun Monteleone, seconded by Coun Vitagliano to waive the Town of Castile State Aide money to the County Youth Bureau in the amount of \$142.00.

Polled: Ayes: Monteleone, Hurst, Vitagliano, Klein, Tarbell  
Noes: None Carried

At 8:06PM a motion was made by Sup Tarbell, seconded by Coun Monteleone to go into Executive Session regarding a contract.

Polled: Ayes: Monteleone, Hurst, Vitagliano, Klein, Tarbell  
Noes: None Carried

At 9:05PM a motion was made by Coun Klein, seconded by Coun Monteleone to come out of Executive Session.

Polled: Ayes: Monteleone, Hurst, Vitagliano, Klein, Tarbell  
Noes: None Carried

No action taken

At 9:06PM a motion was made by Coun Vitagliano, seconded by Coun Klein to adjourn the meeting.

Polled: Ayes: Monteleone, Hurst, Vitagliano, Klein, Tarbell  
Noes: None Carried