

**Town of Barre**  
**Board Meeting**  
April 13, 2022

Present: Supervisor Sean Pogue  
Councilman George McKenna  
Councilman Kerri Richardson  
Councilman Margaret Swan  
Councilman David Waters

Others present: Maureen Beach, Town Clerk, Anna Mathes, Alice Mathes, Cynthis Clute, Kirk Mathes, Tom McCabe, Mary Barry, Ivan Barry. Bridget O'Toole, Town of Barre Attorney, by phone.

Meeting was called to order at 7:04pm by Supervisor Pogue with the salute to the flag.

Minutes

The minutes for the March, 2022 Town Board meetings were submitted and approved.

SUPERVISOR'S FINANCIAL REPORT

REVENUES: Major receipts were:

Town Clerk Fees	985.00
Justice Fees	3,173.00
Metered Sales	3,369.50
Maintenance Fees	917.58
Water Penalty Fees	332.96
Out of District Users	660.53
Other Revenues	<u>106.74</u>

Total receipts for the month were: \$9,545.31

EXPENSES:

General Fund Townwide: Year to date expenses are \$177,826.06

Highway Townwide: Year to date expenses are \$214,349.11

HIGHWAY SUPERINTENDENT REPORT

Water – Samples and readings completed, sign and mailbox repairs completed as required, equipment repairs completed as needed. Snow and Ice control operations continued through March. Had a couple meetings with RTO wireless concerning antennas on the water tower. Stake outs completed. Had damage to salt barn from high winds on March 6<sup>th</sup>, working on quotes. Cold patching. Began work at park: extending parking lot, driveway and pad for new storage building, purchased trailer and received tractor that were budgeted in 2022.

TOWN CLERK'S REPORT

The monthly report was submitted to Supervisor Pogue at the meeting, along with the check for the local share.

ASSESSOR'S REPORT

No Report.

ZONING OFFICER'S REPORT

There were 3 building permits for the month of March.

BILLS

<u>Fund</u>		<u>Amount</u>
<u>AA - General</u>	Vouchers: 4819, 4822-4824, 4861, 4835-4838 4841, 4844-4845, 4849, 4853, 4855, 4859-4862, 4864, 4866, 4868, 4870-4871, 4876, 4888-4889	\$ 31,555.50
<u>DA - Highway</u>	Vouchers: 4818, 4820, 4825, 4828-4830, 4832-4834, 4839, 4847, 4852, 4856-4858, 4867, 4879, 4883, 4887, 4889	111,137.57
<u>Captial Projects</u>	Voucher: 4871	778.50
Special District - Water	Vouchers: 4818, 4821, 4841, 4859, 4862, 4865	
001	889.99	
002	308.08	
003	308.09	
004	581.93	
005	397.57	
006	308.08	
007	102.69	
008	102.69	
009	445.00	
<u>SW Fund Total</u>		<u>3,444.12</u>
Grand Total		\$146,915.69

PAY BILLS

RESOLUTION #21            Pay Bills

Kerri Richardson made a motion to approve and pay the bills, seconded by George McKenna. Vote 5-0, passed.

BOOKKEEPER'S REPORT

Account	Ending Balance
General Fund	\$436,527.35
Highway Fund	1,101,237.98
Highway Equip.	98,203.93
Water Dist. #1 Oper,	276,852.80
Water Dist. #2 Oper,	17,644.41
Water Dist. #3 Oper,	12,592.95
Water Dist. #4 Oper,	44,936.75
Water Dist. #5 Oper	49,471.43
Water Dist. #6 Oper.	32,476.77
Water Dist. #7 Oper.	16,523.72
Water Dist. #8 Oper.	30,276.21
Water Dist. #9 Oper.	27,309.95

OLD BUSINESS

Hemlock Ridge Solar – Bridget O’Toole, Barre Town Attorney, stated that a Notice of Complete Application has been received.

Office of Renewable Energy Siting (ORES) – They are tentatively holding a Public Hearing here on June 14, 2022.

Water District #10

RESOLUTION #22            WD #10 – Loan Resolution

Kerri Richardson made a motion to pass the following resolution, seconded by Margaret Swan, Vote 5-0, passed.

A resolution of the Town Board of the Town of Barre authorizing and providing for the incurrence of indebtedness for the purpose of providing a portion of the cost of acquiring, constructing, enlarging, improving, and/or extending its water facility to serve an area lawfully within its jurisdiction to serve. WHEREAS, it is necessary for the Town of Barre (herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of Five Hundred Thousand & 00/100 pursuant to the provisions of Subject to NYS Municipal Finance Law; and WHEREAS, the Association intends to obtain assistance from the United States Department of Agriculture, (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act(7 U.S.C. 1921 et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association: NOW THEREFORE, in consideration of the premises the Association hereby

Water District #10

RESOLUTION #22                      WD #10 – Loan Resolution (Con't)

resolves: 1.To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government. 2.To refinance the unpaid balance, in whole or in par, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act(7U.S.C.1983(c)). 3.To provide for, execute and comply with Form RD400-4, "Assurance Agreement,"and Form RD400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$10,000. 4.To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legally permissible source. 5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a)declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b)for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c)take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder. 6.Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so, without the prior written consent of the Government. 7. Not to defease the bonds, or to borrow money, enter into any contractor agreement, or otherwise incur any liabilities for any purposes in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds. 8.To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system. 9.To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition. 10.To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of

Water District #10

RESOLUTION #22                      WD #10 – Loan Resolution (Con't)

adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by USDA. No free service or use of the facility will be permitted. 11. To acquire and maintain such insurance and fidelity bond coverage as may be required by the Government. 12. To establish and maintain such books and records relating to the operation of the facility and its financial affairs and to provide for required audit thereof as required by the Government, to provide the Government a copy of each such audit without its request, and to forward to the Government such additional information and reports as it may from time to time require. 13. To provide the Government at all reasonable times access to all books and records relating to the facility and access to the property of the system so that the Government may ascertain that the Association is complying with the provisions hereof and of the instruments incident to the making or insuring of the loan. 14. That if the Government requires that a reserve account be established, disbursements from that account(s) may be used when necessary for payments due on the bond if sufficient funds are not otherwise available and prior approval of the Government is obtained. Also, with the prior written approval of the Government, funds may be withdrawn and used for such things as emergency maintenance, extensions to facilities and replacement of short lived assets. 15. To provide adequate service to all persons within the service area who can feasibly and legally be served and to obtain USDA's concurrence prior to refusing new or adequate services to such persons. Upon failure to provide services which are feasible and legal, such person shall have a direct right of action against the Association or public body. 16. To comply with the measures identified in the Government's environmental impact analysis for this facility for the purpose of avoiding or reducing the adverse environmental impacts of the facility's construction or operation. 17. To accept a grant in an amount not to exceed \$601,000.00 under the terms offered by the Government, that the Town Supervisor and Town Clerk of the Association are hereby authorized and empowered to take all action necessary or appropriate in the execution of all written instruments as may be required in regard to or as evidence of such grant; and to operate the facility under the terms offered in said grant agreement(s). The provisions hereof and the provisions of all instruments incident to the making or the insuring of the loan, unless otherwise specifically provided by the terms of such instrument, shall be binding upon the Association as long as the bonds are held or insured by the Government or assignee. The provisions of sections 6 through 17 hereof may be provided for in more specific detail in the bond resolution or ordinance; to the extent that the provisions contained in such bond resolution or ordinance should be found to be inconsistent with the provisions hereof, these provisions shall be construed as controlling between the Association and the Government or assignee.

NEW BUSINESS

RESOLUTION #23 Investment Policy

Dave Waters made a motion to make the changes to the Town of Barre Investment Policy, seconded by Kerri Richardson. Vote 5-0, passed.

The board discussed a new street light for the intersection of Eagle Harbor Road and West Lee Road. Any decision was tabled.

RESOLUTION #24 Conversion of Parking Lot Flood Light

George McKenna made a motion to direct National Grid to change the 400 watt floodlight in the parking lot of the Town of Barre Town Hall to a 199 watt LED, motion was seconded by David Waters. Vote 5-0, passed.

RESOLUTION #25 Baird Solar – Drainage Ditch

Kerri Richardson made a motion to adopt the following resolution, seconded by Margaret Swan. Vote 5-0, passed.

**TOWN OF BARRE TOWN BOARD RESOLUTION ABANDONING EASEMENT RECORDED JANUARY 9, 1880 AT LIBER 87, CP 260 IN THE LAND RECORDS OF ORLEANS COUNTY**

**WHEREAS**, the Town of Barre (the “Town”) and Joshua S. Baird and Jacob and Melissa Monacelli ("Successors in Interest") are parties to an easement for a drainage conveyance dated on or about October 16, 1876 and recorded January 9, 1880 in the Land Records of Orleans County in Liber 87, Cp 260 (the “Easement”), a copy of which is attached hereto as Exhibit A, and **WHEREAS**, in relevant part, the Easement states that the Town of Barre has the right to “open certain ditches and other channels for the free passage of water a c r o s s sections of 6, 14, 15, 16, 19, 21, 22, 23 and 30 of Township Range two and sections 31, 38 and 39 of township range first of the Holland Company’s Land,” and **WHEREAS**, the Easement encumbers portions of tax lots 61.111 and 61.12, and **WHEREAS**, the Town of Barre wishes to terminate the Easement, and **WHEREAS**, the abandonment of the Easement is subject to Permissive Referendum under New York Town Law §64(2), and **WHEREAS**, a proposed easement termination agreement (the “Termination Agreement”) is attached hereto as Exhibit B, and **NOW THEREFORE**, the Town Board of the Town of Barre hereby abandons its interest in the Easement, and **THEREFORE**, the Supervisor is directed to execute the Termination Agreement, **AND THEREFORE**, the Town Board of the Town of Barre directs that, within 10 days, the Town Clerk posts and publish notice of the adoption of this resolution in the same manner as provided for notice of a special election: setting forth the date of the adoption of the resolution; containing an abstract of this resolution concisely stating the purpose and effect thereof; and specifying that this resolution was adopted subject to a permissive referendum, **AND THEREFORE**, the abandonment of the Easement shall be deemed complete and effective 30 days after adoption of this resolution if no protest petition seeking permissive referendum is filed.

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RESOLUTION #26            Support of Medina Business Park  
Kerri Richardson made a motion to sign the letter of support for the Medina Business Park after discussing with the Town Supervisor from the town of Shelby, George McKenna seconded. Vote 5-0, passed.

RESOLUTION #27            Orleans County Rural Digital Equity Project  
Kerri Richardson made a motion to support the Rural Digital Equity Project for Orleans County, seconded by George McKenna. Vote 5-0, passed.

Supervisor Pogue thanked the Barre Betterment Committee and the Town of Barre Highway for the military banners on display in Barre center.

Margaret Swan made a motion to adjourn the Town Board meeting, seconded by Kerri Richardson.

Meeting Adjourned at 8:38pm.

Respectfully submitted,

Maureen Beach, Town Clerk

