

TOWN OF MARCELLUS
SPECIAL TOWN BOARD MEETING MINUTES
June 24, 2010

A regular meeting of the Town Board of the Town of Marcellus, County of Onondaga, State of New York was held on June 24, 2010 at 7:00 P.M. in the Town Hall, 24 East Main Street, Marcellus, New York. Those present were:

Daniel J. Ross, Supervisor
Thomas C. Lathrop, Councilor
Donald G. Sherman, Councilor
Kevin F. O'Hara, Councilor

Absent: James A. Sheridan, Councilor

Also present: Karen R. Pollard, Town Clerk; James Gascon, Counsel; William Reagan, Codes Enforcement Officer; Phil Coccia, Recreation Leader; Ami Olson, Eagle Newspapers; Bob Wicks, Marcellus Village Police, John Shehadi of Fiscal Advisors, Inc. and Jeff Berwald.

NEW BUSINESS:

SEQR for the Purchase of the Marcellus Fire Hall: Counsel Gascon requested that the Board name the Town of Marcellus as lead agency for the unlisted action dealing with the SEQR process for the purchase of the Marcellus Fire Hall from the Village of Marcellus. Counsel Gascon then led the Board through the Short Environmental Assessment Form as it deals with the proposed purchase. Councilor Sherman made a motion seconded by Councilor Lathrop to declare the Town of Marcellus as lead agency for the unlisted action and accept the SEQR determination with a negative declaration as outlined by Counsel Gascon in the matter of the proposed purchase of the Marcellus Fire Hall. All voted aye. Carried.

Resolution for the Purchase of the Marcellus Fire Hall:

**#007-10
TOWN BOARD RESOLUTION
TOWN OF MARCELLUS**

At a special meeting of the Town Board of the Town of Marcellus, held at the Town Hall, 24 East Main Street, in said Town, County of Onondaga, State of New York on June 24, 2010, at 7:00 P.M., there were:

PRESENT:	Daniel J. Ross	Supervisor
	Donald G. Sherman	Councilor
	Thomas C. Lathrop	Councilor
	Kevin O'Hara	Councilor

WHEREAS, pursuant to a Lease Agreement dated January 1, 2005 (hereinafter the "Lease"), the Town of Marcellus leased from the Village of Marcellus that certain piece

of real property located at 4242 Slate Hill Road, Marcellus, New York 13108, located in the Town of Marcellus, which said property is used as the Marcellus Fire Hall; and

WHEREAS, the term of said Lease, with extensions, runs through June 21, 2019 and requires yearly rental payments on March 15 of each year, through 2018; and

WHEREAS, said Lease further provides that, at the expiration of said Lease, the Village shall transfer said real property to the Town for the sum of \$1.00; and

WHEREAS, in 1998 the Village of Marcellus issued Series 1998 Bonds in the original principal amount of \$1,500,000 to refinance prior debt issued to finance reconstruction of the Fire House (hereinafter the "Bonds"); and

WHEREAS, the monthly payments under the Lease are used to pay the principal and interest payments due and owing on the said Bonds; and

WHEREAS, the Town desires to buyout the remaining term of the Lease such that it would pay the outstanding principal and interest due and owing on the Bonds as consideration for the purchase of the real property; and

WHEREAS, the Bonds may be prepaid on September 1, 2010 by payment of the outstanding principal amount of \$830,000 plus accrued interest; and

WHEREAS, the Village and Town are desirous of entering into a Contract for the purchase and sale of the real property located at 4242 Slate Hill Road, Marcellus, New York 13108; and

WHEREAS, the Town Board has reviewed the draft of a proposed Purchase and Sale Agreement and consents to the terms of the transaction as set forth therein; and

WHEREAS, said purchase will be contingent upon necessary Bond Financing for the full amount of the Purchase Price; and

WHEREAS, no other agency has the legal authority or jurisdiction to approve or directly undertake the enactment of a resolution in the Town of Marcellus, such that there are no other involved agencies within the meaning of the New York State Environmental Quality Review Act (SEQR) with respect to the adoption of said Resolution, with the result that the Town Board shall act as lead agency in this matter.

NOW, upon the Motion of Supervisor Ross and seconded by Councilor Sherman,

IT IS HEREBY RESOLVED, that this Board shall act as lead agency, the adoption of the instant Resolution is an unlisted action and will have no adverse impact effect on the environment in accordance with 6 N.Y.C.R.R. Part 617, and, therefore, this Board issues a negative declaration for purposes of SEQR; and

AND IT IS FURTHER RESOLVED, that the Town Board, on behalf of the Town of Marcellus, does hereby approve the Purchase and Sale Agreement with the Village of Marcellus for the purchase of the real property located at 4242 Slate Hill Road, Marcellus, New York 13108 upon the terms and conditions set forth therein, subject to legal review, subject to a permissive referendum and subject to approval of necessary Bond financing; and

AND IT IS FURTHER RESOLVED, that the Supervisor is hereby authorized and directed to execute the contract on behalf of the Town.

VOTE:	Daniel J. Ross	Aye
	Donald G. Sherman	Aye
	Thomas C. Lathrop	Aye
	Kevin O'Hara	Aye

Resolution duly adopted.

Dated: June 24, 2010

John Shedadi who is the Chief Operating Officer of Fiscal Advisors, Inc., discussed with the Board on how a financial advisor can help with the obtaining the best rate for the bonds for the purchase of the Marcellus Fire Hall.

Bond Resolution:

**#008-10
BOND RESOLUTION
(Subject to Permissive Referendum)**

At a special meeting of the Town Board of the Town of Marcellus, Onondaga County, New York, held at the Town Hall, in Marcellus, New York, in said Town, on the 24th day of June, 2010, at 7 o'clock P.M., Prevailing Time.

The meeting was called to order by Supervisor Daniel Ross, and upon roll being called, there were

PRESENT:	Daniel Ross	Supervisor
	Donald G. Sherman	Councilor
	Thomas C. Lathrop	Councilor
	Kevin O'Hara	Councilor

ABSENT: James A. Sheridan, Councilor

The following resolution was offered by Supervisor Ross, who moved its adoption, seconded by Councilor O'Hara, to-wit:

BOND RESOLUTION DATED JUNE 24, 2010.

A RESOLUTION AUTHORIZING THE ACQUISITION OF A PARCEL OF LAND AND THE FIRE BARN THEREON IN THE VILLAGE OF MARCELLUS, ONONDAGA COUNTY, NEW YORK, FOR USE AS A TOWN FIRE STATION, AT A MAXIMUM ESTIMATED COST OF \$890,000, AND AUTHORIZING THE ISSUANCE OF UP TO \$890,000 BONDS OF THE TOWN OF MARCELLUS, ONONDAGA COUNTY, NEW YORK TO PAY THE COST THEREOF.

WHEREAS, the capital project hereinafter described has been determined to be an Unlisted Action pursuant to the regulations of the New York State Department of

Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, the Town Board has determined will not result in any significant environmental effects; and

WHEREAS, it is now desired to authorize the financing thereof;

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Marcellus, Onondaga County, New York, as follows:

Section 1. The acquisition of a parcel of land located at 4242 Slate Hill Road, in the Village of Marcellus, and the fire barn sited thereon, in and for the Town of Marcellus, Onondaga County, New York, including incidental improvements and expenses in connection therewith for use as a Town fire station pursuant to Chapter 607 of the Laws of 2004, as amended by Chapter 335 of the Laws of 2009, is hereby authorized at a maximum estimated cost of \$890,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of not exceeding \$890,000 bonds of said Town hereby authorized to be issued therefore pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is twenty-five years, pursuant to subdivision 93, based upon subdivision 11(b) and 21(a) of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Town of Marcellus, Onondaga County, New York, 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. There shall annually be levied on all the taxable real property in said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor of said Town, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds 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 shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town 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 are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. 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.

Section 9. Upon this resolution taking effect, the same shall be published in summary form in the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. **THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.**

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

Daniel Ross	Supervisor	Aye
Donald G. Sherman	Councilor	Aye
Thomas C. Lathrop	Councilor	Aye
Kevin O'Hara	Councilor	Aye

The resolution was thereupon declared duly adopted.

Appoint Bond Counsel: Councilor Sherman made a motion seconded by Supervisor Ross to appoint Orrick Herrington Sutcliffe as Bond Counsel. The cost of this service shall not exceed \$11,500. All voted aye. Carried.

Accept Proposal from Fiscal Advisor: Councilor Sherman made a motion seconded by Councilor O'Hara to appoint John Shedadi of Fiscal Advisors, Inc. as financial advisor for the purchase of the Marcellus Fire Hall for a fee not to exceed \$9,500.00 contingent upon the acceptance of the purchase offer for the Marcellus Fire Hall. All voted aye. Carried.

Councilor Lathrop made a motion seconded by Councilor Sherman to adjourn the Marcellus Town Board meeting at P.M. All voted aye. Carried.

Respectfully submitted,

Karen R. Pollard, Town Clerk