

REGULAR TOWN BOARD MEETING
SEPTEMBER 25, 2012

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 5:30 P.M. on September 25, 2012, at the Conklin Town Hall. Mr. Finch, Deputy Supervisor, presided. The meeting opened with the Pledge of Allegiance.

PRESENT:

Town Board Members	Bullock, Minoia, Francisco, Finch
Town Counsel	Brady Begeal
Town Clerk	Sherrie L. Jacobs
Highway Superintendent	Patrick Latting
Assistant to Supervisor	Lisa Houston
Code Officer	Robert Jones
Town Assessor	John McDonald
Water & Sewer Superintendent/ Parks Superintendent	Tom Delamarter

GUESTS:

Country Courier	Linnea Ransom
	Bonnie Tolomei
	Angelo Tolomei
	Laurie Francisco
	Dolly Stout
	Darlene Weidman

MINUTES: SEPTEMBER 11, 2012 REGULAR TOWN BOARD MEETING

The Town Board of the Town of Conklin decided to hold over approval of the September 11, 2012 Regular Town Board Meeting minutes until the October 9, 2012 Town Board meeting.

PUBLIC COMMENTS:

None.

CORRESPONDENCE:

Mr. Finch acknowledged receipt of a letter from Beverly Collins resigning from her position as Planning Board Secretary.

OLD BUSINESS:

WATER EXPANSION/PRIDE MANOR MOBILE HOME PARK

Mr. Finch provided an update on the expansion of the Town Water system to include Pride Manor Mobile Home Park, stating that the project is “good to go” if the placement of the cable lines is all right. He added that the fire hydrant will also be raised while the expansion work is being done.

NEW BUSINESS:

PROPOSED EXTENSION OF WATER AND SEWER DISTRICTS/ROUTE 7A

Mr. Finch stated that the Town Engineer is researching the cost of extending the Town Water and Sewer systems down Route 7A to the Pennsylvania state line.

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2011 EMERGENCY BOND ANTICIPATION NOTE

Mr. Finch explained that the Town has \$300,000 in reserve in an Emergency Bond Anticipation Note, which was activated in 2011 in response to the September Flood and would be used to pay the costs of the Buyout Program, if approved, until the Town receives reimbursement from FEMA (Federal Emergency Management Agency). He added that it costs the Town \$5,000 to keep this Bond Anticipation Note active.

2013 WATER AND SEWER RATES

Mr. Finch reported that an outside engineer is researching the Town's 2013 Water and Sewer rates to see if there is a way to raise the rates for corporations without impacting residential users.

2013 TENTATIVE BUDGET

Assistant to the Supervisor Lisa Houston distributed copies of the 2013 Tentative Town of Conklin Budget to the Board members and to the Town Clerk.

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PUBLIC HEARING/PROPOSED LOCAL LAW 5, 2012/
“A LOCAL LAW AMENDING CHAPTER 140 OF THE TOWN OF CONKLIN CODE,
ENTITLED ‘ZONING’”

PRESENT: Same as on page one.

Notice of Public Hearing having been duly advertised, Mr. Finch opened the Public Hearing at 5:35 P.M. and asked those present to speak either for, or in opposition to, proposed Local Law 5, 2012, “A Local Law Amending Chapter 140 of the Town of Conklin Code, Entitled, ‘Zoning.’”

Town Attorney Brady Begeal stated that each zone in the Town has a specific use that is permitted within that zone, and currently, when an applicant wants permission for a second permitted use in a particular zone, that person must appear before the Zoning Board of Appeals, as well as before the Planning Board, and request a Special Use Permit. The issuance of this Special Use Permit requires a Public Hearing. The purpose of proposed Local Law 5 is to streamline the process by eliminating the requirement for a Special Use Permit and its required Public Hearing, with the applicant appearing only before the Planning Board for a Site Plan Review.

There being no further public comments or questions, Mr. Finch closed the Public Hearing at 5:38 P.M.

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Mr. Minoia asked if applicants would be required to clarify the purpose of the second use. Mr. Begeal stated that applicants still must appear before the Planning Board, which has the option of requiring a Public Hearing for a Site Plan Review. Mr. Begeal stated that the Broome County Planning Department responded to the Form 239 and had no comments other than to urge the Planning Board to consider what the two requested uses would be, to see if they are appropriate for the area in question. The Town Planning Board was unanimous in recommending that the Town Board adopt proposed Local Law 5. Mr. Begeal stated that this proposed law would be an

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Unlisted Action in the SEQR (State Environmental Quality Review) process, which requires completion of a short-form EAF (Environmental Assessment Form).

SEQR/PROPOSED LOCAL LAW 5, 2012

Attorney Begeal led the Town Board through the SEQR (State Environmental Quality Review) process for proposed Local Law 5, 2012, "Amending Chapter 140 of the Town Code, Entitled, 'Zoning.'" The Town Board answered "No" to each of the following questions:

- A.) Does Action exceed any Type 1 threshold in 6NYCRR, Part 617.4?
- B.) Will Action receive coordinated review as provided for Unlisted Actions in 6NYCRR, Part 617.6?
- C.) Could Action result in any adverse effects associated with the following:
 - C1) Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage, or flooding problems?
 - C2) Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character?
 - C3) Vegetation or fauna, fish, shellfish, or wildlife species, significant habitats, or threatened or endangered species?
 - C4) A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources?
 - C5) Growth, subsequent development, or related activities likely to be induced by the proposed action?
 - C6) Long term, short term, cumulative, or other effects not identified in C1-C5?
 - C7) Other impacts (including changes in use or either quantity of type of energy)?
- D.) Will the project have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?
- E.) Is there, or is there likely to be, controversy related to potential adverse environmental impacts?

**RESO 2012-171: NEGATIVE DECLARATION/SEQR/
PROPOSED LOCAL LAW 5, 2012**

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin issues a Negative Declaration through SEQR, finding that proposed Local Law 5, 2012, of the Town of Conklin will have no adverse environmental impact.

Seconded by Mr. Francisco.

VOTE: Bullock – Yes, Minoia – Yes, Francisco – Yes, Finch – Yes. Motion passed unanimously.

**RESO 2012-172: ADOPT LOCAL LAW 5, 2012/ "A LOCAL LAW AMENDING
CHAPTER 140 OF THE TOWN CODE, ENTITLED 'ZONING'"**

PRESENT:

Supervisor -vacant
Councilman Gary D. Bullock
Councilman Charles Francisco
Deputy Supervisor and Councilman James E. Finch
Councilman Jerry Minoia

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ABSENT:

Offered By: Mr. Bullock

Seconded By: Mr. Francisco

The Town Board (hereinafter “Town Board”) of the Town of Conklin (hereinafter “Town”), duly convened in regular session, does hereby resolve as follows:

WHEREAS, a resolution was duly adopted by the Conklin Town Board for a public hearing to be held by said Board at the Conklin Town Hall, 1271 Conklin Road in said Town, on September 25, 2012, commencing at 5:35 P.M. to hear all interested parties on a proposed Local Law entitled “A Local Law for the Town of Conklin Amending Chapter 140 of the Town Code Entitled ‘Zoning,’” and

WHEREAS, notice of said public hearing was duly advertised in the **Country Courier**, the official newspaper of the Town, on September 12, 2012, and posted on the Town Clerk’s sign board, and

WHEREAS, said public hearing was duly held at the Conklin Town Hall at 5:35 o’clock P.M. on September 25, 2012, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof, and

WHEREAS, pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) (“SEQRA”), this local law is an unlisted action; and

NOW THEREFORE, BE IT RESOLVED, that the Town Board hereby makes a determination that the Project is an Unlisted action under 6 NYCRR 617.2; and further

RESOLVED, that the Town Board hereby declares itself lead agency pursuant to SEQRA for the environmental review of said Local Law No. 5; and further

RESOLVED, that, based upon on the information and analysis in the short environmental assessment form that the proposed action does not result in any significant adverse environmental impacts; and further

RESOLVED, the Conklin Town Board, after due deliberation, finds it in the best interest of the Town to adopt said Local Law; and further

RESOLVED, the Conklin Town Board hereby adopts said Local Law as Local Law No. 5-2012 entitled ““A Local Law for the Town of Conklin Amending Chapter 140 of the Town Code Entitled, ‘Zoning,’” a copy of which is attached hereto and made a part hereof, and the Town Clerk be and she hereby is directed to enter said Local Law in the minutes of this meeting and to enter said Local Law in the Local Law Book of the Town of Conklin, and to give due notice of the adoption of said Local Law to the Department of State.

BE IT FURTHER RESOLVED this resolution shall take effect immediately.

CERTIFICATION

I, Sherrie L. Jacobs, do hereby certify that I am the Town Clerk of the Town of Conklin and that the foregoing constitutes a true, correct, and complete copy of a resolution duly adopted by the Town Board of the Town of Conklin at a meeting thereof held at the Conklin Town Hall, 1271 Conklin Road, Conklin, New York, on September 25, 2012. Said resolution was adopted by the following roll call vote:

Supervisor vacant	_____
Councilman Gary D. Bullock	YES
Councilman Charles Francisco	YES

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Deputy Supervisor and Councilman James E. Finch YES
Councilman Jerry Minoia YES

Dated: September 25, 2012

Town of Conklin Seal

Sherrie L. Jacobs, Town Clerk of the Town of Conklin

POLICY & BENEFIT STANDARDS/TOWN OF CONKLIN EMPLOYEES

Mr. Finch distributed copies of the revised Policy and Benefit Standards for Town of Conklin Employees manual and asked Board members to look at the revisions to be able to give their input at the October 9 Town Board meeting.

RESO 2012-173: APPOINT JOHN SIMMONS AND A SUBSTITUTE/TEMPORARY
DOG CONTROL OFFICER/MUTUAL AGREEMENT WITH TOWN OF
BINGHAMTON/SERVICES TO BE PAID TO TOWN OF BINGHAMTON
RETROACTIVE TO SEPTEMBER 13, 2012

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin appoints John Simmons and a substitute to the position of Temporary Dog Control Officer through a mutual agreement with the Town of Binghamton, with services to be paid to the Town of Binghamton, retroactive to September 13, 2012.

Seconded by Mr. Francisco.

VOTE: Bullock – Yes, Minoia – Yes, Francisco – Yes, Finch – Yes. Motion passed unanimously.

“EGGS AND ISSUES”

Mr. Finch stated that he and Assistant to the Supervisor Lisa Houston attended the recent “Eggs and Issues” breakfast meeting sponsored by the Greater Binghamton Chamber of Commerce, adding that he made some business contacts that will be helpful in saving the Town some money in the future.

RESO 2012-174: APPOINT LISA HOUSTON/SUBSTITUTE SCHOOL CROSSING
GUARD/PAY RATE \$31.80 PER DAY

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin appoints Lisa Houston to the position of Substitute School Crossing Guard at a pay rate of \$31.80 per day.

Seconded by Mr. Bullock.

VOTE: Bullock – Yes, Minoia – Yes, Francisco – Yes, Finch – Yes. Motion passed unanimously.

RESO 2012-175: RATIFY PAYMENT/GREATER BINGHAMTON CHAMBER OF
COMMERCE/2012-2013 MEMBERSHIP FEES

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #4848, account code A1220.4, in the amount of \$350.00 to the Greater Binghamton Chamber of Commerce for 2012-2013 Membership fees.

Seconded by Mr. Minoia.

VOTE: Bullock – Yes, Minoia – Yes, Francisco – Yes, Finch – Yes. Motion passed

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unanimously.

RESO 2012-176: RATIFY PAYMENT/NYSAMCC, INC./2012 ANNUAL JUSTICE CONFERENCE/9-30 TO 10/3/2012/ALBANY, NEW YORK

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #4849, account code A1110.4, in the amount of \$40.00 to NYSAMCC, Inc., for the 2012 Annual Justice Conference, to be held September 30 through October 3, 2012, in Albany, New York.

Seconded by Mr. Francisco.

VOTE: Bullock – Yes, Minoia – Yes, Francisco – Yes, Finch – Yes. Motion passed unanimously.

RESO 2012-177: APPROVE SEPTEMBER 25, 2012 BILL LIST/\$214,619.71

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves the following September 25, 2012 Bill List in the total amount of \$214,619.71:

General	\$ 20,447.19
Highway	138,708.83
Water District	2,206.17
Sewer Districts	45,832.66
Light Districts	2,014.86
Non-Budget	<u>5,410.00</u>
Total	<u>\$214,619.71</u>

Seconded by Mr. Francisco.

VOTE: Bullock – Yes, Minoia – Yes, Francisco – Yes, Finch – Yes. Motion passed unanimously.

RESO 2012-178: AUTHORIZE ADVERTISEMENT/COUNTRY COURIER/LEAF PICKUP/OCTOBER 15-NOVEMBER 30, 2012

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes advertisement in the **Country Courier** for the annual Leaf Pickup to be conducted by the Town Highway Department from October 15 through November 30, 2012, weather permitting.

Seconded by Mr. Francisco.

VOTE: Bullock – Yes, Minoia – Yes, Francisco – Yes, Finch – Yes. Motion passed unanimously.

RESO 2012-179: APPROVE CHANGES TO TOWN POLICY MANUAL/PART-TIME EMPLOYEE BENEFITSEFFECTIVE 1-1-2012

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves the following changes to the Town Policy Manual regarding part-time employee benefits, effective January 1, 2012:

- a.) Part-time employees, after one year continuous service, shall be entitled to **5 days** of paid vacation per year, effective January 1, 2012.

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- b.) Part-time employees, after one year continuous service, shall be entitled to **5 days** per year of paid sick leave at the beginning of the 2nd year and each year thereafter, effective January 1, 2012.

Seconded by Mr. Finch.

VOTE: Bullock – Yes, Minoia – Abstain, Francisco – Yes, Finch – Yes. Motion carried: 3 – Yes, 1 - Abstain.

RESO 2012-180: REFINANCING TOWN HALL MORTGAGE

EXTRACT OF MINUTES

Meeting of the Town Board of the Town of Conklin,

in the County of Broome, New York

September 25, 2012

* * *

A regular meeting of the Town Board of the Town of Conklin, in the County of Broome, New York, was held at Town Hall, 1271 Conklin Road, in said Town, on September 25, 2012.

There were present: Hon. James Finch, Supervisor; and

Board Members: Hon. Gary Bullock
Hon. Gerard Minoia
Hon. Charles Francisco

There were absent: None.

Also present: Sherrie Jacobs, Town Clerk

* * *

Mr. Bullock offered the following resolution and moved its adoption:

REFUNDING BOND RESOLUTION OF THE TOWN OF CONKLIN, NEW YORK,
ADOPTED SEPTEMBER 25, 2012, AUTHORIZING THE REFUNDING OF CERTAIN
OUTSTANDING BONDS OF SAID TOWN ORIGINALLY ISSUED ON JANUARY 30, 2002,
STATING THE PLAN OF REFUNDING, APPROPRIATING AN AMOUNT NOT TO
EXCEED \$670,000 THEREFOR, AUTHORIZING THE ISSUANCE OF NOT TO EXCEED
\$670,000 REFUNDING BONDS TO FINANCE SAID APPROPRIATION, AND MAKING
CERTAIN OTHER DETERMINATIONS RELATIVE THERETO.

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Recitals

WHEREAS, the Town of Conklin, in Broome County, New York (herein called the “Town”), has heretofore issued on January 30, 2012, its \$1,100,000 Public Improvement Serial Bonds – 2002 (the “2002 Bonds”); and

WHEREAS, the 2002 Bonds are currently outstanding in the principal amount of \$620,000 (the “Outstanding Bonds”), bear interest payable semiannually on June 1 and December 1 in each year to maturity and mature on December 1 in the years and in the principal amounts, as follows:

<u>Year of Maturity</u>	<u>Principal Amount</u>	<u>Interest Rate</u>
2013	\$55,000	4.50%
2014	60,000	4.50
2015	60,000	4.50
2016	65,000	4.50
2017	70,000	4-5/8
2018	70,000	4.75
2019	75,000	4.75
2020	80,000	4.75
2021	85,000	4.75

WHEREAS, the Outstanding Bonds maturing on or after December 1, 2013 will be subject to redemption prior to maturity, at the option of the Town, on December 1, 2012, and thereafter on any interest payment date, as a whole or in part, and if in part in any order of their maturity and in any amount within a maturity (selected by lot within a maturity), at redemption prices expressed as percentage of par, as follows:

<u>Redemption Periods (all dates inclusive)</u>	<u>Redemption Price as a Percentage of Par</u>
December 1, 2012, and June 1, 2013	101%
December 1, 2013, and thereafter	100

WHEREAS, Sections 90.00 and 90.10 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the “Law”), permit the Town to refund all or a portion of the outstanding unredeemed maturities of the Outstanding Bonds by the issuance of new bonds, the issuance of which will result in present value debt service savings for the Town, and the Town Board has determined that it may be advantageous to refund all or a portion of the Outstanding Bonds;

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NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF CONKLIN, NEW YORK (*by the favorable vote of at least two-thirds of all the members of said Town Board*), AS FOLLOWS:

Section 1. In this resolution, the following definitions apply, unless a different meaning clearly appears from the context:

(a) "Bond To Be Refunded" or "Bonds To Be Refunded" means all or a portion of the aggregate Outstanding Bonds, as shall be determined in accordance with Section 8 hereof.

(b) "Escrow Contract" means the contract to be entered into by and between the Town and the Escrow Holder pursuant to Section 10 hereof.

(c) "Escrow Holder" means the bank or trust company designated as such pursuant to Section 10 hereof.

(d) "Present Value Savings" means the dollar savings which result from the issuance of the Refunding Bonds computed by discounting the principal and interest payments on both the Refunding Bonds and the Bonds To Be Refunded from the respective maturities thereof to the date of issue of the Refunding Bonds at a rate equal to the effective interest cost of the Refunding Bonds. The effective interest cost of the Refunding Bonds shall be that rate which is arrived at by doubling the semi-annual interest rate (compounded semi-annually) necessary to discount the debt service payments on the Refunding Bonds from the maturity dates thereof to the date of issue of the Refunding Bonds and to the agreed upon price including estimated accrued interest.

(e) "Redemption Date" means December 1, 2012, or any interest payment date thereafter with respect to the Outstanding Bonds; or such other dates as shall be determined by the Supervisor, as chief fiscal officer of the Town, pursuant to Section 8 hereof.

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(f) “Refunding Bond” or “Refunding Bonds” means all or a portion of the \$670,000 Refunding Serial Bonds-2012 of the Town of Conklin, authorized to be issued pursuant to Section 2 hereof.

(g) “Refunding Bond Amount Limitation” means an amount of Refunding Bonds which does not exceed the principal amount of Bonds To Be Refunded plus the aggregate amount of unmatured interest payable on such Bonds To Be Refunded, to and including the applicable Redemption Date, plus redemption premiums payable on such Bonds To Be Refunded as of such Redemption Date, as hereinabove referred to in the Recitals hereof, plus costs and expenses incidental to the issuance of the Refunding Bonds including the development of the refunding financial plan, and of executing and performing the terms and conditions of the Escrow Contract and all fees and charges of the Escrow Holder as referred to in Section 10 hereof.

Section 2. The Town Board of the Town (herein called the “Town Board”), hereby authorizes the refunding of the Bonds To Be Refunded, and appropriates an amount not to exceed \$670,000 to accomplish such refunding. The plan of financing said appropriation includes the issuance of not to exceed \$670,000 Refunding Bonds and the levy and collection of a tax upon all the taxable real property within the Town to pay the principal of and interest on said Refunding Bonds as the same shall become due and payable. Serial bonds of the Town in the maximum principal amount of \$670,000 and designated substantially as “REFUNDING SERIAL BONDS-2012”, are hereby authorized to be issued pursuant to the provisions of the Law. The proposed financial plan for the refunding in the form attached hereto as **Exhibit A** (the “refunding financial plan”) prepared for the Town by Municipal Solutions, Inc., LeRoy, New York, and hereby accepted and approved, includes the deposit of all the proceeds of said Refunding Bonds with an Escrow Holder pursuant to an Escrow Contract as authorized in Section 10 hereof, the payment of all costs incurred by the Town in connection with said refunding from such proceeds and the investment of a portion of such proceeds by the Escrow Holder in certain obligations. The principal of and interest on such investments, together with the balance of such proceeds to be held uninvested, shall be sufficient to pay (1) the principal of

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and interest on the Bonds To Be Refunded becoming due and payable on and prior to each applicable Redemption Date and (2) the principal of and premium on the Bonds To Be Refunded which are to be called for redemption prior to maturity on any such Redemption Date.

Section 3. The Bonds To Be Refunded referred to in Section 1 hereof are all or a portion of the unmatured aggregate outstanding balance of the Outstanding Bonds issued pursuant to the bond resolution duly adopted by the Town Board on May 22, 2001, authorizing the issuance of bonds of the Town to finance the construction of a building adjacent to Town Hall. In accordance with the refunding financial plan, the Refunding Bonds authorized in the aggregate principal amount of not to exceed \$670,000 shall mature in amounts and at dates to be determined. The Supervisor, the chief fiscal officer of the Town, is hereby authorized to approve all details of the refunding financial plan not contained herein.

Section 4. The issuance of the Refunding Bonds will not exceed the Refunding Bond Amount Limitation. The Refunding Bonds shall mature not later than the maximum period of probable usefulness permitted by law at the time of original issuance of the Bonds to be Refunded, for the objects or purposes financed with the proceeds of the Bonds to be Refunded, commencing at the date of issuance of the first bond or bond anticipation note issued in anticipation of the sale of such bonds. The applicable period of probable usefulness ("PPU") for the object or purpose financed with the proceeds of the Bonds to be Refunded is thirty (30) years.

Section 5. The aggregate amount of estimated Present Value Savings is set forth in the proposed refunding financial plan attached hereto as **Exhibit A**, computed in accordance with subdivision two of paragraph b of Section 90.10 of the Law. Said refunding financial plan has been prepared based upon the assumption that the Refunding Bonds will be issued in the aggregate principal amount, and will mature, be of such terms, and bear such interest as set forth therein. The Town Board recognizes that the principal amount of the Refunding Bonds, the maturities, terms and interest rates, the provisions, if any, for the redemption thereof prior to maturity, and whether or not any or all of the Refunding Bonds will be insured, and the resulting present value savings, may vary from such assumptions and that the refunding financial plan may vary from that attached hereto as **Exhibit A**.

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Section 6. The Refunding Bonds may be sold at public or private sale and, if the Refunding Bonds are sold at private sale, the Supervisor, the chief fiscal officer of the Town, is hereby authorized to execute a purchase contract on behalf of the Town for the sale of said Refunding Bonds, provided that the terms and conditions of such sale shall be approved by the State Comptroller. Prior to the issuance of the Refunding Bonds the Supervisor shall have filed with the Town Board a certificate approved by the State Comptroller setting forth the Present Value Savings to the Town resulting from the issuance of the Refunding Bonds. In connection with such sale, the Town authorizes the preparation of an Official Statement and approves its use in connection with such sale, and further consents to the distribution of a Preliminary Official Statement prior to the date said Official Statement is distributed. In the event that the Refunding Bonds are sold at public sale pursuant to Section 57.00 of the Law, the Supervisor is hereby authorized and directed to prepare or have prepared a Notice of Sale to be published at least once in "THE BOND BUYER", published in the City of New York, not less than five (5) nor more than thirty (30) days prior to the date of said sale. A copy of such notice shall be sent not less than eight (8) nor more than thirty (30) days prior to the date of said sale to (1) the State Comptroller, Albany, New York 12236; (2) at least two banks or trust companies having a place of business in Nassau County, or, if only one bank is located in such County, then to such bank and to at least two banks or trust companies having a place of business in an adjoining county; (3) "THE BOND BUYER", 1 State Street Plaza, New York, New York 10004; and (4) at least 10 bond dealers. The Supervisor is hereby further authorized and directed to take any and all actions necessary to accomplish said refunding, and to execute any contracts and agreements for the purchase of and payment for services rendered or to be rendered to the Town in connection with said refunding, including the preparation of the refunding financial plan referred to in Section 2 hereof.

Section 7. Each of the Refunding Bonds authorized by this resolution shall contain the recital of validity prescribed by Section 52.00 of the Law and said Refunding Bonds shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the taxable real property within the Town. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said

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Refunding Bonds and provision shall be made annually in the budget of the Town for (a) the amortization and redemption of the Refunding Bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 8. Subject to the provisions of this resolution and of the Law, and pursuant to the provisions of Section 21.00 of the Law with respect to the issuance of bonds having substantially level or declining annual debt service, and Sections 50.00, 56.00 to 60.00, 90.00, 90.10 and 168.00 of the Law, the powers and duties of the Town Board relative to determining the amount of Bonds To Be Refunded, to prescribing the terms, form and contents and as to the sale and issuance of the Refunding Bonds, and executing any arbitrage certification relative thereto, and as to executing the Escrow Contract described in Section 10, the Official Statement referred to in Section 6 and any contracts for credit enhancements in connection with the issuance of the Refunding Bonds and any other certificates and agreements, and as to making elections to call in and redeem all or a portion of the Bonds to be Refunded, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 9. The validity of the Refunding Bonds authorized by this resolution may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, 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

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 10. Prior to the issuance of the Refunding Bonds, the Town shall contract with a bank or trust company located and authorized to do business in New York State, for the purpose of having such bank or trust company act as the Escrow Holder of the proceeds, inclusive of any premium from the sale of the Refunding Bonds, together with all income derived from the investment of such proceeds. Such Escrow Contract shall contain such terms

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and conditions as shall be necessary in order to accomplish the refunding financial plan, including provisions authorizing the Escrow Holder, without further authorization or direction from the Town, except as otherwise provided therein, (a) to make all required payments of principal, interest and redemption premiums to the appropriate paying agent with respect to the Bonds To Be Refunded, (b) to pay costs and expenses incidental to the issuance of the Refunding Bonds, including the development of the refunding financial plan, and costs and expenses relating to the execution and performance of the terms and conditions of the Escrow Contract and all of its fees and charges as the Escrow Holder, (c) at the appropriate time or times to cause to be given on behalf of the Town the notice of redemption authorized to be given pursuant to Section 13 hereof, and (d) to invest the monies held by it consistent with the provisions of the refunding financial plan. The Escrow Contract shall be irrevocable and shall constitute a covenant with the holders of the Refunding Bonds.

Section 11. The proceeds, inclusive of any premium, from the sale of the Refunding Bonds, immediately upon receipt, shall be placed in escrow by the Town with the Escrow Holder in accordance with the Escrow Contract. If invested, all moneys held by the Escrow Holder shall be invested only in direct obligations of the United States of America or in obligations the principal of and interest on which are unconditionally guaranteed by the United States of America, which obligations shall mature or be subject to redemption at the option of the holder thereof not later than the respective dates when such moneys will be required to make payments in accordance with the refunding financial plan. Any such moneys remaining in the custody of the Escrow Holder after the full execution of the Escrow Contract shall be returned to the Town and shall be applied by the Town only to the payment of the principal of or interest on the Refunding Bonds then outstanding.

Section 12. That portion of such proceeds from the sale of the Refunding Bonds, together with interest earned thereon, which shall be required for the payment of the principal of and interest on the Bonds To Be Refunded, including any redemption premiums, in accordance with the refunding financial plan, shall be irrevocably committed and pledged to such purpose and the holders of the Bonds To Be Refunded shall have a lien upon such moneys and the

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investments thereof held by the Escrow Holder. All interest earned from the investment of such moneys which is not required for such payment of principal of and interest on the Bonds To Be Refunded shall be irrevocably committed and pledged to the payment of the principal of and interest on the Refunding Bonds, or such portion or series thereof as shall be required by the refunding financial plan, and the holders of such Refunding Bonds shall have a lien upon such moneys held by the Escrow Holder. The pledges and liens provided for herein shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder shall immediately be subject thereto without any further act. Such pledges and liens shall be valid and binding against all parties having claims of any kind in tort, contract or otherwise against the Town irrespective of whether such parties have notice thereof. Neither this resolution, the Escrow Contract, nor any other instrument relating to such pledges and liens, need be filed or recorded.

Section 13. In accordance with the provisions of Section 53.00 and of paragraph h of Section 90.10 of the Law, the Town Board hereby elects to call in and redeem all or a portion of the Bonds To Be Refunded which are subject to prior redemption according to their terms on the Redemption Date, as shall be determined by the Supervisor in accordance with Section 8 hereof. The sum to be paid therefor shall be the par value thereof, the accrued interest to such Redemption Date and the redemption premiums, if any. The Escrow Holder is hereby authorized and directed to cause a notice of such call for redemption to be given in the name of the Town by mailing such notice not less than thirty (30) nor more than sixty (60) days prior to such Redemption Date, or in accordance with the terms appearing in the Bonds to be Refunded, to the registered holders of the Bonds To Be Refunded which are to be called in and redeemed. Upon the issuance of the Refunding Bonds, the election to call in and redeem the Bonds To Be Refunded which are to be called in and redeemed in accordance herewith and the direction to the Escrow Holder to cause notice thereof to be given as provided in this Section shall become irrevocable and the provisions of this Section shall constitute a covenant with the holders, from time to time, of the Refunding Bonds, provided that this Section may be amended from time to time as may be necessary to comply with the publication requirements of paragraph a of Section 53.00 of the Law, as the same may be amended from time to time.

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Section 14. This bond resolution shall take effect immediately, and the Town Clerk is hereby authorized and directed to publish the foregoing resolution, in summary, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in **The Country** Courier, a newspaper having general circulation in the Town and hereby designated the official newspaper of said Town for such publication.

* * *

The adoption of the foregoing resolution was seconded by Mr. Francisco, and duly put to a vote on roll call, which resulted as follows:

AYES: Mr. Bullock
 Mr. Minoia
 Mr. Francisco
 Mr. Finch

NOES: None

The resolution was declared adopted.

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EXHIBIT A

PROPOSED REFUNDING FINANCIAL PLAN

(See Attached)

CERTIFICATE

I, Sherrie Jacobs, Town Clerk of the Town of Conklin, in Broome County, New York, HEREBY CERTIFY that the foregoing annexed extract of the minutes of a meeting of the Town Board of said Town of Conklin duly called and held on September 25, 2012, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

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IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said
Town of Conklin this 25th day of September, 2012.

(SEAL)

Town Clerk

Mr. Finch commented that the original mortgage on the Town Hall was in the amount of \$1,000,000 when the addition was constructed in 2002. The Town still owes approximately \$600,000. He stated that the interest rate dropped from 4.75 % to 2.36% on this ten year loan.

SECURITY BADGES

Mr. Bullock commented that the format for the Town's security badges has been approved by Broome County and the badges may be obtained at the County Office Building by each Town employee.

OFF-LEASH DOG AREA

Mr. Minoia stated that he read about the City of Binghamton's new "Bark Park," and wondered if the Town of Conklin's off-leash area will be open during the winter months. Mr. Finch replied that the off-leash area will be open during the winter, with the access maintained, but with no snow plowing in the park itself. Parks Superintendent Tom Delamarter stated that the hole in the fence at the off-leash area has been fixed.

HALLOWEEN CURFEW

The Town Board reviewed the law which establishes a Halloween curfew on October 30 and 31, and November 1 of each year.

SEWER SYSTEM PROBLEMS/JULIUS ROGERS PARK AREA

Water and Sewer Superintendent Tom Delamarter stated that the sewer pumps in the Julius Rogers Park area were damaged by debris that had been put into the sewer system, adding that people should be careful of what they put in the toilets, particularly feminine hygiene products.

There being no further business to come before the Board, Mr. Bullock moved for adjournment, seconded by Mr. Francisco. The meeting adjourned at 6:12 P.M.

Respectfully submitted,

Sherrie L. Jacobs
Town Clerk

