

**Minutes of the Regular Meeting of the Town Board of the Town of Kirkland held at the Town of Kirkland Municipal Building, 3699 State Route 12-B, Clinton, Oneida County, New York on June 30, 2021, at 7:00 p.m.**

Present:

Supervisor Robert J. Meelan

Councilman Garry F. Colarusso

Councilwoman Donna E. Yando

Councilman Richard J. Maxam

Councilwoman Melanie L. O’Neil

Supervisor Meelan called the regular meeting to order at 7:00 p.m. and asked those present to stand for the Pledge of Allegiance.

**RESOLUTION #54**

Upon motion by Councilman Maxam, seconded by Councilman Colarusso, the following resolution was ADOPTED:

**RESOLVED**, that the Kirkland Town Board approve the minutes of June 14, 2021 as printed.

**Roll Call Vote:**

<u>NAME</u>	<u>VOTE</u>
Supervisor Robert J. Meelan	Aye
Councilman Garry F. Colarusso	Aye
Councilwoman Donna E. Yando	Abstain
Councilman Richard J. Maxam	Aye
Councilwoman Melanie L. O’Neil	Aye

**RESOLUTION #55**

Upon motion by Councilman Colarusso, seconded by Councilman Maxam, the following resolution was ADOPTED:

**RESOLVED**, that the Kirkland Town Board support the Clinton Youth Foundation in their endeavors applying for a grant application for improvements to the Jack Boynton Pool.

WHEREAS the Clinton Youth Foundation has independently operated the Jack Boynton Community Pool, which is located in the Town of Kirkland, since 1957 and has consistently provided swim instruction and safe and healthy summer recreation for youth and families in our community; and

WHEREAS the Jack Boynton Pool needs significant restoration to continue to provide this valuable educational and recreational service to our community; and

WHEREAS the Clinton Youth Foundation is applying to the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) for a grant under Title 9 of the Environmental Protection Act of 1993 for funding to restore the Jack Boynton Community Pool which is located in the Town of Kirkland; and

WHEREAS as a requirement under the rules of this program, the Clinton Youth Foundation must obtain the “approval/endorsement of the governing body of the municipality in which the project will be located,”

NOW, THEREFORE, be it resolved that the Town Board of the Town of Kirkland hereby does approve and endorse the application of CYF for a grant under Title 9 of the Environmental Protection Act of 1993 for a park project known as the Jack Boynton Community Pool Restoration Project, located within this community.

**Roll Call Vote:**

<u>NAME</u>	<u>VOTE</u>
Supervisor Robert J. Meelan	Aye
Councilman Garry F. Colarusso	Aye
Councilwoman Donna E. Yando	Aye
Councilman Richard J. Maxam	Aye
Councilwoman Melanie L. O’Neil	Aye

**RESOLUTION #56**

Upon motion by Councilman Colaarusso, seconded by Councilwoman Yando, the following resolution was ADOPTED:

**RESOLVED**, that the Kirkland Town Board authorize Supervisor Meelan to sign for and accept funds from the American Rescue Plan on behalf of the Town of Kirkland.

**Roll Call Vote:**

<u>NAME</u>	<u>VOTE</u>
Supervisor Robert J. Meelan	Aye
Councilman Garry F. Colarusso	Aye
Councilwoman Donna E. Yando	Aye
Councilman Richard J. Maxam	Aye
Councilwoman Melanie L. O’Neil	Aye

**RESOLUTION #57**

Upon motion by Councilman Colarusso, seconded by Councilman Maxam, the following resolution was ADOPTED:

**RESOLUTION DETERMINING THAT PROPOSED ACTIONS  
ARE TYPE II ACTIONS FOR PURPOSES OF  
THE NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT**

WHEREAS, the Town Board of the Town of Kirkland, Oneida County, New York (the "Town") is considering undertaking the reconstruction and installation of improvements to the Clinton Arena, including ice rink replacement and other renovations and improvements, together with original furnishing, equipment, machinery or apparatus required for the purposes for which such reconstruction or improvement is to be used, (the "Project"); and

WHEREAS, pursuant to the New York State Environmental Quality Review Act (the "SEQR Act") and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York, being 6 NYCRR Part 617, as amended (the "Regulations"), the Town desires to comply with the SEQR Act and the Regulations with respect to the Project;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE TOWN BOARD OF THE TOWN OF KIRKLAND, NEW YORK AS FOLLOWS:

- 1. The Project constitutes a "Type II Action" under 6 NYCRR § 617.5(c)(2), and no further action under the SEQR Act and the Regulations is required.
- 2. This Resolution shall take effect immediately.

The foregoing was thereupon declared duly adopted.

**Roll Call Vote:**

<u>NAME</u>	<u>VOTE</u>
Supervisor Robert J. Meelan	Aye
Councilman Garry F. Colarusso	Aye
Councilwoman Donna E. Yando	Aye
Councilman Richard J. Maxam	Aye
Councilwoman Melanie L. O’Neil	Aye

## **RESOLUTION #58**

Upon motion by Councilman Colarusso, seconded by Councilwoman Yando, the following resolution was ADOPTED:

### **BOND RESOLUTION NO. 58 OF 2021**

BOND RESOLUTION DATED JUNE 30, 2021 OF THE TOWN OF KIRKLAND, ONEIDA COUNTY, NEW YORK, AUTHORIZING THE ISSUANCE OF \$650,000 SERIAL BONDS TO FINANCE THE RECONSTRUCTION AND IMPROVEMENTS TO CLINTON ARENA

Introduced by Councilman Colarusso, who moved its adoption, seconded by Councilwoman Yando.

BE IT RESOLVED by the Town Board of the Town of Kirkland, Oneida County, New York as follows:

Section 1. The Town of Kirkland, Oneida County, New York (the "Town") is hereby authorized to undertake the reconstruction and installation of improvements to the Clinton Arena, including ice rink replacement and other renovations and improvements, together with original furnishing, equipment, machinery or apparatus required for the purposes for which such reconstruction or improvement is to be used, at an estimated maximum cost not to exceed \$650,000.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific objects or purposes is \$650,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of not to exceed \$650,000 in serial bonds (the "Bonds") of the Town authorized to be issued pursuant to this Resolution; PROVIDED, HOWEVER, that to the extent that any Federal or State grants-in-aid are received for such specific objects or purposes, the amount of Bonds to be issued pursuant to this Resolution shall be reduced dollar for dollar.

Section 3. It is hereby determines that the period of probable usefulness of the aforesaid specific objects or purposes is fifteen (15) years pursuant to paragraph 12(a)(2) of Section 11.00(a) of the Local Finance Law. The proposed maturity of the Bonds shall be in excess of five years measured from the date of the Bonds or the first bond anticipation note issued in anticipation of the Bonds, whichever date is earlier.

Section 4. Pursuant to Section 107.00(d)(9) of the Local Finance Law, current funds are not required to be provided prior to issuance of the Bonds or any bond anticipation notes issued in anticipation of issuance of the Bonds.

Section 5. 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 authorized pursuant to Section 165.10 of the Local Finance Law, for the capital purposes described in Section 1 of this resolution.

Section 6. The Bonds and any bond anticipation notes issued in anticipation of the Bonds, shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law and the Bonds, and any bond anticipation notes issued in anticipation of the Bonds, shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the real property within the Town without legal or constitutional limitation as to rate or amount. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year.

Section 7. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 63.00 inclusive 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, and the power to prescribe the terms, form and contents of the Bonds, and any bond anticipation notes, and the power to sell and deliver the Bonds and any bond anticipation notes issued in anticipation of the issuance of the Bonds, and the power to sell and deliver the Bonds and any bond anticipation notes providing for substantially level or declining annual debt service, is hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

Section 8. The reasonably expected source of funds to be used to initially pay for the expenditures authorized by Section 1 of this resolution shall be from the Town's General Fund. It is intended that the Town shall then reimburse such expenditures with the proceeds of the Bonds and bond anticipation notes authorized by this resolution and that the interest payable on the Bonds and any bond anticipation notes issued in anticipation of the Bonds shall be excludable from gross income for federal income tax purposes. This resolution is intended to constitute the declaration of the Town's "official intent" to reimburse the expenditures authorized by this resolution with the proceeds of the Bonds and bond anticipation notes authorized herein, as required by Treasury Regulation Section 1.150-2.

Section 9. The serial bonds and bond anticipation notes authorized to be issued by this resolution are hereby authorized to be consolidated, at the option of the Town Supervisor, the chief fiscal officer of the Town, with the serial bonds and bond anticipation notes authorized by other bond resolutions adopted by the Town Board for purposes of sale in one or more bond or note issues aggregating an amount not to exceed the amount authorized in such resolution. All matters relating to the sale of the Bonds, including the date of the Bonds, the use of electronic bidding, the consolidation of the Bonds and bond anticipation notes with other issues of the Town, and the serial maturity of the Bonds, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

Section 10. Any federal or New York State grant funds obtained by the Town for the capital purpose described in Section 1 of this resolution shall be applied to pay the principal of and interest on Bonds or any bond anticipation notes issued pursuant to this resolution, or to the extent obligations shall not have been issued under this resolution, then to reduce the maximum amount to be borrowed for such capital purpose. The Supervisor, as chief fiscal officer, is authorized to determine the application of any such federal or New York State grant funds for any one or more of the foregoing purposes.

Section 11. The validity of the Bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of the Bonds 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 this resolution or a summary thereof 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

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

Section 12. The resolution, or a summary thereof, shall, after being effective, be published in the official newspaper of the 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 13. The Town Supervisor, as chief fiscal officer of the Town, is hereby authorized to enter into an undertaking for the benefit of the holders of the Bonds from time to time, and any bond anticipation notes issued in anticipation of the sale of the Bonds, requiring the Town to provide secondary market disclosure as required by Securities and Exchange Commission Rule 15c2-12.

Section 14. The Town Board hereby determines that the provisions of the State Environmental Quality Review Act and the regulations thereunder have previously been satisfied with respect to the expenditures authorized by this resolution.

Section 15. This resolution is subject to permissive referendum pursuant to Article 7 of the Town Law of the State of New York. The Town Clerk is hereby authorized and directed to within ten (10) days after the adoption of this resolution by the Town Board to post and publish a notice in the manner and form prescribed by Article 7 of the Town Law.

**Roll Call Vote:**

<u>NAME</u>	<u>VOTE</u>
Supervisor Robert J. Meelan	Aye
Councilman Garry F. Colarusso	Aye
Councilwoman Donna E. Yando	Aye
Councilman Richard J. Maxam	Aye
Councilwoman Melanie L. O’Neil	Aye

CORRESPONDENCE

Reminder – there is only one Town Board Meeting for the month of July, July 14th

Fireworks display will be held on Sunday July 4<sup>th</sup> – no parade

Received 1<sup>st</sup> quarter Sales Tax in full, \$412,306.56

An invitation was received from the Kirkland Town Library to a forum called, “Connect with Your Government at the Kirkland Town Library.” It will be held Thursday, August 5 at 6:30 p.m. They are inviting representatives from the village, town, state and federal governments to provide residents the opportunity to meet and share information and ideas in an informal setting.

A letter of resignation was received from Stephen Obernesser, Deputy Maintenance Manager of the Parks and Recreation Department; his last day will be July 19<sup>th</sup>. The department is in the process of searching for a new employee.

An email was received from a Town resident that had been at the Town Park and said how nice it was with the new updates and being cleaned up.

Supervisor Meelan was asked by a Town resident about the debris on the corner of French Rd and Route 5, the Supervisor said the owner has been cited, he was also asked about the traffic on White St., two residents said that people drive too fast on the road and are afraid especially now with school out and kids walking and biking. Supervisor Meelan said that they may set up a road sign posting the speed limit, one of the residents said it could be put in her yard. A Meadow St resident asked if the retention pond behind CVS was going to be cleaned up, it is not being maintained, Supervisor Meelan said to check with Highway Superintendent Scott, the resident said they have his number.

AUDIT BILLS

**RESOLUTION #59**

Upon motion by Councilman Colarusso, seconded by Councilwoman O’Neil, the following resolution was ADOPTED:

**RESOLVED**, that the Kirkland Town Board review and approve the bills as audited: The totals were:

- A -** 28,080.34
- B -** 8,305.74
- DA -** 153,849.14
- DB -** 31,910.79
- SS1 -** 8,289.82
- Cap Fund H-** 1,564.34

**Roll Call Vote:**

<u>NAME</u>	<u>VOTE</u>
Supervisor Robert J. Meelan	Aye
Councilman Garry F. Colarusso	Aye
Councilwoman Donna E. Yando	Aye
Councilman Richard J. Maxam	Aye
Councilwoman Melanie L. O’Neil	Aye

There being no further business to come before the Town Board, upon motion by Councilwoman O’Neil, seconded by Councilman Maxam, the meeting was adjourned at 7:11 p.m.

Donna B. Maxam, Town Clerk