

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 July 19, 2023, at 5:00 p.m.

Present:

Supervisor Robert J. Meelan

Councilman Garry F. Colarusso

Councilwoman Donna E. Yando

Councilman Richard J. Maxam

Councilwoman Melanie L. O’Neil

Absent:

Attorney Anthony Hallak

Supervisor Meelan called the regular meeting to order at 5:00 p.m. and asked those present to stand for the Pledge of Allegiance.

Supervisor Meelan asked if anyone present would like to address the Board. Joanne Gilles, a Village Trustee, was present to address the Board on behalf of the Clinton Historical Society regarding an application submitted to the DRI. They would like to put up decorative fencing around the perimeter of the “Old Burying Ground” as there was fencing around the cemetery until sometime in the 60’s. It would be constructed of commercial grade steel with an archway on the Kirkland Avenue side. They have also included funds for 2 benches, their request total was approximately \$72,000. She was told the Town holds title to this property and at this time is just asking for moral support until it is time to ask for permission, a resolution may be needed.

Elaine Pavlik a resident of the Town addressed the Board, she feels the Town needs a noise ordinance. She had to call the Police Saturday, July 15th as her neighbor hired professionals to set off a fireworks display. She explained to the Board the effects the noise has on animals (pets), wildlife and people as well. Supervisor Meelan explained to her that this is not a noise issue, this is an illegal issue, as fireworks are not permitted, without a permit, that has been issued by the Town.

RESOLUTION #70

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

RESOLVED, that the Kirkland Town Board approve the minutes of June 28, 2023 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	Aye

Councilman Richard J. Maxam	Abstain
Councilwoman Melanie L. O’Neil	Aye

RESOLUTION #71

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

RESOLVED, that the Kirkland Town Board appoint Breana Young as Office Specialist 1.

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 #72

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

RESOLVED, that the Kirkland Town Board reappoint Horace Knight as Part Time Police Officer.

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

Nelson Associates reviewed the bids from the bid opening for the Highway Garage. They recommended that the Town accept the bid from BeeBe Construction Services. The Notice of Award will be issued for the base bid and alternate bid 1.

RESOLUTION #73

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

RESOLVED, that the Kirkland Town Board move forward as suggested by Nelson Associates with the bid submitted by BeeBe Construction Services.

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 #74

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

RESOLUTION NO. 74 OF 2023

BOND RESOLUTION DATED JULY 19, 2023 OF THE TOWN OF KIRKLAND, ONEIDA COUNTY, NEW YORK, AUTHORIZING THE ISSUANCE OF \$400,000 SERIAL BONDS TO FINANCE THE RECONSTRUCTION AND IMPROVEMENTS TO THE TOWN HIGHWAY GARAGE

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 Town Highway Garage, including roof replacement and other renovations and improvements, together with original furnishings, 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 \$700,000.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific objects or purposes is \$700,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (1) the issuance of not to exceed \$400,000 in serial bonds (the “Bonds”) of the Town authorized to be issued pursuant to this Resolution, and (2) the expenditure of American Rescue Plan Act (ARPA) funds in the estimated amount of \$300,000.

Section 3. It is hereby determined 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

RESOLUTION #75

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

RESOLVED, that the Kirkland Town Board create a Debt Reserve for Grant Road Bridge.

July 19, 2023

Town of Kirkland

Resolution: Establishment of
Debt Reserve (Type) Fund

RESOLVED, that pursuant to Section 6-h of the General Municipal Law, as amended, there is hereby established a Debt reserve fund to be known as “Debt Reserve Fund” (hereinafter Bridge Debt Reserve Fund”). The purpose of this Bridge Debt Reserve Fund is to annually appropriate monies to pay the Annual Principal and Interest of Debt associated with the installation of the Grant Road bridge. FEMA 2013 Claims were settled in 2023.

The chief fiscal officer is directed to deposit and secure the moneys of this Bridge Debt Reserve Fund in the manner provided by Section 10 of the General Municipal Law. The Town Board and or the Chief Fiscal Officer may invest the monies in the Bridge Debt Reserve Fund in the manner provided by Section 11 of the General Municipal Law, and consistent with the Investment Policy of the Town. Any interest earned or capital gains realized on the monies so deposited or invested shall accrue to and become part of the Bridge Debt Reserve Fund. The Town Supervisor shall account for the Bridge Debt Reserve Fund in a manner which maintains the separate identity of the Bridge Debt Reserve Fund and shows the date and amount of each sum paid into the separate identity of the Bridge Debt Reserve Fund, interest earned by the Fund, capital gains or losses resulting from the sale of investments of the fund, showing cash balance and a schedule of investments, and shall, at the end of each Fiscal year, render to the Town Board a detailed report of the operation and condition of the Bridge Debt Reserve Fund.

Except as otherwise provided by law, expenditures from this Bridge Debt Reserve Fund shall be made only for the purpose for which the Capital Fund is established. No expenditure shall be made from this Bridge Debt Reserve Fund without the approval of the Town Board and such additional actions or proceedings as may be required by Section 6-c of the General Municipal Law or any other 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

GENERAL ORDER

Attorney Anthony Hallak – Absent

Town Clerk Donna Maxam – Retirement Standard Work Day form to the NYS Retirement System

RESOLUTION #76

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

RESOLVED, that the Kirkland Town Board hereby establishes the following as Standard Work Day for Elected and Appointed Officials:

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

Highway Supt. Jon Scott – Received the 3 Ford 350 Pick Ups that were ordered last fall
Police Dept. - Administrative Officer Occhipinti – Absent
Building and Grounds Liaison Councilwoman Yando – All good
Recreation Liaison Councilwoman O’Neil – Working on floor

Seniors Liaison Councilwoman Yando – All good
Sewer Liaison Councilman Maxam – French Rd pump problem being worked on
SWOCO Liaison Councilman Maxam – Had 4th of July cookout on site

The monthly Safety Inspectors’ Reports and Animal Control Officer’s Reports were reviewed by the Town Board Members.

Thank you to all parade participants and vendors!

Tony Arcuri asked Joanne Gilles if the application for the DRI is contingent on site control, she said if Town of Kirkland is owner there will need to be a work relationship but the Historical Society will be the sponsor.

AUDIT BILLS

RESOLUTION #77

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

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

- A -** 30,701.11
- B -** 14,457.82
- DA -** 122,447.45
- DB -** 34,513.18
- SS1 -** 11,098.54
- SS2 -** 645.21
- SS4 -** 505.19
- Cap Fund H -** 226,374.23

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 Councilwoman Yando, the meeting was adjourned at 5:38 p.m.

Donna B. Maxam, Town Clerk