

At the Regular Meeting of the Eaton Town Council, held on May 10, 2022, there were present:

Cliff Moses, Supervisor
Joe Wicks, Councilperson
Dave Verne, Councilperson
Jeff Golley, Councilperson
Larry Phillips, Highway Supervisor
Dean Curtis, Town Clerk

Also Present: Lou Pulverenti.

The meeting opened at 6:00 pm with the Pledge of Allegiance.

REVIEW OF APRIL 2022 MINUTES

Councilperson Wicks moved to accept the minutes as submitted. Second by Councilperson Golley. All ayes. Motion carried.

PUBLIC COMMENT:

Lou Pulverenti who resides on Old County Rd brought to the board some concerns about a neighboring dog(s) howling/barking to the point it is disturbing his peace and comfort within his private residence. Lou has had conversations with his neighbor and with our current dog warden Gordan Baker. Lou pointed out our Local Law 1-2002 regarding Noise, specifically section 140-1 “The Town Board to prevent unreasonably disturbing or unnecessary noise”, “The Town Board finds that every person is entitled to have maintained noise levels” which then Lou referred to section 140-3 part B “Noise from a Barking dog for such an extended period of time as to annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of reasonable person of normal sensitivities”. Lou also brought forth the Town of Cazenovia Laws that he would like our Board to consider adding to our local law. Specifically sections 165-67 relating to Animal Day Cares, Kennels and Shelters and section 165-61 limiting the number of dogs a resident would own requiring such person to be classified as an Animal Day Care, Kennel or Shelter.

TOWN CLERK REPORT:

The total taxes collected this year \$ 2,696,053.21

NEW BUSINESS:

- 1. Motion by Councilperson Golley moved to approve the budget transfers for May from ARPA. Second by Councilperson Verne. All ayes. Motion carried.**
- 2. Motion by Councilperson Wicks moved to approve budget transfers for May from Contingency. Second by Councilperson Golley. All ayes. Motion carried.**

Budget Transfers for May 2022

To allocate American Rescue Plan Act funds

Account	Subsidiary Account	Debit	Credit
A522 Expenditures		\$11,900.00	
A3310.2 Traffic Control Equipment	\$11,900.00		
A200 Cash			\$11,900.00
DA522 Expenditures		\$1,223.50	
DA5130.4 Machinery Contractual	\$1,223.50		
DA200 Cash			\$1,223.50
Account	Subsidiary Account	Debit	Credit
A688 Other Liabilities		\$13,123.50	
A980 Revenues			\$13,123.50
A4089 Federal Aid, Other	\$13,123.50		
A9901.9 Transfers, Other Funds (Highway DA – Town wide)		\$1,223.50	

<u>Appropriation Over Budget</u>	<u>Amount</u>	<u>Transfer from</u>
B1420.4 (Attorney Contractual Expense)	\$478.88	B1990.4 (Contingency)

3. Motion by Councilperson Verne moved to approve the lease/purchase agreement of 2023 Truck. Second by Councilperson Wicks. All ayes. Motion carried.

PUBLIC NOTICE
TOWN OF EATON

PLEASE TAKE NOTICE that the Town Board of the Town of Eaton, at a regular meeting held on May 10, 2022, duly adopted the following resolution, subject to permissive referendum.

RESOLUTION 6-2022 AND
DECLARATION OF OFFICIAL INTENT
DATED: MAY 10, 2022

RESOLUTION AUTHORIZING THE EXECUTION OF A LEASE-PURCHASE AGREEMENT BY THE TOWN OF EATON, MADISON COUNTY, NEW YORK IN AN AMOUNT NOT TO EXCEED \$130,000, TO PAY THE COST OF THE ACQUISITION OF A NEW MODEL YEAR 2023 WESTERN STAR 4900SF TRUCK WITH SNOW PLOW AND SIDE DUMP SPREADER BODY WITH ACCESSORIES FOR HIGHWAY DEPARTMENT USE, IN AND FOR SAID TOWN.

Lessee: Town of Eaton.

Principal Amount Expected To Be Financed: \$130,000.00.

WHEREAS, the above Lessee is a political subdivision of the state in which Lessee is located (the "State") and is duly organized and existing pursuant to the Constitution and laws of the State.

WHEREAS, pursuant to applicable law, the governing body of the Lessee ("Governing Body") is authorized to acquire, dispose of and encumber real and personal property, including, without limitation, rights and interests in property, leases and easements necessary to the functions or operations of the Lessee.

WHEREAS, the Governing Body hereby finds and determines the execution of one or more lease purchase agreements ("Equipment Leases") in the principal amount not exceeding the amount stated above ("Principal Amount") for the purpose of acquiring the property generally described below ("Property") and to be described more specifically in the Equipment Leases is appropriate and necessary to the functions and operations of the Lessee.

Brief Description of Property: Model Year 2023 Western Star Model 4900SF Truck with Plow Equipment and Hydraulics. Tarp System, Everest Model SDS14W3850GT-HI Side Dump Spreader Body including all attachments and accessories.

WHEREAS, Key Government Financing ("Lessor") is expected to act as the Lessor under the Equipment Leases.

WHEREAS, the Lessee may pay certain capital expenditures in connection with the property prior to its receipt of proceeds of the Equipment Leases ("Lease Purchase Proceeds") for such expenditures and such expenditures are not expected to exceed the Principal Amount.

WHEREAS, the U.S. Treasury Department regulations do not allow the proceeds of a tax-exempt borrowing to be spent on working capital and the Lessee shall hereby declare its official intent to be reimbursed for any capital expenditures for Property from the Lease Purchase Proceeds.

NOW, THEREFORE, Be It Resolved by the Town Board of the Town of Eaton:

Section 1. The Lessee hereby determines that it has critically evaluated the financing alternatives available to it pursuant to 2 NYCRR Section 39.2 and that entering into the Equipment Leases and financing the acquisition of the Property thereby is in the best interests of the Lessee. Such evaluation shall be available as a public record.

The specific reason for such determination is that entering into such Equipment Leases results in a lower overall cost to the Lessee. Execution of the Equipment Leases will not cause the Lessee to be in violation of the limits contained in paragraph c of subdivision 6 of Section 109-b of the General Municipal Law.

Section 2. The Lessee is hereby authorized to acquire and install the Property (the "Project") and is hereby authorized to finance the Project by entering into the Equipment Leases. Any action taken by the Lessee in connection therewith is hereby ratified and confirmed.

Section 3. The Supervisor of the Town of Eaton (the "Authorized Representative") acting on behalf of the Lessee is hereby authorized to negotiate, enter into, execute, and deliver one or more Equipment Leases in substantially the form set forth in the document presently before the Governing Body, which document is available for public inspection at the office of the Lessee. Each Authorized Representative acting on behalf of the Lessee is hereby authorized to negotiate, enter into, execute, and deliver such other documents relating to the Equipment Lease (including, but not limited to, escrow agreements) as the Authorized Representative deems necessary and appropriate. All other related contracts and agreements necessary and incidental to the Equipment Leases are hereby authorized.

Section 4. By a written instrument signed by any Authorized Representative, said Authorized Representative may designate specifically identified officers or employees of the Lessee to execute and deliver agreements and documents relating to the Equipment Leases on behalf of the Lessee.

Section 5. The aggregate original principal amount of the Equipment Leases shall not exceed the Principal Amount and shall bear interest as set forth in the Equipment Leases and the Equipment Leases shall contain such options to purchase by the Lessee as set forth therein.

Section 6. The Lessee's obligations under the Equipment Leases shall be subject to annual appropriation or renewal by the Governing Body as set forth in each Equipment Lease and the Lessee's obligations under the Equipment Leases shall not constitute general obligations of the lessee or indebtedness under the Constitution or laws of the State.

Section 7. It is hereby determined that the purpose of the Project is an object or purpose described in sub division 28 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose, is (15) years.

Section 8. It is hereby determined the term of the Equipment Leases authorized by this resolution will not be in excess of (7) years.

Section 9. The Governmental Body has determined that the Project is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQR") is required.

Section 10. The Governing Body of Lessee anticipates that the Lessee may pay certain capital expenditures in connection with the Property prior to the receipt of the Lease Purchase Proceeds for the Property. The Governing Body of Lessee hereby declares the Lessee's official intent to use the Lease Purchase Proceeds to reimburse itself for Property expenditures. This section of the Resolution is adopted by the Governing Body of Lessee for the purpose of establishing compliance with the requirements of Section I .150-2 of Treasury Regulations. This section of the Resolution does not bind the Lessee to make any expenditure, incur any indebtedness, or proceed with the purchase of the Property.

Section 11. The Authorized Representative is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the Equipment Leases authorized by this resolution as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Code.

Section 12. This resolution is adopted subject to permissive referendum.

By order of the Town Board of the Town of Eaton
Dean Curtis, Town Clerk

4. Motion by Councilperson Golley to appoint Debra Clark to the Board of Assessment Review. Second by Councilperson Verne. All ayes. Motion carried.

5. Motion by Councilperson Wicks to accept resignation of Gordan Baker, Dog Control Officer effective May 31st 2022. Second by Councilperson Golley. All ayes. Motion carried.

PAY THE BILLS: Abstract 5 of 2022

General Vouchers numbered A 49-66: \$ 19,560.54; B 20-24 \$ 999.50; SL: 5 \$ 768.85
Highway Vouchers numbered DA 34-41: \$ 34,199.38; DB 7: \$ 1,121.97

Councilperson Wicks moved to accept and pay the bills, second by Councilperson Golley. All ayes. Motion carried.

With no further business to bring before the Board, Councilperson Verne moved to adjourn the meeting, second by Councilperson Golley, all ayes. Motion carried. Meeting adjourned at 6.45

Respectfully submitted, Dean Curtis, Town Clerk/Tax Collector