

At a regular meeting of the Town Board of the Town of Carroll, Chautauqua County held on the 12th day of November, 2008 at 6:30 Pm in the Town Hall, 5 W. Main St. Frewsburg, NY, there were

PRESENT:

PRESENT:

Supervisor Jones

Councilman Dove

Councilman Moore

Councilman Ekstrom

Councilwoman Lingenfelter

Recording Secretary, Laura S. Smith, Town Clerk

Also present, T. Allison, D. Dutchess, P. Harvey, S. Axelson, Mr. and Mrs. Dave Bloomquist, R. Houghwot, Mr. and Mrs. Axelson, representatives from “reality check” Council had private discussion at 6:20 prior to the opening of the regular meeting. Supervisor Jones opened the meeting with the pledge to the Flag.

Supervisor Jones submitted his Supervisor’s report for the month. Acting Chief Dutchess, Code Enforcement Al Gustafson and Laura Smith, Town Clerk, all submitted reports for the month.

Motion made by Councilwoman Lingenfelter to accept the minutes of the last meeting as submitted, seconded by Councilman Ekstrom, carried

Motion made by Councilman Moore to pay the audited monthly bills, with exception of the Tolman bill which we will pay a portion of now and the rest at a later date, seconded by Councilman Dove, carried, those bills are as follows:

GENERAL: 2008-11 #328 thru #354 in the amount of \$6646.32

HIGHWAY: 2008-11 #186 thru #203 in the amount of \$8667.90

WATER : 2008-11#179 thru #195 in the amount of \$21877.57

Supervisor Jones granted privilege to the floor, Reggie Houghwot inquired again about the possibility of changing the name of Myer’s St. to Lloyd Moore Dr. Carol Pope of The Planning Board said that she had been in contact with a member of the Myers family and has not gotten a firm answer from that individual. Ms. Pope also mentioned that the

Planning Board thought it would be important to contact the Myers Library as well to see if there was any concern. Tom Allison also mentioned that need to take into consideration that maps and GIS information will all have to be changed as well. Carol advised that she would report back once she heard back from the individuals she was waiting for.

Jessica Carson of Falconer was here to represent “reality check” which is a group that is against tobacco use and advertising. She shred two resolutions with the Town Board relating to trying to ban tobacco ads in magazines and other materials that are easily accessible to youth. Supervisor Jones asked that Carol Pope take these proposed resolutions to the Planning Board for their review and then report back to the Town Board.

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Chief Dutchess reported a pretty easy month. He stated that Halloween went without incident. The Santa parade will be held Nov. 29th at 11 AM.

Highway Superintendent Allison aired that he is probably good on salt and sand thru Dec. 1. He said there was only about a ½ truckload of pumpkins from Halloween, otherwise the town was in good shape.

Motion made by Councilman Dove to amend the Highway Budget 5112.2 (CHIPS) due to the increase in funding for the CHIPS program. This would be an increase of \$16638.00 to make the total CHIP amount \$118279.00, seconded by Councilwoman Lingenfelter, roll call vote as follows:

Supervisor Jones, aye, Councilman Dove, aye, Councilman Moore, aye, Councilwoman Lingenfelter, aye, Councilman Ekstrom, aye, 5 ayes no nays, motion carried.

Motion made by Councilwoman Lingenfelter to transfer \$15000.00 from the general fund and place it in the highway 5112.2, to defray some of the costs relating to the construction of the walking path at the Town Park, seconded by Councilman Dove, roll call vote as follows:

Supervisor Jones, aye, Councilman Dove, aye, Councilman Moore, aye, Councilwoman Lingenfelter, aye, Councilman Ekstrom, aye, 5 ayes no nays, motion carried.

Motion made by Councilwoman Lingenfelter to amend the Highway Department budget, acct 5110.4 to show the \$10987.00 that was received from the Fire Dept. And

the school for their shares of the parking lot that the Highway did, seconded by Councilman Ekstrom, roll call vote as follows:

Supervisor Jones, aye, Councilman Dove, abstain, Councilman Moore, abstain, Councilwoman Lingenfelter, aye, Councilman Ekstrom, aye, 3 ayes no nays, 2 abstentions, motion carried.

ACO Pat Harvey spoke of two cruelty cases that he had for the month, otherwise it was a pretty normal month.

Dan Sisson, Water Supervisor submitted his report for the month and stated that the next billing period would be when customers would be seeing the rate increases.

Motion made at 7:00 by Councilman Dove to close the regular meeting, seconded by Councilwoman Lingenfelter, carried

Motion made by Councilwoman Lingenfelter to open a Public Hearing on the preliminary budget for 2009, seconded by Councilman Moore, carried.

Supervisor Jones read the Legal Notice as published in the Post-Journal, and read over the proposed 2009 budget. No one from the public spoke.

Motion made by Councilman Moore to close the public hearing at 7:05, seconded by Councilman Dove, carried.

Motion made by Councilman Dove to open the regular meeting, seconded by Councilwoman Lingenfelter, carried

Motion made by Councilman Moore to adopt the 2009 Town of Carroll budget as presented, seconded by Councilwoman Lingenfelter, roll call vote as follows:

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Supervisor Jones, aye, Councilman Dove, nay, Councilman Moore, aye, Councilwoman Lingenfelter, aye, Councilman Ekstrom, aye, 4 ayes 1 nay, and motion carried.

The Town Assessor's was accepted and read by Supervisor Jones.

Carol Pope of the Planning Board mentioned that the board did look over the two proposed local laws that were presented to them. One concerning Wind energy and the other concerning adult entertainment. She stated that the adult entertainment one looked fine, but the wind energy one, they wanted to look a little further into. So the Planning Board will report back to council when they have further information. Carol advised that

she would like to have a meeting with Paul Webb, Mike Bolender and Al Gustafson, to discuss these laws and to be sure everyone is on the same page with them. Supervisor Jones said that he would call the three and try to get a meeting set up.

Motion made by Councilwoman Lingenfelter to appoint Russell Payne to the Planning Board in place of Kelly Norrod, term to end 12/31/2011, seconded by Councilman Ekstrom, motion carried.

Carol also spoke of a few upcoming County meetings that she hoped maybe there would be some interested in attending. No one will be able to attend the Southern Tier West Planning Conference.

Councilman Moore reported that the Fire Dept. will be receiving a donation that the dept. will match and with the Highway Departments help with the install, the house number project should get underway soon.

Motion made by Councilman Dove to transfer \$46,000.00 from the water unexpended and place it into the water account 8340.4, seconded by Councilwoman Lingenfelter, roll call vote as follows:

Supervisor Jones, aye, Councilman Dove, aye, Councilman Moore, aye, Councilwoman Lingenfelter, aye, Councilman Ekstrom, aye, 5 ayes no nays, motion carried.

Motion made by Councilwoman Lingenfelter to precede with the lawsuit against E&M engineers to recover funds from the well 2A project, seconded by Councilman Dove, roll call vote as follows:

Supervisor Jones, aye, Councilman Dove, aye, Councilman Moore, aye, Councilwoman Lingenfelter, aye, Councilman Ekstrom, aye, 5 ayes no nays, motion carried.

Supervisor Jones reported that Paul Webb appeared in court recently regarding the Jones carroll vs. Town of Carroll case, and he anticipates hearing something in a couple of weeks.

The following resolution was offered by Councilman_Dove__who moved its adoption, seconded by Councilwoman__Lingenfelter__, to wit:

BOND RESOLUTION dated November 12, 2008.

A RESOLUTION AUTHORIZING THE FUNDING OF A CAPITAL PROJECT FOR THE TOWN OF CARROLL FOR IMPROVEMENTS TO WATER PRODUCTION AND TRANSMISSION FACILITIES IN THE TOWN OF CARROLL AT A MAXIMUM ESTIMATED COST OF \$250,000 TO BE FINANCED BY THE ISSUANCE OF SERIAL BONDS.

BE IT RESOLVED, by the Town Board of the Town of Carroll, County of Chautauqua, New York as follows:

Section 1. The Town is hereby authorizing the expenditure for the fiscal year 2009 at a maximum cost of \$250,000 for a capital expenditure for the Town of Carroll. Said expenditure to improve its water production and transmission facilities.

Section 2. The plan for financing of such maximum estimated cost is as follows:

1. By issuance of \$250,000 of serial bonds of said Town of Carroll are hereby authorized to be issued pursuant to the Local Finance Law.

2. There shall be annually levied upon all the taxable real property of the Town of Carroll, a tax without limitations.

Section 3. It is hereby determined that subdivision 1, of Section 11 of the Local Finance Law applies to the aforesaid expenditures and the periods of probable usefulness thereof is forty (40) years.

Section 4. It is hereby determined that the maturity of the obligation hereby authorized shall not be in excess of forty (40) years from the date of issuance.

Section 5. The faith and credit of said Town of Carroll 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 be annually be levied on all the taxable real property of said Town of Carroll, a tax without limitation as to rate or amount sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 6. Subject to the provision of the Local Finance Law, the power to authorize the issuance of and to sell Bond Anticipation Notes of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor of the Town of Carroll, the chief fiscal officer. Such notes shall be of

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such terms, form and contents and shall be sold in such manner, as may be prescribed by said Supervisor of the Town of Carroll, 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 of Carroll is not authorized to expend money, or
2. Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. The Town Clerk of the Town of Carroll is hereby authorized and directed to publish in full this resolution in the official newspaper of the Town, together with the statutory notices required by the Local Finance Law in regard to said proposed bond obligations.

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

Supervisor Jones voting aye

Councilman Dove voting aye

Councilman Moore voting aye

Councilwoman Lingelfelter voting aye

Councilman Ekstrom voting aye

The resolution was thereupon declared duly adopted.

This is to certify that the above is a true copy of a resolution adopted by the Town Council on November 12, 2008.

Laura Smith
Town Clerk
Town of Carroll

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Adjournment motion made at 7:32 Pm by Councilman Moore, seconded by Councilwoman Lingenfelter, carried.

Laura S. Smith, Town Clerk

At a Special Meeting of the Town Board of the Town of Carroll, Chautauqua County on the 18th day of November 2008 at the Town Hall at 9:00 AM, 5 West Main St, Frewsburg, NY, there were PRESENT:

Supervisor Jones

Councilman Dove

Councilman Moore

Councilman Ekstrom

Councilwoman Lingenfelter

Recording Secretary, Laura S. Smith, Town Clerk

Also present, M. Smith

The purpose of this meeting was to hold a second Public Hearing on the 2009 Town Budget. Council inadvertently adopted the incorrect budget at the 11/12/2008 Town Board meeting.

Motion to close the regular meeting made by Councilwoman Lingenfelter, seconded by Councilman Moore, carried.

Motion made by Councilwoman Lingenfelter to open the Public Hearing on the 2009 Town Budget, seconded by Councilman Ekstrom, carried

Supervisor Jones read aloud the front page of the 2009 proposed budget, there was no comment from the public.

Motion made by Councilman Dove to close the Public Hearing, seconded by Councilwoman Lingenfelter, carried.

Motion made by Councilwoman Lingenfelter to re-open the regular meeting, seconded by Councilman Dove, carried

Motion made by Councilwoman Lingenfelter to adopt the 2009 Town of Carroll budget as presented by Supervisor Jones, second from Councilman Moore, roll call vote as follows:

Supervisor Jones, aye, Councilman Dove, nay, Councilman Moore, aye, Councilwoman Lingenfelter, aye, Councilman Ekstrom, aye, 4 ayes 1 nay, and motion carried.

Adjournment Motion made at 9:07 by Councilwoman Lingenfelter, seconded by Councilman Ekstrom, carried

Laura S. Smith, Town Clerk