

# Town of Johnsburg

Board Meeting Date: April 2, 2024 Resolution # 70 - 24

## APPROVAL OF MINUTES OF MARCH 19, 2024

Whereas the Town of Johnsburg Town Board Regular Town Board Meeting on April 2, 2024, and

NOW THEREFORE IT BE RESOLVED that the Town Board has accepted and approved the Meeting Minutes of March 19, 2024.

Mr. Williams made a Motion to approve and accept the Meeting Minutes of March 19, 2024 and moved its passage with a Second Motion from Mr. Heid Where upon this Resolution was put to a vote and recorded as follows:

Ayes 4                      Nays 0                      Recusals 0

Supervisor Bean	<u>  X  </u> Yes	<u>      </u> No	<u>      </u> Recused
Councilman Heid	<u>  X  </u> Yes	<u>      </u> No	<u>      </u> Recused
Councilman Stevens	<u>  X  </u> Yes	<u>      </u> No	<u>      </u> Recused
Councilman Williams	<u>  X  </u> Yes	<u>      </u> No	<u>      </u> Recused

# Town of Johnsburg

Board Meeting Date: April 2, 2024 Resolution # 71 - 24

## 30-DAY WAIVER FOR RED-WAGON

WHEREAS the Town of Johnsburg Town Board Regular Town Board Meeting on April 2, 2024, and

WHEREAS the Town Board has received a letter from Attorney Shawn May asking for a 30-day Waiver for the Red Wagon due to a clerical error on his part in not checking the "Restaurant" box on the initial Waiver

THEREFORE, IT BE RESOLVED, that the Town Board has approved the 30-Day Waiver for the Amendment to the Original Waiver, and

Mr. Williams made a Motion to approve the 30-Day Waiver for the Red Wagon and moved its passage with a Second Motion from Mr. Heid Where upon this Resolution was put to a vote and recorded as follows:

Ayes 4                      Nays 0                      Recusals 0

Supervisor Bean	<u>  X  </u> Yes	<u>      </u> No	<u>      </u> Recused
Councilman Heid	<u>  X  </u> Yes	<u>      </u> No	<u>      </u> Recused
Councilman Stevens	<u>  X  </u> Yes	<u>      </u> No	<u>      </u> Recused
Councilman Williams	<u>  X  </u> Yes	<u>      </u> No	<u>      </u> Recused

**LOAN RESOLUTION**  
(Public Bodies)

A RESOLUTION OF THE Town Board

OF THE Town of Johnsburg

AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS

Sanitary Sewer

FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE.

WHEREAS, it is necessary for the Town of Johnsburg

(Public Body)

(herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of

**Three Million Seven Hundred Eighty-Eight Thousand & 00 100**

pursuant to the provisions of NYS Local Finance Law; and

WHEREAS, the Association intends to obtain assistance from the United States Department of Agriculture, (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association:

NOW THEREFORE, in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U.S.C. 1983(c)).
3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$10,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legal ly permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.
6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so, without the prior written consent of the Government.
7. Not to defease the bonds, or to borrow money, enter into any contractor agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by USDA. No free service or use of the facility will be permitted.

*According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0572-0121. The time required to complete this information collection is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.*



**CERTIFICATION TO BE EXECUTED AT LOAN CLOSING**

I, the undersigned, as Town Clerk of the Town of Johnsburg  
 hereby certify that the Town Board of such Association is composed of  
 \_\_\_\_\_ members, of whom , \_\_\_\_\_ constituting a quorum, were present at a meeting thereof duly called and  
 held on the \_\_\_\_\_ day of \_\_\_\_\_ ; and that the foregoing resolution was adopted at such meeting  
 by the vote shown above, I further certify that as of \_\_\_\_\_ ,  
 the date of closing of the loan from the United States Department of Agriculture, said resolution remains in effect and has not been  
 rescinded or amended in any way.

Dated, this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
**Jean Comstock**  
 Title Town Clerk

# Town of Johnsburg

Board Meeting Date:

April 2, 2024

Resolution # 73 - 24

## ATTENDANCE AT ADIRONDACK PLANNING FORUM

WHEREAS the Town of Johnsburg Town Board Regular Town Board Meeting on April 2, 2024,  
and

WHEREAS, Planning and Zoning Committee Members are requesting approval to attend  
this year's Conference, and

THEREFORE, IT BE RESOLVED, that the Town Board has approved the attendance at the  
Adirondack Planning Forum for six (6),

Mr. Heid made a Motion to approve the attendance of six (6) Planning and Zoning Board  
Members to attend the Adirondack Planning Forum and moved its passage with a Second  
Motion from Mr. Stevens Where upon this Resolution was put to a vote and recorded as  
follows:

Ayes 4

Nays 0

Recusals 0

Supervisor Bean	<u>  X  </u> Yes	<u>      </u> No	<u>      </u> Recused
Councilman Heid	<u>  X  </u> Yes	<u>      </u> No	<u>      </u> Recused
Councilman Stevens	<u>  X  </u> Yes	<u>      </u> No	<u>      </u> Recused
Councilman Williams	<u>  X  </u> Yes	<u>      </u> No	<u>      </u> Recused

# Town of Johnsburg

Board Meeting Date: April 2, 2024 Resolution# 74-24

## APPROVAL OF SUPERVISOR'S REPORT

Whereas the Town of Johnsburg Town Board had its Regular Town Board Meeting on April 2, 2024, and

NOW THEREFORE IT BE RESOLVED that the Town Board has accepted and approved the Supervisor's Report.

Mr. Heid made a Motion to approve and accept the Supervisor's Report of April 2, 2024 and moved its passage with a Second Motion from Mr. Williams. Where upon this Resolution was put to a vote and recorded as follows:

Ayes 4                      Nays 0                      Recusals 0

Supervisor Bean	<u>  X  </u> Yes	<u>      </u> No	<u>      </u> Recused
Councilman Heid	<u>  X  </u> Yes	<u>      </u> No	<u>      </u> Recused
Councilman Stevens	<u>  X  </u> Yes	<u>      </u> No	<u>      </u> Recused
Councilman Williams	<u>  X  </u> Yes	<u>      </u> No	<u>      </u> Recused

# Town of Johnsburg

Board Meeting Date:

April 2, 2024

Resolution #75-24

## WARRANTS

Whereas the Town of Johnsburg Town Board had its Regular Meeting on April 2, 2024, and

NOW THEREFORE IT BE RESOLVED that the Town Board has approved the Warrants:

GENERAL FUND:	\$ 25,674.11
HIGHWAY FUND:	\$ 22,565.02
LIBRARY FUND:	\$ 338.80
WATER DISTRICT	\$ 388.80
TRUST & AGENCY:	\$ 1,277.16
<b>TOTAL</b>	<b>\$ 50,243.89</b>

Ms. Bowers made a Motion to approve the Warrants and moved its passage with a Second Motion from Mr. Williams. Where upon this Resolution was put to a vote and recorded as follows:

Ayes 4                      Nays 0                      Recusals 0

Supervisor Bean	<u>  X  </u> Yes	<u>      </u> No	<u>      </u> Recused
Councilman Heid	<u>  X  </u> Yes	<u>      </u> No	<u>      </u> Recused
Councilman Stevens	<u>  X  </u> Yes	<u>      </u> No	<u>      </u> Recused
Councilman Williams	<u>  X  </u> Yes	<u>      </u> No	<u>      </u> Recused



# Town of Johnsborg

Board Meeting Date: April 2, 2024 Resolution #76 - 24

## ADJOURN

Whereas the Town of Johnsborg Town Board had its Regular Meeting on April 2, 2024, and

Mr. Heid made a Motion to Adjourn the Meeting at 7:33PM and moved its passage with a Second Motion from Mr. Williams. Where upon this Resolution was put to a vote and recorded as follows:

Ayes 4                      Nays 0                      Recusals 0

Supervisor Bean	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Recused
Councilman Heid	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Recused
Councilman Stevens	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Recused
Councilman Williams	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Recused