

**Town of Knox  
Regular Meeting  
September 8, 2009**

**PRESENT:** Supervisor Hammond  
Councilwoman Gage  
Councilman Decker  
Councilwoman Nagengast  
Councilman Viscio

**ALSO:** Town Attorney Dorfman  
Highway Superintendent Salisbury  
Town Clerk Swain

The meeting was called to order at 7:30 p.m. with the Pledge of Allegiance to the Flag.

**RESOLUTION # 99 - APPROVAL OF MINUTES WITH AMENDMENTS**

On motion of Councilman Viscio, seconded by Councilwoman Gage, the following resolution was ADOPTED AYES 5 NAYS 0

RESOLVED that the minutes of the August 11, 2009 meeting be approved as amended and the approval of the August 24<sup>th</sup> Special Meeting minutes.

**RESOLUTION # 100 - APPROVAL OF MONTHLY REPORTS**

On motion of Councilwoman Nagengast, seconded by Councilwoman Gage, the following resolution was ADOPTED AYES 5 NAYS 0

RESOLVED that the Reports of the Supervisor and Town Clerk for the Month of August 2009 be approved.

**RESOLUTION # 101 - PAYMENT OF BILLS**

On motion of Councilwoman Gage, seconded by Councilwoman Nagengast, the following resolution was ADOPTED AYES 5 NAYS 0

RESOLVED that the Bills be paid on General Abstract #009 of the General Fund, covering claims # 306-329 and of the Highway Fund, covering claims # 290-305 & 330-332 for the year 2009.

**RESOLUTION #102 - HOLD PUBLIC HEARING ON NOVEMBER 4, 2009 FOR SECTION 8 HUD HOUSING PROGRAM**

On motion of Councilman Decker, seconded by Councilwoman Gage, the following resolution was ADOPTED AYES 5 NAYS 0

RESOLVED to hold a public hearing on November 4, 2009 at 7:30p.m. for the Town's proposed Agency Plan for 2010 for the Section 8 HUD Housing Program.

The 2010 Budget Workshop dates have been set for September 22<sup>nd</sup> and October 6, 2009 at 7:00p.m.. Town Clerk to advertise legal notice in the Altamont Enterprise for the 2010 budget workshops.

Linda Carmen sent letters to the Town Board Members regarding Senior Citizens in the Town of Knox. She informed the board that the Town of Berne has a vehicle which takes the elderly to doctor's appointments and shopping. The Village of Altamont is selling their van for \$17,000.00 and she would like to suggest that the Town of Knox and Town of Berne purchase this vehicle together, to share services. Community Caregivers interview the senior citizens for qualification purposes. The Department of Aging supplies the fuel for the van. Supervisor Hammond suggests communicating with the Town of Berne before decisions are made. Councilman Viscio suggests that the Department of Aging and Community

Caregivers meet with the Town Board, Linda to contact the commissioner to set up a meeting.

**RESOLUTION #103 - APPROVE PAYMENT OF SNOWMOBILE GRANT FUNDS OF \$477.85 TO FRONTIER SNOW RIDERS AND RIDGE RUNNER SNOWMOBILE CLUBS**

On motion of Councilwoman Nagengast, seconded by Councilman Decker, the following resolution was ADOPTED AYES 5 NAYS 0

RESOLVED to authorize payment of snowmobile grant funds of \$477.85 to Frontier Snow Riders and Ridge Runner Snowmobile Clubs.

**RESOLUTION #104 - APPROVE PAYMENT TO SACCO & MCKINNEY FOR SERVICES TO DATE INVOICE #3 FOR \$9,221.38**

On motion of Councilwoman Nagengast, seconded by Councilman Decker, the following resolution was ADOPTED AYES 5 NAYS 0

RESOLVED to authorize Supervisor to make payment to Sacco & McKinney for services to date on Invoice #3 for \$9,221.38.

Discussion of colors for siding and roof and split face brick for columns and retaining walls for the Town Hall Addition/Renovation Project. The color chosen for the Town Hall will be gray and a dark gray metal roof, window trim and doors will be burgundy.

**RESOLUTION #105 - APPROVE CONTRACTOR'S SUBMITTAL FOR PAYMENT AS APPROVED BY PROJECT ARCHITECT AND CLERK**

On motion of Councilwoman Gage, seconded by Councilwoman Nagengast, the following resolution was ADOPTED AYES 5 NAYS 0

RESOLVED to approve Rotterdam General Contracting submittal for \$30,705.00 and Phoenix Electricians Co., Inc submittal for \$8,550.00.

Town Board and Architect, Charlie Sacco discussed the purpose of have an engineering firm test specific stages in the Town Hall Project. Charlie thinks that Dente Engineering has a reasonable estimate and has worked with this company on numerous occasions. Charlie stated that if these tests are not done, he is unsure how stable the concrete is and if it will hold up over the years, the possibility of a lawsuit is there. Councilman Viscio thinks that the estimate given is a lot of money for these tests and disagrees that these services are not needed.

**RESOLUTION #106 - AUTHORIZE SUPERVISOR TO ENTER INTO AGREEMENT WITH DENTE ENGINEERING FOR TESTING PURPOSES**

On motion of Councilwoman Gage, seconded by Councilman Viscio, the following resolution was ADOPTED AYES 4 NAYS 1 (Councilman Viscio)

RESOLVED to authorize Supervisor to enter into agreement with Dente Engineering for Town Hall Addition testing.

Robert Price reported on the PillBox Tower Site, the condition of the roadway is unacceptable, would the town commit to have the Highway Department clean up the roadway? Supervisor Hammond reported that the roadway is not yet complete. On Monday, September 14<sup>th</sup> the cell tower will be installed.

**RESOLUTION # 107 - AUTHORIZE ISSUANCE OF A BAN (BOND ANTICIPATION NOTE) FOR TOWN HALL PROJECT**

On motion of Councilman Viscio, seconded by Councilman Decker, the following resolution was ADOPTED AYES 5 NAYS 0

RESOLVED to authorize the issuance of a BAN (Bond Anticipation Note) for the Town Hall Project.

BOND ANTICIPATION NOTE RESOLUTION  
OF  
SEPTEMBER 8, 2009  
ADOPTED BY  
THE TOWN OF KNOX  
COUNTY OF ALBANY  
STATE OF NEW YORK

WHEREAS, this Board has on August 24, 2009, adopted a resolution authorizing the issuance and sale of bonds in the amount of One Million Two Hundred Eighteen Thousand Nine Hundred Eighty One and 00/100 (\$1,218,981.00) DOLLARS for the purpose of financing a capital project relating to renovations and additions of its town hall, and no previous bond anticipation notes having been issued thereon and said bonds having not as yet been sold,

NOW THEREFORE, IT IS RESOLVED THAT:

1. The specific object or purpose for which the obligation is to be issued pursuant to this resolution is to finance the above stated Purpose.

2. The bond resolution authorizing the bonds in anticipation of the sale of which this note is hereby authorized to be issued is a serial bond resolution of this Board adopted on August 24, 2009 to provide funds for the above specific object or purpose.

3. The amount of the bonds to be issued for such specific object or purpose is the sum of One Million Two Hundred Eighteen Thousand Nine Hundred Eighty One and 00/100 (\$1,218,981.00) DOLLARS , and such bonds are to be serial bonds.

4. The amount of the bond anticipation note hereby authorized One Million Two Hundred Eighteen Thousand Nine Hundred Eighty One and 00/100 (\$1,218,981.00) DOLLARS ; that none of said bonds have been sold and no other bond anticipation notes have been issued in anticipation of the sale thereof.

5. There is hereby authorized to be issued a bond anticipation note in the amount of One Million Two Hundred Eighteen Thousand Nine Hundred Eighty One and 00/100 (\$1,218,981.00) DOLLARS maturing September 7, 2010, and it shall be executed in the name of the Town of Knox by the Knox Town Supervisor, its corporate seal shall be affixed thereto and it shall be attested by the Clerk and shall bear interest at the rate of two point 49 (2.49) percent per annum, payable at maturity; and said note shall be sold to Key Bank upon receipt of the face amount thereof.

6. The note hereby authorized is hereby designated a "qualified tax exempt obligation" pursuant to Section 265(b)(3)(B) of the Internal Revenue Code of 1986, as amended (the "Code"). The Town of Knox reasonably anticipates and hereby agrees that it will not issue tax exempt obligations in excess of \$10 million during the calendar year 2009. The Town of Knox further certifies that the sum of the principal amount of this note and the principal amount of any other tax exempt obligations heretofore issued by the Town of Knox during 2009 for the purposes of Section 265(b)(3)(C) of the Code does not exceed \$10 million.

7. Appropriate documents shall be executed to prevent application of the arbitrage provisions of the Internal Revenue Code to said note, and the note shall contain provisions required by Key Bank of New York to assure continued exemption of

the interest on the note from Federal and State income taxes, and in particularly, said Town of Knox does hereby agree to comply with the requirements for continued tax exemption of such interest as are set forth in the Code.

8. In the event that for any reason, other than through fault of Key Bank, the interest on said note becomes taxable, then upon request of Kay Bank of New York, said Town of Knox shall redeem said note.

9. Said note is not issued in anticipation of bonds for an assessable improvement.

10. This resolution shall take effect immediately.

The undersigned, Clerk of the Town of Knox, hereby certifies that the foregoing is a true and correct copy of the resolution duly adopted by the Town Board of the Town of Knox at a meeting thereof duly held on the 8<sup>th</sup> day of September, 2009, and is in full force and effect.

Witness my hand and seal of said Town of Knox this 8<sup>th</sup> day of September, 2009.

**RESOLUTION #108 - END REGULAR BOARD MEETING AND ENTER INTO EXECUTE SESSION AT 9:18 P.M.**

On motion of Councilman Decker, seconded by Councilwoman Gage, the following resolution was ADOPTEDAYES 5 NAYS 0

RESOLVED to end regular board meeting and enter into execute session.

On motion of Councilman Decker, seconded by Councilwoman Nagengast, the meeting was adjourned at 9:48p.m. Carried unanimously.

Respectfully Submitted,  
September 22, 2009

Kimberly D. Swain

