

Town of Catlin  
Regular Board Meeting Minutes  
September 12, 2024

Meeting called to order at 7:00pm by Supervisor LaVerne Phelps.

ROLLCALL: BM: Mike Koval, Ron Moshier, Craig Christiansen, Supervisor LaVerne Phelps, Attorney John Mustico

Motion made by Moshier; 2<sup>nd</sup> by Koval excusing William Collier from tonight's meeting.  
CARRIED: ALL

Pledge of Allegiance and Moment of Silence

**Public Hearings:**

Attorney Mustico opened the Public Hearing concerning Local Law 1 of 2024, "A Local Law to Override the Tax Levy Limit established in General Municipal Law §3-c".

No One Spoke

Motion made by Phelps; 2<sup>nd</sup> by Christiansen, closing the Public Hearing on the Tax Cap Override for 2025 at 7:02 pm.  
CARRIED: ALL

Attorney Mustico opened the Public Hearing on the property abatement proposal located at 55 Kimble Road, owned by Carolyn Hakes.

No one spoke.

Motion made by Phelps; 2<sup>nd</sup> by Koval closing the public hearing on the property abatement at 55 Kimble Road at 7:03pm.  
CARRIED: ALL

Attorney Mustico opened the Public Hearing on the property abatement proposal located at 17 Kimble Road, owned by Carolyn Hakes.

No one spoke.

Motion made by Phelps; 2<sup>nd</sup> by Moshier closing the public hearing on the property abatement at 17 Kimble Road at 7:04pm.  
CARRIED: ALL

Town of Catlin, Regular Board Meeting, September 12, 2024

Attorney Mustico opened the Public Hearing on the property abatement proposal located at 15 Demunn Road, owned by Leon Sturdivant.

No one spoke.

Motion made by Phelps; 2<sup>nd</sup> by Christiansen closing the public hearing on the property abatement at 15 Demunn Road at 7:05pm.

CARRIED: ALL

JoAnne Brooks came forward to ask questions about her property abatement at 98 St. Rte. 414. Mrs. Brooks was informed of a public hearing for her property abatement. However, it was not held as she is already in the process of removing the unsafe structures.

**Minutes:**

Motion made by Moshier; 2<sup>nd</sup> by Koval accepting Town Clerk's minutes for Aug 8, 2024, into records as submitted.

CARRIED: ALL

**Correspondence:**

- Sprague insurance sent a quote and invoice to insure the new town property, 1435 Chambers Road.
- NYS aid for the cost of property revaluation in 2023 was \$7,058.66.
- County Sales Tax Allocation for 2025 and 2026 is the same rate as 2024.

Motion made by Koval; 2<sup>nd</sup> by Christiansen to receive and place on file all correspondence for further action if required.

CARRIED: ALL

**Departmental Reports:**

Reports submitted by Highway Superintendent, Supervisor, Town Clerk, Code Enforcement Officer, Assessor, and Sheriff.

- Supervisor – met with STC about Airbnb's, property closing took place, met with Sprague Insurance for 2025, looking for supplies for the Green Energy Report.

Motion made by Christiansen; 2<sup>nd</sup> by Moshier to receive and place on file all departmental reports for further action if required.

CARRIED: ALL

**Abstracts:**

Motion for **Resolution 24-78** was made by Phelps; 2<sup>nd</sup> by Koval approving September 12, 2024, Abstract #9 vouchers for payment: General vouchers 157-189: \$66,640.25; Highway vouchers 100-115: \$289,936.87; BV Light District vouchers 13-15: \$316.86; and BV Water District vouchers: \$2,375.09; for a total of \$359,269.07.

CARRIED

AYES: Koval, Moshier, Christiansen, Phelps

NOES: None

**Beaver Valley Water District:**

- Pump House – painted inside walls and ceiling, replaced faucets, sink and gas line inside
- Installed new security system, it is in color, much better. Information saved for 30 days.

**Old Business:**

- Carolyn Hakes, owner of 17 Kimble Road and 55 Kimble Road has a quote of \$4000 to demo and haul away structures on both of her properties. She needs to have a signed contract by October 1<sup>st</sup>. The Town has two bids of \$7000 and \$7500 for the same demo and removal.
- Leon Sturdivant, owner of 15 Demunn Road had three vehicles, two are now gone. The weeds and grass have been cut around the dump truck. The dump truck has been moved. He has complied with the town code violation notices.
- Green Energy Grant – Supervisor Phelps and Superintendent Doan have been pricing windows, siding and added insulation. Alvin Janowski would like to do the work, probably not until next year. New windows, new siding, and added insulation will be \$5904.00. We would like to do add insulation to the inside ceiling. Plan to purchase supplies now and store until work can be done.

**New Business:**

- Tentative Budget presented by Town Clerk. Need to advertise public hearing for October 10, 2024 meeting for preliminary budget. No health care or retirement numbers yet for next year's budget.
- Tax Cap – Need to make Local Law to override the tax levy limit.

**Hearing of the Public:**

Opened: 7:25pm

No one spoke

Closed: 7:25pm

**Resolutions:**

Motion for **Resolution 24-79** was made by Phelps; 2<sup>nd</sup> by Christiansen setting a Public Hearing for October 10, 2024, at 7pm to discuss the Fire Contracts for: Beaver Dams Fire Department, Millport Fire Department and Tompkins Corners Fire Department three (3) year contracts that begin January 1, 2025, and end December 31, 2027. And the Town Clerk is directed to advertise for the foresaid Public Hearing.

CARRIED

AYES: Koval, Moshier, Christiansen, Phelps

NOES: None

Motion for **Resolution 24-80** was made by Phelps; 2<sup>nd</sup> by Moshier setting a Public Hearing for October 10, 2024, at 7 pm at the Town Hall, Town of Catlin concerning the 2025 Tentative Budget which may be adopted as the 2025 Preliminary Budget after any concerns are addressed within 5 days of the hearing being held. And the Town Clerk is directed to advertise for the foresaid Public Hearing.

2025 Proposed Salaries: Supervisor - \$15,000.00  
Town Clerk - \$17,500.00  
Highway Superintendent - \$77,500.00  
Town Justice - \$8,000.00  
Board Members (4) - \$2,750.00/each

CARRIED

AYES: Koval, Moshier, Christiansen, Phelps

NOES: None

Motion for **Resolution 24-81** was made by Christiansen; 2<sup>nd</sup> by Koval authorizing Supervisor Phelps to enter into agreement with Harris Beach, PLLC to serve as bond counsel to the Town of Catlin for the following costs: Preparation of Bond Resolution and Associated Notices, \$1000.00; \$272,000.00 statutory installment bond, plus disbursements, \$3,422.00. Total Fees and Disbursements not to exceed \$4,422.00.

CARRIED

AYES: Koval, Moshier, Christiansen, Phelps

NOES: None

Motion for **Resolution 24-82** was made by Moshier; 2<sup>nd</sup> by Koval authorizing Harris Beach, PLLC to purchase serial bonds in the amount of \$205,000.00 for the purchase of a Western Star 49x Tandem Axle Cab and Chassis, snowplow truck. And the Town Clerk is directed to advertise the notice of this resolution.

CARRIED

AYES: Koval, Moshier, Christiansen, Phelps

NOES: None

Motion for **Resolution 24-83** was made by Phelps; 2<sup>nd</sup> by Moshier authorizing Supervisor Phelps to order windows, siding and insulation from Erie Materials utilizing the Clean Energy Grant.

CARRIED

AYES: Koval, Moshier, Christiansen, Phelps

NOES: None

Leon Sturdivant unregistered vehicles abatement – no action taken.

Motion for **Resolution 24-84** was made by Phelps; 2<sup>nd</sup> by Koval authorizing Supervisor Phelps and the Catlin Code Enforcement Officer to direct action at or on October 1, 2024, on the abatement of vacant mobile homes located on 17 Kimble Road and 55 Kimble Road.

CARRIED

AYES: Koval, Moshier, Christiansen, Phelps

NOES: None

Motion for **Resolution 24-85** was made by Moshier; 2<sup>nd</sup> by Christiansen enacting Local Law 1-2024 to override the tax levy limit established in General Municipal Law §3-c. It is the intent of this local law to allow the Town of Catlin to adopt a budget for the fiscal year commencing January 1, 2025-December 31, 2025 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c.

CARRIED

AYES: Koval, Moshier, Christiansen, Phelps

NOES: None

Budget Meeting date and time – adjourn meeting – no action taken.

Motion was made by Phelps; 2<sup>nd</sup> by Koval adjourning the meeting at 7:43pm.

CARRIED: ALL

Respectfully Submitted,

Yvonne M. Cutler

**RESOLUTION 24-78**

September 12, 2024

By: LaVerne Phelps

2<sup>nd</sup> by: Mike Koval

**ABSTRACTS**

RESOLVED, the Town Board of the Town of Catlin hereby approves submitted September 12, 2024, Abstract #9 vouchers for payment: General vouchers 157-189: \$66,640.25; Highway vouchers 100-115: \$289,936.87; BV Light District vouchers 13-15: \$316.86; and BV Water District vouchers: \$2,375.09; for a total of \$359,269.07.

CARRIED

AYES: Koval, Moshier, Christiansen, Phelps

NOES: None

**RESOLUTION 24-79**

September 12, 2024

By: LaVerne Phelps

2<sup>nd</sup> by: Craig Christiansen

**FIRE CONTRACTS PUBLIC HEARING**

RESOLVED, the Town Board of the Town of Catlin hereby sets a Public Hearing for October 10, 2024, at 7pm to discuss the Fire Contracts for: Beaver Dams Fire Department, Millport Fire Department and Tompkins Corners Fire Department three (3) year contracts that begin January 1, 2025, and end December 31, 2027. Be it further,

RESOLVED, that the Town Clerk is directed to advertise for the foresaid Public Hearing.

CARRIED

AYES: Koval, Moshier, Christiansen, Phelps

NOES: None

**RESOLUTION 24-80**

September 12, 2024

By: LaVerne Phelps

2<sup>nd</sup> by: Ron Moshier

**2025 TENTATIVE BUDGET PUBLIC HEARING**

WHEREAS, The Town Clerk of the Town of Catlin presented the Town Board Members a copy of the 2025 Tentative Budget, now, therefore be it

RESOLVED, The Town Board of the Town of Catlin hereby sets a Public Hearing for October 10, 2024, at 7 pm at the Town Hall, Town of Catlin concerning the 2025 Tentative Budget which may be adopted as the 2025 Preliminary Budget after any concerns are addressed within 5 days of the hearing being held. Be it further,

RESOLVED, that the Town Clerk is directed to advertise for the foresaid Public Hearing.

2025 Proposed Salaries: Supervisor - \$15,000.00

Town Clerk - \$17,500.00  
Highway Superintendent - \$77,500.00  
Town Justice - \$8,000.00  
Board Members (4) - \$2,750.00/each

CARRIED

AYES: Koval, Moshier, Christiansen, Phelps

NAYS: None

**RESOLUTION 24-81**

September 12, 2024

By: Craig Christiansen

2<sup>nd</sup> by: Mike Koval

**HARRIS BEACH BOND COUNSEL FOR SNOW PLOW TRUCK**

WHEREAS, The Town of Catlin is purchasing a 2024 Western Star 49X Tandem Axle Cab and Chassis, snow plow truck in the amount of \$264,542.23 for use by the Town of Catlin, and

WHEREAS, Harris Beach, PLLC has submitted a proposal to serve as bond counsel, therefore be it

RESOLVED, The Town Board of the Town of Catlin does hereby authorize Supervisor Phelps to enter into agreement with Harris Beach, PLLC to serve as bond counsel to the Town of Catlin for the following costs: Preparation of Bond Resolution and Associated Notices, \$1000.00; \$272,000.00 statutory installment bond, plus disbursements, \$3,422.00. Total Fees and Disbursements not to exceed \$4,422.00.

CARRIED

AYES: Koval, Moshier, Christiansen, Phelps

NOES: None

**RESOLUTION 24-82**

September 12, 2024

By: Ron Moshier

2<sup>nd</sup> by: Mike Koval

**BOND RESOLUTION OF THE TOWN BOARD OF THE TOWN OF CATLIN, CHEMUNG COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING THE ACQUISITION OF ONE SNOWPLOW TRUCK; STATING THE MAXIMUM ESTIMATED COST THEREOF IS \$272,000; APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF UP TO \$205,000 IN SERIAL BONDS OF THE TOWN TO FINANCE A PORTION OF SAID APPROPRIATION**

WHEREAS, the Town Board of the Town of Catlin (the "Town Board"), Chemung County, New York (the "Town") proposes to authorize the issuance of \$205,000 in serial bonds of the Town to finance the acquisition of one snowplow truck, including costs incidental thereto and to the financing thereof (the "Project"), at an estimated maximum cost of \$272,000; and

**WHEREAS**, the Town Board now wishes to appropriate funds for the Project and to authorize the issuance of the Town's serial bonds or bond anticipation notes to finance a portion of said appropriation.

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Board of the Town of Catlin, Chemung County, New York (by the favorable vote of not less than two-thirds of all the members of such body), as follows:

SECTION 1. The Town is hereby authorized to finance the acquisition of one snowplow truck for use by the Town's Highway Department at a maximum cost of \$272,000, and to issue serial bonds of the Town (including statutory installment bonds) in the principal amount of \$205,000 or bond anticipation notes in anticipation of such bonds, pursuant to provisions of Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law") to finance a portion of the cost of the aforementioned specific object or purpose.

SECTION 2. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$272,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the expenditure of \$27,000 in current funds of the Town, (ii) the expenditure of moneys from a United States Department of Agriculture, Office of Rural Development ("Rural Development") grant in the amount of \$40,000, (iii) the issuance of up to \$205,000 in serial bonds of the Town to be purchased by Rural Development, and (iv) the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

SECTION 3. It is hereby determined that the period of probable usefulness of the aforementioned specific object or purpose is fifteen (15) years, pursuant to subdivision 28. of paragraph a. of Section 11.00 of the Law.

SECTION 4. The final maturity of the bonds herein authorized to be issued shall be in excess of five (5) years measured from the date of issuance of the first serial bond or bond anticipation note issued pursuant to this resolution.

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 Law, for the capital purposes described in this resolution. The Town shall reimburse such expenditures with the proceeds of the bonds or bond anticipation notes authorized by this resolution. This resolution shall constitute a declaration of official intent to reimburse the expenditures authorized herein with the proceeds of the bonds and bond anticipation notes authorized herein, as required by United States Treasury Regulations Section 1.150-

SECTION 6. Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said serial bonds and any bond anticipation notes issued in anticipation of said 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 subject to applicable statutory limits, if any. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal and interest on said serial bonds and bond anticipation notes and provisions shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and bond anticipation notes to mature in such year and (b) the payment of interest to be due and payable in such year.

SECTION 7. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of serial bonds and bond



anticipation notes or the renewals of said obligations and of Sections 21.00, 50.00, 54.90, 56.00 through 60.00, 62.10 and 63.00 of the Law, the powers and duties of the Town Board relative to authorizing serial bonds and bond anticipation notes and prescribing terms, form and contents as to the sale and issuance of bonds herein authorized, including without limitation the determination of whether to issue bonds having substantially level or declining debt service and all matters related thereto, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Town Supervisor, as the chief fiscal officer of the Town (the "Town Supervisor"). Further, pursuant to paragraph b. of Section 11.00 of the Law, in the event that bonds to be issued for any of the specific object or purpose authorized by this resolution are combined for sale, pursuant to paragraph c. of Section 57.00 of the Law, with bonds to be issued for one or more objects or purposes authorized by other resolutions of the Town Board, then the power of the Town Board to determine the "weighted average period of probable usefulness" (within the meaning of paragraph a. of Section 11.00 of the Law) for such combined object or purpose is hereby delegated to the Town Supervisor, as the chief fiscal officer of the Town.

SECTION 8. The Town Supervisor is hereby further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution and any notes issued in anticipation thereof, if applicable, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 9. The Town Supervisor is hereby further authorized to enter into a continuing disclosure undertaking with or for the benefit of the initial purchasers of the bonds or notes authorized by this resolution in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 10. The Town Board hereby determines that the Project constitutes a "Type II" action within the meaning of the State Environmental Quality Review Act and the regulations of the New York State Department of Environmental Conservation thereunder (collectively, "SEQRA") and that no further action under SEQRA with respect to the Project need be taken by the Town Board as a condition precedent to the adoption of this resolution.

SECTION 11. The intent of this resolution is to give the Town Supervisor sufficient authority to execute those applications, agreements and instruments, or to do any similar acts necessary to affect the issuance of the aforesaid serial bonds or bond anticipation notes without resorting to further action of the Town Board.

SECTION 12. Pursuant to subdivision b. of Section 35.00 of the Law, this resolution is subject to a permissive referendum in the manner prescribed by Article Seven of the Town Law of the State of New York (the "Town Law"). The Town Clerk is hereby authorized and directed, within ten (10) days after the date of adoption of this resolution, to post and publish a notice satisfying the requirements of Section 90 of the Town Law, which shall set forth the date of adoption of this resolution, shall contain an abstract hereof, and shall specify that this resolution was adopted subject to a permissive referendum. Such notice shall be published in the official newspaper(s) of the Town for such purpose.

SECTION 13. This resolution shall take effect thirty (30) days after the date of its adoption or, if within such thirty (30) day period there is filed with the Town Clerk a petition subscribed and acknowledged by the number of qualified electors of the Town required by Section 91 of the Town Law and in the manner specified in such Section, until approved by the affirmative vote of a majority of such qualified electors voting on a proposition for its approval.

SECTION 14. The validity of the bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of said 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 such resolution 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 15. As soon as reasonably possible after the date that this resolution takes effect, the Town Clerk is hereby authorized and directed to cause a copy of this resolution, or a summary thereof, to be published in full in the official newspaper of the Town for such purposes, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Law.

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

	<u>AYE</u>	<u>NAY</u>
LaVerne Phelps, Supervisor	x	
William Collier, Council Member, excused		
Mike Koval, Council Member	x	
Craig Christiansen, Council Member	x	
Ron Moshier, Council Member	x	

**RESOLUTION 24-83**

September 12, 2024

By: LaVerne Phelps

2<sup>nd</sup> by: Ron Moshier

**HIGHWAY GARAGE IMPROVEMENTS USING  
CLEAN ENERGY GRANT**

WHEREAS, The Town of Catlin was awarded a Clean Energy Grant to make improvements to the Highway Garage, therefore be it

RESOLVED, the Town of Catlin does hereby authorize Supervisor Phelps to order windows, siding and insulation from Erie Materials utilizing the Clean Energy Grant.

CARRIED

AYES: Koval, Moshier, Christiansen, Phelps

NOES: None

**RESOLUTION 24-84**

September 12, 2024

By: LaVerne Phelps

2<sup>nd</sup> by: Mike Koval

**PROPERTY ABATEMENT AT 17 KIMBLE ROAD AND 55 KIMBLE ROAD**

WHEREAS, The Town of Catlin held public hearings on September 12, 2024 on the abatement of both 17 Kimble Road and 55 Kimble Road, tax map numbers 8.00-1-63.6 and 8.00-1-63.13, respectively; properties reputedly owned by Carolyn Hakes and no one spoke, and

WHEREAS, Supervisor Phelps met with Carolyn Hakes and she claims to have a bid to have the unsafe structures removed from her property, and

WHEREAS, Supervisor Phelps gave Ms. Hakes until October 1, 2024 to have the bid signed, therefore be it

RESOLVED, the Town of Catlin does hereby authorize Supervisor Phelps and the Catlin Code Enforcement Officer to act at or on October 1, 2024, on the abatement of vacant mobile homes located on 17 Kimble Road and 55 Kimble Road.

CARRIED

AYES: Koval, Moshier, Christiansen, Phelps

NOES: None

**RESOLUTION 24-85**

September 12, 2024

By: Ron Moshier

2<sup>nd</sup> by: Craig Christiansen

**LOCAL LAW 1 OF 2024**

WHEREAS, a notice was duly given and published announcing a Public Hearing concerning LL-1 of 2024 for September 12, 2024 at 7pm, therefore be it

RESOLVED, the Town Board of the Town of Catlin hereby enacts Local Law 1-2024 to override the tax levy limit established in General Municipal Law §3-c. It is the intent of this local law to allow the Town of Catlin to adopt a budget for the fiscal year commencing January 1, 2025-December 31, 2025 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law §3-c.

CARRIED

AYES: Koval, Moshier, Christiansen, Phelps

NOES: None