

Minutes of the Town Board Meeting held at Town Hall, 511 Route 32, Highland Mills, New York, on February 5, 2009 at 7:30PM

Present: John Burke, Supervisor
Amidee Haviland, Carlton Levine and Michael Queenan, Councilmen
Absent: Geraldine Gianzero, Councilwoman
Also Present: Richard Liberth, Attorney for the Town; Peter Stabile, Highway Superintendent; Robert Kwiatkowski, Police Chief; Maria Hunter, Village Planning Board

I. Administrative Business

a. Acceptance of Minutes:

Motion was offered by Councilman Levine, seconded by Councilman Haviland, to accept the minutes of the regular meeting held January 15, 2009.

ADOPTED AYES 4 Burke, Haviland, Levine, Queenan
NOES 0

Motion was then offered Councilman Queenan, seconded by Supervisor Burke, to accept the minutes of the worksession held February 2, 2009.

ADOPTED AYES 3 Burke, Haviland, Queenan
ABSTAIN 1 Levine

b. Approval of Abstract:

Motion was offered by Councilman Haviland, seconded by Supervisor Burke, to approve Abstract 3, Vouchers #20090160 - #20090275, totaling \$260,181.18.

ADOPTED AYES 4 Burke, Haviland, Levine, Queenan
NOES 0

c. Cancel February 16 Worksession:

Motion was offered by Councilman Haviland, seconded by Councilman Levine, to cancel the February 16 worksession due to the President's Day holiday. Supervisor Burke noted that, if needed, he will call for a special worksession on February 17.

ADOPTED AYES 4 Burke, Haviland, Levine, Queenan
NOES 0

d. Acceptance of Resignation – Part-Time Dispatcher:

Motion was offered by Supervisor Burke, seconded by Councilman Queenan, to accept the resignation of Thomas Hefferon from the position of part-time dispatcher effective January 29, 2009.

ADOPTED AYES 4 Burke, Haviland, Levine, Queenan
NOES 0

II. Old Business:

There was no old business to discuss.

III. New Business:

a. SEQRA Actions – Central Valley Pond Phase III Improvements:

Motion was offered by Supervisor Burke, seconded by Councilman Levine, to declare the Town Board of the Town of Woodbury as Lead Agency for the Central Valley Pond Phase III Improvements. The project is to convert existing bathing beach to a swimming pool including the construction of a filtration system and filtration building.

ADOPTED AYES 4 Burke, Haviland, Levine, Queenan

NOES 0

Motion was then offered by Councilman Queenan, seconded by Supervisor Burke, to declare the significance of this application has being an unlisted action.

ADOPTED AYES 4 Burke, Haviland, Levine, Queenan
NOES 0

Motion was then offered by Councilman Queenan, seconded by Councilman Haviland, to declare this application as having a negative declaration on the environment.

ADOPTED AYES 4 Burke, Haviland, Levine, Queenan
NOES 0

b. Bond Resolution – Central Valley Pond Phase III Improvements:

Motion was offered by Supervisor Burke, seconded by Councilman Levine, to adopt the following bond resolution:

BOND RESOLUTION OF THE TOWN OF WOODBURY, NEW YORK, ADOPTED FEBRUARY 5, 2009, AUTHORIZING THE CONSTRUCTION OF VARIOUS IMPROVEMENTS TO THE CENTRAL VALLEY POOL; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,400,000; APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE EXPENDITURE OF \$500,000 GENERAL FUNDS AND/OR PARKLAND FUNDS CURRENTLY AVAILABLE OR EXPECTED TO BECOME AVAILABLE TO PAY A PART OF SAID APPROPRIATION; AND AUTHORIZING THE ISSUANCE OF \$900,000 BONDS OF SAID TOWN TO FINANCE THE BALANCE OF SAID APPROPRIATION. THE TOWN BOARD OF THE TOWN OF WOODBURY, IN THE COUNTY OF ORANGE, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Woodbury, in the County of Orange, New York (herein called the "Town"), is hereby authorized to construct various improvements to the Central Valley Pool. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,400,000 and said amount is hereby appropriated therefore. The Town Board has heretofore authorized the expenditure of \$1,295,000 to pay for improvements to the Central Valley pond/pool and the issuance of up to \$795,000 bonds or notes to finance a part of such cost. Pursuant to such authorization, the Town has heretofore issued \$795,000 bond anticipation notes (which were later redeemed by \$745,000 in serial bonds and \$50,000 in available funds). The plan of financing includes the expenditure of \$500,000 general funds and/or parkland funds collected or to be collected pursuant to Section 277 of the Town Law to pay a part of said appropriation, the issuance of \$900,000 bonds of the Town to finance the balance of said appropriation, and 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 2. Serial bonds of the Town in the principal amount of \$900,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance a part of said appropriation.

Section 3. The following additional matters are hereby determined and declared:

- (a) The period of probable usefulness applicable to the object or purpose for which said serial bonds are authorized to be issued, within the limitations of Section 11.00 a. 61 of the Law, is fifteen (15) years.
- (b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized, or for

such expenditures made on or before such effective date if the Town Board has made a prior declaration of intent to issue indebtedness therefore. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

- (c) The proposed maturity of the bonds authorized by this resolution will exceed five years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to the execution of agreements for credit enhancements, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale 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, or a summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to a permissive referendum and the Town Clerk is hereby authorized and directed, within ten (10) days after the adoption of this resolution, to cause to be published, in full, in the "TIMES HERALD RECORD," a newspaper having a general circulation within said Town and hereby designated the official newspaper of the Town for such publication and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

TOWN OF WOODBURY, NEW YORK

PLEASE TAKE NOTICE that on February 5, 2009, the Town Board of the Town of Woodbury, in the County of Orange, New York, adopted a bond resolution entitled: "Bond Resolution of the Town of Woodbury, New York, adopted February 5, 2009, authorizing the construction of various improvements to the Central Valley Pool; stating the estimated maximum cost thereof is \$1,400,000; appropriating said

amount therefore, including the expenditure of \$500,000 general funds and/or parkland funds currently available or expected to become available to pay a part of said appropriation; and authorizing the issuance of \$900,000 bonds of said Town to finance the balance of said appropriation,” an abstract of such bond resolution, concisely stating the purpose and effect thereof, being as follows:

- FIRST: AUTHORIZING said Town to construct various improvements to Central Valley Pool; STATING the estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,400,000; APPROPRIATING said amount therefore; and STATING the plan of financing includes the expenditure of \$500,000 general funds and/or parkland funds collected or to be collected pursuant to Section 277 of the Town Law to pay a part of said appropriation, the issuance of \$900,000 bonds of the Town to finance the balance of said appropriation, and 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;
- SECOND: AUTHORIZING the issuance of \$900,000 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the “Law”) to finance a part of said appropriation;
- THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said serial bonds are authorized to be issued is fifteen (15) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; and the proposed maturity of said \$900,000 serial bonds will exceed five (5) years;
- FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Town; and PLEDGING to their payment the faith and credit of the Town;
- FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, and the renewals thereof; and
- SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

Section 8. The Town Clerk is hereby authorized and directed to cause said bond resolution to be published, in summary, after said bond resolution shall take effect, in the newspaper referred to in Section 7 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

ADOPTED BY ROLL CALL AS FOLLOWS:

Supervisor Burke	AYES
Councilwoman Gianzero	ABSENT
Councilman Haviland	AYES
Councilman Levine	AYES
Councilman Queenan	AYES

b. Advertise for Proposals – Audit Services:

Motion was offered by Supervisor Burke, seconded by Councilman Levine, to authorize the Town Clerk to advertise for proposals for auditor services to inspect and report their findings on the 2007 accounting records of the Town.

ADOPTED AYES 4 Burke, Haviland, Levine, Queenan
 NOES 0

IV. Public Comment:

Councilman Queenan stated there have been articles in the newspaper about the MTA payroll tax and how some municipalities have adopted a resolution in opposition to it. Clerk Potvin stated correspondence was received today from the Orange County Association of Towns/Villages/Cities with a sample resolution they would like each municipality to review and adopt. Supervisor Burke stated he will have the issue on the next agenda.

V. Adjournment:

With no further business to discuss, a motion was offered by Supervisor Burke, seconded by Councilman Queenan, to adjourn the meeting at 7:40PM.

ADOPTED AYES 4 Burke, Haviland, Levine, Queenan
 NOES 0

Desiree Potvin, Town Clerk