

DATE OF MEETING: June 6, 2016

PLACE OF MEETING: Village Hall, Pawling, New York

MEMBERS PRESENT: Mayor Robert Liffland
Trustee Stan Mersand
Trustee John Burweger
Trustee Dan Peters
Trustee Earl Slocum

The meeting was called to order at 7:00 p.m. with the Pledge of Allegiance.

MOTION by Trustee Burweger to approve the Daniels, Porco & Lusardi Engagement Letter as Attorney for the VP Reservoir and Dam Project. **SECONDED** by Trustee Peters. There was no discussion; all were in favor and the motion carried.

The following resolution was offered by Trustee Earl Slocum, who moved its adoption, seconded by Trustee Dan Peters, to-wit:

BOND RESOLUTION DATED JUNE 6, 2016.

A RESOLUTION AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE ISSUANCE OF AN ADDITIONAL \$6,770,000 BONDS OF THE VILLAGE OF PAWLING, DUTCHESS COUNTY, NEW YORK, TO PAY THE INCREASED COST OF THE CONSTRUCTION OF ADDITIONS TO AND RECONSTRUCTION OF THE VILLAGE SEWAGE TREATMENT PLANT IN AND FOR SAID VILLAGE.

WHEREAS, the Board of Trustees of the Village of Pawling, Dutchess County, New York previously approved the construction of additions to and reconstruction of the Village sewage treatment plant, in and for said Village of Pawling, Dutchess County, New York (the "Village"), including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, and costs incidental thereto, at a maximum estimated cost of \$6,500,000; and

WHEREAS, it has now been determined that the maximum estimated cost of such capital project has increased by \$6,770,000 over that previously authorized; and

WHEREAS, such revised cost does not require a change in scope to the project previously approved and as such, no further action under the State Environmental Quality Review Act ("SEQR") is required; the project previously having been determined to be a Type I Action under SEQR for which a negative declaration was made; and

WHEREAS, it is now desired to authorize the issuance of an additional \$6,770,000 bonds of said Village for such purpose to pay a portion of the cost thereof; NOW, THEREFORE,

RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Board of Trustees of the Village of Pawling, Dutchess County, New York, as follows:

Section 1. For the specific object or purpose of paying additional costs of the construction of additions to and reconstruction of the Village sewage treatment plant in and for said the Village of Pawling, Dutchess County, New York, there are hereby authorized to be issued an additional \$6,770,000 bonds of the Village of Pawling, Dutchess County, New York, pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the plan for the financing of such \$13,270,000 maximum estimated cost is as follows:

- (i) by the issuance of the \$6,500,000 bonds authorized pursuant to a bond resolution dated January 29, 2014; and
- (ii) by the issuance of an additional \$6,770,000 bonds of said Village hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law; provided, however, the amount of bonds ultimately to be issued shall be reduced dollar for dollar by grants received in connection therewith.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law, computed from June 25, 2015, the date of the first obligations issued therefor. It is hereby further determined that the maximum maturity of the bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Village of Pawling, Dutchess County, New York, 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. To the extent not paid from other sources, including revenues from the Town of Pawling, Dutchess County, New York, and a levy on all the real property deemed benefitted by said specific object or purpose in Sewer District No. 1 as extended of the Village pursuant to Village Law Section 22-2200, there shall annually be levied on all the taxable real property of said Village, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Village Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Village Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Village Treasurer, the chief fiscal officer of such Village. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Village Treasurer shall determine 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 Village is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution 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

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. The Village Treasurer is hereby further authorized, at his sole discretion, to execute a project finance and/or loan agreement, and any other agreements with the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the object or purpose described in Section 1 hereof, or a portion thereof, by a bond or note issue of said Village in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 9. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. Upon this resolution taking effect, the same shall be published in summary form in the official newspaper of said Village designated for such purpose, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 11. **THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.**

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

Trustee Stan Mersand	VOTING	Aye
Trustee Dan Peters	VOTING	Aye
Trustee John Burweger	VOTING	Aye
Trustee Earl Slocum	VOTING	Aye
Mayor Robert Liffland	VOTING	Aye

The resolution was thereupon declared duly adopted.

Trustee Peters explained that the resolution was a requirement of the EFC to apply for additional grant money for the project. It was explained that the Board does not have to ever borrow the money but the Board needs the resolution to move forward with the application. Trustee Peters said in the interim the Commission was going to complete an income survey and finish up the grant application to make up for the difference in the estimated project amount and the bid amount.

MOTION by Trustee Mersand to approve the Second Amendment of Engagement Letter dated October 29, 2014 adding \$75,000.00 to the estimated fee for services as Attorney for the VP Sewer Treatment Expansion Project. **SECONDED** by Trustee Peters. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Mersand to authorize the engineers to file the revised Project Information Sheet with DASNY for the SAM grant for the belt filter press project, based on the authorization given by Senator Murphy's office the previous week. **SECONDED** by Trustee Peters. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Mersand to approve the minutes from May 16, 2016. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Peters to approve payment of the May bills in the amount of \$86,275.72. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Peters to approve payment of the Metro North bills in the amount of \$1,926.22. **SECONDED** by Trustee Slocum. There was no discussion; all were in favor and the motion carried.

Mr. Dennis Brunow and Mr. Mike Carter, representatives of the Pawling Fire Department, asked for permission from the Board to hold the Pawling Fire Department Carnival on August 3, 4, 5 and 6th in the village. The parade is scheduled for August 5th and fireworks are scheduled for August 6th.

MOTION by Trustee Peters to allow the carnival to be held in the Village of Pawling. **SECONDED** by Trustee Slocum. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Mersand to adjourn the meeting and go into Public Comment at 7:15 P.M. **SECONDED** by Trustee Peters. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Peters to return to regular session at 7:22 P.M. and go into Executive Session to discuss Personnel. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Peters to close Executive Session and return to regular session at 8:05 P.M. **SECONDED** by Trustee Mersand. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Peters to close the meeting at 8:05 P.M. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

Village Clerk