

TOWN BOARD SPECIAL MEETING
TOWN HALL, MAHOPAC, N.Y.

A Special Meeting of the Town Board of the Town of Carmel was called to order by Supervisor Kenneth Schmitt on the 28th day of June 2017 at 7:12 p.m. at Town Hall, 60 McAlpin Avenue, Mahopac, New York. Members of the Town Board present by roll call were: Councilman Schneider, Councilman Lupinacci, Councilman Lombardi and Supervisor Schmitt. Councilwoman McDonough was absent.

The Pledge of Allegiance to the Flag was observed prior to the start of official business. A moment of silence was held to honor those serving in the United States Armed Forces.

PUBLIC HEARING HELD - CARMEL WATER DISTRICT NOS. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13 AND 14 - PROPOSED JOINT INCREASE AND IMPROVEMENT IN THE FACILITIES - AUTOMATIC METER INFRASTRUCTURE AND WATER METER PROJECT - MAXIMUM ESTIMATED COST OF \$3,350,000.00

Supervisor Schmitt asked the Town Clerk to read the following Notice of Public Hearing as published in the Town’s official newspapers:

LEGAL NOTICE

NOTICE OF PUBLIC HEARING

Water District Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13 and 14 of the Town of Carmel, Putnam County, New York

PLEASE TAKE NOTICE that the Town Board of the Town of Carmel, Putnam County, New York, will meet at the Town Hall, 60 McAlpin Avenue, in Mahopac, New York, in said Town, on the 28th day of June, 2017, at 7:00 o'clock P.M., Prevaling Time, for the purpose of conducting a public hearing relating to the proposed joint increase and improvement of the facilities of Water District Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13 and 14, in said Town, being the automatic meter infrastructure and water meter project to replace water meters throughout the various water districts, including original

equipment, and incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$3,350,000, at which time and place said Town Board will hear all persons interested in the subject thereof concerning the same.

Such cost shall be annually apportioned among such Districts by said Town Board, and the amounts so apportioned shall be levied and collected in each District in the manner provided by law. It is expected that the apportionment of cost between Districts shall be as follows: Water District No. 1's share is 1.79% (\$60,000), Water District No. 2's share is 54.33% (\$1,820,000), Water District No. 3's share is 11.19% (\$375,000), Water District No. 4's share is 3.76% (\$126,000), Water District No. 5's share is 1.19% (\$40,000), Water District No. 6's share is 2.39% (\$80,000), Water District No. 7's share is 2.63% (\$88,000), Water District No. 8's share is 8.81% (\$295,000), Water District No. 9's share is 3.52% (\$118,000), Water District No. 10's share is 2.63% (\$88,000), Water District No. 12's share is 2.60% (\$87,000), Water District No. 13's share is 1.79% (\$60,000), and Water District No. 14's share is 3.37% (\$113,000).

The capital project has been determined to be a "Type II Action" under SEQRA, which it has been determined will not result in any adverse significant environmental impact. The map, plan and report for the capital project are on file in the office of the Town Clerk where they may be inspected during regular office hours.

Dated: Mahopac, New York, June 8, 2017.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF CARMEL PUTNAM COUNTY, NEW YORK

Ann Spofford
Town Clerk

With no one objecting to the public notice as read, Supervisor Schmitt opened the Public Hearing for public comment at 7:16 p.m. Eighteen (18) people were in attendance.

Kevin McCarthy stated that he lives on a perpendicular section of Woodland Road, a main access in Carmel Water District #9 and requested assurance that it would be included in the major spending.

Supervisor Schmitt asked Mr. McCarthy if he was referring to the water meter replacement project.

Mr. McCarthy indicated that he was referring to both the water meter replacement project as well as the water main reconstruction project.

Supervisor Schmitt clarified that the Public Hearing with regard to the water main reconstruction follows this Public Hearing and duly noted Mr. McCarthy’s comments in connection therewith.

Mr. McCarthy added that Woodland Road is a dedicated road and has been paved once. However, the section of the road that he lives on was never finished.

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Mike Preziosi, Carmel Water District #7 resident, inquired if a type of water meter has been selected. He further inquired when the water meters will be installed and by whom. Mr. Preziosi stated that he wanted to be sure that this was not a knee-jerk reaction to capture unaccounted for or unpaid revenue in the water districts.

Councilman Lombardi stated that it was actually the opposite and that the project is being commenced to assist the homeowners. Councilman Lombardi explained that the issue of sellers being responsible for large water use charges at the time of a home sale will be eliminated.

Mr. Preziosi went on to question the need for small communities with wells to be experiencing an increase in fees when they are not pulling water from an aqueduct. He further questioned if the current water meters are working and the fees are being collected, is it benefitting them to have automatic meters installed.

Supervisor Schmitt stated that part of the problem is that there is a notable percentage of water users who have water meters and are not submitting a reading to the Comptroller's office. Therefore they are sent estimated bills. The new water meters will make the billing more efficient for both the Town and the residents.

Mr. Preziosi agreed that installing automatic readers is a good idea. However, requested an explanation as to why in this juncture of time, the Town is embarking on this project. He also asked about the possibility of utilizing fund balance revenue in smaller water districts to avoid having to bond.

Supervisor Schmitt explained that there is not enough revenue in the fund balances to finance the project.

Mary Ann Maxwell, Town Comptroller further explained that the project has to be bonded as a whole. Although once the project is bonded, the fund balances in each water district will be reviewed to possibly pay off that particular part of the bond faster than another district that could not afford to do so.

With no one else present wishing to be heard on the subject of the Public Hearing, on motion by Councilman Lombardi, seconded by Councilman Lupinacci, with all members of the Town Board present in agreement, the Public Hearing was closed at 7:24 p.m.

PUBLIC INTEREST ORDER IN THE MATTER OF THE JOINT INCREASE AND IMPROVEMENT OF THE FACILITIES OF CARMEL WATER DISTRICT NOS. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13 AND 14

WHEREAS, the Town Board of the Town of Carmel, Putnam County, New York, has duly caused to be prepared a map, plan and report including an estimate of cost, pursuant to Section 202-b of the Town Law, relating to the proposed joint increase and improvement of the facilities of Water District Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13 and 14, in the Town of Carmel, Putnam County, New York (together, the "Districts"), consisting of the automatic meter infrastructure and water meter project to replace water meters throughout the various water districts, including original equipment, and incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$3,350,000 and

WHEREAS, it is expected that the apportionment of such cost between the Districts shall be as follows: Water District No. 1's share is 1.79% (\$60,000), Water District No. 2's share is 54.33% (\$1,820,000), Water District No. 3's share is 11.19% (\$375,000), Water District No. 4's share is 3.76% (\$126,000), Water District No. 5's share is 1.19% (\$40,000), Water District No. 6's share is 2.39% (\$80,000), Water District No. 7's share is 2.63% (\$88,000), Water District No. 8's share is 8.81% (\$295,000), Water District No. 9's share is 3.52% (\$118,000), Water District No. 10's share is 2.63% (\$88,000), Water District No. 12's share is 2.60% (\$87,000), Water District No. 13's share is 1.79% (\$60,000), and Water District No. 14's share is 3.37% (\$113,000); and

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(Cont.)

WHEREAS, such cost shall be annually apportioned among such Districts by said Town Board, and the amounts so apportioned shall be annually apportioned and assessed upon the several lots and parcels of land within each said District in the manner provided by law, in an amount sufficient to pay the principal and interest on said bonds as the same become due, but if not paid from such source, all the taxable real property in said Town shall be subject to the levy of ad valorem taxes without limitation as to rate or amount sufficient to pay the principal of and interest on said bonds as the same shall become due; and

WHEREAS, at a meeting of said Town Board duly called and held on June 7, 2017, an Order was duly adopted by it and entered in the minutes specifying the said Town Board would meet to consider the joint increase and improvement of facilities of Water District Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13 and 14 in said Town at a maximum estimated cost of \$3,350,000, and to hear all persons interested in the subject thereof concerning the same at the Town Hall, in Mahopac, New York, in said Town, on June 28, 2017, at 7:00 o'clock P.M., Prevailing Time; and

WHEREAS, said Order duly certified by the Town Clerk was duly published and posted as required by law; and

WHEREAS, a public hearing was duly held at the time and place set forth in said notice, at which all persons desiring to be heard were duly heard; NOW, THEREFORE, BE IT

ORDERED, by the Town Board of the Town of Carmel, Putnam County, New York, as follows:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to make the joint increase and improvement of the facilities of Water District Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13 and 14, in the Town of Carmel, Putnam County, New York, consisting of the automatic meter infrastructure and water meter project to replace water meters throughout the various water districts, including original equipment, and incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$3,350,000, allocated as hereinbefore described herein.

Section 2. This Order shall take effect immediately.

Resolution

Offered by: Councilman Schneider
Seconded by: Councilman Lupinacci

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Jonathan Schneider	<u>X</u>	<u> </u>	
John Lupinacci	<u>X</u>	<u> </u>	
Suzanne McDonough	<u> </u>	<u> </u>	Absent
Frank Lombardi	<u>X</u>	<u> </u>	
Kenneth Schmitt	<u>X</u>	<u> </u>	

ISSUANCE OF \$3,350,000.00 BONDS OF THE TOWN OF CARMEL, PUTNAM COUNTY, NEW YORK AUTHORIZED TO PAY THE COST OF THE AUTOMATIC METER INFRASTRUCTURE AND WATER METER PROJECT OF WATER DISTRICT NOS. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13 AND 14, IN THE TOWN OF CARMEL, PUTNAM COUNTY, NEW YORK - OFFERED AS PARAPHRASED AND PRE-FILED

WHEREAS, pursuant to the provisions heretofore duly had and taken in accordance with the provisions of Section 202-b of the Town Law, and more particularly an Order dated the date hereof, said Town Board has determined it to be in the public interest to improve the joint facilities of Water District Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13 and 14, in the Town of Carmel, Putnam County, New York, at a maximum estimated cost of \$3,350,000; and

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(Cont.)

WHEREAS, it is expected that the apportionment of such cost between the Districts shall be as follows: Water District No. 1's share is 1.79% (\$60,000), Water District No. 2's share is 54.33% (\$1,820,000), Water District No. 3's share is 11.19% (\$375,000), Water District No. 4's share is 3.76% (\$126,000), Water District No. 5's share is 1.19% (\$40,000), Water District No. 6's share is 2.39% (\$80,000), Water District No. 7's share is 2.63% (\$88,000), Water District No. 8's share is 8.81% (\$295,000), Water District No. 9's share is 3.52% (\$118,000), Water District No. 10's share is 2.63% (\$88,000), Water District No. 12's share is 2.60% (\$87,000), Water District No. 13's share is 1.79% (\$60,000), and Water District No. 14's share is 3.37% (\$113,000); and

WHEREAS, the capital project hereinafter described, as proposed, has been determined to be a Type II Action pursuant to 6NYCRR Part 617.5(c)(2) of the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, which as such will not have any significant adverse effects on the environment; and

WHEREAS, it is now desired to authorize such capital project and its financing; NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Carmel, Putnam County, New York, as follows:

Section 1. For the specific object or purpose of paying the cost of the increase and improvement of Water District Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13 and 14, in the Town of Carmel, Putnam County, New York, consisting of the automatic meter infrastructure and water meter project to replace water meters throughout the various water districts, including original equipment, and incidental improvements and expenses in connection therewith, there are hereby authorized to be issued \$3,350,000 bonds of said Town pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific object or purpose is \$3,350,000, which specific object or purpose is hereby authorized at said maximum estimated cost, and that the plan for the financing thereof is by the issuance of the \$3,350,000 bonds of said Town authorized to be issued pursuant to this bond resolution.

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 1 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Town of Carmel, Putnam 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 monies raised from said Water District Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13 and 14 in the manner provided by law, there shall annually be levied on all the taxable real property of said Town, 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 Supervisor, 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 Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of said Town, including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, the Supervisor shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Supervisor shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

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Section 7. 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 Supervisor, the chief fiscal officer of such Town. 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 Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 8. The Supervisor 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 Department of Health and/or 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 specific object or purpose described in Section 1 hereof, or a portion thereof, by a bond, and/or note issue of said Town in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 9. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the Supervisor. Such notes shall be of such terms, form and contents as may be prescribed by said Supervisor consistent with the provisions of the Local Finance Law.

Section 10. 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 Town 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 11. 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 12. This resolution, which takes effect immediately, shall be published in summary form in the official newspapers, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Resolution

Offered by: Councilman Lombardi
Seconded by: Councilman Lupinacci and Councilman Schneider

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Jonathan Schneider	<u>X</u>	<u> </u>	
John Lupinacci	<u>X</u>	<u> </u>	
Suzanne McDonough	<u> </u>	<u> </u>	Absent
Frank Lombardi	<u>X</u>	<u> </u>	
Kenneth Schmitt	<u>X</u>	<u> </u>	

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PUBLIC HEARING HELD - CARMEL WATER DISTRICT #9 - INCREASE AND IMPROVEMENT IN THE FACILITIES - RECONSTRUCTION OF WATER MAINS - MAXIMUM ESTIMATED COST OF \$882,800.00.00

Supervisor Schmitt asked the Town Clerk to read the following Notice of Public Hearing as published in the Town's official newspapers:

<p style="text-align: center;">LEGAL NOTICE</p> <p style="text-align: center;">NOTICE OF PUBLIC HEARING NOTICE IS HEREBY GIVEN that the Town Board of the Town of Carmel, Putnam County, New York, will meet at the Town Hall, 60 McAlpin Avenue, in Mahopac, New York, on June 28, 2017, at 7:00 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon a certain map, plan and report, including an estimate of cost, in relation to the proposed increase and improvement of the facilities of Carmel Water District No. 9, in said Town, consisting of the reconstruction of water mains, including incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$882,800.</p>	<p>Said capital project has been determined to be a Type II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act ("SEQRA"), the implementation of which as proposed, said regulations provide will not result in any significant adverse environmental impacts. At said public hearing said Town Board will hear all persons interested in the subject matter thereof. Dated: Mahopac, New York, June 8, 2017. BY ORDER OF THE TOWN BOARD OF THE TOWN OF CARMEL, PUTNAM COUNTY, NEW YORK Ann Spofford Town Clerk</p>
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With no one objecting to the public notice as read, Supervisor Schmitt opened the Public Hearing for public comment at 7:28 p.m. Thirteen (13) people were in attendance.

Frances Goodwin, Carmel Water District #9 resident, inquired when the project will commence.

Richard Franzetti, Town Engineer replied that bids will be solicited in the fall for construction to commence in the spring of 2018.

Michael Barile commented that the Town Board is falling into a pattern of distributing informational packets that do not include all of the numbers that the public is entitled to see. Mr. Barile stated that he understands that when going out to bond for a project, the numbers are estimated high to avoid having to go back to increase the bond amount but questioned why the Town Engineer did not prepare the bid sheet.

Mr. Franzetti stated that the Engineering Department has prepared this information.

Mr. Barile asked Mr. Franzetti if the estimated cost of \$882,800.00 is his number.

Mr. Franzetti stated that it was prepared by John Folchetti as part of the Engineering Department.

Mr. Barile asked Mr. Franzetti if he oversaw the numbers and if he agrees with the estimate cost.

Mr. Franzetti confirmed that he agreed with the estimated cost for the project.

Mr. Barile commented that he has installed many water mains in the Town and has never paid a construction administration fee because they were always inspected by Rob Vara. Mr. Barile asked what has changed in that now there is a construction administration fee included in this cost estimate.

Mr. Franzetti stated that Rob Vara is not the person that will be doing that.

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Councilman Lupinacci stated that Rob Vara has never done capital projects. He has done subdivisions and site plans.

Mr. Barile questioned the \$35,000.00 in fees for permitting included in the cost estimate. He stated that there should be no fees to the Town of Carmel for upgrading the water system; that a letter is submitted to the Board of Health and they in turn sign off on it. Mr. Barile stated that he could identify \$150,000.00 of the \$882,800.00 estimate that could be shaved off the cost. Mr. Barile went on to state that every homeowner in the water district should be advised of the exact breakdown of the expenditures and that the breakdown should be included in the Public Hearing notice. He suggested that homeowners in the district establish a committee to see where the money is going. Mr. Barile asked if anyone on the Town Board looked at the numbers in connection with the project.

Councilman Lupinacci stated that the entire Town Board reviewed them after review by the Town Engineer, Town Comptroller and Bond Counsel.

Mr. Barile commented that the \$48,800.00 construction administration cost is a slap in the face to the 160 homeowners that will be required to pay it since the Town has an adequate, capable, in-house employee that can do it and has done it before. He expressed his frustration with the \$50,000 for maintenance and protection of traffic as well as the \$30,000 included for temporary water service included in the cost estimate. Mr. Barile commented that with these high numbers being plugged-in for costs, bidders are going submit their bids close to that number and remarked that the bid sheets are being prepared with complacency.

With no one else present wishing to be heard on the subject of the Public Hearing, on motion by Councilman Lombardi, seconded by Councilman Schneider, with all members of the Town Board present in agreement, the Public Hearing was closed at 7:36 p.m.

PUBLIC INTEREST ORDER IN THE MATTER OF THE INCREASE AND IMPROVEMENT OF FACILITIES OF CARMEL WATER DISTRICT #9 IN THE TOWN OF CARMEL - OFFERED AS PARAPHRASED AND PRE-FILED

WHEREAS, the Town Board of the Town of Carmel, Putnam County, New York, has duly caused to be prepared a map, plan and report including an estimate of cost, pursuant to Section 202-b of the Town Law, relating to the proposed increase and improvement of the facilities of Carmel Water District No. 9, in the Town of Carmel, Putnam County, New York, consisting of the reconstruction of water mains, including incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$882,800 and

WHEREAS, at a meeting of said Town Board duly called and held on June 7, 2017, an Order was duly adopted by it and entered in the minutes specifying the said Town Board would meet to consider the increase and improvement of facilities of Carmel Water District No. 9 in said Town at a maximum estimated cost of \$882,800, and to hear all persons interested in the subject thereof concerning the same at the Town Hall, in Mahopac, New York, in said Town, on June 28, 2017, at 7:00 o'clock P.M., Prevailing Time; and

WHEREAS, said Order duly certified by the Town Clerk was duly published and posted as required by law; and

WHEREAS, a public hearing was duly held at the time and place set forth in said notice, at which all persons desiring to be heard were duly heard; NOW, THEREFORE, BE IT

ORDERED, by the Town Board of the Town of Carmel, Putnam County, New York, as follows:

(Cont.)

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to make the increase and improvement of the facilities of Carmel Water District No. 9, in the Town of Carmel, Putnam County, New York, consisting of the reconstruction of water mains, including incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$882,800.

Section 2. This Order shall take effect immediately.

Resolution

Offered by: Councilman Lupinacci
Seconded by: Councilman Lombardi and Councilman Schneider

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Jonathan Schneider	<u>X</u>	<u> </u>	
John Lupinacci	<u>X</u>	<u> </u>	
Suzanne McDonough	<u> </u>	<u> </u>	Absent
Frank Lombardi	<u>X</u>	<u> </u>	
Kenneth Schmitt	<u>X</u>	<u> </u>	

CARMEL WATER DISTRICT #9 - ISSUANCE OF \$882,800.00 BONDS OF THE TOWN OF CARMEL, PUTNAM COUNTY, NEW YORK AUTHORIZED TO PAY THE COST OF THE INCREASE AND IMPROVEMENT OF THE FACILITIES - OFFERED AS PARAPHRASED AND PRE-FILED

WHEREAS, pursuant to the provisions heretofore duly had and taken in accordance with the provisions of Section 202-b of the Town Law, and more particularly an Order dated the date hereof, said Town Board has determined it to be in the public interest to improve the facilities of Carmel Water District No. 9, in the Town of Carmel, Putnam County, New York, at a maximum estimated cost of \$882,800; and

WHEREAS, the capital project hereinafter described, as proposed, has been determined to be a Type II Action pursuant to 6NYCRR Part 617.5(c)(2) of the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, which as such will not have any significant adverse effects on the environment; and

WHEREAS, it is now desired to authorize such capital project and its financing; NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Carmel, Putnam County, New York, as follows:

Section 1. For the specific object or purpose of paying the cost of the increase and improvement of Carmel Water District No. 9, in the Town of Carmel, Putnam County, New York, consisting of the reconstruction of water mains, including incidental improvements and expenses in connection therewith, there are hereby authorized to be issued \$882,800 bonds of said Town pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific object or purpose is \$882,800, which specific object or purpose is hereby authorized at said maximum estimated cost, and that the plan for the financing thereof is by the issuance of the \$882,800 bonds of said Town authorized to be issued pursuant to this bond resolution.

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 1 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Town of Carmel, Putnam 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 monies raised from said Carmel Water District No. 9 in the manner provided by law, there shall annually be levied on all the taxable real property of said Town, a tax

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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 Supervisor, 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 Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of said Town, including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, the Supervisor shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Supervisor shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 7. 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 Supervisor, the chief fiscal officer of such Town. 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 Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 8. The Supervisor 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 Department of Health and/or 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 specific object or purpose described in Section 1 hereof, or a portion thereof, by a bond, and/or note issue of said Town in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 9. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the Supervisor. Such notes shall be of such terms, form and contents as may be prescribed by said Supervisor consistent with the provisions of the Local Finance Law.

Section 10. 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 Town 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 11. 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 12. This resolution, which takes effect immediately, shall be published in summary form in the official newspapers, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

(Cont.)

Resolution
Offered by: Councilman Schneider
Seconded by: Councilman Lupinacci

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Jonathan Schneider	<u>X</u>	<u> </u>	
John Lupinacci	<u>X</u>	<u> </u>	
Suzanne McDonough	<u> </u>	<u> </u>	Absent
Frank Lombardi	<u>X</u>	<u> </u>	
Kenneth Schmitt	<u>X</u>	<u> </u>	

PUBLIC COMMENTS - AGENDA ITEMS

No member of the public wished to comment at this time.

TOWN BOARD MEMBER COMMENTS - AGENDA ITEMS

No member of the Town Board wished to comment at this time.

ADJOURNMENT

All agenda items having been addressed, on motion by Councilman Lombardi, seconded by Councilman Schneider, with all Town Board members present in agreement, the Special Meeting was adjourned at 7:40 p.m. to the scheduled Work Session.

Respectfully submitted,

Ann Spofford, Town Clerk