

VILLAGE OF CORNWALL-ON-HUDSON BOARD OF TRUSTEES

November 29, 2016

A Special Meeting of the Board of Trustees was called to order at 8:30 A.M., at 325 Hudson St., Cornwall-on-Hudson, N.Y on a motion introduced by Trustee Carnright, seconded by Trustee Kane and carried upon a vote of 4 Ayes and 0 Nays.

The following Board Members were in attendance:

Mayor Brendan G. Coyne
Deputy Mayor Mark J. Edsall
Trustee James P. Kane
Trustee David Carnright

Absent was: Trustee Kenneth A. Schmidt (medical appointment)

Also present was: DPW Superintendent David Halvorsen and Village Clerk Jeanne Mahoney

BOND RESOLUTION – BLACK ROCK WATER TREATMENT PLANT CLEARWELL REHABILITATION PROJECT

Trustee Carnright introduced the following resolution and moved for its adoption.

A RESOLUTION AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE REHABILITATION AND RECONSTRUCTION OF THE BLACK ROCK WATER TREATMENT PLANT, IN AND FOR THE VILLAGE OF CORNWALL-ON-HUDSON, ORANGE COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$350,000 AND AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$350,000 SERIAL BONDS OF SAID VILLAGE TO PAY THE COST THEREOF.

WHEREAS, the capital project hereinafter described 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, the implementation of which as proposed, such regulations provide will not result in any significant environmental effects; and

WHEREAS, it is now desired to authorize the financing thereof, **NOW, THEREFORE**,

BE IT 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 Cornwall-on-Hudson, Orange County, New York (the “Village”), as follows:

Section 1. The rehabilitation and reconstruction of the Black Rock Water Treatment Plant, including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, for the Village of Cornwall-on-Hudson, Orange County, New York, is hereby authorized, subject to permissive referendum, at a maximum estimated cost of \$350,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of not exceeding \$350,000 serial bonds of said Village, hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

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 Village of Cornwall-on-Hudson, Orange 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. 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. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Village Treasurer, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as she shall deem best for the interests of said Village, 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 Village Treasurer 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 Village Treasurer 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 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 8. The Village Treasurer is hereby further authorized, at her 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 Village in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 10. 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 Village Treasurer. Such notes shall be of such terms, form and contents as may be prescribed by said Village Treasurer consistent with the provisions of the Local Finance Law.

Section 11. 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 12. 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 13. Upon this resolution taking effect, the same shall be published in summary form in the official newspaper of said Village 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 14. THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM

The foregoing resolution was seconded by Deputy Mayor Edsall and opened for discussion.

Deputy Mayor Edsall noted that this project is currently under construction. The change orders are due to the fact that part of the work was to uncover “what existed”, and the contractor did not know the extent of damage until they uncovered it. Although it is “disappointing” that money has to be borrowed, Mr. Edsall feels it is a necessity. This project has exceeded the current operating budget so the Village must borrow money “short term”. Although the bond resolution

indicates that the maturity of the note will be more than 5 years, it is the Village Board's intent to budget accordingly going forward to repay the note in five years or less.

Trustee Kane noted that the Village tried to pay this project out of our operating budget but the change orders and scope of the project has enlarged so a short term borrowing is necessary. Mr. Kane further noted that the Village has not issued any water fund borrowings in several years, paid off all existing short-term debt, and has been working diligently toward paying down the remaining long-term water fund debt.

Mayor Coyne then called for a vote which resulted in 4 Ayes and 0 Nays.

RESOLUTION OF THE VILLAGE BOARD OF THE VILLAGE OF CORNWALL-ONHUDSON SETTING A TIME AND PLACE FOR A PUBLIC HEARING ON A PROPOSED LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-c

Mayor Coyne introduced the following resolution and moved for its adoption.

WHEREAS, the Village Board is mindful that prudent fiscal decisions are one of the mainstays of good government, the Village Board is also mindful that certain essential services must be provided to the residents of the Village of Cornwall-on-Hudson. The Village Board desires to have the flexibility to adopt a budget for the fiscal year commencing 2016 that exceeds the real property "tax levy limit" as defined by General Municipal Law § 3-c if necessary to provide essential services;

WHEREAS, the Village Board wishes to set a time and place for a public hearing to consider overriding the tax levy limit established in General Municipal Law §3-c;

NOW, THEREFORE, IT IS HEREBY

RESOLVED, that the Village Board hereby determines that it will be the lead agency with respect to the review of the proposed local law (the "project") in accord with New York State Environmental Quality Review Act ("SEQRA") and part 617 of the regulations implementing SEQRA, since there are no other agencies that have the authority to approve the project; and let it be further

RESOLVED, that the Village Board hereby classifies the action as an unlisted action under SEQRA; and let it be further

RESOLVED, that a public hearing be held by the Village Board in order to receive comments and suggestions regarding the proposed local law to override of the tax levy limit established in General Municipal Law §3-c, and to receive any comments concerning the potential adverse environmental impacts of the proposed legislation in accord with SEQRA, on December 19, 2016, at 7:02 p.m. or as soon thereafter as it may be heard, at the Village Hall located at 325 Hudson Street, Cornwall-on-Hudson, New York; and it is further

RESOLVED, that the Village Clerk is hereby authorized and directed to cause public notice of said hearing to be given as provided by law. The foregoing resolution was seconded by Trustee Carnright and carried upon a vote of 4 Ayes and 0 Nays.

DPW PROMOTION APPOINTMENTS

Deputy Mayor Edsall made a motion to promote Andrew Stathes and Joseph McCormick to the open two (2) positions of Motor Equipment Operator (MEO) effective November 30, 2016 at 23.97 per hour as per the current CSEA contract which was seconded by Trustee Carnright and carried upon a vote of 4 Ayes and 0 Nays.

NON-UNION EMPLOYMENT AGREEMENTS

Deputy Mayor Edsall stated that individual employment agreement negotiations with department heads are on-going. He would like to schedule special meeting(s) in order to adjourn into executive session to conduct additional negotiations with the full Village Board either later this week and/or early next week.

Having concluded the business set before them, Deputy Mayor Edsall moved to close the Special Meeting and re-open the work session at 8:47 AM which was seconded by Trustee Carnright and carried by a vote of 4 Ayes and 0 Nays.