

SPECIAL MEETING

TOWN BOARD
TOWN OF OSSINING
16 CROTON AVENUE
3RD FLOOR
OSSINING, NEW YORK 10562

October 6, 2009
7:30 PM

SUPERVISOR

Catherine Borgia

COUNCILMEMBERS

Geoffrey Harter Michael L. Tawil
David Krieger Northern Wilcher

I. CALL TO ORDER –PLEDGE OF ALLEGIANCE-ROLL CALL

The Special Meeting of the Town Board of the Town of Ossining was held on October 6, 2009 in the Municipal Building, 16 Croton Avenue, Ossining, New York. The meeting was called to order at 7:30 P.M. by Supervisor Catherine Borgia. Other members present were: Geoffrey Harter, Northern Wilcher, David Krieger, and Michael Tawil. Also present were, Wayne Spector Town Attorney, Connie Cerny, Budget Officer, Jim Vanoli, Consulting Engineer; and Ann Marie Rocco, Deputy Town Clerk.

The Public Hearing was opened at 7:35 P.M. by Supervisor Borgia.

II. PUBLIC HEARING

- A. In the Matter of the Increase and Improvement of the Facilities of Torbank Sewer District in the Town of Ossining, Westchester County, New York -\$1,200,000
- B. In the Matter of the Increase and Improvement of the Facilities of Stormytown Sewer District in the Town of Ossining, Westchester County, New York-\$2,000,000

III. PUBLIC COMMENT ON AGENDA ITEMS

Consulting Engineer, Jim Vanoli, advised that this most cost effective way to repair both systems at this time.

Councilmember Harter also reminded the Board that if the Town does not repair the sewer systems at this time it will remain a health hazard due to the raw sewage that is leaking through the foundation.

IV. TOWN BOARD RESOLUTIONS

- A. A Resolution In the Matter of the Increase and Improvement of the Facilities of Torbank Sewer District in the Town of Ossining, Westchester County, New York - \$1,200,000

Councilmember Tawil moved and it was seconded by Councilmember Krieger that the following resolution be approved:

WHEREAS, the Town Board of the Town of Ossining, Westchester 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 increase and improvement of the facilities of the

Torbank Sewer District in the Town of Ossining, Westchester County, New York, consisting of the construction of gravity sewer lines and demolition of the existing pump station; and

WHEREAS, at a meeting of said Town Board duly called and held on September 15, 2009, 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 the facilities of the Torbank Sewer District in said Town at a maximum estimated cost of \$1,200,000 and to hear all persons interested in the subject thereof concerning the same at the Town Hall, 16 Croton Avenue, in Ossining, New York, in said Town, on October 6, 2009, at 7:30 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 Ossining, Westchester 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 improvement, to increase and improve the facilities of Torbank Sewer District in the Town of Ossining, Westchester County, New York, consisting of the construction of gravity sewer lines and demolition of the existing pump station, at a maximum estimated cost of \$1,200,000.

Section 2. This order shall take effect immediately.

Motion Carried: Unanimously

B. A Resolution In the Matter of the Increase and Improvement of the Facilities of Stormytown Sewer District in the Town of Ossining, Westchester County, New York- \$2,000,000

Councilmember Tawil moved and it was seconded by Councilmember Krieger that the following resolution be approved:

WHEREAS, the Town Board of the Town of Ossining, Westchester 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 increase and improvement of the facilities of the Stormytown Sewer District in the Town of Ossining, Westchester County, New York, consisting of the construction of gravity sewer lines and demolition of the existing pump station; and

WHEREAS, at a meeting of said Town Board duly called and held on September 15, 2009, 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 the facilities of the Stormytown Sewer District in said Town at a maximum estimated cost of \$2,000,000 and to hear all persons interested in the subject thereof concerning the same at the Town Hall, 16 Croton Avenue, in Ossining, New York, in said Town, on October 6, 2009, at 7:30 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 Ossining, Westchester 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 improvement, to increase and improve the facilities of Stormytown Sewer District in the Town of Ossining, Westchester County, New York, consisting of the construction of gravity sewer lines and demolition of the existing pump station, at a maximum estimated cost of \$2,000,000.

Section 2. This order shall take effect immediately

Motion Carried: Unanimously

C. A Resolution authorizing the issuance of \$1,200,000 serial bonds of the Town of Ossining, Westchester County, New York, to pay the cost of the increase and improvement of the facilities of Torbank Sewer District in the Town of Ossining, Westchester, County, New York.

Councilmember Harter moved and it was seconded by Councilmember Krieger that the following resolution be approved:

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 October 6, 2009, said Town Board has determined it to be in the public interest to increase the facilities of Torbank Sewer District in the Town of Ossining, Westchester County, New York, at a maximum estimated cost of \$1,200,000; and

WHEREAS, it is now desired to provide funding for such capital project; NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Ossining, Westchester County, New York, as follows:

Section 1. For the specific object or purpose of paying the cost of the increase and improvement of the facilities of Torbank Sewer District in the Town of Ossining, Westchester County, New York, consisting of the construction of gravity sewer lines and demolition of the existing pump station, there are hereby authorized to be issued \$1,200,000 serial 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 \$1,200,000 and that the plan for the financing thereof is by the issuance of the \$1,200,000 serial 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 4 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. 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 5. The faith and credit of said Town of Ossining, Westchester County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such bonds as the same respectively become due and payable. There shall be annually assessed upon all the taxable real property within said Torbank Sewer District in the manner provided by law 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.

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 or she shall deem best for the interests of the Town.

Section 7. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Town by the facsimile signature of its Supervisor, providing for the manual countersignature of a fiscal agent or of a designated official of the Town), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Supervisor.

Section 8. The Supervisor is hereby further authorized, at his sole discretion, to execute a project financing and 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 class of objects or purposes described in Section 1 hereof, or a portion thereof, by a bond 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 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 10. 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 11. This resolution which takes effect immediately shall be published in summary form in the Journal News, the official newspaper, together with a notice of the Town Clerk in substantially the form provided in Section 81 of the Local Finance Law.

Motion Carried: Unanimously

- D. A Resolution authorizing the issuance of \$2,000,000 serial bonds of the Town of Ossining, Westchester County, New York to pay the cost of the increase and improvement of the facilities of Stormytown Sewer District in the Town of Ossining, Westchester County, New York.

Councilmember Tawil moved and it was seconded by Councilmember Krieger that the following resolution be approved:

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 October 6, 2009, said Town Board has determined it to be in the public interest to increase the facilities of Stormytown Sewer District in the Town of Ossining, Westchester County, New York, at a maximum estimated cost of \$2,000,000; and

WHEREAS, it is now desired to provide funding for such capital project; NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Ossining, Westchester County, New York, as follows:

Section 1. For the specific object or purpose of paying the cost of the increase and improvement of the facilities of Stormytown Sewer District in the Town of Ossining, Westchester County, New York, consisting of the construction of gravity sewer lines and demolition of the existing pump station, there are hereby authorized to be issued \$2,000,000 serial 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 \$2,000,000 and that the plan for the financing thereof is by the issuance of the \$2,000,000 serial 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 4 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. 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 5. The faith and credit of said Town of Ossining, Westchester County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such bonds as the same respectively become due and payable. There shall be annually assessed upon all the taxable real property within said Stormytown Sewer District in the manner provided by law 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.

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 or she shall deem best for the interests of the Town.

Section 7. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Town by the facsimile signature of its Supervisor, providing for the manual countersignature of a fiscal agent or of a designated official of the Town), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Supervisor.

Section 8. The Supervisor is hereby further authorized, at his sole discretion, to execute a project financing and 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 class of objects or purposes described in Section 1 hereof, or a portion thereof, by a bond 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 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 10. 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 11. This resolution which takes effect immediately shall be published in summary form in the Journal News, the official newspaper, together with a notice of the Town Clerk in substantially the form provided in Section 81 of the Local Finance Law.

Motion Carried: Unanimously

V. ADJOURNMENT

At 8: 10 P.M., Councilmember Tawil moved and it was seconded by Councilmember Krieger that the Special Meeting be adjourned to the Regular Work Session.

Motion Carried: Unanimously

Approved:

Mary Ann Roberts, Town Clerk