

Weekly Town Board Meeting
March 11, 2009

The Town Board of the Town of Philipstown held their Weekly Meeting on the above date at 7:30 p.m. at the Town Hall, 238 Main Street, Cold Spring, New York.

PRESENT:

William Mazzuca	Supervisor
Betty Budney	Councilwoman
Richard Shea	Councilman
Barbara Scuccimarra	Councilwoman

ABSENT:

Nancy Montgomery	Councilwoman
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AGENDA

1. Resolution needed determining that the Cortlandt Lake Dam Project is in the public's interest.

RESOLUTION #77-09

The following Resolution was presented by Councilwoman Scuccimarra, seconded by Councilwoman Budney;

WHEREAS, the Town Board of the Town of Philipstown, 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 increase and improvement of the facilities of the Continental Village Park District in the Town of Philipstown, Putnam County, New York, consisting of the Cortlandt Lake Dam rehabilitation project, including original equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith; and

WHEREAS, at a meeting of said Town Board duly called and held on February 12, 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 Continental Village Park District in said Town at a maximum estimated cost of \$772,250 and to hear all persons interested in the subject thereof concerning the same at the Town Hall, 238 Main Street, Cold Spring in Philipstown, York, in said Town, on March 5, 2009, at 7:45 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

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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 hears; **NOW, THEREFORE, BE IT**

ORDERED, by the Town Board of the Town of Philipstown, 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 improvement, to increase and improve the facilities of Continental Village Park District in the Town of Philipstown, Putnam County, New York, consisting of the Cortlandt Lake Dam rehabilitation project, including original equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$772,250.

Section 2. This order shall take effect immediately.

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

William Mazzuca	VOTING	AYE
Betty Budney	VOTING	AYE
Richard Shea	VOTING	AYE
Barbara Scuccimarra	VOTING	AYE
Nancy Montgomery		ABSENT

The order was thereupon declared duly adopted.

2. Bond Resolution in connection with the financing of the Cortlandt Lake Dam rehabilitation project.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$772,250 SERIAL BONDS OF THE TOWN OF PHILIPSTOWN, PUTNAM COUNTY, NEW YORK, TO PAY THE COST OF THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE CONTINENTAL VILLAGE PARK DISTRICT IN THE TOWN OF PHILIPSTOWN, PUTNAM COUNTY, NEW YORK.

RESOLUTION #78-09

The following Resolution was presented by Councilman Shea, seconded by Councilwoman Scuccimarra;

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 March 11, 2009, said Town Board has determined it to be in the public interest to increase and improve the facilities of Continental

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Village Park District in the Town of Philipstown, Putnam County, New York, at a maximum estimated cost of \$772,250; 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 Philipstown, Putnam 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 Continental Village Park District in the Town of Philipstown, Putnam County, New York, consisting of the Cortlandt Lake Dam rehabilitation project, including original equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, there are hereby authorized to be issued \$772,250 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 \$772,250 and that the plan for the financing thereof is by the issuance of the \$772,250 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 fifteen years, pursuant to subdivision 19(c) 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 Philipstown, Putnam County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such obligations as the same respectively become due and payable. There shall be annually assessed upon all the taxable real property within said Continental Village Park 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.

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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 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 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. This resolution which takes effect immediately shall be published in full or in summary form in the ***Putnam County News & Recorder***, the official newspaper, together with a notice of the Town Clerk in substantially the form provided in Section 81 of the Local Finance Law.

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

William Mazzuca	VOTING	AYE
Betty Budney	VOTING	AYE

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Richard Shea	VOTING	AYE
Barbara Scuccimarra	VOTING	AYE
Nancy Montgomery		ABSENT

The resolution was thereupon declared duly adopted.

3. Resolution confirming the Town's authorization of entering a contract with Harrison Park Associates to perform the required work at the Cortlandt Lake Dam rehabilitation project.

RESOLUTION #79-09

The following Resolution was presented by Councilwoman Budney, seconded by Councilman Shea and unanimously carried;

WHEREAS, the Town Board has authorized borrowing funds in the estimated amount of \$722,250.00 on behalf of the Philipstown Continental Village Park District to pay for improvements in connection with the Cortlandt Lake Dam rehabilitation project; and

WHEREAS, the Town wishes to confirm its authorization of entering a contract with Harrison Park Associates in the total sum of \$1,070,000.00 to perform the required work in connection with said Cortlandt Lake Dam rehabilitation project;

NOW, THEREFORE, be it

RESOLVED, that the Town Board on behalf of the Philipstown Continental Village Park District does hereby authorize and agree that the contract in connection with the Cortlandt Lake Dam rehabilitation project be awarded to Harrison Park Associates for \$1,070,000.00

There being no further business to address, Town Clerk Merando was excused from the Weekly Town Board Meeting at 7:45 p.m.

Respectfully submitted by,

Tina M. Merando
Town Clerk