

**Regular Monthly Board Meeting
Monday, February 9, 2015**

PRESENT: Deputy Mayor Brian Johnson, Trustees; Douglas Cropper and Laurence Ostrander, Attorney Robert Fitzsimmons, Clerk/Treasurer Kimberly J Simmons.

MOTION: to approve the minutes of the previous meeting was made by Trustee Ostrander, seconded by Trustee Cropper. ALL AYES, NO NAYS.

MOTION: to approve the treasurer's report made by Trustee Cropper, seconded by Trustee Ostrander. ALL AYES, NO NAYS.

MOTION: to approve payment of bills (General, Water, Sewer, Library, Trust & Agency, Summit Lake and Health Care Deductible abstract's #9, BOA Grant Account Abstract # 4,) made by Trustee Cropper, seconded by Trustee Ostrander. ALL AYES, NO NAYS

PUBLIC REQUESTS:

Edward Alexander asked the board about the letter he wrote pertaining to how an employee of the village treated him during a recent snow storm. Deputy Mayor Johnson stated that the employee involved will be handled in accordance with his Union contract and a letter will be written and entered into his employee folder. A yearly evaluation will also be done on the employee involved per his union contract.

Bill Layton showed pictures to the board of snow that was thrown into his yard by the department of public works employees and was told that the men will be sent down to clean it up. He also inquired about the snow bank that has been left in front of the post office. The board told him that this problem has already been rectified and the reason behind it.

Michael Simmons then asked about the snow plowing problems he has had with the department. Deputy Mayor Johnson told him that after looking at the road he would have plowed it the same way. The big truck was down and the men were plowing with the little truck. After some discussion Deputy Mayor Johnson will have a look at the road again and speak with the men about the situation. After more discussion Trustee Ostrander noted that there seems to be a personality issue that needs to be addressed.

Mr. Alexander then told the board about problems in the area with recent attempted car break in's. Officer in Charge Doyle told Mr. Alexander to call 911 if he has a problem in the future. He should by no means chase the suspects. When a call goes into 911 they will send any available unit, so it's important to call as soon as possible. Trustee Cropper spoke about another incident in the area that he has heard of. There was talk about a group of kids in the area and the police were asked to check into the juvenile curfew. OIC Doyle stated to the board that the problem seems to be with the parents of these youths, as the police department has been dealing with them on an ongoing basis.

Mr. Alexander then spoke about giving tickets to people who don't shovel their sidewalks being unfair to the rest of the residents of the village because the village snow blows Main Street, but not the rest of the village. OIC Doyle answered by stating that when the State plows Main Street, they show no mercy and plow the entire road pushing everything onto the sidewalks. On the other hand, when the village plows they try to take into account that the sidewalks are there and don't push the snow as far back. Mr. Alexander then spoke about the need for a new sidewalk in front of his home.

Mr. Simmons then spoke to the board about the department of public works throwing his garbage cans after they empty them and his cans break. He told the board that in the past five years he has had four garbage cans broken. The board will speak with the department.

Brian Ostrander then asked the board who is responsible for keeping the fire hydrants clear. After much discussion, there was no clear answer to this question. If Mr. Ostrander is out clearing the hydrants it was determined that he would be covered by the village's insurance if something happened to him while doing this because he is a volunteer fireman. The need for hydrants to be marked came up because they are covered with snow. The board will put a request out to homeowners to please make sure that the hydrants near their property are accessible.

ATTORNEY FITZSIMMONS:

Attorney Fitzsimmons reported work with ongoing projects.

CLERK/TREASURER SIMMONS: The Village Office will be closed on Monday February 16th for Presidents Day. Water termination letters were mailed out today to those still owing their October 2014 water/sewer bills, termination has been set for March 11th at noon. All the usual office tasks have been completed (monthly reports, accounts payable/receivable, garbage sticker sales etc.). Work on next year's budget has started. Just a reminder that petitions for the upcoming Village Elections must be turned in no later than February 10th for the March 18th elections.

POLICE REPORT: Given by Officer in Charge Doyle. He noted that they will be enforcing the sidewalk and overnight parking laws as well as people throwing snow into the roads. The full report is available in the office for review.

LIBRARY REPORT: The report was given by Trustee Cropper. It noted work on the new roof has stopped and repairs to the old roof are complete. The library has had another successful soup sale month, movies are being shown about twice a week and plans are being made for the Summer Reading Program. A copy of the full report is available in the office for review.

COMMUNITY CENTER: Report was read by Trustee Cropper. Walls in the kitchen are now complete. Supplies have been reorganized and moved. The center will be holding a NYS Safe Boating Course in partnership with the Philmont Rod and Gun Club. The class will take place in March. A copy of the full report is available in the office for review.

MAYOR SPEED: No report, on vacation.

DEPUTY MAYOR JOHNSON: He read the DPW/WA/SW reports, a copy of which are available in the office for review. He then reported dealing with several complaints, truck and clarifier problems and a freeze up issue on Columbia Avenue.

TRUSTEE SAGAL: No report, on vacation.

TRUSTEE OSTRANDER: Trustee Ostrander reported meeting with Trustee Sagal and Sally Baker on grant related issues. He noted that there will be a Community Open House on Tuesday February 24th from 11am – 7pm to be held at the library. It will be during this time that members of the public will be able to ask questions about the plan for our waterfront. He also noted he will be having a meeting with Monolith Solar Wednesday. The first budget meeting will be held immediately after. He noted that the old record room downstairs is now all clear and the fire department is using the added space. He also noted the oil tank for the village hall will soon be moving inside.

TRUSTEE CROPPER: He reported work on the Emergency Management Plan is complete and the changes should be adopted next month. He also has worked with the clerk and Trustee Johnson about sewer account issues. He attended the community day committee meeting where the fireworks contract was signed. The community day committee will be having another breakfast fundraiser which will be held on March 22nd. He also encouraged the public to voice their concerns about Pine Haven to Columbia County at their meeting to be held on State Street in Hudson on February 23rd at 6:30pm.

CORRESPONDENCE LIST PROVIDED TO THE PUBLIC

MOTIONS AND RESOLUTIONS:

MOTION to close the General, Library, Trust and Agency and Payroll Checking accounts, as well as the Health Care Deductible account, with Key Bank was made by Trustee Ostrander, seconded by Trustee Cropper. ALL AYES, NO NAYS

MOTION to re-appoint Matthew Oakley as a member of the Philmont Planning Board for a five (5) year term to expire March 1, 2020 contingent on making sure he has all of his contact hours, was made by Trustee Ostrander, seconded by Trustee Cropper. ALL AYES, NO NAYS

MOTION to re-appoint Mary Prazma as Philmont Planning Board Chairperson for a one year term (through March 1, 2016) was made by Trustee Ostrander, seconded by Trustee Cropper. ALL AYES, NO NAYS.

MOTION to re-appoint Kurt Basl as Philmont Zoning Board of Appeals Chairperson for a one year term (through March 1, 2016) was made by Trustee Cropper, seconded by Trustee Ostrander. ALL AYES, NO NAYS.

MOTION to move funds within accounts as needed was made by Trustee Ostrander, seconded by Trustee Cropper. ALL AYES, NO NAYS

MOTION to appoint Grant Prime as a member of the Philmont Zoning Board for a term of five (5) years, ending March 1, 2020, was made by Trustee Cropper, seconded by Trustee Ostrander. ALL AYES, NO NAYS.

MOTION to take action against delinquent water/sewer users was made by Trustee Cropper, seconded by Trustee Ostrander. ALL AYES, NO NAYS.

MOTION to (re)hire Lek Nazi as a part-time Police Officer effective February 1, 2015 was made by Trustee Cropper, seconded by Trustee Ostrander. ALL AYES, NO NAYS.

Legal Notice of Estoppel

NOTICE IS HEREBY GIVEN that the resolution which is published herewith, has been adopted by the Village Board of the Village of Philmont, New York, on February 9, 2015, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which said Village is not authorized to expend money, or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the Constitution.

Dated: Philmont, New York

February 9, 2015

Kimberly J. Simmons, Village Clerk

RESOLUTION NO. 1 of 2015

Dated: Village of Philmont, New York, February 9, 2015

RESOLUTION OF THE VILLAGE OF PHILMONT, NEW YORK (THE "VILLAGE"), DATED FEBRUARY 9, 2015, AUTHORIZING THE ACQUISITION OF A FIRE TRUCK FOR THE VILLAGE; ESTIMATING THE AGGREGATE COST THEREOF TO BE \$449,502.00; APPROPRIATING UP TO \$449,502.00 THEREFOR AND AUTHORIZING THE ISSUANCE OF INDEBTEDNESS IN THE AGGREGATE PRINCIPAL AMOUNT OF \$280,000.00 TO FINANCE A PORTION OF SAID COST

Resolution by Trustee Ostrander, Seconded by Trustee Cropper

WHEREAS, on October 14, 2014, the Board of Trustees of the Village determined to acquire a new pumper fire truck and to solicit bids therefor; and

WHEREAS, on January 12, 2015, the Board of Trustees of the Village adopted a resolution to acquire a new custom pumper fire truck (the "Fire Truck") from Shakerley Fire Truck Sales at a maximum cost of \$449,502.00; **NOW, THEREFORE, IT IS HEREBY RESOLVED**, by the members of the Board of Trustees of the Village of Philmont, New York (by a favorable vote of not less than two-thirds of all of its members) as follows:

SECTION 1

Pursuant to Sections 31.00 and 32.00 of the Local Finance Law, constituting Chapter 33-A of the Consolidated Laws of the State of New York (the "Law"), the Village hereby reaffirms its authorization of the acquisition of the Fire Truck, the maximum aggregate cost thereof being hereby estimated to be \$449,502.00 appropriating said amount therefor and authorizing the issuance of serial bonds or a statutory installment bond in an amount up to \$280,000.00 to finance a portion of such costs.

SECTION 2

It is determined that the period of probable usefulness of the Fire Truck is twenty (20) years pursuant to Section 11.00(a)(27) of the Law.

SECTION 3

The plan of financing includes the issuance of \$280,000.00 serial bonds or a statutory installment bond (the "Indebtedness") and the levy of a tax upon all of the real property in the Village to pay the principal of and interest on said bonds as the same shall become due and owing.

SECTION 4

The temporary use of available funds of the Village, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized to be expended pursuant to Section 165.10 of the Local Finance Law for the specific objects or purposes described in Section 1 of this resolution. If such temporary funds are used for any expenditure authorized in this resolution, the Village intends to reimburse such funds with the proceeds of the Indebtedness authorized and identified pursuant to Section 1 above.

SECTION 5

The proposed average maturity date of any bonds authorized pursuant to this resolution is expected to exceed five (5) years.

SECTION 6

Any bonds issued to finance the cost of each object or purpose described in Section 1 above shall mature no later than the date of the expiration of the period of probable usefulness for each such object or purpose.

SECTION 7

The Village hereby covenants and agrees with the holders from time to time of the Indebtedness of the Village issued pursuant to this resolution, that the Village will duly and faithfully observe and comply with all provisions of the United States Internal Revenue Code of 1986, as amended (the "Code"), and any proposed or final regulations of the Internal Revenue Service issued pursuant thereto (the "Regulations") unless, in the opinion of Bond Counsel to the Village, such compliance is not required by the Code and Regulations to maintain the exemption of interest on said Indebtedness from Federal income taxation.

SECTION 8

Any serial bonds or statutory installment bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said serial bonds and any notes issued in anticipation of said bonds shall be general obligations of the Village, payable as to both principal and interest by a general tax upon all the real property within the Village without legal or constitutional limitation as to rate or amount. The faith and credit of the Village are hereby irrevocably pledged to the punctual payment of the principal of and interest on said serial bonds and any bond anticipation notes issued in anticipation of said bonds and provision shall be made annually in the budget of the Village by appropriation for (a) the amortization and redemption of the bonds and notes to mature in such year, and (b) the payment of interest to be due and payable in such year.

SECTION 9

Subject to the provisions of this Resolution and the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of serial bonds and bond anticipation notes, or the renewals of said obligations and of Section 50.00 and Section 60.00 of the Law, the powers and duties of the Board of Trustees relative to authorizing Indebtedness hereunder and prescribing the terms, form and content as to sale and issuance of said Indebtedness herein authorized, are hereby delegated to the Treasurer of the Village, the Chief Fiscal Officer of the Village. Pursuant to the provisions of paragraph a of Section 56.00 of the Local Finance Law, the power to determine whether to issue bonds and bond anticipation notes having substantially level or declining annual debt service, as

provided in paragraph d of Section 21.00 of the Local Finance Law, is hereby delegated to the Treasurer of the Village, the Chief Fiscal Officer of said Village. In addition to the delegation of powers described above, 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 privately negotiate or advertise such bonds for sale, conduct the sale and award the bonds in such manner as she shall deem best for the interests of the Village; provided, however, that in the exercise of these delegated powers, she shall comply fully with the provisions of the Local Finance Law and any other order or rule of the State Comptroller applicable to the sale of municipal bonds.

SECTION 10

All costs and expenses in connection with the acquisition and development of the objects and purposes set forth in Section 1 above, and the financing thereof by the sale of bonds, including but not limited to, the fees and expenses of bond counsel, financial advisors, counsel for the Village, engineers and other professionals, shall be paid to the extent permitted by law from the proceeds of the Indebtedness.

SECTION 11

The validity of any bonds authorized by this resolution and of any notes issued in anticipation of said bonds may be contested only if:

- (a) Such obligations are authorized for any object or purpose for which the Village is not authorized to expend money; or
- (b) The provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or
- (c) Such obligations are authorized in violation of the provisions of the constitution.

SECTION 12

This Resolution shall constitute the declaration of the Town's "official intent" to reimburse expenditures related to the additional costs of the Improvements authorized by Section 1 with proceeds of the Bonds and notes, as required by United States Treasury Regulation Sec. 1.150-2.

SECTION 13

This resolution is subject to referendum to the extent required by Section 36 of the Law and Article 9 of the Village Law.

SECTION 14

This resolution shall be published in full in the designated official newspapers of the Village for such purpose, together with a notice of the Clerk of the Board of Trustees in substantially the form provided in Section 81.00 of the Law.

SECTION 15

This resolution shall take effect immediately.

UNFINISHED BUSINESS: None

NEW BUSINESS: OIC Doyle notified the board that he has been in contact with supervisor Weigelt about the Philmont Police possibly patrolling the town park this summer. All is going well with the court/police agreement and perhaps more can be done to work with the town. He also noted thought should be given about where the village will house the police cars once the current garage is taken down. Michael Simmons then asked the board why there are two men riding around for hours in the village truck. The board will check into this issue. Mr. Simmons then apologized to the board for calling them in the very early hours the other day. Trustee Ostrander noted that the fire company has sixteen members who are ready to take the first responder's course, however Columbia County will not sponsor the class. He is hoping to get Greene County to be the sponsor. He asked if a letter from the village asking Columbia County to sponsor would help. Attorney Fitzsimmons noted that PJ Keeler would be the one to speak with, and John Howe is the fire coordinator. He thought that perhaps supervisor Weigelt may be able to help.

Respectfully submitted,

Kimberly J. Simmons
Clerk/Treasurer