

## Public Hearing/Regular Monthly Board Meeting

Date: August 9, 2021

**Present** Mayor Brian Johnson, Trustees Doug Cropper, Larry Ostrander, Debra Gitterman, and Jason Detzel, Clerk/Treasurer Patricia DeLong, Attorney Robert Fitzsimmons, Multiple members of the Public.

Pledge of Allegiance

Call to Order: 7:01 pm

M. Rowntree states he is in support of and excited for NYS Stretch Code. Mayor Johnson explains it is an energy code upgrade. They have all been over it: front to back, side to side with Tom Paino. Summit Heights sold and this ensures Philmont gets the best if we can pass this. E. Ordu asks if this has anything to do with 5G. Mayor Johnson and Trustee Ostrander explain it is only an energy code. J. Sedlock states she is also there to support the code.

**Motion:** to close the public hearing made by Trustee Ostrander, 2<sup>nd</sup> by Trustee Cropper. All Ayes, No Nays

Attorney Fitzsimmons notes that M. DeWein did not respond. We can go forward and make changes if need be.

**Resolution 5:** to approve New York State Stretch Code for the Village of Philmont, made by Trustee Ostrander, 2<sup>nd</sup> by Trustee Cropper. Trustee Gitterman – yes, Trustee Ostrander – yes, Trustee Detzel - yes, Trustee Cropper - yes, Mayor Johnson - yes. All Ayes, No Nays

Adjournment 7:06 pm

VILLAGE OF PHILMONT  
COLUMBIA COUNTY, NEW YORK

### RESOLUTION NO. 5

Amending the Village of Philmont Code, Article IX, Chapter 160 amending and adding provisions for a local energy code for the Village of Philmont

At a regular meeting of the Village Board of Trustees for the Village of Philmont, Columbia County, New York, duly held on the 9<sup>th</sup> day of August 2021 at the Village Hall, 124 Main Street, Philmont, New York, and ~~virtually via Zoom~~ the following Resolution was proposed and seconded:

Resolution by: Larry Ostrander;

Seconded by: Doug Cropper.

WHEREAS, to prevent a statewide patchwork of stricter energy codes, the New York State Energy Research and Development Authority (NYSERDA) developed the NYStretch Energy Code – 2020 (NYStretch); and

WHEREAS, a stretch energy code is simply an energy code that is more stringent than the minimum base energy code that can be voluntarily adopted by local jurisdictions. NYStretch is a model stretch code that will be ten to twelve percent (10-12 %) more efficient than the minimum requirements of the base energy code, the 2020 Energy Conservation Construction Code of New York State (2020 ECCCNY); and

WHEREAS, some New York State municipalities have adopted stricter energy standards to ensure reduced energy costs for its residents and businesses; and

WHEREAS, under NY Energy Law § 11-109, the Village Board of the Village of Philmont is authorized to adopt a local energy code more stringent than the 2020 ECCCNY; and

WHEREAS, the Village Board of the Village of Philmont is considering changes to Article IX, Chapter 160 of the Village of Philmont Code to amended and add provisions for a local energy code; and

WHEREAS, a public hearing was held on August 9, 2021 at which time all persons either for or against said amendments were heard; and

WHEREAS, the Village Board of the Village of Philmont is declared Lead Agency for the purposes of environmental review with respect to the proposed resolution, in accordance with Article 8 of the Environmental Conservation Law of the State of New York, and the regulations promulgated thereunder at 6 NYCRR 617 (collectively, "SEQRA"); and

WHEREAS, the [Municipal Governing Body], as Lead Agency, has advised that the proposed action meets the criteria of a "Type II Action" under SEQRA; now, therefore.

NOW, THEREFORE, BE IT RESOLVED, that the Village of Philmont Board of Trustees does hereby adopt Local Law X of 2021.

Upon question of the foregoing Resolution, the following Philmont Village Board members voted "Aye" in favor of the Resolution:

Larry Ostrander;

Jason Detzel;

Brian Johnson;

Doug Cropper; and

Debra Gitterman.

The following Philmont Village Board members voted "No" in opposition, thereto: None.

The Resolution having been approved by a majority of the Village Board the same was declared duly adopted by the Mayor of the Village of Philmont.

Dated: August 9, 2021

Patricia DeLong, Village Clerk

Village of Philmont

## **Regular Monthly Board Meeting**

Date: August 9, 2021

**Present** Mayor Brian Johnson, Trustees Doug Cropper, Larry Ostrander, Debra Gitterman, and Jason Detzel, Clerk/Treasurer Patricia DeLong, Attorney Robert Fitzsimmons, Multiple members of the Public.

Call to Order: 6:47

**Motion** to approve the minutes from the 7-12-21 Public Hearing made by Trustee Cropper, 2<sup>nd</sup> by Trustee Ostrander. All Ayes, No Nays

**Motion** to approve the minutes from the 7-12-21 Board Meeting made by Trustee Cropper, 2<sup>nd</sup> by Trustee Detzel. All Ayes, No Nays

**Motion** to approve the July Budget to Actual Reports made by Trustee Ostrander, 2<sup>nd</sup> by Trustee Cropper. All Ayes, No Nays

**Motion** to approve the payment of bills (General, Water, Sewer, Library, T&A, & Health Care Deductible) from the July 28th and August 9th Abstracts made by Trustee Gitterman, 2<sup>nd</sup> by Trustee Cropper. All Ayes, No Nays

### **Public Requests**

M. Sesserman states he was a leader of one of the BOA groups. He had a negative experience with Sally and her driving people away from working on projects, harming engagement and controlling things in the Village to her liking. He expresses frustration with his work being unappreciated. When he offered to share his frustration, it would only get worse. The BOA co-chairs would want to talk to board members about a pattern of intimidation and bad behavior and he will not be not silenced with these tactics. He asks to address the problem that is detrimental, and offensive and push back and nothing gets changed by the point of contact and the funding agency in charge. The Mayor and the members of the Board have created this and should fix it. Others should help to revitalize Philmont, instead there is frustration with interactions. He adds he is resigning from the BOA.

B. Sagal read her statement. In January 1977 High Rock Mill burned to the ground leaving people to seek employment elsewhere and little revenue for the Village. In the following years neighbors planted flower barrels on Main Street the Village bought the barrels and PBI raised money for the flowers in them they continued for 10 years until the village took it over. Sally Baker and PBI wrote two successful grants helping with the disrepair of Main St. Sally Baker's expertise as a grant writer is helping to secure funding for Philmont. She adds about the algae growing in the reservoir and the BOA grant and explains how this is helping the brownfield areas and its neighbors she adds she is proud to have been a part of the ongoing work to revitalize the Village.

P. Johnson states he is the chair of PEDG. He talks about the questionnaire and the cover letter given to local businesses, the analysis that will be done, and the insightful findings of small businesses in the village and businesses within the radius of three miles. Mayor Johnson adds Mike Tucker has also gone over things to offer small businesses and asks if they can group together after the report and see what they have to offer. Peter Johnson adds the Financial Times had an article in their supplement with a focus on Columbia County with notes on the benefits of this area. The support with local businesses and the originality in businesses and the communities. These situations make it more attractive for small businesses to be here. He voices concern about the Summit Mill has more and more windows broken and asks if there's any way to stop the constant breaking of windows as it is a critical part of the town and asks what are the police doing. With 200 property checks how did they miss the Summit Mill. He voices concern over how it looks to outsiders, the Township problem of three major junk yards outside the village and the Township will do nothing about it. He asked about the rental property inspections if the apartments fail and if they continue to fail what has to happen for them to pass. He also asks how long does it take to do an inspection Mayor Johnson replies that it would be hard to stop the

broken windows at the mill even if you put an armed guard up there. People are constantly walking through and it's hard to stop people from trespassing. It is not the fault of our police force. E. Ordu adds they know who it was and there are two young girls who had been up there. Mayor Johnson explains he's been working on a job near there, and with the amount of trespassers, even with an increased police presence it would still be hard to catch somebody red handed. M. Rowntree remarks it is up to the property owner to monitor that. Attorney Fitzsimmons explains Eleanor Ambrose used to own a property and it is now under new contract of a person doing other projects in the county and adds the building inspector can also send a letter. Mayor Johnson affirms it is not the fault of the police.

M. Rowntree reads his statement. He has been working in sub area 1 and is giving a response to his experience working with Sally Baker. Stating that PBI has done a lot of wonderful work to this point but that he felt unsupported by PBI and its board and was confused by the relationships. He continues that we as a village have a super church community-based element and it's not all on Sally to engage with the community. He points out extended time frames in the community work and how he would consistently have to bring people up to speed and then try to have an effective meeting. He resolves that when the rubber hits the road if everyone stays involved, we all do better.

J. Sedlock reads her statement. She explained she is a facilitator for working for subarea 2 and for professional and personal reasons she has decided not to continue with this position. There are many challenges with time and her energy needs to go toward other things. She continues she feels she was not supported and agrees with mark on the criticisms in the community, the PBI issue to step up and represent the village, and lacking relationship with PBI in the Village. She explains there are many parts to understand and as an ambassador feels something should be done because the needs or not front and center, and her wish is for something people could easily latch onto as we're all in it together. She thanks PBI and Sally for the opportunity but that she needs to step back from her position at this time.

E. Ordu reads her statement in support of Michael Sesserman. She states that the community needs to be involved and the BOA project and goes on to explain an incident from last year. She talks about her friend George Brehm who helped to create a garden behind the Philmont market. The area behind the building had been an eyesore for years and after they did a great deal of work to clean up the area they were told to stop because Sally Baker had her own plans for that area. She adds she was excited about a community project and have even bought the materials for deer fencing. She was given a rude remark and seemed that they didn't care for the fencing and that they were shut out of the project. She states they have done great things for Philmont but feels she is not being heard.

T. Paino reads his statement. He voices his support for village residents seeking to open and expand community-based planning efforts currently being managed by a single individual Ms. Sally Baker. The terms of the contractual relationship with this individual inhibits true community participation and reduces the efficacy of the program and places the governance of the Village in jeopardy. He continues the bulk of his career consisted of planning, designing and developing municipal buildings. His experience taught him that public expenditures are in an accountability class of their own. He was looking forward to applying both his professional knowledge and community experience to the BOA. He continues to read his statement and talks about environmental impact, architecture, infrastructure measures, municipal codes and his expertise in this area. He voices concern over Ms. Baker's reaction if she did not agree with the outcome. He states there is a big problem before us and to look at the contractual arrangement so Sally Baker can continue doing the wonderful things she has been doing.

N. Vaughn states she has nothing to say.

S. Baker talks about the Mian Street Grant. She mentions a resolution that was submitted in February, hiring an architect for 13 buildings, and the resolution that states the Philmont Beautification, Inc., desires to apply for up to \$500,000 in financial assistance through the 2021 Consolidated Funding Application (CFA) under the New York Main Street. She speaks on the letter from Patricia O'Reilly. Attorney Fitzsimmons reads the letter. She states that the letter is needed so they know the resolution carries forward to included technical assistance. She adds this is the 4<sup>th</sup> awarded Main Street grant. They had many applicants and found that most properties were not "shovel ready", this is why they need the proposed architectural services. She states the area is from Martindale to West St. and includes 13 buildings, some being vacant store fronts. Trustee Ostrander asks who hires the architect and if they will be reviewed by the Village. S. Baker replies that this is done through RFP. Attorney Fitzsimmons explains the nuances, that it can be vetted through the Board

on the condition of the properties. Trustee Gitterman asks for a list of the properties, explaining the intention is to have a better understanding of what goes on in the Village. S. Baker voices concern over giving internal personal information. They agree that a letter can be written with the conditions.

**Attorney Fitzsimmons:** He reports he has been working on stretch code, had scheduled a meeting with UPSEU which was deferred because of garbage day. He has been working with bond counsel on the wastewater treatment plant disinfection to allow to bond and seek grants through DEC as recommended by Accountant Patterson. We are in line to move forward with ongoing projects. Trustee Ostrander asks if there is a separate bond for the fire truck. Attorney Fitzsimmons states it's within the realm of doing but not to exceed a certain amount, to bid and the specifications for bid return within 20 days.

**Clerk/Treasurer Report:** Given by Patricia DeLong. A full copy of the report is available in the office for review or upon request. A reminder the summer hours for the Clerk's office will continue to Labor Day. (8 am - 2:30 pm Monday through Thursday and 8 am - noon on Friday.) Water / Sewer bills were mailed out on June 30<sup>th</sup> and were due by July 31<sup>st</sup> without penalty. A letter was sent with that mailing to anyone who is currently delinquent; advising them that they have the option to reach out to the office and enter into a deferred payment plan. We have broken down those numbers per the state requirement. We have not received any responses at this time. This list was also previously provided to the Board. We have started working on the 4<sup>th</sup> quarter calendar to go out with the next water billing. Both Trustee Cropper and I attended the ARPA funds webinar provided by NYCOM on August 3<sup>rd</sup>. Record retention continues as well as an increased need for notary services. We have also had an increase in final readings and property transfers.

**Building Inspector Report:** Given by Mayor Johnson, as submitted by Code Enforcement Officer Lee Heim. A full copy of the report is available in the office for review or upon request. Tenancy inspection 5, Rental Registration 7, Total # of properties registered in 2021 16, Building permits 5, Construction inspections 1, CO/CC issued 0, Expired Permits as reported, CO Searches 1

**Library Report:** Given by Library Director Tobi Farley. A full copy of the report is available in the office for review or upon request. Thanks to Mayor Johnson we discovered the boiler is in worse shape than expected and needs to be replaced soon. He asked us to get an energy audit to investigate alternative heat sources. That's Tom Paino's suggestion NYSERDA is allowing us to apply through the Friends group to receive the discounted rate of \$100 rather than the \$3,000 quoted both last year and again this year. The physical part of the audit was completed on Monday August 2nd. When the rest of the information on energy use from the past years bills is received, they will be able to complete the audit and expect to come bring their evaluation and suggestions to our board meeting on September 1st. Casey Conlin at MHLS is looking into a possible grant / subsidy through METRO to help with cost of the above project. Tool shed library is super popular at least one item going out each week. Most popular items have been the tiller, cordless drill and extension cord. Looking to purchase carpet cleaner, steam cleaner, post hole digger, metal rake, and more. Also accepting donations of small hand tools (screwdrivers, hammers, wrenches, etc.) to loan out on the honor system. Shed needs to be moved and sealed to prevent critters from damaging items. August 3rd is our last program in the Claverack Town Park with Wild Goose Chase dog herding demonstration at 6pm. Thursday, August 12th at 5pm. given by the Hudson Valley Chamber Musicians. Composting program given by village trustee, Jason Detzel, on Wednesday, August 11th from 5pm-7pm with a possible visit to PBI's garden and compost station behind the Philmont Cooperative. Thursday, August 26th at 7:30pm we will be holding an interactive movie in the Pavilion. Finding Nemo will be shown with an interactive component. All attending will receive a goody bag of items to help enhance the movie watching experience. Our LEGO Zoo had 6 participants. All materials are available at the library to create LEGO creature. When completed take a picture and share on our website. Photos with the most votes will receive a gift certificate to a local business. Our next Monthly challenge will be 3-D animal head portraits in August and Book Nook shelf dioramas in September. Entries with the most votes on our website will receive a gift certificate to a local business. Grants \$1,000 Bank of Green County for Summer Reading. June 2021 digital services 192 (includes OverDrive and Claverack and Philmont's shared hoopla account) We are looking to hire two new staff. Rain Whittaker's Daughter, Chloe, has helped us out for the Summer, but cannot continue in the Fall. Positions will be hired as clerk and substitute and may have the potential to increase hours. Faith, Barbara and I attended a press conference held at Clinton Community Library. It was to announce that Assembly Member Didi Barrett secured special legislative grants for the 16 libraries in her district. Each library will receive \$5,000

and Philmont Public Library was designated as the only library to receive an extra \$5,000 for our work toward community sustainability. These funds will be used to enhance our tool library, create a seed library, and enhance our collection of books on foraging, gardening and repair. I am looking into garbage containers that separate trash from recyclables and compostable materials for both indoors and outdoors and items to organize and beautify the tool shed. Other suggestions are welcome.

CCLA – we have been informed that the 20% cut given by the county supervisors may be available to be reinstated. We are discussing possible ways to use the funds including Newsbank for all 11 libraries, so all Columbia County Residents can have access to Register Star and other newspapers in the state and across the country online. Other thoughts were Creative Bug and additional money to each library for online products such as hoopla and OverDrive and possibly creative a website for CCLA and an annual newsletter and shared promotional materials.

**Community Center Report:** Given by Trustee Cropper, as submitted by Director Veronezi. A full copy of the report is available in the office for review or upon request. The center has been checked regularly during the month for security purposes. Planning continues for the Summit Lake Explorers Camp to be held in August. Flyers were distributed at the beginning of the month and an announcement is included on the village's website. There is still space for additional children. Girl Scouts are meeting regularly at the center. I will be meeting with the coordinator for Greener Pathways regarding use of the community center. They thank the DPW for fixing the flag.

**Police Report:** Given by OIC Vern Doyle. A full copy of the report is available in the office for review or upon request. Monthly Total: Calls for Service 12, Arrests 1, Property Checks 165, UTT's Issued 4, V&T Warnings 9, Parking Tickets 0. Total for the Year: Calls for Service 81, Arrests 3, Assist Arrest 1, Property Checks 1133, MV 104's 1, UTT's Issued 11, V&T Warnings 84, Parking Tickets 24. He also reports the new air-conditioning units were installed in the police office and the court. He also discussed the new street cameras with the Board.

**Summit Lake & Its Watercourse (BOA) Report:** Given by Grant Administrator S. Baker. A full copy of the report is available in the office for review or upon request. Attended the BOA Co-Chair standing meeting held in July with Mayor Johnson and Trustee Ostrander. Barbara Sagal, Chair of the Watershed Committee for the LWRP grant attended the meeting. Discussions primarily concentrated on the Work Plan Tasks 1 and 2 aimed at moving towards the Initiation Meetings to be held for both grants to be attended by all involved in the two grants, the Community Participation Plan, and the equitable community participation for the Advisory and Working Groups participation. Discussions also included the process of gathering continued community consensus resulting from publishing the Cultural Resources Survey and the next steps involved for a Nomination process for a potential Village of Philmont Historic District. The Heritage Working Group held a meeting in July attended by 5 community members and are in process of producing meeting minutes that hopefully will be attached to the August BOA report to the Village. Discussed the Village/PBI Alliance Agreement is still outstanding, - DOS needs it to be resolved.

**DPW Report:** Given by Mayor Johnson. A full copy of the report is available in the office for review or upon request. They have been shorthanded, checked on Forest Lake, taken care of storm water issues, removed fence from ballfield, worked with Harkin on fire pump, removed broken tree from 217, took samples for DEC and Health Department – all passed, Leggett repaired electric issue at Plant, almost all the meters have been repaired. Found and owner repaired leak at 174 Main. Baldwin hauled 15,000 gallons of sludge to Albany.

**Mayor Johnson:** He reports that he met with the engineer this month and Ed Harkin to address the issue with the fire pumps and explains have the tank is 50% shut down and how two of the valves are faulty. In the fall of next year will have the tower painted and will change the valves at that time. This is not an easy thing. In the meeting with Ed, Ray, myself, Mike and David they found that the fire hose is running at variable speeds and not running full all the time. He also helped at the Library with their boiler in the basement and energy audit.

**Trustee Cropper:** He reports the after the workshop he spoke with Rob about a law for false alarms he also had a meeting with Carl and Bob from Greener Pathways and talked about how Greener Pathways can be productive through the Community Center he had to leave that meeting early to attend and ARPA training with the Clerk. He also had a productive meeting with Robert Gibson, Brian, and Daphne Jordan. He also helped lock up Forest Lake when it was left

open. He also attended the first responder's night in Claverack as a volunteer of the Fire Department. He picked up empty bottles for sewage samples in Albany to help out the DPW.

**Trustee Detzel:** He reports he attended the Columbia County Fireman's Convention and congratulates Larry on being the president of the CCCV. He speaks about his upcoming compost workshop, the new truck, and the Library grant.

**Trustee Ostrander:**

*Fire Department Report:* Given by Trustee Ostrander. A full copy of the report is available in the office for review or upon request. Calls for the month: 24, Several EMS calls, calls for the year: 56, total calls: 86, drills 3, truck inspections: 1, work details: 1. The Fire Company participated in the Philmont Annual Community Day on July 10<sup>th</sup> with a chicken BBQ and Nickel Social, marched in the parade, and stood at the fireworks. Participated in the annual First Responder's night at the Town of Claverack Park on July 22<sup>nd</sup> with 16 Members. There will be a demo Fire Truck at the Firehouse on July 27<sup>th</sup> at 6:00 pm for viewing.

He attended the BOA workshop and the DOS meetings.

**Trustee Gitterman:** She reports she worked with Julie on updates to the website, with DOS building standards and asked about Fire Safety items for the Rental Registry. She voices concern over the DOS regulations, the BOA Grant. She continues she was moved by all those who spoke tonight, their value, importance and challenges. She states it is clear from the consistency that there are challenges and it is the Boards' responsibility to address it. She affirms she is eager to sign so they can move forward but. 2% of the agreement is significant to her. She does not want to prevent Sally Baker's work without her prior written consent but, no project manager should overrule a municipality and oversee Village employees and contractors. She reads her statement.

**CORRESPONDENCE LIST was provided to the members of the Board and the public**

**Motion:** to remove a broken water meter fine for customer number 640, Amir Hamza in the amount of \$82.50 as the customer emailed the DPW Superintendent the day the water bills were mailed out, made by Trustee Cropper, 2<sup>nd</sup> by Trustee Ostrander. All Ayes, No Nays

**Motion:** to approve the Sponsorship for Nicolas C. Karkabe to attend the Zone 14 Law Enforcement Academy this September, made by Trustee Gitterman, 2<sup>nd</sup> by Trustee Ostrander. All Ayes, No Nays

**Motion:** to authorize the mayor to sign an alliance agreement between the Village of Philmont and PB Inc., made by Trustee Ostrander, 2<sup>nd</sup> by Trustee Cropper. Trustee Gitterman – no, Trustee Ostrander – yes, Trustee Detzel - yes, Trustee Cropper - yes, Mayor Johnson - yes

**Resolution 5:** to approve New York State Stretch Code for the Village of Philmont, made by Trustee Ostrander, 2<sup>nd</sup> by Trustee Cropper. All Ayes, No Nays

**Resolution 6:** to approve the bond resolution for the sewer treatment system for the Village of Philmont, made by Trustee Cropper, 2<sup>nd</sup> by Trustee Detzel. Trustee Gitterman – yes, Trustee Ostrander – yes, Trustee Detzel - yes, Trustee Cropper - yes, Mayor Johnson – yes

**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 August 9, 2021, 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  
August 9, 2021  
Patricia DeLong, Village Clerk

**RESOLUTION NO. 6 – 2021**

Dated: Village of Philmont, New York, August 9, 2021

**RESOLUTION OF THE VILLAGE OF PHILMONT, NEW YORK (THE “VILLAGE”), DATED AUGUST 9, 2021, AUTHORIZING THE FURNISHING AND INSTALLATION OF A NEW DISINFECTION SYSTEM AT THE WASTEWATER TREATMENT FACILITY OF THE VILLAGE, ESTIMATING THE AGGREGATE COST THEREOF TO BE \$500,000.00; APPROPRIATING UP TO \$498,400.00 THEREFOR AND AUTHORIZING THE ISSUANCE OF INDEBTEDNESS IN THE AGGREGATE PRINCIPAL AMOUNT OF \$498,400.00 TO FINANCE SAID COST**

Resolution by Trustee Doug Cropper Seconded by Trustee Jason Detzel

**WHEREAS**, the Board of Trustees of the Village determined to furnish and install a new disinfection system for the Village’s wastewater treatment facility (the “Disinfection System”) and to solicit bids therefor; and

**WHEREAS**, on July 28, 2021, the Board of Trustees of the Village adopted a resolution and issued a Notice of Award to furnish and install the Disinfection System to MCJ Construction, LLC at a maximum cost of \$498,400.00;

**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 furnishing and installing the Disinfection System (the “Project”), the maximum aggregate cost thereof being hereby estimated to be \$498,400.00, appropriating said amount therefor and authorizing the issuance of serial bonds in an amount up to \$498,400.00 to finance a portion of such costs.

**SECTION 2**

It is determined that the period of probable usefulness of the Disinfection System is thirty (30) years pursuant to Section 11.00(a)(4) of the Law.

**SECTION 3**

The plan of financing for the Project includes the issuance of \$498,400.00 serial bonds (the “Indebtedness”), the application of a grant from the New York State Department of Environmental Conservation (“DEC Grant”) and, to the extent of any shortfall from application of the DEC Grant, 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**

Pursuant to Section 617.5(a) of the regulations of the New York State Department of Environmental Conservation, in the event that certain components of the Project set forth in Section 1 of this resolution are subject to the procedures required by the State Environmental Quality Review Act ("SEQRA"), no "action", as the same is referred to in Article 9 of SEQRA and SEQRA regulations, shall be taken and no Indebtedness shall be issued until all of the procedures and requirements set forth therein have been completed with respect to the Project. Similarly, no Indebtedness shall be issued until all of the applicable procedures and requirements under the National Environmental Policy Act have been completed with respect to the Project.

## **SECTION 9**

Any serial 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 10**

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 11**

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 12**

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 13**

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 14**

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

## **SECTION 15**

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 16**

This resolution shall take effect immediately.

**Motion:** to go to Executive Session to discuss contract negotiation, made by Trustee Detzel, 2<sup>nd</sup> by Trustee Ostrander. All Ayes, No Nays

**Motion:** to come out of Executive Session, made by Trustee Cropper, 2<sup>nd</sup> by Trustee Detzel. All Ayes, No Nays

**Motion:** to authorize going to bid for a new truck to replace unit 47-19, made by Trustee Ostrander, 2<sup>nd</sup> by Trustee Detzel. All Ayes, No Nays

**Unfinished Business:**

P. Johnson talks about the EDC preliminary findings for the workshop. If he is not here someone else will have it.

Mayor Johnson states we will have a public hearing next month at 6:30 for the Vacant Buildings Law.

Trustee Cropper voices concern about a check list for the rentals having a fire extinguisher, people may try to put out a fire when they should be vacating the building. M. Beaumont adds they need to get out and dial 911. It is mentioned that it is a code requirement to have one. The Board discusses. B. Sagal asks about smoke detectors, how home owners have trouble with the base and figuring them out. Trustee Cropper and Trustee Detzel state that any firefighter can help her out and put it in.

E. Ordu suggests a training for fire extinguishers and smoke detectors.

**New Business:** n/a.

**Motion to adjourn** –made by Trustee Detzel, 2<sup>nd</sup> by Gitterman. All Ayes, No Nays.

Adjournment 8:56

Respectfully Submitted,

Patricia DeLong  
Clerk/Treasurer