

January 9, 2012

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The Regular Meeting of the Town Board of the Town of Pittstown was held January 9, 2012 at the Town Hall, Tomhannock, New York. Those present included Supervisor, Edwin King, Councilpersons, Matthew Demars, Jason Eddy, Verna Hansen and John Colarusso. Supv. King called the meeting to order at 7:00 p.m. followed by the Pledge of Allegiance. Highway Superintendent, Robert Russell and Town Attorney, Stacey Goldstein was also present.

APPROVAL OF MINUTES

Motion: Hansen, Second: Colarusso to accept the December 12, 2011 minutes as presented. Vote: Ayes – Eddy, Hansen & Colarusso; Nays – none; Abstains – Demars & King. Motion: Hansen, Second: Eddy to accept the December 27, 2011 minutes as presented. Vote: Ayes – Eddy, Hansen & Colarusso; Nays – none; Abstains – Demars & King. Motion: Hansen, Second: Eddy to accept the January 3rd minutes as corrected. Vote: Ayes – Demars, Eddy, Hansen & King; Nays – none; Abstains – Colarusso.

PUBLIC ACCESS

Bob Collins – thanked the highway department for the grader work done on Nickmush Road.

TOMHANNOCK METHODIST CHURCH – later on agenda

REPORTS OF OFFICERS AND CONSULTANTS

Motion: Hansen, Second: Eddy to accept the Town Clerk's report as presented. Vote: Ayes – all; Nays – none.

Reports received from the Supervisor, Building Inspector, Town Justices, Fire Code Inspector & Planning Board Chairman. Reports were not received from the Junk Enforcement Officer or the Dog Control Officer. B. Russell gave an oral report for the Highway.

REPORTS OF COMMITTEES AND THEIR REPRESENTATIVES

ERCSWMA – Hansen advised holding their organizational meeting before our next regular meeting in February. Calendars are out. Reminder that the clean up starting in April will be on the 3rd Sat of the month instead of the 2nd Sat.

Highway – M. Demars thanked J. Eddy for all the work he has done forming the highway committee, purchasing new equipment, etc. The committee will meet again on Feb. 7th; working on replacing a truck and getting quotes for highway resurfacing. R. Russell stated has two trucks he wants to declare surplus. Motion: Colarusso, Second: Hansen to declare the 2011 Ford F350 as surplus and put out to bid for parts only; the frame is bad; cannot be inspected and declare the 2000 Chevy as surplus; needs a replacement motor. Minimum bid will be \$1,000 each. Bids are to be received by February 13th at 1:00 at which time they will be opened; official review will be the Town Board meeting on the 13th at 7:00 pm. R. Russell also would like approval to purchase a used crew cab pick up for transportation. Motion: Eddy, Second: Demars to authorize the Highway Superintendent to purchase a crew cab truck at a cost not to exceed \$6,000. Vote: Ayes – all; Nays – none.

Buildings – Eddy – nothing for this month.

Town Newsletter – E. King advised that J. Colarusso will now be in charge of the newsletter. Articles to be received by February 1st.

Cemeteries – J. Ferrannini not present

Building Committee – Hansen – met January 5th; reviewed costs; next meeting February 5th @ 6:30. Eddy thanked Hansen for all of her work she has done.

OLD BUSINESS

Tomhannock Methodist Church – S. Goldstein stated that she has been in contact with the attorney for the church so we are back into negotiations. They are waiting for a conference call with the cemetery attorney.

Salt Shed – Motion: Eddy, Second: Hansen to amend the 2012 budget to create an expense and revenue line for the salt shed per advice from the State Comptroller. Vote: Ayes – all; Nays – none. Jeff Bak had questions on the property and working on the exact location for the salt shed for compaction purposes.

Highway Garage - Resolution was offered by Jason Eddy seconded by John Colarusso to wit;

BOND RESOLUTION DATED JANUARY 9, 2012

A RESOLUTION AUTHORIZING THE CONSTRUCTION OF A MAINTENANCE GARAGE, AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$980,000 OF THE TOWN OF PITTSTOWN, RENSSELAER COUNTY, NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SUCH PURPOSE AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR

#29-2011 BE IT RESOLVED, by the Town Board of the Town of Pittstown, Rensselaer County, New York (the "Town") (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1. The specific object or purpose or class of objects or purposes for which the bonds authorized by this resolution are to be issued is the construction of a 12,000 square foot maintenance garage, including site work and the acquisition and installation of furnishings, equipment, machinery and apparatus required for the foregoing purpose (the "Project"). The maximum estimated cost of the Project, including preliminary costs and costs incidental thereto and the financing thereof, will not exceed \$1,446,180 and said amount is hereby appropriated therefore.

SECTION 2. The Town Board plans to finance a portion of the Town's maximum estimated cost of the Project by the issuance of serial bonds in an amount not to exceed \$980,000 of said Town hereby authorized to be issued therefor pursuant to the Local Finance Law. The remainder of the cost of the Project shall be paid with funds from the Town's Building Capital Reserve Fund.

SECTION 3. It is hereby determined that the Project is an object or purpose described in subdivision 11 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of the Project is thirty (30) years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of said bonds.

SECTION 5. It is hereby determined that the proposed maturity of the obligations authorized by this resolution will be in excess of five (5) years.

SECTION 6. The faith and credit of said Town 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 Town a tax

sufficient to pay the principal of and interest on such bonds as the same become due and payable.

SECTION 7. The expected source of funds to be used initially to pay for the expenditures authorized by Section 1 of this resolution shall be from the Town's General Fund. The Town then reasonably expects to reimburse such expenditure with the proceeds of the bonds or bond anticipation notes authorized by Section 2 of this resolution. This resolution shall constitute the declaration of the Town's "official intent" to reimburse the expenditures authorized by Section 1 hereof with the proceeds of the bonds and notes authorized herein, as required by United States Treasury Regulation Section 1.150-2.

SECTION 8. Subject to the provisions of this resolution and of the Local Finance Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said notes and of Section 21.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00 and Section 63.00 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

SECTION 9. The Town has determined that the construction of the maintenance building will not have a significant effect on the environment, and, therefore, no further action under the State Environmental Quality Review Act ("SEQR") is required.

SECTION 10. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 11. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

(1) (a) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or

(b) 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

(2) Said obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 12. The Town Clerk is hereby authorized and directed to publish a copy of this resolution, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in the *Troy Record*, a newspaper having a general circulation in said Town and hereby designated as the official newspaper of said Town for such publication.

SECTION 13. This resolution is adopted subject to permissive referendum pursuant to Section 35.00 of the Local Finance Law.

Vote: Ayes – all; Nays – none.

NEW BUSINESS

Association of Towns - Motion: Colarusso, Second: Hansen to authorize Edwin King, Town Supervisor, to attend the Association of Towns training in New York City, to be the voting delegate, to support all the resolutions as proposed by the Association of Towns and be paid 4 days of per diem at the New York City rate. Vote: Ayes – all; Nays – none.

Town Hall Custodian – Motion: Hansen, Second: Eddy to accept the proposal from Brian Kane for the town hall custodian at a cost not to exceed \$6,000 per year. Vote: Ayes – Eddy, Hansen, Colarusso & King, Nays – none; Abstains – Demars.

Ethics Board Member – tabled

FILED RESOLUTIONS

Budget Transfers – none

The Board agreed to bring the following resolutions to the Board.

#30-2012Sponsor: Hansen, Co-Sponsor: Matthew Demars

WHEREAS, the Town of Pittstown, New York has established a Buildings Capital Reserve Fund pursuant to Section 6-c of the General Municipal Law, as amended, to finance the construction, re-construction or replacement of town buildings and other permanent structures; and

WHEREAS, the Buildings Capital Reserve Fund currently has approximately \$682,337.63; and

WHEREAS, no expenditure shall be made from this fund, except upon the authorization of the Town Board, subject to a permissive referendum, pursuant to Section 6-c of the General Municipal Law, as amended; and

WHEREAS, the Town Board has established a separate line in the 2012 budget specifically allocating an account for the highway town garage project for the construction of a 12,000 square foot maintenance garage, including site work and the acquisition and installation of furnishings, equipment, machinery and apparatus required for the foregoing purpose located on 2500 Route 67 in Town of Johnsonville, Rensselaer County, New York (the “Project”); and

WHEREAS, the Town Board desires to transfer \$500,000 from the Buildings Capital Reserve Fund to the highway town garage account in furtherance of the Project financing; and

WHEREAS, the source of funds for the above-referenced reserve fund will be from the general fund (townwide), transfer from existing appropriations, and surplus moneys.

NOW, THEREFORE, BE IT RESOLVED that, subject to permissive referendum, Edwin King, Jr., as Supervisor of the Town, for and on its behalf and upon ratification of approval to transfer \$500,000.00 from the Buildings Capital Reserve Fund to the highway town garage account in furtherance of the Project financing, shall be and hereby is authorized to transfer said monies, as said transfer is beneficial to the Town of Pittstown, as may hereafter be approved by the Town Board; and

BE IT FURTHER RESOLVED, that Edwin King, Jr., as Supervisor of the Town, is hereby authorized to execute all documents that may be required to effectuate the

transfer of \$500,000.00 from the Buildings Capital Reserve Fund to the highway town garage account in furtherance of the Project financing; and

BE IT FURTHER RESOLVED that inasmuch as the foregoing Resolution is subject to permissive referendum, the Town Clerk is hereby directed to cause proper public notice thereof to be given in accordance with the provisions of Article 7 of the Town Law. Vote: Ayes – all; Nays – none.

#31-2012 WHEREAS, the Town of Pittstown, New York has established a Buildings Capital Reserve Fund pursuant to Section 6-c of the General Municipal Law, as amended, to finance the construction, re-construction or replacement of town buildings and other permanent structures; and

WHEREAS, the Buildings Capital Reserve Fund currently has approximately \$182,337.00; and

WHEREAS, no expenditure shall be made from this fund, except upon the authorization of the Town Board, subject to a permissive referendum, pursuant to Section 6-c of the General Municipal Law, as amended; and

WHEREAS, the Town Board has established a separate line in the 2012 budget specifically allocating an account for the salt shed project for the construction of a 3,850 square foot salt shed, including site work, required for the foregoing purpose located on 2500 Route 67 in Town of Johnsonville, Rensselaer County, New York (the “Project”);

WHEREAS, the Town Board desires to transfer \$100,000.00 from the Buildings Capital Reserve Fund to the salt shed account in furtherance of the Project financing; and

WHEREAS, the source of funds for the above-referenced reserve fund will be from the general fund (townwide), transfer from existing appropriations, and surplus moneys.

NOW, THEREFORE, BE IT RESOLVED that, subject to permissive referendum, Edwin King, Jr., as Supervisor of the Town, for and on its behalf and upon ratification of approval to transfer \$100,000.00 from the Buildings Capital Reserve Fund to the salt shed account in furtherance of the Project financing, shall be and hereby is authorized to transfer said monies, as said transfer is beneficial to the Town of Pittstown, as may hereafter be approved by the Town Board; and

BE IT FURTHER RESOLVED, that Edwin King, Jr., as Supervisor of the Town, is hereby authorized to execute all documents that may be required to effectuate the transfer of \$100,000.00 from the Buildings Capital Reserve Fund to the salt shed account in furtherance of the Project financing; and

BE IT FURTHER RESOLVED that inasmuch as the foregoing Resolution is subject to permissive referendum, the Town Clerk is hereby directed to cause proper public notice thereof to be given in accordance with the provisions of Article 7 of the Town Law. Vote: Ayes – all; Nays – none.

#32-2012 WHEREAS, the Town of Pittstown, New York has established a Salt Storage Capital Reserve Fund pursuant to Section 6-c of the General Municipal Law, as amended, to finance the cost of construction of a salt storage facility; and

WHEREAS, the Salt Storage Capital Reserve Fund currently has approximately \$172,090.91; and

WHEREAS, the Town Board has established a separate line in the 2012 budget specifically allocating an account for the salt shed project for the construction of a 3,850 square foot salt shed, including site work, required for the foregoing purpose located on

2500 Route 67 in Town of Johnsonville, Rensselaer County, New York (the “Project”); and

WHEREAS, the Town Board desires to transfer the balance, in its entirety, of the Salt Storage Capital Reserve Fund to the salt shed account, in furtherance of the Project financing; and

WHEREAS, the Town Board desires to close the Salt Storage Capital Reserve Fund; and

WHEREAS, the source of funds for the above-referenced reserve fund will be from the general fund (townwide), transfer from existing appropriations, and surplus moneys.

NOW, THEREFORE, BE IT RESOLVED that, subject to permissive referendum, Edwin King, Jr., as Supervisor of the Town, for and on its behalf and upon ratification of approval to transfer the balance, in its entirety, from the Salt Storage Capital Reserve Fund to the salt shed account, in furtherance of the Project financing, shall be and hereby is authorized to transfer said monies, as said transfer is beneficial to the Town of Pittstown, as may hereafter be approved by the Town Board; and

BE IT FURTHER RESOLVED, that Edwin King, Jr., as Supervisor of the Town, is hereby authorized to execute all documents that may be required to effectuate the transfer of the balance, in its entirety, from the Salt Storage Capital Reserve Fund to the salt shed account in furtherance of the Project financing; and

BE IT FURTHER RESOLVED, that Edwin King, Jr., as Supervisor of the Town, is hereby authorized to execute all documents that may be required to effectuate the closure of the Salt Storage Capital Reserve Fund, in furtherance of the Project financing; and

BE IT FURTHER RESOLVED that inasmuch as the foregoing Resolution is subject to permissive referendum, the Town Clerk is hereby directed to cause proper public notice thereof to be given in accordance with the provisions of Article 7 of the Town Law. Vote: Ayes – all; Nays – none.

MEMBERS PRIVILEGE

Demars – nothing; Eddy; nothing; Hansen – would like to address some of the dog issues we have had to make owners more accountable for their own dogs. Would like the board as a whole to audit the books of the judges, etc. Need to work on our emergency preparedness; concerned with Brookfield Power and the River Road project starting without a contract in place; there are issues with the Johnsonville Ambulance Service, Hoosic Valley has had to handle numerous calls; thanked the Board and S. Goldstein for getting the resolutions prepared and adopted quickly; thanked the building committee. Colarusso – welcomed M. Demars to the Board. King – thanked the public for coming to the meeting; introduced M. Demars and S. Goldstein to the public; advised that the board is here to help the Town; advised that the soccer dome on Rt. 7 is up.

PUBLIC ACCESS

Gordon Bushway stated that the Eastern Pittstown Fire will be receiving money from FEMA, but it will be coming to the Town. Please let them know when it is here.

AUDIT OF BILLS

Motion: Colarusso, Second: Hansen to pay voucher #22 on abstract #1. Vote: Ayes – Eddy, Hansen, and Colarusso; Nays – none; Abstains – Demars and King. Motion: Eddy, Second: Hansen to pay the remaining vouchers on abstract #1 and to

correct voucher #19. Vote: Ayes – Eddy, Hansen, Colarusso & King; Nays – none; Abstains – Demars.

ADJOURNMENT

Motion: Colarusso, Second: Demars to adjourn the meeting at 8:20 p.m. Ayes – all; Nays – none.

Respectfully submitted,

UNOFFICIAL
Michelle A. Hoag
Town Clerk