

Supervisor David P. Kelly opened the Workshop Meeting of the Town Board of the Town of Pawling at 7:00 PM October 4, 2017 at the Holmes Whaley Lake Civic Association Building, 239 Route 292, Holmes, New York. Present were Councilmen Johnson, Montemarano, DeRosa and approximately 21 interested citizens. Councilman Upham was absent.

2018 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PUBLIC HEARING

Supervisor Kelly opened the public hearing for the 2018 CDBG program.

Mayor Robert Liffland suggested a shared service grant application for new sidewalks from West Main Street to Murrow Park and handicapped bathrooms. Mike Cerny, Chairman of the Pawling Community Foundation wrote a letter of support for this project as well and also Nancy Tanner is in support of this project. Mayor Liffland suggested the Village act as Lead Agency on this project. He suggested the letters of support be submitted along with the CDBG application, should everyone agree on this project.

Supervisor Kelly felt this was a great idea. He said the Town just had a bid opening for the joint project for the Lakeside Park accessibility improvements - 2016 CDBG and that is moving forward.

Mayor Liffland said the County will be happy to hear that project is moving forward. He stated that the County likes to see public monies being used in projects, this adds to the point system, which is how the County grades you.

Councilman Johnson was in favor of this proposal also.

Councilman DeRosa was in favor of this proposal.

Supervisor Kelly commented that Village Trustees Earl Slocum and Dan Peters were also in attendance this evening.

There were no further comments and the public hearing was closed.

RESOLUTIONS

The Board discussed the proposed resolutions. Following discussion, it was agreed that the resolutions would be placed on the October 11, 2017 Town Board meeting agenda.

Following further discussion, the following action was taken on Resolution 2017101:

TOWN BOARD RESOLUTION NO. 2017101

BOND RESOLUTION DATED OCTOBER 4, 2017.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$2,200,000 SERIAL BONDS OF THE TOWN OF PAWLING, DUTCHESS COUNTY, NEW YORK, TO PAY THE INCREASED COST OF THE ESTABLISHMENT OF THE WHALEY LAKE DAM IMPROVEMENT DISTRICT IN SAID TOWN.

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 12-A of the Town Law, and more particularly an order dated September 13, 2017, the Town Board of the Town of Pawling, Dutchess County, New York, has approved the increased cost of the establishment of the Whaley Lake Dam Improvement District in the Town of Pawling, Dutchess County, New York subject to permissive referendum;

WHEREAS, the improvements proposed therefor are as described in the amended map, plan and report dated July 6, 2017;

WHEREAS, no petition requesting a referendum on such order was submitted within the time provided by law and it is now desired to authorize the financing thereof; NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Pawling, Dutchess County, New York, as follows:

Section 1. For the specific object or purpose of paying the increased cost of the establishment of the Whaley Lake Dam Improvement District in and for the Town of Pawling, Dutchess County, New York, consisting of various improvements to the Dam, the spillway and the drain system and housing, as well as incidental costs in connection therewith, at a new maximum estimated cost of \$4,700,000, as more fully described in the map, plan and report relating thereto, there are hereby authorized to be issued \$2,200,000 serial bonds of the Town of Pawling, Dutchess County, New York pursuant to the provisions of the Local Finance Law; there being \$2,500,000 bonds previously authorized to be issued for such purpose pursuant to a bond resolution dated July 11, 2007. The amount of bonds to be issued for such purpose shall be reduced to the extent grants are received in connection therewith (currently estimated to be \$1,000,000).

Section 2. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is thirty years, pursuant to subdivision 3 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 3. 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 4. The faith and credit of said Town of Pawling, Dutchess 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 annually be levied upon and collected from the several lots and parcels of land within said 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 sufficient to pay the principal of and interest on said bonds as the same shall become due.

Section 5. 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 said Supervisor shall deem best for the interests of the Town; provided, however, that in the exercise of these delegated powers, said Supervisor shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Supervisor shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 6. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual 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 7. 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 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, which takes effect immediately, shall be published in summary form in the official newspaper, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

The following resolution was offered by Supervisor David Kelly, who moved its adoption, seconded by Councilman William Johnson, to-wit:

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

ROLL CALL:	<u>AYE</u>	ABSENT	<u>NAY</u>
David P. Kelly, Supervisor	<u> X </u>		<u> </u>
Philip DeRosa, Councilman	<u> X </u>		<u> </u>
William Johnson, Councilman	<u> X </u>		<u> </u>
Paul Upham, Councilman		<u> X </u>	<u> </u>
Michael Montemarano, Councilman	<u> X </u>		<u> </u>

The resolution was thereupon declared duly adopted.

FURTHER BUSINESS

WHALEY LAKE DAM PROJECT

Supervisor Kelly said the Whaley Lake Dam project is moving forward. Winn Construction was looking at lowering the level of the water this past Monday. When they tried to drive the pilings into the front where they were going to coffer the dam, they found they were not able to drive the piles in to an acceptable level, there is just too much rock. So they will have to pump the water and they are setting up to pump the water out over the dam. There have been residents down at the site and he must ask that no one enter the dam site for safety reasons. He asked that signs be placed saying "Authorized Personnel Only". The dewatering date has been extended by NYS DEC to October 31st. Winn Construction hopes to begin the dewatering on Friday.

Councilman DeRosa said he stopped down there yesterday and felt it was a good thing the Town built the road and put in the staging area because it makes the job easier and felt it was saving money.

Supervisor Kelly said there is a lot of additional fill coming out of the Whaley Lake Dam site and Winn Construction needs to move it. Supervisor Kelly asked that the fill be taken to the area at Lakeside Park where the Board wants to construct a ballfield.

Supervisor Kelly made a motion to authorize Winn Construction, upon the approval of Councilman Johnson, to relocate the fill from that area sufficient to what is needed to develop the fields at Lakeside Park, seconded by Councilman Johnson, motion passed unanimously.

TRANSFER STATION

Councilman DeRosa said he and John Daley, Highway Superintendent have a meeting scheduled with the three transfer station attendees on Friday at 11:00 AM.

PUBLIC COMMENT

Vinny DiMarco said it is a pleasure to hear about the progress on the dam. He has a component for the mechanism of the dam and wants to put it together with the apparatus. He felt that Winn Construction should also be responsible for keeping people off the dam site.

Councilman DeRosa felt a temporary gate should be installed and it should be locked.

Al Greve asked if progress photos for the dam project could be posted on the Town website.

Supervisor Kelly said a resident is interested in filming the sequence of the project so that is a possibility.

Mr. Greve asked what the level of the lake would be, how low would it go.

Councilman DeRosa said five feet per the permit.

Mr. Greve asked if syphoning the water would be a potential hazard.

Supervisor Kelly said there has been discussion about putting buoys out or possibly a barrier.

Supervisor Kelly made a motion to adjourn at 7:25 PM, seconded by Councilman Johnson, motion passed unanimously.

Town Clerk