

Minutes of August 24, 2015 Germantown Town Board meeting, held at the Germantown Town Hall, Germantown, NY, commencing at 7:00pm.

Present: Supervisor Craig
Councilman Westmore
Councilman Phelan

Absent: Councilman Mortenson
Councilwoman Foley

Recorded by: Town Clerk, Joyce Vale

Motion to approve July Town Board meeting minutes and the Special meeting minutes was made by Councilman Westmore, seconded by Councilman Phelan, with all in favor and none opposed.

Motion to approve paying Town audited bills was made by Councilman Phelan, seconded by Councilman Westmore, with all in favor and none opposed.

Written Communication

No written communication.

At this time we had an update from Stephanie Vetter of Delaware Engineering on the grant applications and the preliminary engineering report. The grants will consist of Hudson River Valley Greenway and updating the comprehensive plan. Both grants applications have upcoming deadlines of September 4 and 21st.

Motion to engage Delaware Engineering to prepare the two grants for additional funding was made by Councilman Westmore, seconded by Councilman Phelan.

Supervisor Craig: Aye
Councilman Westmore: Aye
Councilman Phelan: Aye

Copies of the preliminary engineering report for the waste water treatment plant improvements were given to the Town Board. The submission is due by September 4th to the NYS Environmental Facilities Corporation. This will move the Germantown project from the Clean Water State Revolving Fund to a multi year list to the annual list which then would move them closer to a real project. Once on the annual list applicants are ranked and scored and that determines what type of funding options they are eligible for. There are three alternatives for the waste water plant. The summary and financing options are in this preliminary report. Everything at the plant is nearing the end of the service life. Councilman Phelan asked Ms. Vetter if this report looked at fees and possible expansion. Ms. Vetter told him that capacity is not an issue that the plant functions well just the components need to be replaced. The next step will be any technical comments from the Town Board. Ms. Vetter thanked all for their help compiling data for this project.

Maintenance

No report.

Highway by Councilman Westmore

- Final pass mowing and weed eating.
- Hot blacktop patching on road edges.
- Ditching Dales Bridge Road.
- Extended the 3" culvert pipe on Dales Bridge Road.
- Swept up loose stone on newly oiled roads

Sewer

No report.

Police by Commissioner Rekow

- 56 hours were logged for the month of July.
- Officers have been patrolling the village for the past 3 weeks. There have been a lot of problems with parking in the village.

History by Supervisor Craig

- Bard archeological field school completed their session.
- Hover foundation funded new lighting for the current exhibits.
- Hosting the NYS Chapter of Town Historians on September 19th 8:30am to noon.
- Grave cleaning at Cheviot cemetery.
- October 3rd Palatines coming to America.
- October 6 & 7th Palatine Heritage Day.
- October 24th Open House at the Parsonage.

Business & Economic Development Committee

No reports.

Old Business

No Old Business.

New Business

- Keeping sidewalk project on track.
- Approve bonding and the hiring of Jay Reilly to oversee the bond process.

Motion to hire Mr. Reilly to oversee the bond process was made by Councilman Phelan, seconded by Councilman Westmore.

Supervisor Craig:	Aye
Councilman Westmore:	Aye
Councilman Phelan:	Aye

BOND RESOLUTION

BOND RESOLUTION OF THE TOWN OF GERMANTOWN, COLUMBIA COUNTY, NEW YORK, ADOPTED AUGUST 24, 2015, AUTHORIZING THE UNDERTAKING OF THE PEDESTRIAN ACCESS IMPROVEMENTS PALATINE PARKS PROJECT (PIN 8758.47), STATING THE ESTIMATED MAXIMUM COST OF UNDERTAKING SAID PROJECT, TOGETHER WITH CERTAIN COSTS PRELIMINARY AND INCIDENTAL THERETO, IS \$1,900,000, APPROPRIATING SAID SUM THEREFORE

AND AUTHORIZING THE ISSUANCE OF UP TO \$1,900,000 OF SERIAL BONDS OF THE TOWN TO FINANCE SAID APPROPRIATION.

RECITALS:

WHEREAS, on August 11, 2015, the Town Board of the Town of Germantown, New York determined that the Pedestrian Access Project Palatine Park Project (PIN 8758.47), consisting generally of constructing new sidewalks along Church Avenue (CR33), Palatine Park Road and new pedestrian trail within Palatine Park, replacing the existing sidewalks along Main Street (CR8), Church Avenue (CR33) and Maple Avenue with new sidewalks and curbs, acquiring and installing upgraded street lighting and furniture and replacing an existing box culvert on Main Street (CR 8) across from the public school (collectively, the "Project") was an "Unlisted Action" within the meaning of New York State Environmental Quality Review Act and the regulations issued pursuant thereto that would not result in any significant adverse environmental impacts and issued a negative declaration with respect to the Project; and

WHEREAS, the Town Board believes that it is in the best interest of the residents of the Town of Germantown to undertake the Project; and

WHEREAS, approximately forty eight percent (48%) of the costs of the Project will be reimbursed by monies from the federal government; and

WHEREAS, approximately twenty four percent (24%) of the Project will be reimbursed by monies from county government; and

WHEREAS, the firm of Greenman-Pederson, Inc. ("GPI") will be providing construction support and inspection services to the Town with respect to the construction of the Project and has advised the Town Board that certain improvements in the Project have a useful life of at least ten (10) years;

NOW THEREFORE, on motion of Councilman Westmore, seconded by Councilman Phelan, all members present voting on roll call, which resulted as follows:

Supervisor Craig:	Aye
Councilman Westmore:	Aye
Councilman Phelan:	Aye

IT IS HEREBY RESOLVED BY THE TOWN BOARD OF THE TOWN OF GERMANTOWN (by at least two-thirds (2/3) of the entire Town Board) AS FOLLOWS:

Section 1. The Recitals referred to above are incorporated in this resolution as if set forth in full in this place;

Section 2. The Town of Germantown, Columbia County, New York (the "Town") is hereby authorized to undertake the Project and to enter into one or more contracts with respect thereto.

Section 3. The estimated maximum cost of undertaking the Project, including preliminary costs and costs incidental thereto and the financing thereof is \$1,900,000 and said amount is hereby appropriated therefore. To finance said appropriation, serial bonds of the Town are hereby authorized to be issued in the aggregate principal amount of \$1,900,000 pursuant to and in accordance with the provision of the Local Finance Law, constituting Chapter 33-A of the Consolidated Laws of the State of New York (the "Law").

Section 4. (A) The plan of financing the costs of undertaking the Project includes issuing up to \$1,900,000 serial bonds of the Town in such series and amounts as may be necessary to pay said sum, together with other costs. The serial bonds may (but need not) be issued in the form of a single bond, known as a statutory installment bond, in accordance with Section 62.10 of the Law. The annual debt service on the bonds may (but need not) be a variable rate of interest, as provided in Section 54.90 of the Law.

(B) The plan of financing also includes the reimbursement by the federal government of approximately forty eight percent (48%) of the costs of the Project and by Columbia County of approximately twenty four percent (24%) of the costs of the Project. It is estimated that the Town's share of the Project will be approximately \$530,000.

Section 5. The following additional matters are hereby determined and stated:

(A) The periods of probable usefulness of the specific objects or purposes for which the bonds authorized by this resolution are to

be issued are the (10) years, within the limitation of Sections 11.00(a)(24) and 11.00(a)(35) of the Law.

(B) Current funds are not required by the Law to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof, pursuant to Section 107.00(d)(9) of the Law.

(C) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

(D) Pursuant to Section 35.00 of the Law, this resolution is subject to a permissive referendum.

(E) The Town, including any subordinate entity of the Town (within the meaning of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the "Code"), reasonably does not expect to issue more than \$10,000,000 of "qualified tax-exempt obligations" (as defined in Section 265(b)(3) of the Code) during the 2015 calendar year.

(F) The bonds authorized by this resolution are not private activity bonds as defined in Section 141 of the Code.

(G) All of the proceeds of the bonds authorized by this resolution and any notes issued in anticipation of the sale of said bonds shall be used to finance costs of undertaking the Project and to pay costs incidental and preliminary thereto (including, without limitation, costs relating to the issuance of the bonds and any notes issued in anticipation of the issuance of said bonds).

Section 6. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law, shall be issued in fully registered form and shall be general obligations of the Town; provided, however, that bond anticipation notes may be issued in bearer form. The faith and credit of the Town are hereby irrevocably pledged to punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of said bonds, and provision shall be made annually in the budget of the Town 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 7. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized, ratified and confirmed, pursuant to, and subject to the restrictions of, Section 165.10 of the Law, for the objects or purposes described in Section 1 hereof. As provided in Section 165.10 of the Law, the Town intends to reimburse such funds from the proceeds of the bonds or notes authorized hereby. This resolution is a declaration of official intent under Section 1.150-2 of the Treasury Regulations issued pursuant to the Code.

Section 8. The Town hereby covenants and agrees with the holders from time to time of the bonds authorized hereby, and any bond anticipation notes issued in anticipation thereof, that the Town will duly and faithfully observe and comply with the provisions of the Code relating to actions which the Town must take or cause to be taken to ensure the status of the interest on the bonds authorized hereby, and any notes issued in anticipation thereof, is excludable from federal income taxation.

Section 9. The Supervisor of the Town is hereby authorized to designate as a "qualified tax-exempt obligation" pursuant to and within the meaning of Section 265(b) of the Code the bonds authorized hereby and any notes issued in anticipation thereof.

Section 10. Subject to the provisions of this resolution and the Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00 and Sections 54.90 to 63.00 of the Law, the powers and duties of the Town Board relative to prescribing the terms, form and content and as to the sale and issuance of the bonds herein authorized and any notes issued in anticipation of such bonds, or the renewals thereof, are hereby delegated to the Supervisor of the Town, the Chief Fiscal Officer of the Town.

Section 11. The validity of the 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 an object or purpose for which the Town 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 or summary thereof, 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

(C) such obligations are authorized in violation of the provisions of the constitution.

Section 12. This resolution shall take effect thirty (30) days after its adoption, unless within such thirty (30) day period a valid petition requesting a referendum with respect to this resolution is duly filed with the Town Clerk, in which event this resolution shall not take effect unless and until this resolution is approved at such referendum.

Section 13. Following the effective date of this resolution, the Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of the Local Finance Law, in the official newspaper of the Town for such publication.

Town Clerk is to publish notice in Register Star.

Supervisor's Report

- Town Board workshop on September 21st at 7:00pm.
- August 29th Exploring Habitat 9:00am-12:30pm.
- Memorial service on September 11th, 9:00am at the monument.
- Apple Fest, September 19th.
- Germantown Jazz, September 20th at Palatine Park.

Councilman Westmore said that on September 5th at 11:00am the Germantown Hudson River Ramble kayak paddle, starting from Cheviot to the Saugerties lighthouse.

Public

Jo Hills asked the Town Board if there could be rules & regulations posted at the Cheviot Park. Ms. Hills was told they were posted and were stolen.

She mentioned several occasions there had been people camping there and the police were called. Supervisor Craig told her, he had discussed with the Sheriff's department and they would be sending patrols through and also the State Troopers and Germantown Police Department. Supervisor Craig suggested if she is concerned, to call 911. Councilman Westmore told Ms. Hills to call him. Commissioner Rekow said there is not much we can do until the sign is back up.

Sally Saul asked what the status of the Methodist Church cemetery on Camp Creek Road was. Supervisor Craig told Ms. Saul that the cemetery was part of the property purchased privately. Supervisor Craig also told her the Town has not been approached at this time.

Arthur Cady said that in June he and his neighbors complained to the building inspector about the property behind them. He received a letter in late July from the building inspector and feels that he has not received the information that he had requested. Mr. Cady was told to appeal this matter. Supervisor Craig said that DEC does not inform the Town what is going on. Supervisor Craig will contact the gentlemen from DEC.

Motion to adjourn was made by Councilman Phelan, seconded by Councilman Westmore, with all in favor and none opposed.

Respectfully submitted,