

Special Town Board Meeting  
August 12, 2013

The Town Board of the Town of Philipstown held a Special Meeting on the above date at 7:30 p.m. at the Town Hall, 238 Main Street, Cold Spring, New York.

**PRESENT:**

Richard Shea	Supervisor
David Merandy	Councilman
Betty Budney	Councilwoman
John Van Tassel	Councilman

**ABSENT:** Nancy Montgomery Councilwoman

**AGENDA**

**1.Resolution authorizing, subject to permissive referendum, the replacement of the boiler at St. Mary's in and for the Town of Philipstown, at a maximum estimated cost of \$550,000.**

**a) SEQRA Resolution**

**RESOLUTION #112-2013**

The following Resolution was presented by Councilwoman Budney, seconded by Councilman Merandy and unanimously carried;

**WHEREAS**, the Town of Philipstown advertised for bidders for the Boiler Replacement at "St. Mary's" (Claudio Marzollo Community Center) which includes boiler replacement, oil tank removal/replacement and demo/abatement and has awarded the same to UAP, Inc., 400 Route 22, Brewster, New York 10509;

**NOW, THEREFORE, BE IT RESOLVED**, that this action is a Type II Action, as defined under NYCRR Part 617.13d, which is an action or class of actions which have been classified by the State of New York to not have a significant effect on the environment and thus do not require environmental impact statements or other determination or procedures under Part 617 of the Environmental Conservation Law.

**b) Bond Resolution**

**RESOLUTION #113-2013**

The following Resolution was offered by Councilman Merandy, who moved its adoption, seconded by Councilman Van Tassel, to wit:

**BOND RESOLUTION DATED AUGUST 12, 2013.**

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**A RESOLUTION AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE REPLACEMENT OF THE BOILER AT ST. MARY'S, IN AND FOR THE TOWN OF PHILIPSTOWN, PUTNAM COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$550,000, AND AUTHORIZING THE ISSUANCE OF \$550,000 BONDS OF SAID TOWN TO PAY THE COST THEREOF.**

**WHEREAS**, all condition precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act as a Type II Action, have been performed; and

**WHEREAS**, it is now desired to authorize such capital project and its financing;

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Board of the Town of Philipstown, Putnam County, New York, as follows;

**Section 1.** The replacement of the boiler at St. Mary's, in and for the Town of Philipstown, Putnam County, New York, including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, is hereby authorized, subject to permissive referendum, at a maximum estimated cost of \$550,000.

**Section 2.** The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$550,000 bonds of said Town, hereby authorized to be issued therefore pursuant to the provisions of the Local Finance Law.

**Section 3.** It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is ten years, pursuant to subdivision 13 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will exceed five years.

**Section 4.** The faith and credit of said Town of Philipstown, Putnam County, New York, 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 unless paid from other revenues. 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 5.** 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 bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor of said Town, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such

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manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

**Section 6.** All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dated, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also to issue bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause proved for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

**Section 7.** 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 8.** 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 9.** Upon this resolution taking effect, the same shall be published in full or summary form in the official newspaper(s) of said Town for such purpose, together with a notice of the Town Clerk insubstantially the form provided in Section 81.00 of the Local Finance Law.

**Section 10.** THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM

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

**ROLL CALL VOTE**

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Supervisor Shea	AYE
Councilwoman Budney	AYE
Councilwoman Montgomery	ABSENT
Councilman Van Tassel	AYE
Councilman Merandy	AYE

The resolution was thereupon declared duly adopted.

There being no further business to discuss, Councilman Van Tassel made a motion, seconded by Councilwoman Budney to close the Special Meeting at 9:05 a.m.

Respectfully submitted by,

Tina M. Merando  
Town Clerk