Catskill Town Board Committee Meeting
Cementon Sportsman Club
August 15, 2012 6:32 pm

Attendance: Joseph Leggio, Supervisor; Robert Antonelli, Councilman; Pat Walsh, Councilman; Kevin Lennon, Councilman; Gary Carlson, Councilman; Elizabeth Izzo, Town Clerk

Supervisor Leggio opened the meeting with a moment of silent prayer and the Pledge of Allegiance.

Supervisor Leggio reviewed the following:

- Memo from DEC regarding a denied SPEDES permit for Quality Inn. They have been hauling/holding sewage since the 7th and have 30 days to rectify SPEDES permit.
-Spoke with Joe Myers regarding grant for Cementon Sewer District. We spent all but $65,000 and rolled loan over for another 2 years to complete work on the project.
-Dr. Kleen cleaning services: Councilman Antonelli told Elizabeth that it was all right. It is under the bid price. It will be done in two phases. Motion presented by Councilman Antonelli and seconded by Councilman Walsh. All were in favor. Motion carried.
-Time records: Update Section 504 of the employee handbook to utilize electronic/scanner technology time clocks. Motion presented by Councilman Antonelli and seconded by Councilman Carlson. All were in favor. Motion Carried.
-Michael Smith, Town Attorney, allocated $5,500 salary in the beginning of the year and we have been giving him more stuff to do. He is consuming more hours. We discussed once before, he will work at an hourly rate of $150.00 and bill us on a monthly basis. We need a resolution to change the method of payment. Councilman Carlson stated when we bid this position we didn't have any other local attorneys accept what we were looking to do based on the fact that we were doing the $5,500 annual. If we now change the language of what we are going to do for compensation we may get people as qualified or more interest if we are looking at an hourly rate. Councilman Antonelli stated if we are unhappy, it is only for the rest of the year. Councilman Walsh believes he is doing a good job. Councilman Carlson stated it isn't a matter of how well a job he is doing but anytime you change the course of the game after you already started; he gets the appointment and then realizes it is more work than originally anticipated and he wants to change things. Supervisor Leggio stated this is not necessarily how it worked out. We were using Mike Sterthous all the time and for the last three months since using Michael Smith, Albany hasn't been called. Councilman Carlson understands trying to save costs but it puts a bad taste in his mouth when someone takes on a job and wants to change his compensation package after he has taken it. Councilman Lennon agreed with Gary. He brought this up when the appointment was made. Hour many hours would that $5,500 buy and what would be the

compensation above those hours. He was suppose to define guidelines for that and to date he hasn't. Supervisor Leggio stated for the last three months he had been getting a salary check and he still is. He hasn't exhausted the $5,500. Councilman Walsh asked if he submitted bills. Supervisor Leggio stated Michael would keep track of his time and when it got up to $5,500. Councilman Carlson stated it is the appearance of an impropriety. It is a reflection on him. He understands he is taking over for Jim Wagman but he made a commitment based on this number. Supervisor Leggio tabled the discussion and a meeting will be set up on September 4th to talk it over with him before the executive session.
-Bond resolution: Supervisor Leggio stated this is authorizing us to go out to bond for $2.1 million. We do not have to bond the entire amount but it is to get the ball rolling.

BOND RESOLUTION NO. 93-2012

BOND RESOLUTION OF THE TOWN OF CATSKILL, GREENE COUNTY, NEW YORK, ADOPTED AUGUST 15, 2012 AUTHORIZING THE CONSTRUCTION AND RECONSTRUCTION OF CERTAIN TOWN OWNED PROPERTY DAMAGED BY HURRICAN IRENE, STATING THE ESTIMATED MAXIMUM COST OF SAID CONSTRUCTION AND RECONSTRUCTION, TOGETHER WITH CERTAIN COSTS PRELIMINARY AND INCIDENTAL THERETO, IS $2,100,000, APPROPRIATING SAID SUM THEREFOR AND AUTHORIZING THE ISSUANCE OF UP TO $2,100,000 SERIAL BONDS OF THE TOWN TO FINANCE SAID APPROPRIATION.

RECITALS:

WHEREAS, the Town Board of the Town of Catskill, New York (the "Town") has determined that it is in the best interests of the residents of the Town to construct and reconstruct certain Town owned property damaged by Hurricane Irene, in particular: the Route 23A Easement Culvert Replacement, the Woodstock Avenue Retaining Wall, the Kaaterskill Avenue Bank Stabilization and the Mill Lane Bank Stabilization (collectively, the "Project"); and

WHEREAS, the construction and reconstruction of the Project and performing the work related thereto is a Type II Action within the meaning of the State Environmental Quality Review Act and the regulations issued pursuant thereto (collectively, "SEQRA") and, therefore, no further action is required to be taken by the Town Board pursuant to SEQRA;

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

AYES: 5

NAYES: 0

IT IS HEREBY RESOLVED BY THE TOWN BOARD OF THE TOWN OF CATSKILL (BY AT LEAST TWO-THIRDS (2/3) OF THE ENTIRE TOWN BOARD) AS FOLLOWS:

Section 1. The Recitals set forth above are incorporated herein by reference.

Section 2, The Town of Catskill, Greene County, New York (the "Town") is hereby authorized to advertise for bids for and to undertake the construction and reconstruction of the Project and work related thereto in said Town.

Section 3. The estimated maximum cost of constructing and reconstructing the Project, including preliminary costs and costs incidental thereto and the financing thereof, is $2,100,000 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 $2,100,000 pursuant to and in accordance with the provisions 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 includes issuing up to $2,100,000 aggregate principal amount of 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 substantially level or declining annual debt service as provided in Section 21.00(d) of the Law. The interest rate on the bonds (and any notes issued in anticipation thereof) may, but need not, be a variable rate of interest as provided in Section 54.90 of the Law.

(b) Although the Town is hereby authorized to issue up to $2,100,000 in bonds and notes for the costs of constructing and reconstruction the Project, it is estimated that all but approximately $60,000 of the costs of constructing and reconstructing the Project will be reimbursed by Federal, State and County agencies, including the Federal Emergency Management Agency, the New York State Office of Emergency Management and the Greene County Soil and Water Conservation District.

<u>Section 5</u>. The following additional matters are hereby determined and stated:

(a) The period of probable usefulness of the specific objects or purposes which the bonds authorized by the resolution are to be issued is ten (10) years, within the limitation of Section 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 Sections 107.00(d)(3)(j), (4) and (9) of the Law.

(c) The proposed maturity of the bonds authorized by this resolution will not exceed five (5) years.

(d) Pursuant to Section 35.00(b)(1) of the Law, this resolution is not subject to a permissive referendum.

(e) The bonds authorized by this resolution are not private activity bonds as defined in Section 141 of the Internal Revenue Code of 1986, as amended (the "Code").

(f) 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 the construction and reconstruction of 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. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of said bonds. To the extent not paid from other sources, 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 hereto. 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, upon the advice of Bond Counsel, 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 hereto 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 and 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 (20) days after the date of such publication; or

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

Section 12. The Town Clerk is hereby authorized and directed to publish the foregoing bond resolution, or a summary thereof, in the official newspaper of the Town, said bond resolution to be published together with the Town Clerk's statutory notice provided by Section 81.00 of the Law.

Section 13. This resolution shall take effect immediately.

Councilman Walsh stated Dr. Jacobsen's house on West Main Street was sold. He was there yesterday and someone had a back hoe there. He told the Code office to check it out.

Supervisor Leggio stated Paul Ferraro was denied the flood mitigation elevation project.

Councilman Antonelli stated Irving School was sold. Alfie gave him a price for black topping.

Councilman Lennon proposed reappointing Zane Cheek to the BAR. Motion made by Councilman Lennon and seconded by Councilman Walsh. All were in favor. Motion Carried

Supervisor Leggio proposed appointing Lynn Zubris as an alternate to the Zoning Board. Motion made by Councilman Antonelli and seconded by Councilman Carlson. All were in favor. Motion Carried.

Supervisor Leggio proposed appointing Trace Van Dyke as an alternate to the Planning Board. Motion made by Councilman Walsh and seconded by Councilman Antonelli. All were in favor. Motion Carried.

Councilman Lennon gave an update on FEMA. Plans should be completed by the end of the week for the Woodstock Bridge. We received the bids for the Route 23A project. Rich is to look over and then the Town Attorney needs to review. He told Liz to hold them until he can get down there to look over.

Councilman Antonelli mentioned the article in the paper. Councilman Lennon stated he hasn't seen it yet. He stated part of the creek work they did when the berms were built was to protect from the next storm. They thought they were too high and there was a remediation plan to lower them. Jeff Flack was working on that for us. He stated we have been there three days and he stated he is very happy with that result. He stated DEC is coming down tomorrow and they may sign off on it that it is complete.

Supervisor Leggio asked if there was a copy of the remedial plan. Councilman Lennon stated it was sent to him. He stated he received yesterday a permit and will forward to Liz. He stated FEMA will not reimburse for sediment removal once the remedial signed off.

Supervisor Leggio mentioned a letter sent to Alfie Beers in regards to the Highway buildings needing some attention. Councilman Lennon stated he is working on it.

Supervisor Leggio mentioned the Ambulance heating system. He stated Trane is adjusting the bill $400 but it is not acceptable as the problem still exists. The last payment on the bond is this year and there is some money left over and we should fix it before the last payment.

Councilman Lennon mentioned the AED for Ricky Cramer Field. Matt checked it out and we need to buy some AED pads. He feels the Town of Catskill should be responsible for that. Supervisor Leggio stated a bill was sent to Little League because it was in their contract.

Supervisor Leggio stated the school sent a letter requesting more information regarding the tax certiorari cases. Mr. Vincelette stated he has sent the information three times and sent a letter stating such. He mentioned that the Town won the Maetrum suit.

With no further business a motion to adjourn the meeting was made by Councilman Antonelli and seconded by Councilman Carlson. Meeting ended 7:28 pm.

Respectfully submitted,

Elizabeth Izzo
Town Clerk