

FEBRUARY 4, 2014 – WORK SESSION

Minutes of a work session of the Town Board of the Town of Somers held on Thursday evening February 4, 2016 at 7:00 PM at the Town House, 335 Route 202, Somers, New York.

ROLL CALL:

PRESENT:	Supervisor	Rick Morrissey
	Councilman	Richard G. Clinchy
	Councilman	Thomas A. Garrity, Jr.
	Councilman	Anthony J. Cirieco
	Councilman	William G. Faulkner

ABSENT:

Also present were Patricia Kalba, Town Clerk, Geraldine Gilmore, Deputy Town Clerk and Roland A. Baroni, Jr., Town Attorney.

This being a work session the following actions were taken:

The Supervisor said that it was in order for the Board to adopt a Resolution approving the Statutory Installment Bond for the purchase of Town Equipment and Vehicles.

Thereupon motion of Supervisor Morrissey, seconded by Councilman Garrity, it was unanimously,

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$365,000 BONDS OF THE TOWN OF SOMERS, WESTCHESTER COUNTY, NEW YORK, TO PAY THE COST OF VARIOUS ITEMS OF EQUIPMENT AND VEHICLES, IN AND FOR SAID TOWN.

WHEREAS, the capital project hereinafter described, as proposed, has been determined to be a Type II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act (“SEQRA”), which regulations state that Type II Actions will not have a significant effect on the environment; and

WHEREAS, it is now desired to authorize the financing of such capital items; NOW, THEREFORE

BE IT RESOLVED, by the affirmative vote of **not less than two-thirds of the total voting strength** of the Town Board of the Town of Somers, Westchester County, New York, as follows:

Section 1. The following are hereby authorized in and for the Town of Somers, Westchester County, New York:

- a) The purchase of equipment for the Police Department, including incidental expenses, at a maximum estimated cost of \$5,000, being a specific object or purpose having a period of probable usefulness of 5 years, pursuant to subdivision 32 of paragraph a of Section 11.00 of the Local Finance Law; and
- b) The purchase of a turf seeder, including incidental expenses, at a maximum estimated cost of \$10,500, being a specific object or purpose having a period of probable usefulness of 5 years, pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law; and
- c) The purchase of a handicap accessible van, including incidental equipment and expenses in connection therewith, at a maximum estimated cost of \$53,500, being a specific object or purpose having a period of probable

FEBRUARY 4, 2014 – WORK SESSION

usefulness of 5 years, pursuant to subdivision 29 of paragraph a of Section 11.00 of the Local Finance Law; and

- d) The purchase of a utility vehicle for the Police Department, including incidental equipment and expenses in connection therewith, at a maximum estimated cost of \$35,500, being a specific object or purpose having a period of probable usefulness of 5 years, pursuant to subdivision 29 of paragraph a of Section 11.00 of the Local Finance Law; and
- e) The purchase of a utility vehicle for the Building Department, including incidental equipment and expenses in connection therewith, pursuant to Section 109-b(2)(g) of the General Municipal Law, at a maximum estimated cost of \$15,000, being a specific object or purpose having a period of probable usefulness of 5 years, pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law; and
- f) The purchase of a pick-up truck for the Police Department, including incidental equipment and expenses in connection therewith, pursuant to Section 109-b(2)(g) of the General Municipal Law, at a maximum estimated cost of \$19,000, being a specific object or purpose having a period of probable usefulness of 3 years, pursuant to subdivision 77 (1<sup>st</sup>) of paragraph a of Section 11.00 of the Local Finance Law; and
- g) The purchase of equipment for maintenance purposes for the Highway Department, each item of which costs \$30,000 or over, including incidental equipment and incidental expenses, at an aggregate maximum estimated cost of \$215,000, being a class of objects or purposes having a period of probable usefulness of 15 years, pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law and with a maximum maturity hereby limited to 5 years; and
- h) The purchase of plow/sander equipment for the Highway Department, including incidental equipment and incidental expenses, at a maximum estimated cost of \$11,500, being a specific object or purpose having a period of probable usefulness of 5 years, pursuant to subdivision 28 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 shall not exceed 5 years, except as to the pick-up truck described in Section 1f hereof as to which the maximum maturity shall not exceed 3 years.

Section 2. It is hereby determined that the plan for the financing of the aforesaid aggregate maximum estimated cost of the aforesaid objects or purposes is by the issuance of \$365,000 serial bonds of the Town hereby authorized to be issued therefor, allocated in accordance with the maximum estimated cost of each as set forth in Section 1 hereof.

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 Somers, Westchester 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. 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.

FEBRUARY 4, 2014 – WORK SESSION

Section 5. Such bonds shall be in fully registered form and shall be signed in the name of the Town of Somers, Westchester County, New York, by the manual or facsimile signature of the Supervisor and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the Town Clerk.

Section 6. 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 said 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 7. 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 the 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. Such bonds shall contain substantially the recital of validity clause provided 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 52.00 of the Local Finance Law, as the Supervisor shall determine.

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

Supervisor Rick Morrissey	VOTING	AYE
Councilman Richard G. Clinchy	VOTING	AYE
Councilman Thomas A. Garrity, Jr.	VOTING	AYE
Councilman Anthony J. Cirieco	VOTING	AYE

FEBRUARY 4, 2014 – WORK SESSION

Councilman William G. Faulkner

VOTING

AYE

The resolution was thereupon declared duly adopted.

The Supervisor said that it was in order for the Board to rescind the January 7, 2016 Resolution awarding the 2016 Materials for the Highway Department and authorizing go out for re-bid of the 2016 Materials, due to a publishing error.

Thereupon motion of Supervisor Morrissey, seconded by Councilman Faulkner, it was unanimously,

RESOLVED, that the Town Board does hereby rescind the Resolution awarding the bids for 2016 Materials for the Highway Department adopted at the Organizational Meeting, January 7, 2016, and

BE IT FURTHER RESOLVED, that the Town Board does hereby authorize Thomas E. Chiaverini, Superintendent of Highways to go out for re-bid of the 2016 Materials for the Highway Department per memo dated February 3, 2016.

This being a work session no further actions were taken.

Thereupon motion of Supervisor Morrissey, seconded by Councilman Garrity, the meeting was adjourned at 10:10 PM.

---

Town Clerk