

Town of Denning – Special Board Meeting

Meeting called to order at 7:02 p.m. by Supervisor Bruning,
Held on Tuesday, September 20, 2011 at the Denning Town Hall.

Present: Supervisor Bruning

Councilmen: Mike Dean, Paul Schoonmaker, Kevin Smith, and David Brooks

Also present: Highway Superintendent Dan Van Sadlers

Public present: Mrs. Elaine Beck, Mr. Ed Bailey, Mr. Allen Bailey, Mr. Claude Fry, Mr. Paul Nasierowski, Mr. Mike Vaira, Mrs. Carol Lasco

The Deputy Town Clerk gave the Board members their copy of the resolution No. 37 of 2011.

Resolution # 37 of 2011

WHEREAS the Town of Denning Justice Court has solicited the Town Board for support in the application of a grant from the New York State Justice Court Assistance Program,

NOW THEREFORE, be it **RESOLVED** that the Town Board hereby supports the application of the Denning Justice Court to the New York State Justice Court Program for funding in the fiscal year of 2011.

EXTRACT OF MINUTES

Meeting of the Town Board of the Town of Denning in the County of Ulster, New York, September 20, 2011.

A regular meeting of the Town Board of the Town of Denning, in the County of Ulster, New York, was held in the Town Hall on September 20, 2011, at 7:30 P.M.

There were present:

Honorable Bill Bruning, Supervisor and

Councilpersons: Andrew Dean
Paul Schoonmaker
David Brooks
Kevin Smith

There were absent:

There were present: ~~Joy Ann Monforte, Town Clerk, and~~ *Tommy Beck deputy Town Clerk*
Jacobowitz and Gubits, LLP, Attorneys

Councilperson *Kevin Smith* offered the following resolution and moved its adoption;

Councilperson *Paul Schoonmaker* seconded its adoption. It was duly put to a vote on roll call which resulted as follows:

	5 Aye	0 Nay
Supervisor Bill Bruning	X	
Councilperson Andrew Dean	X	
Councilperson Paul Schoonmaker	X	
Councilperson David Brooks	X	
Councilperson Kevin Smith	X	

The resolution, having received at least two-thirds vote of the members of the Town Board, was declared by the Supervisor to be adopted.

BOND RESOLUTION OF THE TOWN OF DENNING, ADOPTED SEPTEMBER 20, 2011, AUTHORIZING THE RECONSTRUCTION OF PORTIONS OF PEEKAMOOSSE ROAD, STATING THAT THE ESTIMATED MAXIMUM COST THEREOF IS \$750,000.00, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$750,000.00 SERIAL BONDS TO FINANCE SAID APPROPRIATION AND AUTHORIZING ANY AMOUNTS RECEIVED FROM THE UNITED STATES OF AMERICA TO BE EXPENDED TOWARDS THE COST OF SAID SPECIFIC OBJECT OR PURPOSE OR THE REDEMPTION OF SAID BONDS ISSUED THEREFOR

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; and

WHEREAS, it is now desired to authorize the financing of such capital project;

NOW THEREFORE,

BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF DENNING IN THE COUNTY OF ULSTER, NEW YORK, (by the favorable vote of not less than two-thirds of all the members of said Board) AS FOLLOWS:

Section 1. The Town is hereby authorized to reconstruct portions of Peekamoosse Road. The estimated maximum cost of said specific object or purpose, including preliminary costs, cost of maps, plans, surveys, estimates, advertisements, legal documents and costs incidental hereto and the financing thereof, is \$750,000.00 and the said amount is hereby appropriated therefor. The plan of financing is the issuance of \$750,000.00 serial bonds to finance said appropriation and the levy of a tax on all the taxable real property within the Town to pay the principal of said bonds and interest thereon as the same shall become due and payable; and any amounts received from the United States of America acting through the Federal Emergency Management Agency, shall be expended towards the cost thereof.

Section 2. Serial bonds in the principal amount of \$750,000.00 are hereby authorized to be issued pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and stated:

a) The period of probable usefulness applicable to the purpose for which said serial bonds herein authorized are to be issued, within the limitations of Section 11.00a.20 of the Law, is ten (10) years.

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

c) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

Section 4. The bonds authorized by this resolution and any bond anticipation notes in anticipation of the sale of said bonds, shall contain the recital of validity prescribed by Sec. 52.00 of the Law and said bonds and any notes issued in anticipation of such bonds, shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest of said bonds and any notes issued in anticipation of said bonds, and provisions 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 each year and (b) the payment of interest to be due and payable in each year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Sec. 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, and of Sec.30.00 relative to the authorization of the issuance of bond anticipation notes and of Sec. 50.00 and Sec. 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and relative to providing for substantially level or declining annual debt service, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

Section 6. 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 of which the Town is not authorized to expend money, or

(b) the provisions of the law which should be complied with at the date of the publication of such 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

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

Section 7. This resolution shall take effect immediately.

Section 8. The object or purpose described in Section 1 hereof 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.

Councilperson *Andrew Dean* offered the following resolution and moved its adoption:

RESOLVED BY THE TOWN BOARD OF THE TOWN OF DENNING IN THE COUNTY OF ULSTER, NEW YORK, AS FOLLOWS:

Section 1. The Town Clerk is hereby authorized and directed to publish the foregoing bond resolution, in summary, in YE OLDE TOWNSMAN, a newspaper published in Denning, New York, the official newspaper of said Town and having a general circulation therein, together with Notice attached in substantially the form as prescribed by Sec. 81.00 of the Local Finance Law of the State of New York.

Section 2. This resolution shall take effect immediately.

* * * * *

The adoption of the foregoing resolution was seconded by Councilperson *David Brooks* and duly put to a vote on roll call, which resulted as follows:

AYES: [5] NAYS: [0]

This resolution was declared unanimously adopted.

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CERTIFICATION

I, JOY ANN MONFORTE, Town Clerk of the Town of Denning, Ulster County, New York, HEREBY CERTIFY:

The annexed extract from the Minutes of a meeting of the Town Board of the Town of Denning, duly called and held on September 20, 2011, has been compared by me with the original of said Minutes as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said original Minutes so far as the same relate to the subject matters referred to in said extract and the said resolution has not been rescinded or modified.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Town of Denning, Ulster County, New York on September 20, 2011.

Tammy E. Beck deputy Town Clerk
for JOY ANN MONFORTE
Town Clerk

(SEAL)

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Public comments: The public expressed concerns about the damages done by Hurricane Irene to the properties that they own in the Town of Denning. Supervisor Bruning remarked that he is deeply sympathetic toward their situation, and is working to address those issues. He stated that this was a special meeting pertaining only to the bond. He continued to state that the bond would give funding for the express purpose of reconstructing a portion of Peekamoose Road. Highway Superintendent Dan Van Sadlers stated that it was urgent to do the repairs before winter set in. Discussion followed.

Motion to adjourn at 8:39 p.m. by Councilman Mr. Mike Dean, 2nd by Councilman Kevin Smith, All in favor. Motion carried.

Respectfully Submitted by Tammy Beck, Deputy Town Clerk