

**SPECIAL MEETING AND PUBLIC HEARING ON  
PROPOSAL FOR INCREASE AND IMPROVEMENT  
OF FACILITIES OF PORT EWEN WATER DISTRICT TOWN BOARD MEETING  
SEPTEMBER 4, 2018**

A Public Hearing and Special Town Board Meeting was held on Tuesday September 4, 2018 in the Town Hall, 284 Broadway, Ulster Park, NY with the following persons in attendance:

**Supervisor Shannon Harris  
Councilperson Gloria Van Vliet  
Councilperson Jared Geuss  
Councilperson Kathie Quick  
Councilperson Chris Farrell**

**Administrative Recorder: Holly A. Netter, Town Clerk, RMC  
Also present: Don Kiernan, Water Superintendent**

**Supervisor Shannon Harris called the Public Hearing to order at 7:05 PM.**

**Pledge**

**Supervisor Harris reviewed the rules of the Public Hearing. Town Clerk Netter provided proof of the Public Hearing Notice for the improvements in the Daily Freeman on August 21, 2018.**

This is a Public Hearing to increase and improve the facilities of the Port Ewen Water District pursuant to Section 202-b of the Town Law. The proposed improvements consist of a proposed replacement of water storage facility as described in the Engineer's Report prepared by Brinner and Larios, P.C., dated July, 2018. Such improvements include the installation of a new tank to replace the existing water storage tank and original furnishings, equipment, machinery and apparatus required therefore. The maximum amount proposed to be expended for the improvements is \$3,729,000. An engineer's report describing such improvements has been on file in the Town Clerk's office for public inspection. All persons desiring to be heard will have a chance to speak.

**PUBLIC COMMENT**

No townspersons stated they were totally against or in favor of the project but had several questions regarding the endeavor. Larry Van Vliet of Lee Rd. and Stephanie Lettieri of Clay Rd. were the only individuals who wanted to speak and they were given that opportunity. Their questions were addressed by the Board, Dan Valentine from Tighe and Bond and Dennis Larios from Brinner and Larios, PC.

Mr. Van Vliet said he thought more advertising should have been done because there was such a poor turnout of townspeople. Town Clerk Holly Netter explained the meeting was

## 9/4/18 Special Meeting & Public Hearing

noticed in the newspaper, posted at Town Hall, advertised on the Town web page and shared on Facebook. Mr. Van Vliet suggested a larger advertisement for the future. Mr. Van Vliet, who had sat on the Port Ewen Water/ Sewer Board, shared the history of this proposed project. He recalled the cost to repaint the tank years ago would have been \$600,000 - \$800,000 and would have to be repainted every 10 years. The Water Board and Brinner & Larios felt it made more sense to build a new tank for 1.3 million at that time. Mr. Van Vliet had a safety concern of a water shortage in the event of a fire to one of the larger complexes such as Lake Shore Villas, Birchez, Rondout Harbor or Riverview. The option of installing the Tank on the existing lot would need a temporary tank erected and he feared an incident at one of these facilities could be disastrous. The Board agreed that the preferred option is to acquire the property from the adjacent property owner. This acquisition has been in process for quite some time. The property owner is deceased and her will has been probated in Florida and is now being probated in New York State. This option still remains to be the preferred method however, an alternative option was needed in order for the Town to apply for a grant opportunity that has a September 7<sup>th</sup> deadline. The grant could cover up to 60% of the cost of the project. The Board is trying to lessen the burden on the water sewer district by applying for the grant. Dan Valentine of Tighe and Bond said the grant application was submitted with two options however, since the Town did not own the other property at this time the more expensive option of 3.7 million was how the grant needed to be submitted. Paperwork can be amended and the town can proceed with the other option if the property is acquired. Another public hearing will need to be held if the change is made. Although the grant deadline is September 7<sup>th</sup>, the Town will not know if they were chosen until December. If the grant is awarded, construction would begin in 2019. The Town will continue to pursue the acquisition of the adjoining property. The Board will continue with Attorney Erica Brown to handle the acquisition.

Stephanie Lettieri, 219 Clay Rd., asked several questions regarding whether the tank would improve the water quality. The water tank has a filtration system within the tank which will help improve the quality. Water Superintendent Don Kiernan and Dennis Larios explained the actions that have been taken to rectify the issues of the trihalomethanes. Supervisor Harris said the Town is looking into a long term plan to improve the water district. These are different issues from the water tank.

**All persons present who desired to be heard were heard.**

**A MOTION WAS MADE BY COUNCILPERSON KATHIE QUICK TO CLOSE THE PUBLIC HEARING AT 7:47 PM. THE MOTION WAS SECONDED BY COUNCILPERSON CHRIS FARRELL. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.**

**A MOTION TO CONTINUE THE SPECIAL MEETING WAS MADE BY COUNCILPERSON KATHIE QUICK AND WAS SECONDED BY COUNCILPERSON JARED GEUSS. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.**

**RESOLUTION AND ORDER AFTER PUBLIC HEARING APPROVING A WATER FACILITIES IMPROVEMENT PROJECT FOR PORT EWEN WATER DISTRICT IN THE TOWN OF ESOPUS, IN THE COUNTY OF ULSTER, STATE OF NEW YORK, PURSUANT TO SECTION 202-b OF THE TOWN LAW.**

**WHEREAS**, the Town Board of the Town of Esopus (herein called "Town Board" and "Town"), respectively, in the County of Ulster, New York, on behalf of the Port Ewen Water District, in the Town (herein called "District"), requested Brinner & Larios, P.C., engineers duly licensed by the State of New York (herein called "Engineer") to prepare an engineer's report for the improvement of facilities of the District, consisting of a replacement water storage tank, as described in the final "Engineer's Report for Proposed Replacement of Water Storage Facility Port Ewen Water District" prepared by the Engineer dated July 2018. Such improvements include the construction of a replacement water storage tank at the location of the existing tank near 9W/Broadway, including original furnishings, equipment, machinery and apparatus required therefor, and pursuant to the direction of the Town Board, the Engineer has completed and filed with the Town Board such engineer's report for the increase and improvement of facilities of the District; and the Engineer has estimated the total cost thereof not to exceed \$3,729,000;

**WHEREAS**, the Engineer completed such engineer's report and filed the same with the Town Board, and the Town Board thereafter adopted an order describing in general terms the proposed improvement of facilities, specifying the estimated total cost thereof and stating that the Town Board would meet to hear all persons interested in said improvement of facilities on September 4, 2018 at 7:00 o'clock p.m. (Prevailing Time) at the Town Hall in the Town; and

**WHEREAS**, notice of such order, was published and posted pursuant to the provisions of Article 12 of the Town Law; and

**WHEREAS**, such public hearing was duly held by the Town Board on this 4th day of September, 2018 at 7:00 o'clock p.m. (Prevailing Time) at the Town Hall in the Town, and considerable discussion on the matter having been had and all persons desiring to be heard having been heard, including those in favor of and those in opposition to said improvement of the facilities; and

**WHEREAS**, it has been determined that the aforesaid purpose constitutes a Type II Action as defined under the State Environmental Quality Review Regulations, 6 NYCRR Part 617, which has been determined under SEQR not to have a significant impact on the environment.

**WHEREAS**, the Town Board and the Town have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Board of the Town of Esopus as follows:

1. On the basis of the information given at such hearing, it is hereby determined that it is in the public interest to improve the facilities of the District as hereinabove described and referred to at the estimated total cost of \$3,729,000;
2. It is hereby ordered that the facilities of the District shall be so improved;
3. Definite plans, specifications, and a careful estimate of the expense of the improvement are hereby directed to be prepared and the Attorneys for the Town are hereby directed to assist in the preparation of a proposed contract and to submit the same to this Town Board for examination and approval;
4. This Resolution shall take effect immediately.

**Resolution offered by: Supervisor Shannon Harris**

**Seconded by: Councilperson Farrell**

**BOARD WAS POLLED:**

<b>Councilperson Gloria VanVliet</b>	<b>Aye</b>
<b>Councilperson Kathie Quick</b>	<b>Aye</b>
<b>Councilperson Jared Guess</b>	<b>Aye</b>
<b>Councilperson Chris Farrell</b>	<b>Aye</b>
<b>Supervisor Shannon Harris</b>	<b>Aye</b>

**Resolution Duly Adopted.**

**BOND RESOLUTION DATED SEPTEMBER 4, 2018**

**A RESOLUTION AUTHORIZING THE ISSUANCE OF SERIAL BONDS OF THE TOWN OF ESOPUS, ULSTER COUNTY, NEW YORK IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$3,729,000 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE A WATER FACILITIES IMPROVEMENT PROJECT FOR PORT EWEN WATER DISTRICT IN THE TOWN OF ESOPUS, NEW YORK, AND DELEGATING CERTAIN POWERS IN CONNECTION THEREWITH TO THE TOWN SUPERVISOR.**

**BE IT RESOLVED**, by the Town Board of the Town of Esopus, Ulster County, New York (the "Town") (by the favorable vote of not less than two-thirds of all of the members of the Board) as follows:

SECTION 1. Construction of a replacement water storage tank and related water system improvements at the location of the existing tank near 9W/Broadway, including original furnishings, equipment, machinery and apparatus required therefor, is hereby authorized at an

## 9/4/18 Special Meeting & Public Hearing

estimated maximum cost of \$3,729,000, and said amount is hereby appropriated therefor. It is hereby determined that said purpose is an object or purpose described in subdivision 1 of paragraph a of Section 11 of the Local Finance Law, and that the period of probable usefulness of said purpose is forty years.

SECTION 2. It is hereby determined that the aforesaid purpose constitutes a Type II action as defined under the State Environmental Quality Review Regulations, 6 NYCRR Part 617, which has been determined under SEQRA not to have a significant impact on the environment.

SECTION 3. It is hereby determined that the proposed maturity of the obligations authorized by this resolution will be in excess of five years from the original date of issuance of such obligation.

SECTION 4. The Town Board plans to finance the total cost of said purpose by the issuance of serial bonds of the Town in an amount not to exceed \$3,729,000, hereby authorized to be issued therefor pursuant to the Local Finance Law.

SECTION 5. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of said bonds.

SECTION 6. 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. This resolution shall constitute a statement of official intent for purposes of Section 1.150-2 of the Treasury Regulations.

SECTION 7. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds, shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law. The faith and credit of the Town are hereby irrevocably pledged for the payment of the principal of and interest on said 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 said bonds becoming due and payable in such year. To the extent not paid from other sources, there shall annually be levied on all the taxable real property of the Town a tax sufficient to pay the principal of and interest on said bonds as the same become due and payable.

SECTION 8. Subject to the terms and contents of this resolution and the Local Finance Law, and pursuant to the provisions of Sections 30.00, 50.00 and 56.00 to 63.00, inclusive, of said Law, the power to authorize bond anticipation notes in anticipation of the issuance of the serial bonds authorized by this resolution and the renewals of said notes and the power to prescribe the terms, form and contents of said serial bonds and said bond anticipation notes (including without limitation the date, denominations, maturities, interest payment dates, consolidation with other issues, and redemption rights), the power to determine to issue said bonds providing for substantially level or declining debt service, and the power to sell and deliver said

## 9/4/18 Special Meeting & Public Hearing

serial bonds and any bond anticipation notes issued in anticipation of the issuance of such bonds, and the power to issue bonds as statutory installment bonds, is hereby delegated to the Town Supervisor, the Chief Fiscal Officer of the Town. The Town Supervisor is hereby authorized to sign any serial bonds issued pursuant to this resolution and any bond anticipation notes issued in anticipation of the issuance of said serial bonds, and the Town Clerk is hereby authorized to affix the corporate seal of the Town to any of said serial bonds or any bond anticipation notes and to attest such seal.

SECTION 9. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution and any notes issued in anticipation thereof as "qualified tax-exempt bonds" for purposes of Section 265(b)(3)(B)(i) of the Code.

SECTION 10. The Supervisor is further authorized, in her discretion, to execute a note purchase agreement, project financing and loan agreement and any other agreements with the New York State Environmental Facilities Corporation and/or the New York State Department of Environmental Conservation and/or the New York State Department of Health, and amendments thereto, and to take such actions and execute such documents as may be necessary to provide for the financing or refinancing of the specific object or purpose set forth herein, or a portion thereof, by a serial bond and/or bond anticipation note issue of the Town and the sale of such issue or issues to the New York State Environmental Facilities Corporation or its designee.

SECTION 11. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

- (1) Such obligations are authorized for an object or purpose for which the Town is not authorized to expend money; or
- (2) The provisions of law which should be complied with at the date of the 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 of New York.

SECTION 12. 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 Daily Freeman, being a newspaper having a general circulation in the Town and hereby designated as the official newspaper of the Town for such publication.

SECTION 13. This resolution shall take effect immediately.

**Resolution offered by:** Supervisor Shannon Harris  
**Seconded by:** Councilperson Jared Guess

**BOARD WAS POLLED:**

Councilperson Gloria VanVliet	Aye
Councilperson Kathie Quick	Aye
Councilperson Jared Guess	Aye
Councilperson Chris Farrell	Aye
Supervisor Shannon Harris	Aye

**Resolution Duly Adopted.**

**RESOLUTION AUTHORIZING SUBMISSION OF FUNDING APPLICATIONS  
FOR PORT EWEN WATER DISTRICT PROJECT**

**WHEREAS**, Brinner & Larios, P.C. (“Engineer”) prepared an engineer’s report entitled “Engineer’s Report for Proposed Replacement of Water Storage Facility Port Ewen Water District” (Engineer’s Report”) for the improvement of facilities of the Port Ewen Water District, consisting of a water storage replacement; and

**WHEREAS**, upon review of the Engineer’s Report, the Town has determined that it is necessary and in the best interests of the Town to undertake certain water system improvements including the construction of a replacement water storage tank, and related water system improvements with an estimated maximum cost of \$3,729,000; and

**WHEREAS**, the Town desires to seek available grant funding to assist in offsetting the costs of such improvements; and

**WHEREAS**, the Town has determined that the aforesaid project constitutes a Type II action as defined under the State Environmental Quality Review Regulations, 6 NYCRR Part 617, and has determined in accordance with SEQRA that such action not to have a significant impact on the environment;

**NOW, THEREFORE BE IT RESOLVED** by the Town Board of the Town of Esopus, as follows:

1. The Town Board hereby authorizes the Supervisor or, in her absence or unavailability, the Deputy Supervisor, to execute and submit one or more applications for financial assistance in the form of grants or loans or both for the water system, including without limitation applications to the State of New York and its agencies and to the New York State Environmental Facilities Corporation, and including without limitation an application for grant funding under the NYS Water

9/4/18 Special Meeting & Public Hearing

Infrastructure Improvement Act (WIIA).

2. This Resolution shall take effect immediately.

**Resolution offered by: Supervisor Shannon Harris**  
**Seconded by: Councilperson Chris Farrell**

**BOARD WAS POLLED:**

<b>Councilperson Gloria VanVliet</b>	<b>Aye</b>
<b>Councilperson Kathie Quick</b>	<b>Aye</b>
<b>Councilperson Jared Guess</b>	<b>Aye</b>
<b>Councilperson Chris Farrell</b>	<b>Aye</b>
<b>Supervisor Shannon Harris</b>	<b>Aye</b>

**Resolution Duly Adopted.**

**ADJOURNMENT**

**A MOTION WAS MADE BY COUNCILPERSON CHRIS FARRELL AT 8:15 PM TO ADJOURN THE MEETING. THE MOTION WAS SECONDED BY COUNCILPERSON GLORIA VANVLIET. ALL MEMBERS WERE IN FAVOR. MOTION CARRIED.**

Respectfully submitted,

Holly A. Netter  
Town Clerk, RMC