

**SPECIAL TOWN BOARD MEETING
OCTOBER 1, 2018
12:30 PM**

Supervisor Jamieson opened the meeting at 12:45pm followed by a salute to the flag. Members present: Councilman Valentine, Councilwoman Smith, Councilman Medican. Absent: Councilman Wensley

Also Present: Al Fusco – Fusco Engineering

LEAD AGENCY RESOLUTION SUGAR LOAF PERFORMING ARTS CENTER

At the meeting of the Town Board of the Town of Chester, held on October 1, 2018, the following resolution was introduced:

WHEREAS, the Town of Chester, New York Town Board reviewed the file and determined to be lead agency as required by SEQR (6NYCRR Part 617) for

Name of Action:	Performing Arts Center
Location:	Sugar Loaf
Project:	Purchase of Performing Arts Center
Action:	Unlisted - Uncoordinated

WHEREAS, the Town Board of the Town of Chester has reviewed the files and determined to become Lead Agency;

BE IT RESOLVED, the Town Board of the Town of Chester hereby declares itself Lead Agency for the above referenced project.

ON A MOTION BY Councilwoman Smith, seconded by Councilman Valentine

The foregoing resolution was adopted on a vote of 3 Ayes, 1 Nay, 1 Absent.

RESOLUTION STATE ENVIRONMENTAL QUALITY REVIEW FOR PERFORMING ARTS CENTER

At the meeting of the Town Board of the Town of Chester, held on October 1, 2018, the following resolution was introduced by Councilman Valentine and seconded by Councilwoman Smith:

WHEREAS, the Town of Chester is considering a purchase the Performing Arts Center; and

WHEREAS, the Town has cause to have prepared a Full Form Environmental Assessment under the State Environmental Quality Review Act; and

WHEREAS, the Town Board has passed a resolution of Lead Agency; and

WHEREAS, the Town Board has taken and determined that the application process to be an uncoordinated review and an Unlisted Action; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Chester has declared itself to be Lead Agency.

The vote of the motion: **Ayes** 3 **Nays** 1 **Absent** 1

**RESOLUTION State Environment Quality Review NEGATIVE DECLARATION
Notice of Determination of Non-Significance**

This notice is issued pursuant to 6 NYCRR Part 617 of the implementing regulations pertaining to Article 8 (State Environment Quality Review Act) of the Environmental Conservation Law.

The Town of Chester Town Board, as lead agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action: Purchase of the Performing Arts Center
Sugar Loaf

SEQR Status: Unlisted - Uncoordinated Review

Negative Declaration: Yes

Description of Action: Purchase of the Performing Arts Center

Facts & Reasons Supporting This Determination:

Based on careful review of the application, and revisions thereto submitted by the Applicant, Long Form Environmental Assessment Form, with supporting information and public comment, the Town Board has identified the no areas of environmental concern in connection with the proposed project.

Resolution:

BE IT RESOLVED THAT based on the Town Board’s review and consideration of the Project, Full Environmental Assessment Form, supplementary technical information, public comments and consideration of the criteria for determining significance set forth in 6 NYCRR 617.7 (c), the Project as designed and set forth herein will not result in any significant impact to the environment.

ON A MOTION BY Councilwoman Smith, seconded by Councilman Valentine

The foregoing resolution was adopted on a vote of 3 Ayes, 1 Nay, 1 Absent

\$1,100,000 BOND RESOLUTION OF THE TOWN OF CHESTER, AUTHORIZING THE ACQUISITION OF “THE SUGAR LOAF PERFORMING ARTS CENTER SUBJECT TO A MANDATORY REFERENDUM.

Councilman Valentine offered the following resolution and moved its adoption:

BOND RESOLUTION OF THE TOWN OF CHESTER, NEW YORK, ADOPTED OCTOBER 1, 2018, AUTHORIZING THE ACQUISITION OF A PARCEL OF LAND AND ALL FACILITIES THEREON AND APPURTENANCES THERETO, ALSO KNOWN AS “THE SUGAR LOAF PERFORMING ARTS CENTER”, LOCATED AT 231 CREAMERY POND ROAD, IN THE HAMLET OF SUGAR LOAF, IN SAID TOWN, STATING THE ESTIMATED TOTAL COST THEREOF IS \$1,100,000, APPROPRIATING SAID AMOUNT THEREFOR; AUTHORIZING THE ISSUANCE OF \$1,100,000 BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION; AND DETERMINING THAT THIS BOND RESOLUTION SHALL BE SUBJECT TO A MANDATORY REFERENDUM.

THE TOWN BOARD OF THE TOWN OF CHESTER, IN THE COUNTY OF ORANGE, NEW YORK, **HEREBY RESOLVES** (by the favorable vote of not less than three-fifths of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Chester, in the County of Orange, New York (herein called the “Town”), is hereby authorized to acquire a parcel of land located at 231 Creamery Pond Road, in the Hamlet of Sugar Loaf, in said town, Tax Map No.: Section 13, Block 3, Lot 5, and all facilities located thereon and appurtenances thereto, including the approximately 19,896 square foot community theater situated thereon, also known as “The Sugar Loaf Performing Arts Center”. The estimated total cost of the forgoing, including preliminary costs and costs incidental thereto and to the financing thereof, is \$1,100,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$1,100,000 bonds of the Town to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the Town in the principal amount of \$1,100,000 are hereby authorized to be issued pursuant to the provisions of 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. (a) The periods of probable usefulness of the objects or purposes for which said bonds are authorized to be issued are or exceed fifteen (15) years; however, the bonds authorized pursuant to this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds, shall mature no later than fifteen (15) years after the date of original issuance of said bonds or notes. The period of probable usefulness of the bonds herein authorized, pursuant to Section 11.00 a. 91 of the Local Finance Law, is fifteen (15) years.

(b) 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.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. 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 as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within 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 the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00

and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Town Board as to authorizing bond anticipation notes and prescribing the terms, form and contents and 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 as to executing contracts for credit enhancements and providing for substantially level or declining annual debt service, are hereby delegated to the 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 the sale 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 a summary thereof, 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. A Proposition for the approval or disapproval of this bond resolution shall be submitted to the qualified voters of the Town at the Special Town Election to be held at the same time and place(s) as the General Election on November 6, 2018, and this bond resolution shall take effect upon the approval of the Proposition by said voters of the Town at such Special Town Election. The Town Clerk is hereby authorized and directed to give notice of submission of such Proposition at said Special Town Election (a) by publishing, at least ten (10) days prior to such Special Town Election, a Notice thereof in form and substance as hereinafter set forth, at least once in the official Town newspaper(s) of the Town, such newspaper(s) having a general circulation in the Town, and hereby designated the official newspaper(s) of the Town for such publication, and (b) by posting such notice at least ten (10) days prior to such Special Town Election on the sign-board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law. Said Notice shall be in substantially the following form:

**TOWN OF CHESTER, NEW YORK
NOTICE OF SPECIAL TOWN ELECTION TO BE
HELD ON NOVEMBER 6, 2018**

NOTICE IS HEREBY GIVEN that pursuant to the resolution duly adopted by the Town Board of the Town of Chester, in the County of Orange, New York on October 1, 2018, a Special Town Election to be held at the same time and place(s) as the General Election on November 6, 2018, in the Town for the approval or disapproval of a Proposition which shall be submitted to the qualified voters present and voting at said Special Town Election. Such Special Town Election shall be conducted at the time and places and in accordance with procedures determined pursuant to applicable law and by the Orange County Board of Elections. Such Proposition shall be in substantially the following form:

PROPOSITION

SHALL THE RESOLUTION ENTITLED: "Bond Resolution of the Town of Chester, New York, adopted October 1, 2018, authorizing the acquisition of a parcel of land and all facilities thereon and appurtenances thereto, also known as "The Sugar Loaf Performing Arts Center", located at 231 Creamery Pond Road, in the Hamlet of Sugar Loaf, in said Town, stating the estimated total cost thereof is \$1,100,000, appropriating said amount therefor; authorizing the issuance of \$1,100,000 bonds of said town to finance said appropriation; and determining that this bond resolution shall be subject to a mandatory referendum," BE APPROVED?

An abstract of said bond resolution, concisely stating the purpose and effect thereof, is as follows:

FIRST: AUTHORIZING said Town to acquire a parcel of land located at 231 Creamery Pond Road, in the Hamlet of Sugar Loaf, in said town, Tax Map No.: Section 13, Block 3, Lot 5, and all facilities located thereon and appurtenances thereto, including the approximately 19,896 square foot community theater situated thereon, also known as "The Sugar Loaf Performing Arts Center"; STATING the estimated total cost thereof is \$1,100,000; APPROPRIATING \$1,100,000 to pay said cost; and STATING the plan of financing includes the issuance of \$1,100,000 bonds of the Town, and the levy and collection of taxes upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$1,100,000 bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance said appropriation;

THIRD: DETERMINING and STATING the periods of probable usefulness applicable to the objects or purposes for which said bonds are authorized to be issued are or exceed fifteen (15) years; however, the bonds authorized pursuant to this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds, shall mature no later than fifteen (15) years after the date of original issuance of said bonds or notes and the period of probable usefulness of the bonds is fifteen (15) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; the proposed maturity of said bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, shall be general obligations of the Town; and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, and the renewals thereof, and other related powers; and

SIXTH: DETERMINING that a Proposition for the approval or disapproval of this bond resolution shall be submitted to the qualified voters of the Town at the Special Town Election to be held at the same time and place(s) as the General Election on November 6, 2018 and that this bond resolution shall take effect upon such approval; and that the Town Clerk is authorized and directed to give appropriate notice of the presentation of said Proposition at such Special Town Election.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHESTER

Dated: October 1, 2018

LINDA ZAPPALA
Town Clerk

Section 8. In addition to the foregoing, the Town Board hereby authorizes and directs the Town Clerk to do the following:

(a) To maintain and distribute copies hereof, ready for public review and inspection in the Office of the Town Clerk and any and all other locations deemed necessary by the Town Clerk and the Town Attorney to comply with New York State Law regarding referenda; and

(b) To take all necessary steps, with assistance of the Town Attorney, to ensure that such Proposition is properly placed before the duly qualified Electors of the Town at the Special Town Election to be held on November 6, 2018.

Section 9. After said bond resolution shall take effect, the Town Clerk is hereby directed to cause said bond resolution to be published, in summary, in the newspaper(s) referred to in Section 7 hereof, and hereby designated the official newspaper of the Town for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

Section 10. This resolution shall take effect immediately.

* * *

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

AYES (3): **Supervisor Jamieson**
 Councilman Valentine
 Councilwoman Smith

NOES: (1) **Councilman Medican**

ABSENT: (1) **Councilman Wensley**

The resolution was declared adopted.

ADJOURNMENT

ON A MOTION BY Councilman Medican and second by Supervisor Jamieson to adjourn the meeting at 12:55pm, there being no further business brought before the Town Board. Motion carried 4-0.

Respectfully submitted,

Linda A. Zappala
Town Clerk
2018-10-01