

**TOWN BOARD MEETING
August 26, 2015
7:00 PM**

Supervisor Jamieson opened the meeting 7:10 PM followed by a salute to the flag. Members present: Supervisor Jamieson, Councilman Murray, Councilwoman Smith, Councilman Valentine.
Absent: Councilwoman Ranni

A MOTION WAS MADE BY Councilman Murray and seconded by Councilman Valentine to set the 2016 budget workshop sessions on September 22nd and September 24, 2015 at 7 pm at the Chester Town Hall Meeting Room. Motion carried 4-0.

A MOTION WAS MADE BY Councilwoman Smith and seconded by Councilman Murray to accept the 2 year extension of the refuse service contract at the current price, with IWS commencing January 2016, subject to attorney review. Motion carried 4-0.

A MOTION WAS MADE BY Councilman Valentine and seconded by Councilman Murray to accept the resignation of Councilwoman Linda Ranni, effective September 20, 2015. Motion carried 4-0.

A MOTION WAS MADE BY Councilman Murray and seconded by Councilwoman Smith 7:15pm to open the Public Hearing on the Walton Lake Tank Bonding. Motion carried 4-0.

Notice as published in the Times Herald-Record on August 16, 22 & 26, 2015:

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Chester, in the County of Orange, State of New York, will meet at the Town Hall, 1786 Kings Highway, Chester, New York, on August 26, 2015, at 7:00 P.M. (Prevailing Time), for the purpose of conducting a public hearing in relation to the increase and improvement of facilities of the Walton Lake Water District, consisting of the replacement of an existing water tank and other related or ancillary work required in connection therewith, at the estimated maximum cost of \$400,000.

At said public hearing, the Town Board will hear all persons interested in said subject matter thereof.

**BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHESTER,
COUNTY OF ORANGE, STATE OF NEW YORK**

**Linda Zappala, Town Clerk
Town of Chester
Dated: August 12, 2015**

The Supervisor stated that a public hearing had been called for this meeting at the Town Hall, 1786 Kings Highway, Chester, New York, at 7:00 o'clock P.M. (Prevailing Time) to consider the increase and improvement of facilities of the Walton Lake Estates Water District at the estimated total cost of \$400,000, consisting of the replacement of an existing water tank, and other related or ancillary work required in connection therewith, and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law. The Town Clerk presented affidavits showing that the Notice of said public hearing had been duly published and posted pursuant to the provisions of Article 12 of the Town Law.

The Supervisor stated that the hearing in the said matter was now open and asked if there were any interested persons present who desired to be heard. The following persons appeared in favor of such increase and improvement of facilities of said District: None appeared.

The following persons appeared in opposition to such increase and improvement of facilities: None appeared.

The Supervisor inquired as to whether there were any other persons present who wished to be heard. No one appeared, whereupon the Supervisor declared the public hearing closed.

A MOTION WAS MADE BY Councilman Murray and seconded by Councilwoman Smith to close the public hearing at 7:20pm. Motion carried 4-0.

A MOTION WAS MADE BY Councilman Murray and seconded by Councilwoman Smith to open the Public Hearing at 7:30 pm. Motion carried 4-0.

Notice as published in the Times Herald-Record on August 16, 22 & 26, 2015:

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Chester, in the County of Orange, State of New York, will meet at the Town Hall, 1786 Kings Highway, Chester, New York, on August 26, 2015, at 7:00 P.M. (Prevailing Time), for the purpose of conducting a public hearing in relation to the increase and improvement of facilities of the Walton Lake Water District, consisting of the construction of improvement to various components of the water system, or ancillary work required in connection therewith, at the estimated maximum cost of \$3,488,000.

At said public hearing, the Town Board will hear all persons interested in said subject matter thereof.

**BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHESTER,
COUNTY OF ORANGE, STATE OF NEW YORK**

**Linda Zappala, Town Clerk
Town of Chester
Dated: August 12, 2015
Chester, New York**

The Supervisor stated that a public hearing had been called for this meeting at the Town Hall, 1786 Kings Highway, Chester, New York, at 7:00 o'clock P.M. (Prevailing Time) to consider the increase and improvement of facilities of the Walton Lake Estates Water District at the estimated total cost of \$3,488,000, consisting of the construction of various components of the water system, and other related or ancillary work required in connection therewith, and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law. The Town Clerk presented affidavits showing that the Notice of said public hearing had been duly published and posted pursuant to the provisions of Article 12 of the Town Law.

The Supervisor stated that the hearing in the said matter was now open and asked if there were any interested persons present who desired to be heard.

The following persons appeared in favor of such increase and improvement of facilities of said District: None appeared.

The following persons appeared in opposition to such increase and improvement of facilities: None appeared.

The Supervisor inquired as to whether there were any other persons present who wished to be heard. No one appeared, whereupon the Supervisor declared the public hearing closed.

A MOTION WAS MADE BY Councilman Murray and seconded by Councilwoman Smith to close the public hearing at 7:35pm. Motion carried 4-0.

A MOTION WAS MADE BY Councilman Murray and seconded by Councilwoman Smith to open the Public Hearing at 7:35 pm. Motion carried 4-0.

Notice as published in the Times Herald-Record on August 16, 22 & 26, 2015:

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Chester, in the County of Orange, State of New York, will meet at the Town Hall, 1786 Kings Highway, Chester, New York, on August 26, 2015, at 7:00 P.M. (Prevailing Time), for the purpose of conducting a public hearing in relation to the increase and improvement of facilities of the Sugar Loaf Hills Water District, consisting of construction of various components of the water system, or ancillary work required in connection therewith, at the estimated maximum cost of \$3,727,440.

At said public hearing, the Town Board will hear all persons interested in said subject matter thereof.

**BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHESTER,
COUNTY OF ORANGE, STATE OF NEW YORK**

**Linda Zappala, Town Clerk
Town of Chester**

Dated: August 12, 2015
Chester, New York

The Supervisor stated that a public hearing had been called for this meeting at the Town Hall, 1786 Kings Highway, Chester, New York, at 7:00 o'clock P.M. (Prevailing Time) to consider the increase and improvement of facilities of the Sugar Loaf Hills Water District at the estimated total cost of \$3,727,440, consisting of the construction of various components of the water system, including any ancillary or related work required in connection therewith, and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law. The Town Clerk presented affidavits showing that the Notice of said public hearing had been duly published and posted pursuant to the provisions of Article 12 of the Town Law.

The Supervisor stated that the hearing in the said matter was now open and asked if there were any interested persons present who desired to be heard.

The following persons appeared in favor of such increase and improvement of facilities of said District: None appeared.

The following persons appeared in opposition to such increase and improvement of facilities: None appeared.

The Supervisor inquired as to whether there were any other persons present who wished to be heard. No one appeared, whereupon the Supervisor declared the public hearing closed.

A MOTION WAS MADE BY Councilman Murray and seconded by Councilwoman Smith to close the public hearing at 7:40 pm. Motion carried 4-0.

In the Matter

of the

Increase and Improvement of Facilities of the Walton Lake Estates Water District, in the Town of Chester, in the County of Orange, New York, pursuant to Section 202-b of the Town Law

Offered by: Councilperson Murray

Seconded by: Councilperson Valentine

**RESOLUTION AND
ORDER AFTER PUBLIC
HEARING**

WHEREAS, the Town Board of the Town of Chester (herein called the “Town”), in the County of Orange, New York, on behalf of the Walton Lake Estates Water District (herein referred to as the “District”), has caused the Town Engineer, a competent engineer duly licensed by the State of New York (the “Engineer”), to prepare a map, plan and report for the increase and improvement of facilities of the District, consisting of the replacement of an existing water tank, and other related or ancillary work required in connection therewith; and

WHEREAS, the Engineer has estimated that the cost of such increase and improvement of facilities shall be \$400,000 and said map, plan and report have been filed with the Town Board; and

WHEREAS, the Town Board adopted an Order describing in general terms the proposed increase and improvement of such facilities, specifying the estimated cost thereof, and stating the Town Board would meet to hear all persons interested in said increase and improvement of

facilities on August 26, 2015 at 7:00 o'clock P.M. (Prevailing Time) at the Town Hall, 1786 Kings Highway, Chester, New York; and

WHEREAS, a Notice of such public hearing was duly 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 the 26th day of August, 2015 at 7:00 o'clock P.M. (Prevailing Time) at the Town Hall, 1786 Kings Highway, Chester, New York, with 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 increase and improvement of such facilities; and

WHEREAS, the Town Board, as lead agency, has given due consideration to the impact that the project described herein may have on the environment, and has determined that such project is a Type II project which will not result in any significant adverse environmental impacts, pursuant to the State Environmental Quality Review Act (SEQRA), constituting Article 8 of the Environmental Conservation Law, and 6 N.Y.C.R.R., Regulations Part 617.5;

Now, therefore, be it

DETERMINED, that it is in the public interest to increase and improve the facilities of the District as hereinabove described, at the estimated total cost of \$400,000; and it is hereby

ORDERED, that the facilities of the District shall be so increased and improved and that the Engineer shall prepare plans and specifications and make a careful estimate of the expense of said increase and improvement of such facilities and, with the assistance of the Town Attorney, shall prepare a proposed contract for such increase and improvement of facilities of the District, which plans and specifications, estimate and proposed contract shall be presented to the Town Board as soon as possible; and it is hereby

FURTHER ORDERED, that the expense of said increase and improvement of facilities shall be financed by the issuance of not to exceed \$400,000 bonds of the Town and the expenditure of any grant funds received, and the cost of said increase and improvement of facilities,

including payment of principal of and interest on said bonds, shall be paid by the assessment, levy and collection of the assessment, levy and collection of assessments upon the several lots and parcels of land within the District in the same manner and at the same time as other Town charges; and it is hereby

FURTHER ORDERED, that the Town Clerk record, or cause to be recorded, a certified copy of this Resolution and Order After Public Hearing in the office of the Clerk of Orange County within ten (10) days after adoption thereof.

DATED: August 26, 2015

(SEAL)

TOWN BOARD OF THE TOWN OF CHESTER

The adoption of the foregoing Resolution and Order was duly put to a vote on roll call, which resulted as follows:

Supervisor Alex Jamieson	voting Aye
Councilperson Hugh J. Murray	voting Aye
Councilperson Cindy Smith	voting Aye
Councilperson Robert Valentine	voting Aye
Councilperson Linda Ranni	Absent

The Resolution and Order were declared adopted.

BOND RESOLUTION OF THE TOWN OF CHESTER, NEW YORK, ADOPTED AUGUST 26, 2015, APPROPRIATING \$400,000 FOR THE INCREASE AND IMPROVEMENT OF FACILITIES OF THE WALTON LAKE ESTATES WATER DISTRICT AND AUTHORIZING THE ISSUANCE OF BONDS OF SAID TOWN IN THE PRINCIPAL AMOUNT OF \$400,000 TO FINANCE SAID APPROPRIATION

Offered by: Councilperson Murray

Seconded By: Councilperson Valentine

Recital

WHEREAS, following preparation of a map, plan and report and an estimate of cost for the increase and improvement of facilities of the Walton Lake Estates Water District (herein referred to as the “District”), in the Town of Chester (herein called the “Town”), in the County of Orange, New York, and after a public hearing duly called and held, the Town Board of the Town determined that it is in the public interest to increase and improve the facilities of the District, and ordered that such facilities be so increased and improved;

Now, therefore, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF CHESTER, IN THE COUNTY OF ORANGE, 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 Board hereby appropriates the amount of \$400,000 for the increase and improvement of facilities of the District, consisting of the replacement of an existing water tank, and other related or ancillary work required in connection therewith. The estimated

maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$400,000. The plan of financing includes the issuance of not to exceed \$400,000 bonds of the Town and the expenditure of any grant funds received, and the cost of said increase and improvement of facilities, including payment of principal of and interest on said bonds, shall be paid by the assessment, levy and collection of assessments upon the several lots and parcels of land within the District in the same manner and at the same time as other Town charges.

Section 2. Bonds of the Town are hereby authorized to be issued in the principal amount of \$400,000 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 the "Law"), to finance said appropriation.

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

(a) The period of probable usefulness of the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 1 of the Law, is forty (40) 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. 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 serial 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 said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation said 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. 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 issued 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 relative 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 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 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. This resolution shall take effect immediately and the Town Clerk is hereby authorized and directed to publish the foregoing bond resolution, in summary, in the "*Times-Herald Record*," a newspaper having a general circulation in said Town, which newspaper is hereby designated as the official newspaper of the Town for such publication, together with the Town Clerk's

statutory notice in the form prescribed by Section 81.00 of the Local Finance Law of the State of New York.

The adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

Supervisor Alex Jamieson	voting Aye
Councilperson Hugh J. Murray	voting Aye
Councilperson Cindy Smith	voting Aye
Councilperson Robert Valentine	voting Aye
Councilperson Linda Ranni	Absent

The Resolution was declared adopted.

In the Matter

of the

Increase and Improvement of Facilities of the Walton Lake Estates Water District, in the Town of Chester, in the County of Orange, New York, pursuant to Section 202-b of the Town Law

Offered by: Councilperson Murray

Seconded by: Councilperson Valentine

**RESOLUTION AND
ORDER AFTER PUBLIC
HEARING**

WHEREAS, the Town Board of the Town of Chester (herein called the “Town”), in the County of Orange, New York, on behalf of the Walton Lake Estates Water District (herein referred to as the “District has caused the Town Engineer, a competent engineer duly licensed by the State of New York (the “Engineer”), to prepare a map, plan and report for the increase and improvement of facilities of the District, consisting of the construction of various components of the water system, and other related or ancillary work required in connection therewith; and

WHEREAS, the Engineer has estimated that the cost of such increase and improvement of facilities shall be \$3,488,000 and said map, plan and report have been filed with the Town Board; and

WHEREAS, the Town Board adopted an Order describing in general terms the proposed increase and improvement of such facilities, specifying the estimated cost thereof, and stating the Town Board would meet to hear all persons interested in said increase and improvement of facilities on August 26, 2015 at 7:00 o’clock P.M. (Prevailing Time) at the Town Hall, 1786 Kings Highway, Chester, New York; and

WHEREAS, a Notice of such public hearing was duly 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 the 26th day of August, 2015 at 7:00 o'clock P.M. (Prevailing Time) at the Town Hall, 1786 Kings Highway, Chester, New York, with 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 increase and improvement of such facilities; and

WHEREAS, the Town Board, as lead agency, has given due consideration to the impact that the project described herein may have on the environment, and has determined that such project is a Type II project which will not result in any significant adverse environmental impacts, pursuant to the State Environmental Quality Review Act (SEQRA), constituting Article 8 of the Environmental Conservation Law, and 6 N.Y.C.R.R., Regulations Part 617.5;

Now, therefore, be it

DETERMINED, that it is in the public interest to increase and improve the facilities of the District as hereinabove described, at the estimated total cost of \$3,488,000; and it is hereby

ORDERED, that the facilities of the District shall be so increased and improved and that the Engineer shall prepare plans and specifications and make a careful estimate of the expense of said increase and improvement of such facilities and, with the assistance of the Town Attorney, shall prepare a proposed contract for such increase and improvement of facilities of the District, which plans and specifications, estimate and proposed contract shall be presented to the Town Board as soon as possible; and it is hereby

FURTHER ORDERED, that the expense of said increase and improvement of facilities shall be financed by the issuance of not to exceed \$3,488,000 bonds of the Town and the expenditure of any grant fund received, and the cost of said increase and improvement of facilities, including payment of principal of and interest on said bonds, shall be paid by the assessment, levy and collection of the assessment, levy and collection of assessments upon the several lots and parcels of land within the District in the same manner and at the same time as other Town charges; and it is hereby

FURTHER ORDERED, that the Town Clerk record, or cause to be recorded, a certified copy of this Resolution and Order After Public Hearing in the office of the Clerk of Orange County within ten (10) days after adoption thereof.

DATED: August 26, 2015

(SEAL)

TOWN BOARD OF THE TOWN OF CHESTER

The adoption of the foregoing Resolution and Order was duly put to a vote on roll call, which resulted as follows:

Supervisor Alex Jamieson	voting Aye
Councilperson Hugh J. Murray	voting Aye
Councilperson Cindy Smith	voting Aye
Councilperson Robert Valentine	voting Aye
Councilperson Linda Ranni	Absent

The Resolution and Order were declared adopted.

BOND RESOLUTION OF THE TOWN OF CHESTER, NEW YORK, ADOPTED AUGUST 26, 2015, APPROPRIATING \$3,488,000 FOR THE INCREASE AND IMPROVEMENT OF FACILITIES OF THE WALTON LAKE WATER DISTRICT AND AUTHORIZING THE ISSUANCE OF BONDS OF SAID TOWN IN THE PRINCIPAL AMOUNT OF \$3,488,000 TO FINANCE SAID APPROPRIATION

Offered by: Councilman Murray

Seconded By: Councilman Valentine

Recital

WHEREAS, following preparation of a map, plan and report and an estimate of cost for the increase and improvement of facilities of the Walton Lake Water District (herein referred to as the “District”), in the Town of Chester (herein called the “Town”), in the County of Orange, New York, and after a public hearing duly called and held, the Town Board of the Town determined that it is in the public interest to increase and improve the facilities of the District, and ordered that such facilities be so increased and improved;

Now, therefore, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF CHESTER, IN THE COUNTY OF ORANGE, 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 Board hereby appropriates the amount of \$3,488,000 for the increase and improvement of facilities of the District, consisting of the construction of various components of the water system, and other related or ancillary work required in connection therewith. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$3,488,000. The plan of financing includes the issuance of not to exceed

\$3,488,000 bonds of the Town and the expenditure of any grant funds received, and the cost of said increase and improvement of facilities, including payment of principal of and interest on said bonds, shall be paid by the assessment, levy and collection of assessments upon the several lots and parcels of land within the District in the same manner and at the same time as other Town charges.

Section 2. Bonds of the Town are hereby authorized to be issued in the principal amount of \$3,488,000 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 the "Law"), to finance said appropriation.

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

(a) The period of probable usefulness of the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 1 of the Law, is forty (40) 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. 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 serial 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 said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation said 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. 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 issued 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 relative 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 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 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. This resolution shall take effect immediately and the Town Clerk is hereby authorized and directed to publish the foregoing bond resolution, in summary, in the "*Times-Herald Record*," a newspaper having a general circulation in said Town, which newspaper is hereby designated as the official newspaper of the Town for such publication, together with the Town Clerk's statutory notice in the form prescribed by Section 81.00 of the Local Finance Law of the State of New York.

The adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

Supervisor Alex Jamieson	voting Aye
Councilperson Hugh J. Murray	voting Aye
Councilperson Cindy Smith	voting Aye
Councilperson Robert Valentine	voting Aye
Councilperson Linda Ranni	Absent

The Resolution was declared adopted.

In the Matter

of the

Increase and Improvement of Facilities of the Sugar Loaf Hills Water District, in the Town of Chester, in the County of Orange, New York, pursuant to Section 202-b of the Town Law

Offered by: Councilperson Valentine

Seconded by: Councilperson Murray

**RESOLUTION AND
ORDER AFTER PUBLIC
HEARING**

WHEREAS, the Town Board of the Town of Chester (herein called the “Town”), in the County of Orange, New York, on behalf of the Sugar Loaf Hills Water District (herein referred to as the “District”), has caused the Town Engineer, a competent engineer duly licensed by the State of New York (the “Engineer”), to prepare a map, plan and report for the increase and improvement of facilities of the District, consisting of the construction of various components of the water system, including any ancillary or related work required in connection therewith; and

WHEREAS, the Engineer has estimated that the cost of such increase and improvement of facilities shall be \$3,727,440 and said map, plan and report have been filed with the Town Board; and

WHEREAS, the Town Board adopted an Order describing in general terms the proposed increase and improvement of such facilities, specifying the estimated cost thereof, and stating the Town Board would meet to hear all persons interested in said increase and improvement of facilities on August 26, 2015 at 7:00 o’clock P.M. (Prevailing Time) at the Town Hall, 1786 Kings Highway, Chester, New York; and

WHEREAS, a Notice of such public hearing was duly 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 the 26th day of August, 2015 at 7:00 o'clock P.M. (Prevailing Time) at the Town Hall, 1786 Kings Highway, Chester, New York, with 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 increase and improvement of such facilities; and

WHEREAS, the Town Board, as lead agency, has given due consideration to the impact that the project described herein may have on the environment, and has determined that such project is a Type II project which will not result in any significant adverse environmental impacts, pursuant to the State Environmental Quality Review Act (SEQRA), constituting Article 8 of the Environmental Conservation Law, and 6 N.Y.C.R.R., Regulations Part 617.5;

Now, therefore, be it

DETERMINED, that it is in the public interest to increase and improve the facilities of the District as hereinabove described, at the estimated total cost of \$3,727,440; and it is hereby

ORDERED, that the facilities of the District shall be so increased and improved and that the Engineer shall prepare plans and specifications and make a careful estimate of the expense of said increase and improvement of such facilities and, with the assistance of the Town Attorney, shall prepare a proposed contract for such increase and improvement of facilities of the District, which plans and specifications, estimate and proposed contract shall be presented to the Town Board as soon as possible; and it is hereby

FURTHER ORDERED, that the expense of said increase and improvement of facilities shall be financed by the issuance of not to exceed \$3,727,440 bonds of the Town and the expenditure of any grant funds received, and the cost of said increase and improvement of facilities, including payment of principal of and interest on said bonds, shall be paid by the assessment, levy and collection of assessments upon the several lots and parcels of land within the District in the same manner and at the same time as other Town charges; and it is hereby

FURTHER ORDERED, that the Town Clerk record, or cause to be recorded, a certified copy of this Resolution and Order After Public Hearing in the office of the Clerk of Orange County within ten (10) days after adoption thereof.

DATED: August 26, 2015

(SEAL)

TOWN BOARD OF THE TOWN OF CHESTER

The adoption of the foregoing Resolution and Order was duly put to a vote on roll call, which resulted as follows:

Supervisor Alex Jamieson	voting Aye
Councilperson Hugh J. Murray	voting Aye
Councilperson Cindy Smith	voting Aye
Councilperson Robert Valentine	voting Aye
Councilperson Linda Ranni	Absent

The Resolution and Order were declared adopted.

BOND RESOLUTION OF THE TOWN OF CHESTER, NEW YORK, ADOPTED AUGUST 26, 2015, APPROPRIATING \$3,727,440 FOR THE INCREASE AND IMPROVEMENT OF FACILITIES OF THE SUGAR LOAF HILLS WATER DISTRICT AND AUTHORIZING THE ISSUANCE OF BONDS OF SAID TOWN IN THE PRINCIPAL AMOUNT OF \$3,727,440 TO FINANCE SAID APPROPRIATION

Offered by: Councilperson Murray

Seconded By: Councilperson Smith

Recital

WHEREAS, following preparation of a map, plan and report and an estimate of cost for the increase and improvement of facilities of the Sugar Loaf Hills Water District (herein referred to as the “District”), in the Town of Chester (herein called the “Town”), in the County of Orange, New York, and after a public hearing duly called and held, the Town Board of the Town determined that it is in the public interest to increase and improve the facilities of the District, and ordered that such facilities be so increased and improved;

Now, therefore, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF CHESTER, IN THE COUNTY OF ORANGE, 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 Board hereby appropriates the amount of \$3,727,440 for the increase and improvement of facilities of the District, consisting of the construction of various components of the water system, including any ancillary or related work required in connection therewith. The estimated maximum cost thereof, including preliminary costs and costs incidental

thereto and the financing thereof, is \$3,727,440. The plan of financing includes the issuance of not to exceed \$3,727,440 bonds of the Town and the expenditure of any grant funds received, and the cost of said increase and improvement of facilities, including payment of principal of and interest on said bonds, shall be paid by the assessment, levy and collection of assessments upon the several lots and parcels of land within the District in the same manner and at the same time as other Town charges.

Section 2. Bonds of the Town are hereby authorized to be issued in the principal amount of \$3,727,440 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 the "Law"), to finance said appropriation.

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

(a) The period of probable usefulness of the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 1 of the Law, is forty (40) 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. 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 serial 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 said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation said 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. 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 issued 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 relative 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 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 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. This resolution shall take effect immediately and the Town Clerk is hereby authorized and directed to publish the foregoing bond resolution, in summary, in the "*Times-Herald Record*," a newspaper having a general circulation in said Town, which newspaper is hereby designated as the official newspaper of the Town for such publication, together with the Town Clerk's statutory notice in the form prescribed by Section 81.00 of the Local Finance Law of the State of New York.

TOWN BOARD COMMENTS

Councilwoman Smith announced that there is private funding of \$2,000 towards the \$3,500 expense of two additional lights to be installed in the Sugar Loaf hamlet. The new lights would be located near Exposures Gallery and the Sugar Loaf Performing Arts Center. A MOTION WAS MADE BY Councilman Valentine and seconded by Councilwoman Smith to fund the remaining balance owing, not to exceed \$1,500 towards the installation of new lights on Kings Highway in the Sugar Loaf hamlet. Motion carried 4-0.

RACHEL DRIVE ROAD DEDICATION

Attorney Bonacic stated, for clarification purposes, the developer has requested that updated documents including the deed of dedication as well as the stormwater facility control documents for the Rachel Drive dedication to the Town be executed, subject to the performance bond being properly transferred to a maintenance bond.

EXECUTIVE SESSION

A MOTION WAS MADE BY Councilman Valentine and seconded by Councilman Murray to enter into an Executive Session at 7:30 pm on a matter concerning personnel. Motion carried 4-0.

A MOTION WAS MADE BY Councilman Murray and seconded by Councilman Valentine to adjourn the Executive Session at 7:40 pm. Motion carried 4-0.

There being no further business brought before the Board, A MOTION WAS MADE BY Councilman Murray and seconded by Councilwoman Smith to adjourn the meeting at 7:40 pm. Motion carried 4-0.

Respectfully submitted,

Linda A. Zappala
Town Clerk
2015-08-26