



Town of Wappinger

Regular Meeting

~ Minutes ~

20 Middlebush Road
Wappingers Falls, NY 12590
townofwappinger.us

Joseph Paoloni
(845)297-5771

Monday, March 13, 2017

7:30 PM

Town Hall

I. Call to Order

Attendee Name	Organization	Title	Status	Arrived
Lori A. Jiava	Town of Wappinger	Supervisor	Present	7:30 PM
William H. Beale	Town of Wappinger	Councilman	Present	7:30 PM
William Ciccarelli	Town of Wappinger	Councilman	Present	7:30 PM
John J. Fenton	Town of Wappinger	Councilman	Present	7:30 PM
Michael Kuzmicz	Town of Wappinger	Councilman	Present	7:30 PM
Grace Robinson	Town of Wappinger	Deputy Town Clerk	Present	7:30 PM
Albert Roberts	Consultant	Attorney	Present	7:30 PM
Bob Gray	Consultant	Engineer	Present	7:30 PM

II. Salute to the Flag

III. Adoption of Agenda

1. Motion To: Adopt Agenda

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	William Ciccarelli, Councilman
SECONDER:	Michael Kuzmicz, Councilman
AYES:	Jiava, Beale, Ciccarelli, Fenton, Kuzmicz

IV. Correspondence Log

RESOLUTION: 2017-76

Correspondence Log

Resolution Authorizing the Acceptance of the Correspondence Log

NOW, THEREFORE, BE IT RESOLVED, that the letters and communications itemized on the attached Correspondence Log are hereby accepted and placed on file in the Office of the Town Clerk.

The foregoing was put to a vote which resulted as follows:

✓ Vote Record - Resolution RES-2017-76						
		Yes/Aye	No/Nay	Abstain	Absent	
<input checked="" type="checkbox"/> Adopted						
<input type="checkbox"/> Adopted as Amended						
<input type="checkbox"/> Defeated						
Lori A. Jiava	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

<input type="checkbox"/> Tabled	William H. Beale	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Withdrawn	William Ciccarelli	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	John J. Fenton	Mover	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Michael Kuzmicz	Second	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Dated: Wappingers Falls, New York
March 13, 2017

The Resolution is hereby duly declared Adopted.

V. Acknowledge Minutes

- Motion To:** Acknowledge February 27th, 2017 Minutes

RESULT:	ADOPTED [4 TO 0]
MOVER:	William Ciccarelli, Councilman
SECONDER:	Michael Kuzmicz, Councilman
AYES:	Lori A. Jiava, William H. Beale, William Ciccarelli, Michael Kuzmicz
ABSTAIN:	John J. Fenton

VI. Public Portion

- Motion To:** Open Public Portion

COMMENTS - Current Meeting:

Robert Balkind rose to speak to the situation on Hopewell Commons. He supports the project and the re-alignment of the public road,

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael Kuzmicz, Councilman
SECONDER:	William Ciccarelli, Councilman
AYES:	Jiava, Beale, Ciccarelli, Fenton, Kuzmicz

- Motion To:** Close Public Portion

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael Kuzmicz, Councilman
SECONDER:	William Ciccarelli, Councilman
AYES:	Jiava, Beale, Ciccarelli, Fenton, Kuzmicz

VII. Discussions

- Motion To:** Shah water extension escrow of \$10,000

COMMENTS - Current Meeting:

Attorney Richard Cantor addressed the board to discuss the 40 residences at 92-96 Old Post

Road owned by Mr. Shah. He advised that the department of health may no longer allow the situation to continue with the alleged contamination of wells due to road runoff. He asked that the board establish an escrow for the purpose of endorsing an investigation and feasibility of potentially connecting to public water and perhaps sewer.

Mr. Gray explained the expenses involved and the limits due to New York State Audit and Control approval. There are 2 contaminated wells involved. Engineer Gray explained that this claim of contamination is evident in many parcels along route 9.

Supervisor Jiava asks the board to approve a \$10,000 escrow to start the process.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	William H. Beale, Councilman
SECONDER:	Michael Kuzmicz, Councilman
AYES:	Jiava, Beale, Ciccarelli, Fenton, Kuzmicz

2. Motion To: Segreti Old Hopewell Commons - Setting \$5,000 Escrow

COMMENTS - Current Meeting:

Mr. Day, representing Mr. Segretti, addressed the board to keep them up-to-date on the Old Hopewell Commons project. He set up an easel and pointed out the proposed plan to re-route the road at the Old route 9, Route 9, and Old Hopewell Road intersection. He explained that southbound exiting from neighboring Hark Plaza would be permitted.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael Kuzmicz, Councilman
SECONDER:	William H. Beale, Councilman
AYES:	Jiava, Beale, Ciccarelli, Fenton, Kuzmicz

3. Motion To: Town Hall Windows - Vent windows - Agree to a \$28,168 additional cost.

COMMENTS - Current Meeting:

Supervisor Jiava explained that there would be vent windows in all the windows per the upcoming window replacement project. She asked if the board would agree to the \$28,168 additional cost.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	William H. Beale, Councilman
SECONDER:	William Ciccarelli, Councilman
AYES:	Jiava, Beale, Ciccarelli, Fenton, Kuzmicz

VIII. Resolutions

RESOLUTION: 2017-11

Resolution To Authorize The Town Supervisor, Town Highway Superintendent And Town Board To Execute The Agreement For The Expenditure Of Highway Moneys

WHEREAS, pursuant to Section 284 of the Highway Law, the Town Board and the Town Highway Superintendent are required to enter into a written Agreement stating the places and manner in which the Highway fund appropriation for repairs and improvements are to be expended; and

NOW, THEREFORE BE IT RESOLVED, that the Town Highway Superintendent and the Town Board agree that the monies levied and collected in the Town for repair and improvement of highways, and received from New York State for State Aid for the repair and improvement of Highways shall be expended in accordance with the annexed Agreement for the Expenditure of Highway Moneys; and

BE IT FURTHER RESOLVED, that the Supervisor and the Town Board are hereby authorized and directed to execute the attached AGREEMENT FOR THE EXPENDITURES OF HIGHWAY MONEYS in duplicate and file said agreement with the Town Clerk; and

BE IT FURTHER RESOLVED, that the Town Clerk is directed to forward one executed Agreement to the Dutchess County Commissioner of Public Works in his capacity as County Superintendent of Highways.

The foregoing was put to a vote which resulted as follows:

✓ Vote Record - Resolution RES-2017-11						
		Yes/Aye	No/Nay	Abstain	Absent	
<input type="checkbox"/> Adopted						
<input type="checkbox"/> Adopted as Amended						
<input type="checkbox"/> Defeated						
<input checked="" type="checkbox"/> Tabled						
<input type="checkbox"/> Withdrawn						
Next: 12/21/20 12:00 AM						
	Lori A. Jiava	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	William H. Beale	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	William Ciccarelli	Second	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	John J. Fenton	Mover	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Michael Kuzmicz	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Dated: Wappingers Falls, New York
March 13, 2017

The Resolution is hereby duly declared Tabled.

RESOLUTION: 2017-77

RESOLUTION AUTHORIZING TOWN’S PROFESSIONALS TO UNDERTAKE ALL WORK NECESSARY TO AUTHORIZE CAPITAL REPAIRS TO WILDWOOD WASTEWATER TREATMENT PLANT

WHEREAS, the Wildwood Sewer District (hereinafter “Wildwood”) was authorized by Resolution of the Town Board on July 21, 1971; and

WHEREAS, Wildwood was formed for the purposes of constructing a wastewater treatment plant as well as various other improvements; and

WHEREAS, the New York State Department of Environmental Conservation (NYS DEC) has requested the Town of Wappinger to comply with certain water quality effluent limits as well as make certain corrections on the infiltration and inflow (I & I) into the collection system; and

WHEREAS, discussions ensued between NYS DEC and the Engineers to the Town to finalize a plan to address infiltration and inflow (I & I) issues as well as remediation of the water quality effluent limits.

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. The recitations above set forth are incorporated in this Resolution as if fully set forth and adopted herein.
2. The Town Board acknowledges the importance of making the required capital improvements at the Wildwood Wastewater Treatment Plant and hereby authorizes the Engineer to the Town, the Attorney to the Town and the Town’s Bond Counsel to undertake all steps necessary for the Town to make any required capital repairs to the Wildwood Wastewater Treatment Plant, including, but not limited to, the preparation of a Map, Plan and Report, the simultaneous preparation of plans and specifications for the proposed work in anticipation of submitting same to competitive bidding, negotiations with NYS DEC regarding the implementation of such improvements and such other legal, engineering and professional work as may be necessary to complete required capital repairs to the Wildwood Wastewater Treatment Plant as soon as circumstances allow and within the time frame mandated by NYS DEC.

The foregoing was put to a vote which resulted as follows:

✓ Vote Record - Resolution RES-2017-77						
			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Adopted						
<input type="checkbox"/> Adopted as Amended						
<input type="checkbox"/> Defeated						
<input type="checkbox"/> Tabled						
<input type="checkbox"/> Withdrawn						
	Lori A. Jiava	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	William H. Beale	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	William Ciccarelli	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	John J. Fenton	Mover	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Michael Kuzmicz	Second	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Dated: Wappingers Falls, New York
March 13, 2017

The Resolution is hereby duly declared Adopted.

RESOLUTION: 2017-78

RESOLUTION AUTHORIZING TRANSFER OF FUNDS FOR PURCHASE OF NEW COMPUTERS FOR BUILDING DEPARTMENT

WHEREAS, the Supervisor has requested a transfer of funds between various budget lines to purchase two new computers for the Building Department.

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. The recitations above set forth are incorporated in this Resolution as if fully set forth and adopted herein.
2. The Town Board hereby authorizes the following budget line transfer:

Amount	From Line	To Line
\$1,603.36	B1010.400	B3620.200
	Town Board	Equipment
	Contingency	

The foregoing was put to a vote which resulted as follows:

✓ Vote Record - Resolution RES-2017-78						
			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Adopted						
<input type="checkbox"/> Adopted as Amended						
<input type="checkbox"/> Defeated						
<input type="checkbox"/> Tabled						
<input type="checkbox"/> Withdrawn						
	Lori A. Jiava	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	William H. Beale	Seconder	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	William Ciccarelli	Mover	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	John J. Fenton	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Michael Kuzmicz	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Dated: Wappingers Falls, New York
March 13, 2017

The Resolution is hereby duly declared Adopted.

RESOLUTION: 2017-79

Resolution Introducing “Local Law No. 2 Of The Year 2017, Amending Chapter 230 Of The Town Code Regulating Parking During The Winter”

WHEREAS, the Town Board and the Town Highway Superintendent wish prevent any obstruction or interference with the use of any public highways of the Town of Wappinger outside the corporate limits of the Village of Wappinger Falls for public travel; and

WHEREAS, the Town Board and the Town Highway Superintendent wish to facilitate the clearing and removal of snow and ice from such roads and highways and to prevent any obstruction or interference with any operation of the Town Highway Department during any public and/or snow emergency; and

WHEREAS, the Town Board and the Town Highway Superintendent wish to prevent any obstruction or interference with construction, reconstruction or maintenance of such roads and highways; and

WHEREAS, the Town Board and the Town Highway Superintendent seek to clarify the Town of Wappinger Code to reduce the necessity of ticketing and removing vehicles during the winter months; and

WHEREAS, pursuant to Vehicle & Traffic Law §1660 and Town Law § 130(7)(a), the Town Board is authorized to regulate the highways within the Town outside of the village to prohibit parking to facilitate snow removal; and

WHEREAS, The Town Board hereby determines that it is in the interest of public safety, government efficiency and in the best interests of the residents that parking be prohibited on any public highway of the Town of Wappinger outside the corporate limits of the Village of Wappinger Falls. The Town Highway Superintendent concurs with this recommendation.; and

WHEREAS, the proposed Local Law prohibiting parking on public highways of the Town of Wappinger outside the corporate limits of the Village of Wappinger Falls is a Type II action pursuant to 6 NYCRR 617.5 (c) (20) and is otherwise exempt from environmental review pursuant to the New York State Environmental Quality Review Act (SEQRA) or pursuant to Local Law No. 6 of 1992.

NOW, THEREFORE, BE IT RESOLVED:

1. The recitations above set forth are incorporated in this Resolution as if fully set forth and adopted herein.
2. The Town Board hereby introduces for consideration of its adoption proposed Local Law No. 2 of the Year 2017 in the form annexed hereto.

3. The Town Board hereby determines that the enactment of the aforementioned Local Law is a Type II action as defined in 6 NYCRR 617.5 (c) (20) and, accordingly, the Town Board hereby expressly determines that this action is not an action that requires review pursuant to the provisions of the New York State Environmental Quality Review Act (SEQRA) or pursuant to Local Law No. 6 of 1992 or pursuant to 6 NYCRR Part 617.

4. The Town Board hereby schedules a Public Hearing on the proposed adoption of the annexed Local Law No. 2 of 2017 to be held at Town Hall, 20 Middlebush Road, Wappingers Falls, New York, on the ____ day of _____, 2017, at 7:30 p.m. and the Town Clerk is hereby directed to post and publish the Notice of Public Hearing in the form annexed hereto.

5. The Town Clerk is hereby directed to send a copy of the proposed Local Law to the Dutchess County Department of Public Works for its review and comment.

The foregoing was put to a vote which resulted as follows:

✓ Vote Record - Resolution RES-2017-79						
<input type="checkbox"/> Adopted			Yes/Aye	No/Nay	Abstain	Absent
<input type="checkbox"/> Adopted as Amended	Lori A. Jiava	Mover	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Defeated	William H. Beale	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Tabled	William Ciccarelli	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Withdrawn	John J. Fenton	Seconder	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Next: 12/21/20 12:00 AM	Michael Kuzmicz	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Dated: Wappingers Falls, New York
March 13, 2017

The Resolution is hereby duly declared Tabled.

RESOLUTION: 2017-80

In the Matter of The establishment of a Sewer District in the Town of Wappinger, Dutchess County, New York, to be known as Mid Point Park Sewer District

WHEREAS, a map, plan and report, including an estimate of cost, have been filed in the office of the Town Clerk of the Town of Wappinger, Dutchess County, New York, in relation to the establishment of Mid Point Park Sewer District; and

WHEREAS, the improvements in connection with the establishment of said Mid Point Park Sewer District, consist of improvements to the sewer collection system by sliplining or relining of gravity sewer main along Gabriella Drive and in vicinity of the existing sewage treatment facility and related reconstruction work, including original equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, as more fully described in the aforesaid map, plan and report; and

WHEREAS, the maximum amount proposed to be expended for said improvements is \$280,000; and

WHEREAS, an Order was duly adopted by said Town Board on March 28, 2016, reciting a description of the boundaries of said proposed Mid Point Park Sewer District, the improvements proposed therefor, the maximum amount proposed to be expended for said improvements, the proposed method of financing to be employed, the fact that said map, plan and report were on file in the Town Clerk’s office for public inspection, and specifying the 25th day of April, 2016, at 7:30 o’clock P.M., Prevailing Time, at the Town Hall, 20 Middlebush Road, in Wappingers Falls, New

York, in said Town, as the time when and the place where said Town Board would meet for the purpose of holding a public hearing to hear all persons interested in the subject thereof concerning the same; and

WHEREAS, such order was duly published and posted in the manner and within the time prescribed by Section 209-d of the Town Law and proof of such publication and posting has been duly presented to said Town Board; and

WHEREAS, said public hearing was duly held at the time and place set forth in said order, as aforesaid, at which time all persons desiring to be heard were duly heard; and

WHEREAS, following said public hearing and based upon the evidence given thereat, said Town Board duly adopted a resolution determining in the affirmative all of the questions set forth in subdivision 1 of Section 209-e of the Town Law and a resolution approving the establishment of said Mid Point Park Sewer District; and

WHEREAS, such resolution establishing the District was adopted subject to permissive referendum and the period of time during which a petition could be filed requesting a referendum elapsed without a petition being so filed; and

WHEREAS, an Order was duly adopted by said Town Board on October 24, 2016, reciting a revised description of the boundaries of said proposed Mid Point Park Sewer District, the improvements proposed therefor, the maximum amount proposed to be expended for said improvements, the proposed method of financing to be employed, the fact that said map, plan and report were on file in the Town Clerk's office for public inspection, and specifying the 14th day of November, 2016, at 7:30 o'clock P.M., Prevailing Time, at the Town Hall, 20 Middlebush Road, in Wappingers Falls, New York, in said Town, as the time when and the place where said Town Board would meet for the purpose of holding an additional public hearing to hear all persons interested in the subject thereof concerning the same; and

WHEREAS, such order was duly published and posted in the manner and within the time prescribed by Section 209-d of the Town Law and proof of such publication and posting has been duly presented to said Town Board; and

WHEREAS, said additional public hearing was duly held at the time and place set forth in said order, as aforesaid, at which time all persons desiring to be heard were duly heard; and

WHEREAS, following said public hearing and based upon the evidence given thereat, said Town Board duly adopted a resolution determining in the affirmative all of the questions set forth in subdivision 1 of Section 209-e of the Town Law and a resolution approving the establishment of said Mid Point Park Sewer District; and

WHEREAS, such resolution establishing the District was adopted subject to permissive referendum and the period of time during which a petition could be filed requesting a referendum elapsed without a petition being so filed; and

WHEREAS, an application for approval to establish Mid Point Park Sewer District to the Office of the State Comptroller was required based on the annual cost to the typical property in said District, and was submitted thereto and approval of the State Comptroller has been received dated March 1, 2017; NOW, THEREFORE, IT IS HEREBY

ORDERED, by the Town Board of the Town of Wappinger, Dutchess County, New York, as follows:

Section 1. Mid Point Park Sewer District, in the Town of Wappinger, Dutchess County, New York, is hereby established, to be bounded and described as set forth in Appendix A attached hereto and made a part hereof.

Section 2. In connection with the establishment of the Mid Point Park Sewer District, the improvements therefore, consisting of the improvements to the sewer collection system by sliplining or relining of gravity sewer main along Gabriella Drive and in vicinity of the existing sewage treatment facility and related reconstruction work, including original equipment, machinery,

apparatus, appurtenances, and incidental improvements and expenses in connection therewith, as more fully described in the aforesaid map, plan and report, are hereby authorized and approved. The maximum estimated cost to said Mid Point Park Sewer District pursuant to these proceedings for said improvements shall not exceed \$280,000. Said cost of said improvements for said District shall be financed by the issuance of not exceeding \$280,000 serial bonds of said Town maturing in annual installments over a period not exceeding forty years, payable in the first instance from assessments upon the several lots and parcels of land in said District which the Town Board shall determine to be specially benefitted thereby in proportion to the benefit derived therefrom in the manner so provided by law, in an amount sufficient to pay the principal and interest on said bonds as the same become due, but if not paid from such source, all the taxable real property in said Town shall be subject to the levy of ad valorem taxes without limitation as to rate or amount sufficient to pay the principal of and interest on said bonds as the same shall become due.

Section 3. This Order shall take effect immediately.

The foregoing was put to a vote which resulted as follows:

✓ Vote Record - Resolution RES-2017-80						
			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Adopted	Lori A. Jiava	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Adopted as Amended	William H. Beale	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Defeated	William Ciccarelli	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Tabled	John J. Fenton	Mover	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Withdrawn	Michael Kuzmicz	Second	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Dated: Wappingers Falls, New York
March 13, 2017

The Resolution is hereby duly declared Adopted.

RESOLUTION: 2017-81

A Resolution Authorizing The Issuance Of Not Exceeding \$280,000 Serial Bonds Of The Town Of Wappinger, Dutchess County, New York, To Pay The Cost Of Improvements To The Mid Point Park Sewer District In Said Town.

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 12-A of the Town Law, the Town Board of the Town of Wappinger, Dutchess County, New York, has established the Mid Point Park Sewer District in the Town of Wappinger; and

WHEREAS, the capital project hereinafter described 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, including 6 NYCRR Part 617.5(c)(2), (c)(5) and (c)(29), the implementation of which as proposed, the Town Board as lead agency has determined will not result in any significant environmental impact; and

WHEREAS, it is now desired to authorize the financing of the improvements proposed for such Sewer District; NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Wappinger, Dutchess County, New York, as follows:

Section 1. For the class of objects or purposes of paying the cost of the improvements in connection with the establishment of the Mid Point Park Sewer District, consisting of

improvements to the sewer collection system by sliplining or relining of gravity sewer main along Gabriella Drive and in vicinity of the existing sewage treatment facility and related reconstruction work, including original equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, all as further described in the map, plan and report prepared in connection with the establishment of such District, there are hereby authorized to be issued not exceeding \$280,000 serial bonds of the Town of Wappinger, Dutchess County, New York pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid improvements is \$280,000, which improvements are hereby authorized at said maximum estimated cost, and that the plan for the financing thereof is by the issuance of not exceeding \$280,000 serial bonds of said Town authorized to be issued pursuant to this bond resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is forty years, pursuant to subdivision 4 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 will exceed five years.

Section 4. 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 5. The faith and credit of said Town of Wappinger, Dutchess County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such bonds as the same respectively become due and payable. To the extent not paid from other sources, there shall be annually assessed upon and collected from the several lots and parcels of land within said Mid Point Park Sewer District which the Town Board shall determine to be specially benefitted thereby in proportion to the benefit derived therefrom in the manner so provided by law, an amount sufficient to pay the principal and interest on said bonds as the same become due, but if not paid from such source, all the taxable real property in said Town shall be subject to the levy of ad valorem taxes without limitation as to rate or amount sufficient to pay the principal of and interest on said bonds as the same shall become due.

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 she shall deem best for the interests of said Town, including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, she 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 the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. 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 51.00 of the Local Finance Law, as the

Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 8. The Supervisor is hereby further authorized, at her sole discretion, to execute a project finance and/or loan agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the class of objects or purposes described in Section 1 hereof, or a portion thereof, by a bond, and/or note issue of said Town in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 9. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the Supervisor. Such notes shall be of such terms, form and contents as may be prescribed by said Supervisor consistent with the provisions of the Local Finance Law.

Section 10. 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 11. 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 12. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

The foregoing was put to a vote which resulted as follows:

✓ Vote Record - Resolution RES-2017-81						
			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Adopted						
<input type="checkbox"/> Adopted as Amended						
<input type="checkbox"/> Defeated						
<input type="checkbox"/> Tabled						
<input type="checkbox"/> Withdrawn						
	Lori A. Jiava	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	William H. Beale	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	William Ciccarelli	Mover	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	John J. Fenton	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Michael Kuzmicz	Second	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Dated: Wappingers Falls, New York
March 13, 2017

The Resolution is hereby duly declared Adopted.

IX. Items for Special Consideration

1. Pest Control

Steve Frazier explained bids for pest control.

Empire Pest Control
PO Box 4007
New Windsor, NY 12553

PROPOSAL

1. 2 Highway Dr. Wappingers Falls NY, 12590

-Initial Set up \$500.00 plus applicable tax. This set up is all rodent stations for interior and exterior and all treatment needed for covered pests.

-Monthly Service \$100.00 plus applicable tax. This is a monthly treat and monitor of all equipment. Additional services between billable services are included as needed.

2. 59 Montfort Rd. Wappingers Falls, NY. 12590

-Initial set up \$500.00 Plus tax. This set up is all rodent stations for interior and exterior and all treatment needed for covered pests.

- Monthly Service \$100.00 plus applicable tax. This is a monthly treat and monitor of all equipment. Additional services between billable services are included as needed.

3. 20 Middle bush Rd. Wappingers Falls, NY. 12590

- Initial Set up \$450.00 plus applicable tax. This set up is all rodent stations for interior and exterior and all treatment needed for covered pests.

- Monthly Service \$100.00 plus applicable tax. This is a monthly treat and monitor of all equipment. Additional services between billable services are included as needed

4. 18 Middle bush Rd. Wappingers Falls, NY. 12590

- Initial Set up \$450.00 plus applicable tax. This set up is all rodent stations for interior and exterior and all treatment needed for covered pests.

- Monthly Service \$100.00 plus applicable tax. This is a monthly treat and monitor of all equipment. Additional services between billable services are included as needed

\$ 1900 SET UP

\$ 400/MONTH SERVICE

Steve Frazier explained bids for pest control.

Empire Pest Control
PO Box 4007
New Windsor, NY 12553

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\$ 1900 SET UP

\$ 400 / MONTH SERVICE

NEW YORK
ROCKLAND & ORANGE 845-357-4105



Pest Shield
PEST ELIMINATION AND PREVENTION

51 WAYNE AVENUE, SUFFERN, N.Y. 10901

FAX: 845-357-1508

\$ 2175 SET UP
\$ 545 PER MONTH SERVICE

NY STATE LIC. # 10523

NJ STATE LIC. # 96776A

FULLY INSURED

SERVICE AGREEMENT

2. Motion To: Re-hire 2 Seasonal Employees from last year

COMMENTS - Current Meeting:

Mr. Frazier asked the board to re-hire 2 Seasonal Employees from last year, Tom Johnston and Robert Webber.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	William H. Beale, Councilman
SECONDER:	Michael Kuzmicz, Councilman
AYES:	Jiava, Beale, Ciccarelli, Fenton, Kuzmicz

3. Bond Rating Upgrade

Supervisor Jiava informed the board about the increase in the S&P bond rating to AA+ and read aloud the letter from Standard and Poors, Inc.

Phone: (631) 331-8888
Fax: (631) 331-8834

MUNISTAT SERVICES INC.

Municipal Finance Advisory Service

Website: www.munistat.com

• Serving Municipalities and School Districts in New York State Since 1977 •

12 Roosevelt Avenue
Port Jefferson Station, NY 11776

To: Lori A. Jiava, Town Supervisor
Fredrick Awino, Town Comptroller

From: Noah Nadelson, Chief Executive Officer
Munistat Services Inc.

Date: March 9, 2017

Re: Standard & Poor's Raises the Town of Wappinger's Rating to "AA+"

Congratulations on the upgrade from Standard & Poor's (S&P) to "AA+". What makes this so satisfying is that all of the local governments in the State of New York are operating at a disadvantage based on the increases in pension costs, healthcare and union contracts. As a result, many of your peers are finding it difficult to achieve upgrades in this environment.

You should be recognized for putting together a polished, thorough presentation for S&P. The rating is based on four main criteria: Management, Financial Results, Economic Development and Debt. The Town scored very well in all areas. We have been working with you over the past year to address the level of debt that has been issued over the last several years. S&P appreciated the more measured, thoughtful approach to finding other sources of funding, sharing services, and prudent fiscal planning.

S&P hears all types of presentations. The difference is the ability to present with a passion that demonstrates leadership and builds credibility. Although it usually takes longer than one year to implement the changes that would result in an upgrade, S&P stated the major reason in its report: "...under the guidance of the new Supervisor, in order to support management and controls, the creation of new procedures has improved our opinion of the Town's comprehensive management policies".

Over the past year, the Town has shown the ability to maintain balanced operations while staying well below the 2% tax cap. Using shrewd fiscal management, the Town has been able to strike that balance between holding the line on taxes, and providing a high level of service to its residents.

The increase in the rating will save money in the form of lowering borrowing costs. It is also looked at by the insurance companies as an important and reliable indicator of the Town's fiscal health. The steps that your team has taken over the last year have been recognized, resulting in quantifiable savings to the taxpayers.

4. County Route 93 and 28 Update

Bob Balkind explained that the county is thoroughly engaged in purchasing right of way acquisitions. They are looking at 2019 construction on County Route 93 that perhaps will complete in one year. The Old Hopewell Road project will take longer as it is more extensive. In 2020, construction should begin. He will be looking for information from the town as these projects progress.

X. Executive Session

1. Motion To: Enter Executive Session

RESULT: ADOPTED [UNANIMOUS]
MOVER: William Ciccarelli, Councilman
SECONDER: William H. Beale, Councilman
AYES: Jiava, Beale, Ciccarelli, Fenton, Kuzmicz

2. **Motion To:** Return From Executive Session

RESULT: ADOPTED [UNANIMOUS]
MOVER: Michael Kuzmicz, Councilman
SECONDER: William Ciccarelli, Councilman
AYES: Jiava, Beale, Ciccarelli, Fenton, Kuzmicz

XI. Adjournment

Motion To: Wappinger Adjournment & Signature

COMMENTS - Current Meeting:

The meeting adjourned at 9:59 PM.

 Joseph P. Paoloni
 Town Clerk

RESULT: ADOPTED [UNANIMOUS]
MOVER: Michael Kuzmicz, Councilman
SECONDER: John J. Fenton, Councilman
AYES: Jiava, Beale, Ciccarelli, Fenton, Kuzmicz