

## Special Meeting of the Vestal Town Board September 5, 2018

The Special Meeting of the Town Board of the Town of Vestal, County of Broome and the State of New York was held at the Town Hall, 605 Vestal Parkway West, Vestal, NY on September 5, 2018.

### **TOWN BOARD PRESENT:**

**Supervisor Schaffer**  
**Councilman Majewski**  
**Councilwoman Fitzgerald**  
**Councilwoman Messina**  
**Councilman Fletcher**

**ALSO ATTENDING:** Town Attorney David Berger, Water/Wastewater Superintendent Scott Groats, Town Clerk Emil Bielecki and 2 members of the general public.

Supervisor Schaffer called the Regular Meeting to order at **5:00 PM**, welcomed everyone and asked that all present join in the PLEDGE OF ALLEGIANCE:

### **APPROVAL OF MINUTES**

On a motion of Councilman Majewski, seconded by Councilwoman Fitzgerald, the following resolution was

**ADOPTED** Ayes 5      Majewski, Fitzgerald, Fletcher, Messina, Schaffer  
Nays 0

**Resolved** the Minutes of the Regular Meeting on August 22, 2018 are approved.

### **PUBLIC HEARING**

Supervisor Schaffer offered the *Proof of Posting* and *Affidavit of Publication* regarding the Public Hearing on the question of the increase and improvements of the facilities of Consolidated Water District No. 1 in the Town of Vestal consisting of the construction of improvements to and reconstruction of the water mains on Old Vestal Road and Bunn Hill Road and expenses in connection therewith at a maximum estimated cost of \$1,350,411, and asked Water/Wastewater Superintendent Scott Groats to give a description of the project.

Superintendent Groats explained that the Town is submitting a request for a grant to assist in this infrastructure improvement. If this grant is approved, it will fund 60 percent of the project costs and the Town will bear 40 percent. The Bunn Hill area is highly vulnerable. There is no water main in the area in front of the cemetery. The water main is undersized from Gates Road up through the car dealership, then, there is a big void. It hits Bunn Hill and only goes up Bunn Hill

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to provide all water going east. There was a break in the main a few years ago. The water main is very deep. It took days to repair. This project would build some redundancy to prevent further water system interruptions to critical facilities within the Town such as the Joint Sewage Treatment Plant, UHS critical care facilities and Binghamton University. Binghamton University and the Broome County Health Department have submitted letters of support for this project.

Councilman Majewski noted that the Town's share will be slightly over \$540,000.

Seeing or hearing no one else wishing to speak, Supervisor Schaffer closed the Public Hearing.

**PRIVILEGE OF THE FLOOR**

Seeing or hearing no one wishing to speak Supervisor Schaffer closed the Privilege of the Floor.

**RESOLUTIONS & MOTIONS**

**Execute Grant Agreement with NYS Environmental Facilities Corporation**

**R195-18** On a motion of Councilwoman Messina, seconded by Councilwoman Fitzgerald, the following resolution was

**ADOPTED** Ayes 5 Majewski, Fitzgerald, Fletcher, Messina, Schaffer  
Nays 0

**Resolved** to adopt a resolution authorizing the execution of a **Grant Agreement** with the NYS Environmental Facilities Corporation as follows:

**WHEREAS**, the Town of Vestal proposes to undertake a water main replacement and installation project located on Vestal Road between Gates Road and Bunn Hill Road, and Bunn Hill Road between Vestal Road and Vestal Parkway East (hereinafter collectively called the "Project"); and

**WHEREAS**, the Town of Vestal is seeking financial assistance through the 2018 NYS Environmental Facilities Corporation's Water Infrastructure Improvement Act Program; and

**WHEREAS**, the grant application requires that the applicant obtain the approval and endorsement of the governing body of the municipality in which the project will be located. **NOW, THEREFORE, BE IT:**

**RESOLVED** that the Town Supervisor of Vestal has been authorized to submit an application for grant funding under the NYS Environmental Facilities Corporation's Water Infrastructure Improvement Act Program on behalf of the Town of Vestal; and

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**RESOLVED** that the Town Supervisor of Vestal is authorized to execute a Grant Agreement with the NYS Environmental Facilities Corporation and any and all other contracts, documents and instruments necessary to bring about the Project and to fulfill the Town of Vestal's obligations under the Water Infrastructure Improvement Act Grant Agreement; and

**RESOLVED** that the Town Supervisor of Vestal is authorized to execute expenditures for the Town of Vestal's Water Main Replacement Project under the NYS Environmental Facilities Corporation's Water Infrastructure Improvement Act Program on behalf of the Town of Vestal.

**State Environmental Quality Review Act Resolution re: Water Main Project R196-18**

On a motion of Councilwoman Messina, seconded by Councilwoman Fitzgerald, the following resolution was

**ADOPTED** Ayes 5      Majewski, Fitzgerald, Fletcher, Messina, Schaffer  
Nays 0

**Resolved** to adopt the **State Environmental Quality Review Act** Resolution regarding Town of Vestal Water Main Project as follows:

**WHEREAS**, the Town of Vestal (hereinafter the "Town") maintain water distribution piping along Old Vestal Road and Bunn Hill Road for the Town of Vestal; and

**WHEREAS**, the Town is proposing to replace the existing water distribution piping and appurtenances on Old Vestal Road between Gates Road and Bunn Hill Road and on Bunn Hill Road between Old Vestal Road and Vestal Parkway East, and for all the foregoing, make related site improvements (collectively, the "Project"); and

**WHEREAS**, the Town is obligated under SEQRA and corresponding regulations to review the Project, and if necessary, undertake a review of the potential environmental impacts associated with the Project before undertaking the same; and

**WHEREAS**, the Town is the appropriate agency to be the lead agency to undertake the project review under SEQRA; and

**WHEREAS**, based upon an examination of 6 NYCRR § 617.4 and § 617.5, the Town classified the Project as an Unlisted Action given § 617.2(ak). A Short Environmental Assessment Form was prepared for the Project, and pursuant to 6 NYCRR § 617.6(b)(4), uncoordinated review was undertaken by the Town.

**NOW, THEREFORE, BE IT: RESOLVED**, that the Town Board hereby makes the following findings:

The Project consists of replace the existing water distribution piping and appurtenances on Old Vestal Road between Gates Road and Bunn Hill Road and

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on Bunn Hill Road between Old Vestal Road and Vestal Parkway East, and for all the foregoing, make related site improvements.

**IT IS FURTHER RESOLVED**, that:

The Town Board hereby designates itself lead agency pursuant to 6 NYCRR § 617.6(b)(2) and § 617.6(b)(3) with respect to the Project.

**IT IS FURTHER RESOLVED**, that:

Based upon an examination of the components of the Project, the Short Environmental Assessment Form, and the criteria contained in 6 NYCRR § 617.7(c), and based upon its knowledge of the areas including and surrounding the Project site, and discussions with professionals retained by the Town, the Town Board, as lead agency, hereby makes the following determinations with respect to the Project pursuant to SEQRA:

- A. The Project constitutes Unlisted Action.
- B. Based upon review by the Town Board of the Short Environmental Assessment Form, any input provided by other involved agencies, and other necessary criteria set forth in SEQRA, the Town Board hereby finds and determines that the Project will result in no significant impacts and, therefore, (a) the action is not one which “may include the potential for at least one significant adverse environmental impact,” (b) “there will be no significant adverse environmental impacts,” and (c) no “environmental impact statement” need be prepared, as such quoted terms are defined in SEQRA. This determination constitutes a negative declaration for purposes of SEQRA and it has been prepared in accordance with Article 8 of the Environmental Conservation Law.
- C. A copy of this resolution, together with notice of negative declaration, shall be placed on file in the office of the Town Clerk where the same shall be available for public inspection during business hours and such notice of negative declaration shall be filed in such offices, posted in such places and published in such manner as shall be necessary to conform to the requirements of SEQRA.

This resolution shall take effect immediately.

**Adopt Public Interest Order re: Improvement of Facilities of CWD No. 1**

**R197-18** On a motion of Councilwoman Messina, seconded by Councilwoman Fitzgerald, the following resolution was

**ADOPTED** Ayes 5 Majewski, Fitzgerald, Fletcher, Messina, Schaffer  
Nays 0

**Resolved** to adopt the **Public Interest Order** in the matter of the increase and improvement of the facilities of Consolidated Water District No. 1 in the Town of Vestal as follows:

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**WHEREAS**, the Town Board of the Town of Vestal, Broome County, New York, has under consideration the increase and improvement of the facilities of the Consolidated Water District No. 1, in the Town of Vestal, Broome County, New York (the “Consolidated Water District No. 1”), being the construction of improvements to and reconstruction of the water mains on Old Vestal Road and Bunn Hill Road, including original furnishings, equipment, machinery, apparatus, appurtenances and incidental improvements and expenses in connection therewith at a maximum estimated cost of \$1,350,411; and

**WHEREAS**, at a meeting of said Town Board duly called and held on August 22, 2018, an Order was adopted by it and entered in the minutes specifying the said Town Board would meet to consider said increase and improvement of the Consolidated Water District No. 1, and to hear all persons interested in the subject thereof concerning the same at the Town Hall, in Vestal, New York, in said Town, on September 5, 2018 at 5:00 o'clock P.M., Prevailing Time; and

**WHEREAS**, said Order duly certified by the Town Clerk was duly published and posted as required by law; and

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

**NOW, THEREFORE, BE IT ORDERED**, by the Town Board of the Town of Vestal, Broome County, New York, as follows:

**Section 1.** Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to make improvements to the Consolidated Water District No. 1, in the Town of Vestal, Broome County, New York, being the construction of improvements to and reconstruction of the water mains on Old Vestal Road and Bunn Hill Road, including original furnishings, equipment, machinery, apparatus, appurtenances and incidental improvements and expenses in connection therewith at a maximum estimated cost of \$1,350,411.

**Section 2.** This Order shall take effect immediately.

**Bond Resolution re: Improvement of Consolidated Water District No. 1**

**R198-18** On a motion of Councilwoman Messina, seconded by Councilwoman Fitzgerald, the following resolution was

**ADOPTED** Ayes 5      Majewski, Fitzgerald, Fletcher, Messina, Schaffer  
Nays 0

**Resolved** to adopt a Bond Resolution dated September 5, 2018:

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$1,350,411 BONDS OF THE TOWN OF VESTAL, BROOME COUNTY, NEW YORK, TO PAY

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THE COST OF THE INCREASE AND IMPROVEMENT OF THE  
CONSOLIDATED WATER DISTRICT NO. 1, IN THE TOWN OF VESTAL,  
BROOME COUNTY, NEW YORK.

**Vestal Water Main Improvement Project  
BOND RES TOWN OF VESTAL-202-B-STEP I-OCPH CONSOLIDATED WATER  
DISTRICT NO. 1 - 4158-7649-8198 1**

WHEREAS, the capital project hereinafter described has been determined to be a "Unlisted Action" pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, it has been determined will not result in any significant adverse environment impacts; and

WHEREAS, pursuant to the provisions heretofore duly had and taken in accordance with the provisions of Section 202-b of the Town Law, and more particularly an Order dated the date hereof, said Town Board has determined it to be in the public interest to increase and improve the facilities of the Consolidated Water District No.1, in the Town of Vestal, Broome County, New York (the "Consolidated Water District No.1"), being the construction of improvements to and reconstruction of the water mains on Old Vestal Road and Bum1 Hill Road, including original equipment, machinery, apparatus, appurtenances and incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$1,350,411; NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Vestal, Broome County, New York, as follows:

Section 1. For the specific object or purpose of paying the cost of the increase and improvement of the facilities of the Consolidated Water District No. 1, in the Town of Vestal, Broome County, New York, being the construction of improvements to and reconstruction of the water mains on Old Vestal Road and Bunn Hill Road, including original equipment, machinery, apparatus, appurtenances and incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$1,350,411, which specific object or purpose is hereby authorized at said maximum estimated cost, there are hereby authorized to be issued \$1,350,411 serial bonds of said Town pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the plan for the financing of said specific object or purpose is by the issuance of the \$1,350,411 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 specific object or purpose is forty years pursuant to subdivision 1 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.

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Section 4. The faith and credit of said Town of Vestal, Broome County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from monies raised from said Consolidated Water District No. 1 in the manner provided by law, there shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. 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 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 the Supervisor 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, the Supervisor 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 his sole discretion, to execute a project finance and/or loan agreement, and any other agreements with the New York 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 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

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

**ADJOURNMENT**

On a motion of Councilwoman Messina, seconded by Councilman Majewski, the **meeting was adjourned at 5:09 PM.** Carried unanimously.

Approved by \_\_\_\_\_  
**Emil J. Bielecki, Town Clerk**