

Village Board Work Session
October 17, 2011
7:00 p.m.

Members present: Mayor Roddey, Trustees Char, Mattheus, Smith, and Stewart

Also present: Engineer Tully and Village Clerk Strobl

Mayor Roddey read the following letter from the Village's Bond Counsel:

October 6, 2011

Village of Goshen, New York
Amending Bond Resolution for Final Phase of Wastewater Treatment
Facility Project - Abandonment of Refuse Disposal Area
(Our File Designation: 5651/34975)

David A. Donovan, Esq.
Dickover, Donnelly, Donovan & Biagi, LLP
20 Bruen Place
Goshen, New York 10924

Dear Dave:

Pursuant to my recent discussions with Noah Nadelson of Munistat Services, I have prepared the attached draft Extract of Minutes of the Board of Trustees meeting to be held on October 17, 2011, showing adoption of the amending bond resolution authorizing the above serial bonds.

Please note that adoption of the bond resolution requires at least a two-thirds vote of the entire membership of the Board of Trustees, without taking into consideration any temporary vacancies. Therefore, four affirmative active votes are required for adoption.

Section 7 of the bond resolution contains the form of notice to be published in the official Village newspaper and posted in six (6) locations throughout the Village, and in each Village polling place, within ten (10) days after adoption thereof. The draft Affidavit of Posting to be executed by the Village Clerk, is also enclosed. A copy of the notice, as posted, should be attached to this Affidavit.

We understand that the negative declaration pursuant to the New York State Environmental Quality Review Act ("SEQRA") has been adopted by the Board of Trustees.

Please obtain and forward to me a certified copy of the Extract of Minutes, an executed Affidavit of Posting and an original Affidavit of Publication from the newspaper. Upon receipt of such items we shall forward the additional documents required with respect to the estoppel publication of the bond resolution.

Please do not hesitate to contact me if you have any questions.

With best regards, I am

Very truly yours,

Robert P. Smith

RPS/ml
Enclosures

cc: Kyle Roddey, Mayor
Margaret G. Strobl, Village Clerk
Sara Goldberg, Village Treasurer
Noah Nadelson, Munistat Services

Mayor Roddey explained that the total being borrowed was not changing.

Trustee Stewart offered the following resolution and moved its adoption:

RESOLUTION OF THE VILLAGE OF GOSHEN, NEW YORK, ADOPTED
OCTOBER 17, 2011, FURTHER AMENDING THE BOND RESOLUTION
ADOPTED FEBRUARY 14, 2011 AND HERETOFORE AMENDED ON APRIL
25, 2011

RESOLVED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF GOSHEN, IN THE COUNTY
OF ORANGE, NEW YORK (by the favorable vote of not less than two-thirds of all members of said Board
of Trustees) AS FOLLOWS:

Recitals

WHEREAS, pursuant to a bond resolution adopted on February 14, 2011, the Board of
Trustees of the Village of Goshen, in the County of Orange, New York, has heretofore duly authorized
the issuance of serial bonds to finance the abandonment of a refuse disposal area, consisting of the
removal and disposal of stockpiled landfill material, including engineering and planning costs, at the
estimated total cost of \$7,000,000; and

WHEREAS, the Board of Trustees subsequently determined that the estimated cost of
such project is \$10,000,000 and, pursuant to an amending bond resolution adopted on April 25, 2011,
the principal amount of bonds authorized to be issued was increased from \$7,000,000 to \$10,000,000;
and

WHEREAS, the Board of Trustees has now determined that in order to more specifically
describe the project and its relationship to the Village's construction of a new wastewater treatment
facility, it is appropriate and in the public interest to further amend said bond resolution;

Now, therefore, be it

RESOLVED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF GOSHEN, IN THE COUNTY
OF ORANGE, NEW YORK (by the favorable vote of not less than two-thirds of all members of said Board
of Trustees) AS FOLLOWS:

Section (A) The bond resolution of the Village of Goshen duly adopted by the Board of Trustees
on February 14, 2011 and heretofore amended on April 25, 2011, entitled:

"Bond Resolution of the Village of Goshen, New York, adopted
February 14, 2011 and amended April 25, 2011, authorizing the

abandonment of a refuse disposal area, consisting of the removal and disposal of stockpiled landfill material, stating the estimated maximum cost thereof is \$10,000,000, appropriating said amount for such purpose, and authorizing the issuance of \$10,000,000 serial bonds of said Village to finance said appropriation,”

is hereby further amended to read as follows:

BOND RESOLUTION OF THE VILLAGE OF GOSHEN, NEW YORK, ADOPTED FEBRUARY 14, 2011, AMENDED APRIL 25, 2011 AND FURTHER AMENDED OCTOBER 17, 2011, AUTHORIZING THE ABANDONMENT OF A REFUSE DISPOSAL AREA, CONSISTING OF THE REMOVAL AND DISPOSAL OF STOCKPILED LANDFILL MATERIAL, AS THE FINAL PHASE OF THE VILLAGE’S CONSTRUCTION OF A NEW WASTEWATER TREATMENT FACILITY, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$10,000,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF \$10,000,000 SERIAL BONDS OF SAID VILLAGE TO FINANCE SAID APPROPRIATION

THE BOARD OF TRUSTEES OF THE VILLAGE OF GOSHEN, IN THE COUNTY OF ORANGE, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Board of Trustees) AS FOLLOWS:

Section 1. The Village of Goshen, in the County of Orange, New York (herein called the “Village”), is hereby authorized to abandon a refuse disposal area, consisting of the removal and disposal of stockpiled landfill material, as the final phase of the Village’s construction of a new wastewater treatment facility, including engineering and planning costs. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$10,000,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of \$10,000,000 serial bonds of the Village to finance said appropriation and the levy and collection of taxes upon all the taxable real property in the Village to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Village in the principal amount of \$10,000,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the “Law”), to finance said appropriation.

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

(a) The period of probable usefulness of the object or purpose for which said serial bonds are authorized to be issued, within the limitations of Section 11.00 a. 6-b of the Law, is twenty (20) 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 Village 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 bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Village, payable as to both principal and interest by general tax upon all the taxable real property within the Village without limitation of rate or amount. The faith and credit of the Village 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 Village by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Board of Trustees 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 of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to the

execution of agreements for credit enhancements, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Village 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 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 bond resolution is subject to a permissive referendum and the Village Clerk is hereby authorized and directed, within ten (10) days after the adoption hereof, to cause to be published in the "*Independent Republican*," a newspaper having a general circulation within said Village and hereby designated the official newspaper of the Village for such publication, and posted in at least six (6) public places and in each polling place in the Village, a Notice in substantially the following form:

VILLAGE OF GOSHEN, NEW YORK

PLEASE TAKE NOTICE that on October 17, 2011, the Board of Trustees of the Village of Goshen, in the County of Orange, New York, adopted a resolution further amending the bond resolution adopted by said Board of Trustees on February 14, 2011 and heretofore amended on April 25, 2011, which bond resolution, as further amended, is entitled:

"Bond Resolution of the Village of Goshen, New York, adopted February 14, 2011, amended April 25, 2011 and further amended October 17, 2011, authorizing the abandonment of a refuse disposal area, consisting of the removal and disposal of stockpiled landfill material, as the final phase of the Village's construction of a new wastewater treatment facility, stating the estimated maximum cost thereof is \$10,000,000, appropriating said amount for such purpose, and authorizing the issuance of \$10,000,000 serial bonds of said Village to finance said appropriation,"

an abstract of such bond resolution concisely stating the purpose and effect thereof, being as follows:

FIRST: AUTHORIZING the Village of Goshen to abandon a refuse disposal area, consisting of the removal and disposal of stockpiled landfill material, as the final phase of the Village's construction of a new wastewater treatment facility, including engineering and planning costs; STATING the estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$10,000,000; APPROPRIATING said amount for such purpose; and STATING the plan of financing includes the issuance of \$10,000,000 serial bonds of the Village to finance said appropriation, and the levy of taxes upon

all the taxable real property within the Village to pay the principal of said bonds and the interest thereon;

SECOND: AUTHORIZING the issuance of \$10,000,000 serial bonds of the Village pursuant to the Local Finance Law of the State of New York to finance said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said serial bonds are authorized to be issued is twenty (20) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; and the proposed maturity of said serial bonds will exceed five (5) years;

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

FIFTH: DELEGATING to the Village Treasurer the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: October 17, 2011

Margaret G. Strobl
Village Clerk

Section 8. The Village Clerk is hereby authorized and directed to cause said amending bond resolution to be published, in summary, after said amending bond resolution shall take effect, in the newspaper hereinabove referred to in Section 7 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as prescribed by Section 81.00 of the Local Finance Law of the State of New York.

* * *

Section (B) The amendment of the bond resolution set forth in Section (A) of this resolution shall in no way affect the validity of any prior liabilities incurred, obligations issued, or action taken pursuant to said bond resolution, and all such liabilities incurred, obligations issued, or action taken shall be deemed to have been incurred, issued or taken pursuant to said bond resolution, as amended.

Section (C) Said bond resolution, as amended, is subject to a permissive referendum as therein provided. In the event that a valid petition protesting against said bond resolution and requesting that it be submitted to the electors of said Village for their approval or disapproval is filed and the Proposition submitted is defeated, the validity of the bond resolution adopted February 14,

2011 and amended April 25, 2011 shall not be in any way affected and shall remain in full force and effect.

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

AYES: 4

NOES: 0

The resolution was declared adopted.

Trustee Char moved the following, which was seconded by Trustee Smith:

WHEREAS, pursuant to Resolution dated September 12, 2011, Village Board did authorize the solicitation of bids for that certain public works project known and designated as the "Sewer Trunk Line Replacement"; and

WHEREAS, pursuant to the applicable provisions of law, the Village did thereafter duly advertise for the submission of bids for said public works project.; and

WHEREAS, the Village has received nine (9) bids for the Sewer Trunk Line Replacement Project; and

WHEREAS, the Village Engineer, Lanc & Tully Engineering and Land Surveying, P.C., has reviewed all bid packages submitted for compliance with the requirements of the bid specifications and has determined that the low bidder on the project is Profex, Inc. with a bid of \$257,710.00;

WHEREAS, Lanc & Tully Engineering and Land Surveying, P.C., has further completed the necessary and required reference checks for Profex, Inc. and has advised the Village Board that it is their opinion that Profex, Inc., is a responsible bidder and is equipped to perform the work outlined in the bid specifications for the Sewer Trunk Line Replacement Project;

NOW, THEREFORE, it is hereby

RESOLVED, that Profex, Inc. is the lowest responsible bidder regarding the Village of Goshen Sewer Trunk Line Replacement Project and that, accordingly, the project award is made to Profex, Inc.; and it is further

RESOLVED, the award of this bid to Profex, Inc., is specifically subject to and contingent upon compliance with all terms, provisions and conditions contained within the bid specifications, including, but not limited to, execution of the Contract documents contained within the bid specifications and proceeding in accordance with the Notice to Proceed which shall be executed and delivered to Profex, Inc. forthwith.

Upon a roll call vote with 4 Trustees voting in favor and 0 Trustees voting against the foregoing Resolution was duly adopted.

Engineer Tully provided the Board with an explanation of the bidding, and of the project, which should be completed by the end of the year.

Mayor Roddey opened a discussion of budget issues, prompted in part by New York State's new 2% property tax cap.

Among items discussed was having elected officials contribute to the cost of their health insurance. The Board concurred with Mayor Roddey that the idea was a good one.

Mayor Roddey spoke to the Board about the possibility of privatizing the Village's garbage collection. All members agreed that it was worth investigating.

The Work Session concluded at 7:30 p.m.