

**Board of Trustees  
VILLAGE OF MILLERTON  
Public Hearing Minutes  
August 27<sup>th</sup>, 2018**

A Public Hearing meeting of the Village of Millerton Board of Trustees was held on Monday, August 27<sup>th</sup>, 2018 was called to order at 7:00PM at the Village Hall, 21 Dutchess Avenue, Millerton, NY 12546 with Mayor Debra Middlebrook presiding. Trustees present: Jennifer Najdek, Alicia Sartori, and Matthew Hartzog. Also present; Clerk Kelly Kilmer, Treasurer Stephany Eisermann, and Camp director Nicole Gerringer. Members of the public present, Eliot Ramos, Dan Valentine (Tighe & Bond) and Ralph Fidele (Town of North East). Attorney Ian MacDonald arrived at 7:08pm and Trustee Christine Bates arrived at 7:30pm. (Sign in sheet attached).

**Public Hearing – WIIA Grant**

*Motion* was made by Trustee Hartzog to open the public hearing for the Water Infrastructure Improvement Grant, seconded by Trustee Sartori, all four (4) members in attendance approved and motion passed.

Mayor Middlebrook gave a quick recap for the members in attendance and left the floor open for any questions or comments.

**Summer Camp**

Nicole gave a final presentation of the summer camp program for the 2018 summer season. (Presentation packet attached to minutes)

*Motion* was made by Trustee Najdek to close the public meeting, seconded by Trustee Hartzog, all four (4) members in attendance approved.

The Mayor spoke about some of the financial pieces of the WIIA grant and how Dan Valentine from Tighe & Bond reworked a few of the numbers to show what the cost to the average resident would be without using the contingency fund. (See attached sheet)

**Resolutions for WIIA Grant**

*Motion* was made by Trustee Bates to adopt Resolution 2018-18, seconded by Trustee Sartori, all five (5) members in attendance approved and motion was passed.

RESOLUTION NO. 2018 - 18

DATED: AUGUST 27<sup>th</sup>, 2018

**RESOLUTION OF SEQR TYPE II DETERMINATION  
FOR WATER DISTRIBUTION SYSTEM IMPROVEMENT PROJECT**

**WHEREAS**, 6 NYCRR Section 617.5 (Title 6 of the New York Code of Rules and Regulations) under the State Environmental Quality Review Act (SEQR) provides that certain actions identified in subdivision (c) of that section are not subject to environmental review under the New York Environmental Conservation Law;

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Trustees of the Village of Millerton hereby determines that the proposed water distribution improvements identified as the selected alternative in the Village of Millerton Water Distribution System Engineering Report are a Type II action in accordance with 6 NYCRR Section 617.5(c) (1), (2) and (5) which constitutes:

- (1) maintenance or repair involving no substantial changes in an existing structure or facility;
- (2) replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes, unless such action meets or exceeds any of the thresholds in section 617.4 of this Part;
- (5) street openings and right-of-way openings for the purpose of repair or maintenance of existing utility facilities;

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

Debra Middlebrook, Mayor	___ <b>AYE</b> ___
Jenn Najdek, Deputy Mayor	___ <b>AYE</b> ___
Christine Bates, Trustee	___ <b>AYE</b> ___
Alicia Sartori, Trustee	___ <b>AYE</b> ___
Matthew Hartzog, Trustee	___ <b>AYE</b> ___

The resolution was thereupon duly adopted on August 27<sup>th</sup> , 2018.

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 Kelly Kilmer  
 Clerk, Village of Millerton

*Motion* was made by Trustee Sartori to adopt Resolution 2018 -17 with correction of amount from \$960,000 to 1,094,000, seconded by Trustee Hartzog, all five (5) members in attendance approved and motion was passed.

RESOLUTION NO. 2018 - 17

DATED: AUGUST 27, 2018

**RESOLUTION AUTHORIZING SUBMISSION OF FUNDING APPLICATIONS  
 FOR WATER DISTRIBUTION SYSTEM IMPROVEMENT PROJECT**

**WHEREAS**, T&B Engineering, P.C. (“T&B”) prepared a Water Distribution System Engineering Report dated August 2018 (“Engineering Study”) to evaluate the Village of Millerton’s (“Village”) existing distribution system and consider options for meeting requirements for a safe and reliable water system in the Village; and

**WHEREAS**, upon review of the Engineering Study, the Board of Trustees of the Village has determined that it is necessary and in the best interests of the Village to undertake certain water system improvements including rehabilitation of the water storage tank, fire hydrants, water meters, and related water system improvements with an estimated maximum cost of \$1,094,000 (“Water System Improvements”); and

**WHEREAS**, the Board of Trustees of the Village now desires to seek available grant funding to assist in offsetting the costs of such Water System Improvements; and

**WHEREAS**, the aforesaid project constitutes a Type II action as defined under the State Environmental Quality Review Regulations, 6 NYCRR Section 617 (Title 6 of the New York Code of Rules and Regulations) and therefore is not subject to environmental review; and

**NOW, THEREFORE BE IT RESOLVED** by the Board of Trustees of the Village of Millerton, as follows:

1. The Board of Trustees of the Village hereby authorizes the Mayor or, in her absence or unavailability, the Deputy Mayor, to execute and submit one or more applications for financial assistance in the form of grants or loans or both for the Water System Improvements, including without limitation applications to State of New York and its agencies and to the New York State Environmental Facilities Corporation, and including without limitation an application for grant funding under the NYS Water Infrastructure Improvement Act (WIIA) and NYS Intermunicipal Water

Infrastructure Grants Program (IMG); and

2. This resolution shall take effect immediately.

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

Debra Middlebrook, Mayor	<u>   AYE   </u>
Jenn Najdek, Deputy Mayor	<u>   AYE   </u>
Christine Bates, Trustee	<u>   AYE   </u>
Alicia Sartori, Trustee	<u>   AYE   </u>
Matthew Hartzog, Trustee	<u>   AYE   </u>

The resolution was thereupon duly adopted on August 27<sup>th</sup>, 2018.

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Kelly Kilmer  
Clerk, Village of Millerton

*Motion* was made by Trustee Najdek to adopt Resolution 2018 -19 with correction of amount from \$960,000 to 1,094,000, seconded by Trustee Hartzog, all five (5) members in attendance approved and motion was passed.

RESOLUTION NO. 2018 - 19

DATED: AUGUST 27<sup>th</sup>, 2018

AUTHORIZING THE ISSUANCE OF SERIAL BONDS OF THE VILLAGE OF MILLERTON, DUTCHESS COUNTY, NEW YORK IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$1,094,000 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE WATER SYSTEM IMPROVEMENTS IN THE VILLAGE OF MILLERTON, NEW YORK, PROVIDING THAT THIS RESOLUTION SHALL BE SUBJECT TO PERMISSIVE REFERENDUM, AND DELEGATING CERTAIN POWERS IN CONNECTION THEREWITH TO THE TREASURER

NOW, THEREFORE BE IT RESOLVED, by the Village Board of the Village of Millerton, Dutchess County, New York (the "Village") (by the favorable vote of not less than two-thirds of all of the members of the Board) as follows:

SECTION 1. The specific purpose (hereinafter referred to as "purpose") to be financed pursuant to this resolution is the construction of certain water system improvements including rehabilitation of the water storage tank, fire hydrants, water meters, and related water system improvements. The estimated maximum cost of said purpose is \$1,094,000 and said amount is hereby appropriated therefor. It is hereby determined that said purpose is an object or purpose described in subdivision 1 of paragraph a of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is forty years.

SECTION 2. It is hereby determined that the aforesaid purpose constitutes a Type II action as defined under the State Environmental Quality Review Regulations, 6 NYCRR Section 617 (Title 6 of the New York Code of Rules and Regulations).

SECTION 3. The Village Board plans to finance the total cost of said purpose by the issuance of serial bonds of the Village in an amount not to exceed \$1,094,000 hereby authorized to be issued therefor pursuant to the Local Finance Law.

SECTION 4. It is hereby determined that the proposed maturity of the serial bonds authorized hereby will be in excess of five years.

SECTION 5. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of said bonds.

SECTION 6. 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 for the purpose for which said bonds are authorized. This resolution shall constitute a statement of official intent for purposes of Sec 1.150-2 of the Treasury Regulations.

SECTION 7. 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 Local Finance Law. The faith and credit of the Village are hereby irrevocably pledged for the payment of the principal of and interest on said 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 said bonds becoming due and payable in such year. To the extent not paid from other sources, there shall annually be levied on all the taxable real property of the Village a tax sufficient to pay the principal of and interest on said bonds as the same become due and payable.

SECTION 8. Subject to the terms and contents of this resolution and the Local Finance Law, and pursuant to the provisions of Sections 30.00, 50.00 and 56.00 to 63.00, inclusive, of said Law, the power to authorize bond anticipation notes in anticipation of the issuance of the serial bonds authorized by this resolution and the renewals of said notes and the power to prescribe the terms, form and contents of said serial bonds and said bond anticipation notes (including without limitation the date, denominations, maturities, interest payment dates, consolidation with other issues, and redemption rights), the power to determine to issue said bonds providing for substantially level or declining debt service, and the power to sell and deliver said serial bonds, (including statutory installment bonds), and any bond anticipation notes issued in anticipation of the issuance of such bonds, is hereby delegated to the Treasurer, the Chief Fiscal Officer of the Village. The Treasurer is hereby authorized to sign any serial bonds issued pursuant to this resolution and any bond anticipation notes issued in anticipation of the issuance of said serial bonds, and the Clerk is hereby authorized to affix the corporate seal of the Village to any of said serial bonds or any bond anticipation notes and to attest such seal.

SECTION 9. The Treasurer is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and, to the extent applicable, to designate the bonds authorized by this resolution and any notes issued in anticipation thereof as "qualified tax-exempt bonds" for purposes of Section 265(b)(3)(B)(I) of the Code.

SECTION 10. The Treasurer is further authorized, in his or her discretion, to execute a project financing and loan agreement and any other agreements with the New York State Environmental Facilities Corporation and/or the New York State Department of Environmental Conservation and/or the New York State Department of Health and/or the U.S. Department of Agriculture Rural Development, and amendments thereto, and to take such actions and execute such documents as may be necessary to provide for the financing or refinancing of the specific object or purpose set forth herein, or a portion thereof, by a serial bond issue of the Village and the sale of such issue to the New York State Environmental Facilities Corporation or its designee pursuant to the New York State Revolving Fund Program and/or the U.S. Department of Agriculture Rural Development programs.

SECTION 11. Pursuant to Section 36 of the Local Finance Law and Article 9 of the Village Law, this resolution shall take effect thirty (30) days after adoption, unless there shall be filed with the Village Clerk a petition signed and acknowledged by the electors of the Village in number equal to at least twenty percentum of such electors in the Village, as shown on the register of electors for the previous general village election, protesting against this resolution and requesting that the matter be submitted to the electors of the Village for their approval or disapproval in the manner provided by the Village Law.

SECTION 12. Within ten (10) days after the adoption of this resolution, the Village Clerk is hereby authorized and directed to cause to be published at least once in the Millerton News, the official newspaper of the Village, and to be posted in at least six (6) public places in the Village, a notice which shall set forth the date of adoption of this resolution and contain an abstract thereof, concisely stating its purpose and effect and specifying that this resolution was adopted subject to a permissive referendum.

SECTION 13. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

(1) Such obligations are authorized for an object or purpose for which the Village is not authorized to expend money; or

(2) The provisions of law which should be complied with at the date of the 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 of the State of New York.

SECTION 14. Following the effective date of this resolution, the Village Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of the Local Finance Law, in the Millerton News, a newspaper having a general circulation in the Village and hereby designated as the official newspaper of the Village for such publication.

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

Debra Middlebrook, Mayor              AYE    
Jenn Najdek, Deputy Mayor          AYE    
Christine Bates, Trustee             AYE    
Alicia Sartori, Trustee              AYE    
Matthew Hartzog, Trustee           AYE  

The resolution was thereupon duly adopted on August 27<sup>th</sup>, 2018.

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Kelly Kilmer  
Clerk, Village of Millerton

A letter of support from the Town of North East was also given for the WIIA Grant and will be submitted with the grant.

### **Bulk Trash Day**

Two days were given for the fall Bulk Trash Day, October 20<sup>th</sup> or 27<sup>th</sup>. The clerk will check with Bob from the town highway to see what day he is available. We will advertise the day in the local newspaper, upcoming October water bills, and signs.

*Motion* was made by Trustee Bates to set Bulk Trash Day for either October 20<sup>th</sup> or 27<sup>th</sup>, 2018, seconded by Trustee Hartzog, all five (5) members in attendance approved and motion was passed.

*Motion* was made by Trustee Najdek to go into Executive Session regarding personnel, seconded by Trustee Hartzog, all five (5) members in attendance approved and motion passed.

*Motion* was made to return from Executive Session to regular meeting at 8:34PM by Trustee Najdek, seconded by Trustee Hartzog, all five (5) members in attendance approved and motion passed.

### **Taxes**

*Motion* was made by Trustee Hartzog to send out letters returning checks without proper penalty payments for July, waiving the August and September Penalty with understanding that the new payment with July penalty only, be received in the office of the Village of Millerton by September 17<sup>th</sup>, 2018. If payment is not received by such date then the tax payer would be responsible for all penalties, seconded by Trustee Bates, all five (5) members in attendance approved and motion passed.

Clerk will send letters along with checks to tax payers.

### **Insurance Renewal**

After looking at the renewal for the Village of Millerton's renewal policy it was brought to the boards attention that the composting toilet was not listed as part of the properties in the quote. Paul Zerbato has been contacted and will be adding that piece of property to the list.

*Motion* was made by Trustee Sartori to accept the new renewal rate, not to exceed \$500 from the already existing renewal rate adding the composting toilet, seconded by Trustee Hartzog, all five (5) members in attendance approved and motion passed.

### **Adjourn**

*Motion* made by Trustee Najdek to adjourn the meeting at 8:48 PM, seconded by Trustee Sartori,

all five (5) members in attendance approved and motion was passed.

Respectfully Submitted,

Kelly Kilmer  
Village Clerk