



Town of Tusten Town Board Meeting

Public Hearing
&
Special Meeting Minutes

Tusten Community Hall & Zoom (ID: 890 1678 4280)
June 22, 2021
6:00 PM

PRESENT

Supervisor Bernard Johnson
Deputy Supervisor Jane Luchsinger
Councilman Bruce Gettel
Councilman Alfred Smith

ABSENT

Councilwoman Jill Padua

OTHERS PRESENT

Crystal Weston, Town Clerk; Helen Budrock, Joe Gollin

1 OPENING ITEMS

1.1 Call Meeting to Order

Supervisor Called the meeting to order at 6:00 PM

1.2 Pledge of allegiance

Supervisor Bernard Johnson led the pledge of allegiance.

2 SPECIAL BUSINESS

2.1 SEQRA FEAF Part 2

Part 2 of the FEAF regarding the Narrowsburg Water District Improvement Project was prepared by Delaware Engineering, Mr. Joe Gollin of Delaware Engineering read and reviewed the questions and responses aloud. As questions came up Mr. Gollin answered them accordingly. With no further questions, concerns or comments the following resolution was offered and adopted

RESOLUTION 92-2021

ACCEPTANCE OF PART 2 OF THE FEAF

On motion of Supervisor Bernard Johnson, seconded by Deputy Supervisor Jane Luchsinger, the following resolution was,

ADOPTED 4 AYES 0 NAYS 1 ABSENT (Councilwoman Jill Padua)

RESOLVED that the Full Environmental Assessment Form (FEAF) Part 2 prepared by Delaware Engineering be hereby adopted as read aloud & presented.

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2.2 SEQRA FEAF Part 3

Part 3 of the FEAF regarding the Narrowsburg Water District Improvement Project was prepared by Delaware Engineering, Mr. Joe Gollin of Delaware Engineering read and reviewed the questions and responses aloud. As questions came up Mr. Gollin answered them accordingly. With no further questions, concerns or comments the following resolution was offered and adopted

RESOLUTION 93-2021

ACCEPTANCE OF PART 3 OF THE FEAF & ISSUANCE OF A NEGATIVE DECLARATION

On motion of Supervisor Bernard Johnson, seconded by Deputy Supervisor Jane Luchsinger, the following resolution was,

ADOPTED 4 AYES 0 NAYS 1 ABSENT (Councilwoman Jill Padua)

WHEREAS the Full Environmental Assessment Form (FEAF) Part 3 regarding the Narrowsburg Water District Improvement Project prepared by Delaware Engineering be adopted as read aloud & presented and,

WHEREAS Town of Tusten Town Board, as lead agency hereby declares that this project will result in no significant adverse impact on the environment,

BE IT RESOLVED that the Town of Tusten Town Board hereby issue a Negative Declaration.

3 **PUBLIC HEARING**

Supervisor Bernard Johnson called the public hearing to order:

At this time the Town Board heard public comment re: Improvements to the water system serving the Narrowsburg Water District, including replacement of the existing water storage tank with a new 250,000-gallon steel water storage tank, installation of a new booster pump station, well improvements, replacement of existing fire hydrants, water valves and water mains and installation of new automatic flushing stations and additional new fire hydrants, water valves and water mains.

The estimated cost of the proposed improvements is \$7,500,000.

The public is invited to attend and comment on the proposed improvements. It is expected that following the public hearing the Town Board of the Town will consider a bond resolution authorizing the issuance of its general obligations in an amount not to exceed \$7,500,000 pursuant to the Local Finance Law to finance the cost of the proposed improvements. Funding for the proposed improvements is being sought through the New York State Environmental Facilities Corporation's

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Drinking Water State Revolving Fund and through the New York State Environmental Facilities Corporation's water grant program under the Water Infrastructure Improvement Act. Other sources of funding may also be available and may be pursued, depending upon program requirements and project eligibility.

A Map, Plan, & Report describing the proposed improvements has been prepared by Delaware Engineering, D.P.C. and is available for public inspection

Comment was heard from the following individuals during public comment:

- *Colin Peters*
- *Joe Gollin (Delaware Engineering)*
- *Helen Budrock*
- *Bernie Lohman*

On motion of Supervisor Bernard Johnson, seconded by Councilman Bruce Gettel, all in favor. With no further comment the Public Hearing was closed at 7:48 PM.

4 SPECIAL MEETING CONTINUED

4.1 Findings & Order re: Increase and Improvement of Facilities of the Narrowsburg Water District

RESOLUTION # 94 - 2021

FINDINGS & ORDER RE: INCREASE & IMPROVEMENT OF FACILITIES OF THE NARROWSBURG WATER DISTRICT

On motion of Supervisor Bernard Johnson, seconded by Deputy Supervisor Jane Luchsinger, the following resolution was

ADOPTED 5 AYES 0 NAYS

RESOLVED that,

In the Matter of the Increase and Improvement of Facilities of the Narrowsburg Water District in the Town of Tusten, in the County of Sullivan, pursuant to Section 202-b of the Town Law of the State of New York.

WHEREAS, the Town Board of the Town of Tusten, Sullivan County, New York (the "Town") has proposed certain improvements to the water system serving the Narrowsburg Water District, including replacement of the existing water storage tank with a new 250,000-gallon steel water storage tank, installation of a new booster pump station, well improvements, replacement of existing fire hydrants,

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water valves and water mains and installation of new automatic flushing stations and additional new fire hydrants, water valves and water mains; and

WHEREAS, the Town Board of the Town adopted a resolution and order calling a public hearing thereon and caused a notice of such hearing to be published and posted in the manner provided in Section 193 of the Town Law of the State of New York, describing in general terms the proposed improvements, specifying the estimated cost thereof to be \$7,500,000 and stating that the Town Board would meet to hear all persons interested in the subject matter thereof on June 22, 2021 at 6:30 p.m. in person at Town Hall and via Zoom; and

WHEREAS, a public hearing was held at the time and place aforesaid in the manner described at which time all persons interested in the subject matter were given an opportunity to be heard;

NOW, THEREFORE, upon the evidence given at the public hearing described herein, it is hereby determined as follows:

1. The notice of the public hearing described in the preambles hereof was posted and published as required by law and is in all respects satisfactory.
2. The construction of the improvements hereinabove described is in the public interest.
3. Preparatory to solicitation of competitive bids relative to such construction, definite plans and specifications and a careful estimate of the expense of the aforesaid improvements are hereby directed to be prepared by a licensed and qualified engineer selected by the Town, and the Town Attorney is hereby directed to assist in the preparation of a proposed contract for the execution of the work and to submit the same to this Town Board for examination and approval.
4. The Town Clerk shall record a copy of this order in the office of the County Clerk of Sullivan County as required under Section 195 of the Town Law of the State of New York.
5. This order shall take effect immediately.

4.2 BOND RESOLUTION

RESOLUTION # 95-2021

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A RESOLUTION AUTHORIZING THE ISSUANCE OF SERIAL BONDS OF THE TOWN OF TUSTEN, SULLIVAN COUNTY, NEW YORK IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$7,500,000 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE CERTAIN IMPROVEMENTS TO THE WATER SYSTEM SERVING THE NARROWSBURG WATER DISTRICT AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.

On motion of Supervisor Bernard Johnson, seconded by Deputy Supervisor Jane Luchsinger, the following resolution was,

ADOPTED 5 AYES 0 NAYS

BE IT RESOLVED, by the Town Board of the Town of Tusten, Sullivan County, New York (the "Town") (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 certain improvements to the water system serving the Narrowsburg Water District (the "District"), including replacement of the existing water storage tank with a new 250,000-gallon steel water storage tank, installation of a new booster pump station, well improvements, replacement of existing fire hydrants, water valves and water mains and installation of new automatic flushing stations and additional new fire hydrants, water valves and water mains. The estimated maximum cost of said purpose is \$7,500,000.

SECTION 2. The Town Board plans to finance the total cost of said purpose by the issuance of serial bonds of the Town in an amount not to exceed \$7,500,000, hereby authorized to be issued therefor pursuant to the Local Finance Law, and the assessment, levy and collection of special assessments upon the several lots and parcels of land within the District which the Town Board shall deem especially benefitted by said facilities, so much upon and from each as shall be in just proportion to the amount of benefit which the improvements shall confer upon the same, to pay the principal of and interest on said bonds. Funding for said purpose is being sought through the New York State Environmental Facilities Corporation's Drinking Water State Revolving Fund and through the New York State Environmental Facilities Corporation's water grant program under the Water Infrastructure Improvement Act. Other sources of funding may also be available and may be pursued, depending upon program requirements and project eligibility.

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SECTION 3. 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 (40) years.

SECTION 4. It is hereby determined that the proposed maturity of the obligations authorized by this resolution will be in excess of five (5) 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 authorized by this resolution, and any notes issued in anticipation thereof, may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the specific purpose set forth herein. This resolution shall constitute a statement of official intent for purposes of Treasury Regulation Section 1.150-2 of the United States Treasury Department.

SECTION 7. Each of the bonds authorized by this resolution, and any notes issued in anticipation thereof, shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law. The faith and credit of the Town 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. There shall annually be levied on said several lots and parcels of land within the District 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 21.00, 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, dates, denominations, maturities, interest payment dates, consolidation with other issues, manner of execution and redemption rights), and the power to determine to issue said bonds providing for substantially level or declining debt service, and the power to sell (including, without limitation, receipt of bids submitted in an electronic format) and deliver said serial bonds and any bond anticipation notes issued in anticipation of the issuance of said bonds, are hereby delegated to the Town Supervisor, the Chief Fiscal Officer of the Town. The Town Supervisor is hereby

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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 Town Clerk is hereby authorized to affix the corporate seal of the Town to any of said serial bonds or any bond anticipation notes and to attest such seal.

SECTION 9. The Town Supervisor is hereby further authorized, in his discretion, to execute a project finance agreement or agreements, a grant agreement or agreements and any other agreements with the New York State Environmental Facilities Corporation and/or the New York State Department of Health, and any 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 purpose set forth herein, or a portion thereof, by the issuance of serial bonds of the Town and the sale of said bonds to the New York State Environmental Facilities Corporation.

SECTION 10. The Town Supervisor 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 designate the bonds authorized by this resolution, and any notes issued in anticipation thereof, as "qualified tax-exempt obligations" in accordance with Section 265(b)(3) of the Code.

SECTION 11. 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 Town 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 (20) days after the date of such publication, or

(3) Such obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 12. The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form

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provided by Section 81.00 of the Local Finance Law, in The River Reporter and the Sullivan County Democrat, newspapers having a general circulation in the Town and hereby designated as the official newspapers of the Town for such publication.

SECTION 13. This resolution shall take effect immediately upon its adoption.

4.3 NWS RATES

RESOLUTION # 96 – 2021

DELAY IMPLEMENTATION OF NWS WATER RATES

On motion of Councilman Bruce Gettel, seconded by Councilman Alfred Smith, the following resolution was,

ADOPTED 4 AYES 1 NAY (Deputy Supervisor Jane Luchsinger)

RESOLVED that the NWS District delay the implementation of the New Water Rates to take effect October 1, 2021 (The final quarter of the year).

4.4 JCAP GRANT

Discussion held; no action taken.

4.5 Public Comment

10 minutes were given for the public to make comment, the following individuals were heard:

- *Mike Farrell re: Bond Council*
- *Peter*

4.6 Board Comment

No further comments.

4.7 Executive Session

RESOLUTION # 97-2021

ENTER IN TO EXECUTIVE SESSION

On motion of Supervisor Bernard Johnson, seconded by Deputy Supervisor Jane Luchsinger, the following resolution was,

ADOPTED 5 AYES 0 ANYS

RESOLVED that the Town Board to enter into executive session for the purpose of possible land acquisition at 8:10 PM.

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No action taken; no minutes taken.

On motion of Councilman Bruce Gettel and seconded by Supervisor Bernard Johnson the Town Board exited the Executive session at 8:30 PM

5 CLOSING ITEMS

5.1 Meeting Reminders

Next Regular Meeting of the Town Board July 13, 2021 6:30 pm

5.2 Adjournment

On motion of Supervisor Bernard Johnson, seconded by Deputy Supervisor, all in favor.
With no further business to be had, the Regular Meeting of the Town Board closed at 8:32 pm.

Respectively Submitted

Crystal Weston, Town Clerk