

**TOWN OF SOUTHEAST  
John J. Dunford Civic Center  
1360 Route 22, Brewster, New York 10509  
April 30, 2009  
Special Meeting 7:30 PM**

Notation of Exits  
Pledge of Allegiance

Present: Supervisor Michael Rights  
Councilman Paul P. Johnson  
Councilman Dwight Yee

Also: Deputy Town Clerk Michele Stancati  
Town Counsel Willis H. Stephens

And: Approximately 40 persons

Supervisor Rights made a motion to open the meeting. Councilman Yee seconded. All in favor.

**SPECIAL MEETING**

Supervisor Rights made a motion to open the Special Meeting. Councilman Yee seconded. All in favor.

The board decides to leave the Special Meeting open and instead did the first 2 items of the worksession.

**EXECUTIVE SESSION**

The Town Board went into Executive Session without a motion or vote, and then returned to the Special Meeting.

***SPECIAL MEETING CONTINUANCE***

**RESOLUTION #19/09 SPRING HOUSE ESTATES WATER DISTRICT SEORA DETERMINATION – TYPE II ACTION**

Introduced by Councilman Johnson  
Seconded by Councilman Yee

**WHEREAS**, the Town of Southeast and Springhouse Estates Water District have been exploring options for additional or replacement water sources to serve the homes within the Springhouses Estates residential Community;

**WHEREAS**, it has been determined by the New York State Health Department that the existing water sources have been compromised as a result of their location within a wetland area and are, therefore, considered waters under the influence of surface water requiring enhanced filtration at a great cost and expense with limited improvement in water quality; and

**WHEREAS**, the Town has identified lands adjacent to the Springhouse Estates District that may provide locations for alternative water sources that are not compromised as such; and

**WHEREAS**, the Town is seeking funding assistance through the New York State Environmental Facilities Corporation and the New York State Department of Health to help defray the expense of investigation, construction and utilization of the alternative water sources ( the “Proposed Action”); and

**WHEREAS**, the Town Board has considered a Short Environmental Assessment Form of even date herewith in connection with the Proposed Action.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Southeast hereby determines that the Proposed Action is a “Type II” action as such is defined in Part 617 of the Regulations of the New York State Department of Environmental Conservation on the following grounds:

- (a) the Proposed Action can be characterized as a rehabilitation and replacement of an existing facility as contemplated in 6 NYCRR §617.05(c)(2);
- (b) the Proposed Action consists of the construction of a non-residential facility involving less than 4,000 square feet and not involving a change in zoning or a use variance and consistent with local land use controls as contemplated in 6 NYCRR §617.5(c) (7);
- (c) the Proposed Action consists of the extension of utility distribution facilities (water) to render service in an approved subdivision as contemplated in 6 NYCRR § 617.5(c)(11); and
- (d) the Proposed Action consists of a response to a NYS Health Department directive requiring the Town to take all necessary actions to improve the water quality to the residents in an effort to protect the life, health property and natural resources and that the Proposed Action is reasonably calculated to cause the least change or disturbance practicable under the circumstances as contemplated in 6 NYCRR § 617.5(c) (33).

**AND BE IT FURTHER RESOLVED**, that pursuant to SEQRA as a Type II Action, no further environmental review of the Proposed Action is required.

Upon Roll Call Vote:

Supervisor Rights – aye  
Councilman Johnson – aye  
Councilman Yee – aye

Vote carried by a vote of 3 Ayes, 0 Nays, 0 Abstained.

**RESOLUTION#20/09 - BOND RESOLUTION AUTHORIZING IMPROVEMENTS AND ADDITIONS TO SPRINGHOUSE WATER DISTRICT WATER SUPPLY**

Introduced by Councilman Johnson  
Seconded by Councilman Yee

A meeting of the Town Board of the Town of Southeast, Putnam County, New York, was convened in public session at the Town of Southeast, New York on the 30 day of April, 2009 at 9 o'clock p.m., Prevailing Time.

The meeting was called to order by Town Supervisor Michael Rights, and upon roll being called, the following were:

PRESENT:

Michael Rights  
Paul P. Johnson  
Dwight Yee

ABSENT:

Richard Honeck  
Roger Gross

The following resolution was offered by Paul Johnson, who moved its adoption, seconded Dwight Yee, to-wit:

**Bond Resolution Dated April 30, 2009**

**A Resolution Authorizing Improvements and Additions to Springhouse Water District Water Supply, Authorizing the Issuance of Serial Bonds of the Town of Southeast, Putnam County, New York in an Aggregate Principal Amount Not to Exceed \$1,350,000 Pursuant to the Local Finance Law to Finance Said Purpose and Delegating the Power to Issue Bond Anticipation Notes in Anticipation of the Sale of Such Bonds to the Town Supervisor.**

BE IT RESOLVED, by the Town Board of the Town of Southeast, Putnam County, New York (the "Town") (by favorable vote of not less than two-thirds of all the members of the Board) as follows:

**Section 1.** The specific object or purpose (herein referred to as "Purpose") to be financed pursuant to this resolution is the making of improvements and additions to the Springhouse Water District water supply system. The estimated maximum cost of said purpose is \$1,350,000.

**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 \$1,350,000, hereby authorized to be issued therefore pursuant to the Local Finance Law.

**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 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 years, and that the cost of the Purpose to be financed pursuant to this resolution is to be assessed against benefited real property within the Springhouse Water District.

**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 such bonds by virtue of paragraph 9 of subsection d. of Section 107.00 of the Local Finance Law, with respect to the Purpose authorized to be financed hereby.

**Section 6.** The faith and credit of said Town 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. 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 7.** 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, 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 content, and the manner of execution of the same, of said serial bonds, and said bond anticipation notes, including the consolidation with other issues, and also the availability to issue bonds with substantially level or declining annual debt service, and the power to sell and deliver said serial bonds and any bond anticipation notes issued in anticipation of the issuance of such bonds, is hereby delegated to the Town Supervisor, the Chief Fiscal Officer of the Town.

Such bonds and bond anticipation notes 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 Town Supervisor shall determine consistent with the provisions of the Local Finance Law.

**Section 8.** 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 9.** Pending the sale of bonds herein authorized, the temporary use of funds from the Town's general fund, pursuant to the provisions of Section 165.10 of the New York Local Finance Law, is hereby authorized. The Town reasonably expects to reimburse itself from the proceeds of bonds or notes herein authorized for expenditures made for the purpose to be financed by this resolution prior to the issuance of such bonds or notes, and this resolution is intended to constitute a declaration of official intent to reimburse for the purposes of U.S. Treasury § 1.150-2.

**Section 10. (SEQR Choices)** The Town has issued a negative declaration determining the the making of improvements and additions to the Springhouse Water District water supply system will not have a significant effect on the environment. **-OR-** The Town has determined that this making of improvements and additions to the Springhouse Water District water supply system is an Unlisted Action which will not have a significant effect on the environment and, therefore, no further action under the State Environmental Quality Review Act ("SEQR") is required.

**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 said 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 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 provided by

Section 81.00 of the Local Finance Law, in [The Record] -OR- [Putnam County Press], the official newspaper of said Town.

**Section 13.** The firm Hiscock and Barclay, LLP is hereby appointed Bond Counsel of the Town in connection with the bonds and notes herein authorized.

**Section 14.** This resolution shall take effect immediately upon its adoption.

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

Michael Rights	voting	aye
Paul P. Johnson	voting	aye
Richard B. Honeck	voting	absent
Roger Gross	voting	absent
Dwight Yee	voting	aye

The foregoing resolution was thereupon declared duly adopted.

CERTIFICATE OF RECORDING OFFICER

The undersigned hereby certified that:

(1) She is the duly qualified and acting Clerk of the Town of Southeast, New York (hereinafter called the "Town") and the custodian of the records of the Town, including the minutes of the proceedings of the Town Board and is duly authorized to execute this certificate.

(2) Attached hereto is a true and correct copy of a resolution duly adopted at meeting of the Town Board held on April 30, 2009 and entitled

**A Resolution Authorizing Improvements and Additions to Springhouse Water District Water Supply, Authorizing the Issuance of Serial Bonds of the Town of Southeast, Putnam County, New York in an Aggregate Principal Amount Not to Exceed \$1,350,000 Pursuant to the Local Finance Law to Finance Said Purpose and Delegating the Power to Issue Bond Anticipation Notes in Anticipation of the Sale of Such Bonds to the Town Supervisor.**

(3) Said meeting was duly convened and held and said resolution was duly adopted in all respects in accordance with law and the regulations of the Town. To the extent required by law or said regulations, due and proper notice of said meeting was given. A legal quorum of members of the Town Board was present throughout said meeting, and a legally sufficient number of members (two-thirds of the Town Board) voted in the proper manner for the adopted of the resolution. All other requirements and proceedings under law, said regulations, or otherwise, incident to said meeting and the adoption of the resolution, including any publication, if required by law, have been duly fulfilled, carried out and otherwise observed.

(4) The seal appearing below constitutes the official seal of the Town, and was duly affixed by the undersigned at the time this certificate was signed.

IN WITNESS WHEREOF, the undersigned has hereunto set her hand this 30 day of April, 2009.

(SEAL)

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Michele Stancati  
Deputy Town Clerk  
Town of Southeast  
Putnam County, New York

Councilman Johnson made a motion to authorize the Supervisor to sign any papers associated with the EFC financing application for Springhouse Water District. Supervisor Rights seconded. All in favor.

**RESOLUTION#09 SPRINGHOUSE WATER DISTRICT - AUTHORIZE RE-FUNDING OF BONDS - DEFERRED**

**DOT TO PROVIDE SHUTTLE SERVICE TO SOUTHEAST STATION**

Councilman Johnson made a motion for the Supervisor to execute an agreement and sign all necessary paperwork with the NYS DOT to provide shuttle service to the Southeast Train Station. Councilman Yee seconded. All in favor.

Upon Roll Call Vote:

Supervisor Rights – aye  
Councilman Johnson – aye  
Councilman Yee – aye

Vote carried by a vote of 3 Ayes, 0 Nays, 0 Abstained.

**SETTING OF A SPECIAL MEETING**

Councilman Johnson made a motion to hold a Special Meeting on Thursday May 7, 2009 at 7:30 PM at the John J. Dunford Civic Center, 1360 Route 22, Brewster NY 10509. Supervisor Rights seconded. All in favor.

Supervisor Rights made a motion to close the Special Meeting and move on to the worksession. Councilman Yee seconded. All in favor

**WORKSESSION FOLLOWED**

**SPECIAL MEETING**

Supervisor Rights made a motion to re-open the Special Meeting. Councilman Johnson seconded. All in favor.

**BID AWARDED TO FOREMOST DEVELOPMENT**

Councilman Johnson made a motion to award the bid for Wells Camp Water Park to Foremost Development LLC in Ossining, NY. Councilman Yee seconded. All in favor.

Supervisor Rights made a motion to again close the Special Meeting. Councilman Johnson seconded. All in favor.

Respectfully submitted,

Michele Stancati  
Deputy Town Clerk