

PATTERSON TOWN BOARD MEETING
PATTERSON TOWN HALL
1142 ROUTE 311
PATTERSON, NEW YORK 12563
NOVEMBER 6, 2013

MINUTES

PRESENT: MICHAEL GRIFFIN, SUPERVISOR
KEVIN BURNS, COUNCILMAN
CHARLES W. COOK, DEPUTY SUPERVISOR
ROBERT MCCARTHY, COUNCILMAN
ANTOINETTE KOPECK, TOWN CLERK
MICHAEL LIGUORI, TOWN COUNSEL

Salute to the Flag and Roll Call.

Supervisor Griffin called the Patterson Town Board meeting to order at 7:00 p.m. with 14 in attendance.

REPORTS

Mr. Griffin asked the clerk to file the reports as read.

Code Compliance - October
Code Enforcement - October
Dog Control Officer - October
E.C.I. - September
Putnam Lake Fire Dept. - None
Patterson Fire Dept.-None

SUPERVISOR REPORTS

Mr. Cook made a **motion** to approve the following Supervisor's Report for September.

Seconded by Mr. Burns. All In Favor: Aye. Carried.

MINUTES

-
Mr. Burns made a **motion** to approve the following minutes:

Public Hearing – Preliminary Budget – October 9, 2013
Town Board Meeting Minutes – October 9, 2013

Seconded by Mr. McCarthy. All in Favor: 3 to 1. Mr. Cook abstained.

AUDIT OF BILLS

Mr. Burns made a **motion** to accept Abstract No. 20 as written:

General Fund \$136,034.45, Highway Fund \$94,516.00, Waste Water Treatment Plant \$15,449.50, Capital Fund \$10,715.50, Putnam Lake Light District \$513.57, Patterson Light District \$645.08, Putnam Lake Refuse District #1 \$20,454.55, Patterson Refuse District #2 \$56,992.89, Deerwood Drainage District \$10.59, Patterson Park District \$470.47, Putnam Lake Park District \$197.37, Alpine Water District \$1,217.45, Dorset Hollow Water District \$1,519.44, Fox Run Water District \$3,562.26, Trust & Agency \$785.50, Grand Total Abstract \$343,084.62.

Seconded by Mr. McCarthy. Roll Call Vote: Mr. Burns, yes; Mr. Cook, yes; Mr. McCarthy, yes; Mr. Griffin, yes.

CHARLES COOK

RECREATION CENTER – LIGHTING PROPOSAL

Mr. Cook introduced the following **Resolution for Approval of Recreation Center Lighting Upgrades:**

R-1113-01

WHEREAS, the Town of Patterson's Recreation Center gym lighting system requires various replacements and would benefit from conversion to a more energy efficient system; and

WHEREAS, Enerpath Services Inc. has submitted a proposal to replace and convert the Recreation Center's gym lights and exterior wall lights to a more energy efficient system, as set forth in a certain proposal annexed hereto and hereby made a part hereof; and

WHEREAS, as part of the proposal, NYSEG will contribute \$8,372.11 of the total cost of \$15,176.19 to replace and convert the lights to a more energy efficient system; and

WHEREAS, by Memorandum to the Town of Patterson Town Board dated October 3, 2013, a copy of which is annexed hereto and hereby made a part hereof, the Town's Director of Building Operations and Maintenance has recommended that the proposal be accepted; and

WHEREAS, for Sole Source Contracts the purchaser must document why the proposed vendor is the only viable source for the commodities and/or services needed; and

WHEREAS, given the availability of the significant cost-savings afforded by NYSEG's contribution under its contractual arrangements with NYSEG the contract with Enerpath constitutes as "sole source contract" as defined under the Town's Procurement Policy; and WHEREAS, the Town Board of the Town of Patterson wishes to accept the aforementioned proposal submitted by Enerpath Services Inc. and NYSEG's \$8,372.11 contribution therefore;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Patterson hereby accepts the proposal of Enerpath Services Inc. for the replacement and conversion of the Recreation Center lights to a more energy efficient system and NYSEG's \$8,372.11 contribution therefore; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Patterson hereby authorizes and directs the Supervisor to execute any and all documents necessary to give effect to this resolution.

Seconded by Mr. McCarthy. All In Favor: Aye. Carried.

FIRE DEPARTMENT CONTRACT - UPDATE

Mr. Cook stated as the Board knows, under the direction of the Supervisor, I have been meeting with Mike Liguori to come up with an up to date contract for discussion with the Fire Department. We have input tonight from the meetings and conversations that Mike and I have had. We have had input from the staff. I would ask the Town Board if they have any comments to get them to Mike Liguori as quick as you can and the Supervisor can send it over to the Fire Department. We will then have meetings with them and hopefully have an agreed upon contract.

Mr. Griffin stated there were a couple of drafts floating around. One spoke about worker's compensation being taken care of by the Fire Department and one didn't mention it at all. The Town has been providing worker's comp for the Fire Department for a long time. The version from today had it in it and the one from yesterday didn't.

Mr. Michael Liguori stated the current version of the contract deals with workman's comp for the Fire Department under Section 30 of the BFBL which is the municipalities' obligation to provide workman's compensation but under a particular section of the volunteer

firefighters benefit law where it treats them as employees of the municipality. I think the area of confusion was were we purchasing workman's comp for employees of the Fire

Department to the extent that there were any. That is something Trish and I were looking at. We have to buy workman's comp for them, no matter what. That is a state law. The question is do you buy it under the labor law or the BFBL. I don't know if it matters which one. The BFBL is where it is required to be purchased so the requirement to buy workman's comp isn't changing. The current contract provides that we are obligated to buy it for them under the BFBL and if they have any employees they have to buy workman's comp for their employees.

Mr. Griffin stated ok, that clears that up. So today's version is close. Next meeting we will be adopting the budget so we were hoping we would have a contract negotiated by then.

Mr. Burns stated I can get the comments to you tomorrow.

EMERGENCY GENERATOR – UPDATE

Mr. Cook stated it looks like we are not going to receive a grant for the Town Hall back-up generator. Mike, you mentioned perhaps there would be money in this year's budget that might be available for projects not being done or not costing as much as we thought. I think we should try to find that money and pursue this.

Mr. Burns stated are you definitely saying we are not getting the grant.

Mr. Griffin stated I was told that we have been turned down for the grant. There is money in Capital Budget to cover the project. I will speak to the Town Planner and move forward.

Mr. McCarthy stated how much is the generator.

Mr. Griffin stated I think the estimate was in the neighborhood of \$65,000.00.

Mr. Williams stated I think it's less. That estimate included transferring this over to another building.

Mr. Griffin stated we will move forward on this.

NY ALERT - UPDATE

Mr. Cook stated this is a program run by the State. If anyone is interested in signing up go to nyalert.gov and you can be updated with emergencies.

ROBERT MCCARTHY

NEW SANITATION VEHICLE – DISCUSSION

Mr. McCarthy stated I don't have enough information on this tonight so I would like to table this until the next meeting.

Mr. Cook stated when you find out more information would you also ask about the New York State contract.

Mr. McCarthy stated he did say that was going to be on the State bid.

Mr. Cook stated they have a fleet replacement schedule.

Mr. McCarthy stated no, he said he tried a number of years ago but it was never put into place or discussed. They do not have a replacement program right now.

Mr. Cook stated there should be one shared with everyone sitting here. This could be in the neighborhood of over \$50,000.00.

Mr. McCarthy stated fair assumption.

Mr. Cook stated do we want to continue talking about private carters or municipal services because if this keeps going on.....

Mr. McCarthy stated what's next.

Mr. Cook stated yes, if we don't have any money in this year's budget and none in next year's.

Mr. Burns stated we should be in concert with an assessment of the whole fleet.

Mr. Griffin stated that has already been done.

Mr. Cook stated I think we need to have another discussion about the recommendations that we received from our consultant.

NYSEG – TREE TRIMMING IN PATTERSON

Mr. McCarthy stated NYSEG will be trimming trees and branches and they will haul them away.

Mr. Griffin stated they started on the west side of Town.

ANNOUNCEMENTS

Mr. McCarthy stated the big band dance will be held November 16, 2013. General admission will be \$20.00 for tickets in advance or at the door.

Mr. McCarthy stated I have a memo from Frank Farrell:

The sale of recycling permits will go on sale December 1, 2013 for 2014 at the Town Clerk's Office. \$8.00 for one car and \$10.00 for two.

Mr. McCarthy stated the Putnam County Department of Health is giving a free flu vaccine on November 12, 2013 from 3:00 p.m. to 7:00 p.m. for 19 years of age or older who live in New York State.

MICHAEL GRIFFIN

BOND REFINANCING – DISCUSSION/RESOLUTION

Mr. Griffin stated for some time now the Town Comptroller and I have been working on refinancing a significant portion of the Town's debt. We waited until a number of bonds were callable. We now have about \$1.7 million worth of dollars that are now callable at higher interest rates. If we invest about \$100,000.00 from Fund Balance to pay for the refinancing we can receive a net benefit of about \$250,000.00 over the course of the life of the bonds, which would be 2023. We invest \$100,000.00 we will save over \$150,000.00 over the life of the bond. I would like to recommend that the Board consider moving forward with this.

Mr. Burns stated I think this would be a good idea. What would this leave us in General Fund Balance.

Mr. Griffin stated it would leave us in excess of \$800,000.00. At the end of the year we may be over one million.

Mr. Cook stated I had a conversation with Trish and I think she mentioned that this would come from Fund Balance monies that we budgeted for that she anticipated we are not going to spend.

Mr. Griffin stated right, the other part is this will help lower our actual annual payments. That money can go back into Fund Balance or apply the monies elsewhere. It would be nice to say we are going to cut everyone's taxes but as long as the State Health Insurance Plan continues to go up at 8% to 10% per year, the pension system costs are still as high as they are, insurance, fuel and everything else and we are still limited to our 2% tax cap. We are

trying to figure out where we can cut money without cutting personnel because that will hurt services and I don't want to start taking money out of the Highway Department. If we stop

paving the roads in three to four years down the road we will have to pave 10 to 15 roads instead of paving a mile or two of roads.

Mr. Griffin introduced the following **Resolution Refunding Bond Resolution of the Town of Patterson dated November 6, 2013 Authorizing the Refunding of all or a Portion of Certain Outstanding Serial Bonds, Stating the Plan of Refunding, Authorizing the Issuance of Not to Exceed \$1,890,000.00 Refunding Bonds and Determining Other Matters in Connection Therewith:**

R-1113-02

WHEREAS, the Town of Patterson, New York (the "Town") has heretofore duly issued \$800,000 aggregate principal amount of Public Improvement (Serial) Bonds, 2001, such bonds being dated January 15, 2001 and maturing in annual installments in each of the years 2002 to 2021, both inclusive (the "2001 Bonds"), as more fully described therein; and

WHEREAS, the Town has heretofore duly issued \$900,000 aggregate principal amount of General Obligation (Serial) Bonds, 2003 such bonds being dated August 1, 2003 and maturing in annual installments in each of the years 2004 to 2023, both inclusive (the "2003 Bonds"), as more fully described therein; and

WHEREAS, the Town has heretofore duly issued \$400,000 aggregate principal amount of General Obligation (Serial) Bonds, 2004, such bonds being dated April 1, 2004 and maturing in annual installments in each of the years 2005 to 2023, both inclusive (the "2004A Bonds"), as more fully described therein; and

WHEREAS, the Town has heretofore duly issued \$585,000 aggregate principal amount of General Obligation (Serial) Bonds, 2004, such bonds being dated December 1, 2004 and maturing in annual installments in each of the years 2005 to 2024, both inclusive (the "2004B Bonds"), as more fully described therein; and

WHEREAS, the Town has heretofore duly issued \$450,000 aggregate principal amount of General Obligation (Serial) Bonds, 2005, such bonds being dated December 15, 2005 and maturing in annual installments in each of the years 2007 to 2025, both inclusive (the "2005 Bonds" and, collectively with the 2001 Bonds, the 2003 Bonds, the 2004A Bonds and the 2004B Bonds, the "Bonds"), as more fully described therein; and

WHEREAS, the 2001 Bonds were authorized pursuant to a bond resolution dated July 26, 2000 and were issued to finance the costs of the construction of a new Town hall, including site work and the acquisition of original furnishings, equipment, machinery or apparatus required for the purpose for which such Town hall is to be used; and

WHEREAS, the 2003 Bonds were authorized pursuant to a bond resolution dated March 14, 2003 and were issued to finance the costs of the renovation of an existing 10,600 square foot building into a 21,450 square foot recreation building, including site work, and acquisition of original furnishings, equipment, machinery or apparatus required for the purpose for which such renovated building is to be used; and

WHEREAS, the 2004A Bonds were authorized pursuant to a bond resolution dated October 22, 2003 and were issued to finance the costs of the renovation of an existing 10,600 square foot building into a 21,450 square foot recreation building, including site work, and acquisition of original furnishings, equipment, machinery or apparatus required for the purpose for which such renovated building is to be used; and

WHEREAS, the 2004B Bonds were authorized pursuant to a bond resolution dated July 18, 2004 and were issued to finance the costs of the construction of additions to and reconstruction of the Town Highway Garage located on Cornwall Hill Road, including site work, and acquisition of original furnishings, equipment, machinery or apparatus required for the purpose for which such additions and reconstructed building is to be used; and

WHEREAS, the 2005 Bonds were authorized pursuant to a bond resolution dated July 13, 2005 and were issued to finance the costs of the construction of the Town Sanitation and Maintenance Garage to be located on Cornwall Hill Road, including site work, and

acquisition of original furnishings, equipment, machinery or apparatus required for the purpose for which such building is to be used; and

WHEREAS, it would be in the public interest to refund all or a portion of the outstanding principal balance of the Bonds by the issuance of refunding bonds pursuant to Section 90.10 of the Local Finance Law; and

WHEREAS, such refunding will result in present value savings in debt service as required by Section 90.10 of the Local Finance Law;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

- Section 1: The Town is hereby authorized to refund all or a portion of the outstanding principal balance of the Bonds.
- Section 2: Attached hereto as Appendix "A" and incorporated herein by reference is the estimated financial plan for the refunding of the Bonds (the "Refunding Financial Plan"). The Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds (as defined herein) will be issued in a single series to refund all of the Bonds. This Town Board recognizes that the Refunding Bonds may be issued in series, and for only one or more of the series of the Bonds, or portions thereof, and that the Refunding Financial Plan also will most probably be different from that attached hereto. The Supervisor is hereby authorized and directed to determine which of the Bonds will be refunded and the timing thereof. The Bonds to be refunded shall be hereinafter referred to as the "Refunded Bonds".
- Section 3: Subject only to the issuance of the Refunding Bonds as herein authorized, the Town hereby elects to redeem all of the Refunded Bonds that are callable at a present value savings, if any. Upon the issuance of the Refunding Bonds, the election to redeem such callable Refunded Bonds shall become irrevocable. The Escrow Agent (as defined herein) for the Refunding Bonds is hereby authorized and directed to cause notice of such call for redemption to be given in the name of the Town in the manner and within the time provided in the Refunded Bonds and in Section 53 of the Local Finance Law. Upon the issuance of the Refunding Bonds, the election to call in and redeem the callable Refunded Bonds and the direction to the Escrow Agent to cause notice thereof to be given as provided in
- Section 4: The Town is hereby authorized to issue its serial general obligation refunding bonds (the "Refunding Bonds") in the aggregate principal amount of not to exceed \$1,890,000 and to expend \$100,000 of available funds in order to refund (including an advance refunding and/or current refunding for federal income tax purposes) all or a portion of the Refunded Bonds. The Refunding Bonds described herein are hereby authorized to be consolidated for purposes of sale in one or more refunding serial bond issues. The Refunding Bonds shall each be designated substantially "TOWN REFUNDING (SERIAL) BOND" together with such series designation and year as is appropriate on the date of sale thereof, shall be of the denomination of \$5,000 or any integral multiple thereof (except for any
- Section 5: The Supervisor is hereby authorized and directed to determine the amount of the Refunding Bonds to be issued, the maturities and terms thereof, the provisions relating to the redemption of Refunding Bonds prior to maturity, if any, whether the Refunding Bonds will be insured by a policy or policies of municipal bond insurance or otherwise enhanced by a credit enhancement facility or facilities, whether the Refunding Bonds shall be sold at a discount in the manner authorized by paragraph c of Section 57.00 of the Local Finance Law, and the rate or rates of interest to be borne thereby, whether the Refunding Bonds shall be issued having substantially level or declining

annual debt service and all matters related thereto, and to prepare, or cause to be provided, a final Refunding Financial Plan and, in accordance herewith, all powers in connection therewith are hereby delegated to the Supervisor, provided that the terms of the Refunding Bonds to be issued, including the

rate or rates of interest borne thereby, shall comply with the requirements of Section 90.10 of the Local Finance Law.

The Refunding Bonds may be subject to redemption prior to maturity upon such terms as the Supervisor shall prescribe which terms shall be in compliance with the requirements of Section 53.00 (b) of the Local Finance Law. If less than all of the Refunding Bonds of any maturity are to be redeemed, the particular Refunding Bonds of such maturity to be redeemed shall be selected by the Town by lot in any customary manner of selection as determined by the Supervisor. Notice of such call for redemption shall be given by mailing such notice to the registered owners not less than thirty (30) days prior to such date and as otherwise provided in Securities and Exchange Commission Release No. 34-26856, as the same may be amended from time to time. Notice of redemption having been given as aforesaid, the bonds so called for redemption shall, on the date for redemption set forth in such call for redemption, become due and payable, together with interest to such redemption date, and interest shall cease to be paid thereon after such redemption date.

The Refunding Bonds shall be issued in registered form and shall not be registrable to bearer or convertible into bearer coupon form. In the event said Refunding Bonds are issued in non-certificated form, such bonds, when issued, shall be issued initially in registered form in denominations such that one bond shall be issued for each maturity of bonds and shall be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"), which will act as securities depository for the bonds in accordance with the book-entry-only system of DTC. In the event that either DTC shall discontinue the book-entry-only system, or the Town shall terminate its participation in such book-entry-only system, such bonds shall thereafter be issued in certificated form of the denomination of \$5,000 each or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity. In the case of non-certificated Refunding Bonds, principal of and interest on the bonds shall be payable by check or draft mailed by the Fiscal Agent (as defined herein) to the Depository Trust Company, New York, New York, or to its nominee, Cede & Co., while the Refunding Bonds are registered in the name of Cede & Co. in accordance with such book-entry-only system. Principal shall be payable only upon surrender of the bonds at the principal corporate trust office of such Fiscal Agent (or at the office of the Town Clerk as Fiscal Agent as hereinafter provided).

In the event said Refunding Bonds are issued in certificated form, principal of and interest on the Refunding Bonds shall be payable by check or draft mailed by the Fiscal Agent to the registered owners of the Refunding Bonds as shown on the registration books of the Town maintained by the Fiscal Agent, as of the close of business on the fifteenth day of the calendar month or last business day of the calendar month preceding each interest payment date as appropriate and as provided in a certificate of the Supervisor providing for the details of the Refunding Bonds. Principal shall be payable only upon surrender of bonds at the principal corporate trust office of a bank or trust company or banks or trust companies located or authorized to do business in the State of New York, as shall hereafter be designated by the Supervisor as fiscal agent of the Town for the Refunding Bonds (collectively, the "Fiscal Agent"). Refunding Bonds in certificated form may be transferred or exchanged at any time prior to maturity at the principal corporate trust office of the Fiscal Agent for bonds of the same maturity of any authorized denomination or denominations in the same aggregate principal amount. Principal and interest on the Refunding Bonds shall be payable in lawful money of the United States of America.

The Supervisor, as chief fiscal officer of the Town, is hereby authorized and directed to enter into an agreement or agreements containing such terms and conditions as he/she shall deem proper with the Fiscal Agent, for the purpose of having such bank or trust company or banks or trust companies act in

connection with the Refunding Bonds as the Fiscal Agent for said Town, to perform the services described in Section 70.00 of the Local Finance Law, and to execute such agreement or agreements on behalf of the Town, regardless of

whether the Refunding Bonds are initially issued in certificated or non-certificated form; provided, however, that the Supervisor is hereby authorized to name the Town Clerk as the Fiscal Agent in connection with the Refunding Bonds if said Refunding Bonds are issued in non-certificated form.

The Supervisor is hereby further delegated all powers of this Town Board with respect to agreements for credit enhancement, derived from and pursuant to Section 168.00 of the Local Finance Law, for said Refunding Bonds, including, but not limited to the determination of the provider of such credit enhancement facility or facilities and the terms and contents of any agreement or agreements related thereto.

Section 6: The maximum amount of Refunding Bonds authorized to be issued does not exceed the amount sufficient to pay the sum of (a) the principal amount of the Refunded Bonds, which will be outstanding as of the date of issue of the Refunding Bonds, (b) the aggregate amount of unmatured interest payable on the Refunded Bonds to and including either the dates the Refunded Bonds mature or, if such Refunded Bonds are to be called for redemption prior to their maturities, the dates set for such redemption in accordance with the Refunding Financial Plan, (c) redemption premiums, if any, payable on the Refunded Bonds as of such redemption dates and (d) costs and expenses incident to the issuance of the Refunding Bonds, including the development of the Refunding Financial Plan, and of executing and performing the terms and conditions of the escrow contract and all fees and charges of the Escrow Holder.

Section 7: (a) The maximum period of probable usefulness permitted by law at the time of issuance of the 2001 Bonds for the object or purpose or objects or purposes for which the 2001 Bonds were issued is thirty (30) years.

(b) The maximum period of probable usefulness permitted by law at the time of issuance of the 2003 Bonds for the object or purpose or objects or purposes for which the 2003 Bonds were issued is twenty (20) years.

(c) The maximum period of probable usefulness permitted by law at the time of issuance of the 2004A Bonds for the object or purpose or objects or purposes for which the 2004A Bonds were issued is twenty (20) years.

(d) The maximum period of probable usefulness permitted by law at the time of issuance of the 2004B Bonds for the object or purpose or objects or purposes for which the 2004B Bonds were issued is twenty (20) years.

(e) The maximum period of probable usefulness permitted by law at the time of issuance of the 2005 Bonds for the object or purpose or objects or purposes for which the 2005 Bonds were issued is twenty (20) years.

Section 8: The Supervisor is hereby authorized and directed to contract on behalf of the Town with a bank or trust company located and authorized to do business in the State of New York for the purpose of having such bank or trust company act as the escrow holder (the "Escrow Holder") of the proceeds, inclusive of any premium, from the sale of the Refunding Bonds, together with all income derived from the investment of such proceeds, and any other moneys provided by the Town to accomplish the Refunding Financial Plan. The contract with the Escrow Holder shall comply in all respects with Section 90.10 of the Local Finance Law.

Section 9: That portion of the proceeds of the sale of the Refunding Bonds, together with interest earned thereon, which shall be required for the payment of the principal of and interest on, the Refunded Bonds to be refunded, including any redemption premiums, in accordance with the Refunding Financial Plan, shall be irrevocably committed and pledged to such purpose and the holders of the

Refunded Bonds to be refunded shall have a lien upon such moneys and the investments thereof held by the Escrow Holder. All interest earned from the investment of the proceeds of the sale of the Refunding Bonds not required for such payments on the Refunded Bonds to be refunded, shall be irrevocably committed and pledged to the payment of the principal of and interest on the Refunding Bonds and the holders of the Refunding Bonds shall have a lien upon such moneys held by the Escrow Holder. The pledges and liens provided for in this Section shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder shall immediately be subject thereto without any further act.

Section 10: Subject to the provisions of the Local Finance Law and this Resolution, the power to determine the final Refunding Financial Plan, to prescribe the terms, form and contents of the Refunding Bonds and to sell (including the power to sell the Refunding Bonds at a discount and pursuant to a competitive or negotiated sale), to select the underwriter (the "Underwriter") if the Refunding Bonds are to be sold at private sale, issue and deliver the Refunding Bonds is hereby delegated to the Supervisor, the chief fiscal officer of the Town. The Refunding Bonds shall be sold for purchase prices to be determined by the Supervisor, plus accrued interest from the date or dates of the Refunding Bonds to the date or dates of delivery of payment for the Refunding Bonds. If the Refunded Bonds are sold at a negotiated sale and subject to the approval of the terms and conditions of such sale by the State Comptroller as required by subdivision 2 of paragraph f of Section 90.10 of the Local Finance Law, the Supervisor is hereby authorized to execute and deliver a purchase contract for the Refunding Bonds in the name and on behalf of the Town providing the terms and conditions for the sale and delivery of the Refunding Bonds to the Underwriter. After the Refunding Bonds have been duly executed, they shall be delivered by the Supervisor upon the receipt by the Town of the purchase price thereof, including accrued interest.

Section 11: The Supervisor is hereby authorized to execute and the Town Clerk is hereby authorized to attest any Refunding Bonds issued pursuant to this Resolution, and the Town Clerk is hereby authorized to affix to such Refunding Bonds the corporate seal of the Town. The Supervisor and all other officers, employees and agents of the Town are hereby authorized and directed for and on behalf of the Town to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby.

Section 12: The faith and credit of the Town of Patterson, New York are hereby irrevocably pledged for the payment of the principal of and interest on such Refunding Bonds as the same become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on the Refunding Bonds becoming due and payable in such year. There shall be levied annually on all taxable real property of the Town, a tax sufficient to pay the principal of and interest on such Refunding Bonds as the same becomes due and payable.

Section 13: Notwithstanding anything to the contrary contained herein, the Town shall not issue the Refunding Bonds until it shall have obtained the approval of the Office of the State Comptroller in accordance with the provisions of Section 90.10 of the Local Finance Law.

Section 14: This Resolution shall be published in summary form by the Town Clerk together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law, and such publication shall be in each of the official newspapers of the Town. The validity of the Refunding Bonds may be

contested only if such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or the provisions of law which should be complied with at the date of publication of the summary 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 if said obligations are authorized in violation of the provisions of the Constitution.

Section 15: This Resolution shall take effect immediately upon its adoption.

Seconded by Mr. Burns. All In Favor: Aye. Carried.

ADVANCE PAYROLL – NOVEMBER 27, 2013

Mr. Griffin made a **motion** to authorize advance payroll from November 28, 2013 to November 27, 2013 because of the Thanksgiving Holiday.

Seconded by Mr. Cook. All In Favor: Aye. Carried.

KEVIN BURNS

BUILDING DEPARTMENT REQUEST – REFUND OF FEES

Mr. Burns made a **motion** to approve a refund of \$375.00 to James and Anna Nesheiwat as requested by the Building Department.

Seconded by Mr. Cook. All In Favor: Aye. Carried.

BUDGET TRANSFERS

Mr. Burns made a **motion** to amend Budget Transfer No. 38 which was approved at the October 23, 2013 meeting which incorrectly listed an account to which revenue was being transferred. The account changed is highlighted below.

BUDGET TRANSFER NO. 38 - AMENDED

Decrease:	A.2006.414	Recreation Program – Camp	(\$5,500.00)
Increase:	A.2006.436	Recreation Program – Youth	\$5,500.00
Decrease:	A.2006.407	Recreation Program – Ski	(\$1,000.00)
Increase:	A.2006.415	Recreation Program – Concessions	\$1,000.00
		Revenue Accounts	
Decrease:	A.7140.400	Recreation Program – Contractual	(\$1,050.00)
Decrease:	A.7146.114	Recreation Program – Camps PS	(\$3,000.00)
Decrease:	A.7146.107	Recreation Program – Ski PS	(\$900.00)
Increase:	A.7146.136	Recreation Program – Youth PS	\$4,000.00
Increase:	A.7146.115	Recreation Program – Concessions PS	\$500.00
Increase:	A.7146.415	Recreation Program – Concessions Cont.	\$300.00
Increase:	A.9010.800	State Retirement	\$150.00
		Expense Account	

BUDGET TRANSFER NO. 41

From:	A.1623.400	Recreation Center Buildings Contractual	(\$1,700.00)
To:	A.7146.115	Recreation Programs – Concessions	\$300.00
	A.7146.120	Recreation Programs – Special Events	\$900.00
	A.7146.437	Recreation Programs – Seniors Contractual	\$200.00
	A.9030.800	Employee Benefits – Social Security	\$250.00
	A.9035.800	Employee Benefits – Medicare	\$50.00
		Expense Accounts	

Seconded by Mr. McCarthy. All In Favor: Aye. Carried.

RECREATION REQUEST(S)

Mr. Burns made a **motion** to approve the purchase of 225 Reversible Mesh Basketball shirts for a total of \$2,022.75 from YBA Shirts. Three bids were obtained.

Seconded by Mr. Cook. All In Favor: Aye. Carried.

Mr. Burns stated I have a memo from Matt Chibbaro expressing his gratitude to Russ Goff, Highway Superintendent and his crew members Gene, Jay and Ralph for installing the memorial bench outside the Recreation Center. The bench has significant meaning to all of us who worked with Justin Langlois. Many thanks to Russ who helped us in the installation process and with the healing process as well.

Mr. Burns stated Justin Langlois was an employee of the Town who worked at the Recreation Center who passed away at a very young age. I had the opportunity to go to Coopers Town with my Coopers Town Team and I know him personally. It was a terrible loss for the Town and the family.

Mr. Griffin stated he was a very nice young man.

OTHER BUSINESS

Mr. Cook stated can you follow up with Mr. Curtiss on the Clover Lake certiorari and Laws Construction status.

Mr. McCarthy stated I received a memo from Frank Farrell. I didn't get a chance to read over the whole article, but it says if we went to a clear plastic bag we could probably reduce our tipping fees and get more into recycling instead of (inaudible).

Mr. Griffin stated the whole point of that article is you have everyone put their stuff in clear bags so we can look into your bag and see what is in there. I'm not sure what the enforcement aspect of this is. This needs a little more thought.

PUBLIC RECOGNITION

Mr. Bruce Majors stated at the next Town Board meeting you will be approving your budget.

Mr. Griffin stated one would hope.

Mr. Majors stated Mike what is the status of the Assessor and our relationship with the Village and Town of Pawling.

Mr. Griffin stated right now we have sent them a copy of some of the stuff that you and Charlie had put together. I spoke to Dave Kelly the other day and he said I will get back to you after November 6, 2013. So, I will follow up with him tomorrow.

Mr. Majors stated ok, fine. Clearly the numbers show that they are getting a better deal than any of the Towns in Dutchess County. One would hope that we are successful in doing something along those lines.

Mr. Majors stated as it relates to Garbage District No. 2, we still haven't heard any responses from this Board as it relates to the Richardson Report. I am now hearing that we are talking about buying another garbage truck, yet, we haven't heard anything definitive as to your evaluation of the Richardson Report. I hope at the next Town Board meeting you are prepared to make a presentation on the Richardson Report. After all the folks paid for that report. At least the folks in Garbage District No. 2 paid for that report and I think they have a right to know exactly what the costs are and what the costs have been. For 2013, the cost per household, not what you were taxed, has just exceeded \$400.00 per household. District No. 1 the cost is \$195.00 per household. That compared to Carmel and Southeast where they are

running from \$240.00 to \$260.00 range. Clearly it is quite substantial. We are talking about buying a garbage truck. If the Board over the last three years has taxed the folks for the real cost of having their garbage picked up, there would be substantial dollars available to buy a truck. Unfortunately in 2011 Garbage District No. 2 had \$322,000.00 in reserve. Garbage

District No. 1 had \$198,000.00 in reserve. That is kind of interesting; Garbage District No. 1 costs 25% of what Garbage District No. 2 costs. If you approve the budget as you plan on approving it, we will be down to \$114,000.00 in reserves or a mere 11% of our cost for Garbage District No. 2. Garbage District No. 1 has a Fund Balance of 77%. You have clearly spent the reserves that would have been used for a garbage truck. It is time to really look at what our real costs are and make a determination as to what is in the best interest of the folks in Garbage District No. 2. It is also interesting that you bring up the fact about the clear bags. If you remember back in January, I raised questions to this Board when you said you were going to start sending out Code Enforcement Officers to look through the garbage of Garbage District No. 2 and not Garbage District No. 1. No one can give us a definitive answer as to what the relationship was of solid waste and recycling, as per the State requirement. What enforcement has taken place over this last year. How many homes have been cited for not putting out recycling. It's great to say we are going to use clear bags and that will solve it but if we haven't been doing anything in the past, what sense does it make. If we are going to require Garbage District No. 2 to use clear plastic bags, are we not going to require Garbage District No. 1 to use clear bags. We were told it doesn't matter that they have to report it. As a Board, have you asked the County what reporting has Sani-Pro delivered to them to ensure that their meeting whatever requirements that we have to meet. I would hope there is some thought into the process over the next two weeks. We need some definitive answers from you folks. You have cut one person from the Garbage District. That savings should be somewhere about \$100,000.00, yet you discussed about hiring someone for \$18.00 per hour for three days a week.

Mr. Griffin stated we haven't discussed that.

Mr. Major stated it was mentioned at one of the Town Board meetings.

Mr. Griffin stated that was a suggestion from the Garbage District Administrator and Foreman. As far as we are concerned they haven't given us sufficient justification to even consider that.

Mr. McCarthy stated he just wants the option out there.

Mr. Major stated here again, those things are adding to the cost. We used to make money on recycling, we are not making money on recycling. When you look at Garbage District No. 2, I don't see any reduction in costs going out over the next year or two.

Mr. Griffin stated Bruce, I wish it was a simple as some people want to make it seem. Garbage District No. 2 also runs the Recycling Center, they maintain the operations down there, they keep the place clean and they empty the containers every week. If you go down there, there are a lot of people who use the Recycling Center. They use it for a variety of things. These guys do the clean up, maintenance, pick-up, empty bins, etc. One of the suggestions that the Town Board came up with and maybe it is a little lame, maybe not, to consider a brief questionnaire to send out to the people in Garbage District No. 2 and ask them if they want to continue with municipal service, go private and consider closing the Recycling Center or continue to operate the Recycling Center and pay the additional costs. It is built in to some of the costs in General Fund. If we eliminate the Garbage District and that pick-up, we have to figure another way to run the Recycling Center or close it. That is another consideration the Board has to take into account.

Mr. Majors stated I realize that Mike, but I also realize that there are funds transferred from Garbage District No. 1 over to the Recycle Center to cover some of those costs.

Mr. Griffin stated right.

Mr. Majors stated it's not like we are burden with all the costs of the Recycling Center. It appears to be equally shared and if it is being equally shared, we still have a situation where we are paying twice as much. I understand that when this contract runs out with Garbage District No. 1, logically speaking we will see that number go up. They received a pretty

good number because at the time Sani-Pro also had the Town of Southeast. They lost the Town of Southeast. That means they are travelling a little extra to provide services for Garbage District No. 1. Clearly we will see costs go up. When you compare it to the other Towns that have gone to private collection, we are still looking at the \$240.00 to \$260.00 range. I think we have to do more, I think there has to be a true analysis of the Richardson

Report and here again we have heard nothing from you folks on the Richardson Report. I would hope at the next Town Board meeting, some Town Board member can really explain to the folks exactly what Mr. Richardson recommended to you folks and how you plan on implementing what is best for the people of Garbage District No. 2.

Mr. Burns stated Bruce, the bottom line is we are in Garbage District No. 2 and when I get my tax bill the last thing I worry about is the bill I am getting for garbage. I'm very happy with the pick-up. I love going to the Recycling Center and having it so accessible. I don't have an issue paying what we are paying. It sounds like we are paying so much more than the other District, I'm not unhappy with the service we are getting. I think we get great service. I like having the ability to go to the Recycling Center. I think there is some utility in that and I am happy to pay for that. I'm a whole lot more shocked and appalled by my school tax bill then I am paying twice as much as the other side of Town to pick up garbage. I also know as a practical matter you are dealing with static costs and we all know that contract was a great contract that we were able to take advantage of but we are not going to get that rate again. So we are not going to be dealing with those numbers. You keep talking about the Richardson Report, and the bottom line was the Richardson Report says Town's with union employees are not going to be competitive against non-union carters. There is no mystery in that. We also have five union guys who are employed down there.

Mr. Griffin stated also there are other benefits. When someone dumps a couch by the side of the road, you are not going to call Sani-Pro and say go get the couch. In Putnam Lake Russ and his guys might go pick it up, over here the Sanitation guys pick it up. There are a lot of little things that go into what these guys do. I understand that the cost is higher and we are also talking about five people's lives and some of them have been with the Town for some 20 plus years. I don't see this as a simple dollars and cents, black and white, off with their heads and let's go get the cheapest guy we can find. I see a lot of benefit having these guys here in some respects where we get things that private carters aren't going to give us. These guys are in Town every day. If we have a problem we call them up and we get the problem solved. We can get them to pick up stuff that is dumped by the sides of the roads, etc. There are a lot of things this Board needs to take into consideration before we pull the trigger.

Mr. Burns stated the other practical matter is and Bruce we talked about this probably a half a dozen meetings where you raised the issue, talked about the costs, you know there are 12,000 people in Town and you are chewing on this bone and we never had a meeting here where there are a 100 angry people here from Garbage District No. 2 with pitch forks saying "absolutely, why aren't you immediately firing these union guys and let's get a private carter in here and lower our costs". I understand the dollar and cents of it, but you are the one person who keeps chanting this forward.

Mr. Majors stated what I suggested is we hear from you folks based on the Richardson Report. There were several recommendations. The one recommendation was to go to private sanitation. He made a series of other recommendations, dealing with scheduling and in some cases going to a longer day. We have heard nothing about how you plan on moving forward with five guys as opposed to six. What are you going to do to ensure that the services can be provided with the five guys. Clearly one of the recommendations was that the Highway Department would provide back-up drivers for sanitation. When I spoke to Mr. Richardson I said "are you aware that Highway has cut one individual" and he said "no". He said they would have to be fully staffed if they are going to provide the services to sanitation. Does that mean we have to hire a guy for Highway where everyone in the Town pays for it. All I am suggesting is that you look at the Richardson Report and you come out with a plan as to how best those five individuals can do the work that is required. There were some management issues there. You have to look at everything. All I am suggesting is, if we are looking to save those five guys jobs and I have no problem with you saving those jobs, but you have to be smart and come up with a plan that will sustain that. Once again we keep going to the reserves. What happens when that \$114,000.00 is gone and all of a sudden instead of getting a tax bill that is this much the tax bill jumps by \$60.00 or \$70.00. If we are going to be buying a garbage truck, why are we using reserves for our standard budget. Why

don't we raise Garbage District No. 2's yearly cost to cover the full cost of the District for next year and that gives you \$36,000.00 towards a truck.

Mr. Burns stated we've all read the reports and we have had discussions but it is not a quick fix. We can have a work session and talk about it until we are blue in the face, I don't know that we will have an immediate plan to address it, but we can certainly talk about it.

Mr. Major stated but at some point in time, schedules have to be changed. Something has to be done to work it out. We have had the reports since August and one would think that we would come up with a game plan as to the best way to use these five guys, keep the costs down as low as you can so you can make a determination to whether or not this is the long term solution. Thank you.

Ms. Barbara Murphy stated I just want to say I agree with Bruce. Mr. Cook I have to give you kudos for actually saying something about the Richardson Report when everyone else was talking about not having prices and we will talk about it next time about purchasing a truck. I agree that you need a plan for before you buy something. I can't believe that was on the agenda, the purchase of a truck when you don't even know what you are planning to do with the Sanitation. I hope, as Mr. Majors said, we will hear more about the Richardson Report and what your plans are and then start talking about buying a truck. Thank you.

ADJOURNMENT

There being no further business, Mr. Burns made a **motion** to adjourn the Town Board meeting at 7:45 p.m.

Seconded by Mr. McCarthy. All in favor: Aye. Carried.

Respectfully Submitted

Antoinette Kopeck, Town Clerk