

Special Meeting
Southeast Town Clerk Minutes
John J. Dunford Civic Center
1360 Route 22
Brewster, New York 10509
February 28, 2008 7:30 P.M.

Councilman Johnson made a motion to open the Special Meeting and Councilman Yee seconded; all in favor.

Present: Supervisor Michael Rights
Councilman Paul P. Johnson
Councilman Richard B. Honeck
Councilman Roger Gross
Councilman Dwight Yee

Also: Town Clerk Ruth A. Mazzei
Town Attorney Willis H. Stephens, Jr.

And: Approximately 33 persons

RESOLUTION AUTHORIZING CWSRF APPLICATION
AND AGREEMENT FOR PROJECT FINANCING
NEW YORK CLEAN WATER STATE REVOLVING FUND

Resolution #7A/2008

Introduced by Councilman Yee
Seconded by Councilman Gross

Resolution authorizing the execution and filing of an application and execution and delivery of an agreement setting forth the terms of the Project financing and other documents necessary for CWSRF assistance.

WHEREAS, The TOWN OF SOUTHEAST, NY

herein called the "Applicant", after thorough consideration of the various aspects of the problems and study of available data, has hereby determined that the project generally described as:

PEACH LAKE SEWER DISTRICT

and identified as CWSRF Project Number(s) C3-5340-06-

herein called the "Project", is desirable and in the public interest, and to that end it is necessary that action preliminary to the construction of said Project be taken immediately; and

WHEREAS, the United States, pursuant to the Federal Water Quality Act of 1987 (as such may be amended from time to time, the "Water Quality Act"), requires each State to establish a water pollution control revolving fund to be administered by an instrumentality of the state before the state may receive capitalization grants under the Water Quality Act; and

WHEREAS, the State of New York has, pursuant to the State Water Pollution Control Revolving Fund Act, Chapter 565 of the Laws of New York 1989, as amended (the "CWSRF Act") established in the custody of the New York State Environmental Facilities Corporation (the "Corporation") a water pollution control revolving fund (the "Fund") to be used for purposes of the Water Quality Act; and

WHEREAS, the Corporation has been created, reconstituted and continued pursuant to the New York State Environmental Facilities Corporation Act, as amended, being Chapter 744 of the Laws of 1970, as amended, and constituting Title 12 of Article 5 of the Public Authorities Law and Chapter 43-A of the Consolidated Laws of the State of New York, and constitutes a public benefit corporation under the laws of the State of New York, being a body corporate and politic with full and lawful power and authority to provide financial assistance from the Fund; and

WHEREAS, the Corporation has the responsibility to administer the Fund and to provide financial assistance from the Fund to municipalities for eligible projects, as provided in the CWSRF Act; and

WHEREAS, the CWSRF Act authorizes the establishment of a program for financial assistance for planning, design and construction of eligible projects;

NOW, THEREFORE, BE IT RESOLVED BY

THE TOWN BOARD OF THE TOWN OF as follows;
SOUTHEAST

1. The filing of an application for CWSRF assistance in the form required by the Corporation in conformity with the CWSRF Act is hereby authorized, including all understandings and assurances contained in said application.
2. The following person is directed and authorized as the official representative of the Applicant to execute and deliver an application for CWSRF assistance, to execute and deliver the Project financing agreement and any other documents necessary to receive financial assistance from the Fund for the Project, to act in connection with the Project and to provide such additional information as may be required and to make such agreements on behalf of the Applicant as may be required:

D. MICHAEL RIGHTS

SUPERVISOR

3. The official designated above is authorized to make application for financial assistance under the CWSRF Program for either short-term or long-term financing or both.
4. One (1) certified copy of this Resolution shall be prepared and sent to the **New York State Environmental Facilities Corporation, 625 Broadway, Albany, New York 12207-2997.**
5. This Resolution shall take effect immediately.

CERTIFICATE OF RECORDING OFFICER

The attached Resolution is a true and correct copy of Resolution No. _____

authorizing the execution and filing of an application and the execution and delivery of a Project financing agreement and other documents necessary for CWSRF assistance, as regularly adopted at a legally convened meeting of the **Town Board of the Town of Southeast**

duly held on the 28th day of February, 2008 ; and further that such Resolution has
(month) (year)

been fully recorded in the Minute Book in my office. In witness whereof, I
(Title of Record Book)

have hereunto set my hand at this 28th day of February, 2008 .

If the Applicant has an Official Seal, impress here.

Upon Roll Call Vote:

Supervisor Rights – aye
Councilman Johnson – aye
Councilman Honeck – aye
Councilman Gross – aye
Councilman Yee – aye

Carried by a vote of 5 ayes, 0 nays; 0 abstained

(Signature of Recording Officer)

RUTH A. MAZZEI
Town Clerk

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TOWN BOARD
TOWN OF SOUTHEAST, NEW YORK

INTER-MUNICIPAL AGREEMENT
TOWN OF NORTH SALEM AND TOWN OF SOUTHAST
PEACH LAKE SEWER DISTRICT

RESOLUTION #8/2008

INTRODUCED BY: Councilman Honeck

SECONDED BY: Councilman Yee

WHEREAS, the Towns of Southeast and North Salem have been working cooperatively to form sewer districts in each of the respective towns which would serve to benefit the owners and residents of real property in and around the vicinity of Peach Lake; and

WHEREAS, central to the success of the separate sewer districts is the construction and joint operation of a waste water treatment plant (“WWTP”) which, as proposed, would be located within the Town of Southeast, but would service properties located in both the Town of Southeast and the Town of North Salem; and

WHEREAS, the costs to construct, operate and maintain the WWTP would be borne equitably by the owners of real property within the two districts pursuant to benefit calculations set for the in an Inter-Municipal Agreement (the “IMA”) to be entered into between the two Towns, as the same may be amended from time to time; and

WHEREAS, by resolution dated June 7, 2007, the Supervisor of the Town of Southeast was authorized to execute the IMA; and

WHEREAS, in the process of seeking low interest loans and grants from the NYS Environmental Facilities Corporation (“EFC”) to help finance the project, the officers of EFC have recommended that certain changes be incorporated into the IMA; and

WHEREAS, it is the sense of this Town Board that entering into the Amended IMA will further the health, safety and general welfare of the residents of the Town.

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor is hereby authorized to execute all documents, forms and agreements necessary to enter into the amended IMA with the Town of North Salem, a copy of which is annexed hereto and made part hereof, in connection with the construction, operation and maintenance of the WWTP and sewage conveyance system to serve the special benefit districts to be formed for the Peach Lake area, and that such IMA shall not be binding upon nor inure to the benefit of the Town of Southeast unless and until the Town Board of the Town of North Salem authorizes execution of such IMA in like manner.

Upon Roll Call Vote:

Supervisor Right - AYE

Councilman Johnson - AYE

Councilman Honeck - AYE

Councilman Yee – AYE

Councilman Gross - AYE

VOTE: carried by a vote of 5 in favor, 0 against; 0 abstained.

TOWN CLERK'S CERTIFICATION

STATE OF NEW YORK)
 : ss

COUNTY OF PUTNAM)

I, RUTH A. MAZZEI, Town Clerk of the Town of Southeast, do hereby certify that the above is a true and exact copy of a Resolution adopted by the Town Board of the Town of Southeast at a meeting of said board held the 28th day of February, 2008.

RUTH A. MAZZEI
Town Clerk

**TOWN BOARD
TOWN OF SOUTHEAST, NEW YORK**

**PEACH LAKE SEWER DISTRICT
DESIGNATION OF SUPERVISOR AS
MINORITY/WOMEN OWNED BUSINESS OFFICER**

RESOLUTION NO. #09/2008

INTRODUCED BY: Councilman Gross

SECONDED BY: Councilman Honeck

WHEREAS, the Town of Southeast is in the process of forming the Peach Lake Sewer District (the “District”) which, upon approval, will undertake the construction and maintenance of a waste water treatment facility and associated appurtenances (the “Project”) for the benefit to the residents of the proposed District; and

WHEREAS, in connection with the financing of the Project, the Town will be applying for low interest loans and grants from the NYS Environmental Facilities Corporation (“EFC”); and

WHEREAS, as a condition for obtaining the aforesaid financial assistance, the Town is asked to commit to carrying out the intent of the New York State Executive Law, Article 15-A, to assure meaningful participation of minority and women’s owned business enterprises in contracting and services and the meaningful participation of minorities and women in the workforce on activities financed by the Clean Water State Revolving Fund (CWSRF) program

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor is hereby designated as the local Government Official or Minority Business Officer responsible for administering the Town of Southeast Minority and Women’s Business-Equal Opportunity (M/WBE-EEO) program under CWSRF Project No. C3-5340-06 and is authorized to execute all documents, forms and agreements necessary to fulfill the intent and requirements of New York State Executive Law, Article 15-A.

Upon Roll Call Vote:

Supervisor Rights - Aye
Councilman Johnson - Aye
Councilman Honeck - Aye
Councilman Gross - Aye
Councilman Yee - Aye

VOTE: carried by a vote of 5 in favor, 0 against; 0 abstained.

M/WBE-EEO PROJECT DESCRIPTION

[illegible]

Applicant Name: _____

CWSRF No. C9-5552-01-00

SAMPLE M/WBE-EEO PROJECT DESCRIPTION

No./Types of Contracts	Contract Breakdown	Amount
<u>General Construction</u> (Contract No. 1)	Paving	\$ 150,000
	Demolition	30,000
	Painting	200,000
	Masonry	260,000
	Miscellaneous Metals	50,000
	Glazing	3,000
	Excavation and Backfill	210,000
	Fencing	12,000
	Concrete Finishing	20,000
	Reinforcing Steel	240,000
	Roofing	68,000
	Waterproofing	<u>30,000</u>
		\$1,273,000
<u>Electrical</u> (Contract No. 2)	Underground Duct Banks	\$ 110,000
	Equipment Supply	260,000
	Lightning Protection	<u>20,000</u>
		\$ 390,000
<u>H.V.A.C.</u> (Contract No. 3)	Electrical Wiring	\$ 10,000
	Ductwork	45,000
	Controls	25,000
	Equipment Supply	<u>60,000</u>
		\$ 140,000
<u>Plumbing</u> (Contract No. 4)	Underground Piping	\$ 20,000
	Equipment Supply	<u>25,000</u>
		\$ 45,000
<u>Sewer Rehabilitation</u> (Contract No. 5)	Cleaning & TV Inspection	\$ 35,000
	Joint Testing and Sealing	45,000
	Manhole Rehabilitation	4,000
	Excavation and Backfill	6,000
	Pavement Replacement	12,000
	Material Supply	<u>5,000</u>
		\$ 107,000
<u>Sewer Rehabilitation</u> (Contract No. 6)	Cleaning & TV Inspection	
	Joint Testing & Sealing	\$ 58,000
	Chemical Root Treatment	126,000
	Manhole Rehabilitation	3,000
	Excavation and Backfill	15,000
	Pavement Replacement	3,000
	Material Supply	2,800
		<u>1,000</u>
		\$ 208,800
	TOTAL:	\$2,163,800

Upon Roll Call Vote:

Supervisor Rights – Aye
Councilman Johnson – Aye
Councilman Honeck – Aye
Councilman Gross – Aye
Councilman Yee – Aye

Carried by a vote of 5 Ayes, 0 Nays; 0 Abstained

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

Respectfully submitted,

Ruth Argo Mazzei
Southeast Town Clerk