

TOWN OF MOUNT PLEASANT

MINUTES OF THE REGULAR
MEETING OF THE TOWN BOARD
TOWN OF MOUNT PLEASANT
WESTCHESTER COUNTY, N.Y.
HELD OCTOBER 22, 2024

PRESENT	SUPERVISOR	- CARL FULGENZI
	COUNCILPERSONS	- LAURIE SMALLEY
		- THOMAS SIALIANO
		- DANIELLE ZAINO
		- MARK SARACINO
	TOWN CLERK	- EMILY COSTANZA
	TOWN ATTORNEY	- CHRISTOPHER FELDMAN

The Supervisor opened the meeting at 7:00 PM with a Salute to the Flag.

I. Public Hearings

Public Hearing to Amend Town Code Section 105-1, RESOLUTION 412-24
Crane Permits and A224, Establishing Fees for Cranes
and Blasting Permits

The Supervisor opened the public hearing. The Town Clerk read the public notice aloud. There were no speakers from the floor.

Upon motion of Councilwoman Zaino, seconded by Councilman Sialiano and unanimously carried, it was,

RESOLVED: That the Public Hearing is closed.

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley, Councilman Saracino

II. Supervisor's Report

Authorization to Amend Town Code Section 105-1, Crane Permits and RESOLUTION
A224, Establishing Fees for Cranes and Blasting Permits 413-24

LOCAL LAW NO. 9-2024

LOCAL LAW AMENDING TOWN CODE § 105-1, CRANE PERMITS AND A224, ESTABLISHING FEES FOR CRANES AND BLASTING PERMITS

WHEREAS, Town Code § 105-1 details the requirements for crane permits and

provides that a building permit will be required for crane erection and operation; and

WHEREAS, the Building Department suggests having a more specific permit issued specifically for crane uses; and

WHEREAS, the Town Code Chapter A224 establishes the amount of fees to be charged for various permits; and

WHEREAS, a fee is required to be charged for the new crane permits, necessitating an amendment to Town Code Chapter A224; and

WHEREAS, under Town Code § 104-20.4 fees for blasting permits are to be set by the Building Inspector, subject to approval by the Town Board; and

WHEREAS, the Town has reviewed blasting fees charged by other municipalities, as well as the Town's own administrative costs for services related thereto which should be updated.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Mount Pleasant hereby amends Town Code § 105-1 applicable to crane permits and Chapter A224 Fees as follows, with strikethrough language being removed and underlined language being added:

Chapter 105. Cranes

§ 105-1 Crane permits; records.

~~A. Any person or entity seeking to use a crane on private property within the Town of Mount Pleasant shall obtain a building permit for same, subject to the requirements of the Town Code Chapter 68 and as further detailed herein.~~

A. No person shall erect or operate a crane on private property within the Town of Mount Pleasant unless a permit has been issued by the Building Inspector. An application for a permit to erect and/or operate a crane on private property within the Town of Mount Pleasant shall require the following information, as well as any other information the Building Inspector deems necessary to ensure public health and safety:

(1) The applicant's full name, address and telephone number. If the applicant is a corporation, partnership or other business entity, the name of each officer shall be separately stated. If the applicant is an out-of-state corporation, partnership or other business entity, the applicant must submit proof of filing with the New York State Secretary of State to do business in New York. No permit may be issued unless the applicant is authorized to do business in New York;

(2) The specific location where applicant proposes to erect and/or operate the crane;

(3) A statement as to the purpose and need to erect and/or operate the crane;

(4) Details as to the type of crane, make, model, weight limit and other information on the crane to be used;

(5) Proof of insurance as required under § 105-3;

(6) The name(s) and qualifications of the qualified person(s) and registered professional engineer as defined in subsection B below; and

(7) Payment of the fee as detailed in Chapter A224.

B. At the time of application for a building crane permit to erect a crane on private property, the applicant shall submit the name(s) and qualifications of the qualified person(s) as defined by OSHA and ASME [hereinafter "qualified person(s)"], as well as the New York State registered professional engineer ("RPE") responsible for preparation of erection drawings and repair/adjustment to the crane during operation. After these individuals have been approved by the Building Inspector, they constitute the only parties authorized to perform the functions of the qualified person and RPE for the duration of the crane operation.

C. Prior to initial crane assembly within the Town of Mount Pleasant, all cranes shall undergo an annual/comprehensive inspection in accordance with OSHA 1926.1412(f) and ASME B30.5 5-2.1.3. The inspection report shall be reviewed and approved by the RPE, and a signed and sealed copy shall be provided to the Town of Mount Pleasant along with an executive summary regarding the subject crane.

D. During operations, the applicant shall notify the Building Inspector in writing 24 hours prior to initial assembly, the relocation of mobile cranes, climbing or jumping of tower cranes and disassembly. The RPE shall be present on-site at all times during these operations.

E. Copies of all inspection reports shall be maintained on the project site, available for review by Town personnel. Copies shall be maintained with the below information for the duration of the project and turned over to the Town at the completion of construction:

(1) Daily (OSHA) and frequent (ASME) inspection reports shall be dated and signed by the qualified person.

(2) Monthly (OSHA) or periodic (ASME) inspection reports shall be dated, signed by the qualified person and reviewed and approved by the RPE.

(3) Annual/comprehensive (OSHA) inspections shall be dated, signed by the qualified person and reviewed and approved by the RPE. The RPE shall forward an executive summary to the Building Inspector at the completion of each

twelve-month period of crane operations.

(4) Inspections required based on modified equipment repairs shall be performed by the RPE, and reports shall be signed and sealed and shall be forwarded to the Building Inspector.

§ 105-2. Safeguarding pedestrian and other traffic.

A. The applicant shall erect and maintain suitable protective barricades and fences around the obstruction or area occupied and at all times provide a safe, adequate and unobstructed sidewalk passageway, not less than four feet in clear width for use by pedestrians.

B. When materials are to be moved over the sidewalk by means of crane, the applicant shall provide a safe and adequate sidewalk shed and, when so ordered by the Building Inspector, shall provide a safe, adequate and unobstructed temporary sidewalk around the obstruction or area occupied.

C. Temporary sidewalks, when so ordered, shall, wherever practicable, be built to the same level as the existing sidewalk and in such a manner as not to interfere with the free flow of water in the street or gutter.

D. The applicant shall also make adequate provision for the safe passage of vehicular traffic by day and by night. Where the free flow of traffic is interfered with the applicant shall designate competent persons to direct and expedite traffic by means of lights or flags.

§ 105-3. Insurance requirements for building crane permits issued for the use of cranes.

A. Before any building crane permit is issued for the use of a crane, the applicant shall submit proof of insurance by supplying a certificate of insurance, issued by an insurance company authorized to do business in the State of New York, stating that the applicant has insurance coverage in effect for workers' compensation, liability and property damage occurring on-site or to nearby properties, and a specific endorsement stating that coverage includes liability arising from erection of the use of a crane. Insurance coverage shall be not less than \$3,000,000 for general liability, including bodily injury to any one person and, subject to the same limit for each person, not less than \$10,000,000 for any occurrence, plus insurance for property damage occurring on-site or to nearby properties of not less than \$2,000,000. The insurance certificate shall name the Town and any of its agents, designees and/or representatives as an additional insured. In addition, the certificate shall contain a statement that the policy or policies covering the insured will not be canceled, terminated or modified by the insurance company unless 30 calendar days' notice is given to the Town and such change or modification is mutually agreed to.

B. The applicant shall also furnish a notarized statement agreeing to indemnify and

hold the Town and any of its agents, designees and/or representatives harmless from any and all claims, actions and proceedings brought by any person, firm or corporation for any injury to any persons or property resulting, directly or indirectly, from the applicant erecting and/or using a crane on the property and, moreover, stating the applicant will defend and indemnify the Town against any action brought by any third parties as a result of operating under a Town permit issued under this chapter.

C. No permit shall be issued unless and until the applicant has complied with these insurance requirements and provided an agreement indemnifying and holding the Town harmless for any and all damage and injury.

Chapter A224 Fees

§ A224-1 Schedule of fees established.

The following schedule of fees is hereby established for licenses, permits and certain other charges levied by the Town of Mount Pleasant. Fees which are specifically set by statute may be found in their corresponding chapters in the Code of the Town of Mount Pleasant.

Chapter	Section	Description	Fee
Chapter 104, Fire Prevention	§ 104-22A	Inspection fee for transportation of explosives	-
	-	Issuance	\$6
	-	Renewal	\$6
	-	-	-
	§ 104-24A(3)	Blaster's license	-
	-	Examination	\$100
	-	Registration for renewal	\$10
	-	-	-
	§ 104-20.4	Permit to possess or store	\$350
	-	-	-
	§ 104-20.4	Permit to use or detonate	\$350
	-	-	-
<u>Chapter 105, Cranes</u>	§ 104-24A(5)	Inspection fee	-
		First blast	\$175
		Each additional blast	\$125
		Maximum per day	\$675
	§ 105-1	Permit fee	\$500
		-	-
		-	-

BE IT FURTHER RESOLVED, if any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be modified by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

BE IT FURTHER RESOLVED, that the Town Board hereby directs the Town Clerk to file said Local Law in the Office of the Secretary of State; and

BE IT FURTHER RESOLVED, that this resolution shall be effective immediately.

Motion By: Councilman Saracino

Seconded By: Councilwoman Zaino

Vote:

Supervisor Fulgenzi	<u>Y</u>	N	A	Absent
Councilwoman Smalley	<u>Y</u>	N	A	Absent
Councilman Saracino	<u>Y</u>	N	A	Absent
Councilman Sialiano	<u>Y</u>	N	A	Absent
Councilwoman Zaino	<u>Y</u>	N	A	Absent

Purchase Order 162-24-20: Temporary Cleaning of Town Hall

Upon motion of Councilman Sialiano, seconded by Councilwoman Smalley and unanimously carried, it was,

RESOLVED: That authorization for Purchase Order No. 162-24-20 is granted to Top Maintenance Services, LLC, 70 Maple Drive, Middletown, NY 10941 for the temporary cleaning of the Town Hall building interior from October 1, 2024 to October 31, 2024 for a total of \$6,300.00 to be paid weekly in the amount of \$1,575.00.

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley, Councilman Saracino

Purchase Order 162-24-21: Plan Review for DEP Lab Renovation RESOLUTION 415-24

Upon motion of Councilman Saracino, seconded by Councilwoman Zaino and unanimously carried, it was,

RESOLVED: That authorization for Purchase Order No. 162-24-21 is granted to JHW Plan Review Services LLC, PO Box 40, Pleasant Grove, AL 35217 for plan review services for the renovation of the DEP lab building. The project cost is \$2,973,666.00 and the permit fees collected were \$44,700.00.

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley, Councilman Saracino

Authorization to Refund Bonds at a Lower Interest Rate

RESOLUTION 416-24

REFUNDING BOND RESOLUTION OF THE TOWN BOARD OF TOWN OF MOUNT PLEASANT, WESTCHESTER COUNTY, NEW YORK (THE "TOWN") AUTHORIZING THE ISSUANCE OF REFUNDING BONDS OF THE TOWN IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$11,500,000 PURSUANT TO THE LOCAL FINANCE LAW, AND PROVIDING FOR OTHER MATTERS IN RELATION THERETO AND THE PAYMENT OF THE BONDS TO BE REFUNDED THEREBY

WHEREAS, the Town of Mount Pleasant, Westchester County, New York (the "Town") heretofore issued its Public Improvement (Serial) Bonds, 2014, dated March 6, 2014 in the original aggregate principal amount of \$16,875,000 (the "2014 Bonds"), pursuant to various bond resolutions adopted on various dates by the Town Board of the Town (the "Town Board") for the specific objects or purposes identified in Exhibit A attached hereto, which bonds have an outstanding principal amount of \$11,810,000, and mature in the following respective years and principal amounts: \$595,000 in the year 2025, \$620,000 in the year 2026, \$645,000 in the year 2027, \$670,000 in the year 2028, \$695,000 in the year 2029, \$725,000 in the year 2030, \$750,000 in the year 2031, \$780,000 in the year 2032, \$805,000 in the year 2033, \$835,000 in the year 2034, \$865,000 in the year 2035, \$900,000 in the year 2036, \$935,000 in the year 2037, \$975,000 in the year 2038, and \$1,015,000 in the year 2039 (the "Prior Bonds"); and

WHEREAS, the Town has the power and authority to issue refunding bonds of the Town for the purpose of refunding and thereby refinancing the outstanding Prior Bonds, including provision for incidental costs of issuance in connection therewith, pursuant to the provisions of Sections 90.00 and 90.10 of the Local Finance Law; and

WHEREAS, in order for the Town to realize the potential for substantial long-term debt service savings with respect to the Prior Bonds, the Town Board has determined, acting in consultation with the financial advisory and bond counsel firms retained by the Town, that it is advisable and prudent for the Town to consider the refunding of all or a portion of the outstanding Prior Bonds maturing in the years 2026 and thereafter (the "Refunded Bonds"); and

WHEREAS, the Town has received a draft refunding financial plan (the "Refunding Financial Plan"), a copy of which is attached hereto as Exhibit B, from Capital Markets

Advisors, LLC, the financial advisory firm retained by the Town, with respect to a proposed refunding of the Refunded Bonds, which refunding would result in present value savings in debt service as required by Sections 90.00 and 90.10 of the Local Finance Law; and

WHEREAS, Sections 90.00 and 90.10 of the Local Finance Law requires that the Town adopt a refunding bond resolution which includes a refunding financial plan setting forth all of the details in connection with the proposed refunding transaction; and

WHEREAS, the Town Board now intends to authorize the issuance of refunding bonds for the purpose of refunding all or a portion of the Refunded Bonds in accordance with the Refunding Financial Plan.

NOW, THEREFORE, BE IT RESOLVED THAT THE TOWN BOARD OF THE TOWN OF MOUNT PLEASANT, WESTCHESTER COUNTY, NEW YORK (BY THE FAVORABLE VOTE OF NOT LESS THAN TWO-THIRDS (2/3'S) OF ALL THE MEMBERS OF THE TOWN BOARD) AS FOLLOWS:

SECTION 1. Based on the recommendation of Capital Markets Advisors, LLC, the financial advisory firm retained by the Town, the Town Board hereby determines to undertake a refunding of the Refunded Bonds, through the issuance of refunding bonds of the Town, such refunding bonds to be offered and sold either at a public sale or, at the determination of the Town Supervisor, in a negotiated sale with an underwriter selected by the Town Supervisor, in accordance with the authority granted in Section 15 hereof.

SECTION 2. For the object or purpose of refunding the \$11,215,000 aggregate outstanding principal balance of the Refunded Bonds, including providing moneys which together with the interest earned from the investment of certain of the proceeds of the refunding bonds herein authorized, shall be sufficient to pay (a) the principal amount of the Refunded Bonds, (b) the aggregate amount of unmatured interest payable on the Refunded Bonds to and including the date or dates on which the Refunded Bonds are to be called for redemption prior to their respective maturities in accordance with the Refunding Financial Plan, (c) the redemption premiums, if any, payable on the Refunded Bonds which are to be called for redemption prior to their respective maturities, (d) the costs and expenses incidental to the issuance of the refunding bonds herein authorized, including without limitation the development of the refunding financial plan, compensation to the Underwriter, costs and expenses of executing and performing the terms and conditions of the Escrow Contract (as defined in Section 7 of this resolution), and fees and charges of the Escrow Holder (as defined in Section 7 of this resolution), financial advisory fees, printing fees and legal fees, and (e) the premium or premiums for any policy or policies of municipal bond insurance or other form of credit enhancement facility or facilities for the refunding bonds as herein authorized, or any portion thereof, there are hereby authorized to be issued the "Public Improvement Refunding (Serial) Bonds" of the Town in an aggregate principal amount

not to exceed \$11,500,000 pursuant to the provisions of Sections 90.00 and 90.10 of the Local Finance Law (the "Refunding Bonds"), it being currently anticipated that the amount of Refunding Bonds actually to be issued will be approximately \$10,470,000 as described in Section 6 hereof. The Refunding Bonds shall be dated as of such date as shall hereinafter be determined by the Town Supervisor pursuant to Section 6 hereof, and shall be in denominations of \$5,000 or any integral multiple thereof, not exceeding the principal amount of each respective maturity. The Refunding Bonds shall mature annually and shall bear interest payable semi-annually on such dates as shall be determined by the Town Supervisor pursuant to Section 6 hereof, at the rate or rates of interest per annum as may be necessary to sell the same, all as shall be determined by the Town Supervisor. Notwithstanding anything in this resolution to the contrary, the Refunding Bonds shall only be issued by the Town if the refunding of the Refunded Bonds will result in present value savings as determined in accordance with the methodology set forth in Section 90.10(b)(2) of the Local Finance Law.

SECTION 3. The Town Supervisor, as the chief fiscal officer, is hereby delegated all powers of the 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 4. The Refunding Bonds shall be executed in the name of the Town by the manual or facsimile signature of the Town Supervisor, and a facsimile of its corporate seal shall be imprinted thereon and attested by the Town Clerk. The Refunding Bonds shall contain the recital required by Section 90.10(j)(4) of the Local Finance Law and 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 as the Town Supervisor shall determine.

SECTION 5. It is hereby determined that:

(a) The maximum amount of the Refunding Bonds authorized to be issued pursuant to this resolution does not exceed the limitation imposed by Section 90.10(b)(1) of the Local Finance Law;

(b) The maximum period or periods of probable usefulness permitted by law at the time of the issuance of the Refunded Bonds for each of the objects or purposes for which the Refunded Bonds were issued is as shown in Exhibits A attached hereto;

(c) In accordance with Section 90.10(c)(1) of the Local Finance Law, the last installment of the Refunding Bonds will mature not later than the expiration of the remaining period of probable usefulness for each object or purpose for which the Refunded Bonds were issued, or the weighted average remaining period of probable usefulness of the objects or purposes (or classes

of objects or purposes) financed with all of the Refunded Bonds, in each case computed from the date of issuance of the Refunded Bonds, or the applicable series thereof, or from the date of issuance of the first bond anticipation note issued in anticipation thereof, whichever is earlier; and

(d) The estimated present value of the total debt service savings anticipated as a result of the issuance of the Refunding Bonds, computed in accordance with the provisions of Section 90.10(c)(1) of the Local Finance Law, is as shown in the Refunding Financial Plan described in Section 6 hereof.

SECTION 6. The Refunding Financial Plan showing the sources and amounts of all moneys required to accomplish such refunding, and the estimated present value of the total debt service savings computed in accordance with the requirements of Section 90.10(b)(2)(a) of the Local Finance Law is set forth in Exhibit B attached hereto and made a part of this resolution. The Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in the principal amount of \$10,470,000 and that the Refunding Bonds will mature, be of such terms, and bear interest as set forth in Exhibit B. This Town Board recognizes that the amount of the Refunding Bonds, and the maturities, terms, and interest rate and rates borne by the Refunding Bonds will most probably be different from such assumptions and that the Refunding Financial Plan will also most probably be different from that attached hereto as Exhibit B. The Town Supervisor is hereby authorized and directed to determine the actual amount of the Refunding Bonds to be issued (not in excess of the maximum principal amount authorized by Section 2 of this resolution), the maturities and amount of the Refunded Bonds to be refunded, the details as to the redemption of the Refunded Bonds, including the date and amount of such redemption or redemptions in accordance with Section 12 hereof and authorizing and directing the Escrow Holder described in Section 7 hereof to cause notice of such redemption or redemptions to be given in the name of the Town, the dated date of the Refunding Bonds, and the date of issue, maturities and terms thereof, the provisions relating to the redemption of Refunding Bonds prior to maturity, whether the Refunding Bonds shall provide for substantially level or declining debt service as authorized by Section 21.00 of the Local Finance Law, 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 pursuant to Section 168.00 of the Local Finance Law, the amount of the annual installments of the Refunding Bonds to be paid pursuant to Section 90.10(c)(3) of the Local Finance Law, whether the Refunding Bonds shall be sold at a discount in the manner authorized by Section 57.00(e) of the Local Finance Law, and the rate or rates of interest to be borne thereby, and to prepare, or cause to be provided, a final refunding financial plan (the "Final Refunding Financial Plan") for the Refunding Bonds, and, pursuant to Sections 50.00 and 56.00 of the Local Finance Law, all powers in connection therewith are hereby delegated to the Town 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 Sections 90.00 and 90.10 of the Local Finance Law. The Town Supervisor shall file with the Town Clerk not later than the date of issuance of the Refunding Bonds, as herein provided,

(a) a certificate determining the details of the Refunding Bonds and the Final Refunding Financial Plan and (b) the Certificate of the State Comptroller setting forth the present value of the total debt service savings, as required by Section 90.10(g) of the Local Finance Law, if applicable.

SECTION 7. The Town Supervisor is hereby authorized and directed to enter into an escrow contract (the "Escrow Contract") with a bank or trust company located and authorized to do business in the State of New York as the Town Supervisor shall designate (the "Escrow Holder") for the purpose of having the Escrow Holder act, in connection with the Refunded Bonds, as the escrow holder to perform the services described in Section 90.10 of the Local Finance Law.

SECTION 8. The faith and credit of said Town are hereby irrevocably pledged for the payment of the principal of and interest on the Refunding Bonds herein authorized 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 the Town a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

SECTION 9.

(a) All of the proceeds from the sale of the Refunding Bonds, including the premium, if any (the "Proceeds of the Refunding Bonds"), shall immediately upon receipt thereof be placed in escrow with the Escrow Holder for the Refunded Bonds. From the Proceeds of the Refunding Bonds, the portion thereof as is necessary to pay the outstanding principal amount of the Refunded Bonds, the aggregate amount of unmatured interest on the Refunded Bonds to and including the respective maturity dates or redemption dates thereof as set forth in the Final Refunding Financial Plan prepared by, or caused to be prepared by, the Town Supervisor in accordance with Section 6 of this resolution, and the redemption premiums, if any, payable on the Refunded Bonds on such redemption dates (such amount being hereinafter referred to as the "Escrow Deposit Amount"), shall be deposited in the escrow deposit fund to be established pursuant to the Escrow Contract, and either held in cash or invested in direct obligations of the United States of America or in obligations, the principal of and interest on which are unconditionally guaranteed by the United States of America, which obligations shall mature or be subject to redemption at the option of the holder thereof not later than the respective dates such moneys will be required to make payments in accordance with the Final Refunding Financial Plan. Amounts held on deposit in the Escrow Fund, whether in the form of cash or investments, or both, inclusive of any interest earned from the investment thereof, shall be irrevocably committed and pledged to the payment of the principal of, interest on, and redemption price of the Refunded Bonds in accordance with Section 90.10 of the Local Finance Law, and the holders, from time to time, of the Refunded Bonds shall have a lien upon

such monies held by the Escrow Holder. Such pledge and lien shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder for the Refunded Bonds in the Escrow Fund shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding as against all parties having claims or any kind in tort, contract or otherwise against the Town irrespective of whether such parties have notice thereof. Neither this resolution, the Escrow Contract, nor any other instrument relating to such pledge and liens, need be filed or recorded.

(b) After depositing the Escrow Deposit Amount into the Escrow Fund, in accordance with paragraph (a) above, the remaining balance, if any, of the Proceeds of the Refunding Bonds not so deposited shall immediately upon receipt thereof, be placed in escrow with the Escrow Holder for the Refunded Bonds and deposited in the expense fund to be established under the Escrow Contract by the Escrow Holder to pay, to the Town Supervisor, as chief fiscal officer, or as the Town Supervisor may direct and apply to pay (i) accrued interest on the Refunding Bonds from the dated date thereof to the date of issuance thereof and (ii) costs of issuance or other administrative costs incurred in connection with the issuance of the Refunding Bonds.

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 Refunding Bonds, 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, if applicable, to designate the Refunding Bonds authorized by this resolution as "qualified tax-exempt bonds" in accordance with Section 265 of the Code.

SECTION 11. The Town Board hereby determines that issuance of the Refunding Bonds is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQRA") is required.

SECTION 12. In accordance with the provisions of Section 53.00 and of paragraph (h) of Section 90.10 of the Local Finance Law, the Town Board hereby elects to call in and redeem the Refunded Bonds on March 3, 2025 or such later date or dates as may be hereinafter determined by the Town Supervisor and provided for in the Final Refunding Financial Plan (the "Redemption Date"). The sum to be paid therefor on each such Redemption Date shall be the par value of the Refunded Bonds being redeemed on such date plus the redemption premium, if any, and the accrued interest thereon to such Redemption Date. The Escrow Holder 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 times provided in the respective Refunded Bonds being redeemed or in the certificates or documentation of the Town pursuant to which they were issued. Upon the issuance of the Refunding Bonds or a series thereof, the

election to call in and redeem the applicable Refunded Bonds that are subject to redemption at the option of the Town and the direction to cause notice thereof to be given as provided in this paragraph shall become irrevocable, provided that this paragraph may be amended from time to time as may be necessary in order to comply with the publication requirements of Section 53.00(a) of the Local Finance Law, or any successor law thereto.

SECTION 13. In connection with the issuance of the Refunding Bonds, the Town Supervisor is further authorized to enter into a continuing disclosure undertaking on behalf of the Town, containing provisions in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 14. In the absence or unavailability of the Town Supervisor, the Deputy Supervisor then in office is hereby specifically authorized to exercise the powers delegated to the Town Supervisor in this resolution.

SECTION 15. Subject to compliance with the provisions of Section 90.10(f)(2) of the Local Finance Law, the Refunding Bonds shall be sold at either a public sale or a private sale, as determined by the Town Supervisor to be in the best financial interest of the Town. If the Refunding Bonds are sold at a private sale, the Town Supervisor is hereby authorized to negotiate the terms of such private sale with such underwriter or underwriters as may be selected by the Town Supervisor, consistent with the Refunding Financial Plan approved in Section 6 hereof. Subject to the approval of the terms and conditions of such sale by the State Comptroller as required by Section 90.10(f)(2) of the Local Finance Law, the Town Supervisor is hereby authorized to execute and deliver a bond purchase agreement 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. After the Refunding Bonds have been duly executed, they shall be delivered by the Town Supervisor in accordance with said bond purchase agreement upon the receipt by the Town of said purchase price, including accrued interest.

SECTION 16. The Town Supervisor and the Town Clerk 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. Further, all actions taken to date by or as directed by the Town Supervisor that are consistent with or described in the delegations of authority to the Town Supervisor contained herein are hereby ratified, confirmed and approved.

SECTION 17. All other matters pertaining to the terms and issuance of the Refunding Bonds shall be determined by the Town Supervisor and all powers in connection therewith are hereby delegated to the Town Supervisor.

SECTION 18. The validity of the Refunding Bonds may be contested only if:

(a) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money; or

(b) The provisions of law which should be complied with at the date of 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

(c) Such obligations are authorized in violation of the provisions of the Constitution.

SECTION 19. Upon this resolution taking effect, the Town Clerk is hereby authorized to cause a copy of this resolution, or a summary thereof, together with a notice in substantially the form set forth in Section 81.00 of the Local Finance Law in the official newspaper of the Town for legal notices.

SECTION 20. 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.

	<u>AYES</u>	<u>NAYS</u>
Carl Fulgenzi, Town Supervisor	X	
Laurie Rogers Smalley, Councilwoman	X	
Thomas Sialiano, Councilman	X	
Danielle Zaino, Councilwoman	X	
Mark Saracino, Councilman	X	

The resolution was thereupon declared duly adopted by a vote of 5 ayes and 0 nays.

Exhibit A
Summary of the Prior Bonds

General Obligations Public Improvement (Serial) Bonds, 2014

Dated Date: March 6, 2014

Original Principal Amount: \$16,875,000

Outstanding Principal Amount: \$11,810,000

Principal Amount to be Refunded: \$11,215,000

Interest Payment Dates: January 15th and July 15th

Maturity Schedule of the Refunded Bonds

<u>Date (January 15)</u>	<u>Principal Amount</u>	<u>Date (January 15)</u>	<u>Principal Amount</u>
2026	\$620,000	2033	\$805,000
2027	645,000	2034	835,000
2028	670,000	2035	865,000
2029	695,000	2036	900,000
2030	725,000	2037	935,000
2031	750,000	2038	975,000
2032	780,000	2039	1,015,000

<u>Object or Purpose</u>	<u>Period of Probable Usefulness</u> <i>(determined as of the date of issuance of the 2014 Bonds)</i>
Kensico Water District	40 years
Town Pool	15 years
Highway Department Garage Roof	15 years
Sewer Pump Stations	40 years
Bear Ridge Water	40 years
Kensico Water District Phase VII	40 years
Valhalla Parking Lot	10 years
Ultraviolet Water System	40 years
Kensico Water District	40 years
Highway Department Garage Roof	15 years
Lakeview Avenue Bridge	20 years
Highway Department Garage Roof	15 years
Highway Department Garage Roof	15 years
Kensico Water District Phases VIII & IX	40 years
Pheasant Run Pump Improvements	40 years
Equipment - Recreation	10 years
Equipment – Highway	15 years
Kensico Water District Phase VIII	40 years
Legion Drive Bridge Water Main	40 years
Additional Pheasant Run Pump Improvements	40 years
Additional Ultraviolet Water System	40 years
Additional Treatment Facility	40 years
Weighted Average PPU:	34.46 years

Note: The Prior Bonds maturing on January 15, 2025 in the principal amount of \$595,000 are not being refunded

by the Refunding Bonds.

Exhibit B
Refunding Financial Plan

[filed in the Town Clerk's Office]

Receiver of Taxes Report

RESOLUTION

[RECEIVER OF TAXES REPORT](#)

III. Business from the Floor

IV. Town Clerk

Town Clerk's Report

RESOLUTION

[TOWN CLERK'S REPORT](#)

V. Council Reports

Councilman Sialiano

Purchase Order 30-24-35: Light Tower

RESOLUTION 417-24

Upon motion of Councilman Sialiano, seconded by Councilman Saracino and unanimously carried, it was,

RESOLVED: That authorization for Purchase Order No. 30-24-35 is granted to SolarTech, 7620 Cetronia Road, Allentown, PA 18106 for two (2) solar powered light towers at \$19,890.46, price per GSA Contract, for a total cost of \$39,780.92.

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley, Councilman Saracino

Purchase Order 30-24-36: Annual License Renewal for Mobile Devices

RESOLUTION 418-24

Upon motion of Councilman Sialiano, seconded by Councilwoman Zaino and unanimously carried, it was,

RESOLVED: That authorization for Purchase Order No. 30-24-36 is granted to Digital Surveillance Solutions, 485 Cayuga Road, Buffalo, NY 14425 for the annual renewal of seven (7) mobile device licenses at \$1,175.26 each for a total cost of \$8,226.82.

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman

Sialiano, Councilwoman Smalley, Councilman Saracino

Councilwoman Zaino

Purchase Order 50-24-14: Diagnostic Software RESOLUTION 419-24

Upon motion of Councilwoman Zaino, seconded by Councilwoman Smalley and unanimously carried, it was,

RESOLVED: That authorization for Purchase Order No. 50-24-14 is granted to sole source provider Noregon Systems LLC, 7823 National Service Road, Greensboro, NC 27409 for new diagnostic software for the Highway Department Central Garage at a cost of \$4,505.85.

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley, Councilman Saracino

Authorization to Release Bond for Street Opening RESOLUTION 420-24
Permit No. 6443

Upon motion of Councilwoman Zaino, seconded by Councilman Sialiano and unanimously carried,

WHEREAS, the work being performed under Street Opening Permit No. 6443 at 135 Lake Shore Dr. has been completed and the road restored to the satisfaction of the Highway Superintendent; be it

RESOLVED that the Comptroller is authorized for release of the bond in the amount of \$8,600.00 to homeowners Brian Rosenblatt & Maximillian Mahalek.

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley, Councilman Saracino

Authorization to Deposit Bond for Curb Cut Permit No. RESOLUTION 421-24
1510

Upon motion of Councilwoman Zaino, seconded by Councilwoman Smalley and unanimously carried,

WHEREAS, the work being performed under Curb Cut Permit No. 1510 at 16 Stephens Ln. has been completed and the road restored to the satisfaction of the Highway Superintendent; be it

RESOLVED that the Comptroller is authorized for release of the bond in the amount of \$540.00 to JLB Homes LLC, 8 Home St., Hawthorne, NY 10532.

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley, Councilman Saracino

Authorization to Promote William Scaplehorn to Foreman at the Highway Department, Effective October 23, 2024, Salary per 2024 Budget

RESOLUTION 422-24

Upon motion of Councilwoman Zaino, seconded by Councilman Saracino and unanimously carried, it was,

RESOLVED: That authorization is granted to promote William Scaplehorn to the vacant position of Foreman at the Highway Department, effective Wednesday, October 23, 2024 at a salary per the 2024 Budget.

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley, Councilman Saracino

Authorization to Hire Bianca Licciardone as a Seasonal Employee at the Highway Department, Effective October 28, 2024

RESOLUTION 423-24

Upon motion of Councilwoman Zaino, seconded by Councilman Sialiano and unanimously carried, it was,

RESOLVED: That authorization is granted to hire Bianca Licciardone of Thornwood as a seasonal employee at the Highway Department at a rate of \$20.00 per hour, effective Monday, October 28, 2024.

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley, Councilman Saracino

Councilman Saracino

Comptroller's Memo

RESOLUTION 424-24

Upon motion of Councilman Saracino, seconded by Councilwoman Zaino and unanimously carried, it was,

RESOLVED: That authorization is granted to the Comptroller for payment of the following claims:

[SEE ATTACHED MEMO](#)

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley, Councilman Saracino

Councilwoman Smalley

Authorization to Discard Two (2) Pieces of Landscape Equipment

RESOLUTION 425-24

Upon motion of Councilwoman Smalley, seconded by Councilman Sialiano and

unanimously carried, it was,

RESOLVED: That authorization is granted to discard the following landscaping equipment, which have been replaced and are no longer in use:

- (1) 1995 Jacobsen Model 40 P.T.O driven blower
- (1) 2001 Lely spreader

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley, Councilman Saracino

VI. Town Attorney

VII. Schedule of Meetings

Work Session: Wednesday, November 6, 2024 at 7:00 PM RESOLUTION

Business Session: Tuesday, November 12, 2024, at 7:00 PM RESOLUTION

VIII. Adjourn

Upon motion of Councilman Sialiano, seconded by Councilwoman Zaino and unanimously carried, it was,

RESOLVED: That the meeting is adjourned at 7:23 PM.

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley, Councilman Saracino

Respectfully Submitted,



EMILY COSTANZA
TOWN CLERK
TOWN OF MOUNT PLEASANT

