

VILLAGE OF BREWSTER

BOARD OF TRUSTEES

May 6, 2009

Minutes

REGULAR MEETING

The Board of Trustees of the Village of Brewster is holding a Regular Meeting on May 6, 2009 at Village Hall, 208 Main Street, Brewster, New York. The meeting is called to order at **7:30 P.M.** by Mayor Schoenig Trustee Stockburger 2nd, all in favor 4 to 0. Trustee Banks absent for this vote.

Attendees:

Mayor: James Schoenig

Deputy Mayor and Trustee: Christine Piccini

Trustees: William Banks, Yoshihiko Ito, Terri Stockburger

Village Engineer:

Village Counsel: Anthony Molé,

Clerk & Temporary Treasurer: Peter Hansen

Absent:

John Folchetti

Pledge to flag.

- 1) Approval of Minutes: March 18, April 1, April 8, April 15 budget & regular meeting.
 - a) Trustee Ito motions to approve minutes, Deputy Mayor Piccini 2nd, all in favor 3 to 0. Trustee Stockburger Abstains, Trustee Banks absent for this vote.
- 2) SAFETEA-LU Sidewalks Resolution

VILLAGE OF BREWSTER

County of Putnam, State of New York

RESOLUTION No. 050609-1

Authorizing the implementation, and funding in the first instance 100% of the federal-aid and State "Marchiselli" Program-aid eligible costs, of a transportation federal-aid project, and appropriating funds therefore.

INTRODUCED BY: Mayor Schoenig

DATE OF CONSIDERATION/ADOPTION: May 6, 2009

WHEREAS, a Project for Route 6 Sidewalks: Peaceable Hill Road to Hillside Park, in the Village of Brewster, Putnam County, PIN 8392.00 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the Village of Brewster desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of preliminary engineering and right-of-way incidental work.

NOW, THEREFORE, the Brewster Village Board, duly convened does hereby

RESOLVE, that the Brewster Village Board hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Brewster Village Board hereby authorizes the Village of Brewster to pay in the first instance 100% of the federal and non-federal share of the cost of preliminary engineering and right-of-way incidental work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$65,000.00 is hereby appropriated from the General Fund Engineering Accounts and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Brewster Village Board shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Mayor thereof, and it is further

RESOLVED, that the Mayor of the Village of Brewster be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or applicable Marchiselli Aid on behalf of the Village of Brewster with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED, this Resolution shall take effect immediately.

The adoption of the foregoing resolution was seconded by Deputy Mayor Piccini and duly put to a vote on roll call, which resulted as follows:

AYES: 5

NOES: 0

The resolution was declared adopted.

3) Bond resolution for 50 Main

Trustee Stockburger offered the following resolution and moved its adoption:

VILLAGE OF BREWSTER

County of Putnam, State of New York

RESOLUTION No. 050609-2

**BOND RESOLUTION OF THE VILLAGE OF BREWSTER, NEW YORK,
ADOPTED MAY 6, 2009, AUTHORIZING VARIOUS PURPOSES IN AND FOR
THE VILLAGE, STATING THE ESTIMATED TOTAL COST THEREOF IS
\$185,750, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING
THE ISSUANCE OF \$185,750 SERIAL BONDS OF SAID VILLAGE TO FINANCE
SAID APPROPRIATION.**

THE BOARD OF TRUSTEES OF THE VILLAGE OF BREWSTER, IN THE COUNTY OF PUTNAM, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Board of Trustees) AS FOLLOWS:

Section 1. The Village of Brewster, in the County of Putnam, New York (herein called the "Village"), is hereby authorized to: (i) construct improvements to Village leased-office space at 50 Main Street, at the estimated maximum cost of \$120,000, and (ii) acquire and install various equipment, apparatus and furnishings, at the estimated maximum cost of \$65,750. The estimated total cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$185,750 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$185,750 serial bonds of the Village to finance said appropriation and the levy and collection of taxes on all the taxable real property in the Village to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Village in the principal amount of \$185,750 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The periods of probable usefulness applicable to the objects or purposes for which said \$185,750 serial bonds are authorized to be issued, are or exceed five years; however, the bonds authorized pursuant to this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds, shall mature no later than five (5) years after the date of original issuance of said bonds or notes.

(b) The proceeds of the bonds herein authorized, and any bond anticipation notes issued in anticipation of said bonds, may be applied to reimburse the Village for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized, or for expenditures made on or before such effective date if the Village has made a prior declaration of intent to issue indebtedness. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will not exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the Village, payable as to both principal and interest by general tax upon all the taxable real property within the Village without limitation of rate or amount. The faith and credit of the Village are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Village by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Board of Trustees relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to the execution of agreements for credit enhancements, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Village is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, 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 7. This bond resolution shall take effect immediately, and the Village Clerk is hereby authorized and directed to publish the foregoing resolution, in summary, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Putnam County Press," a newspaper having a general circulation in the Village and hereby designated the official newspaper of said Village for such publication.

* * *

The adoption of the foregoing resolution was seconded by Trustee Piccini and duly put to a vote on roll call, which resulted as follows:

AYES: 5

NOES: 0

The resolution was declared adopted.

4) Set meeting/public hearing to establish sewer rents

a) Trustee Stockburger motions to set a Public Hearing for Sewer Rents on May 20, 2009, 208 Main Street, Brewster, NY 10509 at 7:30 or as soon thereafter as time permits, proposed rent to change from 2.2 cents per gallon to 1.3 cents per gallon, Deputy Mayor Piccini 2nd, all in favor 5 to 0

5) 31 Main Rent increase – 600 per month to 700 per month, no other changes

a) Trustee Stockburger motions to approve rent increase at 31 Main Street from \$600 per month to \$700 per month, other than the rent increase the lease agreement remains as is, month to month, Mayor Schoenig 2nd, all in favor 5 to 0.

- 6) Farmer's market requests to start June 6
 - a) K.C. Anderson requests Farmers Market to start earlier than previously approved. Deputy Mayor Piccini motions to authorize June 6, 2009 start, Trustee Banks 2nd, all in favor 5 to 0.
- 7) Institute for Environmental Stewardship Resolution – passed in 2005
 - a) The Board requests John Degnan to make changes to the resolution and to re-submit prior to their May 20th meeting where it will be considered.
- 8) WWTP Tour request
 - a) Mayor Schoenig motions to authorize John Degnan to conduct a tour of the Wastewater Treatment Facility to further education of 30-50 6,7, and 8th graders, Brewster Police Department will assist as necessary, Trustee Stockburger 2nd, all in favor 5 to 0.
- 9) Liquor license application advice
 - a) Trustee Banks motions to authorize Mayor Schoenig to send a letter of opposition to the application considering the past violations of operation, violence, zoning non-compliance, police and emergency activity, and any other aspects detrimental to the Village community. Deputy Mayor Piccini 2nd, all in favor 5 to 0.
- 10) Vouchers Payable
 - a) Total of \$123,419.89 consisting of
 - i) A – \$41,318.23
 - ii) F – 4,917.51
 - iii) G – 48,382.78
 - iv) H10 - 25,273.62
 - v) H90 - 3,527.75
 - b) Mayor Schoenig motions to approve Vouchers Payable, Deputy Mayor Piccini 2nd, all in favor 5 to 0.
- 11) Other Business
 - a) Deputy Mayor Piccini offered the following information
 - i) Received the official Main Street partnership report, hard copy on file in village office for public review. Full copy on-line at Putnam County web site.
 - ii) Ms. Piccini suggests the village consider crosswalks throughout the Village and contact County Planning for design and grant assistance
 - iii) Ms. Piccini notes the Bike Path progress should put the termination point on North Main Street by the end of 2010 if progress continues as planned.
 - iv) Ms. Piccini notes the Comcast agreement has been approved by the Public Service Commission with comments applicable to NY law. The agreement and comments have been forwarded to Verizon FIOS in order to get a draft agreement from them in a timely manner.
 - v) The Deputy Mayor noted the Historic Sites committee met at 67 Main St. to discuss the modifications needed to restore the building to useable condition.

12) New Business

- i) Trustee Stockburger notes the lids of trash receptacles are in bad condition and can not be repaired. Request money to purchase new lids. Trustee Stockburger to advise on lid specifications and check with Treasurer to ensure money is available in the FY 2009 budget.
- ii) Mayor Schoenig advises the 2010 Census is scheduled for February-March and notes that homeless shelters, food pantries, soup kitchens, and Putnam County CAP services need to be described in full to census takers for an accurate portrayal of the community. Further a letter has been sent to all property owners in the Village of Brewster advising them of Census employees mapping of GPS coordinates of locations where people live or stay between April and July 2009.
- iii) Mayor Schoenig notes that Team Brewster will meet tomorrow at 10 A.M. at the Walter Brewster House
- iv) Mayor Schoenig notes that the Police Department Community Affairs will hold its meeting at 7:30 P.M., La Guadalupana restaurant tomorrow night.

13) Public Comment

- a) Jackie Boissonnault tells the Board that the sewer bills are painful for homeowners and could something be done to lessen the impact. Ms. Boissonnault asks if budget billing could be considered or a reduction in penalty be enacted. Ms. Boissonnault notes that prior balance amount was doubled and also requests that the rate (charge per gallon) be printed on the bill so bills can be calculated.
 - i) Clerk states that partial payments are always accepted but that penalties will need to be imposed on outstanding balances to ensure the money is received for cash flow purposes.
 - ii) Deputy Mayor Piccini suggests paying in advance and building a credit balance on the services. Clerk agrees that could be done.
 - iii) Clerk states the rate is not printed because of a limitation in the software package and the Village approved new software be purchased as part of the new budget which is expected to have improved reporting capabilities and budget billing options. The doubled prior balance happened to approximately 95 of the 505 bills sent out, and doubled credit balances as well as debit balances due to an unknown flaw in the utility billing program. The account ledger balance is correct but the bills printed incorrectly. Revised bills were sent out on May 5 to all affected property owners. Again, this should be resolved when new software is put in place.
- b) Jack Gress notes that cars are parking illegally in the Town Gold Lot and requests the Mayor speak with Supervisor Rights to up the enforcement as both the Library and Museum suffer from illegal parkers.
- c) Mark Anderson requests parking accommodations be made in village lots for Main Street residences especially in the winter months when overnight parking is banned on village streets.

14) Adjourn

- a) Trustee Stockburger motions to adjourn at 9:48 P.M., Trustee Banks 2nd, all in favor 5-0.