

PUBLIC HEARING

August 5, 2015

At 8:46 p.m. Supervisor Schiliro stated that a Public Hearing would be held in accordance with the Public Notice that follows:

NOTICE IS HEREBY GIVEN that the Town Board of the Town of North Castle, Westchester County, New York, will meet at the Town Hall, in Armonk, New York, on August 5, 2015, at 7:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing in relation to the proposed increase and improvement of the facilities of Water District No. 1 in said Town, consisting of various water disinfection projects, including costs incidental thereto, at a maximum estimated cost of \$1,500,000.

At said public hearing said Town Board will hear all persons interested in the subject matter thereof.

Dated: North Castle, New York,
July 23, 2015.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF NORTH CASTLE,
WESTCHESTER COUNTY, NEW
YORK

Anne Curran, Town Clerk

The Public Notice was marked Exhibit "A" for the record.

The Affidavit of Posting calling the Public Hearing was marked Exhibit "B" for the record.

The Affidavit of Publication from The Journal News calling the Public Hearing was marked Exhibit "C" for the record.

Letters from Orrick, Herrington & Sutcliffe (Bond Counsel) dated July 16 and July 27, 2015 were marked Exhibit "D" for the record.

The Order calling for the Public Hearing adopted by the Town Board on July 22, 2015.

Public Interest Order for consideration for adoption.

Bond Resolution for consideration for adoption.

Director of Water and Sewer Operations Sal Misiti provided an overview of the LT II Ultraviolet (UV) Disinfection Project for Water District No. 1 located in North White Plains. The water supply for the District is from two sources: a well source and the NYC Kensico water supply which is an unfiltered surface water supply. The Kensico supply provides water to County Water District 1; and the Town, as an out of district user, purchases water which is piped from the White Plains connection to the North Broadway Pump Station in North White Plains. The water is currently treated with chlorine which has been commonly used as a disinfectant. After it was found that certain organisms which can be dangerous to public health are resistant to chlorine, the federal government passed the Long Term II Enhanced Surface Water System Treatment Rule. To be in compliance with LTII, the Town is required to use a secondary disinfectant, in addition to chlorine, to treat its unfiltered water supply. Mr. Misiti said the Town applied for and received an extension from the EPA to be in compliance with the consent order, provided that specific milestones and deadlines are met. He said that UV disinfection is the most economical secondary method of treatment and the best solution was for the Town to implement it, adding that it is currently used at the wastewater treatment plant.

Jan Saltzman, P.E., GHD Consulting Services, Inc. presented a slide show and explained that UV light, which is artificially reproduced by electric lamps, deactivates certain organisms in the water to further protect public health by making the supply safer. Mr. Saltzman reviewed the

project schedule which is driven by the consent order. He said the Town anticipates receiving approval from the Department of Health shortly. Advertising for bidding will take place in October 2015. Construction is scheduled to begin in January 2016 and expected to be completed by September 2016, with full operation by October 2016.

Nicholas Hyde, P.E., GHD Consulting Services, Inc. reviewed the total estimated cost for the project which is currently \$1.22 million. Mr. Hyde said the Town is pursuing financing from the Environmental Facilities Corporation (EFC) through the NYS Revolving Fund which provides subsidized interest financing at a rate lower than for AAA rating. In response to a query from Supervisor Schiliro regarding how much interest the Town is saving through EFC financing with estimated administration and financing fees of 6% of the project cost, Mr. Hyde said that the EFC financing fee is 2.8% of the project cost and the remainder is for administration fees. In response to the Supervisor's query regarding the potential uses of the contingency, Mr. Saltzman said the contingency is for uncertainty due to the bidding process and for unforeseen issues. Mr. Misiti added that the system has to stay in operation while the project is being implemented. Mr. Hyde said the Town is also pursuing a grant from the NYS infrastructure grant program to offset project costs.

After all persons were heard who desired to be heard, Councilman D'Angelo moved, seconded by Councilman DiGiacinto, that the Public Hearing be closed at 9:15 p.m.

The roll call vote was as follows:

Ayes: Councilmen D'Angelo, DiGiacinto, Reiter, Mezzancello, Supervisor Schiliro

Noes: None

Councilman D'Angelo moved, seconded by Councilman Reiter, to adopt the Public Interest Order that follows at the end of these minutes.

The roll call vote was as follows:

Ayes: Councilmen D'Angelo, Reiter, DiGiacinto, Mezzancello, Supervisor Schiliro

Noes: None

Councilman D'Angelo moved, seconded by Councilman Reiter, to adopt the Bond Resolution that follows at the end of the minutes.

The roll call vote was as follows:

Ayes: Councilmen D'Angelo, Reiter, DiGiacinto, Mezzancello, Supervisor Schiliro

Noes: None

Anne Curran, Town Clerk

Dated: September 3, 2015

STATE OF NEW YORK)
) ss.:
COUNTY OF WESTCHESTER)

I, the undersigned Clerk of the Town of North Castle, Westchester County, New York (the "Issuer"), DO HEREBY CERTIFY:

1. That a meeting of the Issuer was duly called, held and conducted on the 5th day of August, 2015.
2. That such meeting was a regular meeting.
3. That attached hereto is a proceeding of the Issuer which was duly adopted at such meeting by the Board of the Issuer.
4. That such attachment constitutes a true and correct copy of the entirety of such proceeding as so adopted by said Board.
5. That all members of the Board of the Issuer had due notice of said meeting.
6. That said meeting was open to the general public in accordance with Section 103 of the Public Officers Law, commonly referred to as the "Open Meetings Law".
7. That notice of said meeting (the meeting at which the proceeding was adopted) was given PRIOR THERETO in the following manner:

PUBLICATION – Journal News, published on 7/25/2015.

POSTING – Town Hall bulletin board on 7/23/2015; Town website on 7/31/2015.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Issuer
this 5th day of August, 2015.

(CORPORATE
SEAL)

Anne Curran, Town Clerk

At a regular meeting of the Town Board of the Town of North Castle, Westchester County, New York, held at the Town Hall, in Armonk, New York in said Town, on August 5, 2015, at 7:30 o'clock P.M., Prevailing Time.

PRESENT:

Michael J. Schiliro
Supervisor

Stephen A. D’Angelo
Councilman

Barbara W. DiGiacinto
Councilman

Barry S. Reiter
Councilman

Guy A. Mezzancello
Councilman

_____ :	
In the Matter of the Increase and Improve- :	
ment of the Facilities of Water District No. 1 :	
in the Town of North Castle, Westchester :	PUBLIC INTEREST ORDER
County, New York :	
_____ :	

WHEREAS, the Town Board of the Town of North Castle, Westchester County, New York, has duly caused to be prepared a map, plan and report including an estimate of cost, pursuant to Section 202-b of the Town Law, relating to the increase and improvement of the facilities of Water District No. 1 in the Town of North Castle, Westchester County, New York, consisting of various water disinfection projects, including costs incidental thereto, at a maximum estimated cost of \$1,500,000; and

WHEREAS, at a meeting of said Town Board duly called and held on July 22, 2015, an order was duly adopted by it and entered in the minutes specifying the said Town Board would meet to consider the increase and improvement of the facilities of Water District No.1 in said Town at a maximum estimated cost of \$1,500,000 and to hear all persons interested in the subject thereof concerning the same at the Town Hall, 15 Bedford Road, in Armonk, New York, in said Town, on August 5, 2015, at 7:30 o'clock P.M., Prevailing Time; and

WHEREAS, said order duly certified by the Town Clerk was duly published and posted as required by law; and

WHEREAS, a public hearing was duly held at the time and place set forth in said notice, at which all persons desiring to be heard were duly heard; NOW, THEREFORE, BE IT

ORDERED, by the Town Board of the Town of North Castle, Westchester County, New York, as follows:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to make the improvement, to increase and improve the facilities of Water District No. 1 in the Town of North Castle, Westchester County, New York, consisting of various water disinfection projects, including costs incidental thereto, at a maximum estimated cost of \$1,500,000.

Section 2. This order shall take effect immediately.

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

Councilman D'Angelo	VOTING	Aye
Councilman DiGiacinto	VOTING	Aye
Councilman Reiter	VOTING	Aye
Councilman Mezzancello	VOTING	Aye
Supervisor Schiliro	VOTING	Aye

The order was thereupon declared duly adopted.

* * * * *

I, ANNE CURRAN, Town Clerk of the Town of North Castle, located in the County of Westchester, State of New York, hereby certify that the preceding Public Interest Order constitutes a true and correct copy of the entirety of such proceeding as so adopted by said Board, on August 5, 2015.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town,
this 5th day of August, 2015.

Anne Curran, Town Clerk

Dated: August 5, 2015
Armonk, New York

STATE OF NEW YORK)
) ss.:
COUNTY OF WESTCHESTER)

I, the undersigned Clerk of the Town of North Castle, Westchester County, New York (the "Issuer"), DO HEREBY CERTIFY:

8. That a meeting of the Issuer was duly called, held and conducted on the 5th day of August, 2015.
9. That such meeting was a regular meeting.
10. That attached hereto is a proceeding of the Issuer which was duly adopted at such meeting by the Board of the Issuer.
11. That such attachment constitutes a true and correct copy of the entirety of such proceeding as so adopted by said Board.
12. That all members of the Board of the Issuer had due notice of said meeting.
13. That said meeting was open to the general public in accordance with Section 103 of the Public Officers Law, commonly referred to as the "Open Meetings Law".
14. That notice of said meeting (the meeting at which the proceeding was adopted) was given PRIOR THERETO in the following manner:

PUBLICATION – Journal News, published on 7/25/2015.

POSTING – Town Hall bulletin board on 7/23/2015; Town website on 7/31/2015.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Issuer
this 5th day of August, 2015.

(CORPORATE
SEAL)

Anne Curran, Town Clerk

At a regular meeting of the Town Board of the Town of North Castle, Westchester County, New York, held at the Town Hall, in Armonk, New York, in said Town, on August 5, 2015, at 7:30 o'clock P.M., Prevailing Time.

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

PRESENT:

Michael J. Schiliro
Supervisor

Stephen A. D'Angelo
Councilman

Barbara W. DiGiacinto
Councilman

Barry S. Reiter
Councilman

Guy A. Mezzancello
Councilman

ABSENT:

The following resolution was offered by Councilman D'Angelo who moved its adoption, seconded by Councilman Reiter to-wit:

BOND RESOLUTION DATED AUGUST 5, 2015.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$1,500,000 SERIAL BONDS OF THE TOWN OF NORTH CASTLE, WESTCHESTER COUNTY, NEW YORK, TO PAY THE COST OF THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF WATER DISTRICT NO. 1 IN THE TOWN OF NORTH CASTLE, WESTCHESTER COUNTY, NEW YORK.

WHEREAS, pursuant to the provisions heretofore duly had and taken in accordance with the provisions of Section 202-b of the Town Law, and more particularly an order dated August 5, 2015, said Town Board has determined it to be in the public interest to increase and improve the facilities of Water District No. 1 in the Town of North Castle, Westchester County, New York, at a maximum estimated cost of \$1,500,000; and

WHEREAS, it is now desired to provide funding for such capital project; NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of North Castle, Westchester County, New York, as follows:

Section 1. For the specific object or purpose of paying the cost of the increase and improvement of the facilities of Water District No. 1 in the Town of North Castle, Westchester County, New York, consisting of various water disinfection projects, including costs incidental thereto, at a maximum estimated cost of \$1,500,000, there are hereby authorized to be issued \$1,500,000 serial bonds of said Town pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid class of objects or purposes is \$1,500,000 and that the plan for the financing thereof is by the issuance of the \$1,500,000 serial bonds of said Town authorized to be issued pursuant to this bond resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is forty years, pursuant to subdivision 1 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall

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be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said Town of North Castle, Westchester County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such obligations 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 obligations becoming due and payable in such year. To the extent not paid from other sources, there shall be annually assessed upon all the taxable real property within said Water District No. 1 in the amounts and in the manner provided by law an amount sufficient to pay the principal and interest on said bonds as the same become due, but if not paid from such source, all the taxable real property in said Town shall be subject to the levy of ad valorem taxes sufficient to pay the principal of and interest on said bonds as the same shall become due.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the Town of North Castle, Westchester County, New York, by the manual or facsimile

signature of the Supervisor and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the Town Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he or she shall deem best for the interests of the Town.

Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Town by the facsimile signature of its Supervisor, providing for the manual countersignature of a fiscal agent or of a designated official of the Town), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Supervisor.

Section 9. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 10. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 11. This resolution which takes effect immediately shall be published in summary in the official newspaper of the Town, together with a notice of the Town Clerk in substantially the form provided in Section 81 of the Local Finance Law.

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

Councilman D'Angelo	VOTING	Aye
Councilman Reiter	VOTING	Aye
Councilman DiGiacinto	VOTING	Aye
Councilman Mezzancello	VOTING	Aye
Supervisor Schiliro	VOTING	Aye

The resolution was thereupon declared duly adopted.

* * * * *