

VILLAGE BOARD MEETING
MAY 12, 2009

RESOLUTION #29 of 2009
AUTHORIZING THE CONSTRUCTION OF IMPROVEMENTS TO AND
RECONSTRUCTION OF THE WATER SUPPLY, TREATMENT DISTRIBUTION
SYSTEMS IN AND FOR THE VILLAGE OF NEWARK VALLEY

WHEREAS, the water supply, treatment and distribution system in and for the Village of Newark Valley was first constructed approximately in 1904 with various improvements having been made thereafter; and

WHEREAS, there have not been major improvements made to the system for a substantial period of time; and

WHEREAS, the Village Board has commissioned an engineering report from Hunt Engineers, Architects & Land Surveyors, P.C.; and

WHEREAS, the Village Board has received and reviewed the report of Hunt Engineers, Architects & Land Surveyors, P.C.; and

WHEREAS, said report recommends that the reservoir is in need of replacement as soon as is practicable; and

WHEREAS, the said report also recommends that there are other major improvements; and

WHEREAS, the above referenced improvements are also needed to be made in order to comply with regulatory requirements associated with the use for as public water supply;

IT IS HEREBY

RESOLVED, that the Village shall replace the water tank as soon as is practicable and to make the other necessary replacements and improvements as recommended by the report of Hunt Engineers, Architects & Land Surveyors, P.C., and that this resolution shall take effect immediately.

MOTION Schaffer

SECOND DeHaas

ROLL CALL:

DeHaas Y Kaufman Y Riegel Y Schaffer Y Tornatore Y

VILLAGE BOARD MEETING
May 12, 2009

RESOLUTION # 50 of 2009
VILLAGE OF NEWARK VALLEY, TIOGA COUNTY, NEW YORK PUBLIC
WATER SUPPLY SYSTEM IMPROVEMENTS WATER STORAGE TANK
REPLACEMENT ENVIRONMENTAL QUALITY REVIEW ACT ISSUES OF
NEGATIVE DECLARATION

WHEREAS, the Village Board of the Village of Newark Valley proposes to undertake improvements to its public water supply to address certain internal system needs and to comply with regulatory requirements associated with the use for public water supply;

WHEREAS, the Village Board has commissioned a preliminary engineering report and the report provided recommendations with regard to types of improvements and associated costs regarding the replacement of the water storage tank; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law and the regulations contained in 6 NYCRR Part 617, hereinafter called SEQRA, the Village Board has identified the project as a Type One action, established Lead Agency status, and completed a long Environmental Assessment Form based on comment and documentation from several Involved Agencies;

NOW, THEREFORE, be it RESOLVED as follows:

1. The Village Board acting as Lead Agency issues a Negative Declaration finding the project will have no significant environmental impacts.
2. The Village Clerk shall forward a copy of the Negative Declaration, map and Environmental Assessment Form to all Involved Agencies.
3. The Negative Declaration will be submitted to the NYS Department of Environmental Conservation for publication in the Environmental Notice Bulletin.
4. This Resolution shall take effect immediately.

MOTION Kaufman

SECOND Blee

ROLL CALL:

DeHaas Yf Kaufman Yf Schaffer Yf Blee Yf Tornatore Yf

State Environmental Quality Review
NEGATIVE DECLARATION
Notice of Determination of Non-Significance

Project Number

Date:

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Village of Newark Valley as lead agency, has determined that the proposed action described below will not have a significant environmental impact and a Draft Impact Statement will not be prepared.

Name of Action:

Water Storage Tank Replacement

SEQR Status: Type 1
Unlisted

Conditioned Negative Declaration: Yes
 No

Description of Action:

This project consists of the replacement of the existing 4000,000 gallon concrete water storage tank, constructed in 1903 with a new water storage tank of a similar capacity and complying with the current NYSDOH standards (Recommended Standards for Water Works 2003).

Location: (Include street address and the name of the municipality/county. A location map of appropriate scale is also recommended.)

Reasons Supporting This Determination:

(See 617.7(a)-(c) for requirements of this determination ; see 617.7(d) for Conditioned Negative Declaration)

The water tank replacement is being considered separate from the upgrade to the water distribution system, since water storage tank may need to be replaced prior to the funding of the distribution system. In any event even if both were considered as one project, the result would be the same determination.

There are no significant adverse environmental impacts. The only identified environmental impact is there will be generation of noise levels during the construction period only. There will be no odor, noise or vibration experience post construction. Construction will occur during day light hours. This determination is made after considering definitions in Section 22 NYCRR Part 617 2 b and 617 3G and Article G of the Regulations of the Department of Environmental Conservation and Article 8 of the Environmental Conservation Law, together with considering all the factors as set forth in 617.7 (c) of the Regulations.

If Conditioned Negative Declaration, provide on attachment the specific mitigation measures imposed, and identify comment period (not less than 30 days from date of publication in the ENB)

For Further Information:

Contact Person: Merti Pozzi, Village Clerk

Address: 9 Park Street, Newark Valley, New York 13811

Telephone Number: (607) 642-8686

For Type 1 Actions and Conditioned Negative Declarations, a Copy of this Notice is sent to:

Chief Executive Officer , Town / City / Village of Newark Valley

Other involved agencies (If any)

Applicant (If any)

Environmental Notice Bulletin, Room 538, 50 Wolf Road, Albany NY, 12233-1750 (Type One Actions only)

VILLAGE BOARD MEETING
May 12, 2009

RESOLUTION # 31 of 2009
VILLAGE OF NEWARK VALLEY, TIOGA COUNTY, NEW YORK PUBLIC
WATER SUPPLY SYSTEM IMPROVEMENTS ENVIRONMENTAL QUALITY
REVIEW ACT ISSUES OF NEGATIVE DECLARATION

WHEREAS, the Village Board of the Village of Newark Valley proposes to undertake improvements to its public water supply to address certain internal system needs and to comply with regulatory requirements associated with the use for public water supply of a groundwater source subject to surface water influence; and

WHEREAS, the Village Board has commissioned a preliminary engineering report and the report provided recommendations with regard to types of improvements and associated costs regarding the water distribution system; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law and the regulations contained in 6 NYCRR Part 617, hereinafter called SEQRA, the Village Board has identified the project as a Type One action, established Lead Agency status, and completed a long Environmental Assessment Form based on comment and documentation from several Involved Agencies;

NOW, THEREFORE, be it RESOLVED as follows:

1. The Village Board acting as Lead Agency issues a Negative Declaration finding the project will have no significant environmental impacts.
2. The Village Clerk shall forward a copy of the Negative Declaration, map and Environmental Assessment Form to all Involved Agencies.
3. The Negative Declaration will be submitted to the NYS Department of Environmental Conservation for publication in the Environmental Notice Bulletin.
4. This Resolution shall take effect immediately.

MOTION Schaffer

SECOND Kaufman

ROLL CALL:

DeHaas Y Kaufman Y Schaffer Y Blee Y Tornatore Y

State Environmental Quality Review
NEGATIVE DECLARATION
 Notice of Determination of Non-Significance

Project Number

Date:

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Village of Newark Valley as lead agency, has determined that the proposed action described below will not have a significant environmental impact and a Draft Impact Statement will not be prepared.

Name of Action:

Water Distribution System Improvements

SEQR Status: Type 1
 Unlisted

Conditioned Negative Declaration: Yes
 No

Description of Action:

The Project shall consists of a new watermain installed along:

1. Spring Street
 2. John Street
 3. Maple Street
 4. Dimmick Street
 5. Watson Avenue
 6. Rock Street
 7. Mill Street
 8. North Elm Street (North of Franklin Street)
- Abandonment of Existing watermain (no disturbance of new areas)
1. Elm Street (South of Franklin Street)
 2. Lawrence Avenue
 3. Silk Street
 4. Bridge Street
- Installation of New water transmission piping and appurtenances;
1. Clinton Street (in vicinity of Ladder Factory)
 2. Eastern Silk Street(east of Clinton Street)
 3. existing watermain between Main Street and Existing Tank Site.

Location: (Include street address and the name of the municipality/county. A location map of appropriate scale is also recommended.)

Reasons Supporting This Determination:

(See 617.7(a)-(c) for requirements of this determination ; see 617.7(d) for Conditioned Negative Declaration)

The water tank replacement is being considered separate from the upgrade to the water distribution system, since water storage tank may need to be replaced prior to the funding of the distribution system. In any event even if both were considered as one project, the result would be the same determination.

There are no significant adverse environmental impacts. The only identified environmental impact is there will be generation of noise levels during the construction period only. There will be no odor, noise or vibration experience post construction. Construction will occur during day light hours. This determination is made after considering definitions in Section 22 NYCRR Part 617 2 b and 617 3G and Article G of the Regulations of the Department of Environmental Conservation and Article 8 of the Environmental Conservation Law, together with considering all the factors as set forth in 617.7 (c) of the Regulations.

If Conditioned Negative Declaration, provide on attachment the specific mitigation measures imposed, and identify comment period (not less than 30 days from date of publication in the ENB)

For Further Information:

Contact Person: Merti Pozzi, Village Clerk

Address: 9 Park Street, Newark Valley, New York 13811

Telephone Number: (607) 642-8686

For Type 1 Actions and Conditioned Negative Declarations, a Copy of this Notice is sent to:

Chief Executive Officer , Town / City / Village of Newark Valley

Other involved agencies (If any)

Applicant (If any)

Environmental Notice Bulletin, Room 538, 50 Wolf Road, Albany NY, 12233-1750 (Type One Actions only)

Resolution #32-09

43438-2-1

BOND RESOLUTION
(SUBJECT TO PERMISSIVE REFERENDUM)

At a regular meeting of the Board of Trustees of the Village of Newark Valley, Tioga County, New York, held at the Village Hall, in Newark Valley, New York, in said Village, on the 12th day of May, 2009, at 7:00 o'clock P.M., Prevailing Time.

The meeting was called to order by Mayor Tornatore, and upon roll being called, the following were

PRESENT:

Mayor Tornatore
Lori DeHaas
John Kaufman
John Schaffer
Fred Blee

ABSENT:

The following resolution was offered by Trustee De Haas, who moved its adoption, seconded by Trustee Blee, to-wit:

BOND RESOLUTION DATED MAY 12, 2009.

A RESOLUTION AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, the CONSTRUCTION OF IMPROVEMENTS TO AND RECONSTRUCTION OF THE WATER SUPPLY, TREATMENT AND DISTRIBUTION SYSTEMS, IN AND FOR THE VILLAGE OF NEWARK VALLEY, TIOGA COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$4,230,000 AND AUTHORIZING THE ISSUANCE OF \$4,230,000 WHEREAS, the capital project hereinafter described has

been determined to be an "Unlisted Action" as defined under the regulations of the State Environmental Quality Review Act ("SEQRA") promulgated pursuant thereto, which, it has been determined will not have any significant adverse impact upon the environment and SEQRA documentation materials are on file in the office of the Village Clerk where it may be inspected during regular office hours; and

WHEREAS, it is now desired to authorize such capital project and its financing; NOW, THEREFORE, BE IT

RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Board of Trustees of the Village of Newark Valley, Tioga County, New York, as follows:

Section 1. The construction of improvements to and reconstruction of the water supply, treatment and distribution system, in and for the Village of Newark Valley, Tioga County, New York, including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$4,230,000, is hereby authorized, subject to permissive referendum.

Section 2. It is hereby determined that the plan for the financing of the aforesaid maximum estimated costs is by the issuance of \$4,230,000 of serial bonds of the Village hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

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. The faith and credit of said Village of Newark Valley, Tioga County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds 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. To the extent not paid from other sources, there shall annually be levied on all the taxable real property of said Village, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. 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 Village Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Village Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Village Treasurer, 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 said Village, including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation ("EFC") or the U.S. Department of Agriculture Rural Development ("RD"); provided, however, that in the exercise of

these delegated powers, he or she shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Village Treasurer shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 7. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service and sale to the RD or EFC, shall be determined by the Village Treasurer, the chief fiscal officer of such Village. Such bonds shall contain substantially 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, in addition to those required by Section 51.00 of the Local Finance Law, as the Village Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 8. The Village Treasurer is hereby further authorized, at his or her sole discretion, to execute a project finance agreement, and any other agreements with the New York State Department of Health and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a bond, and/or note issue of said Village in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 9. The power to issue and sell notes to the New York State Environmental Facilities corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the Village Treasurer. Such notes shall be of such terms, form and contents as may be prescribed by said Village Treasurer consistent with the provisions of the Local Finance Law.

Section 10. The intent of this resolution is to give the Village Treasurer sufficient authority to execute those applications, agreements, instruments or to do any similar acts necessary to effect the issuance of the aforesaid serial bonds and/or notes without resorting to further action of this Board of Trustees.

Section 11. 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 Village 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 12. 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 13. Upon this resolution taking effect, the same shall be published in full or summary form in the official newspaper of said Village for such purpose, together with a notice

of the Village Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 14. Pursuant to the provisions of Section 36.00 of the Local Finance Law, this resolution is adopted subject to permissive referendum.

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

<u>Frank M. Bu</u>	VOTING	<u>YES</u>
<u>Laura DeLoas</u>	VOTING	<u>Yes</u>
<u>R. D. Lake</u>	VOTING	<u>yes</u>
<u>[Signature]</u>	VOTING	<u>YES</u>
<u>Joseph P. Tambore</u>	VOTING	<u>Yes</u>

The resolution was thereupon declared duly adopted.

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VILLAGE BOARD MEETING
May 12, 2009

RESOLUTION #33- 2009
PLANNING BOARD APPOINTMENTS

WHEREAS: Cindy Vosburg was previously appointed to the Village Planning Board for a term to expire in May of 2010; and

WHEREAS: All other positions on the Village Planning Board are vacant; therefore be it

RESOLVED: That the following people are appointed to the Village Planning Board:

Cindy Vosburgh for a term to expire May 2010
Richard Lowe for a term to expire May 2011
Dennis Carlin for a term to expire May 2012
Sandy Kasmarcik for a term to expire May 2013
Jason Rozelle for a term to expire May 2014

MOTION Schaffer

SECOND Kaufman

ROLL CALL:

DeHaas Y Kaufman Y Schaffer Y Blee Y Tornatore Y

RESOLUTION #34 2009
APPROVING SUMMER RECREATION EMPLOYEES

RESOLVED: That the following personnel are approved for the Joint Youth Program at the salaries set in the 2009 Youth Budget approved by the Joint municipalities:

Director	Jacia Weiss
Arts-n-Crafts Coordinator	Patricia Peterson
Lg. Gym Coordinator	Kyle Schiess
Assistant	Jessica Head
Counselor	Trevor Scheiss
Counselor	Troy Scheiss
Jr. Counselor	Stephanie Alexander
Counselor-in-Training	Nicholas Edington
Counselor-in-Training	Shayne Ferguson
Counselor-in-Training	Brennan Legge
Nurse	Kathy Donnelly

MOTION Blee

SECOND Kaufman

ROLL CALL:

DeHaas Y Kaufman Y Schaffer Y Blee Y Tornatore Y

VILLAGE BOARD MEETING

May 12, 2009

RESOLUTION #~~35~~- 2009
BOARD OF APPEALS APPOINTMENTS

WHEREAS: Thomas Evans could not accept reappointment to the Board of Appeals,
now therefore be it;

RESOLVED: That Morgan Inderwies is appointed to the Village of Newark Valley
Board of Appeals with a term to expire August 2013.

MOTION Blee

SECOND Schaffer

ROLL CALL:

DeHaas y Kaufman y Schaffer y Blee y Tornatore y

VILLAGE BOARD MEETING
May 12, 2009

RESOLUTION # 36-09
TO HOLD A PUBLIC HEARING

RESOLVED: That a public hearing be held on June 9, 2009 at 7:00 PM for the purpose of opening bids for construction of the Village Office, now therefore be it:

RESOLVED: That the Village Clerk is hereby directed to publish a notice of said hearing.

MOTION DeHaas

SECOND Schaffer

ROLL CALL:

DeHaas Y Kaufman Y Schaffer Y Blee Y Tornatore Y