

A regular meeting of the Village Board of Harrison, Westchester County New York was held at the Municipal Building, 1 Heineman Place, Harrison, NY, Westchester County, on Thursday September 1, 2016 at 7:30 PM Eastern Standard Time. All members having received due notice of said meeting:

MEMBERS PRESENT:

Ronald Belmont Mayor

Marlane Amelio...)
Stephen Malfitano.....)
Fred Sciliano.....).Trustees
Joseph Stout.....)

ALSO ATTENDING:

Frank Allegretti.....Town Attorney
Chris Cipolla.....Deputy Village Attorney
Nelson Canter.....Deputy Town Attorney
Maureen MacKenzie.....Treasurer

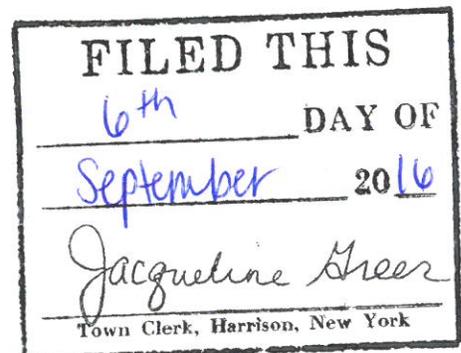
September 1, 2016

V - - 2016 - - 085

PUBLIC HEARING RE: WESTCHESTER JOINT WATER WORKS VARIOUS PROJECTS

On motion of Trustee Malfitano, seconded by Trustee Amelio, the hearing was opened.

On motion of Trustee Amelio, seconded by Trustee Malfitano, the hearing was closed.



V - - 2016 - - 085a
PUBLIC INTEREST ORDER
RE: WESTCHESTER JOINT WATER WORKS VARIOUS PROJECTS

42509-2-181

At a regular meeting of the Board of Trustees of the Village of Harrison, Westchester County, New York, held at the Village Hall, in Harrison, New York in said Village, on September 1, 2016, at 7:30 o'clock P.M., Prevailing Time.

PRESENT:

Ronald Belmont
Mayor

Marlane Amelio
Trustee

Steve Malfitano
Trustee

Fred Sciliano
Trustee

Joseph Stout
Trustee

:
:
In the Matter of :
:
the Increase and Improvement of the Facilities :
of the Consolidated Water District in the Village :
of Harrison, Westchester County, New York :
:

**PUBLIC
INTEREST
ORDER**

WHEREAS, the Board of Trustees of the Village of Harrison, Westchester County, New York, has received written notice from the Westchester Joint Water Works that an increase and improvement of the facilities is required on behalf of the Consolidated Water District in the Village

of Harrison, Westchester County, New York, consisting of the Village's share of various water supply and distribution improvements, including improvements to and replacement of water mains, remove and replace Rye Lake Boom and Turbidity Curtain, surge tank replacement, a mobile chlorinator, and UV alternative project design costs; and

WHEREAS, at a meeting of said Board of Trustees, an order was duly adopted by it and entered in the minutes specifying the said Board of Trustees would meet to consider the increase and improvement of the facilities of the Consolidated Water District in said Village at a maximum estimated cost of \$1,825,000 and to hear all persons interested in the subject thereof concerning the same at the Village Hall, in Harrison, New York, in said Village, on September 1, 2016, at 7:30 o'clock P.M., Prevailing Time; and

WHEREAS, said order duly certified by the Village 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 Board of Trustees of the Village of Harrison, 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 the Consolidated Water District in the Village of Harrison, Westchester County, New York, consisting of the Village's share of various water supply and distribution improvements, including improvements to and replacement of water mains, remove and replace Rye Lake Boom

and Turbidity Curtain, surge tank replacement, a mobile chlorinator, and UV alternative project design costs, at a maximum estimated cost of \$1,825,000.

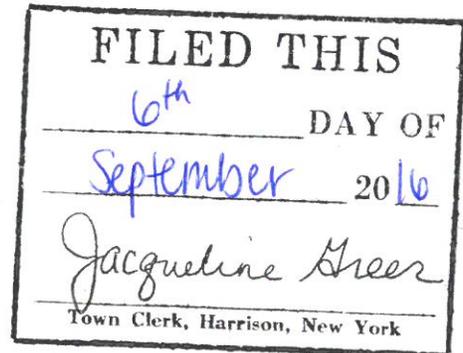
Section 2. This order shall take effect immediately.

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

Mayor Belmont	VOTING	AYE
Trustee Amelio	VOTING	AYE
Trustee Malfitano	VOTING	AYE
Trustee Sciliano	VOTING	AYE
Trustee Stout	VOTING	AYE

The order was thereupon declared duly adopted.

* * * * *



September 1, 2016

V - - 2016 - - 086
BOND RESOLUTION TO PAY THE COST OF
THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF
THE CONSOLIDATED WATER DISTRICT

BOND RESOLUTION DATED SEPTEMBER 1, 2016.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$1,825,000 SERIAL BONDS OF THE VILLAGE OF HARRISON, WESTCHESTER COUNTY, NEW YORK, TO PAY THE COST OF THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE CONSOLIDATED WATER DISTRICT IN THE VILLAGE OF HARRISON, WESTCHESTER COUNTY, NEW YORK.

WHEREAS, pursuant to the provisions heretofore duly had and taken in accordance with the provisions of Section 17-1712 of the Village Law and Section 202-b of the Town Law, and more particularly an order of even date herewith, said Board of Trustees has determined it to be in the public interest to increase and improve the facilities of the Consolidated Water District in the Village of Harrison, Westchester County, New York, at a maximum estimated cost to the Village of \$1,825,000; and

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

RESOLVED, by the Board of Trustees of the Village of Harrison, Westchester County, New York, as follows:

Section 1. For the object or purpose of paying the cost of the increase and improvement of the facilities of the Consolidated Water District in the Village of Harrison, Westchester County, New York, consisting of the Village's share of various water supply and distribution improvements, including improvements to and replacement of water mains, remove and replace Rye Lake Boom

and Turbidity Curtain, surge tank replacement, a mobile chlorinator, and UV alternative project design costs, there are hereby authorized to be issued \$1,825,000 serial bonds of said Village 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, other than the UV alternative project design, is \$1,620,000, and the maximum estimated cost of the UV alternative project design, being a specific object or purpose, is \$205,000. The plan for the financing thereof is by the issuance of the \$1,825,000 serial bonds of said Village authorized to be issued pursuant to this bond resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid capital items and the UV alternative project design is forty years and five years, respectively, pursuant to subdivisions 1 and 62 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, other than for the UV alternative project design, 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 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 5. The faith and credit of said Village of Harrison, 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.

Section 6. 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 shall be determined by the Village Treasurer.

Section 7. 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 8. 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.

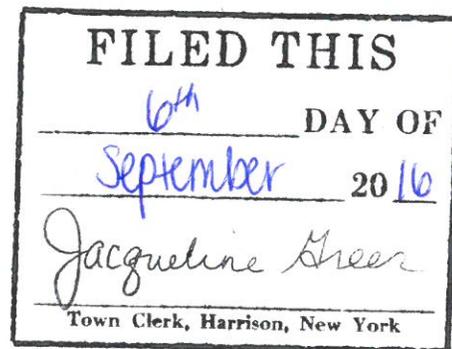
Section 9. This resolution which takes effect immediately shall be published in summary form in the official newspaper, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

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

Mayor Belmont	VOTING	AYE
Trustee Amelio	VOTING	AYE
Trustee Malfitano	VOTING	AYE
Trustee Sciliano	VOTING	AYE
Trustee Stout	VOTING	AYE

The order was thereupon declared duly adopted.

* * * * *



September 1, 2016

V -- 2016 -- 087

AUTHORIZATION TO RESCHEDULE A PUBLIC HEARING
RE: PILGRIM ROAD DRAINAGE DISTRICT

On motion of Trustee Malfitano, seconded by Trustee Amelio,

it was

RESOLVED to approve the request to reschedule a Public Hearing RE: Pilgrim Road Drainage District – Increase and Improvement Extension to the September 15, 2016 Village Board Meeting.

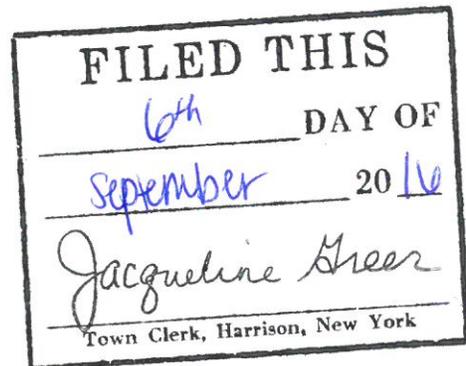
FURTHER RESOLVED to forward a copy of this Resolution to the Treasurer, Village Engineer, and the Law Department.

Adopted by the following vote:

AYES: Trustees Amelio, Malfitano, Sciliano and Stout
Mayor Belmont

NAYS: None

ABSENT: None



September 1, 2016

V - - 2016 - - 088 -- A
AUTHORIZATION OF FUNDING FOR TAX CERTIORARI'S
TOTALING \$617,305.95

Mayor Belmont explained that there is a certiorari due next week totaling \$617,305.95. The question is how does the Board pay for this certiorari.

Trustee Malfitano asked Treasurer MacKenzie for a review with respect to the certioraris that have been settled this year.

Treasurer MacKenzie replied that for this year the certioraris that were settled were in the amount of almost \$247,000. There were small claim settlements north of \$75,000 and it all adds up to a total of \$321,000.

Trustee Malfitano asked if the Board had chosen a funding source for that?

Treasurer MacKenzie replied that there is \$280,000 in this year's budget for certioraris. This amount leaves us short \$41,000 which is in other budget lines.

Trustee Malfitano explained he didn't have a problem funding that liability out of fund balance. That is proper budgeting and it is a proper accounting procedure. The rating agencies will not look unfavorably on that. This dollar amount that we are being asked to fund tonight is out of left field. Can you tell the Board how this came to be and why we are now confronted with a substantially higher dollar value which in total seems to amount to just under a million dollars?

Treasurer MacKenzie explained that these things take many years to come to fruition. The monies that we are paying out for these properties actually stem back to the year 2010 all the way up to the assessment roll of 2015.

Town Attorney Allegretti added to the conversation by explaining that it is up to each property owner's attorney to file successive years and it is up to them to push for a settlement. We cannot really control that from a respondents end because most property owners want to build up many years of tax certs and put it on the trail calendar and then push to resolve it. Sometimes you have more then three or four years.

Trustee Malfitano explained that settlements of this magnitude, which haven't been budgeted for because there is uncertainty as to when or how much would be resolved. When we have had dollar amounts like this and asked to fund, such as this, what has been the process?

Treasurer MacKenzie replied that it has been through bonding.

Trustee Malfitano suggested from a standpoint of Municipal Law, from the standpoint of proper budgeting and how the rating agencies would look at this, it is not only completely consistent that we do the same but it is prudent that we do the same. I would not want to be put in the

September 1, 2016

V - - 2016 - - 088 – A (continued)

position to explain to a rating agency why we suddenly had to take \$600,000 out of fund balance, that hadn't been budgeted for. Doing so would create a red flag.

Trustee Stout said isn't that what fund balance is for?

Trustee Malfitano opined that it wasn't and went on to explain that it is not for unfunded liabilities when they come out of left field. Moreover, these type of expenses that are being incurred are not for one year, they are for multiple years. The Trustee explained he would be in favor of borrowing the money.

Treasurer MacKenzie corrected herself by saying we didn't always bond. There were years when other funds were used.

Mayor Belmont explained when the amounts were of this amount or larger we have bonded.

Trustee Malfitano asked Mayor Belmont if he could update the Board on his recent conversation with the town's bond counsel.

Mayor Belmont said that the bond counsel suggested we bond rather than take it out of our fund balance.

Trustee Malfitano explained that since this is an unbudgeted liability it would not make sense to take money out of the fund balance to fund it. This is consistent with past practice, Municipal Law, and the advice of outside counsel. With all of that information Trustee Malfitano said it is perfectly the right thing to do to bond it and I will make that motion.

Trustee Sciliano exclaimed that the Board has been very good over the last 5 years of only bonding what we have taken off the books. It is unfortunate that we didn't know of this because we could have offset this by some of the bonding that we did.

Trustee Malfitano asked Treasurer MacKenzie when we authorized a number of different bond resolutions, sometimes we get through the year and have not expended all the funds. He suggested that this will happen again this year. He went on to say that the Board should authorize it and identify the funding source and as we get through to the end of the year the Board looks at our financial results which hopefully will be positive while we look at the other capital costs that we have already approved and identified the cost of funding as bonding there will be an opportunity for us to work it out. All we are doing is authorizing the funding source for this particular liability and as we work through the rest of the year some of the other capital costs that we already authorized are not expended and we are not borrowing money for them and if our financial results are positive we may have an option to work through this and offset some of it.

September 1, 2016

V - - 2016 - - 088 - A (continued)

Trustee Stout explained that his concern is we are basically paying for current costs with future money.

Trustee Malfitano disagreed and opined that we are paying for past expenses that were funded over multiple years through tax rate increases.

Trustee Stout replied that once the tax certioraris are settled and everybody's taxes get re-apportioned because they now pay less and everybody else pays a little more, that will be built into next year's budget. We are going to have to pay for five years for the cost of it and I don't think it is good public policy to do it.

Trustee Malfitano replied that we already agreed to borrow the same dollar value of what we are taking off the books this year. If we have a positive result for the year that means we are going to have more revenue coming in. If we don't fully expand all the capital costs that we already approved there will be savings from that. That being the case there is good reason to believe that this dollar amount that we are authorizing the source as borrowing the amount will not increase the total amount of borrowing that we incur.

Trustee Stout replied that he would rather take the money out of fund balance now and deal with a bond for a longer term project at the end of the year if we needed to.

Trustee Malfitano replied that he would rather not. He would rather be more fiscally prudent and try and make it balance as opposed to taking it out of the bank.

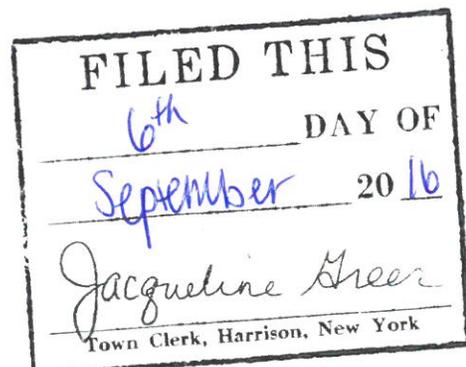
Trustee Sciliano explained that he was in favor of doing it providing the Board attack this right away. He wanted to see what there is outstanding on capital expenditures and nip it right now.

Mayor Belmont explained that we have been prudent in borrowing with whatever is coming off. Some of these bonds coming off are ten or twenty years old.

Trustee Malfitano said there is another point, which is how the rating agencies would view taking a million dollars out of the bank to pay for unfunded liabilities.

Trustee Stout asked the Treasurer what will be the total of what was budgeted for and what will be the unexpected total for 2016.

Treasurer MacKenzie said it will be \$1,200,000.



September 1, 2016

V - - 2016 - - 088 - A (continued)

On motion of Trustee Malfitano, seconded by Trustee Amelio,

it was

RESOLVED to approve the request by Treasurer Maureen MacKenzie for authorization of borrowing as the funding source for tax Certiorari's totaling the amount of \$617,305.95 plus bonding costs.

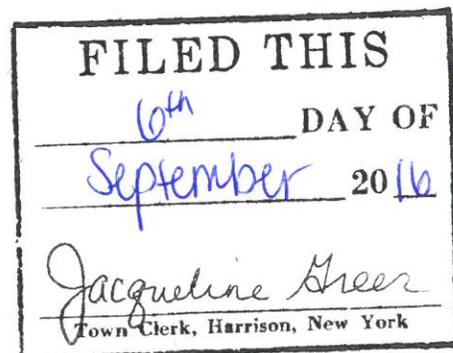
FURTHER RESOLVED to forward a copy of this Resolution to the Treasurer.

Adopted by the following vote:

AYES: Trustees Amelio, Malfitano, and Sciliano
Mayor Belmont

NAYS: Trustee Stout

ABSENT: None



September 1, 2016

V - - 2016 - - 088 -- B
AUTHORIZATION OF FUNDING FOR TAX CERTIORARI'S

BOND RESOLUTION DATED SEPTEMBER 1, 2016.

A RESOLUTION AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$635,000.00 BONDS OF THE VILLAGE OF HARRISON, WESTCHESTER COUNTY, NEW YORK, TO PAY THE COST OF COMPROMISED CLAIMS OR SETTLED CLAIMS RESULTING FROM COURT ORDERS ON PROCEEDINGS BROUGHT PURSUANT TO ARTICLE 7 OF THE REAL PROPERTY TAX LAW DUE AND PAYABLE IN THE 2016 FISCAL YEAR OF SAID VILLAGE.

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 Harrison, Westchester County, New York, as follows:

Section 1. For the specific object or purpose of paying the cost of judgments, compromised claims or settled claims resulting from court orders on proceedings brought pursuant to Article 7 of the Real Property Tax Law due and payable in the 2016 fiscal year of the Village of Harrison, Westchester County, New York, including incidental expenses in connection therewith, there are hereby authorized to be issued not exceeding \$635,000.00 bonds of said Village pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid object or purpose is \$635,000.00, and the plan for the financing thereof is by the issuance of not exceeding \$635,000.00 bonds of said Village herein authorized. Such bonds are to be payable from amounts which shall annually be levied on all the taxable real property in said Village, and

the faith and credit of said Village of Harrison, Westchester County, New York, are hereby pledged for the payment of said bonds and the interest thereon.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid object or purpose, when combined with other tax certiorari refunds payable this year, is ten years, pursuant to subdivision 33-a of paragraph a of Section 11.00 of the Local Finance Law. It is also hereby determined that the maximum maturity of the bonds herein authorized shall not exceed five years.

Section 4. The faith and credit of said Village of Harrison, Westchester 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. 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 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. All other matters except as provided herein relating to the 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, 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 7. 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 as of 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 8. 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 9. This resolution, which takes effect immediately, shall be published in summary form in The Journal News, which is hereby designated as the official newspaper of said

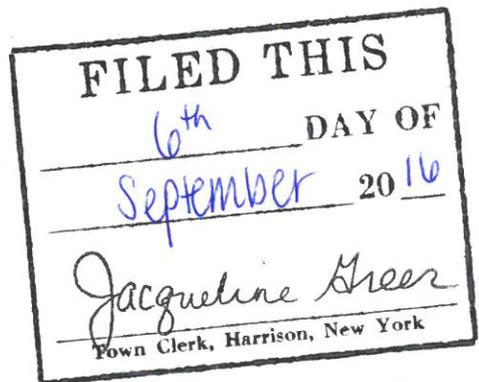
Village for such purpose, together with a notice of the Village Clerk substantially in the form provided in Section 81.00 of the Local Finance Law.

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

Mayor Belmont	VOTING	AYE
Trustee Amelio	VOTING	AYE
Trustee Malfitano	VOTING	AYE
Trustee Sciliano	VOTING	AYE
Trustee Stout	VOTING	NAY

The order was thereupon declared duly adopted.

* * * * *



September 1, 2016

V -- 2016 -- 089

MATTERS FOR EXECUTIVE SESSION

Personnel: 1

On motion duly made and seconded,
with all members voting in favor,
the Meeting was recessed to Executive Session at 9:35 P.M.

