

Village of Schoharie – Regular Meeting – May 9, 2017
MINUTES

Presiding: Mayor Borst

Present: Trustees; Larry Caza, Jay Balliett, Mark Wood and Clerk/Treasurer Leslie J. Price

Excused: Jeff Palmer

Attendees: Sarah Livingston and Terry Wilber

Meeting brought to order by Mayor Borst @ 6:42

Pledge of Allegiance

Privilege of the Floor: None

Minutes:

April 11, 2017 Regular Meeting.

Motion made by Trustee Wood second by Trustee Caza unanimously carried to accept the April 11, 2017 Regular Monthly Minutes as written.

April 19, 2017 Employees Workshop

Motion made by Trustee Caza second by Trustee Balliett unanimously carried to accept the April 19, 2017 Employee Workshop Minutes as written

March 22, 2017 and February 21, 2017 Employees Workshop Minutes tabled until the May 17, 2017 Employees Workshop meeting.

Bills:

Motion made by Trustee Balliett second by Trustee Caza unanimously carried to pay bills through May 9, 2017

Incoming Correspondence: Reviewed and Discussed

- A. Schoharie County Chamber of Commerce – “Community Collaboration” May 16, 2017
- B. Assemblyman Lopez –Copy of letter to FERC regarding PASNY flood mitigation.
- C. Assemblyman Lopez –Copy of letter to PASNY regarding PASNY flood mitigation.

Outgoing Correspondence: N/A

Old Business: Reviewed and Discussed

- A. LWRP Trail Grant – Nan received an e-mail NYS Dept. of State that, contrary to our grant application and original thinking, if awarded the \$150K grant from the Appalachian Regional Commission (ARC) could not be used as a match against the CFA award for trail construction. The parties are investigating this.
- B. Other

New Business:

A. NYS Water System Improvement Act

- 1) Approve Bond Resolution for application to NYS EFC for \$1.1 million financing for water system upgrades under the NYS Water System Improvement Act. Program is 60% grant funded which means the total project cost could reach \$2.75 million.

Motion made by Trustee Caza second by Trustee Wood unanimously carried to Approve Bond Resolution for application to NYS EFC for \$1.1 million financing for water system upgrades under the NYS Water System Improvement Act. Program is 60% grant funded which means the total project cost could reach \$2.75 million.

- 2) Approve Project Development Services Agreement with Lamont Engineers as required for submitting an application for the water project.

Motion made by Trustee Balliett second by Trustee Caza unanimously carried to Approve Project Development Services Agreement with Lamont Engineers as required for submitting an application for the water project.

B. Application to NYS CLEAN Energy Communities Program for energy efficiency grant.
Motion made by Trustee Wood second by Trustee Caza unanimously carried to investigate application process to move forward with applying to NYS CLEAN Energy Communities Program for energy efficiency grant.

C. Proclamation designating May 25, 2017 as “Gallupville Fire Department Day” in the Village of Schoharie in recognition of their 75th Anniversary of formation.

Resolution #4 2017

Motion: made by Trustee Balliett second by Mayor Borst unanimously carried to approve the Proclamation designating May 25, 2017 as “Gallupville Fire Department Day” in the Village of Schoharie in recognition of their 75th Anniversary of formation.

D. CFA Application 2017? Trustee Caza will call the Village of Cobleskill and get info on their CFA application

E. New Policy for user fees (effective immediately)

Fox Creek and Lasell Parks - \$50 per day fee for non-village resident users.

Lawn mowing - \$100 per hour with \$100 minimum charge.

Motion made by Trustee Wood second by Trustee Caza unanimously carried to accept new user fees for the parks and mowing. The parks user fee for non-village resident users is \$75.00 and lawn mowing fee \$100.00 per hour with a minimum charge of \$100.00

D. Organizational Meeting for 2017-2018.

Motion made by Trustee Caza second by Trustee Balliett unanimously carried to reappoint Colleen Henry for Village Planning Board Member with term ending May 31, 2022

F. Other:

- 1) Bruce Palmatier’s driveway at 137 Prospect St. claims the flushing of the fire hydrants destroyed his driveway and they had 2 quotes that came to \$2,500.00, they are asking for the Village to pay half \$1,250.00. (see attached email and photos) At the November 2016 Employee Workshop a motion was made to give \$500.00 toward the repair of the driveway, there being no motion to entertain their request of \$1,250.00, the Board stood by their motion from the November 2016 meeting. Clerk to send letter and check for \$500.00 to the Palmatier’s.
- 2) Joseph Heyman, 112 Covered Bridge Lane, water account #418 had a leak in his water line the usage was 1.235,860 gallons of water. Clerk to adjust water bill to reflect his regular usage the Board will review the overage and at that time the Board will tell Clerk what the new bill amount will be

Schoharie County Village Officers Association next meets at the Apple Barrel on Wednesday May 24, 2017 at 6:30 PM. with Schoharie hosting. Cobleskill Police Chief Bialkowski is the speaker and Workplace Violence is the program.

The May Employees Meeting is scheduled for Wednesday May 17, 2017 at 6:30 PM.

Next regular Village Board meeting is Tuesday, June 13, 2017 at 6:30 PM.

Adjourn.

Motion made by Trustee Caza second by Trustee Balliett unanimously carried to adjourn at 7:57pm

Respectfully Submitted,

Leslie J Price



A Future Inspired by Our Legacy

A. Joseph Scott III
Partner
Direct Dial: 518.433.2419
Direct Facsimile: 518.465.1567
ascott@hodgsonruss.com

May 8, 2017

VIA EMAIL

Leslie J. Price, Village Treasurer/Clerk
Village of Schoharie
PO Box 219
Schoharie, New York 12157

Re: Village of Schoharie
Village Water System Project

Dear Ms. Price:

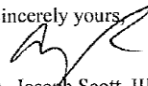
Attached please find a bond resolution to be considered by the Village Board at the May 9, 2017 meeting for the referenced matter. I am also providing you with instructions for publishing the estoppel notice of the bond resolution:

Immediately following the adoption of the Bond Resolution, you should publish the estoppel notice (the "Estoppel Notice"). Section 81.00 of the Local Finance Law provides that if an estoppel notice is published with respect to a bond resolution, the municipality is protected from certain lawsuits challenging the validity of the bond resolution or the obligations issued pursuant to such bond resolution. Accordingly, the Estoppel Notice¹ should be published once in the official newspaper (or official newspapers) of the Village as soon as you can arrange for publication. You should request two copies of an affidavit of publication for the Estoppel Notice. One copy of such affidavit should be retained for your files and the other should be forwarded to me.

Once the twenty (20) day period has expired, the Village will be in a position to issue bonds or notes.

Please forward two (2) copies of the originally certified bond resolution, together with an affidavit of publication when available, to my office for our files.

Please feel free to call me with any questions.

Sincerely yours,

A. Joseph Scott, III

Enclosure

cc: Christopher M. Martell, Esq. (w/enclosure; via e-mail)
Mayor John J. Borst (w/enclosure; via e-mail)
Michael Harrington, P.E. (w/enclosure; via e-mail)

¹ The Estoppel Notice is p. 6 to the Bond Resolution and is entitled "Notice of Resolution".

A meeting of the Board of Trustees of the Village of Schoharie, Schoharie County, New York was convened in public session at the 300 Main Street in the Village of Schoharie, New York on May 9, 2017 at 7:00 o'clock p.m., local time.

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

PRESENT:

John J. Borst	Mayor
Larry Caza	Deputy Mayor
Jay Balliett	Trustee
Jeff Palmer	Trustee <i>Excused</i>
Mark Wood	Trustee

ABSENT:

The following persons were ALSO PRESENT:

The following resolution was offered by Trustee Caza, seconded by Trustee Wood, to wit;

BOND RESOLUTION DATED MAY 9, 2017

A RESOLUTION AUTHORIZING THE CONSTRUCTION, RECONSTRUCTION, RENOVATION AND INSTALLATION OF IMPROVEMENTS TO THE VILLAGE WATER SYSTEM, AUTHORIZING THE ISSUANCE OF SERIAL BONDS OF THE VILLAGE OF SCHOHARIE, SCHOHARIE COUNTY, NEW YORK, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$2,750,000 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE VILLAGE TREASURER.

BE IT RESOLVED, by the Board of Trustees of the Village (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1. The specific purpose to be financed pursuant to this resolution is the undertaking of the construction, reconstruction, renovation and installation of improvements to the Village water system, to include, but not be limited to, the following: (i) withdrawal piping improvements at Youngs Spring, (ii) a new holding pond mixing system for algae control, (iii) a new potassium permanganate pre-treatment system at the water plant site, (iv) replacement of water treatment plant equipment and valves, (v) a new 500,000 gallon concrete treatment and storage tank, (vi) replacement of asbestos-cement distribution mains, (vii) a Village-wide replacement of undersized and leaky water mains, (viii) a new Prospect St. booster pump station, and (ix) miscellaneous spot replacement of hydrants, valves and system appurtenances, which shall include the acquisition and installation of equipment, machinery and

apparatus, including necessary site work, for the foregoing purposes (collectively, the "Project"). The maximum cost of said purpose will not exceed \$2,750,000.

SECTION 2. The Board of Trustees plans to finance the maximum estimated cost of said purpose by the issuance of serial bonds in an amount not to exceed \$2,750,000 of said Village, hereby authorized to be issued therefor pursuant to the Local Finance Law, and the cost of such improvement is to be paid by assessments upon benefitted real property in an area less than the area of said Village. The Village has approached several federal and/or state agencies in order to obtain grants to assist in financing the balance of the costs of said purpose. Any funds received by the Village relating to the purpose will be applied to finance the balance of the portion of said purpose and/or reduce the principal amount of the obligations issued or to be issued by the Village for such purpose and/or to pay any debt service on any obligations issued by the Village for such purpose, as applicable and as permitted by law.

SECTION 3. It is hereby determined that said purpose is an object or purpose described in subdivision 1 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is forty (40) years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of said bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

SECTION 6. The faith and credit of said Village 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. In the event that any assessments or other special charges imposed by the Village upon benefitted real property be insufficient to pay the principal of and interest on such bonds, 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 7. 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, Sections 56.00 to 60.00, Section 62.00, Section 62.10, Section 63.00, and Section 164.00 of the Law, the powers and duties of the Board of Trustees pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and details 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 notes, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village.

SECTION 8. The temporary use of available funds of the Village, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the capital purposes described in Section 1 of this resolution. The Village then reasonably expects to reimburse such expenditure with the proceeds of the bonds or bond anticipation notes authorized by Section 2 of this resolution. This resolution shall

constitute the declaration of the Village's "official intent" to reimburse the expenditures authorized by Section 1 hereof with the proceeds of the bonds and notes authorized herein, as required by United States Treasury Regulation Section 1.150-2.

SECTION 9. The Village Treasurer 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 bonds authorized by this resolution, and any notes issued in anticipation thereof, 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 to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 10. The Village Treasurer is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser 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 11. The Village Treasurer is hereby authorized to execute and deliver in the name and on behalf of the Village a project finance agreement prepared by the New York State Environmental Facilities Corporation ("EFC") (the "SRF Project Finance Agreement"). The Village Treasurer and the Village Clerk and all other officers, employees and agents of the Village are hereby authorized and directed for and on behalf of the Village 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, including, but not limited to, the SRF Project Finance Agreement.

SECTION 12. Pursuant to Article 8 of the Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the "SEQR Act") and the regulations (the "Regulations") adopted pursuant thereto by the Department of Environmental Conservation of the State of New York (collectively with the SEQR Act, "SEQRA"), the (A) Village of Schoharie Village Board (the "Village Board") was designated to act as the "lead agency" with respect to the Project and (B) the Village Board has issued a "Notice of No Significant Environmental Impact" (the "Negative Declaration") with respect to the Project, determining that the construction, reconstruction, renovation and installation of improvements of the Village water system to be a "Type I Action" that will not have a "significant effect on the environment" and therefore, the preparation of an environmental impact statement is not required.

SECTION 13. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

(1) (a) Such obligations are authorized for an object or purpose for which said Village 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

(2) Said obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 14. The Village Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in the official newspaper, or newspapers, of the Village.

SECTION 15. This resolution is not subject to permissive referendum pursuant to Section 36.00a.2. of the Local Finance Law and this resolution shall take effect immediately.

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

John J. Borst	VOTING	<u>Yea</u>
Larry Caza	VOTING	<u>Yea</u>
Jay Balliett	VOTING	<u>Yea</u>
Jeff Palmer	VOTING	<u>Excused</u>
Mark Wood	VOTING	<u>Yea</u>

The foregoing resolution was thereupon declared duly adopted.

CERTIFICATE OF RECORDING OFFICER

The undersigned hereby certifies that:

(1) She is the duly qualified and acting Clerk of the Village of Schoharie, New York (hereinafter called the "Village") and the custodian of the records of the Village, including the minutes of the proceedings of the Board of Trustees; and is duly authorized to execute this certificate.

(2) Attached hereto is a true and correct copy of a resolution duly adopted at a meeting of the Board of Trustees held on the 9th day of May, 2017 and entitled:

A RESOLUTION AUTHORIZING THE CONSTRUCTION, RECONSTRUCTION, RENOVATION AND INSTALLATION OF IMPROVEMENTS TO THE VILLAGE WATER SYSTEM, AUTHORIZING THE ISSUANCE OF SERIAL BONDS OF THE VILLAGE OF SCHOHARIE, SCHOHARIE COUNTY, NEW YORK, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$2,750,000 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE VILLAGE TREASURER.

(3) Said meeting was duly convened and held and said resolution was duly adopted in all respects in accordance with law and the regulations of the Village. To the extent required by law or said regulations, due and proper notice of said meeting was given. A legal quorum of members of the Board of Trustees was present throughout said meeting, and a legally sufficient number of members (2/3 of the Board of Trustees) voted in the proper manner for the adoption of the resolution. All other requirements and proceedings under law, said regulations, or otherwise, incident to said meeting and the adoption of the resolution, including any publication, if required by law, have been duly fulfilled, carried out and otherwise observed.

(4) The seal appearing below constitutes the official seal of the Village and was duly affixed by the undersigned at the time this certificate was signed.

IN WITNESS WHEREOF, the undersigned has hereunto set her hand this 9th day of May, 2017.

(SEAL)


Village Clerk

Amended 5/15
2018 per
5/15/17

NOTICE OF BOND RESOLUTION

NOTICE IS HEREBY GIVEN that the resolution, or summary of such resolution, published herewith has been adopted by the Board of Trustees of the Village of Schoharie, Schoharie County, New York, on the 9th day of May, 2017 and the validity of the obligations authorized by such resolution may be hereafter contested only if:

- (1) (a) such obligations were authorized for an object or purpose for which the Village of Schoharie is not authorized to expend money or
 - (b) if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with
- and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication of this notice; or

- (2) such obligations were authorized in violation of the provisions of the Constitution of New York.

SUMMARY OF RESOLUTION

The following is a summary of a resolution adopted by the Board of Trustees of the Village of Schoharie on May 9, 2017. Said resolution authorizes the issuance and sale of a serial bond or bonds and a bond anticipation note or notes in anticipation of the issuance and sale of said serial bonds, in an amount not to exceed \$2,750,000. The maximum cost of said purpose will not exceed \$2,750,000. The Village presently anticipates that the balance of the costs of the purpose will be financed with the proceeds of certain federal and/or state grants. Any funds received by the Village relating to the purpose will be applied to finance a portion of the said purpose and/or reduce the principal amount of the obligations issued by the Village for such purpose and/or to pay any debt service on any obligations issued or to be issued by the Village for such purpose, as applicable and as permitted by law. The proceeds from the sale of the obligations authorized in said resolution shall be used for the specific purpose of financing the undertaking of the construction, reconstruction, renovation and installation of improvements to the Village water system to include: (i) withdrawal piping improvements at Youngs Spring, (ii) a new holding pond mixing system for algae control, (iii) a new professional permanganate pre-treatment system at the water plant site, (iv) replacement of water treatment plant equipment and valves, (v) a new 500,000 gallon concrete treatment and storage tank, (vi) replacement of asbestos-cement distribution mains, (vii) a Village-wide replacement of undersized and leaky water mains, (viii) a new Prospect St. booster pump station, and (ix) miscellaneous spot replacement of hydrants, valves and system appurtenances, which shall include the acquisition and installation of equipment, machinery and apparatus, including necessary site work, for the foregoing purposes (collectively, the "Project"). The period of probable usefulness for said purpose is forty (40) years. A copy of the resolution summarized herein is available for public inspection during normal business hours at the Office of the Village Clerk, located at 300 Main Street in the Village of Schoharie, New York.

5/15/17





Project No. 2016121

Dedicated to Service... Committed to Excellence

Letter Form of Agreement

May 9, 2017

Mayor John J. Borst
and Village Board of Trustees
Village of Schoharie
P.O. Box 219
Schoharie, New York 12157-0219

RE: Project Development Services
Village of Schoharie Water System Improvements Project

Dear Mayor Borst and Village Trustees:

We are pleased to present this proposal for services related to preliminary engineering and funding applications for the development of a Water System Improvements Project. The project could be eligible for 60% grant (up to \$3 million) and 40% loan at 0% interest. The grant funding could come through either the New York State Water Infrastructure Grant Program (NYS Water Grant) or the Drinking Water State Revolving Fund (DWSRF). The loan portion (local match) would likely come through the DWSRF for either option.

Project scoring plays a big part in both of these programs and will ultimately determine whether the Village gets grant and/or 0% loan. Based on current scoring for the project, the project will not likely be eligible for DWSRF hardship funding. Since this would result in 'loan only' funding, a NYS Water Grant application will be needed to allow a chance for grant funding. While the basic scoring rules are essentially the same as for DWSRF, the Water Grant program has a bigger pool of funding – this allows projects with lower scores to be eligible for grant funding.

As a contingency plan, we suggest submitting the Preliminary Engineering Report to Rural Development to determine if they are interested in funding the project. The simple report that is needed for DWSRF may not be suitable for Rural Development (RD), but we feel that RD can determine if the project is a good fit with such a submission. If RD shows interest, we can modify the report to meet the RD requirements.

PO Box 610
Cobleskill, NY 12043

www.lamontengineers.com
lamont@lamontengineers.com

Tel: 518-234-4028
Fax: 518-234-4613

Hon. John J. Borst and Village Trustees
May 9, 2017

SCOPE OF SERVICES

Lamont Engineers has provided and/or plans to provide the following project development services:

Basic Services

- Preliminary engineering to develop project scope and budget, complete the Smart Growth Assessment Checklist, and prepare an updated DWSRF Project Listing Form. Two (2) meetings or workshops are assumed.
- Preparation of Water Grant Application including all necessary supporting documentation.
- Assistance with the preparation of the DWSRF Application Form and other Part I DWSRF Application Documents
- Coordination with Village's Bond Counsel relative to Bond Counsel's preparation of the Municipal Bond Resolution and accompanying documents that need to be submitted with the Water Grant Application.

Additional Services

Environmental Review Services:

We will assist the Village with the completion of the environmental review necessary for the selected project scope. The environmental review will meet the requirements of the State Environmental Quality Review Act (SEQRA) and State Environmental Review Process (SERP). Due to certain items out of our control, these services will be provided on an hourly basis plus additional subcontracted services as necessary (no subcontracted services are anticipated). Services to be provided will include the following:

- Preparation of Part I of Long Environmental Assessment Form.
- Preparation of Draft Resolution to Establish Lead Agency
- Preparation of Notification Letter and Comment Solicitation from Involved and Interested Agencies.
- Assist Village with assessing responses from Involved and Interested Agencies and the need for additional environmental investigation and surveys.
- Prepare and submit project information to the State Historic Preservation Office (SHPO) for review and receipt of initial review letter or concurrence letter from SHPO.

Hon. John J. Borst and Village Trustees
May 9, 2017

- Assist the Village in Preparing Parts 2 and 3 of the Long Environmental Assessment Form (LEAF)
- Preparation of Draft Negative Declaration Resolution and Negative Declaration Form.
- Preparation of documents necessary to publish results of Environmental Review in NYSDEC Environmental Notice Bulletin (ENB).
- Assumes two (2) meetings or workshops

Direct Expenses

- Mileage, Postage, conference calls, printing and miscellaneous reimbursables

DELIVERABLES

Under the terms of this Agreement, Lamont Engineers will deliver to the Owner the following documents:

- Preliminary Engineering Report with budget and Smart Growth Assessment Checklist, and updated DWSRF Listing Form.
- Environmental Review Documents, including submittal to SHPO.
- Part I DWSRF Application Documents.
- Water Grant Application Documents

EXCLUSIONS

The above Scope of Services identifies the services that will be provided by Lamont Engineers, P.C. and its Subconsultants under the terms of this Agreement. Services not specifically made part of the Scope of Services are excluded services which may be provided as Additional or Subcontracted Services upon written request from the Owner under the terms described below. These excluded services consist of, but are not limited to:

- Rural Development Funding Investigations and Applications
- Wetland Delineation
- Cultural Resource Surveys
- Follow-up with SHPO beyond initial project submittal for review and receipt of initial letter from SHPO.
- Floodplain Surveys and Studies
- Threatened and Endangered Species Surveys
- Soil Boring and Geotechnical Investigations
- ROW, Property Boundary, Easement Survey and Topographic Surveys
- Field tests and sampling of the Village's existing water sources and potential water sources.

Hon. John J. Borst and Village Trustees
May 9, 2017

- Pilot studies.
- Preparation of easements and access agreements.
- Preparation of preliminary and final detailed designs, construction drawings, specifications, and contract documents (normally completed after short-term funding has been procured).
- Assisting with advertising for construction bids, awarding of construction contracts, and construction administration.
- Bookkeeping and Reporting

If requested by the Owner, such services will be provided as Additional or Subcontracted Services under the terms and conditions described in Terms and Conditions below.

TERMS

Billing will be monthly as the work progresses and due within 30 days of invoice, for personnel time spent on your project at the hourly rates shown in Attachment A for Basic Services (**estimated at \$12,500**) and for Additional Services (**estimated at \$4,500**), plus Direct Expenses at cost (**estimated at \$500**) and Subcontracted Services at cost (**none anticipated**).

The rates shown in Attachment A will govern this contract through December 31, 2017. These rates may increase at the end of the indicated periods to cover individual salary increases and/or overhead cost increases.

This Agreement, the General Provisions and Attachment A, all consisting of 8 pages, represent the entire understanding between you and us in respect to the Project and may only be modified in writing signed by both of us. This proposal will be open for acceptance until May 20, 2017, unless changed by us in writing.

We expect prompt payment of our invoices. If payment of our invoices is not kept current, our work will be suspended in accordance with the General Provisions of this agreement.

Should you have any questions or comments, please do not hesitate to call me.

If you agree to this proposal, please sign and return two (2) copies.

Very truly yours,



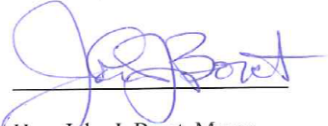
Michael D. Harrington, P.E.
Principal Engineer
Lamont Engineers, P.C.

2007 Edition

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Hon. John J. Borst and Village Trustees
May 9, 2017

Accepted,



Hon. John J. Borst, Mayor
Village of Schoharie

5/9/2017
(Acceptance Date)

Attachments

cc: Michael Breen, Esq., Village Attorney

2016121/Corr/002a

GENERAL PROVISIONS

Attached to and made a part of Agreement dated May 9, 2017 between

VILLAGE OF SCHOHARIE (OWNER)

and

LAMONT ENGINEERS, P.C. (ENGINEER)

Reuse of Documents

All documents including Drawings and Specifications prepared by ENGINEER pursuant to this Agreement are instruments of services in respect to the Project. They are not intended or represented to be suitable for reuse by OWNER or others on extensions of the Project or on any other Project. Any reuse without written verification or adaptation by ENGINEER for the specific purposes intended will be at OWNER's sole risk and without liability or legal exposure to ENGINEER; and OWNER shall indemnify and hold harmless ENGINEER from all claims, damages, losses and expenses including Attorneys' fees arising out of or resulting therefrom. Any such verification or adaptation will entitle ENGINEER to further compensation at rates to be agreed upon by OWNER and ENGINEER.

Opinions of Cost

Since ENGINEER has no control over the cost of labor, materials, equipment or services furnished by others, or over the Contractor's methods of determining prices; or over competitive bidding or market conditions, his opinions of probable project cost or construction costs provided by herein are to be made on the basis of his experience and qualifications and represent his best judgment as an experienced and qualified ENGINEER familiar with the construction industry; but ENGINEER cannot and does not guarantee the proposals, bids or actual project or construction cost will not vary from opinions of probable cost prepared by him. If, prior to the bidding or negotiation phase, OWNER wishes greater assurance as to project or construction cost, he shall employ an independent cost estimator. Engineering services to modify the Contract Documents, to bring the construction costs within any limitation established by OWNER will be considered Additional Services and paid for as such by OWNER.

Late Payment

If OWNER fails to make any payment due ENGINEER for services and expenses within 60 days after receipt of ENGINEER's bill therefor, the amounts due ENGINEER shall include a charge at the rate of 2 percent per month from said 60th day, and in addition, ENGINEER may, without notice, suspend services under this agreement until he has been paid in full all amounts due him for Services and Expenses. The length of such suspension shall be added to the time schedule for Services under this contract.

Termination

The obligation to provide further services under this Agreement may be terminated by either party upon 7 days written notice in the event of substantial failure by the other party to perform in accordance with the terms hereof through no fault of the terminating party. In the event of any termination, ENGINEER will be paid for all services rendered to the date of termination, and for all direct and subcontract expenses and for termination expenses.

Successors and Assigns

OWNER and ENGINEER each binds himself and his partners, successors, executors, administrators, assigns and legal representatives to the other party of this Agreement and to the partners, successors, executors, administrators, assigns and legal representatives of such other parties, in respect to all covenants, agreements and obligations of this Agreement.

Neither OWNER nor ENGINEER shall assign, sublet or transfer any rights under or interest in (including, but without limitation, monies that may become due or monies that are due) this Agreement without the written consent of the other, except as stated above and except to the extent that the effect of this limitation may be restricted by law unless specifically stated to the contrary in any written consent to an assignment. No assignment will release or discharge the assignor from any duty or responsibility under this Agreement. Nothing contained in this paragraph shall prevent ENGINEER from employing such independent consultants, associates and subcontractors as he may deem appropriate to assist him in the performance of services hereunder.

Nothing herein shall be construed to give any rights or benefits hereunder to benefit other than OWNER and ENGINEER.

Professional Liability

The Design Professional, and its consultants, partners, agents and employees, shall not be liable to the Owner, whether jointly, severally or individually, in excess of the compensation paid to the Design Professional under this Agreement, or in excess of the sum of \$25,000.00, whichever is greater, as a result of any act or omission not amounting to a willful or intentional wrong. In no instance shall ENGINEER'S liability exceed the available proceeds of, or coverage afforded by, ENGINEER'S professional liability policy.

Dispute Resolution

OWNER and ENGINEER agree to negotiate in good faith for a period of thirty days from the date of notice of all disputes between them prior to exercising their rights under this section of this Agreement, or under law.

OWNER and ENGINEER agree that they shall first submit any and all unsettled claims, counterclaims, disputes and other matters in question between them arising out of or relating to this Agreement or the breach thereof ("disputes") to mediation by a third party mutually agreed upon prior to either of them initiating formal proceedings against the other, unless delay in initiating formal proceedings would irrevocably prejudice one of the parties.

All disputes between OWNER and ENGINEER not resolved under the above paragraphs will be decided by formal proceedings in the Supreme Court of the County of Schoharie, State of New York.

Formal legal proceedings must be started within a reasonable time after the claim, dispute or other matter in question has arisen. In no event may the formal legal proceedings be started after the date when institution of legal or equitable proceedings based on such claim, dispute or other matters in question would be barred by the applicable statute of limitations of the State of New York.

Fiduciary Responsibility

OWNER confirms that neither ENGINEER nor any of ENGINEER's subconsultants or subcontractors has offered any fiduciary service to OWNER and no fiduciary responsibility shall be owed to OWNER by ENGINEER or any of ENGINEER's subconsultants or subcontractors, as a consequence of ENGINEER's entering into this Agreement.



ATTACHMENT A
2017 SCHEDULE OF RATES

Engineering and Project Management

Principal Engineer	\$158/hr
Senior Project Manager	\$131/hr
Project Manager.....	\$118/hr
Project Engineer	\$107/hr
Assistant Project Engineer	\$91/hr
Senior Engineering Technician	\$88/hr
Engineering Technician	\$78/hr
CADD Operator.....	\$69/hr
Junior CADD Operator.....	\$57/hr
Senior Environmental Scientist	\$113/hr
Environmental Scientist	\$100/hr
Junior Environmental Scientist.....	\$85/hr

Planning

Senior Planner	\$115/hr
Planner	\$100/hr
Assistant Planner	\$85/hr

Support Staff

Administrative Assistant.....	\$64/hr
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Direct Expenses

Mileage	IRS standard rate
Other Direct Expenses	At Cost



RESOLUTION #4 OF 2017 Proclaiming

Thursday May 25, 2017 as GALLUPVILLE FIRE DEPARTMENT DAY

WHEREAS, A need for fire protection services for the local community was recognized and thus the Town of Wright Fire District and the Gallupville Fire Department were organized in 1942; and

WHEREAS, This volunteer fire department has continually served the community through the dedicated volunteerism of its members for seventy-five (75) continuous years; and

WHEREAS, The Town of Wright and surrounding areas have benefited greatly from this organization and its many current and past members by way of their committed volunteerism, setting aside self and family to answer the call whenever it has come and not counting the personal cost in order to preserve the lives and property of others; and

WHEREAS, Firefighters demonstrate acts of heroism in rescuing citizens from the threat of fire, entering burning structures to bring people out to safety and medical treatment and responding to accident scenes to extricate victims from vehicles; and

WHEREAS, the Gallupville Fire Department members for generations have fostered a cooperative working relationship with surrounding fire departments, and we in Schoharie especially value the long-standing friendship, neighborly help and reliability in time of need of our fellow fire fighters in Gallupville; now therefore be it

RESOLVED, by this Village Board to proclaim May 25, 2017 as "Gallupville Fire Department Day" in appreciation for their 75 years of faithful service to our communities

Submitted on the 9th day of May 2017:

IN TESTIMONY HEREOF, I have hereunto set my hand and affixed the seal of the Village of Schoharie.

Mayor

Subject **137 Prospect St- Palmatiers**
From Pam Rees-Palmatier <pbasey19@hotmail.com>
To villscho@midtel.net <villscho@midtel.net>
Date 2017-04-30 11:53

- IMG_2752.JPG (1.4 MB)
- IMG_2754.JPG (1.7 MB)
- IMG_2756.JPG (1.4 MB)

To the Schoharie Village Officials,

Bruce and I are the owners of 137 Prospect St, located in the village of Schoharie. When the village flushes the fire hydrant located next to our driveway, the water flow has been directed down our driveway. Over the years it has caused damage to the left side of our driveway(See attached pictures). Last October, Bruce discussed this with the Mayor and with the Superintendent of Public Works and they suggested to get quotes to repair the damage and submit them to the Village. We immediately got quotes from WD Asphalt Paving and Chichester Paving Corp. to dig out and remove 50 x 10 ft and to pave a 2"-2 1/2" blacktop. Both quotes came in at \$2,500.

We are aware that during the Village Employees Meeting on November 16,2016 this repair issue was discussed and the Board authorized compensation of \$500. We are requesting to the Board that the Village pays for half of the repair (\$1,250). We feel that this is a fair request and hope that we can come to an agreement. Also we request that this issue be added to the agenda for the May 9th 2017 Village Board Meeting and the Board Members have a chance to review the attached photos.

We appreciate that when you flushed the hydrant last week, you diverted the water from our driveway.

We hope to hear from you by email or calling our home 295-7405.

Pam Rees-Palmatier

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1.4 MB

IMG_2754.JPG







VILLAGE OF SCHOHAIRE
RE-ORGANIZATIONAL MEETING

May 9, 2017.

PRESIDING: John J. Borst, Mayor

PRESENT: Deputy Mayor Larry Caza, John J. Balliett, Mark Wood and Jeffrey Palmer

MEETINGS: Regular Village Board meetings to be held on the 2nd **Tuesday** of each month at 6:30 p.m. at the Village office. Employee/Work Shop Meetings to be held on the 3rd

Wednesday of each month at 6:30 p.m. Any other meetings may be called by the Mayor or any three (3) members of the board, with the method of notification of public and any board members who may not be present, to be specified at the same time. The Annual Re-organizational meeting is to be held in conjunction with either the Regular April Board meeting or the April Employees Workshop.

BANK: National Bank and Trust (NBT), Bank of America and Bank of Richmondville are hereby declared the official depositories.

NEWSPAPER: None designated. Policy of the Board is to use the Times Journal for all publications, if possible.

CLERK/TREASURER: Leslie J. Price as Clerk/Treasurer, term starting 6/1/2015. Salary for fiscal 2017-2018 to be \$34,280@ 6/01/17. Clerk/Treasurer authorized to collect Village taxes, water/sewer rents, to buy and have printed necessary stationery, bills, receipts, postage, books and supplies for the operation of the Village office. Also, authorized to have printed all legal notices and hire office help when necessary. Authorized to accept unsigned vouchers/claims, instead of returning for signatures and is Records Management Officer.

DEPUTY CLERK/TREASURER: Sarah Livingston appointment for 2017-2018 official year. May be appointed part-time at the rate of \$15.45 per hour and to work at the discretion of the board upon the recommendation of Clerk/Treasurer

MAYOR: Salary for fiscal year to be \$3,966 paid monthly.

DEPUTY MAYOR: Lawrence Caza

TRUSTEES: Salaries for fiscal year 2017-2018 to be \$2,592 each. Paid monthly

ASSESSOR: Town of Schoharie by Local Law #3, 1986.

ATTORNEY: Michael L. Breen appointed with salary of \$2,700 for fiscal year 2017-2018. Paid monthly.

POLICE CHIEF: Office of Police Chief is vacant due to the retirement of Chief Orelup. No salary designated for fiscal year 2017-2018.

SPECIAL POLICE: Mayor empowered to hire special police at a rate of \$18 per hour for fiscal year 2017-2018.

POLICE COMMISSIONER: Mayor Borst assumes for 2017-2018.

POLICE JUSTICE: Frederick W. Kennedy, Sr., salary of \$6,151 for fiscal year 2017-2018.

ASSOCIATE VILLAGE JUSTICE: Kenneth Knutsen, salary of \$25.00 per week, when services are required.

MILEAGE to be paid at current IRS allowed reimbursement rate. The rate for 2017 is \$0.535 per mile.

SCHOOL CROSSING GUARD: Robert Klingbeil appointed to serve at a salary of \$6,072 for ten months of 2017-2018.

REGISTRAR OF VITAL STATISTICS: Susan Kennedy appointed for fiscal year 2017-2018. Fee basis. Deputy at discretion of Registrar.

PUBLIC WORKS SUPERINTENDENT: William R. Shroh appointed for fiscal year 2017-2018 at a salary of \$56,255.

ASSISTANT SUPERINTENDENT OF PUBLIC WORKS: Michael J. Kennedy appointed at a base pay of \$21.03/Hr. (\$43,746/Yr.) plus OT for fiscal year 2017-2018.

WRITTEN INVESTMENT POLICY reviewed by board and on the motion of Mr. Caza and seconded by Mr. Wood and carried to accept policy with noted changes recommended by Audit & Control. (On file) *Contingent on review of policy at next weeks Employee*

CONFERENCES: Village to join the N.Y. Conference of Mayors, the Schoharie County Village Officers Association, the N.Y.S. Association of City & Village Clerks and the Schoharie County Municipal Clerks Association for fiscal year 2017-2018.

ZONING BOARD OF APPEALS: Appointed for the term ending as follows:

Leonard B. Berdan	2021	Eugene Amedio	2019
Ruth Anne Wilkinson	<u>2017</u>	Ben Cooper	2020
Vacant	2018	Stipend \$25/meeting	

PLANNING BOARD: Appointed for the term ending as follows:

Patricia Putnam	2021	Thomas Smith	2019
Colleen Henry	<u>2017</u>	Michael Meyer-Veen	2020
William Olewnick	2018	Stipend \$25/meeting	

The following Committees appointed by Mayor Borst to report at board meetings for fiscal year 2017-2018.

CABLE T.V. LIASON	Caza	PROMOTIONAL	Palmer
PARKS	Balliett	ROADS	Wood
SIDEWALKS	Wood	FLOOD	Palmer
FIRE DEPT.	Wood	SEWER/WATER	Borst
LIGHTS	Palmer	GRANTS/E.D.	Caza
ZONING & PLANNING	Balliett	YOUTH/REC.	Caza
POLICE	Borst	CENSUS	Balliett

The foregoing designations made by blanket Resolution by Mr. Wood, seconded by Mr. Caza and carried.

IN ACCORDANCE WITH VILLAGE LAW, Village taxes remaining unpaid after diligent effort of the Clerk/Treasurer to collect them to be transferred to the County Treasurer as of November 15, 2017. Motion made by Mr. Caza, seconded by Mr. Ball. Carried unanimously. Also, Clerk and Mayor to sign Tax Warrant for 2017.