

**Authorizing The Construction And Reconstruction Of The Former Sophie Finn Elementary School In The City Of Kingston, In And For The County Of Ulster, New York, At A Maximum Estimated Cost Of \$6,402,315.00, And Authorizing The Issuance Of \$6,402,315.00 Bonds Of Said County To Pay The Cost Thereof**

Referred to: The Ways and Means Committee (Chairman Gerentine and Legislators Bartels, Belfiglio, Briggs, Maio, Maloney, Provenzano, and Rodriguez)

Chairman of the Public Works and Capital Projects Committee, Dean J. Fabiano, and Deputy Chairman Peter M. Loughran offer the following:

WHEREAS, by Resolution No. 365 dated and duly adopted on the date hereof, the County Legislature of the County of Ulster, New York has amended Capital Project No. 370 for the construction and reconstruction of the former Sophie Finn Elementary School in the City of Kingston for use by Ulster County Community College as an Extension Center; and

WHEREAS, the capital project hereinafter described, as proposed, has been determined pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, to not have a significant effect on the environment pursuant to Resolution No. 391 dated December 17, 2013; and

WHEREAS, it is now desired to authorize the financing of such capital project; now, therefore be it

RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the County Legislature of the County of Ulster, New York, as follows:

Section 1. The construction and reconstruction of the former Sophie Finn Elementary School at 94 Mary's Avenue in the City of Kingston, including original equipment, machinery, apparatus, appurtenances, site work, and incidental improvements and expenses in connection therewith, in and for the County of Ulster, New York, for use as an Extension Center for Ulster County Community College, is hereby authorized at a maximum estimated cost of \$6,402,315.

Section 2. It is hereby determined that the plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$6,402,315 bonds of the County hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law; provided, however, that to the extent that any Federal or State or other grants-in-aid or monies are received for such specific object or purpose, the ultimate amount of bonds to be issued pursuant to this resolution shall be reduced dollar for dollar.

**Resolution No. 366      October 21, 2014**

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Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is twenty-five years, pursuant to subdivision 12(a)(1) of paragraph a of Section 11.00 of the Local Finance Law, calculated from the date of issuance of the first obligations issued for the aforesaid specific object or purpose, no previous obligations having been heretofore issued. It is hereby further determined that the period of probable usefulness of preliminary planning and design expenses heretofore authorized by prior bond resolutions dated October 16, 2012 (Bond Resolution No. 262 for \$440,000) and dated June 18, 2013 (Bond Resolution No. 179 for \$160,700) adopted for Capital Project No. 370 is hereby determined to be twenty-five years pursuant to said subdivision 12(a)(1) and said bond resolutions are hereby amended accordingly. The maximum estimated cost of the specific object or purpose herein authorized, including said preliminary expenses, is \$7,003,015.

Section 4. The faith and credit of said County of Ulster, New York, are hereby irrevocable 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 County, 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 Commissioner of Finance, 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 Commissioner of Finance, consistent with the provisions of the Local Finance Law.

Section 6. 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, shall be determined by the Commissioner of Finance, the chief fiscal officer of such County. 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

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contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Commissioner of Finance 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 County 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(s) of such County, together with a notice of the Clerk of the County Legislature in substantially the form provided in Section 81.00 of the Local Finance Law,

and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 23                      NOES: 0

Passed Committee: Ways and Means on October 21, 2014

FINANCIAL IMPACT:  
\$6,402,315.00– ADDITIONAL SERIAL BONDS

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STATE OF NEW YORK

ss:

COUNTY OF ULSTER

This is to certify that I, the undersigned Clerk of the Legislature of the County of Ulster have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 21<sup>st</sup> Day of October, 2014, and that the same is a true and correct transcript of said resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 22<sup>nd</sup> Day of October in the year Two Thousand and Fourteen.

|s| Victoria A. Fabella  
Victoria A. Fabella, Clerk  
Ulster County Legislature

Submitted to the County Executive this  
22<sup>nd</sup> Day of October, 2014.

Approved by the County Executive this  
\_\_\_\_\_Day of October, 2014.

|s| Victoria A. Fabella  
Victoria A. Fabella, Clerk  
Ulster County Legislature

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Michael P. Hein, County Executive