

AUTHORIZING THE ISSUANCE OF \$250,000.00 SERIAL BONDS OF THE COUNTY OF ULSTER, NEW YORK, TO PAY THE COUNTY'S SHARE OF THE COST OF THE CONSTRUCTION OF DRAINAGE FACILITIES AND ADDITIONAL COSTS OF THE COUNTY'S SHARE OF THE COST OF THE CONSTRUCTION OF ROADS AND SANITARY SEWER AND WATER MAINS TO SERVE THE KINGSTON BUSINESS PARK – SECOND SITE

The Economic Development / Education, Tourism and Cultural Affairs Committee (Chairman Harris and Legislators Cummings, Felicello, Roberti, Bartels, Loughran and Zimet) offers the following:

WHEREAS, Chapter 208 of the Laws of 2000 (the "Act") authorizes the County of Ulster, New York, to acquire, construct, operate and maintain roads, sewage collection and disposal facilities, solid waste collection and disposal facilities, water supply facilities and drainage facilities to serve an industrial project as defined in the Act, subject to specified conditions and requirements contained therein, and authorizes said County to contract indebtedness for certain of such purposes, including, without limitation, the construction of drainage facilities, roads and sanitary sewer and water mains, and

WHEREAS, the Kingston Business Park – Second Site is an "Industrial Site" as defined in Section 2(c) of the Act, and

WHEREAS, the County has adopted guidelines for the Shovel Ready Fund (the "Guidelines"), the program authorized by the Act, and an application relating to the construction of drainage facilities, roads and sanitary sewer and water mains for the Kingston Business Park – Second Site has been made in accordance with the Act and Guidelines, and

WHEREAS, all conditions precedent to the construction of such drainage facilities, roads and sanitary sewer and water mains, including compliance with the State Environmental Quality Review Act and the regulations promulgated thereunder have been complied with, and

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WHEREAS, by bond resolution dated May 9, 2002, the County Legislature of the County of Ulster, New York, authorized the issuance of \$100,000.00 serial bonds of said County to pay the cost of the County's share of the construction of roads and sanitary sewer and water mains to serve the Kingston Business Park – Second Site, in accordance with the Act and the Guidelines, as more fully described in the preambles hereof, in and for the County, and

WHEREAS, it has now been determined that the construction of drainage facilities is also required and that the County's share of the cost of such drainage facilities, roads and sanitary sewer and water mains is \$350,000.00, and

WHEREAS, it is now desired to authorize the issuance of an additional \$250,000.00 serial bonds of such County to fund its share of the cost of the construction of drainage facilities, roads and sanitary sewer and water mains for the Kingston Business Park – Second Site, which drainage facilities, roads and sanitary sewer and water mains shall be owned by the County and maintained by others pursuant to the Act and the Guidelines and agreements relating thereto,

RESOLVED, by the County Legislature of the County of Ulster, New York, as follows:

Section 1. For the specific object or purpose of paying part of the County's share of the cost of the construction of drainage facilities, roads and sanitary sewer and water mains to serve the Kingston Business Park – Second Site, in accordance with the Act and the Guidelines, as more fully described in the preambles hereof, there are hereby authorized to be issued an additional \$250,000.00 serial bonds of said County, pursuant to the provisions of the Local Finance Law.

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Section 2. It is hereby determined that the maximum estimated cost of such specific object or purpose is now determined to be \$350,000.00, and that the plan for the financing thereof is as follows:

- a. By the issuance of the \$100,000.00 serial bonds of said County authorized to be issued pursuant to bond resolution dated May 9, 2002, and
- b. By the issuance of the additional \$250,000.00 serial bonds of said County authorized to be issued pursuant to this bond resolution;

It is hereby further determined that the maximum estimated cost of the aforesaid construction of drainage facilities, roads and sanitary sewer and water mains is \$840,000.00, and that \$490,000.00 will be paid by persons other than the County of Ulster.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen years, pursuant to subdivision 91 of paragraph a of Section 11.00 of the Local Finance Law, it being determined that each of the aforesaid drainage facilities, roads, sanitary sewer and water main projects has an individual period of probable usefulness of at least fifteen years.

Section 4. The faith and credit of said County of Ulster, New York, are hereby irrevocably pledged to 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 in said County a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

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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 County 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 County Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the County of Ulster, New York, by the manual or facsimile signature of the County Treasurer and a facsimile of the corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the County Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the County Treasurer, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of the County; provided, however, that in the exercise of these delegated powers, he 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 County 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.

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Section 8. All other matters, except as provided herein relating to such bonds including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto including prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the County by the facsimile signature of the County Treasurer and, providing for the manual countersignature of a fiscal agent or of a designated official of the County), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the County Treasurer. It is hereby determined that it is to the financial advantage of the County not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. 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 52.00 of the Local Finance Law, as the County Treasurer shall determine.

Section 9. 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.

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Section 10. 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 11. This resolution, which takes effect immediately, shall be published in full in the Saugerties Post Star and the Woodstock Times, the official newspapers 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:

NOES:

FINANCIAL IMPACT:
\$250,000.00 – SERIAL BONDS

0614

WITHDRAWN BY SPONSOR

