

VILLAGE OF NYACK
BOARD OF TRUSTEES
PUBLIC MEETING AGENDA

July 14th, 2016
7:30pm
9 North Broadway
Nyack, NY 10960

Pledge of Allegiance

“Nyack Thanks”

Adoption of Minutes – Regular Meeting – June 20th, 2016

Public Comment – (*Discussion of Action Items only – 3 minute time limit*)

Action Items:

Resolution No. 2016 – 43 – Resolution of the Nyack Village Board conditionally approving the request of Work Plan of Edward Mistretta to close a portion of Main Street to accommodate Construction Activities.

Resolution No. 2016 – 44 – Resolution of the Nyack Village Board approving the event sponsored by the Silver Springs Vineyard Church.

Resolution No. 2016 – 45 - Resolution of the Nyack Village Board to Renew the Contract with Brooker Engineering, PLLC, for the 2016 MS4 Annual report (and Authorizing the filing of the annual report).

Resolution No. 2016 – 46 – Bond Resolution of the Nyack Village Board authorizing the construction of improvements to the Senior Center, stating the estimated maximum cost thereof is \$175,000, appropriating said amount for such purpose, including the expenditure of \$125,000 in grant funds to pay part of the said appropriation and authorizing the issuance of bonds in the principle amount of \$50,000 to finance the balance of said appropriation.

Resolution No. 2016 – 47 – Bond Resolution of the Nyack Village Board authorizing the construction of sidewalk improvements on Midland Avenue, stating the estimated cost thereof is \$182,209, appropriating said

amount for such purpose, and authorizing the issuance of bonds in the principle amount of \$182,209 to finance said appropriation.

Resolution No. 2016 – 48 – Bond Resolution of the Nyack Village Board authorizing the construction of drainage improvements on Midland Avenue, stating the estimated maximum cost thereof is \$72,326, appropriating said amount for such purpose, and authorizing the issuance of bonds in the principle amount of \$72,326 to finance said appropriation.

Resolution No. 2016 – 49 – Bond Resolution of the Nyack Village Board authorizing the authorizing the repaving of Midland Avenue, stating the estimated maximum cost thereof is \$272,700 appropriating said amount for such purpose, and authorizing the issuance of bonds in the principle amount of \$272,700 to finance said appropriation.

Resolution No. 2016 – 50 - Bond Resolution of the Nyack Village Board authorizing the construction of sidewalk improvements on Broadway as part of a larger improvement program, stating the estimated maximum cost thereof is \$500,000 appropriating said amount for such purpose, and authorizing the issuance of bonds in the principle amount of \$500,000 to finance said appropriation.

Resolution No. 2016 – 51 – Bond Resolution of the Nyack Village Board authorizing the construction of a New Gazebo at Memorial Park, stating the estimated maximum cost thereof is \$200,000 appropriating said amount for such purpose, and authorizing the issuance of bonds in the principle amount of \$200,000 to finance said appropriation.

Resolution No. 2016 – 52 – Bond Resolution of the Nyack Village Board authorizing the construction of a Footbridge, stating the estimated maximum cost thereof is \$344,000, appropriating said amount for such purpose, including the expenditure of \$194,000 in grant funds to pay part of the said appropriation and authorizing the issuance of bonds in the principle amount of \$150,000 to finance the balance of said appropriation.

Resolution No. 2016 – 53 – Resolution of the Nyack Village Board to endorse the Edward Hopper House Art Center in its application to the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) for a grant under the Environmental Protection Fund for a park project to be located at 82 North Broadway, a site located within the territorial jurisdiction of this Board of Trustees.

Public Comment – (Open Public Discussion/Any Topic – 3 minute time limit)

Public Hearing: None.

Department Reports to the Board of Trustees

- Orangetown Police Department
- Village Administrator
- Village Attorney
- Village Clerk
- Village Planner

Old Business

- Land Use Technical Committee
- Vendor Applications/process
- Nyack Marina/Restaurant

Communications

- Nyack Hospital Foundation request for the use of certain roads for their Annual Blow Away Breast Cancer Run & walk on Sunday, October 9th, 2016, from 8:00am to 10:30am.

–

New Business

Public Comment (Open Public Discussion/Any Topic – 3 Minute Time Limit)

Comments from the Board of Trustees

Executive Session

- Personnel
- Pending Litigation

Adjournment

RESOLUTION OF THE NYACK VILLAGE BOARD

A Meeting of the Nyack Village Board was convened on July 14, 2106, at 7:30 p.m.
The following resolution was duly offered and seconded, to wit:

Resolution No. 2016 - 43

RESOLUTION OF THE NYACK VILLAGE BOARD CONDITIONALLY APPROVING THE REQUEST OF WORK PLAN OF EDWARD MISTRETТА TO CLOSE A PORTION OF MAIN STREET TO ACCOMMODATE CONSTRUCTION ACTIVITIES

WHEREAS, Edward Mistretta (the “Applicant”) has requested permission to close a portion of Main Street to accommodate construction activity associated with his plan to construct a multi-family dwelling on upper Main Street; and

WHEREAS, the Applicant has secured approval of his proposal from various municipal/ governmental/private entities which may be affected by the closure (including but not limited to NYS D.O.T., TZ Express, TOR Bus, Enhanced 911, Nyack Fire District, Nyack EMS, Nyack Chamber of Commerce – as detailed in correspondence submitted to the Village Board of Trustees on June 20, 2016); and

WHEREAS, the Village Board of Trustees has expressed a desire to grant the Applicant’s request on the specific condition that the date(s) of the proposed closure are brought to the Village Board for approval.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE
NYACK VILLAGE BOARD AS FOLLOWS:

That the Nyack Village Board hereby approves the request of Edward Mistretta to close a portion of Main Street to accommodate construction activity associated with his plan to construct a multi-family dwelling on upper Main Street; and

BE IT FURTHER RESOLVED that the approval granted herein is conditioned upon the Applicant providing insurance certificates naming the Village as an additional insured in a form acceptable to the Village Attorney, and upon the Applicant providing the Village Board with the exact date(s) for the proposed closure and obtaining Board approval of those dates prior to the closures taking place; and

BE IT FURTHER RESOLVED that the Village Board directs the Village Clerk to interface with the Applicant to secure all necessary permits and insurance certificates associated with this approval.

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

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
_____	[]	[]	[]	[]
_____	[]	[]	[]	[]
_____	[]	[]	[]	[]
_____	[]	[]	[]	[]
_____	[]	[]	[]	[]

Mary E. White, Village Clerk

RESOLUTION OF THE NYACK VILLAGE BOARD

A Meeting of the Nyack Village Board was convened on July 14, 2106, at 7:30 p.m.
The following resolution was duly offered and seconded, to wit:

Resolution No. 2016 - 44

**RESOLUTION OF THE NYACK VILLAGE BOARD
APPROVING THE EVENT SPONSORED BY THE SILVER SPRINGS VINEYARD
CHURCH**

WHEREAS, the Silver Springs Vineyard Church has requested permission to utilize Memorial Park on September 10, 2016 (with a rain date of Saturday September 17, 2016) for an community event entitled “Not Your Momma’s Church Music Festival”; and

WHEREAS, the Village Board of Trustees is desirous of supporting this community event;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NYACK VILLAGE BOARD AS FOLLOWS:

That the Nyack Village Board hereby approves the use of Memorial Park on Saturday September 10, 2016 (with a rain date of Saturday September 17, 2016) by the Silver Springs Vineyard Church for an event entitled “Not Your Momma’s Church Music Festival”.

BE IT FURTHER RESOLVED that the Village Board directs the Village Clerk to interface with Silver Springs Vineyard Church representatives to secure all necessary permits and insurance certificates associated with this approval.

BE IT FURTHER RESOLVED that the Applicant is directed to comply with all Village ordinances, including but not limited to the Village Noise Ordinance.

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

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
_____	[]	[]	[]	[]
_____	[]	[]	[]	[]

_____	[]	[]	[]	[]
_____	[]	[]	[]	[]
_____	[]	[]	[]	[]

Mary E. White, Village Clerk

RESOLUTION OF THE NYACK VILLAGE BOARD

A regular meeting of the Nyack Village Board was convened on July 14, 2016, at 7:30 p.m.

The following resolution was duly offered and seconded, to wit:

Resolution No. 2016 - 45

**RESOLUTION OF THE NYACK VILLAGE BOARD
TO RENEW THE CONTRACT WITH BROOKER ENGINEERING, PLLC FOR
THE 2016 MS4 ANNUAL REPORT (AND AUTHORIZING THE FILING OF
THE REPORT)**

WHEREAS, the Village of Nyack has previously contracted with Brooker Engineering, PLLC (“the Vendor”) to provide the New York State required MS4 Annual Report for the Village; and

WHEREAS, the Vendor has proposed to renew the contract for the 2016 Report;

WHEREAS, the Village Attorney has reviewed the contract for form and content, and has approved the same.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NYACK VILLAGE BOARD AS FOLLOWS:

That the Nyack Village Board hereby renews the contract with Brooker Engineering, PLLC production of the 2016 MS4 Annual Report, due June 1, 2016, in the amount of \$1200.00, and that the Nyack Village Board hereby approves the MS4 Report and authorizes the Village Engineer to file same as required by law.

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

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
_____	[]	[]	[]	[]
_____	[]	[]	[]	[]
_____	[]	[]	[]	[]
_____	[]	[]	[]	[]
_____	[]	[]	[]	[]

Mary E. White, Village Clerk



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FAX: 212-514-8425 NEW YORK, NY 10005
WWW.HAWKINS.COM

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NEWARK
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PORTLAND
ANN ARBOR

(212) 820-9662

July 1, 2016

Village of Nyack, New York
\$50,000 Bonds for Improvements to the Senior Center
(Our File Designation: 5696/40887)

Mr. James Politi
Village Administrator
Village of Nyack
9 North Broadway
Nyack, New York 10960-2697

Dear Jim:

Pursuant to your request, I have prepared the attached draft Extract of Minutes of the Board of Trustees meeting to be held on July 14, 2016, showing adoption of the bond resolution authorizing the above bonds.

Please note that adoption of the bond resolution requires at least a two-thirds vote of the entire membership of the Board of Trustees, without taking into account any temporary absences or vacancies. Therefore, four affirmative votes are required for adoption.

Section 7 of the resolution contains the notice of permissive referendum for publication in the official Village newspaper and posting in six (6) locations throughout the Village, and in each Village polling place, within ten (10) days after adoption thereof. The draft

Affidavit of Posting to be executed by the Village Clerk, is also attached. A copy of the notice, as posted, should be attached to this Affidavit.

Please obtain and forward to me a certified copy of the Extract of Minutes, an executed Affidavit of Posting and an original Affidavit of Publication from the newspaper. Upon receipt of such items we shall forward the additional documents required with respect to the estoppel publication of the bond resolution.

With best regards, I am

Very truly yours,

A handwritten signature in black ink that reads "Robert P. Smith". The signature is written in a cursive style with a large initial "R" and "S".

Robert P. Smith

RPS/ml

Enclosures

cc: John Pintos

Mary E. White

EXTRACT OF MINUTES

Meeting of the Board of Trustees of the

Village of Nyack, in the

County of Rockland, New York

July 14, 2016

* * *

A regular meeting of the Board of Trustees of the Village of Nyack, New York, was held at the Village Hall, 9 North Broadway, Nyack, New York, on July 14, 2016.

There were present: Hon. Jen White, Mayor; and
Trustees:

There were absent:

Also present: John Pintos, Village Treasurer
Mary E. White, Village Clerk

_____ offered the following **Resolution 2016 -46** and moved
its adoption:

* * *

BOND RESOLUTION OF THE VILLAGE OF NYACK, NEW YORK,
ADOPTED JULY 14, 2016, AUTHORIZING THE CONSTRUCTION OF
IMPROVEMENTS TO THE SENIOR CENTER, STATING THE
ESTIMATED MAXIMUM COST THEREOF IS \$175,000,
APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE,
INCLUDING THE EXPENDITURE OF \$125,000 IN GRANT FUNDS
TO PAY A PART OF SAID APPROPRIATION AND AUTHORIZING
THE ISSUANCE OF BONDS IN THE PRINCIPAL AMOUNT OF
\$50,000 TO FINANCE THE BALANCE SAID APPROPRIATION

THE BOARD OF TRUSTEES OF THE VILLAGE OF NYACK, IN THE
COUNTY OF ROCKLAND, NEW YORK, HEREBY RESOLVES (by the favorable vote of not
less than two-thirds of all the members of said Board of Trustees) AS FOLLOWS:

Section 1. The Village of Nyack, in the County of Rockland, New York (herein
called the "Village"), is hereby authorized to construct improvements to the Senior Center. The
estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the
financing thereof, is \$175,000 and said amount is hereby appropriated for such purpose. The
plan of financing includes the expenditure of \$125,000 in grant funds to pay a part of said
appropriation, the issuance of bonds in the principal amount of \$50,000 to finance the balance of
said appropriation, and the levy and collection of taxes on all the taxable real property in the
Village to pay the principal of said bonds and the interest thereon as the same shall become due
and payable.

Section 2. Bonds of the Village in the principal amount of \$50,000 are hereby
authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter

33-a of the Consolidated Laws of the State of New York (herein called the “Law”), to finance a part of said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness of the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 12 (a) (2) of the Law, is fifteen (15) years.

(b) The proceeds of the bonds herein authorized, and any bond anticipation notes issued in anticipation of said bonds, may be applied to reimburse the Village for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the Village, payable as to both principal and interest by general tax upon all the taxable real property within the Village. The faith and credit of the Village are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Village by appropriation for (a) the

amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 of the Law 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 Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Board of Trustees relative to authorizing bond anticipation notes and prescribing the terms, form and contents and 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 bond anticipation notes, and as to the execution of agreements for credit enhancements, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Village is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, 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

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to a permissive referendum and the Village Clerk is hereby authorized and directed, within ten (10) days after the adoption hereof, to

cause to be published, in full, in the "*Journal News*," a newspaper having general circulation in said Village and hereby designated the official newspaper of the Village for such publication, and posted in at least six (6) public places and in each polling place in the Village, a Notice in substantially the following form:

VILLAGE OF NYACK, NEW YORK

PLEASE TAKE NOTICE that on July 14, 2016, the Board of Trustees of the Village of Nyack, in the County of Rockland, New York, adopted the bond resolution entitled:

“Bond Resolution of the Village of Nyack, New York, adopted July 14, 2016, authorizing the construction of improvements to the Senior Center, stating the estimated maximum cost thereof is \$175,000; appropriating said amount for such purpose, including the expenditure of \$125,000 in grant funds to pay a part of said appropriation and authorizing the issuance of bonds in the principal amount of \$50,000 to finance the balance said appropriation,”

an abstract of such bond resolution concisely stating the purpose and effect thereof, being as

follows:

FIRST: AUTHORIZING the Village of Nyack to construct improvements to the Senior Center; STATING the estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$1750,000; APPROPRIATING said amount for such purpose; and STATING the plan of financing includes the expenditure of \$125,000 in grant funds to pay a part of said appropriation, the issuance of bonds in the principal amount of \$50,000 to finance the balance of said appropriation, and the levy of a tax upon all the taxable real property within the Village to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of bonds in the principal amount of \$50,000 pursuant to the Local Finance Law of the State of New York (the “Law”) to finance a part of said appropriation;

THIRD: DETERMINING and STATING that (a) the period of probable usefulness of the object or purpose for which the bonds are authorized is fifteen (15) years; (b) the proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Village for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized; and (c) the proposed maturity of said bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Village; and PLEDGING to their payment the faith and credit of the Village;

FIFTH: DELEGATING to the Village Treasurer the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: July 14, 2016

MARY E. WHITE
Village Clerk

Section 8. The Village Clerk is hereby authorized and directed to cause a summary of this Bond Resolution to be published after this Bond Resolution shall take effect, in the newspaper referred to in Section 7 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

* * *

The adoption of the foregoing resolution was seconded by _____

and duly put to a vote on roll call, which resulted as follows:

AYES:

NOES:

The resolution was declared adopted.

CERTIFICATE

I, MARY E. WHITE, Village Clerk of the Village of Nyack, in the County of Rockland, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Board of Trustees of said Village of Nyack duly called and held on July 14, 2016, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Board of Trustees and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Village of Nyack this 14th day of July, 2016.

(SEAL)

Village Clerk

AFFIDAVIT OF POSTING

STATE OF NEW YORK)
 :ss:
COUNTY OF ROCKLAND)

MARY E. WHITE, being duly sworn, deposes and says:

That she is and at all times hereinafter mentioned she was the duly elected, qualified and acting Village Clerk of the Village of Nyack, in the County of Rockland, State of New York;

That on July _____, 2016, she has caused to be conspicuously posted and fastened up in the following places, a Notice setting forth an abstract of the bond resolution duly adopted by the Board of Trustees on July 14, 2016, a copy of which is annexed hereto and made a part hereof, said places constituting at least six (6) of the most conspicuous public places in said Village, and at least one (1) copy in each polling place in said Village:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

Village Clerk

Subscribed and sworn to before me
this _____ day of _____, 2016.

Notary Public, State of New York

(212) 820-9662

August 11, 2016

Village of Nyack, New York
\$50,000 Bonds for Improvements to the Senior Center
(Our File Designation: 5696/40887)

Mary E. White
Village Clerk
Village of Nyack
9 North Broadway
Nyack, New York 10960-2697

Dear Mary:

The bond resolution authorizing the above bonds takes effect thirty (30) days after its adoption and is to be published, in summary, in the official newspaper together with a statutory form of notice, thereby commencing a 20-day statute of limitations period pursuant to the provisions of Section 80.00 *et seq.* of the Local Finance Law.

With reference thereto, I have attached the following:

- (a) Certificate of No Referendum
- (b) Summary of the bond resolution with the prescribed form of Clerk's statutory notice affixed in readiness for publication

Please send me an executed copy of the Certificate of No Referendum and an original Affidavit of Publication, when available.

With best regards, I am

Very truly yours,



Robert P. Smith

RPS/ml
Enclosures

CERTIFICATE OF NO REFERENDUM

I, MARY E. WHITE, Village Clerk of the Village of Nyack, in the County of Rockland, State of New York, HEREBY CERTIFY as follows:

That the bond resolution of the Board of Trustees of the Village of Nyack, in the County of Rockland, State of New York, entitled:

“Bond Resolution of the Village of Nyack, New York, adopted July 14, 2016, authorizing the construction of improvements to the Senior Center, stating the estimated maximum cost thereof is \$175,000, appropriating said amount for such purpose, including the expenditure of \$125,000 in grant funds to pay a part of said appropriation and authorizing the issuance of bonds in the principal amount of \$50,000 to finance the balance said appropriation,”

was adopted July 14, 2016, and that the notice setting forth the date of adoption of the resolution and containing an abstract of said resolution which concisely stated the purpose and effect thereof, was duly posted and published as required by law.

That no petition signed and acknowledged by the electors of the Village protesting against said resolution and requesting that said resolution be submitted to the electors of the Village for their approval or disapproval has been filed with the Village Clerk within thirty days after the date of the adoption thereof, or at any other time since said adoption.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Village this ____ day of August, 2016.

(SEAL)

Village Clerk

(NOTICE AND SUMMARY OF RESOLUTION FOR PUBLICATION)

NOTICE

The resolution, a summary of which is published herewith, has been adopted on July 14, 2016, and an abstract thereof has been published and posted as required by law and the period of time has elapsed for the submission and filing of a petition for a permissive referendum and a valid petition has not been submitted and filed. The validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the Village of Nyack, in the County of Rockland, New York, is not authorized to expend money or 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 the notice, or such obligations were authorized in violation of the provisions of the constitution.

MARY E. WHITE
Village Clerk

BOND RESOLUTION OF THE VILLAGE OF NYACK, NEW YORK, ADOPTED JULY 14, 2016, AUTHORIZING THE CONSTRUCTION OF IMPROVEMENTS TO THE SENIOR CENTER, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$175,000; APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, INCLUDING THE EXPENDITURE OF \$125,000 IN GRANT FUNDS TO PAY A PART OF SAID APPROPRIATION AND AUTHORIZING THE ISSUANCE OF BONDS IN THE PRINCIPAL AMOUNT OF \$50,000 TO FINANCE THE BALANCE SAID APPROPRIATION

The object or purpose for which the bonds are authorized is the construction of improvements to the Senior Center, at the estimated maximum cost of \$175,000.

The maximum amount of obligations authorized to be issued is \$50,000, with the \$125,000 balance of the cost to be paid from grant funds.

The period of probable usefulness is fifteen (15) years.

A complete copy of the Bond Resolution summarized above shall be available for public inspection during normal business hours at the office of the Village Clerk, at the Village Hall, 9 North Broadway, Nyack, New York.



PHONE: 212-820-9300
FAX: 212-514-8425

28 LIBERTY STREET
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PORTLAND
ANN ARBOR

(212) 820-9662 July 1, 2016 Village of Nyack, New York
\$182,209 Bonds for Sidewalk Improvements on Midland Avenue
(Our File Designation: 5696/40887)

Mr. James Politi
Village Administrator
Village of Nyack
9 North Broadway
Nyack, New York 10960-2697

Dear Jim:

Pursuant to your request, I have prepared the attached draft Extract of Minutes of the Board of Trustees meeting to be held on July 14, 2016, showing adoption of the bond resolution authorizing the above bonds.

Please note that adoption of the bond resolution requires at least a two-thirds vote of the entire membership of the Board of Trustees, without taking into account any temporary absences or vacancies. Therefore, four affirmative votes are required for adoption.

Section 7 of the resolution contains the notice of permissive referendum for publication in the official Village newspaper and posting in six (6) locations throughout the Village, and in each Village polling place, within ten (10) days after adoption thereof. The draft Affidavit of Posting to be executed by the Village Clerk, is also attached. A copy of the notice, as posted, should be attached to this Affidavit.

Please obtain and forward to me a certified copy of the Extract of Minutes, an executed Affidavit of Posting and an original Affidavit of Publication from the newspaper. Upon receipt of such items we shall forward the additional documents required with respect to the stoppel publication of the bond resolution.

With best regards, I am

Very truly yours,

A handwritten signature in black ink that reads "Robert P. Smith". The signature is written in a cursive style with a large, stylized initial "R".

Robert P. Smith

RPS/ml

Enclosures

cc: John Pintos

Mary E. White

EXTRACT OF MINUTES

Meeting of the Board of Trustees of the

Village of Nyack, in the

County of Rockland, New York

July 14, 2016

* * *

A regular meeting of the Board of Trustees of the Village of Nyack, New York, was held at the Village Hall, 9 North Broadway, Nyack, New York, on July 14, 2016.

There were present: Hon. Jen White, Mayor; and
Trustees:

There were absent:

Also present: John Pintos, Village Treasurer
Mary E. White, Village Clerk

_____ offered the following **Resolution 2016 -47** and moved
its adoption:

* * *

BOND RESOLUTION OF THE VILLAGE OF NYACK, NEW YORK,
ADOPTED JULY 14, 2016, AUTHORIZING THE CONSTRUCTION OF
SIDEWALK IMPROVEMENTS ON MIDLAND AVENUE, STATING
THE ESTIMATED MAXIMUM COST THEREOF IS \$182,209,
APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND
AUTHORIZING THE ISSUANCE OF BONDS IN THE PRINCIPAL
AMOUNT OF \$182,209 TO FINANCE SAID APPROPRIATION

THE BOARD OF TRUSTEES OF THE VILLAGE OF NYACK, IN THE
COUNTY OF ROCKLAND, NEW YORK, HEREBY RESOLVES (by the favorable vote of not
less than two-thirds of all the members of said Board of Trustees) AS FOLLOWS:

Section 1. The Village of Nyack, in the County of Rockland, New York (herein
called the "Village"), is hereby authorized to construct sidewalk improvements on Midland
Avenue. The estimated maximum cost thereof, including preliminary costs and costs incidental
thereto and the financing thereof, is \$182,209 and said amount is hereby appropriated for such
purpose. The plan of financing includes the issuance of bonds in the principal amount of
\$182,209 to finance said appropriation and the levy and collection of taxes upon all the taxable
real property in the Village to pay the principal of said bonds and the interest thereon as the same
shall become due and payable.

Section 2. Bonds of the Village in the principal amount of \$182,209 are hereby
authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter
33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance
said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness of the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 24 of the Law, is ten (10) years.

(b) The proceeds of the bonds herein authorized, and any bond anticipation notes issued in anticipation of said bonds, may be applied to reimburse the Village for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the Village, payable as to both principal and interest by general tax upon all the taxable real property within the Village. The faith and credit of the Village are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Village by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 of the Law 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 Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Board of Trustees relative to authorizing bond anticipation notes and prescribing the terms, form and contents and 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 bond anticipation notes, and as to the execution of agreements for credit enhancements, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Village is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, 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

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to a permissive referendum and the Village Clerk is hereby authorized and directed, within ten (10) days after the adoption hereof, to cause to be published, in full, in the "*Journal News*," a newspaper having general circulation in said Village and hereby designated the official newspaper of the Village for such publication, and

posted in at least six (6) public places and in each polling place in the Village, a Notice in substantially the following form:

VILLAGE OF NYACK, NEW YORK

PLEASE TAKE NOTICE that on July 14, 2016, the Board of Trustees of the Village of Nyack, in the County of Rockland, New York, adopted the bond resolution entitled:

“Bond Resolution of the Village of Nyack, New York, adopted July 14, 2016, authorizing the construction of sidewalk improvements on Midland Avenue, stating the estimated maximum cost thereof is \$182,209, appropriating said amount for such purpose, and authorizing the issuance of bonds in the principal amount of \$182,209 to finance said appropriation,”

an abstract of such bond resolution concisely stating the purpose and effect thereof, being as follows:

FIRST: AUTHORIZING the Village of Nyack to construct sidewalk improvements on Midland Avenue; STATING the estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$182,209; APPROPRIATING said amount for such purpose; and STATING the plan of financing includes the issuance of bonds in the principal amount of \$182,209 to finance said appropriation, and the levy of taxes upon all the taxable real property within the Village to pay the principal of said bonds and the interest thereon;

SECOND: AUTHORIZING the issuance of bonds in the principal amount of \$182,209 pursuant to the Local Finance Law of the State of New York (the “Law”) to finance said appropriation;

THIRD: DETERMINING and STATING that (a) the period of probable usefulness of the object or purpose for which the bonds are authorized is ten (10) years; (b) the proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Village for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized; and (c) the proposed maturity of said bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Village; and PLEDGING to their payment the faith and credit of the Village;

FIFTH: DELEGATING to the Village Treasurer the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: July 14, 2016

MARY E. WHITE
Village Clerk

Section 8. The Village Clerk is hereby authorized and directed to cause a summary of this Bond Resolution to be published after this Bond Resolution shall take effect, in the newspaper referred to in Section 7 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

* * *

The adoption of the foregoing resolution was seconded by _____

and duly put to a vote on roll call, which resulted as follows:

AYES:

NOES:

The resolution was declared adopted.

CERTIFICATE

I, MARY E. WHITE, Village Clerk of the Village of Nyack, in the County of Rockland, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Board of Trustees of said Village of Nyack duly called and held on July 14, 2016, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Board of Trustees and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Village of Nyack this 14th day of July, 2016.

(SEAL)

Village Clerk

AFFIDAVIT OF POSTING

STATE OF NEW YORK)
 :ss:
COUNTY OF ROCKLAND)

MARY E. WHITE, being duly sworn, deposes and says:

That she is and at all times hereinafter mentioned she was the duly elected, qualified and acting Village Clerk of the Village of Nyack, in the County of Rockland, State of New York;

That on July _____, 2016, she has caused to be conspicuously posted and fastened up in the following places, a Notice setting forth an abstract of the bond resolution duly adopted by the Board of Trustees on July 14, 2016, a copy of which is annexed hereto and made a part hereof, said places constituting at least six (6) of the most conspicuous public places in said Village, and at least one (1) copy in each polling place in said Village:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

Village Clerk

Subscribed and sworn to before me
this _____ day of _____, 2016.

Notary Public, State of New York

(212) 820-9662

August 11, 2016

Village of Nyack, New York
\$182,209 Bonds for Sidewalk Improvements on Midland Avenue
(Our File Designation: 5696/40887)

Mary E. White
Village Clerk
Village of Nyack
9 North Broadway
Nyack, New York 10960-2697

Dear Mary:

The bond resolution authorizing the above bonds takes effect thirty (30) days after its adoption and is to be published, in summary, in the official newspaper together with a statutory form of notice, thereby commencing a 20-day statute of limitations period pursuant to the provisions of Section 80.00 *et seq.* of the Local Finance Law.

With reference thereto, I have attached the following:

- (a) Certificate of No Referendum
- (b) Summary of the bond resolution with the prescribed form of Clerk's statutory notice affixed in readiness for publication

Please send me an executed copy of the Certificate of No Referendum and an original Affidavit of Publication, when available.

With best regards, I am

Very truly yours,



Robert P. Smith

RPS/ml
Enclosures

CERTIFICATE OF NO REFERENDUM

I, MARY E. WHITE, Village Clerk of the Village of Nyack, in the County of Rockland, State of New York, HEREBY CERTIFY as follows:

That the bond resolution of the Board of Trustees of the Village of Nyack, in the County of Rockland, State of New York, entitled:

“Bond Resolution of the Village of Nyack, New York, adopted July 14, 2016, authorizing the construction of sidewalk improvements on Midland Avenue, stating the estimated maximum cost thereof is \$182,209, appropriating said amount for such purpose, and authorizing the issuance of bonds in the principal amount of \$182,209 to finance said appropriation,”

was adopted July 14, 2016, and that the notice setting forth the date of adoption of the resolution and containing an abstract of said resolution which concisely stated the purpose and effect thereof, was duly posted and published as required by law.

That no petition signed and acknowledged by the electors of the Village protesting against said resolution and requesting that said resolution be submitted to the electors of the Village for their approval or disapproval has been filed with the Village Clerk within thirty days after the date of the adoption thereof, or at any other time since said adoption.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Village this ____ day of August, 2016.

(SEAL)

Village Clerk

(NOTICE AND SUMMARY OF RESOLUTION FOR PUBLICATION)

NOTICE

The resolution, a summary of which is published herewith, has been adopted on July 14, 2016, and an abstract thereof has been published and posted as required by law and the period of time has elapsed for the submission and filing of a petition for a permissive referendum and a valid petition has not been submitted and filed. The validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the Village of Nyack, in the County of Rockland, New York, is not authorized to expend money or 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 the notice, or such obligations were authorized in violation of the provisions of the constitution.

MARY E. WHITE
Village Clerk

BOND RESOLUTION OF THE VILLAGE OF NYACK, NEW YORK,
ADOPTED JULY 14, 2016, AUTHORIZING THE CONSTRUCTION OF
SIDEWALK IMPROVEMENTS ON MIDLAND AVENUE, STATING
THE ESTIMATED MAXIMUM COST THEREOF IS \$182,209,
APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND
AUTHORIZING THE ISSUANCE OF BONDS IN THE PRINCIPAL
AMOUNT OF \$182,209 TO FINANCE SAID APPROPRIATION

The object or purpose for which the bonds are authorized is the construction of sidewalk improvements on Midland Avenue, at the estimated maximum cost of \$182,209.

The maximum amount of obligations authorized to be issued is \$182,209.

The period of probable usefulness is ten (10) years.

A complete copy of the Bond Resolution summarized above shall be available for public inspection during normal business hours at the office of the Village Clerk, at the Village Hall, 9 North Broadway, Nyack, New York.

Resolution No. 2016-48



PHONE: 212-820-9300
FAX: 212-514-8425

28 LIBERTY STREET
NEW YORK, NY 10005
WWW.HAWKINS.COM

NEW YORK
WASHINGTON
NEWARK
HARTFORD
LOS ANGELES
SACRAMENTO
SAN FRANCISCO
PORTLAND
ANN ARBOR

(212) 820-9662 July 1, 2016 Village of Nyack, New York
\$72,326 Bonds for Drainage Improvements on Midland Avenue
(Our File Designation: 5696/40887)

Mr. James Politi
Village Administrator
Village of Nyack
9 North Broadway
Nyack, New York 10960-2697

Dear Jim:

Pursuant to your request, I have prepared the attached draft Extract of Minutes of the Board of Trustees meeting to be held on July 14, 2016, showing adoption of the bond resolution authorizing the above bonds.

Please note that adoption of the bond resolution requires at least a two-thirds vote of the entire membership of the Board of Trustees, without taking into account any temporary absences or vacancies. Therefore, four affirmative votes are required for adoption.

Section 7 of the resolution contains the notice of permissive referendum for publication in the official Village newspaper and posting in six (6) locations throughout the Village, and in each Village polling place, within ten (10) days after adoption thereof. The draft Affidavit of Posting to be executed by the Village Clerk, is also attached. A copy of the notice, as posted, should be attached to this Affidavit.

Please obtain and forward to me a certified copy of the Extract of Minutes, an executed Affidavit of Posting and an original Affidavit of Publication from the newspaper. Upon receipt of such items we shall forward the additional documents required with respect to the estoppel publication of the bond resolution.

With best regards, I am

Very truly yours,



Robert P. Smith

RPS/ml

Enclosures

cc: John Pintos

Mary E. White

EXTRACT OF MINUTES

Meeting of the Board of Trustees of the

Village of Nyack, in the

County of Rockland, New York

July 14, 2016

* * *

A regular meeting of the Board of Trustees of the Village of Nyack, New York, was held at the Village Hall, 9 North Broadway, Nyack, New York, on July 14, 2016.

There were present: Hon. Jen White, Mayor; and
Trustees:

There were absent:

Also present: John Pintos, Village Treasurer
Mary E. White, Village Clerk

_____ offered the following **Resolution 2016 -48** and moved
its adoption:

* * *

BOND RESOLUTION OF THE VILLAGE OF NYACK, NEW YORK,
ADOPTED JULY 14, 2016, AUTHORIZING THE CONSTRUCTION OF
DRAINAGE IMPROVEMENTS ON MIDLAND AVENUE, STATING
THE ESTIMATED MAXIMUM COST THEREOF IS \$72,326,
APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND
AUTHORIZING THE ISSUANCE OF BONDS IN THE PRINCIPAL
AMOUNT OF \$72,326 TO FINANCE SAID APPROPRIATION

THE BOARD OF TRUSTEES OF THE VILLAGE OF NYACK, IN THE
COUNTY OF ROCKLAND, NEW YORK, HEREBY RESOLVES (by the favorable vote of not
less than two-thirds of all the members of said Board of Trustees) AS FOLLOWS:

Section 1. The Village of Nyack, in the County of Rockland, New York (herein
called the "Village"), is hereby authorized to construct drainage improvements on Midland
Avenue. The estimated maximum cost thereof, including preliminary costs and costs incidental
thereto and the financing thereof, is \$72,326 and said amount is hereby appropriated for such
purpose. The plan of financing includes the issuance of bonds in the principal amount of
\$72,326 to finance said appropriation and the levy and collection of taxes upon all the taxable
real property in the Village to pay the principal of said bonds and the interest thereon as the same
shall become due and payable.

Section 2. Bonds of the Village in the principal amount of \$72,326 are hereby
authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter
33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance
said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness of the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 4 of the Law, is forty (40) years.

(b) The proceeds of the bonds herein authorized, and any bond anticipation notes issued in anticipation of said bonds, may be applied to reimburse the Village for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the Village, payable as to both principal and interest by general tax upon all the taxable real property within the Village. The faith and credit of the Village are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Village by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 of the Law 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 Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Board of Trustees relative to authorizing bond anticipation notes and prescribing the terms, form and contents and 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 bond anticipation notes, and as to the execution of agreements for credit enhancements, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Village is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, 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

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to a permissive referendum and the Village Clerk is hereby authorized and directed, within ten (10) days after the adoption hereof, to cause to be published, in full, in the "*Journal News*," a newspaper having general circulation in said Village and hereby designated the official newspaper of the Village for such publication, and

posted in at least six (6) public places and in each polling place in the Village, a Notice in substantially the following form:

VILLAGE OF NYACK, NEW YORK

PLEASE TAKE NOTICE that on July 14, 2016, the Board of Trustees of the Village of Nyack, in the County of Rockland, New York, adopted the bond resolution entitled:

“Bond Resolution of the Village of Nyack, New York, adopted July 14, 2016, authorizing the construction of drainage improvements on Midland Avenue, stating the estimated maximum cost thereof is \$72,326, appropriating said amount for such purpose, and authorizing the issuance of bonds in the principal amount of \$72,326 to finance said appropriation,”

an abstract of such bond resolution concisely stating the purpose and effect thereof, being as follows:

FIRST: AUTHORIZING the Village of Nyack to construct drainage improvements on Midland Avenue; STATING the estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$72,326; APPROPRIATING said amount for such purpose; and STATING the plan of financing includes the issuance of bonds in the principal amount of \$72,326 to finance said appropriation, and the levy of taxes upon all the taxable real property within the Village to pay the principal of said bonds and the interest thereon;

SECOND: AUTHORIZING the issuance of bonds in the principal amount of \$72,326 pursuant to the Local Finance Law of the State of New York (the “Law”) to finance said appropriation;

THIRD: DETERMINING and STATING that (a) the period of probable usefulness of the object or purpose for which the bonds are authorized is forty (40) years; (b) the proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Village for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized; and (c) the proposed maturity of said bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Village; and PLEDGING to their payment the faith and credit of the Village;

FIFTH: DELEGATING to the Village Treasurer the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: July 14, 2016

MARY E. WHITE
Village Clerk

Section 8. The Village Clerk is hereby authorized and directed to cause a summary of this Bond Resolution to be published after this Bond Resolution shall take effect, in the newspaper referred to in Section 7 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

* * *

The adoption of the foregoing resolution was seconded by _____

and duly put to a vote on roll call, which resulted as follows:

AYES:

NOES:

The resolution was declared adopted.

CERTIFICATE

I, MARY E. WHITE, Village Clerk of the Village of Nyack, in the County of Rockland, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Board of Trustees of said Village of Nyack duly called and held on July 14, 2016, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Board of Trustees and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Village of Nyack this 14th day of July, 2016.

(SEAL)

Village Clerk

AFFIDAVIT OF POSTING

STATE OF NEW YORK)
 :SS:
COUNTY OF ROCKLAND)

MARY E. WHITE, being duly sworn, deposes and says:

That she is and at all times hereinafter mentioned she was the duly elected, qualified and acting Village Clerk of the Village of Nyack, in the County of Rockland, State of New York;

That on July _____, 2016, she has caused to be conspicuously posted and fastened up in the following places, a Notice setting forth an abstract of the bond resolution duly adopted by the Board of Trustees on July 14, 2016, a copy of which is annexed hereto and made a part hereof, said places constituting at least six (6) of the most conspicuous public places in said Village, and at least one (1) copy in each polling place in said Village:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

Village Clerk

Subscribed and sworn to before me
this _____ day of _____, 2016.

Notary Public, State of New York

(212) 820-9662

August 11, 2016

Village of Nyack, New York
\$72,326 Bonds for Drainage Improvements on Midland Avenue
(Our File Designation: 5696/40887)

Mary E. White
Village Clerk
Village of Nyack
9 North Broadway
Nyack, New York 10960-2697

Dear Mary:

The bond resolution authorizing the above bonds takes effect thirty (30) days after its adoption and is to be published, in summary, in the official newspaper together with a statutory form of notice, thereby commencing a 20-day statute of limitations period pursuant to the provisions of Section 80.00 *et seq.* of the Local Finance Law.

With reference thereto, I have attached the following:

- (a) Certificate of No Referendum
- (b) Summary of the bond resolution with the prescribed form of Clerk's statutory notice affixed in readiness for publication

Please send me an executed copy of the Certificate of No Referendum and an original Affidavit of Publication, when available.

With best regards, I am

Very truly yours,



Robert P. Smith

RPS/ml
Enclosures

CERTIFICATE OF NO REFERENDUM

I, MARY E. WHITE, Village Clerk of the Village of Nyack, in the County of Rockland, State of New York, HEREBY CERTIFY as follows:

That the bond resolution of the Board of Trustees of the Village of Nyack, in the County of Rockland, State of New York, entitled:

“Bond Resolution of the Village of Nyack, New York, adopted July 14, 2016, authorizing the construction of drainage improvements on Midland Avenue, stating the estimated maximum cost thereof is \$72,326, appropriating said amount for such purpose, and authorizing the issuance of bonds in the principal amount of \$72,326 to finance said appropriation,”

was adopted July 14, 2016, and that the notice setting forth the date of adoption of the resolution and containing an abstract of said resolution which concisely stated the purpose and effect thereof, was duly posted and published as required by law.

That no petition signed and acknowledged by the electors of the Village protesting against said resolution and requesting that said resolution be submitted to the electors of the Village for their approval or disapproval has been filed with the Village Clerk within thirty days after the date of the adoption thereof, or at any other time since said adoption.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Village this ____ day of August, 2016.

(SEAL)

Village Clerk

(NOTICE AND SUMMARY OF RESOLUTION FOR PUBLICATION)

NOTICE

The resolution, a summary of which is published herewith, has been adopted on July 14, 2016, and an abstract thereof has been published and posted as required by law and the period of time has elapsed for the submission and filing of a petition for a permissive referendum and a valid petition has not been submitted and filed. The validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the Village of Nyack, in the County of Rockland, New York, is not authorized to expend money or 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 the notice, or such obligations were authorized in violation of the provisions of the constitution.

MARY E. WHITE
Village Clerk

BOND RESOLUTION OF THE VILLAGE OF NYACK, NEW YORK,
ADOPTED JULY 14, 2016, AUTHORIZING THE CONSTRUCTION OF
DRAINAGE IMPROVEMENTS ON MIDLAND AVENUE, STATING
THE ESTIMATED MAXIMUM COST THEREOF IS \$72,326,
APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND
AUTHORIZING THE ISSUANCE OF BONDS IN THE PRINCIPAL
AMOUNT OF \$72,326 TO FINANCE SAID APPROPRIATION

The object or purpose for which the bonds are authorized is the construction of drainage improvements on Midland Avenue, at the estimated maximum cost of \$72,326.

The maximum amount of obligations authorized to be issued is \$72,326.

The period of probable usefulness is forty (40) years.

A complete copy of the Bond Resolution summarized above shall be available for public inspection during normal business hours at the office of the Village Clerk, at the Village Hall, 9 North Broadway, Nyack, New York.

Hawkins
DELAFIELD & WOOD LLP

!

(212) 820-9662
\$272,700 Bonds for Repaving Midland Avenue
(Our File Designation: 5696/40887)

Mr. James Polite

Village Administrator

Village of Nyack

9 North Broadway

Nyack, New York 10960-2697

Dear Jim:

NEW YORK
WASHINGTON
NEWARK
HARTFORD

LOS ANGELES
SACRAMENTO
SAN FRANCISCO
PORTLAND

ANN ARBOR

July 1, 2016 Village of Nyack, New York

Pursuant to your request, I have prepared the attached draft Extract of Minutes of the Board of Trustees meeting to be held on July 14, 2016, showing adoption of the bond resolution authorizing the above bonds.

Please note that adoption of the bond resolution requires at least a two-thirds vote of the entire membership of the Board of Trustees, without taking into account any temporary absences or vacancies. Therefore, four affirmative votes are required for adoption.

Section 7 of the resolution contains the notice of permissive referendum for publication in the official Village newspaper and posting in six (6) locations throughout the Village, and in each Village polling place, within ten (10) days after adoption thereof. The draft Affidavit of Posting to be executed by the Village Clerk, is also attached. A copy of the notice, as posted, should be attached to this Affidavit.

2652379.1 040887 RSIND

Please obtain and forward to me a certified copy of the Extract of Minutes, an executed Affidavit of Posting and an original Affidavit of Publication from the newspaper. Upon receipt of such items we shall forward the additional documents required with respect to the estoppel publication of the bond resolution.

With best regards, I am

RPS/ml

Enclosures
cc: John Pintos

Mary E. White

Very truly yours,

!

Robert P. Smith

A handwritten signature in black ink that reads "Robert P. Smith". The signature is written in a cursive style with a large, prominent initial "R".

2652379.1 040887 RSIND

EXTRACT OF MINUTES Meeting of the Board of Trustees of the
Village of Nyack, in the County of Rockland, New York July 14, 2016

A regular meeting of the Board of Trustees of the Village of Nyack, New
York, was held at the Village Hall, 9 North Broadway, Nyack, New
York, on July 14, 2016.

There were present: Trustees:

There were absent:

Also present:

moved its adoption:

Hon. Jen White, Mayor; and

John Pintos, Village Treasurer

Mary E. White, Village Clerk

offered the following **Resolution 2016 – 49** and

2652379.1 040887 RSIND

BOND RESOLUTION OF THE VILLAGE OF NYACK, NEW YORK, ADOPTED JULY 14, 2016, AUTHORIZING THE REPAVING OF MIDLAND AVENUE, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$272,700, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF BONDS IN THE PRINCIPAL AMOUNT OF \$272,700 TO FINANCE SAID APPROPRIATION

THE BOARD OF TRUSTEES OF THE VILLAGE OF NYACK, IN THE COUNTY OF ROCKLAND, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Board of Trustees) AS FOLLOWS:

Section 1. The Village of Nyack, in the County of Rockland, New York (herein called the "Village"), is hereby authorized to repave Midland Avenue, including milling and other related work in connection therewith. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$272,700 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of bonds in the principal amount of \$272,700 to finance said appropriation and the levy and collection of taxes upon all the taxable real property in the Village to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the Village in the principal amount of \$272,700 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter

2652379.1 040887 RSIND

33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness of the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 20 (c) of the Law, is fifteen (15) years.

(b) The proceeds of the bonds herein authorized, and any bond anticipation notes issued in anticipation of said bonds, may be applied to reimburse the Village for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the Village, payable as to both principal and interest by general tax upon all the taxable real property within the Village. The faith and credit of the Village are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Village by appropriation for (a) the

2652379.1 040887 RSIND

amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 of the Law 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 Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Board of Trustees relative to authorizing bond anticipation notes and prescribing the terms, form and contents and 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 bond anticipation notes, and as to the execution of agreements for credit enhancements, are

hereby delegated to the Village Treasurer, the chief fiscal officer of the Village.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- . (a) such obligations are authorized for an object or purpose for which the Village is not authorized to expend money, or
- . (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, 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

(c) such obligations are authorized in violation of the provisions of the constitution.

2652379.1 040887 RSIND

Section 7. This bond resolution is subject to a permissive referendum and the Village Clerk is hereby authorized and directed, within ten (10) days after the adoption hereof, to cause to be published, in full, in the "*Journal News*," a newspaper having general circulation in said Village and hereby designated the official newspaper of the Village for such publication, and posted in at least six (6) public places and in each polling place in the Village, a Notice in substantially the following form:

2652379.1 040887 RSIND

VILLAGE OF NYACK, NEW YORK

PLEASE TAKE NOTICE that on July 14, 2016, the Board of Trustees of the Village of Nyack, in the County of Rockland, New York, adopted the bond resolution entitled:

"Bond Resolution of the Village of Nyack, New York, adopted July 14, 2016, authorizing the repaving of Midland Avenue, stating the estimated maximum cost thereof is \$272,700, appropriating said amount for such

purpose, and authorizing the issuance of bonds in the principal amount of \$272,700 to finance said appropriation,”

an abstract of such bond resolution concisely stating the purpose and effect thereof, being as follows:

FIRST: AUTHORIZING the Village of Nyack to repave Midland Avenue, including milling and other related work in connection therewith; STATING the estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$272,700; APPROPRIATING said amount for such purpose; and STATING the plan of financing includes the issuance of bonds in the principal amount of \$272,700 to finance said appropriation, and the levy of taxes upon all the taxable real property within the Village to pay the principal of said bonds and the interest thereon;

SECOND: AUTHORIZING the issuance of bonds in the principal amount of \$272,700 pursuant to the Local Finance Law of the State of New York (the “Law”) to finance said appropriation;

THIRD: DETERMINING and STATING that (a) the period of probable usefulness of the object or purpose for which the bonds are authorized is fifteen (15) years; (b) the proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Village for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized; and (c) the proposed maturity of said bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Village; and PLEDGING to their payment the faith and credit of the Village;

FIFTH: DELEGATING to the Village Treasurer the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive DATED: July 14, 2016

MARY E. WHITE Village Clerk

referendum.

2652379.1 040887 RSIND

Section 8. The Village Clerk is hereby authorized and directed to cause a summary of this Bond Resolution to be published after this Bond Resolution shall take effect, in the newspaper referred to in Section 7 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

2652379.1 040887 RSIND

The adoption of the foregoing resolution was seconded by
and duly put to a vote on roll call, which resulted as follows: AYES:
NOES:

The resolution was declared adopted. *****

2652379.1 040887 RSIND

CERTIFICATE

I, MARY E. WHITE, Village Clerk of the Village of Nyack, in the County of Rockland, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Board of Trustees of said Village of Nyack duly called and held on July 14, 2016, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Board of Trustees and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

(SEAL)

IN WITNESS WHEREOF,

I have hereunto set my hand and affixed the corporate seal of said Village of Nyack this 14th day of July, 2016.

Village Clerk

2652379.1 040887 RSIND

STATE OF NEW YORK) :ss:

COUNTY OF ROCKLAND)

1. 2. 3. 4. 5. 6.

Subscribed and sworn to before me this _____ day of

Village Clerk

AFFIDAVIT OF POSTING

MARY E. WHITE, being duly sworn, deposes and says:

That she is and at all times hereinafter mentioned she was the duly elected, qualified and acting Village Clerk of the Village of Nyack, in the County of Rockland, State of New York;

That on July _____, 2016, she has caused to be conspicuously posted and

fastened up in the following places, a Notice setting forth an abstract of the bond resolution duly adopted by the Board of Trustees on July 14, 2016, a copy of which is annexed hereto and made a part hereof, said places constituting at least six (6) of the most conspicuous public places in said Village, and at least one (1) copy in each polling place in said Village:

, 2016.

2652379.1 040887 RSIND

Notary Public, State of New York

2652379.1 040887 RSIND

(212) 820-9662

Village of Nyack, New York

\$272,700 Bonds for Repaving Midland Avenue
(Our File Designation: 5696/40887)

Mary E. White

Village Clerk

Village of Nyack

9 North Broadway

Nyack, New York 10960-2697

Dear Mary:

August 11, 2016

The bond resolution authorizing the above bonds takes effect thirty (30) days after its adoption and is to be published, in summary, in the official newspaper together with a statutory form of notice, thereby commencing a 20-day statute of limitations period pursuant to the provisions of Section 80.00 *et seq.* of the Local Finance Law.

With reference thereto, I have attached the following:

- . (a) Certificate of No Referendum

- . (b) Summary of the bond resolution with the prescribed form of Clerk's statutory notice affixed in readiness for publication

Please send me an executed copy of the Certificate of No Referendum and an original Affidavit of Publication, when available.

RPS/ml

Enclosures

With best regards, I am

Very truly yours,

!

Robert P. Smith

A handwritten signature in black ink that reads "Robert P. Smith". The signature is written in a cursive, flowing style with some loops and flourishes.

2652379.1 040887 RSIND

CERTIFICATE OF NO REFERENDUM

I, MARY E. WHITE, Village Clerk of the Village of Nyack, in the County of Rockland, State of New York, HEREBY CERTIFY as follows:

That the bond resolution of the Board of Trustees of the Village of Nyack, in the County of Rockland, State of New York, entitled:

“Bond Resolution of the Village of Nyack, New York, adopted July 14, 2016, authorizing the repaving of Midland Avenue, stating the estimated maximum cost thereof is \$272,700, appropriating said amount for such purpose, and authorizing the issuance of bonds in the principal amount of \$272,700 to finance said appropriation,”

was adopted July 14, 2016, and that the notice setting forth the date of adoption of the resolution and containing an abstract of said resolution which concisely stated the purpose and effect thereof, was duly posted and published as required by law.

That no petition signed and acknowledged by the electors of the Village protesting against said resolution and requesting that said resolution be submitted to the electors of the Village for their approval or disapproval has been filed with the Village Clerk within thirty days after the date of the adoption thereof, or at any other time since said adoption.

(SEAL)

IN WITNESS WHEREOF,

I have hereunto set my hand and affixed the corporate seal of said Village this ____ day of August, 2016.

Village Clerk

2652379.1 040887 RSIND

(NOTICE AND SUMMARY OF RESOLUTION FOR PUBLICATION)
NOTICE

The resolution, a summary of which is published herewith, has been adopted on July 14, 2016, and an abstract thereof has been published and posted as required by law and the period of time has elapsed for the submission and filing of a petition for a permissive referendum and a valid petition has not been submitted and filed. The validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the Village of Nyack, in the County of Rockland, New York, is not authorized to expend money or 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 the notice, or such obligations were authorized in violation of the provisions of the constitution.

MARY E. WHITE Village Clerk

BOND RESOLUTION OF THE VILLAGE OF NYACK, NEW YORK, ADOPTED JULY 14, 2016, AUTHORIZING THE REPAVING OF MIDLAND AVENUE, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$272,700, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF BONDS IN THE PRINCIPAL AMOUNT OF \$272,700 TO FINANCE SAID APPROPRIATION

The object or purpose for which the bonds are authorized is the repaving of Midland Avenue, at the estimated maximum cost of \$272,700.

The maximum amount of obligations authorized to be issued is \$272,700.

The period of probable usefulness is fifteen (15) years.

A complete copy of the Bond Resolution summarized above shall be available for public inspection during normal business hours at the office of the Village Clerk, at the Village Hall, 9 North Broadway, Nyack, New York.

Resolution No. 2016-50



!

PHONE: 212-820-9300 FAX: 212-514-8425

28 LIBERTY STREET NEW YORK, NY 10005 WWW.HAWKINS.COM

NEW YORK
WASHINGTON
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HARTFORD

LOS ANGELES
SACRAMENTO
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PORTLAND

ANN ARBOR

(212) 820-9662

July 1, 2016

Village of Nyack, New York

\$500,000 Bonds for Sidewalk Improvements on Broadway
(Our File Designation: 5696/40887)

Mr. James Polite

Village Administrator

Village of Nyack

9 North Broadway

Nyack, New York 10960-2697

Dear Jim:

Pursuant to your request, I have prepared the attached draft Extract of Minutes of the Board of Trustees meeting to be held on July 14, 2016, showing adoption of the bond resolution authorizing the above bonds.

Please note that adoption of the bond resolution requires at least a two-thirds vote of the entire membership of the Board of Trustees, without taking into account any temporary absences or vacancies. Therefore, four affirmative votes are required for adoption.

Section 7 of the resolution contains the notice of permissive referendum for publication in the official Village newspaper and posting in six (6) locations throughout the Village, and in each Village polling place, within ten (10) days after adoption thereof. The draft Affidavit of Posting to be executed by the Village Clerk, is also attached. A copy of the notice, as posted, should be attached to this Affidavit.

2659717.1 040887 RSIND

Please obtain and forward to me a certified copy of the Extract of Minutes, an executed Affidavit of Posting and an original Affidavit of Publication from the newspaper. Upon receipt of such items we shall forward the additional documents required with respect to the estoppel publication of the bond resolution.

With best regards, I am

RPS/ml

Enclosures

cc: John Pintos

Mary E. White

Very truly yours,

!

Robert P. Smith



EXTRACT OF MINUTES Meeting of the Board of Trustees of the
Village of Nyack, in the County of Rockland, New York July 14, 2016

A regular meeting of the Board of Trustees of the Village of Nyack, New York, was held at the Village Hall, 9 North Broadway, Nyack, New York, on July 14, 2016.

There were present: Trustees:

There were absent:

Also present:

moved its adoption:

Hon. Jen White, Mayor; and

John Pintos, Village Treasurer

Mary E. White, Village Clerk

offered the following **Resolution 2016 – 50** and

BOND RESOLUTION OF THE VILLAGE OF NYACK, NEW YORK,
ADOPTED JULY 14, 2016, AUTHORIZING THE CONSTRUCTION
OF SIDEWALK IMPROVEMENTS ON BROADWAY AS PART OF A
LARGER IMPROVEMENT PROGRAM, STATING THAT THE
ESTIMATED MAXIMUM COST OF SUCH SIDEWALK
IMPROVEMENTS IS \$500,000, APPROPRIATING SAID AMOUNT
FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF
BONDS IN THE PRINCIPAL AMOUNT OF \$500,000 TO FINANCE
SAID APPROPRIATION

THE BOARD OF TRUSTEES OF THE VILLAGE OF NYACK, IN
THE COUNTY OF ROCKLAND, NEW YORK, HEREBY RESOLVES

(by the favorable vote of not less than two-thirds of all the members of said Board of Trustees) AS FOLLOWS:

Section 1. The Village of Nyack, in the County of Rockland, New York (herein called the “Village”), is hereby authorized to construct sidewalk improvements on Broadway. Such sidewalk improvements are part of a larger improvement program at the estimated maximum cost of \$2,300,000, including sidewalks, street lighting, amenities such as bike racks, garbage cans, benches and other related improvements.

Transportation Alternatives Program (TAP) grant funds in the amount of \$1,800,000 are expected to be received to pay a part of the cost of the project and the bonds authorized herein are expected to finance the cost of all or part of the sidewalk improvements. The estimated maximum cost of the sidewalk improvements to be financed, including preliminary costs and costs incidental thereto and the financing thereof, is

2659717.1 040887 RSIND

\$500,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the expenditure of grant funds to pay the cost of certain projects, the issuance of bonds in the principal amount of \$500,000 to finance certain sidewalk improvements, and the levy and collection of taxes on all the taxable real property in the Village to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the Village in the principal amount of \$500,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the “Law”), to finance such sidewalk improvements.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness of the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 24 of the Law, is ten (10) years.

(b) The proceeds of the bonds herein authorized, and any bond anticipation notes issued in anticipation of said bonds, may be applied to

reimburse the Village for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

2659717.1 040887 RSIND

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the Village, payable as to both principal and interest by general tax upon all the taxable real property within the Village. The faith and credit of the Village are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Village by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 of the Law 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 Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Board of Trustees relative to authorizing bond anticipation notes and prescribing the terms, form and contents and 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 bond anticipation notes, and as to the execution of agreements for credit enhancements, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

2659717.1 040887 RSIND

- . (a) such obligations are authorized for an object or purpose for which the Village is not authorized to expend money, or
- . (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, 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

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to a permissive referendum and the Village Clerk is hereby authorized and directed, within ten (10) days after the adoption hereof, to cause to be published, in full, in the "*Journal News*," a newspaper having general circulation in said Village and hereby designated the official newspaper of the Village for such publication, and posted in at least six (6) public places and in each polling place in the Village, a Notice in substantially the following form:

2659717.1 040887 RSIND

VILLAGE OF NYACK, NEW YORK

PLEASE TAKE NOTICE that on July 14, 2016, the Board of Trustees of the Village of Nyack, in the County of Rockland, New York, adopted the bond resolution entitled:

"Bond Resolution of the Village of Nyack, New York, adopted July 14, 2016, authorizing the construction of sidewalk improvements on Broadway as part of a larger improvement program, stating that the estimated maximum cost of such sidewalk improvements is \$500,000; appropriating said amount for such purpose; and authorizing the

issuance of bonds in the principal amount of \$500,000 to finance said appropriation,”

an abstract of such bond resolution concisely stating the purpose and effect thereof, being as follows:

FIRST: AUTHORIZING the Village of Nyack to construct sidewalk improvements on Broadway as part of a larger improvement program at the estimated maximum cost of \$2,300,000, including sidewalks, street lighting, amenities such as bike racks, garbage cans, benches and other related improvements; STATING that Transportation Alternatives Program (TAP) grant funds in the amount of \$1,800,000 are expected to be received to pay a part of the cost of the project and the bonds authorized herein are expected to finance the cost of all or part of the sidewalk improvements; STATING that the estimated maximum cost of such sidewalk improvements, including preliminary costs and costs incidental thereto and the financing thereof, is \$500,000; APPROPRIATING said amount for such purpose; and STATING the plan of financing includes the expenditure of grant funds to pay the cost of certain projects, the issuance of bonds in the principal amount of \$500,000 to finance certain sidewalk improvements, and the levy of a tax upon all the taxable real property within the Village to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of bonds in the principal amount of \$500,000 pursuant to the Local Finance Law of the State of New York (the “Law”) to finance such sidewalk improvements;

THIRD: DETERMINING and STATING that (a) the period of probable usefulness of the object or purpose for which the bonds are authorized is ten (10) years; (b) the proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Village for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized; and (c) the proposed maturity of said bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Village; and PLEDGING to their payment the faith and credit of the Village;

FIFTH: DELEGATING to the Village Treasurer the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive DATED: July 14, 2016

MARY E. WHITE Village Clerk

referendum.

2659717.1 040887 RSIND

Section 8. The Village Clerk is hereby authorized and directed to cause a summary of this Bond Resolution to be published after this Bond Resolution shall take effect, in the newspaper referred to in Section 7 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

2659717.1 040887 RSIND

The adoption of the foregoing resolution was seconded by
and duly put to a vote on roll call, which resulted as follows: AYES:
NOES:

The resolution was declared adopted. *****

2659717.1 040887 RSIND

CERTIFICATE

I, MARY E. WHITE, Village Clerk of the Village of Nyack, in the County of Rockland, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Board of Trustees of said Village of Nyack duly called and held on July 14, 2016, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Board of Trustees and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

(SEAL)

IN WITNESS WHEREOF,

I have hereunto set my hand and affixed the corporate seal of said Village of Nyack this 14th day of July, 2016.

Village Clerk

2659717.1 040887 RSIND

STATE OF NEW YORK) :ss:

COUNTY OF ROCKLAND)

1. 2. 3. 4. 5. 6.

Subscribed and sworn to before me this _____ day of

Village Clerk

AFFIDAVIT OF POSTING

MARY E. WHITE, being duly sworn, deposes and says:

That she is and at all times hereinafter mentioned she was the duly elected, qualified and acting Village Clerk of the Village of Nyack, in the County of Rockland, State of New York;

That on July _____, 2016, she has caused to be conspicuously posted and

fastened up in the following places, a Notice setting forth an abstract of the bond resolution duly adopted by the Board of Trustees on July 14, 2016, a copy of which is annexed hereto and made a part hereof, said places constituting at least six (6) of the most conspicuous public places in said Village, and at least one (1) copy in each polling place in said Village:

, 2016.

2659717.1 040887 RSIND

Notary Public, State of New York

2659717.1 040887 RSIND

(212) 820-9662

Village of Nyack, New York

\$500,000 Bonds for Sidewalk Improvements on Broadway
(Our File Designation: 5696/40887)

Mary E. White

Village Clerk

Village of Nyack

9 North Broadway

Nyack, New York 10960-2697

Dear Mary:

August 11, 2016

The bond resolution authorizing the above bonds takes effect thirty (30) days after its adoption and is to be published, in summary, in the official newspaper together with a statutory form of notice, thereby commencing

a 20-day statute of limitations period pursuant to the provisions of Section 80.00 *et seq.* of the Local Finance Law.

With reference thereto, I have attached the following:

- . (a) Certificate of No Referendum

- . (b) Summary of the bond resolution with the prescribed form of Clerk's statutory notice affixed in readiness for publication

Please send me an executed copy of the Certificate of No Referendum and an original Affidavit of Publication, when available.

RPS/ml
Enclosures

With best regards, I am

Very truly yours,

!

Robert P. Smith



2659717.1 040887 RSIND

CERTIFICATE OF NO REFERENDUM

I, MARY E. WHITE, Village Clerk of the Village of Nyack, in the County of Rockland, State of New York, HEREBY CERTIFY as follows:

That the bond resolution of the Board of Trustees of the Village of Nyack, in the County of Rockland, State of New York, entitled:

“Bond Resolution of the Village of Nyack, New York, adopted July 14, 2016, authorizing the construction of sidewalk improvements on Broadway as part of a larger improvement program, stating that the

estimated maximum cost of such sidewalk improvements is \$500,000; appropriating said amount for such purpose; and authorizing the issuance of bonds in the principal amount of \$500,000 to finance said appropriation,”

was adopted July 14, 2016, and that the notice setting forth the date of adoption of the resolution and containing an abstract of said resolution which concisely stated the purpose and effect thereof, was duly posted and published as required by law.

That no petition signed and acknowledged by the electors of the Village protesting against said resolution and requesting that said resolution be submitted to the electors of the Village for their approval or disapproval has been filed with the Village Clerk within thirty days after the date of the adoption thereof, or at any other time since said adoption.

(SEAL)

IN WITNESS WHEREOF,

I have hereunto set my hand and affixed the corporate seal of said Village this ____ day of August, 2016.

Village Clerk

2659717.1 040887 RSIND

(NOTICE AND SUMMARY OF RESOLUTION FOR PUBLICATION)
NOTICE

The resolution, a summary of which is published herewith, has been adopted on July 14, 2016, and an abstract thereof has been published and posted as required by law and the period of time has elapsed for the submission and filing of a petition for a permissive referendum and a valid petition has not been submitted and filed. The validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the Village of Nyack, in the County of Rockland, New York, is not authorized to expend money or 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 the notice, or such obligations were authorized in violation of the provisions of the constitution.

MARY E. WHITE Village Clerk

BOND RESOLUTION OF THE VILLAGE OF NYACK, NEW YORK, ADOPTED JULY 14, 2016, AUTHORIZING THE CONSTRUCTION OF SIDEWALK IMPROVEMENTS ON BROADWAY AS PART OF A LARGER IMPROVEMENT PROGRAM, STATING THAT THE ESTIMATED MAXIMUM COST OF SUCH SIDEWALK IMPROVEMENTS IS \$500,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF BONDS IN THE PRINCIPAL AMOUNT OF \$500,000 TO FINANCE SAID APPROPRIATION

The object or purpose for which the bonds are authorized is the construction of sidewalk improvements on Broadway. Such sidewalk improvements are part of a larger improvement program at the estimated maximum cost of \$2,300,000, including sidewalks, street lighting, amenities such as bike racks, garbage cans, benches and other related improvements.

The maximum amount of obligations authorized to be issued for certain sidewalk improvements is \$500,000, It is expected that grant funds in the amount of \$1,800,000 will be used to pay the cost of other improvements.

The period of probable usefulness is ten (10) years.

A complete copy of the Bond Resolution summarized above shall be available for public inspection during normal business hours at the office of the Village Clerk, at the Village Hall, 9 North Broadway, Nyack, New York.

Resolution No. 2016-51

Hawkins

DELAFIELD & WOOD LLP

PHONE: 212-820-9300 FAX: 212-514-8425

28 LIBERTY STREET NEW YORK, NY 10005 WWW.HAWKINS.COM

NEW YORK
WASHINGTON
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SACRAMENTO
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PORTLAND

ANN ARBOR

(212) 820-9662

July 1, 2016

Village of Nyack, New York

\$200,000 Bonds for Construction of a New Gazebo
(Our File Designation: 5696/40887)

Mr. James Politi

Village Administrator

Village of Nyack

9 North Broadway

Nyack, New York 10960-2697

Dear Jim:

Pursuant to your request, I have prepared the attached draft Extract of Minutes of the Board of Trustees meeting to be held on July 14, 2016, showing adoption of the bond resolution authorizing the above bonds.

Please note that adoption of the bond resolution requires at least a two-thirds vote of the entire membership of the Board of Trustees, without taking into account any temporary absences or vacancies. Therefore, four affirmative votes are required for adoption.

Section 7 of the resolution contains the notice of permissive referendum for publication in the official Village newspaper and posting in six (6) locations throughout the Village, and in each Village polling place, within ten (10) days after adoption thereof. The draft

2652626.1 040887 RSIND

Affidavit of Posting to be executed by the Village Clerk, is also attached. A copy of the notice, as posted, should be attached to this Affidavit.

Please obtain and forward to me a certified copy of the Extract of Minutes, an executed Affidavit of Posting and an original Affidavit of Publication from the newspaper. Upon receipt of such items we shall forward the additional documents required with respect to the estoppel publication of the bond resolution.

With best regards, I am

RPS/ml

Enclosures

cc: John Pintos

Mary E. White

Very truly yours,

!

Robert P. Smith

A handwritten signature in black ink that reads "Robert P. Smith". The signature is written in a cursive style with a large, prominent initial "R".

2652626.1 040887 RSIND

EXTRACT OF MINUTES Meeting of the Board of Trustees of the Village of Nyack, in the County of Rockland, New York July 14, 2016

A regular meeting of the Board of Trustees of the Village of Nyack, New York, was held at the Village Hall, 9 North Broadway, Nyack, New York, on July 14, 2016.

There were present: Trustees:

There were absent:

Also present:

Hon. Jen White, Mayor; and

its adoption:

John Pintos, Village Treasurer
Mary E. White, Village Clerk

offered the following Resolution **2016 – 51** and moved

BOND RESOLUTION OF THE VILLAGE OF NYACK, NEW YORK, ADOPTED JULY 14, 2016, AUTHORIZING THE CONSTRUCTION OF A NEW GAZEBO AT MEMORIAL PARK, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$200,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF BONDS IN THE PRINCIPAL AMOUNT OF \$200,000 TO FINANCE SAID APPROPRIATION

THE BOARD OF TRUSTEES OF THE VILLAGE OF NYACK, IN THE COUNTY OF ROCKLAND, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Board of Trustees) AS FOLLOWS:

Section 1. The Village of Nyack, in the County of Rockland, New York (herein called the "Village"), is hereby authorized to construct a new gazebo at Memorial Park. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$200,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of bonds in the principal amount of \$200,000 to finance said appropriation and the levy and collection of taxes upon all the taxable real property in the Village to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the Village in the principal amount of \$200,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter

33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness of the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 19 (c) of the Law, is fifteen (15) years.

(b) The proceeds of the bonds herein authorized, and any bond anticipation notes issued in anticipation of said bonds, may be applied to reimburse the Village for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the Village, payable as to both principal and interest by general tax upon all the taxable real property within the Village. The faith and credit of the Village are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Village by appropriation for (a) the

2652626.1 040887 RSIND

amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 of the Law 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 Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Board of Trustees relative to authorizing bond anticipation notes and prescribing the terms, form and contents and 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 bond anticipation notes, and as to the execution of agreements for credit enhancements, are

hereby delegated to the Village Treasurer, the chief fiscal officer of the Village.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- . (a) such obligations are authorized for an object or purpose for which the Village is not authorized to expend money, or
- . (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, 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

(c) such obligations are authorized in violation of the provisions of the constitution.

2652626.1 040887 RSIND

Section 7. This bond resolution is subject to a permissive referendum and the Village Clerk is hereby authorized and directed, within ten (10) days after the adoption hereof, to cause to be published, in full, in the "*Journal News*," a newspaper having general circulation in said Village and hereby designated the official newspaper of the Village for such publication, and posted in at least six (6) public places and in each polling place in the Village, a Notice in substantially the following form:

2652626.1 040887 RSIND

VILLAGE OF NYACK, NEW YORK

PLEASE TAKE NOTICE that on July 14, 2016, the Board of Trustees of the Village of Nyack, in the County of Rockland, New York, adopted the bond resolution entitled:

"Bond Resolution of the Village of Nyack, New York, adopted July 14, 2016, authorizing the construction of a new gazebo at Memorial Park, stating the estimated maximum cost thereof is \$200,000, appropriating

said amount for such purpose, and authorizing the issuance of bonds in the principal amount of \$200,000 to finance said appropriation,”

an abstract of such bond resolution concisely stating the purpose and effect thereof, being as follows:

FIRST: AUTHORIZING the Village of Nyack to construct a new gazebo at Memorial Park; STATING the estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$200,000; APPROPRIATING said amount for such purpose; and STATING the plan of financing includes the issuance of bonds in the principal amount of \$200,000 to finance said appropriation, and the levy of taxes upon all the taxable real property within the Village to pay the principal of said bonds and the interest thereon;

SECOND: AUTHORIZING the issuance of bonds in the principal amount of \$200,000 pursuant to the Local Finance Law of the State of New York (the “Law”) to finance said appropriation;

THIRD: DETERMINING and STATING that (a) the period of probable usefulness of the object or purpose for which the bonds are authorized is fifteen (15) years; (b) the proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Village for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized; and (c) the proposed maturity of said bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Village; and PLEDGING to their payment the faith and credit of the Village;

2652626.1 040887 RSIND

FIFTH: DELEGATING to the Village Treasurer the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive DATED: July 14, 2016

MARY E. WHITE Village Clerk

referendum.

2652626.1 040887 RSIND

Section 8. The Village Clerk is hereby authorized and directed to cause a summary of this Bond Resolution to be published after this Bond Resolution shall take effect, in the newspaper referred to in Section 7 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

2652626.1 040887 RSIND

The adoption of the foregoing resolution was seconded by
and duly put to a vote on roll call, which resulted as follows: AYES:
NOES:

The resolution was declared adopted. *****

2652626.1 040887 RSIND

CERTIFICATE

I, MARY E. WHITE, Village Clerk of the Village of Nyack, in the County of Rockland, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Board of Trustees of said Village of Nyack duly called and held on July 14, 2016, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Board of Trustees and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

(SEAL)

IN WITNESS WHEREOF,

I have hereunto set my hand and affixed the corporate seal of said Village of Nyack this 14th day of July, 2016.

Village Clerk

2652626.1 040887 RSIND

STATE OF NEW YORK) :ss:

COUNTY OF ROCKLAND)

1. 2. 3. 4. 5. 6.

Subscribed and sworn to before me this _____ day of

Village Clerk

AFFIDAVIT OF POSTING

MARY E. WHITE, being duly sworn, deposes and says:

That she is and at all times hereinafter mentioned she was the duly elected, qualified and acting Village Clerk of the Village of Nyack, in the County of Rockland, State of New York;

That on July _____, 2016, she has caused to be conspicuously posted and

fastened up in the following places, a Notice setting forth an abstract of the bond resolution duly adopted by the Board of Trustees on July 14, 2016, a copy of which is annexed hereto and made a part hereof, said places constituting at least six (6) of the most conspicuous public places in said Village, and at least one (1) copy in each polling place in said Village:

, 2016.

2652626.1 040887 RSIND

Notary Public, State of New York

2652626.1 040887 RSIND

(212) 820-9662

Village of Nyack, New York

\$200,000 Bonds for Construction of a New Gazebo
(Our File Designation: 5696/40887)

Mary E. White

Village Clerk

Village of Nyack

9 North Broadway

Nyack, New York 10960-2697

Dear Mary:

August 11, 2016

The bond resolution authorizing the above bonds takes effect thirty (30) days after its adoption and is to be published, in summary, in the official newspaper together with a statutory form of notice, thereby commencing a 20-day statute of limitations period pursuant to the provisions of Section 80.00 *et seq.* of the Local Finance Law.

With reference thereto, I have attached the following:

- . (a) Certificate of No Referendum

- . (b) Summary of the bond resolution with the prescribed form of Clerk's statutory notice affixed in readiness for publication

Please send me an executed copy of the Certificate of No Referendum and an original Affidavit of Publication, when available.

RPS/ml

Enclosures

With best regards, I am

Very truly yours,

!

Robert P. Smith

A handwritten signature in black ink that reads "Robert P. Smith". The signature is written in a cursive, slightly slanted style.

2652626.1 040887 RSIND

CERTIFICATE OF NO REFERENDUM

I, MARY E. WHITE, Village Clerk of the Village of Nyack, in the County of Rockland, State of New York, HEREBY CERTIFY as follows:

That the bond resolution of the Board of Trustees of the Village of Nyack, in the County of Rockland, State of New York, entitled:

“Bond Resolution of the Village of Nyack, New York, adopted July 14, 2016, authorizing the construction of a new gazebo at Memorial Park, stating the estimated maximum cost thereof is \$200,000, appropriating said amount for such purpose, and authorizing the issuance of bonds in the principal amount of \$200,000 to finance said appropriation,”

was adopted July 14, 2016, and that the notice setting forth the date of adoption of the resolution and containing an abstract of said resolution which concisely stated the purpose and effect thereof, was duly posted and published as required by law.

That no petition signed and acknowledged by the electors of the Village protesting against said resolution and requesting that said resolution be submitted to the electors of the Village for their approval or disapproval has been filed with the Village Clerk within thirty days after the date of the adoption thereof, or at any other time since said adoption.

(SEAL)

IN WITNESS WHEREOF,

I have hereunto set my hand and affixed the corporate seal of said Village this ____ day of August, 2016.

Village Clerk

2652626.1 040887 RSIND

(NOTICE AND SUMMARY OF RESOLUTION FOR PUBLICATION)
NOTICE

The resolution, a summary of which is published herewith, has been adopted on July 14, 2016, and an abstract thereof has been published and posted as required by law and the period of time has elapsed for the submission and filing of a petition for a permissive referendum and a valid petition has not been submitted and filed. The validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the Village of Nyack, in the County of Rockland, New York, is not authorized to expend money or 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 the notice, or such obligations were authorized in violation of the provisions of the constitution.

MARY E. WHITE Village Clerk

BOND RESOLUTION OF THE VILLAGE OF NYACK, NEW YORK, ADOPTED JULY 14, 2016, AUTHORIZING THE CONSTRUCTION OF A NEW GAZEBO AT MEMORIAL PARK, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$200,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF BONDS IN THE PRINCIPAL AMOUNT OF \$200,000 TO FINANCE SAID APPROPRIATION

The object or purpose for which the bonds are authorized is the construction of a new gazebo at Memorial Park, at the estimated maximum cost of \$200,000.

The maximum amount of obligations authorized to be issued is \$200,000.

The period of probable usefulness is fifteen (15) years.

A complete copy of the Bond Resolution summarized above shall be available for public inspection during normal business hours at the office of the Village Clerk, at the Village Hall, 9 North Broadway, Nyack, New York.

Resolution No. 2016-52



PHONE: 212-820-9300 FAX: 212-514-8425

28 LIBERTY STREET NEW YORK, NY 10005 WWW.HAWKINS.COM

NEW YORK
WASHINGTON
NEWARK
HARTFORD

LOS ANGELES
SACRAMENTO
SAN FRANCISCO
PORTLAND

ANN ARBOR

(212) 820-9662

July 1, 2016

Village of Nyack, New York

\$150,000 Bonds for Construction of Footbridge
(Our File Designation: 5696/40887)

Mr. James Politi

Village Administrator

Village of Nyack

9 North Broadway

Nyack, New York 10960-2697

Dear Jim:

Pursuant to your request, I have prepared the attached draft Extract of Minutes of the Board of Trustees meeting to be held on July 14, 2016, showing adoption of the bond resolution authorizing the above bonds.

Please note that adoption of the bond resolution requires at least a two-thirds vote of the entire membership of the Board of Trustees, without taking into account any temporary absences or vacancies. Therefore, four affirmative votes are required for adoption.

Section 7 of the resolution contains the notice of permissive referendum for publication in the official Village newspaper and posting in six (6) locations throughout the Village, and in each Village polling place, within ten (10) days after adoption thereof. The draft

2661604.1 040887 RSIND

Affidavit of Posting to be executed by the Village Clerk, is also attached. A copy of the notice, as posted, should be attached to this Affidavit.

Please obtain and forward to me a certified copy of the Extract of Minutes, an executed Affidavit of Posting and an original Affidavit of Publication from the newspaper. Upon receipt of such items we shall forward the additional documents required with respect to the estoppel publication of the bond resolution.

With best regards, I am

RPS/ml

Enclosures
cc: John Pintos

Mary E. White

Very truly yours,

!

Robert P. Smith



2661604.1 040887 RSIND

EXTRACT OF MINUTES Meeting of the Board of Trustees of the Village of Nyack, in the County of Rockland, New York July 14, 2016

A regular meeting of the Board of Trustees of the Village of Nyack, New York, was held at the Village Hall, 9 North Broadway, Nyack, New York, on July 14, 2016.

There were present: Trustees:

There were absent:

Also present:

Hon. Jen White, Mayor; and

its adoption:

John Pintos, Village Treasurer

Mary E. White, Village Clerk

offered the following Resolution **2016 -52** and moved

2661604.1 040887 RSIND

BOND RESOLUTION OF THE VILLAGE OF NYACK, NEW YORK, ADOPTED JULY 14, 2016, AUTHORIZING THE CONSTRUCTION OF A FOOTBRIDGE, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$344,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, INCLUDING THE EXPENDITURE OF \$194,000 IN GRANT FUNDS TO PAY A PART OF SAID APPROPRIATION AND AUTHORIZING THE ISSUANCE OF BONDS IN THE PRINCIPAL AMOUNT OF \$150,000 TO FINANCE THE BALANCE SAID APPROPRIATION

THE BOARD OF TRUSTEES OF THE VILLAGE OF NYACK, IN THE COUNTY OF ROCKLAND, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Board of Trustees) AS FOLLOWS:

Section 1. The Village of Nyack, in the County of Rockland, New York (herein called the "Village"), is hereby authorized to construct a footbridge between Memorial Park and the Village marina, including planning, engineering, construction and obtaining an easement. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$344,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the expenditure of \$194,000 in grant funds to pay a part of said appropriation, the issuance of bonds in the principal amount of \$150,000 to finance the balance of said appropriation, and the levy and collection of taxes on all the taxable real property in the

2661604.1 040887 RSIND

Village to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the Village in the principal amount of \$150,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance a part of said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness of the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 10 of the Law, is twenty (20) years.

(b) The proceeds of the bonds herein authorized, and any bond anticipation notes issued in anticipation of said bonds, may be applied to reimburse the Village for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in

conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the Village, payable as to both principal

2661604.1 040887 RSIND

and interest by general tax upon all the taxable real property within the Village. The faith and credit of the Village are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Village by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 of the Law 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 Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Board of Trustees relative to authorizing bond anticipation notes and prescribing the terms, form and contents and 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 bond anticipation notes, and as to the execution of agreements for credit enhancements, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- . (a) such obligations are authorized for an object or purpose for which the Village is not authorized to expend money, or
- . (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

2661604.1 040887 RSIND

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to a permissive referendum and the Village Clerk is hereby authorized and directed, within ten (10) days after the adoption hereof, to cause to be published, in full, in the "*Journal News*," a newspaper having general circulation in said Village and hereby designated the official newspaper of the Village for such publication, and posted in at least six (6) public places and in each polling place in the Village, a Notice in substantially the following form:

2661604.1 040887 RSIND

VILLAGE OF NYACK, NEW YORK

PLEASE TAKE NOTICE that on July 14, 2016, the Board of Trustees of the Village of Nyack, in the County of Rockland, New York, adopted the bond resolution entitled:

"Bond Resolution of the Village of Nyack, New York, adopted July 14, 2016, authorizing the construction of a footbridge, stating the estimated maximum cost thereof is \$344,000; appropriating said amount for such purpose, including the expenditure of \$194,000 in grant funds to pay a part of said appropriation and authorizing the issuance of bonds in the principal amount of \$150,000 to finance the balance said appropriation,"

an abstract of such bond resolution concisely stating the purpose and effect thereof, being as follows:

FIRST: AUTHORIZING the Village of Nyack to construct a footbridge between Memorial Park and the Village marina, including planning, engineering, construction and obtaining an easement; STATING the estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$344,000; APPROPRIATING said amount for such purpose; and STATING the plan of financing includes the expenditure of \$194,000 in grant funds to pay a part of said appropriation, the issuance of bonds in the principal amount of \$150,000 to finance the balance of said appropriation, and the levy of a tax upon all the taxable real property within the Village to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of bonds in the principal amount of \$150,000 pursuant to the Local Finance Law of the State of New York (the "Law") to finance a part of said appropriation;

THIRD: DETERMINING and STATING that (a) the period of probable usefulness of the object or purpose for which the bonds are authorized is twenty (20) years; (b) the proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Village for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized; and (c) the proposed maturity of said bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Village; and PLEDGING to their payment the faith and credit of the Village;

2661604.1 040887 RSIND

FIFTH: DELEGATING to the Village Treasurer the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive DATED: July 14, 2016

MARY E. WHITE Village Clerk

referendum.

2661604.1 040887 RSIND

Section 8. The Village Clerk is hereby authorized and directed to cause a summary of this Bond Resolution to be published after this Bond Resolution shall take effect, in the newspaper referred to in Section 7 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

2661604.1 040887 RSIND

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

NOES:

The resolution was declared adopted. *****

2661604.1 040887 RSIND

CERTIFICATE

I, MARY E. WHITE, Village Clerk of the Village of Nyack, in the County of Rockland, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Board of Trustees of said Village of Nyack duly called and held on July 14, 2016, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Board of Trustees and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

(SEAL)

IN WITNESS WHEREOF,

I have hereunto set my hand and affixed the corporate seal of said Village of Nyack this 14th day of July, 2016.

Village Clerk

2661604.1 040887 RSIND

STATE OF NEW YORK) :ss:

COUNTY OF ROCKLAND)

1. 2. 3. 4. 5. 6.

Subscribed and sworn to before me this _____ day of

Village Clerk

AFFIDAVIT OF POSTING

MARY E. WHITE, being duly sworn, deposes and says:

That she is and at all times hereinafter mentioned she was the duly elected, qualified and acting Village Clerk of the Village of Nyack, in the County of Rockland, State of New York;

That on July _____, 2016, she has caused to be conspicuously posted and

fastened up in the following places, a Notice setting forth an abstract of the bond resolution duly adopted by the Board of Trustees on July 14, 2016, a copy of which is annexed hereto and made a part hereof, said places constituting at least six (6) of the most conspicuous public places in said Village, and at least one (1) copy in each polling place in said Village:

, 2016.

2661604.1 040887 RSIND

Notary Public, State of New York

2661604.1 040887 RSIND

(212) 820-9662

Village of Nyack, New York

\$150,000 Bonds for Construction of a Footbridge
(Our File Designation: 5696/40887)

Mary E. White

Village Clerk

Village of Nyack

9 North Broadway

Nyack, New York 10960-2697

Dear Mary:

August 11, 2016

The bond resolution authorizing the above bonds takes effect thirty (30) days after its adoption and is to be published, in summary, in the official newspaper together with a statutory form of notice, thereby commencing a 20-day statute of limitations period pursuant to the provisions of Section 80.00 *et seq.* of the Local Finance Law.

With reference thereto, I have attached the following:

- . (a) Certificate of No Referendum

- . (b) Summary of the bond resolution with the prescribed form of Clerk's statutory notice affixed in readiness for publication

Please send me an executed copy of the Certificate of No Referendum and an original Affidavit of Publication, when available.

RPS/ml

Enclosures

With best regards, I am

Very truly yours,

!

Robert P. Smith



2661604.1 040887 RSIND

CERTIFICATE OF NO REFERENDUM

I, MARY E. WHITE, Village Clerk of the Village of Nyack, in the County of Rockland, State of New York, HEREBY CERTIFY as follows:

That the bond resolution of the Board of Trustees of the Village of Nyack, in the County of Rockland, State of New York, entitled:

“Bond Resolution of the Village of Nyack, New York, adopted July 14, 2016, authorizing the construction of a footbridge, stating the estimated maximum cost thereof is \$344,000, appropriating said amount for such purpose, including the expenditure of \$194,000 in grant funds to pay a part of said appropriation and authorizing the issuance of bonds in the principal amount of \$150,000 to finance the balance said appropriation,”

was adopted July 14, 2016, and that the notice setting forth the date of adoption of the resolution and containing an abstract of said resolution which concisely stated the purpose and effect thereof, was duly posted and published as required by law.

That no petition signed and acknowledged by the electors of the Village protesting against said resolution and requesting that said resolution be submitted to the electors of the Village for their approval or disapproval has been filed with the Village Clerk within thirty days after the date of the adoption thereof, or at any other time since said adoption.

(SEAL)

IN WITNESS WHEREOF,

I have hereunto set my hand and affixed the corporate seal of said Village this ____ day of August, 2016.

Village Clerk

2661604.1 040887 RSIND

(NOTICE AND SUMMARY OF RESOLUTION FOR PUBLICATION)
NOTICE

The resolution, a summary of which is published herewith, has been adopted on July 14, 2016, and an abstract thereof has been published and posted as required by law and the period of time has elapsed for the submission and filing of a petition for a permissive referendum and a valid petition has not been submitted and filed. The validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the Village of Nyack, in the County of Rockland, New York, is not authorized to expend money or 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 the notice, or such obligations were authorized in violation of the provisions of the constitution.

MARY E. WHITE Village Clerk

BOND RESOLUTION OF THE VILLAGE OF NYACK, NEW YORK, ADOPTED JULY 14, 2016, AUTHORIZING THE CONSTRUCTION OF A FOOTBRIDGE, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$344,000; APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, INCLUDING THE EXPENDITURE OF \$194,000 IN GRANT FUNDS TO PAY A PART OF SAID APPROPRIATION AND AUTHORIZING THE ISSUANCE OF BONDS IN THE PRINCIPAL AMOUNT OF \$150,000 TO FINANCE THE BALANCE SAID APPROPRIATION

The object or purpose for which the bonds are authorized is the construction of a footbridge between Memorial Park and the Village

marina, including planning, engineering, construction and obtaining an easement, at the estimated maximum cost of \$344,000.

The maximum amount of obligations authorized to be issued is \$150,000, with the \$194,000 balance of the cost to be paid from grant funds.

The period of probable usefulness is twenty (20) years.

A complete copy of the Bond Resolution summarized above shall be available for public inspection during normal business hours at the office of the Village Clerk, at the Village Hall, 9 North Broadway, Nyack, New York.

RESOLUTION OF THE NYACK VILLAGE BOARD

At the Regularly scheduled Meeting of the Nyack Village Board convened on July 14, 2016 at 7:30 p.m.

The following resolution was duly offered and seconded, to wit:

Resolution No. 2016 - 53

Resolution of the Nyack Village Board to support the Edward Hopper House Art Center in its application to the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) for a grant funding to facilitate planning of a new accessible entry facility into the Hopper House Arts Center

WHEREAS, the Nyack Village Board is desirous of resolving to support the Edward Hopper House Landmark Preservation Foundation in its grant application for funding through the Mid-Hudson Regional Economic Development Council and NYS OPRHP to plan the construction of an accessible entryway into the Hopper Arts Center, and

WHEREAS, the Nyack Village Board believes that increasing public accessibility to the Edward Hopper House, a singularly unique and very special arts based community asset, will help fuel the arts-based economic revitalization of the entire Hudson Valley, including the Village of Nyack, by increasing public access and available programming for all Village residents and visitors to the Mid-Hudson Valley;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NYACK VILLAGE BOARD AS FOLLOWS:

That the Nyack Village Board strongly supports and endorses the grant application submitted by the Edward Hopper House Landmark Preservation Foundation, and urges the Development Council and OPRHP to give its consideration to fully funding the request.

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

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
_____	[]	[]	[]	[]

RESOLUTION OF THE NYACK VILLAGE BOARD

At the Regularly scheduled Meeting of the Nyack Village Board convened on July 14, 2016 at 7:30 p.m.

The following resolution was duly offered and

_____	[]	[]	[]	[]
_____	[]	[]	[]	[]
_____	[]	[]	[]	[]
_____	[]	[]	[]	[]

Mary E. White, Village Clerk