

Water Serial  
Bonds

**VILLAGE OF TANNERSVILLE**

**RESOLUTION # 7 OF THE YEAR 2002**

REFUNDING BOND RESOLUTION OF THE VILLAGE OF TANNERSVILLE, NEW YORK, ADOPTED FEBRUARY 26, 2002, AUTHORIZING THE REFUNDING OF CERTAIN OUTSTANDING SERIAL BONDS OF SAID VILLAGE, STATING THE PLAN OF REFUNDING, APPROPRIATING AN AMOUNT NOT TO EXCEED \$995,000 THEREFOR, AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$995,000 REFUNDING SERIAL BONDS-2002 OF SAID VILLAGE, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE SAID APPROPRIATION, AND MAKING CERTAIN DETERMINATIONS ALL RELATIVE THERETO.

Recitals

WHEREAS, on November 16, 1983 the Village of Tannersville, in the County of Greene, New York (herein called the "Village"), has heretofore issued its \$837,700 Water (Serial) Bonds, 1983 (the "1983 Bonds") and;

WHEREAS, on July 15, 1986 the Village has heretofore issued its \$53,100 Water Serial Bonds, 1986 (the "1986 Bonds"); and

WHEREAS, on April 1, 1993 the Village has heretofore issued its \$523,500 Water Main (Serial) Bonds, 1993 (the "1993 Bonds"); and

WHEREAS, the 1983 Bonds are now outstanding in the principal amount of \$446,000, which mature on May 1 in the principal amounts of \$22,000 in each of the years 2002 to 2010, inclusive; \$23,000 on May 1, 2011; and \$25,000 on May 1 in each of the years 2012 to 2020, inclusive; and

WHEREAS, the 1986 Bonds are now outstanding in the principal amount of \$29,000, which mature on November 15 in the principal amounts of \$1,500 in each of the years 2002 to 2019, inclusive; and \$2,000 on November 15 in the year 2020; and

WHEREAS, the 1993 Bonds are now outstanding in the principal amount of \$420,000, which mature on October 15 in the principal amounts of \$ \$13,000 in each of the years 2002 to 2005, inclusive; \$14,000 on October 15, 2006 to 2012, inclusive; and \$15,000 on October 15 in each of the years 2013 to 2030, inclusive; and

WHEREAS, the outstanding 1983 Bonds bear interest payable on May 1 and November 1 in each year to maturity at the rate of five per centum (5.00%) per annum; and

WHEREAS, the outstanding 1986 Bonds bear interest payable on May 15 and November 15 in each year to maturity at the rate of six and one-eighth per centum (6-1/8%) per annum;

WHEREAS, the outstanding 1993 Bonds bear interest payable on April 15 and October 15 in each year to maturity at the rate of five and twenty-five hundredths per centum (5.25%) per annum;

WHEREAS, Section 90.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), permit the Village to refund all or a portion of the outstanding unredeemed maturities of such bonds by the issuance of new bonds;

NOW, THEREFORE,

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

Section 1. In this resolution, the following definitions apply, unless a different meaning clearly appears from the context:

- a. "Bond To Be Refunded" or "Bonds To Be Refunded" means all or a portion of the aggregate outstanding 1983 Bonds, the 1986 Bonds and the 1993 Bonds, as shall be determined in accordance with Section 8 hereof.
- b. "Redemption Date" means the date on which the Refunded Bonds shall be redeemed with the proceeds of sale of the Refunding Bonds.
- c. "Refunding Bond" or "Refunding Bonds" means all or a portion of the \$995,000 Refunding Serial Bonds-2002 of the Village of Tannersville, authorized pursuant to Section 2 hereof.
- d. "Refunding Bond Amount Limitation" means an amount of Refunding Bonds which does not exceed the principal amount of Bonds To Be Refunded plus the aggregate amount of unmatured interest payable on such Bonds To Be Refunded to and including the applicable Redemption Date, as hereinabove referred to in the Recitals hereof, plus costs and expenses incidental to the issuance of the Refunding Bonds, including the development of the refunding financial plan.

Section 2. The Board of Trustees of the Village (herein called the "Board of Trustees"), hereby authorizes the refunding of the Bonds To Be Refunded of the Village, more particularly described and referred to in the Recitals hereof, and appropriates an amount not to exceed \$995,000 therefor to accomplish such refunding. The plan of financing includes the issuance of not to exceed \$995,000 Refunding Bonds to finance said appropriation, and the levy and collection of a tax upon all the taxable real property within the Village to pay the principal of and interest on said Refunding Bonds as the same shall become due and payable.

Bonds of the Village in the maximum principal amount of \$995,000 and designated "Refunding Serial Bonds-2002," are hereby authorized to be issued pursuant to the provisions of the Law. The proposed financial plan for the refunding in the form attached hereto as Exhibit A (the "refunding financial plan") hereby accepted and approved by the Village, includes the payment of all costs incurred by the Village in connection with said refunding from such proceeds, and the payment of (a) the principal of and interest on the Bonds To Be Refunded becoming due and payable on and prior to the Redemption Date and (b) the principal of and premium on the Bonds To Be Refunded to be called for redemption prior to maturity on the Redemption Date.

Section 3. The Bonds To Be Refunded referred to in Section 1 hereof are all or a portion of the unmatured aggregate outstanding balances of the 1983 Bonds, the 1986 Bonds and the 1993 Bonds issued pursuant to various bond resolutions duly adopted on their respective dates, authorizing the issuance of bonds of the Village for various purposes. In accordance with the refunding financial plan, the Refunding Bonds authorized in the aggregate principal amount of not to exceed \$995,000 shall mature in amounts and at dates to be determined. The chief fiscal officer of the Village is hereby authorized to approve all details of the refunding financial plan not contained herein.

Section 4. The issuance of the Refunding Bonds will not exceed the Refunding Bond Amount Limitation. The maximum period of probable usefulness ("PPU") permitted by law at the time of original bond issuance, for the object or purpose financed with the proceeds of the Bonds To Be Refunded, is forty years.

Section 5. The Refunding Financial Plan attached hereto as Exhibit A has been prepared based upon the assumption that the Refunding Bonds will be issued in the principal amount, and will mature, be of such terms, and bear such interest as set forth therein. The Board of Trustees recognizes that the principal amount of the Refunding Bonds, the series, maturities, terms, interest rate or rates borne by the Refunding Bonds, the provisions, if any, for redemption thereof prior to maturity, and whether or not all of the Refunding Bonds will be insured, may vary from such assumptions and that the refunding financial plan may vary from that attached hereto as Exhibit A.

Section 6. The chief fiscal officer of the Village is hereby authorized to sell said Refunding Bonds. In connection with such sale, the chief fiscal officer is hereby further authorized and directed to take any and all actions necessary to accomplish said refunding, and to execute any contracts and agreements for the purchase of and payment for services rendered or to be rendered the Village in connection with said refunding including the preparation of the refunding financial plan referred to in Section 2.

Section 7. Each of the Refunding Bonds authorized by this resolution shall contain the recital of validity prescribed by Section 52.00 of the Law and said Refunding Bonds shall be general obligations of the Village payable as to both principal and interest by a general tax upon all the taxable real property within the Village without limitation as to rate or amount. The faith and credit of the Village are hereby irrevocably pledged to the punctual payment of the principal of and interest on said Refunding Bonds and provision shall be made annually in the budget of the Village for (a) the amortization and redemption of the Refunding

Bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

**Section 8.** Subject to the provisions of this resolution and of the Law, and pursuant to the provisions of Sections 21.00, 50.00, 56.00 to 60.00, and 90.00 of the Law, the powers and duties of the Board of Trustees relative to prescribing the terms, form and contents and as to the sale and issuance of the Refunding Bonds, and to executing any arbitrage certificate relative thereto, as well as executing the Escrow Contract described in Section 10, are hereby delegated to the chief fiscal officer of the Village.

**Section 9.** The validity of the Refunding Bonds authorized by this resolution 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 10.** The proceeds, inclusive of any premium, from the sale of the Refunding Bonds, immediately upon receipt, shall be used to make payments in accordance with the refunding financial plan.

**Section 11.** In accordance with the provisions of the Law and the final refunding financial plan approved by the Village Treasurer pursuant to Section 2 hereof, the

Board of Trustees hereby elects to redeem all the Bonds To Be Refunded pursuant to the terms of the Bonds to be Refunded, and in accordance with applicable agreements with the United States of America, Department of Agriculture (Rural Development), on the date of issuance of the Refunding Bonds. The sum to be paid therefor shall be the par value thereof, plus the interest accrued thereon to the Redemption Date. Upon the issuance of the Refunding Bonds, the election to call in and redeem the Bonds To Be Refunded shall become irrevocable.

Section 12. This bond resolution shall take effect immediately and the Village Clerk is hereby authorized and directed to publish a summary of the foregoing resolution, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in the "Dail Mail" a newspaper having a general circulation in the Village and hereby designated the official newspaper of said Village for such publication.

The adoption of the foregoing resolution was seconded by

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

AYES: Weyant, Morra & Powell

NOES: None

The resolution was declared adopted.

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I, the undersigned Clerk of the Village of Tannersville, hereby certify that the above is a resolution duly adopted by the Village Board of Trustees on February 26, 2002.

In Testimony Whereof, I have hereunto set my hand and affixed the official seal of the Village of Tannersville, County of Greene, this 26th day of February, 2002.

  
Clerk