

PUBLIC HEARING

July 25, 2018

At 7:51 p.m. Deputy Supervisor D'Angelo stated that a Public Hearing would be held in accordance with the Public Notice that follows:

NOTICE IS HEREBY GIVEN that the Town Board of the Town of North Castle, Westchester County, New York, will meet at the Town Hall, in Armonk, New York, on July 25, 2018, at 7:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing in relation to the proposed increase and improvement of the facilities of Sewer District No. 2 in said Town, consisting of engineering services in connection with proposed improvements to the wastewater treatment plant, including costs incidental thereto, at a maximum estimated cost of \$1,105,000.

At said public hearing said Town Board will hear all persons interested in the subject matter thereof.

Dated: North Castle, New York
July 14, 2018

BY ORDER OF THE TOWN BOARD OF
THE TOWN OF NORTH CASTLE,
WESTCHESTER COUNTY, NEW YORK
Alison Simon, Town Clerk

The Public Notice was marked Exhibit "A" for the record.

The Affidavit of Posting calling the Public Hearing was marked Exhibit "B" for the record.

The Affidavit of Publication from The Journal News calling the Public Hearing was marked Exhibit "C" for the record.

Letter from Orrick, Herrington & Sutcliffe LLP (Bond Counsel) dated July 17, 2018 was marked Exhibit "D" for the record.

The Order calling for the Public Hearing adopted by the Town Board on July 11, 2018.

Public Interest Order for consideration for adoption.

Bond Resolution for consideration for adoption.

Town Administrator Joan Goldberg said that the bonding is for the engineering services to design the expansion of the Sewer District No. 2 wastewater treatment plant.

After all persons were heard who desired to be heard, Councilman DiGiacinto moved, seconded by Councilman Berra, that the Public Hearing be closed at 7:53 p.m.

The roll call vote was as follows:

Ayes: Councilmen D'Angelo, DiGiacinto, Reiter, Berra

Noes: None

Absent: Supervisor Schiliro

Councilman DiGiacinto moved, seconded by Councilman Berra, to adopt the Public Interest Order that follows at the end of these minutes.

The roll call vote was as follows:

Ayes: Councilmen D'Angelo, DiGiacinto, Reiter, Berra

Noes: None

Absent: Supervisor Schiliro

Councilman DiGiacinto moved, seconded by Councilman Berra, to adopt the Bond Resolution that follows at the end of the minutes.

Town Board Minutes
July 25, 2018

The roll call vote was as follows:

Ayes: Councilmen D'Angelo, DiGiacinto, Reiter, Berra

Noes: None

Absent: Supervisor Schiliro

Alison Simon, Town Clerk

Dated: August 7, 2018

Town Board Minutes
July 25, 2018

STATE OF NEW YORK)
) ss.:
COUNTY OF WESTCHESTER)

I, the undersigned Clerk of the Town of North Castle, Westchester County, New York (the "Issuer"), DO HEREBY CERTIFY:

1. That a meeting of the Issuer was duly called, held and conducted on the 25th day of July, 2018.
2. That such meeting was a regular meeting.
3. That attached hereto is a proceeding of the Issuer which was duly adopted at such meeting by the Board of the Issuer.
4. That such attachment constitutes a true and correct copy of the entirety of such proceeding as so adopted by said Board.
5. That all members of the Board of the Issuer had due notice of said meeting.
6. That said meeting was open to the general public in accordance with Section 103 of the Public Officers Law, commonly referred to as the "Open Meetings Law".
7. That notice of said meeting (the meeting at which the proceeding was adopted) was given PRIOR THERETO in the following manner:

PUBLICATION

The Journal News, published on July 19, 2018
Town of North Castle Website. www.northcastleny.com, July 20, 2018

POSTING

Town Clerk's signboard, Town Hall, 15 Bedford Road, Armonk, NY,
July 20, 2018

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Issuer
this 26th day of July, 2018.

Alison Simon, Town Clerk

(CORPORATE
SEAL)

Town Board Minutes
July 25, 2018

At a regular meeting of the Town Board of the Town of North Castle, Westchester County, New York, held at the Town Hall, in Armonk, New York in said Town, on July 25, 2018, at 7:30 o'clock P.M., Prevailing Time.

PRESENT:

Councilman Stephen D'Angelo
Councilman Barbara W. DiGiacinto
Councilman Barry S. Reiter
Councilman José L. Berra

ABSENT:

Supervisor Michael J. Schiliro

_____:

| | | |
|---|---|-----------------------|
| In the Matter of the Increase and Improvement | : | |
| of the Facilities of Sewer District No. 2 | : | PUBLIC INTEREST ORDER |
| in the Town of North Castle, | : | |
| Westchester County, New York | : | |
| _____: | | |

WHEREAS, the Town Board of the Town of North Castle, Westchester County, New York, has under consideration the increase and improvement of the facilities of Sewer District No. 2 in the Town of North Castle, Westchester County, New York, consisting initially of engineering services in connection with improvements to the wastewater treatment plant, including costs incidental thereto, at a maximum estimated cost of \$1,105,000; and

WHEREAS, at a meeting of said Town Board duly called and held on July 11, 2018, an order was duly adopted by it and entered in the minutes specifying the said Town Board would meet to consider the increase and improvement of the facilities of Sewer District No. 2 in said Town at a maximum estimated cost of \$1,105,000 and to hear all persons interested in the subject thereof concerning the same at the Town Hall, 15 Bedford Road, in Armonk, New York, in said Town, on July 25, 2018, at 7:30 o'clock P.M., Prevailing Time; and

WHEREAS, said order duly certified by the Town Clerk was duly published and posted as required by law; and

WHEREAS, a public hearing was duly held at the time and place set forth in said notice, at which all persons desiring to be heard were duly heard; NOW, THEREFORE, BE IT

ORDERED, by the Town Board of the Town of North Castle, Westchester County, New York, as follows:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to make the improvement, to increase and improve the facilities of Sewer District No. 2 in the Town of North Castle, Westchester County, New York, consisting initially of engineering services in connection with improvements to the wastewater treatment plant, including costs incidental thereto, at a maximum estimated cost of \$1,105,000.

Section 2. This order shall take effect immediately.

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

| | |
|----------------------------------|------------|
| Councilman Stephen D'Angelo | VOTING AYE |
| Councilman Barbara W. DiGiacinto | VOTING AYE |
| Councilman Barry S. Reiter | VOTING AYE |
| Councilman José L. Berra | VOTING AYE |

The order was thereupon declared duly adopted.

* * * * *

Town Board Minutes
July 25, 2018

STATE OF NEW YORK)
) ss.:
COUNTY OF WESTCHESTER)

I, the undersigned Clerk of the Town of North Castle, Westchester County, New York (the "Issuer"), DO HEREBY CERTIFY:

8. That a meeting of the Issuer was duly called, held and conducted on the 25th day of July, 2018.
9. That such meeting was a regular meeting.
10. That attached hereto is a proceeding of the Issuer which was duly adopted at such meeting by the Board of the Issuer.
11. That such attachment constitutes a true and correct copy of the entirety of such proceeding as so adopted by said Board.
12. That all members of the Board of the Issuer had due notice of said meeting.
13. That said meeting was open to the general public in accordance with Section 103 of the Public Officers Law, commonly referred to as the "Open Meetings Law".
14. That notice of said meeting (the meeting at which the proceeding was adopted) was given PRIOR THERETO in the following manner:

PUBLICATION

The Journal News, published on July 19, 2018
Town of North Castle Website. www.northcastleny.com, July 20, 2018

POSTING

Town Clerk's signboard, Town Hall, 15 Bedford Road, Armonk, NY,
July 20, 2018

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Issuer
this 26th day of July, 2018.

Alison Simon, Town Clerk

(CORPORATE
SEAL)

Town Board Minutes
July 25, 2018

At a regular meeting of the Town Board of the Town of North Castle, Westchester County, New York, held at the Town Hall, in Armonk, New York, in said Town, on July 25, 2018, at 7:30 o'clock P.M., Prevailing Time.

The meeting was called to order by Councilman Stephen D'Angelo, and upon roll being called, the following were

PRESENT:

Councilman Stephen D'Angelo
Councilman Barbara W. DiGiacinto
Councilman Barry S. Reiter
Councilman José L. Berra

ABSENT:

Supervisor Michael J. Schiliro

The following resolution was offered by Councilman DiGiacinto who moved its adoption, seconded by Councilman Berra to-wit:

BOND RESOLUTION DATED JULY 25, 2018.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$1,105,000 SERIAL BONDS OF THE TOWN OF NORTH CASTLE, WESTCHESTER COUNTY, NEW YORK, TO PAY THE COST OF THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF SEWER DISTRICT NO. 2 IN THE TOWN OF NORTH CASTLE, WESTCHESTER COUNTY, NEW YORK.

WHEREAS, pursuant to the provisions heretofore duly had and taken in accordance with the provisions of Section 202-b of the Town Law, and more particularly an order dated July 25, 2018, said Town Board has determined it to be in the public interest to increase and improve the facilities of Sewer District No. 2 in the Town of North Castle, Westchester County, New York, at a maximum estimated cost of \$1,105,000; and

WHEREAS, it is now desired to provide funding therefor; NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of North Castle, Westchester County, New York, as follows:

Section 1. For the specific object or purpose of paying the cost of the increase and improvement of the facilities of Sewer District No. 2 in the Town of North Castle, Westchester County, New York, consisting initially of engineering services in connection with improvements to the wastewater treatment plant, including costs incidental thereto, at a maximum estimated cost of \$1,105,000, there are hereby authorized to be issued \$1,105,000 serial bonds of said Town pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific object or purpose is \$1,105,000 and that the plan for the financing thereof is by the issuance of the \$1,105,000 serial bonds of said Town authorized to be issued pursuant to this bond resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid object or purpose is five years, pursuant to subdivision 62 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will not exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and

shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said Town of North Castle, Westchester County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not paid from other sources, there shall be annually assessed upon all the taxable real property within said Sewer District No. 2 in the amounts and in the manner provided by law an amount sufficient to pay the principal and interest on said bonds as the same become due, but if not paid from such source, all the taxable real property in said Town shall be subject to the levy of ad valorem taxes sufficient to pay the principal of and interest on said bonds as the same shall become due.

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

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he or she shall deem best for the interests of the Town.

Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Town by the facsimile signature of its Supervisor, providing for the manual countersignature of a fiscal agent or of a designated official of the Town), the date, denominations, maturities and interest payment dates,

place or places of payment, and also including the consolidation with other issues, shall be determined by the Supervisor.

Section 9. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

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

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 10. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 11. This resolution which takes effect immediately shall be published in summary in the official newspaper of the Town, together with a notice of the Town Clerk in substantially the form provided in Section 81 of the Local Finance Law.

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

| | | |
|----------------------------------|--------|-----|
| Councilman Stephen D'Angelo | VOTING | AYE |
| Councilman Barbara W. DiGiacinto | VOTING | AYE |
| Councilman Barry S. Reiter | VOTING | AYE |
| Councilman José L. Berra | VOTING | AYE |

The resolution was thereupon declared duly adopted.

* * * * *