

**Authorizing Preliminary Planning And Design Costs For The Flex Tech Energy Study, In And For The County Of Ulster, New York, At A Maximum Estimated Cost Of \$31,000.00, And Authorizing The Issuance Of \$31,000.00 Bonds Of Said County To Pay The Cost Thereof**

Referred to: The Ways and Means Committee (Chairman Gerentine and Legislators Archer, Bartels, Lopez, Maio, James Maloney, Joseph Maloney, and Petit)

Chairman of the Public Works and Capital Projects Committee, Dean Fabiano, and Deputy Chair Manna Jo Greene offer the following:

WHEREAS, by Resolution No. 359 dated and duly adopted on the date hereof, the County Legislature of the County of Ulster, New York has amended Capital Project No. 519 to include the planning expenses with regard to the Flex Tech Energy Study for the Department of Public Works; and

WHEREAS, said capital project, as proposed, has been determined to be a Type II Action which as such it has been determined will not result in any significant adverse effect on the environment; and

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

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

Section 1. Preliminary planning and design costs for the Flex Tech Energy Study, for the County of Ulster, New York, including incidental expenses in connection therewith, is hereby authorized at a maximum estimated cost of \$31,000.00.

Section 2. It is hereby determined that the plan for the financing of the aforesaid maximum estimated cost is by the issuance of not exceeding \$31,000.00 of serial bonds of the County hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is five years, pursuant to subdivision 62 (2nd) of paragraph a of Section 11.00 of the Local Finance Law.

**Resolution No. 360      September 20, 2018**

**Authorizing Preliminary Planning And Design Costs For The Flex Tech Energy Study, In And For The County Of Ulster, New York, At A Maximum Estimated Cost Of \$31,000.00, And Authorizing The Issuance Of \$31,000.00 Bonds Of Said County To Pay The Cost Thereof**

Section 4. The faith and credit of said County of Ulster, New York, are hereby irrevocable pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said County, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Commissioner of Finance, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Commissioner of Finance, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Commissioner of Finance, the chief fiscal officer of such County. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Commissioner of Finance shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

**Resolution No. 360      September 20, 2018**

**Authorizing Preliminary Planning And Design Costs For The Flex Tech Energy Study, In And For The County Of Ulster, New York, At A Maximum Estimated Cost Of \$31,000.00, And Authorizing The Issuance Of \$31,000.00 Bonds Of Said County To Pay The Cost Thereof**

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

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper(s) of such County, together with a notice of the Clerk of the County Legislature in substantially the form provided in Section 81.00 of the Local Finance Law,  
and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 21                      NOES: 0  
(1 Abstention: Legislator Litts)  
(Absent: Legislator Fabiano)

Passed Committee: Ways and Means on September 20, 2018

FINANCIAL IMPACT:

\$31,000.00– CAPITAL PROJECT NO. 519 APPROPRIATIONS  
\$31,000.00 – SERIAL BOND PROCEEDS  
(\$15,340 ANTICIPATED STATE AID- NYSERDA OFFSET)

**Resolution No. 360      September 20, 2018**

**Authorizing Preliminary Planning And Design Costs For The Flex Tech Energy Study, In And For The County Of Ulster, New York, At A Maximum Estimated Cost Of \$31,000.00, And Authorizing The Issuance Of \$31,000.00 Bonds Of Said County To Pay The Cost Thereof**

STATE OF NEW YORK

ss:

COUNTY OF ULSTER

I, the undersigned Clerk of the Legislature of the County of Ulster, hereby certify that the foregoing resolution is the original resolution adopted by the Ulster County Legislature on the 20<sup>th</sup> Day of September in the year Two Thousand and Eighteen, and said resolution shall remain on file in the office of said clerk.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 21<sup>st</sup> Day of September in the year Two Thousand and Eighteen.

[s] Victoria A. Fabella  
Victoria A. Fabella, Clerk  
Ulster County Legislature

Submitted to the County Executive this  
24<sup>th</sup> Day of September, 2018.

[s] Victoria A. Fabella  
Victoria A. Fabella, Clerk  
Ulster County Legislature

Approved by the County Executive this  
1<sup>st</sup> Day of October, 2018.

[s] Michael P. Hein  
Michael P. Hein, County Executive