

SPECIAL MEETING
September 22, 2015

A Special Meeting of the Town Board of the Town of Lyndon, County of Cattaraugus and the State of New York was held at the Town Hall, 852 Lyndon Center Road, Cuba, New York on the 22nd day of September 2015.

Present: Leonard Kaluzny ----- Supervisor
Clifford Evans ----- Councilman
Scott Hillman ----- Councilman
Don Gietl----- Councilman
Frank Puglisi ----- Clerk

Absent: Sidney Emmons ----- Councilman

Attended by: Three members of the public.

Notice was sent to the Mercury Gazette on September 22, 2015, with same notice being posted on the same date at the Town Hall.

Supervisor Kaluzny called the meeting to order 6:30 pm.
Supervisor Kaluzny stated the Special Meeting is to pass a bond resolution for the new plow truck.

Councilman Gietl made a motion to accept and pass the following resolution:

A RESOLUTION AUTHORIZING THE PURCHASE OF A HIGHWAY TRUCK WITH PLOW FOR THE TOWN OF LYNDON, CATTARAUGUS COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$205,000, AND AUTHORIZING THE ISSUANCE OF \$205,000 BONDS OF SAID TOWN TO PAY THE COST THEREOF.

WHEREAS, the capital project hereinafter described has been determined to be a Type II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, such regulations provide will not result in a significant environmental effect; and

WHEREAS, it is now desired to authorize such capital project and its financing; NOW, THEREFORE, BE IT

BE IT RESOLVED, by the affirmative vote of **not less than two-thirds of the total voting strength** of the Town of Lyndon, Cattaraugus County, New York, as follows:

Section 1. The purchase of a highway truck with plow for maintenance purposes for the Town of Lyndon, Cattaraugus County, New York, including incidental equipment and expenses in connection therewith, is hereby authorized, at a maximum estimated cost of \$205,000.

Section 2. It is hereby determined that the plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$205,000 serial bonds of said Town 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 fifteen years pursuant to subdivision 28 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 shall not exceed five years.

Section 4. The faith and credit of said Town of Lyndon, Cattaraugus County, New York, are hereby irrevocably 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 Town, 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 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 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 Supervisor, the chief fiscal officer of such Town. 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 Supervisor 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 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 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, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

