

Bedford Hills, New York
April 15, 2009

A public hearing was held by Town Board of the Town of Bedford on April 15, 2009 at the Town Offices, 321 Bedford Road, Bedford Hills, New York to consider bonding for the increase and improvement of facilities at the Katonah Memorial Park. The public hearing was called to order at 7:40 P.M. by Supervisor Roberts.

Present:	Lee V. A. Roberts	:Supervisor
	Peter Chryssos	:Councilman
	Chris Burdick	:Councilman
	David Gabrielson	:Councilman
	Lisbeth Fumagalli	:Town Clerk
	Nancy Tagliafierro	:Town Attorney
	Jeffrey Osterman	: Director of Planning
	Amy Pectol	:Receiver of Taxes
	Christian Menzel	:Chief of Police
	Kevin Winn	:Commissioner of Public Works
	Edward J. Ritter	:Town Comptroller
	Marcy Marchiano	:Asst. to Supervisor
Absent:	Francis Corcoran	: Councilman

And four (4) residents/observers.

Proof of Publication was presented and ordered filed. The public notice was published in the Bedford Pound Ridge Record Review on April 3, 2009.

At a regular meeting of the Town Board of the Town of Bedford, Westchester County, New York, held at the Town House, in Bedford Hills, New York on April 15, 2009, at 7:40 o'clock P.M., Prevailing Time.

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In the Matter	:	
of	:	
The Increase and Improvement of the	:	PUBLIC INTEREST ORDER
Facilities of the Katonah Park District in	:	
the Town of Bedford, Westchester County,	:	
New York	:	
	:	
	:	

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WHEREAS, the Town Board of the Town of Bedford, Westchester County, New York, has caused to be prepared a description and an estimate of cost, pursuant to Section 202-b of the Town Law, relating to the increase and improvement of the facilities of the Katonah Park District in the Town of Bedford, Westchester County, New York, consisting of additional replastering of the main pool, the reconfiguration of a softball field and the acquisition of various equipment, including incidental expenses in connection therewith, at an maximum estimated cost of \$280,500; and

WHEREAS, said capital projects have 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, the Town Board has determined will not result in any significant environmental effects; and

WHEREAS, at a meeting of said Town Board duly called and held on March 31, 2009, an order was duly adopted by it and entered in the minutes specifying the said Town Board would meet on April 15, 2009 to consider the increase and improvement of the facilities of the Katonah Park District in said Town at a maximum estimated cost of \$280,500 and to hear all persons interested in the subject thereof; and

WHEREAS, said order duly certified by the Town Clerk was duly published and posted as required by law, to-wit: a duly certified copy thereof was published in the official newspaper of this Town, on April 3, 2009, and a copy of such order was posted on April 3, 2009, on the signboard maintained by the Town Clerk of the Town of Bedford, pursuant to Section 30, subdivision 6 of the Town 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 Bedford, 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 increase and improve the facilities of the Katonah Park District in the Town of Bedford, Westchester County, New York, consisting of additional replastering of the main pool, the reconfiguration of a softball field and the acquisition of various equipment, including incidental expenses in connection therewith, at a maximum estimated cost of \$280,500.

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:

Lee V. A. Roberts	VOTING	Aye
Peter Chryssos	VOTING	Aye
David Gabrielson	VOTING	Aye
Chris Burdick	VOTING	Aye

The order was thereupon declared duly adopted.

Mrs. Roberts asked for comments from the audience and there were none.

On a motion by Mrs. Roberts, seconded by Mr. Chryssos, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Gabrielson, Burdick
Nays: None
Absent: Corcoran

RESOLVED that the public comment period for the public hearing to discuss bonding for improvements in the Katonah Park District is hereby closed.

At a regular meeting of the Town Board of the Town of Bedford, Westchester County, New York, held at the Town House, in Bedford Hills, New York, in said Town, on April 15, 2009, at 7:40 o'clock P.M., Prevailing Time.

The meeting was called to order by Supervisor Roberts, and upon roll being called, the following were

PRESENT: Lee V. A. Roberts, Supervisor
Peter Chryssos, Councilman
David Gabrielson, Councilman
Chris Burdick, Councilman

ABSENT: Francis Corcoran, Councilman

The following resolution was offered by Supervisor Roberts who moved its adoption, seconded by Councilman Chryssos to-wit:

BOND RESOLUTION DATED APRIL 15, 2009.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$280,500 BONDS OF THE TOWN OF BEDFORD, WESTCHESTER COUNTY, NEW YORK, TO PAY THE COST OF THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE KATONAH PARK DISTRICT IN THE TOWN OF BEDFORD, WESTCHESTER COUNTY, NEW YORK, CONSISTING OF ADDITIONAL REPLASTERING OF THE MAIN POOL, THE RECONFIGURATION OF A SOFTBALL FIELD AND THE ACQUISITION OF VARIOUS EQUIPMENT.

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 March 31, 2009, said Town Board has determined it to be in the public interest to increase the facilities of the Katonah Park District in the Town of Bedford, Westchester County, New York, at a maximum estimated cost of \$280,500; and

WHEREAS, it is now desired to provide funding for such capital project; NOW, THEREFORE, BE IT

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

Section 1. For paying the cost of the increase and improvement of the facilities of the Katonah Park District in the Town of Bedford, Westchester County, New York, consisting of additional replastering of the main pool, the reconfiguration of a softball field and the acquisition of various equipment, including incidental expenses in connection therewith, which is a class of objects or purposes, there are hereby authorized to be issued an aggregate \$280,500 bonds of said Town pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the aggregate estimated maximum cost of the aforesaid class of objects or purposes is \$280,500 and that the plan for the financing thereof is by the issuance of the \$280,500 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 said class of objects or purposes is five years, pursuant to subdivision eighty-nine of paragraph a of Section 11.00 of the Local Finance Law, as each item in said class of objects or purposes has a period of probable usefulness of at least five years under one or more of subdivisions 19 or 32 thereof. It is hereby further determined that the maximum maturity of the 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 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 Bedford, Westchester County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such bonds as the same respectively become due and payable. There shall annually be assessed upon the benefited real property in the Katonah Park District in said Town in the manner provided by law an amount sufficient to pay the principal of and interest on such bonds as the same become due and payable, but if not paid from such source, all the taxable real property within said Town shall be subject to the levy of ad valorem taxes without limitation as to rate or amount sufficient to pay the principal and interest on said bonds.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the Town of Bedford, 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 provided, however, that in the exercise of these delegated powers, he or she shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Supervisor shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

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. It is hereby determined that it is to the financial advantage of the Town not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. 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 52.00 of the Local Finance Law, as the Supervisor shall determine.

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, or a summary thereof, shall be published in the *Bedford Pound Ridge Record Review*, 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.

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

Lee V. A. Roberts	VOTING	Aye
Peter Chryssos	VOTING	Aye
David Gabrielson	VOTING	Aye
Chris Burdick	VOTING	Aye

The resolution was thereupon declared duly adopted.

On a motion by Mrs. Roberts, seconded by Mr. Chryssos, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Gabrielson, Burdick
Nays: None
Absent: Corcoran

RESOLVED that the public hearing to discuss bonding for improvements in the Katonah Park District is hereby closed.

There being no further discussion the hearing was adjourned at 7:44 P.M.

Lisbeth Fumagalli, Town Clerk