

RESOLUTION NO. 901

Adopted

02 1 4387 .01

72113-3115P

At a SPECIAL meeting of the Town Board of the Town of Riverhead, Suffolk County, New York, held at the Town Hall, 200 Howell Avenue, in Riverhead, New York, in said Town, on the 25th day of November, 1996, at 10:00 o'clock A.M., Prevailing Time.

PRESENT:

JAMES R. STARK

Supervisor

VICTOR J. PRUSINOWSKI

Councilman

MARK KWASNA

Councilman

OTTO WITTMEIER

Councilman

JAMES LULL (ABSENT)

Councilman

-----:
:
In the Matter :
of :
the Increase and Improvement :
of the Facilities of Riverhead :
Water District in the :
Town of Riverhead, Suffolk :
County, New York :
-----:

PUBLIC INTEREST
ORDER

WHEREAS, the Town Board of the Town of Riverhead, Suffolk County, New York, has duly caused to be prepared a map, plan and report including an estimate of cost, pursuant to Section 202-b of the Town Law, relating to the increase and improvement of the facilities of Riverhead Water District in said Town, consisting of

the redrilling, deepening and improvement of various wells including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$957,000; and

WHEREAS, at a meeting of said Town Board duly called and held on December 5, 1995, an order was duly adopted by it and entered in the minutes specifying that the said Board would meet to consider the increase and improvement of the facilities of Riverhead Water District in said Town at a maximum estimated cost of \$957,000 and to hear all persons interested in the subject thereof concerning the same at the Town Hall, 200 Howell Avenue, in Riverhead, New York, in said Town, on the 19th day of day of December, 1995, at 2:00 o'clock P.M., Prevailing Time; and

WHEREAS, the 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 _____, 1996, and a copy of such order was posted on _____, 1996, on the signboard maintained by the Town Clerk of the Town of Riverhead, 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 Riverhead, Suffolk 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 Riverhead Water District in the Town of Riverhead, Suffolk County, New York, consisting of the redrilling, deepening and improvement of various wells including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$957,000.

Section 2. This order shall take effect immediately.

-4-

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

<u>Supervisor Stark</u>	VOTING	<u>Aye</u>
<u>Councilman Prusinowski</u>	VOTING	<u>Aye</u>
<u>Councilman Kwasna</u>	VOTING	<u>Aye</u>
<u>Councilman Wittmeier</u>	VOTING	<u>Aye</u>
<u>Councilman Lull</u>	VOTING	<u>ABSENT</u>

The order was thereupon declared duly adopted.

* * * * *

THE VOTE

Wittmeier	(Aye)	Nay
Kwasna	(Aye)	Nay
Lull	Aye	Nay Absent
Prusinowski	(Aye)	Nay
Stark	(Aye)	Nay

The Resolution was thereupon duly adopted.

STATE OF NEW YORK)
) ss:
COUNTY OF SUFFOLK)

I, the undersigned Clerk of the Town of Riverhead, Suffolk County, New York, DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the Town Board of said Town, including the order contained therein, held on November 25, 1996, with the original thereof on file in my office, and that the same is a true and correct transcript therefrom and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting.

I FURTHER CERTIFY that, pursuant to Section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public.

I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused a public notice of the time and place of said meeting to be given to the following newspapers and/or other news media as follows:

Newspaper and/or other news media Date given

I FURTHER CERTIFY that PRIOR to the time of said meeting, I only caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public location(s) on the following dates:

<u>Designated Location(s)</u> <u>of posted notice</u>	<u>Date of Posting</u>
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IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town, on November ____, 1996.

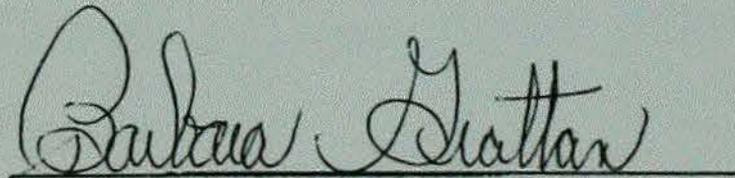
Town Clerk

(SAL)

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that the resolution published herewith has been adopted by the Town Board of the Town of Riverhead, Suffolk County, New York, on the 25 th day of November, 1996, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which said Town is not authorized to expend money, or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the Constitution.

Dated: Riverhead, New York
November 25, 1996.


Town Clerk

Adopted

RESOLUTION NO. 902

72113-3115P

At a Special meeting of the Town Board of the Town of Riverhead, Suffolk County, New York, held at the Town Hall, 200 Howell Avenue, in Riverhead, New York, in said Town, on November 25, 1996, at 11 o'clock A.M., Prevailing Time.

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

PRESENT: Supervisor James R. Stark
Councilman Victor Prusinowski
Councilman Mark Kwasna
Councilman Otto Wittmeier

ABSENT: Councilman James Lull

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

BOND RESOLUTION DATED NOVEMBER 29, 1996.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$957,000 SERIAL BONDS OF THE TOWN OF RIVERHEAD, SUFFOLK COUNTY, NEW YORK, TO PAY THE COST OF THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF RIVERHEAD WATER DISTRICT IN SAID TOWN.

WHEREAS, pursuant to the proceedings heretofore duly had and taken in accordance with the provisions of Section 202-b of the Town Law, and more particularly an order dated November 25, 1996, the Town Board of the Town of Riverhead, Suffolk County, New York, has determined it to be in the public interest to increase and improve the facilities of Riverhead Water District in said Town, at a maximum estimated cost of \$957,000; and

WHEREAS, said capital project, as proposed, has been determined to be an Unlisted Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, which the Town Board has determined will not have a significant effect on the environment; and

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

RESOLVED, by the Town Board of the Town of Riverhead, Suffolk County, New York, as follows:

Section 1. For the class of objects or purposes of paying the cost of the increase and improvement of the facilities of Riverhead Water District in the Town of Riverhead, Suffolk County, New York, consisting of the redrilling, deepening and improvement of various wells including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses

in connection therewith, there are hereby authorized to be issued \$957,000 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 said class of objects or purposes is \$957,000, and that the plan for the financing of the aforesaid class of objects or purposes is by the issuance of the \$957,000 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 class of objects or purposes is forty years, pursuant to subdivision 1 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 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 Riverhead, Suffolk 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.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the Town of Riverhead, Suffolk 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 shall deem best for the interests of the Town; provided, however, that in the exercise of these delegated powers, he 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 annual 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 serial 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

1) 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 Sections 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 the Suffolk County Life, 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 VOTE

Wittmeier Aye Nay

Kwasna Aye Nay

Lull ~~Aye~~ ~~Nay~~ *Absent*

Prusinowski Aye Nay

Stark Aye Nay

* The Resolution was thereupon duly adopted.

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

<u>Supervisor Stark</u>	VOTING	<u>Aye</u>
<u>Councilman Prusinowski</u>	VOTING	<u>Aye</u>
<u>Councilman Kwasna</u>	VOTING	<u>Aye</u>
<u>Councilman Wittmeier</u>	VOTING	<u>Aye</u>
<u>Councilman Lull</u>	VOTING	<u>ABSENT</u>

The resolution was thereupon declared duly adopted.

* * * * *

STATE OF NEW YORK)
) ss:
 COUNTY OF SUFFOLK)

I, the undersigned Clerk of the Town of Riverhead, Suffolk County, New York, DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the Town Board of said Town, including the resolution contained therein, held on November 25, 1996, with the original thereof on file in my office, and that the same is a true and correct transcript therefrom and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting.

I FURTHER CERTIFY that, pursuant to Section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public.

I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused a public notice of the time and place of said meeting to be given to the following newspapers and/or other news media as follows:

Newspaper and/or other news media

Date given

Suffolk County Life

November 29, 1996

I FURTHER CERTIFY that PRIOR to the time of said meeting, I duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public location(s) on the following dates:

Designated Location(s)
of posted notice

Date of Posting

Town Clerk's Bulletin Board

November 26, 1996

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town, on November 25th, 1996.



Town Clerk

(SEAL)