

**GREENE COUNTY LEGISLATURE**

SPECIAL MEETING NO. 1

February 1, 2012

**AGENDA**

- A. Silent Prayer and Pledge of Allegiance to the Flag.
- B. Roll Call.
- C. **Resolutions/Motions.**
  - 1. Resolution Determining That Proposed Actions Are Type II Actions For Purposes Of The New York State Environmental Quality Review Act.
  - 2. Bond Resolution Of The County Of Greene, New York, Authorizing The Issuance Of \$20,000,000 Serial Bonds To Finance The Reconstruction Of Various County Facilities Damaged By Hurricane Irene.
- D. Adjournment

February 1, 2012

RESOLUTION NO.

RESOLUTION DETERMINING THAT PROPOSED ACTIONS  
ARE TYPE II ACTIONS FOR PURPOSES OF  
THE NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT

Legislator offered the following resolution  
and moved its adoption:

WHEREAS, the County Legislature of the County of Greene, New York (the "County") is considering undertaking the reconstruction and improvement of various County facilities damaged by Hurricane Irene, including the following projects (collectively, the "Projects"):

- (a) the reconstruction and resurfacing of various County streets and roads, including sidewalks, curbs, gutters, drainage, landscaping, and grading or improving the rights of way, with a pavement which will be of a more durable construction than pavement of sand and gravel, water-bound macadam or penetration process with single-surface treatment;
- (b) the reconstruction, major repairs, alteration, extension or enlargement of the necessary works of all kinds for the improvement of waterways in the County and for drainage or additions thereto, whether or not including buildings appurtenant or incidental thereto, lands or rights in lands, original furnishings, equipment, machinery or apparatus, or the replacement of such equipment, machinery or apparatus; and
- (c) the reconstruction of or additions to bridges, tunnels, viaducts or underpasses in the County, whether or not including the acquisition of land or rights in land, and whether or not including retaining walls or approaches thereto, of stone, concrete or steel or a combination of two or more of these materials.

WHEREAS, pursuant to the New York State Environmental Quality Review Act (the "SEQR Act") and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York, being 6 NYCRR Part 617, as amended (the "Regulations"), the County desires to comply with the SEQR Act and the Regulations with respect to the Projects;

NOW, THEREFORE, BE IT RESOLVED, by the members of the County Legislature of the County of Greene, New York as follows:

1. The Projects constitute "Type II Actions" under 6 NYCRR Section 617.5(c)(2) and no further action under the SEQR Act and Regulations is required.
2. This Resolution shall take effect immediately.

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Resolution No.

Seconded by Legislator

Ayes            Noes            Absent

CARRIED.

Approved by Finance Comm.:



February 1, 2012

RESOLUTION NO.

BOND RESOLUTION OF THE COUNTY OF GREENE,  
NEW YORK, AUTHORIZING THE ISSUANCE OF \$20,000,000  
SERIAL BONDS TO FINANCE THE RECONSTRUCTION OF  
VARIOUS COUNTY FACILITIES DAMAGED BY HURRICANE IRENE

Legislator \_\_\_\_\_ offered the following resolution  
and moved its adoption:

BE IT RESOLVED, by the County Legislature of the County of Greene, New York (the "County") as follows:

Section 1. The County is hereby authorized to undertake the following projects to reconstruct and improve various County facilities damaged by Hurricane Irene at an estimated maximum cost not to exceed \$20,000,000:

- (a) the reconstruction and resurfacing of various County streets and roads, including sidewalks, curbs, gutters, drainage, landscaping, and grading or improving the rights of way, with a pavement which will be of a more durable construction than pavement of sand and gravel, water-bound macadam or penetration process with single-surface treatment;
- (b) the reconstruction, major repairs, alteration, extension or enlargement of the necessary works of all kinds for the improvement of waterways in the County and for drainage or additions thereto, whether or not including buildings appurtenant or incidental thereto, lands or rights in lands, original furnishings, equipment, machinery or apparatus, or the replacement of such equipment, machinery or apparatus; and
- (c) the reconstruction of or additions to bridges, tunnels, viaducts or underpasses in the County, whether or not including the acquisition of land or rights in land, and whether or not including retaining walls or approaches thereto, of stone, concrete or steel or a combination of two or more of these materials.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific objects or purposes is \$20,000,000 and the plan for financing thereof shall consist of the issuance of \$20,000,000 of serial bonds (the "Bonds") of the County, authorized to be issued pursuant to this resolution and the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific objects or purposes set forth in Section 1 is fifteen (15) years pursuant to paragraph 91 of Section 11.00 of the Local Finance Law.

Section 4. Pursuant to Section 107.00(d)(9) of the Local Finance Law, current funds are not required to be provided prior to issuance of the Bonds or any bond anticipation notes issued in anticipation of issuance of the Bonds.

Section 5. The temporary use of available funds of the County, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the capital purposes described in Section 1 of this resolution.

Section 6. The Bonds and any bond anticipation notes issued in anticipation of the Bonds, shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law and the Bonds, and any bond anticipation notes issued in anticipation of the Bonds, shall be general obligations of the County, payable as to both principal and interest by a general tax upon all the real property within the County without legal or constitutional limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on the Bonds, and any bond anticipation notes issued in anticipation of the Bonds, and provision shall be made annually in the budget of the County by appropriation for (a) the amortization and redemption of the Bonds and bond anticipation notes to mature in such year, and (b) the payment of interest to be due and payable in such year.

Section 7. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Sections 21.00, 30.00, 50.00, and 56.00 to 63.00, inclusive, 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, and the power to prescribe the terms, form and contents of the Bonds, and any bond anticipation notes, and the power to sell and deliver the Bonds and any bond anticipation notes issued in anticipation of the issuance of the Bonds, and the power to issue bonds providing for substantially level or declining annual debt service, is hereby delegated to the County Treasurer, the chief fiscal officer of the County.

Section 8. The serial bonds and bond anticipation notes authorized to be issued by this resolution are hereby authorized to be consolidated, at the option of the County Treasurer, the chief fiscal officer of the County, with the serial bonds and bond anticipation notes authorized by bond resolutions previously or subsequently adopted by the County Legislature for purposes of sale in to one or more bond or note issues aggregating in an amount not to exceed the amount authorized in such resolutions. All matters regarding the sale of the bonds, including the dated date of the bonds, the consolidation of the serial bonds and bond anticipation notes with other issues of the County, and the serial maturities of the bonds are hereby delegated to the County Treasurer, the chief fiscal officer of the County.

Section 9. This resolution shall constitute the declaration of the County's "official intent" to reimburse the expenditures authorized by this resolution with the proceeds of the Bonds and bond anticipation notes authorized herein, as required by Treasury Regulation 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 objects or purposes described herein.

Section 10. Any grant funds obtained by the County from the Federal Emergency Management Agency or from any other source to fund the capital purposes described in Section 1 of this resolution, shall be applied to pay the principal of and interest on the Bonds or any bond anticipation notes issued in anticipation of the Bonds or, to the extent obligations shall not have been issued under this resolution, to reduce the maximum amount to be borrowed for such capital purposes.

Section 11. The validity of the Bonds or of any bond anticipation notes issued in anticipation of the sale of the Bonds may be contested only if:

(1) (a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of publication of this resolution or summary hereof are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or

(2) such obligations are authorized in violation of the provisions of the Constitution of New York.

Section 12. The County Treasurer, as chief fiscal officer of the County, is hereby authorized to enter into an undertaking for the benefit of the holders of the Bonds from time to time, and any bond anticipation notes issued in anticipation of the sale of the Bonds, requiring the County to provide secondary market disclosure as required by the United State Securities and Exchange Commission Rule 15c2-12.

Section 13. This resolution, or a summary thereof, shall be published in the Catskill Daily Mail, the official newspaper of the 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.

Section 14. This resolution is not subject to a mandatory or permissive referendum.

Section 15. The County Legislature hereby determines that the provisions of the State Environmental Quality Review Act and the regulations thereunder have previously been satisfied with respect to the expenditures authorized by this resolution.

Section 16. This resolution shall take effect immediately.

