

# RESOLUTIONS FOR MARCH 2023

- RESOLUTION 3-2023-#1 -** AMENDMENT TO CONTRACT WITH ULSTER COUNTY FOR ARPA FUNDS TO THE WATER DISTRICT FOR THE CONSTRUCTION OF A NEW WATER TOWER.
- RESOLUTION 3-2023-#2 -** MAINTENANCE AGREEMENT FOR HEATING & AIR CONDITIONING UNITS AT THE RONDOUTH MUNICIPAL CENTER.
- RESOLUTION 3-2023-#3 -** SHARED SERVICES AGREEMENT BETWEEN THE TOWN OF ROSENDALE AND NEW YORK STATE DEPARTMENT OF TRANSPORTATION.
- RESOLUTION 3-2023-#4 -** CONTRACT WITH ULSTER COUNTY FOR ARPA FUNDS TO THE WATER DISTRICT FOR THE CONSTRUCTION OF A NEW WATER TOWER.
- RESOLUTION 3-2023-#5 -** FINAL 2022 BUDGET TRANSFERS
- RESOLUTION 3-2023-#6 -** BROADBAND FUNDING AND DEVELOPMENT
- RESOLUTION 3-2023-#7 -** AGREEMENT BETWEEN THE TOWN OF ROSENDALE AND EMPLOYEE ASSISTANCE PROGRAM SERVICES OF THE MID-HUDSON VALLEY
- RESOLUTION 3-2023-#8 -** SEWER DISTRICT – SECTION 202-B INCREASE AND IMPROVEMENT OF FACILITIES.

**RESOLUTION – AMENDMENT TO CONTRACT WITH ULSTER COUNTY FOR ARPA FUNDS TO THE WATER DISTRICT FOR THE CONSTRUCTION OF A NEW WATER TOWER**

**WHEREAS**, the Town of Rosendale passed Resolution 02-2023-05 on February 8, 2023; and

**WHEREAS**, additional language was added to the contract, and

**WHEREAS**, the American Rescue Plan Act (ARPA) was signed into law in March of 2021 to help support local governments with the financial impact of the pandemic; and

**WHEREAS**, Ulster County as a recipient of these funds is authorized to issue subawards to local governments for Water and Sewer capital projects; and

**WHEREAS**, the town of Rosendale’s Water District is in need of replacing their aging and leaking Water Tower; and

**WHEREAS**, Ulster County has agreed engage the Town of Rosendale as a subrecipient for funds to assist in the replacement of the water tower storage tank in the Rosendale Water District near Sand Hill.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Rosendale approve the contract and authorize the supervisor to sign the Sewer and Water subaward agreement attached contingent upon the following amendments being made:

Page 19 add under 7.08 Mailing Address  
Town of Rosendale  
Attention: Town Attorney  
1915 Lucas Avenue  
Cottkill, NY 12419

Page 21 Sec 7.18 add  
Any and all disputes involving this agreement, including the breach or alleged breach thereof, may not be submitted to arbitration unless specifically agreed to in writing by the parties and their respective attorneys,

Motion made at a meeting of the Town Board of the Town of Rosendale, March **1**, 2023 by Supervisor Walsh and seconded by Councilm Havranek.

VOTING MEMBERS:

Councilman Havranek	✓
Councilmember Muller	✓
Councilmember Sweeney	✓
Councilmember Wykoff	✓
Supervisor Walsh	✓

**RESOLUTION – MAINTENANCE AGREEMENT FOR HEATING & AIR  
CONDITIONING UNITS AT THE RONDOUT MUNICIPAL CENTER**

**WHEREAS**, Lowe Plumbing, Heating & Air Conditioning, Inc installed split heat & air conditioning units at the Rondout Municipal Center in 2016; and

**WHEREAS**, these units require maintenance; and

**WHEREAS**, the Town has received a quote for maintenance of these units from Lowe Plumbing, Heating & Air Conditioning which has been attached; and

**WHEREAS**, RMC Building Joe La Fera has recommended that said quote from Lowe Plumbing, Heating & Air Conditioning be accepted.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of Rosendale hereby authorizes the Supervisor to sign a one year agreement with Lowe Plumbing, Heating & Air Conditioning, Inc. which has been attached and made a part hereof for maintenance of these units; and

**BE IT FURTHER RESOLVED**, that this resolution shall become effective upon its passage by both the Town Board of Rosendale and the Town Board of Marbletown.

Motion made at a meeting of the Town Board of the Town of Rosendale, March 1, 2023, by Supervisor Walsh and seconded by Councilmember Muller.

VOTING MEMBERS:

- Councilman Havranek      ✕
- Councilmember Muller      ✕
- Councilmember Sweeney      ✕
- Councilmember Wykoff      ✕
- Supervisor Walsh      ✕

**RESOLUTION – SHARED SERVICES AGREEMENT BETWEEN THE TOWN OF ROSENDALE AND NEW YORK STATE DEPARTMENT OF TRANSPORTATION**

**WHEREAS**, pursuant to Section 99-r of the General Municipal Law, the State and the Municipality wish to share services, exchange or lend materials or equipment which shall promote and assist the maintenance of State and Municipal roads and highways and provide a cost savings by maximizing effective utilization of both parties' resources; and

**WHEREAS**, the Town Board and the Highway Superintendent would prefer a four (4) year agreement.

**NOW THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Rosendale authorizes the Supervisor and Highway Superintendent to sign said agreement on behalf of the Town of Rosendale which has been attached and made a part hereof.

Motion made at a meeting of the Town Board of the Town of Rosendale, March 8, 2023 by Supervisor Walsh and seconded by Councilmember ember Wykoff.

VOTING MEMBERS:

- Councilman Havranek Reuse
- Councilmember Muller ✓
- Councilmember Sweeney ✓
- Councilmember Wykoff ✓
- Supervisor Walsh ✓

At a meeting of the Town Board of the Town of Rosendale, Ulster County, New York, held at the Town Hall, in Cottekill, New York in said Town, on the 0 day of March, 2023, at 7 o'clock P.M., Prevailing Time.

PRESENT:

Jeanne L Walsh  
Supervisor

Carrie Wykoff  
Councilmember

Ashley Sweeney  
Councilmember

Joseph Havranek  
Councilman

Molly Muller  
Councilmember

-----  
In the Matter  
of  
The Increase and Improvement of  
Facilities of the Sewer District in  
the Town of Rosendale, Ulster County,  
New York

ORDER  
CALLING  
PUBLIC  
HEARING

WHEREAS, the Town Board of the Town of Rosendale, Ulster County, New York, has 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 the Sewer District in the Town of Rosendale, Ulster County, New York, consisting of Wastewater Treatment Plant improvements and other related improvements, at a maximum estimated cost of \$5,300,000; and

WHEREAS, the Town Board has previously conducted public hearings in connection with such project and approved the project and financing thereof all pursuant to Article 12-C of the Town Law:

WHEREAS, at the time the Village of Rosendale was dissolved a sewer district was formed and the Town took over responsibilities with respect thereto;

WHEREAS, it is now the intention to pursue approval of this project on behalf of the Sewer District in lieu of prior proceedings undertaken as a sewer improvement under Article 12-C; and

WHEREAS, it is now desired to call a public hearing on the question of the increase and improvement of the facilities of the Sewer District, in the matter described above, and to hear all persons interested in the subject thereof, concerning the same, in accordance with the provisions of Section 202-b of the Town Law; NOW, THEREFORE, IT IS HEREBY

ORDERED, by the Town Board of the Town of Rosendale, Ulster County, New York, as follows:

Section 1. A public hearing will be held at the Rosendale Town Hall, in Cottekill, New York, in said Town, on March 20, 2023 at 5 o'clock P.M., Prevailing Time, on the question of the increase and improvement of the facilities of the Sewer District in the Town of Rosendale, Ulster County, New York, in the manner described in the preambles hereof, and to hear all persons interested in the subject thereof, concerning the same, and to take such action thereon as is required or authorized by law.

Section 2. The Town Clerk is hereby authorized and directed to cause a copy of the Notice of Public Hearing hereinafter provided to be published once in the official newspaper of the Town, and also to cause a copy thereof to be posted on the sign board of the Town, such publication and posting to be made not less than ten, nor more than twenty, days before the date designated for the hearing.

Section 3. The notice of public hearing shall be in substantially the following form:

NOTICE OF PUBLIC HEARING

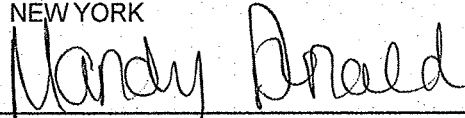
NOTICE IS HEREBY GIVEN that the Town Board of the Town of Rosendale, Ulster County, New York, will meet at the Town Hall, in Cottekill, New York, in said Town, on March 20 2023, at 5 o'clock P.M., Prevailling Time, for the purpose of conducting a public hearing in relation to the increase and improvement of the facilities of the Sewer District consisting of Wastewater Treatment Plant improvements and other related improvements, in said Town, at a maximum estimated cost of \$5,300,000.

Such project has previously been approved as a sewer improvement under Article 12-C of the Town Law. It is now desired to correct the record to reflect this project is on behalf of the existing sewer district.

At said public hearing said Town Board will hear all persons interested in the subject matter thereof.

Dated: Cottekill, New York,  
March 9, 2023.

BY ORDER OF THE TOWN BOARD OF THE  
TOWN OF ROSENDALE, ULSTER COUNTY,  
NEW YORK

  
Town Clerk

Section 4. This Order shall take effect immediately. The question of the adoption of the foregoing Order was duly put to a vote on roll call, which resulted as follows:

Supervisor Jeanne L Walsh	VOTING	Yes
Councilmember Carrie Wykoff	VOTING	Yes
Councilmember Ashley Sweeney	VOTING	Yes
Councilman Joseph Havranek	VOTING	Yes
Councilmember Molly Muller	VOTING	Yes

The order was thereupon declared duly adopted.

\* \* \* \* \*



STATE OF NEW YORK )  
 ) ss.:  
COUNTY OF ULSTER )

I, the undersigned Clerk of the Town of Rosendale, Ulster County, New York (the "Issuer"), DO  
HEREBY CERTIFY:

1. That a meeting of the Issuer was duly called, held and conducted on the 8 day of March, 2023.
2. That such meeting was a **special regular** (circle one) meeting.
3. That attached hereto is a proceeding of the Issuer which was duly adopted at such meeting by the Board of the Issuer.
4. That such attachment constitutes a true and correct copy of the entirety of such proceeding as so adopted by said Board.
5. That all members of the Board of the Issuer had due notice of said meeting.
6. That said meeting was open to the general public in accordance with Section 103 of the Public Officers Law, commonly referred to as the "Open Meetings Law".
7. That notice of said meeting (the meeting at which the proceeding was adopted) was given PRIOR  
THERETO in the following manner:

**PUBLICATION** (here insert newspaper(s) and date(s) of publication)

Daily Freeman

**POSTING** (here insert place(s) and date(s) of posting)

Town of Rosendale Com - 3/9/2023

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Issuer this 9<sup>th</sup>  
day of March, 2023.

Nancy Arnold  
Town Clerk

(CORPORATE  
SEAL)

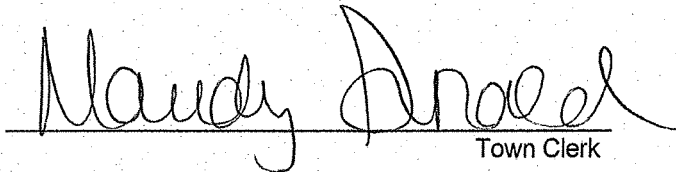
AFFIDAVIT OF POSTING

STATE OF NEW YORK            )  
  ) ss.:  
COUNTY OF ULSTER         )


I, the undersigned Clerk of the Town of Rosendale, Ulster County, New York, DEPOSE AND SAY:

That on the 9 day of March, 2023, I caused to be posted on the official signboard maintained by me pursuant to subdivision 6 of Section 30 of the Town Law, a Notice of Public Hearing, which Notice is part of an order duly adopted by the Town Board on the 8 day of March, 2023.

A true and correct copy of such Notice is attached hereto and made a part hereof.

  
Town Clerk

Subscribed and sworn to before me  
this 9<sup>th</sup> day of March, 2023.

  
Notary Public

*Debra Tierney*  
*Notary Public, New York State*  
*No. 01776200116*  
*Qualified in Ulster County*  
*Commission Expires Jan. 26, 2025*

**RESOLUTION – FINAL 2022 BUDGET TRANSFERS**

**BE IT RESOLVED** that the Town Board of the Town of Rosendale hereby authorize the following budgetary transfers:

**GENERAL FUND – Transfer the sum of:**

Decrease		Increase		Amount
A1410.2	Town Clerk Eq.	A1410.4	Town Clerk C.E.	\$66.27
A3120.1	Police P.S.	A3120.2	Police Eq.	\$548.00

**HIGHWAY FUND – Transfer the sum of:**

Decrease		Increase		Amount
D5130.1	Machinery P.S.	D5142.4	Snow Removal C.E.	\$7,112.36

**SEWER FUND – Transfer the sum of:**

Decrease		Increase		Amount
SS8120.4	Collection C.E.	SS8120.2	Collection Eq.	\$546.84

**WATER FUND – Transfer the sum of:**

Decrease		Increase		Amount
SW8310.2	Administration Eq.	SW8310.4	Administration C.E.	\$129.70
SW8330.2	Purification Eq.	SW8340.4	Trans/Distr C.E.	\$172.96

Motion made at a meeting of the Town Board of the Town of Rosendale, March 8, 2023 by Supervisor Walsh and seconded by Councilmember Muller.

ember

**VOTING MEMBERS:**

Councilman Havranek ✓  
 Councilmember ~~Klepis~~ <sup>Sweeney</sup> ✓  
 Councilmember Muller ✓  
 Councilmember Wykoff ✓  
 Supervisor Walsh ✓

**RESOLUTION –BROADBAND FUNDING AND DEVELOPMENT**

**WHEREAS**, the Town of Rosendale seeks to provide broadband internet service to the Town and all the unserved/underserved residents and businesses in the Town (“Project”); and,

**WHEREAS**, Archtop and the Town agree on the objectives of the Project and desire to further make available broadband service (“Service”) to the unserved/underserved areas within the Town via the System (defined below); and,

**WHEREAS**, there are multiple, overlapping programs at the Federal and State level that support broadband access as their main purpose, including Federal Communications Commission, Rural Utility Services, US Department of Commerce and National Telecommunications and Information Administration programs, creating difficulty in determining the most effective approach to securing public funding for the Project; and

**WHEREAS**, Archtop is willing to assist the Town’s efforts to secure public funding from all available sources for the Project if all funding which the Town derives from this joint effort is dedicated to the maximum extent legally permissible to support infrastructure within portions of the Town for Archtop to provide broadband internet service (“System”), and if applicable permit and inspection fees on Town property and rights-of-ways required for the construction of the System are waived; and

**WHEREAS**, the Town of Rosendale is willing to assist in such efforts as part of the Project, under the terms of this Broadband Agreement.

**NOW THEREFORE BE IT RESOLVED**, for value received and in consideration of the covenants and conditions set forth below, the Parties agree to the attached agreement:

Motion made at a meeting of the Town Board of the Town of Rosendale, March 8, 2023 by Supervisor Walsh and seconded by Councilmember Wilkoff.

VOTING MEMBERS:

- Councilman Havranek
- Councilmember Muller
- Councilmember Sweeney
- Councilmember Wykoff
- Supervisor Walsh

**RESOLUTION – AGREEMENT BETWEEN THE TOWN OF ROSENDALE AND  
EMPLOYEE ASSISTANCE PROGRAM SERVICES OF THE MID-HUDSON VALLEY**

**WHEREAS**, EAP Services is a Division of HealthAlliance, specializing in the development and maintenance of Employee Assistance Programs for business and industry; and

**WHEREAS**, Town of Rosendale is desirous of renewing their agreement with EAP Services to provide an Employee Assistance Program, for employees of Town of Rosendale.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of Rosendale hereby authorizes the Supervisor to sign the Agreement which has been attached and made a part hereof.

Motion made at a meeting of the Town Board of the Town of Rosendale, March 8, 2023, by Supervisor Walsh and seconded by Councilmember Muller.

VOTING MEMBERS:

- Councilman Havranek      ✓
- Councilmember Muller      ✓
- Councilmember Sweeney      ✓
- Councilmember Wykoff      ✓
- Supervisor Walsh      ✓

Reso #8



Orrick, Herrington & Sutcliffe LLP  
51 West 52nd Street  
New York, NY 10019-6142

+1 212 506 5000

orrick.com

Thomas E. Myers

E tmyers@orrick.com

D +1 212 506 5212

F +1 212 506 5151

March 13, 2023

**VIA E-MAIL**

Jean Walsh  
Supervisor  
Town of Rosendale  
1915 Lucas Ave  
Cottkill, NY 12419

Re: Town of Rosendale, Ulster County, New York  
Sewer District -- Section 202-b  
Increase and Improvement of Facilities  
Orrick File: 42489-2-503

Dear Jean:

I enclose herewith the following for your use at the Town's next Board meeting:

1. Form of order determining the project to be in the public interest; within ten days of adoption a certified copy should be recorded with the County Clerk.
2. Form of bond resolution for adoption by the affirmative vote of at least four of the five members of the Town Board.
3. Form for the publication of the Legal Notice of Estoppel.

When available please return the following via email and mail:

- a) Certified copy of the order calling the public hearing;
- b) Evidence of posting and publishing the order calling for the public hearing;
- c) Certified copy of the Public Interest Order;
- d) Proof of recording of the Public Interest Order in the County Clerk's office;
- e) Certified copy of the Bond Resolution; and
- f) Original printer's affidavit of publication of the Legal Notice of estoppel.

Please do not hesitate to call if you have any questions.

With best wishes,

Very truly yours,

*Tom*

Thomas E. Myers  
/es  
Enclosure

cc:

At a regular meeting of the Town Board of the Town of Rosendale, Ulster County, New York, held at the Town Hall, in said Town, on March 20, 2023, at 5:00 o'clock P.M., Prevailing Time.

PRESENT:

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Councilman

\_\_\_\_\_  
Councilmember

\_\_\_\_\_  
Councilmember

\_\_\_\_\_  
Councilmember

\_\_\_\_\_  
In the Matter of the Increase and Improve- :  
ment of the Facilities of the Sewer District in the :  
Town of Rosendale, :  
Ulster County, New York :  
\_\_\_\_\_ :

**PUBLIC INTEREST ORDER**

WHEREAS, the Town Board of the Town of Rosendale, Ulster County, New York, has 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 the Sewer District in the Town of Rosendale, Ulster County, New York, consisting of Wastewater Treatment Plant improvements and other related improvements, at a maximum estimated cost of \$5,300,000; and

WHEREAS, the Town Board has previously conducted public hearings in connection with such project and approved the project and financing thereof all pursuant to Article 12-C of the Town Law:

WHEREAS, at the time the Village of Rosendale was dissolved a sewer district was formed and the Town took over responsibilities with respect thereto;

WHEREAS, it is now the intention to pursue approval of this project on behalf of the Sewer District in lieu of prior proceedings undertaken as a sewer improvement under Article 12-C; and

WHEREAS, at a meeting of said Town Board duly called and held on March 8, 2023, an order was duly adopted by it and entered in the minutes specifying the said Town Board would meet to consider the increase and improvement of the facilities of the Sewer District in said Town and to hear all persons interested in the subject thereof concerning the same at the Town Hall, in said Town, on March 20, 2023, at 5:00 o'clock P.M., Prevailing Time; and

WHEREAS, said order duly certified by the Town Clerk was duly published and posted as required by 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 Rosendale, Ulster 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 make the improvement, to increase and improve the facilities of the Sewer District in the Town of Rosendale, Ulster County, New York, at a maximum estimated cost of \$5,300,000.

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:

\_\_\_\_\_ VOTING \_\_\_\_\_  
\_\_\_\_\_ VOTING \_\_\_\_\_  
\_\_\_\_\_ VOTING \_\_\_\_\_  
\_\_\_\_\_ VOTING \_\_\_\_\_  
\_\_\_\_\_ VOTING \_\_\_\_\_

The order was thereupon declared duly adopted.

\* \* \* \* \*

STATE OF NEW YORK            )  
  ) ss.:  
COUNTY OF ULSTER    )

I, the undersigned Clerk of the Town of Rosendale, Ulster County, New York (the "Issuer"), DO  
HEREBY CERTIFY:

1. That a meeting of the Issuer was duly called, held and conducted on the 20th day of March, 2023.
2. That such meeting was a **special regular** (circle one) meeting.
3. That attached hereto is a proceeding of the Issuer which was duly adopted at such meeting by the Board of the Issuer.
4. That such attachment constitutes a true and correct copy of the entirety of such proceeding as so adopted by said Board.
5. That all members of the Board of the Issuer had due notice of said meeting.
6. That said meeting was open to the general public in accordance with Section 103 of the Public Officers Law, commonly referred to as the "Open Meetings Law".
7. That notice of said meeting (the meeting at which the proceeding was adopted) was given PRIOR THERETO in the following manner:

**PUBLICATION** (here insert newspaper(s) and date(s) of publication)

**POSTING** (here insert place(s) and date(s) of posting)

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Issuer this \_\_\_\_  
day of March, 2023.

\_\_\_\_\_  
Town Clerk

(CORPORATE  
SEAL)

At a regular meeting of the Town Board of the Town of Rosendale, Ulster County, New York, held at the Town Hall, in said Town, on March 20, 2023, at 5:00 o'clock P.M., Prevailing Time.

The meeting was called to order by \_\_\_\_\_, and upon roll being called, the following were

PRESENT:

ABSENT:

The following resolution was offered by Councilm\_\_\_\_\_ who moved its adoption, seconded by Councilm\_\_\_\_\_ to-wit:

SUPERSEDING BOND RESOLUTION DATED MARCH 20, 2023.

A RESOLUTION AUTHORIZING THE ISSUANCE OF 5,300,000 SERIAL BONDS OF THE TOWN OF ROSENDALE, ULSTER COUNTY, NEW YORK, TO PAY COSTS IN CONNECTION WITH THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE SEWER DISTRICT IN THE TOWN OF ROSENDALE, ULSTER COUNTY, NEW YORK.

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 20, 2023, said Town Board has determined it to be in the public interest to increase and improve the facilities of the Sewer District in the Town of Rosendale, Ulster County, New York, at a maximum estimated cost of \$5,300,000; and

WHEREAS, the Town Board has previously approved financing for such project as an improvement area and it is now desired to reauthorize financing as on behalf of the Sewer District; NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Rosendale, Ulster County, New York, as follows:

Section 1. For the specific object or purpose of paying the cost of the increase and improvement of the facilities of Sewer District in the Town of Rosendale, Ulster County, New York, consisting of wastewater treatment plant improvements, including improvements and costs incidental thereto, at a maximum estimated cost of \$5,300,000, there are hereby authorized to be issued \$5,300,000 serial bonds of said Town pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the plan for the financing of such specific object or purpose is by the issuance of \$5,300,000 serial bonds hereby authorized to be issued therefor pursuant to this bond resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid object or purpose is forty years, pursuant to subdivision 4 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 Rosendale, Ulster 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. To the extent not paid from other sources, there shall be annually assessed upon all the taxable real property within said Sewer District in the manner provided by law an amount sufficient to pay the principal and interest on said bonds as the same become due, but if not paid from such source, all the taxable real property in said Town shall be subject to the levy of ad valorem taxes sufficient to pay the principal of and interest on said bonds as the same shall become due.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the Town of Rosendale, Ulster 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.

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.

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 supersedes the bond resolutions dated March 8, 2017 and July 14, 2021 authorizing \$5,300,000 bonds for this project, except to the extent any obligations have previously been issued thereunder or expenditures made therefor.

Section 12. This resolution which takes effect immediately shall be published in summary in the official newspaper of said Town, together with a notice of the Town Clerk in substantially the form provided in Section 81 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:

\_\_\_\_\_ VOTING \_\_\_\_\_  
\_\_\_\_\_ VOTING \_\_\_\_\_  
\_\_\_\_\_ VOTING \_\_\_\_\_  
\_\_\_\_\_ VOTING \_\_\_\_\_  
\_\_\_\_\_ VOTING \_\_\_\_\_

The resolution was thereupon declared duly adopted.

\* \* \* \* \*

STATE OF NEW YORK            )  
  ) ss.:  
COUNTY OF ULSTER    )

I, the undersigned Clerk of the Town of Rosendale, Ulster County, New York (the "Issuer"), DO  
HEREBY CERTIFY:

1. That a meeting of the Issuer was duly called, held and conducted on the 20th day of March, 2023.
2. That such meeting was a **special regular** (circle one) meeting.
3. That attached hereto is a proceeding of the Issuer which was duly adopted at such meeting by the Board of the Issuer.
4. That such attachment constitutes a true and correct copy of the entirety of such proceeding as so adopted by said Board.
5. That all members of the Board of the Issuer had due notice of said meeting.
6. That said meeting was open to the general public in accordance with Section 103 of the Public Officers Law, commonly referred to as the "Open Meetings Law".
7. That notice of said meeting (the meeting at which the proceeding was adopted) was given PRIOR THERETO in the following manner:

**PUBLICATION** (here insert newspaper(s) and date(s) of publication)

**POSTING** (here insert place(s) and date(s) of posting)

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Issuer this \_\_\_\_  
day of March, 2023.

(CORPORATE  
SEAL)

\_\_\_\_\_  
Town Clerk



**LEGAL NOTICE OF ESTOPPEL**

The bond resolution, summary of which is published herewith, has been adopted on March \_\_\_, 2023, 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 the Town of Rosendale, Ulster County, New York, 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.

A complete copy of the resolution summarized herewith is available for public inspection during regular business hours at the Office of the Town Clerk of the Town for a period of twenty days from the date of publication of this Notice.

Dated: Cottekill, New York,  
\_\_\_\_\_, 2023.

\_\_\_\_\_  
Town Clerk

**SUPERSEDING BOND RESOLUTION DATED MARCH \_\_\_, 2023.**

**A RESOLUTION AUTHORIZING THE ISSUANCE OF \$5,300,000 SERIAL BONDS OF THE TOWN OF ROSENDALE, ULSTER COUNTY, NEW YORK, TO PAY COSTS IN CONNECTION WITH THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE SEWER DISTRICT IN THE TOWN OF ROSENDALE, ULSTER COUNTY, NEW YORK.**

Specific object or purpose:	Increase and improvement of the facilities of the Sewer District consisting of wastewater treatment plant improvements
Period of probable usefulness:	Forty years
Total Maximum estimated cost:	\$5,300,000
Amount of obligations to be issued:	\$5,300,000 bonds