

NOTICE OF BOND RESOLUTION

NOTICE IS HEREBY GIVEN that the resolution published herewith has been adopted by the Town Board of the Town of Red Hook, Dutchess County, New York on the 10th day of May, 2011. The period of time has elapsed for the submission and filing of a petition for a permissive referendum and a valid petition has not been submitted and filed. 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 Red Hook 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 (20) days after the date of publication of this notice; or if such obligations were authorized in violation of the provisions of the Constitution of New York.

Dated: June 27, 2011

Sue McCann
Town Clerk
Town of Red Hook

SUPPLEMENTAL BOND RESOLUTION DATED MAY 10, 2011

A RESOLUTION AMENDING AND SUPPLEMENTING BOND RESOLUTION DATED FEBRUARY 11, 2003, AUTHORIZING THE ISSUANCE OF SERIAL BONDS OF THE TOWN OF RED HOOK, DUTCHESS COUNTY, NEW YORK IN AN INCREASED AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$1,800,000 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE THE CONSTRUCTION OF NEW HIGHWAY GARAGE IN AND FOR THE TOWN OF RED HOOK, NEW YORK, PROVIDING THAT THIS RESOLUTION SHALL BE SUBJECT TO A PERMISSIVE REFERENDUM, AND DELEGATING CERTAIN POWERS IN CONNECTION THEREWITH TO THE TOWN SUPERVISOR.

WHEREAS, the Town Board of the Town of Red Hook has previously adopted that certain Bond Resolution Dated February 11, 2003, entitled: "BOND RESOLUTION DATED FEBRUARY 11, 2003; A RESOLUTION AUTHORIZING THE CONSTRUCTION OF A NEW HIGHWAY GARAGE IN AND FOR THE TOWN OF RED HOOK, DUTCHESS COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$1,500,000, AND AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$1,500,000 BONDS OF SAID TOWN TO PAY THE COST THEREOF" (the "Prior Bond Resolution"); and

WHEREAS, the Prior Bond Resolution authorizes the issuance of serial bonds in an aggregate principal amount not to exceed \$1,500,000 for construction of a new highway garage

on Town-owned land located at 7342 South Broadway in and for the Town; and

WHEREAS, the Town Board has determined that it is necessary and in the best interests of the Town to increase the authorized maximum cost of said purpose by \$300,000, and to modify the plan of financing as set forth herein.

NOW THEREFORE BE IT RESOLVED, by the Town Board of the Town of Red Hook, Dutchess County, New York (by the favorable vote of not less than two-thirds of all of the members of the Board) that the Prior Bond Resolution is hereby amended and supplemented to read as follows:

SECTION 1. The specific purpose (hereinafter referred to as "purpose") to be financed pursuant to this resolution is the construction of a new highway garage on Town-owned land located at 7340 South Broadway, in and for the Town of Red Hook, Dutchess County, New York, including original equipment, machinery, apparatus, appurtenances and incidental improvements and expenses required for such purpose. The estimated maximum cost of said purpose is \$1,800,000 and said amount is hereby appropriated therefor.

SECTION 2. It is hereby determined that the aforesaid purpose constitutes an unlisted action as defined under the State Environmental Quality Review Regulations, 6 NYCRR Part 617, which has been determined under SEQR not to have a significant impact on the environment.

SECTION 3. The Town Board plans to finance the total cost of said purpose by the issuance of serial bonds of the Town in an increased principal amount not to exceed \$1,800,000, hereby authorized to be issued therefor pursuant to the Local Finance Law.

SECTION 4. It is hereby determined that said purpose is an object or purpose described in subdivision 11(a)(1) of paragraph a of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is thirty years.

SECTION 5. The proposed maturity of the serial bonds authorized hereby is in excess of five years.

SECTION 6. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of said bonds.

SECTION 7. The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of the applicable resolution for the purpose for which said bonds are authorized.

SECTION 8. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds, shall contain the recital of validity prescribed by Section

52.00 of the Local Finance Law. The faith and credit of the Town are hereby irrevocably pledged for the payment of the principal of and interest on said 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 said bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of the Town a tax sufficient to pay the principal of and interest on said bonds as the same become due and payable.

SECTION 9. Subject to the terms and contents of this resolution and the Local Finance Law, and pursuant to the provisions of Sections 30.00, 50.00 and 56.00 to 63.00, inclusive, of said Law, the power to authorize bond anticipation notes in anticipation of the issuance of the serial bonds authorized by this resolution and the renewals of said notes and the power to prescribe the terms, form and contents of said serial bonds, and said bond anticipation notes (including without limitation the date, denominations, maturities, interest payment dates, consolidation with other issues, and redemption rights), the power to determine to issue said bonds providing for substantially level or declining debt service, and the power to sell and deliver said serial bonds and any bond anticipation notes issued in anticipation of the issuance of such bonds, is hereby delegated to the Town Supervisor, the Chief Fiscal Officer of the Town. The Town Supervisor is hereby authorized to sign any serial bonds issued pursuant to this resolution and any bond anticipation notes issued in anticipation of the issuance of said serial bonds, and the Town Clerk is hereby authorized to affix the corporate seal of the Town to any of said serial bonds or any bond anticipation notes and to attest such seal.

SECTION 10. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution and any notes issued in anticipation thereof as "qualified tax-exempt bonds" for purposes of Section 265(b)(3)(B)(i) of the Code.

SECTION 11. Within ten days after the adoption of this resolution, the Town Clerk is hereby authorized and directed to cause to be published at least once in the Poughkeepsie Journal and the Kingston Freeman, newspapers having a general circulation in the Town and hereby designated as the official newspapers of the Town, and to be posted on the sign board of the Town maintained pursuant to the Town Law a notice which shall set forth the date of adoption of this resolution and contain an abstract thereof, concisely stating its purpose and effect and specifying that this resolution was adopted subject to a permissive referendum.

SECTION 12. This resolution shall take effect thirty days after adoption, unless there shall be filed with the Town Clerk a petition signed and acknowledged by the electors of the Town qualified to vote upon a proposition to raise and expend money, in number equal to at least five percentum of the total vote cast for governor in the Town at the last general election held for the election of State offices, protesting against this resolution and requesting that the matter be submitted to the qualified electors of the Town at a referendum in the manner provided by

Article Seven of the Town Law.

SECTION 13. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

(1) Such obligations are authorized for an object or purpose for which the Town is not authorized to expend money; or

(2) The provisions of law which should be complied with at the date of the 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 of New York.

SECTION 14. Following the effective date of this resolution, the Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of the Local Finance Law, in the Poughkeepsie Journal and the Kingston Freeman, newspapers having a general circulation in the Town and hereby designated as the official newspapers of the Town for such publication.